

City of Dyer
Regular Council Meeting
04/27/2021

Meeting was called to order at 530 pm by Mayor Paul Brown. The Pledge of Allegiance was said.

Roll Call done by Recorder Treasurer
Alderman Rhonda Rowell present
Alderman Richard Swearingen present
Alderman Jeff Baxter present
Alderman Myrna Burns present
Alderman Katherine Fry present
Alderman Donna Staton absent

First item for business is approval of March 23, 2021 minutes,
April 13, 2021 special meeting minutes
April 16, 2021 special meeting minutes
April 20, 2021, special meeting minutes

A motion was made by alderman Katherine Fry to approve the above-mentioned minutes and seconded by Alderman Myrna Burns.

Roll Call:

Alderman Rhonda Rowell yes
Alderman Richard Swearingen yes
Alderman Jeff Baxter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes

Approval of Financials for March 2021 for General, Street and Water, Sewer and Sanitation. Alderman Rhonda Rowell questioned line item for miscellaneous for \$22665 I reminded her it was for Police Radios, Dash Cams and the cars purchased from Alma Police Department. Mayor Brown stated that there was a price difference from December when it was quoted and when it was purchased. That is why the difference of price. Mayor instructed Chief of Police that he needed to let us know about price differences ahead of time and it was an oversight on his part. Alderman Richard Swearingen questioned jail fees. Mayor Brown said we could not predict what they will be, we just must decide on a number and enter it in on budget. A lot of those in jail were arrested on warrants that were picked up by other agencies, we did not arrest all of them. City Attorney said that he works closely with the Police Chief to try and get these people out of jail to keep costs down. Alderman Katherine Fry asked if we were emending budget tonight and was told no. Alderman Jeff Baxter asked to clarify what is in the packet was March 21 financials and what was on the table was April to date and was told yes. Alderman Jeff Baxter made a motion to approve March 2021 Financials and it was seconded by Alderman Rhonda Rowell.

Roll Call:

Alderman Rhonda Rowell yes

Alderman Richard Swearingen yes

Alderman Jeff Baxter yes

Alderman Myrna Burns yes

Alderman Katherine Fry yes

Mayors Report: Before we go any further, I want to read this to you, I inherited a mess from previous Mayors and City Council members that needs to be cleaned up. This annexation and water rate increase was approved by 3 of the current council members. Now they are saying it was a wrong decision to make in 2019. This is one of the reasons we need citizens involved in the community. We need to know who and what we are voting for. I researched, met with individuals and lost sleep over this lawsuit and made 2 recommendations to the council that I thought was in the best interest in the city. One was over the annexation and one was keeping the current City Attorney. Council voted 6-0 against my recommendations both times. They come up with this decision on their own with a vote of 6-0 (referring to the settlement agreement dated 04/20/2021 to settle litigation with the Morrell's) I disagree with the proposal and with I will support their decision in hopes the council and the community will finally come together and make the city a better place. With that being said, I didn't veto this based on that I didn't think it would do any good, they would have reversed it regarding what I did. I don't like it, I like being in it, I wasn't there. Hopefully it is over, in a fight like this nobody is going to be happy. Somebody's going to win, and somebody is going to lose, that's just the way it is. Hopefully now that this is over, we can get back and see what it is going to be like. I want it to be a better place. Next thing for us is fourth of July and I want community involvement. I will need volunteers and we will go from there.

Recorder Treasurer.

I have asked the clerks for a copy of a breakdown for each department and their balance I could not get that we contacted CSA and was told that I need each department to have their own bank account and their own account in CSA. It was told to me the act 833 must have their own checking account and it is not and was told that could be a finding in the audit or a write up and I am asking the council to approve me to open a bank account for General, Police, Fire Department/Act 833, water sewer and sanitation and to get CSA software lined out to where we can use it until its full advantage. Alderman Katherine Fry said when I talked to Scott the accounts were askew. Scott advised each department to have own their check account. Mayor asked how many times this has been audited and Recorder treasurer told him we have not had an audit for 2020. Alderman Fry speaking and I could not make it out on recording about her dealings with CSA and trying to determine the balances.

Alderman Jeff Baxter asked since the budget has been approved, can we split that now, City attorney spoke up and said yes it can be split depending on the line items. If you get bank accounts for each department, I think the line items stay the same for the departments it would not have to be re-done. Alderman Baxter asked if this would make this a lot more transparent and Recorder Treasurer told him she thinks so. Alderman Katherine Fry speaking again but I could not make it out.

Alderman Rhonda Rowell to open an account for each department at bank and CSA and seconded by Alderman Katherine Fry.

Roll Call:

Alderman Rhonda Rowell yes

Alderman Richard Swearingen yes

Alderman Jeff Baxter yes

Alderman Myrna Burns yes

Alderman Katherine Fry yes

Recorder treasurer asked about insurance?? Alderman Fry stated she thought we were going to amend budget tonight.

Recorder Treasurer asked City Attorney if we had guidance on warrant fees, could we use the warrant fees money to pay jail fees and he said yes, we can. This plus the amount we have budgeted monthly gets us in decent shape to pay a good portion of jail fees.

RVS said when we charged The Morrell's 48 units times \$16.01, we overcharged them. RVS said because they were contracted to pay sewer on all water going thru that master meter and that it was set up in 2012 the minimum was 1 unit. If we charge them 18 times the 16.01 it will look like they underpaid from 2012 until the property was sold.

City Attorney: Ordinance to repeal section 3 of water rate ordinance.

Police chief report: on vacation and reported to Mayor it was slow.

Alderman Rhonda Rowell asked about the status of getting the cars equipped and updated, Office Chris Martin said we were up to date.

Fire Chief Report: on vacation and reported to mayor it was slow.

Old Business:

Trash cans, Mayor has called several cities to split cost with Dyer as the minimum to order is 112 and would cost >\$7500. Alderman Jeff Baxter made a motion that we order trash cans for the city of Dyer and was seconded by Alderman Richard Swearingen.

Roll Call:

Alderman Rhonda Rowell yes

Alderman Richard Swearingen yes

Alderman Jeff Baxter yes

Alderman Myrna Burns yes

Alderman Katherine Fry yes

Sandy Burnette stated she would donate to City of Dyer toward the purchase of the trash cans.

Water Meters. We are ordering 8 a month and installing them. We are asking to order the total number to replace them all which would cost >\$29,000. Alderman Richard Swearingen made a motion to move >\$2500 from Water Reserve each month to purchase 25 new water meters until all meters have been replaced. Seconded by Alderman Jeff Baxter.

Roll Call:

Alderman Rhonda Rowell yes

Alderman Richard Swearingen yes

Alderman Jeff Baxter yes

Alderman Myrna Burns yes
Alderman Katherine Fry yes

Letter was sent out that we could not get state aide this year for street.

Permaliner did 6 manholes manhole repairs costing \$12,655.00 6 of the worst ones and that is all we can do this year.

Alderman Baxter asked how many more and was told by Mayor Brown there was at least 6 more and that Lonnie Robins was trying to seal them with what we have until we can get them repaired next year.

Lee Hackler bill has been resolved and he has paid bill.

Water Bills not paid by May 21 will receive shut off notice and after 3 days will be turned off and assessed a late fee of \$25.00.

New Business:

Alma Sent us a letter stating they would be going up on their rates by 3% next year. We will know what we will have to do after everything settles down.

Spring Clean-up attempting to schedule for May 15 and take money from Sanitation.

Water Loan pay off. Alderman Fry and Recorder Treasurer explained that we pay \$672 monthly on a loan that matures in 2032. It can be paid off early without penalty. Requested pay off from them but have not heard back at this date.

Sewer Billing error. Read email from RVS about entries made in 2012 the account 239 was under charged for sewer. It was charged the minimum charge for water and only 1 unit for sewer since October 2012. This account was changed in March 2020 to \$25.00 minimum and 48 units which was over charged from March 2020 to March 2021. RVS states when meters are separated let him know and he would gladly help fix it correctly.

Ordinance 2021-04-27-01

AN ORDINANCE REPEALING A SECTION OF ORDINANCE NO. 2019-12-10-01

AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Dyer, Arkansas, passed an ordinance setting water rates for customers of the Dyer City Water System and other related purposes.

WHEREAS litigation ensued regarding the water rate ordinance.

WHEREAS the City council has negotiated and reached a settlement agreement for litigation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DYER,

ARKANSAS, AS FOLLOWS:

SECTION 1: Section 3 of Ordinance 2019-12-10-01 is hereby repealed.

SECTION 2: Emergency Clause. This ordinance is settling a lawsuit and deemed important for the immediate protection and preservation of the public peace, health, safety,

and welfare of the citizens of Dyer, Arkansas, because the existing ordinance has and will continue to create a significant burden upon the City through increased litigation and administration costs creating a financial burden. These burdens have negatively impacted the City reducing its ability to provide consistent and reliable public services to its citizens such that an emergency is hereby declared to exist, and this ordinance shall be effective and in full force and effect from and after its passage and approval.

A motion was made by Alderman Rhonda Rowell to read one time and by name and title only and seconded by Alderman Katherine Fry.

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Roll Call:

Alderman Rhonda Rowell yes

Alderman Richard Swearingen yes

Alderman Jeff Baxter yes

Alderman Myrna Burns yes

Alderman Katherine Fry yes

Ordinance 2121-04-27-01 read one time by name and title only by City Attorney

**AN ORDINANCE REPEALING A SECTION OF ORDINANCE NO. 2019-12-10-01
AND FOR OTHER RELATED PURPOSES**

A motion to adopt Ordinance 2021-04-27 was made by Alderman Jeff Baxter and seconded by Alderman Rhonda Rowell.

Roll Call:

Alderman Rhonda Rowell yes
Alderman Richard Swearingen yes
Alderman Jeff Baxter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes

A motion to declare an emergency and adopt Ordinance 2021-04-27-01 was made by Alderman Rhonda Rowell and seconded by Alderman Jeff Baxter.

Roll Call:

Alderman Rhonda Rowell yes
Alderman Richard Swearingen yes
Alderman Jeff Baxter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes

Public Forum:

Veronica Robins stood to ask if there were any legal ramifications for a council member who retaliates against citizens who post things on social media. It was Council Member Rhonda Rowell and she posted something that all of you ran on, and it was to follow the rules, do what is right she got mad called her boss and retaliated against me. Is this the way we are going to operate our city, Alderman Rowell spoke up but because of two or more people talking recording was not legible? Can the Citizens not speak out? I said the protocol was being broken and it wasn't right. Veronica asked the City attorney if there were any legal repercussions with this and he stated if he answered this, he would be giving legal advice. Next question was when we tried to bring the Morrells into the city was that illegal. City attorney said not to my knowledge. In 2019 we had 3 people on council who are here now, and it was voted on to charge per door, was that illegal? City Attorney said that is being litigated. Will the others who have multi meters such as Lee Hackler be paid back. I am not opposed to these people making money. She told City Attorney that her concern was that it made us look like we did something wrong, and you were our legal counsel, and you should have stood up for us. She told Alderman Fry she was there with her during her audits and the investigative audits, and she would appreciate it if she would quit telling people that she was stealing from the city. Alderman Fry told her I never told anyone you were stealing from the City I said payroll was

being done wrong. When you don't work forty hours and claim overtime what do you call that. She also stated City attorney advised incorrectly. Veronica stated that she would appreciate that she would leave my name out of it, Lonnie still works for the city. Both trying to speak at the same time and recording is illegible. Alderman Fry spoke up to say she is tired of being harassed and bullied and threatened about being fired at her place of work in the Dyer City offices. I do my job and do it right and am tired of getting this type of payback for doing what is right. Mayor Brown says that we are going to move forward and if we don't have something good to say don't say anything at all. Numerous people talking and the gavel banging caused the recording to be unclear.

Female stood to speak about her thoughts on bullying, social media. Members of audience asking their constituents what they thought about it. She was unhappy that the special meeting took place while the mayor was out of town. Echoes in building made recording unclear to me. Multiple people talking and gavel banging and making it unclear. Mayor states we needed to do better by researching issues and talking to citizens. It was asked why meeting was open to the public and mayor said it was open to public and that the public just could not make public comments.

Brenda Morrell stood to thank the council for working with them to resolve the litigation.

Cindy Davis stood to say that she felt that how much money did you have in your pocket was what made a difference. Echoes in room made recording unclear.

Male asked Council and or attorney for their reason why they voted the way they did on this lawsuit. City Attorney stated they had approximately a 4-hour meeting where they went back and forth. Male asked a question about litigation and City Attorney stated that the litigation was alleging that the annexation was illegal, and the water rates was in retaliation to the annexation lawsuit. The Morrell's and the council settled the litigation. He wanted to know if there was a lawsuit and we had to settle and was told yes.

Executive session called at 6:55pm by Alderman Rhonda Rowell to discuss an employee discipline. Seconded by alderman Richard Swearingen.

Roll Call:

Alderman Rhonda Rowell yes

Alderman Richard Swearingen yes

Alderman Jeff Baxter yes

Alderman Myrna Burns yes

Alderman Katherine Fry yes

Session called back to order by Alderman Rowell and seconded by Alderman Fry.

A motion was made to adjourn by Alderman Jeff Baxter and seconded by Alderman Fry.

Roll Call:

Alderman Rhonda Rowell yes

Alderman Richard Swearingen yes

Alderman Jeff Baxter yes

Alderman Myrna Burns yes

Alderman Katherine Fry yes

Mayor _____

Recorder Treasurer

Simon Hubbard