

**REGULAR MEETING OF THE EMERSON CITY COUNCIL
WEDNESDAY, SEPTEMBER 14, 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, September 14, 2022, 6:00 p.m. in Emerson City Hall, 410 Manchester Street.

Pledge of allegiance was recited.

Roll Call: Present: Councilperson Ann Roth, Randy Gray, Cathy Bruce, and Mike Branigan
Absent: Councilperson Bob Huntsman

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

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

Motion Carried.

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

*Minutes from regular meeting of August 10, 2022

*Warrants for August 2022

*Financial Report for August 2022

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

Motion Carried.

Moved by Councilperson Gray, seconded by Bruce to approve claims for September 2022 in the amount of \$38,129.46

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

Motion Carried.

Visitor Comments: None

Mayor announced this as the time and place to conduct a Public Hearing to consider entering into a commercial lease agreement with NextLink for leasing a portion of the railings and spaces for equipment box located on Emerson's water tower.

*Comments included those passed along from city attorney Fishman to make sure city's insurance is ok with the subrogation clause

Hearing closed.

Moved by Councilperson Gray, seconded by Branigan to approve the Commercial Lease Agreement with NextLink for rental of space on water tower, subject to ICAP's approval of the subrogation clause.

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

Motion Carried.

Ashley Hayes with SWIPCO, explained the purpose of the traffic count to assist with ADA sidewalks. She received traffic count information from DOT from 2016 and 2020 but the current intersections to be counted are: Morton/Manchester, Morton/Howland, Bradford/Howland, and the 600 block of King Street. Asked if city could find volunteers to do this count on a specific date between the following three time slots: 7-9 am, 11am – 1 pm, and 3-6 pm. Having this updated count can help determine possible funding to show how busy for ADA compliance. City staff will prepare a sheet for volunteers to sign up and a specific date will be determined.

Fire Department Report – Liz Ungry, Chief:

- *Thanked those who attended the Pancake Feed
- *Invite people to attend the Pork Chop Dinner on Saturday at Indian Creek Museum
- *Making sure people are aware we are not in a burn ban
- *Department has pipeline training next week

Moved by Councilperson Roth, seconded by Gray to approve the purchase of two (2) new front tires for Fire Department's Utility 80 truck, from Barr Tire for \$257.99 + \$15 labor + \$24 tube.

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

Motion Carried.

Moved by Councilperson Branigan, seconded by Gray to approve Resolution No. 2022-21
RESOLUTION FOR 28E AGREEMENT FOR MUTUAL ASSISTANCE FOR MILLS COUNTY FIRE/RESCUE/EMERGENCY SERVICES

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to direct City Attorney Fishman to prepare

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

Motion Carried.

Moved by Councilperson Branigan, seconded by Roth to approve Resolution No. 2022-22
RESOLUTION SETTING DATE FOR PUBLIC HEARING TO CONSIDER THE DISPOSAL OF LOT #5 IN WESTENBURG ADDITION, CITY OF EMERSON, IOWA (October 12, 2022)

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

Motion Carried.

Moved by Councilperson Gray, seconded by Roth to approve Resolution No. 2022-23
RESOLUTION FOR HAY GROUND LEASE AT BASS PARK – EMERSON, IOWA

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

Motion Carried.

Moved by Councilperson Roth, seconded by Branigan to approve the re-appointment of Linda Westover to the Library Board (term expires June 30, 2028) and the appointment of Ingrid Perkins to fill vacancy (term expires June 30, 2025)

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

Motion Carried.

Moved by Councilperson Branigan, seconded by Gray to table removal of dead or dangerous trees in the city as no bids had been received.

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

Moved by Councilperson Roth, seconded by Branigan to direct city hall to send a certified letter and also post a notice on door at 604 Edward for the nuisance situations. If no response from the letter city staff is contact Attorney Bri Sorensen to handle further action on this nuisance property.

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

Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Bruce to hire Attorney Fishman to handle notifications regarding 610 and 612 Harris with council direction as follows: 1) wants exterior of house done by year end, 2) move trailer off city property, 3) move building that's on skids away from lot line, 4) needs to get walk pathway off city property

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

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to approve Resolution No. 2022-24
RESOLUTION TO RE-INVEST OR OTHER ACTION OF MONIES FROM CD – 68 AT MALVERN BANK, MATURING SEPTEMBER 10, 2022 (Vote was to renew at Malvern Bank for 12 months at 2% interest)

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

Motion Carried.

Moved by Councilperson Gray, seconded by Roth to approve Resolution No. 2022-25
RESOLUTION TO RE-INVEST OR OTHER ACTION OF MONIES FROM CD – 69 AT MALVERN BANK, MATURING SEPTEMBER 10, 2022 (Vote was to cash this in and deposit into city's general fund to use toward Evans Park bathroom renovation)

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

Motion Carried.

Moved by Councilperson Roth, seconded by Bruce to approve Resolution No. 2022-26
RESOLUTION TO RE-INVEST OR OTHER ACTION OF MONIES FROM CD - 70 AT MALVERN BANK, MATURING SEPTEMBER 10, 2022 (Vote was to change to a 24 month CD at Malvern at 2.5% interest)

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

Motion Carried.

Moved by Councilperson Gray, seconded by Roth to place a down payment on the steel box for new truck in the minimum amount required by Reading.

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

Motion Carried.

Moved by Councilperson Roth, seconded by Bruce to direct city staff to send certified letters out to any unlicensed camper (which is considered a junk vehicle) and also notification of any parked over 72 hours that they are in violation of city ordinance and are subject to tow.

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

Motion Carried.

Moved by Councilperson Gray, seconded by Bruce to authorize Deputy Clerk to attend IMFOA in October 2022.

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

Motion Carried.

Moved by Councilperson Roth, seconded by Bruce to stop payment on the uncashed check to Waste Connections, dated June 8, 2022 for \$110.79.

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

Motion Carried.

Moved by Councilperson Branigan, seconded by Roth place “No Parking except for Emergency Responders” in the median west of the fire station (to be placed on barrels and one at each end)

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

Motion Carried.

Consensus of council to set September 28, 2022, 6:00 pm for a workshop in code book.

Public Works Maintenance report was provided in writing.

Mayor’s report was provided in writing. Addition of bathroom signage at the new Evans Park Bathrooms need posted and they will be getting ordered.

Clerk report was provided in writing.

No additional items.

Items for next council meeting:

- *Removal of dead or dangerous trees in the city
- *Water meter and pit
- *Hearing on sale of Lot 5 in Westenburg Addition
- *Rescinding of covenants in Westenburg Addition

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

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

Motion Carried.

Meeting Adjourned.

Larry Johnson, Mayor

Mary L. Bolton
City Clerk