

REGULAR MEETING OF THE EMERSON CITY COUNCIL  
 WEDNESDAY, JANUARY 13, 2021 – 6:00 P.M.  
 THIS MEETING WAS HELD ELECTRONICALLY  
 THROUGH ZOOM DUE TO CORONAVIRUS

Mayor Stephanie Latta called the regular meeting of the Emerson City Council to order on Wednesday, January 13, 2021, 6:00 p.m. through an electronic meeting within Zoom. Pledge of allegiance was recited.

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

Absent: Councilperson Bob Huntsman

Moved by Councilperson Johnson, seconded by Gray to approve the agenda

Councilperson Branigan asked for discussion, asking to clerks who is responsible for drafting of tonight's agenda (Clerks), questioned if Mayor was given review of agenda (no, per city resolution), questioned agenda items: city hall transition, finalize purchasing and preparing laptop for City Clerk, questioned to attorney of Mayor authority

Moved by Branigan to amend the motion by removing items #10, 14, 16, 18, 19, and 20 from the main motion to approve the agenda.

Motion died for lack of a second.

Back to original motion for roll call:

Roll Call; Ayes: Councilperson, Roth, Johnson, and Gray

Nays: Councilperson Branigan

Motion Carried.

Councilperson Roth asked to remove the 1<sup>st</sup> line of consent to remove the regular meeting minutes from October 13, November 12, or December 9

Councilperson Branigan requested to remove from the consent agenda to regular agenda: October 13, November 12 and December 2020 and special meetings of November 2 and November 24, 2020, immediately after vote of consent or anywhere else in regular order of business.

Moved by Councilperson Branigan to approve consent agenda with September 9, 2020, December 29, 2020 and warrants from December 2020.

Motion died for lack of a second

Moved by Councilperson Branigan to disapprove what's left on the consent agenda.

Motion died for lack of a second.

Moved by Councilperson Branigan, seconded by Roth to approve consent consisting of September 9 and December 29, 2020 minutes and December warrants.

Roll Call: Ayes: Councilperson Johnson, Gray, Branigan, and Roth

Nays: None

Motion Carried.

October 13, 2020 minutes discussion.

Moved by Councilperson Branigan, seconded by Gray to disapprove October 13, 2020 minutes as there are none. (there was no quorum for the meeting)

Roll Call: Ayes: Councilperson Johnson, Gray, and Branigan

Nays: Councilperson Roth

Motion Carried.

Moved by Councilperson Roth to table the November 12, 2020 minutes as they don't have any.

Moved by Councilperson Gray, seconded by Johnson to table all the minutes not approved in consent until next meeting.

Moved by Councilperson Branigan, seconded by Roth to amend Ann's motion to only include November 12 and December 9 regular meetings and leave the two special meetings on tonight's agenda. (agenda had typo of December 8 instead of December 9)

Roll Call: Ayes: Councilperson Johnson, Gray, Branigan, and Roth  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve November 2, 2020 minutes.

Discussion: Councilperson Branigan questioned who wrote agenda. Councilperson Roth explained how a meeting can be called and agenda posted. Attorney Fishman directed council back to the agenda item of minutes action, not agenda process.

Moved by Councilperson Branigan to amend the motion to modify it was an illegal meeting due to clerk not writing the agenda

Motion died for the lack of a second.

Mayor called for roll call back to the main motion

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to approve November 24, 2020 minutes.

Discussion: Councilperson Branigan – there is no record keeper at end of minutes and shows Ann Roth, Councilperson as Acting Chair. Councilperson Roth advised that the Mayor made this agenda. Mayor advised she did do the agenda. Councilperson Branigan commented he would like to see procedures in place on who takes notes if no clerk.

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

Motion Carried.

Moved by Councilperson Gray, seconded by Roth to approve claims for January 2020 in the amount of \$11,191.50

Roll Call: Ayes: Councilperson Johnson, Gray, Branigan, and Roth  
Nays: None

Motion Carried.

Visitors opportunity to speak:

\*Shelia Peteriet – wanted to give a public thank you to Ann Roth and Jim McDonald for their help during personal illness

\*Kim Steinman – asked who to contact if anyone wants to request a copy of the meeting. (record requests to be done through the clerk at city hall)

Moved by Councilperson Johnson, seconded by Gray to approve new Class C Liquor License with Sunday Sales for Old Road Café, LLC at 705 Morton Avenue

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Gray  
Nays: None

Motion Carried.

Fire Department Report:

\*Finishing up truck repairs, and costs were down as Randy Knop assisted in repairs

Laptop Discussion: Mayor: has concern on day-to-day and feels she can handle some of these as day-to-day. Councilperson Roth asked this to be on the agenda after her discussion with IT Ryan, explaining the original laptop is no longer available. The windows is outdated at city hall and city should consider updating it as well, Asks for this to be on February agenda for complete software update package and laptop can be purchased together.

Moved by Councilperson Johnson, seconded by Roth to table the purchasing and preparing laptop for City Clerk until the next meeting, to tie it together with city hall computer update.

Roll Call: Ayes: Councilperson Gray, Branigan, Roth, Johnson  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to approve the 1<sup>st</sup> reading of the proposed Ordinance to Amend the Code of Ordinances of the City of Emerson, Iowa Relating to Chapter 7 Fiscal Management, Section 7.07(3) Checks

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Gray  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of the proposed Ordinance to Amend the Code of Ordinances of the City of Emerson, Iowa Relating to Chapter 7 Fiscal Management, Section 7.07(3) Checks

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Gray  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to adopt Ordinance No. 363 **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF EMERSON, IOWA RELATING TO CHAPTER 7 FISCAL MANAGEMENT, SECTION 7.07(3) CHECKS**

**BE IT ORDAINED**, by the City Council of the City of Emerson, Iowa, that

**SECTION 1. SECTION MODIFIED.** Section 7.07.03 of the Code of Ordinances of the City of Emerson, Iowa, is repealed and the following adopted in lieu thereof:

**7.07.3 Checks.** Two signatures are required on all City checks. Checks shall be pre-numbered and signed by any two of the following: City Clerk, Deputy City Clerk, Mayor, or any Councilmember, following Council approval, designating specific names as set by resolution, except as provided by Subsection 5 hereof.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final pass, approval, and publication as provided by law.

Passed by the Council on the 13 day of January, 2021 and approved this 18 day of January, 2021.

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Stephanie Latta, Mayor

ATTEST:

Mary L. Bolton  
Mary L. Bolton, City Clerk

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Gray  
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Roth to authorize Attorney Fishman to reword the Animal Protection and Control Ordinance, per his recommendations and bring back to the Council.

Roll Call: Ayes: Councilperson Johnson, Gray, Branigan, and Roth  
Nays: None

Moved by Councilperson Johnson, seconded by Branigan to authorize Attorney Fishman to amend the Junk and Junk Vehicles Ordinance, per his recommendations.

Roll Call: Ayes: Councilperson Gray, Branigan, Roth, and Johnson  
Nays: None

Motion Carried.

Discussion took place on possibility of removal of some agenda items with Mayor asking that agenda items 14, 15, 16, 19, and 20 be tabled for next agenda or let Mayor handle these in day-to-day.

Moved by Branigan to take those items from the table, commenting, not sure if moved aside temporarily or removed from the table.

Moved by Councilperson Roth, seconded by Johnson to get keys made or change the locks on city hall so city clerks can have keys.

Mayor moved onto agenda #16 (gWorks assistance for computer software) that she would handle this on the day-to-day, as well as referred back to #15 about the keys that it would be handled on the day-to-day.

Councilperson Branigan, arise to a question of privilege, he wants this in the minutes that if Mayor says she's going to handle in the day-to-day, let her and let's move on to more important things. Councilperson Branigan stated a complaint against Councilmember Roth.

Moved by Councilperson Johnson, seconded by Gray to hire gWorks remotely at their suggested rate until we get this straightened out.

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Gray  
Nays: None

Motion Carried.

City budget for Fiscal Year July 1, 2021 – June 30, 2022 was discussed. Council was asked for input of what they would like to see in the budget. A special meeting will probably be needed to set date for the new max levy resolution.

Mayor called a special meeting for January 20, 2020, 6:00 pm for setting date for public hearing on max levy resolution.

Moved by Councilperson Gray, seconded by Roth for Mary Bolton to activate her city credit card.

Roll Call: Ayes: Councilperson Johnson, Gray, Branigan, and Roth  
Nays: None

Motion Carried.

Moved by Councilperson Johnson, seconded by Gray to use the new kiosk on the north side of city hall as the official posting location at city hall.

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Gray  
Nays: None

Motion Carried.

Discussion took place regarding city hall fill-ins due to absences of city hall staff. This will be handled in the day-to-day with Mayor notification and Mayor will reach out to councilmembers to fill in or choose to close the office.

Consensus of the council is to apply for a new flag pole with light for outside city hall through the spring 2021 Mills County Community Foundation Grant.

Moved by Councilperson Johnson, seconded by Roth to approve the \$796.42 to repair the elbow for the well pump, and place the additional pump for a backup in next fiscal year budget.

Roll Call: Ayes: Councilperson Gray, Branigan, Roth, and Johnson  
Nays: None

Motion Carried.

Moved by Councilperson Johnson, seconded by Gray to purchase flow meter for sewer plant from ASI which includes them installing

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Gray  
Nays: None

Motion Carried.

Public Works Maintenance report was submitted in packet and no additional information was presented.

Mayor stated she had nothing to report.

Clerk's report was submitted in council packet with no additional information presented.

Additional items:

\*Councilperson Gray: moving or selling of generator

Items for upcoming agenda:

\*Generator

\*Fire Department Officers

\*Deputy Clerk hiring

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

Roll Call: Ayes: Councilperson Branigan, Roth, Johnson, and Roth  
Nays: None

Motion Carried.

Meeting Adjourned.

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Stephanie Latta, Mayor

ATTEST:

*Mary L. Bolton*  
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Mary L. Bolton, City Clerk