

Minutes of the City Commission's April 16, 2025 Meeting

I. SPECIAL SESSION

Commissioners Present: Mayor Scott Smith, Vice-Mayor Dean Hayse and Commissioner Tim Emert

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; David Schwenker, City Clerk/City Treasurer; Kayla Schabel, Administrative Assitant to the City Manager and Lacey Lies, Director of Finance.

Visitors Present: None.

A. Call to Order

Mayor Smith called the meeting to order.

II. ITEMS FOR DISCUSSION

A. Discuss enforcement and potential modifications to the Vacant Building Ordinance.

The purpose of this discussion is to request direction from the City Commission on whether to proceed with enforcement of the City's current vacant building ordinance or take alternative legislative action.

There is a proposed ordinance that responds to Commissioner Hayse's request to address Vacant, Abandoned, and Dilapidated Structures (VADS). The draft ordinance expands the current framework by including vacant residential buildings, in addition to the commercial properties already covered under the existing ordinance. At present, the existing ordinance is not being actively enforced.

This Special Meeting is intended to provide an opportunity for the Commission to consider whether to retain, repeal, or modify the ordinance moving forward.

Enforcement of the vacant building ordinance may generate revenue through registration, chronic vacancy, and VADS fees. These fees are intended to help offset the cost of inspections, enforcement, nuisance abatement, and potential demolition activity.

Potential Fees:

- **Registration Fee: \$25 (residential) or \$100 (commercial/industrial), one-time per vacancy period**

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- **Chronic Vacancy Fee: \$250 (residential) or \$500 (commercial/industrial) per year, with a 10% annual increase for continued vacancy**
- **VADS Fee: \$150 annually for visibly deteriorating vacant properties**
- **Penalty for Non-Registration: \$100 every 90 days, up to \$400 annually per property**

Fees may be waived if the property is actively marketed for sale or rent, or if a valid affidavit of intent to reoccupy is submitted (for residential properties). The City has been working with a collection agency to recover unpaid enforcement-related fees. Liens remain an available enforcement tool where appropriate.

The ordinance also provides incentives to encourage reuse of vacant structures, including waiver of zoning, variance, or permit application fees; temporary utility service at no cost (up to \$150/month for 90 days); and waiver of remodeling permit fees for qualifying improvements. These incentives may result in modest short-term fiscal impact.

The extent to which fees offset enforcement costs will depend on compliance rates, the number of qualifying properties, and the City's enforcement capacity. While it is not expected that collected fees will significantly cover the cost of nuisance abatement or demolition, the ordinance reinforces the expectation that owners of Vacant, Abandoned, and Dilapidated Structures (VADS) should contribute their fair share. This approach aims to reduce the financial burden on responsible property owners and supports the broader goal of encouraging reinvestment and protecting neighborhood stability—even if full cost recovery is unlikely in many cases.

Prior to taking any further action, we request Commission direction on whether staff should begin enforcing the existing vacant building ordinance.

- **If yes, staff will also need guidance on whether the Commission wishes to modify the ordinance. Options include:**
 - **Expanding the ordinance to cover residential properties, consistent with the preliminary draft and the VADS proposal, and incorporating any other changes the Commission may identify;**
 - **Removing commercial properties from the ordinance and focusing enforcement solely on vacant residential structures. This approach would require additional edits to the preliminary draft ordinance.**

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- If no, staff will prepare an ordinance to repeal the existing vacant building ordinance.

A memo evaluating how the proposed ordinance addresses VADS is included, along with a copy of the current ordinance and the draft proposal.

III. ADJOURNMENT

Motion:

On the motion of Tim Emert, seconded by Dean Hayse the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None



W. Scott Smith, Mayor



Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer