

Searcy City Council – Regular Session
Tuesday, October 11, 2016 6:00 p.m.
Minutes

A public hearing for the purpose of the consideration of any public input in determining the amounts of liens to be certified to the White County Tax Collector against certain properties as a result of grass cutting expenses and the abatement of other nuisances that have been incurred by the City of Searcy was held prior to the start of the regular Council meeting. Mayor Morris opened the public hearing and asked if anyone wanted to speak regarding this matter. No person requested to speak. Mayor Morris closed the public hearing.

Mayor David Morris called to order the Regular Session of the Searcy City Council. Searcy Fire Department Chief Bill Baldrige gave the Invocation, with the Pledge of Allegiance following, led by Buck Layne from the Searcy Regional Chamber of Commerce. City Clerk Jerry Morris called the roll with the following Aldermen answering “present”: Logan Cothorn, Mary Ann Arnett, J. R. Howard, Steve Sterling, Dale English, Don Raney, Dale Brewer and Mike Chalenburg. Also present was City Attorney Buck Gibson.

Item (3) on the agenda was for a motion to suspend the rules and amend the agenda to add items: (14) resolution for approving the amounts of liens to be certified to the White County Tax Collector, amended Exhibit A, (16) resolution approving certain contracts, authorization to execute and perform certain contracts, namely with Pictometry International, (20-1-g) budget ordinance appropriation for engineering services for the Williams Addition drainage project, (20-2-i) budget ordinance authorization to expend funds for the payment of the fuel bill for all city departments, and (20-2-j) budget ordinance authorization to expend funds for engineering services for the Williams Addition drainage project. A motion was made by Mr. Sterling and seconded by Mr. Cothorn to suspend the rules and amend the agenda to add the items. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

At this point in the meeting, Alderman Dale Brewer made a request that a discussion regarding the purchase of a new firetruck using the Act 833 funding be added to the agenda. Mayor Morris asked Mr. Brewer if he would put this request in the form of a motion. A motion was made by Mr. Brewer and seconded by Mr. Chalenburg to add, for discussion and possible action, the purchase of a new firetruck using the Act 833 funding. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

The minutes of the regular September 13, 2016 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mrs. Arnett to approve the minutes. The following voted to approve: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard.

Clerk/Treasurer Jerry Morris presented and read the Treasurer's Report which lists the following balances as of 9-30-16: General Fund: \$1,409,904.65; Street Fund \$1,162,351.93; Capital Equipment Fund \$22,463.68; LOPFI Fund \$63,103.42; Act 833 Fund \$80,531.19; Airport Fund \$76,469.17; Special Highway Connector Route Tax Fund \$4,253,489.26; 2014 Eight Year Plan Fund \$6,022,839.49; Information Technology Projects Fund \$38,831.51; Special Projects Fund \$2,788.81. He also reported a total of \$4,549,824.47 year-to-date in City and County Sales Tax revenues received, which is down \$69,779.47 from the same time in 2015. The total of all funds (excluding the Special Highway Connector Route Tax Fund, the 2014 Eight Year Plan Fund, the Information Technology Projects Fund, and the Special Projects Fund) is \$2,814,824.04.

Item (6) on the agenda was the quarterly report from the Searcy Regional Chamber of Commerce and the Searcy Regional Economic Development Corporation which was presented by Mr. Buck Layne, President of the Searcy Regional Chamber of Commerce.

Following item (6), Mayor Morris asked the Council, with no objection, to deviate from the agenda and proceed to items (11) and (12) to accommodate Sanitation Director Terry Rutherford, who had a prior commitment to attend to.

Item (11) was an update on the purchase of an 'overhead' truck for the Sanitation Department that had been authorized in the June 14, 2016 regular Council meeting through the H-GAC cooperative purchasing program (Resolution 2016-11). Sanitation Director Terry Rutherford explained that there had been an issue regarding the billing for the new truck in that there would have been 2 invoices, one for the chassis and drive-train and one for the body of the truck, with a quoted cost of \$283,461.50. The separate invoice for the body would have had to have sales tax added to the cost. After working with Henard Utility Products and the H-GAC cooperative purchasing program, it was worked out to have a single invoice for the completed truck at the cost of \$305,752.48. The expected delivery date would be at the end of February 2017. A motion was made by Mr. Raney and seconded by Mr. Brewer to place the order for the CNG fueled 'overhead' truck for the Sanitation Department. Motion carried with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling.

Item (12) on the agenda was for an update and discussion on the purchase of 6-yard and 8-yard dumpsters (bins) for the Sanitation Department. Sanitation Director Terry Rutherford explained that new bins were needed to be able to supply to customers that have currently requested them. He further explained that several of the bins currently in rotation have reached the point that they can no longer be repaired. He presented a quote for six 6-yard size bins and five 8-yard size bins for a cost of \$12,555.27. This would be an amount that would only cover the immediate needs for bins and that the Sanitation Department would probably need additional bins very soon. It was suggested that additional bins be ordered but it was pointed out that delivery charges would cost over \$1,000.00 per truckload regardless of whether the truck is full or not. The quoted order of six 6-yard and five 8-yard bins constitutes a full load. Mr. Rutherford recommended that only the one full load be ordered at this time and not any additional bins that would

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not constitute a full load. He further explained that upon receipt of these new bins, he would be able to repair some of the ones currently in rotation. A motion was made by Mr. Raney and seconded by Mr. Howard to authorize the purchase of six 6-yard and five 8-yard dumpsters (bins) for the Sanitation Department. Motion carried with following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English.

Item (7) on the agenda was for the approval of the White County Library Selection Committee’s recommendation of an architect to enter into negotiations with for the design of the proposed new library facility. Three firms were chosen and ranked in order of preference from the Request for Qualifications (RFQ) that were received and interviews that had been conducted by the committee. The recommendation, in the order of preference, from the White County Library Selection Committee was as follows:

1. Cromwell Architects – Little Rock, AR
2. Sapp Design Architecture – Springfield, MO
3. Hidell and Associates – Carrollton, TX

A motion was made by Mr. Cothorn, seconded by Mr. English, to approve the recommendation of the White County Library Selection Committee for the selection of an architectural firm to enter into negotiations with for the design of the proposed new library facility. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney.

Item (8) on the agenda was for the review, discussion, and actions regarding the Arkansas Legislative Audit Report for the City of Searcy, calendar year 2015. Segregation of duties was noted as a deficiency in internal control to sufficiently reduce the risks of fraud or error and properly safeguard the City’s assets. Because of limited financial resources, the City’s response is that the duties relating to initiating, receipting, depositing, disbursing, and recording transactions will be done to the extent possible with the current staffing levels. Noncompliance that was noted in the office of District Court Clerk was addressed by District Court Clerk Linda Maddox. Ms. Maddox explained that the finding regarding bank accounts that were not reconciled at the end of each month, as required by Arkansas Code Ann.§ 16-10-209 was due to unfamiliarity of the new software that was implemented and how to use it. This has since been rectified and the bank accounts are reconciled to date. She further explained that the deposits not identified with receipt has been an ongoing issue, since 2008, because of the previous software that was used in the office. She stated that the new software is now to the point of stabilization and that they will be able to pay the deposits out and clear them by the end of the year. She also addressed the issue of Court employees maintaining their own individual records of compensatory time. Training was provided to the employees on the use of the Incode software and the maintaining of compensatory time is now done in the Incode software used by the City of Searcy. City Attorney Buck Gibson explained that the issues noted in the audit report have been addressed by the City administration for corrections and that there is no specific action by the Council to be taken other than being reflected in the minutes of the meeting that the issues and actions have been reviewed and discussed.

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Following item (8), the discussion and possible action regarding the purchase of a new firetruck using the Act 833 funding that had been approved to be added to the agenda was considered at this time. Information has been learned that a price increase in the replacement firetruck that is being considered will happen November 14, 2016, increasing the cost of the firetruck by approximately \$23,000 (\$570,000 before November 14 and \$592,000 after November 14). Discussion in the month of June was that the purchase of a new firetruck be put off until after the first of the year 2017. Searcy Fire Chief Bill Baldrige explained that if the new truck were ordered now, saving the approximate \$23,000, delivery would be in June or July of 2017. The truck that the new one would be replacing is over 20 years old. The concern is whether the level for funding from the Act 833 distribution will remain the same. Chief Baldrige further explained that the new firetruck is available through the HGAC cooperative purchasing program which would make the solicitation of bids unnecessary. A motion was made by Mr. Sterling, seconded by Mr. Howard, to lay on the table this discussion and bring it forward to the November Council meeting in order to make a decision about whether to proceed with ordering the firetruck before the price increase. Motion carried with the following voting "yes": Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. Mr. Gibson advised that if the decision is made to place the order for this new firetruck, a resolution would be necessary.

Item (9) was for the selection of an engineering firm to enter into negotiations with for the design of the next phase of the Downtown Beautification project on Spring Street, south of Market Avenue to Pleasure Avenue. The Council was asked to select and rank in order of preference three firms that had submitted Request for Qualifications (RFQ). The selection, in order of preference, is as follows:

1. Whitlow Engineering Services Inc.
2. McClelland Consulting Engineers, Inc.
3. Morrison-Shipley Engineers Inc.

A motion was made by Mr. Raney and seconded by Mr. Brewer to approve the selection, as listed above, of an engineering firm to enter into negotiations with for the design of the next phase of the Downtown Beautification project on Spring Street, south of Market Avenue to Pleasure Avenue. Motion carried with the following voting "yes": Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg.

Item (10) on the agenda was for discussion concerning the extension of the agreement between Waste Corporation of America (WCA) and the City of Searcy for sanitation related services. Mayor Morris explained that this was placed on the agenda to make the Council aware that WCA has been in contact with the City of Searcy and expressed interest in the extension of the sanitation related services agreement currently in place. He further explained that a meeting with WCA officials will be set up and that this will be brought to the Council in the near future.

Item (13) was for the approval of an option for the short-term financing on the construction of the new swimming pool facility. The options available for the financing are: 1) an immediate full amount draw of principal funding and 2) a construction type draw of funding as needed to cover construction invoices. Mr. Ryan Bowman of the

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Friday, Eldredge, and Clark Law Firm had addressed the Council at the October 6, 2016 pre-council agenda meeting concerning the two options available for the short-term financing of the new swimming pool facility. A motion was made by Mr. Brewer, seconded by Mr. Chalenburg, to approve the option for using a construction type drawdown for the short-term financing on the construction of the new swimming pool facility. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

Item (14) was a resolution to approve the amounts of liens to be certified to the White County Tax Collector against certain properties in the City of Searcy as a result of grass cutting expenses and abatement of other nuisances. City Attorney Buck Gibson advised the Council that since the Exhibit A attached to the resolution listed a property that is in Chapter 13 bankruptcy, this property should be removed to amend Exhibit A. The property in question is located at 209 South Lucy Street with David S. Philpott listed as owner. A motion was made by Mr. Brewer and seconded by Mr. Chalenburg to amend Exhibit A of the resolution to remove the listing of property located at 209 South Lucy Street with David S. Philpott listed as owner. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. Mr. Gibson then read the resolution in full. A motion was made by Mr. Cothorn and seconded by Mr. Brewer to approve the resolution as amended to approve the amounts of liens to be certified to the White County Tax Collector against certain properties in the City of Searcy as a result of grass cutting expenses and abatement of other nuisances. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. **Resolution 2016-24**

Item (15) was a resolution to approve the issuance of Refunding Revenue Bonds by the City of Searcy, Arkansas (Harding University and Harding Place) Public Educational and Residential Housing Facilities Board. Mr. Gibson read the resolution in full. A motion was made by Mr. Sterling and seconded by Mr. Howard to approve the issuance of Refunding Revenue Bonds by the City of Searcy, Arkansas (Harding University and Harding Place) Public Educational and Residential Housing Facilities Board. Motion carried with the following voting “yes”: English, Raney, Brewer, Cothorn, Arnett, Howard, and Sterling. Mr. Chalenburg abstained from voting. **Resolution 2016-25**

Item (16) was a resolution approving certain contracts and the authorization to execute and perform certain contracts, namely a contract with Pictometry International Corporation. Mr. Gibson read the resolution in full. Motion was made by Mrs. Arnett and seconded by Mr. Sterling to pass the resolution. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. **Resolution 2016-26**

Item (17) on the agenda was an ordinance amending Ordinance 683 with respect to the zoning classification of a specific land area, rezoning of real property located at 1314 Booth Road from UT (Urban Transitional) to R-3 (Residential). A motion was made by Mr. Cothorn, seconded by Mr. Howard, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Brewer,

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Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Brewer, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Chalenburg, seconded by Mr. Sterling, to adopt the emergency clause, with the following voting “yes”: Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. **Ordinance 2016-29**

Item (18) on the agenda was an ordinance amending portions of the zoning code (Ordinance 683) relating to deadlines for submitting various requests. A motion was made by Mr. Howard, seconded by Mr. Brewer, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mrs. Arnett, to adopt the ordinance. The ordinance passed with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Sterling, to adopt the emergency clause, with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. **Ordinance 2016-30**

Item (19) on the agenda was an ordinance amending portions of the subdivision and development code ordinance (Ordinance No. 92-04) relating to submittal requirements. A motion was made by Mr. Raney, seconded by Mr. Chalenburg, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Sterling, seconded by Mr. Howard, to adopt the ordinance. The ordinance passed with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mrs. Arnett, to adopt the emergency clause, with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. **Ordinance 2016-31**

Item (20) on the agenda was a budget ordinance to:

Section 1. The budget for the City of Searcy, Arkansas, is amended in the following manner:

- a. Appropriate \$337,070.00 from 2014 Eight Year Plan unappropriated reserves to ‘SWIMMING POOL FACILITY’ expenditure account (#14 5-085-54-02) for construction invoice on the swimming pool complex;
- b. Appropriate \$1,310.62 from 2014 Eight Year Plan unappropriated reserves to ‘FIRE STATION 2 RELOCATION’ expenditure account (#14 5-070-54-01) for architectural services on Fire Station 2 relocation;

- c. Appropriate \$12,555.27 from 2014 Eight Year Plan Fund unappropriated reserves to 'ROF-DUMPSTERS' expenditure account (#14 5-500-05-09) for the purchase of dumpsters for the Sanitation Department;
- d. Appropriate \$70,400.00 to Act 833 Fund 'TRANSFER TO GENERAL FUND' expenditure account (#11 5-070-05-03) and appropriate \$70,400.00 to General Fund 'TRANSFER FROM ACT 833 FUND' revenue account (#01 4-000-10-12) for reimbursement to the General Fund for funding provided for the payment of the short-term financing note on the 2011 Typhoon Pumper firetruck during the period of 2013 and 2014 in which distributions of Act 833 funding were suspended;
- e. Appropriate \$5,000.00 to General Fund unappropriated reserves from Parks and Recreation Department 'HOLIDAY LIGHTS SETUP/TAKEDOWN' expenditure account (#01 5-080-05-11) that was appropriated in Ordinance 2016-27 on September 13, 2016 for expenses related to the rental of a lift machine for the set-up and takedown of the Holiday of Lights displays;
- f. Appropriate \$21.00 to General Fund 'POLLINATOR COMMUNITY DONATIONS' revenue account (#01 4-000-90-27) and appropriate \$21.00 to Mayor's Department 'POLLINATOR COMMUNITY' expenditure account (#01 5-010-05-27) for the receipt of a White County Fair exhibitor award to the Pollinator Friendly Committee for their booth at the White County Fair;
- g. Appropriate \$3,359.54 from 2014 Eight Year Plan unappropriated reserves to 'WILLIAMS ADDITION DRAINAGE' expenditure account (#14 5-130-05-01) for Williams Addition (Chrisp Avenue) drainage engineering services;

Section 2. The Mayor and City Clerk are authorized to expend the following sums:

- a. \$15,188.25 to Miller-Newell Engineers, Inc. for engineering services at the Searcy Municipal Airport for the Arkansas Department of Aeronautics grant #3523-16 ('SEAL COAT AND APRON' #14 5-040-56-06);

- b. \$192,382.95 to Red Stone Construction for construction services at the Searcy Municipal Airport for the Arkansas Department of Aeronautics grant #3523-16 ('SEAL COAT AND APRON' #14 5-040-56-06);
- c. \$19,500.00 to Delk Construction Company for construction work on the football concession/press box/restroom facility (#14 5-085-54-01);
- d. \$94,039.10 to Delk Construction Co., Inc. for construction invoice on the Information Technology building (#14 5-160-54-01);
- e. \$337,070.00 to Hydco, Inc. for construction on swimming pool complex (#14 5-085-54-02);
- f. \$1,310.62 to Hoffmann Architectural Inc. for architectural services on Fire Station 2 relocation (#14 5-070-54-01);
- g. \$12,555.27 to Wastequip for the purchase of dumpsters for the Sanitation Department;
- h. \$70,400.00 to the City of Searcy General Fund (#01 4-000-10-12) from the City of Searcy Act 833 Fund (#11 5-070-05-03) for reimbursement of funding provided for the payment of the short-term financing note on the 2011 Typhoon Pumper firetruck during the period of 2013 and 2014 in which distributions of Act 833 funding were suspended;
- i. \$30,050.78 to Stephenson Oil Co., Inc. for fuel for all departments;
- j. \$3,359.54 to Morrison – Shipley Engineers Inc. for Williams Addition (Chrisp Avenue) drainage engineering services (#14 5-130-05-01);

A motion was made by Mr. Brewer, seconded by Mr. Sterling, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mrs. Arnett, to adopt the ordinance. The ordinance passed with the following voting "yes": Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Howard, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. **Ordinance 2016-32**

The Mayor announced:

- The art of Morgan Coven Herndon exhibit will be on display from October 5, 2016 through November 19, 2016 at the Black House (Searcy Art Gallery)

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- KLife Searcy Open House will be Thursday, October 13, 2016 from 5:00 p.m. until 7:00 p.m. at 700 South Main Street
- Barkin in the Park event will be on Saturday, October 22, 2016 beginning at 10:00 a.m. at Spring Park
- Trick-or-Treat on the Square will be on Monday, October 31, 2016 from 5:00 p.m. until 7:00 p.m. in Downtown Searcy
- Searcy Holiday of Lights Pageant will be on Saturday, November 5, 2016 at 6:00 p.m. at the Heritage Conference Center Auditorium on the Harding University campus

A motion was made and seconded to adjourn.

Minutes Approved: November 8, 2016

/s/ David Morris
MAYOR

ATTEST:

/s/ Jerry Morris
CITY CLERK

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