

**REGULAR MEETING OF THE EMERSON CITY COUNCIL
WEDNESDAY, MAY 13, 2020 – 6:00 P.M.
THIS MEETING WAS HELD WITHIN CITY HALL WITH ALSO AN ELECTRONIC
MEETING THROUGH ZOOM AVAILABLE FOR CITIZENS OR
MAYOR/COUNCIL WHO CHOSE NOT BE IN LIVE ATTENDANCE
410 MANCHESTER STREET**

Mayor Stephanie Latta called the regular meeting of the Emerson City Council to order on Wednesday, May 13, 2020, 6:00 p.m. through an electronic meeting within Zoom, originating from Emerson City Hall, 410 Manchester Street. A partial electronic meeting was held due to the COVID-19 and state limitation on number of people allowed at gatherings. Mayor and citizens were present through Zoom while the five councilmembers, City Clerk, Deputy City Clerk, Town Maintenance, and City Attorney were present within city hall.

Pledge of allegiance was recited.

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

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

Councilperson Branigan asked for discussion as he feels agenda is too long and advised he will motion to postpone indefinitely on items he thinks that can wait.

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

Motion Carried.

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

*Minutes from regular meeting of April 8, 2020

*Warrants from April 2020

*Financial Report for April 2020

Councilperson Branigan asked for discussion wanting clarification from the warrants on three expenses.

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

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve claims to be paid in the amount of \$23,662.16

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

Motion Carried.

Visitors Opportunity to Speak:

*Gary Christensen: Commented there are no time limits on public meetings and you get paid by the meeting, not by the hour.

*Jammie Dalton: submitted a building permit application for a deck that was in dropbox Tuesday morning, and wondered if she could proceed. (was too late for agenda). She was advised she could tear down and replace to exact same and she's ok but cannot go any further until approved by council at next meeting. If there happens to be a special meeting, she has asked to be on it.

Moved by Councilperson Johnson to obtain 2 security camera backups at this time.

Discussion continued and Councilperson Johnson withdrew his motion.

Moved by Councilperson Gray, seconded by Huntsman to buy 1 security camera battery backup and place it by the Freedom Rock.

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

Motion Carried.

Steve Marsh, a Water Services Specialist, had been directed to the City by the Iowa DNR after Mayor had contacted the DNR with questions on water and wastewater and our prices. He explained he works through a grant with DNR and it is no cost to the City. Some of the things he will look through income and expense history, rates, number of connections, gallons pumped, and gallons sold. He stated that costs of water and wastewater are going up across the country and commented that a slight raise each year to help keep up with inflation is recommended.

Moved by Councilperson Roth, seconded by Gray to proceed with the water and wastewater rate analysis and study with Steve Marsh.

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

Motion Carried.

Tyler Keenan with JEO gave an update on the Sanitary Sewer Improvements Project Update. It's nearing completion with the lateral lining going on now.

Moved by Councilperson Johnson, seconded by Huntsman to approve Pay Request from Thiele Geotech, Inc. for material testing on Emerson Sanitary Sewer Improvements, in the amount of \$1,068.50.

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

Motion Carried.

Moved by Councilperson Branigan, seconded by Huntsman to approve request from PPI (Lateral Contractor) to work on Saturday, May 16.

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to approve Change Order #002 Request on 2019 Sanitary Sewer Improvements,

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

Motion Carried.

Moved by Councilperson Gray, seconded by Roth to approve Pay Request #2 to Municipal Pipe Tool Co. for 2019 Sanitary Sewer Improvements project in the amount of \$160,362.52

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

Motion Carried.

Mitch Klein with JEO explained the Lift Station Bidding Schedule if Council wishes to proceed. This is the new backup emergency generator and estimate is \$89,000 for construction. The project is small enough it can go through informal bid process and we can reach out direct to bidders. The notice would go to contractors this week, with bids due on June 2. JEO will then analyze them and bring it back to council at the June 10 meeting to consider bids and have a resolution to award the contract. The time frame for construction would be July 1 – December 15.

Moved by Councilperson Branigan, seconded by Roth to approve Addendum No. 1 to the Plans, Specs and Bidding Documents for the 2019 Lift Station Electrical Improvements Project

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

Motion Carried.

Moved by Councilperson Branigan, seconded by Gray to approve Resolution No. 2020-15

RESOLUTION PROVIDING FOR THE PROCUREMENT OF COMPETITIVE QUOTATIONS FOR THE LIFT STATION ELECTRICAL IMPROVEMENTS PROJECT AND SETTING THE DATE FOR THE CONSIDERATION THEREOF

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to approve Resolution No. 2020-16

RESOLUTION ADOPTING AND APPROVING TAX COMPLIANCE PROCEDURES RELATING TO TAX-EXEMPT BONDS

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

Motion Carried.

Mitch Klein of JEO reviewed the 2015 study and required projects for the wastewater. There had been compliance concerns through DNR that the city was needing to address, of which some have already been addressed. As long as city continues to work on the steps the city will stay in compliance and there should not be any fines from the DNR since we continue to work. JEO will work on a scope for a flow study and dredging of the lagoon and bring it back to the council.

He continued with the review of previous studies and recommended projects for the water and wastewater. Some short-term recommendations include constructing a new supply well, improvements to the well #2 building, and new mains. Long term recommendations would be to construct a new main or connect a neighboring community to our water system.

Moved by Councilperson Roth, seconded by Gray to approve the 1st reading of the proposed Ordinance to Amend the Code of Ordinances of the City of Emerson, Iowa Relating to Floodplain Management

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to waive the 2nd and 3rd readings of the proposed Ordinance to amend the Code of Ordinances of the City of Emerson, Iowa Relating to Floodplain Management

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to adopt Ordinance No. 362 **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF EMERSON, IOWA RELATING TO FLOODPLAIN MANAGEMENT**

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

SECTION 1. SECTION MODIFIED. Chapter 160.07(2)A of the Code of Ordinances of the City of Emerson, Iowa, is repealed and the following adopted in lieu thereof:

160.07(2)A

All New and Substantially Improved Structures shall:

- (1) Be adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) Use construction methods and practices that will minimize flood damage.
- (3) Use construction materials and utility equipment that are resistant to flood damage.

SECTION 2. 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 the _____ day of _____, 2020, and signed by Mayor this _____ day of _____, 2020.

Stephanie Latta, Mayor

ATTEST:

Mary L. Bolton, City Clerk

First Reading: 5/13/2020

Second Reading: Waived

Third Reading: Waived

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

Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve the demolition and burning of property located at 407 Manchester Street, as long as all DNR regulations are followed.

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

Nays: None

Motion Carried.

Councilperson Branigan left the meeting.

Moved by Councilperson Gray, seconded by Roth to accept the recent payment toward water/sewer bill for 604 Harris and write off the rest, due to the unknown cause of high reading

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

Nays: None

Motion Carried.

Council took a recess for a few minutes.

Moved by Councilperson Roth, seconded by Huntsman to not allow any adjustment for the late fee on the water/sewer billing for 601 Wilson Street.

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

Motion Carried.

Moved by Councilperson Gray, seconded by Johnson to approve the sidewalk repair application from Jammie Dalton for 506 Manchester Street

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

Motion Carried.

Mayor Latta announced this as the time and place to conduct a Public Hearing on Amendment of FY2019-2020 City Budget.

No oral or written comments.

Hearing closed.

Councilperson Branigan re-joined meeting, this time through zoom.

Moved by Councilperson Johnson, seconded by Roth to approve Resolution No. 2020-17 CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION – FY 2020 – AMENDMENT #1

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

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to go with Mosquito Control of Iowa for mosquito spraying.

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

Motion Carried.

No action on agenda item #29 to file unpaid water/sewer for 602 King Street has it has been paid.

Moved by Councilperson Gray, seconded by Roth to not take action on resolution for unpaid water/sewer for 400 Lowell Avenue as long as it is paid in full before 8:00 am on Monday, May 18, 2020.

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

Motion Carried.

City Wide Clean-up is still scheduled for June 4, 5, and 6. Fire Department is happy to assist. A volunteer sign-up sheet will be at city hall.

A complaint had been received about loose dogs in the city, including the Mayor's dogs. She advised they are kept tied up or kept in her house and she has an invisible fence. Council commented that it is noted for the record.

Mayor commented she does not have a Mayor's report. Councilperson Roth asked about a rumor she had heard that Mayor had gotten a \$1 million grant for the city and asked if the rumor is true or not. Mayor would not comment at this time and said she would deal with it later on the agenda.

Moved by Councilperson Gray, seconded by Johnson to approve Municipal Management Corporation for water hydrant leak detection.

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

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve repair of storm sewer collapse on Harris and Lowell

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

Motion Carried.

Public Works Report had been submitted in writing and he explained some of it. Fire Chief Ungry commented that she had witnessed out of town residents using the city recycling bins. Todd also added that someone is dumping mattresses at the city dump site, which is illegal.

City Clerk's Report had been submitted in writing but added that the outdoor display board has arrived and electrical hook-up is being checked into.

Council asked that signage and use of recycling bin be on June agenda.

Moved by Councilperson Branigan to table everything else still on the agenda until the June meeting. Motion died for the lack of a second.

Councilperson Branigan left the meeting.

Additional items as may come before the Council:

*Fire Chief Ungry announced that the new county-wide radio system goes into effect on May 14.

*Councilperson Roth returned to her question of the Mayor regarding the grant, of which Mayor declined to answer

Council took a recess for a few minutes.

Personnel evaluations: City employees chose to stay within open session for this discussion.

They expressed concern of their reputation, and the lack of communication between the Mayor and them. Also shared concern that behavior of others makes it an uncomfortable work establishment for them. There was a lot of discussion among the three employees and the four councilmembers in attendance regarding these concerns.

Moved by Councilperson Roth, seconded by Gray to approve Resolution No. 2020-18
**RESOLUTION SETTING HOURLY WAGE FOR CERTAIN EMPLOYEE
(DEPUTY CITY CLERK LANA MOYERS) OF THE CITY OF EMERSON,
IOWA FOR FISCAL YEAR JULY 1, 2020 – JUNE 30, 2021**

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

WHEREAS, salary increases were budgeted within the proposed budget for this time period.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Emerson, Iowa, that the following hourly wage is hereby approved and shall be effective with the first paycheck in July, 2020.

Lana Moyers \$17.65 per hour

PASSED by Emerson City Council on the _____ day of _____, 2020 and signed by Mayor on the ____ day of _____, 2020.

Stephanie Latta, Mayor

ATTEST:

Mary L. Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Gray, seconded by Huntsman to approve Resolution No. 2020-19
RESOLUTION SETTING HOURLY WAGE FOR CERTAIN EMPLOYEE (CITY CLERK MARY BOLTON) OF THE CITY OF EMERSON, IOWA FOR FISCAL YEAR JULY 1, 2020 – JUNE 30, 2021

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

WHEREAS, salary increases were budgeted within the proposed budget for this time period.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Emerson, Iowa, that the following hourly wage is hereby approved and shall be effective with the first paycheck in July, 2020.

Mary Bolton \$23.18 per hour

PASSED by Emerson City Council on the _____ day of _____, 2020 and signed by Mayor on the ___ day of _____, 2020.

Stephanie Latta, Mayor

ATTEST:

Mary L. Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Gray, seconded by Johnson to approve Resolution No. 2020-20
RESOLUTION SETTING HOURLY WAGE FOR CERTAIN EMPLOYEE (PUBLIC WORKS TODD FRANKS) OF THE CITY OF EMERSON, IOWA FOR FISCAL YEAR JULY 1, 2020 – JUNE 30, 2021

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

WHEREAS, salary increases were budgeted within the proposed budget for this time period.

Iowa, that the following hourly wage is hereby approved and shall be effective with the first paycheck in July, 2020.

Todd Franks \$22.28 per hour
plus he receives an additional \$500 per month in lieu of health insurance

PASSED by Emerson City Council on the _____ day of _____, 2020 and signed by Mayor on the ___ day of _____, 2020.

Stephanie Latta, Mayor

ATTEST:

Mary L. Bolton, City Clerk

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

Motion Carried.

Moved by Councilperson Huntsman, seconded by Johnson to approve Resolution No. 2020-21
**RESOLUTION SETTING HOURLY WAGE FOR CERTAIN EMPLOYEE
(PART-TIME MAINTENANCE JAMES MCDONALD) OF THE CITY OF
EMERSON, IOWA FOR FISCAL YEAR JULY 1, 2020 – JUNE 30, 2021**

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

WHEREAS, salary increases were budgeted within the proposed budget for this time period.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Emerson, Iowa, that the following hourly wage is hereby approved and shall be effective with the first paycheck in July, 2020.

James McDonald \$10.30 per hour

PASSED by Emerson City Council on the _____ day of _____, 2020 and signed by Mayor on the ___ day of _____, 2020.

Stephanie Latta, Mayor

ATTEST:

Mary L. Bolton, City Clerk

Roll Call: Ayes: Councilperson Gray, Huntsman, and Johnson
Nays: None
Abstained: Councilperson Roth (Personal relationship with employee)

Motion Carried.

Discussion took place on the proposed resolution regarding who can contact city attorney. There was no action taken on this resolution.

As discussion began on the Review of Code of Ordinances Chapter 15 (Mayor), Councilperson Johnson handed out a possible proposal that would change the duties of Mayor and possibly adding a City Manager position within Emerson. Much discussion took place on these scenarios with no action by the Council. A meeting between Mayor, City Clerk, Deputy City Clerk, Town Maintenance, and City Attorney will be set up for this next week to discuss issues and see how the communication can be opened up. After this meeting the Council would like to be notified and they might want to set up a special meeting.

City Clerk asked Mayor if the Community Club members could use the community building yet for their meeting since it is closed due to Covid-19. Mayor stated she will need to get back with the Clerk.

Items for next council meeting:

*Signage and usage of recycling bin

*Building permit for deck for Jammie Dalton (if there is a special meeting held it is to go on there)

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

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

Nays: None

Motion Carried.

Meeting Adjourned.

Stephanie Latta, Mayor

ATTEST:

Mary L. Bolton, City Clerk