



Mayor – Sandy Sanders  
City Administrator – Ray Gosack  
City Clerk – Sherri Gard

**Board of Directors**

Ward 1 – Keith D. Lau  
Ward 2 – Andre’ Good  
Ward 3 – Mike Lorenz  
Ward 4 – George Catsavis  
At Large Position 5 – Pam Weber  
At Large Position 6 – Kevin Settle  
At Large Position 7 – Philip H. Merry Jr.

**AGENDA**  
**Fort Smith Board of Directors**  
**Special Meeting / Study Session**  
**April 22, 2014 ~ 12:00 Noon**  
**Fort Smith Public Library Community Room**  
**3201 Rogers Avenue**

**SPECIAL MEETING**

**ROLL CALL**

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

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

1. Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park
2. Resolution approving amendment of the construction manager agreement with Flintco, LLC authorized by Resolution No. R-140-13; revising construction manager fees; and establishing a guaranteed maximum price related to the construction of a recreational aquatics facility at Ben Geren Regional Park

*(\$10,900,000.00 / Parks Department / Budgeted – 2012 Sales Tax Bonds and Resolution No. R-186-13)*

**ADJOURN**

**STUDY SESSION**

**CALL TO ORDER**

1. Presentation by former Oklahoma City Mayor Kirk Humphreys on lessons from the city’s revitalization successes
2. Review preliminary agenda for the May 6, 2014 regular meeting

**ADJOURN**



OFFICE OF THE CITY CLERK  
Sherri Gard, CMC, City Clerk  
Heather James, Assistant City Clerk

## **MEDIA RELEASE ~ REVISED**

**April 17, 2014**

At the April 15, 2014 regular meeting, the City of Fort Smith Board of Directors unanimously called a special meeting for 12:00 Noon, Tuesday, April 22, 2014 at the Fort Smith Public Library Community Room, 3201 Rogers Avenue, to consider the following:

- Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park
- Resolution approving amendment of the construction manager agreement with Flintco, LLC authorized by Resolution No. R-140-13; revising construction manager fees; and establishing a guaranteed maximum price related to the construction of a recreational aquatics facility at Ben Geren Regional Park

The previously scheduled study session on same date will occur immediately following the aforementioned special meeting.

For agenda information, please contact the City Clerk's Office at 784-2208. Once finalized, the agenda for the special meeting and study session will be posted on the City's website, [www.fortsmithar.gov](http://www.fortsmithar.gov).

A handwritten signature in blue ink that reads "Sherri Gard".

Sherri Gard, City Clerk

623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, Arkansas 72902  
(479) 784-2208  
FAX (479) 784-2256  
E-mail: [cityclerk@fortsmithar.gov](mailto:cityclerk@fortsmithar.gov)

Printed on 100% Recycled Paper

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

A RESOLUTION APPROVING AND AUTHORIZING THE  
MAYOR TO EXECUTE TRADE CONTRACTS FOR MATERIALS AND  
SERVICES RELATED TO THE CONSTRUCTION OF AN AQUATICS  
FACILITY AT BEN GEREN REGIONAL PARK

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WHEREAS, Sebastian County and the City of Fort Smith, as owners, jointly are constructing a recreational aquatics park at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith have contracted with Flintco, LLC (“Flintco”) to serve as Construction Manager for the construction of the recreational aquatics park; and

WHEREAS, sealed bids were solicited for the various trade contracts for materials and services related to the construction of the recreational aquatics park, and the bids were opened and read aloud in public on April 10, 2014 at 2:00 p.m. in the Sebastian County Courthouse located in Fort Smith; and

WHEREAS, Flintco has vetted all bids opened at the public bid opening and has recommended to Sebastian County and the City of Fort Smith a lowest responsible bidder for each of the trade contracts.

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

Section1: The City of Fort Smith hereby approves the following identified trade contracts in the designated amounts for the designated materials and services. The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, trade contracts:

for Final Cleaning materials and services with Speedy Cleaners of Bentonville, Arkansas in the amount of \$14,315;

for Earthwork materials and services with Harris Company of Fort Smith, Arkansas in the amount of \$247,000;

for Fences and Gates materials and services with Modern Fence of Fort Smith, Arkansas in the amount of \$99,475;

for Concrete materials and services with PCS of Rogers, Arkansas in the amount of \$507,356;

for Masonry materials and services with Superior Stoneworks of Alma, Arkansas in the amount of \$135,399;

for Finish Carpentry & Interior Architectural Woodwork materials and services to Woodcraft of Fort Smith, Arkansas in the amount of \$12,990;

for Rough Carpentry materials and services to Pianalto Construction of Springdale, Arkansas in the amount of \$63,200;

for Glulam Beam materials to Timber Systems of Lapeer, Michigan in the amount of \$9,902;

for Wood Truss materials to Capital Structures of Fort Smith, Arkansas in the amount of \$14,967;

for Waterproofing, Dampproofing and Joint Sealants materials and services to Crum & Marshall of Springdale, Arkansas in the amount of \$29,357;

for Roofing materials and services to Schefers of Rogers, Arkansas in the amount of \$134,593;

for Doors, Frames, and Hardware materials to Wesche of Springdale, Arkansas in the amount of \$32,867;

for Doors & Hardware materials and services to DC Sparks of Springdale, Arkansas in the amount of \$3,900;

for Aluminum Doors, Windows, Frames, Glass & Glazing materials and services to Arkansas Glass of Fort Smith, Arkansas in the amount of \$15,525;

for Metal Framing, Drywall, Insulation, PVC Ceilings materials and services to Midwest of Harrison, Arkansas in the amount of \$44,137;

for Resilient Base & Accessories materials and services to Miller of Springdale, Arkansas in the amount of \$1,414;

for Paints & Coatings materials and services to Geels Painting of Springdale, Arkansas in the amount of \$39,937;

for Toilet Compartments materials to Valley Alum of Hot Springs, Arkansas in the amount of \$13,990;

for Toilet Accessories materials to Valley Alum of Hot Springs, Arkansas in the amount of \$7,361;

for Lockers materials and services to All Storage of Little Rock, Arkansas in the amount of \$9,276;

for Fire Protection Specialties materials to Valley Alum of Hot Springs, Arkansas in the amount of \$984;

for Shower Compartments materials to Dale and Dale of Memphis, Tennessee in the amount of \$42,304;

for Signage materials to Valley Alum of Hot Springs, Arkansas in the amount of \$4,836;

for Installation of Specialty Items materials and services to DC Sparks of Springdale, Arkansas in the amount of \$10,200;

for Horizontal Louver Blinds materials and services to Arkansas Shades of North Little Rock, Arkansas in the amount of \$913;

for Swimming Pools, Waterslides & Accessories materials and services to Contegra Construction of Edwardsville, Illinois in the amount of \$4,083,040;

for HVAC materials and services to Blaylock Heating & Air of Fort Smith, Arkansas in the amount of \$52,937;

for Plumbing materials and services with Chamberlain Fort Smith, Arkansas in the amount of \$295,825;

for Electrical materials and services with Matlock Electric of Fort Smith, Arkansas in the amount of \$339,200; and

Section 2. The City of Fort Smith, acting jointly with Sebastian County, hereby assigns for management, implementation and enforcement purposes the trade contracts approved by Section 1 above to Flintco pursuant to the provisions of Section 2.3.2.1 of the contract of Sebastian County and the City of Fort Smith with Flintco.

Section 3. The City of Fort Smith hereby approves a contract with Forsgren, Inc. of Fort Smith, Arkansas for the Ben Geren Water and Sewer Extensions – Project No. 14-02-C1 in the amount of \$142,915 (Utilities Department project, bid opened April 15, 2014). The Mayor is hereby authorized to execute said contract, his signature being attested by the City Clerk.

This Resolution adopted this 22<sup>nd</sup> day of April, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

No Publication Required

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

A RESOLUTION APPROVING AMENDMENT OF THE CONSTRUCTION MANAGER AGREEMENT WITH FLINTCO, LLC AUTHORIZED BY RESOLUTION NO. R-140-13; REVISING CONSTRUCTION MANAGER FEES; AND ESTABLISHING A GUARANTEED MAXIMUM PRICE RELATED TO THE CONSTRUCTION OF A RECREATIONAL AQUATICS FACILITY AT BEN GEREN REGIONAL PARK

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH that the Mayor is hereby authorized to execute, his signature being attested by the City Clerk, an amendment to the Construction Manager Agreement with Flintco, LLC approved by Resolution R-140-13, providing for the following:

1. A revised fee for Preconstruction Construction Manager Services in the amount of \$50,550 based on owner-initiated changes to the project scope.
2. A revised fee for Construction Phase Construction Manager Services in the amount of \$415,980 based on owner-initiated changes to the project scope.
3. A Guaranteed Maximum Price for all aspects of the construction of a Recreational Aquatics Facility at Ben Geren Regional Park in the amount of (\$ 9,763,852).
4. The foregoing approvals are contingent upon approval of same by Sebastian County.

This Resolution adopted this 22<sup>nd</sup> day of April, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
Publish \_\_\_\_\_ time

# Memo



**To:** Ray Gosack, City Administrator  
**From:** Jeff Dingman, Deputy City Administrator  
**Date:** 4/17/2014  
**Re:** Aquatics Park Trade Contracts

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Presented for consideration at the April 22, 2014 Special Meeting is a resolution authorizing the Mayor to execute Trade Contracts for materials and services related to the construction of the recreational aquatics park at Ben Geren Regional Park. Sebastian County, as our partner owner, also needs to approve the Trade Contracts.

The public opening of sealed bids for this project was held on April 10. Construction Manager Flintco has verified all bids, and has recommended a slate of contracts for approval. All low responsive bidders vetted satisfactorily and have been recommended by Flintco. A bid tabulation of all bidders and bid prices is attached for your review, with the recommended vendor highlighted.

A total of 29 Trade Contracts are recommended for approval by the attached resolution totaling \$6,267,200. You will notice that structural steel and steel erection did not receive bids, and Flintco will carry an allowance for getting that particular work accomplished, as noted. Each of these Trade Contracts is between the Owner (the City and the County) and the Contractor. The resolution also then transfers ownership rights and management responsibilities to Flintco so that our construction manager can effectively manage the contracts and act on the Owner's behalf.

The resolution also includes award of a Utilities Department project for extension of water & sewer mains to the aquatic center site in the amount of \$142,915 to Forsgren, Inc. of Fort Smith.

A second resolution is proposed to adjust the construction manager's preconstruction phase and construction phase fees, as the owner initiated changes to the project's scope after entering into the contract with Flintco. The original price of all construction manager fees was \$371,250 based on a \$7.5 million construction budget. The amended fees total \$466,530 (50,550 preconstruction and 415,980 for construction services) based on an updated construction cost of \$9,347,872.

The resolution goes on to establish the Construction Manager's Guaranteed Maximum Price of \$9,763,852 for all construction phases of the project. The breakdown of the Guaranteed Maximum Price is attached. You will notice that there are allowances for amenities and enhancements, and all items in these categories will continue to be evaluated for desirability and will either be separately bid or negotiated as contract amendments with our successful bidders as allowed by law.

You will also notice that this attachment further outlines design fee allowances (to Larkin Aquatics), and allowances for Furniture, Fixtures & Equipment (FF&E) and a POS/Cash management system for the project, contributing to a Total Project Cost of \$10,897,602 which is within our \$10.9 million project budget.

Both resolutions need to be adopted and approved in order to keep our project moving. We are still on schedule for opening Memorial Day Weekend, 2015. Please contact me if you have questions regarding these items.

# New City of Fort Smith and Sebastian County Aquatic Center

## CM Recommendations for Trade Contract Awards

April 17, 2014

<u>Description</u>	<u>Recommended Low Bidder</u>	<u>City, State</u>	<u>Amount</u>
Bid Package # 1A - Final Cleaning	Speedy Cleaners	Bentonville, Arkansas	\$ 14,315
Bid Package # 2A - Earthwork	Harris Company	Fort Smith, Arkansas	\$ 247,000
Bid Package # 2G - Fences and Gates	Modern Fence	Fort Smith, Arkansas	\$ 99,475
Bid Package # 3A - Concrete	PCS	Rogers, Arkansas	\$ 507,356
Bid Package # 4A - Masonry	Superior Stoneworks	Alma, Arkansas	\$ 135,399
Bid Package # 5A - Structural / Architectural / Miscellaneous Steel Supply	Allowance		\$ 20,000
Bid Package # 5B - Structural / Miscellaneous Steel Erection	Allowance		\$ 20,000
Bid Package # 6A - Finish Carpentry & Interior Architectural Woodwork	Woodcraft	Fort Smith, Arkansas	\$ 12,990
Bid Package # 6B - Rough Carpentry	Pianalto Const.	Springdale, Arkansas	\$ 63,200
Bid Package # 6C - Glulam Beam (Supply)	Timber Systems	Lapeer, Michigan	\$ 9,902
Bid Package # 6D - Wood Truss (Supply)	Capital Structures	Fort Smith, Arkansas	\$ 14,967
Bid Package # 7A - Waterproofing, Dampproofing & Joint Sealants	Crum & Marshall	Springdale, Arkansas	\$ 29,357
Bid Package # 7B - Roofing	Schefers	Rogers, Arkansas	\$ 134,593
Bid Package # 8A - Doors, Frames & Hardware Supply	Wesche	Springdale, Arkansas	\$ 32,867
Bid Package # 8B - Doors & Hardware Install	DC Sparks	Springdale, Arkansas	\$ 3,900
Bid Package # 8C - Aluminum Doors, Windows, Frames, Glass & Glazing	Arkansas Glass	Fort Smith, Arkansas	\$ 15,525
Bid Package # 9A - Metal Framing, Drywall, Insulation, PVC Ceilings	Midwest	Harrison, Arkansas	\$ 44,137
Bid Package # 9C - Resilient Base & Accessories	Miller	Springdale, Arkansas	\$ 1,414
Bid Package # 9E - Paints & Coatings	Geels Painting	Springdale, Arkansas	\$ 39,937
Bid Package # 10A - Toilet Compartments (Supply)	Valley Alum	Hot Springs, Arkansas	\$ 13,990
Bid Package # 10B - Toilet Accessories (Supply)	Valley Alum	Hot Springs, Arkansas	\$ 7,361
Bid Package # 10C - Lockers	All Storage	Little Rock, Arkansas	\$ 9,276
Bid Package # 10D - Fire Protection Specialties (Supply)	Valley Alum	Hot Springs, Arkansas	\$ 984
Bid Package # 10E - Shower Compartments (Supply)	Dale and Dale	Memphis, Tennessee	\$ 42,304
Bid Package # 10F - Signage (Supply)	Valley	Hot Springs, Arkansas	\$ 4,836
Bid Package # 10H - Installation of Specialty Items	DC Sparks	Springdale, Arkansas	\$ 10,200
Bid Package # 12A - Horizontal Louver Blinds	Arkansas Shades	North Little Rock, Arkansas	\$ 913
Bid Package # 13A - Swimming Pools, Waterslides & Accessories	Contegra Const	Edwardsville, Illinois	\$ 4,083,040
Bid Package # 15A - HVAC	Blaylock Htg	Fort Smith, Arkansas	\$ 52,937
Bid Package # 15B - Plumbing	Chamberlain	Fort Smith, Arkansas	\$ 295,825
Bid Package # 16A - Electrical	Matlock	Fort Smith, Arkansas	\$ 339,200



**Balance of Project - Ben Geren Aquatics Facility**

**Costs Competitively Bid, Opened 4/10/2014** 6,267,200

**Other Costs to be competitively bid**

Landscaping - Allowance (includes decorative gravel) 250,000  
Concrete Paving Allowance 162,010  
Shade Structures Allowance 134,890

**Project Amenities/Enhancement Allowances**

Park Facilities Allowance 355,600  
Pool/Swimming Related allowance 560,000  
Operational Equipment 195,000

**Cost of the Work Included in the GMP (but not bid)**

Termite Treatment - Allowance 1,156  
Bike Rack - Allowance 599  
Tack Board - Allowance 500  
Steel & Steel Erection Allowance 40,000

General Conditions 681,633  
Testing Allowance 50,000

General Liability Insurance 61,205  
Builder's Risk Insurance 20,530  
Subcontractor Bonds (Included in bid amount above) -  
General Contractor Bond 67,549

Construction Contingency 500,000

Construction Totals \$ 9,347,872

Contractor Fee \$ 415,980

**Total Gauranteed Maximum Price Amount** 9,763,852

Preconstruction Services 50,550

Total Construction Cost 9,814,402

**Additional Costs/Not in Scope**

Design Fees (Larkin Aquatics w/MWC&MAHG) 783,200  
Furniture, Fixtures, & Equipment (FF&E) and POS System Allowance 300,000

<b>Total Project Cost</b>	<b>10,897,602</b>
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## MEMORANDUM

April 17, 2014

**TO:** Mayor and Board of Directors

**FROM:** Ray Gosack, City Administrator

**SUBJECT:** Oklahoma City's Transformation

Oklahoma City has undergone a transformation of its image and economy since the mid 1990's. The business community and city government developed a plan and implemented it to transform the Sooner state's capital city.

MAPS (Metropolitan Area Projects) was Oklahoma City's visionary capital improvement program for new and upgraded sports, recreation, entertainment, civic, cultural, and convention facilities. More than \$360 million of public funds were invested during a 10-year period. The public investment spurred \$4 billion in private investment. This success led to more MAPS programs to further enhance Oklahoma City's economy, public education, and quality of life.

Former Oklahoma City mayor Kirk Humphreys recently made a presentation to the Fort Smith CEO regional council which Mayor Sanders and I heard. Mr. Humphreys shared valuable principles which would help any community. As Fort Smith prepares a new vision and comprehensive plan to guide its future, I thought the lessons that Mr. Humphreys shared would be valuable. He will be present at the April 22<sup>nd</sup> study session to discuss the methods Oklahoma City used to reinvigorate itself.

Attachment

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

## Kirk Humphreys

### Biographical Information

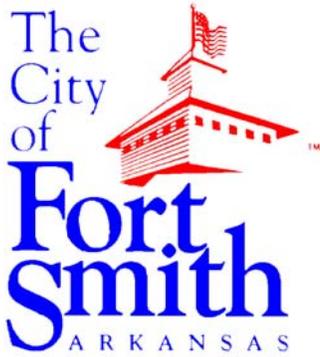
After graduating from the University of Oklahoma with a BBA in Finance, Kirk Humphreys spent 17 years building a family-owned national wholesale distribution company.

For the past 25 years Kirk has been active in real estate development. In 2012 he founded The Humphreys Fund, a \$70 million private real estate fund which owns properties in several states.

Humphreys was elected Mayor of Oklahoma City in 1998 and re-elected in 2002. Under his leadership, the city completed the historic MAPS Projects, a \$360 million public investment which has led to more than \$4 billion of new investment in downtown Oklahoma City. Kirk led the effort that became MAPS for Kids, a sweeping \$700 million revitalization of the city's public schools. Kirk still keeps his hand in politics as co-host of NewsChannel 4's *Flash Point*.

Kirk is a director of OGE Energy Corp. and serves on the Board of Regents for the University of Oklahoma. He is a trustee of the Urban Land Institute and is Vice-Chair of the Oklahoma City Airport Trust, in addition to serving on the boards of several other community organizations.

Kirk and Danna have been married for 41 years and have 3 children and 9 grandchildren.



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

**Board of Directors**

Ward 1 – Keith D. Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

***AGENDA ~ Summary***  
**Fort Smith Board of Directors**  
**Special Meeting / Study Session**  
**April 22, 2014 ~ 12:00 Noon**  
**Fort Smith Public Library Community Room**  
**3201 Rogers Avenue**

**SPECIAL MEETING**

**ROLL CALL**

- All present, except Lorenz and Merry  
~ *Directors Lorenz and Merry arrived during presentation of Special Meeting Item No. 1 ~*
- Mayor Sandy Sanders presiding

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

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

No additional items requested.

1. Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park  
*Approved 6 in favor, 1 abstention (Catsavis) / Resolution No. R-45-14*
2. Resolution approving amendment of the construction manager agreement with Flintco, LLC authorized by Resolution No. R-140-13; revising construction manager fees; and establishing a guaranteed maximum price related to the construction of a recreational aquatics facility at Ben Geren Regional Park  
*Approved 4 in favor (Lau, Good, Lorenz and Settle), 3 opposed (Catsavis, Weber and Merry) / Resolution No. R-46-14*

*(\$10,900,000.00 / Parks Department / Budgeted – 2012 Sales Tax Bonds and Resolution No. R-186-13)*

**ADJOURN**

12:12 p.m.

## **STUDY SESSION**

### **CALL TO ORDER**

- All present
- Mayor Sandy Sanders presiding

1. Presentation by former Oklahoma City Mayor Kirk Humphreys on lessons from the city's revitalization successes  
Presentation only
2. Review preliminary agenda for the May 6, 2014 regular meeting

### **ADJOURN**

1:14 p.m.

## MINUTES OF THE BOARD OF DIRECTORS SPECIAL MEETING

TUESDAY ~ APRIL 22, 2014 ~ 12:00 NOON

### FORT SMITH PUBLIC LIBRARY COMMUNITY ROOM

The special meeting was unanimously called by the Board of Directors at the April 15, 2014 regular meeting (to immediately precede the regularly scheduled study session) for the purpose of considering the following:

1. Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park
2. Resolution approving amendment of the construction manager agreement with Flintco, LLC authorized by Resolution No. R-140-13; revising construction manager fees; and establishing a guaranteed maximum price related to the construction of a recreational aquatics facility at Ben Geren Regional Park

*(\$10,900,000.00 / Parks Department / Budgeted – 2012 Sales Tax Bonds and Resolution No. R-186-13)*

The special meeting was called to order by Mayor Sandy Sanders presiding. On roll call the following members were present: Directors Keith Lau, Andre' Good, George Catsavis, Pam Weber and Kevin Settle. The Mayor declared a quorum present. Directors Mike Lorenz and Phillip Merry arrived during presentation of Item No. 1.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

City Administrator Ray Gosack briefed the Board advising Item No. 1 authorizes the Mayor to execute trade contracts for materials and services related to the construction of the aquatics facility at Ben Geren Regional Park. The public bid opening took place on April 10, 2014. The construction manager, Flintco, LLC, has verified all bids with the exception of structural steel and steel erection bids, which were not received at the bid opening; however, Flintco, LLC will carry an allowance for getting

***April 22, 2014 Special Meeting***

said steel bids accomplished. Said resolution also authorizes a contract between the City of Fort Smith and Forsgren, Inc. to accomplish the required water and wastewater extension required for the project.

Item No. 2 authorizes an amendment to the construction manager contract with Flintco, LLC for preconstruction and construction management fees. The original contract for management services was based on a \$7.5 million construction budget; however, since the combined construction cost has increased, the construction manager fee must also be increased. Upon approval, the proposed resolution authorizes said amendment to address changes to the project's scope after entering into the original contract with Flintco, LLC.

There was brief discussion regarding the changes to the scope of work whereby Administrator Gosack advised such addresses the inclusion of the wave pool, extension of the lazy river, etc.

Director Merry noted the total construction cost actually came in approximately \$1 million under the anticipated budget; therefore, since the construction management fees are based on construction costs, he questioned if a refund of construction management fees will be awarded if the final construction cost remains under budget.

Directors Good and Weber noted concurrence with a refund of construction manager fees if the project remains under budget and Director Weber also questioned the creation of a Sinking Fund for any unused project funds.

Administrator Gosack advised a refund of construction manager fees or creation of a Sinking Fund can be considered; however, if the project remains under budget, he noted the likelihood of returning additional features to the aquatic facility that were originally removed from the project due to budgetary concerns. Regardless, any of the

**April 22, 2014 Special Meeting**

aforementioned options, i.e. refund, Sinking Fund, additional features, etc. will be presented to the Board of Directors for approval.

Settle, seconded by Lorenz, moved adoption of Item No. 1. The members voted as follows: ayes – Lau, Good, Lorenz, Weber, Settle and Merry; abstention – Catsavis. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-45-14.

Settle, seconded by Lorenz, moved adoption of Item No. 2. The members voted as follows: ayes – Lau, Good, Lorenz and Settle; nays – Catsavis, Weber and Merry. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-46-14.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Lorenz, and the members all voting aye, the Mayor declared the motion carried and the special meeting stood adjourned at 12:12 p.m.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk