

# 2018 City Council Minutes

October 15, 2018

**Participants:** Bob Stout, Doug Carmical, Chris Cantwell, Robert Phillips, Jim Miholen, Debb Formanek, Frankie Hart, Linda Usrey, George Rhoads, Jesse Martinez, Moose Dunavan, Wes Usrey, Tracy Englebrecht

**Location:** Little Flock City Hall

## Discussion

1. **Call Meeting to Order @ 6:30 p.m.**

2. **Invocation**

Council member Cantwell

3. **Pledge of Allegiance**

4. **Roll Call**

Council member Miholen – yes

Council member Phillips – yes

Council member Cantwell – yes

Council member Carmical – yes

Council member Formanek – yes

Council member Hart – yes

5. **Public Comments**

Steve Moore asked if the City of Little Flock has an ordinance about old cars and unsightly items in yards.

6. **Action on Minutes**

Council member Phillips made a motion to accept the September 2018 minutes, seconded by Council member Formanek.

**Motion passed unanimously**

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

General Fund has \$1,738,313.78

Street Fund has \$266,588.14

Council member Carmical made motion to approve treasurer report, seconded by Council member Formanek.

**Motion passed unanimously.**

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## 8. Unfinished Business

None

## 9. New Business

### 9.1 Resolution 2018-021 Approval to Purchase Fire Protective Gear.

Council member Hart made a motion to approve purchasing firefighter protective gear, seconded by Council member Carmical.

Roll call:

Council member Hart – yes

Council member Carmical – yes

Council member Milholen – yes

Council member Phillips – yes

Council member Cantwell – yes

Council member Formanek – yes

**Motion passed unanimously.**

### 9.2 1904 Little Flock Drive Condemnation

Attorney George Rhoads stated the property owners will need to submit a proposal to bring the property up to the city ordinance. If they do not bring the property up to code, the City of Little Flock can place a lien on the property, which will include all out of pocket expenses the City occurs. The Ordinance covers buildings and houses but does not include trailers or R.V.s. City Council will need to make a motion and a second to bring it to a vote. The motion will need to state if the property meets the requirements of the city ordinance. The City Council will also need to authorize the City Attorney to place a lien on the property to bring it up to code.

Council member Hart made a motion to condemn the property located at 1904 Little Flock Drive. He stated, "There has been sufficient facts stated to find the property at 1904 Little Flock Drive in violation of City Ordinance."; Council member Cantwell seconded the motion.

**Roll Call:**

Council member Milholen – yes

Council member Phillips – yes

Council member Cantwell – yes

Council member Carmical – yes

Council member – Formanek – yes

Council member – Hart – yes

**Motion passed unanimously**

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## 9.3 General Discussion of street easements

City Attorney Rhoads described the difference between Express and Prescriptive Easements. City Attorney Rhoads stated an Express Easement or Right-of-Way is granted by a document or by a plat dedication. A Prescriptive Easement is based on the area actually being used for street purposes, including the ditches that drain water off of or along a street. With a Prescriptive Easement where the area beside the road is higher than the roadbed, the ditches are likely limited to a line parallel with the surface of the roadbed extended to the bank beside the road and then vertically upward a reasonable distance (maybe 15 feet) to allow for the clearing of limbs overhanging the ditch and roadbed. City Attorney Rhoads believes the City is currently dealing with a Prescriptive Easement issue. With a Prescriptive Easement, the road and the ditches beside it cannot be expanded. The City can clean out the area within the ditch but nothing beyond that because anything farther would be considered trespassing. If a gravel road is situated so that the road grader drags gravel from one or both sides of the road to fill in the road bed, then that action may incrementally over an extended time expand the width of the gravel road. An Ordinance that requires a certain width of roadway for a particular type of road is aspirational and does not create that wide of a roadway without either an Express Easement or a Prescriptive Easement.

## 10. Announcements

None

## 11. Pay Bills – Over \$10,000


None

## 12. Adjourn

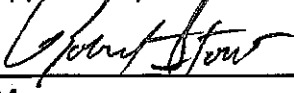
Council member Carmical made a motion to adjourn, seconded by Council member Formanek.

**Motion passed unanimously**

Respectfully submitted by:

  
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Recorder/Treasurer  
**Linda Usrey**  
City of Little Flock

Approved By:

  
\_\_\_\_\_  
Mayor  
**Robert Stout**  
City of Little Flock