

City of Dyer
Special City Council Meeting
January 28, 2021

Meeting called to order at 5:30 by Mayor Paul Brown.

Mike Morrell addressed the council about settling the annexation lawsuit. He stated that the water bills were approx. \$27,000. He stated the annexation was illegal to begin with. The illegal stuff needs to stop it is not right. Someone spoke up and asked what was illegal about the annexation. There were multiple persons speaking making recording unintelligible. Someone spoke up asking what about lying to the city council, stating you were going to annex into alma and that they were asking you to come? Conversation was inaudible on recording. The question was proposed to Mike Morrell what you are wanting us as a council to do, he states he wants to negotiate a settlement to end the suit. Something that would benefit both the city and them. Brenda Morrell spoke up and said this is something we understand you cannot decide tonight. Inaudible conversations taking place between several parties.

Roll Call completed by Recorder Treasurer Lynn Hubbard.

Roll Call:

Alderman Katherine Fry present
Alderman Donna Staton present
Alderman Myrna Burns present
Alderman Jeff Baxter present
Alderman Rhonda Rowell present

Mayor Brown stated that the involved parties could discuss this situation.

Alderman Rowell asked what our current situation and the current cost of litigation to the city is. City Attorney states approximately \$2000. She also asked what the previous litigation cost the city in the Lee Hackler Lawsuit and City Attorney said the deductible of \$3000.00 for municipal league attorney. What could it cost the city if it is drug out and what is the cost if the city loses? City Attorney states a few thousand on the annexation, but the bigger issue is the lawsuit claiming that the water rate increase was in retaliation and that could be expensive in that it could involve time and money and any restitution that may be ordered. Alderman Rowell asked if we were going to try to come up with a resolution to this tonight. City Attorney states there were 2 depositions scheduled for tomorrow. Alderman Rowell asked how much that would cost and was told approximately \$800. Mike and Brenda Morrell spoke up and was discussing the cost of their legal fees. City attorney spoke up and said in the annexation lawsuit that it might be possible that the court would rule to have city pay their legal fees but was not usual. Alderman Rowell spoke up and said that our options are to go ahead with the depositions tomorrow and table this for further discussion or do we need to make a decision tonight to either end or look further into this. Mayor Brown states this is the options. City attorney spoke up and said anytime we go into litigation and into a trial, the jury can go either way. Reaching a settlement to where each side is equally happy or unhappy.

Mayor Brown asked if there were anymore questions. Alderman Staton asked if the proposal on paper all is, we have or could this be negotiated, Mike Morrell said he proposed to give the city some land up there to attempt to get this worked out, we are wanting to end this. The

council members were looking at the map along with Mr. Morrell and discussing his offer. He mentioned zoning of some property. Multiple conversations making recording inaudible. Mike Morrell states he is trying to make concessions to give the City of Dyer some of what they want. Mike Morrell mentioned the land and the water system and zoning. Mike Morrell states he does ask that someone else inspects their projects, it was asked if an inspector from Alma or Van Buren perform the duties and that was acceptable. The question was asked, could the fire truck get up there and was told yes it could. Discussion on road maintenance was not audible on recording, several persons speaking at once.

A motion was made to allow Mayor Brown and City Attorney to work with Mr. and Mrs. Morrell to work out this situation by Alderman Jeff Baxter and was seconded by Alderman Katherine Fry.

Roll Call:

Alderman Donna Staton. Yes

Alderman Myrna Burns . yes

Alderman Katherine Fry. Yes

Alderman Rhonda Rowell. Yes

Alderman Jeff Baxter. Yes

All yea.

2021 Budget

Alderman Jeff Baxter states he feels we should go ahead and approve the budget as it is. We can come back and amend it later; I feel this is the most solid budget that we have had.

Alderman Donna Staton states we are in the black in all numbers. The new outside employee was only counted in 3 departments and his salary should be out of all departments.

A motion was made to adopt resolution 2021-01-28-1, the approval of 2021 Budget by Alderman Jeff Baxter and seconded by Alderman Donna Staton.

Roll Call:

Alderman Donna Staton. Yes

Alderman Myrna Burns . yes

Alderman Katherine Fry. Yes

Alderman Rhonda Rowell. Yes

Alderman Jeff Baxter. Yes

All yea

Past Due water bills, we send most of the to the co-op to log past due bills for people who do not pay their bills. If there is anything over \$300 Sean Brister may start collection proceedings.

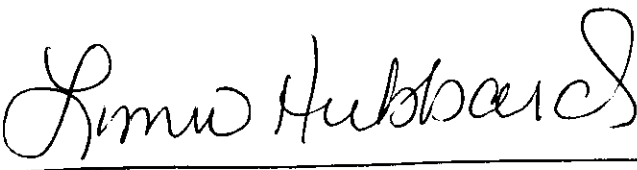
Alderman Rhonda. Rowell asked if there was something about COVID that allows people to allow us to shut off water. Sean Brister states Fort Smith and Van Buren are going to start sending out shut off notices after the first of the year. Alderman Katherine Fry asked about the policy of assessing \$25 for late bills. It was discussed among the council about enacting the late fee. Mr. Lee Hackler meter has been pulled and sent off for testing.

A motion to start assessing the late fees on April 1, 2021 on late bills by Alderman Katherine Fry and seconded by Alderman Myrna Burns.

Roll Call:

Alderman Donna Staton. Yes
Alderman Myrna Burns . yes
Alderman Katherine Fry. Yes
Alderman Rhonda Rowell. Yes
Alderman Jeff Baxter. Yes

mayor 

BT 

CITY OF DYER, ARKANSAS

RESOLUTION NO. 2021-01-28-1

A RESOLUTION APPROVING THE 2021 BUDGET FOR THE CITY OF DYER, ARKANSAS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS, AS FOLLOWS:

SECTION 1: After intense scrutiny, careful consideration, and due diligence, it is the opinion of the City Council of Dyer, Arkansas, that the 2021 Budget proposed by the Mayor meets the requirements as currently determined for the year 2021 and that the budget should be adopted accordingly.

SECTION 2: The Dyer City Council hereby approves the 2021 City of Dyer Budget as described in the attached EXHIBIT A.

PASSED AND APPROVED THIS ^{28th}~~26th~~ DAY OF JANUARY 2021.

APPROVED:



MAYOR

ATTESTED:



RECORDER/TREASURER