
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
October 13, 2015

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum were present and acting: Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Attorney Chuck Clawson, and City Clerk Michael O. Garrett. Alderman Pruitt was not in attendance.

Call to Order: Mayor Tab Townsell
Roll Call: City Clerk Michael Garrett

Minutes: September 22, 2015 City Council Meeting

Alderwoman Smith motioned to approve the minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

1. Public Hearing:

A. Public Hearing/Ordinance to close alley located in Block 22 of Robinson's Plan.

O-15-106

Mayor Townsell opened the public hearing. Barry Williams, Crafton Tull representing Conway Corporation, explained Conway Corp. requests the closing this alley as public right of way and to maintain it as an easement for public utilities and drainage. Mayor Townsell closed the public hearing. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The Mayor called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

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

1. Resolution requesting the Faulkner County Tax Collector place a certified lien on property located at 105 Eve Lane as a result of incurred expenses by the City.

R-15-53

Alderman Hawkins stated the cost of cleanup was \$471.11 (\$401.01 + Penalty \$40.10 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

2. **Resolution requesting the Faulkner County Tax Collector place a certified line on property located at 31 Brierwood Circle as a result of incurred expenses by the City.**

R-15-54

Alderman Hawkins stated the cost of cleanup was \$478.35 (\$407.59 + Penalty \$40.76 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

3. **Consideration to approve the Conway Airport Cantrell Field to apply for a matching grant from the Arkansas Department of Aeronautics.**

Josh Zylks, Airport Manager, stated this is the 2012 FAA AIP grant that will be closed out soon and explained the state has a limit of \$400,000.00 on their matching percentage; to date our match is \$644,028.00 (not the \$586,987.00 listed in the memo). Mr. Zylks explained we have exceeded our cap because starting in 2012 the FAA increased the local match from 5% to 10%, which will cost the city more than we anticipated when the project began. Mr. Zylks explained we are fortunate that our state matches these grants as many states do not match cities local amounts. Mayor Townsell stated this is our request for reimbursement. Alderwoman Smith motioned to approve the grant application. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

City Clerk Michael Garrett entered the meeting.

4. **Consideration to reconstruct a 27' wide roadway with sidewalk on the north side of Meadowlake Road for the Street & Engineering Department.**

Finley Vinson, City Engineer, stated this street is on the 2015 project list and is classified as a residential street which requires a 27 foot wide roadway; the Bicycle Pedestrian Advisory Board (BPAB) would like to see a bicycle lane here, but stated there is not enough room with the current right of way. Mr. Vinson stated it would be tight even if both sides of the street had been donated property as required. Mr. Vinson stated as is, the north side has been developed the south has not, which limits us even more than the typical 50 feet; we have between 40-45 feet in most areas and with bicycle lanes we normally require 36 foot roadways, with 10 feet on each side; 5 feet for greenspace and 5 feet for sidewalk. Mayor Townsell stated this is the only street that we can really build on this particular right of way; the question is since we have a complete streets ordinance, does council wish to do more. Mayor Townsell explained this is not a major vehicular roadway and is not classified as a collector street; it is the stretch from Washington to N. Donaghey. Mayor Townsell stated the BPAB's position is this stretch of roadway could be a major bicycle and pedestrian connector as there are not many things on this large block; if we want to build a complete street, that has 6 foot standard bicycle lanes and sidewalks on each side, we would have to upgrade the street to collector status which would allow us to capture right of way or we would have to purchase the right of way. Mayor Townsell stated we would also have to allow time for us to notify Conway Corporation in order for them to relocate their utilities at their expense so we could widen the road, which would put this project off quite a number of years and the cost would be more. Mayor Townsell stated pedestrians and bicyclists would use this section of road for alternative transportation as much as vehicular transportation, but we could not

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

build it this year and asked council how they would like to proceed. Alderwoman Mehl stated since Alderman Pruitt is absent tonight and this was part of our ward only money that we allocated for this project, she feels we should wait until we have more funds and more of Meadowlake gets scheduled to be developed because we are really talking about a very short stretch of Meadowlake. Alderwoman Mehl suggested Clifton Street between Hairston and Tyler as an alternative for an overlay. Mayor Townsell stated we still need direction in regards to Meadowlake between Washington and N. Donaghey. Alderwoman Mehl stated she recommends taking it off the project list. Mayor Townsell stated if you take it off how do you want us to proceed in the future; if upgrade this section to a collector street to capture right of way, and then pursue a purchase price for right of way when we are ready to move forward. Alderwoman Mehl stated if we follow the complete streets ordinance Mr. Vinson's 27 foot recommendation would be appropriate. Mr. Vinson stated the way he interprets it is a residential street with sidewalks is a complete street, and if we upgraded it to a collector street then the 27 feet would not be adequate. Alderwoman Mehl stated there is potential for development on the south side of Meadowlake further down the street and she recommends following our ordinance in the future. Mayor Townsell stated it would require us to change the status of the street. Mr. Vinson concurred. Alderwoman Mehl stated we do not need to change the status now. Mayor Townsell stated if we do not then we cannot capture right of way and stated we do not have to change it now, but we can provide council an ordinance that would change the status of the street at a later date and wants direction to proceed for actionable item. Alderwoman Mehl stated the actionable item on the agenda tonight only deals with that section of Meadowlake, not the ordinance. Mayor Townsell stated we want to know how you want to go forward, which is a larger concept than just that single street. Alderwoman Mehl stated that is correct but that is not what is on the agenda, the agenda item is dealing with Meadowlake and stated we could discuss it in a committee meeting. Mayor Townsell stated this was the committee item that we wanted direction on how to proceed forward. Alderwoman Mehl stated we did not discuss that in committee. Mayor Townsell stated this was the item that we wanted to talk about to get your direction. Alderman Grimes stated maybe you should say if she does not want to do it now, she does not want to do it ever. Alderwoman Mehl stated no. Alderwoman Smith suggested having a committee meeting to discuss it. Alderwoman Mehl stated it is two different things. Alderman Grimes asked if you want to delay it aren't you saying you want to do something different with it; if you are not going to do something different then why delay. Alderwoman Mehl stated if we are going to follow the ordinance it can be a 27 foot with a sidewalk. Mayor Townsell stated we can do that but that is not our question, our question to you is do you want to upgrade the street to something else. Alderwoman Mehl stated she does not necessarily want to, that section of Meadowlake into a collector but she does not know what the rest of the council wants to do. Alderwoman Smith and Alderman Hawkins stated they do not think it needs to be a collector street. Alderman Grimes stated he may have misunderstood what Alderwoman Mehl said and stated you said that you wanted to put the funds for this project up for something else. Alderwoman Mehl stated yes, because it is our wards money. Alderman Grimes stated a few years back Kum and Go asked to build at the corner of Donaghey and Meadowlake did we give it a blanket rezoning to C-2 or was that conditional use. Alderman Hawkins stated he believes we blanketed it. Mayor Townsell stated he thinks it is zoned C-2. Alderman Hawkins stated yes. Alderman Grimes stated with that zoning it will not stay residential forever. Alderwoman Mehl stated that when she thinks we would make the decision about changing the status of Meadowlake. Mayor Townsell stated if they develop without us changing the collector status and they issue a building permit, they are in the pipeline and we cannot go back and up it to a collector status

and claim right of way at that time; if we are going to try to put into motion those mechanisms and allow us to claim right of way, we need direction to do that now. Alderwoman Mehl stated she would like to hold off because Alderman Pruitt has not weighed in and she has not spoken to him about it and asked if Mr. Vinson or the Mayor has discussed this with him. Mayor Townsell and Mr. Vinson both stated no. Alderwoman Mehl stated even if we changed it to a collector, and then proceed we still cannot build it that wide because there is not enough money to do that. Mr. Vinson stated there is enough money for the construction but not the right of way acquisitions and stated we could use the \$160,000.00 set aside for this year for right of way acquisitions, and then we could make it a project next year and build it in 2016. Mayor Townsell stated we have to give Conway Corporation time to relocate the utilities. Mr. Vinson stated if we wanted to build a wider street we would need to upgrade it to a collector status just to justify the right of way acquisition in case we had to condemn. After some discussion Alderman Jones suggested holding the item in committee. Mayor Townsell concurred. Alderwoman Mehl motioned to hold this item in committee. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 7-0.

5. Consideration for the Street & Engineering Department to provide the design engineering services for the Lewis Ranch Development north of Dave Ward Drive and Amity Road.

Finley Vinson, City Engineer, explained this has been before council before if you recall, a deal was proposed between this developer/land owner and the city wherein the city would build the roadway and in return the landowner would dedicate all of the right of way that is necessary for the construction of the Dave Ward Drive, which got us on the discussion of the possibility of engineering department providing the design and engineering services for this roadway. Mr. Vinson stated that deal is dead in the water, the Arkansas Highway & Transportation Dept. (AHTD) proceeded to condemnation to purchase the right of way from the landowner, but the landowner is still interested in the City of Conway providing the engineering design services. Mr. Vinson stated the landowners view is that this roadway is mutually beneficial for the city in alleviating traffic within this area. Mayor Townsell stated this is something we do not normally do but, we feel there are strategic advantages for us to enter into this type of agreement as it has been done before. Mayor Townsell stated we felt that leading Hogan Rd over the ridge to Hwy 64 West was a strategic enough road that we partnered with the developer of the 2 apartment complexes to design that road. Mayor Townsell stated we believe that the AHTD has over-designed the Dave Ward Drive roundabouts, as they have been designed to have 3 lanes. Mayor Townsell explained the AHTD has told us they are willing to consider opening them as 2 lanes instead of 3; we feel that 2 lanes are much more manageable and will provide an alternative means to get to the Lewis Crossing shopping center, which is being developed south of Dave Ward Drive. Mayor Townsell explained instead of us building the road we would design and engineer the project as it will be a city street anyway; they are prepared to dedicate all the right of ways to allow us to have an alternative road to use when coming from the north, hence eliminating going through 2 roundabouts. Mayor Townsell stated we already own approximately one-half of this right of way that runs straight north to where this eastern most large roundabout will be into the Lewis property that leads up to an electric sub-station. Mayor Townsell stated at some point, well north into the property on newly dedicated right of way will angle over to the northwest and hit a new roundabout on Amity Road that will be largely on the Lewis property. Mayor Townsell explained so we will be getting a lot of functional roadway from the proposed dedication and all we have to do is design the road. Mr. Vinson

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

concurrent. Alderman Ledbetter stated he has seen the designs for the roundabouts and feels that this needs to happen. Alderman Hawkins asked what the timeframe would be on the design. Mr. Vinson stated 3 months. Alderwoman Smith motioned to approve entering into this agreement. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

- 6. Resolution setting a public hearing to discuss the closing of certain right of ways and easements located in approximately 15.46 acres of property located at the former site of the Lewis Livestock Auction.**

R-15-55

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. The motion passed 7-0. The public hearing will be held Tuesday October 27, 2015 at 6:30 pm.

- 7. Resolution setting a public hearing to discuss the closing of a portion of the unbuilt right of way along Bob Courtway Drive.**

R-15-56

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The public hearing will be held Tuesday October 27, 2015 at 6:30 pm.

- 8. Resolution establishing the intent of the City to annex certain lands located at 1720 Sturgis Road.**

R-15-57

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Bryan Patrick, Planning & Development Director, stated the one dissenting vote was cast due to the property owner already being hooked up to Conway Corp. water, and being the property owner still owning a large portion of land that is in the county and the commissioner felt they wanted it both ways by being brought into the city, and not paying city taxes on the remaining property and only bringing in the house. Tim Tyler, The Tyler Group representing the property owner, explained the property owners well has gone dry and they approached Conway Corp. asking for permission to hook onto the city's water system. Conway Corp. approved the request and hooked up the water, but stipulated they would need to be annexed into the city. Mr. Tyler explained that Conway Corp. does not extend any service to properties outside the city limits and explained they do own quite a bit of land in this area and they only wanted to annex in 5 acres, which is the minimum amount that is required for a re-plat to not come before the planning commission; they are trying to meet the minimum requirements because that was a stipulation that Conway Corp. gave them by extending them water service. Mr. Patrick stated when we pass the ordinance we can address the listed items on the resolution. Mr. Patrick stated #3 seems to be the one being mentioned most which refers to if you stay above 5 acres then you do not have to plat the property and he does not believe it is an issue and he believes this is well above 5 acres on the tract of land being discussed and it should not need re-plated now

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

anyway just to come into the city. Mr. Patrick stated if Conway Corp. requires the land to be deeded and divided off it we can make sure that happens by including it the ordinance. Alderwoman Mehl asked if there are condition that requires them to have electricity hooked up. Mr. Patrick stated he thinks there is an exclusivity agreement with Conway Corp. if you get one utility you get them all, but that is a Conway Corp. question. Mayor Townsell stated that is the rule and Conway Corp. would have to buy out Entergy and if we annex them, that is what has to happen. There was no further discussion. The motion passed 7-0.

- 9. Ordinance to rezone property located in Block 79 of the Boulevard Addition from R-2A to S-1.**

O-15-107

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Tim Tyler, The Tyler Group representing Central Baptist College (CBC), explained CBC is working on a development plan for that block in regards to meeting the required land use of the zoning. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

- 10. Ordinance to rezone property located at 4967 Highway 64 West from A-1 to R-1.**

O-15-108

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Jesse Thompson, Attorney at Law, was present to answer questions. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

- 11. Ordinance to rezone property located east of Arkansas Highway 25, south of Southshore Lane, west of Vineyard Drive, and north of Cypress Creek from A-1 and R-1 to PUD.**

O-15-109

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Tim Tyler, The Tyler Group representing the Hawks family, explained these lots will be 3 acre estate type lots which will serviced by septic systems and explained with 3 acre lots and larger you do not have to have pre-approval for Health Dept., but individual site design is required for each lot. Mr. Tyler stated they would like it to be a gated community which requires a PUD. Mayor Townsell stated with a PUD you are drafting new regulations set forth for the custom zone. Bryan Patrick, Planning & Development Director, stated this will be a gated private

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

development and will have a private street and the Planning Commission set forth 7 conditions which are as follows.

- Platting shall be required.
- Setbacks. Building setbacks must be established and shown on plat. A 75 foot similar setback as shown is appropriate for the large residential lots.
- PUD land use shall be limited to single-family residential dwellings and typical accessory buildings.
- A Property owners association must be formed in order to provide a maintenance for common property including private streets, gates, fences, etc.
- A 50 foot wide access/pedestrian easement shall be shown on the plat connecting the nearest cul-de-sac to Chablis Lane's 50 foot wide road easement. A 50 foot wide access/pedestrian easement shall be shown on the plat connecting the northern cul-de-sac to the abutting undeveloped land to the north.
- Sidewalks shall not be required. However, 5 foot wide striped and labeled bike lanes shall be required on both sides of the 30 foot wide private drives. The bike lanes shall be required on both sides of the 30 foot wide private drives. The bike lanes shall continue around the cul-de-sac perimeters.
- Green space shall be dedicated in drainage areas on the south side of the property during the platting process.
- Private streets shall be inspected and approved during the construction process by the City of Conway Street Department.

Mayor Townsell asked about the gates and fire protection. Mr. Tyler stated the gates will be accessible by city fire trucks as directed by the Fire Dept. Mayor Townsell stated it will have a private street which will not be maintained by the city. Mr. Tyler stated the street will be built to city specifications. Alderman Hawkins asked how the property will be accessed. Mr. Tyler stated entrance will be gained on the south side of Hwy 25. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

Alderwoman Smith motioned to suspend the rules to add items to the agenda. Alderman Hawkins seconded the motion. The motion passed 7-0.

Consideration to approve an agreement with the Arkansas Highway and Transportation Dept. (AHTD) to provide construction/engineering inspection services for the Oak Street Interchange/Central Landing Boulevard project.

Finley Vinson, City Engineer, explained this request is for inspection services for the Oak Street Interchange/Central Landing Boulevard project; we have 1 inspector who is already very busy. Mr. Vinson stated having the AHTD provide these services is the most economical choice and stated and all of these projects will become highway right of way and must be inspected to the AHTD standards. Mr. Vinson recommended approving this request and stated the AHTD has requested an up-front payment of \$528,345.83 (10%) as a deposit for services. Mayor Townsell stated it is not just highway department right of way, it is also federal right of way as it will affect the entrance/exit ramps and maintenance of traffic on the interstate which is much more sensitive and highly watched project when dealing with the

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

interstate. Alderwoman Smith motioned to enter into this agreement. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

Resolution authorizing the City Attorney's office to seek condemnation for the 6th Street I-40 Overpass and Amity/Elsinger Intersection project.

R-15-58

Mayor Townsell stated this is basically the remnant lot to the south of Target on the north side of Elsinger Blvd that is tied up in a loan with a permanent lender that has bundled it with other commercial loans for securitization purposes, which is probably a more stable asset that they then marketed but is basically the same animal which caused the national housing crisis. Mayor Townsell stated since it is tied to other loans it is hard to extract it and the permanent lender suggested to Chris Seay, the developer of Conway Commons who has the loan, to notify the city to proceed with condemnation while we try to extract the loan, but it will take time. Alderwoman Smith motioned to adopt the resolution. Alderman Ledbetter seconded the motion. City Attorney, Chuck Clawson, stated the numbering on the resolution paragraph goes from 2 to 4, and stated he will correct this and provide a clean version to the Mayor. There was no discussion. The motion passed 7-0.

C. Public Services Committee (Sanitation, Parks & Recreation, and Physical Plant)

1. Consideration to accept the bid for a chipper truck with box for the Conway Sanitation Department.

Mayor Townsell asked council to remove this item from the agenda. Alderwoman Smith motioned to pull the item from the agenda. Alderwoman Whitmore seconded the motion. Joe Hopper, Sanitation Director, explained this bid came open right after he began work for the city and after reviewing our operations he feels we can adjust some of the methods we use to currently collect yard waste, and he would like more time to review this process. There was no discussion. The motion passed 7-0.

2. Consideration to approve developing a walking and biking access point between Conway Regional Fitness facility and Tucker Creek Trail for the Conway Parks & Recreation Department.

Mayor Townsell stated we approved the Tucker Creek project a few weeks back and after clearing what we needed for the trail it came extremely close to the Conway Regional Fitness Center (CRFC), and stated it is only natural for the people to park there and access the trail. Mayor Townsell stated this will allow us to move up an old right of way on the Conway Regional side and pay them for the square footage according to the easements we have paid the other property owners to the west. Mayor Townsell stated we would build that extension up by the fitness center parking lot and for a permanent access and public parking in their parking lot, and access to that parking lot we would in turn help them by putting out trash and servicing trash cans, maintain the parking lot and trail, light the trail, and split the costs to repair a section of the parking lot. Mayor Townsell stated in turn they would get to maintain branding rights along the trail between College Ave. and Prince St. with the exception of Adamsbrooke Subdivision. Alderwoman Smith motioned to approve this

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

3. Ordinance appropriating funds for the aquatic feasibility study for the Conway Parks & Recreation Department.

O-15-110

Mayor Townsell stated this will be more like a community center feasibility study and when we discussed this previously we selected a service provider and this will move the funds over to the appropriate expense account; the amount is \$28,000.00 and will come out of the Conway Parks A & P Fund Balance Appropriation. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

4. Consideration to approve clearing of approximately 5 acres on Stone Dam Creek east of Catherine Place Development for the completion of the Stone Dam Creek Trail Project.

Alderwoman Smith asked about the discrepancy in the bids. Steve Ibbotson, Parks Director, stated he is unsure. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. The low bid was awarded to F.P. Bivens Construction Company in the amount of \$19,000.00.

5. Ordinance appropriating funds for the Stone Dam Creek property clearing for the Parks & Recreation Department.

O-15-111

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

6. Ordinance appropriating funds for the Conway Expo Center finish-out for the Parks & Recreation Department.

O-15-112

Mayor Townsell stated we need to strike the second "Whereas" from this ordinance as this has yet to be approved. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye":

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

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

- 1. Ordinance to reclassify a position and appropriate funding within the City Attorney's Office.**

O-15-113

Chuck Clawson, City Attorney, stated this is an amendment to an ordinance he presented last time and explained they had an unexpected applicant and after discussing his plans Mr. Clawson felt it appropriate, in light of his experience and expertise, to request additional funds since this is a professional position and even at the proposed \$59,900.00 it is a bargain. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Mayor Townsell asked how much this adding to the budget. Mr. Clawson stated \$15,000.00 to next year's budget. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

- 2. Ordinance accepting grant funding and waiving the competitive bid process for various purchases for the Conway Fire Department Bomb Squad.**

O-15-114

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Mike Winter, Fire Chief, explained the Fire Dept. received a grant in the amount of \$91,752.00 from Homeland Security; this is a 100% reimbursable grant. Chief Winter stated we are also asking council to waive bids and utilize Golden Engineering as sole source vendor to purchase the XR150 X-ray sources and utilize ADS, Inc. as a sole source vendor to purchase the Nano devices. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

- 3. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.**

O-15-115

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Jody Spradlin, Police Dept., explained these are reimbursements for extra duty services, insurance proceeds, and DUI Seat Belt grant; the amounts are as follows.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

- Extra Duty Services - \$12,336.18 - Various companies
- Insurance Proceeds - \$2,824.32 - Insurance Companies
- DUI/Seat Belt Grant - \$7,068.56 - Arkansas State Police

There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

4. Ordinance appropriating reimbursement funds from various entities for the Animal Welfare Unit.

O-15-116

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. Jody Spradlin, Police Dept., stated this is reimbursement funds from Rescue Wagon (PetSmart) in the amount of \$3,169.60. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

5. Consideration to remove certain assets (vehicles) from the inventory listing and dispose of them for the Conway Police Department.

Jody Spradlin, Police Dept., explained these vehicles are no longer being used and asked council to approve removing them from inventory and auction them via www.publicsurplus.com. Alderwoman Smith motioned to approve removing these cars from inventory. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. The vehicles to be auctioned are listed below:

- 1996 Chevy Lumina (2G1WL52M5T9262825)
- 2005 Ford Crown Victoria (2FAFP71W65X108915)
- 2005 Ford Crown Victoria (2FAFP71W15X146777)

E. Finance

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

- 1. Consideration to approve the yearly fitness center membership to 365 Fitness for the City of Conway employees and retirees for FY2016.**

Lisa Williams, HR Director, recommended renewing our contract with 365 Fitness for 2016 in the amount of \$14,500.00 plus tax (\$15,768.75). Alderwoman Smith motioned to renew this contract. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Alderwoman Smith exited the meeting.

- 2. Consideration to accept the renewal of Benefit Partners to continue to supply voluntary supplemental benefits to City of Conway employees for FY2016.**

Lisa Williams, HR Director, explained there will be no increase for 2016 for our voluntary supplemental benefits and recommended approving these renewals. Alderman Ledbetter motioned to approve the renewals. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

- 3. Consideration to accept the renewal of USAble to continue to supply Life and AD&D benefits to the City of Conway employees for FY2016.**

Lisa Williams, HR Director, explained in 2014 we received and accepted a two year rate guarantee with USAble Life for \$10,000.00 of Life and AD&D coverage; the cost is \$1.80 per employee per month and recommended council approve this rate for 2016. Alderwoman Whitmore motioned to approve the renewal. Alderman Jones seconded the motion. There was no discussion. The motion passed 6-0.

- 4. Consideration to accept the renewal from Blue Cross Blue Shield to provide dental coverage for City of Conway employees and retirees for FY2016.**

Lisa Williams, HR Director, recommended the renewal from Blue Cross Blue Shield as they submitted a zero increase for FY2016. Alderwoman Whitmore motioned to approve this renewal. Alderman Jones seconded the motion. There was no discussion. Alderwoman Smith entered the meeting. The motion passed 7-0.

- 5. Discussion of the Arkansas Municipal League Benefit fund to continue to provide medical benefits to City of Conway employees and retirees for FY2016.**

Mayor Townsell explained we were unable to provide this information to you prior to the meeting as it is technically unofficial in that the board that covers this plan could not meet on Friday, but we know their recommendation. Mayor Townsell stated the outlook is not good and our utilization is far exceeding our premiums and there is an impact to the city. Lisa Williams, HR Director, explained 2015 is the first year the Municipal League (ML) offered 4 tiers of coverage and only offered it to Conway as a test run, they normally offer "Employee Only" or "Employee and Family". Ms. Williams stated unfortunately this did not work out, the "Employee and Spouse" and "Employee and Children" tier ended up costing more than the premiums did. Ms. Williams stated our loss ratio rate is 143% which is caused by large claims, they hope this will settle down. Ms. Williams stated under the drug plan there are specialty drugs that several participants in our plan take, which range from \$25,000.00 -

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

\$100,000.00 and the participants co-pay is \$100.00; these are life-saving drugs that they have been unable to find a less expensive alternative drug to take, and this affects our plan and the loss ratio. Ms. Williams stated the ML has explained to her that our rates will not increase however, they will only offer 2 tiers of coverage "Employee Only" and "Employee and Family" which means if an employee wants to cover any dependents they will need to select "Employee and Family" coverage. Alderman Grimes asked if the expensive drugs were new this year or if they were previously used with the previous provider. Ms. Williams stated some of them were, but she is unsure about all of them. Alderman Grimes stated so which ever carrier we had was going to pay a lot of costs either way. Ms. Williams stated yes, but they are necessary. Alderman Grimes stated a 143% loss ratio is terrible and part of the equation is the premium you pay, if you pay a higher premium that loss ratio would be less. Ms. Williams stated the Mayor asked her to run some scenarios which is listed on the spreadsheet provided; we are paying 93.8% of the "Employee Only" premium, 79% of the "Employee and Spouse" premium, 81.8% of the "Employee and Children" premium, and 73.5% of the "Employee and Family" premium and the city has been paying these percentages for many years. Ms. Williams stated currently there are 165 employees with "Employee Only", 175 employees with "Employee and Family", and approximately 55 employees each in the "Employee and Spouse" and "Employee and Children", and if we migrate those employees to the higher tier it will bring the "Employee and Family" tier up to 285, which will increase our annual premium \$64,515.00 to the city. Mayor Townsell stated the critical part for our employee is the increase they would see in their monthly cost (\$124.75 and \$101.00 up to \$184.50 to migrate up to "Employee and Family"). Mayor Townsell stated this is significant particularly when you realize that we run the gambit from someone making just above poverty level for a family of four to professional services even though the plan is not as rich as we have had previously, it is still not cheap enough to make that cost meaningless; this is a significant cost to our employees. Ms. Williams stated it will be close to \$60.00 more for the employees with "Employee and Spouse" coverage and \$83.50 for the employees with "Employee and Children". Ms. Williams stated the other scenario shows what would happen if the city absorbed that increase for those 2 tiers and it would impact the budget by \$159,060.00 annually. Mayor Townsell stated the amount of premiums paid is way under the amount of expenses the ML is paying out covering our employees; the positive balance of approximately \$1 million that we had going into readopting the ML health insurance plan is over one-half, and we have not made it to years end. Mayor Townsell stated we have another year but costs are excessive and we are probably biding time before a rate increase will occur, and this is just a partial step to mitigate and if we have another year next year, like this year it will increase even after we make critical changes. Alderwoman Mehl asked if you are recommending the city absorb more of the new premium cost for the change. Ms. Williams stated we ran different scenarios; if you look at the bottom of the sheet you will see what the numbers would be if we change the percentage we contribute to "Employee and Family" and migrate everyone with dependent coverage to this tier. Alderwoman Mehl stated so the annual difference goes from \$159,060.00 to \$285,570.00 if the city paid 85%. Ms. Williams stated yes. Alderwoman Smith asked if we can bid out the insurance. Ms. Williams stated that is why she is here. Alderwoman Smith stated the insurance has been so bad, from what she has heard from the employees, that it is terrible. Alderwoman Whitmore stated she has heard a lot of complaints as well. Ms. Williams stated the employees have been very unhappy with the \$500.00 deductible being collected on the front end. Alderwoman Whitmore stated she has heard that it is not just the deductible alone but the processing of the claims, and the amount they have to pay out of pocket verses what they were accustomed to under the previous plan. Alderman Grimes stated it is a different

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

kind of coverage. Alderwoman Smith stated she had the insurance but dropped it after 2 months because it did not pay anything, everything had to go to the deductible before they would pay anything. Mayor Townsell stated if we do away with those deductibles like that, costs are will increase and that is not just for the city that is for the employee as well. Alderwoman Smith stated some employee are willing to pay more money for a better plan. Mayor Townsell stated we have heard this too but we are hearing from some, not all and when you start raising \$80.00 per month on this plan without even going to another plan with a different deductible, he does not know if we are hearing from everyone that we would be hearing from, if we make those changes. Alderwoman Whitmore stated if we put it out to bid you at least open that up to see what would be submitted. Alderman Grimes stated he agrees that we need to bid the insurance but the \$59.00 or \$83.00 increase is a drop in the bucket compared to what you will see from other vendors. Mayor Townsell stated the total premium rate from the ML will not change, but we can adjust the percentages we pay. Alderwoman Smith stated she still feels like a wellness plan is a good idea. Mayor Townsell stated the nature of some of our expenses would not have been helped by a wellness plan. Alderman Hawkins stated he does not know what the specific claim situation is but if we do not put some kind of a wellness proposition to our employees it will not get any better; diabetes, hypertension, obesity etc. are big problems. Mayor Townsell stated a lot of the growth in our city personnel happened earlier and we have not grown a lot in recent years, but all the employees we have hired are aging and the average age of our employees is going up and those issues are becoming more prevalent, and wellness is a part of the equation moving forward. Alderman Hawkins asked Ms. Williams if she said the employee cost is not changing. Ms. Williams stated 2 of the tiers are going away but the basic cost for "Employee" and "Employee and Family" are remaining the same, the other 2 tiers would have to migrate up, which would result in a higher premium for those employees that would have to migrate. Alderman Ledbetter stated we have talked in the past about self-insurance and he feels it is worked well for the county. Alderman Hawkins stated the time to do that is when you have a really good year or really bad year, and we have had a bad year and stated he can put the city in touch with vendors who be glad to come look at it. Alderman Grimes stated we would basically become the insurer and if the ratio gets to 143%, it will come out of our general fund; you can purchase some other coverage but basically anything over the premiums come out of the general fund. Alderman Hawkins stated you would fund a plan to a maximum level, and basically you pay premiums now to the ML; those funds would be put into an account and claims would be paid from that account. Alderman Ledbetter asked how you come up the funded amount. Alderman Hawkins stated you look at your claims history and we have had 2 years at 140%. Ms. Williams asked if council wants her to put a bid plan out that mirrors this benefit or a richer benefit. Alderman Hawkins stated we should look at something like we had, but we will not be able to afford it. Alderman Grimes concurred and stated neither will the employees. Mayor Townsell stated this is an important piece that needs placed into the budget, and we do not know what else we ae going to do until we know this; we do not need to think we can do this in isolation and just cover it because we have other things that we were going to do when we increased franchise fees and property taxes this last year; this only increased revenues a finite amount and this is beginning to encroach on that, if start making changes to the percentages we pay of the employees. Ms. Williams asked if council if they want her to bid it out for proposals that mirror what we had before with Health Advantage with no change in the benefit structure (\$1,000.00 deductible, \$25.00/\$35.00 office visit co-pay). Council concurred. Mayor Townsell stated no one may want to come in and try anything like the ML but offer that as a

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

suggestion, but also go the other route mirroring what we used to have. It was decided to bid the insurance for 2016.

Alderswoman Whitmore asked for a rules suspension so the Council could discuss the use of Laurel Park. Alderswoman Smith motioned to suspend the rules. Alderman Ledbetter seconded the motion. The motion passed 7-0. Alderswoman Whitmore stated "the council members were in receipt of an email from a citizen that suggests there was some differentials in use to the park situation, but in looking at our ordinance as it governs the parks, it does indicate that there can be discretion in those situations." Alderswoman Whitmore stated with that being in our ordinance at this juncture, she feels it would be hard for the city council to overrule that since our ordinance implies that this is a provision, but she does feel like in moving forward we may need to tighten that particular ordinance as it governs the use to our parks and what is prohibited in the use of our parks. Alderswoman Whitmore motioned to look into drafting and look at changing our ordinance. Alderman Grimes seconded the motion. Mayor Townsell stated to be more specific it is the ordinance that governs the selling of goods in our city parks; we have an ordinance that states in essence that we do not allow selling in city parks, unless it is approved by the Parks Director and we would like to suggest we remove that discretion, but also put in clear guidelines what we do or do not allow. There was no discussion. The motion passed 6-0. Alderman Grimes exited the meeting prior to the vote.

Adjournment

PASSED this 13th day of October 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett