AGENDA

FORT SMITH BOARD OF DIRECTORS
STUDY SESSION

SEPTEMBER 14, 2010 ~ 12:00 NOON

FORT SMITH PUBLIC LIBRARY
COMMUNITY ROOM
3201 ROGERS AVENUE

1. Review of Town Branch Drainage Project
2. Review of Fort Smith Levee System certification
3. Discuss participation in regional organizations
4. Presentation of new City website
5. Review preliminary agenda for September 21, 2010 regular meeting

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INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

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

DATE: September 10, 2010

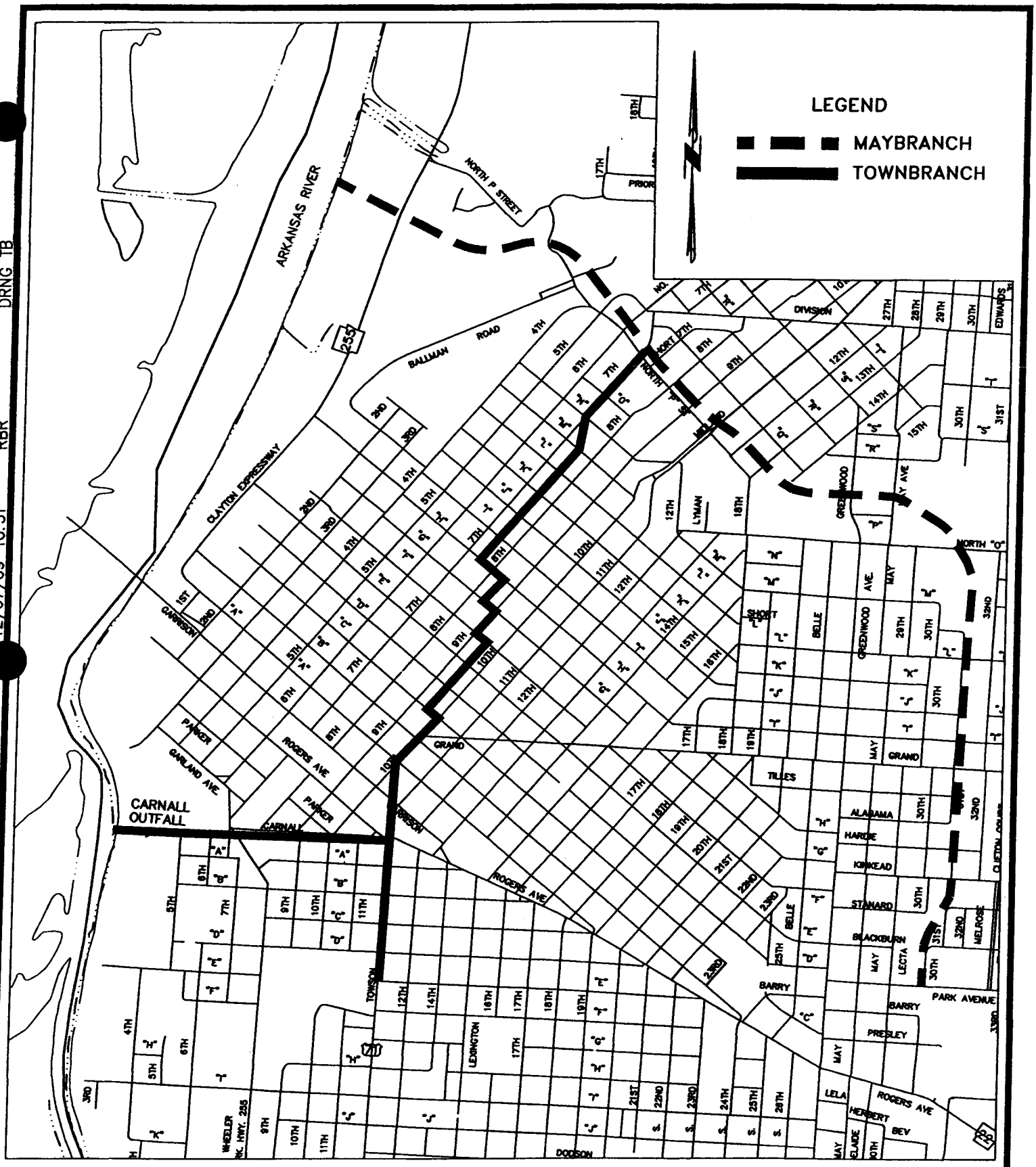
SUBJECT: Town Branch Drainage Project

The Town Branch drainage system is a sub basin to the May Branch watershed. The Town Branch storm sewer extends from approximately Towson and South "E" Street connecting to the May Branch storm sewer at North "P" Street and North 7th Street as shown on the attached exhibit. This storm sewer system is associated with the flooding that occurs in the downtown area and areas just north and south of downtown. The majority of the Town Branch storm sewer was constructed in the late 1800's and early 1900's and is severely undersized.

The engineering firm of Camp, Dresser and McKee, Inc. (CDM) was hired to analyze the Town Branch and Carnall outfall storm sewer systems and make recommendations to reduce the flooding. At next Tuesday's study session, a representative from CDM will provide a presentation regarding their findings and recommendations for projects to implement to reduce the flooding.

Enclosure

G:\SSnodgrass\My Documents\Board Resolution and Items\Town Branch Study Session Memo 091010.wpd



DRNG TB

RBR

12/07/09-10:51

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010 CAPITAL IMPROVEMENTS PROGRAM

DRAINAGE IMPROVEMENTS

MAYBRANCH & TOWN BRANCH

The City of Fort Smith ARKANSAS

Project:	2010 DRAINAGE 10-12-A
Date:	DEC. 2009
Scale:	NONE
Drawn By:	RBR

INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

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

DATE: September 10, 2010

SUBJECT: Fort Smith Levee System Certification

The City has approximately 5 miles of levees which provide flood protection along the Arkansas River. Approximately 1.8 miles of these levees, known as the Fort Smith Levee and Seawall, were originally constructed by the U.S. Army Corps of Engineers in1947. The remaining 3.1 miles of levees, known as the Rice Carden Levee, were privately constructed by Kansas City Southern (Southern Enterprises) in 1965. The City took ownership of the Rice Carden Levee in 1998. A drawing showing these levees is attached.

Approximately 600 feet of the Rice Carden levee washed out in 1990. The City took over ownership of the Rice Carden Levee in 1998 to allow for construction of the levee hiking trail which was considered to be vital to the Riverfront Master Plan. The agreement approved by the Board of Directors in 1998 committed the City to repair and maintain the levee.

On May 20, 2010, FEMA issued new Flood Insurance Rate Maps (FIRMs) for Fort Smith. These FIRMs do not account for any flood protection behind the levee system. In order for the FIRMs to reflect the flood protection afforded by the levee system, levee certification based FEMA's criteria is required.

The engineering firm of Freese and Nichols was hired to analyze the 5 miles of levee and determine what would be required for it to be certifiable. At next Tuesday's study session, a representative from Freese and Nichols will provide a presentation regarding their findings and discuss issues which must be addressed in order to certify the levee system to meet FEMA's criteria.

Enclosure

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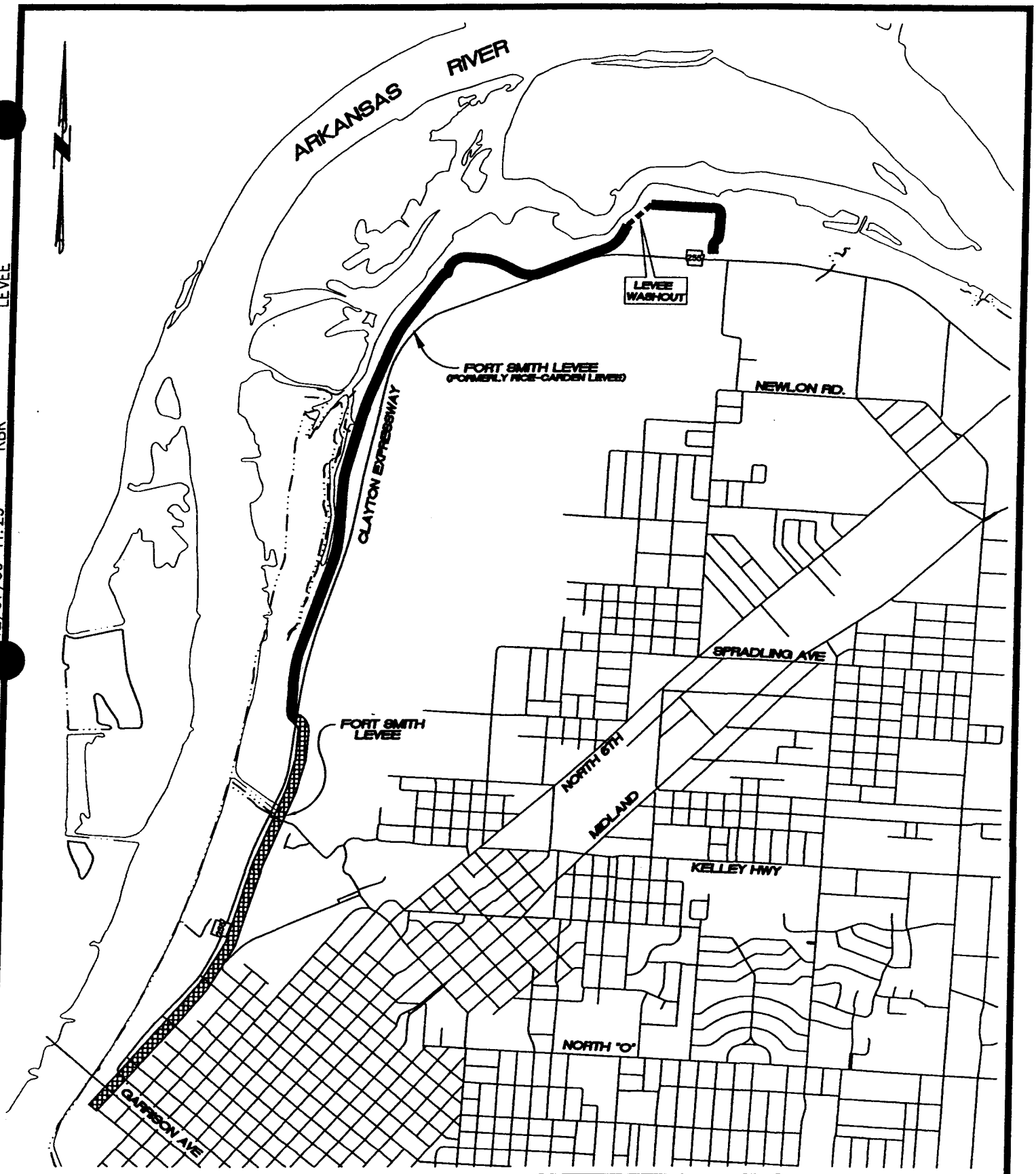

G:\DRAWINGS\CIP\00-00 CIPALL\2007\CIPALL 2007-08-RBR.dwg 12/07/09-11:29 RBR LEVEE

010 CAPITAL IMPROVEMENTS PROGRAM
LEVEE CERTIFICATION & REPAIR
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	10-06-A
Date:	DEC. 2009
Scale:	NONE
Drawn By:	RBR

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: The Honorable Mayor and Board of Directors

CC: Department Directors, Candidates List

FROM: Dennis W. Kelly, City Administrator

SUBJECT: Participation in Regional Organizations-Request for Guidance

DATE: August 27, 2010

Reference the Times Record news article of August 23, 2010 (copy attached) regarding ". . .Transportation Groups' Power." In the course of forming the Regional Intermodal Transportation Authority (RITA), the representatives from the City of Fort Smith were challenged with the establishment of By-Laws that would reflect as much parity as possible among the participants forming the RITA. One of the points that garnered most of the discussion was the establishment of voting rights. Should the voting rights be equal in number for each participant or should they be weighted based on an agreed to criteria (e.g. population, tax effort, budget size, etc.)? This was a very emotional and highly charged issue such that one participant threatened to withdraw if the votes were not equal.

The City of Fort Smith's (City) concern was being the largest government organization in population and budget among the four local governments participating that it would be called upon to bear the larger burden of costs should RITA need funding in the future from the participants. The final compromise was what is in the RITA By-Laws today: As long as there is an equal or parity vote among the participants there will be equal or parity cost sharing for any future contributions. In other words, for example, if there is a cost for $100,000.00, that cost would be split evenly, four ways, so that each governmental body would be responsible for paying $25,000.00 apiece.

During the course of negotiations, the three representatives from Fort Smith felt comfortable with what we were negotiating, but were never sure if we were reflecting the Boards position at the time. Because there are many efforts going on around the region and the State to form agencies and programs on a regional basis and because we are the largest jurisdiction in the area on which many of those future regional agencies and programs would depend, staff is requesting guidance and recommending the attached resolution to provide the necessary direction for future negotiations. Should you have questions or need to discuss this matter more fully, please feel free to call or e-mail us. Thank you.

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RESOLUTION NO. _____

A RESOLUTION TO PROVIDE DIRECTIONS TO CITY OF FORT SMITH STAFF AND BOARD REPRESENTATIVES DURING ANY NEGOTIATIONS FOR THE ESTABLISHMENT OF REGIONAL ORGANIZATIONS

WHEREAS, the City of Fort Smith, Arkansas ("City"), may, from time to time, choose to participate in organizations, authorities, programs, or other concepts involving other governmental units or private entities, with the goal of promoting a regional concept; and,

WHEREAS, each participant in each such creation may desire an equal voting voice in such creation; and,

WHEREAS, there may be financial costs and expenses incurred in the creation of, continuation of, or promotion of such regional creation;

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

The City Administrator and any and all city staff, as well as any and all Board of Directors' representatives, who may participate in negotiations involving such regional creations, are instructed and directed that, if participating entities, including the City of Fort Smith, desire an equal vote in the created regional entity, then each participant should equally share in any costs or expenses incurred on behalf of the regional creation; alternatively, if a participant in the regional creation does not wish to share equally in the costs and expenses, then each participant's vote should be based on its pro rata financial contribution to the costs and expenses of the regional creation.

This Resolution adopted this ____ day of _____, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form:

_____
City Attorney
No Publication Required

Backers Debate Transportation Groups' Power

By Rob Moritz
ARKANSAS NEWS BUREAU
RMORITZ@ARKANSASNEWS.COM

LITTLE ROCK — The Legislature authorized creation of regional transportation groups to give local governments more leeway to address area transportation issues, but backers are divided over whether the groups should have taxing authority.

Some members of a special panel developing possible new sources for highway funding think the Legislature should consider giving the groups taxing authority next year. But some lawmakers and even members of the state's only regional group, located in Northwest Arkansas, are not so sure now is the time to give any group more authority to raise taxes.

"I think, in general, the voter out here is not going to like that idea at all," said Rep. Jonathan Barnett, R-Siloam Springs, who was on the Arkansas Highway Commission in 2005 and 2007 when the General Assembly adopted legislation creating Regional Mobility Authorities.

"Right now, I don't think it would work because nobody wants to raise taxes," added Rep. Donna Hutchinson, R-Bella Vista, a supporter of regional authorities.

Lawmakers considered giving the groups the power to go directly to voters rather than depending on county quorum courts or city councils to call an election when they approved the creation of RMAs, but the idea died for lack of support, Barnett said.

"Probably the original Regional Mobility legislation would not have passed" had the provision survived, he said.

Last week, member Jim McKenzie raised the idea again during a meeting of the Blue Ribbon Committee on Highway Finance. He said giving the authorities taxing power would give regions of the state some ability to address road and highway needs without state assistance.

"We need to have the ability to raise money locally to address those local priority needs that maybe don't rise to the level of the high priority at the state level," McKenzie said after the meeting.

SEE GROUPS PAGE 3A

GROUPS: Panel To Discuss Funding In October

CONTINUED FROM PAGE 1A

"Some folks may not do it, they don't want to tax themselves, and that's okay. That's what democracy is all about. But for those areas of the state that do feel growth pressure, that do need the roads and are willing to tax themselves, they ought to have a way for them to do that."

McKenzie said he hopes the highway funding panel supports his suggestion and includes it in road funding recommendations it is preparing for the Legislature and governor.

The committee is scheduled to meet again in October to continue discussing possible new funding sources for an estimated $19 billion in highway needs over the next decade. The panel plans to submit its final recommendations by Dec. 1.

The state constitution limits taxing authority to the Legislature and cities and counties. While a Regional Mobility Authority can enter into construction contracts and issue bonds, the entity must go to a quorum court or city council in the affected region to get a tax increase proposal on the ballot.

Just one authority has emerged under the regional mobility law, the Northwest Arkansas Regional Mobility Authority, and it is still in its infancy.

The authority covers Benton and Washington counties and its membership includes the county judges of the two counties and the mayors of each of the first-class cities in the two counties. It has been promoting transportation issues, like the Bella Vista bypass, but has not yet issued bonds or entered into contracts.

However, several projects are under consideration, said Jeff Hawkins, executive director of the Northwest Arkansas Regional Planning Commission, which assists the transportation authority.

"The RMA is intended to be used as a supplement to, not a substitute for, state and federal funding," Hawkins said. "Ours is still in its infancy. We're in the process right now of hiring an engineering consulting firm to help develop implementation plans for various projects."

Some of those projects include widening and interchange improvements to Interstate 540, construction of a U.S. 412 bypass around Springdale and creation of another north-south corridor between Fayetteville, Rogers and Bella Vista.

Springdale Mayor Doug Sprouse, president of the Northwest Arkansas RMA, said he likes the idea of the region working together on transportation issues.

"There are a lot of things that need to be done to help our region grow that can't be taken on by individual cities, the projects are just too large and important," Sprouse said. "I think we are taking the right approach by looking at these things regionally and trying to come together and prioritize these projects. That means a lot for the whole region."

As for taxing authority, Sprouse said taxes are a difficult subject right now.

"It's tough to talk taxes right now," he said. "I think whatever happens, I assume would be dependent on the vote of the people."

Mike Malone, executive director of Northwest Arkansas Council, which also assists the Regional Mobility Authority, agrees.

"I think the more tools for the RMAs to make it more viable the better," Malone said. "In this corner of the state, the projects the RMA would look at are multi-county projects, so the county is going to have to be on board with other projects the RMA puts forward in practical and political terms."

McKenzie, of Little Rock, said Faulkner County is trying to create a regional authority and the idea has been considered by Saline and Pulaski counties.

He said the idea has not gained traction in Pulaski and Saline counties, however, because city and county officials have more pressing issues and other ideas on how they would like to use any possible tax increases.

MONDAY, AUG. 23, 2010

TIMES RECORD

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INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

FROM: Russell Gibson, Director of Information & Technology Services RG

DATE: September 10, 2010

SUBJECT: New City Website

Mr. Kelly,

At the September 14th Study Session staff from ITS will be present to demonstrate the new City of Fort Smith website. We are excited to bring to the citizens of Fort Smith a technology which we believe will centralize and facilitate access to information related to living and working in the greater Fort Smith region.

Time permitting we will demonstrate the various features of the new website. Our desire is to effectively "go live" with the new site immediately following the Study Session.

As always, please feel free to contact me if you have any questions prior to and after the Study Session.

Best regards,

Russell

Russell Gibson
Director, IT – GIS

AGENDA ~ *Summary*

FORT SMITH BOARD OF DIRECTORS
STUDY SESSION

SEPTEMBER 14, 2010 ~ 12:00 NOON

FORT SMITH PUBLIC LIBRARY
COMMUNITY ROOM
3201 ROGERS AVENUE

1. Review of Town Branch Drainage Project
   Presentation by Andy Sauer with CDM Engineering Firm regarding the company's findings and recommendations for proposed projects to reduce flooding.

2. Review of Fort Smith Levee System certification
   Report from John Rutledge with Freese and Nichols regarding the company's findings and discussed issues that need to be addressed in order to certify the levy system to meet FEMA's criteria.

3. Discuss participation in regional organizations
   Resolution placed on September 21, 2010 regular meeting agenda.

4. Presentation of new City website
   New features available as of September 14, 2010.

5. Review preliminary agenda for September 21, 2010 regular meeting