

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
SEPTEMBER 11, 2023

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 September 11, 2023.

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

Also Present: City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Justin Fields, Communication Coordinator Julie Persons, City Engineer Representative Tim Cutsforth and Melissa Clow, Johnson County Sheriff Deputy, Daryl Hynek, Curt Cline, Nick Neuendorf, Norm Neal, Ginny Svec, Ray Burke, Larry Ockenfels, Ron Eden, Kathryn Birky, Terry Jones, Dave Faltis, Gene Beard, Dean Teslik, Rob Kolosik. Attended via zoom was Johnson County Board Supervisor V Fixmer-Oraiz, Kim Grier.

Consent Agenda: Mayor recommended to remove Agenda Item 4d. Approve Quote for Guardrails as not received quotes yet. Pudil moved, seconded by Gudenkauf to approve the Consent Agenda consisting of Agenda with removal of Agenda Item 4d, August 14 and 28, 2023 Council Minutes; updated List of Claims; August 2023 Clerk/Treasurer's Report and Utility Balance Report; renew dance hall permit for DanceMor; notice of 2023 and 2024 vacancies. Roll call vote. Ayes: Gudenkauf, Pudil, Stagg. Nays: None. Abstain: Neuendorf due to conflict of interest. Motion carried.

Citizens' Comments: Ginny Svec noted she rented the Castek Park Pavillion and the bathrooms had cobwebs, pavilion needs to be shingled again, picnic table was warped and needs to be removed, and why can't the weeds be cut around the fence. Fields will look into this. Daryl Hynek asked where in the code is it required the City put in water lines when doing a project. Mayor noted it is not in the Code but the City Council chose to hold the city to same requirements as the City does to the developer. Curt Cline asked why the City can't stop putting a water line on sewer project and save money. Mayor explained the water line will tie into the developer's water line. Cutsforth noted the waterline was discussed at previous meetings. Ginny Svec inquired if water line was put in on the Division Street Project. Cutsforth noted that yes, they put lines to cross Division Street and future water lines would be run in the alleys when City has municipal water. Curt Cline stated the current council should not make big decisions until after the election. Dean Teslik noted a sign of Dogs on Leashes at the park has tape over part of the sign and asked if the City did this. This was not done by the City and Fields will take the tape off. Kakacek noted if there are concerns like this, please contact city hall and it can be addressed. Teslik noted a lady is taking her dog to Castek Park and letting the dog run loose and leaves dog poop on grass.

Reports:

Sheriff: August 2023 Police Report was submitted.

Engineer: Cutsforth noted they worked on the following: attended Council and Planning & Zoning meetings; sewer project; updated ordinance; introduced HR Green Engineer Melissa Clow who will be working with the City.

Mayor: Mayor noted he will be attending the Iowa League of Cities Conference in Cedar Rapids and let him or Kakacek know if there are certain classes they want them to attend.

Council: Gudenkauf submitted application as Mayor of Year Award to the Mayors Association and listed all what Mayor Taylor does and is involved in for the City of Swisher. Shed thanked Mayor Taylor for his service. Mayor Taylor thanked Gudenkauf that it was good to have people aware of the Mayoral duties.

Employees: Hoover, McCleary, Persons and Kakacek written reports are on file at city hall.

Miscellaneous Reports: Swisher Planning & Zoning August 21,2023 Minutes were reviewed.

BUSINESS:

Public Hearing-Repealing Ordinance #294-Chpt. 166.11(6) and Replace with Amended Chpt. 166.11(6)-Fire Protection Water Tank Requirements and Chpt. 166.11(4)-Water Mains:

Motion by Stagg, seconded by Neuendorf to open public hearing. Call for vote. All ayes. Motion carried. Public hearing opened at 6:51 p.m. There were no verbal or written comments submitted. Mayor closed the public hearing closed at 6:52 p.m.

1st and Final Reading of Ordinance No. 298—Repeal Ord. #294 -Chapter 166.11 and Replace Chpt. 166.11 (6) and (4): Pudil moved, seconded by Stagg to introduce Ordinance #298 by title only entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, 2015, BY AMENDING CHAPTER 166.11(6) AND (4)D SUBDIVISION REGULATIONS-MINIMUM REQUIREMENTS” and be given its first reading. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Ordinance #298 was given its first reading. Motion by Pudil, 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 #298. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Motion by Stagg, seconded by Pudil to place Ordinance #298 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Ordinance 298 was adopted. Gene Beard thanked Cutsforth and Council for work on the ordinance. Mayor thanked Gene Beard and the Fire Department.

2nd 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 second reading. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Stagg. Nays: None. Motion carried. Ordinance #297 was given its second reading. Mayor asked Council if they wanted to waive the requirements of 2 consecutive meetings to proceed to next reading. Council declined. Final reading of ordinance will be on September 25th.

City Logo Contest: After review and discussion, Council directed all the entries submitted to be put on the website and Facebook for citizens to vote on. Council decided not to go with CR Signs design. Persons recommended to have voting in newsletter that goes out mid-October. Council agreed.

Garbage/Recycling to Business Utility: Nick Neuendorf noted as a business owner would like to see if there is any interest of other businesses wanting to use the garbage and recycling containers as residents do. Currently all businesses get their own hauler for garbage and haulers don't recycle. Kakacek noted LRS couldn't give a rate at this time but they could pickup for businesses. She noted that the Swisher Code Chapter 106.01 addresses only residents and not businesses for garbage/recycling and would need to amend the code if this goes through. After discussion, Council directed Kakacek to send letters to the businesses in town to see if they are interested.

Set Grand Opening Date for New Shop: Fields noted the salt shed pad should be done in mid-October. After discussion, Council decided to wait for grand opening until everything is done including sign on new building.

Advertise for Temporary Snow Removal Position: After review of snow removal ad and discussion, Pudil moved, seconded by Neuendorf to advertise for temporary snow removal position at hourly pay of \$15 per hour with guaranteed minimum of \$50 weekly. Roll call vote. All ayes. Motion carried. Gudenkauf recommended to put notice of position on the utility bill message.

Resolution No. 2023-41—Council Vacancy Filled by Election: Stagg moved, seconded by Gudenkauf to approve Resolution No. 2023-41 entitled “A RESOLUTION APPROVING COUNCIL VACANCY DONE BY ELECTION FOR THE CITY OF SWISHER, IOWA” to be added to the November 7, 2023 Election ballot per Iowa Code 372.13. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2023-41 passed.

Resolution No. 2023-42—Approve 2022-23 Street Finance Report: After review, Pudil moved, seconded by Stagg to approve Resolution No. 2023-42 entitled “A RESOLUTION APPROVING FY2022-2023 STREET FINANCE REPORT FOR THE CITY OF SWISHER, IOWA”. Roll call vote. Ayes: Gudenkauf, Neuendorf, Pudil, Stagg. Nays: None. Resolution No. 2023-42 passed.

Approve 2022-23 TIF Urban Renewal Report: After review, Pudil moved, seconded by Neuendorf, to approve the Annual Urban Renewal Report for Fiscal Year 2022-23. Roll call vote was taken. All ayes. Motion carried.

2022-23 Financial Report: Council reviewed the 2022-23 Financial Report. Kakacek noted this will be published in the paper and then sent to the state.

Code Updates Regarding 2023 Legislation: After review and discussion, Gudenkauf moved, seconded by Stagg, to approve Simmering-Cory & Iowa codification to create the ordinances from 2023 Legislation changes. Roll call vote was taken. All ayes. Motion carried.

City Clerk Succession Plan: Kakacek presented updated job description for city clerk, proposed advertisement, and schedule of dates for the process of interviewing, hiring, etc. Neuendorf recommended to require minimum education of AA Degree. After discussion, Council directed Kakacek to make suggested changes to job description and advertisement. Once complete, she will send it to council to review and get approval at next council meeting.

Correspondence: Council reviewed the following: Jefferson-Monroe Fire Dept. Annual Report; email from Amy Knudson noting there is a settlement money available for drinking water from the 3M and Dupont litigation and recommend Swisher into applying for some due to PFAS detects in area wells; Right of Way Permit for 308 Rose Avenue. It was noted City could provide the resources for residents to apply but since Swisher doesn't have municipal water the City cannot apply. Pudil noted there was some confusion on the ADU regarding public hearing. Mayor noted the public hearing was last meeting but Council could set another public hearing date at the next meeting. Kakacek suggested residents talk under Citizens' Speak so don't have to go through the process again and spend more money on publication. Final reading of ordinance will still be on September 25th.

Adjournment: Motion by Neuendorf, seconded by Pudil to adjourn. Call for vote. All ayes. Motion carried. The meeting was adjourned at 7:32 p.m.

Tawnia Kakacek, City Clerk/ Finance Officer

Christopher Taylor, Mayor