

(Subject to Approval)
CITY OF SWISHER, IOWA
CITY COUNCIL MEETING MINUTES
OCTOBER 12, 2015

REGULAR CITY COUNCIL MEETING

CALL TO ORDER: Mayor Christopher Taylor called the council meeting to order at 7 p.m. at Swisher City Hall, Swisher, Iowa on October 12, 2015.

Council Present: Sandra Fults, Mary Gudenkauf, Angie Hinrichs, Mike Stagg. Absent: Larry Svec.

Also present: City Clerk Tawnia Kakacek, Public Works Craig Vondracek, Library Director Laura Hoover, City Engineer Tim Cutsforth, Johnson County Deputy Sheriff Adolf, Rebekah Neuendorf, Karen Vondracek, Sonja LaGrange, Kim Schroder, Stephen Gruber-Miller-Press Citizen, James Rowe, David Smith, Glen Meisner-MMS Consultants, Wendy Shelton, Center for Worker Justice Representatives Misty Rebik, Charlie Eastham, Matthew and John.

Consent Agenda: After review and discussion, Gudenkauf moved, seconded by Fults, to approve the Consent Agenda consisting of: Agenda and moving agenda item "Payment to Kluesner" under "Setting Right-of-Way Fees", September 14, 2015 Minutes, Updated List of Claims, August 2015 Clerk/Treasurer Report and Utility Audit Report. Roll call for vote was taken. All ayes. Absent: Svec. Motion carried.

Citizens' Comments: None.

Reports:

Library Director Report: Hoover reported the following: finished the catalog upgrade and is now online; collecting and scanning historic photos of Swisher; noted the conference she attended was great; 2nd Long Range Planning Meeting tomorrow night and the results will be forwarded to Library Board.

Engineer Report: City Engineer Cutsforth reported the following: reviewed the rezoning and preliminary/final plats; reviewed completed punch list on alley project; worked on right-of-way permit; completed survey on Orchard Street and recommendation may be ready for the November meeting.

Mayor Report: Mayor noted reported the following: Men's Club car show went well; attended the IA League of Cities conference and thanked the council for allowing him to attend; fire department soup supper and raffle is next weekend; he congratulated Grace Gudenkauf and Constance Schlitter for being awarded National Council of Youth Leadership as part of the fourteen Prairie Students that made this achievement; he is going to jail on October 14th for the Muscular Dystrophy Association and encourage residents to consider this group. He also noted the Flag Project by Dorothy Teslik is going well and the flags should be up by Veteran's Day; reminded everyone that Election Day is November 3rd and noted there are election sign regulations on the state website. Mayor requested Council to give their phone or email as contact for the city website as required by law.

Council Report: Councilperson Stagg gave update on purchasing county shed and noted they are waiting to hear back from the county.

Employees' Reports: Vondracek noted the following: city sign posts are painted and reinstalled; completed the plantings by the city sign; installed stop signs on corner of 3rd and Central; met with ICAP to review city buildings, etc. Kakacek reported the following: completed debit/credit card training and received few credit card payments; met with ICAP for Lost Control; attended the Iowa League of Cities Conference; gone Oct 21-23 for IMFOA Conference and Data Tech Meeting.

Misc. Reports: Council reviewed 8-24-15 Library Minutes and 9-28-15 Planning and Zoning Minutes.

BUSINESS:

Public Hearing for Minimum Wage of County or State: Motion by Stagg, seconded by Hinrichs, to open public hearing to consider minimum wage of Johnson County or State. Call for vote. All ayes. Absent: Svec. Motion carried. Public hearing opened at 7:20 p.m. Mayor noted the citizens to speak on this will have alternative viewpoint order. David Smith, Kim Schroder-Batteries Included, Karen and Craig Vondracek-Kava House, James Rowe, Center for Worker Justice Representatives Misty Rebik, Charlie Eastham, Matthew and John all spoke either against or for the proposed minimum wage hike by the county. Mayor noted per city survey that most of the local businesses pay higher than the minimum wage. The Mayor noted that the city could opt out but could change the

ordinance anytime. No other written comments were received. Motion by Stagg, seconded by Hinrichs, to close the public hearing. Call for vote. All ayes. Absent: Svec. Motion carried. Public hearing closed at 8:05 p.m.

1st Reading of Ord.#252—Staying with State of Iowa Hourly Minimum Wage Rate: Motion by Fults, seconded by Stagg, to introduce Ordinance #252 by title only entitled “AN ORDINANCE REAFFIRMING THE MINIMUM WAGE REQUIREMENTS SET FORTH IN IOWA CODE CHAPTER 91D AND REJECTING THE JOHNSON COUNTY, IOWA ORDINANCE DEVIATING FROM THE PROVISION OF CHAPTER 91D OF THE 2015 CODE OF IOWA” and it be given its first reading. Roll call vote. Ayes: Fults, Gudenkauf, Stagg. Nays: Hinrichs. Absent: Svec. Motion carried. Motion by Fults, seconded by Stagg, 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 and that Ordinance #252 be placed on its last reading. Roll call vote. Ayes: Fults, Gudenkauf, Stagg. Nays: Hinrichs. Absent: Svec. Motion failed. Motion by Fults, seconded by Stagg, to set a special council meeting for October 26, 2015 from 6 p.m. to 7 p.m. to finish the readings of this ordinance. Roll call vote was taken. All ayes. Motion carried.

Mayor Taylor called for break at 8:23 p.m. Meeting called back in at 8:31 p.m.

Swisher Fun Days Organizational Structure: Swisher Fun Days Committee Co-Chairs Sonja LaGrange and Rebekah Neuendorf requested that if a group wants to do an event at Swisher Fun Days, they go to Swisher Fun Days Committee first before they go to the council for approval. This may alleviate any scheduling conflicts. Council agreed.

Engineering Contract Review: Engineer Cutsforth noted the agreement terminates on 11-18-15 but can be renewable on annual basis with negotiations. He stated that HR Green would keep the first 24 hours at lower rate as has been in past but with increase of \$4 per hour for the lower rate. Council directed the proposed agreement be sent to them for review.

Resolution No. 2015-42—Setting Application Fee for City R.O.W. and Easements: Engineer Cutsforth presented drafted application that is required per the Swisher Code. After review and discussion, Gudenkauf moved, seconded by Fults, to approve Resolution No. 2015-42 entitled “A RESOLUTION SETTING FEE FOR WORK WITHIN CITY R.O.W. AND EASEMENTS FOR THE CITY OF SWISHER” of \$25.00. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-42 passed.

Payment to Kluesner Construction Inc.: Engineer Cutsforth noted the punch list was complete and recommended payment. After discussion, Fults moved, seconded by Gudenkauf, to approved payment of \$33,018.68 to Kluesner Construction for alley improvements. Roll call vote was taken. All ayes. Absent: Svec. Motion carried.

Approve Bid for Culvert Improvements: After review of bids from Chalupsky Construction of \$6,220.00 and Christner Concrete of \$6,973.00, Fults moved, seconded by Stagg, to approve bid from Chalupsky Construction of \$6,220.00 for culvert improvements at corner of Swisher View and Maple Streets. Roll call vote was taken. All ayes. Absent: Svec. Motion carried.

Approve Bid for Storm Improvements: Vondracek submitted bid from Ken-Way Excavating to move existing erosion stone in creek by Fisher’s 5th Addition that was moved from the storm earlier in the year. After discussion, Gudenkauf moved, seconded by Hinrichs, to approve bid of Ken-Way Excavating including options 1 and 2 of importing additional rock and revetment at total cost of \$2,284.25. Roll call vote was taken. All ayes. Absent: Svec. Motion carried.

Resolution No. 2015-43—Approve Preliminary and Final Plat—Killdeer Meadows Addt.: Glen Meisner of MMS Consultants presented plat and noted this was a homestead split. After review of city engineer and P & Z recommendations of approval, Stagg moved, seconded by Fults, to approve Resolution No. 2015-43 entitled “APPLICATION OF IRENE ZISKOVSKY AND JANE HOFER, REQUESTING PRELIMINARY AND FINAL PLAT APPROVAL OF KILLDEER MEADOWS ADDITION, A FARMSTEAD SPLIT (WITHIN THE 2 MILE FRINGE AREA AGREEMENT)”. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-43 passed.

Resolution No. 2015-44—Approve Rezone Application 26084-Cy-Hawk Corporation: Glen Meisner of MMS Consultants and Cy-Hawk Corporation presented rezoning request that is within the 2 miles fringe agreement. He noted at this time there are no plans set for this property. After review of city engineer and P & Z recommendations of approval, Hinrichs moved, seconded by Fults, to approve Resolution No. 2015-44 entitled “APPLICATION OF CY-HAWK CORPORATION, REQUESTING A REZONING OF 48.87 ACRES FROM A-AGRICULTURE TO ML-LIGHT INDUSTRIAL, OF THE PROPERTY LOCATED IN THE N ½ OF THE SW ¼ AND S ½ OF THE NW ¼ OF SECTION 4, TOWNSHIP 81 NORTH, RANGE 7 WEST OF THE 5TH P.M. IN JOHNSON COUNTY,

IOWA (WITHIN THE 2 MILE FRINGE AREA AGREEMENT)". Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-44 passed.

Public Hearing to Consider Vacation of City Alley: Motion by Gudenkauf, seconded by Hinrichs, to open public hearing to consider vacation of city alley between Howard and Jefferson Avenues, north of 1st Street. Call for vote. All ayes. Absent: Svec. Motion carried. Public hearing opened at 9:11 p.m. David Smith and James Rowe are interested in purchasing portion of the alley as well. Rowe noted adjoining owner Emken was interested in purchasing portion of alley. No other written comments were received. Motion by Gudenkauf, seconded by Stagg, to close the public hearing. Call for vote. All ayes. Absent: Svec. Motion carried. Public hearing closed at 9:13 p.m.

Review of Appraisal and Bids: Council reviewed brokers price opinion from Realtor Sonja LaGrange. David Smith and James Rowe noted they were willing to pay what Dan Thayer offered of \$150 for portion of alley plus surveying costs and fees.

1st Reading and Final Reading of Ord.#253—Amendment to Chapter 137.04-Vacation/Disposal of Streets: Motion by Gudenkauf, seconded by Hinrichs, to introduce Ordinance #253 by title only entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWISHER, IOWA, BY AMENDING CHAPTER 137 VACATION AND DISPOSAL OF STREETS, 137.04 FINDINGS REQUIRED" and be given its first reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Motion carried. Motion by Stagg, seconded by Fults, 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 and that Ordinance #253 be placed on its last reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Motion carried. Motion by Gudenkauf, seconded by Hinrichs, to place Ordinance #253 upon its final passage and be adopted. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Motion carried. Ordinance #253 adopted.

Resolution to Set Public Hearing to Consider Disposal of Vacated City Alley and Accept Bids for Purchase of Vacated Alley: Motion by Fults, seconded by Stagg, to approve Resolution No. 2015-45 entitled "RESOLUTION SETTING THE DATE FOR THE HEARING TO CONSIDER THE DISPOSAL OF CITY ALLEY LOCATED NORTH OF 1ST STREET BETWEEN HOWARD AND JEFFERSON AVENUES, SWISHER, IOWA AND AUTHORIZATION TO ACCEPT BIDS FOR THE PURCHASE OF ALLEY LOCATED NORTH OF 1ST STREET BETWEEN HOWARD AND JEFFERSON AVENUES, SWISHER, IOWA" for November 9, 2015 at 7 p.m. in Swisher City Hall Council Chambers. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-45 passed.

Set Public Hearing to Adopt 2015 Building Code and Amended Changes: Motion by Fults, seconded by Hinrichs, to set public hearing for November 9, 2015 at 7 p.m. at Swisher City Hall Council Chambers to consider adopting the 2015 Building Code and amended changes to State Electrical, Mechanical, and Plumbing Codes. Roll call vote was taken. All ayes. Absent: Svec. Motion carried.

Resolution No. 2015-46—Change Board of Adjustment Appeals Fee: After discussion, Fults moved, seconded by Gudenkauf, to approve Resolution No. 2015-46 entitled "A RESOLUTION CHANGING FEE FOR BOARD OF ADJUSTMENT APPEALS FOR THE CITY OF SWISHER" to \$100.00 fee. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-46 passed.

Resolution No. 2015-47—Change Rezoning Fees: After discussion, Stagg moved, seconded by Fults, to approve Resolution No. 2015-47 entitled "A RESOLUTION SETTING FEES FOR ZONING DISTRICT CHANGES FOR THE CITY OF SWISHER" to \$150.00. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-47 passed.

2nd and Final Reading of Ord.#250—Addition of Dangerous/Vicious Animals: Motion by Fults, seconded by Stagg, to introduce Ordinance #250 by title only entitled "AN ORDINANCE AMENDING THE SWISHER CODE OF ORDINANCES, ADD CHAPTER 57--DANGEROUS AND VICIOUS ANIMALS" and be given its second reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Motion carried. Motion by Stagg, seconded by Fults, 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 and that Ordinance #250 be placed on its last reading. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Motion carried. Motion by Stagg, seconded by Hinrichs, to place Ordinance #250 upon its final passage and be adopted. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Motion carried. Ordinance #250 adopted.

Barker Lemar Agreement (re: D & G Lot): Kakacek noted the state will reimburse the city for this expense. After review, Gudenkauf moved, seconded by Stagg, to approve mayor to sign agreement with Barker Lemar for drinking water well samples at cost of \$630.00 from the D & G Project. Roll call vote was taken. All ayes. Absent: Svec. Motion carried.

Resolution No. 2015-48—Income/Offset Memorandum: Kakacek noted this was required if the city wanted to continue with this program. After discussion, Fults moved, seconded by Hinrichs, to approve Resolution No. 2015-48 entitled “A RESOLUTION APPROVING REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE IOWA DEPARTMENT OF ADMINISTRATIVE SERVICES STATE ACCOUNTING ENTERPRISE AND THE CITY OF SWISHER, IOWA, FOR PARTICIPATION IN THE INCOME/OFFSET PROGRAM” and authorizing the mayor to sign agreement on behalf of the city. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-48 passed.

Resolution No. 2015-49—Certify Delinquent Utility Accounts to Taxes: After discussion, Gudenkauf moved, seconded by Stagg, to approve Resolution No. 2015-49 entitled “A RESOLUTION AUTHORIZING THE CITY CLERK TO CERTIFY TO THE COUNTY AUDITOR FOR COLLECTION ON THE UNPAID SEWER AND GARBAGE FEES”. Roll call vote. Ayes: Fults, Gudenkauf, Hinrichs, Stagg. Nays: None. Absent: Svec. Resolution No. 2015-49 passed.

Part-Time Positions for Snow Removal: Vondracek reported that Teslik will be not available to work for 3 months starting mid-November and Hromidko can no longer help with snow removal. After discussion, council directed to advertise to hire two temporary positions with one taking Teslik’s place and other for snow removal. Gudenkauf recommended contacting last year’s snow removal applicants.

Correspondence: Council reviewed the following correspondence: Jefferson-Monroe Fire Dept. information and upcoming soup supper and letter sent to owner of dog at large. Johnson County Sheriff’s September Report, Mediacom update, information from MidAmerican on Tree Planting Program, 4Cs Community Coordinated Child Care, Building Permits issued for 410 3rd Street SW and 150 Alan Avenue were on the council table for review.

Adjournment: Motion by Stagg seconded by Fults to adjourn. Call for vote. All ayes. Motion carried. Meeting adjourned at 9:41 p.m.

Tawnia Kakacek, City Clerk

Christopher Taylor, Mayor