

City Council Members

Mayor Tab Townsell
City Attorney Michael Murphy
City Clerk/Treasurer Michael O. Garrett



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
6:30pm - Tuesday, November 9th, 2010
The Hon. Russell L. "Jack" Roberts District Court Building – 810 Parkway St., Conway, AR 72032
5:30pm - City Council Committee Meeting:
City Budget 101 Presentation

Call to Order

Roll Call

Minutes: **October 26th, 2010**

Announcements / Proclamations / Recognition:

1. Report of Standing Committees:

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

1. Resolution requesting the Faulkner County Tax Collector to place certified liens on property located at 335 Natchez as a result of incurred expenses by the City.

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

1. Consideration to enter into a Consent Administrative Order with ADEQ for the Class 1 Landfill located at the Conway Sanitation Department.
2. Consideration to approve a change order request from Grayco Construction for the Bottom Liner Preparation Zones 18 & 19 for the Conway Sanitation Department.
3. Consideration to approve a change order request from Salter Construction for the Conway Expo Center & Fairgrounds.
4. Ordinance appropriating funds for the appraisal services on a lot on Beaverfork Lake & Hwy. 64.
5. Ordinance establishing fees to be assessed for the rental of the Conway Expo Center and Fairgrounds.

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

1. Ordinance waiving the competitive bid requirement for the immediate repairs to a fire apparatus at the Conway Fire Department.
2. Ordinance appropriating funds for new vehicles for the Conway Police Department.

D. Personnel

1. Consideration to approved the purchasing polices & procedures for the City of Conway.

E. Finance

1. Consideration of 2011 Medical, Dental and Life Insurance Bids.

F. Old Business

G. New Business

Resolution Annual Resolutions for Quorum Court

1. Resolution of a voluntary levy of two-tenths (.2) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a **Animal Shelter** for the City of Conway.
2. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a **Policeman's Pension and Relief Fund**.
3. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a **Fireman's Pension and Relief Fund**.
4. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for paid **Non-uniformed employees**.
5. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue the exclusive purpose of operating and maintaining the **cemeteries** for the City of Conway.
6. Resolution of a voluntary levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a recreation assessment raising special revenue for the sole and exclusive purpose of providing additional funds for the purpose of construction, equipping, operating and maintaining the **public recreation and playgrounds** of City of Conway.
7. Resolution of a levy of one and nine-tenths (1.9) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising **General Fund Revenues**.

Adjournment



City of Conway, Arkansas
Resolution No. R-10-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 335 Natchez Trail within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

WHEREAS, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$147.76 (plus a ten percent collection penalty), to be thereafter certified to the Faulkner County Tax Collector; and

WHEREAS, a hearing for the purpose of determine such lien has been set for **November 9th, 2010** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

SECTION 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Planning & Development
1201 Oak Street
Conway, Arkansas 72032



Barbara McElroy
Administrative Assistant
Phone: 501-450-6107
Fax: 501-450-6144

MEMO:

To: Mayor Tab Townsell
CC: City Council Members

From: Barbara McElroy
Date: November 5th, 2010

Re: 335 Natchez Trail

- September 7th, 2010 – Warning Violation written by Grant Tomlin regarding grass.
- Property Owners were listed as Brandon & Natalie Collins and was foreclosed by Bank of America and was taken over by Bank of America.
- Mailed Certified and regular letter to Bank of America at P.O. Box 5170 Semi Valley, CA 93062 on September 8th, 2010.
- Certified letter was signed by N. Hernandez.
- Property was rechecked on September 21st, 2010 by Grant Tomlin no progress had been made on the property.
- Property cleanup was sent over to Physical Plant for clean up on September 21st, 2010
- Final Cleanup finished on September 23rd, 2010.
- Invoice for clean up and copy of final bill was sent to property owner at the above address shown; included amount due, date and time of the City Council meeting.
- Invoice attach

If you have any questions please advise.

INVOICE

City of Conway Code Enforcement

DATE: SEPTEMBER 27, 2010

1201 Oak Street
Conway, AR 72032
Phone: 501-450-6191
Fax 501-450-6144
barbara.mcelroy@cityofconway.org

TO Bank of America
Servicing/Correspondence Unit
P.O. Box 5170
Semi Valley, CA 93062

Description: Mowing/Clean up/Admin Fees
associated with the nuisance abatement at
335 Natchez Trail

CODE ENFORCEMENT OFFICER	JOB	PAYMENT TERMS	DUE DATE
Grant Tomlin	335 Natchez Trail	Due upon receipt	October 27, 2010

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Mowing	9.73	9.73
1	Mowing	12.83	12.83
1	Mowing	13.35	13.35
1	Maintenance Fee	15.00	15.00
2	Certified Letter	6.75	13.50
2	Regular Letter	.44	.88
1	Administrative Fee (Barbara McElroy)	24.15	24.15
2	Administrative fee (Grant Tomlin)	19.21	36.60
1	Administrative Fee (Glenn Berry)	21.72	21.72
SUBTOTAL			\$147.76
SALES TAX			
TOTAL			\$147.76

Make all checks payable to City of Conway Code Enforcement @ 1201 Oak Street Conway Arkansas 72032

Payments are due 30 days from date of this letter

**Conway Code Enforcement
Incident Report**

Date of Violation: 9-7-10

Violator Name: Bank of America

Address of Violation: 335 Natchez Trail

Violation Type: Tall grass

Warning #: CE1752

Description of Violation and Actions Taken:

On 9-7-10, I received a complaint regarding tall grass at 335 Natchez Trail. I knew this address from previous violations at the residence. When I arrived at the residence, I found that it was in violation of the Conway Nuisance Abatement Code section 3.2.4 for tall grass. I was aware that the house had recently been foreclosed on and taken over by Bank of America. A warning (CE1752) was issued to Bank of America for the violation and mailed to their Property Management Division through both certified and regular mail. The certified letter was signed for on 9-13-10 by N. Hernandez. The property was rechecked on 9-21-10 with no progress shown and the property was scheduled for mowing at that time. The property was mowed on 9-23-10 with pictures taken before and after the property was mowed. Pictures are on file for review.

Code Enforcement Officer: Grant Tomlin # 407

Officer Signature: 

Date: 10-28-10

Time: 0917

ADEQ

ARKANSAS
Department of Environmental Quality

October 27, 2010

**CERTIFIED MAIL 7005 1160 0000 3833 4421
RETURN RECEIPT REQUESTED**

The Honorable Tab Townsell
Mayor, City of Conway
City Hall
1201 Oak Street
Conway, AR 72032

RE: Proposed Consent Administrative Order; Class 1 Landfill, Permit Number 0252-S1-R1, AFIN 23-00010.

Dear Mayor Townsell:

Enclosed is the Consent Administrative Order regarding our agreement as a result of the meeting held September 10, 2010.

Please sign the Order and send the original back to me at the address listed below. Once the Director has signed the order, a copy will be sent to you for your files. Thank you for your cooperation in resolving this matter. If you have any questions in this regard please feel free to contact me at Weinstein@adeq.state.ar.us or (501) 682-0743.

Sincerely,



Anne Weinstein
Attorney Specialist
ADEQ

Enclosure

cc: without enclosures

Roger Lawrence, Chief, Solid Waste Management Division, ADEQ
Bryan Leamons Tech Branch Manager, Solid Waste Division, ADEQ
Scott McWilliams, Enforcement Coordinator, Solid Waste Division, ADEQ
Heidi Love, Inspector Supervisor, Solid Waste Division, ADEQ
District Inspector, Solid Waste Division, ADEQ
Mayor Tab Townsell
Cheryl Harrington, City of Conway

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:
CITY OF CONWAY
CLASS 1 LANDFILL
4550 HIGHWAY 64 WEST
CONWAY, ARKANSAS 72033
AFIN 23-00010
PERMIT NUMBER 0252-S1-R1

LIS 10-

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (hereinafter "Order") is issued pursuant to the authority of the Arkansas Solid Waste Management Act (Act 237 of 1971, as amended; Ark. Code Ann. § 8-6-201 et seq.), the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended; Ark. Code Ann. § 8-4-101 et seq.), and the Arkansas Pollution Control and Ecology Commission Regulation 22 (hereinafter "Reg. 22"). The issues herein as they pertain to the City of Conway (hereinafter "City"), having been settled by the agreement of the City and the Director of the Arkansas Department of Environmental Quality (hereinafter "ADEQ"), it is hereby agreed and stipulated by all parties that the following **FINDINGS OF FACT** and **ORDER AND AGREEMENT** be entered herein.

FINDINGS OF FACT

1. The City owns and operates a Class 1 Landfill, pursuant to ADEQ Solid Waste Permit 0252-S1-R1.
2. ADEQ, as administered by its Director, is the state agency charged with ensuring compliance with the Arkansas Solid Waste Management Act, Ark. Code Ann. § 8-6-201 et seq., and the regulations promulgated thereunder including the Arkansas Pollution Control and Ecology Commission Regulation 22.

3. Reg. 22, Reg.22.309 states in pertinent part as follows:
 - (a) Landfill permits regulate active fill operations, closure and post-closure phases of activities at a facility. The active fill operations phase shall cease if the facility places waste beyond the permitted boundaries, or exceeds the permitted capacity, fill volume or elevations. The closure and post-closure phases include all required and approved activities contained in Chapter 13 herein and the facility permit.
 - (b) Authorization to place fill in a permitted landfill or area of a permitted landfill shall cease if any of the following conditions occur:
 - (1) The facility reaches the approved elevation in a fill location. The permittee shall not place fill, daily cover or intermediate cover above any permitted elevation.
 - (2) The facility places waste outside the permitted boundaries.
 - (c) Any landfill permittee who places or disposes waste above permitted elevations, or beyond the permitted landfill perimeter or in excess of the permitted capacity of the unit shall immediately cease fill operations in the area containing excess fill. The permittee shall provide to the Department an overfill management plan in writing within seven (7) days of learning of the excess fill. The permittee shall remove the excess fill, including waste, daily cover or intermediate cover, to bring the area into compliance within thirty (30) days of learning of the overfill.
4. On or about March 30, 2010, ADEQ received the 2009 Annual Engineer's Inspection Report (AEIR) for the City's Class 1 landfill. This report noted that the landfill has an overfill condition.
5. On May 28, 2010, the ADEQ sent the City a letter regarding the overfill notification in the 2009 AEIR. This letter also notified the City that an Overfill Management Plan was due to the ADEQ within 7 days of receipt of the letter.
6. On June 4, 2010, the City responded to the May 28, 2010 ADEQ letter. The City reported that the overfill condition has been present for more than twelve years, which is a violation of Reg. 22.309.

ORDER AND AGREEMENT

1. The City shall comply with Regulation 22, the permit, and the Solid Waste Management Act, Ark. Code Ann. § 8-6-201 et seq.

requirements or deadlines of this Order, the City shall so notify ADEQ, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates specified herein. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

8. ADEQ may grant an extension of any provision of this Order, provided that the City requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of the City. The time for performance may be extended for a reasonable period but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of the City and the length of the delay attributable to such circumstances shall rest with the City. Failure to notify the ADEQ promptly, as provided in paragraph 8 of this section, shall be grounds for a denial of an extension.

9. This Order is subject to public review and comment in accordance with A.C.A. §8-4-103(d) and Arkansas Pollution Control and Ecology Commission Regulation No. 8 and shall not be final until thirty (30) days after public notice is given. ADEQ retains the right to rescind this Order based upon the comments received within the thirty-day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance with the terms of the permit shall be taken immediately.

2. All submittals required by this Order shall be submitted to: ADEQ, attention Scott McWilliams, Enforcement Coordinator, Solid Waste Management Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118.
3. In compromise and full settlement of the noncompliance specified in this Order the City agrees to pay a civil penalty of FIVE THOUSAND DOLLARS (\$5,000) of which ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750) may be used for one or more Supplemental Environmental Projects (hereinafter "SEPs") to be approved by the Director as provided for in Paragraph 5 of the Order and Agreement. The remaining civil penalty (\$3,250) shall be due within thirty (30) days of the effective date of this Order. Penalty payment shall be made payable to the Arkansas Department of Environmental Quality. Payment shall be mailed to the Fiscal Division, Attention: Sherry Gage, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118.
4. As part of the administrative civil penalty as set forth in Paragraph 3 of the Order and Agreement, the City may fund one or more SEPs totaling ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750) to be approved by the Director. The City has thirty (30) days from the effective date of this Order to submit the SEP proposals. Completion of the SEP(s) will be due within one-hundred eighty (180) days from ADEQ's SEP approval letter. The City shall be obliged to pay the difference to ADEQ as a civil penalty of ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750) if:
 - a. The City fails to complete the SEP(s) within the approved time frame;

b. It is discovered or determined that the City was required by any federal, state, or local obligation, rule, law, regulation, or statute to perform the SEP(s); or

c. Expenditures by the City in completing the SEP(s) are less than the amount required by the SEP(s).

In addition, upon completion of the SEP(s), the City shall submit to ADEQ copies of all documents pertaining to the payment of the approved SEP(s).

5. All submittals required by this Order are subject to approval by ADEQ. In the event of any deficiency, the City shall within fifteen (15) days of notification by ADEQ submit any additional information requested. Failure to adequately respond to the notice of deficiency within fifteen (15) days constitutes a failure to meet a deadline and is subject to the civil penalties established in paragraph 6 below.

6. Failure to meet the requirements of this Order including failure to respond by the time limits contained herein constitutes a violation of said Order. If the City should fail to meet any such requirements or deadlines, the City consents and agrees to pay, on demand, to ADEQ civil penalties according to the following schedule:

- | | |
|--|------------------|
| a. First day through the tenth day: | \$100.00 per day |
| b. Eleventh day through the twentieth day: | \$200.00 per day |
| c. Twenty-first day through thirtieth day: | \$300.00 per day |
| d. Each day beyond the thirtieth day: | \$500.00 per day |

These stipulated penalties for delays in performance shall be in addition to any other remedies or sanctions which may be available to ADEQ by reason of the City's failure to comply with the requirements of this Order.

7. If any event, including but not limited to an act of nature, occurs which causes or may cause a delay in the achievement of compliance by the City with the

10. As provided by Arkansas Pollution Control and Ecology Commission Regulation No. 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this Order is granted by the Commission.
11. Nothing in this Order shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate the City from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve the City of its responsibilities for obtaining any necessary permits.
12. This Consent Administrative Order has been reviewed and approved by the City Council of the City of Conway in a duly convened meeting with a quorum present.
13. The City Council of the City of Conway has authorized the Mayor and Recorder/Treasurer to sign this CAO on the behalf of the City.
14. The City Council of the City of Conway has authorized the Mayor and Recorder/Treasurer to expend funds for compliance activities required by this CAO including but not limited to the payment of a civil penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000) of which ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750) may be used for one or more Supplemental environmental projects to be approved by the Director of ADEQ.

SO ORDERED THE _____ DAY OF _____, 2010

Teresa Marks, Director

APPROVED AS TO FORM AND CONTENT:

BY: _____
(Signature)

(Typed or printed name)

TITLE: _____
(Typed or printed title)

DATE: _____

MEMORANDUM

TO: MAYOR TAB TOWNSELL
CHERYL HARRINGTON

FROM: RONNIE HALL, P.E.

DATE: November 4, 2010

REFERENCE: City of Conway
Sanitary Landfill
Bottom Liner Preparation Zones 18 & 19

I have attached a proposed Change Order No. 1 for the above referenced project to address additional quantities of work required to complete the bottom liner preparation for Zones 18 & 19. This Change Order modifies the project earthwork quantities to reflect field surveyed and final grading plan quantities and to add hauling clay material from Landfill Borrow Area to the construction site.

In an effort to expedite the project bid date and reduce the potential for weather delays, the quantities in the project bid documents were based on the earthwork quantities required to complete the liner for the adjacent Zones 16 & 17. After the bids were taken, actual field surveys were made to establish original ground elevations. In addition, adjustment of the bottom liner elevations were made to conform to required clearance above rock and more accurately fit the adjacent landfill. The actual earthwork required to shape the site was increased from the bid estimated amount of 18,000 cubic yards to an actual computed quantity of 33,638 cubic yards. In addition approximately 3,000 cubic yards of clay liner fill material was required to provide the clearance above rock areas. The increase in excavation was due to the removal of a significant quantity of material adjacent to Landfill Zone 17 as well as increased depth of excavation on the southern portions of the site. The excavated material is stockpile adjacent to the site and is available for cover material, thus reducing the quantity of cover material that must be hauled from the Borrow Area for the daily landfill operation.

The project as bid anticipated that the clay material for the landfill bottom liner would be available to the contractor from a stockpile (material hauled by city from borrow are to the stockpile) adjacent to the construction site. The stockpile of clay cover material adjacent to bottom liner construction site was not adequate to provide all the material required for the 2 foot thickness of bottom liner. In order to assist the city's material hauling of the material to the borrow site and avoid significant delays in completion of the bottom liner preparation, the contractor has offered to load and haul material from the borrow area for \$40 per load (approximately 20 C.Y. per load). As many as 1,100 loads may be required to complete the project. With city equipment hauling some of this material the number of load should be less than 1,100.

The project cost is increased by \$120, 900.82 by this change in work.

**CITY OF CONWAY, ARKANSAS
CONWAY SANITATION DEPARTMENT
SANITARY LANDFILL
BOTTOM LINER PREPARATION ZONES 18 & 19**

CHANGE ORDER 1

CONTRACTOR

**Grayco Construction of TN, LLC
2133 Whitten Road
Memphis Tennessee 38133**

DATE: November 9, 2010

A. PURPOSE

The purpose of this Change Order No. 1 is to modify the project earthwork quantities to reflect field surveyed and final grading plan quantities and to add hauling clay material from Landfill Borrow Area to the construction site.

In an effort to expedite the project bid date and reduce the potential for weather delays, the quantities in the project bid documents were based on the earthwork quantities required to complete the liner for the adjacent Zones 16 & 17. After the bids were taken, actual field surveys were made to establish original ground elevations. In addition, adjustment of the bottom liner elevations were made to conform to required clearance above rock and more accurately fit the adjacent landfill. The actual earthwork required to shape the site was increased from the bid estimated amount of 18,000 cubic yards to an actual computed quantity of 33,638 cubic yards. In addition approximately 3,000 cubic yards of clay liner fill material was required to provide the clearance above rock areas.

The project as bid anticipated that the clay material for the landfill bottom liner would be available to the contractor from a stockpile (material hauled by city from borrow area to the stockpile) adjacent to the construction site. The stockpile of clay cover material adjacent to bottom liner construction site was not adequate to provide all the material required for the 2 foot thickness of bottom liner. The contractor has offered to load and haul material for the borrow area for \$40 per load (approximately 20 C.Y. per load). As many as 1,100 loads may be required to complete the project.

B. UNIT PRICE SCHEDULE

Revise the "Approximate Quantities" for Item No. 2 and Item No. 3 of the Unit Price Schedule to reflect the additional quantities of work described above for this project. Add Item 14, "Load and Haul Clay Material from Borrow Area to Zones 18 & 19", to the Unit Price Schedule with a unit price of \$40.00 per Load with an approximate quantity of 1,100 loads. Each

load will be approximately 20 cubic yards of volume. Items 2 and 3 of the Unit Price Schedule are hereby revised as shown below and Item 14 is hereby added to the Unit Price Schedule as shown below.

UNIT PRICE SCHEDULE
CITY OF CONWAY
SANITARY LANDFILL
BOTTOM LINER PREPARATION ZONES 18 & 19

ITEM NO.	APPROXIMATE QUANTITY	ITEM DESCRIPTION	UNIT PRICE	AMOUNT
2.	32,638 C.Y.	Site Excavation For Zones 18 & 19, Complete at, Per Cubic Yard	\$4.39	\$147,670.82
3.	28,000 C.Y.	Place & Compact Bottom Clay Liner, Complete Per Cubic Yard	\$2.75	\$77,000.00
14.	1,100 Loads	Load and Haul Clay material From Borrow Area to Zones 18 & 19, Complete Per Load (20 C.Y. per Load)	\$40.00	\$44,000

C. AGREEMENT

The contract dated August 25, 2010 between the City of Conway, Arkansas and Grayco Construction of TN, LLC for City of Conway, Sanitary Landfill, Bottom Liner Preparation Zones 18 & 19 is hereby modified and changed to reflect the above described changes and additions in work and prices. The total estimated contract amount is increased by \$120,900.82 from \$647,672.00 to \$768,572.82 by this change order. By signature below the City and Contractor hereby agree to amend the contract to include the modification described in this Change Order No. 1.

CONTRACTOR:
Grayco Construction of TN, LLC
BY _____

TITLE _____

ATTEST _____

DATE _____

OWNER:
CITY OF CONWAY, ARKANSAS

BY _____
Tab Townsell

TITLE Mayor _____

ATTEST _____

DATE _____

CHANGE ORDER

Owner
 Architect
 Contractor

TO OWNER:
 The City of Conway
 1201 Oak Street
 Conway, Arkansas 72034

PROJECT:
 Conway Fairgrounds
 2500 East Oak Street
 Conway, Arkansas 72034

Change Order No.: Five (5)

Date: 11/3/2010

Project No. : 09-110

Contract Date: 6/24/2010


FROM GENERAL CONTRACTOR:
 Salter Construction, Inc.
 201 Lee Andrew Lane
 Conway, Arkansas 72034
 ph. (501) 327-2807/fax (501) 327-2855

ARCHITECT:
 Sowell & Russell Architects
 1315 North Street, Suite 100
 Conway, Arkansas 72034

The contract is changed as follows:


Item No.	Description	Amount
1	Add Lint Trap for Washout Bay per Conway Corporation	4,200
2	Add Sewer Extension for Washout Bay per Conway Corporation	6,000
3	Add Lights/Meter for Monument Sign	2,479
4	Add Lights/Photcell for Building Signage	1,679
	Sub Total	14,358
	CM Fee (5%)	718
	Total	15,076

The Original Contract Sum	2,500,000
Net Change by previous authorized Change Orders	1,713,383
The Contract Sum prior to this Change Order (including previous change orders)	4,213,383
The Contract Sum will be increased by this Change Order in the amount of	15,076
The New Adjusted Contract Sum including this Change Order	4,228,459

Accepted by: 
 Salter Construction, Inc.
 CONTRACTOR

The City of Conway
 OWNER

OTHER

By:  Title: Proj. MGR.
 Date: 11.3.10

By: _____ Title: _____
 Date: _____

By: _____ Title: _____
 Date: _____



**City of Conway, Arkansas
Ordinance No. O-10-_____**

AN ORDINANCE APPROPRIATING FUNDS FOR APPRAISAL SERVICES RENDERED ON BEAVERFORK LAKE AND HIGHWAY 64; AND FOR OTHER PURPOSES.

WHEREAS, The Conway Parks Department would like to request the City Council to appropriate \$2,900 for appraisal services rendered on vacant lot at Beaverfork Lake and vacant land on Highway 64.

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

SECTION 1. The City of Conway shall approve the appropriation of \$2,900 from Parks A&P Special Revenue Fund Balance Account (20.990) to Parks Special Revenue Professional Services Account (20.120.266).

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

PASSED this 9th day of November 2010.

Approved:

Mayor Tab Townsell

Attest:

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



**City of Conway, Arkansas
Ordinance No. O-10-_____**

AN ORDINANCE ESTABLISHING FEES TO BE ASSESSED FOR RENTAL OF THE CONWAY EXPO CENTER AND FAIRGROUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway Expo Center and Fairgrounds is now complete; and

WHEREAS, it is important for fees to be established for the rental of the building and grounds, as well as equipment and services to be rendered during the rental of the facilities.

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

SECTION 1: Assess the following rental fees for the Conway Expo Center and Fairgrounds:

1. Expo Center

Building Rental	\$ 1,000 per day for profit groups on day of event / open to public
	\$ 500 per day for profit groups on set-up / breakdown days
	\$ 500 per day for non-profit groups on day of event / open to public (Must provide 501-C3 certification)
	\$ 250 per day for non-profit groups on set-up / breakdown days
Table & Chair Rental	\$ 6 per table per event
	\$ 2 per chair per event
	<i>(Events must use City tables and chairs if needed.)</i>

2. Pavilion

Building Rental	\$ 500 per day on day of event / open to public
	\$ 250 per day on set-up / breakdown days
Cage, Pen, Stall, Coup Rental	\$ 5 per item per event

3. Carnival Area Rental

	\$ 250 per day on day of event / open to public
	\$ 125 per day on set-up / breakdown days

4. RV Site Rental

	\$ 25 per day per site (includes power and water hookups)
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5. Deposit Fee

	\$ 500 per event required for all facilities
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Deposit Fees are for clean-up / damage. These fees will be returned after event if the facilities are left in the same condition they were at the beginning of the event. This fee can also be used for any additional charges assessed during the event that was not paid for in the initial rental payment.

6. Employee Fee

	\$ 15 per hour per employee
--	-----------------------------

This fee is required for any additional hours worked over 8 hours by employees at an event in a day. Two (2) employee minimum will be required at all events with additional employees possible depending on the size of the event. The 8-hour time is a flexible time applied to the first 8 hours of an event.

SECTION 2: 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.

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

Passed this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk / Treasurer



City of Conway, Arkansas
Ordinance No. O-10- _____

AN ORDINANCE WAIVING BID REQUIREMENT FOR THE CITY OF CONWAY FIRE DEPARTMENT TO UTILIZE A SOLE SOURCE VENDOR TO REPAIR EQUIPMENT, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES,

WHEREAS, the City of Conway Fire Department has fire apparatus in need of immediate repair and desires to utilize a particular vendor as the sole source available and knowledgeable of this equipment; and

WHEREAS, the City of Conway Fire Department will use the funds from the Fire Department Operating budget, in the Vehicle Maintenance Account (01.115.234).

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

SECTION 1. The City of Conway hereby approves a waiver of the bid requirements in order for the Fire Department to utilize G&W Diesel Services to repair the engine on Engine 1 up to the amount of \$22,000.

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

SECTION 3. This ordinance is necessary of the protection of the public peace, health and safety and 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 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-10- _____

AN ORDINANCE APPROPRIATING SANITATION ENTERPRISE FUNDS TO THE CONWAY POLICE DEPARTMENT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the Conway Police Department needs funds in the amount of \$794,620 to purchase new vehicles to replenish their fleet and;

WHEREAS, there is enough funds in the Sanitation Enterprise Fund Balance to support the police departments need;

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

Section 1. The City of Conway shall appropriate \$794,620 from the Sanitation Enterprise Fund Balance (50.990) into the Conway Police Department's capital vehicle expenditure account (01.113.931);

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

Section 3. This ordinance is necessary for the protection of the public peace, health and safety and 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 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway

Purchasing Policies & Procedures

I. Introduction

One of the objectives of the City of Conway is to achieve the best possible balance between minimizing the cost of City expenditures for goods and services and insuring reasonable response and flexibility in procurement of goods and services. All employees involved in any phase of purchasing for the City of Conway have the responsibility to insure that all applicable federal, state and local regulations are adhered to and to operate within appropriate ethical guidelines. The City Council has indicated their desire for the City to follow standardized purchasing procedures throughout the City.

II. Authority to Purchase

Specific levels of authorization for purchases of all supplies, apparatus, equipment and materials for the City of Conway were approved by the City Council through Ordinance 0-95-52. This ordinance is incorporated in the Conway Municipal Code and is consistent with the municipal governance issued by the State of Arkansas. The City of Conway adheres to both the City code and State law and this document is intended to provide practical guidance on the purchasing procedures for the City of Conway and is not in any way to be considered a complete authority on purchasing requirements by law. The intent of Council is that the policy will be applied and followed prior to any commitment made for purchases. The City Council has the authority to establish and change purchasing policies. The following information is based on current policy and is subject to change. Departments should stay apprised of any Council actions affecting purchasing policies.

III. Current Authorization Levels and Approval Hierarchy

As currently prescribed by the above stated ordinance but subject to change at the discretion of council, the Mayor (or his designated representative) is authorized to make purchases of all supplies, apparatus, equipment and materials for the City of Conway where the total expenditure is below the sum of twenty thousand dollars (\$20,000) and within budget limit. Specific requirements exist as to the documentation required by the Mayor's office before approval is granted, as discussed in Section IV.

Purchases or contracts exceeding an estimated purchase price of twenty thousand dollars (\$20,000) shall be awarded by the City Council upon review of competitive sealed bidding, unless approval of a waiver of bid is obtained by evidence of an ordinance. State statute provides specific procedures to be followed by the City obtaining competitive sealed bids. In accordance with state law, procurement requirements shall not be artificially divided so as to constitute a purchase under the bid threshold (i.e., invoice splitting to avoid bid requirements is not permitted). In those instances where the departments determine that purchase from a sole source provider is in the best interest of the City, justification must be presented to Council with the request to approve an ordinance awarding the purchase on the basis of sole source provider. In this instance, the vendor of choice must be identified within the ordinance in order to allow Council to consider the request and, if approved, authorize the Finance Department to release a purchase order to that particular vendor. In summary, the decision of which vendor will receive the City's business for purchases over \$20,000 rests in the hands of Council and must be demonstrated through formal action (specifically, (a) a voice acceptance of a bid; (b) passage of an ordinance for a waiver of bid or (c) passage of an ordinance authorizing use of a sole source vendor).

The determination of whether a purchase exceeds the threshold for bid requirements will require some degree of professional judgment at the department level and may necessitate consulting with the Finance Department. The purchase of component parts which would not have been purchased separately but require each of the components in order to function for the purpose intended by the City would be viewed as one purchase in the aggregate. Another consideration is the accumulated expenditures of a specific item from one particular vendor. The bid threshold will also be considered to have been reached if the aggregate of similar items from one vendor will exceed the bid threshold over a reasonable period of time, such as a calendar year. Repeated small quantity procurements which intentionally or unintentionally circumvent the competitive bid limits are considered by state law to be failure to obtain competitive bids without justification and are deemed to be a violation of purchasing procedures.

Established bid thresholds apply to any expenditure made through the City of Conway, regardless of the funding source. For example, purchases made with federal funding must adhere to the bid threshold established by the City Council and are not subject to the higher federal bid threshold.

Goods and services purchased at state bid prices are exempt from the bid requirements noted above. However, departments are responsible for researching and obtaining quotes, if necessary, in order to document that the state bid price is the lowest price available.

State statute will be applied for multiyear contracts, resolution of protested solicitations and awards and any other purchasing situations not specifically addressed in the City code.

IV. Purchasing Procedures

The City's purchase order ("PO") system provides management with the tools to process purchase requests and is required for any purchase beginning January 1, 2011 (Springbrook Requirement). The PO system verifies that budgeted funding is in place for any purchase and encumbers, or "reserves" funds for subsequent payment. If funds are not available, the department will be required to prepare and submit a budget transfer form to transfer funds from another account, if available, or to request Council that funds be appropriated through approval of an ordinance. Currently, items for Council consideration must be submitted to the Mayor's office by noon on the Tuesday prior to the Council meeting. Transfers between the budgeted accounts require approval of the Mayor (or his designated representative) and, at his discretion, Council approval.

Purchases in excess of \$1,000 require the approval of the Mayor and are routed automatically to his office for consideration. Purchases are not considered approved until the department receives back the PO, initialed by the Mayor for those purchases in excess of \$1,000. Departments are authorized to make purchases on behalf of the City only upon receipt of an approved PO (for purchases in excess of \$1,000).

Approved POs are routed by the departments as follows:

Original PO is returned to Finance with the invoice for payment. Invoices will not be paid without an attached PO.

Purchases in excess of \$1,000 but less than \$20,000 require three quotes. These quotes may be verbal or written, but are to be included as documentation of the request and must be included on the face of the PO. A department may determine that the City's interest will be better served by obtaining competitive sealed bids for purchases below \$20,000 and may do so. Purchases in excess of \$20,000 must indicate on the face of the PO the date Council considered and approved bids or the Ordinance number approved by Council authorizing sole source vendor or bid waiver

or the fact that the purchase is made under state contract. If the purchase is made through the state contract, a copy of the documentation clearly indicating that the purchase is through a state contract approved vendor and that the goods or services are specifically included in the state contract, must be provided to the Finance Department before the PO will be produced and provided for consideration by the Mayor. Once approved, departments may purchase the goods or services from the vendor. Upon receipt of an invoice, the original invoice and PO are forwarded to the Finance Department for payment.

V. Federal Grant Requirements

The City of Conway receives significant funding from Federal grants. It is important that City purchasing procedures insure that Federal requirements are met. Specifically, purchases that are funded with Federal money require government wide debarment and suspension review. Additionally, vendor verification must be performed by checking the Excluded Parties List System (www.epls.gov). Individual Conflict of Interest statements must be obtained from persons responsible for procurement of goods and services. Other requirements based on individual Federal grants must be completed.

VI. Conflict of Interest Policy

Purpose – The City of Conway must ensure that all its transactions are completed according to its policies and procedures. An important aspect of this vision is to make sure that no real or perceived “conflicts of interest” arise. Therefore, the city requires a statement from persons responsible for procurement of goods and services, if a conflict of interest may exist. The statement is attached as Exhibit A.

Exhibit A

City of Conway
Conflict of Interest Disclosure Statement

1. Name _____
2. Capacity _____

I HEREBY CONFIRM that I am in compliance with the City of Conway purchasing policies and procedures. I am not aware of any real or perceived conflicts that would limit my effectiveness in performing my duties for the city. I agree that if I become aware of information that might change this disclosure or that I have not complied with this policy; I will notify the mayor immediately.

Signature

Date



**City of Conway, Arkansas
Resolution No. R-10-_____**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That a levy of Two-Tenth's (.2) mill on the dollar be made and the same hereby is made upon the assessed valuation of all taxable real estate and personal property in said City of Conway as made by the Assessor of Faulkner County, Arkansas, for the current year and that said levy be assessed thereon as a Voluntary Animal Shelter assessment in the same manner and at the same time as the State and County taxes for the year beginning January 1st, 2011, are collected, for the purpose of raising a special revenue for the sole and exclusive purpose of providing additional funds for the purpose of construction, equipping, operating and maintaining a Municipal Animal Shelter and/or enforcing the laws of the City regarding dogs within the City of Conway, Arkansas, authorized by a vote of the electors of the City of Conway, Arkansas, at a special election held on November 5th, 1968, and that the Mayor of the City of Conway, is hereby ordered and directed to make out and certify unto the County Clerk and Quorum or Levying Court of Faulkner County, Arkansas a certified copy of this Resolution to the end that said Court may make levy and cause said extension and collection of taxes as aforesaid.

PASSED this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

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



City of Conway, Arkansas
Resolution No. R-10-_____

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That a levy of Four-Tenth's (.4) mill on the dollar be made and the same hereby is made upon the assessed valuation of all taxable real estate and personal property in said City of Conway as made by the Assessor of Faulkner County, Arkansas, for the current year and that said levy be assessed thereon by the County Clerk and collected by the County Collector in the same manner and at the same time as the State and County taxes for the beginning January 1st, 2011, for a Policeman's Pension and Relief Fund authorized by vote of the electors of Conway, Arkansas, at General Election held on November 4th, 1958, and that the Mayor of the City of Conway, Arkansas, is hereby ordered and directed, to make out and certify unto the County Clerk and Quorum or Levying Court of Faulkner County, Arkansas, a certified copy of the Resolution to the end that said Court may make said levy and cause the extension and collection of taxes aforesaid.

PASSED this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City/Clerk Treasurer



**City of Conway, Arkansas
Resolution No. R-10-_____**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That a levy of Four-Tenth's (.4) mill on the dollar be made and the same hereby is made upon the assessed valuation of all taxable real estate and personal property in said City of Conway as made by the Assessor of Faulkner County, Arkansas, for the current year and that said levy be assessed thereon by the County Clerk and collected by the County Collector in the same manner and at the same time as the State and County taxes for the beginning January 1st, 2011, for the purpose of raising a special revenue to provide for a Firemen's Pension and Relief Fund authorized by vote of the electors of Conway, Arkansas, at Special Election held on May 3rd, 1966, and that the Mayor of the City of Conway, Arkansas is hereby ordered and directed, to make out and certify unto the County Clerk and Quorum or Levying Court of Faulkner County, Arkansas, a certified copy of the Resolution to the end that said Court may make said levy and cause the extension and collection of taxes aforesaid.

PASSED this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Resolution No. R-10-_____**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That a levy of Four-Tenth's (.4) mill on the dollar be made and the same hereby is made upon the assessed valuation of all taxable real estate and personal property in said City of Conway as made by the Assessor of Faulkner County, Arkansas, for the current year and that said levy be assessed thereon by the County Clerk and collected by the County Collector in the same manner and at the same time as the State and County taxes for the beginning January 1st, 2011, for the purpose of raising a special revenue to provide for a Pension and Relief Fund for Paid Non-Uniformed Employees authorized by vote of the electors of Conway, Arkansas, at Special Election held on May 3rd, 1966, and the Mayor of the City of Conway, Arkansas, ordered and directed, to make out and certify unto the County Clerk and Quorum or Levying Court of Faulkner County, Arkansas, a certified copy of the Resolution to the end that said Court may make said levy and cause the extension and collection of taxes aforesaid.

PASSED this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Resolution No. R-10-_____

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That a levy of Four-Tenth's (.4) mill on the dollar be made and the same hereby is made upon the assessed valuation of all taxable real estate and personal property in said City of Conway as made by the Assessor of Faulkner County, Arkansas, for the current year and that said levy be assessed thereon as a Voluntary Cemetery Assessment by the County Clerk and Collected by the County Collector as a voluntary assessment in the year beginning January 1st, 2011, are collected for the purpose of raising a special revenue for the exclusive purpose of operating and maintaining the cemeteries for the City of Conway, Arkansas, and that the City Clerk-Treasurer of the City of Conway, Arkansas, and that the Mayor of the City of Conway, hereby is ordered and directed to make out and certify unto the County Clerk and the Quorum or Levying Court of Faulkner County, Arkansas, a certified copy of this Resolution to the end that said Court may make said levy and cause said extension and collection of taxes as aforesaid.

PASSED this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Resolution No. R-10-_____**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That a levy of Four-Tenth's (.4) mill on the dollar be made and the same hereby is made upon the assessed valuation of all taxable real estate and personal property in said City of Conway as made by the Assessor of Faulkner County, Arkansas, for the current year and that said levy be assessed thereon as a Voluntary Recreation Assessment by the County Clerk and Collected by the County Collector as a voluntary assessment in the same manner and at the same time as the State and County taxes for the year beginning January 1st, 2011, are collected for the purpose of operating and maintaining the public recreation and playgrounds of the City of Conway, Arkansas, authorized by a vote of the election held on October 27th, 1964, under the provisions of Ordinance No. A-418, and that the Mayor of the City of Conway, is hereby ordered and directed to make out and certify to the County Clerk and Quorum or Levying Court of Faulkner County, Arkansas, a certified copy of this Resolution to the end that said Court may make said levy and cause said extension and collection of taxes as aforesaid.

PASSED this 9th day of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City/Clerk Treasurer



City of Conway, Arkansas
Resolution No. R-10-_____

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

That a levy of One and Nine-Tenth's (1.9) mill on the dollar be made and the same hereby is made upon the assessment of all taxable real and personal property in the City of Conway, Arkansas, as made by the Assessor of Faulkner County, Arkansas, during the current year, for the year beginning January 1st, 2011, for the purpose of raising General Fund Revenues of said City of Conway, the Mayor of the City of Conway is hereby ordered and directed to make out and certify unto the County Clerk and the Quorum Court of Faulkner County a copy of the Resolution to the end that said County may make said levy as aforesaid.

PASSED this 9th of November, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City/Clerk Treasurer