

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 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA
Fort Smith Board of Directors
REGULAR MEETING
February 17, 2015 ~ 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 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

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 FEBRUARY 3, 2015 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation: Arkansas Business City of Distinction Award – Honorable Mention for Technology Advancements
2. Items regarding property located at 8225 & 8227 Texas Road *(correct legal description only for previous annexation and zoning amendments)*
 - A. Ordinance amending Ordinance No. 12-15
 - B. Ordinance amending Ordinance No. 13-15

3. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*Mars Petcare U.S., Inc.*)
4. Resolution approving automobile and property insurance coverage for the City's fleet and buildings for 2015-2016 ~ *Hutchings / Pennartz placed on the agenda at the February 10, 2015 study session ~*
5. Consent Agenda
 - A. Resolution of the Board of Directors of the City of Fort Smith establishing a Comprehensive Plan Implementation Committee ~ *Settle / Hutchings placed on the agenda at the February 10, 2015 study session ~*
 - B. Resolution authorizing a franchise utility relocation agreement for the Jenny Lind Road & Ingersoll Avenue Widening Project, Project No. 07-01-A (\$78,687.00 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
 - C. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (*45 days*)
 - D. Resolution to accept completion of and authorize final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (\$84,123.10 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
 - E. Resolution authorizing a change order for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (\$15,916.91 & *93 days / Engineering Department / Budgeted – Sales Tax Program Fund*)
 - F. Resolution to accept completion of and authorize final payment for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (\$67,446.23 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
 - G. Resolution authorizing deposit accounts and related services (*American Resort Management, LLC regarding Parrot Island Waterpark*)
 - H. Resolution authorizing the Mayor to execute an addendum to the operating agreement with American Resort Management, LLC (as authorized by Resolution No. R-171-14) specifically related to the establishment and operation of bank accounts and services related to Parrot Island Waterpark

- I. Ordinance waiving the requirement of competitive bidding relative to structural steel supply and erection and approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park (*Parrot Island Waterpark*) (\$661,504.31 / *Parks Department / Budgeted – 2012 Sales Tax Bonds*)
- J. Resolution authorizing acquisition of real property interests in connection with the replacement of Sewer Lift Station No. 23 (\$12,560.00 / *Utility Department / Budgeted – 2014 Sales Tax Bonds*)
- K. Resolution authorizing funds to increase the water main size for water system improvements to be constructed for Maness Hill Addition (\$11,036.50 / *Utility Department / Budgeted – 2008 Revenue Bonds*)
- L. Resolution authorizing the Mayor to execute a lease agreement for city offices and parking spaces
- M. Resolution accepting bid for the purchase of police package utility vehicles (\$164,642.60 / *Police Department / Budgeted – Program 4704-301*)
- N. Resolution accepting bid for the purchase of a front loader (\$138,171.64 / *Sanitation Department / Not Budgeted - Insurance Reimbursement ~ Sanitation Sinking Fund for Landfill Construction and Fleet Acquisition*)
- O. Resolution confirming and approving contract of the City with Steve Beam Construction, Inc. (\$68,756.96 / *Sanitation Department / Budgeted – Program 6304-302*)

EXECUTIVE SESSION

Appointments: Arkansas Fair and Exhibition Facilities Board (1), Civil Service Commission (2), Library Board of Trustees (1) and Transit Advisory Commission (1)

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

ADJOURN

2A.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 12-15

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

WHEREAS, Ordinance No. 12-15 was passed and approved on February 3, 2015, for the purpose of annexing certain territory into the city of Fort Smith; and,

WHEREAS, a clerical error exists with the legal description contained in Ordinance No. 12-15; and,

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

SECTION 1: That the legal description within Ordinance 12-15 is hereby amended to read as follows:

A tract of land lying in the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of said Northeast Quarter; thence S 89°41'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of 949.9 feet; thence S 0°41'41" W a distance of 215.94 feet to the point of beginning.

more commonly known as 8225 and 8227 Texas Road.

SECTION 2: Ordinance No. 12-15, as amended by Section 1 of this Ordinance, is hereby confirmed to be validly adopted as Ordinance No. 12-15 of the City of Fort Smith, Arkansas.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: February 12, 2015
Subject: Ordinances revising legal descriptions

The Board of Director's recently approved Ordinance No. 12-15 (*which annexed property*) and Ordinance No. 13-15 (*which amended the master land use plan map and the zoning map*) for property located at 8225 and 8227 Texas Road. We have noticed a scrivener or clerical error with the metes and bounds legal description within both ordinances. A copy of both ordinances is attached.

Ordinances have been prepared to amend Ordinance No. 12-15 and Ordinance No. 13-15. The proposed Ordinances amend the legal descriptions and confirm the actions of the previously approved ordinances.

Please let me know if you have any questions.

2A.

ORDINANCE NO. 12-15

**AN ORDINANCE ACCEPTING CERTAIN TERRITORY INTO
THE CITY OF FORT SMITH, ARKANSAS**

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

WHEREAS, on the 11th day of December, 2014, before the County Court of Sebastian County, Arkansas, Greenwood District, there came to be heard a Petition, in proper form and substance, executed by all of the real estate owners in the territory to be annexed;

WHEREAS, the property desired to be annexed was described accurately as follows:

A tract of land lying in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of said Northeast Quarter; thence S 89°4'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of 949.9 feet; thence S 04°1'41" W a distance of 215.94 feet to the point of beginning.

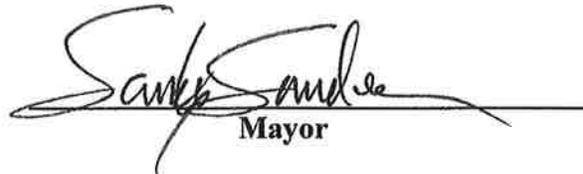
WHEREAS, the County Court for Sebastian County, Arkansas, Greenwood District approved the Petition and ordered the annexation of the described property.

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

The territory above described be accepted into the City of Fort Smith, Arkansas, annexed to the City of Fort Smith, Arkansas, and made a part thereof for all purposes as provided by law.

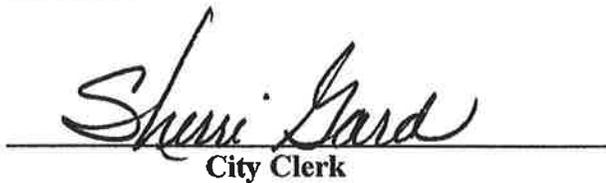
PASSED AND APPROVED THIS 3rd DAY OF February, 2015.

APPROVED:



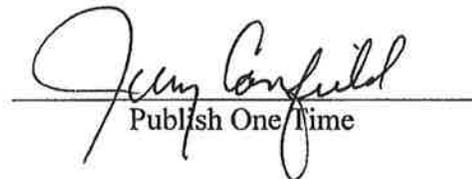
Mayor

ATTEST:



City Clerk

Approved as to form:



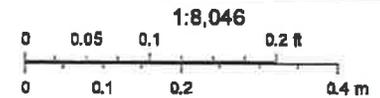
Publish One Time

8225 & 8227 Texas Road Annexation



January 27, 2015

-  Fort Smith City Limits
-  Subdivisions
-  Parcels



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

2B.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 13-15

WHEREAS, Ordinance No. 13-15 was passed and approved on February 3, 2015 for the purpose of amending the zoning map and the master land use plan map of the City of Fort Smith; and,

WHEREAS, a clerical error was found with the legal description contained in Ordinance No. 13-15; and,

WHEREAS, a revised legal description in Section 1 of this Ordinance corrects the scrivener's error,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS,

SECTION 1: That the legal description within Ordinance No. 13-15 is hereby amended to read as follows:

A tract of land lying in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of said Northeast Quarter; thence S 89°41'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of 949.9 feet; thence S 0°41'41" W a distance of 215.94 feet to the point of beginning.

more commonly known as 8225 and 8227 Texas Road.

SECTION 2: Ordinance No. 13-15, as amended by Section 1 of this Ordinance, is hereby confirmed to be validly adopted as Ordinance No. 13-15 of the City of Fort Smith, Arkansas.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: February 12, 2015
Subject: Ordinances revising legal descriptions

The Board of Director's recently approved Ordinance No. 12-15 (*which annexed property*) and Ordinance No. 13-15 (*which amended the master land use plan map and the zoning map*) for property located at 8225 and 8227 Texas Road. We have noticed a scrivener or clerical error with the metes and bounds legal description within both ordinances. A copy of both ordinances is attached.

Ordinances have been prepared to amend Ordinance No. 12-15 and Ordinance No. 13-15. The proposed Ordinances amend the legal descriptions and confirm the actions of the previously approved ordinances.

Please let me know if you have any questions.

2B.

ORDINANCE NO. 13-15

**AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on January 13, 2015, that said change be made; and,

WHEREAS, the Planning Commission determined the change to the Master Land Use Plan Map does conform to the goals and objectives of the Comprehensive Plan.

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 23-12-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on January 13, 2015, that said change be made;

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

SECTION 1: The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Extra Territorial Jurisdiction Low Density Residential to Residential Attached and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

A tract of land lying in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of said Northeast Quarter; thence S 89°4'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of 949.9 feet; thence S 04°1'41" W a distance of 215.94 feet to the point of beginning.

SECTION 2: The real property described in Section 1 above is hereby rezoned from Extraterritorial

Jursidiction Open-1 (ETJ O-1) to Residential Single Family Duplex Medium/High Density (RSD-3) by
Classification, subject to annexation approval by the City of Fort Smith Board of Directors.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS 3rd DAY OF February, 2015.

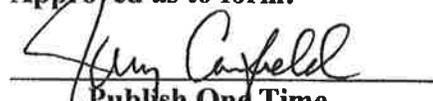
APPROVED:


Mayor

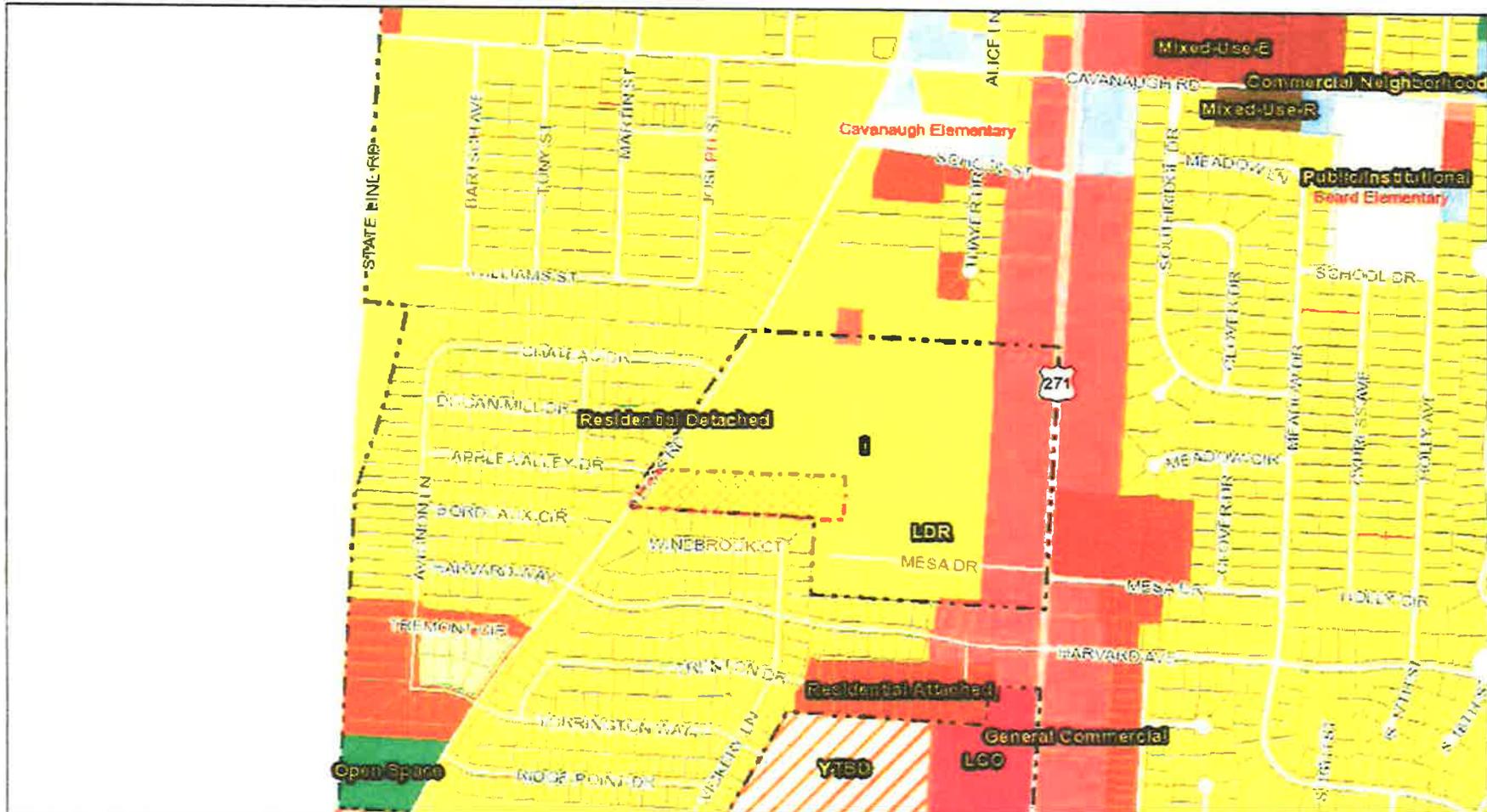
ATTEST:


City Clerk

Approved as to form:


Publish One Time

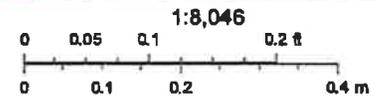
Master Land Use Amendment: From ETJ Low Density Residential to Residential Attached 8225 & 8227 Texas Road



December 16, 2014

-  Fort Smith City Limits
-  Subdivisions
-  Commercial

HC



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

Tax Back
Resolution



RESOLUTION No. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Mars Petcare US, Inc., located at 10000 Roberts Blvd, Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

WHEREAS, Mars Petcare US, Inc. has agreed to furnish the local government all necessary information for compliance.

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

1. Mars Petcare US, Inc. be endorsed by the Board of Directors of the City of Fort Smith for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
- 2. The Department of Finance and Administration is authorized to refund local sales and use taxes to Mars Petcare US, Inc.**
3. This resolution shall take effect immediately.

Mayor

Date Passed: _____

Attest: _____
City Clerk

City Attorney
Approved as to Form



Memo

To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 2/12/2015
Re: Tax Back Endorsement: **Mars Petcare US, Inc.**

The City has received a request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce for participation in the state "Tax Back" program authorized by the Consolidated Incentive Act of 2003 on behalf of **Mars Petcare US, Inc.** This program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion.

The current request is on behalf of **Mars Petcare US, Inc.**, who plans to expand its current pet food production facility located in Fort Smith at 10000 Roberts Boulevard by investing \$81,700,000 in new equipment and renovations to existing buildings. This expansion will add 95 new jobs to the region with an average wage of \$21.17/hour, increasing Mars Petcare's local employment by 90%.

The Tax Back program is a state and local sales tax refund incentive to attract business growth or expansion to Arkansas. The incentive applies to capital purchases associated with construction of new facilities or expansion of existing facilities (such as equipment or building materials) and does not apply to ongoing purchases. The majority of the incentive will be derived from the state sales tax rate. However, in order to participate in the program, the local governments must also agree to the sales tax refund.

Attached is a resolution supporting the participation of **Mars Petcare US, Inc.** in the "Tax Back" program, and the staff recommends approval. The resolution requires approval of an emergency clause as it declares that it is effective immediately upon approval. This action will support the board's stated goal of pursuing economic development and job creation. By helping to grow the employment base in the city and retain one of our significant employment anchors, this action supports Goal ED-3 of the Future Fort Smith Comprehensive Plan.

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

 This item supports the following goal(s) or policies of the Future Fort Smith Comprehensive Plan: ED-3

RESOLUTION NO. _____

RESOLUTION APPROVING AUTOMOBILE AND PROPERTY INSURANCE
COVERAGE FOR THE CITY’S FLEET AND BUILDINGS for 2015-2016

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

SECTION 1: The renewal of the insurance agreement with Travelers
Companies through Brown Hiller Clark and Associates for the insuring of property
and automobiles owned by the City for the policy year of March 1, 2015, through
March 1, 2016, is hereby approved.

SECTION 2: The City Administrator or his designee is hereby authorized to
execute all documents necessary to bind coverage.

This Resolution adopted this _____ day of February, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

RESOLUTION NO. _____

RESOLUTION APPROVING AUTOMOBILE AND PROPERTY INSURANCE
COVERAGE FOR THE CITY’S FLEET AND BUILDINGS for 2015-2016

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

SECTION 1: The renewal of the insurance agreement with Travelers
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March 1, 2016, is hereby approved.

SECTION 2: The City Administrator or his designee is hereby authorized to
execute all documents necessary to bind coverage.

This Resolution adopted this _____ day of February, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

 No Publication Required

Publish ____ Times

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Alie Bahsoon, Purchasing Manager 

SUBJECT: Auto & Property Insurance Renewal (2015-2016)

DATE: February 13, 2015



The City's equipment, auto, and property insurance policies are up for renewal (03-01-15 to 03-01-16) and enclosed for the board's consideration and approval of premiums is the resolution to renew our annual insurance agreement with Travelers Companies through Brown Hiller Clark and Associates (BHC).

As discussed with the Board at the February 10th study session, the renewal premiums are 10% less for this upcoming policy year. As always, BHC priced the market with other carriers and found the Travelers Insurance premiums to be very competitive.

The 2015-2016 rates will reflect the following premiums:

- Property \$330,770 Rate of .1398
- Auto \$393,680 Ave. Cost per unit: \$665
- Equipment \$69,848

As for the 2015-2016 deductibles, they have not changed from last year with the exception of the wind and hail storm as noted below:

Property

- \$25,000 per occurrence (with a \$50,000 wind/hail per occurrence deductible)

Auto

- Combined Single Limit: \$100,000
- Uninsured Limit: \$100,000
- Underinsured Motorist: \$100,000

Equipment

- Deductible is 1% with a \$1,000 Minimum / \$5,000 Maximum)

Please let me know if you should have any questions.

The following are questions posed by the board from the February 10th Study Session. The responses in blue are from a phone interview with Don Zimmerman, AML Executive Director.

AML

- What is the financial strength of the Arkansas Municipal League (AML) insurance program since the funds and assets of the program are separated from the AML funds? Can financials be provided?
 - Per Don A. Zimmerman, AML Executive Director, the program is “more than well-funded; as a matter of fact, if anything, it is over-funded”. The program currently has a \$25 million with \$21.6 million in reserve. The financials for 2012 & 2013 are available on the Arkansas Division of Legislative Audit website found at <http://www.legaudit.state.ar.us/> (Audit ID SA0407402).
- What protection does the AML have against insolvency and what are the responsibilities of the program participants for supplemental payments in the event of shortfalls?
 - The program is backed by the AML reinsurance (AML-RE) with a \$68 million reserve portfolio. The reinsurance program with Alliant Insurance Services (www.alliantinsurance.com)
- Does the AML have a stop loss?
 - There is not a set limit on stop loss but with the \$25 million fund balance plus the AML-RE, program is solid. plus the reserve
- Would the AML consider modifying its coverage levels to those of what Fort Smith currently has (limits of liability to \$100,000 and the offering of Not Insured/Underinsured Motorist coverage)? If so, at what cost?
 - No. The AML does not provide more coverage over the tort immunity limits. Mr. Zimmerman suggested that the city set aside insurance savings realized into a “settlement” fund and create a “min-claims” commission which could be used to settle any claims where the city might have a moral obligation to pay even though there is no legal obligation to pay a claim because of the tort immunity.
- How many cities participate in the AML plan?
 - Out of the 500 member cities in Arkansas, 406 participate in the municipal vehicle program (MVP) and 302 participate in the municipal property program (MPP). [Click here for list of participants.](#)
- What are the limits of liability for out-of-state travel?
 - The AML liability payment limits will be the lesser of the state limits (\$25/\$50/\$25) or the financial responsibility limit in the other state.

- Does the plan provide fleet automatic coverage?
 - No. The City has a 10 day grace period (for auto & property) to notify the AML of any new additions and/or changes. The fleet is provided a blanket insurance card that is identical for all vehicles; it is not vehicle specific
- Is there coverage for employees that drive city vehicles home (on call, etc) or if a vehicle is used for lunch breaks?
 - As long as the employee has a valid driver's license and is authorized by the City to operate the vehicle, there is coverage.
- Is the AML property deductible of \$5,000 a per location or per incident basis?
 - Per location basis. In the event of a tornado, for example, if multiple buildings are damaged, the deductible is \$5,000 for each building whereas Travelers has the \$25,000 deductible regardless of the number of buildings damaged.
- How many staff members work in the automobile and property division?
 - We have two full time employees plus legal, finance and myself (Don Zimmerman) as part time dedicated to the vehicle and property programs. See attached staff list.

Travelers Insurance

- Will Travelers offer a 30 day extension for the City's policy?
 - Travelers will not offer a 30-day "extension" but they can renew and cancel after 30-days on a pro-rata basis.
- Will Travelers agree to renew with just one coverage line?
 - They are not agreeable to offering renewal on just one coverage line. In other words, they will not renew the property without the auto coverage.
- Will Travelers be willing to provide a quote on optional earthquake and flood coverage?
 - Yes. They will offer a quote at \$10 million for earthquake and \$5 million for flood. These are the highest sub-limits available by Travelers.
- Will Travelers entertain lowering their auto liability limits?
 - No. The lowest limits that Travelers will offer is \$100,000 (the current limit).

2014-2015 Auto & Property Insurance by Fund					
Fund Name	Fund Number	Equipment	Auto	Property	Totals
General	0101	\$ 16,649.56	\$ 211,981.93	\$ 76,219.76	\$ 304,851.25
Street	1101	\$ 9,673.44	\$ 59,725.07	\$ 5,633.30	\$ 75,031.81
Parking Authority	1108	\$ -	\$ 5,888.38	\$ 6,104.80	\$ 11,993.18
Convention Center	1115	\$ 1,733.13	\$ -	\$ 47,690.84	\$ 49,423.97
Water & Wastewater	2101	\$ 9,904.12	\$ 100,102.56	\$ 225,795.02	\$ 335,801.70
Sanitation	2104	\$ 29,436.75	\$ 59,725.06	\$ 6,078.28	\$ 95,240.09

AML STAFF LIST

Municipal Vehicle/Municipal Property Program (MVP/MPP)

Linda Montgomery - MVP/MPP Director, ext. 233

MVP/MPP - Manages operation of the municipal vehicle and property coverage program, including collection of premium and claim adjudication. lm@arml.org

Katie Gleason - MVP/MPP Assistant, ext. 132

Assists with operation of municipal vehicle and property programs. kgleason@arml.org

David Baxter- Health and Safety Coordinator, ext. 110

Neil Foreman - Loss Control Specialist, ext. 122

Advises, assists, and recommends to member cities ways to reduce liability exposure, improve workplace safety and prepare for emergencies and disaster response. Responsible for conducting on-site visits for safety inspections on vehicles, equipment and municipal structural property. nforeman@arml.org

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH
ESTABLISHING A COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE**

WHEREAS, the implementation of the Future Fort Smith Comprehensive Plan is critical to the success of the plan; and,

WHEREAS, a citizens implementation committee is needed to help support the City of Fort Smith in implementation of the plan,

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

SECTION 1: A Comprehensive Plan Implementation Committee, consisting of no more than eleven (11) members, is hereby established.

SECTION 2: The committee shall consist of nine (9) at large appointments, to be made by the board of directors, one (1) member of the Planning Commission and one (1) member of the Parks Commission. The Planning Commission and Parks Commission shall each select their representatives for the Committee. All terms shall be for five (5) years, after which time the board of directors shall determine future terms. The representatives of the Planning Commission and Parks Commission must continue to be a member of their respective commission while serving on the committee. If such committee member ceases to be a member of his/her respective commission, the commission shall designate another of its members to fill the remainder of the term on the committee.

SECTION 3: The principal responsibilities of the Committee include periodic progress meetings with City staff, a review of the annual, biennial and quinquennial reports on the progress of the comprehensive plan; provide feedback before the reports are finalized, and assist with preparation of a scorecard to show how the plan is being implemented. The Committee may also assist by working with neighborhood and other community groups providing them with

progress reports and helping them get involved.

THIS RESOLUTION ADOPTED THIS _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required



Memorandum

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: February 5, 2015
Subject: Comprehensive Plan Implementation Committee

Critical to the success of the Comprehensive Plan (*which was adopted December 16, 2014*), will be an effective implementation strategy. Chapter 5, *Implementation Strategy*, includes a plan for monitoring the progress of the initiatives, evaluate the plan's effectiveness, and keeping it current as new information becomes available. *A copy of the implementation strategy from the Comprehensive Plan is attached.*

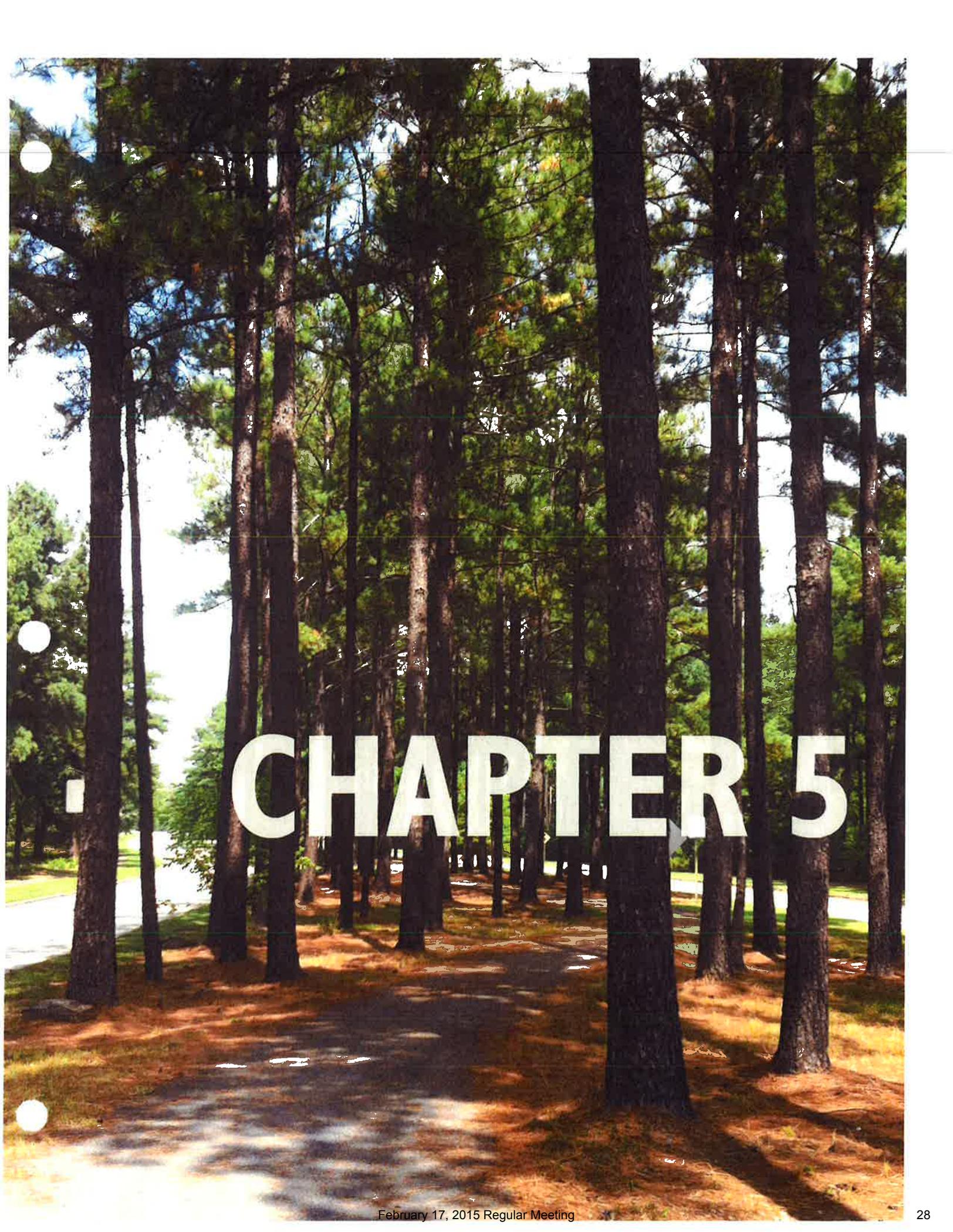
A component of the implementation strategy is a recommendation to create a Comprehensive Plan Implementation Committee (CPIC). The purpose of the CPIC will be to help support the plan's implementation and provide feedback on the plan's progress and necessary updates.

The CPIC may include members of the comprehensive plan steering committee (CPSC). A number of the CPSC members have indicated a desire to serve on the CPIC. In addition to members of the CPSC, we think a representative from the Planning Commission and the Parks Commission would be appropriate for the CPIC. With regard to the committee size, there is no specific recommendation within the plan; however, we think a committee of not more than eleven (11) individuals would be adequate.

The plan has a recommended review schedule that includes an initial review one year after adoption and thereafter monitor the progress on two year cycles. A more comprehensive evaluation will be conducted every five (5) years. The details describing the significance of the two and five-year reports are described in the attachment.

The responsibilities of the CPIC will include periodic progress review meetings, review of the annual, biennial and quinquennial reports and to provide feedback before the reports are finalized and submitted to the Board of Directors. The CPIC will also assist with a Future Fort Smith score card to show how well the plan is being implemented.

Please contact me if you have any questions or require additional information on this subject.



CHAPTER 5

IMPLEMENTATION STRATEGY

IMPLEMENTING THE PLAN

Monitoring and Plan Update Protocol

If a comprehensive plan is to have value and remain useful over time, it is important to develop ways of monitoring progress on its many initiatives, to evaluate its effectiveness, and to keep it current as new information becomes available and as circumstances change.

Comprehensive planning should be thought of as an ongoing process, not as a one-time event. The Future Fort Smith Comprehensive Plan is not an end in itself, but rather the foundation that will guide ongoing, more detailed planning. The Plan Update is designed to respond to changing needs and conditions.

Without evaluation and feedback, the comprehensive plan can soon become irrelevant. To avoid this, the City of Fort Smith will conduct an initial review one year after adoption and will thereafter monitor plan implementation progress on 2-year cycles. The City will also conduct a more thorough review, revision, and update of the Plan every five years.

Ongoing monitoring will inform the Board of Directors, Planning Commission, City administration and departments, partner organizations, and the public about the plan's effectiveness; identify those aspects of implementation that are working well and those needing improvement; and keep the plan current as circumstances change and new information becomes available. The monitoring process provides a way to measure progress and get feedback from policy makers and the public to determine if the implementation program is working.

Following is a description of the two types of reporting procedures recommended for comprehensive plan monitoring and updating.

1. BIENNIAL MONITORING

Every two years, at the end of the fiscal year, the Planning and Zoning Department, in collaboration with all City departments involved in the implementation of the Comprehensive Plan, shall submit to the Planning and Zoning Commission and Board of Directors a report indicating actions taken and progress implementing the plan during the previous two years. The report will include, at a minimum, the following items:

- Projects and policies (including capital improvements) implemented and the alignment of those projects and policies with the goals of the plan
- An annotated matrix indicating the implementation status and benchmarks of each priority program
- A work program for the following two years
- Suggestions for updates to the comprehensive plan needed to respond to new issues and changing conditions, for consideration by the Planning Commission and Board of Directors

2. UPDATING / PLAN REVISION

Once every five years, the Planning and Zoning Department, working with all city departments involved in the implementation of the Comprehensive Plan, will prepare a more comprehensive evaluation report to provide an assessment of the overall progress of the plan, including a description of what significant changes have occurred since plan adoption (or previous update) and use of benchmarks and indicators to measure whether or not the outcomes desired by the community are being met. Depending on progress made and new issues that emerged over the previous five years, the quinquennial Evaluation Report will allow for minor amendments and modifications based on



changing local, regional, state, and national dynamics and trends, as well as the completion of highlighted programs. Major updates may also be required to re-assess the plan's goals, policies, and priorities, and should occur at least every 10 years. If the Evaluation Report finds that a major update is warranted, a new public participation plan should be prepared to ensure the plan update takes direction from the community, including the creation of a new Citizens Steering Committee. If an update to the plan is needed, proposed changes will be submitted to the Planning Commission and Board of Directors within 18 months after the evaluation is approved.

ROLE OF THE COMPREHENSIVE PLAN STEERING COMMITTEE

The Comprehensive Plan Steering Committee (CPSC) was formed in 2013 to provide guidance, feedback, support, and review of the planning process and in-progress work products. The creation of a comparable Citizens Advisory Implementation Task Force (CAITF) is recommended to help support the City of Fort Smith in implementation of the plan, work with neighborhood and other community groups, and provide feedback on the plan's progress and necessary updates.

The CAITF may or may not include all members of the original CPSC. The task force should include subject matter experts (e.g., environmental resources, housing) to serve on and help lead subcommittees or directed task force groups to drive implementation.

The main responsibilities for the CAITF will involve periodic progress review meetings and review of the biennial and quinquennial reports to provide feedback to staff before the reports are finalized and submitted to the Planning Commission and Board of Directors. The CAITF can also assist with the preparation and distribution of a Future Fort Smith Score Card to show the community at large how well the plan is being implemented.

Additional means in which CAITF members may be directly involved in implementing the plan include:

- Volunteer or sign up for interest groups dedicated to implementing a particular action or project.
- Share stories of local results and progress with the City and the community at large.
- Encourage friends and neighbors to get involved in Future Fort Smith implementation projects.

COORDINATION WITH MUNICIPAL BUDGET AND CAPITAL IMPROVEMENTS PROGRAMMING

The City's Budget and corresponding Capital Improvements Program are two of the primary tools that the City of Fort Smith has to carry out the actions identified in this plan and achieve the resident's vision of an exceptional community, characterized by its outstanding quality of life. Consistency with the Future Fort Smith Comprehensive Plan should be maintained as the City updates these documents and makes important decisions about resource allocation and investments. Although there are additional partners identified as responsible for implementing various actions, the City's administration and leadership will be held accountable for the success of the Future Fort Smith plan.

In addition to serving as a policy document, financial plan, operations guide, and communications tool; the City of Fort Smith Budget represents the administration's commitment to implementing the Future Fort Smith Comprehensive Plan. Preparing for Fort Smith's future by implementing the comprehensive plan update and vision statement is specifically identified as one of the City's 2015 Budget Goals, along with other references to this plan's key elements including increasing recreational activities, supporting economic growth and focusing on downtown and riverfront development. As the City continues with its implementation efforts, it will be important for the budget goals and priorities to remain consistent with the comprehensive plan, and measurable progress is made to achieve the plans actions.

Coordination of a city's capital improvements planning process with an adopted comprehensive plan can range in scope from simply referencing consistent goals and policies to establishing a new comprehensive plan-based ranking and budgeting process. As the comprehensive plan is implemented, demand for public facilities and services will continue to increase, but the limitations of

available resources will require the city to prioritize capital investments and spending. A coordinated approach to capital improvements planning will allow the City to maintain the current levels of service and quality of life that residents enjoy while strategically developing the infrastructure needed to accommodate and even promote future growth in a way that is consistent with the adopted comprehensive plan. Within this context, the City can establish guidelines of comparative benefits that will allow the administration and leadership to identify, quantify, and compare the relative benefits of various projects competing for limited funding. Similar to analyzing a proposed project's return on investment, establishing a comparative benefits ranking process as part of the City's capital improvements programming provides results-oriented information that ties outcomes directly to the adopted comprehensive plan.

Guidelines for comparative benefits can include criteria to rank potential capital improvements for both tangible and more qualitative outcomes. Within Fort Smith for example, potential capital improvements projects may rank higher for review if it meets the following criteria;

- Physically located within the targeted growth areas
- Directly implements an identified action
- Leverages additional funding or partnerships
- Includes community-based support
- Achieves multiple benefits; (co-locating facilities, beatification and green infrastructure, etc...)

These guidelines can be used informally to provide context, or in a more formally adopted policy.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A FRANCHISE
UTILITY RELOCATION AGREEMENT FOR
THE JENNY LIND ROAD & INGERSOLL AVENUE WIDENING PROJECT
PROJECT NO. 07-01-A**

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

SECTION 1: The Mayor is authorized to execute a City - Franchise Utility Relocation Agreement with Oklahoma Gas and Electric for the relocation of electric lines for the Jenny Lind Road and Ingersoll Avenue Widening project and payment in the amount of \$78,687.00 is approved.

This Resolution adopted this _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



NPR

INTER-OFFICE MEMO
CITY OF FORT SMITH
ENGINEERING DEPARTMENT

TO: Ray Gosack, City Administrator

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

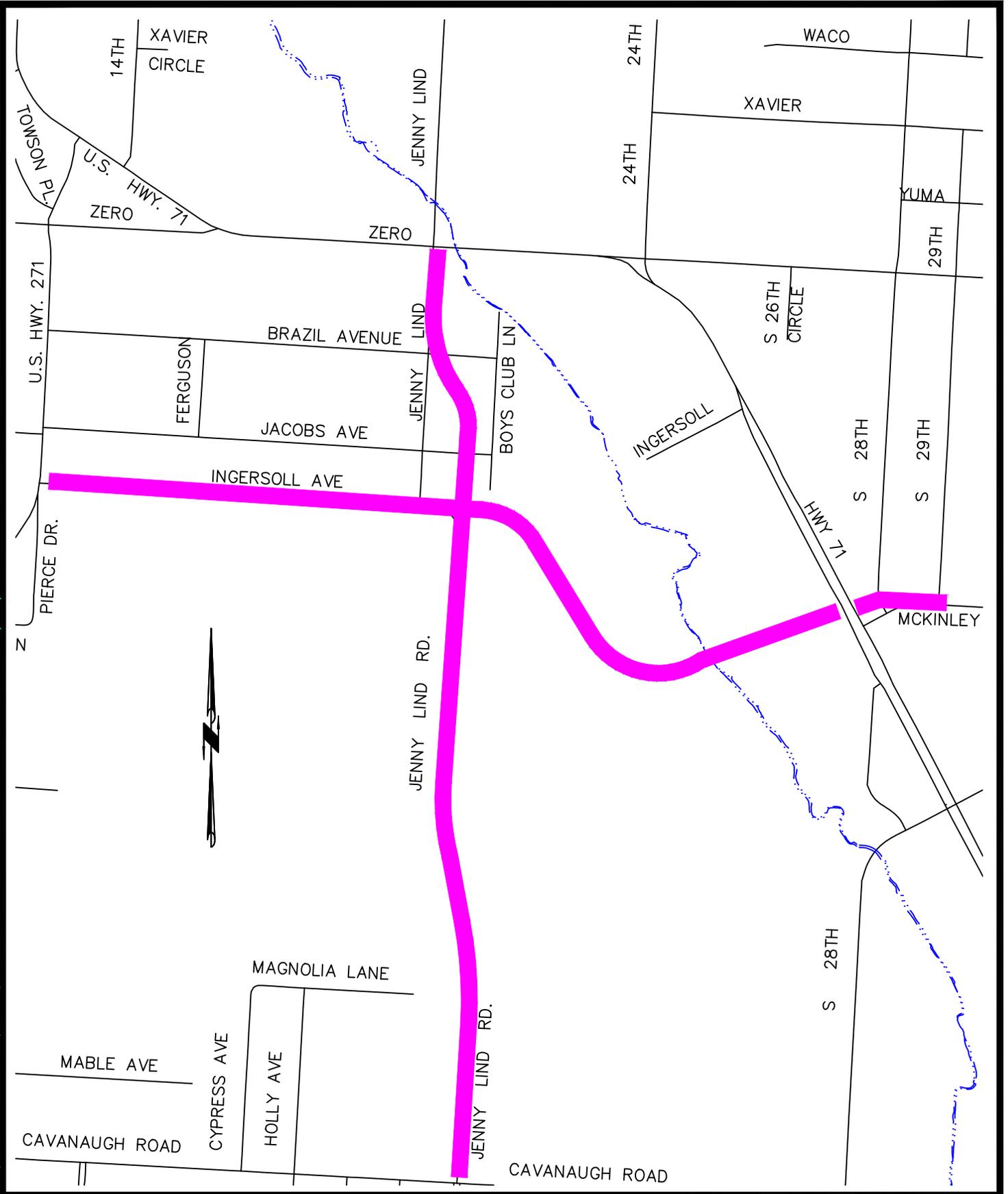
DATE: February 9, 2015

SUBJECT: Jenny Lind Road & Ingersoll Avenue Widening Project
Project No. 07-01-A
Franchise Utility Relocations

The Jenny Lind Road & Ingersoll Avenue Widening Project includes the reconstruction and widening of Jenny Lind Road from Cavanaugh Road to Zero Street, widening of Ingersoll Avenue from Highway 271 to Jenny Lind Road, and the extension of Ingersoll Avenue from Jenny Lind Road to Highway 71 as shown on the attached exhibit. The project is benefitting from federal funding in the amount of \$7.2 million which is being administered through the Arkansas State Highway and Transportation Department (AHTD). Final plans are scheduled to be submitted to the AHTD at the end of this month for their approval and construction will begin later this year. Coordination with the various franchise utilities for the relocation of their facilities is ongoing.

The project will require utility relocation by Oklahoma Gas and Electric. This work will include relocation of their distribution facilities and upgrading to steel poles. The estimated amount for this work is \$78,687.00. Payment will be based upon the actual cost of the work completed. Attached is a Resolution which authorizes the Mayor to execute the Franchise Utility Relocation agreement. Funds for this work are available in the street capital improvement budget. I recommend that the Resolution be adopted by the Board at the next regular meeting.

Enclosure



2014 CAPITAL IMPROVEMENTS PROGRAM
 JENNY LIND
 ZERO STREET TO CAVANAUGH ROAD



Project:	
Date:	SEPT. 2013
Scale:	NONE
Drawn By:	RBR

RESOLUTION _____

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

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

SECTION 1: A time extension with Forsgren, Inc., for the Street Overlays/Reconstruction, Project No. 13-03-B, which increases the contract time by 45 calendar days, is hereby approved.

This resolution adopted this _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

RESOLUTION _____

**A RESOLUTION TO ACCEPT COMPLETION OF AND
AUTHORIZE FINAL PAYMENT FOR THE CONSTRUCTION OF
STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-B**

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 Street Overlays/Reconstruction, Project 13-03-B, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$ 84,123.10 to the contractor, Forsgren, Inc., for the Streets Overlays/Reconstruction, Project 13-03-B.

This resolution adopted this _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required



Memorandum

TO: Ray Gosack, City Administrator

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

DATE: February 10, 2015

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

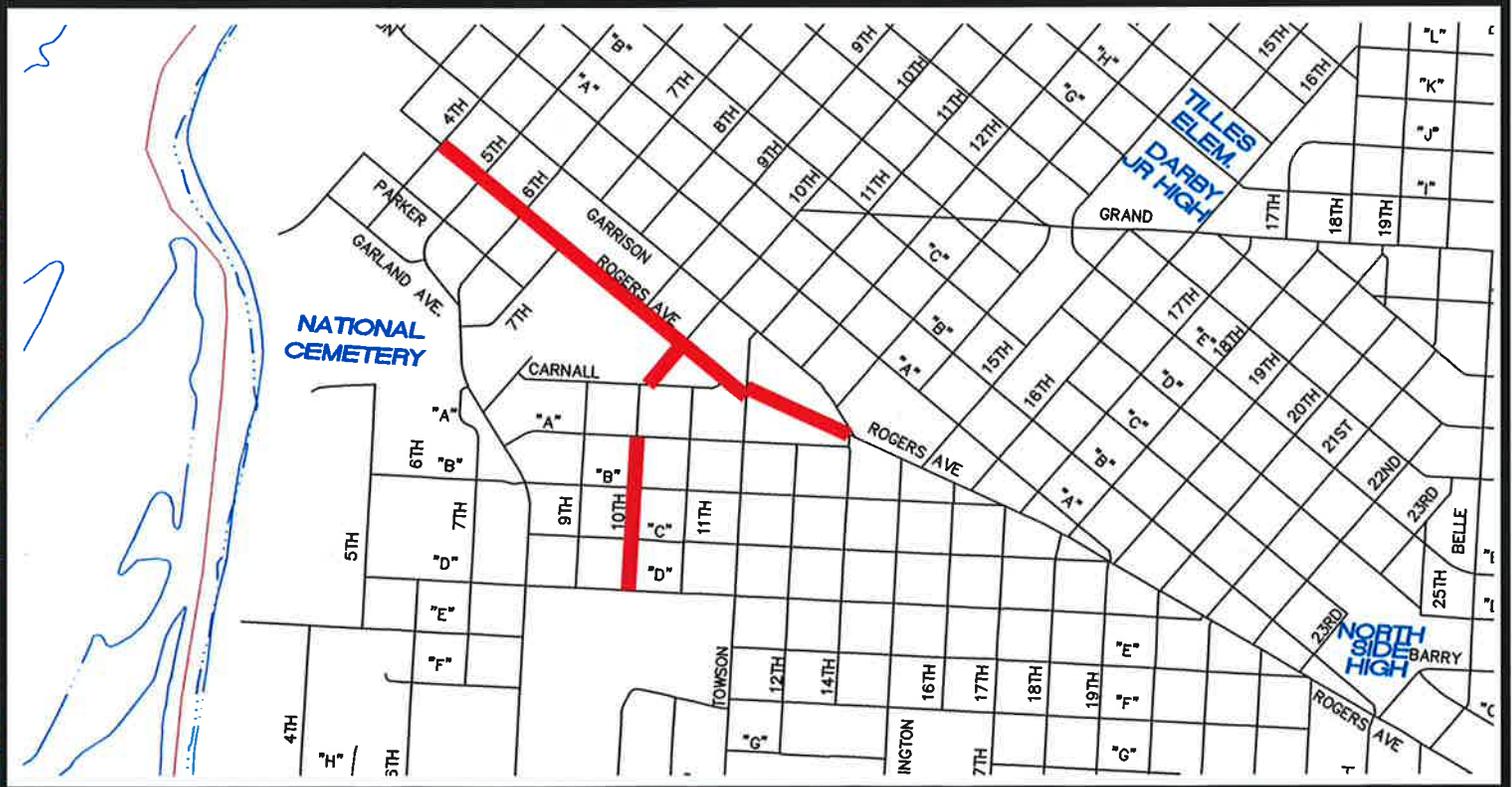
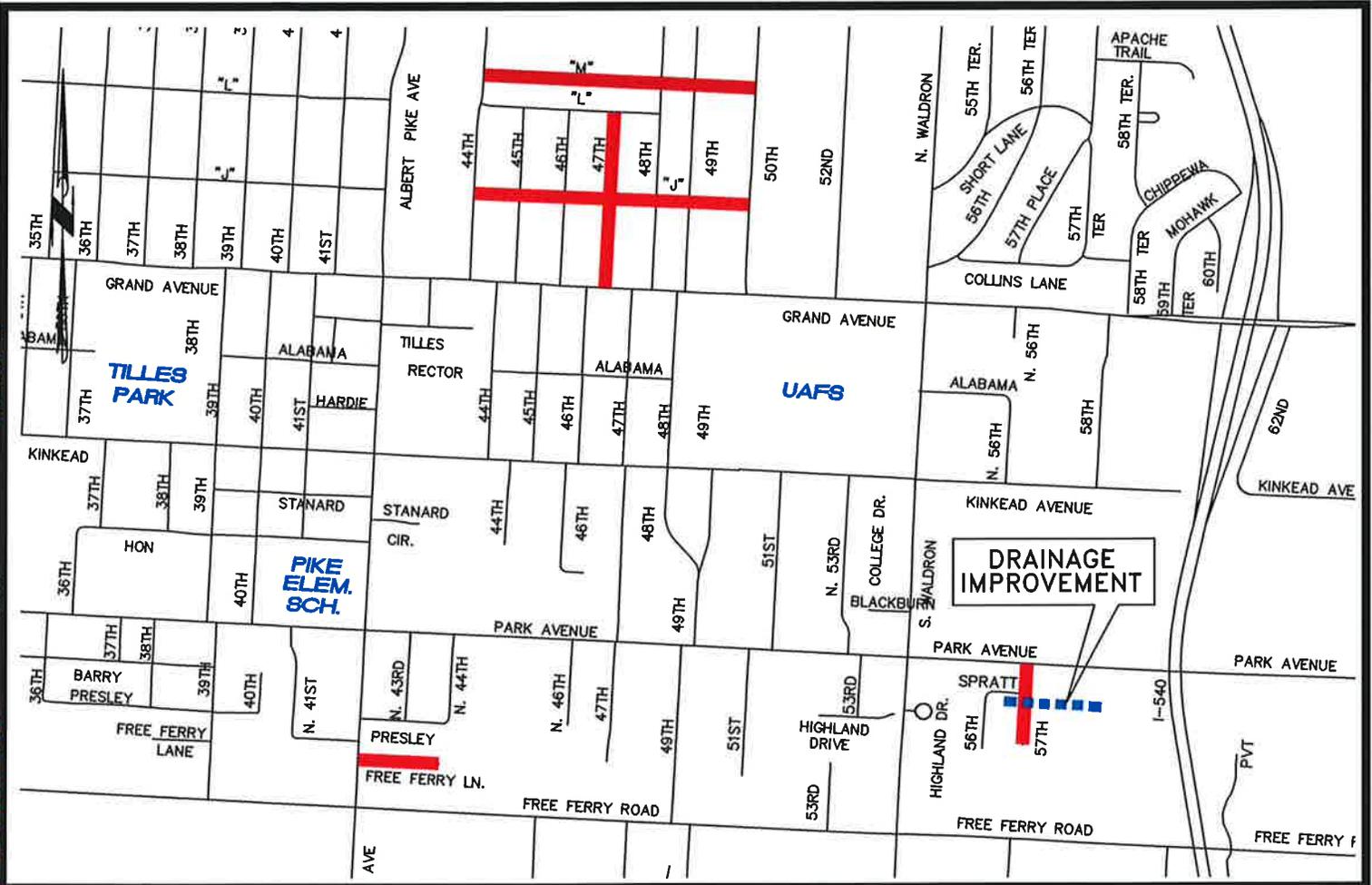
The above subject project consisted of asphalt street overlays, reconstruction and minor drainage improvements as shown on the attached exhibit. The total length of streets improved was approximately 2.1 miles. A project summary sheet is also attached.

The project was substantially complete on September 23, 2014 which is 45 days beyond the contract completion date of Aug 9, 2014. The additional time beyond the contract completion date is due to weather delays (31 days) and field adjustments to drainage items on the project.

This project was also in alignment with the comprehensive plan policies FLU-1.4 (Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision), TI-5.1 (Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems), TI-5.2 (Ensure that utility and infrastructure systems can meet the city's long-term needs) and NCR-2.6 (Reduce stormwater runoff and flooding).

Attached are Resolutions to authorize a time extension and to 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.

Enclosures



2013 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



Project: 13-03-B

Date: SEPT. 2012

Scale: NONE

Drawn By: RBR

SUMMARY SHEET

City of Fort Smith
 Project Status Complete
 Today's Date: 2/10/2015
 Staff contact name: Stan Snodgrass
 Staff contact phone: 784-2225
 Contract time (no of days): 270
 Notice to proceed issued: 11/12/2013

Project Name: 2013 Street Overlays/Reconstruct Ph B
 Project Number: 13-03-B
 Consultant Engineer: EDM Consultants Inc.
 Project Contractor: Forsgren, Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$2,318,809.90	10/8/2013	8/9/2014
Contract Revisions:			
1 Time Extension - 47 days			9/23/2014
2			
3			
Adjusted contract amount	<u>\$2,318,809.90</u>		
Payments to date (as negative):	\$2,077,688.38		
Amount of this payment	\$84,123.10		
Contract balance remaining	\$156,998.42		
Retainage held		0%	
Final payment	\$84,123.10		
Amount under original as a percentage		6.8%	

Final Comments:

The project was substantially complete on September 23, 2014 which is 45 days beyond the contract completion date of Aug 9, 2014. The additional time beyond the contract completion date is due to weather delays (31 days) and field adjustments to drainage items on the project.

RESOLUTION _____

**A RESOLUTION AUTHORIZING A CHANGE ORDER
FOR THE CONSTRUCTION OF
FORT SMITH LEVEE IMPROVEMENTS
PROJECT NO. 11-06-D**

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

SECTION 1: Change Order No. 1 with Crawford Construction Company, for the Fort Smith Levee Improvements, Project No. 11-06-D, which increases the contract amount by \$15,916.91 to an adjusted amount of \$1,859,387.41, and which increases the contract time by 93 calendar days, is hereby approved.

This resolution adopted this _____ day of February, 2015.

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
FORT SMITH LEVEE IMPROVEMENTS
PROJECT NO. 11-06-D**

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 Fort Smith Levee Improvements, Project 11-06-D, as complete.

SECTION 2: Final Payment is hereby authorized in the amount of \$67,446.23 to the contractor, Crawford Construction Company, for the Fort Smith Levee Improvements, Project No. 11-06-D.

This resolution adopted this _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required



Memorandum

TO: Ray Gosack, City Administrator

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

DATE: February 10, 2015

SUBJECT: Fort Smith Levee Improvements
Project No. 11-06-D

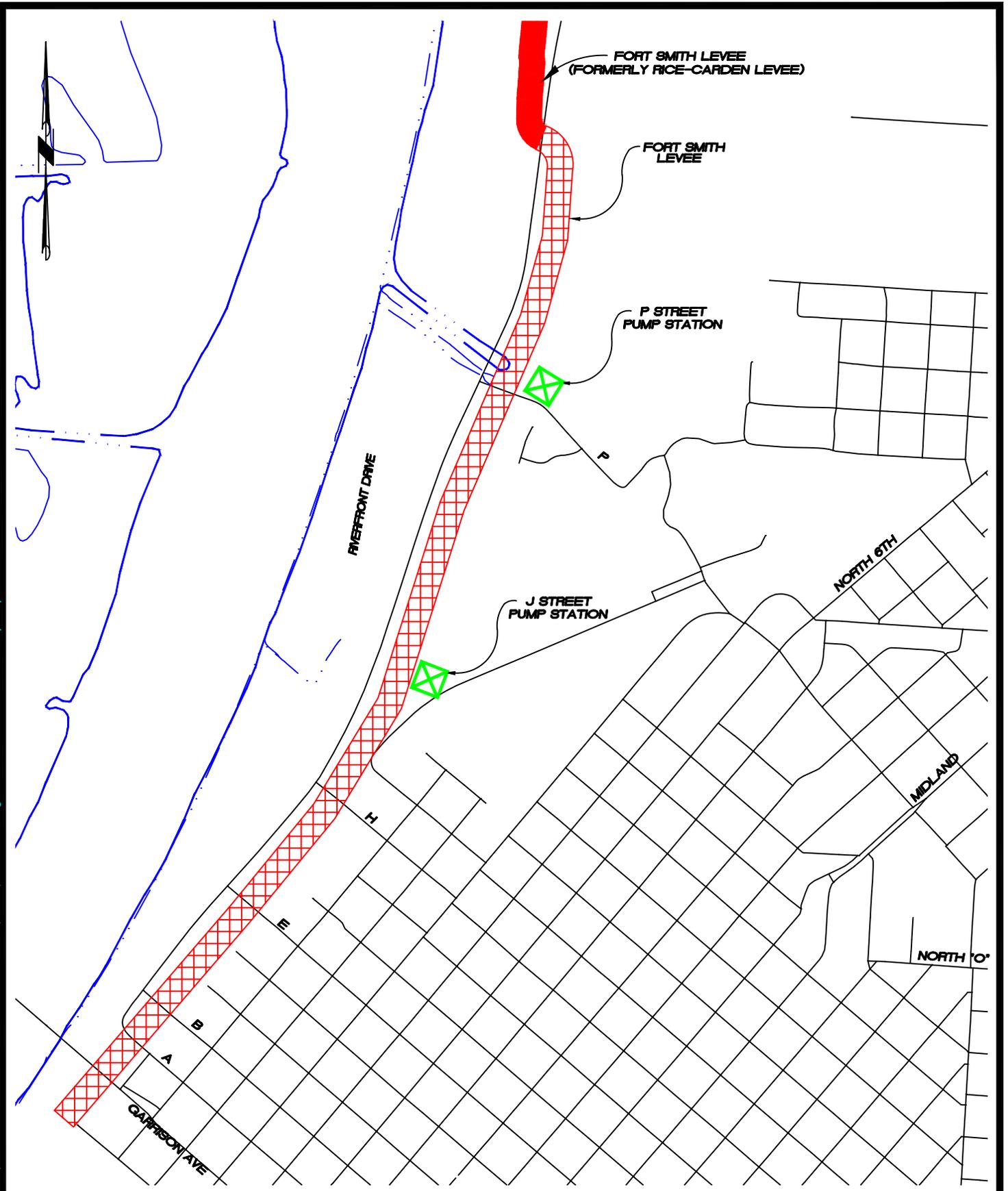
This project included items associated with the repair of the Fort Smith levee in accordance with federal design criteria. The work consisted of rehabilitation of the concrete levee floodwall including crack repairs, spalling repair, joint sealing, installation of a protective coating, and construction of a short section of floodwall. The project also included construction of flood gate closures at North E, H & P Streets, storm sewer pipe repairs and new storm sewer outfall pipe construction. The project is located along Riverfront Drive between North A Street and North P Street as shown on the attached exhibit.

Change Order No. 1 increases the contract amount by \$15,916.91, which is less than 1% of the original contract amount, to an adjusted total contract amount of \$1,859,387.41. This cost increase is associated with additional work items to widen the P Street flood gate closure by 20 feet to accommodate the future Kelley Highway extension. This change order also increases the contract time by 93 calendar days. The additional time beyond the contract completion date is due to weather delays (20 days) and additional/field modified work items. A project summary sheet is attached.

This project was also in alignment with the comprehensive plan policies FLU-1.4 (Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision), TI-5.1 (Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems), TI-5.2 (Ensure that utility and infrastructure systems can meet the city's long-term needs) and NCR-2.6 (Reduce stormwater runoff and flooding).

Attached are Resolutions to approve Change Order No. 1 and to 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.

Enclosures



CAPITAL IMPROVEMENTS PROGRAM
 FORT SMITH LEVEE IMPROVEMENTS
 FORT SMITH, ARKANSAS



Project:	11-06-D
Date:	FEB. 2015
Scale:	NONE
Drawn By:	RBR

PROJECT SUMMARY

City of Fort Smith
 Project Status: Complete
 Today's Date: 2/10/2015
 Staff Contact Name: Stan Snodgrass
 Staff Contact Phone: 784-2225
 Contract Time (no of days): 270
 Notice to Proceed Issued: 5/1/2012

Project Name: Fort Smith Levee Improvements
 Project Number: 11-06-D
 Project Engineer: Mickle Wagner Coleman
 Project Contractor: Crawford Construction Company

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$1,843,470.50	3/27/2012	1/25/2013
Contract Revisions			
Change order No.1 & Time Extension of 93 days	\$15,916.91		8/23/2014
Adjusted contract amount	\$1,859,387.41		
Payments to date (as negative):	\$1,791,941.18		
Amount of this payment	\$67,446.23		
Contract balance remaining	(\$15,916.91)		
Retainage held		0%	
Final payment	\$67,446.23		
Amount over original contract amount as a percentage		0.86%	

Final Comments:

Change Order No. 1 increases the contract amount by \$15,916.91, to an adjusted total contract amount of \$1,859,387.41. This cost increase is associated with additional work items to widen the P Street flood gate closure by 20 feet to accommodate the future Kelley Highway extension. This change order also increases the contract time by 93 calendar days. Based on the substantially complete date of August 23, 2014 and the contract completion date of January 25, 2013, the total days over contract is 575. However, Crawford Construction was restricted for 482 days from completing their work due to an adjacent construction project along North P Street. Deducting the 482 days that the site was restricted from the 575 days, creates a net overage of 93 days. The 93 days also includes 20 weather days. The additional time beyond the contract completion date is due to weather delays and additional/field modified work items.

**RESOLUTIONS AUTHORIZING DEPOSIT
ACCOUNTS AND RELATED SERVICES**

TO: BancorpSouth Bank (the "Bank")

Name and Address of Depositor:

City of Fort Smith, Arkansas
Re: Parrot Island Waterpark
PO Box 1908
Fort Smith, Arkansas 72902

Federal Tax I.D. Number: 71-6003637

Date of this Resolution: February 17, 2015

WHEREAS, the City of Fort Smith, Arkansas ("Fort Smith") and the County of Sebastian, Arkansas ("County"), jointly own an outdoor waterpark and aquatics facilities located in Fort Smith, Sebastian County, Arkansas ("Parrot Island Waterpark");

WHEREAS, the City and the County have entered into a Management Agreement with American Resort Management, LLC ("ARM") provided for, among other things, ARM's management of Parrot Island Waterpark;

WHEREAS, the Management Agreement with ARM provides for the creation of an operating account and sub-accounts to be opened at a bank selected by Fort Smith in the name of Fort Smith, owned by Fort Smith and the County, but with ARM having the sole authority to withdraw funds from the operating account and any sub-accounts during the term of the Management Agreement, subject to the rights of Fort Smith and the County upon termination and subject to the rights of Fort Smith and the County to inspect and audit the operating account and any sub-accounts; and,

WHEREAS, Fort Smith has selected the Bank and desires to open for Parrot Island Waterpark with the Bank a deposit account to serve as the operating account and if available, one or more additional deposit accounts to serve as sub-accounts (collectively, the "Accounts") and to authorize ARM's officers Richard Coleman and Jeffrey D. Mona as signers on the Accounts and as having the authority, together with Fort Smith, to receive information from the Bank regarding the Accounts;

NOW, THEREFORE, the following information and resolutions are provided to the Bank.

Fort Smith is a municipal corporation of the State of Arkansas. Fort Smith is governed presently by a body consisting of its Mayor, Sandy Sanders, and the members of its Board of Directors, Keith Lau, Andre Good, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings (collectively referred to as

“Board of Directors”).

Fort Smith is a not for profit governmental entity.

I hereby certify that the following resolutions were unanimously adopted, approved, and confirmed by Fort Smith at a meeting of the Board of Directors held on or prior to the date set forth above, which was duly noticed and attended by a quorum of such body in full accordance with all applicable law:

RESOLVED, that the Bank is hereby selected and designated as a depository of Fort Smith for the Accounts of Parrot Island Waterpark and that the Accounts be opened and maintained as provided herein and that Fort Smith and ARM shall be bound by the deposit account terms and conditions applicable to the Accounts and by all other agreements between the Bank and Fort Smith for deposit products and services in connection with the Accounts;

RESOLVED, that all drafts, checks, orders and other items for the payment of money from the Accounts shall be signed or originated by or at the direction of any one (1) of the following:

Name	Title	Specimen Signature
Richard Coleman	Executive Vice President of ARM as Manager of Parrot Island	_____
Jeffrey D. Mona	President of ARM as Manager of Parrot Island	_____

and the Bank is further authorized to honor and charge the Accounts for all the drafts, checks, orders and other items and transactions drawn or originated in Parrot Island Waterpark’s name when bearing or purporting to bear the facsimile signature of either Richard Coleman or Jeffrey D. Mona, or originated by or at the direction of either of them, regardless of by whom or by what means the facsimile signature may have been affixed or the order may have been originated, and Fort Smith assumes all risks and responsibility involved in the use of any mechanical, facsimile or electronic form of signature or transaction origination and in the delegation to ARM and its said officers for management of the Accounts;

RESOLVED, that the Bank is authorized to honor all drafts, checks, orders or other items or instructions for payment or transfer from the Accounts even though drawn, endorsed, ordered or otherwise payable to a person identified above, and whether presented for cash or for credit to the account of such person or another

person, or in payment of any individual obligation of such person or another person, and the Bank need make no inquiry concerning such withdrawals, orders or dispositions of the money, items or credit given therefor;

RESOLVED, that endorsements for deposit may be made by any one of the persons identified above or may be evidenced by the name of Parrot Island Waterpark being written or stamped on the item or instrument deposited, without designation of the person making the endorsement, and the Bank is authorized to supply any endorsement on any item or instrument tendered for deposit or collection;

RESOLVED, that Fort Smith may from time to time enter into operating, cash management, funds transfer, night depository, safe deposit box, and other agreements relating to deposit accounts, products and services with the Bank and that any one (1) of the following persons is hereby authorized to execute amend, supplement, and deliver to the Bank such agreements in connection with the Accounts upon such terms and conditions as such person may deem appropriate, and to appoint and delegate, from time to time, persons who may act on behalf of Fort Smith pursuant to such agreements.

Name	Title	Specimen Signature
Ray Gosack	City Administrator	_____
Kara Bushkuhl	Finance Director	_____

RESOLVED, that any and all acts authorized pursuant to these resolutions and performed prior to the passage of these resolutions are hereby ratified and approved; and

RESOLVED, that City Clerk of Fort Smith is authorized to certify these resolutions, which supersede all resolutions of like tenor previously furnished to the Bank, and to provide written notice to the Bank in the event these resolutions are hereafter modified or rescinded; and

RESOLVED, that these resolutions will continue in full force and effect and shall remain irrevocable as far as the Bank is concerned until the Bank is notified in writing of their modification or rescission and has had sufficient time to act thereon by accepting or rejecting said modification or rescission, and which modification or rescission shall have prospective effect only.

I further certify that I am a person authorized to make the certifications herein and that the foregoing is a complete and correct copy of the resolutions duly adopted by the Board of Directors of Fort Smith and affirmatively appearing in the permanent records of Fort Smith.

I further certify that there is no provision of any applicable law or other governing document of Fort Smith that either restricts the adoption of the foregoing resolutions or prevents me from executing this certification, and that these resolutions were and are duly approved and authorized in conformity with such governing documents and applicable law.

I further certify that the foregoing resolutions (i) have not been modified, amended or rescinded, (ii) are in full force and effect, and (iii) are binding upon Fort Smith.

This Resolution adopted this _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney, npr

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE OPERATING AGREEMENT WITH AMERICAN RESORT MANAGEMENT, LLC (AS AUTHORIZED BY RESOLUTION NO. R-171-14) SPECIFICALLY RELATED TO THE ESTABLISHMENT AND OPERATION OF BANK ACCOUNTS AND SERVICES RELATED TO PARROT ISLAND WATERPARK

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

The Mayor is hereby authorized to execute an addendum to an Operating Agreement with American Resort Management, LLC (as authorized by Resolution No. R-171-14) specifically related to clarifying the establishment and operation of bank accounts and services related to Parrot Island Waterpark.

This Resolution adopted this _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney, npr

**MANAGEMENT AGREEMENT
ADDENDUM**

This Management Agreement Addendum is entered into by and between the City of Fort Smith, Arkansas and Sebastian County, Arkansas, Arkansas municipal corporations hereinafter jointly referred to as the “owners,” and American Resort Management, LLC, a Pennsylvania Limited Liability Company (“Manager”).

Recitals

WHEREAS, the Owners and Manager entered into a Management Agreement, duly authorized and approved by official action of both municipal Owners on or about December 16, 2014, for the purpose of the operation and management of an outdoor water park and associated ancillary revenue centers owned by the Owners and located at Ben Geren Regional Park; and

WHEREAS, upon attempting to establish the Operating Account identified in § 3.2.1 of such Management Agreement, further clarification related to the establishment, ownership, and operation of the Operating Account is deemed necessary and required by the banking institution.

NOW, THEREFORE, § 3.2.1 of said Management Agreement is hereby amended to read as follows:

“3.2.1 Establishment. The City of Fort Smith, Arkansas, and the Manager shall establish an Operating Account at a bank selected by the Owners (“Selected Bank”) which shall be the “Operating Account” for the Property. The Operating Account shall be opened in the name of the City of Fort Smith, Arkansas, but for purposes of this Agreement shall be considered the jointly owned property of the Owners. The Operating Account shall be subject to the terms, conditions and limitations set forth in this Agreement and in the depository agreement(s) of the Selected Bank where the Operating Account is maintained. The Selected Bank shall not be obligated to ensure or monitor the Manager’s compliance with this Agreement. The Manager shall designate from time to time its employees who shall have transaction authority on the Operating Account according to the usual and customary forms of the Selected Bank. The Manager or its designated employees shall not change the signatory authority on the Operating Account without first receiving approval of the change from the City of Fort Smith, Arkansas. The Operating Account may be a single account or may be multiple accounts based on the policies and procedures of the Selected Bank, and, if available at the Selected Bank, the Operating Account may be linked to sub-accounts (including, but not limited to, reserve accounts for depreciation and capital, expansions, repairs and improvements) as determined by the Owners and established by City of Fort Smith, Arkansas, and the Manager. The Manager, subject to the approval of

the City of Fort Smith, Arkansas, may enter into cash management agreement(s) with the Selected Bank as may be necessary for the transfer of funds between the Operating Account and any sub-accounts to efficiently carry out the purposes of the Agreement. The Manager, subject to approval of the City of Fort Smith, Arkansas, may enter into night depository agreement(s) for after-hours deposit to the Operating Account and/or any sub-accounts, safe deposit box agreement(s) and other agreements relating to deposit accounts, products and services of the Selected Bank. Subject to the Owners’ rights upon termination and subject to Owners’ rights to inspect and audit, the Manager shall have the sole authority to withdraw funds from the Operating Account and/or any sub-account(s) and otherwise transact business on the Operating Account and/or any sub-account(s) during the term of this Agreement.”

IN WITNESS WHEREOF, and with all other provisions of the Management Agreement remain in full effect, the duly authorized representatives of the Owners and Manager have executed this Management Agreement Addendum as of the Effective Date.

AMERICAN RESORT MANAGEMENT, LLC

Date: _____

By: _____

Name: _____

Title: _____

CITY OF FORT SMITH, ARKANSAS

SEBASTIAN COUNTY, ARKANSAS

By: _____

Sandy Sanders, Mayor

By: _____

David Hudson, County Judge

Attest: _____

City Clerk

Attest: _____

County Clerk

Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 2/13/2015
Re: Banking Resolutions related to Parrot Island Waterpark Operations

On the Board's regular meeting agenda for February 17 are two resolutions required by BancorpSouth in order to initiate the Operating Account for the operations of the waterpark.

The first resolution authorizes a deposit account and related services for American Resort Management, LLC (ARM). According to our Management Agreement with ARM (§ 3.2.1), the Owners shall establish an Operating Account for the property. The Operating Account is maintained in the name of the Owners and shall be the property of the Owners. Subject to the Owners' rights upon termination and subject to the Owners' rights to inspect and audit the account, the Manager (ARM) shall have the sole authority to withdraw funds from the Operating Account. This resolution authorizes the Bank to initiate the Operating Account so that it may operate as intended in the Management Agreement.

The second resolution clarifies ownership of the account between the two Owners (the City and the County) named in the Management Agreement. By virtue of the Interlocal Agreement between the City and the County authorized in February, 2012, the waterpark will be managed and operated by the City. However, the Management Agreement signed with ARM indicated that both the City and County are the "Owners," without designating sole ownership of banking arrangements for operations to the City as contemplated in the February, 2012 agreement. Therefore, a resolution authorizing an addendum to the Management Agreement is necessary. This addendum specifies that the language in § 3.2.1 of the Management Agreement contemplates the City of Fort Smith as the sole owner of the Operating Account established to fund operations of Parrot Island Waterpark.

Successful adoption of these two resolutions will facilitate the immediate establishment and the initial funding of the Operating Account, which is a significant hurdle in getting ARM authorized to conduct financial transactions on behalf of Parrot Island and start generating revenue.

Please contact me if you have questions regarding these agenda items.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING RELATIVE TO STRUCTURAL STEEL SUPPLY AND ERECTION AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE TRADE CONTRACTS FOR MATERIALS AND SERVICES RELATED TO THE CONSTRUCTION OF AN AQUATICS FACILITY AT BEN GEREN REGIONAL PARK

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

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

WHEREAS, sealed bids were solicited for various trade contracts for materials and services related to the construction of the recreational aquatics park, and the bids were opened and read aloud in public on April 10 at 2:00 p.m. and December 30, 2014 at 2:00 p.m. in the Sebastian County Courthouse located in Fort Smith; and

WHEREAS, Flintco has vetted all bids opened at the public bid openings and recommended to Sebastian County and the City of Fort Smith a lowest responsible bidder for each of the trade contracts with the exception of structural steel supply and erection, which trade contract received no bids at bid opening; and,

WHEREAS, Flintco has negotiated and recommends a trade contract with Holmes Erection, Inc. in the amount of \$26,500.00 for structural steel supply and erection required for the construction of the recreational aquatics park;

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

Section 1: Because of the exceptional situation of the receipt of no bids at advertised bid opening for the structural steel supply and erection trade contract the requirement of competitive bidding for the structural steel supply and erection trade

contract is waived and the trade contract negotiated with Holmes Erection, Inc. in the amount of \$26,500.00 is hereby approved.

Section 2: The City of Fort Smith hereby approves the following identified trade contracts in the designated amounts for the designated materials and services. The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the approved trade contracts:

for landscaping and irrigation materials and services with Frank Sharum Landscape Design, Inc. of Fort Smith, Arkansas in the amount of \$251,649.31;

for highway sign materials and services with ABC Printing and Signs of Bonanza, Arkansas in the amount of \$140,070;

for concrete work materials and services with Professional Concrete Specialties, LLC of Rogers, Arkansas in the amount of \$243,285;

for structural steel supply and structural steel erection materials and services with Holmes Erection, Inc. of Fort Smith, Arkansas in the amount of \$26,500.

Section 3. The City of Fort Smith, acting jointly with Sebastian County, hereby assigns for management, implementation and enforcement purposes the trade contracts approve by Sections 1 and 2 above to Flintco pursuant to the provisions of Section 2.3.2.1 of the contract of Sebastian County and the City of Fort Smith with Flintco.

This Ordinance enacted this _____ day of February, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



npr



Memo:

February 13, 2015

To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator *-jud*
Re: Trade contracts for the construction of Ben Geren Aquatic Park

The ordinance addresses approval of trade contracts for Parrot Island Waterpark. Frank Sharum Landscape Design, Inc., Fort Smith, will provide the landscaping and irrigation. ABC Printing and Signs of Bonanza will provide the highway sign, concrete work will be provided by Professional Concrete Specialties, LLC of Rogers. These bids were opened on December 30, 2014.

Bids were also opened April 10, 2014. These trade contracts were brought to you for approval at a special called meeting on April 22, 2014; however when these bids were received there were no bids submitted for the structural steel supply and erection. Flintco has negotiated with Holmes Erection, Inc. of Fort Smith in the amount of \$26,500.00 for these materials and services and has recommended to the city and county that this contract be approved. The attached ordinance addresses the fact that no bids were received on the above mentioned bid opening dates and waives the requirement of competitive bids.

Construction of Parrot Island Waterpark is moving along as scheduled and is set to open Memorial Day weekend. I recommend approval of the attached ordinance. Please contact me if you have any questions regarding these items.

attachment

RESOLUTION AUTHORIZING ACQUISITION OF
REAL PROPERTY INTERESTS IN CONNECTION WITH THE
REPLACEMENT OF SEWER LIFT STATION NUMBER 23

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

Section 1: The City Administrator and the City Attorney are hereby authorized to acquire by the exercise of the City’s power of eminent domain, if necessary, a 910 x 30-foot permanent sanitary sewer utility easement, a 910 x 10-foot temporary construction easement for a sanitary sewer line and a 40 x 40-foot site in fee title for a sewer lift station site located on 10101 Dallas Street, Fort Smith, Arkansas, designated as 12-15-P in connection with the Replacement of Lift Station Number 23, Project Number 12-15-ED1.

<u>Tract No.</u>	<u>Owner</u>	<u>Appraised Value</u>
E1	H. C. Jr. & Shirley Crain	\$12,560.00

Until acquisition by the City, authorization set forth in Property Acquisition Policy Resolution R-40-05 of May 17, 2005 is continued in effect in the event the property owner desires to agree to acquisition at the appraised value set forth in the Resolution.

This Resolution adopted this _____ day of February 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr



INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: February 11, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Lift Station No. 23 Replacement
Project Number 12-15

The city has funded a project to replace Lift Stations 15, 16, 17 and 23 in the area of the Village Harbor and Harbor Landing subdivisions by reconstructing three and decommissioning one (combining stations 16 and 23). Three of these four lift stations are metal, in-ground can-type structures that were installed in the early 1970s and are beyond their useful life. Lift Station 23 was constructed as part of the Harbor Landing Subdivision in the early 1980s as a below grade concrete wet well utilizing submersible pumps. Lift Stations 15, 17 and 23 will be reconstructed as below grade submersible pump stations and provided with on-site stand-by power generators. Lift Station 16, located along Dallas Street, is to be decommissioned with the sewer flow it receives redirected to Lift Station 23. The addition of stand-by power for all of the city's wastewater lift stations is now part of the Consent Decree requirements. The Consent Decree established a deadline to install standby power at these stations by the end of Year 2016.

Lift Station 23 was constructed with the development of the Harbor Landing Subdivision and was not expected to always be located on Lot 11 of that subdivision. It was envisioned that it would be relocated to the west along the future extension of Riverview Drive which would connect South 100th Street in Butterfield Landing Subdivision and South 104th Street in Harbor Landing. This would occur with the construction of the residential subdivision being contemplated on the approximate 35 acres of undeveloped land fronting Dallas Street between Butterfield Landing and Harbor Landing subdivisions. The envisioned future relocation of Lift Station 23 would allow it to serve a larger development area and the current site now located on Lot 11 in Harbor Landing would be abandoned. With the relocation of Station 23, Lift Station 16 would be decommissioned and combined with Station 23.

Mr. and Mrs. Crain's purchase and utilization of the undeveloped 35 acres as a single residential tract precludes the earlier planned multiple lot development and street extension from happening. The existing site for Lift Station 23 on Lot 11 in Harbor Landing is not large enough for the required new lift station improvements. The home constructed on Lot 11 and the 100-year floodway boundary for the Arkansas River preclude the ability to acquire additional useable property on Lot 11. The city is proposing to purchase a new 40 x 40-foot site for the replacement of Lift Station 23 along with two easements, a 30 x 910-foot permanent sanitary sewer easement and a 10 x 910-foot temporary construction easement, from Mr. and Mrs. Crain. The lift station site would be located where Riverview Drive dead-ends into their property on the east and the sewer line easements would run along their east property line between Dallas Street and Riverview Drive.

The Crain's have expressed their strong objection to the use of their property for the lift station and sewer line improvements and have rejected the city's offers. Staff has continued to meet with their attorney, Mr. Steve Sharum, and engineering consultant in an effort to move the project forward. These meetings produced four options which were considered by the parties. Exhibits showing the routes associated with the four options and the cost estimating associated with the gravity sewer line construction and acquisition costs for each are attached. The cost of the lift station improvements is not reflected in the cost estimating as it is a constant cost and not influenced by the other variables within the four options examined. A discussion of each option follows:

Option 1 - \$229,047

Option 1 begins at Lift Station 16 located at the rear of Lot 299 in Village Harbor and extends a gravity sewer line eastward along the south right-of-way line of Dallas Street to the alignment with the east side of the Crain property. Then turning north, the sewer line crosses Dallas Street and follows the Crain's east property line to a point adjacent to the dead-end of Riverview Drive where the new lift station would be located. A 40 x 40-foot site would be purchased in fee title for the lift station and the gravity sewer line between Riverview Drive and Dallas Street would be placed within a 30-foot wide permanent sanitary sewer easement. During construction, the permanent sewer line easement would be paralleled by an adjacent 10-foot wide temporary construction easement which would be released upon completion of the project. The cost estimate for the gravity sewer line construction is \$216,487 and the appraised value of the lift station site and easements is \$12,560 for a total cost of \$229,047 for Option 1.

Option 1a - \$306,487

Option 1a follows the same alignment as described by Option 1 and only varies from it in the method of land acquisition. In discussions between the parties a consideration was developed which would separate any potential future maintenance activity related to the gravity sewer line from the remainder of the Crain property. That would be to purchase a 40-foot wide strip for the gravity sewer line between Riverview Drive and Dallas Street in fee title and to install privacy fencing, as currently exists along the Crain's east property line, to block the Crain's view of the city's use of the acquired strip of land. The cost estimate for the gravity sewer line construction remains at \$216,487 with the appraisal adjusted for land acquisition to \$90,000 for a total cost of \$306,487 for Option 1a.

Option 2 - \$474,199

Option 2 begins at Lift Station 16 located at the rear of Lot 299 in Village Harbor and extends a gravity sewer line eastward along the south right-of-way line of Dallas Street to the intersection of South 104th Street. Then turning north, the proposed sewer line is routed within the street pavement of South 104th Street to its intersection with Riverview Drive to a proposed lift station site on the east half of the undeveloped Lot 13. An additional segment of sewer line is to be constructed in the street pavement of Riverview Drive along the frontage of Lots

11 and 12 to redirect the sewer flow to Lift Station 23 back toward the proposed new lift station site. The construction of the sewer line within the street pavement of South 104th Street poses a significant cost for street repair and disruption to the residents along the street, but does not require any easement acquisition. The cost estimate for the gravity sewer line construction is \$424,199 and the purchase amount for the east half of Lot 13 at \$50,000 adjusts the total cost to \$474,199 for Option 2.

Option 3 - \$470,354

Option 3 begins at Lift Station 16 located at the rear of Lot 299 in Village Harbor and extends a gravity sewer line eastward along the south right-of-way line of Dallas Street to the intersection of South 106th Street. Then turning north, follows South 106th Street crossing the first lot and a portion of the second lot on the east side of the street. At that point it connects to an existing sewer line which flows to the existing lift station located on Lot 11. This option also utilizes the east half of the undeveloped Lot 13 for the proposed lift station site. It also requires the additional segment of sewer line is to be constructed in the street pavement of Riverview Drive along the frontage of Lots 11 and 12 to redirect the sewer flow to Lift Station 23 back toward the proposed new lift station site. Easement acquisition is needed from property owners on the easternmost part of the route along Dallas Street and from the two property owners on the east side of South 106th Street. The depth of the sewer line construction along Dallas Street in the area between South 104th and South 106th Streets presents a significant disruption to traffic. It would require the full closure of Dallas Street during the construction activities along one-half of the distance between those two streets and a controlled one-lane usage of the remaining distance. The cost estimate for the gravity sewer line construction is \$415,354 and easement costs in addition to the purchase amount for the east half of Lot 13 sets acquisition costs at \$55,000 for a total cost of \$470,354 for Option 3.

Option 4 - \$458,640

Option 4 follows essentially the same route outlined in Option 2 except the proposed sewer line is routed through the front yards of the residences along the east side of South 104th Street in order to avoid the South 104th Street pavement damage and repair proposed under Option 2. The easement acquisitions would encompass almost all of the front yard area of these residences along with the removal of any trees and landscaping within the easement area. Placing the sewer line outside of the pavement area would reduce the disruption to the residents along the west side of the street, but would significantly increase the disruption to the residents along the east side. The construction of the additional segment of sewer line along the frontage of Lots 11 and 12 to redirect the sewer flow to Lift Station 23 back toward the proposed new lift station site would remain within the street pavement as proposed under Option 2. The cost estimate for the gravity sewer line construction is \$368,640 and the purchase amount for the east half of Lot 13 remains at \$50,000 for a total cost of \$458,640 for Option 4.

On December 18 Mr. Sharum met with Jerry Canfield and me to present the Crain's offer to pay an undefined portion of the increased construction cost associated with Option 3 in order to avoid the use of their property. Their proposal was unusual and presented unique concerns. Mr. Canfield's attached letter presents the discussion related to those concerns.

Staff recommends adoption of the attached Resolution authorizing the city administrator and city attorney to proceed with eminent domain action to acquire the needed property and easements to enable the project to proceed as outlined by Option 1. Mr. Steve Sharum will be present at Tuesday's meeting to represent the Crain's wishes.

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

attachment

pc: Jeff Dingman



OPTION 1 & 1a



OPTION 2



OPTION 3



OPTION 4

PRE-DESIGN OPINION OF PROJECT COSTS

PROPOSED PUMP STATION 23 OPTIONS

Project No. 12-15-ED1

February 4, 2015

ITEM	DESCRIPTION	UNIT	UNIT COST	OPTION 1		OPTION 1a		OPTION 2		OPTION 3		OPTION 4	
				CRAIN - EASEMENT		CRAIN - FEE		104TH PAVEMENT		106TH CIRCLE		104TH - EASEMENTS	
				QTY	TOTAL COST	QTY	TOTAL COST	QTY	TOTAL COST	QTY	TOTAL COST	QTY	TOTAL COST
1	Filter Fabric Barrier (Silt Fence)	LF	\$ 3.00	1,700	\$ 5,100	1,700	\$ 5,100	1,000	\$ 3,000	1,800	\$ 5,400	1050	\$ 3,150
2	Inlet Sediment Barrier	EA	\$ 300.00	1	\$ 300	1	\$ 300	1	\$ 300	4	\$ 1,200	5	\$ 1,500
3	Temporary Construction Entrance	EA	\$ 1,500.00	1	\$ 1,500	1	\$ 1,500	0	\$ -	0	\$ -	1	\$ 1,500
4	Concrete Washout Area	EA	\$ 500.00	1	\$ 500	1	\$ 500	1	\$ 500	1	\$ 500	1	\$ 500
5	Site Preparation	LS	\$ 30,000.00	1	\$ 30,000	1	\$ 30,000	1	\$ 30,000	1	\$ 30,000	1	\$ 30,000
6	Removal & Disposal of Asphalt Pavement	SY	\$ 10.00	35	\$ 350	35	\$ 350	1,200	\$ 12,000	35	\$ 350	90	\$ 900
7	Removal & Disposal of Conc. Driveways/Sidewalks	SY	\$ 8.00	276	\$ 2,204	276	\$ 2,204	378	\$ 3,022	627	\$ 5,016	540	\$ 4,320
8	Removal & Disposal of Conc. Curb and Gutter	SY	\$ 14.00	0	\$ -	0	\$ -	0	\$ -	60	\$ 840	60	\$ 840
9	Removal & Disposal of Trees	LS	\$ 2,000.00		\$ 2,000		\$ 2,000		\$ -		\$ 5,000	14	\$ 28,000
10	Trench or Excavation Safety Systems	LS			\$ 10,000		\$ 10,000		\$ 10,000		\$ 15,000	1	\$ 10,000
11	Traffic Control	LS			\$ 2,500		\$ 2,500		\$ 5,000		\$ 20,000	1	\$ 5,000
12	Unclassified Excavation	CY	\$ 10.00	100	\$ 1,000	100	\$ 1,000	100	\$ 1,000	100	\$ 1,000	100	\$ 1,000
13	Undercut w/ Select Backfill	CY	\$ 25.00	200	\$ 5,000	200	\$ 5,000	200	\$ 5,000	200	\$ 5,000	200	\$ 5,000
14	Select Backfill (Trenches)	CY	\$ 15.00	100	\$ 1,500	100	\$ 1,500	100	\$ 1,500	2,027	\$ 30,405	100	\$ 1,500
15	Granular Backfill in Trenches (Above Pipe Zone Only)	CY	\$ 25.00	50	\$ 1,250	50	\$ 1,250	1,200	\$ 30,000	100	\$ 2,500	490	\$ 12,250
16	Over-Excavation (Trenches)	CY	\$ 8.00	100	\$ 800	100	\$ 800	100	\$ 800	150	\$ 1,200	50	\$ 400
17	Sanitary Sewer Trenching & Backfilling (0' to 6')	LF	\$ 8.00	180	\$ 1,440	180	\$ 1,440	0	\$ -	140	\$ 1,120	0	\$ -
18	Sanitary Sewer Trenching & Backfilling (6' to 8')	LF	\$ 12.00	225	\$ 2,700	225	\$ 2,700	440	\$ 5,280	265	\$ 3,180	200	\$ 2,400
19	Sanitary Sewer Trenching & Backfilling (8' to 10')	LF	\$ 16.00	276	\$ 4,416	276	\$ 4,416	190	\$ 3,040	412	\$ 6,592	580	\$ 9,280
20	Sanitary Sewer Trenching & Backfilling (10' to 12')	LF	\$ 35.00	620	\$ 21,700	620	\$ 21,700	280	\$ 9,800	170	\$ 5,950	0	\$ -
21	Sanitary Sewer Trenching & Backfilling (12' to 14')	LF	\$ 40.00	355	\$ 14,200	355	\$ 14,200	1,095	\$ 43,800	395	\$ 15,800	1260	\$ 50,400
22	Sanitary Sewer Trenching & Backfilling (14' to 16')	LF	\$ 45.00	0	\$ -	0	\$ -	0	\$ -	195	\$ 8,775	0	\$ -
23	Sanitary Sewer Trenching & Backfilling (16' to 18')	LF	\$ 50.00	0	\$ -	0	\$ -	0	\$ -	403	\$ 20,150	0	\$ -
24	Flowable Fill	CY	\$ 85.00	17	\$ 1,417	17	\$ 1,417	500	\$ 42,500	62	\$ 5,270	180	\$ 15,300
25	Seeding, Fertilizing & Mulching	AC	\$ 2,500.00	1.1	\$ 2,870	1.1	\$ 2,870	0.5	\$ 1,250	0.5	\$ 1,250	0.5	\$ 1,250
26	Solid Sodding w/ 4" Topsoil	SY	\$ 7.00	1,378	\$ 9,644	1,378	\$ 9,644	1,844	\$ 12,911	4,218	\$ 29,524	3900	\$ 27,300
27	Aggregate Base Course for Driveways (6" Thickness)	SY	\$ 15.00	0	\$ -	0	\$ -	0	\$ -	240	\$ 3,600	0	\$ -
28	ACHM Surface Course (Type 3)	TN	\$ 150.00	10	\$ 1,500	10	\$ 1,500	215	\$ 32,250	10	\$ 1,500	110	\$ 16,500
29	Concrete Deep Patch	SY	\$ 35.00	35	\$ 1,225	35	\$ 1,225	1,200	\$ 42,000	280	\$ 9,800	250	\$ 8,750
30	Concrete Curb and Gutter	LF	\$ 25.00	0	\$ -	0	\$ -	40	\$ 1,000	60	\$ 1,500	70	\$ 1,750
31	Concrete Driveway (5" Thickness)	SY	\$ 42.00	0	\$ -	0	\$ -	27	\$ 1,120	249	\$ 10,458	500	\$ 21,000
32	Concrete Sidewalk (4" Thickness)	SY	\$ 38.00	276	\$ 10,471	276	\$ 10,471	378	\$ 14,356	378	\$ 14,364		\$ -
33	15" RCP	LF	\$ 50.00	0	\$ -	0	\$ -	0	\$ -	72	\$ 3,600		\$ -
34	36" RCP	LF	\$ 95.00	0	\$ -	0	\$ -	0	\$ -	72	\$ 6,840		\$ -
35	Storm Drain Inlets	CY	\$ 750.00	0	\$ -	0	\$ -	0	\$ -	6.0	\$ 4,500		\$ -
35	Storm Drain Inlet Frame and cover	EA	\$ 300.00	0	\$ -	0	\$ -	0	\$ -	1	\$ 300		\$ -
36	10" PVC Sewer Line (SDR-35, Open Cut)	LF	\$ 35.00	0	\$ -	0	\$ -	0	\$ -	1,798	\$ 62,930	0	\$ -
37	8" PVC Sewer Line (SDR-35, Open Cut)	LF	\$ 30.00	1,656	\$ 49,680	1,656	\$ 49,680	1,965	\$ 58,950	182	\$ 5,460	2033	\$ 60,990
38	4" PVC Sewer Service Line (Sch. 40)	LF	\$ 18.00	40	\$ 720	40	\$ 720	40	\$ 720	60	\$ 1,080	20	\$ 360
39	8"x4" Sewer Service Wye	EA	\$ 200.00	2	\$ 400	2	\$ 400	1	\$ 200	3	\$ 600	1	\$ 200
40	Relocate 4" PVC Force Main	LF	\$ 40.00	0	\$ -	0	\$ -	130	\$ 5,200	410	\$ 16,400	130	\$ 5,200
41	4" Sewer Cleanout (Dual)	EA	\$ 250.00	2	\$ 500	2	\$ 500	1	\$ 250	3	\$ 750	2	\$ 500
42	Tie Into Existing Service Line	EA	\$ 250.00	2	\$ 500	2	\$ 500	1	\$ 250	3	\$ 750	2	\$ 500
43	Standard Manhole (Up to 6' Depth) w/ Frame and Cover	EA	\$ 3,000.00	8	\$ 24,000	8	\$ 24,000	10	\$ 30,000	9	\$ 27,000	10	\$ 30,000
44	Additional Manhole Depth	VF	\$ 200.00	23	\$ 4,600	23	\$ 4,600	81	\$ 16,200	42	\$ 8,400	53	\$ 10,600
45	Connect Sewer Main Pipe to Exist. Manhole	EA	\$ 500.00	1	\$ 500	1	\$ 500	2	\$ 1,000	2	\$ 1,000	1	\$ 500
46	Remove and Replace Fence	LF	\$ 25.00	0	\$ -	0	\$ -	0	\$ -	540	\$ 13,500		\$ -
TOTAL CONSTRUCTION¹:				\$ 216,487		\$ 216,487		\$ 424,199		\$ 415,354		\$ 368,640	
46	Acquisition Costs				\$ 12,560	(See Note 3)	\$ 90,000	(See Note 4)	\$ 50,000	(See Note 4)	\$ 55,000	(See Note 4)	\$ 90,000
TOTAL COST CONSTRUCTION and ACQUISITION:				OPTION 1: \$ 229,047		OPTION 1a: \$ 306,487		OPTION 2: \$ 474,199		OPTION 3²: \$ 470,354		OPTION 4: \$ 458,640	
DIFFERENCE:						\$ 77,440		\$ 245,152		\$ 241,307		\$ 229,593	

NOTES:

- Total Construction Costs Do Not Account for Rock Excavation as Subsurface Investigations Have Not Yet Been Done.
- Cost Opinion Based on Alternate Plan as Submitted Even Though the Design Does Not Conform to Section 33.43 of GLUMRB Standards.
- Includes \$33,600 Allowance for New Fence and Gate.
- Includes \$50,000 Allowance for 1/2 of Lot 13 acquisition.

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

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JAMES E. WEST
ROBERT R. BRIGGS, P.A. †

OF COUNSEL

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

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C. MICHAEL DAILY, P.A. † ●
COLBY T. ROE, P.A.
MICHAEL A. LAFRENIERE

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

February 9, 2015

Mr. Steve Parke
Directors of Utilities
3900 Kelley Highway
Fort Smith, AR 72901

Re: Replacement of Lift Stations 15, 16, 17 and 23 – Project No. 12-15-ED1

Dear Mr. Parke:

At your request, we have reviewed documents and participated in conferences with reference to the acquisition of necessary property interests for the construction of the captioned project. We have reviewed various plats and aerial photographs depicting the subject area together with engineering cost estimates and other engineering information with reference to alternative routes. Additionally, we have participated in a conference with Mr. Stephen Sharum, counsel for the Crain property owners, and have received Mr. Sharum's letter of December 19, 2014, a copy of which is enclosed.

The project involves the removal of an existing, inadequate sewer lift station located on Lot 11 of Harbor Landing (10309 Riverview Drive). The current location does not contain adequate space (the rear of Lot 11 is affected by the Arkansas River flood plain) to serve as the replacement lift station site. The Crain property, at 10101 Dallas Street, is located immediately adjacent and to the west of the existing lift station site. The engineers on the project have identified the Crain property as the proposed location for a 40'x40' permanent site for the replacement lift station. Riverview Drive provides access to the existing lift station and will be used as permanent access to the replacement site. The enclosed drawing depicts these and other discussed locations.

The new lift station site will be served by a 8" sanitary sewer line to be constructed from Dallas Street approximately 910 feet in length to the proposed lift station site. The 40'x40' lift station site will be acquired in fee by the City. The line will be constructed in a 30' wide permanent sanitary sewer easement located along the east side of the Crain property. Also, the project will involve construction of an 8" sanitary sewer line along the south side of Dallas Street following the rear of Lots 299 through 305 of Village Harbor VI Subdivision.

The Crains have objected to both the fee acquisition of the 40'x40' site for the lift station and to the 30' sanitary sewer easement along the east side of their property. The Crains have retained engineering and legal advisors. The Crains have proposed (1) that the City acquire property from Lot 13 of Harbor Landing Addition to serve as the site for the new lift station and (2) that the

new sanitary sewer line be installed either in or along South 104th Street or along South 106th Street (to connect with an existing sanitary sewer line which would reach the new lift station site on Lot 13).

The engineering firm retained by the City for this project has recommended the construction of this portion of the project utilizing the Crain property. The City has obtained an appraisal report regarding the proposed acquisition of a 40'x40' fee taking for the proposed lift station site and a 30' permanent easement (with 20' temporary construction space) for the 8" sanitary sewer line, both to be located along the eastern edge of the Crain property as shown in the attached plat drawing. The appraisal indicates that the necessary property interests have a value of \$12,560.00. The City's engineers indicate that the other two approaches (acquisition of a portion of Lot 13 and construction of sanitary sewer facilities along Dallas Street and either South 104th Street or 106th Street) involve greater costs, extended disruption to Dallas Street, disruption of the use of South 104th Street or South 106th Street, and disruption of private property interests similar to that involved in the use of the Crain property.

You have asked for our review and comment regarding the proposed property interest acquisitions for the project.

Broad discretion is invested in those to whom the power of eminent domain is delegated to determine the nature and extent of interests to be acquired, to determine the location and route of improvements and property interests to be taken therefore, and the necessity and extent of the taking of property interests. That discretion is subject to review by judicial authorities only in cases of fraud, bad faith or gross abuse of discretion; and in such an action, the objecting property owner has the burden of showing abuse of discretion or arbitrary action causing unnecessary damage to property. See cases digested in 7C Arkansas Digest, Eminent Domain, Sections 57-69. As in all eminent domain cases, property owners are entitled to the payment of just compensation and, if the property owner desires, just compensation is to be determined by jury trial.

Our discussion, review of the administrative file and research cause us to conclude that:

(1) The engineer's recommendation of use of the Crain site for the lift station and sanitary sewer line is based on reasonable factors and would not, in our opinion, be successfully challenged as being an arbitrary exercise of the power of eminent domain. The reviewed appraisal report reasonably evaluates the just compensation due for the requested property interests. The City's administration has discussed with the Crain property owners an alternative taking which would involve the acquisition of a 40' fee taking for the 950' distance from the north end of the lift station site to Dallas Street together with the construction of an 8' cedar privacy fence at a total acquisition cost of approximately \$90,000.00. Subject to limiting the uniform 40' width so as to not cause damage to the pond identified on the enclosed drawing, we recommend that such proposal be discussed with the Crain property owners as a potential settlement in the event the

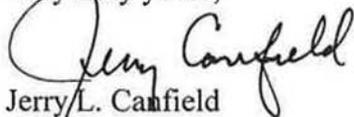
Crain property owners express a preference for the acquisition of a uniform 40' width along their east property line.

(2) The City's administration has reasonably evaluated the 104th Street and 106th Street alternatives. Without engineering opinion that alternative route(s) are preferred, we believe the City's administration appropriately has determined that contact with other property owners is not warranted because of the adverse impression created by suggesting an alternative route at the request of another property owner. We do not believe it would be appropriate for the City's administrative staff to inquire of other property owners regarding the possibility of agreed acquisition of right of way needed for the other options without first revealing that alternative proposals are being evaluated due to the objection of the property owners with reference to the engineer's recommended route. We believe that it is a fair and reasonable assumption that the additional property owners along Dallas Street and along either 104th Street or 106th Street would be similarly affected as are the Crain property owners and would have similar objections as do the Crain property owners. The proposal by the Crain property owners to pay any extra costs resulting from the City's selection of an alternative route should not be considered by the City in the absence of informed consent by all other affected property owners. The avoidance of the public project on the Crain private property is an understood, but private interest. Without the consent of an affected owner, private property cannot be taken for private use, even under the authorization of the legislature. Smith v. Arkansas Midstream Gas Services Corp., 2010 Ark. 256, 377 S.W.3d 199. While the City's expenses of litigation may be considered in evaluating eminent domain actions for filing, settlement or trial; it is our opinion that the disruption to property by the discussed options are similar and that expenses of litigating resulting eminent domain actions are similar.

(3) Finally, in the absence of an engineering determination that another option is preferred, it is our opinion that the City's selection of an alternative route could subject the City to an abuse of discretion challenge to any exercise of the eminent domain power in support of the alternative route selection.

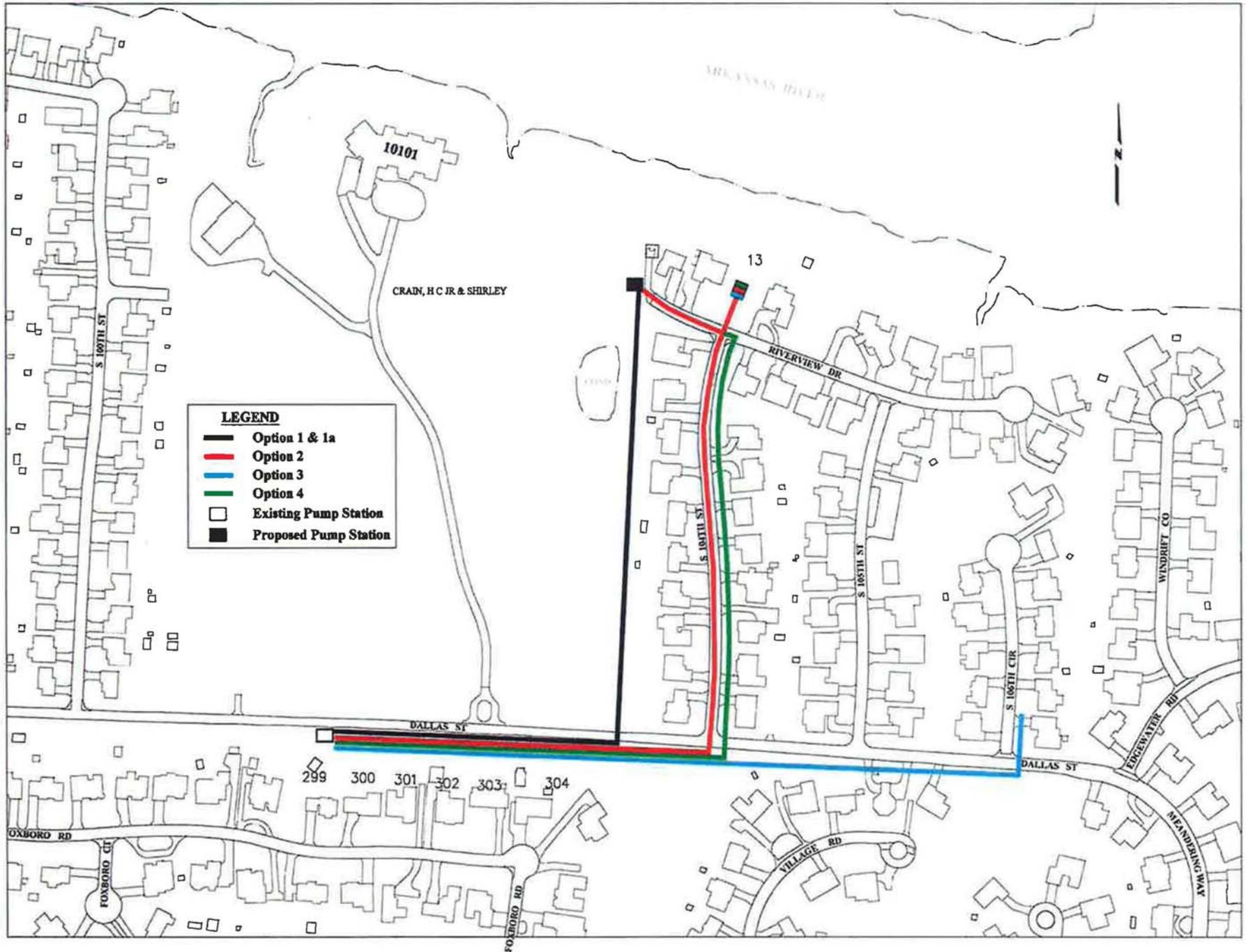
Thank you for your attention to this matter.

Very truly yours,



Jerry L. Canfield
JLC/cmm

Enclosure



STEPHEN M. SHARUM
Attorney at Law and Trial Attorney

Office: (479) 785-0123
Fax: (479) 785-4518
E-Mail: stevesharum@aol.com

19 Court Street (72901)
P.O. Box 1951 (72902-1951)
Fort Smith, AR

December 19, 2014

Mr. Jerry Canfield
Daily & Woods, P.L.L.C.
P.O. Box 1446
Fort Smith, AR 72902-1446

Re: City of Fort Smith Project No.12-15ED1 (Proposed line 23)

Dear Mr. Canfield:

This letter confirms an office conference on December 18, 2014 at your office with Steve Parke. We discussed the above project of the city that includes what has been described as the "Crain option" for access and taking of the East forty feet of their property where their home is located on Dallas Street in Fort Smith, AR. We reviewed certain aerial photographs and schematics to orient us during the meeting of the issues that have been raised as a result of the request of the city.

The discussion with the city began when Robert Jones, property acquisition representative with the city, contacted Mr. and Mrs. Crain on May 8, 2013. We have engaged in a number of meetings and reviewed documents and data for the purpose of trying to bring the issue to a resolution.

You have been made aware that the Crains have vehemently resisted the request of the city to acquire the East forty feet of their property. Mr. and Ms. Crain have engaged our firm and Mr. Pat Mickle of Mickle, Wagner and Coleman Engineers for the purpose of exploring various alternatives to avoid this acquisition.

The purpose of this letter is to request that the city, through the Utilities Department, prepare a complete analysis of an alternate route for the purpose of the completion of project 12-15ED1 which would be an alternate to the Crain proposed acquisition. Pat Mickle has identified an alternate route that he opined is feasible to complete the city's project. This alternative has been identified as option 3, the South 106th Circle Street route. We request the city to have a complete analysis of the cost of this alternate route and to identify any long term advantages and disadvantages to that particular route so a comparison can be reviewed. Our ultimate goal is to have sufficient data to be able to present to the city Board of Directors, if it is necessary to obtain Board resolution, for the alternate route that is being requested by Mr. and Mrs. Crain.

Mr. Jerry Canfield
December 19, 2014
Page 2

Thank you for your consideration. I remain with kindest regards,

Yours very truly,

Stephen M. Sharum

SMS/rb
cc: Mr. and Mrs. H.C. Crain, Jr.

Report of Contact with Owner and Owner's Representative

May 8, 2013	initial contact by city's property representative
May 13, 2013	meeting with Steve Sharum & Gary Grimes
July 17, 2013	meeting with Steve Sharum, Gary Grimes & Pat Mickle
July 25, 2014	meeting with Steve Sharum
September 10, 2014	meeting with Steve Sharum, Gary Grimes & Pat Mickle
December 10, 2014	telephone call with Steve Sharum
December 18, 2014	meeting with Attorney Steve Sharum

Comprehensive Plan Goal Supported By Wastewater Projects

- Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision. (FLU-1.4)
- Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems (TI-5.1)
- Implement an infrastructure Asset Management Program as a tool for management of the utility department's water and sewer systems and to track, manage, and schedule necessary facility upgrades and improvements. (TI-5.1.1)
- Ensure that utility and infrastructure systems can meet the city's long-term needs. (TI-5.2)
- Coordinate land use planning and capital programming to ensure infrastructure improvements and extensions are phased to support the future land use pattern. (TI-5.2.1)
- Adopt criteria for prioritizing funding to infrastructure-related capital improvement projects. (TI-5.2.4)
- Provide new facilities in a manner that protects investments in existing facilities and promotes orderly growth. (PFS-4.2)

A RESOLUTION AUTHORIZING FUNDS TO INCREASE THE WATER MAIN SIZE FOR WATER SYSTEM IMPROVEMENTS TO BE CONSTRUCTED FOR MANESS HILL ADDITION

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

It is hereby determined that the City of Fort Smith should cause a portion of the water system improvements to be constructed to serve the Maness Hill Addition be increased from an eight-inch diameter water line to a twelve-inch diameter water line. The reimbursement for the cost associated with this water line size increase, not to exceed \$11,036.50, will be paid to the developer of the Maness Hill Addition, RUM, Inc., upon the satisfactory completion of the water system improvements.

This Resolution adopted this _____ day of February 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr



INTER-OFFICE MEMO

TO: Ray Gosack, Deputy City Administrator

DATE: February 11, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Waterline Size Betterment for
Maness Hill Addition Lot 1

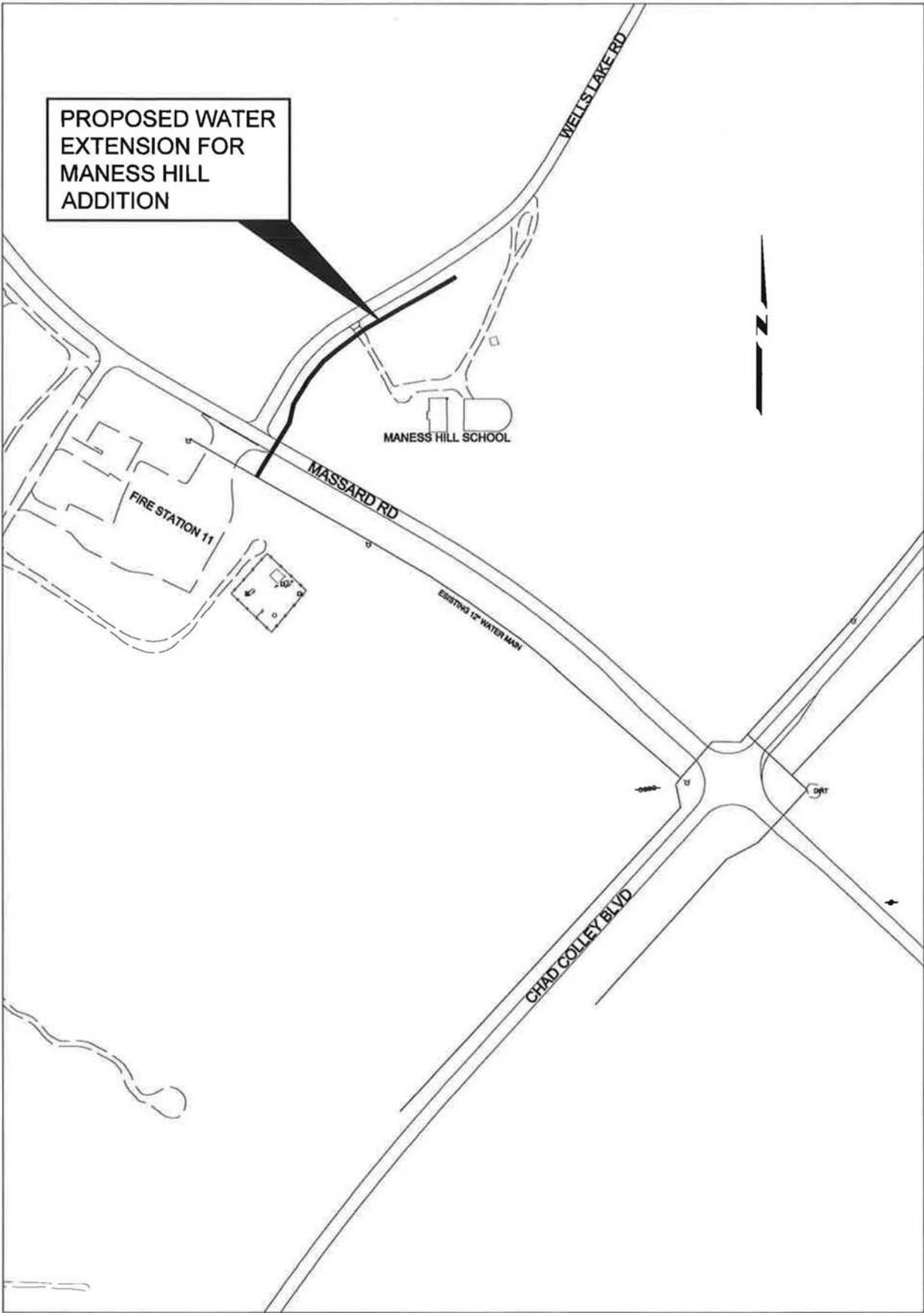
As part of the construction of the Maness Hill Addition Lot 1, the developer must extend a water line to provide water and fire protection for the development. The water line extension is about 530 feet in length beginning at Massard Road, then northward along Wells Lake Road. An eight-inch diameter water line is capable of meeting the minimum design standards for fire protection. However, the water system master plan developed for Chaffee Crossing shows this line should be a twelve-inch diameter line. An exhibit showing the location of the route of the water line extension is attached.

The developer is responsible for the base cost for the eight-inch line and the city would be responsible for the cost associated with increasing the line size from an eight to a twelve-inch diameter. The low bid for the water line construction received by the developer for the construction of each water line size shows that difference to be \$11,036.50. Funds for the water line size betterment are available from the 2008 revenue bonds issued for water and sewer improvements. It is staff's recommendation that the developer constructs the water line as a twelve-inch diameter line and that payment to the developer, RUM, Inc., for an amount not to exceed \$11,036.50 be approved.

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

attachment

pc: Jeff Dingman



Comprehensive Plan Goal Supported By Water Projects

- Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision. (FLU-1.4)
- Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems (TI-5.1)
- Implement an infrastructure Asset Management Program as a tool for management of the utility department's water and sewer systems and to track, manage, and schedule necessary facility upgrades and improvements. (TI-5.1.1)
- Ensure that utility and infrastructure systems can meet the city's long-term needs. (TI-5.2)
- Coordinate land use planning and capital programming to ensure infrastructure improvements and extensions are phased to support the future land use pattern. (TI-5.2.1)
- Adopt criteria for prioritizing funding to infrastructure-related capital improvement projects. (TI-5.2.4)
- Provide new facilities in a manner that protects investments in existing facilities and promotes orderly growth. (PFS-4.2)

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR CITY OFFICES AND PARKING SPACES

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

The Mayor is authorized to execute a lease agreement between the City of Fort Smith and Stephens Production Company, which leases to the City of Fort Smith the following described premises:

Break room and restroom facilities on the west wing of the second floor located on the west side of the hallway and all of the third floor and all of the fourth floor less the west wing of the Stephens Building, which includes the two buildings located on Lots 12 and the East or Northeast 22 ½ feet of Lots 11 and the East or Southeast 92 ½ feet of Lot 10, Block 25, Original City of Fort Smith, Arkansas, all of the fifth floor and all of the office space and vault on the first floor of the building located on the East or Northeast 22½ feet of Lot 11 (being the area formerly occupied by the Trust Department of the Merchants National Bank); and approximately 1,000 square feet of space in the basement of the aforesaid two buildings, together with the use, in common with the other tenants in the building, of the lobby, elevators, stairways, restrooms and hallways.

Also, 73 parking spaces to be assigned by Lessor on parking lots owned or leased by Lessor. Twenty-three such spaces shall be in lots located on Block 25, Original City, 36 spaces in the lot at the Southeast corner of the intersection of North 8th & "A" Streets, and the remaining 14 spaces shall be on lots located within 2 ½ blocks of Block 25.

The lease shall be for a three-year period commencing March 1, 2015, and shall end on the last day of February 2018, at a monthly rental rate of \$23,000 for the first year, a monthly rental rate of \$24,000 for the second year, and a monthly rental rate of \$25,000 for the third year; provided that at any time after August 31, 2017, the City, upon giving six (6) months written notice to Stephens Production Company, may terminate the lease agreement if the City has entered into a binding agreement to purchase or build a permanent City Hall.

A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE A LEASE AGREEMENT FOR CITY OFFICES AND PARKING SPACES
(Continued)

This Resolution adopted this _____ day of February, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

Interoffice Memorandum

TO: Ray Gosack, City Administrator
FROM: Alie Bahsoon, Purchasing Manager
SUBJECT: Renewal of Stephens Building Lease Agreement
DATE: February 10, 2015



The lease with Stephens Production Company (“SPC”) for the city offices located at 623 Garrison Avenue will expire at the end of February.

You will find attached for your review a copy of the new lease agreement and a resolution for the Board’s consideration in authorizing the Mayor to execute the lease agreement.

The general terms of the lease provide for a three-year term commencing on March 1, 2015 and terminating on February 28, 2018. The agreement allows for the City to terminate the lease anytime after August 31, 2017 upon giving a 6-month notice to SPC.

This lease (includes utilities) is based on approximately 32,000 square feet and the new monthly rental rate is \$23,000 for 2015, \$24,000 for 2016, and \$25,000 for 2017. This represents an initial \$2,000 monthly increase over the rate established in the last agreement for the first year, and \$1,000 monthly increases in the second and third years. The increase is attributed to the continued rise in utility, real estate taxes, and maintenance costs. Despite the increase, this equates to an average of \$7.50 per square foot. For a building and office space like ours, the going downtown rate per square foot is between \$12-\$13 per square foot. For your information, here is a snapshot of the lease rate history over the last 27 years:

- 03/1/88 through 02/28/91 \$ 8,000 per month
- 03/1/91 through 02/28/94 \$ 9,000 per month
- 03/1/94 through 02/28/97 \$10,250 per month
- 03/1/97 through 02/29/00 \$11,250 per month
- 03/1/00 through 02/28/03 \$12,500 per month
- 03/1/03 through 02/28/06 \$14,300 per month
- 03/1/06 through 02/28/09 \$16,000 per month
- 03/1/09 through 02/28/11 \$18,000 per month
- 03/1/11 through 02/29/12 \$19,000 per month
- 03/1/12 through 02/28/14 \$20,000 per month
- 03/1/14 through 02/28/15 \$21,000 per month
- 03/1/15 through 02/29/16 \$23,000 per month
- 03/1/16 through 02/28/17 \$24,000 per month
- 03/1/17 through 02/2//18 \$25,000 per month

I am recommending approval of the new lease agreement. Please let me know if you should have any questions about this matter.

LEASE

Stephens Production Company, a division of SF Holding Corp., hereinafter called Lessor, does hereby let, lease and demise unto the CITY OF FORT SMITH, ARKANSAS, an Arkansas Municipal Corporation, hereinafter called Lessee, the following described premises, to-wit:

Break room and restroom facilities on the west wing of the second floor located on the west side of the hallway and all of the third floor and all of the fourth floor less the west wing of the Stephens Building, which includes the two buildings located on Lots 12 and the East or Northeast 22 ½ feet of Lots 11 and the East or Southeast 92 ½ feet of Lot 10, Block 25, Original City of Fort Smith, Arkansas, all of the fifth floor and all of the office space and vault on the first floor of the building located on the East or Northeast 22 ½ feet of Lot 11 (being the area formerly occupied by the Trust Department of the Merchants National Bank); and approximately 1,000 square feet of space in the basement of the aforesaid two building, together with the use, in common with the other tenants in the building, of the lobby, elevators, stairways, restrooms and hallways.

Also, 73 parking spaces to be assigned by Lessor on parking lots owned or leased by Lessor. Twenty-three such spaces shall be in lots located on Block 25, Original City, 36 spaces in the lot at the Southeast corner of the intersection of North 8th & "A" Streets, and the remaining 14 spaces shall be on lots located within 2 ½ blocks of Block 25.

1. TERM: This lease shall commence on March 1, 2015, and shall end on the last day of February, 2018; provided that at any time after August 31, 2017, Lessee, upon giving six (6) months written notice the Lessor, may terminate the lease agreement if Lessee has entered into a binding agreement to purchase or build a permanent City Hall.

2. RENT: Lessee shall pay as rent for the foregoing office space, vaults, basement space, and parking spaces, a monthly rental of \$23,000.00 per month for the first year, a monthly rental of \$24,000.00 per month for the second year and a monthly rental of \$25,000.00 per month for third year. Even though the money herein payable by Lessee to Lessor covers more than just rent, the same shall nevertheless be hereinafter referred to as "rental" or "rental payments." The same shall be payable, at the option of Lessee, on a pro-rata semi-annual basis in advance. The schedule of payments will be determined by Lessee with the one exception that payments will always be made in

4. UTILITIES: Lessor shall furnish water, heating, air-conditioning and electricity to the leased premises at Lessor's expense. However, Lessor shall not be obligated to install any new or additional facilities except when such existing facilities are not capable of providing a comfortable working climate. All other utilities and janitor service used by Lessee shall be paid for by Lessee. If Lessee should install data processing or other equipment causing a substantial increase in the amount of utilities used by the City over that being used at the beginning of the term, Lessee shall pay an additional amount sufficient to cover such additional use.

5. UPKEEP: Lessor agrees to keep the stairs in the main part of the building vacuumed and cleaned as necessary. Lessee agrees to keep the halls, carpets and floors that it occupies cleaned and vacuumed.

6. ASSIGNMENT AND SUBLETTING: Lessee shall not assign this lease nor sublet the leased premises nor any portion thereof without the express written consent of Lessor obtained in advance, which consent will not be unreasonably withheld.

7. REPAIRS: The Lessee shall take good care of the leased premises and fixtures and be responsible for any repairs necessitated by any act of negligence of the Lessee or the agents, employees or visitors of Lessee. Unless the same is covered by Lessor's insurance, Lessee shall also make repairs to the leased premises at its expense for any damage from vandalism including, but not limited to, burglary or attempted burglary, and for any damage to any non-leased premises in the building which are a direct result of visitors to the leased premises.

8. INSURANCE HAZARDS: The Lessee shall not do, nor permit to be done, anything in or about the leased premises that causes the premises to become uninsurable. If Lessee's activities on the leased premises should result in increased rates for fire and extended coverage insurance, Lessee agrees to pay the amount of such increase in addition to the rent.

9. ACTIVITIES: The Lessee shall not do, nor permit to be done, anything in or

10. ALTERATIONS: Lessee may make alterations, at its expense, to the building or the leased premises which are necessary for Lessee to receive or qualify for State, local or Federal funds, provided such alterations do not reduce the value of the building.

11. CONDITION AT TERMINATION: Upon termination of this lease, the Lessee shall surrender possession of the leased premises to the Lessor in as good condition as when possession was taken by the Lessee, or in the highest state of repair in which the same may be put during this lease, ordinary wear and tear and actions of the natural elements excepted. Further, the Lessee shall remove all of its property from the leased premises upon such termination and shall clean up the premises, removing all trash and/or rubbish and all other items or material not forming a part of the premises, and shall leave the premises in a clean and tenantable condition.

12. LESSOR'S INSPECTION: The Lessor shall have the right to enter the leased premises at any reasonable time for inspection purposes or to make such repairs or alterations as it shall deem necessary for the safety, preservation, cleanliness or improvement of the premises.

13. PROSPECTIVE TENANTS: The Lessor shall have the right to show the leased premises to prospective tenants during the last one hundred eighty days (180) days of the term of this lease.

14. DAMAGE TO PREMISES: In the event the leased premises should be damaged or destroyed by fire or other cause or casualty so as to be rendered wholly or partially untenable, other than by reason of the negligence of the Lessee, the parties shall have the following rights and options:

(a) If the amount required to repair and restore the demised premises is \$10,000.00 or less, then Lessor shall cause, at no expense to Lessee, the demised premises to be promptly repaired and restored to substantially the same condition as it was immediately preceding such loss, and from the date of such casualty until the premises are so repaired and restored, rental payments shall abate in such proportion as that part of the said premises thus damaged or destroyed bears to the total premises herein leased.

(b) If the amount required to repair and restore the demised premises is

The amount of such cost to repair and restore the demised premises, in the event of damage as hereinbefore provided in this paragraph, shall be determined as follows: Lessor's and Lessee's architects, who shall be licensed architects, shall furnish an estimate of the cost of such repair and restoration. If, as to the estimate of these architects, Lessor and Lessee still cannot arrive at a cost satisfactory to each of them, then the two shall agree upon a third licensed architect to arrive at a cost estimate, which estimate shall be final and binding upon Lessor and Lessee, and the expense of such third architect shall be borne equally by Lessor and Lessee.

In the event of a termination of the lease under the above provisions, Lessor will return to Lessee any rental previously paid and not yet earned as of the date of the casualty.

15. TAXES: Lessor agrees to cause all ad valorem and other property taxes applicable to the demised premises to be paid promptly when due, but any taxes attributable to any use by the Lessee of the demised premises shall be the responsibility of Lessee. In the event Lessor fails to cause such taxes to be paid when due, Lessee shall have the right to advance such taxes and withhold the amount thereof from any future payment of rentals or, at the option of the Lessee, to maintain an action to recover same from Lessor if same cannot be recovered by withholding from rentals.

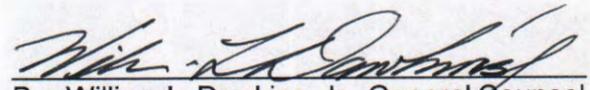
16. MAINTENANCE: Lessor will maintain the electrical (other than replacement of bulbs), plumbing, heating and air-conditioning facilities, and will repair the facilities as necessary.

17. TRASH: At the request of Lessee, Lessor will make available in the basement or some other part of the building, a place for Lessee to keep trash temporarily between the time it is collected and the time it is picked up by the City Sanitation Service.

18. SEVERABILITY: The invalidity or unenforceability of any provision of this Lease shall not affect or impair any other provision. It is agreed that any prior agreements, representations, understandings, promises or warranties are merged herein and are

IN TESTIMONY WHEREOF, the parties hereto have hereunto set their hands and seals this _____ day of _____, 2015.

STEPHENS PRODUCTION COMPANY,


By: William L. Dawkins, Jr., General Counsel

LESSEE

CITY OF FORT SMITH, ARKANSAS,
an Arkansas Municipal Corporation

By: Sandy Sanders, Mayor

ATTEST:

Sherri Gard, City Clerk

RESOLUTION NO. _____

**RESOLUTION ACCEPTING BID FOR THE PURCHASE OF
POLICE PACKAGE UTILITY VEHICLES**

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

The Bid, as indicated by enclosure for the purchase of 5 (five) police
package utility vehicles for \$164,642.60 from Bale Chevrolet, is accepted.

This Resolution adopted this _____ day of February, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

5M

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Alie Bahsoon, Purchasing Manager 

SUBJECT: Police Package Sport Utility Vehicles

DATE: February 10, 2015



In December of 2005, the Board of Directors approved Ordinance 93-05, thereby authorizing the city to participate in the State Cooperative Purchasing Program. This process has enabled us to take advantage of many negotiated contracts that the State of Arkansas currently participates in. One of these contracts is the 2015 State Vehicle Contract (No. 4600033480/SP-15-0011).

The Police Department is in need of replacing 5 vehicles in its fleet and have therefore budgeted \$297,210 in their capital outlay program 4704-301 for the purchase of 5 Police Package Tahoes. The remaining budgeted amount of approximately \$152,000 will be used to purchase various equipment (as noted in the Base Price Tahoe PPV attachment) needed for these vehicles. These purchases will be made from various vendors once the units are delivered to the City.

Funding for this purchase has been appropriated for accordingly in the 2015 City Budget. Because of the cooperative purchasing program, bids were not solicited and we are therefore acquiring these vehicles from Bale Chevrolet of Little Rock in the amount of \$ 164,642.60. You will find attached a memorandum from the Police Department with additional information regarding this purchase and the units being replaced.

Please be advised that this purchase fulfils all of the purchasing obligations as mandated by both state and local purchasing requirements; I am therefore recommending that the enclosed resolution is approved.

Please let me know if should require any additional information.



Fort Smith Police Department

Kevin Lindsey, Chief of Police

Inter-Office Memorandum

To: Mr. Alie Bahsoon, Purchasing Manager

From: Captain Levi Risley

Subject: Patrol Vehicle Purchase

Date: January 21, 2015

The Fort Smith Police Department requests the purchase of five Chevrolet Tahoe Police Package Utility vehicles from Bale Chevrolet, Little Rock, Arkansas. The funds for the vehicle purchase were allocated in the City of Fort Smith 2015 Budget, Program 4704, Capital Outlay Item #301. The purchase request is through the Arkansas State Contract. The prospective vehicles are being offered to the City at a cost of \$30,156.16 each. This price includes the base vehicle price of \$28,277.00, a GM options upgrade of \$717.00 per vehicle, and a Kerr Industry options upgrade of \$1,162.16 per vehicle.

The five new vehicles will replace five vehicles from the Patrol Division (4704):

Asset #136	1998 Dodge Dakota truck
Asset #230	1996 Chevrolet S10 truck
Asset #837	1999 Ford Crown Victoria passenger car
Asset #926	2006 Chevrolet Impala passenger car
Asset #993	2007 Chevrolet Impala passenger car

If you have any questions or require any additional information, please contact me.

"Pride and Progress"

Base Price Tahoe PPV		
\$28,981.00	Price based on 2015 State of Arkansas Contract	
\$1,350.00	KPRIS / Kerr Industries prisoner seats	installed before delivery
\$890.00	KPHEX / Kerr Industries prisoner partition with lower exention panel	installed before delivery
\$120.00	KNVL 55 / Kerr Industries Nitevision dome lamp	installed before delivery
\$240.00	KTLGHT / Kerr Industries inner tailgate dome lights	installed before delivery
\$240.00	KSPEAK / Kerr Industries siren speaker	installed before delivery
\$432.00	KPDIST / Kerr Industries front & rear power distribution centers	installed before delivery
\$97.00	6J3 lights and speakers wiring for grill	factory option
\$225.00	7X6 led spotlight	factory option
\$57.00	6N5 rear window inoperative	factory option
Included	6B2 rear door handles inoperative	factory option now included
\$59.00	6N6 rear door locks inoperative	factory option now included
\$0.00	dual battery upgrade (Now Standard on police package)	
\$500.00	6J7 flasher system headlamp/taillamp	factory option
\$2,000.00	G2S-KADB Genesis 2 Select KA band radar system	
\$450.00	long gun mount	
\$6,683.00	L3 in-car video system FB3 + 2 wireless mics	
\$50.00	flashlight charger	
\$50.00	antennas	
\$845.00	radio/MDT console	
\$2,500.00	Lightbar/Controller/Speaker	
\$470.00	trunk mounted equipment trays	
\$4,500.00	Motorola 2-way radio	
\$275.00	rear window guards	
\$1,000.00	additional LED lighting	
\$500.00	rear cargo barrier	
\$4,500.00	MDT	
\$1,100.00	MDT docking station and mount	
\$600.00	striping & wrapping	
\$500.00	emergency response equipment	
\$200.00	window tinting	

\$30,433.00	Total Equipment Cost
--------------------	-----------------------------

\$59,414.00	Total Base Price & Equipment
--------------------	---

\$297,070.00	Five Equipped Units
---------------------	----------------------------

RESOLUTION NO. _____

**RESOLUTION ACCEPTING BID FOR THE PURCHASE OF
FRONT LOADER**

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

The Bid, as indicated by enclosure for the replacement purchase of a front
loader for \$138,171.64 from Shipley Motor, is accepted.

This Resolution adopted this _____ day of February, 2015.

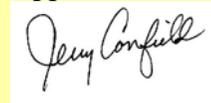
APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Alie Bahsoon, Purchasing Manager

SUBJECT: Front Loader Replacement

DATE: February 10, 2015



The attached resolution is being presented to the board for the approval to purchase a replacement front loader that was damaged in a fire on October 21, 2013. Although the cab and chassis was deemed totaled, the packer body was salvageable and is currently being repaired to be installed on this new chassis that we are acquiring from Shipley Motor.

In 2011, bids were solicited for the purchase of front loaders and per Resolution R-167-08, the bid was awarded to Shipley Motor Equipment (“Shipley”) of Fort Smith, Arkansas. In our bid documents (available in Purchasing), there was a provision that allows the City to exercise an option to renew the contract with Shipley Motor for four (4) consecutive one (1) year periods under the terms and conditions of the bids. It is for this reason that bids were not solicited for the replacement of this front loader.

Although the 2015 Budget did not appropriate funding for this purchase, this unit is being purchased with the insurance settlement (Travelers Insurance) of \$140,790.26 that was deposited into the Sanitation Sinking Fund for Landfill Construction and Fleet Acquisition (Fund 1118). The front loader will be used in the Commercial Collection Division of the Department of Sanitation.

Please be advised that this purchase fulfills all of the purchasing obligations as mandated by both state and local purchasing requirements; I am therefore recommending that the enclosed resolution is approved.

Please let me know if should require any additional information.





CHASSIS SPECIFICATIONS SUMMARY

September 09, 2014

2015 MACK MRU613

REFUSE, FRONT LOADER On/Off Hwy
STRAIGHT TRUCK WITHOUT TRAILER

Engine	MACK MP7-325M 325HP	Transmission	4500-RDS-R
		Clutch	OMIT CLUTCH
Front Axle	20,000# FXL20	Rear Axle	46,000# S462 Ratio 5.04
Suspension	20,000#	Suspension	46,000# SS462
Tires	Front: 425/65R22.5 Rear: 11R22.5	Wheels	22.5x12.25 STEEL DISC (10-HOLE) 22.5x8.25 STEEL DISC (10 HOLE)
Ratings	GVW: 66,000#	Fuel Tanks	LH: 70gal RH: 70gal
Fifth Wheel		Sleeper	

PRICING SUMMARY

	List Price
CHASSIS BASE	\$195,655.00
Factory Options	\$20,016.00
Freight	\$2,050.00
Less Additional Factory Rebate	
Sales Allowances	
TOTAL FACTORY	\$217,721.00
Locally Installed Options	\$22,471.00
Soft Products/Bulldog Protection Plans	\$0.00
TOTAL FACTORY & LOCAL	\$240,192.00
Less Customer Discount from List	\$102,013.86
SELLING PRICE (Excluding Taxes/Fees/Trade)	\$138,178.14
Less Trade Allowances per New Vehicle	\$0.00
QUOTED PRICE OR TRADE DIFFERENCE	\$138,178.14
OBD Surcharge	\$270.00
Net FRET or Canadian GST Taxes	\$0.00
Tire Tax Credit (Municipal Only)	(\$276.50)
Sales/Usage Taxes	\$0.00
License/Title/Etc.	
Misc Fees not subject to FRET	
ACQUISITION COST (Include Trade if applies)	\$138,171.64
Less Down Payment	
BALANCE DUE Per Unit	\$138,171.64
PRICE (Total Order)	\$138,171.64
BALANCE DUE (Total Order)	\$138,171.64

Total Quantity: 1	Estimated Total Weight: 85,200#	Reference#: AHPZ007815A
x <u>Shirley Bohan</u>	<u>9-9-14</u>	x <u>James Carey</u> <u>9-9-14</u>
Prepared For:	Customer Signature	Date
CITY OF FT. SMITH 9701 HWY 45 FORT SMITH, AR 72916 Phone: -- Fax: --		
	Presented By:	Dealer Signature
	JAMES CAREY SHIPLEY MOTOR 2800 WHEELER AVE. FT. SMITH, ARKANSAS 72901 479-782-8281 james.carey@shipleymotor.com	

RESOLUTION NO. _____

**A RESOLUTION CONFIRMING AND APPROVING CONTRACT
OF THE CITY WITH STEVE BEAM CONSTRUCTION, INC.**

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

The City’s contract with Steve Beam Construction, Inc. for the construction of employee parking ditch improvements at the Fort Smith Sanitary Landfill, which contract was dated April 24, 2014, and which contract work has now been completed and final payment made, is hereby confirmed and approved.

This Resolution adopted this ____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



City Attorney
No Publication Required



MEMORANDUM

February 13, 2015

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director 

Subject: Employee Parking Ditch Improvements

Funding for employee parking and drainage improvements in the amount of \$120,000 was approved and included in the 2013 Budget. Late in 2013, the area was evaluated more closely and plans were discussed in more detail. Staff learned the project would exceed the budgeted amount and decided to do as much of the work as possible with the funding provided. A contract with Morrison-Shipleigh Engineers, Inc. for engineering services was executed on December 10, 2013. Bids were advertised on March 9 and March 16, 2014. Only two bids (see attached bid tabulation) were submitted with Steve Beam Construction, Inc. (SBC) offering the low bid of \$69,566. The project started on July 4, 2014 and was completed on October 24, 2014.

While Section 2-182(6) of the Fort Smith Municipal Code allows purchases of supplies and other purchasing activities up to the amount of \$75,000 be approved by the City Administrator, it also requires municipal improvements at a cost in excess of \$20,000 to be competitively bid and approved by the Board of Directors. Most of the municipal improvement projects coordinated by the Department of Sanitation (e.g. landfill expansions, scale facility, road construction, etc.) far exceed the monetary thresholds set forth in Section 2-182(6) which, most certainly, require confirmation and approval by the Board of Directors. In this instance, staff recognized the project cost fell below the \$75,000 limit but inadvertently failed to notice that municipal improvement contracts exceeding \$20,000 required Board approval. Therefore, the contract was submitted to the City Administrator for approval. The contract was noticed for bid, bid, and otherwise handled in accordance with state law. Staff submits the attached Resolution for the Board's consideration to confirm and approve the contract with SBC.

Please contact me should you have any questions or would like additional information regarding this request.

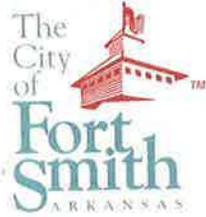
BID TABULATION
Employee Parking Ditch Improvements
Fort Smith Sanitation Department
Bids Received March 25, 2014

Bid Tabulation Certified Correct: 

Item	Description	Unit	Quantity	Engineer's Opinion		Steve Beam Const.		Forsgren, Inc.	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1.	Silt Fence	Lin. Ft.	25	\$5.00	\$125.00	\$10.00	\$250.00	\$14.00	\$350.00
2.	Rock Ditch Check (Flat Bottom Ditch)	Lin. Ft.	20	\$25.00	\$500.00	\$15.00	\$300.00	\$20.00	\$400.00
3.	Concrete Washout Basin	Each	1	\$500.00	\$500.00	\$100.00	\$100.00	\$360.00	\$360.00
4.	Site Preparation	Lump Sum	1	\$5,000.00	\$5,000.00	\$1.00	\$1.00	\$7,500.00	\$7,500.00
5.	Removal & Disposal of Concrete Pavement	Sq. Yd.	180	\$12.00	\$2,160.00	\$18.00	\$3,240.00	\$10.00	\$1,800.00
6.	Removal & Disposal of Storm Drain Pipe (Up to 24" Dia.)	Lin. Ft.	5	\$10.00	\$50.00	\$10.00	\$50.00	\$64.00	\$320.00
7.	Flowable Fill Material	Cu. Yd.	10	\$95.00	\$950.00	\$1.00	\$10.00	\$103.00	\$1,030.00
8.	Seeding, Fertilizing and Mulching	Acre	0.5	\$2,500.00	\$1,250.00	\$1,000.00	\$500.00	\$4,200.00	\$2,100.00
9.	Solid Sodding with 4" Topsoil	Sq. Yd.	500	\$8.00	\$4,000.00	\$5.00	\$2,500.00	\$6.00	\$3,000.00
10.	P.C. Concrete Pavement (8" Thickness)	Sq. Yd.	180	\$60.00	\$10,800.00	\$49.00	\$8,820.00	\$66.00	\$11,880.00
11.	Concrete Sidewalk (4" Thickness)	Sq. Yd.	25	\$48.00	\$1,200.00	\$45.00	\$1,125.00	\$42.00	\$1,050.00
12.	18" Reinforced Concrete Pipe (Class III)	Lin. Ft.	22	\$55.00	\$1,210.00	\$35.00	\$770.00	\$66.00	\$1,452.00
13.	Concrete Headwalls/Wingwalls/Aprons	Cu. Yd.	15	\$900.00	\$13,500.00	\$600.00	\$9,000.00	\$935.00	\$14,025.00
14.	Concrete Ditch Paving (6" Thickness, Non-Reinforced)	Sq. Yd.	950	\$50.00	\$47,500.00	\$45.00	\$42,750.00	\$49.00	\$46,550.00
15.	Concrete Swale Paving (4" Thickness)	Sq. Yd.	3	\$49.00	\$147.00	\$50.00	\$150.00	\$56.00	\$168.00
TOTAL BID (Items 1 through 15)				\$88,892.00		\$69,566.00		\$91,985.00	



Prepared by:
Morrison-Shipley Engineers, Inc.
P.O. Box 10064
Fort Smith, AR 72917
www.morrisonshipley.com



MEMORANDUM

TO: Mayor and Board of Directors
FROM: Wendy Mathis, Administrative Assistant
DATE: February 11th, 2015
SUBJECT: Arkansas Fair and Exhibition Facilities Board

The term of Mr. John Ayers of the Arkansas Fair and Exhibition Facilities Board will expire March 7th, 2015. Mr. Ayers wishes to be reappointed to this board.

There are no other applicants available at this time.

Appointments are **by the Mayor**, one appointment is needed. The term will expire March 7th, 2020.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(501) 785-2801
Administrative Offices FAX (501) 784-2407

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: 2-9-2015

Name: John W. Ayers

Home Telephone: 414 4101

Home Address: 4113 Logan Lane, #504

Work Telephone: 646 7891

Zip: 72908

Email: jayers@weatherhall.com

Occupation: Director of Purchasing, Harry O. Barr Company, Ft Smith, AR
(If retired, please indicate former occupation or profession)

Education: BS in Furnishing Manufacturing + Management, North Carolina State University 1988

Professional and/or Community Activities:

Arkansas Oklahoma Regional Education + Promotion Assoc (Rodeo / Fair Board)

Additional Pertinent Information/References:

Have been Chair of this board since inception in 1998

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

eeeee

Date of Birth

eeeee

(This information will be used to conduct a criminal background check of all ...)

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

ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD

The Arkansas Fair & Exhibition Facilities board authorizes the issuance of revenue bonds to finance fair and exhibition facilities; and prescribing other matters relating thereto.

The board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning or otherwise deal in or dispose of fair and exhibition facilities in the City, including the making of loans with respect thereto.

The Arkansas Fair & Exhibition Facilities Board shall consist of five persons to be appointed by the Mayor in accordance with the Act. The initial members shall serve for terms of one, two, three, four, and five-year terms.

	<u>Date Appointed</u>	<u>Term Expires</u>
John Ayers (chairman) 4112 Logan Lane (03) 414-4101 (h) 646-7891 (w) jayers@weatherbarr.com	03/07/00	03/07/15
Eugene Bruick 6817 Free Ferry Road (03) 484-0680 (h) 679-8818 (w) gbruick@aol.com	02/21/12	03/07/17
Ken Pevehouse 3010 Beverly Dr (01) 782-1975 (h) 785-6062 (w) kpevehouse@data-tronics.com	03/18/03	03/07/18
Andrew Smith 9225 Rosewood Drive Fort Smith, AR 72903 asmith@weatherbarr.com	02/19/13	03/07/18

Mathew Pitsch
11215 Vista Ridge Court (16)
452-4005 (h)
883-2072 (w)
mathew.pitsche@cox.net

03/18/14

03/18/19



MEMORANDUM

TO: Mayor and Board of Directors
FROM: Wendy Mathis, Administrative Assistant
DATE: February 11th, 2015
SUBJECT: Civil Service Commission

The terms of Mr. Sam Sexton III and Mr. Robert Cooper of the Civil Service Commission will expire March 31st, 2015. Mr. Sexton III and Mr. Cooper wishes to be reappointed to the Civil Service Commission.

The applicant available at this time is:

Gregory Davis

9908 Foxboro Road

Appointments are **by the Board of Directors**, two appointments are needed. The terms will expire March 31st, 2021.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(501) 785-2801
Administrative Offices FAX (501) 784-2407

CIVIL SERVICE COMMISSION

The Civil Service Commission is responsible for writing and enforcing rules and regulations governing the Fire and Police Departments. The rules provide for the qualifications for applicants for appointment to the Police and Fire Department and provide for open, competitive examination to test the fitness of applicants. In addition, the Civil Service Commission hears appeals by employees of the Fire and Police Departments concerning disciplinary actions.

The Civil Service Commission consists of five citizens of the City named by the Board of Directors to serve six-year terms. Members shall be citizens of the State of Arkansas and residents of the City for at least three years preceding their appointment. Members shall not hold or be a candidate for any political office under any national, state, county or municipal government, or be connected in any official capacity with any political party or organization. The commission meets on call.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Sam Sexton 12612 Dunston Drive (16) 434-6282 (h) 783-0036 (w) amccutchenlawfirm.com	06/15/10	03/31/15
Robert Patrick Cooper 2601 Athlone Rd (03) 783-9692 (h) 646-4366 (w) rcooper@farrellcooper.com	11/16/04	03/31/15
Sister Judith Marie Keith Executive Director Trinity Educational Trust 7315 Riviera Dr (03) 452-5546 (h) srsjm@yahoo.com	03/16/99	03/31/17

Marty Shell
Terminal Operator
11107 Vista Ridge Court (16)
649-9067 (h)
410-1557 (w)
marty@fiveriversdist.com

03/15/11

03/31/17

Orval Smith
4922 Hardscrabble Way
Fort Smith, AR 72903
629-3761 (h)
226-3212 (w)
smithco82@gmail.com

01/18/12

03/31/19

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: January 12, 2015

Name: Sam "Chip" Sexton, III

Home Telephone: 479-434-6282

Home Address: 12612 Dunston Drive, Fort Smith, AR

Work Telephone: 479-494-5614

Zip: 72916

Email: csexton@fortsmithlawfirm.com

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

Education: Juris Doctor - U of A at Fayetteville (1987)

Professional and/or Community Activities: Board of Directors-Lincoln Youth Center

Provide extensive pro bono legal services. Have previously served on other boards.

Additional Pertinent Information/References: I currently serve as Chairman of the Civil Service Commission and am

the only attorney on the Commission. My familiarity with Arkansas law and Civil Service Regulations provides a benefit to the Commission

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] (as) Date of Birth [redacted]
information will [redacted] (all back ground check of all applicants).

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 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 checked="" type="checkbox"/> <u>Civil Service Commission</u> | <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: JANuary 13, 2015

Name: Robert Patrick Cooper SR. Home Telephone: 479-783-9692

Home Address: 2601 Athlone Road Work Telephone: 479-651-7450

Zip: 72903 Email: RCooper@FARRELLCooper.com

Occupation: Vice-President FARRELL-COOPER Mining Co.
 (If retired, please indicate former occupation or profession)

Education: Graduated 1972 FROM University OF ARKANSAS, Fayetteville

Professional and/or Community Activities: Board member of Degan Foundation,
Board member of ARVEST Bank, School Board member IMMACULATE
CONCEPTION School.

Additional Pertinent Information/References: _____
Request ReAPPOINTMENT TO The CIVIL Service Commission

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 Birth [Redacted] is information will be [Redacted] background check of all applican[Redacted]

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 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 |
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| <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: 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 Cooperative
(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 from

consideration

Drivers License Date of Birth

information will be used to conduct a criminal background 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
[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
() 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:

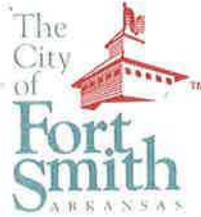
- Interfaith Community Center – Board Member
- Central Presbyterian Daycare Center – Board Member
- Touchstone Energy Cooperative – Board Member

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



MEMORANDUM

TO: Mayor and Board of Directors
FROM: Wendy Mathis, Administrative Assistant
DATE: February 10th, 2015
SUBJECT: Library Board of Trustees

Mr. Ben Carroll of the Library Board of Trustees has resigned his position on December 18th, 2014, this position will need to be filled.

The applicants available are:

Sarah Biggs	2600 South 67 th Street
Amy Skypapa	618 Lecta Avenue

Appointments are **by the Mayor confirmed by the Board of Directors**, one appointment is needed. The term will expire December 31st, 2017.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(501) 785-2801
Administrative Offices FAX (501) 784-2407

LIBRARY BOARD OF TRUSTEES

The Library Board of Trustees is responsible for the management and control of the Fort Smith Public Library.

The Trustees are citizens of Fort Smith appointed by the Mayor, with the approval of the Board of Directors, for five-year terms. Beginning January 1, 1998 regardless of the term length, no person, whether a current trustee or being considered for appointment as a trustee, who has served two (2) or more consecutive terms shall be eligible for appointment or reappointment to serve until at least one (1) year shall have passed since they last served on the board.

The Library Board meets at 4:30 p.m. on the third Tuesday of each month at the Library.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Bettye J. Baker Retired 3304 North 48 Street (04) 783-1903 (h) tcb30@cox.net	03/18/08	12/31/15
Ben Shipley Attorney 3216 Cliff Drive (03) 646-7853 (h) 783-8200 (w) bshiple@cgwg.com	12/21/10	12/31/15
Robert D. Kelly Attorney 9904 Glen Flora Circle (08) 648-6755 (h) 782-8813 (w) rkelly@prbsklaw.com	12/18/07	12/31/17
Ben Carroll Human Resources Manager 3105 South 105 Street (03) 462-2575 (h) 471-6536 (w) bcarroll34@yahoo.com	12/18/12	12/31/17

Anita Paddock
Retired
2606 Dyllan Court (08)
649-7367 (h)
apaddock12@cox.net

12/18/12

12/31/17

Kevin S. Lacewell
Trust Officer
11505 Springridge Drive (16)
649-9387 (h)
785-4331 (w)
klacewell@arvest.com

11/18/08

12/31/18

Joshua Keifer
8207 Valley Forge Rd. (03)
806-6593 (h)
484-7000 (w)
jkeifer@benefitbank.net

12/18/13

12/31/18

Jennifer Goodson, Library Director
1212 North 52 Street (04)
783-0229 (w)
jgoodson@fortsmithlibrary.org

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: 12/23/14

Name: Sarah Biggs

Home Telephone: 479-414-6379

Home Address: 2600 South 67th Street

Work Telephone: 479-784-8182 ext: 3533

Zip: 72903

Email: sbiggs@fortsmithschools.org

Occupation: Fort Smith Public Schools Supervisor of Early Childhood Education, Parent and Community Services
 (If retired, please indicate former occupation or profession)

Education: Doctorate Degree

Professional and/or Community Activities: Fort Smith Schools Partners in Education, Chaffin Junior High Mentoring program.

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  Date of Birth  (This information will be used for a criminal background check of all applicants.)

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

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input checked="" 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 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 | |

Please return this form to Wendy Beshears, P.O. Box 1908, FSM, AR 72902

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: 1/13/15
 Name: Amy Skypala Home Telephone: 4064980121
 Home Address: 618 Lecta Ave. Work Telephone: 4797887825
 Zip: 72901 Email: Amy.skypala@uafs.edu
 Occupation: associate professor of biological science
 (If retired, please indicate former occupation or profession)
 Education: BS University of OK, PhD Univ of NC-Chapel Hill
 Professional and/or Community Activities: Bost Board of Directors member

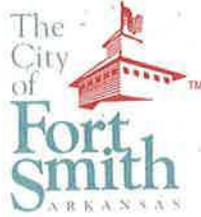
Additional Pertinent Information/References: Dr Ragupathy Kannan,
479-788-7616. (colleague)

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] This information will be used for a criminal back ground check of all applicants).

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

- | | |
|---|--|
| <input type="checkbox"/> Audit Committee | <input checked="" 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 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 | |



MEMORANDUM

TO: Mayor and Board of Directors
FROM: Wendy Mathis, Administrative Assistant
DATE: February 10th, 2015
SUBJECT: Transit Advisory Commission

Mr. Randy Burress of the Transit Advisory Commission has resigned his position on November 18th, 2014, this position will need to be filled.

The applicants available are:

Guadalupe (Lori) A. Contreras 2008 South 6 Street

Appointments are **by the Mayor confirmed by the Board of Directors**, one appointment is needed. The term will expire July 15th, 2016.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(501) 785-2801
Administrative Offices FAX (501) 784-2407

TRANSIT ADVISORY COMMISSION

The Transit Advisory Commission is responsible for maintaining and improving public transit in Fort Smith and to direct efforts regarding marketing/advertising, shelters, special projects, bus zones, stops and routes as well as other related issues.

The commission was established April 7, 1998. The Transit Advisory Commission consists of five members appointed by the Mayor, confirmed by the Board of Directors and each serves three year terms. Meetings are quarterly at 3:00 p.m. in the Transit Department first floor at 6821 Jenny Lind Road.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Dustin Perceful 4615 South R Street (03) 651-0865 (h) 471-3482 (w) ke5sxm@gmail.com	05/15/12	06/15/15
Treopia Jordan 5105 South 33 Street (03) 420-1134 (c) treopia@sbcglobal.net	05/15/12	06/15/15
Randy Burress 4109 Marshall Drive (04) 785-3765 (h)	07/01/01	07/15/16
Charles Poole 8503 Ashberry Court (08) 478-6883 (h) cpoolec@cox.net	07/20/10	07/15/16
Tim Hearn Executive Director, Fort Smith EMS 2419 South Greenwood (01) 783-1078 (w) tim@fsems.org	12/17/13	07/15/17

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.

Name: (Lori) GUADALUPE A. CONTRERAS Date: 1-20-15
 Home Telephone: 479-222-6671
 Home Address: 2008 S. 4th Work Telephone: 479-452-7500
 Zip: 72901 Email: _____
 Occupation: Hotel worker, several positions
 (If retired, please indicate former occupation or profession)
 Education: No school
 Professional and/or Community Activities: none

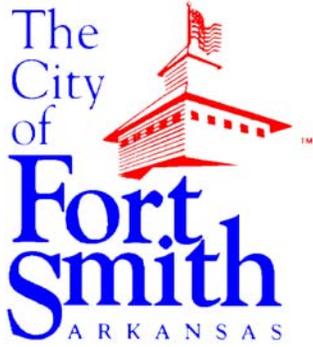
Additional Pertinent Information/References: Worked in the nursery @ St. Paul's Methodist Church, still there.

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 T.D.2 Date of Birth _____
 information will be _____ back ground check of all applicants

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



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 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA ~ Summary
Fort Smith Board of Directors
REGULAR MEETING
February 17, 2015 ~ 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 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Tim Beasley, Central Christian 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, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

APPROVE MINUTES OF THE FEBRUARY 3, 2015 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation: Arkansas Business City of Distinction Award – Honorable Mention for Technology Advancements
Presentation only

2. Items regarding property located at 8225 & 8227 Texas Road (*correct legal description only for previous annexation and zoning amendments*)
 - A. Ordinance amending Ordinance No. 12-15
Approved 7 in favor, 0 opposed / Ordinance No. 17-15
 - B. Ordinance amending Ordinance No. 13-15
Approved 7 in favor, 0 opposed / Ordinance No. 18-15
3. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*Mars Petcare U.S., Inc.*)
Approved 7 in favor, 0 opposed / Resolution No. R-24-15
4. Resolution approving automobile and property insurance coverage for the City's fleet and buildings for 2015-2016 ~ *Hutchings / Pennartz placed on the agenda at the February 10, 2015 study session ~*
Approved 4 in favor, 3 opposed (Lorenz, Pennartz & Settle) / Resolution No. R-25-15
5. Consent Agenda
 - A. Resolution of the Board of Directors of the City of Fort Smith establishing a Comprehensive Plan Implementation Committee ~ *Settle / Hutchings placed on the agenda at the February 10, 2015 study session ~*
Approved 7 in favor, 0 opposed / Resolution No. R-26-15
 - B. Resolution authorizing a franchise utility relocation agreement for the Jenny Lind Road & Ingersoll Avenue Widening Project, Project No. 07-01-A (\$78,687.00 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
Approved 7 in favor, 0 opposed / Resolution No. R-27-15
 - C. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (*45 days*)
Approved 7 in favor, 0 opposed / Resolution No. R-28-15
 - D. Resolution to accept completion of and authorize final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (\$84,123.10 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
Approved 7 in favor, 0 opposed / Resolution No. R-29-15
 - E. Resolution authorizing a change order for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (\$15,916.91 & 93 days / *Engineering Department / Budgeted – Sales Tax Program Fund*)

Approved 7 in favor, 0 opposed / Resolution No. R-30-15

- F. Resolution to accept completion of and authorize final payment for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (\$67,446.23 / Engineering Department / Budgeted – Sales Tax Program Fund)

Approved 7 in favor, 0 opposed / Resolution No. R-31-15

- G. Resolution authorizing deposit accounts and related services (American Resort Management, LLC regarding Parrot Island Waterpark)

Approved 7 in favor, 0 opposed / Resolution No. R-32-15

- H. Resolution authorizing the Mayor to execute an addendum to the operating agreement with American Resort Management, LLC (as authorized by Resolution No. R-171-14) specifically related to the establishment and operation of bank accounts and services related to Parrot Island Waterpark

Approved 7 in favor, 0 opposed / Resolution No. R-33-15

- I. Ordinance waiving the requirement of competitive bidding relative to structural steel supply and erection and approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park (Parrot Island Waterpark) (\$661,504.31 / Parks Department / Budgeted – 2012 Sales Tax Bonds)

Approved 7 in favor, 0 opposed / Ordinance No. 19-15

- J. Resolution authorizing acquisition of real property interests in connection with the replacement of Sewer Lift Station No. 23 (\$12,560.00 / Utility Department / Budgeted – 2014 Sales Tax Bonds)

6 in favor, 1 opposed (Hutchings) to table consideration for 30 days

- K. Resolution authorizing funds to increase the water main size for water system improvements to be constructed for Maness Hill Addition (\$11,036.50 / Utility Department / Budgeted – 2008 Revenue Bonds)

Approved 7 in favor, 0 opposed / Resolution No. R-34-15

- L. Resolution authorizing the Mayor to execute a lease agreement for city offices and parking spaces

Approved 7 in favor, 0 opposed / Resolution No. R-35-15

- M. Resolution accepting bid for the purchase of police package utility vehicles (\$164,642.60 / Police Department / Budgeted – Program 4704-301)

Approved 7 in favor, 0 opposed / Resolution No. R-36-15

- N. Resolution accepting bid for the purchase of a front loader (\$138,171.64 / Sanitation Department / Not Budgeted - Insurance Reimbursement ~ Sanitation Sinking Fund for Landfill Construction and Fleet Acquisition)
Approved 7 in favor, 0 opposed / Resolution No. R-37-15
- O. Resolution confirming and approving contract of the City with Steve Beam Construction, Inc. (\$68,756.96 / Sanitation Department / Budgeted – Program 6304-302)
Approved 7 in favor, 0 opposed / Resolution No. R-38-15

EXECUTIVE SESSION (approximately 7:33 p.m.)

Appointments: **ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD**

John Ayers (reappointment)
Term expires March 7, 2020

CIVIL SERVICE COMMISSION

Sam Sexton, III (reappointment)
Robert Cooper (reappointment)
Terms expire March 31, 2021

LIBRARY BOARD OF TRUSTEES

Amy Skypala (to fill the unexpired term of Ben Carroll, who resigned)
Term expires December 31, 2017

TRANSIT ADVISORY COMMISSION

Guadalupe A. Contreras (to fill the unexpired term of Randy Burress, who resigned)
Term expires July 15, 2016

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, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

ADJOURN

7:45 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ FEBRUARY 17, 2015 ~ 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 Beasley of Central Christian 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, Tracy Pennartz, Kevin Settle and Don Hutchings. 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 February 3, 2015 regular meeting were presented for approval. Lorenz, seconded by Pennartz, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mr. Nathan Rutledge from Crews & Associates presented the Mayor, Board, Administration and Director of Information Technology Systems Russell Gibson with the Arkansas Business City of Distinction Award for Honorable Mention for Technology Advancements (Item No. 1). The award is in recognition of the recently launched mobile app, *myFortSmith*, which provides residents with the ability to submit information and/or report issues in need of attention via their mobile device. The subject award was originally presented at the Arkansas Municipal League Winter Conference on January 16, 2015 in Little Rock.

Mayor Sanders recognized Bryson Porter of Boy Scout Troop 380, who was in attendance to earn his Citizenship in the Community badge.

February 17, 2015 Regular Meeting

The Mayor announced the Government Access Channel (Cox Communications Channel 214) is experiencing technical difficulty; therefore, the live broadcast is currently unavailable. Staff is working to resolve the issue as soon as possible; however, the live broadcast on Ustream is available for viewers.

Item No. 2 consisted of the following items regarding property located at 8225 & 8227 Texas Road (*correct legal description only for previous annexation and zoning amendments*):

- A. Ordinance amending Ordinance No. 12-15
- B. Ordinance amending Ordinance No. 13-15

City Administrator Ray Gosack briefed the Board on the items advising such are merely to correct a scrivener or clerical error with the metes and bounds legal description within Ordinances No. 12-15 and 13-15, which were adopted at the February 3, 2015 regular meeting. The aforementioned ordinances annexed property into the city of Fort Smith and established the Master Land Use Plan and zoning classifications for property located at 8225 and 8227 Texas Road.

Settle, seconded by Pennartz, moved adoption of Item No. 2A. 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 and the ordinance was adopted and given Ordinance No. 17-15.

Hutchings, seconded by Catsavis, moved adoption of Item No. 2B. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by

February 17, 2015 Regular Meeting

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 and the ordinance was adopted and given Ordinance No. 18-15.

Item No. 3 was a resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) *(Mars Petcare U.S., Inc.)*

Deputy City Administrator Jeff Dingman briefed the Board on the item advising such is per the request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce on behalf of Mars Petcare U.S., Inc. Such represents a \$81.7 million investment in new equipment and renovations to existing buildings located at 10000 Roberts Boulevard. The expansion will add ninety-five (95) new jobs to the region with an average wage of \$21.17 per hour. Such increases the company's local employment by ninety percent (90%). Participation in the Tax Back Program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion, and requires governmental endorsement. Participation requires approval from the governing body; therefore, he recommended approval.

The Mayor noted that Mars Petcare was the second company to construct a new facility at Chaffee Crossing; therefore, he conveyed much appreciation and gratitude for their past, present and future investment in Fort Smith.

Director Settle noted that a common question throughout the community has been,

February 17, 2015 Regular Meeting

“*what can the City do to bring in jobs?*” He noted the proposed is a way the City can help citing such *”helps spur the economic development in our community.”*

Settle, seconded by Good, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried. Hutchings, seconded by Pennartz, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and the given Resolution No. R-24-15.

Item No. 4 was a resolution approving automobile and property insurance coverage for the City's fleet and buildings for 2015-2016 ~ *Hutchings / Pennartz placed on the agenda at the February 10, 2015 study session ~*

Administrator Gosack briefed the Board on the item as considerably discussed at the February 10, 2015 study session. Additional information was requested at the study session and such has been provided to the Board. Quotes have been submitted by Travelers Insurance, who has provided coverage for the City of Fort Smith for several years, and the Arkansas Municipal League (AML). The quote from AML is approximately \$240,000 less than Travelers Insurance; however, there are some differences in coverage levels.

There was lengthy discussion with each member of the Board commenting on the matter, which are summarized as follows:

Director Lau conveyed much concern with replacement cost vs availability of cash value from the AML quote and requested information regarding same. No objection was conveyed with regard to considering AML in the future; however, since the existing

February 17, 2015 Regular Meeting

insurance expires on March 1st and AML is not present to provide clarification and confirmations with regard to their coverage, he spoke in favor of retaining Travelers Insurance for the 2015-2016 term.

Mr. Scott Clark, with Brown Hiller Clark Insurance Company, and Mr. Tom Adams with Travelers Insurance, addressed the Board and provided a brief explanation of utilizing a cash value policy, as well providing a comparison of deductibles between Travelers Insurance and those provided by AML.

Director Settle provided statistical data with regard to AML programs citing that in the past, their coverage has mostly been utilized by smaller cities; however, in recent years, AML has expanded their ability to provide insurance coverage for several larger cities. Due to comparisons and anticipated cost savings, he spoke in favor of selecting AML to provide the City's insurance coverage for 2015-2016.

Director Catsavis questioned if AML provides risk management services and if not, he inquired if the City should employ a risk manager.

Purchasing Manager Alie Bahsoon advised that AML does not provide risk management services; however, said services are included in the coverage provided by Travelers Insurance. Although Travelers Insurance has provided said service and due to the expanding needs of the City, he spoke in favor of hiring a risk safety manager regardless of who provides the City's insurance coverage.

Director Pennartz advised her primary concern was related to reinsurance coverage under the AML program; however, said concern has been alleviated due to the information provided that AML maintains reinsurance. She further requested clarifications regarding

February 17, 2015 Regular Meeting

differences in deductibles between AML and Travelers Insurance whereby such was provided by Mr. Adams with Travelers Insurance.

Director Hutchings noted that in 2012, the City reviewed and considered utilizing AML for insurance coverage; however, the City ultimately opted to retain Travelers Insurance. Due to such, he questioned if anything has significantly changed with coverage provided by AML since that time. He further inquired if Mr. Bahsoon is comfortable with utilizing AML for the insurance coverages.

Mr. Bahsoon advised there has been no significant change with regard to fleet coverage provided by AML; however, their property coverage premiums have decreased by approximately forty percent (40%) since the review in 2012. With regard to comfort level of utilizing AML, he finds more deficiencies in their program; however, he clarified that such is merely his personal opinion, which is based on the fact that he has relied greatly on Travelers Insurance for their expertise in many areas of coverage. The long-term relationship between the City of Fort Smith and Travelers Insurance has been beneficial to the City in many ways, i.e., reduced claims due to multiple safety training opportunities for employees, their expertise in assessment of property values, etc.

Director Good requested input from Internal Auditor Tracey Shockley and further inquired why more insurance companies are not interested in providing coverage to the City of Fort Smith.

Ms. Shockley expressed concern with vehicle coverage provided by AML citing they provide limited liability only within the boundaries of the State of Arkansas. Many employees use City vehicles to attend out-of-state training courses. If an accident occurs

February 17, 2015 Regular Meeting

out-of-state, AML would not cover the claim; however, Travelers Insurance covers every City vehicle regardless of location. She also urged the Board to consider the availability of funds within the AML program with regard to replacement costs for a catastrophic event.

With regard to why other insurance companies have shown no interest in providing insurance coverage to the City, Ms. Shockley advised such is due to the risk to the insurance company. Most insurance companies are small operations providing coverage for residential and commercial businesses. Simply put, the City of Fort Smith maintains much greater assets, i.e. numerous structures with high property value and a large vehicle fleet, which creates greater liability and risk to local insurance companies.

Director Lorenz expressed concern with having to consider the matter on February 17th when the existing insurance coverage will expire on March 1st; however, he conceded that such is a difficult decision due to the considerable cost savings if the City opts to go with AML.

Settle, seconded by Pennartz, moved to amend the resolution to utilize the Arkansas Municipal League rather than Travelers Insurance. The members voted as follows: ayes - Lorenz, Pennartz and Settle; nays - Lau, Good, Catsavis and Hutchings. The Mayor declared the motion defeated.

Hutchings, seconded by Lau, moved adoption of the resolution as presented, which will retain insurance coverages with Travelers Insurance. The members voted as follows: ayes - Lau, Good, Catsavis and Hutchings; nays - Lorenz, Pennartz and Settle. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-25-15.

February 17, 2015 Regular Meeting

The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Resolution of the Board of Directors of the City of Fort Smith establishing a Comprehensive Plan Implementation Committee ~ *Settle / Hutchings placed on the agenda at the February 10, 2015 study session ~*
- B. Resolution authorizing a franchise utility relocation agreement for the Jenny Lind Road & Ingersoll Avenue Widening Project, Project No. 07-01-A (*\$78,687.00 / Engineering Department / Budgeted - Sales Tax Program Fund*)
- C. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (*45 days*)
- D. Resolution to accept completion of and authorize final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (*\$84,123.10 / Engineering Department / Budgeted - Sales Tax Program Fund*)
- E. Resolution authorizing a change order for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (*\$15,916.91 & 93 days / Engineering Department / Budgeted - Sales Tax Program Fund*)
- F. Resolution to accept completion of and authorize final payment for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (*\$67,446.23 / Engineering Department / Budgeted - Sales Tax Program Fund*)
- G. Resolution authorizing deposit accounts and related services (*American Resort Management, LLC regarding Parrot Island Waterpark*)
- H. Resolution authorizing the Mayor to execute an addendum to the operating agreement with American Resort Management, LLC (as authorized by Resolution No. R-171-14) specifically related to the establishment and operation of bank accounts and services related to Parrot Island Waterpark

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- I. Ordinance waiving the requirement of competitive bidding relative to structural steel supply and erection and approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park (*Parrot Island Waterpark*) (\$661,504.31 / *Parks Department / Budgeted - 2012 Sales Tax Bonds*)
- J. Resolution authorizing acquisition of real property interests in connection with the replacement of Sewer Lift Station No. 23 (\$12,560.00 / *Utility Department / Budgeted - 2014 Sales Tax Bonds*)
- K. Resolution authorizing funds to increase the water main size for water system improvements to be constructed for Maness Hill Addition (\$11,036.50 / *Utility Department / Budgeted - 2008 Revenue Bonds*)
- L. Resolution authorizing the Mayor to execute a lease agreement for city offices and parking spaces
- M. Resolution accepting bid for the purchase of police package utility vehicles (\$164,642.60 / *Police Department / Budgeted - Program 4704-301*)
- N. Resolution accepting bid for the purchase of a front loader (\$138,171.64 / *Sanitation Department / Not Budgeted - Insurance Reimbursement ~ Sanitation Sinking Fund for Landfill Construction and Fleet Acquisition*)
- O. Resolution confirming and approving contract of the City with Steve Beam Construction, Inc. (\$68,756.96 / *Sanitation Department / Budgeted - Program 6304-302*)

Regarding Item No. 5J, the following individual was present to address the Board:

- Steve Sharum, attorney
Representing the property owners, H.C. Jr. & Shirley Crain

Re: 1. Noted that Director of Utilities Steve Parke and all City staff have been “*very gracious*” during the entire property acquisition negotiation process.

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2. Requested the resolution be tabled for sixty (60) days to allow further discussion regarding the construction cost differential, and allow an opportunity to resolve the matter without necessity of moving forward with eminent domain.

Mayor Sanders requested confirmation that even if the resolution is adopted and eminent proceedings are initiated, negotiations with the property owners will continue.

Upon adoption of the resolution, City Attorney Jerry Canfield confirmed that negotiations with the property owners will continue, which is the typical position of the City for all eminent domain actions. In order to address the request of Mr. Sharum to delay consideration of the item, the City may adopt the resolution, but choose to delay filing of the Order of Possession.

There was very lengthy discussion with several members of the Board conveying multiple inquiries regarding the property owners issue with the proposed acquisition; alleged last-minute notification to the property owners regarding consideration of a resolution authorizing acquisition via eminent domain action; if the requested sixty-day (60) postponement will effect the timeline for the project; if staff seriously considered other options; and, if the property owners would be willing to offset the cost difference for the City to go with another more expensive option.

Mr. Sharum advised the main issue for the property owners is the length of the required easement, disposition of the pond and the right of the City to access the property for future maintenance.

Director of Utilities Steve Parke advised discussions have been ongoing with the property owners since 2013. In December 2014, staff advised Mr. Sharum that if a

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settlement could not be reached, a resolution authorizing initiation of eminent domain proceedings would be presented to the Board of Directors for consideration in February 2015.

Regarding the requested postponement, Mr. Parke advised staff will need to determine the last possible date when the City must be in possession of the property. Although no comment was noted with regard to the requested sixty (60) day postponement, he conveyed no objection to a thirty (30) day or forty-five (45) day delay.

With regard to other options, Mr. Parke noted that multiple options were considered and such options have been provided to the Board. The recommended and proposed option has been determined to be the least expensive and less disruptive to residents in the area.

Regarding the subject property owners willingness to assist in the cost of a more expensive option in an attempt to persuade the City to not acquire their property, Mr. Canfield urged great caution with such. Withholding the power of eminent domain based solely on an offer of money from a resident could subject the City of Fort Smith to future litigation.

Director Hutchings called the question; therefore, Mayor Sanders opened the floor for a motion for adoption of the consent agenda.

Pennartz, seconded by Catsavis, moved to table consideration of Item No. 5J for thirty (30) days. The members all voting affirmatively with the exception of Director Hutchings who voted "no", the Mayor declared the motion carried. If no settlement is achieved within said time-frame, the resolution will be included on the March 17, 2015 regular meeting agenda for consideration.

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Catsavis, seconded by Hutchings, moved adoption of all consent agenda items with the exception of Item No. 5J, which was tabled for thirty (30) days. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 19-15 and the resolutions numbered Resolution No. R-26-15 through R-38-15 respectively.

The Board entered into executive session at approximately 7:33 p.m. and after reconvening, the Mayor announced the following appointment nominations:

ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD

John Ayers (reappointment)
Term expires March 7, 2020

CIVIL SERVICE COMMISSION

Sam Sexton, III (reappointment)
Robert Cooper (reappointment)
Terms expire March 31, 2021

LIBRARY BOARD OF TRUSTEES

Amy Skypala
(to fill the unexpired term of Ben Carroll, who resigned)
Term expires December 31, 2017

TRANSIT ADVISORY COMMISSION

Guadalupe A. Contreras
(to fill the unexpired term of Randy Burress, who resigned)
Term expires July 15, 2016

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

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

► Mayor Sanders

Re: Regarding the inaugural Fort Smith Marathon held on Sunday, February 8th, he extended much appreciation to the organizers and volunteers associated with the

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event, which was a great success. He further extended much gratitude to all those who lined the streets and cheered-on the marathon participants. Many favorable comments have been received about Fort Smith from out-of-town and out-of-state participants with several stating, *"they'll be back next year!"*

▶ Director Pennartz

Re: Advised the WestArk RSVP is partnering with the Internal Revenue Service (IRS) to offer Volunteer Income Tax Assistance Program (VITA) and Tax Counseling for the Elderly (TCE) services. She's been volunteering in the event and extended much appreciation to RSVP for providing such assistance.

▶ Director Good

Re: Announced Kendall Triplett, a resident of Fort Smith, has been nominated for five (5) Rhythm of Gospel Awards for his gospel album; therefore, he extended a heartfelt, *"good luck, Mr. Triplett!"*

▶ Director Settle

Re: Simply stated, *"Go Lions!"*

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Pennartz, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:45 p.m.

APPROVED:



VICE - MAYOR

ATTEST:



CITY CLERK