

AGENDA
Regular Scheduled City Council Meeting
City Hall Council Chambers
July 21, 2016 at 6 pm

Welcome and Call to Order: Mayor Randy Horton

Invocation: Pastor Wayne Drain Fellowship of Christians

Roll Call: City Clerk- Treasurer Kathy Collins

Approval of Minutes: June 23, 2016 and Special Called June 27th and Special Called July 12th.

Financial Report: Jerry McKaughan Finance Director

Mayor's Report:

1. Retail Strategy

Department Report: Fire Department

Committee Reports:

Finance Committee: Chairman Alderman Tripp, Alderman Eaton, Alderwoman Harris and Alderman Wiley.

1. Line Item Transfer:
From: 01-110-5111 Salaries \$ 7,500.00
To: 01-110-5192 Contract Labor \$ 7,500.00
(Budget adjustment for settlement)
2. Appropriation Pass Thru:
Department: Police
Line Item: 01-111-5224 \$ 1,170.00
(RPD Youth Academy monies collected to be appropriated into the Community Relations account).
3. Appropriation Pass Thru:
Department: Police
Line Item #: 01-111-5215 \$ 135.00
(Refund on Training Order 2016-32. Cancelled 4 day training).

4. Appropriation:
 Department: Economic Fund
 Expenditure: 03-101-5208 Miscellaneous Expense \$ 5,000.00
 (Miscellaneous Exp).
 (Mowing and Cleaning 45 Acres Industrial Prk).
5. Appropriation:
 Department: Police Training Fund
 Expenditure: 15-111-5546 In Car Video \$ 23,326.60
 (WatchGuard Camera System)
6. Discussion of approval to continue using current financial institution for City's Financial Accounts.
7. Consideration of Approval to reimburse \$18,000.00 to the Boys and Girls Club of Arkansas River Valley.

Personnel Committee: Chairman Aldermen Steuber, R. Harris, Brown and Westcott.

1. Consideration of an Ordinance Amending Sections of the City of Russellville Personnel Policy Manual.

Unfinished (Old) Business:

None

New Business:

1. Consideration of a Discussion of Signage regarding Cigarettes, etc. on Billboards, at Intersections and in Storefront Windows --Alderman Eaton.
2. Consideration of a Resolution to Issue a Special Use Permit to operate a small engine repair, for property located at Building #3, 511 Weir Road in a C-2 submitted by Diane Bubbus—Recommended unanimously by Planning Commission.
3. Consideration of an Ordinance Regulating all of the City of Russellville Arkansas, Rights-of-Way, Requiring a permit prior to cutting a city street, curb, ditch or sidewalks; Providing for a penalty; Repealing Ordinances #'s 1676, 1699, and 1894- Public Works Kurt Jones.

August Meetings:

1. Agenda Preparation and Finance Committee Meeting, Tuesday, 9, 2016 at 5:30 p.m. at City Hall.
2. Finance Committee Meeting, Thursday, August 18, 2016 at 5:00 City Hall.
3. City Council Meeting, Thursday, August 18, at 6:00 p.m. at City Hall.

MINUTES
City Council Meeting
6 pm City Council Chambers
June 23, 2016

Welcome and Call to Order: Mayor Randy Horton

Invocation was given by Pastor Gail Brooks, First United Methodist Church

Roll Call: Seven Alderman present and quorum declared. Alderman Richard Harris, Alderman Tripp, Alderwoman Freddie Harris, Alderman Eaton, Alderman Brown, Alderman Wiley, and Alderman Steuber. Alderman Westcott was absent. Other Officials present Mayor Horton, City Attorney Trey Smith and City Clerk-Treasurer Kathy Collins.

Guests present: Jane McGregor, Cynthia Picado, Sergio Picado, Kevin Massey, Rita Richardson, Peggy Talkington, Acey Swearingen, Kelly Spann, Roy Spann, Betty Tucker, Ryan Richey, William A. Patton, Boyd Barton, Anna Fields, Barbara Johnson, Mary Ella Yamashita, Danielle Housenick, Jeff Angular, Charity Park, Donna Park, David Pars, Lynn Nichole Anders, Connie Zimmer, Reverend Gail Brooks, Hugh Silkensen, Mary Silkensen, Steve Higgins, Danny Delao, Suzanne Alford-Hodges, Berkley Stewart, Rachel Williams, Deborah DeJohnette, Jill Balaster, Jason Thompson, Garrett Borland, Emily Young, Pat Young Stacy Galbo, Sean Ingram, Courier, Johnny Story, Rita Richardson, Steve Newby, Bruce Tedford, Ms. Tedford, Kathy Mullen, Brian Holstein, Connie Holstein, and Lori Latimer.

Minutes: Alderman Wiley made the motion to approve the Minutes for May 19, 2016 as written. Alderman Brown seconded the motion. Motion carries unanimously on a voice vote.

Finance: Month Ended May 31, 2016

General Fund Balance	\$ 353,109.45
El Paso Loan	\$ 476,295.16
Street Fund Balance	\$ 3,276,984.42
Street Sales Tax Fund	\$ 5,182,369.15
2003 Economic Development Fund	\$ 2,933,749.48
2007 Economic Development Fund	\$ 4,684,685.63
2014 Economic Development Fund	\$ 663,436.37
Convention Center	\$ 2,442,093.50
Capital Assets Fund Balance	\$ 10,777,448.63
Special Funds Balance	\$ 1,213,101.52
Emergency Reserve – General	\$ 1,000,000.00
Public Works - Bank CD	\$ 4,000,000.00
Cemetery Association Trust – Market Value	\$ 205,222.79*

Special Funds Balances: Month Ended May 31, 2016

12	District Court Costs Fund	\$ 88,787.86
13	No Vehicle Insurance Fund	\$ 43,958.09
14	Parks & Recreation Special Fund	\$ 121,789.67
15	Police Training Fund	\$ 118,518.89
16	Police Pension Fund	\$ 62,929.38
17	Court Automation Fund	\$ 372,332.05
18	Administration of Justice Fund	\$ 96.98
19	Criminal Justice Ordinance Fund	\$ 206,673.83
20	Fire Contingency Fund	\$ 29,215.85
21	Fire Insurance Premiums Fund	\$ 108,645.30
22	Fire Pension Fund	\$ 2,061.23
24	Russellville Oakland Cemetery *	\$ 57,092.39
	TOTAL	\$ 1,213,101.52

Russellville Oakland Cemetery May 31, 2016

- Has an investment of IShares \$114,337.67 Genworth \$ 80,000.00 and \$ 10,885.12 cash.

Mayor's Report: Mayor Horton asked to hear new business items 1 and 2 at this time. Motion carries on an 8-0 voice vote.

(2) Consideration of an Ordinance to rezone property currently C-1 (Central Business District) to C-2 (Highway Commercial), at 311 South Arkansas (corner of South Arkansas Avenue and 4th Street), submitted by Kevin McClafin of Morrison Shipley –Planning Commission approved on a 5 to 3 vote.

Alderman Steuber made the motion to suspend the rules and read Ordinance **# 2248** by title only for all three readings. Alderman Eaton seconded the motion. Motion carries on a 7-1 voice vote. City Attorney Trey Smith read the Ordinance as instructed. Alderman Steuber made the motion to adopt with a second by Alderman Eaton. After some discussion and due to the long list of residents that wanted to speak on the issue, Alderman Wiley made the motion to limit debate to five (5) people with five (5) minutes to voice their thoughts and concerns. The City Clerk compiled a list. The list was numbered and the members of the media present drew five (5) from a pool. Those people spoke to the Council. After discussion, the motion carried on a 7-0 roll call vote. All Alderman present voting in favor. Alderman Eaton made the motion to adopt the emergency clause. Alderman Steuber seconded the motion. Motion carries on a 7-0 roll call vote.

(1) Consideration of a *Public Hearing* and Ordinance **# 2249** to approve a request to vacate a portion of an east-west 20-foot alley, lying south of Lots 5, 6, 7, 8 and north of Lots 9, 10, 11, 12 of Block 61, J.L. Shinn Addition beginning on South Arkansas Avenue running east between 3rd Street and 4th Street to east property

Line-- Submitted by Kevin McClafin of Morrison Shipley. Planning Commission unanimously approved.

Mayor Horton opened the public hearing. There were no comments from the audience. Mayor Horton closed the public hearing. Alderman Wiley made the motion to suspend the rules and read the Ordinance one time by title only with a short explanation. Alderman Eaton seconded the motion. Motion carries on a 7-0 voice vote. City Attorney Trey Smith read the Ordinance as instructed. Alderman Wiley made the motion to adopt with a second by Alderman Steuber. Motion carries on a 7-0 roll call vote. All Aldermen present and voting in favor. Alderman Eaton made the motion to adopt the emergency clause. Alderman Wiley seconded the motion. Motion carries on a 7-0 roll call vote.

Department Report: Community Development and Code Enforcement Brian Holstein.

Committee Reports:

Finance Committee: Chairman Alderman Tripp, Alderman Eaton, Alderwoman Harris and Alderman Wiley.

(Recommended June 7th meeting).

1. Discussion of Airport Hanger Leases. Alderman Eaton made the motion to continue existing leases as is until each individual lease expires. Each lease will be reviewed as it expires and asked to be renewed. Motion carries on a 6-1 voice vote. Alderman Tripp voting nay.
2. Discussion of reallocation of sales tax currently being received for street distribution in the amount of \$87,000.00 to the Aquatic Center project for 11 months. Alderman Tripp made the motion to approve. Motion carries on a 7-0 voice vote.
3. Appropriation:
Department: Capital Aquatic Center Fund
Expenditure: 04-109-5511 Aquatic Center \$ 3,000,000.00
(Aquatic Center building cost).
Alderman Tripp made the motion to adopt. Motion carries on a 7-0 voice vote.
4. Appropriation:
Department: Capital Fund
Expenditure: 04-110-5711 New Fire Station \$1, 500,000.00
(Begin funding of the new central fire station).
Alderman Tripp made the motion to adopt. Motion carries on a 7-0 voice vote.

(Recommended June 23, 2016 meeting).

1. Consideration of Resolution **# 1569** authorizing the Mayor and City Clerk-Treasurer to sign a one (1) year extension to the Lease Agreement with City Corporation for

the Operation of the City of Russellville Water and Sewer System.
Alderman Tripp made the motion to adopt. Motion carries on a 7-0 voice vote.

2. Discussion of adding an employee or two and form an economic development department within the city and then a committee to pick this employee and have other suggestions for moving forward with an economic development plan for the city of Russellville specifically retail and commercial development.
Pulled by Alderwoman Harris.

3. Discussion involving the settlement of a potential claim against the City and its accompanying release at the June 23, 2016, Finance & Property Committee meeting at 5:00 PM.

City Attorney Trey Smith reviewed the settlement with the Council. The claim was submitted by an Attorney for the recently retired Fire Chief John Cochran. The settlement requested \$7,500.00 in addition to six months health insurance coverage approximately \$1,998.00 and to publish a four paragraph letter that recognized the Chief for his work for the city during the last nine years of service and to disseminate publicly that he did a good job. The letter will be published on the city's website. In exchange Mr. Cochran will sign a release barring any claims against the city or city officials in a personal and official capacity. Alderman Tripp made the motion to approve. Motion carries on a 5-2 roll call vote. Aldermen Brown, Eaton, Wiley, Steuber and Alderwoman Harris voting in favor with Aldermen Tripp and Richard Harris voting nay.

Personnel Committee: Chairman Alderman Steuber, Alderman Richard Harris, Alderman Westcott and Alderman Larry Brown.

No Report.

Unfinished (Old) Business:

1. Consideration of a Resolution requiring the Rehabilitation by Agreement or Removal or Razing of a unoccupied, dilapidated structure located at 300 ½ North Hartford Ave; restoring the property up to the Arkansas Fire Prevention Code and City Codes; thereby protecting the Health, Safety and Welfare of the Public, Providing for lien on the property to recover costs associated with removal of structure upon nonpayment—Alderman Eaton.

Alderman Eaton pulled item. Building is razed. Alderman Wiley was commended for his hard work in razing this building to help the owner which has many medical problems and in turn saved the city the cost of demolition. It was a very hard, time consuming and hot job. Many thanks to him.

New Business:

1. Consideration of a *Public Hearing* and an Ordinance to approve a request to vacate a portion of an east-west 20-foot alley, lying south of Lots 5, 6, 7, 8 and north of Lots 9, 10, 11, 12 of Block 61, J.L. Shinn Addition beginning on South Arkansas Avenue

running east between 3rd Street and 4th Street to east property line-- Submitted by Kevin McClafin of Morrison Shipley. Planning Commission unanimously approved.

Item was discussed in Mayor's Report.

2. Consideration of an Ordinance to rezone property currently C-1 (Central Business District) to C-2 (Highway Commercial), at 311 North Arkansas (corner of South Arkansas Avenue and 4th Street), submitted by Kevin McClafin of Morrison Shipley--Planning Commission approved on a 5 to 3 vote.

Item was discussed in Mayor's Report.

3. Consideration of Resolution **# 1570** to issue a Special Use Permit to operate a tire/repair shop and used car lot, for property located at 1001 East 3rd Street in a C-2 --submitted by Danny Delao. Alderman Steuber made the motion to adopt with a second by Alderman Brown. Alderman Richard Harris made a motion to amend the Resolution striking a portion of Section 2 (b). Alderman Tripp seconded the motion. Motion fails. City Attorney Trey Smith suggested changes to the above referenced section to read:
(b) The area to the East of the primary structure to be used only for the parking of vehicles for repair". Alderman Wiley made the motion adopt with the amendment with a second by Alderman Brown. Motion carries on a 7-0 voice vote. Main motion for adoption. Alderman Steuber made the motion to adopt with a second by Alderman Brown. Motion carries on a 7-0 voice vote. All Aldermen/woman present voting in favor.

Adjournment:

Alderman Wiley made the motion to adjourn with a second by Alderman Wiley.
Meeting adjourned at 7:20 pm.

Mayor Randy Horton _____

ATTEST:

Kathy Collins City Clerk-Treasurer, CMC _____

Date approved by Council: _____

Minutes
Special Called City Council Meeting
June 27, 2016

Officials and Guests: Mayor Horton, City Attorney Smith, City Clerk-Treasurer Collins, Aldermen Steuber, Brown, Eaton, Wiley, Tripp, Harris, Westcott, and Alderwoman Freddie Harris. Also in attendance were Johnny Story, media and Jerry McKaughan Finance Director.

Call to Order: Mayor Randy Horton

Special Item:

1. Consideration of Ordinance **# 2250** Waiving Competitive Bidding: Willis Parks Construction, Inc., to perform water utility installation at the New Central Fire Station; Authorizing the Mayor and City Clerk-Treasurer to sign all necessary documents to employ Willis Parks Construction, Inc.

Alderman Robert Wiley made the motion to suspend the rules and read the Ordinance one time by title only with a short explanation. Alderman Eaton seconded the motion. Motion carries on an 8-0 voice vote. City Attorney Trey Smith read the Ordinance as instructed. Alderman Wiley made the motion to adopt with a second by Alderman Eaton. Alderman Richard Harris made a motion to amend the Ordinance striking in section 2 "The immediate need to employ Willis Parks Construction, Inc. is substantial in order to protect the health, safety and welfare of the public by providing water to the new central fire station". Alderman Tripp seconded the motion. Motion fails on a 5-3 vote. Aldermen Brown, Richard Harris and Tripp voting in favor. Aldermen Eaton, Wiley Steuber Westcott and Alderwoman Harris voting nay. Motion carries on the main motion to adopt on an 8-0 roll call vote. All Aldermen/woman present and voting in favor.

Adjournment: Alderman Wiley made the motion to adjourn at 5:30 pm.

Mayor Randy Horton: _____

City Clerk-Treasurer: _____

Date approved by the Council: _____

Minutes
City Council Special Called
July 12, 2016
City Hall First Floor Conference Room

Officials and Guests: Mayor Randy Horton, Acting Deputy City Clerk Julie Paladino, City Attorney Trey Smith, Aldermen R. Harris, Tripp, Westcott, Eaton, Brown and Alderwoman Harris. Aldermen Wiley and Steuber were absent. Johnny Story, Police Chief Humphrey, Jerry McKaughan, Interim Fire Chief Slone, Rita Richardson, Keith Frazier Airport, Bob Chapman Airport and Kurt Jones City Engineer also were in attendance.

Call to Order: Mayor Randy Horton

Special Items:

1. Consideration of Resolution # 1571 Authorizing the Mayor and City Clerk-Treasurer of the City of Russellville, Arkansas, to Apply for a Grant with the Federal Aviation Administration and the Arkansas Department of Aeronautics on behalf of the Russellville Municipal Airport, accept said Grant if awarded to the City, Receipt and Spend said Grant.

Alderman Tripp made the motion to adopt items 1, 2 and 3 en masse with a second by Alderman Eaton. Motion carries on a 6-0 voice vote.

2. Consideration of Resolution # 1572 to Authorize the Mayor and City Clerk-Treasurer to enter into an Agreement with Miller-Newell Engineers, Inc. to perform engineering services to extend a parallel Airport Taxiway Runway.

3. Appropriation:

Department: Building Fund

Expenditure: 04-101-5510 Building \$ 5,668.00

(new HVAC for Central Fire Station. Air out)

Adjournment: Meeting Adjourned at 6:20 pm. Motion by Alderman Richard Harris.

Mayor Randy Horton

Attest: _____
Kathy Collins City Clerk- Treasurer, CMC

Date approved by Council: _____

Finance Report July 21, 2016 City Council Meeting

Month Ended June 30, 2016

General Fund Balance	\$ 233,791.23
El Paso Loan	\$ 520,878.18
Street Fund Balance	\$ 3,052,465.90
Street Sales Tax Fund	\$ 5,339,815.35
2003 Economic Development Fund	\$ 2,934,831.60
2007 Economic Development Fund	\$ 4,680,793.63
2014 Economic Development Fund	\$ 604,189.70
Convention Center	\$ 2,442,994.27
Capital Assets Fund Balance	\$ 10,487,215.15
Special Funds Balance	\$ 1,225,970.61
Emergency Reserve – General	\$ 1,000,000.00
Public Works - Bank CD	\$ 4,000,000.00
Cemetery Association Trust – Market Value	\$ 207,002.23*

GENERAL FUND

REVENUES: June revenues totaled \$ 835,206 compared to \$ 864,753 the same period last year. Revenues year-to-date were 1.22 % above projections. June sales tax collections totaled \$ 672,824, Franchise fees and permit revenues totaled \$ 31,678.

EXPENDITURES: June expenditures totaled \$ 954,343. Expenditures were .73 % above year-to-date projections. Year-to-date \$ 104,617 more expended than receipted.

STREET FUND

REVENUES: June Street revenues totaled \$135,744. New Sales tax \$ 157,446, ½'s Sales tax revenue \$ 44,583. Year-to-date Street revenues were 7.01 % below Y-T-D projections.

EXPENDITURES: Operational expenditures for June were \$ 150,899. Year-to-date Operations expenditures are .59 % above year-to-date projections. The Capital expenditures for June were \$ 209,363. for Trailer and Sweeper, Sales tax improvement expenditures totaled \$ 0.00.

ECONOMIC DEVELOPMENT FUNDS

REVENUES: June revenues totaled \$ 51,449, \$ 48,419 new sales tax revenue, \$ 3,030 interest.

EXPENDITURES: June expenditures were \$ 113,506. For Depot Park and Garver.

CAPITAL ASSETS FUND

REVENUES: Total revenues for June \$ 417,940, \$ 402,414.new sales tax, \$ 3,867 interest.

EXPENDITURES: Capital Asset expenditures for June totaled \$ 708,173, \$ 96,655. City Corp., \$ 356. Building R & M, \$ 477,658. Aquatic Center, \$ 133.503 New Fire Station.

Special Funds Balances

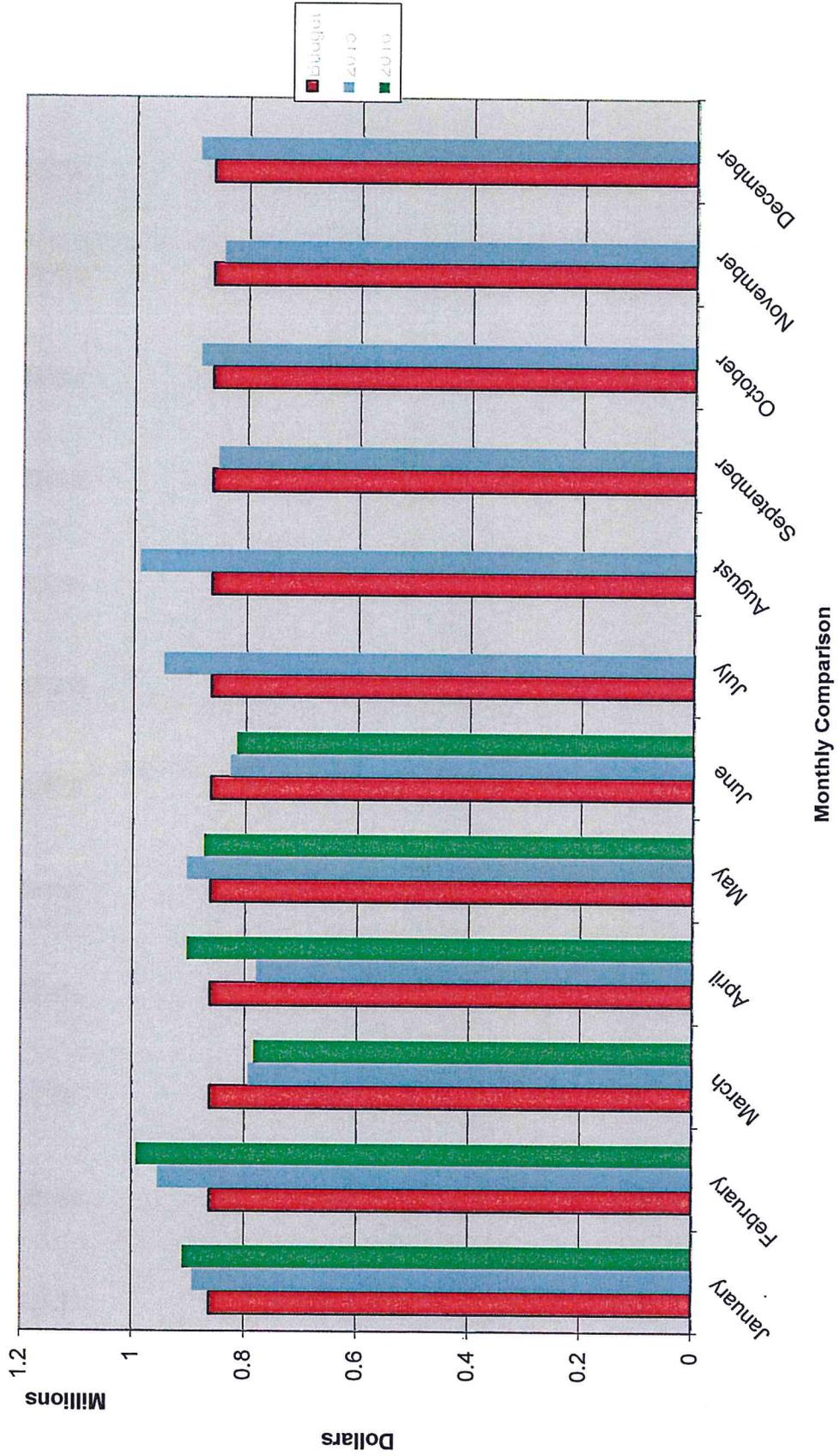
Month Ended June 30, 2016

12	District Court Costs Fund	\$ 89,330.99
13	No Vehicle Insurance Fund	\$ 45,899.45
14	Parks & Recreation Special Fund	\$ 114,946.17
15	Police Training Fund	\$ 119,576.92
16	Police Pension Fund	\$ 72,029.23
17	Court Automation Fund	\$ 366,514.44
18	Administration of Justice Fund	\$ 103.17
19	Criminal Justice Ordinance Fund	\$ 210,800.84
20	Fire Contingency Fund	\$ 29,591.64
21	Fire Insurance Premiums Fund	\$ 119,284.21
22	Fire Pension Fund	\$ 2,173.73
24	Russellville Oakland Cemetery *	\$ 55,719.82
		<hr/>
	TOTAL	\$ 1,225,970.61

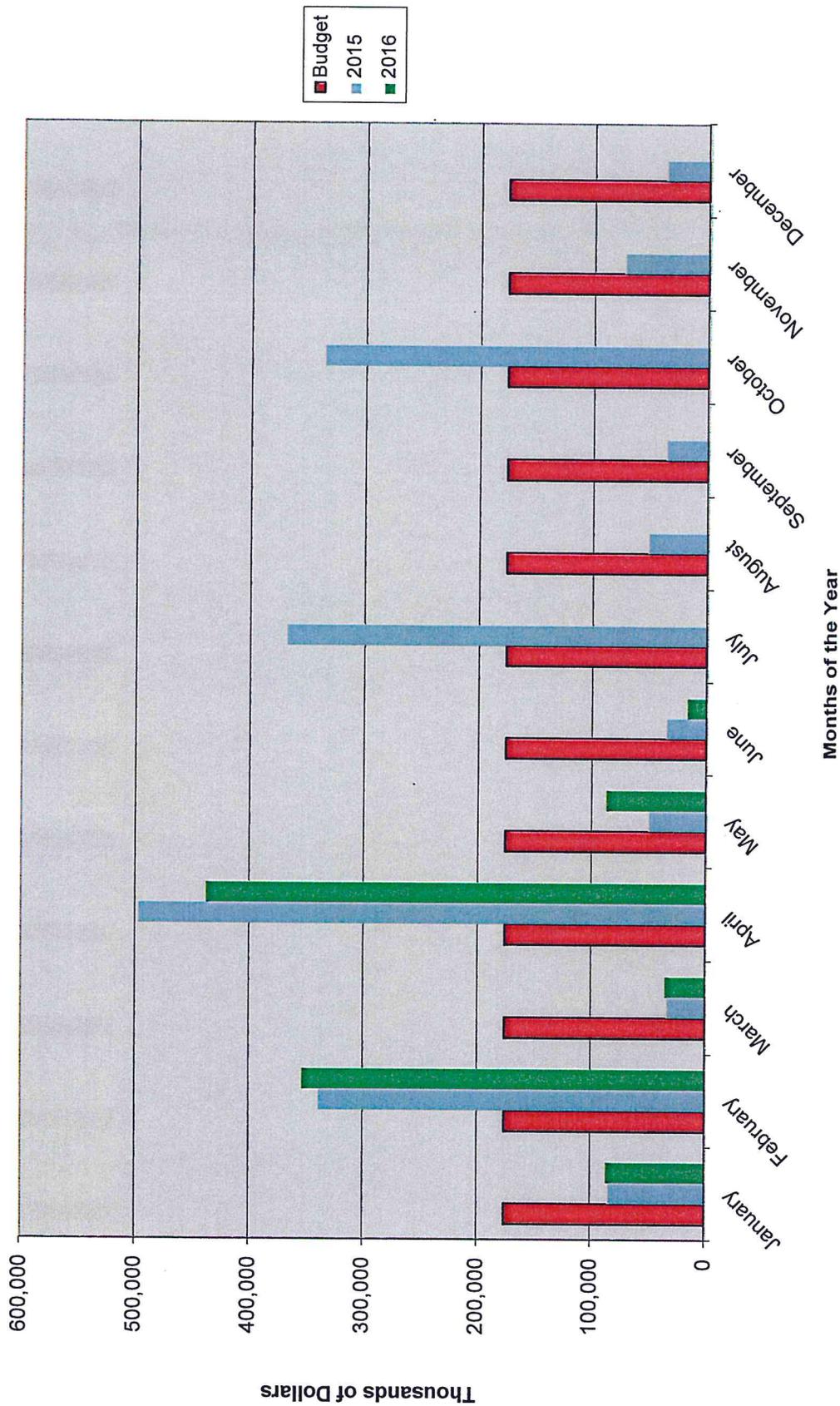
Russellville Oakland Cemetery June 30, 2016

- Has an investment of IShares \$115,393.12 Genworth \$ 80,000.00 and \$ 11,609.11 cash.

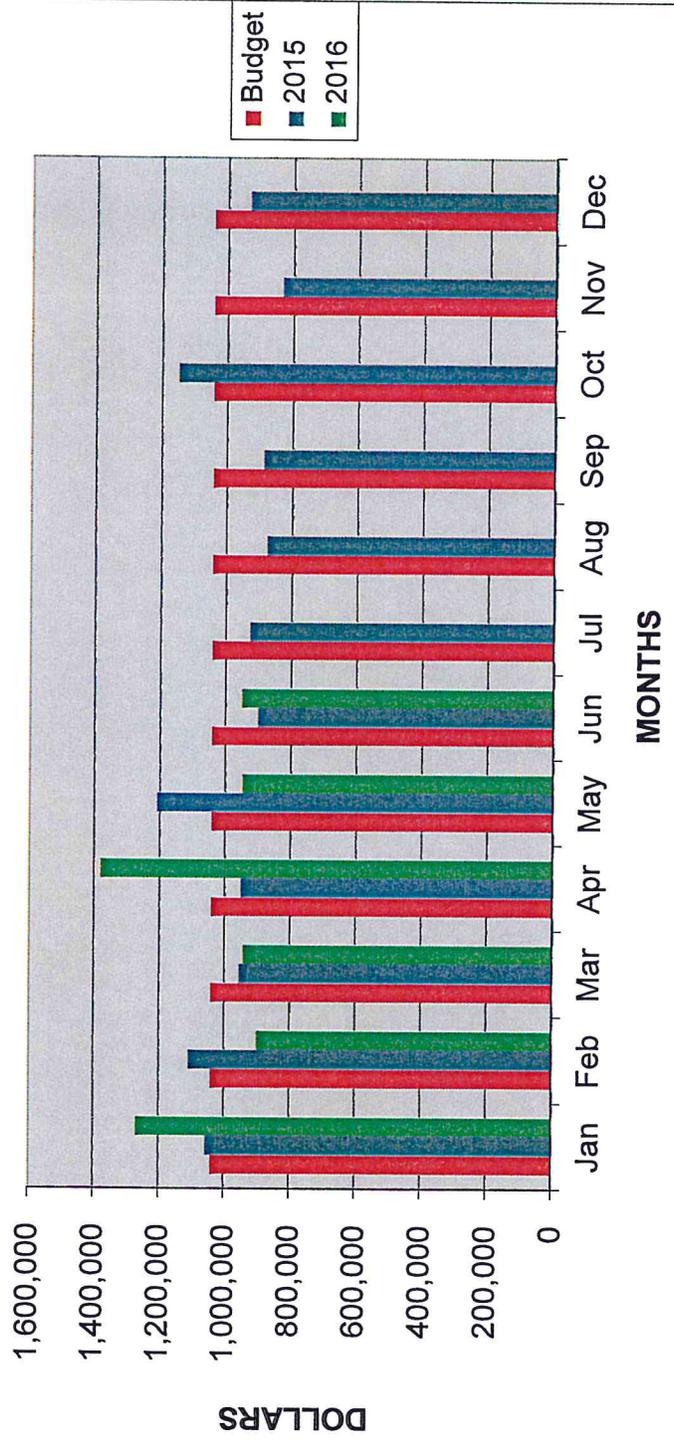
**City of Russellville
General Fund Revenues W/O Franchise Fees**



Franchise Tax Receipts

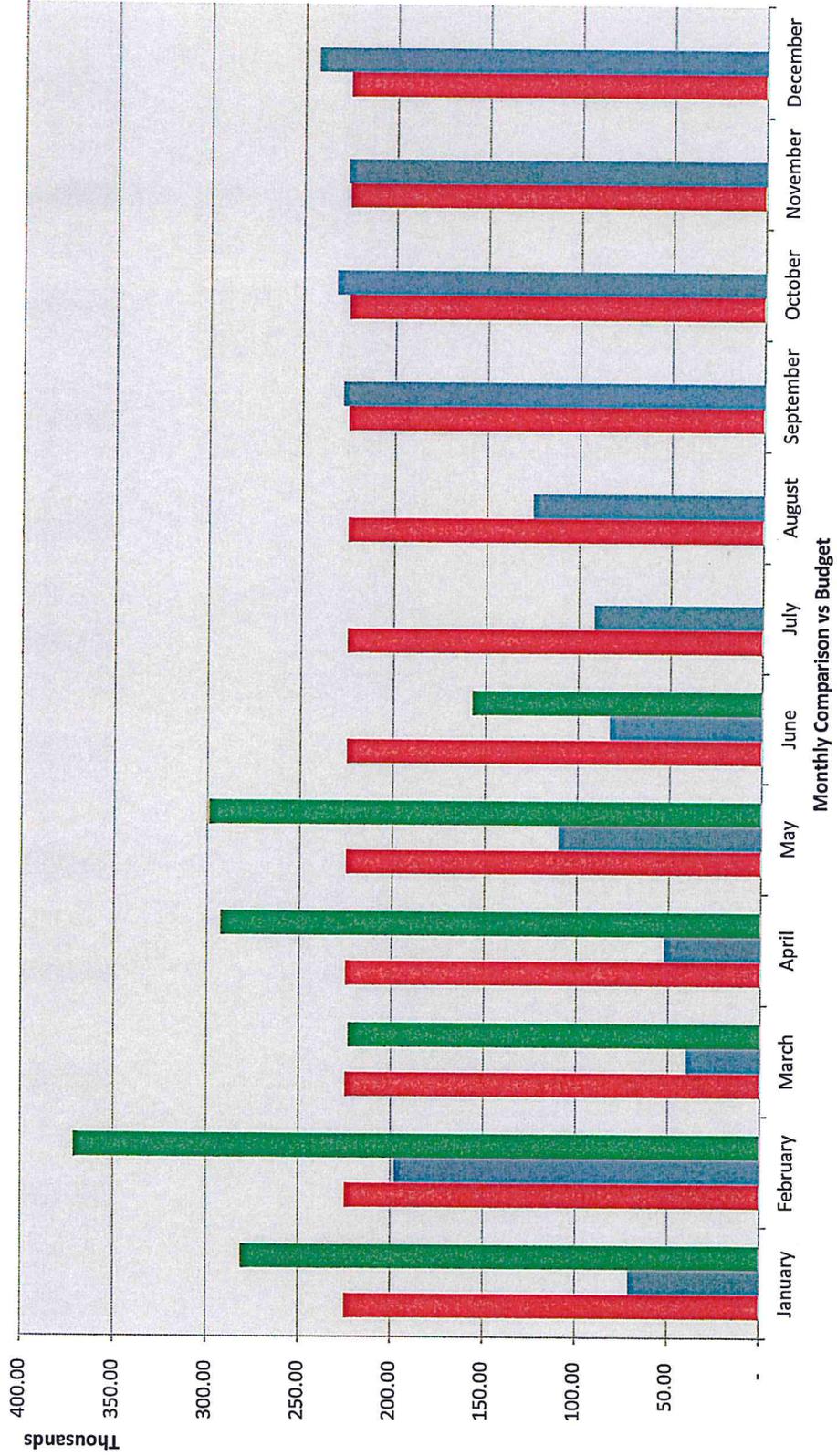


GENERAL FUND EXPENSES



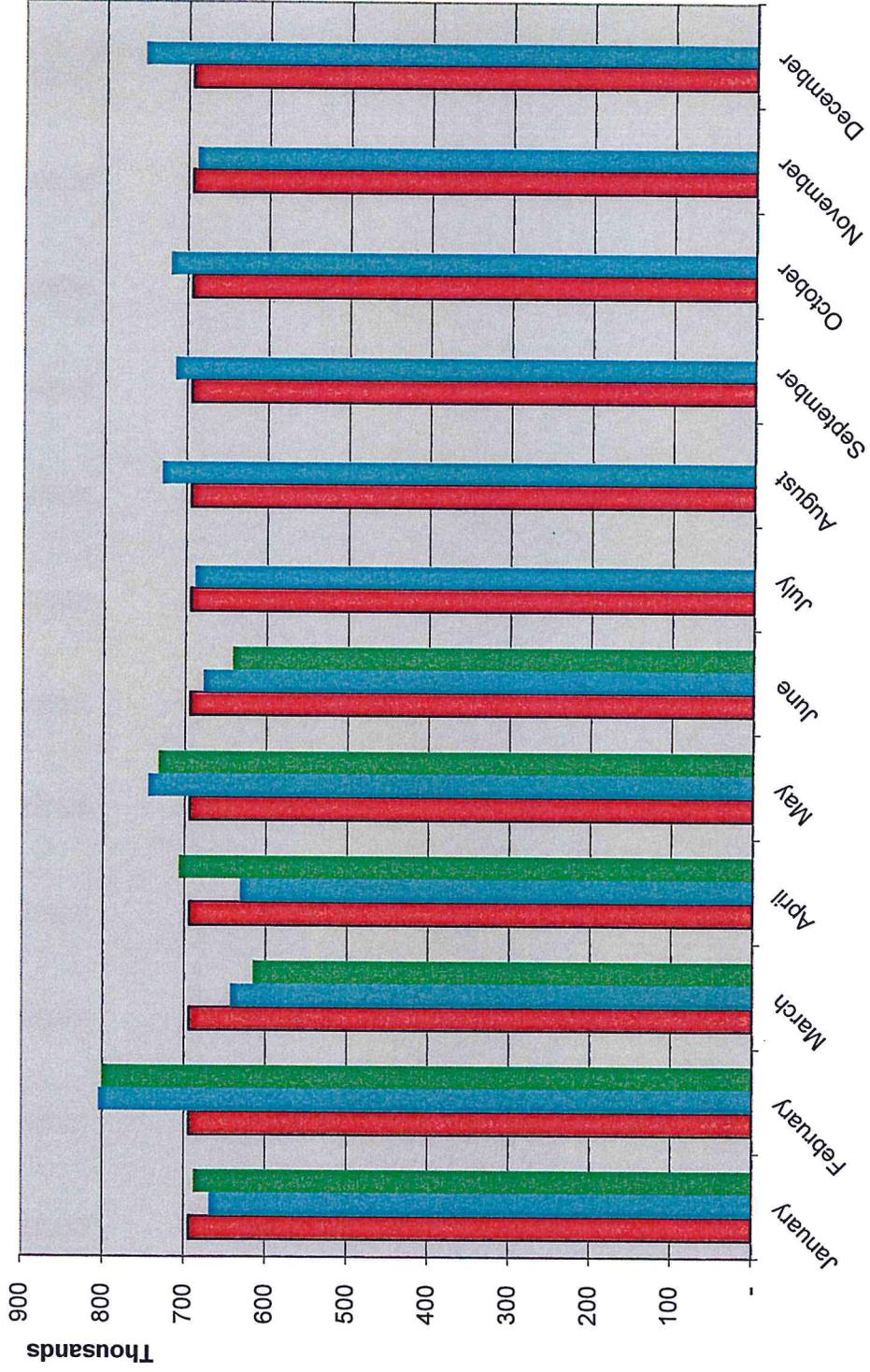
Street Department 1 cent Sales Tax Receipts

■ 2016 Budget ■ 2015 Sales Tax ■ 2016



City of Russellville General Fund Sales Tax

■ 2016 Budget
 ■ 2015 Sales Tax
 ■ 2016 Sales Tax



Monthly Comparison vs Budget

City of Russellville
Statement of Revenues and Expenditures - Summary Council R/E 2 - Unposted Transactions Included In Report
01 - General Fund
From 6/1/2016 Through 6/30/2016

	Current Period Actual	Current Year Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
101 Administrative	763,576.37	5,916,996.77	11,650,850.00	(5,733,853.23)	(49.21)%
104 District Court	44,802.27	276,377.50	410,000.00	(133,622.50)	(32.59)%
105 Community Development	5,745.45	105,977.73	194,000.00	(88,022.27)	(45.37)%
107 Animal Control	1,783.40	14,138.56	41,765.00	(27,626.44)	(66.15)%
108 Swimming Pool	23,024.95	23,024.95	51,500.00	(28,475.05)	(55.29)%
109 Parks & Recreation	5,660.37	10,452.08	25,100.00	(14,647.92)	(58.36)%
110 Fire Department	0.00	83.24	0.00	83.24	0.00%
111 Police Department	3,704.89	59,838.13	149,600.00	(89,761.87)	(60.00)%
113 Municipal Airport	31,490.95	176,177.12	433,700.00	(257,522.88)	(59.38)%
Total Revenue	879,788.65	6,583,066.08	12,956,515.00	(6,373,448.92)	(49.19)%
Expenditures					
101 Administrative	88,481.71	993,553.79	1,111,137.00	117,583.21	10.58%
102 Mayor/Treasurer	33,075.07	224,590.55	522,873.00	298,282.45	57.05%
103 Information Technology	20,318.35	155,683.83	299,179.00	143,495.17	47.96%
104 District Court	9,864.58	57,234.68	128,113.00	70,878.32	55.32%
105 Community Development	33,255.51	208,921.78	443,112.00	234,190.22	52.85%
107 Animal Control	26,873.40	176,488.89	378,190.00	201,701.11	53.33%
108 Swimming Pool	31,178.44	40,369.54	83,903.00	43,533.46	51.89%
109 Parks & Recreation	73,958.64	482,484.46	1,002,608.60	520,124.14	51.88%
110 Fire Department	282,608.49	2,008,409.60	3,826,919.00	1,818,509.40	47.52%
111 Police Department	302,559.36	2,055,978.63	4,006,372.63	1,950,394.00	48.68%
112 City Attorney	19,534.45	263,916.86	385,612.00	121,695.14	31.56%
113 Municipal Airport	32,634.81	194,294.76	546,010.00	351,715.24	64.42%
Total Expenditures	954,342.81	6,861,927.37	12,734,029.23	5,872,101.86	46.11%
Net Revenue Over(Under) Expenses	(74,554.16)	(278,861.29)	222,485.77	(501,347.06)	(225.34)%

City of Russellville
Statement of Revenues and Expenditures - Summary Council R/E 2 - Unposted Transactions Included In Report
02 - Street Fund
From 6/1/2016 Through 6/30/2016

	Current Period Actual	Current Year Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Street	135,744.54	904,651.64	1,945,600.00	(1,040,948.36)	(53.50)%
1/2 Cent Sales Tax	44,583.02	274,257.10	500,000.00	(225,742.90)	(45.15)%
Street Sales Tax Improvement	157,446.20	1,659,706.73	2,700,000.00	(1,040,293.27)	(38.53)%
Total Revenue	337,773.76	2,838,615.47	5,145,600.00	(2,306,984.53)	(44.83)%
Expenditures					
Street	150,899.42	1,000,247.57	1,988,667.66	988,420.09	49.70%
Street Capital Improvement	209,363.64	369,998.99	384,500.00	14,501.01	3.77%
1/2 Cent Sales Tax	44,583.02	274,257.10	500,000.00	225,742.90	45.15%
Street Sales Tax Improvement	0.00	269,563.75	6,900,000.00	6,630,436.25	96.09%
Total Expenditures	404,846.08	1,914,067.41	9,773,167.66	7,859,100.25	80.42%
Net Revenue Over(Under) Expenses	(67,072.32)	924,548.06	(4,627,567.66)	5,552,115.72	(119.98)%

City of Russellville

Statement of Revenues and Expenditures - Summary Council R/E 2 - Unposted Transactions Included In Report
 03 - Economic Development Fund
 From 6/1/2016 Through 6/30/2016

	Current Period Actual	Current Year Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Administrative	1,082.12	13,029.30	16,973.00	(3,943.70)	(23.24)%
Total Revenue	<u>1,082.12</u>	<u>13,029.30</u>	<u>16,973.00</u>	<u>(3,943.70)</u>	<u>(23.24)%</u>
Net Revenue Over(Under) Expenses	<u>1,082.12</u>	<u>13,029.30</u>	<u>16,973.00</u>	<u>(3,943.70)</u>	<u>(23.24)%</u>

City of Russellville
Statement of Revenues and Expenditures - Summary Council R/E 2 - Unposted Transactions Included In Report
04 - Capital Asset Fund
From 6/1/2016 Through 6/30/2016

	Current Period Actual	Current Year Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
101 Administrative	100,522.47	1,029,270.31	1,075,993.00	(46,722.69)	(4.34)%
Parks & Recreation	109,727.27	223,363.62	272,727.00	(49,363.38)	(18.10)%
110 Fire Department	180,555.56	1,083,333.36	2,166,666.00	(1,083,332.64)	(50.00)%
Municipal Airport	11,658.62	11,658.62	0.00	11,658.62	0.00%
209 Parks & Rec Portion of 3/8 Sales Tax	15,475.78	92,854.68	184,714.00	(91,859.32)	(49.73)%
Total Revenue	417,939.70	2,440,480.59	3,700,100.00	(1,259,619.41)	(34.04)%
Expenditures					
101 Administrative	97,012.02	840,744.93	1,113,968.81	273,223.88	24.53%
Parks & Recreation	477,658.18	806,021.63	4,016,700.00	3,210,678.37	79.93%
110 Fire Department	133,502.98	195,150.11	2,000,000.00	1,804,849.89	90.24%
Police Department	0.00	56,135.00	0.00	0.00	0.00%
Municipal Airport	0.00	3,742.14	4,064.75	322.61	7.94%
209 Parks & Rec Portion of 3/8 Sales Tax	0.00	29,000.00	108,500.00	79,500.00	73.27%
Total Expenditures	708,173.18	1,930,793.81	7,299,368.56	5,368,574.75	73.55%
Net Revenue Over(Under) Expenses	(290,233.48)	509,686.78	(3,599,268.56)	4,108,955.34	(114.16)%

City of Russellville
Statement of Revenues and Expenditures - Summary Council R/E 2 - Unposted Transactions Included In Report
23 - Econ Dev Fund #2
From 6/1/2016 Through 6/30/2016

	Current Period Actual	Current Year Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Sales Tax Improvement	1,727.95	10,519.45	19,000.00	(8,480.55)	(44.63)%
Total Revenue	<u>1,727.95</u>	<u>10,519.45</u>	<u>19,000.00</u>	<u>(8,480.55)</u>	<u>(44.63)%</u>
Expenditures					
Sales Tax Improvement	5,619.95	856,220.49	222,894.00	(633,326.49)	(284.14)%
Total Expenditures	<u>5,619.95</u>	<u>856,220.49</u>	<u>222,894.00</u>	<u>(633,326.49)</u>	<u>(284.14)%</u>
Net Revenue Over(Under) Expenses	<u>(3,892.00)</u>	<u>(845,701.04)</u>	<u>(203,894.00)</u>	<u>(641,807.04)</u>	<u>314.77%</u>

City of Russellville
Statement of Revenues and Expenditures - Summary Council R/E 2 - Unposted Transactions Included In Report
26 - New Economic Fund
From 6/1/2016 Through 6/30/2016

	Current Period Actual	Current Year Actual	Total Budget - Original	Total Budget Variance - Original	Percent Total Budget Remaining - Original
Revenue					
Administrative	48,639.33	1,158,492.35	540,290.00	618,202.35	114.42%
Total Revenue	<u>48,639.33</u>	<u>1,158,492.35</u>	<u>540,290.00</u>	<u>618,202.35</u>	<u>114.42%</u>
Expenditures					
Administrative	107,886.00	554,302.65	807,327.00	253,024.35	31.34%
Total Expenditures	<u>107,886.00</u>	<u>554,302.65</u>	<u>807,327.00</u>	<u>253,024.35</u>	<u>31.34%</u>
Net Revenue Over(Under) Expenses	<u>(59,246.67)</u>	<u>604,189.70</u>	<u>(267,037.00)</u>	<u>871,226.70</u>	<u>(326.26)%</u>

Committee Reports:

Finance Committee: Chairman Alderman Tripp, Alderman Eaton, Alderwoman Harris and Alderman Wiley.

1. Line Item Transfer:
From: 01-110-5111 Salaries \$ 7,500.00
To: 01-110-5192 Contract Labor \$ 7,500.00
(Budget adjustment for settlement)

2. Appropriation Pass Thru:
Department: Police
Line Item: 01-111-5224 \$ 1,170.00
(RPD Youth Academy monies collected to be appropriated into the Community Relations account).

3. Appropriation Pass Thru:
Department: Police
Line Item #: 01-111-5215 \$ 135.00
(Refund on Training Order 2016-32. Cancelled 4 day training).

4. Appropriation:
Department: Economic Fund
Expenditure: 03-101-5208 Miscellaneous Expense \$ 5,000.00
(Miscellaneous Exp).
(Mowing and Cleaning 45 Acres Industrial Prk).

5. Appropriation:
Department: Police Training Fund
Expenditure: 15-111-5546 In Car Video \$ 23,326.60
(WatchGuard Camera System)

6. Discussion of approval to continue using current financial institution for City's Financial Accounts.

7. Consideration of Approval to reimburse \$18,000.00 to the Boys and Girls Club of Arkansas River Valley.

FC# 7

**LINE ITEM TRANSFER IN ACCORDANCE WITH ORDINANCE
NO: 1783**

Date: June 28, 2016

Department: Fire Department

City of Russellville

Please consider approving the following line item changes to my current budget. I certify that these changes will not adversely affect this department's budget throughout the remainder of the year.

From:	Line Item No.	Amount
Salaries	01-110-5111	\$ 7,500.00

To:	Line Item No	Amount
Contract Labor	01-110-5192	\$ 7,500.00

The reason for this request is as follows: Budget adjustment for settlement

_____ Approved

_____ Disapproved

_____ Mayor

_____ Official/Department Head

Date entered by City Treasurer: _____

Number: _____

FC
#2

APPROPRIATION ORDINANCE NO. _____

BE IT ENACTED BY THE CITY COUNCIL OF RUSSELLVILLE,
ARKANSAS AN ORDINANCE TO BE ENTITLED: AN ORDINANCE
APPROPRIATING FUNDS FROM THE RESERVES OF THE **GENERAL FUND**
FOR THE OPERATION OF MUNICIPAL OFFICES AND MUNICIPAL
ORGANIZATION: AND FOR OTHER PURPOSES:

SECTION I; There is hereby appropriated from the city **General** fund the sum
Of **\$1,170.00** to be used for the following purposes:

Monies collected for the RPD Youth Academy to be appropriated into the
Community Relations account.

DEPARTMENT: POLICE DEPARTMENT

LINE ITEM NO.: 01-111-5224 Amount: \$1,170.00

DATED: _____

MAYOR

ATTEST: _____

CITY CLERK

FC# 3

APPROPRIATION ORDINANCE NO. _____

BE IT ENACTED BY THE CITY COUNCIL OF RUSSELLVILLE, ARKANSAS AN ORDINANCE TO BE ENTITLED: AN ORDINANCE APPROPRIATING FUNDS FROM THE RESERVES OF THE **GENERAL FUND** FOR THE OPERATION OF MUNICIPAL OFFICES AND MUNICIPAL ORGANIZATION: AND FOR OTHER PURPOSES:

SECTION I; There is hereby appropriated from the city **General** fund the sum Of **\$135.00** to be used for the following purposes:

Refund on Training Order 2016-32. Cancelled 4 day of training.

DEPARTMENT: POLICE DEPARTMENT

LINE ITEM NO.: 01-111-5215 Amount: \$135.00

DATED: _____

MAYOR

ATTEST: _____
CITY CLERK

FC#4

APPROPRIATION ORDINANCE NO. _____

BE IT ENACTED BY THE CITY COUNCIL OF RUSSELLVILLE,
ARKANSAS AN ORDINANCE TO BE ENTITLED: AN ORDINANCE
APPROPRIATING FUNDS FROM/TO THE RESERVES OF THE **ECONOMIC
FUND** FOR THE OPERATION OF MUNICIPAL OFFICES AND MUNICIPAL
ORGANIZATION AND FOR OTHER PURPOSES:

SECTION I; There is hereby appropriated from the city Economic Fund the sum of
\$ 5,000.00 to be used for the following purposes: mowing and cleaning.

DEPARTMENT: **ECONOMIC FUND**

EXPENDITURE: **03-101-5208 MISCELLANEOUS EXP** **\$ 5,000.00**

DATED: _____

MAYOR

ATTEST: _____
CITY CLERK

FC# 5

APPROPRIATION ORDINANCE NO. _____

BE IT ENACTED BY THE CITY COUNCIL OF RUSSELLVILLE, ARKANSAS AN ORDINANCE TO BE ENTITLED: AN ORDINANCE APPROPRIATING FUNDS FROM/TO THE RESERVES OF THE **GENERAL FUND** FOR THE OPERATION OF MUNICIPAL OFFICES AND MUNICIPAL ORGANIZATION AND FOR OTHER PURPOSES:

SECTION I; There is hereby appropriated from the city General Fund the sum of **\$ 23,326.60** to be used for the following purposes: **WatchGuard Camera System**

DEPARTMENT: **POLICE TRAINING FUND**

EXPENDITURE: **15-111-5546 IN CAR VIDEO** **\$ 23,326.60**

DATED: _____

MAYOR

ATTEST: _____
CITY CLERK

**RUSSELLVILLE POLICE DEPARTMENT
INTER DEPARTMENT
MEMORANDUM**

DATE: June 21, 2016
TO: Chief Jeff Humphrey
FROM: Captain David Ewing
RE: WatchGuard Camera System for New Patrol Units

The department recently purchased five Ford SUV's to be used as marked police vehicles. As part of the outfitting process, each vehicle was to have a WatchGuard video recording system installed. This is a standard feature that we have in the rest of our patrol fleet.

During the outfitting of these new patrol units, the plan was to reuse existing WatchGuard DVR hard drives from the old Ford Crown Vic patrol vehicles that were being retired from the fleet. Even though we were going to reuse the existing hard drives, we did purchase new cameras (front facing camera and prisoner transport camera) that would provide better quality and more detailed recording capability. We are already running these types of cameras in our current fleet of SUV patrol vehicles. When we made this camera purchase through WatchGuard Video, we were told that the cameras would be compatible with the existing DVR hard drives that were being reused.

When we equipped the first new vehicle with the WatchGuard system, we learned that the new cameras that we purchased were not fully compatible with the older DVR hard drives. This arrangement would not allow us to record prisoner transports. After speaking with WatchGuard, they confirmed that the older DVR hard drives (which were purchased in 2008) would not support the camera system we ordered. Even though WatchGuard said that this incompatibility should have been caught at ordering, the only way to address our incompatibility issues was to update to the newer DVR hard drive. This would require the department to purchase five new DVR hard drives.

The cost of a new unit is \$2800, but WatchGuard did quote us a price of \$2250 per unit. For five DVR units, the total cost was quoted at \$11,250. We were able to save \$2750 through negotiations with WatchGuard. This also includes an additional year of warranty at no additional cost to the department. This purchase would allow consistent recording capability and quality among our fleet of SUV patrol vehicles.

In addition to the outfitting of the five new SUVs, we currently have two SUV patrol vehicles designated as supervisor vehicles without cameras. The reasoning for this was because they were used only by supervisors, and it was a cost saving measure at the time.

We have since learned that it is in our best interest to have every marked patrol unit, including supervisor vehicles, equipped with recording capabilities. The obvious reasons is

for evidentiary purposes and protection against liability for the City of Russellville. Equipping the supervisor vehicles with DVR systems also provide additional benefits to the department.

One benefit is that all marked patrol vehicles will be similarly equipped which allows us to easily re-assign a marked patrol vehicle to any officer, as needed, regardless of rank or assignment without reducing the recording capability of events. Another benefit is that we have more control over the assignment of the vehicle which allows us to place high mileage vehicles into low mileage assignments thus increasing the longevity of that vehicle. We would not be able to take advantage of these benefits if the patrol vehicles were not equally equipped.

To outfit the current supervisor patrol vehicles, a new set-up would cost \$5,795 per unit. WatchGuard did quote us a price of \$4,995 per unit. For the two complete set-up units, the total cost was quoted at \$9,990. We were able to save \$1,600 through negotiations with WatchGuard.

Overall, the total cost to complete both projects would cost \$23,326.60 (including tax and shipping) with total discounts of \$4,350. These discounts may not be available, at least in amount given, at a later date since it is believed that these discounts were given in concession to the experienced delays our department has had in equipping our new vehicles with WatchGuard Video Systems.

In closing, the benefits of having all patrol vehicles equipped with similar recording equipment provides consistency in our operations by producing quality recordings of required events regardless of which vehicle records the event. It further enhances our ability to easily assign vehicles to improve and extent the longevity of those vehicles when the need arises.

415 Century Parkway
 Allen, TX 75013
 (800) 605-6734
 www.watchguardvideo.com



4RE & VISTA Price Estimate

Provided By: Dave Childress 281-782-2544
 Contract #:

Agency Name:	Russellville Police Department
Contact Person:	Captain David Ewing
Contact Info:	
Date:	June 20, 2016

TOTAL PROJECT ESTIMATED AT

\$23,326.60

4RE In-Car System and Options

		Quantity	MSRP	Direct	Extended
4RE-200-GPS-ZSL	4RE In-Car Camera System. Includes GPS, High definition Zero Sightline (720P) forward facing camera, Infrared color cabin camera, DVR, integrated 200GB automotive grade hard drive, 16GB USB removable thumb drive, cabin microphone, 900 MHz Hi Fidelity wireless microphone, hardware & cabling, 1 yr. warranty.	2	\$ 5,450.00	\$ 4,795.00	\$ 9,590.00
4RE-WRL-KIT-05C	4RE In-Car 802.11n Wireless Kit, 5GHz (2.4GHz is available)	2	\$ 345.00	\$ 200.00	\$ 400.00
4RE-STD-GPS-RV2	Gen 2 DVR only	5	\$ -	\$ 2,250.00	\$ 11,250.00

Total 4RE Equipment \$ 21,240.00

Manual Adjustments

		\$ -
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Notes:	<p>Applicable taxes may apply and are not necessarily accounted for on this estimate. Contact WatchGuard Video for a revised estimate.</p> <p>ESTIMATE VALID FOR 30 DAYS</p>
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Subtotal:	\$	21,240.00
UPS Ground Shipping:	\$	175.00
Taxes:	9.0%	\$ 1,911.60
4RE TOTAL:		\$ 23,326.60

Note:	<p>This is only an estimate for 4RE related hardware, software and WG Technical Services. Actual costs related to a turn-key operation requires more detailed discussion and analysis, which will define actual back-office costs and any costs associated with configuration, support and installation. Please contact your sales representative for more details.</p>
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Feb 6

City of Russellville
 Bid Tabulation Form
 Bid: City Checking Accounts

Date: 06-09-16
 Time: 12:00 Noon
 Term: 36 months w/ interest option

DESCRIPTION	CENTENNIAL	FIRST STATE	BANK OF OZARKS	SIMMONS FIRST	REGIONS	ARVEST BANK	BANK OF DARDANELLE
Interest paid on checking accounts	0.750%	No Bid	0.580%	No Bid	No Bid	0.020%	No Bid
Charges on returned checks	NO		NO			\$8.00 per item	
Charges for stop payment requests	NO		NO			\$25.00	
Check imaging available	YES		YES			YES	
Other charges	NO		NO			\$9 per Account	
On-line banking available	YES		YES			\$50.00 per month	
ACH Service for City Employees	YES		YES			\$10 per month/.10 per item	
Free check stock	YES		YES			NO	
Bank bags for each account	YES		YES			Yes	
Free deposit books	YES		YES			NO	

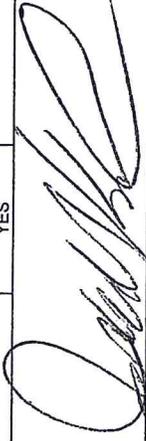
BID AWARDED TO:

TREASURER:

DATE:

MAYOR:

DATE:


 6-9-16

 6-13-2016

FC# 7

Date: 7/1/2016

Detail Reimbursement Invoice- Billed to the City of Russellville
*for services directly related to Russellville

Months of: April, May, June -2016

	<u>Hours</u>	<u>Unit Prices</u>	<u>Total</u>	<u>Sport</u>
Administration Staff	10% Salary/Qtr		\$1,500.00	Softball/Swimming
Athletic Director	Salary/Qtr		\$6,000.00	Softball/Swimming
Reception Staff	130 (10 per wk)	\$12.75/per hr	\$1,657.50	Softball/Swimming
Umpires /	102 games /		\$2,875.00	Softball/
Lifeguards/Swim Coaches	\$9.00/per hr/ 8.00 per hr		\$2,360.00	Softball/Swimming
Rental Fee	Hickey Pool/Pleasant View		\$2,100.00	Softball/Swimming
General Liab Insurance	Recreational/Liability		\$5,388.50	Rec Sports/Staff
Misc/Other:	VIP Awards		<u>\$368.00</u>	Softball/Wrestling

Total billed for this quarter: \$22,249.00

LYLE MANNING
Print Name

[Signature]
Signature

7-5-16
Date

*This signature verifies that all expenses listed are valid and meet the criteria of the contract between Boys & Girls Clubs of ARV and the City of Russellville and that copies of each invoice is available upon request.

Personnel Committee: Chairman Aldermen Steuber, R. Harris, Brown and Westcott.

1. Consideration of an Ordinance Amending Sections of the City of Russellville Personnel Policy Manual.

PC # 7

ORDINANCE NO. _____

**ORDINANCE AMENDING SECTIONS OF THE CITY OF RUSSELLVILLE
PERSONNEL POLICY MANUAL AND FOR OTHER PURPOSES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
RUSSELLVILLE, ARKANSAS:**

SECTION 1: This Ordinance is passed pursuant to the power granted to the City of Russellville by the State of Arkansas by A.C.A. §§14-43-602, 14-55-101, and 14-55-102.

SECTION 2: The City of Russellville Personnel Policy Manual was adopted by the Russellville City Council when it approved Ordinance No. 2091.

SECTION 3: The City of Russellville Personnel Policy Manual approved by the Russellville City Council is hereby amended to add or amend a Hazing Policy, Workplace Violence Policy, Bereavement Leave Policy and a Complaint Reporting and Investigation Procedure section, a copy of which is attached with this Ordinance. A copy of said amendments and additions are attached hereto and incorporated herein by reference.

SECTION 4: The Human Resources Generalist shall rewrite the City of Russellville Personnel Policy and Procedure Handbook only to the extent necessary in order to incorporate the attached amendments and additions into the Handbook section concerning the subjects mentioned in Section 3.

SECTION 5: Any ordinance or part of an ordinance in conflict with this Ordinance is hereby repealed only to the extent of the conflict.

ORDAINED, this 21st day of July, 2016.

RANDY HORTON, MAYOR

ATTEST:

KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 21st day of July, 2016.

APPROVED AS TO LEGAL FORM:

WILLIAM F. SMITH III, CITY ATTORNEY

Prepared by:
William F. Smith III
City Attorney and
Tanessa Vaughn
203 South Commerce Avenue
Russellville, AR 72801
Sponsor: Personnel Committee
PC#1

SECTION 6: Due to the critical need to immediately amend the personnel policy and procedure handbook with the issues attached, an emergency is declared to exist and, in order to protect the health, safety, and welfare of the residents and employees of the City of Russellville as well as the City of Russellville, and, therefore, the immediate implementation of this Ordinance is needed and shall go into effect immediately and after passage.

ORDAINED, this 21st day of January, 2016.

RANDY HORTON, MAYOR

ATTEST:

KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 21st day of January, 2016.

APPROVED AS TO LEGAL FORM:

WILLIAM F. SMITH III, CITY ATTORNEY

EXHIBIT A



TO: All City of Russellville Employees
 FROM: Human Resources
 DATE: July 11, 2016
 RE: Complaint Reporting and Investigation

Old Policy

1. Complaint Reporting and Investigation

The City of Russellville is committed to diligently resolving complaints and grievances made by employees. All complaints will be promptly and impartially investigated. In order for this process to occur, the following steps should be taken:

- An employee must immediately report a complaint, in writing on the appropriate form, to his/her immediate supervisor. If the immediate supervisor is the source of the alleged complaint, the employee may report his/her complaint to the department head.
- In the unlikely event that the immediate supervisor, and department head are the source of the complaint, the employee may report his/her complaint to the Mayor.
- Any supervisor or department head that learns of or receives a complaint is obligated to fully investigate and a determination of the facts and an appropriate response will be made on a case-by-case basis.
- If it is determined that the complaint has merit, the City shall take appropriate corrective disciplinary action, which may include but not be limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination.
- No employee who files a complaint will suffer retaliation as a result, nor will any person involved in the investigation.
- An employee found to have filed a complaint in bad faith or intentionally or willfully falsely reported a complaint shall be subject to disciplinary action.
- If an employee is not satisfied with the determination made after a thorough investigation, he/she may appeal to the Mayor. The Mayor shall make the final determination.

Revised Policy

2. Complaint Reporting and Investigation

The City of Russellville is committed to diligently resolving complaints and grievances made by

employees. All complaints will be promptly and impartially investigated. In order for this process to occur, the following steps should be taken:

- An employee must report a complaint within 30 working days of the occurrence, in writing, to his/her immediate supervisor. If the immediate supervisor is the source of the alleged complaint, the employee may report his/her complaint to the department head.
- In the unlikely event that the immediate supervisor, and department head are the source of the complaint, the employee may report his/her complaint to the Human Resources Department or the Mayor.
- Any supervisor or department head that learns of or receives a complaint is obligated to fully investigate and a determination of the facts and an appropriate response will be made on a case-by-case basis.
- If it is determined that the complaint has merit, the City shall take appropriate corrective disciplinary action, which may include but not be limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination.
- No employee who files a complaint will suffer retaliation as a result, nor will any person involved in the investigation.
- An employee found to have filed a complaint in bad faith or intentionally or willfully falsely reported a complaint shall be subject to disciplinary action.
- If an employee is not satisfied with the determination made after a thorough investigation, he/she may file a written appeal to the Mayor. The Mayor shall make the final determination.



Employee Complaint Form

The City takes employee complaints of discrimination, harassment, and unethical or unfair conduct as serious matters. So that we may properly investigate your concern, you are requested to fill out this form as completely as possible. Please use additional sheets of paper where needed. After a prompt and thorough investigation into your complaint, you will be notified of the company's intended action. Please submit it to your Department Head, Mayor, or Human Resources Representative.

Employee Name		Title	
Department		Department Head Name	

1. Please describe in as much detail as possible the nature of your complaint. Please provide or identify all known persons, documents, or witnesses to your concern.
2. Please describe how the actions your complaint about have affected your ability to perform your job?
3. Please describe any positive solutions you believe can help resolve your complaint.
4. Please provide any additional comments you wish to provide to the city to consider when investigating your complaint.

I acknowledge that I have read this document and understand my obligation to provide information as needed and to cooperate fully and completely with any investigation of this complaint. Should it become necessary, I authorize the city to disclose my identity and/or details of this complaint.

Employee Signature: _____ Date _____

CTY 034
July 2016

This form is viewed as employee evaluation record and therefore exempt from disclosure from any Freedom of Information Request.



TO: All City of Russellville Employees
FROM: Human Resources
DATE: July 11, 2016
RE: Funeral or Bereavement Leave

Old Policy

Funeral or Bereavement Leave

Funeral leave with pay up to a maximum of three (3) calendar days shall be granted to all City employees in cases of death in the immediate family only.

The definition of Immediate Family for the purpose of this leave shall include mother, father, brother, sister, son, daughter, grandparents, aunt, uncle, son-in-law, daughter-in-law, sister-in-law, brother-in-law, spouse, spouse's immediate family or those relatives who live in the employee's household including "step" relatives

New Policy

Funeral or Bereavement Leave

Funeral leave with pay up to a maximum of three (3) calendar days shall be granted to all City employees in cases of death in the immediate family only.

The definition of Immediate Family for the purpose of this leave shall include mother, father, brother, sister, son, daughter, grandparents, grandchildren, aunt, uncle, son-in-law, daughter-in-law, sister-in-law, brother-in-law, spouse, spouse's immediate family or those relatives who live in the employee's household including "step" relatives



CITY OF RUSSELLVILLE

TO: All City of Russellville Employees

FROM: Human Resources

DATE: July 11, 2016

RE: Workplace Violence

Workplace Violence Policy

The City of Russellville is committed to providing a safe and healthy workplace for the benefits of its employees and the public. The City of Russellville is also committed to preventing violence against persons receiving City services and participating in City programs.

The City of Russellville has zero tolerance of Workplace Violence. Employees shall report instances or threats of violence to their supervisors. Supervisors shall record, investigate and report instances or threats of violence to law enforcement, as appropriate, and to the Human Resources Director.

All threats will be taken seriously and must be reported immediately.

Employees displaying a tendency to engage in violent, abusive or threatening behavior will also be subject to disciplinary action, up to and including termination of employment



TO: All City of Russellville Employees
FROM: Human Resources
DATE: July 11, 2016
RE: HAZING POLICY

The City of Russellville is committed to providing and maintaining a discrimination-free work environment for all of our employees and seeks to promote a safe environment where employees may function without compromise to their health, safety, and welfare.

It is, therefore, the city's policy that work related hazing is prohibited.

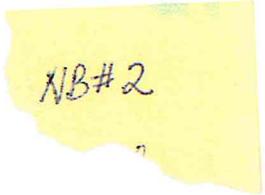
The City of Russellville has adopted a policy of zero tolerance for hazing of fellow employees. Employees who engage in hazing acts and supervisors who knowingly fail to act to prohibit prevent or investigate them, will be subject to appropriate disciplinary action up to and including termination of employment.

Any retaliation or sanction towards an employee for reporting hazing activity is prohibited.

To report hazing, you should contact your supervisor, the Mayor or human resources.

New Business:

1. Consideration of a Discussion of Signage regarding Cigarettes, etc. on Billboards, at Intersections and in Storefront Windows --Alderman Eaton.



RESOLUTION NO. _____

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A SMALL ENGINE REPAIR SHOP AND FOR OTHER PURPOSES

WHEREAS, a petition for special use permit was filed with the Russellville Planning Commission on June 27, 2016, asking the City to grant a special use permit for property described in the petition and is zoned C-2, and

WHEREAS, the Russellville Planning Commission and Russellville City Council have ascertained that the proposed use will not conflict with the surrounding land uses.

WHEREAS, the Russellville Planning Commission did on June 27, 2015, voted to recommend David and Diane Bubbis, the owners of the following real property at 511 Weir Rd, Russellville, Arkansas, more particularly shown with the aerial attached as Exhibit A with this Resolution and incorporation herein by reference

WHEREAS, the Special Use Permit will authorize the applicant to use the following real property for a small engine repair shop. The Planning Commission did vote to recommend approval for the issuance of the Special Use Permit.

WHEREAS, the Russellville City Council must approve the issuance of such a Special Use Permit per the City Zoning Code requirement.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

SECTION 1: The petition is hereby granted, and the Department of Public Works is directed to use a Special Use Permit for a small engine repair shop 511 Weir Road, Russellville, Arkansas 72801, as more particularly described the aerial attached with this Resolution and incorporated herein.

SECTION 2: The Resolution shall go into effect immediately upon passage.

ORDERED, this 27th day of June, 2016.

RANDY HORTON, MAYOR

APPROVED AS TO LEGAL FORM:

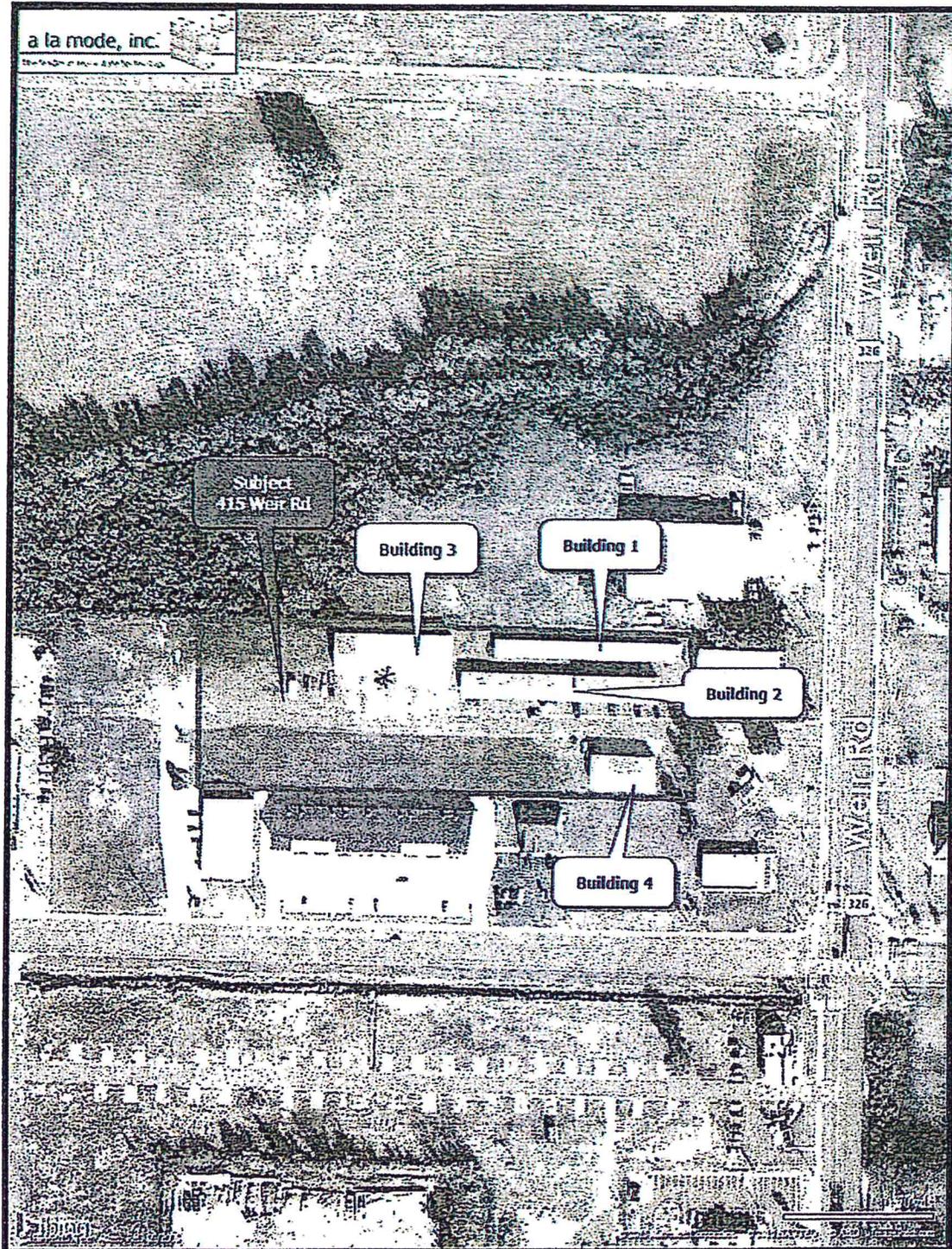
ATTEST:

**KATHY COLLINS,
CITY CLERK-TREASURER**

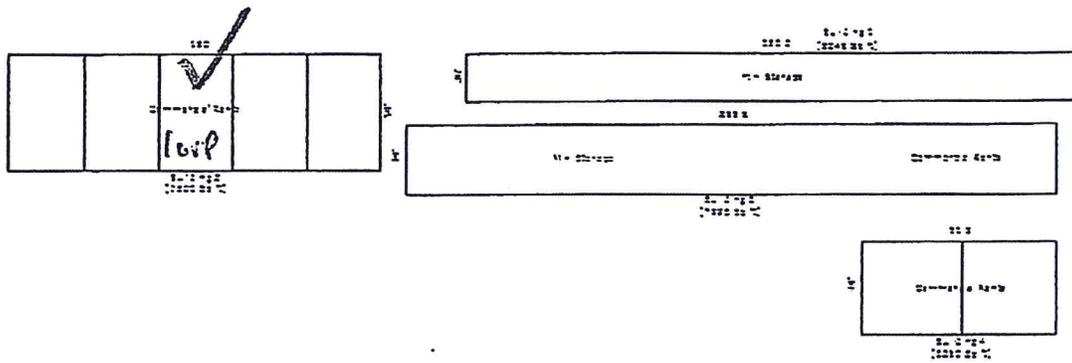
**WILLIAM F. SMITH III,
CITY ATTORNEY**

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Resolution No. _____ passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 27th day of June, 2016.

EXHIBIT A

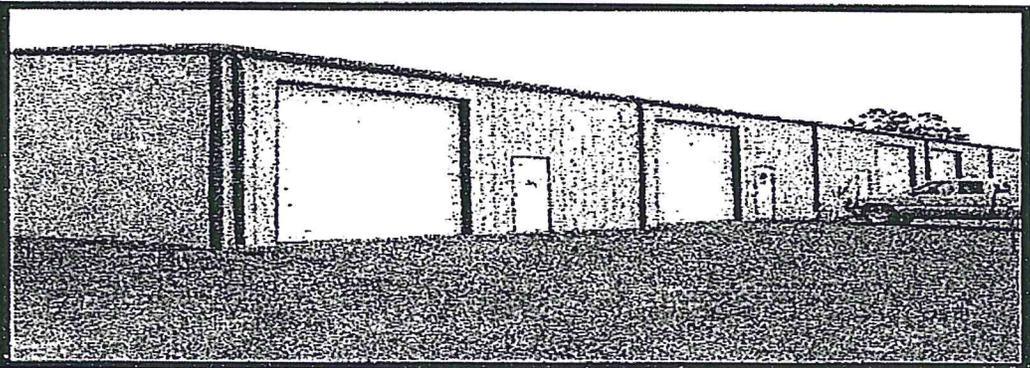
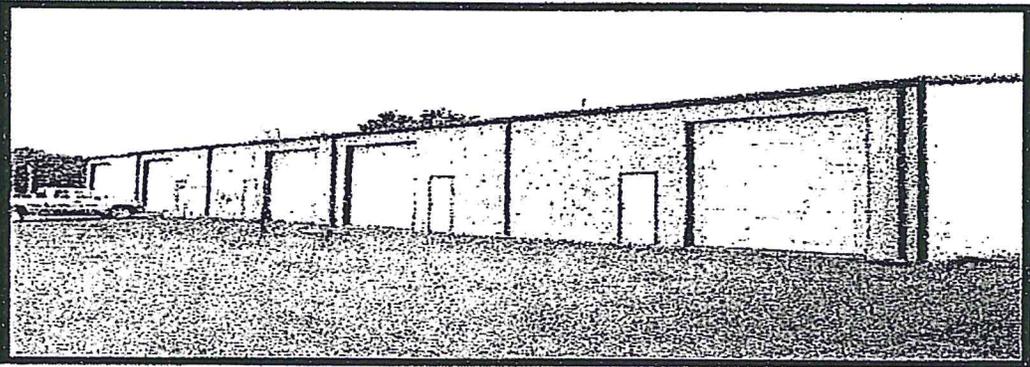
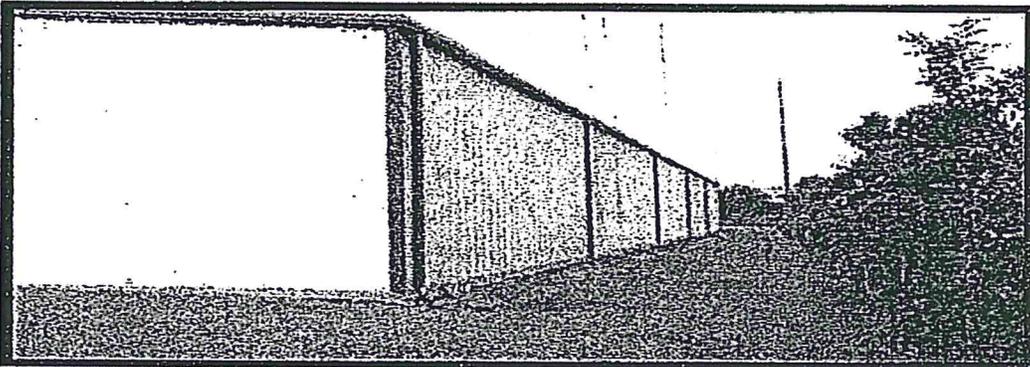
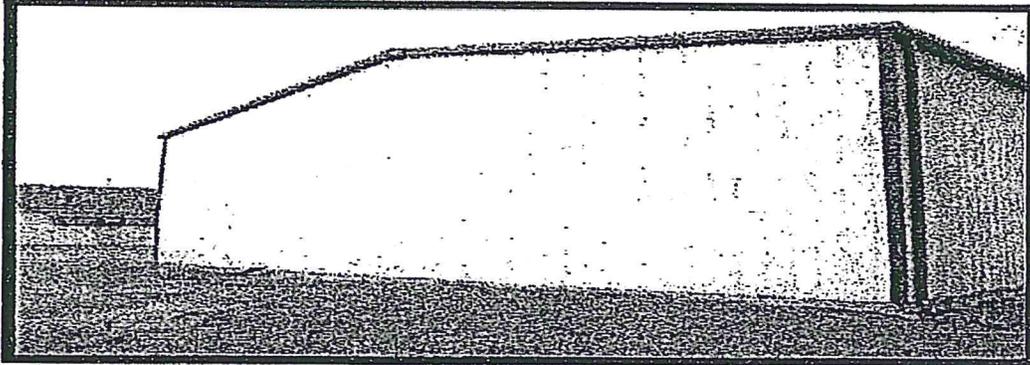


¹Building 3 (address 511) is a +/- 7,500 SF Class "S" metal building that is partitioned into 5 commercial units. This building has a fabricated metal exterior and roof covering and a concrete slab. This building is considered to be of average construction and in average/good overall condition. Each unit has a small finished area and shop/warehouse area.



Area Calculations Summary		Calculation Details	
Living Area			
Building 2	7500 Sq ft	150 x 50	= 7500
Building 2	7698 Sq ft	256.6 x 30	= 7698
Building 1	2523 Sq ft	252.3 x 10	= 2523
Building 4	2052 Sq ft	51.3 x 40	= 2052
Total Living Area (Rounded):	23804 Sq ft		

Building 3 (511 Commercial)



CITY OF RUSSELLVILLE

Planning Commission Staff Report

6/24/16

Special Permit Application

Location/Address: 511 Weir Road
 Applicant Name: David and Diane Bubbus
 Action Requested: Special Permit Approval
 Present Zoning: C-2
 Current Use: Vacant
 Adjacent Uses: General Commercial and Office uses to the South, A Large Industrial Warehouse and Open Display Commercial Sales of Farm Equipment North, and an Array of Food/Banking/Retail Services to the East and a Mattress Retailer to the West.
 Adjacent Zoning: C-2; R-3 to the north
 Comprehensive Plan: Office

Current Request:

This application involves a request to use existing warehouse space for the creation of an automotive repair shop. Specifically, the business would focus on small engine repair.

Planning Comments/Questions:

- Although similar facades exist in the complex there are several different uses. The uses range from martial arts instruction to window tinting.
- Where on the lot will outdoor storage occur? Outdoor storage cannot be used in areas indicated for required parking.
- Provide a dimensioned drawing of the site showing property lines.

Consistency with the Comprehensive Plan:

- The comprehensive plan calls for this area to be office, but the planned use was determined prior to the I-40 off ramp and associated commercial development occurred. The character of the area has shifted significantly since the plan was made. As such, this designation should be considered outdated.
- The site is currently zoned C-2 allowing the site to be used as an automotive shop if a special use permit is granted.
- The area to the northwest is zoned for R-3, but a significant wooded area exists between the two uses such that there should be minimal impact of noise being an issue in the future if the area were to develop.

Planner's Recommendation for Approval:

TABLE

Additional information is needed before a recommendation for approval or denial can be made.

See Planning Comments/Questions.

For City Council Packet

Russellville Planning Commission Minutes

June 27, 2016 @ 5:30 p.m.

The Russellville Planning Commission held its regular meeting on Monday, June 27, 2016 at 5:30 p.m. in the Russellville City Hall Council Chambers.

Members Present

Chairman Dennis Boyd
Vice-Chair Doug Skelton
Todd Meimerstorf

Mike Wilkins
Nathan Barber
Council Liaison Freddie Harris

Members Absent

Secretary Wendell Miller
Peggy Stratton
Shirley Hatley
John Whiteside

Also present: Acting City Planner Benjamin Lykins, Planning Assistant Lequitta Jones, Jim Lynch/City Corp, Alderman Bill Eaton, Building Official Brian Holstein, City Attorney Trey Smith, Robert Hopson, Randall Hopson, Mike Robberson, Diane Bubbus, and Dawn Moore.

Welcome

The First Order of Business was a request to review and approve the May 23, 2016 minutes.

Commissioner Wilkins made the motion to approve the minutes as written. The motion was seconded by Commissioner Meimerstorf and passed unanimously.

The Second Order of Business was a public hearing requesting review and a recommendation of approval for a special use permit to operate a small engine repair, for property located at Building #3, 511 Weir Road in a C-2. Submitted by Diane Bubbus. (SP.16.06.148)

Acting City Planner Benjamin Lykins said the location of this property is 511 Weir Road. The applicant is David and Diane Bubbus requesting a Special Use Permit for a small engine repair shop. The property is currently zoned C-2. The adjacent uses are general commercial and office uses to the south, large industrial warehouse and open display commercial sales of farm equipment to the north, an array of food/banking/retail services to the east and a mattress retailer to the west. The adjacent zoning is C-2 and R-3 to the north. The area to the northwest is zoned for R-3, but a significantly wooded area exists between the two uses such that there should be minimal impact of noise being an issue in the future if the area were to develop. The request is to use the existing

warehouse space for the creation of an automotive repair shop. Specifically, the business would focus on small engine repair. The Comprehensive Plan calls for this area to be office, but the planned use was determined prior to the I-40 off ramp and associated commercial development occurred. The character of the area has shifted significantly since the plan was made. As such, this designation should be considered outdated. The site is currently zoned C-2 allowing the site to be used as an automotive shop if a Special Use Permit is granted. Although similar facades exist in the complex there are several different uses. The uses range from martial arts instruction to window tinting. Outdoor storage cannot be used in areas indicated for required parking.

Ms. Diane Bubbus said the location will be used for a small engine repair. The exterior of the building will be clean, spotless, no trash, no equipment or parts will be stored on the outside of the building, and all the work will be done inside the building. The vehicles they are working on will be stored inside.

Acting Planner Lykins said the applicant had been asked to provide a dimensioned drawing of the site showing property lines before a recommendation for approval or denial can be made. He said since this is an existing building, if the commission is comfortable not having the drawing then it does not need to be tabled. It would be *recommended approval* with the required provision of no outside storage of equipment, no operation of the use outside of the building; door closed during operation of the business and parking area is to be used only as parking.

Commissioner Wilkins asked Ms. Bubbus if fuel would be stored inside of the building. Ms. Bubbus said, "no." Mr. Wilkins further stated the Comprehensive Plan was outdated and that he believed the building fits this use.

Commissioner Wilkins made the motion to approve with conditions as recommended by the staff. The motion was seconded by Commissioner Meimerstorf and passed unanimously.

Meeting Adjourned

Chairman Dennis Boyd

Kathy G. Collins

From: Lequitta A. Jones
Sent: Tuesday, July 05, 2016 8:56 AM
To: Kathy G. Collins; Randall Horton; Kurt J. Jones; Trey F. Smith; Freddie Harris; freddieh2011@hotmail.com; Walden, James P.; 'Dennis Boyd'
Subject: 2016 June 27 Recommendations for City Council July 21
Attachments: 2016 June 27 Recommendations for City Council July 21.doc

Kathy, please place the agenda item on the July 21, 2016 City Council agenda.

Trey, please note the conditions for your resolution.

Thanks,
Lequitta

NB# 3

ORDINANCE NO. _____

AN ORDINANCE REGULATING ALL OF THE CITY OF RUSSELLVILLE, ARKANSAS, RIGHTS-OF-WAY, REQUIRING A PERMIT PRIOR TO CUTTING A CITY STREET, CURB, DITCH OR SIDEWALK; PROVIDING FOR A PENALTY; REPEALING ORDINANCE NOS. 1676, 1699 AND 1894 AND FOR OTHER PURPOSES

WHEREAS, the City Council has determined that a risk exists for misuse, abuse and damage to the City’s streets, curbs, ditches, gutters, sidewalks and rights-of-way by persons attempting to utilize these public areas for private or commercial benefit; and,

WHEREAS, in the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and,

WHEREAS, the City Council has determined that it is in the best interest of the residents of the City of Russellville, Arkansas, for persons desiring to utilize for excavations, cuts, work, boring or blocking the public rights-of ways, streets, curbs, ditches, gutters or sidewalks for utility services to obtain a permit prior to accessing or disturbing these areas; and,

WHEREAS, the City Council finds that the Ordinance has been beneficial to the health, safety, and welfare of the public by generally accomplishing its objectives; and,

WHEREAS, the City Council finds that it is appropriate to recover its costs of Department of Public Works administering this Ordinance through the assessment of permits fees; and,

WHEREAS, the City Council finds that the fees are reasonably related to the cost of Department of Public Works administering this Ordinance; and,

WHEREAS, the City Council finds that the adoption of this Ordinance would further enhance the benefits derived to the public health, safety, and welfare through regulation of excavations, cuts, borings, work or blockages in the public rights-of-way in the City.

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

SECTION 1: Title. This Ordinance shall be titled, “The City of Russellville, Arkansas, Street and Curb Cut Ordinance.”

SECTION 2: Purpose. The City of Russellville, Arkansas, finds that the city has experienced development, construction and maintenance operations by utilities and other entities which requires excavations and cuts in public rights-of-way and other properties. These excavations or cuts occur because of such things as the installation of water lines, sanitary sewers, drainage structures, other utilities, or the replacement, improvement or maintenance of such systems. When these excavations or cuts occur, significant problems face the City because

of the vast number of cuts, the occasional poor restoration techniques, or the multiple cuts in the same area by different entities because there is no need to contact other utilities. As a result, there is a real potential for serious deterioration of the paved public rights-of-way and on occasion, a threat to public safety. As a result, an ordinance is required that sets forth in detail the responsibilities of any entity that uses the public rights-of-way through franchise or other legal authority, and in the course of, or in furtherance of, that use, causes excavation or cuts to occur. Therefore, the City has a vested interest in assuring that any disruption of the flow of traffic, or the digging of any trench, excavation or cut, in the paved portion of the public rights-of-way, be kept to a minimum.

SECTION 3: Incorporation of Recitals. The recitals and findings in the Preamble are hereby incorporated and made a part of this Ordinance.

SECTION 4: Authority. This Ordinance is passed by the City pursuant to the authority granted to it by the State of Arkansas under A.C.A. §§14-43-602, 14-54-101(4), 14-54-104, 14-54-601, 14-54-301, 14-55-101, and 14-55-102.

SECTION 5: Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

- (a) **AHTD** – The Arkansas Highway and Transportation Department, a State of Arkansas Department administered by the Arkansas State Highway Commission which was created by the passage of Amendment 42 to the Constitution of Arkansas.
- (b) **APPLICANT** – means any person making written application to the Department of Public Works, seeking a permit to make, or cause to be made, any excavation, cut, work, boring or blockage in any public right-of-way.
- (c) **BORE** – To perform work which utilizes equipment that tunnels beneath the public rights-of-way, sidewalk, driveway, driveway apron or other areas under public property by the public rights-of-way.
- (d) **CITY** – The City of Russellville, Arkansas, a municipal corporation incorporated under the state laws of the State of Arkansas as a city of the first class.
- (e) **CURB CUT** – The total street curbing that is removed to place a driveway and slopes.
- (f) **DEPARTMENT OF PUBLIC WORKS** – A department of the City that administers construction of public improvements on behalf of the City as well as regulates all construction involving or affecting public rights-of-way or other administrative or regulatory authority as granted to it by the Arkansas statutes or City ordinances.
- (g) **DETAILED PLAN OF THE WORK** – Written information submitted to the Department of Public Works which the applicant for the street or curb cut permit shall furnish stating or showing;

- (1) The purpose for which the excavation, cut, bore, work or blockage of the public right-of-way is to be made;
 - (2) The dimensions and location of the proposed excavation, cut, bore, work or blockage of the public right-of-way including the nearest cross streets where the excavation, cut, bore, work or blockage is considered;
 - (3) The full scope of work to be included in the project and the work area;
 - (4) The date or dates during which the requested excavation, cut, bore, work or blockage of the public right-of-way is to be permitted;
 - (5) The date by which such excavation, cut, bore or work is to be restored in the manner hereinafter prescribed and required in this Ordinance; and,
 - (6) A proposed barricade plan for the use of barricades, signals, signs, flags, flares and other traffic control and safety devices about the work area.
 - (7) A timeline or schedule for work shall be permitted to the City prior to the issuance of the permit.
- (h) **DIRECTOR OF PUBLIC WORKS** – The top administrative person of the Department of Public Works who is a department head subject to administrative authority of the Mayor as defined in A.C.A. §14-42-110.
- (i) **DRIVEWAY** – Any private road or means of entry or exit adjacent to or abutting a public right-of-way intended or available for access to a public right-of-way.
- (j) **EXCEPTIONAL CIRCUMSTANCE** – (1) Any persons aggrieved with the literal enforcement of this Ordinance, due to unreasonable hardship because of peculiar conditions pertaining to the excavation, cut, bore or blockage and the public right-of-way in question, shall submit in writing grounds for such unreasonableness or hardship on which the waiver request is based. Any such waiver requests shall not be contrary to public interest and the spirit of these regulations and shall afford the minimum modification necessary. Economic hardship alone shall not be sufficient grounds for a waiver to be granted to for profit persons. Such requests shall be acted upon by the Director or Public Works. Any person denied a waiver by the Director of Public Works may appeal to the Board of Adjustment at a regularly scheduled meeting of the Board. All waiver requests shall stay any excavations, cuts, bores or blockages in the public right-of-way by the person applying for the waiver in order that sufficient time is allowed for the Director of Public Works or the Board of Adjustment to make their decision. Any appeal from the Board of Adjustment shall be heard in Pope County Circuit Court.
- (2) Economic development may qualify for waiver of a permit fee and surety bond if the economic development is sponsored, in part or in whole, by the City and funded in part or in whole, by the City. The procedure for obtaining a waiver from permit fees and surety bonds for economic development purposes shall follow the same process as outline in (i)(1).

- (k) **EMERGENCY** – A situation or event such as breakage of a utility line, which presents an imminent hazard to the public health, safety and welfare, which requires a necessary utility repair that involves a cut, excavation, boring or blockage of a public right-of-way and occurs after the office hours of the Department of Public Works which the Department is open to the public. Not included in this definition are the routine placement or replacements of service facilities which are being constructed or replaced as part of normal expansion or routine maintenance activities.
- (l) **EXCAVATION** – Any work in the surface or subsurface of the public rights-of-way, including, but not limited to opening the public rights-of-way; installing, servicing, repairing or modifying any facility(ies) in or under the surface or subsurface of the public rights-of-way, and restoring the surface and subsurface of the public rights-of-way.
- (m) **MAYOR** – The chief executive office of the City as defined by A.C.A. §§14-43-504, 14-43-401 14-43-304 and 14-43-305.
- (n) **MINOR MAINTENANCE WORK** – Work performed to existing utilities which does not include excavation, cutting or boring of any material in the public right-of-way or damage or blocking to public right-of-way or vegetation in the public right-of-way.
- (o) **NON-RESIDENTIAL** – Any area in the City not defined as Residential.
- (p) **OSHA** – the federal Occupational Safety and Health Administration or the Arkansas state agency responsible under a plan approved under sSection 18 of the Occupational Safety and Health Act of 1970 for the enforcement of occupational safety and health standards in Arkansas.
- (q) **PERMIT HOLDER** – A person who under the provisions of this Ordinance has, or is required to apply for and obtain, a permit from the Department of Public Works before cutting, excavating, boring, working on or blocking a public right-of-way in the City.
- (r) **PERSON** – Any public or private natural person, individual, partnership, company, firm, sole proprietorship, association, trust, estate, limited liability company, corporation, business entity, political subdivision, commission, board, public or private institution, utility cooperative, or other legal entity.
- (s) **PUBLIC RIGHT(S)-OF-WAY** – Any area within the City that is across, along, beneath, in, on, over (above), under, upon, and within the dedicated public alleys, boulevards, bridges, courts, freeways, highways, avenues, lanes, parks, parkways, rivers, roads, sidewalks, spaces, streets, tunnels, viaducts, ditches, curbs, gutters and any other place, area, or real property, including real property owned in fee, easement, lease or license by the City.
- (t) **RESIDENTIAL** – An area with inhabitable standalone single dwelling structures that have sleeping, cooking and plumbing facilities, which are designed, intended to be and/or

are being used for human occupancy by a family or individuals for residency or domicile dwelling purposes.

- (u) **RESTORATION** – The process by which an excavated public right-of-way and surrounding area, including pavement and foundation, is returned to the same or better condition that existed before the work.
- (v) **STREET CUT** – Any excavation, cut, bore or blockage on a public right-of-way in the City which removes surface or underground material within the public right-of-way and requires restoration work within the public right-of-way to return the public right-of-way to the same or better conditions that existed before the work.
- (w) **SURETY BOND** – Security submitted to the City which guarantees that all work required as part of an approved permit will be satisfactorily completed. At the option of the City, an acceptable security can be a letter of credit, certified check, cashier's check or escrow agreement with institutions authorized to provide such securities in the State of Arkansas. Said security must be made payable to the City.
- (x) **TRENCH** – An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.
- (y) **UTILITY EXCAVATOR** – Any owner whose facility or facilities in the public right-of-way are used to provide electricity, gas, information services, sewer service, telecommunications, traffic controls, transit service, video, water, or other services to customers.
- (z) **UTILITY SERVICE** – A business or service engaged in regularly supplying the public with some commodity or service that is of public consequence and need, which includes, but not limited to:
 - (1) Those services provided by a public utility as defined in respective Arkansas statutes;
 - (2) Services provided by or the transporting of voice or data information by a telecommunications right-of-way user as defined in respective Arkansas statutes;
 - (3) Services provided by cable communications systems as defined in respective Arkansas statutes;
 - (4) Natural gas, electric energy or telecommunications service provided by a person;
 - (5) Services provided by a cooperative electric association organized under the provisions of respective Arkansas statutes; and,
 - (6) Water, sewer, electricity, gas, cable, telephone, video service, information services, or other telecommunications.

- (aa) **WORK** – Any excavation, cut, bore or blockage on, in or affecting a public right-of-way in the City.

SECTION 6: Permit Required. (a) It shall be unlawful for a person, to make or cause to be made any excavation, cut, bore or blockage in or on the public right-of-way without having first obtained a written permit from the Department of Public Works and complying with this Ordinance and regulations issued hereunder.

(b) It shall be unlawful for a person shall construct, improve, modify or alter in any way a driveway, in the area where said driveway enters a public right-of-way, without first obtaining a written permit from the Department of Public Works and complying with this Ordinance and regulations issued hereunder.

(c) A written permit is not required prior to an excavation, cut or boring of any public right-of-way **if, and only if**, the excavation, cut, work, blockage or bore is made as a result of an emergency situation in which the destruction of life or property is imminent or is necessary to restore basic service. Department of Public Works shall be notified at the earliest possible moment, but in any event, no later than the end of the first (1st) business day after the excavation, cut, blockage or bore is made.

(d) A written permit to block a public right-of-way shall also be required for persons engaging in demolition, maintenance or construction work affecting a public right-of-way.

(e) Each excavation, cut, work, bore or blockage of the public right-of-way shall require a separate permit.

(f) The provisions of this Ordinance does not apply to minor maintenance work.

SECTION 7: Boring Requirement. (a) It is the requirement of the City that boring or pushing of utility services under the public rights-of-way or public property, occur instead of excavations or cuts. The permitting process as set forth in this Ordinance shall be met, and all boring plans shall be subject to the approval of the Department of Public Works. Street closures shall be permitted after a permit from the Department has been approved. Notification of emergency and public service agencies shall be the sole responsibility of the permit holder or person responsible for the boring of the public right-of-way.

(b) If in the determination of the Director of Public Works that boring or pushing or utility services under the public rights-of-way or other public property is not feasible, then the permit holders or persons may engage in excavations, cuts, work or blockages upon going through the permitting process as set forth in this Ordinance once the requirements for obtaining a permit are met and the person has a valid permit for the excavation, cut, work or blockage of the public right-of-way. Notification of emergency and public service agencies shall be the sole responsibility of the permit holder or person responsible for the excavation, cutting, working on or blocking the public right-of-way.

SECTION 8: Public Rights-of Way Excavation Execution Plan. (a) An ordinance requiring that any excavation, cut, bore, work or blockage performed by a permit holder or person upon, in, under, above or about any public rights-of-way or any public easement within the City, that person or applicant for a permit shall furnish to the Department of Public Works, prior to issuance of a permit, a Detailed Plan of the Work.

(b) The permit holder or person shall coordinate their activities with the Department of Public Works. The Department will regulate time of the opening or work, barricades, lighting and flagmen. If, during the course of construction, any City owned sewer, underdrain, manhole, catch basin, curb, guardrail, or other facility or appurtenance is damaged, destroyed or disturbed, such condition shall be reported immediately to the Department of Public Works, which shall then prescribe, direct, supervise, and inspect the necessary corrective action, with inspection costs being borne by the permit holder or person.

(c) The size and type of the excavation, cut, bore, work or blockage of the street or curb cut in, on or affecting the public right-of-way may require information in addition to what is prescribed by this Ordinance. All necessary information shall be furnished to the Department of Public Works when requested by the Director of Public Works in writing before the Department of Public Works shall issue a permit for the work.

(d) This Section shall not apply to the City when engaged in work involving overhead signals, communications, electric circuits, fiber optics or telecommunications equipment.

SECTION 9: No Public Property for Private Use. (a) It shall be unlawful for private persons to use public property for private purposes. Private persons developing and construction commercial, retail, professional or industrial establishments or residential property shall not be allowed to utilize public rights-of-way except for the purpose of ingress and egress onto the private property. Other than ingress and egress, parking lots shall not be construction on public rights-of-way or property. The area between the back of the curb and the private property line shall be filled with dirt and grass, shrubs or trees shall be planted therein and maintained by the adjacent or adjoining property owner.

(b) Nothing in this Section shall prevent the City from entering into a license in land agreement with a person if approved by a resolution passed by a majority vote of the City Council.

SECTION 10: Permitting Process. (a) The Department of Public Works shall issue permits for excavations, cuts, bores, work or blockage on, in or affecting public rights-of-way.

(b) The minimum fee for excavation and cuts in or blockage of, public rights-of-way shall be one hundred dollars and no cents (\$100.00).

(c) Street cuts that disturb more than ten (10) square yards shall be billed at \$10.00/square yard.

(d) If a hardship shall result from the collection of a permit fee, the Department of Public Works may issue a written waiver or written reduction of the fee, after obtaining written permission from the Mayor. A typical exemption to be considered is for a senior citizen on a fixed income.

(e) For-profit persons shall be ineligible for a permit fee waiver or reduction except in exceptional circumstances.

(f) Permits shall not be issued to any person that caused direct, consequential or incidental damages to be incurred by the City from a previously issued permit to that person.

(g) All permits shall have a time requirement in which the permit holder shall complete the excavation, cut, bore, work or blockage of the public right-of-way and the restoration of the public right-of-way.

(h) If an extension of time beyond the permit expiration date is necessary for the permit holder to complete the excavation, cut, bore, work or blockage of the public right-of-way and restoration work on the public right-of-way, then a written application shall be submitted and signed by the permit holder to the Director of Department Works at least fourteen (14) calendar days prior to the expiration date on the permit.

(1) Permit time extensions shall only be granted upon the timely submission of the permit extension application.

(2) Any permit holder that fails to request and receive an extension for permitted work and continues to work shall in violation of this Section of this Ordinance and subject to the provisions of the Penalties Section of this Ordinance.

SECTION 11: Bonding Requirements. (a) All persons who block or cut public rights-of-way or obtain a permit for doing so shall be required to post a surety bond to ensure that requirements of this Ordinance are met.

(b) In lieu of a surety bond, a cash bond may be posted.

(c) The standard amount of the surety or cash bond shall be \$500.00 for a residential curb cut and \$1,000.00 for non-residential street cut or blocking of public rights-of-way.

(d) If a hardship shall result from the collection of a bonding requirement, the Department of Public Works may issue a written waiver or written reduction of the bonding requirement, after obtaining written permission from the Mayor. A typical exemption to be considered is for a senior citizen on a fixed income.

(e) For-profit persons shall be ineligible for a bonding requirement waiver or reduction except in exceptional circumstances.

(f) All bonds as required by this Ordinance shall be held by the Department of Public Works or the Finance Department and not released to the permit holder until the time period for the Guaranty of Work as stated in this Ordinance has expired.

SECTION 12: Excavation and Restoration Standards. (a) All excavations or cuts shall have a uniform width of not less than twelve inches (12") unless specifically authorized by the Director of Public Works. Excavations shall be smoothly cut or severed and shall have a neat appearance.

(b) If the public right-of-way is unpaved, tamping of backfill shall be accomplished by mechanical means to achieve a compaction of ninety-five percent (95%) as determined by the Modified Proctor Compaction Test. Backfill material shall be Class 7 per current AHTD Specifications or other material approved by the Director of Public Works.

(c) If the public right-of-way is paved, restoration of the excavation or cut shall conform to Exhibit A. The permit holder shall be responsible for the restoration of the cut and shall schedule all work to allow for any required inspections.

(d) The permit holder is required to backfill the excavation or cut immediately upon completion of work. When backfilling, the permit holder shall schedule an inspection with the Department of Public Works. Failure of the permit holder to notify the Department of Public Works shall constitute a violation of the permit and this Ordinance.

(e) If the repairs do not meet the standards of this Ordinance, the permit holder shall be required to correct the repair work within forty-eight (48) hours after receiving written notice from the Department of Public Works of the inspection results. The written notice shall outline the substandard work to be addressed by the permit holder or person and the required corrective action the permit holder or person needs to take in order to bring the work into compliance with the standards as set forth in this Ordinance.

(f) In the opinion of the Director of Public Works, if the excavation, cut, bore or work substantially reduce the anticipated life of a street surface, the permit holder may be required to resurface the entire block or some lesser portion thereof, so the entire surface shall be restored to substantially the same condition it was in prior to the time said excavations or cuts were made.

(g) In the opinion of the Director of Public Works, if the repair work to the excavation, cut, bore or work by the permit holder or person cannot be adequately completed by the permit holder or person to the standards required by this Ordinance, the Director of Public Works may have the Department of Public Works complete the repair and restoration work to the excavation, cut or bore. The Department of Public Works shall then bill or invoice the permit holder or person who made the excavation, cut or bore the costs and expenses to repair and restore the public right-of-way to the standards required by this Ordinance.

(h) Failure of the permit holder or person to pay the bill or invoice within thirty (30) day after being sent to them by the Department of Public Works for repairing and restoring the excavation,

cut, bore or work made by the permit holder or person, shall be deemed to be in violation of this Ordinance and subject to the provisions of the Penalties Section of this Ordinance.

SECTION 13: Disturbing Curb, Gutter and Drainage Ditch Public Rights-Of-Way.

(a) No public rights-of-way that are curbs, gutters or drainage ditches shall be removed or undercut for a distance greater the twenty-four inches (24”) along the curb line unless said work is required due to existing utility line location.

(b) If such work is necessary, notice shall be given at the time of obtaining the permit.

(c) When public rights-of-way curbs, gutters or drainage ditches tile sections are disturbed, the permit holder shall remove items from the site and replace in accordance with the Department of Public Works direction.

(d) Any public right-of-way drainage ditch shall not be disturbed without first obtaining a permit from the Department of Public Works.

(e) The permit holder shall return the drainage ditch to its original contour so that there shall be no disturbance on the flow of water and restore the vegetation to the disturbed area.

SECTION 14: Revocation of Permit. All permits for street and curb cuts are subject to revocation at any time by the Department of Public Works upon written notice served to who the permit was granted, their agent or employee. Such notice shall contain a brief statement detailing the revocation and be issued for failure to cure within three (3) days:

1. A violation of any condition of the permit.
2. A violation of this Ordinance or any other applicable City ordinance relating to street or curb cuts on, in or affecting a public right-of-way.
3. The creation or failure to eliminate a condition or action that constitute a nuisance or endangers the lives, property or welfare of City residents or other persons.

SECTION 15: Guaranty of Work. (a) The permit holder shall guarantee and maintain the street cut, curb cut or any related work for twenty-four (24) months from the completion and approval by the Department of Public Works of the final restoration. Within this twenty-four (24) month period, the permit holder shall correct or cause to be corrected all restoration work in the manner determined necessary by the Director of Public Works within five (5) calendar days of receipt of written notification.

(b) Failure of the permit holder or person to perform the additional restoration work as identified by the Director of Public Works within five (5) calendar days shall allow the Director of Public Works to elect to have the Department of Public Works complete the restoration work and invoice the permit holder or person for all costs incurred in performance of completing the restoration work.

(c) Payment not made within thirty (30) days of the invoice date shall be enforceable against the posted surety bond, including any fees and costs involved in the collected thereof.

SECTION 16: Stop Work Order. In the event a stop order is issued, the permit holder engaging in the work shall restore the work area to its proper condition, and permit, upon demand by the City, the City entry to the work site. In the event such is not done within twenty-four (24) hours from receipt of notice to do so, the City shall be authorized to and may, at its election, take charge of work and restore the premises to the condition called for in this Ordinance. The City is entitled to receive from the contractor the actual expense incurred by the City in so acting including, but not limited to, cost of labor, materials, overhead and reasonable rental of any equipment used by the City in restoring the site and for such purposes, the City shall have a right of action against any bond in effect running from the hold of the permit to the City conditioned upon compliance with the ordinances of the City in the performance of the work. If the City has to restore the street cut, the fees to be charged to the permit holder or person shall be as follows:

1. Cut of up to one-half of width of street pavement – \$750.00
2. Cut of more than one-half of width of street pavement – \$1500.00
3. Road bore (applicant responsible for all work and cost) – \$25.00
4. Street cut made prior to issuance of a proper permit – \$350.00
(administrative fee for permit review not in due course, in addition to above fee).
5. Administrative fees and costs shall be in addition to penalties assessed by a Court upon a finding of violation of this Ordinance.

SECTION 17: Safety. (a) Proper devices shall be positioned and displayed, per the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD) published by the Federal Highway Administration (FHA), to warn motorists and pedestrians of the excavation, cut, bore, work or blockage.

(b) Where deemed necessary by the Department of Public Works, amber lights shall be maintained on excavations from dusk to daybreak. Such equipment shall be located at each end of the excavation, cut, bore, work or blockage. Lights shall also be maintained on other equipment or machinery in public rights-of-way.

(c) Permit holders shall conform to boring or trenching methods approved by OSHA.

SECTION 18: Grasses and vegetation. To the extent possible, the permit holder shall restore or replace all planted grasses and vegetation, including trees of the same height and character. The Department of Public Works shall permit modifications to this aspect of the restoration plan in appropriate cases. Notification of completion shall be in compliance with the standards established by the Department of Public Works. Also, the permit holder shall notify the affected homeowners in writing prior to the beginning of construction who will be working in their yard, which shall include contact name and numbers.

SECTION 19: Temporary Driveways. Whenever an excavation, cut, blockage or bore requires the movement of a vehicle or vehicles from the property during the construction period, it shall be the responsibility of the permit holder to install and maintain a stone-based driveway on the premises so as to prevent the tracking of mud and other debris onto the public right-of-way. In the event that mud or other debris is transmitted onto the public right-of-way, it shall be the responsibility of the permit holder to remove said mud and debris immediately from said public right-of-way.

SECTION 20: Excess Material or Debris. When any temporary or final restoration is completed, all excess material, debris, mud or other foreign materials shall be removed from the public right-of-way or other public property involved in the permit, and the surface shall, to the satisfaction of the Director of Public Works, be restored to its original condition.

SECTION 21: Multiple Road Cuts. If more than two (2) cross cuts are made in a public right-of-way within one (1) block or less than three hundred feet (300'), the permit holder or person must overlay entire section, curb to curb or full public right-of-way width.

SECTION 22: Approval by City Inspector. Approval by the City's Department of Public Work's inspector(s) of all or part of any permitted Work shall not constitute acknowledgment that the Work was performed in accordance with the Permit, nor shall such approval of the inspector act as a release of the permit holder or person, or waiver by the City of its right to seek performance or restitution from the permit holder or person.

SECTION 23: Emergencies. A permit is required for an emergency excavation, cut, blockage or bore. The permit shall be obtained from the Department of Public Works by the end of the first (1st) business day after the Department of Public Works opens to the public following the emergency excavation, cut, blockage or bore. A signed statement describing in detail the nature of the emergency and the reasons for the excavation, cut, blockage or bore shall be submitted at the time a representative of a utility company or a contractor applies for a permit from the Department of Public Works. Initiating public rights-of-way excavations, cuts, blockage or bore without a permit, shall be a violation of this Ordinance. In the opinion of the Director of Public Works, if the excavation, cut, blockage or bore was not of an emergency nature as herein defined, the Department of Public Works shall not issue a permit, but initiate such procedures as are appropriate to exercise under the Penalties Section of this Ordinance.

SECTION 24: Penalties and Enforcement.

- (a) The City shall have the authority to administer and enforce provisions of this Ordinance as may be required by governing law. Any permit holder or person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for a violation of this Ordinance.
- (b) Any permit holder or person violating any provision of this Ordinance shall be declared to have committed a violation and, upon conviction, be fined a sum not exceeding one thousand dollars (\$1,000.00), or double the sum for each repetition of such offense or violation plus court costs and applicable fees.

Each day that a provision of this Ordinance is violated shall constitute a separate offense. If it is found that the violation of this Ordinance is continuous in nature with respect to time, the fine or penalty for allowing the continuance thereof shall not exceed five hundred dollars (\$500.00) for each day that it is unlawfully continued plus court costs and applicable fees.

- (c) Nothing in this Ordinance shall be construed as a waiver of the City's right to file a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including but not limited to the following:
 - (i) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
 - (ii) Other available relief.
- (d) The Code Enforcement Division of Department of Community Development and the Department of Public Works of the City of Russellville are hereby granted the authority to enforce this Ordinance by issuing a citation to or obtaining a warrant for the permit holder or any person who violates the provisions of this Ordinance.
- (e) Citations issued by Code Enforcement Officers shall be filed with and adjudicated in Pope County District Court, City of Russellville Criminal Division.
- (f) Warrants obtained by the Code Enforcement Officers or Department of Public Works shall be filed with and adjudicated in Pope County District Court, City of Russellville Criminal Division.
- (g) A violation may be sentenced as either a criminal violation or a civil violation. If the violation is sentence as a criminal violation, then the fine shall be not less than \$500.00.

SECTION 25: Severability. In the event that any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other portion of this Ordinance.

SECTION 26: Repealer. Ordinance Nos. 1676, 1699, 1894 and any ordinance or part of an ordinance in conflict with this Ordinance is hereby to the extent of the conflict.

ORDAINED, this 23th day of June, 2016.

RANDY HORTON, MAYOR

ATTEST:

KATHY COLLINS, CITY CLERK-TREASURER

Prepared by:
William F. Smith III
Russellville City Attorney
203 S. Commerce Ave.
Russellville, AR 72801
Sponsor: Dept. of Public Works
FC#

I, Kathy Collins, City Clerk-Treasurer of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 23th day of June, 2016.

APPROVED AS TO LEGAL FORM:

WILLIAM F. SMITH III, CITY ATTORNEY

Prepared by:
William F. Smith III
Russellville City Attorney
203 S. Commerce Ave.
Russellville, AR 72801
Sponsor: Dept. of Public Works
FC#

SECTION 27: Emergency. Due to the present condition of odors occurring within the city limits of the City of Russellville, causing complaints and nuisances to the residents of the City, and affecting their health, safety, and welfare, an emergency is hereby declared and this Ordinance shall be effective immediately upon passage.

ORDAINED, this 23th day of June, 2016.

RANDY HORTON, MAYOR

ATTEST:

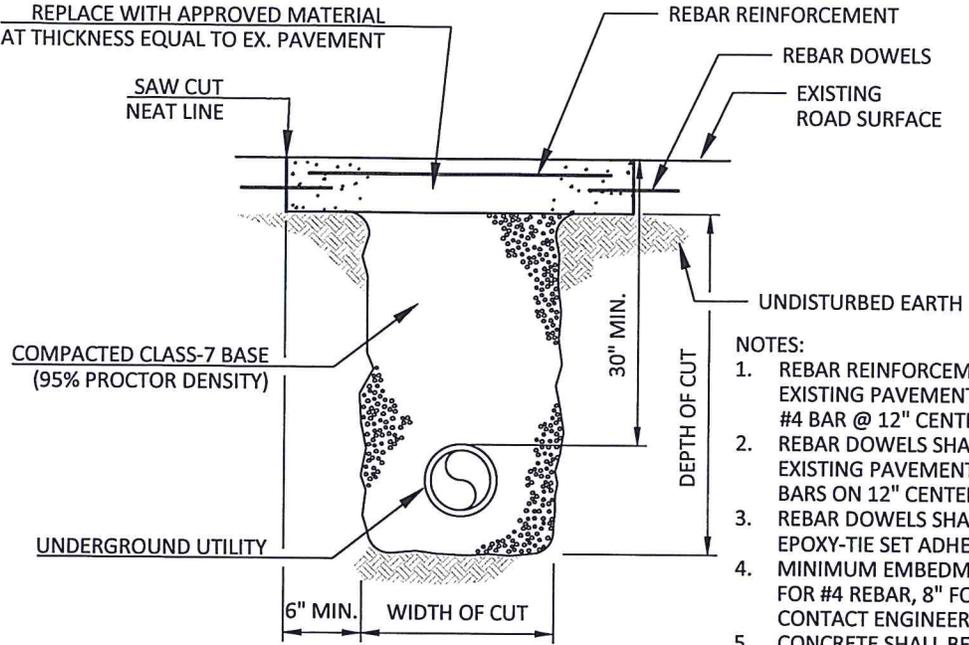
KATHY COLLINS, CITY CLERK-TREASURER

I, Kathy Collins, City Clerk-Treasurer of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. _____ passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 23th day of June, 2016.

APPROVED AS TO LEGAL FORM:

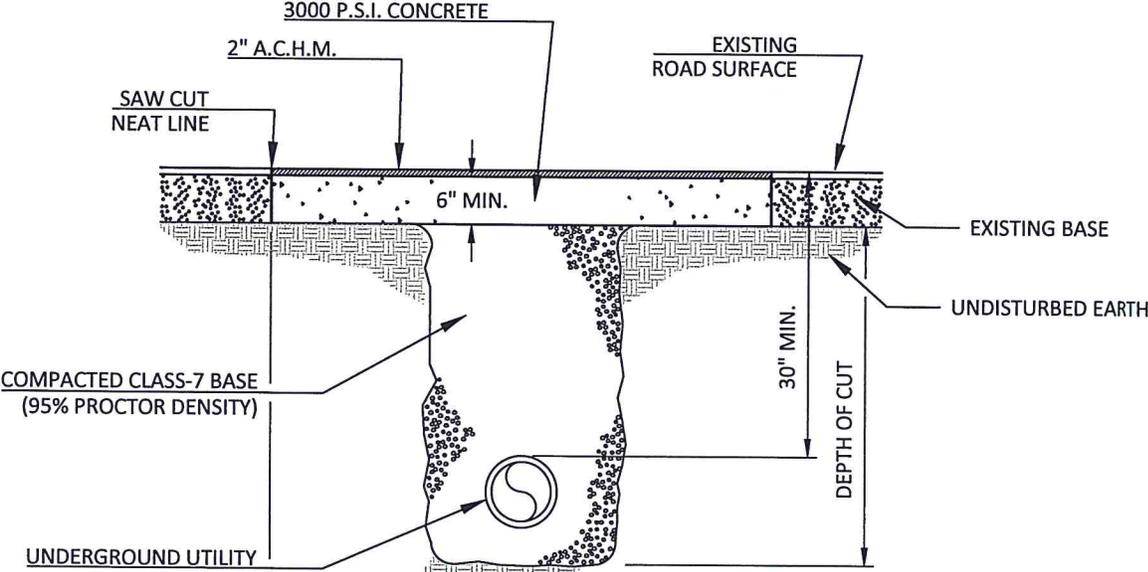
WILLIAM F. SMITH III, CITY ATTORNEY

EXHIBIT A



- NOTES:
1. REBAR REINFORCEMENT TO MATCH SIZE AND SPACING OF EXISTING PAVEMENT. MINIMUM REINFORCEMENT SHALL BE #4 BAR @ 12" CENTERS EACH WAY USING GRADE 60 REBAR.
 2. REBAR DOWELS SHALL MATCH SIZE AND SPACING OF EXISTING PAVEMENT. MINIMUM DOWEL BAR SHALL BE #4 BARS ON 12" CENTERS.
 3. REBAR DOWELS SHALL BE INSTALLED USING SIMPSON EPOXY-TIE SET ADHESIVE (OR EQUAL).
 4. MINIMUM EMBEDMENT DEPTH SHALL BE AS FOLLOWS: 6" FOR #4 REBAR, 8" FOR #6 REBAR, 12" FOR #8 REBAR. CONTACT ENGINEER IF REBAR EXCEEDS #8.
 5. CONCRETE SHALL BE A MINIMUM OF 3000 PSI WITH FIBERMESH REINFORCEMENT (1.5 LBS/CY).

CITY STREET CONCRETE REPAIR DETAIL



- NOTES:
1. CONCRETE SHALL BE 3000 PSI WITH FIBERMESH REINFORCEMENT (1.5 LBS/C.Y.)
 2. ALL STATE HIGHWAY ASPHALT REPAIRS SHALL MEET THE CURRENT AHTD STANDARD SPECIFICATIONS AND DETAILS.

CITY STREET ASPHALT REPAIR DETAIL ASPHALTIC ROAD CROSSING DETAIL