

# **Minutes of September 18, 2017 City Council Meeting -**

## **Discussion**

### **1. Call Meeting to Order @ 6:30 P.M.**

Mayor Stout

### **2. Invocation**

Council member Cantwell

### **3. Pledge of Allegiance**

### **4. Roll Call**

Council member Phillips - present

Council member Cantwell - present

Council member Sapp - present

Council member Milholen - present

Council member Carmical – present

Council member Formanek - present

### **5. Public Comments**

None

### **6. Action on Minutes**

Council member Phillips made a motion to approve August City Council minutes.

Motion was seconded by Council member Sapp.

Motion passed unanimously.

### **7. Treasurer Report and Action on Financials.**

Street Fund has \$298,024.99 on hand

Street Fund is \$2,981.52 under budget

General Fund \$1,499,995.13 on hand

General Fund is \$36,968.38 under budget

Council member Carmical made a motion to approve the financials for August 2017.

Council member Milholen seconded the motion.

Motion passed unanimously.

# **Agenda for September 2017 City Council Meeting - 09/18/17**

**Date and time:** 09/18/17 6:30 pm to 7:30 pm

**Participants:** Bob Stout, Doug Carmical, Chris Cantwell, Robert Phillips, Jim Milholen, Greg Sapp, Debb Formanek, George Rhoads, Linda Usrey

**Optional:** Jesse Martinez, Moose Dunavan, Wes Usrey, Tracy Englebrecht

**Location:** City of Little Flock City Hall

## **Discussion**

### **1. Call Meeting to Order @ 6:30 P.M.**

### **2. Invocation**

### **3. Pledge of Allegiance**

### **4. Roll Call**

### **5. Public Comments**

### **6. Action on Minutes**

### **7. Treasurer's Report & Action on Financials**

### **8. Unfinished Business**

8-1. Introduction of Sara Lombard, Chief Court Clerk

8-2. Rustic Paving Update

8-3. FEMA Update

8-4. BCWD Road Patching

8-5. BCWD Gas & Plumbing Inspections

### **9. New Business**

9-1. Appeal of Planning & Zoning Decision – Tom Kennedy

9-2. Resolution 2017-012 – Amendment to Employee Handbook

### **10. Announcements**

### **11. Pay Bills - Over \$10,000**

Bobby Simmons – Sick Pay payout - \$10,361.52

Tomlinson Paving – City Hall Paving Project - \$53,936.00

### **12. Adjourn**

## **8. New Business**

**8-1** Mayor Stout introduced Chief Court Clerk Sara Lombard.

### **8-2 Rustic paving project**

Mayor Stout stated the overlay project should be started by the first part of October and it should take 3 days.

### **8-3 FEMA update see attached.**

Mayor Stout updated the Council about **FEMA**

### **8-4 BCWD#1 Road patching**

Benton County Water will patch the roads where they cut the Street and should be done in a couple weeks.

### **8-5 BCWD#1 inspection.**

Mayor Stout stated he will meet with BCWD#1 about Little Flock building inspector doing the gas and plumbing inspections.

Council had no objections.

## **9. 1New Business**

### **9-1 Appeal of Planning & Zoning decision- Tom Kennedy**

Tom Kennedy- I will be using the property at 3734 North 13<sup>th</sup> Street as a roaster beans. The property was used for raising chickens and as a fish hatchery. I want to put a small raster on the back of the property. It will be hundreds of feet away from the surrounding property owners. I bought an after burner back in May of 2017. The last seventeen years I have not had one and we didn't have one complaint about the smell. I will always have the after burner on. My employees and I did some testing with the after burner on the other day and they couldn't smell anything. I will operate during normal business hours Monday thru Friday 8a-5p. I will roast on Mondays, Tuesdays, and sometimes on Wednesdays. I will have a diesel truck make deliveries once to twice a month. If the business grows I will have them deliver two pallets or more at a time instead of one pallet so they will not come more often but stay longer i.e. around 15 minutes instead of the average 10 minutes. I do want to build a home on the property within the next year so it is important to me to stay as residential looking as possible. Please know the smell is more like burnt toast or popcorn.

Mayor Stout- Opened floor for Public Comments.

The City Council members asked Tom Kennedy to share more details about the diesel trucks coming and going, the distribution of the product, and if he will be using gas.

Tom Kennedy- It will be an eighteen-wheeler once to twice a month. The distribution of the coffee will be picked up by a sprinter van and will do deliveries two to three times a week to distribute to coffee houses, roasters, and mailboxes. No more than normal traffic. I will have two to three

employees. I will be using gas to heat the roaster. I don't think I presented it well before and that is why I am coming back for the appeal.

Mayor Stout- Recognized Keith Tisdale for Public Comments.

Keith Tisdale- I live at 3815 North 13<sup>th</sup> Street. I am the closest neighbor downwind from Mr. Kennedy. We just heard about the Planning Commission's decision. We have no complaint about Tom Kennedy running his roaster. We wanted to live without interference and live the way we wanted to. That is why we moved out here. I want to support Mr. Kennedy. He has really cleaned up the property too. I would have never been able to move here if the Planning Commission regulated smell.

Mayor Stout- Recognized Keith Tisdale for Public Comments.

Karen Campbell from Lindsey and Associates spoke in support of Tom Kennedy.

Mayor Stout- Asked to hear from the Planning Commission.

Planning Commission:

Chairman Tracy Englebrecht- "The main concerns that were mentioned at the Planning Commission meeting were the increase of traffic, UPS trucks, and the smell. Thank you, Tom Kennedy, for doing your due diligence and testing the after burner. I wish we could have all gone to see for ourselves before the meeting but we couldn't due to various reasons. I don't want to speak for or against it per say. One thing on my mind is the reason why Tom Kennedy bought the land is to move his roaster out there. The fear I have is we don't have any way to regulate the smell. If it becomes a problem I have nothing regulating the issue if the Planning Commission needs to pull his Conditional permit. I feel better that he proved/disproved the smell issue. The Planning Commission voted three for and four against for a one-year Conditional Use permit."

Commissioner Luke Moffitt spoke about Gene Webb, who spoke against Tom Kennedy receiving a Conditional Use permit at the Planning Commission meeting on September 11, 2017. "I will say Gene Webb mentioned he does smell the roasting and it is very strong and unpleasant." Luke Moffitt also mentioned he went by the current location of the roastery and spoke to Angel. "He did say there is a slight smell of toast but not a big issue."

Commissioner Diane Stafford- I have no issue. I support it.

Mayor Stout- The request was to reconsider the application for Tom Kennedy one-year Conditional Use permit.

Motioned by Council member Milholen to approve the Conditional Use Application for Tom Kennedy for one year.

Seconded by Council member Cantwell.

**Roll Call-**

Council member Milholen- Yes

Council member Phillips- Yes

Council member Cantwell- Yes

Council member Carmical- Yes

Council member Sapp- Yes

Council member Formanek- Yes

**Motion passed unanimously.**

**9.2 Resolution 2017-012-Amending employee handbook**

Council member Cantwell made a motion to adopt Resolution 2017-012.

Council member Carmical seconded the motion.

**Roll call:**

Council member Cantwell – yes

Council member Phillips – yes

Council member Carmical – yes

Council member Milholen – yes

Council member Sapp – yes

Council member Formanek – yes

**Motion passed unanimously.**

**10. Announcements**

New parking and basketball court.

The council stated the butterfly garden is looking good at Johnson park.

**11. Pay Bills-Over \$10,000**

Bobby Simmons - \$10,361.52 sick time pay out.

Tomlinson-Paving Project \$53,936.00

Council member Phillips made a motion to pay bills over \$10,000.00

Motion was seconded by Council member Formanek.

**Roll call:**

Council member Cantwell – yes

Council member Phillips – yes

Council member Carmical – yes

Council member Milholen – yes

Council member Sapp – yes

Council member Formanek – yes

**Motion passed unanimously.**

**12. Adjourn**

Council member Phillips made a motion to adjourn.

Motion was seconded by Council member Carmical.

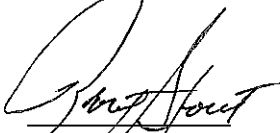
**Motion passed unanimously.**

Respected Submitted by:



Recorder/Treasurer  
Linda Usrey

Approved by:



Mayor Robert Stout  
City of Little Flock

**General Fund**  
**Balance Sheet**  
**For Period Ending 8/31/2017**

Book Value  
Aug 2017  
Actual

**Assets**

**Current Assets**

**Cash**

Court Bank Cash	100.00
General Bank Cash	55.00
General Fund Bank Account	1,499,840.13
<b>Total Cash</b>	<b>\$1,499,995.13</b>
<b>Total Current Assets</b>	<b>\$1,499,995.13</b>
<b>Total Assets</b>	<b>\$1,499,995.13</b>

*← cash on Bank*

**Liabilities**

**Current Liabilities**

**Payroll Liabilities**

Retirement-LOPFI	484.74
State Withholding	1,144.20
SUTA	179.38
<b>Total Payroll Liabilities</b>	<b>\$1,808.32</b>
<b>Total Current Liabilities</b>	<b>\$1,808.32</b>
<b>Total Liabilities</b>	<b>\$1,808.32</b>

**Fund Balances**

**Assigned**

**Fire Reserves**

Fire Apparatus Res FB	200,000.00
<b>Total Fire Reserves</b>	<b>\$200,000.00</b>
Park Reserve	101,022.95

**Police Reserves**

Police Vehicle Reserve	50,000.00
<b>Total Police Reserves</b>	<b>\$50,000.00</b>
<b>Total Assigned</b>	<b>\$351,022.95</b>

**Unassigned**

Contingency Reserve	1,110,195.48
Current Year Surplus (Deficit)	36,968.38
<b>Total Unassigned</b>	<b>\$1,147,163.86</b>
<b>Total Fund Balances</b>	<b>\$1,498,186.81</b>
<b>Total Liabilities and Equity</b>	<b>\$1,499,995.13</b>

**Street Fund**  
**Balance Sheet**  
**For Period Ending 8/31/2017**

Book Value  
Aug 2017  
Actual

**Assets**

**Current Assets**

**Cash**

Street Fund Bank Account	298,024.99
<b>Total Cash</b>	<b>\$298,024.99</b>
<b>Total Current Assets</b>	<b>\$298,024.99</b>
<b>Total Assets</b>	<b>\$298,024.99</b>

**Liabilities**

**Current Liabilities**

**Payroll Liabilities**

State Withholding	115.37
SUTA	15.09
<b>Total Payroll Liabilities</b>	<b>\$130.46</b>
<b>Total Current Liabilities</b>	<b>\$130.46</b>
<b>Total Liabilities</b>	<b>\$130.46</b>

**Fund Balances**

**Restricted Funds**

Street Fund Reserve	294,913.01
<b>Total Restricted Funds</b>	<b>\$294,913.01</b>

**Unassigned**

Current Year Surplus (Deficit)	2,981.52
<b>Total Unassigned</b>	<b>\$2,981.52</b>
<b>Total Fund Balances</b>	<b>\$297,894.53</b>
<b>Total Liabilities and Equity</b>	<b>\$298,024.99</b>





**Assets**

**Current Assets**

**Cash**

Street Fund Bank Account	298,024.99
<b>Total Cash</b>	<b>\$298,024.99</b>
<b>Total Current Assets</b>	<b>\$298,024.99</b>
<b>Total Assets</b>	<b>\$298,024.99</b>



**Liabilities**

**Current Liabilities**

**Payroll Liabilities**

State Withholding	115.37
SUTA	15.09
<b>Total Payroll Liabilities</b>	<b>\$130.46</b>
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**Fund Balances**

**Restricted Funds**

Street Fund Reserve	294,913.01
<b>Total Restricted Funds</b>	<b>\$294,913.01</b>

**Unassigned**

Current Year Surplus (Deficit)	2,981.52
<b>Total Unassigned</b>	<b>\$2,981.52</b>
<b>Total Fund Balances</b>	<b>\$297,894.53</b>
<b>Total Liabilities and Equity</b>	<b>\$298,024.99</b>







# Conditional Use Application & Checklist

**Fee: \$125.00**

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the Planning Commission agenda until the application is completed and required information provided.

Property Information	Address	3734 N. 13 <sup>TH</sup>		
	Parcel No.	23-00348-0010	Atlas Page No.	1994 5628
	Acreage	5.9		
	Existing Use	NONE / FISH FARM		
	Zoning	AG		

Project Information	Project Name	KENNEDY		
	Proposed Use	COFFEE ROASTERY		
	Select One:	<input type="checkbox"/> Temporary	<input checked="" type="checkbox"/> Permanent	
	Structural Changes?:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Is the proposed use allowed under the subdivision's protective covenants?: <input type="checkbox"/> Yes <input type="checkbox"/> No				

Owner	Name	TOM KENNEDY	Phone	479-685-3781	<input checked="" type="checkbox"/> Select if this is the primary contact
	Address	1900 NE OAKMONT	Fax	-	
	City, State, Zip	BENTONVILLE AR.	E-mail	tk@kennedycoffee.com	

Representative	Name		Phone		<input type="checkbox"/> Select if this is the primary contact
	Address		Fax		
	City, State, Zip		E-mail		

**Applicant / Representative:** I certify that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

✓ [Signature] Date: 7-31-17

**Property Owner / Authorized Agent:** I certify that I am the owner of the property this is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

✓ \_\_\_\_\_ Date \_\_\_\_\_

Staff Use Only	Date Application Submitted	HTE Project No.	PC Meeting Date
	Date Accepted as Complete	Atlas page	Zone

PROPOSED USE: COFFEE ROASTERY/ WAREHOUSE FOR STORAGE OF COFFEE BEANS.

SITE PLAN: GOOGLE OVERHEAD PHOTO

HOURS OF OPERATION: M-F, <sup>8 to 5</sup> NORMAL BUSINESS HOURS

INDOOR/OUTDOOR AREAS UTILIZED: EXISTING CONCRETE BLOCK BLDG.

PLANNED STRUCTURAL CHANGES: - ADD GARAGE DOOR TO EXISTING BLOCK BLDG.  
- REMOVAL OF EXISTING FISH TANKS TO OPEN-UP SPACE TO RECONFIGURE FOR ROASTERY.

PARKING NEEDS: - WILL USE EXISTING PARKING AREA BY CONCRETE BLOCK BLDG.  
- WILL USE EXISTING DRIVEWAY FOR "TRAFFIC PATTERN"

OUTDOOR LIGHTING: SECURITY LIGHT ON EXISTING ELECTRICAL POST/POLE

ANTICIPATED DELIVERIES / CUSTOMERS, ETC.:  
- THIS IS A WHOLESALE LOCATION / NO CUSTOMERS.  
- DELIVERIES - 1-3 PER MONTH.

# OF EMPLOYEES: 1-3 PER DAY onsite

1 Roaster

1 Bagger

No Signage

4 to 6 Hours of Roasting per day

Tom Kennedy - Kennedy Coffee 3734 N. 13<sup>th</sup> Street  
Conditional Use Permit Application.

Motion to approve as applied (Luke M. 2<sup>nd</sup> by Terry T.)

1 Roaster

1 Bagger

1 Grinder

Hours 8-5 M-F

For One Year

#### Vote

Terry Talbot Yes

Kay Webb No

Diane Stafford Yes

Keith Ramsey No

Luke Moffitt Yes

Tray Englebrecht No

#### Public Comments

Pattie Hooford - Traffic & questions about chemicals

Gene Webb - odor - works next to current location &

lives on 13<sup>th</sup>

Dale Hooford - odor