

**The Town of
Fountain Lake, Arkansas
7148 Park Avenue
Fountain Lake, AR 71910**

**Minutes of the 72nd Council Meeting
August 9th, 2010**

The meeting was called to order at 7:00 pm by Mayor Frank Pheneger. Members present included Carl Rader, Jack Fields, Jane Tuma, Kathy Raab and Tracie Taylor. Member not present was Donna Belote. Some members of the community were present.

A motion was made by Jack Fields to accept both the minutes as written and it was 2nd by Carl Rader all were in favor none opposed.

Budget and Financial Report:

The financial report was given by Tracie Taylor and a balance report was given out on all accounts. A motion was made by Carl Rader to accept the financials and it was 2nd by Jack Fields all were in favor none opposed.

Road Committee:

Jack Fields informed the board that the culvert on Hillvale Garden is going to be fixed by Tim Jackson he is going to extend it out and put gravel underneath and over the top of it so the bus and trash truck can make wide turns. The cost should be around \$600.00.

Village Landscape has contacted the city for a mowing contract to mow the city twice a year for \$6000.00 and that they would purchase the needed equipment to mow the roads correctly.

Activities Committee: No report given

Town Marshal Committee:

Jack Fields reported that he and Tommy Qualls met and asked questions about why Mr. William House and Mr. Paul Fruen were interested in becoming a marshal and deputy in the Town of Fountain Lake. They found them to be sincere in what they wanted to do for the city but Jack and Tommy had concerns with what liability the city would be under if we have a marshal and deputy. Jack informed the board that the city has liability insurance through the municipal league and that the city could be sued for whatever the liability insurance amount was but the board couldn't be sued for more per his understanding. The mayor informed the board that if the city was not happy with having a marshal and deputies then the mayor can stop the town from having them until the board could meet to discuss the problem. The mayor also informed the board that the city is supposed to have workmen's comp. insurance and that the cost would be around \$184 a year which covers 3 law enforcement officers, the entire city counsel and the mayor. The mayor informed the council that the city should already have this insurance but it has never been brought up before. Mr. House informed the board that they would be performing their duties in off hours from their regular jobs mostly in the afternoon and evening time if accepted for the job. Jack Fields informed the board that there would be start up cost and requested a list of what these items might be and that each person would be paid \$300.00 a month and that they would pay for their own gas but the city would need to supply cell phones for them that would only be used for city business. The board discussed more things that would cost money such as mental evaluations, training and physicals. The mayor informed the board that the sheriff could commission our officers just like he does for Mountain Pine and the Village and that it depends on how much training they've had and who they are for him to do it. If he does commission them than they would be obligated to leave our city and help out where needed if called upon. Jack said once we get this going if voted for by the board then we need to look at the county ordinances and decide which ones the city wants and inform the town so the citizens can help decide which ones are suitable for the city. Jack informed the board we needed an ordinance committee if this is passed. Kathy Raab asked the board of what kind of life insurance they would need in case they were killed in the line of duty and did we get this through the municipal league. The mayor informed the board that the city already some through the league but the city could buy more. The mayor informed the board that they didn't want overly strict marshals but

wanted to show the citizens that they have law enforcement in the town without over doing it.

Old Business:

Tim Jackson paid the city back for the overpayment that was made to him by mistake in the amount of \$548.61 and it was deposited back into the street fund.

The land that the city was going to buy did not go through. Kathy Raab brought up another option for land that the city could look into buying and would check on it. The mayor suggested forming a land committee to look for possible property that would be suitable for the city. A motion was made by Jack Fields and 2nd by Kathy Raab to form the committee all were in favor none opposed. The mayor asked if anyone wanted to be on the land committee Kathy Raab, Jerry Wright, Tracie Taylor and Bill House volunteered.

The mayor presented the ordinance about the marshal to the board and that state law says the mayor can appoint the person to be marshal and can also shut it down if it doesn't like how it is working. If the positions are vacant then that is how they are shut down or the board can override by two thirds vote to maintain it. Carl Rader asked the treasurer if we could afford to pay for land, a marshal and deputies at this time. Tracie Taylor said yes we could afford this at this time with the extra funds in the cds and the monthly funds that come in each month. A motion was made by Jack Fields and was 2nd by Kathy Raab all were in favor none opposed. The ordinance of the Town of Fountain Lake Law Enforcement of creating and establishing the office of Town Marshal was accepted and given number #2010-008. The mayor informed the board that an ordinance has to be read at three consecutive meetings unless voted by the board not to do so. Jack Fields made a motion to bypass the reading at three consecutive meetings and to approve the ordinance at this time it was 2nd by Kathy Raab all were in favor none opposed.

New Business:

Jack Fields brought before the board that the city is suppose to maintain a list of assets. The board can choose to have an ordinance stating that unless the city acquires assets over a certain dollar amount it does not have to

maintain a list. As of right now the assets are a laptop computer, a recorder and copier. Jack Fields made a motion to have an ordinance that states unless the city gets over \$10,000 dollars it does not have to maintain a list. It was 2nd by Kathy Raab all were in favor none opposed.

The mayor brought up the old business about the city paying for counsel members and committee members to go to conventions. The city had to apologize for using city funds to pay for non councilmen to go to these conventions. The board is suppose to get a letter in writing to find out who is eligible to go using city funds. The city is also not allowed to give donations for any reason.

The mayor appointed Mr. Bill House as marshal of the Town of Fountain Lake at this time and asked the council if anyone had any other recommendations. The treasurer asked about the paying of the town marshal and Mr. House informed her that she would pay him and he would take care of paying the other deputies and a 1099 would be sufficient at the end of the year for him.

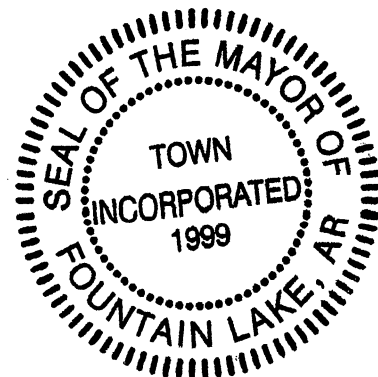
Jack Fields made a motion to have a committee to look into the forming of ordinances for law enforcement it was 2nd by Kathy Raab all were in favor none opposed. The committee consists of Jack Fields, Bill House maybe Tommy Qualls, Mayor Frank Pheneger and Tracie Taylor.

A motion was made by Jack Fields to form a contract with Village Landscape for mowing to be done twice a year for \$3,000 dollars each time as long as they purchase the arm to do the mowing correctly it was 2nd by Kathy Raab all were in favor none opposed.

Carl Rader made a motion to adjourn the meeting at 8:30 pm it was 2nd by Jack Fields all were in favor none opposed.

Tracie Taylor
TOWN CLERK

John Pheneger
MAYOR



I do solemnly swear that I will support the Constitutions of the United States and of the State of Arkansas, and the ordinances of the Town of Fountain Lake, and will well and faithfully perform the duties imposed upon me as a police officer of the town of Fountain Lake to the best of my ability; and that I will serve the United States, the State of Arkansas, and the Town of Fountain Lake honestly and faithfully, and will obey the orders of the officers and officials placed over me according to law.

Name William J. House

Signature *William J. House*

Mayor John Pfenenger

Mayor's signature *John Pfenenger*

Date 8/9/2010

