

Special Meeting: September 5, 2023

RESOLUTION NO. 2023- 18

**A RESOLUTION OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
APPROVING
DISPOSITION OF ASSETS;
AND FOR OTHER PURPOSES**

WHEREAS, the City of Fairfield Bay in November 2022 put on an “Ozark Moonshine & Music Festival” (2022 Festival) in the City, with substantial support from a donor; and

WHEREAS, there were two categories of items in the possession of the City after the 2022 Festival: five (5) Kiosks that were designed specifically for the 2022 Festival, and "merchandise" appropriate for sale to consumers (visitors, attendees, volunteers, vendors, and the like), such as shirts, camp chairs, and other miscellaneous merchandise; and

WHEREAS, the City has not rented or used the Kiosks for any purpose since 2022, other than the 2022 Christmas event, but has "stored" the Kiosks in parking spaces at the Fairfield Bay Conference Center, where weather has taken a toll on them, making the Kiosks progressively less and less useful for future Conference Center events; and

WHEREAS, the City Council has previously approved a Memorandum of Understanding with Ozark Mountain Moonshine Festival, Inc., for disposition of these two items; and

WHEREAS, the City Council seeks to memorialize the disposition of these assets, accordingly;

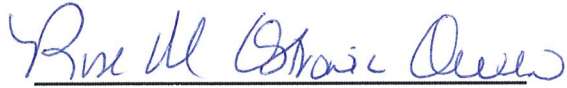
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:

1. The City Council finds and concludes that the cost of repairs, to make the Kiosks generally useful, is not a budgeted item in the City, and would not serve any useful purpose, other than making repairs for the single entity likely to use the Kiosks in the foreseeable future; the Council declines to approve repairs to make the Kiosks useful under the circumstances. The City Council further concludes that the City does not have a covered storage facility that would protect the Kiosks from further weather damage should repairs be made, and that renting a facility for sufficient storage would not be in the City's best interest.
2. The City Council therefore approves the sale of each Kiosk to Ozark Mountain Moonshine Festival, Inc. (OMMF), for \$1.00, each, in the current condition, "where is, as is" without warranty of any kind; OMMF shall be responsible for making any necessary repairs, as the City has been unable to find any other useful purpose for these Kiosks. Further, the Kiosks can only be moved with a forklift, which the City does not have; OMMF will be responsible for moving the Kiosks as necessary, and then for removing the Kiosks from City property as part of its clean-up after the conclusion of the 2023 Ozark Mountain Moonshine Festival in the City, no later than Noon on November 5, 2023.
3. This City Council approves the disposition of 2022 Festival Merchandise, in accordance with the Memorandum of Understanding approved this same date. The City Council finds and concludes that any more detailed accounting of the 2022 Merchandise is close to impossible, given the inability to obtain an accurate closing inventory at the time the City asked to have the 2022 Merchandise removed from City property, and for the inability to account for itemized disposition of 2022 Merchandise under the circumstances as set forth in the Memorandum of Understanding.
4. This Resolution shall become effective immediately upon publication by posting by the Recorder-Treasurer, and shall likewise be published in a local newspaper of general circulation in the City of Fairfield Bay.
5. The Mayor and the Recorder-Treasurer be, and they are hereby, authorized to take any and all actions necessary to put this Resolution into effect.

IT IS SO CONSIDERED AND RESOLVED by the City Council for the City of Fairfield Bay on this 5th day of September, 2023.

Honorable Jackie Sikes
Mayor, City of Fairfield Bay, Arkansas

Attest:



Rose O. Owen, Recorder-Treasurer

Prepared by:
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Kelly Law Firm, PLC
Rev2: 9/5/23