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
March 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 MARCH 3, 2015 REGULAR MEETING

ITEMS OF BUSINESS:

1. Public hearing and resolution approving the Year 41 Community Development Block Grant Budget, the Year 22 HOME Investment Partnership Act Program Budget, authorizing submission of the Program Year 2015 Action Plan and for other purposes *~ Hutchings/Pennartz placed on the agenda at the March 10, 2015 study session ~*

2. Items regarding rates for services of the sanitary sewer system

   A. Public hearing

   B. Ordinance to provide for rates for services of the sanitary sewer system and superseding ordinances in conflict herewith

3. Ordinance amending Ordinance No. 85-11 and approving the Human Resources Policy for non-uniformed employees relating to domestic violence *~ Discussed at the January 27 and February 10, 2015 study sessions ~*

4. 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 and Use Tax Bonds) ~ Tabled for 30 days at the February 17, 2015 regular meeting ~*

5. Consent Agenda

   A. Resolution authorizing the Mayor to execute a lease agreement amendment with Arkansas Building Authority related to the city's use of state-owned property at 801 Rogers Avenue for a surface parking lot

   B. Ordinance designating the District Court Clerk as the official responsible for the collection of fines assessed in District Court for the City of Fort Smith, Arkansas

   C. Resolution accepting the bid and authorizing a contract with Greenview Lawns, Inc. for landscape improvements at the River Park Glass Pavilion and Miss Laura's Visitors Center *($38,685.28 / Parks Department / Budgeted – Downtown Development Capital Funds)* ♦

   D. Resolution expressing the willingness of the City of Fort Smith to utilize Federal-Aid Recreational Trails Funds ♦

   E. Resolution adopting the 2015 Audit Plan

   F. Resolution adopting the Audit Charter

   G. Resolution accepting the project as complete and authorizing final payment to N.E.C, Inc. for the River Front Development Water and Sewer Extensions, Phase II *($43,073.64 / Utility Department / Budgeted – Water & Sewer Capital Improvement Fund)* ♦

   H. Resolution authorizing Amendment No. 1 to Authorization No. 1 with Hawkins-Weir Engineering, Inc. for the design of the Mill Creek Interceptor Improvements – Phase I *($84,700.00 / Utility Department / Budgeted – 2014 Sales Tax and Use Tax Bonds)*

   I. Resolution authorizing the Mayor to execute an engineering agreement and authorization with CDM Smith, Inc. to provide engineering services associated with development of a Capacity Management Operations and Maintenance Program and Implementation Plan *($925,150.00 / Utility Department / Budgeted – 2014 Sales Tax and Use Tax Bonds)* ♦

J. Resolution authorizing the Mayor to execute an agreement and authorization with CDM Smith, Inc. for providing engineering services associated with updating of the wastewater collection system hydraulic model and preparing a Capacity Assessment Report and Remedial Measures Plan *($630,550.00 / Utility Department / Budgeted – 2014 Sales Tax and Use Tax Bonds)* ♦

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Appointments: Animal Services Advisory Board (2), Housing Assistance Board (4) and Planning Commission (3)

ADJOURN

RESOLUTION NO. _____

A RESOLUTION APPROVING THE YEAR 41 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET, THE YEAR 22 HOME INVESTMENT PARTNERSHIP ACT PROGRAM BUDGET, AUTHORIZING THE SUBMISSION OF THE PROGRAM YEAR 2015 ACTION PLAN AND FOR OTHER PURPOSES

WHEREAS, it is the intention of the Board of Directors of the City of Fort Smith to allocate Community Development Block Grant (CDBG) funds in such a manner that the maximum feasible priority is given to activities which will benefit low to moderate income families or persons and eliminate slum and blight; and,

WHEREAS, it is the intention of the Board of Directors of the City of Fort Smith to allocate HOME Investment Partnership Act (HOME) funds in such a manner as to provide affordable housing opportunities to low and moderate income persons or families; and,

WHEREAS, there is a total of $737,429 for Year 41 funds allocated to the CDBG Program for budgetary purposes which is reduced by $62,211.49 due to the Lend A Hand Project finding; and

WHEREAS, there is a total of $286,218 in Year 22 funds allocated to the HOME Program for budgetary purposes; and

WHEREAS, there is a project funds renewal request for the Homeless Campus Project from the Year 38, 39 & 40 CDBG program to be amended;

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

SECTION 1: The Year Forty-one CDBG budget totaling seven hundred, thirty-seven thousand, four hundred and twenty-nine dollars ($737,429) for budgeting purposes is adopted by reference to the attached budget sheet.

SECTION 2: The Year Twenty-two HOME Program budget totaling two hundred, eighty-six thousand, two hundred eighteen dollars ($286,218) for budgeting purposes is adopted by reference to the attached budget sheet.

SECTION 3: The in-house Affirmative Action Policy which prescribes equal opportunity policies for the recruitment, hiring, training, promoting, demotions and termination of employees, with personnel goals revised annually, as stated in Resolution No. R-7-81 is reaffirmed.

SECTION 4: A Year Forty-one CDBG Affirmative Action Plan is adopted to provide contractual procedures with regard to equal opportunity personnel policies on the part of CDBG project contractors.

SECTION 5: The Fair Housing Program/Policy of the City of Fort Smith as stated in Resolution No. 2214, is reaffirmed to affirmatively further Fair Housing practices in the sale, lease or rental of housing and to prevent discrimination on the basis of race, color, religion, national origin, sex, disability or familial status and to provide a procedure and Fair Housing Officer to assist and educate the public on their rights and procedures available to have complaints reviewed, investigated and resolved.

SECTION 6: The Director of Community Development is authorized to prepare and submit the Program Year (P. Y.) 2015 Action Plan to carry out the activities/projects identified in the 2011-2015 Five-Year Consolidated Plan and the amendment to the P. Y. 2012, 2013 and 2014 Plans to the U. S. Department of Housing and Urban Development (HUD) for review and approval. Once the approvals by HUD have occurred, the Mayor is authorized to execute agreements, his signature being attested by the City Clerk, with the agencies identified in the Community Development Department Budget as application numbers 2015-A through 2015-R to undertake the activities/projects in the 2015 Annual Action Plan.

SECTION 7: The request to renew the CDBG funds from Program Year 2009 – 2014 in the amount of $603,441 is approved to allow the Old Fort Homeless Coalition to acquire the property located at 301 South "E" Street for the homeless campus. The Director of Community Development is authorized to amend the P.Y. 2012, 2013 and 2014 annual action plans to reflect the approval. The Old Fort Homeless Coalition must provide financial commitments to the Director of Community Development to complete Phase 1 of the Homeless Campus project by September 30, 2015. If the deadline is not met, the funds will transfer to the Fort Smith Housing Assistance Program #8722.

SECTION 8: All approved agencies of CDBG and HOME funds will use, at a minimum, the city's procurement procedures for any services or contracts.

SECTION 9: Any P. Y. 2015 CDBG project not commenced by June 30, 2015 will be canceled and the project funding will transfer to the Fort Smith Housing Assistance Program #8722. All CDBG program income from prior projects will transfer to the Fort Smith Housing Assistance Program #8722 and the allowed 20% for program administration will be deducted prior to the transfer.

SECTION 10: Any P. Y. 2015 HOME project not commenced by December 31, 2015 will be canceled and the funding will transfer to the Downpayment Assistance Program #8503 with the exception of CHDO Reserve funds. All HOME program income received by the City will transfer to the Downpayment Assistance Program # 8503 with the allowed 10% for program administration deducted prior to the transfer. HOME recaptured funds will be used according to federal regulations.

SECTION 11: Subject to approval of form by the City Attorney, the City Administrator or his authorized agent is authorized to execute any documents related to real property transactions that are funded with the CDBG and / or HOME funds; this includes but is not limited to deeds, mortgage releases, subordination agreements and participation in HUD's FHA Good Neighbor Program.

SECTION 12: The City Administrator is authorized to execute all grant documents and certifications required by the U. S. Department of Housing and Urban Development. The City Administrator or his authorized agent will be designated as the Environmental Certifying Officer.

SECTION 13: Any activity that is proposed to be altered in terms of its purpose, scope, location, or beneficiaries to such an extent that it can no longer reasonably be construed as the activity reviewed by the public and approved by the Fort Smith Board of Directors will be canceled.

THIS RESOLUTION APPROVED THIS 17th DAY OF MARCH 2015.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form:

_____

No Publication Required

CDBG Program Year 2015 COMMUNITY DEVELOPMENT BUDGET

Application Identifier	Agency / Activity	CDBG Year 41
15-A	Children's Emergency Shelter	$52,798
15-C-PS	Good Samaritan Clinic – Medical Services	$16,000
15-D-PS	Girls, Inc. – Fees	$4,725
15-E-PS	Crisis Intervention Center – Case Mngmnt.	$16,000
15-F-PS	DWR Cancer Support Center	$11,852
15-G-PS	Fountain of Youth Adult Day Care	$6,500
15-H-PS	WestArk RSVP – Medicare Application Assist.	$9,000
15-I-PS	WestArk RSVP – Tax Preparation	$6,000
15-J-PS	Community Dental Clinic – CSCDC	$18,000
15-K-PS	Heart to Heart Pregnancy Support Center	$5,677
15-L-PS	FS Boys and Girls Club	$4,860
15-M-PS	Next Step Homeless Services – Case Mngmnt.	$12,000
15-N	Harbor / Gateway House	$14,066
15-O	Bost, Inc. – Magic Circle Apartments	$6,530
15-P	Cavanaugh Elementary School	$10,000
15-R	Fort Smith Housing Authority	$39,460
	Homeless Unprogrammed	$57,817
	Fort Smith Housing Assistance	$220,223
	FS Housing Rehab. Administration	$60,000
	Fort Smith - Administration	$147,485
	Unprogrammed	$18,436
	CDBG Program Total	**$737,429**

Application Identifier	Agency / Activity	HOME Year 22
15-R	CSCDC - Acq/Rehab/Resale/New Const – CHDO Funds	$257,597
	Fort Smith - HOME Administration	$28,621
	HOME Program Total	**$286,218**

City of Fort Smith
Community Development Department

Memo

To: Ray Gosack, City Administrator

From: Matt Jennings, Director of Community Development

CC: Jeff Dingman, Assistant City Administrator and Wally Bailey, Director of Development Services

Date: 3/13/2015

Re: *Recommendations by the Community Development Advisory Committee for Year 41 CDBG and HOME Year 22 Program Funding - Program Year 2015 (July 1, 2015 - June 30, 2016)*

Attached is the memo from Genia Smith, Chairperson of the Community Development Advisory Committee (CDAC). As you know, her memo sets forth the recommendations of the CDAC which were reviewed with the Board of Directors in the study session on March 10.

A resolution is attached detailing the budget of both programs as set forth by the CDAC recommendations and other activities (Housing Assistance and Administration) in the 2011 – 2015 Five Year Consolidated Plan. Section 7 of the resolution contains the renewal of the homeless campus CDBG program funds.

These projects will meet the following actions from the Comprehensive Plan:

- HN 2.4.1 – Continue to support in accordance with the recommendations made by the Homelessness Task Force and adopted by the City Board, the creation and implementation of the campus concept to consolidate existing homeless and social services south of Garrison Avenue.
- HN 3.1.1 – Work closely with appropriate agencies or entities involved in regional housing initiatives.
- HN 3.3.1 – Explore public/private partnerships and financial incentives that could be made available to support the efforts of housing developers.

Should you have any questions or comments, please let me know.

EQUAL HOUSING OPPORTUNITY

City of Fort Smith

Memo 1

To: Ray Gosack, City Administrator

From: Genia Smith, Chairperson of the Community Development Advisory Committee

CC: Jeff Dingman, Assistant City Administrator, Wally Bailey, Director of Development Services and Matt Jennings, Director of Community Development

Date: 3/5/2015

Re: Recommendations for Year 41 CDBG and Year 22 HOME Investment Partnership Programs *(Community Development Department Budget for Program Year 2015: July 1, 2015 - June 30, 2016)*

The Community Development Advisory Committee (CDAC) held three public hearings on February 17, 2015, to review funding requests for Community Development Block Grant (CDBG) and HOME Investment Partnership Act Program funds from the agencies and citizens. At the close of the final public hearing, the CDAC members met to consider funding recommendations to the Fort Smith Board of Directors. The committee reviewed all outside agency applications for CDBG and HOME funds in the amount of $588,882. The funds are allocated as prescribed in the Five Year Consolidated Plan. As you recall, on November 16, 2010, the City Board of Directors approved the Five Year Consolidated Plan which established priorities for funding allocations to both the CDBG and HOME programs. The following table reflects those priorities as they relate to the Program Year 2015 allocations:

CDBG AND HOME FUNDS			
CATEGORY	YEAR 41 CDBG	YEAR 22 HOME	TOTALS
Homelessness	$110,615		$110,615
Public Service	$110,614		$110,614
Community Development	$350,279		$350,279
HOME/CHDO		$257,597	$257,597
Administration	$147,485	$28,621	$176,106
Unprogrammed	$18,436	$0	$18,436
Totals	$737,429*	$286,218	$1,023,647

*Note: *CDBG Amount reduced from the allocation amount of $799,641 by $62,211.49 for the Lend A Hand – Fisher's Way at Chaffee Crossing Project Finding issued the U. S. Dept. of Housing & Urban Development (HUD). Memos relating to this matter from Matt Jennings are behind the last application in this packet.*

Additionally, the CDAC members heard a request from the Old Fort Homeless Coalition to renew funds that have canceled due to missed deadlines and failure to enter agreements. The CDAC members voted 6 – 1 to approve the renewal on the condition that the project be fully funded and implemented by the deadline of September 30, 2015. The conditional recommendation is due to CDBG timeliness issues that may occur on May 2, 2015 as a result of not spending the older funds according to our discussions with city staff members. Should the city miss the test on that date, a remediation plan will be required to be submitted to the U. S.

Department of Housing and Urban Development. Despite this risk, the funding was recommended to continue this high priority project.

The CDBG and HOME funding breakdown by category follows this memo. Next is the rating criteria summary, the worksheets by category with the final CDAC recommendations of funding. Any program income on hand by each entity (HOME program) is noted in the application itself.

The task of making recommendations to the Board of Directors was more streamlined due to the ratings and policy changes made in the previous funding cycle. This year 18 applications were filed, which is one more than last year's funding cycle. The committee and city staff listened to application proposals during the three public hearings held on February 17. Upon closing the public hearing at 5:30 p.m., the committee deliberated until past 8:00 p.m. to reach a consensus on the submitted funding requests and formulate recommendations to the Fort Smith Board of Directors.

Homeless Category

This category received two applications. The Fort Smith Children's Emergency Shelter project was recommended for full funding of $52,798 after the Next Step Homeless Services (NSHS) withdrew their application. While the committee wanted to fund a transitional home for homeless families as proposed by NSHS, the location proposed is an industrial zoned property located at 323 N. 3rd Street and the closest homes were in the next block on North 4th Street. The committee members and city staff members did not feel it was a wise investment in that particular location. The balance of the funding in the amount of $57,817 is placed in unprogrammed for future allocation.

Public Service Category

The public service category received ten applications, which is the same as last year's funding cycle. The total amount requested this year was $154,385 compared to 2014 in the amount of $141,685. We believe the increased funding requests are due to agencies' other funding sources becoming scarce. Federal regulations require the City to use no more than 15% of the entire CDBG allocation for the public service category which is $110,614. Although it was the desire of the committee members to recommend full funding to the agencies, it was not possible.

Community Development Category

The community development category received four applications this year compared to two last year. The Cavanaugh Elementary School project rated the highest in the category and was recommended for full funding. The next three proposed projects are in order by the number of points received were the Gateway House, Bost, Inc. and Fort Smith Housing Authority which were funded but not at the full amount requested.

HOME Investment Partnership Act / Community Development Housing Organization (CHDO)

Currently, there is only one agency that applied in this category. Crawford-Sebastian Community Development Council, Inc., as a Community Development Housing Organization was the highest rated project and appropriately recommended for and amended their application to received all of the HOME funds available. The CSCDC CHDO has now partnered with the Fort Smith Housing Authority to undertake the affordable housing projects.

CDAC Recommendations

The table on page four lists all funding *recommendations* by the CDAC and the City's Housing Assistance Program, administrative costs and un-programmed funds. We are pleased to report that all agencies submitting applications for funding were on time and complete, and we extend our thanks for their hard work. However, as stated previously, the committee could not recommend all requests be funded to their full amounts except for two.

Program income continues to be generated by the city's housing assistance program, the nonprofit partners, and the FSHA which continues to be reused for affordable housing and housing assistance projects. The expenditure of program income to the City is reported annually in the Consolidated Annual Performance and Evaluation Report (CAPER) which is online at the city's website and updated annually and provided to the Board of Directors once the report is accepted by the Department of HUD.

I will be in attendance at the March 10 study session and subject to Board placement, at the Board of Directors voting session on March 17.

CDAC Members

Genia Smith - Chairperson	George Willis - Vice Chairperson
Kerri Norman	Fran Hall
Cinda Rusin	Nichelle Christian
Joshua Carson	

Attachment 1 – PY 2015 CDBG Funds by Category
Attachment 2 –PY 2015 HOME Funds by Category
Attachment 3 – CDBG & HOME Summary of Funding Requests
Attachment 4 – Rating Summary of Funding Requests
Attachment 5 A-D – Funding Recommendations Worksheets by Category
Old Fort Homeless Coalition Request
Applications – A to R
Board Information Memo – 3/28/13 and updated 1/8/14
Matt Jennings Memo – 3/4/15

CDBG Program Year 2015 CDAC Recommendations

Application Identifier	Agency	CDBG Year 41
15-A	FS Children's Emergency Shelter	$52,798
15-B	Next Step Homeless Services	Withdrawn
15-C-PS	Good Samaritan Clinic - Medical Services	$16,000
15-D-PS	Girls, Inc. – Fees	$4,725
15-E-PS	Crisis Intervention Center - Case Mngmnt.	$16,000
15-F-PS	DWR Cancer Support House	$11,852
15-G-PS	Fountain of Youth Adult Day Care	$6,500
15-H-PS	WestArk RSVP - Medicare Application Assist.	$9,000
15-I-PS	WestArk RSVP - Tax preparation	$6,000
15-J-PS	Community Dental Clinic - CSCDC	$18,000
15-K-PS	Heart to Heart Pregnancy Support Center	$5,677
15-L-PS	FS Boys and Girls Club	$4,860
15-M-PS	Next Step Homeless Services	$12,000
15-N	Harbor / Gateway House	$14,066
15-O	Bost, Inc. - Magic Circle Apartments	$6,530
15-P	Cavanaugh Elementary School	$10,000
15-Q	Fort Smith Housing Authority	$39,460
	Homeless Unprogrammed	$57,817
	Fort Smith Housing Assistance	$220,223
	FS Housing Rehab. Administration	$60,000
	Fort Smith - Administration	$147,485
	Unprogrammed	$18,436
	Totals	**$737,429**

Application Identifier	Agency	
		HOME Year 22
15-R	CSCDC - Acq/Rehab/Resale/New Const – CHDO Funds	$257,597
	Fort Smith - HOME Administration	$28,621
	Unprogrammed	$0
	Totals	**$286,218**

Old Fort Homeless Coalition - Funds Renewal	
Program Year	***Amount***
2009	**$7,892.00**
2010	**$72,129.00**
2011	**$56,764.00**
2012	**$166,173.00**
2013	**$172,386.00**
2014	**$128,097.00**
TOTAL	**$603,441.00**

MEMORANDUM

To: Ray Gosack, City Administrator

From: Sherri Gard, City Clerk

Date: March 13, 2015

Re: Public Hearing - Sewer Rate Increase

As you know, Arkansas state law requires a public hearing be held prior to consideration of a proposed ordinance to increase sewer rates (Item No. 2B) and a notice must be published at least ten (10) days in advance of the public hearing. As required, a notice of the public hearing was published in the Times Record on Saturday, March 7, 2015.

NOTICE OF HEARING

As directed by Resolution No. R-39-15, the City of Fort Smith hereby gives notice of its intention to increase rates charged for wastewater (sewer) services of the Fort Smith sanitary sewer system. The Board of Directors of the City of Fort Smith will conduct a public hearing regarding the proposed rates (as set forth below) at their regular meeting at 6:00 p.m., Tuesday, March, 17, 2015, Fort Smith Public Schools Service Center Building "B", 3205 Jenny Lind, at which time all interested persons will be heard.

The new rates are proposed as follows:

Rate Schedule
Effective May 1, 2015

User Class	Unit	Dollars
Billing Charge	Per Account	$2.50
Volume Charge		
Residential	ccf	$5.35
Commercial	ccf	$5.35
Industrial	ccf	$5.35
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.2803
TSS	lb.	$0.2137
Monitoring	Actual Cost	Actual Cost
Contract/Wholesale Users	ccf	$1.68
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.2803
TSS	lb.	$0.2137
Monitoring	Actual Cost	Actual Cost

Effective January 1, 2016

User Class	Unit	Dollars
Billing Charge	Per Account	$3.50
Volume Charge		
Residential	ccf	$7.15
Commercial	ccf	$7.15
Industrial	ccf	$7.15

High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.3785
TSS	lb.	$0.2885
Monitoring	Actual Cost	Actual Cost
Contract/Wholesale Users	ccf	$2.27
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.3785
TSS	lb.	$0.2885
Monitoring	Actual Cost	Actual Cost

Effective January 1, 2017

User Class	Unit	Dollars
Billing Charge	Per Account	$4.50
Volume Charge		
Residential	ccf	$8.50
Commercial	ccf	$8.50
Industrial	ccf	$8.50
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.4504
TSS	lb.	$0.3433
Monitoring	Actual Cost	Actual Cost
Contract/Wholesale Users	ccf	$2.70
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.4504
TSS	lb.	$0.3433
Monitoring	Actual Cost	Actual Cost

Sherri Gard

Sherri Gard, City Clerk

PUBLICATION INSTRUCTION:
Publish 1 time - Saturday, March 7, 2015
P.O. #4105

ORDINANCE NO. _____ 2 B

AN ORDINANCE TO PROVIDE FOR RATES FOR SERVICES
OF THE SANITARY SEWER SYSTEM AND SUPERSEDING
ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1: Ordinance No. 73-10 and prior sanitary sewer system rate ordinances are hereby repealed on the effective date of the rates established by this ordinance and replaced with the following:

Users of the sanitary sewer system shall be and are hereby required to pay monthly sewer user charges in accordance with the schedule set forth below. The user charge accrual shall commence on the date the customer makes the service connection or on the date the City's facilities are ready for use, whichever is later. If a customer receives water solely for irrigation purposes through a totally separate meter and system, or, if a customer receives water through a totally separate meter and system for other verifiable purpose and the water is not discharged into the sewer system, such water shall not be subject to charges under this ordinance.

Rate Schedule
Effective May 1, 2015

User Class	Unit	Dollars
Billing Charge	Per Account	$2.50
Volume Charge		
Residential	ccf	$5.35
Commercial	ccf	$5.35
Industrial	ccf	$5.35
High-Strength Charge (for strengths above 250 mg/l)		

BOD	lb.	$0.2803
TSS	lb.	$0.2137
Monitoring	Actual Cost	Actual Cost
Contract/Wholesale Users	ccf	$1.68
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.2803
TSS	lb.	$0.2137
Monitoring	Actual Cost	Actual Cost

Effective January 1, 2016

User Class	Unit	Dollars
Billing Charge	Per Account	$3.50
Volume Charge		
Residential	ccf	$7.15
Commercial	ccf	$7.15
Industrial	ccf	$7.15
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.3785
TSS	lb.	$0.2885
Monitoring	Actual Cost	Actual Cost
Contract/Wholesale Users	ccf	$2.27
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.3785
TSS	lb.	$0.2885
Monitoring	Actual Cost	Actual Cost

Effective January 1, 2017

User Class	Unit	Dollars
Billing Charge	Per Account	$4.50
Volume Charge		
Residential	ccf	$8.50
Commercial	ccf	$8.50
Industrial	ccf	$8.50

High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.4504
TSS	lb.	$0.3433
Monitoring	Actual Cost	Actual Cost
Contract/Wholesale Users	ccf	$2.70
High-Strength Charge (for strengths above 250 mg/l)		
BOD	lb.	$0.4504
TSS	lb.	$0.3433
Monitoring	Actual Cost	Actual Cost

SECTION 2: For residential users only, a winter month's average will be used to calculate the metered water usage so that for the months of April through October a residential customer's sewer bill will be based upon the average monthly water usage during the previous five (5) months, i.e., November through March.

SECTION 3: This ordinance shall be in full force and in effect as of the effective date of the new rates established in Section 1 above, May 1, 2015.

PASSED AND APPROVED this _____ day of March 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____publish once

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** March 13, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Sewer Rate Ordinance
Agenda Item 2B

This item on the Board's agenda is to present the sanitary sewer rate ordinance for adoption. The attached sanitary sewer rate ordinance was introduced at the March 3, 2015, agenda meeting along with a resolution setting the matter for a public meeting on March 17. Representatives from Burns & McDonnell and staff will provide a presentation for the proposed sanitary sewer rates as part of the public meeting.

At last week's Board study session a discussion was held related to establishing the sewer fund reserve at a 15-percent level as opposed to the 33-percent level as supported by the sanitary sewer rate ordinance. Burns & McDonnell has analyzed the proposed reserve fund level reduction from 33-percent to 15-percent and the changes that may provide in the currently proposed rates. The proposed reserve fund level reduction would reduce the average residential sewer bills as shown on the attached tables.

The attached sanitary sewer rate ordinance presents the proposed rates as introduced at the time the public meeting was set. If the Board desires to reduce the reserve fund level to the discussed 15-percent, the associated rate adjustments would need to be made through an amendment to the attached ordinance.

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

attachment

pc: Jeff Dingman

Fort Smith Utility Department
Monthly Residential Sewer Bill Comparison
March 17, 2015

2015 Sewer Bills

Monthly Billed Volume CCF	Existing Rate	Proposed Rates: 33% Reserve 2015 A	Proposed Rates: 15% Reserve 2015 B	Bill Difference Monthly A - B	Bill Difference Annually A - B
0	$ 1.43	$ 2.50	$ 2.50	$ -	$ -
1	$ 4.64	$ 7.85	$ 7.73	$ 0.12	$ 1.44
2	$ 7.85	$ 13.20	$ 12.96	$ 0.24	$ 2.88
3	$ 11.06	$ 18.55	$ 18.19	$ 0.36	$ 4.32
4	$ 14.27	$ 23.90	$ 23.42	$ 0.48	$ 5.76
5	$ 17.48	$ 29.25	$ 28.65	$ 0.60	$ 7.20
5.67	$ 19.63	$ 32.83	$ 32.15	$ 0.68	$ 8.16
6	$ 20.69	$ 34.60	$ 33.88	$ 0.72	$ 8.64
7	$ 23.90	$ 39.95	$ 39.11	$ 0.84	$ 10.08
8	$ 27.11	$ 45.30	$ 44.34	$ 0.96	$ 11.52
Rates:					
Base	$ 1.43	$ 2.50	$ 2.50	$ -	$ -
Volume	$ 3.21	$ 5.35	$ 5.23	$ 0.12	$ 1.44

2015 Sewer Bills with Utility Assistance

Monthly Billed Volume CCF	Existing Rate	Proposed Rates: 33% Reserve 2015 A	Proposed Rates: 15% Reserve 2015 B	Bill Difference Monthly A - B	Bill Difference Annually A - B
0	$ 0.72	$ 1.25	$ 1.25	$ -	$ -
1	$ 2.32	$ 3.93	$ 3.87	$ 0.06	$ 0.72
2	$ 3.93	$ 6.60	$ 6.48	$ 0.12	$ 1.44
3	$ 5.53	$ 9.28	$ 9.10	$ 0.18	$ 2.16
4	$ 7.14	$ 11.95	$ 11.71	$ 0.24	$ 2.88
5	$ 8.74	$ 14.63	$ 14.33	$ 0.30	$ 3.60
5.67	$ 9.82	$ 16.42	$ 16.08	$ 0.34	$ 4.08
6	$ 10.35	$ 17.30	$ 16.94	$ 0.36	$ 4.32
7	$ 11.95	$ 19.98	$ 19.56	$ 0.42	$ 5.04
8	$ 13.56	$ 22.65	$ 22.17	$ 0.48	$ 5.76
Effective Rates:					
Base	$ 0.72	$ 1.25	$ 1.25	$ -	$ -
Volume	$ 1.61	$ 2.68	$ 2.62	$ 0.06	$ 0.72

Notes:

Utility Assistance Program provides a 50% discount to qualified customers.

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Fort Smith Utility Department
Monthly Residential Sewer Bill Comparison
March 17, 2015

2016 Sewer Bills

Monthly Billed Volume CCF	Existing Rate	Proposed Rates: 33% Reserve 2015 A	Proposed Rates: 15% Reserve 2015 B	Bill Difference Monthly A - B	Bill Difference Annually A - B
0	$ 1.43	$ 3.50	$ 3.50	$ -	$ -
1	$ 4.64	$ 10.65	$ 10.60	$ 0.05	$ 0.60
2	$ 7.85	$ 17.80	$ 17.70	$ 0.10	$ 1.20
3	$ 11.06	$ 24.95	$ 24.80	$ 0.15	$ 1.80
4	$ 14.27	$ 32.10	$ 31.90	$ 0.20	$ 2.40
5	$ 17.48	$ 39.25	$ 39.00	$ 0.25	$ 3.00
5.67	$ 19.63	$ 44.04	$ 43.76	$ 0.28	$ 3.40
6	$ 20.69	$ 46.40	$ 46.10	$ 0.30	$ 3.60
7	$ 23.90	$ 53.55	$ 53.20	$ 0.35	$ 4.20
8	$ 27.11	$ 60.70	$ 60.30	$ 0.40	$ 4.80
Rates:					
Base	$ 1.43	$ 3.50	$ 3.50	$ -	$ -
Volume	$ 3.21	$ 7.15	$ 7.10	$ 0.05	$ 0.60

2016 Sewer Bills with Utility Assistance

Monthly Billed Volume CCF	Existing Rate	Proposed Rates: 33% Reserve 2015 A	Proposed Rates: 15% Reserve 2015 B	Bill Difference Monthly A - B	Bill Difference Annually A - B
0	$ 0.72	$ 1.75	$ 1.75	$ -	$ -
1	$ 2.32	$ 5.33	$ 5.30	$ 0.03	$ 0.36
2	$ 3.93	$ 8.90	$ 8.85	$ 0.05	$ 0.60
3	$ 5.53	$ 12.48	$ 12.40	$ 0.08	$ 0.96
4	$ 7.14	$ 16.05	$ 15.95	$ 0.10	$ 1.20
5	$ 8.74	$ 19.63	$ 19.50	$ 0.13	$ 1.56
5.67	$ 9.82	$ 22.02	$ 21.88	$ 0.14	$ 1.68
6	$ 10.35	$ 23.20	$ 23.05	$ 0.15	$ 1.80
7	$ 11.95	$ 26.78	$ 26.60	$ 0.18	$ 2.16
8	$ 13.56	$ 30.35	$ 30.15	$ 0.20	$ 2.40
Effective Rates:					
Base	$ 0.72	$ 1.75	$ 1.75	$ -	$ -
Volume	$ 1.61	$ 3.58	$ 3.55	$ 0.03	$ 0.36

Notes:

Utility Assistance Program provides a 50% discount to qualified customers.

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Fort Smith Utility Department
Monthly Residential Sewer Bill Comparison
March 17, 2015

2017 Sewer Bills

Monthly Billed Volume CCF	Existing Rate	Proposed Rates: 33% Reserve 2015 A	Proposed Rates: 15% Reserve 2015 B	Bill Difference Monthly A - B	Bill Difference Annually A - B
0	$ 1.43	$ 4.50	$ 4.50	$ -	$ -
1	$ 4.64	$ 13.00	$ 12.92	$ 0.08	$ 0.96
2	$ 7.85	$ 21.50	$ 21.34	$ 0.16	$ 1.92
3	$ 11.06	$ 30.00	$ 29.76	$ 0.24	$ 2.88
4	$ 14.27	$ 38.50	$ 38.18	$ 0.32	$ 3.84
5	$ 17.48	$ 47.00	$ 46.60	$ 0.40	$ 4.80
5.67	$ 19.63	$ 52.70	$ 52.24	$ 0.45	$ 5.44
6	$ 20.69	$ 55.50	$ 55.02	$ 0.48	$ 5.76
7	$ 23.90	$ 64.00	$ 63.44	$ 0.56	$ 6.72
8	$ 27.11	$ 72.50	$ 71.86	$ 0.64	$ 7.68
Rates:					
Base	$ 1.43	$ 4.50	$ 4.50	$ -	$ -
Volume	$ 3.21	$ 8.50	$ 8.42	$ 0.08	$ 0.96

2017 Sewer Bills with Utility Assistance

Monthly Billed Volume CCF	Existing Rate	Proposed Rates: 33% Reserve 2015 A	Proposed Rates: 15% Reserve 2015 B	Bill Difference Monthly A - B	Bill Difference Annually A - B
0	$ 0.72	$ 2.25	$ 2.25	$ -	$ -
1	$ 2.32	$ 6.50	$ 6.46	$ 0.04	$ 0.48
2	$ 3.93	$ 10.75	$ 10.67	$ 0.08	$ 0.96
3	$ 5.53	$ 15.00	$ 14.88	$ 0.12	$ 1.44
4	$ 7.14	$ 19.25	$ 19.09	$ 0.16	$ 1.92
5	$ 8.74	$ 23.50	$ 23.30	$ 0.20	$ 2.40
5.67	$ 9.82	$ 26.35	$ 26.12	$ 0.23	$ 2.76
6	$ 10.35	$ 27.75	$ 27.51	$ 0.24	$ 2.88
7	$ 11.95	$ 32.00	$ 31.72	$ 0.28	$ 3.36
8	$ 13.56	$ 36.25	$ 35.93	$ 0.32	$ 3.84
Effective Rates:					
Base	$ 0.72	$ 2.25	$ 2.25	$ -	$ -
Volume	$ 1.61	$ 4.25	$ 4.21	$ 0.04	$ 0.48

Notes:

Utility Assistance Program provides a 50% discount to qualified customers.

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3

ORDINANCE NO._____

AN ORDINANCE AMENDING ORDINANCE 85-11 AND APPROVING THE HUMAN RESOURCES POLICY FOR NON-UNIFORMED EMPLOYEES RELATING TO DOMESTIC VIOLENCE

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

SECTION 1: (Human Resources Policy) of Ordinance No. 85-11 is amended by adding a section "G" to read as follows:

G. The City follows a "zero tolerance" policy with regard to acts of domestic violence committed by its own employees. The City does not condone domestic violence perpetrated by any employee regardless of where the incident has occurred.

1. The City does not hire new employees whose histories include a conviction for domestic violence or child abuse, or whose background investigations indicate an elevated risk for domestic violence behavior. City employees who are convicted of a domestic violence offense are subject to disciplinary action, up to and including termination of employment.
2. The City expects employees who become aware of incidents of domestic violence involving co-workers to report such occurrences to an appropriate supervisor, department head or human resources director in a timely manner.
3. When incidents of domestic violence involving a City employee as the victim do occur, the City will be sensitive and non-judgmental toward the victim and will provide access to the City's Employee Assistance Program (EAP).

Prohibited actions

1. No City employee shall engage in behavior which he/she knows, or reasonably should know, serves to retaliate against, harass, intimidate or coerce a victim, witness or reporting party who is or has been involved in a domestic violence incident.

2. A City employee who is a victim, witness or reporting party in a current or past investigation of a City employee-involved in domestic violence shall report any attempt by any employee to retaliate against, harass, intimidate or coerce them based on his/her involvement in that investigation to his/her supervisor, department head or to the human resources director in a timely manner.

City employees who violate any portion of this policy may be subject to disciplinary action, up to and including termination of employment.

SECTION 2: Emergency Clause. It is hereby determined that the provisions of this Ordinance should be immediately effective in order to put in force a "zero tolerance" policy with regard to acts of domestic violence committed by its own employees. Therefore, an emergency is declared to exist, and this Ordinance, being necessary for the protection of the health, safety and welfare of the inhabitants of the City, shall be of full force and effect from the date of its adoption.

This Ordinance adopted this _____ day of _____, 2015.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

_____

NPR

MEMORANDUM

TO: Ray Gosack, City Administrator

FROM: Richard B. Jones, Director of Human Resources

DATE March 11, 2015

SUBJECT: **AN ORDINANCE AMENDING ORDINACE 85-11 AND APPROVING THE HUMAN RESOURCES POLICY FOR NON-UNIFORMED EMPLOYEES RELATING TO DOMESTIC VIOLENCE.**

On October 27, 2014 during a "brainstorming" session the matter of a "domestic violence" arrest involving a city employee was discussed. Subsequently, adding a "zero tolerance for domestic violence" policy was discussed on January 13 and February 10, 2015 at the Boards study sessions. At the conclusion of the final discussion it was determined that the City would amend ordinance 85-11 by adding a "zero tolerance for domestic violence" policy which is attached.

I recommend approval of the ordinance.

RESOLUTION NO._____ 4

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.

Tract No.	Owner	Appraised Value
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:** March 13, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Lift Station 23 Replacement
Project Number 12-15

As you will recall, this project was presented to the Board at its February 17, 2015, meeting for the acquisition of property from Mr. and Mrs. Crain for the construction of a sanitary sewer line and sewer lift station on a portion of their property. The presentation reviewed four sewer line routing options and their associated construction costs. Following the presentation by staff and the Crain's legal counsel, Attorney Steve Sharum, the Board tabled further consideration for a 30-day period to allow Mr. and Mrs. Crain to develop and present a counter-offer to the city. As of the start of business Friday, March 13, staff had not yet received a counter-offer from the Crains.

On the evening of March 12 staff held an open house at the Woods Elementary School storm shelter building to receive public comment from the 78 residential addresses located within the 300-foot boundary around the four sewer line routing options. A cost summary table and the open house exhibits presenting the four sewer line routing options are attached. Also attached is an exhibit showing the addresses to which open house meeting notices were mailed. The residents attending the open house submitted fourteen questionnaires following their review of the routing options. Copies of the questionnaires are attached. Attorney Sharum also attended the open house and shared with me that he expected to submit a counter-offer from Mr. and Mrs. Crain on Friday morning. It is uncertain that it will arrive in time to be fully reviewed prior to the time this Board package must be submitted for distribution and will likely result in an update to this memo being issued prior to the Board meeting.

The comments offered by the residents attending the open house and the completed questionnaires indicate that Option 1 is the preferred option. In the absence of a counter-offer from Mr. and Mrs. Crain, staff's recommendation remains as presented at the February 17 meeting. A copy of the information presented at the February 17 meeting is attached for your ease of review.

Staff recommends adoption of the attached Resolution authorizing the city administrator and city attorney to proceed with an eminent domain to acquire the needed property and easements to enable the project to resume as outlined by Option 1. This recommendation is based upon Option 1 representing the lower cost alternative as well as the least disruptive to affected property owners and motorists on Dallas Street.

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

attachment

pc: Jeff Dingman

Lift Station 23 Replacement Project 12-15
Sanitary Sewer Line Routing Options
Cost Summary Table

Alternative	Cost	Cost Increase
Option 1		
Alignment along Crain property east boundary	$229,047	
Option 2		
Alignment within South 104th Street pavement	$474,199	$245,152
Option 3		
Alignment along Dallas Street to South 106th Street	$470,354	$241,307
Option 4		
Alignment along property owners on east side of South 104th Street	$458,640	$229,593

OPTION 1 $229,047

OPTION 2 $474,199

OPTION 3 $470,354

OPTION 4 $458,640

ARKANSAS RIVER
N
10101
10309
10313
10401
10409
RIVERVIEW DR
10400
10404
10408
3000
3004
3008
3012
3016
3020
3100
3104
3108
3112
3005
3009
3013
3017
3021
3101
3105
3109
3100
3104
3108
3112
3101
3105
3109
3113
3112
3116
3117
S 100TH ST
S 104TH ST
S 105TH ST
S 106TH CIR
3001
3005
3008
3009
3101
3102
3105
3106
3109
3108
3113
3112
3030
10617
WINDRIFT CO
EDGEWATER RD
10612
10616
10614
10613
10611
MEANDERING WAY
DALLAS ST
DALLAS ST
9909
9913
9917
10001
10005
10009
10013
10017
10101
10105
10109
10113
10117
3301
3216
3212
3208
3204
3200
FOXBORO RD
OXBORO CT
RD
VILLAGE RD

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

[X] Yes [ ] No

Will your property be directly affected by any of the four options?

[X] Yes [ ] No

If so, which option affects your property?

[ ] One [ ] Two [X] Three [ ] Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

[X] Yes [ ] No SUBJECT TO BOARD APPROVAL

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

[X] Yes [ ] No SUBJECT TO BOARD APPROVAL

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

[ ] One [ ] Two [ ] Three [ ] Four YOUR CHOICE BEST ONE FOR CITY

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

[ ] One [ ] Two [ ] Three [ ] Four ANYTHING BUT #3

Additional comments: #3 WOULD BE THE MOST DISRUPTIVE TO OUR RESIDENTS THAT COME & GO ON DALLAS

(use reverse side if more space needed)

Optional information:

Name: ALLAN PRUMP
TREASURER

Address: VILLAGE HARBOR POA
P.O. BOX 10765
FORT SMITH, AR 72917

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

[X] Yes [ ] No

Will your property be directly affected by any of the four options?

[X] Yes [ ] No

If so, which option affects your property?

[X] One [ ] Two [ ] Three [ ] Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

[ ] Yes [ ] No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

[ ] Yes [ ] No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

[X] One [ ] Two [ ] Three [ ] Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

[X] One [ ] Two [ ] Three [ ] Four

Additional comments: Option one would be better for everyone. Please use option one

(use reverse side if more space needed)

Optional information:

Name: Linda Fielder
Dan Fielder

Address: 3012 S. 104

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☑ Yes ☐ No

Will your property be directly affected by any of the four options?

☑ Yes ☐ No

If so, which option affects your property?

☑ One ☐ Two ☐ Three ☐ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☑ Yes ☐ No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☑ Yes ☐ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☑ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☐ One ☐ Two ☑ Three ☐ Four

Additional comments: Opt 3 is least disruptive as the proposed line is out side the fenceline of most properties, but if option 1 is truly over look less in cost it should be the choice.

(use reverse side if more space needed)

Optional information:

Name: Brent Lewis Address: 3004 S 104th

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

[X] Yes [ ] No

Will your property be directly affected by any of the four options?

[X] Yes [ ] No

If so, which option affects your property?

[✓] One [✓] Two [✓] Three [✓] Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

[✓] Yes [ ] No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

[✓] Yes [ ] No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

[✓] One [ ] Two [ ] Three [ ] Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

[✓] One [ ] Two [ ] Three [ ] Four

Additional comments: Please remember there is NO SHOULDER (to speak of) on Dallas so working folks parking along Dallas would be DANGEROUS!! May need to think about parking options - car pooling

(use reverse side if more space needed)

Optional information:

Name: Mary Alexander Address: 10013 Foxboro Rd, FS 72903

Open House Questionnaire
March 12, 2015

Additional comments (continued):

to the site.

(2) When employees are the project park in the neighborhood - please encourage them not to block mailboxes, & trash cans, We had some small issues with this during the previous construction.

(3) Open pits during construction are not the place to throw trash - ie: water bottles, soda, snack wrappers, cigarette butts - but they end up there. Please put out some trash cans for the folks to use - the city can pick them up from the curb. Be bold → recycle container + trash :)

(cannot hurt to try)

Thank you for the opportunity to have input.

Mary Alexander

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☒ Yes ☐ No

Will your property be directly affected by any of the four options?

☒ Yes ☐ No

If so, which option affects your property?

☐ One ☒ Two ☐ Three ☒ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☒ Yes ☐ No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☒ Yes ☐ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☒ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☒ One ☐ Two ☐ Three ☐ Four

Additional comments: _____

_____

_____

(use reverse side if more space needed)

Optional information:

Name: Richard Isham Address: 3017 S 104th

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☑ Yes ☐ No

Will your property be directly affected by any of the four options?

☑ Yes ☐ No

If so, which option affects your property?

☐ One ☑ Two ☐ Three ☑ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☐ Yes ☑ No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☐ Yes ☑ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☑ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☑ One ☐ Two ☐ Three ☐ Four

Additional comments: OPTION 1 IS THE BEST OPTION FOR THE TAXPAYER

(use reverse side if more space needed)

Optional information:

Name: BRYAN A SWAIM Address: 3009 S. 104TH

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☑ Yes ☐ No

Will your property be directly affected by any of the four options?

☑ Yes ☐ No

If so, which option affects your property?

☑ One ☑ Two ☐ Three ☑ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☑ Yes ☐ No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☑ Yes ☐ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☑ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☑ One ☐ Two ☐ Three ☐ Four

Additional comments: _____

(use reverse side if more space needed)

Optional information:

Name: RON JOHNSON Address: 3020 S. 104th St.

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☒ Yes ☐ No

Will your property be directly affected by any of the four options?

☒ Yes ☐ No

If so, which option affects your property?

☐ One ☒ Two ~~☐ Three~~ ☒ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☒ Yes ☐ No if Not a complete New Brick Driveway

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☒ Yes ☐ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☒ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☒ One ☐ Two ☐ Three ☐ Four

Additional comments: Would expect Pay the property owner Good for the easement

(use reverse side if more space needed)

Optional information:

Name: Thomas Mooney Address: 3013 South 104th

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

[X] Yes [ ] No

Will your property be directly affected by any of the four options?

[X] Yes [ ] No

If so, which option affects your property?

[ ] One [X] Two [X] Three [ ] Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

[X] Yes [ ] No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

[X] Yes [ ] No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

[X] One [ ] Two [ ] Three [ ] Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

[X] One [ ] Two [ ] Three [ ] Four

Additional comments:

COMMENTS ON BACK

(use reverse side if more space needed)

Optional information:

Name: CURT MOON

Address: 3005 So. 104th ST.

Open House Questionnaire
March 12, 2015

Additional comments (continued):

OPTION 1 - LOWEST COST

LEAST INTERRUPTIONS

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

[X] Yes [ ] No

Will your property be directly affected by any of the four options?

[X] Yes [ ] No

If so, which option affects your property?

[ ] One [X] Two [X] Three [X] Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

[ ] Yes [X] No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

[ ] Yes [X] No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

[X] One [ ] Two [ ] Three [ ] Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

[X] One [ ] Two [ ] Three [ ] Four

Additional comments: I am representing the Harbor Landing POA that would be affected by options 2, 3, 4. Option 1 clearly results in the least disruption & is cost advantageous as well.

(use reverse side if more space needed)

Optional information:

Name: Mike Johnson Address: 3109 S. 105th FSM

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

[X] Yes [ ] No

Will your property be directly affected by any of the four options?

[ ] Yes [X] No

If so, which option affects your property?

[ ] One [ ] Two [ ] Three [ ] Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

[ ] Yes [ ] No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

[ ] Yes [ ] No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

[X] One [ ] Two [ ] Three [ ] Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

[X] One [ ] Two [ ] Three [ ] Four

Additional comments: _____

_____

_____

(use reverse side if more space needed)

Optional information:

Name: JERRY FLOCSTON Address: 10616 MEANDERING WAY

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☐ Yes ☒ No

Will your property be directly affected by any of the four options?

☐ Yes ☒ No

If so, which option affects your property?

☐ One ☐ Two ☐ Three ☐ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☐ Yes ☐ No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☐ Yes ☐ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☒ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☒ One ☐ Two ☐ Three ☐ Four

Additional comments: We are already being asked to spend lots of money for improvements. This projects needs to be done as economically as possible.

(use reverse side if more space needed)

over

Optional information:

Name: Norma Houston Address: 10616 Meandering Way

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Also, option #1 is less disruptive to space therefore people's lives, traffic flow, etc.

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☒ Yes ☐ No

Will your property be directly affected by any of the four options?

☐ Yes ☒ No

This option indirectly impacts me

If so, which option affects your property?

☐ One ☐ Two ☐ Three ☐ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☐ Yes ☐ No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☐ Yes ☐ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☒ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☒ One ☐ Two ☐ Three ☐ Four

Additional comments: The difference in cost is substantial for option 2,3,4. That $200,000 can be better used in the commity than for these more disruptive Solutions.

(use reverse side if more space needed)

Optional information:

Name: Richard Bogner Address: 3005 S106 Circle

Open House Questionnaire
March 12, 2015

Additional comments (continued):

Open House Questionnaire
March 12, 2015

Thank you for attending tonight's open house. The purpose of the open house is to receive public comment for the construction of a sanitary sewer line to allow the removal of the existing sewer lift station located at 10200 South Dallas Street. The utility department is seeking public input on four options by which this work could be accomplished. The city appreciates your attendance and welcomes your comments.

Is your property adjacent to the construction corridor of one of the four options presented?

☑ Yes ☐ No

Will your property be directly affected by any of the four options?

☑ Yes ☐ No

If so, which option affects your property?

☐ One ☑ Two ☐ Three ☑ Four

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property?

☐ Yes ☑ No

Would you be willing to sell the city an easement, at its appraised value, to allow for the construction of the option which would affect your property if it resulted in the loss of one or more trees?

☐ Yes ☑ No

From the information you have gathered at this open house, which or the four options do you feel the city should construct?

☑ One ☐ Two ☐ Three ☐ Four

From the information you have gathered at this open house, which of the four options do you feel is the least disruptive to the community in regards to traffic impediments, loss of landscaping, trees, etc.?

☑ One ☐ Two ☐ Three ☐ Four

Additional comments: OPTION 4 WOULD BE VERY DISRUPTIVE AND WOULD REQUIRE TREES TO BE CUT DOWN, WHICH MAKES IT VERY UNDESIRABLE.

(use reverse side if more space needed)

Optional information:

Name: LINDA LAFONTAINE Address: 3105 So. 104th St.

SUZANNE LAFONTAINE 3109 So. 104th St.

Open House Questionnaire
March 12, 2015

Additional comments (continued):

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.

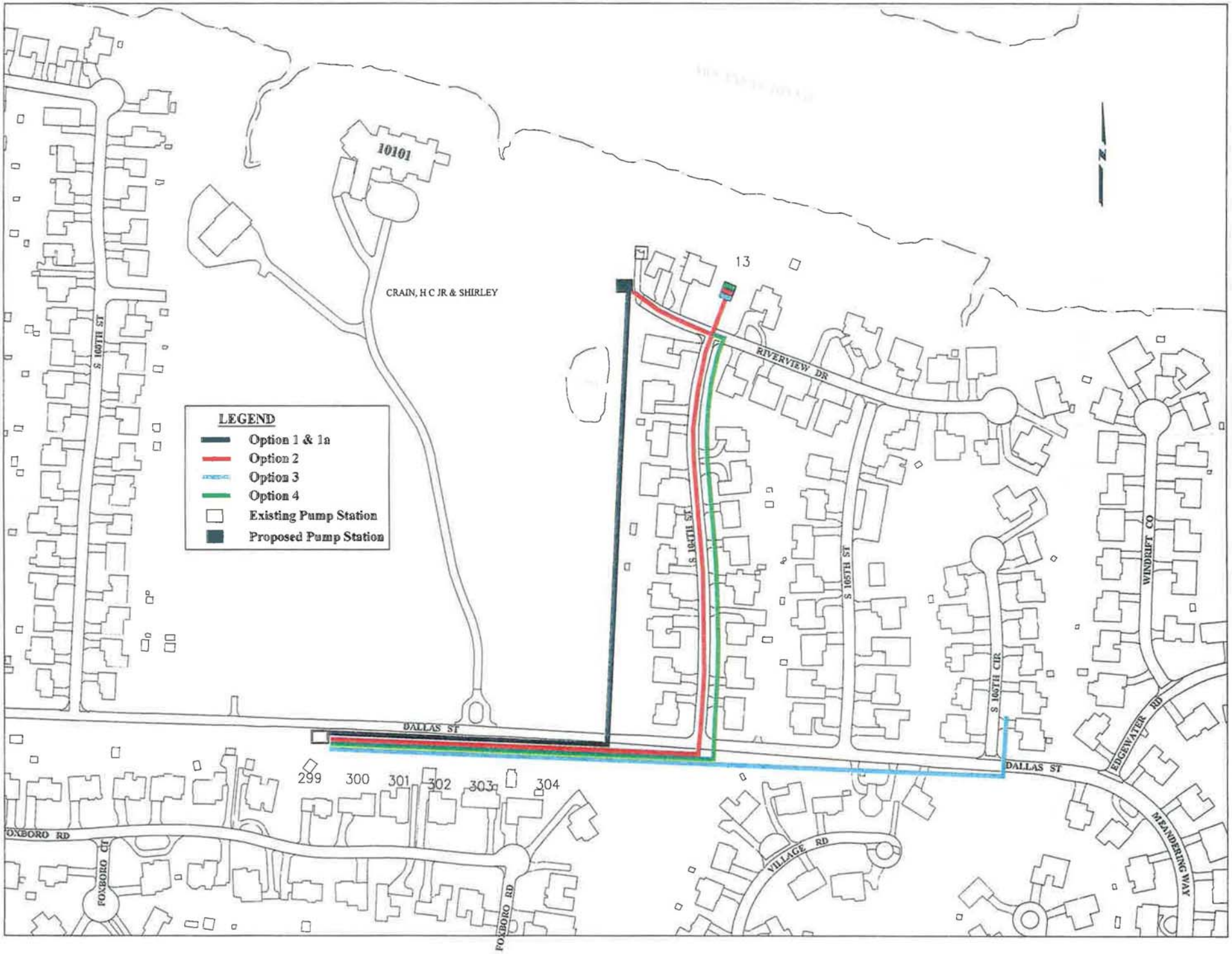
On December 18 Mr. Sharum met with Jerry Canfield and me to present the Crain's offer to pay an undefined portion of the increased construction cost associated with Option 3 in order to avoid the use of their property. Their proposal was unusual and presented unique concerns. Mr. Canfield's attached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


10101
CRAIN, H C JR & SHIRLEY
13
S 106TH ST
RIVERVIEW DR
S 105TH ST
S 105TH ST
S 106TH CIR
WINDCRAFT CO
EDGEWATER RD
DALLAS ST
DALLAS ST
MEANDERING WAY
VILLAGE RD
FOXBORO RD
FOXBORO CT
FOXBORO RD
299
300
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LEGEND
Option 1 & 1a
Option 2
Option 3
Option 4
Existing Pump Station
Proposed Pump Station
N

10101
CRAIN, H C JR & SHIRLEY
13
S 106TH ST
RIVERVIEW DR
S 106TH ST
S 105TH ST
S 106TH CIR
WINDRIFT CO
EDGEWATER RD
DALLAS ST
DALLAS ST
299
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FOXBORO RD
FOXBORO CT
FOXBORO RD
VILLAGE RD
MEANDERING WAY
N

OPTION 1 & 1a

10101
CRAIN, H C JR & SHIRLEY
13
RIVERVIEW DR
S 105TH ST
S 105TH CIR
WINDRIFT CO
EDGEWATER RD
DALLAS ST
299
300
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FOXBORO RD
FOXBORO CT
VILLAGE RD
MEANDERING WAY
N

OPTION 2

10101
CRAIN, H C JR & SHIRLEY
13
S 106TH ST
RIVERVIEW DR
S 106TH ST
S 106TH ST
S 106TH CIR
WINDRIFT CO
EDGEWATER RD
DALLAS ST
DALLAS ST
299
300
301
302
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304
FOXBORO RD
FOXBORO CT
FOXBORO RD
VILLAGE RD
MEANDERING WAY
N

OPTION 3

10101
CRAIN, H C JR & SHIRLEY
13
S 106TH ST
RIVERVIEW DR
S 105TH ST
S 106TH CIR
WINDRIFT CO
EDGEWATER RD
DALLAS ST
299
300
301
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303
304
OXBORO RD
FOXBORO CT
FOXBORO RD
VILLAGE RD
MEANDERING WAY
N

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 CRAIN - EASEMENT QTY	OPTION 1 TOTAL COST	OPTION 1a CRAIN - FEE QTY	OPTION 1a TOTAL COST	OPTION 2 104TH PAVEMENT QTY	OPTION 2 TOTAL COST	OPTION 3 106TH CIRCLE QTY	OPTION 3 TOTAL COST	OPTION 4 104TH - EASEMENTS QTY	OPTION 4 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 CONSTRUCTION[1]:				**$ 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 3[2]: $ 470,354**		**OPTION 4: $ 458,640**	
	DIFFERENCE:						**$ 77,440**		**$ 245,152**		**$ 241,307**		**$ 229,593**

NOTES:

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

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
C. MICHAEL DAILY, P.A. † •
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JAMES E. WEST
ROBERT R. BRIGGS, P.A. †

OF COUNSEL

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

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

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.

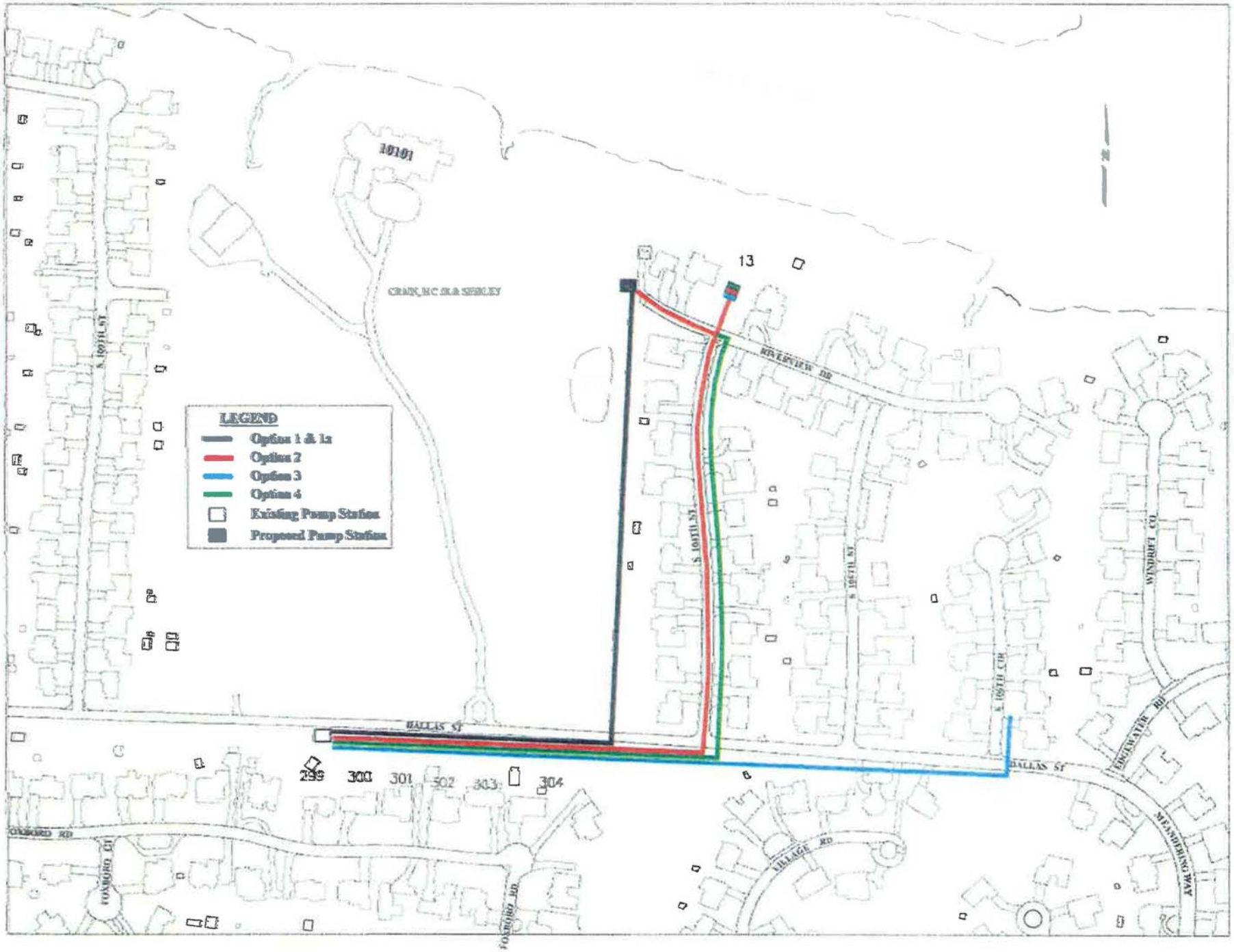
Thank you for your attention to this matter.

Very truly yours,

Jerry Canfield

Jerry L. Canfield
JLC/cmm

Enclosure


LEGEND
Option 1 & 1a
Option 2
Option 3
Option 4
Existing Pump Station
Proposed Pump Station
10101
13
RIVERVIEW DR
S 109TH ST
S 108TH ST
S 106TH ST
S 105TH CIR
WINDRIFT CO
EDGEWATER RD
MEANDERING WAY
DALLAS ST
DALLAS ST
OXBORO RD
OXBORO RD
FOXBORO CT
FOXBORO RD
VILLAGE RD
299
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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 varies 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.

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)

5A

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT AMENDMENT WITH THE ARKANSAS BUILDING AUTHORITY RELATED TO THE CITY'S USE OF STATE-OWNED PROPERTY AT 801 ROGERS AVENUE FOR A SURFACE PARKING LOT

WHEREAS, the City of Fort Smith and the Arkansas Building Authority entered into a Lease Agreement in 2005 related to the City's use of state-owned property at 801 Rogers Avenue for a surface-level parking lot; and

WHEREAS, such 2005 agreement was renewed in 2010 with an expiration date of February 28, 2015; and

WHEREAS, a Lease Amendment to the 2010 Lease Agreement is proposed to extend the term of the Lease Agreement until February 29, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the Mayor is authorized to execute the attached Lease Amendment the purpose of extending the term of the 2010 Lease Agreement in order to secure the City's continued use of state-owned property located at 801 Rogers Avenue for surface-level public parking.

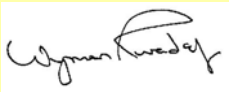
This Resolution adopted this _____ day of March, 2015.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____
City Attorney, npr

Arkansas Building Authority
STATE OF ARKANSAS
COUNTY OF PULASKI

Lease Term: 03/01/15 to 02/29/20
Annual Rent: $Public Advantage
Square Feet: n/a Rate: $n/a
Type: Renewal
Worked By: Chris Thomas
County: 66 Agency: 000
Lease #: N9201

STATE OF ARKANSAS
FIRST LEASE AMENDMENT

This Agreement is made and entered into as of the 2nd day of March, 2015, by and between ARKANSAS BUILDING AUTHORITY, hereinafter referred to as "Lessor", and CITY OF FORT SMITH, hereinafter referred to as "Lessee".

WITNESSETH

Whereas, by Lease Agreement dated August 4, 2010 (the "Lease"), Lessor leased to Lessee that portion of State surface parking lot located at 801 Rogers Avenue; all situated in the City of Fort Smith, Arkansas, County of Sebastian, (the "Lease"); and

Whereas, the parties hereto have hereby agreed to extend the term of the Lease and to amend and modify the Lease as hereinafter set out.

Now, therefore, for and in consideration of the Premises and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto hereby agree that the term of the Lease is hereby extended for a period commencing on March 1, 2015 and continuing through February 29, 2020, upon the same terms and conditions except the Lease shall be amended and modified as follows:

1. Additional Provisions. Additional Provisions 7(i) of the Lease are hereby amended and modified as follows:

(i) The LESSOR, LESSEE and ABA agree that should the Lease and any applicable amendments expire prior to the execution of this amendment agreement, the parties agree that the Lease and any applicable previous amendments are hereby reinstated and ratified upon this Amendment Agreement being fully executed by the parties. The provisions, terms, and conditions of this Amendment Agreement shall govern in the event of conflict or inconsistencies, or both.

Additional Provisions of the Lease are hereby amended and modified to add the following:

(l) LESSOR shall have no duty to remove ice, snow or any other common hazards from the PREMISES, including the related and applicable areas within this Lease Agreement.

(m) In all instances in which a LESSEE employs an individual or individuals who require an emergency evacuation auxiliary aid to safely exit the PREMISES during an emergency situation, the LESSEE is required to, and is solely responsible for obtaining, maintaining, and training in the use of said auxiliary aid. Any necessary installation of said device shall be coordinated and approved by the LESSOR. This

requirement shall apply in all instances regardless of whether the individual(s) with disabilities are employed at the time of the execution of this Lease, are hired and employed after execution of this Lease, or a current employee regardless of hire date becomes disabled so as to require an emergency evacuation auxiliary aid.

The Lease Agreement as hereby amended, modified and extended is hereby ratified and confirmed by the parties hereto as being in full force and effect.

This Agreement shall be binding on the parties hereto and their respective heirs, successors and assigns.

Executed as of the date first hereinabove set out.

LESSOR:

ARKANSAS BUILDING AUTHORITY

By:_____
Chris Thomas, Administrator of
Real Estate Services

Date:_____

By:_____
Anne W. Laidlaw, Director

Date:_____

LESSEE:

CITY OF FORT SMITH, ARKANSAS

By:_____

Date:_____

Memo

To: Ray Gosack, City Administrator

From: Jeff Dingman, Deputy City Administrator

Date: 3/10/2015

Re: Land Lease – State Parking Lot, 801 Rogers Ave

Included on the March 17 regular meeting agenda for the Board's consideration is renewal of a lease with the State of Arkansas related to the state-owned surface parking lot located at 801 Rogers Avenue.

In 2005 the City, working through the Arkansas Building Authority (ABA) on the state's behalf, arranged a swap of sorts whereby the state's vehicles and employees would use the top level of the city-owned parking garage, and the city would operate public parking on this state-owned surface parking lot. The arrangement carried a five year term, and was renewed in 2010 for another five year term.

As this most recent document is styled as an amendment to the previous lease agreement, it provides for an additional term of five years (through February 29, 2020). In addition to the term extension, the amendment carries additional provisions regarding effectiveness and coverage of the lease, as well as specify that the ABA is not providing snow or ice removal and provisions regarding emergency evacuation of the premises.

Please find attached the proposed Resolution, the 2010 Lease Agreement with exhibits, and the proposed 2015 Lease Amendment. Please contact me if you have questions regarding this agenda item.

Arkansas Building Authority
STATE OF ARKANSAS
COUNTY OF PULASKI

Lease Term: 03/01/10 to 02/28/15
Annual Rent: $ public advantage
Square Feet: n/a Rate: $ n/a
Type: Renewal
Worked By: Catherine Mulkey
County: 66 Agency: 000
Lease #: N9201

STATE OF ARKANSAS LEASE AGREEMENT

This Lease is made this 4th day of August, 2010, by which Lessor leases the PREMISES to Lessee.

For the purposes of this Lease Agreement the following definitions apply:

"LESSOR" means: ARKANSAS BUILDING AUTHORITY, 501 Woodlane, Suite 101N, Little Rock, AR 72201, an agency of the State of Arkansas.

"LESSEE" means: CITY OF FORT SMITH, P O Box 1908, Fort Smith, Arkansas 72902, a political subdivision of the State of Arkansas.

1. DESCRIPTION OF PREMISES AND PARKING GARAGE PREMISES:

The "PREMISES" means that portion of the State surface parking lot located at 801 Rogers Avenue, Fort Smith, Sebastian County, Arkansas, consisting of fifty (50) parking spaces located along the wall of the adjoining structure at 812 Garrison Avenue and the nearest contiguous parking spaces for a total of fifty (50).
See Exhibit "A" attached hereto and incorporated herein by reference for a map of the parking lot and the spaces designated as numbers 1 through 50; and

The "PARKING GARAGE PREMISES" means that portion of the City of Fort Smith Parking Garage located at 715 Rogers Avenue consisting of parking spaces numbered 218 through 229, 254 through 275, and 276 through 292.
See Exhibit "B" attached hereto and incorporated herein by reference for an aerial photograph of the top deck of the parking garage and the designated parking spaces.

2. TERM:

The term of this Lease will begin on March 1, 2010 and end on February 28, 2015, unless the term shall be sooner terminated as hereinafter provided.

3. RENT:

In lieu of rent, LESSOR and LESSEE agree that an exchange in parking spaces will occur between the parties to create a public advantage to meet the respective needs of the parties. LESSOR shall permit LESSEE'S use of the PREMISES described above, and LESSEE shall permit LESSOR'S the use of the PARKING GARAGE PREMISES.

4. UTILITIES AND SERVICES:

LESSOR and LESSEE agree that the respective parties will continue to provide the utilities and services as currently provided upon the PREMISES and the PARKING GARAGE PREMISES. *See Additional Provisions (7) below for maintenance of the facilities.*

5. ALTERATIONS:

The LESSEE may attach fixtures and install signs in or upon the PREMISES with LESSOR'S approval which shall not be unreasonably withheld. Such fixtures and signs shall remain the property of LESSEE and may be removed from the PREMISES within a reasonable time after the termination of this Lease provided the LESSEE shall restore the PREMISES to a condition as good as at the beginning of this Lease, ordinary wear and tear excepted. No services or work will be performed for which an additional cost or fee will be charged by LESSOR or LESSEE without the prior written authorization of the other party.

6. TERMINATION:

LESSOR and LESSEE shall both have the option of terminating this Agreement without cause by providing thirty (30) days written notice to the other party by certified mail at the notice address found herein.

In the event of termination, the four (4) parking spaces identified in paragraph 7 (b)(6) will not be effected for the original term of the Lease. Regardless of the party terminating this Agreement, the LESSEE will commit to provide to LESSOR four (4) parking spaces in the Parking Garage Premises to compensate for the four (4) parking spaces lost by the accommodation provided to the adjoining structure/business for fire exit ingress/egress.

7. ADDITIONAL PROVISIONS:

LESSOR and LESSEE mutually agree that the following additional provisions are hereby added to become a part of this Lease Agreement:

(a) LESSEE agrees to accept the leased PREMISES in "as is" condition. LESSOR agrees to accept the PARKING GARAGE PREMISES in "as is" condition. All modifications of the PREMISES will be at the expense of the LESSEE.

(b) LESSOR and LESSEE agree to the following terms for maintenance and operation of the PREMISES:
   (1) LESSEE shall erect signage to identify the parking lot at 801 Rogers Avenue as Public Parking, restricting parking in spaces 51 through 91 as reserved for state employees as designated by LESSOR;
   (2) LESSEE will be responsible for maintaining the surface parking lot in good condition, keeping it free and clear of rubbish and debris on a daily basis;
   (3) LESSEE shall be permitted to install a parking metering system upon the PREMISES for LESSEE'S spaces only. LESSEE shall be permitted to retain all revenues generated by the parking meters with no obligation to LESSOR for compensation;
   (4) LESSOR shall purchase an identification device, such as a rear-view mirror hang tag, to be distributed to all individuals authorized to park on the top level of LESSEE'S parking deck or in the reserved parking spaces located on the PREMISES. LESSOR

shall be solely responsible for distribution and management of the identification system;

(5) LESSEE will provide parking enforcement and reasonable towing services for LESSOR upon request to prevent automobiles from violating LESSOR'S reserved spaces found in both the parking deck and the surface parking lot;

(6) LESSEE is hereby extended permission to change the use of four (4) spaces located along the wall of the adjoining structure at 812 Garrison Avenue from parking spaces to fire exit spaces from the adjoining structure at 812 Garrison Avenue. Additional to the use of the former parking spaces areas as fire exits, LESSEE shall have the right to allow the tenant and customers of the facility located at 812 Garrison Avenue to have the right of ingress and egress through the public parking lot to be operated by the LESSEE on the PREMISES;

(7) LESSEE shall ensure that the PREMISES and the PARKING GARAGE PREMISES conforms to the Arkansas Fire Prevention Code, as amended, Arkansas State Plumbing Code, The National Electrical Code, and any other state and local laws, codes, authorities, etc., applicable to the leased facility including the Arkansas Adopted Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), and any and all federal, state and local laws, codes, authorities, rules and regulations applicable to parking lots and decks.

(c) LESSEE shall have an option to renew this Lease for an additional term of five (5) years by providing sixty (60) days written notice to LESSOR under the condition that LESSEE is in good standing at the time of renewal without default.

(d) The State shall not be responsible for the payment of any taxes or assessments regarding the PREMISES or the PARKING GARAGE PREMISES.

(e) LESSOR and LESSEE acknowledge that the revenues generated by LESSEE from the public parking on the PREMISES is pledged to satisfy the requirements of the City of Fort Smith, Arkansas Parking Facilities Refunding and Improvement Revenue Bonds (Series 1998).

(f) This Lease shall benefit and bind the parties hereto and their heirs, personal representatives, successors and assigns.

(g) Nothing in this Lease shall be construed to waive the sovereign immunity of the STATE OF ARKANSAS or any entities thereof.

(h) LESSEE shall not sublease nor assign this Lease without the written approval of the LESSOR.

(i) The LESSOR, LESSEE and ABA agree that should the Lease expire prior to the execution of any proposed Amendment Agreement, the parties agree that the Lease is hereby reinstated and ratified upon the Amendment Agreement being fully executed by the parties. The provisions, terms, and conditions of any subsequent Amendment Agreement shall govern in the event of conflict or Inconsistencies, or both. This paragraph should not be construed between the parties as an agreement that the Lease will be extended for additional terms, but rather as an option between the parties to enter into future negotiations for additional terms should they so desire.

(j) All forms of correspondence, communication or notices between the parties pertaining to the Lease shall be sent through the US postal service to the following address:

LESSOR:
Arkansas Building Authority
501 Woodlane, Suite 101N
Little Rock, Arkansas 72201
Attn: Administrator of Real Estate Services

LESSEE:
City of Fort Smith, Arkansas
P O Box 1908
Fort Smith, Arkansas 72902
Attn: Deputy City Administrator

(k) This lease contains the entire agreement of the parties.

Executed by the parties who individually represent that each has the authority to enter into this Lease:

LESSOR:

ARKANSAS BUILDING AUTHORITY

By: Catherine Mulkey
Catherine Mulkey, Administrator
of Real Estate Services Administrator

Date: 9/24/10

By: Anne W. Laidlaw
Anne W. Laidlaw, Director

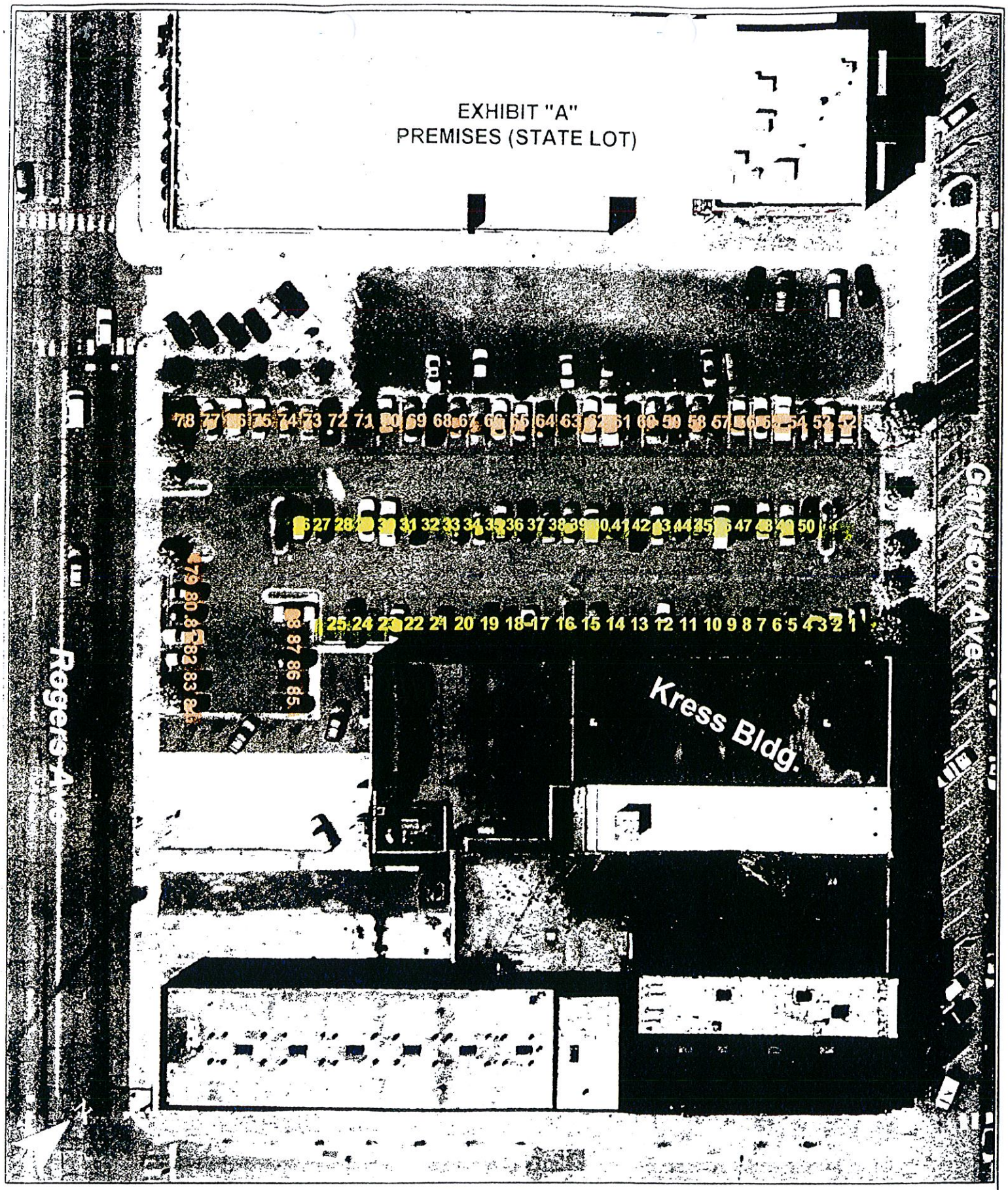
Date: 9/27/10

LESSEE:

CITY OF FORT SMITH, ARKANSAS

By: Ray Gosack
Ray Gosack, Deputy City Administrator

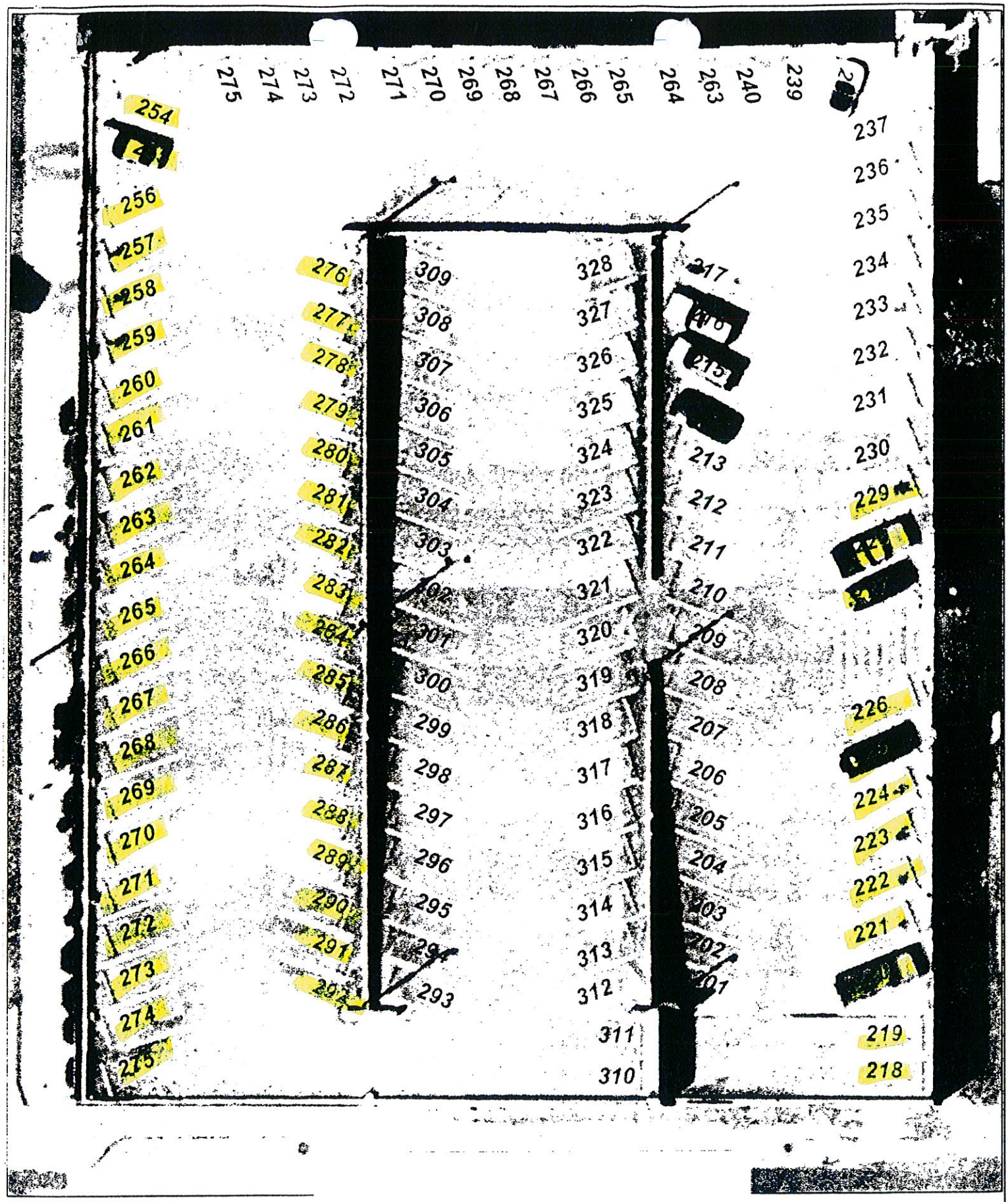
Date: Sept. 15, 2010



Yellow Now City Spaces 1-50

Orange now State Spaces 51-88

Spaces 14-17 to used for fire exit spaces



parking deck
51 spaces

EXHIBIT "B"
PARKING GARAGE PREMISES

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING THE DISTRICT COURT CLERK AS THE OFFICIAL RESPONSIBLE FOR THE COLLECTION OF FINES ASSESSED IN DISTRICT COURT FOR THE CITY OF FORT SMITH, ARKANSAS

WHEREAS, Ark. Code Ann. § 16-13-709 provides that the city must designate the official primarily responsible for the collection of fines assessed in district court for the City of Fort Smith, Arkansas; and,

WHEREAS, the Board of Directors finds it is appropriate to designate the District Court Clerk of the City of Fort Smith as the official responsible for the collection of fines assessed in District Court for the City of Fort Smith, Arkansas.

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

Section 1: The District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the City of Fort Smith, Arkansas.

Section 2: All ordinances previously enacted in conflict with this ordinance are hereby repealed.

PASSED AND APPROVED this 17th day of March, 2015.

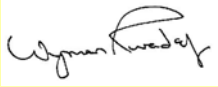
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
No Publication Required

Memorandum

To: Board of Directors
From: Rachel J. Sims, District Court Clerk
Date: March 12, 2015
Re: Designation of Collection for Court Ordered Fines

The Administrative Office of the Courts (AOC), Supreme Court of Arkansas, has requested that each governing body that contributes to the expenses of a district court to designate a department as primarily responsible for collection of fines/fees assessed in district court. A previous designation was made by Sebastian County (Ordinance 31.04/2007-27), however there has not been a designation made by the City. Since the Sebastian County District Court, Fort Smith Department is funded by both the city and the county, it is necessary to submit an ordinance on behalf of each entity to AOC. The request for this ordinance is a formality and does not change any collection processes, procedures or responsibilities of the City or District Court.

Municipal Notes
From the ARKANSAS MUNICIPAL LEAGUE 2nd & Willow • P.O. Box 38 • North Little Rock, AR 72115 • (501) 374-3484

March 4, 2015

TO: MAYORS/CITY MANAGERS/CITY ADMINISTRATORS

FROM: DON ZIMMERMAN, EXECUTIVE DIRECTOR OF THE ARKANSAS MUNICIPAL LEAGUE Don

SUBJECT: CITY DESIGNATION OF COLLECTION RESPONSIBILITY

The Administrative Office of the Courts (AOC), Supreme Court of Arkansas, has requested we contact our members with District Courts concerning the collection process for court-related fines and fees. AOC must be made aware of the entity designated by your city as being responsible for collections.

Attached are relevant provisions of the Arkansas Code which require the designation, found at Section 16-13-709 (a)(2)(A)(i). It further states that, once the designation by the city is made, "A copy of the ordinance making the designation shall be provided to the Administrative Office of the Courts" (16-13-709 (a)(4)).

Recently, AOC received requests for information from the Division of Legislative Audit and the Bureau of Legislative Research concerning this issue. AOC would like to ensure the information given is current.

Included you will find statute information and a sample ordinance. Please make certain to submit a copy of your city's ordinance to the Administrative Office of the Courts no later than Wednesday, April 15, 2015. Send information to the attention of:

Keith Caviness, Staff Attorney for Administrative Office of the Courts
Justice Building
625 Marshall Street
Little Rock, AR 72201
Tel. 501-682-9400
Fax 501-682-9410
keith.caviness@arkansas.gov

Thank you, in advance, for your cooperation.

5C

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING A CONTRACT WITH GREENVIEW LAWNS, INC. FOR LANDSCAPE IMPROVEMENTS AT THE RIVER PARK GLASS PAVILION AND MISS LAURA'S VISITORS CENTER

_____

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

SECTION 1: The bid of Greenview Lawns, Inc. for the landscape improvements at the River Park Glass Pavilion and Miss Laura's Visitors Center is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Greenview Lawns, Inc. for an amount not to exceed $38,685.28, for performing said project.

This Resolution adopted this _____ day of March, 2015.

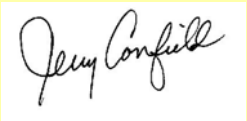
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM



_____npr

PARKS RECREATION
FORT SMITH

Memo:

March 13, 2015

To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator - jwd
Re: Landscape improvements at the River Park
Glass Pavilion and Miss Laura's Visitors Center

The landscape improvements at the River Park Glass Pavilion and Miss Laura's Visitor Center will help to enhance the visual appeal of the downtown area. The improvements will be to the west of the River Park Glass Pavilion approximately 25 feet in length. The area will have gradual berms with upright juniper evergreens to provide a backdrop and noise abatement. It will have ornamental grasses and perennial flowers to provide color throughout the growing season.

The landscape improvements at Miss Laura's Visitors Center is on the west side of the railroad yard along North B Street. A 270 foot ornamental wrought iron fence is proposed separate from this contract and will be the main element of landscape improvements. This contract provides for a landscape bed on that side which will also have ornamental grasses.

Bids were accepted and opened on March 3 with Greenview Lawns, Inc. being the lowest bidder at $38,685.28. Funding for the project is provided through downtown development capital funds. The CBID and the Parks and Recreation Commission support this project. It is in alignment with the goals of the Comprehensive Plan action ED-6.1.1 and CCD-1.1.1. I recommend approval of the contract with Greenview Lawns, Inc. Please call if you have any questions regarding this project.

attachment

River Park Glass Pavilion and Miss Laura's Visitors Center
Landscape Improvements
Summary of Bids Received
March 3, 2015 • 2:00 p.m.

BIDDER	BID AMOUNT
Dixon Contracting, Inc. Fort Smith, Arkansas	$ 64,000.00
TC Services Van Buren, Arkansas	$ NO BID
Greenview Lawns Lavaca, Arkansas	$ 38,685.28
Joe's Red Bandana Fort Smith, Arkansas	$ NO BID
Tim Schale Landscape Architects Fort Smith, Arkansas	$ NO BID
Frank Sharum Landscape & Design Fort Smith, Arkansas	$ 50,688.00

5D

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF CITY OF FORT SMITH TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS

_____

WHEREAS the Board of Directors understand Federal-aid Recreational Trails Funds are available at 80% federal participation and 20% local match/in kind labor to develop or improve the Rice Carden Walking Trail, and

WHEREAS City of Fort Smith understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT:

SECTION 1: City of Fort Smith will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION 2: The Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION 3: The Board of Directors pledge its full support and hereby authorizes the City of Fort Smith to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

This Resolution adopted this _____ day of March, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM

_____npr

PARKS RECREATION
FORT SMITH

Memo:

March 13, 2015

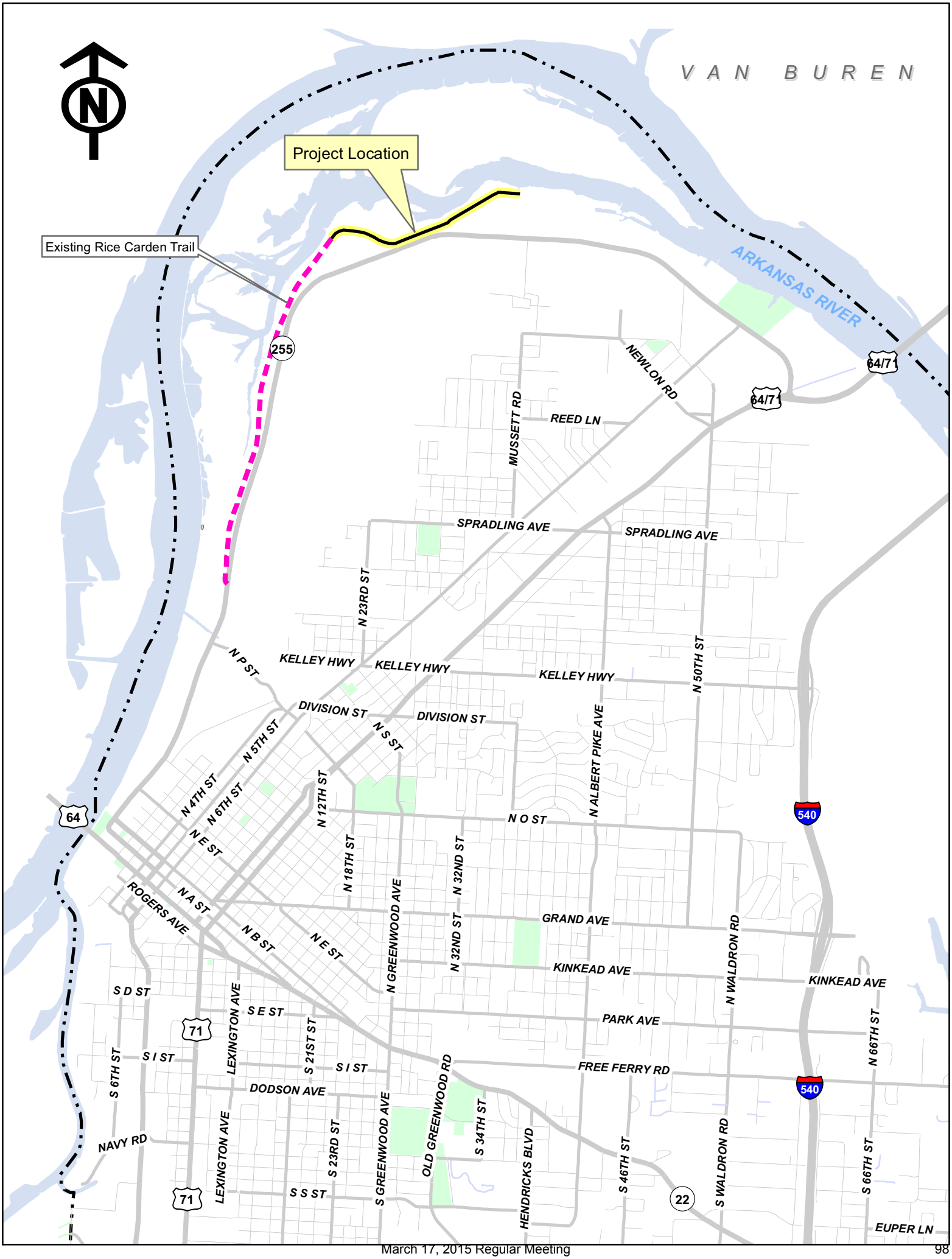
To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator - jwd
Re: Arkansas Recreational Trails Program Funding

An application is being filed for funding through the Arkansas Recreational Trails Program for non-motorized trails. As part of the application process, the Board of Directors must show support for the project with a resolution.

The trail that we are requesting funding for is the Rice Carden Walking Trail located along Riverfront Drive near the Arkansas River. This trail is 2.5 miles and will connected to the Greg Smith Riverwalk providing access to the River Park and the proposed US Marshals Museum. The trail was originally built in 2003, but was done with crusher dust due to lack of funds. If the funding application is approved the trail would be a 10 foot wide trail paved with asphalt.

The funding requires that we provide 20% of the total project cost. We project that the cost to asphalt the 2.5 mile trail would be approximately $400,000 requiring an $80,000 match. The match would be funded through the Sale's and Use Tax Budget. The application deadline is April 1. This is in alignment with the goals of the comprehensive plan action FLU-3.2.3 and NCR-1.4.1. I recommend approval of this resolution. Please call if you have any questions.

attachment


Project Location
Existing Rice Carden Trail
VAN BUREN
ARKANSAS RIVER
255
64/71
64/71
NEWLON RD
MUSSETT RD
REED LN
SPRADLING AVE
SPRADLING AVE
N 23RD ST
N P ST
KELLEY HWY
KELLEY HWY
KELLEY HWY
N 50TH ST
DIVISION ST
DIVISION ST
N S ST
N 5TH ST
N 4TH ST
N 6TH ST
N 12TH ST
N ALBERT PIKE AVE
64
N O ST
540
N E ST
N 18TH ST
N 32ND ST
ROGERS AVE
N A ST
N B ST
N E ST
N GREENWOOD AVE
N 32ND ST
GRAND AVE
N WALDRON RD
KINKEAD AVE
KINKEAD AVE
S D ST
S E ST
PARK AVE
71
LEXINGTON AVE
S 21ST ST
N 66TH ST
S 6TH ST
S I ST
S I ST
FREE FERRY RD
540
DODSON AVE
NAVY RD
LEXINGTON AVE
S 23RD ST
S GREENWOOD AVE
OLD GREENWOOD RD
S 34TH ST
HENDRICKS BLVD
S 46TH ST
S WALDRON RD
S 66TH ST
71
S S ST
22
EUPER LN

RESOLUTION NO. _____
RESOLUTION ADOPTING THE 2015 AUDIT PLAN

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

The 2015 Internal Audit Plan attached hereto is hereby approved and adopted.

Passed and Approved this _____ Day of _____, 2015.

Approved

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

_____
No Publication Required

MEMORANDUM

DATE: **March 17, 2015**
TO: **Mayor, Board of Directors**
FROM: **Tracey Shockley, City of Fort Smith Internal Auditor**
SUBJECT: **2015 Internal Audit Plan**

The City of Fort Smith Internal Audit Department is providing the 2015 Internal Audit Plan to the Mayor and Board of Directors for approval.

The 2015 Internal Audit Plan was based upon specific risk assessment results. In order to perform the risk assessment an Audit Universe was created. The Audit Universe contains city wide auditable line items in which each line item is ranked one through five in eight different areas. One being very low and a five being high/significant. The eight different areas are:

- Materiality
- Personnel and management
- Regulatory requirements
- Potential media interest
- Complex volume of transactions
- Risk of loss/access to cash
- Prior audit findings
- Time since last reviewed

Additionally, each Department Head received all auditable line items under their department and was asked to rank each line item in the eight different areas. Their assessment was compared to the Internal Audit Departments assessment and any major differences were discussed with the Department Head.

Each auditable line item number was calculated and given a total risk assessment percentage. All percentages were reviewed and combined with the information obtained from the risk assessment questionnaire interviews were categorized as either support services or business and finance services. The selected line items were presented in the summary of identified projects as planned and potential projects to be executed during 2015.

Internal Audit will update the planned projects and provide the updates to the Board of Directors, the City Administrator, and the Audit Advisory Committee throughout the year.

City of Fort Smith 2015 Internal Audit Plan

DRAFT

The City of Fort Smith is a unified team committed to consistently providing citizen-focused services for the advancement of a thriving community

March 5, 2015

Table of Contents

2015 Internal Audit Planning and Approach	3
Interview List	4
Determination of Key Risks	5
Summary of Identified Projects	6
Appendix A – Audit Project Descriptions	8

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Internal Audit Defined

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Source: The Institute of Internal Auditors Professional Standards

2015 Internal Audit Planning and Approach

To create the 2015 Internal Audit Plan, IA has gathered information to understand the primary strategies, objectives, and risks for the City of Fort Smith. IA performed a risk assessment by interviewing select Department Heads, Audit Advisory Committee, and Board of Directors (see the following pages for listing) and considering risk percentages for the City of Fort Smith using the Internal Audit Universe Risk Model, auditable areas that have not be previously reviewed, and other applicable sources.

DRAFT

Internal Audit also considered management input, areas that would not only impact the City financially, but operationally. Projects were then selected for the 2015 Internal Audit Plan based primarily upon the degree to which the projects might address key risks identified during the risk assessment and planning process.

Internal Audit will continue to conduct walkthroughs for each auditable area within the City.

Due to a number of areas that have not been reviewed within the past few years, IA has presented the 2015 planned projects in a "6+6" format. By limiting the planned projects to the upcoming 6 months, we are able to deploy a risk-based approach that is capable of adapting to changes and give each area the time to perform a full assessment.

Internal Audit will update the planned projects and provide the updated planned projects to the Board of Directors, the City Administrator, and the Audit Advisory Committee throughout the year.

Interview List

Internal Audit met with the following individuals to gather information for the 2015 Internal Audit Plan:

Board of Directors

Mayor Sandy Sanders
Keith Lau
Andre' Good
Mike Lorenz
George Catsavis
Kevin Settle
Tracy Pennartz

Management

Ray Gosack – City Administrator
Mike Richards – Fire Chief
Kevin Lindsey – Police Chief
Tracy Winchell - Communications
Tim Seeberg – General Manager Convention Center
Alie Bahsoon – Purchasing Manager

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Audit Advisory Committee

Lavon Morton
George Moschner
Deana Infield

Determination of Key Risks

The list below reflects key areas identified through the risk assessment process that could impact the achievement of the City of Fort Smith's objectives (Note: This is not intended to provide a complete set of risks). Please refer to the Audit Universe Manual for Risk Assessment.

City of Fort Smiths Pervasive Risks – Auxiliary and Support Services		Line Item Risk Possibilities
Fire Department Risk Maintenance Risk Purchasing Risk Convention Center Risk Planning Risk	Transit Risk Inventory Management Risk Police Risk Technology/Public Relations Risk Sewer Risk	Pension Risk Water & Sewer Line Regulatory Compliance Risk Fraud Risk Public Transit Fee Operation Data Access/Security Risk Disaster Recovery Risk Officer Training, Certification Bid Selection Fixed Assets Event Sales Plans Examiner
City of Fort Smith Pervasive Risks – Business and Financial Services		Line Item Risk Possibilities
Payroll Risk Purchasing/Cash Disbursement Risk Purchasing/Bids & Contracts Risk Investments/Grants Risk Travel and Entertainment Risk Finance Risk	Cash Management Risk Records Management HR Risk Accounts Payable Risk Collections	Sales Tax Risk Grant Management Risk Employee Risk Property & Casualty Insurance Risk Code of Conduct, Conflict of Interest Reimbursement Risk Overtime pay Alcohol Beverage Tax Financial Reporting Wire Transfers

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Summary of Identified Projects

Based upon the risks identified, IA has classified the planned and potential projects included in the following table. IA estimates it will perform them between March 2015 and December 2015, depending on the scope of projects selected. "*Planned Projects*" represent those projects that IA is planning to execute during 2015. "*Other Potential Projects*" may be executed some time in 2015, if risk conditions or other factors do not dictate a change. Detailed descriptions of the projects listed below are provided in Appendix A – Audit Project Descriptions.

Department/Segment	Project - Planned Audit	Other Potential Audit
Purchasing/City Wide	Fixed Assets Inventory (to include fuel)	
Police/Fire/Finance	Fire and Police Pension	
City	Grant Management	Driver Credentials Public Transit Fee Operations
Sanitation	Scalehouse	
Courts	Fees Warrants	New Court System

DRAFT

APPENDIX A – AUDIT PROJECT DESCRIPTIONS

Project	Project Description	Segment	
Fixed Assets	Perform process and controls review of the City's Fixed Assets and contracting activities including asset transfers and disposals, sourcing, security over assets, asset usages, and auctioning of the City's Fixed Assets to include: • Review existing documentation (policies and procedures, supplier, etc.) • Process Flowchart • Conduct a best practice gap analysis • Identify opportunities for improvement and control gaps And any other areas identified during the process review.	Finance/ Purchasing	
Inventory	An overall review of the Inventory process and to access the current policy and procedures that are in place. The purpose of such a review would be to identify areas of ordering , receiving, category and supplier management. Also review controls over accounts, invoices not paid according to the terms, invoice payments that may be duplicated, potential fraud, and any other areas identified during the process review. This review would also include fuel.	City of Fort Smith	
Fire & Police Pension	Perform an overall process and controls review of the Fire and Police Pension benefits to ensure we are complying with Federal and State requirements which may impact the employee and the City of Fort Smith by the correct amount not paid by employees, received from the City of Fort Smith, inaccurate, or misclassified. Any major revisions through legislation or Governmental Accounting Standards that will affect current City employees in varying ways, and any other areas identified during the process review.	Fire & Police	
Grant Management	Review the overall process and controls for Grants which may impact any grant compliances or future abilities to acquire grants. To include documenting process flowcharts, conduct interviews with personnel to understand the current process and known issues, and identify opportunities for improvement and control gaps. Any other areas identified during the process review.	City of Fort Smith	

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Potential 2015 Audits

DRAFT

Project	Project Description	Segment
Fees	Perform process and controls review of fees that are assessed to the citizens and businesses of Fort Smith. Internal Audit will also document requirements, and test any other areas identified during the review. Build Process Flowcharts.	City Wide
Warrants	Evaluate the current process and procedures around arrest warrants to ensure we are complying with Federal and State requirements which may impact the City of Fort Smith , and any other areas identified during the review process and test the process.	Police Department City Prosecutor District Court
Drivers Credentials	Perform process and control testing on Driver Credentials within the City of Fort Smith for proper procedures, drivers license, proper supporting certifications, proper forms, state and city compliance and insurance compliance.	City Wide

RESOLUTION NO. _____
RESOLUTION ADOPTING THE AUDIT CHARTER

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

The Internal Audit Charter attached hereto is hereby approved and adopted.

Passed and Approved this _____ Day of _____, 2015.

Approved

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

_____
No Publication Required

MEMORANDUM

DATE: **March 17, 2015**
TO: **Mayor, Board of Directors**
FROM: **Tracey Shockley, City of Fort Smith Internal Auditor**
SUBJECT: **Internal Audit Charter**

The City of Fort Smith Internal Audit Department is providing the Internal Audit Charter to the Mayor and Board of Directors for approval.

The Internal Audit Charter serves as a guide to the Internal Audit Department of the City of Fort Smith in the performance of its duties. It intends to provide a basis for the Board Directors and City Administrator to use in evaluating the operations of the Internal Audit function.

The components of this charter include:

- Purpose/Mission
- Independence
- Scope of Work
- Accountability
- The responsibilities of the Internal Audit Department
- The Internal Audit Department's authority and its position within the City to ensure its independence
- Audit Plan
- Standards of Audit Practice followed by the Internal Audit Department

Lastly, it signifies the executive endorsement of the Internal Audit Charter by the Board of Directors, Mayor, and the City Administrator. The endorsement underscores the importance of the Internal Audit Office's mission.

PURPOSE

The mission of the Internal Audit function is to provide independent, objective assurance and consulting services designed to add value and improve the City of Fort Smith's operations. The Internal Audit Office helps the City of Fort Smith accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

INDEPENDENCE

Internal Audit reports functionally to the City of Fort Smith Elected Board Directors and administratively to the City Administrator. These reporting relationships ensure departmental independence, promote comprehensive audit coverage and assure adequate consideration of audit recommendations.

SCOPE OF WORK

Internal Audit will develop an annual audit plan based on a risk assessment of all City of Fort Smith's activities. The internal audit plan shall encompass financial, operational and compliance issues. Specifically internal audit reviews will help ensure:

- Risks are appropriately identified and managed;
- Significant financial, managerial and operating information is accurate, reliable, and timely;
- Employees' actions are in compliance with policies, standards, procedures, and applicable laws and regulations;
- Resources are acquired economically, used efficiently, and adequately protected,
- Programs, plans and objectives are achieved;
- Quality and continuous improvement are fostered with the City's control processes.
- Regulatory issues impacting the City are recognized and addressed appropriately. Opportunities for improving the City's image may be identified during audits. They will be communicated to the appropriate level of management.
- Interaction with the various governance groups occurs as needed.

In addition, Internal Audit will assist management in identifying and assessing risks in their departments and provide suggestions for improving and streamlining processes.

ACCOUNTABILITY

The Internal Auditor, in the discharge of his or her duties, shall be accountable to the Board of Directors and to the City Administrator to:

- Provide annually an assessment of the adequacy and effectiveness of the City's processes for controlling its activities and managing its risks in the areas set forth under the mission and scope of work.

DRAFT

- Report significant issues related to the processes for controlling the activities of the City, including potential improvements to those processes.
- Provide information on the status and results of the annual audit plan and the sufficiency of department resources.
- Coordinate with and provide oversight of other control and monitoring functions (risk management, compliance, security, legal, ethics, environmental, external audit).
- Notify the appropriate regulatory, law enforcement, and legal authorities of any potential criminal audit findings after the Board of Directors, the City Administrator, and the City Attorney have been notified about such pending action.
- Operate freely of interference by anyone in the organization with the audit selection, scope, procedures, frequency, and timing.

RESPONSIBILITY

The Internal Auditor has responsibility to:

- Develop a flexible annual audit plan using an appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the Audit Advisory Committee, Board of Directors and City Administrator for review and approval.
- Implement the annual audit plan, as approved, including as appropriate any special tasks or projects requested by management and/or the Board of Directors.
- Internal Audit maintains sufficient knowledge, skills, experience, and professional certifications to meet the requirements of this Charter.
- Issue periodic reports to the Board of Directors and to the City Administrator summarizing the status and results of audit activities, including special projects.
- Keep the Audit Advisory Committee, Board of Directors and City Administrator informed of emerging trends and successful practices in internal auditing.
- Provide a list of significant measurement goals and results to the Board of Directors and City Administrator.
- Establish a system to follow-up on reported findings. The intent of this responsibility is to ensure that past audit findings are satisfactorily resolved.
- Assist in the investigation of significant suspected fraudulent activities within the city departments.
- Perform consulting services, beyond internal auditing's assurance services, to assist management in meeting its objectives. Examples may include facilitation, reviewing process design, training, and advisory services.
- Evaluate and assess significant merging/consolidating functions and new or changing services, processes, operations, and control processes coincident with the development, implementation, and/or expansion of City operations.
- Consider the scope of work of the external auditors and regulatory agencies, as appropriate, to provide optimal audit coverage to the City at a reasonable overall cost.

AUTHORITY

Internal auditing functions under policies established by the Board of Directors and the City Administrator. The Internal Auditor is authorized to:

DRAFT

- Have unrestricted access to all City records, facilities, properties, investigations, and personnel relevant to the department or system under review, and is free to review and appraise policies, plans, procedures and records as deemed necessary. Internal Audit shall use discretion in the review of the records and assume the confidentiality of all matters that arise. At the request of the chief of police, review of specific police investigations with limited access, may be conducted.
- Have full and unrestricted access to the Board of Directors and the City Administrator.
- Allocate his/her resources, set frequencies, select subjects, determine audit scope, and apply the applicable audit techniques required to accomplish the audit objectives.
- Obtain the necessary cooperation of personnel in departments where s/he performs audits, as well as other specialized services and third parties from within or outside the City of Fort Smith.
- While conducting an audit and in the course of employment as internal auditor, s/he will maintain strict accountability and confidentiality regarding all records, property, findings or other information relevant to the business of the department or its employees.

The Internal Auditor is **not** authorized to:

- Perform any operational duties for the City.
- Initiate or approve accounting transactions external to the Internal Audit Department.
- Direct the activities of any City employee not assigned to the Internal Audit Department except to the extent that such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditor.

Internal Audit shall have no direct responsibility or authority over financial, compliance or operational issues that may be subject to review. The independence of the internal audit function shall not be deemed adversely affected by determining and recommending standards of control to be applied to the development of the departments, systems and procedures being reviewed

AUDIT PLAN

An annual audit plan will be submitted to the Audit Advisory Committee, Board of Directors and City Administrator for review and approval annually. The schedule will list all departments, programs and activities planned for review within the next audit year.

STANDARDS OF AUDIT PRACTICE

Internal Audit will work under the guidance of the *International Standards for the Professional Practice of Internal Auditing* of the Institute of Internal Auditors and the *Generally Accepted Government Auditing Standards* (GAGAS) of the United States Government Accountability Office.

The Internal Auditor shall govern themselves by adherence to the Institute of Internal Auditors' "Code of Ethics" and the United States Government Accountability Offices' "Ethical Principles."

DRAFT

EXECUTIVE ENDORSEMENT OF THE INTERNAL AUDIT CHARTER

The Internal Audit Charter is the formal document that specifies the Internal Audit Office's authority and responsibilities. The Charter is important to management, the activity being audited, and the Internal Auditor. Our endorsement of the Internal Audit Charter underscores the importance of the Internal Audit Office's mission. We ask for your continued cooperation as our internal auditor fulfill s/he important responsibility to the City of Fort Smith.

Approved by Board of Directors Resolution No. _____

_____ _____

Sandy Sanders Date
Mayor

_____ _____

Mike Lorenz Date
Audit Advisory Committee Chair

_____ _____

Ray Gosack Date
City Administrator

_____ _____

Tracey Shockley, CFE Date
Internal Audit

DRAFT

RESOLUTION NO._____ 5 G

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO NEC, INC., FOR THE RIVER FRONT DEVELOPMENT WATER AND SEWER EXTENSIONS PHASE II

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

SECTION 1: The construction of River Front Development Water and Sewer Extensions Phase II, Project Number 11-08-C2, is accepted as complete.

SECTION 2: Final payment to NEC, Inc., in the amount of $43,073.64, is hereby approved.

This Resolution adopted this _____ day of March 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** March 9, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: River Front Development Water and Sewer Extensions Phase II
Project Number 11-08-C2

This project consisted of installing approximately 6,826 feet of 12-inch water line and 3,362 feet of 8-inch sanitary sewer line. The project provides water and sewer to support development along city's downtown river frontage. The attached exhibit shows the location for these improvements.

A portion of this project's construction conflicted with the May Branch Outfall Pipe Replacement, Project Number 12-06-E, being constructed through the engineering department and had to be postponed until the May Branch project was completed. Also, a portion of the water line to be constructed as part of the River Front Drive project was constructed as part of the May Branch project resulting in an underrun of 49,658.97. N.E.C., Inc., has completed the project and attached is a Resolution accepting the project as complete and authorizing final payment in the amount of $43,073.64.

It is my recommendation that the project be accepted as complete. Should you or members of the Board have any questions or need additional information, please let me know.

attachment

pc: Jeff Dingman

Project Summary

Project status: Complete

Project name: River Front Development Water and Sewer Extensions Phase II

Today's date: March 9, 2015

Project number: 11-08-C2

Staff contact name: Steve Parke

Project engineer: EDM Engineering

Staff contact phone: 784-2231

Project contractor: N.E.C., Inc.

Notice to proceed issued: April 23, 2013

Completion date: February 19, 2015

	Dollar Amount		Contract Time (Days)
Original contract	$939,980.00		200
Change orders:	0		0
Total change orders	0		0
Adjusted contract	$939,980.00		200
Payments to date (as negative)	$-847,247.39	90.1%	
Amount of this payment (as negative)	$-43,073.64	4.6%	
Retainage held	$ 0.00		
Contract balance remaining (underrun)	$49,658.97	5.3%	
Amount under as percentage	5.3%		

Final comments: A portion of the water line that was originally included in this project was completed in the May Branch Outfall Pipe Replacement, Project Number 12-06-E resulting in an underrun of $49,658.97.

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)

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)

RESOLUTION NO._____ 5 H

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER ONE WITH HAWKINS-WEIR ENGINEERING, INC., FOR THE DESIGN OF THE MILL CREEK INTERCEPTOR IMPROVEMENTS - PHASE I

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

SECTION 1: Amendment Number One to Authorization Number One with Hawkins-Weir Engineering, Inc., for the design services for the construction of Mill Creek Interceptor Improvements - Phase I, Project Number 12-09-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of $84,700.00, for design services, adjusting Authorization Number One to an amount of $284,700.00

This Resolution adopted this _____ day of March 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** March 9, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Mill Creek Interceptor Improvements - Phase 1
Project Number 12-09

Hawkins-Weir Engineering is currently designing Mill Creek Interceptor Sewer Improvements – Phase 1 to convey the additional wet weather sewer flow to the Mill Creek pump station. The current phase one design is for the first approximately 6,200 feet of new 24- through 48-inch interceptor sewer, upstream from the Mill Creek Pump Station.

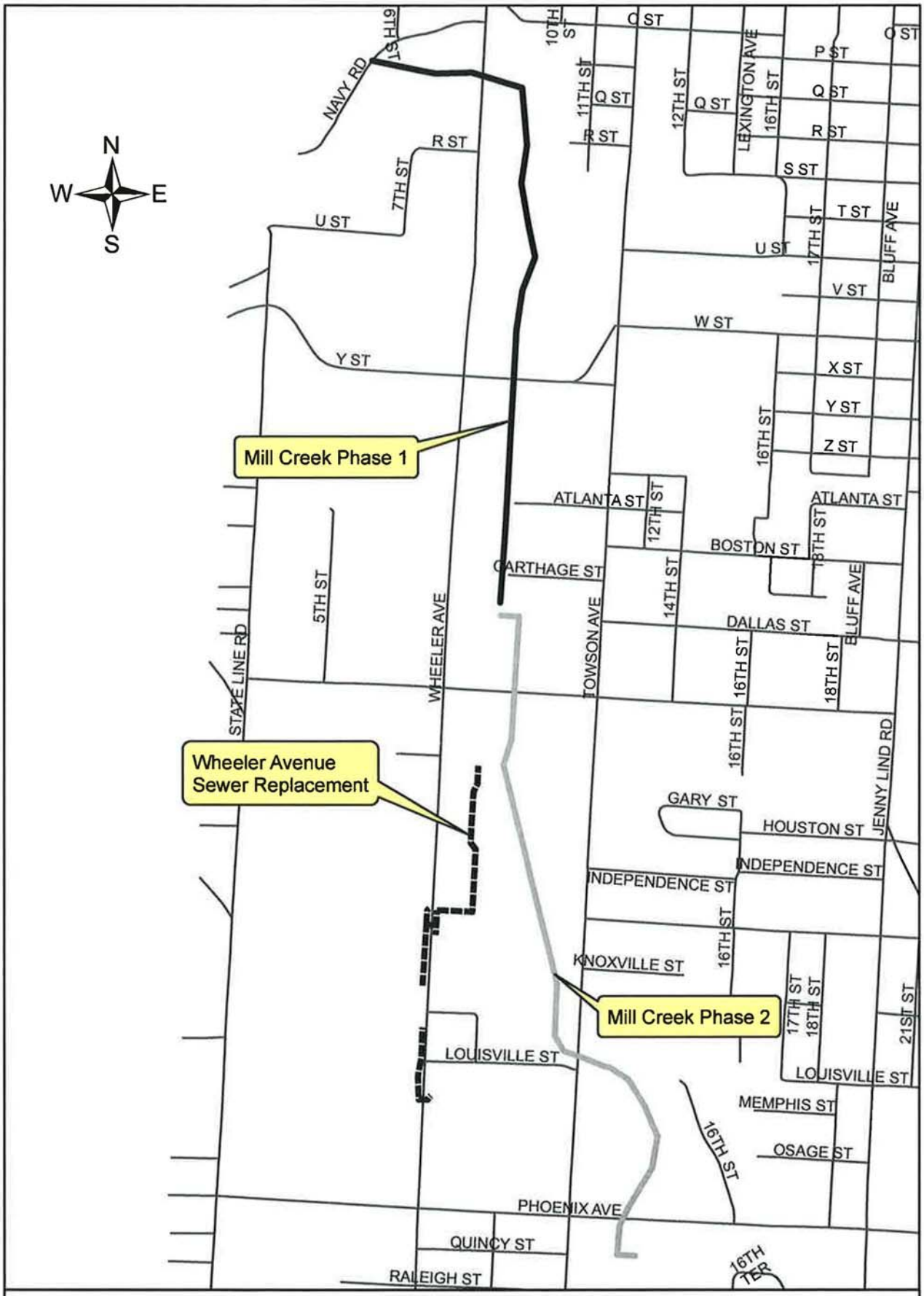
Recently, the city's maintenance crews evaluated a reach of 8-inch sewer main, a portion of which is under Wheeler Avenue pavement and found it to be in extremely poor condition with the potential to fail at any time. The most expedient method for replacing this reach of sewer is to incorporate the needed design services into Hawkins-Weir design contract and bid the work as part of the Mill Creek interceptor project. The additional 3,400 feet of design will add $84,700.00 to Hawkins-Weir design contract for the Mill Creek interceptor improvements project.

The attached Resolution authorizes Amendment One to Authorization One in the amount of $84,700.00 for additional design services and adjusts Authorization Number One to an amount of $284,700.00. Funding for Amendment Number One is available from the 2014 sales and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman



MILL CREEK INTERCEPTOR IMPROVEMENTS
PHASE 1
PROJECT NO. 12-09

RESOLUTION NO. _____ 5 I

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING AGREEMENT AND AUTHORIZATION WITH CDM SMITH, INC., TO PROVIDE ENGINEERING SERVICES ASSOCIATED WITH DEVELOPMENT OF A CAPACITY MANAGEMENT OPERATIONS AND MAINTENANCE PROGRAM AND IMPLEMENTATION PLAN

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

SECTION 1: An Agreement and Authorization with CDM Smith, Inc., for providing professional engineering services associated with the Consent Decree required development of a Capacity Management Operations and Maintenance Program (CMOM) and Implementation Plan, Project Number 15-08-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Agreement and Authorization for professional engineering services to provide a CMOM and Implementation Plan for an amount of $925,150.00.

This Resolution adopted this ____ day of March 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** March 11, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Development of CMOM Programs and Implementation Plans

The Consent Decree was lodged with the court on January 2, 2015, and stipulates the improvements which the city must make to its wastewater systems. Article Seven of the Consent Decree requires that the city prepare a Capacity, Management, Operations, and Maintenance Program (CMOM). The programs must be prepared consistent with the EPA's CMOM guidance document and receive EPA approval. Of the twelve CMOM programs that must be prepared, three must be submitted within 12-months, two within 18-months and seven within 24-months from the date of lodging. Upon receiving the EPA's approval, the city must then be positioned to immediately implement that program. I have attached a copy of Article Seven from the Consent Decree which details the specifics of each CMOM program for your information. The CMOM programs are:

- Fats, Oils and Grease
- Root Control
- Gravity Sewer Line Cleaning
- Continuing System Assessment
- Pump Station and Force Main Evaluation and Maintenance
- Continuing Capacity Assurance Program
- Sewer System Overflow Reporting and Emergency Response
- Information Management System
- Standard Operating Procedures
- Private Service Line Program
- Comprehensive Training Program
- Inventory Management System

To complete this work within the required time periods presents an aggressive schedule. CDM Smith is best situated to perform this work due to their knowledge of Fort Smith's wastewater systems, their assistance in the Consent Decree negotiations, their earlier performance of a CMOM self-assessment for the utility department and the multiple CMOM programs which they have prepared for other cities and which were approved by EPA. At staff's request, CDM Smith prepared a proposal for developing our CMOM programs. The attached Scope-of-Work details the tasks to be completed. The cost for completing these tasks is $925,150 and a detailed breakdown of these costs is also attached for your information.

I have attached a Resolution authorizing the Mayor to sign an engineering agreement and authorization to proceed with CDM Smith, Inc., to complete this work for an amount of $925,150. Funding is available from the 2014 sales and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman

SCOPE-OF-WORK

PROJECT DESCRIPTION

The Engineer will assist City in the development and implementation of an effective Wastewater Collection and Transmission Systems (WCTS) CMOM Program consistent with EPA's 2005 Guidance entitled "Guide for Evaluating Capacity, Management Operation and Maintenance Programs at Sanitary Sewer Collection Systems". The Engineer will develop the components of the aggregate CMOM Program for the City's review, approval and submittal to be submitted to EPA for review and approval based on the schedule detailed in Article Seven of the CD. All components of the CMOM Program shall be prepared for the City so that enough time is available for review and approval prior to the deadline for the City's submission to EPA at a date as set forth in **Paragraphs 37-56** of the CD. Note that the DOL for the CD has been established as January 2, 2015.

SECTION 1 - SCOPE

The scope of work describes services to be provided to the City by Engineer related to the project described above. To meet these project objectives, Engineer proposes to perform the tasks as described in more detail below.

Task 1. WCTS Maintenance Activities until Full CMOM Implementation

So as to comply with **Paragraph 36** of the CD, until a particular component of the CMOM program is approved by EPA and fully implemented, the Engineer will judge the City's performance, to the extent technically feasible utilizing its then current workforce and maintenance fleet, by monitoring the City's performance of that component of its current CMOM Program consistent with EPA's 2005 Guidance entitled "Guide for Evaluating Capacity, Management Operation and Maintenance Programs at Sanitary Sewer Collection Systems". Engineer will evaluate the City's performance and apprise the City of potential improvements.

Monitoring of the City's CMOM activities shall include the following tasks:

a. An initial evaluation of the City's current operations.

b. Assessing the City's operations on a monthly basis by reviewing information generated by the City concerning activities related that that particular CMOM Program component with EPA's 2005 Guidance and, as necessary, providing recommendations for intermediate improvements that can be implemented before full CMOM Program implementation.

Task 2. FOG Control Program Component

The Engineer will develop a comprehensive Fats/Oils/Grease (FOG) Control Program plan for submittal to EPA within twenty-four (24) months from the DOL for compliance with the intent of the CD. The elements of the FOG Control Program shall meet all requirements as listed in **Paragraph 37** of the CD.

Task 3. Root Control Program Component

The Engineer shall develop a comprehensive Root Control Program for submittal to EPA within twelve (12) months from the DOL. The Root Control Program is intended to serve as a guide specification for a contractor performed service. The elements of the Root Control Program shall meet all requirements as listed in **Paragraph 39** of the CD.

Task 4. Gravity Sewer Line Cleaning Component

The Engineer will develop a comprehensive Gravity Sewer Line Cleaning Component for submittal to EPA for review and approval no later than twelve (12) months from the DOL. The plan shall meet all requirements as listed in **Paragraph 41** of the CD.

Task 5. Continuing Sewer System Assessment Program Component

The Engineer will develop a Continuing Sewer System Assessment Program ("CSSA) for submittal to EPA within twenty-four (24) months for the DOL. This Program will begin following the completion of all Sewer System Assessment (SSA) activities. The plan shall meet all requirements as listed in **Paragraph 43** and **Paragraph 44** of the CD.

Task 6. Continuing Pump Station and Force Main Evaluation and Maintenance Program

The Engineer will develop a Continuing Pump Station and Force Main Evaluation and Preventive Maintenance Program for submittal to EPA for review and approval no later than twenty-four (24) months from the DOL. The plan shall meet the requirements as listed in **Paragraph 45** of the CD.

Task 7. Continuing Capacity Assurance Program

The Engineer will develop a Continuing Capacity Assurance Program ("CCA") for submittal to EPA within twenty-four (24) months for the DOL. This program shall meet the requirements listed in **Paragraph 46** of the CD.

Task 8. SSO Reporting Component

The Engineer will develop a SSO Documentation and Reporting requirements plan for submittal to EPA within twelve (12) months from the DOL. The plan shall meet the requirements as listed in **Paragraph 47** of the CD.

Task 9. SSO Emergency Response Program Component

The Engineer will develop a Sanitary Sewer Overflow Emergency Response Program (OERP) for submittal to EPA within twelve (12) months from the DOL. The plan shall meet the requirements as listed in **Paragraph 48** of the CD.

Task 10. Information Management System

The Engineer will develop a plan for submittal to EPA within twenty-four (24) months from the DOL for modifying the City's Information Management System (IMS) and integrating the IMS with the City's geographic information system (GIS). The Engineer will assess the existing computerized information systems in use by the City for the purposes of supporting the required IMS modification and GIS integration as part of the CD requirements. The Engineer will work closely

with City staff to gather information regarding the design, content and data flows between the existing City systems (GIS, work order management, document management, etc.) to evaluate the systems to support the future IMS and its integration with the City's GIS and identify "gaps" in the existing systems. Once the gaps are identified, the Engineer will closely collaborate with the City to identify viable available options acceptable to the City for consideration. After acceptance of the recommendations by the City, the Engineer will develop the IMS Plan to be submitted to EPA within twenty-four (24) months from the DOL. At a minimum the IMS Plan shall include the following:

a. A description of information to be managed under IMS plan and entered into the computerized system(s), how it is entered, and by what means it is recorded;

b. A description of the types of work reports prepared and submitted;

c. A description of the management reports generated using the data gathered (i.e. work reports, location maps, performance reports, etc.);

d. A detailed description of how the records are maintained;

e. A description of the software used;

f. Descriptions of periodic quality assurance/quality control checks of the system;

g. Standard operating procedures for use and maintenance of the system.

The plan shall meet all the requirements as listed in **Paragraph 50** and **Paragraph 51** of the CD.

Task 11. Standard Operating Procedures Component

The Engineer will develop a plan and schedule for developing Standard Operating Procedures (SOP) for general operation and maintenance of all components of the WCTS. The SOP plan and schedule will be based upon the processes established by the EPA G6 Guidance. The SOP development plan and schedule will be prepared for submittal to EPA within eighteen (18) months from the DOL. The SOP plan will meet all the requirements as listed in **Paragraph 53** of the CD.

Task 12. Private Service Line Defect Remediation Program Component

The Engineer will develop a Private Service Line Defects Remediation Program for submittal to EPA within twenty-four (24) months of the DOL. The Private Service Line Defects Remediation Program goal is to encourage Private Service Line owners to remediate Private Service Line defects that are sources of infiltration/inflow (I&I) and/or otherwise contribute to SSOs that have been discovered. The program shall meet all the requirements as listed in **Paragraph 54** of the CD.

Task 13. Comprehensive Training Program Component

The Engineer will develop a Comprehensive Training Program (CTP) plan for technical and skills training for appropriate categories of the City's employees. The plan will be prepared for submittal to EPA within eighteen (18) months from the DOL. The training shall be directly related to operation and maintenance of the sanitary sewer collection system for the purpose of responding

to and preventing SSOs. The Program shall meet all the requirements as listed in **Paragraph 55** of the CD.

Task 14. Inventory Management System

The Engineer will assist the City to implement an Inventory Management System and shall prepare a written demonstration of its completion to EPA within twenty-four (24) months from the DOL. The Inventory Management System shall include all requirements as outlined in **Paragraph 56** of the CD.

City of Fort Smith, AR
Development of a CMOM Program and Implementation Plan

Task #	Task Descroption	Start Date	End Date	Total Costs
1	**WCTS Maintenance Activities until Full CMOM Implementation**	**1-Apr-15**	**31-Dec-15**	**$ 95,501**
	Initial evaluation of the City's current CMOM Programs	1-Apr-15	1-Jun-15	
	Recommendations for cost effective improvements	1-Apr-15	1-Jun-15	
	Ongoing monthly operations review	1-Apr-15	31-Dec-15	
	Interim reporting and documentation	1-Apr-15	31-Dec-15	
2	**FOG Control Program Component**	**1-Apr-15**	**31-Dec-15**	**$ 160,152**
	Review of city's legal authority and sewer use ordinance	1-Apr-15	1-Jun-15	
	Identification of FOG generation sources in system	1-May-15	1-Sep-15	
	Development of plan for installation of FOG control devices	1-Sep-15	31-Dec-15	
	Development of standards for sizing of FOG control devices	1-Apr-15	31-Dec-15	
	FOG control device inspection protocols	1-Jan-16	31-Dec-16	
	FOG program records keeping requirements	1-Jan-16	31-Dec-16	
	FOG control enforcement program	1-Jan-16	31-Dec-16	
	FOG compliance assistance program	1-Jan-16	31-Dec-16	
	FOG public outreach and public education program	1-Apr-15	31-Dec-15	
	FOG program staffing requirements	1-Jan-16	31-Dec-16	
	Monitoring coordination with industrial pre-treatment program	1-Jan-16	31-Dec-16	
	FOG program reporting and record keeping	1-Jan-16	31-Dec-16	
	Establishment of FOG performance indicators	1-Jan-16	31-Dec-16	
3	**Root Control Program Component**	**1-Apr-15**	**30-Nov-15**	**$ 39,089**
	Method for identifying root contributions to SSOs	1-Apr-15	1-Jun-15	
	Plan for root removal when contributing to SSO	1-Apr-15	1-Jun-15	
	Plan for pro-actively preventing root intrusion	1-Jun-15	1-Aug-15	
	Plan for repairing pipe segments damaged by roots	1-Jun-15	1-Aug-15	
	Private property owner root control plan	1-Jul-15	1-Oct-15	
	Root control program reporting	1-Jul-15	1-Nov-15	
4	**Gravity Sewer Line Cleaning Component**	**1-Apr-15**	**30-Nov-15**	**$ 43,929**
	Targeted cleaning program for pipe segments with frequent blockages	1-Apr-15	1-Jun-15	
	Analysis and summary	1-Apr-15	1-Jun-15	
	Small-diameter gravity sewer line cleaning program	1-Apr-15	1-Jun-15	
	Large-diameter gravity sewer line cleaning program	1-Jun-15	1-Aug-15	
	Cleaning program reporting	1-Jul-15	1-Nov-15	
	Cleaning program staffing and budgeting requirements	1-Jul-15	1-Nov-15	
5	**Continuing Sewer System Assessment Program Component**	**1-Apr-15**	**31-Dec-15**	**$ 27,805**
	CCTV Inspection of non-plastic small diameter gravity sewer lines	1-Apr-15	1-Jun-15	
	CCTV inspection of plastic small diameter gravity sewer lines and all large gravity diameter gravity sewer lines	1-Jun-15	1-Aug-15	
	Visual manhole inspection	1-Apr-15	1-Jun-15	
	CSSA program staffing and budgeting requirements	1-Jul-15	1-Nov-15	
6	**Continuing PS and FM Evaluation and Maintenance Program**	**1-Apr-15**	**31-Dec-15**	**$ 67,835**
	Continuing evaluation of pump station performance and capacity	1-Apr-15	31-Dec-15	
	Routine pump station operations program	1-Jan-16	31-Dec-16	
	Emergency pump station operations program	1-Jan-16	31-Dec-16	
	Pump station preventive maintenance program	1-Jan-16	31-Dec-16	
	Evaluation of staffing and equipment needs, including within critical response times	1-Jan-16	31-Dec-16	
7	**Continuing Capacity Assurance Program**	**1-Apr-15**	**31-Dec-15**	**$ 25,939**
	CCA Program description	1-Apr-15	1-Jun-15	
	CCA program reporting	1-Jul-15	1-Nov-15	
	Coordination of CCA program with hydraulic modeling	1-Jul-15	1-Nov-15	
	CCA program staffing and budgeting requirements	1-Jan-16	31-Dec-16	
8	**SSO Reporting Component**	**1-Apr-15**	**30-Nov-15**	**$ 33,470**
	Immediate SSO reporting	1-Apr-15	1-Jun-15	
	Monthly reporting requirements	1-Apr-15	1-Nov-15	
	Annual reporting requirements	1-Apr-15	1-Nov-15	
	Staffing and budgeting requirements	1-Apr-15	1-Nov-15	

Task #	Task Descroption	Start Date	End Date	Total Costs
9	**SSO Emergency Response Program Component and OERP Reporting**	**1-Apr-15**	**30-Nov-15**	**$ 29,716**
	SSOEP program description	1-Apr-15	1-Jun-15	
	SSOER program reporting	1-Apr-15	1-Jun-15	
	CCA program staffing and budgeting requirements	1-Apr-15	1-Nov-15	
10	**Information Management System**	1-Apr-15	31-Dec-15	**$ 107,311**
	Description of information to be managed under IMS plan and entered into the computerized system(s)	1-Apr-15	1-Jun-15	
	Description of the types of work reports prepared and submitted	1-Apr-15	1-Jun-15	
	Description of the management reports generated using the data gathered	1-Apr-15	1-Jun-15	
	Standard data collection formats used by both field personnel and management	1-Jun-15	1-Aug-15	
	Detailed description of how the records are maintained	1-Aug-15	1-Nov-15	
	Description of the software used with cited references for software training and procedures for utilizing the software	1-Aug-15	1-Nov-15	
	Procedures for periodic quality assurance/quality control checks of the system;	1-Aug-15	1-Nov-15	
	Standard operating procedures for use and maintenance of the system	1-Oct-15	31-Dec-15	
	IMS staffing and budgeting requirements	1-Oct-15	31-Dec-15	
11	**Standard Operating Procedures Component**	**1-Jun-15**	**31-Dec-15**	**$ 96,716**
	SOP development plan	1-Jun-15	1-Sep-15	
	SOP development	1-Jan-16	30-Jun-16	
	SOP staffing and budgeting requirements	1-Jan-16	30-Jun-16	
12	**Private service line defect remediation program component**	**1-Jun-15**	**31-Dec-15**	**$ 58,372**
	PSLDR Program description	1-Jun-15	1-Sep-15	
	Assessment of city legal authority	1-Sep-15	31-Dec-15	
	Escalating notification process	1-Jan-16	31-Dec-16	
	Escalating penalty system	1-Jan-16	31-Dec-16	
	PSLDR program remediation program	1-Jan-16	31-Dec-16	
	Coordination of PSLDR program with SEP	1-Jan-16	31-Dec-16	
	Staffing and budgeting requirements	1-Jan-16	31-Dec-16	
13	**Comprehensive Training Program Component**	**1-Jun-15**	**31-Dec-15**	**$ 56,479**
	List and description of employees in CTP	1-Jun-15	1-Sep-15	
	List and description of topics and skills for training	1-Sep-15	31-Dec-15	
	List of city employee categories and training needs for each	1-Sep-15	31-Dec-15	
	Description of how training related to applicable employee certification requirements	1-Jan-16	30-Jun-16	
	CTP record keeping and reporting	1-Jan-16	30-Jun-16	
	CTP staffing and budgeting requirements	1-Jan-16	30-Jun-16	
14	**Inventory Management System**	**1-Jun-15**	**31-Dec-15**	**$ 82,837**
	Inventory management system description	1-Jun-15	1-Sep-15	
	Coordination of inventory management system with work order system	1-Sep-15	31-Dec-15	
	Inventory management system reporting	1-Jan-16	31-Dec-16	
	Inventory management system staffing and budgeting requirements	1-Jan-16	31-Dec-16	

Total $ 925,150

Year in the Annual Report for that Calendar Year as described under Section X ("Reporting") of this Consent Decree.

H. Article Seven: Development of a Capacity, Management Operation and Maintenance Program

35. Introduction: City shall prepare an effective WCTS Capacity, Management, Operation, and Maintenance Program ("CMOM Program") consistent with EPA's 2005 Guidance entitled "Guide for Evaluating Capacity, Management Operation and Maintenance Programs at Sanitary Sewer Collection Systems" and shall submit each component of the CMOM Program to EPA for review and approval no later than two (2) years from the Date of Lodging, except where a shorter submission date for a component is set forth in Paragraphs 37-56. All components of the CMOM Program shall be subject to the review and approval requirements presented in Section IX ("Deliverables and Review Process") of this Consent Decree and the reporting requirements presented in Section X ("Reporting") of this Consent Decree. City shall coordinate the implementation of this CMOM Program with the other requirements of Section V.

36. **WCTS Maintenance Activities until Full CMOM Implementation:** From the Date of Lodging until the date EPA approves a component of the CMOM Program as required by Paragraph 35 above, City shall, to the extent technically feasible utilizing its then current Utility Department workforce and maintenance fleet, manage that component of its CMOM Program consistent with EPA's 2005 Guidance entitled "Guide for Evaluating Capacity, Management Operation and Maintenance Programs at Sanitary Sewer Collection Systems."

37. **FOG Control Program Component:** The CMOM Program shall include a Fats/Oils/Grease ("FOG") Control Program. The City's plan for FOG Control shall be submitted within twenty four (24) months from the Date of Lodging. Upon EPA approval of the FOG Control plan, the City shall implement the approved plan. The FOG Control Program shall incorporate, at a minimum, the following:

a. A demonstration that City possesses adequate legal authority, through ordinances or otherwise, to control the discharge of FOG into the WCTS from all FOG Generators, including the authority to implement a permit and enforcement program for these sources;

b. A list of current FOG Generators, including a description of their FOG-generating processes and estimated average daily discharge by weight/volume or allowable discharge concentration at the City's option; and annual updating of this list;

c. Standards for the sizing and installation of FOG Control Devices;

d. FOG Control Device management, operations and maintenance standards (best management practices) that address FOG Control Device operation, onsite record-keeping requirements, cleaning frequency, cleaning standards, use of additives, and ultimate disposal of captured FOG materials in accordance with applicable State law, if any;

e. FOG Control Device installation inspection protocols, including scheduling, inspection report forms, and inspection record keeping requirements;

f. A program requiring periodic unannounced sampling and inspections of all FOG Control Devices in operation. In conducting unannounced inspections of FOG Control Devices located inside buildings, the City may schedule such inspections so as to avoid unreasonable disruption to business operations. The Program shall include tiered sampling/inspection frequencies based upon FOG generation rates, FOG Control Device cleaning schedules, and history of FOG violations; however, sampling and inspection of each FOG Control Device shall be performed not less often than once every two years. This program shall also include FOG compliance inspection protocols, including scheduling, inspection report forms, and inspection record-keeping requirements that encourage FOG Generators to manage, operate and maintain FOG Control Devices in accordance with nationally-recognized best management practices for limiting the adverse impacts of FOG discharges on wastewater collection and treatment facilities;

g. A requirement that the FOG Generators keep records regarding the transportation, storage and ultimate disposal of collected FOG materials;

h. An enforcement program, including specific and tiered enforcement mechanisms, directed at achieving FOG Generators' compliance with the FOG Control Program;

i. A compliance assistance program to facilitate training of FOG Generators in the proper operation of FOG Control Devices, use of the FOG disposal records system required under Subparagraph 37.g., and other activities required under City's FOG Control Program;

j. A public education program directed at reducing the amount of FOG entering the WCTS from FOG Generators and residences, including single-family homes, multi-family homes, and apartments, consisting at a minimum of the following elements:

   i. Distributing informational FOG door hangers to residents living immediately upstream of each grease SSO after such an event;

   ii. Annually preparing and distributing FOG information or inserts with sewer bills so that it is visible to reader;

   iii. Preparing and maintaining a FOG education information page(s) on its website; and

   iv. Evaluating and implementing the most appropriate methods of educating high density residential dwelling (*i.e.* apartment buildings and condominium and townhome complexes) occupants of the impacts of FOG on the sewer system.

k. City staffing (technical, legal and administrative) and equipment for effective implementation and ongoing operation of the FOG Control Program;

l. A demonstration that industrial users that generate FOG are adequately monitored and inspected to ensure that these industrial users comply with their pre-treatment permits;

m. Coordination by the City to ensure that all FOG Generators and all establishments covered by the industrial user program are monitored; and

n. Performance indicators that will be used by City to measure the effectiveness of the FOG Control Program.

38. **FOG Program Reporting:** City shall report the FOG Control Program activities performed in each Calendar Year in the Annual Report for that Calendar Year as described under Section X ("Reporting") of this Consent Decree.

39. **Root Control Program Component:** The CMOM Program shall include a Root Control Program, which shall be submitted for review and approval no later than twelve (12) months from the Date of Lodging. Upon EPA approval, the City shall implement the approved plan. The Root Control Program shall incorporate, at a minimum, the following:

a. Methods for identifying when roots are the primary or contributing cause of an SSO;

b. A plan for the reactive removal of root intrusions when City determines that roots were the cause or a contributing cause to a SSO;

c. A plan for proactively preventing root intrusion from causing or contributing to SSOs, whether by use of chemicals or by physical means, particularly in those Pipe Segments where root intrusions have occurred in the past;

d. A plan for repairing or replacing Pipe Segments that have been damaged by roots; and

e. A plan for notifying private property owners whenever City obtains information that roots in Private Service Lines have apparently caused or contributed to the occurrence of a Private Service Line Release and a procedure for addressing defects in Private Service Lines in accordance with the Private Service Line Defect Remediation Program in Paragraph 54.

40. **Root Control Program Reporting:** City shall report the Root Control Program activities performed in each Calendar Year in the Annual Report for that Calendar Year as described under Section X ("Reporting") of this Consent Decree.

41. **Gravity Sewer Line Cleaning Component:** The CMOM Program shall include a Gravity Sewer Line Cleaning Program. The City's plan for Gravity Sewer Line Cleaning shall be submitted for review and approval no later than twelve (12) months from the Date of Lodging. Upon EPA approval, the City shall implement the approved plan. For the purposes of this Paragraph 41, cleaning is defined as removal from the gravity sewer system of FOG, debris, roots and/or any other obstructions that have caused or significantly contributed to previous SSOs; and/or, that are likely to cause or significantly contribute to the future occurrence of SSOs. The Cleaning Program shall incorporate, at a minimum, the following:

a. **A Targeted Cleaning Program for Pipe Segments with Frequent Blockages**. City shall continue its targeted cleaning program in the areas of recurring blockages and/or Recurring Dry-Weather SSOs employing cleaning frequencies required to prevent SSOs based on historical SSO information, CCTV investigations, customer complaints, FOG Program findings when available, and previous sewer cleaning investigations. The CMOM Program shall provide the criteria City uses to place a Pipe Segment in this program, the rationale for the initial frequency of cleaning chosen, and the methodology used for changing cleaning frequencies; and

b. **A Small-Diameter Gravity Sewer Line Cleaning Program.** The City shall implement a system-wide proactive cleaning program whereby it cleans all Small-

Diameter Gravity Sewer Lines in the WCTS at least once every eight (8) Calendar Years. City shall clean a minimum of ten (10) percent of the length of Small-Diameter Gravity Sewer Lines in the WCTS per Calendar Year. However, if City cleans more than ten (10) percent of the length of Small-Diameter Gravity Sewer Lines in one Calendar Year (such as 2016) it may "bank" or count the excess length that was cleaned in that Calendar Year (2016) towards meeting the ten (10) percent annual minimum cleaning requirement in the following Calendar Year (2017), and only the following Calendar Year. Multiple cleanings of the same Pipe Segments may not be counted more than once in any Calendar Year. In calculating its conformance with the ten (10) percent minimum annual cleaning requirement, and provided that there is no double-counting of the same pipe segment (as explained in the preceding sentence), City may include all Gravity Sewer Lines cleaned pursuant to Section V Article One of this Consent Decree and as follows:

i. The targeted cleaning program;

ii. SSA activities;

iii. CCTV inspections;

iv. Root removal operations;

v. CMOM CSSA Program activities;

vi. All other WCTS cleaning services for any purpose, whether performed by City crews, Consultants or Contractors; and

vii. Should City desire to use an emerging technology to evaluate whether Pipe Segments need to be cleaned (such as SL-RAT), it may seek permission from EPA to use such technologies. If EPA approves, then City may commence utilizing such technologies upon approval.

c. **Large-Diameter Gravity Sewer Line Cleaning Program.** City shall clean all Large-Diameter Gravity Sewer Lines on a ten (10)-year cycle as warranted. City shall clean each Large-Diameter Gravity Sewer Line Pipe Segment that City determines, based upon inspection results and other analyses, to have buildups of FOG, grit, debris, roots or other materials in any part of that Pipe Segment that obstruct greater than twenty (20) percent of the pipe diameter. By the following dates, City shall have completed cleaning activities on the following minimum number of unique miles of Large-Diameter Gravity Sewer Lines:

Date	Total Miles
Three (3) Years from Date of Lodging	8
Six (6) Years from Date of Lodging	16
Ten (10) Years from Date of Lodging	All remaining miles of Large-Diameter Gravity Sewer Lines.

42. **Cleaning Program Reporting:** City shall report the WCTS Cleaning Program activities performed in each Calendar Year in the Annual Report for that Calendar Year as described under Section X ("Reporting") of this Consent Decree.

43. **Continuing Sewer System Assessment Program Component:** The CMOM Program shall include a Continuing Sewer System Assessment Program ("CSSA"). The City's plan for

the CSSA shall be submitted within twenty-four (24) months from the Date of Lodging. This Program shall begin following the completion of all SSA activities as described under Section V, Article One of this Consent Decree. Sub-basins 10-4, 22-2, and 22-4 as identified in the SSA reports listed by City under Section V, Article One ("Sewer System Condition Assessments"), Paragraph 10 shall be the first priority for CSSA activities. CSSA activities shall include periodic CCTV, manhole inspection, and other investigations. Further, any Remedial Measures identified as a result of this ongoing CMOM CSSA Program shall be developed in accordance with **Appendix D** ("Remediation Determination Process"). City shall address the remediation of defects discovered in Private Service Lines through CSSA efforts or as otherwise become known to the City in accordance with Paragraph 54. CSSA activities performed, the respective WCTS Remedial Measure completed, and the status of Private Service Line remediation efforts in each Calendar Year shall be presented in the Annual Report for that Calendar Year as described in Section X ("Reporting") of this Consent Decree.

44. The CSSA Program shall include, but not be limited to:

a. CCTV inspection of non-plastic Small-Diameter Gravity Sewer Lines not less frequently than once every twelve (12) Years;

b. CCTV inspection of plastic Small-Diameter Gravity Sewer Lines, fully CIPP-lined non-plastic Small-Diameter Gravity Sewer Lines and all Large-Diameter Gravity Sewer Lines not less frequently than once every twenty (20) Years;

c. Visual manhole inspection not less frequently than once every eight (8) Years; and

d. All other system investigations deemed necessary by City to assure continued operation of the WCTS in accordance with the Objectives of this Consent Decree.

45. **Continuing Pump Station and Force Main Evaluation and Maintenance Program:** The CMOM Program shall include a Continuing Pump Station and Force Main Evaluation and Preventive Maintenance Program. The City's plan for continuing pump station and force main evaluation shall be submitted within twenty-four (24) months from the Date of Lodging. This program shall be conducted at least once every five (5) Calendar Years, beginning in Calendar Year 2023. Pump Station and Force Main evaluations and preventive maintenance activities performed in each Calendar Year shall be described in the Annual Report for that Calendar Year as described in Section X ("Reporting") of this Consent Decree. The Program shall incorporate, at a minimum, the following:

a. Continuing evaluation of Pump Station performance and capacity considering future growth of City;

b. A Routine Pump Station Operations Program to ensure proper Pump Station operation to prevent Pump Station failures, which shall include, at a minimum:

i. Procedures for reading and recording information appropriate to each Pump Station including, as applicable, pump run-time meter readings, start counters, amperage readings, checking and resetting conditions, wet-well points, grease accumulations and any other information that is necessary for the proper operation of a Pump Station;

ii. Standard inspection routes and schedules such that Pump Stations having firm capacities greater than five (5) MGD and those Pump Stations without SCADA shall be inspected daily, and all other Pump Stations shall be inspected no less often than two (2) times per week; and

iii. Standard forms, records and performance measures to be incorporated into the City's IMS.

c. An Emergency Pump Station Operations Program that shall establish written emergency operating procedures in the event of Pump Station failure and shall include, at a minimum, the following:

i. Applicable manufacturers' representative emergency contact information;

ii. Operational procedures for activating and deactivating auxiliary power systems at each Pump Station;

iii. Location(s) of portable pumping and power generating equipment;

iv. Guidance for installing portable pumps during high flow periods;

v. Applicable contingency plans to prevent the occurrence of SSOs from the tributary WCTS; and

vi. Standard forms, records and performance measures to be incorporated into the City's IMS.

d. A Pump Station Preventive Maintenance Program that shall establish all standard procedures for the monitoring of Pump Station performance and schedules for preventive maintenance and equipment replacement required to achieve the

Objectives of this Consent Decree as stated in Section II. In addition, the Pump Station Preventive Maintenance Program shall also include the following evaluations:

i. Evaluation of dry-weather and wet-weather Critical Response Time of each Pump Station;

ii. Evaluation of the general condition of each Pump Station based upon physical inspection and recent operating/mechanical failure history over not less than the previous three (3) Calendar Years;

iii. Evaluation of the adequacy of station design and equipment for peak wet-weather wastewater flow conditions anticipated within the next five (5) Years, including redundancy of pumps, of the electrical power supply, and of the other equipment installed; and

iv. Evaluation of staffing and equipment required to take corrective action within the dry-weather and wet-weather Critical Response Times calculated for each Pump Station to prevent the occurrence of SSOs from tributary Gravity Sewer Lines and manholes.

46. **Continuing Capacity Assurance Program:** The CMOM Program shall include a Continuing Capacity Assurance ("CCA") Program. The City's plan for CCA shall be submitted within twenty-four (24) months from the Date of Lodging. The CCA Program shall be conducted at least once every five (5) Calendar Years, beginning ten (10) Years from the Date of Lodging. The CCA Program activities performed in each Calendar Year shall be described in the Annual Report for that Calendar Year in accordance with Section X ("Reporting") of this

Consent Decree. The capacity Remedial Measures identified in each Calendar Year through CCA Program activities required to achieve the Objectives of this Consent Decree as stated in Section II shall also be presented in the Annual Report for that Calendar Year.

a. The CCA Program shall include at a minimum:

   i. All Gravity Sewer Lines ten (10) inches and larger;

   ii. All Pump Stations;

   iii. All Force Mains;

   iv. All Equalization Facilities and other flow control facilities; and

   v. All other WCTS components included in previous capacity assessment efforts conducted by City.

b. The CCA Program shall be coordinated with the Capacity Assessment activities completed under Article Four ("Capacity Assessment and Hydraulic Modeling") of this Consent Decree and capacity Remedial Measures activities conducted under Section V, Article Five ("Capacity Remedial Measures Plan") of this Decree.

c. CCA activities shall be performed in accordance with Section V Article Four ("Capacity Assessment and Hydraulic Modeling") of this Consent Decree considering:

   i. All WCTS Remedial Measures identified through the condition and capacity Remedial Measures projects that are required to achieve the Objectives of this Consent Decree as stated in Section II;

   ii. Continuing Pump Station and Force Main Evaluations;

iii. Anticipated population growth in the WCTS service area not less than ten (10) Calendar Years after the date when each CCA cycle is initiated;

iv. SSO reports and other WCTS operational complaints;

v. Citizen complaints; and

vi. WCTS maintenance records.

47. **SSO Reporting Component:** The CMOM Program shall include SSO Documentation and SSO Reporting Requirements. City shall submit its plan for SSO Documentation and Reporting within twelve (12) months from the Date of Lodging. Upon approval, City shall implement the approved plan. City shall report all SSOs in the WCTS regardless of where the SSO occurred or whether the SSO occurs during wet weather or dry weather. SSO Reporting shall include at a minimum:

a. Immediate SSO Reporting. All SSOs shall be reported to both EPA and ADEQ utilizing ADEQ's Sanitary Sewer Overflow (SSO) Online Report system, available on ADEQ's website, within twenty-four (24) hours of when City first became aware of the SSO. In instances where the ADEQ online reporting system is not available, City shall meet the immediate reporting requirement by submission to ADEQ's Enforcement Branch of the Water Division by facsimile using a printed version of ADEQ's online report form, or a form which presents the ADEQ required information in essentially the same format. In instances where the ADEQ online reporting and ADEQ facsimile reporting are not available, City shall report to

ADEQ's Enforcement Branch of the Water Division on or before the next business day by telephone;

b. Monthly Reporting Requirements. With City's Monthly Discharge Monitoring Reports ("DMRs"), City shall continue to provide printed copies to EPA of all Immediate SSO Reports submitted to ADEQ during that reporting period, directed to 6EN-WC-Water Enforcement and to ADEQ, directed to NPDES Enforcement Section, Water Division; and

c. Annual Reporting Requirements. City shall submit a Tabulation of the SSOs occurring in each Calendar Year as part of the Annual Report for that Calendar Year in accordance with Section X ("Reporting") of this Consent Decree.

48. **SSO Emergency Response Program Component:** The CMOM Program shall include a Sanitary Sewer Overflow Emergency Response Program ("OERP"). The City's plan for OERP shall be submitted within twelve (12) months from the Date of Lodging. Upon approval, City shall implement the approved plan.

a. The execution of the OERP shall, at a minimum, result in:

i. All SSOs being responded to and halted as rapidly as technically feasible, consistent with safety and other legal requirements;

ii. SSO mitigation measures being employed whenever appropriate to minimize human health and environmental risks;

iii. Appropriate steps being implemented to prevent SSO recurrence; and

iv. Timely and complete reporting of all SSOs in accordance with the SSO reporting requirements presented in Paragraph 47 of this Consent Decree.

b. Regarding the response procedures for SSOs, the OERP shall include at a minimum:

i. An adequate methodology for estimating the volume of SSOs, including but not limited to, using the earliest start time when City learned of the SSO and using the known end time of the SSO;

ii. A description of the methods City shall use, when required by a permit or applicable law, to notify the public (through the local news media or other means, including signs or barricades to restrict access) or any applicable governmental authorities of the occurrence of an SSO;

iii. A detailed description of the steps to be taken to minimize the volume and/or duration of the SSO;

iv. A description of City's follow-up process for SSO cleanup;

v. A description of the WCTS investigation efforts that City shall perform to determine the cause(s) of each SSO after its cessation. Investigations shall commence as soon as technically feasible, but not later than seven (7) Days after cessation of the SSO. No WCTS investigations are required for Recurring Wet-Weather SSOs if City believes they are caused solely by previously-documented Capacity Constraints in the Pipe Segments downstream from the SSO locations, and if no sewer system cleaning or other maintenance activities were required to stop the prior SSOs at that location;

vi. A description of response procedures for SSOs that occur at Pump Stations or Force Mains. In the event that a repair at a Pump Station or Force Main may cause or lengthen the time of an SSO, the OERP shall provide a procedure for determining when a wastewater pump-around is required;

vii. A provision that the IMS maintain records on SSOs for a minimum of ten (10) Years after their occurrence; and

viii. A detailed plan describing the procedures that City shall follow in responding to a Building/Private Property Backup, including:

1. The timeframe objectives for responding to calls reporting potential backups;
2. The process used to determine whether a reported backup was caused by conditions in the Private Service Line or in the WCTS into which the Private Service Line connects;
3. The methods for communicating with customers about how and where to report potential backups;
4. A description of the methods for communicating with customers the results of City's investigation into whether the backup was caused by conditions in a Private Service Line or whether the backup was a Building/Private Property Backup; and

5. A description of the methods for communicating with customers about how to obtain clean up support from City if City determines that a backup was a Building/Private Property Backup.

49. **OERP Reporting:** City shall submit a Tabulation of the OERP activities performed in each Calendar Year as part of the Annual Report for that Calendar Year in accordance with Section X ("Reporting") of this Consent Decree.

50. **Information Management System:** The CMOM Program shall include City's plan for modifying City's Information Management System ("IMS") for tracking of operation/maintenance efforts in response to SSOs, for reporting of SSO occurrences to regulatory agencies and the public, for stopping SSOs, and for implementing corrective actions to prevent future SSOs. The City's plan for modifying its IMS shall be submitted within twenty-four (24) months from the Date of Lodging. Upon approval, City shall implement the approved plan. Within five (5) years from the Date of Lodging, City shall have functionally completed the integration of its electronic work order system and its Graphical Information System ("GIS") with the IMS for the WCTS.

51. City's IMS shall be capable of producing lists and descriptions of service requests and/or complaints from customers or others regarding SSOs that occur and the actions taken by City to stop those SSOs during each Calendar Year until termination of this Consent Decree. City shall maintain in its records (electronically or otherwise), and on the City's IMS, information on all CMOM-related WCTS investigations, assessments, construction of Remedial Measures, and

other WCTS maintenance activities for a minimum of ten (10) Years after those activities are completed.

52. City shall submit a narrative of the IMS improvement activities performed in each Calendar Year as part of the Annual Report for that Calendar Year in accordance with Section X ("Reporting") of this Consent Decree.

53. **Standard Operating Procedures Component:** The CMOM Program shall include a plan and schedule for developing Standard Operating Procedures ("SOPs") for general operation and maintenance of all components of the WCTS, including Gravity Sewers, manholes, Pump Stations, Force Mains, and all other major ancillary facilities. The City shall submit its plan for SOPs within eighteen (18) months from the Date of Lodging. Upon approval, City shall implement the approved plan. SOPs shall include all major work tasks required for the successful operation and maintenance of WCTS components including, but not limited to:

a. Gravity Sewer Line and manhole cleaning and routine maintenance;

b. Gravity Sewer Line CCTV and other internal inspections, including application of a nationally-recognized infrastructure condition scoring system that objectively rates the relative severities of the defects discovered;

c. Manhole inspections, including application of a nationally-recognized infrastructure condition scoring system that objectively rates the relative severities of the defects discovered;

d. Gravity Sewer Line and manhole construction, renewal, rehabilitation and repair performed by City crews;

e. Pump Station general inspection, specific component inspection and testing, routine maintenance, and long-term maintenance to prevent Pump Station failures. Pump Station components include, but are not limited to: pumps, motors, engines, flow control valves, check valves, operating controls, electrical systems, SCADA systems and emergency power systems;

f. Pump Station operational procedures, including adjustment/calibration of pump controls and operation of the alternate power system;

g. Force Main and ancillary component inspection, routine maintenance and long-term preventive maintenance. Force Main ancillary components include, but are not limited to: check valves, flow control valves, air release valves, and vacuum breakers;

h. WCTS ancillary component inspection, routine maintenance, and long-term preventive maintenance. WCTS ancillary components include, but are not limited to: flow splitting/combining structures and equipment, flow control devices, flow measurement devices, and EQ Facilities; and

i. All major work tasks required under the OERP for responding to and resolving SSOs and blockages in Gravity Sewer Lines, SSOs as a result of Pump Station malfunctions and/or hydraulic overloading, and SSOs resulting from Force Main failures.

54. **Private Service Line Defect Remediation Program Component**. The CMOM Program shall include a Private Service Line Defect Remediation Program to encourage Private Service Line owners to remediate Private Service Line defects that are sources of I&I and/or

otherwise contribute to SSOs that have been discovered by the City through its SSA activities, CSSA activities, and other WCTS operation/maintenance efforts. The City's plan for the Private Service Line Defect Remediation Program shall be submitted within twenty-four (24) months from the Date of Lodging. Upon approval, the City shall implement the approved plan. This Program shall include, at a minimum:

a. A demonstration that City already possesses adequate legal authority, through ordinances or otherwise, to require owner(s) to repair, rehabilitate, replace, or take other appropriate action to prevent Private Service Lines from contributing I&I to the WCTS that could cause or contribute to SSOs;

b. An escalating notification process in which City shall notify owner(s) of defective Private Service Lines of their obligation to prevent the Private Service Line from contributing I&I to the WCTS that could cause or contribute to SSOs;

c. An escalating penalty system to encourage owner(s) to expeditiously remediate defective Private Service Lines, including the right to discontinue sewer/water service for failure to comply with remediation orders within the time limits specified in those orders subject to the property owner's due process rights under local, State and Federal law; and

d. A requirement that remediation of defects identified after the Date of Lodging shall be completed as rapidly as technically feasible, but no later than thirty (30) months after the discovery of the defective Private Service Lines contributing I&I to the WCTS that could cause or contribute to SSOs, unless the owner of the Private Service

Line in question qualifies for the SEP program described in **Appendix F**, in which case the defect shall be remedied within the first six (6) years of implementation of the SEP.

55. **Comprehensive Training Program Component:** The CMOM Program shall include a Comprehensive Training Program ("CTP") for technical and skills training for appropriate categories of the City's employees. The City's plan for CTP shall be submitted within eighteen (18) months from the Date of Lodging. Upon approval, the City shall implement the approved plan. The training shall be directly related to operation and maintenance of the sanitary sewer collection system for the purpose of responding to and preventing SSOs. Technical and skills training shall be devised to achieve the Objectives of this Consent Decree as stated in Section II. The CTP shall include at a minimum:

a. A list and description of the categories of employees who will be provided training in specific topics related to SSO prevention and response measures that can be addressed through operation and maintenance of the collection system, with specific training commensurate with the specific job responsibilities of each category of employee;

b. A list and description of the topics to be covered in technical and skills training for each relevant category of employee, including where appropriate: training on sewer cleaning, FOG inspection, collection system inspection, collection system repair, replacement and rehabilitation techniques, data collection, information management, reporting and recordkeeping necessary to implement the City's CMOM Program.

c. A list of City employee training categories and description of the technical and skills training to be covered for each relevant category of employee;

d. A description of how the training relates to any applicable employee certification required by State or Federal law; and

e. A description of the record keeping system of employee technical training, skills training and safety training (whether on-the-job, or otherwise).

56. **Inventory Management System:** The CMOM Program shall include an Inventory Management System for all spare parts and equipment components required for the prevention of SSOs and continued operational viability of the WCTS. The City shall submit a written demonstration of its completed Inventory Management System within twenty-four (24) months of the Date of Lodging. City shall prepare a written summary of the activities performed in each Calendar Year directed toward improving its Inventory Management System in the Annual Report prepared for that Calendar Year in accordance with Section X ("Reporting") of this Consent Decree. The Inventory Management System shall include at a minimum:

a. An inventory control system for tracking spare parts usage, prioritizing spare parts purchase and stockpiling, and generating reports on spare parts inventory control;

b. A system for vehicle fleet preventive maintenance and replacement that maximizes the availability of City vehicles and equipment for WCTS operation and maintenance activities; and

c. A listing of sources of rental and loaner vehicles and equipment available for City use during times of emergency or when City vehicles and/or equipment are out of service.

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)

RESOLUTION NO. _____ 5 J

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION WITH CDM SMITH, INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH UPDATING OF THE WASTEWATER COLLECTION SYSTEM HYDRAULIC MODEL AND PREPARING A CAPACITY ASSESSMENT REPORT AND REMEDIAL MEASURES PLAN

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

SECTION 1: An Agreement and Authorization with CDM Smith, Inc., for providing engineering services associated with updating of the wastewater collection system hydraulic model and preparation of a capacity assessment report and remedial measures plan in compliance with provisions of the Consent Decree, said services identified as Project Number 15-05-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement and Authorization for professional engineering services for an amount of $630,550.00.

This Resolution adopted this _____ day of March 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** March 10, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Wastewater Collection System Hydraulic Model Update

Article Four of the Consent Decree stipulates that the city update its wastewater hydraulic model to reflect all completed and/or designed capacity and remedial measures projects and utilize the updated model to identify all remaining capacity restraints. The city is then required to prepare and submit to EPA a hydraulic model update report. Further, Article Five requires the city to prepare and submit a capacity remedial measures plan which identifies all remaining capacity improvement projects needed to address manhole overflows that occur during periods of heavy rainfall. I have attached a copy of Articles Four and Five from the Consent Decree for your information.

The city's original hydraulic model was prepared by CDM Smith in 1993, has been updated on several occasions and utilized in the design of capacity improvements within the Sunnymede, Zero Street, and Mill Creek wastewater collection system basins. In August 2014 the Board authorized an agreement with CDM Smith to begin an update of the P Street basin model in preparation for the design of a series of capacity related improvements planned. Under terms of the Consent Decree there will be additional tasks required in updating the P Street hydraulic model.

At staff's request CDM Smith prepared a proposal for updating the hydraulic model, preparing the hydraulic model update report, and preparing the capacity remedial measures plan. The attached Scope-of-Work details the new tasks to be completed. The cost for completing these tasks is $630,550 and a detailed breakdown of these costs is also attached for your information. You will note in the cost breakdown that model calibration and capacity assessment for the P Street hydraulic model is covered under the existing agreement for updating the P Street hydraulic model.

I have attached a Resolution authorizing the Mayor to sign an engineering agreement and authorization to proceed with CDM Smith, Inc., to complete this new work for an amount of $630,550. Funding is available from the 2014 sales and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

the Objectives of this Consent Decree as stated in Section II and City's schedule for completing these Remedial Measures and/or operational improvements for each Force Main.

23. Pump Station and Force Main improvements and Remedial Measures identified in the PS/FM Report shall be completed in accordance with the schedule set forth in **Appendix B**. The City shall complete Group 1 Pump Station and Force Main improvements and Remedial Measures no later than December 31, 2021. The City shall complete Group 2 Pump Station and Force Main improvements and Remedial Measures no later than twelve (12) years from the Date of Lodging.

E. Article Four: Capacity Assessment and Hydraulic Modeling

24. City has designed and constructed some WCTS improvement projects to address wet-weather SSOs. City has identified additional capacity Remedial Measures projects based upon previously evaluated portions of the WCTS that are listed in **Appendix E1** ("Previously Identified Capacity-Related Remedial Measures Projects Already Budgeted") and **Appendix E2** ("Other Previously Identified Capacity-Related Remedial Measures Projects"). In an effort to further reduce I&I, convey flows to the WWTPs, and eliminate SSOs, City shall continue to carry out capacity assessments and other engineering analyses of the WCTS.

25. City shall update the hydraulic model of its WCTS no later than one (1) year from the Date of Lodging, to reflect ongoing Capacity Assessments, SSA activities and Remedial Measures implementation including, but not limited to, designed or completed capacity improvements within the Sunnymede Basin, the Zero Street Basin, and the Mill Creek Basin.

26. City shall continue to use XPSWMM 2011 by XP Solutions as the software platform for the computerized hydraulic model which City asserts that it has calibrated and verified as producing accurate results. The use of more recently released versions of this software or the use of alternative software platforms for the model will be at the sole discretion of City.

27. City shall submit a Hydraulic Model Update Report to EPA and ADEQ with or before the Annual Report due March 31, 2017, in accordance with Section XX (Notices), in which it describes how the hydraulic model was updated and confirms that all the requirements relating to the hydraulic model set forth in this Article Four have been met. City shall utilize this updated hydraulic model to identify Capacity Constraints in the WCTS that must be eliminated to achieve the Objectives of this Consent Decree.

28. City shall configure the updated WCTS hydraulic model to include all Pump Stations, all Force Mains, all EQ Facilities or other hydraulic control facilities, all Gravity Sewer Lines 10-inches and larger, and, all additional Gravity Sewer Lines as necessary to extend the hydraulic model at least one Pipe Segment upstream of the locations of Recurring Wet-Weather SSOs, and shall use best engineering judgment in determining which branch or branches upstream of said SSOs to include in the expanded hydraulic model.

29. City shall update, calibrate and verify the hydraulic model to accurately represent the WCTS utilizing currently accepted engineering procedures and, to the extent practical, the general guidelines established in the Code of Practice for the Hydraulic Modeling of Sewer Systems Version 3.001, December 2002, prepared by The Chartered Institution of Water and Environmental Management (CIWEM – formerly WaPUG). The calibration/verification process

shall be based upon not less than three data sets, including rainfall data, metered hydrographs and other WCTS flow data.

30. City shall utilize the updated hydraulic model to identify Capacity Constraints in the WCTS that must be eliminated to achieve the Objectives of this Consent Decree. In assessing the capacity of the WCTS, City shall run the hydraulic model using the following analysis rainfall amounts and intensity time-distributions in accordance with Technical Paper No. 40 dated May 1961 prepared by U.S. Department of Commerce Weather Bureau:

2-year/6-hour rainfall

5-year/6-hour rainfall

10-year/6-hour rainfall.

31. City shall submit to EPA and ADEQ in accordance with Section XX ("Notices") a Capacity Assessment Report of the WCTS based upon the results of the updated hydraulic model required under this Article Four ("Capacity Assessment and Hydraulic Modeling") with or before the Annual Report due on March 31, 2018. The Capacity Assessment Report shall be subject to the review and comment requirements in Section IX ("Deliverables and Review Process"), the reporting requirements in Section X ("Reporting"), and the Professional Engineer requirements in Section XI ("Certification, Approval and Seal by Professional Engineer") of this Consent Decree. This Report may incorporate City's update to its Wastewater Management Plan at City's option. The Capacity Assessment Report shall include, but is not limited to, the following:

a. A description of the hydraulic model, including the brand of model software and its capabilities;

b. Digitized map(s) and/or schematics that identify and characterize the portions of the WCTS (including Recurring SSO locations) included in the model;

c. Identification of input parameters, constraints, assumed values and outputs;

d. Written summary of activities undertaken to configure, calibrate and verify the hydraulic model;

e. Written discussions and legible map identifying the locations of the Capacity Constraints in the WCTS that are identified through the updated hydraulic model;

f. Maps depicting the locations where wet-weather SSOs are still expected to occur for each analysis rainfall listed under Paragraph 30 after all capacity improvements listed in **Appendix E1** ("Previously Identified Capacity-Related Remedial Measures Projects Already Budgeted") and the Pump-Station/Force-Main improvements developed under Article Three have been constructed; and

g. The hydraulic design criteria utilized by City for sizing new and replacement Gravity Sewer Lines, including but not limited to: the pipe roughness coefficient and the maximum percentage-full allowed in each Pipe Segment at the peak wet-weather flow rates generated by the analysis rainfalls presented in Paragraph 30. City's hydraulic design criteria shall be directed toward achieving the Objectives of this Consent Decree as stated in Section II.

F. Article Five: Capacity Remedial Measures Plan

32. After updating its hydraulic model and submitting the Capacity Assessment Report as required in Article Four ("Capacity Assessment and Hydraulic Modeling"), City shall prepare a Capacity Remedial Measures Plan and submit it to EPA and ADEQ in accordance with Section XX ("Notices") for review and approval before or with the Annual Report due on March 31, 2019. In the Capacity Remedial Measures Plan, City shall notify EPA and ADEQ which of the previously identified capacity-related projects listed in **Appendix E2** it shall construct and what additional projects, if any, beyond those listed in **Appendix E2**, it shall construct to achieve the Objectives of this Consent Decree as stated in Section II. The Capacity Remedial Measures Plan shall be subject to the review and approval requirements in Section IX ("Deliverables and Review Process") of this Consent Decree, and the reporting requirements in Section X ("Reporting") of this Consent Decree.

33. The Capacity Remedial Measures Plan shall provide narratives, analyses, calculations, exhibits, and other supporting information as required to document the various capacity Remedial Measures that have been or will be undertaken by City and shall include, but not be limited to:

a. Detailed descriptions and legible map(s) presenting:

   i. WCTS capacity Remedial Measures completed since Calendar Year 2000;

   ii. WCTS capacity Remedial Measures under construction as of the date of submittal of the Capacity Remedial Measures Plan; and

iii. WCTS capacity Remedial Measures currently planned as listed in **Appendix E1** and **Appendix E2**;

b. Hydraulic analyses of the capacity Remedial Measures included under this Article Five ("Capacity Remedial Measures Plan") comparing the sizing of each Measure to the hydraulic design criteria provided under Section V, Article Four ("Capacity Assessment and Hydraulic Modeling"), and Subparagraph 31.g. of this Consent Decree. All capacity Remedial Measures constructed after the Date of Lodging of this Consent Decree shall conform to the hydraulic design criteria provided under Section V, Article Four, Subparagraph 31.g.;

c. Detailed descriptions and legible map presenting all additional capacity Remedial Measures beyond those presented in **Appendix E2**, if any, determined to be required under Section V, Article Four ("Capacity Assessment and Hydraulic Modeling") of this Consent Decree to achieve the Objectives of this Consent Decree as stated in Section II;

d. Completion dates for the additional individual capacity Remedial Measures projects identified under Subparagraph 33.c. above, such that any additional Remedial Measures are completed no later than twelve (12) years from the Date of Lodging. City shall explain how it prioritized these projects based upon the risk and consequences of SSOs likely to occur until these capacity Remedial Measures are completed; and

e. City shall document its annual progress toward completing the capacity Remedial Measures identified in **Appendix E1**, **Appendix E2**, and Subparagraph 33.c. in each Calendar Year in the Annual Report for that Calendar Year, as described under Section X ("Reporting") of this Consent Decree.

G. Article Six: Capacity-Related Remedial Measures Projects Identified in Appendices E1 and E2.

34. Through the capacity assessments and SSA activities City has undertaken prior to the Date of Lodging, City has identified a series of capacity-related Remedial Measures that have not yet been completed. These Remedial Measures are presented in **Appendix E1** ("Previously Identified Capacity-Related Remedial Measures Projects Already Budgeted") and **Appendix E2** ("Other Previously Identified Capacity-Related Remedial Measures Projects"). City shall complete each Remedial Measure listed in **Appendix E1** not later than December 31st of the completion year for those Remedial Measures presented in **Appendix E1**. As part of the Capacity Remedial Measures Plan required under Section V, Article Five, City shall notify EPA and ADEQ if it determines that any of the capacity Remedial Measures projects listed in **Appendix E2** are not necessary and shall provide detailed explanations supporting elimination of any such project. Also as part of the Capacity Remedial Measures Plan required under Section V Article Five, City shall notify EPA and ADEQ of any changes in the project completion dates presented in Appendix E2; however, no project completion date may extend twelve (12) years past the Date of Lodging. City shall document its annual progress toward completing the capacity Remedial Measures presented in **Appendix E1** and **Appendix E2** in each Calendar

SCOPE-OF-WORK

Project Description

This scope of work describes services to be provided to the City of Fort Smith, Arkansas (the City) by CDM Smith Inc. (CDM Smith or Engineer) related to the *Hydraulic Model Update Report*, the *Capacity Assessment Report*, and the *Capacity Remedial Measures Plan*, as required by the City's Consent Decree. This Project includes work associated with all modeled portions of the City's wastewater collection and transmission system (WCTS), but it recognizes and builds upon the recent work associated with the Riverlyn (Basin 17) and P Street basins.

SECTION 1 - SCOPE

The scope of work describes services to be provided to the City by Engineer related to the project described above. To meet these project objectives, CDM Smith proposes to perform the following tasks:

Task 1: Hydraulic Model Infrastructure Updates

CDM Smith will review available sewer atlas sheets and other applicable information provided by the City to confirm that the hydraulic model includes representative information to describe the existing system, including all gravity sewers 10 inches and larger in diameter. CDM Smith will review the list of recurring wet-weather SSOs provided by the City to assess the need for extensions to the hydraulic model. It is estimated that there are 51 recurring wet-weather SSOs, of which 15 are not located at manholes within the current hydraulic model. As defined in the Consent Decree, the model will be extended to include at least one pipe segment upstream of the location of each recurring wet-weather SSO.

Field surveys will be performed to verify the attributes of WCTS that are to be included in the required extensions of the hydraulic model. This work is estimated to include up to 15 SSO locations. Information to be verified includes pipe sizes, length, pipe material, and invert elevations, and manhole rim elevation.

CDM Smith will update the existing xpswmm hydraulic models of the City's WCTS using the information collected as described above.

Task 2: Flow Monitoring Analysis

CDM Smith will review the flow data collected by RJN between April 2013 and December 2014 at approximately 76 meter locations along with the associated rainfall data for appropriateness for use in the model calibration. Fourteen flow monitoring locations were previously analyzed as part of the recent P Street Hydraulic Model Update and are excluding from this Project.

Using data determined to be suitable, CDM Smith will decompose wastewater flow meter data into dry-weather flow (base flow plus groundwater infiltration) and rainfall dependent infiltration and inflow (RDI/I) components for up to 3 storm events observed during the monitoring periods. Selection of the storm events will consider the availability of reliable data, rainfall intensity and

volume, and sewer system response. This flow decomposition will reveal the relative RDI/I contributions of various portions of the basin.

Task 3: Hydraulic Model Calibration and Capacity Assessment

3.1 *Model Calibration and Verification* – RDI/I hydrographs will be developed that are calibrated to actual flow monitoring data and used to project the system response from design storm events. Existing dry-weather wastewater flows generated from the observed flow monitoring data will be input into the model at a "load point" based on sewershed delineations. This task will include calibrating the hydraulic model to both dry-weather and wet-weather existing flows. The model will be calibrated to a minimum of one storm event from the flow monitoring period and verified using 1-2 other storm events, depending on the number of suitable events available in the flow monitoring period. Calibration and verification will utilize currently accepted engineering practices and, to the extent practical, follow the general guidelines established in the *Code of Practice for the Hydraulic Modeling of Sewer Systems Version 3.001*, December 2002, prepared by The Chartered Institute of Water and Environmental Management. As required in the Consent Decree, the model will be based upon not less than three data sets, including rainfall data, metered hydrographs, and other sewer system flow data.

3.2 *Capacity Assessment* – The calibrated hydraulic model will be used to determine available sewer capacity of the existing system. The calibrated model will also be used to project peak wet-weather flows under the 2-year/6-hour, 5-year/6-hour, and 10-year/6-hour design storms, based on *Technical Paper No. 40*, dated May 1961, prepared by the U.S. Department of Commerce Weather Bureaus. Model-predicted overflows and surcharging under each design storm will be identified, and the model utilized to assess the causes of these model-predicted hydraulic limitations.

3.3 *Workshop to Discuss Model Results* – Results from the capacity assessment will be summarized and presented to the City, including a comparison of model-predicted overflows to the locations of recurring wet-weather SSOs. Based upon this discussion, CDM Smith may recommend, and the City may elect, to conduct additional field investigations or flow monitoring to refine portions of the hydraulic model. Costs associated with these activities and the subsequent model updates and analyses are not included in this Project but will be discussed with the City as needed.

Task 4: Hydraulic Model Update and Capacity Assessment Report

4.1 Draft Hydraulic Model Update and Capacity Assessment Report – CDM Smith will prepare a draft *Hydraulic Model Update and Capacity Assessment Report* that will satisfy the requirements of the Consent Decree and present the results of the study. The report will include the following elements:

- A description of the hydraulic model, including the brand of model software and its capabilities

- Digitized maps and/or schematics that identify and characterize the portions of the WCTS included in the model

- Identification of input parameters, constraints, assumed values and outputs

- Written summary of activities undertaken to configure, calibrate and verify the hydraulic model

- Written discussions and legible map identifying the locations of the capacity constraints in the WCTS that are identified through the updated hydraulic model

- Maps depicting the locations where wet-weather SSOs are still expected to occur under each of the three design storms after the following projects are completed: Zero Street EQ basin and pump station improvements, the Mill Creek EQ basin and pump station improvements, and the Mill Creek capacity improvements.

- The hydraulic design criteria utilized by City for sizing new and replacement gravity sewer lines, including but not limited to: the pipe roughness coefficient and the maximum percentage-full allowed in each pipe segment at the peak wet-weather flow rates generated by the analysis described in Task 3.2.

Two hard copies of the draft report and one electronic copy in PDF format will be submitted for City review.

4.2 Final Hydraulic Model Update and Capacity Assessment Report – Upon the receipt of comments from the City, the draft *Hydraulic Model Update and Capacity Assessment Report* will be revised to address review comments.

Five hard copies of the *Hydraulic Model Update and Capacity Assessment Report* will be provided to the City along with an electronic copy in PDF format. Under the terms of the Consent Decree, CDM Smith will provide a summary report and certification, approval, and seal by a lead Professional Engineer licensed by the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors. The summary report shall document the activities performed in preparing the report and shall certify that the report is in compliance with the provisions of the Consent Decree.

4.3 Response to EPA Comments on the Hydraulic Model Update and Capacity Assessment Report – CDM Smith understands that the *Hydraulic Model Update and Capacity Assessment Report* will be reviewed by EPA. Comments received by the City from EPA will be reviewed and discussed with the City to establish the process for addressing comments. It is assumed that one set of modest comments from EPA will be received and addressed through this task.

Task 5: Improvement Evaluation

5.1 ***Improvement Analysis*** – CDM Smith will utilize the hydraulic models to evaluate an assumed 35 percent reduction in RDI/I to reflect future sewer system rehabilitation under each of the three design storms described in Task 3.2. Areas identified by the City where remedial activities have been completed will be excluded from this assumption.

In addition to the rehabilitation assumption, CDM Smith will evaluate gravity pipe conveyance improvements to address identified hydraulic restrictions in the system that may lead to capacity problems under wet-weather flow conditions. Additionally, CDM Smith will evaluate each conveyance improvements project previously proposed and included in Appendix E2 of the Consent Decree. Required capacity improvements will be sized to convey flows from the 5-year/6-hour design storm with minimal surcharging when the rehabilitation assumption is applied.

5.2 ***Cost Estimates*** – CDM Smith will provide a planning level opinion of probable construction cost for recommended improvements.

5.3 ***Improvement Alternatives Workshop*** – CDM Smith will conduct a workshop to present the findings of the improvements alternatives evaluation. Questions and comments received during the workshops will be addressed in the draft *Capacity Remedial Measures Plan*.

Task 6: Capacity Remedial Measures Plan

6.1 Draft Capacity Remedial Measures Plan – CDM Smith will prepare a draft *Capacity Remedial Measures Plan* that will satisfy the requirements of the Consent Decree and present the results of the study. The *Capacity Remedial Measures Plan* will provide narratives, analyses, calculations, exhibits, and other supporting information as required to document the various capacity remedial measures that have been or will be undertaken by City. The report will include the following elements:

- Detailed description and legible map(s) presenting the WCTS capacity remedial measures completed since calendar year 2000, capacity remedial measures under construction as of the date of the submittal of plan, and capacity remedial measures currently planned as listed in Appendix E2 of the consent decree.

- The hydraulic analysis results for each remedial measures project included in the report comparing the sizing of each pipe segment to the hydraulic design criteria described above.

- Detailed descriptions and legible map presenting all additional capacity remedial measures, if any, beyond those listed in Appendix E2 that are identified as necessary, the proposed construction completion date for each project, and explanation as to how these projects were prioritized based upon the risk and consequences of SSOs likely to occur until the projects are completed.

Two hard copies of the draft *Capacity Remedial Measures Plan* and one electronic copy in PDF format will be submitted for City review.

6.2 Final Capacity Remedial Measures Plan – Upon the receipt of comments from the City, the draft *Capacity Remedial Measures Plan* will be revised to address review comments.

Five hard copies of the *Capacity Remedial Measures Plan* will be provided to the City along with an electronic copy in PDF format. Under the terms of the Consent Decree, CDM Smith will provide a summary report and certification, approval, and seal by a lead Professional Engineer licensed by the Arkansas State Board of Licensure for Professional Engineers and Professional

Surveyors. The summary report shall document the activities performed in preparing the report and shall certify that the report is in compliance with the provisions of the Consent Decree.

6.3 Response to EPA Comments on the Capacity Remedial Measures Plan – CDM Smith understands that the *Capacity Remedial Measures Plan* will be reviewed by EPA. Comments received by the City from EPA will be reviewed and discussed with the City to establish the process for addressing comments. It is assumed that one set of modest comments from EPA will be received and addressed through this task.

Task 7: Project Management, Project Administration, and Periodic Reporting

7.1 Project Management and Administration – Project management activities will include coordination with the City for data gathering and meeting with the City's project team members. Project administration will include project budget control, scheduling, and invoicing. Additionally, CDM Smith senior staff specializing in sewer hydraulic modeling will conduct in-house technical reviews of the updated hydraulic model and project deliverables for quality management purposes. This task also includes archiving of project files.

7.2 Annual Report Support – CDM Smith will prepare information as requested for the 2015, 2016, and 2017 *Annual Reports* as described in the Consent Decree. For the *2015 Annual Report*, CDM Smith will identify projects in Appendix E1 of the Consent Decree that have been completed and those for which construction has been initiated and the anticipated schedule for completing those projects. CDM Smith will prepare legible maps showing the progress of completion of these capacity remedial measures projects. The maps will depict those sub-basins in which remedial measures were completed in year 2015 and those sub-basins in which remedial measures were completed prior to year 2015. CDM Smith will repeat this task for the annual reports for years 2016 and 2017.

City of Fort Smith, AR
Hydraulic Model Update, Capacity Assessment Report, and Remedial Measures Plan Budget

Task #	Task Description	Start Date	End Date	Total Costs
1	**Infrastructure updates**	**Mon 3/30/15**	**Fri 7/31/15**	**$ 81,031**
	Review model extensions	Mon 3/30/15	Fri 4/10/15	
	Review & update model based on atlas sheets	Mon 4/13/15	Fri 5/8/15	
	Surveying and field investigations	Mon 5/11/15	Fri 7/3/15	
	Infrastructure model updates	Mon 7/6/15	Fri 7/31/15	
2	**Flow Monitoring Analysis (all areas)**	**Mon 4/13/15**	**Fri 10/2/15**	**$ 54,589**
	Review and update sewersheds	Mon 4/13/15	Fri 5/1/15	
	Flow monitoring QAQC	Mon 5/4/15	Fri 5/29/15	
	Rainfall QAQC and Processing	Mon 5/4/15	Fri 5/29/15	
	Dry weather flow analysis	Mon 6/1/15	Fri 6/26/15	
	Wet wet flow analysis (RTKs, IA parameters)	Mon 6/29/15	Fri 8/21/15	
	Tech review of flow monitoring analysis	Mon 8/24/15	Fri 9/11/15	
	Flow monitoring wrap up	Mon 9/14/15	Fri 10/2/15	
3.1	**Model calibration (PS 5)**	**Mon 9/14/15**	**Fri 11/13/15**	**$ 22,418**
	DWF Calibration	Mon 9/14/15	Fri 9/25/15	
	WWF Calibration	Mon 9/28/15	Fri 10/23/15	
	Tech review of calibration	Mon 10/26/15	Fri 11/6/15	
	Calibration wrap up	Mon 11/9/15	Fri 11/13/15	
3.2	**Capacity Assessment (PS 5)**	**Mon 11/16/15**	**Fri 12/25/15**	**$ 21,643**
	Design Storm Runs	Mon 11/16/15	Fri 11/20/15	
	Analysis and summary	Mon 11/23/15	Fri 12/4/15	
	Tech review of capacity assessment	Mon 12/7/15	Fri 12/11/15	
	Capacity Assessment wrap up	Mon 12/14/15	Fri 12/18/15	
3.3	Workshop to discuss capacity results	Mon 12/21/15	Fri 12/25/15	
3.1	**Model calibration (Massard, Mill Creek, Zero Street, Sunnymede)**	**Mon 11/9/15**	**Fri 3/11/16**	**$ 51,588**
	DWF Calibration	Mon 11/9/15	Fri 12/4/15	
	WWF Calibration	Mon 12/7/15	Fri 1/29/16	
	Tech review of calibration	Mon 2/1/16	Fri 2/26/16	
	Calibration wrap up	Mon 2/29/16	Fri 3/11/16	
3.2	**Capacity Assessment (Massard, Mill Creek, Zero Street, Sunnymede)**	**Mon 2/29/16**	**Fri 5/13/16**	**$ 32,248**
	Design Storm Runs	Mon 2/29/16	Fri 3/11/16	
	Analysis and summary	Mon 3/14/16	Fri 4/8/16	
	Tech review of capacity assessment	Mon 4/11/16	Fri 4/22/16	
	Capacity Assessment wrap up	Mon 4/25/16	Fri 5/6/16	
3.3	Workshop to discuss capacity results	Mon 5/9/16	Fri 5/13/16	
3.1	**Model calibration (P Street) (update)**	**Mon 10/5/15**	**Fri 12/4/15**	**See Note 1 below**
	DWF Calibration	Mon 10/5/15	Fri 10/16/15	
	WWF Calibration	Mon 10/19/15	Fri 11/13/15	
	Tech review of calibration	Mon 11/16/15	Fri 11/27/15	
	Calibration wrap up	Mon 11/30/15	Fri 12/4/15	
3.2	**Capacity Assessment (P Street) (update)**	**Mon 12/7/15**	**Fri 1/15/16**	**See Note 1 below**
	Design Storm Runs	Mon 12/7/15	Fri 12/11/15	
	Analysis and summary	Mon 12/14/15	Fri 12/25/15	
	Tech review of capacity assessment	Mon 12/28/15	Fri 1/1/16	
	Capacity Assessment wrap up	Mon 1/4/16	Fri 1/8/16	
3.3	Workshop to discuss capacity results	Mon 1/11/16	Fri 1/15/16	
4	**Hydraulic Model & Capacity Assessment Report Preparation**	**Thu 10/1/15**	**Fri 6/17/16**	**$ 87,941**
	Intro / Background / Process	Thu 10/1/15	Wed 10/14/15	
	Flow monitoring data summary	Mon 3/14/16	Fri 4/8/16	
	Calibration / Capacity Summary (PS 5)	Mon 12/21/15	Fri 1/15/16	
	Calibration / Capacity Summary (Massard, Mill Creek, Zero Street, Sunnymede)	Mon 5/9/16	Fri 6/17/16	
	Calibration / Capacity Summary (P Street)	Mon 1/11/16	Fri 2/5/16	
	Tech Review of report	Mon 2/8/16	Fri 3/4/16	
	Draft Report to Fort Smith and Incorporate Comments	Mon 3/7/16	Fri 4/1/16	
	Response to EPA Comments	Mon 5/2/16	Fri 5/27/16	

Task #	Task Description	Start Date	End Date	Total Costs
	Additional flow monitoring (if needed)	Mon 3/14/16	Fri 6/3/16	
	Additional surveying and field investigation (if needed)	Mon 3/14/16	Fri 6/3/16	
	Additional flow monitoring analysis and model updates (if needed)	Mon 6/6/16	Fri 10/21/16	
	Additional report updates (if needed)	Mon 10/24/16	Thu 1/12/17	
5.1	**Alternatives analysis (PS 5)**	**Mon 10/24/16**	**Thu 2/9/17**	**$ 39,263**
	Bookend Alternatives	Mon 10/24/16	Fri 11/4/16	
	Alternatives modeling	Mon 11/7/16	Fri 12/2/16	
	Tech review of alternatives	Mon 12/5/16	Fri 12/30/16	
	Alternatives discussion with Fort Smith	Sun 1/1/17	Thu 1/26/17	
	Alternatives wrap up	Fri 1/27/17	Thu 2/9/17	
5.2	Cost estimates	Fri 12/30/16	Thu 2/9/17	
5.3	Workshop to discuss capacity results	Sun 1/1/17	Thu 1/26/17	
5.1	**Alternatives analysis (Massard, Mill Creek, Zero Street, Sunnymede)**	**Mon 10/24/16**	**Thu 6/1/17**	**$ 78,278**
	Bookend Alternatives	Mon 10/24/16	Fri 11/18/16	
	Alternatives modeling	Mon 11/21/16	Thu 3/9/17	
	Tech review of alternatives	Fri 3/10/17	Thu 4/6/17	
	Alternatives discussion with Fort Smith	Fri 4/7/17	Thu 5/4/17	
	Alternatives wrap up	Fri 5/5/17	Thu 6/1/17	
5.2	Cost estimates	Thu 4/6/17	Thu 6/1/17	
5.3	Workshop to discuss capacity results	Fri 4/7/17	Thu 5/4/17	
5.1	**Alternatives analysis (P Street) (update)**	**Mon 10/24/16**	**Thu 2/9/17**	**See Note 1 below**
	Bookend Alternatives	Mon 10/24/16	Fri 11/4/16	
	Alternatives modeling	Mon 11/7/16	Fri 12/2/16	
	Tech review of alternatives	Mon 12/5/16	Fri 12/30/16	
	Alternatives discussion with Fort Smith	Sun 1/1/17	Thu 1/26/17	
	Alternatives wrap up	Fri 1/27/17	Thu 2/9/17	
5.2	Cost estimates	Fri 12/30/16	Thu 2/9/17	
5.3	Workshop to discuss capacity results	Sun 1/1/17	Thu 1/26/17	
6	**Capacity Remedial Measures Plan Preparation**	**Fri 1/27/17**	**Thu 11/2/17**	**$ 81,814**
	Intro / Background / Process	Fri 1/27/17	Thu 2/9/17	
	Alternatives & Recommendations Summary (PS 5)	Fri 2/10/17	Thu 3/9/17	
	Alternatives & Recommendations Summary (Massard, Mill Creek, Zero Street, Sunnymede)	Fri 6/2/17	Thu 7/13/17	
	Alternatives & Recommendations Summary (P Street)	Fri 2/10/17	Thu 3/9/17	
	Tech Review of report	Fri 7/14/17	Thu 8/10/17	
	Draft Report to Fort Smith and Incorporate Comments	Fri 8/11/17	Thu 9/7/17	
	Response to EPA Comments	Fri 10/6/17	Thu 11/2/17	
7	**Project and Quality Management & Annual Report Support**	**4/1/2015**	**Fri 1/26/18**	**$ 79,737**
7.1	Project and Quality Management	4/1/2015	12/31/2015	
7.1	Project and Quality Management	1/1/2016	12/31/2016	
7.1	Project and Quality Management	1/1/2017	12/31/2017	
7.2	Annual Report Support 2015	Fri 1/1/16	Thu 1/28/16	
	Annual Report Support 2016	Sun 1/1/17	Thu 1/26/17	
	Annual Report Support 2017	Mon 1/1/18	Fri 1/26/18	

Note 1: Budget covered under existing P Street modeling tasks.

Total $ 630,550

City of Fort Smith, AR

Hydraulic Model Update, Capacity Assessment Report, and Remedial Measures Plan Budget

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	Tech review of calibration	Mon 2/1/16	Fri 2/26/16	
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3.2	**Capacity Assessment (Massard, Mill Creek, Zero Street, Sunnymede)**	**Mon 2/29/16**	**Fri 5/13/16**	**$ 32,248**
	Design Storm Runs	Mon 2/29/16	Fri 3/11/16	
	Analysis and summary	Mon 3/14/16	Fri 4/8/16	
	Tech review of capacity assessment	Mon 4/11/16	Fri 4/22/16	
	Capacity Assessment wrap up	Mon 4/25/16	Fri 5/6/16	
3.3	Workshop to discuss capacity results	Mon 5/9/16	Fri 5/13/16	
3.1	**Model calibration (P Street) (update)**	**Mon 10/5/15**	**Fri 12/4/15**	**See Note 1 below**
	DWF Calibration	Mon 10/5/15	Fri 10/16/15	
	WWF Calibration	Mon 10/19/15	Fri 11/13/15	
	Tech review of calibration	Mon 11/16/15	Fri 11/27/15	
	Calibration wrap up	Mon 11/30/15	Fri 12/4/15	
3.2	**Capacity Assessment (P Street) (update)**	**Mon 12/7/15**	**Fri 1/15/16**	**See Note 1 below**
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	Analysis and summary	Mon 12/14/15	Fri 12/25/15	
	Tech review of capacity assessment	Mon 12/28/15	Fri 1/1/16	
	Capacity Assessment wrap up	Mon 1/4/16	Fri 1/8/16	
3.3	Workshop to discuss capacity results	Mon 1/11/16	Fri 1/15/16	
4	**Hydraulic Model & Capacity Assessment Report Preparation**	**Thu 10/1/15**	**Fri 6/17/16**	**$ 87,941**
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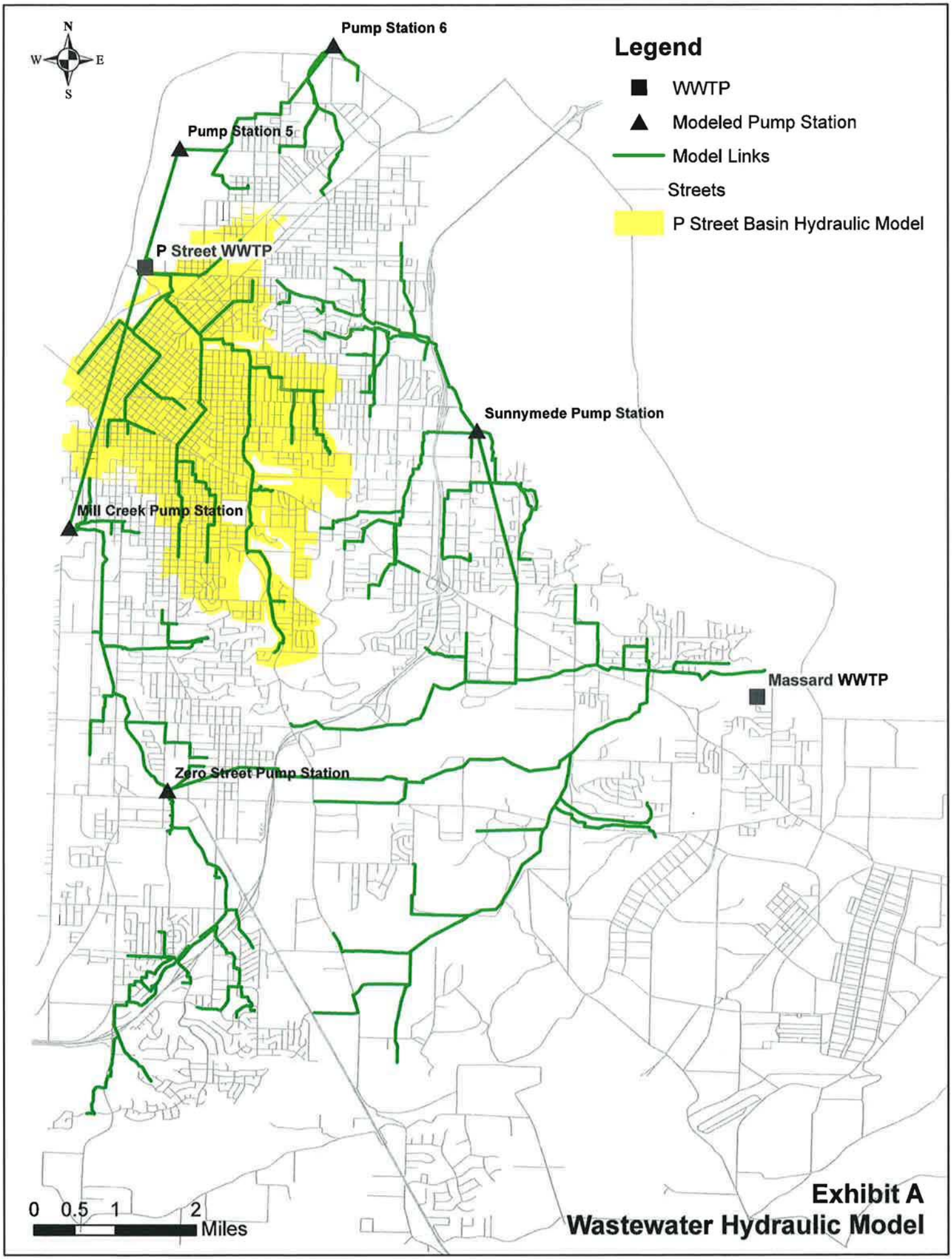
	Calibration / Capacity Summary (PS 5)	Mon 12/21/15	Fri 1/15/16	
	Calibration / Capacity Summary (Massard, Mill Creek, Zero Street, Sunnymede)	Mon 5/9/16	Fri 6/17/16	
	Calibration / Capacity Summary (P Street)	Mon 1/11/16	Fri 2/5/16	
	Tech Review of report	Mon 2/8/16	Fri 3/4/16	
	Draft Report to Fort Smith and Incorporate Comments	Mon 3/7/16	Fri 4/1/16	
	Response to EPA Comments	Mon 5/2/16	Fri 5/27/16	

Task #	Task Description	Start Date	End Date	Total Costs
	Additional flow monitoring (if needed)	Mon 3/14/16	Fri 6/3/16	
	Additional surveying and field investigation (if needed)	Mon 3/14/16	Fri 6/3/16	
	Additional flow monitoring analysis and model updates (if needed)	Mon 6/6/16	Fri 10/21/16	
	Additional report updates (if needed)	Mon 10/24/16	Thu 1/12/17	
5.1	**Alternatives analysis (PS 5)**	**Mon 10/24/16**	**Thu 2/9/17**	**$ 39,263**
	Bookend Alternatives	Mon 10/24/16	Fri 11/4/16	
	Alternatives modeling	Mon 11/7/16	Fri 12/2/16	
	Tech review of alternatives	Mon 12/5/16	Fri 12/30/16	
	Alternatives discussion with Fort Smith	Sun 1/1/17	Thu 1/26/17	
	Alternatives wrap up	Fri 1/27/17	Thu 2/9/17	
5.2	Cost estimates	Fri 12/30/16	Thu 2/9/17	
5.3	Workshop to discuss capacity results	Sun 1/1/17	Thu 1/26/17	
5.1	**Alternatives analysis (Massard, Mill Creek, Zero Street, Sunnymede)**	**Mon 10/24/16**	**Thu 6/1/17**	**$ 78,278**
	Bookend Alternatives	Mon 10/24/16	Fri 11/18/16	
	Alternatives modeling	Mon 11/21/16	Thu 3/9/17	
	Tech review of alternatives	Fri 3/10/17	Thu 4/6/17	
	Alternatives discussion with Fort Smith	Fri 4/7/17	Thu 5/4/17	
	Alternatives wrap up	Fri 5/5/17	Thu 6/1/17	
5.2	Cost estimates	Thu 4/6/17	Thu 6/1/17	
5.3	Workshop to discuss capacity results	Fri 4/7/17	Thu 5/4/17	
5.1	**Alternatives analysis (P Street) (update)**	**Mon 10/24/16**	**Thu 2/9/17**	**See Note 1 below**
	Bookend Alternatives	Mon 10/24/16	Fri 11/4/16	
	Alternatives modeling	Mon 11/7/16	Fri 12/2/16	
	Tech review of alternatives	Mon 12/5/16	Fri 12/30/16	
	Alternatives discussion with Fort Smith	Sun 1/1/17	Thu 1/26/17	
	Alternatives wrap up	Fri 1/27/17	Thu 2/9/17	
5.2	Cost estimates	Fri 12/30/16	Thu 2/9/17	
5.3	Workshop to discuss capacity results	Sun 1/1/17	Thu 1/26/17	
6	**Capacity Remedial Measures Plan Preparation**	**Fri 1/27/17**	**Thu 11/2/17**	**$ 81,814**
	Intro / Background / Process	Fri 1/27/17	Thu 2/9/17	
	Alternatives & Recommendations Summary (PS 5)	Fri 2/10/17	Thu 3/9/17	
	Alternatives & Recommendations Summary (Massard, Mill Creek, Zero Street, Sunnymede)	Fri 6/2/17	Thu 7/13/17	
	Alternatives & Recommendations Summary (P Street)	Fri 2/10/17	Thu 3/9/17	
	Tech Review of report	Fri 7/14/17	Thu 8/10/17	
	Draft Report to Fort Smith and Incorporate Comments	Fri 8/11/17	Thu 9/7/17	
	Response to EPA Comments	Fri 10/6/17	Thu 11/2/17	
7	**Project and Quality Management & Annual Report Support**	**4/1/2015**	**Fri 1/26/18**	**$ 79,737**
7.1	Project and Quality Management	4/1/2015	12/31/2015	
7.1	Project and Quality Management	1/1/2016	12/31/2016	
7.1	Project and Quality Management	1/1/2017	12/31/2017	
7.2	Annual Report Support 2015	Fri 1/1/16	Thu 1/28/16	
	Annual Report Support 2016	Sun 1/1/17	Thu 1/26/17	
	Annual Report Support 2017	Mon 1/1/18	Fri 1/26/18	

Note 1: Budget covered under existing P Street modeling tasks.

Total $ 630,550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Mill Creek Pump Station
Massard WWTP
Zero Street Pump Station
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Modeled Pump Station
Model Links
Streets
P Street Basin Hydraulic Model
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Miles
Exhibit A
Wastewater Hydraulic Model

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)

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: March 12th, 2015

SUBJECT: Animal Services Advisory Board

The terms of Ms. Nicole Morgan and Ms. Carole Hutton of the Animal Services Advisory Board will expire April 3rd, 2015. Ms. Morgan and Ms. Hutton do not wish to be reappointed.

The applicant available at this time is:

Suzanne LaFontaine 3109 South 104th Street

Appointments are **by the Board of Directors,** two appointment are needed. The term will expire April 3rd, 2018. (I have only one applicant at this time)

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

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ANIMAL SERVICES ADVISORY BOARD

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

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

	Date Appointed	Term Expired
Veterinarian:		
Jon Remer Veterinarian 2715 Independence (01) 646-6023 (h) 785-1792 (w) drremer@swbell.net	04/03/12	04/03/17
Citizens:		
Nicole Morgan 2908 Marion Court (8) 831-7033 dutchpk@gmail.com	04/03/12	04/03/15
Carole Hutton P.O. Box 10018 (17) 462-4965 carolehhutton@aol.com	04/03/12	04/03/15
Ken O'Donnell Retired 55 Hiland Drive (01) 782-6663 (h) kenod45@gmail.com	08/19/14	04/15/17

Tammy Trouillon Community Outreach Director 8000 Holly Avenue (08) 226-3374 (h) 242-3609 (W) bookturner3@att.net	04/03/12	04/03/17
Robert Lever Retired 3319 Larksput Land (16) 434-6014 (h) bob@grandfamily.net	04/15/14	04/15/17
Sherilyn Walton 8818 Meandering Way (03) 452-0146 kittylitter04@yahoo.com	04/03/12	04/03/17
Joan Bryant 1005 South 46 Street (03) 479-926-1266 (h) 434-4740 (w) No email	04/03/12	04/03/17
Tonya Rogers Branch Manager 10908 Brant Court (08) 649-9439 (h) 649-1010 tonyarogers@yahoo.com	01/21/14	01/21/18

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: 2/27/2014
Name: Suzanne P. LaFontaine Home Telephone: 479-452-5225
Home Address: 3109 South 104th Street Work Telephone: 479-471-4142
Zip: 72903 Email: nuttytwo@sbcglobal.net
Occupation: Registered Nurse and retired Air Force Intelligence Officer
(If retired, please indicate former occupation or profession)
Education: Masters Degree from Troy State University, Troy Alabama
Professional and/or Community Activities: Leadership Fort Smith Class of 2001, Sam's Cat House, cat and kitten rescue, Phi Theta Kappa, St. Edward Mercy Auxiliary
Additional Pertinent Information/References: Cat and kitten rescue since 1988 to promote cat/kitten health and welfare and reduce population through sterilization; assist low income persons with sterilization, vet care, vaccinations, and food for their pets as needed; help re-home cats/kittens;
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 cons
Drivers License Arkan
information will be use).
I am interested in serving on the (please check): Animal Services Advisory Board (not listed below)

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

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

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: March 12, 2015

SUBJECT: Housing Assistance Board

The terms of Mr. Jim Rose, Mr. John Ross, Ms. Hazel Brown and Mr. Mike Jacimore of the Housing Assistance Board will expire April 30th, 2015. Mr. Jim Rose, Mr. John Ross and Mr. Mike Jacimore wish to be reappointed.

There are no other applications available at this time.

Appointments are **by the Board of Directors**, four appointments are needed. The terms will expire April 30th, 2017. (I have three applicants at this time)

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

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Housing Assistance Board

The Housing Assistance Board was established by the Board of Directors April 6, 1976 to review applications and approve grants to owners of housing units in the City to repair and rehabilitate private residential structures. Grants are available through the Community Development Program.

The Board consists of seven persons serving two-year terms. The Board of Directors make the appointments from names submitted to them by various citizens, community groups, etc. The Board meets on call monthly.

	DATE APPOINTED	TERM EXPIRE
Jim Rose Retired 2204 Carleton Place (08) 648-9120 jands5@cox.net	05/20/03	04/30/15
John P. Ross Real Estate Agent 10109 Seven Oaks Road (08) 646-7272 (h) (479) 973-2759 (w) jprn62vw@sbcglobal.net	04/17/12	04/30/15
Hazel Brown Realtor 26 Hiland Drive (01) 461-4165 (h) 648-8000 (w) hbrown1409@aol.com	03/27/13	04/30/15

Mike Jacimore Banker 8627 Reata Street (16) 479-755-6893 (h) 479-573-1424 mjacimore@arvest.com	03/18/14	04/30/15
Karen V. Wuthrich Vice-President 4115 Gascony Way (03) 452-1952 (h) 478-4425 (w) karen.wuthrich@bxs.com	05/18/10	04/30/16
Jim Harris Retired 525 North 39 Street (03) 783-4530 (h) jharris39@sbcglobal.net	05/18/10	04/30/16
Sara Edmiston Retired 8404 Hannah Court (03) 452-3334 wedmiston@sbcglobal.net	03/20/12	04/30/16

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

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

Date: 2/25/15

Name: Jim Rose

Home Telephone: 479-648-9120

Home Address: 2204 Carleton PL

Work Telephone:

Zip: 72908

Email: jands5@cox.net

Occupation: RETIRED WHIRLPOOL MANAGER
(If retired, please indicate former occupation or profession)

Education: BS, INDUSTRIAL ADMINISTRATION - IOWA STATE U.

Professional and/or Community Activities: FORMER BOARD MBR - HABITAT FOR HUMANITY AND COMMUNITY RESCUE MISSION

Additional Pertinent Information/References: 97' GRAD LEADERSHIP FORT SMITH

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 consider[redacted]
Drivers License [redacted] Date of Birth [redacted]
information will be [redacted] ack ground check of all applicants) [redacted]

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

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

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: 3-12-15

Name: MIKE JACIMORE

Home Telephone: 479-755-6893

Home Address: 8627 REATA ST
FORT SMITH, AR

Work Telephone: 479-

Zip: 72916

Email: mjacimore@arvest.com

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

Education: B.S.B.A UNIVERSITY OF ARKANSAS - FAYETTEVILLE

Professional and/or Community Activities: TREASURER - FORTSMITH PUBLIC SCHOOL FOUNDATION, FINANCE COMMITTEE - FIRST UNITED METHODIST

Additional Pertinent Information/References: CURRENTLY ON HOUSING ASSISTANCE BOARD

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 con[redacted]
Drivers Licen[redacted] Date of Birth[redacted]
information wi[redacted] l back ground check of all applicants[redacted]

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

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

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

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: March 13, 2015

Name: John P. Ross

Home Telephone: 479-646-7272

Home Address: 10109 Seven Oaks Rd

Work Telephone: Same

Zip: 72908-9333

Email: JPRN62VW@Sbcglobal.net
PatRossRealtor@Hotmail.com

Occupation: Aviation commercial Pilot/AR/Ok Licensed Realtor
(If retired, please indicate former occupation or profession)

Education: High School and some college

Professional and/or Community Activities: Professional Pilot, Real Estate agent, served on various boards, President of Kinna Property Owners' Assoc

Additional Pertinent Information/References: _____

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

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

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

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: March 12th, 2015

SUBJECT: Planning Commission

The terms of Ms. Jennifer Parks, Mr. Richard Spearman and Mr. Brandon Cox of the Planning Commission will expire April 30th, 2015. Mr. Richard Spearman wishes to be reappointed, the others do not wish to be reappointed.

The applicants available at this time are:

Talicia Richardson	509 North 7 Street
Shael P. McDonald	614 South 23 Street
Josh Carson	5700 Thomas Road
Tim Hearn	8901 Moody Road
Tara Muck	2230 South S Street
Charlene Cates	1218 South 74 Street
D. Gregg Bigham	3201 South O Street # 1
Sarah Howe	5701 Free Ferry #11

Appointments are **by the Board of Directors,** three appointments are needed. The terms will expire April 30th, 2018.

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

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PLANNING COMMISSION

The purpose of the Planning Commission is to prepare a development plan for the City, to receive and make recommendations on public and private proposals for the development and to prepare and administer planning regulations. The Planning Commission is authorized to prepare and adopt a land use plan, a community facilities plan, a master street plan, and such other plans affecting the general welfare of the City.

The Planning Commission, acting as Board of Zoning Adjustment, hears appeals from the decision of the administrative officers regarding enforcement and application of the zoning ordinances and hears requests for variances from the provisions of the zoning ordinance.

The Planning Commission consists of nine members, appointed by the Board of Directors for a three-year term. Members of the Planning Commission must be owners of or tenants in real property in the City of Fort Smith and be qualified electors of the City. The Planning Commission meets the second Tuesday of each month at 5:30 p.m. in the Rose Room of the Creekmore Community Center.

	DATE APPOINT	TERM EXPIRES
Jennifer Parks Insurance Agent 3412 Coventry Ln (08) 649-8036 (h) 651-6503 (c) jenniferparks@healthpointinsuranceservices.com	04/18/06	04/30/15
Richard Spearman 10716 Hunters Point Road (03) 785-6204 (w) 452-0029 (h) rspearman@arkbest.com	06/19/12	04/30/15
Brandon Cox 7305 Ellsworth Road (03) 649-8142 (h) 478-7864 (w) bcox@propak.com	03/20/12	04/30/15
Marshall L. Sharpe 7014 Riviera Dr. (03) 649-7459 (h) 461-0761 (c)	08/17/10	04/30/16

Robert Cooper Jr. Real Estate Broker 4800 Chestnut Way (03) 478-6161 (w) 629-2115 (h) Bob@rhghan.com	05/07/13	04/30/16
Don Keesee Banker 6607 Highland Drive (16) 719-8522 (h) 452-0709 (w) DKeesee@bankozarks.com	03/27/13	04/30/16
Thomas E. Howard Jr. 3121 Jackson (03) 648-9226 (h) 452-2636 (w) rhoward@risley-associates.com	03/15/11	04/30/17
Vicki Newton 2725 Reeder Street (01) 709-9946 (h) 782-4001 (213) Vicki@dixiecupfcu.com	03/15/11	04/30/17
Michael K. Redd Attorney 2110 Euper Court (03) 452-8967 (h) 783-8200 (w) Hoglawyer58@gmail.com	06/18/14	04/30/17

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

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

Date: 3/9/2015

Name: Richard L. Spearman Home Telephone: 479 452-2560

Home Address: 11212 Maple Park Dr Work Telephone: 479 785 6204

Zip: 72916 Email: rspearman@arch.com

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

Education: JD Degree, University of Arkansas

Professional and/or Community Activities: Member Fort Smith Planning Commission
Member Board of Directors, Mercy Crest Housing, Inc

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 AR Date of Birth _____ (This information will be use to conduct a criminal back ground check of all applicants).

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

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

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

Planning Com.

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: 1/8/15

Name: Talicia Richardson

Home Telephone: 214-912-0353

Home Address: 509 N. 7th St.

Work Telephone: _____

Zip: 72901

Email: taliciarichardson@gmail.com

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

Education: ~~BA Sociology Spelman College; MS Counseling U of A~~

Professional and/or Community Activities: ~~member Delta Sigma Theta Sorority,~~ Leadership Fort Smith 2014-15, volunteer Gateway House

Additional Pertinent Information/References: WORK closely with Yvonne Keaton-Martin and State Representative George McGill on projects

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 Licens[illegible] Date o[illegible]
information wil[illegible]ck ground check of all appli[illegible]

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

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
(X) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals & Appeals
( ) Fire Code Board of Appeals & Adjustments
(X) Historic District Commission
( ) Housing Assistance Board
(X) Housing Authority
X Riverfront Taskforce
( ) 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
( ) Comprehensive Plan Steering Committee

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: March 10, 2015

Name: Shael P. McDonald

Home Telephone: 479-769-5309

Home Address: 614 S. 23rd Street

Work Telephone: 479-788-7160

Zip: 72901

Email: shael_mcdonald@yahoo.com

Occupation: Assistant to Vice Chancellor for Enrollment Management
(If retired, please indicate former occupation or profession)

Education: BA in Rhetoric and currently working on Masters of Jurisprudence in Energy Law

Professional and/or Community Activities: Treasurer of Beautify Fort Smith

Trustee of Park Partners of Fort Smith, Inc.

Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes x No ____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO x
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from cons
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I am interested in serving on the (please check):

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( ) Airport Commission
() Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
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( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

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: 3/11/15

Name: Josh Carson

Home Telephone: _____

Home Address: 5700 Thomas Rd

Work Telephone: 782-7203

Zip: 72916

Email: jcarson@jjmlaw.com

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

Education: B.A. - Univ Tulsa J.D. - Univ of Tulsa

Professional and/or Community Activities: Bennitville House Bd member, WATA board member, CDAC, Sebastian Bar Assoc.

Additional Pertinent Information/References: _____

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

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO X

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from co
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Date: 3-11-2015

Name: Tim Hearn

Home Telephone: 479 650 8080

Home Address: 8901 Moody Rd

Work Telephone: 479 783 1078

Zip: 72903

Email: Tim@FSEMS.ORG

Occupation: Exec Director - Fort Smith EMS
(If retired, please indicate former occupation or profession)

Education: A.D. UAFS - Paramedic, FS Southside

Professional and/or Community Activities: LES Graduate 2011, LES Alumni President. Partners in Education Advisory Council-chair, Ark Valley Trauma Council Exec. Board Transit Comm. -

Additional Pertinent Information/References: Dan Shue - Prosc Attorney
Ben Shipley - Attorney; Jeff Benchamp - Bed Fed Commerce President.

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

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Date: 3/11/2015

Name: Tara Muck

Home Telephone: 479-420-8989

Home Address: 2230 S. S St.

Work Telephone: 479-785-8631

Zip: 72901

Email: taramuck@gmail.com

Occupation: Manager, Marketing & Corporate Communications - ArcBest Corp
(If retired, please indicate former occupation or profession)

Education: Bachelor's Degree in Journalism - University of Arkansas

Professional and/or Community Activities: None since moving back in September 2014. Hoping this will be a first of many now that I'm no longer with the media, which previously prevented me from serving.

Additional Pertinent Information/References: Former business reporter for Times Record; city gov't reporter for Springfield, Mo. paper; born & raised in Ft. Smith; former member of Lutheran-DuVal Neighborhood Association.

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

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

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( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
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() Comprehensive Plan Imp. Committee
( ) Convention Center Commission
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CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

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Date: 3-11-15

Name: Charlene Cates

Home Telephone: 479 4848053

Home Address: 1218 S. 74th FSM

~~Work~~ Cell Telephone: 479 2850040

Zip: 72903

Email: Charlenecates01@gmail.com

Occupation: Administrator for Peachtree Village Assisted Living
(If retired, please indicate former occupation or profession)

Education: Bachelor's in Business Administration

Professional and/or Community Activities: American Heart Assoc. Board of Dir. Ozark Race for the Cure, Publicity Chair, FSM United Way Board of Directors, Citizen's Academy - City of Ft. Smith Alzheimer's Assoc. Leadership Council, Crisis Intervention Center Board of Directors, Project Compassion Board of Directors.

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 considerat

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I am interested in serving on the (please check): any area needed.

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Charlene Cates

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Date: 3-12-15

Name: D. Gregg Bigham

Home Telephone: 479-221-4121

Home Address: 3201 S O St. #1

Work Telephone: 918-775-1500

Zip: 72903

Email: gbigham@firstar-bank.com

Occupation: Firstar Bank - Area CEO
(If retired, please indicate former occupation or profession)

Education: BS. Agri Business - Univ. of Arkansas 1981

Professional and/or Community Activities: Mercy Foundation Board, Sallisaw Improvement Corp board
Eastern Oklahoma Workforce Investment board, 2003 Leadership FSM

Additional Pertinent Information/References:

former member - Sallisaw Planning 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 exclude you from consideration.
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I am interested in serving on the (please check):

( ) Audit Committee
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Date: 3/12/15

Name: Sarah House

Home Telephone: 479-452-2770

Home Address: 5701 Free Ferry #11

Work Telephone: 479-459-7247 (cell)

Zip: 72903

Email: skhouse22@sbcglobal.net

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

Education: BFA University of North Texas BARCH University of Arkansas

Professional and/or Community Activities: AIA, WCCDA

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, plea ... approximate date. A "yes" answer
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( ) Sister Cities Committee
( ) Transit Advisory Commission
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wmathis@fortsmithar.gov

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
March 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
Reverend John Treude, Our Redeemer Lutheran Church

ROLL CALL
- All present, except Director Andre' Good
- 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 MARCH 3, 2015 REGULAR MEETING
Unanimously approved as written

ITEMS OF BUSINESS:

1. Public hearing and resolution approving the Year 41 Community Development Block Grant Budget, the Year 22 HOME Investment Partnership Act Program Budget, authorizing submission of the Program Year 2015 Action Plan and for other purposes *~ Hutchings/Pennartz placed on the agenda at the March 10, 2015 study session ~*
   Approved 6 in favor, 0 opposed / Resolution No. R-46-15

2. Items regarding rates for services of the sanitary sewer system

   A. Public hearing

   B. Ordinance to provide for rates for services of the sanitary sewer system and superseding ordinances in conflict herewith
   Tabled to the April 7, 2015 regular meeting - 5 in favor, 1 opposed (Hutchings)

3. Ordinance amending Ordinance No. 85-11 and approving the Human Resources Policy for non-uniformed employees relating to domestic violence *~ Discussed at the January 27 and February 10, 2015 study sessions ~*
   Approved 6 in favor, 0 opposed as amended. The last sentence of G.1. is amended as follows: *"City employees who are convicted of a domestic violence offense ~~are subject to disciplinary action, up to and including termination of employment~~ will be terminated."* / Ordinance No. 21-15

4. 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 and Use Tax Bonds) ~ Tabled for 30 days at the February 17, 2015 regular meeting ~*

   Alternate resolution presented for consideration
   Resolution approving agreement for the acquisition of real property interest required in connection with the replacement of Sewer Lift Station No. 23
   Approved 6 in favor, 0 opposed to adopt alternate resolution / Resolution No. R-47-15

5. Consent Agenda

   A. Resolution authorizing the Mayor to execute a lease agreement amendment with Arkansas Building Authority related to the city's use of state-owned property at 801 Rogers Avenue for a surface parking lot
   Approved 6 in favor, 0 opposed / Resolution No. R-48-15

   B. Ordinance designating the District Court Clerk as the official responsible for the collection of fines assessed in District Court for the City of Fort Smith, Arkansas
   Approved 6 in favor, 0 opposed / Ordinance No. 22-15

   C. Resolution accepting the bid and authorizing a contract with Greenview Lawns, Inc. for landscape improvements at the River Park Glass Pavilion and Miss Laura's Visitors Center *($38,685.28 / Parks Department / Budgeted – Downtown Development Capital Funds)* ♦
   Approved 5 in favor, 1 opposed (Catsavis) / Resolution No. R-49-15

D. Resolution expressing the willingness of the City of Fort Smith to utilize Federal-Aid Recreational Trails Funds ♦
Approved 6 in favor, 0 opposed / Resolution No. R-50-15

E. Resolution adopting the 2015 Audit Plan
Approved 6 in favor, 0 opposed / Resolution No. R-51-15

F. Resolution adopting the Audit Charter
Approved 6 in favor, 0 opposed / Resolution No. R-52-15

G. Resolution accepting the project as complete and authorizing final payment to N.E.C, Inc. for the River Front Development Water and Sewer Extensions, Phase II *($43,073.64 / Utility Department / Budgeted – Water & Sewer Capital Improvement Fund)* ♦
Approved 6 in favor, 0 opposed / Resolution No. R-53-15

H. Resolution authorizing Amendment No. 1 to Authorization No. 1 with Hawkins-Weir Engineering, Inc. for the design of the Mill Creek Interceptor Improvements – Phase I *($84,700.00 / Utility Department / Budgeted – 2014 Sales Tax and Use Tax Bonds)*
Approved 6 in favor, 0 opposed / Resolution No. R-54-15

I. Resolution authorizing the Mayor to execute an engineering agreement and authorization with CDM Smith, Inc. to provide engineering services associated with development of a Capacity Management Operations and Maintenance Program and Implementation Plan *($925,150.00 / Utility Department / Budgeted – 2014 Sales Tax and Use Tax Bonds)* ♦
Approved 5 in favor, 1 opposed (Settle) / Resolution No. R-55-15

J. Resolution authorizing the Mayor to execute an agreement and authorization with CDM Smith, Inc. for providing engineering services associated with updating of the wastewater collection system hydraulic model and preparing a Capacity Assessment Report and Remedial Measures Plan *($630,550.00 / Utility Department / Budgeted – 2014 Sales Tax and Use Tax Bonds)* ♦
Approved 5 in favor, 1 opposed (Settle) / Resolution No. R-56-15

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

EXECUTIVE SESSION *(Approximately 7:02 p.m.)*

Appointments:

ANIMAL SERVICES ADVISORY BOARD
No action taken

HOUSING ASSISTANCE BOARD
Jim Rose (reappointment)
John Ross (reappointment)
Mike Jacimore (reappointment)
Terms expire April 30, 2017

PLANNING COMMISSION
Talicia Richardson
Josh Carson
Sarah Howe
Terms expire April 30, 2018

ADJOURN
7:18 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MARCH 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 Reverend John Treude of Our Redeemer Lutheran Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings; absent - Director Andre' Good. The Mayor declared a quorum present.

The Mayor announced that Director Good is *"down with the flu"*; therefore, conveyed much hope that he feels better soon.

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 March 3, 2015 regular meeting were presented for approval. Settle, seconded by Pennartz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Mayor Sanders recognized the following members of Boy Scout Troop 110, who were in attendance to earn their Citizenship in the Community badge:

- Luke Monk
- Thomas Farrell
- Kadin Tougas
- Braden Springs
- J.D. Boyd

The Mayor also recognized Troop Leader Michael Farrell, who was also in attendance.

Mayor Sanders announced this was the time and place set for a public hearing regarding the Year 41 Community Development Block Grant Budget, the Year 22 HOME

Investment Partnership Act Program Budget, authorizing submission of the Program Year 2015 Action Plan and for other purposes ~ *Hutchings/Pennartz placed on the agenda at the March 10, 2015 study session* ~. Notice of the public hearing was duly published as required by law. Following the public hearing, a resolution authorizing same would be given (Item No. 1).

Director of Community Development Matt Jennings briefed the Board on the item as discussed at the March 10, 2015 study session. The proposed resolution authorizes funding to various organizations as reviewed and recommended by the Community Development Advisory Committee (CDAC) for the funding cycle of July 1, 2015 to June 30, 2016.

Director Hutchings expressed much gratitude to Community Development staff and the CDAC for their time and effort to review all funding applications.

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

Hutchings, seconded by Lorenz, moved adoption of the resolution. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-46-15.

Item No. 2 consisted of the following items regarding rates for services of the sanitary sewer system:

A. Public hearing

B. Ordinance to provide for rates for services of the sanitary sewer system and superseding ordinances in conflict herewith

Regarding Item No. 2A, Mayor Sanders announced this was the time and place set

for a public hearing rates for services of the sanitary sewer system. Notice of the public hearing had been duly published as required by law. Following the public hearing, an ordinance authorizing same (Item No. 2B) will be presented for approval.

Mr. David Naumann, rate consultant with Burns and McDonnell, presented a PowerPoint presentation, which consisted of current rates compared to other cities of the same size; funding requirements relative to the consent decree programs; existing and proposed sewer rates; impacts to residential sewer billings based on the volume used; and, the financial timeline to ensure revenue requirements are in place.

The following individuals were present to speak in the public hearing:

- Anthony DeKunffy
  Fort Smith, Arkansas

  Re: Conveyed understanding that sewer rate increases must be accomplished; however, he encouraged the City to obtain an independent review to ensure rates are at an appropriate level. If it's determined the higher rates are not necessary in the future, he urged the Board to reduce said rates to their original amount. He also recommended the City control spending; consider assessing an additional fee for those residents who utilize more water/sewer services; and, consideration of a sales tax to prevent future, additional sewer rate increases.

- Constance Durkin
  Fort Smith, Arkansas

  Re: Read a prepared statement alleging the proposed rate increases are *"unconstitutional"* and *"discriminatory"*; therefore, she conveyed much assurance that if the proposed ordinance is adopted, residents will initiate the referendum process to put the matter to a vote of the people.

- Noah Steffy
  Fort Smith, Arkansas

Re: Alleged several residents were supposed to be in attendance to speak in the public hearing; however, they opted not to attend due to being *"afraid of being arrested."* He conveyed much opposition to the proposed sewer rate increases citing people are *"watering down their milk to make ends meet and eating dog food to survive."* Although he conveyed his intent to move out of Fort Smith, he urged the City to explore other funding options in lieu of the proposed rate increases. He further implored the Board to *"act honorably"* and defeat the proposed ordinance.

Mayor Sanders advised the City of Fort Smith maintains a Utility Assistance Program to assist low-income families with utility billings; therefore, he encouraged those who may qualify to file for participation in the aforementioned program. Such may be accomplished through the Senior Retired Citizens Association (SRCA).

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

Director Pennartz inquired about the average usage of residential customers; the number of residential customers; and, requested a breakdown of usage between residential and commercial customers. She further requested clarification of how the affordability measure is used whereby Mr. Naumann provided a brief explanation of such. Regarding the Utility Assistance Program, she conveyed much appreciation for the recent media release regarding the Program; however, she recommended such also be available on the City's website to ensure residents are aware of its existence.

With regard to the number of residential customers, Rate Analyst Kevin Sandy advised the City provides service to approximately 25,000 residential users and conveyed assurance the requested information regarding all classes of users will be forwarded as soon as possible.

March 17, 2015 Regular Meeting

With regard to the Utility Assistance Program, Administrator Gosack confirmed that such is already available on the City's website and the Finance Department is currently working on software to allow potential participants to submit their application electronically.

Director Settle questioned if an additional rate increase could be required in the future. After review of the documentation, he further questioned the necessity of the proposed number of additional employees stating such *"does not make sense"* and recommended the City move forward with employment of additional personnel solely on an as needed basis.

Mayor Sanders conveyed assurance that no one is in favor of increasing rates; however and regrettably, such is a matter that the City must address citing at least the proposed rates are not as high as originally anticipated. Regardless, he further expressed much appreciation to the Board for their very thorough review of the matter and actions to *"do what's right for Fort Smith."*

Due to citizen comment, the absence of Director Good and the discussion anticipated at the March 19, 2015 special study session, Director Pennartz moved to table consideration of the ordinance (Item No. 2B) to the April 7, 2015 regular meeting. The motion was seconded by Director Lau; however, prior to the vote, Director Hutchings inquired if the proposed delay would affect any timeline regarding the purchase of bonds associated the proposed rate increases.

City Administrator Ray Gosack advised if the ordinance is delayed to the April 7, 2015 regular meeting, the ordinance must be amended to include an emergency clause to ensure the proposed rates go into effect on May 1, 2015 as proposed. An emergency clause must be considered separately and obtain five (5) affirmative votes for passage. If

five (5) affirmative votes are not received, the ordinance would not go into effect for thirty (30) days after the ordinance is adopted.

The motion remaining on the floor, the members present all voted affirmatively with the exception of Director Hutchings, who voted *"no."* The Mayor declared the motion carried and consideration of the ordinance was tabled to the April 7, 2015 regular meeting.

Item No. 3 was an ordinance amending Ordinance No. 85-11 and approving the Human Resources Policy for non-uniformed employees relating to domestic violence ~ *Discussed at the January 27 and February 10, 2015 study sessions* ~

Director of Human Resources Richard Jones briefed the Board on the item as discussed at the January 27 and February 10, 2015 study sessions. The Board determined that a "zero tolerance for domestic violence" should be included within the personnel policy; therefore, such is presented for consideration.

Regarding the last sentence of Section G.1, Director Settle questioned why such maintains the verbiage of, *"...subject to disciplinary action up to and including termination of employment"* rather than *"will be terminated."*

Mr. Jones advised such language provides more latitude for disciplinary action without requirement of immediate termination depending on the circumstance; however, he conveyed much assurance that upon clear conviction of domestic violation, termination of employment would definitely be accomplished.

Director Lau conveyed his wish that the verbiage was stronger and requested Administrator Gosack to explain why the proposed addresses non-uniform employees only.

Administrator Gosack and Mr. Jones advised that policies are already in place for uniform / civil service employees (police & fire).

Settle, seconded by Lau, moved to amend the ordinance to make the last sentence of Section G.1. to read as follows:

> *"City employees who are convicted of a domestic violence offense ~~are subject to disciplinary action, up to and including termination of employment~~ will be terminated."*

Prior to the vote, Administrator Gosack clarified that the policy not only includes those convicted, but also those employees who are aware of an occurrence of domestic violence and fails to report such; therefore, he conveyed much caution with the proposed amendment.

If the proposed verbiage of *"will be terminated"* is incorporated, Director Catsavis questioned what would happen if an employee is convicted of domestic violence and duly terminated, but then said employee appeals the conviction and is found innocent.

Mr. Jones advised that such is unknown because said instance has not occurred in the past; however, he expressed concern that such could create a potential for the City to be sued for wrongful termination.

At the request of Director Hutchings, City Attorney Jerry Canfield addressed the Board advising conviction is most usually defined for clarity, i.e. initial conviction, final judicial determination or something intermediate. Regardless, he expressed some concern that the proposed does not address what action is to occur regarding a judicial appeal.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance stood amended.

Pennartz, seconded by Catsavis, moved adoption of the ordinance as amended. The members present all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Pennartz, moved adoption of Section 2 the emergency clause. The

members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 21-15.

Item No. 4 was a 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 and Use Tax Bonds) ~ Tabled for 30 days at the February 17, 2015 regular meeting ~*

Director of Utilities Steve Parke briefed the Board on the item advising this project was presented to the Board at its February 17, 2015 regular meeting. The presentation reviewed four (4) sewer line routing options and associated construction costs. Following the presentation by staff and the Crain's legal counsel, Steve Sharum, the Board tabled further consideration for a thirty (30) day period to allow Mr. and Mrs. Crain to develop and present a counter-offer to the City. On the evening of March 12, staff held an open house at the Woods Elementary School storm shelter building to receive public comment from the seventy-eight (78) residential addresses located within the 300-foot boundary around the four (4) sewer line routing options. The residents in attendance submitted fourteen (14) questionnaires whereby Option 1 was selected as the preferred option.

In the absence of a counter-offer from Mr. and Mrs. Crain as of Friday, March 13, staff's original recommendation remained as presented at the February 17 meeting; however, an agreement has now been reached with the property owners. Due to such, the below, alternate resolution authorizing execution of an agreement is presented for consideration:

- Resolution approving agreement for the acquisition of real property interest required in connection with the replacement of Sewer Lift Station No. 23

March 17, 2015 Regular Meeting

Mr. Parke reviewed several aspects of the agreement, i.e. conveyance of an easement by the property owners, requirement for advance notice to property owners when access is required, the right to immediately access for emergency repair, installation of gates, limited to one (1) line on the property, etc. He conveyed much appreciation to the property owners for reconsidering some previous concerns; therefore, he recommended approval of the alternate resolution.

The following individuals were present to address the Board:

- Steve Sharum, attorney for property owners
  Fort Smith, Arkansas

  Re: Spoke in favor of the alternate resolution and extended much gratitude to the Board for authorizing additional time to allow the proposed agreement to be reached. He further noted that City staff was *"very accommodating"* throughout the entire process.

- Melissa Woodall
  Fort Smith, Arkansas

  Re: Advised she originally intended to speak solely in opposition to moving forward with eminent domain; however, since it appears an agreement has been reached, she conveyed no opposition to the resolution authorizing same. She further encouraged City staff and the Board to utilize eminent domain only as *"a last resort"* in the future.

Director Pennartz commended staff and the property owner's ability to work out the previous issue citing the proposed agreement is a *"win, win situation"* for both parties.

Settle, seconded by Lorenz, moved adoption of the alternate resolution presented for consideration as noted above. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-47-15.

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

A. Resolution authorizing the Mayor to execute a lease agreement amendment with Arkansas Building Authority related to the city's use of state-owned property at 801 Rogers Avenue for a surface parking lot

B. Ordinance designating the District Court Clerk as the official responsible for the collection of fines assessed in District Court for the City of Fort Smith, Arkansas

C. Resolution accepting the bid and authorizing a contract with Greenview Lawns, Inc. for landscape improvements at the River Park Glass Pavilion and Miss Laura's Visitors Center *($38,685.28 / Parks Department / Budgeted - Downtown Development Capital Funds)* ◆

D. Resolution expressing the willingness of the City of Fort Smith to utilize Federal-Aid Recreational Trails Funds ◆

E. Resolution adopting the 2015 Audit Plan

F. Resolution adopting the Audit Charter

G. Resolution accepting the project as complete and authorizing final payment to N.E.C, Inc. for the River Front Development Water and Sewer Extensions, Phase II *($43,073.64 / Utility Department / Budgeted - Water & Sewer Capital Improvement Fund)* ◆

H. Resolution authorizing Amendment No. 1 to Authorization No. 1 with Hawkins-Weir Engineering, Inc. for the design of the Mill Creek Interceptor Improvements - Phase I *($84,700.00 / Utility Department / Budgeted - 2014 Sales Tax and Use Tax Bonds)*

I. Resolution authorizing the Mayor to execute an engineering agreement and authorization with CDM Smith, Inc. to provide engineering services associated with development of a Capacity Management Operations and Maintenance Program and Implementation Plan *($925,150.00 / Utility Department / Budgeted - 2014 Sales Tax and Use Tax Bonds)* ◆

J. Resolution authorizing the Mayor to execute an agreement and authorization with CDM Smith, Inc. for providing engineering services associated with updating of the wastewater collection system hydraulic model and preparing a Capacity Assessment Report and Remedial Measures Plan *($630,550.00 / Utility Department / Budgeted - 2014 Sales Tax and Use Tax Bonds)* ◆

◆ Future Fort Smith Item

Hutchings, seconded by Lau, moved adoption of all consent agenda items. The members present voted affirmatively on all items with the exception of Item No. 5C whereby Director Catsavis voted *"no"* and Items No. 5I and 5J whereby Director Settle voted *"no."* The Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 22-15 and the resolutions given Resolution No. R-48-15 through R-56-15 respectively.

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

- Mayor Sanders

Re:

1. Expressed appreciation to the Fort Smith Fire Department for sponsoring the St. Patrick's Day Parade on Saturday, March 14th.

2. Announced the U.S. Marshals Museum commemorative coin project was recently recognized with an Arkansas Department of Parks and Tourism Henry Award.

3. Advised Beautify Fort Smith's Bi-Annual Spring Cleanup will take place on Saturday, April 18th. Participates can obtain supplies at the Central Mall parking lot.

4. Announced Charolette Tidwell is the recipient of The Outstanding Alumni Award in Health and Human Services awarded by the University of Arkansas College of Education and Health Sciences. She was selected due to her

exceptional professional and personal achievement and extraordinary distinction in the health and human service profession via her organization, Antioch for Youth and Family, and is the 5th person to receive the award.

The Leadership Fort Smith Alumni Association has also selected Ms. Tidwell as the 2015 recipient of the Community Leadership Award in the non-profit category. Due to this recognition, she was recently noted on the NBC Nightly News broadcast, which prompted contributions to her organization from all over the nation and a couple from France.

Due to the above noted recognitions, Mayor Sanders extended congratulations to Ms. Tidwell and conveyed much gratitude for her many contributions to the community!

(Note: Mayor Sanders announced the above on behalf of Director Good, who was unable to attend the meeting.)

- Director Pennartz

Re: 1. Regarding the City of Fort Smith Audit Plan and Audit Charter (Consent Agenda Items No. 5E & 5F), she commended Internal Auditor Tracey Shockley for an *"excellent job!"*

2. Reiterated congratulations to Ms. Charlotte Tidwell for the aforementioned recognitions citing she is very deserving of the honors.

- Director Settle

Re: Recognized the University of Arkansas Fort Smith (UAFS) womens basketball team for recently making it to the second round of the National Tournament stating, *"they have represented the City of Fort Smith very well."*

March 17, 2015 Regular Meeting

The Board entered into executive session at approximately 7:02 p.m. and after reconvening, the Mayor announced the following appointment nominations:

ANIMAL SERVICES ADVISORY BOARD
No action taken

HOUSING ASSISTANCE BOARD
Jim Rose (reappointment)
John Ross (reappointment)
Mike Jacimore (reappointment)
Terms expire April 30, 2017

PLANNING COMMISSION
Talicia Richardson
Josh Carson
Sarah Howe
Terms expire April 30, 2018

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

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Catsavis and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:18 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK