

Pea Ridge City Council
Regular Meeting
January 20, 2009

The Pea Ridge City Council met in a Regular Council Meeting on Tuesday, January 20, 2009, at 7:00 p.m., in the Council Room at City Hall.

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

Others present were: Tony Townsend, Frank Rizzio, Annette Beard, Larry Majors, Tim Ledbetter, Jerry Burton, Greg Perry, Dino Collins, Aaron Gafton, Joe Hart, Sue Cottingham, Sue Elverston, Kevin Felgenhauer, Ken Hayes and Brian Nave.

Mayor Crabtree called the meeting to order.

Mayor Crabtree 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 December 16, 2008, Regular Meeting and the December 30, 2008 Special Meeting. The roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye.

Joe Hart addressed the Council reading an email that was addressed to him from Frank Rizzio as follows:

“I know you’ll have something to say about the fire dues increase...why don’t you call and talk to me about it? Or are you CHICKEN!”

Response from Joe Hart:

“I talk to the people responsible; the City Council. If you think I am Chicken try me. Do you know how many people did not pay the fee last year? Do you know how many in the city don’t pay anything for their house? How much did the election cost? Should a 2 bedroom bungalow pay the same as Marvin’s? Don’t get a headache trying to figure all these out.

Mr. Hart’s comments about the election:

1. The tax collector would collect the fire dues in the same manner as he collects all taxes. One of the manners is to foreclose on property. The tax collector works for Little Rock, he does not answer to anybody except Little Rock.

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2. Why vote – 423 people billed for fire dues. 413 paid the dues, the difference is 10 that did not. Two have since paid. The election cost \$390.00, nothing was gained. There are still houses in Pea Ridge not paying fire dues, the brand new houses in the City that are not occupied and not paying water bills.

3. Ordinance 481 states that the Fire Department shall charge a service fee for fire protection service to non subscribers to be determined and calculated based upon a formula devised by the Fire Chief. A copy of charged fees shall be maintained at the Fire Department. This is an illegal ordinance, only the City Council has the authority to determine money amounts. This can be solved by RAA (Responsibility, Authority, and Accountability). The Council has the responsibility, it cannot be delegated. You can delegate your authority but you cannot delegate the responsibility. The Council violated that by giving the responsibility to the Fire Chief, it makes the ordinance illegal.

4. Fire Dues on the Water Bill - I contracted to pay a Water Bill, I didn't contract for the Fire Dues. I will follow the contract I signed up for.

Alderman Cottingham asked Mr. Hart why he did not want to pay the Fire Dues. Mr. Hart stated that he was missing the point; he didn't want to pay them with the water bill. Cottingham stated that it was designed that way as a convenience to the citizens. Mr. Hart stated that if you do not pay they will shut off your water. Mr. Hart asked the Mayor "Isn't that right?"

Mayor Crabtree stated that he was not sure about that statement.

Water and Sewer Supt. Ken Hayes stated "First I've heard, I am not sure Howard is that legal?"

City Attorney Slinkard stated "I don't know, this is the first I've heard about it being put on the water bill, I am not familiar with this issue."

The Mayor explained that it has been on the water bill for years. But he also commented that he didn't know if anyone's water had ever been shut off for not paying the fire dues.

Alderman Cody stated that the fire dues were part of the total amount of the water bill and if you under pay that bill there is a chance that you will be delinquent on you bill and that could occur.

Mayor Crabtree stated that we will have to make sure about this issue. He further stated that there could be a problem with Ordinance 481 and he would look into the matter.

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Mr. Hart stated that the Council controlled two things, the ordinances and the money. This business about if you do not do this we are going to stop your water service that is called blackmail.

Mayor Crabtree also stated that they would look at the dues for residential and commercial because there is a big difference in the cost of fighting a fire at a residence and at a commercial building.

Fire Chief Frank Rizzio expressed to Mr. Hart that the chicken comment in the email was out of line for him to make as a City Officer. He realized that Mr. Hart had some issues and needed answers.

Mr. Hart asked the Council if someone doesn't pay fire dues on their water bill what are you going to do about it.

Mayor Crabtree stated that right now the Council is of the opinion that they would not cut off water service, but they will check and make sure.

Water and Sewer Supt. Hayes stated that this has never come up in the past and before we approached it he would confer with City Attorney Slinkard.

Alderwoman Telgemeier, seconded by Alderman Cottingham, moved to introduce Ordinance Number 483 by title only. The roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

Mayor Crabtree read Ordinance Number 483, which is entitled:

AN ORDINANCE AMENDING PEA RIDGE MUNICIPAL CODE, TITLE 14, THE OFFICIAL ZONING ATLAS MAP OF PEA RIDGE, ARKANSAS, TO REZONE CERTAIN LAND BELONGING TO JERRY AND BETH CARNES FROM AGRICULTURAL (A-1) TO RESIDENTIAL (R-1A)

Alderman Cottingham, seconded by Alderwoman Telgemeier, moved that the rule requiring the reading of an ordinance by title only on three different days be suspended. Mayor Crabtree put the question on the adoption of the motion and the roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

Thereupon Mayor Crabtree declared that at least two-thirds of all members of the council have voted in favor of the motion to suspend the rule. The motion was carried and the rule suspended. Mayor Crabtree then read the Ordinance by title only.

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Alderman Cody, seconded by Alderwoman Telgemeier, moved that the Ordinance be adopted. The question was put by Mayor Crabtree on the adoption of the motion and the roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

The Mayor thereupon declared the Ordinance adopted and signed the Ordinance, which was attested by the City Recorder and sealed with the Seal of the City.

Alderwoman Telgemeier, seconded by Alderman Cottingham, moved to introduce Ordinance Number 484 by title only. The roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

Mayor Crabtree read Ordinance Number 484, which is entitled:

AN ORDINANCE AMENDING PEA RIDGE MUNICIPAL
CODE SECTIONS 13.04.01 AND 13.04.02; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES.

Alderman Cody, seconded by Alderman Cottingham, moved that the rule requiring the reading of an ordinance by title only on three different days be suspended. Mayor Crabtree put the question on the adoption of the motion and the roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

Thereupon Mayor Crabtree declared that at least two-thirds of all members of the council have voted in favor of the motion to suspend the rule. The motion was carried and the rule suspended. Mayor Crabtree then read the Ordinance by title only.

Alderman Cottingham, seconded by Alderwoman Telgemeier, moved that the Ordinance be adopted. The question was put by Mayor Crabtree on the adoption of the motion and the roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

Alderman Cody, seconded by Alderwoman Telgemeier, moved that the Emergency Clause be adopted. The question was put by Mayor Crabtree on the adoption of the motion and the roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

The Mayor thereupon declared the Ordinance adopted and signed the Ordinance, which was attested by the City Recorder and sealed with the Seal of the City.

Mayor Crabtree read Resolution Number 298, which is entitled:

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A RESOLUTION AUTHORIZING PARTICIPATION BY THE CITY OF PEA RIDGE, ARKANSAS IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM.

Alderman Cottingham moved, seconded by Alderwoman Telgemeier to approve Resolution Number 298 as read. Motion passed unanimously.

Alderman Cottingham, seconded by Alderwoman Telgemeier, moved to introduce Ordinance Number 485 by title only. The roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

Mayor Crabtree read Ordinance Number 485, which is entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A WATER AND SEWER REVENUE BOND IN THE PRINCIPAL AMOUNT OF \$138,000 FOR THE PURPOSE OF PROVIDING FOR THE CONSTRUCTION OF BETTERMENTS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM FOR THE CITY OF PEA RIDGE, ARKANSAS, PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BOND; DESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

Alderwoman Telgemeier, seconded by Alderman Cottingham, moved that the rule requiring the reading of an ordinance by title only on three different days be suspended. Mayor Crabtree put the question on the adoption of the motion and the roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

Thereupon Mayor Crabtree declared that at least two-thirds of all members of the council have voted in favor of the motion to suspend the rule. The motion was carried and the rule suspended. Mayor Crabtree then read the Ordinance by title only.

Alderwoman Telgemeier, seconded by Alderman Cottingham, moved that the Ordinance be adopted. The question was put by Mayor Crabtree on the adoption of the motion and 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 Cody, seconded by Alderwoman Telgemeier, moved that the Emergency Clause be adopted. The question was put by Mayor Crabtree on the adoption of the motion and the roll being called, the vote was as follows: Bob Cottingham voted aye; John Cody voted aye; and Nadine Telgemeier voted aye. Motion passed.

The Mayor thereupon declared the Ordinance adopted and signed the Ordinance, which was attested by the City Recorder and sealed with the Seal of the City.

Mayor Crabtree stated that the City of Pea Ridge Agreed-Upon Procedures Audit Report for December 31, 2007, 2006 and 2005 was presented to the Legislative Joint Auditing Committee on December 16, 2008. The report stated there were no general or supplemental comments for the three year audit. Mayor Crabtree praised the City office personnel for an excellent audit.

On a recommendation from the Planning Commission Alderman Cottingham, seconded by Alderwoman Telgemeier, moved to reappoint Al Fowler and M. J. Hensley and appoint Jerry Burton and Brian Nave to the Pea Ridge Planning Commission. Terms of office for these positions will be drawn at the February 3, 2009, Planning Commission meeting.

Mayor Crabtree stated that CEI Engineering was looking at three alternatives to the storm sewer system at Weston and Hazelton on the Weston Street Project. This action will require a change order to the project. They are evaluating the best option for this change that will not alter the water shed. The Mayor will meet this week with City Attorney Howard Slinkard, Engineer Greg Perry, and Street Supt. Larry Majors to discuss issues with this project. This matter was tabled until the regular meeting February 17, 2009.

Water and Sewer Supt. Ken Hayes stated that they will be going to trial for the condemnation on the Steve Carter Property.

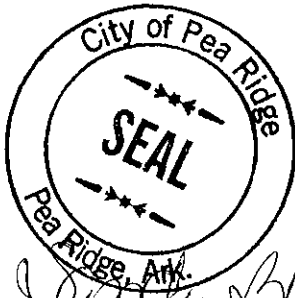
Mayor Crabtree stated that he would be sending out a letter of intent to purchase the property located on Highway 72 that the City has been considering.

Mayor Crabtree read a press release stating that Cooper Communities, Inc. announced that they will be closing the Village Home Center in Pea Ridge in mid-March, 2009. This decision was made due to the stagnant economy, as well as the close proximity to their Bella Vista Home Center.

Mayor Crabtree announced that State Senator Cecile Bledsoe and State Representative Donna Hutchinson will be in Pea Ridge listening to concerns and answering questions at the Pea Ridge Community Room at 10a.m. Saturday, February 7.

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



Sandy Button
Sandy Button, Recorder

Jackie Crabtree
Jackie Crabtree, Mayor