



**CALL TO ORDER** - The Governing Body met in regular session and the following commission members were present: Mayor Jermaine Wilson, Mayor Pro-Tem Myron J. (Mike) Griswold, Commissioners Nancy Bauder, Larry Dedeke and Mark Preisinger.

**Others present:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Fire Chief Gary Birch, Public Works Director Mike McDonald, Superintendent of Services Curtis Marks, Finance Director Ruby Maline, Parks and Recreation Director Steve Grant, Planning and Community Development Director Julie Hurley, Deputy Finance Director Brandon Mills, Public Information Officer Melissa Bower, Deputy City Clerk Cary L. Collins, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Jermaine Wilson opened the meeting with the pledge of allegiance followed by silent meditation.

**PRESENTATIONS:**

**Proclamation-Parks and Recreation Month** – Parks & Recreation Director Steve Grant was present to accept the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Dedeke moved to approve the minutes from the June 25, 2019 regular meeting as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8106 Amending Chapter 122 Vehicles for Hire**– City Clerk Carla Williamson stated there have been no changes to the ordinance since it was first introduced on June 25, 2019. Ordinance No. 8106 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8106 was unanimously approved 5-0.

**NEW BUSINESS:**

**Citizen Participation:**

**Krystal Elliott - 303 Arch Street:**

- Addressed the City Commission to follow up on city regulation to allow bee apiaries in residential areas

- City Manager Paul Kramer stated that a memorandum was sent out to the City Commission for review and feedback. There was a consensus by the Commission to place the item on a future Study Session.

**Harold Carl Pederson - 1001 10<sup>th</sup> Avenue:**

- Doesn't know where his property lines are
- Received letter from the City to clear the area
- Very costly to have cleared
- Has physical limitations
- Tree was damaged in a storm and difficult to cut the tree up
- Will take time to clean up tree
- Letter from the city giving 30 days to clean up - will not be able to get it done in that time doing the work himself without funding to hire someone
- Has thought about making the area a city garden for churches to use
- Received 2 different letters; one for tree and one for vegetation
- Does have poison and will use it if push comes to shove

Mayor asked the City Manager to get information to the Commission from staff on the situation.

**General Items:**

**Review Property at 795 Spruce Street** – City Attorney David Waters updated the Commission regarding the property.

- Was put on the demolition list by the City Commission in a previous meeting
- Representative of the Church appeared before the Commission to discuss; no extension was given
- No permits have been pulled although work has been done by the Church without permits
- An injunction was filed in District Court by a member of the Church
- The hearing was today (July 16, 2019) on the filing
- There was a discussion on “standing” meaning if the individual filing had property standing to bring the request and the lack of council for the church
- Judge King gave a continuance to August 21, 2019 to allow church/property to obtain legal counsel
- The Judge did not issue a restraining order or injunction; the City's demolition order technically still stands
- The Judges expectation is that this would still be a live matter when this comes back to court by the city not having demolished or that the matter has been settled in some way
- The City does have a couple options and there is no need for the Commission to make a decision tonight
  - Continue with the demolition
  - Do nothing keep on list and hold off on enforcement/demolition until after hearing
  - Staff could offer another remediation agreement with a reasonable deadline
    - If offer is not accepted that would be presented to the Judge or if it is accepted present that to the Judge

City Manager Kramer added that if the remediation agreement route is decided that we would also take into account and require the property owner to get permits, obtain and pay for permit for work already done and to be reimbursed for costs already incurred by the City for the demolition process.

Commissioner Preisinger asked how much the City has incurred to this point.

Ms. Hurley stated about \$1900 of invoiced fees so far. There has been other work that the city has not been invoiced for but expenses have been incurred.

Commissioner Preisinger also stated that Pastor Knighten was offered a remediation agreement and he stated that his work would stand for itself and did not sign the remediation agreement. Ms. Julie said that was correct.

Commissioner Preisinger asked if there was power or water. Ms. Hurley said there was not power or water and the property is uninhabitable.

Commissioner Preisinger asked if the taxes were current. Ms. Hurley stated she believes they are current.

**Jed Knighten Pastor of the Church addressed the Commission:**

- In reference to the statement that he refused to sign the agreement, that was not his intent, he never knew he had to sign the remediation agreement
- Worked out of town and did not see the letter
- He gave the letter to the church secretary
- Dropped the ball by not reading the agreement

Commissioner Preisinger stated that he recalled someone from code did meet with Pastor Knighten personally about the remediation agreement if memory serves correctly. Ms. Hurley said that is what they have in their notes.

Pastor Knighten said he met with Lee but she had no letter with her. He had to go out of town and did not make it to the meeting. At no time would he have refused to sign the remediation agreement.

- Did know that he was supposed to be working on the building and that he was to be working on the outside
- He is from Texas and where he comes from you do not need permits for anything that is not structural; if he had known he needed a permit he would have gotten a permit

Commissioner Griswold asked what he would do between now and August 21.

Pastor Knighten replied:

- Some siding could not be repaired
- Has already replaced windows and a door
- Has a stop order until permits have been obtained
- Willing to get permits whatever they cost and will do his very best to compensate the City for money spent
- The work in the remediation will be completed in the next 10 days.

Ms. Hurley stated that if the City is satisfied, our legal counsel could go before the court and let them know the matter is closed.

Mr. Kramer stated that we believe that someone is inhabiting the structure and there is not a functioning sewer. We would need access to the structure to do a dye test to see if there is functioning sewer and would recommend that be added as a condition in the remediation agreement.

Mr. Knighten said no one is living in the structure. He is in and out of the building and he has some personal property in there.

Commissioner Preisinger moved to suspend the demolition of 795 Spruce until Aug 13, 2019 until a remediation agreement has been signed and that all items and costs have been taken care of, permits pulled and a repayment plan is in place and reviewed by the Commission. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Budget and Capital Improvements Program (CIP) Presentation** – City Manager Paul Kramer provided an overview of the Budget and CIP via a PowerPoint presentation. The City Commission will hold a Work Session on July 11-12, 2019 to discuss.

- Balanced budget no millage increase
- Redistribution of resources to focus on roads
- Includes the addition of Rental Property Coordinator and Civil Engineering positions
- Implementation of the salary increases from the classification and compensation study
- Continued subsidization of the Community Center operations
- Increase in employee health, welfare and retirement expenses
- 3% increase in assessed valuation
- 3% increase in total sales tax revenue
- Proposed refuse rate increase of \$1.35 per month
- Proposed sewer rate increase on average or \$1.10 per month

#### **First Consideration Ordinances:**

**First Consideration Ordinance Amending Development Regulations-Signs** – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance amending Appendix E of the Code of Ordinances, Development Regulations Sec. 8.04 Permits. The specific change is to Sec. 8.04-23 regarding political signs. The amendment would add the following: “Signs may not be erected more than 45 days prior to an election, and must be removed within three days after the election.”

Commissioner Bauder brought up the issue of signs in the right-of-way and confusion on what is and is not in the right-of-way.

There was a consensus by the Commission to place on first consideration.

#### **CONSENT AGENDA:**

Commissioner Bauder moved to approve claims for June 22, 2019 through July 5, 2019, in the amount of \$1,606,936.60; Net amount for Payroll #14 effective July 5, 2019, in the amount of \$392,007.64; (No Police & Fire Pension). Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

#### **Adjourn:**

Commissioner Dedeke moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 8:13 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC