

(Subject to Approval)  
**CITY OF SWISHER, IOWA**  
**CITY COUNCIL MEETING MINUTES**  
**SEPTEMBER 14, 2020**

The council meeting was held at Swisher Library due to not enough room in city hall for distance of 6 feet for council to stop the spread of COVID-19. In order to help stop the spread of the COVID-19 virus, this meeting was also held electronically. Chapter 21.8 of the Iowa Code permits electronic meetings where all members participate remotely when in-person meeting is impossible or impractical, which is true during this crisis. Anyone could 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 7 p.m. in Swisher, Iowa on September 14, 2020 at Swisher Library.

**Council Present:** Mary Gudenkauf, Rebekah Neuendorf, James Rowe, Michael Stagg. Jerry Hightshoe arrived at 7:05 p.m.

**Also Present:** City Clerk/Finance Officer Tawnia Kakacek, Public Works Superintendent Carl Spoerl and Library Director Laura Hoover. Via conference call were: HR Green Representative Tim Cutsforth, Kim Grier, Regenia Bailey of Bailey Leadership Initiative.

**Consent Agenda:** Mayor recommended Items 1e and 1g be voted on separately from Consent Agenda. After review, Gudenkauf moved, seconded by Stagg to approve the Consent Agenda consisting of: Agenda, August 10, 2020 Minutes; updated List of Claims; August 2020 Clerk/Treasurer's Reports and Utility Balance Report; Resolution 2020-36 Approving 2019-20 Street Finance Report and notice of open board positions for Planning & Zoning and Parks & Recreation. Roll call vote. Ayes: Gudenkauf, Neuendorf, Rowe; Stagg. Absent: Hightshoe. Motion carried. Motion by Stagg, seconded by Gudenkauf to approve Resolution No. 2020-37 Assessing Delinquent Utility Bills to Property Taxes, Roll call vote. Ayes: Gudenkauf, Rowe, Stagg. Abstain: Neuendorf. Absent: Hightshoe. Motion carried. Motion by Rowe, seconded by Stagg to approve Dance Hall Permit Renewal-DanceMor. Roll call vote. Ayes: Gudenkauf, Rowe, Stagg. Abstain: Neuendorf. Absent: Hightshoe. Hightshoe arrived at 7:05 p.m.

**Citizen Comments:** James Rowe presented several issues he had with the city as a citizen of Swisher. Mayor addressed few concerns but asked Rowe if he wanted to drop off his list of concerns and the City can address them properly. Per list of issues, council directed to add communications to the next agenda.

**Reports:**

**Sheriff:** None.

**Library:** Library Director Hoover reported the following: finished annual report; in October online tutoring system for children to go into website and connect; added library hour for family virtual learning sessions; will be adding Women's Voting exhibit; library has subscribed to Mail Chimp to send out monthly newsletter, etc.; library will not be a voting site for this year's November election but she is checking into the library being a satellite voting station.

**Engineer:** HR Green Representative Tim Cutsforth reported the following: reviewed and reported storm damaged right-of-way trees; doing punch list for 120<sup>th</sup> Street Project; Division Street Project is on hold until the road dries out which should be next week. Cutsforth noted he would be glad to talk to Rowe of why his trees had to be removed for the street project.

**Mayor:** Mayor Taylor thanked city staff for all their work they did this last month regarding the Derecho Storm cleanup and very grateful to have the current city employees. Swisher was one of hardest hit cities in Johnson County. He talked to Johnson EMA every day for the last 3 weeks regarding storm cleanup, etc.; also talk with Johnson County Sustainability Working Group. Mayor will be attending the virtual League of

Cities Conference/Iowa Mayors Association and if there were any classes the Council wants him to attend, let him know.

**Council:** No reports.

**Employees:** Superintendent of Public Works Spoerl reported the following: ordered grapple/bucket broom that will be reimbursed by FEMA for storm debris cleanup; noted there were a lot people not living in the City limits of Swisher illegally dropping off brush/tree debris at the city burn pile; obtained permit from IDNR to remove the ash from burn pile; servicing the generator and dump truck hydraulics due to all the usage from the storm and cleanup; the new city truck was dented during the storm and turned into insurance; will be replacing the 2 speed limit signs; appreciated Councilpersons Gudenkauf, Hightshoe, and Stagg for helping with the storm cleanup. Kakacek noted she will attend the virtual Iowa League of Cities Conference; been busy doing the COVID Grant; audit will be in another week; working on FEMA Grant for storm cleanup and trying to get annual reports done.

**Miscellaneous Reports:** None submitted.

### **BUSINESS:**

**Public Hearing Change Tree Trimming Ordinance:** Mayor opened the public hearing to change the tree trimming ordinance at 8:13 p.m. The proposed hearing is to change requiring residents to trim trees from within 5 days to 14 days and not requiring supervision of tree trimming but must have consent from the City. No verbal or written comments were received. Mayor closed the public hearing at 8:14 p.m.

**Readings of Ordinance #274-Amend Chapter 151-Trees:** After review, Stagg moved, seconded by Hightshoe, to introduce Ordinance #274 by title only entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, BY AMENDING CHAPTER 151--TREES” of Chapter 151.04 Duty to Trim Trees and 151.05 Trimming Trees in Street or Public Places and be given its first reading. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Stagg, seconded by Neuendorf, that the laws and rules providing that ordinances 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 #274. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Motion by Rowe, seconded by Neuendorf to place Ordinance #274 upon its third and final passage and be adopted. Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Motion carried. Ordinance #274 adopted.

**Payment to Johnson County Roads-120<sup>th</sup>/Division Street Project:** City had not received request for payment so no action at this time.

**Approve Pay Estimate-Division Street Project:** After recommendation of approval from city engineer, Neuendorf moved, seconded by Rowe to approve Pay Estimate No. 3 of \$86,919.53 to Tschiggfrie Excavating for Division Street Project Phase 2. Roll call vote was taken. All ayes. Motion carried.

**Repair Sink Hole:** Spoerl noted the sink hole at intersection of Rose Avenue and 3<sup>rd</sup> Street was due to drainage issue. After review and discussion of only quote received and urgency to repair, Stagg moved, seconded by Gudenkauf, to award quote to Triple B Construction for \$8,600.00. Roll call vote was taken. All ayes. Motion carried. It was noted this will be paid out of the storm drainage fund.

**Payment for Orchard Street Subdrain Project:** After review and engineer recommendation of approval, Gudenkauf moved, seconded by Neuendorf, to approve payment of \$35,621.00 to Triple B Construction for Orchard Street Subdrain Project. Roll call vote was taken. All ayes. Motion carried.

**Send Out for Bids-Damaged Trees:** Council reviewed list of damage trees that were in the city right-of-way due to the Derecho Storm. Spoerl has Leaf Hopper reviewing list of trees to verify if the tree should be just trimmed, stump ground, etc. Rowe recommended the City Clerk send letters to the residents that have damaged trees in the right-of-way noting trees will be reviewed by the City and contractors, and the City will do follow up letter after these reviews. Council agreed and directed Kakacek to send these letters asap.

After discussion, Hightshoe moved, seconded by Rowe, to send out for tree bids with bidder describing what they will do with each tree. Call for vote. All ayes. Motion carried. It was noted this will be turned into FEMA for reimbursement.

**Mail Chimp:** Library Director Hoover asked if the City would like to use the library's mass email account with city utility billing email address to send out emergency notices when necessary. Council was not comfortable with using utility billing email addresses without residents' consent and recommended this topic be included in the Communication topic at future meeting.

**Fix Library Lot:** Spoerl noted the library lot needed to be graded and reseeded as the City used this lot for debris cleanup from the Derecho Storm. Council reviewed only bid received of \$4,795.00 to grade and seed and add 4 steel socks requested by the library. Spoerl had contacted Chalupksy Landscaping but has not received bid yet. Council felt they needed another bid for the grading/seeding and the city didn't need to hire to install the steel socks as city staff can install. This is was deferred to next agenda to review additional bids. This will also be submitted to FEMA for reimbursements.

**Survey Updates and Set Meeting Date:** Regenia Bailey of Bailey Leadership Initiative noted she has received 181 surveys so far and requested council to set date to Visioning meeting. Today she sent survey to Mayor, Council and staff to complete. After discussion, Council set October 19, 2020 at 6 p.m. for Visioning Meeting.

**Banner Design:** After review and discussion, Neuendorf moved, seconded by Rowe, to approve banner design from Swisher Men's Club that will have various Swisher veterans' pictures with the help from the Swisher American Legion. Call for vote. All ayes. Motion carried. Mayor and Council thanked Swisher Men's Club for their donations and work.

**Burn Pile:** Mayor noted people are throwing items over the fence at the burn pile and making a mess, illegal users are dumping there as well. He expressed concern how this can be stopped as it is being misused and abused making more work for city staff and extra costs. Kakacek will check with ClerkNet to see what other towns do with their brush pile and regulations.

**Set Public Hearing Date:** After review, Rowe moved, seconded by Stagg to set public hearing date of October 12, 2020 at 7 p.m. to amend Chapter 46.02 and 121.07 regarding tobacco use/sales per state code. Call for vote. All ayes. Motion carried.

**Resolution No. 2020-38-COVID-19 Reimbursement Request:** After review and discussion, Rowe moved, seconded by Stagg to approve Resolution No. 2020-38 entitled "RESOLUTION REQUESTING REIMBURSEMENT FROM THE IOWA COVID-19 GOVERNMENT RELIEF FUND". Roll call vote. Ayes: Gudenkauf, Hightshoe, Neuendorf, Rowe, Stagg. Nays: None. Resolution No. 2020-38 passed. Kakacek will submit grant application tomorrow morning.

**Hire Firm Help with FEMA Paperwork:** Kakacek noted Johnson County EMA used this company to help with the FEMA paperwork plus their fee can be included for reimbursement. Kakacek noted she wants to make sure she doesn't miss anything as the City is asking for a lot of money. After discussion, Stagg moved, seconded by Neuendorf, to hire ER Assist to help with Derecho Storm FEMA paperwork at cost up to \$3,500.00. Roll call vote. All ayes. Motion carried.

**Trick or Treat Night:** Concern of spreading the COVID-19, Council noted Halloween is October 31<sup>st</sup> leaving Trick or Treating up to residents' discretion if they choose to trick or treat and please observe the distance requirements of COVID-19. Mayor and Council wishes a Safe and Happy Halloween for Swisher Residents. Library Director Hoover noted the library won't be doing Trick/Treat night.

**Set Public Hearing Date:** After review, Stagg moved, seconded by Rowe to set public hearing date of October 12, 2020 at 7 p.m. to amend Chapter 155-Requiring Building Permits. Call for vote. All ayes. Motion carried.

**Resolution to Change Council Meeting Time:** Gudenkauf requested to have meetings at 6 p.m. instead of 7 p.m. so don't last so late and hard for residents to stay for whole meeting. Neuendorf moved, seconded by Rowe to approve Resolution to change regular council meeting starting time from 7 p.m. to 6 p.m. Hightshoe noted he was not in favor of changing the time as is hard for residents to come at 6 p.m. as just getting home from work. Gudenkauf noted if the time isn't changed, maybe consider having 2 regular council meetings a month. Roll call vote was taken. Ayes: Neuendorf. Nays: Gudenkauf, Hightshoe, Rowe, Stagg. Resolution did not pass.

**Reimburse Employees for Disaster Expenses:** Stagg requested that Spoerl, Gudenkauf and Kakacek be reimbursed as they got and purchased meals for the contractors that helped the City out for the storm cleanup so the contractors wouldn't have to leave for lunch and get more work done. It was noted that none of the staff had asked for reimbursements. After discussion, Rowe moved, seconded by Neuendorf, to reimburse the noted staff above for costs of meals, mileage, etc. Roll call vote. Ayes: Hightshoe, Neuendorf, Rowe, Stagg. Abstain: Gudenkauf. Nays: None. Motion carried.

**Advertise for Snow Removal Position:** After discussion and review, Hightshoe moved, seconded by Gudenkauf to advertise for snow removal position with a guaranteed \$50 a week pay minimum. Call for vote. All ayes. Motion carried.

**Staff Recognition:** Gudenkauf recognized and thanked all city staff for their work on the Derecho Storm. She also recognized the library building being used as one of the command centers and South Slope lot for debris collection. Council and Mayor thanked them as well and noted how well it went due to the staff and contractors.

With the aftermath of the storm behind us, Swisher continues with tree and debris clean up. Some residents and businesses suffered damage to homes/buildings/trees/cars, etc., while others were more fortunate with minimal impact. Regardless, one thing was evident. Swisher residents, businesses and City of Swisher Staff, helped each other. Many pitched in to direct traffic, and help cut down trees. Others donated food. Community neighbors donated supplies. South Slope provided a generator to keep Swisher Library up and running which allowed people to charge their phones and use the internet. Thank you Swisher for pitching in and working hard to help your neighbors and your community. Your volunteer efforts and care demonstrate what's great about living in Iowa.

**Correspondence:** Council reviewed the following: email from Reds Baseball team cleaning up park after the Derecho Storm; letters sent regarding burned garage repair and denied building permit; Building Permit for 832 Swisher View Drive; Johnson County Sheriff's Reports for August 2020; email for IEA Power.

**Adjournment:** Motion by Stagg, seconded by Rowe to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 10:34 p.m.

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Tawnia Kakacek, City Clerk/ Finance Officer

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Christopher Taylor, Mayor