

**REGULAR MEETING OF THE EMERSON CITY COUNCIL
WEDNESDAY, APRIL 11, 2018 – 6:00 P.M.
EMERSON CITY HALL – 410 MANCHESTER STREET**

Mayor David Galley Jr. called the regular meeting of the Emerson City Council to order on Wednesday, April 11, 2018, 6:00 p.m. at Emerson City Hall, 410 Manchester Street.

Pledge of allegiance was recited

Roll Call: Present: Councilperson Heidi Pullen, Ann Roth, Jen Shaw, and Ronald Stephens, Jr.

Absent: Councilperson Larry Johnson

Moved by Councilperson Shaw, seconded by Pullen to approve the agenda

Roll Call: Ayes: Councilperson Roth, Shaw, Stephens, and Pullen
Nays: None

Motion Carried.

Moved by Councilperson Shaw, seconded by Stephens to approve the consent agenda:

*Minutes from regular meeting of March 14, 2018

*Financial Report for March 2018

*Warrants from March 2018

Roll Call: Ayes: Councilperson Pullen, Roth, Shaw, and Stephens
Nays: None

Motion Carried.

Moved by Councilperson Stephens, seconded by Shaw to approve claims to be paid in the amount of \$7,175.36

Roll Call: Ayes: Councilperson Pullen, Roth, Shaw, and Stephens
Nays: None

Motion Carried.

Visitors Opportunity to speak – None

Two bids were received for the exterior painting of the library:

*Avis Painting, Inc for \$3400.00

*Anderson Painting & Drywall for \$6,071.29

Moved by Councilperson Roth, seconded by Stephens to award the library exterior painting to Anderson Painting & Drywall for \$6,071.29 because it includes scraping, caulking and patching, and is more labor intense with 2 coats of exterior paint.

Roll Call: Ayes: Councilperson Pullen, Roth, Shaw, and Stephens
Nays: None

Motion Carried.

Kyle Dornburgh addressed the Council about connecting to city water for their shop just north of city limits. They would like to directional bore through the ditch and run a private supply service line with a 2" meter. They would use a subtracting meter for city's billing purposes. He was directed that he will also need to obtain approval from Mills County since he is outside city limits. His contractor will also need to provide a certificate of insurance and list City of Emerson as an additional insured. These things must be received and completed before work begins.

Moved by Councilperson Shaw, seconded by Pullen to allow Midwest Hoods to run a supply line to connect to the city water, running their own line.

Roll Call: Ayes: Councilperson Roth, Shaw, Stephens, and Pullen

Nays: None

Motion Carried.

Fire Chief Liz Ungry discussed the ISO rating that Emerson received and how it can be beneficial to Emerson residents and those within the Emerson Fire Department district, as it was reduced from a 7 to a 4. Citizens are encouraged to contact their homeowners insurance to check about a possible reduction in rates. They would like to send postcards to residents to inform them of this rating. Fire Association is willing to pay for the postcards and they would like to ask the city to pay for the postage.

Moved by Councilperson Pullen, seconded by Stephens that City of Emerson will pay the postage for mailing this information to those within the Emerson Fire District.

Roll Call: Ayes: Councilperson Roth, Shaw, Stephens, and Pullen

Nays: None

Motion Carried.

Moved by Councilperson Stephens, seconded by Roth to allow the fire department to order a strainer for \$390.35 and a 6" 10' hose to attach to strainer for \$443.18, plus shipping, from Sandry.

Roll Call: Ayes: Councilperson Shaw, Stephens, Pullen, and Roth

Nays: None

Motion Carried.

One bid was received on re-roofing the community building. It was from McDermott & Son Roofing Co from Atlantic, in the amount of \$13,844.22. They anticipate to begin work about June 15 -20, 2018.

Moved by Councilperson Stephens, seconded by Roth to award the community building re-roofing project to McDermott & Son for \$13,844.22.

Roll Call: Ayes: Councilperson Shaw, Stephens, Pullen, and Roth

Nays: None

Motion Carried.

Brian Easton, owner of E-stop stopped in regarding the water connection for Dornburgh and possibly the E-stop. He had thought about connecting but has decided against it at this time. He has authorized Dornburgh to connect to the sewer line of the E-stop.

The Iowa Municipalities Worker's Compensation Association Loss Control Criteria for Emerson Volunteer Fire Department needed updated. The form was completed and signed by Mayor and Fire Chief. All physicals have been up to date since July 9, 2013, except for the 4 new individuals that recently came on board. Med Compass has been scheduled for July 11 in Red Oak and July 12 in Emerson from 4:00 – 9:00 p.m. for physicals. There will be 13 physicals to be done for Emerson at a cost of \$198 per person.

Fire Chief Report – Liz Ungry:

- *needing a temperature gauge for a truck

- *will be helping with spring clean-up

- *burning rules for Emerson were discussed

- *Mayor asked if the Association might be interested in the Emerson Day Dance as a fundraiser

Moved by Councilperson Stephens, seconded by Pullen to approve Resolution No. 2018-07
RESOLUTION CELEBRATING THE 50TH ANNIVERSARY OF HOME RULE IN IOWA AND ADOPTING HOME RULE PROCLAMATION

Roll Call: Ayes: Councilperson Roth, Shaw, Stephens, and Pullen

Nays: None

Motion Carried.

Budget amendment needs due to re-roofing of community building and exterior painting of library were discussed.

Moved by Councilperson Shaw, seconded by Stephens to set May 9, 2018 for a Public Hearing on Amendment of FY2017-2018 City Budget

Roll Call: Ayes: Councilperson Pullen, Roth, Shaw, and Stephens

Nays: None

Motion Carried.

Moved by Councilperson Stephens, seconded by Roth to approve the 1st reading of the proposed Ordinance Amending Chapter 75 of the Code of Ordinances of the City of Emerson, Iowa by Adding Provisions Pertaining to All-Terrain Vehicles.

Roll Call: Ayes: Councilperson Shaw, Stephens, Pullen, and Roth

Nays: None

Motion Carried.

Moved by Councilperson Shaw, seconded by Pullen to waive the 2nd and 3rd readings of the proposed Ordinance Amending Chapter 7 of the Code of Ordinances of the City of Emerson, Iowa by Adding Provisions Pertaining to All-Terrain Vehicles

Roll Call: Ayes: Councilperson Stephens, Pullen, Roth, and Shaw

Nays: None

Motion Carried.

Moved by Councilperson Stephens, seconded by Pullen to adopt Ordinance No. 353

ORDINANCE AMENDING CHAPTER 75 OF THE CODE OF ORDINANCES OF THE CITY OF EMERSON, IOWA BY ADDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES

BE IT ENACTED by the City Council of the City of Emerson, Iowa:

SECTION 1. CHAPTER AMENDED: Chapter 75 is hereby amended to read in full as follows:

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "All-terrain vehicle" or "ATV" means a motorized flotation-tire vehicle, with no less than three (3) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa. Sec. 321I.1)

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is

intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the Code of Iowa, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa. Sec. 321I.1)

3. "Off-road utility vehicle" means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa. Sec. 321I.1)

75.03 GENERAL REGULATIONS. No person shall operate an ATV, offroad motorcycle, or off-road utility vehicle within the corporate limits of the City of Emerson unless said vehicle has been duly and timely registered or renewed in accord with Chapter 321I of the Iowa Code (unless otherwise exempt under §321I.9 of the Iowa Code), and with such registration decal displayed upon the vehicle.

75.04 PENALTY. Any person operating an ATV, off-road motorcycle, or off-road utility vehicle in violation of this chapter shall be subject to a municipal infraction and shall be fined the sum of \$100.00 for a first offense, and fined the sum of \$200.00 for a second or any subsequent offense. Upon being cited for a second or subsequent offense, the violator's vehicle being operated shall be subject to immediate impoundment by the City, and said vehicle may only be returned to the owner thereof by the payment of reasonable towing and storage fees established by the City.

PASSED by the Emerson City Council this ____ day of _____, 2018, and approved the ____ day of _____, 2018.

David Galley, Mayor

ATTEST:

Mary Bolton, City Clerk

Roll Call: Ayes: Councilperson Roth, Shaw, Stephens, and Pullen
Nays: None

Motion Carried.

Public Works Maintenance Report – given by Mayor due to absence of Randy Gray:

*found the water leak in the roadway near the well. End of next week Paulsen should be able to work on it

*there is one trash can missing a lid at the park

City Clerk Report – Mary Bolton:

*City Hall will be closed on Thursday, April 19 as staff will be attending IMFOA in Des Moines

Mayor Report – Dave Galley:

**Spaghetti Supper Fundraiser for re-roofing community building went well, depositing a little over \$1200.00

Additional items to come before the Council:

*Clean-up days schedule was reviewed

*Questioned if there is a city ordinance against living in a camper

Items for next agenda:

*Public Hearing and action on budget amendment

*Trash nuisances

*Burning in city limits

*Sidewalk conditions, replacement, and maintenance

Moved by Councilperson Shaw, seconded by Stephens to adjourn the meeting.

Roll Call: Ayes: Councilperson Pullen, Roth, Shaw, and Stephens

Nays: None

Motion Carried.

Meeting Adjourned.

Next regular meeting is scheduled for Wednesday, May 8, 2018, 6:00 p.m. at Emerson City Hall.

Dave Galley, Mayor

Attest:

Mary L. Bolton, City Clerk