

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA

Fort Smith Board of Directors

Regular Meeting

October 1, 2013 ~ 6:00 P.M.

Fort Smith Public Schools Service Center

3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE SEPTEMBER 17, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Industrial Moderate (I-2) by extension located at 11508 Roberts Boulevard*)
2. Ordinance directing the installation of a four way stop at the intersection of Chad Colley Boulevard and Massard Road ~ *Settle/Merry placed on agenda at the September 3, 2013 regular meeting / First reading at September 17, 2013 regular meeting ~ ** Second Reading ***
3. Ordinance to amend Section 25-268(b) of the Fort Smith Municipal Code regarding the removal and placement of residential solid waste carts and recyclables containers from the street right-of-way after collection ~ *Lorenz/Weber placed on agenda at the September 24, 2013 study session ~*
4. Resolution approving and authorizing implementation of the Five-Year (2014-2018) Sales Tax Program for street, bridges and related drainage improvements ~ *Settle/Lorenz placed on agenda at the September 24, 2013 study session ~*

5. Millage Ordinances

- A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2013 for general purposes
- B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

6. Consent Agenda

- A. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Neighborhood Sewer Improvements – Zero Street (\$172,320.84 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)
- B. Resolution authorizing Amendment No. 1 to Authorization No. 2 with McGuire Engineering, Inc. for engineering services for the Neighborhood Sewer Improvements – Zero Street (\$35,900.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

ADJOURN

ORDINANCE NO. _____

**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 14-9-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on September 10, 2013, that said change be made;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1: That the following properties to-wit:

Tract 1

Part of the Northeast Quarter of the Northwest Quarter, Part of the Northwest Quarter of the Northeast Quarter; Part of the Southwest Quarter of the Northeast Quarter, and Part of the Southeast Quarter of the Northwest Quarter, all in Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Northeast Quarter of the Northwest Quarter, said point being marked with an existing 1/2" rebar with cap stamped PLS 1258; Thence along the East Line of said Northeast Quarter of the Northwest Quarter; S02°41'53"W, 1208.03 feet to a point on the southeasterly boundary line of the Army Reserve Property; Thence along said boundary line, N44°00'46"E, 245.25 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence continuing along said boundary line, N53°13'01"E, 51.21 feet to the southwesterly right-of-way line of Roberts Boulevard and the Point of Beginning, said point being marked with an existing 1/2" rebar with cap stamped MWC 1369; Thence along said right-of-way line, S45°50'51"E, 348.99 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence leaving said right-of-way line, S44°03'35"W, 1255.58 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence S46°51'31"W, 5.18 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N45°54'29"W, 111.81 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N45°27'08"E, 198.19 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence

N53°53'00"W, 100.85 feet to a set ½" rebar with cap stamped MWC 1369; Thence N04°14'02"E, 32.49 feet to a set ½" rebar with cap stamped MWC 1369; Thence N13°26'15"E, 141.10 feet to a set ½" rebar with cap stamped MWC 1369; Thence N09°39'46"E, 58.11 feet to a set ½" rebar with cap stamped MWC 1369; Thence N01°53'32"W, 62.18 feet to a set ½" rebar with cap stamped MWC 1369; Thence N87°58'13"W, 18.97 feet; Thence N11°13'38"E, 23.16 feet to the southeast corner of said Army Reserve Property, said point being marked with an existing 2" aluminum cap stamped FC 529; Thence along said southeasterly boundary line of the Army Reserve Property the following bearings and distances: N11°13'38"E, 73.72 feet to an existing 2" aluminum cap stamped FC 528; N31°14'06"E, 47.52 feet to an existing 2" aluminum cap stamped FC 527; S80°00'16"E, 44.82 feet to an existing 2" aluminum cap stamped FC 526; S46°20'30"E, 105.85 feet to an existing 2" aluminum cap stamped FC 525; N43°28'47"E, 129.38 feet to an existing 2" aluminum cap stamped FC 524; N46°51'23"W, 43.89 feet to an existing 2" aluminum cap stamped FC 523; N44°00'46"E, 519.39 feet to an existing ½" rebar with cap stamped MWC 1369; N53°13'01"E, 51.21 feet to the Point of Beginning, containing 9.00 acres, more or less.

Tract 2

Part of the Northwest Quarter of the Northeast Quarter, Part of the Southwest Quarter of the Northeast Quarter, and Part of the Southeast Quarter of the Northwest Quarter, all in Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Northeast Quarter of the Northwest Quarter, said point being marked with an existing ½" rebar with cap stamped PLS 1258; Thence along the East Line of said Northeast Quarter of the Northwest Quarter; S02°41'53"W, 1208.03 feet to a point on the southeasterly boundary line of the Army Reserve Property; Thence along said boundary line, N44°00'46"E, 245.25 feet to an existing ½" rebar with cap stamped MWC 1369; Thence continuing along said boundary line, N53°13'01"E, 51.21 feet to the southwesterly right-of-way line of Roberts Boulevard, said point being marked with an existing ½" rebar with cap stamped MWC 1369; Thence along said right-of-way line, S45°50'51"E, 388.99 feet to an existing ½" rebar with cap stamped MWC 1369 and the Point of Beginning; Thence continuing along said right-of-way line, S45°50'51"E, 431.11 feet to an existing railroad spike; Thence S70°45'24"W, 448.67 feet to an existing railroad spike; Thence S71°21'52"W, 420.71 feet to an existing chiseled "x" in concrete; Thence 93.02 feet along the arc of a curve to the left, said curve having a radius of 642.11 feet and being subtended by a chord having a bearing of S67°12'52"W and a distance of 92.94 feet to an existing ½" rebar with cap stamped MWC 1369; Thence N44°03'35"E, 860.82 feet to the Point of Beginning, containing 4.22 acres, more or less.

more commonly known as 11508 Roberts Boulevard, should be, and is hereby rezoned from

Not Zoned to Industrial Moderate (I-2) by Extension, subject to the development plan approved by the Planning Commission September 10, 2013.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

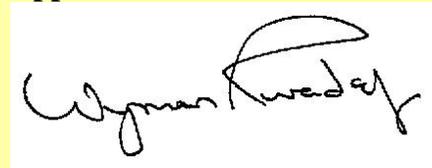
ATTEST:

APPROVED:

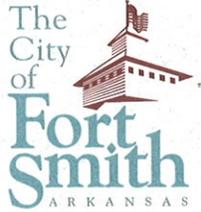
City Clerk

Mayor

Approved as to form:



Publish One Time



September 25, 2013

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #14-9-13; A request by Steve Beam for Planning Commission consideration of a zone request from Not Zoned to Industrial Moderate (I-2) by Extension located at 11508 Roberts Boulevard.

On September 10, 2013, the City Planning Commission held a public hearing to consider the above rezoning request.

Mr. Wally Bailey read the staff reports indicating that the purpose of this request is to facilitate the construction of a new nonmetallic manufacturing and mining plant facility. Mr. Bailey stated that a neighborhood meeting was held on Friday, August 30, 2013, at 10:30 p.m. on site with no neighboring property owners in attendance.

Ms. Steve Beam was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Cox and carried unanimously to amend this request to make approval subject to the following:

- All construction must comply with the approved development plan.
- Any significant change to the approved development plan or new development proposed will require approval by the Planning Commission.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 7 in favor and 0 opposed.

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

A handwritten signature in cursive script that reads "Marshall Sharpe".

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Memo

To: City Planning Commission

From: Planning Staff

Date: August 26, 2013

Re: Rezoning #14-9-13 - A request by Steve Beam, owner, for Planning Commission consideration of a zone request from Not Zoned to Industrial Moderate (I-2) by extension at 11508 Roberts Boulevard (Companion to items #3 & #5)

LOT LOCATION AND SIZE

The subject property is on the southwest side of Roberts Boulevard in-between Collier Street and Terry Street. The tract contains an area of 12.9 acres with approximately 780 feet of street frontage along Roberts Boulevard.

EXISTING ZONING

The site is currently not zoned.

REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex and police station are examples of uses permitted as conditional uses.

2A

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Maximum Height - 45 feet (1+1),
27-431(C)3
Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 50 feet
Side Yard on Street Side of Corner Lot - 50 feet
Side Yard Setback – 25 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation -- to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are Not Zoned and are developed as a nonmetallic manufacturing and mining plant and a contractor’s shop and storage.

The areas to the east are zoned CEMU and Not Zoned. The properties are developed as general offices, vacant, and Arkansas Game and Fish Commission.

The area to the south is zoned Industrial Moderate (I-2) and is developed as a petroleum distribution facility.

The area to the west is Not Zoned and is undeveloped.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Industrial/Office. This classification is intended to guide the appropriate development of nonresidential uses with a larger community context, establish a strong street presence, though setbacks are greater than in other mixed use categories, and promote parking on the sides and rear of the buildings. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A companion variance application to waiver the perimeter landscaping and a companion conditional use application to allow a nonmetallic manufacturing and mining plant have been submitted for review.

2B

PROPOSED ZONING

The proposed zoning to I-2, variance from perimeter landscaping, and conditional use for a nonmetallic manufacturing and mining plant will allow for the industrial precast business located across the street in the Historic node of Chaffee Crossing to infill the existing buildings at 11508 Roberts Boulevard if approved. The precast merchandise materials will be stored outside on the most southerly tract of land. All precast, forming, and manufacturing procedures will take place indoors.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Friday, August 30th 10:30 P.M. on site. No neighboring property owners attended the neighborhood meeting. A copy of the attendance record and meeting summary are enclosed.

Should the Planning Commission approve this rezoning, staff recommends the approval be contingent upon the following.

1. All construction must comply with the approved Development Plan.
2. Any significant change to the approved development plan or new development proposed will require approval by the Planning Commission.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

SEE SITE PLAN

2. Address of property: 16508 Roberts Blvd

3. The above described property is now zoned: NOT zoned

4. Application is hereby made to change the zoning classification of the above described property to F-2 by Extension.
(Extension or classification)

5. Why is the zoning change requested?

To move our precast plant out of the
Chaffee Historic Area

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

CHAFFEE COMMERCIAL PROPERTIES LLC
Owner or Agent Name
(please print)

Steve Sec
Owner

7201 So 28th Ft. Smith, AR
Owner or Agent Mailing Address 72908

or

Agent

479-651-3153
Owner or Agent Phone Number

20



FORT CHAFFEE
REDEVELOPMENT
AUTHORITY

August 6, 2013

City of Fort Smith Planning and Zoning Department
Attention: Wally Bailey
623 Garrison Avenue, Suite 331
Fort Smith, AR 72901

Mr. Bailey:

On July 25, 2013, the Fort Chaffee Redevelopment Authority reviewed and approved a request to change the land use of 11508 Roberts Boulevard for Chaffee Commercial Properties, LLC. This land use was reclassified from Mixed Use: Business Park to Mixed Use: Industrial/Office. By this approval, Fort Chaffee Redevelopment Authority gives permission for Chaffee Commercial Properties, LLC to move forward in their construction plans.

If there are any further questions, please feel free to contact me at (479) 452-4554 or via email at iowen@chaffeecrossing.com.

Best Regards,

A handwritten signature in cursive script, appearing to read 'C. Ivy Owen'.

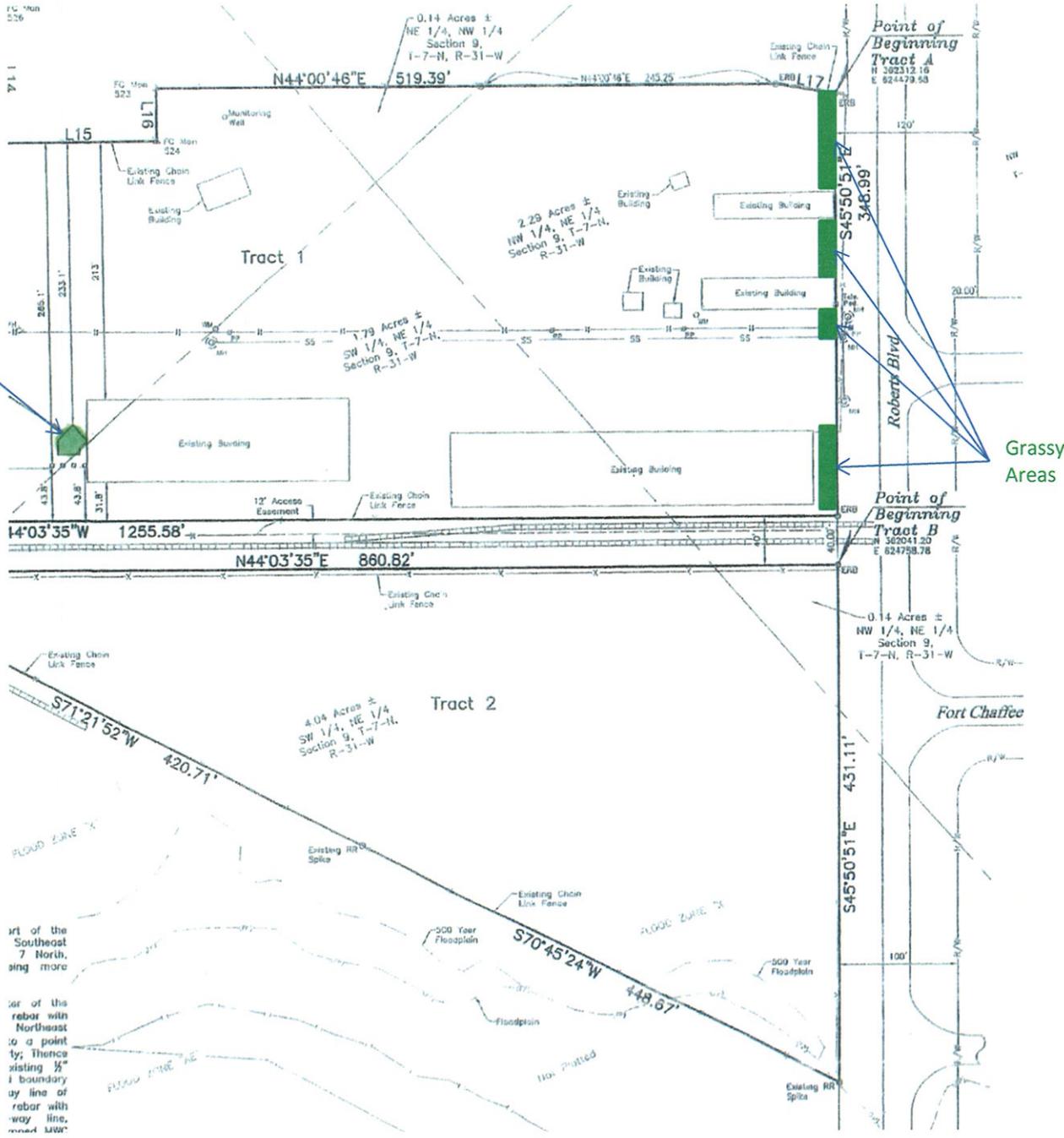
C. Ivy Owen,
Executive Director

CIO::ll

Cc: Tyler Miller, City of Fort Smith Planning and Zoning Department
Steve Beam, Steve Beam Construction

Handwritten initials '2I' in the bottom right corner of the page.

Silo location



Fort Chaffee Redevelopment Authority
P. O. Box 11185
Fort Smith, AR 72917

Phillip & Janice Taylor
P. O. Box 3392
Fort Smith, AR 72913

Florida Oil Investment Group, LLC
3568 N. Pine Valley Loop
Lecanto, FL 34461

Chaffee Commercial Properties, LLC
7201 South 28th Street
Fort Smith, AR 72908

David Harp
410 St. Karr Way
Fort Smith, AR 72903

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30PM SEPTEMBER
10, 2013

On roll call, the following Commissioners were present: Brandon Cox, Marshall Sharpe, Vicki Newton, Don Keesee, Rett Howard, Michelle Hood and Bob Cooper, Jr. Commissioners Richard Spearman and Jennifer Parks were absent.

Motion was made by Commissioner Howard, seconded by Commissioner Cox and carried unanimously to approve the minutes from the August 13, 2013, Planning Commission meeting as written.

Mr. Wally Bailey introduced Michelle Hood as the new Planning Commissioner.

Mr. Wally Bailey spoke on procedures.

1. UDO Amendments

Mr. Wally Bailey requested this item be tabled until a special meeting of the Planning Commission could be held to discuss these proposed UDO Amendments. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to table this item.

Chairman Sharpe called for the vote to table this request. The vote was 7 in favor 0 opposed.

2. **Rezoning #14-9-13; A request by Steve Beam for a zone change from Not Zoned to Industrial Moderate (1-2) by Extension located at 11508 Roberts Boulevard. (companion item to items #3& #5)**
3. **Conditional Use #25-9-13; A request by Steve Beam for a conditional use for a nonmetallic manufacturing and mining plant located at 11508 Roberts Boulevard. (companion item to items #2 & #5)**
5. **Variance #28-9-13; A request by Steve Beam for a variance from the perimeter landscape requirements located at 11508 Roberts Boulevard. (companion item to items #2 & #3)**

Mr. Wally Bailey read the staff reports indicating that the purpose of this request is to facilitate the construction of a new nonmetallic manufacturing and mining plant facility. Mr. Bailey stated that a neighborhood meeting was held on Friday, August 30, 2013, at

10:30 p.m. on site with no neighboring property owners in attendance.

Mr. Steve Beam was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests. It was noted that the variance request would need to be voted on prior to voting on the other requests.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

5. **Variance #28-9-13; A request by Steve Beam for a variance from the perimeter landscape requirements located at 11508 Roberts Boulevard. (companion item to items #2 & #3)**

Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend the variance request to make approval subject to the following:

- All construction must comply with the approved development plan.
- Install landscaping in between the buildings and in other open areas as highlighted in green and as shown on the attached drawing.
- The Rezoning request will be heard by the City Board of Directors at their October 1, 2013 meeting at 6:00pm in Building "B" of the Fort Smith Public Schools Service Center located at 3205 Jenny Lined Road, You will need to attend this meeting.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 0 opposed..

**RECESS PLANNING COMMISSION
RECONVENE PLANNING COMMISSION**

2. **Rezoning #14-9-13; A request by Steve Beam for a zone change from Not Zoned to Industrial Moderate (1-2) by Extension located at 11508 Roberts Boulevard. (companion item to items #3& #5)**

Chairman Sharpe called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Cox and carried unanimously to amend this request to make approval subject to the following:

- All construction must comply with the approved development plan.
- Any significant change to the approved development plan or new development

proposed will require approval by the Planning Commission.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 7 in favor and 0 apposed.

3. Conditional Use #25-9-13; A request by Steve Beam for a conditional use for a nonmetallic manufacturing and mining plant located at 11508 Roberts Boulevard. (companion item to items #2 & #5)

Chairman Sharpe called for the vote on the conditional use request. Motion was made by Commissioner Cox, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following.

- All construction must comply with the approved development plan
- Any significant change to the approved development plan or any new development will require approval by the Planning Commissioner
- Approval by the Chaffee Crossing - Design Review Committee
- The installation of perimeter landscaping or the approval or amendment of the companion variance application.
- Approval of the rezoning application by the City Board of Directors.
- All signs shall require a separate sign permit submittal and shall comply with the UDO and the Chaffee Crossing Design Guidelines upon submittal.
- If exterior lighting is provided in the future, it shall not produce glare, light trespass (a nuisance light and/or unnecessary sky glow; as required by Section 27-6025 of the UDO.
- Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used. The exterior lighting shall be of an approved fixture type with the Chaffee Crossing Design Guidelines.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 apposed.

4. Conditional Use# 26-9-13; A request by Josh Niles, agent for Charles Farnam, for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of the conditional use request is to allow the applicant to operate an auto and vehicle impoundment or holding yard at this location.

Ms. Andrews stated that on July 9, 2013, the Planning Commission denied the applicant's previous conditional use application by a vote of 4 in favor and 4 opposed and upon the applicant's appeal to the Board of Directors the Directors upheld the Planning Commission's decision to deny the conditional use permit with a vote of 6 in favor and 1 opposed.

ORDINANCE NO. _____

**AN ORDINANCE DIRECTING THE INSTALLATION OF
A FOUR WAY STOP AT THE INTERSECTION OF
CHAD COLLEY BOULEVARD AND MASSARD ROAD**

BE IT ORDANIED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The Board of Directors directs the installation of traffic controls that will
make the intersection of Chad Colley Boulevard and Massard Road a four-way stop.

SECTION 2: Emergency Clause: The Board of Directors determines that the installation
of the traffic controls in Section 1 is an essential traffic control on a public street, and that there
is an immediate need for the installation of signage and striping to make this a four-way stop
intersection. Based on that determination and for this reason, an emergency is declared to exist
and this Ordinance shall be in full force and effect from this date.

This Ordinance adopted this ____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 25-268(b) OF THE
FORT SMITH MUNICIPAL CODE REGARDING THE REMOVAL AND
PLACEMENT OF RESIDENTIAL SOLID WASTE CARTS AND RECYCLABLES
CONTAINERS FROM THE STREET RIGHT-OF-WAY AFTER COLLECTION**

**BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS, THAT:**

Section 1: Section 25-268(b) of the Fort Smith Municipal Code is amended to read as follows:

(b) For properties receiving residential sanitation service, solid waste carts, recyclables containers, solid waste, and yard waste may not be set out at the street right-of-way for collection before 12:00 noon on the day before collection. Emptied solid waste carts, recyclables containers and uncollected material exceeding collection standards shall be removed from the street right-of-way no later than midnight the day of collection and shall then be stored in such a manner as to be out of the front yard (e.g., in a side yard, rear yard, garage or carport).

Section 2: Emergency Clause. In order to preserve and protect the aesthetic value of individual neighborhoods and residences, and thus it being necessary to provide for the general welfare of the City’s inhabitants, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
Publish 1 time



MEMORANDUM

September 27, 2013

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Residential Sanitation Containers

Attached for your consideration is the ordinance regarding the storage of residential sanitation containers between collections. The current ordinance (Fort Smith municipal code section 25-268(b)) provides that:

- Containers may not be placed curbside before 12:00 noon on the day before collection.
- After collection, containers must be removed from the street right-of-way by midnight on the day of collection.

The attached ordinance would add the following to the above requirements:

- Containers not be stored in the front yard of residential properties between collections. This would require containers to be stored in a rear yard, side yard, carport, or garage. There is no requirement that the containers be screened from view.

These requirements regarding residential sanitation containers would be enforced by the neighborhood services staff. Please let me know if there's any questions or a need for more information.

A handwritten signature in black ink that reads "Ray".

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING
IMPLEMENTATION OF THE FIVE YEAR (2014-2018)
SALES TAX PROGRAM FOR STREETS, BRIDGES
AND RELATED DRAINAGE IMPROVEMENTS**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The Five Year (2014-2018) Sales Tax Program for streets, bridges and related drainage improvements as identified and specified in the attachment hereto is hereby approved.

SECTION 2: The staff is directed to proceed with implementation of the 2014 Sales Tax Program.

This Resolution adopted this _____ day of October, 2013.

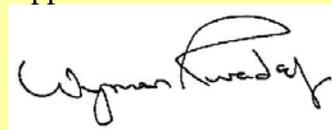
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



NPR

MEMORANDUM

To: Ray Gosack, City Administrator

From: Stan Snodgrass, P.E., Director of Engineering

Subject: Five Year Capital Improvement Program (2014-2018)
Streets, Bridges and Drainage Sales Tax Funds Program

Date: September 26, 2013

Attached is a summary of the 5-Year Capital Improvement Program for the street, bridge and drainage sales tax funds. This was reviewed with the Board of Directors at the September 24th study session. The funding for this program is provided by the one-cent sales tax. Determination of projects is based on numerous factors including citizen input, interdepartmental requests, pavement rating of streets, and input from the Board of Directors.

The proposed program includes a combination of neighborhood street improvements, major street projects, local and basin wide drainage improvements and traffic signal improvements. The program totals \$36 million for the year 2014 and \$126 million for the five year period from 2014 to 2018. The five year plan supports the Board's goals of neighborhood vitality, riverfront development, jobs creation and beautification.

The attached spreadsheet outlines the anticipated revenues and expenditures for the various projects. A narrative description, project lists and exhibits for some of the projects shown on the spreadsheet are also included.

A Resolution to approve and implement the 5-year (2014-2018) Sales Tax Program for streets, bridges and related drainage improvements is attached. I recommend that the resolution be adopted by the Board at the next regular meeting.

Enclosures

CITY OF FORT SMITH

9/20/13

Five-Year Capital Improvement Program for Streets, Bridges and Drainage (2014-2018)

	2013	2014	2015	2016	2017	2018
Beginning Balance	15,527,826	15,829,748	2,867,378	2,006,646	466,686	571,893
Current Year Revenues						
Sales Tax	19,697,271	19,943,487	20,342,357	20,749,204	21,164,188	21,587,472
Grants/Other Participation	1,666,597	3,470,000	3,050,000	0	0	240,000
Interest	5,136	7,610	912	1,236	519	350
Total - Current Year Revenues	21,369,004	23,421,097	23,393,268	20,750,440	21,164,707	21,827,822
Total Funds Available	36,896,830	39,250,845	26,260,646	22,757,086	21,631,393	22,399,715
1 Street Overlays & Reconstruction	6,556,820	10,893,157	6,500,000	6,500,000	9,000,000	9,000,000
2 Neighborhood Drainage Improvements	1,642,823	7,986,890	2,800,000	1,000,000	1,500,000	1,500,000
3 Town Branch / Carnall Drainage	190,871	2,000,000	0	0	0	1,000,000
4 May Branch Outfall Culvert Replacement	4,506,220	1,356,364	0	0	0	0
5 North B Truck Route	66,000	760,000	1,000,000	0	0	0
6 Intersection and Signal Improvements	161,000	618,493	300,000	300,000	300,000	300,000
7 Spradling Extension at Riverfront Drive	63,637	700,000	1,000,000	0	0	0
8 Jenny Lind Road - Zero to Cavanaugh	1,237,300	4,000,000	8,000,000	9,000,000	0	0
9 Dallas St. (Massard to 91st)	224,490	0	0	0	0	0
10 May Branch Drainage Project	500,000	509,000	490,000	1,300,000	6,000,000	5,600,000
11 Levee Certification & Repair	538,422	1,522,363	6,000	0	0	0
12 Streetscape - Towson Avenue	19,496	850,000	0	0	0	0
13 Overlays/Drainage by Street Department	150,000	200,000	200,000	200,000	200,000	200,000
14 Aerial Mapping	448,326	0	0	0	0	0
15 Traffic Studies	5,115	25,000	25,000	25,000	25,000	25,000
16 Evaluation of Priorities from Board Retreat	0	30,000	35,000	0	0	0
17 FCRA Development	1,939,885	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
18 FSHA - Street & Drainage	0	1,100,000	0	0	0	0
19 Jenny Lind - Dallas to Phoenix	0	0	0	0	0	300,000
20 Engineering Dept. and Other Depts.	2,568,000	2,632,200	2,698,000	2,765,400	2,834,500	2,905,360
21 Contingency	248,677	200,000	200,000	200,000	200,000	200,000
TOTAL	21,067,082	36,383,467	24,254,000	22,290,400	21,059,500	22,030,360
Ending Balance	15,829,748	2,867,378	2,006,646	466,686	571,893	369,355

Grants/Other Participation

Jenny Lind Road - Zero to Cavanaugh	127,140	3,200,000	3,050,000	0	0	0
Streetscape - Garrison and Towson	729,104	270,000	0	0	0	0
McClure Drive (FCRA)	521,353	0	0	0	0	0
Flagstone Road Ext. (FCRA)	289,000	0	0	0	0	0
Jenny Lind Road - Dallas to Phoenix	0	0	0	0	0	240,000
TOTAL	1,666,597	3,470,000	3,050,000	0	0	240,000

**Five Year Capital Improvement Program (2014-2018)
Streets, Bridges and Drainage Sales Tax Funds**

**Descriptions of Selected Projects
September 19, 2013**

1. **Street Overlays and Reconstruction.** The proposed 2014 projects are shown on the attached list and exhibits. The total length of streets to be improved is approximately 9.6 miles. The estimated cost for the 2014 street overlays and reconstruction projects is \$7.9 million. The total cost shown in 2014 is \$10.9 million which includes \$3.0 million in remaining construction for the 2013 projects. (See pages 4-8)

2. **Neighborhood Drainage Improvements.** The projects identified in the 2014 drainage program include neighborhood drainage improvements in the areas shown on the attached list and exhibits. The total estimated cost for this work is \$1.3 million and includes 6 different locations. The majority of these projects are associated with structure flooding. The total cost shown for the neighborhood drainage projects in 2014 is \$8.0 million which includes \$6.7 million of remaining work for ongoing drainage projects. (See pages 9-10)

3. **Town Branch - Carnall Drainage.** This project is to reduce the frequency of flooding that occurs in the downtown area and areas just north of downtown. The Town Branch area is a subbasin to the May Branch watershed. The \$2.0 million for 2014 is for improving the upstream outfall beginning at the South G Street/Towson intersection and extending to the west. This outfall is currently restricted which is contributing to the flooding in the downstream areas. Construction plans are generally complete and we are seeking approval from the AHTD. Right of way acquisition and construction will then follow. Future additional improvements for this area are contingent upon completion of the lower reach of the May Branch drainage project as noted in item #10. (See page 11)

4. **May Branch Outfall Culvert Replacement.** The project is for replacement of approximately 1300 feet of the 12 foot diameter May Branch outfall culvert. This culvert serves as the outlet for the May Branch drainage basin. Construction of this project is about 60% finished with scheduled completion early next year. (See page 12)

5. **North B Street Truck Route.** This project is the modification of North B Street from 5th Street west to Riverfront Drive to accommodate two way truck traffic. This is in lieu of the current one way split that exists along this section of North A and B Streets. The project is based on the concept of closing a section of North A Street between North 1st and 2nd Streets to add more green space and allow for construction of a splash pad. The project includes radius improvements at North 5th and B Streets, upgrading of the railroad crossings on North B Street and reconstruction/resurfacing of the remaining sections of North A Street which are being

removed from the truck route. This street work is being designed in 2013 with construction scheduled for 2014 and 2015. (See page 13)

6. Intersection and Signal Improvements. This project includes replacement of the traffic signals at the intersections of Towson Avenue/Fresno Street and Midland Avenue/North 32nd Street. Also included with this item is the proposed construction of a new traffic signal at the intersection of Zero Street with Ben Geren Park which will serve the traffic associated with the new water park. (See page 14-15)

7. Spradling Avenue Extension at Riverfront Drive. This project includes the new construction of Spradling Avenue eastward from Riverfront Drive approximately 1700 feet. This street will serve the proposed sports fields on the City's 51 acre tract. Plans are basically complete and the construction will be scheduled to coincide with the construction of the sports fields starting in late 2014. (See page 16)

8. Jenny Lind Road - Zero to Cavanaugh Road. This project includes improvements to Jenny Lind Road between Zero and Cavanaugh Road. It also includes improvements to Ingersoll Avenue from U.S. Hwy 271 to Jenny Lind and the extension of Ingersoll Avenue from Jenny Lind to U.S. Highway 71B. Plans are generally complete and the appraisal and right of way acquisition process is nearing completion. Approximately 55 tracts of properties are affected. Twenty nine tracts have been acquired with the remaining tracts in various stages of negotiations. Construction is expected to begin in 2014. Federal funding in the amount of \$7.2 million will benefit this project. (See page 17)

9. Dallas Street – Massard Road to 91st Street. This project included the removal and replacement of the severely cracked sections of concrete pavement and then diamond grinding of the street surface to improve the smoothness. This project has been completed. (See page 18)

10. May Branch Drainage Project. This project is to reduce flooding along May Branch from the Arkansas River to Park Avenue. It consists of constructing a drainage channel to replace the existing deteriorated and hydraulically inadequate concrete pipe. The project is currently being designed by the Corps of Engineers. The City continues to lobby for federal funding to assist with the project as the total cost is in excess of \$30 million. The Corps of Engineers have indicated that the most downstream section of the project (from approximately N. 7th Street to the river) can be constructed entirely with City funds with an agreement that the City's cost would be credited towards the future cost sharing on the project when federal funds become available. By the end of this year, we expect the Corps of Engineers to obtain approval of the final agreement that will allow this to occur. The anticipated construction will follow preparation of final plans, right of way acquisition and utility relocations. Construction of the

lower section will reduce flooding for both the lower May Branch area and the Town Branch sub basin. (See page 11)

11. Levee Certification and Repair. This project includes items associated with flood protection and the levee certification evaluation in accordance with federal design criteria. Work to be completed in 2014 includes repairs to the P & J Street pump stations and construction of a flood closure device at North P Street. (See page 19)

12. Streetscape – Towson Avenue. This project includes streetscaping along Towson Avenue from Garrison Avenue to South “A” Street and replacement of the traffic signal at Rogers Avenue and Towson Avenue. A federal grant in the amount of \$270,000 will benefit this project. (See page 20)

14. Aerial Mapping. This project consists of aerial survey and photogrammetry services within the city limits of Fort Smith and the extra territorial jurisdictional area south of the city, comprising a total area of 90 square miles. The aerial photography took place this past winter and the new topographic maps are currently being developed with delivery scheduled by the end of the year. The aerial mapping data will be utilized extensively on street and drainage projects as well as development projects.

16. Evaluation of Priorities from Board Retreat. This item includes evaluation of the priorities from the Board of Directors retreat earlier this summer. The following items will be reviewed during the year noted. The estimated cost is shown for each item.

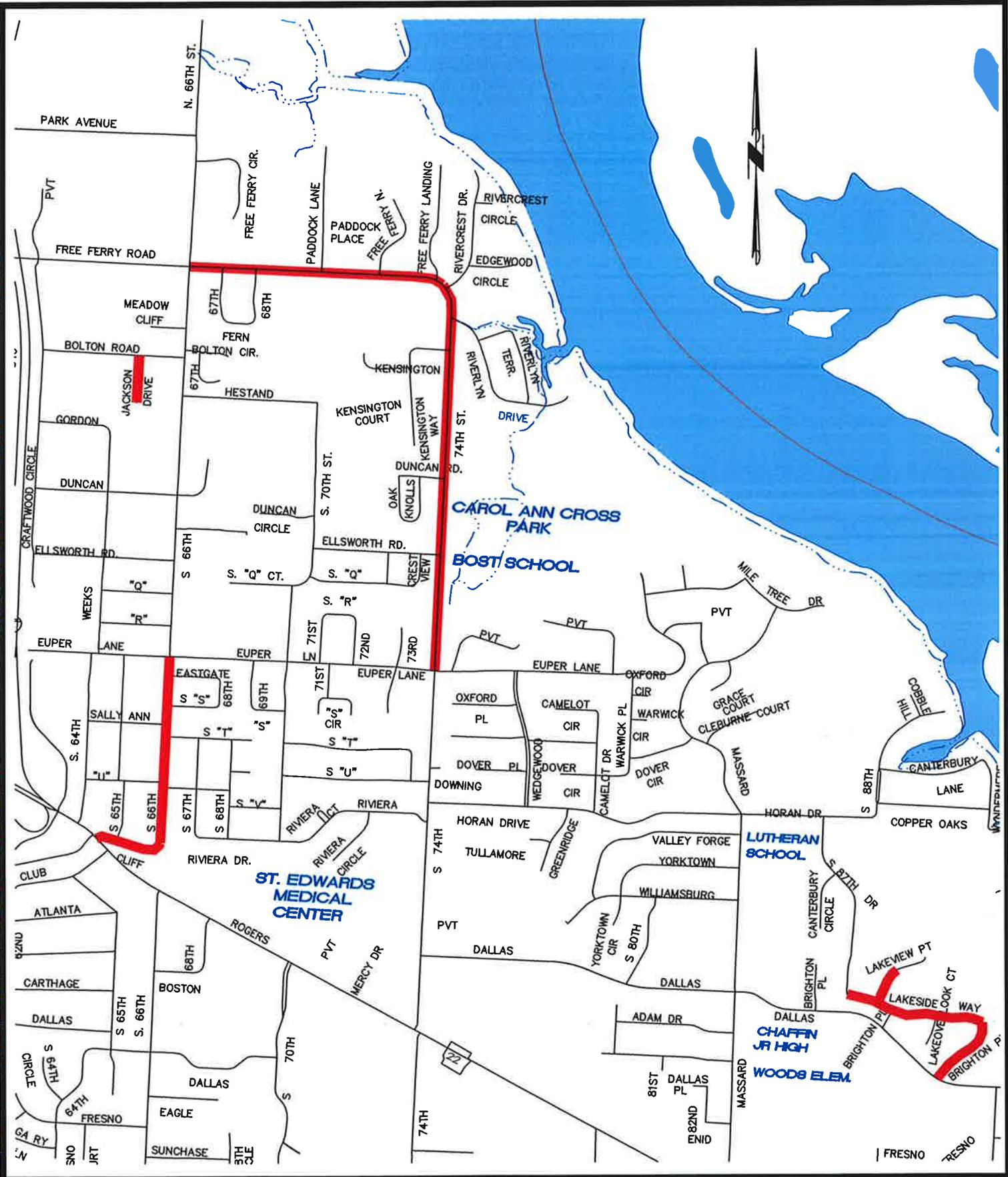
- (2014) - Extension of Spradling Avenue westward to Riverfront Dr. (\$15,000)
- (2014) - Incorporate Bike Lanes into Transportation Planning (\$15,000)
- (2015) - Roadway Enhancements for Riverfront Dr. (\$10,000)
- (2015) - Create gateway entrances to neighborhoods (\$15,000)
- (2015) - Parkway Trees (\$10,000)

17. FCRA Development. The work completed in 2013 included the construction of a new street to serve the McClure Amphitheater, the extension of Flagstone Road to serve the Old Dominion freight line terminal and a new street section adjacent to Fire Station #11. The \$1.0 million budgeted for 2014 will be utilized for public street and/or drainage work identified in association with the FCRA for economic development. (See page 21)

18. FSHA – Street and Drainage. This item includes assistance for the street and drainage construction associated with two Fort Smith Housing Authority residential developments. One project is located at the old Bailey Hill Reservoir site and the other is southwest of the current Northpointe housing development.

**2014 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION**

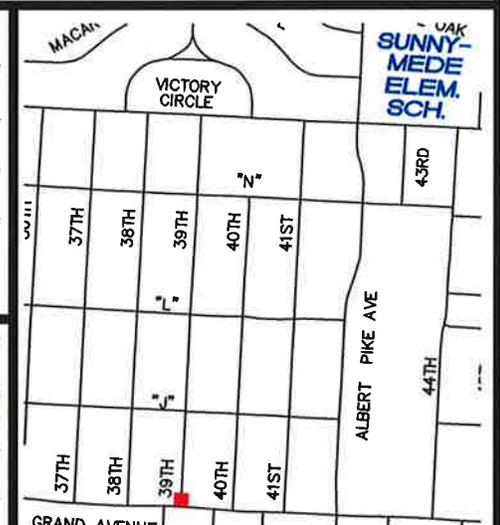
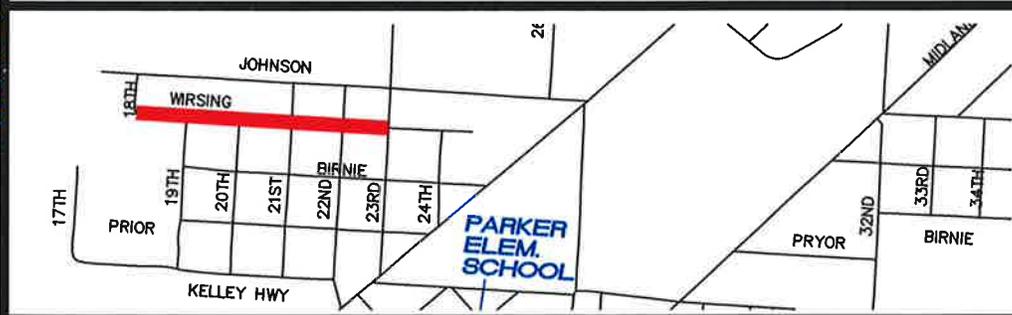
STREET	FROM	TO	LENGTH	COST
FREE FERRY RD.	66TH ST.	74TH ST.	2356	\$295,808.89
74TH ST.	FREE FERRY RD.	EUPER LN.	4139	\$519,674.44
JACKSON DR.	END OF ROAD	BOLTON DR.	481	\$60,392.22
47TH ST.	END OF ROAD	PARK AVE.	900	\$113,000.00
7TH ST.	WHEELER AVE.	ROGERS AVE.	927	\$197,863.00
PARKER AVE.	6TH ST.	7TH ST.	341	\$42,814.44
39TH ST.	INTERSECTION WITH GRAND AVE.		75	\$20,000.00
21ST ST.	DALLAS ST.	SOUTH R ST.	4439	\$651,784.00
FINCASTLE DR.	END OF ROAD	END OF ROAD	1722	\$291,879.00
OLD OAKS LN.	END OF ROAD	END OF ROAD	695	\$113,439.44
HARRIET LN.	6TH ST.	50TH ST.	693	\$87,010.00
50TH ST.	PARK ST.	HARRIET LN.	700	\$87,888.89
SOUTH P ST.	END OF ROAD	TOWSON AVE.	518	\$52,030.22
26TH ST.	PHOENIX AVE.	MEMPHIS ST.	950	\$116,747.83
31ST ST.	PHOENIX AVE.	MEMPHIS ST.	960	\$156,316.66
VETERANS AVE.	CUSTER BLVD.	ROBERTS BLVD.	8727	\$1,698,371.17
WIRSING AVE.	18TH ST.	23RD ST.	1673	\$210,054.44
66TH ST.	CLIFF DR.	EUPER LN.	1957	\$245,712.22
CLIFF DR.	ROGERS AVE.	66TH ST.	638	\$80,104.44
SOUTH B ST.	WHEELER AVE.	ROGERS AVE.	3138	\$709,188.00
CANDLESTICK CT.	CANDLESTICK LN.	END OF ROAD	180	\$30,510.00
CANDLESTICK CR.	CANDLESTICK LN.	END OF ROAD	180	\$30,510.00
COVENTRY LN.	TENSLEY LN.	END OF ROAD	450	\$76,275.00
MUIRFIELD CR.	GLEN FLORA WAY	GLEN FLORA WAY	1066	\$180,687.00
CROSSOVER CR.	CROSSOVER ST.	END OF ROAD	120	\$20,340.00
GEREN RD.	ST HWY. 45	58TH ST.	5335	\$769,730.89
CAVANAUGH RD.	STATE LINE	JOSEPH ST.	1665	\$209,050.00
LAKESIDE WAY	87TH ST.	BRIGHTON POINTE	1422	\$241,029.00
LAKEVIEW POINTE	LAKESIDE WAY	1/2 CUL-DE-SAC	375	\$63,562.50
BRIGHTON POINTE	DALLAS ST.	LAKESIDE WAY	775	\$131,362.50
COMMERCE RD.	INTERSECTION WITH HIGHWAY 45		75	\$40,000.00
WILLIAMS LN.	34TH ST.	RIVERFRONT DR.	1520	\$152,675.56
RS BOREHAM JR ST.	ZERO ST.	END OF PARKING LOT	1270	\$199,319.44
TOTAL FOR 2013 STREET OVERLAYS/RECONSTRUCTION PROGRAM				\$7,895,131.22
BALANCE OF 2012 PROJECTS CURRENTLY UNDERCONSTRUCTION				\$2,998,026.00
TOTAL				\$10,893,157.22



2014 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



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2014 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



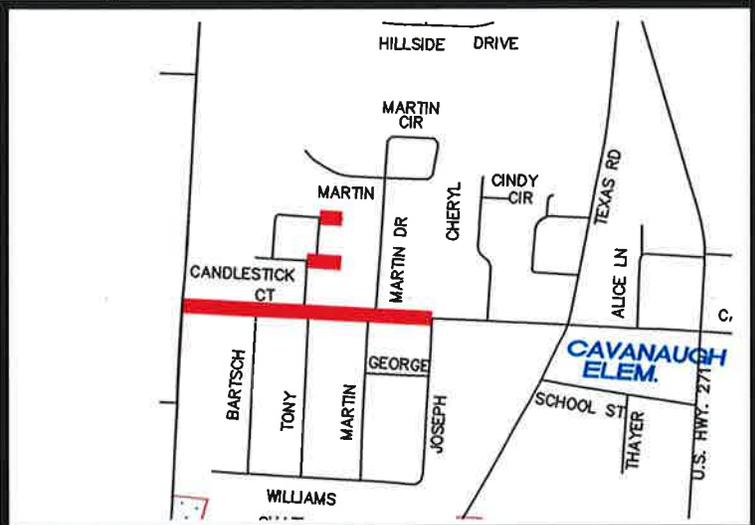
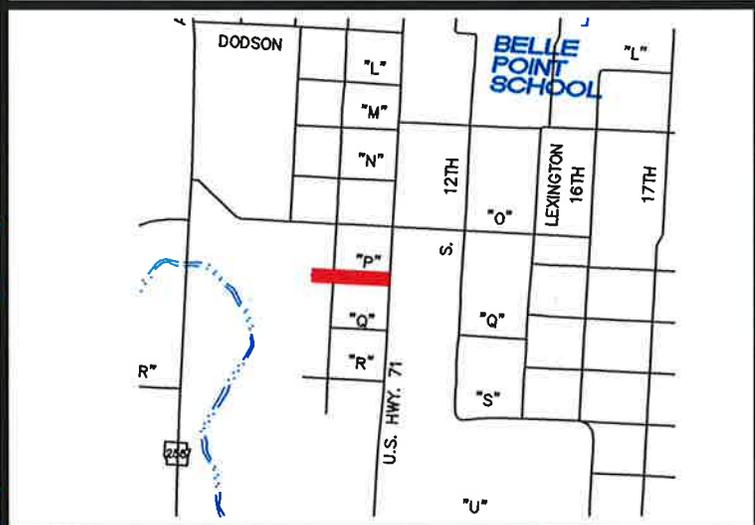
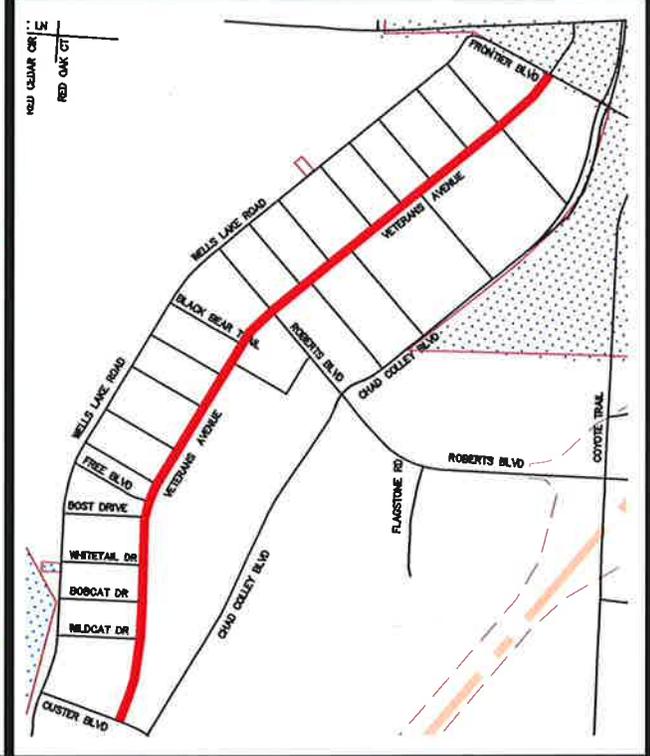
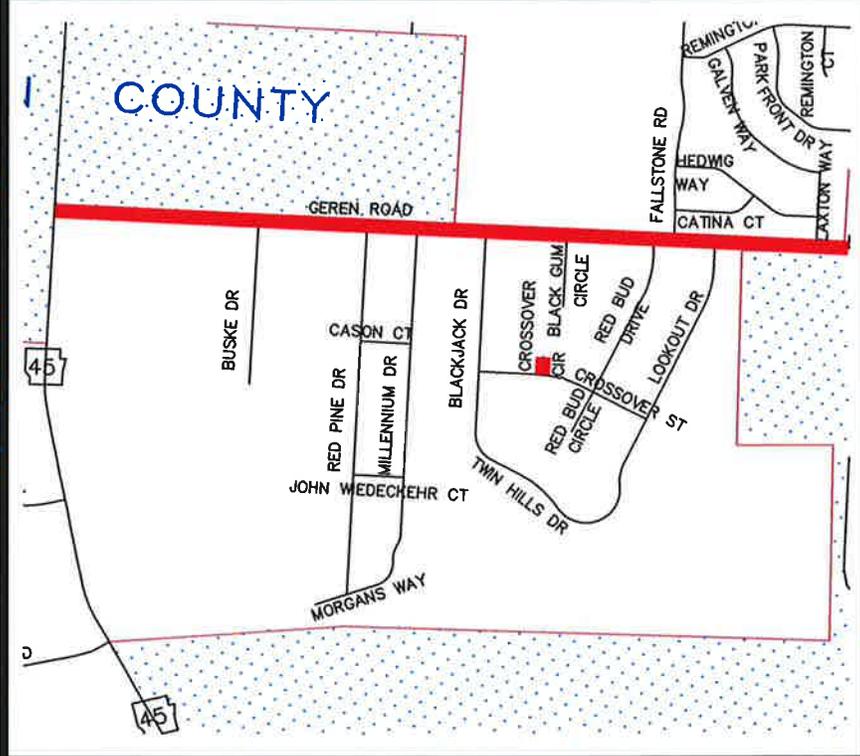
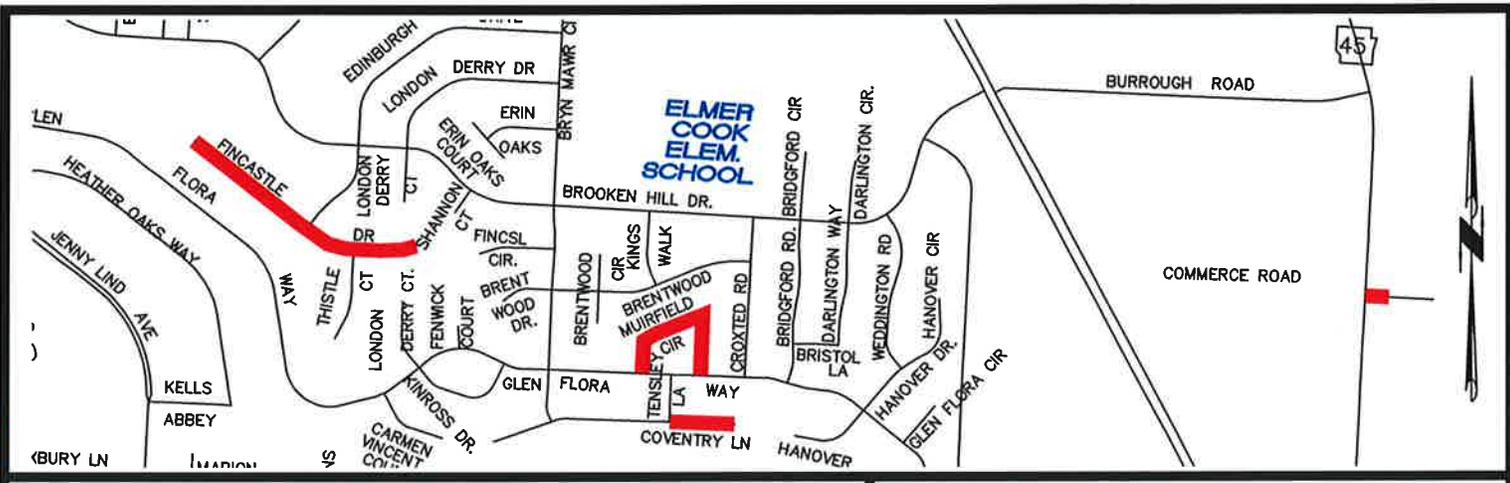
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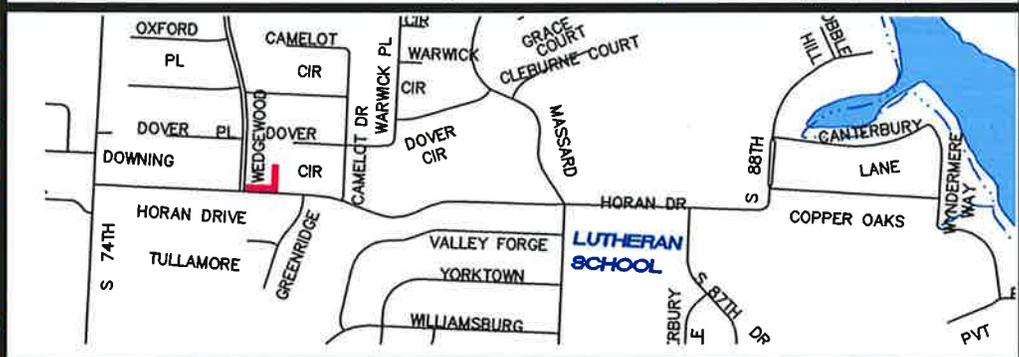
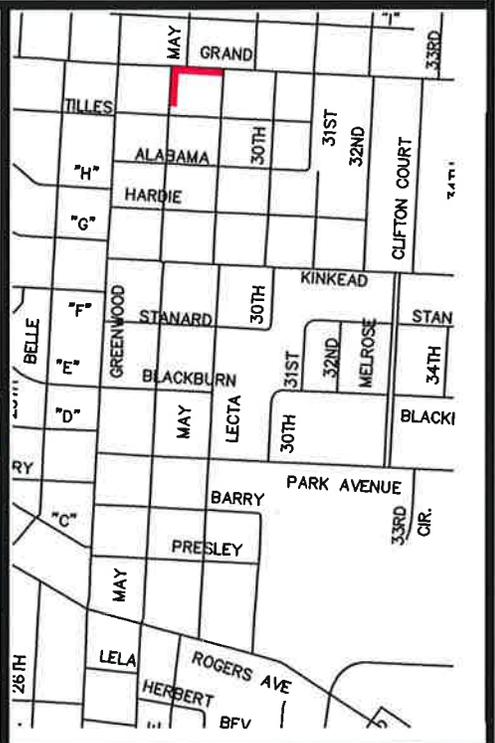
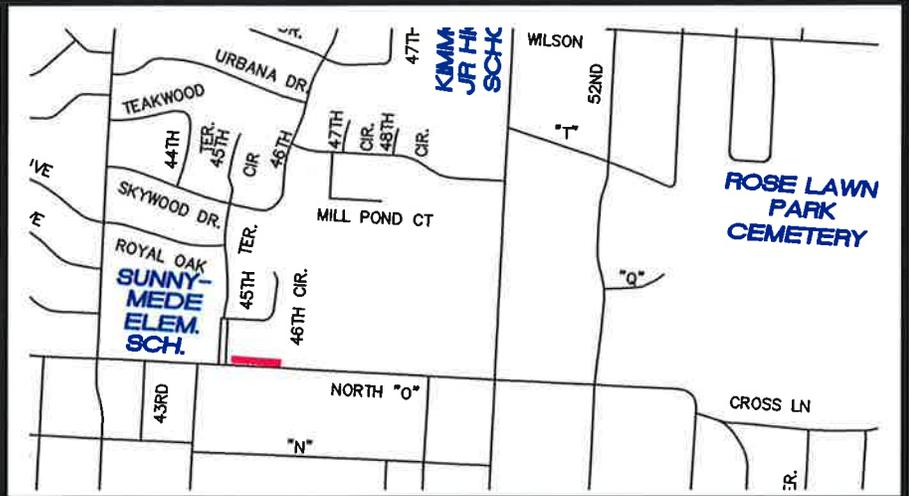
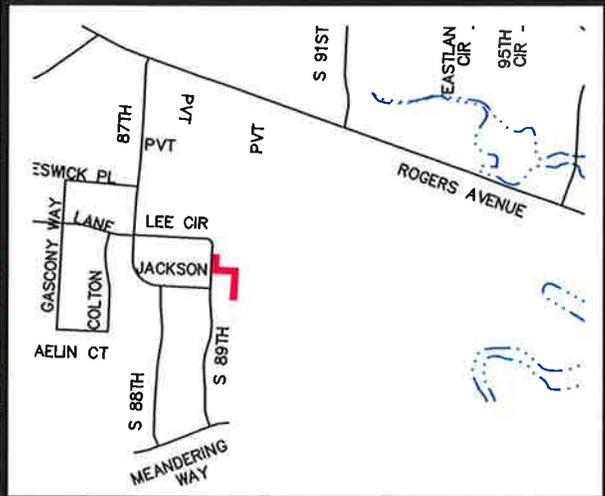
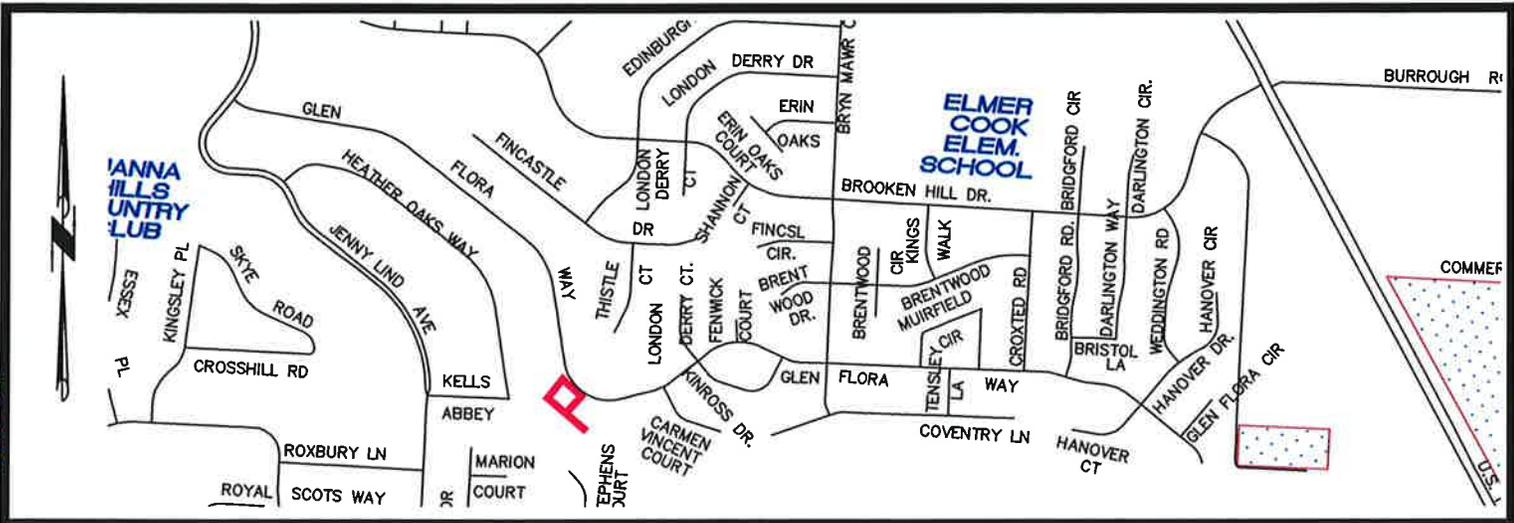
2014 CAPITAL IMPROVEMENTS PROGRAM
 STREET OVERLAYS/RECONSTRUCTION



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2014 Neighborhood Drainage Projects

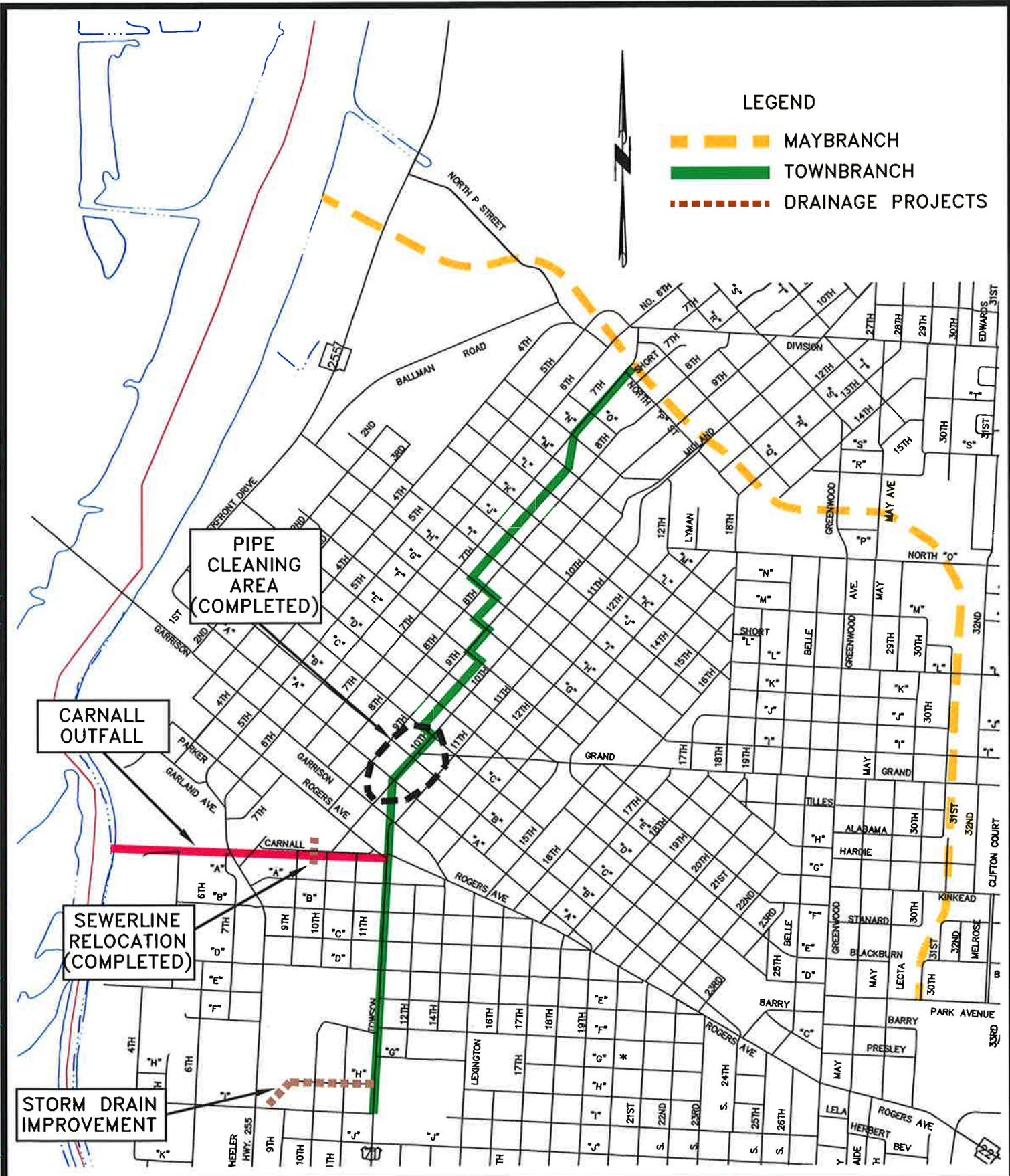
Project		Estimated Cost
<p>3100 Block of Glen Flora Way</p> <p>This project will add a concrete wall and storm drain to intercept runoff from the hillside. One house is experiencing flooding in this area, and severe yard flooding is also occurring (see page 10).</p>	\$	200,000
<p>4000 Block of South 89th Street</p> <p>This project will add inlets and a storm drain to intercept runoff from South 89th Street. One house is experiencing flooding in this area, and severe street and yard flooding are also occurring (see page 10).</p>	\$	150,000
<p>4500 Block of North "O" Street</p> <p>This project will add inlets and a storm drain to intercept runoff from North "O" Street. Two houses are experiencing flooding in this area, and severe street flooding is also occurring (see page 10).</p>	\$	120,000
<p>Jenny Lind Drainage Extension from Brazil Avenue to Mill Creek</p> <p>Storm drain improvements that will be constructed as part of the Jenny Lind project will be discharging to an undersized roadside ditch and driveway culverts along Brazil Avenue and Boys Club Ln. This project will replace the undersized earthen channel and driveway culverts (see page 10).</p>	\$	410,000
<p>2800 Block of Grand Avenue</p> <p>This project will add trench grates, inlets, and storm drain to intercept runoff from May Avenue. One business is experiencing flooding in this area, and severe street flooding is also occurring (see page 10).</p>	\$	280,000
<p>2300 Block of Wedgewood Boulevard</p> <p>This project will add curb and gutter, inlets, and a storm drain to intercept runoff overtopping Horan Drive. One house is experiencing flooding in this area, and severe street and yard flooding are also occurring (see page 10).</p>	\$	140,000
Total	\$	1,300,000



2014 CAPITAL IMPROVEMENTS PROGRAM
- DRAINAGE IMPROVEMENTS



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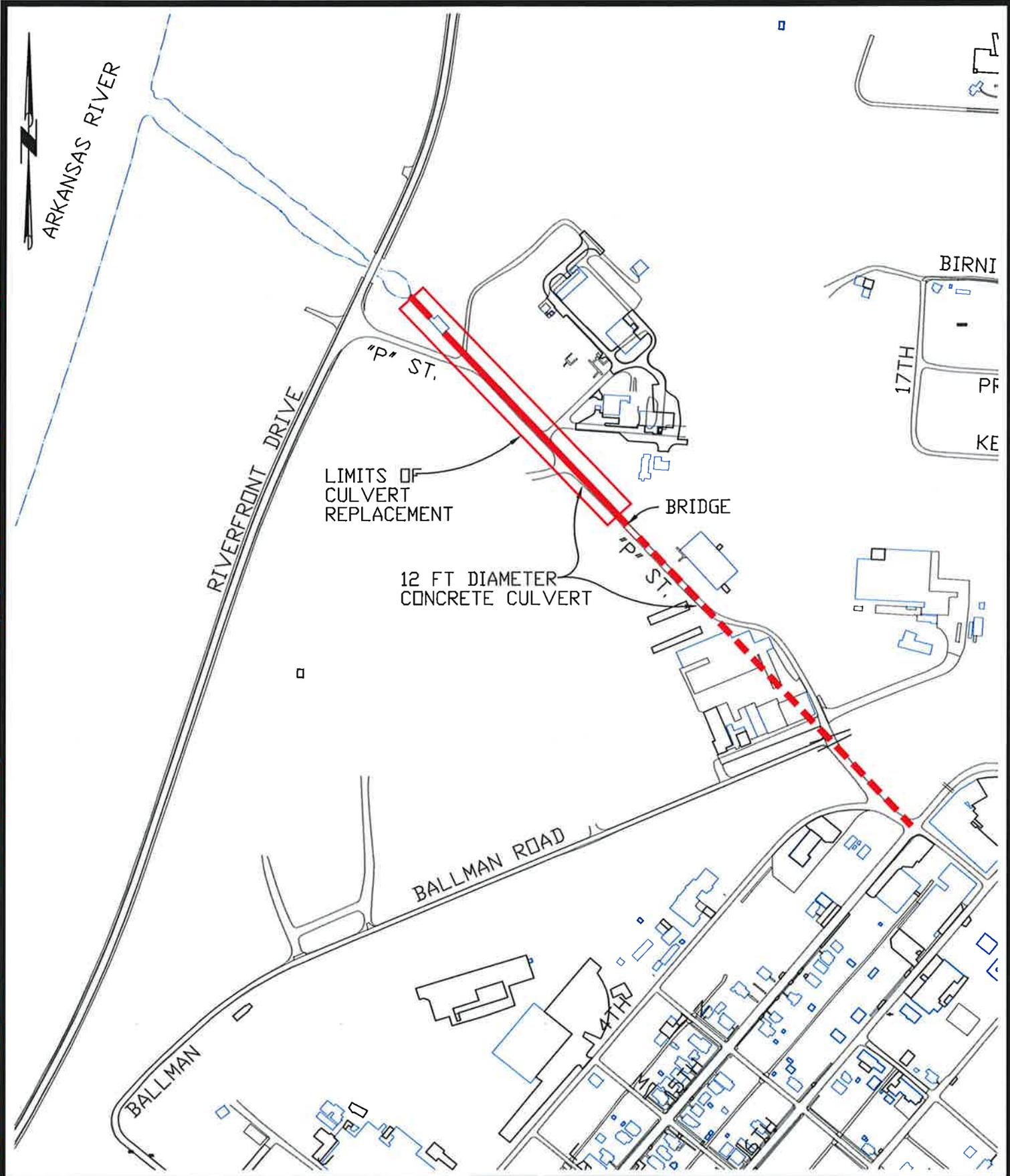


2014 CAPITAL IMPROVEMENTS PROGRAM
 DRAINAGE IMPROVEMENTS
 MAYBRANCH & TOWN BRANCH



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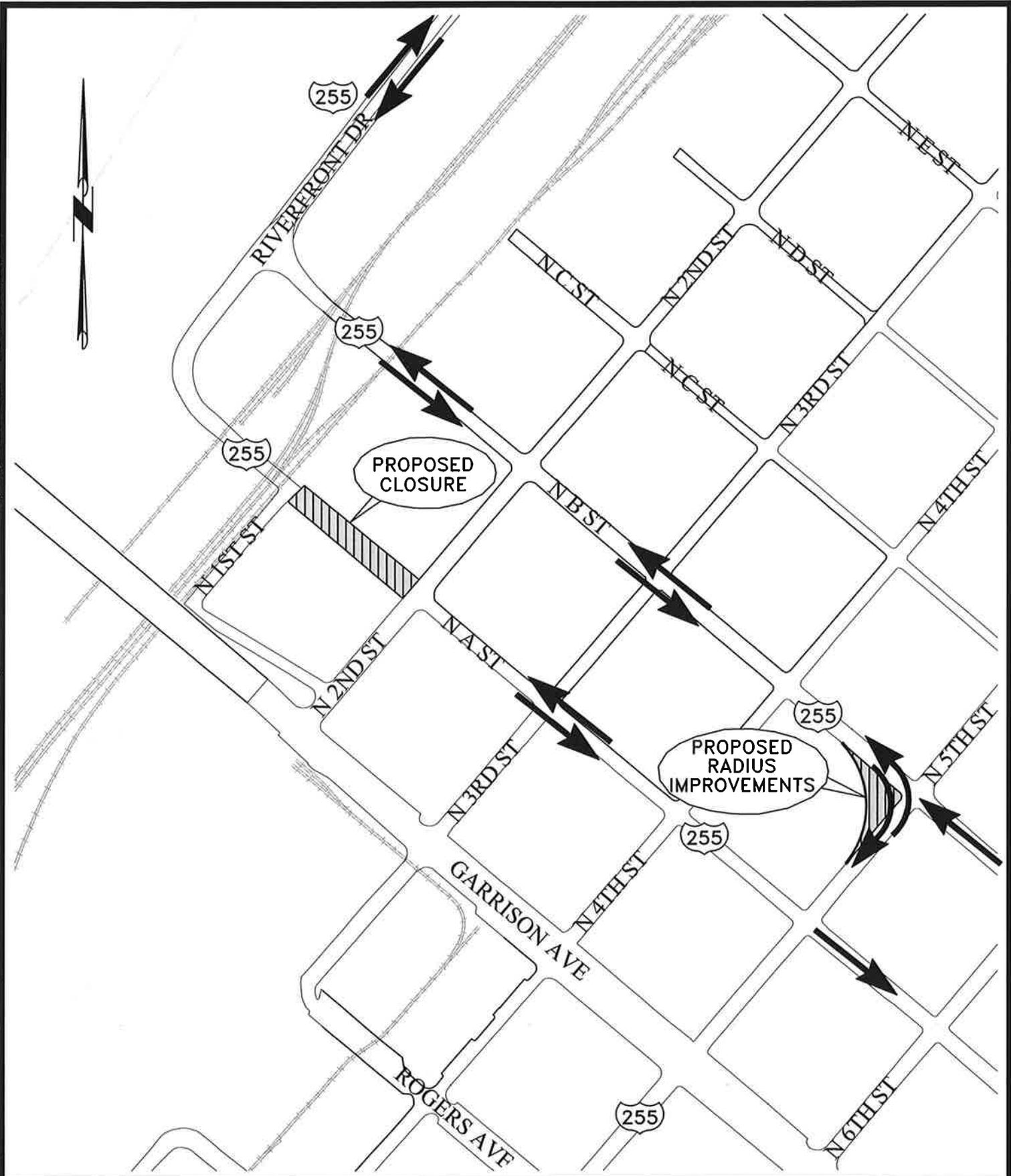
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2014 CAPITAL IMPROVEMENTS PROGRAM
 MAYBRANCH OUTFALL
 CULVERT REPLACEMENT



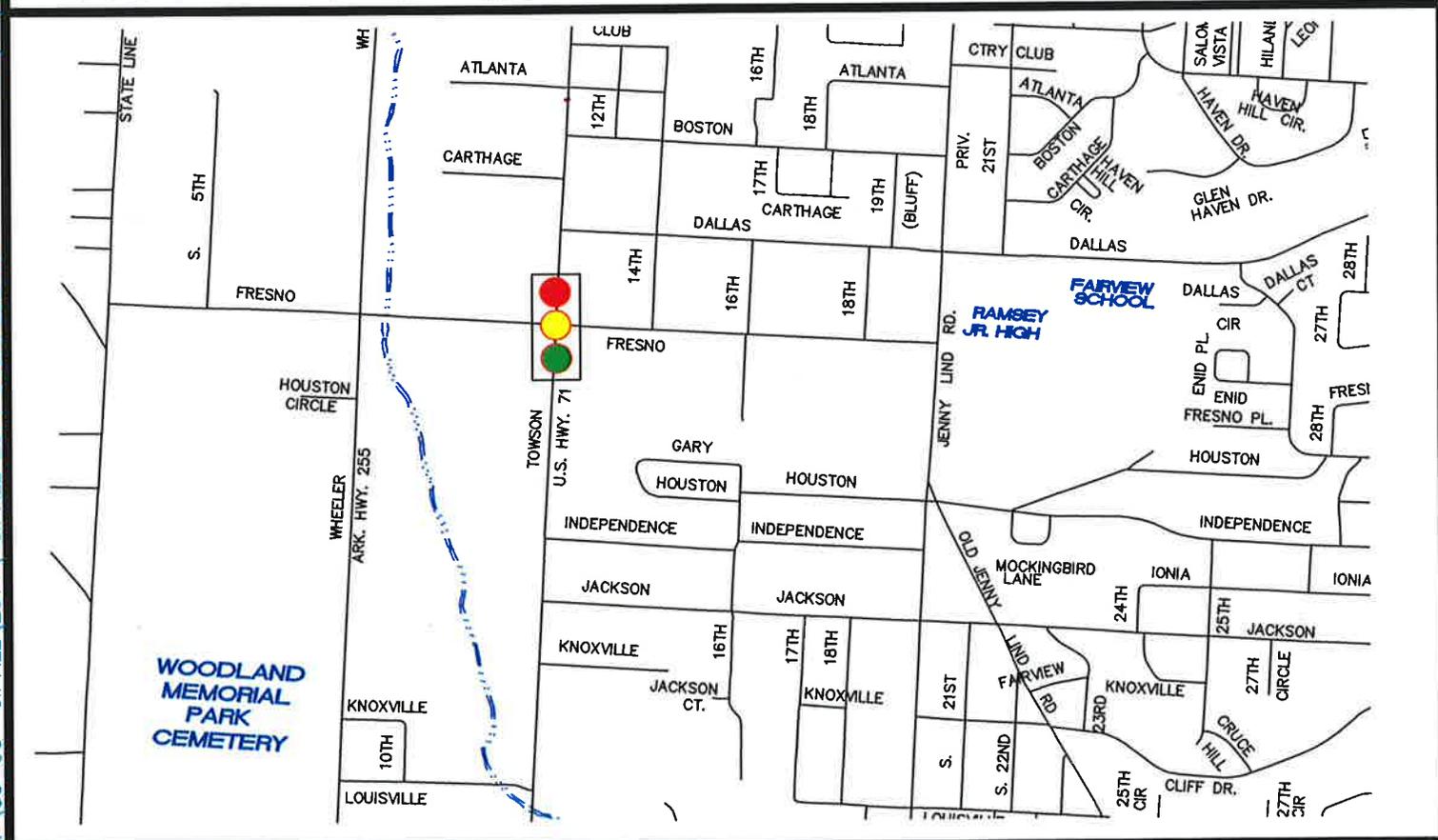
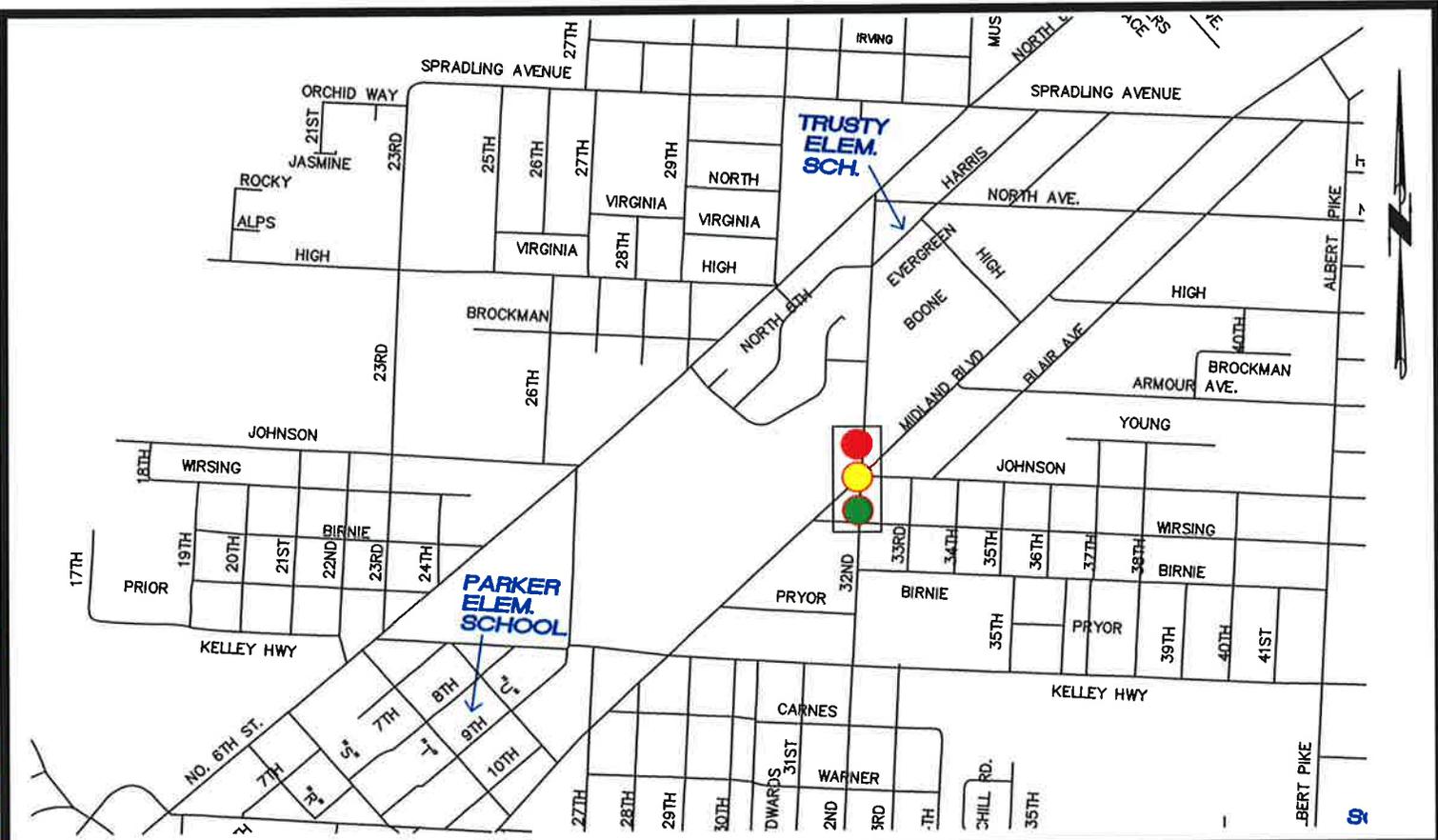
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2014 CAPITAL IMPROVEMENT PROGRAM
 NORTH B TRUCK ROUTE
 FORT SMITH, ARKANSAS



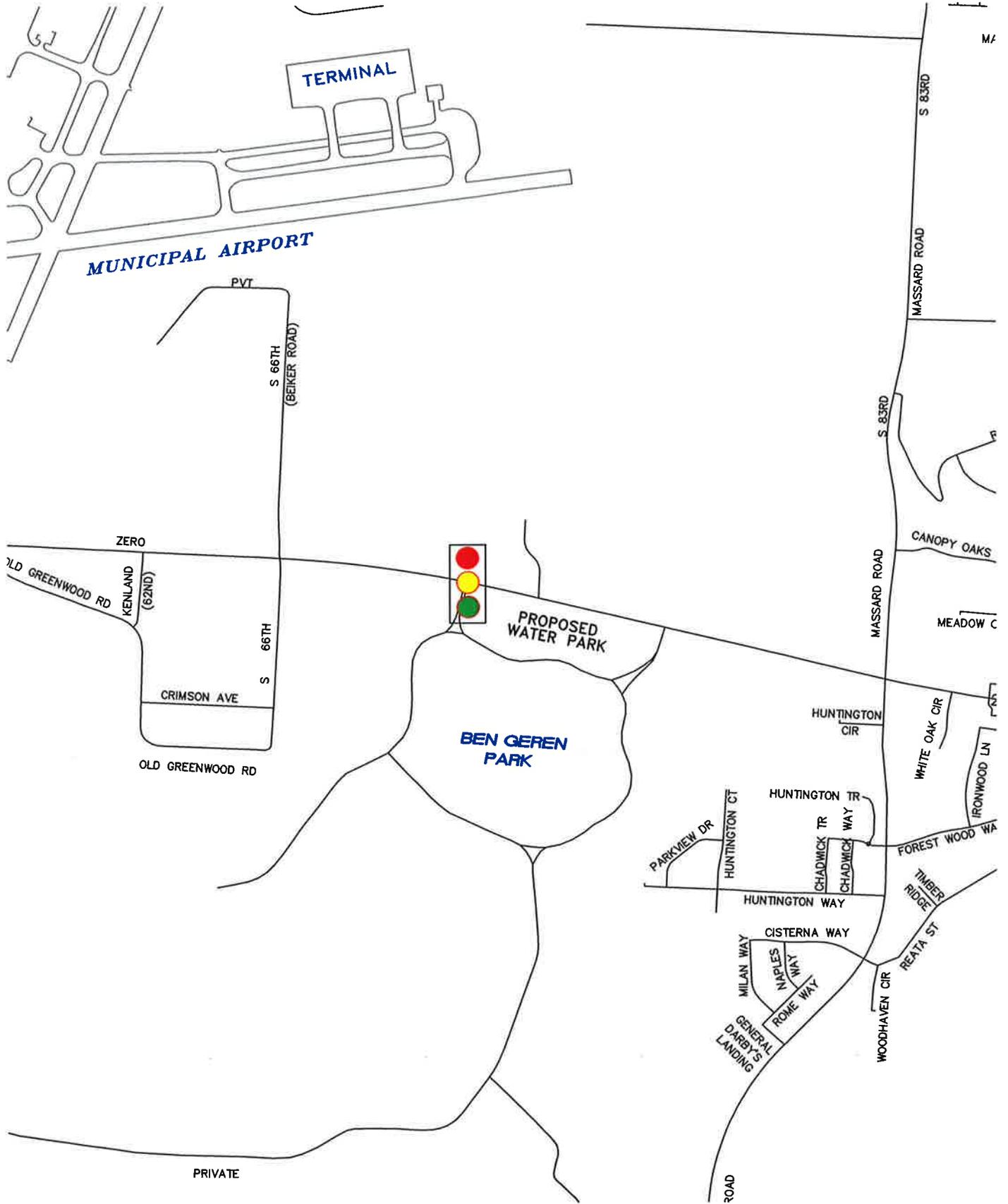
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2014 CAPITAL IMPROVEMENTS PROGRAM
SIGNAL IMPROVEMENTS



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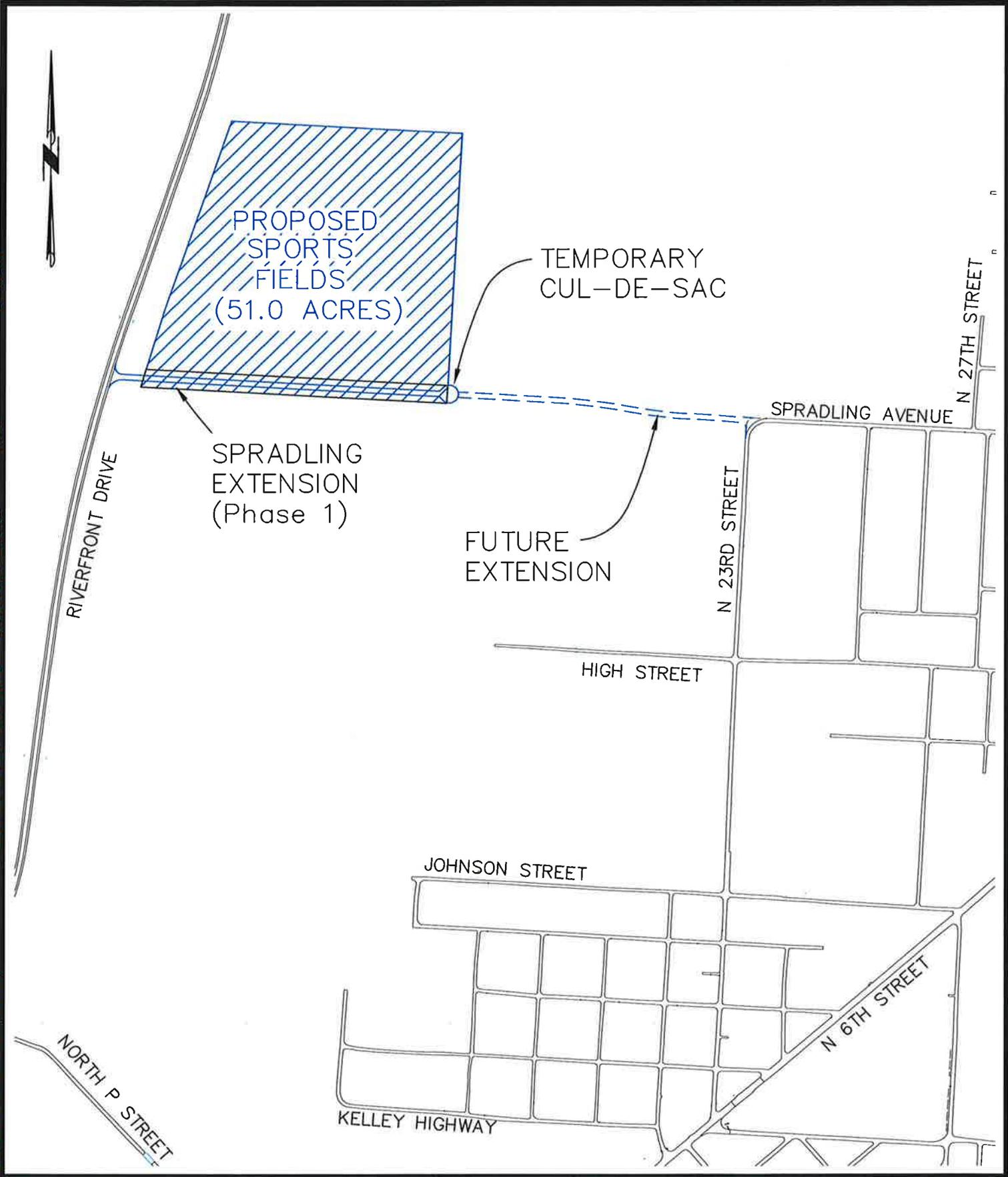


2014 CAPITAL IMPROVEMENTS PROGRAM
SIGNAL IMPROVEMENTS



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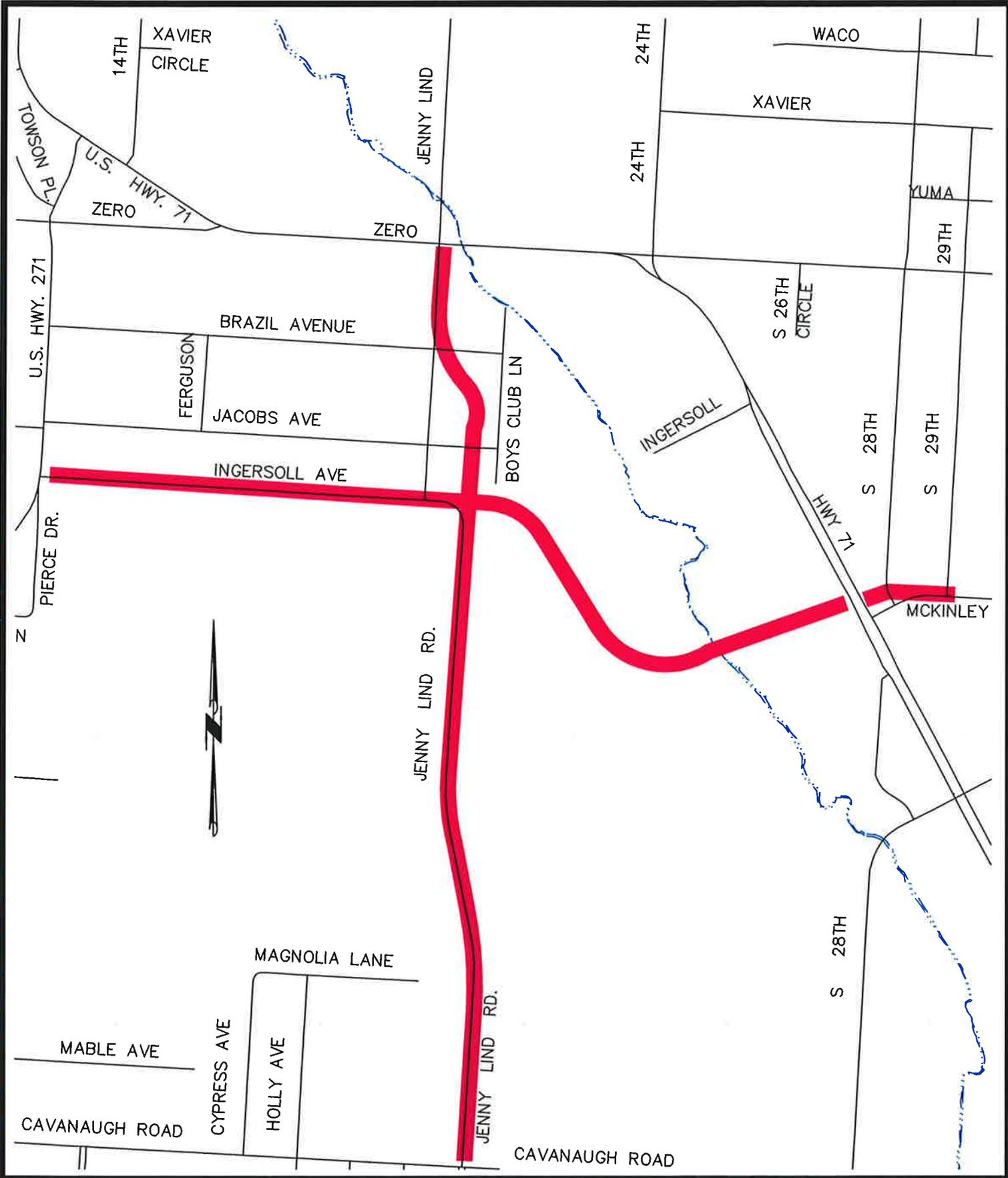
2014 CAPITAL IMPROVEMENTS PROGRAM
 SPRADLING EXTENSION
 FORT SMITH, ARKANSAS



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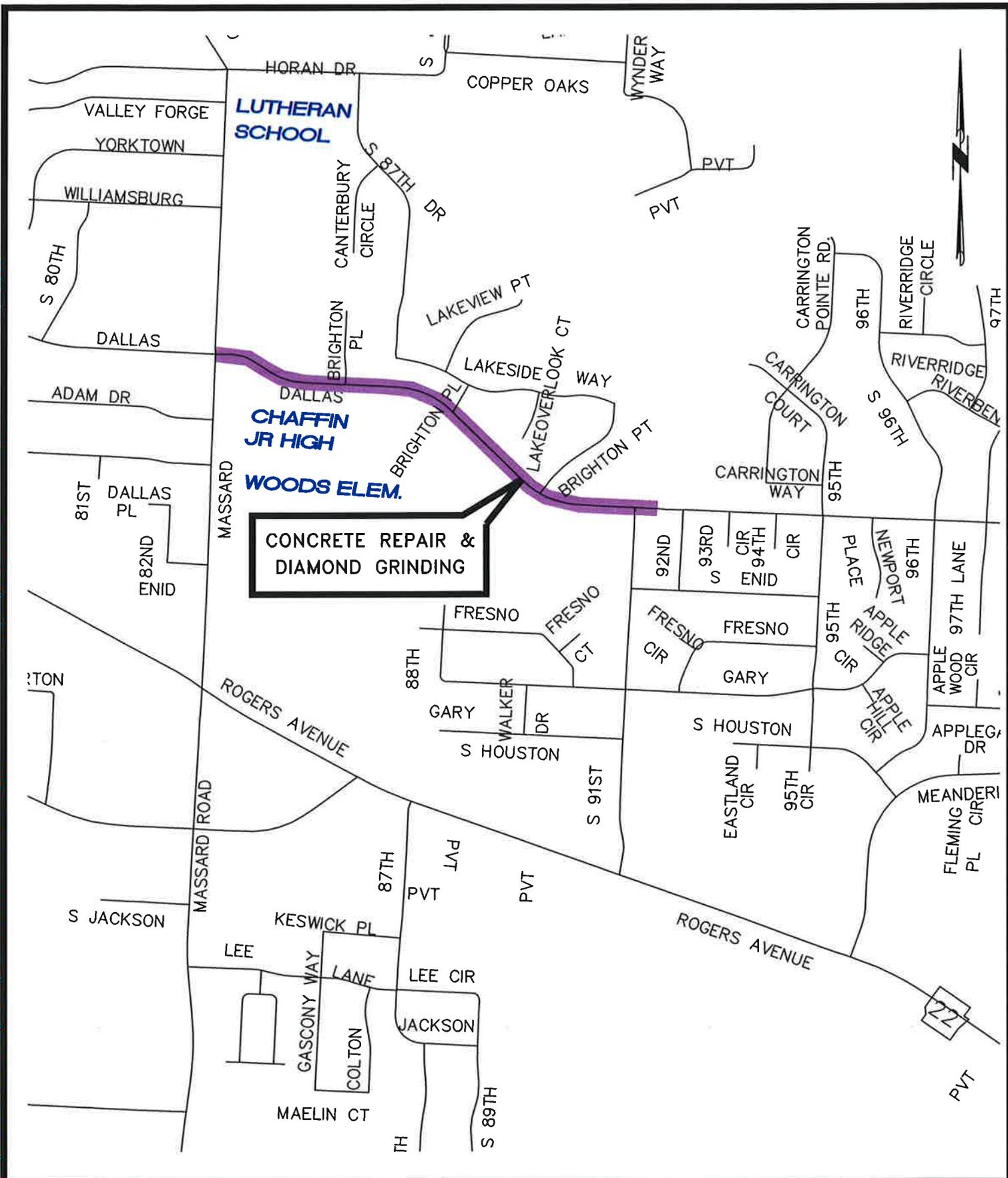
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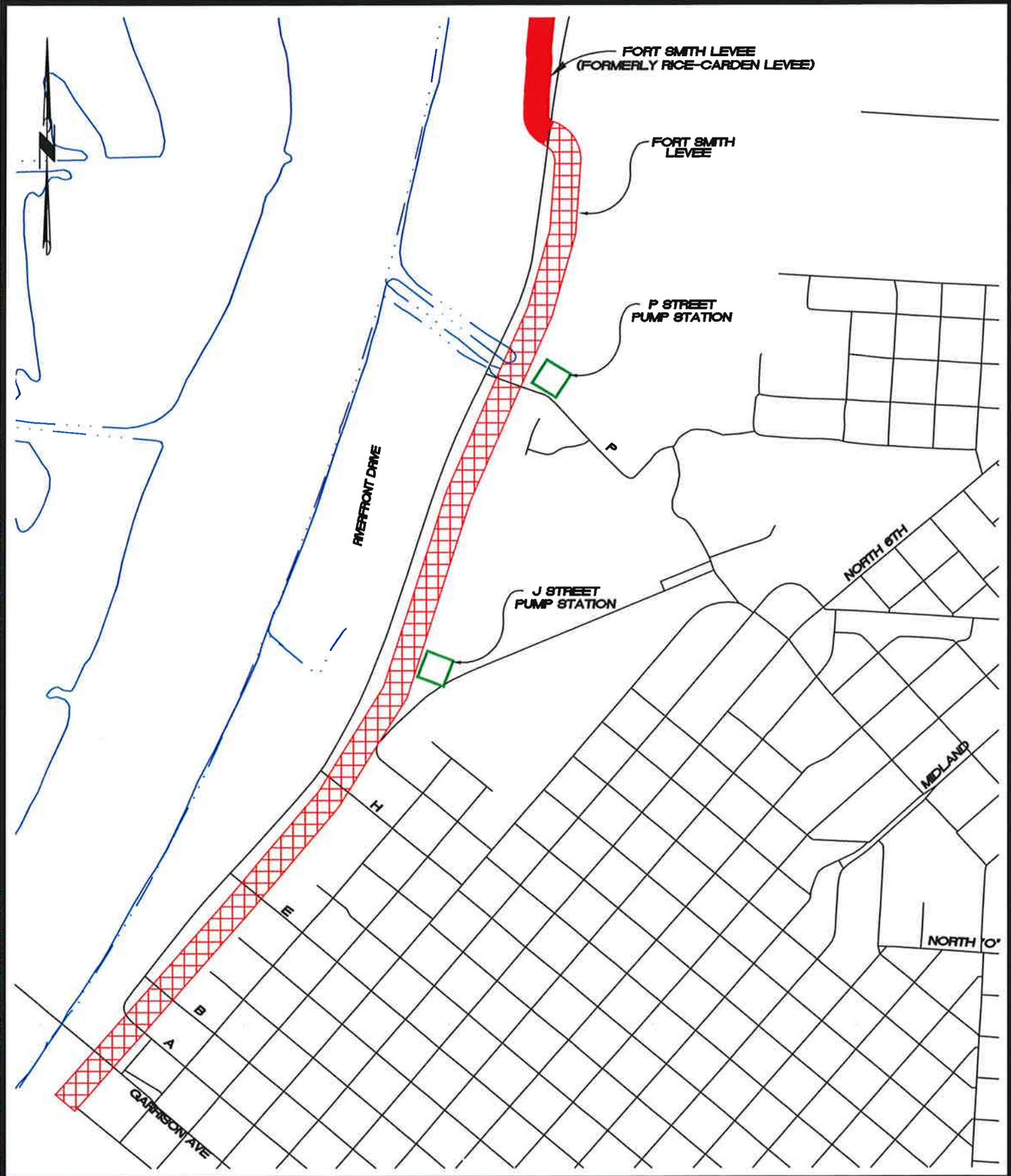
2014 CAPITAL IMPROVEMENTS PROGRAM
 JENNY LIND
 ZERO STREET TO CAVANAUGH ROAD



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<p>2014 CAPITAL IMPROVEMENTS PROGRAM DALLAS STREET</p>		<p>Project:</p>
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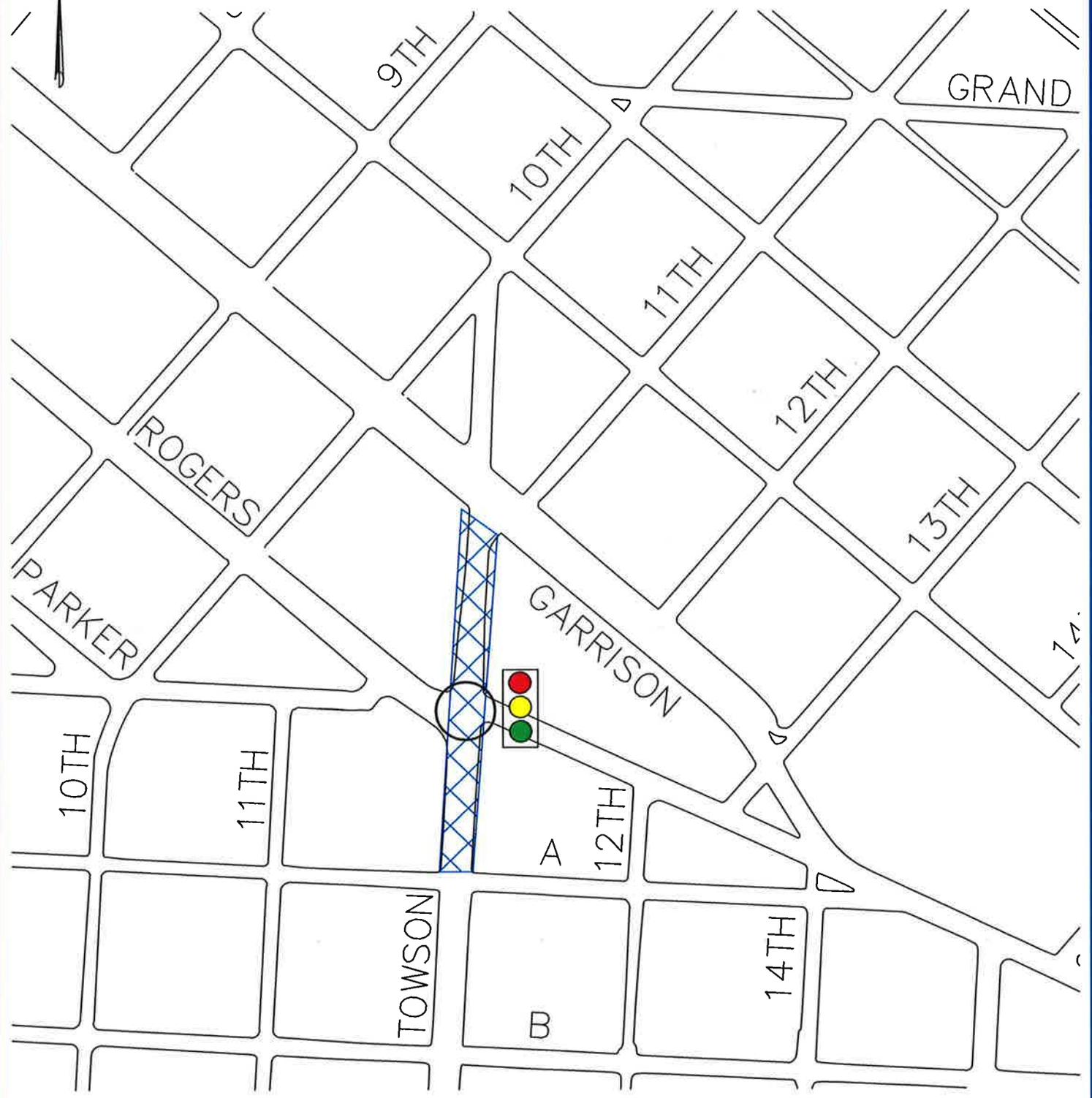
2014 CAPITAL IMPROVEMENTS PROGRAM
LEVEE CERTIFICATION & REPAIR
FORT SMITH, ARKANSAS



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 TOWSON STREETScape PROJECT

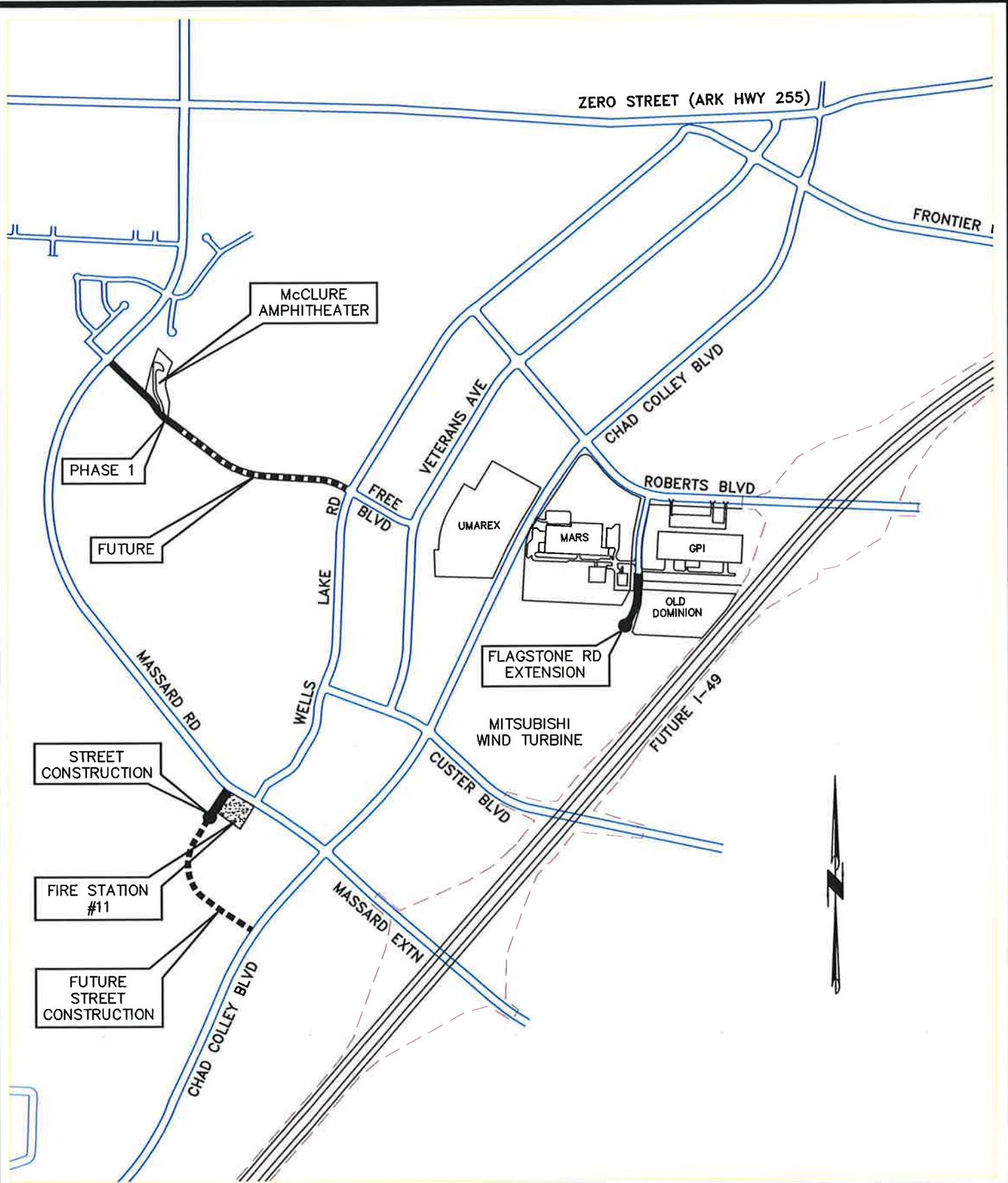


2014 CAPITAL IMPROVEMENTS PROGRAM
 TOWSON STREETScape
 FORT SMITH, ARKANSAS



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2014 CAPITAL IMPROVEMENTS PROGRAM
FCRA DEVELOPMENT



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ORDINANCE NO. _____

AN ORDINANCE FIXING THE RATE OF AND LEVYING FIVE (5.0) MILLS UPON ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE CITY OF FORT SMITH, ARKANSAS FOR THE YEAR 2013 FOR GENERAL PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The rate of taxation of all real and personal property in the City of Fort Smith, Arkansas, for the year 2013 for general purposes under the authority of Section 4, Article 12 of the Constitution of 1874 of the State of Arkansas is hereby fixed at five (5.0) mills on the dollar of assessed valuation of all taxable real and personal property subject to taxation in the City of Fort Smith, Arkansas.

SECTION 2: The City Clerk is hereby directed to transmit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected as required by law.

PASSED AND APPROVED this 1st day of October, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish one time

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY TO BE USED FOR MAINTENANCE OF A PUBLIC-CITY LIBRARY PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 30 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2013 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into a fund to be used for the maintenance of the Fort Smith Public-City Library.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith as are now levied and collected and that the proceeds of such tax shall be segregated by the City Directors and used only for the purpose of maintenance of a Public-City Library.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected together with other taxes.

PASSED AND APPROVED this _____ 1st day of October, 2013.

APPROVED:

Mayor

ATTEST:

Approved as to form:



City Clerk

Publish one time

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR POLICE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2013 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Police Retirement and Pension Fund for the purpose of such fund as provided by law.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

PASSED AND APPROVED this _____ 1st day of October, 2013.

APPROVED:

Mayor

ATTEST:

Approved as to form:



Publish one time

City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR FIRE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2013 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Fire Retirement and Pension Fund for the purpose of such fund as provided by law.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

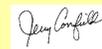
PASSED AND APPROVED this _____ 1st day of October, 2013.

APPROVED:

Mayor

ATTEST:

Approved as to form:



Publish one time

City Clerk

MEMORANDUM
September 27, 2013

TO: Ray Gosack, City Administrator
FROM: Sherri Gard, City Clerk
RE: Millage Ordinances

The attached ordinances represent the City's annual levy of eight (8) mills from all taxable real and personal property in Fort Smith for the year 2013 (to be collected in 2014), and are described as follows:

<u>Category</u>	<u>Millage</u>
City General	5
Public Library	1
Fire Retirement & Pension	1
Police Retirement & Pension	1

There are no changes to the current millage rates. The above rates are the maximum allowable per state law, with the exception of the public library. The five (5) general mills are estimated to generate \$7 million for the General Fund in 2014, which is 15% of all General Fund revenue. The property tax revenue is the second highest source of revenue in the General Fund.

Upon approval, the ordinances will be submitted to the Sebastian County Clerk for presenting to the Quorum Court at their November meeting (when millage for all cities in Sebastian County is considered).

If there are any questions, please let me know.

c: Kara Bushkuhl, Director of Finance

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO FORSGREN, INC., FOR THE NEIGHBORHOOD SEWER IMPROVEMENTS - ZERO STREET

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The construction of the Neighborhood Sewer Improvements - Zero Street, Project Number 10-11-C1, is hereby accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of \$172,320.84, is hereby approved.

This Resolution adopted this _____ day of October 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: September 24, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Neighborhood Sewer Improvements - Zero Street
Project Number 10-11-C1

This project consisted of replacing 5,636 feet of 8 to 10-inch sanitary sewer lines within the Zero Street sewer basin. The attached exhibit shows the locations of the improvements.

Forsgren, Inc., completed the project 118 days behind the allotted contract time. Forsgren documented 90 days of delays due to weather and 28 days due to waiting for utility companies to relocate facilities that interfered with construction of the project. McGuire Engineering, Inc., also documented those days. The project had a construction cost underrun of \$342,530.81 because approximately 800 feet of the proposed sewer was deleted from this project and made part of the South 28th Street sewer improvements project.

Attached is a Resolution accepting the project as complete and authorizing final payment in the amount of \$172,320.84. It is my recommendation that the project be accepted as complete.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

Project Summary

Project Status: Complete	Project name: Neighborhood Sewer Improvements - Zero Street
Today's date: September 24, 2013	Project number: 10-11-C1
Staff contact name: Steve Parke	Project engineer: McGuire Engineering, Inc.
Staff contact phone: 784-2231	Project contractor: Forsgren, Inc .
Notice to proceed issued: September 4, 2012	
Completion date: July 13, 2013	

	Dollar Amount	Contract Time (Days)
Original contract	\$2,549,357.25	200
Change orders: Number One	\$0.00	0
Total change orders	\$0.00	<u>0</u>
Adjusted contract	<u>\$2,549,357.25</u>	<u>200</u>
Payments to date (as negative):	\$-2,034,505.60	79.8%
Amount of this payment (as negative)	\$-172,320.84	6.8%
Retainage held	\$0.00	
Contract balance remaining (underrun)	\$342,530.81	13.4%
Amount under as a percentage	-13.4%	

Final comments:



CITY OF FORT SMITH, ARKANSAS
2010 NEIGHBORHOOD SEWER IMPROVEMENTS - ZERO STREET BASIN
PROJECT NO. 10-11-E1
PROJECT VICINITY MAP

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO
AUTHORIZATION NUMBER TWO WITH MCGUIRE ENGINEERING, INC.,
FOR ENGINEERING SERVICES FOR THE NEIGHBORHOOD
SEWER IMPROVEMENTS - ZERO STREET

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

SECTION 1: Amendment Number One to Authorization Number Two under the
Agreement with McGuire Engineering, Inc., to provide construction phase services for the
Neighborhood Sewer Improvements - Zero Street, Project Number 10-11-EC1, is hereby
approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the
amount of \$35,900.00, for construction phase services, adjusting Authorization Number Two to
amount of \$132,800.00.

This Resolution adopted this _____ day October 2013.

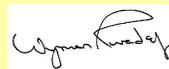
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: September 24, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Neighborhood Sewer Improvements - Zero Street
Project Number 10-11-EC1

This project is for the construction phase engineering services provided for the above captioned project. The construction of the project is now complete and authorization of final payment to Forsgren is being presented by a companion agenda item.

The project's construction extended 118 days beyond the allotted contract time. The delays have been identified as 90 days due to rain and weather conditions along with 28 days due to franchised utility relocations which were not made in a timely manner. McGuire Engineering is requesting additional compensation in the amount of \$35,900.00 for their additional time on the project which is largely associated with the franchised utility relocations. A letter from McGuire engineering which provides more detail related to their request is attached.

A Resolution authorizing Amendment Number One to Authorization Number Two to provide additional payment in the amount of \$35,900.00 and adjusting the Agreement amount to \$132,800.00 is attached for the Board's consideration. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



McGuire Engineering, Inc.
6901 Dallas Suite "G"
Fort Smith, AR 72903
Ph: (479) 484-9020 Fax: (479) 452-3518

September 20, 2013

Dear Jimmie,

The inspection hours on Project 10-11-C1 went over the initial budgeted amounts for the following reasons:

The contractor was not able to start on the job until several weeks after the initial contract date. This put a strain on the contractor's time frame to complete the project on time and increased the number of construction hours beyond forty hours in some of the weeks during October - January. We only budgeted for a 40 hour work week.

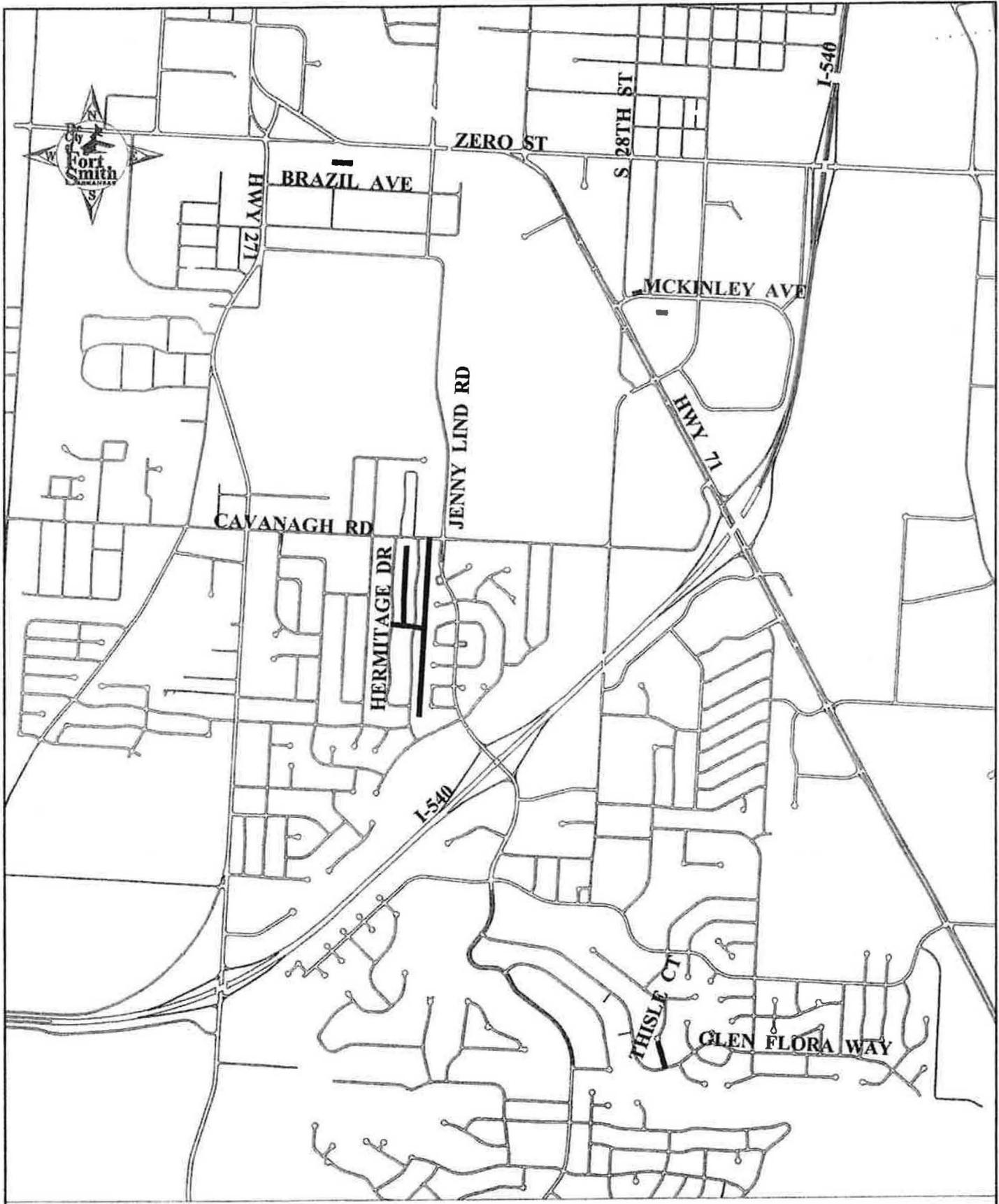
The project took over five months past the allotted construction days to finish. This was due to the large number of rain days and the lack of responsiveness of the franchise utilities. The exceeded time was accounted for in rain days and delays waiting on the utility companies to show up on the job, figure out what to do, and move their lines, meters, and poles. None of the utilities were moved before the contractor arrived at each location. We spent many of the rain days tracking down the person of interest at the utility companies and trying to get them to fit us in their schedule for work and giving assistance on where to relocate. In some instances, we had to redesign the lines and work around the existing utilities or else we would still be trying to complete the project. We also spent some off days dealing with the citizens and local businesses.

While there were many rain days for the contractor during this project, we did not take some of those days off in order to deal with these other circumstances. The sheer length of the project from seven months to twelve months drained our coffers in trying to keep the project moving and successful.

We enjoyed working with the Utilities Department on this project. We feel that it was a successful project that was completed on time (all things considered) and under budget. We look forward to working with you again as soon as possible.

Sincerely,

Patrick McGuire, P.E.



CITY OF FORT SMITH, ARKANSAS
2010 NEIGHBORHOOD SEWER IMPROVEMENTS - ZERO STREET BASIN
PROJECT NO. 10-11-E1
PROJECT VICINITY MAP