

BULL SHOALS CITY COUNCIL MEETING
February 23, 2017

The Bull Shoals City Council met in regular session on Thursday February 23, 2017 at 6:30 pm in the municipal building. On roll call, all other Council Members were present as were the Mayor and Recorder/Treasurer.

Minutes: The minutes for September 2016, October 2016, November 2016, December 2016, January 2, 2017 special meeting, and January 2017 regular meeting. (Copies are available in the Recorder/Treasurer's office).

Treasurer's Report: The January 2017 Treasurer's report was presented. (Copies are available in the Recorder/Treasurer's office).

Department Reports:

Police Department – report was presented
Fire Department Report - report was presented
Public Works Department Report – reported was presented

(Copies are available in the Recorder/Treasurer's office).

Mayor Hotchkiss made the request to council to have (1) vote to cover all of the above because the council has had this information since the workshop and had plenty of time to review each document. There was brief discussion on the January 2, 2017 special meeting minutes and a request to table it until the next meeting so the Recorder/Treasurer can review it and make any necessary corrections. Dino Giannini made the motion, seconded by Tuesday Rhodes to hold the January 2, 2017 minutes until next meeting. Motion passed unanimously. A motion was then made by Dino Giannini and seconded by Marty Nickels to pass the remaining minutes, the January 2017 Treasurer's Report, and the Department reports. Alan Graley voted no but all other council members voted yes. With a vote of 5-1, motion passed.

Program Reports:

TeleCare Report – N/A

Commission Reports:

Planning/Zoning Report – presents by David Nixon. David Nixon announced that the regular monthly Planning & Zoning meeting is on the last Wednesday of the month. There was an error on the agenda.

There was brief discussion on carports and Jim Traylor brought up creating a condemnation ordinance. These will be further discussed at the next P&Z meeting and will be brought to the council in the future.

JP Report: presented by JP David Nixon

Committee Reports:

Parks Committee Report – presented by Lynn Nickels The Parks Committee is in the process of reviewing possible rate increases for the upcoming season. The Parks Committee will present these rates at the next workshop.

Wastewater Sewer Committee – N/A

Citizen Comments:

Phil Friese commented on the recent raise for Officer Rhodes. Officer Rhodes received an annual raise of \$5,500.00 for declining the medical insurance. Mr. Friese pointed out that the medical insurance is provided to all employees and their families at no cost to them. The City of Bull Shoals currently pays 100% of this benefit to everyone working full-time.

Phil Friese then made the comment that Mayor Hotchkiss hired Lynn Nickels as an employee to work at Dam Site – covering the absence of the last park host. He also stated that the previous council did not authorize this.

Lynn Nickels replied to Phil Friese's statement by stating that he was on the council at the time and there was no problem then.

Old Business -

Social Archive:

Mayor Hotchkiss and Jim Traylor stated that this would protect the city on FOIAs and would put the City of Bull Shoals in compliance with Federal/State regulations. There were a few additional questions made:

Marty Nickels asked about the price - \$199 per month

Daryl Lindman stated that we should wait until we have a current budget.

Other questions asked were: what is it and how does it work? But these questions remained unanswered.

Jim Traylor then made the motion, seconded by Alan Graley to approve Social Archive. Daryl Lindman voted no but all other council members voted yes. With a vote of 5-1 the motion passed.

Cloud Storage:

Cloud Storage was briefly discussed with some opposition. Jim Traylor made the motion, seconded by Dino Giannini to hire the company Carbonite for our cloud storage. Daryl Lindman voted no and Tuesday Rhodes abstained while the remaining council members voted yes. With a vote of 4-2, motion passed.

City Attorney to attend Council Meetings:

After brief discussion a motion made by Dino Giannini and seconded by Dino Giannini to have the City Attorney attend every other council meeting (no workshops) at a cost of \$100.00 per meeting. With (3) votes yes and (3) votes no, the remaining vote went to Mayor Hotchkiss who abstained. Motion denied.

Copier:

Mayor Hotchkiss requested authorization to sign a (5) year contract at \$109.00 per month plus per copy costs for a smaller copier to be put in the council chambers for use if the copier in the Water/Sewer clerk's office is down. He stated that our old copier in the council chamber was broken and would cost \$1,200.00 to repair it. He explained that we could trade in the old copier and we would receive a \$500.00 credit toward the new copier. Marty Nickels made the motion, seconded by Jim Traylor to authorize Mayor Hotchkiss to sign & purchase a smaller copier from XMC (Xerox) on a (5) year contract. Tuesday Rhode voted no while all other council members voted yes. With a vote of 5-1, motion passed.

Resolution Adopting the Arkansas Association of Chiefs of Police Model Policies:

Mayor Hotchkiss read a resolution to adopt the Arkansas Association of Chiefs of Police model policies. There was brief discussion in regards to this resolution making a commitment to the staff size of the Police Department. It was questioned in regards to the ability to amend the staff size in the future if necessary. It was confirmed that this resolution could be amended in the future. Mayor Hotchkiss then requested a motion to pass this resolution as it has been presented this evening. Alan Graley made the motion, seconded by Marty Nickels. Tuesday Rhodes abstained but all other council members voted yes. With a vote of 5-1, motion passed. This is now **Resolution# 2017-R-03**.

New Business:

- **Easement Contract with the Corp of Engineers –**

Mayor Hotchkiss requested authorization to sign a (10) year contract regarding the easement usage for the use and maintenance of a water pipeline and fire hydrants along Bull Shoals Lake. Jim Traylor made the motion, seconded by Daryl Lindman to give Mayor Hotchkiss the authorization to sign the (10) year contract. Motion passed unanimously.

- **1% sales tax - November 2016 ballot –**

Mayor Hotchkiss announced there was a problem with the wording on the November 2016 ballot for the 1% sales tax, which passed in November 2016. The refinancing of the 2010 sewer bond was omitted. Due to this error, the City of Bull Shoals will have to have a special election and the citizens will need to revote on the 1% sales tax for the Sewerplant Project. . The bonding attorney's gave the steps needed to get this back on a ballot for the citizens to vote on. First, the council would have to repeal Ordinance# 2016-05 because of the incorrect wording for the ballot. Then an ordinance with the correct wording (including the bond issue) would need to pass putting the sales tax issue back on the ballot for a special election. After discussion of the problems with the November 2016 vote, the following steps were taken to place the 1% sales tax issue for the Sewerplant Project back on the ballot for a special election:

- **Repealing Ordinance 2016-05 –**

An ordinance was read to repeal Ordinance 2016-05 and the Excerpts from the minutes was also read by Mayor Hotchkiss. All votes were unanimous throughout the Excerpts from the Minutes and the motion passed to repeal Ordinance 2016-05. (A copy of the Excerpt from the Minutes is available in the Recorder/Treasurer's office.) This is now **Ordinance 2017-02.**

- **Calling for a Special Election for a 1% sales tax for the Sewerplant Project –**

An ordinance was read to have a special election for a revote on the 1% sales tax for the Sewerplant Project. Marty Nickels made the motion, seconded by Dino Giannini. Motion passed unanimously. A motion by Jim Traylor was made, seconded by Tuesday Rhodes to read the remaining by title only. Motion passed unanimously. Another motion was made to invoke the emergency clause by Tuesday Rhodes and seconded by Marty Nickels. Motion passed unanimously. The second reading, by title only, was read. Jim Traylor made the motion, seconded by Dino Giannini. Motion passed unanimously. The third reading was read by title only. Marty Nickels made the motion, seconded by Alan Graley. Motion passed unanimously. This is now **Ordinance 2017-03.**

- **Economic Development Wages:**

Mayor Hotchkiss stated that the Recorder/Treasurer needs a vote from council to pay David Nixon, Economic Development, a monthly \$1,500.00 net paycheck. There was some discussion on whether or not to vote on this but the Recorder/Treasurer, Kimberly Williams emphasized the necessity of the vote. After discussion concluded, Marty Nickels made the motion, seconded by Dino Giannini to pay David Nixon monthly with a \$1,500.00 net paycheck retroactive to January 1, 2017. Alan Graley and Daryl Lindman voted no but all other council members voted yes. With a vote of 4-2, motion passed.

After the vote, David Nixon stated that he felt the City Attorney's presence was necessary for reasons like this recent vote on his pay. He also stated that he would donate the \$600.00 to pay the City Attorney to attend every other meeting.

A motion by Tuesday Rhodes was then made, seconded by Jim Traylor to place the City Attorney item back on the agenda. Daryl Lindman voted no but all other council members voted yes so this topic was placed back on the agenda.

After some discussion, Tuesday Rhodes made the motion, seconded by Jim Traylor to have the City Attorney present every other meeting. Daryl Lindman voted no but all other council members voted yes. With a vote of 5-1, motion passed.

• **Retroactive pay for Officer Rhodes:**

Jim Traylor made the motion, seconded by Marty Nickels to retroactively pay Officer Rhodes recent pay raise back to January 1, 2017. Daryl Lindman voted no and Tuesday Rhodes abstained but all other council members voted yes. With a vote of 4-2, motion passed.

Mayors Notes:

Mayor Hotchkiss announced the following committee meeting dates for March 2017:

Budget Committee – March 3, 2017 at 1 pm

Ordinance Committee – March 3, 2017 at 9 am

Future meeting will be set during the March 3, 2017 meeting for each committee.

Mayor Hotchkiss appointed the following to the Social Media Committee:

- Richard Belts
- Brent Mitchell
- Jim Kuchenbecker
- Jim Traylor

Mayor Hotchkiss's final announcement was that he needed to have surgery on his shoulder and would be out and unavailable from February 27, 2017 – March 17, 2017 and that he was appointing Marty Nickels as acting mayor in his absence.

Final Notes:

Marty Nickels commented about the sales tax/bond issue problems and expressed concern with the special election. He stressed the importance of getting the information out to the citizens so they know this is a revote not an additional request for another 1% sales tax request.

Bob Sinclair voiced his opinion on the special election as well. He stated that the city better make it clear why they are voting again.

Tuesday Rhodes made the motion seconded by Jim Traylor to adjourn the meeting and the meeting adjourned at 8:03 p.m.

Approved: _____
David R. Hotchkiss – Mayor

Attested: _____
Kimberly M. Williams – Recorder/Treasurer