

CITY OF CHEROKEE VILLAGE, ARKANSAS

City Council Minutes

September 16, 2004

The monthly meeting was called to order at 700 PM Thursday, September 16, 2004 by Mayor Ray Maynard. The meeting was held at City Hall. The Pledge of Allegiance was recited, and the roll was called.

ROLL CALL:

Answer Roll Call: Chuck Bartlett, Jim Fenton, Lew Hagerman, Scott Paul, Wally Schultz, Russ Stokes and Ray Torbit.

Also Present: Joan Romans, Secretary Pro-tem

Absent: Tom Thompson, Susan Maynard, City Clerk/Treasurer and R. T. Starcken
City Attorney

MINUTES: Motion to approve the August 19, 2004 minutes as presented was made by Mr. Bartlett and seconded by Mr. Hagerman. With a voice vote of seven ayes, 0 nays, motion carried unanimously.

TREASURER'S REPORT: The treasurer's report was in the packet provided to the council. Mayor Maynard answered questions from Mr. Torbit about the outstanding check report. Motion to accept the August financial report was made by Mr. Fenton and seconded by Mr. Torbit. With a voice vote of seven ayes, 0 nays, motion carried unanimously. Reports will be filed for audit.

CORRESPONDENCE: None

REPORTS:

Homeland Security: Bill Racette reported that they conducted a successful disaster exercise in the Town Center on September 9th. The CVPD and CVFD participated helping with traffic and rescue. The observers reported good communication during the exercise. They will be having another sign up for people who are interested in working with this program.

Municipal Planning & Development: Mr. Fenton stated the committee had not met since the last Council Meeting

Planning and Zoning: In packet

Police Department: In packet

Roads:

Mayor Maynard reported they had an engine go out on one of the graders, but they were fortunate they had a second grader which allowed them to keep going. The engine has since been repaired. Mr. Stokes related that a real estate agent had commented to him that the street repairs were better than they had ever been.

UNFINISHED BUSINESS:

School Resource Officer: Mayor Maynard reported that he had talked with Sheriff Weaver, and he has not heard back on the grant for a school resource officer.

Building Paint & Repair: Mayor Maynard reported that D&D is working on painting the outside of City Hall. They have had to repair some of the wood on the walls and some roof leaks. The project should be finished next week.

Highland Sewer Franchise Ordinance 2nd and 3rd Readings: Mayor Maynard stated that due to the timeliness of the Highland Sewer Project there was a need to have both the second and third readings tonight. Mr. Bartlett asked if there should be an emergency clause in the Ordinance. Mayor Maynard explained that it didn't have to be an emergency; an emergency clause allows an ordinance to be effective immediately, but if we have both readings tonight it would not be effective for 30 days. Highland just needs to show that the Cherokee Village Council has passed the ordinance before they can begin the project. Mayor Maynard asked Mrs. Romans to read the second reading of **An Ordinance Giving The City Of Highland, AR A Franchise To Install And Maintain A Sewer Collection And Treatment System In Certain Areas Of The City Of Cherokee Village, AR.** Mr. Torbit made a motion to accept the Ordinance. Mr. Bartlett seconded the motion. Discussion. Mr. Bartlett asked if the City of Highland sewer system would go all the way to the Ash Flat City limits. Mayor Maynard stated that is the intent. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; and Ray Torbit, yes. With a vote of seven ayes, 0 nays, motion carried.

Mr. Bartlett made a motion to suspend the rules and place the ordinance on its third reading. Mr. Torbit seconded the motion. Discussion. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; and Ray Torbit, yes. With a vote of seven ayes, 0 nays, motion carried. Mayor Maynard asked Mrs. Romans to read the third reading of the Ordinance, title only. Mrs. Romans read the Ordinance, title only. Discussion. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; and Ray Torbit, yes. With a vote of seven ayes, 0 nays, motion carried. Having been read three times, this Ordinance is declared passed. It will be **Ordinance 2004-11.**

NEW BUSINESS:

Retaining Wall Bid: Mayor Maynard presented a bid from Sean Himschoot to build a retaining wall south of the City Maintenance Shop. Mr. Stokes made a motion to accept the bid to build the retaining wall. Mr. Fenton seconded. Discussion. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, no; Wally Schultz, yes; Russ Stokes, yes; and Ray Torbit, yes. With a vote of six ayes, 1 nay, motion carried.

Mayor Maynard stated the City is advertising property for sale next to the City Maintenance Building. He has been told that the property would bring between \$5,000 and \$7,000 per acre. He has asked an architect, Mr. Lawrence Bronson, his ideas as to how it should be laid out. Mayor Maynard asked the Council to look at this project and give him their thoughts on what we

should do with the land, how much we should ask for it, etc. There will be approximately 15 acres total. Mr. Torbit and Mayor Maynard said we should probably put in some type of temporary roadway so that prospective buyers could get into the property to look at it. Mayor Maynard said that could be a project for the Street Dept. when they slow down during the winter months. Mr. Schultz commented that we should try to sell the entire property before we cut it up into sections to sell.

Mayor Maynard presented a proposal from the Master Gardners and Rob Smith, Tri-County Farm and Ranch Supply, to landscape the median between the City Hall and the lower parking lot. He stated that we are trying to get the city building and grounds looking good for the 50th anniversary program next year. Mayor Maynard stated this was about a \$3,000 project and asked the council their thoughts on it. Mr. Bartlett made a motion to go with the project. Mr. Stokes seconded. With a voice vote of five ayes and 2 nays, motion carried. Mr. Hagerman questioned who would be doing the maintenance and how much it would cost to maintain the landscaping. He noted that although some of the plants were low maintenance there would still have to be quite a bit of maintenance to keep it looking nice. Mr. Stokes stated that Master Gardeners are required to put in 40 hours a year to maintain their work. After discussing the maintenance situation, several of the council members seemed to think we should not do the project without knowing the cost to maintain it. Mayor Maynard asked for another motion to do the project. Mr. Bartlett made a motion to do the landscaping project. Mr. Stokes seconded. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, no; Scott Paul, no; Wally Schultz, no; Russ Stokes, yes; and Ray Torbit, no. With a vote of three ayes and four nays motion failed. Mr. Schultz then made a motion to accept the proposal in principle but provide a plan of how it's going to be maintained. Mr. Paul seconded. Discussion. Mayor Maynard is to get a quote on continued maintenance. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; and Ray Torbit, yes. With a vote of seven ayes, 0 nays, motion carried.

Mayor Maynard presented a proposal from SID for the City to take over the Fire Department. He stated there had been concerns on the cost to provide retirement benefits to the Fire Department based on an analysis presented by L.O.P.F.I. (approx. \$70,000). However, if the Fire Department becomes a part of the City that amount would only be \$12,500 a year, which also includes the CVPD. Mr. Bartlett asked how many paid employees were in the Fire Department. Mayor Maynard stated there were 13. Mr. Fenton commented that the current employees would have to have five years of service before they would be eligible for retirement. Mayor Maynard noted that the actuarial evaluation was done last November and that it was only good for one year. Mr. Torbit made a motion to delay the discussion of the Fire Department until the October Council meeting in order to put it on the agenda so the public would know it was going to be discussed. Discussion - Mr. Bartlett asked if the Fire Department Committee had any input on the proposal. Mayor Maynard said the Committee had met on September 10th and discussed the proposal. The committee members are Bill Racette, Scott Paul, Tom Paul, and Mayor Maynard. Mayor Maynard ask for a notice to be put in the Update from City Hall column in the Villager Journal stating that documents regarding the Fire Department becoming a part of the City are available at the City Hall for anyone to pick up and review prior to the next council meeting. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim

Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; and Ray Torbit, yes. With a vote of seven ayes, 0 nays, motion carried.

Mr. Bartlett asked Mayor Maynard if he could tell us anything about Iroquois Dr. being over-laid, and are they going to widen it. Mayor Maynard stated that the State plans to start on Monday, September 20th at the intersection of Cherokee Rd. and Iroquois Dr. and overlay all the way to the "Y" at the South Entrance. There are no plans to widen the street. Mr. Bartlett asked if the State could pave approximately 200 feet of the streets intersecting into Iroquois. Mayor Maynard stated that he had counted the number of intersections, there are 26, and it would cost the City in excess of \$100,000 to have it done.

Mr. Bartlett asked if anything was going to be done with the two low-water bridges on Iroquois in the Town Center. Mayor Maynard stated the State has authorized an engineering study to be done, but he has not heard when.

Mr. Bartlett stated that it bothered him that we ask residents to purchase pet licenses, but we don't have any animal control. He stated that the 2005 budget should provide for an animal control officer and housing for animals.

Mr. Torbit stated that on September 2, 2004 he submitted a concern he had regarding guard rails on the Sequoyah Dam to be put on the council agenda. He made a motion requesting the Cherokee Village Road Committee investigate a state approved design and cost estimate to install guard rails adjacent to the roadway across Sequoyah Dam and include a protected walking path adjacent to the road across the dam. Mr. Schultz seconded. Mayor Maynard stated that the Road Committee wasn't qualified to make such a study that it would require an engineer. Discussion. Mayor Maynard asked for a roll call vote. Mrs. Romans called the roll. Chuck Bartlett, yes; Jim Fenton, yes; Lew Hagerman, yes; Scott Paul, yes; Wally Schultz, yes; Russ Stokes, yes; and Ray Torbit, yes. With a vote of seven ayes, 0 nays, motion carried.

Mr. Hagerman stated he heard the Sr. Center is in trouble financially. Mayor Maynard stated that each center is required to collect a certain amount of money each year (around a \$1,000) through fund raisers. He said they may not have collected those funds yet but otherwise they are not in financial trouble.

Mr. Hagerman had minutes from the July 12th Planning & Zoning meeting stating that ordinance changes would be presented to the City Council for approval. He asked that the Council be given information to review before their Meeting.

Bill Racette commented that he would like to clarify information about the Fire Department. He stated the Fire Department is fully dedicated to protecting the residents of Cherokee Village. They work very hard with HAZMAT and support the ambulance service. They are professionals and are not only fire fighters but work on the equipment to keep it operable; they do all jobs, weld, mechanic, paint and do maintenance on the buildings. They received a cost of living increase but the cost of their insurance actually caused a decrease in their net income. They continue to train in order to do their jobs.

It was noted that the Fire Department Committee had put in a lot of hours on this issue and the State requires cities to provide fire protection. Mr. Hagerman stated he thinks there should be a Town Hall meeting or an open forum before voting on the City's taking on the responsibility of the Fire Department.

ANNOUNCEMENTS:

Saturday, September 18, 7:00 PM - "Lets Dance," Rick Lane & his Ridge Riders, Cherokee Lodge

Sunday, September 19, 10:00 AM - Sundown; RC Fun Fly, Spring River Model Field, next to IESI

Wednesday, September 22, 7:00 PM - Keep CV Beautiful meeting, Cherokee Lodge, Speaker, Jack Singleton, State Coordinator

Thursday, September 23, 6:00 PM - CV Historical Society, "Sharing the Dream," Copper Feather

Tuesday, September 28, 1:00 PM - Computer Club, Cherokee Lodge

Monday, October 4, 1:00 PM - Planning & Zoning Commission, City Hall

Wednesday, October 6, 3:00 PM - Road Committee, City Hall

Monday, October 11, 6:00 PM - Sharp Co. Quorum Court, Ash Flat Courthouse

Monday, October 11, 7:00 PM; Fulton Co. Quorum Court, Salem Courthouse

Tuesday October 5, 4:00 PM; Municipal Planning & Development Committee, City Hall

Thursday, October 14, 9:00 AM; District Court, City Hall

Tuesday, October 12, 6:00 PM; Cancer Support Group, City Hall

Thursday, October 21, 7:00 PM; City Council meeting, City Hall

Cherokee Lodge (Senior Citizens Center) open Monday through Friday,
9 - 2, unless otherwise noted; lunch at 11:30 AM

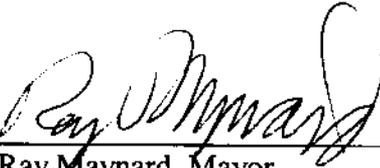
Re-cycling open every Tuesday 8:00 - 11:00 AM, weather permitting, City Hall Parking Lot

ADJOURNMENT:

Motioned to adjourn was made by Mr. Bartlett and seconded by Mr. Paul. With a voice vote of seven ayes, 0 nays, motion carried unanimously. Meeting adjourned at 8:50 PM.

DATE: October 21, 2004

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer