

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

**MINUTES**

APRIL 9<sup>th</sup>, 2020

6:30 PM

Meeting was called to order by Mayor Bennett at 6:39 PM. Quorum established with all Council members present except Councilman Herrington. City Marshal Terry Riley and City Attorney Mr. Brad Elrod were also present. Councilman Vonderlin provided the invocation and Mayor Bennett led the Pledge of Allegiance. Mayor Bennett thanked Rarity Communications and Brandon Yarbrough for setting up equipment and arranging the live stream video of the meeting on Facebook in order to comply with open meetings requirements during the Covid-19 health emergency.

**Communications from the audience-Agenda items**

Mayor Bennett noted that any audience member on Facebook could submit comments or questions and they would be responded to during appropriate times in the meeting. There were no comments or questions on agenda items.

**Agenda Item #1 – Consent agenda items**

Mayor Bennett asked if there were any items on the consent agenda that needed to be removed. Hearing none, Mayor Bennett then asked if there was any objection to approval of the consent agenda. There being no objection Mayor Bennett called the consent agenda items approved including the minutes of the regular Council meeting 12<sup>th</sup>, 2020, Telecom Workshop March 12<sup>th</sup>, 2020, Emergency meeting March 20<sup>th</sup>, 2020 and Special meeting March 24<sup>th</sup>, 2020.

**Agenda Item #2 – Proclamation of April as Child Abuse Prevention Awareness Month**

Mayor Bennett noted that annually the Tyler County Children's Welfare Board reminds residents of the continuing problem of child abuse in the county. She read the Proclamation declaring the month of April in Ivanhoe as Child Abuse Awareness month and designating Sunday, April 26<sup>th</sup> as "Blue Sunday" for folks to wear blue that day uniting to raise awareness of child abuse and remembering the children who have been abused. The Mayor also recognized Ms. Terri Allen, Ms. Kathy Harris and Woodville Police Chief Mike McCulley who serve on the Tyler County Children's Welfare Board.

### **Agenda Item 3 – Mayor’s report**

Mayor Bennett provided information on several items:

- Based on information from Tyler County Emergency Manager Ken Jobe, the city has 2 confirmed cases of coronavirus. The city is unaware of who or where the individuals are per the Health Information Privacy Protection Act. She reiterated the importance of the stay at home order in effect in the city and county and only going out for essential needs, and please take the social distancing requirement seriously to prevent the spread of the disease.
- As a result of the public health emergency the city is increasing the number of hours for the Marshal’s Dept.
- If anyone thinks they might have been exposed to the virus they should contact the phone number established to screen individuals and schedule a test if warranted. The process begins by calling 409-550-2536.
- There are four construction projects underway: \$500,000 has been dedicated from the \$2 Million bond for work on Chanticleer and Charmaine South. That project has let for bids due April 23<sup>rd</sup>. The city crew will do preliminary work on ditches and replacing culverts. As a result those streets will be closed on a temporary basis while the work is underway. The Public Works crew will be working additional hours to keep the closures as short as possible. Facebook and the entrance sign will be used to provide notice when the detours will take place.
- The second project is the grant from Texas Water Development Board to replace the single 24 inch culvert on Ivanhoe Dr. below Ivanhoe Dam. TWDB requires an escrow account for sending funds to the city, which will be arranged Friday. A Resolution will be addressed later on the agenda. The environmental review will be finalized shortly by LJA Engineering. In order to have the replacement culverts available when the contractor is ready to start, they are being ordered by the engineer.
- The third and fourth projects: completion of the remainder of Durwood through grant funds from TX Community Development funds and the street work in the Camelot 2 area with Hurricane Harvey mitigation grant funds from the General Land Office should be ready to go out for construction bidding in mid-June in time to have the work done before the construction season closes in the fall.
- The Substation at the entrance will be getting painted within the next few days weather permitting, and the Civic Hall flooring will be stripped and waxed while the coronavirus health issue is limiting public use of the facility. An individual has provided a bid of \$725 for the work with volunteers assisting.
- Tyler County has a 22% return rate of Census 2020 forms being filed. The City of Ivanhoe has 31% rate of return. The Mayor reminded everyone of the importance of being counted where it

counts-in Ivanhoe which impacts future grant funding and representation on state and federal levels.

- Lastly, the Mayor said the city staff has worked diligently to provide a safe environment while maintaining streets, providing law enforcement and keeping the office open to handle city functions. The staff with the exception of the Marshal's Dept. will be provided Good Friday as part of the Easter holiday. Operations will resume on Tuesday.

#### **Agenda Item #4 – Continuation of Local Public Health Emergency**

Councilman Blackstone made the motion to ratify the Disaster Declaration and Emergency Order instituted on March 20<sup>th</sup> and continued by Council on March 24<sup>th</sup>. Councilman Vonderlin submitted the second and the motion passed unanimously. Councilman Morris made the motion to extend the Stay at Home Order in conjunction with Governor Abbott's extension of the statewide order. Councilman Vonderlin provided the second and the motion passed unanimously.

#### **Agenda Item #5 – Purchase of equipment for on-line streaming of Council meetings**

Mayor Bennett commented that the city has been depending on Rarity Communications to provide equipment and a technician to live stream the city Council meetings as a result of the Governor's order limiting the number of people who can be in a common space, and the social distancing requirement. To comply with the open meetings act and with the coronavirus pandemic likely to be protracted the city needs to acquire equipment so the on-line video/audio can be done without having to call on Brandon Yarbrough each time Council meets. Councilman Vonderlin made the motion to spend up to \$5,000 for the equipment. Councilman Blackstone submitted the second. In discussion Councilman Blackstone volunteered to meet with Mr. Vance Townsend (Rarity Communication) to determine what is needed and request a quote. Councilman Vonderlin amended his motion to authorize up to \$5500 for equipment and software with Councilman Blackstone and Mayor Bennett to arrange for the equipment. Councilman Blackstone likewise amended his second and the motion passed unanimously.

#### **Agenda Item #6 –Ordinance #2020-5 Budget amendment due to grave public necessity**

Mayor Bennett read portions of Local Government Code Section 102.009 and 102.010 for authority to amend the FY-2020 budget as a grave public necessity due to the coronavirus pandemic. She explained the donation by the Alabama Coushatta Tribal Council was not included in the budget for purchase of the

Public Works truck, and reimbursed funds in the Hurricane Harvey account need to be moved into the budget. She then read Ordinance #2020-5 amending the FY-2020 budget to add a Covid-19 line item of \$50,630.00 to FY-2020 budgeted income and expense. Councilman Morris made the motion to approve Ordinance #2020-5 on first reading. Councilman Vonderlin voiced the second and the motion passed unanimously.

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

Supervisor of Dams Mr. Rusty Harrison had submitted his written monthly inspection reports on the dams for inclusion in the Council packet. Councilman Warren as liaison on the dams provided additional information: Tyler County Construction has completed the bulkhead work on Tristan Dam. He and Mr. Harrison had spread grass seed on the fresh clay to establish grass so erosion of the bare dirt will not occur. Water weed buildup at the Tristan Dam level control is requiring clean out about once per week. Herbicide was applied on the concrete dams at the expansion joints to prohibit weed growth. The property owners association had the contractor spray for water weeds in the lakes near the dams, boat launches and shallow areas. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #8– Municipal Court report**

Judge Rader had provided the Court report for March in the Council packet. Mayor Bennett noted the total fines collected in March were \$1,566.06 with the city portion being \$1,173.47. The remainder goes to the state or the collection agency. Judge Rader has suspended all hearings and trials until the emergency orders are lifted, she will be available by phone for anyone who has entered a plea of no contest or guilty if they need to talk to her about their citation. The court phone #409-444-7048. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #9 – Marshal office report**

Marshal Terry Riley reviewed his monthly report that was provided in the Council packet. The Marshal's office received 62 calls in March with 28 of those handled by the sheriff's department. He has had the white Crown Vic patrol car disinfected and cleaned up and lights reinstalled so that it can be used as a secondary patrol car as well as public works emergency vehicle. The agenda item was for information only, no action was taken by Council.

#### **Agenda Item #10 – Code Enforcement report**

Councilman Vonderlin informed Council that 2 code violations cases had been closed in response to 10 letters sent by the city office. Two property owners received 30 day extensions to bring their property into compliance. Letters on seventy new cases are about to be mailed on violations ranging from travel trailer violations, trash/debris, pool violations, junked vehicles, dilapidated manufactured homes, and non-maintained lots homes. The agenda item was information only, no action was taken by Council.

### **Agenda Item #11 – Public works report**

Public Works liaison Councilman Morris reviewed the monthly report from Mr. David Marshall: the crew had 17 working days in March. 26 work orders had been entered in March. 21 of those had been completed, the remaining 5 are pending. Additional work by the crew included picking up donated material, trash pickup along right of way and mowing & weedeating, sign pole/sign installation, roadway grading, resurface several streets with pulverized recycled asphalt and patched potholes. Guardrail work on dams, Set up barricades at city hall, transfer vehicles & equipment for repair and warranty service along with standard equipment maintenance & repair at Emily yard, and routine maintenance at city facilities. The agenda item was for information only, no action was taken by Council.

### **Agenda Item #12 – Resolution #2020 – 8R TX Water Development Bd forgivable loan**

Mayor Bennett read Resolution #2020-8R to execute the necessary agreement for the forgiveness of the \$215,000 loan from the TX Water Development Board for emergency repair/improvement at the culvert on Ivanhoe Dr. below what had been Ivanhoe Dam, in essence making the funds a grant to the city. Councilman Morris made the motion to approve the Resolution. Councilman Vonderlin provided the second and the motion passed unanimously.

### **Agenda Item #13 – Appointment of Local Rabies Control Authority**

Mayor Bennett explained that the city had received notice from the state that the city needs to appoint a Local Rabies Control Authority to be in compliance with the Health & Safety Code Chapter 826 (Rabies Control Act of 1981). She has discussed the requirement with the City Marshal and he is willing to take responsibility for the position. Councilman Warren made the motion to appoint City Marshal Terry Riley to serve as the Local Rabies Control Authority. Councilman Vonderlin provided the second and the motion passed unanimously. Marshal Riley informed Council that he has discussed the matter with Ivanhoe resident Mr. Micah Hadnot who operates Country Canine Coaching & Care and he has agreed to assist as needed.

### **Agenda Item #14 & 15 – Substation Lease & Electronic sign**

Mayor Bennett combined discussion on the two items due to the property belongs to the Ivanhoe Property Owners Improvement Association (IPOIA). She informed Council that Councilman Morris, Herrington and herself had met with members of the IPOIA board and arranged a 6 month agreement for use of the substation with the city paying insurance, property tax and electricity for the building. Included in the agreement is the city having first right of refusal if the IPOIA decides to sell the property. Councilman Warren noted that the non-appropriation clause means the current Council cannot obligate future Council members beyond the current year. Councilman Morris reported that the committee would meet on a regular basis in order to keep the lines of communication open. Mayor Bennett requested a motion on the item in order to continue the discussion. Councilman Blackstone made the motion to approve the 6 month lease of the substation property as presented by the committee. Councilman Warren provided the second. Additional discussion: Councilman Herrington commented that he was not aware of the need to place a protective Lexan sheet in front of the electronic sign. Councilman Warren questioned how quickly the sign would be installed, and noted that the Friends of Ivanhoe group has agreed to cover a portion of the cost of the sign installation. Councilman Vonderlin reminded Council that a licensed electrician has already investigated the power supplying the substation and electricity is available and is sufficient to power the sign. On the matter of the protective clear Lexan cover, Councilman Vonderlin said he would research the cost and availability and report back to Council. Following the discussion Council unanimously voted approval of the motion to approve the six month agreement.

### **Agenda Item #16 – Rabies Control Authority**

The agenda item was a duplicate of Agenda item #13.

### **Agenda Item #17 – March Financial report**

City Treasurer C. D. Woodrome had provided the monthly spreadsheet reflecting the income and expenses for March and year to date in the Council packet for review prior to the meeting. Mr. Woodrome reported additional information:

- TX Dept. of Emergency Management sent direct deposit payment of \$6,082.84 as a result of Senate Bill 7 in the 2019 legislative session. The payment is state reimbursement of up to 75% of the city 10% match on Hurricane Harvey recovery costs paid by FEMA. Two additional payments will be forthcoming: \$1,430.70 and \$1,193.17.
- The spreadsheet includes a “transfer” box on page three. The Tax Assessor/Collector sends 1 ad-valorem check which has to be split between the general fund operations & maintenance account and the bond interest and sinking account. Since the check is deposited to the general fund, the transfer box indicates the amount that gets transferred to the bond repayment account.

- Ad-valorem collections rate as of the end of March is 77.35% towards the budget calculation of 89%. The tax office is only taking tax payments by mail due to employee health from coronavirus.
- Mr. Woodrome recommended establishing a separate account at Citizen's State Bank so payments can be made when funds are transferred from the TX CLASS account for bond street work.
- Repair costs to the emergency generator (water pump leaking) is estimated to cost \$1200. Hopefully repairs will be completed in the next 2 weeks.
- Due to lower interest being paid by TX CLASS on the various accounts, Council might consider arranging for Certificates of Deposit in order to lock in slightly higher interest for a longer period on funds that will not be called within the short term.

Following the additional information, Mayor Bennett clarified that \$250,000 had been moved from the General Fund Account and placed in a dedicated General Fund account with TX CLASS. The funds can be transferred back to the operating fund account as needed. Councilman Morris made the motion to research arranging Certificate of Deposits to gain higher interest on funds in the TX CLASS accounts. Councilman Vonderlin provided the second and the motion passed unanimously. Councilman Vonderlin then made the motion to approve March financial report. Councilman Morris provided the second and the motion passed unanimously.

#### **Agenda Item #18 – Executive session**

There was no executive session.

#### **Agenda Item #19 – Communications from audience-non agenda matters**

None

#### **Agenda Items #20 – Council comments**

Councilman Vonderlin voiced that the new bulkhead on Tristan Dam looks great and expressed thanks to Tyler County Construction for the work, and commended Councilman Warren and Supervisor of Dams Mr. Rusty Harrison for overseeing the work. He also expressed thanks to Mayor Bennett for her full time volunteer work on multiple projects that are underway. With no other Council comments Mayor Bennett called for adjournment.

#### **Agenda Item #21 – Adjourn**

Councilman Morris made the motion to adjourn with a second by Councilman Warren and the meeting was concluded at 7:57 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary