

REGULAR MEETING

MINUTES

August 13th, 2020

6:30 PM

Meeting was called to order by Mayor Bennett at 6:30 PM. Quorum established with all Council members present. City Attorney Brad Elrod and City Marshal Terry Riley were 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 thanked Councilman Blackstone for his donation of an audio mixer to make the audio portion of the livestream much better, and thanked Mr. Brandon Yarbrough with Rarity Communications for getting the system ready for the broadcast.

Communications from the audience-Agenda items

No communications from the public had been 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 July 9th, 2020, Workshop July 9th, 2020 and Special meeting July 30th, 2020.

Agenda Item #2 – Adoption of FY-2021 Budget

Following the Public Hearing which had been held August 12th, Councilman Vonderlin made the motion to postpone adoption of the FY-2021 budget until September 29th, 2020. Councilmen Warren submitted the second and the motion passed unanimously.

Agenda Item #3 – Adoption of Maintenance & Operations tax rate to fund FY-2021 Budget

Following the Public Hearing which had been held just before the regular meeting, Councilman Warren made the motion to postpone adoption of the M & O tax rate for FY-2021 until September 29th, 2020. Councilmen Vonderlin provided the second and the motion passed unanimously.

Agenda Item #4 – Adoption of Interest & Sinking tax rate for FY-2021

Following the Public Hearing which had been held just before the regular meeting, Councilman Vonderlin made the motion to postpone adoption of the I & S tax rate for FY-2021 until September 29th, 2020. Councilmen Warren made the second and the motion passed unanimously.

Agenda Item #5 –Resolution #2020-12R General Election November 3, 2020

Mayor Bennett read the summary heading of Resolution #2020-12R calling for election of two Council members and Mayor at the November 3rd, 2020 general election. Councilman Herrington made the motion to adopt the Resolution calling the general election. Councilman Warren submitted the second and the motion passed unanimously.

Agenda Item #6 – Special election for FY-2021 tax rate

Mayor Bennett explained that since the Council is not planning to go over the 3 ½% voter approved tax rate a special election will not be needed. No action was taken on the agenda item.

Agenda Item #7 – Mayor’s report

The Mayor provided information on several items:

- Reminded everyone of the importance of being counted in the 2020 census due to grants and representation being dependent on number of people in a given area for the next 10 years, & urged folks to utilize the on-line census questionnaire to complete the census registration requirement.
- Tyler County Clerk Donece Gregory is recommending everyone over 65 to take advantage of ballot by mail.
- The Appraisal Review Board member representing Ivanhoe passed away and the city needs to find a replacement to recommend to the Appraisal District.
- At the end of the Appraisal District fiscal year any funds not spent are refunded to the taxing jurisdictions. For 2020; Ivanhoe will have a credit of \$1218.93.
- COVID-19 report: Tyler County has 13 new active cases posted 8/12, indicating the coronavirus is not being taken seriously enough. Folks need to abide by the Governor’s order for wearing masks and maintaining social distancing when in public and washing hands/using hand sanitizer.

- Early voting will start early this year per the Governor's order.
- Councilman Vonderlin commented on the Mayor's Census 2020 report that the census reporting will end at the end of October and it is really easy to complete the questionnaire on line.

Agenda Item #8 – Supervisor of Dams report

Supervisor of Dams Mr. Rusty Harrison informed Council that he was having trouble with his email and his monthly inspection reports on the dams for inclusion in the Council packet had been delayed until this morning. Mr. Harrison informed Council that not much was going on with the dams; it is hot and relatively dry which means not much water is flowing over the spillways. He explained that he prefers some flow in order to keep the caulking from being exposed directly to the sun and drying/cracking. A lot of grass is growing on both sides of the Camelot Dam so it is difficult to check the embankment for any issues that might be developing. Councilman Warren reported the Ivanhoe Property Owners Improvement Association had just completed spraying water weeds this past Monday. During the spraying he noticed a board in the old section of Tristan Dam bulkhead is broken and will be replaced to prevent erosion from occurring in that area. The agenda item was information only, no action was taken by Council.

Agenda Item #9 – Public works report

Public Works Coordinator Mr. David Marshall informed Council that everything is proceeding on schedule for work by the Public Works crew in preparation for contractors to work on Charmaine South and Durwood. The crew has now moved to Lakeview Circle, 16th thru 19th to do drainage work before the Gulf Coast Construction expects to start in mid-September. No pre-construction meeting has been scheduled yet. LD Construction is scheduled to start the overlay on Charmaine South on Monday. Gulf Coast Construction has begun base prep on Durwood. Mayor Bennett clarified that LD Construction will be applying 2 inches of hot mix asphalt on top of the base that Mason Construction had completed earlier on the bond construction work. The agenda item was for information only, no action was taken by Council.

Agenda Item #10– Municipal Court report

Mayor Bennett provided a summary of the Court report for July prepared by Judge Cathy Rader. Total fines collected of \$20. \$2.65 goes to the city, and the rest goes to the state. The state Court Administration has delayed all pre-trials due to the coronavirus, but normal court functions have resumed. The agenda item was information only, no action was taken by Council.

Agenda Item #11 – Marshal office report

Marshal Terry Riley reported a total of 50 calls for July which included 32 calls to the city and 18 thru the Sheriff's office. 6 Citations were written and 6 warnings were issued. Mayor Bennett expressed appreciation to the Marshal's department for assisting with some Code Enforcement violations. The agenda item was for information only, no action was taken by Council.

Agenda Item #12 – Code Enforcement report

Councilman Morris read the code enforcement breakdown compiled by Office Assistant Malissie Taylor: 48 open cases, with an additional 47 cases that need further action by Council/Legal. So far 23 time extensions have been granted due to the coronavirus. 15 cases are in investigative status. 48 cases have been closed. The agenda item was information only, no action was taken by Council.

Agenda Item #13 – Resolution #2015-7R contractor general liability insurance

Councilman Warren explained he requested the agenda item for clarification of how the Council wants to handle the issue of contractors working for the city on small contracts like mowing city property or cleaning. Considerable discussion resulted:

- Councilman Herrington asked what the primary drivers are for protecting the city.
- City Attorney Brad Elrod noted the Council needs to provide clarification if the requirement is specific to city owned property or does it extend to anywhere in the city.
- Councilman Blackstone commented that anyone doing work for the city on city owned property should provide liability insurance coverage. Most contractors doing residential work should have insurance as part of their state license.
- Councilman Herrington asked if the requirement should address construction separately from general maintenance.
- Councilman Vonderlin asked how much it cost for \$10,000 of general liability insurance. Councilman Blackstone responded that his research indicates \$400 per year for \$10,000 insurance.
- Attorney Brad Elrod clarified that General Contractors generally do not have insurance requirements for their state license. Some cities have a blanket requirement for any contractor operating in the city.
- Councilman Herrington noted that for actual enforcement the general liability insurance requirement will have to be an ordinance instead of a resolution.

Councilman Warren submitted a motion to rescind Resolution #2015-7R and develop a replacement Ordinance. Councilman Vonderlin provided the second. In additional discussion Councilman Herrington asked if the requirement could be mandated based on the type of work. Attorney Brad Elrod clarified that a Resolution is a statement of city policy, an ordinance is an enforceable law of the city. Councilman Warren then withdrew his motion and Councilman Vonderlin withdrew his second. Councilman Warren then made the motion to modify Resolution #2015-7R to remove the portion requiring general liability insurance for work costing between \$1 to \$9,999. Councilman Vonderlin provided the second, and the motion passed unanimously. Attorney Brad Elrod observed that amending the resolution means that it will eventually be repealed and replaced with an ordinance and the details would be clarified regarding contractors working for the city and for the public. Councilman Warren said for the record the committee reviewing the issue would be looking at both.

Agenda Item #14 – Agreement with Troy Priddy for Building Inspections

Mayor Bennett explained the agreement is still being worked on and would be postponed to the next regular meeting.

Agenda Item #15 – Update on liability insurance requirement

Mayor Bennett noted the agenda item was a duplication of agenda item #13 and had already been addressed.

Agenda Item #16 – Change order for CDBG-Durwood project

Mayor Bennett explained LJA Engineering had compiled the change order options for the TxCDBG project on Durwood. The Council needs to decide whether to go with 5 inch base for a total project cost of \$202,519.22 or a 6 inch base for a total cost of \$223,569.74. The change order also removes pulverizing what is essentially no base, instead the existing material will be compacted in preparation for the additional base material. Councilman Herrington made the motion to approve the engineer's recommendation of 5 inch base at \$202,519.22. Councilman Vonderlin submitted the second and Council unanimously approved the motion.

Agenda Item #17 – Change order for Charmaine South project to add “turn-out’s”

Mayor Bennett explained the change order is needed in order to protect the new surface at intersections where vehicle turning occurs. The change order will add \$4,600 to the project cost for a total of \$126,621.

Councilman Herrington made the motion to approve the change order. Councilman Vonderlin voiced the second and Council unanimously approved the motion.

Agenda Item #18 – Amend FY-2020 budget for Coronavirus Relief Act reimbursement

Mayor Bennett informed Council that the total costs to date incurred related to the coronavirus pandemic is \$12,160.83. The city needs to amend the current budget to transfer the funds from the Coronavirus Relief Act account to the general fund. Councilman Herrington made the motion to amend the FY-2020 budget to add the Coronavirus Relief Act funds. Councilman Blackstone provided the second and Council approved the motion unanimously.

Agenda Item #19 – Stop sign placement

Public Works Coordinator David Marshall presented request to Council that stop signs be placed at the intersection of Prince's Circle and Charmaine Dr. East and the intersection of Ivanhoe Estates and Sir Robert Burns. Following discussion of whether stop signs should be all-way or which direction the stop signs should face Councilman Herrington made the motion to postpone the matter for additional research. Councilman Blackstone concurred with a second and the motion passed unanimously.

Agenda Item #20 – Resolution #2020-13R joint election agreement with Tyler County

Mayor Bennett explained the Resolution is the annual agreement with Tyler County to conduct the November election which saves the city money. Councilman Warren made the motion to approve Resolution #2020-13R joint election agreement with Tyler County. Councilman Blackstone provided the second and the motion passed unanimously.

Agenda Item #21 – Resolution #2020-14R election agreement contract with Tyler County Clerk

Councilman Herrington made the motion to approve Resolution #2020-14R for the Tyler County Clerk to conduct the November 3rd election. Councilman Blackstone gave the second and the motion passed unanimously.

**Agenda Item #22 – Resolution #2020-15R application for 2020 TxCDBG grant for Planning/
Capacity Building studies**

Mayor Bennett informed Council the Resolution to apply for 2020 Planning & Capacity Building TxCDBG grant will be postponed until after a Public Hearing is held to allow community input.

Agenda Item #23 – Resolution #2020-16R calling General Election for November 3rd, 2020

The item was dealt with under agenda item #5 (Resolution #2020-12R)

Agenda Item #24 – Financial report-July 2020

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

He recapped highlights: More things have taken time as City Secretary than Treasurer over the past few weeks, thankfully the accountant reviews and clarifies any corrections that are needed after the 10 accounts are reconciled and submitted for her to verify. The spreadsheet submitted for Council to see the financial condition of the city is a 4 page condensed snapshot of about 45 to 50 pages from Quickbooks. The quarterly printout of the Profit & Loss statement was 95 pages, so that is relegated to the computer screen. With 2 months remaining in FY-2020: on the expense side the city has exceeded budgeted expenditures by just over \$11,000. Transferring in the FEMA reimbursement funds from work on the 2015 flood sites and adding the donation of \$33,000 from the Alabama Coushatta tribe which allowed the Council to amend the budget helped. With the new budget total of \$695,651 there is a remaining balance of \$68,464.31 at the end of July. On the income side, the ad-valorem collections shows \$7,055 to make budget, but with the other income including to donation from the Alabama Coushatta tribe the city is over the budgeted income amount by \$57,595.40.

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

Agenda Item #25 – Executive session

Not needed

Agenda Item #26 – Communications from the audience

None

Agenda Item #27 – Council comments

None

Agenda Item #21 – Adjourn

Councilman Herrington the motion to adjourn with a second by Councilman Vonderlin and the meeting was concluded at 8:11 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary