

## **REGULAR MEETING**

### **MINUTES**

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

6:30 PM

Meeting was called to order by Mayor Bennett at 6:30 PM. Quorum established with all Council members present City Marshal Terry Riley was present. Councilman Vonderlin provided the invocation and Mayor Bennett led the Pledge of Allegiance. Mayor Bennett noted the meeting was being live streamed on Facebook in order to comply with open meetings requirements during the Covid-19 health emergency. She provided memorial tribute to Mr. Earl Johnson, Ivanhoe resident who served on the Appraisal Review Board of the Tyler County Appraisal District for several years.

#### **Communications from the audience-Agenda items**

No communications from the public were submitted. Mayor Bennett reminded anyone viewing the meeting on FaceBook that they can submit comments or questions during the meeting.

#### **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 June 11<sup>th</sup>, 2020, Special meeting June 26<sup>th</sup>, 2020 and Special meeting June 30<sup>th</sup>, 2020.

#### **Agenda Item #2 – Mayor's report**

The Mayor provided information on several items:

- The city has instituted a culvert permit system and issued a reminder that building/work permits are required for construction, moving in storage buildings, routing of heavy/large manufactured homes, etc.
- Urged folks to utilize the on-line census questionnaire to complete the census registration requirement. There is a very low response rate: Texas is at 56.8%, Tyler County is 36.3% and Ivanhoe is 39.2%. She reminded everyone of the importance of being counted due to grants and representation being dependent on number of people in a given area.

- COVID-19 report: Governor Abbott has issued a new order requiring mandatory mask wearing in counties with over 20 active cases. Tyler County has 15 active cases currently out of 45 people who have tested positive since the pandemic began. In conjunction with the Governors previous order activities during the 4<sup>th</sup> of July were limited, but the Fire Departments awesome fireworks display took place as planned
- On the various street construction projects: On the bond work a meeting was held with the engineer and contractor in prep for closeout on the Chanticleer portion of the project. Base work on Charmaine South is nearing completion. A portion of the roadway is requiring additional work due to a long term water line leak. The contract with LD Construction for asphalt surface of Charmaine South is in place, but work will not happen until the area of base work at the water leak is dry and ready. The bid for the Community Development Block Grant funded work on Durwood was awarded to Gulf Coast Construction. That work will begin following a pre-construction meeting that will happen near the end of July. Tyler County will have the bid opening on July 13<sup>th</sup> for the street work thru the “75979” grant funds. The work will reconstruct several streets in the Camelot 2 portion of Ivanhoe. The Texas Water Development Board project to replace the undersized culvert on Ivanhoe Dr. below the breached Ivanhoe Dam will be the final project of the year. The engineer had to revise the plans when it was determined that 7 foot rail tank cars are no longer available and a 10 foot tank car cut in half with welded bottom would be the replacement. The change does not impact the amount of water the culvert can carry. When the project gets underway traffic will have to be diverted by way of Tolar Rd. thru the back gate. Unknown how long the detour will be needed.
- Mayor Bennett polled the Council for availability to have a workshop with the grant writer/ administrator on the Planning and Capacity Building project. July 22<sup>nd</sup> at 5 PM was set for the workshop.
- A Texas Municipal League webinar is scheduled for July 17<sup>th</sup> from 1 to 2:15 PM for CARES ACT funding requirements.
- An individual has requested a hearing before the Council on a Code Enforcement violation. The hearing will be held just before the August Council meeting.

### **Agenda Item #3 – Continuation of Emergency Order**

Mayor Bennett explained the City Emergency Order is worded so that it remains in effect as long as the Governors Emergency Order is in effect.

### **Agenda Item #4 – 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. Some sinking has occurred at the ends of the newly constructed bulkhead on Tristan Dam. The contractor has taken care of the matter. Councilman Warren has been developing items for the FY-2021 Budget. Mayor Bennett expressed concern about boats and jetskis that travel close to the dam creating large waves and the possible material washout under the concrete skirt of the dam. Mr. Harrison responded that he does not think there is cause for concern at the Charmaine Dam after the city placed the fabric mat with an overlay of riprap in front of the skirt to alleviate the washing action. The agenda item was information only, no action was taken by Council.

### **Agenda Item #5 – Public works report**

Public Works Coordinator Mr. David Marshall noted that Mayor Bennett had covered the status of the street construction projects in her report. The shoulders along the newly paved portion of Chanticleer have been completed. LD Construction is being kept apprised of drying in the wet area on Charmaine South which occurred from a long term water line leak that had been repaired just as Mason Construction was completing the base work. LD Construction is tentatively planning to place the asphalt surface towards the end of July weather permitting. Ditch and culvert work on Durwood Dr. is progressing in preparation for Gulf Coast Contractor moving in to do the surface work in early August. A solution for where to place the material that is coming from the ditches has been solved; it is being used to rebuild the base of Prince Arn in the area that has been closed for some time due to major erosion from 2015. The ditch and culvert work for the street rehab work in the Camelot 2 section of the city is still some distance off as is the Texas Water Development Board financed project on Ivanhoe Dr. Within just the past few days it has become apparent that manufactured home move in's are a problem due to the weight and turning issues on the new asphalt surfaces. Councilman Herrington expressed concern that the surface of Charmaine South should have the asphalt surface placed as soon as possible to avoid potential damage to the base & maybe cordon off the soft spot from the water leak. Councilman Blackstone expressed concern about Monarch cutting the street pavement when they have to replace a water line. Mayor Bennett commented that it has been made clear that there will be no cutting of new street surfaces. Mr. Marshall added that Monarch Water has begun replacing water lines to include an outer sleeve and feeding flexible water line thru the sleeve which should alleviate the issue of having to dig up lines if they develop a leak. Mayor Bennett interjected that warranty on the work done by Mason Construction will be at issue if anyone other than Mason does any base repair. The city will likely need to pay Mason for any additional work on the soft spot on Charmaine South and the bill will be submitted to Monarch for reimbursement. The agenda item was for information only, no action was taken by Council.

### **Agenda Item #6– Municipal Court report**

Mayor Bennett provided a summary of the Court report for June prepared by Judge Cathy Rader. Total fines collected \$136.59 goes to the city, and \$105.41 goes to the state. One citation was issued by the Marshal's office. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #7 – Marshal office report**

Marshal Terry Riley informed Council that his coronavirus test had come back negative and he was out of self-quarantine. He reported a total of 73 calls for June which is about 13 above normal. Several of the calls were Children's Protective Service calls which take a lot of time and usually involve trips to Beaumont or Houston. The Marshal's office caught up with a contractor who was going door to door trying to sell asphalt without a permit. The total included 52 calls to the city and the remainder thru the Sheriff's office. The agenda item was for information only, no action was taken by Council.

#### **Agenda Item #8 – Code Enforcement report**

Councilman Vonderlin liaison for Code Enforcement summarized the June report; there are currently 132 open code enforcement cases, 35 cases have been closed out, 24 cases have been granted time extensions, 16 code enforcement issues are in investigative status with 3 stop work order signs placed on properties, and 6 non-conforming properties. Councilman Herrington asked what code violations are primarily being focused on? Councilman Vonderlin responded #1 people living in travel trailers, #2 junk properties/buildings and #3junk vehicles. Councilman Blackstone asked how on-site septic system violations are dealt with. Mr. Chuck Marshal is the TX Commission on Environmental Quality Designated Rep. for the city and handles those violations. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #9 – Planning & Zoning recommendations for codified ordinance changes**

Councilman Vonderlin noted the changes identified by the P & Z Commission had been emailed to Council members for review. He had been informed by the City Attorney that sections of the ordinance that require a warrant should not be removed, Mayor Bennett asked if Council members have had a chance to review the recommended changes and if there are additional changes that are forthcoming? There was additional discussion on approving the changes properly. City Secretary C. D. Woodrome reminded Council that an existing Ordinance can only be changed by another Ordinance. Following the discussion Councilman Vonderlin made the motion to approve the recommended changes on first reading. Councilman Warren provided the second, and the motion passed unanimously.

**Agenda Item #10 – Resolution #2020-11R adopting FEMA approved Tyler County Hazard Mitigation Plan 2020.**

Mayor Bennett explained the City of Ivanhoe, the City of Woodville and Tyler County had jointly gone thru the almost 2 year process of public hearings and updates leading up to submission of the Hazard Mitigation Plan for FEMA review. The 100+ page document passed approval by FEMA and requires adoption by the three entities to become the Hazard Mitigation Plan for the next 5 years. The plan must be in place in order for the city to apply for mitigation grant funds. Councilman Warren made the motion to approve Resolution #2020-11R adopting the Tyler County Hazard Mitigation Plan 2020. Councilman Herrington submitted the second and the motion passed unanimously.

**Agenda Item #11 – Rating review Committee for General Land Office grants writer/admin.**

Mayor Bennett explained the grant for rehabilitating drainage and streets that were damaged by the 2015 flood was not approved by FEMA because the program ran out of funds. The project application has been referred to the General Land Office for mitigation grant funding after the State of Texas received over \$4.3 Billion for various mitigation programs. The city has requested proposals from grant writers/administrators; the proposals are due July 16<sup>th</sup> and a requirement for grants are for the city to rate/rank the proposals. He Mayor asked who would be interested in serving on the ratings committee. Councilman Warren and Blackstone volunteered and Mayor Bennett appointed the two Council members along with herself to the rating review committee.

**Agenda Item #12 – Resolution #2015-7R contractor general liability insurance**

Mayor Bennett explained the city has required contractors operating in Ivanhoe to provide the city with a copy of their general liability with a minimum \$100,000 coverage listing the city as an additional insured party. Councilman Herrington noted that he had brought the question about requiring smaller contractors providing a service for property owners and the insurance requirement being cost prohibitive. He had discussed the matter with the city attorney and an ordinance is required if the requirement is applicable to contractors providing a service to property owners and it needs to be specific. If the city wants to continue the requirement then the city attorney's advice needs to be followed. Councilman Morris observed that the city needs to have some way of knowing which contractors are working in the city and where. Councilman Herrington responded that the matter will probably need additional meetings to work out details as one of the original drivers for the requirement was to protect city infrastructure and the Council might need to look at a different method of getting weight requirement information to contractors. Councilman Blackstone stated he does not feel the city has the authority of requiring insurance for a contractor that he or any property owner hires. Councilman Herrington said the issue is not about prohibiting people from making a living, it is about protecting people. He then recommended that a workshop be set up to delve into the matter. Councilman Morris commented that agenda item for

reviewing the permit fees should be included in the same workshop. Mayor Bennett noted that the two items would be placed on the agenda for a special meeting on July 22<sup>nd</sup>.

### **Agenda Item #13 – Variance criteria**

Councilman Herrington explained he asked for the item to be placed on the Council agenda due to many of the variance requests not meeting the hardship requirement and the requestor should be informed by staff that the variance would not be granted. City Secretary C. D. Woodrome responded that staff reviews the requirements for a variance in detail with the property owner. If the property owner is determined to proceed with the Variance application it is because they feel they can justify their request before Council. He noted that similar hearings are going to be held before Council on Code Enforcement violations as the Code Enforcement activities process through.

### **Agenda Item #14 – Soliciting bank depository**

Councilman Warren informed Council that an issue has arisen with the current bank depository with compromised social security number. The bank had contacted a former Council member and asked that Councilman Warren call the bank to provide his SSN. Councilman Warren said he contacted the bank manager and informed her that he had provided his SSN previously when another account was established. The branch manager was going to check what happened and get back to him. The bank never called back. Councilman Vonderlin voiced that he had received information from a neighbor of a similar incident. Councilman Warren made the motion to go out for proposals for a new bank depository. Councilman Blackstone provided the second. In discussion Councilman Herrington commented that if Citizens State Bank had new ownership the problems might have occurred during the transition. Councilman Herrington said the city should do additional research. Mayor Bennett stated that the city is researching new financial software and right now might not be a good time to change the multiple accounts to another financial institution, she reminded Council that when the city was first formed no bank responded to the request for proposals so the Council decided to place city funds with Citizens State Bank. Following the discussion Council approved the motion unanimously.

### **Agenda Item #15 – Review current permit fees**

Was not addressed by Council. (Note: a Special meeting was subsequently scheduled for July 22<sup>nd</sup>, 2020)

### **Agenda Item #16 – Financial report for June 2021**

City treasurer C. D. Woodrome had provided the June financial report to Council in the monthly packet.

He noted that he had a scatter shot of other information:

- Mr. James Broussard with Local Sanitation brought by the garbage franchise fee payment for the first quarter (Jan. – Mar.) amounting to \$2,702.80 today. Comparison: the franchise payment for July – Sept. 2019 was \$1,675.40. For Oct. – Dec 2019 was \$2,517.18.
- We have not received the ad-valorem tax payment for June from the Tax Assessor/Collector, nor has the sales and use tax for June been direct deposited by the State Comptroller.
- The city opened a separate bank account for CARES ACT funds as we were informed we needed to do. When the Mayor sent the direct deposit authorization form to TDEM she was informed there was a conflict with the existing account (which turned out to be the 2015 flood reimbursement account that just became active with our first FEMA deposit). I have concerns about co-mingling funds from two sources and that has been expressed to the auditor with CohnReznick who verifies all of our documentation for reimbursement as well as our contact at TDEM. I have asked for documentation that will hold the city harmless for co-mingling funds, even if we do a quick transfer from the 2015 flood account to the new CARES Act account. I will still have to deal with our outside auditors on this issue when they work on our annual audit after we close out the year.
- On the subject of the auditor at CohnReznick, emails from her indicate the city has top priority for getting future 2015 reimbursements to us quickly. Our 2<sup>nd</sup> set of documents (a 2 inch binder full), request for reimbursement totaling \$32,688.45 was filed right after last month's Council meeting, so we will see how quickly the 75% reimbursement shows up. (\$24,516.34).
- And on that subject Malissie Taylor our Office Assistant has already started cracking the whip to get the Public Works crew ready to resume work on the sites from the 2015 flood event so she can prepare the next request for reimbursement. Which means if you see Mr. David Marshall and the crew with their tongues hanging out and sweat running in buckets---we will blame Malissie.
- TX CLASS sent their economic review which indicates that the Fed signaled it anticipates holding interest rates steady at near zero through 2022, so we can expect the interest rates on funds we have on deposit will remain low.
- Citizens State Bank sent the monthly exposure to risk statement indicating the city has \$328,500 cushion between what we have on deposit and when we would need additional pledged assets. Since we are using TX CLASS for deposit of funds that will not be needed for immediate payment of bills, that has no longer become an issue. Right now the total deposits in the various accounts at Citizens State Bank total \$102,344.

Following the report Councilman Warren made the motion to approve the June financial report. Councilman Morris provided the second and the motion carried unanimously.

**Agenda Item #17 – Paid personnel absence due to Covid-19**

Mayor recessed the regular meeting at 8:23 PM to discuss contractor and personnel matters in executive session.

**Agenda Item #18 – Executive session**

Following the executive session, Mayor Bennett called the regular session back to session at 8:56 PM and said Council was taking no action against Mason Construction on their portion of the bond construction contract. On Agenda item #17 paid personnel leave will be approved for employees who are quarantined due to exposure or contacting coronavirus

None

**Agenda Item #20 – Council comments**

**Agenda Item #21 – Adjourn**

Councilman Herrington the motion to adjourn with a second by Councilman Warren and the meeting was concluded at 8:58 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary