

City of Elkhart

Regular City Council Meeting

Monday, August 17, 2026 at 6:30 pm

Elkhart Community Center - 264 NW Garfield Ave

1. Call to Order

Mayor John Kaczmarczyk called the regular meeting of the Elkhart City Council to order at **6:30 p.m.**

2. Pledge of Allegiance

Mayor Kaczmarczyk led those present in the Pledge of Allegiance.

3. Roll Call

Council Members present were Ian Nichols, Travis Warnke, Jill Edler, Brad Fordyce. Absent: Angie Schaffer.

4. Approval of Agenda

Council Member Fordyce moved to approve the Agenda. Council Member Warnke seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

5. Citizen Hearing and Other Communications

a. Polk County Sheriff Report-emailed report.

a. Scott Drey-Fire Chief-will email report at later date.

c. Public Comments on items not on the Agenda- 3-minute limit

Keith Brown, 802 NE Elm St. - addressed Council regarding flood.

402 NE **Madison**, addressed Council regarding flood.

John Johnson, 814 NE Elm St. – addressed Council regarding flood.

Seth Ruiter, 810 NE Elm St. - addressed Council regarding flood.

Ron Adams, 365 NW Washington - addressed Council regarding flood.

Tony Hess, 164 NW Washington – expressed concern regarding the Iowa League of Cities record retention policy.

6. West Side Inflow & Infiltration – Jordan Kappos from Veenstra and Kimm provided guidance on infrastructure maintenance and explained why water backed up into houses.

7. Public Hearing on the Proposed Adoption of a 5-Year Capital Improvement Plan (CIP) for FY27-FY31

Council Member Edler moved to open the Public Hearing. Council Member Nichols seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Open the public hearing at: 6:55p.m.

Motion carried.

Council discussed the plan and answered questions from the public.

Council Member Edler moved to close the Public Hearing. Council Member Fordyce seconded the motion.

Closed the public hearing at: 7:04 p.m.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

8. Resolution #2026-51; A Resolution to Adopt FY27-FY31 Capital Improvements Plan (CIP)

Council Member Fordyce moved to adopt Resolution 2026-51. Council Member Edler seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

9. Consent Agenda

- a. Approval of City Council Meeting Minutes of July 20, 2026
- b. Approval of July and August Claims Submitted
- c. Receive and File - July 2026 Financials
- d. Receive and File - FY 2026 Outstanding Obligations Report
- e. The Hen House Pub N' Grub LLC – Special Class C Retail Alcohol License - 462 W. Walnut Street (Off-Premises) Sept. 8-12
- f. Resolution #2026-52; A Resolution Adopting the Iowa League of Cities Record Retention Manual, 2024 Edition
- g. Resolution #2026-53; A Resolution Adopting the 2026 Iowa Statewide Urban Design Standards for Public Improvements and the Iowa Statewide Urban Standard Specifications for Public Improvements (SUDAS) Manuals

Council Member Warnke moved to approve the Consent Agenda. Council Member Nichols seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

10. Business Items

- a. Discussion and Possible Action Regarding Fence Permit Application for 831 E Walnut St

Council Member Edler moved to approve the Fence Permit Application for 831 E Walnut St. Council Member Warnke seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

- b. Discussion and Possible Action Regarding Waiver of Utility Late Fees - 403 N Grant Ave

Council Member Fordyce moved to Waive the Utility Late Fees – 403 N Grant Ave. Council Member Nichols seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

c. Discussion and Possible Action Regarding Waiver of Utility Late Fees - 1510 W Walnut Street Suite 106

Council Member Fordyce moved to Waive the Utility Late Fees – 1510 W.Walnut Street Suite 106. Council Member Warnke seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

d. Discussion and Possible Action Regarding Waiver of Utility Late Fees - 221 NE Megan Ave

Council Member Fordyce moved to Waive the Utility Late Fees – 221 NE Meagan Ave. Council Member Edler seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

e. Resolution #2026-54; A Resolution Adopting a Utility Billing and Payment Policy for the City of Elkhart, Iowa

Council Member Edler moved to adopt Resolution 2026-55. Council Member Warnke seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

f. Resolution #2026-55; A Resolution Approving Nuisance Abatement

Council Member Nichols moved to remove property at 368 Main until September Council meeting and adopt Resolution 2026-55. Council Member Fordyce seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Fordyce. Nays: Edler. Absent: Schaffer.

Motion carried.

g. Ordinance No. 2026-6; An Ordinance Amending the Code of Ordinances of the City of Elkhart, Iowa, by Adding Chapter 154, Pertaining to Temporary Storage Containers

Council Member Fordyce moved to pass the first reading of Ordinance No. 2026-6. Council Member Warnke seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

11. Discussion Items

a. Snak Atak Fuel Station – Council discussed the attorney provided options and requested additional information. Item tabled until September.

12. Reports of Elected Officials, City Staff and Standing Committees – included in Council packet.

13. Consider Motion to Enter Closed Session - Pursuant to Iowa Code Ch. 21.5(c); To discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the government.

Council Member Fordyce moved to enter closed session pursuant to **Iowa Code Chapter 21.5(1)(c)** to discuss strategy with legal counsel in matters presently in litigation or where litigation is imminent, and where disclosure would be likely to prejudice or disadvantage the City's position. Council Member Warnke seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

The Council entered closed session at 7:36 p.m.

The Council returned from closed session at 8:14 p.m.

Council Member Fordyce moved to exit the closed session at 8:14 p.m. Council Member Edler seconded the motion.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

14. Following Adjournment of the Closed Session, Council may take action on any matter discussed during the Closed Session.

Council Member Fordyce moved to proceed as discussed including after approval from City Attorney, Tom Henderson.

15. Adjournment

Council Member Warnke moved, seconded by Edler, to adjourn the meeting at 8:17 p.m.

Roll Call Vote:

Ayes: Nichols, Warnke, Edler, Fordyce. Absent: Schaffer.

Motion carried.

John Kaczmarczyk, Mayor

Attest: _____

Debra J. Nabity, City Clerk