

WEDNESDAY, AUGUST 12, 2020 – 6:00 P.M.

AN ELECTRONIC MEETING (Pursuant to Iowa Code Section 21.8) THROUGH ZOOM AVAILABLE FOR CITIZENS, MAYOR and COUNCIL

Mayor Stephanie Latta called the regular meeting of the Emerson City Council to order on Wednesday, August 12, 2020, 6:00 p.m. through an electronic meeting within Zoom. An electronic meeting was held due to the COVID-19 and state limitation on number of people allowed at gatherings. Mayor; Latta, all Councilpersons, Attorney Bri Sorensen, Interim Clerk Mackenzie Williams, JEO Consultant Tyler Keenan and numerous citizens were present through Zoom.

Pledge of allegiance was recited.

Roll Call: Present: Councilperson Robert Huntsman, Mike Branigan, Ann Roth, and Larry Johnson Absent: Councilperson Randy Gray

Councilperson Gray joins meeting via zoom during final discussions of the Agenda.

Roth would like to add #27 Other items to be discussed, #28 Items for next meeting, Remove RESOLUTION from items #8 Changes to Animal Protection & Control Ordinances, #9 Changes to Junk and Junk Vehicle Ordinances, #10 Agreement for Sanitary Sewer Improvements, #18 Approve City Clerk Job Posting, # 23 Former City Employee Communication. Remove word Discussion from #24 Key Distribution, #25 Laptop for Townsman, #26 Willful Destruction of City Property.

City Attorney Bri Sorensen informs Council that Resolutions are pretty specific to a Councils request to draft a Resolution until votes for changes exist. Normally discussion is held to make decisions on actual content or changes within a Resolution.

Moved by Councilperson Roth, seconded by Huntsman to approve the agenda with changes.

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, and Johnson Nays: Councilperson Branigan Motion Carried.

Mayor moved item #10 before #5 on the Agenda

Tyler Keenan - Change order #3 Final Agreement for Sanitary Sewer Improvements

Attorney Sorensen reminds Council of their vote to remove Resolution from the items on the Agenda and not replacing it with Formal Action now makes them unable to approve the proposed change order. She suggests revisiting and amending the motion.

Moved by Councilperson Branigan, seconded by Johnson to Amend Vote to remove Resolution to read allow change of wording from Resolution to Formal Action.

Roll Call: Ayes: Councilperson Gray, Huntsman, Branigan and Johnson Nays: Roth did not answer arguing that the Council cannot change her vote Motion Carried

Attorney informs council that in Robert's Rules of Order they can move to change a motion.

78 Moved by Councilperson Roth, seconded by Gray to disapprove the Consent Agenda and approve the line items separately.

Roll Call: Ayes: Councilperson Johnson, Gray, Roth and Huntsman Nays: Councilperson Branigan Motion Carried

Roth would like to see corrections of spelling error of Randy Gray's name, less verbiage in the minutes so they are not so long. Roth states that only actions taken need to be in minutes not the discussion. Correct information or verbiage on discussions with JEO Mitch Kline. Remove Tiescotter discussion as its just a discussion. 511 Bartlett building permit needs why Councilperson Gray abstained. Enter the resignations of the Deputy and City Clerk were effective immediately and record the members of the Council that walked out of the meeting before adjournment.

Moved by Councilperson Roth, seconded by Johnson to approve the July 8th Meeting minutes with changes.

Roll Call: Ayes: Councilperson Gray, Huntsman, Branigan, Roth, and Johnson Nays: None Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve the July 20, 2020 Special Meeting minutes with changes to include why they voted no confidence.

Roll Call: Ayes: Councilperson Gray, Huntsman, Huntsman, Roth, and Johnson Nays: Branigan Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve the Warrants with changes prior to publication.

Roll Call: Ayes: Councilperson Gray, Huntsman, Branigan, Roth, Huntsman and Johnson Nays: None Motion Carried.

Due to the direction the meeting has been going in the first 39 minutes Attorney Bri Sorensen asked to speak to give her resignation as City Attorney effective at the end of August stating the dysfunction is overwhelming and would be willing to pass on her files to any attorney they hire to replace her.

Mayor Latta apologized to Sorensen and thanked her for her service to the City. Mayor Latta then tried to speak to the council about doing better about not tearing each other down. Reminding them that they have had two attorneys in a short period of time. Roth interrupts Latta to argue with her statements and tell her to do her job correctly. Latta reminds Roth she is the Mayor not the City Clerk.

Moved by Councilperson Gray, seconded by Johnson to disapprove claims to be paid until a special meeting can be held.

Roll Call: Ayes: Councilperson Roth, Johnson, Huntsman and Gray Nays: None Motion Carried.

Moved by Councilperson Johnson, seconded by Branigan to approve the SANITARY SEWER IMPROVEMENTS PAY APP. 3 FINAL for the amount of \$78,332.30

Roll Call: Ayes: Councilperson Roth, Johnson, Huntsman, Branigan and Gray Nays: None Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve building permit to Adam Graybill of 411 Bradford for a 12 x 16 shed upon go ahead approval from Townsman

Roll Call : Ayes: Councilperson Gray, Huntsman, Roth, and Johnson Nays: Branigan Motion Carried.

Moved by Councilperson Roth, seconded by Gray to approve appointment of Shelia Petereit to the Library Board.

Roll Call: Ayes: Councilperson Branigan, Huntsman, Roth, Johnson, and Gray Nays: None Motion Carried.

Visitors Opportunity to Speak: no comments

411 King St - Mayor Latta to ask attorney about financial assistance eligibility for demolition.

Changes to Junk and Junk Vehicles will need to wait until another attorney is hired.

Moved by Councilperson Johnson, seconded by Roth to proceed with Lift Station Electrical Improvement Project Contract and Notice to Proceed with Power Tech in the amount of \$49,350.00.

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, Huntsman and Gray Nays: None Motion Carried.

Councilperson Johnson will check into bank rates to reinvest monies from cashed out CD's and Malvern Bank CD renewal's to present at the next meeting.

Pat Henry spoke to the Council about the pro's and con's of a diesel and a propane generator.

Roth interrupts to complain there is no treasurers report in the Council Packet

Moved by Councilperson Branigan, seconded by Gray to approve the purchase of a diesel Clean Water Emergency Generator in the amount of \$20,175.00.

Roll Call: Ayes: Councilperson Gray, Branigan, Roth, Huntsman, and Johnson Nays: None Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to purchase a new 110 Air Conditioner with the highest BTU's possible with a budget of \$600.

Roll Call: Ayes: Councilperson Johnson, Gray, Branigan, Huntsman, and Roth Nays: None Motion Carried.

Mayor's report: Has been working with the State doing a remote audit. It is not completely done and may take a couple months to complete. City Hall hours will be posted on a weekly basis.

Moved by Councilperson Gray, seconded by Branigan to table item #17 on the agenda until Townsman is available for discussion later in the meeting.

Roll Call: Ayes: Councilperson Gray, Branigan, Roth, Huntsman, and Johnson Nays: None Motion Carried.

Moved by Councilperson Branigan, seconded by Huntsman to approve RESOLUTION FOR ADVERTISEMENT FOR A PART-TIME CITY CLERK for up to 31 hours per week with a salary range of \$15.00 per hour and up depending on experience.

Roll Call: Ayes: Councilperson Gray, Branigan, Roth, Huntsman and Johnson Nays: None Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to amend updated RESOLUTION DESIGNATING INDIVIDUALS AUTHORIZED TO SIGN CHECKS AND EXECUTE CONTRACTS AND OTHER

FINANCIAL INSTRUMENTS FOR THE CITY OF EMERSON, IOWA removing Mayor Pro-Tem
Branigan and replacing with Councilperson Roth.

WHEREAS, it is necessary for the Emerson City Council to authorize those individuals who are authorized to sign checks for the City of Emerson and who are authorized to execute legal documents on behalf of the City of Emerson.

WHEREAS, all city claims are approved by the City Council or Emerson Library Board for payments that are authorized to be paid and checks issued, with the exception of a few that are automatically approved to be paid, per earlier resolution, that authorizes which payments can be made without council approval. Authorized signatures on all of these types of checks are hereby authorized as listed below.

WHEREAS, all other legal documents must be approved by the Emerson City Council so authorized signatures are permitted to sign legal documents only after City Council has taken action to approve such. NOW, THEREFORE, BE IT RESOLVED, by the Emerson City Council of Emerson, Iowa that the following individuals are hereby the only authorized individuals who are to sign checks and legal documents of the City, as authorized in this resolution or as the City Council approves and authorizes:

Stephanie Latta, Mayor

Larry Johnson, Council Member

Ann Roth, Council Member

AND, FURTHER BE KNOWN, that if there is any other name on any city account, it is to be removed from the city account, as of this date.

PASSED THIS 12th day of August, 2020.

Roll Call: Ayes: Councilperson Gray, Roth, Huntsman and Johnson Nays: Councilperson Branigan Motion Carried.

Councilperson Branigan wanted to talk about more discussion or reading's prior to the passing of Resolutions. He has had residents approach him about the amount of recent changes being made without much discussion or notice to the residents about changes and laws being made.

Councilperson Branigan went over various nuisance properties around the City discussing the issues with each, who owned them and any progresses made with them.

Moved by Councilperson Johnson, seconded by Branigan to approve tree removal in the City right of way at 312 Edwards St. by Miner's Tree Service for \$600.00.

Roll Call: Ayes: Councilperson Gray, Branigan, Roth, Huntsman, and Johnson Nays: None Motion Carried.

Councilperson Roth would like to discuss Former City Employee Communication. She feels that when and employee files for unemployment against the City the Council should have a discussion before any State fact finding documentation requests are filled out and returned to the State. Roth said previous City Clerk Kim Nelson filled out and returned the paperwork to the State when prior Townsman B.J. Kendall quit/was fired and former Deputy City Clerk Lana Moyers submitted her written resignation at the July Council meeting effective immediately and exited the meeting hers were filled out and it needs to be discussed by the Council. Mayor Latta asks Councilperson Roth how she knows said paperwork was filled out and who is she accusing of filling it out? Councilperson Roth says it has happened twice now at the City and should come before the Council. Former Deputy Clerk Lana Moyers asks to speak because she is the one being spoken about and she is at the virtual meeting through Zoom. Moyers says the City denied it or does the Council decide. Moyers referring to the Mayor says you may have done it by phone. Councilperson Branigan speaks up saying you can only draw unemployment if you are fired not quit, employers only give facts not decisions on whether to approve the claim or not. Mayor Latta stated she spoke with the State and the Attorney and did not fill out paperwork so the unemployment would not be contested and the state could proceed how they wish.

Councilperson Roth would like to know where various City Hall keys are and who is in possession of them. Mayor Latta stated she is in possession of the keys and they are safe. Councilperson Roth asked if a City Hall

key had been given to Mayor Pro-Tem Branigan because someone had told her they had seen Branigan entering City Hall with key. Mayor Latta stated to her knowledge the only people to have keys to City Hall are herself, the Townsman, and Jim McDonald.

Discussion took place on if the Townsman needed a new computer or if the current computer would work. Mayor Latta had gotten with Ryan Ernst and G-Works. The back up hard drive is going to be removed and moved to the front office computer along with the accounting software so only his info will be on it and secured. Townsman has agreed this will work and there is no need to purchase a new computer system.

Councilperson Roth would like to know why the lock was removed from a wooden file cabinet and where the City Petty Cash is. Mayor Latta let the Council know that the key was not with the other large number of keys that were located in the safe and after discussions with the County Sheriff and the City Attorney she had the authority to remove the lock to access the necessary documents located in said cabinet. The petty cash is locked in the safe. Councilperson Roth starts lecturing saying you have to play as a team and you could have just asked etc....Mayor Latta reminds Councilperson Roth of her continued efforts to fight, petition, undermine and criticize her efforts to do her job as Mayor and her efforts to complete administrative duties to the best of her ability to keep the City going during this time of flux.

Additional items as may come before the Council: None

Agenda items for next council meeting: A special meeting to approve the warrants from July.

Councilperson Gray informed the Mayor and Council that Townsman Franks called him and was on the phone asking if he could put him on speaker phone. He was allowed.

Going back to item #17 on the Agenda for Discussion and possible approval of Bulk Chlorine.

Moved by Councilperson Johnson, seconded by Gray to approve switching Bulk Chlorine Vendors from Aqua-Chem, Inc. to ACCO Unlimited Corp.

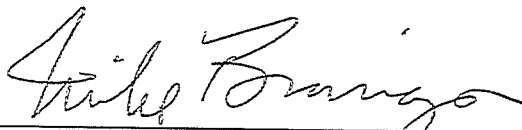
Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, Huntsman, and Gray Nays: None Motion Carried.

Councilperson Huntsman inquired about when new water/sewer rates go into affect? Mayor Latta stated new Rates will be on the upcoming bills for July water consumption.

Moved by Councilperson Huntsman, seconded by Johnson to adjourn the meeting.

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, Huntsman and Gray Nays: None Motion Carried.

Meeting Adjourned.



Attest : Michael Branigan, Mayor Pro Tem

Stephanie Latta, Mayor