

**MORAVIA CITY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 13, 2020**

The regular meeting of the Moravia City Council was called to order by Mayor Roy Miller at 5:30 PM on Tuesday, October 13, 2020, at the Moravia Community Building. In addition to Mayor Miller, those present were Councilpersons Ken Martin, John Baty, and Sheila Kirby. Councilman George Bob Robinson was absent. Sharla Stogdill, Mitch Main, Jason Snow, Marcia Benjamin, Paul Simpson, Gary Ehrle, Stephen Hausner, Chris Sheldon, Deena Hoffman, Willard Armstrong, and Irene Brooks were also present. The meeting opened with a prayer by Ken Martin and the Pledge of Allegiance. Mayor Miller welcomed the public.

Motion by Baty and seconded by Martin to approve the agenda. Roll Call Vote: Martin-Aye, Baty-Aye, Kirby-Aye. Motion carried.

Motion by Martin and seconded by Kirby to approve the minutes of the September 15, 2020 regular meeting, the September 22, 2020 special meeting, and the September 29, 2020 special meeting. Roll Call Vote: Martin-Aye, Baty-Aye, Kirby-Aye. Motion carried.

Bills and receipts were presented and discussed. The bill from Jetco was explained by City Clerk Sharla Stogdill that the company charged for travel time. Paul Simpson discussed the bill for the Fire Department from Lockridge for paint and paint supplies stating it was used to paint signs for fundraiser dinners. Motion by Baty and seconded by Kirby to approve the bills and receipts. Roll Call Vote: Martin-Aye, Baty-Aye, Kirby-Aye. Motion carried.

Comments from the public – None.

Deena Hoffman discussed the intersection by Sunset Village with the Council. She was concerned there are so many accidents there and that someone may get seriously hurt or killed. She inquired if crosswalks could be painted there and said she knew flashing lights had been discussed. Councilman Baty stated the lights are too expensive and thinks a rumble strip would work the best. Council agrees it is dangerous and is concerned when they resurface Highway 5 from Albia to Centerville, there will be even more traffic on that road. Mitch will contact the County about rumble strips.

Gary Ehrle and Andrea Scott applied for the Council vacancy left by Don Havard's resignation. Andrea Scott was not present at the meeting. Councilman Baty stated that Gary Ehrle filled the vacancy last time and did a good job and that Andrea may not have the time to dedicate to the position. Councilwoman Kirby said Gary likes to get projects finished and that is a plus. Councilman Martin added that Gary gets projects done right. Motion by Martin and seconded by Baty to appoint Gary Ehrle to fill the Council vacancy left by Don Havard's resignation. Roll Call Vote: Martin-Aye, Baty-Aye, Kirby-Aye. Motion carried. Motion by Kirby and seconded by Baty to adopt Resolution #15-2020 to appoint Gary Ehrle to the Council seat vacated by Don Havard. Roll Call Vote: Martin-Aye, Baty-Aye, Kirby-Aye. Resolution adopted. Clerk Stogdill swore in Gary Ehrle and he took his place at the Council table for the remainder of the meeting.

Council received two bids for sewer video work. One bid was from J. Leu Contracting in Keosauqua for \$16,597.50 and the other bid was from Donnie Wagenbach in Burlington for \$24,896.95. Mitch Main said the company from Burlington came to Moravia to look at where we needed the video work done and noted most of the videoing would be in the timber. They have a 50,000 lb. truck and was concerned about that. Stephen Hausner said the arial maps included with the bid information show it is cross country. Mitch said the company also noted that Westview had a lot of tree roots. Motion by Baty and seconded by Ehrle to award the contract for sewer video work to J. Leu Contracting for \$16,597.50. Roll Call Vote: Martin-Aye, Ehrle-Aye, Baty-Aye, Kirby-Aye. Motion carried. Stephen Hausner stated the cleaning and videoing work has to be done by December 31, 2020, as stated in the bid agreement that went to the contractors. Council agreed by consensus that Mayor Miller can sign the contract and Stephen Hausner will send out the agreement to the company.

Motion by Kirby and seconded by Martin to approve the alcohol license for Spencer's Grocery. Roll Call Vote: Martin-Aye, Ehrle-Aye, Baty-Aye, Kirby-Aye. Motion carried.

Department Reports were given:

Fire – Chief Paul Simpson reported 19 calls in September. He thanked the community for the success of their drive-through dinner fundraiser. The bill from Emergency Apparatus is being checked on. The bill was for seventy hours and Paul stated that was double the number of hours it took. He requested a breakdown of the invoice from them. A few new people have joined the department. Mitch Main inquired if the fire department had been contacted regarding burning the piles at the old Moffatt property. Councilman Baty stated there are wood piles that need to be burnt on the weekend or evening when no school in session. Paul stated he would look at it.

Library – Report submitted by the Library Board. Councilman Ehrle stated he would have to resign from the Library Board since he is now on the City Council.

Cemetery – Mayor Miller assigned Gary Ehrle to the Cemetery Committee, as this was one of the committees Don Havard served on. Councilman Martin questioned the income of \$3.97 for the cemetery fund. Clerk Stogdill reported it is for interest earned. Councilman Ehrle inquired if a place had been found to relocate the burn pile. Councilman Baty said it was tentatively going to be at the old saw mill. Mayor Miller reported unauthorized burials at Hillcrest by Thomas Funeral Home in Centerville. A letter was sent earlier in the year and another letter with an invoice for a recent burial was mailed this week. Council agreed by consensus to file a civil citation if the unauthorized burials continue.

Parks – Councilwoman Kirby reported the cement pad for the big rock is poured on the east side of the city park, just north of the sidewalk. A request to have John Engle take down the tree north of sidewalk will be made. Mitch Main inquired if more tire rubber is available from the school for the swing set and merry-go-round. Councilman Kirby said Trussell Park needs more as well. Councilman Baty said it was still available at the school but concern about the rubber being dirty was discussed.

Streets – Mayor Miller assigned Gary Ehrle to the Streets Committee, as this is one of the committees Don Havard served on. Councilman Robinson was absent so nothing was reported.

Water – Delinquent accounts were reviewed. Council agreed by consensus to send 30-day notices of tax liens to Accounts 4092 and 50. Clerk Stogdill reported four water shutoffs for non-payment on the 12th and that all four had since been paid and reconnected. The water leak at the Senior Housing on the square was discussed. It has been over two weeks since the leak was found and it has not been repaired. Council requested Mayor Miller contact Paul Wilson to give him a deadline of one week to repair the leak or water will be shut off. The leak is not going through the meter so the entire cost of the leak is being burdened by the City.

Sewer – Houses hooked up to sump pumps need to be contacted. The school sump pumps were discussed. Councilman Baty will discuss pulling sump pumps and roof drains at the next school board meeting. When the sewer smoke testing was done, they were not able to get smoke to go through on either side of the railroad tracks. Videos will be done to find out why. Stephen Hausner stated \$25,000 was budgeted for videoing for the Planning and Design loan, so we could add more videoing if necessary. Affidavit Operator Chris Sheldon stated certified calibration of the flow meter is to be done annually unless we start having discrepancies. He stated it is very critical to get the inflow and infiltration stopped and get accurate readings. Mitch Main reported the sewer leak was fixed at Janice McBride's house. They fixed it at their own expense without being notified. Mitch also reported removing duck weed on pond 3 at the lagoon. Work on pond 2 has begun. He inquired what the intentions are with people with uncapped sewer lines and no house. Council wants letters sent to residents to fix it or the city will do it at the property owner's expense. Our price to do this needs to be reviewed and increased. Dennis Gardner has capped the sewers at his trailers. Chris Sheldon noted the fire hydrant at the depot that was hit needs to be turned on and checked.

Nuisance Properties were reviewed. Letters were sent to two residents regarding no parking allowed on Pearl Street. One resident has complied and the other one has removed vehicles but still has debris there. The property at 310 West North Street is being cleaned up and has until October 30 to be completed or a citation will be issued. The property that burned at 409 South Henry Street has a trailer backed up to it and loading but no progress has been made. They have until October 23 to comply or a citation will be issued. The demolished property on the square at 106 and 108 South William Street has until October 23 to remove the rubble or a citation will be issued. If property owner contacts T. D. Brown Concrete Crushing in Promise City to schedule a cleanup, more time will be allowed. No more clean-up has been done at 501 East Chariton. A citation will be issued on October 23. The property owner at 404 West North Street did not pick up their certified letter at the post office but would have received a letter by regular mail. They called city hall asking about the certified letter and did not agree they had a dead tree on the property. A citation will be issued if tree is not removed by October 24. The junk vehicles at 303 Milwaukee were discussed. Council knew it was being cleaned up but did not know if it was finished. Mayor Miller will check on the status. Other junk vehicles and nuisances will be addressed after these are complete.

City Staff – City Clerk Sharla Stogdill inquired if Council wanted to pay an invoice for \$665 from Chariton Valley Planning for FY21 Regional planning contribution for CVPD Council of Governments. Council declined paying the invoice by consensus. Seventy-five surveys out of 299 have been returned to the city, of which 57 report as being below the low/moderate income level and 18 are above. Pathfinders sent the survey and letter to the city to distribute with water bills. After discussing how low the income requirements were and that most people, even those living on social security, would be above that level, the mayor called to inquire if the correct information was sent to us. The wrong information was given to the city so letters had to be re-stuffed with the correct survey tables. We must have an 80 percent return of the survey, which is 240. Council encourages citizens to return the survey to city hall as soon as possible. Clerk Stogdill reported the budget needs to be amended with the new sewer expenses. Work on the Annual Finance Report needs to be completed for approval at the November council meeting. Financial reports were reviewed, noting the Parks and Cemetery expenses are high but mowing/labor expenses for those departments will be ending soon. Maintenance Superintendent Mitch Main notified the Council he will be off work October 15. He reported layering cold patch in the potholes by Highway 5 and putting gravel in potholes by CD's. They have been working on the shoulders of the new blacktop on Trussell. Gravel was placed on the east side of the square and in front of Councilman Robinson's house. Councilman Baty stated gravel should not be put in front of a councilman's house but understands Mitch was doing what he was told to do. Mitch reported the new mower had an oil leak in the hydraulic system on the steering. It has been fixed but he is watching it closely. The Yanmar excavator is due for its annual inspection to keep it covered under warranty. Vermeer can haul it for us and our bill will be approximately \$500 for fluids. Council agreed by consensus to have the inspection done to keep it covered under warranty.

Resident Complaints – A complaint was received about a pickup parked on the wrong side of the street and up on ramps at 401 North William Street. The Appanoose County Sheriff was contacted by the City to have it removed. The pickup was not removed so the sheriff was contacted again and they gave the owner three hours to move it or it would be towed and a citation issued. The pickup was removed from the street by the owner.

The job descriptions for Maintenance Supervisor and Maintenance Assistant with changes that were made at the September 29, 2020 meeting were reviewed. Motion by Baty and seconded by Kirby to approve the updated job descriptions for Maintenance Supervisor and Maintenance Assistant. Roll Call Vote: Martin-Aye, Ehrle-Aye, Baty-Aye, Kirby-Aye. Motion carried. Councilman Baty said at the last meeting it was decided Mitch was responsible for paying for his water and sewer licenses. Clerk Stogdill inquired with the Iowa League of Cities and it is not a law but is a practice by most cities to pay for licenses that are required for the job and to sign a contract that the employee stay with the city for a certain number of years or the employee has to reimburse the city. Motion by Baty and seconded by Martin to reimburse Mitch Main for water, sewer, and CDL licensing fees if he signs a contract to stay employed at the City of Moravia for

five years after reimbursement. If he is terminated by the City, he would not have to pay it back or if he had to quit for medical reasons, he would not have to pay it back. If he voluntarily quits for any other reason, he would have to pay back the fees. Classes, license fees, and travel expenses are all included. Roll Call Vote: Martin-Aye, Ehrle-Aye, Baty-Aye, Kirby-Aye. Motion carried.

The Maintenance Assistant job opening was discussed. Three applications were reviewed. The Moravia Union printed the ad in the legal section in error so it will be re-printed as a box ad plus a story will be written about the job opening. The position will also be advertised in the Albia newspaper. The cost to advertise in the Ad Express was \$449 for the smallest ad, which was too expensive for the city's budget. Gary Ehrle and John Baty volunteered to be on the hiring committee, along with Mayor Miller and Mitch Main. Evening interviews will be set up and a special council meeting will be held to bring it to the Council for approval.

Council declared Beggar's Night as Saturday, October 31. Residents wanting to hand out treats are to leave their porch lights on. No special rules due to Covid-19 were made.

Clerk Stogdill conducted the second reading of Ordinance #2020-03–Penalties, Ordinance #2020-04–Tobacco, and Ordinance #2020-05-Animal Control. Changes to these ordinances are necessary due to legislative changes. Motion by Baty and seconded by Kirby to approve the second readings of Ordinance #2020-03–Penalties, Ordinance #2020-04–Tobacco, and Ordinance #2020-05-Animal Control. Roll Call Vote: Martin-Aye, Ehrle-Aye, Baty-Aye, Kirby-Aye. Motion carried.

Council Discussion Items – Councilman Baty clarified what took place with an incident with the First Responders. A complaint was made to Councilman Robinson about two people who responded to a call. Robinson called Baty and Baty called the Fire Chief Paul Simpson. Paul was going to call the Centerville Fire Department and take care of the issue. In the meantime, Robinson called the Fire Chief at Centerville which caused a problem and he talked to one person involved and told them Baty called the Fire Chief. Robinson also told the mayor and clerk that Baty wanted Centerville called. None of that was correct; Baty told Chief Simpson to take care of it and Baty did not call Centerville. Councilman Baty also discussed getting a future USDA grant for a vac trailer (potholer). Depending on the cost, we may possibly budget for it next year. Mitch will check on prices.

Mayor Discussion Items – Mayor Miller wanted clarification on what the City is paying Chris Sheldon for. Council reviewed his timecard, his contract agreement, and the minutes of the meeting he was hired. Councilman Baty asked Chris to keep the extra work to a minimum and have Mitch do what he can. The Council did not take into consideration the repairs and preventive maintenance so it is different from what was discussed at the meeting. Chris stated anything we do falls under his license and he is completely responsible. Chris will do his best for us to keep it to a bare minimum. Councilman Baty stated the final decision is made by the Mayor and Chris since the Mayor is in charge of the employees. Chris inquired if the Mayor can fire an employee without approval of the Council and it was clarified that if this happened, the Mayor would have to answer to the Council for his actions and Council has final approval. Mayor Miller gave copies of Chapter 15 of the City of Moravia's ordinances that states the Mayor acts as the chief executive officer of the City and presiding officer of the Council. The mayor supervises all departments of the City, gives direction to department heads and has the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time. The ordinance states the mayor reports to the Council. Mayor Miller reported Councilman Robinson took over supervision of all employees, including the summer help. Robinson told Miller he had to answer to only him and not the rest of the Council. Mayor Miller argued with him but gave up. Councilman Baty stated the Council hires employees and the mayor has the authority to fire an employee. The Council is not involved in day to day operations and not just one councilperson has full authority. Iowa Code states the Council hires and the mayor is in charge of employees. Councilman Ehrle asked if official warning needs to be given to Robinson. The Mayor will check with the Iowa League of Cities. Councilman Baty said city hall is closed and the only people that need to be there is the mayor and employees. If a councilperson needs to come in and talk occasionally, that is fine, but not daily. Councilman Robinson also told Mitch he cannot drive the F550 or the trucks because he does not have a CDL. The mayor and Mitch checked and found out he does need his CDL to drive those vehicles and to be covered under insurance for driving them. The F150 is the only vehicle he can legally drive until he gets his CDL. Mayor Miller stated he has his CDL and could drive the F550 or trucks if necessary.

Motion by Kirby and seconded by Martin to adjourn at 7:34 PM. Ayes-All. Nays-None. Motion carried.

/s/ Roy Miller, Mayor

Attest:

/s/ Sharla Stogdill, City Clerk/Treasurer