

Searcy City Council – Regular Session
Tuesday, April 14, 2020 6:00 p.m.
Minutes

Mayor Kyle Osborne called to order the Regular Session of the Searcy City Council. In order to follow recommended Covid-19 guidelines regarding social distancing, the regular April 14, 2020 City Council meeting was held at the Carmichael Community Center. Mike Chalenburg gave the Invocation, with the Pledge of Allegiance following, led by Rodger Cargile. City Clerk/Treasurer Jerry Morris called the roll with the following Council members answering “present”: Logan Cothorn, Chris Howell, Rodger Cargile, Dale English, Don Raney, Dale Brewer and Mike Chalenburg. Council member Mary Ann Arnett was not present. Also present was City Attorney Buck Gibson.

Item (3) on the agenda was for suspending the rules to add item (18-1-d): budget ordinance appropriations for the settlement of the former Mayor’s retirement issue as noted by the Arkansas Legislative Audit report of November 2, 2017. A motion was made by Mr. Brewer and seconded by Mr. Cothorn to suspend the rules and add item (18-1-d) to the budget adjustment ordinance. Motion carried with the following voting “yes”: Howell, Cargile, English, Raney, Brewer, Chalenburg, and Cothorn.

The minutes of the regular March 10, 2020 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. Howell to approve the minutes. The following voted to approve: Cargile, English, Raney, Brewer, Chalenburg, Cothorn, and Howell.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of 3-31-2020: General Fund: \$1,055,327.85; Street Fund \$1,939,303.38; Capital Equipment Fund \$17,834.57; LOPFI Fund \$145,206.63; Act 833 Fund \$37,189.80; Airport Fund \$68,336.04. The total of all of the preceding funds is \$3,263,198.27. He also reported the following balances as of 3-31-2020: Special Highway Connector Route Tax Fund \$3,830,835.91; 2014 Eight Year Plan Fund \$8,553,751.71; Information Technology Projects Fund \$486.29; Special Projects Fund \$2,588.23; 0.25% Fire Protection Services County Sales Tax Fund \$348,553.96; Court Automation Fund \$30,232.01; Advertising and Tourism Promotion Fund \$658,663.04. He also reported a total of \$1,724,977.15 year-to-date in City and County Sales Tax revenues received, which is up \$100,054.45 from the same time in 2019.

Item (6) on the agenda was for the appointment of Mike Cleveland to fill the unexpired term of Mike Hutsell on the Searcy Planning Commission, with the term set to expire on February 8, 2021. A motion was made by Mr. Raney, seconded by Mr. Chalenburg, to approve the appointment of Mike Cleveland to fill the unexpired term of Mike Hutsell on the Searcy Planning Commission, with the term set to expire on February 8, 2021. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Howell, and Cargile.

Item (7) was for the discussion regarding possible video-conferencing applications to use for City Council and other governing board meetings. Mayor Osborne explained that the Governor and Legislature of Arkansas are currently working on legislation that will allow for electronic or similar applications of conducting meetings when an emergency has been declared. City Attorney Gibson noted that he has been in communication with Representative Les Eaves regarding this matter and that he expects Legislative action within the next week. Mr. Gibson further explained that he would suggest that the city adopt an ordinance that would reflect the language of any statute adopted by the state legislature.

Item (8) was for discussion regarding a request from the White County Aging Program for matching grant funding help from the City of Searcy for the purchase of two (2) vans. A motion was made by Mr. Raney and seconded by Mr. English to approve the request for \$3,500.00 to provide for matching grant funding for the White County Aging Program for the purchase of two vans, with the appropriation to be included on the budget adjustment ordinance at the regular May 2020 Council meeting. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Howell, Cargile, and English.

Item (9) on the agenda was for the discussion of additional wage compensation for the Community Service Supervisor. Mayor Osborne noted that within the Code Enforcement Department there was \$3,000.00 budgeted for overtime for the Community Services Supervisor for purposes of after normal business hours use of Community Service workers such as clean-up during and after the Get Down Downtown festival and other similar events. Mayor Osborne proposed that this \$3,000.00 be added to the supervisor’s annual salary plus an additional \$1.00 per hour wage increase. Mr. Cothorn stated that he has been impressed with the work of the supervisor and thinks that this is a good idea. Mr. Raney, Mr. English and Mr. Cargile agreed that he is an asset to the City of Searcy. A motion was made by Mr. Cothorn, seconded by Mr. Raney to approve the additional compensation as proposed by Mayor Osborne. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Howell, Cargile, English, and Raney.

Item (10) was an ordinance amending the budget of the City of Searcy, Arkansas; to comply with the judgement of the Circuit Court of White County, Arkansas, in case No. 73-CV-18-570, City of Searcy v. Jack Wiseman, David Evans, and Belinda LaForce; providing for the correction and proper payment of retirement benefits to former Mayor David Evans. 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”: Chalenburg, Cothorn, Howell, Cargile, English, Raney, and Brewer. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Cothorn, to adopt the ordinance. The ordinance passed with the following voting “yes”: Cothorn, Howell, Cargile, English, Raney, Brewer, and Chalenburg. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. English, to adopt the emergency clause, with the

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following voting “yes”: Howell, Cargile, English, Raney, Brewer, Chalenburg, and Cothern. **Ordinance 2020-09**

Item (11) on the agenda was for continued discussion regarding the possible renewal for the Eight-year 1.0% sales and use tax. A motion was made by Mr. Raney and seconded by Mr. Cothern to table indefinitely any actions regarding the renewal of the Eight-year 1.0% sales and use tax. Motion carried with the following voting “yes”: Cargile, English, Raney, Brewer, Chalenburg, Cothern, Arnett, and Howell.

Item (12) was for the approval of a change order for the Rolling Meadows/Cloverdale Drainage Improvement project. The change order was for an increase of \$3,000.00 for 200 linear feet of 2” conduit. A motion was made by Mr. Raney, seconded by Mr. Cothern, to approve the change order in the amount of an additional \$3,000.00 for the Rolling Meadows/Cloverdale Drainage improvement. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothern, Howell, and Cargile.

Item (13) on the agenda was for the approval and selection of a bid for construction on the North Main Street Improvement project. A total of five (5) bids were received for the project. The bids were as follows:

1. Burkhalter Construction, North Little Rock, AR - \$5,297,198.00
2. Capital Paving & Construction, Searcy, AR - \$5,240,943.40
3. Township Builders, Little Rock, AR - \$4,363,067.00
4. Weaver Bailey, El Paso, AR - \$4,913,874.55
5. Redstone Construction, Little Rock, AR - \$4,516,050.60

City Engineer Mark Lane noted that Township Builders submitted the low bid. He also noted that this company had performed work for the City of Searcy before and that it would be his recommendation to accept their bid. A motion was made by Mr. Cothern and seconded by Mr. English to approve and select the bid that was submitted by Township Builders of Little Rock, AR in the amount of \$4,363,067.00 for construction on the North Main Street improvement project. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothern, Howell, Cargile, and English.

Item (14) was a resolution for the authorization to execute and perform a certain agreement, a Contract of Obligation with the Arkansas Department of Environmental Quality (ADEQ) providing for financial assurance for closure, post-closure care, and/or corrective care for the Searcy Transfer Station. 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 execute and perform a certain agreement, a Contract of Obligation with the Arkansas Department of Environmental Quality (ADEQ) providing for financial assurance for closure, post-closure care, and/or corrective care for the Searcy Transfer Station. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothern, Howell, Cargile, English, and Raney. **Resolution 2020-13**

Item (15) was a resolution expressing the willingness to utilize Federal-Aid Transportation Alternatives Program funds to develop or improve sidewalks to Searcy High School. Mr. Gibson read the resolution in full. Motion was made by Mr. Howell

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and seconded by Mr. Cothorn to pass the resolution. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Howell, Cargile, English, Raney, and Brewer.

Resolution 2020-14

Item (16) was a resolution expressing the willingness to utilize Federal-Aid Transportation Alternatives Program funds to develop or improve sidewalks to Riverview School. Mr. Gibson read the resolution in full. A motion was made by Mr. Brewer and seconded by Mr. English to approve the resolution expressing the willingness to utilize Federal-Aid Transportation Alternatives Program funds to develop or improve sidewalks to Riverview School. Motion carried with the following voting “yes”: Cothorn, Howell, Cargile, English, Raney, Brewer, and Chalenburg. **Resolution 2020-15**

Item (17) on the agenda was an ordinance authorizing the City of Searcy to conduct business with a certain individual who serves on the City Council of the City of Searcy. A motion was made by Mr. Cothorn, seconded by Mr. Chalenburg, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Howell, Cargile, English, Brewer, Chalenburg, and Cothorn. Mr. Raney abstained from voting. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting “yes”: Cargile, English, Brewer, Chalenburg, Cothorn, and Howell. Mr. Raney abstained from voting. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting “yes”: English, Brewer, Chalenburg, Cothorn, Howell, and Cargile. Mr. Raney abstained from voting. **Ordinance 2020-10**

Item (18) 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 \$5,497.00 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ROLLING MEADOWS/CLOVERDALE DRAINAGE’ expenditure account (#14 5-130-05-02) for Rolling Meadows/Cloverdale Addition drainage improvement project engineering services;
- b. Appropriate \$10,089.00 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ROLLING MEADOWS/CLOVERDALE DRAINAGE’ expenditure account (#14 5-130-05-02) for Rolling Meadows/Cloverdale Addition drainage improvement project construction services;
- c. Appropriate \$74,508.08 from 2014 Eight Year Plan Fund unappropriated reserves to the ‘COUNTRY CLUB ROAD IMPROVEMENT’ expenditure account (#14 5-900-54-01) for construction services on the Country Club Road improvement project;

- d. Appropriate \$60,696.72 from 2014 Eight Year Plan Fund unappropriated reserves to the 'TRANSFER TO GENERAL FUND – AUDIT RETIREMENT SETTLEMENT' expenditure account (#14 5-010-05-01) and appropriate \$60,696.72 to General Fund 'OTHER MISCELLANEOUS' revenue account (#01 4-000-80-04) and appropriate \$60,696.72 to General Fund 'FORMER MAYOR'S RETIREMENT' expenditure account (#01 5-010-01-08) for the settlement of 2017 legislative audit finding regarding former mayors retirement;

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

- a. \$12,978.97 to Stephenson Oil Company for fuel for all departments;
- b. \$108,217.06 to Regions Bank for payment on the loan for the construction of the Searcy Swim Center (#14 5-085-05-01);
- c. Transfer \$125,000.00 from the City of Searcy 2014 Eight Year Plan Fund to the City of Searcy LOPFI Fund for payment of LOPFI Retirement obligation (#14 5-190-05-04);
- d. \$5,497.00 to Morrison – Shipley Engineers Inc. for Rolling Meadows/Cloverdale Addition drainage improvement project engineering services (#14 5-130-05-02);
- e. \$10,089.00 to Burkhalter Technologies, Inc. for construction services on the Rolling Meadows/Cloverdale drainage improvement project (#14 5-130-05-02);
- f. \$74,508.08 to RL Persons Construction, Inc., for construction services on the Country Club Road improvement project (#14 5-900-54-01);

A motion was made by Mr. Raney, seconded by Mr. Brewer, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Raney, Brewer, Chalenburg, Cothorn, Howell, Cargile, and English. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Chalenburg, seconded by Mr. Raney, to adopt the ordinance. The ordinance passed with the following voting "yes": Brewer, Chalenburg, Cothorn, Howell, Cargile, English, and Raney. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. Howell, to adopt the emergency clause, with the following voting "yes": Chalenburg, Cothorn, Howell, Cargile, English, Raney, and Brewer. **Ordinance 2020-11**

A motion was made and seconded to adjourn.

Minutes Approved: May 12, 2020

/s/ Kyle Osborne
MAYOR OF SEARCY

ATTEST:

/s/ Jerry Morris
CITY CLERK

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