

CITY OF IVANHOE
REGULAR MEETING
MINUTES

December 10th, 2020
6:30 PM

Meeting was called to order by Mayor Bennett at 6:30 PM and quorum established with all Council members present (Councilman Morris via phone due to health issue). City Attorney Brad Elrod and Public Works Coordinator David Marshall were present. The meeting was livestreamed via the city Facebook page. Councilman Vonderlin provided the invocation and the Mayor led the Pledge of Allegiance.

Mayor Bennett presented Councilman Vonderlin with a plaque of appreciation for his multiple years of serving the citizens as an active member of the City Council, including multiple appointments and as code enforcement officer. Judge Rader then administered the Statement of Officer and Oath of Office to Ms. Cathy Bennett, re-elected as Mayor, Mr. Will Warren re-elected as Council Member, and Mr. John Craven elected to first term on Council.

In conjunction with Administering the Oath of Office Mayor Bennett explained the signatories on the various bank accounts need to be updated. Councilman Blackstone made the motion to remove Mr. Chuck Vonderlin from the bank accounts and add Councilman John Craven as a signatory with the other Council Members. Councilman Craven submitted the second and the Council unanimously approved the motion.

Mayor Bennett asked if there were any comments or questions from the Facebook audience. There being none she moved to agenda item #5 so Judge Rader could present her report and leave the meeting (See #5 below).

Agenda Item #1 – Consent agenda

Mayor Bennett asked if any item on the consent agenda needed to be removed, hearing no objection she then declared the consent agenda adopted including the minutes of the Special meeting on October 3rd, 2020, the Public Hearing-Juvenile Curfew Ordinance on November 12th, 2020, the Regular meeting on November 12th, 2020, the Election Canvass on November 17th, 2020 and the Dam Inspection reports for November 2020.

Agenda Item #2 – Mayors report

Mayor Bennett updated Council on several items:

- There has been a drastic increase in the number of active cases of Covid-19 in the region, As a result the Civic Hall Users Group had unanimously agreed that the facility would be closed to in-person group meetings,
- Mobile drive thru coronavirus testing is being scheduled by the Deep East Texas Council of Governments at partner locations in the 12 counties at no charge for the test (not a rapid test). The next opportunity will be at the Spurger School on Sat. from 8 to 4.
- A big thank you to the Friends of Ivanhoe for arranging for Santa to be available outside the Civic Hall during the boat parade on Dec. 5th. He was socially distanced for his meetings with children from the community.
- Another big thank you to Ms. Linda Townsend who is stimulating additional seasonal interest with the holiday lighting contest. Judging is scheduled for Dec. 19th, with 1st, 2nd & 3rd place prizes awarded.
- The city has acquired another piece of equipment for the Public Works Dept. Although the Bobcat skid steer loader is used, it is in almost new shape and will result in the crew being more efficient with street and drainage work.
- The second reimbursement has at long last been received for work done on the 2015 flood recovery. The \$20,059 will go in the capital acquisition fund.
- Public Works Coordinator Mr. David Marshall has worked his magic with TxDOT again and arranged for the city to get approximately 1000 cubic yards of reclaimed asphalt. The only cost for the material will be transporting it from the TxDot sites.
- The Coronavirus Relief Fund expenditure plan was submitted to the Tx. Dept. of Emergency Management on Nov. 13th. \$110,000 is the city portion of the federal CARES Act funding. 75% of expenditures must be directly related to Covid-19 expenses in order to qualify for the full amount. The city has partnered with the Warren School District as allowed by the state thru Operation Connectivity. The school will be receiving approx. \$30,000 direct Covid-19 related reimbursement thru the city as a result.
- A letter to Mason Construction regarding issues with the Chanticleer street rehabilitation has been developed by the engineer. A special meeting will be needed in order for Council to address the response from Mason Construction.
- After Council approved to demolish the dilapidated structure on the property it was discovered that Timberlakes Realty has a lien on the Lagunas property located on Charmaine East. Timberlakes has not repossessed the property and the Mayor has asked the represent with Timberlakes if they would pursue the clean-up since they have a vested interest in the property.

- A final item to report; the city does not have the budget to support 24 law enforcement by city Marshal department. The Coronavirus Relief Act provides for 100% reimbursement of law enforcement labor costs, and the city has attempted to get additional officers to patrol in the city by offering a pay rate of \$25 per hour with limited success. The Cares Act funding will only apply thru Dec. 30th.

Agenda item #3 – Supervisor of Dams report

Mr. Rusty Harrison had provided his monthly dams report for inclusion in the consent agenda. He provided additional information; the lock on the valve at Camelot dam has been attacked by a rock and was damaged. The valve wheel was not damaged. Councilman Warren called Sam Houston Electric Coop regarding cutting the trees on Camelot dam that could impact the electric lines. The electric company sent a crew within a week and the 10 trees were down within 2 hours. Public Works crew did the clean-up. Mr. Harrison observed on Charmaine dam the cracks expand in the seams during cool weather and he recommended contacting Chance construction about re-caulking over the existing caulk during cold weather to see if the caulk will expand with warm weather instead of cracking. The report was for information only, no Council action was required.

Agenda item #4 – Public Works report

Mr. David Marshall informed Council the Public Works Dept. is currently extremely short-handed with one employee out for eye surgery, another is out due to family coronavirus. All the equipment is repaired and running and parts ordered for the Humvee. Mr. Marshall said he is excited about getting more recycled asphalt. The department is also testing another free material: fly ash from Woodville Pellet mill. The fly ash has been utilized on Dogwood and Hickory streets for detour while Sherwood North is being repaired. He concluded his report thanking Council for purchasing the skid steer for Public Works. Plans include using the machine to clean the silt from the stilling basins at the cement dams. Based on previous charges by contractors the new machine will pay for itself after five clean-outs. The report was for information only, no Council action was required.

Agenda item #5 – Municipal Court report

Judge Rader had submitted her monthly operations report for inclusion in the Council packet. She briefly noted that during November the court had received \$600 total from citations, with \$482.06 of the total for the city, \$117.94 going to the state. The report was for information only, no Council action was required.

Agenda item #6 – City Marshal report

Marshal Terry Riley thanked the Public Works Dept. for the repairs done on various streets making it easier on the patrol vehicles to get around. There were 32 calls responded to in November with 10 of those being by referred by the Sheriff's office. 1 citation was written. Deputy Marshal had provided a written report to Council relating to issues encountered when trying to book 3 individuals into jail. Sheriff Weatherford refused to allow the officer to book the individuals into jail. Marshal Riley provided information regarding the WarrantSynch software which will allow warrants issued by the court and other communications from the Judge to be transmitted to law enforcement immediately. Cost of the program is \$1200 for the first year and \$2400 for future years. Currently there are 9 capias and 7 warrants that are on paper and need to be in electronic format for access by any law enforcement officer. The report was for information only, no Council action was required.

Agenda item #7– Code Enforcement report

Malissie Taylor reported the total number of code enforcement cases from 1/2/20 to 12/10.20 is 200, with 66 of those closed. There are 6 stop work orders placed on properties. 1 citation issued for ordinance violation, 77 junk vehicle cases being worked, with one junk vehicle being removed by court order. There is 1 abandoned structure declared a nuisance by City Council, 9 septic cases being worked, 5 code violation cases ready for mail-out, 6 letters that have been returned needing updated addresses and 29 cases in paperwork investigative status. The report was for information only, no Council action was required.

Agenda item #8 – Resolution #2020-7R Solid Waste Grant application

Mayor Bennett informed Council the Resolution needs to be submitted to the Deep East Texas Council of Governments by January 7th, 2021 in order for the city to pursue a solid waste grant in the 2021 year. Councilman Craven made the motion to adopt Resolution #2021-7R, with the second provided by Councilman Blackstone. The motion passed unanimously.

Agenda item #9 – Ordinance #2021-2 General Liability requirements for contractors performing work for the city (second reading)

Mayor Bennett clarified that Ordinance #2021-2 general liability insurance requirements for contractors performing work for the city had been approved following first reading on December 8th and there was no need for a second reading.

Agenda item #10 – Ordinance #2021-3 Residential Construction & Liability insurance requirements

Councilman Warren read the full Ordinance #2021-3 Residential Construction & Liability insurance requirements for benefit of the Facebook audience, then presented the motion to adopt the Ordinance #2021-3 on second reading. Councilman Blackstone submitted the second. In discussion Councilman Craven requested clarification on what constitutes a requirement for having more than one reading of an ordinance before adoption. Following clarification Council voted unanimously to adopt Ordinance #2021-3.

Agenda item #11 – Ordinance #2021-4 Interference with Police Service Animal

Councilman Blackstone asked City Marshal Terry Riley to explain the need for a city ordinance since the Texas Penal Code already addresses the issue of interfering with a law enforcement animal. Marshal Riley said the ordinance provides the city with a measure of protection for both the city and the animal. Councilman Blackstone made the motion to adopt Ordinance #2012-4 on second reading. Councilman Warren provided the second and the motion passed unanimously.

Agenda item #12 – Ordinance #2021-5 codified ordinance addition for truck traffic on city streets.

Councilman Warren explained Section 70.07 is an addition to Title 7, Chapter 70 to address truck traffic and truck parking on city streets. He then made the motion to amend the codified ordinance with Ordinance #2021-5 to add Section 70.07 truck traffic. Councilman Craven submitted the second and the motion passed unanimously.

Agenda item #13 – Financial report for September 2020

City Treasurer C. D. Woodrome updated Council on the delay of getting the September 2020 financial spreadsheet reviewed and approved by Ms. Kathy Lewis at Kings Accounting. Health issues resulted in Ms. King not being able to work on the city financials. Ms. Lewis is back home after a week in the hospital, however she has notified the city that after completing the review of the monthly financials of the city thru the end of the year she will no longer be able to provide the monthly accounting service which includes Texas Workforce Commission and IRS quarterly reports and payroll. Mr. Woodrome explained the September spreadsheet summarizes the numbers in the Quickbooks accounting program, and since FY-2020 has ended, the monthly reports will be reviewed by the outside auditor within the next few weeks. He recommended Council approve the September financial report so it can be finalized for the audit. Councilman Blackstone motioned to adopt the September 2020 financial report. Councilman Warren provided the second and the motion passed unanimously.

Agenda item #14 – Financial report for October 2020

The same situation exists for the October financial report which the city Treasurer had provided details on during the October Council meeting. Mr. Woodrome recommended Council approve the October financial report for income or bills that came in after closing out FY-2020 so they are properly accounted for and will be ready for the outside auditor. Councilman Blackstone then motioned to approve the October 2020 financial report. Councilman Warren provided the second and the motion passed unanimously.

Agenda item #15 – Financial report for November 2020

City Treasurer C. D Woodrome had provided the banking documents for November 2020 in the Council packet. He provided additional information for November:

- Sales tax payment was just received and totals \$5,811.43 reflecting sales that occurred in October. The total reflects a 57.43% increase over the sales tax payment received in December 2019. The December sales tax payment puts the total for 2021 just under \$18,500.
- A majority of sales taxes come from the 9 “brick & mortar businesses; the state has figured out how to retain a majority of the sales taxes collected on internet orders in order to cover about 57% of the state annual budget.
- The ad-valorem payment for November just arrived; \$38,800.27 will go to the general fund and \$9,423.77 to Interesting & Sinking. The payment brings the collection rate to 6.2%.
- The outside auditor from Davis Heinemann & Co. has notified the city they will be delayed getting to the city’s FY-2020 audit due to being tied up with school district client’s audits. The Cares Act funding and coronavirus has caused significant delays to their audit work.
- Citizens State Bank has provided verification that city public funds are covered with pledged securities above the FDIC protection of \$250,000. When the major ad-valorem payments are received in January and February the deposits will be covered up to \$385,190 above the FDIC insurance and the deposits are transferred to the TX CLASS accounts.
- Monarch Water has provided notice that a replacement water well will be drilled to replace the well located on Lancelot Dr. Estimated cost is around \$600,000. As a result Monarch does not anticipate replacing any additional aging water lines during the coming year.
- On a related matter, the agreement reached with Monarch 7 years ago will be coming to an end in 2021. We have not heard from Monarch yet on intent for water rate. Any proposed change will

have to be approved by Council. The last rate case cost the city over \$50,000 in legal fees to reign in exorbitant water rate increase.

- The action is already heating up in Austin with legislators pre-filing bills prior to the first day of the 2021/2022 session on January 12th. TML provides updates on bills that could impact cities. The Mayor is trying to stay on top of bills that would directly impact Ivanhoe. The session runs to the end of May.
- The State Demographer has provided the latest population estimates for cities and counties: For Ivanhoe the estimated population increased from 2001 residents in July 2019 to 2005 residents in July 2020 (an increase of 580 people from the 2010 Census. Comparison wise (as of July) Woodville has an estimated 2723 population, Chester has 328 and Colmesneil has 603. Tyler County estimated population is 22,966.
- Back to the November financials, the accountant has the documents and expects to have completed her review by the end of December. Mr. Woodrome asked the Council to delay approval of the December financials until the January Council meeting.

Council took no action on the December 2020 financial report pending the accountant review.

Agenda item #16 – Executive session

Not required.

Agenda item #17 – Communications from the audience-other items

None

Agenda item #18 – Council comments

Mayor Bennett voiced thanks to new Council Member Mr. John Craven for being willing to serve the city and its residents. There being no other Council comments the Mayor asked for motion to adjourn.

Agenda Item #19 – Adjourn

Councilman Blackstone made the motion to adjourn with a second by Councilman Herrington, and the meeting was concluded at 8:07 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary