

City of Melbourne
Special City Council Meeting
May 17, 2022
6:00 at Library basement

Melbourne City Council met in special session on May 17, 2022. Council members present were Carrie White, Gaege Bracy and Beth Smith. Councilman Hauser had called he would be late and Fricke was absent. There was a quorum. Also present were Mayor Cynthia Mansager, Clerk Mary Pothast, PW Works Superintendent Jim Pfantz, PW Nathan Clark, Ciro Dilorio and Steve Fields. At 6:03 Mayor Mansager called the meeting to order and led the pledge of allegiance. Motion to approve the agenda made by White, 2nd by Bracy. Vote was all ayes in approval.

For public comments, Mayor Mansager gave Steve Fields 10 minutes to speak with the Council regarding his building at 106 Main Street and the wall at 102 Main Street. Fields voiced his concerns regarding the parapet not being put back and roof on his building leaking if the wall situation is remedied according to the possible solution presented by Bishop Consulting Engineers PC and Ciro Dilorio Masonry and Landscape. He spoke at length with Dilorio, asking for clarification and options. At ten minutes, Mayor Mansager moved on to other business, telling him that he needs to look into other options if those presented are not suitable to his liking. She also told him he should be receiving a letter from the City Attorney in reference to the situation.

First on the agenda were the two proposals for paving Ketchum and some patching. Inroads Paving quote was \$48,020.00 including the alley behind the bar where Alliant's contracted repairs have failed. Manatt's quote, not including the alley behind the bar was \$64,451.75. PW Pfantz requested that with the savings of over \$16,000, that they complete the 5 manholes that need to be raised as well. The individual quote from Inroads is \$2800 per manhole, if we do all five it would drop to \$2600 for a total of \$13,000 additional, still under the other quote. Motion to approve the proposal from Inroads with the inclusion of the manholes made by White, 2nd by Smith. Vote was all ayes. Motion approved. The mayor explained that the road fund is strictly for roads and cannot be used for other purposes, so regardless of what other expenses there are, the road fund has adequate monies to complete the project on this year's budget. Pfantz noted that with the new fiscal year budget beginning in July there would be funds for sealcoating.

Next on the agenda was to approve the proposal for the supporting wall at 102 Main Street as presented. Mayor had asked Pothast to check on the quote or bid threshold for vertical infrastructure for a city the size of Melbourne. For maintenance or reconstruction, if the city itself cannot do the work, anything over \$55,000 up to \$138,999 requires the competitive quote process. Anything \$139,000 and over requires the competitive bidding process per state code. Dilorio presented his estimate at \$91,601.00 to tear down the old wall, resurface the remaining wall with a water proofing membrane, install steel studs, remove and repair approximately 4' of Fields' roof. Mayor Mansager asked Dilorio in his experience, was the shared wall the city's responsibility or Fields'? He said in a lot of cases after years of use for protection of their wall, it becomes the other building owner's property. Mansager said in case law it is sometimes 50/50, but would have to go to court to decide. Dilorio said there were grants available, as Marshalltown had found some both for the city and for the building owners and offered to check on it. Pothast had been in touch with the Iowa League of Cities and gotten some contact information as well. The mayor mentioned the possible options for the wall, including the sale of the lot.

Fields said he might be interested, depending on what offer would be accepted. Mansager told him to make an offer for consideration. She then asked the council to approve the following motion: To obtain a real property survey of Lots 1 and 2, Block 6 of City of Melbourne, and to move forward with investigations of remedies – including but not limited to: obtain a second opinion and pricing for engineer and masonry per state code requirements, possible sale of property by the City with resolution of public safety issue to be remedied by new owner within defined time frame, further research into the ownership of a common wall by the city attorney using billable hours. Motion made by White, 2nd by Smith. Vote was all ayes. Mayor will contact a survey company and move forward with the investigation of remedies.

Motion to adjourn made by White, 2nd by Bracy. Vote was all ayes. Meeting adjourned at 6:35 pm.

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