



**CITY OF CENTERTON  
CITY COUNCIL MEETING  
AUGUST 10, 2021  
6:00 PM**

**(1) Pledge** – The Pledge Allegiance was recited.

**(2) Prayer** – Amy Rochette offered the prayer.

**(3) Roll Call** - Those Present and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Darren Warren, Misty Elam, Josie Reed, Amy Rochette and Justin Cowgur. Those present or on Zoom and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, HR Director Jocelyn Diaz, Planning Director Lorene Burns, Police Chief Cody Harper, Director of Public Works Rick Hudson, Animal Control Director Cody Wilson and Centerton Utilities Director Frank Holzkamper.

**(4) Public Hearing – Tamarron Subdivision Lot 28 Easement Vacation –**

Mayor Edwards introduced the item to the Council, stating that this Public Hearing is for a 14' partial Vacation of the 25' Utility and Drainage Easements for Lot 28 of the Tamarron Subdivision.

**Keith Higginbotham made a motion to Open the Public Hearing, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

Mayor Edwards asked if there were any public comments.

**Public Comments – None**

Mayor Edwards asked the Council if there were any other questions or comments. There were none

**Keith Higginbotham made a motion to Close the Public Hearing, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

**(5) Council Minutes –**

**Josie Reed made a motion to Approve the Minutes of the July 8, 2021 City Council Meeting and July 21, 2021 Special City Council Meeting, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

**Planning Commission & Water & Sewer Minutes –**

**Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the July 6, 2021 Planning Commission Meeting & the July 29, 2021 CWSD Meeting, with a 2<sup>nd</sup> from Amy Rochette. All Council Members voted in favor and the motion carried.**

**(6) City and Court Financials-** Mayor Edwards stated that 58.33 % through the year we have received 67.73 % of our Budgeted Revenue. He stated that our Expenditures were at 54.41 %. He detailed some of the city financials, including \$300,000.00 for part of a Matching Trail Grant with the Walmart Foundation.

Mayor Edwards asked the Council if there were any questions. There were none.

Financial Director Pam Grant addressed the Council, stating that we have received a full refund for the missing funds from our checking account, which was discussed last month. She said we have also received a \$1,678,331.18 portion of the American Rescue Fund. She said that is only 50% of the total we are to receive, with the other 50% to come next year. She said we have been in meetings with the Arkansas Municipal League regarding these funds, and have been instructed to place them into a separate account until we receive further guidance on what the funds can actually be used for, as they are federally funded. She said it is in an interest-bearing account at this time.

Josie Reed asked about an increase in the Budget for Building Insurance. Pam Grant stated that the AML came out this year and reviewed our facilities to verify that we had sufficient insurance coverage.

**Josie Reed made a motion to Accept the July, 2021 City & Court Financials, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

**(7) Department Reports -**

The Department Reports were in the Council Packet.

Mayor Edwards asked the Council if there were any questions. There were none.

**(8) Ordinances –**

**Keith Higginbotham made a motion to Read Ordinances 2021-48, 2021-54, 2021-55, 2021-56, 2021-57, 2021-58, 2021-59, 2021-60 and 2021-61 and Resolutions 2021-19, 2021-20, 2021-21 and 2021-22 by Title only, with a 2<sup>nd</sup> from Amy Rochette. All Council Members voted in favor and the motion carried.**

**Josie Reed made a motion to Suspend the Rule Requiring the Reading on three (3) Separate Occasions for Ordinances 2021-48, 2021-54, 2021-55, 2021-56, 2021-57, 2021-58, 2021-59, 2021-60 and 2021-61, with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried.**

- **Ordinance 2021-48 - AN ORDINANCE VACATING A PORTION OF THE SOUTH TWO AND FIFTEEN ONE HUNDREDTHS OF A FOOT (2.15') OF THE TWENTY FOOT (20') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 80 IN THE KENSINGTON HILLS SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2008 PAGE 34544, BENTON COUNTY, ARKANSAS; AKA 1281 COVENTRY LANE.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate a 2.15' portion of the rear-yard easement for Lot 80 in the Kensington Subdivision. He said this was brought before the Council last month, but was tabled until we heard back from two (2) utilities. He said we have heard back from those utilities and they have no issue with the request.

Mayor Edwards asked the Council if there were any other questions. There were none.

**Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2021-54 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE SECTION 12.20 TITLED MUNICIPAL FACILITIES FEE SCHEDULE.**

Mayor Edwards addressed the Council, stating that this Ordinance is to set a new fee schedule, only increasing the Cleaning Deposit for the Community Room from \$50.00 to \$100.00. He said we have had issues with the people renting the facility not cleaning it, requiring it to be cleaned by City Staff. Misty Elam stated that she felt a \$50.00 increase was too much and recommended increasing it to \$75.00. Mayor Edwards said this is only a Deposit, which they get back, if they clean the facility after the use. Keith Higginbotham was in favor of the \$50.00 increase, stating that he has seen it left uncleaned. There was discussion.

Mayor Edwards asked the Council if there were any other questions. There were none.

**Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor, except for Misty Elam, who voted NO, and the motion carried.**

- **Ordinance 2021-55 - AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO COMMERCIAL HOMES BY ROTH LLC. TO THE CITY OF CENTERTON, APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; ASSIGNING SUCH AREA TO WARD 3; AND ZONING AS AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to annex certain property on Greenhouse Road. He said it is 10 acres, just north of the Quail Ridge Subdivision.

Mayor Edwards asked the Council if there were any questions. There were none.

**Brian Rabal read the Ordinance by title only. Darren Warren made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Keith Higginbotham. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2021-56 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, CHAPTER 3.04.02 TITLED PURCHASES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to raise the amount required for competitive bidding from \$20,000.00 to \$35,000.00, as this was increased by the Arkansas State Legislature earlier this year. He said the spending limit of \$20,000.00 without City Council approval will still remain.

Mayor Edwards asked the Council if there were any questions. There were none.

**Brian Rabal read the Ordinance by title only. Josie Reed made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried. Brian Rabal read the Emergency Clause. Darren Warren made a motion to approve the Emergency Clause, with a 2<sup>nd</sup> from Misty Elam. There was a Roll Call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2021-57 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SWEET HOMES OF NWA LLC., FROM AGRICULTURE (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Gamble Road, from A-1 to R-3 SF. He said it is across the street from Centerton Gamble

Elementary School and was heard at the 8/03/2021 Planning Commission, where there was no public comment; and it was recommended for approval by the City Council. He provided a map showing the property and surrounding developments, as well as the Land Use Plan.

Amy Rochette pointed out the R-2 Zoning and Medium-High Residential shown on the map and questioned putting R3-SF in that area. Planning Director Lorene Burns stated that R3-SF is considered Medium-High density.

Mayor Edwards asked the Council if there were any other questions. There were none.

**Keith Higginbotham made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor, except for Amy Rochette, who voted NO, and the motion carried.**

- **Ordinance 2021-58 - AN ORDINANCE VACATING A PORTION OF THE SOUTH THIRTEEN FEET (13') OF THE TWENTY FIVE FOOT (25') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 28 IN THE TAMARRON SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2005 PAGES 1023 THRU 1026, BENTON COUNTY, ARKANSAS; AKA 1521 SWEETBRIAR WAY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 13' of the rear 25' Utility and Drainage Easements at 1521 Sweetbriar Way, in the Tamarron Subdivision. He said none of the utilities had any objection. He said this was heard by the Planning Commission at their 8/03/2021, where it was recommended for approval by the City Council.

There was discussion that the original request was for a 14' Vacation, but the Plat that was finally presented had reduced it to 13'. There was discussion.

Council recommended that we correct the title of the Ordinance to state 13' and verify that the legal description be verified. Mayor Edwards said he would make the changes to the title and verify the legal description.

Mayor Edwards asked the Council if there were any other questions. There were none.

**Misty Elam made a motion to read the Ordinance by Title only, with a 2<sup>nd</sup> from Darren Warren. There was a roll call. All Council Members voted in favor and the motion carried. Josie Reed made a motion to Approve the Ordinance, with a 2<sup>nd</sup> from Misty Elam. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2021-59 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, TITLE 14 ZONING, SECTION 14.04.04 TITLED "ZONING DISTRICTS", CREATING MEDIUM-HIGH DENSITY AND HIGH DENSITY RESIDENTIAL DISTRICTS OF R3-SF, R3-D, R3-MF, AND R4-MF; RENUMBERING SUBSEQUENT SECTION**

**NUMBERS, REZONING VARIOUS LANDS WITHIN THE CITY OF CENTERTON CITY LIMITS AS SHOWN ON ZONING MAP EXHIBIT; AMENDING SECTION 14.04.14 SCHEDULE OF USES; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend our Residential Zoning Districts. He said Council heard this Ordinance back in June, 2021, and they recommended sending it back to the Planning Commission for a Public Hearing on 6/01/2021. He said we did hear from Rausch Coleman at that time. He said they did not feel they were given proper notification of the zoning change. He said a 2<sup>nd</sup> Public Hearing was held on 7/20/2021. He said Council recommended that Rausch Coleman and Brimwoods both be contacted, and he did correspond with Jesse Fulcher, with Rausch Coleman, acknowledging receipt of the Public Notice; and a Certified Letter was also sent to Brimwoods. Edwards said that the Planning Commission deliberated following the 7/20/2021 Public Hearing and recommended to City Council, to leave the properties zoned as R3-SF, as it was recommended the first time. He said PC felt that any other zoning would not be compatible with the area at this time. He said the Planning Commission did tell Rausch Coleman that they are welcome to come back and request a rezone. Edwards detailed the Rezone Request process, stating that the applicant can appeal to the City Council if the request is denied by the PC. He said if the request is also denied by the City Council, they can appeal to the District Court. He said the City has received several concepts from Rausch Coleman, but no formal application for development from Rausch Coleman. He did add that they could also look at a PUD option. Edwards said he met with the City Staff, and they are all good with the Ordinance.

**Jeff Seyfarth – Planning Commission Chairman** said the Planning Commission did hear this request and there was a lot of discussion. He said their decision to remain on the path of R3-SF was based on the best use of this property, based on the current surrounding properties. He said they understood there was some discussion back and forth between Rausch Coleman and Staff, but nothing formal had been presented.

**Misty Elam** asked for the City Attorney’s opinion of the e-mail sent to Council from the attorney representing Rausch Coleman. **City Attorney Brian Rabal** stated that one of their arguments is that a rezone could constitute a “Taking”, and he thinks that is a fair assessment, but that said, it is really difficult to determine what the value of that is. He said since a Development Plan has not been submitted, we don’t know if their proposal for apartments would even work here. He said even if this Ordinance is approved this evening, they would still have options to apply for. He said that it is his opinion that their claim of a “Taking” is not yet right, at this point. He said that is yet to be determined and the Council needs to decide what is best for the City at this point. He said there could be financial consequences to that at some point, but it is to early to know, at this point.

**William J. Butt II – Attorney Representing Rausch Coleman** stated that he assumed the Council had received his e-mail, outlining their case. He detailed their belief that with the current zoning of R-3, they have the absolute right, if requirements are met, to be able to develop apartments on this property. He said he believes the Planning Commission has no right to deny this request if the requirements are met. He said the change in zoning to R3-SF being recommended by the Planning Commission, would take away that absolute right, and would

require them to come back and request a rezone to build apartments. He said if that is the case, they would then be required to pass a series of tests and questions to be able to develop apartments, losing their absolute right. He said they would also be subject to more procedural processes, along with losing that absolute right. He said Rausch Coleman would be less likely to “run the gauntlet” to try to get approval for the apartments, when they already know that the Planning Commission does not feel that apartments would fit in this area; when it would be easier to just go to court and settle it. He said they feel that the change in the zoning from R-3 to R3-SF reduced the value of each acre from \$80,000.00 to \$30,000.00, or a total of approx.. \$600,000.00.

**Keith Higginbotham** asked Jesse Fulcher, since they been before the Planning Commission on several occasions, if he understood the process of the Planning Commission, whether this Ordinance passes tonight; stating that the Commissioners will go through five (5) questions, to help decide if a request is appropriate for a piece of property. He said there have been many times that they have decided against a request, due to the answers to those questions. He said he doesn't know whether apartments are a good fit there or not, but there are citizens in this area that feel their rights are being taken away, and their property values will decrease, if apartments are allowed to be developed on this property. **Mr. Butt** said the property is already zoned for R3, which allows for apartments, so there should not be any lack of awareness from surrounding residents. **Higginbotham** said it would still need to go through the Planning Commission for their approval. **Butt** said they have an absolute right, as long as they meet the requirements.

**Amy Rochette** asked Mr. Fulcher why nothing has been built on this property since is was purchased in 2018. **Jesse Fulcher** said they have been busy building out the other phases of the property and have just now gotten to this portion, and have had Morrison Shipley draw up some Concept Plans for this portion of the property. He said they have met with Staff about Single-Family and Duplex developments, but they were not efficient enough layouts. He gave details, and stated that have been working through the exercise. He said they have also met with Staff regarding a Concept for apartments. He said they know that apartments will work on the property, so they hired an architect in 2020, and they now have a final set of plans, and have been working on costs and rental studies since then. **Rochette** if apartments were the only option for Rausch Coleman at this point. **Fulcher** said of course not, as they can build anything allowable in the R-3 Zoning Code, such as Single-Family, Two-Family or Multi-Family. **Rochette** asked if their intent, per their e-mail, is to take the City to Court over the amount of \$600,000.00, if they are not allowed to develop apartments here. **Mr. Butt** said the density allowed for apartments put the value of the land at \$80,000.00 per acre and the value for Single-Family Homes at \$30,000.00. He said therefore, changing the zoning to not allow for apartments creates a loss of \$50,000.00 per acre for Rausch Coleman. **Rochette** asked if the City, i.e. the tax payers, would be expected to pay that \$600,000.00. **Butt** detailed the process and said if the city was found guilty of “taking” they (City/Taxpayers) would be responsible to pay that amount.

**Mayor Edwards** said even some of the Rausch Coleman property owners in the area do not want apartments to be built there. He said the City does allow the public to speak when a Development Plan is brought before the Planning Commission. He said just because it is Zoned R-3 does not mean apartments would be approved for development. He said we did follow State

Statute when putting this Title 14 Zoning Ordinance amendment together, and it affects the entire area, not just this property. He provided the State Statute for Council.

**Justin Cowgur** thanked Mr. Fulcher for being a part of these discussions. He said he lives near this property and does not feel that apartments fit the character of the neighborhood. He said he feels we have a duty to leave things better than we found it, and this request feels very transactional. **Mr. Butt** said this is a political issue, and his client has a constitutional right to develop this property, He detailed the reasoning for the claim of potential loss. **Cowgur** again questioned the fit of apartments in this area. **Amy Rochette** said the city is not “taking” this property from Rausch Coleman. **Mr. Butt** said it is called a “Regulatory Taking”.

**Cara Ducharme** questioned the compatibility with surrounding the Zoning and Use of Residential Single-Family homes in this area. She asked questions regarding potential development, such as density and traffic. **Fulcher** said Traffic Studies would happen during the Development stage, not the Zoning stage.

**Rick Dominguez** said he lives in the area and questioned the compatibility of apartments in the area and recommended zoning it for Single-Family homes.

Mayor Edwards asked the Council if there were any questions. There were none.

**Brian Rabal read the Ordinance by title only. Darren Warren made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried. Brian Rabal read the Emergency Clause. Darren Warren made a motion to approve the Emergency Clause, with a 2<sup>nd</sup> from Misty Elam. There was a Roll Call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2021-60 - AN ORDINANCE ACCEPTING DEDICATION OF 40’ OF RIGHT-OF-WAY ALONG NORTH RAINBOW FARM ROAD BY ACE UR GAME LLC., PER LOT SPLIT PLAT FOR PROPERTY LOCATED IN S10-T19N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept 40” of ROW dedication on N. Rainbow Farm Road. He said this dedication was due to a Tract Split.

Mayor Edwards asked the Council if there were any other questions. There were none.

**Brian Rabal read the Ordinance by title only. Misty Elam made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

- **Ordinance 2021-61 - AN ORDINANCE ACCEPTING A VARIABLE AMOUNT OF RIGHT-OF-WAY ALONG BROOKSIDE DRIVE BY CHRISTOPHER CONWAY, PER**



**LOT SPLIT PLAT FOR PROPERTY LOCATED IN S9-T19N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept variable ROW dedication on Brookside Road, due to a Tract Split.

Mayor Edwards asked the Council if there were any questions. There were none.

**Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

**(9) Resolutions –**

- **Resolution 2021-19 – CITY OF CENTERTON, BENTON COUNTY, ARKANSAS: A RESOLUTION APPROVING THE RELEASE OF THE WARRANTY DEED FOR RECORD IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, ON FEBRUARY 21, 2006, PAGE 2006-9530.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve the release of an easement deeded to the City of Centerton by Tony Steele in 2006. He said this easement is land-locking access to three (3) parcels owned by Mr. Steele. He said we are not using this property and asked Council to consider releasing it back to Mr. Steele.

Robert Anderson said he thought that deed was dissolved about ten (10) years ago, and the easement was abandoned, and was added to the property on the north side. Mayor Edwards said he did not find that information on it.

Mayor Edwards asked Council to Table the item. City Attorney Brian Rabal said this Resolution is to release any interest the City has in this easement.

Mayor Edwards asked the Council if there were any other questions. There were none.

**Misty Elam made a motion to Table the Resolution, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

- **Resolution 2021-20 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH DECCO CONTRACTORS-PAVING INC. ROGERS, ARKANSAS FOR MULTIPLE ACHM SURFACE OVERLAY PROJECTS AND OTHER CITY PROJECTS THRU DECEMBER 31, 2021.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an Agreement with Decco Contractors-Paving for asphalt overlay projects in the city until the end of this year. He said the pricing for the asphalt came in at about \$89.00/ton, which is a really good price.

Rick Hudson stated that Decco was the only company we could get to bid the project, due to the large amount of work going on in the area.

Mayor Edwards asked the Council if there were any questions. There were none.

**Brian Rabal read the Resolution by title only. Darren Warren made a motion to adopt the Resolution, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

- **Resolution 2021-21 - A RESOLUTION AMENDING THE CITY OF CENTERTON MASTER STREET PLAN.**

Mayor Edwards addressed the Council, stating that this Resolution is to amend the Master Street Plan for the City. He said there was a Public Hearing held on 7/20/2021 for this, and the proposed revisions are included in the Council packets. He said a lot of this is to align with Bentonville's recently approved MSP.

Mayor Edwards asked the Council if there were any questions. There were none.

**Brian Rabal read the Resolution by title only. Amy Rochette made a motion to adopt the Resolution, with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried.**

- **Resolution 2021-22 - A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF UTILITY EASEMENTS LOCATED ON LOT 22 OF VERSAILLES SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date of 9/16/2021 for a Public Hearing to discuss the Vacation of Utility Easements on Lot 22 of the Versailles Subdivision.

Mayor Edwards asked the Council if there were any questions. There were none.

**Brian Rabal read the Resolution by title only. Josie Reed made a motion to adopt the Resolution, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

**(10) Surplus 2014 Chevrolet Tahoe VIN# 1GNC2E03ER194171 and a 2014 Dodge Charger VIN# 2C3CDXAT8EH368128 –**

Mayor Edwards addressed the Council, stating that these two (2) vehicles are ready for surplus. He said the three (3) Dodge Durango's are all finally in service.

**Darren Warren made a motion to Surplus the 2014 Chevrolet Tahoe VIN# 1GNC2E03ER194171, and 2014 Dodge Charger, VIN# 2C3CDXAT8EH368128, as presented, with a 2<sup>nd</sup> from Keith Higginbotham. All Council Members voted in favor and the motion carried.**

Police Chief Cody Harper addressed the Council, stating that it is time to retire our K-9 Officer Koda, due to age, and ownership be given back over to Sergeant Eggebrecht.

**Keith Higginbotham made a motion to retire K-9 Officer Koda, and give ownership back to Sergeant Eggebrecht, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

**(11) Purchase a 2022 Chevrolet Silverado 1500 for the Street Department –**

Mayor Edwards addressed the Council, stating that Director of Public Works has requested permission to purchase a 2022 Chevrolet Silverado for the Street Department, to replace a 2011 truck in the fleet. He said we are going to surplus the 2011 truck at a later date. He said there will be a 3-4 month lead time on the truck. Edwards said the truck was not budgeted, but there is money in the Street Fund to cover it.

Rick Hudson said the truck we are replacing has 97,000 miles on it and we have another truck with 94,000 miles on it, which is stuck in 4<sup>th</sup> gear, so we may be looking at doing something with it in the near future. He said they are working on rotating their vehicles, to get the ¾ ton trucks pulling the heavy equipment. He said the purchase of ½ ton trucks is partly due to budgetary reasons.

**Misty Elam made a motion to allow the purchase of a 2022 Chevrolet Silverado 1500 for the Street Department for \$30,817.00, with a 2<sup>nd</sup> from Amy Rochette. All Council Members voted in favor and the motion carried.**

**(12) Request to Hire a City Staff Engineer –**

Mayor Edwards addressed the Council, asking them to consider hiring a Staff Engineer. He said he was going to include it in next year's budget anyway, but would like to go ahead and start advertising the position. He said this person would report directly to him, and would be supporting the Planning Department, Street Department, Fire Department and Building Inspection Department. He said we have space for them in the New City Hall Building. He said

HR Director Jocelyn Diaz has done some research on salaries and recommended a range of \$65,000 to \$75,000. He said she also prepared a tentative Job Description.

Jocelyn Diaz addressed the Council stating that her research showed a recommended starting salary range of \$65,000 to \$75,000, depending on experience and qualifications, for a city of our size. She said the Job Description can still be revised, if needed.

Centerton Utilities Director Frank Holzkamper said they are also looking for a Staff Engineer/Superintendent and are finding that most applicants are looking for \$80,000 or more. He recommended being flexible in our salary range.

Diaz said we could always look at bringing someone in at a higher salary, if their qualifications dictate that, but feels we have a good starting salary range. She explained the interview process we would typically use.

Mayor Edwards said we could hold a Special City Council Meeting if we found a suitable candidate for a higher salary.

There was discussion about the benefits of having an Engineer on Staff.

**Amy Rochette made a motion to advertise for a City Staff Engineer at a starting salary of \$65,000 to \$75,000 per year plus benefits, with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried.**

### **(13) Utilities Department Presentation to Council –**

Robert Anderson made a Water & Sewer presentation to the Council. This presentation was included in the Council Packets.

Anderson emphasized the growth in Water & Sewer use and their current financial condition.

He detailed the planned projects for 2021-2022, 2022-2023, 2023-2024 and 2024-2025.

He also addressed some projects for 2026 and beyond.

He said detailed three (3) options for financing these projects:

- Traditional Method- Bond Issues repaid by Revenues
- Development Fees- They contracted with Tischler/Bise to prepare a study
- Government Assistance- American Rescue Fund – Specific priority funding for W&S Infrastructure

There was lengthy discussion about costs and funding options. Melvin Coffelt added to the discussion, emphasizing the seriousness of the issue of funding future W&S infrastructure.

**No Action was taken by Council**

**(14) Public Comments – None**

**(15) Other Business –**

- **Executive Session:**

**Misty Elam made a motion to enter into Executive Session to discuss Personnel Issues at 8:59 pm, with a 2<sup>nd</sup> from Amy Rochette. All Council Members voted in favor and the motion carried.**

**Keith Higginbotham made a motion to exit the Executive Session to discuss Personnel Issues at 10:26 pm, and enter back into the City Council Meeting, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

**No Action was taken by Council**

- **City Meetings – Covid-19**

Mayor Edwards said we will continue to watch the COVID-19 numbers, in regards to keeping our City meetings “In-Person”.

- **Centerton Day Update – September 11, 2021 (Currently still being held)**
- **New City Hall – Progress Update**

**(16) Announcements -**

- **8/17/2021 – Planning Commission Meeting @ 6:00 pm**
- **8/21/2021 – Coffee with the Mayor @ 9:00 am**
- **9/07/2021 - Planning Commission Meeting @ 6:00 pm**
- **9/16/2021 – City Council Meeting @ 6:00 pm (Date change)**

**(15) Adjourn -**

**Justin Cowgur made a motion to Adjourn at 10:36 pm with a 2<sup>nd</sup> from Amy Rochette. All Council members voted in favor and the motion carried.**

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Bill Edwards, Mayor

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Todd Wright, City Clerk