

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
AUGUST 8, 2022

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

REGULAR CITY COUNCIL 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 8, 2022.

Council Present: Mary Gudenkauf, Kris Heims and Michael Stagg. Via Zoom was Rebekah Neuendorf. Absent: Kody Pudil.

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, Library Director Laura Hoover, Tim McCleary-ION Environmental, HR Green Engineer Jonathon Kline, Fire Department Representatives Gene Beard and Glen Heims, Johnson County Sheriff Deputy, Katheryn Birky, Jim Wagner, Audra, Keith and Joe Nearad. Via Zoom was Heidi Kuhl of Northland Securities.

Consent Agenda: Mayor noted the July 2022 Clerk/Treasurer Report not complete yet and needs to be taken off the agenda. Heims moved, seconded by Gudenkauf to approve the Consent Agenda consisting of: Agenda, July 11 and 25, 2022 Council Minutes; updated List of Claims; notice of Board of Adjustments vacancy. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried.

Citizen Comments: Katheryn Birky asked Council what they were going to do about the alley by her house as she now gets mud and water in the driveway from the alley and wants it fixed before winter. Mayor noted Council has read her previous letter and there was no action on it. Stagg recommended to put this on the August 22nd Agenda to discuss.

Reports:

Sheriff: Council reviewed June report.

Engineer: Kline reported the following: reviewed city boundary, rezoning and annexations; alley estimates; helped Fields with sanitary sewer locates; almost done with surveying sewer lines; 2022 Seal Coat Project is complete; applied for Flood Plain Permit with State for Oak Avenue sewer line repair; Castek Park Trail construction should start this Wednesday; Matt Wildman reached out to Johnson County regarding possible county water system which he will talk to Council at the next meeting.

Mayor: No report.

Council: No reports.

Fire Department: Gene Beard gave overview of Jefferson-Monroe Fire Department annual report ending June 30, 2022 and amount of grants they have received. Beard also noted that EMS is not considered by the State of Iowa as an essential service, so residents are not guaranteed to have an ambulance come to their emergency call. The Johnson County EMS Association is working on the county level to have EMS declared as an Essential Service in Johnson County. This would allow for county wide support of not only the ambulance service but First Responder agencies. Beard was alerting the council as this measure will be coming up for further discussion and a future ballot question. Mayor congratulated Beard on the grants they have received.

Employees: Hoover noted the summer reading program is done and had great turn out. She thanked American Legion for use of their building and lawn for library programs and Kava House for providing prizes for the Adult Program. Tim McCleary of ION noted they are trying to get estimates for cleaning tanks at sewer plant; Aeromod reviewed sewer plant and will send recommendations. ION report is on file at City Hall. Hoover, Fields, Persons and Kakacek written reports are on file at city hall.

Miscellaneous Reports: Council reviewed Planning & Zoning 7-17-22 Minutes, Parks & Recreation 6-15-22 Minutes and Library Board 6-1-22 Minutes.

BUSINESS:

Public Hearing to Consider Requiring Turn Signals on ATVs: Motion by Stagg, seconded by Heims to open public hearing to consider requiring turn signals on ATVs. Call for vote. All ayes. Absent: Pudil. Motion carried and hearing opened at 6:51 p.m. Mayor noted this hearing was for Council information only and no other action on tonight's agenda. Audra Nearad suggested the City follow the state regulations on ATVs which doesn't require turn signals. She noted this would make easier to follow having the same rules with state, county and city. Audra stated the City wouldn't benefit from registration as lot of ATVs come into town that aren't from Swisher. Johnson County Deputy Sheriff noted the following was recommended from their department: have hours of operation from 4 a.m. to 10 p.m.; hard to see the registration sticker as can be covered with dirt/mud; they are unlikely to pull the ATVs operators over. A. Nearad noted the state law for ATVs can operate 24 hours. No written comments were submitted to City Hall. Mayor closed public hearing at 6:57 p.m.

Public Hearing to Rezone Forrest Ridge Property: Motion by Stagg, seconded by Heims to open public hearing to consider rezoning Forrest Ridge Property (Parcel # 0306401001) approximately 40 acres from AG-Agricultural to 12RS-Residential Single Family. Call for vote. All ayes. Absent: Pudil. Motion carried and hearing opened at 6:58 p.m. Julie Persons inquired what are the lot sizes. Kakacek noted their concept plan showed 1/3 acre per lot. Neuendorf left Zoom at 6:59 p.m. No written comments were submitted. Mayor closed public hearing at 7:01 p.m.

Approve Payment for Street Project: After recommendation of engineer's approval to pay, Gudenkauf moved, seconded by Heims to approve payment to Kluesner Construction of \$41,294.20 for 2022-23 Swisher Pavement Rehabilitation and alley. Roll call vote was taken. All ayes. Absent: Neuendorf and Pudil. Motion carried.

Repair Alley Behind The CarWash: Fields noted Shamrock Construction contacted him and wants to give quote to repair the alley. He requested this be tabled until he obtains their bid. Council noted they wanted another quote and agreed to postpone awarding bid to repair alley to the August 22nd Council meeting.

Fire Department Request for Water Storage: Jefferson-Monroe Fire Chief Glen Heims noted he would like to reintroduce this request before any new developments are built. Mayor noted June 12, 2017 this request was denied by Council. G. Heims noted it may be several years before city water and having required 30,000-gallon water storage tanks in new developments will help throughout the city for fire safety. Beard noted Shueyville does this now and is looking into requiring commercial businesses having water storage tanks. He is trying to raise ISO rating for Swisher which would decrease home insurance cost. G. Heims noted he would like to have this done now since Swisher doesn't have city water. Gudenkauf noted she is looking for ways to get to long term solution for city water than a band aid. Stagg had concern of costs and maintenance of tanks for the City. Beard noted maintenance would be responsibility of the homeowners' association. K. Heims agreed with having city water but is a long way in the future and feels it would be a disservice to residents not having the water storage tanks in new developments. Gudenkauf and Stagg would like to further discuss this with the absent council members. G. Heims asked if Johnson County has looked at rural water. Kline noted the county is not looking at this in near future. Stagg asked if new developer has knowledge of this proposal which they don't. Mayor and Council thanked fire department for their work. Item will be placed on next Council Agenda.

Resolution No. 2022-40-Approve Agreement with Northland Securities: Heidi Kuhl of Northland Securities stated this agreement was to help finance for the Sewer Upgrade Project including a rate study. She stated the process of SRF Loan. After discussion, Heims moved, seconded by Gudenkauf to approve Resolution No. 2022-40 entitled “A RESOLUTION APPROVING ADVISORY SERVICE AGREEMENT BY AND BETWEEN THE CITY OF SWISHER, IOWA AND NORTHLAND SECURTIES, INC.”. Roll call vote. Ayes: Gudenkauf, Heims, Stagg. Nays: None. Absent: Neuendorf, Pudil. Resolution No. 2022-40 passed.

Direction on ATVs, UTVs Requirements: Mayor asked Council what requirements they would like to have on ATVs, UTVs, and then it will be sent to city attorney to draft an ordinance for the all the changes. Gudenkauf and Stagg would like to keep city registration process to help with educating users about the requirements of these vehicles. Heims noted the City could review the registration portion later if felt not needed. After discussion, Council agreed to have on ATVS and UTVs the following regulations: require registration, operations of hours from 4 a.m. to 10 p.m., no turn signals, and follow all other state regulations of: driver to be minimum 18 years of age, liability insurance, headlights, taillights, brake lights, horn, rear view mirrors, brakes; ATV to have muffler and UTV have seatbelts. Kakacek will have city attorney draft ordinance and public hearing date will be set at next council meeting.

Neuendorf joined meeting by Zoom at 8:10 p.m.

1st/Final Reading of Ordinance #286-Adopt Boundary Chapter: Stagg moved, seconded by Heims, to introduce Ordinance #286 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: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #286 was given its first reading. Motion by Heims, seconded by Gudenkauf 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 #286. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Motion by Heims, seconded by Stagg to place Ordinance #286 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #286 adopted.

1st/Final Reading of Ordinance #287-Amend Boundary Chapter: Stagg moved, seconded by Heims, to introduce Ordinance #287 by title only entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, 2015, BY AMENDING CHAPTER 4 BOUNDARIES §4.01 CORPORATE LIMITS” and be given its first reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #287 was given its first reading. Motion by Heims, seconded by Stagg 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 #287. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Motion by Heims, seconded by Gudenkauf to place Ordinance #287 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #287 adopted. This amendment was to include the newly annexed properties of Fishers, James, and Forrest Ridge.

1st/Final Reading of Ordinance #288-Amend the Official Zoning Map: Gudenkauf moved, seconded by Stagg, to introduce Ordinance #288 by title only entitled “AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE MUNICIPAL CODE OF SWISHER, IOWA, REGARDING PROPERTY OWNED BY FORREST RIDGE, LLC, PARCEL #03064010001 (40 ACRES); PROPERTY OWNED BY FISHER BROTHERS LLC AND WILLIAM A FISHER & DOROTHY ANN FISHER REVOCABLE TRUST, PARCEL # 0307151001 (APPROXIMATELY 36 ACRES) AND PARCEL #0307192001 (0.2 ACRES); PROPERTY OWNED BY NEAL AND MOLLY JAMES, PARCEL #0307151002 (APPROXIMATELY 1.4 ACRES) TO SWISHER, IOWA” and be given its first reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #288

was given its first reading. Motion by Heims, seconded by Gudenkauf 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 #288. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Motion by Stagg, seconded by Neuendorf to place Ordinance #288 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #288 adopted.

1st/Final Reading of Ordinance #289-Rezone Forrest Ridge to 12RS-Residential Single Family: Stagg moved, seconded by Heims, to introduce Ordinance #289 by title only entitled “AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE MUNICIPAL CODE OF SWISHER, IOWA, REZONING FORREST RIDGE LLC PROPERTY-PARCEL #0306401001 (APPROXIMATELY 40 ACRES) FROM AG-AGRICULTURAL DISTRICT TO 12RS-RESIDENTIAL-SINGLE FAMILY DISTRICT IN SWISHER, IOWA” and be given its first reading. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #289 was given its first reading. Motion by Gudenkauf, seconded by Stagg 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 #289. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Motion by Stagg, seconded by Neuendorf to place Ordinance #289 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Heims, Neuendorf, Stagg. Nays: None. Absent: Pudil. Motion carried. Ordinance #289 adopted. Neuendorf left Zoom at 8:23 p.m.

Fix Intake on Orchard Street: After discussion and review of quote, Gudenkauf moved, seconded by Stagg to approve quote from Rich Corum of \$3,500.00 to fix intake on Orchard Street. Roll call vote was taken. All ayes. Absent: Neuendorf and Pudil. Motion carried.

Reinstall Curb on Alley: It was noted with all the projects the City is doing, Public Works Department does not have time to do the work reinstalling curb on alley on Division Street. After discussion and review of quote, Heims moved, seconded by Gudenkauf, to approve quote from Rich Corum to install new curb on alley of \$2,800.00. Roll call vote. All ayes. Absent: Neuendorf and Pudil. Motion carried.

Setup Mulch Area at Burn Pile: Fields asked Council if they would like to have a mulching area at the burn pile for residents to obtain. He would like to set up separate section for mulch, branches, logs each separated by concrete blocks. If so, he can get costs for mulcher. Heims was okay with mulching if done by city staff. Council directed Fields to get costs of mulcher. Stagg noted he would like to see on upcoming agenda to revisit burn pile area and sewer plant area regarding security.

Remove Tree on Hilltop Drive Corner: Fields noted large branches are falling off this tree when there are storms and request tree to be removed for safety reasons. After review of quote and discussion, Heims moved, seconded by Gudenkauf, to have tree on corner of Hilltop Drive removed by CJ’s Tree Service at cost of \$2,800.00. Roll call vote. All ayes. Absent: Neuendorf and Pudil. Motion carried.

Shop Improvements: Council reviewed bids from Eastern Iowa Building, Inc. of \$17,696.00 of closed cell insulation and Dwayne of \$12,980.00 of open cell insulation for new shop building. Fields noted these companies are using different types of insulation which affects the quote. Council asked Fields whom he recommends. Fields recommended the closed cell insulation. Gudenkauf expressed concern of EIB getting work done as took so long to get shop building. Fields noted they have to install the garage door so it would work with them doing the insulation at same time. After discussion, Heims moved, seconded by Gudenkauf to award quote to Eastern Iowa Building, Inc. of \$17,696.00 to insulate shop building on 3rd Street. Roll call vote. All ayes. Absent: Neuendorf and Pudil. Motion carried.

After review and discussion of quote, Stagg moved, seconded by Heims to approve only quote received to install steel walls for shop building on 3rd Street from Eastern Iowa Building, Inc. of \$13,648.00. Roll call vote. All ayes. Absent: Neuendorf and Pudil. Motion carried.

Council reviewed quotes from Steve's Electric Inc. of \$19,850.00 and E & J Electric of \$23,890.00 to install electrical at new shop building on 3rd Street. Stagg noted he would like to wait for the electric. After discussion, Gudenkauf moved, seconded by Heims, to approve quote from Steve's Electric Inc. of \$19,850.00 to install electrical at new shop building on 3rd Street. Roll call vote. All ayes. Absent: Neuendorf and Pudil. Motion carried.

Correspondence Council reviewed the following: thank you letter from resident Annette Taylor for installing shade at Downtown Park; New Laws of Interest to Cities from 2022 Legislative Session; Iowa Living Roadways Community Visioning newsletter; Mediacom update.

Adjournment: Motion by Stagg, seconded by Heims to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor