CITY OF MULBERRY, ARKANSAS

CITY COUNCIL MEETING MINUTES – February 29, 2024

The regularly scheduled monthly session of the Mulberry City Council convened on Tuesday, February 29, 2024, at precisely 7:00 p.m. The meeting was held at the City Council Center, located at 606 Church Avenue, Mulberry.

Gary D. Baxter, Mayor

Carla Dickerson, Recorder-Treasurer

MEMBERS PRESENT:

Jimmy Moore, Ward 3 Position 2

Wilma Peevy, Ward 3 Position 1

Sheila Trent, Ward 1 Position 1

Bobby Tweedy, Ward 2 Position 1

Stacy Muntz, Ward 1 Position 2

Kimberly Bruce, Ward 2 Position 2

MEMBERS ABSENT:

None

OTHERS PRESENT:

Steve Hurley, Executive Assistant to the Mayor

Shannon Gregory, Police Chief

Dwayne Fields, Public Works Director

Darren Fields, Water Superintendent

Jason Sumpter, Assistant Fire Chief

Tammy Watts, Branch Director of Mulberry Public Library

Sheila Williams

Charlene Mcdonnough

Alex Walker

Channon Phipps

Kay Baxter

Tony Watts

Barbara Richards

Marie Crandell

Eli Clardy

Jared Arnold

Angela Gardner

Riley Walker

Call to Order

Mayor Baxter called the meeting to order at 7:00 p.m., leading the gathering in prayer followed by the Pledge of Allegiance.

Roll Call:

Executive Assistant to the Mayor, Steve Hurley, conducted the roll call, confirming the presence of a quorum.

Approval of Consent Agenda and Previous Meeting Minutes

Council Member Jimmy Moore moved to approve the Consent Agenda and the minutes from the previous month, seconded by Council Member Sheila Trent. The motion passed unanimously among the council members present.

DEPARTMENTAL REPORTS

Police Department Report – Chief Shannon Gregory:

- In January the department responded to 129 calls, conducted forty-nine traffic stops, issued four citations, and made five arrests (three misdemeanors, two felonies) and did 139 business checks.

Fire Department Report – Assistant Fire Chief Jason Sumpter:

- In January the Fire Department addressed twenty-two total calls: seventeen medical calls, one vehicle fire, three motor vehicle accidents and one cancelled call.
- Assistant Fire Chief Sumpter announced that the Chili Fundraiser has been rescheduled for 03/10/2024.

Public Works Department Report – Public Works Director Dwayne Fields;

- Public Works Director Dwayne Fields reported that the Public Works Department completed forty-five work orders in January.
- In response to City Councilperson Stacy Muntz's inquiry about the cause of recent water leaks, Dwayne Fields explained that valve failures at the water tower were to blame but have since been repaired.
- Mayor Gary D. Baxter then invited Water Treatment Plant Superintendent Darren Fields to provide further insights into the water leaks issue.
- Darren Fields elaborated that a valve issue at the East Tank generated a shockwave throughout the system, causing hammering in the lines. To prevent future incidents, new procedures have been established regarding the operation of valves at the water tower.
- When Councilperson Stacy Muntz questioned whether these events resulted in any lasting damage, Darren Fields reassured that there was no lasting damage.
- On the topic of the Water Treatment Plant expansion's impact on system pressure, Darren Fields clarified that while pressure would increase, it would not be to a level likely to cause leaks, as the water tower, not the distribution system, would absorb the majority of this pressure.
- Mayor Baxter sought additional details on pipe pressure during repairs and the criteria for issuing boil orders. Darren Fields responded that a boil order is not deemed necessary if water pressure remains above twenty pounds and repairs are completed within two hours. He noted that a precautionary boil order was issued recently due to two simultaneous leaks affecting a significant portion of the

town's east side, emphasizing that it was a precautionary measure. Discussion ensued.

MULBERRY PUBLIC LIBRARY REPORT – Branch Director Tammy Watts

- Tammy Watts introduced Charlene McDonough as the new director of the Crawford County Library System
- Patrons checked out 969 books and checked in 796 books.
- The library recorded 1,201 visits.
- Program attendance reached 161, and 219 participating in passive programs.
- Computer usage was recorded at 57 people.
- 882 people utilized Wi-Fi usage.
- Discussion of various programs that are upcoming to the library were then discussed.

OLD BUSINESS

- **No Old Business**

NEW BUSINESS

- **Jeremy Shores, P.E. with Hawkins-Weir Engineers, Inc to discuss the Water Treatment Plant Project**
  - Jeremy Shores, P.E., from Hawkins-Weir Engineers, Inc., led a discussion on the Water Treatment Plant Expansion Project. The project attracted three bids. For the construction of a 500,000-gallon water storage clear well at the tank site, bids were received from Preload, LLC, and DN Tanks, with Preload, LLC being the lowest bidder at $2,224,000. The remainder of the Water Treatment Plant Project received a single bid from Crossland Heavy Contractors, totaling $7,498,008. These bids exceeded initial budget expectations due to factors such as an increased scope of work and price escalations in industry equipment and contractor services.
  - Mayor Baxter inquired about the duration of Hawkins-Weir Engineers' involvement with the project, to which Jeremy Shores responded that the project, numbered 2014103, was first introduced to the City Council in December 2014, with formal movement and funding approval occurring in the summer of 2015. Delays ensued until the city could retire prior debt, during which time, industry prices rose.
  - Discussion touched on financial strategies to cover bid overages, including grant funds from the American Rescue Plan Act (ARPA) funds, which must be contracted by March 31 to avoid forfeiture. To bridge funding gaps, loan applications were made without committing the city until council approval. Jeremy Shores proposed using Arkansas Natural Resources Commission (ANRC) funds as interim financing, with a plan to secure a lower interest rate through USDA Rural Development loans later.

- The council was informed that total funding for the project, considering Jeremy Shores' recommendation, would amount to $10,855,000, against a construction bid of $10,150,080, leaving a contingency reserve of $704,920. Discussion ensued.
- Following discussion, Jimmy Moore motioned to proceed with the project, seconded by Sheila Trent.
- The council voted unanimously in favor, with no further discussion.
- Councilperson Stacy Muntz had to leave at this time for an emergency.

- **ORDINANCE NO. 2024-01 AN ORDINANCE REPEALING ORDINANCE NO. 91-8, ESTABLISHING POLICIES AND PROCEDURES FOR PAYING MONTHLY BILLS, FOR MAKING ADJUSTMENTS IN WATER BILLS WHEN THERE HAVE BEEN BREAKS**
  - The council addressed ORDINANCE NO. 2024-01, aimed at repealing the previous ORDINANCE NO. 91-8 and introducing new policies and procedures for the payment of monthly bills and adjustments in water bills in case of leaks. Steve Hurley initiated the discussion by reading Ordinance No. 2024-01.
  - Finance Director Melissa Sampson was then invited to elaborate on the ordinance's specifics. Sampson highlighted the issue of excessive water loss due to unaddressed leaks and the unfair burden placed on the city for adjustments in such cases. She mentioned consulting with multiple water agencies to ensure the proposed changes aligned with standard practices in the region, essentially sharing the cost of high usage more equitably among affected parties. Sampson detailed that the new procedure would apply to usage exceeding 15,000 gallons, with the customer being charged at the wholesale price for the difference between their twelve-month average usage and the usage during the leak.
  - Kimberly Bruce proposed a motion to conduct the second and third readings of Ordinance 2024-01 by title only, which Sheila Trent seconded, and the council unanimously agreed without further discussion.
  - Steve Hurley proceeded with the second and third readings of Ordinance No. 2024-01 by title only. Subsequently, Kimberly Bruce moved to adopt the ordinance, seconded by Sheila Trent, and the council voted in favor unanimously.
  - Lastly, Steve Hurley introduced the emergency clause of the ordinance. Jimmy Moore moved to approve this clause, with Bobby Tweedy seconding. The council approved the emergency clause unanimously, concluding the discussion on ORDINANCE NO. 2024-01.

- **RESOLUTION NO. 2024-02 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT FROM THE ARKANSAS RURAL COMMUNITY GRANT PROGRAM**
  - The council deliberated on RESOLUTION NO. 2024-02, which pertains to authorizing the Mayor to apply for a grant under the Arkansas Rural

Community Grant Program. The discussion opened with Steve Hurley reading Resolution No. 2024-02.

- Councilmember Kimberly Bruce inquired about the source of matching funds required for the grant. Mayor Baxter clarified that the matching funds would be provided by the City.
- During the meeting, three employees from the Senior Center — Barbara Richards, Marie Crandell, and Sheila Williams — voiced their opinions from the audience. They expressed a preference for the city not to apply for a grant aimed at acquiring new carpeting for the Senior Center. Instead, they advocated for the purchase of a new oven to better meet the Center's needs. This initiated a conversation among the council members and attendees.
- Following the discussion, Bobby Tweedy proposed a motion to amend the resolution, redirecting the grant's purpose towards acquiring equipment for the Senior Center, instead of new carpeting. Wilma Peevy seconded this motion. The council proceeded to vote on the amended resolution, which was unanimously approved without any further debate.

- **RESOLUTION NO. 2024-03 A RESOLUTION TO AMEND RESOLUTION NO. 2022-15, THE BUEDGET RESOLUTION FOR 2023**
  - The Council addressed the amendment of the budget resolution for the year 2023 through RESOLUTION NO. 2024-03. The session began with Steve Hurley presenting Resolution No. 2024-03 to the council.
  - Following the reading, Kimberly Bruce proposed a motion to adopt the resolution, with Jimmy Moore providing the second. The motion was put forward without any discussion on the matter.
  - The council proceeded to vote on the resolution, resulting in unanimous approval from all present council members.

- **ORDINANCE NO. 2024-02 AN ORDINANCE TO APPROVE A VARIANCE TO THE ZONING MAP OF ZONING ORDINANCE NO 142**
  - The council addressed ORDINANCE NO. 2024-02, which sought to approve a variance to the Zoning Map of Zoning Ordinance No. 142. The proceedings began with Steve Hurley reading the ordinance to the council members, followed by a period of discussion among them.
  - After the initial discussion, Kimberly Bruce initiated a motion to allow the second and third readings of Ordinance 2024-02 by title only, a proposal that Jimmy Moore seconded. The council members unanimously approved this motion, leading to Steve Hurley conducting the subsequent readings by title without further debate.

- Following these readings, another round of discussion took place, after which Bobby Tweedy moved to adopt the ordinance, with Sheila Trent providing the second. The council did not engage in further discussions on the matter.
- The vote on ORDINANCE NO. 2024-02 proceeded, concluding with unanimous approval from all present council members.

- **Overview on 104 North Main Street**

  - An overview was provided on the property located at 104 North Main Street. Mayor Baxter began the discussion by explaining that the property, having been deeded to the City, attracted interest from Mr. Raymond Steele of Ozark. Mr. Steele expressed his intention to buy the lot for the purpose of building a home for single family residence. The Mayor informed Mr. Steele about an existing ordinance, Ordinance No. 79-1, read by Steve Hurley, which mandates that properties on Main Street must revert to commercial use upon sale.

  - The Mayor mentioned that the planning commission had conducted a study on the property and recommended allowing its sale with the intent of being rezoned as R-1 Single Family Residential.

  - Following the presentation and study findings, a discussion took place among the council members. Kimberly Bruce proposed that the City should first obtain an appraisal to determine the property's market value before proceeding with the sale to Mr. Steele, with the condition that he deposits 10% of the price as a non-refundable down payment, explicitly for Single Family Residential Zoning. Jimmy Moore seconded Bruce's motion.

  - The proposal did not lead to further debate, and when put to a vote, it received unanimous approval from all present council members.

- **Overview on 136 West 4th Street**

  - A discussion began on the property at 136 West 4th Street. Mayor Baxter introduced the topic by revealing that he had received and personally reviewed a bid for the city-owned property, although he had not shared this bid with others. The bid's reception prompted a review of the property by the planning commission.

  - Steve Hurley read a motion from the Planning Commission to the City Council, which noted the existing structure on the property as unsuitable for its intended use, potentially obstructing the area's development and utilization in accordance with its current zoning. The commission concluded that removing the structure would align more closely with the community's vision, possibly increasing the property's utility and value for residential use. The Planning Commission recommended maintaining the R-1 Single Family

Residential zoning and advised reevaluating the property's zoning and potential uses in the future.

- Following Steve Hurley's report, a discussion took place among council members. Kimberly Bruce highlighted the need for an appraisal to determine the property's value.
- Subsequently, Kimberly Bruce motioned to retain the R-1 Single Family Residential zoning, proceed with the demolition of the on-site structure, and then appraise the property. Jimmy Moore supported this motion with a second.
- With no further debate ensuing, the council unanimously approved the motion, agreeing to move forward with the recommendations regarding the property at 136 West 4th Street.

- **1991 Spartan Fire Truck – Arkansas Truck Center Offer**
  - A discussion was held regarding the 1991 Spartan Fire Truck. Steve Hurley shared the contents of an email from Fire Chief Jeff Brown addressed to Mayor Baxter. The email detailed an offer from the Arkansas Truck Center (A.T.C.) concerning the fire truck. A.T.C. proposed to exchange their services for the 1991 Spartan Fire Truck, including taking the tank and truck to their shop in Alma for fabrication work on the Peterbilt tanker, estimated to require 3 to 4 weeks. The fire truck, currently stationed at Fire Station 2, has not found any buyers, and is considered too costly to repair.
  - Following the presentation of the email, council members engaged in a discussion. Jimmy Moore then proposed a motion to accept A.T.C.'s offer, trading the 1991 Spartan Fire Truck for the labor needed on the Peterbilt tanker. Kimberly Bruce seconded the motion.
  - Without further debate, the motion was put to a vote, resulting in unanimous approval from all present council members to proceed with the trade as proposed.

- **Consolidation of the Cemetery Bank Account to Todays Bank**
  - The council addressed the topic of consolidating the Cemetery Bank account, currently held at Bank OZK, into Todays Bank, where the City maintains its other accounts. Finance Director Melissa Sampson explained the rationale behind this proposal, highlighting the occasional need for transfers between accounts. She pointed out that consolidating the accounts at Todays Bank would not only reduce the number of transactions and associated risk of errors but also improve oversight and simplify the administration process, particularly beneficial for audit purposes.

- Following Sampson's presentation, Jimmy Moore proposed a motion to proceed with the consolidation of the Cemetery Bank account into Todays Bank, which Wilma Peevy seconded.
- The proposal prompted no further debate among the City Council members, and when put to a vote, it was unanimously approved.

- **Senior Center Signage**
  - The absence of signage at the Senior Center was brought to the council's attention by the Mayor. He highlighted the confusion experienced by individuals trying to locate the building and expressed concerns over the lack of professionalism this absence conveys. To address this issue, the Mayor presented a quote for installing signage that reads "Senior Center" on the building. ABC Printing and Signs provided the quote, proposing 15-inch letters for the Senior Center Carport Fascia at a cost of $1,337.92.
  - Following the Mayor's proposal, the council engaged in a discussion. During this time, Jimmy Moore mentioned he had received verbal communication from Tori's Sign Shop in Alma, suggesting they could offer a more competitive price for the signage.
  - After further discussion, Jimmy Moore proposed that the council obtain a quote from Tori's Sign Shop for the signage and its installation. It was agreed that a formal vote was not required at this stage, as the action involved was merely to gather a quote for consideration at the next City Council meeting.

MAYOR'S REPORT AND PUBLIC COMMENT

- **Mayor's Report**
  - **Industrial Park Drive Grant**: Steve Hurley provided an update on behalf of the Mayor, indicating that the grant had passed the second level of review. They expect to receive a fully executed grant agreement shortly, signaling positive progress on this project.
  - **Lori Layne Property Development**: Mayor Baxter discussed the developments at the Lori Layne Property, which is set to become the site of a new laundromat. She mentioned that trees had been removed in preparation for construction. Additionally, there was an offer to give away the house currently on the property to anyone willing to relocate it, but there were no takers. Consequently, the decision has been made to demolish the house to make way for new construction.

- **Cemetery Tree Removal**: An update was provided on the situation with trees in the cemetery that were damaged by lightning. The Mayor reported that the affected trees have been safely removed, and the stumps have been ground down, restoring the area's appearance.
- **Purple Heart City Designation**: Mayor Baxter proudly announced that the city has been designated as a Purple Heart City, a tribute to veterans who have been wounded in battle. This designation reflects the community's respect and gratitude for the sacrifices made by military personnel.
- **Solar Eclipse Preparations**: With an upcoming solar eclipse, Mayor Baxter discussed the city's preparation efforts to manage the expected increase in visitors. Chief Gregory was invited to the podium to outline the police department's plans to ensure public safety and manage traffic during the event, highlighting the city's proactive measures to accommodate the influx of eclipse viewers.
- **New Park Attendant at Bluff Hole**: Mayor Baxter introduced Bill Kennard as the new park attendant at Bluff Hole. This appointment is part of the city's efforts to enhance the maintenance and oversight of one of the community's cherished recreational areas. The Mayor expressed confidence that Bill Kennard's presence would contribute positively to the park's operation and enjoyment by residents and visitors alike.

➢ **Council Comment**

- Kimberly Bruce discussed the weekend before the eclipse is spring clean up, and that there would be a volunteer pancake breakfast. She encouraged participation to help the city look good for the visitors that would be coming through town for the eclipse. Mayor Baxter mentioned the city wide garage sale two weekends before the eclipse.
- Jimmy Moore asked about the road grading that was supposed to be being done by the county. Discussion ensued.
- Wilma Peevy asked about how we are handling stray dogs. Discussion ensued.

➢ **Public Comment**

- Eli Clardy who resides at 805 Church Avenue came to the podium to speak. He asked questions about the water leaks.

ADJOURNMENT

With no further business to discuss Jimmy Moore made a motion to adjourn the meeting. Kimberly Bruce seconded the motion. All present members voted yes.

This meeting was adjourned at 9:29 p.m. The next scheduled City Council meeting will be on March 19, 2024.

Minutes recorded by: Steve Hurley

APPROVED: _____
Gary D. Baxter, Mayor

ATTEST: _____
Carla Dickerson, Recorder-Treasurer