

CITY OF MULBERRY, ARKANSAS

CITY COUNCIL MEETING MINUTES – October 19, 2022

The regular monthly meeting of the Mulberry City Council was held Tuesday, October 18, 2022, at 7:00 p.m. in the City Council Center at 606 Church Avenue.

MEMBERS PRESENT:

Jimmy Moore	Wilma Peevy
Bobby Tweedy	Sheila Trent
Kimberly Bruce	Carla Dickerson
Gary Baxter	Stacy Muntz

OTHERS PRESENT:

Steve Hurley	Sarah Kizer
Shannon Gregory	Dwayne Fields
Sadat Rice	JJ Hurley
Lejuan Wilson	Jodie Goodnoh
Craig Cauldwell	Darren Fields
Cathy Adams	Raylene Adams
Suzy Ferguson	Ronnie Adams
Sherry Hesson	Jared Arnold
Kay Baxter	Kent Corkum
Jason Sumpter	Candi Hopp
Nancy Sanders	Ricky Sanders

Mayor Gary Baxter called the Council Meeting to order at 7:00 p.m., led in prayer, and followed with the Pledge of Allegiance. Sarah Kizer took roll. A quorum was established.

Jimmy Moore made a motion to approve the Consent Agenda. Sheila Trent seconded the motion. Discussion ensued. All present council members voted yes.

COMMITTEE REPORTS

There were no committee reports.

DEPARTMENTAL REPORTS

Chief of Police Shannon Gregory gave the Police report stating the department had 105 calls, 35 traffic stops, 6 traffic/criminal citations, 4 arrests, 1 felony, 3 misdemeanor and 64 business checks. Chief Gregory stated next month he would have more information about his Christmas with A Badge upcoming events

Assistant Fire Chief Jason Sumpter gave the Fire Report stating the department responded to 26 calls, 2 structure fire calls, 3 grass fire calls, 14 medical calls, 2 power lines down calls, 1 burn ban violation call and 4 cancelled calls. Assistant Fire Chief Sumpter stated the Chili Supper Cookoff the

department had planned has been rescheduled for some time after the beginning of the year. Mr. Sumpter stated he did not want the Fire Department to take away from the Christmas with a Badge Program.

Public Works Director Dwayne Fields started off stating he has answers for a few of Councilwoman Muntz's question from last council meeting regarding how many acres the city is responsible for mowing. Mr. Fields stated the city is responsible for a minimum of 150 acres to maintain, and the price of the van that will soon be going to auction cost \$6,775.00 at the time of purchase. Mr. Fields went on to state the department has many projects the department will be taking care of this month, but the project at 2nd & Church has been taken care of, the valves are in place and the area has gravel in place and the department is waiting for the gravel to settle so it may be paved. Mr. Fields stated the 10th street project is coming together and plan to start working on it this week as well as the other leaks located around town. Stacy Muntz asked if Mr. Fields knew which acreage was mowed by tractor or bush hog, Mr. Fields replied he did not. Mayor Baxter took this time to address the council about some misguided information about the line problems and public works department that had been given to the public. Mayor Baxter stated the leak on the 12-inch line that was running from the lake to the city supply did in fact not require a boil order. Mayor Baxter stated he and the head water treatment supervisor personally spoke with head personnel of the Arkansas Health Department in Little Rock, who stated they were doing everything according to guidelines. Mayor stated the water sampling taken after the leak showed chlorine residual readings at a low of 0.42 mg/l and a high of 1.12 mg/l. Mayor Baxter went on to state the legal parameters for chlorine at a low end register 0.2 mg/l and at the high end register 4.0 mg/l. The water tested from the city was well within these parameters. Mayor Baxter went on to state that, though he is not sure, he believes Mulberry is the only city in the state of Arkansas to have both water treatment operators with a Class Four water license. The state only requires 1 operator to have a Class Two water license. The next misinformation given concerned a water line off Wilkins Lane. Information given was the resident had waited over a year for water and had low water pressure. Mayor Baxter stated there are in fact two water lines in that area, one is a six-inch pipe and the other is a 2-inch pipe. Mayor Baxter stated he himself acquired a pressure gage and after checking his own water pressure, with a reading of forty-eight lbs., he then checked the resident's and showed the same reading of forty-eight lbs. Public Works Director Dwayne Fields thanked the Mayor and went on to state that the department had received the Suburban that they purchased at the sale and is in service, with the purchase price plus cost to bring up to standard for a total of \$2,000.00.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Ordinance 2022-04: AN ORDINANCE ESTABLISHING THE FINES/PENALTIES FOR PERMITTING DEBRIS TO ENTER STREETS OF MULBERRY, AMENDING CONFLICTING ORDINANCES, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES. Mayor Baxter asked Steve Hurley to read the ordinance. Wilma Peevy made a motion to approve, Jimmy Moore seconded. Discussion ensued. It was then brought to the attention of the council that this is the first reading. Kimberly Bruce made a motion to suspend the rules and read the second and third reading

of Ordinance 2022-04 by title only. Sheila Trent seconded the motion. All present members voted yes. Steve Hurley read ordinance 2022-04 twice by title only. Stacy Muntz made a motion to approve Ordinance 2022-04. Sheila Trent seconded. Discussion ensued. Stacy Muntz made a motion to make an amendment to section two to read a warning to be given before a fine is levied. Sheila Trent seconded the motion. All present council member voted yes to amending section two in the ordinance. Discussion ensued. Stacy Muntz made a motion to table the Ordinance, add the amendment and bring back next month. Kimberly Bruce seconded the motion. All present council members voted yes.

RESOLUTION 2022-12: A RESOLUTION SETTING THE MILEAGE RATES FOR THE YEAR 2022. Mayor Baxter asked Steve Hurley to read the resolution. Stacy Muntz made a motion to approve Resolution 2022-12, Sheila Trent seconded the motion, all present council members voted yes.

RESOLUTION 2022-13: A RESOLUTION DESIGNATING WESTERN ARKANSAS PLANNING AND DEVELOPMENT DISTRICT AS PROJECT ADMINISTRATOR FOR THE ACEDP (Arkansas Community and Economic Development Program) GRANT: Mulberry Water Treatment Plant. Mayor Baxter asked Steve Hurley to read the resolution. Jimmy Moore made a motion to approve Resolution 2022-13, Stacy Muntz seconded the motion, all present members voted yes.

Mayor Baxter asked Candi Hopp to come and speak to the council about a Boo's Cruise and trunk or treat. Ms. Hopp brought to the council a temporary variance to the noise ordinance for the date of October 29th. Ms. Hopp explained that this event would include a car show, vendors, trunk or treat, events at the Fair arena, and a burn out contest. The burn out contest would be located in the area of Main Street South of Highway 64 and 5th Street. Ms. Hopp stated she has been given permission from the property owner Lawana James to use the parking lot located at the corner of Highway 64 and Main Street for vender booths and public viewing. The car show event would travel from 2nd Street to the fairgrounds where free events would be taking place in the Fair Arena. Ms. Hopp went on to state she is getting shirts made for the event and plans to sell them before and during the Boo's Cruise, with all proceeds benefitting the Mulberry Food Pantry. Discussion ensued. Stacy Muntz made a motion to give a temporary variance to the noise ordinance for this event on the specified date and time. Kimberly Bruce seconded the motion, all present council members voted yes.

Artic Temp bid for new HVAC unit for back offices and hallway at the city complex. Mayor Baxter brought to the council a bid for a new HVAC unit to be located at the city complex. Existing unit is estimated to be over twenty years old. Mayor Baxter informed the council that per new regulations from the government beginning on January 2023, the price would increase on all units. Mayor Baxter brought forth to the council a bid from Arctic Temp costing \$6,500.00, which includes a 10-year warranty. Mayor Baxter stated the funds would come out of the Capitol Improvement Fund. Discussion ensued. Jimmy Moore made a motion to approve the bid to replace the unit, Bobby Tweedy seconded the motion, Stacy Muntz voted no, all other present members voted yes.

Application to trade in old current Backhoe & purchase a new one: Mayor Baxter brought Public Works director Dwayne Fields up to speak on the need for this. Mr. Fields stated the backhoe currently in use is thirty-five years old, maintenance is becoming expensive, and the final drive and transmission are close to going out completely. These two costs alone total close to \$12,000.00. Mr. Fields stated that since he has been here, quite a bit of upkeep has been done to the equipment to keep it in working order by replacing all the cylinders and hoses on the arm. Mr. Fields states they are having issues with the side-to-side movement of the bucket. He has received multiple bids on the current backhoe. These bids include a generous trade in value along with the bids. Discussion ensued.

Mayor Baxter brought forth the three bids. The first bid came from Hessler Brothers in Oklahoma, and was for \$121,890.00. Two bids were from Riggs located in Fort Smith Arkansas. The original bid was for \$134,935.49 with a trade in value of \$12,000.00 on the current backhoe. Upon negotiations Riggs brought back a new offer of \$116,895.52. Riggs then went on to state they have a backhoe that has 1,429 hours on it and can offer them \$92,000.00 and include a \$12,000.00 trade in value bringing the value to \$80,000.00. The final bid came from Scott Companies out of Lowell, AR with an amount of \$90,000.00 with a trade in value of \$10,500.00, making the final total \$79,500.00. Mayor Baxter went on to explain the difference between the prices is the first bids are enclosed cabs with a/c, and the last bid is an open-air cab. The brand recommended for the city is a Case. It has a four-foot extender that will help cut down on the subcontracted work the city requires that the current backhoe is not able to do. Mayor informed the council there is \$142,000 in the Street Fund and there has only been \$1,000.00 that has come out of this. In the sales tax fund, there is \$516,264.76. The money would come out of the Street Fund. Discussion ensued. Jimmy Moore made a motion to approve the purchase, Wilma Peevy seconded the motion, Stacy Muntz voted no, all other present council members voted yes.

Zoning Variance Application 2022-03 for 2326 Mulberry Highway 64 W: Jodie Goodnoh and Craig Cauldwell submitted this request. The variance was passed through the Planning and Zoning commission on October 17, 2022, with the stipulations of 36 months and no permanent structures for the business are to be built on the property. Discussion ensued Stacy Muntz made a motion to approve the variance, Kimberly Bruce seconded the motion, all present members voted yes.

Rezoning Applications for three separate properties owned by Jared Arnold. Mr. Arnold wishes to change the zoning from R-1 status to R-4 status. The locations of the properties are located at 219 W 2nd street, 224 W 8th street, and 448 Church Ave. All three variances were passed through the Planning and Zoning Commission on November 17, 2022, with the stipulation all properties meet the required setbacks as stated in the City Ordinance. Discussion ensued. Kimberly Bruce made a motion to approve all three requests, Jimmy Moore seconded the motion, all present council members voted yes.

MAYOR'S REPORT AND PUBLIC COMMENT

Mayor Baxter brought to the council's attention that in May of 2020 the Council approved the city to purchase a three-quarter ton truck, but with Covid at an all-time high, the city could not get a state bid and we were never able to purchase a vehicle. Mayor informed the council he spoke with the public works department about their equipment. Dale Fryar recommended a one ton dually. Mayor Baxter then proceeded to call Rick Layton from Lander's in Little Rock. Upon speaking with Mr. Layton, he did have a one ton dually that would fit the city's need. After speaking with Mr. Lathem, Mayor Baxter decided to proceed since they had approval. Mayor Baxter stated the one ton had a sticker price of \$ 49,330.00. He then proceeded to ask what the state bid on the vehicle was and was told \$ 35,170.00. Mayor Baxter traded the 2018 Ford F-250 with 33,000 miles on it and in need of tires for \$ 30,000.00, the original price the city paid for it was \$27,356.84. So with the trade in, the difference became \$5,170.00. Mayor Baxter went on to say the department had no need for the goose neck trailer, so it was taken to auction in hopes of getting \$3,000.00 but got \$3,200.00 for it. The new trailer the department obtained cost \$8,000.00 and is more functional for the department.

Mayor Baxter announced November 1st will the bid opening for the Pickleball court located at 606 Church Ave. He went on to state the Compass Cold Storage Building is progressing very well. Mayor

Baxter stated he is still in contact with the Arkansas Highway Department and according to them everything is still in place for the replacement of Silver Bridge, as well as the bridges on Highway 64. Work should hopefully begin sometime after the beginning of the year.

Jimmy Moore asked about a house on Highway 64 pertaining to a cleanup order.

Kimberly Bruce spoke about the Fall Clean up day stating she had 41 volunteers, 45 bags of trash were picked up, and 5 dumpsters were filled not including the metal taken to the recycle center.

With no further business, Stacy Muntz made a motion to adjourn, Kimberly Bruce seconded the motion, and all voted yes.

The meeting was adjourned at 8:22 p.m.

The minutes were taken by Sarah Kizer

ATTEST: Carla Dickerson
Carla Dickerson, Recorder-Treasurer

APPROVED:

Gary D. Baxter
Gary D. Baxter, Mayor