

MINUTES OF COUNCIL
OCTOBER 13, 2009

The Batesville City Council met in regular session on October 13, at 5:30 PM at the Municipal Building. Mayor Rick Elumbaugh presided over the meeting.

Councilmember Matthews gave the invocation. Upon roll call the following councilmembers answered present: Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Doug Matthews, Matt McDonald, and David Shetron. The City Clerk was also present. Councilmember Richard O'Neal and City Attorney Scott Stalker were absent.

Councilmember Insell moved to approve the minutes from the previous meeting and Councilmember Shetron seconded. All voted for.

Councilmember Shetron moved to approve the prepared agenda. Councilmember Henley seconded and all voted for.

CITIZENS COMMENTS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A) MR. & MRS. YEATMAN REGARDING TREE REPLACEMENT

Mr. Carter Yeatman and Mrs. Donna Yeatman who reside at the intersection of 8th and Rock Streets addressed the council regarding tree trimming that the City performed on their trees. Mrs. Yeatman said the City killed two of their trees before her husband could stop the trimming. The Yeatmans said the City crew did not know how to properly trim trees and feels like the City should rectify the problem. They also said

they wanted to supervise any tree trimming in the future. The Yeatmans asked for the City to remove the two ruined trees and stumps and replace with 2, 6 foot trees that are approximately \$75.00 each. Landscape Supervisor Jonathan Abbott addressed the council and said his crew was doing what they were told and were following the ordinance the City adopted regarding trees protruding over the City right-of ways and obstructing traffic control signals or devices. He said his crew knocked on the Yeatman's door twice and when no one answered, they proceeded with the tree trimming. Mr. Abbott also noted that the trees in question are planted on the City's right-of-way. After a council discussion, and with no motion to pay the Yeatman's for the trees, Councilmember McDonald moved to remove the two trees and stumps from the Yeatman's yard. Councilmember Shetron seconded and all voted for.

B) 2010 FUNDING REQUEST FROM OLD INDEPENDENCE REGIONAL MUSEUM

Mr. Charles Barnett addressed the council with a 2010 funding request for the Old Independence Regional Museum. The request is for \$9,000.00. Mayor Elumbaugh said the request will be considered during the budget process.

C) ENGINEER'S REPORT

City Engineer Damon Johnson asked for the council's approval to hire RSR to conduct a Value Engineering Study required by the ANRC. Mr. Johnson said he interviewed several companies and believes RSR was the best choice. Councilmember Shetron moved for Mr. Johnson to proceed with the contract and negotiation with RSR and Councilmember Bryant seconded. All voted for.

Mr. Johnson said the final plan for the tunnel should be submitted next week. They should be ready to advertise for bids in mid November for the first phase with work to begin spring, 2010.

Mr. Johnson said he needed guidance from the council on how to proceed with the Levy certification. Mr. Johnson said there are several engineering firms in Arkansas that are qualified to perform the tests for certification. Councilmember Bryant moved to advertise for bids for the service and councilmember Shetron seconded. All voted for. The council also discussed the possibility of creating a Levy Improvement District to help with the costs in the future for maintenance and certifications of the levy. They asked the City Engineer to contact the Army Corps of Engineers for additional information on levy improvement districts.

D) REVIEW PAID BILLS REPORT FOR SEPTEMBER, 2009

The council reviewed the paid bills report for September, 2009.

MAYOR COMMENTS

Mayor Elumbaugh said there was another tree trimming incident on Boswell Street. The Mayor said a tree that was not on the City's right-of-way was trimmed back too far and the home owner was requesting the city purchase azaleas to help replace the buffer that their tree provided. Councilmember Shetron moved to purchase 8 azaleas for the property on Boswell and Councilmember Insell seconded. All voted for.

The mayor told the council the City has scheduled our first City Employee Health and Wellness Fair. He said all City employees and the council were invited to participate. White River Medical Center will be performing a wellness check on each individual and booths will be set up to offer our employees information and discounts on

leading a healthier lifestyle. The event will be held at the Fire Training Center and is scheduled for November 3rd and 4th from 8:00 am to 2:00 pm each day.

Mayor Elumbaugh asked the council to approve out of state travel for Johnny Coles and Marty Thompson to attend stop light training in Decatur, AL. The travel is planned for December 1-3 and will cost approximately \$1,600.00. Councilmember Shetron moved to approve the out of state travel and Councilmember Matthews seconded. All voted for.

The council scheduled a budget meeting for Tuesday, October 20th at 5:15 pm.

LIAISON REPORTS

None

COUNCIL COMMENTS

Councilmember Krug asked when the council was going to make a decision regarding the stop lights on Main and 4th and 3rd streets. Mayor Elumbaugh said the matter will be discussed at a meeting in the near future.

ADJOURNMENT

There being no further business, Councilmember Bryant moved that the meeting be adjourned and Councilmember Insell seconded. All voted for.

DENISE M. JOHNSTON, CITY CLERK

RICK ELUMBAUGH, MAYOR