**FOREMAN CITY COUNCIL**

**REGULAR MEETING**

**March 18, 2024**

The Foreman City Council met in regular session on Monday, March 18, 2024, at 4:00 p.m. in the Foreman Community Center.

The meeting was called to order by Mayor William B. Harp. Prayer was offered by Joyce Green and the Pledge of Allegiance was recited.

Roger Quilty, Recorder was asked to call the roll. Council members present were Jacqueline Wiseman, Tommy McDonald, Mike McKee, Joyce Green, and Perry Young. Alana Cody was not present. Treasurer Theresa Woods and Water Superintendent Eddie Smith were also present. Mr. Quilty stated we had a quorum.

**Regular Session**

The minutes of the regular meeting of February 18, 2024, were presented for review, revision, and approval. Mr. McKee said there was a correction to be made on page 2 under the heading of Fire Department where it reads six first responder calls, it should read sixteen. Mr. McKee then made the motion to accept the minutes as written, with correction. Mrs. Wiseman seconded the motion. Motion carried.

Mayor Harp said a motion was needed to approve the minutes of the Special Called Meeting on February 29, 2024. Mr. McKee made the motion to accept the minutes as written. Mrs. Green seconded the motion. Motion carried.

Mr. McKee then made the motion to amend the motion that was made during the Special Meeting as it was stated all but $1,000 was to be moved to a Certificate of Deposit to read that $437,000 was to be moved into a new IDC Certificate of Deposit, which would leave $2,317.88 in the Industrial Development Account. Mrs. Wiseman seconded the motion. Mr. Young asked what the rate was. He was told 3.5%. Motion carried.

Mr. McKee then made the motion to accept the financial report for February 2024 as read. Mrs. Green seconded the motion. Motion carried.

**Citizens wishing to speak to the Council.**

Christi Baird was asked if she wanted to speak. She said they still did not have a resolution regarding the dogs. When they left the council meeting last month the solution was to set traps. Traps were set and dogs were caught the same night. She said she called and spoke to the mayor who sent someone to pick up the trap. The mayor said he sent Ray to get the trap, but the truck he came in had a full bed and the trap was too heavy for one man to lift. He left to get help, but never returned. Someone went back in the morning, but the dog had been let loose by the owner. Mrs. Baird said that when the man let the dogs out, he turned to the owner of the property and said, “If you \*\*\*\* with my dogs, you’re going to get hurt.” She then said that now the owner of the dogs was threatening someone’s life. The mayor said that the last summons the owner was given was for vicious dogs and he would have to go to court on April 10th or be in contempt. Mayor Harp also told Mrs. Baird that he would find out what time the court would be and that she should bring all her paperwork to the court for the City Attorney, who is also the prosecutor, so he would know everything that is going on.

She said that Sheriff’s Deputy Butler showed up and when she talked to him, he said he does not work for the City of Foreman, he works for the County, and he did not care about the City of Foreman.

Mrs. Baird said that the previous Saturday when her mother returned from shopping, she was not able to get her groceries out of her vehicle because the dogs came after her again. Sheriff’s Deputy Marcus Cook came and cited the owner again and helped get the groceries into the house.

The conversation continued for another 20 minutes. The mayor spoke with Mrs. Baird and she agreed to go to court when the dog owner had to show up.

**Department Reports**

**Administration**

Nothing

**Law Enforcement**

Mayor Harp said he would set up another meeting with the Sheriff.

**Animal Control**

See above.

**Fire Department**

Mr. McKee said they had eight fire calls and twenty-one first responder calls.

**Parks Department**

Mr. McDonald asked if the city had any signs for designated parking. Maybe make up one for the basketball court, with no driving on the grass, stuff like that. He also said the signs should state park rules, such as hours of use, etc. The mayor said the other thing that needed to be looked at is the electric bills for the ballfield. He wanted to know if they could put in a timer to shut off the lights when the park is closed, but have the lights back on in the morning for the walking trail. He said that he also talked to the electrician about putting in surge protectors.

**Street Department**

Water Superintendent Eddie Smith said he didn’t have anything today. Mayor Harp said they did get a load of asphalt, so they could get started on that.

**Water Department**

City Engineer Glenn Spears of Spears Engineering spoke to the council about the bid opening on the Water Line Replacement Grant and Wastewater Treatment Plant Rehab Grant. He said the bid opening was last Tuesday. They opened bids on the two projects they had with Arkansas Natural Resources Commission (ANRC) and with the American Rescue Plan Act (ARPA) funds. He showed the bid tab for the Wastewater Treatment Plant. He said they had one bid on the project. Right now, there is so much work out there that all the contractors have been swamped. They don’t have the crews to take on any more work. We are begging them to bid on the projects. Both projects only had one bidder. They were different bidders for each project. On the Wastewater Treatment Plant their total bid was $1,938,860. On that project we had $200,000 from Arkansas Economic Development Commission for construction, and then we had the ARPA Grant through the ANRC, so the total funding for construction that we had available was $1,410,750. There were two other line items in the ARPA Grant, one for legal and one for other which included miscellaneous items which would bring the total funds available to $1,431,672. That leaves us short $507,188. He said the grant money we have is all 100% grants, no loans involved. He talked to Arkansas Economic Development Commission (AEDC) and the maximum they would give us is $200,000. Now, they have upped that to $500,000, just for rehab work. He said he asked them if we could get additional funds, he asked for $300,000, and they said no. He asked them for $200,000 and told them that the city still had some ARPA funds available, about $124,000. He said he had talked to the mayor and was told that we could use that for the Wastewater Treatment Plant. So, he mentioned to AEDC that the city would be willing to put in $100,000, if they would put in another $200,000. They said that if the city was willing to put in some of their money, then we might be able to help. Mr. Spears must give them a full plan in order to fund the project. So, using the $100,000 from the city and $200,000 from AEDC, that gives us $300,000. That still leaves us short $207,188. Mr. Spears said he went back and looked at the figures and a lot of the prices were high. He talked to the supplier, the contractor and the prices just exploded over the last several years. One of the contractors gave him a price on a piece of equipment and the price was five times what it was four years ago. He talked to the rep, who has a different aerator company where we could get less expensive aerators for the lagoons than what we had in the project originally. They would still do the same job. What we are looking for is mixing to knock down the algae growth. During the summer we get algae blooms which blow our suspended solids way out of order. So, if we can get the aerators at a less expensive price, and put those in there, you can see on the bid that they were $275,000 for three of them, one blower, hoses, and electrical work to get to it. The other system has six aerators, because they are not as big. They are like spiders with bars sticking out in all directions.

We will make sure they can still do the job we want them to do, but he doesn’t have a price back from the contractor yet what it would cost to install these. He is hoping for a good number. Today, what he wanted to present to the council is the option, since we still have the March 31st deadline. So, we wrote a resolution up that allows the mayor to award the bid to the bidder, subject to the city using $100,000 of its own ARPA funds, AEDC contributing an additional $200,000 in grant funds and a change order modifying the scope of work to reduce construction amount to within the funds available. It is also subject to approval from ANRC and AEDC to approve the award.

Mr. McKee said, “And we have twelve days to get this done.” Mr. Spears said “Yes. As long as we are working towards it, we are good.”

Mr. Spears wants to write this up today and get the change order in. He had stepped out of the earlier part of the meeting to talk to the contractor to get these deductions in there. We would still not be borrowing any money, it is all grants, we get the same project that we had. Depending on what reduction in price we get on the aerators, there is a line item in there on the levee embankment of 800 cubic yards. That’s something we could reduce or take out. We talked about the city possibly doing some of that on their own. It must be done because it was in the application, no matter who does it.

Mr. McKee asked about the savings by going with six (6) smaller aerators but having to increase the number of lines going to each one. Mr. Spears said, “I’ll be honest. I believe we will save $150,000. That’s what I have penciled in.”

Mr. McKee asked what the life expectancy was on the cheaper items. Mr. Spears said it would be about the same. You get a one-year warranty, but that is all you get. It would have a separate blower case with a timer on it. Mr. McKee asked about running all six of them at the same time. Mr. Spears said we probably would, but we are only going to run it in the summer. Instead of a 7.5 horsepower blower we are talking about a 2-horsepower blower.

Mr. McKee asked what is going to happen if we do not get the grant. Mr. Spears said we would have to apply for a loan. The agencies understand that if we are still working towards securing funds, they will continue to work with us. There has been no decision, no formal announcement, but they are extending the date of the deadline if you are pursuing the project, they are going to work with you.

Mr. Spears said that he had submitted the project to nine contractors who all said they were too busy and would not bid on the job.

Mayor Harp read Resolution 2024-05, City of Foreman Wastewater Treatment Plant Improvements. Mr. McKee moved to accept the resolution. Mr. McDonald seconded the motion. Motion carried.

Mr. Spears told the council the city was awarded three ARPA projects. The Ground Storage Tank Project we have already issued notice to proceed with this project. The project for the Waterline Replacement and Rehab that we looked at replacing and upgrading several water lines around town that have been problems. On this project, the construction funds we had available for this job, the one bid was for $1,595,052.53. The funds available for construction and contingencies were $1,012,732. If using the other legal funding mentioned earlier that brings us with total funds available of $1,022,536. That leaves us short $572,516.53. One of the stipulations on the ARPA projects is whatever you put in your application you must do. If there is a section of line, we say we are going to replace, we must replace it. When we started working on this project Daniel Spears and Dana Johnson, with Spears Engineering, met with Water Superintendent Eddie Smith and they identified water lines that were potential problems. The application was turned in with those lines to be replaced/repaired. Mr. Spears said when they started working on the plans, they found other areas that were bad too and they added them to the project. Mr. Spears said he felt there were funds available to do these other areas. The problem is materials have gotten so expensive, and everything has just gone up, that it turns out not to be the case. He named off some of the areas they wanted to do, but now cannot. Mr. Spears said when he went back to the drawing board with the bids that we had, he found those three areas are the only ones we can touch. In talks with Mayor Harp and Eddie Dean Smith about lines that are running under the parking lot of the school along Rocky Comfort, they are really concerned about that, so he has left that part in. Over on Pecan and Smith he left the new loop in because it added in a new customer and that was put in the application, that we were going to add customers in that area. So those two areas he left, everything else that was added he took out. The total amount that was deducted out is $502,000. Mr. McKee asked if that affects what we applied for. Mr. Spears said no because that wasn’t in the original application. One of the things he came up with for that money was fire hydrants in the Pecan and Smith area. So, they are replacing four fire hydrants over there. They will also add a hydrant behind the Dollar General store. That gets some of the fire protection that we wanted back. One of the issues we will have to look at is how much we can take off that, and he thinks the maximum we will be able to take is about $400,000. If we do that it leaves us with a shortfall of $173,750. Options are: 1) that the city puts the money in for it, if you got $200,000 sitting around or 2) we apply for a loan. Regarding the time frame, if we are putting in for a loan that shows we are working forward on the project and from my understanding, they are going to work with us on that. Mr. McKee asked if the contractor was going to work with him on this. He said that he talked to the contractor last Friday and gave him the marked up set of plans and quantities, and that’s probably not going to be an issue. Regardless, we are looking at applying for a $200,000 loan. That would get what we originally applied to do plus a few other items that are important to the city. He said that if we were to re-bid this project, this contractor would probably not bid on it. Mr. McKee said he felt we should move on with all the information provided. Mr. Spears said this resolution gives you permission to accept the bid, subject to a change order modifying the scope of the work to reduce the construction amount to allow the mayor to apply for a loan from the Arkansas National Resources Commission (ANRC) to completely fund the project.

Mayor Harp then read Resolution 2024-06, City of Foreman Waterline Rehabilitation & Improvements. Mr. McDonald moved to accept the resolution. Mrs. Wiseman seconded the motion. Motion carried.

**Sanitation Department**

Mayor Harp stated the trash cans and dumpsters are paid in full. The truck will be paid for next month.

**Planning & Zoning**

Nothing

**Unfinished Business**

Code Red – Tabled

Mr. McKee reported on the status of the eclipse the weekend of April 6th. Mr. McKee said they have people who have committed to being available to make runs in the event there are emergencies, which we expect to happen because of the influx of people passing through. We will be available to cover the entire west side of the county providing we can get there. He also understood, although it wasn’t in concrete, that we may be getting a third ambulance for the county for the April 8th only. He said they are trying to get it staged in Foreman. Mr. McKee said we need to be conscious of elderly people, dementia, Alzheimer’s, and sundowner people. This is going to shock their system and we need to be conscious of this. He suggested checking on your neighbors that may need help.

Mr. McKee stated Mike McCombs (Papa Mike’s BBQ) is going to have some type of function on Saturday night, April 6th and he would like to close off Bell Street from Tracy Lawrence Avenue down to the storage units on Bell Street. The Council did not have any objections to this. Mr. McDonald asked just how many people would be stopping in Foreman. Mr. McKee said nobody knows. The Department of Transportation estimates that 30,000 vehicles per day will travel through the county. Mrs. Wiseman stated that the large trucking companies will be shut down during those three days. Mr. McKee said he had heard that Texarkana is expecting an influx of 60,000 people and on Monday morning they will be packing up and heading north to get closer to the center of the eclipse.

**New Business**

**Water Audit**

Treasurer Mrs. Woods said the recent water audit went well. She stated for years one thing that has always been noted in the audit is that we are overfunded in the Debt Reserve Account. She explained we are required to keep a certain percentage in the debt reserve account to satisfy requirements on the USDA loans. This year, we didn’t have enough money in the account to satisfy the USDA requirement. As of December 31, 2023, we are $4,663 short. She said we need to add money to the Debt Reserve Certificate of Deposit to meet our obligation. Everything else was good. Mrs. Woods explained that in accordance with Act 605, we have to start putting 5% of our gross water and wastewater income into a Refurbishment and Replacement Account every month. We haven’t started doing that. Mrs. Woods said she spoke with Heather Bonds of Berry and Associates which does the water audit and ask if we could rename the Water Tank Repair Account, we currently have at Horatio State Bank which is used for refurbishment and replacement for the water tanks, to Refurbishment and Replacement Account and start putting our 5% in there. Mr. Young asked how much the 5% was. Mrs. Woods said it averaged between $1,800 to $2,400 a month. Mrs. Woods asked the council to rename the Water Tank Repair Account at Horatio State Bank to Refurbishment and Replacement Account which would make us compliant with ACT 605 law. Mr. McKee made the motion to rename the Water Tank Repair Account to Refurbishment and Replacement Account at Horatio State Bank with authorized signers remaining Mayor William B. Harp, Treasurer Theresa Woods, and Water Clerk Coleen Fowler. Mrs. Green seconded the motion. Motion carried.

Mayor Harp said we needed to write off the bad debts and approve the audit. Mr. McDonald made the motion to write off the bad debt accounts as presented and approve the audit conducted by Berry and Associates. Mrs. Green seconded the motion. Motion carried.

The Foundation Committee will have a cleanup day this coming Saturday, March 23rd, starting at 9 a.m. Mr. McKee was asked by the Foundation Committee where to clean and he recommended Highway 32 West, from Red River Oil Company east toward Highway 41.

With no further business, Mrs. Wiseman made the motion to adjourn until the next meeting on Monday, April 15, 2024. Mrs. Green seconded the motion. Motion carried.

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 William B. Harp, Mayor

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Roger Quilty, Recorder