

Minutes of the Regular Farmington City Council Meeting October 8, 2018

The regular meeting of the Farmington City Council scheduled for Monday, October 8th, 2018 was called to order at 6:00 pm by Mayor Ernie Penn. City Clerk Kelly Penn called the roll and the following Council Members were present and answered to their names: Patsy Pike, Sherry Mathews, Linda Bell, Brenda Cunningham, Bobby Morgan, Diane Bryant and Shelly Parsley. City Business Manager Melissa McCarville and City Attorney Tennant were also present. Council Member Keith Lipford arrived at 6:01 pm. Mayor Penn led the Pledge of Allegiance.

Comments from Citizens –

Tony Montez, 6 Bellwood Drive – There is a subdivision under construction behind my house, they built a retention pond that is mosquito infested. We have kids that play outside on our street and my daughter plays in the back yard and the kids got bit by several mosquitoes. I want to fence my property and want to know the time frame of the project. Every week its some new utility digging up my property and I am very frustrated. This has gone on for months and I just need some answers on when it will be done.

Jim Duffy, 11324 Frisco Drive, 479-935-7475, rezoning raises red flags, the drainage on the golf course that goes to Bear Drive to Riviera Drive will cause flooding if not done properly. If it goes north, water goes to East Creek, water on HWY 170 will go Payne Stewart area, the change in water will be detrimental to property, please pay attention.

Phillip Miley, 12043 Riviera Place – In the August meeting it was stated that city of Fayetteville did not recycle glass, and I am not blaming anyone for the misconception, but they do. What is the incremental price to recycle glass? Not recycling glass takes up landfill space, I would like to see the city look at other options.

Willie Newman – 246 Pine Meadow, 479-871-8523 - with regards to Tony Montez previous questions, who has liability for the completed detention pond, the city, POA or property owner? He was told Mike Pennington is the property owner and is responsible until the property is sold and then the POA is responsible. Mr. Newman had other questions regarding agenda items and was informed of the time for those comments.

Approval of the minutes for the September 10th, 2018 regular meeting of the city council. Council Member Bryant mentioned 1 typo and a last name spelling correction in the minutes that needed to be corrected. On the motion of Council Member Bryant and seconded by Council Member Parsley and by the consent of all Council Members present after a roll call vote, the amended minutes for the meeting were approved as presented 8-0.

Financial Reports – Mayor Penn presented the financial reports. City Clerk Penn presented the 2016 Audit from Przybysz and Associates. Przybysz & Associates took the findings of the Legislative Audit investigation after the discovery of theft and used that information to complete their final contract with the city of Farmington. All 3 items mentioned in the audit findings, 2016-001 Misstatements due to fraud entered into accounting records, 2016-002 Incorrect recording of activity and interfund transactions not in balance, 2016-003 Internal controls over Financial Statement Preparations were in direct relation to the employee theft. The city has implemented 6-person segregation of duties process for the items, rather than the suggested 3-person segregation. This audit completes Przybysz & Associates contractual obligation to the city of Farmington, as going forward all audits will be conducted by Legislative Audit. The 2017 final audit will be presented to Legislative Audit Committee on October 13, 2018 and then the final report will be mailed to council members at their home addresses. On the motion of Council Member Cunningham and seconded by Council Member Lipford and by the consent of all Council Members present after a roll call vote, a motion was made to approve and acknowledge the receipt of the 2016 audit by Przybysz & Associates along with the corrective steps taken for each finding as detailed in our September 29th, 2017 written response to the Legislative Audit Committee was accepted, and approved as presented 8-0.

Entertain a motion to read all Ordinances and Resolutions by title only. On the motion of Council Member Bryant and seconded by Council Member Morgan and by the consent of all Council Members present after a roll call vote, the motion to read all Ordinances and Resolutions by title only was approved 8-0.

**Proclamations, Special Announcements, Committee/Commission Appointments.
Committee Reports**

Appointment of Chad Ball to the Planning Commission

Mayor Penn announced Planning Commissioner Matt Hutcherson was moving and that Chad Ball is the recommended replacement. Mayor Penn read a letter of interest and qualifications that Chad Ball had submitted. On the motion of Council Member Bryant and seconded by Council Member Bell and by the consent of all Council Members present after a roll call vote, the appointment of Chad Ball to position 6, replacing Matt Hutcherson, expiring in 2019 to the planning commission was approved as presented 8-0.

Hwy 170 Right of Way Update – James F. Braden, Project Manager for Pinnacle Group, gave the council an update on the notification to property owners for the Hwy 170 project. He directed Council Members to send citizens with questions about their property directly to him. The process of notification will begin the last week of October or the first week of November. There will be 65 tracts of property affected and they will be notified by regular mail.

Committee Reports – All committee reports were included in the council packets. Mayor Penn advised the council we may have to call a special city council meeting to approve the park project bids when they come in so there is no delay to the project.

Items to be removed from City of Farmington Inventory – None

New Business

Ordinance No. 2018-13 An Ordinance waiving requirement of competitive bidding for the purchase of a Dell Equal Logic Server and Networking System Management Equipment for the City of Farmington pursuant to Ark Code 14-58-303 (b) (2) (B).

City Business Manager McCarville reported to the council that our server had a catastrophic failure last week and we need to purchase a new server. They were able to repair it with a patch to get it running in the short term. The replacement of the server was going to be a budgeted item in 2019, but we can't delay that long in the replacement. Billie Virgin advised the council the server had beat it's end of life date which was 2017 and repairing it was not an option and this will handle future expansion. Delivery will take 1 week and then 2 weeks to build onsite. Mayor Penn opened to floor for public comment.

Phillip Miley – 12043 Rivera Place – How is the training going to be paid for? It doesn't do any good to get a new system if you don't know how to use it. City Clerk Penn stated this was not a new operating system for the city, this was a new server, it would have no impact on day to day operations for city staff. The new operating system will be a 2019 budget item that council would address in budget considerations. The public comment section was closed.

A motion was made by Council Member Bryant to suspend the rule requiring the reading of an ordinance in full on 3 different dates and for Ordinance 2018-13 be read 1 time by title only. It was seconded by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the motion was approved 8-0. Mayor Penn asked shall the ordinance pass? After a roll call vote it was approved by all those present 8-0. City Attorney Tennant read the ordinance by title only. A motion was made by Council Member Lipford and seconded by Council Member Cunningham to pass Ordinance 2018-13 with an emergency clause. After a roll call vote, it was approved by all those present by an 8-0 vote.

Request approval to purchase new server

Mayor Penn opened the item for public comment, there was none. Public comment was closed. On the motion of Council Member Bryant and seconded by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the motion to approve the purchase of the Dell Server from Dell in the amount of \$65,213.90 and installation cost of \$10,000.00, for a total of \$75,213.90 was approved 8-0.

Ordinance No. 2018-10 An Ordinance levying a tax on the real and personal property within the City of Farmington, Arkansas for the year 2019 fixing the rate thereof at 5.0 mils and certifying the same to the County Clerk of Washington County, Arkansas.

City Clerk Penn informed the council that this was an annual housekeeping item, not a new tax, that was before the council. Mayor Penn opened the item for public comment.

Willie Newman – 246 Pine Meadow, 479-871-8523 - stated that the city had an increase in accident reports and that as the city got bigger we would need more protection. He asked why this was a housekeeping item, did we just last minute decide to do this? City Clerk Penn informed him this is called a housekeeping item because it is a routine item done every year at this time by the request of the Washington County Clerk's office, that the 5 mils were set by a vote of the people. Mr. Newman said he would like to see the council give the citizens a tax cut and reduce this to 4 mils tonight. City Clerk Penn advised him they could not do this at this meeting, the item would need to go before a vote of the people for that to happen. He stated that he would like to see the council appropriate all the 5 mils to go to the police and fire departments to hire 1 new position in each department every year. He asked how much that 5 mils generated and he would like to see it go to law enforcement and fire protection to benefit the citizens from gang problems and future crime.

The public comment section was closed to the public. A motion was made by Council Member Lipford to suspend the rule requiring the reading of an ordinance in full on 3 different dates and for Ordinance 2018-10 be read 1 time by title only. It was seconded by Council Member Bryant and by the consent of all Council Members present after a roll call vote, the motion was approved 8-0. Mayor Penn asked shall the ordinance pass? After a roll call vote it was approved by all those present 8-0. City Attorney Tennant read the Ordinance by title only. A motion was made by Council Member Morgan and seconded by Council Member Mathews to pass Ordinance 2018-10 with an emergency clause. After a roll call vote, it was approved by all those present by an 8-0 vote.

Ordinance No. 2018-11 An Ordinance rezoning property on HWY 170 containing approximately 34.22 acres +/- from A-1, agriculture district to R-1, single family residential as requested by Richard Grubb.

After a brief presentation by engineer Dave Jorgensen, representing Richard Grubb and Michael Brand, in which the council was told there would be 70-75 homes, the rezoning was passed unanimously by the planning commission to proceed to the council for final approval. If this rezoning was approved the Large-Scale Development Plan and Drainage Analysis would be submitted to the planning commission by the end of the year. Mayor Penn advised the city was also waiting on phase 2 of the FEMA Flood study for that area to update and establish the flood ways and flood plains, which FEMA is scheduled to start in 2019. Mayor Penn then opened the floor for public comment.

Jim Duffy, 11324 Frisco Drive – asked if the 70-75 taps that were approved were water or sewer taps, that improvements needed to be made to the drainage.

Phillip Miley – 12043 Riviera Place -stated that he was concerned that their property values would be affected by this and would there be a street connection into Valley View. Valley View has restrictive covenants to protect their property values and would like to see adjoining areas have them also.

John Spinks – 135 Alberta – stated the planning commission will not approve if it does not meet all the requirements or is bad for the area.

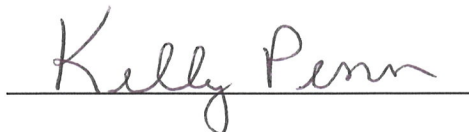
Dave Jorgenson said the contiguous property and drainage would be considered by the planning commission and there would be no connector street into the Valley View neighborhood.

Mayor Penn informed the council and citizens that they were only considering the rezoning of the property, not any specific project tonight. If the zoning was approved then the Large-Scale Development would be submitted to the planning commission and they would consider all the concerns that the citizens voiced. Citizen input would be beneficial to the planning commission once this item is before them and encouraged them to attend the meeting if the rezoning passed. Mayor Penn closed the floor for public comment.

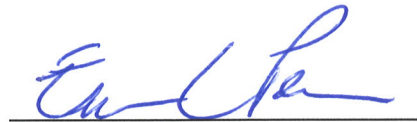
A motion was made by Council Member Bell to suspend the rule requiring the reading of an ordinance in full on 3 different dates and for Ordinance 2018-11 be read 1 time by title only. It was seconded by Council Member Parsley and by the consent of 7 Council Members present after a roll call vote, the motion was approved 7-1, Council Member Bryant voted no. Mayor Penn asked shall the ordinance pass? A roll call vote was started, when it came to Council Member Bryant, she asked what we were voting on, City Clerk Penn informed her we were voting on the passage of Ordinance 2018-11, the roll call vote resumed, it was approved 7-1 with Council Member Bryant voting no. City Attorney Tennant read the ordinance by title only. A motion was made by Council Member Bell and seconded by Council Member Morgan to pass Ordinance 2018-11 with an emergency clause. After a roll call vote, it was approved 7-1 with Council Member Bryant voting no.

Mayor Penn asked if there was any public comment or questions on the informational items, hearing none and there being no further business to come before the council and on the motion of Council Member Morgan and seconded by Council Member Lipford and by the consent of all members present, the meeting adjourned at 7:14 pm until the next regularly scheduled meeting to be held Monday November 19th, 2018 at in the City Council Chambers in City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;



City Clerk Kelly Penn



Mayor Ernie Penn