



Common Council Meeting – Minutes for September 3rd, 2024

Council Members in Attendance: Ben Leavitt, Amy Rosa, Dustin Geyer, Kelbi Veenstra

Also Present: Mayor Phil Jenkins **City Attorney** Brian Hoffer, **Clerk-Treasurer** Jeff Knight **Guests:** 5 (5 IP), and one member of the press (1 IP) were in attendance.

- Call to Order: Mayor Jenkins called the meeting to order at 7:00 pm and led the Council in the Pledge of Allegiance and offered the opening prayer.
- Roll Call: Council members listed above were in attendance in person. CM Yoder was unable to attend the meeting.
- Approval of Minutes from the August 19th, 2024, Council meeting: CM Geyer motioned to approve the minutes. CM Veenstra seconded. The minutes were approved unanimously by voice vote.
- There were no petitions or comments by citizens and no reports of committees, boards, and commissions.
- Unfinished Business:
 - 3rd Reading – Ordinance 1631 – Amending the 2024 Salary Ordinance: Mayor Jenkins reminded the Council that this was a clean-up relating to the Fire Department transitioning to the 1977 Pension Plan, establishing a 1st Class Firefighter, and setting a rate for paramedics. There were no further questions or comments. CM Rosa motioned to approve Ordinance 1631 – Amending the 2024 Salary Ordinance on third reading. CM Leavitt seconded. Ordinance 1631 was approved unanimously by roll call vote on third and final reading.
 - 2nd Reading – Rezoning for Homestyle Furniture Shoppes, LLC by Lamar and Marilyn Schmucker: Mayor Jenkins reintroduced this request. It will shift this from being zoned an I-1 Industrial to a B-2 General Business. CM Leavitt inquired if this is going to be a new space and if they would move their business over to this location or if this is going to be an additional space. Planning Superintendent Nunemaker said this will be an additional space used for retail. There is a discussion about a possible food component for this location as well. CM Leavitt motioned to approve the rezoning request on second reading. CM Veenstra seconded. The request was approved unanimously by voice vote on second reading.
- New Business:
 - Authorize the Acquisition of 251 N. Main Street through Eminent Domain: Mayor Jenkins introduced the authorization request, but City Attorney Hoffer and City Planning Superintendent Nunemaker managed the primary presentation. The crux of the request is that this property has been abandoned (including no sewer or water) and deteriorating since January 17, 2001. According to state statutes there is a process for the City to acquire the property by the Council expressing an interest in the property, getting two appraisals, and then offering the average of the two appraisals to the current property owner. The Redevelopment Commission showed an interest in the property and had appraisals completed, but the appraisers were not allowed inside the deteriorating home. The owner did not accept their offer(s) and the time limit on their offer(s) has passed. The City has more flexibility and options available to it than the Redevelopment Commission has.

A secondary issue with this property is that it is zoned business and not residential. Thus, any remodeling/updates done to the property would need to meet the standards necessary to



become handicap accessible and suitable to operate a business from. To date, the owner has refused to sell and has refused to fix the property.

This property is of interest to the Redevelopment Commission and the City due to the future use in the downtown master plan. Exact use is still to be determined. Options are a new retail business or additional parking amongst other options.

After the presentation, every council member expressed their understanding and sensitivity regarding the use of eminent domain and therefore each council member was very cautious to make sure the City moved forward in an appropriate and restrained manner. Each council member noted that the property was in a seriously dilapidated state and asked if all measures short of eminent domain had been exhausted. Superintendent Nunemaker noted the owner has been approached several times regarding a possible purchase or property restoration over the course of the last two-and-a-half years. The owner has been unwilling to do either. This is the last best option prior to going through the eminent domain process. Eminent domain has only been used one time in the last thirty years and that was related to the CSO project in 2016.

After a lengthy discussion CM Rosa motioned to approve expressing an interest in purchasing the property and utilizing the Redevelopment appraisals or amend them if the owner wishes to allow entrance and authorize Superintendent Nunemaker and City Attorney Hoffer prepare an offer letter to be presented to the Council at the next meeting. CM Leavitt seconded. The motion to approve expressing an interest in the property and having a purchase offer letter prepared and presented to the Council for review at the next meeting was approved unanimously by voice vote.

- Approval of Accounts Payable Vouchers: City 2024 APV's Totaling \$650,230.83: CT Knight presented the APV's and discussed the major expenditure items. CM Geyer asked where the City stood regarding the Woodview Drive project. CT Knight referred him, and the Council, to page #14 of the APV Register and said that the two items listed there should be the final payments. CM Geyer motioned to approve the APV's. CM Veenstra seconded. The APVs were approved unanimously by voice vote.
- Reports by City Officers: Mayor Jenkins read two proclamations. One was for Ovarian Cancer Awareness Month and the other was for Senior Center Awareness Month.
- Adjournment: With no further business to discuss, CM Geyer motioned to adjourn the meeting and CM Veenstra seconded. The meeting adjourned at 8:07 pm by unanimous voice vote.

Mayor Jenkins

Attest: _____
Jeff Knight, Clerk of the Council