



# ***AGENDA***

**FORT SMITH BOARD OF DIRECTORS  
REGULAR MEETING**

***JANUARY 19, 2010 ~ 6:00 P.M.***

**FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD**

***THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6***

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**MAYOR'S ANNOUNCEMENTS AND RECOGNITIONS**

- ▶ Good Neighbor Awards

**APPROVE MINUTES OF THE JANUARY 5, 2010 REGULAR MEETING**

**CITIZENS FORUM ~ Opportunity to present to the Board of Directors any item of business or other matter which is not already scheduled on the agenda**

**ITEMS OF BUSINESS:**

1. Public hearing and ordinance to close and vacate a portion of public right-of-way located in Reserve Addition, an addition to the City of Fort Smith (*South 5<sup>th</sup> Street ~ United States Department of Veterans Affairs*)
2. Resolution of the Board of Directors of the City of Fort Smith establishing the assignment of take home vehicles to the Criminal Investigations Division of the Fort Smith Police Department
3. Ordinance establishing the fees for rental of the trains at Creekmore Park
4. Ordinance establishing the fees for The Park at West End
5. Resolution amending R-71-08 to include charter service rates for the Fort Smith Public Transit

6. Consent Agenda

- A. Resolution of the Board of Directors of the City of Fort Smith expressing appreciation for Christmas Honors 2009
- B. Resolution accepting an amendment to the proposal for the purchase, stabilization and renovation of the former Mallalieu Church building  
(*extending to January 31, 2011*)
- C. Resolution authorizing partial payment to Branco Enterprises, Inc. for construction of the Phase II "P" Street Wastewater Treatment Plant Wet Weather Improvements-Schedule 2 (\$626,435.85)
- D. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Wilson Brothers Construction Company, Inc. for the Ramsey Tributary Basin MC-05 Sewer Improvements (\$463,955.50)

**DIRECTORS FORUM**

**CITY ADMINISTRATOR'S REPORT**

**EXECUTIVE SESSION**

- ▶ Performance Evaluation - City Administrator
- ▶ Appointments:
  - Arkansas Fair and Exhibition Facilities Board (1)
  - Outside Agency Review Panel (9)
  - Plumbing Advisory Board (2)

**ADJOURN**

1.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENTITLED, AN ORDINANCE TO CLOSE AND VACATE  
A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED IN  
RESERVE ADDITION, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

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**WHEREAS**, a petition was duly filed with the Board of Directors of the City of Fort Smith, Arkansas, on the 9<sup>th</sup> day of December 2009, asking the Board of Directors to vacate and abandon certain street right-of-way located in Reserve Addition, an addition to the City of Fort Smith, Arkansas, more particularly described as follows:

The east ten (10) feet of South 5<sup>th</sup> Street right-of-way lying between South "B" Street and South "D" Street adjacent to Block 557 and Block 570, Reserve Addition, an addition to the City of Fort Smith, Sebastian County, Arkansas.

**WHEREAS**, after notice as required by law, the Board of Directors has at the time and place mentioned in the notice duly published as required by law, heard all persons as desiring to be heard on the questions, and has ascertained that the said street right-of-way as described above has heretofore been dedicated to the public use as street right-of-way and at this time is no longer required for the corporate purposes, and that said portion of the street right-of-way is of no practical purpose or general purpose to the citizens of Fort Smith and it is in the best interest of the citizens of Fort Smith that the street right-of-way be closed; and that the public interest and welfare will not be adversely affected by the abandonment of the said street right-of-way.

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

**SECTION 1:** The City of Fort Smith hereby releases, vacates and abandons all of its rights, title and interest, together with the right of the public generally, in and to the street right-of-way designated as follows:

The east ten (10) feet of South 5<sup>th</sup> Street right-of-way lying between South "B" Street and South "D" Street adjacent and contiguous to the west line of Block 557 and Block 570, including that portion of South "C" Street lying between Block 557 and Block 570, Reserve Addition, an addition to the City of Fort Smith, Sebastian County, Arkansas.

**SECTION 2:** A copy of this Ordinance duly certified by the City Clerk shall be filed in the Office of the County for the Fort Smith District of Sebastian County, Arkansas, and recorded in the deed records of said county.

**SECTION 3:** This Ordinance shall take effect and be in effect from and after its passage.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF JANUARY 2010.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

*Approved as to form*  
*Robert A. Pine*

# Memo

To: Dennis Kelly, City Administrator  
From: Wally Bailey, Director of Development Services  
Date: 1/13/2010  
Re: Request for Abandonment of Public Right-of-Way  
East 10 feet of ROW on South 5<sup>th</sup> Street between South "B" and South "D" Streets

To facilitate the expansion of the National Cemetery, the U.S. Department of Veterans Affairs has petitioned to abandon a portion of public right-of-way on South 5<sup>th</sup> Street. The area requested for abandonment consists of the east ten (10) feet of right-of-way on South 5<sup>th</sup> Street between South "B" Street and South "D" Street.

The right-of-way is 60 feet on South 5<sup>th</sup> Street adjacent to the National Cemetery; however, the right-of-way is 50 feet north of the proposed expansion. The VA has requested the right-of-way abandonment so that National Cemetery's interior street and fencing along the west side of the cemetery will be in alignment.

Attached is the petition and map showing the proposed right-of-way abandonment. I've also enclosed a copy of the National Cemetery's master plan, which better illustrates the VA's alignment issue.

Staff contacted the franchise utilities, appropriate city departments, as well as property owners within 300 feet of the proposed abandonment. There were no objections to the proposed right-of-way abandonment.

Enclosed for the Board's consideration is an ordinance authorizing the abandonment of the requested right-of-way.

If you have any questions regarding this matter, please do not hesitate to contact me.

Enc.

City Clerk

FILED 12/19/09  
S. Gard

REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY  
OR PUBLIC EASEMENT

Applicant: \_\_\_\_\_ United States Department of Veteran Affairs, National Cemetery Administration \_\_\_\_\_

Address: \_\_\_\_\_ 811 Vermont Ave., NW Room 253, Washington, DC 20420 \_\_\_\_\_

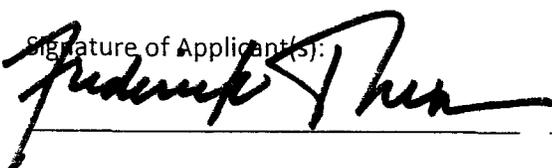
Telephone Number: \_\_\_\_\_ (202) 461-8919 \_\_\_\_\_

Location of Request: \_\_\_\_\_ East side of South 5<sup>th</sup> Street, between South B Street and South D Street \_\_\_\_\_

Reason for Request: \_\_\_\_\_ To align with parcel to the north, which will allow the interior street and fence to align with those to the north \_\_\_\_\_

Current Status of Right-of-Way Development: \_\_\_\_\_ Existing right of way has remnant of the Andrews Field bleachers which will be demolished and there is an on-street gravel parking area that will be converted to grass. \_\_\_\_\_

Signature of Applicant(s):

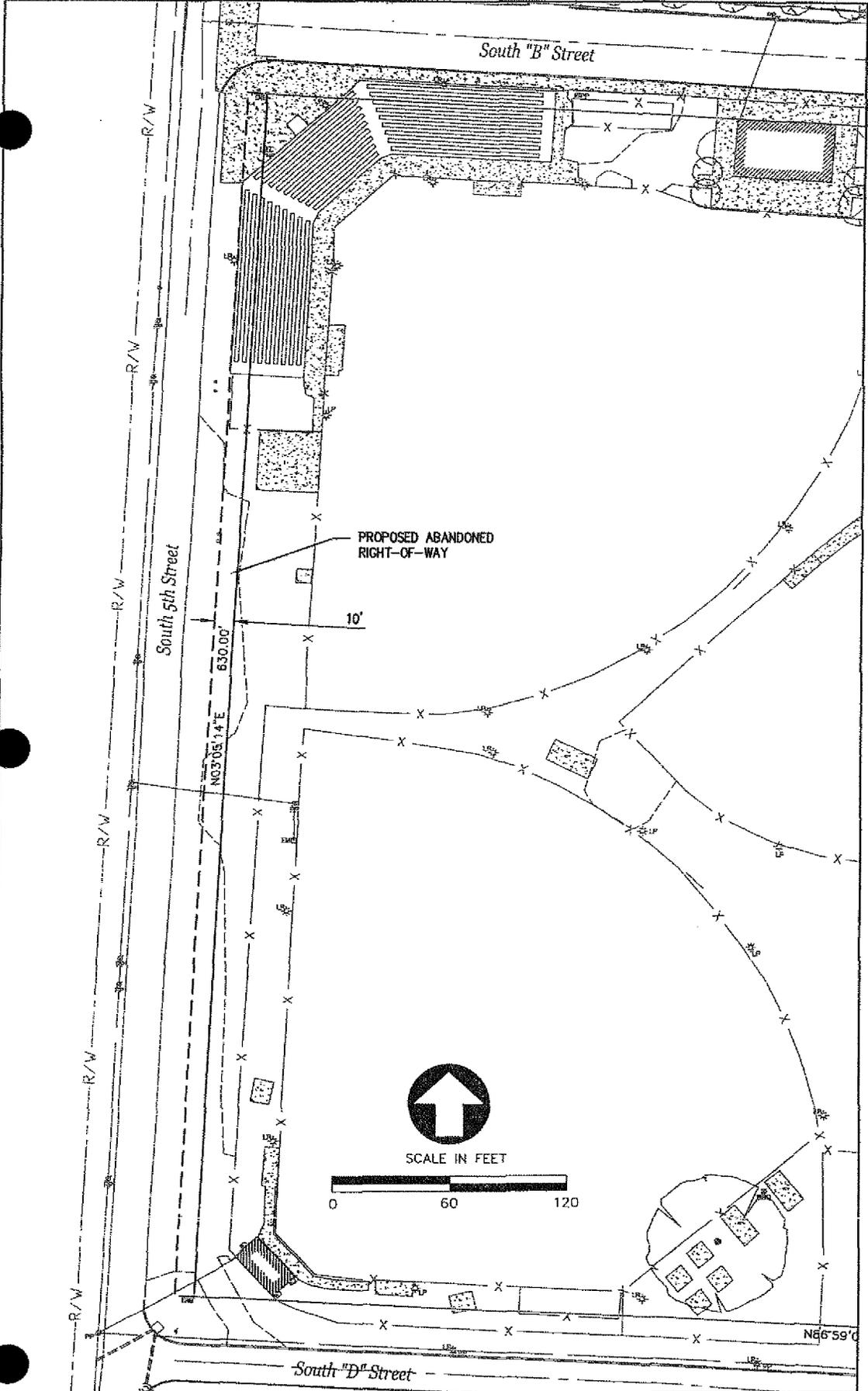


DIRECTOR, OFF. OF CONST. MGMT (41F)  
NATIONAL CEMETERY ADMIN.  
DEPT OF VETERANS AFFAIRS

Filing Requirements:

An application for right-of-way or public easement abandonment shall be considered complete and ready for filing with the City of Fort Smith Planning Department when the following requirements have been met.

A. The applicant shall provide a list of all property owners within 300 feet of all perimeter points of the tract being considered for abandonment.



SURVEY INFORMATION BY:  
 MICKLE WAGNER COLEMAN  
 3434 COUNTRY CLUB AVE.  
 P.O. BOX 1507  
 FORT SMITH, ARKANSAS  
 479-649-8484

**MACTEC**  
 MACTEC Engineering and Consulting, Inc.  
 3200 TOWN POINT DRIVE, SUITE 100  
 KENNESAW, GEORGIA 30144 (770) 421-3400

FORT SMITH NATIONAL CEMETERY  
 PROPOSED ABANDONED  
 RIGHT-OF-WAY EXHIBIT  
 JOB NO. 6151080263

PREPARED BY/DATE  
 CHECKED BY/DATE



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH  
ESTABLISHING THE ASSIGNMENT OF TAKE HOME VEHICLES TO THE  
CRIMINAL INVESTIGATIONS DIVISION OF THE FORT SMITH POLICE  
DEPARTMENT**

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

WHEREAS, the Board of Directors recognizes the need to assign up to forty City owned or seized vehicles to members of the Police Department's Criminal Investigations Division; and,

WHEREAS, all vehicles so assigned shall be provided to members who live within a 25-mile radius of police headquarters; and,

WHEREAS, all vehicles assigned shall be fueled and maintained in the most cost effective manner; and,

WHEREAS, take home vehicles will be utilized for business purposes, commuting, and *de minimis* personal use.

NOW, THEREFORE, BE IT RESOLVED, the Fort Smith Board of Directors grants the Chief of Police discretion to assign take home cars to employees listed on the Criminal Investigations Division roster in accordance with the guidelines set forth above in the best interest of providing services to the citizens of Fort Smith.

THIS RESOLUTION ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
NAR



## **Fort Smith Police Department**

Kevin Lindsey, Chief of Police

### **INTERDEPARTMENTAL MEMORANDUM**

**To: Dennis Kelly, City Administrator**

**From: Kevin Lindsey, Chief of Police**

**Subject: Take Home Vehicles**

**Date: January 14, 2010**

The Board of Directors met at a regular Study Session on January 12<sup>th</sup>, and reached consensus to allow a vote to be taken on reinstating up to forty take home vehicles for the Criminal Investigations Division. Pursuant to direction from the City Administrator, I propose the following criteria to be used in assigning all take home vehicles approved under this change.

First, all vehicles assigned must be assigned to members of the Criminal Investigations Division as listed on the current CID roster. Second, all vehicles shall be assigned to Detectives that live within a 25-mile radius of Police Headquarters. Third, assigned vehicles may be either seized vehicles or vehicles purchased by the City, as deemed necessary in the best interest of providing services to citizens. Fourth, all vehicles assigned shall be fueled using the most cost effective method available, which will generally entail fueling vehicles at City owned or contracted sites. Fifth, detectives assigned a take-home vehicle will use the vehicle only for business purposes and cause the vehicle and associated equipment to be maintained in usable condition.

The accompanying Resolution sets forth these criteria for the Board of Directors' consideration. Staff recommends passage of the Resolution to include assignment of up to forty vehicles as take-home cars.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING THE FEES FOR RENTAL OF THE TRAINS AT CREEKMORE PARK

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

The fees for train rental at Creekmore Park shall be as follows:

Diesel Engine	\$300.00	For the first hour and \$100 for each additional hour
Steam Engine	\$500.00	For the first hour and \$150 for each additional hour

The steam engine can only be rented on the days that it is normally scheduled to run either before or after the scheduled time.

Passed and approved this \_\_\_\_\_ day of January, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
npr



## Memo:

January 15, 2010

To: Dennis Kelly, City Administrator  
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*  
Re: Establishing fees for the rental of the train at Creekmore Park

The Parks and Recreation Commission recommends that the following fees be established for the rental of the train at Creekmore Park.

Diesel Engine \$300.00 for the first hour and \$100.00 for each additional hour  
Steam Engine \$500.00 for the first hour and \$150.00 for each additional hour

The Commission further recommends that the steam engine only be made available for rental on days that it is normally scheduled to run. The steam engine runs on Memorial Day, July 4, Labor Day, and the first day of Holiday Express.

The steam engine was built by Sam Skidmore, Paris, Texas, and began service in Creekmore Park in 1949. Mr. Skidmore built five of these engines, ours is the last of the five in operation. In 1988 a group organized to raise private funds to overhaul the steam engine. Along with the work on the steam engine, the diesel engine was built locally by Jay Wiechert to lengthen the life of the steam engine. The diesel engine began operation twenty years ago and runs from May through October.

The steam engine requires a minimum of two operators with high pressure boiler's license. It requires a minimum of two hours to prepare to run and a minimum of one hour to cool down. A one hour rental requires a minimum of four hours or eight paid staff hours.

The diesel engine requires one operator. It requires a half hour to prepare and half hour to put away. A one hour rental requires a minimum of two hours.

Please call if you have any questions about this recommendation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING THE  
FEES FOR THE PARK AT WEST END

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

The fees for the Park at West End shall be as follows:

Ferris Wheel	\$1.00	Per person per ride
Carousel	\$1.00	Per person per ride
Birthday Party	\$50.00	Up to 10 patrons for 1 hour
Private Party	\$350.00	Up to 3 hours before or after regular hours
Private Party	\$750.00	Up to 3 hours during regular hours

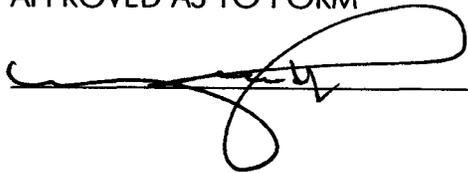
Passed and approved this \_\_\_\_\_ day of January, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM  
\_\_\_\_\_  
npr



## Memo:

January 15, 2010

To: Dennis Kelly, City Administrator

From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*

Re: Establishing fees for the Ferris wheel and carousel at "the Park at West End"

The Parks and Recreation Commission recommends that the following fees be established for the rides at the Park at West End. With one exception these fees were discussed in the task force, Central Business Improvement District Commission, Advertising and Promotions Commission, and Parks and Recreation Commission meetings and used in establishing the revenue projection for the business plan. The Parks and Recreation Commission recommends a \$750.00 fee for private rentals during regular hours instead of \$1,500.00.

\$1.00 per ride

\$50.00 birthday party

\$350.00 private party before or after regular hours

\$750.00 private rental during regular hours

A daily fee of \$1.00 per ride is recommended. The fee was \$2.00 per ride the first year of operation and \$3.00 per ride the last two years of operation. Attendance dropped each year from approximately 24,000 to 17,500, to 10,000. It is anticipated that patrons will ride more times per visit and return more often with the lower fee.

The birthday party fee of \$50.00 is recommended for up to 10 patrons for one hour of rides. This fee would apply during normal operating hours.

The private reservation fee of \$350.00 is recommended for before or after regular hour's reservations for up to three hours. This would allow a company, convention, or other patron to schedule the rides for their event.

The private reservation fee of \$750.00 is recommended for an event of up to three hours that occurs during regular operating hours closing use of the rides to the public. These reservations will be posted to notify the public of reduced public hours.

The schedule for opening the rides in the Park at West End is April through October. From Memorial Day through Labor Day, the rides will be open Tuesday through Saturday and the rest of the season on Friday and Saturday.

The contract has not been signed awaiting the purchase of liability insurance. This purchase is near completion; a quote was received around \$6,000. The owner has provided operation, training, and maintenance manuals and other information requested by the insurance provider.

Please call if you have any questions about this matter.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AMENDING R-71-08 TO INCLUDE CHARTER SERVICE RATES FOR THE FORT SMITH PUBLIC TRANSIT**

**Whereas**, the Board of Directors of the City of Fort Smith, Arkansas is committed to providing efficient public transportation to the citizens of Fort Smith, and;

**Whereas**, Fort Smith Public Transit is in need of specialized rates for diversified services,

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

**Section 1:** Resolution No. R-71-08 is hereby amended to include the Fort Smith Public Transit charter service rates attached hereto as Exhibit "A".

**Section 2:** The rates shall become effective February 1, 2010.

Passed and Approved this \_\_\_\_\_ day of January, 2010.

**APPROVED:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

*Approved as to form*  
*NPR*

**Fort Smith Transit  
Passenger Fare Rate Schedule**

Fixed Route Trip .....	\$1.00
Fixed Route Trip - Age 65+ and Certified Disabled .....	50¢
Fixed Route Trip - Medicare Recipients.....	50¢
Demand Response Trip.....	\$2.00
Mixed Rate Trip.....	\$1.50
(passengers riding fixed route and demand response to reach destination)	
Monthly Pass (Fixed Route Only) .....	\$35.00
Bulk Ticket Sales (\$1.00 tickets only).....	40 Tickets for \$35.00
Children Age 7 and Under .....	FREE
Transfers .....	FREE

**Charter Service..... City of Fort Smith Department Rates:**

First Hour - \$85.00 (\$25.00 for admin. + \$60.00 service hour)  
Each Additional Hour - \$60.00

**Private Charter Rates (all other entities besides city departments):**

First Hour - \$125.00 (\$65.00 for admin. + \$60.00 service hour)  
Each Additional Hour - \$60.00

All charters require a minimum seven (7) day advance reservation notice and are subject to federal approval.



**MEMORANDUM**  
**January 11, 2009**

**To:** Dennis Kelly, City Administrator  
**From:** Ken Savage, Transit Director *KS*  
**Subject:** Resolution Amending the Transit Department Rate Schedule

Attached is a resolution incorporating charter rates into the transit department's passenger fare rate schedule. This action is necessary to display the department's rates and minimum seven (7) day notification requirement for charter services. The revised schedule (Exhibit A) includes charter service rates approved by the transit advisory commission at their September 17, 2009 meeting. Current rates are \$75.00 for the first hour and \$50.00 for each additional hour of charter service.

The rates approved by the commission in Exhibit A are:

City Department Rates:

First Hour - \$85.00 (\$25.00 for admin. + \$60.00 service hour)

Each Additional Hour - \$60.00

Private Charter Rates (all other entities besides city departments):

First Hour - \$125.00 (\$65.00 for admin. + \$60.00 service hour)

Each Additional Hour - \$60.00

The rate revision is necessary to cover the total costs of performing incidental charter service. The Federal Transit Administration (FTA) does not allow grant funds to be used in competition with private charter providers; therefore, the rates must reflect, at a minimum, actual expenses. The revised rates include administration costs associated with each charter. Private charter rates are slightly higher than city department rates due to the extensive application and billing process.

The public hearing process required by FTA for rate adjustments has been satisfied. No comments were received pertaining to the revised rates. The transit advisory commission unanimously approved the rate adjustment. If the Fort Smith Board of Directors approves the resolution, the new rates will be effective February 1, 2010. Staff recommends approval of the resolution.

Please feel free to contact me for further information.

6A

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH  
EXPRESSING APPRECIATION FOR CHRISTMAS HONORS 2009**

**WHEREAS**, a volunteer effort supported by the Fort Smith Regional Chamber of Commerce and its Education and Quality of Place division initiated the Christmas Honors program at the Fort Smith National Cemetery; and

**WHEREAS**, hundreds of family members, students, members of civic clubs, retired military personnel and their families, and private citizens helped with the assembly of 12,000 wreaths; and

**WHEREAS**, private businesses assisted in the procurement, transportation, and storage of wreaths; and

**WHEREAS**, the outpouring of public support from across the Greater Fort Smith Region was so great that each headstone in the Fort Smith National Cemetery was decorated in less than half the time organizers had allotted;

**WHEREAS**, Fort Smith citizen Philip Merry and a core team of eight other citizens accomplished the impossible and inspired residents of the Greater Fort Smith Region to remember all members of our armed services and their families, simply remembering our fallen heroes.

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

All individuals and entities involved in the Christmas Honors program are to be commended and applauded for their accomplishments that *make life worth living in Fort Smith, Arkansas!*

This resolution adopted this \_\_\_\_\_ day of January, 2010.

**APPROVED**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

*Approved - to sign*  
*[Signature]*  
*Asst of Attorney*  
*NPR*



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# MEMORANDUM

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**TO:** Dennis Kelly, City Administrator  
**FROM:** Tracy Winchell, Office of Economic Development  
**SUBJECT:** Christmas Honors resolution  
**DATE:** 1/13/2010

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## CHRISTMAS HONORS SUCCESS

**A formal "thank you" from the City of Fort Smith**

As requested by the Mayor and Board of Directors during its January 5, 2010 regular meeting, please find a resolution of support for the Fort Smith Regional Chamber of Commerce's Education and Quality of Place Committee.

6 B.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ACCEPTING AN AMENDMENT TO THE PROPOSAL FOR THE PURCHASE, STABILIZATION AND RENOVATION OF THE FORMER MALLALIEU CHURCH BUILDING**

---

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

**WHEREAS**, the Board of Directors approved a resolution on February 5, 2008, accepting a bid proposal from Monte Wilson and Scott Hathaway to purchase the property at 800 North 9<sup>th</sup> Street; and

**WHEREAS**, the proposal included a clause that the City of Fort Smith retains ownership of the building until certain events occurred including raising the necessary funds to renovate the building; and

**WHEREAS**, The Board of Directors has previously approved resolutions amending the time deadline in the original proposal to raise funds for the purchase, stabilization and renovation of the former Mallalieu Church building at 800 North 9<sup>th</sup> Street; and

**WHEREAS**, Monte Wilson and Scott Hathaway have requested a third extension of time to continue efforts to raise the necessary funds.

**THEREFORE**, The Board of Directors accepts the request from Monte Wilson and Scott Hathaway to amend the time deadline to January 31, 2011, to raise funds for the project.

**THIS RESOLUTION APPROVED THIS \_\_\_\_\_ DAY OF JANUARY 2010.**

**APPROVED:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

Approved - E. J. [Signature]  
[Signature]  
NPR

# MEMORANDUM

---

**To:** Dennis Kelly, City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** January 7, 2010  
**Subject:** 800 North 9<sup>th</sup> Street - Former Mallalieu Church

The City staff presented information and a proposal to accept bids and demolish the subject building at the Board of Directors' December 18, 2007-regular meeting. The proposal was a result of the deteriorated condition of the building and complaints about the City not maintaining its property under the Property Maintenance Code. The Board elected to place the demolition into abeyance and seek proposals for the reuse and renovation of the building.

Mr. Monte Wilson submitted a proposal to purchase, stabilize and renovate the former Mallalieu Church building at 800 North 9<sup>th</sup> Street. The Board of Directors approved resolution (R-16-08) accepting Mr. Wilson's proposal. The original proposal included a clause that failure to raise the necessary funds by July 31, 2008 would result in the withdrawal of the proposal.

The Board approved Resolution R-127-08 (*August 5, 2008*) which amended the time deadline to January 31, 2009. The Board approved Resolution R-37-09 (*March 3, 2009*) which further amended the time deadline to January 31, 2010.

Mr. Wilson will attend the Board of Directors' January 12, 2010, study session to offer an update on their fund-raising effort and proposal.

I have included a package of information that reflects the history of this property and the proposal.

Please contact me if you have any questions.

Planning

6B

RESOLUTION NO. R-37-09

**A RESOLUTION ACCEPTING AN AMENDMENT TO THE PROPOSAL FOR THE PURCHASE, STABILIZATION AND RENOVATION OF THE MALLALIEU CHURCH**

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

**WHEREAS;** The Board of Directors approved a resolution on February 5, 2008, accepting a proposal from Monte Wilson and Scott Hathaway for the purchase, stabilization and renovation of the former Mallalieu Church building at 800 North 9<sup>th</sup> Street; and,

**WHEREAS;** the proposal included a time deadline of July 31, 2008, to raise the necessary funds; and,

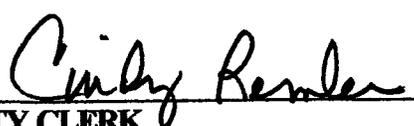
**WHEREAS;** Monte Wilson and Scott Hathaway have requested an extension of time to continue efforts to raise the necessary funds;

**THEREFORE,** The Board of Directors accepts the request from Monte Wilson and Scott Hathaway to amend the time deadline in the original proposal to January 31, 2010, which will allow additional time for the fund raising efforts.

**THIS RESOLUTION APPROVED THIS 3<sup>rd</sup> DAY OF MARCH 2009.**

**APPROVED:**  
  
**MAYOR**

**ATTEST:**

  
**CITY CLERK**

*Approved as to form  
JSL  
no publication required*

4 B.

RESOLUTION NO. R-127-08

**A RESOLUTION ACCEPTING AN AMENDMENT TO THE  
PROPOSAL FOR THE PURCHASE, STABILIZATION AND RENOVATION OF  
THE MALLALIEU CHURCH**

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

**WHEREAS;** The Board of Directors approved a resolution on February 5, 2008, accepting a proposal from Monte Wilson and Scott Hathaway for the purchase, stabilization and renovation of the former Mallalieu Church building at 800 North 9<sup>th</sup> Street; and,

**WHEREAS;** the proposal included a time deadline of July 31, 2008, to raise the necessary funds; and,

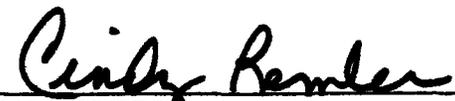
**WHEREAS;** Monte Wilson and Scott Hathaway have requested an extension of time to continue efforts to raise the necessary funds;

**THEREFORE,** The Board of Directors accepts the request from Monte Wilson and Scott Hathaway to amend the time deadline in the original proposal to January 31, 2009, which will allow time for the execution of the fund raising campaign.

**THIS RESOLUTION APPROVED THIS 5<sup>th</sup> DAY OF AUGUST 2008.**

**APPROVED:**   
\_\_\_\_\_  
**MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**CITY CLERK**

*Approved as to form  
JHC  
no publication required*

February 19, 2009

City of Fort Smith Board of Directors  
Dennis Kelly, City Administrator  
Wally Bailey, Director of Development  
Fort Smith, AR 72907

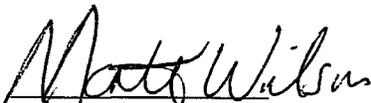


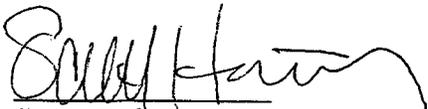
Re: Renovation of the Mallalieu Center  
Extension

Due to the current economic recession our country and community is experiencing, we hereby petition the Board of Directors to graciously consider extending the self imposed due date of January 31, 2009 submitted to the Board of Directors on July 31, 2008 to January 31, 2010 . Granting the extension will hopefully allow time for the financial markets to begin to rebound which hopefully will increase charitable giving and allow potential contributors to meet their pledges to the project.

Our goal for 2009 will be to secure enough donations to renovate the exterior of the building to avoid further deterioration. There has been considerable progress in completing several of the accomplishments stated in the report given July 31, 2008 to the Board of Directors.

We believe the renovation of the Mallalieu Building is still a viable project and remain very optimistic that the community will commit in preserving one of Fort Smiths' historical landmarks and will continue to support revitalizing the local community.

  
Monte Wilson

  
Scott Hathaway

July 16, 2008

City of Fort Smith Board of Directors  
Ray Gosack, Acting City Administrator  
Wally Bailey, Director of Development  
Fort Smith, AR 72907



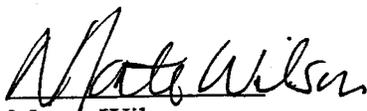
Re: Renovation of the Mallalieu Center  
Extension

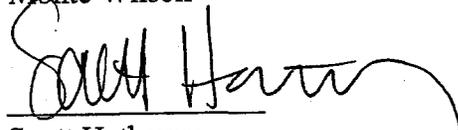
We hereby petition the Board of Directors to graciously consider extending the self imposed due date of July 31, 2008 stated in the bid submitted to the Board of Directors on January 22, 2008 to January 31, 2009. Granting the extension will allow time to focus on executing the "Mallalieu Project" fund raising campaign plan.

There has been considerable progress in developing a strategic plan for a successful fund raising campaign to renovate the Mallalieu Center. Local professional services were enlisted to give in-kind gifts valued in the amount of \$200,000, which allows future campaign dollars to be designated to the renovation project. Listed below are significant accomplishments that have been attained, or scheduled to be accomplished by July 31, 2008.

1. Determined the actual construction costs.
2. Established the Howard Foundation as a legal entity.
3. Filed for 501(c)(3) not-for-profit status.
4. Developed marketing logo.
5. Developed marketing brochure\*.
6. Developed marketing video\*.
7. Developed web site\*.
8. Began discussion with local contractors.
  - a. Received in-kind gift for engineering.
  - b. Received in-kind gift for architectural-design.
  - c. Received in-kind gift for demolition work.
  - d. Received in-kind gift for site work.
9. Began the program development planning with local community school principals and community leaders.
10. Established fund raising network.

We believe the renovation of the Mallalieu Building is still a viable project and remain very optimistic that the community will commit in persevering one of Fort Smiths' historical landmarks and will continue to support revitalizing the local community.

  
Monte Wilson

  
Scott Hathaway

RESOLUTION NO. R-16-08

**A RESOLUTION ACCEPTING A PROPOSAL FOR THE PURCHASE, STABILIZATION AND RENOVATION OF THE MALLALIEU CHURCH**

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

**SECTION 1:** The City of Fort Smith accepts, with the following conditions in Sections 2 & 3, the attached proposal submitted by Monte Wilson and Scott Hathaway for the renovation of the Mallalieu Church located at 800 North 9<sup>th</sup> Street.

**SECTION 2:** The City of Fort Smith will require written permission from any group, organization, or individual who previously donated funds to renovate this church before those funds are released for a marketing campaign.

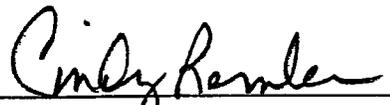
**SECTION 3:** The City of Fort Smith must enter into an outside agency funding agreement with the proposed 501(c)(3) not for profit corporation before any public funds are committed toward this project.

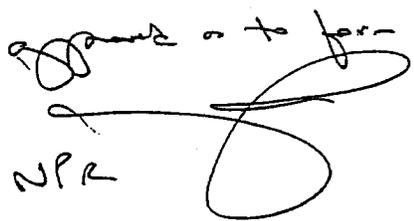
**THIS RESOLUTION APPROVED THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2008**

**APPROVED:**

  
MAYOR

**ATTEST:**

  
CITY CLERK

  
NPR

## EXHIBIT A

The City of Fort Smith will retain ownership of the building until the following events or commitments occur:

1. Bids are obtained for the renovation of the building to determine actual construction costs;
2. The Howard Foundation, a 501(c)(3) not-for-profit corporation, has received its tax exempt status;
3. The Fund Raising Campaign has been successfully completed achieving its goal to fund the project;
4. The City of Fort Smith will commit to contributing \$189,816.00 to the renovation project when the Fund Raising Campaign has reached its targeted goal;
5. The City of Fort Smith will designate the funds currently in the Mallalieu Renovation Fund in the amount of \$29,000 to the Capital Campaign for marketing purposes.

### OTHER ITEMS:

1. A formal capital campaign plan will be developed and submitted to the City Administrator by March 31, 2008.
2. It is acknowledged by the City of Fort Smith that failure to raise the necessary funds by July 31, 2008 will result in the withdrawal of this proposal.

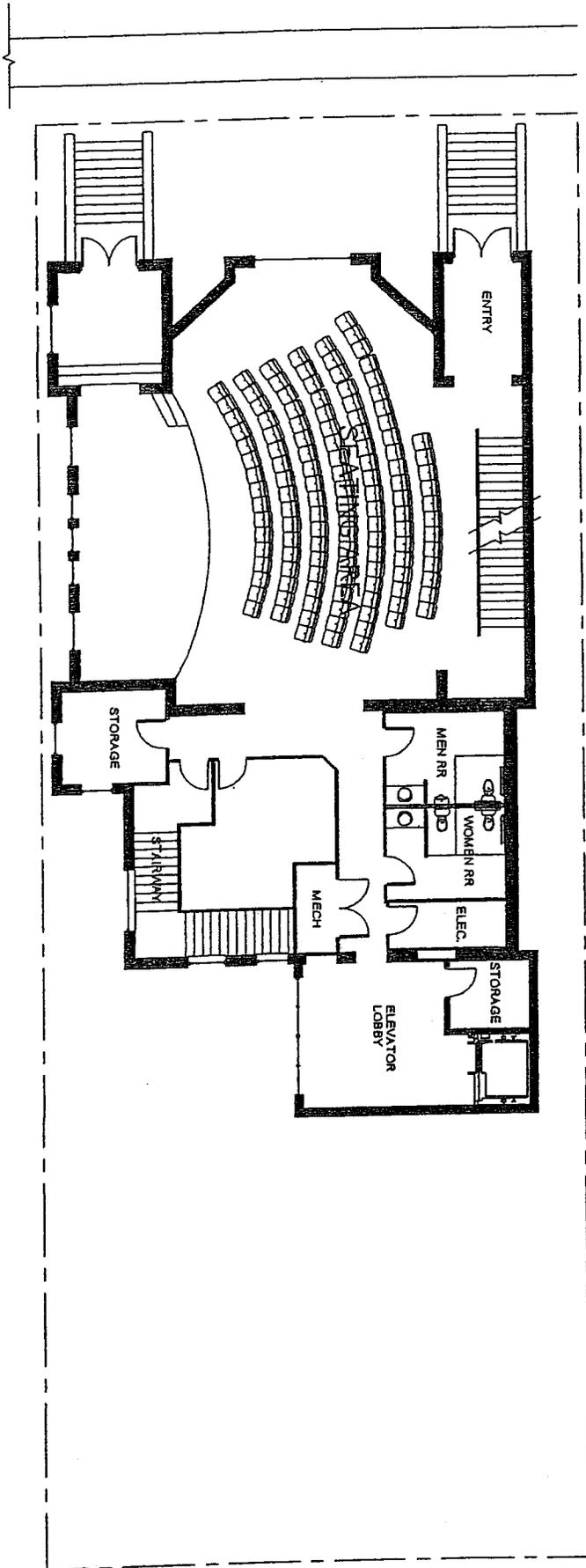
**DETAILED INFORMATION ON HOW THE PROJECT WILL BE FINANCED:**

The project will be financed through the following:

1. Private and corporate donations, in-kind gifts, planned giving, foundations, and philanthropists.

**EXPLANATION OF THE PROPOSED USE FOR THE BUILDING:**

Creating a community of youth and adults that gives opportunities to the youth to develop their talents and gifts, through collaboration with local schools, local universities, by offering project based arts and science programs, community mentoring, leadership development activities, media advocacy projects, academic counseling and advancement, character development seminars and events that strengthen the family .



**Proposed Upper Level Plan**  
**Mallalieu Church Renovation**  
Fort Smith, Arkansas

Mallalieu Project  
Marketing Plan  
February 22, 2008

The purpose of the Mallalieu Project Marketing Plan is make the community aware of the historical significance, inform the community of what the restoration impact will have on the downtown redevelopment , what the building will be use for once restored, and to the engage donor and philanthropists to give monetarily to the restoration project. The plan is as follows:

- ⌚ Engage Marketing firm to assist in developing a marketing material
- ⌚ Engage Production Company to create a video production
- ⌚ Create a brochure to be given to potential donor and philanthropist explaining:
  - Historical Significance
  - Plan use of the Building
  - Ft. Smith Downtown Redevelopment
- ⌚ Engage Ryla Teleservice for 800 number for 24/7 contact availability
- ⌚ Engage Web Design Firm to design WEB site
- ⌚ Engage Clear Channel for billboard and radio advertising
- ⌚ Schedule Community Meeting
- ⌚ Create potential donor and philanthropist list

FORM OF BID PROPOSAL

DATE : January 22, 2008

Proposal submitted by:

Name: Monte Wilson and Scott Hathaway

Address: 1908 Ramsgate Way, 7718 Camelot Circle

City, State, Zip: Fort Smith, AR72903

Telephone: 479-649-9909; 479 452-6044

E-Mail:

---

TO: The City of Fort Smith

In compliance with your Invitation to Bid, the undersigned hereby proposes to purchase the property at 800 North 9<sup>th</sup> Street for the following amount:

Bid Amount:

One Dollar (\$1.00) (with conditions listed in Exhibit A).

(Bid amount shall be shown in both written form and figures. In case of discrepancy between the written amount and the figures, the written amount shall govern.)

Stabilization and Renovation Plan Acknowledgement:

I, Scott Hathaway, Monte Wilson, acknowledge that a Stabilization and Renovation Plan with the information detailed in the Instruction to Bidders is included with my Bid Proposal.

The undersigned hereby declares that he will carry out the stabilization and renovation of 800 North 8<sup>th</sup> Street as required by the Instructions to Bidders.

The owner reserves the right to reject any or all bids and to waive formalities.

Bids shall remain valid for thirty (30) days after bid opening.

By: Scott Hathaway Monte Wilson

Address

## EXIHIBIT A

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### OTHER ITEMS:

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2. It is acknowledged by the City of Fort Smith that failure to raise the necessary funds by July 31, 2008 will result in the withdrawal of this proposal.

PROPOSALS FOR PURCHASE, STABILIZATION and  
RENOVATION  
for MALLALIEU CHURCH,  
FORT SMITH, ARKANSAS

**EXISTING CONDITION:**

The existing structure has suffered through two decades of neglect and shows signs of severe deterioration. The exterior load bearing masonry walls do not show as much deterioration as the interior structure but do have areas of mortar loss and signs of deterioration due to vegetation growth through the masonry.

**STABILIZATION and RENOVATION PROCESS:**

Mr. Bill Hathaway of Hathaway Engineering, Inc. has agreed to be part of the team of professionals that will be involved in the rehabilitation of the building. Mr. Hathaway has 40 plus years of experience in structural engineering including experience evaluating old structure and providing solutions to rehab historic structures. Some of his past experience includes the complete rehabilitation of the King Opera House in historic downtown Van Buren and several buildings in Eureka Springs. Mr. Hathaway was also asked by the City of Fort Smith to evaluate several buildings along Garrison Avenue for structural integrity following the 1996 tornado that struck Fort Smith and Van Buren.

The stabilization of the existing structure will be linked to the renovation of the building for its proposed use and will occur at the same time. It is not our desire to "phase" the construction process where the building remains unoccupied between the stabilization phase and the renovation phase. Due to the condition of the existing interior structure once work begins it will not stop until the building is completed.

Although the exact process and sequence of work has not yet been determined, it will most likely will be similar to the process as described in the letter submitted by Mr. Michael Johnson of Architecture Plus, Inc. in September of 2007: The exterior roof and interior structure will be removed and a new structure will be built inside the existing load-bearing masonry walls. The exact means and methods of the renovation and construction will be determined with the consultation with the structural engineer, the architect of record and the building contractor.

It is anticipated that, provided the necessary funds are obtained by June 30, 2008, demolition will start immediately after that date and be completed by October 1, 2008. Work would then begin immediately to renovate the building with completion being in June of 2009. All work will comply with all applicable local, state, and federal regulations.

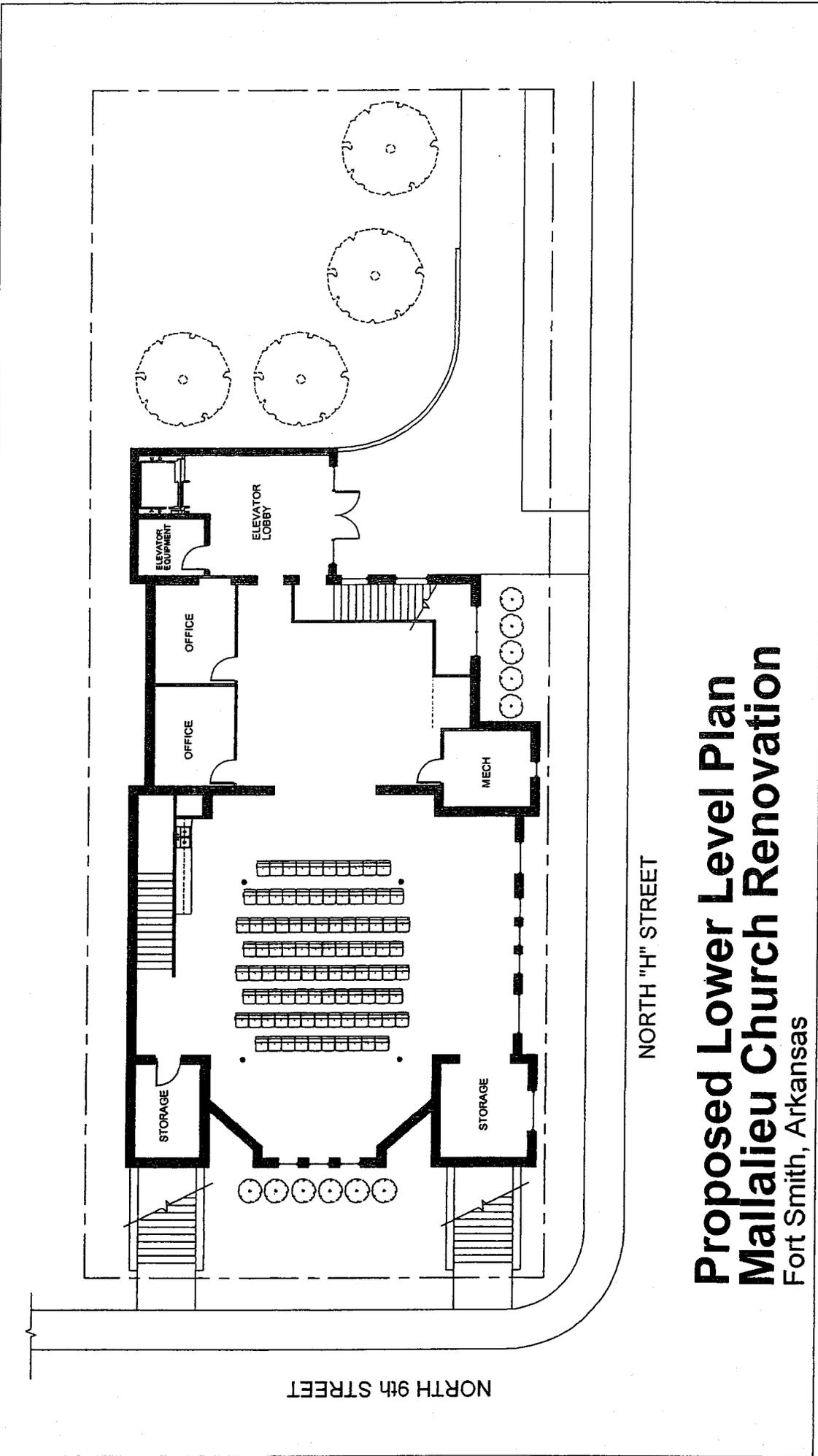
**DETAILED INFORMATION ON HOW THE PROJECT WILL BE FINANCED:**

The project will be financed through the following:

1. Private and corporate donations, in-kind gifts, planned giving, foundations, and philanthropists.

**EXPLANATION OF THE PROPOSED USE FOR THE BUILDING:**

Creating a community of youth and adults that gives opportunities to the youth to develop their talents and gifts, through collaboration with local schools, local universities, by offering project based arts and science programs, community mentoring, leadership development activities, media advocacy projects, academic counseling and advancement, character development seminars and events that strengthen the family .

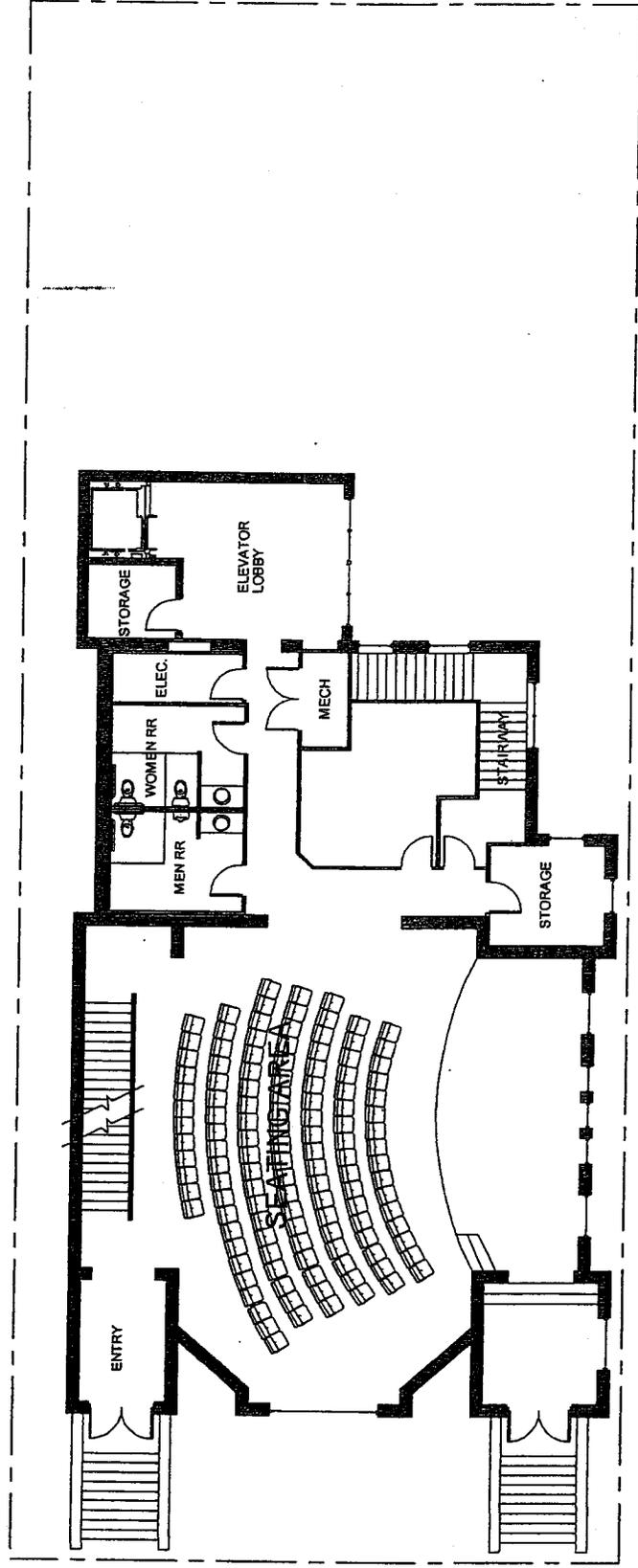


NORTH 9th STREET

NORTH "H" STREET

# Proposed Lower Level Plan Mallalieu Church Renovation

Fort Smith, Arkansas



# Proposed Upper Level Plan Mallalieu Church Renovation

Fort Smith, Arkansas

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ACCEPTING BID AND AUTHORIZING THE MAYOR TO  
EXECUTE A CONTRACT FOR THE DEMOLITION  
OF THE  
MALLALIEU UNITED METHODIST CHURCH BUILDING AT  
800 NORTH 9<sup>TH</sup> STREET**

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

**SECTION 1:** The bid of Controlled Environmental Solutions, Inc. for the demolition of the Mallalieu United Methodist Church building at 800 North 9<sup>th</sup> Street in the amount of \$189,816.00 is hereby accepted.

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

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF DECEMBER 2007.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

*Approved as to form  
JSC  
No publication required*

# MEMORANDUM

**To:** Randy Reed, City Administrator  
Wally Bailey, Director of Development and Construction  
**From:** Brenda Andrews, Senior Planner *BA*  
**Date:** December 11, 2007  
**Subject:** 800 North 9<sup>th</sup> Street Building Demolition Project

The subject project consists of the demolition of the former Mallalieu United Methodist Church building at 800 North 9<sup>th</sup> Street. The city acquired the building in 2001.

In September 2007, Architecture Plus, Inc., provided us with a report that concluded the building is unsafe and structurally unstable. According to Mr. Johnson, the cost to renovate the building would be in the range of \$2.5 to \$3.5 million. Jason Myers, a structural engineer with Myers-Beatty Engineering, also investigated the building in August 2007, and concluded that the building should be demolished because it is unsafe and an imminent danger to the surrounding property.

The building is extremely deteriorated with portions of the first floor, balcony, and roof collapsed. Based on the enclosed reports from Johnson and Myers, the demolition of the building should occur soon.

We published an advertisement for the project and received the following two bids:

<u>Contractor</u>	<u>Bid Amount</u>
Controlled Environmental Solutions, Inc.	\$189,816.00
A.J. Greenwood Plumbing & Excavation	\$192,000.00

Controlled Environmental Solutions, Inc. submitted the low bid in the amount of \$189,816.00, which was lower than our estimate of \$250,000. After reviewing the bid documents and discussing the bid with the low bidder, we recommend awarding the construction contract to Controlled Environmental Solutions, Inc. This company has a good track record with the city as you may recall that Controlled Environmental Solutions performed the demolition on the White Dairy building.

I have attached a Resolution that will authorize the Mayor to execute a contract with Controlled Environmental Solutions, Inc. Please contact me if you have any questions.

Enc.



September 6, 2007

Wally Bailey  
Director, City Planning and Zoning  
623 Garrison Avenue, Room 331  
Fort Smith, Arkansas 72901

Re: Renovation / Adaptive use of  
Mallalieu United Methodist Church  
North 9<sup>th</sup> and "H" Streets  
Fort Smith, Arkansas

Dear Wally;

On August 28, 2007 you, I, Jimmy Deer and Jason Myers (structural engineer) reviewed the existing building conditions of the above referenced facility. Simply stated, the building has reached a point of being unsafe and structurally unstable.

Unless immediate actions are taken to stabilize and completely renovate the building, then it should be systematically deconstructed and / or demolished. (See attached letter from Jason Myers)

Since our first report of July 20, 2000 nothing has been done to prevent the complete deterioration of the building.

Although most of the windows and doors are "boarded-up" to prevent people from entering, the building is still fully exposed to the weather elements via large holes in the roof and gaps around the "boarded-up" windows and doors.

In 2000 it was still possible to enter the building, walk throughout most floor areas and fully examine the building. In 2007 this is no longer available as the weather elements have made portions of the roof, ceilings and walls to collapse. Such deterioration is even evident in the exterior as seen in the 2000 photos and the 2007 photos, which are attached.

If the building is to be demolished, I would suggest a deconstruction process, as the City should be trying to be environmentally friendly and there are salvageable construction materials.

If the building is renovated its cost would probably be three to four times my 2000 estimate, or approximately \$2.5 to \$3.5 million. The renovation would remove the roof structure, all existing interior construction, leaving the exterior masonry walls only, and then a new structural steel system would be inserted within the open walls for support of a new roof and interior wall / floor construction. Basically, a new building would be built inside of the existing exterior brick walls.

Architects • Planners • Interior Designers

MICHAEL G. JOHNSON, A.I.A. • ANTHONY S. LERARIS, A.I.A. • H. CRAIG BOONE, A.I.A.

907 South 21st • Fort Smith, AR 72901 • Phone: 479-783-8395 • Fax: 479-783-0935 • e-mail: [aplus@archplusinc.net](mailto:aplus@archplusinc.net)

Page 2  
September 6, 2007

Given the construction costs for renovation, the current state of extreme unsafe and unhealthy disrepair / deterioration of the church, I am inclined to believe that its demolition / deconstruction and subsequent construction of a new building is in the best interest of the City.

Please call me with any questions, or if I can be of further assistance.

Sincerely,  
ARCHITECTURE PLUS, INC.

*Michael G. Johnson / CC*

Michael G. Johnson, AIA

MGJ:cc

Enclosures

# Myers-Beatty Engineering, PLLC

1031 Fayetteville Rd, Van Buren, AR 72956  
Ph (479) 474-4412 ♦ Fax (479) 474-4413

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August 29, 2007

Wally Bailey, Director  
City Planning and Zoning  
623 Garrison Ave, Room 331  
Fort Smith, AR 72901

Re: Mallalieu United Methodist Church

Dear Mr. Bailey,

Per your request, a site visit was made to the Mallalieu United Methodist Church at the corner of North 9<sup>th</sup> and North H in Fort Smith, Arkansas, on August 28, 2007. The purpose of the visit was to perform a visual structural evaluation of the building to aid in determining the viability and cost of renovating the structure.

According to the building's cornerstone, the church was constructed in 1921. It is comprised of an underground basement, a first floor, and a balcony in the sanctuary. The outer walls are constructed of load bearing rubble masonry and clay masonry. The floors and roof are constructed of wood framing.

The church has been vacant for approximately twenty-two years. During this period the structure has experienced severe deterioration, mostly due to water damage. Portions of the first floor, portions of the balcony, and portions of the roof have collapsed. An investigation of the interior of the entire building was not possible, due to the unsafe conditions.

The exterior of the building also showed signs of deterioration. Some of the mortar joints in the face brick have eroded, causing the bricks to become loose, some of which have fallen to the ground. There were several large holes in the roof structure, and a large amount of deflection in the ridge of the sanctuary roof.

While it is not possible to predict when or if the structure will collapse, the right set of unpredictable circumstances, i.e., rain, wind, or seismic, could cause a total collapse of the building at any time. Due to the amount of structural integrity that the building has lost, it is my opinion that the structure is unsafe and an imminent danger to the surrounding property, and therefore should be demolished.

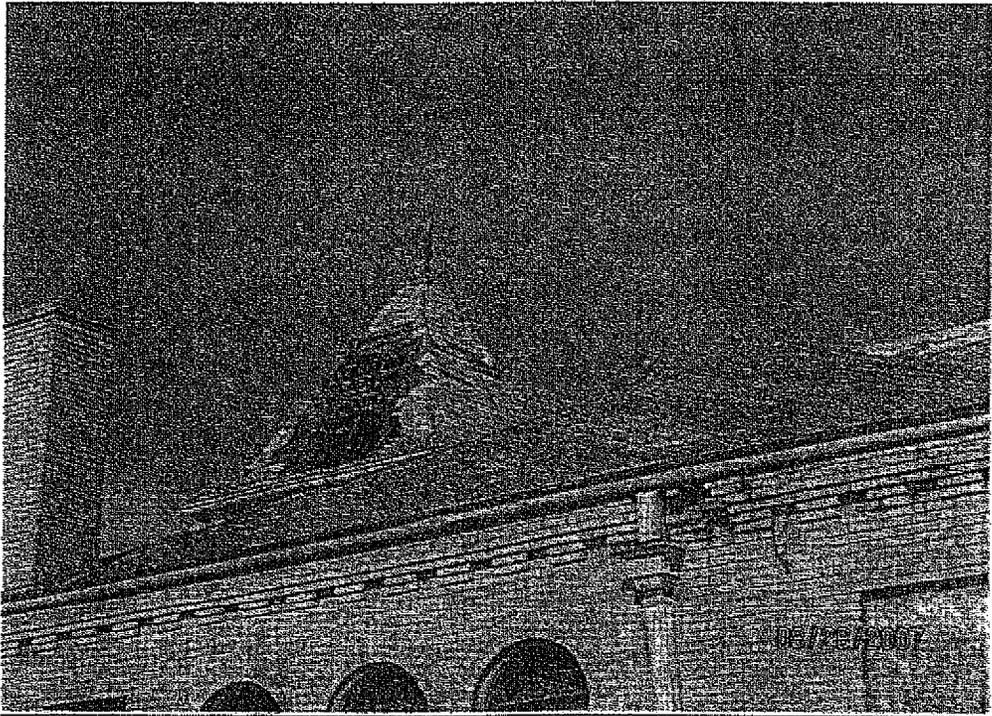
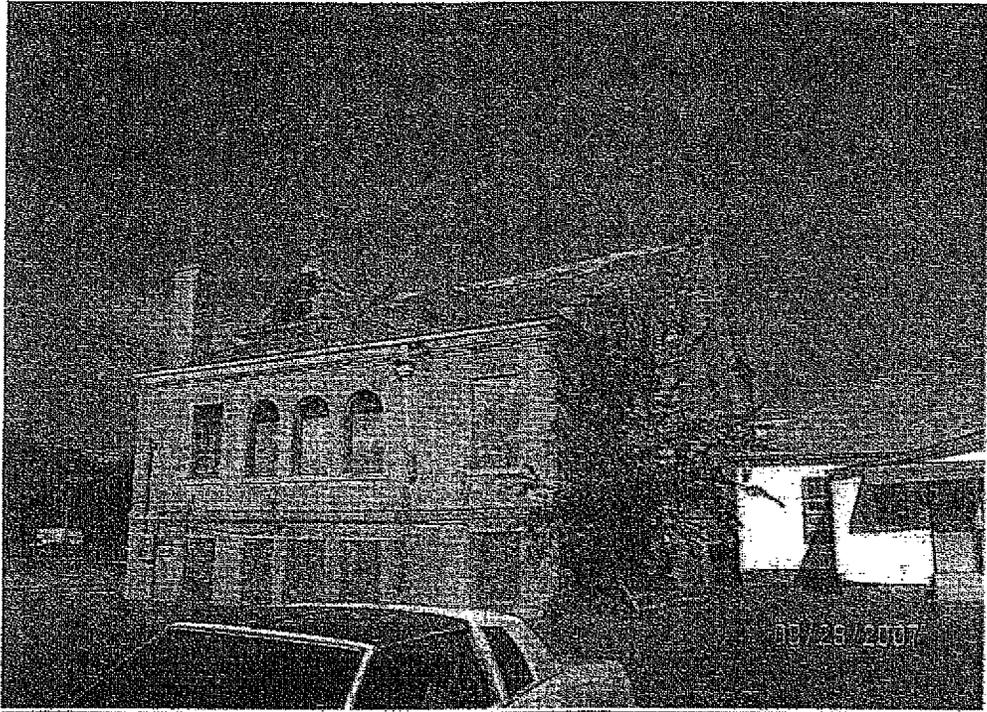
If you have any questions or require further assistance, please call.

Sincerely,

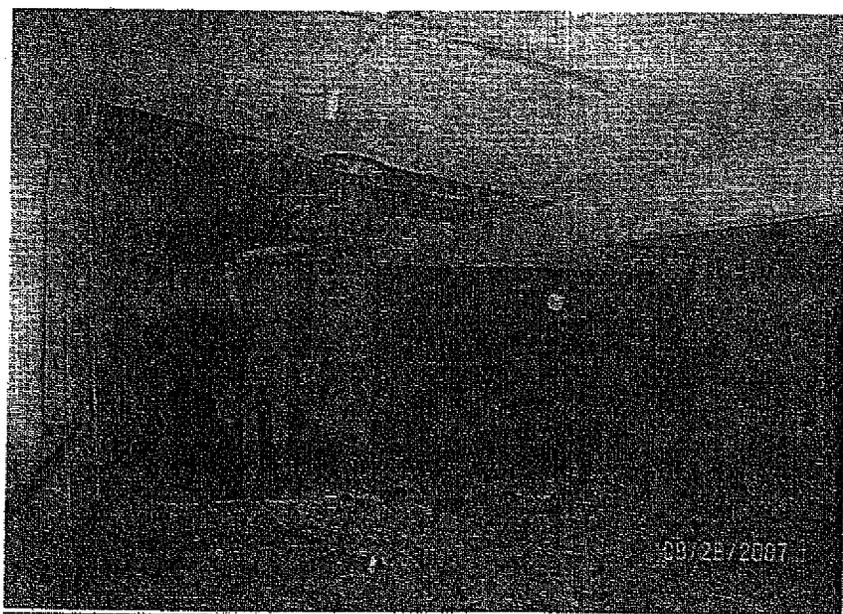
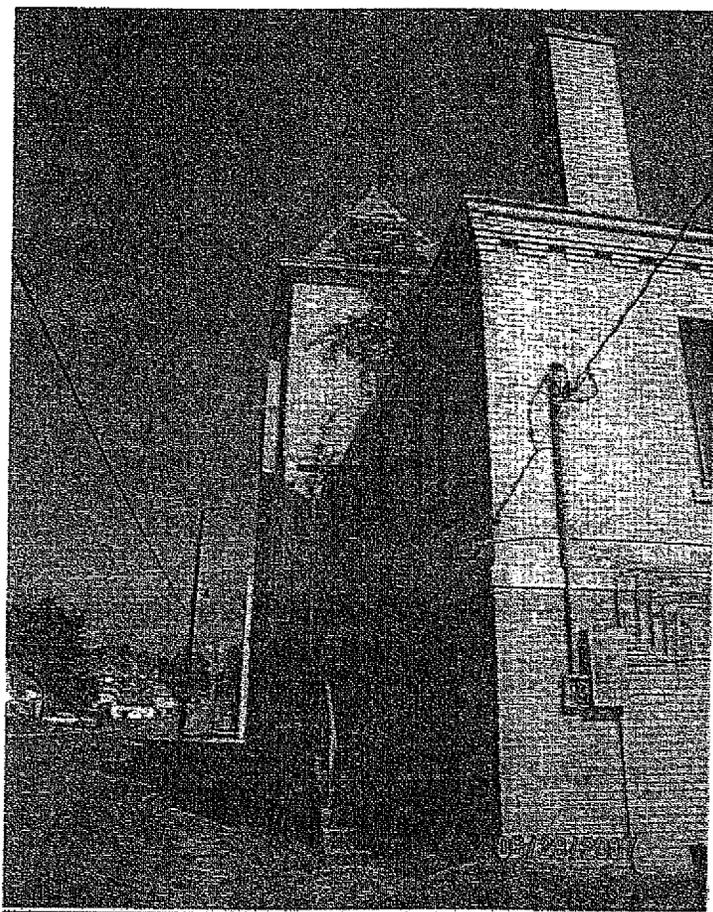
  
Jason R. Myers, P.E.

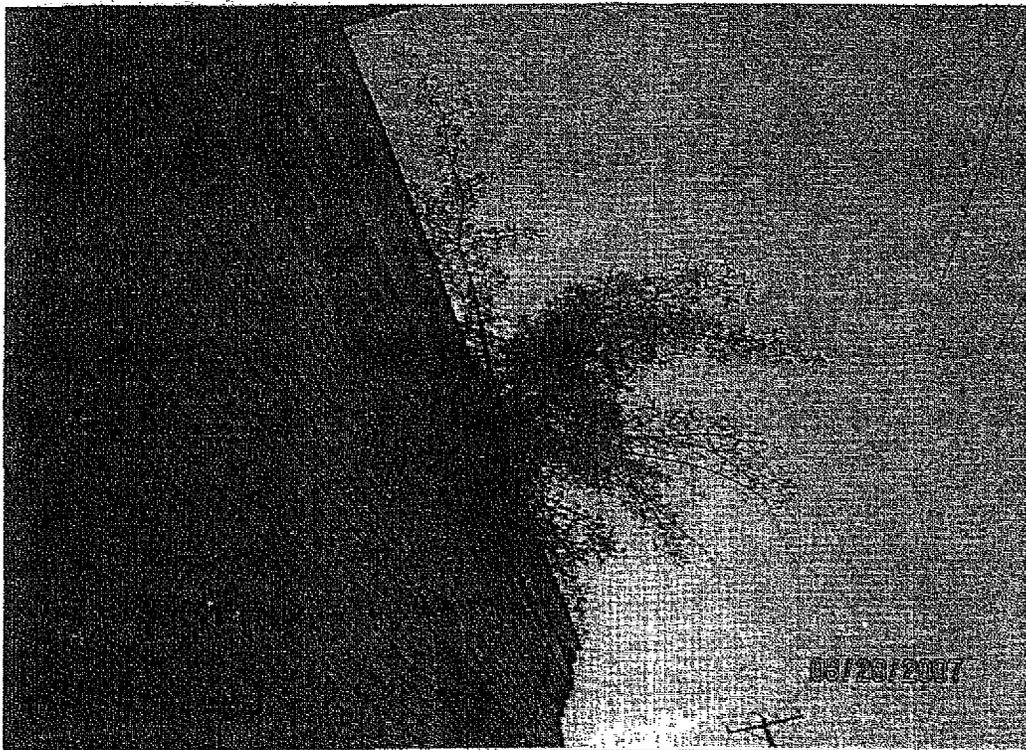
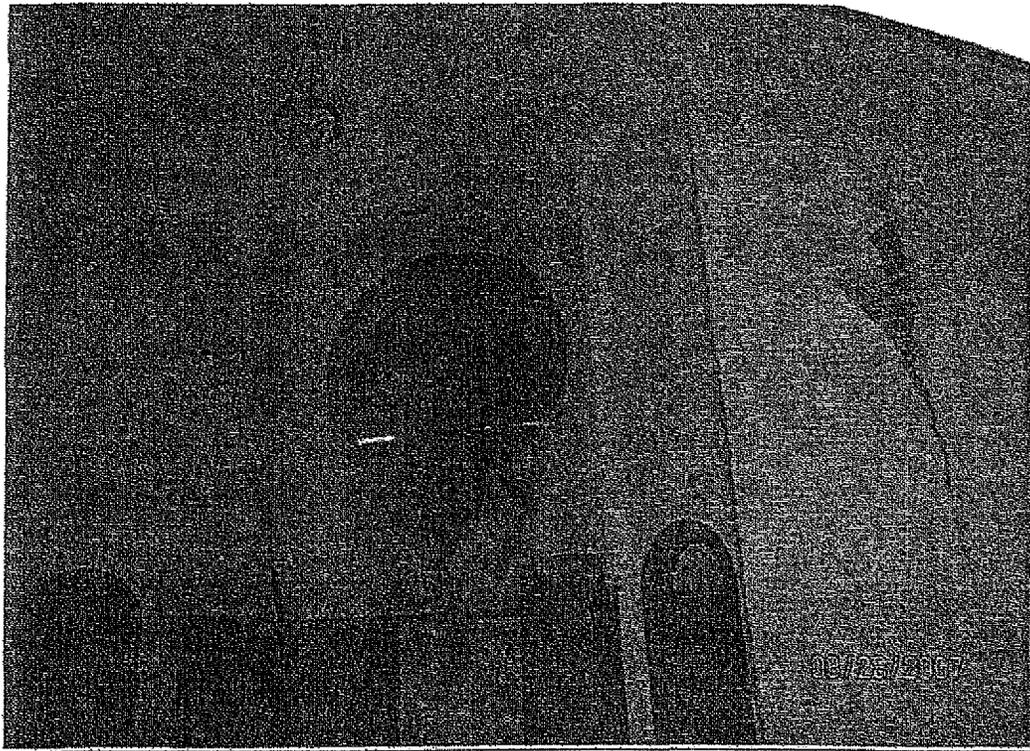


2007 Photos









RESOLUTION NO. \_\_\_\_\_

6 C

RESOLUTION AUTHORIZING PARTIAL PAYMENT TO BRANCO ENTERPRISES,  
INC., FOR CONSTRUCTION OF THE PHASE II "P" STREET WASTEWATER  
TREATMENT PLANT WET WEATHER IMPROVEMENTS - SCHEDULE 2

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

Partial payment number eighteen to Branco Enterprises, Inc., in the amount \$626,435.85  
for the construction of the Phase II "P" Street Wastewater Treatment Plant Wet Weather  
Improvements - Schedule 2, Project Number 05-14-C1, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of January 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Dennis Kelly, City Administrator

**DATE:** December 31, 2009

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Phase II "P" Street Wastewater Treatment Plant  
Wet Weather Improvements - Schedule 2  
Project Number 05-14-C1

Branco Enterprises, Inc., has submitted partial pay request number eighteen in the amount of \$626,435.85 for work completed on the Phase II "P" Street Wastewater Treatment Plant Wet Weather Improvements - Schedule 2. Work is progressing at the scheduled rate. A project summary sheet is attached for your information.

The attached Resolution authorizes payment to Branco Enterprises. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Ray Gosack

**Project Summary**  
 City of Fort Smith  
 Utility Department

Today's Date: December 31, 2009

Project name: **Wet Weather Improvements, P Street  
 Wastewater Treatment Plant Phase II -  
 Shcedule 2**

Staff contact name: Steve Parke

Project number: **05-14-C1**

Staff contact phone: 784-2231

Project engineer: Hawkins-Weir Engineers, Inc.

Notice to proceed issued: July 21, 2008

Project contractor: Branco Enterprises, Inc.

	Dollar Amount	Contract Time (Days)
Original contract	\$31,840,000.00	750
Change orders:		
Number One	\$48,626.00	31
Number Two	\$36,561.14	35
Total change orders	\$85,187.14	<u>66</u>
Adjusted contract	<u>\$31,925,187.14</u>	<u>816</u>
Payments to date (as negative):	\$ (20,578,599.22)	64.5%
Amount of this payment (as negative)	\$ (626,435.85)	2.0%
Retainage held	\$1,479,619.53	
Contract balance remaining	\$10,720,152.07	33.6%
Amount Over (under) as a percentage		0.3%

Final Comments:

RESOLUTION NO. \_\_\_\_\_

6 D

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE  
A CONTRACT WITH WILSON BROTHERS CONSTRUCTION CO., INC., FOR THE  
RAMSEY TRIBUTARY BASIN MC05 SEWER IMPROVEMENTS

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

SECTION 1: The bid of Wilson Brothers Construction Co., Inc., for the performance of the  
Ramsey Tributary Basin MC05 Sewer Improvements, Project No. 09-04-C2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute a contract with Wilson Brothers  
Construction Co., Inc., for an amount of \$463,955.50, for performing said services.

This Resolution adopted this \_\_\_\_\_ day of January 2010.

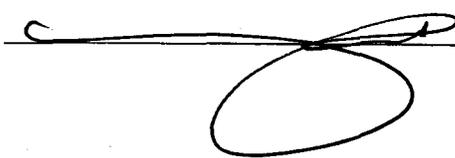
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Dennis Kelly, City Administrator

**DATE:** January 11, 2010

**FROM:** Steve Parke,  Director of Utilities

**SUBJECT:** Ramsey Tributary Basin MC-05 Sewer Improvements  
Project No. 09-04-C2

This project consists of constructing 1,900 feet of 12 and 15-inch sanitary sewer lines along the south property line of the School Service Center. This work is needed to prevent wet weather sanitary sewer overflows near the service center. A location map showing the proposed improvements is attached.

The low bid for the project was submitted by Wilson Brothers Construction Co., Inc., in the amount of \$463,955.50. A bid tabulation showing the bidders and their bid amounts is attached.

A Resolution authorizing the Mayor to execute an agreement for construction services is attached. Funding for this work is available from the bonds issued for the wet weather sewer improvements.

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

attachment

pc: Ray Gosack

**Tabulation of Bids Received**

Page 1 of 1

**Project Name**

Ramsey Tributary Basin Sewer Improvements  
Project No. 09-04-C2

**Bid Opening**

January 12, 2010  
10:00 A. M.

**Bids Received**

Wilson Brothers Construction Co. Alma, AR	\$ <u>463,955.50</u>
Forsgren, Inc. Fort Smith, AR	\$ <u>508,036.50</u>
Crawford Construction Fort Smith, AR	\$ <u>538,004.50</u>
Blake Construction Barling, AR	\$ <u>544,330.50</u>
T-N-T, Inc. Van Buren, AR	\$ <u>567,257.00</u>
Goodwin & Goodwin Fort Smith, AR	\$ <u>581,990.00</u>

O:\UtilityDept\General\DWG DATA\Exhibits\J\Ramsey Tributary\_09-04-C2.dwg, 1/8/2010 9:11:17 AM, \KHY\PRO1\UTL\_HPL18150\_01



**RAMSEY TRIBUTARY  
BASIN MC05 SEWER IMPROVEMENTS  
PROJECT 09-04-C2  
PROJECT VICINITY MAP**





MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: January 13, 2010

SUBJECT: Arkansas Fair And Exhibition Facilities Board

The term of Mr. John Ayers of the Arkansas Fair And Exhibition Facilities Board will expire March 7, 2010. Mr. Ayers would like to be reappointed to this board.

There are no other applicants available at this time.

Appointments are by the **Mayor confirmed by the Board of Directors**. One appointment is needed; the term will expire March 7, 2015.

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



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Beshears, Administrative Assistant  
DATE: January 14, 2010

---

SUBJECT: Plumbing Advisory Board

The terms of Mr. Scott Hathaway and Mr. Herbert Davis of the Plumbing Advisory Board will expire February 28th, 2010. Mr. Hathaway and Mr. Davis would like to be reappointed to this board.

There are no other applicants available at this time.

Appointments are by the **Board of Directors**. Two appointments are needed; the term will expire February 28, 2014.



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Beshears, Administrative Assistant  
DATE: January 14, 2010

SUBJECT: Outside Agency Review Panel

The Outside Agency Review Board will review applications for outside agency services and recommending award amounts for approval by the Board of Directors.

The applicants available at this time are:

Peggy Weidman	5701 Free Ferry Rd # 5
Madeline Martinez	5804 Meadow Brook
Barbara Peterson	7912 Valley Forge Rd
Elizabeth Momand	3208 Village Rd
Jeromy Price	530 N. Albert Pike #P64
Derrick Joe	10016 Foxboro Rd
Steve Rinke	800 South 25 Street #2
Jonathan Fry	7905 Bridgewood Ln
Sherry Savage	1822 Utica Place

Appointments are by the **Board of Directors**. Nine appointments are needed; at the first meeting of the 9-member panel, each appointee will draw a number, which will determine the length of service. Terms will expire on March 31<sup>st</sup> of each year.

# **AGENDA ~ Summary**

**FORT SMITH BOARD OF DIRECTORS  
REGULAR MEETING**

**JANUARY 19, 2010 ~ 6:00 P.M.**

**FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD**

**THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6**

## **INVOCATION AND PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

All present

### **MAYOR'S ANNOUNCEMENTS AND RECOGNITIONS**

- ▶ Good Neighbor Awards

### **APPROVE MINUTES OF THE JANUARY 5, 2010 REGULAR MEETING**

Unanimously approved as amended. Page 3 was amended to include language that the City of Fort Smith is opposed to hiring undocumented workers and that City contractors, who knowingly hire such, be held accountable.

### **CITIZENS FORUM ~ Opportunity to present to the Board of Directors any item of business or other matter which is not already scheduled on the agenda**

Information available by viewing rebroadcast of the meeting on City Cable Access Channel 6 or City website

### **ITEMS OF BUSINESS:**

1. Public hearing and ordinance to close and vacate a portion of public right-of-way located in Reserve Addition, an addition to the City of Fort Smith (*South 5<sup>th</sup> Street ~ United States Department of Veterans Affairs*)  
Approved 7 in favor, 0 opposed / Ordinance No. 1-10
2. Resolution of the Board of Directors of the City of Fort Smith establishing the assignment of take home vehicles to the Criminal Investigations Division of the Fort Smith Police Department  
Approved 6 in favor, 1 opposed (Settle) / Resolution No. R-16-10

3. Ordinance establishing the fees for rental of the trains at Creekmore Park  
Approved 6 in favor, 1 opposed (Maddox) / Ordinance No. 2-10
4. Ordinance establishing the fees for The Park at West End  
Approved 5 in favor, 2 opposed (Maddox & Settle) / Ordinance No. 3-10
5. Resolution amending R-71-08 to include charter service rates for the Fort Smith Public Transit  
Approved 7 in favor, 0 opposed / Resolution No. R-17-10
6. Consent Agenda
  - A. Resolution of the Board of Directors of the City of Fort Smith expressing appreciation for Christmas Honors 2009  
Approved 7 in favor, 0 opposed as amended to remove “a core team of eight other citizens” within the resolution and replace with each individuals name / Resolution No. R-18-10
  - B. Resolution accepting an amendment to the proposal for the purchase, stabilization and renovation of the former Mallalieu Church building  
(extending to January 31, 2011)  
Approved 7 in favor, 0 opposed with a provision that approval is contingent on the results of a report within 60 days on the structural integrity of the building / Resolution No. R-19-10  
Note: This item was removed from the consent agenda and voted on separately.
  - C. Resolution authorizing partial payment to Branco Enterprises, Inc. for construction of the Phase II “P” Street Wastewater Treatment Plant Wet Weather Improvements-Schedule 2 (\$626,435.85)  
Approved 7 in favor, 0 opposed / Resolution No. R-20-10
  - D. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Wilson Brothers Construction Company, Inc. for the Ramsey Tributary Basin MC-05 Sewer Improvements (\$463,955.50)  
Approved 7 in favor, 0 opposed / Resolution No. R-21-10

## **DIRECTORS FORUM**

Information available by viewing rebroadcast of the meeting on City Cable Access Channel 6 or City website

## **CITY ADMINISTRATOR’S REPORT**

Information available by viewing rebroadcast of the meeting on City Cable Access Channel 6 or City website

## EXECUTIVE SESSION

- ▶ Performance Evaluation - City Administrator  
No salary increase
  
- ▶ Appointments:
  - Arkansas Fair and Exhibition Facilities Board  
John Ayers (reappointment)  
Term expires March 7, 2015
  
  - Outside Agency Review Panel  
Peggy Weidman  
Madeline Martinez  
Barbara Peterson  
Elizabeth Momand  
Jeromy Price  
Derrick Joe  
Steve Rinke  
Jonathan Fry  
Sherry Savage  
Terms to be determined
  
  - Plumbing Advisory Board  
Herbert Davis (reappointment)  
Scott Hathaway (reappointment)  
Terms expire February 28, 2014

ADJOURN

## MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 19, 2010 ~ 6:00 P.M.

### FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Ray Baker, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, Bill Maddox, Gary Campbell, Kevin Settle and Cole Goodman. A quorum was declared present.

Director Tyler announced the City of Fort Smith was recently named a "2009 Volunteer Community of the Year" by the Arkansas Division of Volunteerism at the Arkansas Municipal League Winter Conference in Little Rock; therefore, he presented the plaque proclaiming same to Mayor Baker.

Mayor Baker, the Board, and City Administration presented the "Good Neighbor Awards" along with a red rose and certificate to the following citizens of Fort Smith for helping to make their neighborhoods and the community a better place in which to live:

- Linda Cooper
- Carl & Cissy Rose (*Carl unable to attend*)
- Coy Frost
- Alan & Deborah Smith
- Edward & Karen James (*unable to attend*)
- Laquita Parker (*unable to attend*)

The minutes of the January 5, 2010 regular meeting were presented for approval.

Director Campbell requested the last paragraph on page 3 be amended to reflect that the City of Fort Smith is opposed to hiring undocumented workers and that City contractors, who knowingly hire such, should be held accountable.

Hutchings, seconded by Campbell, moved approval of the minutes as amended. The members all voting aye, the Mayor declared the motion carried.

## **January 19, 2010 Regular Meeting**

With regard to the time limit policy for persons wishing to address the Board, Mayor Baker communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the Citizens Forum.

Mayor Baker opened the Citizens Forum with the following individuals present to address the Board:

- Mack McKinley  
5022 Williams Lane

Re: Advised he addressed the Board in the summer of 2009 regarding an ongoing drainage problem near his residence and alleged he is "*still waiting*" to be contacted by the City with a solution. He later commented that the City only intends to increase the drain tile size under his driveway, which he fears will not be adequate to address the drainage issue, and instead recommended an underground drainage system be installed across his property.

Director Maddox noted that a drainage project is scheduled for 2010 whereby Deputy Administrator Ray Gosack confirmed such and advised the project design is currently underway with a construction contract expected for mid to late summer 2010.

Administrator Kelly assured Mr. McKinley that upon completion of the design, he will be contacted and provided an opportunity to thoroughly review the project as recommended by the design engineer.

Mayor Baker announced that this was the time and place set for a public hearing to close and vacate the east ten (10) feet of South 5th Street right-of-way between South "B" Street and Block "D" Street in Reserve Addition. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 1).

Director of Development Services Wally Bailey briefed the Board on the item advising such

### ***January 19, 2010 Regular Meeting***

is per the request of the U.S. Department of Veterans Affairs (VA). The right-of-way is sixty (60) feet on South 5th Street adjacent to the National Cemetery; however, the right-of-way is fifty (50) feet north of the proposed expansion. The VA has requested the right-of-way abandonment so the National Cemetery's interior street and fencing along the west side of the cemetery will be in alignment. All franchise utilities, appropriate city departments, as well as property owners within 300 feet of the property have been contacted with no objections received; therefore, he recommended approval.

Due to several famous baseball players having played at Andrews Field, Director Campbell requested a brief status regarding the placement of a monument at home plate memorializing such.

Administrator Kelly confirmed that Mickey Mantle played at Andrews Field in his minor league days and preliminary research has identified several others such as Joe Garagiola and Satchel Paige. The City would like to preserve the history with the placement of a memorial. The matter has been discussed with Mr. John Spruyt, Director of the National Cemetery, who was in favor of the ideal; however, placement will require formal approval from the VA, which is currently being considered.

Director Hutchings questioned if the VA has indicated their intent to request additional land for another phase of expansion, beyond the upcoming expansion.

Mr. Bailey advised the City has not been notified of an additional request; however, national cemeteries are only allowed to acquire property to meet the need for a limited time.

With regard to the upcoming expansion, Mayor Baker questioned how long such is expected to accommodate whereby Mr. Spruyt responded "45 to 50 years".

There being no individuals present to speak, Mayor Baker closed the public hearing.

Settle, seconded by Campbell, moved adoption of the ordinance. The motion included

### ***January 19, 2010 Regular Meeting***

suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Hutchings, seconded by Settle, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 1-10.

Item No. 2 was a resolution of the Board of Directors of the City of Fort Smith establishing the assignment of take-home vehicles to the Criminal Investigations Division of the Fort Smith Police Department.

Police Chief Kevin Lindsey briefed the Board on the item as discussed at the January 12, 2010 study session. Upon approval, the proposed resolution establishes the following criteria for assignment of take-home vehicles:

1. All vehicles assigned must be assigned to members of the Criminal Investigations Division as listed on the current CID roster.
2. All vehicles shall be assigned to detectives that live within a 25-mile radius of Police Headquarters.
3. Assigned vehicles may be either seized vehicles or vehicles purchased by the City, as deemed necessary in the best interest of providing services to citizens.
4. All vehicles assigned shall be fueled using the most cost effective method available, which will generally entail fueling vehicles at City owned or contracted sites.
5. Detectives assigned a take-home vehicle will use the vehicle only for business purposes and cause the vehicle and associated equipment to be maintained in usual condition.

Such will allow up to forty (40) city-owned and seized vehicles to be utilized for take-home use by members of the Criminal Investigations Division of the Fort Smith Police Department.

## **January 19, 2010 Regular Meeting**

The following individual was present to address the Board:

- **Sergeant George Lawson  
Fort Smith Police Department**

**Re:** Spoke in favor of the proposed resolution citing such will benefit the community by providing faster response time for arrival to a crime scene, as well as boost morale in the police department. He further commented that many of the take-home/unmarked vehicles are used for covert operations and keeping said vehicles at police headquarters is not recommended. With regard to budget concerns, he advised that other priorities were reduced in the 2010 budget in order to accommodate the cost of reinstating take-home vehicles and alleged such will utilize less than one-half (½) of one percent (1%) of the police department budget.

Director Maddox commented that Administrator Kelly indicated at the study session that additional criteria with regard to personal use of the vehicles will be established; therefore, he questioned if such is included within the proposed resolution.

Administrator Kelly noted that personal use is addressed within the resolution; however, specific personal uses will be further expanded and addressed administratively.

Directors Settle and Good expressed concern with increasing the number of take-home vehicles from five (5) to forty (40). Since the police department currently employs eighteen (18) detectives and maintains twenty-two (22) seized vehicles, he spoke in favor of authorizing said vehicles to detectives only. If the response time is not decreased as anticipated, the Board could consider increasing to the originally requested forty (40) vehicles at a later date.

Chief Lindsey clarified that the Criminal Investigations Division, consisting of the Narcotics and Vice Unit and the Street Crimes Unit, contains both primary and secondary detectives with eighteen (18) classified as primary. Each unit provides very different services and operations; therefore, he recommended approval of the forty vehicles as originally requested.

Director Campbell conveyed much confidence that Chief Lindsey has thoroughly evaluated

### ***January 19, 2010 Regular Meeting***

the necessity of forty (40) take-home vehicles and recommended approval. Upon adoption and implementation, he further recommended Chief Lindsey submit a report to keep the Board informed of the utilization of such.

Administrator Kelly questioned if any of the detectives will be excluded from obtaining a take-home vehicle due to the twenty-five (25) mile radius limitation.

Chief Lindsey advised such will exclude three (3) detectives; however, they are aware of the limitation and have conveyed no objection to the criteria.

Hutchings, seconded by Campbell, moved adoption of the resolution. The motion included the requirement that a report be submitted in six (6) months providing statistical information regarding the utilization of the take-home vehicles. The members voted as follows: ayes - Tyler, Good, Hutchings, Maddox, Campbell and Goodman; nays - Settle. The Mayor declared the motion carried and the resolution was adopted and given No. R-16-10.

Item No. 3 was an ordinance establishing the fees for rental of the trains at Creekmore Park

Director of Parks and Recreation Mike Alsup briefed the Board on the item advising the purpose of such is due to a citizen request to rent the trains. The Parks and Recreation Commission approved the proposed fees and recommended the steam engine only be made available for rental on days that it is normally scheduled to run, i.e., Memorial Day, July 4, Labor Day and the first day of Holiday Express. The steam engine was built by Sam Skidmore of Paris, Texas and began service in Creekmore Park in 1949. Mr. Skidmore built five (5) of the steam engines and ours is the last of the five (5) in operation.

Due to the rarity of the steam engine, Director Settle expressed concern with the inclusion of the steam engine and recommended such be removed from the ordinance.

Although the Parks and Recreation Commission approved the proposed fees and usage

## **January 19, 2010 Regular Meeting**

schedules, Director Maddox questioned if Mr. Alsup was also in agreement.

Mr. Alsup conveyed no objection to the rental of the steam engine provided the use is limited and closely monitored.

Director Campbell noted the steam engine is a true asset to the community and can be a valuable advertising tool to promote Fort Smith. He spoke in favor of the inclusion of the steam engine, but recommended the revenues from the rental fee be solely dedicated for repair and maintenance of the train.

Director Good also spoke in favor the item and expressed much appreciation to Mr. Alsup and the Parks and Recreation Commission for their work

Settle, seconded by Goodman, moved adoption of the ordinance with an amendment to remove the steam engine. The members voted as follows: ayes - Maddox, Settle and Goodman; nays - Tyler, Good, Hutchings and Campbell. The Mayor declared the motion defeated.

Campbell, seconded by Good, moved adoption of the ordinance as originally presented. The members all voting affirmatively, with the exception of Director Maddox, the Mayor declared the motion carried and the resolution was adopted and given No. 2-10.

Item No 4 was an ordinance establishing the fees for The Park at West End

Mr. Alsup briefed the Board on the item advising the Parks and Recreation Commission have reviewed the proposed fees and recommend approval. The \$1 fee for rides is less than what has previously been charged; however, such is recommended because staff feels the lower fee will ensure return ridership.

Administrator Kelly advised that the liability insurance for the Ferris wheel and carousel has been determined to cost approximately \$6,000 annually.

Director Tyler noted that the A & P Commission has indicated their intent to promote The

## **January 19, 2010 Regular Meeting**

Park at West End and encouraged the Mayor, chairman of the A & P Commission, to ensure such is accomplished.

The following individual was present to address the Board:

- Bobby Aldridge  
Parks & Recreation Commission

Re: Simply confirmed that the A & P Commission has committed to create and implement a marking plan for the park.

Goodman, seconded by Hutchings, moved adoption of the ordinance. The members voted as follows: ayes - Tyler, Good, Hutchings, Campbell and Goodman; nays - Maddox and Settle. The Mayor declared the motion carried and the ordinance was adopted and given No. 3-10.

Item No. 5 was a resolution amending R-71-08 to include charter service rates for the Fort Smith Public Transit

Director of Transit Ken Savage briefed the Board advising the item incorporates charter rates into the transit department's passenger fare rate schedule. Such is necessary to display the department's rates and minimum seven (7) day notification requirement, and to cover the total costs of performing incidental charter service. The Federal Transit Administration (FTA) does not allow grant funds to be used in competition with private charter providers; therefore, the rates must reflect, at a minimum, actual expenses. The Transit Advisory Commission held a public hearing on March 19, 2010 with no individual present to comment and unanimously approved the proposed rates. The rates will become effective February 1, 2010.

Administrator Kelly questioned if such includes a distance limitation on private charters.

Mr. Savage advised no distance limitation is included; however, the transit department tries to keep within a fifty (50) mile radius.

Mayor Baker questioned the status regarding placement of covered shelters for bus stops throughout the city.

## **January 19, 2010 Regular Meeting**

Mr. Savage noted that no shelters have been ordered to date as locations are still being determined.

Settle, seconded by Campbell, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-17-10.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution of the Board of Directors of the City of Fort Smith expressing appreciation for Christmas Honors 2009
- B. Resolution accepting an amendment to the proposal for the purchase, stabilization and renovation of the former Mallalieu Church building (extending to January 31, 2011)
- C. Resolution authorizing partial payment to Branco Enterprises, Inc. for construction of the Phase II "P" Street Wastewater Treatment Plant Wet Weather Improvements-Schedule 2 (\$626,435.85)
- D. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Wilson Brothers Construction Company, Inc. for the Ramsey Tributary Basin MC-05 Sewer Improvements (\$463,955.50)

Regarding Item No. 6A, Director Settle extended much appreciation to Phil Merry and all those who helped to coordinate the event, as well as all the volunteers who worked to place the wreaths at the National Cemetery.

Mayor Baker recommended, with Board concurrence, that the language within the resolution, "*a core team of eight other citizens*" be removed and replaced with each individual's name.

Mr. Merry and Lea Taylor addressed the Board and announced that a time capsule, to be opened in fifty (50) years, will be placed in the cemetery containing photographs of the event and

## **January 19, 2010 Regular Meeting**

the sign-up sheet with the names of all volunteers.

With regard to Item No. 6B, Director Tyler expressed concern with the security of the building and questioned who would be liable if someone were hurt due to the structure. He further questioned if wood supports could be placed to prevent the structure from falling outward and if the boards currently over the windows could be painted.

Mr. Scott Hathaway, architect and co-signer of the agreement, advised the City of Fort Smith remains the legal owner until adequate funds are raised to actually purchase the property from the City. With regard to the requested wood supports, it would be very difficult to provide such additional security measures without a great expense; however, the painting of windows can be considered.

Director Maddox inquired about having another engineering report regarding the structural integrity of the building whereby Mr. Hathaway confirmed they agreed to do so; however, such has not been completed to date.

Director Good recommended signs be posted advising the public of the danger or placement of temporary fencing around the structure to ensure appropriate distance is maintained.

Mr. Bailey noted that fencing is not an option simply because of the structure's close proximity to the street. In order to place the fencing at an appropriate distance, such would require blocking the sidewalk and/or closure of the street. He expressed great concern with the integrity of the structure citing it is *"in very serious condition"*.

Director Goodman noted staff has been concerned with the structural integrity of the building for over two (2) years and has indicated the structure is a public hazard. Due to such, he requested the aforementioned engineer's report be submitted within thirty (30) days to determine if the structural integrity has decreased since first inspected. If the report identifies the structure

## **January 19, 2010 Regular Meeting**

as being unsalvageable or the cost is too great to repair, he recommended the structure be demolished. He further recommended the item be removed from the consent agenda and voted on as a separate item.

The following individual was present to address the Board:

- David Harris  
2025 South "V" Street

Re: Commented that the Darby House was in similar disrepair prior to its renovation and such is now an asset to the community and utilized for many events. Due to such, he urged every effort be made to save the structure.

Hutchings, seconded by Settle, moved adoption of all consent agenda items with the aforementioned amendment to Item No. 6A and the exclusion of Item No. 6B, which will be voted on as a separate item. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-18-10 and R-20-10 through R-21-10 respectively.

Goodman, seconded by Campbell, moved adoption of Item No. 6B contingent upon an engineer's report, due within sixty (60) days, that the structure has not become more of a hazard to public. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-19-10.

Mayor Baker opened the Directors Forum with the following wishing to comment:

- ▶ Director Settle

- Re:
1. Regarding the January 26th special study session to discuss quality of place issues, he requested the Fort Smith School District and University of Arkansas Fort Smith be invited to participate.
  2. Noted that the amount of state and federal funding to municipalities is based on population; therefore, he urged all residents to participate in the upcoming census to ensure an accurate count is achieved.

**January 19, 2010 Regular Meeting**

3. Requested staff to review existing bonds to determine if refinancing of said bonds would be feasible.

▶ Director Campbell

Re: Simply advised he distributed various information to Board regarding issues to be discussed at the January 26<sup>th</sup> special study session.

▶ Director Good

Re: Expressed much appreciation to all those who attended a recent event at the Fort Smith Museum of History.

The Mayor offered the floor to Administrator Kelly for the City Administrator's Report whereby he advised the trip to Washington, D.C. to lobby for "Quality of Place" funding is scheduled for February 23rd through 25th. Since multiple directors will be traveling to Washington, D.C., the study session scheduled for February 23rd has been cancelled.

An executive session was held and after reconvening, the Mayor announced the following appointment nominations:

**ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD**

John Ayers (reappointment)  
Term expires March 7, 2015

**OUTSIDE AGENCY REVIEW PANEL**

Peggy Weidman  
Madeline Martinez  
Barbara Peterson  
Elizabeth Momand  
Jeromy Price  
Derrick Joe  
Steve Rinke  
Jonathan Fry  
Sherry Savage

Terms to be determined

**PLUMBING ADVISORY BOARD**

Herbert Davis (reappointment)  
Scott Hathaway (reappointment)  
Terms expire February 28, 2014

**January 19, 2010 Regular Meeting**

Settle, seconded by Hutchings, moved acceptance of all appointment nominations. The members all voting aye, the Mayor declared the motion carried.

With regard to the performance evaluation of Administrator Kelly, Mayor Baker simply announced that no salary increase was discussed.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Maddox, and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

APPROVED:  
  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK *acting*