

REGULAR MEETING OF THE EMERSON CITY COUNCIL
 WEDNESDAY, MAY 12, 2021 – 6:00 P.M.
 THIS MEETING THROUGH ZOOM FOR GENERAL PUBLIC
 ORIGINATING FROM EMERSON CITY HALL – 410 MANCHESTER
 (MAYOR PRO-TEM/COUNCIL/CITY STAFF IN PERSON AT CITY HALL)

Mayor Pro-Tem Mike Branigan called the regular meeting of the Emerson City Council to order on Wednesday, May 12, 2021, 6:00 p.m. through Zoom, originating from Emerson City Hall. This meeting was held partially electronically due to the Coronavirus and the social distancing suggestions for group gatherings.

Pledge of allegiance was recited.

Roll Call: Present: Councilperson Ann Roth, Larry Johnson, Randy Gray, Bob Huntsman, and Mike Branigan
 Absent: None

Moved by Councilperson Johnson, seconded by Roth to approve the agenda.

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

Motion Carried.

Moved by Councilperson Gray, second by Huntsman to approve consent agenda:

*Minutes from regular meeting of April 14, 2021

*Warrants for April 2021

*Financial Report for April 2021

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Gray to approve claims for May 2021 in the amount of \$69,112.48

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

Motion Carried.

Visitors opportunity to speak:

*Gary Christensen – questioned of city street signs missing and/or broken (Council commented they feel there is someone intentionally doing it as some of them are not accessible with vehicles. One appears it was done by a semi)

*Max Austin – questioned if he needed permit for a flag pole (no) and status of city website (website is back in working order and Clerk will be working on it this month)

Moved by Councilperson Roth, seconded by Huntsman to approve fire department request to use Evans Park on May 22 for a fire department family supper for awards night

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

Motion Carried.

Fire Department Report – Liz Ungry, Chief:

*wondered if city had a time frame as to when the gutters will be completed on the fire department building (no)

*Discussed fit and physical testing of fire department volunteers (she will work on a scheduled to get them completed)

Moved by Councilperson Johnson, seconded by Branigan to approve building permit from Jon & Michelle Petereit to tear down existing garage and build a new garage in rear of property at 411 Morton Ave

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to approve the 1st reading of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa by Amending Provisions Pertaining to Water Service Charges

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to waive the 2nd and 3rd readings of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa by Amending Provisions Pertaining to Water Service Charges

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

Motion Carried.

Moved by Councilperson Roth, seconded by Branigan to adopt Ordinance No. 369
ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EMERSON, IOWA BY AMENDING PROVISIONS PERTAINING TO WATER SERVICE CHARGES .

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

SECTION 1. SECTION MODIFIED. Section 92.02 of the Code of Ordinances of the City of Emerson, Iowa, is repealed and the following adopted in lieu thereof:

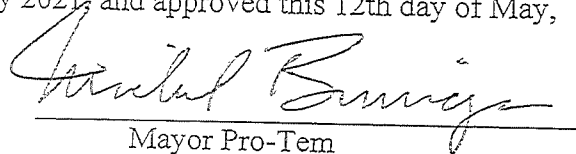
92.02 RATE. Each customer shall pay both the base rate water service charges for services supplied by the municipal water system and the unit charge based upon the amount of water consumed as follows, effective with July 2021 billing and thereafter:

| | |
|--------------------|---------|
| Base Rate: | \$35.27 |
| Per 1,000 gallons: | \$10.66 |
| Minimum Bill: | \$35.27 |

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.

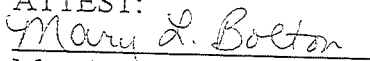
SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law, but no earlier than July 1, 2021.

Passed by the Council the 12th day of May 2021, and approved this 12th day of May, 2021.



Mayor Pro-Tem

ATTEST:



Mary L. Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Roth, seconded by Huntsman to approve the 1st 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 Johnson, Gray, Huntsman, Roth, and Branigan
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to waive the 2nd and 3rd readings 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 Gray, Huntsman, Roth, Johnson, and Branigan
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to adopt Ordinance No. 370
**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 Emerson, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of Emerson, Iowa, is repealed and the following adopted in lieu thereof:

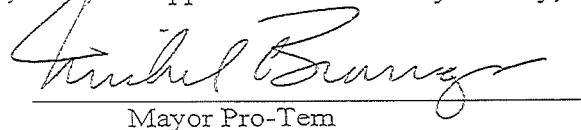
99.02 RATE. Each customer shall pay both the base rate sewer service charges for the service supplied by the municipal sanitary sewer system and the unit charge based upon the amount of water consumed as follows, effective with July 2021 billing and thereafter:

| | |
|--------------------|---------|
| Base Rate: | \$34.81 |
| Per 1,000 gallons: | \$ 5.87 |
| Minimum Bill: | \$34.81 |

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.

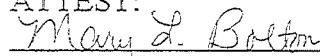
SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law, but no earlier than July 1, 2021.

Passed by the Council the 12th day of May, 2021, and approved this 12th day of May, 2021.



Mayor Pro-Tem

ATTEST:



Mary L. Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Gray, seconded by Branigan to approve the 1st reading of the proposed Ordinance to Amend the Code of Ordinances of the City of Emerson, Iowa Pertaining to Water Service Pipe

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to waive the 2nd and 3rd reading of the proposed Ordinance to Amend the Code of Ordinances of the City of Emerson, Iowa Pertaining to Water Service Pipe

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to adopt Ordinance No. 371
**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
EMERSON, IOWA PERTAINING TO RESPONSIBILITY FOR WATER
SERVICE PIPE**

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

SECTION 1. SECTION MODIFIED. The Code of Ordinances of the City of Emerson, Iowa is hereby amended by repealing 90.11 Responsibility for Water Service Pipe and the following adopted in lieu thereof:

RESPONSIBILITY FOR WATER SERVICE PIPE.

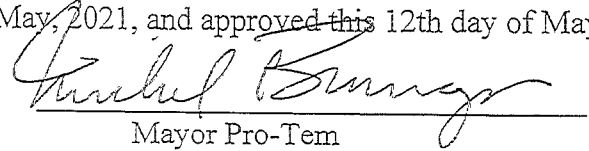
1. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.
2. If a property owner requests the City's assistance or involvement in addressing an issue affecting the water service pipe(s) and it is determined by the City that the primary cause of the issue is related to water service pipe(s) running from the water main to the property's owner building, the property owner will be responsible for any fees that may result from the need of calling in a plumber or any other contractor. City will invoice the property owner, based on the invoice received from the plumber/contractor. City also has the right to assess the costs thereof to the property.

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.

Passed by the Council on the 12th day of May, 2021, and approved this 12th day of May, 2021.


 Mayor Pro-Tem

ATTEST: Mary L. Bolton
 Mary L. Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Gray, seconded by Johnson to approve the 1st reading of the proposed Ordinance to Amend the Code of Ordinances of the City of Emerson, Iowa Pertaining to Responsibility for Sewer Service Pipe

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

Motion Carried.

Moved by Councilperson Roth, seconded by Huntsman to waive the 2nd and 3rd readings of the proposed Ordinance to Amend the Code of Ordinances of the City of Emerson, Iowa Pertaining to Responsibility for Sewer Service Pipe

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

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to adopt Ordinance No. 372
ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF EMERSON, IOWA PERTAINING TO RESPONSIBILITY FOR SEWER SERVICE PIPE

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

SECTION 1. SECTION MODIFIED. The Code of Ordinances of the City of Emerson, Iowa is hereby amended by repealing 96.09 Property Owner's Responsibility and the following adopted in lieu thereof:

PROPERTY OWNER'S RESPONSIBILITY.

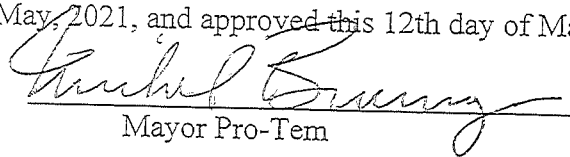
1. All costs and expenses incident to the installation, connection, and maintenance of the sewer line from sewer main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said service line.
2. If a property owner requests the City's assistance or involvement in addressing an issue affecting the sewer service line(s) and it is determined by the City that the

primary cause of the issue is related to sewer line(s) running from the sewer main to the property owner's building, the property owner shall be responsible for any fees that may result from the need of calling in a plumber, any other contractor, or the hiring of a Jet Truck. City will invoice the property owner, based on the invoice received. City also has the right to assess the costs thereof to the property.

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.

Passed by the Council on the 12th day of May, 2021, and approved this 12th day of May, 2021.


Mayor Pro-Tem

ATTEST: Mary L. Bolton
Mary L. Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to approve Mosquito Control of Iowa Contract with Mosquito Control for 2021 service

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

Motion Carried.

There was no action on the demolition program through Southwest Iowa Housing Trust, was informational purposes only.

Moved by Councilperson Roth, seconded by Johnson to approve Resolution No. 2021-12 AS AMENDED: RESOLUTION REGARDING THE INTENT TO SELL REAL PROPERTY (411 KING STREET) AND SET DATE FOR PUBLIC HEARING (JUNE 9, 2021) – Amendment includes: remove “and all structures” from the sentence what must be removed, set a minimum bid of \$2500, and 180 days for completion or it reverts back to city.

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

Motion Carried.

Moved by Councilperson Huntsman, seconded by Gray to approve request from Old Road Café & Bar for street closure on September 11, 2021 for street dance during Emerson Days

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

Motion Carried.

The resolution for use of Bass Ballpark for Mud Drags was tabled following much discussion. There will be contact made with the hay bale lease holder and then re-addressed.

Moved by Councilperson Johnson, seconded by Roth approve the citizen request to personally place rock in the alley, up to the backyard at 608 Wilson, with it noted that the city will have no part in maintaining it.

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

Motion Carried.

Moved by Councilperson Johnson, seconded by Branigan to accept Estimate 2A from T E Smith Construction for Junction Box Removal/Replacement of storm sewer cover at the intersection of Lowell Avenue and Harris Street (\$5,236.96)

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

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to get the repairs completed on the lawn mower, based on the repair quote, plus include the service.

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

Motion Carried.

Three estimates were received on tree/stump removals and trimmings:

*The Green Tree Co. \$19,600.00

*RC Tree Service \$15,050.00

*Miner's Tree Service \$7,475.00

Moved by Councilperson Johnson, seconded by Huntsman to approve Miner's Tree Service for the tree removals as estimated, \$7,475.00.

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

Abstained: Councilperson Roth and Gray (they both have trees in front of their properties on the list)

Motion Carried.

A written maintenance report was provided by Public Works Todd Franks.

Mayor Report: encourages all citizens to help with mosquito control by not having standing water to attract them

Clerk Report: a written report was provided. Added that security cameras are on back order and that a letter of resignation had been received from Librarian Karen Gage, effective June 1, 2021, or about that date.

City Attorney Report:

*has filed abandon property on 408 Manchester

*Governor may be ending the emergency proclamation on public meetings – when and if she does, he will be consulting with Mayor and Clerk about council meetings

Additional items as may come before the Council:

*city truck replacement status

Items for next council meeting:

*Budget amendment

*Transfers resolution

*Mud Drags at Bass Park

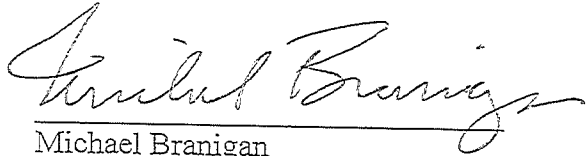
*Public Hearing on sale of 411 King Street

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

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

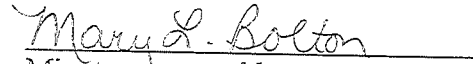
Motion Carried.

Meeting Adjourned.



Michael Branigan

Mayor Pro-Tem presided over meeting



Minutes prepared by:

Mary L. Bolton, City Clerk