



# City of Jonesboro

## Meeting Minutes

### Public Works Council Committee

900 West Monroe  
Jonesboro, AR 72401

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Tuesday, October 2, 2007

4:30 PM

Huntington Building

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#### 1. Call To Order

*Mayor Formon and Mr. Tony Thomas from the Mayor's Office were also in attendance.*

**Present** 4 - John Street; Darrel Dover; Cecil Province and Mitch Johnson

**Absent** 2 - Charles Frierson and Chris Moore

#### 2. Approval of minutes

**MIN-07:1709** Minutes for the September 4, 2007, Public Works Committee meeting.

**Attachments:** [090407](#)

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Darrel Dover, that this Minutes be Passed. The motion CARRIED by a Voice Vote.**

**Aye:** 3 - Darrel Dover; Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

#### 3. New Business

*Resolutions To Be Introduced*

**RES-07:186** A RESOLUTION TO LOCATE CITY PARKS AND OTHER GREENSPACE ADJACENT TO POLICE AND FIRE STATIONS WHERE FEASIBLE

**Sponsors:** Parks & Recreation

**A motion was made by Councilperson Darrel Dover, seconded by Councilperson Mitch Johnson, that this Resolution be Recommended to Council. The motion CARRIED by a Voice Vote.**

**Aye:** 3 - Darrel Dover; Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

**RES-07:2415** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT STRAWFLOOR RD, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A GAS EXTRACTION.

**Sponsors:** Mayor's Office and Public Works

**Attachments:** [Strawfloor Rd. Brown \(Complete\)](#)

**A motion was made by Councilperson Darrel Dover, seconded by Councilperson Mitch Johnson, that this Resolution be Recommended to Council. The motion CARRIED by a Voice Vote.**

**Aye:** 3 - Darrel Dover; Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

**RES-07:2424** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT STRAWFLOOR RD., JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A GAS EXTRACTION.

**Sponsors:** Mayor's Office and Public Works

**Attachments:** [Strawfloor Rd \(Wineland, Hanson Complete\)](#)

**A motion was made by Councilperson Darrel Dover, seconded by Councilperson Mitch Johnson, that this Resolution be Recommended to Council. The motion CARRIED by a Voice Vote.**

**Aye:** 3 - Darrel Dover; Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

**RES-07:2473** A RESOLUTION TO ENTER INTO A CONTRACT WITH CARTER & BURGESS, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR CLOMR FOR BRIDGE REPLACEMENT ON MATTHEWS AVENUE AND HESTER STREET OVER CHRISTIAN CREEK;

**Sponsors:** Engineering

**Attachments:** [matthews-christian\\_clomr\\_contract](#)

*Councilman Dover questioned what the City's expense of the project will be. Mayor Formon stated the county will help with the funding, so the cost to the City should be very low.*

**A motion was made by Councilperson Darrel Dover, seconded by Councilperson Cecil Province, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 3 - Darrel Dover; Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

**RES-07:2505** A RESOLUTION TO ENTER INTO A COST SHARING AGREEMENT WITH CAMPUS CREST DEVELOPMENTS FOR DRAINAGE IMPROVEMENTS ALONG CARAWAY ROAD, NORTH OF THE JOHNSON AVENUE INTERSECTION

**Sponsors:** Engineering

**Attachments:** [The Grove Drawings](#)  
[The Grove Letter](#)

*Assistant City Engineer Craig Light explained the project is at the intersection of Johnson and Caraway. He noted they are capping the City's expense at \$75,000.*

**A motion was made by Councilperson Darrel Dover, seconded by Councilperson Cecil Province, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 3 - Darrel Dover;Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

**RES-07:2506** RESOLUTION TO ENTER INTO AN ADDENDUM TO CONTRACT FOR CONSULTANT SERVICES BETWEEN THE CITY OF JONESBORO AND PETERS & ASSOCIATES ENGINEERS, INC. FOR ROADWAY DESIGN AND TRAFFIC SIGNAL DESIGN AT THE INTERSECTION OF FAIR PARK STREET AND RACE STREET

**Sponsors:** Streets

**Attachments:** [Addendum.Peters.Fair Park Addendum](#)

*Councilman Hargis questioned how long it would be before a light is put up at the intersection. Public Works Director Erick Woodruff stated they are hoping to have the light up within six months.*

**A motion was made by Councilperson Darrel Dover, seconded by Councilperson Mitch Johnson, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 3 - Darrel Dover;Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

**RES-07:2508** A RESOLUTION TO ENTER INTO AN ADDENDUM TO CONTRACT FOR CONSULTANT SERVICES BETWEEN THE CITY OF JONESBORO AND PETERS & ASSOCIATES ENGINEERS, INC. FOR ROADWAY DESIGN AT THE INTERSECTION OF WASHINGTON AVENUE AND BRIDGE STREET

**Sponsors:** Streets

**Attachments:** [Addendum.Peters.Washington Addendum](#)

*Mr. Woodruff explained after the re-design is finished the light will be up in 10 days. He further explained the reason for the re-design is because the alignment of the road coming from Bridge across Washington due to the County building part of their parking lot in the City's right-of-way. Mayor Formon discussed moving the light at Church and Cherry Street to the intersection at Washington and Bridge. He explained the light on Cherry was put in for the church, but since the church is no longer in that location there is no reason for the light.*

**A motion was made by Councilperson Darrel Dover, seconded by Councilperson Cecil Province, that this matter be Recommended to Council . The motion PASSED by an unanimous vote.**

**Councilperson Darrel Dover then motioned, seconded by Councilperson Cecil Province, to move the existing light at Cherry and Church Streets to Washington and Bridge pending approval by the Traffic Control Review Committee. The motion PASSED by a unanimous vote.**

**Aye:** 3 - Darrel Dover;Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore

**4. Pending Items****BUILDINGS - MAYOR FORMON AND TONY THOMAS**

*Long range facilities plan update: Mayor Formon stated they are going to hold the presentation until the next meeting so Councilman Moore can be present. He explained CWL has agreed to pay for the structural analysis from CCS out of St. Louis. He further explained CCS will perform the seismic reading to make sure the property can meet the seismic requirements. He added they are hoping to have the analysis back in six weeks.*

**CITY ENGINEER - KELLY PANNECK**

*ADA sidewalk update: City Attorney Phillip Crego stated City Engineer Kelly Panneck forwarded all the information to APERMA. He stated it's their understanding the City has done was it's supposed to do, but they are waiting to hear back from the opposing side.*

*Update on drainage projects: Assistant City Engineer Craig Light stated the homes on Owens will be torn down soon and the pond on Valley is essentially complete. Chairman Street questioned what the expected completion date is. Mr. Light explained after the homes are removed then the project should be finished not long after that. Chairman Street then questioned the status of the Pines Apartments project. Mr. Harry Hardwick stated the appraisals have been completed and they are working on them.*

*Lawson Road redesign update: Mr. Light explained they have received the drawings but have not completed reviewing the plans. Chairman Street suggested having Mr. Crego draft a letter for Mr. Ken Yarbrough to sign so he can sign off on the plans after he has reviewed them.*

**PUBLIC WORKS - ERICK WOODRUFF**

*Standard operating procedures: Mr. Woodruff stated he will have them at the November meeting.*

*Revision of contract pertaining to contractors and subcontractors as subject to City approval: Mr. Woodruff explained they would like to be able to verify contractors and subcontractors are licensed. He added he is going to meet with Mr. Crego to see what the City can and cannot require and possibly make it subject to approval by a Council committee. Mr. Crego stated he thinks the City can ask contractors to do that. Councilman Dover questioned whether they can write into the contract that all subcontractors be fully licensed and bonded and if they aren't then the contractors will be subject to penalties. Mr. Crego stated he thinks the City can do that. He then questioned who will approve the subcontractors. Councilman Dover suggested making the general contractors responsible to make sure the subcontractors are licensed and bonded.*

**SANITATION - ROYCE LEONARD**

*Landfill update: Mr. Woodruff explained when FTN was initially hired to perform the closure, they were hired with the understanding they were putting in a liner instead of a clay cap. He further explained the time frame now exceeds their scope of work and will bill the City for more time due to the clay cap. He noted the landfill is supposed to be closed by October 31st. Chairman Street questioned the gas mitigation. Mr. Woodruff stated that is going in right now.*

*Mayor Formon discussed the composting. He explained they have spoken with Ms. Angela Sparks from Legacy Landfill and they are looking into a plan to present to the City*

at the November meeting. Chairman Street questioned whether anything is being done with the commercial services. Mayor Formon stated the scales will be used for commercial services. Mr. Woodruff added Sartin Services has been talking with Sanitation Director Royce Leonard about taking some of the materials. Mayor Formon noted Sartin stated he didn't want the raw material; rather, he wanted the City to chip the materials down and then he would take it.

## 5. Other Business

**COM-07:045** Discussion by Mr. Dwayne Winters regarding unpaid invoices billed to Van Horn Associates.

**Attachments:** [Information from Mr. Winters](#)

Mr. Winters stated he has not received a response since August 10th. Mayor Formon explained he sent the packet of information to Mr. Crego, but his secretary misunderstood and thought the information to APERMA Attorney Ralph Ohm. Mr. Crego indicated he has not spoken with Mr. Ohm concerning the issue. He added his opinion has not changed since their earlier meeting. Councilwoman McCall asked for Mr. Crego to put his opinion on the situation in writing for everyone. Councilman Johnson questioned what happened at the previous meeting between the Mayor, Mr. Winters and Mr. Crego. Mr. Crego stated Mr. Winters' company provided materials to a contractor for a project with the City of Jonesboro and asked that his name be put on the check. He further explained Mr. Tony Thomas asked him whether the City could put Mr. Winters name on the check and he stated that absent a court or an agreement the City could not put someone else's name on the check. Mr. Crego added they he then had a meeting with Mr. Winters and the Mayor, where Mr. Winters asked for the City of Jonesboro to pay him in which Mr. Crego stated the City did not have the legal ability to pay him at this point in time. He then stated the question then turned into whether the project should've been bonded, but this particular project was done under the general concrete bid and the City does not typically bonded that. He added he does not think state law requires them to be bonded. He noted City Engineer Kelly Panneck has recommended those projects to be bonded and he has spoken with Mr. Woodruff and Mayor Formon about bonding those projects in the future, but it will be up to the City Council to decide. Councilman Dover clarified that the contractor purchased concrete from Mr. Winters and the City paid the contractor for the work that was done. Mr. Crego stated that was correct. Mr. Woodruff questioned whether Van Horn filed for bankruptcy and whether that would make the debt go away. Mr. Crego stated Van Horn has filed bankruptcy and depending on what type of bankruptcy they filed the debt may go away. Mr. Winters stated he tried to provide the committee with complete information, but may have provided too much information. He added that he contacted the City prior to Van Horn being paid. He noted he could have received an injunction if he had known the City was not going to hold payment. He explained the City is supposed to bond anything over \$20,000. Mayor Formon questioned whether the City could have held the payment. Mr. Crego reiterated that absent an agreement or a court order the City cannot put someone else's name on the check. Discussion was held regarding Cooper Construction. Mr. Winters noted Van Horn used to do business as Cooper Construction, then as as Cooper Van Horn and lasting Van Horn and Associates. He added there was a payment made by the City of Jonesboro to Cooper Construction. Mr. Winters stated he took for granted Van Horn was bonded. Councilman Johnson stated it's unfortunate Mr. Winters lost money but Mr. Crego indicates the City is within its legal rights. Mr. Crego suggested the City look into whether or not they want to require in the future for contractors for general bids so that this situation does not happen again. Mr. Winters stated there is a state law that requires the City to bond projects over \$20,000. He noted the contracts with Van Horn add up to well over \$20,000. Mr. Crego explained the contract is not for one particular project; rather it's for maintenance

projects. He then questioned whether or not the City is overusing the general bid to do projects other than the small ones that it's intended to do. Mr. Winters noted there was a legal opinion in the Jonesboro Sun that stated the contract amount is for the annual amount not for individual projects. Councilman Dover questioned when Mr. Winters noticed they had a problem with bills not being paid by Van Horn. Mr. Winters stated they noticed it at 60 days. Mr. Thomas stated he spoke with Mr. Winters and then instructed for payment to be held against Van Horn. He further explained after hearing Mr. Crego's opinion regarding not being able to add Mr. Winters' name to the check he authorized payment. He noted part of the payment at the end of the month was for a bonded project. He explained the other payment made at the end of the month was after he instructed Finance to hold payment for Van Horn, but the payment was made to Cooper Construction. Mr. Thomas stated at the time he did not know Cooper and Van Horn were the same company. Mr. Winters stated Cooper Construction ceased to exist in 2006. Councilman Dover expressed concern over getting in the middle of whether contractors pay their subcontractors. Councilman Johnson questioned whether Mr. Winters was named a creditor in the bankruptcy. Mr. Winters stated he was named. Chairman Street questioned whether Mr. Winters has consulted an attorney. Mr. Winters stated he would like to keep the issue without attorneys. Chairman Street asked for Mr. Crego to draft a letter addressing Mr. Winters concerns.

**Read**

**COM-07:046** Update of RFQ for Master Street Plan and North Jonesboro Study

**Attachments:** [Professional Services List](#)

City Planner Otis Spriggs stated they will be doing RFP's next. He explained they will form a committee to handle the RFP's after they come in, then the Mayor will make a recommendation to the committee and then it will go to the MPO policy committee for final approval.

**Read**

**6. Public Comments**

**7. Adjournment**

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Cecil Province, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.**

**Aye:** 3 - Darrel Dover; Cecil Province and Mitch Johnson

**Absent:** 2 - Charles Frierson and Chris Moore