

## **EMERSON CITY COUNCIL MINUTES**

Regular Meeting of the Emerson City Council

Monday, October 3, 2016, at 6:00 p.m. Emerson City Hall, 410 Manchester St. Emerson, IA

Mayor Herb Petereit called the Regular Meeting of the Emerson City Council to order on Monday, October 3, 2016 6:00 pm. at City Hall. This meeting is being recorded.

Roll Call: Ronald Stephens Jr., Jennifer Shaw, Phil Kudron, Heidi Pullen, Karen Morris, and Herb Petereit. Also Present: City Clerk Nelson, Treasurer Jansky and 11 visitors.

Morris moved approve Agenda 2<sup>nd</sup> Pullen 5-0 Motion carried

Morris moved to disapprove the September 7, 2016 Regular Meeting Minutes. Discussion and explanations took place. Motion died

Morris moved approve September 7, 2016 Regular Meeting Minutes 2<sup>nd</sup> Shaw 5-0 Motion carried

Pullen moved approve September 19, 2016 Special Meeting Minutes, 2<sup>nd</sup> Kudron 5-0 Motion Carried

Pullen moved approve September 2016 Warrants 2<sup>nd</sup> Morris 5-0 Motion carried

Stephens moved approve October 3, 2016 claims to be paid, October claims paid to date 2<sup>nd</sup> Shaw 5-0 Motion carried

Treasurer Reports: Discussed reports presented

Resident's opportunity to speak: Marvin & Mary Jane Adams requested 2 ½ year issue with ditch erosion and washout of their side walk be addressed. The City will be getting estimates to complete the repairs. Jammie Dalton - the basketball court keeps flooding and is un-useable. Kudron will check drain and un-plug. Ann Roth presented a petition with 123 signatures to reinstate William "BJ" Kendall's position with the City. Jim Kearney - there is a drain plugged in front of his home and asked when the City would be working on them. Mayor Petereit will check with the Fire Dept. to see if the drain can be flushed out. Mary Steinman would like to see the pledge of allegiance and prayer prior to City Council meetings. Jim Kearney would like to see the American Flag in the Council Chambers. Stephens will check with Pastor Latta about attending to lead the Council in Prayer and will look into getting a flag set up. Jim Kearney let the Council know that the American Legion Building could be used as a shelter during storms and would like to see the Council and the Legion get together and set up some plans.

Fire & Rescue Report: Mayor Petereit read the Minutes from the Departments August 29,2016 meeting. Robert Dillon has joined the Department.

Library Report Paula McGrew – There was a good attendance for the Open House during Emerson Days. \$125 was raised and will be deposited into the Trust Fund Savings. The last Saturday in October there will be a Holiday Open House and another for Christmas where there will be snacks and crafts. There are about 4 – 5 new patrons using the Library.

City Clerk report: Payroll checks should not be removed from City Hall without prior approval of employee, have been working on Annual Financial Report; waiting for Data Tech to correct some reports to complete it. Received call about Harley's Bar and Grill blocking the back door to the Post Office again.

Public Works Report by City Clerk Nelson: McDonald has been keeping up with the mowing, Kudron has been working on the pot holes and cutting edges of streets, up to date with locates, head lamps repaired on Dump Truck, DOT inspection performed on Dump Truck, helped Paulsen repair water leak on Nebraska Ave. New door installed at City Hall.

Stephens moved approve bid from Dwayne Pelzer Repair Service for \$3,358.58 to repair the City Dump Truck pending verification of no play with the rear pinion 2<sup>nd</sup> Pullen 5-0 Motion Carried

Mayor's report: Kudron has been working on streets and has gone through all of the cold patch. Will see if we can borrow a trailer to haul. Gail Larsen changed the oil in the lawn mower. Nelson asked about his volunteer form. Petereit has it. Larsen says the deck need repainted at the end of the mowing season.

Stephens moved approve purchasing 3 tons of cold patch from Henningson's at \$140 per ton 2<sup>nd</sup> Shaw 5-0 Motion Carried

Pullen moved approve **RESOLUTION #2016-49 FIX A DATE FOR A PUBLIC HEARING ON PROPOSAL TO ENTER INTO A SEWER REVENUE LOAN AND DISBURSEMENT AGREEMENT AND TO BORROW MONEY THEREUNDER IN A PRINCIPLE AMOUNT NOT TO EXCEED \$270,000** 2<sup>nd</sup> Stephens Roll Call: Morris, Pullen, Kudron, Shaw and Stephens 5-0 Motion Carried

Nuisance Properties Committee – Tabled until November Meeting

Street Committee – Sta-Bilt Construction is scheduled to chip seal/seal coat streets on Wednesday

Stephens moved approve Iowa Codification to complete updates and prepare a draft Ordinance book 2<sup>nd</sup> Pullen 5-0 Motion Carried

Levee Clean Up bids and updates: We need to find out if the Corp of Engineers considers the railroad as part of our levee, if it was compact tested and if there was approval from the Burlington Northern Railroad. One bid was received for the proposed clean-up.

Councilperson Shaw exits meeting at 7:35 p.m.

Non-Statutory Volunteer Policy – no discussion

Publish Town Maintenance position in the Weekly Times. Petereit requested the petition turned in to reinstate Kendall be included as an application.

Sewer Rate Increases – no discussion

Stephens moved approve Building Permit for 811 Lowell Ave carport and shed as updated 2<sup>nd</sup> Morris 4-0 Motion Carried

Pullen will discuss Christmas Lighting donation with the Community Club

Clerk ordered hearing protection and safety goggles. Council agreed to purchase safety vests and shirts.

To install meters in the churches and other City buildings we will need to have Paulsen's do some work first.

There is one property that needs disconnected for non-payment process to do this has been explained each month over a long period of time and has not followed through as directed.

Kudron moved approve **RESOLUTION 2016-48 TRANSFER TO CITY CHECKING FROM FIRE CHECKING FOR EXTRICATION TOOLS** 2<sup>nd</sup> Stephens Roll Call: Morris, Kudron, Stephens and Pullen 4-0 Motion Carried

SWIPCO LMI Survey and related services: The Council would like to also check with Simmering and Cory for a second estimate.

Lift Station Generator needs a new heater; it burnt up from running out of anti-freeze. Will have Jones Automotive look it over to see if there are other repairs needed.

Discussed mowing the lagoons with the tractor mower instead of mower to save on wear and tear

O'Reilly Auto Parts gave Mayor Petereit a gift card for battery core return's instead of credit back to the City account. Pullen will go to the store and have corrections made. There have been numerous issues with their invoicing over the past two years. With consideration to the time and stress involved in getting things corrected the Council agreed to no longer utilize the business for the Cities needs at least for now.

Item #31 skip

Petereit would like to see the parking stripes white; that is the State's recommendation. Agreed to order paint in case the issue is pressed in future

28E Fire Agreements need updated; we need to get with the Fire Department to determine the future needs for the department. The City cannot keep covering services provided to the townships. Petereit will visit with Wilber and Ungry. Nelson will pull past information

Nicole Mahoney Photography of Emerson has rented the Community Building to offer families Halloween photo's this year. Discussion took place on seeing if businesses would be interested in participating in a Halloween Downtown event for the children of Emerson. Pullen felt the rest of the building could also be decorated where children could also have trick or treating within the building.

Nelson would like us to have a KIOSK built or purchased to be installed outside of City Hall to post Agenda's, minutes, or other City notices. This would give residents a location other than the post office for 24 access to information.

Pea Gravel purchase request - \$35.00 per bucket load was agreed upon

Broken concrete tubes at the yard waste site; Gail Larsen may collect to be used on his property

As a service to the City the Iowa League of Cities will be scheduling a workshop. This will be so City officials and staff can ask questions and discuss procedures for running the City. Hope is to clear up miscommunications and minimize calls to the City Attorney.

Job descriptions tabled until November meeting.

City Clerk Performance evaluation – Nelson requests Closed Session

Stephens moved approve going into Closed Session pursuant to Iowa Code Section 21.5(1)(I) to evaluate an employee whose performance is being considered and was requested by the employee to go into Closed Session and to prevent needless and irreparable injury to the employee's reputation at 9:12 p.m. 2<sup>nd</sup> Pullen Roll Call: Stephens, Kudron, Pullen, and Morris 4-0 Motion Carried

Mayor Petereit exits Closed Session at 10:26 p.m. Mayor Pro-Tem Stephens takes over.

Pullen moved approve coming out of Closed Session and return to Open Meeting at 10:42 p.m. 2<sup>nd</sup> Kudron Roll Call: Kudron, Pullen, Morris, and Stephens 4-0 Motion Carried

Morris moved to vote to terminate City Clerk Nelson 2<sup>nd</sup> Pullen Roll Call: Morris – Aye, Pullen – Nay, Kudron – Nay, and Stephens – Nay 3-1 Motion Failed

Kudron suggests ending the daily emails, keep a daily ledger of what is going on so anyone can come look at it and discussions can take place instead of communication over the internet which could help avoid miscommunication's.

Councilperson Karen Morris submitted her resignation from the City Council and exited the meeting at 10:51 p.m. Stephens noted resignation received.

Maxine Wilkinson turned in her resignation from the Community Building effective October 31<sup>st</sup>, 2016. Nelson requested the Council approach her immediately with any complaints and suggestions so any miscommunications can be addressed immediately. Discussed possible improvements to the entrance of City Hall

Complaints: part of resident's opportunity to speak

Kudron moved to adjourn meeting 2<sup>nd</sup> Pullen. 3-0 Motion Carried Stephens declared meeting adjourned at 11:07 p.m.

Ronald Stephens Jr., Mayor Pro-Tem

ATTEST: Kimberly Nelson, City Clerk