

Minutes of the Regular Farmington City Council October 9, 2023

The regular meeting of the Farmington City Council scheduled for Monday, October 9th, 2023, was called to order at 6:00 pm by Mayor Ernie Penn. City Clerk Kelly Penn called the roll and the following Council Members answered to their names: Diane Bryant, Keith Lipford, Brenda Cunningham, Sherry Mathews, Hunter Carnahan, Linda Bell, Bobby Morgan, and Kara Gardenhire. Also present was City Attorney Jay Moore and City Business Manager Melissa McCarville.

Comments from Citizens - Phyllis Young - spoke regarding the city of Farmington's failure to take care of her drainage issue, said the mayor didn't return her email and city staff did not go look at her property.

City Attorney Jay Moore – Everything you said has been taken under advisement, every time you spoke. We were a part of a lawsuit for a time, if you believe the city is as wrong as you say they are today, then you wouldn't have dismissed us from your lawsuit. We are tired of hearing the same song and dance, and I understand you are tired of your land being whatever you say it is, if that was the case you would not have dismissed the city from its lawsuit. I have been patient for 12 months and I am getting frustrated, you have the right to come and speak but it's the same every single time. You had legal recourse and you dismissed us, please don't come in here and throw out accusations. This is all hearsay. These people out here may believe all your saying, but it may not be true. You don't know who said what to who and when.

Phyllis. Young – I have emails that can prove everything I said today. I can show them, I would like to say as far as you're concerned, I dismissed the city because of the immunity the city has. I still think the city is very wrong, wrong since day one. But my lawyer, your city lawyer, and every other lawyer I talked to, says the city is immune to the lawsuit. All its doing is costing me money to keep the city into it.

City Attorney Jay Moore – So that everyone here knows, the city is immune, not because of the immunity issues, but because the city did everything it was supposed to do, it checked all the boxes and crossed all the t's, and dotted all the i's, your situation is an unfortunate situation and I understand you are frustrated but the city did not do anything wrong.

Phyllis Young – They city didn't do anything to check when I told them there was a problem. As far as talking to the engineer and he said the numbers was right, what yall don't understand is that you look at numbers on the top part of the valley or the property at the top part where it's being built. You did not look at the infrastructure of the dirt along the fences, and fence row where it's coming apart now, no one even saw that part and that's the problem right there.

City Attorney Jay Moore – we will agree to disagree.

Approval of the minutes for the Regular City Council Meeting September 11th, 2023, meeting.

On the motion of Council Member Bryant and a second by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the minutes were approved as presented by a vote of 8-0.

Financial Reports

Mayor Penn presented the financial reports to the City Council. Monthly city sales tax increased 6.1%, year to date increase is 8.18%. Monthly state sales tax increased 1.92%. Year to date there is an increase of 7.68% compared to 2022.

Entertain a motion to read all Ordinances and Resolutions by title only.

On the motion of Council Member Carnahan and a second by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the motion to read all Ordinances and Resolutions by title only was approved 8-0.

Proclamations, Special Announcements, Committee/Commission Appointments -None

Committee Reports -There were no written reports submitted.

Items to be removed from City of Farmington Inventory-

Police Department- Chief Hubbard- Requesting the removal of Items from Inventory

On the motion of Council Member Carnahan and a second by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the motion to remove the following items (see below) from the police inventory was approved 8-0.

2012 Dodge Charger VIN # 2C3CDXAT5CH240247, Light Bars (City Tag 533 & 544) and moving radar (City Tag 659).

Police Department- Chief Hubbard- Requesting the removal of Items from Inventory

On the motion of Council Member Carnahan and a second by Council Member Morgan and by the consent of all Council Members present after a roll call vote, the motion to remove the 13-02 Dodge Charger, VIN # 2C3CDXATODH715837 from police inventory was approved 8-0.

Old Business

Third & Final Reading - Ordinance No. 2023-13 An Ordinance ordering the razing (demolition) and removal of certain structure(s) within the city of Farmington Arkansas, located at 11520 Clubhouse Parkway; to declare an emergency and for other purposes.

Mayor Penn asked Kenneth Lipsmeyer, property owner, if he wished to address the city council.

Kenneth Lipsmeyer, property owner informed the city council that he has 4 possible proposals and the possibility of the complete property purchase. He is not going to divulge who they are from.

Mayor Penn opened the floor to public comment.

Anita Nelson, 11028 Coleman Court – What would be planned for the property if it's sold? I would like them to be given a reasonable amount of time to do something.

Phillip Miley, 12043 Riviera Place – I have a comment, whether you raze it or not. Mr. Lipsmeyer has said they have done a lot of work on the inside of the building. That does not help

the residents, you have wooden fences falling down, you have trees, leaves, bushes that are not maintained. I would like to see the property maintained to the same standard that homeowners are held to. The outside is the eyesore and that is what I am concerned with. Get it cleaned up and maybe a house can be built there since there is sewer available.

Ty Fawley, 11287 Kendall Court – I agree with what the last speaker said, the outside is the concern, I don't know if there is city codes that governs that. Weeds are over 4 feet tall, if they are in violation of that they need to be cited and it needs to be cleaned up. Semantics, he mentioned proposals and offers, is there anything in writing? I brought this up at the last meeting, is there anything in black and white. Is it viable or just conversations. Personally, me and my wife would like to see something done with the building, it's a waste of property. It would be good for the community whatever the function is. I don't know how the property is zoned, a restaurant would be good, there would be changes to zoning depending on use. For the rest of the golf course, it would be residential, it would be nice to have a park there. There are other things Mr. Lipsmeyer could consider or address. I've been in the mortgage banking industry, on the bad side, dealing with bankruptcy and foreclosures, and nothing means anything unless it's in writing. I would like to know what is going on there and what kind of time frame is being considered. We have dealt with this for 60 days, the last two meetings and I don't see much progress, other than a fence that goes down to the pond. It would be best and great if they would just donate the land to the city for a park, take a tax write off, talk to a cpa. Do something good for the community. Thank you.

Lisa Henson, 11651 East Creek Drive – I feel like this is a personal issue with Valley View and it seems like some of you have strong opinions about that. I've been at Valley View how long Daine, maybe 4 years. Started in the condos, but that's not really Valley View, but they are close. We have been homeowners the last 2 years, and I cannot figure out, what the heck, because I am from Indiana and I have never seen a situation like this before, where I feel like someone, a person, hijacked a neighborhood and we couldn't really do anything. Over the last few weeks, we have had the privilege of getting to know Mr. Lipsmeyer and I understand the situation now. I am a person who has endured a lot of what his family has endured, I understand there are situations that are super delicate. I have a lot more empathy for what he as an individual has gone thru and I have a lot of respect for him to stand before the city council, and take every question, every arrow, that all of us, we have so much anger and frustration, from years of watching this building destroying itself. But, my point is, I believe in unity, I believe in the beauty of valley view, and this building is symbolic of all of us rising together. I believe Mr. Lipsmeyer when he says he has a plan, and he says he has options and I believe in the man and the goodness of his heart. It's only fair to give him an opportunity to make good on what he's offered tonight. Thank you.

Jim Duffy, Frisco Drive – This building has been an issue and has been going downhill for many years. You can pick a number 5, 6 or maybe 10. Sixty days ago, Mr. Lipsmeyer came to the table sixty days ago to try and resolve something that has been going on for many years. I believe in my banking background that the building being there, it will be much easier to sell the land. The land will be very difficult to sell, it does not have sewer. I am completely in agreement that you should grant him some more time. I think he should present some of this to the city attorney in good faith to show it's not just lip service, so can find a way to resolve this issue.

Eric Reed, 11658 East Creek Drive- I want to go on the record, I am a board member of the POA, this is my own opinion and does not reflect the board's opinion. We are in support of our community members; every board member is in attendance tonight. I am a licensed architectural engineer in 7 states, including this great state and I can tell you the value you can see from the outside of the building is a vast majority of the resale value. It has a commercial kitchen, restrooms, sewer, HVAC, the foundation, everything is set up. I can vouch the building is viable, we always think about the outside being the skin on the body, not the muscles and the bone and everything that carries the room, there is value in that. Another thing is the infrastructure, there are dozens of homes that have cart sheds that are integral to their home. The streets don't wrap around for any other reason but to mold around the residents, that was by design for the neighborhood. The last sixty days have shown we have the active partner that we have been waiting for, the board has been forced to fight and claw from our side on our side of the partnership with the golf course to enforce violations for people not building privacy fences to hide the golf course. We are forced, and these are volunteer positions, to fine our own neighbors for not having brick mailboxes or park their rv or boats on their own property because it might be seen from the golf course. It causes resentment, board positions are extremely difficult, as a volunteer position and it's tearing our neighborhood apart. This is the first time we have had an active side of this partnership, where someone has shown effort to hold up their end of the bargain that we have been fighting for the last few years. Thank you.

Hal Henson, 11651 East Creek Drive – I didn't want to do what I am about to do, but I am going to do it. I think it's going to mean saving the clubhouse. I am the one that gave him 2 proposals, I called him, I am the one that gave him 2 proposals that he has now. I don't know who the other 25 are, so if you have questions for me, about what are plans are, I will answer what I feel like I can. My wife and I have an LLC that we have been working with and own 15 properties in Farmington. I wrote the original land contract for the property. They are already cutting the grass; they are already monitoring it. It is not a cash offer; I don't have that kind of money. There are plans for nine holes of golf, an executive type. I have an appointment with a commercial inspector next Monday to look at the building. My wife provides holistic life approaches, I would like to have an office there, my wife teaches 3 classes at the Farmington Senior center, and they are at capacity. My proposal includes the building used to house equipment for mowing. I have a concept of what could work there for a while. The place has to have cash flow. I believe the community wants it redeemed. I think the Valley View community has been through enough and they will come together and unite. All we are asking for tonight are enough votes to say no to this tonight to allow more time, but if he doesn't get something done, I will be the first person back up here saying let's get this down, let's deal with it.

Mayor Penn closed the floor to public comment and after much discussion from the city council members a motion was made. Council Member Lipford made a motion to place Ordinance 2023-13 on its third and final reading by title only. It was seconded by Council Member Carnahan, and after a roll call vote, the motion was approved 8-0. Mayor Penn asked, "Shall the ordinance pass? After a roll call vote the ordinance failed by a vote of 0-8, with all council members voting no. Mayor Penn called for a brief recess to allow citizens to exit the chambers if they wished at 7:15. The meeting was called back to order at 7:20 pm.

New Business

Approval of Sewer Contract with the City of Fayetteville

On the motion of Council Member Carnahan and a second by Council Member Morgan and by the consent of all Council Members present after a roll call vote, the motion to approve the sewer contract with the City of Fayetteville, Arkansas was approved 8-0.

Request approval for Destruction of 2013-2016 records

On the motion of Council Member Bell and a second by Council Member Carnahan and by the consent of all Council Members present after a roll call vote, the motion to approve the destruction of documents from 2013 -2016 in accordance with statutes A.C.A. §14-2-201 and §14-2-203, with Council Member Linda Bell as the council representative was approved 8-0.

Ordinance 2023-14 An ordinance determining parkland dedication processes etc., types, standards, ratios, timeframes and fees, in the City of Farmington, Arkansas and its adjoining planning area.

On the motion of Council Member Carnahan and a second by Council Member Lipford and by the consent of all Council Members present after a roll call vote, the motion to approve Ordinance 2023-14 was approved 8-0.

Resolution No. 2023-10 A Resolution waiving requirements of competitive bidding for Creekside Park walking trail lights replacement for the Farmington Parks Department pursuant to A.C.A. 14-58-303

On the motion of Council Member Carnahan and a second by Council Member Mathews and by the consent of all Council Members present after a roll call vote, the motion to approve Resolution No. 2023-10 was approved 8-0.

Resolution No. 2023-11 A Resolution in support of an application for the local law enforcement block grant

On the motion of Council Member Bell and a second by Council Member Lipford and by the consent of all Council Members present after a roll call vote, the motion to approve Resolution No. 2023-11 was approved 8-0.

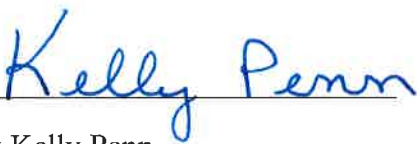
Resolution No. 2023-12 A Resolution waiving requirements of competitive bidding for the purchase of new Chevrolet 1500 Silverado truck for the City of Farmington Building Inspection/Code Enforcement Department pursuant to A.C.A. 14-58-303 (b) (2) (B)

On the motion of Council Member Carnahan and a second by Council Member Bell and by the consent of all Council Members present after a roll call vote, the motion to approve Resolution No. 2023-12 was approved 8-0.

There being no further business to come before the council and on the motion of Council Member Morgan and seconded by Council Member Lipford and by the consent of all members present, the meeting adjourned at 7:46 pm until the next regularly scheduled meeting to be held Monday, November 13th, 2023, in the City Council Chambers at City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved: 

Mayor Ernie Penn

Attest: 

City Clerk Kelly Penn