



**CITY OF CENTERTON  
CITY COUNCIL MEETING  
APRIL 9, 2019**

**(1) Public Hearing- Centerton Water & Sewer Bonds -**

Mayor Bill Edwards introduced the Public Hearing for Centerton Water & Sewer Bonds to the City Council.

**Robin Reed made a motion to Open the Public Hearing for Centerton Water & Sewer Bonds, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

Mayor Bill Edwards opened the meeting to Public Comments. There were no public comments.

**Wayne Low made a motion to Close the Public Hearing for Centerton Water & Sewer Bonds, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

**(2) Pledge -** The Pledge of Allegiance was recited.

**(3) Prayer -** The prayer was offered by Keith Higginbotham.

**(4) Roll Call -** Those Present and answering roll call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren, Josie Reed, Misty Elam and Robin Reed. Those present and not answering roll call were City Clerk Todd Wright, Financial Director Pam Grant, City Attorney Brian Rabal, Director of Public Works Rick Hudson, Police Lieutenant Anthony Keck, Fire Chief Delton Bush, Planning Director Lorene Burns, Centerton Utilities Director Frank Holzkamper and Animal Control Supervisor Terry Sanchez. Chief Building Inspector Robert Coffelt and Financial Director Pam Grant were not present.

**(5) Council Minutes -**

**Josie Reed made a motion to approve the Minutes of the March 12<sup>th</sup>, 2019 City Council Meeting, with a 2<sup>nd</sup> from Wayne Low. All Council Members voted in favor and the motion carried.**

**Planning and Water & Sewer Minutes -**

**Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the February 19<sup>th</sup>, 2019 Planning Commission Meeting and February 19<sup>th</sup>, 2019 CWSD Meeting, with a 2<sup>nd</sup> from Robin Reed. All Council Members voted in favor and the motion carried.**

- (6) City and Court Financials-** Mayor Edwards stated that 25% through the year we have received 33.74% of our Budgeted Revenue. He stated that our Expenditures were at 32.83%. Mayor Edwards detailed some of the March expenditures for the Council, and also detailed the Reserve Funds of the City.

**Wayne Low made a motion to accept the March, 2019 City and Court Financials, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

**(7) Department Reports -**

**Building Inspection-** The Building Inspection Report was in the Council member's Dropbox packet. **Planning-** The Planning Project Status Report was in the Council member's Dropbox packet. **Police-** The Police Department Report was in the council member's Dropbox packet. **Public Works Division-** The Public Works Division Report was in the council member's Dropbox packet. **Fire-** The Fire Department Report was in the council member's Dropbox packet. **Water & Sewer-** The CWSD Report was in the council member's Dropbox packet. **Animal Control-** The Animal Control Report was in the council member's Dropbox packet.

**(8) Ordinances -**

- **Ordinance 2019-12- AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,000,000 CITY OF CENTERTON, ARKANSAS WATER AND SEWER REVENUE IMPROVEMENTS BONDS, SERIES 2019 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF CERTAIN**

**IMPROVEMENTS; PLEDGING WATER AND SEWER REVENUES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; AUTHORIZING THE EXECUTION OF A LETTER OF OFFER AND REPRESENTATIONS; AUTHORIZING A SUPPLEMENTAL TRUST INDENTURE SECURING THE BONDS; AUTHORIZING THE SALE OF THE BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.**

Centerton Utilities Director Frank Holzkamper addressed the Council, stating that this Ordinance is to close out the **3 projects** they are currently working on: **1)** The new Water Tower on Hwy 72. **2)** The Sewer System in the South part of the City (Bids were opened and came in right at Budget). **3)** The Retention Basin on Allen Road.

Holzkamper said there is no planned Rate Increase.

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

**Robin Reed made a motion to read the Ordinance by title only, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Josie Reed made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried. Wayne Low made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Keith Higginbotham. All Council Members voted in favor and the motion carried. City Attorney Brian Rabal Read the Emergency Clause. Keith Higginbotham made a motion to adopt the Emergency Clause with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

- **Ordinance 2019-13- AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2019-09 FOR THE PURPOSE OF ACCEPTING CORRECTED WARRANTY DEED FOR RIGHT-OF-WAY ALONG SEBA ROAD AND GAMBLE ROAD DEDICATED BY ARC LEASING LLC, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to repeal and replace the previous Ordinance, due to an error on the Warranty Deed, to accept Right-of-Way Dedications from ARC Leasing LLC, on Gamble and Seba Roads.

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

**Josie Reed made a motion to read the Ordinance by title only, with a 2<sup>nd</sup> from Darren Warren. All Council members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2<sup>nd</sup> from Darren Warren. All Council members voted in favor and the motion carried. Robin Reed made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Misty Elam. All Council members voted in favor and the motion carried.**

- **Ordinance 2019-14- AN ORDINANCE ACCEPTING THE FINAL PLAT AND PUBLIC DEDICATIONS THEREOF FOR THE MAPLE ESTATES SUBDIVISION PHASE 1C, CREATING LOTS 54-66, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of Phase 1C of the Maple Estates Subdivision. He said this was recommended for Council approval at the 4/2/19 Planning Commission Meeting.

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

**Keith Higginbotham made a motion to read the Ordinance by title only, with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Robin Reed made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried. Josie Reed made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Wayne Low. All Council Members voted in favor and the motion carried.**

- **Ordinance 2019-15- AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF LIGHTS FOR THE KINYON SPORTS COMPLEX; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive bidding requirements for lighting for the Kinyon Sports Complex. He said that he has spoken with Director of Public Works Rick Hudson, and there is really only one local company that provides this type of lighting. He said this will be for lighting for the remaining 3 fields. He said the lighting is \$296,000.00 and the installation will be put out to bid, at an estimate of \$40,000.00- \$45,000.00. He said it will take 6 weeks to get the lighting in, and the conduit has already been run for electric service.

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

**Robin Reed made a motion to read the Ordinance by title only, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Robin Reed made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2<sup>nd</sup> from Keith Higginbotham. All Council Members voted in favor and the motion carried. Josie Reed made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried. City Attorney Brian Rabal Read the Emergency Clause. Wayne Low made a motion to adopt the Emergency Clause with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

**(9) Resolutions -**

- **Resolution 2019-07- A RESOLUTION TO DESIGNATE INDIVIDUALS AUTHORIZED TO PERFORM VARIOUS ACTIONS ON BEHALF OF THE CITY OF CENTERTON WITH REGARD TO THE CITY’S COURT ACCOUNT AT FIRST NATIONAL BANK OF NWA, CENTERTON BRANCH; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Resolution is to add Chief Court Clerk Sara Lombard as a signer on the Court Bank Account Only.

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

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

- **Resolution 2019-09- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH RJR ENTERPRISES, ROGERS, ARKANSAS, FOR CONSTRUCTION OF A RESTROOM FACILITY AND SPLASH PAD AT MCKISSIC SPRINGS PARK.**

Mayor Edwards addressed the Council, stating that this Resolution is to enter into an agreement with RJR Enterprises, for the construction of a restroom facility and Splash Pad at McKissic Springs Park. He said Rick Hudson said it would take 75-

80 days to get the equipment, and we would work with the Planning Department on the Large Scale Development, in the meantime.

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

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

**(10) Proclaim April as Kindness Month -**

Mayor Edwards read the Kindness Proclamation. Anna McCasland, Bentonville West Student Body President, addressed the Council and the audience and read a prepared speech about kindness.

**(11) Approve Updated Secondary Employment Policy for Police Department -**

Mayor Edwards addressed the Council, stating that this was a continuation of last month's discussion about the Secondary Employment Policy for the Police Department. He said the only change is "employees can work in other jurisdictions, if requested by that Agency in writing, and an Interlocal Agreement is in place by both jurisdictions".

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

**Robin Reed made a motion to Approve the updated Secondary Employment Policy for the Police Department, with a 2<sup>nd</sup> from Keith Higginbotham. All Council Members voted in favor and the motion carried.**

**(12) Discuss Additional Funds for State Aid Grant -**

Mayor Edwards addressed the Council, stating that we have previously been awarded a State Aid Grant to do some Overlay Projects in our City. He said when the projects were put out to bid; they came back about \$100,000.00 over Budget. Edwards said this request is to approve an additional \$99,198.89 for these projects, to come out of the Street Fund.

**Wayne Low made a motion to Approve an additional \$99,198.89 from the Street Fund for Street Overlay Projects, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

**(13) Discuss Tycoon and Dorsey Lee Roads -**

Mayor Edwards addressed the Council, stating that this is a continuation of the discussion from last month about the request by Jimmy Thompson, for the paving of the remainder of Tycoon and Dorsey Lee Roads. Edwards said that he, Rick Hudson, the County Judge and County Street Department met a week ago, with the City of Bentonville, to discuss a road design for Greenhouse Road. He said the sections of roads in question are currently in the City of Bentonville, and the County. He said that he did not know if the City of Bentonville would participate with us in paving these roads. He said he would be willing to ask the County. Keith Higginbotham asked him to reach out to the County. Mayor Edwards said that he felt this area would eventually all develop, with the new Junior High School going in. He also mentioned that we can continue to apply for these \$250,000.00 Grants each year, and possibly use some of those funds, if we get them, for this this project. Rick Hudson said we are applying for this Grant every year and are getting it on an average of every two years. He said if we don't get it next year, then we will more than likely get it the following year, and \$250,000.00 would pretty much take care of these roads.

Robin Reed asked if these were the roads mentioned in the Bond promise discussion from last month. Mayor Edwards said it was, but these particular roads were not mentioned in the flyer presented last month, or the Bond Documents, or any of the Minutes from 2005-2006. He said Jimmy Thompson and at least one other person that addressed the Council last month, says it was promised. Keith Higginbotham said he thinks they were mentioned in the first flyer that was printed. Robin Reed said she thinks we should do whatever we can as a City to honor what was promised.

City Clerk Todd Wright said he assumed that these sections of the 2 roads were not in the City Limits at the time of the Bond Election. He asked if there was any discussion at that time of interlocal agreements with the County or City of Bentonville, to work together on these roads. Keith Higginbotham said there was discussion back then of those properties annexing into the City of Centerton. Mayor Edwards said we have done repairs and grading on these sections of the 2 roads, and we have paved them to the end of our City Limits. Wright asked if the Bond Funds could be used outside the City Limits. Jill Drewery said the Bond Funds can be used within the Master Planning Area.

Jimmy Thompson addressed the Council, giving a history of the roads and the residents in the area in question. He recommended not asking the City of Bentonville to pave any of it, and gave his reasoning.

Rick Hudson said that there were some Bond Funds available when he came to work for the City, as well as a list of roads to be worked on. He said those Bond funds have all been used up, and completing that list of roads is a matter of importance, based on traffic counts, schools, etc. He said we have used up the first Bond and are deep into the second Bond. He also said the money is not all available at one time. He mentioned work that has been done on Gamble, Seba and Kimmel Roads, as well as projects he has in Planning, such as South Main Street. Hudson said the cost of materials, construction and moving of Utilities continues to increase. He said the Funds that were asked for and the money that has been made available have not covered all of the work that needs to be done. He said the two roads that Thompson is talking about are not far from being ready to be paved. He said he has 3 roads that are under contract right now, that have to be completed before the end of the year. He said that Walters Road could be put off again, where he has promises to the City, citizens and School District, for a safer connection to Hwy 72. He said there are a lot of obligations out there, and it depends on what the Council wants done first. He said his main focus has been on projects giving us roads parallel to Hwy 102, as other projects are going to be coming up on Hwy 102. Hudson gave examples of the high cost of moving utilities on current projects. Hudson reminded the Council that he only has a 5-man Street Crew, to do construction, street sweeping, sign repairs, bush-hogging, patching and maintenance.

Hudson said he can make these roads happen, he just doesn't want to be given a timeline. The \$200,000.00 estimated cost of completing Tycoon and Dorsey Lee Roads ourselves, brought up in last month's meeting, was discussed again. Hudson said it would likely cost \$350,000.00 to put it out for State Bid.

There was discussion about the condition of Huber Road and the cost to repair it. Hudson said that Holloway Road will be more important for the traffic to the new Junior High School, as a connection to South Main Street.

Hudson said due to the high cost of building roads, we just need to look at maintaining the roads we have now, and to make them work more efficiently. Thompson said the cost of roads has gone up drastically.

Todd Wright asked if we could circle back around and make a decision. He said that Thompson said some things are starting to fall in place and to be patient; the Mayor asked about looking into Mutual Aid with Bentonville and the County, but Thompson said not to do that.

Robin Reed asked that we make this a priority, continue to apply for the Grant, and if we get it, use it for paving these two roads. She and Keith Higginbotham asked the Mayor to also reach out to the County about their portion.



**(14) Discuss Mayor Retirement Benefit -**

Mayor Edwards addressed the Council, presenting them with the State Statute regarding Retirement and Pensions for Mayors of Cities of the First Class. He said that he is eligible to retire January 1, 2020, and asked for the Council's blessing to approve Section (6)(b)(1); allowing his spouse to receive ½ of the retirement benefit; at the option of the Governing Body; upon the death of any Mayor retired, or if he were to die in office after becoming eligible for retirement. He said the benefit would cease if his spouse were to remarry. City Attorney Brian Rabal said his opinion was that the law is there and applies, and that he doesn't think this is necessary, but he doesn't think that it hurts to get the Council's blessing. Keith Higginbotham asked if this Council gave the blessing, what would happen if a future governing body decided not to support this. Rabal said he interpreted that it could be repealed. Robin Reed asked where the money would come from, and Mayor Edwards said the General Fund. Keith Higginbotham said it would need to be budgeted every year. Mayor Edwards said that would happen when that Mayor Retires, or dies in Office. Rabal said this Council blessing essentially gives guidance to future Council.

**Keith Higginbotham made a motion to give City Council Blessing to enact Section 6.b.1 of the Arkansas Code Title 24, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

**(15) Other Business-**

- **Street Department- 2 Additional Positions -** Mayor Edwards addressed the Council, stating that Rick Hudson came to him, asking for additional help at the Street Department. Edwards asked for the Council to approve 2 full-time positions. Rick Hudson addressed the Council, stating that he would like to bring on 2 people, starting at \$15.50/hr., with a 6 week or 6 month evaluation. Mayor Edwards said this would come out of the General Fund, and we can handle it.

**Misty Elam made a motion to Approve 2 additional Full-Time Positions for the Street Department, starting at \$15.50/hr., with a 2<sup>nd</sup> from Wayne Low. All Council members voted in favor and the motion carried.**

- **Executive Session- Personnel Matter -.**

**Keith Higginbotham made a motion to enter into Executive Session to discuss a Personnel Matter at 7:28pm, with a 2<sup>nd</sup> from Robin Reed. All Council members voted in favor and the motion carried.**

**Keith Higginbotham made a motion to come back from Executive Session, into City Council at 9:37pm, with a 2<sup>nd</sup> from Misty Elam. All Council members voted in favor and the motion carried.**

Mayor Bill Edwards expressed appreciation to all of our Police Officers and apologized for the long delay in the current investigation. He said that is out of our control. He acknowledged some setbacks with some of the Council and Officers, as well as people being upset with him. He said that is not our intent, as we are always trying to look at what is in the best interest of the City. He said he loves his job, as Mayor of this City. He also thanked Lieutenant Keck for stepping up for the last 11 months, and leading the Police Department. There was applause.

Keith Higginbotham also voiced his support of the Police Department. He also apologized for the delay and expressed his frustration.

Robin Reed expressed her appreciation of all of the departments and asked for everyone to work together as a team.

**No action was taken.**

**(16) Announcements -**

- Easter Egg Hunt- 4/13/19
- Coffee with the Mayor- 4/20/19 at 9:00 AM
- Arbor Day Celebration- 4/27/19 10:00am- 2:00pm

**(17) Adjourn -**

**Misty Elam made a motion to Adjourn at 9:46 pm with a 2<sup>nd</sup> from Keith Higginbotham. All Council members voted in favor and the motion carried.**

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Bill Edwards, Mayor

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City Council 4/9/19

Todd Wright, City Clerk