

MINUTES OF COUNCIL
MAY 24, 2011

The Batesville City Council met in regular session on May 24, at 5:30 PM at the Municipal Building. Mayor Elumbaugh called the meeting to order. Councilmember Poole gave the invocation. Upon roll call, the following council answered present; Tommy Bryant, Margaret Henley, Davy Insell, Fred Krug, Douglas Matthews, Chris Poole, and David Shetron. Also present were the City Clerk and the City Attorney. Councilmember Hubbard was absent.

Councilmember Shetron moved to approve the minutes from the previous meeting. Councilmember Insell seconded and 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) CONSIDER SEWER HOOKUP OUTSIDE THE CITY LIMITS FOR THE NEW SHOOTING RANGE

City Engineer Damon Johnson addressed the council regarding a sewer hookup outside the City limits for the new Shooting Range. Mr. Johnson said sewer line ends right at the property and installing a sewer tap is not a problem.

Councilmember Shetron moved to grant the hookup and Councilmember Bryant seconded. All voted for.

B) CONSIDER A RESOLUTION TO CONDEMN PROPERTY LOCATED AT 181 SOUTH CENTRAL AVENUE

Councilmember Shetron introduced a resolution to condemn certain property located at 181 S. Central Avenue. Code Enforcement Officer Chad McClure addressed the council regarding the property. Mr. McClure said he had dealt with the property for several years. If condemned by the council the property owner will have 30 days to correct any and all deficiencies before the City will take any action to clean up the property. City Attorney Castleberry read the resolution in full. Councilmember Matthews moved to adopt the resolution and Councilmember Shetron seconded. The vote count was 7 for and 0 against. The resolution was given #2011-05-02-R.

C) DISCUSS AMENDING THE ORDINANCE PERTAINING TO DOING BUSINESS WITH CITY EMPLOYEES

City Attorney Lindsey Castleberry addressed the council regarding the City's ordinance pertaining to doing business with City employees and their family members. Currently the City's ordinance has a \$2,000.00 annual limit for "incidental" purchases. Councilmember Krug has ask Mr. Castleberry to look into the law see what the word "incidental" means and the possibility of raising or removing the dollar limit. Mr. Castleberry said he studied the law and sought advice from the Municipal League. He said the word "incidental" was not defined and should be removed from the ordinance but he said the law clearly states that a "cap" dollar amount must be defined. He also said that typically, when the words "family members" is used in law it refers to immediate family to first

cousins. After a discussion, the council asked Mr. Castleberry to see if the City could put a \$20,000 limit per occurrence for items that are not advertised for bids and no limit on purchases that are advertised for competitive bidding. Mr. Castleberry said he would check for the council and report back at the next meeting.

D) DISCUSS THE REPLACEMENT OF THE RESTROOM AND CONCESSION STAND AT THE NORTH COMPLEX DUE TO FIRE DAMAGE

Mayor Elumbaugh told the council he has been diligently working on the situation at the North Complex regarding the fire damaged restrooms and concession stand. He told the council the City received \$62,000.00 in insurance monies and to date has spent approximately \$28,700.00 which includes all new electrical wiring and a block building to house the wiring and a portable concession stand. Because of the size of the project, the City had to obtain an engineering firm and had hired ETC Engineering for the job. The Mayor said at first the engineers thought we could gut the current structure and remodel and add a couple of restroom stalls and a patio area but after further inspection, the 30 year old structure is not stable and will need to be torn down completely. The estimate for the remodel was between \$118,000.00 and \$136,000.00. The Mayor said he is waiting on a new estimate for constructing a new facility but has been told it should not be much more than the remodel estimate. He said that obviously, there was not enough money left from the insurance. He said he planned to ask the Quorum Court to redistribute \$40,000 of the Count Grant for the City to help with the construction and was looking at fund raising ideas as well as local

business and groups to help with the remaining funds. The council asked the Mayor to have the City crews go in tear down the rest of the building and clean it up. They also asked for some kind of temporary hand washing facility.

**E) CONSIDER AN ORDINANCE TO WAIVE COMPETITIVE BIDDING ON
AUTOMATIC READ METERS FOR THE UTILITY DEPARTMENT**

City Engineer Damon Johnson addressed the council regarding the proposed ordinance to waive competitive bidding on the automatic read meters for the Utility Department. Mr. Johnson said they are currently using Badger meters throughout the City and changing to another brand would create additional expenses in training, software and hardware. Councilmember Matthews introduced the ordinance. Councilmember Matthews moved to suspend the rules and read the ordinance by title only. Councilmember Bryant seconded and the vote count was 7 for 0 against. Mr. Castleberry read the ordinance by title only. After a discussion, Councilmember Matthews move to further suspend the rules and waive the second and third readings. Councilmember Bryant seconded and the vote count was 7 for and 0 against. Councilmember Bryant moved to adopt the ordinance and Councilmember Matthew seconded. The vote count was 7 for and 0 against. The ordinance was given #2011-05-04. Mr. Castleberry read the emergency clause. Councilmember Bryant moved to adopt the emergency clause and Councilmember Shetron seconded. The vote count was 7 for and 0 against.

F) REVIEW AND ACCEPT BID FOR EMPLOYEE UNIFORM SERVICE

Councilmember Krug asked to make a statement before the uniform bids were discussed. He said a local business that has 25 employees and a million dollar payroll put in a bid for the uniforms and apparently did not get the bid. Mr. Krug said he did not like the thought of the City sending \$25,000.00 to our neighboring county instead of keeping it in our City. City Engineer Damon Johnson said the City received 3 bids for the uniforms, Paramount out of Memphis, Home Town Mat out of Pleasant Plains and Nu-Way from Batesville. Mr. Johnson said there several issues with each bid and each company was contacted for clarification. He said when considering the bids, he did not consider where the company was located or number of employees but considered who met the specs best and the overall cost. He said Paramount was the highest quote. Home Town Mat quote was approximately \$30.00 less than Nu-Way's quote. He said the bid specs specifically said the quote should not have any add on costs such as fuel costs, maintenance fees, etc. The Nu-Way bid had one add on that according to his understanding, Mr. Johnson said could add as much as \$8,000.00 to the bid. The quote said "There is a buyout consisting of the un-depreciated value for any garments picked up due to premature termination of any employee for any reason". Mr. Krug said that Mr. Johnson misunderstood the meaning of the language and asked him if he asked for clarification. Mr. Johnson said he did not because he understands the language. Wastewater Treatment Plant Supervisor Eugene Townsley, who helped in the bid process, said once he heard there was an issue about the language, he called for clarification and he was told that because the uniforms were embroidered with the City of Batesville logo, they could not reuse the uniforms. Therefore, if an

employee terminates before the contract is up, the City would have to pay the un-depreciated value of the garment. Mr. Johnson said he forgot that the bids needed to be approved through the council and he had instructed Mr. Townsley to contact the bidders and tell them that Home Town Mat was the low bidder. He said he did not care who got the bid, that it was the council's decision to make. After further discussion, Councilmember Shetron moved to accept the low bid from Home Town Mat and Councilmember Matthews seconded. The vote count was 3 for (Shetron, Poole and Matthews) and 4 against (Bryant, Henley, Insell and Krug). The motion failed. Councilmember Bryant moved to reject all bids and go out for bids again. Councilmember Insell seconded and the roll call count for 4 for (Poole, Insell, Henley and Bryant) and 3 against (Krug, Shetron and Matthews). The motion carried.

G) ENGINEER'S REPORT

City Engineer Damon Johnson addressed the council with his engineer's report. First, Mr. Johnson asked for out of state travel approval for our new Safety Director Chris Cash to attend a Hazmat School in Houston, TX. Mr. Johnson said once Mr. Cash completes the school, he will be able to do Hazmat training. Councilmember Shetron moved to approve the out of state travel and Councilmember Bryant seconded. All voted for.

Mr. Johnson said again, the City crews were doing pre-flood preparations. The expected crest is 19 feet which not significant but will be a pretty good mess in the parks. Street crews have been working on a drainage problem on Equity Court and Utility Construction is working diligently to complete the DHS sewer

line. Water Treatment Plant is battling lightning strikes through all the storms and the Wastewater Treatment Plant will probably not make permit again due to the rain. Mr. Johnson said regarding the bid process for the second phase of the Wastewater Treatment Plant upgrade, they have received several requests by contractors and sub-contractors to extend the due date of June 14th. He said they are discussing the request with ANRC and believes they will extend the date in order to receive more bids.

H) EXECUTIVE SESSION

Councilmember Shetron moved to go into executive session. Councilmember Insell seconded and all voted for.

Upon returning from executive session, Councilmember Krug moved to re-appoint Dr. Chris Beller to the Parks and Recreation Commission.

Councilmember Insell seconded and all voted for. Dr. Beller's term will expire May 10, 2016.

Councilmember Shetron moved to re-appoint Mr. Bud Kerr to the Housing Authority Board. Councilmember Bryant seconded and all voted for. Mr. Kerr's term will expire May 27, 2016.

I) REVIEW APRIL, 2011 FINANCIALS

The council was given a copy of the April 30, 2011 financial statements for review.

MAYOR COMMENTS

Mayor Elumbaugh told the council that the employee health insurance rates were going to increase 10% as of July 1st. City Clerk Johnston gave the council the increase

amounts and a recommendation as to the amount the employee should pay for dependent coverage. She told the council the payroll deductions for health insurance is held out in advance so she will need to start any additional deduction by June for the July premium. The council said they would like to study the figures further. Ms. Johnston said she would email the council the information and they agreed to call a special next week if an increase to the employee is imposed.

LIAISON REPORTS

None

COUNCIL COMMENTS

None

ADJOURNMENT

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

RICK ELUMBAUGH, MAYOR

DENISE M. JOHNSTON, CITY CLERK