

**LAKEVIEW CITY COUNCIL  
REGULAR MEETING  
September 21, 2010**

**I Call to Order**

Mayor Dennis Behling called the meeting to order at 7:00 PM.

**II Responding to the roll call** were Bea Crites, Ken Fortier, Joe Gies, Chuck Birmes, Bill Svehla and Wayne Meyers.

**III APPROVAL –**

***August Council Meeting Minutes***

A. Mayor Behling stated for Council and those in attendance that during discussions about jail fees Judge Gearhart had been noted as stating that the City was not liable for post sentencing jail fees. As District Judge, Judge Gearhart cannot give a legal opinion concerning city matters. Mayor Behling publicly apologized for any inconvenience this may have caused Judge Gearhart and noted that references have been removed from the official minutes.

1. From this point forward, all Minutes from meetings will be stamped as “unofficial” until such time as they are approved by Council, and “unofficial” Minutes shall not be distributed.

B. Ald. Crites moved to accept Minutes as presented.

C. Ald. Fortier 2<sup>nd</sup> the motion.

D. Motion carried

***August Financials***

A. Ald. Birmes questioned the \$31,000 budgeted for General Fund, Civic Center Maintenance as to why so much when only \$836.04 had been expended at this point.

1. As Mayor Behling explained, the City has applied for a GIF grant to fund a backup generator for the Civic Center, if this is not funded by a grant the City still intends to go forward with a purchase of a generator for emergency purposes to keep City Hall and the Civic Center operational; thus, the figure in the budget.

B. Ald. Gies moved to accept the records as presented.

C. Motion seconded by Ald. Svehla

C. Motion carried.

**IV. Police Report**

A. Mayor Behling noted on the Police Report the presence of 3 Criminal Mischief and 3 Criminal Trespass arrests. Mayor Behling asked Chief Manley to expound further.

1. Chief Manley stated that to date there have been two burglaries in the City of Lakeview resulting in 4 arrests being made for one, and warrants of arrest being issued for the second.

2. Officer Ed Thomas has pursued these cases and his relentless investigation into the matter was responsible for the above noted results.

B. Mayor Behling asked if there were any questions concerning the report, none asked. The Mayor stated that report would be available to the public.

**V. Building Inspector Report**

A. Mayor Behling asked if there were any questions concerning the report, none asked. The Mayor stated that report would be available to the public.

**VI. OLD BUSINESS:**

- A. Ordinance 10-9- Procurement Policy – 3<sup>rd</sup> Reading
  - 1. Ald. Crites made a motion to suspend the rules and to read the Ordinance by Title only.
  - 2. Ald. Fortier seconded the motion
  - 3. Motion carried with a unanimous vote.
  - 4. Mayor Behling read the Title of Ordinance 10-09.
- B. Mayor Behling stated that Ordinance 10-09 was now available for motion to adopt.
  - 1. Ald. Gies made a motion to adopt Ordinance 10-09
  - 2. Ald. Svehla 2<sup>nd</sup> the motion.
  - 3. Motion carried with 6 yeas, 0 nays
  - 4. No Emergency Clause was enacted, so the Ordinance goes into effect in 30 days.
- C. Maintenance Vehicle – Ordered State Contract
  - 1. Mayor Behling stated the vehicle has been ordered and it is scheduled to be built the last week of September and delivered the 2<sup>nd</sup> or 3<sup>rd</sup> week of October.
  - 2. Mayor Behling addressed another issue, discussed last Council Meeting, which is the snow plow. The old snow plow (no longer produced) being attached to the new truck would require changing the wiring, which might negate any warranty on the new truck. The purchase a new snow plow would be \$4,850.00.
    - a. After discussing the merits of new and old, Ald. Meyers made a motion to purchase the new plow, Ald. Gies 2<sup>nd</sup> the motion, motion carried with 6 yeas and 0 nays.
    - b. Mayor Behling will present a Resolution next Council meeting to adjust the Budget for the Street Fund, New Equipment line item.
- D. Mayor Behling noted that the Council had in their packets a listing of the changes as proposed by the Recorder/Treasurer at the August Council meeting, consolidating the Park and Police Funds into the General fund.
  - 1. This will eliminate two funds which receive 99.5% of their funding from the General Fund.

**VII. NEW BUSINESS:**

- A. Award re: Street Project
  - 1. There was only one bid received for the Street Project; it was submitted by Dilbeck Construction.

a.	<b>Base Bid</b>	<b>Alt.1</b>	<b>Alt. 2</b>
	Clark Rd	East Gate Dr	Jordan Ln
	Karen Dr		
	Hawthorne Pl		
	\$19,080.00	+ \$4,028.75	\$8,291.25
  - 2. Mayor Behling stated that we currently have enough budgeted in the Street Fund, Repair that we can authorize the Base Bid and Alt. 1 and would entertain a motion to accept the bid as presented.
  - 3. Ald. Gies made a motion to accept the bid for the Base Bid and Alt. 1, Ald. Crites 2<sup>nd</sup> the motion, motion carries with 6 yeas, 0 nays.
- B. Resolution 10-05
  - 1. Mayor Behling read Resolution 10-05 for the Council and those in attendance.
    - a. Ald. Gies made a motion to accept Resolution 10-05 as read, Ald. Fortier 2<sup>nd</sup> the motion, motion carried with 6 yeas, 0 nays.
- C. The Mayor received a letter from the County reminding him that the Mill Rate was subject to change and submission the first week of October. Currently the City

holds a mill rate of 3; the Mayor asked for a motion to approve retaining the mill rate.

1. Ald. Crites made a motion to retain the mill rate at 3, Ald. Svehla 2<sup>nd</sup> the motion, motion carried with 6 yeas, 0 nays.
- D. The Mayor presented to the Council members copies of maps indicating their respective wards and the streets entailed in those wards.
- E. Mayor Behling noted the Business Owners letter that had gone out to the businesses regarding the Website and inviting them to link their businesses to the City of Lakeview website.
1. Mayor Behling stated that he would like to call another Business Owners Round Table in late October or early November and asked that Council members bring their calendars to the Oct. 19<sup>th</sup> meeting to set a date.

#### **VIII. Items from the Floor**

- A. The Recorder/Treasurer, Mrs. Barton, stated that she had been asked about the progress of the City's case against the Bay Breeze, which is currently being appealed to the State Supreme Court.
1. She stated that the City Attorney, Roger Morgan, had advised her that the information is available at the Court's website.
  2. She gave the Council and those in attendance the website as: [courts.state.ar.us/dockets](http://courts.state.ar.us/dockets), and the case number as CACR10-580.
  3. This case is now referred to as Sharon Colgan vs State of Arkansas and will be prosecuted by the Attorney General.
- B. Mr. Clyde Bass addressed the Council and those in attendance stating that he was a victim of one of the burglaries and he wanted to commend the actions of the City of Lakeview's Police Department in recovering all the items stolen from him.

#### **IX. Adjourn**

- A. Ald. Gies motion to adjourn
- B. Ald. Svehla Seconded
- C. Motion carried
- D. Meeting adjourned at 7:27 PM