

MOUNTAIN HOME CITY COUNCIL REGULAR MEETING AGENDA

THURSDAY, APRIL 18th, 2024 @ 5 P.M.
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
720 HICKORY STREET, MOUNTAIN HOME, ARKANSAS

Pledge of Allegiance

Prayer

Roll call

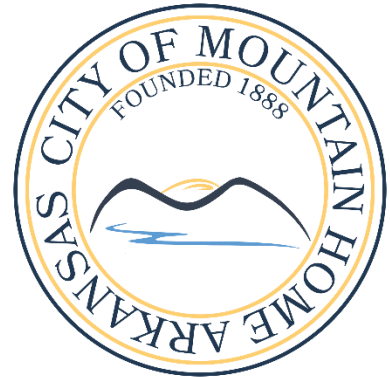
Minutes from the March 21st Council meeting

Committee reports

Bank reconciliations

Agenda additions

Announcements



OLD BUSINESS

NEW BUSINESS

ADJUSTMENTS TO DONATION ACCOUNTS FROM ENDING 2023 BALANCES, presented by Alma Clark

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE CITY OF MOUNTAIN HOME STREET DEPARTMENT TO PURCHASE TWO (2) ONE-TON 2024 FORD F350 4x2 CREW CAB PICKUPS AND THREE (3) HALF-TON 2024 DODGE 1500 TRADESMAN 4x4 CREW CAB PICKUPS FROM ULTIMATE AUTO GROUP OF MOUNTAIN HOME FOR A SUM OF \$230,921, presented by Steve Hill

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE CITY OF MOUNTAIN HOME WATER AND SEWER DEPARTMENT TO PURCHASE TWO (2) HALF-TON 2024 DODGE 1500 TRADESMAN 4x4 CREW CAB PICKUPS FROM ULTIMATE AUTO GROUP OF MOUNTAIN HOME FOR A SUM OF \$84,770, presented by Steve Hill

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE CITY OF MOUNTAIN HOME PARKS DEPARTMENT TO PURCHASE A HALF-TON 2024 DODGE 1500 TRADESMAN 4x4 CREW CAB PICKUP FROM ULTIMATE AUTO GROUP OF MOUNTAIN HOME FOR A SUM OF \$42,385, presented by Steve Hill in lieu of Daniel Baxley

AN ORDINANCE ENACTING REVISIONS TO THE CODE OF ORDINANCES FOR THE CITY OF MOUNTAIN HOME, ARKANSAS; AND DECLARING AN EMERGENCY THERETO, presented by Scott Liles

AN ORDINANCE REPEALING ORDINANCE NO. 121; DELETING CHAPTER 12.04 FROM THE MOUNTAIN HOME CITY CODE; AND DECLARING AN EMERGENCY THERETO, presented by Scott Liles

COMMENTS

ADJOURN

Respectfully submitted,
Scott Liles, City Clerk

MINUTES
REGULAR CITY COUNCIL MEETING – Thursday, March 21st, 2024

1. The Mountain Home City Council met in regular session on March 21st, 2024, in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 5 p.m.
2. **CITY OFFICIALS IN ATTENDANCE** Mayor Hillrey Adams, City Clerk Scott Liles, City Attorney Roger Morgan, Treasury Director Alma Clark, Police Chief Eddie Griffin and Parks Director Daniel Baxley.
3. **MEDIA IN ATTENDANCE** Caroline Spears of the Baxter Bulletin and David Taylor of Mountain Home Live. The meeting was also streamed on Facebook by XL-7 TV.
4. **ROLL CALL** Following the Pledge of Allegiance and an invocation, the following Council members were present for the roll call: Bob Van Haaren, Susan Stockton, Jennifer Baker, Wayne Almond, Carry Manuel, Jim Bodenhamer and Nick Reed. Council member Paige Evans was absent.
5. **APPROVAL OF THE MARCH 7th MINUTES** Council member Jennifer Baker made a motion to approve the minutes from the Council's March 7th meeting. The motion was seconded by Council member Susan Stockton. *The vote was recorded as follows: Yes – All present. Absent – Paige Evans. The motion carried, and the March 7th minutes were adopted.*
6. **COMMITTEE REPORTS** During the review of recent committee reports, city resident Michelle Linehan asked why the minutes of recent Public Safety Committee meetings did not contain information regarding discussions on the sale of the Mountain Home Police Department Building (424 West 7th Street) or the purchase of the former bank building at 650 South Street. Police Chief Eddie Griffin acknowledged that the minutes from previous Public Safety Committee meetings had been subpar. Beginning this month, the Police Department was now writing up the committee minutes and Griffin expressed hope that those records would be more thorough going forward. Area resident Hap Myers said he hoped that the Public Safety minutes will better reflect the committee's proceedings going forward.

CITY CLERK'S NOTE *The City's committees are ultimately the jurisdiction of the Council members serving on each committee. Several committees utilize departmental secretaries or other City employees to maintain the minutes, but the final responsibility for the accuracy of committee minutes falls to the Council members themselves. Committee meetings are recorded, and digital copies of those meetings are available from the City, usually from the departments associated with a specific committee.*

7. NEW BUSINESS

FIRST QUARTER BUDGET ADJUSTMENTS Treasury Director Alma Clark presented the Council with adjustments to 32 line items in the 2024 City budget. These adjustments reflect actual dollars spent in the first quarter of 2024 and reflect the City moving dollars from one line item to another while staying revenue neutral and not changing the budget's bottom line. Council member Jennifer Baker made a motion to approve the adjustments and drew a seconded from Council member Nick Reed. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The motion carried and the adjustments were approved.*

CITY CLERK'S NOTE *A copy of the 32 line items affected by this motion can be found in the digital replica of this meeting's Exhibit Files.*

BUDGET ADJUSTMENTS TO SPECIAL (700) FUNDS Treasury Director Alma Clark presented the Council with seven line-item adjustments to three special City funds – the Breathalyzer Fund (Fund 700), the Criminal Justice (Fund 701), and the DWI/Drug Control Fund (Fund 701). All three funds draw revenue from outside the City (typically through arrest fees and court costs), and each revenue pool cannot be spent on anything else. Much like the adjustments adopted immediately prior, these adjustments are dollar-neutral and do not reflect an additional expense other than what had previously been budgeted. Council member Jim Bodenhamer made a motion to approve the adjustments, and Council member Jennifer Baker seconded the motion. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The motion carried and the adjustments were approved.*

CITY CLERK'S NOTE *A copy of the seven line items affected by this motion can be found in the digital replica of this meeting's Exhibit Files.*

AUTHORIZATION TO BUILD AND FUND NEW LINE ITEMS FOR REVENUE AND EXPENSES IN THE PARKS DEPARTMENT FOR RECREATIONAL CHEERLEADING, RECREATIONAL HOCKEY, COMPETITIVE SOFTBALL AND COMPETITIVE BASEBALL Treasury Director Alma Clark presented the Council with proposed line items and funding amounts for four activity programs the Parks Department planned on launching this year. Council member Bob Van Haaren made a motion to approve the creation of the items and fund them at the amount listed. His motion was seconded by Council member Wayne Almond. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The motion carried and the line items' creation and funding were approved.*

CITY CLERK'S NOTE *A copy of the new Parks Department line items and the amount they were funded can be found in the digital replica of this meeting's Exhibit Files.*

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF THREE (3) 2024 FORD EXPLORERS FROM ULTIMATE FORD OF MOUNTAIN HOME, ARKANSAS, FOR A TOTAL SUM OF \$130,500.00 If approved, this Resolution would waive

competitive bidding and allow the Mountain Home Police Department to purchase three 2024 Ford Explorers from Ultimate Auto in Mountain Home for a total sum of \$130,500. Police Chief Eddie Griffin explained that 2024 Ford Explorers were available for purchase through state bidding, but those vehicles were hybrid electric vehicles and not solely gasoline powered. The department has experimented with hybrid vehicles in the past, but the most recent one required a new battery that would have cost \$15,000 to replace, he said. As such, the MHPD felt better purchasing gas-powered vehicles and staying away from hybrids for the time being. Additionally, the Explorers available locally were each priced \$5,000 less than the Explorers listed under state bidding. Council member Nick Reed made a motion to adopt the Resolution and drew a second from Council member Bob Van Haaren. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The Resolution was declared approved and numbered Resolution No. 2024-11.*

8. **NEW CITY CODE BOOKS** City Clerk Scott Liles announced that the Arkansas Municipal League had completed the latest revision to the Mountain Home City Code. The latest updated, Supplement No. 51, added or altered 62 pages of Code. Liles asked that anyone with a bound version of the City Code please drop it off at his office to be updated. The revised Code Book will be posted to the City's website, and digital copies are also available for handout through the City Clerk's office. The new version was the first update to the City's Code since 2021 and now covers items adopted by the City Council through November 2023.

9. **COMMENTS**

City resident Debbie Anderson asked Council member Bob Van Haaren about apparent tension in his exchange earlier in the evening with area resident Hap Myers. During the exchange, Van Haaren had repeatedly asked Myers if he lived inside the city limits, and Anderson asked if that mattered as to who addressed the Council. Van Haaren told Anderson that the repeated questioning was due to Myers' reluctance to directly answer the question as presented. Myers wanted direct answers from the City regarding his questions, but was not giving the City the same courtesy, Van Haaren said.

Area resident Hap Myers reminded Council members that their meetings are open to the public, and the input of attendees should not be discounted. The active participation of citizens is the issue at hand, he said.

CITY CLERK'S NOTE *A person's home address – whether they live inside the City or outside of it – typically has little bearing on if someone may address the Council. However, under State Code the Mayor is the presiding official over all Council meetings and may or may not recognize speakers to address the Council as he or she sees fit. The decision to cede the floor for public statements resides solely with the mayor, and comments are not mandatory at Council meetings.*

10. **ADJOURNMENT**

With no further business to come before the council, Mayor Hillrey Adams declared the meeting adjourned at 5:27 p.m.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

MH Parks & Recreation Committee Meeting

City Hall / Tuesday April 2nd, 2024, 4:30 p.m.

Member Attendance: Wayne Almond, Nick Reed, Susan Stockton, Paige Evans, Daniel Baxley

Guest: Allison Parks, Scott Liles

Public Attendees: Michele Linehan, Hap Myers

Absent:

Call to Order: Wayne Almond called the meeting to order at 4:30 pm.

New Business: Daniel presented the March monthly report.

New Business: Daniel presented updates for the spring sports season; games cancelled for first two nights, but makeup games will be played, more officials have been placed at soccer, and all sports have started our strong. Daniel then presented that the Program Recs will begin flexing their time due to working evenings and possible weekends to ensure that OT/Comp is kept in check.

New Business: Daniel presented that the Parks Maintenance team has hired Nicole Sheets, who has come to us with multiple certifications and years of experience. Danile then reminded committee that Andrew McNair will move over from Youth Center operations to Parks as a Recreation Programmer: Outdoor Recreation. Daniel also discussed that Lifeguard interviews had begun for this season, the Youth Center is hiring for a Rec Aide 2, and the Youth Center has also recently hired three new PT Rec Aides.

Open Discussion: Discussion was also had regarding the Baxter Concert series with only one date being available at this time (June 1st). Daniel also updated that no Solar Eclipse RV spaces have been reserved at this time and that two Parks employees will be placed at each park during the eclipse to help with traffic and any issues that may arise.

Updates: Scott Liles presented that the Parks Department has had a Parks Commission in the past that was originally established in 1954 when the city acquired Hickory Park. The commission has been inactive since 1980 according to records, the committee was made up of volunteers that overseen the upkeep of Hickory Park. Scott presented that due to inactivity it is recommended that this ordinance be taken to council to dissolve this ordinance, all members agreed unanimously.

Adjournment: Wayne Almond adjourned the meeting at 4:53 p.m.

BUDGET ADJUSTMENT FOR DONATION ACCOUNTS TO BRING TO ACTUAL FROM 2023 BUDGET PASSED TO ENDING 2023 CARRY TO 2024 ACTUALS				
4/18/2024				
Name	Line Item Number	CREDIT	DEBIT	ACTUAL TOTALS
				FOR 2024
PARKS DEPARTMENT DONATION ACCOUNT SHORE UP				
DONATIONS PARKS -YOUTH BASEBALL- REVENUE	101-5107-73443		\$15,486.58	(\$24,062.22)
DONATIONS PARKS -YOUTH BASEBALL- EXPENSE	101-5107-73444	(\$15,486.58)		\$24,062.22
NCASF-SOCCER COMPLETX MAINT-REVENUE	101-5107-73408		\$388.60	(\$2,286.07)
NCASF-SOCCER COMPLETX MAINT-EXPENSE	101-5107-73709	(\$388.60)		\$2,286.07
DONATIONS TRUNK OR TREAT - REVENUE	101-5107-73447		\$799.20	(\$1,192.90)
DONATIONS TRUNK OR TREAT - EXPENSE	101-5107-73448	(\$799.20)		\$1,192.90
		CREDIT	DEBIT	ACTUAL TOTALS
FUND 113- FIRE DEPT DONATION ACCOUNT SHORE UP				
				FOR 2024
Donations - Unrestricted - Purchases	5113-73400	(10,438.34)		121,096.24
County FD Allocation - Purchases	5113-73401	(3,124.06)		8,350.53
Donations - Unrestricted - Revenue	5113-73403		10,438.34	(121,096.24)
County FD Allocation - Revenue	5113-73404		3,124.06	(8,350.53)
		CREDIT	DEBIT	ACTUAL TOTALS
FUND 109 - ACT 833 SHORE UP & RESTRUCTURE FOR FUND REPORTING				
				FOR 2024
ACT 833 - REVENUE	4000-36010	(15,000.00)		0.00
CARRY OVER	4000-83300		440.69	53,786.03
INTEREST INCOME	4000-61230	(515.05)		684.95
ACT 833- REVENUE	5109-23009	(52,206.47)		(52,206.47)
ACT 833 -EXPENSE	5109-23010		38,206.47	52,206.47
MISC EXPENSE	5109-73700		2,264.51	2,264.51
PROJECTED CARRYOVER	5109-79000	(3,338.89)		52,206.47

RESOLUTION NO. 2024-xx

**A RESOLUTION WAIVING COMPETITIVE BIDDING
AND AUTHORIZING THE CITY OF MOUNTAIN HOME STREET
DEPARTMENT TO PURCHASE TWO (2) ONE-TON 2024 FORD F350 4x2
CREW CAB PICKUPS AND THREE (3) HALF-TON 2024 DODGE 1500
TRADESMAN 4x4 CREW CAB PICKUPS FROM ULTIMATE AUTO GROUP
OF MOUNTAIN HOME FOR A SUM OF \$230,921**

WHEREAS, The City of Mountain Home Street Department is desirous of purchasing two (2) one-ton 2024 Ford 350 4x2 crew cab pickup trucks and three (3) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks; and

WHEREAS, the purchase of two (2) one-ton 2024 Ford 350 4x2 crew cab pickup trucks and three (3) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks is necessary to provide greater ability to the Mountain Home Street Department in serving the citizens of Mountain Home;

**NOW, THEREFORE, BE IT ORDAINED
BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:**

SECTION 1. The Mountain Home Street Department has researched various options and believes purchasing two (2) one-ton 2024 Ford 350 4x2 crew cab pickup trucks and three (3) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks would best meet the needs of the City of Mountain Home.

SECTION 2. Both 2024 Ford 350 4x2 crew cab pickup trucks and 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks are available for purchase through state bidding, but Ultimate Ford and Ultimate Chrysler Dodge Jeep Ram (collectively known as Ultimate Auto Group of Mountain Home, Arkansas) has the vehicles available for purchase below the state bid pricing. Each Ultimate Ford truck is available for \$741 below the current state bid price, while each Ultimate Dodge truck is available for \$1,025 below the current state bid price. The City would see a total savings of \$4,557 by purchasing the trucks locally compared to purchasing the trucks through state bidding.

SECTION 3. That the immediate availability and lower pricing of the pickup trucks at Ultimate Ford and Ultimate Chrysler Dodge Jeep Ram makes acquiring similar vehicles

through the state bidding process impractical, and the requirement for purchasing such vehicles through said bidding process is hereby waived under A.C.A. §14-58-303.

SECTION 4. That the Mountain Home Street Department is hereby authorized to purchase from Ultimate Ford two (2) one-ton 2024 Ford 350 4x2 crew cab pickup trucks for a sum of \$103,766 and three (3) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks from Ultimate Chrysler Dodge Jeep Ram for a sum of \$127,155, for a final total sum payable to Ultimate Auto Group not to exceed \$230,921.

PASSED AND APPROVED THIS 18th DAY OF APRIL, 2024.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

RESOLUTION NO. 2024-xx

**A RESOLUTION WAIVING COMPETITIVE BIDDING
AND AUTHORIZING THE CITY OF MOUNTAIN HOME WATER
AND SEWER DEPARTMENT TO PURCHASE TWO (2) HALF-TON 2024
DODGE 1500 TRADESMAN 4x4 CREW CAB PICKUPS FROM ULTIMATE
AUTO GROUP OF MOUNTAIN HOME FOR A SUM OF \$84,770**

WHEREAS, The City of Mountain Home Water and Sewer Department is desirous of purchasing two (2) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks; and

WHEREAS, the purchase of two (2) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks is necessary to provide greater ability to the Mountain Home Water and Sewer Department in serving the citizens of Mountain Home;

**NOW, THEREFORE, BE IT ORDAINED
BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:**

SECTION 1. The Mountain Home Water and Sewer Department has researched various options and believes purchasing two (2) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks would best meet the needs of the City of Mountain Home.

SECTION 2. The 2024 Dodge 1500 Tradesman 4x4 crew cab pickup truck is available for purchase through state bidding, but Ultimate Chrysler Dodge Jeep Ram of Mountain Home Arkansas (also known as Ultimate Auto Group) has two pickups available for purchase below the state bid pricing. Each Ultimate Auto truck is available for \$1,205 less than the current state bid price, and the City would see a total savings of \$2,410 by purchasing the Dodge trucks locally compared to purchasing them through state bidding.

SECTION 3. That the immediate availability and lower pricing of the pickup trucks at Ultimate Chrysler Dodge Jeep Ram makes acquiring similar vehicles through the state bidding process impractical, and the requirement for purchasing such vehicles through said bidding process is hereby waived under A.C.A. §14-58-303.

SECTION 4. That the Mountain Home Water and Sewer Department is hereby authorized to purchase two (2) half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks from Ultimate Chrysler Dodge Jeep Ram for a total sum of \$84,770.

PASSED AND APPROVED THIS 18th DAY OF APRIL, 2024.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

RESOLUTION NO. 2024-xx

**A RESOLUTION WAIVING COMPETITIVE BIDDING
AND AUTHORIZING THE CITY OF MOUNTAIN HOME
PARKS DEPARTMENT TO PURCHASE A HALF-TON 2024 DODGE 1500
TRADESMAN 4x4 CREW CAB PICKUP FROM ULTIMATE AUTO GROUP
OF MOUNTAIN HOME FOR A SUM OF \$42,385**

WHEREAS, The City of Mountain Home Parks Department is desirous of purchasing a half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup truck; and

WHEREAS, the purchase of a half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup truck is necessary to provide greater ability to the Mountain Home Parks Department in serving the citizens of Mountain Home;

**NOW, THEREFORE, BE IT ORDAINED
BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:**

SECTION 1. The Mountain Home Parks Department has researched various options and believes purchasing a half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup truck would best meet the needs of the City of Mountain Home.

SECTION 2. Half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup trucks are available for purchase through state bidding, but Ultimate Chrysler Dodge Jeep Ram (also known as Ultimate Auto Group of Mountain Home, Arkansas) has the vehicle available for purchase below the state bid pricing. The City would see a total savings of \$1,025 by purchasing the truck locally compared to purchasing the trucks through state bidding.

SECTION 3. That the immediate availability and lower pricing of the pickup truck at Ultimate Chrysler Dodge Jeep Ram makes acquiring a similar vehicle through the state bidding process impractical, and the requirement for purchasing such vehicles through said bidding process is hereby waived under A.C.A. §14-58-303.

SECTION 4. The Mountain Home Parks Department is hereby authorized to purchase from Ultimate Chrysler Dodge Jeep Ram a half-ton 2024 Dodge 1500 Tradesman 4x4 crew cab pickup truck from for a sum of \$42,385.

PASSED AND APPROVED THIS 18th DAY OF APRIL, 2024.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

ORDINANCE NO. 2024-xx

AN ORDINANCE ENACTING REVISIONS TO THE CODE OF ORDINANCES FOR THE CITY OF MOUNTAIN HOME, ARKANSAS; AND DECLARING AN EMERGENCY THERETO

WHEREAS, Arkansas Code Annotated (A.C.A.) §14-55-701 through §14-55-704 allows the City of Mountain Home, Arkansas, to codify and compile existing Ordinances into one unified code book; and

WHEREAS, the City Council of the City of Mountain Home, Arkansas, has authorized a general compilation, revision and codification of the city's Ordinances of a general and permanent nature and the publication of such ordinance in book form; and

WHEREAS, new ordinances have been passed since the adoption of the last update to the city's Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:

Section 1. That the current Code of Ordinances is hereby amended and re-adopted as the "Mountain Home City Code."

Section 2. The Code of Ordinances referenced in Section 1 has hereby been revised, amended, restated, codified and compiled in book form to include new Ordinances which were adopted by the City Council since the Code's last update in May 2021. The most recent update is Supplement No. 51, also known as the March 2024 update.

Section 3. All prior Ordinances pertaining to the subjects addressed in this Code are hereby repealed from the effective date of this Ordinance unless they are included and re-ordained, in whole or in part, in this Code.

Such repeal shall not affect any offense committed, penalty incurred, or any right established prior to the effective date of this Ordinance.

Nor shall such repeal affect Ordinances which levy taxes; appropriate funds; annex or detach territory; establish franchises; grant special rights to persons; authorize public improvements; authorize the issuance of bonds or the borrowing of money; authorize the purchase or sale of real or personal property; grant or accept easements, plats or dedications of land to public use; vacate or set the boundaries of streets or other public places. Nor

shall such repeal affect any other Ordinance of a temporary or special nature or pertaining to subjects not contained or covered by the Code.

Section 4. Whenever in the Code an act is prohibited or is made or declared to be unlawful, an offense, or a misdemeanor, or whenever in the Code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided for, the violation of any such provision of the Code shall be punishable as provided by Section 1.32.01 of the Code.

Section 7. Copies of the Code shall be kept on file in the office of the City Clerk, either preserved in looseleaf form, in electronic form or in such other form as the City Council may consider most expedient. These copies of the Code shall be available for all persons desiring to examine the same.

Section 8. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of the Code, or to insert or delete pages or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the City of Mountain Home to be misinterpreted. Any person violating this section shall be punished as provided in Section 4 of this Ordinance.

Section 9. That all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. Emergency clause It is hereby found that many of the Ordinances of the City of Mountain Home are not easily and readily available to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect. Therefore, an emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservations of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 18TH DAY OF APRIL, 2024

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

ORDINANCE NO. 2024-xx

**AN ORDINANCE REPEALING ORDINANCE NO. 121;
DELETING CHAPTER 12.04 FROM THE MOUNTAIN HOME CITY CODE;
AND DECLARING AN EMERGENCY THERETO**

WHEREAS, the Mountain Home City Council did adopt Ordinance No. 121 on September 21, 1954, to create a Parks and Recreation Commission and did enumerate said Commission with duties and responsibilities related maintaining to the City's parks; and

WHEREAS, the Mountain Home Parks Commission was later codified into the Mountain Home City Code under Chapter 12.04 of said Code; and

WHEREAS, the duties of the Parks and Recreation Commission have since been superseded by the Mountain Home Parks Commission and by the City itself; and

WHEREAS, the Parks and Recreation Commission has not functioned as an active body in many years, and therefore the Commission is no longer viable or useful;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF MOUNTAIN HOME, ARKANSAS:**

Section 1. Repealer City of Mountain Home Ordinance No. 151 is hereby repealed in its entirety.

Section 2. Removal from codification Chapter 12.04 of the Mountain Home City Code is hereby deleted in its entirety.

Section 3. Emergency clause That proper and correct administration of the City of Mountain Home's Parks Department is vital to the continued health, safety and welfare of the City's citizens, and therefore an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 18TH DAY OF APRIL, 2024

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

March
2024

TITLE 12

PARKS AND RECREATION

Chapters:

- 12.04 Parks Commission
- 12.08 Youth Activity Center
- 12.12 Fishing Regulations
- 12.16 Park Properties

CHAPTER 12.04

PARKS COMMISSION

Sections:

- 12.04.01 Established
- 12.04.02 Membership
- 12.04.03 Powers
- 12.04.04 Reports
- 12.04.05 Use of revenues
- 12.04.06 Appropriation of funds
- 12.04.07 Exclusive jurisdiction

12.04.01 Established. There is hereby established a Parks and Recreation Commission for the city of Mountain Home, Arkansas, to operate, manage and control all recreational facilities in the city.

12.04.02 Membership. The Commission shall consist of five (5) qualified electors of the city, to be appointed by the Mayor and confirmed by a majority of the duly elected and qualified members of the City Council. Each commissioner shall be appointed for a term of five (5) years; a vacancy on the Commission shall be filled for the unexpired term in the same manner hereinabove prescribed. Each commissioner shall file the oath required of public officials by the laws of this state; any such commissioner may be removed upon a two-thirds (2/3) vote of the members of the City Council.

12.04.03 Powers. The Commission shall have full and complete authority to build, manage, operate, maintain and repair the grounds and improvements under its jurisdiction; shall have complete charge of its buildings and grounds, including the right to control the use thereof and to permit or refuse to permit the use of such facilities by an individual or group; and shall

have the right to employ or remove any of its employees, and to fix and regulate the salary of each such employee.

The Commission shall have the exclusive authority to purchase supplies, apparatus, etc., necessary or desirable, including all construction, repairs, alterations and additions to the property within the jurisdiction of the Commission.

The Commission shall also have the exclusive authority to enter into contracts for the use of park facilities; shall adopt its own rules and regulations for the proper operation and management of all property within its respective jurisdiction; and shall have full authority to repeal or amend its rules and regulations as it sees fit.

12.04.04 Reports. The Commission shall submit quarterly reports, beginning three (3) months after they take their oath of office and each three (3) months thereafter, reporting in full on the operations of the Commission, including an accounting of receipts and disbursements and furnishing such other reports, data and information as may be required by the Mayor and City Council. The quarterly report, with respect to receipts and disbursements, shall be certified by the commissioners as correct. They shall further submit an annual audit of the operations of the parks and recreational programs to the Mayor and City Council.

12.04.05 Use of revenues. The Commission shall have the exclusive authority to utilize all revenues derived from their respective operations; separate accounts shall be maintained and all monies shall be segregated and used exclusively for the operation of parks and recreation programs. The commissioners shall receive no salary but shall be reimbursed for actual expenses incurred in the performance of their duties.

12.04.06 Appropriation of funds. The City Council may, at any time, appropriate funds from the General Revenue Fund or other available funds to provide the necessary monies for the operation of the Commission's parks and recreation programs.

12.04.07 Exclusive jurisdiction. The Commission shall have sole and exclusive jurisdiction, power and control over the recreational facilities and programs assigned to it.

1954

- Ord. 121** Creates and 5-person Parks Commission
Commission charged with building, operating and maintaining park(s)
Commission in charge of all park buildings, grounds and purchases

1974

- Ord. 419** Creates a 5-person Parks and Recreation Commission
Act in an ‘advisory capacity’ to City Council
DOES NOT repeal Ordinance 121, so it’s still technically on the books

1975

- Ord. 424** Expands the 1974 Parks and Recreation Commission to 7 members
Additional members likely volunteers to help with park maintenance

1980

- Ord. 603** Repeals both Ordinance 419 and 424
Effectively disbands the 1974 Parks and Recreation Commission
Does not mention Ordinance 121, so 1954 Parks Commission still on books

1991-2023

Codification of the current MH City Code begins
Since Ordinance 121 is still on the books, it gets codified
Ordinance 121 is never repealed, so it continues to live on in the Code

2024

- Ord. 2024-xx** Would repeal Ordinance 121
Would remove long-defunct Parks Commission from City Code

from the trenches shall be removed or placed where the least inconvenience to the public will be caused.

b. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.

c. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

Alternative Section 6. (b)

Before any opening is made in the pavement of the streets of the City of Mountain Home, the person desiring to make the opening shall deposit with the City of Mountain Home a sum of not less than \$25.00, and in addition thereto shall deposit with the City of Mountain Home, a sum of money to be determined by the Plumbing Inspector to cover the necessary expenses incurred by the City of Mountain Home in repairing said pavement and restoring it to its former condition. After the plumbing work has been completed the hole refilled, all excess rubbish and material shall be removed leaving the street or sidewalk clean

SECTION 7. Penalties. Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred (\$100) together with the costs of such prosecution, or by imprisonment. Each day during which violation continues shall be a separate offense.

SECTION 8. Conflicting Ordinances Repealed. All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

SECTION 9. This ordinance being for the regulation of plumbing and for the protection of the public the provisions hereof are declared to be separable, and the invalidity of any clause, sentence, paragraph or section hereof shall not affect the validity of the remainder of this ordinance.

SECTION 10 Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as required in the Arkansas Statutes.

Passed August 17th 1954

ATTEST

Naomi Bodenhamer
City Recorder

APPROVED Wade Lahar
Mayor

~~ORDINANCE NO. 120~~

~~ORDINANCE ESTABLISHING MOUNTAIN HOME STREET IMPROVEMENT DISTRICT NO. 1~~

~~This ordinance was dissolved by Chancery Court decree Feb. 16, 1955~~

ORDINANCE NO. 121

AN ORDINANCE FOR THE CREATION OF A PARKS AND RECREATION COMMISSION: TO ENUMERATE THE POWERS AND DUTIES THEREOF: TO PRESCRIBE QUALIFICATIONS OF COMMISSIONERS: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:

SECTION 1. COMMISSION CREATED. There is hereby created a Parks and Recreation Commission which shall hereafter be designated and known officially as "The Mountain Home Parks and Recreation Commission".

SECTION 2. COMPOSITION OF COMMISSION. The Said Commission shall be composed of Five Members each of whom shall be a Citizen of Mountain Home, Arkansas, and a qualified elector of said City.

SECTION 3. POWERS AND DUTIES OF COMMISSION. The Commission shall be and is hereby invested with the following Powers and charged with the following duties:

1954
5-member
Commission
Basically
administers
City's Parks
program

(a) The Commission shall have full and complete control and authority to build, manage, operate, maintain, and keep in a good state of repairs any Municipal buildings deemed necessary to carry on a Parks and Recreation Program for the City of Mountain Home, including the building of Swimming Pools, Field Houses, Stadium Zoos or other buildings necessary to carry on a Parks and Recreation Program.

(b) The Commission have full and complete charge of such buildings and grounds as are enumerated in Sub-Paragraph (a) above, including the right to control and permit or refuse to permit such Public Gatherings or other meetings or affairs as the Commissioners shall see fit and deem to be to the best interest of the City.

(c) The Commission shall have the exclusive right and power to make purchases of all supplies, apparatus, and other property and things requisite and necessary for the management and operation of said Parks and Recreation Program, including the construction of same and repairs and additions thereto. The Commissioners shall not have power or authority to sell, mortgage, or encumber said Property unless otherwise authorized to do so by the Constitution and/or Statutes of the State of Arkansas.

(d) The Commissioners shall have authority to enter into Contracts with persons, firms, or corporations or organizations for the use of buildings or parts of the Parks and Recreation Program.

(e) The Commissioners shall adopt such Rules and Regulations as they may deem necessary and expedient for the proper operation and management of said Municipal Parks and Recreation Program, and shall have authority to alter, change, or amend such rules and regulations at their discretion.

(f) The Commissioners shall submit quarterly reports, beginning three (3) months after they take their oath of office, and each three (3) months thereafter, reporting in full on the operations, including an accounting of receipts and disbursements, to the Mayor and City Council and shall furnish such other and further Reports, data and information as may be requested by the Mayor and City Council. The quarterly reports to the Mayor and City Council with respect to Receipts and disbursements shall also submit an annual audit of the operations of the Parks and Recreation Program to the Mayor and Council.

(g) The Commissioners shall have authority to utilize all revenues desired from the operation of the Parks and Recreation Program in the operation of the said program. All funds derived from the use of the Parks and Recreation Program shall be segregated into a Park Fund which fund shall be used by the Commissioners in the operation of the Parks and Recreation Program exclusively. The moneys in said fund shall not be mingled with other funds of the City and shall be handled exclusively by the Commissioners. Said Commissioners shall furnish the City a bond in the amount of \$5000.00 executed by a Corporate Surety Company, authorized to do business in Arkansas, as Surety, which Bond shall serve to insure the City against any misappropriation or mishandling of funds. The premium on said bonds shall be paid from moneys from the Park Fund. The commissioners shall be reimbursed from the Park Fund for actual expense incurred in the performance of their duties. Said Park Fund may also be expended by the Commissioners as they deem best, for the purpose of obtaining attractions to be staged as a part of the Parks and Recreation Program;

SECTION 4. APPROPRIATION OF FUNDS BY CITY COUNCIL. The City Council may from time to time appropriate funds from the General Revenue Fund of the City, or from such other funds as the City may have available to make up any deficits as may be shown on any quarterly report or as may be necessary to carry on the operations of the said Parks and Recreation Program.

SECTION 5. APPOINTMENT OF COMMISSIONERS - TERMS. It shall be the duty of the Mayor to appoint the Five Members of the Parks and Recreation Commission subject to the confirmation of such appointments by a majority vote of the members of the City Council. Each Commissioner shall hold office for five (5) years; PROVIDED HOWEVER, that those commissioners first appointed and confirmed after the passage of this ordinance shall serve for terms of one (1); two (2), three (3), four (4), and five (5) Years. Thereafter, upon the expiration of their respective terms, commissioners appointed by the Mayor and approved by a majority vote of the City Council shall each be appointed for a term of five (5) years. In the event of a vacancy occurring on the Commission, the Mayor shall appoint a Commissioner

subject to the approval of a majority vote of the members of the City Council, to hold office for the remainder of the unexpired term of the person creating the vacancy. Each commissioner shall file the oath required in the State of Arkansas for public officials.

SECTION 6. REMOVAL OF COMMISSIONERS. Any Commissioner appointed and confirmed pursuant to the provisions of this ordinance may be removed for cause upon a two-thirds vote of the duly elected and qualified members of the City Council.

SECTION 7. Repealing Clause. All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Adopted Sept. 21, 1954

ATTEST:

Recorder, Naomi Bodenhamer

Wade Lahar
Mayor

RESOLUTION

A RESOLUTION BY THE CITY COUNCIL CONFIRMING THE APPOINTMENT OF COMMISSIONERS TO SERVE ON THE MOUNTAIN HOME PARKS AND RECREATION COMMISSION; SETTING FORTH THE TERMS OF OFFICES FOR THE INITIAL MEMBERSHIP THEREOF. AND DESIGNATING A CHAIRMAN OF SAID COMMISSION.

BE IT RESOLVED:

That Whereas, the City Council of the City of Mountain Home, Arkansas, has duly enacted Ordinance No. 121 creating a Parks and Recreation Commission for the City of Mountain Home, Arkansas; and

Whereas, the Mayor has duly appointed the following citizens of Mountain Home who are qualified Electors of said municipality to serve as Commissioners, one of whom he has also appointed to be the Chairman of said Commission, for the terms set out beside their names as follows:

Lloyd Fisk, who shall serve as Chairman, of said Commission and shall serve for a term of 5 years.

Bryan Joyce, who shall serve for 1 Year.

Max Nusch, who shall serve for 2 years

Reba Dearmore, who shall serve for 3 years

Jewell Cooper, who shall serve for 4 years

Whereas the City Council does wholly approve of said appointments,

Now, Therefore, Be It Resolved, That the said appointments made by the Mayor to said Commission be and the same are hereby in all things approved and confirmed.

Adopted Sept. 21, 1954

ATTEST:

Naomi Bodenhamer
Recorder

Wade Lahar
Mayor

ORDINANCE NO. 122

An ordinance appropriating the sum of twenty-five hundred forty dollars from the Mountain Home, Arkansas water and sewer operation and maintenance fund for purchase of machinery, storage and handling facilities, necessary to fluoridate the water supply of Mountain Home; to authorize the injection of fluorine compounds into the city water supply; to refer this ordinance to the electorate of said city for approval or rejection at the general election to be held in said city on the 2nd day of November 1954, and for other purposes.

SECTION 1. There is hereby appropriated from Mountain Home water and sewer system's operation and maintenance fund the sum of twenty-five hundred forty dollars, which sum shall be expended for:

(1) The purchase and installation of machinery and equipment of appropriate design and adaptable for the use of injecting into the water supply of the City of Mountain Home, Arkansas, fluorine compounds of a type

Repealed by
Ord No. 603
A-3-80

ORDINANCE NO. 419

AN ORDINANCE CREATING A RECREATIONAL COMMISSION FOR THE CITY OF MOUNTAIN HOME, ARKANSAS AND PERSCRIBING THE POWERS AND DUTIES THEREOF AND FOR OTHER PURPOSES REQUISITE THERETO

1974
5-member
commission

WHEREAS, there is immediate need within the City of Mountain Home, Arkansas for more extensive and adequate facilities for public recreation and areas. The City Council of the City of Mountain Home desires to furnish, manage and coordinate said facilities for public recreation and, now, therefore, be it ordained by the City Council of the City of Mountain Home, Arkansas:

Advisory
Capacity
to Council

Section 1. There is hereby created a park and recreation commission of the City of Mountain Home, Arkansas which shall consist of five (5) members.

Section 2. The members of the parks and recreation commission of the city of Mountain Home, Arkansas shall be nominated by an alderman and approved by majority vote of the City Council.

Works w/
Director of
Parks

Section 3. The original five (5) members of the park and recreation commission of the City of Mountain Home, Arkansas shall be appointed to terms of one (1), two (2), three (3), four (4), and five (5) years so that one (1) commissioner's term will expire each year. Terms of office of members thereafter shall be for a term of five (5) years. All vacancies shall be filled for the unexpired terms of the member whose office is vacant in the same manner as such member received the original appointment.

Section 4. Members of the parks and recreation commission of the City of Mountain Home, Arkansas shall automatically be terminated if they fail to attend three (3) consecutive meetings unless excused by the vote of said commission, and his seccessor shall be appointed in the same manner as their predecessor.

Section 5. Members of said parks and recreation commission of the City of Mountain Home, Arkansas shall serve without compensation but members may be reimbursed for their actual expenses, including travel, lodging and meal expenses incurred while on official business of the commission which has had prior approval by the City Council.

Section 6. Immediately after appointment and qualification, or until their seccessors qualify, the commission is organized by election of a chairman, vice chairman and a secretary who shall serve for one (1) year terms.

Section 7. Meetings shall be held as needed and as called by the chairman. Any three (3) members of the commission may call a meeting after giving seven (7) or more day's notice of such meeting to all members. The minutes of the commission meetings shall be filed with the City Clerk of the City of Mountain Home, Arkansas. Three (3) members shall constitute a quorum for the transaction of business for the commission.

Section 8. The commission shall have the following powers and duties:

(a) Act in an advisory capacity to the city council in promoting, aiding, encouraging and conducting public recreation, including the development of recreation and park facilities and programs.

(b) At the request of the city council, recommend to the council the names of candidates who are qualified in the administration of public recreation and park services for appointment by the council to the position of director of recreation and parks.

(c) Act in an advisory capacity to the city council and to the director of recreation and parks in the planning, maintenance, development and operation of all recreation areas and facilities owned, controlled or leased by the city.

(d) Formulate, and recommend to the council, general policies related to the purposes of the commission; and adopt by-laws, rules and regulations, subject to the approval of the council, as the commission may require to facilitate the operation of a recreation and parks system.

(e) At the request of the mayor, cause a budget to be prepared and submitted to the council annually, on or before December 1, providing for the costs of maintenance and operation of the recreation and park facilities and programs for the ensuing year. The budget shall contain estimates and recommendations for such long term capital outlay projects as may be necessary to provide for an orderly development of recreation and park areas and facilities.

(f) Study and make recommendations on the acquisition and development of recreation areas and facilities, such as playgrounds, parks, pools, campsites, concessions, and other centers or recreation.

(g) Interpret the function and operation of recreation and park services to public officials and to the general public to the end that the services receive adequate financial support from public and private sources.

Section 9. Any ordinance passed heretofore contrary to this ordinance shall have no affect and is hereby repealed so that this ordinance supersedes any previous ordinance. The provisions of this ordinance shall be deemed separable so that, if any portion thereof be invalid and such invalid portions severed from the remaining portions, such remaining portions shall continue in full force and effect.

Section 10. There existing an urgent need in the City of Mountain Home, Arkansas for more extensive and adequate facilities for public recreation and for more efficient management and coordination of

existing facilities and programs and it appearing that this ordinance will provide suitable means for meeting such need an emergency is hereby declared to exist and this ordinance, being necessary for the preservation and protection of the public health, safety and welfare shall be in full force and effect immediately after its adoption and publication.

PASSED AND APPROVED this 18th day of November, 1974.

Jerome E. Flanders
Mayor J. E. Flanders

Penelope R. Feist
City Clerk Penelope R. Feist

ORDINANCE NO. 424

Repealed
by Ord. 603
4-3-80

AMENDMENT TO ORDINANCE NO. 419

AN ORDINANCE CREATING A RECREATIONAL COMMISSION FOR THE CITY OF MOUNTAIN HOME, ARKANSAS, AND PRESCRIBING THE POWERS AND DUTIES THEREOF AND FOR OTHER PURPOSES REQUISITE THERETO.

1975
7-member
Commission

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS, that Sections 1, 3 and 7 of Ordinance No. 419 be amended to read as follows:

Same duties
as Ord. 419

SECTION 1. There is hereby created a park and recreation commission of the City of Mountain Home, Arkansas, which shall consist of seven (7) members.

SECTION 3. The original seven (7) members of the park and recreation commission of the City of Mountain Home, Arkansas, shall be appointed to terms of two for 1 year, two for 2 years, one for 3 years, one for 4 years, and one for 5 years, so that at least one (1) commissioner's term will expire each year. Terms of office of members thereafter shall be for a term of five (5) years. All vacancies shall be filled for the unexpired terms of the member whose office is vacant in the same manner as such member received the original appointment.


1 Congested
& crowded
condition
of Parks
requires
additional
commissioners
(volunteers)

SECTION 7. Meetings shall be held as needed and as called by the chairman. Any five (5) members of the commission may call a meeting after giving seven (7) or more days' notice of such meeting to all members. The minutes of the commission meetings shall be filed with the City Clerk of the City of Mountain Home, Arkansas. Five members shall constitute a quorum for the transaction of business for the commission.

Sections 1, 3 and 7 of Ordinance No. 419 shall be amended as set forth by the Sections above, the congested and crowded condition of the recreation facilities of the City of Mountain Home has increased the workload on the recreation commission. An emergency is therefore declared and this ordinance being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 17th day of February, 1975.

APPROVED:



Mayor Robert H. Dust

ATTEST:



City Clerk Penelope R. Feist

ORDINANCE NO. 603

*Repeals
Ord. 419
+ Ord. 424*

AN ORDINANCE REPEALING ORDINANCE
NOS. 419 AND 424; DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES

1980

*Repeals
Ord. 419
+ 424*

WHEREAS, Ordinances No. 419 and 424 created a municipal park and recreation commission; and

WHEREAS, the park and recreation facilities of the City are utilized not only by the citizens and residents of the city but also citizens and residents of Baxter County and tourists visiting the area; and

WHEREAS, in order to attract competent and civic minded citizens of the city and others to serve upon a committee to be appointed by the Mayor to make recommendations to the Council;

*Eliminates
7-men commission*

WHEREAS, to eliminate problems of a legal nature in the interpretation of Ordinance No. 419 and 424,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:

Section 1. Repealer

Ordinances No. 419 and 424 should be, and each is hereby specifically repealed in their entirety.


Section 2. Emergency

An emergency is declared to exist and this Ordinance being necessary in that the ordinances repealed hereby are no longer viable and useful, this Ordinance shall be in full force and effect from and after its passage.

*Eliminates problems
of a legal
nature w/
interpretation
of ord. 419 + 424*

PASSED AND APPROVED THIS 3rd day of April, 1980.

APPROVED:


Ronald E. Pierce, Mayor

ATTEST:


Penelope R. Feist, City Clerk