

**MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL
OF THE TOWN OF HIGHFILL, BENTON COUNTY, ARKANSAS**

HELD ON THURSDAY, JULY 16, 2009

The Town Council of the Town of Highfill, Benton County, Arkansas, met in regular session at the Highfill Community Building, Thursday, July 16, 2009 at 6:30 p.m.

Mayor Chris Holland called the Town Council meeting to order.

Attendance Roll Call:

The following were present: Mayor Chris Holland, Recorder-Treasurer Stacy Digby, and Aldermen: Toby Lester, Richard Boles, Keven Varner, James "Butch" Wiand and Sandy Evans. The city's attorney Steve Miller was present. See attendance sheet for others attending.

The minutes of the regular meeting of the Town Council dated June 16, 2009 were presented. The Mayor asked if there was any discussion. Alderman James Wiand made a motion to waive the reading and accept the minutes for that meeting in their present form. Alderman Richard Boles seconded the motion. Lester, Boles, Varner, Wiand and Evans voted yes. There were no votes in opposition. Motion carried.

Review of Department and Commission Reports

Written reports were submitted by the following persons for the following departments and commissions, and copies of each are attached:

<u>Department / Commission</u>	<u>Report Submitted By</u>
Street and Maintenance Department Report	Kently Insko
Fire Department Report	Chief Jeremy Jackson
Police Department Report	Chief Jack Sanders
Parks Commission Report	NONE SUBMITTED
Water & Wastewater Report	Frank Holzkamper
Building Inspection /Code Enforcement Report	Rob Holland

Alderman Varner asked what the letter codes meant on the police report. Chief Sanders gave him a summary of the codes. Alderman Evans and Varner asked about road work. Mayor Holland updated them and told them the Benton County Road Department was giving the city red dirt for the new town hall in exchange for some topsoil.

Open Hearing

The Mayor opened the floor to the public. Alderman Toby Lester asked about the mowing of Silver Meadows and there was a discussion regarding the status of the Silver Meadows development and some of the other problem maintenance areas in the Town. Mayor Holland said that the sewer going to Silver Meadows was complete, but did not know the status of other things at the subdivision. He thought they were close to starting. Frank Holzkamper added that the owner had resubmitted to the health department for approval of water and sewer. Mayor Holland said that Holland Hills Subdivision and the tire shop east of the airport needed to be cleaned up too. He added that several towns are having trouble with this at this time. There was no public comment. The Mayor then declared the open hearing closed.

Old Business

The first item of business was an Ordinance to establish maximum speed limits on Peterson Road, Digby Road and Hendrix Road within the corporate limits of the Town of Highfill. A motion was made by Alderman Keven Varner to suspend and dispense with the rule requiring the reading of an ordinance, in full, on three different days and read said Ordinance by title only, and the motion was seconded by Alderman Richard Boles. Lester, Boles, Varner, Wiand and

Evans voted in favor of the motion. There were no votes in opposition. The Mayor declared that at least two-thirds of the members of the council voted in favor of the motion and an ordinance entitled:

“AN ORDINANCE ESTABLISHING MAXIMUM SPEED LIMITS ON PETERSON ROAD, DIGBY ROAD AND HENDRIX ROAD WITHIN THE CORPORATE LIMITS OF THE TOWN OF HIGHFILL; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND OTHER MATTERS PERTAINING THERETO.”

was read by title only.

Next, a motion was made by Alderman Keven Varner to adopt said ordinance and the motion was seconded by Alderman James Wiand. Lester, Boles, Varner, Wiand and Evans voted in favor of the motion. There were no votes in opposition. The motion carried. The Mayor then noted that the Ordinance contained an emergency clause. A motion was made by Alderman Keven Varner and seconded by Alderman James Wiand to approve the emergency clause of the Ordinance. Lester, Boles, Varner, Wiand and Evans voted yes and there were no votes in opposition. Motion carried. The Mayor then declared the Ordinance adopted and signed the Ordinance, which was later attested by the Town Recorder and sealed with the seal of the Town. The Ordinance was given No. 2009-12.

The Mayor opened the floor for a public hearing on the Application submitted by Matthew and Christina White to abandon the platted alleys located in Blocks 4, 5, 6 and 7 and to close a portion of South Second Street and a portion of Augusta Street, all shown on the Plat of Highfill, Benton County, Arkansas. Alderman Varner asked if these had already been closed. Attorney Miller explained that it was noted in previous minutes, from several years ago, that the council wanted to close the streets and platted alleys. However, the statutory procedure for doing so had not been complied with and nothing was filed with the county, so it was not properly closed. There was no comment from the public. The Mayor then declared the public hearing closed.

New Business

The first item of new business was an Ordinance for abandonment of the platted alleys in Blocks 4, 5, 6 and 7 and portions of South Second Street and Augusta Street right of ways, all shown on the Plat of the Highfill, Benton County, Arkansas, owned by Matthew and Christina White. A motion was made by Alderman Keven Varner to suspend and dispense with the rule requiring the reading of an ordinance, in full, on three different days and read said Ordinance by title only, and the motion was seconded by Alderman Toby Lester. Lester, Boles, Varner and Wiand voted in favor of the motion. Evans voted no. The Mayor declared that at least two-thirds of the members of the council voted in favor of the motion and an ordinance entitled:

“AN ORDINANCE ABANDONING: (A)THE 20 FOOT WIDE PLATTED ALLEY RUNNING NORTH AND SOUTH ACROSS BLOCK 4 LOCATED WEST OF LOTS 1 THROUGH 14 AND EAST OF LOTS 15 THROUGH 18 AND 19; (B) THE 20 FOOT WIDE PLATTED ALLEY RUNNING EAST AND WEST HALFWAY ACROSS BLOCK 4 FROM AUGUSTA STREET TO THE ALLEY RUNNING NORTH AND SOUTH ACROSS BLOCK 4, AND LOCATED NORTH OF LOT 18 AND SOUTH OF LOTS 19 THROUGH 23; (C) THE 20 FOOT WIDE PLATTED ALLEY RUNNING EAST AND WEST ACROSS BLOCK 5 AND LOCATED NORTH OF LOTS 13 AND 20 AND SOUTH OF LOTS 1 THROUGH 12; (D) THE 20 FOOT WIDE PLATTED ALLEY RUNNING NORTH AND SOUTH HALFWAY ACROSS BLOCK 5 FROM SOUTH SECOND STREET TO THE ALLEY RUNNING EAST AND WEST ACROSS BLOCK 5, AND LOCATED WEST OF LOTS 13 THROUGH 16 AND EAST OF LOTS 17 THROUGH 20; (E) THE 20 FOOT WIDE PLATTED ALLEY RUNNING NORTH AND SOUTH ACROSS BLOCK 6 LOCATED WEST OF LOTS 1 THROUGH 7 AND EAST OF LOTS 8 THROUGH 14; (F) THE 20 FOOT WIDE PLATTED ALLEY RUNNING NORTH AND SOUTH ACROSS BLOCK 7 LOCATED WEST OF LOTS 1 THROUGH 14 AND EAST OF LOTS 15 THROUGH 21; (G) THE PORTION OF SOUTH SECOND STREET LOCATED SOUTH OF BLOCKS 4 AND 5, AND RUNNING EAST AND WEST BEGINNING AT SOUTH MAIN STREET AND ENDING AT THE WEST END OF THE PLAT OF HIGHFILL; AND (H) THE PORTION OF AUGUSTA STREET LOCATED BETWEEN BLOCKS 4 AND 5 AND BETWEEN BLOCKS 6 AND 7, AND RUNNING NORTH AND SOUTH BEGINNING AT SOUTH FIRST STREET (OR ARKANSAS HIGHWAY 12) AND ENDING AT SOUTH THIRD STREET; ALL SHOWN ON THE PLAT OF HIGHFILL, BENTON COUNTY, ARKANSAS; REPEALING ALL

ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.”

was read by title only.

Next, a motion was made by Alderman Keven Varner to adopt said ordinance and the motion was seconded by Alderman Toby Lester. Lester, Boles, Varner, Wiand and Evans voted in favor of the motion. There were no votes in opposition. The motion carried. The Mayor then declared the Ordinance adopted and signed the Ordinance, which was later attested by the Town Recorder and sealed with the seal of the Town. The Ordinance was given No. 2009-13.

The next item on the agenda was an Ordinance to amend Ordinance No. 1004-15, as amended by Ordinances Nos. 2004-29, 2007-21, and 2008-09, revising and fixing water rates and prescribing other matters related thereto. Alderman Varner asked if the new rates were already on his current bill. Varner also thought that the increase was not justified by expenses. Frank Holzkamper said that a note was coming due, so the increase would be needed to cover additional expense. A motion was made by Alderman James Wiand to suspend and dispense with the rule requiring the reading of an ordinance, in full, on three different days and read said Ordinance by title only, and the motion was seconded by Alderman Keven Varner. Lester, Boles, Varner, and Wiand voted in favor of the motion. Evans voted no. The Mayor declared that at least two-thirds of the members of the council voted in favor of the motion and an ordinance entitled:

“AN ORDINANCE AMENDING ORDINANCE NO. 2004-15, AS AMENDED BY ORDINANCES NOS. 2004-29 AND 2007-21, AND 2008-09 OF THE TOWN OF HIGHFILL, ARKANSAS, REVISING AND FIXING WATER RATES AND PRESCRIBING OTHER MATTERS RELATING THERETO.”

was read by title only.

A motion was then made by Alderman Sandy Evans to adopt said ordinance and the motion was seconded by Alderman Richard Boles. Lester, Boles, Wiand and Evans voted yes. Varner voted no. The motion carried. The Mayor then declared the Ordinance adopted and signed the Ordinance, which was later attested by the Town Recorder and sealed with the seal of the Town. The Ordinance was given No. 2009-14.

The next item was Resolution to re-appoint Frank Holzkamper as a Director and Mayor Chris Holland as an Alternate Director to serve on the Board of Directors of the Benton/Washington Regional Public Water Authority. A motion to approve the Resolution was made by Alderman Keven Varner and seconded by Alderman Toby Lester. Lester, Boles, Varner, Wiand and Evans voted in favor. There were no votes in opposition. Motion passed. The Resolution was given No. 11-2009.

The next item of new business was a Resolution authorizing the Mayor to transfer excess sales tax revenue from the Water Improvement Fund to the General Fund. A motion to approve the Resolution was made by Alderman Toby Lester and seconded by Alderman Richard Boles. Lester, Boles, Varner, Wiand and Evans voted in favor. There were no votes in opposition. Motion passed. The Resolution was given No. 12-2009.

Financial Report

The Financial Report for the month of June 2009 was presented for review (see attached). Alderman Varner asked a question concerning FEMA money and what accounts it had gone into. It was explained that the money was reimbursement for streets and fire department. It was all placed in fire department account until it was needed. A motion was made by Alderman Toby Lester to approve the Financial Report. The motion was seconded by Alderman Keven Varner. Lester, Boles, Varner, Wiand and Evans voted in favor. There were no votes in opposition. Motion passed.

Semi-Annual Financial Statement

The Semi-Annual Financial Statement was presented for review (see attached). The Town is required to publish a Semi-Annual Financial Statement every six months. It was noted that this was a compilation of the monthly financial

reports that the Council had approved each month for January through June of 2009. It was reviewed by the Council and no objections were raised.

Executive Session

The Mayor then addressed the Council and stated that there was a disciplinary matter with one of the Town's employees that he wished to discuss with the Council, and that he wished to close the meeting and move into executive session to discuss the matter. A motion was then made by Alderman James Wiand and seconded by Alderman Keven Varner to close the meeting and move into executive session to discuss the disciplinary matter involving one of the Town's employees. Lester, Boles, Varner, Wiand and Evans voted in favor. There were no votes in opposition. The motion carried and the council moved into executive session at the city office. Following the executive session, the Mayor reconvened and re-opened the council meeting. The Mayor then announced that no disciplinary action would be taken at this time.

Mayor's Report

Mayor Chris Holland gave the following report:

- a) The Mayor noted some concerns with the Mobile Home Ordinance. There was a discussion regarding those various concerns. He told the council that he had been asked about property next to the park that someone wished to buy and put in a mobile home. The lot was only 1.6 acres. He felt the 2 acre restriction in the mobile home ordinance was to regulate where and how mobile home parks were placed. Since this was a single mobile home, he asked if a variance could be considered. The Town's attorney said he did not believe that a variance would be appropriate. The Mayor proposed changing the ordinance from 2 acres to 1 acre. The council did not want to make any quick decisions without reviewing it more.

- b) The Mayor passed out the proposed mid-year revisions to the 2009 Budget for the Town of Highfill and asked the council members to review those and let him know if there were any questions. Otherwise, he would like to consider amending the 2009 Budget at the August council meeting.

Discussion

There was no discussion.

Adjournment

There being no further business to come before the Council, a motion to adjourn was made by Alderman Keven Varner and seconded by Alderman James Wiand. All voted in favor. Motion carried. Meeting adjourned.

APPROVED:

ATTEST:

Chris Holland, Mayor

Stacy Digby, Town Recorder

(SEAL)