

**REGULAR MEETING OF THE EMERSON CITY COUNCIL
WEDNESDAY, MARCH 16, 2022 – 6:00 P.M.
MEETING WAS HELD IN EMERSON CITY HALL – 410 MANCHESTER
AND ALSO AVAILABLE THROUGH ZOOM**

Mayor Larry Johnson called the regular meeting of the Emerson City Council to order on Wednesday, March 16, 2022, 6:00 p.m. in Emerson City Hall, 410 Manchester Street.

Pledge of allegiance was recited.

Roll Call: Present: Councilperson Cathy Bruce, Randy Gray, Bob Huntsman, and Mike Branigan were in person and Councilperson Ann Roth was on zoom
Absent: None

Moved by Councilperson Gray, seconded by Branigan to approve the agenda with the removal of #27 (Resolution Authorizing the City Clerk to Certify to the Mills County Treasurer for Collection of Unpaid Water/Sewer on 602 King Street as it got paid)

Roll Call: Ayes: Councilperson Huntsman, Bruce, Branigan, and Gray
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Bruce to approve consent agenda:

*Minutes from regular meeting February 9, 2022, and special meeting of February 23, 2022

*Warrants for February 2022

*Financial Report for February 2022

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Huntsman, seconded by Gray to approve claims for March 2022, in the amount of \$16,935.62

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman
Nays: None

Motion Carried.

Visitors Opportunity to speak: None

Moved by Councilperson Huntsman, seconded by Branigan to approve the \$10,000 value on the fence of the basketball court in Evans Park.

Roll Call: Ayes: Councilperson Gray, Huntsman, Bruce, and Branigan
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Huntsman to approve the renewal and authorize payment of city's Iowa Communities Assurance Pool renewal.

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Bruce to approve Agent/Broker of Record Change to FNIC, Travis Nelson, as our bonding agent, eliminating the third party.

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Huntsman, seconded by Gray to pay \$975.00 to Travelers Insurance for city's bonding insurance.

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman

Nays: None

Motion Carried.

Connie Frink, representing the Emerson Community Club, addressed the Council with some concerns of the Club. They are concerned of losing the storage area for their supplies. They ask that if anyone is needed in the storage room to ask for a community club member to be present when it's unlocked. Mayor Johnson advised the goal is to spruce up the building, and will be getting estimates for various work, but finding it hard to get contractors right now. He assured them they would have usage through this year.

Some community volunteers have been discussing possible renovations for the Emerson Community Building and thinking of phases that could be implemented. Hoping to obtain future grants to assist with renovations. No action taken.

Fire Department Report - Chief Liz Ungry:

*Shared photos of piles of nails and other debris that has been collected outside the fire station that could cause flat tires to city and personal vehicles. Not sure where they are all coming from but possibly from city building to the south. She asked that the city use a magnet after city wide clean up to help with this

*IT Mike Formhals is putting in a new router and battery backup at the fire station, and leaving the internet speed as is for now

Moved by Councilperson Gray, seconded by Bruce to contact American Recycling to recycle electronics of city departments only (computers, etc and check on radios/pagers) and ask for certificates of destruction for audit purposes.

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Huntsman to set City Wide Clean Up Days for April 21 – 23, 2022 with same hours as in the past and set fees at \$20 per item for large appliances and \$10 per item for all other appliances.

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman
Nays: None

Motion Carried.

Moved by Councilperson Bruce, seconded by Branigan to wait a year before any further action to sell or demolish the property of 502 King Street and then possibly be eligible for a demolition grant.

Roll Call: Ayes: Councilperson Gray, Huntsman, Bruce, and Branigan
Nays: None

Calle and Thomas Mace of 511 Manchester spoke through zoom regarding the nuisance situations of this address.

Moved by Councilperson Bruce, seconded by Huntsman to start the court process on the nuisance at 511 Manchester

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Branigan to approve low bid of \$684.00 for asbestos inspection, from August Enterprises, LLC, for 408 Manchester Street property.

Roll Call: Ayes: Councilperson Huntsman, Bruce, Branigan, and Gray
Nays: None

Motion Carried.

Cleaning of the community building was discussed. Councilperson Branigan will check with a cleaning service to see if any interest. This will be on next agenda.

The rental agreement for the community building was reviewed with no action taken but will consider adding the allowance of alcohol, with certain fees paid and proof of insurance. This will be on next agenda.

Mayor Johnson announced this as the time and place to conduct a Public Hearing on the proposed budget for July 1, 2022 – June 30, 2023.

No oral or written comments.

Hearing closed.

Moved by Councilperson Gray, seconded by Bruce to approve Resolution No. 2022-10
**RESOLUTION APPROVING CITY OF EMERSON ANNUAL BUDGET FOR
FISCAL YEAR JULY 1, 2022 – JUNE 30, 2023**

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Huntsman, seconded by Gray to approve the 3rd reading of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa, by Amending Provisions Pertaining to Sewer Service Charges.

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman
Nays: None

Motion Carried.

Moved by Councilperson Huntsman, seconded by Bruce to adopt Ordinance No. 374
**ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
EMERSON, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER
SERVICE CHARGES**

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

SECTION 1. SECTION MODIFIED. Chapter 99 of the Code of Ordinances of the City of Emerson, Iowa, is repealed and the following adopted in lieu thereof.

99.01. SEWER SERVICE CHARGES REQUIRED. Every lot, parcel of real estate, building or premises situated within the City that is connected with or uses the sanitary utilities of the City or that in any way uses or discharges sanitary sewage, industrial waste, water or other liquid, either directly or indirectly, into the sewage system of the City, shall pay a service charge to the City as herein after provided.

99.02 SEWER SERVICE REVENUES. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works. User charges collected shall be deposited in a separate nonlapsing fund known as the Sewer Fund. Fiscal year-end balances of this fund shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated in this fund. Moneys which have been transferred from other source to meet temporary shortages in the Sewer Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

99.03 SEWER SERVICE CHARGES. Each user shall pay for sewer services provided by the City based on the amount and rate of water consumed.

1. For residential customers, monthly user charges will be based on average monthly water usage during the months of January, February, and March. This figure will be calculated annually and the average usage that results then establishes the residential customer's monthly bill for the following twelve-month period. If a residential customer has not established a January, February, and March average, the monthly user charge shall be the median charge of all residential customers.
2. For industrial and commercial customers, user charges shall be based on actual water used during the current month. If a commercial or industrial customer has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the customer's expense, and in a manner acceptable to the City.
3. Rates for service are as follows:
 - A. Basic Sewer Service Charge. Each customer shall pay basic sewer service charges in the amount of \$34.81 per month. In no case shall minimum service charges be less than \$34.81 per month, which is necessary to retire the indebtedness, operating and maintenance of the sanitary sewer facility.
 - B. Usage Charge. In addition to the basic sewer service charge, each customer shall pay a sewer use charge in the amount of \$5.87 per 1,000 gallons of water consumed, as calculated as provided in Section 99.03(1) above for residential customers and 99.03(2) for industrial and commercial customers.
 - C. Other Charges. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the Council.
 - D. Annual review. The City shall review the service charge system annually and revise rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

99.04 SPECIAL RATES. Where, in the judgment of the Public Works Director and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Public Works Director and submitted to the Council for approval by resolution.

99.05 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay the applicable sewer charges as set out in Section 99.03 based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed upon sales or charges shall be subject to the approval of the Council.

99.06 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.07 LIEN FOR PAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

99.08 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

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 passage, approval and publication as provided by law, or with the June 15, 2022 billing; whichever comes later.

PASSED by the Council on the 16th day of March, 2022.

Mayor

ATTEST:

Mary L. Bolton, City Clerk

First Reading _____

Second Reading _____

Third Reading _____

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Branigan, seconded by Huntsman to approve request from Henderson Hornets/Ambitious Andies 4-H Club to use Evans Park on April 16, 2022, for a public Easter Egg Hunt, with rain date of April 23.

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Huntsman to approve request for a baby shower in Evans Park shelter on Saturday, June 4, 10:00 am – 5:00 pm

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman
Nays: None

Motion Carried.

Moved by Councilperson Bruce, seconded by Huntsman begin specs and bid process for the Evans Park restroom updates.

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Bruce to approve Resolution No. 2022-11
**RESOLUTION TO RE-INVEST OR OTHER ACTION ON MONIES OF WATER
CD AT HOUGHTON STATE BANK (voted to cash it in and reconsider at next
meeting)**

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Bruce to approve Resolution No. 2022-12
**RESOLUTION TO RE-INVEST OR ACTION OF OTHER ACTION OF MONIES
OF GENERAL MONIES CD AT HOUGHTON STATE BANK (voted to cash in
and reconsider at next meeting)**

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Huntsman, seconded by Gray to approve Deputy Clerk attendance to IMFOA, April 20 – 22 in Des Moines

Roll Call: Ayes: Councilperson Bruce, Branigan, Gray, and Huntsman
Nays: None

Motion Carried.

Mosquito Control is to let us know in April if they will be able to do our mosquito spray this year. This will be on next agenda.

City Clerk will plan to attend the Municipal Leadership Academy Part 3 session.

Moved by Councilperson Gray, seconded by Bruce for Public Works attendance to American Water Works Association class on March 23 in Atlantic

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Branigan to purchase a replacement portable colorimeter tester for \$1,920.80.

Roll Call: Ayes: Councilperson Huntsman, Bruce, Branigan, and Gray

Nays: None

Motion Carried.

Public Works maintenance report was provided in writing, but he added about getting a hitch for the lawn mower and that he will be contacting Accu Jet to come in April or May for the routine maintenance on the lines.

Mayor's Report was provided in writing and had nothing additional.

Clerk's report was provided in writing but added that Mary had attended a grant writing workshop and Mary also reminded them that she is willing to schedule appointments with anyone if there are ever questions or discussions that need to take place.

City Attorney's Report was provided in writing.

Additional items as may come before the Council:

*Concern that emergency sirens did not go off when the tornado hit just outside town on March 5

Items for upcoming agenda:

*Community building – rental, cleaning, and allowance of alcohol

*Mosquito spraying

*Determine usage of the CD's that were voted to be cashed in

*Evans Park bathroom renovation

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

Roll Call: Ayes: Councilperson Branigan, Gray, Huntsman, and Bruce

Nays: None

Motion Carried.

Meeting Adjourned.

Larry Johnson, Mayor

ATTEST:

Mary L. Bolton, City Clerk