



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**

**October 21, 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 OCTOBER 7, 2014 REGULAR MEETING**

**ITEMS OF BUSINESS:**

1. Resolution authorizing the Mayor to execute a consulting and pre-opening development agreement with American Resort Management, LLC for the aquatics center at Ben Geren Regional Park (*\$88,000.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax*)
2. Public hearing and resolution approving the issuance of Health and Educational Facilities Authority of the State of Missouri Health Facilities Revenue Bonds
3. Ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes (*2400 North 29<sup>th</sup> Street*)

4. Consent Agenda

- A. Resolution granting a temporary revocable license for the placement of a monument sign within a water line easement and authorizing the Mayor to execute agreement (*St. Edward Mercy Health System, Inc. – 3501 W.E. Knight Drive*)
- B. Resolution authorizing a time extension for the construction of Drainage Improvements, Project No. 12-06-A (*151 days*)
- C. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 12-06-A (*\$6,449.27 / Engineering Department / Budgeted – Sales Tax Program*)
- D. Resolution authorizing Change Order No. 1 with Goodwin & Goodwin, Inc. for the Massard Interceptor Access Improvements (*\$6,692.50 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds*)

**OFFICIALS FORUM ~ presentation of information requiring no official action**

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

- Mayor
- Directors
- City Administrator

**EXECUTIVE SESSION**

Appointments: Internal Auditor, Mechanical Board of Adjustments and Appeals (1) & Parks and Recreation Commission (1)

- 5. Resolution confirming the appointment of an internal auditor for the City of Fort Smith

**ADJOURN**

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

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONSULTING AND PRE-OPENING DEVELOPMENT AGREEMENT WITH AMERICAN RESORT MANAGEMENT LLC FOR THE AQUATIC CENTER AT BEN GEREN REGIONAL PARK

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

The Mayor is hereby authorized to execute a Consulting and Pre-Opening Development Agreement with American Resort Management, LLC for the aquatics center at Ben Geren Regional Park. The Consulting and Pre-Opening Development Agreement will be for an amount of \$88,000.00 shared equitably between the County and the City.

This Resolution adopted this \_\_\_\_\_ day of October, 2014.

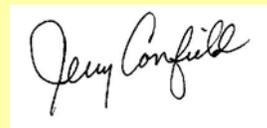
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM



\_\_\_\_\_  
npr



## Memo:

October 17, 2014

To: Ray Gosack, City Administrator  
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*  
Re: Ben Geren Aquatic Center, Consulting and Pre-Opening Development Agreement with American Resort Management, Leisure

Ben Geren Aquatic Center is a collaborative project with the City of Fort Smith and Sebastian County. The project is under construction and is proceeding well. It is on schedule at this time for opening Memorial Day weekend, 2015.

It was decided that the best method of managing this facility was through a management company that is experienced and specializes in aquatic facility operations. A Request for Qualifications (RFQ) was advertised, and Parks Department staff sent the RFQ to management companies who are members of the World Waterpark Association and others found in an internet search. Three (3) companies responded to the RFQ; all of the responding companies are well qualified with much experience. American Resort Management (ARM), Amusement Aquatic Management Group, and USA Management are the responding companies.

County and City Administration interviewed and evaluated the companies based on the RFQ, the interview, additional information supplied, and references. All of the companies are well qualified, have much experience, and had good references. ARM is recommended because of their strength in customer service and emphasis on creating a positive employee to guest experience as one would expect in a well-run theme park or resort hotel. Their staff training is designed to promote this type of positive interaction.

The long term success of the aquatic center will rely on many factors. We are building an exceptional facility which is anticipated to provide a short term success. Long term success will be achieved as patrons know that a safe and clean environment is present every time they visit. Emphasizing an exceptional guest experience through extraordinary customer service with outstanding interaction between guests and staff is a key component of the long term success at Ben Geren Aquatic Center as we stand out and above other aquatic experiences. It is believed that ARM will provide this level of customer service.

ARM's Consulting and Pre-Opening Development Agreement will move the City and County toward approval of the Management Agreement to operate the facility. It is recommended that the Management Agreement be approved at a later date when the budget and fee structure have been developed and submitted for approval of the Board of Directors and Quorum Court. This is expected by the first of the year. Through the consulting process, we will receive guidance on the organization and operation of the park. A business plan, sales and marketing plan, operational budget, fee structure, concessions menu and operation, and Standard Operating Procedures for all aspects of the park will be provided within this agreement.

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

Attachment

## **Consulting and Pre-Opening Development Agreement**

This Agreement made and entered into this 21 day of October, 2014, by and between American Resort Management, LLC, hereinafter ARM, and Sebastian County, Arkansas and City of Fort Smith, Arkansas, Arkansas municipal entities hereinafter jointly referred to as the Owners. ARM and the Owners are sometimes referred to collectively as the "Parties."

WHEREAS, the Parties desire to enter into this Agreement for the purpose of ARM providing consulting services to the Owners in the development of an outdoor water park (the "Project");

WHEREAS, the Owners recognize that ARM does not provide architectural, engineering, technical or other professional services requiring a license or permit, and, likewise, ARM shall not act as a general contractor or project manager for the purpose of performing or managing construction work on the Project;

NOW, THEREFORE, in exchange of the mutual undertakings set forth in this Agreement, which the Parties acknowledge to be good, valuable and sufficient to support their respective undertakings under the Agreement, it is agreed as follows:

1. ARM shall perform the consulting duties and functions described in this Agreement commencing on the date of execution of the Agreement and continuing for a period ending thirty (30) days subsequent to the public opening of the Project, which the Parties currently anticipate to occur on or about May 23, 2015. The Parties acknowledge that circumstances might warrant a time extension, and the Parties agree to discuss and jointly determine whether there should be a time extension to this Agreement in the future and, if so, agree to place in writing the extension, the duties to be performed during the extended time and the compensation to be paid for the extended duties.
2. For the duties described in paragraph 3 and otherwise in this Agreement, the Owners agree to pay a consideration to ARM in the amount of \$88,000.00 subject to the following conditions.
  - a. Any travel related expenses of representatives of ARM incurred after written notice to the Owners will be billed to the Owners and paid by the Owners based on the actual incurred cost demonstrated by appropriate invoices or other payment records;
  - b. Within 30 days of full execution of this Agreement, the Owners shall make a \$15,000.00 deposit payment to ARM, which deposit payment shall be applied against the total contract fee of \$88,000.00.
  - c. On a monthly basis thereafter, ARM shall bill the Owners and the Owners shall pay a pro rata monthly part of the remaining contract fee (\$88,000.00 less \$15,000.00 = \$73,000.00), based upon the anticipated eight (8) monthly periods in which services will be provided. Each monthly payment shall be paid by the Owners within fifteen (15) days of receipt of the monthly billing from ARM.
  - d. If the Owners entered into a comprehensive management agreement with ARM prior to January 30, 2015, the Owners shall be entitled to a twenty percent (20%) reduction in the consulting fee of \$88,000.00. The parties will discuss appropriate payment reductions or rebates as is necessary depending on the remaining contract sum due at the time of entry into the Project management agreement.
3. ARM shall use its best efforts and provide, in good faith and in accordance with accepted industry standards, the following consulting services with reference to the Project:

### **Administrative and General**

- 1.) Communication – Consultant will make sure key members of ARM staff are available as needed. Phone communications to key members of ARM is 24 hours a day. Emails are addressed and answered with sensitivity to time as called for or speculated. Scheduling of conference calls and site

visits will be scheduled with as advance notice as possible but Consultant commits to making necessary arrangements as needed.

Communication is Key to a successful relationship between Consultant and Client. Consultant will participate in any routine communications as requested and at a minimum will produce a weekly update advising on status of Consultants efforts.

- 2.) Develop multi-year financial projections. Consultant will work with designated CFO/Accounting department to provide guidance and assist in producing financial projections for Water Park (to include other ancillary revenue centers).

Within the financial projections that will be provided by the consultant will be projected operating costs. All financial projections will be supported by narrative(s) describing/demonstrating the calculations, formulas and theories used regarding same.

- 3.) Assist with the development, and or refinement of chart of accounts and Profit and Loss format regarding the addition of new revenue centers.

- 4.) Develop and deliver to ownership:

- a. Organizational Charts –Consultant will develop and submit for approval organizational structure starting at senior management level to include recommendations for all areas under consultant review (Water Park, Food & Beverage, Reservation Center, Sales & Marketing, concessions).
  - i. Along with the organizational chart structure consultant will provide recommendations for timing in staffing the organizational chart.
- b. Senior Management / Key Personnel – Consultant will search, recruit and prescreen candidates for key positions including: (titles of positions/actual positions will based upon approved Organizational Chart) Park Manager, Aquatics Manager, Director of Engineering, Director of Food and Beverage and or other positions as determined. Consultant will follow procedures agreed to with Client regarding all steps of the process. CLIENT HAS SHARED FINAL APPROVAL. Consultant will provide documentation to entire process.
- c. Additional HR Activities – The following tasks / functions are recapped here but may additionally be listed under each department:
  - i. Job Descriptions – Consultant will provide job descriptions for each new position created from water park development.
  - ii. Training Guidelines/Checklists – Provide training guidelines & checklists for any positions that have been newly created.
  - iii. Advise on working with aquatic life safety – Consultant will work with HR department to develop policies and procedures for hiring life guards including reviewing employee handbook, minor tracking etc....

- 5.) Consultant will develop initial Business Plan and Sales and Marketing Plan(s) for the Project.

- 6.) Consultant will be on site as required throughout engagement. As needed, Consultant may bring additional staff during the time of large staff training or during the “launch” of the Water Park. Consultant will have representation on site for up to seven (7) days after opening. Additional days of operational assistance and line level support are available at an additional cost. After the seven days of on-site post opening coverage consultant will be available as needed to discuss park operations for up to 30 days post opening.

## **DEPARTMENTAL SERVICES RECAP:**

### **Review and Consultation, Aquatic Areas**

#### Duties of Consultant

- 1.) Review and analyze plans for the facility. Provide comments regarding any concerns regarding same and propose operational “solutions”.
- 2.) Draft Performance Projections ( See Administrative and General)
- 3.) Package and pricing – Provide recommendation for packaging and pricing for water park components as well as participate in general discussions regarding packaging and pricing with other attractions and area lodging.
- 4.) Review attraction locations, capacity, traffic flow, public space layout, safety and security and guest access points. Develop operational strategies and discuss with Client regarding impact on financial projections.
- 5.) Review architectural design plans for back of house functionality and storage. Provide feedback on space and accommodations proposed for the money room, proportionate ratio of storage space, sales and marketing staff and management offices.
- 6.) Analyze accommodations for citizens with disabilities.
- 7.) Participate in discussions regarding thematic designs making recommendations as to functionality and its effects on the overall guest experience as well as potential operating costs.
- 8.) If requested, assist in the procurement FF& E for the aquatics floor and public spaces.
- 9.) Discuss and review with engineer, mechanical engineering specifications in regards to the filtration and other mechanical systems analyze projected economical impact.
- 10.) Discuss review with engineer proposed attraction plumbing schematics ensuring a redundancy system for ease of serviceability and to minimize attraction down time.
- 11.) Review all proposed control systems using historical performance as a benchmark in any necessary discussions with relevant vendors etc...
- 12.) Consultant to work with owner, engineers and others to develop preventative and routine maintenance programs as well as develop strategies to maximize life cycles of all equipment.
- 13.) Review proposed mix and placement of revenue centers including lockers, kiosks, food and beverage, retail etc.
- 14.) Identify and make recommendations as to revenue centers having a high level of profitability and guest satisfaction making sure demographics and operational functionality are considered.
- 15.) Review gate admission areas from a safety, security and loss control standpoint.
- 16.) Analyze the guest experience in regards to traffic flow and control.
- 17.) Review and make recommendations regarding Information Technology (I.T.), Point of Sale (POS) and telecommunication systems, appropriate space and environmental is created for computer servers as

well as to cabling needs for current configuration as well as for future expansion. Recommendations will also be made regarding proposed fire and security panels including monitoring contracts.

- 18.) Provide written reports and comments after reviewing each set of prints and other documents.
- 19.) Keep open lines of communication with the architects and contractors.
- 20.) Make regular site visits and attend project meetings as requested during the term of the contract.

## **Aquatics Operations Development**

### **Duties of Consultant**

- 1.) During the park operations development phase we focus our efforts on pre-opening activities of the aquatics and public space areas.
- 2.) Efforts include the development and staffing of aquatics areas, including coordination of certification of life safety systems.
- 3.) Develop operational strategies based on volumes for all attractions and operational areas of Water Park / Food and Beverage, Retail etc...
- 4.) Implementation of Aquatics safety program.
- 5.) Recruitment and prescreening of key management positions and key staff.
- 6.) Creation and implementation of guest service experiences training programs.
- 7.) Design of zone validation and verification of insurance/regulatory requirements.
- 8.) Assist in development of all Orientation and training programs for all operational area(s).
- 9.) Implementation of I.T. systems and P.O.S. systems.
- 10.) Writing of all operational policies and procedures specific to the needs of your development.
- 11.) Creation of operational S.O.P.
- 12.) Assist as requested in the development of signage package for aquatic and public space areas.
- 13.) Development of all cash control and reporting procedures.
- 14.) Assist the HR department in the creation of Water Park Associate Handbook.
- 15.) Provide Initial training of all water park, concession and other management staff.
- 16.) Assist in the commissioning and trial periods of all attractions.
- 17.) Establish operating standards for all mechanical areas.
- 18.) Set-up accounting procedures & financial reporting standards for onsite staff.

- 19.) Work with owner's risk department in developing necessary reports and information needed to obtain required insurance.
- 20.) Available for regular site visits as needed during the term of the contract.

## **SALES AND MARKETING**

### **Duties of Consultant**

- 1.) Propose and develop Sales and Marketing team and organizational structure. Make recommendations and provide suggested organizational chart and job descriptions/scope of responsibility for positions within.
- 2.) Develop Sales and Marketing plan, submit for approval and assist on site team with implementation.
- 3.) Assist in developing all goals and standards for Sales staff members including reporting standards for same.
- 4.) Assist in the pre-opening coordination of a marketing campaign developing budget and placement of advertising.
- 5.) Assist in creating an advertising campaign to appeal to targeted demographics and that promotes the theme of the water park.
- 6.) Assist with recruiting and prescreening for an agreed upon sales staff based on the size and direction of the water park and assist with targeting key accounts and high impact audiences.
- 7.) Assist as requested with selection and be the owner's representative to the Ad Agency, facilitating all pre-opening buys, coordination of media placement, planning the Opening Gala, solicit and recruit, when possible, free publicity.
- 8.) Identify and recommend sources of "most impact advertising".
- 9.) Develop S.O.P. Manuals for the sales and marketing office.
- 10.) Develop strategy and assist in securing corporate sponsorships and make recommendations regarding long term sponsorship goals.
- 11.) Assist as requested in developing logos and collateral graphic materials (we can provide full graphic development for an additional fee).
- 12.) Assist in website design (we can provide full website design services and Hosting for an additional fee).

## **Retail Consultation and Development Aquatic Area Only**

### **Duties of Consultant**

- 1.) Analyze site plans for retail space(s).
- 2.) Make recommendations for additional revenue center opportunities

- 3.) Produce to scale Plan-O-Grams that detail the traffic flow and merchandise equipment required in the operation of the retail space(s).
- 4.) Develop budget for suggested merchandising equipment.
- 5.) Assist in procuring equipment.
- 6.) Make recommendations regarding required I.T. / P.O.S. systems.
- 7.) Assist in the installation of I.T. / P.O.S. systems.
- 8.) Determine the most suitable and profitable merchandise to sell.
- 9.) Establish contacts with wholesale vendors.
- 10.) Develop par levels and ordering guides for all merchandise
- 11.) Develop and write a procedural S.O.P.
- 12.) Recruit, hire and train key staff members and assist with general staffing.
- 13.) Produce staffing and labor guidelines.
- 14.) Provide pricing suggestions that achieve desired gross profit margins.
- 15.) Assist in initial retail location(s) set up and stocking.
- 16.) Develop accounting and reporting standards.

## **Aquatic Food and Beverage Consultation and Development**

### **Duties of Consultant**

- 17.) Analyze site plans for food and beverage space(s).
- 18.) Make recommendations for additional revenue center opportunities.
- 19.) Assist in producing menu(s) that deliver a variety of quality offerings to the resort guests.
- 20.) Review and make comments regarding kitchen and equipment layouts.
- 21.) Review and make suggestions regarding budget for suggested equipment, F.F. & E. and small wares.
- 22.) Assist as requested in procuring equipment.
- 23.) Assist in setting up required I.T. / P.O.S. systems.
- 24.) Determine the most suitable and profitable items to sell.
- 25.) Assist in developing par levels and ordering guides for all ingredients.
- 26.) Review existing or assist in development of recipe cards and theoretical food and beverage costs.

- 27.) Review existing and or develop and procedural S.O.P.
- 28.) Recruit, prescreen and train key staff members and assist with general staffing.
- 29.) Assist HR in produce staffing and labor guidelines.
- 30.) Provide pricing suggestions that achieve desired gross profit margin.
- 31.) Assist in initial food and beverage location(s) set up and stocking,
- 32.) Assist in modifying or develop accounting and reporting standards.

4. Merger. All the negotiations regarding the Project between the parties prior to the execution of this Agreement have been merged into the provisions of this Agreement. No change or amendment to the provisions of this Agreement may be made without the prior written approval of the Parties.

5. Severability. If any portion of this Agreement is ultimately determined not to be enforceable, that portion will be severed from the Agreement and the severability shall not affect the enforceability of the remaining terms of the Agreement.

6. Representative Authority. Each undersigned representative of the parties to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the parties to this Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the Owner and Manager have executed this Agreement effective as of the Effective Date.

**AMERICAN RESORT MANAGEMENT, LLC**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Richard Coleman, Senior Vice President  
of Development and Operations

**SEBASTIAN COUNTY, ARKANSAS**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
David Hudson, County Judge

**CITY OF FORT SMITH, ARKANSAS**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Sandy Sanders, Mayor

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

**A RESOLUTION APPROVING THE ISSUANCE OF THE HEALTH AND EDUCATIONAL  
FACILITIES AUTHORITY OF THE STATE OF MISSOURI HEALTH FACILITIES  
REVENUE BONDS**

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WHEREAS, the Health and Educational Facilities Authority of the State of Missouri (the "Authority") has represented that it is authorized by Chapter 360 of the Revised Statutes of the State of Missouri to issue bonds the interest on which is tax-exempt in order to finance certain educational and health facilities both within and outside of the State of Missouri; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires that, in order for the interest on such bonds to be tax-exempt, a properly-noticed public hearing with respect to the issuance of such bonds and the facilities to be financed or refinanced thereby be held in the jurisdiction in which the facilities being financed or refinanced are located and that approval be provided by the governing body or the chief elected representative of such jurisdiction; and

WHEREAS, the Authority intends to issue one or more series of its Health Facilities Revenue Bonds (Mercy Health) in a principal amount not to exceed \$400,000,000 (the "Bonds"), and to loan the proceeds thereof to or for the benefit of Mercy Health, a Missouri nonprofit corporation, and its affiliates (collectively, "Mercy Health"), to finance, refinance, and reimburse the costs of health care facilities to be owned and operated by Mercy Health; and

WHEREAS, Mercy Health may use sale proceeds of the Bonds in an amount not to exceed \$50,000,000 to pay or reimburse the costs of the acquisition, construction, renovation, installation and equipping of an orthopedic hospital, two primary care clinics, existing medical office buildings and additional capital improvements to health care facilities to be owned and operated by Mercy Hospital Fort Smith Communities, an Arkansas nonprofit corporation and affiliate of Mercy Health, subject to all applicable development and building codes, ordinances and approvals of the City of Ft. Smith (the "City") with respect to construction projects in the City; and

WHEREAS, the Authority has requested the City to provide "Host Approval" under Section 147(f) of the Internal Revenue Code in connection with the use of the sale proceeds of the Bonds in the City; and

WHEREAS, the City has been assured that there will be no financial liability accruing to the City as a result of such approval and that this approval shall constitute approval solely for the purpose of permitting Mercy Health to proceed with the use of the sale proceeds of the Bonds in the City; and

WHEREAS, pursuant to the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"), Mercy Health provided for the publication of notice of an open public hearing to permit the public to comment on the proposed use of the sale proceeds of the Bonds; and

WHEREAS, the notice was published on October 1, 2014, in the *Times Record*, the official newspaper of the City, which publication date is more than 14 days prior to today's date; and

WHEREAS, on today's date, the Board of Directors held an open public hearing permitting the public to comment on the proposed use of the sale proceeds of the Bonds;

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

The use by Mercy Health of the sale proceeds of the Bonds in the City as described in the notice of public hearing is hereby approved.

This Resolution passed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

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



## *MEMORANDUM*

October 16, 2014

**TO:** Mayor and Board of Directors

**FROM:** Ray Gosack, City Administrator

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

**SUBJECT:** Mercy Health Projects

Mercy Health would like to finance some of its Fort Smith projects with proceeds from the issuance of tax-exempt bonds. The IRS requires that Mercy conduct a public hearing in Fort Smith and obtain approval prior to using bond proceeds to finance projects located in Fort Smith.

The purpose of the hearing is to give the public an opportunity to comment on Mercy's Fort Smith projects that will benefit from the issuance of the tax-exempt bonds. The Fort Smith projects include the orthopedic hospital on South 79<sup>th</sup> St., two primary care clinics, and existing medical office buildings. At the conclusion of the public hearing, Mercy will seek a resolution of approval from the city board to use the proceeds from the bond issuance for the Mercy projects in Fort Smith. The city isn't the issuer of the bonds, and is in no way liable for repayment of the bonds. The Missouri Health and Educational Facilities Authority is the issuer and Mercy Health is the borrower.

The public hearing and consideration of the resolution are scheduled for the October 21<sup>st</sup> board meeting. Attached is a letter which further explains the request. An attorney representing Mercy will be present at the board meeting to provide information and answer questions. In the meantime, please let me know if there's any questions or a need for more information.

Attachments



October 6, 2014

Mr. Ray Gosack, City Administrator  
City of Fort Smith  
P.O. Box 1908  
Fort Smith, Arkansas 72902

Re: Request for Host Jurisdiction Public Hearing and Approval Under Section 147(f) of the Internal Revenue Code Regarding Tax-Exempt Bonds for Mercy Health

Dear Mr. Gosack:

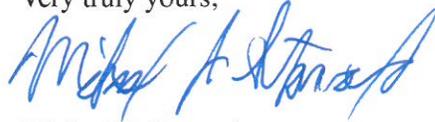
The Missouri Health and Educational Facilities Authority (the "Missouri Authority") requests your assistance in providing "Host Approval" under Section 147(f) of the Internal Revenue Code in connection with the issuance of tax-exempt health facilities revenue bonds pursuant to Chapter 360 of the Revised Statutes of Missouri (the "Act") on behalf of Mercy Health, a Missouri nonprofit corporation headquartered in St. Louis, Missouri (the "Borrower"). The Missouri Authority is authorized by the Act to finance facilities for health care systems outside as well as inside the State of Missouri if the system maintains a national or regional headquarters in Missouri. The Borrower has advised the Missouri Authority that proceeds of the bonds in an amount not to exceed \$50,000,000 initially may be used to finance health care facilities for Mercy Health Fort Smith Communities, an affiliate of the Borrower located in the City of Fort Smith, Arkansas (the "City").

Section 147(f) of the Internal Revenue Code requires that the Missouri Authority, as issuer of the bonds, obtain the approval of the governing body or chief elected representative of each state or local government jurisdiction in which the financed facilities are to be located following a public hearing by an authorized representative of the state or local jurisdiction. Accordingly, the Missouri Authority requests your assistance in this financing by conducting the public hearing and obtaining the host jurisdiction approval in accordance with the requirements of Section 147(f) of the Internal Revenue Code.

Enclosed is a copy, prepared by bond counsel, of the proposed Notice of Public Hearing that was published in the *Times Record* at least 14 days before the hearing date and a Resolution of the Board of Directors of the City approving the use of a portion of the proceeds of the bonds for capital projects located in the City. This approval does not impose any liability on the City, or in any way involve the City in the issuance of the bonds or the proposed project, but is an accommodation by the City to satisfy the requirements of the Internal Revenue Code.

I appreciate your assistance in this matter on behalf of the Missouri Authority and the Borrower. If I can answer any questions or provide any additional information please call me at (636) 519-0700.

Very truly yours,



Michael J. Stanard  
Executive Director

cc: Tracy Shafton  
Meghan McKernan  
Jill Grimsley Drewyor  
Stephanie King

# 3

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

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

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

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

Street Address: **2400 NORTH 29<sup>TH</sup> STREET - LOT 8, BLOCK 1; MCLOUDS ADDITION**

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

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

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

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

that this ordinance shall be effective from and after the date of its passage.

This Ordinance adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

APPROVED:

Mayor \_\_\_\_\_

ATTEST:

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

Approved as to form:



\_\_\_\_\_  
Publish One Time



## MEMORANDUM

*Building Safety Division*

**TO:** Ray Gosack, City Administrator

**FROM:** Jimmie Deer, Building Official

**DATE:** October 10, 2014

**SUBJECT:** Unsafe Structures

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

The property descriptions and owners are:

**2400 N. 29<sup>th</sup> Street** – Lot 8, Block 1; Mclouds Addition

**Owners:** Bobby White  
2400 N. 29<sup>th</sup> Street  
Fort Smith, AR 72904

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

**2400 N. 29<sup>th</sup> Street** – The water was turned off March, 2006. Spoke with mark Jones son of Bobby White and he stated that he did not have funds to demolish the structure and for City to continue the unsafe action. Due to the condition of the structure and failure of the owners to repair the damaged structure unsafe notices were sent out on September 10, 2014 and were signed for on September 17, 2014 by Mark Jones. As of today the owners have taken no action to obtain permits to repair or demolish the structure.

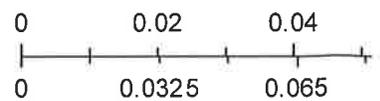
Therefore, I am recommending this matter be referred to the Board of Directors for their review. An Ordinance will be prepared that will order the property owners to demolish or repair the buildings within thirty (30) calendar days and if such work has not occurred, the staff will be authorized to have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

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



1:1,783

Limits





















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

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE  
PLACEMENT OF A MONUMENT SIGN WITHIN A WATER LINE EASEMENT  
AND  
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT**

---

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

**SECTION 1:** A Temporary Revocable License is hereby granted to St. Edward Mercy Health System, Inc., its successors or assigns for the placement and maintenance of a monument sign within a water line easement as shown on Exhibit "A" and within the following described property:

Part of Lot A, Hillsboro Estate, an addition to the City of Fort Smith (filed for record February 22, 2008), Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SW corner of said Lot A, at the right of way intersection of Phoenix Avenue and South 79th Street; thence N02°54'07"E along the west line of said Lot A, 7.42'; thence S87°05'53"E 13.47' to the Point of Beginning; thence S74°58'57"E 5.06'; thence S47°56'15"W 2.63'; thence N43°45'52"W 4.25' to the Point of Beginning, containing 5.6 square feet, more or less.

Also, commencing at said SW corner of Lot A; thence N02°54'07"E along the west line of said Lot A, 13.40'; thence S87°05'53"E 7.12' to the Point of Beginning, thence N44°06'30"E 4.37'; thence S02°54'07"W 6.00'; thence N43°45'52"W 3.96' to the Point of Beginning, containing 8.6 square feet more or less.

Containing a total of 14.2 square feet more or less.

**SECTION 2:** The Mayor is authorized to execute the agreement for the above-captioned Temporary Revocable License.

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.**

**APPROVED:**

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

**ATTEST:**

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

Approved as to form



\_\_\_\_\_  
No Publication Required

# Memo

**To:** Ray Gosack, City Administrator

**From:** Wally Bailey, Director of Development Services

**Date:** October 15, 2014

**Subject:** Temporary Revocable License for the Placement of a Monument Sign within a Water Line Easement at South 79<sup>th</sup> Street and Phoenix Avenue (Mercy Orthopedic Hospital – 3501 W.E. Knight Drive)

Ryan Bader, Regional Director, on behalf of the Mercy Orthopedic Hospital at 3501 W.E. Knight Drive has requested a Temporary Revocable License to allow the placement of a monument sign in a water line easement at the corner of South 79<sup>th</sup> Street and Phoenix Avenue. The approximate 6' x 8' monument sign will be placed on an angle and encroach the water line easement 2.5 feet on one end of the sign and 3 feet on the other end. Please see Exhibits A and B, which show the location of the monument sign in relation to the water line easement and the sign facade.

The city's utility department reviewed the application and had no opposition to the request. Mr. Bader has agreed to the terms of the Temporary Revocable License and has executed the enclosed agreement. (See Exhibit C.)

Attached for the Board's consideration is a Resolution granting the Temporary Revocable License and authorizing Mayor Sanders to sign the agreement.

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

Enc.

CITY OF FORT SMITH, ARKANSAS  
REQUEST FOR TEMPORARY REVOCABLE LICENSE

**APPLICATION:**

Indicate one contact person for application: \_\_\_\_\_ Applicant     Representative

*Applicant (owner)*

*Representative (engineer, attorney, realtor, etc)*

Name: Ryan Bader, Regional Director

Name: Barry K. McCormick, P.E.

Address: Mercy Planning, Design, & Const.  
4200 W. Memorial Road, Suite. LL8A  
Oklahoma City, OK 73120

Address: Hawkins-Weir Engineers, Inc.  
P.O. Box 648  
Van Buren, AR 72957

Telephone Number: 405-752-3533

Telephone Number: 479-474-1227

E-Mail: Ryan.Bader@Mercy.net

E-Mail: Barry.Mccormick@hawkins-weir.com

Mercy Orthopedic Hospital, 3501 W.E. Knight Drive

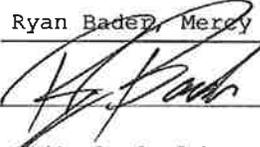
Site Address/Location: Fort Smith, AR 72903

Legal Description of area for which Temporary Revocable License is requested: attach separate sheet if necessary): See Attachment

Reason for Request: Proposed Monument Sign 17 will encroach into existing waterline easement at the corner of South 79th Street and Phoenix Avenue.

**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.

Name: (printed) Ryan Bader, Mercy Regional Director, West Region

Signature:  Date: 10/8/14

**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.

**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.

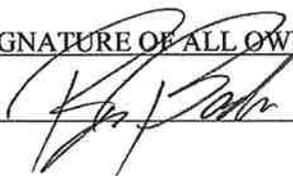
We the undersigned, being owners of real property, authorize Hawkins-Weir Engineers, Inc.  
to act as our agent. (Print Name of Agent)

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Ryan Bader, Mercy Regional Director

  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_

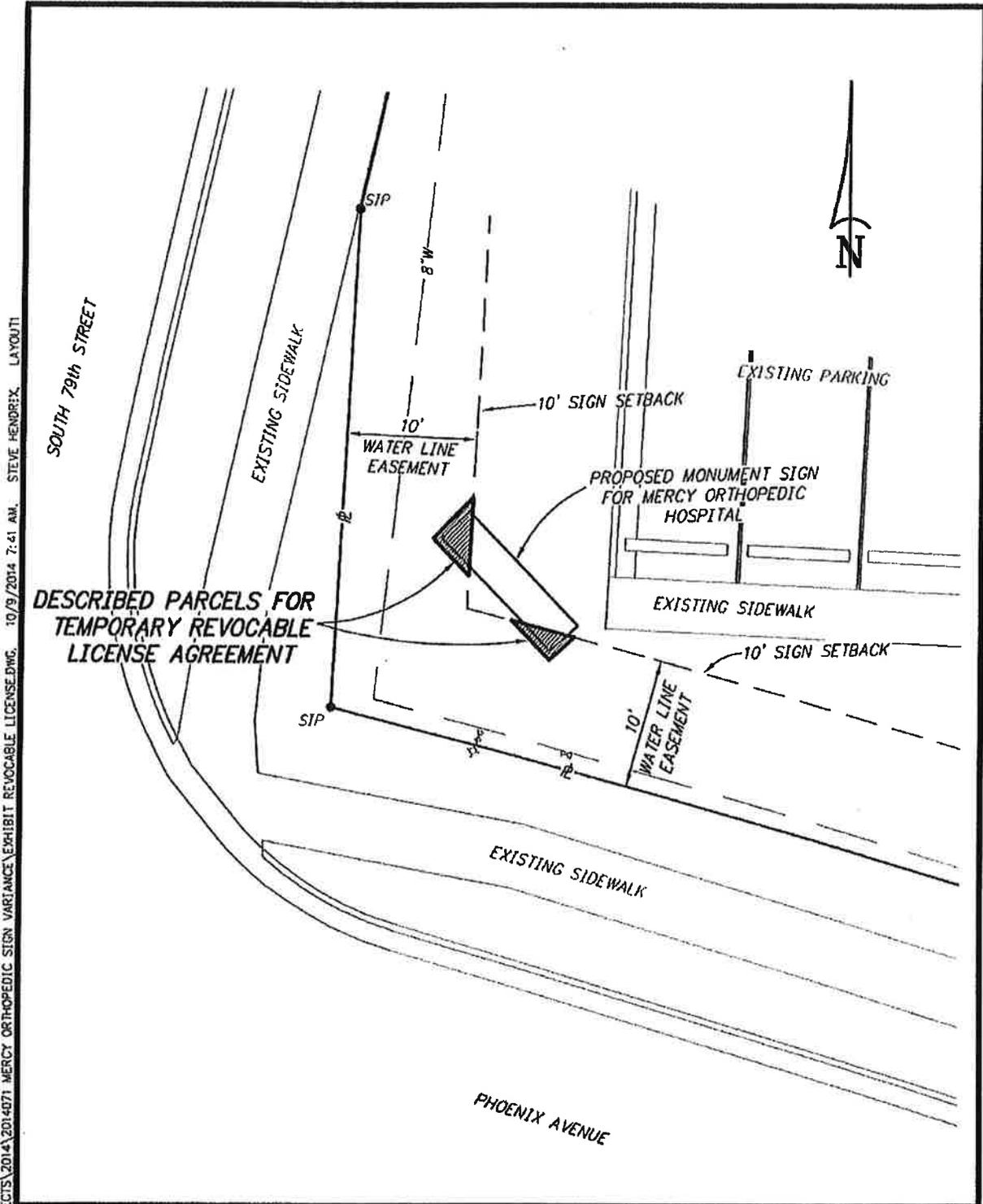
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



U:\DRAWINGS\PROJECTS\2014\2014071 MERCY ORTHOPEDIC SIGN VARIANCE\EXHIBIT REVOCABLE LICENSE.DWG. 10/19/2014 7:41 AM. STEVE HENDRIX LAYOUT

**DESCRIBED PARCELS FOR  
TEMPORARY REVOCABLE  
LICENSE AGREEMENT**

**HW HAWKINS & WEIR**  
ENGINEERS, INC.

110 South 7th Street • Van Buren, Arkansas 72916 • (479) 474-1227  
211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4846  
www.hawkins-weir.com

FORT SMITH, ARKANSAS  
SITE EXHIBIT FOR TEMPORARY REVOCABLE LICENSE  
LOT A, HILLSBORO ESTATE  
FOR: MERCY ORTHOPEDIC HOSPITAL

DATE: 10/08/14      SCALE: 1" = 10'      JOB NO. 2014071



### TEMPORARY REVOCABLE LICENSE AGREEMENT

**SECTION 1:** On \_\_\_\_\_ the Board of Directors passed Resolution No. \_\_\_\_\_ granting a temporary revocable license to St. Edward Mercy Health System, Inc., its successors or assigns, which, subject to the terms and conditions expressed in this Agreement, temporarily allows the placement and maintenance of a monument sign as shown on Exhibit "A" and Exhibit "B" within a water line easement and adjacent to South 79<sup>th</sup> Street and Phoenix Avenue and within the following described property:

Part of Lot A, Hillsboro Estate, an addition to the City of Fort Smith (filed for record February 22, 2008), Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SW corner of said Lot A, at the right of way intersection of Phoenix Avenue and South 79th Street; thence N02°54'07"E along the west line of said Lot A, 7.42'; thence S87°05'53"E 13.47' to the Point of Beginning; thence S74°58'57"E 5.06'; thence S47°56'15"W 2.63'; thence N43°45'52"W 4.25' to the Point of Beginning, containing 5.6 square feet, more or less.

Also, commencing at said SW corner of Lot A; thence N02°54'07"E along the west line of said Lot A, 13.40'; thence S87°05'53"E 7.12' to the Point of Beginning, thence N44°06'30"E 4.37'; thence S02°54'07"W 6.00'; thence N43°45'52"W 3.96' to the Point of Beginning, containing 8.6 square feet more or less.

Containing a total of 14.2 square feet more or less.

---

**Section 2:** It is agreed that the City shall have no responsibility for the maintenance of the monument sign. If the monument sign is damaged in any manner, same shall be removed by the licensee, or any successor or assignee, at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) in a manner meeting the approval of the City Administrator. Additionally, at

the sole discretion of the City Administrator, upon thirty (30) days notice from the City Administrator, the licensee or any successor or assignee shall remove the monument sign from the water line easement at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) and in a manner meeting the approval of the City Administrator. The licensee, its successor or assignees, shall hold the City harmless from and indemnify the city for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the placement and maintenance of said improvements. Should any City department require access to the easement, said City department shall have no duty to give prior notice to the licensee in emergency situations. For routine or scheduled maintenance, reasonable notice shall be given if the work may affect any improvement by the licensee. Under any circumstance, the City shall have no responsibility to protect or replace any improvements of the licensee that are across and within the water line easement.

**SECTION 3:** The terms of this temporary license are deemed accepted by the licensee by the licensee's signature below and by any successor or assignee of the licensee by the acquisition of or reliance on the rights to the temporary license granted by the City.

In witness whereof, this document is executed this \_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF FORT SMITH, ARKANSAS**

BY: \_\_\_\_\_

Sandy Sanders, Mayor of Fort Smith

Attest:

\_\_\_\_\_

City Clerk

**ST. EDWARD MERCY HEALTH SYSTEM, INC.**

BY: \_\_\_\_\_

*Ryan Bader*  
RYAN BADER  
REGIONAL DIRECTOR PLANNING, DESIGN AND CONSTRUCTION

ACKNOWLEDGEMENT

STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared, Sandy Sanders, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

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

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN    )

On this 14<sup>th</sup> day of OCTOBER, 2014, before me, a Notary Public within and for the aforesaid county and state, duly commissioned and acting, appeared,

RYAN BADER, to me personally well known as, or proven to be, the person whose name appears upon the within and foregoing document and stated that he is the

REG. DIRECTOR PLANNING, DESIGN, CONSTRUCTION of St. Edward Mercy Health System, Inc. and is duly authorized to execute the foregoing conveyance for and on its behalf and he respectively acknowledged to me that he had executed the same for the consideration and purposes therein mentioned and set forth, and I do so certify.

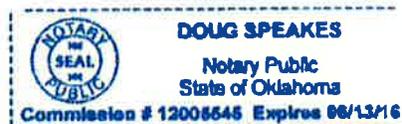
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office as such Notary Public at the County and State aforesaid on this 14 day of OCTOBER 2014.



Notary Public

My Commission Expires:

06/13/16



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

**RESOLUTION AUTHORIZING A TIME EXTENSION  
FOR THE CONSTRUCTION OF  
DRAINAGE IMPROVEMENTS  
PROJECT NO. 12-06-A**

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

SECTION 1: A time extension with N.E.C. Inc., Drainage Improvements, Project No. 12-06-A, which increases the contract time by 151 calendar days, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of October, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



\_\_\_\_\_  
No Publication Required

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

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
DRAINAGE IMPROVEMENTS  
PROJECT NO. 12-06-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 the Drainage Improvements, Project 12-06-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$6,449.27 to the contractor, N.E.C., Inc., for the Drainage Improvements, Project 12-06-A.

This resolution adopted this \_\_\_\_\_ day of October, 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

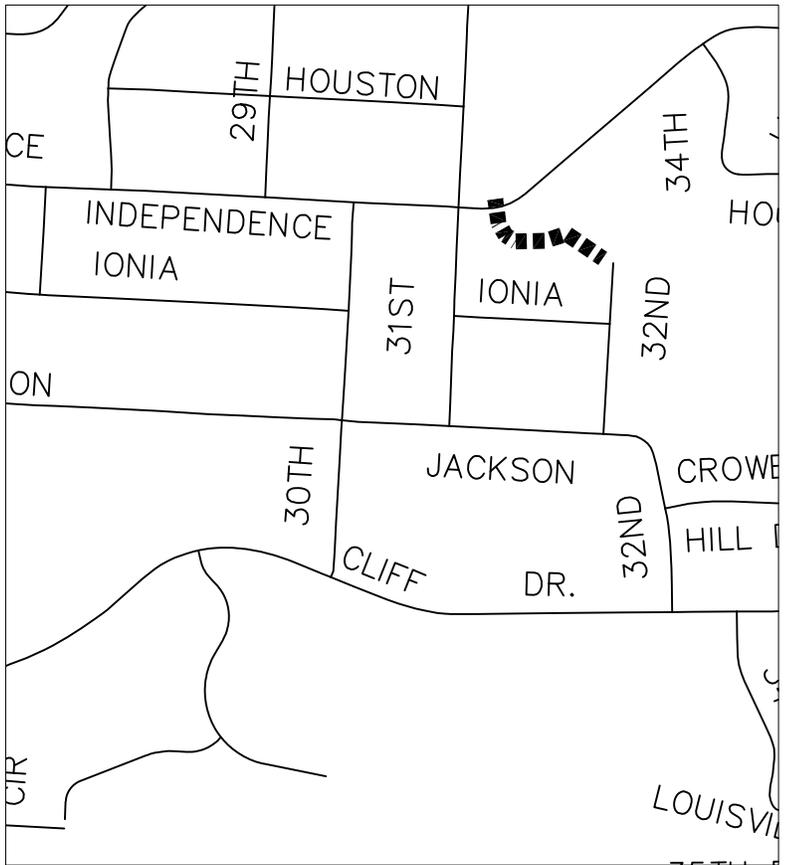
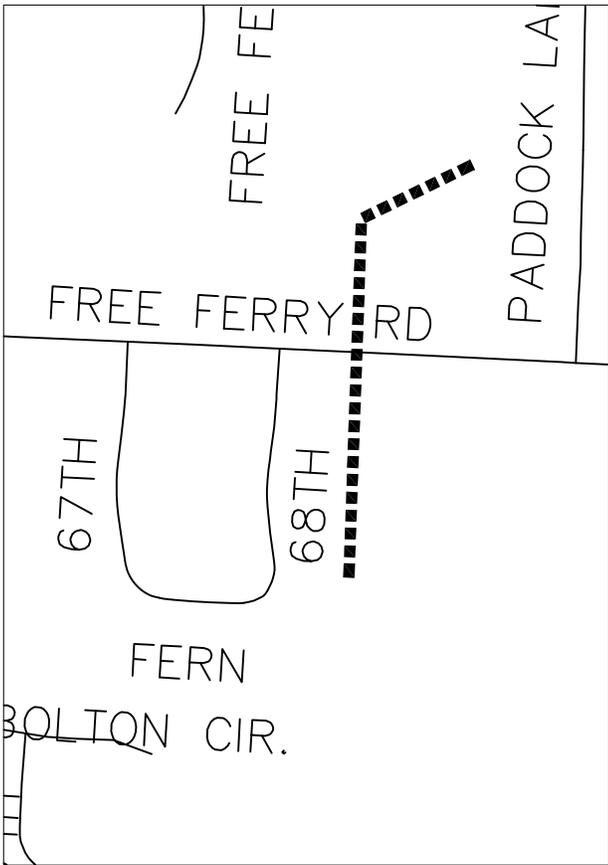
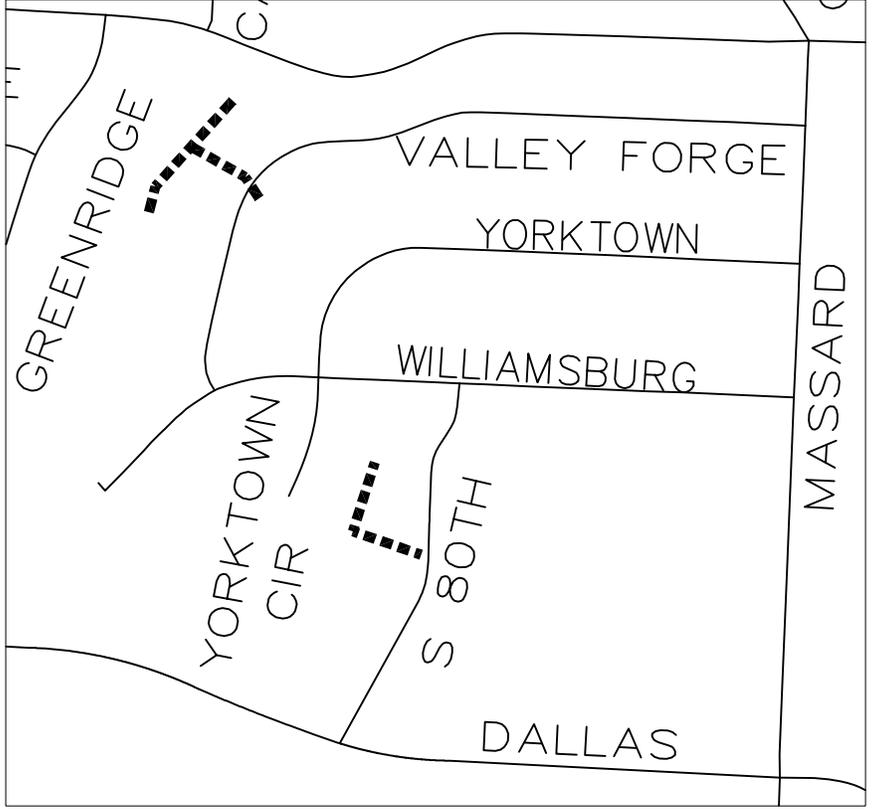
**DATE:** October 16, 2014

**SUBJECT:** Drainage Improvements  
Project No. 12-06-A

This project consisted of drainage improvements to reduce structure flooding that occurred during the heavy rains in spring 2011. The project included improvements in five areas: Free Ferry Lane, Valley Forge, South 80<sup>th</sup> Street, Free Ferry Road and Independence Street. The locations of the improvements are shown on the attached exhibit. A project summary sheet is also attached.

The project was substantially complete on July 28, 2014 which is 151 days beyond the February 27, 2014 contract completion date. The additional time beyond the contract completion date is due to weather delays, 85 days; franchise utility relocation delays, 45 days; and additional/field modified work items, 21 days.

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



2012 CAPITAL IMPROVEMENTS PROGRAM  
NEIGHBORHOOD DRAINAGE



Project:	12-06-A
Date:	OCT. 2011
Scale:	NONE
Drawn By:	RBR

# SUMMARY SHEET

City of Fort Smith  
 Project Status: Complete  
 Today's Date: 10/7/2014  
 Staff contact name: Stan Snodgrass  
 Staff contact phone: 784-2225  
 Contract time (no of days): 270  
 Notice to proceed issued: 6/3/2013

Project Name: 2012 Drainage Improvements  
 Project Number: 12-06-A  
 Consultant Engineer: Atkins Engineering Co.  
 Project Contractor: N.E.C., Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$675,530.85	2/26/2013	2/27/2014
Contract Revisions:			
1			
2			
3			
Adjusted contract amount	\$675,530.85		
Payments to date (as negative):	\$600,120.34		
Amount of this payment	\$6,449.27		
Contract balance remaining	\$68,961.24		
Retainage held		0%	
Final payment	\$6,449.27		
Amount under original as a percentage		10.2%	

**Final Comments:**

The project was substantially complete on July 28, 2014 which is 151 days beyond the February 27, 2014 contract completion date. The additional time beyond the contract completion date is due to weather delays, 85 days; franchise utility relocation delays, 45 days; and additional/field modified work items, 21 days.

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

4 D

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER  
ONE WITH GOODWIN & GOODWIN, INC., FOR THE  
MASSARD INTERCEPTOR ACCESS IMPROVEMENTS

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

Change Order Number One in the amount of \$6,692.50 to the contract with Goodwin &  
Goodwin, Inc., for the Massard Interceptor Access Improvements, Project Number 13-03-C1,  
adjusting the contract amount to \$204,252.50, and adding five calendar days to the contract  
completion time, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of October 2014.

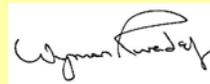
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:



\_\_\_\_\_  
npr

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

**DATE:** October 14, 2014

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

**SUBJECT:** Massard Interceptor Access Road Improvements  
Project Number 13-03-C1

On August 5, 2014, the Board authorized a contract with Goodwin & Goodwin, Inc., to construct an access road to allow city maintenance crews the ability to provide maintenance to a portion of the 48-inch interceptor sewer serving the Massard wastewater treatment plant. The route of the sewer crosses through a low-lying area of land along Massard Creek and the saturated soils not support equipment in addition to having become an overgrown thicket.

After the initial grading of the road in the area leaving the treatment plant grounds it was determined that the first 50 feet of gravel surface should be changed to a concrete drive to prevent the possibility of erosion due to storm water runoff from the adjacent area. Additionally, a sewer service line from the adjacent property was found to be much shallower than anticipated and had to be lowered. Goodwin & Goodwin has submitted a change order for this work in the amount of \$6,692.50. The change order also adds five days to the contract due to delays due to rain events.

A Resolution approving Change Order Number One with Goodwin & Goodwin in the amount of \$6,692.50, adjusting the contract amount to \$204,252.50, and adding five days to the contract time is attached. A project summary is also attached for your review. Funds for this change order are available from the project budget made part of the 2012 sales and use tax bonds. It is my recommendation that this change order be approved.

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

attachment

pc: Jeff Dingman

Project status: under construction

Today's date: October 14, 2014

Staff contact name: Steve Parke

Staff contact phone: 784-2231

Notice to proceed issued: August 25, 2014

Completion date: October 30, 2014

Project name: Massard Interceptor Access Improvements

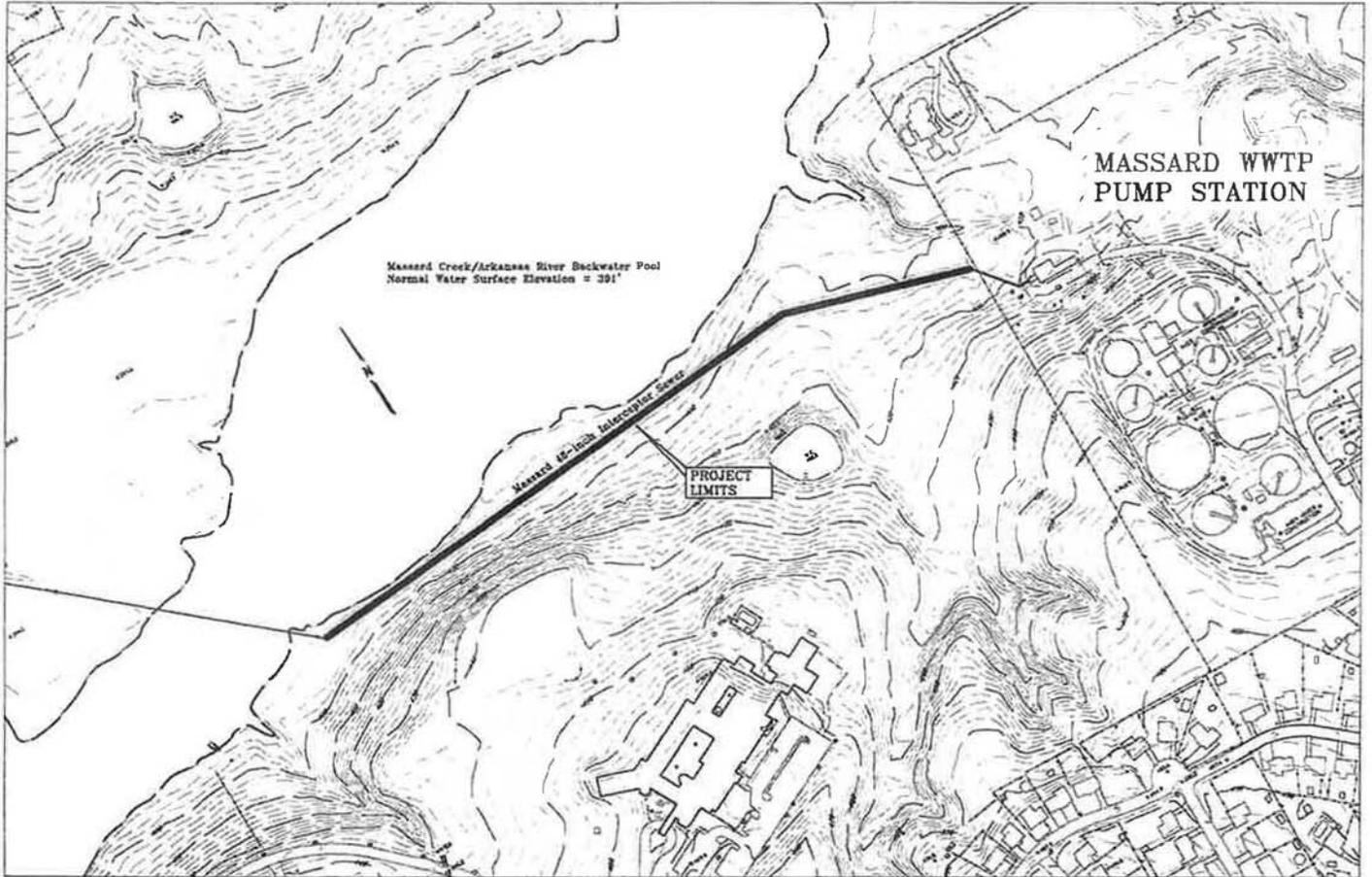
Project number: 13-03-C1

Project engineer: Hawkins-Weir Engineers, Inc.

Project contractor: Goodwin & Goodwin, Inc.

	Dollar Amount	Contract Time (Days)
Original contract	\$ 197,560.00	60
Change orders: Change Order #1 pending	\$ 6,692.50	5
Total change orders	\$ 6,692.50	<hr/>
Adjusted contract amount:	<u>\$ 210,945.00</u>	65
Payments to date (as negative):	\$ (118,322.50)	59.8%
Amount of this payment		
Contract balance remaining	\$ 92,622.50	43.5%
Amount over original as a percentage	3.39%	

Final comment:



Massard Interceptor Access Improvements  
Project 13-03



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: October 15, 2014

SUBJECT: Mechanical Board of Adjustments and Appeals

The term of Andy Brown of the Mechanical Board of Adjustments and Appeals has expired July 31<sup>st</sup>, 2014. Mr. Brown does not want to be reappointed at this time.

The applicant available is:

Thomas Franklin

905 North 48 Street

Appointments are **by the Board of Directors**, one appointment is needed. The term will expire July 31<sup>st</sup>, 2019.

## Mechanical Board of Adjustments and Appeals

The Mechanical Board of Adjustments and Appeals has the authority to hear appeals of decisions and interpretations of the administrative authority relating to the 1997 Arkansas Mechanical Code.

The Board consists of five members who have knowledge and experience in the mechanical code, such as design professionals, contractors or industry representatives. The Board, following initial staggered terms, will serve five-year terms. In addition, there are two alternate members (one member-at-large from the industry and one member-at-large from the public) who serve one-year terms. A member shall not act in a case in which he had a personal or financial interest. Appointments are made by the Board of Directors.

The Board meets on call.

	<u>Date Appointed</u>	<u>Term Expires</u>
<b><u>Industry Members:</u></b>		
Andy Brown Civil Engineer 6703 Deerfield Drive (16) 648-0991 (h) 649-8484 (w) <a href="mailto:abrown@mwc-engr.com">abrown@mwc-engr.com</a>	10/20/09	07/31/14
Ron B. Smith (Owner) Air Pro Heating & Air 3221 Cliff Drive (03) 646-4478 (h) 646-9699 (w) <a href="mailto:airproarron@sbcglobal.net">airproarron@sbcglobal.net</a>	07/19/11	07/31/16
Michael Blaylock Blaylock Heating & Air 1530 North Greenwood (01) 783-3420 (h) 782-8940 (w) <a href="mailto:blaylock@blaylockhvac.com">blaylock@blaylockhvac.com</a>	07/17/07	07/31/17

Ted Neal 07/20/99 07/31/18  
Ted's Air Conditioning, Inc.  
2215 Bluff Avenue(1)  
785-3287 (h)  
783-7857 (w)  
883-2529 ©  
[tedneal@sbcglobal.net](mailto:tedneal@sbcglobal.net)

Buford Martin 09/16/14 07/31/19  
Owner of Martin's Heating and Air  
4015 South T Street (03)  
462-9918 (h)  
785-4444 (w)  
[bufordmartin@cox.net](mailto:bufordmartin@cox.net)

**Alternate - Member-At-Large From Public:**

Greg Williams 07/19/11 07/31/18  
General Manager of Markham Restaurant Supply  
2315 Hendrick Blvd. (01)  
434-6012 (h)  
782-3233 (w)  
[greg@markhamrs.com](mailto:greg@markhamrs.com)

**Alternate - Member-at-large from industry:**

Mike Locknar 06/18/13 07/31/18  
Sanders Supply  
9817 Meandering Way (03)  
484-1140 (h)  
648-8747 (w)  
[mlocknar@sanderssupply.net](mailto:mlocknar@sanderssupply.net)





MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Mathis, Administrative Assistant  
DATE: October 16, 2014  
SUBJECT: Parks and Recreation Commission

The term of Chris Chaney of the Parks and Recreation Commission has expired August 31<sup>st</sup>, 2014. Mr. Chaney wants to be reappointed to this commission.

The applicant available is:

Chris Raible

5206 Twin Hills Drive

Appointments are **by the Board of Directors**, one appointment is needed. The term will expire August 31<sup>st</sup>, 2019.

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

## 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.

	<u>Date Appointed</u>	<u>Term Expires</u>
Chris Chaney 1306A Jacobs Avenue (08) 653-1792 (c) <a href="mailto:iamfortsmith@yahoo.com">iamfortsmith@yahoo.com</a>	08/18/09	08/31/14
Madeline Marquette 7818 Valley Forge Rd (03) 478-7021 (h) <a href="mailto:madgs@sbcglobal.net">madgs@sbcglobal.net</a>	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) <a href="mailto:Bryan@farrisinsurance.com">Bryan@farrisinsurance.com</a>	07/19/11	08/31/16
Lorie Robertson Marketing Executive 3301 South 96 Street (03) 452-6985 (h) 242-2167 (w) <a href="mailto:lorie@chaffeecrossing.com">lorie@chaffeecrossing.com</a>	07/17/12	08/31/17
Sherry Toliver Executive Director 3201 South 93 <sup>rd</sup> Circle (03) 434-4854 (h) 420-1162 (w) <a href="mailto:stoliv44@gmail.com">stoliv44@gmail.com</a>	07/16/13	08/31/18

Casey Millspaugh  
2511 Oakview Road #10  
(817) 676-4104 (h)  
459-4017 (w)  
cmillspaugh@ups.com

10/15/13

08/31/19

**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 \_\_\_\_\_ This information will \_\_\_\_\_ al back ground check of all appli \_\_\_\_\_

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

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

**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: 9/4/14

Name: Chris Raible

Home Telephone: (479)649-9937

Home Address: 5206 Twin Hills Dr.

Work Telephone: (479)709-8830

Zip: 72916

Email: c\_raible@hotmail.com

Occupation: Arvest Business Resource Center Manager  
 (If retired, please indicate former occupation or profession)

Education: Northside H.S., BBA Degree (Marketing) U of A @ Little Rock

Professional and/or Community Activities: First Baptist Church, Gideon's International,  
 Chaffin & Southside Bands, United Way Volunteer

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 License else \_\_\_\_\_ Date of F else  
 information will \_\_\_\_\_ minal back ground check of all applic

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

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Committee                          | <input type="checkbox"/> Library Bd of Trustees                      |
| <input type="checkbox"/> Advertising & Promoting Commission       | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                       | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                    | <input type="checkbox"/> Parking Authority                           |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals      | <input checked="" type="checkbox"/> Parks & Recreation Commission    |
| <input type="checkbox"/> Central Business Improvement District    | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission             | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                 | <input type="checkbox"/> Port Authority                              |
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| <input type="checkbox"/> Historic District Commission             | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                 | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                        |  |

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

A RESOLUTION CONFIRMING THE APPOINTMENT OF  
AN INTERNAL AUDITOR FOR THE CITY OF FORT SMITH

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

The City Administrator's recommendation that \_\_\_\_\_ be appointed an Internal Auditor for the City of Fort Smith, effective \_\_\_\_\_, at an annual salary of \$ \_\_\_\_\_, is hereby confirmed.

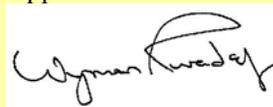
This Resolution adopted this \_\_\_\_\_ day of October, 2014.

\_\_\_\_\_  
MAYOR

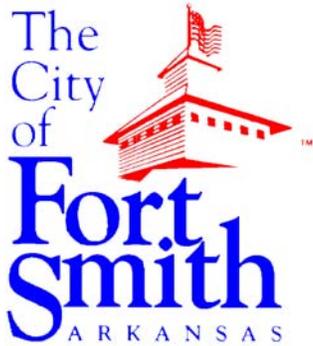
ATTEST:

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

Approved as to form:



\_\_\_\_\_  
NPR



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**

**October 21, 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 Robert Berry, Bluff Avenue Baptist Church

### **ROLL CALL**

- All present
- 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 OCTOBER 7, 2014 REGULAR MEETING**

Approved as written

### **ITEMS OF BUSINESS:**

1. Resolution authorizing the Mayor to execute a consulting and pre-opening development agreement with American Resort Management, LLC for the aquatics center at Ben Geren Regional Park (\$88,000.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax)  
Approved 7 in favor, 0 opposed / Resolution No. R-145-14
2. Public hearing and resolution approving the issuance of Health and Educational Facilities Authority of the State of Missouri Health Facilities Revenue Bonds  
Approved 6 in favor, 1 opposed (Catsavis) / Resolution No. R-146-14

3. Ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes (*2400 North 29<sup>th</sup> Street*)  
Approved 7 in favor, 0 opposed / Ordinance No. 59-14
4. Consent Agenda
  - A. Resolution granting a temporary revocable license for the placement of a monument sign within a water line easement and authorizing the Mayor to execute agreement (*St. Edward Mercy Health System, Inc. – 3501 W.E. Knight Drive*)  
Approved 7 in favor, 0 opposed / Resolution No. R-147-14
  - B. Resolution authorizing a time extension for the construction of Drainage Improvements, Project No. 12-06-A (*151 days*)  
Approved 7 in favor, 0 opposed / Resolution No. R-148-14
  - C. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 12-06-A (*\$6,449.27 / Engineering Department / Budgeted – Sales Tax Program*)  
Approved 7 in favor, 0 opposed / Resolution No. R-149-14
  - D. Resolution authorizing Change Order No. 1 with Goodwin & Goodwin, Inc. for the Massard Interceptor Access Improvements (*\$6,692.50 / Utility Department / Budgeted – 2012 Sales Tax and Use Tax Bonds*)  
Approved 7 in favor, 0 opposed / Resolution No. R-150-14

**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 6:17 p.m.)

Appointments:

**INTERNAL AUDITOR**

Tracey Shockley (*Confirmed via Item No. 5 / Resolution No. R-151-14*)

**MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS**

Thomas Franklin

Term expires July 31, 2019

**PARKS AND RECREATION COMMISSION**

Chris Raible

Term expires August 31, 2019

5. Resolution confirming the appointment of an internal auditor for the City of Fort Smith  
Approved 7 in favor, 0 opposed / Resolution No. R-151-14

**ADJOURN**

6:39 p.m.

## **MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ OCTOBER 21, 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 Robert Berry of Bluff Avenue Baptist 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, Kevin Settle and Philip H. Merry, Jr. The Mayor declared a quorum present.

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 October 7, 2014 regular meeting was presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members 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.

Item No. 1 was a resolution authorizing the Mayor to execute a consulting and pre-opening development agreement with American Resort Management, LLC for the aquatic center at Bene Geren Regional Park (*\$88,000.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax*).

City Administrator Ray Gosack briefed the Board on the item advising the aquatic center at Ben Geren Regional Park is a collaborative project between the City of Fort Smith

**October 21, 2014 Regular Meeting**

and Sebastian County. The project is under construction and currently on schedule for opening Memorial Day weekend in 2015. It was determined the best method of managing the facility is through a management company that is experienced and specializes in aquatic facility operations. A Request for Qualifications (RFQ) was advertised and specifically forwarded to management companies who are members of the World Waterpark Association, as well as other pertinent companies found via an internet search. Three (3) companies responded to the RFQ whereby each were evaluated and interviewed. All were well qualified, have much experience and had good references; however, American Resort Management (ARM) is recommended because of their strength in customer service and emphasis on creating positive employee to guest experience as expected in a well-run theme park or resort hotel. Their staff training is designed to promote this type of positive interaction. The proposed consulting and pre-opening agreement will move the City and County toward approval of the management agreement to operate the facility, expected by the first of the year. The proposed agreement will provide guidance on the organization and operation of the park, i.e. a business plan, sales and marketing plan, operational budget, fee structure, concessions menu and operation, and Standard Operating Procedures for all aspects of the park.

Administrator Gosack introduced the following individual to address the Board:

- Rick Coleman, American Resort Management

Re: Provided a brief review of the company's experience and conveyed much excitement with the opportunity to provide their expertise in ensuring the aquatic facility is a success.

### ***October 21, 2014 Regular Meeting***

There were multiple questions conveyed to Mr. Coleman with regard to ARM's experience, anticipated downfall in visitors, the industry standard fee structure for similar-sized waterparks, and special rates and package options.

Mr. Coleman advised ARM has experience with marketing, as well as operating similar waterparks throughout the nation, i.e. Alabama, Pennsylvania and Ohio. The pre-opening process is crucial because the naming of the park, selecting the right management team, etc. are all crucial aspects that will essentially pave the way for success of the facility. Because ARM is a hospitality-based company, their processes ensure staff is properly trained to provide the best customer service possible, i.e. greet and speak to every guest, etc., citing such promotes a very positive experience for those visiting the park.

Typically, new waterparks have a "great first year"; however, it's the sophomore year that a dip may occur. It's then that the marketing engine should be heavily utilized; however, with the large factories, churches and civic organizations in Fort Smith and region, he conveyed much confidence the facility will be a great success.

The industry standard fee for a park of this size is \$16 to \$21; however, much assurance was conveyed that special rates, reduced fees and packages, and even corporate sponsorships will be established and offered to ensure the waterpark is accessible to all.

Director Weber questioned if other expenses are expected to be incurred during the agreement period.

Administrator Gosack advised the agreement provides for travel expenses; however, the majority of the fee will be utilized to market the facility.

***October 21, 2014 Regular Meeting***

Settle, seconded by Good, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-145-14.

Mayor Sanders announced this was the time and place set for a public hearing to approve the issuance of Health and Educational Facilities Authority of the State of Missouri Health Facilities Revenue Bonds for Mercy Health. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 2).

Administrator Gosack briefed the Board on the item advising Mercy Health would like to finance some of its Fort Smith projects with proceeds from the issuance of tax-exempt bonds. The Internal Revenue Service (IRS) requires that Mercy Health conduct a public hearing and obtain approval prior to using bond proceeds to finance projects located in Fort Smith. The purpose of the hearing is to give the public an opportunity to comment on Mercy's Fort Smith projects that will benefit from the issuance of the tax-exempt bonds, which include the orthopedic hospital on South 79th Street, two (2) primary care clinics, and existing medical office buildings. The city is not the issuer of the bonds; therefore, is in no way liable for repayment of the bonds. The Missouri Health and Educational Facilities Authority is the issuer and Mercy Health is the borrower.

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

Merry, seconded by Lorenz, moved adoption of the resolution. The members all voted affirmatively with the exception of Director Catsavis, who voted "no". The Mayor

**October 21, 2014 Regular Meeting**

declared the motion carried and resolution was adopted and given Resolution No. R-146-14.

Item No. 3 was an ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structure to occur, and for other purposes (*2400 North 29<sup>th</sup> Street*).

Administrator Gosack briefed the Board on the item advising the structure has been determined to be unsafe and detrimental to the health, safety and welfare of the residents of Fort Smith. Upon approval, the property owners will have approximately thirty (30) days to accomplish the demolition. If such does not occur in said time-frame, the City will initiate the bidding process to obtain a contractor to demolish the structure.

Weber, seconded by Settle, 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. Lorenz, seconded by Settle, moved adoption of Section 5 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given Ordinance No. 59-14.

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

- A. Resolution granting a temporary revocable license for the placement of a monument sign within a water line easement and authorizing the Mayor to execute agreement (*St. Edward Mercy Health System, Inc. - 3501 W.E. Knight Drive*)

**October 21, 2014 Regular Meeting**

- B. Resolution authorizing a time extension for the construction of Drainage Improvements, Project No. 12-06-A (151 days)
- C. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 12-06-A (\$6,449.27 / Engineering Department / Budgeted - Sales Tax Program)
- D. Resolution authorizing Change Order No. 1 with Goodwin & Goodwin, Inc. for the Massard Interceptor Access Improvements (\$6,692.50 / Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bonds)

Lorenz, seconded by Settle, moved adoption of all consent agenda items. The members all voting affirmatively the Mayor declared the motion carried and the resolutions were adopted and given Resolutions No. R-147-14 through R-150-14 respectively.

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

- ▶ Mayor Sanders  
  
Re: Reminded all of the upcoming Ward 4 Neighborhood Meeting scheduled for 6:00 p.m., Thursday, October 23<sup>rd</sup> at Woods Elementary School Cafeteria, 3201 Massard Road.
- ▶ Director Settle  
  
Re: Announced the University of Arkansas Fort Smith homecoming is scheduled for Saturday, November 1 and invited all to attend the following festivities:  
10:00 a.m. Homecoming parade (Kinkead to Waldron)  
12:00 p.m. Last volleyball game of the year

The Board entered into executive session at approximately 6:17 p.m. and after reconvening, the Mayor announced the following appointment nominations:

**INTERNAL AUDITOR**  
Tracey Shockley

**October 21, 2014 Regular Meeting**

**MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS**

Thomas Franklin  
Term expires July 31, 2019

**PARKS AND RECREATION COMMISSION**

Chris Raible  
Term expires August 31, 2019

Lorenz, seconded by Catsavis, moved acceptance of the above named nominations and adoption of Item No. 5, a resolution confirming the appointment of an internal auditor for the City of Fort Smith with an employment date of December 8, 2014 and an annual salary of \$74,600. The members all voting affirmatively, the Mayor declared the motion carried, and the aforementioned resolution was adopted and given Resolution No. R-151-14.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Lorenz, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:39 p.m.

**APPROVED:**

  
MAYOR

**ATTEST:**

  
CITY CLERK