

**CITY OF SWISHER, IOWA  
CITY COUNCIL MEETING MINUTES  
AUGUST 28, 2023**

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 28, 2023.

**Council Present:** Mary Gudenkauf, Kris Heims, Rebekah Neuendorf, Kody Pudil, Michael Stagg.

**Also Present:** City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, Tim Cutsforth-HR Green Representative, Tracey Achenbach-ECICOG, Lorraine Bowans-Johnson County Livable Community for Successful Aging Policy Board, Matt Shock, Daryl Hynek, Curt Cline, Nick Neuendorf. Attended via zoom was Heidi Kuhl-Northland Securities.

**Agenda:** Motion by Neuendorf, seconded by Heims to approve the Agenda. Call for a vote. All ayes. Motion carried.

**Citizens' Comments:** Lorraine Bowens from Johnson County Livable Community for Successful Aging Policy Board presented AARP and ADU pamphlets for the city and noted more can be ordered free.

**Public Hearing-Replacing Chapter 165 and Adding Accessory Dwelling Units(ADU):** Motion by Gudenkauf, seconded by Heims to open public hearing on considering replacing Chapter 165 and adding Accessory Dwelling Units to Chapter 165. Call for vote. All ayes. Motion carried. Public hearing opened at 6:33 p.m. Daryl Hynek asked why Council is considering this as some residents didn't want this. Mayor Taylor noted the council is listening to all comments even ones not at the meetings and council will make their decision regarding all comments for the future for the city. Hynek asked what the density for ADU meant. Cutsforth noted it was for lot size ADU was on and number of buildings. Heims recommended citizens to listen to the past meetings regarding ADUs to get better understanding. Heims also recalled a lot of misinformation from citizens was done at last meeting where the Mayor had to correct the citizens. She also noted when the owner lives on the property it tends to be more maintained. Mayor noted Solon already had Accessory Dwelling Units in their code and didn't need to approve this ordinance. He stated the council will make a decision based on current and future needs and has done a good job with responsibility toward future challenges of the City. Lorraine Bowans from Johnson County had reached out to all the cities in Johnson County regarding ADU. She noted Johnson County is the most expensive place to live in the state, has the 3<sup>rd</sup> oldest housing stock, more nursing homes are shutting down which limits elderly places to stay; ADUs would help seniors to live in their homes longer. Neuendorf noted there is confusion regarding ADUs and does see forward thinking of potential need. She noted she has not been contacted of any "no" vote except at meeting. Mayor said again recommendation for requiring owner to live on property came from Swisher's own Planning and Zoning, not outside group. Planning and Zoning unanimously recommended the ordinance to Council, and Mayor suggested Hynek read the P & Z minutes to see how they voted. It was noted having only one ADU allowed on property per proposed ordinance is better than current as you could put multiple ADUs on the lot if met setbacks and requirements. There were no written comments submitted. Mayor closed the public hearing closed at 7:01 p.m.

**1<sup>st</sup> Reading of Ordinance No. 297—Replace Chapter 165 and ADUs:** Gudenkauf moved, seconded by Pudil to introduce Ordinance #297 by title only entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, 2015, BY REPEALING CHAPTER 165-ZONING REGULATIONS

AND ADOPTING NEW CHAPTER 165-ZONING REGULATIONS” including ADUs and be given its first reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Ordinance #297 was given its first reading. Mayor asked Council if they wanted to waive the requirements of 2 consecutive meetings to proceed to next reading. Council declined.

**Approve Quote Clean Sewer Plant Structure:** After review of quote, Pudil moved, seconded by Neuendorf, to approve quote from Ken-Way of \$2,082.50 to clean sewer plant influent structure. Roll call vote was taken. All ayes. Motion carried.

**3<sup>rd</sup>/Final Reading of Ordinance No. 296—Sewer Rate Increase:** Pudil moved, seconded by Stagg to introduce Ordinance #296 by title only entitled “AN ORDINANCE AMENDING THE MUNICIPAL CODE OF SWISHER, IOWA, SECTION 99.01 SEWER SERVICE CHARGES REQUIRED AND REMOVING BILLING RATE FOR 2016 TO 2017 AND THEREAFTER” and be given its third/final reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Ordinance #296 was given its third/final reading. Ordinance #296 passed.

**Set Public Hearing Date-Amend Chapter 166.11(4D)-Water Mains & Lines Locations and Replace 166.11(6)-Fire Protection:** Motion by Stagg, seconded by Neuendorf, to set public hearing date to consider amending Chapter 166.11(4D) and replacing 166.11(6) for September 11, 2023 at 6:30 p.m. at Swisher Library. Call for vote. All ayes. Motion carried.

**Create TIF Area and Rebate TIF to Developer:** Heidi Kuhl from Northland Securities went over housing projection TIF Revenues and various percentages to developer. Gudenkauf presented information from Iowa Association of School Boards data impact of TIF on school district property tax rates. Pudil expressed concern of setting a precedence. Neuendorf noted each situation is different. After discussion, council directed Kakacek to start paperwork to start creating TIF Area for phase 1 of development and rebate of 15% with maximum of \$415,000.00 to developer to help with the fire protection tanks. It was noted this is not a formal approval and will be up for discussion and Council vote in the future once paperwork is done.

**Trees on Division Street:** Stagg noted some of the trees have died on Division Street with the extensive heat and the company warranty has expired. Kakacek noted Hoovers would like their tree taken down. Cutsforth cautioned against taking out trees but felt the transition of the trees to the property owners were not executed well and/or water accessibility to the trees. Persons noted the trees need to be unbagged, watered and stakes taken down. Cutsforth said unbagging is probably not necessary but needed more water. Mayor asked anyone if they would volunteer to be on a task force with the public works to review these trees and make recommendations. Persons suggested trimming the trees in September or October.

**Website Contract:** After review of quote, Pudil moved, seconded by Heims to approve contract with Catalis starting 7-1-24 ending 6-30-28. This company was GovOffice whom the City uses currently. Roll call vote was taken. All ayes. Motion carried.

**Resolution No. 2023-40—Amend Policy & Procedure Manual:** Kakacek noted hourly rates to charge for mowing, etc. doesn't cover what is paid to the employee. After discussion, Neuendorf moved, seconded by Pudil to approve Resolution No. 2023-40 entitled “RESOLUTION AMENDING CITY OF SWISHER POLICY & PROCEDURES MANUAL ON CHARGES FOR EQUIPMENT AND PERSONNEL” with doubling the hourly rates for labor and adding charge for weedeater use of \$25.00 per hour. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2023-40 passed. Council directed the rate charge and to give owner 7 days to fix to be in the nuisance letters sent. Kakacek will check the code to see if it requires certain number of days for nuisance removal.

**Public Works Progress Report:** Fields read progress report of what he has been doing since February 2022 and noted he has enjoyed working for the City. Council asked about sign for new building which Fields has a sample and Pudil knows someone to help as well plus Gudenkauf offered help. Mayor noted that Fields

walked into a mess on the new shop building, but he picked it up and pulled it all together. Council noted they appreciated the update and Neuendorf noted the city is privileged to have him.

**City Clerk Update:** Kakacek gave notice to Mayor and Council she is retiring March 31, 2024 and noted she has enjoyed working with them and wishes the best for the community. Mayor and Council expressed kind words to Kakacek for her work done at the city.

**Councilperson Heims Update:** Heims presented resignation letter effective today, August 28, 2023. Heims noted she was written in the last election and is a firm believer that candidates should be on the ballot. She would like this position to be voted on with residents filing papers to run which will be on the November 7<sup>th</sup> ballot. Mayor gave update on the rules of vacancy and said residents should contact County Auditor if interested in running for vacancy or regular council seats.

**Adjournment:** Motion by Pudil, seconded by Gudenkauf to adjourn. Call for a vote. All ayes. Motion carried. Meeting adjourned at 8:49 p.m.

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Tawnia Kakacek, City Clerk/ Finance Officer

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Christopher Taylor, Mayor