

Searcy City Council – Regular Session
Tuesday, July 14, 2015 7:00 p.m.
Minutes

Mayor David Morris called to order the Regular Session of the Searcy City Council. Mr. Nick Fouts, with Cedar Rock Ministries, gave the Invocation, with the Pledge of Allegiance following, led by Mr. Mike Cleveland, Searcy Code Enforcement Director. City Clerk Jerry Morris called the roll with the following Aldermen answering “present”: Logan Cothorn, Mary Ann Arnett, J. R. Howard, Dale English, Don Raney, Dale Brewer and Mike Chalenburg. Alderman Steve Sterling was not present. 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: (6) amend the minutes of the October 14, 2014 regular Council meeting regarding the review and recommendations for the 2013 calendar year Legislative Audit, (8) authorization to solicit bids for the 2015 street paving project, (13) resolution for authorization to enter agreement with the firm that is selected/approved for the construction of the fiber network, (15) ordinance amending the Code of Ordinances establishing an exemption regarding noise for the White County Fair, (17-1-i) budget ordinance appropriation for Holiday of Lights donations, and (17-2-f) budget ordinance authorization to expend Holiday of Lights donations. A motion was made by Mr. Raney and seconded by Mr. Brewer to suspend the rules and amend the agenda to add the items. Motion carried with the following voting “yes”: Arnett, Howard, English, Raney, Brewer, Chalenburg, and Cothorn

The minutes of the regular June 9, 2015 meeting of the Council and the minutes of the June 18, 2015 special meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. English to approve the minutes. The following voted to approve: Howard, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of 6-30-15: General Fund: \$1,287,066.45; Street Fund \$1,046,589.02; Capital Equipment Fund \$22,323.42; LOPFI Fund \$120,427.25; Act 833 Fund \$116,934.92; Airport Projects Fund \$1,179.52; Special Highway Connector Route Tax Fund \$8,076,901.57; 2014 Eight Year Plan Fund \$3,648,699.90; Information Technology Projects Fund \$589,647.93. He also reported a total of \$3,065,746.53 year-to-date in City and County Sales Tax revenues received, which is down \$67,910.14 from the same time in 2014. The total of all funds (excluding the Special Highway Connector Route Tax Fund, the 2014 Eight Year Plan Fund, and the Information Technology Projects Fund) is \$2,594,520.58.

Item (6) on the agenda was for amending the minutes of the October 14, 2014 regular Council meeting concerning the review and recommendations of the calendar year 2013 Legislative Audit. The amendment to the minutes was per directive from Legislative

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Audit in order to reflect the discussion and corrective actions that were to be taken in order to correct the findings noted in the 2013 audit. The amendment is as follows:

‘During the October 14, 2014 Regular City Council meeting the Audit Report for the City of Searcy calendar year ending December 31, 2013 was reviewed and discussed. Noncompliance findings were noted in the office of the District Court Clerk. The findings included:

District Court Clerk

1. Deposits of \$13,418 for city cases and \$21,221 for county cases could not be identified with receipt numbers for cases not yet adjudicated and payments made on all unpaid individual time accounts, as required by Ark. Code Ann. §16-10-209. A similar finding was reported in the prior audit report.
2. During audit planning interviews with Court personnel, we discovered the Court software system allowed the modification of receipt payment amount and method after issuance of a receipt. The Court maintained both hard copies and electronic copies of receipts, which enabled us to test for changes to receipts after issuance. Testing of two months of receipts revealed the following:
 - a. One receipt amount was increased \$205 subsequent to issuance of the receipt.
 - b. 14 payment methods were changed subsequent to issuance of the receipt.
 - c. Seven hard copy receipts could not be located for testing.

Recommendations and the corrective action to be taken to correct these audit deficiencies were then discussed. It was noted that the District Court Clerk Linda Maddox had appeared before the Legislative Audit Committee at the state capitol in Little Rock and had explained that the Searcy District Court and District Court Clerk’s Office was in the process of the conversion to the new computer software program, known as Context, and the new system will allow for proper data entry that should correct these problems and result in full compliance with these state statutes and accepted accounting procedures and practices.’ Motion was made by Mr. Raney, seconded by Mr. Howard, to accept the amendment to the October 14, 2014 minutes of Searcy City Council meeting. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard.

Item (7) was for the authorization of the request for additional personnel in the Police Department. The additional personnel requested includes one (1) patrol officer and one (1) dispatch position that had been requested to be funded in the staffing needs in the 2014 Eight Year Plan. These positions were requested, and agreed to by the Council and the administration, to be delayed in filling until the middle of the calendar year 2014 in order to save a portion of the full year of funding that is needed for these positions. The costs associated with the additional positions for the remainder of the year were provided to the Council and included in the budget ordinance (items section 1, a, b, c, and d). A motion was made by Mr. Howard, seconded by Mr. Cothorn, to approve the filling of the additional positions in the Police Department of one patrol officer and one dispatch position. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and English.

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Item (8) on the agenda was for the authorization to solicit bids for a 2015 street paving project funded in the Street Fund. City Engineer Mark Lane provided information to the Council showing projected revenues exceeding expenditures for the year 2015 by \$413,117.16 (from the 2015 budget for operations adopted on January 29, 2015) as well as a carryover balance in the Street Fund on January 1, 2015 of \$642,977.30. He also proposed using \$375,000.00 from the 2014 Eight Year Plan Fund that is allocated for Streets. This information provided shows an amount of funding available for a 2015 street paving project of \$1,431,094.46. Mr. Lane recommended to the Council that a 2015 street paving project in the amount of approximately \$1,000,000.00 be undertaken. Mr. Brewer asked if it was a possibility that the project could be increased to an amount of \$1,200,000.00. Mr. Lane noted that a listing of the streets to be included in the project would be provided to the Council if the authorization to proceed with the solicitation of bids is approved. A motion was made by Mr. Raney and seconded by Mr. Cothorn to authorize the solicitation of bids for a 2015 street paving project in an amount up to \$1,200,000.00. Motion carried with the following voting "yes": Brewer, Chalenburg, Cothorn, Arnett, Howard, English, and Raney.

Item (9) was for the selection and approval of bids that were received for the construction of the city-owned fiber optic network. A total of four (4) bids received were as follows:

1. ADB Utility Contractors, Union, MO: base bid - \$987,431.86; deductive alternate – no bid
2. Klassmeyer Construction Co., Inc., Conway, AR: base bid - \$1,348,752.53; deductive alternate - \$1,052,177.80
3. Roese Contracting Co., Inc., Kawkawlin, MI: base bid - \$1,083,733.20; deductive alternate - \$854,230.30
4. Crittco Cable & Fiber, Inc., Jonesboro, AR: base bid - \$747,793.65; deductive alternate - \$584,693.72
5. An additional bid was received from Electricom Inc., Paoli, IN, but was disqualified because of the lack of a current license to operate in the state of Arkansas

City Engineer Mark Lane and Information Technology Department Director David Sawyers made the recommendation to accept the bid from Crittco Cable & Fiber, Inc., noting that this was the low qualified bid and that this firm was familiar with the City of Searcy in that they had performed work in the city previously. A motion was made by Mr. Chalenburg and seconded by Mr. Brewer to approve and select the base bid from Crittco Cable & Fiber, Inc. in the amount of \$747,793.65 for the construction of the city-owned fiber optic network. Motion carried with the following voting "yes": Chalenburg, Cothorn, Arnett, Howard, English, Raney, and Brewer.

With the relationship between item (9), the selection/approval of the bid for the construction of the city-owned fiber optic network, and item (13), a resolution authorizing the entrance and performance of an agreement with the firm that is selected for the construction of the city-owned fiber optic network, Mayor Morris asked the council to proceed to item (13). No objections were voiced about proceeding to item (13). Alderman Steve Sterling arrived at the meeting at this time.

Item (13) was a resolution for the authorization to enter into an agreement associated with the 2015 fiber optic network construction project with Crittco Cable & Fiber, Inc. Mr. Gibson read the resolution in full. A motion was made by Mr. Brewer and seconded by Mr. Chalenburg to approve the resolution for the authorization to enter into an agreement associated with the 2015 fiber optic network construction project with Crittco Cable & Fiber, Inc. Motion carried with the following voting “yes”: Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. **Resolution 2015-25**

Item (10) on the agenda was for the selection and approval of bids for the purchase of lights for the Holiday of Lights project. A total of two (2) bids received were as follows:

1. Carpenter Decorating Co., Inc., Tulsa, OK: base bid (installation and takedown included) - \$216,448.43; deductive alternate 1 (takedown omitted) - \$212,448.43; deductive alternate 2 (installation and takedown omitted) - \$206,448.43
2. Temple Display, Ltd., Oswego, IL: base bid (installation and takedown included) - \$253,906.91; deductive alternate 1 (takedown omitted) – no bid; deductive alternate 2 (installation and takedown omitted) – no bid

City Engineer Mark Lane recommended the acceptance of the low bid presented by Carpenter Decorating Co., Inc. in the amount of \$216,448.43. He stated that the acceptance of the base bid would be well worth the cost so as not to tie up city employees in the installation and takedown of the light displays. A motion was made by Mr. Raney and seconded by Mr. Chalenburg to accept the base bid received from Carpenter Decorating Co., Inc. for the purchase, installation, and takedown of the Holiday of Lights displays in the amount of \$216,448.43. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

Item (11) was for the selection of a firm for the design of plans for the Downtown Beautification Project. City Attorney Buck Gibson explained that a firm may be chosen from the Request for Qualifications (RFQ) that have been received and are on file for the projects contained in the 2014 Eight Year Plan. Three firms were selected for possible negotiations for professional services, with those firms being:

- McClelland Consulting Engineers, Inc.
- Morrison – Shipley Engineers
- Whitlow Engineering Services, Inc.

A motion was made by Mr. Cothorn, seconded by Mr. Chalenburg to select Whitlow Engineering Services, Inc. as the firm to provide professional services for the design of plans for the Downtown Beautification Project. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

With the relationship between item (11), the selection of a firm for the design of plans for the Downtown Beautification Project, and item (14), a resolution authorizing the entrance and performance of an agreement with the firm that is selected for the design of plans for the Downtown Beautification Project, Mayor Morris asked the council to proceed to item (14). No objections were voiced about proceeding to item (14).

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Item (14) was a resolution for the authorization to enter and perform under the terms of a professional services agreement with Whitlow Engineering Services, Inc. for the design of plans for the Downtown Beautification Project. Mr. Gibson read the resolution in full. Motion was made by Mr. Cothorn and seconded by Mr. Sterling to pass the resolution for the authorization to enter and perform under the terms of a professional services agreement with Whitlow Engineering Services, Inc. for the design of plans for the Downtown Beautification Project. Motion carried with the following voting "yes": Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard.

Resolution 2015-26

Item (12) was a resolution for authorization to submit application to the Department of Parks and Tourism for a 2016 50/50 matching grant for recreational facilities improvements at Berryhill Park. Mr. Gibson read the resolution in full. Motion was made by Mr. Sterling and seconded by Mr. English to pass the resolution for authorization to submit application to the Department of Parks and Tourism for a 2016 50/50 grant for recreational facilities improvements at Berryhill Park. Motion carried with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. **Resolution 2015-27**

Item (15) on the agenda was an ordinance amending the Searcy Code of Ordinances establishing exemption for the White County Fair relating to noise associated with the operation of the White County Fair during fair week. 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": Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting "yes": Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Sterling, seconded by Mr. English, to adopt the emergency clause, with the following voting "yes": Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. **Ordinance 2015-21**

Item (16) on the agenda was an ordinance authorizing borrowing funds to defray the cost of construction of improvements to downtown area of the City of Searcy (Downtown Beautification Project) by issuance of a promissory note and providing for the payment of the note. 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": Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Brewer, seconded by Mr. Howard, to adopt the ordinance, with notation in the minutes that the process of soliciting bids for the promissory note was waived because the note to be attained shall not bear interest (as specified in section 2 of the ordinance). The ordinance passed with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Chalenburg, seconded by Mr. Sterling, to adopt

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the emergency clause, with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. **Ordinance 2015-22**

Item (17) 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 \$19,924.95 from 2014 Eight Year Plan Fund unappropriated reserves to ‘TRANSFER TO GENERAL-STAFFING NEEDS’ expenditure account (14 5-190-05-05) and appropriate \$19,924.95 to General Fund ‘TRANSFER FROM 8-YEAR FUND-STAFFING NEEDS’ revenue account (01 4-000-10-16) for salaries and associated costs for one additional Police Patrolman position in the Police Department;
- b. Appropriate from General Fund unappropriated reserves for salaries and associated costs for one additional Police Patrolman in the Police Department:
 - \$14,395.68 to Police Department ‘SALARIES’ expenditure account (01 5-060-01-01);
 - \$1,101.27 to Police Department ‘SS/MEDICARE MATCH’ expenditure account (01 5-060-01-02);
 - \$4,428.00 to Police Department ‘HEALTH BENEFIT’ expenditure account (01 5-060-01-03);
- c. Appropriate \$17,936.89 from 2014 Eight Year Plan Fund unappropriated reserves to ‘TRANSFER TO GENERAL-STAFFING NEEDS’ expenditure account (14 5-190-05-05) and appropriate \$17,936.89 to General Fund ‘TRANSFER FROM 8-YEAR FUND-STAFFING NEEDS’ revenue account (01 4-000-10-16) for salaries and associated costs for one additional Dispatcher position in the Police Department;
- d. Appropriate from General Fund unappropriated reserves for salaries and associated costs for one additional Dispatcher position in the Police Department:
 - \$11,044.80 to Police Department ‘SALARIES’ expenditure account (01 5-060-01-01);

- \$844.93 to Police Department 'SS/MEDICARE MATCH' expenditure account (01 5-060-01-02);
 - \$4,428.00 to Police Department 'HEALTH BENEFIT' expenditure account (01 5-060-01-03);
 - \$1,619.17 to Police Department 'APERS RETIREMENT' expenditure account (01 5-060-01-05);
- e. Appropriate \$31,500.00 from Information Technology Projects Fund unappropriated reserves to 'FIBER OPTIC NETWORK CONSTRUCTION' expenditure account (15 5-160-05-01) for engineering and design professional services contract with CT&T Engineering authorized by Resolution 2015-01 (1/13/2015);
- f. Appropriate \$11,634.20 to Special 1% Connector Route Tax Fund 'MAIN STREET DEENER CREEK BRIDGE' expenditure account (13 5-900-54-01) for professional services regarding design work for the Main Street Deener Creek Bridge;
- g. Appropriate \$7,006.63 from 2014 Eight Year Plan Fund unappropriated reserves to the 'INFORMATION TECHNOLOGY BUILDING CONSTRUCTION' expenditure account (14 5-160-54-01) for preliminary design services provided by Hoffmann Architectural, Inc.;
- h. Appropriate \$1,000.00 to General Fund 'OTHER DONATIONS' revenue account (01 4-000-90-12) and appropriate \$1,000.00 to 'TREE BOARD' expenditure account (01 5-010-05-25) for donations received for the Searcy Tree Board's Donate A Tree Today program;
- i. Appropriate \$66,556.75 to General Fund 'HOLIDAY OF LIGHTS DONATIONS' revenue account (01 4-000-90-10) and appropriate \$66,556.75 to 'HOLIDAY OF LIGHTS' expenditure account (01 5-010-05-09) for the receipt and use of donations received for the Holiday of Lights project;

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

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- a. \$14,941.56 to Stephenson Oil Company for fuel for all departments and other miscellaneous expenditures;
- b. \$58,831.00 to North Point Ford for purchase of Police vehicles in the 2014 Eight Year Plan (14 5-060-53-01);
- c. \$19,995.00 to CT&T Engineering for engineering and design services regarding construction of fiber network;
- d. \$11,634.20 to Morrison-Shipleigh Engineers for design work on the Main Street Deener Creek bridge;
- e. \$7,006.63 to Hoffmann Architectural, Inc. for professional services regarding design of the new Information Technology building;
- f. \$66,448.43 to Carpenter Decorating Company, Inc. for donations received for the Holiday of Lights projects;

A motion was made by Mr. Raney, seconded by Mr. Cothorn, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Howard, seconded by Mr. Brewer, to adopt the ordinance. The ordinance passed with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mrs. Arnett, to adopt the emergency clause, with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. **Ordinance 2015-23**

The Mayor announced:

- The White County Business Expo will be on July 28, 2015 at the Ganus Center on the Harding University campus

A motion was made and seconded to adjourn.

Minutes Approved:

/s/ David Morris
MAYOR

ATTEST:

/s/ Jerry Morris
CITY CLERK

Seal