



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
August 20, 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 AUGUST 6, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation: Good Neighbor Award
2. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of Business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) *(Arkansas HMA Regional Service Center, LLC)*
3. Ordinance rezoning identified property and amending the zoning map and repealing Ordinance 31-13 *(from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by classification located at 4101-4299 Cliff Drive)*
4. Ordinance delegating personnel authority to the City Administrator ~ *Requested at the July 2013 Board Retreat ~*

5. Consent Agenda

- A. Resolution to accept the bids and authorize a contract for the construction of Street Overlays/Reconstruction, Project No. 13-03-A (\$1,785,026.06 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
- B. Resolution to accept the bids and authorize a contract for the construction of Drainage Improvements, Project No. 12-06-C1 (\$1,279,124.00 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
- C. Resolution authorizing the Mayor to execute parks' trail easement to Sebastian County, Arkansas
- D. Resolution authorizing execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and the United States Secret Service regarding the reimbursement of certain overtime costs and other expenses
- E. Resolution authorizing partial payment to Archer Western Construction, LLC, for the construction of Zero Street Pump Station Wet Weather Improvements – Pump Station and EQ Storage (\$1,183,172.02 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
- F. Resolution authorizing final payment to Diamond Construction Company, Inc. for Chaffee Crossing Water Supply Improvements – Chad Colley and Custer Boulevard Water Lines (\$32,650.00 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
- G. Resolution authorizing the Mayor to execute an agreement with RJN Group, Inc. for engineering services associated with Year 2013 Wastewater Collection System Flow Monitoring (\$352,605.00 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
- H. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding, appropriating funds and authorizing a contract with Crawford Construction Company for Sunnymede Pump Station Force Main Emergency Repair at Horan Drive (\$117,000.00 / *Utility Department / Not Budgeted - Appropriated funds from Unobligated Water and Sewer Operating Funds*)
- I. Ordinance accepting the bid for the lease-purchase of an Al-Jon compactor and authorizing the Mayor and City Administrator to negotiate and execute all necessary lease documents regarding said agreement (\$900,775.00 / *Sanitation Department / Budgeted – Sanitation Sinking Fund*)

OFFICIALS FORUM ~ presentation of information requiring no official action
(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Appointments: Central Business Improvement District (2), Outside Agency Review Panel (1) and Western Arkansas Planning & Development District (1)

ADJOURN

Tax Back

Resolution



RESOLUTION No. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Arkansas HMA Regional Service Center, LLC, located at 4600 Towson Ave, Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

WHEREAS, Arkansas HMA Regional Service Center, LLC has agreed to furnish the local government all necessary information for compliance.

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

1. Arkansas HMA Regional Service Center, LLC be endorsed by the Board of Directors of the City of Fort Smith for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. **The Department of Finance and Administration is authorized to refund local sales and use taxes to Arkansas HMA Regional Service Center, LLC.**
3. This resolution shall take effect immediately.

Mayor

Date Passed: _____

Attest: _____
City Clerk

Approved as to form:

NPR

Memo



To: Ray Gosack, City Administrator

From: Jeff Dingman, Deputy City Administrator

Date: 8/15/2013

Re: Tax Back Endorsement: **Arkansas HMA Regional Service Center, LLC.**

The City has received a request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce for participation in the state "Tax Back" program authorized by the Consolidated Incentive Act of 2003 on behalf of **Arkansas HMA Regional Service Center, LLC**. This program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion.

The current request is on behalf of **Arkansas HMA Regional Service Center, LLC.**, who plans to develop an office/administrative services facility located at 4600 Towson Avenue in Fort Smith by investing \$2 million and bringing 500 new jobs to the region.

The Tax Back program is a state and local sales tax refund incentive to attract business growth or expansion to Arkansas. The incentive applies to capital purchases associated with construction of new facilities or expansion of existing facilities (such as equipment or building materials) and does not apply to ongoing purchases. The majority of the incentive will be derived from the state sales tax rate. However, in order to participate in the program, the local governments must also agree to the sales tax refund.

Attached is a resolution supporting the participation of **Arkansas HMA Regional Service Center, LLC** in the "Tax Back" program, and the staff recommends approval. This action will support the board's stated goal of pursuing economic development and job creation.

Please contact me if you have questions regarding this agenda item.

ORDINANCE NO. _____

**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP AND
REPEALING ORDINANCE NO. 31-13**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 7-6-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 9, 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:

Part of the Southeast Quarter of the Southeast Quarter of Section 27 and part of the West Half of the Southwest Quarter of Section 26, All in Township 8 North, Range 32 West, City of Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at an existing iron pin marking the southeast corner of Lot 26, Leigh Ridge, an addition to the City of Fort Smith, Sebastian County, Arkansas; Thence N08°08'30"E, along the east line of said Leigh Ridge, 297.17 feet to an existing iron pin; Thence N40°02'59"E, continuing along said east line of Leigh Ridge, 218.64 feet to an existing iron pin; Thence N72°42'22"E, along the southeasterly line of said Leigh Ridge, 781.13 feet to an existing iron pin; Thence N64°41'05"E, continuing along said southeasterly line of Leigh Ridge, 135.36 feet to an existing iron pin marking the southeast corner of said Leigh Ridge, said point also lying on the westerly right-of-way line of Cliff Drive; Thence along said westerly right-of-way line of Cliff Drive the following bearings and distances: S24°59'42"E, 68.75 feet; S25°42'53"E, 150.16 feet; S26°25'15"E, 127.87 feet; Thence S25°51'35"E, leaving said westerly right-of-way line of Cliff Drive, 288.34 feet; Thence 547.22 feet, along the arc of a curve to the right, having a radius of 770.00 and a chord bearing and distance of S05°30'01"E, 535.78 feet to the northerly right-of-way line of said Cliff Drive; Thence along said northerly right-of-way line of Cliff Drive the following bearings and distances N63°19'32"W, 10.82 feet; N60°00'02"W, 66.74

feet; N58°13'09"W, 123.00 feet; N59°30'07"W, 137.17 feet; N58°24'48"W, 127.86 feet; 213.98 feet along the arc of a curve to the left, having a radius of 997.19 feet and a chord bearing and distance of N65°21'51"W, 213.57 feet; 230.56 feet along the arc of a curve to the left, having a radius of 671.67 feet and a chord bearing and distance of N84°28'30"W, 229.43 feet; S88°05'42"W, 122.07 feet; S88°13'35"W, 142.38 feet; S87°18'48"W, 37.20 feet; 256.66 feet along the arc of a curve to the right, having a radius of 1576.03 feet and a chord bearing and distance of N87°08'51"W, 256.38 feet to the Point of Beginning, containing 19.116 acres, more or less. Being subject to public roads rights-of-ways and any easements of record.

more commonly known as 4101-4299 Cliff Drive, should be, and is hereby rezoned from Residential Estate One (RE-1) to Residential Single Family Medium Density (RS-2) by Classification.

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

SECTION II: Ordinance No. 31-13 is hereby repealed.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:



Publish One Time

Memo

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: 8/16/2013
Re: Rezoning #7-6-13 – Revised ordinance to rezone property located at 4101-4299 Cliff Drive

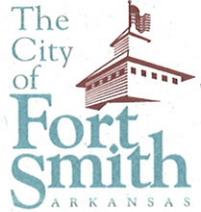
Following the Board's August 6, approval of Ordinance No. 31-13, staff discovered that an incorrect legal description was in the ordinance authorizing the rezoning of property located at 4101-4299 Cliff Drive from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2). To correct this error, it is necessary to repeal Ordinance No. 31-13 and request the Board to approve a new ordinance.

Enclosed is the information regarding the rezoning request that was previously provided to the Board and a new ordinance with the correct legal description.

If you have any questions regarding this matter, please contact me.

Enc.

July 29, 2013



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

Re: Rezoning #7-6-13; A request by Pat Mickle, agent for RA Young Properties Limited Partners, for a zone change from Residential Estate One (RE-1) to Residential Single Family Medium Density (RS-2) by Classification located at 4101-4299 Cliff Drive. (tabled from June 2013)

On July 9, 2013, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a 24 lot single family subdivision. The preliminary layout/development plan is enclosed.

Mr. Pat Mickle 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. The vote was 8 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 black ink 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: June 24, 2013

Re: Rezoning #7-6-13 - A request by Pat Mickle, agent for RA Young Properties Limited Partners, for Planning Commission consideration of a zone request from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by classification at 4101-4299 Cliff Drive

LOT LOCATION AND SIZE

The subject property is on the north side of Cliff Drive. The tract contains an area of 19.1 acres.

REQUESTED ZONING

The proposed zoning on this tract is Residential Single Family Medium Density (RS-2). Characteristics of this zone are as follows:

Purpose:

To provide for detached homes in low-to-medium density single family neighborhoods where adequate public services and facilities are available. The RS-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

QA

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Single Family Row House and Zero Lot Line District (RS-5) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as zero lot line and duplex dwellings.

The areas to the west are zoned Residential Single Family Duplex High Density (RSD-4) and Residential Single Family Duplex Low/Medium Density (RSD-2) and are developed as duplexes dwellings.

The areas to the east and south are zoned Residential Estate One Acre and are undeveloped.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

The proposed zoning will support a single family subdivision.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held May 28, 2013, at Creekmore Park at 3301 South M Street. Three surrounding property owners attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

The preliminary plat/development plan for a 24 lot single-family subdivision received planning commission approval on June 11th. A copy of the preliminary plat/development is enclosed.

Staff recommends approval of the rezoning request.

2B

Neighborhood Meeting Minutes
Horseshoe Ridge
May 28, 2013 5:30 PM
Creekmore Park – Rose Room
3301 South M Street, Fort Smith, Arkansas

A neighborhood meeting to discuss the Horseshoe Ridge subdivision project was held Tuesday, May 28, 2013 at 5:30 p.m. at the Creekmore Park Rose Room, 3301 South M Street, Fort Smith, Arkansas. In addition to the required notification area, the entire Sebastian Hills neighborhood was also notified. Pat Mickle & Cliff Ivey were present representing the developer and land owner. Mr. Mickle conducted the meeting. There were a total of six people in attendance, three of which were area neighbors from the Sebastian Hills neighborhood.

Pat Mickle gave a presentation on the purpose of the meeting, the zoning application, and development plan. Mr. Mickle explained that the zoning designation requested was single-family residential which the attendees indicated they supported. Mr. Mickle then went over the subdivision layout, pointed out the lot sizes, the access point on Cliff Drive, and the perimeter landscaping features. The neighbors indicated they would speak with other neighbors and advise of the specifics of the project. They indicated they had no objections to the proposals.

There being no other comments, the meeting adjourned at 6:00 p.m.


Patrick J. Mickle

f:\doc\misc\Neighborhood Meeting Minutes – Horseshoe Ridge 5-28-13.doc

2C

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Creekmore Park Rose Room, 3301 South M Street, Fort Smith, AR

Meeting Time & Date Tuesday May 28, 2013 @ 5:30 p.m.

Meeting Purpose To discuss Horseshoe Ridge subdivision and zoning

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Tyler Miller	City of Fort Smith	479-784-2241
2. Pat Mickue	MWE	649-8484
3. Cliff Ivey	Ivy LLC	479-414-9432
4. Claudia Edwards	3418 Cliff Dr.	479 648-6728
5. Bernice Armer	3410 cliff Dr	479 646 2033
6. Mark Edwards	3418 Cliff Dr	479-648-6728
7.		
8.		
9.		
10.		
11.		

f:\doc\forms\cfs forms-applications\2011 Rezoning Application -- horseshoe ridge.doc

20

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 Attached

- 2. Address of property: 4101-4299 Cliff Drive

- 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 RS-2 by Classification.
(Extension or classification)

- 5. Why is the zoning change requested?

To enable development of property into a single family detached residential
subdivision.

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

Signed:

Mickle Wagner Coleman, Inc.
~~Owner or Agent Name~~
(please print)

Owner

P.O. Box 1507, Fort Smith, AR 72902
~~Owner or Agent Mailing Address~~

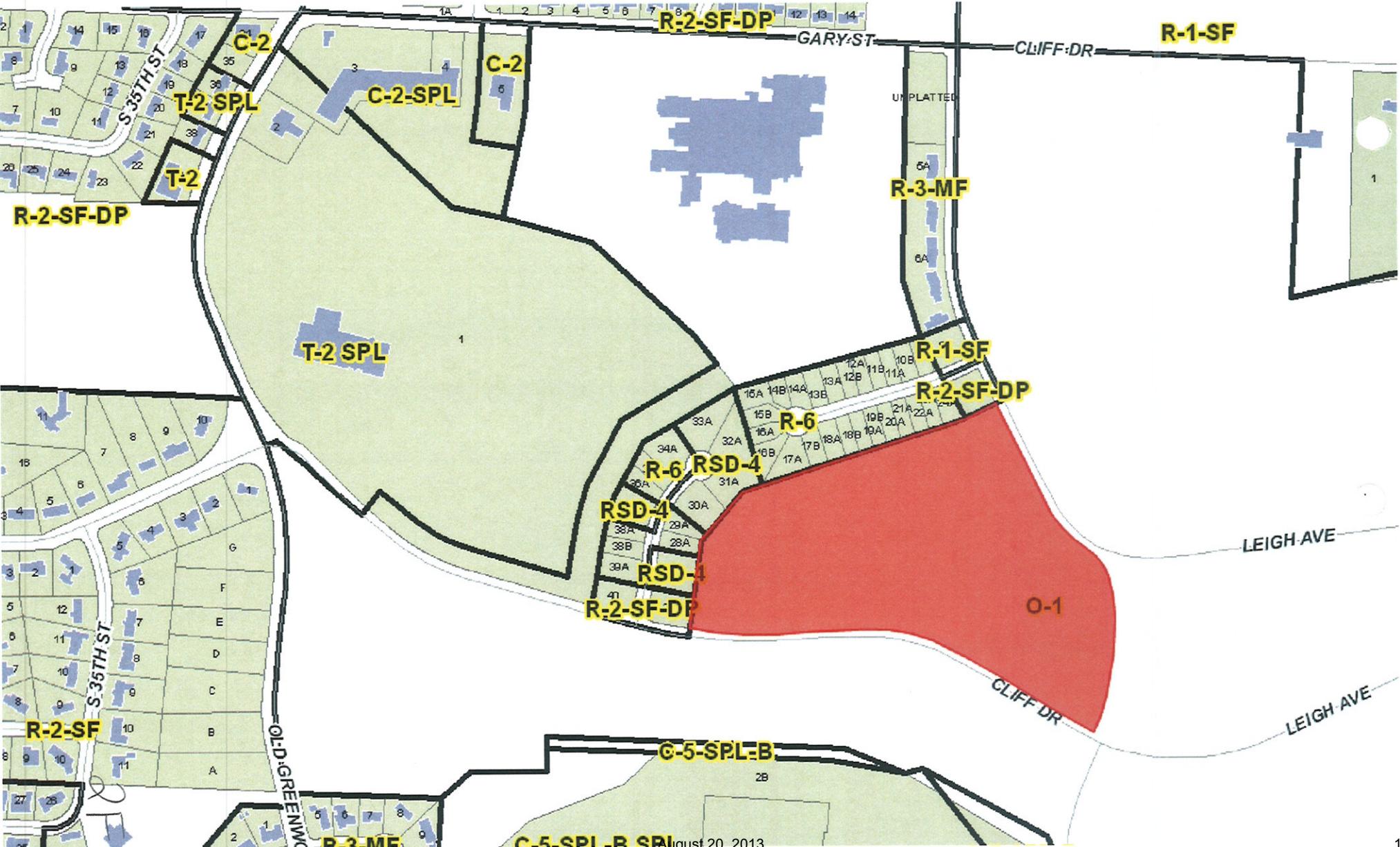
^{or}
Pat Mercer
Agent

479-649-8484
~~Owner or Agent Phone Number~~

2E

Rezoning #7-6-13: From Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2)

4101-4299 Cliff Drive



RA Young Properties Limited Partners
P. O. Box 10048
Fort Smith, AR 72917

Special School District of Ft. Smith
ATTN: Alan Love
P. O. Box 1948
Fort Smith, AR 72902

Special School District of Fort Smith
4100 Gary
Fort Smith, AR 72903

Kelley Realty Company
P. O. Box 1551
Fort Smith, AR 72902

City of Fort Smith Utilities

Arkansas Best Corporation
P. O. Box 10048
Fort Smith, AR 72917

Cliff Drive, LLC
P. O. Box 1551
Fort Smith, AR 72902



tracing and other copies and associated documents prior to the plat being filed with the county recorder. Chairman Sharpe then called for the vote on the final plat as amended. The vote was 8 in favor and 0 opposed.

- 2. Rezoning #7-6-13; A request by Pat Mickle, agent for RA Young Properties Limited Partners, for a zone change from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by Classification located at 4101-4299 Cliff Drive. (tabled from June 2013)**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a single family subdivision. Ms. Andrews stated that this item was on last month's Planning Commission agenda but due to the publication of an incorrect zoning classification it was tabled in order to be able to readvertise this request with the proper zoning classification.

Mr. Pat Mickle was present to speak on behalf of this request.

No one was present to speak in opposition to the rezoning request.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

- 3. Rezoning #9-7-13; A request by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification located at 8201 Phoenix Avenue. (companion item to item #4)**
- 4. Development Plan Approval for a bank located at 8201 Phoenix Avenue. Requested by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust. (companion item to item #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate the development of a bank.

Mr. Larry Hall was present to speak on behalf of these requests.

ORDINANCE NO. _____

**AN ORDINANCE DELEGATING PERSONNEL
AUTHORITY TO THE CITY ADMINISTRATOR**

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

Section 1: Section 2-43 of the Fort Smith Municipal Code (“Code”) is hereby repealed; Sections 2-96 and 2-97 of the Code are hereby renumbered 2-97 and 2-98, respectively; and, the following provision is hereby adopted to be codified as Section 2-96 of Article IV of the Code:

Sec. 2-96. - Personnel authority of city administrator.

(a) Except as otherwise provided by law, except as provided otherwise in this Article, and except for his or her own job position, the city administrator shall have full power and responsibility concerning the employment, disciplining, and termination of employment of all officials and non-uniformed employees of the city, including, but not limited to, heads of city departments, the fire chief, and the police chief, according to the budgeting of positions and levels of compensation established from time to time by the board of directors.

(b) The board of directors reserves to itself power and responsibility of employment, discipline and termination with reference to the city’s internal auditor, and the board acknowledges the authority of the judges of the Sebastian County District Court with reference to the district court clerk.

Section 2: The Human Resources Policy for Non-Uniformed Employees (2011), adopted by Ordinance No. 85-11, is amended to substitute the following as Section II. B.:

B. The Board of Directors will appoint, discipline, and remove the individual

employed in the position of Internal Auditor. The appointment and removal of persons in all other Non-Exempt and Exempt positions will be determined by the City Administrator without the necessity of approval by the Board of Directors.

In all other respects, the Human Resources Policy approved by Ordinance No. 85-11 shall remain in effect.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

APPROVED:

ATTEST:

Mayor

City Clerk

Approved as to form:



City Attorney
Publish 1 time



MEMORANDUM

August 16, 2013

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Department Head Employment Ordinance

Attached for your consideration is an ordinance which changes the appointment and removal process for department heads. The change was requested during the board retreat on July 20th.

The current ordinance provides that the appointment and removal of all department heads is recommended by the city administrator and approved by the board of directors. The proposed ordinance would place these responsibilities entirely with the city administrator.

Attached is an opinion from the city attorney which cites the state law that supports the change. The opinion also notes that a change in the civil service commission's rules should be enacted. The change should expressly state the board's determination that the appointment, discipline and removal of the fire and police chiefs are the city administrator's responsibility.

The attached ordinance provides that two positions would not come under the city administrator's authority. The first position is the internal auditor. This position reports directly to the board of directors, not to the city administrator. The second position is the district court clerk. State law provides that the district court judges appoint and remove the court clerk.

Please contact me if there's any questions or a need for more information.

Attachments

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

CHANGES TO MUNICIPAL CODE

Language to be Added is Underlined
Language to be Deleted is Strikethrough

~~Sec. 2-43. - Director approval procedure of city administrator personnel action.~~

~~Except as otherwise provided in this article, the city administrator shall obtain the approval of the board of directors prior to the employment or discharge of exempt personnel of the city who are heads of departments, city clerk, internal auditor, and the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111—2-113 of this Code as follows:~~

~~(1) The city administrator shall notify all members of the board of directors either orally or in writing of the proposed action, the reasons therefor, and all relevant and pertinent facts bearing upon the decision of either employment or discharge. After notification from the city administrator, there shall be scheduled an executive session at the next regular or special meeting of the board of directors to discuss approval, denial or modification of the city administrator's proposed action.~~

~~(2) Following the board's action, the city administrator shall then notify in person or by telephone the individual subject to the approved action and may confirm the action in writing to the individual.~~

~~(3) Where reasonable and feasible, employees of the city shall be first given an opportunity to resign at the request of the city administrator and the board of directors prior to notice of discharge.~~

~~(4) No director nor the mayor shall communicate the exempt personnel action proposed by the city administrator, except through the city administrator as herein provided.~~

Sec. 2-96. - Personnel authority of city administrator.

(a) Except as otherwise provided by law, except as provided otherwise in this Article, and except for his or her own job position, the city administrator shall have full power and responsibility concerning the employment, disciplining, and termination of employment of all officials and non-uniformed employees of the city, including, but not limited to, heads of city departments, the fire chief, and the police chief, according to the budgeting of positions and levels of compensation established from time to time by the board of directors.

(b) The board of directors reserves to itself power and responsibility of employment, discipline and termination with reference to the city's internal auditor, and the board acknowledges the authority of the judges of the Sebastian County District Court with reference to the district court clerk.

~~Sec. 2-96.~~ Sec. 2-97. - Prohibited elected official/employee relationships.

(a) No person who is a relative or family member of any elected official of the city shall be an employee of the city. This applies to full-time, part-time, and seasonal employment.

(b) For the purposes of this section, "family member" or "relative" shall refer to: Spouse, child, parent, or sibling.

(Ord. No. 40-10, § 1, 8-17-10)

~~Sec. 2-97.~~ Sec. 2-98. - Prohibited former elected official/contract for services relationships.

For a period of two (2) years following termination of the term of office of an elected official of the city, the former elected official may not be appointed as an employee of the city nor may the former elected official have an interest in any contract or job for work for services to be furnished or performed for the city.

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

KMW BUILDING
58 SOUTH SIXTH STREET
P.O. BOX 1446
FORT SMITH, AR 72902
TELEPHONE (479) 782-0361
FAX (479) 782-6160

WRITER'S E-MAIL ADDRESS
JCanfield@DailyWoods.com

JAMES E. WEST
PHILLIP E. NORVELL †

OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
ROBERT R. BRIGGS, P.A. †
C. MICHAEL DAILY, P.A. † ●
COLBY T. ROE, P.A.

† Also Licensed in Oklahoma
● Also Licensed in Wyoming & North Dakota

August 12, 2013

Mr. Ray Gosack
Fort Smith City Administrator
623 Garrison Avenue, 3rd Floor
Fort Smith, AR 72901

Re: Employments – Department Heads

Dear Mr. Gosack:

It is our opinion that the Board of Directors may, by ordinance, vest authority in the City Administrator to employ, discipline and terminate all department heads generally referred to as the exempt service employees of the City consistent with the historical practice of the City that non-uniformed, non-exempt service employments are within the authority of the City Administrator. It is our opinion that the Arkansas General Assembly has delegated to the Board of Directors the authority to vest in the City Administrator such supervisory and control functions of departments, agencies, offices and employees of the City as may be determined by the Board of Directors. See Section 11 of Act 36 of the 1967 Acts of Arkansas, codified as Ark. Code Ann. § 14-48-117(1). We note that the General Assembly's delegation to the Board of Directors of the authority to vest in the City Administrator such power is comparable to the General Assembly's delegation of authority to the Board of Directors to determine, by ordinance, the Administrator's separate power regarding purchases, payments, exchange and control of City property. See Ark. Code Ann. § 14-48-117(5)(A). The Board of Directors retains budgeting control over the number of offices and employments and the level of compensation of each. Ark. Code Ann. § 14-48-124.

The foregoing is subject, however, to possible future enactment of a legislative provision to the contrary regarding any "employment" as expressed in Ark. Code Ann. § 14-48-117(4). This caveat anticipates the possibility of some future instances whereby the General Assembly directs that an employee in a particular employment position may only be terminated after approval of the City's legislative body. In those instances, the City Administrator may initially remove the person from employment; however, such action must be approved by the Board of Directors. We are unaware of any current provision in the statutes which provides that the removal from such employment must of necessity be accomplished by the Board of Directors. Nevertheless, as indicated, the General Assembly might in the future make clear its intent that some employees may be removed by the City Administrator subject to approval by the Board of Directors.

In forming our opinion, we have given specific attention to the positions of Chief of the Police Department and Chief of the Fire Department because those positions may be affected by state statutes, by the ordinances of the City or by the rules of the Civil Service Commission governing

employees covered by the civil service system. It is possible that the Rules and Regulations of the Civil Service Commission could be construed (either because of existing affirmative language or the absence of an express provision) in a manner to affect the matter of appointment, discipline or termination of employment of the Police Chief and the Fire Chief. Accordingly, we recommend that the Civil Service rules be amended to enunciate the express determination by the Board of Directors and the Civil Service Commission regarding this issue.

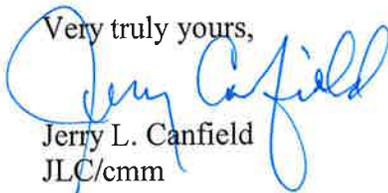
If the governing body of the City were to choose to repose in the City Administrator the authority to appoint, discipline and terminate all employments including the subject department heads (i.e., exempt service employees), that should be accomplished in the following manner:

1. We believe that an ordinance vesting that power in the City Administrator should be adopted by the governing body of the City pursuant to authorization contained in Ark. Code Ann. § 14-48-117(1). Presently, Section 2-43 of the Fort Smith Municipal Code, which is the codification of a portion of an ordinance dating back to 1971, reserves to the Board the final approval of employment or discharge of certain personnel, e.g., heads of departments. The historical practice of the City of Fort Smith has been that all non-uniformed employments (other than the discussed department heads – exempt service employees) are within the province of the City Administrator. Arguably, it would be impractical for the Board of Directors to make employment decisions concerning each and every employment of the City. For all practical purposes, the City has acted as though the City Administrator has already been delegated full authority regarding non-uniformed employments (non exempt employments), and we believe it would be prudent to expressly delegate authority in the ordinance. Thus, the proposed ordinance should clearly indicate the City Administrator’s authority relative to non exempt employments and exempt employments.

2. The Human Resources Policy Manual for the City identifies numerous department heads (exempt service employees) who can only be appointed or terminated upon recommendation by the City Administrator and which must then be acted upon by the Board of Directors to complete the appointment or to terminate employment. See page 21 from that manual, a copy of which is attached. In order to modify the current practice and to delegate power to the City Administrator, as referred to in paragraph 1 above, this provision of the Human Resources Policy Manual should be amended or deleted.

Thank you for your attention in this matter.

Very truly yours,



Jerry L. Canfield
JLC/cmm

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1 of 1

[Book Browse](#)**A.C.A. § 14-48-117 (Copy w/ Cite)**Pages: **3***A.C.A. § 14-48-117*

Arkansas Code of 1987 Annotated Official Edition
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*** Legislation is current through the 2012 Fiscal Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** August 1, 2012. ***

Title 14 Local Government
Subtitle 3. Municipal Government
Chapter 48 City Administrator Form of Municipal Government

A.C.A. § 14-48-117 (2012)

14-48-117. Powers and duties of city administrator.

The city administrator shall have the following powers and duties:

(1) To the extent that such authority is vested in him or her through ordinance enacted by the board of directors, he or she may supervise and control all administrative departments, agencies, offices, and employees;

(2) He or she shall represent the board in the enforcement of all obligations in favor of the city or its inhabitants which are imposed by law or under the terms of any public utility franchise upon any public utility;

(3) He or she may inquire into the conduct of any municipal office, department, or agency which is subject to the control of the board. In this connection, he or she shall be given unrestricted access to the records and files of any office, department, or agency and may require written reports, statements, audits, and other information from the executive head of the office, department, or agency;

(4) He or she shall nominate, subject to confirmation by the board, persons to fill all vacancies at any time occurring in any office, employment, board, authority, or commission to which the board's appointive power extends. He or she may remove from office all officials and employees including, but not limited to, members of any board, authority, or commission who, under existing or future laws, whether applicable to cities under the aldermanic, manager, or commission form of government, may be removed by the city's legislative body. Removal by the city administrator shall be approved by the board. Where, under the statute applicable to any specific employment or office, the incumbent may be removed only upon the vote of a specified majority of the city's legislative body, the removal of the person by the city administrator may be confirmed only upon the vote of the specified majority of the board members. However, the provisions of this subdivision (4) shall have no application to offices and employments controlled by any civil service or merit plan lawfully in effect in the city;

(5) (A) To the extent that, and under such regulations as, the board may by ordinance prescribe:

(i) He or she may contract for and purchase, or issue purchase authorizations for,

supplies, materials, and equipment for the various offices, departments, and agencies of the city government, and he or she may contract for, or authorize contracts for, services to be rendered to the city or for the construction of municipal improvements. In this connection, the board shall by ordinance establish a maximum amount, and each contract, purchase, or authorization exceeding the amount so established shall be effected after competitive bidding as required in § 14-48-129;

(ii) He or she may approve for payment, out of funds previously appropriated for that purpose, or disapprove any bills, debts, or liabilities asserted as claims against the city. The board shall by ordinance establish, in that connection, a maximum amount, and the payment or disapproval of each bill, debt, or liability exceeding that amount shall require the confirmation of the board, or of a committee of directors created by the board for that purpose;

(iii) He or she may sell or exchange any municipal supplies, materials, or equipment. However, the board shall by ordinance establish a maximum value above which no item or lot designated to be disposed of as one (1) unit of supplies, materials, or equipment shall be sold or exchanged without competitive bidding unless the city administrator shall certify in writing that, in his opinion, the fair market value of the item or lot is less than the amount established by the ordinance as prescribed;

(iv) He or she may transfer to any office, department, or agency or he or she may transfer from any office, department, or agency to another office, department, or agency any materials and equipment.

(B) For the purpose of assisting the city administrator in transactions arising under subdivisions (5)A(i), (ii), and (iii) of this section, the board may appoint one (1) or more committees to be selected from its membership. In the alternative, the board may create one (1) or more offices or departments to be composed of personnel approved by the city administrator. If, for such purposes, the board shall create any new office or department, the person appointed to fill the office or to head the department shall be responsible to the city administrator and act under his direction;

(6) He or she shall prepare the municipal budget annually and submit it to the board for its approval or disapproval and be responsible for its administration after adoption;

(7) He or she shall prepare and submit to the board, within sixty (60) days after the end of each fiscal year, a complete report on the finances and administrative activities of the city during the fiscal year;

(8) He or she shall keep the board advised of the financial condition and future needs of the city and make such recommendations as to him may seem desirable;

(9) He or she shall sign all municipal warrants when authorized by the board to do so;

(10) He or she shall have all powers, except those involving the exercise of sovereign authority, which, under statutes applicable to municipalities under the aldermanic form of government or under ordinances and resolutions of the city in effect at the time of its reorganization, may be vested in the mayor;

(11) He or she shall perform such additional duties and exercise such additional powers as may by ordinance be lawfully delegated to him or her by the board;

(12) He or she shall be the executive officer of the boards of improvement and shall, under the direction of those boards, supervise all work done by them.

HISTORY: Acts 1967, No. 36, § 11; A.S.A. 1947, § 19-811; Acts 2003, No. 1185, § 33.

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A.C.A. § 14-48-117 ([Copy w/ Cite](#))

Pages: 3

In

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RESOLUTION _____

**A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE
CONTRACT FOR THE CONSTRUCTION OF
STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-A**

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

SECTION 1: The bid of TNT, Inc. received July 30, 2013 for the construction of Street Overlays/Reconstruction, Project No. 13-03-A, in the amount of \$1,785,026.06 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with TNT, Inc. subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this _____ day of August, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator
FROM: Stan Snodgrass, P.E., Director of Engineering
DATE: August 14, 2013
SUBJECT: Street Overlays/Reconstruction
Project No. 13-03-A

The above subject project consists of asphalt street overlays, reconstruction and minor drainage improvements as noted on the attached list and shown on the attached exhibit. The total length of streets to be improved is approximately 2.9 miles.

Construction plans and specifications were prepared by McGuire Engineering of Fort Smith. An advertisement was published and bids were received on July 30, 2013. Six contractors requested plans and specifications and three bids were received which are summarized as follows:

CONTRACTOR	AMOUNT
1. TNT, Inc Van Buren, AR	\$1,785,026.06
2. Forsgren, Inc. Fort Smith, AR	\$1,785,488.21
3. Goodwin & Goodwin Fort Smith, AR	\$1,943,972.00
<i>Engineers Estimate</i>	<i>\$1,980,000.00</i>

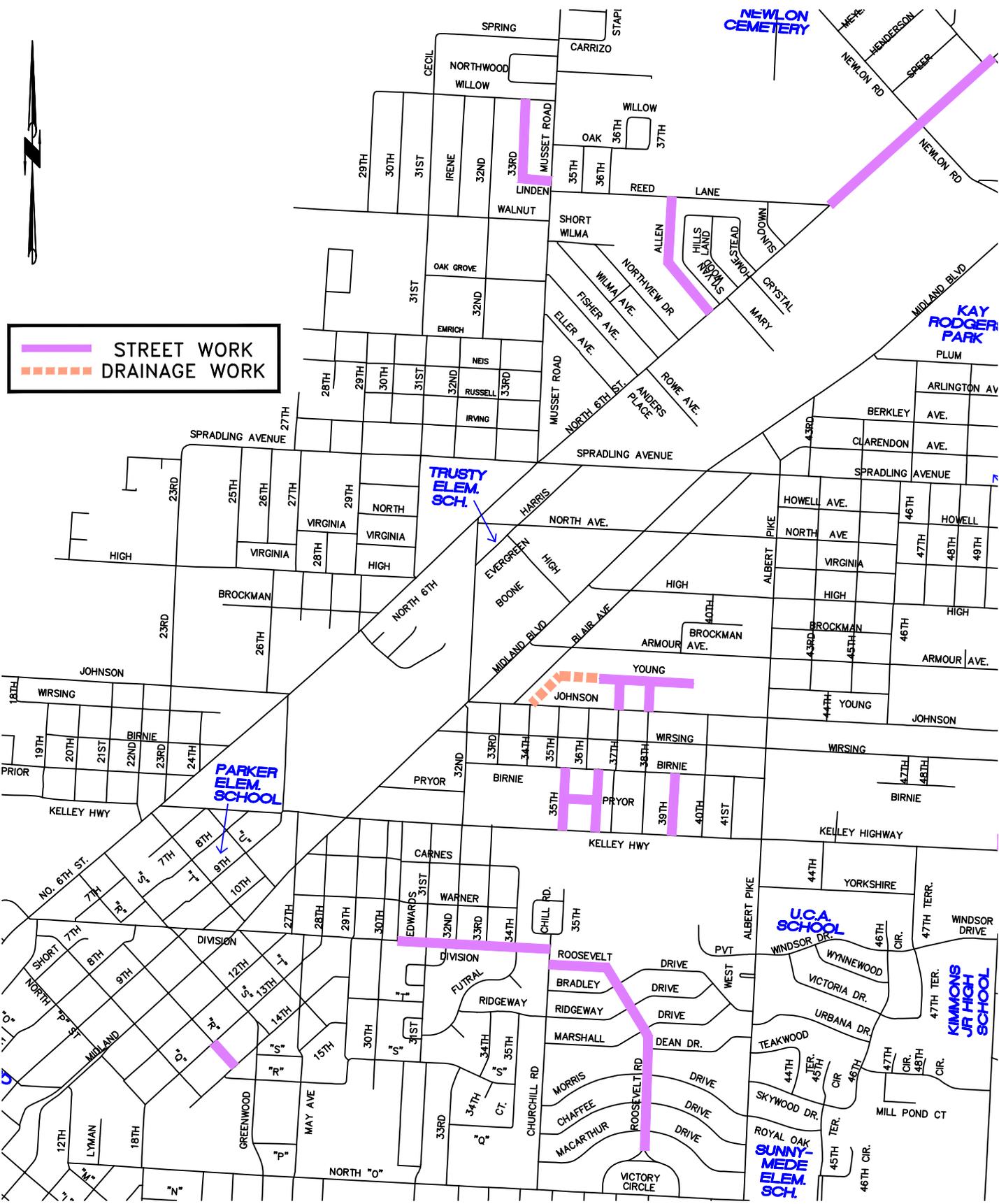
I recommend that the lowest bid be accepted and that the construction contract be awarded to TNT, Inc. The estimated notice to proceed date for this contract is September 9, 2013. Based on the contract duration of 270 days, the estimated completion date would be June 5, 2014.

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).

**2013 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-A**

STREET	FROM	TO	LENGTH
6TH ST.	REED LN.	HARRIET LN.	2,417
33RD ST.	LINDEN ST.	WILLOW ST.	881
LINDEN ST.	33RD ST.	MUSSETT RD.	312
ALLEN LN.	6TH ST.	REED LN.	1,438
37TH ST.	JOHNSON ST.	YOUNG ST.	350
38TH ST.	JOHNSON ST.	YOUNG ST.	329
YOUNG ST.	END OF ROAD	END OF ROAD	1,032
39TH ST.	KELLEY HWY.	BIRNIE AVE.	667
PRYOR AVE.	35TH ST.	36TH ST.	362
35TH ST.	KELLEY HWY.	BIRNIE AVE.	666
36TH ST.	KELLEY HWY.	BIRNIE AVE.	666
50TH ST.	KELLEY HWY.	WIRSING AVE.	988
DIVISION ST.	EDWARDS ST.	CHURCHHILL RD.	1,675
ROOSEVELT RD.	VICTORY CT.	CHURCHHILL DR.	3,230
NORTH R ST.	13TH ST.	14TH ST.	351

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2013 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



Project:	13-03-A
Date:	MARCH 2013
Scale:	NONE
Drawn By:	RBR

RESOLUTION _____

**A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE
CONTRACT FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 12-06-C1**

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

SECTION 1: The bid of Goodwin & Goodwin, Inc. received August 13, 2013 for the construction of Drainage Improvements, Project No. 12-06-C1, in the amount of \$1,279,124.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Goodwin & Goodwin Inc. subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this _____ day of August, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator
FROM: Stan Snodgrass, P.E., Director of Engineering
DATE: August 13, 2013
SUBJECT: Drainage Improvements
Project No. 12-06-C1

This project consists of drainage improvements to reduce structure flooding that occurred during the heavy rains in spring 2011. The project includes improvements in three areas: Foxboro Road / Meandering Way, Old Mill Road, and South 87th Drive / Canterbury Circle. The locations of the proposed improvements are shown on the attached exhibit.

Construction plans and specifications were prepared by Philip J. Leraris, P.E., L.S., of Fort Smith. An advertisement was published and bids were received on August 13, 2013. Nine contractors requested plans and specifications and three bids were received which are summarized as follows:

CONTRACTOR	AMOUNT
1. Goodwin & Goodwin Fort Smith, AR	\$1,279,124.00
2. Crawford Construction Fort Smith, AR	\$1,545,735.25
3. Forsgren, Inc. Fort Smith, AR	\$1,578,800.15
<i>Engineer's Estimate</i>	<i>\$1,350,000.00</i>

I recommend that the lowest bid be accepted and that the construction contract be awarded to Goodwin & Goodwin, Inc. The estimated notice to proceed date for this contract is September 9, 2013. Based on the contract duration of 180 days, the estimated completion date would be March 7, 2014.

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).

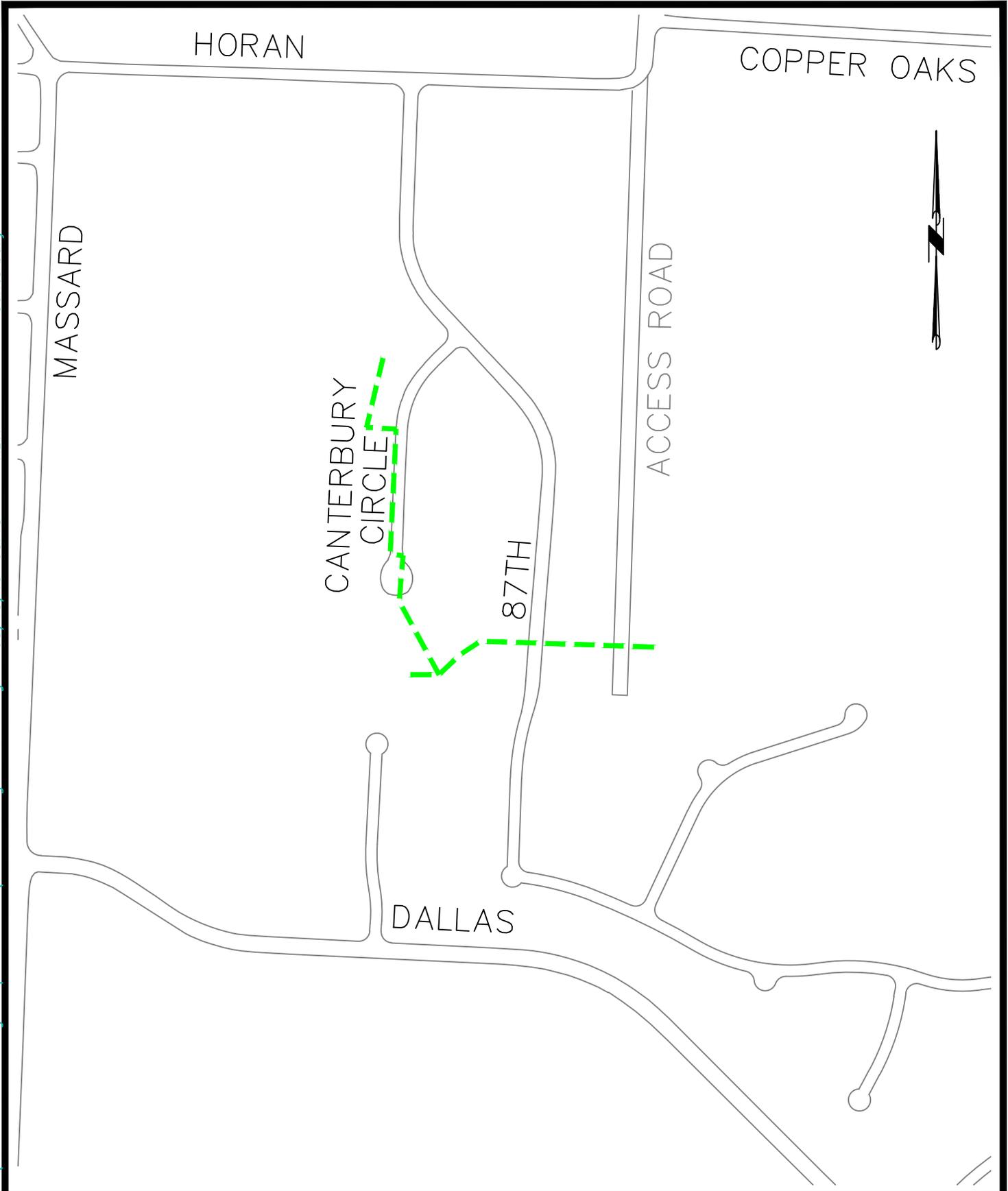


2012 CAPITAL IMPROVEMENTS PROGRAM
 FOXBORO/MEANDERING WAY & OLD MILL
 DRAINAGE IMPROVEMENTS



Project:	12-06-C1
Date:	AUG. 2013
Scale:	NONE
Drawn By:	RBR

G:\DRAWINGS\CIP\12-06-C1 Drainage Improvements\ Drng Exhibits.dwg 08/15/13--08:18 RBR Canterbury



2012 CAPITAL IMPROVEMENTS PROGRAM
 SOUTH 87TH DR / CANTERBURY CIRCLE
 DRAINAGE IMPROVEMENTS



Project:	12-06-C1
Date:	AUG. 2013
Scale:	NONE
Drawn By:	RBR

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE PARKS' TRAIL
EASEMENT TO SEBASTIAN COUNTY, ARKANSAS.**

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

The Mayor is hereby authorized to execute, his signature being attested by the City Clerk,
the attached Sebastian County Parks Department Trail Easement extending to Sebastian County,
Arkansas an easement for walking trail improvements across Fort Smith Landfill property in
consideration of public park benefits accruing to the citizens of Fort Smith and Sebastian County.

This resolution adopted this 20th day of August, 2013.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

Sebastian County Arkansas
County Judges Office
35 South 6th Street
Fort Smith, Arkansas 72901

Sebastian County Parks Department Trail Easement

Between

SEBASTIAN COUNTY, ARKANSAS

and

THE CITY OF FORT SMITH, ARKANSAS

For and in consideration of the sum of One dollar(s) (\$1.00), cash in hand paid, and the hereby acknowledged receipt of other good and valuable considerations, **The City of Fort Smith, Arkansas** (hereafter called the GRANTOR) does hereby grant, bargain, sell and convey to **The County of Sebastian, Arkansas** (hereafter called the GRANTEE), a permanent trail easement on the hereinafter described real property located in the Fort Smith District of Sebastian County, Arkansas, to wit:

Description:

Part of Government Lot 2 of the Northwest Quarter of Section 18, Township 7 North, Range 31 West, Fort Smith District, Sebastian County, Arkansas, being more particularly described as follows:
Commencing at an existing 2" brass cap stamped FC 178 at the Southeast Corner of said Government Lot 2 of the Northwest Quarter; Thence N03°16'30"E, 74.86 feet to the southeast corner of the Fort Smith Landfill property, and the Point of Beginning; Thence along the south line of said property, N85°53'39"W, 139.84 feet; Thence leaving said south line, N05°33'00"E, 71.00 feet; Thence N28°01'27"E, 131.57 feet; Thence N05°10'10"E, 52.86 feet; Thence N12°04'58"E, 84.23 feet; Thence N69°52'21"E, 167.97 feet to the easterly line of said Fort Smith Landfill property; Thence along said easterly line, S33°42'46"W, 177.44 feet; Thence continuing along said easterly line, S02°33'42"W, 242.28 feet to the Point of Beginning. Containing 0.89 acres, more or less.

Grantor and Grantee both agree that the trail easement conveyed is to be used for the construction and operation of a trail, for the benefit of the public at large to promote health and well being, as well as interpretive environmental interaction. Except as otherwise agreed in writing by the parties, it is mutually agreed that, if the grantee ceases to use the property described for the specific public park purposes as described herein, then the Grantee's possession shall automatically revert to the Grantor.

It is understood and agreed this permanent easement is granted for the purpose of doing all acts necessary for constructing, inspecting, maintaining, and repairing a trail and associated trail appurtenances upon the surface of the real property described above.

It is understood and agreed that the trail is being constructed for the benefit of public health and interpretive opportunities and is open to public. The use of the property and the existing bridge has value as part of the regional trail system and will serve the public of the City and County. This facility will be controlled and maintained in accordance with the policies set forth by The Sebastian County Parks and Recreation Department. Sebastian County accepts the obligations of routine maintenance of the described real property and reasonable care and maintenance of the associated bridge.

It is understood that Grantee has the rights of grading, conditioning, installing drainage facilities, seeding, and the removal of all obstructions from the premises which may constitute a hindrance to the establishment and maintenance of the described trail area. Grantee shall have the right to erect on the described real property, signage for navigation and public safety for use of the trail but not otherwise.

It is understood the United States Department of Health and Human Services has the right to reject this transaction.

It is further understood and agreed that the consideration mentioned above shall be in full settlement of all rights which are affected by this instrument, which constitutes the entire agreement between GRANTOR and GRANTEE, there being no oral agreements or representations of any kind made between GRANTOR and GRANTEE.

GRANTOR herein reserves all oil, gas and other minerals in, on and under the described real estate. Grantor reserves the right of access to and use of the real property subject to the trail easement, so long as Grantor's use does not destroy or substantially affect the rights granted hereby to Grantee.

WITNESS OUR SIGNATURES on this the ____ day of _____, 2013

CITY OF FORT SMITH, ARKANSAS

By: _____
Mayor

Attest: _____
City Clerk

SEBASTIAN COUNTY, ARKANSAS

By: _____
County Judge

Attest: _____
County Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)

) SS

County of Sebastian)

On this ____ day of _____, 2013 before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of Sebastian, Arkansas, appeared in person _____ and _____ to me personally well known, who stated that they were the Mayor and Clerk of the City of Fort Smith, Arkansas, a municipal corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said city, and further stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this ____ day of _____, 2013.

My Commission Expires:

ACKNOWLEDGMENT

STATE OF ARKANSAS)

) SS

County of Sebastian)

On this ____ day of _____, 2013 before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of Sebastian, Arkansas, appeared in person _____ and _____ to me personally well known, who stated that they were the County Judge and Clerk of Sebastian County, Arkansas, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said city, and further stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this ____ day of _____, 2013.

My Commission Expires:



MEMORANDUM

August 16, 2013

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director

Subject: Sebastian County Parks Department Easement

On September 21, 2012, we received a letter from Sebastian County Judge David Hudson concerning a proposed partnership/easement with the City of Fort Smith for use of a Works Progress Administration (WPA) bridge, which was constructed in 1941, and the approximately 0.89 acre surrounding property located on the southwest corner of the Fort Smith Sanitary Landfill property. The county plans to use the bridge as part of a wildlife observation trail around the perimeter of Torraine Lake (aka Stick Lake).

The City obtained the land for landfill expansion in 2002 as part of the decommissioning and reuse plan for Fort Chaffee through a public benefit conveyance agreement with the U.S. Department of Health and Human Services (DHHS). The requested easement is on the edge of the city's property and will only be utilized as a state required, landfill buffer area in the future and will not be utilized for landfill disposal. Therefore, we are inclined to assist with the project and recommend the attached easement be approved by Resolution.

Prior to construction of the trail, the DHHS requires a thorough request from the City of Fort Smith, following approval from the city's Board of Directors, to grant a right of use to any third party, for any purpose.

Please contact me should you have any questions or would like additional information regarding this request.

A handwritten signature in black ink, consisting of the letters "NK" in a stylized, cursive font.



View North Landfill

Ben Geren

Property Line



Ben Geren/Stick Lake

Sanitary Landfill



August 20, 2013





View West Towards Landfill

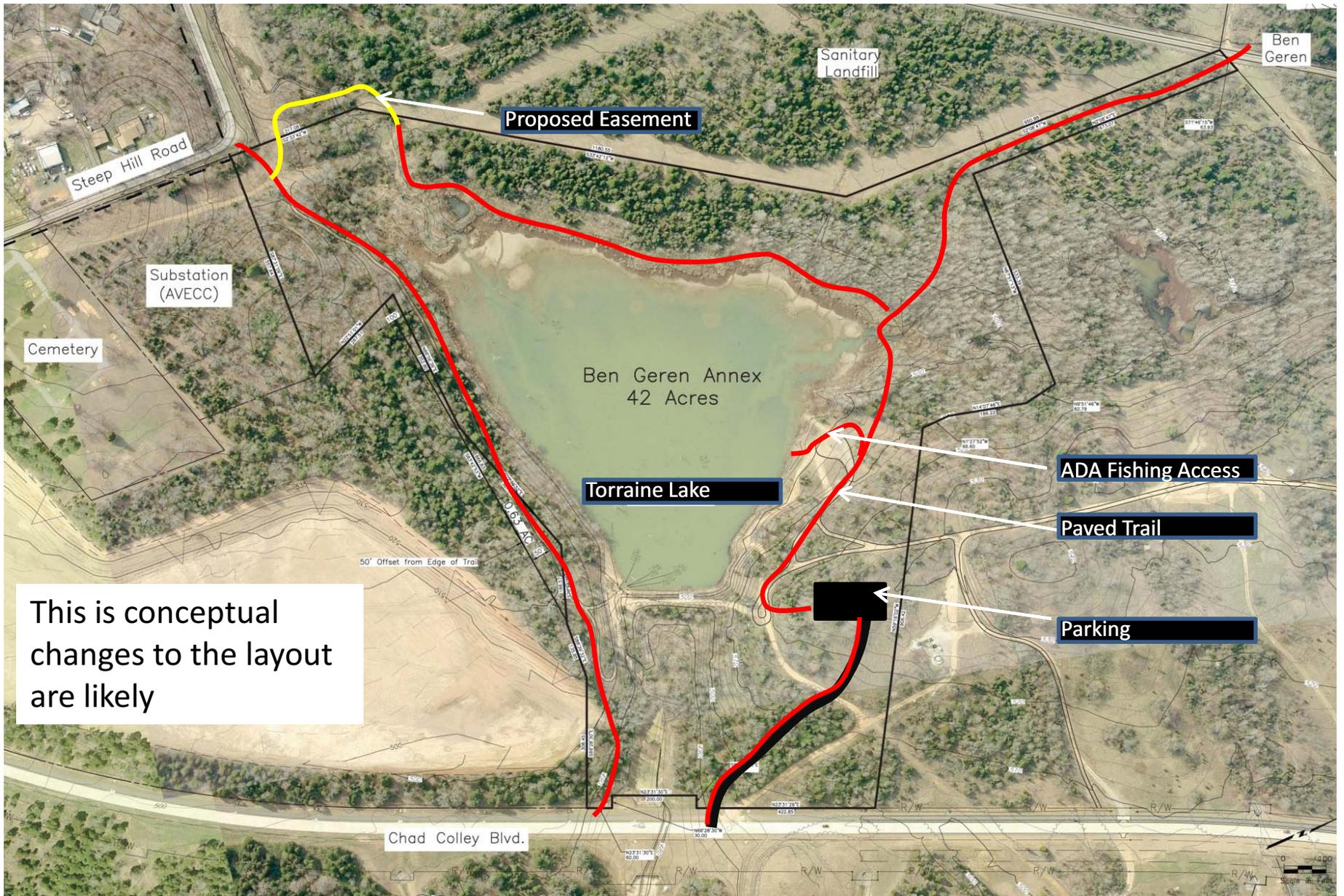


View East Towards Stick Lake

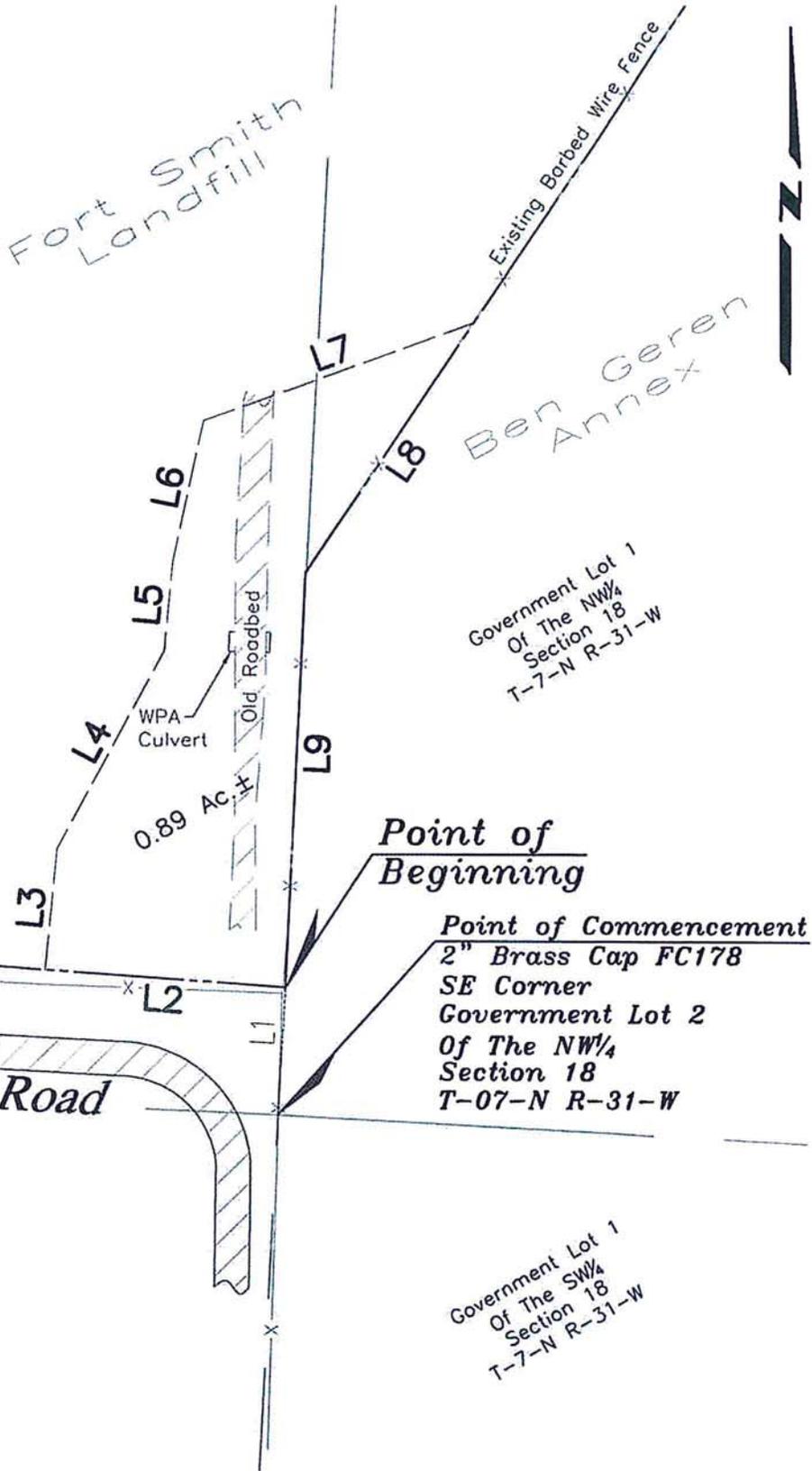
Sanitary Landfill







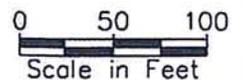
LINE TABLE		
LINE #	LENGTH	BEARING
L1	74.86'	N3°16'30"E
L2	139.84'	N85°53'39"W
L3	71.00'	N5°33'00"E
L4	131.57'	N28°01'27"E
L5	52.86'	N5°10'10"E
L6	84.23'	N12°04'58"E
L7	167.97'	N69°52'21"E
L8	177.44'	S33°42'46"W
L9	242.28'	S2°33'42"W



Game & Fish Trail

Scale 1"=100'

Ben Geren Annex



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND THE UNITED STATES SECRET SERVICE, REGARDING THE REIMBURSEMENT OF CERTAIN OVERTIME COSTS AND OTHER EXPENSES

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

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and the United States Secret Service, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the Department of the Treasury Forfeiture Fund that authorizes the payment of certain overtime costs and other expenses of State and Local law enforcement officers, that are involved in joint operations, with a Department of the Treasury law enforcement organization.

Section 2. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute this Memorandum of Understanding to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2013.

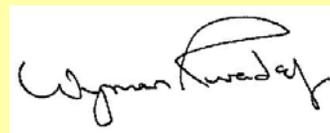
APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



City Attorney npr

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE FT SMITH POLICE DEPARTMENT
AND
THE UNITED STATES SECRET SERVICE**

The Ft. Smith Police Department and the United States Secret Service (USSS) enter into this memorandum of understanding (MOU), which becomes effective with the signatures of both parties and remains in effect until terminated by the mutual agreement of the Ft. Smith Police Department and the USSS or upon 30 day written notice by either party to this agreement.

I. AUTHORITY

This MOU is established pursuant to provisions of the Treasury Forfeiture Fund Act of 1992, 31 USC 9703, as amended. This act established the Department of the Treasury Forfeiture Fund and authorized the payment of certain overtime expenditures, travel, fuel, training, equipment and other similar costs of State and Local law enforcement officers, that are involved in joint operations, with a Department of the Treasury law enforcement organization, as prescribed in 31 USC 9703 (a)(1)(I)(hereinafter "overtime costs and other expenses").

II. PURPOSE

This MOU establishes the procedures and responsibilities of both the (Ft. Smith Police Department) and the USSS for the reimbursement of certain overtime costs and other expenses pursuant to 31 USC 9703.

III. CONDITIONS AND PROCEDURES

The parties agree to the following conditions:

- (a) The Ft. Smith Police Department may request reimbursement of payment of overtime costs and other expenses directly related to work performed by its officer(s) assigned to assist the U.S. Secret Service's Arkansas Criminal Economic and Identity Theft Task Force in conducting official investigations. The Ft. Smith Police Department will submit all requests for reimbursement payments, together with appropriate documentation, to the U.S. Secret Service's Task Force Supervisor. Request for reimbursement will be based solely upon overtime worked and other expenses performed on behalf of the U.S. Secret Service Arkansas Criminal Economic and Identity Theft Task Force.
- (b) All reimbursement hours of overtime costs and all other expenses covered under this MOU must be approved and certified by the U.S. Secret Service Task Force supervisor. The reimbursable overtime payments will be based upon the actual

hourly overtime rate, exclusive of matching employer contributions for any taxes or benefits.

- (c) The U.S. Secret Service Task Force supervisor will forward all approved reimbursement requests through the Special Agent in Charge (SAIC) Asset Forfeiture Division, Office of Investigations, to the Treasury Forfeiture Fund's payment agent, U.S. Customs National Finance Center (NFC).
- (d) During the period of assignment to the Arkansas Criminal Economic and Identity Theft Task Force, the Ft. Smith Police Department will remain responsible for establishing the salary and benefits, including overtime of the officer(s) assigned to the Task Force and making all payments due them. Reimbursement under this MOU is contingent upon the availability of mandatory funds allocated to the U.S. Secret Service through the Department of the Treasury Forfeiture fund.
- (e) The Ft. Smith Police Department shall permit and have readily available for examination and auditing by the U.S. Secret Service, the Department of Treasury, the Comptroller of the United States, and any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts or expenditures relating to this agreement. They shall maintain all such records and reports until all audits and examinations are completed and resolved, or for a period of three (3) years, which ever is sooner.
- (f) Payments may be made to the extent they are included in the U.S. Secret Service Fiscal Year Plan and the monies are available within the Department of Treasury Forfeiture Fund to satisfy the request(s) for reimbursable expenses. It should also be understood that the total amount(s) made available to the U.S. Secret Service through the Department of the Treasury Forfeiture Fund, for reimbursement to the Ft. Smith Police Department, could change at any time.
- (g) Pursuant to the Treasury Executive Office for Asset Forfeiture (TEOAF) directive number 18, the maximum reimbursement entitlement for overtime costs to any one law enforcement official cannot exceed fifteen-thousand (\$15,000.00) dollars during the fiscal year.
- (h) This document does not obligate funds. Funding authority will be provided through other documents.

- (i) The Ft. Smith Police Department shall provide the U.S. Secret Service within 10 days of the signing of this MOU, with their agency's mailing address, contact name, telephone number and tax identification number. Further, this agency must provide the name, account number and ABA routing number of the financial institution where the Ft. Smith Police Department wants the Electronic Funds transfer (EFT) payment deposited for the reimbursement of overtime salary costs. Failure to provide this information within the prescribed period of time will nullify this MOU agreement.

IV. REVISIONS

The terms of this MOU may be amended upon the written approval of both the Ft. Smith Police Department and the U.S. Secret Service. Such amendment is effective upon the date of approval.

U.S. Secret Service
Little Rock Field Office

Ft. Smith Police Department



SAIC Brian Marr

MAYOR Sandy Sanders

Date: 8-12-2013

Date: _____

U.S. Secret Service, Office of Investigation
Asset Forfeiture Division

SAIC – Asset Forfeiture Division

Date: _____



Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Ray Gosack City Administrator

From: Kevin Lindsey, Chief of Police

Subject: Memorandum of Understanding between the Fort Smith Police Department and the United States Secret Service

Date: August 14, 2013

The Fort Smith Police Department wishes to enter into an agreement with the United States Secret Service in the form of a Memorandum of Understanding (MoU). The mutual understanding references the Department of the Treasury Forfeiture Fund Act of 1992 which authorizes the payment of certain overtime expenditures, travel, fuel, training, equipment and other similar costs of State and Local law enforcement officers, that are involved in joint operations, with a Department of the Treasury law enforcement organization. The primary purpose of this document is to establish the procedures and responsibilities of both the Fort Smith Police Department and the United States Secret Service for the reimbursement of certain overtime costs and other expenses.

Depending upon the budget for the United States Secret Service, estimated funding for the Fort Smith Police Department could run from one to several thousand dollars per year.

RESOLUTION NO. _____

5 E

RESOLUTION AUTHORIZING PARTIAL PAYMENT TO ARCHER WESTERN CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE ZERO STREET PUMP STATION WET WEATHER IMPROVEMENTS-PUMP STATION AND EQ STORAGE

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

Partial payment number three to Archer Western Construction, LLC in the amount of \$1,183,172.02, for the construction of the Zero Street Pump Station Wet Weather Improvements-Pump Station and EQ Storage, Project Number 09-17-C2, is hereby approved.

This Resolution adopted this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE August 13, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Zero Street Pump Station Wet Weather Improvement-
Pump Station and EQ Storage, Project Number 09-17-C2

Archer Western Construction LLC has submitted partial pay request number three in the amount of \$1,183,172.02 for work completed on the Zero Street Pump Station Wet Weather Improvements-Pump Station and EQ Storage, Project Number 09-17-C2. Work is progressing on schedule. A project summary sheet is attached for your information. Major items of work completed to date are as follows:

- Excavation North and South EQ Tanks (100% complete)
- South Tank Subbase (100% complete)
- North Tank Subbase (80% complete)
- Pump Station Excavation (90% complete)

The attached Resolution authorizes the partial payment to Archer Western Construction LLC. Should you or members of the Board have any questions or need additional information, please let me know.

attachment

pc: Jeff Dingman

Project Summary

Project status: Complete

Project name: Zero Street Pump Station Wet Weather Improvements-
Pump Station and EQ Storage

Today's date: August 13, 2013

Project number: 09-17-C2

Staff contact name: Steve Parke

Project engineer: Hawkins-Weir Engineers, Inc.

Staff contact phone: 784-2231

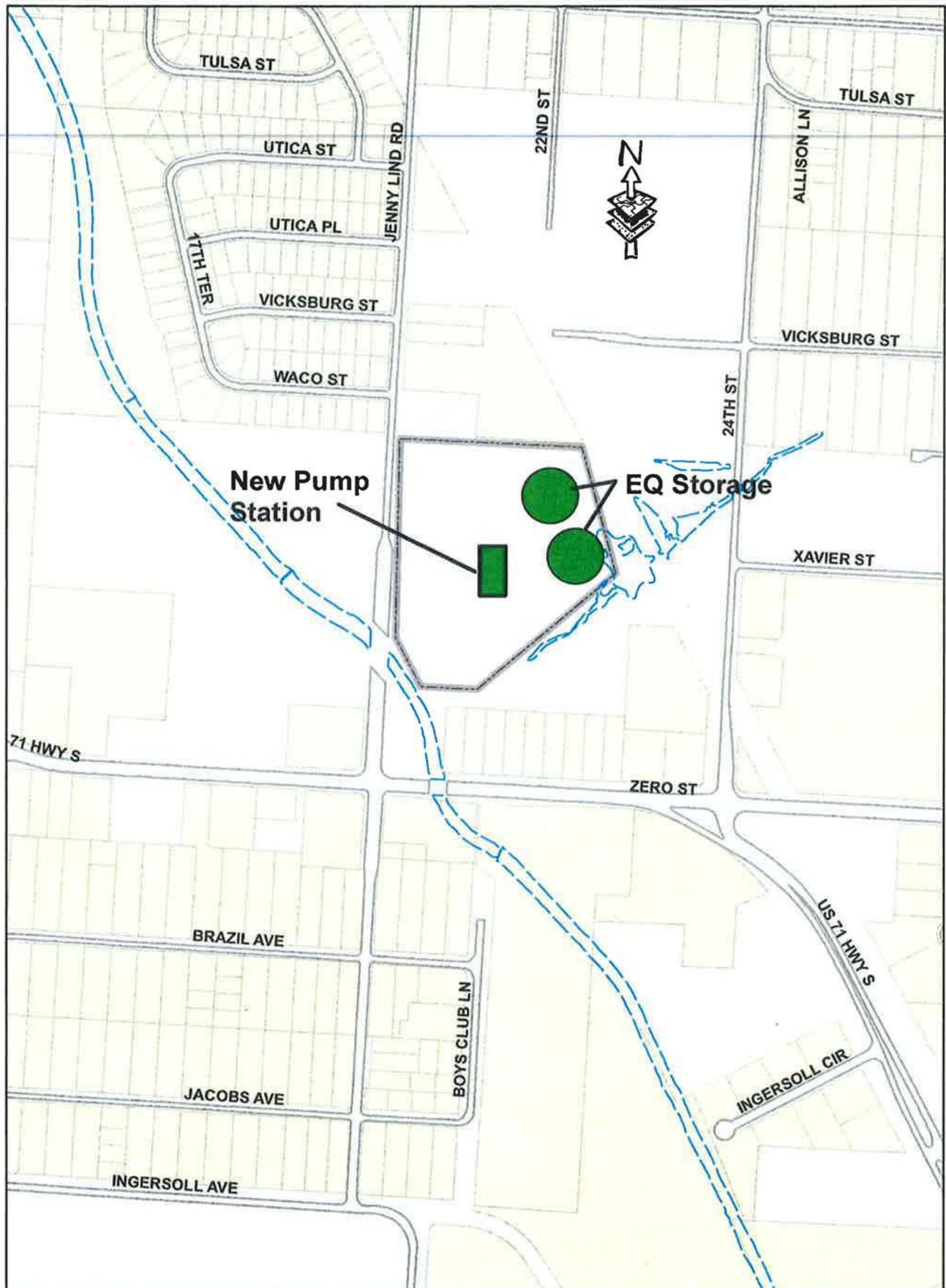
Project contractor: Archer Western Construction LLC

Notice to proceed issued: May 13, 2013

Final Completion date: May 2, 2015

	Dollar Amount	Contract Time (Days)
Original contract	\$12,193,000.00	660
Change orders:		
Total change orders	<u>\$0.00</u>	
Adjusted contract	\$12,193,000.00	
Payments to date (as negative):	-\$786,866.47	
Amount of this payment	\$1,183,172.02	
Retainage held	\$91,080.48	
Contract balance remaining	\$10,918,747.50	
Amount over original as a percentage		

Final Comments: 15% of Contract complete, 12% of Time expended



**Zero Street Pump Station Wet Weather Improvements
 Pump Station & EQ Storage
 Project No. 09-17-C2**

RESOLUTION NO. _____

5 F

RESOLUTION AUTHORIZING FINAL PAYMENT TO DIAMOND
CONSTRUCTION COMPANY, INC., FOR THE CHAFFEE CROSSING
WATER SUPPLY IMPROVEMENTS - CHAD COLLEY AND
CUSTER BOULEVARD WATER LINES

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

SECTION 1: The construction of the Chaffee Crossing Water Supply Improvements -
Chad Colley and Custer Boulevard Water Lines, Project Number 12-04-C1, is hereby accepted as
complete.

SECTION 2: Final payment to Diamond Construction, Inc., in the amount of \$32,650.00,
is hereby approved.

This Resolution adopted this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: August 13, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements
Chad Colley and Custer Boulevard Water Lines
Project Number 12-04-C1

Diamond Construction Company, Inc., has completed all work on the above referenced project and has submitted a final pay request in the amount of \$32,650.00. This brings the final project construction cost at \$906,643.29 resulting in a cost under run of \$4,190.11. I have attached a project summary sheet and a Resolution accepting the project as completed and authorizing final payment.

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

attachment

pc: Jeff Dingman

Project Summary

Project status: Complete

Project name: Chaffee Crossing Water Supply Improvements - Chad Colley and Custer Boulevard Water Lines

Today's date: August 13, 2013

Project number: 12-04-C1

Staff contact name: Steve Parke

Project engineer: Mickle Wagner Coleman, Inc.

Staff contact phone: 784-2231

Project contractor: Diamond Construction Company, Inc.

Notice to proceed issued: December 17, 2012

Contract completion date: July 3, 2013

	Dollar Amount	Contract Time (Days)
Original contract	\$910,833.40	210
Change orders:		
Total change orders	\$0.00	_____
Adjusted contract	<u>\$910,833.40</u>	<u>_____</u>
Payments to date (as negative) (as percentage)	\$-873,993.29	96%
Amount of this payment (as negative)	\$-32,650.00	
Retainage held	\$0.00	
Contract balance remaining (as percentage)	\$4,190.11	
Amount under as a percentage	0.5%	

Final comments:

RESOLUTION NO. _____

5 G

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
RJN GROUP, INC., FOR ENGINEERING SERVICES ASSOCIATED WITH YEAR
2013 WASTEWATER COLLECTION SYSTEM FLOW MONITORING

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

Section 1: An Agreement with RJN Group, Inc., for providing engineering services
associated with Year 2013 Wastewater Collection System Flow Monitoring, Project Number
13-09-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement in the amount of
\$352,605.00, for performance of said service.

This Resolution adopted this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: August 13, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Year 2013 Wastewater Collection System Flow Monitoring
Project Number 13-09-ED1

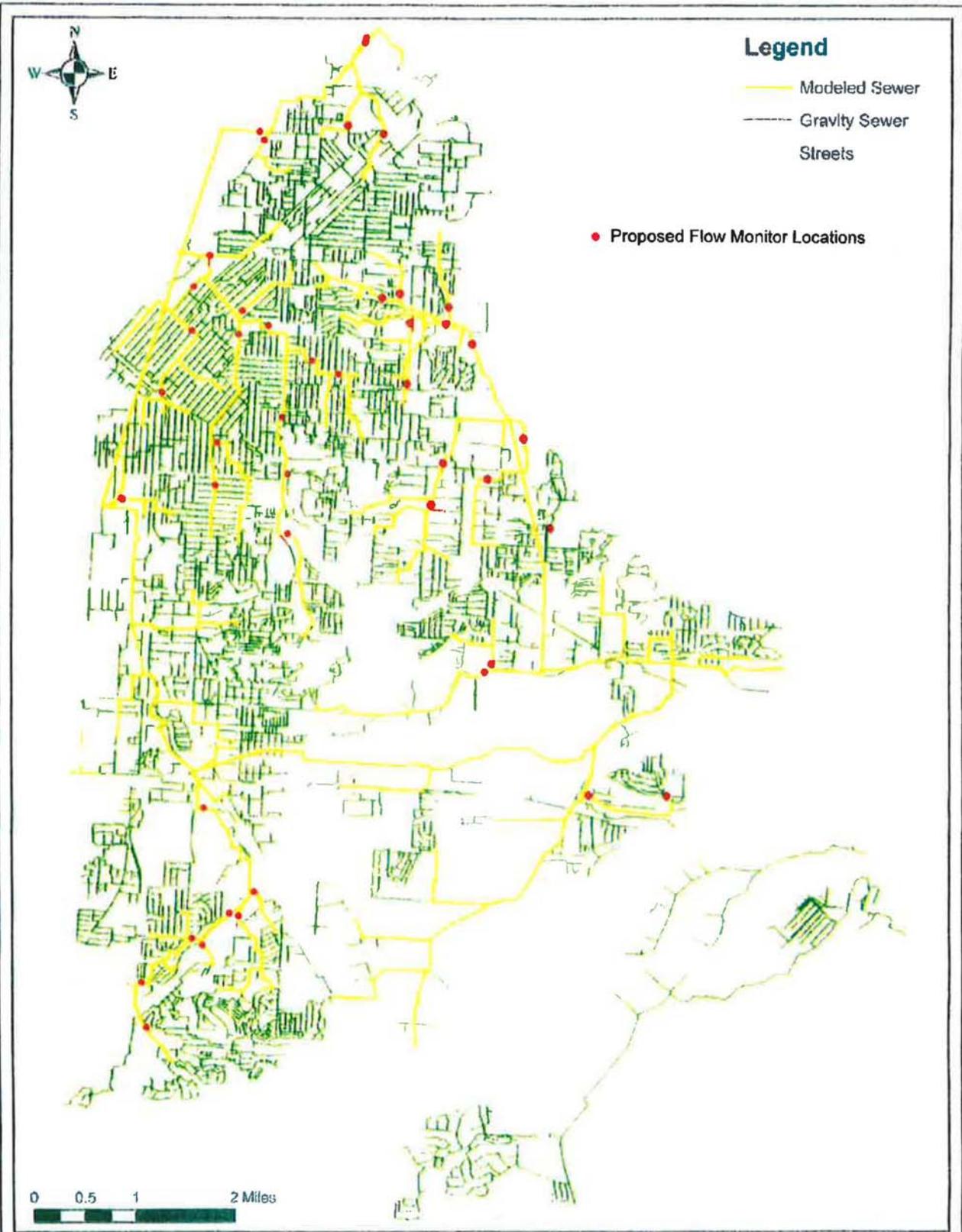
In support of our ongoing effort to identify and correct wastewater collection system defects that contribute to sewer overflows during periods of heavy rainfall, we conduct yearly wastewater collection system flow monitoring. For 2013 we have identified 45 locations within the collection system for installation of temporary flow monitors and 9 locations for installation of temporary rain gauges used in conjunction with the flow monitors for correlating rainfall/inflow relationships. The data collected this year will be utilized to calibrate hydraulic models of the wastewater collection system and for post construction flow monitoring of projects recently completed and is essential in our effort to address EPA mandates for elimination of wastewater overflows. An exhibit showing the proposed flow monitor locations is attached.

A Resolution authorizing an Agreement with RJN Group, Inc., for providing engineering services associated with Year 2013 wastewater collection system flow monitoring is also attached. Under this Agreement RJN will provide, install and maintain 45 wastewater flow monitors and 9 rain gauges for up to a 90 day period. The data gathered during the monitoring period will be analyzed and a final report of findings prepared. The fee for providing these services is \$352,605.00. Funding for this service is available from the 2012 sales and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman



Year 2013 Wastewater Flow Monitoring

AN ORDINANCE DECLARING AN EXCEPTIONAL SITUATION AND WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING, APPROPRIATING FUNDS AND AUTHORIZING A CONTRACT WITH CRAWFORD CONSTRUCTION COMPANY FOR SUNNYMEDE PUMP STATION FORCE MAIN EMERGENCY REPAIR AT HORAN DRIVE

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

WHEREAS, it is necessary to contract for the emergency repairs of the Sunnymede pump station sewer force main at South 74th Street and Horan Drive; and,

WHEREAS, the emergency sewer repairs precludes the City from meeting the requirements of competitive bidding; and,

WHEREAS, the Sunnymede pump station sewer force main required immediate repair to prevent the possibility of health hazards to the residents of the City of Fort Smith:

NOW THEREFORE, in order to eliminate the possibility of health hazards to the residents of the City of Fort Smith and to begin the necessary repairs as quickly as possible, an exceptional situation exists requiring the waiving of the conditions of competitive bidding, so that the competitive bidding requirements are hereby waived. An appropriation of \$117,000.00 from the unobligated balance of the Water and Sewer Operating Fund transfer to Water and Sewer Capital Improvement Projects Fund for said emergency repair is hereby made and contract authorization with Crawford Construction Company in the amount of \$116,950.00, is hereby approved.

PASSED AND APPROVED this _____ day of August 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: August 13, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Sunnymede Force Main Emergency Repair at Horan Drive
Project Number 13-08-C1

During the week of July 26, 2013, maintenance crews discovered that the 24-inch sewer force main which delivers the sewer flows from the Sunnymede pump station to the Massard treatment plant had collapsed at South 74th and Horan Drive. The collapsed line created a sink hole that was presenting a traffic hazard. No discharge of untreated sewage occurred. It is necessary that a contractor be hired in order to repair the sewer force main. Crawford Construction Company has personnel and equipment available for immediate response and submitted the lowest bid of \$116,950.00 to perform the work. The contractor will complete the work within 30 days from the date of notice to proceed. The list of contractors and their bids are attached for your review.

The attached Ordinance waives the competitive bidding requirements for the emergency repair and authorizes a contract with Crawford Construction Company in the amount of \$116,950.00 to complete the work. The appropriation of funds transfers \$117,000.00 from the unobligated Water and Sewer Operating Fund to the Water and Sewer Capital Improvements Fund for the cost of this work.

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

attachment

pc: Jeff Dingman

Bid Tabulation Sheet

Project Name

Sunnymede Force Main Emergency Repair 74TH and Horan Drive
Project Number 13-08-C1

Bid Opening

August 12, 2013
11:00 A.M.

Bids Received

Crawford Construction Company Van Buren, AR	\$116,950.00
Forsgren, Inc. Fort Smith, AR	\$153,919.00
M. Phillips Construction	Non-responsive
Diamond Construction	Non-responsive

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING BID FOR
THE LEASE-PURCHASE OF AN AL-JON COMPACTOR AND
AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO
NEGOTIATE AND EXECUTE ALL NECESSARY LEASE DOCUMENTS
REGARDING SAID AGREEMENT**

WHEREAS, the City of Fort Smith, Arkansas (“Municipality”) is a political subdivision of the State of Arkansas (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State;

WHEREAS, pursuant to applicable law described in Section 4 below, the governing body of the Municipality (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property and leases necessary to the functions or operations of the Municipality;

Whereas, the Governing Body hereby finds and determines that the execution of the Master Lease - Purchase Agreement (“Lease”) in a principal amount not exceeding the amount of \$900,775 for the purpose of acquiring the property (“Equipment”) to be described in the Lease is appropriate and necessary to the functions and operations of the Municipality: and,

WHEREAS, Leasing 2, Inc. (“Lessor”) shall act as Lessor under said Lease.

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

Section 1. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Master Lease - Purchase Agreement with Lessor providing for the lease and purchase by Municipality of a 2013 Al-Jon Advantage 600 Compactor for the Landfill Department in the form, or substantially in the form, of the Master Lease - Purchase Agreement presented to the Governing Body at the time of adoption of the Ordinance. The City Administrator is hereby authorized to negotiate such additional documents as are necessary to complete the Lease - Purchase Agreement and the Mayor is hereby authorized to execute, his signature being attested by the City Clerk, any such necessary documents. All other related contracts, agreements and documents necessary and incidental to the Master Lease - Purchase Agreement are hereby authorized.

Section 2. The principal amount of the Lease shall not exceed the sum of \$900,775.00 and shall bear interest as set forth in the Lease and the Lease shall contain such options to purchase by the Municipality as are set forth therein.

Section 3. As provided in Amendment No. 78, the rental payments under the Lease in each fiscal year shall be charged against and paid from the general revenues of the Municipality for such fiscal year. For the purpose of making the rental payments there is hereby, and shall be, appropriated to pay the rental payments, an amount of general revenues of the City sufficient for such purposes. The City Treasurer is hereby authorized and directed to withdraw from the General Fund and/or from such

other sources as may be hereafter directed by the Governing Body, the amounts and at the times directed by the Governing Body, the amounts and at the times necessary to make the rental payments under the Lease. The obligations of the Municipality under the Lease shall be secured by a security interest in the Equipment in favor of the Lessor.

Section 4. This Ordinance is adopted pursuant to the authorizations and according to the procedures provided by Arkansas Constitution, Amendment 78 and the Local Government Short-term Financing Obligations Act of 2001, Act no. 1808 of the 2001 Acts of Arkansas, codified as Chapter 78 of Title 14 of the Arkansas Code Annotated.

Passed and approved this _____ day of August, 2013.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

Interoffice Memorandum

TO: Ray Gosack, City Administrator
FROM: Alie Bahsoon, Purchasing Manager *AB*
SUBJECT: Landfill Compactor Bid Purchase
DATE: August 16, 2013



Attached you will find the bid tabulation for the purchase of a landfill compactor for use by the Sanitary Landfill Division of the Department of Sanitation (Programs 6305).

The purchase of this compactor will replace Asset 4005 (2001 Al-Jon 81K compactor) and Asset 4016 (2003 Al-Jon 81K compactor) which are being traded in with this purchase.

As noted by the attached memorandum from the Sanitation Department, the bids submitted by Humdinger Equipment and GW Van Keppel do not meet the minimum specification requirements and we are therefore recommending that we accept the bid from Al-jon Manufacturing.

It is the City's intent to lease-purchase the compactor on a three year lease payment schedule at \$311,036.12 annually and an annual interest rate of 2.87%. The lease agreement is with Leasing 2, Inc. which was also used in a prior transaction in 2009 to fund the lease purchase of another compactor (Ordinance No. 43-09).

Funding for this compactor has been appropriated for in the 2013 Budget in the "Reserve for Sanitation Equipment-Sinking Fund Account" and will be appropriated for in the 2014 and 2015 Budgets respectively.

Please be advised that this purchase fulfils all of the purchasing obligations as mandated by both state and local purchasing requirements; I am therefore recommending that the bid submitted by Al-jon Manufacturing for \$920,775.00 and as noted by enclosure on the attached bid tabulation, be accepted and approved by the Board.

Please let me know if you should have any questions.

**Tabulation of Bids - City of Fort Smith
Landfill Compactor
Bid Tab #6305-SF-BA**

<u>VENDOR</u>	<u>Description</u>	<u>Model</u>	<u>Cost</u>	<u>Trade-In Asset 4005</u>	<u>Trade-In Asset 4016</u>	<u>Delivery Terms</u>
Humdinger Equipment Lubbock, Tx		Tana E520	\$798,000.00	\$10,000.00	\$60,000.00	120 days
GW Van Keppel Co. Van Buren, AR		Bomag BC1172RB	\$772,972.22	\$10,000.00	\$10,000.00	120 days
Al-jon Mfg. ✓ Ottumwa, Iowa		Advantage 600	\$920,775.00	\$10,000.00	\$10,000.00	45-120 days

Bids Advertised: 05/04/13
Bids Opened: 05/14/13

✓ Anticipated Bid Award



MEMORANDUM

August 16, 2013

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director

Subject: Landfill Compactor Purchase

The landfill compactor is an essential part of a landfill's operations. Landfill compactors provide the needed movement to compress, condense, and consolidate solid waste in order to optimize limited landfill "void" space. The Department of Sanitation currently has three compactors in use. We are requesting to replace the two older, smaller compactors with one new, larger compactor. The units we would like to replace have high hours and are well beyond their 7 year replacement life expectancy. The two units we plan to replace are described below:

- Asset #4005 is a 2001 Al-Jon model 81K with 11,982 hours. This unit requires an engine replacement. Additionally, the four power-drive motors that power the wheels and the hydraulic drive pumps, the cab harness, and park brake all require replacement. \$58,738 has been spent on repairs in the last 2 years. The unit is not currently operational and has been decommissioned pending replacement.
- Asset #4016 is a 2003 Al-Jon model 81K with 14,879 hours. This unit requires a complete electrical system overhaul. The wheel seals leak, which is a major repair considering each wheel weighs around 8,400 pounds and must be removed from the vehicle. \$95,848 has been spent on repairs in the last 2 years.

Bids for the replacement landfill compactor were solicited by the Purchasing Department in May. One of the three companies that provided a bid does not have a compactor utilized in a landfill operation anywhere within the United States. Two of the three bids received, including the one previously mentioned, did not meet the minimum bid specification on items such as, but not limited to, failing to meet weight, transmission, and net horsepower requirements. These three aspects of our specification are key components to achieving maximum compaction and provide for more efficient use of landfill void space. Weight is very important with regards to our overall compaction rate. A heavier piece of equipment provides higher compaction with fewer passes across the working face, which results in less time and fuel being consumed. The transmission and net horsepower are important for better speed control when operating the 63 ton piece of machinery in ever-changing underfoot conditions inherent of landfill operations. Net horsepower provides the measured output of the equipment with all peripherals (e.g. hydraulic pumps, alternator, air conditioning, etc.) attached and is a more accurate measure than gross horsepower for determining the capabilities of the machine.

Al-Jon Manufacturing, LLC of Ottumwa, Iowa is the only company that bid a machine that met our department's minimum specification. Al-Jon is the only American made compactor designed specifically for landfill use, unlike converted wheel loaders offered by other companies. As evidenced by the two older models we plan to replace, Al-Jon compactors are built to withstand hazardous environments when in operation and have proven to be reliable.

Department staff recommends awarding the bid to Al-Jon Manufacturing. The Department of Sanitation's current primary compactor is an Al-Jon Advantage 600, which is the same model Al-Jon submitted with their bid. By purchasing the same model, we will be able to improve the efficiency of our maintenance operation and inventories of parts and bulk fluids. Our heavy equipment mechanics will require fewer diagnostic and specialty tools which would be required for a different machine. Furthermore, our heavy equipment mechanics and landfill equipment operators will not require additional training to work on and/or operate the new machinery.

In 2009, we purchased the current Al-Jon Advantage 600 chassis without the wheels and blade as we were reusing the wheels and blade from a previous unit. Unfortunately, the price estimate (\$700,000) we submitted to the Finance Department for the 2013 Budget was based off of our previous purchase and only included the anticipated purchase price of the new chassis and did not include provisions for the blade, wheels, and GPS system as require in our bid documents. Therefore, we are requesting to purchase the landfill compactor through a three year lease purchase agreement, as indicated in the 2013 Budget, with Al-Jon Manufacturing for \$900,775 (\$920,775 - \$20,000 trade-in).

Please contact me should you have any questions or would like additional information regarding this request.

NJK





MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: August 16, 2013

SUBJECT: Central Business Improvement District

The terms of Bill Hanna and Jeff Pryor of the Central Business Improvement District will expire September 30, 2013. Mr. Hanna and Mr. Pryor wish to be reappointed at this time.

There are no other applicants available at this time.

Appointments are **by the Board of Directors**, two appointments are needed. The terms will expire September 30, 2019.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

CENTRAL BUSINESS IMPROVEMENT DISTRICT
(CBID)

State law provides that persons serving on the CBID shall be owners of real property in the district or officers or stockholders of a corporation owning real property within the district. Seven commissioners are appointed by the Board of Directors for six year terms.

	<u>DATE</u> <u>APPOINTED</u>	<u>TERM</u> <u>EXPIRES</u>
Bill Hanna Hanna Oil & Gas 4525 Park Avenue (3) 782-1534 (h) 782-8808 (w) bhanna@hannaoilandgas.com	04/15/08	09/30/13
Jeff H. Pryor Pryor Marketing & Communications P.O. Box 1209 (02) 783-1904 (w) 783-8626 (f) pmc@ipa.net	12/15/09	09/30/13
Bennie Westphal 109 North 6 Street (01) 783-2792 (w) 783-1158 (f) bbwest54@hotmail.com	02/05/02	09/30/15
Richard Griffin P.O. Box 2207 (02-2207) 783-5191 (w) fax: 783-8397 gccrbg34@swbell.net	10/07/97	09/30/15
Rodney H. Ghan 3401 Rogers Avenue; Suite A (03) 478-6161 (w) 452-9239 (h) rhghan@rhghan.com	9/18/07	09/30/15

Phil White
2001 Cobbel Hill (03)
648-1225 (w)
452-2928 (h)
phil@generalpallets.com

09/18/07

09/30/15

Sam T. Sicard
First National Bank
P.O. Box 7 (02)
782-2041 (w)
788-4602 (f)
samuelsicard@fnbfs.com

01/20/09

09/30/15

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 7-23-13
 Name: Jeff Pryor Home Telephone: 648-8847
 Home Address: 10104 Hanover Ct. Work Telephone: 783-1904
 Zip: 72908 Email: pmcc@panet
 Occupation: Marketing Consultant
 (If retired, please indicate former occupation or profession)
 Education: BSBA
 Professional and/or Community Activities: Current CBID Commissioner
 Additional Pertinent Information/References: Property Owner 820 + B22 Garrison

Are you a registered voter in the City of Fort Smith? Yes No
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes NO
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Redacted] Date of Birth [Redacted] This information will be us [Redacted] (check of all applicants).

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input checked="" type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | |

COMMUNITY SERVICE AND BUSINESS AFFILIATIONS:

- Past President of Fort Smith Association of Petroleum Landmen
- Member of Canadian Association of Petroleum Landmen
- Member American Association of Petroleum Landmen
- Member of Independent Petroleum Association of America
- Member of Arkansas Gas Association
- Past Board Member of University of Arkansas at Fort Smith Foundation
- Board Member of Family Enterprise Center at UA Fort Smith
- Past Board Member of Fort Smith United Way
- Board Member of First National Bank Corp. of Fort Smith
- Board Member of USA Truck, Inc.
- Board Member of Boys and Girls Clubs of Fort Smith

BH Boards and committees

FNB BOD
FNB Audit Committee
FNB Loan Committee

UAFS FEC Advisory BOD
Member FEC
FEC Peer Group

USA Truck BOD
USA Truck Compensation Committee

United Way Endowment Committee

Boys and Girls Clubs of FS

AIPRO, BOD



MEMORANDUM

TO: Mayor and Board of Directors
FROM: Wendy Beshears, Administrative Assistant
DATE: August 15, 2013
SUBJECT: Outside Agency Review Panel

The term of Monica McKinney of the Outside Agency Review Panel has expired July 17, 2013. Ms. McKinney does not want to be reappointed at this time.

The applicant available at this time is:

Scott McLain 1120 South Albert Pike Avenue

Appointments are **by the Board of Directors**, one appointment is needed. The term will expire August 20, 2014.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

Outside Agency Review Panel

This review panel will review applications for outside agency services and recommending award amounts for approval by the Board of Directors. Members of this panel will be appointed by the Board of Directors.

Core Committee shall be comprised of three citizens who are knowledgeable of the city's nonprofit organizations and services they provide, and are not directly related to any agencies that are applying for funds available through this program, nor board of directors of the City of Fort Smith. (3 year terms)

Arts & Humanities comprised of two citizens who are knowledgeable of arts and humanities and are not directly related to any agencies that are applying for funds under this line item nor the Board of Directors of the City of Fort Smith. (1 year term and 1 two-year term initially, and two year terms thereafter).

Recreation Panel comprised of two citizens who are knowledgeable of recreation and are not directly related to any agencies that are applying for funds under this line item nor the Board of Directors of the City of Fort Smith. (1 one year term and 1 two-year term initially and two-year terms thereafter). The panel meets on call.

Note: at the first full meeting of the 9-member panel, each appointee will draw a number, which will determine the length of service. Terms will expire on March 31st of each year.

	<u>Date Appointed</u>	<u>Term Expires</u>
<u>Core:</u>		
Kathy Davis Western Arkansas Counseling 3700 Heather Ridge Court (03) 650-6039 (h) 452-6650 (w) Davis6418@sbcglobal.net	04/19/11	03/31/14
William Tyler Lamon First National Bank 1123 North 14 Street (01) 739-7142 (h) tylerlamon@gmail.com	07/17/12	03/31/16
Sharon Barr Clinical Laboratory Director 1426 North 52 Street (04) 782-1185 (h) 441-5218 (w) sbarr@sparks.org	07/17/12	07/17/15

Arts and Humanities:

Amy Manley 05/17/11 03/31/14
Kimmons Band Director
114 North 25 Street (01)
785-2626 (w)
478-6196 (h)
amanley@fortsmithschools.org

Jeannie Cole 03/27/13 03/31/16
7410 Oxford Place (03)
452-4478 (h)
jeannie@thecolefamily.com

Recreation:

Monica McKinney 07/17/12 07/17/13
Independent Distributor
3009 Carthage Street (01)
650-2679 (w)
mmckinney63@gmail.com

Charolette Tidwell 03/27/13 07/17/14
Retired - Healthcare
1728 North 46 Circle (04)
459-0669 (h)
cftidwell9793@att.net

Social/Community Services:

Janice Sudbrink 06/19/13 08/23/14
Nurse
3712 Pebble Court (03)
452-3516 (h)
459-8604 (c)
Jdsudbrin1@aol.com

Susan Krafft 04/19/11 03/31/14
Director of Finance/Special Events
8700 Harvard Drive (08)
459-6819 (h)
susan.krafft@gmail.com

Planning Com.

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Name: SCOTT MCLAIN
Address: 1120 S. ALBERT PIKE AVE
Zip: 72903
Occupation: CHIEF DEVELOPMENT OFFICER - DRIVE CLEAN LLC
Education: BS ENGR - ATU MBA - UALR
Professional and/or Community Activities: WOODLANDS UMC LEADERSHIP COMMITTEE CHAIRMAN
Additional Pertinent Information/References: PRESENTED TO OVER 200 PLANNING COMMISSIONS THROUGHOUT USA

Are you a registered voter in the City of Fort Smith?
Have you ever been convicted of a felony or other serious traffic offense?
I am interested in serving on the (please check):

- () Audit Committee
() Advertising & Promoting Commission
[X] Airport Commission
() Arkansas Fair & Exhibition Facilities Bd
() Benevolent Fund Board
[X] Central Business Improvement District
[X] Convention Center Commission
() Civil Service Commission
[X] Community Development Advisory Com.
() County Equalization Board
() Electric Code Board of Appeals & Appeals
() Fire Code Board of Appeals & Adjustments
[X] Historic District Commission
() Housing Assistance Board
() Housing Authority
() Library Bd of Trustees
() Mechanical Bd of Adjustments and Appeals
() Oak Cemetery Commission
[X] Outside Agency Review Panel
() Parking Authority
() Parks & Recreation Commission
[X] Planning Commission (PRIMARY INTEREST)
() Plumbing Advisory Board
[X] Port Authority
() Property Owners Appeals Board
() Sebastian County Reg. Solid Waste Mgmt. Bd.
() Sister Cities Committee
() Transit Advisory Commission
() Residential Housing Facilities Board

Please return this form to Wendy Beshears, P.O. Box 1908, FSM, AR 72902

REFERENCES: STEVE GRIFFIN
TRAVIS STEPHENS
SEE RESUME' ATTACHED FOR ADDITIONAL INFORMATION



E. L. Scott McLain
President & Managing Member
The McLain Group, LLC
1120 S. Albert Pike Avenue
Fort Smith, AR 72903
Phone: (501) 779-7302
smclain@mclain-group.com

After gaining twelve years of valuable experience working for a publicly traded Fortune 100 company, Scott began his entrepreneurial pursuits in 1995 and is fortunate to have assisted numerous organizations reach their goals. He is a proven leader with experience in many industries and service areas including real estate development, land acquisition & entitlement, intellectual property commercialization, business mergers and acquisitions, transportation, construction, retail, manufacturing, logistics, project finance, program management, healthcare, business development, energy, hospitality, single and multi-family housing, casino gaming, marketing, and strategic planning. Scott's professional mission is to rid teams and organizations of the inefficiencies that inhibit or limit their success.

CONSULTING ENGAGEMENTS, PROJECTS & DEVELOPMENTS

- \$792mm Westin Diplomat Resort, Hotel, Country Club and Spa, Hollywood, FL (www.diplomatresort.com) (pm)
- \$642mm NexGen Biofuels Development Program (financing)
- \$400mm Harrah's Atlantic City Phase III Casino and Hotel Expansion (www.harrahs.com) (pm)
- \$350mm Gaylord Texan Resort & Conv. Center, Grapevine, TX (www.gaylordhotels.com) (pm)
- \$280mm Gun Lake Casino, Gun Lake, MI (www.mbpi.org) (pm)
- \$265mm Emerald Bay Resort, Great Exuma, Bahamas (www.fourseasons.com) (pm)
- \$200mm Harrah's Jazz Casino, New Orleans (pre/post-bankruptcy) (www.harrahs.com) (pm)
- \$175mm Harrah's St. Louis, Maryland Heights, MO (www.harrahs.com) (pm)
- \$483mm Liaoning Power Plant, Shenyang, China (financing)
- 278 Wilson Leather Retail Outlets in four years (www.wilsonleather.com) (pm)
- \$2.7mm Las Vegas Casino Resort & Hotel (financing; dm)
- \$2mm Mhoon Landing Casino, Tunica, MS (dm)
- \$400mm Chou Chou Bay Resort & Marina; Haiti (financing; dm)
- \$200mm Porthaven Mixed-Use, Eastpoint, FL (financing; dm)
- \$89mm Southern Ethanol Co. LLC Facility (financing)
- \$81mm Harrah's Atlantic City Phase I (Casino) and II (Hotel) Exp (www.harrahs.com) (pm)
- \$64mm Harrah's Showboat Expansion, Atlantic City, NJ (www.harrahs.com) (pm)
- \$38mm Ramsey Creek Townhouses, Freeport, FL (www.ramseycreek.com) (financing; dm)
- \$32mm Harrah's Mardis Gras Casino, Tunica, MS (www.harrahs.com) (pm)
- \$23.5mm Residential Development, Groveland, FL (financing)
- \$20mm Terra Nova North Carolina Commercial Greenhouse Facility (financing)
- \$16mm Water Landings Condos, Panama City, FL (www.waterlandings.com) (financing; dm)
- \$12mm Harrah's Club Tunica Renovation (www.harrahs.com) (pm)
- \$6mm EJ Ball Office Building Renovation, Fayetteville, AR (dm)
- \$5mm Harrah's Atlantic City Employee Parking Lot, NJ (www.harrahs.com) (pm)
- \$3.6mm 540 Flex Industrial Park, Fayetteville, AR (financing; dm)
- \$2.9mm Drive Clean, LLC Acquisition, AR (www.drivecleanamerica.com) (financing)
- \$2.8mm Boomerang Carwash, Tulsa, OK (www.boomerangcarwash.com) (financing; dm)

- \$2.2mm Boomerang Carwash, Tulsa, OK (www.boomerangcarwash.com) (financing; dm)
- \$2.2mm Boomerang Carwash, Broken Arrow, OK (www.boomerangcarwash.com) (dm)
- \$2.1mm Boomerang Carwash, Bentonville, AR (www.boomerangcarwash.com) (financing; dm)
- \$2.1mm Boomerang Carwash, Memphis, TN (www.boomerangcarwash.com) (financing; dm)
- \$2.1mm Boomerang Carwash, Olive Branch, MS (financing; dm)
- \$1.9mm Boomerang Carwash, Texarkana, TX (www.boomerangcarwash.com) (financing; dm)
- \$1.9mm Boomerang Carwash, Shreveport, LA (www.boomerangcarwash.com) (financing; dm)
- \$1.8mm Boomerang Carwash, Sherwood, AR (www.boomerangcarwash.com) (financing; dm)
- \$1.25mm CPT Med Custom Procedure Tray & Sterilization Facility (financing)
- 1,300 Unit Automotive Services Center Program for Major Retailer (financing; dm)
- 483 Unit Residential Development in Greenland, AR (financing; dm)
- 189 Unit Residential Development for Little Rock Homes, LLC (financing; dm)
- 177 Unit Residential Development, Springdale, AR (financing; dm)
- 144 UPS Facility and Environmental Projects in four years (www.ups.com) (pm)
- 15 Plant Expansion Plan for Wesland Container, LLC (www.wespakinc.com)
- Boomerang Carwash Nationwide Roll-out (financing, dm)
- Harrah's Project Cost Modeling Standardization
- Candlewood Hotel Site-Adapt, Design-Build Program development and implementation

PROFESSIONAL EXPERIENCE

- **Founder, President & Managing Member** - The McLain Group, LLC (February 2004 – Present): TMG was established to challenge and overcome the primary inefficiencies in the capital improvement cycle through faith-based leadership, improved communication, and by redefining the risk model utilized by the real estate development industry. I am responsible for all facets of the various TMG business units including Real Estate Development, Business Management, and Project Financial Services.
- **Co-Founder, Partner & Chief Development Officer** – Drive Clean, LLC (www.drivecleanamerica.com) (January 2007 – Present): DC operates (23) Boomerang carwashes in four states (www.boomerangcarwash.com).
- **Co-Founder, Partner & Managing Member** – Drive Clean Holding, LLC (October 2006 – Present): DCH was established as the primary investor in Drive Clean, LLC.
- **Co-Founder, Partner & Managing Member** – Drive Clean Partners, LLC (January 2007 – Present): DCP was established as the management entity of DCH & DC.
- **Co-Founder, Partner & Managing Member** – Little Rock Homes, LLC (August 2007 – Present): LR Homes is developing and selling 189 infill lots in central Arkansas.
- **Partner** – CPT Med, Inc (March 2005 – Present): CPTM is a start-up, manufacturing business servicing the \$2.5 billion medical packaging industry. My role is to provide investment capital and to assist the management team with the industry roll-up strategy and execution.
- **Partner** – Life-Pack USVI, LLC (October 2004 – Present): LP is a start-up, manufacturing business intent on servicing the 35,000+ bed Caribbean hospital market with their medical supply needs. My role is to provide investment capital and to assist the management team with strategic market planning.
- **Partner & Managing Member** – Aussie USA, LLC (October 2004 – March 2009): AUSA envisioned, planned and organized a 1,300 unit Automotive Services Center program for a major US retailer.

- **Partner & Development Leader** – The Snow Palace Worldwide, Inc (February 2004 – December 2007): TSP hoped to become a world renowned destination resort in Las Vegas, NV
- **Partner** – Alpha Global Solutions, LLC (2005): AGS is a start-up, agri-business company established to develop and operate an Ethanol Production Facility, a Bio-Mass Power Plant, and a Commercial Greenhouse in North Carolina.
- **Partner & President** – Foxcor, Inc (www.foxcor.com) (December 1995 – February 2004): FCI's mission was to provide management services to the stakeholders of capital improvement projects including designers, contractors, financial institutions, owners and developers. Projects ranged in size from a few thousand dollars to more than one billion dollars in many industries including hospitality, casino, Indian gaming, manufacturing, energy, education, residential, healthcare, office, retail, and light industrial. I joined FCI Co-founders John Fox and Mike Carringer in 1995 and held numerous responsibilities and titles including President (2002-2004), Partner (1995-2004), Chief Operating Officer, Chief Financial Officer, Chief Administrative Officer, Vice President, Project Executive, and also served as the liaison to many of the joint venture relationships. Through the efforts of the team, I saw FCI grow from zero projects in 1995 to more than \$2.4 billion of capital improvements under management in 2004 while attaining an annual growth rate in revenues of 74% during that same period. As President, my responsibilities included complete accountability to the Chairman and Executive Committee for all facets of the organization including profit & loss, strategic planning & implementation, marketing, legal compliance, finance, sales, operating systems, and improving shareholder value. In addition to managing numerous projects, I personally organized the development standards, site selection criteria, and project management programs for hospitality and retail clients.
- **Project Executive** – Pearson-Foxcor, LLC (June 2000 – June 2002): Pearson-Foxcor was established to provide management services in the areas of design, construction and forensic investigation for the Westin Diplomat Resort & Country Club in Hollywood, Florida. This pension fund asset was in violation of ERISA guidelines and in jeopardy of being discontinued before our involvement. While serving in a leadership capacity at Foxcor, I took on the Project Executive role for the Diplomat. In this role, I was responsible for the design and construction of the capital asset and reported directly to the Qualified Professional Asset Manager and Fiduciary.
- **Founder & President** – McLain Consulting Associates (March 1995 – November 1995): MCA's mission was to provide management services to the stakeholders of capital improvement projects including designers, contractors, financial institutions, owners and developers. I developed and implemented a business model to provide capital asset project administration and oversight, which became the model for Foxcor's business. During my short tenure with MCA, I assisted an industrial manufacturing firm in developing a master plan and feasibility study for a fifteen-plant expansion, and I also assisted Harrah's Jazz Company with project management needs on their New Orleans casino project during the early stages of design and construction.
- **Region Project Manager / Environmental Manager** – United Parcel Service (August 1989 – December 1992): UPS entrusted me with many assignments but most notably as Region Project Manager/Environmental Manager for their South Central Region. As a Project Manager, I completed 12 building projects and my responsibilities included project feasibility studies, budgeting, site evaluation, land acquisition, development negotiations with municipalities, facility design, construction management, occupancy coordination, and preventive maintenance planning. I also served on the Region Real Estate Committee and oversaw the Approval For Development process for hundreds of commercial projects and expansions. My environmental responsibilities included complete regulatory compliance for all facilities in the region, managing a staff of six Project Engineers who performed 132 projects on various environmental issues, and I served on the Corporate Environmental Committee. I personally developed the corporate-wide UST Program involving more than 3,000 facility assets and \$100M capital

expenditure including strategic planning, implementation, legal compliance, training and project controls methodology.

- **Package Car Supervisor** – United Parcel Service (January 1993 – February 1995)
- **Hub Supervisor** – United Parcel Service (June 1989 – July 1989)
- **Industrial Engineering Supervisor** – United Parcel Service (April 1988 – May 1989)
- **Plant Engineering Supervisor** – United Parcel Service (September 1986 – March 1988)
- **Package Car Driver** – United Parcel Service (May 1986 – August 1986)
- **Preload Supervisor** – United Parcel Service (May 1985 – April 1986)

EDUCATION

- Masters of Business Administration, University of Arkansas at Little Rock
- Bachelor of Science in Engineering, Arkansas Tech University
- Atkins High School, Atkins Arkansas

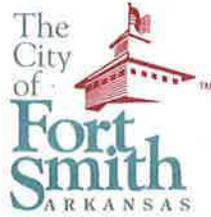
SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

- Technology for Construction Conference January 17, 2005 – *“Digital Vegas: An Owner’s Perspective on Design and Construction Technology”*
- FIATECH Fall Technology Conference October 13, 2004 – *“Scenario-Based Project Planning: Lessons to be Learned from Other Industries”*
- Commercial Property News September 16, 2004 – *“Industry Efficiencies at the Tipping Point”*
- Arkansas Democrat Gazette August 9, 2004 – *“In Business, Monitor Competitors”*
- FIATECH Spring Conference 2004 – *“Compliance: Technology Adoption, Acceptance and Usage”*
- UALR Foundation Fund Board 2000 – *“Attributes of the EMBA Program”*
- UPS Management Conference 1988 – *“Building Our New Airline”*

ACCOMPLISHMENTS, ACTIVITIES & HONORS

- Wife Cindy and children Sumner, Alexa and Eric
- Woodlands Church Charter Member and Leadership Chairman Since 2007
- Drive Clean Partners, LLC Co-Founder & Managing Member Since 2007
- Drive Clean Holding, LLC Co-Founder & Managing Member Since 2006
- Little Rock Homes, LLC Co-Founder & Managing Member Since 2006
- The McLain Group, LLC Founder, President & Managing Member Since 2004
- Monsoon Global, President 2005-2006
- Aussie USA, LLC Managing Member and Partner 2004-2008
- Life Pack USVI, LLC Partner Since 2004
- CPT Med Partner Since 2005
- Alpha Global Solutions, LLC Partner 2005
- Foxcor Partner from 1995 to 2004
- McLain Consulting Associates Founder & President 1995
- Helped build Foxcor, Inc. from zero projects in 1995 to more than \$2.4 billion of capital improvements under management by 2004
- NFIB Leadership Committee Member since 2003
- Foxcor Employee of the Year for 2001
- UPS Supervisor of the Year for 1994 (Arkansas, Customer Service)
- Completion of the Westin Diplomat Resort in 2002 (ERISA)

- Foxcor finalist for 2001 Arkansas Business of the Year – Category II
- Selected for Arkansas Business 40 Under 40 in 1999
- Helped Foxcor achieve ranking as 2nd or 3rd Fastest Growing Company in Arkansas by Arkansas Business in 1997, 1998 and 1999 (last year of publication)
- UALR 1000@1000 Fundraising Chairman in 2003
- Helped Foxcor achieve AGR of 74% from 1995 through 2003
- Developed, implemented and managed the New Orleans Open Access Program for Minority & Women Owned Business Enterprises and Minority & Women Individuals (\$2B spent to date)
- #1 Ranking at UPS Supervisor's Basic Training School
- Kappa Alpha Order Alumni President from 2000 to 2004
- Achieved highest UPS Work Measurement Audit score attainable
- Received UPS Project of the Year nomination for 1991
- Personally performed more than 100 Site Evaluations for acquisition and development
- Developed UPS UST Program for \$100M capital expenditure and 3,000 projects nationwide
- Completion of \$7M-132 project UST Program for SC US in three years – 1st in UPS
- UPS Corporate Environmental Committee Member from 1989 to 1993
- UPS SC Region Real Estate Committee Member from 1989 to 1993
- Attended numerous UPS Employee Relations Seminars
- UPS Contract Documents Seminar Attendee
- Soil Mechanics Seminar – Clemson University
- Asphalt Institute Seminar – University of Kentucky
- Prepared UPS Pavement Maintenance Program and trained Plant Engineering personnel
- UPS Management by Commitment Certified
- President of ATU Engineering Society in 1985
- President of ATU Kappa Alpha Order in 1985
- President & Charter Member of Order of Omega Greek Honor Society
- Marion & Vernon Piper National Scholarship Recipient for 1985
- Fund Chairman for Arkansas River Valley Muscular Dystrophy Association for 1985
- Senator of ATU Student Government Association
- Blue Key National Honor Fraternity
- Numerous high school academic and athletic awards



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: August 16, 2013

SUBJECT: Western Arkansas Planning & Development District

Mr. Ken Pyle of the Outside Agency Review Panel has resigned his position from this panel. A new appointment will need to be made to fill this position.

The applicants available at this time are:

Robert Yoes	9409 Moody Road
Nancy Raney	8108 Adam Drive
Mitchell Minnick	5516 Catina Court
Kip J. Jarvis	9700 Broadwell Road
Philip Rosar	7926 Valley Forge Road
Jim Walls	8017 Dover Circle

Appointments are **by the Board of Directors**, one appointment is needed.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

WESTERN ARKANSAS PLANNING & DEVELOPMENT DISTRICT
BOARD OF DIRECTORS

CITY OF FORT SMITH

Date Appointed

The Honorable Sandy Sanders
Mayor of Fort Smith
P.O. Box 1908
Fort Smith, AR 72902

04/19/05

Paul Harvel
Chamber of Commerce
612 Garrison Avenue
Fort Smith, AR (01)
783-6118

Ray Gosack
City of Fort Smith
P.O. Box 1908 (02)
784-2201

04/19/05

Steve Lease, Director
Workforce Training
235 North Greenwood Avenue (01)
424-0071
462-5085 ©
aatye@cox-internet.com

04/19/05

Ken Pyle
Fort Smith Housing Authority
2100 North 31 Street (04)
785-4881

04/19/05

Kevin Settle
10904 Cork Street (08)
649-2146
kevinsettle6@aol.com

01/20/09

Sister Judith Keith
Community Outreach
7315 Riviera Drive (03)
314-6097 (h)
285-6695 ©
srsgm@yahoo.com

05/21/13

Cecil M. Greene, Jr.
Retired
209 Lecta Ave. #3 (01)
783-0344 (h)
414-1059 (w)
leovy@att.net

05/21/13

Alex J. Sanchez
Arvest Bank
9811 East Pointe Drive (03)
221-0327 (h)
709-6438 (w)
asanchez@arvest.com

05/21/13

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 5-30-13
 Name: Nancy Raney Home Telephone: 479 221 2643
 Home Address: 8108 Adam Dr Work Telephone: 479 484 6332
 Zip: 72903 Email: nancy.s.raney@usps.gov
 Occupation: Supervisor @ nancyr72903@hotmail.com
 (If retired, please indicate former occupation or profession)

Education: Bachelor's Degree Mgmt/Comm.
 Professional and/or Community Activities: USPS Customer Service Supr.,
Steering Committee - Trails + Greenways Master Plan,
Leadership for Smiles 2001
 Additional Pertinent Information/References:

References: Sandy Sanders, Mayor Matt Pitsch, RITA,
Mike Alsup, Parks + Recreation

Are you a registered voter in the City of Fort Smith? Yes No
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes No

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License _____ Date of Birth _____
 information will be use to conduct a criminal back ground check of all applicants).

I am interested in serving on the (please check): WAPDD (as mentioned in
Times Record, April 21, 2013

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | |

CITY OF FORT SMITH

Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 05-06-2013

Name: Mitchell Minnick Home Telephone: 479-650-6704

Home Address: 5516 Catina Court Work Telephone: 479-782-4991 x 28

Zip: 72916 Email: mminnick@fortsmithha.com

Occupation: Community & Economic Development (Housing Development Officer with the Fort Smith Housing Authority)
(If retired, please indicate former occupation or profession)

Education: B.S. in Marketing from UAFS - May 2008, M.S. in Community and Economic Development from UCA - Dec. 2013

Professional and/or Community Activities: Fort Smith Comprehensive Plan Steering Committee Member, Community Development Institute - Central, Fort Smith Rotary Club,

Additional Pertinent Information/References: See attached résumé

Are you a registered voter in the City of Fort Smith? Yes No

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [REDACTED] Date of Birth [REDACTED]

information will be use to [REDACTED] (check of all applicants).

I am interested in serving on the (please check):

(x) Western Arkansas Planning and Development District Board

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | |

Mitchell Minnick

2100 North 31st Street, Fort Smith, AR 72904
Office: 479.782.4991 ext. 24 Cell: 479.650.6704
mminnick@fortsmithha.com

Professional Experience

Fort Smith Housing Authority, Fort Smith, Arkansas

July 2009 – Present

Housing Development Officer

- Research and prepare applications for tax-credit programs
- Research and prepare applications for grant opportunities
- Supervised the development of the Authority's new website
- Manage the day-to-day aspects of the Authority's website
- Provide IT support for the Authority on an as-needed basis

University of Arkansas - Fort Smith Sebastian Commons Apartments, Fort Smith, Arkansas

June 2007 – Present

On-site Property Manager

- Managed a 480-bed student apartment complex
- Planned and processed student room assignments
- Supervised six (6) employees
- Utilized the Banner database to enter and maintain student accounts
- Created, maintained, and oversaw a \$2 million dollar budget

University of Arkansas - Fort Smith Sebastian Commons Apartments, Fort Smith, Arkansas

October 2005 – May 2007

Lead Housing Assistant/On-site Staff

- Assisted the Property Manager with daily duties
- Created and maintained Excel spreadsheets for office and resident needs
- Utilized the Banner database to enter and maintain student accounts
- Maintained a positive and professional office environment
- Interacted with residents on a daily basis

Madison Communities, Sebastian Commons Apartments, Fort Smith, Arkansas

February 2005 – September 2005

Leasing Agent/Housing Assistant

- Managed resident accounts via Yardi Property Management software
- Assisted applicants in completing rental applications
- Handled and deposited monthly rent from residents
- Guided new residents through the move-in process
- Interacted with residents on a daily basis

Community and Professional Membership

- Member: Fort Smith Comprehensive Plan Steering Committee
- Participant: Community Development Institute – Central (two of three years completed)
- Member: Fort Smith Downtown Rotary Club
- Member: National Association of Housing and Rehabilitation Officers (NAHRO) – Arkansas Chapter
- Member: Sigma Beta Delta (International Honor Society in Business, Management, and Administration)

Mitchell Minnick

2100 North 31st Street, Fort Smith, AR 72904
Office: 479.782.4991 ext. 24 Cell: 479.650.6704
mminnick@fortsmithha.com

Achievements

- Completed construction and occupancy/stabilized operations of a \$10.6 million Low-Income Housing Tax Credit (LIHTC) development containing sixty-five (65) units of single-family and duplex homes on the site of a former family public housing complex that was demolished. **Outcome: Brought the total number of new, LIHTC funded units in the Fort Smith Housing Authority's portfolio to 115 units.**
- Prepared an application for and received a Neighborhood Stabilization Program – 1 (NSP-1) grant of \$1.3 million through the Arkansas Development Finance Authority (ADFA) to acquire and demolish vacant, blighted structures and build back new single-family affordable homes for sale. **Outcome: Eight new single-family homes completed.**
- Prepared an application for and received an allocation of Low-Income Housing Tax Credits (LIHTCs) through the Arkansas Development Finance Authority (ADFA) for a \$9.6 million affordable housing development. **Outcome: Development of the 57-unit development is ongoing.**
- Prepared an application for and received a Community Development Block Grant – Disaster (CDBG-D) grant of \$820,000 through the Arkansas Community and Economic Development Program (ACEDP) to acquire and demolish at least twenty (20) vacant, blighted structures and prepare the lots for the future construction of new single-family affordable homes for sale. **Outcome: Twenty-two structures have been demolished and the vacant sites are being prepared for future house construction.**
- Prepared an application to the U.S. Treasury Department for New Markets Tax Credits (NMTCs) for economic development of the low income census tracts in the city, region, and state. **Outcome: Did not receive an allocation, but gained valuable insight for future applications.**

Certifications

- Novogradac & Company LLP Certified Low-Income Housing Tax Credit Property Manager
- Arkansas Development Finance Authority (ADFA) Certified HOME Program Administrator

Education

University of Arkansas - Fort Smith

B.S. Marketing (May 2008)

University of Central Arkansas

M.S. Community & Economic Development (Expected Graduation December 2013)

Computer Skills

- Proficient with the Microsoft Office suite
- Proficient with Adobe Acrobat Professional
- Experienced in Yardi Property Management software

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 4/22/2013
 Name: Kip J. Jarvis, CPIM Home Telephone: 479-646-5699
 Home Address: 9700 Broadwell Rd Fort Smith Work Telephone: 479-750-8333
 Zip: 72908 Email: Kipjarvis@sbcglobal.net
 Occupation: Sales and Operations MGR, Global Planning Nilfisk-Advance, Inc Springsdale, AR.
 (IF retired, please indicate former occupation or profession)
 Education: Lyr College
 Professional and/or Community Activities: APICS CPIM Lead Instructor
NWA APICS
 Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes No _____
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes _____ NO
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.
 Drivers License Info Date of Bi _____
 information will be _____ and check of all applica _____

I am interested in serving on the (please check):

WAPDD

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | |

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 4/29/2013

Name: PHILIP N. ROSAR Home Telephone: 479-452-7881

Home Address: 7926 VALLEY FORGE RD Work Telephone: N/A
FSM.

Zip: 72903 Email: PHIL.ROSAR@COX.NET

Occupation: RETIRED - FACILITY ENGR @ TRANE CO.
(If retired, please indicate former occupation or profession)

Education: BSI.E. FROM TEXAS TECH UNIV.

Professional and/or Community Activities: PRESIDENT OF BORDER TOWN
COIN CLUB.

Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes X No _____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes _____ NO X

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Redacted] Date of Birth [Redacted] is
information will be [Redacted] background check of all applicants

I am interested in serving on the (please check):

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | <input checked="" type="checkbox"/> WAPDD |

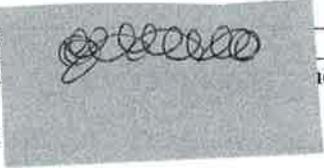
CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: MAY 2, 2013
 Name: JIM WALLS Home Telephone: 479-452 6831
 Home Address: 8017 DOYER CIR ^{CELL} Work Telephone: 479-7196313
 Zip: 72903 Email: JWALLS1037@COX.NET
 Occupation: SEE RESUME ATTACHED
 (If retired, please indicate former occupation or profession)

Education: _____
 Professional and/or Community Activities: _____

 Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes No _____
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
 Yes _____ NO
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.
 Drivers License DLN  Date of Birth 
 information will be use to con _____ check of all applicants, _____

I am interested in serving on

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input type="checkbox"/> Library Bd of Trustees |
| <input type="checkbox"/> Advertising & Promoting Commission | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals |
| <input type="checkbox"/> Airport Commission | <input type="checkbox"/> Oak Cemetery Commission |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel |
| <input type="checkbox"/> Benevolent Fund Board | <input type="checkbox"/> Parking Authority |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Central Business Improvement District | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Convention Center Commission | <input type="checkbox"/> Plumbing Advisory Board |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Port Authority |
| <input type="checkbox"/> Community Development Advisory Com. | <input type="checkbox"/> Property Owners Appeals Board |
| <input type="checkbox"/> County Equalization Board | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Housing Assistance Board | <input type="checkbox"/> Comprehensive Plan Steering Committee |
| <input type="checkbox"/> Housing Authority | |

James (Jim) M. Walls

8017 Dover Circle
 Fort Smith, Ar 72903
 Home phone 479.452.6831
 Cell phone 479.629.0846

Recently I read an article in the SW Times Record asking for volunteers to fill three vacant positions on the WAPDD. I have lived and worked in the Fort Smith area for over Eleven years and have a great interest in what goes on in my city. While I'm retired, I continue to volunteer within organizations here in Fort Smith, most recently with the RSVP program participating in this year's tax preparation for low income and over 60+. BG Hendrix is a good friend of mine and I continue to visit the Senior Citizen Centers with him. My wife is the Treasurer for the Sparks Women's Guild and I continue to help her on some of the Charity projects when needed. I feel that with my energy, professional experience, and desire to do what I can to help in the development of Fort Smith, that I can be a great asset as a member of the WAPDD. I have included a brief resume of my professional career.

During my Professional career, I have developed excellent technical and managerial skills, and interpersonal communications and relationships. I have successfully demonstrated my ability to plan, design, test, implement and deliver quality products. I have earned three patents. My leadership skills are also very good and I have interacted as an individual of one or in a team with resources from one functional group through multi-dimensional teams, including and up to the executive level. This encompasses internal groups within my employment, as well as customers and suppliers. I have successfully held the positions of Engineering Manager, Director of Engineering, and Director of Operations and Business Development.

When I moved here in 2002 I took a employment with the Postal Service and held many different positions. This included positions at all stations as carriers, window clerk, mail handler, and eventually carrier supervisor.

Employment History

Sept 2002 - 2010	Postal Carrier for the US Post Office	Fort Smith, AR
2000 - October 2001	RAID, Inc.	Lawrence, MA

Director of Operations and Business Development

Contributed senior management level expertise to the growth of corporate revenue goals and product development initiatives. Part-owner, member of the Board of Directors, and Senior Manager in charge of Hardware Engineering and Manufacturing. **Managed** the daily operations of Hardware Engineering and Manufacturing groups. **Interfaced** with clients at technical and executive levels to support customer-focused -- corporate relationships. **Applied** a cross-functional, hands-on approach to the management of company-wide, product development and continuous product quality goals. **Analyzed** operational efficiency to provide a quality production facility and sufficient operational resources. **Developed** financial plans, departmental budgets, and business plans in support of continuous, high quality, product development.



August 14, 2013

TO: Members of the Board of Directors
Members of the Fire Code Board of Appeals and Adjustments

RE: Appointments:

The term of Mr. Mike Schluterman of the Fire Code Board of Appeals and Adjustments will expire October 31, 2013. In accordance with Ordinance No. 2926 applications for this prospective vacancy are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on September 11th, 2013. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in blue ink that reads "Ray Gosack".

Ray Gosack
City Administrator

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430