
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
April 13, 2010

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum, were present and acting; Alderman Hawkins, Alderwoman Smith, Alderwoman Whitmore, Alderman Rhodes, Alderman Grimes, Alderwoman Mehl, Alderman Vaught, Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and Deputy City Attorney Kurt Meredith. City Attorney Michael Murphy was not in attendance.

Call to Order

Roll Call

Minutes: March 23rd, 2010

Alderwoman Whitmore motioned to approve the March 23, 2010 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

Announcements / Proclamations / Recognition:

Mayor Townsell recognized the 2009-2010 2A State Champion Conway Christian Lady Eagles Basketball Team and read a proclamation for their outstanding season.

Mayor Townsell read a proclamation recognizing Toad Suck Daze's 29th year.

1. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)

1. Discussion of a rebate for the City of Conway from MEMS Ambulance Services.

Jon Swanson, MEMS Director, explained this \$3,554.49 rebate is a retroactive re-instatement adjustment that was put into place by the passage of the healthcare reform act. This is retroactive back to Jan 1, 2010. Sandy Brewer, Conway MEMS board member, was present to answer questions.

2. Consideration of a request by Jerry Pearson to continue to farm the property the City purchased for the New Conway Airport.

Mayor Townsell explained that there will be a growing season before we begin construction on the new airport and Mr. Pearson has requested to continue to farm the property and give the city \$50.00 per acre to do so. Mayor Townsell stated that there is approximately 240 acres involved. Alderwoman Smith motioned to allow Mr. Pearson to farm the land. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

3. **Resolution authorizing eminent domain procedures; condemning certain real properties for airport construction located in the Lollie Bottoms area.**

R-10-12

Mayor Townsell stated eminent domain is not something we want to do and explained we do have an offer and acceptance with the Moon Family Trust for the sale of the property with certain conditions but this deal is just not moving fast enough. Mayor Townsell explained if the city does not own the entire footprint for the airport by the time the money is distributed the FAA cannot give us the funds to begin construction of the airport. Mayor Townsell explained he is requesting approval to move toward eminent domain on this property, but this does not mean that we cannot still proceed toward closing the current offer and acceptance, but if it does go to court the previous settlement will be obsolete. Alderman Hawkins motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Alderman Vaught asked could the courts take into consideration of our current real estate agreement that is on the table for this property. Deputy City Attorney Kurt Meredith stated no, the court will take into consideration the appraisals received on the property, however the Moon Family Trust could seek to settle for the amount that we offered for the property. There was no further discussion. The motion passed 8-0.

4. **Ordinance appropriating funding for expenses related to alternative transportation for the City of Conway.**

O-10-34

Mayor Townsell explained we previously dedicated, by resolution, severance tax royalty monies to alternative transportation. Mayor Townsell explained an ordinance is required as budgetary authority; the amount is \$269,836.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion.

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There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

B. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

1. Consideration to enter into a consortium agreement with WES Inc. for the preparation of the Analysis of Impediments and conditionally entering an agreement with a firm for the Consolidated Plan.

Lauralee McCool, CDBG Director, explained HUD normally requires CDBG entitlement cities to prepare 2 plans every 5 years, one is the Analysis of Impediments for Fair Housing (AI) and the second is the 5 year Consolidated Plan. Ms. McCool explained this year the entitlement cities decided to form a consortium to outsource these plans in hopes of getting a reduced rate. Ms. McCool explained since the council packets were distributed 3 of the entitlement cities have dropped out of the consortium for the AI so the cost has increased to \$13,828.52. Ms. McCool went onto say we have the money in our budget and asked council to approve this agreement. Alderwoman Smith motioned to approve the outsourcing with WES Inc. Alderwoman Mehl seconded the motion. Ms. McCool stated she is asking council to go ahead and add a conditional approval to add the Consolidated Plan. Mayor Townsell asked if Alderwoman Smith and Alderwoman Mehl were okay with the conditional approval of the consolidated plan if funds are available. Alderwoman Smith and Alderwoman Mehl were in agreement. There was no further discussion. The motion passed 8-0.

2. Consideration of a change order request (#1) on South Donaghey Avenue at Dave Ward Drive for intersection improvements.

Ronnie Hall, City Engineer, explained this \$355,112.00 is for the additional work on the west side of South Donaghey, south of Moix Blvd. as per our previous discussion of extending the scope of this project to expand it down to the last apartment entrance on the west side. Alderman Hawkins motioned to approve this change order. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0. Mr. Hall gave a brief update of the current street projects in the city.

3. Ordinance amending the permit fees for the construction and alterations of buildings and building systems in the City of Conway.

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Alderman Hawkins motioned to hold this item in committee. Alderwoman Smith seconded the motion. The motion passed 8-0.

C. Public Service Committee (Sanitation, Parks & Recreation, & Physical Plant)

1. Consideration to accept bids for two waste pumps for the Conway Sanitation Department.

Cheryl Harrington, Sanitation Director, was present to answer questions. Mayor Townsell stated the recommendation is to accept the low bid from H & E Engineered Equipment Inc. in the amount of \$16,699.00 for both pumps. Alderwoman Smith motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance appropriating funds for two waste water pumps and replacing the valves and flow meter for the Leachate truck at the Sanitation Department.

O-10-35

Mayor Townsell stated the ordinance will need some corrections to make adjustments for the plumbing. Cheryl Harrington, Sanitation Director, stated we will need to have some old shut off valves replaced that are rusty and broken, one quote is for \$8,000.00 and the other quote is for \$8,800.00. Mayor Townsell stated we need to change the ordinance to reflect a price of \$24,899.00. Ms. Harrington stated yes. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

3. Ordinance appropriating funds for the Automated Recycling System for the Sanitation Department.

O-10-36

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no

discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

4. Ordinance amending Title 12 (Parks & Recreation) of the Conway Municipal Code in regards to boat docks on Beaverfork Lake.

O-10-37

Mayor Townsell explained this ordinance adds language that allows us to capture a written agreement signed by all property owners on record of the adjacent property for which the permit is requested, providing that if the structure is removed or demolished by the city pursuant to the procedures of Chapter 12.12 of the Conway Municipal Code, the permittee, applicant and property owner agrees to pay to the city the costs of such removal or demolition. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

D. Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)

1. Ordinance appropriating funds for a settlement payment to ADEQ.

O-10-38

Mayor Townsell explained this ordinance will allow us to appropriate funds in order to pay a penalty for an ADEQ violation in regards to an underground storage tank that was located behind the old police station. Mayor Townsell explained we thought we told the inspector that this tank was going to be removed; ADEQ is stating they were not notified and the tank was improperly removed by an unlicensed ADEQ contractor. The fine was initially for \$3,000.00 but it was negotiated down to \$2,000.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye":

Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

E. Personnel

1. Consideration to approve the transfer of the City's advisor of the American Funds 457 Plan to Rapert & Pillow Financial through ProEquities.

Mayor Townsell explained this had currently been at Merrill Lynch and he went onto say we have several city employees who enjoy their working relationship with Jason Rapert and the Mayor suggested that we approve moving this plan over from Merrill Lynch to Rapert & Pillow Financial so these accounts can be migrated with the individual who set up all these accounts. Mayor Townsell stated on the other hand we have had other employees who have requested we offer other 457 Plans with other companies; there is nothing that says we cannot do this. Mayor Townsell stated he would also suggest doing an RFP for other companies who would like to come in and offer a proposal to us. Alderwoman Smith motioned to approve moving the current plans to Rapert & Pillow Financial and to do an RFP. Alderwoman Whitmore seconded the motion. Alderman Hawkins stated he has heard from employees who wish to continue on with Mr. Rapert and also from other companies who would like to offer this service to our employees. Alderman Hawkins stated he is unaware of how this service began and asked Mr. Rapert to speak to this issue. Mr. Rapert, Rapert & Pillow, stated the plan originated through an RFP back in 2000 via the previous Human Resource Director for the city; he believes that approximately 15 responded to that RFP. Chris Masters, Edward Jones Investments, would like to have the opportunity to submit an RFP to the city to allow for competition. There was no further discussion. The motion passed 8-0.

2. Consideration to enter into a consultant agreement for the Chief Financial Officer position.

Mayor Townsell explained we have extended an offer of employment to Lowell McClanahan to be the interim CFO and is asking council to approve an annual consulting agreement up to \$60,000.00. Mr. McClanahan stated he is a citizen of Conway and very interested in Conway; his vision is to provide financial leadership to the City of Conway and to ensure professional accounting services and fiscal responsibility. Mr. McClanahan stated the 3 areas he will be focused on is reporting, developing systems to ensure accurate and efficient maintenance of all the city's financial records, and lastly leadership.

Alderman Smith motioned to enter into this consultant agreement. Alderman Vaught seconded the motion. There was no discussion. The motion passed 8-0.

Mayor Townsell asked council to suspend the rules to add 3 items to the agenda. Alderman Whitmore motioned to suspend the rules to add 3 items to the agenda. Alderman Smith seconded the motion. The motion passed 8-0.

Consideration of entering into an agreement with ACS for Software Maintenance Agreement.

The fee for this agreement is \$13,159.67. Alderman Hawkins motioned to enter into this agreement. Alderman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

Consideration of entering into an agreement with Thomas & Thomas for professional services of the Springbrook Software conversion.

Mayor Townsell gave a synopsis of the scope of work Thomas & Thomas will provide for the software conversion. Lowell McClanahan, CFO, stated this agreement was agreed upon because it has a beginning and an end and with the help of Thomas & Thomas he hopes to gain a better understanding of GASB, fund balances, etc. Mr. McClanahan assured council that when he gains the knowledge he needs we will no longer use Thomas & Thomas. Alderman Smith motioned to enter into this agreement. Alderman Mehl seconded the motion. Mayor Townsell stated the fees will be up to but not to exceed \$35,000.00 and any fees in excess but be separately justified and prior approval must be given. There was no discussion. The motion passed 8-0.

Consideration of an ordinance appropriating funding for Civil Service Expenses (Fire Entry Testing).

O-10-39

Lisa Mabry-Williams was present to answer questions. Mayor Townsell stated this ordinance is appropriating \$4,700.00 for Civil Service expenses related to entry level firefighter testing. Ms. Williams stated that these costs are an estimate. Alderman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Mehl, Alderman Smith,

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Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

F. Old Business

G. New Business

Adjournment

PASSED this 13th day of April 2010

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett