Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

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

AGENDA

Fort Smith Board of Directors
REGULAR MEETING
August 19, 2014 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE AUGUST 5, 2014 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation: Introduction of Jennifer Humphries, Deputy Director of Finance

2. Public hearing and ordinance closing and vacate and abandoning a portion of an alley right-of-way located in East Heights, Block 2 and Block 3, an addition to the City of Fort Smith, Arkansas *(between 3616 & 3620 Park Avenue - Andrew Malouf)*

3. Items relative to the Arkansas College of Osteopathic Medicine

   A. Resolution authorizing submission of an application to the U.S. Department of Commerce for funding through the Economic Development Administration's (EDA) 2008 Disaster Relief Program for public infrastructure work including water, sewer and road improvements

B. Resolution approving a memorandum of understanding between The Degen Foundation and the City of Fort Smith for the Arkansas College of Osteopathic Medicine

C. Ordinance appropriating and authorizing funds for the Arkansas College of Osteopathic Medicine infrastructure projects *($1,505,000.00 / Utility and Engineering Departments / Not Budgeted – Water and Sewer Operating Fund and Sales Tax Program)*

4. Consent Agenda

A. Resolution setting a public hearing date on petition to vacate a portion of a street right-of-way located in Fairfax subdivision, an addition to the City of Fort Smith, Arkansas *(Portion of South 10th Street - Baldor Electric Company)*

B. Resolution setting a public hearing date on petition to vacate a portion of Veterans Avenue street right-of-way located in Chaffee Crossing, Sebastian County, Fort Smith, Arkansas *(Portion of Veterans Avenue in Chaffee Crossing – American College of Osteopathic Medicine)*

C. Ordinance to abandon sewer line easements located in City of Fort Smith, Sebastian County, Arkansas (Future Horseshoe Ridge Subdivision)

D. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-A *(17 days)*

E. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-A *($149,846.66 / Engineering Department / Budgeted – Sales Tax Program)*

F. Resolution authorizing the acquisition of real property interests for the Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A *($3,700.00 / Engineering Department / Budgeted – Sales Tax Program)*

G. Resolution authorizing acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A *($29,672.00 / Engineering Department / Budgeted – Sales Tax Program)*

H. Resolution accepting bids for the purchase of fleet trucks and vehicles *($1,075,004.87 / Various Departments / Budgeted – Various Accounts)*

I. Resolution accepting the project as complete and authorizing final payment to Crawford Construction Company for the Candlestick (Station 19) Force Main Replacement *($63,989.98 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bond Funds)*

J. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing payment to Forsgren, Inc. for the emergency repair of Rogers Avenue *($44,272.00 / Utility Department / Not Budgeted - Water and Sewer Capital Improvement Fund)*

K. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Basin 9 Collection System Improvements *($55,912.45 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bond Funds)*

L. Resolution authorizing the Mayor to execute a fluoridation grant agreement with Delta Dental of Arkansas Foundation for fluoridation equipment and capital start-up costs to enable fluoridation of Fort Smith's water supplies in accordance with Act 197 of 2011

M. Resolution approving the termination of a consulting and advisory services agreement with the J. C. Watts Companies, L.L.C.

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

- Appointments: Animal Services Advisory Board (1), Oak Cemetery Commission (1), Outside Agency Review Panel (3) and Parks and Recreation Commission (2)

ADJOURN

Board Info

Following a national search, Jennifer Humphrey has been hired as the City of Fort Smith's deputy director of finance.

A selection committee of eight senior staffers participated in the national search, which garnered 20 applications. Five finalists emerged from the field. In addition to the interview process, senior staff members within the finance department met with Humphrey and concurred with her selection as an excellent organizational fit now and for the future.

A Magna Cum Laude graduate of Harding University in Searcy, Arkansas, Humphrey earned a Bachelor of Science – Public Accounting degree.

Humphrey has worked for Winrock International, MANA Nutritive Aid Products, Inc, Walmart Stores, Inc., and served the City of Russellville as finance director. For the past two years, she has worked for the National Institute for Excellence in Teaching as the non-profit organization's director of finance and business operations and treasurer.

Jennifer has extensive experience in government accounting and understands Governmental Accounting Standards Board (GASB) rules, and fund accounting principles.

The deputy director of finance is a new position, established as a priority of the board of directors for purposes of succession planning for the City of Fort Smith.

Humphrey began her duties on August 18.

2.

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND VACATING AND ABANDONING A PORTION OF AN ALLEY RIGHT-OF-WAY LOCATED IN EAST HEIGHTS BLOCK 2 AND BLOCK 3, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS

WHEREAS, a petition was duly filed with the Board of Directors of the City of Fort Smith, Arkansas, July 16, 2014, asking the Board of Directors to vacate and abandon an alley right-of-way located in East Heights, Block 2 and Block 3, an addition to the City of Fort Smith, Arkansas, more particularly described as follows:

> A 20' wide alley located between East Heights, Block 2, Lot 5 and East Heights, Block 3, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed of record March 17, 1906.

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 alley right-of-way as described above has heretofore been dedicated to the public use as an alley right-of-way and at this time is no longer required for the corporate purposes, and that said alley 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 alley right-of-way be closed; and that the public interest and welfare will not be adversely affected by the abandonment of the said alley.

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 alley designated as follows:

A 20’ wide alley located between East Heights, Block 2, Lot 5 and East Heights, Block 3, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed of record March 17, 1906.

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 AUGUST 2014.

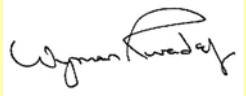
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
Publish One Time

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: 8/15/2014

Re: Request for Abandonment of an Alley Right-of-Way
East Heights, Block 2 and Block 3

Andrew Malouf of 3620 ½ Park Avenue has submitted a petition to abandon a 20' x 131' alley right-of-way located between East Heights, Block 2, Lot 5 and East Heights Block 3, Lot 1. Mr. Malouf owns the properties on both sides of the alley, which includes 3620/3620 ½ Park Avenue and 3616 Park Avenue. Mr. Malouf has requested the closing so that he can install a privacy fence at the southern end of the alley to prevent people from walking between his properties. His application indicates he is concerned for his family's safety due to people using the alley who may be involved with illegal drugs.

Enclosed is a copy of the petition to abandon the alley, map showing the location of the alley, a vicinity map, and photographs of the alley. (See Exhibits A, B , C & D.)

Staff contacted franchise utilities and appropriate city departments regarding any ongoing or future interests they may have in the alley. The city's utility department indicated that there is an existing sewer line in the alley and would require an easement. AOG also advised us that they have facilities in the alley and would also require an easement. Enclosed are copies of the executed easements signed by Mr. Malouf that will provide a full width easements for construction, maintenance and operation of the sanitary sewer line and the franchise utility infrastructure. (See Exhibit E and F.)

Staff also notified property owners within 300 of the proposed abandonment. We have not received any objections or concerns from surrounding property owners or citizens regarding the requested alley closing.

Additionally, in keeping with the Board's policy, all applicants requesting right-of-way abandonments are required to sign a Memorandum of Understanding (MOU). An MOU stipulates the applicant or their assigns will not make any claims for compensation in the event the city exercises the power of eminent domain to reclaim the abandoned right-of-way. Enclosed is a copy of the MOU executed by the property owner. (See Exhibit G.)

Enclosed for the board's consideration is an ordinance authorizing the abandonment of the alley right-of-way. If approved, the easements and the Memorandum of Understanding will be filed with the ordinance

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

Enc.

OFFICE OF THE CITY CLERK
FILED
7-16-14 HT
CITY OF FORT SMITH, ARKANSAS

EXHIBIT A

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY OR ALLEY

APPLICATION:

Indicate one contact person for application: ✓ Applicant _____ Representative

Applicant (owner)

Name: ANDREW J. McLOUD

Address: 3620 & 3616 Park Ave Fortsmith AR, 72903

Telephone Number: 757-243-7153

E-Mail: Celtic_Dream_62275@yahoo.com

Representative (engineer, attorney, realtor, etc)

Name: _____

Address: _____

Telephone Number: _____

E-Mail: _____

Site Address/Location: 3620 & 3616 Park Avenue

Legal Description of area to be vacated (attach separate sheet if necessary): 20' alley between Lot 1, Block 3 and Lot 5, Block 2 - East Heights according to plat filed of Record March 17, 1906.

Assessor's Parcel Number for Subject Property: # 12101-0005-0002-00 & 12101-0001-00003-00

Reason for Request: Put Privicy FANCE up to Keep Druggies Away & Keep My Daughter SAFE.

Current Status of Right-of-Way/Easement: Open Alley

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. Additionally, I understand that the applicant or agent will be required to execute a Memorandum of Understanding regarding any right-of-way abandonments and understand that no action will be taken by the Board of Directors on an abandonment request until said utility easement, if determined by staff is necessary, and Memorandum of Understanding are on file with the city.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) ANDREW J. MALOUF

Signature: Andrew J Malouf Date: 6/11/2014

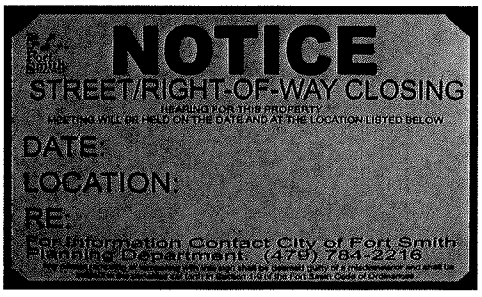
Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

Application Checklist:

- ☒ A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. ***(County Assessor is located in Room 107 of the Sebastian County Courthouse).***
- N/A Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated
- ☒ Petition with signatures of all abutting property owners
- ☒ Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)
- N/A Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated
- ☒ Application Fee of $150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



SAMPLE PETITION TO VACATE

(This is a sample petition. Applicants are responsible for submitting a petition which accurately reflects their specific request.)

PETITION TO VACATE (an alley _____ LOCATED IN

EAST HEIGHTS, LYING BETWEEN LOT 1, BLOCK 3 AND LOT 5, BLOCK 2 OF EAST HEIGHTS, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

TO: Fort Smith Board of Directors

We, the undersigned, being all of the owners of the real estate abutting the (alley, easement, right-of-way) herein sought to be abandoned and vacated, lying in (Subdivision, Block, Lot), City of Fort Smith, Sebastian County, Arkansas, a municipal corporation, petition to vacate (an alley, easement, right-of-way) which is described as follows:

The twenty (20') wide alley lying between Lot 1, Block 3 and Lot 5, Block 2 of East Heights, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed of record March 17, 1906.

That the abutting real estate affected by said abandonment of the (alley, right-of-way, easement) are (Subdivision, Block, Lot of each property adjoining property to be vacated) has not been used by the public for a period of years, and that the public interest and welfare would not be adversely affected by the abandonment of the above-described (alley, easement, right-of-way)

The petitioners pray that the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that the above-described real estate be used for the respective benefit and purpose as now approved by law.

The petitions further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREAS, the undersigned petitioners respectfully pray that the governing body of the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that title to said real estate sought to be abandoned be vested in the abutting owners as provided by law.

Dated this 11 day of June, 2014

ANDREW J. MALOUF
Printed Name

Andrew Malouf
Signature

Printed Name

Signature

LIST OF PROPERTY OWNERS WITHIN 300 FEET

parcel_id	OW_NAME	OW_ADD	OW_SRC_D
18883-0000-00594-00	WILLSEY, MARY LINDA LIVING TRUST	3000 BLACKBURN FORT SMITH AR 72903	5/10/2013
18883-0000-00595-00	QUEZADA-GARCIA, ROBERTO & LIDIA	3707 PARK AVE FORT SMITH AR 72903	7/30/2013
10333-0005-00000-00	HERNANDEZ, ESTEBAN	411 N 36TH ST FORT SMITH AR 72903	6/29/2010
10333-0006-00000-00	PFEIFER, L P & WIFE	417 N 36TH ST FORT SMITH AR 72903-1640	10/1/2010
10333-0004-00000-00	PRICE, WILTA C FAMILY LIVING TRUST	P O BOX 674 FORT SMITH AR 72902	9/21/2009
10333-0003-00000-01	LIBERTY HILL HOLDING TRUST	P O BOX 11 NATURAL DAM AR 72948	10/28/2013
10333-0003-00000-00	NGO, DAN & THANH CUNG	2605 S 87TH ST FT SMITH AR 72903	10/27/2009
10333-0002-00000-00	ZAMAN, RAJA KHANI	3515 TOWSON AVE FORT SMITH AR 72901	6/28/2010
10333-0020-00000-00	JAGGERS-B PROPERTIES, LLC	6100 PARK AVE FORT SMITH AR 72903	4/9/2012
10333-0019-00000-00	FIRST COMMUNITY BANK OF CRAWFORD	2925 ALMA HWY SUITE A VAN BUREN AR 72956-5057	7/17/2013
11981-0005-00000-00	MALOUF, JAMES	3636 BARRY AVE FORT SMITH AR 72903	6/15/2010
11981-0004-00000-00	JOHNSON, JESSICA N & REESE, DERE	3634 BARRY AVE FORT SMITH AR 72903	6/30/2010
11981-0003-00000-00	MCELWEE, ELTON JR & ANGELA LYNN	3630 BARRY AVE FORT SMITH AR 72903-1724	8/6/2009
11981-0002-00000-00	SPENCER, SHIRAE J & BRENT D	3622 BARRY AVE FORT SMITH AR 72903	7/1/2010
11981-0001-00000-00	LINDSAY, JAMES W & DORIS A	3620 BARRY AVE FORT SMITH AR 72903-1724	8/6/2009
12101-0001-00002-00	KONERT, ROBERT P & SARAH KATHERINE	3600 PARK AVE FORT SMITH AR 72903-1736	8/13/2009
12101-0003-00002-00	GARNES, DANIEL	508 8TH ST BARLING AR 72923	7/29/2010
12101-0004-00002-00	SENIOR CARE PROPERTY PARTNERS, LP	120 BELLE AVE FT SMITH AR 72901	4/19/2013
12101-0005-00002-00	MALOUF, ANDREW	3620 PARK AVE Fort Smith AR 72903	7/9/2013
12101-0010-00002-00	LIVING INVESTMENT LLC	P O BOX 1573 VAN BUREN AR 72956	6/1/2010
12101-0008-00002-00	FRANCE, LISA L & MARSHALL D	104 HILLCREST DR GREENWOOD AR 72936-0000	4/21/2010
12101-0007-00002-00	WRIGHT, RON D & ELLA K TRUST	3913 S 27TH CIRCLE FORT SMITH AR 72901	8/13/2009
12101-0008-00003-00	POWER PROPERTY INVESTMENTS, LLC	P O BOX 34 VAN BUREN AR 72957	6/17/2011
12101-0006-00003-00	MASSEY, SHAWN F	3629 BARRY AVE FORT SMITH AR 72903-1723	8/13/2009
12101-0005-00003-00	WALDON, VIRGINIA	P O BOX 4385 FORT SMITH AR 72914	6/17/2010
12101-0004-00003-00	SPANGLER, EUGENE G & LEONA M	3634 PARK AVE FORT SMITH AR 72903-1736	8/14/2009
12101-0003-00003-00	WEWERS, JASON & MICHELLE	22 HAVEN HILL CIR FORT SMITH AR 72901	4/29/2013
12101-0002-00003-00	VERKAMP, JOHN P & DARLA S	624 E MAIN STREET CHARLESTON AR 72933	9/22/2010
12101-0001-00003-00	MALOUF, ANDREW	3620 PARK AVE Fort Smith AR 72903	4/2/2014
12101-0008-00004-00	WALTERS, MERCEDES N	3701 BARRY AVE FORT SMITH AR 72903	8/13/2009
12101-0007-00004-00	SUNDBERG, MARY ANN & PAUL	524 PLEASANT ST COLORADO SPRINGS CO	8/13/2009
12101-0001-00004-00	FRALEY, F W & LAVEDA	3700 PARK AVE FT SMITH AR 72903-1763	4/29/2010
12101-0002-00006-00	RUSSELL, NORMAN W & AGNES Y	3602 BARRY AVE FORT SMITH AR 72903-1724	5/13/2010
12101-0003-00006-00	RUSSELL, NORMAN W & AGNES Y	3602 BARRY AVE FORT SMITH AR 72903	8/14/2009
12101-0005-00006-00	LOWREY, SAMUEL LAFFETTE	P O BOX 11743 FORT SMITH AR 72917-1743	6/30/2010
18883-0000-00596-00	BARRIENTOS, CARLOS & MARIA	3625 PARK AVE FORT SMITH AR 72903	12/1/2010
18883-0000-00596-01	BARRIENTOS, CARLOS & MARIA D	9542 GARY ST FORT SMITH AR 72903	2/5/2010
18883-0000-00599-00	FT SMITH KINKEAD ACQUISITIONS, LLC	C/O GARRISON HASSENFLU KANSAS CITY MO 64108	1/14/2014
<Null>	<Null>	<Null>	<Null>
<Null>	<Null>	<Null>	<Null>

PROPOSED ALLEY CLOSING
EAST HEIGHTS ADDITION

EXHIBIT C

June 11, 2014

Fort Smith City Limts

Zoning

Parcels

1:892

0 0.0075 0.015 0.03 ft

0 0.01 0.02 0.04 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Entrance to alley adjacent to Park Avenue (north side)

Entrance to alley on south side

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Andrew Malouf, an unmarried person, his, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar ($1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a 20 foot wide permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

The twenty (20') wide alley lying between Lot 1, Block 3 and Lot 5, Block 2 of East Heights, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed of record March 17, 1906.

See Exhibit A attached hereto and hereby made a part of this instrument, with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

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

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

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

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

RETURN ORIGINAL FILED DOCUMENT TO: Larry Guthrie, City of Fort Smith
3900 Kelley Hwy., Fort Smith, AR 72904

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

Witness our hands and seals on this 15th day of July, 2014.

ANDREW MALOUF

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
County of Sebastian)

BRITTANY PATTERSON
Notary Seal, State of Arkansas
Sebastian County
Commission Number 12396976
My Commission Expires Jan. 20, 2024

On this 15 day of July, 2014, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of Sebastian, Arkansas, appeared in person the within named Andrew Malouf, an unmarried person, to me personally well known or proven to be the person whose name appears upon the within and foregoing instrument, and stated and acknowledged that he had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 15 day of July, 2014.

Notary Public

My Commission Expires:

Jan. 20, 2024

RETURN ORIGINAL FILED DOCUMENT TO: Larry Guthrie, City of Fort Smith
3900 Kelley Hwy., Fort Smith, AR 72904

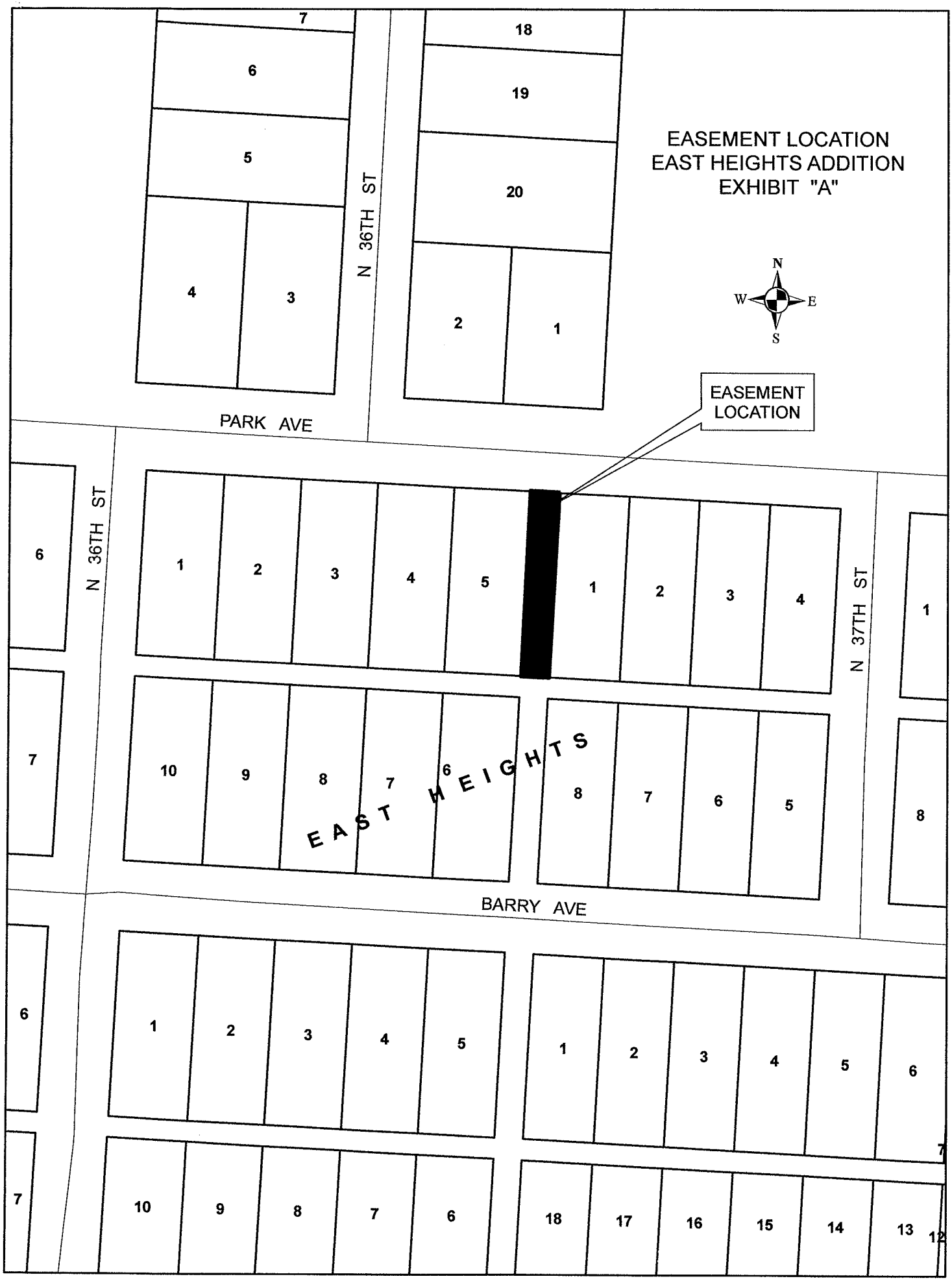

EASEMENT LOCATION
EAST HEIGHTS ADDITION
EXHIBIT "A"
N
W
E
S
EASEMENT LOCATION
PARK AVE
BARRY AVE
N 36TH ST
N 37TH ST
EAST HEIGHTS

EXHIBIT F

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That ANDREW MALOUF GRANTOR, unmarried person, for an inconsideration of the sum of $1.00 and other good and valuable consideration, to it in hand paid by the CITY OF FORT SMITH, ARKANSAS, a municipal corporation, hereinafter called GRANTEE, the receipt of all of which is hereby acknowledged, does hereby grant, bargain, sell and convey, unto the said GRANTEE, its successors and assigns a permanent easement for the construction, operation, and maintenance of public or franchise utilities, both above ground and underground, over, across, under and upon the following described lands lying in the City of Fort Smith, Sebastian County, Arkansas, to wit:

The twenty (20') wide alley lying between Lot 1, Block 3 and Lot 5, Block 2 of East Heights, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed of record March 17, 1906.

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

TO HAVE AND TO HOLD said easement unto said GRANTEE, its successors and assigns forever.

GRANTOR and its heirs, successors and assigns shall have the right to use the surface of the property within the permanent utility easement above described, provided, that it shall not interfere with the use thereof by the GRANTEE and its successors and assigns, further GRANTOR and its heirs, successors and assigns will not erect a building or structure within this permanent utility easement, and shall provide means of access, acceptable to GRANTEE and its successors and assigns, to and within said permanent utility easement, if fenced.

The consideration paid by the GRANTEE is received and accepted by the GRANTOR(S) in full satisfaction of every right hereby conveyed.

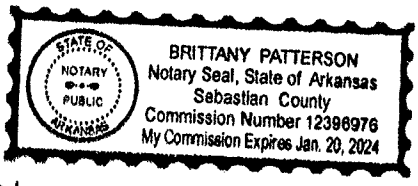
IN WITNESS WHEREOF, the GRANTOR(S) herein has hereunto caused these presents to be executed this 15th day of July 2014.

ANDREW MALOUF

BY: Andrew J. Malouf
SIGNATURE

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)



On this 15 day of July, 2014, before me, the undersigned notary public, personally appeared, Andrew Malouf, an unmarried person, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

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

Notary Public

My Commission Expires:
Jan. 20, 2024

MEMORANDUM OF UNDERSTANDING

On _____, 2014, the Board of Directors of the City of Fort Smith passed Ordinance No._____ closing, vacating and abandoning a portion of an alley right-of-way located in East Heights, between Lot 1, Block 3 and Lot 5, Block 2, an addition to the City of Fort Smith, Sebastian County, Arkansas, more particularly described as follows:

> The twenty (20') wide alley lying between Lot 1, Block 3 and Lot 5, Block 2 of East Heights, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed of record March 17, 1906.

For good and valuable consideration, the receipt of which is hereby acknowledged, Andrew Malouf, agrees that in the event the City of Fort Smith, condemns all or a portion of the lands and buildings contiguous to said alley right-of-way and owned by Andrew Malouf, his successors or assigns, under the power of eminent domain, that the property owner, his successors or assigns, will make no claim to compensation for the value of the abandoned alley right-of-way described above. Nothing contained herein shall preclude Andrew Malouf, or his successors or assigns from claiming compensation for improvements situated on the abandoned alley right-of-way in the event of condemnation. By way of example, and example only, if the City condemns the Andrew Malouf property and the total land condemned is 100,000 square feet and the abandoned alley right-of-way constitutes 10,000 square feet of that total, then the value of the land shall be reduced by 10% for condemnation compensation purposes. This Memorandum of Understanding shall be binding on Andrew Malouf and his successors or assigns.

In witness whereof, this document is executed this 15th day of July, 2014.

ANDREW MALOUF

BY: Andrew J. Malouf
SIGNATURE

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)

On this 15 day of July, 2014, before me, the undersigned notary public, personally appeared, Andrew Malouf, an unmarried person, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

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

Notary Public

My Commission Expires:

Jan. 20, 2024

STATE OF ARKANSAS NOTARY PUBLIC
BRITTANY PATTERSON
Notary Seal, State of Arkansas
Sebastian County
Commission Number 12396976
My Commission Expires Jan. 20, 2024

3A

RESOLUTION NO._____

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE FOR FUNDING THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION'S (EDA) 2008 DISASTER RELIEF PROGRAM FOR PUBLIC INFRASTRUCTURE WORK INCLUDING WATER, SEWER AND ROAD IMPROVEMENTS

WHEREAS, the City of Fort Smith desires to develop a viable community, including expanding economic opportunities and creating a suitable living environment; and

WHEREAS, the City of Fort Smith has been approached by The Degen Foundation for assistance in developing the Arkansas College of Osteopathic Medicine; and

WHEREAS, the development of this site necessitates certain public infrastructure work by the City of Fort Smith; and

WHEREAS, it is necessary and in the best interests of the City of Fort Smith to apply for funding under the Economic Development Administration's 2008 Disaster Relief Program to provide capital to be used to foster economic development activity; and

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

Section 1. That the Board of Directors of the City of Fort Smith authorizes the submission of an application to the U.S. Department of Commerce for funding consideration under EDA's 2008 Disaster Relief Program to carry out public water, sewer, and road construction activity;

Section 2. That the application request $1,500,000 in EDA grant funds.

Section 3. That the City of Fort Smith will provide $1,500,000 in public infrastructure work as the City's required matching share; and

Section 4. That the City Administrator is designated as the Chief Executive Officer and Authorized Representative to act on behalf of the City of Fort Smith in the execution of grant agreements and in all other matters in connection with the City's application and subsequent participation in EDA's Disaster Relief Program should funds be awarded to the City for water, sewer, and road construction activities.

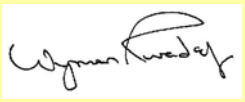
PASSED and APPROVED this _____ day of August, 2014.

_____
MAYOR

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____

No Publication Required

RESOLUTION NO. _____

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEGEN FOUNDATION AND THE CITY OF FORT SMITH FOR THE ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE

_____

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

The Memorandum of Understanding with the Degen Foundation regarding the Arkansas College of Osteopathic Medicine attached hereto as Exhibit A is hereby approved. The City Administrator is hereby authorized to execute said Memorandum of Understanding.

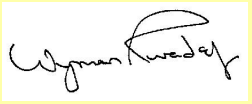
This Resolution passed this _____ day of August, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____
No Publication Required

MEMORANDUM OF UNDERSTANDING (MOU)

Between
City of Fort Smith
and
The Degen Foundation

I. PURPOSE & SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the EDA grant being sought for the Arkansas College of Osteopathic Medicine in Fort Smith, Arkansas.

II. BACKGROUND

Fort Smith along with the Fort Smith Regional Healthcare Foundation (501 (c) 3) and The Degen Foundation also a (501 (c) 3) corporation are proposing to construct Arkansas' first college of osteopathic medicine on a 200 acre campus. The first phase of the medical school campus includes an approx. 100,000 square foot Osteopathic Medical School, a campus green, and a main entry. Future development space is being planned with room for more buildings, a medical office park, and commercial and retail development. The first phase of the 100,000 square foot school will also include road improvements, extension of utility services to the building, and a parking lot. The EDA proposal includes assistance with roads, a parking lot, and extension of utility services. The 200 acres for the site has already been donated by the Fort Chaffee Redevelopment Authority.

III. City of Fort Smith RESPONSIBILITIES UNDER THIS MOU

City of Fort Smith, as shown on Exhibit A attached hereto, will be committing a match of at least 1.5 million dollars in public infrastructure work. City of Fort Smith will own the utilities and roads. The City of Fort Smith will act as the point of contact with the EDA on all matters relating to the grant if awarded.

IV. The Degen Foundation RESPONSIBILITIES UNDER THIS MOU

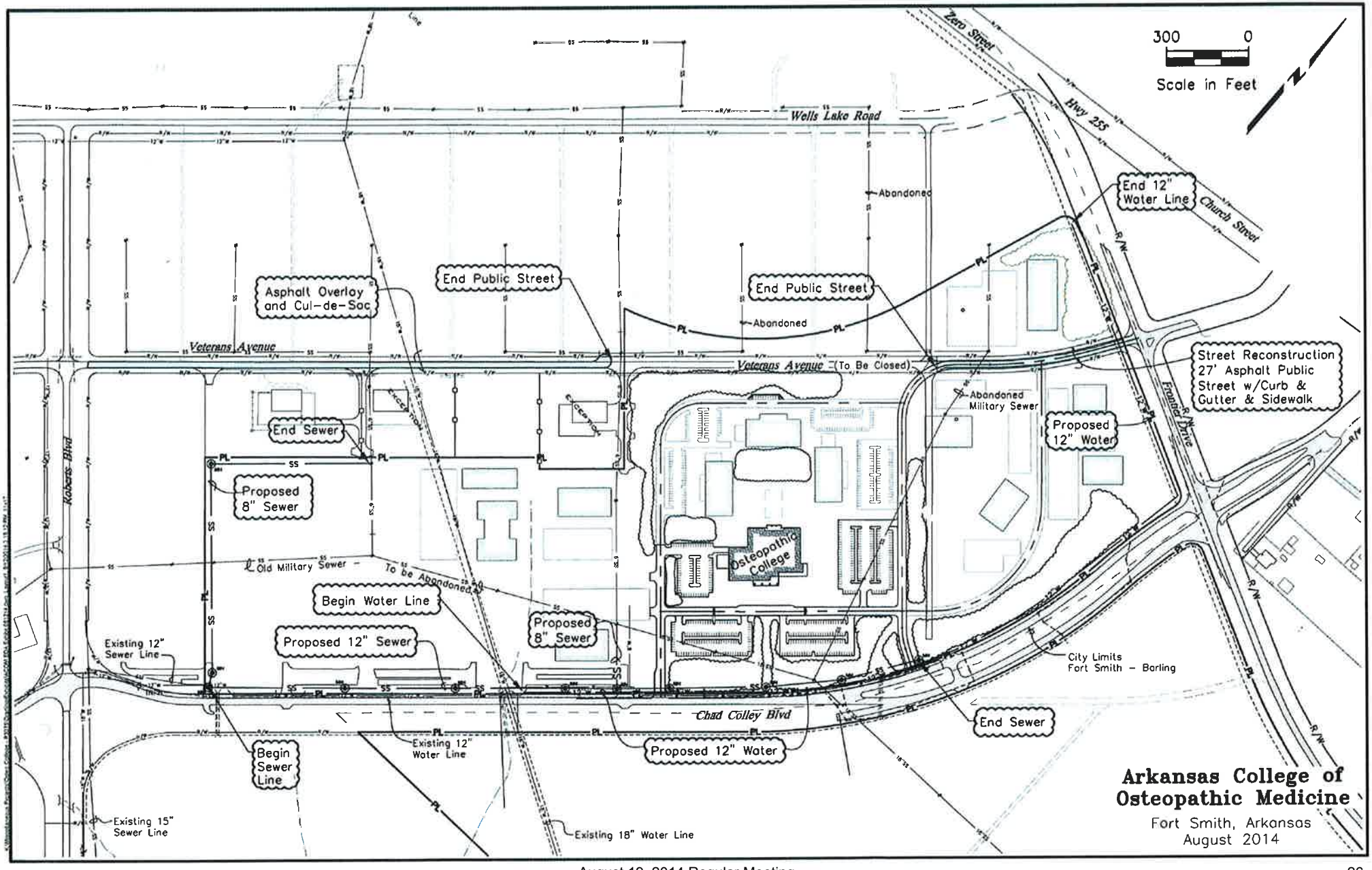
The parking lot will be owned by The Degen Foundation. The Degen Foundation understands that the City of Fort Smith is providing the public infrastructure as match for the EDA grant and will be the point of contact with the EDA on all matters relating to the grant, if funded.

Ray Gosack, City of Fort Smith

_____
Date

Thomas H. Webb, Jr. The Degen Foundation

_____
Date


300 0
Scale in Feet
N
Wells Lake Road
Zero Street
Hwy 255
Church Street
Frontier Drive
Roberts Blvd
Veterans Avenue
Veterans Avenue (To Be Closed)
Chad Colley Blvd
Abandoned
End 12" Water Line
Asphalt Overlay and Cul-de-Sac
End Public Street
End Public Street
Abandoned
Street Reconstruction 27' Asphalt Public Street w/Curb & Gutter & Sidewalk
Abandoned Military Sewer
Proposed 12" Water
End Sewer
Proposed 8" Sewer
Old Military Sewer - To be Abandoned
Begin Water Line
Proposed 8" Sewer
Proposed 12" Sewer
Existing 12" Sewer Line
Osteopathic College
City Limits Fort Smith - Barling
End Sewer
Begin Sewer Line
Existing 12" Water Line
Proposed 12" Water
Existing 15" Sewer Line
Existing 18" Water Line
Arkansas College of Osteopathic Medicine
Fort Smith, Arkansas
August 2014

3C

ORDINANCE NO.

AN ORDINANCE APPROPRIATING AND AUTHORIZING FUNDS FOR THE ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE INFRASTRUCTURE PROJECTS

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

SECTION 1: There is hereby authorized appropriations from the unobligated balance of the Water and Sewer Operating Fund to the Water and Sewer Capital Improvement Projects Fund in the amount of $450,000 for water line improvements and $330,000 for sewer improvements at the Arkansas College of Osteopathic Medicine in Fort Smith.

SECTION 2: There is hereby authorized appropriations from the unobligated balance of the Sales and Use Tax Fund for road projects for the campus, including $375,000 reconstruction of approximately 750' of Veterans Avenue at the northern area of the campus and $350,000 for the overlay at the south end of the campus from Veterans Avenue to Roberts Boulevard.

THIS ORDINANCE ADOPTED THIS 18th DAY OF August, 2014.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

_____
City Attorney
No Publication Required

MEMORANDUM

August 15, 2014

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Arkansas College of Osteopathic Medicine

Earlier this year, the Degen Foundation announced its plans to develop the Arkansas College of Osteopathic Medicine. The college is planning to enroll its first class of medical students in fall 2016. Future plans envision other health care education programs. The college will be constructed on 200 acres at Chaffee Crossing donated to the college by the Fort Chaffee Redevelopment Authority. Two topics which require board action pertain to public infrastructure work and a grant from the U.S. Economic Development Administration.

PUBLIC INFRASTRUCTURE WORK

The development of this site necessitates certain public infrastructure work by the City of Fort Smith. That work as shown on the attached drawing is:

1) Water line improvements estimated to cost $450,000.

2) Sanitary sewer improvements estimated to cost $330,000.

3) Reconstruction of approximately 750' of Veterans Ave. at the northern area of the campus estimated to cost $375,000.

4) Overlay of Veterans Ave. south of the campus to Roberts Blvd. estimated to cost $350,000. This project

includes constructing a cul-de-sac adjacent to the campus.

EDA GRANT

The Western Arkansas Planning and Development District has been in discussions with the medical college about obtaining a grant from the U.S. Economic Development Administration (EDA) for development of the college. EDA has preliminarily indicated that it has $1.5 million of grant funding available for the medical college. The grant requires a local match. The city's infrastructure projects identified above could meet the match requirement. If approved, the grant would be awarded to the City of Fort Smith and The Degen Foundation, and administered by WAPDD. The grant funds would be used for:

- Widening of Chad Colley Blvd. adjacent to the campus
- Construction of a parking lot on the campus

BOARD ACTION

Attached for the board's consideration are three items to support development of the Arkansas College of Osteopathic Medicine.

1) A resolution authorizing the submittal of a grant application to the U.S. Economic Development Administration.

2) A resolution approving a memorandum of understanding between The Degen Foundation and the City of Fort Smith regarding the public infrastructure projects to be undertaken by the city. This MOU is a requirement of the grant.

3) An ordinance appropriating the funds for the infrastructure work to be undertaken by the city. This is necessary to demonstrate to EDA that the city has available the matching funds for the grant.

I recommend approval of all three items. The investment of $1.5 million by the city and another $1.5 million by EDA will support the development of the Arkansas College of Osteopathic Medicine. The college will improve our region's healthcare, create new higher-paying jobs, and boost our economy.

Attachments

cc: Sasha Grist, WAPDD
Tom Webb, The Degen Foundation

4A.

RESOLUTION NO. _____

RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION TO VACATE A PORTION OF A STREET RIGHT-OF-WAY LOCATED IN FAIRFAX SUBDIVISION, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS

WHEREAS, a petition to vacate a portion of South 10th as shown on the plat for Fairfax Subdivision, an addition to the City of Fort Smith, Arkansas, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the 2nd day of September 2014, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

THIS RESOLUTION ADOPTED THIS _____ DAY OF AUGUST 2014.

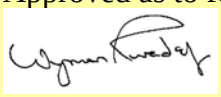
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
City Attorney
No Publication Required

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: 8/14/2014

Re: Resolution setting a public hearing date for a petition to vacate a portion of South 10th Street right-of-way in Fairfax Subdivision

We have received the enclosed application from Tim Risley, agent, for Baldor Electric Company to vacate a portion of South 10th Street located in the Fairfax subdivision. The portion of South 10th Street proposed for closure is between lots 67 and 68 and lot 14, and south of Baldor Addition, Lot 1. All lots adjacent to the proposed street closure are owned by Baldor Electric Company. Copies of the application, vicinity map, and and a map showing the location of the proposed street closure are enclosed.

Baldor is requesting the abandonment of the 90' length of right-of-way so that it can be converted to green space for use by the company.

In accordance with Arkansas law, the Board of Directors is required to set a public hearing on the proposed abandonment. Staff recommends that the Board of Directors set a public hearing date for September 2, 2014, for the purpose of reviewing this matter. Enclosed is a resolution for the Board's consideration.

In response to the petition to abandon the street right-of-way, staff has contacted all franchise utility companies and appropriate city departments relative to any ongoing or future interests that they may have within the street right-of-way. We will also notify all property owners within 300 feet of the proposed abandonment area.

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

Enc.

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY OR ALLEY

OFFICE OF THE CITY CLERK
FILED
8-6-14 NI
CITY OF FORT SMITH, ARKANSAS

APPLICATION:

Indicate one contact person for application: _____Applicant X Representative

Applicant (owner)

Name: George Moschner

Address: Baldor Electric Company
5711 R.S. Boreham Jr. Street
Fort Smith, AR 72908

Telephone Number: 479-646-4711

E-Mail: george.moschner@baldor.abb.com

Representative (engineer, attorney, realtor, etc)

Name: Tim A. Risley

Address: #1 Con/Arc Place
6101 Phoenix Ave
Fort Smith, AR 72903

Telephone Number: 479-452-2636

E-Mail: trisley@risley-associates.com

Site Address/Location: Portion of South 10th Street

Legal Description of area to be vacated (attach separate sheet if necessary):
See attached

Assessor's Parcel Number for Subject Property: _____

Reason for Request: Convert unused street to green space.

Current Status of Right-of-Way/Easement: None

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. Additionally, I understand that the applicant or agent will be required to execute a Memorandum of Understanding regarding any right-of-way abandonments and understand that no action will be taken by the Board of Directors on an abandonment request until said utility easement, if determined by staff is necessary, and Memorandum of Understanding are on file with the city.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) Tim A. Risley, AIA

Signature: _____ Date: 6/20/14

Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

Application Checklist:

☒ A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. ***(County Assessor is located in Room 107 of the Sebastian County Courthouse).***

N/A☐ Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated

☒ Petition with signatures of all abutting property owners

☒ Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)

☒ Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated

☒ Application Fee of $150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.

AUTHORIZATION OF AGENT

If an agent is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, hereby authorize Tim A. Risley to act as our agent.
(Print Name of Agent)

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. George Moschner Baldor Electric Company 5711 R.S. Boreham Jr Street Fort Smith, AR 72908	George F. Moschner
2.	
3.	
4.	

parcel_id	OW_NAME	OW_ADD	OW_SRC_D
10218-0002-00000-00	BALDOR ELECTRIC OF FORT SMITH, AR	5919 S 7TH ST FORT SMITH AR 72901	7/30/2010
13108-0001-00000-00	FULGHAM, JACK O & FREEDA J	1012 EAST HWY 45 FORT SMITH AR 72916	6/17/2010
15444-0001-00000-00	MURPHREE, RHONALD O & MELBA J	6004 HIGHWAY 271 S FORT SMITH AR 72908	6/16/2010
12423-0045-00000-00	BALDOR ELECTRIC COMPANY	P O BOX 2400 FORT SMITH AR 72902	6/16/2010
12423-0038-00000-00	MOIR, VELIA	817 BELLE AVE FORT SMITH AR 72901	7/28/2008
12423-0037-00000-00	U S BANK NATIONAL ASOCIATION	4801 FREDERICA ST OWENSBORO KY 42301	1/3/2014
12423-0014-00000-00	BALDOR ELECTRIC COMPANY	P O BOX 2400 FORT SMITH AR 72902	2/19/2014
12423-0070-00000-01	MCKEE, BRIAN D & GLORIA A	6001 S 10TH ST FORT SMITH AR 72908-7260	7/28/2008
12423-0077-00000-00	MOIR, VELIA	817 BELLE AVE FT SMITH AR 72901	6/30/2010
12423-0070-00000-00	YARBROUGH, CHARLES L	5925 S 10TH ST FORT SMITH AR 72908	7/28/2008
12423-0074-00000-00	ARNOLD, SANDRA SUE	6015 S 10TH ST FT SMITH AR 72908-7260	7/28/2008
12423-0072-00000-00	ARNOLD, BOBBY JURL & SANDRA SUE	6017 S 10 ST FT SMITH, AR 72908	7/28/2008
12423-0071-00000-00	BROWN, ROBERT E & LINDA	6005 S 10TH FT SMITH AR 72908	7/29/2008
12423-0068-00000-00	NORDIN, JAN	4319 S 35TH DR FORT SMITH AR 72903	7/28/2008
18883-0000-02611-00	BALDOR ELECTRIC COMPANY	5711 S 7TH ST FORT SMITH AR 72901	7/6/2010
12423-0036-00000-00	BALDWIN FAMILY LIVING TRUST	BALDWIN FAMILY LIVING TRUST VAN BUREN AR 72956-6705	9/12/2011
12423-0035-00000-00	THEM, LLC	2411 FAYETTEVILLE RD STE B VAN BUREN AR 72956	4/23/2012
<Null>	<Null>	<Null>	<Null>
<Null>	<Null>	<Null>	<Null>

Vicinity Map
Proposed S. 10th Street Closure

ugust 14, 2014

Fort Smith City Limts

Subdivisions

1:2,848

0 0.025 0.05 0.1 ft

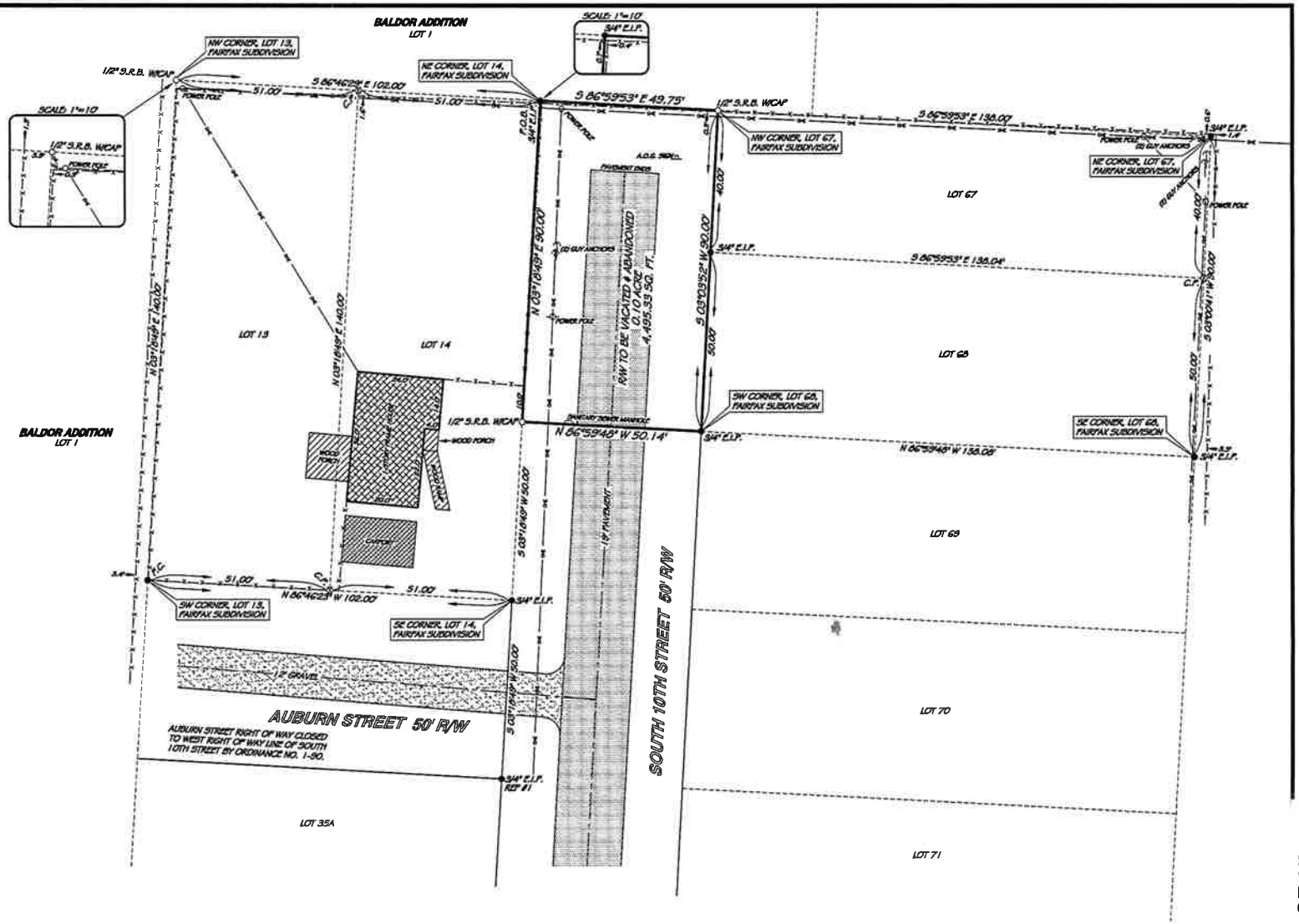
0 0.0375 0.075 0.15 m

City of Fort Smith
Copyright 2013, City of Fort Sr

PROPERTY DESCRIPTION

Part of South 10th Street right of way of Fairfax Subdivision, Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing iron pin marking the Northeast Corner of Lot 14 of Fairfax Subdivision, said point being on the West right of way line of South 10th Street. Thence leaving said right of way line, South 86 degrees 59 minutes 53 seconds East, 49.75 feet to a set rebar with cap marking the Northwest Corner of Lot 67 of Fairfax Subdivision, said point being on the East right of way line of South 10th Street. Thence along the West line of Lots 67 and 68 of Fairfax Subdivision and said right of way line, South 03 degrees 03 minutes 52 seconds West, 90.00 feet to an existing iron pin marking the Southwest Corner of Lot 68 of Fairfax Subdivision. Thence leaving said right of way line, North 86 degrees 59 minutes 48 seconds West, 50.14 feet to a set rebar with cap on the East line of Lot 14 of Fairfax Subdivision, same being the West right of way line of South 10th Street. Thence along the East line of said Lot 14 and said right of way line, North 03 degrees 18 minutes 49 seconds East, 90.00 feet to the Point of Beginning, containing 0.10 of an acre or 4,495.33 square feet and subject to any Easements of Record.



Satterfield Land Surveyors P.A., Copyright 2014

This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search my disclose.

SURVEYOR'S NOTE: This survey was conducted under the supervision of Clovis W. Satterfield, No. 0147, or Ricky Hill, No. 1443, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718. Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Alma, AR 72921

20' 10' 0 GRAPHIC SCALE 20' 40'

REFERENCE DEED

SURVEY REFERENCES

1 - SATTERFIELD LAND SURVEYORS - #32,482 - 6/5/05

BASIS OF BEARING
ARKANSAS STATE PLANE COORDINATES GRID NORTH.

REVISIONS

LEGEND
- S.R.B. = SET 1/2" REBAR W/ CAP
- S.P./K.N. = SET P/K NAIL
- S.R.R.S. = SET RAILROAD SPIKE
- S.N. = SET NAIL
- E.R.B. = EXISTING REBAR
- E.I.P. = EXISTING IRON PIN
- E.P./K.N. = EXISTING P/K NAIL
- E.N. = EXISTING NAIL
- E.R.R.S. = EXISTING RAILROAD SPIKE
- = EXISTING GOVERNMENT MONUMENT
- = EXISTING STONE
- = EXISTING STATE MONUMENT
- = EXISTING R/W MARKER
- = EXISTING FENCE
- = COMPUTED POINT
- F.C. = FENCE CORNER

SURVEYORS DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

SEBASTIAN COUNTY, ARKANSAS
SURVEY OF PART OF

SOUTH 10TH STREET RIGHT OF WAY, FAIRFAX SUBDIVISION, FORT SMITH, ARKANSAS

FOR USE BY: TIM RISLEY & ASSOCIATES

DRAWN BY:	J.D.B.
SCALE:	1"=20'
DATE:	6-12-14
JOB NO.	40,180

Satterfield Land Surveyors P.A.
REG. ARK. & OKLA.
1928 HWY. 71 NORTH, ALMA, ARK. - PHONE No. (479) 632-3565
FAX (479) 632-5002 - WEBSITE: http://www.slsurveying.com

South 10th Street Closure Exhibit

4B.

RESOLUTION NO. _____

RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION TO VACATE A PORTION OF VETERANS AVENUE STREET RIGHT-OF-WAY LOCATED IN CHAFFEE CROSSING, SEBASTIAN COUNTY, FORT SMITH, ARKANSAS

WHEREAS, a petition to vacate a portion of Veterans Avenue located in Chaffee Crossing, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the 2nd day of September 2014, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

THIS RESOLUTION ADOPTED THIS _____ DAY OF AUGUST 2014.

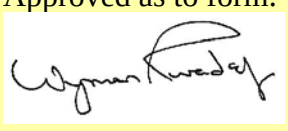
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
City Attorney
No Publication Required

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: 8/15/2014

Re: Resolution setting a public hearing date for a petition to vacate a portion of Veterans Avenue in Chaffee Crossing

We have received the enclosed application from Tim Risley, agent, for The Degen Foundation to vacate approximately 1,100 linear feet of Veterans Avenue in Chaffee Crossing. The abandonment will facilitate the proposed Arkansas College of Osteopathic Medicine that will be located on Chad Colley Boulevard and south of Frontier Drive. The application indicates that the closure is requested because the portion of right-of-way proposed for abandonment bisects the medical school site and is of no value to the school's overall master plan. Copies of the application and a map showing the location of the proposed street closure are enclosed. The applicant has notified the industries at Chaffee Crossing of the requested street closure. (See exhibits A and B.)

The section of Veterans Avenue proposed for closure is currently used as the route for trucks which serve the industries shown on the attached Exhibit C. Closing of Veterans Avenue will require the trucks to be rerouted east along Frontier Rd, then to Taylor Ave, then to Fort Chaffee Boulevard and then back west along Roberts Boulevard. This rerouting as shown on the exhibit will add an additional round trip mileage between 4 and 5 miles.

Routing the trucks down Wells Lake Road is not an option due to the possible high school and/or expansion of the medical school further west. Routing the trucks down Chad Colley Boulevard is also not an option due to the proximity of the medical school. However, Mitsubishi wind turbine trucks would still have to go this way because of significant truck turning radius requirements. Routing trucks down Massard Road is also not an option due to the significant residential development in that area.

In accordance with Arkansas law, the Board of Directors is required to set a public hearing on the proposed abandonment. Staff recommends that the Board of Directors set a public hearing date for September 2, 2014, for the purpose of reviewing this matter. Enclosed is a resolution for the Board's consideration.

In response to the petition to abandon the street right-of-way, staff has contacted all franchise utility companies and appropriate city departments relative to any ongoing or future interests that they may have within the street right-of-way. We will also notify all property owners

within 300 feet of the proposed abandonment area as well as the industries at Chaffee Crossing who may be affected by the proposed closure.

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

Enc.

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY, ALLEY OR PUBLIC EASEMENT

OFFICE OF THE CITY CLERK
FILED
6-6-14 HS
CITY OF FORT SMITH, ARKANSAS

APPLICATION:

Indicate one contact person for application: _____Applicant __x__Representative

Applicant (owner)

Name: Tom Webb - The Degen Foundation

Address: 6101 Phoenix, Suite 4
Fort Smith, AR 72903

Telephone Number: 434-3060

E-Mail: t.webb@acheedu.org

Representative (engineer, attorney, realtor, etc)

Name: Tim A. Risley

Address: 6101 Phoenix
Fort Smith, AR 72903

Telephone Number: 452-2636

E-Mail: trisley@risley-associates.com

Site Address/Location: Chaffee Crossing - Portion of Veterans Avenue

Legal Description of area to be vacated (attach separate sheet if necessary):
See attached Exhibit "A".

Assessor's Parcel Number for Subject Property: _____

Reason for Request: Bisects the medical school site and is of no value in the overall master plan.

Current Status of Right-of-Way Development: 24' concrete roadway which will be removed and blocked at the southwest end.

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. No action will be taken by the Board of Directors on an abandonment request until said easement is on file with the city or until staff and/or franchisees have determined that no utility easement is necessary.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) Tim A. Risley

Signature: _____ Date: 7/23/14

Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

Application Checklist:

☒ A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. ***(County Assessor is located in Room 107 of the Sebastian County Courthouse).***

☐ Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated

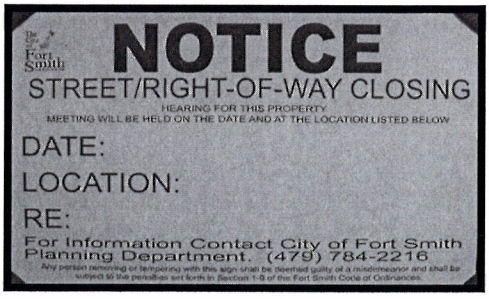
☒ Petition with signatures of all abutting property owners

☒ Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)

☒ Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated

☒ Application Fee of $150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



AUTHORIZATION OF AGENT

If an agent is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Tim A. Risley to act as our agent in the matter.

(Type or clearly print)

(Print Name of Agent)

NAME & ADDRESS OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. The Degen Foundation Tom Webb 6101 Phoenix, Suite 4 Fort Smith, AR 72903	Thomas H. Webb
2.	
3.	
4.	

ACOM Veterans Avenue Right-of-Way Vacation

Part of Government Lot 1 of the Northeast Quarter of Section 5, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being a portion of the 60.0 foot wide Veterans Avenue right-of-way as dedicated by City of Fort Smith Ordinance 69-12 and lying 30.0 feet on each side of the following described centerline:

Commencing at the Southwest Corner of said Section 5, said corner being marked with an existing ½" rebar with cap stamped PLS 1272; Thence along the West Line of said Section 5, N02°38'35"E, 1568.71 feet; Thence leaving said West Line, N90°00'00"E, 1776.18 feet to the westerly line of Phoenix Metals, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas, being filed for record July 5, 2013 as plat 1930; Thence along said westerly line, N50°24'51"E, 393.82 feet to the northwesterly corner of said Lot 1, said corner being marked with an existing concrete nail; Thence along the northerly line of said Lot 1, S39°33'58"E, 307.02 feet to an existing ½" rebar with cap stamped MWC 1369; Thence leaving said northerly line, N50°25'50"E, 1218.11 feet to an existing ½" rebar with cap stamped MWC 1369; Thence S39°33'09"E, 43.13 feet to an existing ½" rebar; Thence N50°23'58"E, 308.08 feet to an existing ½" rebar with cap stamped MWC 1369; Thence N39°32'37"W, 380.42 feet to the Point of Beginning; Thence N50°24'51"E, 1143.35 feet to the Point of Termination. Containing 1.58 acres, more or less.

F:\DOC\Legals\ACOM Veterans Avenue Right-of-Way Vacation.docx

This letter was sent to the following:

Mars Petcare
Old Dominion Freight Line
Phoenix Metal
Umarex

July 22, 2014

Mars Petcare
ATTN: Chris Haas, Plant Manager
10000 Roberts Blvd
Fort Smith, AR 72916

RE: Veterans Ave - Chaffee Crossing

Gentlemen,

As I'm sure you are aware, Chaffee Crossing will be the new home of the Arkansas College of Osteopathic Medicine. The college site is 200 acres along the east and west sides of Chad Colley Boulevard with the proposed DO school along the west side.

In order to place the D.O. School and the three anticipated Nursing, Dental and O.T. /P.T. Schools in a preferred quad arrangement, the College intends to close Veteran's Ave from Frontier to the School's southwest corner. (See attached)

Clearing, rough grading and dirt work for the College pad will commence in mid-September. We are already in process on formally closing this portion of Veterans Ave.

We solicit your support of the medical school project and the positive impact it will have on the greater Fort Smith community AND wish to give you an early "heads-up" on our plans regarding Veterans Avenue.

If you have questions or concerns, please don't hesitate to call our office.

Sincerely,

Tim A. Risley, AIA

TAR/am

CC: Ivy Owen - FCRA
Kyle Parker - ACHE

This letter was sent to the following:

Affinity Chemical
Blake Construction/Industrial Precast
Forsgren Construction
US Dept. of Energy
Fort Smith Petro
Sebastian County Solid Waste
MMR Holdings
Fort Smith School District
Greenview Lawns
FS Cross Fit
BCD Properties, LLC
Christenberry Home Exteriors
Rodebush Construction
Tim Schale, Landscape Architect

July 23, 2014

BCD Properties
1122 South 23rd
Fort Smith, AR 72901

ATTN: Bret Avlos

Tim A. Risley & Associates, on behalf of the Owner (Arkansas College of Osteopathic Medicine) is requesting that the City of Fort Smith close a portion of Veterans Avenue at Chaffee Crossing in order to access the college.

Sincerely,

Tim A. Risley, AIA

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS

This letter was sent to the following:

Mars Petcare
Umarex
Phoenix Metals
Old Dominion Freight Line
Graphic Packaging
Mitsubishi
Ivy Owen, FCRA
Kyle Parker, Arkansas College of Osteopathic Medicine

August 5, 2014

Umarex
7700 Chad Colley Blvd.
Fort Smith, AR 72916

ATTN: Fred Hindes

Fred,

We mailed you a letter on July 22nd explaining the construction of the Arkansas College of Osteopathic Medicine and the need to close part of Veterans Avenue.

The City has requested that we make you aware of the proposed rerouting. Trucks will be rerouted east along Frontier Road, then to Taylor Avenue, then to Fort Chaffee Blvd. and then back west along Roberts Blvd. Routing them down Wells Lake Road is not an option due to the possible high school and/or expansion of the medical school further west. Routing the trucks down Chad Colley Blvd. is also not an option due to the proximity of the medical school.

If you have any questions, please let us know.

Sincerely,

Tim A. Risley, AIA

TAR/jb

C: Ivy Owen
Kyle Parker

#1 CON/ARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS 72903
(479) 452-2636 Phone • (479) 452-3925 Fax

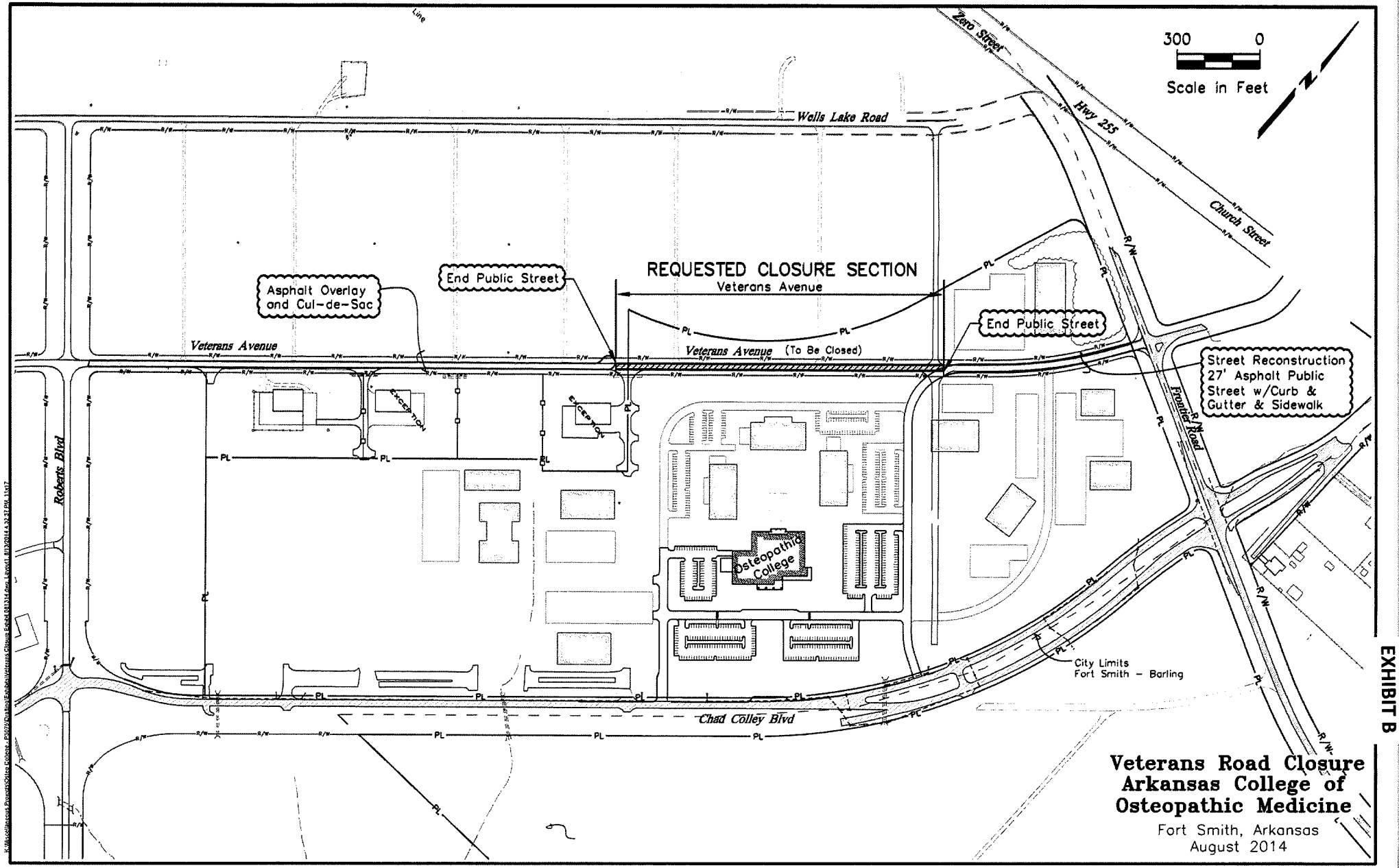

300 0
Scale in Feet
N
Wells Lake Road
Zero Street
Hwy 255
Church Street
REQUESTED CLOSURE SECTION
Veterans Avenue
Asphalt Overlay and Cul-de-Sac
End Public Street
End Public Street
Veterans Avenue
Veterans Avenue (To Be Closed)
Street Reconstruction 27' Asphalt Public Street w/Curb & Gutter & Sidewalk
Roberts Blvd
Frontier Road
Osteopathic College
City Limits Fort Smith – Barling
Chad Colley Blvd
PL
R/W
Veterans Road Closure
Arkansas College of Osteopathic Medicine
Fort Smith, Arkansas
August 2014

EXHIBIT B

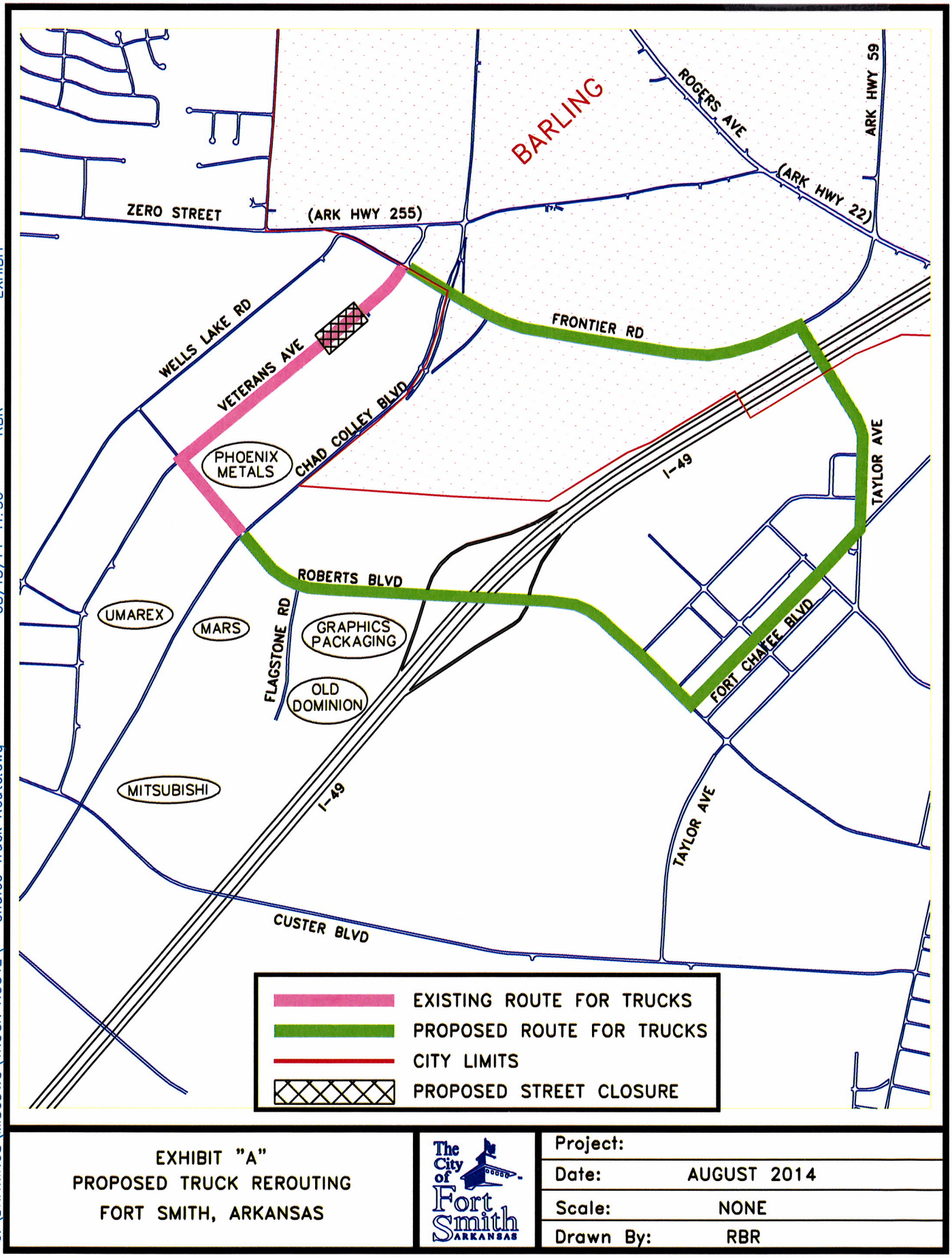


EXHIBIT "A"
PROPOSED TRUCK REROUTING
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	
Date:	AUGUST 2014
Scale:	NONE
Drawn By:	RBR

G:\DRAWINGS\MISCDWG\TRUCK ROUTE\ Chafee Truck Route.dwg 08/13/14-11:56 RBR EXHIBIT

4C.

ORDINANCE NO. _____

AN ORDINANCE TO ABANDON SEWER LINE EASEMENTS LOCATED IN THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS (FUTURE HORSEHOE RIDGE SUBDIVISION)

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

SECTION 1: The City of Fort Smith, Arkansas hereby releases, vacates and abandons all its rights together with the rights of the public generally to the sewer line easements located in the hereinafter described real property:

15' Sewer Easement Vacation Description

Part of the Southeast Quarter of the Southeast Quarter of Section 27, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas. Said easement being 15.0 feet wide, and lying 7.5 feet on each side of the following described centerline:
Commencing at the southeast corner of Lot 26, Leigh Ridge, an Addition to the City of Fort Smith, Sebastian County, Arkansas, being filed for record November 14, 1979 as plat 314; Thence along the east line of said Lot 26, N08°08'30"E, 110.00 feet to the northeast corner of said Lot 26, said point also being the southeast corner of Lot 27A, Leigh Ridge-Lots 27A thru 39A, being a replat of Leigh Ridge, Lots 27 thru 39, being filed for record November 3, 2010 as plat 1827a; Thence continuing N08°08'30"E, 2.50 feet along the east line of said Lot 27A to the Point of Beginning; Thence leaving said east line, S88°32'00"E, 366.77 feet to the Point of Termination, crossing Lot 1 and part of Tract A of the proposed Horseshoe Ridge, Lots 1 thru 24 and Tracts A & B. Containing 0.13 acres, more or less.

10' Sewer Easement Vacation Description

Part of the Southeast Quarter of the Southeast Quarter of Section 27, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas. Said easement being a portion of that easement as described in Book 204, Page 374 as executed August 6, 1963. Said easement being 10.0 feet wide, and lying 5.0 feet on each side of the following described centerline:

Commencing at the southeast corner of Lot 31A, Leigh Ridge- Lots 27A thru 39A, being a replat of Leigh Ridge, Lots 27 thru 39, an Addition to the City of Fort Smith, Sebastian County, Arkansas, being filed for record November 3, 2010 as plat 1827a, said point also being the southwest corner of Lot 17A, Leigh Ridge, Lots 9 thru 25, being filed for record October 21, 2003 as plat 1716a; Thence along the south line of said Lot 17A, N72°42'22"E, 39.95 feet to the Point of Beginning; Thence S17°09'13"E, 305.47 feet; Thence S04°03'14"E, 211.52 feet to a point on the north right-of-way line of Cliff Drive and the Point of Termination, crossing Lot 4 and Tract B of the proposed Horseshoe Ridge, Lots 1 thru 24 and Tracts A & B. Containing 0.12 acres, more or less.

The sewer line easements being released, vacated and abandoned are no longer required for municipal corporate purposes.

SECTION 2: A copy of the Ordinance duly certified by the City Clerk shall be filed with the Office of the Recorder of the County and recorded in the deed records of the County.

PASSED AND APPROVED THIS _____ DAY OF AUGUST 2014.

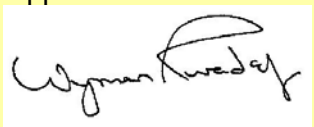
APPROVED:

_____
Mayor

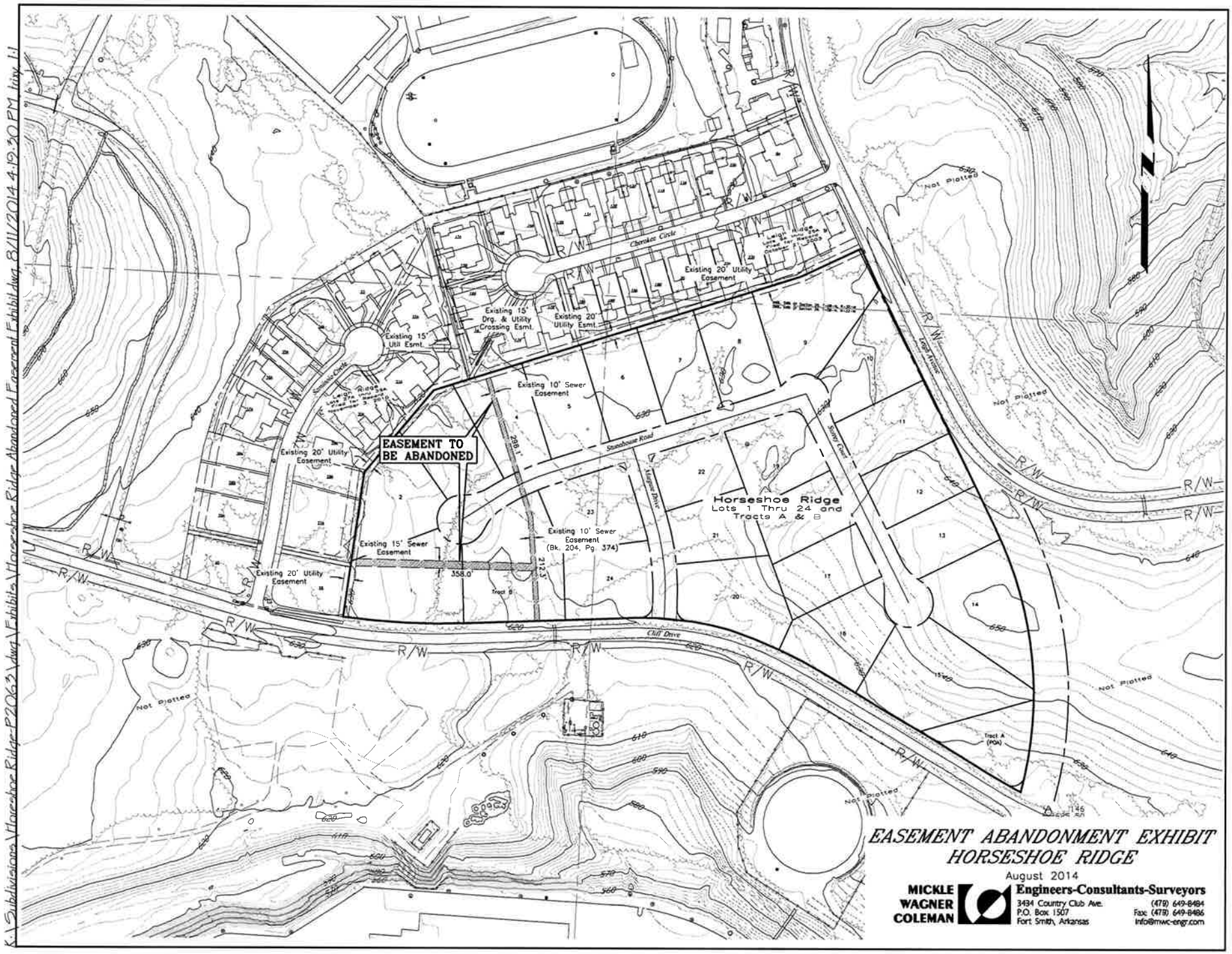
ATTEST:

_____
City Clerk

Approved as to form:



_____
City Attorney
Publish One Time


EASEMENT TO BE ABANDONED
Existing 20' Utility Easement
Existing 15' Drg. & Utility Crossing Esmt.
Existing 20' Utility Esmt.
Existing 15' Util Esmt.
Existing 10' Sewer Easement
Existing 15' Sewer Easement
Existing 10' Sewer Easement (Bk. 204, Pg. 374)
Horseshoe Ridge
Lots 1 Thru 24 and Tracts A & B
Cherokee Circle
Stonehouse Road
Cliff Drive
Not Plotted
EASEMENT ABANDONMENT EXHIBIT
HORSESHOE RIDGE
August 2014
MICKLE WAGNER COLEMAN
Engineers-Consultants-Surveyors
3434 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas
(479) 649-8484
Fax: (479) 649-8486
info@mwc-engr.com

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: 8/15/2014

Re: Request for Abandonment of Sewer Line Easements
Horseshoe Ridge Subdivision

The City is in receipt of the enclosed request from R.A. Young Properties Limited Partners to abandon two sewer easements within the proposed Horseshoe Ridge Subdivision. The existing sewer lines conflicted with the developer's layout for the new 24 lot single-family subdivision that is currently being developed on approximately 19 acres north of Cliff Drive and west of Leigh Avenue. The developer has completed relocation of the sewer lines as part of the subdivision platting process, and new easements were dedicated with the plat. The enclosed map shows the location of the easements proposed for abandonment.

There are no objections to the request from City's Utility Department. Enclosed for the Board's consideration is an ordinance authorizing the abandonment of the easements.

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

Enc.

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY OR ALLEY OR EASEMENT

APPLICATION:

Indicate one contact person for application: __X__ Applicant _____Representative

Applicant (owner)

Name: R.A. Young Properties Limited Partners

Address: P.O. Box 10048
Fort Smith, Arkansas 72917

Telephone Number: 479-414-9432

E-mail: iveymc@aol.com

Representative (engineer, attorney, realtor, etc.)

Name: _____

Address: _____

Telephone Number: _____

E-mail: _____

Site Address/Location: Horseshoe Ridge Subdivision

Legal Description of area to be vacated (attach separate sheet if necessary):
(See Attached)

Assessor's Parcel Number for Subject Property: 18883-0000-01525-00

Reason for Request: Sanitary sewer relocation for new residential development

Current Status of Right-of-Way/Easement: unused; sewer line is relocated

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement.
Additionally, I understand that the applicant or agent will be required to execute a Memorandum of Understanding regarding any right-of-way abandonments and understand that no action will be taken by the Board of Directors on an abandonment request until said utility easement, if determined by staff is necessary, and Memorandum of Understanding are on file with the city.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) Robert A. Young, III

Signature: Robert A. Young, III Date: 8/4/2014

Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

Application Checklist:

☐N/A A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. ***(County Assessor is located in Room 107 of the Sebastian County Courthouse).*** *

☐N/A Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated *

☐N/A Petition with signatures of all abutting property owners *

☑ Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)

☑ Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated

☑ Application Fee of $150.00. This fee is non-refundable.

*Not needed for easement abandonments

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.

RESOLUTION _____

A RESOLUTION AUTHORIZING A TIME EXTENSION FOR THE CONSTRUCTION OF STREET OVERLAYS/RECONSTRUCTION PROJECT NO. 13-03-A

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

SECTION 1: A time extension with TNT, Inc. for the Street Overlays/Reconstruction, Project No. 13-03-A, which increases the contract time by 17 calendar days, is hereby approved.

This resolution adopted this _____ day of August, 2014.

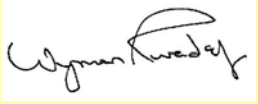
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



_____
No Publication Required

RESOLUTION _____

A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-A

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

SECTION 1: The City of Fort Smith hereby accepts the construction of Street Overlays/Reconstruction, Project No. 13-03-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of $149,846.66 to the contractor, TNT, Inc. for the Street Overlays/Reconstruction, Project No. 13-03-A.

This resolution adopted this _____ day of August, 2014.

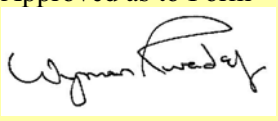
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



_____
No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

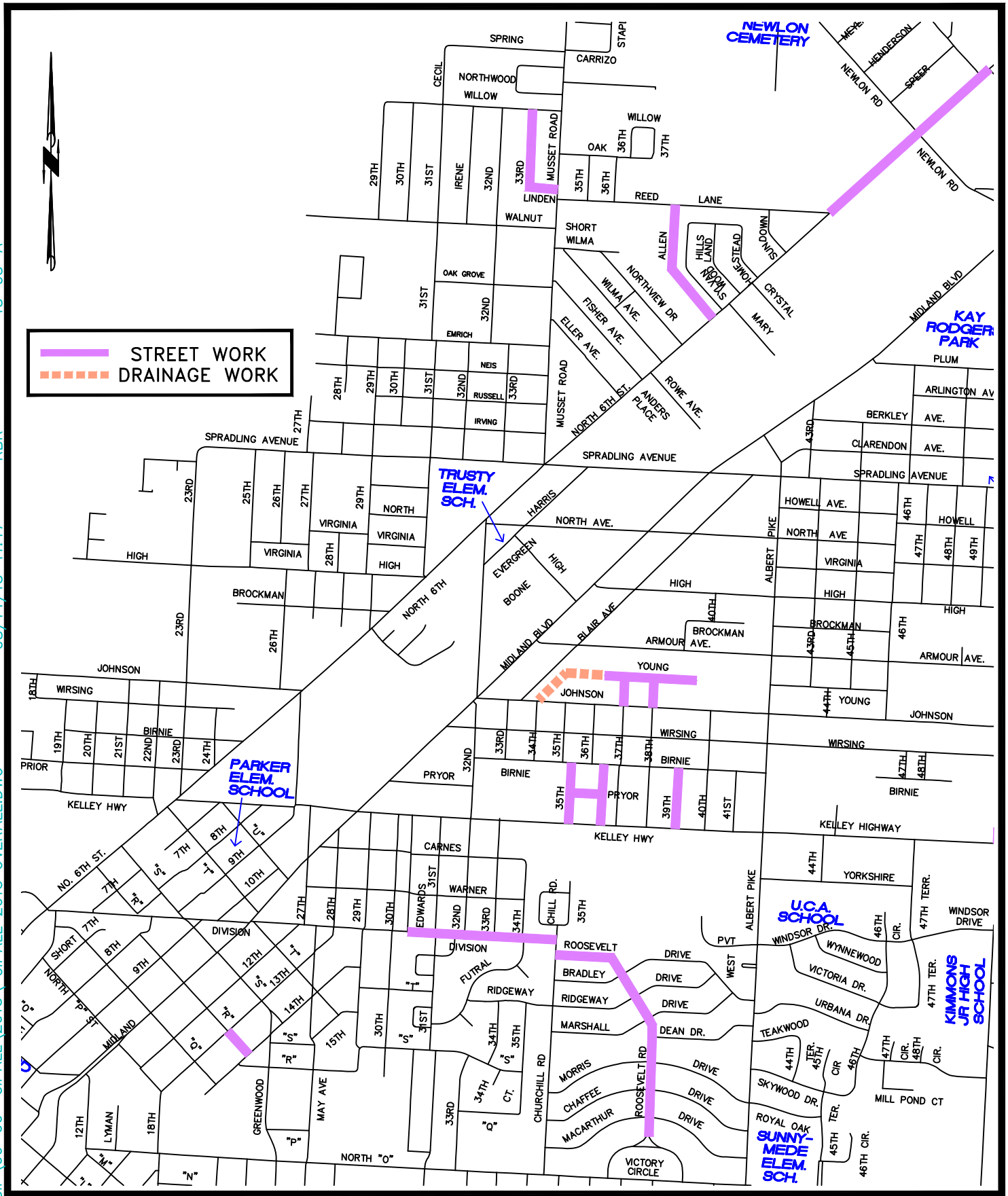
DATE: August 14, 2014

SUBJECT: Street Overlays/Reconstruction
Project No. 13-03-A

The above subject project consisted of asphalt street overlays, reconstruction and minor drainage improvements for the locations shown on the attached exhibit. The total length of streets improved was approximately 2.9 miles. A project summary sheet is also attached.

The project was substantially complete on July 14, 2014 which was 17 days beyond the contract time of 270 days. The contractor requested a time extension of 17 days due to inclement weather and staff concurs that those days are warranted.

Attached are Resolutions to increase the contract time, accept the project as complete and authorize final payment to the contractor. I recommend that the two Resolutions be accepted by the Board at the next regular meeting.



2013 CAPITAL IMPROVEMENTS PROGRAM

STREET OVERLAYS/RECONSTRUCTION

The City of Fort Smith ARKANSAS

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

G:\DRAWINGS\CIP\00-00 CIPALL\2013\ CIPALL 2013 OVERALL.DWG 08/14/13-11:17 RBR 13-03-A

SUMMARY SHEET

City of Fort Smith

Project Status	Complete	Project Name:	2013 Street Overlays/Reconstruct Ph A
Today's Date:	08/11/2014	Project Number:	13-03-A
Staff contact name:	Stan Snodgrass	Consultant Engineer:	McGuire Engineering
Staff contact phone:	784-2225	Project Contractor:	TNT, Inc.
Contract time (no of days):	270		
Notice to proceed issued:	9/30/2013		

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	$1,785,026.06	7/30/2013	6/27/2014
Contract Revisions:			
1 Time Extension of 17 days			7/14/2014
2			
3			
Adjusted contract amount	$1,785,026.06		
Payments to date (as negative):	$1,509,895.61		
Amount of this payment	$149,846.66		
Contract balance remaining	$125,283.79		
Retainage held	0%		
Final payment	$149,846.66		
Amount under original as a percentage	7.0%		

Final Comments:

The project was substantially complete on July 14, 2014 which was 17 days beyond the contract time of 270 days. The contractor requested a time extension of 17 days due to inclement weather and staff concurs that those days are warranted.

RESOLUTION _____

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE JENNY LIND ROAD AND INGERSOLL AVENUE WIDENING
PROJECT NO. 07-01-A, AHTD JOB NO. 040471

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

The City Administrator, or his designated agents, and the City Attorney are hereby authorized to acquire, by eminent domain, if necessary, for the indicated appraised amounts, the following described tracts required for the Jenny Lind Road & Ingersoll Avenue Widening project:

TRACT	OWNER	APPRAISED VALUE
51	Pic-N-Tote Self Serve Stores, Inc.	$ 3,700.00

This resolution adopted this _____ day of August, 2014.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form

_____
No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

DATE: August 14, 2014

SUBJECT: Jenny Lind Road & Ingersoll Avenue Widening
Project No. 07-01-A, AHTD Job No. 040471
Acquisition on Tract 51 – Pic-n-Tote

We are nearing completion of the right of way acquisition on the Jenny Lind Road/Ingersoll Avenue project. The demolition contract to remove the structures that were acquired is generally complete and work for relocation of the franchise utilities has begun. The roadway construction is scheduled to begin later this year.

On this project the City is benefitting from $7.2 million in federal funds. As such, the acquisition of the right of way is subject to the Uniform Real Property Acquisition and Relocation Assistance Act. The firm of Universal Field Services is handling the acquisition of the right of way given the detail and complexities that are associated with these federal requirements.

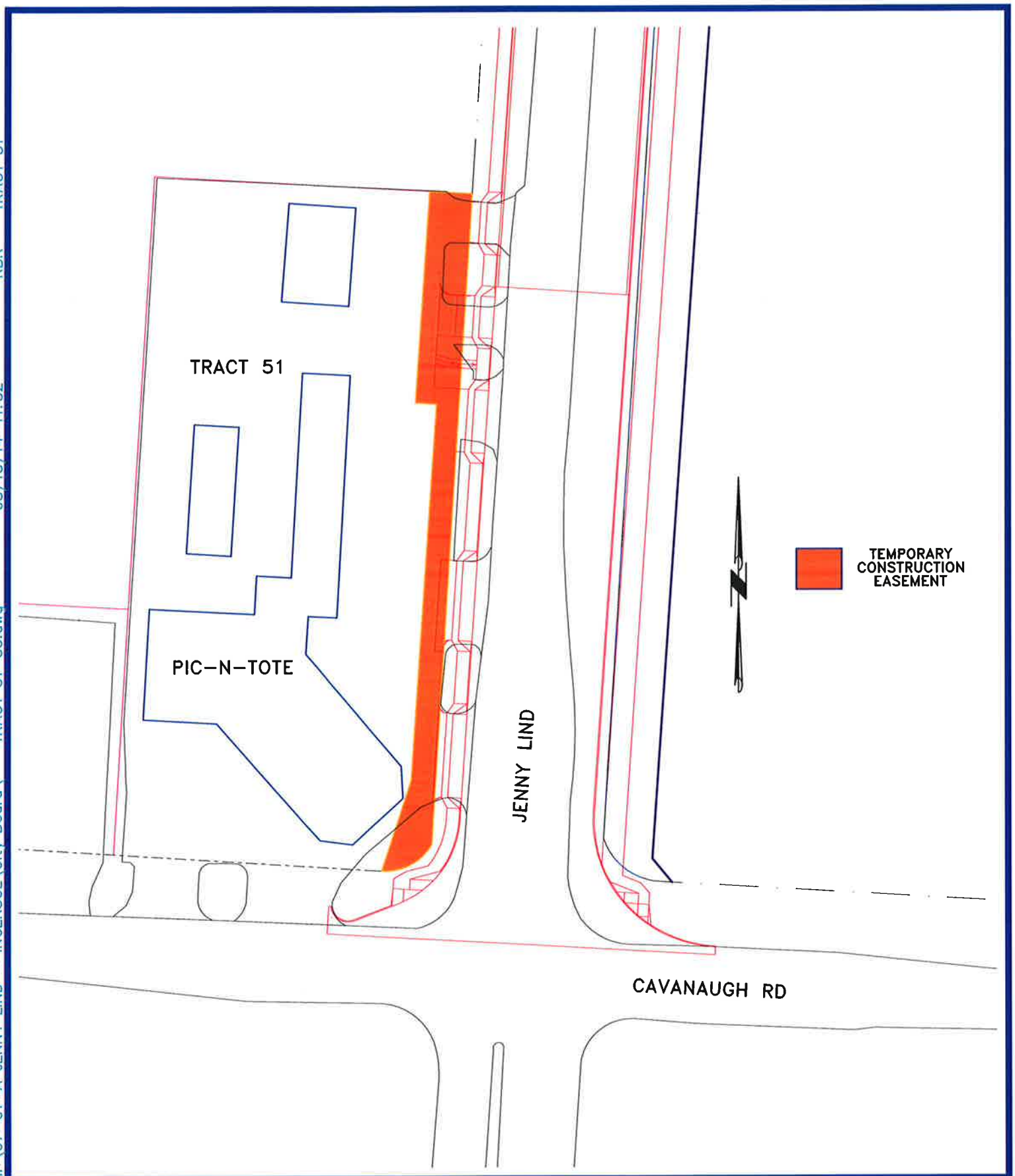
Tract 51 is the Pic-n-Tote located at the northwest corner of Jenny Lind Road and Cavanaugh Road as shown on the attached exhibit. No additional permanent right of way is being acquired at this property as the widening of Jenny Lind Road is primarily on the opposite side of the street at this location. However, a temporary construction easement is needed to provide a temporary working area for utility adjustment, installation of the new curb/gutter and sidewalk, and to connect the driveways to the new street section. Universal Field Services has been unsuccessful in acquiring the temporary construction easement on this tract. Also a letter from Daily and Woods was sent to the owner on July 1 and there has been no response to date.

At this time we are requesting authorization to proceed with the eminent domain process to acquire this temporary construction easement. We are now at a point where we need to obtain possession of this easement to prevent delaying construction of the project. We will attempt to work with the property owner to reach a settlement on this tract without going to court.

Attached is a Resolution to accomplish the above recommendation. I recommend the Resolution be adopted by the Board at the next regular meeting.

Attachment

The City of Fort Smith Arkansas
Engineering Department
623 Garrison Avenue • P.O. Box 1908
Fort Smith, Arkansas 72902
Phone: 479-784-2225 • Fax: 479-784-2245



PROPERTY AQUISITION MAP
JENNY LIND ROAD RELOCATION
TRACT 51
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	07-01-A
Date:	AUGUST 2014
Scale:	NONE
Drawn By:	RBR

4G

RESOLUTION NO. ____

RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY INTERESTS FOR JENNY LIND ROAD AND INGERSOLL AVENUE WIDENING PROJECT NO. 07-01-A

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

SECTION 1: By Resolution No. R-89-14, the Board of Directors authorized acquiring the necessary rights-of-way on Regions Bank's property for the appraised value of $14,800.00.

SECTION 2: The appraisal of Regions Bank's property did not include compensation for relocation of lighting and other facilities located within the utility easement to be acquired from Regions Bank. The offer made by Regions Bank to relocate the facilities on Tract 31E-1 of the captioned project for a consideration of $14,872.00 is hereby accepted.

SECTION 3: The City Administrator and the City attorney are hereby authorized to acquire Tract 31 from Regions Bank for a total consideration of $29,672.00, said transaction to be concluded as a typical Arkansas real estate transaction.

THIS RESOLUTION ADOPTED THIS ____ DAY OF August, 2014.

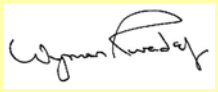
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
City Attorney
No Publication Required

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

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

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

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

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

JAMES E. WEST
PHILLIP E. NORVELL †

OF COUNSEL

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

August 11, 2014

Mr. Stan Snodgrass
Director of Engineering
623 Garrison Avenue, 4th Floor
Fort Smith, AR 72901

Re: Jenny Lind Road and Ingersoll Avenue Widening Project #07-01-A
Property Acquisition from Regions Bank, Tract No. 31

Dear Mr. Snodgrass:

Regions Bank is the owner of property which is being acquired for the above referenced project. For a number of months we have been working with Regions in an effort to acquire a permanent right-of-way, utility easement, and a temporary construction easement for the project. We attach a property acquisition map of the property at issue. By Resolution No. R-89-14, the Board of Directors authorized paying the appraised value, $14,800.00, for the rights-of-way on Regions' property.

In working with Regions' representatives in this matter, we determined that two security lights and a directional sign were within the utility easement we were seeking to acquire from Regions. Those items (two security lights and one directional sign) were not included in the appraisal of Regions' property. We requested Regions to provide us an amount relative to relocating the two security lights and the directional sign. Regions has presented an offer in the amount of $14,872.00 to relocate those items. We include a breakdown from Regions setting forth its calculation for relocating those items.

We understand the City's administration recommends acceptance of Regions' offer of $14,872.00 to relocate the lights and directional sign from the utility easement to be acquired. We concur. We are enclosing a resolution which may be used to refer the matter to the governing body for decision.

Thank you for your attention to this matter.

Very truly yours,

Colby T. Roe
CTR/cmm

PROPERTY AQUISITION MAP
JENNY LIND ROAD RELOCATION
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	07-01-A
Date:	JULY 2014
Scale:	NONE
Drawn By:	RBR

Colby Roe

From: Korey.Cox@regions.com
Sent: Tuesday, July 29, 2014 10:44 AM
To: Colby Roe
Cc: 'Jeffery S. DeArman'
Subject: RE: Regions Bank - Tract 31

Colby,

Sorry for the delay. See below breakdown of cost from our GC to relocate two security light poles and one directional sign. Let me know if you have any questions. Thanks.

Breakdown as follows:

Equipment rental = $2,200.00
Pole bases $600 per = $1,200.00
Wire and set poles = $3.972.00
Patch trenching = $2,000.00
Supervision = $1,000.00
Overhead/Profit = $3,000.00
Sign work = $1,500.00

TOTAL = $14,872.00

Let me know if you need anything else on this.

Thank you,

Christopher M. Forbis

F&F Construction Co. Inc.
(O) 901.398.1900 | (C) 901.412.6401

Korey J. Cox
Transaction Management
Regions Corporate Real Estate
250 Riverchase Parkway East, Ste 600
Birmingham, AL 35244
(205) 560-6893
(205) 560-5676 Fax
korey.cox@regions.com

From: Colby Roe <croe@dailywoods.com>
To: "'Jeffery S. DeArman'" <Jeff.DeArman@arlaw.com>,
"'Korey.Cox@regions.com'" <Korey.Cox@regions.com>
Date: 07/24/2014 09:59 AM
Subject: RE: Regions Bank - Tract 31

Jeff and Korey:

Are you guys still working getting us an estimate to move the sign and lights that we discussed in our July 10 telephone conference?

Very truly yours,

Colby T. Roe
Daily & Woods, PLLC
P.O. Box 1446

4H

RESOLUTION NO. _____

RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF FLEET TRUCKS AND VEHICLES

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

The bids, as indicated by enclosure on the attached Bid Tabulation **07-18-14BA** for the purchase of various trucks and vehicles for the City's fleet, are accepted.

This Resolution adopted this _____ day of August, 2014.

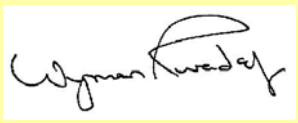
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:



_____
No Publication Required

Inter office Memorandum

TO: Ray Gosack, City Administrator

FROM: Alie Bahsoon, Purchasing Manager

SUBJECT: 2014 Fleet Bid Tabulation

DATE: August 13, 2014

BID TAB: 07-18-14BA

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

You will find attached the bid tabulation and the recommendations for bid award for each respective department. I am also providing a recap of the fleet being replaced. Unless otherwise noted, most will be sold at the annual city auction due to age, high mileage, and/or maintenance issues:

- Bid 1: Customer Service-replace 2006 Ford F150 (Asset 951); new truck is CNG equipped
- Bid 1: Engineering-replace 2003 Ford F150 (Asset 150)
- Bid 1: Industrial Waster Monitoring-replace 2004 F150 (Asset 513)
- Bid 1A: Water Stationary Equip. Maint.-replace 2002 Silverado LS1500 (Asset 422)
- Bid 2: Transit-replace 1998 Crown Victoria (Asset 834); new vehicle is a hybrid
- Bid 4: CDBG-replace 2002 Chevrolet Impala (Asset 149); new vehicle is a hybrid
- Bid 4: Building Safety-replace 2011 Chevrolet Impala (Asset 126); new vehicle is a hybrid
- Bid 6: Street Drainage-replace 2000 GMC dump truck (Asset 407)
- Bid 7: Street Maintenance-replace 2002 Ford F350 (asset 471)
- Bid 7: Sidewalk Construction-replace 1999 GMC Sierra 3500 (Asset 465)
- Bid 8: Wastewater Equip. Maint.-replace 2006 Ford F250 (Asset 947)
- Bid 9: Water Line Maint.-replace 2001 Ford F750 (Asset 158)
- Bid 9: Sewer Line Maint.-replace 2000 International 4700 (Asset 459)
- Bid 9: Sewer Line Construction-replace 2000 GMC Topkick (Asset 779)
- Bid 10: Sewer Line Maint.-replace 2001 Chevrolet Silverado 3500 (Asset 488)
- Bid 10: Sewer Line Construction-replace 2001 Chevrolet Silverado 3500 (Asset 487)
- Bid 12: Metering/Transmission Line Maint.-replace 2006 Ford F350 (Asset 953)
- Bid 13: Metering/Transmission Line Maint.-replace 2001 Dodge 2500 (Asset 482)
- Bid 14: Water Line Maint.- replace three 2006 GMC Sierra 3500 (Asset 955/956/957)
- Bid 15: Water Stationary Equip. Maint.-this is an addition to the fleet
- Bid 16: Metering/Transmission Line Maint.-replace 2005 Chevrolet Trailblazer (Asset 40)
- Bid 16: Metering/Transmission Line Maint.-replace 2005 Ford Explorer (Asset 750)
- Bid 17: Residential Collection-replace 2009 Hybrid Ford Escape (Asset 33) currently being used by the Purchasing and Finance Departments
- Bid 18: Sanitation Administration-replace 2006 Ford Explorer (Asset 941) which will be

transferred to the Planning & Zoning Division; Tahoe needed for power to pull box trailer for trade shows and for ample cargo hauling and passenger capacity; I underestimated the 2014 budget which was not reflective of an 8 cylinder SUV which is what the department needs in order to meet its needs

- Bid 18: Engineering-replace 2001 Jeep Cherokee (Asset 118)

Funds for these purchases are available and have been appropriated for in the 2014 Budget.

I am recommending that the Board accept and approve the bids as noted by enclosure on the attached bid tabulation.

Please let me know if you should have any questions.

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Greg Riley, Director of Street/Traffic Control

SUBJECT: Dump Truck with Snow Plow Purchase

DATE: August 15, 2014

The City of Fort Smith ARKANSAS

One of our ongoing service objectives is improve the efficiency of the snow removal program by equipping trucks with snow plows. We currently have two older trucks that have been outfitted with plows and carry older spreader equipment and two older trucks with spreader equipment. This was our deployment to the streets in the past years snowfall which has been an improvement over previous years. This year we have taken delivery of two new fully outfitted plow trucks with plows and spreaders that will be a huge improvement over the existing trucks. They have larger plows and more sand carrying capacity and will allow for pre-wetted application of sand/salt for quicker activation. These trucks were part of the 2013 budget and are now ready to go.

The ultimate goal is to have four of these trucks and the third was part of the 2014 budget and bids have been received for this truck. The fourth truck will be presented as part of the 2015 budget. These trucks are also used for the day to day work that we do but are adaptable and designed to handle the snow events.

This truck will be used in street drainage and replaces a 2000 model dump truck. Three bids were received and Carco International's bid of $126,487.24 was the low bid. Funds are available in the Street Department sinking fund for this purchase.

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Greg Riley, Director of Street/Traffic Control

SUBJECT: One Ton Truck Purchase

DATE: August 15, 2014

The 2014 budget include the purchase of two one ton flat-bed dump trucks. One for street maintenance 5304 and one for sidewalks 5305. These are replacing older trucks. A 1999 and a 2002 model.

Four bids were received and Dunn Ford's bid of $38,797.32 was the low bid. Funds are available in the Street Department sinking fund for this purchase.

CITY OF FORT SMITH
2014 FLEET BID TABULATION NO. 07-18-14BA

BID	Breeden Dodge Ft. Smith, AR	Dunn Ford Stigler, OK	Randall Ford Ft. Smith, AR	Smith Chevrolet Fort Smith, AR	Lewis Ford Sales Fayetteville, AR	Sallisaw Ford Sallisaw, OK	Shipley Motor Fort Smith, AR	Carco Intl. Ft. Smith, AR	Truck Centers of AR Van Buren, AR
1	Yr: 2014 Make: RAM Model: 1500 Cost: $28,767 ✔ Del. 14-21 days Customer Service Budgeted: $29,000 With CNG	Yr: 2014 Make: Ford Model: F150 Cost: $19,425.68 ✔ Del. 45-60 days Utilities (5610) Budgeted: $25,000 Engineering Budgeted: $21,800	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
1A	Yr: 2014 Make: RAM Model: 1500 Cost: $23,186 Del. 14-21 days	Yr: 2014 Make: Ford Model: F150 Cost: $22,185.68 ✔ Del. 45-60 days Utilities (5616) Budgeted: $22,400	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
2	No Bid	Yr: 2015 Make: Ford Model: Fusion S Cost: $23,875.34 Del. 45-60 days	Yr: 2015 Make: Ford Model: Fusion SE Cost: $24,392 Del. 60 days	No Bid	No Bid	Yr: 2015 Make: Ford Model: Fusion S Cost: $23,725 ✔ Del. 60-120 days Hybrid Transit Budgeted: $24,700	No Bid	No Bid	No Bid

CITY OF FORT SMITH
2014 FLEET BID TABULATION NO. 07-18-14BA

BID	Breeden Dodge Ft. Smith, AR	Dunn Ford Stigler, OK	Randall Ford Ft. Smith, AR	Smith Chevrolet Fort Smith, AR	Lewis Ford Sales Fayetteville, AR	Sallisaw Ford Sallisaw, OK	Shipley Motor Fort Smith, AR	Carco Intl. Ft. Smith, AR	Truck Centers of AR Van Buren, AR
4	No Bid-Hybrid	Yr: 2015 Make: Ford Model: Fusion S Cost: $23,875.34 Del. 45-60 days	Yr: 2015 Make: Ford Model: Fusion S Cost: $24,392 Del. 60 days	No Bid-Hybrid	No Bid	Yr: 2015 Make: Ford Model: Fusion S Cost: $23,725 ✓ Del. 60-120 days Hybrid CDBG Budgeted: $28,900 Bldg. Safety Budgeted: $28,500	No Bid	No Bid	No Bid
6	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	Yr: 2015 Make: Mack Model: GU432 Dump: Henderson Plow: Henderson Cost: $128,253.60 Del. 150 days	Yr: 2015 Make: Intl. Model: 7400SFA Dump: Henderson Plow: Henderson Cost: $126,487.24 ✓ Del. 180 days Street Drainage Budgeted: $110,000	Yr: 2015 Make: Freightliner Model: 108SD Dump: Henderson Plow: Henderson Cost: $130,364 Del. 120-150 days
7	Yr: 2015 Make: RAM Model: 3500 Body: Cadet Cost: $46,160 Del. 175-200 days	Yr: 2015 Make: Ford Model: F350 Body: Cadet Cost: $38,797.32 ✓ Del. 45-60 days Street (5303/5304) Budgeted: $40,000 ea	Yr: 2015 Make: Ford Model: F350 Body: Cadet Cost: $39,900 Del. 60-75 days	No Bid	No Bid	No Bid	No Bid	Yr: 2015 Make: Intl. Model: Terrastar Body: Cadet Cost: $56,862.95 Del. 150 days	No Bid

CITY OF FORT SMITH
2014 FLEET BID TABULATION NO. 07-18-14BA

BID	Breeden Dodge Ft. Smith, AR	Dunn Ford Stigler, OK	Randall Ford Ft. Smith, AR	Smith Chevrolet Fort Smith, AR	Lewis Ford Sales Fayetteville, AR	Sallisaw Ford Sallisaw, OK	Shipley Motor Fort Smith, AR	Carco Intl. Ft. Smith, AR	Truck Centers of AR Van Buren, AR
8	Yr: 2015 Make: RAM Model: 2500 Cost: $27,382 Del. 45-60 days	Yr: 2015 Make: Ford Model: F250 Cost: $23,765.64 ✓ Del. 45-60 days Utilities (5606) Budgeted: $24,200	Yr: 2015 Make: Ford Model: F250 Cost: $23,935 Del. 60 days	Yr: 2015 Make: Chevrolet Model: Silverado 2500 Cost: $26,470 Del. 90 days	Yr: 2015 Make: Ford Model: F250 Cost: $24,189.02 Del. 90-120 days	Yr: 2015 Make: Ford Model: F250 Cost: $22,975 * Del. 60-90 days *Does not meet specs	No Bid	No Bid	No Bid
9	No Bid	No Bid	No Bid	No Bid	No Bid	Peterbilt of Fort Smith Yr: 2015 Make: Peterbilt Model: 337 Dump: Henderson Plow: Henderson Cost: $76,981 Del. 75-150 days	Yr: 2015 Make: HINO Model: 338 Dump: HilBilt Plow: HilBilt Cost: $77,915 Del. 150 days	Yr: 2015 Make: Intl. Model: 4300SFA Dump: Davis Plow: Davis Cost: $70,912.98 ✓ Del. 100 days Utilities (5610/5611/5612) Budgeted: $80,000 ea	Yr: 2015 Make: Freightliner Model: M2-106 Dump: Davis Plow: Davis Cost: $72,337 Del. 90-120 days
10	Yr: 2015 Make: RAM Model: 3500 Body: Stahl Cost: $48,024 Del. 45-60 days	Yr: 2015 Make: Ford Model: F350 Body: Knapheide 60” Cost: $42,085.30 ✓ Body: Knapheide 74” Cost: $42,285.30 ✓ Del. 45-60 days Utilities (5611/5612) Budgeted: $40,000 ea	Yr: 2015 Make: Ford Model: F350 Body: Stahl 60” Cost: $41,336 * Body: Stahl 74” Cost: $41,727 * Del. 60 days *Does not meet specs	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid

CITY OF FORT SMITH
2014 FLEET BID TABULATION NO. 07-18-14BA

BID	Breeden Dodge Ft. Smith, AR	Dunn Ford Stigler, OK	Randall Ford Ft. Smith, AR	Smith Chevrolet Fort Smith, AR	Lewis Ford Sales Fayetteville, AR	Sallisaw Ford Sallisaw, OK	Shipley Motor Fort Smith, AR	Carco Intl. Ft. Smith, AR	Truck Centers of AR Van Buren, AR
12	Yr: 2015 Make: RAM Model: 3500 Body: Stahl Cost: $48,682 Del. 60-75 days	Yr: 2015 Make: Ford Model: F350 Body: Stahl Cost: $45,701.02 ✓ Body: Knapheide Cost: $45,968.30 Del. 45-60 days Utilities 5613 Budgeted: $56,000	Yr: 2015 Make: Ford Model: F350 Body: Stahl Cost: $45,411 * Del. 60 days *Does not meet specs	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
13	Yr: 2015 Make: RAM Model: 2500 Cost: $43,121 Body: Stahl Del. 60-75 days	Yr: 2015 Make: Ford Model: F250 Body: Stahl Cost: $36,784.02 Body: Knapheide Cost: $37,491.02 ✓ Del. 45-60 days Utilities 5615 Budgeted: $42,000	Yr: 2015 Make: Ford Model: F250 Body: Stahl Cost: $37,875 Body: Stahl Del. 60 days	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
14	Yr: 2015 Make: RAM Model: 3500 Body: Stahl Cost: $50,345 Del. 60-75 days	Yr: 2015 Make: Ford Model: F350 Body: Stahl Cost: $43,726.30 ✓ Body: Knapheide Cost: $45,392.30 Del. 45-60 days Utilities 5610 Budgeted: $40,000 ea	Yr: 2015 Make: Ford Model: F350 Body: Stahl Cost: $43,675 * Del. 60 days *Does not meet specs	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid

CITY OF FORT SMITH
2014 FLEET BID TABULATION NO. 07-18-14BA

BID	Breeden Dodge Ft. Smith, AR	Dunn Ford Stigler, OK	Randall Ford Ft. Smith, AR	Smith Chevrolet Fort Smith, AR	Lewis Ford Sales Fayetteville, AR	Sallisaw Ford Sallisaw, OK	Shipley Motor Fort Smith, AR	Carco Intl. Ft. Smith, AR	Truck Centers of AR Van Buren, AR
15	Yr: 2015 Make: RAM Model: 2500 Body: Stahl Cost: $43,785 Del. 60-75 days	Yr: 2015 Make: Ford Model: F250 Body: Knapheide Cost: $35,515.82 ✓ Del. 45-60 days Utilities 5616 Budgeted: $40,000	Yr: 2015 Make: Ford Model: F250 Body: Stahl Cost: $35,749 Del. 60 days	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
16	No Bid	No Bid	Yr: 2015 Make: Ford Model: Transit CT Cost: $23,853 ✓ Del. 60 days Utilities 5613 Budgeted: $21,500 ea	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
17	Yr: 2014 Make: RAM Model: 1500ST Cost: $27,568 ✓ Del. 5 days Sanitation 6302 Budgeted: $27,500	Yr: 2014 Make: Ford Model: F150 Cost: $27,572.68 Del. 45-60 days	No Bid	Yr: 2015 Make: Chevrolet Model: Silverado 1500 Cost: $30,316 Del. 90 days	No Bid	No Bid	No Bid	No Bid	No Bid
18	Yr: 2014 Make: RAM SXT Model: Durango Cost: $31,862 Del. 10 days	Yr: 2015 Make: Ford Model: Explorer Cost: $27,981.01 ✓ Del. 45-60 days Engineering Budgeted: $28,900	Yr: 2015 Make: Ford Model: Explorer XLT Cost: $30,564 Del. 45-60 days	Yr: 2015 Make: Chevrolet Model: Tahoe Cost: $35,927 ✓ Del. 90 days Sanitation Budgeted: $28,900	No Bid	No Bid	No Bid	No Bid	No Bid

CITY OF FORT SMITH
2014 FLEET BID TABULATION NO. 07-18-14BA

- Bid 1 1/2 Ton, Regular Cab, 4x2 Wheel Drive, V6 P/U Truck Bi-Fuel (CNG/Gasoline) **Qty. 1** (Customer Service)
- Bid 1 1/2 Ton, Regular Cab, 4x2 Wheel Drive, V6 P/U Truck **Qty. 2** (Engineering & Water Line Maintenance)
- Bid 1A ½ Ton, Regular Cab, 4 Wheel Drive, V6 P/U Truck **Qty. 1** (Water Stationary Equipment Maintenance)
- Bid 2 4-Door Hybrid, Mid-Size Sedan per the latest edition of the EPA Fuel Economy Guide **Qty. 1** (Public Transit)
- Bid 4 4-Door Hybrid, Full-Size Sedan per the latest edition of EPA Fuel Economy Guide **Qty. 2** (Community Development and Building Safety)
- Bid 6 Single Axle Cab & Chassis with 5 CY Dump Bed & Henderson Snow Plow **Qty. 1** (Street Drainage)
- Bid 7 One (1) Ton 4x2 Single Cab Truck, Long Chassis, Dual Rear Wheels, Flat Dump Bed **Qty. 2** (Street Maintenance/Sidewalk Construction)
- Bid 8 Three-Quarter (3/4) Ton Heavy Duty, 4x4 Pickup Truck, Long Bed **Qty. 1** (Wastewater Equipment Maintenance)
- Bid 9 2 Ton Single Axle Cab and Chassis Dump Truck **Qty. 3** (Water Line Maintenance/Sewer Line Maintenance/Sewer Line Construction)
- Bid 10 1 Ton Heavy Duty Cab and Chassis with Utility Service Body **Qty. 2** (Sewer Line Maintenance/ Sewer Line Construction)
- Bid 12 1 Ton Heavy Duty Cab and Chassis, 4x4, with Covered Utility Body **Qty. 1** (Metering/Transmission Line Maintenance)
- Bid 13 ¾ Ton Cab and Chassis, 4x4 with Utility Service Body **Qty. 1** (Water and Wastewater Line Maintenance Administration)
- Bid 14 1 Ton Heavy Duty Cab and Chassis with Covered Utility Body **Qty. 3** (Water Line Maintenance)
- Bid 15 ¾ Ton Cab and Chassis with Utility Service Body **Qty. 1** (Water Stationary Equipment Maintenance)
- Bid 16 Gasoline/Electric Special Purpose 4 Door, LWB Passenger Wagon as defined in the US EPA Guide **Qty. 2** (Metering/Transmission Line Maintenance)
- Bid 17 Standard Size 4x4 One-Half (1/2) Ton, Crew Cab, V8 PU Truck **Qty. 1** (Residential Collections)
- Bid 18 Full-Size 4WD 7 or 8 passenger V8 Sports Utility Vehicle (SUV) as classified in the latest EPA Fuel Economy Guide **Qty. 2** (Engineering and Sanitation)

✓ Recommended bid award

RESOLUTION NO. _____ 4 I

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO CRAWFORD CONSTRUCTION COMPANY FOR THE CANDLESTICK (STATION 19) FORCE MAIN REPLACEMENT

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

SECTION 1: The construction of Candlestick (Station 19) Force Main Replacement, Project Number 11-07-C1, is hereby accepted as complete.

SECTION 2: Final payment to Crawford Construction Company in the amount of $63,989.98, is hereby approved.

This Resolution adopted this _____ day of August 2014.

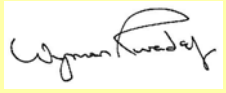
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** August 11, 2014

FROM: Steve Parker, Director of Utilities

SUBJECT: Candlestick (Station 19) Force Main Replacement
Project Number 11-07-C1

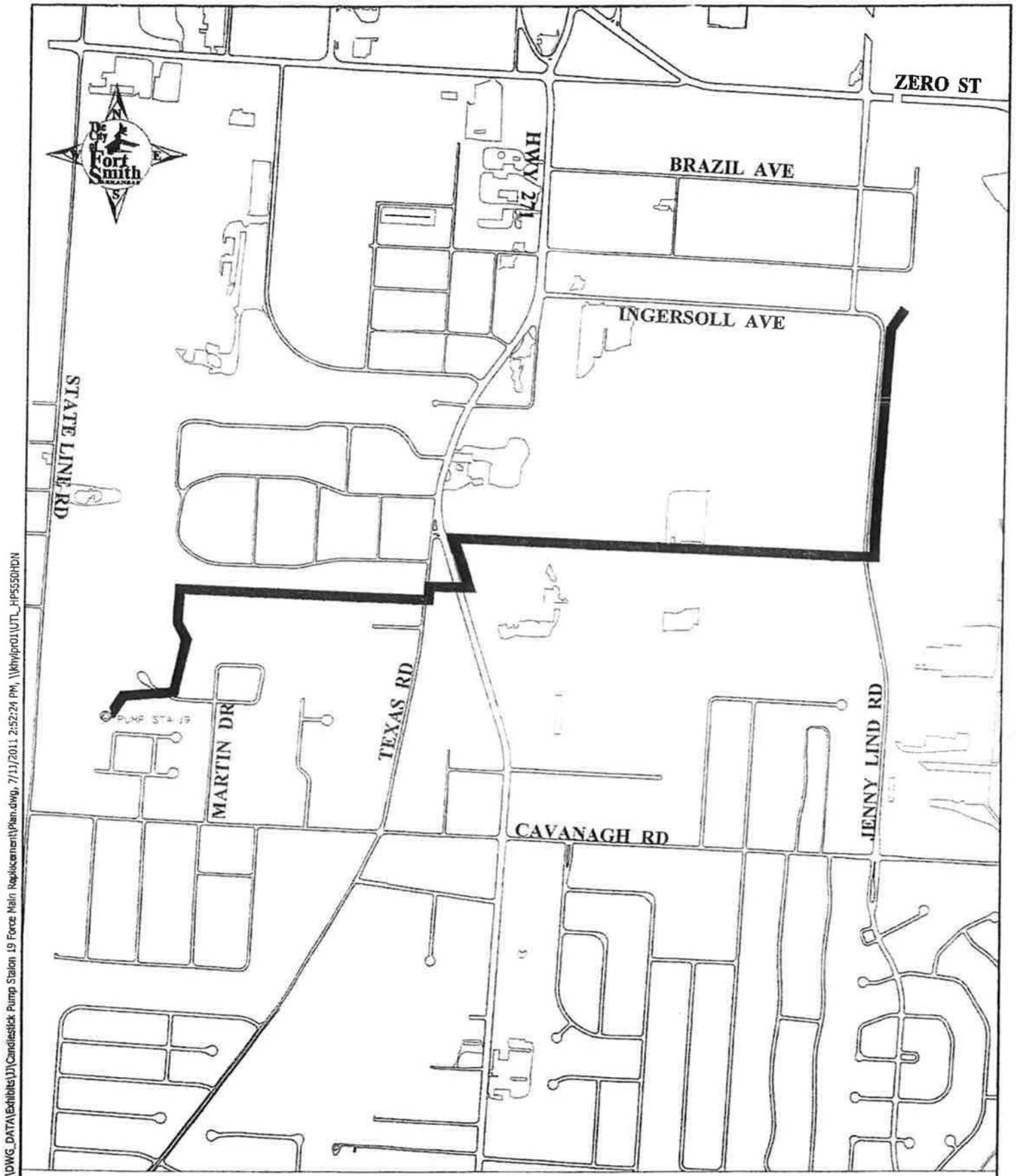
This wet weather capacity improvement project replaced approximately 8,900 feet of 10-inch force main with a 12-inch line for the Candlestick sewer lift station. The attached exhibit shows the locations of the improvements. The project had a construction cost underrun of $102,853.41, because the contractor was able to minimize the disturbance to existing pavements, which reduced the amount of pavement repair.

A Resolution accepting the project as complete and authorizing final payment to Crawford Construction Company in the amount of $63,989.98 is attached. It is my recommendation that the project be accepted as complete. A project summary sheet is attached for your review.

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

attachment

pc: Jeff Dingman



O:\UtilityDept_General\DWG_DATA\Exhibits\JJ\Candlestick Pump Station 19 Force Main Replacement\Plan.dwg, 7/11/2011 2:52:24 PM, \\khylor01\UTL_HP5550HDN

CITY OF FORT SMITH, ARKANSAS
CANDLESTICK (STATION 19) FORCE MAIN REPLACEMENT
PROJECT NO. 11-07
PROJECT VICINITY MAP

Project Summary

Project Status: Complete

Project name: Candlestick (Station 19) Force Main Replacement

Today's Date: August 11, 2014

Project number: 11-07-C1

Staff contact name: Steve Parke

Project engineer: Morrison-Shipley Engineering, Inc.

Staff contact phone: 784-2231

Project contractor: Crawford Construction Company

Notice to proceed issued: October 7, 2013

Completion date: June 3, 2014

	Dollar Amount		Contract Time (Days)
Original contract	$1,190,847.00		200
Change orders: Number One	$0.00		0
Total change orders	$0.00		0
Adjusted contract	$1,190,847.00		200
Payments to date (as negative):	$-1,024,003.61	86.0%	
Amount of this payment (as negative)	$-63,989.98	5.4%	
Retainage held	$0.00		
Contract balance remaining (underrun)	$102,853.41	8.6%	
Amount ~~Over~~ (under) as a percentage	-8.6%		

Final comments:

ORDINANCE NO._____ 4 J

ORDINANCE DECLARING AN EXCEPTIONAL SITUATION WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZING PAYMENT TO FORSGREN, INC., FOR THE EMERGENCY REPAIR OF ROGERS AVENUE

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

WHEREAS, the City was required to make an emergency repair to the water main located underneath the pavement of Rogers Avenue and required immediate repair to prevent the possibility of health hazards to the residents of the City of Fort Smith; and,

WHEREAS, it is necessary to contract for the emergency repair of the Rogers Avenue pavement damaged due to the water main break:

NOW THEREFORE, in order to eliminate the possibility of health hazards to the residents of the City of Fort Smith and to make necessary water main and street repair, an exceptional situation exists requiring the waiving of competitive bidding, and competitive bidding requirements for the water main and street repair are hereby waived. An appropriation of funds from the Water and Sewer Capital Improvements Fund in the amount of $44,272.00 is hereby made. Payment for said emergency repair of Rogers Avenue and water main is hereby authorized, and payment to the contractor, Forsgren, Inc., in the amount of $44,272.00 is hereby approved.

PASSED AND APPROVED this _____ day of August 2014.

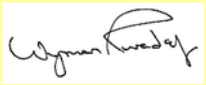
APPROVED:

_____
Mayor

ATTEST:

_____

APPROVED AS TO FORM:



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INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** August 13, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Rogers Avenue Emergency Pavement Repair

On Friday, July 25, 2014, the 12-inch diameter water main under Rogers Avenue near the intersection of South "P" Street burst. The pressure release was sufficient to lift a large section of the roadway pavement and wash out it's supporting base. Following the repair of the water main an assessment of the pavement damage made by the Arkansas Highway Department's staff determined that a 30-foot wide by 60-foot long section of the roadway would have to be removed and replaced. The width of the pavement replacement encompassed both of the west bound lanes plus the west half of the center turn lane.

The repair work required establishing lane closures and management of the west bound traffic to allow one lane to be open at all times. Once removed, the pavement repair required placement of a 9-inch thick high-early strength concrete patch, 2-inch asphalt overlay, as well as the replacement of a small section of curb and gutter. Cold milling the existing pavement on both ends of the repair area would also be required at the tie-in of the new asphalt paving to provide smooth transitions. Finally, the pavement markings and lane striping had to be reinstalled. As Rogers Avenue is a high traffic volume thoroughfare, the highway department wanted the work to be completed as quickly as possible, with weather permitting, before the upcoming weekend.

Staff requested a cost proposal from Forsgren, Inc., to provide the traffic control and repairs in accordance with the highway department's requirements within the time frame established. Their proposal to provide all necessary labor, equipment and materials to complete all items of work for an amount of $44,272.00 was reviewed and determined to be reasonable and staff authorized the work to proceed.

An Ordinance declaring an exceptional situation waiving the requirements for competitive bidding and authorizing payment to Forsgren, Inc., in the amount of $44,272.00 is attached. Funding of the repair work is available from the water and sewer capital improvement fund earmarked for neighborhood water system improvements. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

RESOLUTION NO. _____ 4 K

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO FORSGREN, INC., FOR THE BASIN 9 COLLECTION SYSTEM IMPROVEMENTS

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

SECTION 1: The construction of the Basin 9 Collection System Improvements, Project Number 12-08-C1, is accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of $55,912.45, is hereby approved.

This Resolution adopted this _____ day of August 2014.

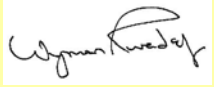
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



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INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** August 12, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Basin 9 Collection System Improvements
Project Number 12-08-C1

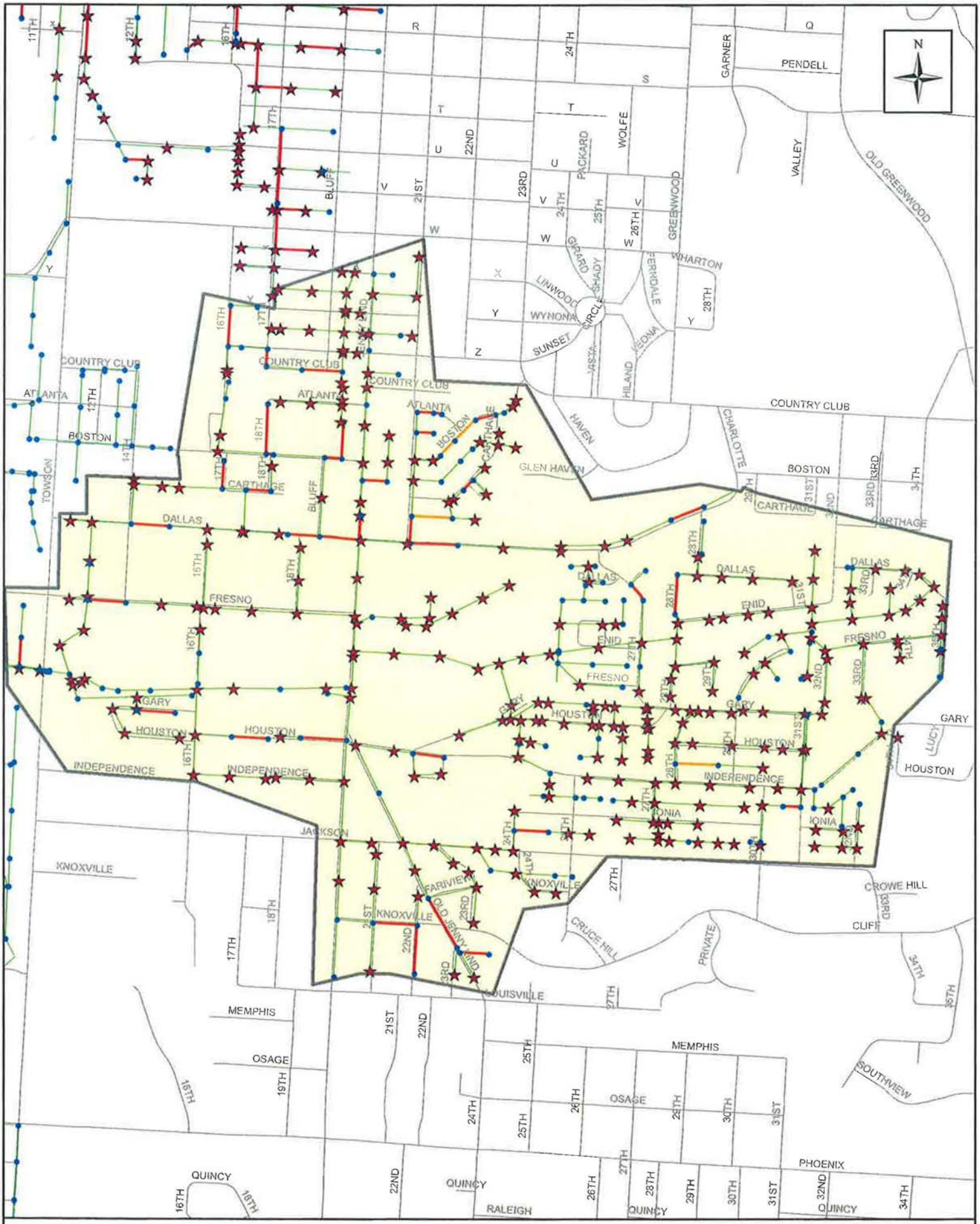
This project replaced approximately 11,350 linear feet of sanitary sewer main and replaced or rehabilitated 300 associated manholes. The final quantities for the project resulted in an underrun of $130,631.95. The underrun resulted from changes in construction technique for a couple of segments of sewer mains. In addition, a segment of sewer main was dropped from the contract because it had previously been repaired between the time of the project's design and construction. These changes resulted in reduced cost of road and other property restoration. A project exhibit and summary sheet are attached.

A Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc., in the amount of $55,912.45 is attached. It is my recommendation that the project be accepted as complete.

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

attachment

pc: Ray Gosack


N
Manholes
Rehab Manholes
Sewer Lines
Priority 1 Line Replacement
Designed Line
Streets
Basin 9
rjn group
The Choice for Collection System Solutions
The City of Fort Smith
BASIN 9 COLLECTION SYSTEM IMPROVEMENTS
PROJECT #12-08
CITY OF FT SMITH, AR

Project Summary

Project status: Complete

Project name: Basin 9 Collection System Improvments

Today's date: August 12, 2014

Project number: 12-08-C1

Staff contact name: Steve Parke

Project engineer: RJN Group, Inc.

Staff contact phone: 784-2231

Project contractor: Forsgren, Inc

Notice to proceed issued: September 9, 2013

	Dollar Amount	Contract Time (Days)
Original contract	$2,370,320.30	300
Change orders:		
Total change orders	$0.00	0
Adjusted contract	$2,370,320.30	300
Payments to date (as negative):	-$2,183,775.90	92.13%
Amount of this payment (as negative)	$55,912.45	2.4%
Retainage held	$0.00	
Contract balance remaining (underrun)	$130,631.95	5.50%
Amount over (under) as a percentage	-5.5%	

Final comments:

RESOLUTION NO. _____ 4 L

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FLUORIDATION GRANT AGREEMENT WITH DELTA DENTAL OF ARKANSAS FOUNDATION FOR FLUORIDATION EQUIPMENT AND CAPITAL START UP COSTS TO ENABLE FLUORIDATION OF FORT SMITH'S WATER SUPPLIES IN ACCORDANCE WITH ACT 197 OF 2011

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

The Mayor is hereby authorized to execute a Fluoride Grant Agreement with Delta Dental of Arkansas Foundation to provide fluoridation equipment and capital start up costs in accordance with Act 197 of 2011 for the addition of fluoride to the Fort Smith water supply.

This Resolution adopted this _____ day of August 2014.

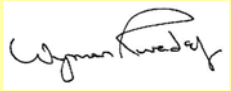
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



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INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** August 13, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Delta Dental of Arkansas Foundation
Fluoridation Grant Agreement

In 2011 the Arkansas Legislature passed Act 197 requiring water systems serving populations of more than 5,000 to add fluoride to its water system at levels established by the Arkansas Department of Health. Water systems were not required to comply with the Act until funds sufficient to pay capital start-up costs for fluoridation equipment became available from any source other than tax revenue or service revenue regularly collected. Following the passage of the Act, Fort Smith submitted a grant application to Delta Dental of Arkansas Foundation (Delta Dental) for the capital start-up and equipment needed for fluoridation systems at its Lake Fort Smith and Lee Creek water treatment plants.

On July 31, 2014, Fort Smith received notice from Delta Dental that the fluoridation review committee had approved a grant for our system needs in the amount of $1,804,000. The grant agreement is structured to reimburse Fort Smith's approved expense for engineering and construction costs. Engineering fees are to be reimbursed at 50-percent after construction begins and the remaining balance paid on completion of the project. Reimbursement of construction costs will be distributed monthly based upon construction progress. The city will need to establish the funding needed to cash flow the engineering and construction payments until reimbursement is received. Copies of the grant approval letter and grant agreement are attached.

The grant requires that the project be completed no later than 18 months from the date of the signed agreement. This will be an aggressive schedule for the city to meet as Burns & McDonnell has only prepared a concept design review report for the needed improvements to support the grant application. Staff has discussed the 18-month schedule requirement with Burns & McDonnell and it can be met provided that the Arkansas Department of Heath's engineering staff provides timely review and approval of the construction plans. Also, as time is a significant challenge, the grant application should not be dated until just before its required September 19, 2014, submission date. The engineering services agreement with Burns & McDonnell for the design of the fluoridation improvements will be submitted to the Board for approval at their September 2nd meeting.

A Resolution authorizing the Mayor to execute the fluoride grant agreement is attached for the Board's consideration. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

DELTA DENTAL

www.deltadentalar.com

July 31, 2014

City of Fort Smith Utility Department
Attn: Steve Parke
3900 Kelley Highway
Fort Smith, AR 72904

Dear City of Fort Smith Utility Department,

I am pleased to announce the Delta Dental of Arkansas Foundation has awarded a grant up to the amount of, but not to exceed, $1,804,000 to the City of Fort Smith Utility Department to be used for the fluoridation equipment and services outlined in your grant application.

Enclosed you will find a contract stipulating the conditions under which these funds are being granted. Please sign and return the Agreement by September 19, 2014 via mail or email to the address below:

Delta Dental of Arkansas Foundation
Attn: Kelly Caldwell
1513 Country Club Road
Sherwood, AR 72120
kcaldwell@deltadentalar.com

If the Agreement is not received by September 19, 2014, the Foundation's offer to provide funding will be treated as having been rescinded. In that event, to receive further consideration for grant funding, the City of Fort Smith Utility Department must submit a new grant application containing a cost estimate that is dated within thirty (30) days of the date of the new application for review and consideration.

The Delta Dental of Arkansas Foundation is proud to support water fluoridation across the state, and we are honored to present this financial assistance to your organization as a way to help improve the oral health of Arkansans. Please do not hesitate to contact me if you have any questions. We look forward to assisting you as your water system takes the necessary steps to begin the fluoridation process.

Sincerely,

Kelly Caldwell

Kelly Caldwell
Manager of Communications &
Delta Dental of Arkansas Foundation

Delta Dental of Arkansas Foundation
1513 Country Club Road
Sherwood, AR 72120
www.deltadentalar.com

Manager: Kelly Caldwell
Direct: 501-992-1698
Toll free: 800-462-5410
kcaldwell@deltadentalar.com

DELTA DENTAL

FLUORIDATION GRANT AGREEMENT

City of Fort Smith Utility Department
Attn: Steve Parks
3900 Kelley Highway
Fort Smith, AR 72904

Project:	Fort Smith Water Fluoridation
Grant Amount:	Up to but not to exceed $1,804,000
Project Criteria:	Delta Dental of Arkansas Foundation Grant will be used to pay equipment and labor associated with fluoridating city water systems.

Requirements: The following terms are a condition of this grant:

1. A copy of the Arkansas Department of Health – Engineering Section approval letter for the fluoridation system plans and specifications. Any change to the approved plans and specifications must be reported to Delta Dental of Arkansas Foundation, Inc. (herein "Grantor") immediately.
2. The funds will be used by the Grantee solely for the purposes described in the above project and described in the engineering proposal.
3. Grantor reserves the right to audit all expenditures for this project to ensure spending is consistent with project justification.
4. Funds will be distributed monthly based on completion of project and actual expenditures. Engineering fees will be reimbursed 50 percent of approved fees 30 days after construction begins and the remaining balance shall be paid on completion of the project described in the approved proposal. Project will be completed no later than 18 months from the date of this signed agreement. If delivery of equipment is prior to installation, a change of title may be required before disbursement of funds.
5. Grantee agrees that any portion of the grant funds not used in accordance with these terms must be repaid to Delta Dental of Arkansas Foundation, Inc. The Applicant shall be responsible for any costs incurred by Delta Dental of Arkansas Foundation, Inc. in obtaining such refund.
6. An Applicant must agree to comply with the provisions of Act 197 of 2011, including the fluoridation rules to be enacted by Arkansas Department of Health.
7. After the fluoridation has been installed, an Applicant will meet and maintain the level of fluoridation established by the Arkansas Department of Health rules.
8. Should water department/municipality voluntarily discontinue fluoridation within ten years of the effective date of this agreement, the amount of this grant shall be refunded to the grantor reduced by 10% each year of operation on a prorated basis (e.g., 100% in the first year, 90% in the second year, and so on).
9. Should the water department/municipality fail to provide fluoridated water due to unresolved maintenance or repair for more than six consecutive months, such failure shall be considered a voluntary discontinuation and the amount of the grant shall be refunded in accordance with the above paragraph. The provision of this paragraph 2 shall be effective for a period of ten years from the effective date of this agreement.

Grantor is to be held harmless for all acts of misfeasance, malfeasance and/or malpractice associated with the disbursement of grant funds, and the services purchased using said funds. The Grantee accepts all legal and fiduciary responsibility for the use of Delta Dental of Arkansas Foundation, Inc. grant funds.

The City of Fort Smith Utility Department accepts this Delta Dental of Arkansas Foundation, Inc. grant under the above terms and conditions. (*Note: must be signed by Executive Director or President of the Board)*

Printed Name _____ Title _____

Signature _____ Date _____

Delta Dental of Arkansas Foundation
1513 Country Club Road
Sherwood, AR 72120
www.deltadentalar.com

Manager: Kelly Caldwell
Direct: 501-992-1698
Toll free: 800-462-5410
kcaldwell@deltadentalar.com

RESOLUTION NO. _____

A RESOLUTION APPROVING THE TERMINATION OF A CONSULTING AND ADVISORY SERVICES AGREEMENT WITH THE J.C. WATTS COMPANIES, L.L.C.

_____

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

Termination of the consulting and advisory services agreement with The J.C. Watts Companies, L.L.C. approved by Resolution No. R-189-07 is hereby approved. The City Administrator is directed to give notice of said termination as provided in the agreement.

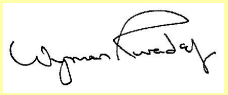
This Resolution passed this _____ day of August, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____
No Publication Required

MEMORANDUM

August 15, 2014

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Lobbyist Services

In 2007, the city entered into an agreement with J.C. Watts Companies for lobbying services in Washington, D.C. A copy of the agreement is attached. The lobbyist fee is $6,000 per month, which is $72,000 annually.

At the time the agreement was entered, Congress was providing budget earmarks for local and regional projects. And, significant funds were being budgeted for grants made by various federal agencies. As you know, the fiscal landscape in Washington, D.C. has changed dramatically over the last 3-4 years. Earmarks are now prohibited and grant funding by federal agencies has been curtailed. The benefit of having a lobbyist is not what it once was.

Watts Companies has represented the city well in Washington, D.C. They obtained funding for projects, helped us with access to various federal agencies, and kept us abreast of legislative matters affecting city governments. Watts Companies is willing to assist the city in the future if our needs dictate.

Attached for the board's consideration is a resolution which approves termination of the agreement with Watts Companies. If approved, the staff will provide the required notice. The termination would be effective November 30, 2014.

- Ray

Attachments

RESOLUTION NO. R-189-07

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONSULTING AND ADVISORY SERVICES AGREEMENT WITH THE J.C. WATTS COMPANIES, L.L.C.

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

The City Administrator is authorized to enter into a consulting and advisory services agreement with the J.C. Watts Companies, L.L.C. (Exhibit "A").

THIS RESOLUTION ADOPTED THIS 16th DAY OF October, 2007.

APPROVED:

This resolution went into effect w/o Mayor's signature

Mayor

ATTEST:

City Clerk

Approved as to form:

NPR

R-189-07

CONSULTING AND ADVISORY SERVICES AGREEMENT

MADE BY AND BETWEEN:

THE J.C. WATTS COMPANIES, L.L.C.
600 13th Street NW, Suite 790
Washington, D.C. 20005

And

City of Fort Smith, Arkansas
623 Garrison Avenue, Room 315
Fort Smith, AR 72901

WHEREAS, The J.C. Watts Companies, L.L.C. ("Consultant") provides management consulting and advisory services to a variety of industries; and

WHEREAS, the City of Fort Smith, Arkansas ("City") seeks to retain Consultant to render to City such consulting and advisory services; and

WHEREAS, Consultant is ready, willing and able to render such consulting and advisory services to City as hereinafter described on the terms and conditions more fully set forth below.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth in this agreement ("Agreement"), the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. CONSULTING SERVICES. Consultant agrees to use its best efforts to:

a) Work with City to design and implement plans, both in Washington, DC and the State of Arkansas, to secure resources and other policy or regulatory support for City initiatives and priorities;

A. Help City define priorities;
B. Analyze various federal legislative and Executive branch program initiatives and legislation and provide recommendations for City's action;
C. Develop and maintain communications with key Congressional Committees, Members of Congress and decision makers in the federal Executive branch on City's behalf;
D. Coordinate and arrange meetings between City officials and Members and appropriate Congressional members and staff;

E. Prepare written updates and assessments of progress on achieving City's legislative needs and objectives, at least monthly.

b) Assist City leaders in efforts to identify and secure investment in the region.

c) Assist City leaders in facilitating economic development opportunities and alliances for City stakeholders throughout the U.S. and the world.

2. SCOPE AND STANDARDS OF SERVICES.

a) It is acknowledged and agreed by City that Consultant is not rendering legal advice or performing accounting services, nor acting as an investment advisor or broker-dealer within the meaning of applicable state and federal securities laws. City acknowledges that, Consultant, as a matter of policy, does not, and will not, endorse any companies or investments.

b) Consultant agrees to perform its consulting duties hereto solely as an independent contractor. Nothing contained herein shall be considered as creating an employer-employee relationship between the parties to this Agreement.

c) Consultant retains the right to control or direct the manner in which the services described in Section 1 are to be performed. However, City will provide Consultant with reasonable access to City marketing information, records, and personnel that are required to support Consultant in properly performing under the Agreement.

d) City acknowledges and agrees that Consultant cannot guarantee the results or effectiveness of any of the services rendered or to be rendered by Consultant hereunder. Rather, Consultant shall use its best efforts to conduct its services and affairs in a professional manner and in accordance with good industry practice.

e) City will comply with all applicable state and federal securities laws on capital-raising activities.

3. TERM OF AGREEMENT. Consultant's engagement hereunder shall have an initial term of one (1) year, commencing on October 15, 2007, and ending on October 14, 2008, subject to termination as hereinafter provided in Section 5. Unless otherwise terminated as provided herein, the term of this Agreement shall automatically renew on a year-to-year basis at the end of the initial term and each subsequent renewal term unless either party gives written notice of non-renewal to the other at least ninety (90) days prior to the last day of the initial term, i.e. July 16, 2008, or the then-current renewal term. Expiration of or failure to renew this Agreement shall be without prejudice to any rights to compensation or other payment to Consultant pursuant to Section 4.

4. COMPENSATION

a) In consideration of the services provided for City by Consultant as fully set forth in Section 1, Consultant will be paid a fee of $8,500.00 per month, the first (1st) month's payment is due upon execution of this agreement and all subsequent months retainers will be due on the first (1st) day of that month upon receipt of invoice from Consultant.

b) City shall reimburse Consultant for all reasonable expenses (prior approval by City required for any expenses in excess of $200.00) and disbursements incurred by Consultant in connection with its performance under this Agreement.

c) Consultant shall be responsible for all taxes, levies and charges that may accrue to Consultant by virtue of the compensation, reimbursements, or other payments to be paid or made to it hereunder. City shall make all payments hereunder without deduction or withholding of any taxes, levies, duties, charges, or expenses whatsoever. City's obligations under this Section 4 shall be performed without any right to invoke set-off, deduction or similar rights.

5. TERMINATION.

a) Either party may terminate this Agreement by and upon delivery of written notice to the other at any time if such other party: (i) makes an assignment for the benefit of creditors; (ii) becomes adjudicated bankrupt; (iii) files a voluntary petition in bankruptcy or a voluntary petition or an answer seeking reorganization, arrangement, readjustment of its debts or for any other kind of relief under Title 11 of the United States code or a successor or state insolvency law ("Bankruptcy Law"); (iv) has filed against it an involuntary petition in bankruptcy or seeking reorganization, arrangement, readjustment of its debts or for any other relief under the Bankruptcy Law, which petition is not discharged within thirty (30) days; or (v) applies for or permits the appointment of a receiver or a trustee for its assets. Termination under this Subsection 5(a) shall be without prejudice to any rights to compensation or other payment of Consultant pursuant to Section 4 above.

b) Either party may terminate this Agreement if the other party is in material breach of any of the representations or warranties set forth herein, or fails to perform or is otherwise in breach of any of its other material obligations under this Agreement and, after receiving written notice of such breach from the other party exercising its right to terminate this Agreement, does not remedy such breach within thirty (30) days after receipt of such written notice, in which case this Agreement shall terminate upon the expiration of such period. In addition, Consultant may terminate this Agreement by and upon delivery of written notice to City at any time if City shall violate any law, ordinance, permit or regulation of any governmental entity, except for violations which either singularly or in the aggregate do not have or will not have a material adverse effect on the operations of City. Termination by Consultant under

this Subsection 5(b) shall be without prejudice to any rights to compensation or other payment of Consultant pursuant to Section 4 above.

c) Either party may terminate this Agreement by and upon delivery of ninety (90) days written notice to the other party, provided that this Agreement shall remain in full force and effect during such ninety (90)day notice period. All consideration received by the parties prior to the termination shall be retained by the parties without right of recourse.

6. NONDISCLOSURE.

a) Consultant and City acknowledge that in the course of this relationship, they each may be exposed to or acquire information that is proprietary to or confidential to the other party. The parties agree to hold such information in strictest confidence and not to copy, reproduce, sell, assign, license, market, transfer, give or otherwise disclose such information to third parties or to use such information for any purposes whatsoever, without the express written permission of the other party, other than for the performance of obligations hereunder or as otherwise agreed to herein, and to advise each of their employees, agents and representatives of their obligations to keep such information confidential.

b) The parties shall use reasonable efforts to assist each other in identifying and preventing any unauthorized use or disclosure of any confidential information. Without limitation of the foregoing, the parties shall use reasonable efforts to advise each other immediately in the event that either learns of or has reason to believe that any person who has had access to confidential information has violated or intends to violate the terms of this Agreement, and will reasonably cooperate in seeking injunctive relief against any such persons.

c) Notwithstanding the obligations set forth in the preceding sections, the confidentiality obligations of the parties shall not extend to information that: (i) is, as of the time of its disclosure or thereafter becomes, part of the public domain through a source other than the receiving party; (ii) was rightfully known to the receiving party as of the time of its disclosure; (iii) is independently developed by the receiving party or is subsequently learned from a third party not under a confidentiality obligation to the providing party; or (iv) is required to be disclosed pursuant to a duly authorized subpoena, court order, or government authority, whereupon the disclosing party shall provide prompt written notice to the other party prior to such disclosure, so that such party may seek a protective order or other appropriate remedy. In the event that a protective order or other appropriate remedy is not obtained, the disclosing party agrees to disclose only that portion of the confidential information that is required; (v) City and Consultant recognize that the City is subject to the Freedom of Information Act of the State of Arkansas.

d) Except as required by law, neither Consultant nor City will disclose to a third party any of the details connected with this Agreement. Notwithstanding the foregoing, Consultant shall have the right to disclose its client list when contacting or communicating with any public official, agency or employee. City acknowledges and agrees that Consultant's business practice is always to disclose its client list prior to communicating with any public official, agency or employee. Moreover, notwithstanding the foregoing sections (a) through (c), unless notified otherwise by City, Consultant may include City in any client list that it provides to individual prospective clients for marketing purposes. Similarly, City may acknowledge a consulting relationship with Consultant in discussions with investors and partners when appropriate. This sentence shall not be deemed to authorize City to include Consultant or Congressman J.C. Watts' name, likeness or voice in any advertisements, publications or commercial websites without prior specific written authorization.

e) All obligations relating to confidential and proprietary information shall survive the termination of this Agreement.

7. COMMUNICATIONS CONSIDERATIONS. Consultant and City will ensure that any news releases or written public statements directly referencing the other will be mutually reviewed and approved before release. City will notify Consultant about news media inquiries made concerning J.C. Watts or Consultant's business relationships.

8. CONFLICT OF INTEREST. Consultant shall be free to perform services for other persons, corporations, and institutions. Consultant will notify City within ten (10) days of its intent to perform consulting services for any other person or entity that prevents Consultant from fulfilling its obligations under this Agreement. Upon receiving such notice, City may terminate this Agreement or consent to Consultant's outside consulting activities.

9. INDEMNIFICATION BY CONSULTANT. Consultant shall protect, defend, indemnify, and hold City and its successors and assigns and its attorneys, accountants, employees, members, managers, officers, agents and directors harmless from and against all losses, liabilities, damages, judgments, claims, counterclaims, demands, actions, proceedings, costs and expenses (including reasonable attorneys' fees and disbursements), interest, penalties, fines, judgments of every kind and character which may be alleged, asserted or claimed, relating to or arising out of (i) the inaccuracy, non-fulfillment or breach of any representation, warranty, covenant or agreement made by Consultant herein; (ii) Consultant's performance of this Agreement or (iii) the fact that City is performing as set forth in this Agreement, regardless of whether City is currently performing under this Agreement, if City acted in good faith under this Agreement and had no reasonable cause to believe its conduct was unlawful. Notwithstanding the foregoing, Consultant shall not be obligated to indemnify City for acts or omissions of City that involve City's fraudulent, dishonest or willful misconduct.

10. NOTICES. All notices under this Agreement shall be in writing and shall be effective upon personal delivery to a party, or three business days after deposit in the United States mail, registered or certified, postage prepaid and addressed to the respective parties as follows (or such other address as the parties may from time to time designate in writing):

The J.C. Watts Companies, LLC Attention: Jonathan Vandenheuvel 600 13th Street NW Suite 790 Washington, D.C. 20005 Phone: (202) 207-2854 Fax: (202) 207-2853	City of Fort Smith, Arkansas Attention: Dean Kruithof 623 Garrison Avenue Room 315 Fort Smith, AR 72901 Phone: (479) 784-2201 Fax: (479) 784-2430

11. APPLICABLE LAW. It is the intention of the parties hereto that this Agreement and the performance hereunder and all suits and special proceedings hereunder be construed in accordance with and under and pursuant to the laws of the State of Arkansas and that in any action, special proceeding or other proceeding that may be brought arising out of, in connection with or by reason of this Agreement, the laws of the State of Arkansas shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction on which any action or special proceeding may be instituted.

12. SEVERABILITY. All agreements and covenants contained herein are severable, and in the event any of them shall be held to be invalid by any competent court, the Agreement shall be interpreted as if such invalid agreements or covenants were not contained herein.

13. ENTIRE AGREEMENT. This Agreement constitutes and embodies the entire understanding and agreement of the parties and supersedes and replaces all prior understanding, agreements and negotiations between the parties. No representations by any person shall have any force or effect, regardless of when made, except as specifically included in this written agreement or a subsequent written agreement executed by all parties.

14. WAIVER. The failure to insist on strict compliance with any of the terms, provisions or conditions of this Agreement or the failure to exercise any right or privilege shall not operate or be construed as a waiver thereof, or of any subsequent breach thereof or a waiver of any other terms, provisions, conditions, privileges or rights.

15. CHANGES AND MODIFICATIONS. No change or modification of this Agreement shall be effective for any purpose except when made by written agreement signed by both parties.

16. MEDIATION.

a) In the event of any dispute (as defined herein below) arising out of or relating to this Agreement, or the breach thereof, the parties agree that, before having recourse to arbitration or a court of law, they will participate in at least four (4) hours of mediation in accordance with the commercial mediation rules of the American Arbitration Association.

b) The term "dispute" shall mean any action, dispute, claim or controversy of any kind, whether in contract or in tort, under either statutory or common law or both, now existing or hereafter arising between the parties in any way pertaining to (i) this Agreement or any related agreement, document or instrument; and (ii) any incidents, omissions, acts, practices or occurrences arising out of any service or product furnished or agreed to be furnished under this Agreement causing property damage to either party and is asserted that the other party or its agents, employees or representatives, may be liable, in whole or in part; provided, however, that the parties may seek injunctions and similar forms of equitable relief with courts of competent jurisdiction.

17. COUNTERPARTS. This Agreement may be executed simultaneously in two (2) or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have duly executed and delivered this Agreement as of the day and year first above written.

City of Fort Smith, Arkansas

Randy Reed

Randy Reed

Date: 10/23/07

623 Garrison Avenue, Room 315
Fort Smith, AR 72901
Phone: (479) 784-2201
Fax: (479) 784-2430

The J.C. Watts Companies, L.L.C.

Jon Vandenheuvel

Date: 10/29/07

600 13th Street NW, Suite 790
Washington, D.C. 20005
Phone: (202) 207-2854
Fax: (202) 207-2853

Admin

RESOLUTION NO. R-221-11

2A

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE CONSULTING AND ADVISORY SERVICES AGREEMENT WITH THE J.C. WATTS COMPANIES, L.L.C.

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

The City Administrator is authorized to execute an amendment to the existing Consulting and Advisory Services Agreement with the J.C. Watts Companies, L.L.C. (Exhibit "A").

This Resolution adopted this 20th day of December, 2011.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney
No Publication Required

AMENDMENT NO. 1 TO CONSULTING AND ADVISORY SERVICES AGREEMENT

THIS AMENDMENT made and entered into on the 22nd day of December, 2011, by and between the City of Fort Smith, Arkansas ("City") and J.C. Watts Companies, L.L.C ("Consultant"), to be effective December 31, 2011.

WHEREAS, the City and the Consultant, by signatures dated October 23, 2007, and October 29, 2007, respectively, entered into a Consulting and Advisory Services Agreement ("Agreement"); and,

WHEREAS, the City and the Consultant presently wish to amend the Agreement in accordance with the terms and conditions hereof;

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The parties agree that the recitals above are true and correct in all material respects.

2. The parties agree that paragraph 4(a) of the Agreement is hereby modified and amended as follows:

   4(a) In consideration of the services provided for City by Consultant as fully set forth in Section 1, Consultant will be paid a fee of $6,000.00 per month, effective January 1, 2012, and all subsequent months' retainers will be due on the first (1st) day of that month upon receipt of invoice from Consultant.

3. The parties hereby confirm that all other terms and conditions of the Agreement are in full force and effect, unamended except as expressly provided in this present amendment.

IN WITNESS WHEREOF, this Amendment to Lease Agreement has been executed under seal as of the day and year first above written.

City of Fort Smith, Arkansas

By: Ray Gosack
Ray Gosack, City Administrator

Date: December 22, 2011

623 Garrison Avenue, Room 315
Fort Smith, AR 72901
Phone: (479) 784-2201
Fax: (479) 784-2430

The J.C. Watts Companies, L.L.C.

By: S L P
STEVEN L. PRUITT
MANAGING PARTNER

Date: Dec. 21, 2011

600 13th Street NW, Suite 790
Washington, D.C. 20005
Phone: (202) 207-2854
Fax: (202) 207-2853

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: August 13, 2014

SUBJECT: Animal Services Advisory Board

Mr. Eric Jayne of the Animal Services Advisory Board has resigned his position on June 30th , 2014. This vacancy will need to be appointed at the next board meeting.

The applicant available is:

Ken O'Donnell 55 Hiland Drive

Appointments are **by the Board of Directors,** one appointment is needed. The term will expire April 15th, 2017.

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

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ANIMAL SERVICES ADVISORY BOARD

The animal services advisory board shall work in an advisory capacity to the Mayor and the Board of Directors in regards to topics that concern the care and safety of animals within the corporate limits of the city, and shall endeavor to stimulate and encourage communication with all members of the community to ensure that the programs, goals and objectives of the city relative to the care and safety of animals are consistent with community needs and desires. However, the animal services advisory board will not be responsible for the day to day operations of the Animal Control Division of the Fort Smith Police Department.

The animal services advisory board shall be composed of nine (9) members appointed by the Board of Directors.

	Date Appointed	**Term Expired**
Veterinarian:		
Jon Remer Veterinarian 2715 Independence (01) 646-6023 (h) 785-1792 (w) drremer@swbell.net	04/03/12	04/03/17
One owner, operator or employee of a business related to the production, sale distribution or care of animals of livestock:		
Eric Jayne Veterinarian 505 South 17 Street (01) (501) 516-5109 (h) 424-4740 (w) denalinorthside@yahoo.com	04/15/14	04/15/17
Two board members of separate non-profit animal interest groups whose membership is for a comprised primarily of residents of the city, and whose primary interest is the health and welfare of animals, shall be appointed for a term of three years.		
Tonya Rogers Branch Manager 10908 Brant Court (08) 649-9439 (h) 646-0114 Ext. 5750 tonyarogers@yahoo.com	01/21/14	01/21/15

Joan Bryant 1005 South 46 Street (03) 479-926-1266 (h) 434-4740 (w) No email	04/03/12	04/03/17

Three citizens shall be appointed for a term of three years:

Tammy Trouillon Community Outreach Director 8000 Holly Avenue (08) 226-3374 (h) 242-3609 (W) bookturner3@att.net	04/03/12	04/03/17
Robert Lever Retired 3319 Larksput Land (16) 434-6014 (h) bob@grandfamily.net	04/15/14	04/15/17
Sherilyn Walton 8818 Meandering Way (03) 452-0146 kittylitter04@yahoo.com	04/03/12	04/03/17

Two citizens shall be appointed for a term of three years:

Nicole Morgan 2908 Marion Court (8) 831-7033 dutchpk@gmail.com	04/03/12	04/03/15
Carole Hutton P.O. Box 10018 (17) 462-4965 carolehhutton@aol.com	04/03/12	04/03/15

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

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

Date: 6/2/14

Name: Ken O'Donnell

Home Telephone: 782-6663

Home Address: 55 Holland Dr.

Work Telephone: _____

Zip: 72901

Email: kenod49@gmail.com

Occupation: 1978-2010 Planning Director, WAPDD
(If retired, please indicate former occupation or profession)

Education: Batchelor of Arts, Education, Masters, Urban + Regional Planning

Professional and/or Community Activities: Member, Vice Chair of FS Transit Advisory Comm 2006-2012. Volunteer Ms Land + Nat. Historic Site

Additional Pertinent Information/References: Resume attached

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

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes ___ NO ✓

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

Drivers License [redacted] Date of Birth [redacted]

information will be [redacted] ground check of all applicants)

Bir [redacted] (Ti

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

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

(X) Animal Services Adv. Bd.

Ken O'Donnell
55 Hiland Drive
Fort Smith. AR 72901
Home: 479-782-6663 Cell: 479-461-7644
E-mail: kenod49@gmail.com

Education:

Masters in Urban and Regional Planning: University of Mississippi, Oxford, MS 1975
- Graduate Assistant 1973
- U.S. Department of Transportation Graduate Fellow 1973-1975
- GPA: 3.69

Bachelors of Arts in Education : University of Mississippi, Oxford, MS 1972
- Major in Secondary Education, Emphasis Areas: History, Sociology, and Psychology

Professional Experience:

Director of Planning, Western Arkansas Planning & Development District: 1978-2010
Director of the BI-State Metropolitan Planning Organization: 1978-2010

Accomplishments:

- For 32 years, directed, developed, and administered agency transportation planning programs with annual budgets in excess of $300,000.
- Initiated and developed the Western Arkansas Community Impact Program resulting from the mining and extraction of semi-anthracite coal in western Arkansas in the late 1970s and early 1980s. Program funded for $110,000 for 2 years through the US Department of Agriculture's Farmers Home Administration.
- Principal author of proposed state legislation in the 1990s to raise the severance tax on natural gas in order to provide funds to repair, improve, and construct local roads impacted by natural gas exploration.
- Since 1978, provided assistance on a continuing basis to over twenty local governments in the development of plans, ordinances, policies, and strategies relative to land use, transportation, infrastructure project planning, development, and implementation.
- Initiated and developed the successful planning program to designate US 71 between Fayetteville and Alma Arkansas as a Scenic Byway and was principal author of the report required for designation.
- Prepared and presented on average over 5 presentations per year to local, regional, and statewide groups and organizations regarding urban planning, transportation planning, project development, and their impacts on and relationships to economic and community development.
- Assisted in the preparation of Arkansas state legislation to establish Regional Mobility Authorities in the State for the purposes of funding transportation improvements. Legislation passed and was enacted in 2005.
- Principal author of proposed state legislation in 2003 to establish a State Rail Authority for the purposes of providing state financial assistance to short line railroads.
- Principal developer and author of the Fort Smith urban area's first Transportation Safety Plan in 2006.
- Principal developer and author of seven Fort Smith regional transportation plans necessary for federal certification to permit the use of federal funds for the region's transportation improvements.
- In concert with the Fort Smith Transit Department, initiated and developed the Fort Smith region's Transit Mobility Managers Program. This program is currently being administered and supervised by the University of Arkansas-Fort Smith.
- By invitation, participated in 4 national transportation planning and administration best practices peer exchange events sponsored by the Federal Highway Administration. Invitees were limited to 7 – 14 individuals for each event.
- Initiated, developed, and authored the first regional freight management plan for the Fort Smith region and developed and hosted 3 regional freight summits as elements of the management plan.
- In 1991, initiated and developed the Van Buren Regional Intermodal Facility project that culminated in over $500,000 in planning funds and $200,000 in rail infrastructure funds. Advanced this project throughout the 1990s and into 2009 when the Arkansas General Assembly granted the Bi-State Metropolitan Planning Organization over $200,000 in state funding to engage a full time director for the project.
- Initiated and developed the Fort Smith Taxi Subsidy Program that provided $1.00 vouchers for the low to moderate income, elderly, and disabled residents of Fort Smith to use to off-set the costs of taxi fares. This initiative preceded the Fort Smith Transit service by 4 years and was instrumental in identifying transit need and generating public support for transit service in the City.

Co-Director of the Technology Transfer Program/Urban & Regional Planner
Arkansas Department of Local Services (State Planning Department): **1977 – 1978**

Accomplishments.

- Co-developed the technology transfer program and developed training materials relative to municipal operations and planning and assisted in conducting training events for local governments regarding these materials.

Urban Planner
Arkansas Highway and Transportation Department: **1975 – 1977**

Accomplishments:

- Developed and initiated the prototype for a Department funded transportation planning program to provide funding assistance to the Arkansas Planning and Development Districts for transportation planning.

Career Skills and Knowledge:
Transportation and urban planning
Demographic projections for urban and transportation plans and programs
Freight management, transportation safety planning, and transit planning
Economic development planning and impacts on infrastructure planning
Federal, state, and local government operations and programming
Technical writing
Grant preparation
Public speaking
Training and facilitation

Organizational Affiliations/Memberships and Volunteer Services:

- Board member and Vice Chairman, Talimena Scenic Drive Association, 2007 - 2010
- Board member, Arkansas River Connection. 2008 - 2010
- Board member Arkansas Heritage Trails Partnership. 2007 - 2010
- Board member, National Association of Development Organization's Council of Peers, 2005 -2010
- Board member, National Association of Regional Councils' Executive Directors Council, 2006 - 2010
- Chairman, National Association of Regional Councils' Transportation Safety Subcommittee, 2008 - 2010
- Vice Chairman, Arkansas Metropolitan Planning Organization's Association. 1996 - 2010
- Member, American Metropolitan Planning Organization's Policy Committee and Technical Committee. 2008 - 2010
- Member, Federal Highway Administration sponsored Transportation Safety Planning Working Group, 2008 - 2010
- Charter member and one of five Arkansas' representatives of the national organization GO-21, Growth Opportunities for the 21st Century, 2004 - 2010
- Member, Fort Smith Transit Advisory Commission, 2006 – 2012, Vice Chairman. 2010 - 2012
- Member/Tutor, Fort Smith Literacy Council. 1983 - 1984
- Marshal, Fort Smith Classic Professional Golf Tournament, 1998 – 2010
- Co-Chair, Fort Smith Blue Ribbon Committee, 1988 – 1990
- Volunteer, Special Projects, Fort Smith National Historic Site, 2010 – Present
- Volunteer, Fort Smith Visitors Center, 2012, Present
- Substitute Teaching, Fort Smith Arkansas School District, 7th – 12th Grades, 2013 - Present

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: August 14, 2014

SUBJECT: Oak Cemetery Commission

Ms. Carole Barger of the Oak Cemetery Commission has resigned her position on May 8th, 2014. This vacancy will need to be appointed at the next board meeting.

The applicant available is:

Michael Richardson 623 North 6th Street

Appointments are **by the Board of Directors,** one appointment is needed. The term will expire November 30, 2015.

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

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Oak Cemetery Commission

The Oak Cemetery Commission acts in an advisory capacity to the Board of Directors and the City Administrator in the planning, maintenance, development and operation of the cemetery.

The Commission consists of nine members who shall initially serve one, two and three-year terms. Thereafter, members shall serve three-year terms. The Oak Cemetery Commission is appointed by the Board of Directors. The Commission meets on call.

	Date Appointed	Term Expires
Phanita Williams 23 Haven Drive (1) 783-3793 (h)	03/17/09	11/30/14
Carole Barger 3007 Independence (01) 646-9140 (h) carlann34@cox.net	11/18/03	11/30/15
Charles Girard First National Bank 7510 Westminister Place (03) 484-1500 (h) 788-4211 (w) Chuck.Girard@sbcglobal.net	06/21/11	11/30/15
Reginald Moore Deputy Circuit Clerk 2405 N 53 Street (04) 561-6519 (h) 441-1310 (2956) rmoore@co.sebastian.ar.us	11/20/12	11/30/15
Scott Stubblefield 812 South 24 Street (01) 918-816-0128 (w) castle.camps@yahoo.com	11/20/07	11/30/16

Joseph S. Irwin 2024 South 69 Street (03) 452-2768 (h) joeirwin@juno.com	08/17/04	11/30/16
Pam Weiler 2207 South 73 Street (3) 452-4952 (h) 788-6494 (w) pweiler@wingfootct.com	11/21/01	11/30/16

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

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

Date: AUG 1, 2014

Name: MICHAEL RICHARDSON

Home Telephone: 479-719-4080

Home Address: 623 N. 6TH ST

Work Telephone: _____

Zip: 72901

Email: SONSIGN@ATT.NET

Occupation: PROFESSOR - UAFS

(If retired, please indicate former occupation or profession)

Education: BS

Professional and/or Community Activities: HISTORIC DISTRICT COMMISSION (5 YRS), FORT SMITH ART CENTER (4 YRS) FS LITTLE THEATRE (16 YRS) LITERACY COUNCIL (1 YR)

Additional Pertinent Information/References: _____

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

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes____ NO X

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

Drivers License [redacted] Date of B [redacted] (This information will b [redacted] back ground check of all applica

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

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

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: August 12, 2014

SUBJECT: Outside Agency Review Panel

The terms of Charolette Tidwell, Scott McLain and Janice Sudbrink of the Outside Agency Review Panel will expire in August, 2014. Ms. Tidwell's term has already expired; Mr. McLain and Ms. Sudbrink would like to be reappointed.

The applicant available is:

Gregory Davis 9908 Foxboro Road

Appointments are **by the Board of Directors,** three appointments are needed. The terms will expire August 20th, 2016.

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

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Outside Agency Review Panel

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

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

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

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

Social & Community Services comprised of two citizens who are knowledgeable of social and community organizations and are not directly related to any agencies that are applying for funds under this item nor the Board of Directors of the City of Fort Smith. (2 year terms). The panel meets on call.

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

	Date Appointed	Term Expires
Core:		
Sharon Barr Clinical Laboratory Director 1426 North 52 Street (04) 782-1185 (h) 441-5218 (w) sbarr@sparks.org	07/17/12	07/17/15
William Tyler Lamon First National Bank 1123 North 14 Street (01) 739-7142 (h) tylerlamon@gmail.com	07/17/12	03/31/16

Robert Morgan Sparks Hospital 2908 Marion Court (08) 649-8075 (h) 441-5426 (w) morganvw@cox.net	03/18/14	03/31/17

Arts and Humanities:

Amy Manley Kimmons Band Director 114 North 25 Street (01) 785-2626 (w) 478-6196 (h) amanley@fortsmithschools.org	05/17/11	03/31/16
Jeannie Cole 7410 Oxford Place (03) 452-4478 (h) jeannie@thecolefamily.com	03/27/13	03/31/16

Recreation:

Scott McLain 1120 S. Albert Pike Avenue (03) (501) 779-7302 (w) smclain@mclain-group.com Next Appointment	08/20/13	08/20/14

Social/Community Services:

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

Daniel Maher Assistant Professor of Sociology 504 North 19 Street (01) 462-7872 (h) 788-7572 (w) Daniel.Maher@uafs.edu	06/17/14	03/31/16

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

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

Date: 7-10-14

Name: Scott McLain Home Telephone: (501) 779-7302

Home Address: 1120 S. Albert Pike Work Telephone: _____

Zip: 72903 Email: scott@mclain-group.com

Occupation: Real Estate Developer : Entrepreneur
(If retired, please indicate former occupation or profession)

Education: BS Engineering : Masters Business Administration

Professional and/or Community Activities: See Attached Resume'

Additional Pertinent Information/References: See Attached Resume'

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

Have you ever been convic[redacted] serious traffic offense?

Yes ✓ NO ___

If yes, please identify the o[redacted] will not automatically preclude you from consideration. [redacted] while in College

Drivers License [redacted] Date of Birt[redacted]

information will be [redacted] ack ground check of all applicants).

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

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

E. L. Scott McLain
1120 S. Albert Pike Avenue, Fort Smith, AR 72903
(501) 779-7302; scott@mclain-group.com

Real estate development professional with thirty years of innovative experience in both publicly held and private organizations. Effective at leading teams to plan and implement organizational change, or execute large, complex, capital improvement programs. Proven leader with experience in many industries, and a professional mission to rid teams and organizations of inefficiencies that inhibit their growth and success.

PROFESSIONAL EXPERIENCE

THE MCLAIN GROUP (2004 – Present): President, Manager, Founder

TMG's mission is to help clients overcome the primary inefficiencies in the capital improvement cycle through cutting-edge technology, servant leadership, effective communication & risk mitigation. TMG provides a wide range of real estate and business growth services and has led or participated in more than $1.3 billion of developments and projects. Some highlights:

- Led the acquisition, development and disposition of the Boomerang Express Tunnel Carwash chain in one of the largest carwash transactions ever completed
- Performed more than 100 Site Evaluations for acquisition and development
- $642mm NexGen Biofuels Development Program (financing)
- 189 Unit Residential Development for Little Rock Homes, LLC (financing; dm)
- $89mm Southern Ethanol Co. LLC Facility (financing)
- $6mm EJ Ball Office Building Renovation, Fayetteville, AR (dm)

FOXCOR (1995-2004): President, Partner, Chief Financial Officer, Chief Operating Officer, Chief Administrative Officer, Vice President, Project Executive

FCI's mission was to provide management services to the stakeholders of capital improvement projects including designers, contractors, financial institutions, owners and developers. As President, I was accountable to the Chairman and Executive Committee for all facets of the organization including profit & loss, strategic planning & implementation, marketing, legal compliance, finance, sales, operating systems, and improving shareholder value. Some highlights:

- Achieved AGR of 74% from 1995 through 2003
- Grew from $0 in 1995 to more than $2.4 billion in projects under management by 2004
- Personally sold services on $1.7 billion of projects in 12 months
- Ranked as 2nd or 3rd Fastest Growing Company by Arkansas Business in 1997-1999
- Employee of the Year for 2001
- Finalist for 2001 Arkansas Business of the Year – Category II
- Personal leadership or hands-on involvement in more than $2.7 billion of projects
- $792mm Westin Diplomat Resort, Country Club and Spa (www.diplomatresort.com) (pm)
- $350mm Gaylord Texan Resort & Convention Center (www.gaylordhotels.com) (pm)
- $265mm Sandals Emerald Bay (http://www.sandals.com/main/emerald/em-home.cfm) (pm)
- $200mm Harrah's Jazz Casino, New Orleans (pre/post-bankruptcy) (www.harrahs.com) (pm)
- 278 Wilson Leather Retail Outlets in four years (www.wilsonleather.com) (pm)
- Harrah's Project Cost Modeling Standardization
- Candlewood Hotel Site-Adapt, Design-Build Program development and implementation
- Developed, implemented and administered the New Orleans Open Access Program for Minority & Women Owned Business Enterprises and Minority & Women Individuals

UNITED PARCEL SERVICE (1983-1995): Region Project & Environmental Manager, Shareholder, Industrial & Plant Engineering Supervisor, Package Car Driver & Supervisor, Hub Supervisor, Preload Supervisor

UPS entrusted me with many assignments but most notably as Region Project & Environmental Manager for their South Central Region. While serving on the Region Real Estate Committee, I oversaw the Approval for Development process for hundreds of commercial projects and expansions. As Region Project Manager, I completed 12 new building or renovation projects. As Region Environmental Manager, my responsibilities included complete regulatory compliance for all facilities and fleet in the region while managing a staff of six Project Engineers who performed 132 projects on various environmental issues. Some highlights:

- Served on the Corporate Environmental Committee and personally developed the corporate-wide UST Program involving more than 1,400 facilities and $100M capital expenditure including feasibility analysis, strategic planning, implementation, legal compliance, training and project controls methodology.
- Supervisor of the Year for 1994 (Arkansas, Customer Service)
- Project of the Year nomination for 1991
- Completion of $7M-132 project UST Program for SC US in three years – 1st in UPS
- Highest ranking at Supervisor's Basic Training School
- Achieved highest UPS Work Measurement Audit score attainable

EDUCATION

- Masters of Business Administration, University of Arkansas Little Rock
- Bachelor of Science in Engineering, Arkansas Tech University

AREAS OF EXPERTISE

Entrepreneurship	Real Estate Development	Business Strategy
Servant Leadership	Project Management	Contract Administration
Program Management	Construction Management	Sales & Marketing
Hotel & Hospitality Dev.	Multi-Family Op. & Develop.	Casino Development
Retail Op. & Development	Automotive Services	Accounting & Finance
Project Finance	Asset Management	Acquisition & Due Diligence
Real Estate Brokerage	Convention Ctr. Development	Cost Estimating
Project Entitlement	Property Management	Real Estate Site Selection
Design Management	Asset Disposition	Cost Benefit & Feasibility
Risk Assessment & Mitigation	Healthcare Development	ERISA Compliance
High Rise Development	Business Development	MBE & WBE Programming
Transportation & Logistics	Mergers & Acquisitions	Expert Witness

REFERENCES

- Mark Ferguson - EVP First Security Bancorp; (501) 978-6325 or (501) 327-7272
- Charles Rateliff - Former Wal-Mart Treasurer; (479) 586-2420

Note: A more extensive list of references, projects, developments, accomplishments, activities, honors, speeches, and published articles is available upon request.

E. L. Scott McLain

1120 S. Albert Pike Avenue, Fort Smith, AR 72903
(501) 779-7302; scott@mclain-group.com

PROJECTS & DEVELOPMENTS

- $792mm Westin Diplomat Resort, Country Club and Spa (www.diplomatresort.com) (pm)
- $642mm NexGen Biofuels Development Program (financing)
- $400mm Harrah's Atlantic City Phase III Casino and Hotel Expansion (www.harrahs.com) (pm)
- $400mm Chou Chou Bay Resort & Marina; Haiti (dm)
- $350mm Gaylord Texan Resort & Conv. Center, Grapevine, TX (www.gaylordhotels.com) (pm)
- $280mm Gun Lake Casino, Gun Lake, MI (www.mbpi.org) (pm)
- $265mm Sandals Emerald Bay Bahamas (http://www.sandals.com/main/emerald/em-home.cfm) (pm)
- $200mm Harrah's Jazz Casino, New Orleans (pre/post-bankruptcy) (www.harrahs.com) (pm)
- $175mm Harrah's St. Louis, Maryland Heights, MO (www.harrahs.com) (pm)
- $89mm Southern Ethanol Co. LLC Facility (financing)
- $81mm Harrah's Atlantic City Phase I (Casino) and II (Hotel) Exp (www.harrahs.com) (pm)
- $64mm Harrah's Showboat Expansion, Atlantic City, NJ (www.harrahs.com) (pm)
- $38mm Ramsey Creek Townhouses, Freeport, FL (www.ramseycreek.com) (financing; dm)
- $32mm Harrah's Mardis Gras Casino, Tunica, MS (www.harrahs.com) (pm)
- $23mm Residential Development, Groveland, FL (financing)
- $20mm Terra Nova North Carolina Commercial Greenhouse Facility (financing)
- $16mm Water Landings Condos, Panama City, FL (financing; dm)
- $12mm Harrah's Club Tunica Renovation (www.harrahs.com) (pm)
- $6mm EJ Ball Office Building Renovation, Fayetteville, AR (dm)
- $5.6mm Retail Center, Louisville, KY (financing, dm, own)
- $5mm Harrah's Atlantic City Employee Parking Lot, NJ (www.harrahs.com) (pm)
- $4.1mm Trampoline Center, Brentwood, TN (financing)
- $3.6mm 540 Flex Industrial Park, Fayetteville, AR (financing; dm)
- $2.9mm Drive Clean, LLC Acquisition, AR (www.drivecleanamerica.com) (financing)
- $2.8mm Boomerang Carwash, Tulsa, OK (www.boomerangcarwash.com) (financing; dm)
- $2.5mm AirJam Trampoline Center, Augusta, GA (financing; dm, own)
- $2.4mm Trampoline Center, Wilmington, NC (financing, dm)
- $2.4mm HighRise Trampoline Center, Rogers, AR (www.ryzabuv.com) (financing; dm, own)
- $2.1mm Boomerang Carwash, Bentonville, AR (www.boomerangcarwash.com) (financing; dm)
- $2.1mm Boomerang Carwash, Memphis, TN (www.boomerangcarwash.com) (financing; dm)
- $2.1mm Boomerang Carwash, OKC, OK (www.boomerangcarwash.com) (financing; dm)
- $2.1mm Boomerang Carwash, Olive Branch, MS (financing; dm)
- $2.0mm Boomerang Carwash, Tulsa, OK (www.boomerangcarwash.com) (financing; dm)
- $2.0mm Boomerang Carwash, Broken Arrow, OK (www.boomerangcarwash.com) (dm)
- $2.0mm Boomerang Carwash, Little Rock, AR (www.boomerangcarwash.com) (dm)
- $1.9mm Boomerang Carwash, Texarkana, TX (www.boomerangcarwash.com) (financing; dm)
- $1.9mm Boomerang Carwash, Texarkana, TX (www.boomerangcarwash.com) (financing; dm)
- $1.9mm Boomerang Carwash, Springdale, AR (www.boomerangcarwash.com) (financing; dm)
- $1.8mm Boomerang Carwash, Sherwood, AR (www.boomerangcarwash.com) (financing; dm)
- $1.7mm Razor-Wash Carwash, Fayetteville, AR (www.razor-wash.com) (financing; dm, own)
- $1.2mm CPT Med Custom Procedure Tray & Sterilization Facility (financing)

- $825k AT&T Store, Fayetteville, AR (financing, dm, own)
- 1,300 Unit Automotive Services Center Program for Major Retailer (financing; dm)
- 483 Unit Residential Development in Greenland, AR (dm)
- 278 Wilson Leather Retail Outlets in four years (www.wilsonleather.com) (pm)
- 189 Unit Residential Development for Little Rock Homes, LLC (financing; dm)
- 144 UPS Facility and Environmental Projects in four years (www.ups.com) (pm)
- Harrah's Project Cost Modeling Standardization
- Candlewood Hotel Site-Adapt, Design-Build Program development and implementation

PARTNERSHIPS

- **Founder, Partner & Managing Member** – Arrog Dixieland, LLC (May 2014 – Present): Owns HighRise Ultimate Trampoline Park in Rogers, AR.
- **Co-Founder, Partner & Managing Member** – Razor-Wash (Aug 2011 – Present): Owns and operates an express tunnel carwash in Fayetteville, AR (www.razor-wash.com).
- **Co-Founder, Partner & Managing Member** – Little Rock Homes, LLC (Aug 2007 – Present): LR Homes is developing and/or selling 189 infill lots in central Arkansas.
- **Partner** – CPT Med, Inc (Mar 2005 – Present): CPTM is a manufacturer servicing the $2.5 billion medical packaging industry.
- **Co-Founder, Partner & President** – Drive Clean, LLC (Jan 2007 – Dec 2012): DC operates (29) Boomerang express tunnel carwashes in six states (www.boomerangcarwash.com). Scott was the leading principal in the sale of DC in one of the largest carwash transactions.
- **Co-Founder, Partner & Managing Member** – Drive Clean Holding, LLC (Oct 2006 – Dec 2012): DCH was established as the primary investor in Drive Clean, LLC.
- **Co-Founder, Partner & Managing Member** – Drive Clean Partners, LLC (Jan 2007 – Dec 2012): DCP was established as the management entity of DCH & DC.
- **Partner** – Life-Pack USVI, LLC (Oct 2004 – 2007): LP is a start-up, manufacturing business intent on servicing the 35,000+ bed Caribbean hospital market with their medical supply needs.
- **Partner & Managing Member** – Aussie USA, LLC (Oct 2004 – Mar 2009): AUSA envisioned, planned and organized a 1,300 unit Automotive Services Center program for a major US retailer.
- **Partner & Development Leader** – The Snow Palace Worldwide, Inc (Feb 2004 – Dec 2007): TSP hoped to become a world renowned destination resort in Las Vegas, NV.
- **Partner** – Alpha Global Solutions, LLC (2005): AGS was a start-up, agri-business established to develop and operate an Ethanol Production Facility, a Bio-Mass Power Plant, and a Commercial Greenhouse in North Carolina.
- **Founder & President** – McLain Consulting Associates (Mar 1995 – Nov 1995): MCA's mission was to provide management services to the stakeholders of capital improvement projects including designers, contractors, financial institutions, owners and developers. I developed and implemented a business model to provide capital asset project administration and oversight, which became the model for Foxcor's business. During my short tenure with MCA, I assisted an industrial manufacturing firm in developing a master plan and feasibility study for a fifteen-plant expansion, and I also assisted Harrah's Jazz Company with project management needs on their New Orleans casino project during the early stages of design and construction.

SPEAKING ENGAGEMENTS & PUBLISHED ARTICLES

- Kappa Alpha Order Convivium Jan 19, 2013 – *"Robert E Lee: A Gentleman and Man of Character"*

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

ACCOMPLISHMENTS & ACTIVITIES

- Married with three children and two grandchildren
- Fort Smith Arkansas Outside Agency Review Panel Mayor Appointment since 2013
- Kappa Alpha Order Zeta Rho Chapter Alumni of the Year 2011
- Kappa Alpha Order Court of Honor Inductee – Howard P. Locke Province 2014
- Woodlands Church Charter Member and Leadership Chairman 2007-2011
- Grew Foxcor from $0 in 1995 to more than $2.4 billion in projects under management by 2004.
- NFIB Arkansas Leadership Committee Member since 2003
- Foxcor Employee of the Year for 2001
- UPS Supervisor of the Year for 1994 (Arkansas, Customer Service)
- Foxcor finalist for 2001 Arkansas Business of the Year – Category II
- Selected for Arkansas Business 40 Under 40 in 1999
- Foxcor ranked as 2nd or 3rd Fastest Growing Company by Arkansas Business in 1997-1999
- UALR 1000@1000 Fundraising Chairman in 2003
- Helped Foxcor achieve AGR of 74% from 1995 through 2003
- Developed, implemented and administered the New Orleans Open Access Program for Minority & Women Owned Business Enterprises and Minority & Women Individuals
- Received Highest Ranking at UPS Supervisor's Basic Training School
- Kappa Alpha Order Central Arkansas Alumni President from 2000 to 2004
- Achieved highest UPS Work Measurement Audit score attainable
- Received UPS Project of the Year nomination for 1991
- Kappa Alpha Order Court of Honor Inductee – Hamer Province 2003
- Personally performed more than 100 Site Evaluations for acquisition and development
- Developed $100mm UPS UST Program with over 1,400 projects nationwide
- Completion of $7M-132 project UST Program for SC US in three years – 1st in UPS
- UPS Corporate Environmental Committee Member from 1989 to 1993
- UPS SC Region Real Estate Committee Member from 1989 to 1993
- Completed UPS Employee Relations Seminars
- UPS Contract Documents Seminar
- Soil Mechanics Seminar – Clemson University
- Asphalt Institute Seminar – University of Kentucky
- Prepared UPS Pavement Maintenance Program and trained Plant Engineering personnel
- UPS Management by Commitment Certified
- President of ATU Engineering Society in 1985
- President of ATU Epsilon Zeta Kappa Alpha Order in 1985
- President & Charter Member of Order of Omega Greek Honor Society 1985

- Marion & Vernon Piper National Scholarship Recipient for 1985
- Fund Chairman for Arkansas River Valley Muscular Dystrophy Association for 1985
- Senator of ATU Student Government Association
- Blue Key National Honor Fraternity
- Numerous high school academic and athletic awards

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

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

Date: 6/10/2014

Name: Gregory Davis Home Telephone: 479-452-3318

Home Address: 9908 Foxboro Road Work Telephone: 479-209-0383

Zip: 72903 Email: gdavis@avecc.com

Occupation: Director of Communications, Arkansas Valley Electric Cooperartive
(If retired, please indicate former occupation or profession)

Education: B. A. Communications

Professional and/or Community Activities: Separate page.

Additional Pertinent Information/References: Separate page.

Are you a registered voter in the City of Fort Smith? Yes X No ___
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes___ NO X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you
consideration
Drivers Licer Date of B
information will be use to conduct a criminal back ground check of all applica

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

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

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

Gregory Davis
Professional and/or Community Activities:

Current:

- Fort Smith Public Schools, Partners in Education Advisory Board - Chairperson
- Western Arkansas Workforce Investment – Board Member
- Fort Smith Regional Alliance – Board Member
- Fort Smith Rotary

Past:

- Interfaith Community Center – Board Member
- Central Presbyterian Daycare Center – Board Member
- Touchstone Energy Cooperative – Board Member

References:

Gary Campbell
2711 Reeder St. Fort Smith, AR 72901
479-459-7314

Galen Hunter
10017 Foxboro Road, Fort Smith, AR 72903
479-782-1051

Pastor Marcus Brown
5101 Fresno St. Fort Smith, AR 72903
479-484-4411

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

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

Date: 7/17/14

Name: Janice Sudbrink

Home Telephone: 452-3516

Home Address: 3712 Pebble Ct

Work Telephone: 459-8664

Zip: 72903

Email: jdsudbrin1@aol.com

Occupation: RN - Pastor UMC

(If retired, please indicate former occupation or profession)

Education: MDIV, BSN

Professional and/or Community Activities: Church, Homeless, schools

Additional Pertinent Information/References:

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

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes ___ NO ✓

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

consi[redacted]

Drive[redacted] Date [redacted] is

inform[redacted] check of all app[redacted]

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

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

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: August 13, 2014

SUBJECT: Parks and Recreation Commission

The terms of Casey Millspaugh and Chris Chaney of the Parks and Recreation Commission will expire in August 31st, 2014. Mr. Millspaugh and Mr. Chaney would like to be reappointed.

There are no other applicants at this time.

Appointments are **by the Board of Directors,** two appointments are needed. The terms will expire August 31st, 2019.

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

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Parks and Recreation Commission

The Parks and Recreation Commission acts in an advisory capacity to the Board of Directors of the City of Fort Smith and Director of Parks & Recreation in the promotion, planning, maintenance, development and operation of all recreation areas and facilities owned, controlled or leased by the City. The members of the Parks and Recreations Commission shall be qualified electors of the City. Members are appointed by the Board of Directors for five year terms. The commission meets at 11:30 on the second Wednesday of each month at the Creekmore Community Center.

	Date Appointed	Term Expires
Casey Millspaugh 2511 Oakview Road #10 (817) 676-4104 (h) 459-4017 (w) cmillspaugh@ups.com	10/15/13	08/31/14
Chris Chaney 1306A Jacobs Avenue (08) 653-1792 (c) iamfortsmith@yahoo.com	08/18/09	08/31/14
Madeline Marquette 7818 Valley Forge Rd (03) 478-7021 (h) madgs@sbcglobal.net	07/20/10	08/31/15
Billy Bob Williams Self Employed 9701 Painter Dr (03) 452-4133 (h)	07/22/03	08/31/16
Bryan Merry 2636 Enid Place (01) 926-0423 (h) Bryan@farrisinsurance.com	07/19/11	08/31/16
Lorie Robertson Marketing Executive 3301 South 96 Street (03) 452-6985 (h) 242-2167 (w) lorie@chaffeecrossing.com	07/17/12	08/31/17

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

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

Date: 7/8/14

Name: Casey Millspaugh

Home Telephone: 817 876 4164

Home Address: 1307 Willow Brook circle

Work Telephone: 479-459-4017

Zip: 72908

Email: cmillspaugh@ups.com

Occupation: UPS Account Executive

(If retired, please indicate former occupation or profession)

Education: Bachelors Business Administration

Professional and/or Community Activities: Clayton house board

Arts Academy Board UAFS

Additional Pertinent Information/References: _____

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

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes___ NO X

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

Drivers License [redacted] Date of B[redacted] This information will b[redacted] ground check of all applica[redacted]

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

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

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

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

Date: July 8, 2014

Name: Chris Chaney

Home Telephone: 479-653-1792

Home Address: 1306A Jacobs Ave

Work Telephone: _____

Zip: 72908

Email: iamfortsmith@yahoo.com

Occupation: Janitor
(If retired, please indicate former occupation or profession)

Education: Highschool graduate

Professional and/or Community Activities: _____

Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO ✓
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.
Drivers Licen _____ Date of [redacted] is information wil [redacted] al back ground check of all applic [redacted]

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

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
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( ) Historic District Commission
( ) Housing Assistance Board
( ) Housing Authority
( ) Library Bd of Trustees
( ) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) [illegible]rking Authority
✓ Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

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

AGENDA ~ Summary

Fort Smith Board of Directors
REGULAR MEETING
August 19, 2014 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214

INVOCATION & PLEDGE OF ALLEGIANCE
Pastor Tim Sullivan, Northside United Pentecostal Church

ROLL CALL
- All present, except Director Merry *(Director Merry arrived during 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)
Information available by viewing rebroadcast of the meeting on the City Access Channel 214 or City website

APPROVE MINUTES OF THE AUGUST 5, 2014 REGULAR MEETING
Approved as written

ITEMS OF BUSINESS:

1. Presentation: Introduction of Jennifer Humphries, Deputy Director of Finance
   Introduction only

2. Public hearing and ordinance closing and vacate and abandoning a portion of an alley right-of-way located in East Heights, Block 2 and Block 3, an addition to the City of Fort Smith, Arkansas *(between 3616 & 3620 Park Avenue - Andrew Malouf)*
   Approved 7 in favor, 0 opposed / Ordinance No. 43-14

3. Items relative to the Arkansas College of Osteopathic Medicine

A. Resolution authorizing submission of an application to the U.S. Department of Commerce for funding through the Economic Development Administration's (EDA) 2008 Disaster Relief Program for public infrastructure work including water, sewer and road improvements
Approved 7 in favor, 0 opposed / Resolution No. R-105-14

B. Resolution approving a memorandum of understanding between The Degen Foundation and the City of Fort Smith for the Arkansas College of Osteopathic Medicine
Approved 7 in favor, 0 opposed / Resolution No. R-106-14

C. Ordinance appropriating and authorizing funds for the Arkansas College of Osteopathic Medicine infrastructure projects *($1,505,000.00 / Utility and Engineering Departments / Not Budgeted – Water and Sewer Operating Fund and Sales Tax Program)*
Approved 7 in favor, 0 opposed / Ordinance No. 44-14

4. Consent Agenda

A. Resolution setting a public hearing date on petition to vacate a portion of a street right-of-way located in Fairfax subdivision, an addition to the City of Fort Smith, Arkansas *(Portion of South 10th Street - Baldor Electric Company)*
Approved 7 in favor, 0 opposed / Resolution No. R-107-14

B. Resolution setting a public hearing date on petition to vacate a portion of Veterans Avenue street right-of-way located in Chaffee Crossing, Sebastian County, Fort Smith, Arkansas *(Portion of Veterans Avenue in Chaffee Crossing – American College of Osteopathic Medicine)*
Approved 7 in favor, 0 opposed / Resolution No. R-108-14

C. Ordinance to abandon sewer line easements located in City of Fort Smith, Sebastian County, Arkansas (Future Horseshoe Ridge Subdivision)
Approved 7 in favor, 0 opposed / Ordinance No. 45-14

D. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-A *(17 days)*
Approved 7 in favor, 0 opposed / Resolution No. R-109-14

E. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-A *($149,846.66 / Engineering Department / Budgeted – Sales Tax Program)*
Approved 7 in favor, 0 opposed / Resolution No. R-110-14

F. Resolution authorizing the acquisition of real property interests for the Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A *($3,700.00 / Engineering Department / Budgeted – Sales Tax Program)*
Approved 7 in favor, 0 opposed / Resolution No. R-111-14

G. Resolution authorizing acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A *($29,672.00 / Engineering Department / Budgeted – Sales Tax Program)*
Approved 7 in favor, 0 opposed / Resolution No. R-112-14

H. Resolution accepting bids for the purchase of fleet trucks and vehicles *($1,075,004.87 / Various Departments / Budgeted – Various Accounts)*
Approved 7 in favor, 0 opposed / Resolution No. R-113-14

I. Resolution accepting the project as complete and authorizing final payment to Crawford Construction Company for the Candlestick (Station 19) Force Main Replacement *($63,989.98 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bond Funds)*
Approved 7 in favor, 0 opposed / Resolution No. R-114-14

J. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing payment to Forsgren, Inc. for the emergency repair of Rogers Avenue *($44,272.00 / Utility Department / Not Budgeted - Water and Sewer Capital Improvement Fund)*
Approved 7 in favor, 0 opposed / Ordinance No. 46-14

K. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Basin 9 Collection System Improvements *($55,912.45 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bond Funds)*
Approved 7 in favor, 0 opposed / Resolution No. R-115-14

L. Resolution authorizing the Mayor to execute a fluoridation grant agreement with Delta Dental of Arkansas Foundation for fluoridation equipment and capital start-up costs to enable fluoridation of Fort Smith's water supplies in accordance with Act 197 of 2011
Approved 6 in favor, 0 opposed, 1 abstention (Catsavis) / Resolution No. R-116-14

M. Resolution approving the termination of a consulting and advisory services agreement with the J. C. Watts Companies, L.L.C.
Approved 7 in favor, 0 opposed / Resolution No. R-117-14

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

- Mayor
- Directors
- City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 214 or City website

EXECUTIVE SESSION (approximately 6:29 p.m.)

- Appointments:

ANIMAL SERVICES ADVISORY BOARD
Ken O'Donnell
(to fill the unexpired term of Eric Jayne, who resigned)
Term expires April 15, 2017

OAK CEMETERY COMMISSION
Michael Richardson
(to fill the unexpired term of Carole Barger, who resigned)
Term expires November 30, 2015

OUTSIDE AGENCY REVIEW PANEL
Gregory Davis
Scott McLain *(reappointment)*
Janice Sudbrink *(reappointment)*
Terms expire August 20, 2016

PARKS AND RECREATION COMMISSION
Casey Millspaugh *(reappointment)*
Term expires August 31, 2019

ADJOURN
6:41 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ AUGUST 19, 2014 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Pastor Tim Sullivan of Northside United Pentecostal Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Pam Weber and Kevin Settle. The Mayor declared a quorum present. Director Philip H. Merry, Jr. arrived during Item No. 1.

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

The minutes of the August 5, 2014 regular meeting was presented for approval. Lorenz, seconded by Weber, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Director of Finance Kara Bushkuhl introduced Deputy Director of Finance Jennifer Humphrey, who started the position on Monday, August 18th (Item No. 1). Ms. Humphrey extended much appreciation for the opportunity to serve in the position.

Mayor Sanders announced this was the time and place set for a public hearing to close, vacate and abandon a portion of an alley right-of-way located in Blocks 2 & 3 of East Heights Addition *(alley between 3616 and 3620 Park Avenue)*. 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. 2).

Director of Development Wally Bailey briefed the Board on the item advising such is per the petition of Andrew Malouf, who owns the properties on both sides of the subject alleyway. The purpose of the proposed closing is so that he can install a privacy fence at the southern end of the alleyway to prevent people from walking between his properties. Mr. Malouf is concerned for his family's safety alleging people who may be involved with illegal drugs frequently use the alley. All franchise utilities and pertinent city departments were notified whereby no objections to the closure were conveyed provided necessary easements are maintained to allow access for existing sewer and gas lines. Mr. Malouf has already executed the necessary easements. All properties owners within three-hundred (300) feet were also notified of the proposed closure whereby no objections or concerns have been conveyed. The petitioner has also executed a memorandum of understanding that stipulates the applicant or their assigns will not make any claims for compensation in the event the city exercises the power of eminent domain to reclaim the abandoned right-of-way.

There being no individual present to speak, Mayor Sanders closed the public hearing.

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

Settle, seconded by Merry, 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 the ordinance was given Ordinance No. 43-14.

Item No. 3 consisted of the following items relative to the Arkansas College of Osteopathic Medicine:

A. Resolution authorizing submission of an application to the U.S. Department of Commerce for funding through the Economic Development Administration's (EDA) 2008 Disaster Relief Program for public infrastructure work including water, sewer and road improvements

B. Resolution approving a memorandum of understanding between The Degen Foundation and the City of Fort Smith for the Arkansas College of Osteopathic Medicine

C. Ordinance appropriating and authorizing funds for the Arkansas College of Osteopathic Medicine infrastructure projects *($1,505,000.00 / Utility and Engineering Departments / Not Budgeted - Water and Sewer Operating Fund and Sales Tax Program)*

City Administrator Ray Gosack briefed the Board on the items advising earlier this year, The Degen Foundation announced its plans to develop the Arkansas College of Osteopathic Medicine. The college is planning to enroll its first class of medical students in fall 2016. The college will be constructed on 200 acres at Chaffee Crossing donated to the college by the Fort Chaffee Redevelopment Authority. The development necessitates certain public infrastructure work by the City of Fort Smith, which are preliminarily identified as follows:

1. Water line improvements estimated to cost $450,000.

2. Sanitary sewer improvements estimated to cost $330,000.

3. Reconstruction of approximately 750' of Veterans Avenue at the northern area of the campus estimated to cost $375,000.

4. Overlay of Veterans Ave. south of the campus to Roberts Boulevard estimated to cost $350,000. This project August 19, 2014 Regular Meeting 28 includes constructing a cul-de-sac adjacent to the campus.

The Western Arkansas Planning and Development District (WAPDD) has been in discussions with the college about obtaining a grant from the U.S. Economic Development Administration (EDA) to assist with the development. The EDA has preliminarily indicated that $1.5 million of grant funding is available; however, such requires a local match, which the above noted projects will qualify as the matching portion for the grant. If the grant is approved, such would be awarded to the City of Fort Smith and The Degen Foundation, and administered by WAPDD. The grant funds would be utilized to widen Chad Colley Boulevard adjacent to the campus and construction of a campus parking lot.

Item No. 3A authorizes submission of the grant application to the EDA; Item No. 3B authorizes execution of a memorandum of understanding between the City of Fort Smith and The Degen Foundation regarding the public infrastructure projects, which is a requirement for the grant; and Item No. 3C appropriates the necessary funds for the infrastructure work, which will also demonstrate to the EDA that the City maintains the required, matching funds for the grant.

Settle, seconded by Merry, moved adoption of Items 3A, 3B and 3C. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions and ordinance were adopted with the resolutions numbered R-105-14 and R-106-14 respectively, and the ordinance given Ordinance No. 44-14.

The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

A. Resolution setting a public hearing date on petition to vacate a portion of a street right-of-way located in Fairfax subdivision, an addition to the City of Fort Smith, Arkansas *(Portion of South 10th Street - Baldor Electric Company)*

B. Resolution setting a public hearing date on petition to vacate a portion of Veterans Avenue street right-of-way located in Chaffee Crossing, Sebastian County, Fort Smith, Arkansas *(Portion of Veterans Avenue in Chaffee Crossing - Arkansas College of Osteopathic Medicine)*

C. Ordinance to abandon sewer line easements located in City of Fort Smith, Sebastian County, Arkansas (Future Horseshoe Ridge Subdivision)

D. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-A *(17 days)*

E. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-A *($149,846.66 / Engineering Department / Budgeted - Sales Tax Program)*

F. Resolution authorizing the acquisition of real property interests for the Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A *($3,700.00 / Engineering Department / Budgeted - Sales Tax Program)*

G. Resolution authorizing acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A *($29,672.00 / Engineering Department / Budgeted - Sales Tax Program)*

H. Resolution accepting bids for the purchase of fleet trucks and vehicles *($1,075,004.87 / Various Departments / Budgeted - Various Accounts)*

August 19, 2014 Regular Meeting

I. Resolution accepting the project as complete and authorizing final payment to Crawford Construction Company for the Candlestick (Station 19) Force Main Replacement *($63,989.98 / Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bond Funds)*

J. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing payment to Forsgren, Inc. for the emergency repair of Rogers Avenue *($44,272.00 / Utility Department / Not Budgeted - Water and Sewer Capital Improvement Fund)*

K. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Basin 9 Collection System Improvements *($55,912.45 / Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bond Funds)*

L. Resolution authorizing the Mayor to execute a fluoridation grant agreement with Delta Dental of Arkansas Foundation for fluoridation equipment and capital start-up costs to enable fluoridation of Fort Smith's water supplies in accordance with Act 197 of 2011

M. Resolution approving the termination of a consulting and advisory services agreement with the J. C. Watts Companies, L.L.C.

Regarding Item No. 4B, Director Good inquired if such will hinder anything with regard to the street right-of-way.

Administrator Gosack advised such merely sets the public hearing for the proposed street closure, which upon approval, is scheduled for the September 2, 2014 regular meeting.

With regard to Item No. 4F, Director Weber expressed concern with initiation of eminent domain proceedings; therefore, requested confirmation from the city attorney that negotiations with the property owner will continue.

City Attorney Jerry Canfield confirmed such citing the proposed action merely grants

the City of Fort Smith access to the property to allow the subject project to proceed. Eminent domain is used solely to determine just compensation to the property owner. Many times, a settlement is reached without necessity of a trial; therefore, he again confirmed that negotiations with the property owner will continue.

Regarding Item No. 4H, Director Catsavis inquired if any vehicles proposed for purchase will use compressed natural gas (CNG).

Administrator Gosack advised such includes the purchase of one (1) CNG vehicle; however, three (3) hybrid vehicles are also included.

Director Lau commented that many vendors are from outside Fort Smith; therefore, he requested the city administrator explain a recent legislative directive to pursue local preference bidding.

Administrator Gosack advised the State of Arkansas does not permit municipalities to accept a bid based solely on the location of the vendor; however, legislation to allow local preference is currently being worked on for consideration during the next legislative session.

Director Merry questioned why only one (1) CNG vehicle is recommended for purchase.

Administrator Gosack advised that CNG vehicles are about $9,000 more to purchase and such are only cost effective when the vehicle maintains a very high mileage factor. Grant funding is currently not available and the necessary vehicles do not meet the mileage requirement; therefore, it's not financially feasible to purchase more CNG vehicles at this time.

With regard to Item No. 4M, Director Good requested a brief explanation.

Administrator Gosack advised the legislative atmosphere with regard to federal funding has changed drastically since the City of Fort Smith entered into a contract for lobbying services in 2007. At that time, more federal funding was available and the City of Fort Smith was the recipient of much needed funds for projects; however, such is not the case anymore. Because the City is no longer reaping the benefit of lobbying services to acquire federal funding, he recommended approval of the resolution to terminate the lobbying services agreement citing it's simply not financially feasible to continue.

Regarding Items No. 4E, 4I and 4K, Mayor Sander extended much appreciation to the Engineering and Utility Departments announcing the projects came in under-budget, i.e., Item 4E - $125,000 under-budget; Item No. 4I - $300,000 under-budget; and, Item No. 4K - $130,000 under-budget.

Settle, seconded by Lau, moved adoption of all consent agenda items. The members all voted affirmatively with the exception of Director Catsavis, who abstained on Item No. 4L. The Mayor declared the motion carried and the resolutions and ordinances were adopted. The resolutions were numbered R-107-14 through 117-14 respectively and the ordinances were given 45-14 and 46-14 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

- Mayor Sanders

  Re: Extended congratulations to all of the following for recent awards / accomplishments:

  1. Fort Smith EMS 911 Communications Center - 2014 Technology Leadership Award presented by the Association of Public Safety Communications Officials. Second time recipient in three (3) years.

2. Fort Smith Regional Art Museum (FSRAM) - 2014 American Institute of Architects Gulf States Region Merit Award.

3. Fort Smith Motor Plan of the Baldor Electric Company - Ten Million Work Hours Safety Award presented by the Arkansas Department of Labor. Employees accomplished ten million work hours without a lost day away from work due to a work-related injury or illness between August 27, 2010 and June 18, 2014.

- Administrator Gosack

Re: 1. Announced the 16th class of Citizens Academy recently began citing over 250 citizens have participated since inception of the academy.

2. Regarding the aquatic facility at Ben Geren Regional Park, it's been suggested that a management company be involved with the project. In order to discuss the matter, he advised a joint meeting with the Board of Directors and Sebastian County Quorum Court is anticipated in the near future.

3. Reminded all of the upcoming Board of Directors Brainstorming Meeting scheduled for 6:00 p.m., Monday, August 25 at the Sanitation Department Administrative Offices.

The Board entered into executive session at approximately 6:29 p.m. and after reconvening, the Mayor announced the following appointment nominations:

ANIMAL SERVICES ADVISORY BOARD
Ken O'Donnell
(to fill the unexpired term of Eric Jayne, who resigned)
Term expires April 15, 2017

OAK CEMETERY COMMISSION
Michael Richardson
(to fill the unexpired term of Carole Barger, who resigned)
Term expires November 30, 2015

OUTSIDE AGENCY REVIEW PANEL
Gregory Davis
Scott McLain (reappointment)
Janice Sudbrink (reappointment)
Terms expire August 20, 2016

PARKS AND RECREATION COMMISSION
Casey Millspaugh (reappointment)
Term expires August 31, 2019

Catsavis, seconded by Merry, moved acceptance of the above named nominations. The members all voting aye, Mayor Sanders declared the motion carried.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Good, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:41 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK