

Pea Ridge City Council  
Regular Meeting  
February 17, 2009

The Pea Ridge City Council met in a Regular Council Meeting on Tuesday, February 17, 2009, at 7:00 p.m., in the Council Room at City Hall.

Those present were: Recorder Sandy Button, Aldermen Bob Cottingham, John Cody, and Nadine Telgemeier. Also present was City Attorney Andrew Huntsinger. Absent were Mayor Jackie Crabtree, Alderman Jim Dawson, and City Attorney Howard Slinkard.

Others present were: Tony Townsend, Annette Beard, Larry Majors, Tim Ledbetter, Sue Elverston, Ken Hayes, Dale Watkins, Ralph Kotouc, Jenny Woods, Billy Hickman, and Gus Bradley.

Recorder Button called the meeting to order.

Recorder Button opened the meeting in prayer and led those present in the Pledge of Allegiance.

Alderman Cottingham, seconded by Alderwoman Telgemeier, moved to approve the minutes of the January 20, 2009 Public Hearing and the January 20, 2009 Regular Meeting. The roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

City Attorney Huntsinger addressed the Council concerning Delegation of Legislative Authority. At the January Council Meeting Mr. Joe Hart stated that it was illegal to delegate financial responsibility from the City Council to the Fire Chief. In answer to the question "Is it permissible for the Fire Chief to develop and apply a formula to cover the costs of out-of-district fire calls?" Mr. Huntsinger responded: "No. The power to control municipal finances is expressly conferred upon city councils by statute. It is a legislative power that cannot be delegated to a fire chief. The current system constitutes an unlawful delegation of the Pea Ridge City Council's legislative power." The Council thanked Mr. Hart for bringing this matter to their attention and asked Attorney Huntsinger to draft an ordinance amending the present ordinance to be considered at the regular March meeting.

Recorder Button stated the Council had received a copy of the 2008 Pea Ridge Community Library Year End Report. The report showed the total expenditures for the year were \$7,592.37 and the total circulation of books for 2008 was 8,566. Also, there were 85 new membership cards issued during 2008. A complete copy of this report is attached.

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The Council also discussed the Library Remodel Project. Alderman Cottingham expressed a concern with a family member getting the bid on part of this project. The City Attorney will review this matter. The costs for the new shelving and painting the library will be paid out of Impact Fees. Alderman Cody moved, seconded by Alderwoman Telgemeier to approve paying a portion of the remodel costs for the Library including the shelving from Library Impact Fees. The roll being called, the vote was as follows: Bob Cottingham voted nay; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

The change order for the storm sewer system on the Weston Street Project is still incomplete. Mr. Ralph Kotouc, who lives nears this area asked that he be contacted when the change order is ready. Also Recorder Button stated that at the request of the City a trailer has been brought in so that a supervisor from the construction company will be on site at all times.

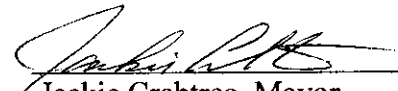
Water and Sewer Supt. Ken Hayes stated that although they had lost approximately two weeks due to weather the water projects are going well. The foundation is complete on the water tower and the tower will be going up starting tomorrow. The bore on Highway 72 east of the Elementary School is complete and will pump 12,500 gallons a minute. All the lifts are poured at the lift station and they are presently working on the top.

The Council discussed the property acquisition on Highway 72 across from Community Bank. This tract of land adjoins property the City presently owns where the current EMS Building is located. The property contains 1.285 acres and two metal buildings; one 1,200 square feet and the other 3,600 square feet. It will cost approximately \$31,795.00 to remodel the larger building so that it will house the Police Department. Currently the Police Department at the EMS building has 600 square feet; this new building will be 6 times larger which will allow for their present need and additional growth. The money for this property and the remodel will come from Impact Fees designated for this purchase. Alderman Cottingham moved, seconded by Alderman Cody to purchase this property and buildings for \$212,000.00 and for the remodel project in the amount of \$31,795.00. The roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

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Alderman Cottingham moved, seconded by Alderman Cody to adjourn the meeting.  
Motion passed unanimously.



  
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Jackie Crabtree, Mayor

  
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Sandy Button, Recorder