

**CITY OF IVANHOE**  
**REGULAR MEETING**

**MINUTES**

November 14<sup>th</sup>, 2019  
6:30 PM

Meeting was called to order by Mayor Bennett at 6:32 PM. Quorum established with all Council members present except Councilman Priddy. Municipal Judge Cathy Rader, City Marshal Terry Riley and City Attorney Mr. Brad Elrod were also present. Ms. Patsy Morris provided the invocation and Mayor Bennett led the Pledge of Allegiance. There were 21 individuals present in the audience.

**Agenda Item #1 – Prewitt Variance application**

Following the public hearing held prior to the regular Council meeting (this date), Councilman Vonderlin presented the motion to deny the application of Mr. Richard Prewitt to build a habitable structure of less square footage than the minimum as provided in the codified ordinance. Councilman Herrington voiced the second and the motion carried unanimously.

**Agenda Item #2 – Recognition of outgoing Council member**

Mayor Bennett informed those present that outgoing Councilman Priddy was unable to attend due to a family commitment, but he would be recognized at a future meeting.

**Agenda Item #3 – Swearing in ceremony**

Judge Rader performed the ceremony and Councilman Morris, Councilman Herrington and Mr. Skip Blackstone were seated on Council following their Statement of Officer and Oath of Office.

**Agenda Item #4 – Communications from the audience-Agenda items**

No one signed up to address Council regarding items on the agenda.

**Agenda Item #5 – Consent agenda items**

Mayor Bennett asked if there were any items on the consent agenda that needed to be removed. Hearing none from Council, she asked if there was any objection to approval of the consent agenda. Hearing no objection Mayor Bennett called the consent agenda items approved including the minutes of the regular Council meeting October 19<sup>th</sup>, 2019, Tax rate hearing #1-September 5<sup>th</sup>, 2019, Tax rate hearing #2-September 10<sup>th</sup>, 2019, FY-2020 Budget hearing September 12<sup>th</sup>, 2019, Special meeting September 24<sup>th</sup>, 2019 and Special meeting September October 28<sup>th</sup>, 2019.

## **Agenda Item #6 – Mayor’s report**

Mayor Bennett provided information on several items:

- The city is celebrating its 10 year anniversary tonight; voter’s approved forming the City of Ivanhoe November 2009.
- The Gradall on display in the parking lot is the latest acquisition of the city. If purchased new the machine costs around \$300,000. Due to Public Works Director Mr. David Marshal doing internet searching, the good condition used machine was purchased for \$23,500 delivered. The machine is expected to pay for itself quickly based on the engineer’s estimate of \$60,000 per mile for ditch work on the streets that will be worked with the bond proceeds (and hopefully in-kind match on the grant the city has applied for)
- A meeting with Council by a representative of the Texas Dept. of Agriculture is in the works as a result of discussion with the representative during an economic development workshop hosted by the Texas Forest Country Partnership.
- The monthly meeting of the Deep East Texas Council of Governments is scheduled next Thursday at the Alabama Coushatta reservation.
- Saturday evening the Lakeside Theater group will be hosting a movie night for kids at the Civic Hall. Featured movie will be “Freebirds” just in time for Thanksgiving.
- The annual Christmas Boat Parade is scheduled for Saturday, December 7<sup>th</sup> and everyone who has a boat is urged to sign up, decorate their boat and participate.
- The annual Thanksgiving Luncheon hosted by the Ivanhoe Civic Club will be next Wednesday at 11:30.
- Lastly, Mayor Bennett announced the Council appointments for the new fiscal year: Councilman Morris will oversee Law Enforcement and Streets, Councilman Vonderlin will oversee Code Enforcement and Economic Development, Councilman Warren will handle Human Resources and serve as liaison on Dams. Councilman Herrington will coordinate bond expenditures and Councilman Blackstone will oversee Buildings & Grounds and be liaison to the Planning & Zoning Commission

## **Agenda Item #7 – Supervisor of Dams report**

Mr. Rusty Harrison informed Council that he and Councilman Warren had spent almost all (frigid) day Tuesday with the contractor on Charmaine Dam as the void was filled under Camelot Dr. South and the dam downslope. The void under the street surface was larger than expected, but the total void area that was filled was less than estimated; 5 loads totaling 41 cubic yards (estimate was for 51 yards). Mr. Harrison said the 42 degree temp. with 30 mph wind did not hold up the work; equipment at the cement plant that had to be repaired caused a delay, but the actual work proceeded quickly. A 3 foot deep void that appears to be left-over from a previous

void fill that is surrounded by cement was found but not deemed a concern was not filled since the concrete slab is supported by the surrounding cement. Mayor Bennett commented that the initial bid from Chance Construction came in at \$31,500. As a result of the smaller amount of flowable grout that was used, the final bill for the work was \$27,560. Mr. Harrison concluded his report explaining that the metal plate was placed back over the spot on Camelot Dr. South in order for traffic to use the roadway while the material cured. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #8 – Bulkhead replacement at Tristan Dam**

Mayor Bennett presented a drawing done by Supervisor of Dams Mr. Rusty Harrison to clarify the actual footage of Tristan Dam. 342 feet of bulkhead from the end of the bulkhead on the west end to (but not including the fishing pier), 379 feet including the fishing pier, and an additional 100 feet to the boat launch. In response to questioning from Council, Mr. Harrison voiced the need for the bulkhead to be replaced from the level control valve to the far end of the fishing pier. Councilman Warren cautioned that if the bulkhead is not replaced the dam embankment will continue to erode from wave action undermining the existing bulkhead and encroach on the street surface. He then made the motion to authorize Artisan Construction to replace 379 feet of bulkhead per the bid price of \$107 per foot. Councilman Morris provided the second. Following discussion of including the portion of the bulkhead where the fishing pier is located which will require the fishing pier to be removed, Council voted in favor of the motion to proceed with the bulkhead replacement. Councilman Warren noted that the bid price does not include replacing the fishing pier after the bulkhead work is done. Mayor Bennett commented that funds for the work will come from the remaining balance in the Dams line item and the Capital Improvements Fund. Councilman Herrington reminded Council that he recused himself from the discussion and vote on the agenda item due to his partnership in the company that had submitted the bid for the bulkhead replacement.

#### **Agenda Item #9 – Cleanout of Charmaine Dam stilling basin**

Councilman Warren informed Council that the weep holes in the stilling basin of Charmaine Dam are covered with sediment. The weep holes need to be kept clear so the springs under the cement stilling basin can flow. He said Timberlakes Construction had submitted a bid of \$2500 to clean the stilling basin of the sediment and trees and vegetation that has grown over the past 2 years. The bid he received from Kirkpatrick Construction was very high. Councilman Herrington led discussion about using equipment and employees from the Public Works Dept. for the work. Taking the employees away from streetwork was a concern. Councilman Warren made the motion to approve the bid from Timberlakes Construction. Councilman Morris submitted the second. Following additional discussion about the weight of the backhoe on the concrete panels on the dam, Council unanimously approved the motion.

#### **Agenda Item #10 – Municipal Court report**

Judge Rader informed Council that October was a slow month with only \$200 being collected. The revised city website is under construction and upon completion will allow folks who have citations to access court forms and information, rather than having to come to city hall or calling for info. The first batch of outstanding citations has been sent to the collection agency (38 individuals totaling (\$41,000). Judge Rader explained that numerous letters and warnings are sent to the individual before the citation is sent to the collections agency. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #11 – Marshal office report**

Marshal Terry Riley reported 34 total calls in October with 13 responded to by the Tyler County Sheriff's office. An arson case in Ivanhoe that involved law enforcement from Polk County has taken a lot of the Deputy Marshal's time. Mayor Bennett informed Council that the city has contracted with the Ivanhoe Property Owners Improvement Association for use of the building at the entrance by the Marshal as the main office for his department and to make the law enforcement more visible. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #12 – Public works report**

Public Works Director Mr. David Marshal was unavailable. Mayor Bennett commented that the crew is working on Friar Tuck North after a property owner notified the city that mail is not being delivered. The issue of the mail carrier arbitrarily deciding the streets that he will stop delivering mail on without notifying the city of his intent has been brought up with the post master.

#### **Agenda Item #13 – Bids received for FY-2020 street/Right of way contract work**

City Secretary C. D. Woodrome informed Council that no bids from contractors had been received for street and right of way work had been received by the deadline as published in the Tyler County Booster. A bid had been provided for right of way mowing by Shore Service. Council took no action on the agenda item.

#### **Agenda Item #14 –Donation of real property**

Mayor Bennett informed Council that a property owner has approached her regarding donating a lot to the city. Councilman Vonderlin made the motion to accept the lot and authorize the Mayor to handle the paperwork. Councilman Herrington submitted the second and the motion passed unanimously. Mayor Bennett clarified that Lonnie Grissom is donating the lot at no cost and all taxes are paid on the property which is located on Sir Cedrick near Gawain but she does not know the condition of the lot.

### **Agenda Item #15 –Repair/replace front Ivanhoe welcome signs**

Councilman Warren informed Council that the Welcome to the City of Ivanhoe sign on the right coming into Ivanhoe is damaged and in need of repair or replacement. Mayor Bennett noted that the front signs are being considered for replacement as a project of the Friends of Ivanhoe. No action was taken on the agenda item.

### **Agenda Item #16 –Update on electronic sign installation**

Mayor Bennett reported a site assessment was done of the location of the existing sign and what will be needed to place the electronic sign. Councilman Herrington is working on the design which will complement the entrance monuments. Councilman Vonderlin reported the existing breaker box in the substation building is maxed out with the equipment being utilized by the Marshal's Dept. Councilman Herrington recommended the city arrange for a professional electrician to do an assessment and provide the city with a recommendation. He volunteered to work with the electrician who has been working on the Tyler County courthouse re-modeling. Following the discussion Mayor Bennett observed that more research is needed into all that will be needed at the substation. No action was taken on the agenda item.

### **Agenda Item #17 –Planning & Zoning Commission report**

Mayor Bennett informed Council that her research with the company that handles the codified ordinance updating indicates the contract has a charge of \$18 per page for any change. The changes recommended by the Planning & Zoning Commission impact 122 pages. As a result of the cost the Mayor postponed the 2<sup>nd</sup> reading of the recommended changes until a special meeting.

### **Agenda Item #18 –Review of proposal from Mr. Vance Townsend (Rarity Communications)**

Mayor Bennett informed Council that the proposal submitted by Mr. Vance Townsend for internet service, computer networking for the office and phone service has not been forgotten. There are a bunch of questions regarding compliance with HB3834 and records retention pertaining to phone and internet communications. A workshop devoted to the matter is probably needed. Councilman Herrington commented that there are multiple areas of operations that are involved and if there are vendors in addition to Rarity Communications that can provide information it would provide a viable option. Mayor Bennett said she had discussed the requirements of HB3834 with Representative James White and some of the items in Mr. Townsend's proposal are not required. Councilman Warren voiced that it is a good idea to schedule a workshop since the work and equipment may be a multi-step process, and the Council and staff will be better educated on the subject. Mayor Bennett said a workshop would be scheduled after a TX Dept. of Information Resources webinar on December 17<sup>th</sup>.

### **Agenda Item #19 – Resolution #2020-3R Civil Rights and attachments for Citizen Participation form, Section 3 Policy, Excessive Force Policy, Code of Conduct Policy, Limited English Proficiency Plan and Fair Housing Policy**

Mayor Bennett explained the agenda item covers the Resolution and several associated documents that are necessary in order for the city to be in compliance with the requirements of the TX Community Development Block Grant program. Councilman Morris submitted the motion to adopt Resolution #2020-3R. Councilman Vonderlin provided the second. In discussion Councilman Warren asked for clarification of the requirements. Mayor Bennett explained the city has done the same requirements for every grant application involving federal funds impacting low to moderate households. Council then unanimously approved the motion to adopt Resolution #2020-3 and attachments.

#### **Agenda Item #20 –Resolution 2020-4R Authorized Signatories for TX Community Development Block Grant FAST grant**

Councilman Herrington presented the motion to adopt Resolution #2020-4R authorizing Mayor Bennett and Mayor Pro-tem Morris as signatories for the TX CDBG Fire, Ambulance, Service Truck grant, with City Secretary C. D. Woodrome and Office Assistant Malissie Taylor authorized on Request for Payment forms.

Councilman Vonderlin provided the second and the motion passed unanimously.

#### **Agenda Item #21 –Update bank signatories**

Councilman Herrington made the motion to approve all Council Members as signatories on the three Citizens State Bank accounts: (Cathy Bennett-Mayor, Tommy Morris-Mayor Pro-tem, Chuck Vonderlin-Council Member, David Herrington-Council Member, Will Warren-Council Member & Skip /Blackstone-Council Member). Councilman Morris submitted the second and the motion passed unanimously.

#### **Agenda Item #22 –Agreement with Ivanhoe Volunteer Fire Dept. per CDBG requirements**

Mayor Bennett postponed the Agreement with the Ivanhoe Volunteer Fire Dept. regarding use of the FAST grant brush truck pending receipt of proper wording from the grant writer to meet TX Community Block Grant guidelines.

#### **Agenda Item #23 – October 2019 Financial report**

City Treasurer C. D. Woodrome commented that the city is not blowing its own trumpet merely stating fact that the city is in sound financial shape as was proven by the “A” rating given the city by Standard & Poors in their review of city operations and finances for the bond sale. Which subsequently resulted in the city getting a lower interest rate for the bond repayment. The outside auditor after going over the income and expense of every dollar that comes to and is spent by the city has consistently noted that our financial house is in order and is being managed very well. The yearly audits back up what the accountant verifies every month and the financials are on the city website (both the monthly reports and the annual audits) for any interested party to examine. The

bottom line of sound financial operations is saving you and me (taxpayer) dollars. Mr. Woodrome then informed Council that he has begun the process with Davis, Heinemann & Co. in Huntsville for the FY-2019 audit with hopes the auditors can schedule the in-house document reviews by the end of the month. With the normal follow up questions and documentation it will likely be the January Council meeting when the auditor presents the FY-2019 audit to the Council. Turning to the monthly spreadsheet on expenditures; the payment of \$19,998.86 for TML insurance coverage for the year decimated the line item. The emergency generator repair cost of \$3,541 caused a big hit to the property maintenance line item, but a shout out to the Friends of Ivanhoe for paying the cost of installing heavy duty surge arrestors on the generator and the power panels serving the IPOIA office and the civic hall/city office. The Friends of Ivanhoe saved the city & IPOIA about a thousand dollars. On the income side; ad-valorem for Oct. will be paid near the end of October and the Nov. tax payment will come in about the second week of Dec. The sales tax for Oct. amounted to \$3,199.83 just came in and was deposited. He concluded his report reminding those present that used ink & toner cartridges are needed. The cartridges are recycled and equals \$2 each off the cost of copy paper. Following the report Councilman Morris made the motion to accept the financial report for October. Councilman Herrington provided the second and the motion passed unanimously.

#### **Agenda Item #24 – Update on contractor warranty work on Charmaine Dr. East and Durwood Dr.**

Mayor delayed the agenda item until after the executive session, and moved to Agenda item #26.

#### **Agenda Item #26 – Communications from audience-non agenda matters**

Ms. Pat Hughes informed Council that she lives on Galahad Loop and a business is being constructed next door against city ordinance. She heard that someone paid off Council-she is not comfortable with that statement. She has an issue with the operation next door and has not received any notice or given a chance to comment on a variance application. Mayor Bennett responded that she was unaware of a variance application for a business as Ms. Hughes described. Mr. Joe McIntyre, Code Enforcement Officer commented that no information had been presented to him about non-conforming use of the property next door to Ms. Hughes. Mayor Bennett opened the floor to Mr. Carl Muensh who explained that he was constructing a storage building on his property which also is serving as his personal workshop for his hobbies-there is no business to be operated out of the building. He applied for and received a building permit for the building. Mayor Bennett thanked Mr. Muensh for the clarification.

#### **Agenda Item #25 – Executive session**

Mayor Bennett recessed the regular meeting at 8:15 PM for executive session pursuant to TX Gov. Code 551.071 for Agenda item #24.

She called Council back into regular session at 8:23 PM and informed those present that Council was taking no action on Agenda item #24 at this time.

### **Agenda Item #27 – Council comments**

Councilman Vonderlin observed that the new Dollar General store had not opened today as anticipated, the employees were still stocking the shelves. Councilman Vonderlin noted that during his recognition of Code Enforcement Officer Mr. Joe McIntyre during the October Council meeting, one of the accomplishments that he failed to mention was that Mr. McIntyre served as the Mayor of the City of Ivanhoe North during the one year of its existence.

Mayor Bennett noted the manager of the Dollar General informed her they are hoping to have the soft opening of the store on Saturday, with the grand opening on Dec. 7<sup>th</sup>.

The Mayor explained that the Hazard Mitigation Action Plan for the County is being finalized. The City HAZMAP is part of the County plan and a public hearing needs to be scheduled to review the plan before submission to FEMA. After polling the Council for availability, the Mayor scheduled November 21<sup>st</sup> @ 6:30 PM for the public hearing. Councilman Vonderlin voiced that 2<sup>nd</sup> reading of the changes to the Codified Ordinance could be approved at the meeting as well.

With no other Council comments,

### **Agenda Item #28 – Adjourn**

Councilman Herrington made the motion to adjourn with a second by Councilman Warren, and the meeting was concluded at 8:27 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary