

CITY COUNCIL MEETING

March 21, 2022

The Montezuma City Council met in regular session at Montezuma City Hall on March 21, 2022. The meeting was called to order at 6:00 p.m. with Mayor Jacki Bolen presiding.

PRESENT: C. Bolen, Schuur, Eichenberger & Watts

ABSENT: Willrich

ALSO, PRESENT: Christy Sanger, Erik Kriegel, Abby Hubbard, Austin Henry, Bret Warden, Austin Battreall & Dedee Lehman

A motion to approve the 3rd Street Project change order, submitted by Veenstra & Kimm, was made by Councilmember C. Bolen and seconded by Councilmember Eichenberger. Ayes: all, Nays: none.

Councilmember Eichenberger made a motion to approve the final pay application for Dave Schmitt Construction Co., Inc., in the amount of \$4,313.43. A second was made by Councilmember Watts. Ayes: all, Nays: none.

A Certificate of Completion for the S 3rd Street Reconstruction Project for the City of Montezuma, Iowa was submitted by Greg Roth, engineer and project manager for Veenstra & Kimm. A motion to approve the certificate of completion was made by Councilmember C. Bolen and seconded by Councilmember Eichenberger. Ayes: all, Nays: none.

Councilmember Schuur made a motion to approve the consent agenda which consisted of the following:

- Meeting Minutes – Regular Meeting, March 7th, 2022 & Special Meetings, March 7th & March 10th, 2022
- Claims

A second was made by Councilmember Watts. Ayes: all, Nays: none.

The mayor and council asked South Diamond Addition property owners Tim Minner and Austin & Ashley Battreall to once again attend the meeting to discuss the Development Agreements that were signed when their lots were purchased. The contracts states:

Section A – Buyer’s Covenants

2. Conditions.

The Buyer agrees to the following conditions.

“\$75,000 minimum assessment after 24 months from date of possession regardless of completion of structure.”

The Declaration of Covenants, Conditions, Easements and Restrictions for South Diamond Addition states the following:

ARTICLE II – GENERAL USE RESTRICTIONS AND BUILDING SPECIFICATIONS

2.01 Uses.

(a) **Single-Family Residences.** Lots 21-24 shall be reserved for Single-Family Lots. Construction on all Single-Family Lots must begin within twenty-four (24) months of purchase and closing from Declarant and must be completed within 36 months. In the event construction does not commence within said period, Declarant may, at its option, repurchase the applicable Single-Family Lot at 90% of the previous sales price.

(b) **Multi-Family Residences.** Lots 25-31 shall be used for single-family lots or multi-family lots. Those used for single-family lots shall be subject to the provisions described in (a) above.

Councilmember C. Bolen spoke out against the city repurchasing the lots due to the cost involved with the lots themselves, but also the legal expenses involved. Sanger stated that Tim Minner had called her and explained that his status had not changed and he does not have any future plans to build. Austin Battreall personally expressed his feelings of being “punished” because he hadn’t built on his vacant lots yet. Councilmember Watts explained that neither property owner was being punished, and that both parties signed the Development Agreement. The reasoning the agreement was established is in to make sure progress continued to flourish at the subdivision and lots don’t sit empty. During the October 18th, 2021 council meeting, the twenty-four (24) month building deadline was addressed and neither lot owner gave any concrete future plans for building. In light of the issues regarding acquiring lumber needed for a new house and the rising lumber prices, the council said they would check back with them to see if any plans had been

solidified at a later date. It is now five months later and no progress is being reported for either party. Sanger explained that she has spoken with the city attorney numerous times, as well as the Poweshiek County Assessor and both stressed the importance of a city not owning property due to the legal ramifications involved. They also explained the importance of the covenants and agreements for the South Diamond Addition. Mayor J. Bolen then reminded everyone that the city had been generous enough to accept drastically discounted purchase prices for many of the lots in the South Diamond Addition. Having done this to try and ignite the progression of houses being built and not wanting lots to sit undeveloped. After discussing the possibility of buying back the lots as well, Councilmember Watts made the motion to move forward with the immediate minimum assessment of \$75,000 for the following properties:

Austin & Ashley Battreall: 4913, 4915 & 4917 Barnes City Road

Tim Minner: 4901 & 4903 Barnes City Road

A second was made by Councilmember Schuur. Ayes: all, Nays: none.

Councilmember C. Bolen made a motion to adjourn at 6:40 p.m. It was seconded by Councilmember Watts. Ayes: all, Nays: none.

City Clerk

Mayor