

City of Omaha

Council Meeting

August 6, 2018

The regular monthly council meeting was called to order by Mayor Leslie King. All council members present: Lorene Roberts, Laura King, William Atchison, Emmett Fickes and Orville Lippe. Also present: Chris Jamison/Police Dept., Dalton Larson/Water Supervisor, Steven Grady/City Attorney

Guests:

Mike Roberts

Charles Gray

Mary Gray

The minutes from the previous meeting were distributed and discussed. Lorene mentioned that there was a typo line 4 on lease agreement #4. Lorene also mentioned that there was another one on the 2nd page, 3rd paragraph it says free apply and should be reapply. Gina mentioned that Emmett had found a mistake on 2nd page, 1st paragraph, line 3, it was to say that Emmett was against letter being sent, not that the letter was hard on the fire dept. Gina mentioned that she would make the corrections. A motion was made by William, seconded by Laura to accept the minutes. All in favor. Motion carried. 5/Ayes

Steven Grady mentioned that he wanted to talk to the council about restructuring the council meetings, need to do roll call of the council members and talk about how the meetings are run, he has suggestions.

The financial reports for both the city and the water dept. were distributed and discussed. Lorene mentioned \$30.00 for Harold young water bill. Leslie mentioned that it was for the special meeting and that he had rented a metal break and that he would not take any money so he put his special meeting payment towards Harold's water bill. Mr. Grady mentioned that he needed to pay it with his own money so it was not coming out of the city account. Laura mentioned the pest treatment and was it just for this building or the fire dept too. Leslie mentioned that it was just for this one. A motion was made by Lorene, seconded by William to accept the financial reports for both the city and the water. All in favor. Motion carried. 5/Ayes

The special meeting minutes were distributed and discussed. The special meeting was regarding the lease agreement with the ORFA. A motion was made by William, seconded by Orville to accept the special meeting minutes. All in favor. Motion carried. 5/Ayes

Old Business:

Leslie mentioned that after months of waiting the bathroom floor was finally put in. Gina mentioned that it was completed Thursday. Leslie mentioned that the toilet needs to be set and that he would do it.

Laura mentioned the a/c for the fire dept. Gina mentioned that Entergy said there was nothing wrong with the voltage. Leslie mentioned which a/c unit to move, the one where Dalton's desk used to be. Gina mentioned yes because it had not been used that much and to put the old one in the hole where this one was being pulled out, so the wall would not have to be repaired. Laura mentioned if the urinal had been repaired yet. Leslie mentioned that it had not.

New Business:

William mentioned getting a tape recorder so that the fire board meetings could be recorded. A motion was made by Lorene, seconded by William to purchase a tape recorder for the fire board meetings. All in favor. Motion carried. 5/Ayes

Laura mentioned it being legal to record the meetings. William mentioned that it is a public meeting and this way the recording could be played back so that everyone would know what was agreed to. Laura mentioned that the fire board minutes are vague and normally only record the city word for word and not anything else. Laura mentioned letter to fire board and was it sent. Mr. Grady mentioned that it was not sent.

Leslie mentioned the \$2,228.98 invoice from Clifford Methvin for repairs done to the old backhoe and that the repairs were not authorized. Mr. Grady mentioned the State of Arkansas

elected official shall not foil or neglect the law. Mr. Grady also mentioned that it is a very broad law and that the only persons that should be getting any purchasing or selling for the city or the mayor and the treasurer only. Mr. Grady mentioned that he thinks if it comes out of any City fund then it should have a resolution and get approved. Mr. Grady also mentioned that Leslie can stand \$20,000 without approval or it can be lower depending on the city's choice. Mr. Grady mentioned that an individual councilmember does not spend anything. William mentioned that he agreed with it. Mr. Grady mentioned that the city can still pay for the invoice or they could choose not to pay the bill, there is no contract so the City does not have to pay it. Mr. Grady also mentioned that just can't be ratified after the fact and that now malfeasance has been committed in the elected office. Mr. Grady mentioned that they can be removed from her seat and charged with a misdemeanor, if it is a small amount then they can go to the mayor and he has the right to pay it or not. Laura mentioned being able to buy something that was under \$35,000 or does it have to be bid on in the paper. Mr. Grady mentioned that it has to be put out for bid and we are to take the lowest bid. William mentioned getting four bids. Mr. Grady mentioned that it would have to be put in the paper and that he would provide us with a bid packet. Leslie mentioned that two weeks ago there was a bid under \$35,000 that's why it has not been put in the paper. Mr. Grady mentioned contacting an engineer to find out what the costs would be. Mr. Grady also mentioned that you could not break the project up. Laura mentioned if it is over \$35,000 and it must be that Lorene mentioned doing one street at a time because we only had the money for one street at a time. Laura mentioned running it in a county paper. Mr. Grady mentioned at the mayor would have to open the bids. Mr. Grady also mentioned that he would bring instructions on how to do the bidding.

Leslie mentioned the old backhoe. William ask if the bill was out of line. Orville mentioned that four years ago it cost him \$1500.00, and the backhoe is running, but the transmission is not. William mentioned to go ahead and pay the bill. Lorene mentioned that she did not want Leslie and Gina getting in trouble. Mr. Grady mentioned that the town council cannot cure the problem but can pass a resolution to pay the bill. A motion was made by William seconded by Laura to pass a resolution to pay the bill. All in favor. Motion carried. 4/Ayes Orville Abstained

Leslie mentioned what the council wanted to do with the old backhoe. William mentioned that it didn't run before. Leslie mentioned that the old backhoe should not have any more money put into it because we purchased a new one. William mentioned fixing it to sell. Orville mentioned that it was a John Deere and that it could be jacked up and that it was underneath to get to transmission. William mentioned how much we could get for the old backhoe. Orville mentioned that it is a 94. A motion was made by William to liquidate it. Mr. Grady mentioned that there would need to be bids taken on it. Mr. Grady also mentioned that it would need to get fair market value and not give it away. Laura seconded the motion to sell the old backhoe. All in favor. Motion carried. 4/Ayes Orville Abstained. The lawyer mentioned that we would need to take bids and not to go to an auction because they usually get 10% of the profit. Mike mentioned fixing the backhoe. Laura mentioned getting the money back for the repairs. Orville mentioned that he would write a check for it tonight. Mr. Grady mentioned that he would send the rules for bids and sales so the council would know what they need to do.

Lorene mentioned the stumps being removed at the new fire Station. Orville mentioned that they would need 7 foot of fill. William mentioned them paying the \$300 for the backhoe use. Dalton mention that that is a five hour minimum. Lorene mentioned helping them out. Mr. Grady mentioned that the city does not need to be competing with other businesses. Laura mentioned doing it out of the goodness of our hearts or not doing it. Leslie mentioned that it would take one day and paying Dalton a wage and for the fuel. Mr. Grady mentioned that the city cannot double dip or use for city income. Mr. Grady mentioned the city agreeing to do the work. Orville mentioned spreading dirt. Lorene mentioned that she would be okay for the city to do it for them and that there is some liability that someone could get hurt. Laura mentioned not doing it. Leslie mentioned playing it by ear and see what happens. Leslie also mentioned that they should buy the fuel.

Leslie mentioned the water update. Dalton mentioned that he was up at the dollar general and had been working with the guys that were putting in the fiber. Lorene mentioned was the boil order off. Laura mentioned to Dalton that the pipe was not deep enough. Dalton mentioned that it was not deep enough for this situation. Laura mentioned the depth. Dalton mentioned that the pipe is deep enough now. Leslie mentioned that there was a water leak by Mr. Plott's house. Dalton mentioned that he had not gotten time to go buy there. Laura mentioned at all in was working by himself. Gina mentioned that he is not usually alone. Dalton mentioned that the valves that were there or didn't work and that there were some places where there were not in the valves and there should have been. William mentioned there not being any valves. Dalton mentioned that on the water system there are not valves in some places. William mentioned that maybe they were defective and could be repaired. Dalton mentioned that there is no tracer wire in any of it. Laura mentioned paying contract labor to the people that helped Dalton. Mr. Grady mentioned being careful to was hired. Mr. Grady also the mentioned calling one person for contract labor if Dalton could not do it myself. Laura mentioned if there was anyone else there besides Gina. Gina mentioned that Riley Jacobs and Matt Scheaffer(communitiy worker) were there.

Leslie mentioned the police update. Chris mentioned that it had been fairly slow and that he had served some warrants. Chris also mentioned whether the dollar general is going to sell liquor. Chris mentioned how the council felt about it. Laura mentioned that it was out of our hands. William mentioned that they would just bring it home. Leslie mentioned that some of the dollar general's cell beer or at 10 AM on Sundays. Laura mentioned that she would still go there to shop. Lorene mentioned the Sunday sales and that she would rather them not. Charles Gray mentioned that when the application was first applied for that there was nothing that the city could do and that that was what was in the minutes. Lorene mentioned this could cause problems. William mentioned that he doesn't think it will be a problem. Chris mentioned that he's not here all the time and that someone needs to be here on Friday and Saturday nights and that some calls will be made to the state police for DWI's. Lorene mentioned what happens if they are staggering in the road. Chris mentioned that that is public intoxication. Chris mentioned that Troy is teaching right now and that is why he is not here.

William mentioned Chris keeping his resource officer job at the school. Chris mentioned that he was going to the board meeting on August 15 and that he had not talked to the new superintendent but that he would probably still have a job. Chris mentioned to the lawyer if he had read the nuisance and abatement ordinance. Mr. Grady mentioned that he had not seen any of the ordinances and that abandoned buildings could get the city in trouble. Mr. Grady also mentioned how many structures there were. The council mentioned that there were two or three. Leslie mentioned that letters had been sent and that they don't do any good. Lorene mentioned that they are not being mowed. William mentioned that he had seen someone mowing and wanted to know what it was. Gina mentioned that it was one of the Hales. Leslie mentioned that there were people living in tents down by him at the Plott property. Leslie also mentioned that Thursday two out of the three people were sleeping in their vehicles. Laura mentioned that one lady does not wear very many clothes. Chris mentioned that he had stopped by there to talk to him about a person of interest and that he was living in a bus. Leslie mentioned that there are fights at 3 AM in the morning. Chris mentioned that there are two dodges in the yard one runs and one doesn't. Mike mentioned that someone came to their church to get money for gas, but Mike said that he wouldn't take them anywhere and that he went and got his 5 gallon gas from his home and gave to them. Chris mentioned that there was a 13-year-old four wheeler rider, and that there were two 14-year-old riders and that he had chewed them out and told them he would impound their four wheelers if they were caught again. Orville mentioned that he rides one. William mentioned what was in the laws. Chris mentioned that they needed to be street legal and if they are not then it is illegal. Chris mentioned that they are driving 50 to 60 MPH on old Cricket rd. to get to the store. Dalton mentioned that he had been stopped while on coon hunting and he was told by State Trooper Michael Valentines that you can ride on road if it is within 3 miles of your home on pavement. Chris mentioned that he had not seen this himself. Mr. Grady mentioned that there are several laws on four wheelers, 27-21-106-109, 27-21-104, there are also laws regarding farming and hunting, there are also laws for disabled people. William mentioned finding out what's legal and what's not. Leslie mentioned that the four wheeler that is down College St. is one of the problems. Emmett mentioned that the Plotts will be leaving by the end of the month. William mentioned that they are driving too fast. William also mentioned not being able to punish everyone. Mr. Grady mentioned that it is at the city's discretion. Lorene mentioned will that there does not need to be any speed bumps and to catch them for breaking the law. The council mentioned treating everyone fairly and this same.

Leslie mentioned the street update. Leslie also mentioned that he is supposed to get more bids next week. Lorene mentioned getting bids for the street from Donaldson. Laura mentioned that it had been over a year to try to get the bids. Mr. Grady mentioned advertising it in the paper and setting a deadline if there was only one bid then you could take that one bid. Mr. Grady also mentioned that when you run in the paper forbid it needs to be in the paper for two weeks. Lorene mentioned that there were only three streets that needed to be paved and the people that got the grant were supposed to pay them while they were here but they did not. Mr. Grady mentioned that the bid needs to be specific.

Laura mentioned the letter to the fire department and the municipal procedures for the council meeting. Mr. Grady mentioned that there needs to be an ordinance that lays out the order in which the meetings are held and that the ordinance or resolution would allow the public to speak for three minutes. Lorene mentioned giving them five minutes. Mr. Grady mentioned not

entering into dialogue and to address the public first this way there are no lawsuits and the council can limit the time of each individual person speech. Mr. Grady also mentioned that this lays out the procedures for executive sessions no meetings calls to council members and the FOIA laws. Laura mentioned going into executive session over an invoice. Lorene mentioned executive sessions are for disciplinary actions. William mentioned that there are no minutes taken during an executive session. Lorene mentioned if there is no action or no passing a resolution or ordinance then you don't have to do anything.

Orville left the meeting.

Mr. Grady mentioned the ORFA board meeting and when it was. William mentioned that it was next Tuesday and it is held on the second Tuesday of every month. Lorene and Laura mentioned that they do not feel that they will run the meeting accordingly. Mr. Grady mentioned that they cannot keep a board member from an executive session. Lorene mentioned the purchase of the land and that it did not go to the committee for the purchase of the land. Mr. Grady and Lorene mentioned that there is a nicer way to go about this than sending a letter. Mr. Grady mentioned that he would call Steve and explain it to him over the phone. Lorene mentioned making 10 copies to take to each one of them. Mr. Grady mentioned being nice and that you would rather not send in the letter and let him talk to them over the phone first. Mr. Grady also mentioned that if they did not comply then there could be a lawsuit and an injunction filed. William mentioned that the bylaws said the executive Council could only meet if there were not enough members present and that they were not to do anything until it was put in front of the board. William also mentioned that he had been told there were new bylaws for 2017. There was a lengthy discussion about the ORFA and their meetings. William mentioned that the city wanted copies of the financial reports. Mr. Grady mentioned that he would request them and anything else that the city wanted. Lorene mentioned that she wanted to help the fire department and for him to call and talk to the board and that if the meeting got ugly in that time in the letters can be sent.

No further business before the council. A motion was made by Lorene seconded by William to adjourn the meeting. All in favor. Meeting adjourned. 4/Ayes

Leslie King/Mayor

Gina Dunn/Sec./Treas.
