

Office of the Mayor

Agenda for Monday, June 21, 2021 regular meeting of the Prairie Grove City Council in the Prairie Grove District Court room at 6:30pm.

****Public Hearing for Alley closing**

1. Call to order
2. Roll call
3. Public Comment Period
4. Approval of the minutes for the May 17, 2021 regular meeting of the Prairie Grove City Council
5. Treasurer's Report
6. Reports of Committees
 - a) Sanitation – Doug Bartholomew
 - b) Street – Rick Clayton
 - c) Water/Sewer – Doug Stumbaugh
 - d) Court – Rick Ault
 - e) Fire – Doug Bartholomew
 - f) Parks and Rec – Rick Ault
 - g) Police – Sonny Hudson
 - h) Long Range Planning – Brea Gragg
 - i) Senior Citizens – Ray Carson
 - j) Library – Tony Cunningham

*The City reserves the right to enter into executive session at any time

7. Unfinished Business
 - a) Resolution to approve right of way swap
 - b) Ordinance to amend planning commission appointments
 - c) Ordinance to close alley
 - d) Discussion on pool restrictions for private parties
 - e) Curb and Gutter Ordinance 2nd reading
8. New Business
 - a) Ordinance approving Snyder Grove, Phase 5 preliminary plat.
 - b) Resolution approving agreement with Preferred for website maintenance
 - c) Resolution approving purchase of pumps
9. Announcements
10. Adjournment

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

May 17, 2021

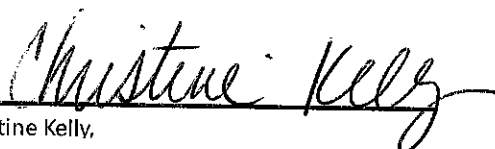
1. The city council of Prairie Grove, Arkansas met in regular session on Monday, May 17, 2021 at 6:30 p.m. in the Prairie Grove Public Library. The meeting was called to order by Mayor Sonny Hudson, presiding officer.
2. On roll call the following was recorded:
 - a. Present: Mayor Sonny Hudson, Alderman Rick Ault, Ray Carson, Rick Clayton, Brea Gragg, Marquita Smith and Doug Stumbaugh;
 - b. Absent: Doug Bartholomew and Tony Cunningham
 - c. Others present: Public Works Director Chuck Wiley, Steven Parker and Chief Chris Workman
3. Public Comment Period – Tim/Robin Eubanks and Lloyd Beal
4. Approval of minutes. Motion made by Clayton second by Ault to approve April 19, 2021 regular meeting minutes. Ayes: 8 Nays: None. Motion carried. Motion made by Clayton, second by Carson to approve April 22, 2021 Special meeting minutes. Ayes: 8 Nays: None. Motion carried.
5. Ordinance to approve series A bonds. Motion made by Stumbaugh, second by Ault to place the ordinance on first reading by title only. Ayes: 6 Nays: None. Motion carried. Motion made by Stumbaugh, second by Ault to waive the second and third reading and adopt the ordinance. Ayes: 6 Nays: None. Motion carried. Motion made by Stumbaugh, second by Ault to adopt the emergency clause. Ayes: 6 Nays: None. Motion carried.
6. Ordinance to approve series B bonds. Motion made by Stumbaugh, second by Ault to place the ordinance on first reading by title only. Ayes: 6 Nays: None. Motion carried. Motion made by Stumbaugh, second by Ault to waive the second and third reading and adopt the ordinance. Ayes: 6 Nays: None. Motion carried. Motion made by Stumbaugh, second by Ault to adopt the emergency clause. Ayes: 6 Nays: None. Motion carried.
7. The treasurer's report – will send out next week
8. Reports of Committees:
 - a. Sanitation
 1. Hired new employee
 - b. Street
 1. Employees are working on repairing street cuts
 - c. Water/Sewer
 1. Plant has been down for 2 weeks due to equipment issues
 - d. Court
 1. Ault read court report

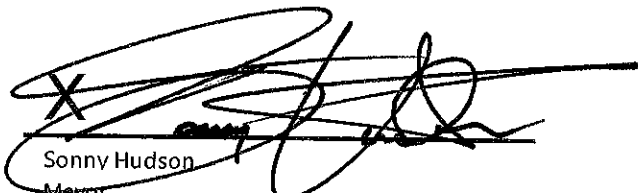
- e. Fire
 - 1. ISO audit is next month.
- f. Parks and Recreation
 - 1. Farmers market still growing and doing well
 - 2. Historical museum is open every Saturday.
 - 3. Still working on getting Aquatic park ready for the season
 - 4. Ordered solar powered lights for the walking trail at Muddy Fork Park. Park benches and tables are in and will placed next week.
- g. Police
 - 1. Busy
 - 2. Officer Franks is doing well and recovering. Officer Gibson has been cleared to return to work on Friday.
- h. Long Range Planning
 - 1. Approved 3 rezones.
 - 2. Approved a conditional use permit for RV park in a B2 zone.
 - 3. Mayor appointed Mallory Mounce to the planning commission. Motion made by Stumbaugh, second by Ault to approve. Ayes: 6 Nays: none. Motion carried.
- i. Senior Citizen
 - 1. Reopened 4/12 and is still in need of a director
- j. Library
 - 1. Nothing new to report
- 9. Old Business
 - a. Website committee report; Motion made by Gragg, second by Carson to form a contract with Preferred for website maintenance.
 - b. Curb and Gutter Ordinance. Motion made by Stumbaugh, second by Ault to place the ordinance on first reading by title only. Ayes: 6 Nays: None. Motion carried.
- 10. New Business
 - a. Resolution authorizing application for AR Outdoor Recreation Grant. Motion made by Ault, second by Carson to pass the resolution. Ayes: 6 Nays: None. Motion carried.
 - b. Resolution to set hearing date for alley closing. Motion made by Ault, second by Gragg to pass the resolution. Ayes: 6 Nays: None. Motion carried
 - c. Resolution authorizing purchase of new fire truck as amended. Motion made by Ault, second by Gragg to pass the resolution. Ayes: 6 Nays: None. Motion carried.
 - d. Ordinance amending planning commission appointments – tabled until next month
 - e. Rezone Ordinance – Danny Bryan and Brady Road from A-1 to R-2. Motion made by Stumbaugh, second by Carson to place the ordinance on first reading by title only. Ayes: 6 Nays: None. Motion carried. Motion made by Stumbaugh, second by Carson to waive the second and third reading and adopt the ordinance. Ayes: 5 Nays: None. Abstain: 1 Passed with a vote for from Mayor Hudson. Motion carried.

- f. Rezone Ordinance – Heritage Pkwy A-1 to B-1. Motion made by Stumbaugh, second by Ault to place the ordinance on first reading by title only. Ayes:6 Nays: None. Motion carried. Motion made by Stumbaugh, second by Ault to waive the second and third reading and adopt the ordinance. Ayes: 6 Nays: None. Motion carried.
- g. Rezone Ordinance – Butler Road R-1.75 to B-2. Motion made by Stumbaugh, second by Ault to place the ordinance on first reading by title only. Ayes:6 Nays: None. Motion carried. Motion made by Stumbaugh, second by Ault to waive the second and third reading and adopt the ordinance. Ayes: 6 Nays: None. Motion carried
- h. Mask Ordinance. Motion made by Ault, second by Carson to resend the mask ordinance. Ayes: 6 Nays: None. Motion carried.

11. Announcements

12. There being no further business before the council, motion to adjourn was made at 8:22 pm by Carson, second by Stumbaugh to adjourn. Motion carried and the meeting adjourned. |

X 
Christine Kelly,
City Clerk/Treasurer

X 
Sonny Hudson
Mayor

RESOLUTION NO. 2021-10

**A RESOLUTION BY THE CITY TO AUTHORIZE THE EXCHANGE OF REAL
PROPERTY**

WHEREAS, the City of Prairie Grove owns real property, for use as road right-of-way, along Neal Street; and

WHEREAS, KSDA, LLC owns real property along Neal Street; and

WHEREAS, there are portions of the City's right-of-way in excess of that needed and there are portions where Neal Street exists outside of the boundaries of the City's right-of-way; and

WHEREAS, the City and KSDA, LLC wish to engage in a swap of real property that would provide KSDA, LLC with additional property on the North side of their property and would provide the City with additional right-of-way on the South side of said property; and

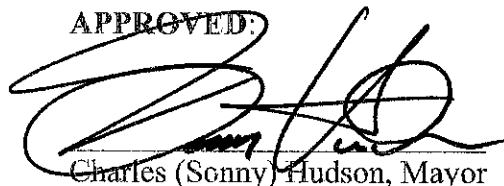
WHEREAS, the exchange of real property is in the best interests of the City of Prairie Grove.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF PRAIRIE GROVE, ARKANSAS:**

That the City Council hereby authorizes the Mayor to exchange real property with KSDA, LLC. The Mayor and City Clerk are further authorized to affix their names on behalf of the City to any documents needed to effectuate such transfer of property.

PASSED AND APPROVED on this 21st day of June 2021.

APPROVED:

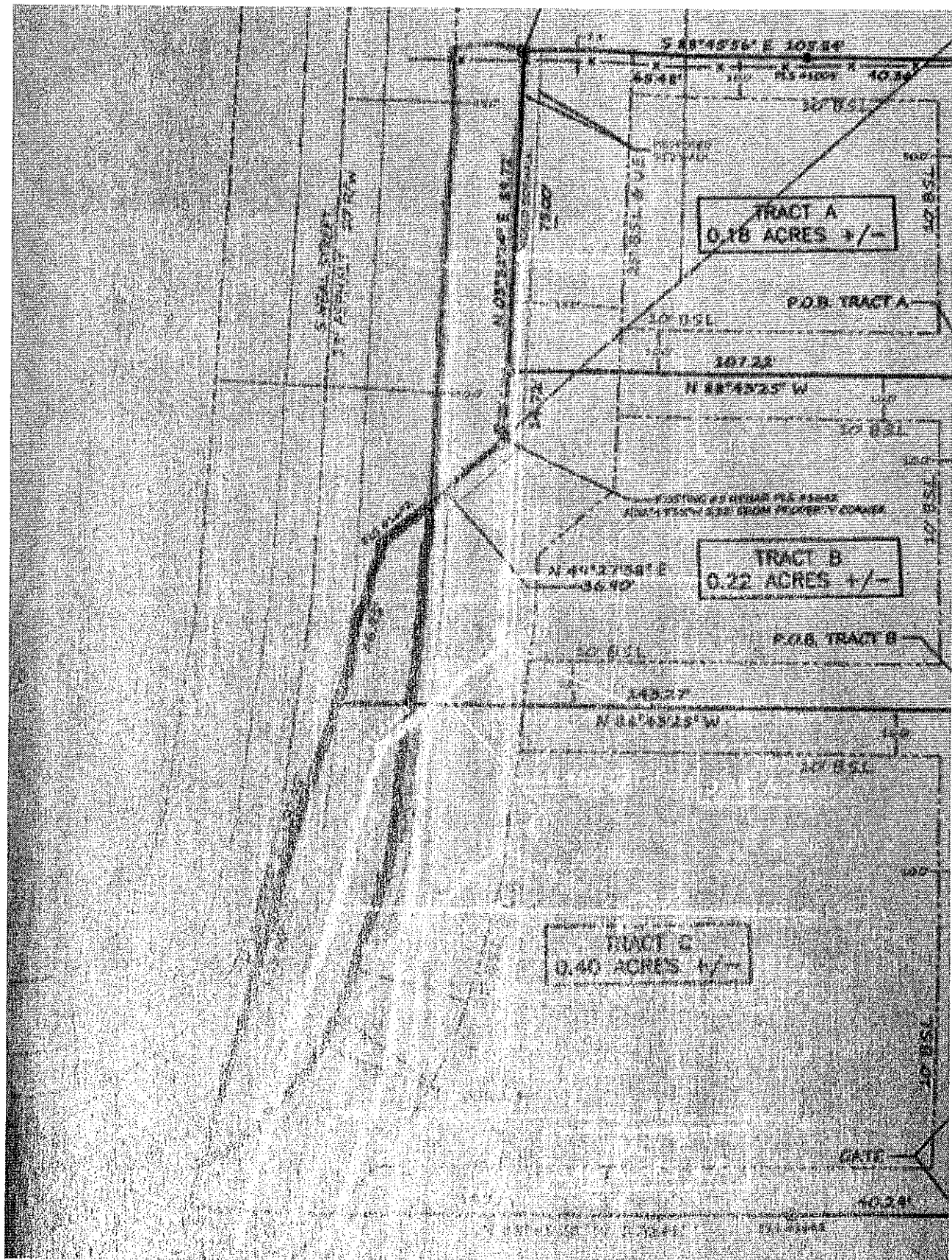


Charles (Sonny) Hudson, Mayor

ATTEST:



Christine Kelly, Clerk



ORDINANCE NO. 2021- 17

AN ORDINANCE TO AMEND PROVISIONS REGARDING THE PLANNING COMMISSION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2021 Planning Commission Amendment.

Section Two: Section 13.04.01 Amended. Section 13.04.01 of the Prairie Grove Municipal Code is amended to read as follows:

13.04.01 Commission created, membership

(A) There is hereby created a Commission of the City to be known as the City Planning Commission, which said Commission shall consist of no less than five (5) members no more than seven (7) and of whom not more than one-third (1/3) may hold any other municipal office and appointment.

Section Three: Section 13.04.04 Amended. Section 13.04.04 of the Prairie Grove Municipal Code is amended to read as follows:

13.04.04 Term, vacancies

(A) The terms of the members of the City Planning Commission shall be five (5) years and shall be staggered so that at least one member is appointed every year. Positions One and Six (if filled) shall expire on December 31, 2011 and every five years thereafter; Positions Two and Seven (if filled) shall expire on December 31, 2010 and every five years thereafter; Position Three shall expire on December 31, 2009 and every five years thereafter; Position Four shall expire on December 31, 2008 and

every five years thereafter; and, Position Five shall expire on December 31, 2007 and every five years thereafter. The Mayor shall make the initial assignments of the present members to various positions. As vacancies occur in said Commission for whatever cause, said vacancies shall be filled in the manner provided and said appointees shall hold office until expiration of the term to which they are appointed. All members of the Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed.

(B) Should a member miss four or more meetings within any 12-month period, they shall be deemed to have resigned and the Mayor shall appoint a replacement pursuant to PGMC 13.04.03.

Section Four: Section 13.04.05 Amended. Section 13.04.05 of the Prairie Grove Municipal Code is amended to read as follows:

13.04.05 Compensation of Planning Commission members Each member of the Planning Commission shall be paid at a rate of Fifty Dollars (\$50.00) for each meeting of the Planning Commission they attend. If a City Council member is also a member of the Planning Commission, they shall be paid Fifty Dollars (\$50.00) for attending Planning Commission meetings.

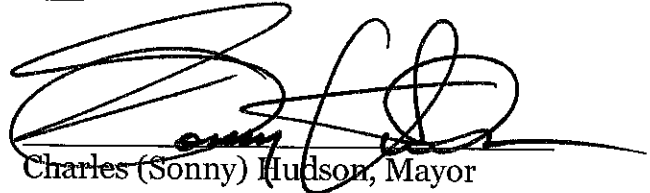
Section Five: Effective Date. This Ordinance shall become effective from and after 60 days of its posting unless an Emergency Clause is affixed.

Section Six: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Seven: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Eight: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 21 day of June 2021.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, Clerk

ORDINANCE NO. 2021-18

AN ORDINANCE TO VACATE THE ALLEY LOCATED IN BLOCK 10 OF THE ORIGINAL PLAT OF THE TOWN OF PRAIRIE GROVE BETWEEN BUSH AND PARKS STREETS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Block 10 Alley Closing Ordinance.

Section Two: Streets Closed. Whereas, a petition was duly filed with the City Council of the City of Prairie Grove, Arkansas on or about April 22, 2021 asking the City Council to vacate and abandon all that portion of the alley in Block 10 designated on the Original Plat of the Town of Prairie Grove as shown in the records of the Washington County Circuit Clerk and Ex-Officio Recorder as file number 5-021; and

Whereas after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the alley described herein was dedicated to the public use as an alley; has not been actually used by the public generally for a period of at least five years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the alley to be vacated have filed with the Council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the alley.

Section Three: The City Council of the City of Prairie Grove hereby finds, following a public hearing held June 21, 2021 and upon approval by all adjoining landowners, that the alley in Block 10 of the Original Plat of the Town of Prairie

Grove between Bush and Parks Streets has never been utilized, or is no longer of any benefit to the public at large and their continued reservation for the public at large constitutes a continuing hardship to abutting property owners. Therefore, the City Council hereby releases, vacates and abandons such alley and all its rights, together with the rights of the public generally, in and to said alley.

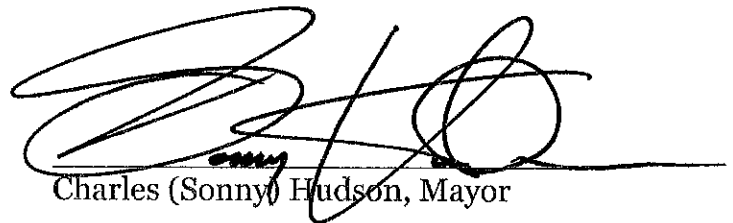
Section Four: Effective Date. This Ordinance shall become effective from and after 60 days of its posting unless an Emergency Clause is affixed.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

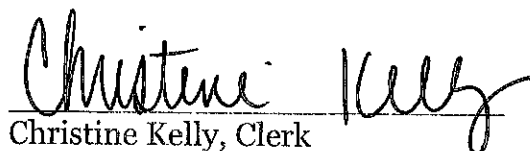
Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 21st day of June 2021.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2021-19

**AN ORDINANCE TO APPROVE THE PRELIMINARY PLAT OF THE
SNYDER GROVE PHASE 5 SUBDIVISION.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Snyder Grove Phase
Five Preliminary Plat Approval Ordinance

Section Two: Preliminary Plat Approved. The Preliminary Plat of the Snyder
Grove Subdivision, Phase 5, as submitted by the developer and approved by the
Prairie Grove Planning Commission, is hereby approved and the Mayor and Clerk
are authorized to affix their names and the seal of the City thereto.

Section Three: Installation of Improvements Authorized. The developer is
hereby authorized to begin installation of necessary improvements and prepare a
final plat upon completion

Section Four: Effective Date. This Ordinance shall become effective from and
after 60 days of its passage.

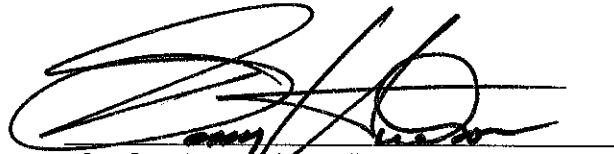
Section Five: Repealing Clause. Ordinances or parts thereof in force at the time
that this ordinance shall take effect that are in conflict herewith, are hereby
repealed.

Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights
or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this
ordinance is declared inoperative or invalid as a result of a statute or judicial
decision, then only that portion expressly so declared to be inoperative or invalid

shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 21st day of June 2021.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2021-

20

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR THE
PURCHASE OF LIFT STATION PUMPS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE
GROVE, ARKANSAS, THAT:**

Section One: Competitive Bidding Waived. Pursuant to A.C.A. § 14-58-303(b)(2)(B), the City Council hereby declares that competitive bidding in the purchase of new lift station pumps for the lift station located along Heritage Parkway is neither feasible nor practical in that an emergency exists and the pumps need to be replaced as soon as possible. The City has identified an equipment supplier that will suit our needs and the pumps are necessary for the operation of the sewage treatment system.

Section Two: Purchase Authorized. The Mayor and Clerk are hereby authorized to purchase from Jack Tyler Engineering, Little Rock, Arkansas for a price of \$105,802.54 plus tax, 2 new lift station pumps.

Section Three: Effective Date. This Ordinance shall become effective 60 days following its posting, unless an emergency clause is appended.

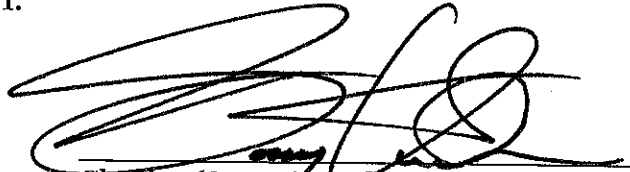
Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

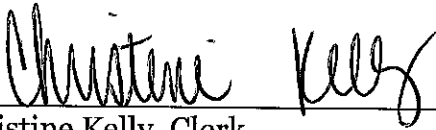
Section Seven: Emergency Clause. The City Council finds that the City needs to move forward with the purchase of the lift station pumps to ensure the health and safety of the citizens, and for these reasons, an emergency exists and this Ordinance shall take effect immediately.

Approved this 21st day of June 2021.

A large, stylized handwritten signature in black ink, consisting of several loops and flourishes.

Charles (Sonny) Hudson, Mayor

(Attest)

A handwritten signature in black ink, appearing to read 'Christine Kelly'.

Christine Kelly, Clerk