

OAKLAND CITY COUNCIL
DECEMBER 29, 2010
SPECIAL SESSION

The Special Session of the Oakland City Council met at the Oakland City Hall and was called to order by Mayor Michael O'Brien at 5:00P.M. Council Members present were Newberg, Miller, Rollins, Wede and Hackett. Also present Public Works Director Mike Baragary, City Clerk Marissa Lockwood and City Attorney Joseph Lauterbach. Motion by Miller, second by Rollins to approve the agenda. 5 Ayes, motion carried.

The property at 121 N. Main Street was discussed with City Attorney Lauterbach. Clerk Lockwood received a recorded Quit Claim Deed deeding the property from Ark Lodge #335 to the City of Oakland. The City Council is concerned because they do not want the property and has not taken any insurance out on the property. Discussion was held at a previous meeting that the City taking over the building was a option if certain conditions were met, including an asbestos survey and that the Lodge would take out \$200,000 worth of title insurance and if the Council Members agreed. There has been no asbestos survey done. The Council Members asked Lauterbach if the City has to accept the property. Lauterbach informed the Council that they have done everything that legally has to be done by the City and that the City has no other legal responsibility to do anything more with the property. The City can reject the gift and the building remains property of the Mason's. The City received a quote for around \$120,000 to have the building torn down. Attorney Lauterbach suggests that the City Council reject the gift by affidavit. Motion by Miller, second by Rollins to reject the deed for the property at 121 N. Main Street and direct the City Attorney to prepare the affidavit to do so, with Mayor O'Brien and Clerk Lockwood authorized to sign the document on behalf of the City of Oakland. 5 Ayes, motion carried.

Larry Hackett Construction submitted a proposal for construction management of the pool bath house renovation project (to include divisions 2, 3,4 and 5) in the amount of \$1750. Hackett is required by Iowa Code to have a performance bond for his division 3 work for the project since the bid was over \$25,000. There will not have to be a change order for the concrete; PCS Concrete's bid was for 4000 psi.

Attorney Ray Aranza entered the meeting at 5:13P.M.

Motion by Miller, second by Rollins to approve Resolution 2010-12-11 awarding contract for management contract for the pool bath house renovations project to Larry Hackett Construction in the amount of \$1750. Roll call. 4 Ayes, Hackett abstained due to conflict of interest. Motion carried.

The Bane v. City of Oakland matter was discussed. The east-west property lines are correct but there is a discrepancy with the north lines and the right-of-way along Oakland Avenue. The property owners, surveyor, Baragary and a few Council members met at the properties in the spring and set stakes that everyone agreed upon. During the survey they stakes were moved and are now incorrect, that is why Mark Curmley will not agree to the settlement. Attorney Lauterbach advised the Council and Aranza that the corrections need to be taken care of now rather than recording the current survey and deeds then doing quit claim deeds for the extra right-of-way. Aranza said he would contact the other parties attorney's to let them know what is going on and that the City will have to start over with the real estate disposal process. The Council agreed to have Tinkham continue with the surveying, but if he cannot or does not agree to do what the City is asking they authorize Mayor O'Brien and Attorney Aranza to select a different surveyor.

Motion by Newberg to adjourn. Second by Wede. 5 Ayes, motion carried.

Adjournment 6:02P.M.

Mayor

City Clerk