

CITY OF VAN BUREN, ARKANSAS
REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 23, 2020
MUNICIPAL COMPLEX – 5:30 PM

AGENDA

1. Invocation and Pledge of Allegiance – Mayor Joe Hurst.
2. Roll Call.
3. Minutes from the February 24, 2020 Regular City Council Meeting.
4. Resolution – Entering into a Contract with Hawkins Weir for Various Projects.
5. Hearing for Alleyway Abandonment.
6. Ordinance – Abandon a Public Alleyway in the Vista Place Addition.
7. Ordinance – Arkansas Electric Cooperative Corporation Franchise Agreement.
8. Ordinance – Franchise Fee for Rural Wave Connect, LLC.
9. Ordinance – Emergency Response to Address Employee Leave Policies.
10. Financial Statements.
11. Reports:
 Police – Fire – Building Department – Public Works/Planning – Ambulance.
12. Miscellaneous and General Discussion.
13. Adjournment.

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. ___ - ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES FOR THE CITY OF VAN BUREN, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Van Buren, Arkansas desires to make various improvements within the City to include streets, drainage, bridges and sidewalks; and

WHEREAS, in order to commence the projects and to seek grant funding, the City is in need of professional engineering services for the development of plans and designs, cost estimates, and supervision for said projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The Mayor is authorized to enter into a contract (Exhibit "A") with Hawkins-Weir Engineers, Inc. to provide engineering services for the development of preliminary engineering and designs, and cost estimates for the above listed projects. Payment for such engineering services shall not exceed \$25,000.00 plus any applicable reimbursable expenses.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Resolution at its regular meeting held on the 23rd day of March 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO ABANDON A PUBLIC ALLEYWAY IN THE VISTA PLACE ADDITION, INSIDE THE CITY OF VAN BUREN, CRAWFORD COUNTY, ARKANSAS.

WHEREAS, a petition has been filed with the City Council of Van Buren, Arkansas, on the 20th day of February, 2020 by Jason Harrell and Scott Rice asking the City of Van Buren to vacate and abandon all that portion of the public alleyway lying between lots 7 through 10 and lots 29 through 32 in Block 14 Vista Place Addition to the City of Van Buren, Arkansas; and

WHEREAS, after due notice as required by law, the Council has heard all persons desiring to be heard on the question of abandoning the alleyway in the hereinabove subdivision, and has ascertained that the public alleyway hereinabove designated has therefore been dedicated to the public use as a public alleyway and that the same has not been used for a period of more than five (5) years preceding this date; and that the owners of the property abutting the public alleyway to be abandoned have filed with the City Council or have expressed their consent to such abandonment and the public interest and welfare are not adversely affected by abandonment of said public alleyway; and

WHEREAS, the City Council of Van Buren, acting under the authority of A.C.A. 14-199-103 and A.C.A. 14-301-302, has the authority to abandon public alleyways or segments thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The City of Van Buren, Arkansas, hereby releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the public alleyway specifically designated as follows:

Part of a platted alley in Block 14, Vista Place Addition to the City of Van Buren, Crawford County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Southwest Corner of Lot 10, Block 14. Thence along the South line of Lots 10 through 7, South 84 degrees 37 minutes 36 seconds East, 100.00 feet to a set rebar with cap marking the Southeast Corner of Lot 7, Block 14. Thence South 03 degrees 58 minutes 07 seconds West, 20.01

feet to a set rebar with cap marking the Northeast Corner of Lot 32, Block 14. Thence along the North line of Lots 32 through 29, North 84 degrees 37 minutes 36 seconds West, 100.00 feet to a set rebar with cap marking the Northwest Corner of Lot 29, Block 14. Thence North 03 degrees 58 minutes 07 seconds East, 20.01 feet to the Point of Beginning, containing 0.05 of an acre and subject to any Easements of Record.

SECTION 2: A copy of this Ordinance bearing original signatures and duly certified by the City Clerk shall be filed in the Records of the Circuit Clerk of Crawford County, Arkansas.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against the foregoing Ordinance at its regular meeting held on the 23rd day of March 2020.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE PROVIDING A ONE-TIME FEE UPON ARKANSAS ELECTRIC COOPERATIVE CORPORATION FOR CARRYING ON BUSINESS IN THE CITY OF VAN BUREN, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City desires to enact and impose upon Arkansas Electric Cooperative Corporation a franchise fee, and

WHEREAS, Arkansas Code Annotated §14-200-101 provides that a municipality may impose a reasonable franchise fee for the use and occupation of the city right of way in addition to terms and conditions upon which the public utility may be permitted to occupy the streets, highways, or other public places within the municipality; and

WHEREAS, in order to prevent the loss of revenue and to raise more revenue, a state of emergency exists and the fees are needed to be made effective immediately for the health, safety and welfare of the citizens of the City of Van Buren.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: Pursuant to A.C.A. §14-200-101, Arkansas Electric Cooperative Corporation, which is conducting or carrying on business in the City of Van Buren, Arkansas under a franchise shall pay a one-time fee of \$2,500.00 for the use of the City of Van Buren rights of ways as set forth in Exhibit "A" hereto. Arkansas Electric Cooperative Corporation shall also \$50.00 per street cut in accordance with the Code of Ordinances of the City of Van Buren.

SECTION 2: Said privilege tax shall be paid in lieu of all other taxes, licenses, charges, fees or impositions except general or special ad valorem taxes which might be lawfully imposed by the City other than permit fees for street cuts.

SECTION 3: Arkansas Electric Cooperative Corporation shall have the right to occupy present or future streets, highways, alleys or other public ways of the aforesaid municipality for the purpose of carrying of installing and maintaining fiber optic lines as set forth in Exhibit "A" hereto.

SECTION 4: Nothing herein contained shall be construed as giving to Arkansas Electric Cooperative Corporation any exclusive privileges.

SECTION 5: The Mayor is authorized to enter into the attached Franchise Agreement with Arkansas Electric Cooperative Corporation.

SECTION 6: The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

SECTION 7: Due to the need to raise more revenue and to protect against lost revenue, an emergency is declared and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage, approval and publication.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Ordinance at its regular meeting held on the 23rd day of March 2020.

Joe Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ____ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE IMPOSING AN ANNUAL FRANCHISE FEE UPON WAVE RURAL CONNECT, LLC FOR USE OF THE RIGHTS OF WAYS OF THE CITY OF VAN BUREN, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City desires to enact and impose upon Wave Rural Connect a franchise fee for use of the City of Van Buren's right of way and for conducting business within the City of Van Buren which shall be in lieu of all other licenses, charges, fees or special taxes other than the usual general or special ad valorem taxes and street cut permit fees, and;

WHEREAS, Arkansas Code Annotated §14-200-101 provides that a municipality may impose a reasonable franchise fee for the use and occupation of the city right of way to provide services in addition to providing terms and conditions upon which the public utility may be permitted to occupy the streets, highways, or other public places within the municipality; and

WHEREAS, in order to prevent the loss of revenue and to raise more revenue, a state of emergency exists and the fees are needed to be made effective immediately for the health, safety and welfare of the citizens of the City of Van Buren.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: Pursuant to A.C.A. §14-200-101, Wave Rural Connect which is conducting or carrying on business in the City of Van Buren, Arkansas under a franchise shall pay as an annual franchise fee 4.25% of the gross revenues received by said company in the preceding year for all telephone and television services provided in the City of Van Buren. Collection of the tax by Wave Rural Connect shall begin May 1, 2020. The said tax shall be payable on or before the 30th day of April, 2021, as computed for 2020, and annually thereafter on or before the 30th day of April in each year. Payment shall be accompanied by a report in such form and containing sufficient detail to determine Wave Rural Connects compliance with this section with the payment. In the event a payment is not received on or before the date due, Wave Rural Connect shall pay in addition to the payment, interest from the due date at 10%. The City of Van Buren shall have the right to audit any such payment for a period of four (4) years, and no acceptance of any payment shall be deemed final until the period for audit shall have expired.

SECTION 2: Said privilege tax shall be paid in lieu of all other taxes, licenses, charges, fees or impositions for the use of the right of way for the installation and maintenance of fiber optic lines and for conducting business within the City of Van Buren except general or special ad valorem taxes and street cut permits.

SECTION 3: Wave Rural Connect shall have the right to occupy present or future streets, highways, alleys or other public ways in the City of Van Buren for the purpose of installing and maintaining fiber optic lines.

SECTION 4: Nothing herein contained shall be construed as giving to Wave Rural Connect any exclusive privileges.

SECTION 5: The Mayor is authorized to enter into the attached Franchise Agreement with Wave Rural Connect to implement the provisions hereof.

SECTION 6: The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

SECTION 7: That due to the need to raise more revenue and to protect against lost revenue from the current business operations of Wave Rural Connect in the City, an emergency is declared and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage, approval and publication.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Ordinance at its regular meeting held on the 23rd day of March 2020.

Joe Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2020

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE TO ADDRESS LEAVE POLICIES IN TIMES OF A PUBLIC-HEALTH EMERGENCY DECLARED BY THE GOVERNOR OF THE STATE OF ARKANSAS.

- WHEREAS, Governor Asa Hutchinson has declared a public-health emergency due to the COVID-19 virus entering Arkansas; and
- WHEREAS, quarantine is one of the recommended management tools by the Centers for Disease Control and Prevention (CDC) to prevent the spread of COVID-19; and
- WHEREAS, the quarantine period recommended by the CDC is fourteen days from the date of exposure; and
- WHEREAS, it is in the best interest of the City, its employees, and the public, that employees who have been exposed to COVID-19, are exhibiting symptoms of COVID-19, or who have been diagnosed with COVID-19 be able to remain in quarantine for the full fourteen-day period; and
- WHEREAS, the City is attempting to ensure employees are able to remain in quarantine for the full fourteen-day period if exposed or exhibiting symptoms, or are able to remain in quarantine after having a confirmed case of COVID-19, without suffering undue hardship which may be created by limited availability of leave.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: During the state of public health emergency declared by the Governor due to COVID-19, the following rules will be in place, and to the extent the City of Van Buren Employee Policy Manual as adopted by Resolution No. 7-2-2001 and as revised by Resolution No. 2-5-2003 and 7-3-2005 conflicts, the terms set forth in this Ordinance shall supersede the Policy Manual during the period of the public health emergency.

SECTION 2: Employees who are placed on a quarantine period of fourteen days or less, either by their physician, by the Mayor, or by their Department Head, shall be paid for the quarantine period, up to fourteen days. This paid time shall not be taken out of any leave bank of the employee. For physician-imposed quarantine, the employee must provide documentation from the doctor's office.

- a. The Mayor or Department Head may use their discretion to identify an employee subject to quarantine based upon self-reporting of identified risk factors as explained by the CDC, fact specific information related to travel locations, or high-risk transmission settings, personal contact with a presumptive case of COVID-19, or if the employee has observable symptoms consistent with the guidelines published by the Centers for Disease Control.

- b. An employee who has voluntarily exposed him or herself to the virus may be required to utilize sick leave rather than paid time off unless the employee tests positive for the virus.

SECTION 3: Employees who are diagnosed with COVID-19 shall not return to work for up to fourteen days from initial diagnosis. A medical release shall be required from the physician or physician's office who originally diagnosed the employee to return to work. An employee who has been diagnosed with COVID-19 shall be paid up to fourteen days when off work beginning with the date of diagnosis until released to return to work. This paid time shall not be taken out of any leave bank of the employee.

SECTION 4: Employees who do not qualify for sections 2 and 3 of this Ordinance, but who have a school-aged child, who has experienced a school closing or mandatory quarantine, may choose to stay home with their child, without being subject to discipline, for attendance.

- a. Employees who choose to stay home under this option are required to use any accrued paid time off, including sick leave, vacation leave, comp time, and personal time off.
- b. Once paid time off has been exhausted, the employee may accrue a deficit balance to the extent necessary to accommodate the school closing.

SECTION 5: Employees who choose to take time off during this declared public-health emergency for any reason other than those listed above, are still subject to the regular leave provisions as outlined in the City of Van Buren Personnel Policy Manual.

SECTION 6: EMERGENCY CLAUSE. There is significant risk to public health and safety posed by the spread of COVID-19. The Van Buren City Council has determined that this Ordinance is necessary to help prevent the spread of the illness within the City and to members of the general public who may visit City offices. Therefore, an emergency is hereby declared to exist, and this Ordinance, being necessary for the preservation of public health, safety and welfare, shall be effective from and after its date of passage.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ____ for and ____ against, the foregoing Ordinance at its regular meeting held on the 23rd of March 2020.

Joseph P. Hurst
Mayor

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Phyllis Thomas
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