

CITY OF IVANHOE
REGULAR MEETING

MINUTES

June 11th, 2020

6:30 PM

Meeting was called to order by Mayor Bennett at 6:30 PM. Quorum established with all Council members present except Councilman Herrington and Councilman Warren. 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

Mr. Eric Babnew had sent email with multiple questions in regards to justification for lowering speed limit on Ivanhoe Dr. to 15 MPH. Mayor Bennett noted the questions would be addressed latter in the meeting with an agenda item. No other communications from the public were submitted.

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 May 11th, 2020, Emergency meeting May 22nd, 2020, Special meeting May 22nd, 2020, Special meeting May 29th, 2020 and Special meeting June 2nd, 2020.

Agenda Item #2 – Authorizing submission for Coronavirus Relief funding

- a) Mayor Bennett informed Council that funds are sent directly to cities and counties from the federal government under the CARES Act for any entity that submits request for assistance. Funding is based on \$55 per resident which means Ivanhoe is eligible for up to \$110,000. The city will be sent 20% automatically (\$22,000). The funds will go towards the unbudgeted cost of having additional hours in the Marshal's Dept. and audio/video equipment needed to broadcast meetings and information on Facebook. The Mayor read the requirements of the CARES Act and explained that any unused funds will be returned. Councilman Vonderlin made the motion to authorize

Mayor Bennett to apply for CARES Act assistance. Councilman Morris provided the second and the motion passed unanimously.

- b) Mayor Bennett informed Council that the Office of the Governor has made grant funds available for law enforcement agencies as a result of the Coronavirus pandemic. The Marshal's office has submitted an application for the Coronavirus Supplemental funds assistance grant. One of the requirements in the application is to have a Resolution from the governing body. The Mayor then read Resolution #2020-10R authorizing submission of the application for financial assistance. Councilman Morris made the motion to approve Resolution #2020-10R. Councilman Vonderlin provided the second and the motion passed unanimously.

Agenda Item #3 – Bank account for Coronavirus Relief funds

Mayor Bennet explained that a requirement of the CARES Act is having a separate bank account for the funds. Councilman Blackstone made the motion to establish the CARES Act account with Citizens State Bank. Councilman Vonderlin provided the second and the motion passed unanimously.

Agenda Item #4 – Authorizing signatories on CARES Act bank account

Councilman Vonderlin made the motion authorizing all Council Members and the Mayor to be signatories on the CARES Act bank account. Councilman Blackstone provided the second and the motion passed unanimously.

Agenda Item 5 – Mayor's report

Mayor Bennett read a letter of reasoning for acquisition of the audio equipment which is needed to comply with the Open Meetings Act for allowing public access to deliberations of the City Council and staying in compliance with the Governor's order for social distancing and prohibiting meetings of groups in confined space. She expressed thanks to Rarity Communications (Vance Townsend and Brandon Yarbrough) for providing equipment until the city was able to purchase a video camera and broadcasting equipment. She thanked Mr. Townsend and Mr. Yarbrough for their expertise getting the system set up and operational, and Councilman Blackstone for volunteering to oversee and operate the equipment.

The Mayor then provided information on several items:

- COVID-19 update: 15 individuals in Tyler County and none required hospitalization. All but 3 have recovered. The Governor continues the phased reopening of the state during the pandemic.

- She thanked Mr. Doug Thompson for volunteer work done in the Civic Hall bathrooms while the facility has been closed to public use.
- She thanked Malissie Taylor and Debbie Peterson for the work they have been doing in the office on Code Enforcement.
- Marshal Terry Riley has located 2 vehicle radios that will restore two way communication for the department. The cost is \$3500, and the radios will be installed on Friday. The radios will provide adequate communication until new radios can be acquired that will meet future radio frequency requirements.
- Street project updates: Mason Construction is currently working on the base for Charmaine South and the bids are due June 26th at 10 AM for the surface work. Bids are due June 25th for the Durwood project. Council will have a special meeting June 26th at 5 PM to award the construction contracts. Tyler County has set July 13th for the bid opening for street work in Camelot 2 with “75979” grant funds. The engineer is responding to questions from the Texas Water Development Board in preparation of construction bid documents for the Ivanhoe Dr. culvert replacement.
- Councilman Blackstone has been appointed to oversee the Audio/Video broadcast equipment and operation. Councilman Vonderlin will serve as liaison to the Planning & Zoning Commission (P & Z) and Code Enforcement official.
- Franklin Legal has agreed to give the city a bit of additional time to sign the contract for hosting the codified ordinance. The additional time will allow the Planning and Zoning Commission to complete work on changes to the document before it is sent to Franklin Legal.
- The Mayor is arranging for a City Hall Essentials webinar for training relating to land use. The P & Z members will participate and Council members are urged to as well.
- Next month a workshop will be held prior to the monthly meeting with an attorney from the delinquent tax collections firm to provide Council with information on properties.
- A reminder to file Census 2020, Ivanhoe shows only 38% response rate.
- Lastly, the Mayor reported that \$32,968.02 has been deposited from the FEMA 2015 flood disaster reimbursement. After 5 years the city is finally starting to get reimbursed for incurred costs from the flood. Something to celebrate!

Agenda Item #6 – 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. Mr. Harrison informed Council that not much was going on with the dams. He investigated a reported leak at Galahad dam, it appears to be runoff following a heavy rain. This

has been a dry spring and his measurements indicate that 1 inch of water going over the wier at the Galahad Dam equals about ½ inch of water going over the Charmaine Dam wier. He had a complaint about the construction crew filling their water truck from Lake Galahad to dampen the street surface. The amount drawn from the lake is insufficient to impact the lake level. The agenda item was information only, no action was taken by Council.

Agenda Item #7– Municipal Court report

Mayor Bennett read the Court report for May that Judge Rader had provided; Total fines collected \$980.10, of which \$781.16 goes to the city. The Texas Supreme Court has mandated that any Court wishing to resume in-person proceedings after June 1st must submit an operating plan consistent with Office of Court Administration guidance. The City of Ivanhoe’s Municipal Court COVID-19 Operating Plan was submitted May 27th and has been approved. The plan will remain in effect until further notice from the Office of Court Administration. A copy of the multi-page plan is available on request. The Judge had also included the listing of citations she had processed and fines and fees break-down. The agenda item was information only, no action was taken by Council.

Agenda Item #8 – Marshal office report

Marshal Terry Riley reviewed his monthly report that was provided in the Council packet. The Marshal’s office received 47 calls in May but due to the problems with the radio system his department responded to 29 of the calls, the others were handled by the Sheriff’s office. 3 citations were written and 2 warnings we given. Marshal Riley addressed the matter of the speed limit reduction on Ivanhoe Drive: there is some confusion. The only portion of Ivanhoe Dr. that will have the lower speed limit is from Hwy. 69 to the first street (Lancelot), not the entire length of Ivanhoe Dr. Mayor Bennett voiced her appreciation to Woodville Police Chief Mike McCulley for providing a handheld radio to the Marshal’s office so they would be able to communicate. She also thanked Tyler County Emergency Manager Ken Jobe for loaning the Marshal office his personal handheld radio. She had sent a letter of concern to the County Judge, County Commissioners and Sheriff Weatherford about their knowledge of the change to the radio system and failure to notify the City so that equipment that works on the new frequencies could be acquired instead of leaving the Marshal Dept. with no radio communication. The agenda item was for information only, no action was taken by Council.

Agenda Item #9 – Code Enforcement report

Councilman Vonderlin, liaison for Code Enforcement presented the May report from Ms. Malissie Taylor there are 58 open code enforcement cases, 21 cases have been granted time extensions due to the problems caused by the coronavirus. 15 cases have been closed out, 15 code enforcement issues are in

investigative status with 3 stop work order signs placed on properties. The total number of cases that have been or are currently being worked on since the code enforcement department began working following the departure of former Code Enforcement Officer Mr. Joe McIntyre is 165. The agenda item was information only, no action was taken by Council.

Agenda Item #10 – Public works report

Mayor Bennett reviewed the monthly report from Mr. David Marshall: the crew had 16 working days in May, with 16 new work orders had been entered for the month. 7 work orders have been completed. Much of the Public Works crew's activity during the month has been site prep-work for Chanticleer and Charmaine South in advance of Mason Construction doing the contract rehab street work. Thus far detour routes have been improved. 9 cross-culverts & 4 driveway culverts have been installed and ditch clearing is underway. The contractor doing the framework for the equipment barn at the 405 Emily facility has finished. The roofing portion of the project will be completed by the Public Works crew as time is available. Mayor Bennett concluded the report explaining that she has ordered the department to delay installing driveway culverts other than those on Charmaine South until prep-work is completed so the city is not causing a delay for the contractor. The agenda item was for information only, no action was taken by Council.

Agenda Item #11 – Reconsider Ordinance #2020-6 amending Ordinance #2013-5 Traffic speed limits

Councilman Blackstone explained he requested the agenda item because he feels the item was rushed, without the opportunity for Council to review the request from the Marshal's office. After the Ordinance was passed and Council issued the 15 MPH limit at the entrance to Ivanhoe, he drove the portion of Ivanhoe Drive from the Hwy. 69 to Galahad Drive and then from Galahad Drive to Hwy. 69. He said the 15 MPH limit is too slow and requested Council reconsider to establish the limit at 20 MPH which is the same as school zones. He then made the motion to post the speed limit for the portion of Ivanhoe Dr. from Lancelot Dr. to Hwy. 69 at 20 MPH. Councilman Morris provided the second. In discussion Councilman Morris asked Marshal Riley if the 20 MPH limit is acceptable. Marshal Riley responded that the biggest concern for his department is the congestion that develops right at the entrance during school when buses load or unload. Also large trucks park in the middle of the street while making deliveries for the liquor store. Councilman Morris asked if there had been any incidents at the entrance. Marshal Riley responded there have been a few minor vehicle accidents. Deputy Marshal Chuck Marshal explained that he requested the 15 MPH before someone gets hurt. Marshal Riley said he is ok with the 20 MPH posting. Council then voted unanimous approval of the motion (Clarification: Ordinance #2020-6 remains unchanged)

Agenda Item #12 – Resolution #2020 – 9R designating grant writer/service provider for TxCDBG Planning and Capacity Building grant application

Mayor Bennett read Resolution #2020- 9R authorizing the award of professional service provider contract to GrantWorks, Inc. for developing a Texas Community Development Block Grant application and project related planning services for the 2020 Planning & Capacity Building project. It was noted that Requests for Proposals had been sent to 6 firms per the TxCDBG requirements. Only GrantWorks, Inc. had submitted a proposal. Councilman Morris made the motion to approve the Resolution. Councilman Vonderlin provided the second. In discussion Councilman Morris noted that future grants will depend on the city having a Planning & Capacity it was clarified that the city is responsible for 10% of the cost with a maximum of \$3500. The actual cost will depend on the number of areas that the city wishes to pursue for planning. Following the clarification the motion passed unanimously.

Agenda Item #13 – Authorization to seek grant writer/administrator for General Land Office grant funds

Mayor Bennett explained the General Land Office has several mitigation grant programs that just opened and the city needs to begin the process to submit applications for funding. Councilman Morris made the motion to publish notice seeking a grant writer/administrator for General Land Office grant funds for mitigation projects. Councilman Blackstone provided the second and the motion passed unanimously.

Agenda Item #14 – Planning & Zoning recommendation for changes to Codified Ordinance

Mayor Bennett postponed the agenda item and informed Council the Planning & Zoning Commission is still developing the changes that will be submitted to Franklin Legal when the Codified Ordinance is transferred from American Legal.

Agenda Item #15 – Variance criteria

Mayor Bennett noted that Councilman Herrington had requested the item be placed on the agenda and she postponed the item until the July Council meeting.

Agenda Item #16 – Financial report for April 2021

City treasurer C. D. Woodrome informed Council that the April spreadsheet had been reviewed with the accountant and changes made to reflect the amount the city collects and holds for the state from

Municipal Court fines and fees. Following the clarification Councilman Vonderlin made the motion to approve the April financial report. Councilman Morris provided the second and the motion carried unanimously.

Agenda Item #17 – Financial report for May 2021

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

- Mayor Bennett had enough of the stalling with TX Dept. of Emergency Management on the 2015 flood reimbursement. \$32,968.02 deposited in the bank this morning from the request for reimbursement that was filed over 2 years ago. Our next request for reimbursement of 75% of \$32,688.45 was submitted last week. We will see how long this one will take.
- The ad-valorem for May was received Tuesday: \$11,659.12 for General Fund (that compares to \$14,032.23 last May). \$3,172.67 received for bond interest & sinking.
- Sales tax has not been received for May. Hopefully Ivanhoe's business community is immune from the results of the pandemic that has the state coffer's seeing a decrease in sales tax of 13.2% last month (steepest year over year decline since Jan. 2010) and 11.7% this month according to the state comptroller (steepest since Sept. 2009). (The legislators will likely dip into the rainy day fund in the 2021 session to ease the pain).
- Tyler County Chief Appraiser Mr. David Luther sent out the Certified Estimates of 2020 Taxable Value with the City of Ivanhoe totaling \$70 Million, 942 thousand, 75 dollars. The certified totals (not estimate) should be forthcoming by or before July 25th.
- Proposed Appraisal District Budget for 2021 handout indicates the estimated collections assessment for Ivanhoe in 2021 is \$23,878 (which is \$189 less than 2020 current fee). The "for sure" amount will be sent to us in early August for our budget work.
- TML Risk Pool sent equity return check of \$595 (similar to Sam Houston Electric returning capital credits to users). Also TML Risk Pool sent notice that property insurance rates will not change for 20/21. Law Enforcement liability will increase by 10%, and official's errors & omissions will increase by 3%. Those increases should be offset by a 10% decrease for clerical and 15% decrease for street & road personnel.
- New sales tax rules for internet sales will go into effect October 2021. It is a neat sidestep of the comptroller in order for cities who stand to lose a considerable bit of sales tax to present their cause to the legislators in early 2021 to change the rules in their favor. Ivanhoe's position is that remote sales tax should be paid to the location where the product is delivered.

- A T & T provides Back Up & Go cloud back-up for the main computer, for the Office Assistant computer and for the Municipal Court computer. \$7.46 a month per computer. Now A T & T is offering remote technical support under the Tech360 program for Small Office for up to 5 computers, 1st month free and the next 11 months for \$26 a month. After the year is up the rate goes to \$30 per month. With the loss of Windstorm Computers as our go to computer guru and the difficulty of getting local tech service, this may be a viable option to consider. There is a 3 minute video at tech360.att.com.
- With 3 weeks and 3 days of vacation due to carry over (1 week and 4 days) from last year Mr. Woodrome said he will be working with the Mayor and office staff for vacation days away from the office that will be least disruptive for office operations. A busy first half of the year and coronavirus limited travel delayed vacation opportunities and now with election filing starting next month, in addition to budget prep and work on additional grants, the available time for vacation is narrowing rapidly.

Following the treasurers update, Councilman Vonderlin made the motion to approve the May financial report. Councilman Morris submitted the second and Council unanimously voted approval of the motion.

Agenda Item #18 – Executive session

There was no executive session.

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

None

Agenda Item #20 – Council comments

Mayor Bennett informed Council that the treasurer is having to devote a lot more time getting the spreadsheet summary of income and expenses ready for the monthly Council meetings due to the increased number of accounts the city now has (9 and about to add 1 more), QuikBooks is rapidly reaching the end of its usefulness for the city; A more robust financial program specifically for municipal finances is being investigated.

Councilman Blackstone expressed thanks to Mr. Vance Townsend and Mr. Brandon Yarbrough with Rarity Communications for providing expertise and technical assistance to get the cities new audio/video equipment operational and easy to use.

Councilman Morris recognized Public Works Coordinator Mr. David Marshall and the crew for working in the rain and heat to get the prep work done before Mason Construction started on the bond funded street work. Mayor agreed & noted that the city definitely benefits from Mr. Marshall's experience dealing with contractors since he "speaks the lingo".

Councilman Vonderlin expressed thanks to Office Assistant Ms. Malissie Taylor and volunteer Ms. Debbie Peterson for the work they have done on Code Enforcement.

Mayor Bennett concluded the Council comments with information that an individual who has property on Nottingham has offered to donate the property to the city. There are taxes owed on the property.

Councilman Blackstone questioned if the city wants to get into the real estate business. The Mayor responded that is part of the reason she has invited the delinquent tax attorney for the workshop prior to the July Council meeting. Lastly she thanked City Attorney Mr. Brad Elrod for his assistance and advise.

Agenda Item #21 – Adjourn

Councilman Vonderlin made the motion to adjourn with a second by Councilman Blackstone and the meeting was concluded at 7:32 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary