

CITY COUNCIL MEETING
December 21, 2023

The City Council of the City of Heber Springs met in regular session at The Community Center in Heber Springs, Arkansas, at 6:00 p.m. on the 21st day of December 2023. The following were present:

Mayor Kasey Griffin, Council members; Jim Adams, Andy Echlin, Jim Lay, JP Hodges, Layne Tubbs, Melissa Choate, Louis Short, city attorney Rebecca Prince and city clerk, Vicki McPherson. Councilmember Ali Sugg was absent. No member of the press was in attendance. Attorney Walter McSpadden was in attendance to speak on behalf of the Arkansas Energy Loan Ordinance.

Mayor Kasey Griffin called the meeting to order and asked to let the record show, there was a quorum.

Councilmember Tubbs made a motion to approve the minutes of the October 19, 2023 meeting as presented. Short made a second. A unanimous Aye by all councilmembers in attendance, the mayor stated motion carried.

Councilmember Tubbs made a motion to approve the minutes of the November 16, 2023 meeting with excerpts as presented. Councilman Echlin made a second. With councilmembers Choate and Short abstaining, and all other councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilman Adams made a motion to approve the payments journal dated 11/1-11/30/23. Councilman Short made a second. All councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilman Adams made a motion to approve the Financial Statements dated 11/30/2023 as presented. With a second by Echlin and all councilmembers in attendance voting Aye the mayor stated motion carried.

There were no questions for the Supervisors.

Unfinished Business:

Councilman Adams made a motion to approve the Roberts McNutt bid for \$20,307.00. With a second by Tubbs and all councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilman Adams made a motion to approve the Wibit quote for \$20,530.80 by Recreonics. With a second by Tubbs and all councilmembers in attendance voting Aye, the mayor stated motion carried.

New Business:

Mayor Griffin introduced Attorney Walter McSpadden to speak on behalf of the Arkansas Energy Ordinance. Mayor Griffin opened the public hearing, and asked if there was anyone in attendance who wanted to speak or ask questions regarding the Arkansas Energy Ordinance. No one came forward. The mayor closed the public hearing.

Attorney McSpadden spoke briefly regarding the Ordinance and stated that if passed this Ordinance would be structured as a loan and not a bond. The mayor asked if there were any questions for McSpadden or Engineer Nick Williams. Williams gave January as a tentative start date if the Ordinance was passed.

Mayor Griffin introduced the Arkansas Energy Ordinance. The Ordinance was titled: **AN ORDINANCE PROVIDING FOR THE EXECUTION AND DELIVERY OF AN EQUIPMENT LOAN AGREEMENT BETWEEN THE CITY OF HEBER SPRINGS, ARKANSAS, THE ARKANSAS ENERGY OFFICE, AND THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY; PROVIDING FOR THE PAYMENT OF LOAN PAYMENTS PURSUANT TO SUCH AGREEMENT; RATIFYING THE EXECUTION AND DELIVERY OF A PACT AGREEMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO SUCH PACT AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.**

Attorney Prince read the Ordinance by Title only on all 3 readings.

Councilman Short made a motion to adopt the Ordinance. Tubbs made a second, and with a unanimous vote of Aye by all councilmembers in attendance, the mayor stated motion carried.

Councilman Short then made a motion to adopt the Emergency Clause. With a second by Councilman Hodges and a unanimous vote of Aye by all councilmembers in attendance, the mayor stated motion carried and the Ordinance was given #2023-18.

Councilman Tubbs made a motion to approve the payment of the Red River Invoice for a Police vehicle for \$36,380.00. With a second by Short and a unanimous vote of Aye by all councilmembers in attendance, the mayor stated motion carried.

Councilmember Lay made a motion to approve a flooring quote of up to \$50,000 for the bank building update. Echlin made a second. With Choate voting Nay, and all other councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilman Tubbs made a motion to approve the work order to move forward on the Fire dept. bays behind city hall. With a second by J.P. Hodges and all other councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilman Adams made a motion to approve the spending of \$13,992.55 by the Fire dept. on an extrication tool. The money is part of the ACT 833 grant. Tubbs made a

second and all councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilmember Choate made a motion to approve the Storm water Work Order by SALT Engineering to proceed forward up to \$80,000. Tubbs made a second. With Echlin abstaining, and all other councilmembers in attendance voting Aye, the mayor stated motion carried.

After some discussion, Councilmember Choate made a motion to amend the previous motion for SALT Engineering Storm water work order. Choate made a motion to approve the work order up to \$100,000.00. Adams made a second. With Echlin abstaining, and all other councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilman Short then made a motion to accept the SRO Grant and renew the contract. Tubbs made a second and all councilmembers in attendance voting Aye, the mayor stated motion carried.

Councilman Adams made a motion to approve the CK Asphalt Invoice #0903 for \$66,563.25. Tubbs made a second. All councilmembers in attendance voting Aye, the mayor stated motion carried.

The mayor introduced the Sanitation Ordinance. After much discussion, the Sanitation Ordinance was tabled. Council asked for enforcement of the Ordinance we have in place now and to possibly revisit the discussion in 2nd quarter.

Councilman Adams made a motion to approve the removal of dumpsters from fixed assets as presented. Lay made a second, and with all councilmembers in attendance voting Aye, the mayor stated motion carried. List of dumpsters to be removed from fixed assets: Nine 2 Yd; 32669, 34911, 27146, 36543, 27145, 36636, 90018, 90024, 25254. Five 3 Yd; 90002, 35832, 33942, 25736, 4221. Twelve 4 Yd; 25873, 62625, 32937, 20116, 32627, 34956, 90020, 20581, 20183, 33942, 29917, 20123. Six 6 Yd; 1467, 90015, 35773, 26462, 132969, 27080. Five 8 Yd; 32402, 106017, 24029, 1470, 20084.

The mayor discussed an estimate for repair of a dump truck. The quote will be coming in higher than the previous estimate of \$6326.48; they are just getting into the engine to determine any damage there. The mayor stated this is just an FYI update.

Councilman Adams made a motion to approve the acknowledgement of Encroachment of 36 Woodland West, Beloit Bay. Tubbs made a second. With all other council members in attendance voting Aye, the mayor stated motion carried.

The mayor introduced the Parks Ordinance and stated the Ordinance is tabled until January's meeting to give more time to the council to review it.

Councilman Tubbs made a motion to approve the removal of the 2007 F150 from the Fire dept. fixed assets. Adams made a second, and with a unanimous Aye of all council in attendance, the mayor stated motion carried.

Councilman Short made a motion to approve the sale of the F150 to Evening Shade Fire Dept. Tubbs made a second and with a unanimous Aye by all council in attendance, the mayor stated motion carried.

Tubbs made a motion with a second by Short to approve the purchase of an SUV for \$17,595.00 by the Fire Dept. With a unanimous Aye of all council in attendance, the mayor stated motion carried.

Councilman Adams made a motion to approve the renewal of CD's with a maturity date of 1/12/24 for another 3 months. Short making a second and a unanimous vote of Aye by all council in attendance, the mayor stated motion carried.

Councilman Adams made a motion to approve the Invoice by TG Inc. for \$10,872.50. With a second by Echlin and a unanimous vote of Aye by all council in attendance, the mayor stated motion carried.

The mayor introduced the 2024 Budget Resolution. Councilman Adams read the Resolution in full with Exhibit A being read as well. Councilman Adams then made a motion to adopt the 2024 Budget Resolution. With a second by councilman Lay and a unanimous vote of Aye by all council in attendance, the mayor stated motion carried. The resolution was given # **2023-08**

Councilman Short made a motion to approve the renewal of Burt Eddington to the HS Water and Sewer Commission. Choate made a second, and with a unanimous vote of Aye by all council in attendance the mayor stated motion carried.

Councilman Tubbs made a motion to approve renewal of Ron Gillespie to the Planning and Zoning Commission. With a second by Lay and a unanimous vote of Aye by all council in attendance, the mayor stated motion carried.

Councilman Lay made a motion to approve renewal of Mary Margaret Couch to the Planning and Zoning Commission. With a second by Tubbs and a unanimous vote of Aye by all council in attendance, the mayor stated motion carried.

Councilman Tubbs made a motion to approve the renewal of Andy Echlin to the Planning and Zoning Commission. With Echlin abstaining and all other council in attendance voting Aye, the mayor stated motion carried.

Councilman Tubbs made a motion to approve the renewal of Ali Sugg to the Advertising and Promotion Commission. With Short making a second and a unanimous vote of Aye by all council in attendance, the mayor stated motion carried.

Councilman Lay made a motion to approve the renewal of Layne Tubbs to the Advertising and Promotion Commission. With Tubbs abstaining, Choate made a second and a unanimous vote of all other councilmembers in attendance, the mayor stated motion carried.

Councilman Adams made a motion to approve the Federal Audit Policy. Echlin made a second, and with a unanimous vote of Aye, the mayor stated motion carried.

Councilman Adams made a motion to approve the invoice from Federal Audit for \$22,000. Tubbs made a second and with a unanimous vote of Aye by all council in attendance, the mayor stated motion carried.

The question was put to the council of moving the January council meeting to January 25th. With Choate voting Nay and all other council members in attendance voting Aye, the mayor stated motion carried.

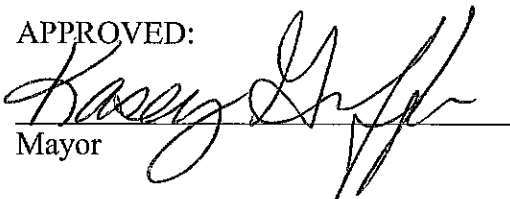
Open Mic:

There were no speakers.

In Announcements the mayor wished everyone a Merry Christmas and a Happy New Year.

Councilman Short made a motion to adjourn. With a second by Lay and a unanimous vote of Aye the mayor stated motion carried.

APPROVED:


Mayor

ATTESTED:


City Clerk

1/25/24 Date

**EXCERPTS FROM MINUTES OF THE
HEBER SPRINGS, ARKANSAS CITY COUNCIL MEETING
HELD December 21, 2023**

The City Council of the City of Heber Springs, Arkansas met in regular session at the Community Center in Heber Springs, Arkansas, at 6:00 p.m. on the 21st day of December 2023. The following were present:

Mayor Kasey Griffin, city attorney, Rebecca Prince, clerk, Vicki McPherson, Council members: J.P. Hodges, Jim Adams, Andy Echlin Layne Tubbs, Melissa Choate, Louis Short and Jim Lay. Ali Sugg was absent and there was no one in attendance from the press. Attorney Walter McSpadden was in attendance to speak on behalf of the Arkansas Energy Ordinance.

Mayor Kasey Griffin introduced **The ARKANSAS ENERGY LOAN ORDINANCE**

AN ORDINANCE TO BE TITLED: AN ORDINANCE PROVIDING FOR THE EXECUTION AND DELIVERY OF AN EQUIPMENT LOAN AGREEMENT BETWEEN THE CITY OF HEBER SPRINGS, ARKANSAS, THE ARKANSAS ENERGY OFFICE, AND THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY; PROVIDING FOR THE PAYMENT OF LOAN PAYMENTS PURSUANT TO SUCH AGREEMENT; RATIFYING THE EXECUTION AND DELIVERY OF A PACT AGREEMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO SUCH PACT AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

The motion was made by Louis Short to suspend the rules and read the Ordinance by Title only. JP Hodges made a second.

Ayes: Hodges, Short, Tubbs, Adams, Choate, Lay, Echlin

Nays: None

Absent: Sugg

The motion was made by councilmember Short to suspend the rules and read the Ordinance by Title only on 2nd reading. Adams made a second.

Ayes: Hodges, Adams, Echlin, Lay, Short, Choate, Tubbs

Nays: None

Absent: Sugg

The motion was made by councilmember Short with a second by Adams to suspend the rules and place the Ordinance on 3rd reading by Title only.

Ayes: Hodges, Adams, Echlin, Lay, Short, Choate, Tubbs

Nays: None

Absent: Sugg

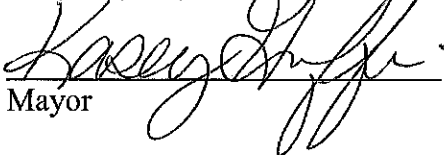
The motion to adopt the Ordinance was made by councilmember Short with a 2nd by Tubbs. The mayor then put the question of approval of the motion, and roll being called:
Ayes: Hodges, Adams, Echlin, Lay, Short, Choate, Tubbs
Nays: None
Absent: Sugg

Councilman Short then made a motion to adopt the ***Emergency Clause***; being ascertained and declared that the planning, design, acquisition, and construction of the Facilities must be accomplished as soon as possible in order to provide economic savings to the City and its inhabitants, without which the welfare thereof is jeopardized, and that the execution and delivery of the Loan Agreement and the taking of the other action authorized by this Ordinance is necessary for the accomplishment thereof. It is therefore, declared that an emergency exists and this Ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in force from and after its passage. Councilman Hodges seconded the motion, and all councilmembers in attendance voting Aye, the mayor stated motion carried.

Thereupon the mayor declared the Ordinance adopted, and signed the Ordinance which was attested by the city clerk, and sealed with the seal of the city. **The Ordinance was given #2023-18**

(Matters not relating to the Ordinances are omitted.)

APPROVED:


Mayor

ATTESTED:


City Clerk