

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
AUGUST 22, 2022

This meeting was also held electronically. Anyone could attend in person, dial-in or connect electronically to hear the actual meeting.

Call To Order: Mayor Christopher Taylor called the Swisher Council Meeting to order at 6:30 p.m. at Swisher Library, Swisher, Iowa on August 22, 2022.

Council Present: Kris Heims, Rebekah Neuendorf, Michael Stagg. Gudenkauf joined by Zoom. Kody Pudil arrived at 6:31 p.m.

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, HR Green Engineer Cody Buelt and Tim Cutsworth, Kathryn Birky, Tom Gruis from ECICOG, Nick Neuendorf, Gene Beard and Glen Heims from Jefferson-Monroe Fire Department. Attended by Zoom was Heid Kuhl from Northland Securities.

Agenda: Motion by Neuendorf, seconded by Heims, to approve the amended Agenda. Call for vote. All ayes. Absent: Pudil. Motion carried. Pudil arrived at 6:31 p.m.

Alley by Birky's Residence: Kathryn Birky noted someone graded the alley this week. Fields noted that he didn't do it but will check with Palas. It was noted that only the city should be grading the city alley as it is city right-of-way. Birky noted in the winter she gets water into her driveway from the alley. Cutsworth noted there is quite a bit of drainage from the north going into alley and her driveway. Birky also noted the following: the snow in the alley needs to be pushed past the burn pile; wants the alley to be blacktopped; would like the garbage truck to go up the alley to retrieve her garbage/recycling carts. Mayor asked Council if they want to change the road surface or do a swale to intercept the drainage from the north. After discussion, Pudil moved, seconded by Stagg, to have Fields create swale on the north side of the alley with assistance of HR Green. Roll call vote was taken. All ayes. Motion carried.

Cutsworth introduced HR Green Engineer Cody Buelt who is replacing Kline.

Resolution No. 2022-41-Approve Addendum to Agreement for Sewer Upgrade Plans/Specs for Infrastructure: Cutsworth noted this will include concreting affected roads to dig up for sewer line upgrades, curbs, gutters and sidewalks. Expecting 1st day of work April 1, 2023 and shut down project for winter with project completed in 2024. After review and discussion, Pudil moved, seconded by Neuendorf to approve Resolution No. 2022-41 entitled "A RESOLUTION APPROVING ADDENDUM TO ENGINEERING AGREEMENT WITH HR GREEN FOR SEWER UPGRADE PLANS/SPECS FOR ANNEXATIONS FOR CITY OF SWISHER, IOWA". Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2022-41 passed.

Resolution No. 2022-42-Approve Agreement to Update Pavement Management Plan: After review and discussion, Stagg moved, seconded by Heims to approve Resolution No. 2022-42 entitled "A RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF SWISHER, IOWA, AND HR GREEN TO UPDATE PAVEMENT MANAGEMENT PLAN FOR THE CITY OF SWISHER". Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Abstain: Gudenkauf. Resolution No. 2022-42 passed.

Gudenkauf logged off at 6:57 p.m.

Sewer Line Repair on Oak Avenue: Fields presented a quote to run lines across the creek of \$53,298.87. He noted he hasn't had time to more quotes. Kakacek noted this amount is below requirement of having competitive bid and engineer plans. Cutsworth recommended to get more quotes and see if quotes fall below

required competitive bid and if they are higher the City will go through the required procedures for competitive bid. Pudil didn't want any action on this until more quotes were received. Council agreed.

Alley by Car Wash: Fields noted the bids for asphalt would not work as it is quoted for 3" asphalt and should be 6" asphalt. Fields presented bids for chip seal of \$13,232.48 from Kluesner Construction and \$9,030.20 from Shamrock Construction. He noted the driveway of the Car Wash would need to be installed first and may not be able to get to it until next year from Shamrock. After discussion, Pudil moved, seconded by Stagg to award quote to Shamrock Construction to chip seal alley by Car Wash and Kava House at cost of \$9,030.20. Call for vote. All ayes. Absent: Gudenkauf. Motion carried.

Resolution No. 2022-43-Approve Agreement with ECICOG for Comprehensive Plan: After review and discussion, Stagg moved, seconded by Heims to approve Resolution No. 2022-43 entitled "A RESOLUTION APPROVING AGREEMENT BY AND BETWEEN THE CITY OF SWISHER, IOWA, AND EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS FOR SERVICES OF CREATING COMPREHENSIVE PLAN FOR THE CITY OF SWISHER". Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Resolution No. 2022-43 passed.

Water Storage Request and Refer to Planning & Zoning: Fire Chief Heims presented updated fire request of requiring proposed developments with 5 or more lots install a 30,000-gallon underground cistern/tank for the purpose of providing fire protection; all residential properties shall be within 1,000 feet of fire protection tank and commercial properties shall install or be within 1,000 feet of 30,000-gallon underground cistern/tank. Neuendorf noted she prefer to focus on city water though she is in support of the fire department but doesn't want city water to get pushed off to the side. Mayor said could have underground tanks and still work toward city water. Chief Heims noted he wants city water but doesn't feel city water is possible in next two or three years and this proposal would give fire protection now plus reduce homeowners' insurance cost. Beard noted the tank is to be within the 1,000 feet of the driveways. Cutsforth recommended that be clarified in their request. Cutsforth noted he is in support of this plan, but the Engineer and Water Committee is working on approach to get city water and will be discussed at the September 12th Council Meeting. Neuendorf noted that requiring the tanks would be a deterrent for developers and feels this request is just a band aid for city water. K. Heims noted Shueyville has approved this agreement several years ago. Pudil noted the developer would have to raise their lot fees to cover costs of tank. Mayor noted it might cost \$600 per lot. Stagg would like to hear feedback about the municipal water before deciding. Chief Heims noted Shueyville didn't require the developer to install tank/cistern until after the first 15 houses were built. K. Heims expressed concern since last request of 5 years ago, nothing has been done and not to approve this is a disservice to the residents. Stagg would like to make aware to the new developer of this proposal. After discussion, Pudil moved, seconded by Heims to refer request to Swisher Planning & Zoning for recommendation. Roll call vote. All ayes. Absent: Gudenkauf. Motion carried.

Set Public Hearing Date for ATV/UTV Amendments: Council reviewed suggested amendments from last meeting. Pudil noted people are upset of having to register in the city for ATVs and UTVs and may prevent them coming to Swisher. Neuendorf noted the state already requires registration and we are duplicating it. Pudil suggested not registering ATV/UTV and follow state code. Stagg and Neuendorf agreed. Heims noted Johnson County Sheriff Department requested Swisher set the hours of operation from 4 am to 10 p.m. as the rest of the cities in Johnson County has adopted except one city. It would be easier for them to enforce. Pudil noted the state doesn't limit the hours and recommended to add hours later if there is a problem. After discussion, Stagg moved, seconded by Heims to set public hearing for September 12, 2022, at 6:30 p.m. at Swisher Library for ATV/UTV amendments as follows: remove required city registration; remove required turn signals for UTV; add to follow state regulations. Roll call vote. All ayes. Absent: Gudenkauf. Motion carried.

Add Another Garage Door and Floor Drain for Shop Building: Fields requested to add another garage door plus a floor drain to the new shop building. He presented quote for each. Stagg would like to discuss this after obtaining a loan for the shop building improvements later in the agenda. Stagg moved, seconded

by Heims to table discussion of this until after discussion of obtaining a loan for shop building. Call for vote. All ayes. Absent: Gudenkauf. Motion carried.

Purchase of Mulcher: Fields stated costs of mulchers range from \$3,500 to \$6,500. This would only be used by public works staff and the mulch would be available for city residents. Pudil asked if we have money for this. Kakacek noted it could be paid out of general fund but would need to amend the budget. After discussion, Stagg moved, seconded by Heims to approve Fields to purchase mulcher for the city up to \$6,000 out of General Fund. Roll call vote was taken. All ayes. Absent: Gudenkauf. Motion carried.

Loan for Shop Building: Kakacek presented update of costs and commitments for new shop building. She recommends the City borrow to cover the commitments, additional building costs to incur to finish building and possibly consider adding the other building in the loan. Kakacek noted it would be paid out of general fund and/or property taxes. Heidi Kuhl of Northland Securities noted to do this loan, the city would need to hold a public hearing for general corporate borrowing for any purpose and borrow not to exceed a certain amount. This loan would be backed by taxes but would not have to take out the whole amount. Pudil noted he would rather have a one loan to include everything for both buildings to finish the project. It was asked when interest rates would lock in. Kuhl noted the rates would lock in 6 weeks after City set date of hearing. After discussion, Pudil moved, seconded by Stag to start process for loan of shop building not to exceed \$400,000. Mayor reiterated that city didn't need out take out full \$400,000. Roll call vote was taken. All ayes. Absent: Gudenkauf. Motion carried.

Add Another Garage Door and Floor Drain for Shop Building: Pudil moved, seconded to Heims to take from the table Agenda Item No. 10.-Add Garage Door and Floor Drain for Shop Building and discuss. Call for vote. All ayes. Absent: Gudenkauf. Motion carried. Fields presented one quote for garage door and floor drain. After discussion, Pudil moved, seconded by Heims to approve quote from Eastern Iowa Building for additional garage door of \$11,325.00 and quote from Rich Corum to install floor drain of \$4,500.00 for shop building on 3rd Street. Roll call vote was taken. All ayes. Absent: Gudenkauf. Motion carried.

Set Date for Dedication: Kakacek noted the plaque dedicating the park shelter cover is done and asked Council the date they want to do the dedication of Swisher Men's Club. After discussion, Council decided either September 12th or 19th at 6 p.m. at Downtown Park. Pudil will check with Men's Club to see what date would best for them.

1st/Final Reading of Ordinance #290-Rescind Ord No. 286-Chapter 4 Boundaries: Cutsforth noted the original boundaries submitted in previous ordinance included James property that was newly annexed and shouldn't have. Kakacek noted the city attorney recommended we rescind the ordinance and adopt new ordinance with the correct starting boundaries. Motion by Pudil, seconded by Stagg, to introduce Ordinance #290 by title only entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, BY RESCINDING ORDINANCE NO. 286- ESTABLISHING CORPORATE LIMITS UNDER CHAPTER 4 BOUNDARIES §4.01 CORPORATE LIMITS" and be given its first reading. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Ordinance #290 was given its first reading. Motion by Stagg, seconded by Neuendorf that the laws and rules providing that an ordinance be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended and dispensed with for Ordinance #290. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Motion by Stagg, seconded by Heims to place Ordinance #290 upon its third and final passage and be adopted. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Ordinance #290 adopted.

1st/Final Reading of Ordinance #291-Establish Corporate Limits Before 2022 Annexations-Chapter 4: Neuendorf moved, seconded by Stagg, to introduce Ordinance #291 by title only entitled "AN ORDINANCE ESTABLISHING CORPORATE LIMITS UNDER CHAPTER 4 BOUNDARIES §4.01 CORPORATE LIMITS" and be given its first reading. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Ordinance #291 was given its first reading. Motion by Stagg, seconded

by Heims that the laws and rules providing that an ordinance be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended and dispensed with for Ordinance #291. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Motion by Stagg, seconded by Neuendorf to place Ordinance #291 upon its third and final passage and be adopted. Roll call vote. Ayes: Heims, Neuendorf, Pudil, Stagg. Nays: None. Absent: Gudenkauf. Motion carried. Ordinance #291 adopted.

Adjournment: Motion by Pudil, seconded by Heims to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 8:44 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor