

**CITY OF CENTERTON
CITY COUNCIL MEETING
AUGUST 11, 2009**

The Centerton City Council was called to order by Mayor Bobbie Griffith. The Pledge of Allegiance was recited by all present and the prayer was offered by Keith Higginbotham. Those present and answering roll call were Mayor Bobbie Griffith, Tommy Laird, Kathy Huber, Josie Reed, Keith Higginbotham, Patricia Thornhill and Randy Thomas. Those present and not answering to roll call were Jan Dolan, Brian Rabal, Andrew Huntsinger, Howard Slinkard, David Todd of CEI, Lorene Burns, Bert Johnson and Jeff Coffelt. Jason Abbott attended for Chief Lance Johnson. Todd Wright was absent and Jan Dolan filled in for him.

- (1) **Council Minutes** – Keith Higginbotham made a motion to adopt the minutes from the City Council Meeting on July 21, 2009, with a 2nd from Kathy Huber. All members of council voted in favor, none opposed and the motion carried.
- (2) **Planning Commission and Water & Sewer Minutes** – Kathy Huber made a motion to acknowledge receipt of the Planning minutes from June 23, 2009, and Water & Sewer minutes from May 28, 2009 with a 2nd from Josie Reed. All council members voted in favor, none opposed and the motion carried.
- (3) **Financials for General/Street and Court** - Mayor Griffith stated that we are 58% of the way through the year and that we have collected 58% of our budgeted revenue and have spent only 44%. Kathy Huber made a motion to accept the City financials including Court financials with a 2nd from Josie Reed. All council members voted in favor, none opposed and the motion carried.
- (4) **Ordinance 09-22 - AN ORDINANCE AMENDING SECTION 15.04.01 OF THE CENTERTON MUNICIPAL CODE TO ADOPTION OF COMPREHENSIVE PLAN AND LAND USE MAP; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Griffith asked Lorene Burns to explain this ordinance. She said that it simply adds the Land Use Map to the Adoption of the Comprehensive Plan. Lorene asked if there were any questions and there were none. Kathy Huber made a motion to read the ordinance by title only with a 2nd from Randy Thomas. All members voted in favor, none opposed and the motion carried. Andrew read the ordinance by title only. Patricia Thornhill made a motion to suspend the rule requiring the reading of the ordinance 3 times with a 2nd from Josie Reed. All members voted in favor, none opposed and the motion carried. Patricia Thornhill made a motion to adopt the ordinance with a 2nd from Kathy Huber. All members voted in favor, none opposed and the motion carried. Andrew read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Tommy Laird. All council members voted in favor, none opposed and the motion carried.

- (5) **Resolution 09-15 – A RESOLUTION ADOPTING THE HAZARD MITIGATION PLAN FOR BENTON COUNTY.** Mayor Griffith said that this resolution was sent to us by Benton County with the request that each City pass it. Kathy Huber made a motion to read the resolution by title only with a 2nd from Keith Higginbotham. All members voted in favor, none opposed and the motion carried. Andrew read the ordinance by title only. Kathy Huber made a motion to adopt the ordinance with a 2nd from Josie Reed. All members voted in favor, none opposed and the motion carried.
- (6) **David Todd of CEI Engineering gave a report on the Flood Study.** In 2007, the City asked Mr. Todd to do a Flood Study. **His summary of findings are as follows:**
1. The hydraulics model prepared by a consultant to Benton County used to prepare the 2007 F.I.R.M. does not contain any obvious errors in typography or methodology which would explain the large changes in the 2007 F. I. R. M. from the 1991 F. I.R.M. and the LOMRs approved since then.
 2. The increase in flood flow rates from 1991 F.I.S. to 2007 F.I.S. warranted based on the amount of development that occurred during that time. However, the hydrology study did not model or otherwise take account of the many storm water detention ponds built to reduce peak run-off from these developments.
 3. The Effective Model upon which the 2007 F.I.R.M. is based did not include boundary cross-sections for the 6x6 foot box culvert under Highway 102 at the head of Southland Ditch. This is contrary to normal practice with the HEC-RAS program, which requires that boundary sections be part of the modeling of culverts.
 4. The negative slope of the 6x6 box culvert at the head of the Southland Ditch and the scour pockets at the upstream and downstream ends of this culvert had a negative impact on the base elevation. The City of Centerton recently corrected these problems.
 5. The northern and eastern parts of the drainage basin are mostly developed or platted for development.
 6. The drainage basin of the West Branch reach of the study area is mostly undeveloped, consisting of relatively flat land that can be easily development once economic conditions and the growth of Centerton in that direction resume.
 7. The ditch along the south side of Highway 102 from the Centerton Fire Station to the Southland Ditch is not well formed on the south side. Consequently, the ditch does not contain the base flood, and the water will flow into the residential district to the south.
 8. The AutoZone LOMR did not connect the West Branch to the Southland Ditch/Headwaters channel in the approved F.I.R.M., leaving a gap of approximately 600 feet between the two models.

9. The AutoZone LOMR did not include the multi-barrel culverts for the two driveways upstream of the church site. Also, this LOMR had an incorrect length for the 5x5 foot box culvert at the AutoZone store.
10. The detailed hydrology analysis completed for this study resulted in the following differences in flow rates for the base flood.

Table 1
Comparison of Flow Rates Used in Different Studies
(all flows in cfs)

Reach and Location	FEMA	AutoZone	CEI Detailed Model	Difference
	100yr	100yr	100yr	
West Branch, upper end of ditch by New Life Church		411	490.7	+79.7
West Branch, downstream of 5x5 foot box culvert		411	530	+119
Headwaters, upstream end	1258		990.2	-267.8
Headwaters, upstream of 6x6 foot box culvert	1566		990.2	-575.8
Southland Ditch, where West Branch joins	1566		1393.1	-172.9
Southland Ditch, midway downstream	1566		1524	-42
Southland Ditch, at north end of Dogwood Subdivision	1566		2178.8	+612.8

11. The hydraulics study for this project results in a general lowering of the BEFs along the Southland Ditch, little change in the Headwaters, and a general increase in BFE in the West Branch.
12. The Centerton Fire Station appears to have been constructed above the calculated BEFs, but not by a large enough amounts to comply with normal flood protection practice. The margin is small enough that slight inaccuracies

in topography or modeling of man-made improvements could result in missing that the fire station actually being subject to flooding.

13. Improvements to the Southland Ditch will have minimal impact on flooding in the region. This is because the main problems with carrying capacity are in the West Branch rather than the Southland Ditch.
14. Future development in the upper end of the West Branch drainage basin will have a major impact on the spread of flood waters all the way through the study area. More residences and commercial properties will be brought into the floodplain.

David's recommendations are as follows:

1. The F.I.R.M. should be revised to reflect the changes in floodplain extent determined during this study. The major changes are: elimination of the eastern overflow area that runs southeasterly from the upper end of the Southland Ditch to the intersection of Fish Hatchery, Kimmel, and Ginn Roads' increase in the spread of the flood water in the residential district south of Highway 102 between the Centerton Fire Department and the Southland Ditch; and increase in the spread of flood waters in the commercial area south of Highway 102 and west of the Centerton Fire Department. These recommended changes are shown on Exhibit A (map). The City should submit a LOMR application to FEMA and attempt to have the F.I.R.M. changed.
2. As part of the LOMR request, the floodway should be extended westward along the West Branch from the Southland Ditch to Municipal Drive, as show in Exhibit A. This will allow greater control over rebuilding should flooding ever occur in this area.
3. Improvements to Southland Ditch, minimal, intermediate, or extensive are **not** recommended at this time.
4. Improvements to the West Branch between Southland Ditch and Municipal Drive, when coupled with some minimal improvements to Southland Ditch, could have a large, positive impact on flooding in the residential district south of Highway 102 between the Southland Ditch and Municipal Drive. The City should be aware of this in planning for capital improvements and when other developments are proposed for this area.
5. Due to the situation with the Centerton Fire Station described in finding number 12, CDI recommends the City prepare an elevation certificate for the Fire Station and verify that it is above the BFE.
6. City planning for development in the West Branch region should take into account the negative impact it will have on the downstream floodplain. Detention of storm water and/or other methods should be evaluated to assess the impact of developments in this region.
7. The HEC-HMS and HEC-RAS models prepared as part of this study can be useful tools for City Planning, and the City should consider keeping them

updated as development occurs in the drainage basin, and use the models to analyze what effect any given development, or combination of developments, will have on the downstream drainage basin.

David explained in detail the Flood Map that was included in the Council Packets and the changes that were made. He said that what was shown in orange will be removed from the flood plain, if this gets approved. What is in blue is currently in the flood plain and will remain so, no change for them whatsoever. Those areas in green are areas being added to the flood plain. The red area is the flood way and that is the central core where the water runs deepest and fastest. It's the area where FEMA says you cannot restrict the flow you have to keep that open. Along the Southland Ditch there is basically no change to the floodway. David said that he submitted the Flood Study to the Planning Commission at their July meeting. To actually change the flood maps, this report and another slightly different report is submitted to FEMA. FEMA does not accept that upon the engineer's recommendations, the City has to sign off on it. The Flood Plain Administrator, Lorene Burns, would need to be authorized to sign that application to FEMA on behalf of the City. This whole process is being done with no fee from FEMA. FEMA normally charges about \$5,000 or \$6,000 to review one of these studies. But in this case, since it is being done on the basis of better data, not new construction, and since there were errors in the FEMA map, the fee is waived. David said that the City asked him to do two other things in this study. The first was to look at improvements to the Southland Ditch. Because a few things have changed, can we do some improvements to the Ditch and take some properties out of the flood zone. David said he looked at a combination of improvements on the upper 400 feet of the Southland Ditch. If you look down that Ditch you can see how it actually constricts right there and it could fairly easily with City crews without a huge amount of expense be opened up. He looked at about 400 feet where there is a widening of the Ditch. It made almost no difference in the flood zone at all at it didn't take any properties out of the flood plain. It may have lowered the flood elevation about an inch. He is not recommending that the City do anything there. The other thing that the City asked him to do was to study what would happen if the western region fully develops. He made some assumptions about development density, ran the numbers and said he was not presenting that to the Council tonight, but he did present it to the Planning Commission and it is in his report. It would mean a big increase in the flood zone if that developed without detention. This report is now in the City's hands, it's a planning tool for the City. David said that he did not want to take time to present the alternate map during this meeting and asked if the Council had any questions. Josie Reed asked how many residences had been added and how many had been deleted. There were about 75 or 80 houses removed and less than 50 added. Keith Higginbotham asked about the water that flows through Fish Hatchery. David said that the flood study ended just before that area and Fish Hatchery is not calculated. He said that would be a good study to do at some point in time but it would be very expensive. David said that he would be glad to answer any questions as the evening progresses.

Lorene said that she sent out notices about this information and that she would set up another Public Meeting. Lorene asked the Council if they would accept the Flood Study and authorize her to sign it and send it in. Keith asked if she wanted to do this before the

Public Meeting. She said that the study was not based on any new construction but on engineering data and public meetings are mainly to inform the citizens of the result of the study. David said that FEMA rules are that you have to put this information in the newspaper of record once. Then the Flood Plan Administrator, by FEMA rules, is actually authorized to sign the application without coming to a meeting like this. That is some of the authority that is put in the Administrator's hands. FEMA will look at it and there will be a three to six month period where FEMA and David will communicate about this and may make some slight changes. Eventually, FEMA will probably approve something very similar to what David has done and then they will put an ad in the newspaper saying we are going to change the map. It will be finished 90 days from the date of publication. FEMA would take comments from the public and if there are any comments of significance, FEMA will take that into account. They made decide to delay issuing the map or they may say that the comments they have received are not significant and they may go ahead and issue the map. David said it would be six months before we would have a changed map. Randy Thomas made a motion that the Flood Study Map be approved and was 2nd by Tommy Laird. All members voted in favor and none opposed. The motion carried. Mayor Griffith then asked if there were people in the audience who would like to speak publically at this time. She asked that anyone one wanting to speak come to the podium and state their name and address. The first person to speak was Brent Oliver of 223 Centerpoint Drive. He had questions about the culverts on Southland Ditch and asked if David had looked at installing box-type culverts on the South Side of Highway 102. He felt that it would alleviate some of the over-flow problem. David said he did not look at that because if you look at culverts right now they are higher than the properties to the south. The only way David feels improvement would be if some kind of levy was built there. Mr. Oliver and David discussed this issue in detail. The next person to speak was John Ford of 175 Township. He asked if upstream retention would be a feasible way of controlling the flooding. David said that right now Centerton's ordinances require all developments to detain flood water so that they discharge no more after development at the peak rate that went out before development. There are always more gallons when you develop and put in a parking lot and streets. At some point as you go downstream, those increases can add up. We would hope that it wouldn't happen until it hit the Mississippi River, but normally when you get at the very upper end of a drainage basin, detention does a whole lot of good, probably more so than further downstream. That's why flood control reservoirs on the Missouri River are way up in North Dakota and places like that because it does the most good. David said that the City may have to look at whether or not development in that western region with detention that the release of ten detention ponds may actually add on each other rather than control it so you would actually get an increase in the peak downstream, in which case you would have to over-detain in some cases or improve the channel. Mr. Ford's other question was about the letter that he received. It states that he will be added to the Flood Plain and not the 3rd choice which was to remain in the Flood Plain. According to the map, he was already in the Flood Plain but now he is being added to the Flood Plain. He said he didn't understand that. He said that a couple of years FEMA forced them to have flood insurance and his question is if this will change this, is going to have to have more flood insurance? Lorene said that it was just the way it was reported but nothing will

change and he would not have to pay more flood insurance. Mayor Griffith asked if there was anyone else who wanted to speak and no one in the audience responded.

- (7) The next item on the agenda was a report by Patricia Thornhill about the Veterans Memorial Park. Patricia said she was coming before the Council as Chairperson for the Parks and Recreation Committee to request \$10,000 be approved out of A&P monies to implement the first phase of the Veterans Memorial Park for Centerton. In Phase 1, if approved tonight, the survey of the property would be done so another rough draft could be drawn up by Cliff Mathis on the Veterans Memorial Park as the location has changed. This money would allow any electrical work to be done on the site and begin planting trees and shrubs. If approved, this would allow us to take donations for the brick pavers that will be the walk for the Memorial. Patricia said they would make the \$10,000 go as far as possible because once they start taking donations from the general public, that money also goes toward the Memorial. She hopes that she doesn't have to come back and ask for more money. The \$10,000 would cover 75% of what needs to be done. The placement of the Veterans Memorial Park will be on the south side of City Hall next to the old post office, just north of the large tree. She asked if there were any questions. Randy Thomas asked if the A&P money was separate from Parks and Recreation. Mayor Griffith stated that 90% of A&P money collected is dedicated to Parks and Recreation. Randy said that if \$10,000 will cover 75% of the project cost why not go ahead and ask for \$12,500 so that the project can be completed. Patricia stated that there were a large number of people who wanted to volunteer their time once the project was started and she projected the labor costs would not be much at all. Randy made the motion to give \$12,500 from A&P monies with a 2nd from Josie Reed. All members voted yes with none opposed. The motion carried. Mayor Griffith stated that there would be another security camera added and that Dunk would give us a quote for the cost. Patricia said she would like to publically thank all of the Parks & Recreation Committee members for their work toward the Veterans Memorial Project because without them doing the research they have done and bringing that information to the meetings, we would not be as far along as we are now and she's really appreciate all who have participated.

- (8) **Department Reports – Streets** – Bert Johnson said that we took bids for the 3 Project (Police Department, Keller Road & Gamble Road) and bids were opened today at 2 p.m. It appears that APAC – McClinton Anchor Division has the low bid at \$168,739.36. John Wary of Morrison Shipley Engineering will go through everything and then get with Howard Slinkard so he can review the documents. We will need to call a Special Council Meeting to approve the contract by resolution. **Police** – Jason Abbott gave the Police Report for Chief Lance Johnson. Jason said that stats are looking good and the new officer, Tiffany Lowe, is going well on the job and her job performance is really good. **Planning** – Lorene Taul reported that last week she spent two days with the Arkansas Flood Plain Board, of which she is now a member and there is a conference Sept. 27 – 29 in Springdale. The Northwest Region is finally getting some recognition.

Troy Davis of Bentonville is also on the Board and we are going to try and really promote that to the engineers and anyone who has an interest in Flood Plain. Another thing that has been keeping her busy is lot splits. In our ordinance we do not have any type of a fee for that and she is going to be addressing the Planning Commission to get this changed. She will be consulting with Howard and Andrew to get an ordinance that requires a fee to cover the expense of all the time required to complete a lot split. **Fire/Water** – Jeff Coffelt reported that Centerton Day was an excellent day and wanted to thank everyone who participated. Thank you cards will go out soon. Cherie Vaughn at City Hall has created a wonderful card. We made close to \$10,000 for 2009 Centerton Day. We were very pleased with that number especially considering the down economy right now. He said that after looking at the budget and where we are now, we will probably need that money for bunker gear. The Fire Department has started a new training program and a new process for putting people on and it has been successful for us. We had 12 people who applied to try out for Centerton Volunteer Fire Dept and we put on 2. We are looking at a Junior Fire Fighter Program (JFFP) for kids up to age 18 and we did put out information at Centerton Day. There will be expenses to the JFFP and several volunteers are gathering information which he will bring back to the Council for their approval or disapproval. A department can easily spend \$5,000 to \$10,000 for JFFP and it requires time and effort to have people there to take care of the program. Jeff asked if there were any questions and there were none. Switching to CWSD, Jeff said they are still in the process of changing out meters to drive-by meters. He thought they would be done by the end of this month but that is not possible and they will be hand-reading some meters. There will be a total of 2,700 drive-by meters installed and they are about half-way through and probably another month away before drive-by is completely available. It took three days to get the water bills out for August because it was necessary to transfer data and hopefully next month it will go a lot smoother. Bentonville is discussing raising sewer rates at a meeting being held simultaneously with our meeting. Whether it goes through one reading or all three readings, they have a rate study that was done for both water and sewer and it's the same company that did the Roger's study. Jeff said he and the Major meet with Mike Bender several weeks ago and the proposal was a 12% increase the first year which according to the newspaper will take effect in October. There would be a 25% increase in 2010 and another 25% increase in 2011. Centerton has always been treated to the same rate as a Bentonville customer although the contract for eleven years now says the "wholesale" rate but they do not have a wholesale rate available. An article in today's paper said that they are looking to set a wholesale rate. Jeff said he could only tell the Council what Mr. Bender told him and the Mayor and that is that the rate would increase. Jeff said that CWSD would have to pass on the increase to the customers. They will have to look at it and see if they can absorb part of the increase and do a quick rate study to see what they will have to charge. **Administration** – Jan Dolan asked that the Council check out the website because there are now pictures of 2009 Centerton Day posted and they look really good.

- (9) Mayor Griffith passed out packets to the Council from Darrell Weiland, who owns Country Eagle in Centerton. He had given us a quote to build swings, which he will install and then guarantee. The cost per the quote is \$1,662.25 for a 4 seat swing. This is much more sturdy equipment and less expensive than the City could buy elsewhere. The packets detail the quality of the equipment he would use. There are two parks where this equipment would be installed. That would be Brimwood and the Walking Trail where the picnic table is located.
- (10) **Announcements** – In the Council packets are July Permits Issued plus the Fire & Street Construction Transactions and a Cox Communication Programming Change. Mayor Griffith said she received a call from the Arkansas Highway Department yesterday in which they informed her that she needed to tell them in a week's time that the City had \$2,000,000 to put on the Highway 102 Project or they would delay the project, perhaps up to 5 years. There is a resolution that says we would provide the \$2,000,000 if we have a Wal-Mart at the time. The gentleman told her that resolution means nothing to him and consequently, we are checking with the bond people to see if we have enough available to come up with the money. There is no A&P Meeting in August and we will set a September date at a later time. As Bert mentioned, we will have to have a Special Council Meeting before the September Meeting just to accept the bid so we can get started on the 3 street projects. Howard asked if we wanted to go ahead and schedule that meeting and it was agreed that the Special Council Meeting would be Monday, August 24, 2009, at 6:30 p.m. It should be only a 10 or 15 minute meeting. Jan will call everyone to remind them of the meeting.

Mayor Griffith asked if anyone in the audience had any other comments or any other business. There being none, Keith Higginbotham made a motion that the meeting be adjourned with a 2nd by Randy Thomas. All council members voted in favor with none opposed. The meeting was adjourned.

Bobbie Griffith, Mayor

Todd Wright, City Clerk

(Minutes were typed by Jan Dolan)