

REGULAR MEETING

MINUTES

November 12th, 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 Morris. City Attorney Brad Elrod and City Marshal Terry Riley were present. Councilman Vonderlin provided the invocation and Mayor Bennett led the Pledge of Allegiance. 5 individuals were in the audience (first time for in-person attendance since the March meeting due to the coronavirus guidelines). Everyone was wearing face masks and adhering to Social distancing requirements. Mayor Bennett noted the meeting was being live streamed on Facebook in order to allow anyone who wanted to attend the meeting is able to do so virtually during the Covid-19 health emergency.

Communications from the audience

Mr. Rowland Priddy had signed up to address Council: He congratulated Mr. John Craven on being elected to serve on city council and Mayor Bennett and Councilman Warren on their re-election. He thanked Councilman Vonderlin for his service to the city, and thanked everyone who voted and performed their civic duty. He urged everyone to wear masks and social distance to keep themselves and others safe. As Ivanhoe Volunteer Fire Dept. Assistant Fire Chief he concluded with a request to Council to waive the Building Permit application fee for the new fire station to be constructed soon. He said the 40 foot by 40 foot building will replace the old manufactured home that has served as the Fire Dept. office for many years. With no other comments submitted, Mayor Bennett reminded anyone viewing the meeting on FaceBook that they can submit comments or questions during the meeting and they would be addressed at the end of 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 Code Enforcement hearing October 8th, 2020, Regular meeting October 8th, 2020 and Special meeting October 30th, 2020.

Agenda Item #2 – Mayor's report

The Mayor provided information on several items:

- “Ya-Ya” the newly certified drug dog belonging to Marshal Riley was introduced to Council.
- Communication was received from Mason Construction regarding final payment of the \$49,000 retainage funds on the Chanticleer street re-hab work. The Mayor polled the Council for a special meeting date and set December 8th at 4 PM, with an invitation being extended to the owners of Mason Construction and representatives from LJA Engineering to attend.

A recess was called at 6:43 PM due to technical difficulties with the Facebook video broadcast. Mayor Bennett called the regular meeting back to session at 6:49 PM after the Facebook broadcast was operating correctly.

- The grant applications for the Hazard Mitigation projects are now posted on the city website.
- The annual boat parade is scheduled to take place on December 5th. Due to the coronavirus no activity will be scheduled at the Community Center in conjunction with the boat parade.
- Ms. Linda Townsend is working on a Christmas light competition within Ivanhoe.
- The Civic Club has canceled the annual Thanksgiving community luncheon due to coronavirus.

Agenda Item #3 – Supervisor of Dams report

Supervisor of Dams Mr. Rusty Harrison informed Council of 3 trees beside the roadway on Camelot Dam that need to be removed because they are dead. There is also a sloughed off area at the edge of the road on the dam that needs to be patched. On Tristan Dam Mr. Harrison is planning to try hydraulic cement to seal the crack in the one of the emergency spillway pipes. If it works he will seal the other leaking pipe seam the same way. Mayor Bennett said she would discuss the trees on Camelot Dam with Public Works for removal rather than waiting for the trees to fall and possibly damaging the dam or blocking the roadway. The agenda item was information only, no action was taken by Council.

Agenda Item #4 – Public works report

Public Works Coordinator Mr. David Marshall was not available. Mayor Bennett informed Council that the crew has now returned to routine street maintenance after 3 months of working on drainage & culverts on street right of way prior to contractors performing street rehabilitation in several sections of the city. The agenda item was for information only, no action was taken by Council.

Agenda Item #5– Municipal Court report

Mayor Bennett provided a summary of the Court report for August prepared by Judge Cathy Rader. Total fines collected of \$562. With \$358.65 retained by the city, and the rest goes to the state. Ivanhoe Municipal Court is open for in-person communication using the State specified procedures, but there will be no in person trials scheduled before Dec. 1st, 2020 per the Office of Court Administration. The agenda item was information only, no action was taken by Council.

Agenda Item #6 – Marshal office report

Marshal Riley reported 35 calls handled by the city and 20 calls handled thru the Sheriff's office during the preceding month. He and the office assistant have been doing catch up paperwork on cases that Deputy Marshal Chuck Marshall had been working on prior to his death. Marshal Riley thanked Councilman Herrington for constructing a wooden crate for the patrol vehicle for his new assistant "Ya-Ya". Councilman Vonderlin asked who the responsible agency is for investigating the 2 vehicle accidents that recently occurred at the end of Galahad Dam. Marshal Riley clarified that DPS handles routine vehicle investigations in the city. Councilman Blackstone asked about a software change in the Marshal's office. Deputy Riley explained the software change to Cop Synch is to save the city money and be able to access reports from other law enforcement agencies which is not possible with In-Synch. The agenda item was for information only, no action was taken by Council.

Agenda Item #7 –Marshal Dept. Policy & Procedures-Canine Division

Marshal Riley informed Council the state requires a Canine Policy & Procedures for inclusion in the operations manual the Marshal's office. The 9 page document which includes provision for operating outside of Ivanhoe has been reviewed by the Tyler County District attorney and passed approval. Councilman Vonderlin made the motion to adopt the Canine Policy & Procedures as part of the Marshal's Dept. operations manual. Councilman Blackstone provided the second and the motion passed unanimously. Marshal Riley expressed thanks to the Mayor & Council for allowing the use of the civic hall for certification of "Ya-Ya" and dogs from 2 other law enforcement departments from South Texas. Additional trainings for law enforcement are scheduled in December in the facility, hosted by the Deep East Texas Council of Governments.

Agenda Item #7 – Code Enforcement report

Councilman Vonderlin reviewed the code enforcement breakdown compiled by Office Assistant Malissie Taylor: 47 open cases, with an additional 45 cases that need further action by Council/Legal. So far 25 time extensions have been granted due to the coronavirus. 14 cases are in investigative status. 61 cases

have been closed. There are currently no hearings to be scheduled. 6 violation notice letters returned on bad addresses. 3 stop work orders currently active, 10 non-conforming properties, and 9 septic cases under investigation. The agenda item was information only, no action was taken by Council. Mayor Bennett expressed thanks to Councilman Vonderlin for his diligent work on code enforcement. This will be his final regular Council meeting as he turns over the duties to Councilman elect John Craven.

Agenda Item #9 – Follow up on Code Enforcement-Lagunas

Mayor Bennett opened the floor to Office Assistant Malissie Taylor regarding the dilapidated structure located on a lot belonging to the Laguna's on Charmaine Dr. East. Council had given the property owner 20 days to respond to the code enforcement violation following the public hearing on Sept. 10th, 2020 and there has been no response. Ms. Taylor requested Council to approve proceeding with demolition and removal of the structure and a lien placed on the property to recover the cost. Councilman Blackstone questioned what happens if the cost of demolishing and removing the structure exceeds the value of the property. Mayor Bennett said the Public Works Dept. can possibly be utilized for the work, an estimate of cost will be developed. Councilman Herrington volunteered to work up an estimate and provide it at the December 8th Special meeting.

Agenda Item #10 – Ordinance #2018-3 Curfew for minors

Councilman Herrington made the motion to re-adopt the curfew ordinance following the public hearing to review the efficacy of the ordinance as required by the state at least every three years. Councilman Vonderlin made the second and the motion passed unanimously.

Agenda Item #11 – November 3rd, 2020 election canvass

Mayor Bennett explained the County elections administrator will have the elections tally available after the early ballot board approves any ballots received from overseas and provisional votes. The last date for that to occur is November 13th. She set the canvass date for Tuesday, November 17th at 11 AM and noted that the canvass only requires 2 Council members to certify the election tallies.

Agenda Item #12 – Planning & Zoning Commission recommendations

Councilman Vonderlin as liaison to the P & Z Commission reported the Commission is recommending a change to the traffic portion of the code to curtail large & heavy truck traffic on city streets. Councilman Warren presented the question of parking of commercial vehicles 32 feet or longer and weighing 24,000 pounds or more with a time limit of 8 hours more. He referenced Section 70.07 (b) of the codified

ordinance. Mayor Bennett observed that heavy trucks can do as much damage driving on the streets as parking overnight. City Attorney Brad Elrod explained that the ordinance would prohibit any large vehicle that is not approved/authorized. Councilman Vonderlin said the P & Z was attempting to allow for delivery (commercial services). Councilman Warren commented there is no need to have an 8 hour time limit. Mr. Elrod noted that some moving van services would be parked beside or on the street for most of a day. Councilman Herrington asked for clarification of the intent of the ordinance change; was it to stop recurring daily traffic of heavy vehicles? Councilman Blackstone voiced that due to the amount of discussion he thinks the Council needs more time to study the recommendation. Mayor Bennett then postponed further consideration of the agenda item until the December 8th Special meeting.

Agenda Item #13 – On-site Septic Facility Designated Representative contract

Mayor Bennett explained that with the passing of Chuck Marshall who was the City of Ivanhoe designated representative (DR) for septic installs and enforcement, the vacancy needs to be filled with a TX Commission on Environmental Quality certified individual. Consideration of a replacement has been ongoing and Ms. Angela Caraway has agreed to serve in the position at the same rate of \$150 per OSSF installation or enforcement that was in place before Mr. Marshall received his certification. She serves as OSSF-DR for Jasper and Newton counties. Councilman Vonderlin made the motion to approve the Designated Representative contract and Councilman Blackstone provided the second after verifying that the city had received a copy of Ms. Caraway's TCEQ certification. Councilman Herrington questioned what previous challenges the city has encountered with the previous DR. Mayor Bennett replied the DR prior to Mr. Marshall was only willing to approve septic system installs but not enforcement, which the city needs on occasion. Following the clarification the motion passed unanimously.

Agenda Item #14 – Ordinance #2021-1 contractor general liability insurance

Councilman Warren said the key change to the current requirement for contractors doing work for the city is not requiring liability insurance for any work below \$10,000. The requirement does not apply to contractors performing residential work-that would be up to the property owner. The agenda item also included discussion with Agenda item #15.

Agenda Item #15 – Ordinance #2021-2 Residential construction & Liability construction requirements

Councilman Vonderlin asked how much getting an architect to design a porch or other addition that attaches to an existing structure. Councilman Herrington responded that the cost could range into the thousands of dollars depending on project. Councilman Vonderlin observed that putting that cost burden on property owners for a small project is a bit much. Councilman Herrington noted that for new home

construction the design requirement is valid. Councilman Blackstone stated that the city needs to figure out the scope of work that is grand enough to require professional design. Councilman Herrington commented that the matter should be discussed with the building inspector. City Attorney Brad Elrod informed Council that Section F refers to all delivery & transport drivers is in conflict with the proposed regulations discussed in Agenda item #12 on traffic rules and the two requirements need to be brought together. Mayor Bennett then postponed the agenda item to the next meeting.

Agenda Item #16 – Annual financial audit

Mayor Bennett requested Council rescind action taken previously to go out for proposals for the annual outside financial audit after receiving the proposal from the current auditing firm which came in below \$10,000. Councilman Warren submitted the motion to rescind the prior action. Councilman Herrington provided the second and the motion passed unanimously. Councilman Herrington then made the motion to approve Davis Heinemann Inc. to perform the FY-2020 financial audit. Councilman Warren submitted the second and the motion passed unanimously.

Agenda Item #17 – Progress on changing banks

Councilman Warren presented that Council had taken action during the July Council meeting to seek proposals from financial institutions after the current depository had lost his personal information and called a former Council member to get in touch with him instead of the city office. He questioned the reason for the delay in going out for proposals. Mayor Bennett responded that the city is in the process of vetting different software programs that can handle the financial requirements of the city. Right now, in order to keep the various funds separated for accounting and auditing purposes the city has 10 different accounts, and it behooves the city to delay transitioning to another financial institution until a software program is found that can provide the separation of accounts that meet the auditor (and grant provider) requirements. Councilman Warren noted that losing personal information by a bank and getting no response to his and the city's letters expressing concern is not acceptable and is the reason for the agenda item, which was for information only.

Agenda Item #18 – Financial report-September 2020

City Treasurer C. D. Woodrome informed Council that the accountant who reviews the monthly financial documents has been ill and unable to complete the review of the September report and requested the Agenda item be postponed until the accountant review is complete since it is the wrap up report for FY-2020. Council agreed to the postponement until the December Council meeting.

Agenda Item #19 – Financial report-October 2020

City Treasurer C. D. Woodrome had provided Council with the Spreadsheet summary of City financial standing as of the end of October in the Council packet. Other items in the monthly financial report:

- The deadline for the self-monitoring audit on the TX Dept. of Agriculture grant for the new fire truck is tomorrow. The treasurer has spent much of the week with the grant writer/administrator getting the information completed for the 30 page document.
- The CDBG grant for the Durwood street work is in the process of being wrapped up and Mr. Woodrome will be working with the grant administrator for closing out the financials next week.
- The annual TML risk pool workmans comp. audit is scheduled in December. The auditing firm Of R. Dylong has sent a list of documents that need to be compiled, scanned and sent by secure email. This year the audit will be done remotely. Last year the city received almost \$5,000 back from the annual premium as the result of a good audit.
- The CPA firm Of Davis Heinemann & Co. had sent initial quote of \$12,000 which prompted Council to authorize to go out for proposals for the annual audit. Subsequently the firm had sent the written contract which has a proposed fee of \$9,500, which is \$1,000 over the fee charged for the 2019 audit. With Council action on the agenda item earlier in the meeting, the treasurer will notify Davis Heinemann & Co. so the audit can be scheduled as soon as possible. The firm has performed the annual audit since 2010 and their expertise and standing was sufficient to gain the city an “A” rating from Standard & Poors on the bond issue and resulting low interest rate.
- Sales tax revenue report shows the city received \$60,457 for FY-2020. FY-2021 has started well with almost \$6,000 in sales tax for the month of October.
- The monthly spreadsheet looks a little bare; it is the first month of the new year so prior month balances in the various line items are blank. Mr. Woodrome noted there were a few changes on the spreadsheet to make it easier to determine the financial activity of the month in the various accounts. The TX CLASS accounts usually have little activity since the accounts are set up for gaining higher interest than the bank provides, and funds are moved in and out as the need arises.
- The public notice requesting proposals for a new bank depository has been put on temporary hold until the treasurer and Mayor can review replacement financial software programs that are better equipped to handle the demands of multiple accounts. With deadlines occurring on grant applications and audits as well as catching up in the office after being out a good portion of October there has not been time to perform due diligence to find a computer program that meets the city’s needs and can allow the city to reduce the number of bank accounts and still comply with audit requirements.
- Due to the accountants illness during the past month the October financial report also needs to be postponed until she has a chance to review and sign off on the documents. Following the snapshot

review of the October financial spreadsheet Council agreed to postpone approval until the December Council meeting.

Agenda Item #20 – Marshal dept. pay rate

Mayor Bennett delayed the agenda item to the executive session.

Agenda Item #22 – Communications from the audience

- Ms. Angela Miller requested street repair on Galahad Loop at her driveway, cars are scrapping bottom. She has submitted a request for the work several times. She asked if she could fill in the hole or did she have to wait on the city.
- Tesha Jones requested street repair on Merlin at Lancelot-not fair to drive down roads that are horrible and by the dam there is black-top.
- Barbara Clowers requested that 27th street get fixed.
- Johnnie Jesseph was informed that homeowner has to pay for dump truck not the material, asked why.
- Eunice Onteveroz agrees with the city changing banks.

Agenda Item #21 – Executive session

Mayor Bennett called the regular session to recess at 8:12 PM for executive session per Texas Gov. Code 551.071 and 551.074. She called the regular session back from recess at 8:45 PM.

Agenda Item #20 – Marshal dept. pay rate

Returning to act on the agenda item following the executive session; Councilman Warren made the motion to change the pay rate for part-time Deputy Marshal to \$25 per hour. Councilman Herrington provided the second and the motion passed unanimously.

Agenda Item #23 – Council comments

Mayor Bennett thanked Councilman elect Mr. John Craven for attending the on-line training on open meetings act and open records act in preparation for assuming office. The installation ceremony is scheduled December 10th at the beginning of the regular Council meeting. No other Council comments.

Agenda Item #24 – Adjourn

Councilman Herrington the motion to adjourn with a second by Councilman Warren and the meeting was concluded at 8:46 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary