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
November 5, 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 OCTOBER 15, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation of proposed 2014 Budget

2. Resolution authorizing the City Administrator to execute a grant letter with The Walton Family Foundation for the construction of the River West Trail

3. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: Unclassified to Office, Research and Light Industrial (ORLI) / Rezoning: Not Zoned to Industrial Light (I-1) by classification located at 12010 Old Highway 71 South)*

4. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(November 2013 Amendments)*

5. Ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur and for other purposes *(1401 North 11th Street – 3 structures)*

6. Resolution granting a temporary revocable license for the placement of a soil gas monitoring point in a public right-of-way *(Jacobs Avenue)*

7. Consent Agenda

   A. Resolution accepting completion of and authorizing final payment for repairs to the city parking facility at 700 Rogers Avenue *($5,451.60 / Planning Department / Budgeted – Parking Authority Fund)*

   B. Resolution authorizing engineering services agreement for the design of a project in the 2014 Sales Tax Program *($80,800.00 / Engineering Department / Budgeted – Sales Tax Program Fund)*

   C. Resolution accepting the project as complete and authorizing final payment to Matlock Electric Company Inc. for replacement of emergency generators at Fire Stations 1 through 10 *($20,436.50 / Fire Department / Budgeted – 2012 Sales Tax Bonds)*

   D. Resolution accepting bids for the purchase of fleet trucks *($197,824.00 / Utility & Street Departments / Budgeted – General, Water & Wastewater and Street Funds)*

   E. Resolution accepting the project as complete and authorizing final payment to Crawford Construction Company for Sunnymede Pump Station Force Main Emergency Repair at Horan Drive *($109,765.00 / Utility Department / Not Budgeted – Appropriated funds from Unobligated Water and Sewer Operating Funds)*

   F. Resolution authorizing the City Administrator to execute an agreement with a property owner for the acquisition and release of easements in connection with the Mill Creek Interceptor Improvements – Phase 1 *($1,101.15 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

   G. Resolution authorizing partial payment to Archer Western Construction, LLC for construction of the Zero Street Pump Station Wet Weather Improvements – Pump Station and EQ Storage *($1,334,720.30 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

   H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Hawkins-Weir Engineers, Inc. for design services of the Wastewater Pump Station No. 5 Interceptor Sewer Easement Clearing and Access Road *($44,240.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

I. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for construction of the Chaffee Crossing Area F Sewer Extension *($20,508.67 / Utility Department / Budgeted – 2008 Revenue Bonds)*

J. Resolution authorizing final payment to Forsgren, Inc. for the Chaffee Crossing Area F Extension *($45,744.26 / Utility Department / Budgeted – 2008 Revenue Bonds)*

K. Resolution authorizing the Mayor to execute a temporary revocable license agreement granting to Sunbelt Holdings for a private sanitary sewer service (force main) in the public right-of-way

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

ADJOURN

1.

MEMORANDUM

October 31, 2013

TO: Mayor/Board/Administration

FROM : Kara Bushkuhl, Director of Finance

SUBJECT: 2014 Proposed Budget

The 2014 Proposed Budget and Supplement will be distributed to you at the meeting Tuesday, November 5th.

As a reminder, attached is a copy of the schedule for departmental budget reviews with the Board.

Should you have any questions or require more information, please do not hesitate to contact me.

FY2014 Proposed Budget
Board Review Meeting
Schedule

Community Room-Fort Smith Police Department
6:00pm Each Night
Dinner will be available at 5:30pm

Thursday, November 14th

Overview Presentation of Proposed FY2014 Budget

Management Services (Human Resources only)
Development Services (Needs to be reviewed this session)
Street & Traffic Control
Water & Sewer
Sanitation

Monday, November 18th

Policy & Administrative Services
Management Services (City Clerk, Finance & ITS)
Police Services (Needs to be reviewed this session)
Fire Services
Parks
Convention Center
Transit
Non-Departmental

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A GRANT LETTER WITH THE WALTON FAMILY FOUNDATION FOR THE CONSTRUCTION OF THE RIVER WEST TRAIL

WHEREAS, the Walton Family Foundation has offered a grant of $1 million to the City of Fort Smith for the construction of the River West Trail along the Arkansas River front in Fort Smith;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The City Administrator is hereby authorized to execute a grant letter with the Walton Family Foundation whereby said foundation will provide to the City of Fort Smith a grant of $1 million for the construction of the River West Trail along the Arkansas River front in Fort Smith.

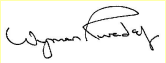
This Resolution passed this _____ day of November, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____
No Publication Required

MEMORANDUM

November 1, 2013

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: River West Trail

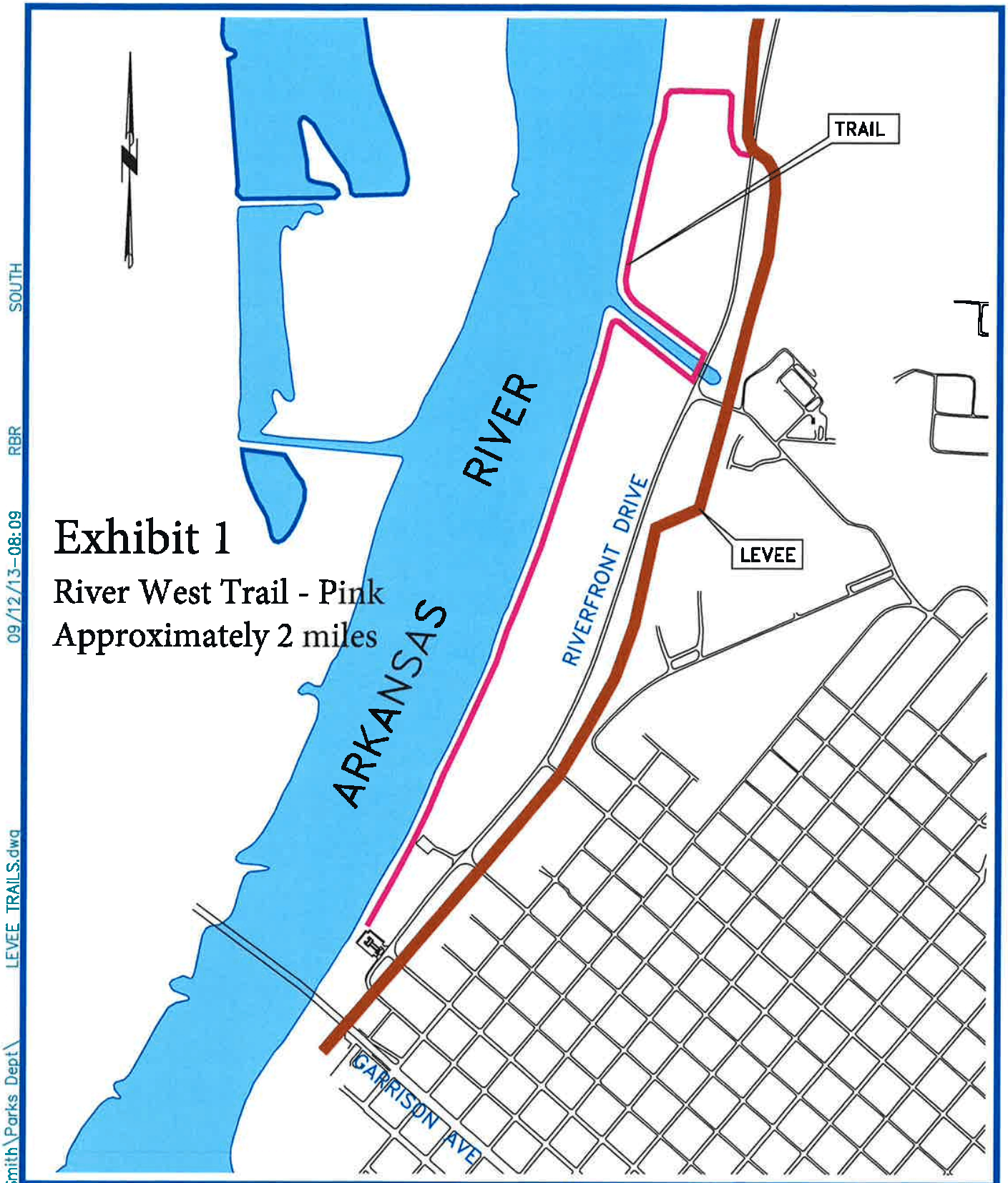
The Walton Family Foundation has offered a grant of $1 million to stimulate the construction of the River West Trail along the Arkansas River front. The 2-mile trail, which is a part of Fort Smith's master trail plan, would connect the downtown River Park with the existing Rice Carden Levee trail located north of North P St. When completed, there would be a continuous public trail of 5 miles between the Fort Smith National Historic Site and the northern bend in the Arkansas River.

The city would add $1,034,000 in trails funding to complement the grant. Design work would begin in spring 2014; construction is anticipated to begin in September 2014 and be completed by mid 2015. Easements for the new trail have been provided by the Westphal and Griffin families, and by the U.S. Marshals Museum.

The trail will provide a recreational amenity along Fort Smith's river front. Trails promote healthier lifestyles and add to a community's quality of place. An enhanced quality of place supports economic development, one of the board's top goals. The staff recommends approval of the grant letter with the Walton Family Foundation.

- Ray

Attachments



C:\City of Ft Smith\Parks Dept\ LEVEE TRAILS.dwg 09/12/13-08:09 RBR SOUTH

PROPERTY LOCATION MAP RIVER TRAILS FORT SMITH, ARKANSAS	The City of Fort Smith ARKANSAS	Project: Date: SEPT. 2013 Scale: NONE Drawn By: RBR

Exhibit 2

River West Trail and Rice Carden Levee Trail in pink Approximately 5 miles

PROPERTY LOCATION MAP
RIVER TRAILS
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	
Date:	SEPT. 2013
Scale:	NONE
Drawn By:	RBR

C:\City of Ft Smith\Parks Dept\ LEVEE TRAILS.dwg 09/12/13-08:09 RBR ALL

The
WALTON FAMILY
FOUNDATION

| P.O. Box 2030 | Bentonville | AR 72712-2030

September 20, 2013

Rec'd. 10/15/13
RG

Ray Gosack, City Administrator
City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901

Grant Number: #2013-1044

Dear Mr. Gosack,

It is my pleasure to inform you that The Walton Family Foundation, Inc. (the "Foundation") has approved a $1,000,000.00 grant to the City of Fort Smith (the "Grantee"). This grant is at the recommendation of Jim and Lynne Walton and is subject to the following terms and conditions:

1. **Purpose:** The purpose of the grant is to support the construction of the River West Trail, as more fully described in Grantee's email correspondence dated September 12, 2013. Grantee agrees to use all grant funds exclusively for the grant's purposes. Any changes in these purposes must be authorized in advance by the Foundation in writing.

2. **Amount: One Million Dollars ($1,000,000.00)**

3. **Payable:** The grant is contingent upon the City of Fort Smith's contribution of $1,000,000.00 to the River West Trail project and evidence of the construction start-date. The grant is scheduled to be paid by August 31, 2014 and will be payable within 14 days of the receipt of the construction contract and start-date and a copy of this letter from Grantee acknowledging the terms and conditions set forth herein.

4. **Accounting:** (a) The Foundation encourages, whenever feasible, the deposit of grant funds in an interest-bearing account. For purposes of this letter, the term "grant funds" includes the grant and any income earned thereon.

(b) Grantee will maintain records of receipts and expenditures made in connection with the grant funds and will keep these records during the period covered by the Grantee's reporting obligations specified in paragraph 5 and for at least four years thereafter ("Maintenance Period"). Grantee will make its books and records in connection with the grant funds available for inspection by the Foundation during normal business hours as the Foundation may request at any time during the Maintenance Period.

5. **Reporting:** Grantee will provide the Foundation with a project update by August 15, 2014. Grantee will also provide an annual report on Grantee's use of the grant funds for the current calendar year and each year thereafter in which grant funds remain to be expended. Each such report should include an account of expenditures of grant funds and a narrative of what was accomplished by the use of such funds during the year (including a description of progress made in fulfilling the purposes of the

P.479.464.1570 | F.479.464.1580 | www.waltonfamilyfoundation.org

grant and a confirmation of Grantee's compliance with the terms of the grant). The first annual report shall be submitted by August 15, 2015.

All reports will be sent electronically to specialinterest@wffmail.com as well as the Program Officer listed in paragraph 11 below. Please reference Grant #2013-1044 on all reports submitted.

6. **Representations:** Grantee represents and warrants to the Foundation that:

(a) Grantee is an organization in good standing, is either an organization described in section 501(c)(3) of the Internal Revenue Code ("Code") or a governmental unit, and is not a "private foundation" described in section 509(a) of the Code. Grantee will promptly notify the Foundation of any change in Grantee's tax status under the Code.

(b) In no event will Grantee use any grant funds:

(i) to carry on propaganda, or otherwise to attempt, to influence legislation;

(ii) to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; or

(iii) to undertake any activity other than for a charitable, educational or other exempt purpose specified in section 170(c)(2)(B) of the Code.

(c) Grantee will comply with all applicable laws and regulations.

7. **Release and Indemnity:** Unless prohibited by law, Grantee shall release and hold harmless the Foundation and its directors, officers, employees and agents from and against any and all claims, actions suits, and demands made by the Grantee arising out of or related in any way to the actions or omissions of Grantee (or its directors, officers, employees, agents or contractors) in connection with the Grant and the project funded by the Grant, except to the extent caused by the Foundation's (or its directors', officers', employees' or agents') negligent actions or omissions. Grantee further agrees to cause any contractor retained by Grantee to construct the River West Trail Project to indemnify, defend and hold harmless the Foundation and its directors, officers, employees and agents from and against any and all claims, actions, suits, demands, damages, losses, expenses and liabilities, arising out of or related in any way to the actions or omissions of Grantee (or its directors, officers, employees, agents or contractors) in connection with the Grant and the project funded by the Grant, except to the extent caused by the Foundation's (or its directors', officers', employees' or agents') negligent actions or omissions, and to carry insurance in such forms and amounts as are commercially and reasonably appropriate to enable the contractor to indemnify and defend the Foundation as provided herein.

8. **Repayment:** Grantee agrees to repay to the Foundation any portion of the grant funds not used for the grant's purposes. In addition, the Foundation may discontinue any further payments to Grantee, and may direct Grantee to repay any unexpended grant funds to the Foundation, if any of the following events occurs:

(i) Grantee ceases to maintain its tax-exempt status as described in paragraph 6(a) above;

(ii) Grantee fails to comply with the terms of this letter; or

(iii) There is a material change in Grantee's key personnel that in the sole opinion of the Foundation adversely affects Grantee's management of the grant.

9. **Grant Publicity:** Grant publicity related to this grant consistent with Grantee's normal practice is permitted, subject to the following provisions. The Foundation expects any announcements and other publicity to focus on Grantee's work and the project or issue funded by the grant. Recognition of the Foundation's role in funding the project is permitted, provided that the timing, content and strategic focus of such publicity should be approved by the Foundation contact listed in paragraph 11. Publicizing the grant and the Foundation in Grantee's publications and communications in a manner consistent with similar grants obtained by Grantee is permitted.

The Foundation may ask Grantee to provide illustrations, photographs, videos, recordings, information or other materials related to the grant (collectively "Grant Work Product") for use in Foundation communications including the Foundation's website, annual report, newsletters, board materials, presentations, communications and other publications. Grantee agrees to provide the Foundation with such items upon the Foundation's reasonable request and hereby grants to the Foundation and anyone acting under the authority of the Foundation a fully paid-up, world-wide, right and license to use, reproduce, display and distribute the Grant Work Product in connection with the Foundation's charitable operations and activities. In connection therewith, Grantee shall be responsible for obtaining all necessary rights and permissions from third parties for the Foundation to use the Grant Work Product for these purposes. By signing this Agreement, Grantee also acknowledges and agrees to use by the Foundation of historical, programmatic and other information relating to Grantee and the grant hereunder.

10. **Gratuities:** The Foundation desires that all of Grantee's resources be dedicated to accomplishing its philanthropic purposes. Therefore, Grantee agrees that it will not furnish the Foundation or its Board of Directors, officers, staff or affiliates with any type of benefit related to this grant including tickets, tables, memberships, commemorative items, recognition items, or any other benefit or gratuity of any kind.

11. **Contact:** For all communications regarding the grant, your point of contact at the Foundation will be Special Interest Programs Director, Naccaman G. Williams. He can be contacted via phone or email as follows: Telephone number (479) 464-1582, Fax number (479) 464-2182, and Email nwilliams@wffmail.com.

We have enclosed two original grant letters. Please sign one copy as Grantee's acknowledgment of the terms and conditions herein stated and return it to me in the enclosed self addressed envelope. If the signed acknowledgment of this letter is not received in the Foundation's office by ~~October 7~~, 2013, the Foundation will consider the Grantee to have declined the grant.

RG November 8,

On behalf of the Foundation, I extend every good wish for the success of your organization's endeavors.

Sincerely,

Buddy D. Philpot
Executive Director

ACKNOWLEDGED AND AGREED

By: _____
Ray Gosack, City Administrator Date
City of Fort Smith

3.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on October 8, 2013, that said change be made; and,

WHEREAS, the Planning Commission determined the change to the Master Land Use Plan Map does conform to the goals and objectives of the Comprehensive Plan.

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 15-10-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 8, 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: The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Unclassified to Office, Research and Light Industrial (ORL1) and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

> Tract 4 and Tract 5 of Rye Hill Estates as filed for record January 20, 1971, being a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 23, T-7-N, R-32-W, Sebastian County, Arkansas, more particularly described as follows:

Commencing at the Northeast corner of said SE ¼ of the SE ¼; thence S 00◦25'E, 25.54 feet along the Centerline of Old Highway 71 to the Point of Beginning, said point being the Northeast corner of said Tract 4; thence S 00◦25'E, 390.0 feet along said Highway centerline to the Southeast corner of said Tract 4; thence S 89◦53'W, 1,087.5 feet to the Southwest corner of said Tract 5; thence N 01◦49'E, 390.0 feet to the Northwest corner of said Tract 5; thence N 89◦53'E, to the Point of Beginning containing 9.66 acres more or less and except public rights of way; less and except minerals and mineral rights.

more commonly known as 12010 Old Highway 71.

SECTION 2: The real property described in Section 1 above is hereby rezoned from Not Zoned to Industrial Light (I-1) by Classification.

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

PASSED AND APPROVED THIS_____DAY OF _____, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
Publish One Time

The City of Fort Smith ARKANSAS

October 29, 2013

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

Re: A request by Alan Lewis, agent, for KMW Properties, LLC, for Planning Commission consideration of a Master Land Use Plan Amendment from Unclassified to Office, Research and Light Industrial (ORL1) and a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 12010 Old Highway 71.

On October 8, 2013, the City Planning Commission held a public hearing to consider the above requests.

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate the use of the property as storage for portable storage containers.

Ms. Andrews stated that prior to the annexation of this property in 2005, the property's land use classification was ETJ Light Industrial and the zoning was ETJ Open-1. At the time of annexation, the property was utilized as an office for storage for oil and gas field equipment and when the property was annexed into the City in 2005, the owners were not required nor did they request a zoning district designation for this property.

Ms. Andrews noted that without zoning on the property, the existing land use could continue as a legal nonconforming use; however, no expansions or intensifications of land use are permitted nor can any permits be issued for expansions or new construction without a proper zoning classification on the property. Ms. Andrews stated that recent discussions about an additional use or expansion/intensification of use on the property and the need for permits is the reason for the request for a zoning classification at this time.

Ms. Andrews stated that a neighborhood meeting was held on Friday, October 4, 2013, at 3:00 p.m. at the site. She noted that staff had received an e-mail from Jimmy Didier, a surrounding property owner, who objects to the proposed master land use plan and rezoning stating the proposed industrial zoning would decrease the value of his commercial properties.

Mr. Alan Lewis was present to speak in support of these requests.

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

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

Following a discussion by the Commission, Chairman Sharpe called for the vote on these items.

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 9 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 9 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

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: September 24, 2013

Re: Proposed Master Land Use Plan Amendment for12010 Old Highway 71 from Unclassified to Office, Research and Light Industrial (ORLI)

As a companion application to the rezoning application for 12010 Old Highway 71, the Planning Department has prepared an application to amend the *Master Land Use Plan* from Not Classified to Office, Research and Light Industrial to accommodate a proposed zoning to Industrial Light (I-1). The subject property is on the northwest corner of the intersection of Spring Mountain Road and Old Highway 71. The tract contains an area of approximately 9.6 acres with approximately 1082 feet of street frontage along Spring Mountain Road and approximately 390 feet of street frontage along Old Highway 71.

The existing zoning of the site is Not Zoned (NZ). A companion application proposes the Industrial Light (I-1) zoning district by classification. The *Master Land Use Plan* is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The areas to the north are classified as ETJ Neighborhood Commercial (NC) and ETJ Low Density Residential (LDR) and contain undeveloped areas and an area developed with one residence.

The area to the east is unclassified and is developed as commercial (Sugar Shack, a liquor store and offices).

The areas to the south are unclassified and ETJ Low Density Residential (LDR) and developed as an electrical contractor and undeveloped areas.

The area to the west is classified as ETJ Light Industrial and is developed as a rural fire station and undeveloped areas.

The proposed Land Use classification of Office, Research and Light Industrial (ORLI) is described as follows:

2A

To provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

Characteristics and Use:

Criteria for Designation:	**Compliance Noted**
• Compatible with and complimentary to surrounding uses.	YES*
• Located on high volume arterials and collectors	NO**
• Located as a cluster of like services	NO
• Accessible by most modes of transportation	YES
• Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use	YES

* Prior to annexation in 2005, the property's land use classification was ETJ Light Industrial.

** The applicant has submitted an application requesting a variance from the minimum street access of major arterial or higher.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Spring Mountain Road and Old Highway 71 as Local Roads.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held on Friday, October 4, 3 p.m., at the site. A summary of the neighborhood meeting will be provided at the planning commission meeting. Staff has received an e-mail from Jimmy Didier, a surrounding property owner, who objects to the proposed master land use plan and zoning. Mr. Didier states that the proposed industrial zoning will decrease the value of his commercial properties. A copy of Mr. Didier's e-mail is enclosed.

Based on the previous ETJ Industrial land use classification, staff recommends approval of the application to amend the land use classification to Office, Research and Light Industrial (ORLI).

2B

Andrews, Brenda

From: Jimmy Didier [jdidier@didierllc.com]
Sent: Tuesday, October 01, 2013 6:16 AM
To: Andrews, Brenda
Subject: 12010 Old Highway 71 South Rezoning request

Brenda, I will not be able to attend the neighborhood meeting planned for October 4, 2013 but I would like to submit my thoughts with regard to rezoning this property to I-1. As you are aware Didier Properties LLC owns the development across the street to the east of this property. There are seven commercial properties zoned C3-SPL. We designed and built this development based upon the master land use plan developed by the City of Fort Smith. I feel the industrial zoning request submitted to rezone the property to I-1 will decrease the value of my development as well as impact my vision as well as the City of Fort Smith development of the Rye Hill area. We have a great thing going on with the steady planned development of this area and I don't want to see anything degrade this area. With this being said, I strongly disagree with any zoning change beyond C3-SPL. I would support the C3-SPL zoning request or residential, duplex, condo, etc. I would ask the Fort Smith Planning Commission as well as the City of Fort Smith planning department to deny this request for I-1 zoning.

Thanks,
Jimmy Didier

Application Type

(•) Minor Amendment ( ) Standard Amendment ( ) Major Amendment *(See Section 27-328-5 C. (Criteria))*

[ ] Request to Amend Text [x] Request to Amend Map

Applicant Name: Fort Smith Planning Department

Firm Name: N/A

Address: 623 Garrison Avenue, Fort Smith, AR 72901

Phone (day): 479 784-2216 Phone (cell): N/A Fax: 479-784-2462

Owner Name: KMW properties, LLC

Owner Address: 60 South 6th Street, Fort Smith, AR 72901

Phone (day): N/A Phone (cell): N/A Fax: N/A

Property Address (subject property): 12010 Old Highway 71

Subject Property

Current Land Use: Storage

Existing MLUP Classification: Unclassified

Proposed MLUP Classification: Office, Research and Light Industrial

Existing Zoning Classification: Not Zoned

Proposed Zoning Classification: Industrial Light

2D

Surrounding Property

Current Land Use:	North:	Undeveloped and residential
	South:	undeveloped and commercial
	East:	Undeveloped and commercial
	West:	Undeveloped
Existing MLUP Classification:	North:	ETJ Commercial Neighborhood and ETJ Low Density Residential
	South:	ETJ Low Density Residential and Unclassified
	East:	Unclassified
	West:	ETJ Light Industrial
Existing Zoning Classification:	North:	ETJ Open-1
	South:	ETJ Open-1 and Commercial Heavy (C-5)
	East:	Commercial Moderate (C-3)
	West:	ETJ Industrial Light

Pre-Application Meeting Date: N/A

2E

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).

2. A map of the property which includes the scaled distance, legal description, and general vicinty map inset showing the property's location.

3. The area dimensions of the property in square feet or acres.

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

The property has access to Spring Mountain Road and Old Highway 71, both of which are paved and in good condition. The proposed development will have minimal impact on the existing roads and traffic conditions.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilites and infrastructure to the property if necessary:

Existing services are available at the property.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

The proposed Industrial Light zoning permits a maximum of 75% lot coverage

7. Identify any known or anticipated environmental concerns:

None are known or anticipated.

2F

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

   a. Describe potential changes to development patterns in terms of local and regional impacts:

   N/A

   b. Describe the consistency in zoning between existing and planned uses:

   N/A

   c. Provide explanation of the need for and demand in the proposed uses:

   N/A

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

   N/A

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

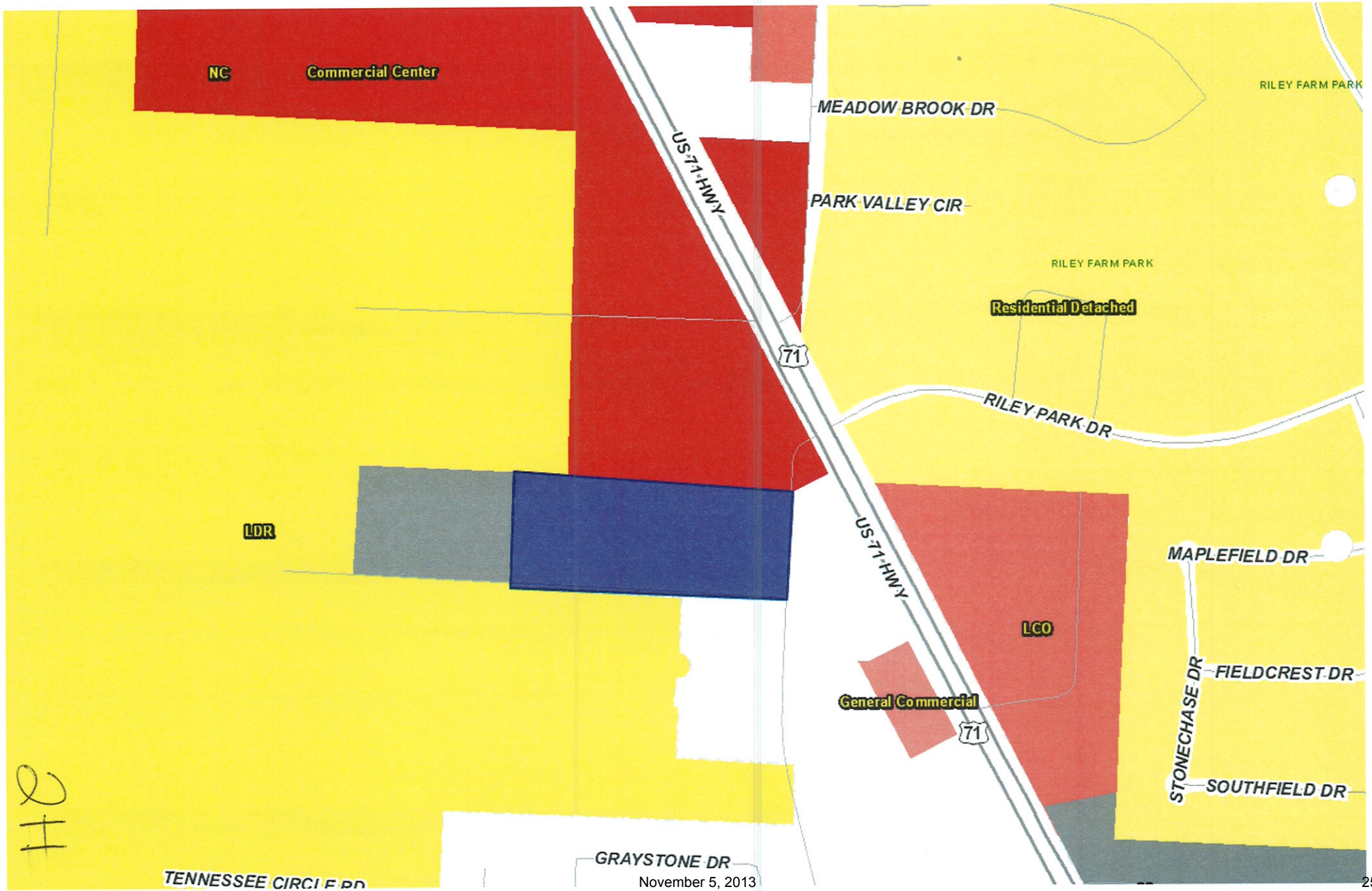
1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.

2. A description of the reasons supporting the amendment and the special circumstances requiring the change.

2G

Master Land Use Amendment: From Unclassified to Office, Research and Light Industrial

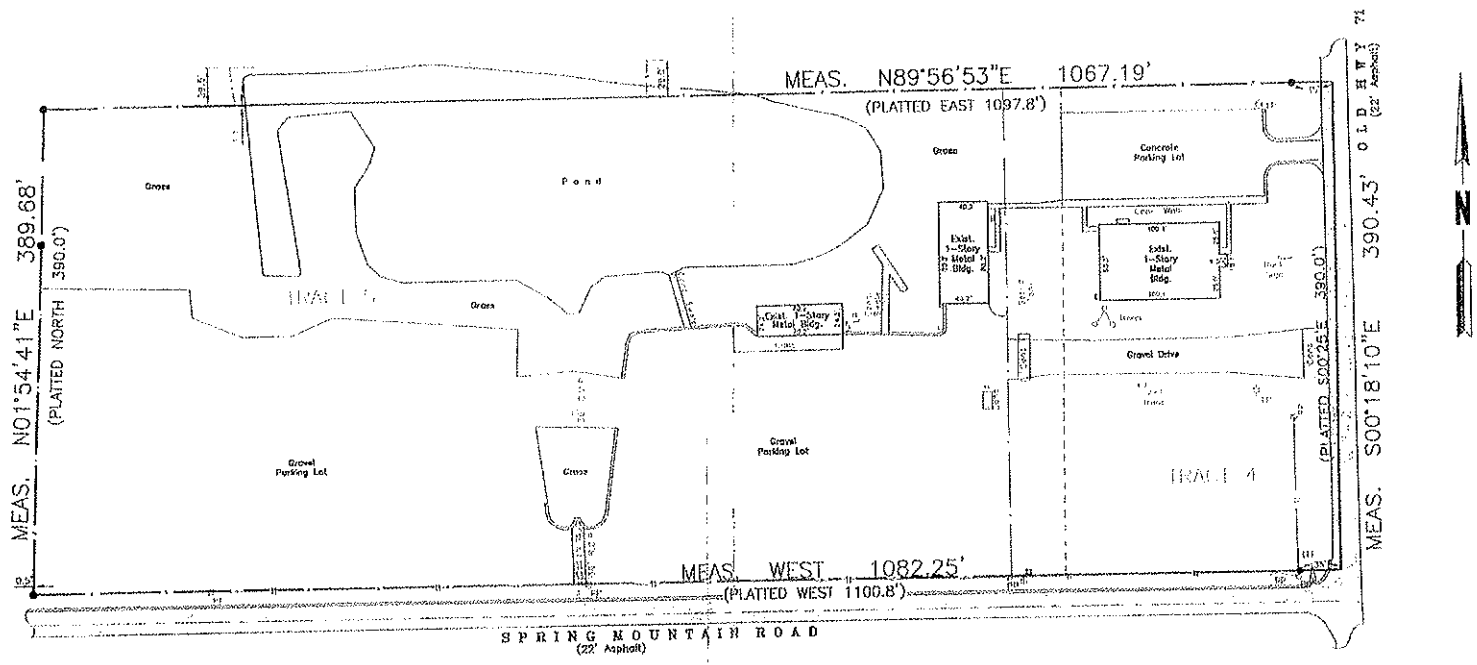
12010 Old Hwy 71 S



FLOOD INFORMATION:
PROPERTY NOT IN 100 YEAR FLOOD ZONE.
FEMA: COMMUNITY-PANEL NUMBER 050402 C PANEL 14, DATED MARCH 16, 1998

FOR USE BY:
KRAW PROPERTY, LTD

LEGAL DESCRIPTION:
TRACTS 4 & 5 RYE HILL ESTATES
BEING A PART OF THE SOUTHEAST QUARTER (SE1/4)
OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 32 WEST



REVISIONS	DATE

60 0 60
Scale in Feet

Legend
- Set 1/2" Rebar
- Existing Iron Pin/Pipe
- Set RR/Spike
- Existing RR/Spike
- Set Nail
- Existing Nail
- Power Pole
- Existing Fence
- Tele/Elec. Pedestal
- Water Meter
- Gas Meter
- Light Pole

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1272

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 25th DAY OF NOVEMBER, 20 02 TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO PURCHASE, OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

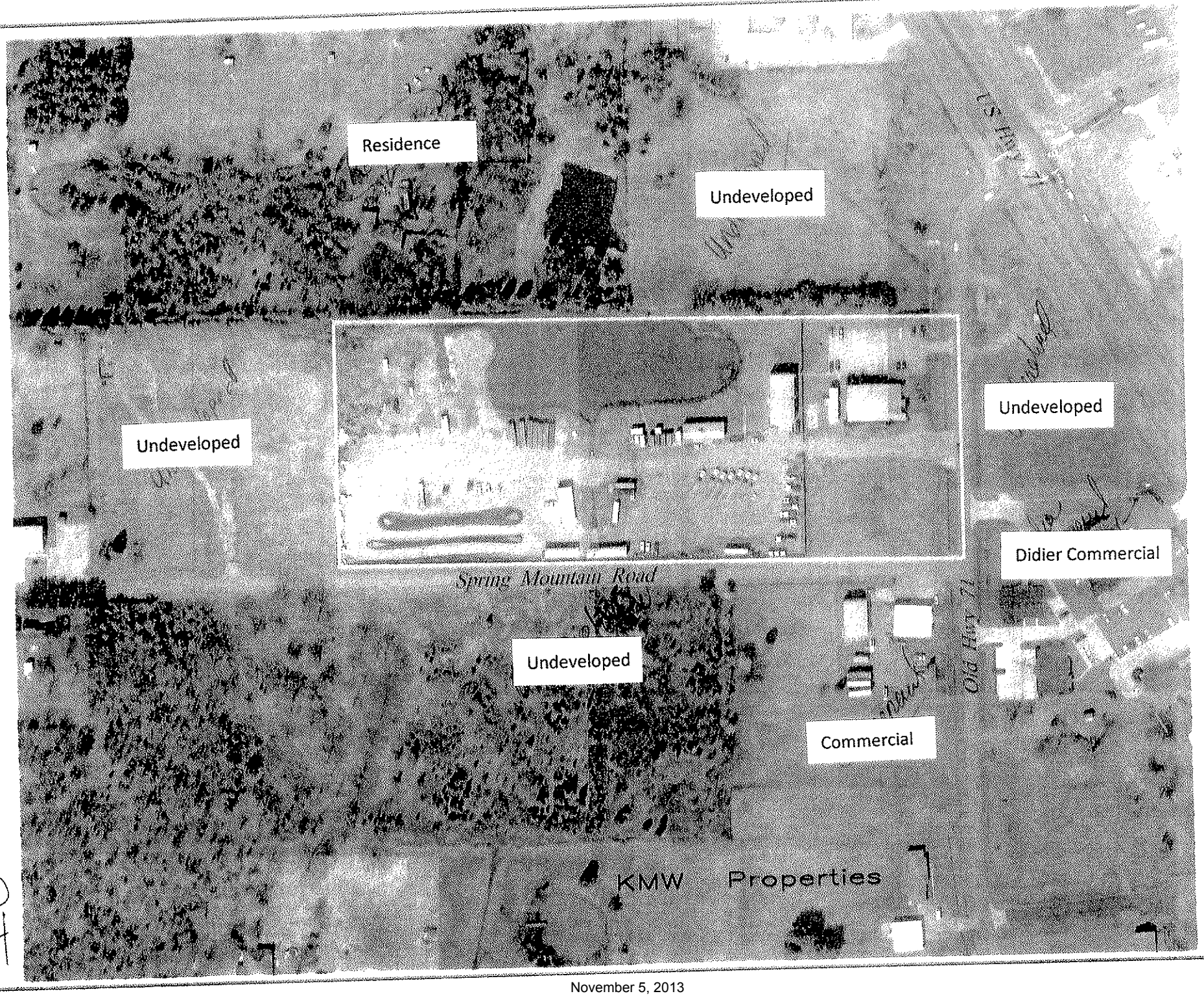
ANTHONY P. ANDERSON AR. PLS. 1272

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
SURVEY OF
TRACT 4 & 5
RYE HILL ESTATES

DATE: NOV. 25, 2002	BASIS OF BEARING: ASSUMED WEST ALONG THE SOUTH LINE OF TRACTS 4 & 5 RYE HILL ESTATES
JOB NO: 02-11-28	
SCALE: 1"=60'	

Anthony P. Anderson PLS
Professional Land Surveyor
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, Arkansas 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: rls1272@ipa.net

RECEIVED APR 2 8 2005 (1)


Residence
Undeveloped
Undeveloped
Undeveloped
Didier Commercial
Spring Mountain Road
Undeveloped
Commercial
KMW Properties

Memo

To: City Planning Commission

From: Planning Staff

Date: September 24, 2013

Re: Rezoning #15-10-13 - A request by Alan Lewis, agent, for Planning Commission consideration of a zoning request from Not Zoned to Industrial Light (I-1) by classification at 12010 Old Highway 71

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Spring Mountain Road and Old Highway 71. The tract contains an area of approximately 9.6 acres with approximately 1082 feet of street frontage along Spring Mountain Road and approximately 390 feet of street frontage along Old Highway 71.

EXISTING ZONING

Not Zoned.

REQUESTED ZONING

The existing zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, oil and gas equipment (sales and service), and commercial communication towers are examples of permitted uses.

3A

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned ETJ Open-1 and contain undeveloped areas and an area developed with one residence.

The areas to the east are zoned Commercial Moderate (C-3) and Not Zoned and are developed as commercial (Sugar Shack, liquor store, and offices).

The areas to the south are zoned Commercial Heavy (C-5) and ETJ Open-1 and are developed as an electrical contractor and undeveloped areas.

The area to the west is zoned ETJ Industrial Light (I-1) developed as a rural fire station and undeveloped areas.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Unclassified. A companion application requests a land use classification of Office, Research and Light Industrial (ORLI) for the property.

PROPOSED ZONING

The requested Industrial Light zoning will facilitate the use of the property as storage for portable storage containers.

3B

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Friday, October 4, 3:00 p.m., at the site. A summary of the neighborhood meeting will be provided at the commission meeting.

Staff has received an e-mail from Jimmy Didier, a surrounding property owner, who objects to the proposed master land use plan and zoning. Mr. Didier states that the proposed industrial zoning will decrease the value of his commercial properties. A copy of Mr. Didier's e-mail is enclosed.

Prior to the annexation of this property in 2005, the property's land use classification was ETJ Light Industrial and the zoning was ETJ Open-1. At the time of annexation, the property was utilized as an office for storage for oil and gas field equipment. When the property was annexed into the city in 2005, the owners were not required nor did they request a zoning district designation for this property.

Without zoning on the property, the existing land use on the property could continue as a legal non-conforming use. However, no expansions or intensifications of land use are permitted nor can any permits be issued for expansions or new construction without a proper zoning classification on the property. Recent discussions about an additional use or expansion/intensification of use on the property and the need for permits, is the reason for the request for a zoning classification at this time.

The proposed Industrial Light (I-1) zoning is considered a corrective zoning and is consistent with the previous ETJ land use classification prior to annexation.

Should the Planning Commission approve the zoning request, staff recommends the approval be contingent upon the following.

1. Approval of the companion variance and Master Land Use Plan Amendment.

3C

Andrews, Brenda

From: Jimmy Didier [jdidier@didierllc.com]
Sent: Tuesday, October 01, 2013 6:16 AM
To: Andrews, Brenda
Subject: 12010 Old Highway 71 South Rezoning request

Brenda, I will not be able to attend the neighborhood meeting planned for October 4, 2013 but I would like to submit my thoughts with regard to rezoning this property to I-1. As you are aware Didier Properties LLC owns the development across the street to the east of this property. There are seven commercial properties zoned C3-SPL. We designed and built this development based upon the master land use plan developed by the City of Fort Smith. I feel the industrial zoning request submitted to rezone the property to I-1 will decrease the value of my development as well as impact my vision as well as the City of Fort Smith development of the Rye Hill area. We have a great thing going on with the steady planned development of this area and I don't want to see anything degrade this area. With this being said, I strongly disagree with any zoning change beyond C3-SPL. I would support the C3-SPL zoning request or residential, duplex, condo, etc. I would ask the Fort Smith Planning Commission as well as the City of Fort Smith planning department to deny this request for I-1 zoning.

Thanks,
Jimmy Didier

Rez. #15-10-13

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 Exhibit "A"

2. Address of property: 12010 Old Highway 71, Fort Smith, AR 72916

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 I-1 by classification.
   (Extension or classification)

5. Why is the zoning change requested?

   This Property was annexed into the City of Fort Smith in 2005. It was not zoned at the time of annexation. Requested rezoning is consistent with land uses in place since annexation.

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

Signed:
KMW Properties, LLC

Alan Lewis
Owner or Agent Name
(please print)

5414 Pinnacle Point Dr., Ste. 500
Rogers, AR 72758
Owner or Agent Mailing Address

(479) 464-5656
Owner or Agent Phone Number

Owner

or

Agent

3E

EXHIBIT A TO CONVENTIONAL REZONING APPLICATION

Owner: KMW Properties, LLC
Property: 12010 Old Highway 71 South, Fort Smith, AR 72916

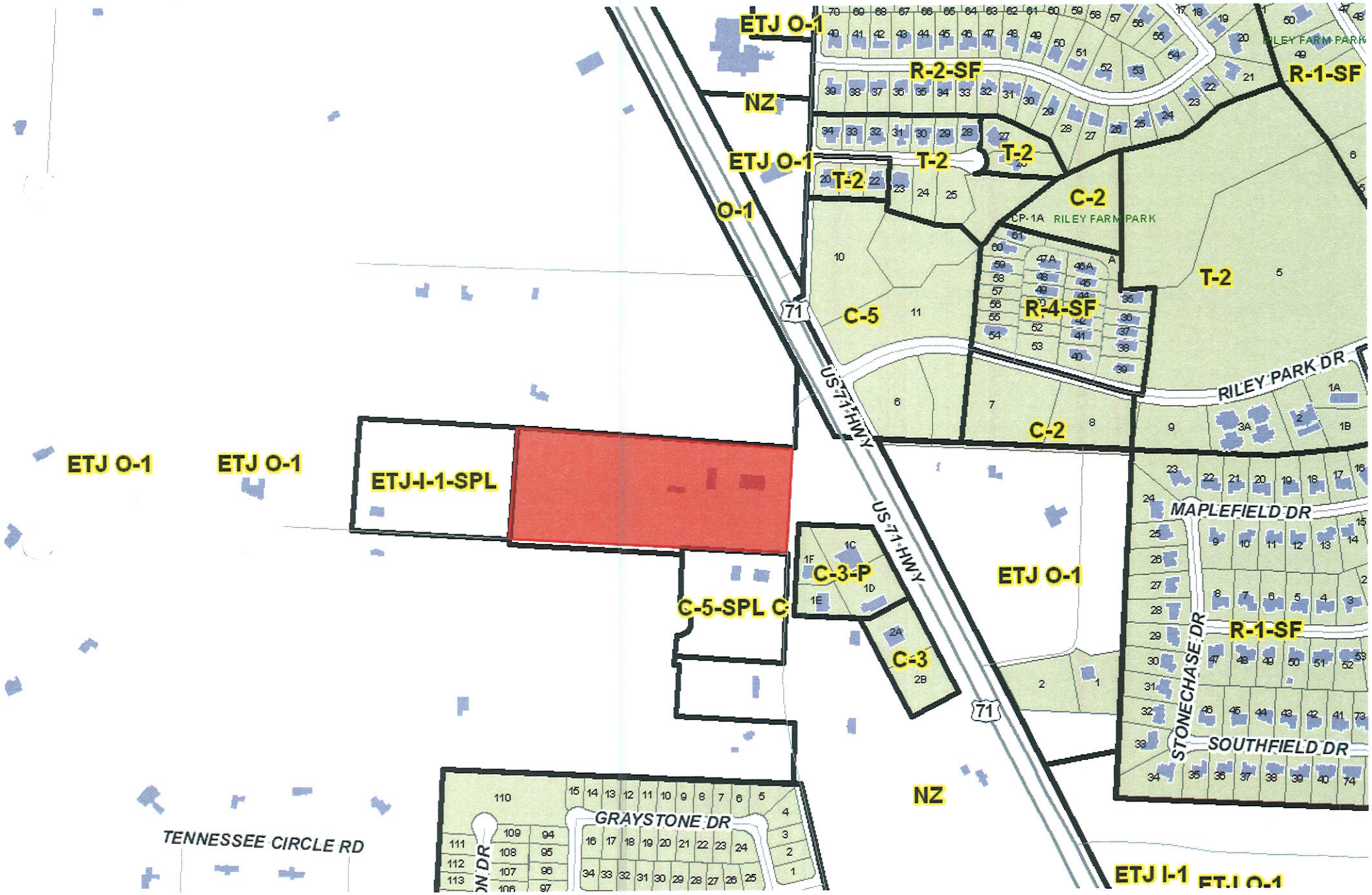
1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows:

   Tract 4 and Tract 5 of Rye Hill Estates as filed for record January 20, 1971, being a part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 23, T-7-N, R-32-W, Sebastian County, Arkansas, more particularly described as follows:

   Commencing at the Northeast corner of said SE1/4 of the SE1/4; thence S00°25'E, 25.54 feet along the centerline of old Highway 71 to the Point of Beginning, said point being the Northeast corner of said Tract 4; thence S00°25'E, 390.0 feet along said Highway centerline to the Southeast corner of said Tract 4; thence S89°53'W, 1,087.5 feet to the Southwest corner of said Tract 5; thence N01°49'E, 390.0 feet to the Northwest corner of said Tract 5; thence N89°53'E, to the Point of Beginging containing 9.66 acres more or less and except public rights of way; less and except minerals and mineral rights.

Rezoning # 15-10-13: From Not Zoned to Industrial Light (I-1)

12010 Old Hwy 71 S



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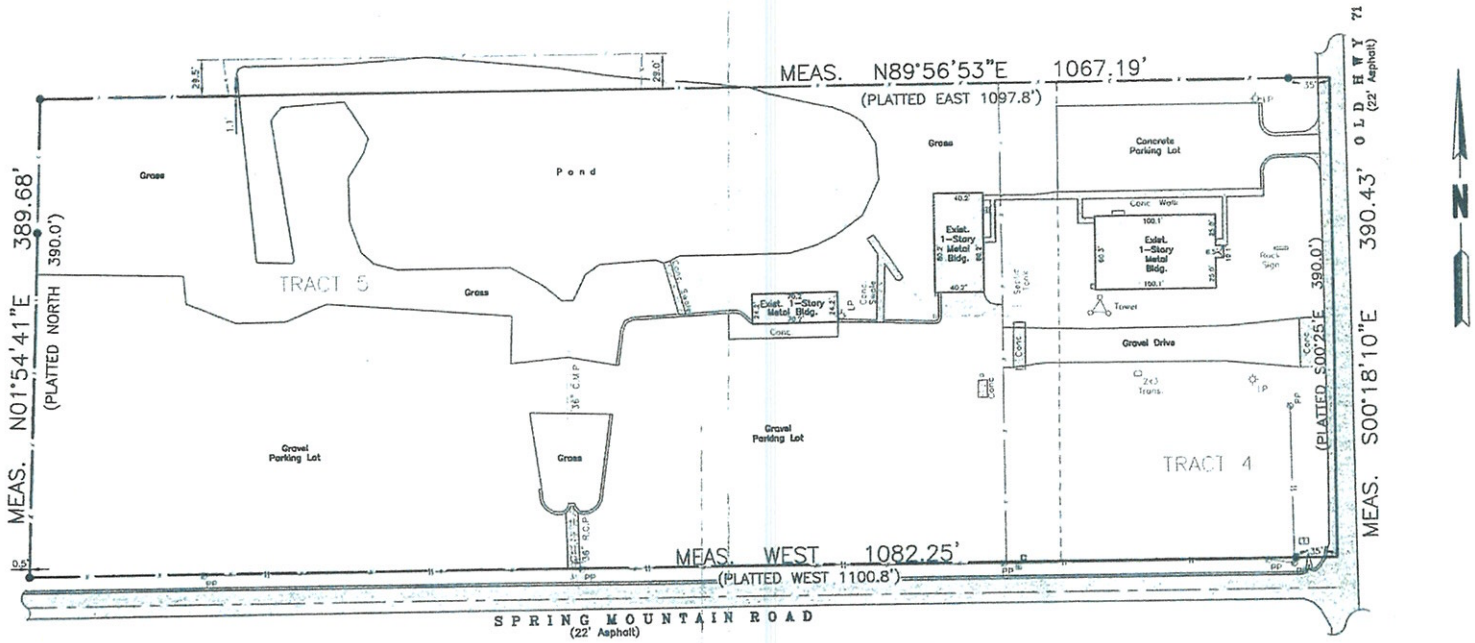
FLOOD INFORMATION:
PROPERTY NOT IN 100 YEAR FLOOD ZONE.
FEMA: COMMUNITY–PANEL NUMBER 050462 C PANEL 14, DATED MARCH 16, 1998

FOR USE BY:
KMW PROPERTY, LTD

LEGAL DESCRIPTION:
TRACTS 4 & 5 RYE HILL ESTATES
BEING A PART OF THE SOUTHEAST QUARTER (SE1/4)
OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 32 WEST



REVISIONS	DATE

60 0 60
Scale in Feet

Legend
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- Existing Iron Pin/Pipe
- Set RR/Spike
- Existing RR/Spike
- Set Nail
- Existing Nail
- Power Pole
- Existing Fence
- Tele/Elec. Pedestal
- Water Meter
- Gas Meter
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REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS NO. 1272

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 25th DAY OF NOVEMBER 20 02
TO THE BEST OF MY KNOWLEDGE AND ABILITY.
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR. PLS. 1272

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
SURVEY OF
TRACT 4 & 5
RYE HILL ESTATES

DATE: NOV. 25, 2002
JOB NO: 02-11-28
SCALE: 1"=60'

BASIS OF BEARING:
ASSUMED WEST ALONG
THE SOUTH LINE OF TRACTS
4 & 5 RYE HILL ESTATES

Anthony P. Anderson PLS
Professional Land Surveyor
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, Arkansas 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: ris1272@ipa.net

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37

Rye, Stephen Ralph
5412 Marion Lane
Fort Smith, Ar 72916-9230

Bancorp South Bank
PO Box 789
Tupelo, MS 38802

Arvest Bank
5000 Rogers Ave
Fort Smith, Ar 72902

Harlan, Beau
5611 Tennessee Ridge
Fort Smith, AR 72916

Hamm, Moody & Sue
12324 Old Hwy 71
Fort Smith, Ar 72901

Schrenkel, Peter & Cynthia S.
PO Box 8105
Midland, Tx 79708-8105

Moody, Betty Rye
5508 Marion Lane
Fort Smith, Ar 72916

Byerly, Debbie
5508 Marion Lane
Fort Smith, Ar 72916

Rye, Harold Douglas
5504 Marion Lane
Fort Smith, Ar 72916

Fraley, Jim W. Kathy L.
PO Box 180661
Fort Smith, Ar 72918

Four Corks, LLC
12100 Hwy 71 S
Fort Smith, Ar 72916

Didier Properties, LLC
12110 Hwy 71 S Ste B
Fort Smith, Ar 72916

Vandermillion Darla D Living Trust
12727 Old Hwy 71
Fort Smith, Ar 72916

Thomas, Gerald E Trust
PO Box 265
Greenwood, Ar 72936

Morgan, Ronnie Et al
12218 Old Hwy 71
Fort Smith, Ar 72901

Shekh, Riaz A & Khalida
4026 Norcross Road
Hixon, TN 37343

Pinemeadow Inc.
Po Box 180547
Fort Smith, Ar 72918

KMW Properties
60 South 6th Street
Po. Box 1356
Fort Smith, Ar 72901

2. **Master Land Use Plan Amendment from Unclassified to Office, Research and Light Industrial (ORLI) located at 12010 Old Highway 71 (companion item to items #3 & #8)**

3. **Rezoning #15-10-13; A request by Alan Lewis, agent for KMW Properties, LLC for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 12010 Old Highway 71. (companion item to items #2 & #8)**

8. **Variance #33-10-13; A request by Alan Lewis, agent for KMW Properties LLC, for a variance from major arterial to local street required minimum street access located at 12010 Old Highway 71 South. (companion item to items #2 & #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate the use of the property as storage for portable storage containers.

Ms. Andrews stated that a neighborhood meeting was held on Friday, October 4, 2013, at 3:00 p.m. at the site. She noted that staff had received an e-mail from Jimmy Didier, a surrounding property owner, who objects to the proposed master land use plan and zoning stating that the proposed industrial zoning would decrease the value of his commercial properties.

Ms. Andrews stated that prior to the annexation of this property in 2005, the property's land use classification was ETJ Light Industrial and the zoning was ETJ Open-1. At the time of annexation, the property was utilized as an office for storage for oil and gas field equipment and when the property was annexed into the City in 2005, the owners were not required nor did they request a zoning district designation for this property.

Ms. Andrews noted that without zoning on the property, the existing land use could continue as a legal nonconforming use; however, no expansions or intensifications of land use are permitted nor can any permits be issued for expansions or new construction without a proper zoning classification on the property. Ms. Andrews stated that recent discussions about an additional use or expansion/intensification of use on the property and the need for permits, is the reason for the request for a zoning classification at this time.

Mr. Alan Lewis was present to speak on behalf of these requests.

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

It was noted that the variance would need to be voted on prior to the vote on the Master Land Use Plan or rezoning request.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

8. **Variance #33-10-13; A request by Alan Lewis, agent for KMW Properties, LLC, for a variance from major arterial to local street required minimum street access located at 12010 Old Highway 71 South. (companion item to items #2 & #3)**

   Chairman Sharpe then called for the vote on the variance request. The vote was 9 in favor and 0 opposed.

2. **Master Land Use Plan Amendment from Unclassified to Office, Research and Light Industrial (ORLI) located at 12010 Old Highway 71 (companion item to items #3 & #8)**

   Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 9 in favor and 0 opposed.

3. **Rezoning #15-10-13; A request by Alan Lewis, agent for KMW Properties, LLC, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 12010 Old Highway 71. (companion item to items #2 & #8)**

   Chairman Sharpe called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed.

4. **Conditional Use #28-10-13; A request by Craig Roberts, agent for KMW Properties, for a conditional use to increase in size from 378 square feet to 480 square feet for an outdoor advertising sign located at 4896 I-540.**

5. **Conditional Use #29-10-13; A request by Craig Roberts, owner, for a conditional use to increase in size from 378 square feet to 480 square feet for an outdoor advertising sign located at 3971 I-540 North.**

   Since these requests are virtually the same just at different locations, the Commission requested they be discussed together but voted on separately.

4.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on October 8, 2013, that said changes be made; and,

WHEREAS, three (3) copies of November 2013 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

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

SECTION 1: The November 2013 Amendments to the Unified Development Ordinance Appendix A is hereby adopted.

SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS_____DAY OF _____, 2013.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

Publish One Time

October 29, 2013

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

Re: Unified Development Ordinance Amendments

On October 8, 2013, the City Planning Commission held a public hearing to consider amendments to the Unified Development Ordinance.

Mr. Wally Bailey indicated the following proposed amendments to the Unified Development Ordinance:

- Before the adoption of the Unified Development Ordinance. *Auto Parts and Accessory Sales* was permitted by right in the Commercial Light (C-2) zoning district and when the UDO was adopted, the use was removed from this zoning district thus creating some nonconforming businesses. After discussions with the Planning Commission, we recommend a change that makes *Auto Parts and Accessory Sales* a conditional use in the Commercial Light zoning district.

- Section 27-704-4 (C) regarding outdoor advertising regulations uses the term street instead of right-of-way. This amendment makes the change to help make the application of the ordinance consistent and clear.

No one was present to speak in support or in opposition to these proposed amendments.

Chairman Sharpe then called for the vote on the Unified Development Ordinance Amendments. The vote was 9 in favor and 0 opposed.

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. 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

Printed on 100% Recycled Paper

NOVEMBER 2013

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

Fort Smith Use Matrix	J	K	L	M	N	O					Q	R	S	T	U		W	X	Y	AB	Z	AC	AD	AE	AF
Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Size or density restrictions for any use may be noted in the district																									
Residence or Accommodation																									
Private Household																									
Single Family building																									
Structure: Accessory residential dwelling unit																P	P	P	P	P	P	P			
Structure: Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Structure: Duplex								P	P	P	P	P	P	P	P	P									
Structure: Guest house	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Structure: Manufactured home														P											
Structure: Mobile home park														C											
Structure: Mobile home subdivision														C											
Structure: Row house							P							P											
Structure: Zero lot line dwelling unit							P							P											
Multifamily (apartments/condominiums)											P	P	P	P	C			P	P	P	P	P			
Community residential facility												P	P	P				P	P	P	P	P			
Group home, family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Group home, neighborhood											P	P	P	P				P	P	P	P	P			
Homeless shelter																					C	C	C		
Orphanage																		C	C	C	C	C			
Transitional dwelling														P											
Housing for the Elderly																									
Assisted living											C	C	C	C	C	C		P	P	P	P	P			
Retirement housing											P	P	P	P	P	P		P	P	P	P	P			
Hotels, Motels, or other Accommodations																									
Bed and breakfast inn											C	C	C	C	C	C	C	P	P	P	P	P			
Dormitory, sorority, fraternity											C	C	C	C				C	C	C	C	C			
Hotel/motel																				P	P	P			
Rooming or boarding house											C	C	C	C				P	P	P	P	P			
General Sales or Services																									
Automobile Sales or Service																									
Auto & vehicle impoundment or holding yard (no salvage)																					C		P	P	P
Auto and vehicle dealer																					P	P	P	P	P
Auto and vehicle towing (wrecker)																					P		P	P	P
Auto auction																							P	P	P
Auto body shop and paint (new parts)																					C		P	P	P
Auto detailing service																		C	P	P	P	P	P	P	P
Auto glass, muffler, and seatcover shop																		C	C	C	P		P	P	P
Auto parts and accessories sales																		C	P	P	P	P	P	P	P
Auto quick lube																			P	P	P	P	P	P	P
Auto repair																					P		P	P	P
Auto repair or assembly (salvage parts)																									P

cause the allowable pedestal or monument sign area to be reduced by the amount of directional signage area.

(Ord. No. 3391, as amended, § 10-10(C), 11-1-76; Ord. No. 49-92, §§ 1, 2, 8-4-92; Ord. No. 60-95, § 1, 9-5-95)

27-704-3 Permitted signs in open, commercial and industrial zones

The following types of signs are permitted in open, commercial or industrial zones.

(1) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet.

(2) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall.

(3) Outdoor advertising signs shall comply with section 27-704-4.

(Ord. No. 3391, as amended, § 10-10(D), 11-1-76; Ord. No. 64-99, § 3, 10-5-99)

27-704-4 Outdoor advertising signs

(a) Outdoor advertising signs are to be considered as a specific use, rather than an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use.

(b) Outdoor advertising signs are permitted in all Industrial zones, Commercial-4 zones, Commercial-5 zones, ETJ Industrial Light zones, and ETJ Industrial Moderate zones. They may be permitted in ETJ Open-1 zones by the planning commission's approval of a Conditional Use request.

(c) No outdoor advertising sign structure of any size shall be permitted to be erected closer than one thousand (1,000) feet from an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in sign area. No more than four (4) outdoor advertising sign structures (over thirty-five (35) feet in area) per statute mile are permitted. All distances between two sign

structures or between any four (4) outdoor advertising sign structures, irrespective of which side of the ~~street~~ right-of-way one (1) or more of the four (4) structures may be located, shall be measured along a line parallel to the ~~street~~ right-of-way and from the centers of the closest support poles.

(d) No outdoor advertising sign shall be permitted to be erected closer than two hundred fifty (250) feet from any residentially zoned or developed property. The distance shall be measured from the property line of the residentially zoned or developed property closest to the subject sign to the center of the nearest support pole of the sign.

DRAFT

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
OCTOBER 8, 2013

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

Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes from the September 10, 2013, Planning Commission meeting as written.

Mr. Wally Bailey spoke on the procedures.

1. UDO Amendments

Mr. Wally Bailey read the staff report indicating the following proposed amendments to the Unified Development Ordinance:

- Before the adoption of the Unified Development Ordinance, *Auto Parts and Accessory Sales* was permitted by right in the Commercial Light (C-2) zoning district and when the UDO was adopted, the use was removed from this zoning district thus creating several nonconforming businesses. Staff is requesting to make *Auto Parts and Accessory Sales* a conditional use in the Commercial Light zoning district.

- Section 27-704-4 (C) regarding outdoor advertising regulations uses the term street instead of right-of-way and this amendment simply makes that correction to make the ordinance consistent and clear.

No one was present to speak either in favor or in opposition to these proposed amendments.

Chairman Sharpe then called for the vote on the UDO amendments as proposed. The vote was 9 in favor and 0 opposed.

5

ORDINANCE NO._____

AN ORDINANCE ORDERING THE OWNERS OF CERTAIN DILAPIDATED AND SUBSTANDARD STRUCTURES TO DEMOLISH SAME, AUTHORIZING THE CITY ADMINISTRATOR TO CAUSE THE DEMOLITION OF SUCH STRUCTURES TO OCCUR, AND FOR OTHER PURPOSES.

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

SECTION 1: It is hereby determined by the Board of Directors that the hereinafter described tract of real property, and the improvements located there, are dilapidated, unsafe and otherwise detrimental to the public health and constitute structural, fire and health hazards:

Street Address: **1401 NORTH 11TH STREET (PLUS TWO DETACHED STRUCTURES) -**

LOT 13, BLOCK 2; FORT SMITH CITY ADDITION

SECTION 2: The owners of the tract of real property described in Section 1 are hereby ordered to remove or raze the improvements located on the said tract of property and to remedy the unsightly and unsanitary conditions otherwise located on said tract of real property within thirty (30) days from the date of this ordinance.

SECTION 3: With reference to any tract identified in Section 1 as to which compliance with the direction of Section 2 has not occurred within thirty (30) calendar days from the date of passage of this ordinance, the City Administrator is hereby authorized to execute a contract, based on the bid(s) accepted on the date of this action or at a later date, for the removal or razing of the described improvements on the tract of real property.

SECTION 4: The provisions of this ordinance are hereby declared to be severable to the extent that a decision by any court of competent jurisdiction determining that any portion of this ordinance or any application thereof is unconstitutional, invalid or otherwise illegal shall not affect the constitutionality, validity or legality of the other provisions and/or applications of the ordinance.

SECTION 5: Emergency Clause. It is hereby found and declared by the Board of Directors that the dilapidated, unsanitary condition of the tracts of real property and improvements described herein constitute an immediate menace to the health, welfare and safety of the citizens of the City so that an emergency is hereby declared and that this ordinance shall be effective from and after the date of its passage.

This Ordinance adopted this _____day of_____2013.

APPROVED:

_____
Mayor

_____
ATTEST:

_____
City Clerk

Approved as to form:

_____
Publish One Time

MEMORANDUM

Building Safety Division

TO: Ray Gosack, City Administrator

FROM: Jimmie Deer, Building Official

DATE: October 29, 2013

SUBJECT: Unsafe Structures

The following structures have been damaged and/or deteriorated to a condition that has caused the Building Department to condemn them. The property and the improvements, thereon are now, and for several months prior hereto, have been dilapidated, unsafe, unsightly, unsanitary, obnoxious and detrimental to the public welfare and are found to be in violation of the Ordinances of the City of Fort Smith.

The property descriptions and owners are:

1401 North 11th Street (Plus two detached structures) - Lot 13, Block 2; Fort Smith City Addition

Owners: Roy C. Roberts and Wife
C/O Henry Roberts
1363 Buckingham Rd.
Winter Park, FL 32789

The owners of these properties have been notified according to the procedures outlined in Section 16-88 of the Fort Smith Municipal Code. The property owners were notified by certified mail and posting the same letters on the buildings. The letter or notice contains information concerning the appeal procedure outlined in Section 16-91 of the Municipal Code. The Code specifies that they must file any appeals within fifteen (15) days from the date of service. The owner(s) of the subject properties did not file an appeal within the fifteen (15) day period nor have they requested an appeal hearing since that deadline has passed.

1401 North 11th Street (Plus two detached structures)- The water service has been disconnected since before 2003 and the location has been a hangout for vagrants activity. There are several liens to the city and county on the property for clean up in the amount of $3985.07. Due to the condition of the structure unsafe notices were sent out on September 24, 2013. The letters were signed for. As of today the owners have taken no action to obtain permits to repair or demolish the structure.

Therefore, I am recommending this matter be referred to the Board of Directors for their review. An Ordinance will be prepared that will order the property owners to demolish or repair the buildings within thirty (30) calendar days and if such work has not occurred, the staff will be authorized to have the structures removed.

Please contact me if you have any questions or if we need to discuss this matter in more detail.

CC: Wally Bailey

Google earth

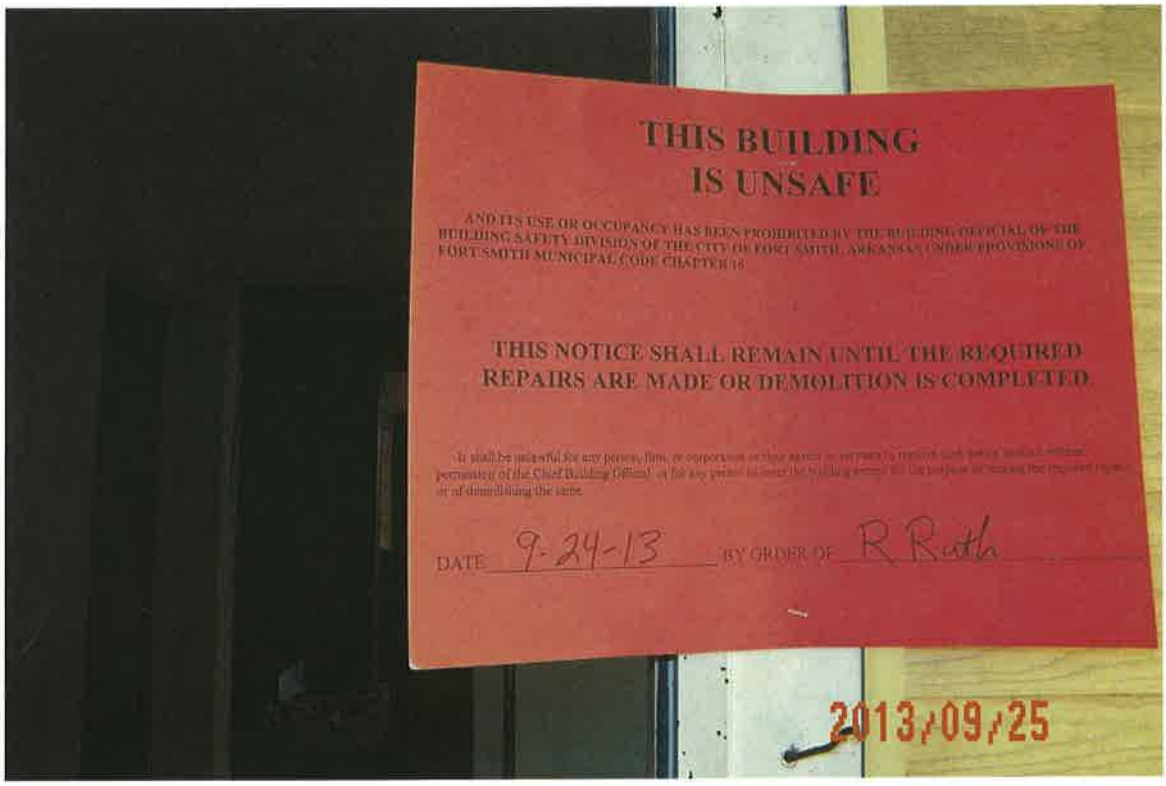
feet 100
meters 50

Google earth

feet 100
meters 50

1401 North 11th Street

Online GIS Map



1401 N. 11th St.

1401 N. 11th St.

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Detached Garage

1401 N. 11th St.

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

Semi-Attached Garage

1401 N. 11th St.

2013/09/25

2013/09/25

2013/09/25

2013/09/25

2013/09/25

6.

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: October 31, 2013

Subject: Whirlpool Corporation - Temporary Revocable License for the Placement of a Soil Gas Monitoring Point on Jacobs Avenue

Due to the proximity of the proposed location of a soil gas monitoring point to an existing 16" water transmission line, Whirlpool has requested that their request for a temporary revocable license be removed from the agenda. Whirlpool's consultant, Environ, is evaluating alternate sites that will be more suitable for the installation of the soil gas monitoring point.

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

Enc.

RESOLUTION NO._____

A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING FINAL PAYMENT FOR THE REPAIRS TO THE CITY PARKING FACILITY AT 700 ROGERS AVENUE

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

SECTION 1: The City of Fort Smith hereby accepts the construction of the above captioned project as complete.

SECTION 2: Final payment is hereby authorized in the amount of $5,451.60 to the contractor, Restocon Corporation, for the captioned project.

THIS RESOLUTION ADOPTED THIS _____DAY OF NOVEMBER 2013.

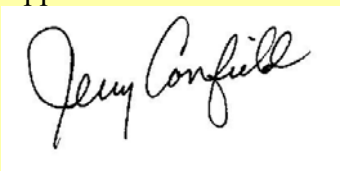
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
No Publication Required

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: October 31, 2013
Subject: Parking Garage at 700 Rogers Avenue

The subject project consisted repairs to the parking garage at 700 Rogers Avenue. The repairs are summarized as repairing of cracking in the precast concrete double-tee members, repairs of cracks and spalling in the concrete topping slab, repairs of damaged double-tee flange connectors, replacement of deteriorated sealant at double-tee flange joints, replacement of bearing pad and tee connectors at the southwest stairs and related work.

Restocon Corporation was awarded the contract for the work in the amount of $54,516.00 on August 6, 2013.

The work went well and has been inspected and met with the approval of the project engineer, H.J. Engstrom & Associates.

The final pay application for the project is $5,451.60.

I am recommending to the Board of Directors that the project be accepted as complete, and the final payment be made. A Resolution approving these recommendations has been prepared for the Board's approval.

Please contact me if you have any questions.

SUMMARY SHEET

City of Fort Smith
Project Status Complete
Today's Date: 6/6/2013
Staff contact name: Stan Snodgrass
Staff contact phone: 784-2225
Contract time (no of days): 180
Notice to proceed issued: 12/7/2012

Project Name: Parking Garage Repairs - 700 Rogers A\
Project Number: n/a
Consultant Engineer: H. J. Engstrom & Associates, Inc.
Project Contractor: Restocon Corporation

	Dollar Amount	Award Date	Contract Completion Date
Original bid award	$54,516.00	8/6/2013	10/11/2013
Contract Revisions:			
1	n/a		
Adjusted contract amount	$54,516.00		
Payments to date (as negative):	$49,064.40		
Amount of this payment	$5,451.60		
Contract balance remaining	$0.00		
Retainage held	0%		
Final payment	$5,451.60		
Amount under original as a percentage	0.0%		

Final Comments:

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ENGINEERING SERVICES AGREEMENT FOR THE DESIGN OF A PROJECT IN THE 2014 SALES TAX PROGRAM

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

SECTION 1: The Mayor is authorized to execute the engineering services agreement for the design of the following project in the 2014 Sales Tax Program utilizing the one cent sales tax proceeds.

Project No.	Description	Engineering Firm	Maximum Fee
14-03-A	Street Overlays / Reconstruction, Phase A	McGuire Engineering Fort Smith, AR	$80,800.00

SECTION 2: Payment for engineering services authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This Resolution adopted this _____ day of November, 2013.

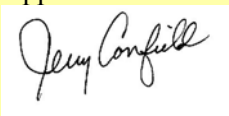
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



_____
NPR

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

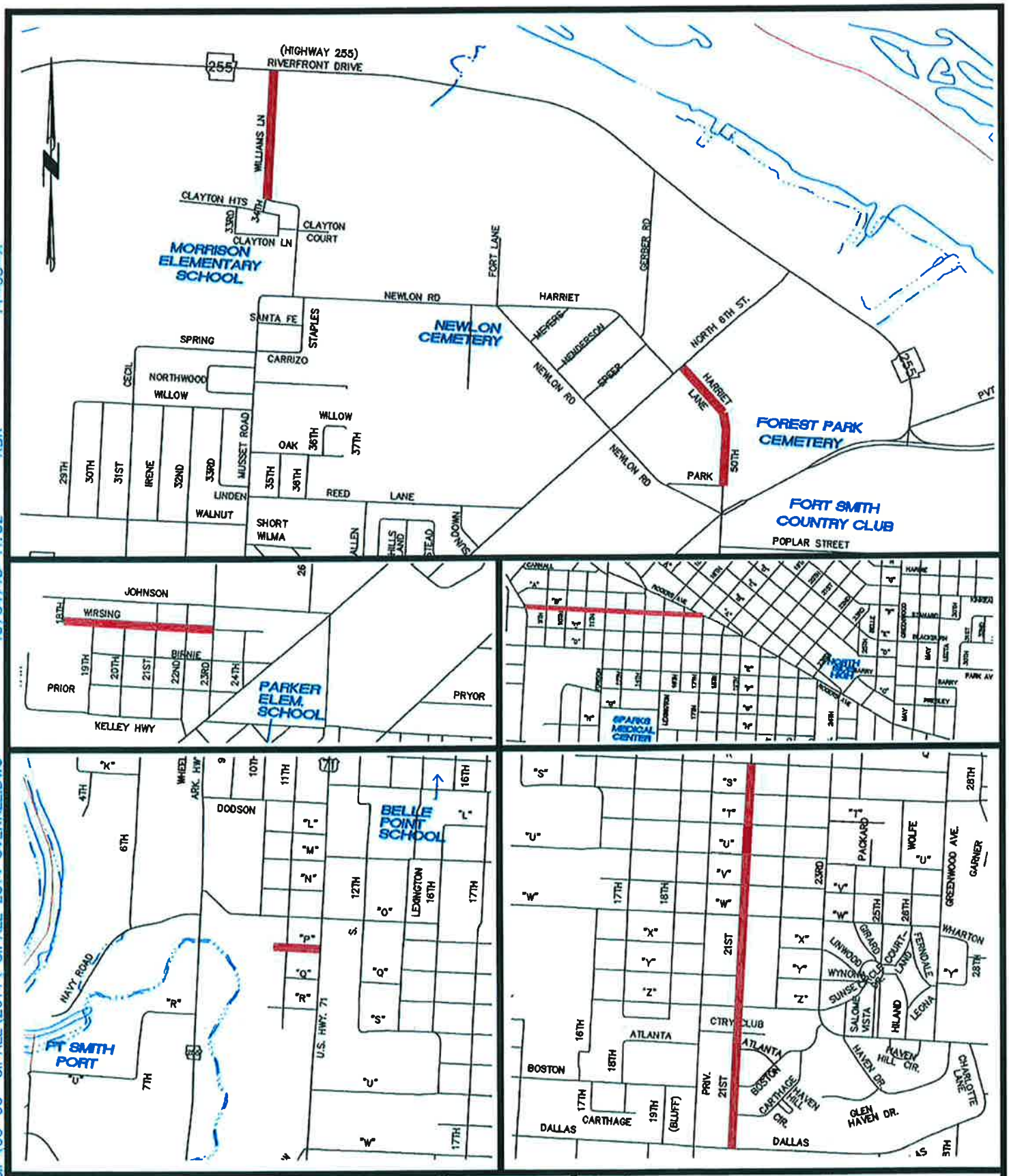
DATE: October 31, 2013

SUBJECT: 2014 Sales Tax Program
Engineering Services Agreement

The attached Resolution authorizes the Mayor to execute an engineering services agreement for a project in the 2014 Sales Tax Program for streets, bridges and related drainage improvements. The location of this project is shown on the attached exhibit.

The professional services qualifications on file were reviewed and the engineering consultant selection sheet is attached. The cost for the engineering services is set at a maximum not to exceed fee as noted on the resolution.

I recommend that the Resolution be adopted by the Board at the next regular meeting.



14-03-A RBR 10/04/13-11:02 G:\DRAWINGS\CIP\00-00 CIPALL\2014\ CIPALL 2014 OVERALL.DWG

2014 CAPITAL IMPROVEMENTS PROGRAM

STREET OVERLAYS/RECONSTRUCTION

The City of Fort Smith Arkansas

Project:	14-03-A
Date:	OCT 2013
Scale:	NONE
Drawn By:	RBR

ENGINEERING CONSULTANT SELECTION - 2014 CAPITAL IMPROVEMENTS PROGRAM

Project No.	Description	Selected Firm	Qualified Firm	Qualified Firm
14-03-A	Street Overlays / Reconstruction, Phase A	McGuire	Brixey	EDM

Determination of the selected firm based upon review of consultant qualifications statements on file in the City Clerk's office, considering experience with respect to the type of services required, capacity and capability to perform the work, past record of performance and familiarity with the area in which the project is located.

Name

Name

Name

7C

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO MATLOCK ELECTRIC CO., INC., FOR THE REPLACEMENT OF EMERGENCY GENERATORS AT FIRE STATIONS 1 THROUGH 10

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

SECTION 1: The replacement of the emergency generators at Fire Stations 1 through 10 as authorized by Resolution R46-13 is accepted as complete.

SECTION 2: Final payment to Matlock Electric Co., Inc., in the amount of $20,436.50 is hereby approved.

This Resolution adopted this _____ day of November, 2013.

APPROVED:

_____

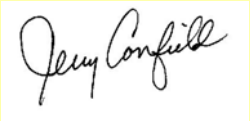
Mayor

ATTEST:

_____

City Clerk

Approved as to form:



_____

No Publication Required

The City of Fort Smith ARKANSAS

FORT SMITH FIRE DEPARTMENT

200 NORTH FIFTH STREET
FORT SMITH, ARKANSAS 72901
479-783-4052 • FAX: 479-783-5338

Mike Richards
Fire Chief

Memo

To: Ray Gosack, City Administrator
From: Mike Richards, Fire Chief
Date: October 30, 2013
RE: Completion of Replacement of Emergency Generators for Fire Stations 1 Through 10

The replacement of the emergency generators at Fire Station 1 through 10 by Matlock Electric Co., Inc., is complete. The replacement of the generators was necessary to provide electricity to our fire stations during periods of power outages in order to operate our emergency communication systems, fire apparatus bay doors, lighting, climate control systems, and other critical equipment for as long as necessary.

The project was authorized by the Fort Smith Board of Directors by Resolution R46-13 and adopted on March 27, 2013. Matlock Electric Co., Inc., was the lowest bidder and awarded the contract in the amount of $408,730.00. The project was completed on time and on budget.

MAHG Architects has submitted the contractor's final Application and Certification for Payment in the amount of $20,436.50. It is our recommendation that the project be accepted as complete and the final payment be approved.

Funding for this project came from revenue bonds financed with the reallocation of the ¾ cent sales tax approved by the citizens of Fort Smith in March 2012.

SUMMARY SHEET

City of Fort Smith

Project Status	Complete	Project Name:	Emergency Generator Replacement
Today's Date:	10/30/2013	Project Number:	N/A
Staff contact name:	Mike Richards	Architect:	MAHG Architects
Staff contact phone:	783-4052	Project Contractor:	Matlock Electric Co., Inc.
Contract time (no of weeks):	26		
Notice to proceed issued:	4/15/2013		

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	$408,730.00	3/12/2013	10/7/2013
Contract Revisions:			
1			
2			
3			
Adjusted contract amount	$408,730.00		
Payments to date (as negative):	$388,293.50		
Amount of this payment	$20,436.50		
Contract balance remaining	$0.00		
Retainage held	0%		
Final payment	$20,436.50		
Amount under original as a percentage	0.0%		

Final Comments:

7D

RESOLUTION NO. _____

RESOLUTION ACCEPTING BIDS FOR THE PURCHASE
OF FLEET TRUCKS

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

The bids, as indicated on the attached Bid Tabulation No. **08-20-13BA** for the purchase of various trucks for the City's fleet, are accepted.

This Resolution adopted this _____ day of November, 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

SUBJECT: Purchase of Fleet Trucks

DATE: October 31, 2013

BID TAB: **08-20-13BA**

Bids were solicited for the purchase and replacement of numerous replacement trucks for various departments within the City.

Although the bids were solicited in August, in an effort to keep with the objective of increasing the city's "green" policies, we did a cost analysis between the 6 and 8 cylinder trucks. We carefully reviewed the types of applications the trucks will be used for in order to determine if a larger engine was necessary and also looked at and compared potential fuel savings payback (very minimal) and potential CNG conversions (cost prohibitive at this time). It was determined that the bids, as selected in the attached bid tabulation are the best options available at this time. As you can see in the attached spreadsheet, though not substantial, there are some savings to be realized by virtue of using the smaller engine (V6) as opposed to the original bids received for 8 cylinder trucks.

Funds for these purchases are available and have been appropriated for in the 2013 Budget in both the Capital Outlay and the Sinking Fund Accounts. You will find attached the bid tabulation which includes the budgeted amount for each respective bid.

I recommend that the bids noted by enclosure on the attached bid tabulation be accepted.

Please let me know should you have any questions.

1/2 Ton Medium Duty Pickup Truck, Short Bed

Bid #1	Breeden	Dunn	Randall	Spr. Chrysler	Smith Chev
Cylinders	V6	V6	V6	V6	V6
Engine Size	3.6L	3.7 L	3.7L	No Bid	4.3L
Horse Power	305hp	302hp	302hp	No Bid	285hp
Cost-white	$ 20,624.00	$ 18,653.00	**$ 18,581.00**	No Bid	$ 19,588.00
Cost-yellow	n/a	$ 19,217.00	**$ 19,113.00**	No Bid	$ 19,588.00
Towing pckg.	$ 449.00	$ 320.00	$ 320.00	No Bid	$ 319.00
Cruise Control	Incl.	$ 192.00	$ 192.00	No Bid	Incl.

Dunn	Breeden	Randall	Spr. Chrysler	Smith Chev
V8	V8	V8	V8	V8
5.0L	5.7L	5.0L	5.7L	5.3L
360hp	395hp		395hp	355hp
$ 19,413.00	$ 21,059.00	$ 19,434.00	$ 21,907.00	$ 20,519.00
$ 19,977.00	n/a	$ 19,966.00	$ 21,907.00	$ 20,519.00
$ 320.00	$ 449.00	$ 320.00	Incl.	$ 319.00
$ 192.00	Incl.	$ 192.00	Incl.	Incl.

4X4 1/2 Ton Medium Duty Pickup Truck, Long-Bed

Bid #4	Breeden	Dunn	Randall	Spr. Chrysler	Smith Chev
Cylinders	V6	V6	V6	V6	V6
Engine Size	3.6L	n/a	n/a	No Bid	4.3L
Horse Power	305hp	n/a	n/a	No Bid	285hp
Cost	$ 23,730.00	n/a	n/a	No Bid	$ 28,164.00
Tow	n/a	n/a	n/a	No Bid	$ 319.00

Dunn	Breeden	Randall	Spr. Chrysler	Smith Chev
V8	V8	V8	V8	V8
5.0L	5.7L	5.0L	n/a	5.3L
360hp	395hp	360hp	n/a	355hp
$ 27,539.00	**$ 25,943.00**	$ 27,351.00	n/a	$ 28,800.00
$ 320.00	$ 449.00	$ 320.00	n/a	$ 319.00

4X4 One-Half (1/2) Ton Medium Duty Pickup Truck, Short Bed

Bid #8	Breeden	Dunn	Randall	Spr. Chrysler	Smith Chev
Cylinders	V6	V6	V6	V6	V6
Engine Size	3.6L	3.7L	3.7L	No Bid	4.3L
Horse Power	305hp	302hp	302hp	No Bid	285hp
Cost Reg Cab	n/a	**$ 22,089.00**	$ 22,203.00	No Bid	$ 23,660.00
Cost Crew Cab	$ 23,730.00	n/a	n/a	No Bid	$ 27,865.00
Tow	$ 449.00	$ 320.00	$ 320.00	No Bid	$ 319.00

Dunn	Breeden	Randall	Spr. Chrysler	Smith Chev
V8	V8	V8	V8	V8
5.0L	5.7L	5.0L	No Bid	5.3L
360hp	395hp	360hp	No Bid	355ho
$ 22,849.00	n/a	$ 23,056.00	No Bid	$ 24,336.00
$ 27,056.00	$ 25,684.00	$ 27,168.00	No Bid	$ 28,796.00
$ 320.00	$ 449.00	$ 320.00	No Bid	$ 319.00

The bids highlighted are the recommended bid awards.

Bid No.	Description	Department Name	Program	Qty.	Budget	Purchase Price (each)
1	1/2 Ton PU short bed V6	Engineering	4103-301	1	$21,800	$18,901
1	1/2 Ton PU short bed V6	Traffic Control Operations	5401-Sinking Fund	1	$18,500	$19,433
1	1/2 Ton PU short bed V6	Water Treatment	5604-302	1	$21,800	$18,773
4	4X4 1/2 Ton PU, long bed V8	Metering/Transmission LM	5613-305	1	$22,400	$26,392
8	4X4 1/2 Ton PU, short bed V6	Metering/Transmission LM	5613-305	1	$22,400	$22,409
8	4X4 1/2 Ton PU, short bed V6	Sewer Line Maintenance	5611-301	1	$21,800	$22,409
8	4X4 1/2 Ton PU, short bed V8	Laboratory Services	5605-302	1	$26,000	$23,169
8	4X4 1/2 Ton PU, short bed V8	Street Construction	5302-Sinking Fund	1	$23,000	$23,169
8	4X4 1/2 Ton PU, short bed V8	Street Maintenance	5304-Sinking Fund	1	$21,400	$23,169
			TOTAL		$199,100	$197,824

RESOLUTION NO. _____ 7 E

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO CRAWFORD CONSTRUCTION COMPANY FOR SUNNYMEDE PUMP STATION FORCE MAIN EMERGENCY REPAIR AT HORAN DRIVE

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

SECTION 1: The construction of Sunnymede Pump Station Force Main Emergency Repair at Horan Drive, Project Number 13-08-C1, is accepted as complete.

SECTION 2: Final payment to Crawford Construction Company in the amount of $109,765.00, is hereby approved.

This Resolution adopted this _____ day of November 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** October 28, 2013

FROM: Steve Parker, Director of Utilities

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

This project consisted of replacing 270 feet of 24-inch sanitary sewer force main along 74th Street between South "U" Street and Horan Drive. Crawford Construction Company has completed the work and a Resolution accepting the project as complete and authorizing final payment in the amount of $109,765.00, is attached. It is my recommendation that the project be accepted as complete.

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

attachment

pc: Jeff Dingman

Project Summary

Project status: Complete

Project name: Sunnymede Pump Station Force Main Emergency Repair at Horan Drive

Today's date: October 31, 2013

Project number: 13-08-C1

Staff contact name: Steve Parke

Project engineer: In-house

Staff contact phone: 784-2231

Project contractor: Crawford Construction Company

Notice to proceed issued: September 2, 2013

Completion date: September 27, 2013

	Dollar Amount		Contract Time (Days)
Original contract	$116,950.00		40
Change orders:	$0.00		0
Total change orders	$0.00		0
Adjusted contract	$116,950.00		40
Payments to date (as negative):	$0.00	0.0%	
Amount of this payment (as negative)	$-109,765.00	93.9%	
Retainage held	$0.00		
Contract balance remaining (underrun)	$7,185.00	6.1%	
Amount under as a percentage	-6.1%		

Final comments:

RESOLUTION NO._____ 7 F

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH A PROPERTY OWNER FOR THE ACQUISITION AND RELEASE OF EASEMENTS IN CONNECTION WITH THE MILL CREEK INTERCEPTOR IMPROVEMENTS - PHASE I

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

Section 1: The City Administrator is hereby authorized to execute an agreement accepting an offer made by the following property owner:

Tract 3	Curtis E. Sorrells & Joe F. Cox	$1,101.15

and to make payment for same in connection with the acquisition of a sewer utility easement for the Mill Creek Interceptor Improvements - Phase I, Project Number 12-09-P, said property being located at 1816 Wheeler Avenue, Fort Smith, Arkansas.

Section 2: The City Administrator is hereby authorized to execute a release of an existing 40 foot wide prescriptive sanitary sewer easement upon the completion of the project, and shown on the Agreement as Exhibit A.

This Resolution adopted this _____ day of November 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** October 28, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Mill Creek Interceptor Sewer Improvements - Phase I
Project Number 12-09-P

The city's wastewater management plan for wet weather flows identifies the need to upgrade the Mill Creek pump station together with the interceptor sewers in its upstream collection system. Completion of these improvements will allow the transfer of greater flow volumes to the "P" Street wastewater plant to eliminate sewer overflows occurring within the Mill Creek sewer basin.

This project is for the design of the phase one Mill Creek interceptor sewer improvements. The phase one design is for the first approximately 6,200 feet of new 24- through 48-inch interceptor sewer mains. A vicinity map showing the pipeline route is attached for your review.

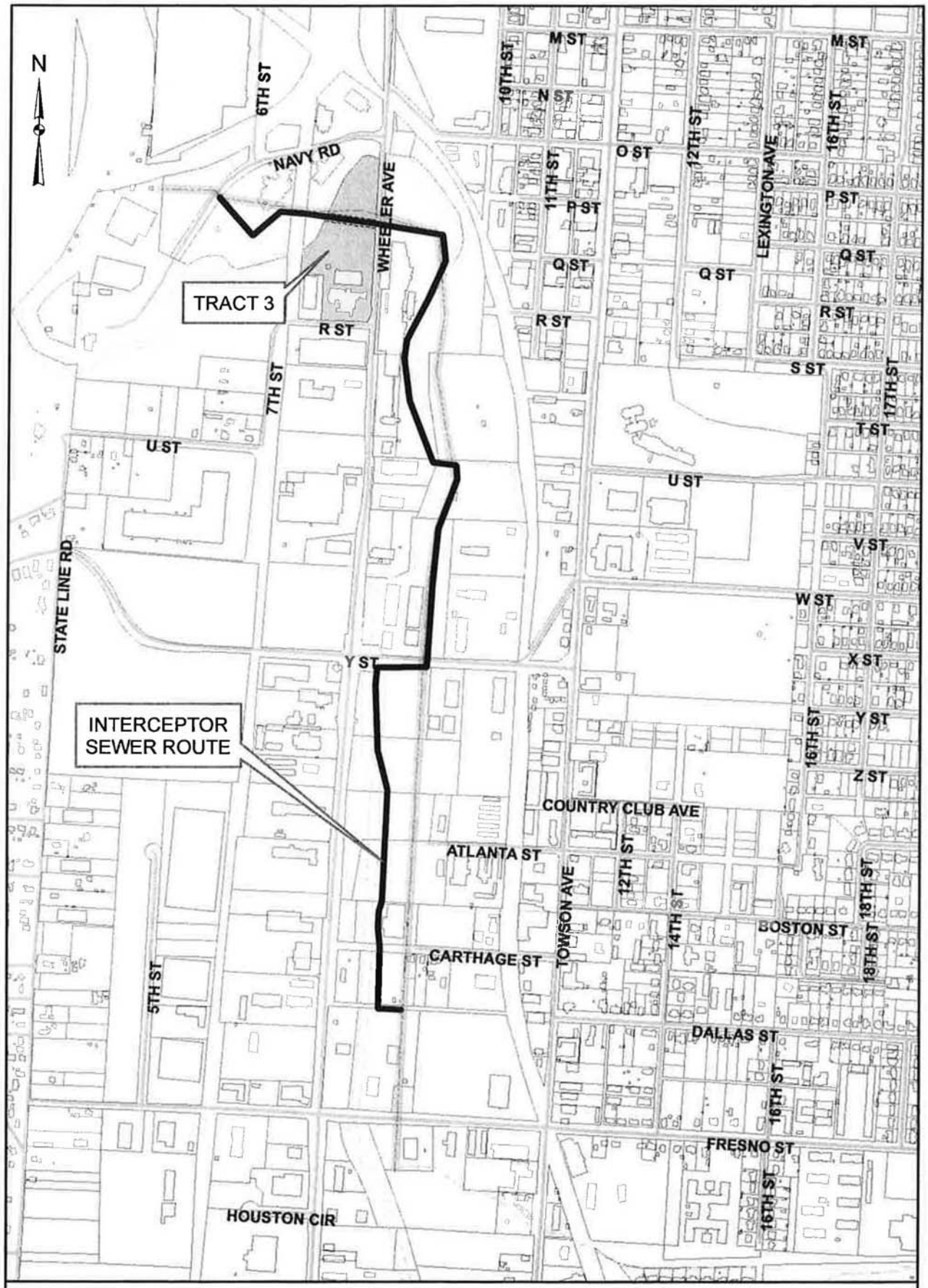
The project required the acquisition of 13 sewer line easements. To date 7 of the needed easements have been acquired by donation or for the appraised value as authorized by the city's property acquisition policy.

After negotiations with property owners, Joe Cox and Curtis Sorrells, the owners have offered to sell the easement for $1,101.15 in exchange for the city's release of an existing sewer easement across their property that will no longer be needed after the completion of the project. The owners offer is the appraised value of the easement established by Calmo Realty Service. The city attorney prepared an agreement to release the easement, a copy which is attached for your review.

Staff believes the owners offer to sell the city a permanent sewer easement is reasonable and recommends that the Board approve this Resolution at their next scheduled meeting. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



The City of Fort Smith ARKANSAS

VICINITY MAP
MILL CREEK INTERCEPTOR PHASE I PROJECT NO. 12-09-E1
TRACT 3 - LOCATION OF SEWER ACROSS COX AND SORRELLS PROPERTY
1816 WHEELER AVENUE FORT SMITH ARKANSAS

AGREEMENT

This Agreement is entered into on the ____ day of _____, 2013, by and between the City of Fort Smith, Arkansas ("Fort Smith"), Curtis E. Sorrells and Margaret Sorrells, husband and wife and Joe F. Cox and Patricia A. Cox, husband and wife (collectively the "Owners").

RECITALS

WHEREAS, the Owners are the current owners of real property situated in the Fort Smith District of Sebastian County, Arkansas, currently encumbered by the Easement in favor of Fort Smith and more specifically described as Exhibit "A" attached hereto and incorporated herein.

WHEREAS, the Owners have agreed to execute a certain Sewer Utility Easement (a copy of which is attached hereto and incorporated herein as Exhibit "B") in favor of the City of Fort Smith, Arkansas, in connection with a project known as Mill Creek Interceptor Improvements, Phase I Project #12-09-E01, in consideration for Fort Smith's release of the Easement described on Exhibit "A" herein and payment to the Owners the sum of One Thousand One Hundred One and 15/100 Dollars ($1,101.15).

WHEREAS, the City of Fort Smith, Arkansas, in consideration of the execution of said Sewer Utility Easement by the Owners have agreed to release the Easement described on Exhibit "A" and tender the payment described herein.

WHEREAS, the parties agree that this Agreement is conditioned upon verification of the Owners' title and conditioned upon final approval by the Fort Smith Board of Directors.

NOW, THEREFORE, in consideration of the mutual promises and other good and valuable consideration, the sufficiency of which is acknowledged, the parties agree as follows:

1. Upon the execution of this Agreement by the Owners, Fort Smith will seek final approval of this Agreement from the Fort Smith Board of Directors at its next regularly scheduled meeting. If approved by the Fort Smith Board of Directors, Fort Smith will execute this Agreement and furnish a copy to the Owners;

2. Fort Smith will obtain verification of marketable title of the Owners' property at its expense. In the event that the Owners' property is subject to a mortgage or other encumbrance, such lien holder must subordinate their interest to the Sewer Utility Easement described in paragraph 3 below;

3. Within ten (10) business days of the date of the Fort Smith Board of Directors' approval of the Agreement, the Owners will execute the Sewer Utility Easement in the form attached hereto and incorporated herein as Exhibit "B";

4. Fort Smith will pay the Owners the sum of One Thousand One Hundred One Dollar and 15/100 ($1,101.15) within twenty (20) business days of the Owners' provision of the executed and notarized Sewer Utility Easement in the form attached hereto as Exhibit "B" and any required subordination to the same by any lien holders;

5. Upon the completion of the project known as Mill Creek Interceptor Improvements, Phase I, Project No. 12-09-ED1, Fort Smith will execute and cause to be recorded a Release of Easement in the form attached hereto and incorporated herein as Exhibit "C";

6. The time limits described in paragraph 4 herein shall automatically be extended to allow sufficient time to cure any title defect or obtain the subordination of a lien holder's interest

in the Owners' property to the Sewer Utility Easement described in paragraph 3 herein.

7. This Settlement Agreement is specifically conditioned upon verification of marketable title and final approval from the Fort Smith Board of Directors.

City of Fort Smith, Arkansas

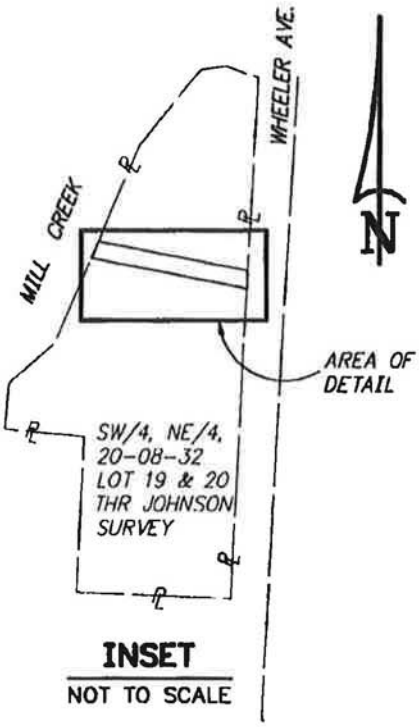
By:_____
Ray Gosack
City Administrator

_____
Curtis E. Sorrells

_____
Margaret Sorrells

_____
Joe F. Cox

_____
Patricia A. Cox



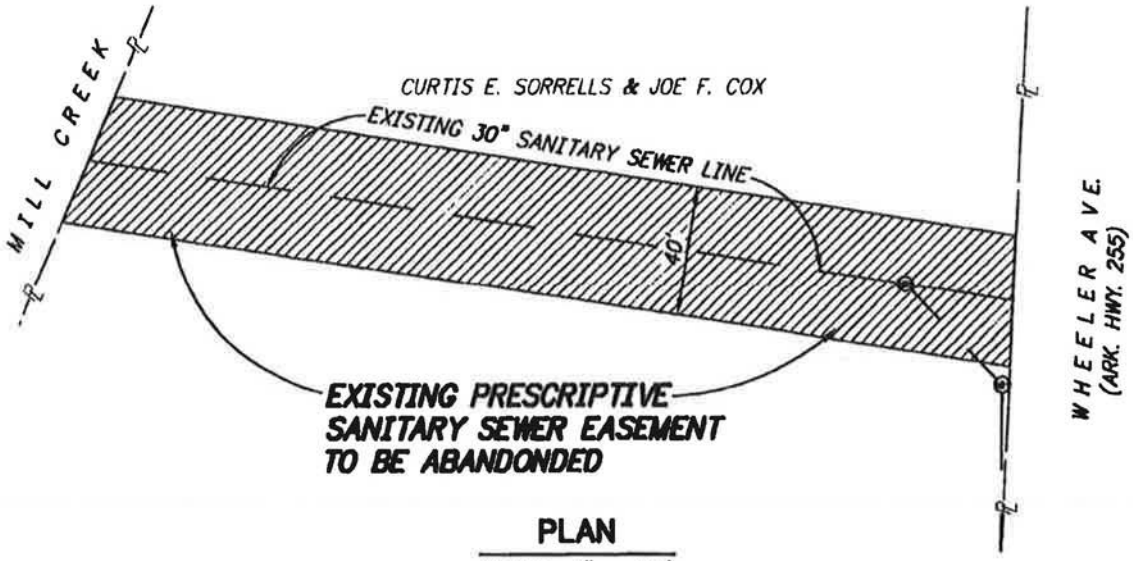
INSET

NOT TO SCALE

40' Prescriptive Sanitary Sewer Easement

Part of Lots 19 and 20, T.H.R. Johnson subdivision (filed August 26, 1891), being part of the SW/4, NE/4, Fractional Section 20, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of said SW/4, NE/4, Fractional Section 20; thence N03°11'47"E along the east line of said SW/4, NE/4, 767.11'; thence N86°48'13"W 28.67' to the Point of Beginning on the west right of way line of Wheeler Avenue (Ark. Hwy. 255); thence N81°11'03"W 290.71'; thence N23°10'00"E 41.29'; thence S81°11'03"E 276.39' to said west right of way line of Wheeler Avenue; thence S02°58'29"W along said right of way line, 40.21' to the Point of Beginning, containing 11,342 square feet or 0.26 acre more or less.



PLAN

SCALE: 1" = 50'

U:\DRAWINGS\PROJECTS\2012\12-09-ED1 MILL CREEK INTERCEPTOR IMP\EASEMENTS\TRACT 3A.DWG, 10/15/2013 1:58 PM, STEVE HENDRIX, LAYOUT1

HAWKINS & WEIR ENGINEERS, INC.

110 South 7th Street • Van Buren, Arkansas 72956 • (479) 474-1227
211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4846
www.hawkins-weir.com

EASEMENT EXHIBIT A
SANITARY SEWER EASEMENT ABANDONMENT
TRACT 3 - CURTIS E. SORRELLS & JOE F. COX
FOR: THE CITY OF FORT SMITH

DATE: 10/15/13	SCALE: 1"=50'	JOB NO. 12-09-ED1

EXHIBIT "A"

Project Name: Mill Creek Interceptor Improvements, Phase 1
Project #: 12-09-ED1
Tract #: 3
Date: 04/05/2013

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Curtis E. Sorrells and Margaret Sorrells, husband and wife and Joe F. Cox and Patricia A. Cox, husband and wife and their heirs, successors, and assigns, (collectively the "GRANTORS"), for and in consideration of the sum of one dollar ($1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, "GRANTEES", a 45 foot wide permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

Part of Lots 19 and 20, as shown on the plat made by T.H.R Johnson, (filed August 26, 1891), being part of the SW/4, NE/4, Fractional Section 20, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE of said SW/4, NE/4, Fractional Section 20, T-8-N, R-32-W; thence N03°11'47"E along the east line of said SW/4, NE/4, 748.05'; thence N86°48'13"W 22.88' to the Point of Beginning on the west right of way line of Wheeler Avenue; thence N81°41'57"W 303.76' to the east line of Lot 1, Scott Addition to the City of Fort Smith; thence N23°10'00"E along said east line of Lot 1, Scott Addition, 46.56'; thence S81°41'57"E 287.63' to said west right of way line of Wheeler Avenue; thence S02°59'02"W along said right of way line, 45.19' to the Point of Beginning, containing 13,306 square feet or 0.30 acre more or less, of which approximately 7,222 square feet lies within an existing presumed prescriptive sewer line easement, of which approximately 8,962 square feet lies within existing Mill Creek drainage easement.

See Exhibit A attached hereto and hereby made a part of this instrument,

EXHIBIT "B"

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

After completion of construction, Grantees shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 2013.

_____
Curtis E. Sorrells

_____
Margaret Sorrells

_____
Joe F. Cox

_____
Patricia A. Cox

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
County of _____)

On this _____ day of _____, 2013, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named Curtis E. Sorrells, to me personally well known or proven to be the person whose name appears upon the within and foregoing instrument, and 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.

_____
Notary Public

My Commission Expires:

_____

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
County of _____)

On this _____ day of _____, 2013, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named Margaret Sorrells, to me personally well known or proven to be the person whose name appears upon the within and foregoing instrument, and 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.

_____
Notary Public

My Commission Expires:

_____

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
County of _____)

On this _____ day of _____, 2013, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named Joe F. Cox, to me personally well known or proven to be the person whose name appears upon the within and foregoing instrument, and 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.

_____
Notary Public

My Commission Expires:

_____

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
County of _____)

On this _____ day of _____, 2013, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named Patricia A. Cox, to me personally well known or proven to be the person whose name appears upon the within and foregoing instrument, and 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.

_____
Notary Public

My Commission Expires:

_____

RELEASE OF EASEMENT

KNOW ALL BY THESE PRESENTS:

This Release of Easement is executed by the City of Fort Smith, Arkansas, an Arkansas municipal corporation, in consideration for the mutual promises and other good and valuable consideration, received from Curtis E. Sorrells and Margaret Sorrells, husband and wife and Joe F. Cox and Patricia A. Cox, husband and wife (collectively the "Owners"), the receipt of which is hereby acknowledged.

RECITALS

WHEREAS, the Owners, the current owners of real property situated in the Fort Smith District of Sebastian County, Arkansas, currently encumbered by the Easement described in Exhibit "A" attached hereto and incorporated herein.

WHEREAS, the Owners have agreed to execute a certain Sewer Utility Easement in favor of the City of Fort Smith, Arkansas, in connection with a project known as Mill Creek Interceptor Improvements, Phase I, Project #12-09-E01, in consideration, in part, for the release of the Easement described herein.

WHEREAS, the City of Fort Smith, Arkansas, in agreement for the execution of said Sewer Utility Easement by the Owners have agreed to release the Easement described herein.

NOW, THEREFORE, for the consideration described herein, the City of Fort Smith, Arkansas, hereby releases and discharges of record the Easement described on Exhibit "A" attached hereto and incorporated herein:

IN WITNESS WHEREOF, the City of Fort Smith, Arkansas, by its Administrator and attested by its City Clerk, duly authorized by Resolution of its Board of Directors has hereunto signed its corporate name on this _____ day of _____, 2013.

CITY OF FORT SMITH, ARKANSAS

By:_____

Ray Gosack, City Administrator

EXHIBIT "C"

Attest:

By:_____
Sherri Gard, City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF SEBASTIAN)

On this the _____ day of _____, 2013, before me, _____, the undersigned officer, personally appeared Ray Gosack and Sherri Gard, who acknowledged themselves to be the City Administrator and City Clerk, respectively, of the City of Fort Smith, Arkansas, a municipal corporation, and that they, as such City Administrator and City Clerk, being authorized to so do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as City Administrator and City Clerk.

In witness whereof I hereunto set my hand and official seal.

_____

My commission expires:

RESOLUTION NO. _____ 7 G

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 five to Archer Western Construction, LLC in the amount of $1,334,720.30, 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 November 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE** October 31, 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 five in the amount of $1,334,720.30 for work completed on the above captioned project. Work is progressing on schedule and 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 & PS (100% complete)
- South Tank Base Rebar and Forming (100% complete)
- North Tank Base Rebar and Forming (100% complete)
- Tank Panel Concrete Pour (100% complete)
- Tank Dome Support Scaffolding (95% complete)
- Pump Station Concrete Base Poured (100% complete)
- Rebar for Pump Station Walls (10% complete)
- Pump Station Concrete Wall Pour (10% complete)
- Sewer Main (30% complete)
- Form Work for Tank Walls (10% complete)
- Rebar for Bar Screen Base (50% 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: Under construction

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

Today's date: October 31, 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	$0.00	
Adjusted contract	$12,193,000.00	
Payments to date (as negative):	-$2,890,609.12	
Amount of this payment	$1,334,720.30	
Retainage held	$136,411.77	
Contract balance remaining	$7,967,670.58	
Amount over original as a percentage		

Final comments: 33% of contract complete, 17% of time expended

RESOLUTION NO. _____ 7 H

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH HAWKINS-WEIR ENGINEERS, INC., FOR THE DESIGN SERVICES OF THE WASTEWATER PUMP STATION NUMBER FIVE INTERCEPTOR SEWER EASEMENT CLEARING AND ACCESS ROAD

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

SECTION 1: An Agreement and Authorization Number One with Hawkins-Weir Engineers, Inc., for engineering design services for the Wastewater Pump Station Number Five Interceptor Sewer Easement Clearing and Access Road, Project Number 13-07-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement and Authorization Number One in the amount of $44,240.00, for performance of said services.

This Resolution adopted this _____ day of November 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** October 28, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Wastewater Pump Station Number Five Interceptor
Sewer Easement Clearing and Access Road
Project Number 13-07-ED1

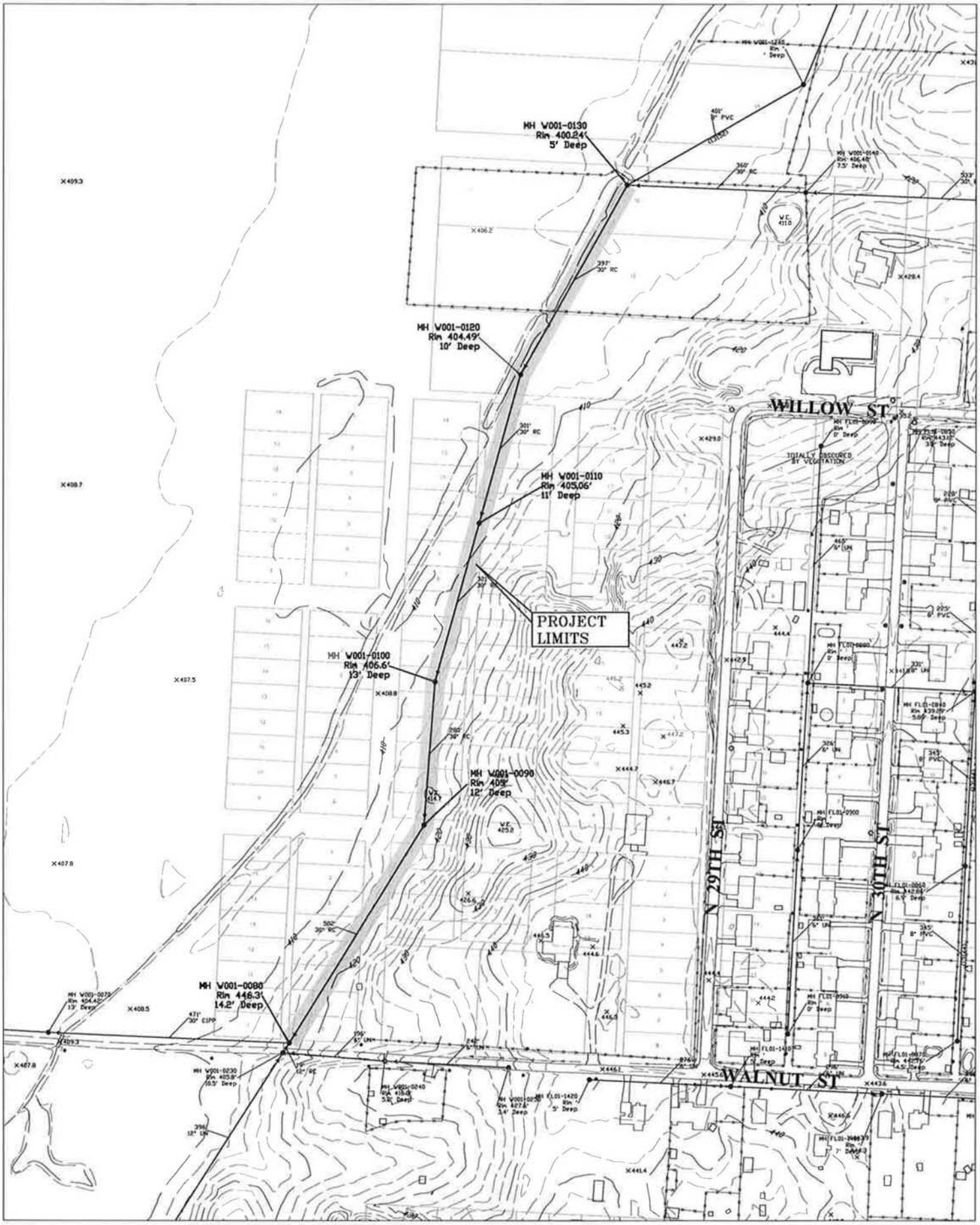
This project provides for the clearing of 1,800 linear feet of 30-inch interceptor sewer easement for pump station number five. It also includes the design and construction of an access road to facilitate maintenance. Extensive vegetative growth and the low lying nature of the terrain make access impossible under present conditions. The engineer will perform surveys and develop plans and specifications for the construction of the access road.

The attached Resolution authorizes the Mayor to sign an Agreement for the engineering design services with Hawkins-Weir Engineers, Inc., and to execute Authorization Number One in the amount of $44,240.00. It is my recommendation that the contract be approved.

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

attachment

pc: Jeff Dingman



Wastewater Pump Station Number 5
Interceptor Sewer
Easement Clearing And Access Road

RESOLUTION NO. _____ 7 I

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE
WITH FORSGREN, INC., FOR CONSTRUCTION OF THE
CHAFFEE CROSSING AREA F SEWER EXTENSION

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

Change Order Number One in the amount of $20,508.67, and adding two calendar days, to the contract with Forsgren, Inc., for construction of the Chaffee Crossing Area F Sewer Extension, Project Number 13-04-C1, and adjusting the final contract amount to $237,017.77, is hereby approved.

This Resolution adopted this _____ day of November 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

RESOLUTION NO. _____ 7 J

RESOLUTION AUTHORIZING FINAL PAYMENT TO FORSGREN, INC.,
FOR THE CHAFFEE CROSSING AREA F SEWER EXTENSION

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

SECTION 1: The construction of the Chaffee Crossing Area F Sewer Extension, Project Number 13-04-C1, is hereby accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of $45,744.26, is hereby approved.

This Resolution adopted this _____ day of November 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** October 28, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Area F Sewer Extension
Project Number 13-04-C1

On July 2, 2013, the Board authorized a contract with Forsgren, Inc., in the amount of $216,509.10 for the construction of the Chaffee Crossing Area F Sewer Extension. All work on this project is complete and Forsgren has submitted a final pay request in the amount of $45,744.26. With the final pay request Forsgren has submitted Change Order Number One in the amount of $20,508.67 and adding two additional contract days. Additional work included on the change order is as follows:

- An additional manhole and nine linear feet of 12-inch sewer that was required to avoid a conflict with an existing water line ($4,332).
- Cutting and plugging an existing sewer line abandoned under the project ($3,300).
- An additional manhole that was inadvertently left off of the original bid proposal ($4,004).
- Adjusting the total length of trenching and backfill to correct an error on the original bid proposal ($12,690).

The remaining items on the change order represent reconciliation of final quantities for the various items of work and result in the final change order amount of $20,508.67.

A Resolution authorizing final payment to Forsgren, Inc., in the amount of $45,744.26 and a Resolution approving Change Order Number One in the amount of $20,508.67 and adding two additional contract days are attached. Should you or members of the Board have question or need any additional information, please let me know.

attachment

PC: Jeff Dingman

Project Summary

Project status: Complete

Project name: Chaffee Crossing Area F Sewer Extension

Today's date: October 28, 2013

Project number: 13-04-C1

Staff contact name: Steve Parke

Project engineer: Mickle Wagner Coleman, Inc.

Staff contact phone: 784-2231

Project contractor: Forsgren, Inc.

Notice to proceed issued: July 22, 2013

Contract completion date: October 4, 2013

	Dollar Amount	Contract Time (Days)
Original contract	$216,509.10	75
Change orders: #1 Pending	$20,508.67	2
Total change orders	$20,508.67	2
Adjusted contract	$237,017.77	77
Payments to date (as negative) (as percentage)	$-191,273.51	88%
Amount of this payment (as negative)	$-45,744.26	
Retainage held	$0.00	
Contract balance remaining (as percentage)		0%
Amount over as a percentage		9.5%

Final comments:

RESOLUTION NO. _____ 7 K

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY REVOCABLE LICENSE AGREEMENT GRANTING TO SUNBELT HOLDINGS FOR A PRIVATE SANITARY SEWER SERVICE (FORCE MAIN) IN THE PUBLIC RIGHT-OF-WAY

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

SECTION 1: A Temporary Revocable License Agreement is hereby granted to Sunbelt Holdings, its successors or assigns for the placement and maintenance of a private sanitary Sewer service (force main) in the public right-of-way at 1801 Cavanaugh Road as shown in Exhibit "A."

SECTION 2: The Mayor is authorized to execute the Temporary Revocable License Agreement for the placement of the above-captioned private sanitary sewer service (force main).

This Resolution adopted this _____ day of November 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** October 30, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Temporary Revocable License Agreement
1801 Cavanaugh Road

Sunbelt Holdings, the owners of property located at 1801 Cavanaugh Road, are experiencing problems with their existing private sanitary sewer service line. This property is part of a two-lot subdivision developed in the early 1960s and which the two properties shared a common service line. Sunbelt Holdings desires to disconnect from the common line and provide an individual connection for their property.

In order to reach a public sewer for the new service connection Sunbelt Holdings must cross Cavanaugh Road. The location of existing underground public utilities and storm drainage pipe prevent this from being accomplished with typical gravity sewer service connection. It is necessary that the owners install a private sewer pump station and force main in order to cross underneath the existing underground public utilities and storm drainage system along Cavanaugh Road. As the force main crossing will be privately owned and maintained, it requires the use of public right-of-way, the City must grant a temporary revocable license agreement for its installation. The City has a standard format for this permission.

A Resolution authorizing the Temporary Revocable License Agreement is attached for the Board's consideration of Sunbelt Holdings request. Staff recommends its approval.

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

attachment

pc: Jeff Dingman

TEMPORARY REVOCABLE LICENSE AGREEMENT

SECTION 1: On_____, 2013, the Board of Directors passed Resolution No._____ granting a Temporary Revocable License Agreement ("Agreement") to Sunbelt Holdings, their successors or assigns ("Licensee"), which, subject to the terms and conditions expressed in this Agreement, temporarily allows the placement and maintenance of a private sanitary sewer service force main ("Private Force Main") in the public right-of-way for Cavanaugh Road as shown in Exhibit "A" to serve following described property:

> Indian Mounds Addition, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas (generally known as 1801 Cavanaugh Road)

SECTION 2: It is agreed that the City shall have no responsibility for the maintenance of the Private Force Main. If the Private Force Main is damaged in any manner, same shall be repaired by the Licensee at the Licensee's sole cost and expense in a manner meeting the approval of the City Administrator or his/her designee ("Administrator"). Additionally, at the sole discretion of the Administrator, upon thirty (30) days notice from the Administrator, the Licensee shall replace or relocate the Private Force Main within the public right-of-way at the Licensee's sole cost and expense and in a manner meeting the approval of the Administrator. The Licensee shall hold the City harmless from and indemnify the City of, and from all, expenses, losses, cost, causes of action and judgements, including legal expense, arising from the

placement and maintenance of said Private Force Main.

SECTION 3: The Licensee acknowledges an obligation to maintain a membership with Arkansas One-Call to comply with the Arkansas Underground Facilities Damage Prevention Act as an owner and operator of an underground facility. Should the City, or one of its franchised utility companies, require access to the public right-of-way for any purpose, the City or franchised utility company shall have no duty to provide notice to the Licensee except through Arkansas One-Call. Under any circumstance, the City shall have no responsibility to protect, repair or replace any improvements the temporary placement of which the Licensee is authorized by the Agreement granted by the City.

SECTION 4: The terms of this Agreement are deemed accepted by the Licensee, by the Licensee's signature below, and by any successor or assignee of the Licensee by the acquisition of or reliance on the rights to the Agreement granted by the City.

In witness whereof, this document is executed this ____ day of November 2013.

CITY OF FORT SMITH, ARKANSAS

BY: _____
Mayor

ATTEST:

_____
City Clerk

LICENSEE:

BY: _____
Sunbelt Holdings

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)

On this _____ day of_____, 2013, before me, the undersigned notary public, personally appeared, Sandy Sanders, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

My commission Expires:

_____

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF_____)

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared, _____, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

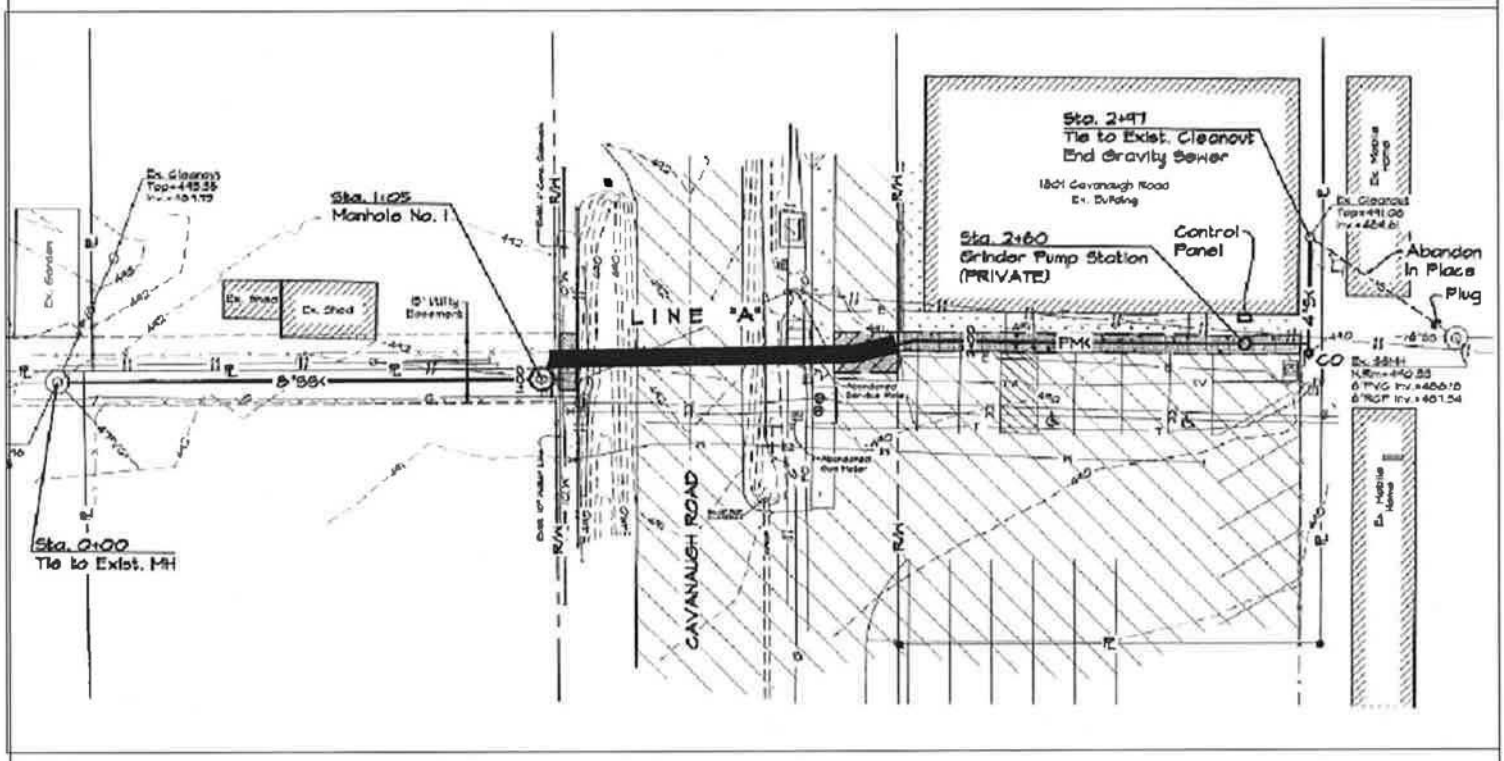
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

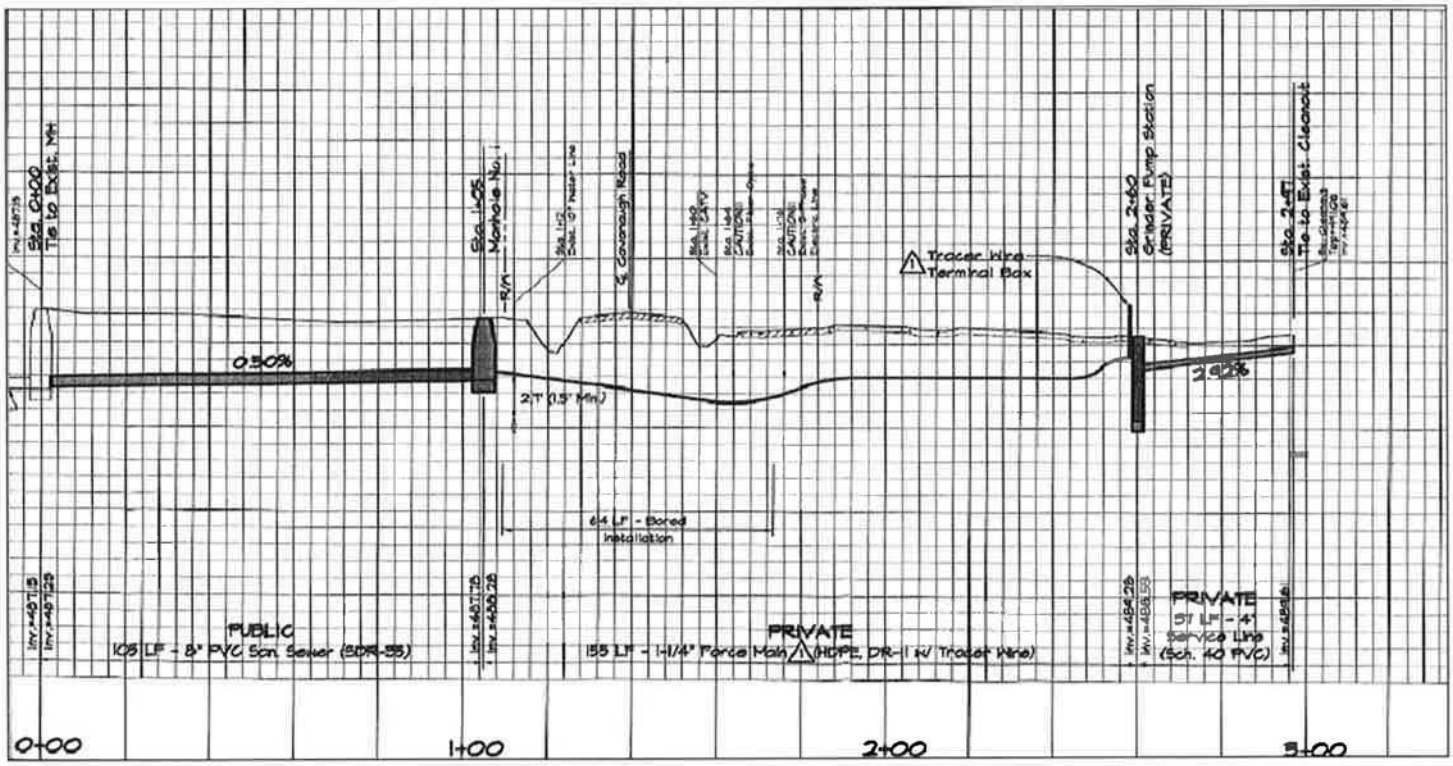
_____
Notary Public

My Commission Expires:

_____

Exhibit "A"





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