

City of Melbourne
Regular City Council Meeting
September 12, 2022
7:00 at Melbourne Rec Center

Melbourne City Council met in regular session on September 12, 2022 at the Melbourne Library basement. Council members present were Gaege Bracy, Gary Fricke, Carrie White and Lucas Hauser. Beth Smith arrived at 7:02. Also present were Mayor Cynthia Mansager, Clerk Mary Pothast, Danny Smith, Sarah Tupper, Jeremy Adkins and his associate, Phoebe. Mayor Mansager called the meeting to order at 7:00 and led the Pledge of Allegiance. Motion to approve the consent agenda made by Hauser, 2nd by White. Vote was all ayes. In public comments, Sarah Tupper introduced herself and told that she will be running for County Attorney. She has worked for 10 years in the County Attorney's office as a prosecutor and has prior experience as well. She provided information about herself and answered questions.

The next order of business was the golf cart/UTV ordinance changes. Clerk stated that she would be attending a meeting Wednesday and one of the items of discussion would be this topic. Motion by Bracy with 2nd by Hauser to table the discussion and vote until the October meeting so the clerk could bring back any ideas and information from the League of Cities. Vote was all ayes.

Public hearing regarding the flood plain ordinance was opened by Mayor Mansager. Mayor explained that it was a requirement if the City wanted to be covered by FEMA in case of a future disaster. No one had contacted City Hall regarding the new ordinance. Hearing was closed. Motion to approve the 1st reading and waive the 2nd and 3rd reading was made by Hauser, 2nd by Fricke and also to approve Resolution 22-09-02. Vote was all ayes to approve the ordinance and approve Resolution 22-09-02 that it will enact the Flood Plain Ordinance and take official action as reasonably necessary to carry out the objectives of the program.

In new business, Mayor Mansager conveyed that the Sheriff's Department will cover the City until further action has been taken to procure police services. The sheriff's department coverage would cost approximately \$19,000 per year. The existing budget for police is currently \$36,000. Hauser stated that State Center is not interested in taking over Melbourne, but Baxter is interested in the partnership. Mayor Mansager will pursue discussion with both the Baxter mayor and Sheriff Phillips to gather more information. Clerk was directed to post a job opening on the League of Cities website, ILEA, Clerknet and in the Enterprise.

Trick or Treat date is set for Monday, October 31 from 5:30 to 7:30 pm. Next on the agenda was Jeremy Adkins from Top Notch Tree Service to address taking tree debris from his business to the lagoon for disposal. There had been some issues in the past that caused the city to ban Topnotch from using the city's yard waste dump. Clerk read minutes from the meeting held on June 14, 2021. "The City had an issue with Top Notch Tree Service taking oversized tree debris to the lagoon. PW will have a problem moving the items with the skid loader due to its size—some up to 3' in diameter (6" is the maximum allowed at the lagoon, and they have been told on at least 2 occasions). Clerk was told to send them a letter asking them to remove the oversized pieces and not allow them to take debris there until it is taken care of with a reminder that only Melbourne tree debris is allowed. "The driver that signed out the key that day was Chris Harding per the sheet. Clerk stated that she had told one of the drivers after that he would not be able to dump there until it was moved. Driver stated he had Jeremy on the phone

and told him at that time. Adkins claimed he did not receive a letter and knew nothing of the issue. When Topnotch drivers came to dump material in August, they claimed they had permission from the mayor to dump at the lagoon. PW had set the pile on fire earlier in the morning so nothing could be taken there. Clerk said she would have to check with the Mayor; there had been no communication whatsoever. Adkins requested to be put on September's agenda to resolve the issue. In current proceedings, Adkins reiterated he knew nothing about the ban and wanted it to be lifted. He said if he couldn't dump there then no one should be able to. Mayor Mansager stated that it was city property meant for resident yard waste and they were not required to allow anyone to use the area. Adkins became belligerent and approached the Council table repeating his demands. Mayor Mansager asked what he was going to do if Council didn't follow through and asked if he was threatening them. She then told him that he needed to leave the meeting. He refused and aggressively continued with his demands. The Mayor asked if she needed to call the Sheriff's Office and he replied, "Go ahead; they won't be here for hours anyway and half of them are on my payroll." Clerk dialed 911 and the Mayor spoke to the dispatcher and requested their presence at the meeting to remove Adkins. He then sat down and continued to refuse to leave.

Council moved forward with approval of Resolution 22-09-01 Acceptance of the IDOT Street Finance Report as presented. Motion by White, 2nd by Hauser. Vote was all ayes. Mayor asked for acceptance of the Annual Finance Report (AFR). Motion to approve by Hauser, 2nd by Smith. Vote was all ayes. Clerk will publish the report in the Enterprise.

In old business, PW had received the third quote requested by Council for the garage door at City Hall for \$4050. It was the lowest of the three quotes and Mayor Mansager had ok'd the bid to get it ordered, as delivery is 8-12 weeks out. Next item was the property on College Hills. Update was that there was interest by a private party in purchasing it and things were progressing on that end. 102 Main Street was the next item. Mansager had been contacted by Fields stating he was not making an offer for the property at this time. City Attorney will draft a letter regarding the next steps the City will take. The City will likely need to engage another engineer to determine if the structure next to the wall is stable and the possibility of condemning the property.

At this point the Sheriff's Deputy arrived and asked Mansager to follow him outside. Council took advantage of this brief break to go over bills and the bank statements. The Deputy and Mansager came back in and he asked Adkins accompany him outside. At this point White asked what we were doing about nuisance properties since Chief Ball was no longer available to deal with them. Clerk asked for a list and they would proceed with letters. Clerk is to bring the Nuisance chapter to October's meeting to go through the process as well as the Administrative Penalties list and violation letter.

The Deputy returned to the room and Adkins and his associate left the meeting without further incident. Fricke then read a list of items he felt needed to be addressed in town as far as maintenance issues. Clerk was able to give answers to some of the items. Mansager asked that he make a list and rank in order of importance what he felt needed to be completed. She asked if the City had a job list or calendar of chores to complete by month. Clerk said that they had attempted to get one started a few years ago, but it was never completed. Mayor asked that Fricke also draw up a list and she would go over it with PW.

Motion by Hauser, 2nd by White to adjourn. Vote was all ayes. Meeting was adjourned at 8:10 pm.

EXPENSES: GENERAL \$28,398.44, ROAD USE \$1659.82, EMP BENEFITS \$1787.85, LOST FIRE \$453.38, WATER \$10,525.48, SEWER \$6525.98. TOTAL: \$49,350.95.

REVENUES: GENERAL \$16,585.37, ROAD USE \$8019.19, LOST FIRE \$948.86., LOST 1ST RESP \$948.86, POOL \$955.24, LOST REC CENTER \$972.48, ARPA REVENUE \$59,360.60, WATER \$17,930.08, SEWER \$18,162.80. TOTAL: \$123,883.48.

PUBLISHED PRIOR TO APPROVAL.