

**CITY OF CENTERTON
CITY COUNCIL MEETING
JUNE 11, 2013**

Public Hearing to Vacate Easements for Lots 154 and 155 in Oaktree Subdivision- Mayor Edwards opened the Public Hearing and gave details. He stated that the meeting would be left open for another 5 minutes for public comments. There were no comments. Mayor Edwards closed the Public Hearing.

The city council was called to order by Mayor, Bill Edwards. The Pledge of Allegiance was recited. The prayer was offered by Keith Higginbotham. Those Present and answering roll call were Mayor Bill Edwards, Keith Higginbotham, Skye Petty, Misty Elam, Josie Reed and Tommy Laird. Those present and not answering role call were Todd Wright, Jennifer Robinson, Brian Rabal, Andrew Huntsinger, Planning Commissioner Lorene Burns, Police Chief Lance Johnson, Water & Sewer Superintendant Frank Holzkamper, Street Superintendant Rick Hudson and Animal Control Supervisor Terry Sanchez. Councilman Robin Reed, Fire Chief Delton Bush and Building Inspector Robert Coffelt were absent.

- (1) **Council Minutes-** Josie Reed made a motion to adopt the minutes from the May 14, 2013 city council meeting and with a 2nd from Skye Petty. All council members voted in favor and the motion carried.

- (2) **Planning, Board of Zoning Adjustments and A&P Minutes-** Keith Higginbotham made a motion to acknowledge receipt of the April 23, 2013 Planning and Board of Zoning Adjustments meeting minutes and the April 18, 2013 A&P minutes with a 2nd from Tommy Laird. All council members voted in favor and the motion carried.

- (3) **City and Court Financials-** Mayor Edwards stated that we are 42% through the year and we have received 54% of our revenue. He stated that our expenditures are a little over 52%. He stated that we have finished paying off the new Police Department. He stated that we also had some carryover expenses in the Fire Department. Josie Reed made a motion to accept the May 2013 City and Court

financials with a 2nd from Skye Petty. All council members voted in favor and the motion carried.

- (4) **Department Reports- Building Inspection-** Robert Coffelt was absent, but put the Building Permit Report and a letter in the council's packets. Mayor Edwards briefed the council on the items in the report. **Police-** Chief Lance Johnson pointed out the stats for May 2013 and asked if there were any questions. He stated that they were a little higher than normal due to "Click it- or Ticket". He stated that he hoped to have more details from that at the next council meeting. Lance stated that he had an officer that was injured during a pursuit and that he is currently on workman's comp for a foot injury. He stated that the detective is helping to cover. He stated that Jonathan Stouffer is still in his FTO training and has 3 weeks left before he is evaluated to see if he will go out by himself. Lance stated that all the vehicles are up and running. He stated that they will not be working a fireworks tent this year for "The Children of Centerton". He stated that they might do a Pork Butt sale around Labor Day instead and gave some details. He stated that it is not affiliated with the city, but thought the council might want to know. **Street-** Street Superintendent Rick Hudson stated that he spoke to the contractor on the HWY102 project today and that they are 3 months ahead of schedule and should complete the project by November. He stated that they are working short-handed, but that they are catching up with the mowing. He stated that they finished up an overlay on Zachary, using a less expensive method and Rick stated that he was not really impressed with it. He stated that they will be starting an overlay on Fish Hatchery West, Bush and Tycoon on Thursday. He stated that the new truck was in service. Rick stated that they have been working the prisoners and will be using 2 workforce employees for 200 free hours over the summer. **Planning-** Lorene stated that Quail Hollow and Forest Park II will have submittals at the next planning meeting. She stated that the new owners of the nursing home site came in yesterday and want to use the same plans as the previous owner. She said the city staff will have a pre-construction meeting with them. She stated that the plan approvals from last October were still good. **Fire-** Fire Chief Delton Bush was absent. Keith Higginbotham stated that they have had 307 runs for the year. He gave a detailed report on some of the equipment. He stated that they were in the process of getting the annual He stated that they were in the process of getting the annual service and DOT inspections and that Delton was a little concerned about those costs. Keith stated that the invitations have been sent out to the surrounding fire departments to compete in the fireman's muster at Centerton Day. He stated that this is the 2nd week of the part-time employees and that they have been working on cleaning out the inside of the fire trucks and taking detailed inventory of the equipment on each of the trucks. He stated that Assistant Chief has been spending quite a bit of time at the station, overseeing these activities. Keith stated that they are working on placing blue reflectors to assist with fire hydrant location at night. He stated that they implemented the new Battalion Chiefs, promoting those that were Captains and will be testing soon for new Captains. **Water-** CWSD Superintendent Frank

Holzkomper stated that they have been working on the Greenhouse Road, Hwy 102 and Bella Vista Bypass projects. He mentioned the Lead/Copper testing project. **Animal Control-** Terry Sanchez addressed the council and stated that they participated in the Northwest Arkansas Dog Walk on June 8th at the Bentonville Dog Park. He stated that they did not have any adoptions. He reminded everyone to keep their dogs watered and in the shade. He stated that they currently have 7 dogs at the shelter. **Administration-** Jennifer stated that our Standard and Poor rating came in at BBB+, which is excellent on our bonds. She stated that the audit is going well. **Mayor-** Mayor Edwards stated that they were working really hard on Centerton Day and gave an update. He gave an update on the 2nd High School and the recent meeting with Hight Jackson. He stated that he made it clear that we did have the \$1.4 million in our current budget. He stated that what Hight Jackson was expecting from us was from the school down to Seba Road, they are expecting us to do all of it up to their property line, but that they will be responsible for turn lanes and sidewalks. He stated that they are expecting us to put sidewalks on the East side of gamble, which we have already applied for a grant for. He stated that they are also expecting us to pave Seba Road to the easement on the west side of the LDS Church. He stated that the road to the west on the diagram is a future road, not to be done at this time. He stated that they are thinking about crosswalks by Saddlehorn and Seba. He said they also mentioned a future traffic light at Main and Seba, subject to a traffic study. There was discussion. Mayor Edwards stated that he has talked to the School Superintendent 2-3 times, expressing interest in helping to get information out about voter registration starting at Centerton Day and starting after July 4th in the local businesses as well as local public forums to share information for the September millage election.

- (5) **Donna Amos- Centerton Cemetery-** Mayor Edwards addressed the council and re-introduced Donna Amos of the Centerton Cemetery Board. Brian Rabal stated that after doing some research, he wondered if the cemetery board had spoken to an attorney to see if they have a fiduciary duty and may or may not be able to disbate the trust. They stated that they had not. Brian stated that the city can take land for the purposes of putting forth a city cemetery for the citizens if it is in the best interest of the city. He stated that based on that, he stated that he could see no reason why we could not accept land for that purpose. He stated that the problem we have is proving that it is in the best interest of the city. He stated that he is not sure what the city could do with the funds from the trust, if anything, from an accounting standpoint. He asked how it is in the best interest of the city, stating that the cemetery is full. He stated that worst case scenario, in the future, if the board is unable to maintain the cemetery and the city determines it to be old and abandoned, it could take the land at that point and relocation would be at the expense of the next-of-kin. He stated again, in order for the city to take it, it has to be proven that it is in the best interest of the city. He said that because essentially is taking on a burden, it may be difficult to show, but that if you are able to make that determination, he thinks that the law provides that we can. Jennifer stated that

they need to find out if they can dissolve the trust before we can do anything else and Brian agreed. Donna Amos stated that the trust can be dissolved by a two thirds vote of the board. Brian asked if it stated what would happen with the funds of the trust at that point and she stated that it didn't. He recommended that they seek legal counsel in regards to that. Brian stated in most case studies, the city taking on the cemetery had the opportunity to sell plots to create income, but that in this situation, the cemetery is full and does not allow that as an option. There was discussion. Jennifer stated that she would like to speak to Legislative Audit about this. Mayor Edwards stated that he would like to allow Jennifer to speak to Legislative Audit and that we bring this item back before the council in the July council meeting. The cemetery board stated that they would seek council in regard to dissolving the trust.

- (6) Resolution 2013-18- AUTHORIZING THE MAYOR, CHIEF OF POLICE AND CITY CLERK TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE POLICE DEPARTMENTS OF THE CITY OF HIGHFILL AND THE CITY OF CENTERTON, AND FOR OTHER PURPOSES.** Mayor Edwards addressed the council and explained the need for this resolution. He stated that the Highfill City Council has already approved this. Josie Reed made a motion to read the resolution by title only with a 2nd from Skye Petty. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Tommy Laird made a motion to adopt the resolution with a 2nd from Josie Reed. All council members voted in favor and the motion carried.
- (7) Resolution 2013-19- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT WITH CEI ENGINEERING ASSOCIATES INC. FOR A FLOOD IMPROVEMENT STUDY FOR THE CITY OF CENTERTON, ARKANSAS.** Mayor Edwards addressed the council and explained the need for this resolution. David Todd gave a presentation to the council, including a brief history on the local flood studies. There was discussion. David stated that the fee would be \$11,400.00, with an additional \$4000.00 to include replacing a section of channel with a pipe. Mayor Edwards stated that the Planning Department was under budget and could afford this study. David stated that we could expect results from the study in August. Skye Petty made a motion to read the resolution by title only with a 2nd from Josie Reed. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Josie Reed made a motion to adopt the resolution with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(8) Ordinance 2013-09- AN ORDINANCE VACATING THE EASEMENTS LOCATED BETWEEN LOTS 155 AND 155 OF THE OAK TREE SUBDIVISION, PLAT BOOK 2007, PAGE 868 OF THE RECORD OF BENTON COUNTY; AND FOR OTHER PURPOSES. Mayor Edwards addressed the council and explained the need for this ordinance. Lorene Burns and Frank Holzkamper also addressed the council. Lorene stated that all of the utilities have signed off except for CWSD. Frank stated that he has not signed off because he is waiting for the builder to contact him and show him that the existing house is attached to the correct sewer tap. Keith Higginbotham made a motion to read the ordinance by title only with a 2nd from Skye Petty. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Tommy Laird made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Josie Reed. All council members voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the ordinance with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Tommy Laird made a motion to adopt the emergency clause with a 2nd from Skye Petty. All council members voted in favor and the motion carried.

(9) Ordinance 2013-10- AN ORDINANCE ACCEPTING THE EASEMENT DEDICATION PER REPLAT OF LOTS 154 AND 155 OF THE OAK TREE SUBDIVISION, CENTERTON, BENTON COUNTY, ARKANSAS; AND DECLARING AN EMERGENCY. Mayor Edwards addressed the council and explained the need for this ordinance. Keith Higginbotham made a motion to read the ordinance by title only with a 2nd from Tommy Laird. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Josie Reed made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Tommy Laird. All council members voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the ordinance with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Tommy Laird made a motion to adopt the emergency clause with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

(10) Storm Siren Discussion- Mayor Edwards addressed the council and detailed some of the feedback he has received and gave details about the proposal. He stated that the total was \$62,850.00 and stated again that State Representative Bart Hester had offered \$50,000.00 out of the general fund toward this project. He stated that there are some other grants that he could look into as well. There was discussion. Josie Reed made a motion to allow Mayor Edwards to continue to

research this for the city with a 2nd from Skye Petty. All council members voted in favor except for Keith Higginbotham, who abstained and the motion carried.

- (11) **Other Business-** Mayor Edwards stated that the Centerton Area Chamber of Commerce Pancake Breakfast is Saturday June 15th 8-11 and Centerton Day is Saturday, June 29th.

There was no more business or announcements. Skye Petty made a motion to adjourn with a 2nd from Tommy Laird. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk