

## CITY COUNCIL SPECIAL MEETING MINUTES – DECEMBER 10, 2018 – PAGE 1 OF 1

A. CALL TO ORDER: The Special City Council meeting was held on December 10, 2018 in the city council room of the New Germany City Hall. Mayor Steve Van Lith called the meeting to order at 8:00 p.m., those present were: Council persons Shirley Jaeger, TY Turnquist, Cathy Ruschmeier and Nick Hartwig. Others present were: Joe Lemmerman, Dave Pink, City Attorney- Dave Hubert, and City Clerk – Twyla Menth.

B. APPROVAL OF AGENDA: Jaeger moved and Turnquist seconded approving the agenda. The motion carried, unanimously. 5/0

### C. ITEMS TO BE DISCUSSED:

1. Lemmerman explained that his buyer Dave Pink is interested in out lot g of Trophy Lakes and has submitted a purchase agreement for all 12 non-lake lots. Mayor Van Lith reminded everyone if the city is entertaining the purchase of the non-lake lots this would need to be done rather quickly on account of the deadline in the abatement agreement with the bank (December 31, 2018). Dave Pink stated he is really interested in out lot g; city attorney was questioned if the city can pick and choose lots to purchase. Hubert noted it is not identified in the agreement but cannot think of a legal reason why the city could not; would need to check with Glenwood State Bank. Van Lith noted his bare lot current value is \$48,000; this is a lot not 2.28 acres like out lot g.

Hubert noted to take the offer in the purchase agreement it is to much of a loss for the city. Discussion continued on the amount the city would need to break even.

Pink and Lemmerman than questioned on the zoning and if it could be changed and questioned spot zoning; discussions continued. The city maps were brought out and reviewed by Council and Hubert. The city cannot be put into a position stating they would allow zoning to be changed; Pink would need to go through the process just as anyone else would.

Questions on the HOA and the voting requirements were discussed and how or if the HOA could be disassembled. It appears out lot g is released from the HOA.

The new city planning company would need to be contacted on the spot zoning; discussion continued. Council I stated again they cannot commit to verbiage on zoning. A formal application must be made with all the lots or one at a time. Hubert cannot give Lemmerman or Pink legal advice on the lots.

Pink commented he would like one lot close to his house and out lot g for his company building; Pink thought or stated the bank thought out lot g had zero value. Pink has also been communicating with the bank if the city chooses not to do anything on the lots. Pink understands the city's position on the funds needed to break even, not here to negotiate. Hubert explained the back lash the Council could receive from the residents if they lost funds on this deal. Ruschmeier stated she does not want the city to take the position of Real Estate agents and the city cannot take such a substantial loss on the property and with acquiring any property there are additional expenses. Ruschmeier wants to see this property grow but not at the expense of the tax payers. if no other offers are received and the city is sitting on the property as non-buildable lots, this is to much of a risk explained Ruschmeier. The idea of a developer doing something with the lots is very entertaining but there are to many risks/expenses for the city noted Ruschmeier.

Discussion on public use, forfeiture/foreclosure process, commercial property and the allowed zoning uses of the property.

Turnquist moved and Ruschmeier seconded not to accept the Purchase Agreement from Dave Pink. The motion carried, unanimously. 5/0

Van Lith – yay

Jaeger – yay

Turnquist – yay

Ruschmeier – yay

Hartwig - yay

D. ADJOURNMENT – Hartwig moved and Ruschmeier seconded adjourning the meeting at 8:54 PM. The motion carried, unanimously. 5/0

Respectfully Submitted, \_\_\_\_\_ Twyla Menth, City Clerk-Treasurer