

City of Dyer
City Council Meeting Minutes
November 24, 2020

Mayor Morse called the City Council Meeting to order at 5:30 pm and the pledge of allegiance was said.

Roll Call:

Alderman Randy Beard present
Alderman Donna Staton present
Alderman Nancy Smith present
Alderman Robert Porter present
Alderman Myrna Burns present
Alderman Katherine Fry present

Public Forum:

Mayor Morse presented a plaque thanking Richard Leakey for his past service as Mayor and city council member.

Randy Beard was presented with a plaque thanking him for his past service as mayor and city council member.

Veronica Robins was presented with a plaque thanking her for her service to the City of Dyer and its citizens.

Veronica Robins-stated she has rescinded her resignation due to several past and present council members encouraging her to take some time off and return and so for now she would be off on medical leave for 6 months. Her plan is returned to work.

Approval of minutes.

Robert Porter had a question about wording of minutes, "It is hard to tell sometimes who is speaking" Recorder Treasurer states sometimes it is difficult on the recording in this building. Sometimes I had to use your Facebook recordings to get it figured out. Recorder Treasurer went on to ask Robert Porter is there a mistake on there or something I need to correct, and he stated no it is hard to visualize who is talking sometimes. Recorder Treasurer stated that sometimes on recording it is difficult to distinguish from Robert Porter and Randy Beard voice at times.

A motion to approve the October 2020 minutes was made by Alderman Robert Porter and seconded by Alderman Randy Beard.

Roll Call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes

Alderman Myrna Burns yes
Alderman Katherine Fry yes
All yea.

Approval of Financials

Alderman Randy Beard asked if this is a good time to talk about the budget and where we are with that. Recorder Treasurer stated as far as I am concerned and asked if anyone had objection to this? Alderman Beard stated, "you told me the other day you had lost your work on the budget, he asked if we saved it in the computer and Recorder Treasurer stated yes, we saved it. We are not sure why it isn't there, but it was saved. Kathy Fry stated she spoke with D-Best computer specialists that service our computers and they told her if we talked to CSA, they could possibly retrieve it. I think we have all of the information, we printed out 2 of the 3 budgets and have the information to enter the data on water and sewer, it is just a matter of plugging it back in the system and hoping to have it to everyone by December 1 for review. City Attorney stated we need to send something in form of email to council explaining this if we are not able to get it out to them by that time. Alderman Randy Beard asked if Veronica is budgeted in for the upcoming year. Recorder Treasurer stated that in the worksheet for payroll budget we have her off work for January-June for 6 months and we have a footnote or can add one that she is on sick leave and that there is the possible she returns before that time. Alderman Beard asked but she is budgeted into the budget, so she comes back. Recorder Treasurer stated absolutely. Alderman Beard wanted to make sure money is available for her to come back. Alderman Donna Staton stated we have her budgeted the last 6 months of the year but not the first, she asked if he wanted her put in the first 6 months also and he stated that she needed to be put in the budget for the entire year even if we don't use that it needed to be in there. Alderman Donna Staton stated so we need to go back and budget her in for the full 12 months, I see what he is saying now.

A motion was made to approve financial minutes by Alderman Myrna Burns and seconded by Alderman Katherine Fry.

Roll Call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter abstain
Alderman Myrna Burns yes
Alderman Katherine Fry yes
Motion is carried.

Mayor Report:

Mayor Morse asked the council to recommend the following Christmas Bonuses
Veronica Robins \$500
Lonnie Robins \$500
Chris \$500
And part time workers \$150

Alderman asked if why this has to be brought before the council. City Attorney stated as long as it is in budget mayor did not have to ask council.

Recorder Treasurer/Public Works:

Revisit water audit due to receiving a letter from leg audit dated back to October asking why we did not respond to 2 findings in the water audit. I spoke with Charles Camp about this and he stated he needed this information this week. I turned this over to City Attorney and asked for his opinion on this and he spoke with Berry and Associates. City Attorney Sean Brister states that there was some accounting things that had to do with FHA and Water Reserve, 1 was \$672 entered on one and a double entry in the other account and I spoke to Ann with Berry and Associates and she said it was all because of a learning curve for tracking interest, Veronica Robins spoke up and said this was brought up in the September meeting that I had talked with Ann and sent an email to you and what it was, was in the transfer accounts, we write a check in one account and transfer to another, they were written in December and not deposited until January. So, because of this it did not allow both accounts to balance. Ann will be available to train the staff in the office to correct this. Sean drafted a letter on this to the leg audit and cc'd the city.

Next item, council to decide if Veronica Robins insurance will be paid since she is on unpaid medical leave and we do not have FMLA availability. Recorder Treasurer spoke up to explain what caused this to surface. I asked for FMLA documents from office to be sent to Veronica, office staff unaware of the existence. I contacted HR at Municipal League who informed me that because of Dyers size, we were not eligible for FMLA. (less than 50) employees. When Veronica exhausts her paid leave, the city would need to decide if City would pay it for her or have her pay it out of her pocket. A question was raised whether the City paid Katherine Fry insurance for her when she was laid off and it was stated that the City voted to give her \$1000 and she found her own insurance.

A motion was made for the City of Dyer to pay Veronica Robins health insurance for her while on medical leave by Alderman Randy Beard and seconded by Alderman Katherine Fry. I would also like to add something of this nature to amend the employee's handbook to cover all employees in the event of unpaid medical leave for the city to pay their insurance. Sean Brister stated that you all could vote this down and make a motion to change overall policy not for just specific employees.

Roll Call:

Alderman Randy Beard yes

Alderman Donna Staton no

Alderman Nancy Smith no

Alderman Robert Porter no

Alderman Myrna Burns no

Alderman Katherine Fry yes

Motion failed.

Sean Brister spoke up and stated Alderman Fry could make that same motion to amend the employee handbook. Alderman Fry made a motion to amend the employee handbook to change overall city policy on paying health insurance for all employees on unpaid medical leave. Alderman Randy Beard stated there are other issues in the handbook that need to be addressed and we think it needs to be taken to the new city council and make changes in the handbook in its entirety. Alderman Robert Porter made a motion to table amending the handbook until January 2021 council meeting. Alderman Katherine Fry seconded the motion. Roll Call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes

Robert Porter to address the city council. It has come to my attention that there are several accounts that are defaulted on their water bills and past due and I had been told by City Attorney that we as a council could recommend legal action be taken against these account holders and wanted to bring this to the council for discussion. Lynn and Kathy put together a list of accounts past due and I guess the highlighted ones are past due. Katherine spoke up and stated that this is from March when COVID began some accounts got behind and we sent out shut off notices for the entire amount and they have paid a lot of them down and we have collected about \$15000 and this is all we have left of the people that were behind and they will be shut off probably after Thanksgiving. Veronica asked if this was on all closed accounts also or just the ones that are past due right now. Alderman Porter asked what about the closed accounts and we told him that we were not aware of that being a separate report. The intent was anything over 90 days that we adopt a resolution to request collections on those accounts who have not made payment arrangements, Sean stated yes you can do that and would need to add to policy and procedures in the water department. A question was raised asking what the current policy is on (too many talking at once and was not able to determine what was said). These accounts are behind because of the COVID pandemic starting in March. At that time the law asked the cities not to shut utilities off because of the residents out of work. Veronica stated our bigger problem is peoples accounts that was shut off and they left owing a balance. We have a system to enter these instances in that shows up when people move and try to get utilities in another town, and it shows past dues, and they have to get those taken care of before they can hook up to new services in other towns. We have accounts that go up to over \$3000. Recorder Treasurer asked why the turn offs did not reflect on the past due list and was informed there is a different list with those on it. City Attorney asked city if they wanted to put a dollar amount on accounts turned over for legal action as the filing fee to file a lawsuit on these accounts would be \$80.00. Alderman Robert Porter stated he would like to set anything closed or past 90 days in the amount of \$300.00. Mayor asked if anyone wanted to make a motion to adopt a policy to turn over closed accounts or past due over 90 days for legal action and Alderman Robert Porter stated he would like to make that motion and Alderman Donna Staton seconded it.

Roll Call:

Alderman Randy Beard no
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes
Motion is passed.

Christmas parade.

Recorder Treasurer asked for Council suggestions to modify the Christmas parade since the Covid virus is spiking. Alderman Robert Porter suggested street by street parade making a route through the entire city and having an ending point, but we don't have any connecting roads in town and that would make it difficult. Alderman Donna Staton asked about people interested in floats and Alderman Fry stated only 1 interest in floats expressed. So, it was decided to put together a plan and ask for Citizen involvement and church involvement and if no response cancel the parade and Alderman Fry and Staton stated yes. Alderman Staton stated antique cars might be an idea.

Recorder treasurer states there is a Clerk in office that is part time and desires to go full time and asked council to approve this. City attorney states Mayor can as long as enough money in budget.

Veronica Robins asked how long clerk could be worked full time before she would be considered full time. Alderman Fry stated clerk was in budget for 29 hours and was needed to know what we needed to do to keep city out of trouble, City Attorney stated that we needed to decide if we want to make her full time and pay her benefits. Mayor needs to decide what to do with this status.

Police Chief: None

Asked council to consider purchasing dash cams for cars at approx. \$2800.00.

Fire Chief: None

Ordinance to increase the pay of the recorder treasurer.

A motion to suspend the reading rule on Ordinance 2020-11-24-01 and read by title only one time was made by Alderman Donna Staton and seconded by Alderman Myrna Burns

Roll call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes
Motion is carried.

Ordinance 2020-11-24-01 AN ORDINANCE SETTING THE SALARY OF THE ELECTED DYER RECORDER-TREASURER DECLARING AN EMERGENCY AND FOR OTHER RELATED PURPOSES read by title only.

A motion was made by Alderman Katherine Fry and seconded by Alderman Donna Staton to adopt ORDINANCE 2020-11-24-01

Roll call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes
Motion carried.

A motion that ordinance 2020-11-24-01 be put into effect immediately was made by Alderman Donna Staton and seconded by Alderman Myrna Burns

Roll Call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes
Motion Carried

City attorney:

Pending answer from Little Rock moving court to Mulberry

Still working on getting needed information regarding property on Rhodes street.

New Business:

Alderman Robert Porter passed out an ordinance to repeal the 2016 Ordinance allowing council members to work in city offices as city employee. Recorder Treasurer asked for a copy of the ordinance and what it was in reference too. Alderman Porter provided Recorder Treasurer with copy. The following was read in its entirety by Mayor Bill Morse.

2020-11-24-02 ORDINANCE REPEALING ORDINANCE 2016-09-27-01 AND FOR OTHER RELATED PURPOSES.

WHEREAS, THE CITY OF DYER, ARKANSAS, PASSED AN ORDINANCE AUTHORIZING CLERICAL AND OFFICE WORK CONTRACTS WITH KATHERINE FRY AND FAMILY.

WHEREAS, THE CITY OF DYER HAS RECEIVED VERBAL COMPLAINTS OF CONFLICT OF INTEREST WHICH HAVE NOT BEEN PURSUED.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DYER ARKANSAS, AS FOLLOWS:

SECTION 1: ORDINANCE 2016-09-27-01 IS HEREBY REPEALED.

SECTION 2: EMERGENCY CLAUSE. THIS ORDINANCE IS 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 TURNOVER AND POTENTIAL CONFLICTS OF INTEREST AND REDUCED PUBLIC TRUST. THESE BURDENS HAVE NEGATIVELY IMPACTED THE CITY REDUCING ITS ABILITY TO PROVIDE CONSISTENT AND RELIABLE PUBLIC SERVICE 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.

The mayor read the ordinance in its entirety you can read for the next 2 months or you can make a motion to suspend the reading rule and read once tonight. Mayor recommended that we suspend the reading rule and read it the next 2 months. A motion was made by Alderman Randy Beard to suspend the reading rule and read it by number and title only and was seconded by Alderman Robert Porter.

Roll Call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry abstain

2/3 majority is met.

Read by number and title only by Lynn Hubbard.

2020-11-24-02 ORDINANCE REPEALING ORDINANCE 2016-09-27-01 AND FOR OTHER RELATED PURPOSES.

Alderman Robert Porter made a motion to adopt 2020-11-24-02 ORDINANCE REPEALING ORDINANCE 2016-09-27-01 AND FOR OTHER RELATED PURPOSES. Alderman Randy Beard seconded the motion.

Roll Call:

Alderman Randy Beard yes
Alderman Donna Staton no
Alderman Nancy Smith no
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry no

3-3 Mayor Morse vote required. After explanation of ordinance by Sean Brister Mayor voted No

A motion made by Alderman Katherine Fry to adjourn meeting and Alderman Robert Porter seconded.

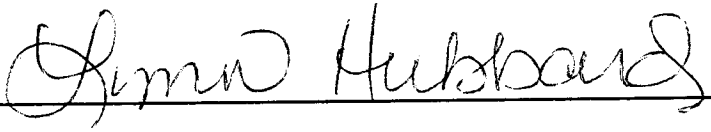
Roll Call:

Alderman Randy Beard yes
Alderman Donna Staton yes
Alderman Nancy Smith yes
Alderman Robert Porter yes
Alderman Myrna Burns yes
Alderman Katherine Fry yes

Mayor

A stylized, cursive handwritten signature, possibly reading "P. L.", written in black ink over a horizontal line.

Recorder/Treasurer

A handwritten signature in black ink that reads "Simon Hubbard", written over a horizontal line.