

MINUTES OF COUNCIL
JANUARY 12, 2010

The Batesville City Council met in regular session on January 12, at 5:30 PM at the Municipal Building. Mayor Rick Elumbaugh presided over the meeting.

Councilmember Insell gave the invocation. Upon roll call, the following council answered present; Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Doug Matthews, Matt McDonald, Richard O'Neal and David Shetron. Also present were the City Clerk Denise Johnston and City Attorney Scott Stalker.

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

Councilmember Shetron moved to approve the amended agenda. Councilmember McDonald seconded and all voted for.

COMMENTS FROM CITIZENS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A) HYDRO REPORT FROM MR. STEVE FLETCHER

Mr. Steve Fletcher addressed the council and gave an update on the White River Hydroelectric Project. Mr. Fletcher said he has submitted a request to FERC to install flashboards to Lock and Dam (L&D) numbers 1 & 2. The request is for a two foot high flashboards to L&D #1 and 2.5 foot high flashboards to L&D #2, with both dams designed to fail with overtopped by 2.5 feet of flow. The purpose is to raise

the pool lever in order to get better efficiency from the Hydro Plant. Mr. Fletcher said he will continue to keep the council informed on the Hydro Plant.

B) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council. Mr. Johnson started by thanking the City employees for working in the extreme cold weather conditions. He also gave a few tips to keep your pipes from freezing during the cold weather. He said the construction crews were dealing with frozen meters and mains and both plants were running well. He reminded the citizens that their January utility bills would have a rate increase.

C) CONSIDER A RESOLUTION TO ACCEPT THE ENVIRONMENTAL INFORMATION DOCUMENT AND FACILITY PLAN FOR COMPLIANCE WITH THE CLEAN WATER STATE REVOLVING LOAN FUND PROGRAM

Councilmember Bryant introduced a resolution to accept the Environmental Information Document and to adopt the Facility Plan for the Wastewater plant improvements. Councilmember Bryant moved to suspend the rules and read the resolution by title only. Councilmember Insell seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the resolution by title only. After a discussion, Councilmember Bryant moved to adopt the resolution. Councilmember Shetron seconded and the roll call count was 8 for and 0 against. The resolution was given #2010-1-1-R.

D) CONSIDER A RESOLUTION TO ACCEPT THE BID FOR CONTRACT SECTION 1, GRAVITY SEWERS, TUNNEL AND LIFT STATION

Councilmember Matthews introduced a resolution to accept the bid for the Contract 1 – Gravity Sewers, Tunnel and Lift Station from Oscar Renda contracting in the amount of \$5,606,000.00. Councilmember Matthews moved to suspend the rules and read the resolution by title only. Councilmember Bryant seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the resolution by title only. After a discussion, Councilmember Matthews moved to adopt the resolution and Councilmember Bryant seconded. The roll call count was 8 for and 0 against. The resolution was given #2010-1-2-R.

Councilmember Bryant made a motion that the Mayor and City Engineer, be and are hereby authorized to, negotiate, approve, and execute change orders that may become necessary or desirable in the best interests of the City of Batesville, in connection with the project for improvements and betterments to the City of Batesville Wastewater Collection System and Wastewater Treatment Facility in accordance with the Wastewater Facilities Plan and in consultation with and approval of, the Arkansas Natural Resources Commission and the engineering firm of record for the project, McGoodwin, Williams & Yates, provided however, that the Mayor and City Engineer shall keep the city council fully informed of any such change orders in a timely manner. Councilmember Insell seconded and all voted for.

E) CONSIDER A RESOLUTION TO REQUESTING THE ARKANSAS HIGHWAY & TRANSPORTATION DEPARTMENT CONDUCT A STUDY TO RE-LOCATE THE RAMSEY MOUNTAIN SECTION OF HIGHWAY 167, SOUTH OF BATESVILLE

Councilmember Bryant introduced a resolution requesting the Arkansas Highway

& Transportation Department conduct a study to re-locate the Ramsey Mountain section of Highway 167. Councilmember O'Neal moved to suspend the rules and read the resolution by title only. Councilmember Insell seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the resolution by title only.

Councilmember Bryant moved to adopt the resolution. Councilmember Insell seconded and the roll call count was 8 for and 0 against. The resolution was given #2010-1-3-R

F) CONSIDER A RESOLUTION TO PARTICIPATE IN THE TAPS PROGRAM

Councilmember O'Neal introduced a resolution authorizing the City to enter into a Interlocal Cooperation Agreement with Dawson Education Cooperative for participation in the TAPS cooperative purchasing program. Councilmember Matthews moved to suspend the rules and read the resolution by title only. Councilmember Insell seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the resolution by title only. Councilmember O'Neal moved to adopt the resolution and Councilmember Bryant seconded. The roll call count was 8 for and 0 against. The resolution was given #2010-1-4-R.

Mayor Elumbaugh said he has received a bid through the TAPS Program from Harold Hall Roofing, Inc. to repair the roof on the Municipal Building. The bid was \$48,595.00. Councilmember Matthews moved to accept the bid and Councilmember O'Neal seconded. All voted for.

G) CONSIDER A RESOLUTION FOR THE TAX BACK PROGRAM FOR FUTUREFUELS

Councilmember Bryant introduced a resolution to endorse FutureFuel Chemical

Corporation to participate in the Tax Back Program authorized by Section 15-4-2706(D) of the consolidated Incentive Act of 2003. Councilmember Shetron moved to suspend the rules and read the resolution by title only. Councilmember Insell seconded and the roll call count was 8 for and 0 against. Mr. Shetron read the resolution by title only. Councilmember Matthews moved to adopt the resolution and Councilmember Henley seconded. The roll call count was 8 for and 0 against. The resolution was given #2010-1-5-R.

H) CONSIDER A RESOLUTION TO SUBMIT AN APPLICATION TO THE AEDC ON BEHALF OF THE BATESVILLE COMMUNITY SCHOOL

Councilmember Insell introduced a resolution authorizing the Mayor to submit an application to the Arkansas Economic Development Commission for a Community Development Project for the Batesville Community School. Councilmember Bryant moved to suspend the rules and read the resolution by title only. Councilmember Henley seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the resolution by title only. Councilmember Shetron moved to adopt the resolution and Councilmember Bryant seconded. The roll call count was 8 for and 0 against. The resolution was given #2010-1-6-R.

I) CONSIDER AN ORDINANCE TO EXTEND THE TERMS OF CITY ALDERMAN TO A FOUR YEAR STAGGERED TERM

Councilmember Bryant introduced an ordinance referring to the citizens of Batesville the question of whether or not they wish to extend the term of city aldermen from a two year term to a four year staggered term. Councilmember Bryant moved to suspend the rules and read the ordinance by title only.

Councilmember Insell seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember Bryant moved to further suspend the rules and waive the second and third readings. Councilmember O'Neal seconded and the roll call count was 8 for and 0 against. After a discussion, Councilmember McDonald moved to adopt the ordinance and Councilmember Insell seconded. The roll call count was 8 for and 0 against. The ordinance was given #2010-1-1. Mr. Stalker read the emergency clause. Councilmember Bryant moved to adopt the emergency clause. Councilmember Insell seconded and the roll call count was 8 for and 0 against.

J) CONSIDER AN ORDINANCE TO WAIVE COMPETITIVE BIDDING ON CERTAIN ITEMS FOR 2010.

Councilmember McDonald introduced an ordinance waiving the requirements of competitive bidding during the calendar year of 2010 on the purchases of used equipment, motor fuel, SB-2, hot mix asphalt, cold mix asphalt, water treatment process chemicals, property insurance and employee health insurance.

Councilmember McDonald moved to suspend the rules and read the ordinance by title only and waive the second and third readings. Councilmember Insell seconded and the roll call count was 8 for and 0 against. Mr. Stalker read the ordinance by title only. Councilmember McDonald moved to adopt the ordinance and Councilmember Bryant seconded. The roll call count was 7 for and 1 (Shetron) abstained. The ordinance was given #2010-1-2. Mr. Stalker read the emergency clause. Councilmember Matthews moved to adopt the emergency clause and

Councilmember Insell seconded. The roll call count was 7 for and 1 (Shetron) abstained.

K) EXECUTIVE SESSION

Councilmember McDonald moved to go into executive session and Councilmember Insell seconded. All voted for.

Upon returning from executive session, Councilmember Insell moved to re-appoint Ms. Mayfan Thomas to the Historic District Commission and appoint Mr. Terry King and Ms. Gail Harley, also to the Historic District Commission.

Councilmember Krug seconded and all voted for. Ms. Thomas and Ms. Harley's terms will expire January 8, 2013. Mr. King is filling the unexpired term of Mr. Ron Beckman who terms expires January 8, 2012.

L) REVIEW THE DECEMBER 2009 PAID BILLS REPORT

The council review the December 2009 paid bills report.

MAYOR COMMENTS

Mayor Elumbaugh thanked Townsends for donating 100 storage boxes for the City Christmas decorations. He also thanked Flowers Bakery for donating 2 18 wheeler box trailers to store the decorations.

The Mayor said he was still interested in moving all the city shops to one location. He said since the city has sold the cemetery shop property, they will have to move soon. The Mayor said he would like a well thought out plan for consolidating all the shops and would like to hire an engineering firm to help in the design.

Councilmember Bryant said he talked to an engineer firm that said the cost for such services would be between \$2,500 and \$5,000. Councilmember Bryant moved to

authorize the Mayor to proceed to hire an engineering firm for a site study for the consolidation of the city shops.

Mayor Elumbaugh said the first phase on the City Parks and Recreation study by the University of Arkansas is underway. The Mayor, Councilmember McDonald Parks Director Randy Palmer and two parks commissioners traveled to Fayetteville to visit with the group who will be performing the study. There will be two town meetings for the study, January 26th and January 28th. The Mayor encouraged the citizens of Batesville to attend one of the meetings.

LIAISON REPORTS

None

COUNCIL COMMENTS

Councilmember Krug thanked everyone for their thoughts and prayers for the recent illness of his granddaughter Sophie Krug.

Councilmember Bryant recognized Utility Office Manager Nick Baxter for achieving his Bachelor's Degree from the University of Arkansas in Little Rock.

ADJOURNMENT

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

DENISE M. JOHNSTON, CITY CLERK

RICK ELUMBAUGH, MAYOR