

# City Council Minutes

Tuesday, June 27, 2023

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## Call to Order

Mayor Akers called the meeting to order at 6:00 p.m., City Clerk Taryn Wigley called the roll.

## Attendees

Council members Clarissa Pace, Cedric Leonard, Michael James, Mark Tiner, Mike Wigley, and Claudia Hartness were all in attendance, Craig McRae was absent.

## Approval of Minutes

Cedric Leonard moved to approve the June minutes, Mark Tiner seconded. A yay/nay vote was called, and the minutes passed unanimously.

## Unfinished Business

### a. Ordinance Supporting Quality Growth/Pre-Annexation Agreement

Mayor Akers introduced the ordinance as the third reading. Mark Tiner motioned to suspend the rules and read by title only, Michael James seconded. A yay/nay vote was called, the aye's had it and City Attorney Whit Barton read. Mark Tiner questioned if a resident was immediately annexed into the city if they were hooking onto our water lines outside of city limits. City Attorney Whit Barton answered that the annexation would allow the City to annex the property if it deemed appropriate. It would not be an automatic annexation upon signing the agreement. Mayor Akers pointed out that the current hook-on rates were added to the Pre-Annexation agreement, but a line was added to support any future rate change. Mark Tiner motioned to accept the ordinance, Mike Wigley seconded. City Clerk Taryn Wigley called the vote. All Council members voted "yes" to this ordinance. With no one in opposition, the ordinance passed.

### b. Ordinance Regarding Mobile Vendors

Mayor Akers introduced the ordinance as the third reading. Michael James motioned to suspend the rules and read by title only, Al Peer seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Mayor Akers mentioned that the issue of having a designated spot on City property has been resolved. Mark Tiner motioned to accept the ordinance, Clarissa Pace seconded. City Clerk Taryn Wigley called the vote. All Council members voted "yes" to this ordinance. With no one in opposition, the ordinance passed.

### c. Ordinance Amending Solid Waste Rates

Mayor Akers introduced the resolution as the second reading. Mark Tiner motioned to read the ordinance in its entirety, Michael James seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Cedric Leonard questioned the prices on the amount of times trash was



picked up versus the amount of trash that was picked up. Mayor Akers answered that the prices are based on the volume of pickups. Cedric Leonard motioned to move on to the third reading, Mark Tiner seconded. A yay/nay vote was called. The aye's had it and the ordinance will move on to the third reading next month.

## **New Business**

### **a. Resolution Authorizing Monticello Police Department to Purchase Equipment**

Mayor Akers introduced the resolution. Mark Tiner motioned to suspend the rules and read by title only, Al Peer seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Police Chief Carlos Garcia briefed the council that they received a grant to purchase Celebrite equipment. It is software that will be used to pull information off cell phones and other computerized equipment. The grant is a 100% match, and the City will be reimbursed the full \$96,000.00. Cedric Leonard what the process was in using this equipment. Chief Garcia explained that any cell phone/ipad/computerized equipment that is involved in a crime can be used as evidence. A search warrant must be issued by the judge in order to pull data from any device. Michael James asked who the grant was through, Chief Garcia answered that it was through the Bureau of Justice. Mayor Akers mentioned that this is a normal process for the Police Department, but in the past, they relied on other agencies to pull the information, which had a long waiting period. Chief Garcia added that Officer Shawn Curtis would be trained and certified to operate the software. Michael James motioned to accept the resolution, Mike Wigley seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

### **b. Resolution Authorizing Monticello Police Department to Trade Old Vehicles**

Mayor Akers introduced the resolution. Mark Tiner motioned to suspend the resolution and read by title only, Claudia Hartness seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Chief Garcia addressed the council, explaining that the PD has six older vehicles with several problems. To fix each vehicle would cost more than what the car is worth. Chief Garcia would like permission to trade in six vehicles to the dealership in and purchase a Dodge Durango for a detective. The balance owed on the new vehicle is already in the drug fund account, omitting the need to ask for new money. Michael James asked what the condition of the fleet would be after the six vehicles are traded in. Chief Garcia answered that the fleet will be in good shape. The Durangos that were ordered in the past are slowly coming in depending on how long it takes for them to be built. The six vehicles being traded are currently not working, so this will not impact the operation of the PD. Michael James motioned to accept the resolution, Cedric Leonard seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

### **c. Resolution Authorizing Monticello Fire Department to Accept Bid for Concrete**

Mayor Akers introduced the resolution. Claudia Hartness motioned to suspend the rules and read by title only, Mark Tiner seconded. An aye/nay vote was called, the aye's had it and City Attorney Whit Barton read. Fire Chief Eric Chisom addressed the council, explaining that this project is part of the "burn building" that is being constructed. The bid ran in the paper for two weeks and received one bid from Tim Allison. Chief Chisom asked the council to allow him to use money from one cent sales tax construction fund to cover the cost until the sale of Fire Station 3 is finalized and the money is

reimbursed, due to rising concrete prices. Mike Wigley motioned to accept the resolution, Michael James seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

**d. Resolution Authorizing Bid Acceptance for Well #4**

Mayor Akers introduced the resolution. Michael James moved to suspend the rules and read by title only, Clarissa Pace seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Mayor Akers reminded the council that this is the project that was originally going to replace the entire well and cost 1.9 million dollars, but after working with the City water operator, it was determined that only the pump needed to be replaced. The resolution listed Ideal Pump Services bid of \$82,482.80, Frank Elder Well Supply for \$147,600.00 and a non-conforming bid from Lane Arkansas for \$69,900.00. City Attorney Whit Barton explained that the lowest bid presented was a "good faith estimate", but not an official bid. Mayor Akers expressed that our water operator recommended Ideal Pump Services due to the price being official. Lane Arkansas had the lower price, but there was a possibility that more money would be needed to finish the project. Michael James asked if they were going to replace the entire pump, or just repair parts of it. Mayor Akers answered that the well will be removed and evaluated. Parts that were able to be recycled will stay and broken parts will be replaced. Mike Wigley motioned to accept the resolution, Claudia Hartness seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

**e. Resolution Authorizing Bid Acceptance for Davis St./Merrydale Dr.**

Mayor Akers introduced the resolution. Clarissa Pace motioned to suspend the rules and read by title only, Mark Tiner seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Cedric Leonard questioned the price that was presented in the resolution compared to prices that were quoted to the City in the past. Mayor Akers answered that he asked the same question to McClellan Engineering earlier in the week, and he was told that the first quotes were quoted too low, and the price of materials have significantly gone up as well. KJ Parker was the lowest bid that was received, bidding close to \$129,000.00. Finance Director Vickie Norris explained that currently, the engineering services are being paid for out of the ARPA fund (\$8,100 out of \$15,000.00 spent), and is asking to pay for the actual project out of one cent sales tax. It is not a normal procedure, but the next resolution has a plan for the remaining money in the ARPA funds. Michael James asked for clarification on the bidding chart on the resolution. Vickie Norris explained that the first column would be the base bid (using riprap), and the second column is for a deductive alternate (concrete) chosen by the City. Mike Wigley referred to a past project and a conversation with project engineers discussing the velocity of water speed when using concrete. He questioned Mayor Akers if the engineers have mentioned this issue with this project. Mayor Akers answered that the concrete has a possibility to cause the same problem, but the plan is to divert the water once it crosses Merrydale Dr., it will go into the ditch with the current and avert the damaged pipes further north. Mark Tiner motioned to accept the resolution, Clarissa Pace seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

**f. Resolution Authorizing Movement of ARPA Funds for PD/FD Salaries**

Mayor Akers introduced the resolution. Clarissa Pace motioned to suspend the rules and read by title only, Al Peer seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Vickie Norris explained that revenue replacement is one of the qualifying uses for ARPA

funds. If the money was used for other projects, the process is different and is very specific about materials used, reporting and many other aspects. To officially dedicate the money to something, they chose to use it for PD and FD revenue replacement, specifically employer taxes and salaries. She explained that this will happen every month until the funds are used. The balance of the account is 1,587,752.47 and there is approximately \$7,500.00 left in the engineering section. Using the ARPA funds will free up money in the General Fund, that can be used for any purpose. This will simplify the use of ARPA funds and in the meantime, they can find uses for the General Fund money. Cedric Leonard asked if the police and fire department were getting a raise. Mrs. Norris clarified that they are reimbursing money that is already spent, and they are using money that must be spent a certain way since it came from the government. Mark Tiner asked if we would get reimbursement for the salaries this year, Mrs. Norris confirmed that it will be received in July of this year. Clarissa Pace motioned to accept the resolution, Cedric Leonard seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

#### **g. Resolution Accepting Land Donation**

Mayor Akers introduced the resolution. Michael James motioned to suspend the rules and read by title only, Mark Tiner seconded. a yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Mayor Akers explained that when the Commissioner of Land places a lien on a property, the City can reclaim the land if it is not claimed by a citizen. He intends to convert the empty lots into something positive, like a miniature park, community garden, or something along that nature. He would like to turn this lot into a low maintenance park. The deed has already been received by the City. Clarissa Pace motioned to accept the resolution, Mark Tiner seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

#### **h. Discussion of Relocation of Warehouse**

Mayor Akers started the discussion of moving the City warehouse to the armory. Darion Buffington updated the council stating that they are waiting for bids on air conditioning units. The City workers will do most of the moving, which will cut down on the cost. Mayor Akers asked if there would be any idea of what to do with the current warehouse if this project moved forward. Mark Tiner mentioned that it would be a good opportunity to possibly sell the property, Mike Wigley agreed. Michael James asked if the current warehouse would be used for anything after we have moved to the armory, such as storage. Mr. Buffington answered that the new location would accommodate everything, and the current warehouse would not be needed. Mark Tiner added that the move to the armory needs to be well thought out and would like to do projects that are needed before the move (such as storage/shelving/overhangs), to prevent the property deteriorating or becoming cluttered. Michael James mentioned that it would be a good idea to get a wish list of needs for the armory and see what would be feasible to accomplish. Cedric Leonard asked if the garbage trucks would be moved to the armory as well. Mr. Buffington answered that the garbage trucks would be moved to the weigh station. Mayor Akers added that he would like to have anything solid waste related moved to the weigh station. Mark Tiner and Michael James also added that they would like to see a shed to help with the life of all City equipment, including mowers, pickup trucks, and garbage trucks.

#### **i. Resolution Certifying Balance Owed for 127 Park St.**

Mayor Akers introduced the resolution. Michael James motioned to suspend the rules and read by title only, Al Peer seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. City Inspector Brian Rodgers advised that this is the second time that this property has had problems in two years, and there is already a lien on the property. Mike Wigley asked if the owners have contacted him. Mr. Rodgers answered that the owner passed away and the children are arguing over the property, and the property isn't being taken care of. Clarissa Pace confirmed that we are putting a lien on the property due to the work that City workers have done to the property, Mr. Rodgers confirmed. Clarissa Pace motioned to accept the resolution, Michael James seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

**j. Resolution Certifying Balance Owed for 1355 E Jackson St.**

Mayor Akers introduced the resolution. Al Peer motioned to suspend the rules and read by title only, Michael James seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Mr. Rodgers advised that this is a similar situation to the above-mentioned resolution. There has been no contact with the owner. Clarissa Pace asked the condition of the mobile home. Mr. Rodgers confirmed that the mobile home is habitable and not in a condemnable condition. Mike Wigley motioned to accept the resolution, Clarissa Pace seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

**k. Resolution Declaring 1400 E Jackson St. a Nuisance**

Mayor Akers introduced the resolution. Michael James motioned to suspend the rules and read by title only, Mark Tiner seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Mr. Rodgers advised that the fence on the property was covered in vines, blocking a stop sign, and the City had to clean the area up. He believes that one of the owners is incarcerated and the other owner has moved out of town. Clarissa Pace asked the condition of the mobile home, Mr. Rodgers advised that it is in good shape. Mark Tiner motioned to accept the resolution, Michael James seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously. Mr. Rodgers updated the council that there was an address on Godbold St. that the council asked him to keep and eye on. He updated that the mobile home has been demolished and taken care of.

**l. Resolution Declaring 1268 E Watts St. a Nuisance**

Mayor Akers introduced the resolution. Clarissa Pace motioned to suspend the rules and read by title only, Al Peer seconded. A yay/nay vote was called. The aye's had it and City Attorney Whit Barton read. Cedric Leonard asked who owns the property. Mr. Rodgers advised that Vernell Robertson owned the entire half acre. Mark Tiner asked if there was an attempt to contact the owner. Mr. Rodgers advised that the certified mail came back unclaimed, and the letter has been posted on the property for more than 30 days. Clarissa Pace motioned to accept the resolution, Al Peer seconded. A yay/nay vote was called. The aye's had it and the resolution passed unanimously.

**Public Comments**

Steve Henderson with SeaArk Boats addressed the council to inform them about their community service project. Pre-Covid, they would do mission work in different countries. Post-Covid, they have started doing mission work within the community. This year, they are

working with Options Inc., renovating their facility. Mr. Henderson invited the council to come see the progress they are making.

### **Meeting Adjourned**

Cedric Leonard motioned to adjourn the meeting, Al Peer seconded. A yay/nay vote was called. The aye's had it and the meeting was adjourned.

*Jeane Wigley*  
7-25-2023