

**CITY OF GASSVILLE, ARKANSAS**  
**MINUTES FOR THE REGULAR CITY COUNCIL MEETING**  
**JULY 21, 2015**

A regular meeting of the City Council of the City of Gassville, Arkansas was held on Tuesday, July 21, 2015 at the Gassville Community Center. The meeting was called to order at 6:00 PM by Mayor Jeff Braim, Presiding Officer. The Mayor led those in attendance in saying the pledge of allegiance to the flag and in offering a word of prayer.

Upon the calling of the roll, those in attendance were Alderman Kayla Holland, Alderman Tim McFarland, Alderman Anita Seaman, Alderman Naomi Lassen, Alderman Rick Peglar, Mayor Jeff Braim, and Recorder-Treasurer Jeff Lewis. Alderman Ralph Bird was absent. Department Heads in attendance were Police Chief Tim Mayfield, Fire Chief Bill Johnson, and Water and Street Superintendent Tony Flippin.

The minutes from the June 23, 2015 council meeting were submitted for approval. Alderman Lassen moved to approve the minutes, with a second from Alderman Seaman. There were no additions or corrections asked for. Mayor Braim then called for a vote to approve the minutes. Alderman Holland, Alderman McFarland, Alderman Seaman, Alderman Lassen, and Alderman Peglar, voted for the motion. There were no nays, and the Mayor declared the motion carried.

The financial statement for the month of June, 2015 was submitted for approval. Alderman Peglar moved to approve the financial statement as presented. This motion was seconded by Alderman McFarland. Alderman Peglar asked for clarification of some of the accounts shown on the re-cap sheet for all fund balances (page 1) and for clarification on miscellaneous income on page 6 of the report. After clarifications were provided by the Mayor, the Mayor called for the vote. Alderman Holland, Alderman McFarland, Alderman Seaman, Alderman Lassen, and Alderman Peglar voted for the motion. There were no nays, and the Mayor declared the motion carried and the financial report to be approved.

Mayor Braim informed the council that he will be asking for appropriations for two items, one pertaining to the court clerk's salary and the second pertaining to the police department. The Mayor called council's attention to page 1 of the financial report, specifically to the Court Fee Collection Fund, which indicated a balance on June 30, 2015 of \$820.68. Monies from this fund have been used for many months to pay for a portion of the court clerk's salary to the tune of \$405.00 per month. This monthly expenditure was made pursuant to an order issued in February, 2014 by District Judge Van Gearhart, who has control over monies in the Court Fee Collection Fund. These monies are derived from fees imposed in criminal cases in District Court. Since the

balance in this fund has dwindled to \$820.68, it appears at present that this fund can no longer sustain the \$405.00 per month expenditure toward the court clerk's salary. The Mayor proposed decreasing, at least for the time being, the draw on the Court Fee Collection Fund from \$405.00 per month to \$200.00 per month, with the city making an appropriation from general fund revenues of \$205.00 per month to make up the difference. This would amount to \$1,230.00 additional from the general fund for the remainder of 2015.

Alderman Holland questioned why council was now being asked to supplement the court clerk's salary from general fund revenues when council had previously been informed that monies coming into the Court Fee Collection Fund from fees would be sufficient to sustain the increase made to the court clerk's salary. Police Chief Mayfield stated that fee collection was down because many defendants have not been making their monthly payments. Alderman Peglar suggested that enhanced efforts should be undertaken to enforce collection of fines and fees, as non-payment would be a contempt of the court. The Chief replied that arrest warrants are routinely issued for non-payment of fines, but as some defendants frequently move and change addresses then service of those warrants become problematic.

Recorder-Treasurer Lewis pointed out that the court clerk's wages and rate of pay are set by city ordinance. Therefore, either sufficient appropriations will have to be made from some other available source, or the ordinance would have to be amended to reflect a decrease or change in rate of pay for the position. The City Council declined to take any action on the matter at this time.

Police Chief Mayfield gave the police department report for the month of June, 2015. He asked that the monetary bequest the police department received from the estate of Pat Jackson, which he spoke about last month, be used to make an additional payment toward the principal balance on the new 2015 Dodge Charger police vehicle. Alderman Holland moved to authorize the request as stated by the Chief of Police. The motion was seconded by Alderman Peglar. Without discussion, Mayor Braim called for the vote. Alderman Holland, Alderman McFarland, Alderman Seaman, Alderman Lassen, and Alderman Peglar voted for the motion. There were no nays. The Mayor declared the motion carried.



Continuing with the police department report, Chief Mayfield indicated there had been another rash of vehicle break-ins in the city. The police have already come up with suspects in those cases and are working to resolve them. The Chief continued by reporting that the Arkansas Highway Safety Office has informed him that the police department will be awarded a grant for the purpose of installing computers in the patrol cars for the e-ticket and e-crash programs. \$13,800 had been applied for, but the city will not learn until August 1<sup>st</sup> of the amount of grant that it will receive.

Fire Chief Johnson gave the fire department report for the month of June, 2015. It was accepted into the record without objection.

The Mayor gave the building inspection report for the period of June 16<sup>th</sup> through July 15<sup>th</sup>. It was accepted into the record without comment or objection.

Alderman Peglar gave a report from the Joint Cotter-Gassville Sewer Commission. He reported the commission did not meet in July as scheduled. He advised that sometime in mid-August smoke testing on the collection system will be conducted in Cotter. The August meeting will need to be pushed back until after this testing has been completed. Alderman Peglar also informed council that the City of Mountain Home had brought its vacuum truck to the treatment plant facility in order to pump out the old aeration basins. Afterwards, Superintendent Flippin used a jack hammer to cut holes in the bottom of the old basins so the facility's own pumps will be able to keep them drained. The Mayor indicated that Mountain Home had requested the use of our own camera today, so the favor has been returned.

There was no unfinished business.

Under new business, discussion was initiated regarding the city's fireworks ordinance, which is Ordinance No. 98-04. Vern Mlejnek appeared before the council to voice his concerns over fireworks continuing to be permitted to be discharged in the city. Mr. Mlejnek was recognized and came to the podium. He informed council that flaming fireworks landed on his roof this year over the Fourth of July holiday, and that he had to put the fire out. He informed council that he did not believe that the city should continue to allow fireworks to be set off or discharged in the city limits. He pointed out that there are several organized fireworks shows in the area that the public can attend and sees no reason to continue allowing citizens to shoot fireworks in the city. He believes it is a public safety issue with potential for considerable property damage should a structure catch on fire because of fireworks.

Alderman Holland stated she believes the public should be allowed to discharge fireworks in the city as part of the celebration of the holiday. Alderman Peglar also spoke in favor of the public being allowed to shoot fireworks in the city, however he thought the existing ordinance might perhaps need to be strengthened to protect the private property rights of others. He stated that members of the public should call the police if they wish to make a complaint concerning fireworks being discharged outside the scope of the ordinance. Alderman Seaman stated that citizens should respect their neighbors' property when shooting fireworks and did not think it was a good idea to shoot fireworks in neighborhoods where the homes were close together as it was unsafe. She added it would be difficult for the police to identify the persons responsible after the fact.

Alderman Holland added that she believes extra officers should be put on duty on July 4<sup>th</sup> to better enforce the provisions of Ordinance No. 98-04. These include fireworks being discharged only on a person's own property, prohibiting fireworks from being discharged on any city-owned property, and permitting them only within specific days and hours. Police Chief Mayfield stated his officers did not receive any complaint calls concerning the discharge of fireworks over the holiday. Mr. Mlejnek told council he had called the 911 Center in Mountain Home to complain about the fireworks being shot by his neighbors landing on his house, but he was told that it was permissible to discharge fireworks in Gassville and they would not dispatch an officer to investigate. The Chief was not aware of that call being made and added it was not the place of the dispatcher to make those decisions, only to take the information on the complaint and relay it to the officers.

There was additional discussion concerning the fireworks issue. Mr. Mlejnek asked if the council would be persuaded to consider prohibiting fireworks if he were to get a petition signed by a majority of Gassville residents. Council members indicated they would certainly consider such a petition carefully were one presented, but at present council was not inclined to make any changes.

The next item for consideration was the street overlay project for 2015. Superintendent Flippin recommended overlay work be done on the following streets:

Sunchase Ct.  
Woodgate Dr.  
Sagewood Ct.  
Azalie Ct.  
Magness Dr.  
Jeffery Ct.



The first four streets are in Mountain View Estates. They are approximately 10 years old and are in need of repair. The last two streets are in Arkansas Estates and are approximately 15 years old. Overlay work was done on several streets in Arkansas Estates last year. The estimated cost of overlay and milling work on these streets is \$72,475.00. This is based on the 2014 bid of \$65 per ton for hot mix. There is only \$50,000.00 currently appropriated in the street department budget for paving work. The Mayor asked council to appropriate an additional \$25,000.00 to the street department budget for paving and milling work. This work would be performed in late September or in October.

After discussion, council decided to first obtain bids before making any additional appropriations. Alderman Peglar moved to authorize the Mayor to advertise for bids for street paving using the same method as last year. This motion was seconded by Alderman Seaman. The Mayor called for the vote. Alderman Holland, Alderman McFarland, Alderman Seaman, Alderman Lassen, and Alderman Peglar voted for the motion. There were no nays, and the Mayor declared the motion carried.

Following this vote, the Mayor informed council that the State Aid Street Committee announced in a workshop at the Arkansas Municipal League Convention last month that all 2015 money had been spent. In 2016, the committee will start considering overlay project requests from cities that had already received funding in prior years, but those cities would have to justify the need. In addition, there are still some cities that have not applied for or received any state aid street funds. Should those cities apply for 2016 funds, they will receive priority consideration. The committee will meet later this year to determine how much to spend on new construction projects, such as Gassville's S. School Street project. The committee will likely place a cap on the amount of funding it will approve for any single project.

Finally under new business the council discussed a master city water plan. The council previously held a workshop on this issue. The Mayor stated that the Arkansas Rural Water Association advised that the services of an engineer would have to be sought for this project. The engineer would assist in creating the master plan. The Mayor will also need to meet with the Mayors of Mountain Home and Cotter to agree upon official boundaries for their respective water systems. The Mayor also had met with Diana Lacefield. She expressed her desire for all of her property to be serviced by the Gassville Water System including that which is not inside the Gassville city limits. Council approval would be needed to adopt any system boundaries recommended by the Mayors in question.

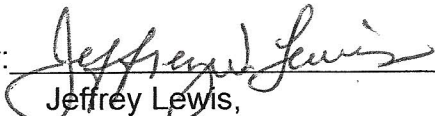
The Mayor asked council for a motion to advertise for the services of an engineer who would have to meet certain criteria and guidelines. Alderman Peglar moved that the Mayor advertise for an engineer for the project who could meet the specific RFQs (Request for Qualifications) that the Mayor had read aloud. This motion was seconded by Alderman McFarland. Upon the Mayor's calling for the vote, Alderman Holland, Alderman McFarland, Alderman Seaman, Alderman Lassen, and Alderman Peglar voted for the motion. There were no nays, and the Mayor declared the motion carried.

The Mayor updated council on several matters.

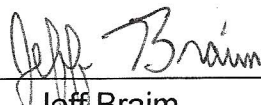
1. The Mayor reported he had submitted grant closeout documents to the Arkansas Department of Rural Services on the Lancaster Park project.
2. Repairs have been completed on the 2009 Dodge Charger police car.
3. The Mayor, Alderman Bird, Alderman Lassen, and Alderman Seaman attended the Arkansas Municipal League summer conference last month.
4. The Mayor received a letter from USDA asking for more items on the sewer system expansion project. Engineer Ken Cotter is working on providing those.
5. The Mayor presented plaques of appreciation to Police Chief Tim Mayfield and Fire Chief Bill Johnson. Both of them serve on public safety advisory committees of the Arkansas Municipal League. The League made these awards at its convention last month, however neither Chief Mayfield nor Chief Johnson were in attendance. The plaques were styled the "Adrian White Municipal Leadership Award", given for six (6) years of service on the committee. Adrian White was a former Mayor of the City of Pocahontas.

There was no further business to come before the council, and the meeting was adjourned at 7:55 PM upon motion of Alderman Peglar, seconded by Alderman Holland, with all members voting in favor.

Submitted by:

  
Jeffrey Lewis,  
Recorder-Treasurer

Approved by:

  
Jeff Braim,  
Mayor