

CITY OF VAN BUREN, ARKANSAS
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 17, 2018
MUNICIPAL COMPLEX – 5:30 PM

AGENDA

1. Invocation and Pledge of Allegiance – Mayor Bob Freeman.
2. Minutes from the November 26, 2018 Regular City Council Meeting.
3. Resolution – Adopting a Proposed Budget for 2019.
4. Ordinance – Approve the Purchase of New Police Department Vehicles.
5. Ordinance – Abandoning an Easement in the Park Ridge at Lee Creek Addition.
6. Ordinance – Rezone Certain Real Property.
7. Ordinance – Amend the Conditional Use Legend for Hogs, Goats, Sheep, Cattle and Horses.
8. Ordinance – Amend Municipal Code 6.08 Regarding Animals and Fowl.
9. Financial Statements.
10. Reports:
 - Police – Fire – Building Department – Public Works/Planning – Ambulance.
11. Miscellaneous and General Discussion:
 - Area Agency on Aging Report.
 - Stephanie Tounzen – Citizen.
12. Adjournment.

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. ___ - ___ - 2018

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

A RESOLUTION ADOPTING A PROPOSED BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019.

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

SECTION 1: The 2019 Proposed Expenditures of \$16,087,156.00 (Sixteen Million, Eighty-Seven Thousand, One Hundred Fifty-Six Dollars) is hereby appropriated and a copy of said Budget is attached hereto and made a part hereof.

SECTION 2: The appropriations made herein include additional pay for Holidays for all agents, servants and employees of the City of Van Buren including, but not limited to, uniformed employees, as provided for by the laws of the State of 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 Resolution at its regular meeting held on the 17th day of December 2018.

Robert D. Freeman
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2018

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

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT FOR, AND PURCHASE OF NEW VEHICLES FOR THE POLICE DEPARTMENT; FOR THE APPROPRIATION OF FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Van Buren is in need of certain police vehicles, for the safety of life and protection of property by the City of Van Buren Police Department; and

WHEREAS, after extensive research and inquiry, the City of Van Buren Police Chief has determined that the purchase of the vehicles from Breeden Truck Center of Van Buren, Arkansas and Superior Fleet and Commercial Sales of Siloam Springs, Arkansas at the 2019 state purchase price would be the most practical, feasible and cost effective method for the department; and

WHEREAS, the City Council has determined, pursuant to A.C.A. § 14-58-303(b)(2)(B) that exceptional circumstances exist which render the competitive bidding process to not be practical or feasible; and

WHEREAS, a state of emergency exists because the vehicle will provide improved life safety and protection of property and because the units are currently available.

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

SECTION 1: The Police Department of the City of Van Buren, Arkansas is in immediate need to purchase two (2) 2019 Chevrolet Traverse LS FWD and six (6) 2019 Dodge Charger Rear-Wheel Drive Pentastar vehicles.

SECTION 2: The said two Chevrolet Traverse vehicles are authorized to be purchased from Superior Fleet and Commercial Sales, located in Siloam Springs, Arkansas, for the total sum of \$48,578.00 as detailed in the attached quote.

SECTION 3: The said six Charger vehicles are authorized to be purchased from Breeden Truck Center, located in Van Buren, Arkansas, for the total sum of \$139,842.00 as detailed in the attached quote.

SECTION 4: The City Council in accordance with the terms of A.C.A. § 14-58-303(b)(2)(B) hereby waives the requirement of competitive bidding and directs the Mayor to purchase the above described for the price set forth in Section 2 and 3 above from Capital Improvement Funds.

SECTION 5: It is further found that due to the immediate need to acquire this vehicle before the quote expires, an emergency is declared to exist and this ordinance being necessary for the preservation of the public health, safety, and welfare, it shall take effect from and after its passage and approval.

SECTION 6: The Mayor and City Clerk are hereby authorized by the City Council for the City of Van Buren to execute all documents, contracts, and agreements necessary to effectuate this Ordinance.

SECTION 7: 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.

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 17th day of December 2018.

Robert D. Freeman
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2018

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

AN ORDINANCE TO ABANDON A PORTION OF A UTILITY AND DRAINAGE EASEMENT IN THE PARK RIDGE AT LEE CREEK ADDITION, INSIDE THE CITY OF VAN BUREN, CRAWFORD COUNTY, ARKANSAS.

WHEREAS, a petition has been filed with the City Council of Van Buren, Arkansas, by Michael Kerr to abandon the utility and drainage easement along certain lots inside the Park Ridge at Lee Creek Addition more particularly described as follows:

Description of Existing 15.00 Foot Utility and Drainage Easement

All that portion of a certain 15 foot utility and drainage easement lying between Lots 65 through 66, of the Park Ridge at Lee Creek Addition to the City of Van Buren, Crawford County, 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 easement in the hereinabove subdivision, and has ascertained that the easement hereinabove designated has therefore been dedicated to the public use as a public easement 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 easement to be abandoned have filed with the City Council, or have expressed their consent to abandonment, and the public interest and welfare are not adversely affected by abandoning said easement; 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 easements 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, and abandons all its rights, together with the rights of the public generally, in and to the utility and drainage easement specifically described above.

SECTION 2: A copy of this Ordinance bearing original signatures and duly certified by the City Clerk shall be filed in the Miscellaneous 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 17th day of December 2018.

Robert D. Freeman
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2018

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

AN ORDINANCE TO AMEND ORDINANCE NO. 7-1963 VAN BUREN MUNICIPAL CODE NO.14.04.01) FOR THE PURPOSE OF REZONING CERTAIN PROPERTY IN THE CITY OF VAN BUREN, ARKANSAS, AMENDING THE ZONING MAP OF THE CITY OF VAN BUREN, ARKANSAS, AND FOR OTHER PURPOSES.

- WHEREAS, the City of Van Buren, Arkansas, is duly incorporated under the law of the State of Arkansas, with all powers, authority and duties of a city of the first class; and
- WHEREAS, the City of Van Buren has adopted the Zoning Ordinance for the City of Van Buren (Ordinance No. 7-1963); and
- WHEREAS, a request has been made by Jose Hernandez, to rezone certain property within the city limits of the City of Van Buren; and
- WHEREAS, notice of a Public Hearing was duly published in the Press Argus on November 17, 2018, and a public hearing was conducted as required by law (A.C.A & 14-56-422) on December 4, 2018; and
- WHEREAS, as a result of this hearing, the Planning Commission has recommended that certain property within the city limits of the City of Van Buren be rezoned from its previous classification to the following:

Current Zoning

New Zoning

C-2(Thoroughfare Commercial District)

R-3(Multi-family Residential District)

Legal Description:

PT E/2 NW, NW, SE, Section 12, Township 9 North, Range 32 West, Van Buren, Crawford County, Arkansas

Layman's Description

Parcel#700-08895-000, 510 Baldrige Lane, Van Buren, Arkansas

WHEREAS, the proposed rezoning herein was recommended by a majority vote of the entire Planning Commission, in accordance with A.C.A. & 14-56-422.

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

SECTION 1: The above-described property is hereby rezoned from C-2 to R-3 and the Van Buren Zoning Map is amended to reflect this rezoning.

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 17th day of December 2018.

Robert D. Freeman
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2018

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

AN ORDINANCE TO AMEND ORDINANCE NO. 25-1997, TO RECLASSIFY HOGS, GOATS, SHEEP, CATTLE AND HORSES AS CONDITIONAL USES IN CERTAIN ZONES, AS SPECIFIED IN THE CITY OF VAN BUREN PERMITTED AND CONDITIONAL USE LEGEND.

WHEREAS, the City adopted Ordinance No. 25-1997 to provide for regulations for the granting of conditional uses within established zones; and

WHEREAS, notice of a Public Hearing was duly published, and a Public Hearing was conducted by the Van Buren Planning Commission on December 4, 2018 to consider this proposed amendment;

and

WHEREAS, the proposed change herein was recommended by a majority vote of the entire Planning Commission.

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

SECTION 1: Ordinance No. 25-1997 shall be amended as follows:

City of Van Buren
Permitted and Conditional
Use Legend

X = Permitted Use C = Conditional Use (must be approved by planning commission)	Residential - 1	Residential - 2	Residential - 3	Residential - 4	Residential - 5	Commercial - 1	Commercial - 2	Industrial - 1	Industrial - 2	Historic District	Open - 0-1
Detached one family dwelling	X	X	X								X
Two family dwellings		X	X								C
Multi-family dwellings			X								C
Churches	C	C	C	C	C	C	C	C	C	C	C
Hogs, Goats, Sheep, Cattle and Horses	C	C	C	C	C		C	C	C		C
Schools offering a general education course	X	X	X			C	C	C	C	C	
Library	X	X	X			C	C	C	C	C	
General purpose farm, garden or nursery	X	X	X	C		C	C	C	C	C	X
Private club not conducted for profit	X	X	X			C	C	C	C	C	C
Municipal recreation or water supply use	X	X	X	C		C	C	C	C	C	C
Accessory structures and uses pertinent to the principal structure and use	X	X	X								X
Parks, playgrounds, etc.	C	X	X	C		C	C	C	C	C	X
Kindergartens (public or private), day care	C	X	X	C		C	C	C	C	C	C
Hospitals, nursing homes, doctor and dental clinics, etc.		C	C	C	C	X	X	X	X	X	
Mobile home parks				X							
Mobile home park accessory and service buildings				X							
Retail establishments providing goods and services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor hotels, restaurants						X	X	C	C	X	
Office and bank buildings and uses						X	X	C	C	X	
Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.						X	C	C	C	X	
Wholesaling and warehousing						X	C	C	C	X	
Bulk storage and non-combustible materials						X	C	C	C	X	
Automotive service, repair and storage, provided that wrecked or salvaged vehicles are stored inside a building or are enclosed by a solid fence and not visible to the public from the street or sidewalk						X	X	C	C	X	
Motels, tourist courts						C	X	C	C	C	
The manufacturing, compounding, processing, packaging or assembling of those products that will require the smaller sized, cleaner and more quiet industries and will involve a minimum of noise, dust, odor, or vibrations							C	X	X	C	
The storage of bulk materials that will not endanger the health, safety and general welfare of the people						C	C	X	X	C	
Retail uses that are accessory to the operation and other essentially similar uses such as animal hospitals, repair shops, transportation terminals, wholesale outlets, farm machinery sales, lumber yards, restaurants, and service stations						C	C	X	X	C	
Single mobile homes on a lot where it may be advantageous to the industrial development of the area provided said lot is at least 40 feet by 90 feet								X	X		

City of Van Buren
Permitted and Conditional
Use Legend

X = Permitted Use C = Conditional Use (must be approved by planning commission)	Residential - 1	Residential - 2	Residential - 3	Residential - 4	Commercial - 1	Commercial - 2	Industrial - 1	Industrial - 2	Historic District	Open - 0-1
The manufacture of heavy, raw products and those operations that are generally objectionable to residential business uses; including animal and poultry slaughter, foundries, saw mills and junk yards							C	X		
Public facilities and utilities										X
Home based business	C	C	C	C						C
On-site real estate sales office	C	C	C	C						
Indoor Firing Range						C	C	C		
Single and two-family residences subject to restrictions									X	

SECTION 2: 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.

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 17th day of December 2018.

Robert D. Freeman
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2018

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

AN ORDINANCE TO AMEND THE VAN BUREN MUNICIPAL CODE CHAPTER 6.08, REGARDING ANIMALS AND FOWL INSIDE THE CITY LIMITS.

WHEREAS, after a planning commission review of the requirements in the City of Van Buren Municipal Code Chapter 6.08, regarding animals and fowl kept inside the city limits, there is a need for requiring a conditional use permit for these purposes; and

WHEREAS, a notice of a Public Hearing was duly published, and a Public Hearing was conducted by the Van Buren Planning Commission to consider revisions thereto; and

WHEREAS, the proposed amendments to the Van Buren Municipal Code herein were recommended by a unanimous vote of the entire Planning Commission.

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

SECTION 1: Section 6.08.01 of the Van Buren Municipal Code shall be amended as follows:

A. It shall be unlawful for any person to keep, ~~or maintain or permit to run at large within~~ the corporate limits of the city, any cows and/or horses ~~except without a conditional use permit, and as otherwise provided in this chapter.~~

B. The Van Buren Planning Commission shall reference the Natural Resource Conservation Service as a guide when determining the appropriate size of land required for the animals to be kept.

~~The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.~~

SECTION 2: Section 6.08.02 of the Van Buren Municipal Code shall be amended as follows:

A. It shall be unlawful for any person to keep any hogs, goats, or sheep within the city ~~or to permit any such animals any such animals to run at large within the city; except when in transit, they may be kept for a period not to exceed twenty-four hours without a~~

conditional use permit, in an established stockyard and as provided in Section B, and as otherwise provided in this chapter.

B.

1. The Van Buren Planning Commission shall reference the Natural Resource Conservation Service as a guide when determining the appropriate size of land required for the animals to be kept.

~~A permit valid for a period of one year may be issued to keep goats and sheep within the corporate limits of the city where they are maintained on an enclosed pasture containing one (1) acre for each animal and upon fulfilling the requirements herein. Each permit is for one (1) goat or (1) sheep and non-transferable to another animal.~~

2. ALL WILL BE DELETED
3. ALL WILL REMAIN
4. ALL WILL REMAIN
5. ALL WILL BE DELETED

SECTION 3: Severability. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict. The provisions of this Ordinance are hereby declared to be severable, and if provisions shall for any reason be illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

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 17th day of December 2018.

Robert D. Freeman
Mayor

ATTESTED:

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