

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



City Council Members

- Ward 1 Position 1 – Andy Hawkins
- Ward 1 Position 2 – David Grimes
- Ward 2 Position 1 – Mark Vaught
- Ward 2 Position 2 – Shelley Mehl
- Ward 3 Position 1 – Jim Rhodes
- Ward 3 Position 2 – Mary Smith
- Ward 4 Position 1 – Theodore Jones Jr.
- Ward 4 Position 2 – Shelia Whitmore

City of Conway - City Council Meeting

www.cityofconway.org

Tuesday, April 10th, 2012 @ 6:30pm

Judge Russell L. "Jack" Roberts District Court Building – 810 Parkway St., Conway, AR 72032

5:30pm - Committee Meeting:

No Committee Meeting

Call to Order: Mayor Tab Townsell
Roll Call: Michael O. Garrett, City Clerk/Treasurer
Minutes: March 27th, 2012 City Council Meeting
Announcements/Proclamations/Recognitions:

1. Report of Standing Committees:

A. Public Hearing

1. Public Hearing for the purpose of receiving comments and questions regarding the proposed wastewater rate increase by Conway Corporation.
2. Ordinance fixing rates for services rendered by the sewer system by Conway Corporation.

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

1. Consideration of the nomination of Greg Murry to the Conway Corporation Board of Directors.
2. Resolution setting a public hearing to discuss the closing of a portion of Hardy Street in the Harlan Park Subdivision.
3. Consideration of the nominations of term extension and the appointment of Kim Williams to the Public Facilities Board.
4. Ordinance dissolving Water Improvement District No. 10 located in Conway Arkansas.

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

1. Consideration of the nomination of Sandy Brewer to the Conway Civil Service Commission.
2. Ordinance authorizing a change in staffing levels for the City Attorney's department.

D. Personnel

1. Ordinance appropriating funding for upgrading facilities at 365 Fitness for use by City of Conway employees.

Old Business

New Business

1. Ordinance authorizing the issuance and sale of the City's Sales and Use Tax Capital Improvement and Refunding Bonds, Series 2012.

Adjournment



City of Conway, Arkansas
Ordinance No. O-12-14

**AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF
 THE CITY OF CONWAY, ARKANSAS; PRESCRIBING MATTERS RELATING THERETO.**

WHEREAS, the City of Conway, Arkansas (the “City”) owns a sewer system (the “System”), which System is operated by Conway Corporation, an Arkansas nonprofit corporation (the “Corporation”), pursuant to an exclusive franchise granted by the City; and

WHEREAS, the City and the Corporation have determined that substantial improvements are required to portions of the System, including, but not limited to, construction of the Tupelo Bayou Wastewater Treatment Plant, new lift stations and improvements to the conveyance system (collectively, the “Improvements”), so that the inhabitants of the City may have adequate and proper sewer facilities, and that the financing of the Improvements will require rates for certain components of System services in excess of the rates presently in effect; and

WHEREAS, the City has previously established rates for System services pursuant to Ordinance No. O-92-15 adopted on April 28, 1992, as amended and supplemented by the provisions of Ordinance No. O-03-88 adopted on July 8, 2003, and Ordinance No. O-09-48 adopted on May 12, 2009 (the “Prior Rate Ordinance”);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1. That all customers of the System shall be classified by the Corporation as residential, commercial or industrial/institutional.

Section 2. That Section 2(b) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2012, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary:

“(b) OM&R Charge. (i) *Residential Customers*. For the purpose of providing for the operation, maintenance and replacement of the System (“OM&R”), for sewer service billed on and after June 1, 2012, all residential users of the System shall be charged monthly \$2.28 per 1,000 gallons or portion thereof of metered water consumption, with a \$4.56 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2013, all residential users of the System shall be charged monthly \$2.35 per 1,000 gallons or portion thereof of metered water consumption, with a \$4.70 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2014, all residential users of the System shall be charged monthly \$2.81 per 1,000 gallons or portion thereof of metered water consumption, with a \$5.62 minimum charge for 2,000 gallons or less.

(ii) *Commercial Customers*. For the purpose of providing for OM&R, for sewer service billed on and after June 1, 2012, all commercial users of the System shall be charged monthly \$2.28 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.63 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.28

per 1,000 gallons for all use over 100,000 gallons, with a \$4.56 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2013, all commercial users of the System shall be charged monthly \$2.35 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.76 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.35 per 1,000 gallons for all use over 100,000 gallons, with a \$4.70 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2014, all commercial users of the System shall be charged monthly \$2.81 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$3.37 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.81 per 1,000 gallons for all use over 100,000 gallons, with a \$5.62 minimum charge for 2,000 gallons or less.

(iii) *Industrial and Institutional Customers.* For the purpose of providing for OM&R, for sewer service billed on and after June 1, 2012, all industrial and institutional users of the System shall be charged monthly \$2.28 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.63 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.28 per 1,000 gallons for all use over 100,000 gallons, with a \$4.56 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2013, all industrial and institutional users of the System shall be charged monthly \$2.35 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$2.76 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.35 per 1,000 gallons for all use over 100,000 gallons, with a \$4.70 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2014, all industrial and institutional users of the System shall be charged monthly \$2.81 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, \$3.37 per 1,000 gallons for the next 75,000 gallons or portion thereof, and \$2.81 per 1,000 gallons for all use over 100,000 gallons, with a \$5.62 minimum charge for 2,000 gallons or less.”

Section 3. That Section 3(f) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2012, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary:

“(f) Debt Service Charge. (i) *Residential Customers.* For the purpose of providing for the repayment of principal and interest on debt to be incurred to finance and refinance improvements to the System (“Debt Service”), for sewer service billed on and after June 1, 2012, all residential users of the System shall be charged monthly \$1.64 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$3.56, with a minimum charge of \$6.84 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2013, all residential users of the System shall be charged monthly \$2.36 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$4.28, with a minimum charge of \$9.00 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2014, all residential users of the System shall be charged monthly \$3.55 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$5.77, with a minimum charge of \$12.87 for 2,000 gallons or less.

(ii) *Commercial Customers.* For the purpose of providing for Debt Service, for sewer service billed on and after June 1, 2012, all commercial users of the System shall be charged monthly \$1.64 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$4.46, with a minimum charge of \$7.74 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2013, all commercial users of the System shall be charged monthly \$2.36 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$5.36, with a minimum charge of \$10.08 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer

service billed on and after January 1, 2014, all commercial users of the System shall be charged monthly \$3.55 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$7.23, with a minimum charge of \$14.33 for 2,000 gallons or less.

(iii) *Industrial and Institutional Customers.* For the purpose of providing for Debt Service, for sewer service billed on and after June 1, 2012, all industrial and institutional users of the System shall be charged monthly \$1.64 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$16.04, with a minimum charge of \$19.32 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2013, all industrial and institutional users of the System shall be charged monthly \$2.36 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$19.25, with a minimum charge of \$23.97 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2014, all industrial and institutional users of the System shall be charged monthly \$3.55 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of \$25.99, with a minimum charge of \$33.09 for 2,000 gallons or less.”

Section 4. That Section 5(h) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2012:

“(h) Total Minimum User Charge. (i) *Residential Customers.* For sewer service billed on and after June 1, 2012, the total minimum user charge for residential users of the System shall be \$11.40 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.56 + Debt Service for 2,000 gallons (minimum) \$3.56 + \$3.28 (\$1.64 x 2). For sewer service billed on and after January 1, 2013, the total minimum user charge for residential users of the System shall be \$13.70 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.70 + Debt Service for 2,000 gallons (minimum) \$4.28 + \$4.72 (\$2.36 x 2). For sewer service billed on and after January 1, 2014, the total minimum user charge for residential users of the System shall be \$18.49 calculated as follows: OM&R for 2,000 gallons (minimum) \$5.62 + Debt Service for 2,000 gallons (minimum) \$5.77 + \$7.10 (\$3.55 x 2).

(ii) *Commercial Customers.* For sewer service billed on and after June 1, 2012, the total minimum user charge for commercial users of the System shall be \$12.30 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.56 + Debt Service for 2,000 gallons (minimum) \$4.46 + \$3.28 (\$1.64 x 2). For sewer service billed on and after January 1, 2013, the total minimum user charge for commercial users of the System shall be \$14.78 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.70 + Debt Service for 2,000 gallons (minimum) \$5.36 + \$4.72 (\$2.36 x 2). For sewer service billed on and after January 1, 2014, the total minimum user charge for commercial users of the System shall be \$19.95 calculated as follows: OM&R for 2,000 gallons (minimum) \$5.62 + Debt Service for 2,000 gallons (minimum) \$7.23 + \$7.10 (\$3.55 x 2).

(iii) *Industrial and Institutional Customers.* For sewer service billed on and after June 1, 2012, the total minimum user charge for industrial and institutional users of the System shall be \$23.88 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.56 + Debt Service for 2,000 gallons (minimum) \$16.04 + \$3.28 (\$1.64 x 2). For sewer service billed on and after January 1, 2013, the total minimum user charge for industrial and institutional users of the System shall be \$28.67 calculated as follows: OM&R for 2,000 gallons (minimum) \$4.70 + Debt Service for 2,000 gallons (minimum) \$19.25+ \$4.72 (\$2.36 x 2). For sewer service billed on and after January 1, 2014, the total minimum user charge for industrial and institutional users of the System shall be \$38.71 calculated as follows: OM&R for 2,000 gallons (minimum) \$5.62 + Debt Service for 2,000 gallons (minimum) \$25.99 + \$7.10(\$3.55 x 2).”

Section 5. The provisions of this Ordinance are separable and if a section, phrase or provision hereof shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. The schedule of charges as described in section 2 shall be increased on February 1, beginning 2015 and each subsequent year by the amount of increase in the Consumer Price Index (CPIU) or three (3) per cent (whichever is less) for the preceding year. A copy of the revised rates shall be posted on the Conway Corporation web site. Minimum charges in Section 4 will be adjusted on the web site each February 1 to reflect such new rates.

Section 7. All ordinances and resolutions and parts thereof in conflict herewith, particularly are hereby repealed to the extent of such conflict.

PASSED this 10th day of April, 2012.

Approved:

Attest:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer

(S E A L)



Operators of the City-owned Electric, Electronic & Water Systems

April 2, 2012

The Honorable Tab Townsell, Mayor
and Members of the City Council
City of Conway, Arkansas
1201 Oak Street
Conway, AR 72032

Dear Ladies and Gentlemen:

The Board of Directors of the Conway Corporation, in conformance with Resolution 88-11, published a legal notice in the Log Cabin Democrat on February 3, 2012, advertising for nominees to the Conway Corporation Board of Directors. (A copy of that legal notice is enclosed.)

As of March 8, 2012, the expiration of the nominating period, seven nominations had been received.

The Conway Corporation Board of Directors met on March 27, 2012, and Mr. Greg Murry was elected to succeed Mr. Austin Sullivan, whose term expires May 8, 2012.

As mandated by the Articles of Incorporation of the Conway Corporation, it is my pleasure to submit to the Conway City Council for its ratification and approval the election of Mr. Greg Murry.

We respectfully request your favorable consideration.

Sincerely,

Richard Arnold
Chief Executive Officer
Conway Corporation

RA:na

Enclosure

NOTICE

Conway Corporation, operators of Conways Electric, Water, Wastewater, Cable, Internet and Telephone systems, publishes the following notice:

Conway Corporation is accepting nominations for a seven-year term on its board of directors. Nominations will be accepted at the office of the Chief Executive Officer of the Corporation, 1307 Prairie Street, Conway, Arkansas 72034, on or before March 8, 2012. The nomination shall be in writing and shall include the following information: (1) Name and address of person making nomination; (2) Name and address of nominee; (3) Personal background information, qualifications, and the reason(s) the nominee wishes to be considered; (4) Signatures of nominator and nominee, if different.

Information included in all applications will become public information.

Nominee must be a Conway citizen desiring to serve the community without compensation, philosophically in tune with municipal ownership of utility systems, free of conflicts of interest, and firmly established in Conway.

PROOF OF PUBLICATION

STATE OF ARKANSAS }
County of Faulkner } ss

I, Rick Fahr do hereby certify that I am the publisher of the **Log Cabin Democrat**, a daily newspaper published in the City of Conway, Arkansas, and having a bonafide circulation in Faulkner County, Arkansas, that said newspaper has been published at regular intervals continuously during a period of at least twelve (12) months

prior to the date of publication of the annexed

Tetue

and is in all respects eligible and qualified to publish legal notices under the provisions of Act 152 of the 1937 Acts of the General Assembly of the State of Arkansas as amended by Act 263 of the 1937 Acts of the General Assembly of the State of Arkansas.

I further certify that said legal advertisement, a copy of which is hereby attached, was published in said newspaper for *one* insertions on the following days, to-wit:

February 3, 20 *12* , 20
..... , 20 , 20
..... , 20 , 20

Jackie L. Clark
Notary Public - Arkansas
Faulkner County
2275902
My Commission Expires 04-01-2020

Fees for Printing, \$

Cost of Proof, \$

Total, \$ *45.55*

Subscribed and sworn to this *7th* day of *February*, 20 *12*

[Signature]
Notary Public

My commission expires *4-1-20*



City of Conway, Arkansas
Resolution No. R-12- _____

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF HARDY STREET IN
 THE HARLAN PARK SUBDIVISION; AND FOR OTHER PURPOSES**

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by **Azalea Holdings II, LLC/Tim Tyler Surveying & Mapping, Inc.** to abandon a street located at the south 25 feet of Hardy Street lying adjacent to the north side of Block 1 and also lying adjacent to the north side of Block 4, as shown on a plat of Harlan Park Subdivision to the City of Conway, Arkansas, as recorded in Plat Book A, page 212 to the Faulkner County Records; within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CONWAY, ARKANSAS;

1. That the City Council shall hear said petition at its regular meeting to be held at Russell L. "Jack" Roberts District Court Building, 810 Parkway Street, Conway, Arkansas, on the **24th day of April 2012 at 6:30 p.m.**
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this 10th day of April, 2012.

Approved:

Attest:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer

CITY OF CONWAY

HARDY STREET -- ROW CLOSING



DESCRIPTION
UNBUILT HARDY ST
25 FT STREET ROW CLOSING

Tab Townsack - Mayor
 Mark Vaughn & Shelly Mott - Aldermen Ward 1
 Jim Bishop & Mary Smith - Aldermen Ward 2
 Theodore Jones, Jr. & Sheila Williams - Aldermen Ward 3
 Michael Murphy - City Attorney
 Michael Garrett - City Clerk

Bryan Patrick - Director
 Wes Craighead - Deputy Director
 Christy Sutherland - Planner
 Linda Meza - Planning Tech
 Jason Lyon - GIS Coordinator

CONWAY PLANNING COMMISSION
 Craig Cloud - Chair
 Chris Steppock - Vice-Chair

INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		Commercial	Office
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	Special
			SP
			S-1
			A-1
			PUD

1 in = 200 ft
APRIL 2012

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK: MS WEBSTE
 gis.cityofconway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway - Mayor's Office
1201 Oak Street
Conway, AR 72032
www.cityofconway.org



Memo:

To: Mayor Tab Townsell
CC: City Council Members
From: Felicia Rogers
Date: April 2nd, 2012
Re: Public Facilities Board

The Public Facilities Board has selected to extend the terms of the current board members who are as follows:

Ray Kordsmeier, Chairman
Term Expires: December 31, 2017

Alan Alvey, Secretary
Term Expires: December 31, 2016

Evada Fields
Term Expires: December 31, 2014

Dr. Warren Stroud
Term Expires: December 31, 2013

and select Kim Williams, Downtown Partnership for a term to expire December 31, 2015 to fill a vacant position on the board.

Please see the attached current member listing.

If you have any questions please advise.



City of Conway Public Facilities Board Members
Established by Ordinance (O-82-1)

Ray Kordsmeier, Chairman
1 Burford Drive
Conway, AR 72032
(501) 329-3946
Term Expires: December 31, 2017

Alan Alvey, Secretary
18 Stonehenge Drive
Conway, AR 72032
(501) 450-6165 (w)
alan.alvey@cityofconway.org
Term Expires: December 31, 2016

Kim Williams
Downtown Partnership
900 Oak Street
Conway, AR 72032
(501) 548.9950
kim@conwayarkansas.org
Term Expires: December 31, 2015

Evada Fields
Little Rock Public Schools
12 Mockingbird Lane
Conway, AR 72032
(501) 269-1262
evada.fields@lrsd.org
Term Expires: December 31, 2014

Dr. Warren Stroud
Zion Baptist Church
22 Rolling Hills Drive
Conway, AR 72034
stroudministries@conwaycorp.net
(501) 733-4777
Term Expires: December 31, 2013



City of Conway, Arkansas
Ordinance No. O-12- _____

**AN ORDINANCE DISSOLVING WATER IMPROVEMENT DISTRICT NO. 10 OF
 CONWAY, ARKANSAS.**

WHEREAS, the City of Conway, Arkansas (the "City") by Ordinance No. 095-34 approved by the Conway City Council on April 25, 1995, established the Water Improvement District No. 10 of Conway, Arkansas pursuant to Arkansas Code Annotated §§ 14-88-101 *et seq.* (the "District"); and

WHEREAS, the District issued bonds in the approximate amount of \$2,250,000 in order to construct water storage and transmission lines within the District; and

WHEREAS, on February 1, 2012, the District made its final payment on its bonds; and

WHEREAS, on March 29, 2012, the Commissioners of the District passed a resolution dissolving and winding up the affairs of the District, which is attached hereto as Exhibit A; and

WHEREAS, the District has filed its final report pursuant to Arkansas Code Annotated § 14-88-603(b); and

WHEREAS, the District has executed a Quitclaim Deed and Bill of Sale in favor of the City for all real property and personal property owned by the District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. Water Improvement District No. 10 of Conway, Arkansas be dissolved;

Section 2. That all real and personal property owned by the District be conveyed to the City of Conway, and pursuant to Arkansas Code Annotated § 14-88-603, the District shall pay to the City of Conway all funds which it has on hand;

Section 3. That pursuant to Arkansas Code Annotated §§ 4-88-601 *et seq.*, the District be dissolved, all future levies and assessments be cancelled, and the Board of Commissioners be relieved of any further duties or obligations;

Section 4. That the Commissioners are authorized to do any and all things necessary to perform all other acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance;

Section 5. That all ordinances and parts thereof in conflict herewith are repealed to the extent of such conflict;

Section 6. It is hereby determined by the Council that there is an immediate need for the District to be dissolved and the Commissioners to be relieved from their duties, in order to provide for the public peace, health and safety, and therefore an emergency is declared to exist and this ordinance shall take effect and be in force from then to after its passage.

Passed this 10th day of April, 2012.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

RESOLUTION

WHEREAS, the Municipal Water Improvement District No. 10 of Conway, Arkansas (the "District") was created by City of Conway Ordinance No. 95-34 on April 25, 1995, pursuant to Arkansas Code Annotated § 14-88-101 *et seq.*; and

WHEREAS, the purpose of the District was to finance the construction of a water storage and transmission system (the "Project") to serve the property in the District; and

WHEREAS, on January 30, 1998, the District issued its \$1,745,000 Improvement Bonds, Series 1998A and its \$499,278 Subordinate Appreciation Improvement Bonds, Series 1998B (together, the "Series 1998 Bonds") to finance construction of the Project; and

WHEREAS, the Series 1998 Bonds were scheduled to be retired on February 1, 2020; and

WHEREAS, as of February 1, 2012, the Series 1998 Bonds have been retired, so the Series 1998 Bonds were retired eight years ahead of schedule; and

WHEREAS, in order to wind up the affairs of the District, it will be necessary to convey all real and personal property of the District to the City of Conway, which will assume the ownership of the real and personal property of the District which will be operated and maintained by Conway Corporation;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

Section 1. That the affairs of the District be finalized;

Section 2. That the outstanding bonded indebtedness and any other debts of the District be retired;

Section 3. That all real and personal property of the District be conveyed to the City of Conway, including \$31,235.02 remaining in the District's account;

Section 4. That the District file an Act 210 Annual Taxpayer Transparency Improvement District Report of the District with the Faulkner County County Clerk;

Section 5. That pursuant to Arkansas Code Annotated §§ 14-88-601 *et seq.*, the District be dissolved, all current and future levies and assessments be terminated, and the Board of Commissioners be relieved from further duties.

Section 6. That the Commissioners are authorized to do any and all things necessary to perform all other acts of whatever nature necessary to effect and carry out the authority conferred by this Resolution. They are further authorized, on behalf of the District, to execute all certificates and other instruments that may be required for carrying out the authority conferred by this Resolution or to evidence that authority and its exercise.

Section 7. All resolutions and parts there of in conflict herewith are repealed to the extent of such conflict.

Section 8. This resolution shall be in full force and effect from and after its adoption.

ADOPTED this 29th day of March, 2012.

Richard A Collins

Richard A. Collins

Jerry Park

Jerry Park

Helen Benafield

Helen Benafield

**FINAL ANNUAL FINANCIAL REPORT
IMPROVEMENT DISTRICT NO. 10
OF CONWAY, ARKANSAS**

*Required by Arkansas Code Annotated Sec14-89-1402 and Continuing Disclosure Agreement
dated January 30, 1998, Section 3
Reporting period from January 1, 2012 to March 21, 2012*

**\$1,745,000 Municipal Improvement District No. 10 of
Conway, Arkansas Improvement Bonds Series 1998 A
and
\$499,278 Municipal Improvement District No. 10 of
Conway, Arkansas Subordinate Appreciation Improvement Bonds
Series 1998 B**

Bank of the Ozarks Bond Fund

01/01/12	Beginning Balance	\$	46,320.94
Receipts			
Date	Description		Amount
01/03/12	DIVIDEND RECEIVED Federated Government Obligations Fund 395	\$	0.34
01/06/12	RECEIPT OF REVENUES	\$	2,742.26
02/01/12	DIVIDEND RECEIVED Federated Government Obligations Fund 395	\$	0.41
02/02/12	RECEIPT OF REVENUES	\$	1,180.35
03/01/12	DIVIDEND RECEIVED Federated Government Obligations Fund 395	\$	0.33
03/02/12	RECEIPT OF REVENUES	\$	309.79
	Total Receipts for the period ending 12/31/11	\$	4,233.48
Disbursements			
02/13/12	Transfer to Municipal Water District 11	\$	(14,400.00)
03/21/12	Williams and Anderson	\$	(4,919.40)
03/21/12	City of Conway	\$	(31,235.02)
	Total Disbursements for the period ending 12/31/11	\$	(50,554.42)
	03/21/2012 Account Balance	\$	-

Bond Indebtedness

Bonds Issued			
	Series A	\$	1,745,000.00
	Series B	\$	499,278.00 (accrued bond)
Total Bonds Outstanding			
	Series A	\$	-
	Series B	\$	-

*We, the undersigned, as Commissioners of Improvement District No. 11 of
Conway, Arkansas, submit herewith, the annual financial report of Improvement
District No. 11 of Conway, Arkansas*

As certified and submitted by:

Richard A. Collins
Commissioner

RECEIVED
APR - 3 2012
BY: *Jelena Ryzak*

City of Conway
Human Resources Department

Date: April 5, 2012
To: Mayor Tab Townsell
From: Lisa Mabry-Williams
Subject: Conway Civil Service Commission

Commissioner Sandy Brewer's term on the Conway Civil Service Commission expired on April 2nd, 2012. Mr. Brewer was appointed to fill the remaining portion of Commissioner Fritzie Vammen's term when she resigned in 2007. Mr. Brewer is eligible and willing to serve a full six year term on the Conway Civil Service Commission if appointed.



**City of Conway, Arkansas
Ordinance No. O-12-___**

AN ORDINANCE AUTHORIZING A CHANGE IN STAFFING LEVELS FOR THE CITY ATTORNEY'S DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS, the office of the City Attorney's staffing includes a full time city attorney, a deputy city attorney, a law office administrator, and an administrative assistant I; and

WHEREAS, the City Council has determined that there is a need for one (1) additional full time Administrative Assistant I position in the City Attorney's office; and

WHEREAS, because the 2011 vacancy in the deputy city attorney position has not been filled, the financial impact of this change can be absorbed by the department's 2012 budget previously approved by City Council and therefore no current budget adjustment is warranted for the remainder of the 2012 budget year;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. The authorized staffing level in the City of Conway City Attorney's office is increased by one (1) full time Administrative Assistant I position.

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 10th day of April, 2012.

Approved:

Mayor Tab Townsell

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



**City of Conway, Arkansas
Ordinance No. O-12-___**

AN ORDINANCE APPROPRIATING FUNDING FOR UPGRADING FACILITIES AT 365 FITNESS FOR USE BY CITY OF CONWAY EMPLOYEES; AND FOR OTHER PURPOSES

WHEREAS, 365 Fitness (formerly Extreme Fitness) has provided fitness facilities for the employees of the City of Conway at no charge for more than 7 years, and

WHEREAS, 365 Fitness is willing to extend this no charge contract with the City of Conway for an additional two years, and

WHEREAS, 365 Fitness services are utilized by many City of Conway employees for mandatory and non-mandatory uses, and

WHEREAS, the use of 365 Fitness by City of Conway firefighters driving fire apparatus has caused extensive damage to the parking lot of 365 Fitness, and

WHEREAS, the repair of the parking lot of 365 Fitness will cost approximately \$2,000.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY ARKANSAS THAT

Section 1: The City of Conway shall enter into a contract to extend free fitness services to its employees for a period of two years ending December 31, 2014.

Section 2: The City of Conway shall appropriate funds not to exceed \$2,000 from 001.119.4900 from General Fund Balance appropriation account to 01.101. 5799 other miscellaneous expense account to pay contractor providing repair of parking lot of 365 Fitness, with prior after work is approved by City Engineer.

Section 3: All ordinance in conflict herewith are repealed to the extent of the conflict.

PASSED this 10th day of April, 2012.

Approved:

Attest:

Mayor Tab Townsell

**Michael O. Garrett
City Clerk/Treasurer**



City of Conway, Arkansas
Ordinance No. O-12- _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY'S NOT TO EXCEED \$12,350,000 SALES AND USE TAX CAPITAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2012, FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING SALES AND USE TAX CAPITAL IMPROVEMENT BONDS, SERIES 2006B, AND FINANCING THE ACQUISITION OF FIREFIGHTING AND SANITATION VEHICLES AND EQUIPMENT AND LANDFILL EXPANSION; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE PURSUANT TO WHICH THE BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DELARING AN EMERGENCY.

WHEREAS, the City Council of the City of Conway, Arkansas (the "City") has determined that there is a critical need for a source of revenue to finance (i) the acquisition of firefighting vehicles and equipment (the "Firefighting Project"), and (ii) the acquisition of sanitation vehicles and equipment and landfill expansion (the "Sanitation Project"); and

WHEREAS, the City is authorized and empowered under the provisions of the Constitution and laws of the State of Arkansas, including particularly Amendment 62 to the Constitution of the State of Arkansas ("Amendment 62") and Arkansas Code Annotated (1998 Repl. & 2011 Supp.) Sections 14-164-301 *et seq.* (as from time to time amended, the "Local Government Bond Act"), to issue and sell its capital improvement bonds to finance the costs of various capital improvements such as those comprising the Firefighting Project and the Sanitation Project, which capital improvement bonds may be secured by and payable from the receipts of the special city-wide sales and use tax authorized by the Local Government Bond Act; and

WHEREAS, the provisions of the Municipal General Sales and Use Tax Act of 1981, codified as Arkansas Code of 1987 Annotated (2008 Repl. & 2011 Supp.) Sections 26-75-201 *et seq.* (as from time to time amended, the "Municipal General Sales and Use Tax Act"), authorizes the levy of general citywide sales and use taxes; and

WHEREAS, pursuant to the authority of Amendment 62 and the Local Government Bond Act, the City has previously issued its Sales and Use Tax Capital Improvement Bonds, Series 2006B (the "Series 2006B Bonds"), presently outstanding in the aggregate principal amount of \$3,075,000; and

WHEREAS, pursuant to the provisions of Ordinance No. O-11-108 of the City, adopted and approved on December 13, 2011 (the "Election Ordinance"), there was submitted to the qualified electors of the City the questions of (i) the levy of a general citywide sales and use tax at the rate of one-eighth of one percent (0.125%) under the provisions of the Municipal General Sales and Use Tax Act (the "General Sales and Use Tax"), (ii) the issuance of not to exceed \$3,550,000 in principal amount of

refunding bonds pursuant to Amendment 62 and the Local Government Bond Act for the purpose of defeasing the Series 2006B Bonds, (iii) the issuance of not to exceed \$6,550,000 in principal amount of capital improvement bonds pursuant to Amendment 62 and the Local Government Bond Act for the purpose of financing the Firefighting Project, and (iv) the issuance of not to exceed \$2,250,000 in principal amount of capital improvement bonds pursuant to Amendment 62 and the Local Government Bond Act for the purpose of financing the Sanitation Project, said refunding bonds and capital improvement bonds to be secured by a pledge of and lien upon all of the receipts of a special citywide sales and use tax at the rate of one-eighth of one percent (0.125%) levied pursuant to the Local Government Bond Act (the "Special Sales and Use Tax") and, to the extent needed to pay scheduled debt service on the refunding bonds, a pledge of and lien upon all of the receipts of the General Sales and Use Tax; and

WHEREAS, at a special election held February 14, 2012, a majority of the qualified electors of the City voting on the aforementioned questions approved the levy of the General Sales and Use Tax, the issuance of the refunding bonds and the capital improvement bonds, the corresponding levy of the Special Sales and Use Tax, and the pledge of the receipts of the General Sales and Use Tax and the Special Sales and Use Tax to the payment of the refunding bonds and the capital improvement bonds; and

WHEREAS, as authorized under the provisions of Amendment 62 and the Local Government Bond Act, and as approved by the qualified electors of the City, the City has now determined to issue and sell its Sales and Use Tax Capital Improvement and Refunding Bonds, Series 2012, in the principal amount of not to exceed \$12,350,000 (the "Bonds"), for the purposes of defeasing all of the outstanding Series 2006B Bonds and financing the acquisition, construction and equipping of the Firefighting Project and the Sanitation Project; and

WHEREAS, the City has made arrangements for the sale of the Bonds to Stephens Inc. and Crews & Associates, Inc. (the "Underwriters"), pursuant to the terms of a Bond Purchase Agreement between the City and the Underwriters (the "Bond Purchase Agreement") in substantially the form presented to and before this meeting;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas that:

Section 1. Under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 62 to the Constitution of the State of Arkansas and the Local Government Bond Act, there is hereby authorized the issuance of bonds of the City to be designated as "Sales and Use Tax Capital Improvement and Refunding Bonds, Series 2012" (the "Bonds"). The Bonds shall be issued in the original aggregate principal amount of not to exceed Twelve Million Three Hundred Fifty Thousand Dollars (\$12,350,000) and shall mature not later than May 1, 2025, in the principal amounts and bearing interest at the rates to be specified in the Bond Purchase Agreement. Of the \$12,350,000 maximum aggregate amount of Bonds hereby authorized, \$3,550,000 shall be deemed to apply to the refunding of the Series 2006B Bonds (Question 2 on the special election ballot), \$6,550,000 shall be deemed to apply to the Firefighting Project (Question 3 on the special election ballot) and \$2,250,000 shall be deemed to apply to the Sanitation Station (Question 4 on the special election ballot), and the proceeds of the Bonds shall be allocated accordingly. The proceeds of the Bonds will be utilized (i) to redeem the Series 2006B Bonds, (ii) to finance the Firefighting Project and the Sanitation Project, (iii) to establish a debt service reserve, and (iv) to pay printing, underwriting, legal and other expenses incidental to the issuance of the Bonds.

The true interest cost on the Bonds shall not exceed 3.50%. The Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity, and shall contain such other terms, covenants and conditions, all as set

forth in that certain Trust Indenture (the "Indenture"), by and between the City and a bank or other financial institution possessing corporate trust powers and acceptable to the Mayor, as trustee (the "Trustee"), to be entered into by the City and the Trustee in substantially the form submitted to this meeting.

The Mayor is hereby authorized and directed to execute and deliver the Bonds in substantially the form thereof contained in the Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Bonds to be accepted and authenticated by the Trustee. The Mayor is hereby authorized to confer with the Trustee, the Underwriters and Kutak Rock LLP, Little Rock, Arkansas ("Bond Counsel"), in order to complete the Bonds in substantially the form thereof contained in the Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Bonds, their execution to constitute conclusive evidence of such approval.

Section 2. In order to pay the principal of and interest on the Bonds as they mature or are called for redemption prior to maturity, there is hereby pledged all receipts of the Special Sales and Use Tax and the General Sales and Use Tax levied by the Election Ordinance and approved by the voters. Receipts of the General Sales and Use Tax shall be utilized to pay scheduled debt service on the Bonds only to the extent needed after application of receipts of the Special Sales and Use Tax for such purpose. The levy and collection of the Special Sales and Use Tax and the General Sales and Use Tax shall commence on the dates provided in the Local Government Bond Act and the Municipal Sales and Use Tax Act, respectively. The levy and collection of the Special Sales and Use Tax shall continue only until such time as the Bonds are no longer outstanding or sufficient funds are on deposit with the Trustee under the Indenture to redeem the Bonds in full. The City covenants and agrees that all receipts from the Special Sales and Use Tax and the General Sales and Use Tax will be accounted for separately as special funds on the books of the City, and receipts of said Special Sales and Use Tax and General Sales and Use Tax will be deposited and will be used solely as provided in the Indenture.

Section 3. To prescribe the terms and conditions upon which the Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge the Indenture, and the City Clerk is hereby authorized and directed to execute and acknowledge the Indenture and to affix the seal of the City thereto, and the Mayor and the City Clerk are hereby authorized and directed to cause the Indenture to be accepted, executed and acknowledged by the Trustee. The Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the pledge of receipts of the Special Sales and Use Tax and the General Sales and Use Tax and the terms of the Bonds. The Mayor is hereby authorized to confer with the Trustee, the Underwriters and Bond Counsel in order to complete the Indenture in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. There is hereby authorized and approved a Preliminary Official Statement of the City, including the cover page and appendices attached thereto, relating to the Bonds. The Preliminary Official Statement is hereby "deemed final" by the City within the meaning of U.S. Securities and Exchange Commission Rule 15c2-12. The distribution of the Preliminary Official Statement is hereby approved. The Preliminary Official Statement, as amended to conform to the terms of the Bond Purchase Agreement, including Exhibit A thereto, and with such other changes and amendments as are mutually agreed to by the City and the Underwriters, is herein referred to as the "Official Statement,"

and the Mayor is hereby authorized to execute the Official Statement for and on behalf of the City. The Official Statement is hereby approved in substantially the form of the Preliminary Official Statement submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Underwriters and Bond Counsel in order to complete the Official Statement in substantially the form of the Preliminary Official Statement submitted to this meeting, with such changes as shall be approved by such persons, the Mayor's execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Preliminary Official Statement is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. In order to prescribe the terms and conditions upon which the Bonds are to be sold to the Underwriters, the Mayor is hereby authorized and directed to execute a Bond Purchase Agreement on behalf of the City, to be dated as of the date of its execution (the "Bond Purchase Agreement"), and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting. The Mayor is hereby authorized to confer with the Underwriters and Bond Counsel in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Bond Purchase Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. In order to provide for continuing disclosure of certain financial and operating information with respect to the Special Sales and Use Tax, the General Sales and Use Tax and the City in compliance with the provisions of Rule 15c2-12 of the U. S. Securities and Exchange Commission, the Mayor is hereby authorized and directed to execute a Continuing Disclosure Agreement to be dated as of the date of its execution (the "Continuing Disclosure Agreement"), by and between the City and the Trustee, and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Trustee. The Continuing Disclosure Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Underwriters and Bond Counsel in order to complete the Continuing Disclosure Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Continuing Disclosure Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Continuing Disclosure Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, sale, execution and delivery of the Bonds and to effect the execution and delivery of the Indenture, the Bond Purchase Agreement, the Official Statement, the Continuing Disclosure Agreement and a Tax Regulatory Agreement relating to the tax exemption of interest on the Bonds, and to perform all of the obligations of the City under and pursuant thereto. The Mayor and the City Clerk are further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 8. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 9. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. The City Council hereby finds and determines that there is a critical need to restructure the City's existing indebtedness through the refunding of the Series 2006B Bonds and to obtain an additional source of revenue to finance essential City operations and capital improvements such as the Firefighting Project and the Sanitation Project, all in order to promote and protect the health, safety and welfare of the inhabitants of the City. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

ADOPTED AND APPROVED THIS 10th day of April 2012.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

(S E A L)