

GENTRY CITY COUNCIL AGENDA

MONDAY, OCTOBER 5, 2020

Meeting Called to Order
Roll Call
Review of Minutes: September 8, 2020 Regular Council Meeting

COMMUNITY COMMENTS

1. Public Comment (Item(s) Not on Presented Agenda)
2. Main Street Gentry Chamber of Commerce – Janie Parks
3. Gentry Public Schools – Terrie Metz

UNFINISHED BUSINESS

1. Park Master Plan Update
 - a. 10721 Browning Rd. Sports Complex Update
 - b. Splashpad Update
 - c. Tuj Lub
 - d. TAP Grant Update (S. Smith Ave. Trail Improvement)
 - e. RTP Grant Update (Ped. Bridge @ FCNA)
2. Water Storage Facility Update
 - a. Bid Acceptance Recommendation
3. Condemnation Resolution 119 N. Nelson Ave.
4. Condemnation Process Update 317 S. Collins Ave.
5. Petition to Vacate Ordinance (E. Arkansas to Railroad Ave.)
6. Sunday Sales of Alcohol Special Election Resolution

NEW BUSINESS

1. 2020 Millage Rate Resolution
2. State Aid Street Program
3. Hwy 59/59S Intersection Improvement
4. Ballot Issue #1
- 5.

Any items that may arise after the publication of this Agenda must be voted on, to be heard, by the majority of the City Council.

ANNOUNCEMENTS

- October is Breast Cancer Awareness Month
- Planning Commission Meeting, October 15, 2020 @ 7pm
- Citywide Clean-Up Event, October 17-18, 2020 8am-4pm
- CAC Ribbon Cutting Event, October 29, 2020 @ 10am

	<u>2018</u>	<u>2019</u>	<u>2020</u>
City Sales & Use	\$53,532.64	\$108,058.82	\$135,082.27
County Tax	\$66,204.38	\$71,322.77	\$86,750.49

**CITY OF GENTRY
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 8, 2020**

The City Council of the City of Gentry, Arkansas, met in a virtual session at the Council Chambers and, at various other locations at 6:30 p.m. on September 8, 2020. Mayor Kevin Johnston called the meeting to order. Given the circumstances it was agreed the invocation would be by-passed during these sessions.

PUBLIC HEARING

Petition to Vacate Alley (E. Arkansas to Railroad Ave.)

There being no one present to represent or question this petition Mayor Johnston closed the public hearing.

COUNCIL MEMBERS ANSWERING ROLL CALL:

Janice Arnold	Jason Barrett	Michael Crawford	Dan Erskin
Kristi Reams	Cindy Philpott	Jimmy Thorburn	Jason Williams

Others in attendance: Mayor Kevin Johnston, City Clerk Jenny Trout, Police Chief Clay Stewart, Randy Moll, City Attorney Joel Kurtz, Maxine Foster, and Larry Babcock.

REVIEW OF MINUTES: August 3, 2020- Regular Virtual Council Meeting

Motion: Janice Arnold- to accept the minutes as presented

Second: Michael Crawford

Roll Call: Arnold-yes Barrett -yes Crawford- yes Erskin- yes
Reams- yes Philpott- yes Thorburn- yes Williams- yes

Motion passed.

COMMUNITY COMMENTS

- 1. Public Comment (Items Not on Presented Agenda)** No new comments
- 2. Main Street Gentry Chamber of Commerce – Janie Parks** informed the Council of new businesses coming to Gentry on Hwy. 59; a ribbon cutting was held at the old barber shop on Main last week; Pickin’ Time on 59 is set for September 24th -26th and is still currently a go, although the Glow Ride has been cancelled due to the COVID-19 pandemic and the annual Trick or Treat on Main remains undecided.
- 3. Gentry Public Schools – Terrie Metz** stated they had made it through the first 2 weeks of school and would continue to forge ahead.

UNFINISHED BUSINESS

- 1) **Dawn Hill East Bridge Update:** Mayor Johnston was happy to announce the bridge is officially open and he had received a Thank You book from the Seventh-day Adventist Church just today.
- 2) **Park Master Plan Update:** A revised estimate has been received and by removing lighting and synthetic turf, etc., the new estimate is just over \$50,000.00.
 - a) **10721 Browning Rd.:** Mayor Johnston stated details are still being worked through regarding a sports complex and a meeting is tentatively set for October 1st; additional details are hopeful for the next council meeting.
 - b) **Splash Pad:** Mayor Johnston the City's grant application was received, and drawings and plans are at 90% complete. Completion of drawings and plans is expected sometime next week.
 - c) **TAP Grant Update (S. Smith Trail Improvement):** Mayor Johnston stated at this time the City is still waiting on ARDOT regarding the review of right-of-way.
 - d) **Walton Family Tree Grant:** Mayor Johnston stated the City's application was submitted and approved. The grant totaled \$137,000.00, providing the City with 117 trees to plant and 200 trees to be given away.
- 3) **Water Storage Facility Update:** Mayor Johnston presented Council with a Preliminary Schedule of Events and stated the bid opening is set for September 29th. Additional information to be provided at the October 5th council meeting, if available.
- 4) **Condemnation Resolution- 119 N. Nelson Ave.:** A Resolution Declaring the Structures Located at 119 North Nelson Avenue in the City of Gentry to Constitute a Nuisance and Condemning said Structures; Providing a Period of Time for the Property Owner to Abate said Nuisance; and for Other Purposes, was presented for review and consideration: After discussion:

Motion: Barrett- to table this Resolution for 30 days in order for the property owner to proceed with demolition, and bring back to the Council exactly as is, at the October Council Meeting in order to readdress

Second: Thorburn

Roll Call: Philpott-yes Thorburn-yes Williams-yes Arnold-yes
 Barrett-yes Crawford-yes Erskin-yes Reams-yes

Motion passed.
- 5) **Petition to Vacate Alley (E. Arkansas to Railroad Ave.): An Ordinance Vacating an Alley Running North and South Between East Arkansas Street and North Railroad Avenue; and for Other Purposes:** There being no earlier comments, Mayor Johnston stated there are some utilities that lie within the area which would require an easement in order to protect said utilities. He suggested this matter be tabled for another date.

Motion: Arnold- to table the Petition until the October 5th Council meeting in order to make attempts to secure the easement in order to protect the utilities

Second: Erskin

Roll Call: Thorburn-yes Williams-yes Arnold-yes Barrett-yes
Crawford-yes Erskin-yes Reams-yes Philpott-yes

Motion passed.

- 6) **Hwy. 59 & 12 Intersection Improvements Update:** Mayor Johnston presented a letter received from the Arkansas Department of Transportation (ARDOT), for review. This correspondence provided an estimate of costs for improvement of this intersection. The estimated cost is \$1,609,875. After any federal aid received, and the required match covered by the department, the City of Gentry would be responsible for \$1.172 million. This estimate, as well as concerns, have been submitted to the State Highway Department for review and hopefully, questions answered. Mayor Johnston stated he will continue to search for answers/solutions to this matter. Information will be provided as it becomes available.

NEW BUSINESS:

- 1.) **Gentry Senior Activity Center- Maxine Foster** was present in chambers with Mayor Kevin Johnston as he announced the center was still closed during this pandemic and will remain closed after its passing. Instead, the center will be “umbrellaed” under the Library. The Center will officially close as the Gentry Senior Center and reopen as the Gentry Community Center. The City has applied for a grant for \$25,000.00, in order to make the needed improvements to the building.
- 2.) **Police Committee Meeting-** Regarding parking for trailers, etc. on properties: this matter has stalled in order to review and possibly update the city’s ordinance. This will be revisited at a later date.
- 3.) **Recycling-** Mayor Johnston announced that Benton County Solid Waste is cancelling the recycling trailers for city use. The City is currently working with Allied Republic for additional options. A solid waste fund has been accumulated to help offset the costs; further information to come.
- 4.) **Sunday Sales of Alcohol Resolution-** A Resolution Directing Placement of a Petition Seeking Authorization of Off-Premises Sale of Alcohol on Sundays within the City of Gentry on the Ballot for the November 3, 2020 General Election was presented for Council review and consideration:

Motion: Thorburn- to pass the Resolution as presented

Second: Erskin

Roll Call: Williams-yes Arnold-yes Barrett-yes Crawford-yes
Erskin-yes Reams-yes Philpott-yes Thorburn- yes

Motion passed.

- 5.) **Sale of Fire Truck:** Mayor Johnston announced the fire truck that had been up for auction was sold for \$3,550.00 and was purchased to be utilized as a parade truck for the new owners.
- 6.) **Disposal of Equipment:** For items valued under \$20,000 such as desks, pickup trucks, etc., to be placed on the online auction, Mayor Johnston asked the Council for permission to move forward with the sale of such items without having to bring those items before the Council first. There were no objections; all members were in favor of this plan.

ANNOUNCEMENTS AND COMMENTS

***Planning Commission Meeting, September 17, 2020 @ 7:00p.m.**

***Special Council Meeting October 13, 2020 @ 6:30p.m.**

***City Sales and Use & County Tax numbers for 2018-2020 were listed**

There being no other new business Mayor Johnston entertained a motion to adjourn.

Motion: Barrett- to adjourn this meeting

Second: Crawford

All in favor. None opposed.

Motion passed. Meeting adjourned.

CITY CLERK:
JENNY TROUT

MAYOR: KEVIN JOHNSTON
CITY OF GENTRY

City of Gentry
 Tuj Lub Courts (2)
 Opinion of Probable Construction Costs



Prepared by McClelland Consulting Engineers, Inc.
 Date: 8/31/20

Item No.	Description	Unit	Estimated Quantity	Estimated Unit Costs	Estimated Cost
1	Erosion Control	LS	1	800	\$800.00
2	Clearing and Grubbing	CY	15	20	\$300.00
3	Unclassified Excavation	CY	26	\$25.00	\$650.00
4	Subgrade Preparation	SY	136	\$5.00	\$680.00
5	Aggregate Base for Launch Pads and Throwlanes	SY	103	\$20.00	\$2,060.00
6	Steel Edging for Launch Pads and Throwlanes	LF	410	\$2.50	\$1,025.00
7	Synthetic Turf on Launch Pads	SF	200	\$10.00	\$2,000.00
8	Pour In Place Rubber Surface on Throwlanes	SF	720	\$20.00	\$14,400.00
9	4" Topsoil Placement	SY	63	\$8.00	\$504.00
10	Turfgrass Sod	SY	180	\$7.00	\$1,260.00
11	Chain Link Fence (6' High)	LF	344	\$45.00	\$15,480.00

Subtotal Construction Costs	\$39,159.00
Mobilization @ 5%	\$1,957.95
Bonds & Insurance @ 2%	\$783.18
Contingency @ 10%	\$3,915.90
Engineering Fee @ 10%	\$4,581.60

Total \$50,397.63



Location #3

Fence:
 - Proximity to parking street parking
 - Fence to be installed at any time
 - Cost: \$100,000
 - Notes: Proximity of trail or street depending on the orientation.

Location #2

Fence:
 - Proximity to restrooms
 - Open space, requiring no fence
 - Fence to be installed at any time
 - Cost: \$100,000
 - Notes: Distance from parking lot

Location #1

Fence:
 - Provides from adjacent trees
 - Proximity to parking and restrooms
 - Fence to be installed at any time
 - Cost: \$100,000
 - Notes: Proximity of trail or street depending on the orientation

Location #4

Fence:
 - Proximity to parking street parking
 - Similar adjacent units (16 spots in one place)
 - Fence may be desired due to proximity of trail or street depending on the orientation.
 - Proximity would need to be considered after sports complex opens

Location #1 Pros: Shade from adjacent trees, Proximity to parking and restrooms, Open space, requiring no fence **Cons:** Phasing; would need to be constructed after sports complex opens

Location #2 Pros: Proximity to restrooms, Open space, requiring no fence; could be installed at any time **Cons:** Distance from parking lot

Location #3 Pros: Proximity to parking; on street parking could be installed at any time **Cons:** Fence may be desired due to proximity of trail or street depending on the orientation.

Location #4 Pros: Proximity to parking/on street parking, Similar adjacent uses (all sports in one place) **Cons:** Fence may be desired due to proximity of trail or street depending on the orientation, Phasing; would need to be constructed after sports complex opens

RESOLUTION NO. _____

CITY OF GENTRY, ARKANSAS

RESOLUTION DECLARING THE STRUCTURES LOCATED AT 119 NORTH NELSON AVENUE IN THE CITY OF GENTRY TO CONSTITUTE A NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR THE PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City Code Enforcement Officer has found the structure located at 119 North Nelson Avenue, Gentry, Arkansas (more particularly described as Lots 21 and 22, Block 21, to the Original Town of Gentry, Benton County, Arkansas) (the “Property”) to be structurally unsafe, dilapidated, unsightly, unfit for human occupancy, and in violation of various provisions of the International Property Maintenance Code of 2003 as adopted by the City of Gentry (the “IPMC”).

NOW THEREFORE BE IT RESOLVED by the City Council for the City of Gentry:

Section 1. The Council finds that the Property is in violation of the IPMC, as follows:

- A. Large holes in roof – IPMC 304.1, 304.7
- B. Holes in interior floor – IPMC 305.1, 305.4
- C. Exposed electrical wiring – IPMC 605.1
- D. Plumbing in disrepair – IPMC 504.1
- E. Shed collapsing – IPMC 302.7

Section 2. The Property is accordingly declared to be unsafe and a public nuisance, and the structures thereon are hereby condemned in order to ensure their removal or other abatement.

Section 3. The City Code Enforcement Official or the City Attorney shall provide a copy

of this Resolution to the owner of the Property and shall post a copy at a prominent place on the Property as provided in the IPMC.

Section 4. The owners of record of the Property are hereby directed to remove the structures or otherwise abate the said nuisance within thirty (30) days after the posting of a copy of this Resolution on the Property.

Section 5. If the aforementioned nuisance has not been removed and/or abated within thirty (30) days after the posting of a copy of this Resolution upon the Property, the structures shall be torn down and removed by the City Code Enforcement Officer or his designated representative. Each day after the aforesaid thirty (30) days that the nuisance is not abated shall constitute a separate and distinct offense punishable as provided in the Gentry Municipal Code.

Section 6. If occupied, the condemned structures shall be vacated as ordered by the City Code Enforcement Officer. Any person who shall occupy said structures and any owner who shall let any person occupy the condemned structures shall be liable as provided in the IPMC and the Gentry Municipal Code.

Section 7. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED, APPROVED AND ADOPTED THIS 5th day of October, 2020.

Kevin Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance

ORDINANCE NO. _____

CITY OF GENTRY, ARKANSAS

AN ORDINANCE VACATING AN ALLEY RUNNING NORTH AND SOUTH BETWEEN EAST ARKANSAS STREET AND NORTH RAILROAD AVENUE; AND FOR OTHER PURPOSES.

WHEREAS, a petition was duly filed with the City of Gentry, Arkansas on the ____ day of _____, 2020, asking the City Council to vacate and abandon a certain alley within the City, said alley being described as follows:

An alley running North and South between East Arkansas Street and North Railroad Avenue and bordered by Lots 6–10, Block 19, Original Town of Gentry, Arkansas on the West and by Lots 11–13, Block 19, Original Town of Gentry, Arkansas to the East.

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 said alley, as described above, has previously been dedicated to the public use as an alley as herein described; has not been actually used by the public generally for at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed their written consent with the Council to the abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of the alley.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gentry, Arkansas:

Section 1: The City of Gentry, Arkansas hereby releases, vacates and abandons the above-described alley, together with the rights of the public generally, in and to such alley.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the office of the Recorder of Benton County, Arkansas, and recorded in the Deed Records of

Benton County, Arkansas.

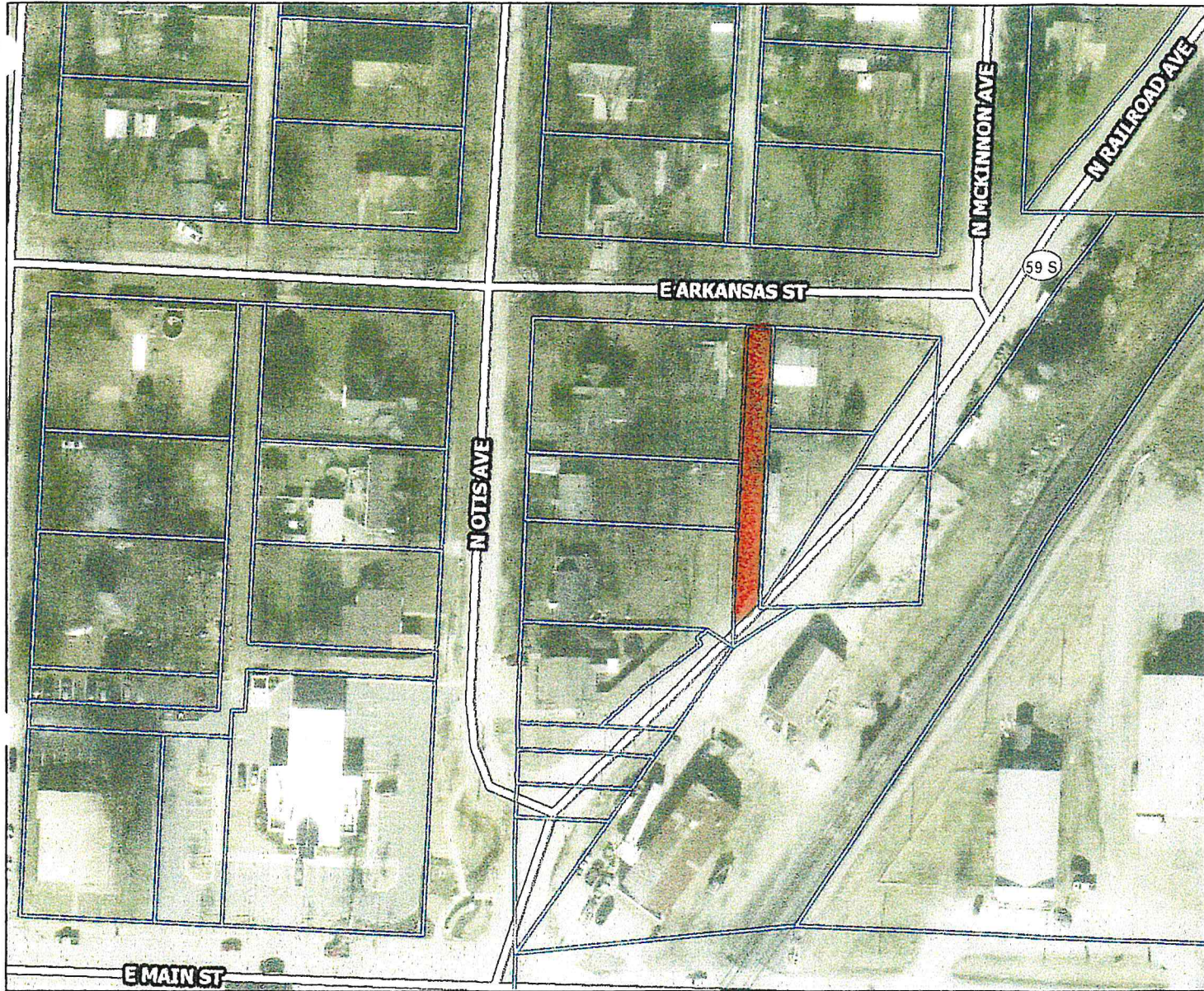
Section 3: This ordinance shall take effect and be in force from and after its passage.

PASSED and APPROVED in regular session this 5th day of October, 2020.

Kevin Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance



E MAIN ST

N OTTS AVE

E ARKANSAS ST

N MCKINNON AVE

N RAILROAD AVE

59 S

RESOLUTION NO. _____

CITY OF GENTRY, ARKANSAS

A RESOLUTION CALLING A SPECIAL ELECTION ON THE QUESTION OF AUTHORIZING OFF-PREMISES SALE OF ALCOHOL ON SUNDAYS WITHIN THE CITY OF GENTRY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, Charles Jech and Jerah Jech have filed a petition seeking to authorize the sale of alcoholic beverages for off-premises consumption on Sundays between the hours of 10:00 a.m. and 12:00 midnight within the City of Gentry, Arkansas, pursuant to the provisions of Arkansas Code Annotated § 3-3-210; and

WHEREAS, the City Council, having previously determined that said petition was signed by at least fifteen percent (15%) of the qualified electors within the City who cast a vote in the city for the Office of Governor in the last general election, directed in Resolution 20-631 that the petition be referred to the voters at the November 3, 2020 general election;

WHEREAS, the deadline for placing items on the ballot for the November 3, 2020 general election ran prior to the passage of Resolution 20-631, thus preventing the petition from being referred to the voters at the general election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENTRY, ARKANSAS:

1. The following issue shall be submitted to the electors of the City at a special election to be held December 8, 2020:

Whether to authorize the sale of alcoholic beverages for off-premises consumption on Sundays between the hours of 10:00 a.m. and 12:00 midnight within the City of Gentry, Arkansas.

2. The issue shall be placed on the ballot for the election in substantially the following form:

FOR the off-premises sale of alcoholic beverages on Sundays in Gentry, Arkansas, as authorized by Arkansas Code § 3-3-210.

AGAINST the off-premises sale of alcoholic beverages on Sundays in Gentry, Arkansas, as authorized by Arkansas Code § 3-3-210.

3. Said election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for in accordance with the initiative and referendum laws of this state applicable to cities, and only qualified voters of the City shall have the right to vote at the election.

4. The results of the election shall be proclaimed by the Mayor, and his proclamation shall be published one time in a newspaper having a general circulation in the City, which proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within 30 days after the date of publication.

5. A copy of this Resolution shall be filed with the Benton County Clerk so that the necessary election officials and supplies may be provided.

PASSED and APPROVED this 5th day of October 2020.

Kevin D. Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance

RESOLUTION NO. _____

**CITY OF GENTRY, ARKANSAS
2020 MILLAGE RESOLUTION**

WHEREAS, Arkansas Code Annotated § 26-25-102 provides that a City or Town may levy a tax on the real and personal property located within the city for general purposes, in any one year pursuant to Article 12, Section 4 of the Arkansas Constitution.

WHEREAS, Arkansas Code Annotated § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the County Clerk the rate of taxation levied by the City on all the real and personal property within the City;

WHEREAS, the City Council has determined that it is in the best interests of the City of Gentry and its citizens to levy the rate of taxation on the real and personal property located within the City as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of Benton County to levy said taxes for the year 2020, to be collected in 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENTRY, ARKANSAS:

1. The property-tax rate for the City of Gentry on both real and personal property within the City, to be collected in 2021, shall be fixed and levied at following millage rates:

General Fund.....	5.0 mills
Fireman's Pension	0.3 mills

2. Said taxation rates are hereby certified to the Benton County Clerk to be placed upon the tax books and collected in the same manner that State and County taxes are collected.

3. The Quorum Court of Benton County is hereby authorized to levy said taxes for the year 2020, to be collected in 2021.

Passed and approved this 5th day of October 2020.

Kevin D. Johnston, Mayor

ATTEST:

Tonya Carney, Director of Finance

BENTON COUNTY

STATE OF ARKANSAS

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373
479-271-1013
Fax: 479-271-1019

PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350
479-271-5727
FAX: 479-271-1712

September 10, 2020

MEMORANDUM NOTICE

TO: MAYOR KEVIN JOHNSTON – GENTRY
RE: 2021 TAX LEVY – MILLAGE RATES FOR TAXES COLLECTED 2020

As you are aware, it is time once again for the Benton County Quorum Court to levy millage rates for the various taxing units in the county, including county, municipal, and school taxes for the 2021 collections on 2020 assessments.

As required by Arkansas Code Annotated §26-73-202, please submit your written certificate of the rate of taxation to be levied by your town/city on the real and personal property within your town/city so your levy is included in the Quorum Court Ordinance.

Please send a certified copy of the Resolution or Ordinance passed by the City Council which sets out in detail the millage rate for all funds for both real and personal property. The current millage levy for **GENTRY** is as follows: **General 5.0 mills; Fireman's Pension .3 mills.**

I need this certificate by October 20, 2020 in order to prepare the Quorum Court ordinance to be enacted in November, as required by law.

Please note that Amendment 79 requires that the rates for real and personal property be levied at the same rate.

Sincerely,



Betsy Harrell

ROGERS OFFICE
2111 W. WALNUT
(479) 636-3727
FAX (479) 636-4922

ROGERS ARCHIVES
2111 W. WALNUT
(479) 636-1037
FAX (479) 636-1053

SILOAM SPRINGS OFFICE
707 S. LINCOLN
479-271-1013
FAX (479) 524-8534



September 11, 2020

State Aid Street Committee
P. O. Box 38
North Little Rock, AR 72115-0038

Dear Committee:

The City of Gentry is requesting assistance from the State Aid Street Committee to improve the following city streets in Gentry:

Priority	Street Name	Length	Type of Improvement
1.	Cherokee Dr.	0.21 mile	Overlay
2.	Comanche Dr.	0.21 mile	Overlay
3.	7 th Street	0.15 mile	Overlay
4.	S. Robin Rd.	0.26 mile	Overlay
5.	S. Eastern Ave.	0.12 mile	Overlay
6.	S. Virginia Ave.	0.12 mile	Overlay
7.	Meeker Dr.	0.16 mile	Overlay
8.	Pioneer Ln.	0.5 mile	Overlay

Economic Development, Public Access, or other purpose: These streets are in poor condition and provide access to various collector, arterial and state highways. These projects have been determined to improve connectivity between neighborhoods, schools, park amenities, local businesses and regional employers and opportunities. Improving these streets would reduce emergency response times and promote safe travel for a variety of modes of transportation, such as bicycles, scooter and motorcycles, and passenger vehicles, while also enhancing areas around our community as we promote economic development and quality of life improvements.

Improvements to these streets are a high priority for the City. Any assistance will be greatly appreciated.

You may contact me at (479) 212-0839 or via email at kevin.johnston@cityofgentry.com.

Sincerely,

Gentry

