

CITY OF VAN BUREN, ARKANSAS

REGULAR CITY COUNCIL MEETING

MONDAY, JULY 22, 2019

MUNICIPAL COMPLEX – 5:30 PM

**AGENDA**

1. Invocation and Pledge of Allegiance – Mr. Fred Dickinson, Chaplin Robert Jack VFW Post 1322.
2. Roll Call.
3. Minutes from the June 24, 2019 Regular City Council Meeting.
4. Resolution – Fixed Asset Disposal.
  - 4a. Resolution – Authorize the Purchase of Certain Real Property for Van Buren Municipal Utilities.
5. Financial Statements.
6. Reports:
  - Police – Fire – Building Department – Public Works/Planning – Ambulance.
7. Miscellaneous and General Discussion:
  - Almost Home Animal Shelter Quarterly Report – Connie Martin.
8. Adjournment.

**CITY OF VAN BUREN, ARKANSAS**

**RESOLUTION NO. \_\_\_ - \_\_\_ - 2019**

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS,  
A RESOLUTION TO BE ENTITLED:

**A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO REMOVE AND DISPOSE OF CERTAIN FIXED ASSETS FROM THE CITY OF VAN BUREN'S FIXED ASSET INVENTORY, BY SEALED BID, AUCTION OR OTHER METHODS AUTHORIZED UNDER THE LAW, AND FOR OTHER PURPOSES.**

WHEREAS, the City of Van Buren has certain fixed assets on its Fixed Asset Inventory List which are obsolete, and/or beyond repair, and are no longer cost effective, so as to no longer be needed by the City; and

WHEREAS, after an inventory of fixed assets, it is therefore recommended by our State Auditor that said items or item be removed from the City's Fixed Asset Inventory and disposed of by sealed bid, auction or as otherwise authorized under A.C.A § 14-54-302.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF VAN BUREN, ARKANSAS, THAT:**

SECTION 1: The Mayor and City Clerk are hereby authorized to remove the following asset or assets from the Fixed Asset Inventory and to dispose of same by sealed bid, auction or other such methods authorized under the law:

<u>Department</u>	<u>Amount</u>	<u>Description of Inventory</u>	<u>Control #</u>
Police Department	\$ 12,028.68	2005 Chevrolet 1500 Pickup 1GCEC14V25Z262839	PD - 594
Police Department	\$ 22,711.00	2009 Ford Crown Victoria Sedan 2FAHP71V19X111081	PD - 657
Police Department	\$ 1,618.34	Whelen Liberty LED Light Bar 102143	PD - 662
Police Department	\$ 1,618.34	Whelen Liberty LED Light Bar 90825	PD - 661
Police Department	\$ 1,618.34	Whelen Liberty LED Light Bar 1389	PD - 660
Police Department	\$ 1,726.58	Whelen Liberty LED Light Bar 123281	PD - 689
Police Department	\$ 1,663.08	MPH Python Radar Unit PYT546006473	PD - 565
Fire Department	\$ 3,361.00	Hurst Man Risk-Tool(Sta.3), (P-3) 89252	FD1-177

**IN WITNESS WHEREOF**, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of \_\_\_ for and \_\_\_ against the foregoing Resolution at its regular meeting held on the 22<sup>nd</sup> day of July 2019.

\_\_\_\_\_  
Joseph P. Hurst  
Mayor

**ATTESTED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Phyllis Thomas  
City Clerk/Treasurer

\_\_\_\_\_  
Candice A. Settle  
City Attorney

**CITY OF VAN BUREN, ARKANSAS**

**RESOLUTION NO. \_\_\_ - \_\_\_ - 2019**

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, A RESOLUTION TO BE ENTITLED:

**A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Van Buren, Arkansas, owns a water works system and a wastewater collection and treatment system, both being operated, maintained and administered by the City of Van Buren Municipal Utilities Commission (Commission) pursuant to Ordinance 9-1965; and

WHEREAS, the Commission has determined that additional real property is needed for the purpose of the construction of a new Wastewater Pumping Station to replace two (2) outdated and deteriorating Wastewater Pumping Stations; and

WHEREAS, after negotiating with the seller of the certain real property, as described in the attached Resolution dated July 16, 2019, the Commission wishes to offer in good faith to purchase said property for the amount of \$9,408.00; and

WHEREAS, the Commission has expressed its desire to purchase said real property as described in the attached Commission Resolution, subject to the approval of the Van Buren City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:**

SECTION 1: The Van Buren City Council hereby authorizes the Van Buren Municipal Utilities Commission to purchase certain real property for the total sum of \$9,408.00 utilizing City of Van Buren Municipal Utilities Capital Improvement Funds.

SECTION 2: The Mayor is authorized and directed to execute such documents and instruments as may be necessary to proceed with and finalize the purchase of said property, and the City Clerk is hereby authorized and directed to attest same.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of \_\_\_ for and \_\_\_ against, the foregoing Resolution at its regular meeting held on the 22<sup>nd</sup> of July 2019.

\_\_\_\_\_  
Joseph P. Hurst  
Mayor

**ATTESTED:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Phyllis Thomas  
City Clerk/Treasurer

\_\_\_\_\_  
Candice A. Settle  
City Attorney

## RESOLUTION

A RESOLUTION RECOMMENDING THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS AUTHORIZE THE CITY OF VAN BUREN MUNICIPAL UTILITIES COMMISSION TO PROCEED WITH THE PURCHASE OF CERTAIN REAL PROPERTY

WHEREAS, the City of Van Buren, Arkansas (City), owns a water works system and a wastewater collection and treatment system, both being operated, maintained, and administered by the City of Van Buren Municipal Utilities Commission (Commission) pursuant to Ordinance 9-1965, and

WHEREAS, The Commission has determined that additional real property is needed for the purpose of the construction of a new Wastewater Pumping Station to replace two (2) outdated and deteriorating Wastewater Pumping Stations, and

WHEREAS, the purchase of additional real property is absolutely necessary for the public good and benefit in order to maintain the proper operation of the City's Wastewater Collection System, and

WHEREAS, the lack of additional real property could cause adverse health effects and the City to be in non-compliance with Arkansas Department of Environmental Quality issued Permits, it is necessary to purchase additional real property as soon as possible, and

WHEREAS, upon the Commission's best information, knowledge, and belief the value of said real property is as listed below. The Commission, after negotiating with the seller of the certain real property, wishes to offer in good faith to purchase said real property for the amount listed below.

### Legal Description

Part of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 32, Township 9 North, Range 31 West, Van Buren, Crawford County, Arkansas, more particularly described as follows: Commencing at the Northeast Corner of the NE/4, of said Section 32; thence N89°50'46"W along the north line of said NE/, 1717.63' to the Point of Beginning; thence S00°52'19"W 194.70' along the west line Lot 1, Heather Oaks Addition to the City of Van Buren, to the Southwest Corner of said Lot 1, thence N87°13'02"E 11.99'; along the south line of said Lot 1, Heather Oaks Addition; thence S13°45'40"E 181.02'; along the southwesterly line of Lots 94, 95, and 96 of Rickey Addition Phase II to the City of Van Buren; thence S76°14'20"W 290.61' to the east top of bank of Flat Rock Creek; thence N46°29'20"W 169.28' along said creek bank; thence N25°40'40"E 170.25 along said creek bank to the north line of

said NW/4, NE/4, to the Point of Beginning, containing 3.71 acres more or less, and being subject to easements and rights of way.

**Purchase Price**

Nine Thousand, Four Hundred, and Eight Dollars (\$9,408.00)

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VAN BUREN MUNICIPAL UTILITIES COMMISSION, THAT:**

- (1) The Commission hereby recommends that the City Council authorize the Commission to purchase the afore described real property for the amount listed above utilizing City of Van Buren Municipal Utilities' Capital Improvement Funds, and
- (2) The Commission hereby recommends that the City Council does authorize and direct the Mayor to execute such documents and instruments as may be necessary to finalize the purchase of said real property, and authorize and direct the City Clerk to attest same.

PASSED this 16th day of July, 2019.

Jim Williamson  
Jim Williamson, CHAIRMAN

ATTEST: Kathy D. Geppert  
Kathy Geppert, SECRETARY

**Offer to Purchase Real Estate**

**THIS OFFER TO PURCHASE REAL ESTATE (the "Offer")**

**IS MADE BY:**

City of Van Buren Municipal Utilities of 2806 Bryan Road, Van Buren, AR 72956  
(the "Buyer")

**- TO -**

Dr. Hassan Masri, M.D. 1616 Ramoch Tree, Fort Smith, AR 72908  
(the "Seller")

**Background**

The Buyer wishes to submit an offer to purchase a certain property from the Seller under the terms stated below.

**IN CONSIDERATION OF** and as a condition of the Seller selling the Property and the Buyer purchasing the Property (collectively the "Parties") and other valuable consideration the receipt of which is hereby acknowledged, the Parties to this Offer to Purchase Real Estate agree as follows:

**Real Property**

The legal description of the Property is as follows: Part of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 32, Township 9 North, Range 31 West, Van Buren, Crawford County, Arkansas, more particularly described as follows: Commencing at the Northeast Corner of the NE/4, of said Section 32; thence N89°50'46"W along the north line of said NE/4, 1717.63' to the Point of Beginning; thence S00°52'19"W 194.70' along the west line Lot 1, Heather Oaks Addition to the City of Van Buren, to the Southwest Corner of said Lot 1, thence N87°13'02"E 11.99'; along the south line of said Lot 1, Heather Oaks Addition; thence S13°45'40"E 181.02'; along the southwesterly line of Lots 94, 95, and 96 of Rickey Addition Phase II to the City of Van Buren; thence S76°14'20"W 290.61' to the east top of bank of Flat Rock Creek; thence N46°29'20"W 169.28' along said creek bank; thence N25°40'40"E 170.25 along said creek bank to the north line of said NW/4, NE/4, to the Point of Beginning, containing 3.71 acres more or less, and being subject to easements and rights of way which includes the fixtures and improvements

located on the Property that are listed within this Offer. All property included within this Offer is referred to as the "Property".

### Sales Price

The total purchase price of Nine Thousand, Four Hundred, and Eight Dollars (\$9,408.00) (the "Purchase Price"), subject to adjustments at closing that is to be paid for the Property by the Buyer will be paid in cash or equivalent at closing.

### Closing & Possession

The Closing Date should occur within ninety (90) days of the date of agreement at a date and time agreed upon by the Parties, at which point the Buyer will take possession of the Property.

### Conditions

The Buyer's obligation to purchase the Property is contingent upon the following enumerated condition(s):

- a. The Seller must provide the Buyer with proof of marketable title to the Property which is free and clear of all claims against the Property by the Closing Date. Seller shall furnish, at Seller's costs, the cost of a combination owner's and mortgagee's policy of title insurance, either standard or enhanced, in the amount of the purchase price.
- b. Before the Closing Date, the Property must be appraised at a value that is equivalent to or more than the total purchase price. The cost of the appraisal will be covered by the Buyer. The Buyer can waive this condition on or before the Closing Date.
- c. The Seller must complete a disclosure form containing at least the disclosures required by the laws of Arkansas.
- d. Property taxes shall be prorated at closing.
- e. Seller shall pay for any fees or penalties associated with the release of any lien or encumbrance created or suffered by Seller with respect to the Property and the cost of any transfer taxes and documentary stamp taxes applicable to the sale of the Property.
- f. The Van Buren City Council must authorize and approve the purchase by Buyer.

### Notices



All notices pursuant to this Offer must be written and signed by the respective party or its agent and all such correspondence will be effective upon it being mailed with return receipt requested, hand-delivered, electronically submitted via email, or transmitted by facsimile as follows:

**Buyer:**

Name: City of Van Buren Municipal Utilities

Address: 2806 Bryan Road, Van Buren, AR 72956

Phone: (479) 474-5067

**Seller:**

Name: Dr. Hassan Masri, M.D.

Address: 1616 Rannoch Tree, Fort Smith, AR 72908

Phone: (479) 221-7775

**Severability**

If any terms or provision of this Offer will, to any extent, be determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this Offer will not be affected and each unaffected term and provision of this Offer will remain valid and be enforceable to the fullest extent permitted by law.

**Interpretation**

Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Offer. Words in the singular mean and include the plural and vice versa. Words in the masculine gender mean and include the feminine gender and vice versa. Words importing persons include firms and corporations and vice versa.

**Time of Essence**

Time is of the essence in this Offer. Every calendar day except Saturday, Sunday or US national holiday will be deemed a business day and all relevant time periods in this Offer will be calculated in business days. Performance will be due the next business day, if any deadline falls on a Saturday, Sunday or US national holiday. A business day ends at 5 p.m. local time in the time zone in which the Property is situated.

**Buyer's Offer**

This is an offer to purchase the Property on the above terms and conditions.

Buyer: Steve Dufresne  
City of Van Buren Municipal Utilities  
Steve Dufresne, Director of Utilities

Date: 7/5/2019

Seller's Acceptance/ Counter-Offer/ Rejection

**Acceptance of offer to purchase:** The Seller accepts the foregoing offer on the terms and conditions specified above, and agrees to convey the Property to the Buyer.

**Counteroffer:** The Seller presents for the Buyer's Acceptance the terms of the Buyer's offer subject to the exceptions or modifications as specified in the attached addendum.

**Rejection:** The Seller rejects the foregoing offer.

Seller: H. Masri  
Dr. Hassan Masri, M.D.

Date: 7/9/19.

