

**REGULAR MEETING OF THE EMERSON CITY COUNCIL  
WEDNESDAY, JUNE 13, 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, June 13, 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, Larry Johnson, Jen Shaw, and Ronald Stephens, Jr.

Absent: None.

Moved by Councilperson Stephens, seconded by Shaw to approve the agenda with the removal of agenda item #28 (Resolution Authorizing Transfers Between City Financial Accounts)

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Pullen to approve the consent agenda:

\*Minutes from regular meeting of May 9, 2018

\*Financial Report for May 2018

\*Warrants from May 2018

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

Motion Carried.

Moved by Councilperson Stephens, seconded by Shaw to approve claims to be paid in the amount of \$10,493.54

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

Motion Carried.

Visitors Opportunity to speak:

Brittany Tieskotter questioned status of stray puppies (trying to get them picked up as can)

Insurance Agent Travis Nelson explained the City's 2018-2019 Worker's Compensation Coverage through IMWCA, to the council.

Moved by Councilperson Pullen, seconded by Stephens to appoint City Clerk Mary Bolton as the Primary Contact for IMWCA Company Nurse

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Pullen to approve the Building Permit Application for 611 Manchester to add rock to current driveway and extend width of driveway toward the house to the side, wide enough for two cars.

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

Motion Carried.

Moved by Councilperson Roth, seconded by Pullen to authorize Attorney Matt Woods be contacted to prepare an agreement that City of Emerson will waive city liens on the

property of 411 King Street, if property is bought by Alan Courtier, and that he is to have the property back to a tax generated property within one (1) year of purchase date.

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

Motion Carried.

Brittany and Scott Tieskotter had requested a hearing with the Council regarding sidewalk replacement at 811 Burlington Ave., (or the adjoining properties). They explained their request of not replacing the sidewalks as they plan to have the lots surveyed and resell for development so sidewalks would get broken during construction.

Councilperson Stephens left the meeting at 6:27 p.m.

Moved by Councilperson Shaw, seconded by Johnson to waive sidewalk replacement for property of Lots 25 – 30 of Evans 1<sup>st</sup> Addition while they remain unimproved lots – once sold and improvements are made, sidewalks must be put into place on the improved lots, subject to city code. (Referring to sidewalks in all directions)

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

Motion Carried.

Tieskotter's also discussed the utility alley connecting Nebraska Avenue and Burlington Avenue regarding survey work and maintenance. Council consensus was that for Fiscal Year 2020 budget they will budget money for some of the survey work but if they begin to sell properties sooner than that then they need to let the city know.

Lloyd Blank was unavailable regarding mowing nuisances.

Nuisance processes and determination of a nuisance was briefly discussed. There is concern with the time period of notice and time allowed to mow. City Clerk had spoken with City Attorney Woods and explained his suggested procedures.

Moved by Councilperson Roth, seconded by Pullen to approve the 1<sup>st</sup> reading of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa by Amending Provisions Pertaining to Nuisance Abatement Procedure

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

Motion Carried.

Moved by Councilperson Roth, seconded by Shaw to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa by Amending Provisions Pertaining to Nuisance Abatement Procedure

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

Motion Carried.

Moved by Councilperson Roth, seconded by Pullen to approve Ordinance No. 354  
**ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EMERSON, IOWA BY AMENDING PROVISIONS PERTAINING TO NUISANCE ABATEMENT PROCEDURE**

BE IT ENACTED by the City Council of the City of Emerson, Iowa:  
SUBSECTION ADDED: Chapter 50, Section 07 Subsection 01 is hereby added to read in full as follows:

**50.07SUBSEQUENT VIOLATION WITHIN 365 DAYS.** If a person allows a subsequent nuisance to exist within 365 days of being served with a previous nuisance abatement notice involving the same subject matter and property as the previous nuisance and for which the City abated the previous nuisance pursuant to Section 50.04 or Chapter 52 of the Emerson Code of Ordinances, the City shall have the right to abate the subsequent nuisance without prior notice to such person and to immediately certify the costs thereof to the County Treasurer.

PASSED by the Emerson City Council this \_\_\_\_ day of \_\_\_\_\_, 2018, and approved the \_\_\_\_ day of \_\_\_\_\_, 2018.

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David Galley, Mayor

ATTEST:

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Mary Bolton, City Clerk

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

Motion Carried.

Discussion was held on fire pit usage and open burning within the City. Possibility of establishing a fine was discussed and who would have the authority to issue the fines. A proposed ordinance will be drafted and this will be back on next agenda.

Moved by Councilperson Pullen, seconded by Shaw to approve Resolution No. 2018-10  
**RESOLUTION SETTING FEES FOR BULK WATER SALES**

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

Motion Carried.

Moved by Councilperson Shaw, seconded by Roth to approve the 1<sup>st</sup> reading of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa, by Amending Provisions to Sanitary Sewer Charges (sewer charges pertaining to filling of a swim pool)

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

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa, by Amending Provisions to Sanitary Sewer Charges (sewer charges pertaining to filling of a swim pool)

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

Motion Carried.

Moved by Councilperson Roth, seconded by Shaw to approve Ordinance No. 355  
**ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF**

**EMERSON, IOWA, BY AMENDING PROVISIONS TO SANITARY SEWER CHARGES**

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

SECTION 92.SECTION AMENDED: Section 92.02 is hereby amended to read in full as follows:

**92.02 RATE.** (1) Except as provided in subsection (2) below, each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water used, as follows:

**SEWER SERVICE CHARGES  
PER 1,000 Gallons of Water Use Part Thereof**

EFFECTIVE DATES

Sewer Service	7/1/2017 Through 6/30/2018	7/1/2018 Through 6/30/2019	7/1/2019 Through 6/30/2020	7/1/2010 Through 6/30/2021	7/1/2021 and Thereafter
Base Rate	\$12.25	\$19.77	\$27.29	\$34.81	\$42.31
Per 1000 Gallons	\$5.12	\$5.37	\$5.62	\$5.87	\$6.13
Minimum Bill	\$12.25	\$19.77	\$27.29	\$34.81	\$42.31

(2) Any customer utilizing city provided water to fill a swimming pool on his or her property located within the City shall not be subject to the rate charges set forth in subsection (1) above for the actual water used to fill the pool provided that such customer provides satisfactory proof, as determined in the sole discretion of the City, to the City of the number of gallons of water utilized to fill the swimming pool. To be considered, such proof shall be provided to the City within Five (5) days of the filling of the pool.

PASSED by the Emerson City Council with 13<sup>th</sup> day of June, 2018, and approved this 13<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
David Galley, Mayor

ATTEST:

\_\_\_\_\_  
Mary Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to direct City Attorney Woods to prepare an ordinance removing the E/W stop signs at Howland and Morton and move them to King and Morton; and also the placement of the southbound stop sign on King Street at Edwards Street.

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

Motion Carried.

Moved by Councilperson Roth, seconded by Pullen to allow Ryan Ernst 6 hours at \$40.00/hr to investigate the security cameras.

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Shaw to ask for an official quote and time table from ReviZe as a city website.

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

Motion Carried.

No action taken on "Sidewalk Program" as a program was already in place that the Council approved of.

Moved by Councilperson Johnson, seconded by Shaw to allow up to \$13,500 in supplies and labor for road improvements and authorize City Clerk to pay bills, not to exceed this amount, out of FY18 budget.

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

Motion Carried.

Moved by Councilperson Pullen, seconded by Roth approve Resolution No. 2018-11  
**RESOLUTION SETTING HOURLY WAGE FOR THE EMPLOYEES OF THE CITY OF EMERSON, IOWA FOR FISCAL YEAR JULY 1, 2018 - JUNE 30, 2019**

**WHEREAS**, salaries of employees of the City of Emerson must be set by resolution of the City Council; and

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Emerson, Iowa that the following hourly wages are hereby approved and shall be effective with the first paycheck in July 2018.

Randy Gray	\$18.20 an hour
Mary Bolton	\$21.84 an hour
Lana Moyers	\$16.64 an hour

**PASSED AND APPROVED**, this 13th day of June, 2018

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David Galley, Mayor

Attest:

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Mary Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Pullen to approve Resolution No. 2018-12  
**RESOLUTION INVESTING FUNDS FROM CD XXX6707 THAT MATURED AT  
MALVERN BANK ON 5/31/2018**

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

Motion Carried.

Moved by Councilperson Pullen, seconded by Shaw to approve Resolution No. 2018-13  
**RESOLUTION TO RE-INVEST OR THE PLACEMENT OF MONIES FROM CD'S AT  
HOUGHTON STATE BANK**

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

Motion Carried.

Public Works Maintenance Report – Randy Gray:

- \*Bass infield has been sprayed
- \*Picked up loads of limbs from around town after storm
- \*Lagoon discharge will be done on Friday and pipe fixed
- \*E-stop broke sewer pipe – they took sand out of volleyball court for repairs – city will need to invoice

Clerk Report – Mary Bolton:

- \*Asked Council to check out 604 Edwards for a future request of allowing horse or not.
- \*Mosquito spraying – will contact Red Oak to see if they can spray ASAP and again in 3-4 weeks
- \*Should be receiving a recycling payment from the county in the amount of \$1,750
- \*Explained the Water Excise Tax that will be going on water bills. State sales tax and local option sales tax will be removed and replaced with this 6% WET tax

Mayor report – Dave Galley:

- \*Received a letter of retirement from Maintenance Randy Gray, effective in November

Additional items as may come before the Council:

\*Emerson sign north of town was damaged during the storm (Mayor stated he will get this repaired)

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

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

Motion Carried.

Meeting adjourned.

Next regular scheduled meeting is Wednesday, July 11, 2018, 6:00 p.m.

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Dave Galley, Mayor

Attest:

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Mary L. Bolton, City Clerk