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
May 5, 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 APRIL 21, 2015 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map *(from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial-2 (ETJ I-2) by extension located at 8425 Highway 45)*

2. Ordinance amending Ordinance No. 61-14 *(correcting legal description for previous master land use plan map and zoning map amendments for property at 3507 and 3515 South 66th Street)*

3. Resolution deferring the implementation of Resolution No. R-18-15 thereby deferring the installation of speed tables on Cliff Drive *~ Lorenz/Catsavis placed on agenda at the April 28, 2015 study session ~*

4. Resolution establishing employer/employee contribution practices regarding employee benefits in Internal Service Fund 9106 for Employee Health and Wellness *~ Lau/Settle placed on agenda at the April 14, 2015 study session ~*

5. Ordinance amending the 2015 Budget *(safety/risk manager) ~ Pennartz/Good placed on agenda at the April 14, 2015 study session / First reading – April 21, 2015 regular meeting / SECOND READING ~*

6. Consent Agenda

   A. Resolution authorizing the waiver and reimbursement of building permit fees for the Greater Fort Smith Association of Home Builders showcase home at 12406 Norwich Street

   B. Ordinance to abandon a public utility easement located in Fianna Heights, Lots 1257, 1266, 1267-A and 1267-B, an addition to the City of Fort Smith, Sebastian County, Arkansas

   C. Resolution accepting bids for the purchase of fleet trucks and vehicles *($165,512.99 / Various Departments / Budgeted – Various Accounts)*

   D. Resolution authorizing Amendment No. 2 to Authorization No. 3 with Mickle Wagner Coleman, Inc. for engineering services for Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines *($64,608.75 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

   E. Resolution authorizing Change Order No. 1 with M. Phillips Construction, Inc. for the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines *($19,769.53 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

   F. Resolution accepting the project as complete and authorizing final payment to M. Phillips Construction, Inc. for construction of the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines *($36,305.43 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

   G. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing program management services for Consent Decree Compliance Program and Infrastructure Improvements *($1,220,269.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing engineering services associated with "P" Street and Massard Wastewater Treatment Plants effluent blending and treatment capacity assessments *($198,600.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

I. Resolution authorizing Amendment No. 1 to the agreement with Shannon & Wilson Inc. for providing engineering services for the Year 2015 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir *($10,025.90 / Utility Department / Budgeted – Water and Sewer Operating Budget)*

J. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Altes Sanitation Service, LLC

K. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Waste Management of Arkansas, Inc.

L. Resolution approving Change Order No. 1 to the contract with Turn Key Construction, Inc. for the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 *($509.25 & 1 day / Fire Department / Budgeted – 2012 Sales and Use Tax Bonds & 4803 Capital Funds)*

M. Resolution accepting the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 as complete and authorizing final payment to Turn Key Construction Inc. *($12,383.10 / Fire Department / Budgeted - 2012 Sales and Use Tax Bonds & 4803 Capital Funds)*

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

ADJOURN

ORDINANCE NO. _____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 3-4-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on April 14, 2015, that said change be made;

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

SECTION 1: That the following properties to-wit:

Industrial Park South No. 5, Tract 4A, Sebastian County, Arkansas

more commonly known as 8425 Highway 45, should be, and is hereby rezoned from Extraterritorial Jursidiction Open-1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial-2 (ETJ I-2) by Extension.

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

PASSED AND APPROVED THIS____DAY OF_____, 2015.

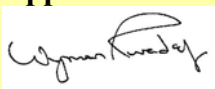
APPROVED:

_____
City Clerk

APPROVED:

_____
Mayor

Approved as to form:



_____
Publish One Time

April 28, 2015

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #3-4-15; A request by Randy Coleman, agent for Zero Mountain, Inc., for Planning Commission consideration of a zone change from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial-2 (EJT I-2) by Extension located at 8425 Highway 45.

On April 14, 2015, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for a building addition and continued use of a packaging and distribution facility at the current location. Zero Mountain, Inc. has purchased the property and building south of their existing facility. The proposed addition will connect the two buildings. A copy of the proposed development plan is enclosed.

Ms. Rice stated that the zone change would make the land use permitted by right and therefore would allow for a construction approval letter to be issued for the proposed addition connecting the two existing buildings.

Mr. Randy Coleman was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 Garrison Avenue
P.O.Box 1908
Fort Smith, Arkansas 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: March 31, 2015

Re: Rezoning #3-4-15 - A request by Randy Coleman, agent for Zero Mountain, Inc., for Planning Commission consideration of a rezoning request from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Moderate (ETJ I-2) by extension at 8425 Highway 45.

PROPOSED ZONING

The zoning if approved will allow for the addition and use of a packaging and distribution at the current location. This zone change will make their land use permitted by right and therefore allow for a construction approval letter to be issued for the proposed addition connecting two existing buildings.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of Highway 45 and Planters Road. The tract contains an area of 23 acres with approximately 1500 feet of street frontage along Highway 45 and 900 feet of street frontage along Planters Road.

REQUESTED ZONING

The requested zoning on this tract is Extraterritorial Jurisdiction Industrial Moderate (ETJ I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial uses that can be operated in a clean and quiet manner that will not be obnoxious to adjacent uses and have relatively limited environmental impacts. ETJ I-2 uses are primarily contained indoors and have heavier traffic generation than ETJ I-1 uses. ETJ I-2 zoning is appropriate in the industrial classification of the ETJ land use map.

Permitted Uses:

Bus, truck, mobile homes, or large vehicle sales or service, convenience store, heavy machinery and equipment sales or service, lawn and garden, lumber yard and building materials, heating

3A

and plumbing equipment, financial institutions, real estate, offices, veterinary services, extermination and pest control, manufacturing are examples of permitted uses.

Conditional Uses:

Automobile storage, truck stop, medical laboratory, petroleum storage and loading, fairground/rodeo ground, community center, golf course, gun club, sports stadium, natural and other recreational parks, nursery and preschool, police, fire, emergency response, child day care (up to 12 children) and day care center are examples of uses permitted as conditional uses..

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Maximum Height - 45 feet
Minimum Lot Width at Setback Line – 100 feet
Maximum Lot Coverage - 60%
Minimum parcel/lot size for rezoning – New District (By Classification) – 10 acres
Minimum parcel/lot size for rezoning – Existing District (By Extension) – 20,000 square feet
Minimum Street Frontage – N/A
Front Yard Setback - 50 feet
Side Yard on Street Side of Corner Lot - 50 feet
Side Yard Setback – 25 feet
Rear Yard Setback - 20 feet
Side/Rear Setback abutting RS – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Required street access: Major Arterial or higher

EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1 (ETJ Open-1). Characteristics of this zone are as follows:

Purpose:

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population.

Permitted Uses:

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

Conditional Uses:

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

3B

SURROUNDING ZONING AND LAND USE

The area to the north is zoned ETJ I-2 SPL and is undeveloped.

The area to the east is zoned ETJ O-1 and is developed as part of Gerdau metal reclamation process.

The area to the south is zoned ETJ O-1 and is undeveloped.

The areas to the west are zoned Industrial Light (I-1) and are developed as electrical motor sales and light manufacturing.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Extraterritorial Jurisdiction Industry. This classification is intended to primarily accommodate wholesale activities, processing, distributions, storage and warehouse and industrial operations which may generate low levels of noise, odor, smoke, dust or intense light.

STAFF COMMENTS AND RECOMMENDATIONS

In 2003, all properties in the ETJ were given an Open-1 zoning district as a placeholder until development occurs that required a zoning change. Existing land uses were permitted to continue as nonconforming uses.

Staff recommends approval of the requested zone change.

3C

Rez #3-4-15

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

   See Attached

2. Address of property: 8425 Hwy 45

3. The above described property is now zoned: ETJ-O1

4. Application is hereby made to change the zoning classification of the above described property to ETJ-I-2 by Extension.
   (Extension or classification)

5. Why is the zoning change requested?

   To accommodate the structural connection of two existing industrial buildings.

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Mickle Wagner Coleman, Inc.
~~Owner or~~ Agent Name
(please print)

~~Owner~~

P.O. Box 1507, Fort Smith, AR 72902
~~Owner or~~ Agent Mailing Address

or

Randell Coleman
Agent

479-649-8484
~~Owner or~~ Agent Phone Number

3D

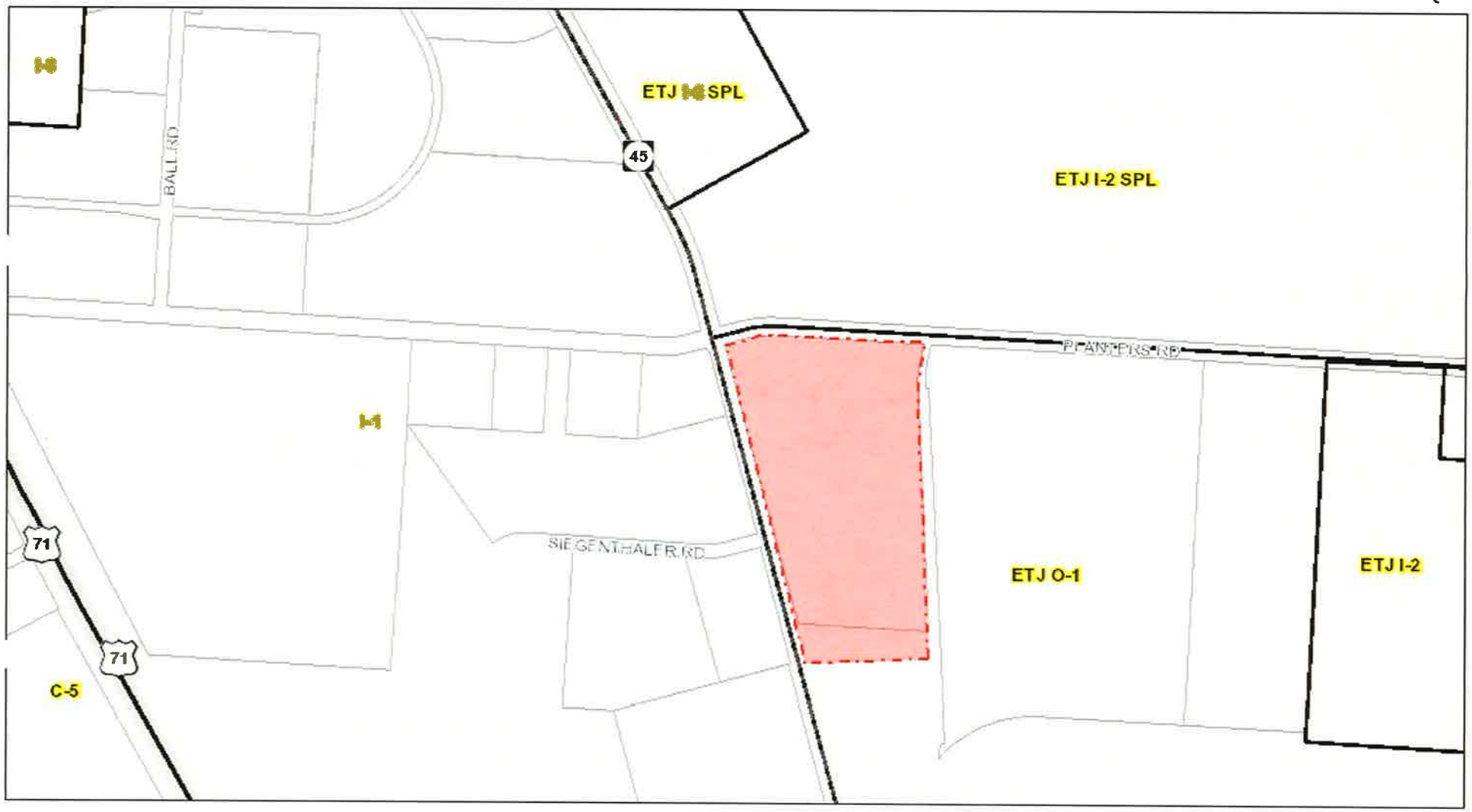
Industrial Park South No. 5, Tract 4A

Tract 4, Industrial Park South No. 5, Fort Smith, Sebastian County, Arkansas, being filed for record December 7, 1983 as plat 494, and part of the Northeast Quarter of the Southwest Quarter of Section 11, Township 7 North, Range 32 West, Sebastian County, Arkansas. Being more particularly described as follows:

Beginning at the northeast corner of said Tract 4, said point being on the south right-of-way line of Planters Road; Thence along the easterly line of said Tract 4, 203.04 feet along the arc of a curve to the left, said curve having a radius of 557.92 feet and being subtended by a chord having a bearing of S07°33'18"W and a distance of 201.92 feet; Thence continuing along said easterly line and easterly line extended: S02°52'14"E, 1232.91 feet; Thence N86°57'29"W, 549.90 feet to the easterly right-of-way line of Arkansas State Highway 45; Thence along said easterly right-of-way line the following courses: N15°23'47"W, 176.07 feet; S86°57'29"E, 10.54 feet to the southwest corner of said Tract 4; N15°23'47"W, 707.24 feet; N14°54'27"W, 541.06 feet; 39.26 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and being subtended by a chord having a bearing of N30°04'33"E and a distance of 35.35 feet to said south right-of-way line of Planters Road; Thence along said south right-of-way line the following courses: N75°03'33"E, 67.98 feet; 144.37 feet along the arc of a curve to the right, said curve having a radius of 460.00 feet and being subtended by a chord having a bearing of N84°03'02"E and a distance of 143.78 feet; S86°57'29"E, 651.62 feet to the Point of Beginning. Containing 23.00 aces, more or less.

C:\Users\randy\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\1JUF06OW\Industrial Park South No 5 Tract 4A.docx

Rezoning #3-4-15: From ETJ O-1 to ETJ I-2
8425 US Highway 45



March 23, 2015

Fort Smith City Limts

Zoning

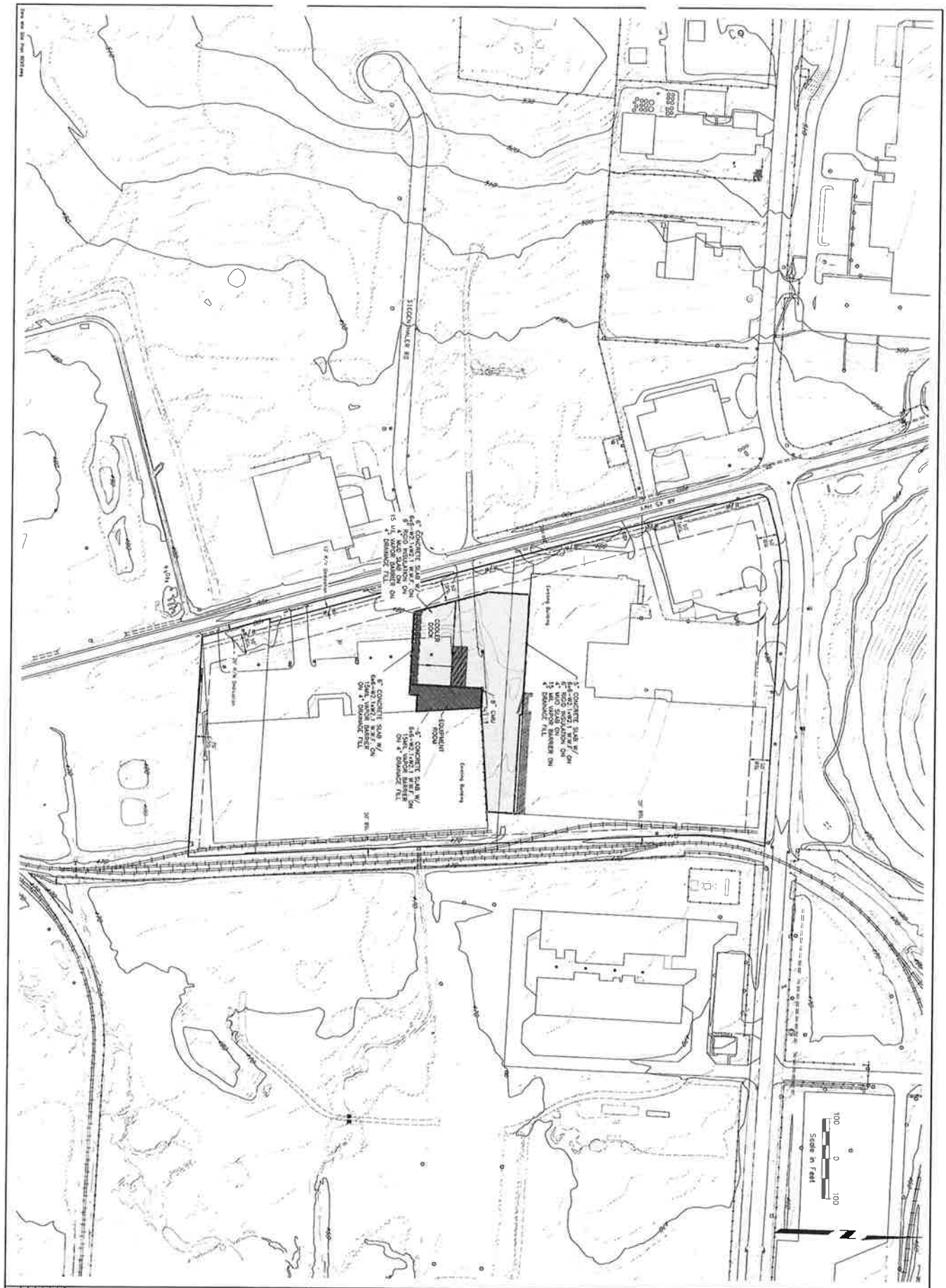
Subdivisions

1:7,081

0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

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



SHEET 1 OF 1

SITE EXHIBIT

ZERO MOUNTAIN WAREHOUSE
INDUSTRIAL PARK TRACT 4A

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

MICKLE WAGNER COLEMAN

Engineers-Consultants-Surveyors
3434 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas
(479) 649-8484
Fax: (479) 649-8486
info@mwc-engr.com

DATE	REVISION	BY

3F

International Paper
4215 Planters Road
Fort Smith, AR 72908

Evans Enterprises, Inc.
4300 Planters Road
Fort Smith, AR 72908

Stephens Production Company
623 Garrison Avenue
Fort Smith, AR 72901

TBTW Holding
4800 Siegenthaler Road
Fort Smith, AR 72908

Southpark Properties, LLC
P. O. Box 144
Fort Smith, AR 72902

Quanex Corporation
P. O. Box 1592
Fort Smith, AR 72902

amend this request to make approval subject to the nearest edge of a driveway being no closer than 45 feet from a side property line.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 8 in favor and 0 opposed.

RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION

2. **Preliminary Plat – Stonebrook at Chaffee Crossing – Phases II and III – Brixey Engineering**

   Ms. Brenda Andrews read the staff report indicating that this preliminary plat is for the development of single family homes.

   Mr. Ron Brixey was present to speak on behalf of this plat.

   No one was present to speak in opposition.

   Chairman Sharpe then called for the vote on the preliminary plat. Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to the developer agreeing to meet all franchise and City utility easement requirements, compliance with the City's Subdivision Design and Improvement Standards Specifications for Public Works Construction and the perimeter landscaping for Stonebrook at Chaffee Crossing, Phase I shall be completed prior to the filing of Stonebrook at Chaffee Crossing – Phase II and III.

   Chairman Sharpe then called for the vote on the preliminary plat as amended. The vote was 8 in favor and 0 opposed.

3. **Rezoning #3-4-15; A request by Randy Coleman, agent for Zero Mountain, Inc. for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Moderate (ETJ I-2) by Extension located at 8425 Highway 45 South.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the addition and continued use of a packaging and distribution facility at the current location.

Ms. Rice stated that the zone change would make their land use permitted by right and therefore would allow for a construction approval letter to be issued for the proposed addition connecting two existing buildings.

Mr. Randy Coleman was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

5. **A request by Bob Stinchcomb, agent for Gerdau, for development plan approval for construction of a pipeline and fence located at 5225 Planters Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a 12" fuel products pipeline that would transport diesel fuel, gasoline and jet fuel and the construction of approximately 1,100 feet of 6 foot tall chainlink fencing along Gerdau's northern property line. Ms. Andrews stated that Ordinance #75-11 requires any development within 300 feet of Gerdau's northern property line to receive approval by the Planning Commission. Ms. Andrews noted that both projects are within 300 feet of the northern property line which is bordered by Millennium Estates, a residential subdivision.

Mr. Andy Brown, representing Gerdau, was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, motion was made by Commissioner Keesee, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to compliance with the submitted development plan.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT

2.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 61-14

WHEREAS, Ordinance No. 61-14 was passed and approved on November 4, 2014, for the purpose of amending the zoning map and the master land use plan map of the City of Fort Smith; and,

WHEREAS, a scrivener's error was found with the legal description contained in Ordinance No. 61-14; and,

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

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

SECTION 1: That the legal description within Ordinance No. 61-14 is hereby amended to read as follows:

> Part of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼), Section Twenty-Five (25), Township Eight (8) North, Range Thirty-two (32) West, Fort Smith, Sebastian County, Arkansas, more particularly described as follows:
>
> Beginning at a point 80.0 feet North of the Southwest Corner of said Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼), said point being on the West line of said Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼); thence North 114.0 feet along the West line of said Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼); thence East 320.0 feet; thence South, 114.0 feet; thence West 320.0 feet to the point of beginning, containing 0.84 acres more or less, and being subject to public road rights of ways; and,
>
> Phoenix Commercial Park, Lot 1E, an addition to the City of Fort Smith, Arkansas, filed of record August 14, 2013.

More commonly known as 3507 and 3515 South 66th Street.

SECTION 2: Ordinance No. 61-14, as amended by Section 1 of this Ordinance, is hereby confirmed to be validly adopted as Ordinance No. 61-14 of the City of Fort Smith, Arkansas.

PASSED AND APPROVED THIS____DAY OF_____, 2015.

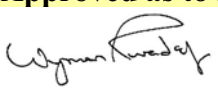
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
Publish One Time

MEMO

TO: Ray Gosack, City Administrator
FROM: Wally Bailey, Director of Development Services
DATE: April 22, 2015
RE: Ordinance Revising Legal Descriptions

On November 4, 2014, the Board of Directors approved Ordinance No. 61-14 amending the master land use plan map and zoning map for property located at 3507 and 3515 South 66th Street. We recently noticed a scrivener or clerical error with the legal description in the ordinance. Attached is a copy of Ordinance 61-14.

An ordinance has been prepared to amend the legal description in Ordinance No. 61-14 and confirm the actions of the previously approved ordinance.

Please let me know if you have any questions.

Enc.

ORDINANCE NO. 61-14

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

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on October 14, 2014, that said change be made; and,

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

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 20-10-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 14, 2014, that said change be made;

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

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

Part of the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼), Section Twenty-Five (25), Township Eight (8) North, Range Thirty-two (32) West, Fort Smith, Sebastian County, Arkansas, more particularly described as follows:

Beginning at a point 80.0 feet North of the Southwest Corner of said Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼), said point being on the West line of said Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼); thence North 114.0 feet along the West line of said Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼);

thence East 320.0 feet; thence South, 114.0 feet; thence West 320.0 feet to the point of beginning, containing 0.84 acres more or less, and being subject to public road rights of ways.

more commonly known as 3507 and 3515 South 66th Street.

SECTION 2: The real property described in Section 1 is hereby rezoned from Transitional (T) to Residential Multi-family Medium/High Density (RM-3) by Extension, subject to Planning Commission approval of the development plan.

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

PASSED AND APPROVED THIS 4th DAY OF November, 2014.

ATTEST:

Sherri Gard
City Clerk

APPROVED:

Sandy Sanders
Mayor

Approved as to form:

Jeny Controld
Publish One Time

Rezoning #20-10-14: From Transitional (T) to Residential Multifamily Medium Density (RM-3)
3507 & 3515 South 66th Street

September 22, 2014

Fort Smith City Limits

Zoning

Subdivisions

Building Footprints

1:2,011

0 0.0175 0.035 0.07 ft

0 0.0275 0.055 0.11 m

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

RESOLUTION NO. ____

A RESOLUTION DEFERRING THE IMPLEMENTATION OF RESOLUTION R-18-15 THEREBY DEFERRING THE INSTALLATION OF SPEED TABLES ON CLIFF DRIVE

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

SECTION 1: On February 3, 2015, the Board of Directors adopted Resolution R-18-15 which would install six speed tables and associated signage as a test area along Cliff Drive between South 30th Street and Old Greenwood Road as a means of traffic calming.

SECTION 2: Presently, it has been determined that additional time is required to evaluate the necessity for installation of such speed tables and signage and to allow further community input as to the desirability for speed tables.

SECTION 3: Implementation of R-18-15 is hereby deferred until such time as the Board of Directors has had adequate opportunity to reconsider the matter, such time of deferment being at minimum six months.

This Resolution adopted this ____ day of May, 2015.

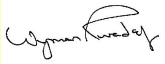
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____NPR
City Attorney

Memorandum

To: Ray Gosack, City Administrator

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

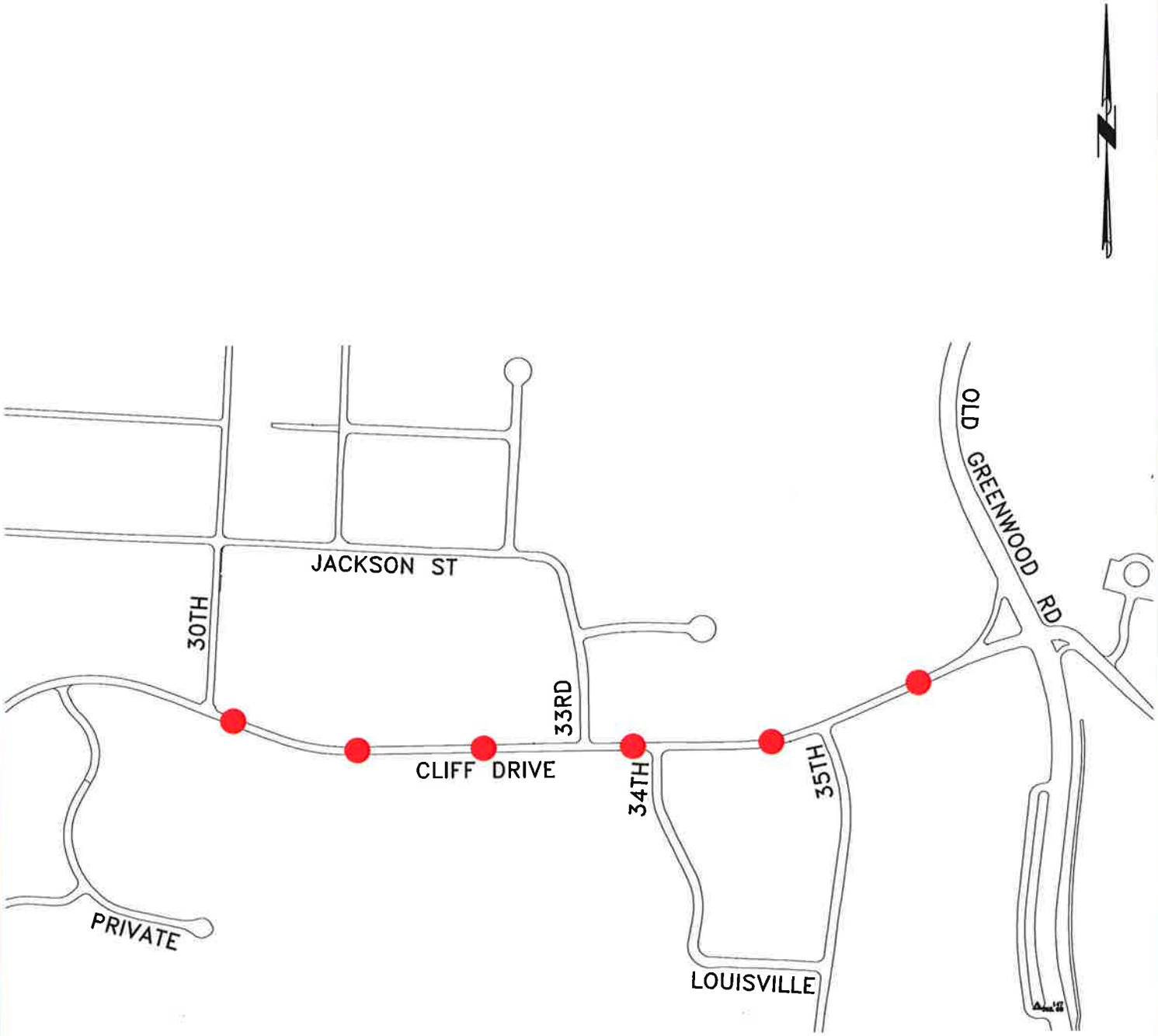
Subject: Resolution R-18-15
(A Resolution authorizing the installation of speed tables on Cliff Drive)

Date: April 30, 2015

At the April 28, 2015 Study Session, the Board requested a resolution which would defer the implementation of Resolution R-18-15 for a minimum of six months. Resolution R-18-15 included the installation of six speed tables and associated signage along Cliff Drive between South 30th Street and Old Greenwood Road. An exhibit showing the location of the proposed speed tables is attached. The estimated cost is $18,000 to $30,000. A copy of Resolution R-18-15 along with the associated staff report is also attached.

Attached for consideration by the Board is a resolution which would defer the implementation of R-18-15 for a minimum of six months.

Enclosures



SPEED TABLE LOCATION MAP
CLIFF DRIVE
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	
Date:	APRIL 2015
Scale:	NONE
Drawn By:	RBR

C:\City of Ft Smith\Engineering\Snodgrass\ SPEED TABLES CLIFF DR.dwg 04/28/15-10:05 RBR EXHIBIT

4A

RESOLUTION R-18-15

A RESOLUTION AUTHORIZING THE INSTALLATION OF SPEED TABLES ON CLIFF DRIVE

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

SECTION 1: There will be six speed tables and associated signage installed as a test area along Cliff Drive between South 30th Street and Old Greenwood Road as a means of traffic calming.

SECTION 2: This test area will be reevaluated in six to twelve months following the installation of the speed tables to determine the effectiveness of the speed tables and to allow for community feedback on desirability for speed tables.

SECTION 3: The adoption of a traffic calming policy will not take place until reevaluation of the test area. Requests for speed tables in other areas will be accepted and evaluated, but not acted upon until the Cliff Drive test area is reevaluated.

SECTION 4: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 3rd day of February, 2015.

APPROVED:

Sandy Sanders

Mayor

ATTEST:

Sherri Gard

City Clerk

Approved as to Form

Amy Crofield

☐ No Publication Required

Memorandum

To: Ray Gosack, City Administrator

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

Subject: Speed Tables on Cliff Drive between South 30th and Old Greenwood Road

Date: January 29, 2015

At the August 5, 2014 town hall meeting, petitions were submitted to the Board of Directors requesting speed tables along Cliff Drive. The petitions stated that the speed of traffic flow has become hazardous to Sebastian Hills residents, pedestrians, pets and motorists and that it is not uncommon for vehicles to be traveling in excess of 50 mph. The petitioners recommended the City test speed tables on Cliff Drive as a means of ensuring public safety where needed in Fort Smith.

To evaluate the neighborhood's concerns about speeding, a traffic study along this section of Cliff Drive was conducted last fall. The results of the traffic study were presented to the Board of Directors at the October 28th Study Session. The study included determining the traffic volume and speed count data along Cliff Drive. At the study session, the board requested that the staff investigate a traffic calming policy for use on residential streets.

At the January 27th study session, a proposed traffic calming policy was presented. The policy focuses on speed tables and provides a detailed procedure for determining if the installation of speed tables could be considered. A copy of the draft policy is attached.

There was also discussion about the implementation of speed tables as a test area for a six to twelve month period. This test area would be located along Cliff Drive between Old Greenwood Road and South 30th Street. Six speed tables would be installed at an estimated cost of $18,000 to $30,000. This test would allow for community feedback on the effectiveness and desirability of speed tables before further installations are considered.

The attached Resolution authorizes the installation of the speed tables and associated signage along Cliff Drive as the test area. This test area will be reevaluated in six to twelve months following the installation of the speed tables to determine the effectiveness of the speed tables and to allow for community feedback on the desirability for speed tables. The adoption of a traffic calming policy will not take place until reevaluation of the test area. However, requests for speed tables on other residential streets will be accepted and evaluated, but not acted upon until the Cliff Drive test area is reevaluated.

A traffic calming policy is in alignment with the comprehensive plan policy TI-1.4 (Protect residential neighborhoods from excessive through traffic).

Enclosure

City of Fort Smith Arkansas
Traffic Calming Policy

Introduction

The generally accepted definition of Traffic Calming was presented by I.M. Lockwood in an Institute of Transportation Engineers Journal article published in 1997. The definition is:

> *"Traffic calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users."*[1]

Traffic calming techniques apply to residential streets as all other types of streets are intended to carry larger volumes of motorized vehicles in an efficient manner.

Streets in Fort Smith serve different purposes. Streets are grouped together based on their intended purpose by classifications. The street classifications are designated in the City of Fort Smith's Master Street Plan approved by the Board of Directors.

At the high end of the classification range are the freeways or interstates. These roadways extend across the city, are high speed roadways, and are accessible only at interchange ramps. The next highest class is arterial streets. These streets extend several miles, typically are four or five lanes with speed limits of 35 miles per hour up to 55 miles per hour, and carry large volumes of traffic. Examples include Rogers Avenue, Waldron Road, Phoenix Avenue, and Old Greenwood Road. Driveway access to these roads is limited to reduce friction points and assist in carrying the traffic in an efficient manner. The third class of streets is collector streets. Collector streets are generally 2 miles or less in length and provide access for traffic from neighborhoods and other developed areas to the arterial streets. Traffic volumes are lower than arterial streets and the posted speed limits are generally 30 miles per hour to 40 miles per hour. Examples include Free Ferry Road, Meandering Way, Albert Pike Avenue and Brooken Hill Drive. The fourth class of streets is residential, or local, streets. The purpose of residential streets is to provide access to individual properties. These streets typically are of shorter length and carry low traffic volumes. Residential streets connect to either collector streets or arterial streets. The upper range of traffic volumes is 1,000 vehicles per day.

All classifications of streets, with the exception of residential streets, are designed and intended to carry higher volumes of traffic**. Therefore, traffic calming techniques and this policy shall only be implemented on streets with a residential functional classification as defined in the City of Fort Smith's Master Street Plan**.

Traffic calming can involve change in street alignment, vertical speed control techniques (speed tables), narrowing of the street, street closures, and other physical barriers to reduce the speed and volume of traffic. The techniques are intended to be self-enforcing. These techniques create inconvenience to motorists as well as emergency response vehicles and should be used judiciously. The techniques can also relocate the issue to other streets by diverting traffic. Therefore, it is necessary to determine if there is a speeding issue or if the traffic volumes are greater than the expected or accepted norms before embarking on traffic calming for an existing residential street. The policy delineates the process by which an evaluation can be made to determine the extent of the issue, if any. This policy will focus on vertical speed control techniques (speed tables) as it is the most commonly requested means of traffic calming.

Many residential streets in Fort Smith are straight long streets. Traffic volume generally increases as the length of a street increases because there are many residences served by the street. If a residential street connects to more than one arterial or collector street, the street can provide a route for traffic not living in the neighborhood to use the street. This type of traffic is known as "through" traffic (traffic that does not have an origin or destination on that street). It is difficult to determine how much of the traffic on a residential street is traffic generated by the houses on the street or "through" traffic. A 24 hour traffic count can provide some indication of how much "through" traffic exists. The length, width, and straightness can also encourage speeding. By state law, the speed limit on a residential street in Arkansas is 30 miles per hour. Thresholds for both speed and traffic volume are important to determine if a street or street segment exceeds acceptable traffic volumes or speeds.

Speed Tables

The installation of speed tables will only be considered for streets classified as residential streets in the Fort Smith Master Street Plan. Further, only streets with a 24 hour traffic volume between 1,000 and 2,000 vehicles per day will be considered. Streets with traffic volume above 2,000 vehicles per day may be classified as residential streets but are functioning as a collector street or greater and will not be considered for speed tables. Average daily traffic volumes are commonly expected to reach up to 1,000 vehicles per day on residential streets. This upper limit for traffic volume on residential streets is used as the lower volume threshold for the speed table policy to differentiate residential streets with higher traffic volumes.

There are numerous factors that must be considered before the installation of speed tables. Speed tables increase emergency vehicle response time. Speed tables on one street often divert the traffic and the issues to a surrounding street. Citizens may be divided on liking or disliking the installation of speed tables. Additional signage will be installed at each speed table and there

is increased noise from vehicles as they brake, go over, then accelerate away from the speed table. Drainage in the street has to be considered as speed tables can block the free flow of water at the curb and speed tables affect snow removal. There can be inconvenience along with increased wear and tear to vehicles including solid waste collection, transit buses and delivery vehicles. The introduction of speed tables in the street also can affect bicyclists and pedestrians waking in the street in the absence of sidewalks. There are installation costs associated with implementing speed tables and ongoing maintenance costs that should be considered. It will also require considerable staff time to administer the policy.

The following procedures outline the policy for administering the speed table policy for the city.

Property owners may request speed tables be placed on a residential street by initiating a petition. The form of the request shall be in writing accompanied by a petition of landowners fronting the affected street segment. The petition form to be utilized for gathering signatures will be provided by the City and is included with this document. A total of two thirds (67%) or greater of the landowners fronting the street must sign for approval of the proposal for the street to be considered for the installation of speed tables. There shall be only one signature per property. The absence of a signature for a property shall be considered against the proposal.

Once a valid petition and request is received by staff, the street segment will be evaluated. Traffic counts will be collected along the roadway on an average weekday. In addition, a speed study will be conducted to determine the existing speeds on the street. Streets where a request has been made for the placement of speed tables must meet minimum criteria to be candidates. The criteria are based on the prevailing speeds and traffic volumes.

Acceptable qualification for residential streets to be considered for speed tables are 85th percentile speeds in excess of 5 miles per hour over the statutory speed limit of 30 miles per hour and at least 1,000 vehicles for a 24 hour period. The 85th percentile speed is the speed at which 85% of the motorists are driving at or below. It is the nationally accepted method of setting speed limits for a street and is also the accepted value for the prevailing speed on the street. If the 85th percentile speed is less than or equal to 35 miles per hour, or if the 24 hour traffic volume is less than 1,000 vehicles per day or greater than 2,000 vehicles per day, speed tables shall not be installed and the street segment will no longer be considered. A minimum of one year shall pass before the street segment can be submitted for consideration again, and a new petition meeting the requirements noted above is required.

If a street qualifies, a point system will be assigned to the street segment based on the results of the speed study and the traffic volume count. Qualifying streets will be prioritized based on the total points calculated.

The point system will give 5 points for every mile per hour over the 85th percentile speed of 35 miles per hour. The speed studies will be conducted for traffic traveling in both directions. The highest 85th percentile from either direction will be used. For example, if the 85th percentile speed in one direction is measured at 37.5 miles per hour and the 85th percentile speed in the opposite direction is measured at 40.2 miles per hour, the 40.2 miles per hour will be used for calculation purposes. The 40.2 miles per hour speed is over the minimum threshold of 35 miles per hour by 5.2 miles per hour. The number of points based on the speed for this street segment would be 5.2 x 5 points, or 26.0 points.

One point will also be given for every 100 vehicles exceeding 1,000 vehicles per day, up to the maximum of 2,000 vehicles per day (maximum of 10 points). The traffic count will be the sum of both directions of travel. For example, if the 24 hour count is 1,641 vehicles, the resulting points will be (1,641 – 1,000)/100 x 1 point or 6.4 points. The total points for the example are 26.0 + 6.4 = 32.4 points.

For the example stated, with a petition of two thirds (67%) of the landowners in favor of speed tables, the residential street would be eligible for speed tables. It qualifies based on an 85th percentile speed over 35 miles per hour, a petition greater than 67% in favor and the daily traffic volume between 1,000 vehicles per day and 2,000 vehicles per day. The total point value assigned to the request would be 32.4 points. The point system allows a prioritization system and allows staff to install speed tables on the streets with the highest points with funding available. An annual report will be made to the Board of Directors for their approval and placement on the priority list based on the number of total points. The Board will take into consideration if a neighborhood association offers to pay all or a portion of the installation costs if the street meets all the speed table requirements.

Removal of Speed Tables

Placement of speed tables is controversial. If after placement of the speed tables a majority of the property owners believe they have not been effective or disapprove of their installation, a petition can be submitted to the city requesting removal. A petition cannot be submitted within the first year of placement of the speed tables. The petition form to be utilized for gathering signatures will be provided by the City and is included with this document. The petition must be signed by two thirds (67%) or greater of the property owners fronting the street where removal is requested. Only one signature per property will be valid.

Once the city receives a valid petition, traffic volumes and speeds will again be measured. A report will be prepared for the Board of Directors comparing the “before” traffic data with the “after” traffic data. The Board of Directors will make the final decision on whether the speed

tables should be removed or remain. If the decision is to leave the speed tables, another petition cannot be submitted for a one year period. If the decision is to remove the speed tables, due to the expense of the study, installation and removal costs, the street segment shall not be reconsidered for speed tables for a 5 year period after removal. A new petition meeting the requirements noted above is required to reconsider the street segment for speed tables.

References

1. I.M. Lockwood, "ITE Traffic Calming Definition," *ITE Journal,* Vol. 67, July 1997, pp. 22–24.

CITY OF FORT SMITH **DATE: _____**

PETITION FOR SPEED TABLE EVALUATION STUDY

We request the City of Fort Smith Engineering Department to conduct a speed/traffic volume study to determine if the following street satisfies the city adopted criteria for speed table installation:

_____ between _____ & _____

Name of affected Street (Intersecting Streets)

Note:

1. Study will be conducted ONLY if two thirds (67%) of the property owners (houses fronting the affected street) support speed table installation.
2. Speed tables may be installed ONLY if funding is available and study results indicate that speed tables warrants are satisfied.
3. Signatures of all property owners on the affected street must be obtained. The absence of a signature for a property will be considered against the request for speed tables.
4. Signature must be of the property owner. Only one signature per property allowed.

Name/Address of the person representing the neighborhood:_____

_____

Phone: _____

Return **originals** to: City of Fort Smith
Engineering Department
623 Garrison Avenue, Room 409
Fort Smith, AR 72902

Please read carefully before signing:

While speed tables generally reduce vehicle speeds, they also create other inconveniences such as increased vehicular noise in the vicinity of speed tables and increased response time for emergency vehicles. Also, because of spacing requirements, it is possible that a speed table, associated pavement markings and signage may be installed adjacent to your property.

Signature	Printed Name	Street Address	For	Against

CITY OF FORT SMITH **DATE: _____**
PETITION FOR SPEED TABLE REMOVAL

We request the City of Fort Smith to remove the speed tables on the following street segment:

_____ between _____ & _____
Name of affected Street (Intersecting Streets)

Note:

1. Removal will ONLY be considered if two thirds (67%) of the property owners (houses fronting the affected street) support the speed table removal.
2. Signatures of all property owners on the affected street must be obtained. The absence of a signature for a property will be considered against the request for removing the speed tables.
3. Signature must be of the property owner. Only one signature per property allowed.

Name/Address of the person representing the neighborhood:_____

_____

Phone: _____

Return **originals** to: City of Fort Smith
Engineering Department
623 Garrison Avenue, Room 409
Fort Smith, AR 72902

Please read carefully before signing:
This petition is for the removal of speed tables on the above referenced street segment. If the speed tables are removed, this street segment will not be reconsidered for speed tables for a five (5) year period after removal.

Signature	Printed Name	Street Address	For	Against

4

RESOLUTION NO._____

A RESOLUTION ESTABLISHING EMPLOYER/EMPLOYEE CONTRIBUTION PRACTICES REGARDING EMPLOYEE BENEFITS IN INTERNAL SERVICE FUND 9106 FOR EMPLOYEE HEALTH AND WELLNESS

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

SECTION 1: The employer/employee contribution strategy for internal service fund 9106 shall be to achieve a 75% employer funded and 25% employee funded balance for all costs.

SECTION 2: The reserve balance for fund 9106 should be equal to 75 calendar days or approximately 20% of the fund's annual expenditures.

SECTION 3: Each year during preparation for the upcoming year's budget the employer/employee contribution amounts will be adjusted to reflect the SECTION 1 contribution percentages using the actual cost trend data from the previous two years plus the current year and to adjust for any deficit or surplus in the reserve balance in fund 9106.

SECTION 4: All previous resolutions in conflict with this resolution are hereby repealed.

This Resolution adopted this _____day of _____, 2015.

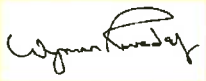
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____NPR

MEMORANDUM

TO: **Ray Gosack, City Administrator**

FROM: Richard B. Jones, Director of Human Resources

DATE: May 1, 2015

SUBJECT: **Policy Regarding Employer and Employee Cost Sharing for Benefits**

As requested by the Board of Directors, I have prepared a resolution outlining the funding policy for the City's internal service fund 9106.

First, it establishes the percentages of cost sharing that the City and the employees will each provide.

Since 2003, the balance we have achieved is about a **75/25** premium split between City funds and the employees' premium contributions for all benefits in fund 9106 (this includes blending 100% funding from retirees, airport, library and COBRA participants, see attachment 1). This level of cost sharing is consistent with a recent Kaiser Foundation benchmark study comparing 2004 to 2014, attachment 2. We have been very close to that **75/25** balance every year since 2003 when I began closely monitoring all benefit costs in fund 9106.

The following table is a close estimate of the cost sharing allocations by benefit for fund 9106:

Benefit	City	Employee
Medical & Rx	75%	25%
Dental	75%	25%
Vision	75%	25%
Life Insurance	100%	0%
Long Term Disability	60%	40%
Dependent Life Insurance	0%	100%
Employee Assistance Plan	100%	0%
Supplemental Benefits	0%	100%

The medical, dental and vision premium structure for 2015 is attached. I have added

percentages to the columns for reference. The employee contribution is a variable amount based on participation in the City's wellness plan, attachment 3.

Beginning in 2004, the City partnered with our employees and their families by promoting wellness and prevention in exchange for reduced premiums and reduced cost for proactive health services. This partnership has been successful in keeping our healthcare cost below benchmark when compared to our peers. In fact, we were more than 40% below the national average for 2014, attachment 4.

Every year I review the City's benefits to keep costs down and to stay ahead of the latest innovation by looking for the lowest cost vendors without sacrificing quality and service to the City, our employees and their families. To cite just a couple examples, the City and our employees were recognized in 2010 by CDHC Solution & EmployersWeb.com for "Most Innovative Plan Design" for our Health plan, attachment 5. In 2011, the City in partnership with our local Employers Health Coalition (EHC) created our own prescription benefit program which has been highly successful in keeping Rx cost to a minimum without sacrificing health outcomes of our employees and their families, attachment 6.

Second, it sets a target reserve for fund 9106 that is equal to 75 calendar days or 20% of the annual benefit costs.

Most of this reserve being attributable to the fluctuations in our partially self-funded medical, prescription and dental plans.

Finally, each year as the City prepares for the next budget year the cost sharing percentages will be adjusted to correct for any deviation in the cost sharing trend and to adjust for any deficit or surplus in the reserve balance for fund 9106.

Cost sharing rebalancing will be accomplished in two primary ways. First, an adjustment will be made to the premium contributions so that whichever share, employer or employee, is at a deficit that share will be increased to correct for the deficit in the subsequent year. Concurrently, the plan design of some or all of the benefits in fund 9106 will be adjusted to correct for whichever share, employer or employee, is at a deficit so that share will be increased to correct for the deficit in the subsequent year.

I recommend passage of this resolution.

ATTACHMENT 1

Employee Health and Wellness Fund (9106)
Statement of Revenues, Expenses, and Changes in Net Assets

	5 Year Average	2014	2013	2012	2011	2010
Annual Average Number of Members		932	918	912	909	917
Annual Average Cost to the City Per Member All Benefits	$6,587	$8,089	$7,248	$5,380	$6,099	$6,117
Beginning Balance	$2,659,788	$55,616	$390,415	$3,174,657	$4,356,885	$5,321,369
Revenue						
City Contributions All Benefits	$6,050,486	$7,539,292	$6,653,249	$4,906,624	$5,544,233	$5,609,033
All Employee & Other Member Contributions	$1,823,841	$2,176,755	$1,900,297	$1,610,929	$1,637,441	$1,793,781
City Contribution Percent All Benefits	76.84%	77.60%	77.78%	75.28%	77.20%	75.77%
All Employee & Other Member Contributions Percent	23.16%	22.40%	22.22%	24.72%	22.80%	24.23%
Total Revenue	$7,874,327	$9,716,046	$8,553,546	$6,517,553	$7,181,674	$7,402,814
Total Revenue plus the Beginning balance	$10,534,115	$9,771,662	$8,943,961	$9,692,210	$11,538,559	$12,724,183
Expenditures						
All Benefits for All Members	$8,935,789	$9,763,262	$8,888,344	$9,296,137	$8,363,903	$8,367,299
Ending Balance December 31 Annually	$1,597,175	$8,301	$55,616	$390,415	$3,174,657	$4,356,885

	2009	2008	2007	2006	2005	2004
Annual Average Number of Members	896	877	887	889	858	869
Annual Average Cost to the City Per Member All Benefits	$7,418	$7,573	$7,575	$5,890	$5,302	$4,866
Beginning Balance	$4,608,363	$3,057,730	$1,056,690	$886,461	$980,948	$513,922
Revenue						
City Contributions All Benefits	$6,646,545	$6,641,249	$6,718,999	$5,235,771	$4,548,882	$4,228,871
All Employee & Other Member Contributions	$1,899,338	$2,001,113	$1,952,880	$1,828,820	$1,661,480	$1,647,266
City Contribution Percent All Benefits	77.77%	76.85%	77.48%	74.11%	73.25%	71.97%
All Employee & Other Member Contributions Percent	22.23%	23.15%	22.52%	25.89%	26.75%	28.03%
Total Revenue	$8,545,883	$8,642,362	$8,671,879	$7,064,591	$6,210,362	$5,876,137
Total Revenue plus the Beginning balance	$13,154,246	$11,700,092	$9,728,569	$7,951,052	$7,191,310	$6,390,059
Expenditures						
All Benefits for All Members	$7,623,771	$7,091,729	$6,670,839	$6,894,362	$6,304,849	$5,409,112
Ending Balance December 31 Annually	$5,321,369	$4,608,363	$3,057,730	$1,056,690	$886,461	$980,948

	2003
Annual Average Number of Members	878
Annual Average Cost to the City Per Member All Benefits	$5,259
Beginning Balance	$1,276,411
Revenue	
City Contributions All Benefits	$4,617,254
All Employee & Other Member Contributions	$1,597,547
City Contribution Percent All Benefits	74.29%
All Employee & Other Member Contributions Percent	25.71%
Total Revenue	$6,214,801
Total Revenue plus the Beginning balance	$7,491,212
Expenditures	
All Benefits for All Members	$6,902,857
Ending Balance December 31 Annually	$513,922

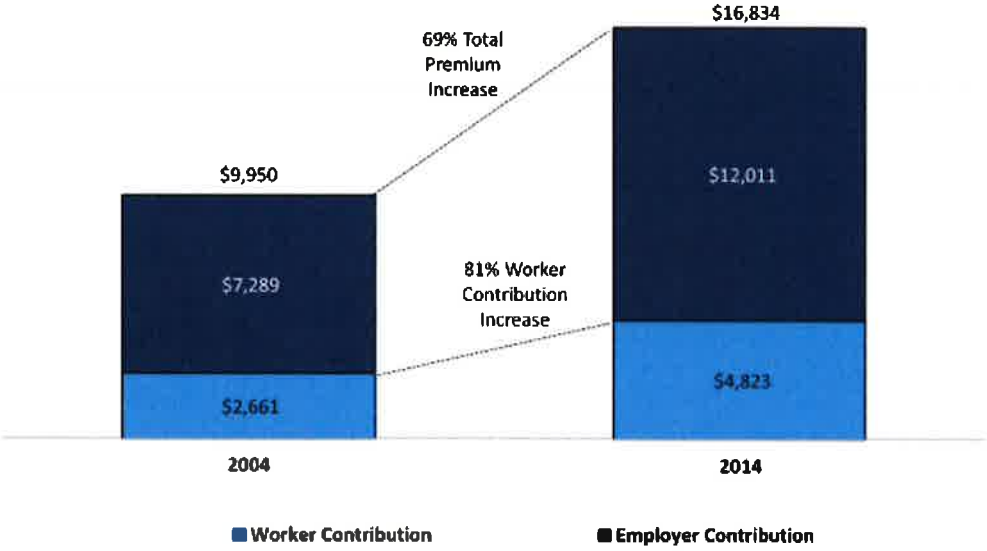
2014 Benchmarking Study – Employer Contribution – Medical Plans

April 6, 2015

Source: The Henry J. Kaiser Family Foundation

The following selected data is presented to compare the City of Fort Smiths medical plan funding allocation between the City and plan participants.

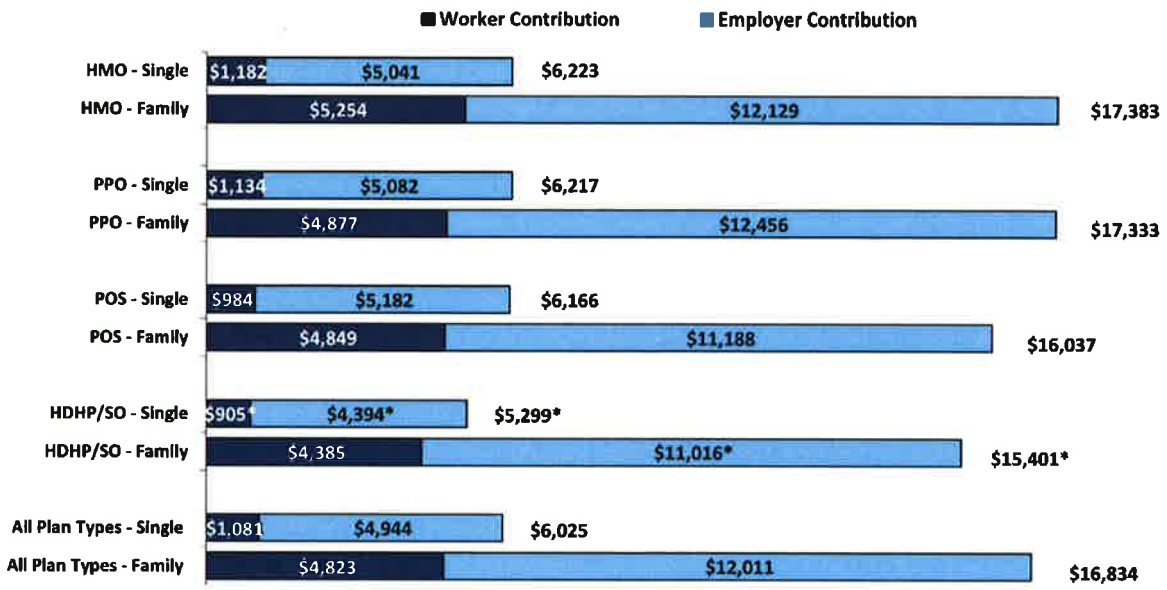
Exhibit A:
Average Annual Health Insurance Premiums and Worker Contributions for Family Coverage, 2004-2014



SOURCE: Kaiser/HRET Survey of Employer-Sponsored Health Benefits, 2004-2014.

In 2014, the survey reports that employee contributions equaled 28.65% of total medical plan cost for family coverage.

Exhibit B:
Average Annual Firm and Worker Premium Contributions and Total Premiums for Covered Workers for Single and Family Coverage, by Plan Type, 2014



* Estimate is statistically different from All Plans estimate by coverage type (p<.05).

SOURCE: Kaiser/HRET Survey of Employer-Sponsored Health Benefits, 2014.

For a Point of Service Plan the average employee contribution for single coverage was 16% in 2014, and 30% for family coverage.

For a PPO Plan the average employee contribution for single coverage was 18.2%, and 28% for family coverage.

ATTACHMENT 3

City of Fort Smith
Health, Dental & Vision Premiums For 2015

MEDICAL		1	2	3	4	5
		City Share	Employee Wellness Share	Employee Wellness Share	Employee Share	Total
Coverage Level		Contribution	Nicotine free	Nicotine Positive Surcharge	No Wellness Participation Surcharge	Cost
Employee Only		$418.82 (100%)	$0.00 (0%)	+$80.00 (16%)	+$147.00 (26%)	$418.82
Employee + Children		$533.66 (75%)	$177.88 (25%)	+$80.00 (33%)	+$147.00 (38%)	$711.54
Employee + Spouse		$659.22 (75%)	$219.74 (25%)	+$80.00 - $160.00 (31%-40%)	+$147.00 - $294.00 (38%-44%)	$878.96
Family		$878.96 (75%)	$292.96 (25%)	+$80.00 - $160.00 (30%-37%)	+$147.00 - $294.00 (33%-40%)	$1171.92
DENTAL						
		City Share	Employee Share			Total
Employee Only		$32.74 (100%)	$0.00 (0%)			$32.74
Employee + One		$48.26 (74%)	$17.20 (26%)			$65.46
Family		$66.94 (68%)	$31.24 (32%)			$98.18
VISION						
		City Share	Employee Share			Total
Employee Only		$6.56 (100%)	$0.00 (0%)			$6.56
Employee + One		$8.87 (70%)	$3.88 (30%)			$12.75
Family		$13.06 (70%)	$5.68 (30%)			$18.74

Arthur J. Gallagher & Co.
BUSINESS WITHOUT BARRIERS™

From the desk of Jerry Guy

April 1, 2015

To: Richard Jones – The City of Fort Smith, Arkansas

Re: Historical Paid Clam Comparison to Benchmarking Data – Medical Plan

This report is designed to draw a comparison between the actual paid claim data within the City's partially self-insured medical plan and national benchmarking data. The benchmarking data presented is sorted by (1) business sector, (2) geographic region, (3) and employer size.

The City of Fort Smith has been very proactive in developing and implementing cutting edge strategies to manage its medical plan costs. The "wellness" plan that was implemented several years ago serves as a model for other employers, and today most employers have adopted some elements of the City's "wellness" approach to plan design and administration.

The importance of this proactive medical plan management approach is evident when comparing the City of Fort Smith's results to other government employers. Nationally in 2014, government employers experienced medical paid claims at a level of $1,049 per employee per month while the City of Fort Smith's own results for 2014 was $613. The City of Fort Smith's medical plan paid claim level was only 59% of the national average for government employers.

The City's medical plan is structured from a plan design and funding basis to promote and incentivize good health risk factor management by focusing on the chronic metabolic diseases that represent over 70% of the national health care expenditure each year. These include coronary disease, cancer, diabetes and obesity. The keys to controlling medical plan cost in these areas are prevention, early detection, and aggressive management of chronic disease.

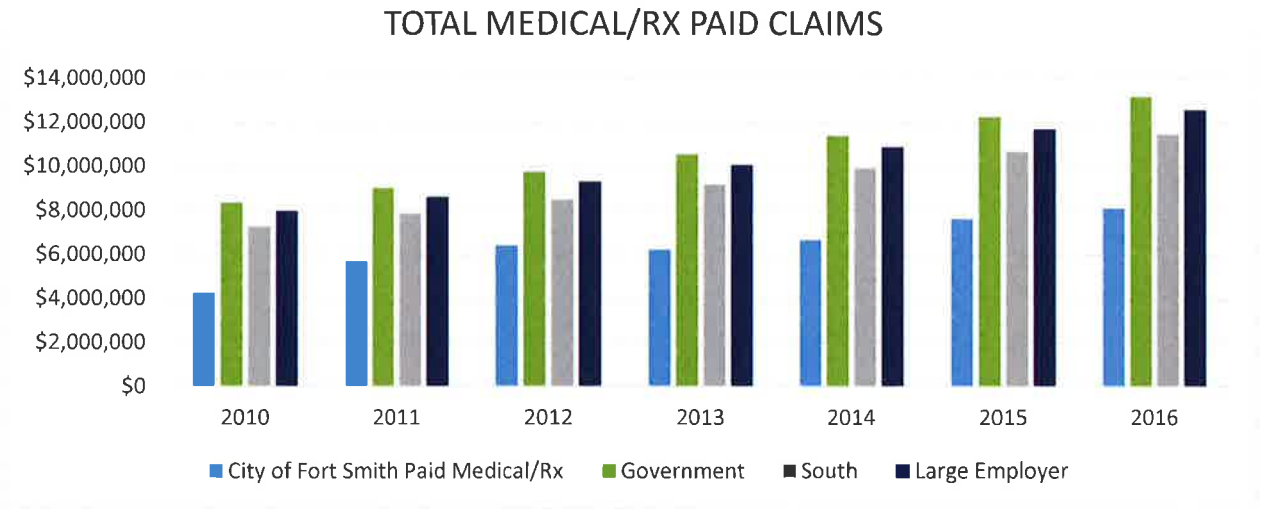
The City's medical plan funding strategy has also had a very positive impact on plan cost. The level of City contribution for employees and covered dependents is strategically set to promote enrollment of "healthy" participants. This is a vital component of intelligent plan management. Plans that transfer excessive financial risk to participants typically cause a disproportionately concentrated enrollment of "high risk" participants, thus driving up plan cost relative to plan revenue.

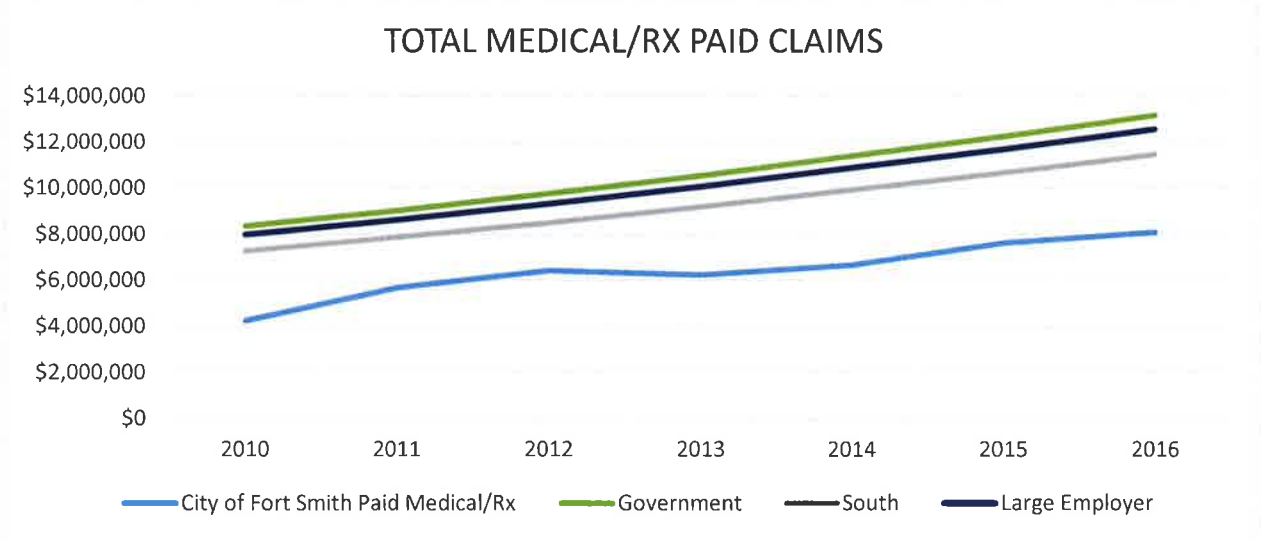
Finally, the results achieved by the City of Fort Smith are noteworthy when taking into account the fact that the reporting period for the data presented includes a period of time when federal mandates were being implemented stemming from The Affordable Care Act. As a result of the ACA, employers now must provide plans without dollar limits annually or for a lifetime for essential medical coverage. There is now an absolute annual out-of-pocket maximum that did not exist prior to the ACA, and there are substantial taxes and fees that employers must now pay.

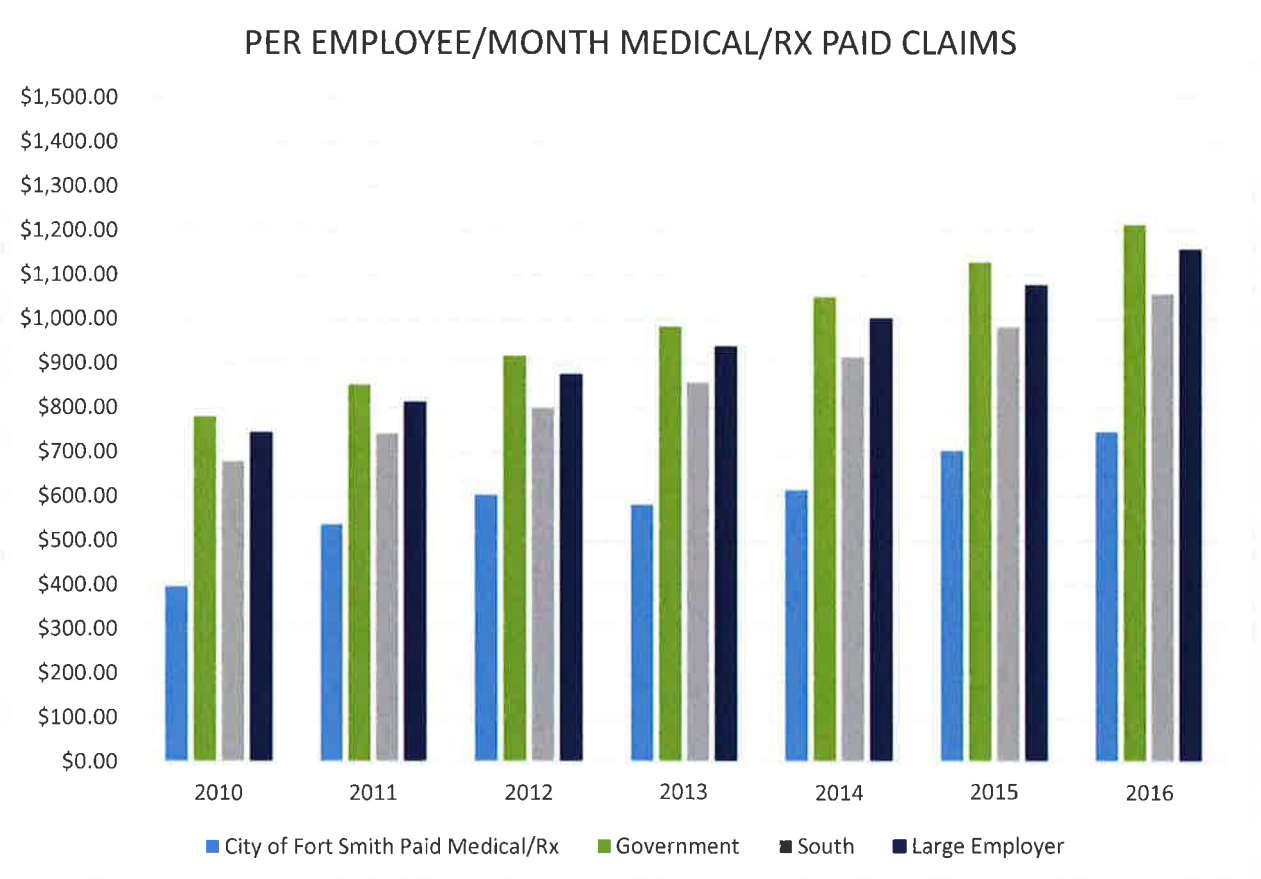
The following table presents data elements described above. Actual paid medical claim data is presented for Plan Years 2010 through 2014. Medical plan costs are projected for Plan Years 2015 and 2016:

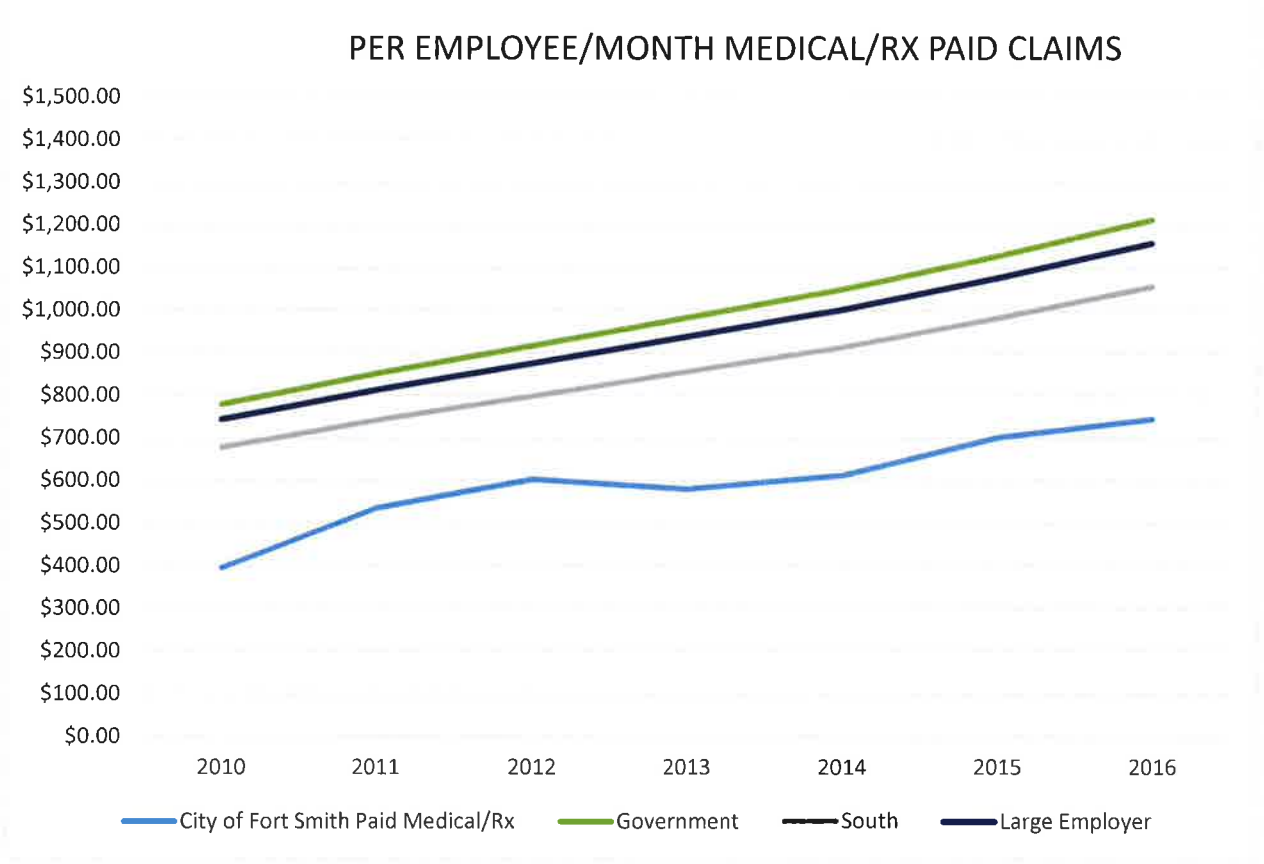
TOTAL MEDICAL/RX PAID CLAIMS				
Plan Year	City of Fort Smith Paid Medical/Rx	Bench Marking Data		
		Government	South	Large Employer
2010	$4,243,669	$8,354,292	$7,275,506	$7,975,456
2011	$5,681,466	$9,031,667	$7,865,412	$8,622,115
2012	$6,421,372	$9,763,965	$8,503,148	$9,321,205
2013	$6,232,487	$10,555,638	$9,192,592	$10,076,979
2014	$6,669,787	$11,411,500	$9,937,938	$10,894,031
2015	$7,632,245	$12,267,363	$10,683,283	$11,711,084
2016	$8,104,192	$13,187,415	$11,484,529	$12,589,415

PER EMPLOYEE/MONTH MEDICAL/RX PAID CLAIMS				
Plan Year	City of Fort Smith Paid Medical/Rx	Bench Marking Data		
		Government	South	Large Employer
2010	$395.90	$779.39	$678.75	$744.05
2011	$535.63	$851.48	$741.53	$812.87
2012	$602.89	$916.72	$798.34	$875.15
2013	$580.47	$983.11	$856.16	$938.53
2014	$613.31	$1,049.33	$913.83	$1,001.75
2015	$701.82	$1,128.03	$982.37	$1,076.88
2016	$745.21	$1,212.64	$1,056.05	$1,157.65


TOTAL MEDICAL/RX PAID CLAIMS
$14,000,000
$12,000,000
$10,000,000
$8,000,000
$6,000,000
$4,000,000
$2,000,000
$0
2010
2011
2012
2013
2014
2015
2016
City of Fort Smith Paid Medical/Rx
Government
South
Large Employer


TOTAL MEDICAL/RX PAID CLAIMS
$14,000,000
$12,000,000
$10,000,000
$8,000,000
$6,000,000
$4,000,000
$2,000,000
$0
2010
2011
2012
2013
2014
2015
2016
City of Fort Smith Paid Medical/Rx
Government
South
Large Employer


PER EMPLOYEE/MONTH MEDICAL/RX PAID CLAIMS
$1,500.00
$1,400.00
$1,300.00
$1,200.00
$1,100.00
$1,000.00
$900.00
$800.00
$700.00
$600.00
$500.00
$400.00
$300.00
$200.00
$100.00
$0.00
2010
2011
2012
2013
2014
2015
2016
City of Fort Smith Paid Medical/Rx
Government
South
Large Employer



*Based on Meritain and Aetna Book of Business Data
7.5% Medical/Rx Trend for 2015-16 projections
Stop Loss reimbursements projected to increase by 15% for 2015-16
and estimated at 50% of stop loss premium

This analysis is for illustrative purposes only, and is not a guarantee of future expenses, claims costs, managed care savings, etc. There are many variables that can affect future health care costs including utilization patterns, catastrophic claims, changes in plan design, health care trend increases, etc. This analysis does not amend, extend, or alter the coverage provided by the actual insurance policies and contracts. Please see your policy or contact us for specific information or further details in this regard.

ATTACHMENT 5

City of Fort Smith, AR

Richard Jones
HUMAN RESOURCES DIRECTOR

Participation High in Incentive Program

The city of Fort Smith, AR, under the guidance of Human Resources Director Richard Jones, M.A., strongly believes in a proactive approach to health care.

The organization has designed cutting-edge benefit strategies that focus on preventive care and motivating its employees to take an active interest in their health and wellness. City leaders have shown dedication to this objective, creating forward-looking, multiyear strategies to meet their goals. One example is the clinical health risk assessments (CHRA), coupled with disease management and health and wellness programs that the city introduced more than six years ago.

While participation rates in the CHRAs have been high, active participation among at-risk members identified by the CHRAs in the available care management programs was not at a level desired by city leadership. After careful thought and consideration, Jones and the city approached UMR, its third party administrator, with an incentive program built around five key biometric measurements: body mass index (BMI), blood pressure, glucose (diabetes), LDL (cholesterol), and a nicotine test (nonsmoking).

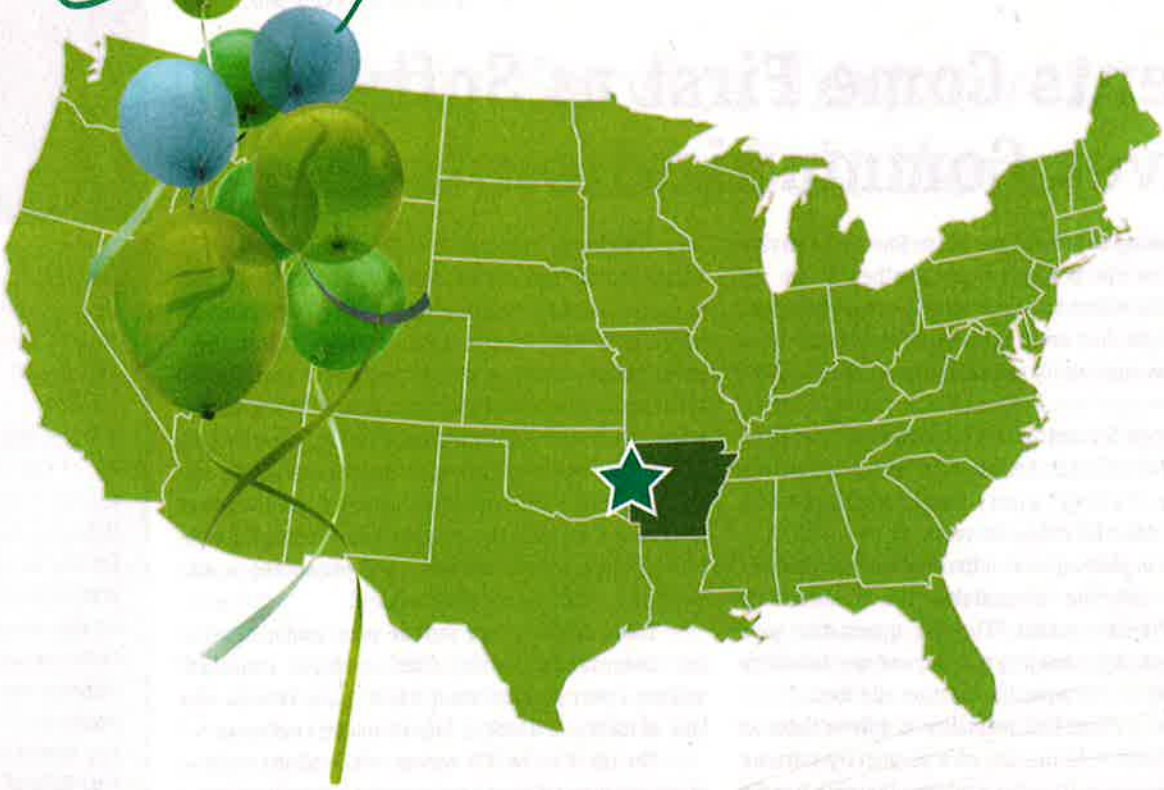
To encourage savvy consumerism and assist members in making a stronger connection between health and wellness, the city also introduced a health reimbursement account (HRA) program in place of a traditional PPO, which included a deductible potentially three times as high as the previous plan design level. The key to the program, however, was the potential for plan members to reduce their financial exposure (deductible) back to the previous level by earning incentive dollars surrounding each of the biometric measurements.

"The buy-in by senior leadership was easy. I explained that the only way you can begin to get your arms around the cost of health care is to change those behaviors that are detrimental to the health of our employees and their families," Jones said. "Initial employee buy-in was accomplished by asking employees in a survey if they would participate in wellness for an incentive or would they prefer to pay more. Approximately 65% said they would participate for some financial incentive."

For the initial program rollout, the health goals weren't set so high as to seem unobtainable. For example, while a body mass index of 25 is considered overweight and 30 considered obese, the BMI goal was set at 32. A dispute process was also put in place whereby members could obtain a letter from their physician requesting a medical exception. Exceptions are also made for people with known, diagnosed disabilities. The program isn't limited to employees, as spouses are required to provide lab work in order for a family to receive any dollars for their HRA. Even if a spouse or employee fails the biometric tests, the other adult member can still earn incentive dollars. If both meet the biometric standards, they have the further motivation of doubling their incentive dollars. Children are exempt and continue to receive full care at the previous lower deductible regardless of how their parents perform in the incentive program. New employees are also allowed to immediately participate in the program by submitting lab results from a physician they may have already visited.

Organization: City of Fort Smith, Arkansas
Headquarters: Fort Smith, AR
Website: www.FortSmithAR.gov
No. of employees: 860 with 1,808 enrolled members
Nature of business: The city of Fort Smith provides a full range of municipal services including public safety, construction and maintenance of streets and other infrastructure, parks and recreation facilities, water and sewer services, solid waste collection and disposal, public transportation, and administrative services to more than 80,000 residents and a workforce of more than 150,000 by day.
Key executives:
C. Ray Baker Jr., *mayor*
Dennis Kelly, *city administrator*
Ray Gosack, *deputy city administrator*
Richard Jones, *director of Human Resources*
Kevin Lindsey, *police chief*
Mike Richards, *fire chief*
Key solution providers:
UMR, *medical administration, dental administration, COBRA, utilization management, case management, health and wellness, disease management, stop loss, flexible spending account, health reimbursement account, retiree administration*
Employers Health Coalition, *provider network*
Sparks Health System, *health system*
IMWell Health, *employer clinic*
Catalyst Rx, *prescription benefits manager*

Congratulations...



to the City of Fort Smith, Arkansas – a 2010 CDHC Solutions Superstar – and to Richard Jones, one of the most innovative benefits leaders we know!

It's really no surprise that a progressive municipality like the City of Fort Smith would be creative and dedicated to helping their team members make a strong connection between health and wealth. We're proud to continue partnering with the City of Fort Smith and our other clients in designing relevant and successful programs to encourage health care consumerism.

UMR℠

A UnitedHealthcare Company

© 2010 United HealthCare Services, Inc. 08-10
No part of this document may be reproduced without permission.

From the publishers of *EmployersWeb.com* and *CDHC Solutions* magazines

solutions

www.cdhcsolutionsmag.com www.employersweb.com Superstars 2010 VOL 6 NO. 6 $7 USA

SUPERSTARS
2010 AWARD WINNERS

Profiles of 40 winners, including
Cigna HealthCare
Land O'Lakes
Saint-Gobain Corp.
Lowe's Companies Inc.

and top executives

Harris H. Simmons, Zions Bancorporation
Jacqueline B. Kosecoff, Prescription Solutions
David B. Snow Jr., Medco Health Solutions Inc.
Eric Remjeske, Devenir

Plus: URAC 2010 Best Practices in Health Care Consumer Empowerment and Protection Awards
National Business Group on Health 'Healthy Lifestyles' Awards

EMPLOYERS' CHOICE RX

The PBM Built by Employers for Employers

Employers Choice Rx (ECRx) has the expertise to manage complex and confusing pharmacy benefits by utilizing a transparent pass-through model of payment. Coupled with a sophisticated but reasoned formulary methodology, a national network of 66,000 pharmacies, and a Best Value narrow network offering you and your employees lower pricing, ECRx offers todays leading-edge PBM design to your company.

We divide responsibilities, creating an effective checks and balances system to avoid price gouging and confirm program goals are aligned to you, the employer, rather than the drug companies and vendors.

Additionally, our independent non-profit status insulates us from outside special interests and influences, allowing us the flexibility and leverage to meet your needs.

ECRx saves your company and employees money through our value-based benefit plan design:

- USING A FORMULARY MANAGEMENT STRATEGY TO ENSURE PARTICIPANTS RECEIVE THE MOST EFFECTIVE TREATMENT AVAILABLE WHILE LOWERING THEIR CO-PAY AND PLAN COSTS.
- NEGOTIATING PRESCRIPTION DRUG VOLUME DISCOUNTS THROUGH OUR NATIONWIDE NETWORK OF OVER 66,000 PHARMACIES.
- OFFERING OUR BEST VALUE ALIGN NETWORK, A SECONDARY PRESCRIPTION DRUG OPTION WITH EVEN DEEPER NEGOTIATED DISCOUNTS FOR YOU AND YOUR EMPLOYEES.
- PROVIDING DRUG COST VISIBILITY AND ELIMINATING OR REDUCING RETAIL MARKUP WHEREVER POSSIBLE.
- PASS THROUGH OF ALL REBATES
- ACCURATE AND FAST CLAIM ADMINISTRATION.

Join Us

ECRx is a truly transparent PBM, developed by employers for employers. We do what is best for employees while maintaining value for you. Join ECRx today and discover the benefits of a value-based PBM. We measure our success by your bottom line.

EMPLOYERS'
CHOICE Rx

OUR HISTORY

A Coalition Formed by Employers for Employers

Manufacturing Executive Association (MEA), a group of Fort Smith, Arkansas manufacturers, faced with double-digit healthcare cost increases, formed a committee to meet with healthcare providers to address the situation.

Out of that committee Employers' Health Coalition was formed. While EHC employers were not healthcare experts, they were experts at evaluating problems and finding solutions. The problem was simple, unprecedented healthcare cost increases. The solution was complex.

What began as the development of a low cost hospital and physician network has grown into a nationally recognized voice for employers advocating value and innovation in healthcare by way of these Key Actions:

- REPRESENTING EMPLOYERS IN NEGOTIATIONS FOR THE HIGHEST QUALITY HEALTHCARE AT THE LOWEST POSSIBLE COST
- PROMOTING TRANSPARENCY IN HEALTHCARE COSTS AND QUALITY
- PROVIDING EDUCATIONAL OPPORTUNITIES ACROSS ALL LEVELS OF COALITION MEMBERSHIP
- PROVIDING A VEHICLE FOR EMPLOYERS TO EXCHANGE IDEAS & INFORMATION ABOUT HEALTHCARE

Employers' Health Coalition (EHC), is a one-of-a-kind, value-based, transparent hospital and physician network for Arkansas employers. EHC is a healthcare organization specifically created by employers, for employers.

Today we save our employers millions of dollars annually through strategic provider negotiations coupled with an unyielding demand for value-based, high-quality healthcare. EHC, a non-profit 501(c)(4) organization, continues our mission to establish and promote programs and activities designed to strengthen employer provided healthcare.

In 2010, applying the knowledge, skills and abilities developed in over 20 years of experience, EHC formed the first of its kind, employer developed transparent PBM, Employers' Choice Rx (ECRx). If you would like to know more about our coalition please visit ehcark.org.

EMPLOYERS'
CHOICE Rx

ALIGN

Prescription drug costs are out of control

Prescription drug prices rose at twice the rate of inflation in 2012, and are predicted to increase at a faster rate in the coming years as:

GENERICS REACH SATURATION
MORE SPECIALTY DRUGS BECOME THE NORM
THE NUMBER OF PEOPLE WHO RELY ON MEDICATIONS TO KEEP THEM HEALTHY CONTINUES TO RISE

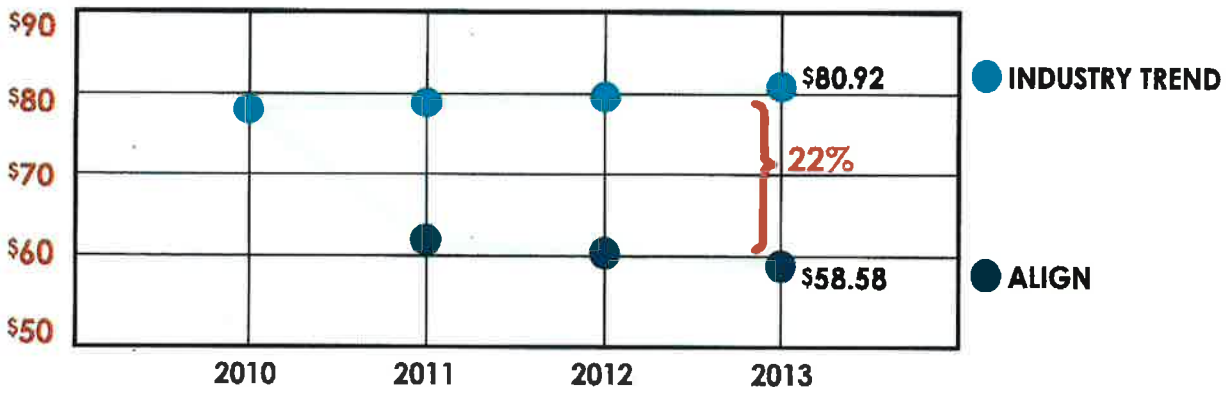
So how can employers manage escalating Pharmacy Benefits Management (PBM) costs, yet satisfy the growing needs of their plan members?

Align by ECRx keeps costs under control

Align gives you unprecedented control over the cost and complexity of pharmacy benefits management — up to $40,000 in savings for every 100 employees.

Align is ECRx's preferred pharmacy network, and it's designed to reduce prescription costs for both employers and members. The Align network of more than 20,000 pharmacies nationwide delivers costs consistently lower than other network models — 20% lower in 2012.

Compared to traditional PBM's, Align significantly lowers your per member/per month cost of presctiption medications.



Source: Industry Trend Report Average, 2013

EMPLOYERS' CHOICE Rx

The Preferred Network Experts

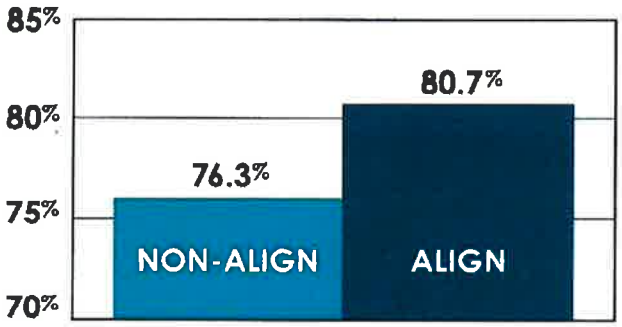
How can you make a significant contribution to the bottom line without sacrifices such as disruptions in benefits or compromised care?

MAKE THE CHANGE TO ALIGN BY ECRx. WE OFFER:

Value

We negotiate the best possible rates with network pharmacies and eliminate excess fees, charges and expenses. If we get a rebate, we pass 100% along to you. Our only source of income is our quoted administrative or clinical fees.

ALIGN SAVES $16 PER PRESCRIPTION, OR $200 FOR EACH MEMBER EVERY YEAR.*



Source: Align Insights Report, 2013. Based on - 100,000 member lives; including Specialty Pharmacy
**Based on 12 prescriptions per year*

Choice

Unlike other network models, Align by ECRx isn't limited, which means members can switch without any restrictions or disruptions. Across the nation, there are more than 65,000 pharmacies, and members have access to each and every one of them. Members don't have to change pharmacies. They can continue using their current pharmacies, or they can choose to save even more with an Align pharmacy.

If members choose an Align pharmacy, we make it easy to fill prescriptions. With more than 20,000 Align pharmacies across the nation, you'll find one or more within a five-mile radius of where you live or work. Choices include independent, regional and national retailers (including Walmart® and Target.®)

On average, 1 in 3 Pharmacies is an Align Pharmacy.

Join Us

ECRx is a truly transparent PBM, developed by employers for employers. We do what is best for employees while maintaining value for you. Join ECRx today and discover the benefits of a value-based PBM. We measure our success by your bottom line.

EMPLOYERS'
CHOICE Rx

5

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE 2015 BUDGET

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

SECTION1: There is hereby authorized an amendment to the 2015 Budget for the addition of a Safety & Risk Manager position within the Human Resources Department. Funding for the position will be provided by the 2015 Budget appropriations for the purchase of property and casualty coverage which were $100,000 less than anticipated.

Passed and approved this _____ Day of _____, 2015.

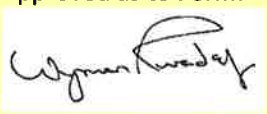
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to Form:



_____
City Attorney

MEMORANDUM

TO: **Ray Gosack, City Administrator**

FROM: Richard B. Jones, Director of Human Resources

DATE: April 16, 2015

SUBJECT: **Safety & Risk Manager Position**

As requested by the Board of Directors, I have prepared a position description and an estimate of the cost for this position. Assuming this position is filled for half the year beginning July 1, 2015 the cost for this year would be $70,100 and $102,250 for 2016.

	2015	2016
Salary & Benefits	**$44,000**	**$92,000**
Operating Expenses	**$6,100**	**$10,250**
Capital Outlay	**$20,000**	**$0**
Total	**$70,100**	**$102,250**

This year's insurance renewal with Travelers for property and casualty coverage was approximately $100,000 less than what was included in the 2015 budget. The savings will cover the cost of this position.

I recommend the addition of this position.

Please Post on Bulletin Boards at Designated Location

Job Title: **Safety & Risk Manager**

Vacancy is in: **Human Resources/Administration**

Salary: **$2,128.00/bw Min to $3,347.20/bw Max**

Grade: **17**

APPLICATION PROCEDURE:
Any employee who desires to be considered an applicant on the above job vacancy must submit their resume, along with a transfer request, to:

Human Resources by no later than _____

Position will remain posted until filled, however, consideration cannot be guaranteed after the closing date.

Job Description:
The incumbent, under the guidance of the Director of Human Resources, manages the City's safety and prevention programs to minimize the city's risk and to ensure compliance with federal, state, and local laws and regulations, and City policies and procedures.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.
Note: All City of Fort Smith positions require the employee to provide good customer service to both internal and external customers, maintain positive and effective working relationships with other City employees, and have regular and reliable attendance that is non-disruptive. Must show cooperation and respect to fellow employees and supervisors at all times.

1. Must possess unique communication skills in dealing with all levels of employees, insurance brokers, representatives of regulatory agencies and public.

2. Work with department heads, supervisors and employees throughout the City (recognizing formal and informal organizational and functioning structures) in establishing, improving and implementing safety insurance programs and training with respect to Federal, State and City workplace regulations.

3. Responsible for maintaining interactive communication about safety with department heads and supervisors and designing programs which reinforce safety.

4. Create systems which provide for compliance with Federal and State regulations with respect to hazardous materials, electrical, lockout/tagout, hearing protection, eye protection, confined space and other workplace hazards or safety items and maintain training records.

5. Provide written programs and training for the end-users of chemicals as to safe handling and storage, including the disposal of hazardous materials.

6. Review accident reports for employees' injuries in the workplace, formulate statistics regarding injuries, place of occurrence and number of injuries and make recommendations for preventative measures.

7. Prepare materials required by the Board of Directors to approve new or renewed agreements for Workers' Compensation, property and casualty, risk management, and related programs.

8. Prepare proposal specifications for Workers' Compensation and property and casualty services; analyze proposals to determine award based on cost, coverage levels, compliance with specifications, and the

quality of service provided.

9. Supervise the development of safety procedures for use by City employees; review reports regarding methods of reducing the costs and number of accidents and ensuring compliance with State law regarding Hazard Communication; review reports of work site inspections for safety violations, including recommended corrective measures.

10. Review and authorize settlement of Workers' Compensation and property and casualty claims when proposed settlements exceed the authorization limit set for the Workers' Compensation and property and casualty service company; review of questionable Workers' Compensation and property and casualty claims including notification to department directors of unsafe conditions and acts.

11. Compile annual budget figures for Workers' Compensation, and property and casualty programs; review property schedules and approve the payment of invoices which relate to these programs.

12. Prepare special reports regarding Workers' Compensation, property and casualty and loss control programs for use by Director of Human Resources and the City Administrator; present Workers' Compensation, property and casualty and loss control information to covered City agencies and commissions as required.

13. Advise City department managers regarding insurance/risk management programs.

14. Develop and draft special programs/plans in response to risk management issues; recommend new or required policies or procedures as required to address risk management issues.

15. Regular attendance and timeliness is required.

Supervisory Responsibilities:
Carry out supervisory level responsibilities through the continual coordination, assessment, interviewing and training with the City's department heads, supervisors and employees to determine function and effectiveness of employee safety programs. Must be able to organize, direct and coordinate activities of employees to assure compliance with safety programs. Responsibilities include addressing complaints, performing independent reviews, providing reports and resolving problems relating to accidents and safety needs within the workplace.

Qualification Requirements:
To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience:
Must have a Bachelor's Degree or the equivalent education, training and experience in a related field. Excellent communication and interpersonal skills are also required. Requires broad knowledge and training in planning, organizing and implementing routine tasks and special projects. Previous experience in municipal government or similar environment is necessary and experience in industrial hygiene is desired. The incumbent should have knowledge of modern office practices, procedures and equipment.

Other Skills and Abilities:
The incumbent should possess knowledge of the use of tools and equipment in the department. The incumbent must have good verbal and written communications skills as well as good organizational skills. Problem solving, and analytical ability are required to perform the duties of this position. Excellent communication and interpersonal skills are also required. The incumbent should have knowledge of modern office practices, procedures, and equipment.

Physical Demands:
The physical demands described here are representative of those that must be met by an employee to successfully

perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee must occasionally, stand, walk, talk and hear. Frequently sit and use hands to finger, handle or feel. The incumbent must also stoop, kneel, crouch, climb, balance, or crawl. The sense of smell is also necessary. Specific vision abilities required by this job include close, color, distance and peripheral vision. Depth perception and the ability to adjust focus are also necessary.

The employee is occasionally required to lift up to 25 pounds.

Work Environment:
The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this position the incumbent is exposed to outdoor weather conditions, works near moving mechanical parts and is exposed to fumes or airborne particles, toxic or caustic chemicals. The incumbent works in precarious places and is at risk of electrical shock or vibration. The incumbent is also exposed to non-weather related wet, humid conditions.

The noise level in the work environment is usually moderate.

6A.

RESOLUTION_____

A RESOLUTION AUTHORIZING THE WAIVER AND REIMBURSEMENT OF BUILDING PERMIT FEES FOR THE GREATER FORT SMITH ASSOCIATION OF HOME BUILDERS SHOWCASE HOME AT 12406 NORWICH STREET

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

The building permit fees for the Showcase Home being constructed at 12406 Norwich Street, in the amount of $412.50 are hereby waived and the City Administrator is authorized to reimburse the Greater Fort Smith Association of Home Builders for the building permit fees.

This resolution adopted this _____day of May 2015.

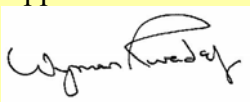
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:



_____
City Attorney
No Publication Required

MEMORANDUM

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: April 29, 2015
Subject: Building Permit Fees for Show Case Home

The Greater Fort Smith Association of Home Builders (GFSAHB) has submitted a request for the City of Fort Smith to donate or waive the building permit fees for the construction of the Show Case Home being constructed at 12406 Norwich Street.

The Show Case Home is constructed largely from contributions from contractors and suppliers. The proceeds from the sale of the home are used to promote residential construction in the greater Fort Smith area and to provide scholarships to area students. The City of Fort Smith has historically participated in the Show Case Home project by donating/waiving the building permit fee.

The supervising builder for the Show Case Home is Robberson Custom Homes, Inc. Robberson Custom Homes previously obtained a building permit and paid the building permit fees in the amount of $412.50. Robberson Custom Homes then invoiced the GFSAHB for the building permit fees.

To accomplish the request of the GFSAHB, the Board of Directors will need to approve a resolution approving the donation/waiver of the building permit fees and the reimbursement of the previously paid building permit fees.

A resolution has been prepared for the Board of Director's consideration.

Please contact me if you have any questions.

GREATER FORT SMITH ASSOCIATION OF
HOME BUILDERS

April 8, 2015

City of Fort Smith

Building Permit

P.O. Box 1908

Fort Smith, AR 72902

To whom it may concern:

The Greater Fort Smith Association of Home Builder's 26th annual Show Case Home is currently under construction. In efforts to control costs, to further promote residential construction in the greater Fort Smith area and provide scholarships to area students; we are requesting a donation of the building permit cost in the amount of $512.50. We appreciate your generous contribution to our organization and our efforts.

Respectfully,

Stephanie Stipins

Stephanie Stipins

Executive Director

479-452-6213 • 5111 Rogers Ave. Central Plaza, Suite 531 • Fort Smith, AR 72903 • FortSmithHomeBuilders.com

CITY OF FORT SMITH
COLLECTIONS DEPARTMENT

PO BOX 1908
623 GARRISON AVE.
FORT SMITH, AR 72902

ACCOUNT NUMBER

RECEIPT NUMBER: 2484758

DATE: 03/17/2015

TOTAL: $******512.50

RECEIVED FROM:

ROBBERSON CUSTOM HOMES INC
RR TO CRYSTAL

PAID BY: CHECK $******512.50 CHECK NO. 4782

COMMENTS: 12406 NORWICH ST
NEW SINGLE FAMILY

1500344	3423-000-0101	BUILDING PERMITS	GENERAL FUND	412.50
	3426-000-0101	PERMIT ASSESSMEN	GENERAL FUND	100.00

CLERK # GDCAULK

DOC. # 32500

6B.

ORDINANCE NO. _____

AN ORDINANCE TO ABANDON
A PUBLIC UTILITY EASEMENT
LOCATED IN FIANNA HEIGHTS, LOTS 1257, 1266, 1267-A AND 1267-B
AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

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

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

Fianna Heights, Lot 1257

Abandonment of an existing 15.00 foot Utility Easement on the South line of Lot 1257, Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Southwest Corner of Lot 1257. Thence along the West line of said Lot 1257, North 03 degrees 34 minutes 04 seconds East, 15.00 feet. Thence leaving said West line, South 86 degrees 23 minutes 52 seconds East, 276.81 feet. Thence South 38 degrees 57 minutes 03 seconds West, 18.39 feet to the South line of Lot 1257. Thence along the South line of said Lot 1257, North 86 degrees 23 minutes 52 seconds West, 266.16 feet to Point of Beginning.

Fianna Heights, Lot 1266

Abandonment of an existing 15.00 foot Utility Easement on the South line of Lot 1266, Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Commencing at a set rebar with cap marking the Southeast Corner of Lot 1266. Thence along the South line of said Lot 1266, North 86 degrees 23 minutes 47 seconds West, 7.50 feet to the Point of Beginning. Thence continue along said South line, North 86 degrees 23 minutes 47 seconds West, 986.46 feet. Thence leaving said South line, North 04 degrees 16 minutes 46 seconds East, 15.00 feet. Thence South 86 degrees 23 minutes 47 seconds East, 986.46 feet. Thence South 03 degrees 23 minutes 56 seconds West, 15.00 feet to the Point of Beginning.

LOT 1267-A and Lot 1267-B

Abandonment of an existing 15.00 foot Utility Easement on the South line of Lots 1267-A and 1267-B of Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Commencing at an existing iron pin marking the Southeast Corner of Lot 1267-B. Thence along the South line of said Lot 1267-B, North 86 degrees 25 minutes 07 seconds West, 15.00 feet to the Point of Beginning. Thence continue along the South line of said Lot 1267-B and the South line of Lot 1267-A, North 86 degrees 25 minutes 07 seconds West, 961.58 feet. Thence leaving said South line of said Lot 1267-A, North 38 degrees 57 minutes 03 seconds East, 18.40 feet. Thence South 86 degrees 25 minutes 07 seconds East, 951.03 feet. Thence South 03 degrees 59 minutes 09 seconds West, 15.00 feet to the Point of Beginning.

The public utility easement being released, vacated and abandoned is no longer required for municipal corporate purposes.

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

PASSED AND APPROVED THIS _____ DAY OF MAY 2015.

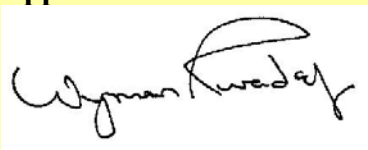
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



No publication required

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: 4/30/2015

Re: Request to Abandon Public Utility Easement
Fianna Heights, Lots 1257, 1266, 1267-A, and 1267-B

The City is in receipt of the enclosed request from Phillip A. Jackson to abandon 15' public utility easements located in Fianna Heights, Lot 1257, Lot 1266 and Lots 1267-A and 1267-B. Mr. Jackson owns Lot 1257 and has been authorized by David Mille (Lot 1266) and Scott Campbell (Lots 1267-A & 1267-B) to act as their agent. Please see the enclosed vicinity map for the location of the lots. The proposed easement abandonments are shown as the hatched areas on Exhibits A, B, and C.

Phillip A. Jackson	10709 Castleton Street	Lot 1257	Exhibit A
David Mille	10500 Seven Oaks Rd	Lot 1266	Exhibit B
Scott Campbell	3408 Ramsgate Way	Lot 1267 A&B	Exhibit C

The proposed easement abandonment on Mr. Jackson's property, Lot 1257, will facilitate the construction of a detached garage. This easement is currently utilized by Arkansas Valley Electric. However, Mr. Jackson has agreed to incur the costs of relocating the utilities and dedicate a new easement. There are no existing utilities within the easements proposed for abandonment on lots 1266, 1267-A and 1267-B. Arkansas Valley Electric has no objection to abandonment of any of the easements.

There are no objections to the request from City departments and other franchise utility companies. Enclosed for the Board's consideration is an ordinance authorizing the abandonment of the easements.

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

Enc.

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC UTILITY EASEMENT

APPLICATION:

Indicate one contact person for application: _____ Applicant X Representative

Applicant (owner)

Name: See attached

Address: See attached

Telephone Number: See attached

E-Mail: _____

Representative (engineer, attorney, realtor, etc)

Name: Phillip A. Jackson

Address: 5401 Rogers Ave
Ste 202
Fort Smith, AR 72903

Telephone Number: 479-459-5814

E-Mail: andrew_jackson@ajg.com

Site Address/Location: See Attached

Legal Description of easement(s) to be vacated: (attach separate sheet if necessary):

Reason for Request: See attached

Current Status of Easement(s): See attached

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

Name: (printed) Phillip A. Jackson

Signature: _____ Date: 4-22-15

Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.* **Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.**

ATTACHMENT TO CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC UTILITY EASEMENT

Applicant Information:

Lot 1257, Fianna Heights to the City of Fort Smith, Arkansas
Andrew Jackson
10709 Castleton Street
Fort Smith, AR 72908

Lot 1266, Fianna Heights to the City of Fort Smith, Arkansas
David Mille
10500 Seven Oaks
Fort Smith, AR 72908

Lot 1267, Fianna Heights to the City of Fort Smith, Arkansas
Scott Campbell
??
Fort Smith, AR 72908

Reason for Request: To the knowledge of each applicant, the only public utility using the easements subject to this request is Arkansas Valley Electric, which currently uses the easement attached to Lot 1257, Fianna Heights to the City of Fort Smith, Arkansas. That particular lot owner has contacted Arkansas Valley Electric and it has advised the lot owner that it does not intend on expanding the use of the easement. All applicants have contacted the other public utilities, including Arkansas Valley Electric, and all have indicated they do not have any future plans to use the easements at issue.

Current Status of Easement(s): Lot 1257, Fianna Heights to the City of Fort Smith, Arkansas/Arkansas Valley Electric currently has a transformer and service line located in the easement associated with Lot 1257. Applicant, the owner of Lot 1257, has agreed to incur the cost to relocate the transformer and service line to the part of the easement which is located south of the existing southernmost lot line of Lot 1257.

AUTHORIZATION OF AGENT

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

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

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. ANDREW JACKSON 10709 Castelton Street Fort Smith, AR 72908	
STEVEN D. CAMPBELL 2. ~~SCOTT~~ CAMPBELL 5800 ALMA HIGHWAY VAN BUREN, AR 72956	STEVEN D. CAMPBELL PAPER SOURCE, LTD VP PURCHASING
3. DAVID MILLE	
4.	

AUTHORIZATION OF AGENT

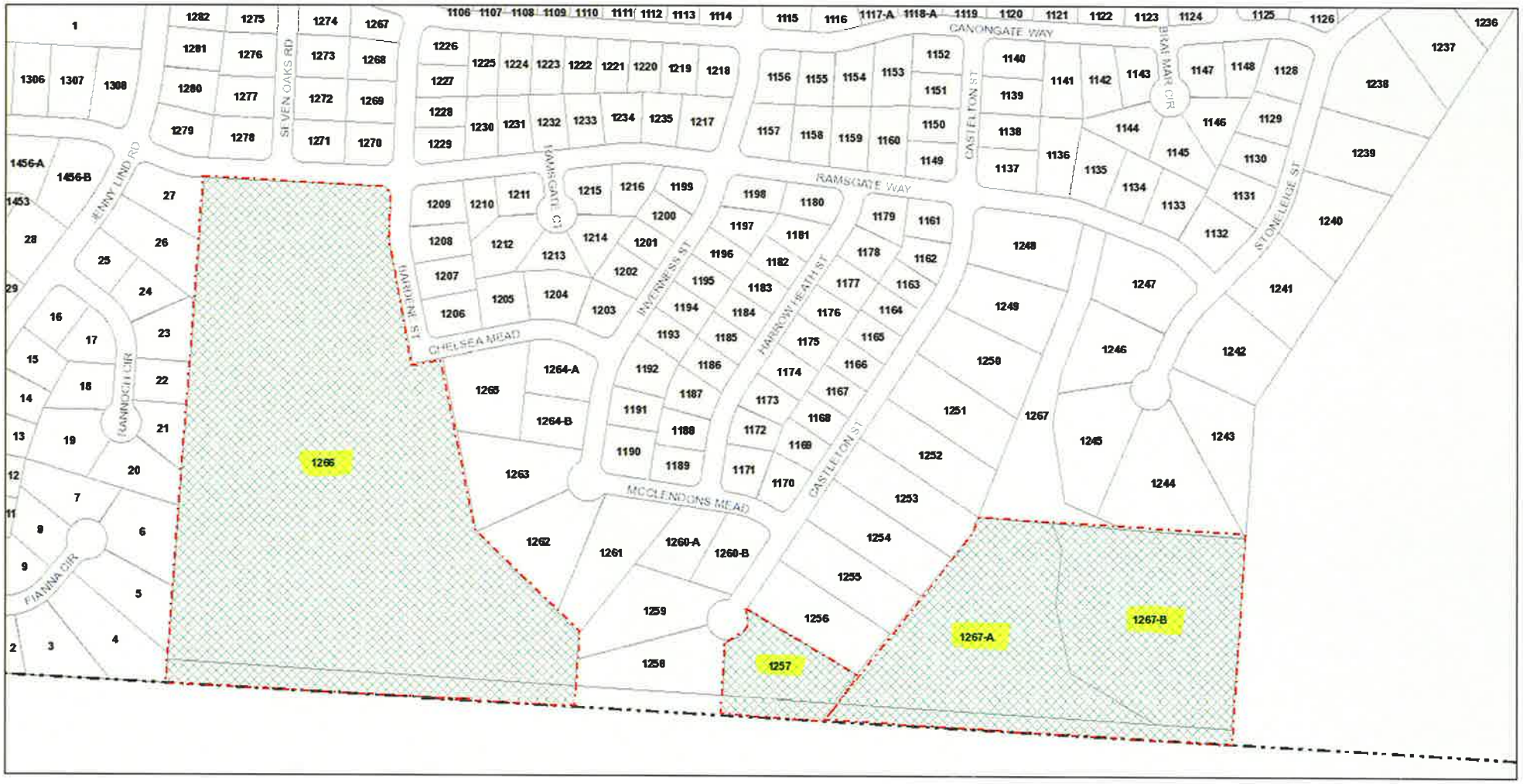
If an agent is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

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

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. ANDREW JACKSON	
2. SCOTT CAMPBELL	
3. DAVID MILLE 10500 Seven Oaks Ft Smith, AR 72908	David J Mille
4.	

Vicinity Map
Fianna Heieghts, Lots 1257, 1266, 1267-A & 1267-B



April 30, 2015

: : Fort Smith City Limts

Subdivisions

1:2,848

0 0.035 0.07 0.14 ft

0 0.05 0.1 0.2 m

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

Exhibit A

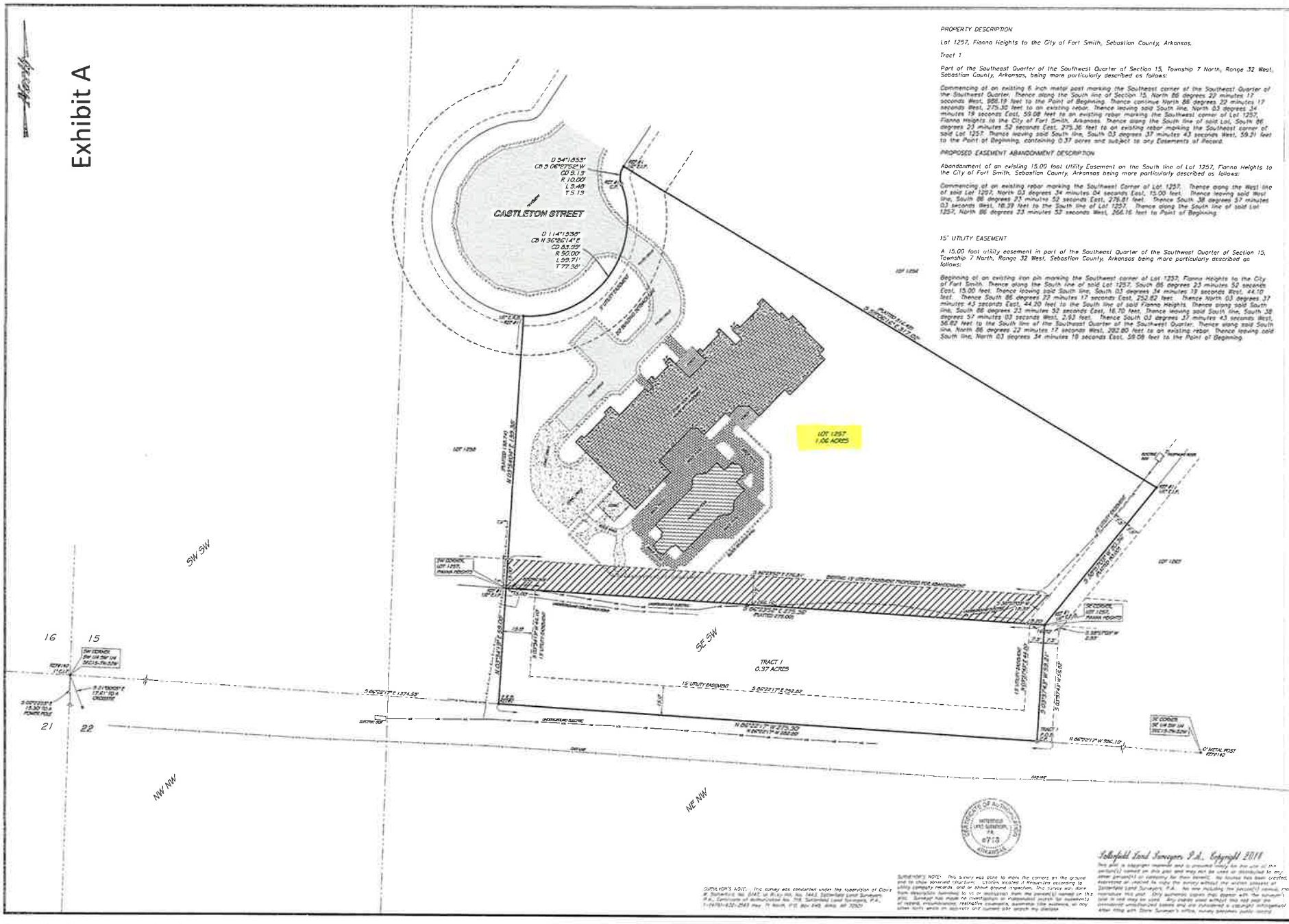
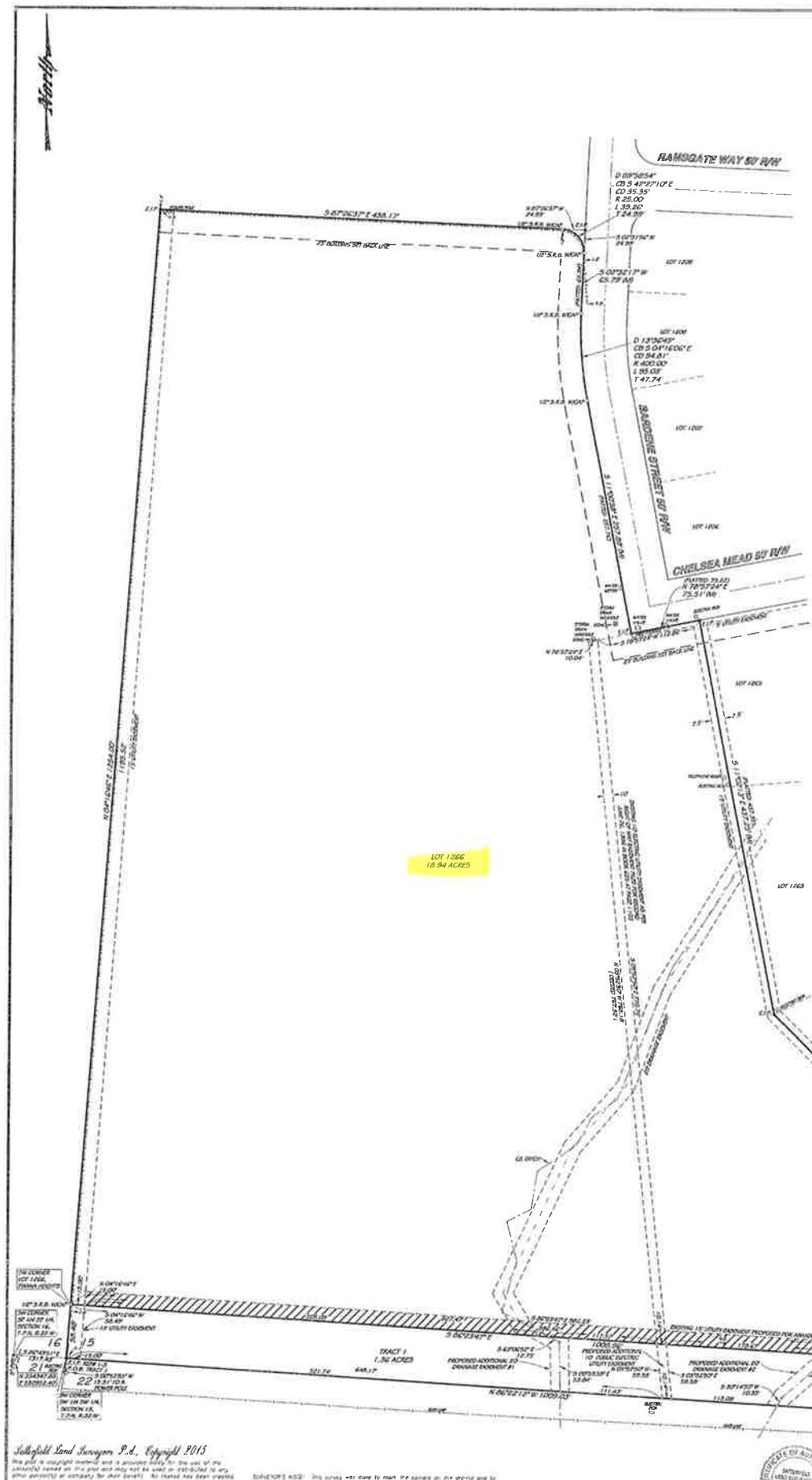

CASTLETON STREET
LOT 1257
1.06 ACRES
TRACT 1
0.37 ACRES
15' UTILITY EASEMENT
SW SW
SE SW
NW NW
NE NW
16
15
21
22
LOT 1254
LOT 1258
LOT 1260
PROPERTY DESCRIPTION
Lot 1257, Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas.
Tract 1
Part of the Southeast Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows:
Commencing at an existing 6 inch metal post marking the Southeast corner of the Southeast Quarter of the Southwest Quarter. Thence along the South line of Section 15, North 86 degrees 22 minutes 17 seconds West, 966.19 feet to the Point of Beginning. Thence continue North 86 degrees 22 minutes 17 seconds West, 275.30 feet to an existing rebar. Thence leaving said South line, North 03 degrees 34 minutes 19 seconds East, 59.08 feet to an existing rebar marking the Southeast corner of Lot 1257, Fianna Heights to the City of Fort Smith, Arkansas. Thence along the South line of said Lot, South 86 degrees 23 minutes 52 seconds East, 275.36 feet to an existing rebar marking the Southeast corner of said Lot 1257. Thence leaving said South line, South 03 degrees 37 minutes 43 seconds West, 59.21 feet to the Point of Beginning, containing 0.37 acres and subject to any Easements of Record.
PROPOSED EASEMENT ABANDONMENT DESCRIPTION
Abandonment of an existing 15.00 foot Utility Easement on the South line of Lot 1257, Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:
Commencing at an existing rebar marking the Southeast Corner of Lot 1257. Thence along the West line of said Lot 1257, North 03 degrees 34 minutes 04 seconds East, 15.00 feet. Thence leaving said West line, South 86 degrees 23 minutes 52 seconds East, 276.81 feet. Thence South 38 degrees 57 minutes 03 seconds West, 18.39 feet to the South line of Lot 1257. Thence along the South line of said Lot 1257, North 86 degrees 23 minutes 52 seconds West, 266.16 feet to Point of Beginning.
15' UTILITY EASEMENT
A 15.00 foot utility easement in part of the Southeast Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:
Beginning at an existing iron pin marking the Southeast corner of Lot 1257, Fianna Heights to the City of Fort Smith. Thence along the South line of said Lot 1257, South 86 degrees 23 minutes 52 seconds East, 15.00 feet. Thence leaving said South line, South 03 degrees 34 minutes 19 seconds West, 44.10 feet. Thence South 86 degrees 22 minutes 17 seconds East, 252.82 feet. Thence North 03 degrees 37 minutes 43 seconds East, 44.20 feet to the South line of said Fianna Heights. Thence along said South line, South 86 degrees 23 minutes 52 seconds East, 18.70 feet. Thence leaving said South line, South 38 degrees 57 minutes 03 seconds West, 2.93 feet. Thence South 03 degrees 37 minutes 43 seconds West, 56.82 feet to the South line of the Southeast Quarter of the Southwest Quarter. Thence along said South line, North 86 degrees 22 minutes 17 seconds West, 282.80 feet to an existing rebar. Thence leaving said South line, North 03 degrees 34 minutes 19 seconds East, 59.08 feet to the Point of Beginning.
SEBASTIAN COUNTY, ARKANSAS
SURVEY
LOT 1257, FIANNA HEIGHTS TO THE CITY OF FORT SMITH, ARKANSAS, AND PART OF THE SE 1/4 SW 1/4, SECTION 15, T-7-N, R-32-W
Tollefield Land Surveyors P.A.
SURVEYOR'S DISCLAIMER AND STATEMENT OF USE
SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show apparent structures. Utilities located if flowlines according to utility company records and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.
Tollefield Land Surveyors P.A. Copyright 2018

Exhibit B



PROPERTY DESCRIPTION

A Replat of Lot 1266 of Fianna Heights Addition to the City of Fort Smith, Sebastian County, Arkansas, containing 18.94 acres and subject to any Easements of Record

TRACT 1

Part of the Southwest Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Beginning on existing iron pin marking the Southwest corner of the Southwest Quarter of the Southwest Quarter. Thence along the West line of said Forty, North 04 degrees 16 minutes 46 seconds East, 58.48 feet to a set rebar with cap marking the Southwest corner of Lot 1266. Thence leaving said West line and along the South line of said Lot 1266, South 86 degrees 23 minutes 47 seconds East, 1,008.96 feet to a set rebar with cap marking the Southeast corner of Lot 1266. Thence South 04 degrees 12 minutes 32 seconds West, 58.92 feet to an existing rebar on the South line of the Southwest Quarter of the Southwest Quarter. Thence along said South line, North 86 degrees 22 minutes 12 seconds West, 1,009.03 feet to the Point of Beginning containing 1.36 acres and subject to any Easements of Record

DRAINAGE EASEMENT DESCRIPTION #1

A 20.00 foot Drainage Easement in part the Southwest Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas, being 10.00 feet each side of a centerline and being more particularly described as follows:

Commencing at an existing iron pin marking the Southwest corner of the Southwest Quarter of the Southwest Quarter. Thence along the West line of said Forty, North 04 degrees 16 minutes 46 seconds East, 58.48 feet to a set rebar with cap marking the Southwest corner of Lot 1266. Thence leaving said West line and along the South line of Said Lot 1266, South 86 degrees 23 minutes 47 seconds East, 520.09 feet to the centerline of an existing ditch and the Point of Beginning. Thence leaving said South line and along the centerline of said ditch the following bearings and distances: South 63 degrees 06 minutes 52 seconds East, 12.75 feet. South 00 degrees 55 minutes 38 seconds East, 53.84 feet to the South line of the Southwest Quarter of the Southwest Quarter and the Point of Termination.

DRAINAGE EASEMENT DESCRIPTION #2

A 20.00 foot Drainage Easement in part the Southwest Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas, being 10.00 feet each side of a centerline and being more particularly described as follows:

Commencing at an existing iron pin marking the Southwest corner of the Southwest Quarter of the Southwest Quarter. Thence along the West line of said Forty, North 04 degrees 16 minutes 46 seconds East, 58.48 feet to a set rebar with cap marking the Southwest corner of Lot 1266. Thence leaving said West line and along the South line of Said Lot 1266, South 86 degrees 23 minutes 47 seconds East, 827.47 feet to the centerline of an existing ditch and the Point of Beginning. Thence leaving said South line and along the centerline of said ditch the following bearings and distances: South 43 degrees 53 minutes 40 seconds West, 70.49 feet. South 30 degrees 16 minutes 30 seconds West, 10.35 feet to the South line of the Southwest Quarter of the Southwest Quarter and the Point of Termination.

PROPOSED EASEMENT ABANDONMENT DESCRIPTION

Abandonment of an existing 15.00 foot Utility Easement on the South line of Lot 1266, Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Commencing at a set rebar with cap marking the Southeast Corner of Lot 1266. Thence along the South line of said Lot 1266, North 86 degrees 23 minutes 47 seconds West, 7.50 feet to the Point of Beginning. Thence continue along said South line, North 86 degrees 23 minutes 47 seconds West, 986.46 feet. Thence leaving said South line, North 04 degrees 16 minutes 46 seconds East, 15.00 feet. Thence South 86 degrees 23 minutes 47 seconds East, 986.46 feet. Thence South 03 degrees 23 minutes 56 seconds West, 15.00 feet to the Point of Beginning

15' UTILITY EASEMENT

A 15.00 foot utility easement in part of the Southwest Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing iron pin marking the Southwest corner of the Southwest Quarter of the Southwest Quarter. Thence along the West line of said Forty, North 04 degrees 16 minutes 46 seconds East, 58.48 feet to a set rebar with cap marking the Southwest corner of Lot 1266, Fianna Heights, to the City of Fort Smith. Thence leaving said West line and along the South line of said Lot 1266, South 86 degrees 23 minutes 47 seconds East, 15.00 feet. Thence leaving said South line, South 04 degrees 16 minutes 46 seconds West, 58.49 feet to the South line of the Southwest Quarter of the Southwest Quarter. Thence along said South line, North 86 degrees 22 minutes 12 seconds West, 15.00 feet to the Point of Beginning

10' PUBLIC ELECTRIC UTILITY EASEMENT

A 10.00 foot Public Electric Utility Easement in part of the Southwest Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Commencing at an existing iron pin marking the Southwest Corner of the Southwest Quarter of the Southwest Quarter. Thence along the South line of said Forty, North 86 degrees 22 minutes 17 seconds East, 648.17 feet to the Point of Beginning. Thence leaving said South line, North 05 degrees 52 minutes 50 seconds West, 59.58 feet to the South line of Lot 1266, Fianna Heights Addition. Thence along the South line of said Lot 1266, South 86 degrees 23 minutes 47 seconds East, 10.14 feet. Thence leaving said South line, South 05 degrees 52 minutes 50 seconds East, 59.58 feet to the South line of the Southwest Quarter of the Southwest Quarter. Thence along the South line of said Forty, North 86 degrees 22 minutes 17 seconds West, 10.14 feet to the Point of Beginning.

Sallerfield Land Surveyors P.A., Copyright 2015

SURVEYOR'S DISCLAIMER AND STATEMENT OF USE

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

A REPLAT OF LOT 1266 FIANNA HEIGHTS ADDITION TO THE CITY OF FORT SMITH, ARKANSAS AND PART OF THE SW 1/4 SW 1/4, SECTION 15, T-7-N, R-32-W

FOR USE ON: DAVE VALLE

Sallerfield Land Surveyors P.A.

PROPERTY DESCRIPTION

Lots 1267, 1267-A and 1267-B of Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas, containing 10.64 acres and subject to any Easements of Record.

Tract 1

Part of the Southeast Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing 6 inch metal post marking the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the South line of said Forty, North 86 degrees 22 minutes 17 seconds West, 986.19 feet to a set rebar with cap. Thence leaving said South line, North 03 degrees 37 minutes 43 seconds East, 59.21 feet to an existing rebar marking the Southwest Corner of Lot 1267-A of Fianna Heights Thence along the South line of said Lots 1267-A and 1267-B, South 86 degrees 25 minutes 07 seconds East, 985.77 feet to an existing iron pin marking the Southeast Corner of Lot 1267-B of Fianna Heights. Thence South 03 degrees 13 minutes 49 seconds West, 60.03 feet to the Point of Beginning, containing 1.35 acres and subject to any Easements of Record.

DRAINAGE EASEMENT DESCRIPTION

A 30.00 foot Drainage Easement of part of the Southeast Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas, being 15.00 feet each side of a centerline and being more particularly described as follows:

Commencing at an existing 6 inch metal post marking the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the South line of said Forty, North 86 degrees 22 minutes 17 seconds West, 787.14 feet to the centerline of an existing creek and the Point of Beginning. Thence leaving said South line and along said centerline, North 12 degrees 29 minutes 24 seconds East, 60.10 feet to the South line of Lot 1267-A of Fianna Heights and the Point of Termination.

PROPOSED EASEMENT ABANDONMENT DESCRIPTION

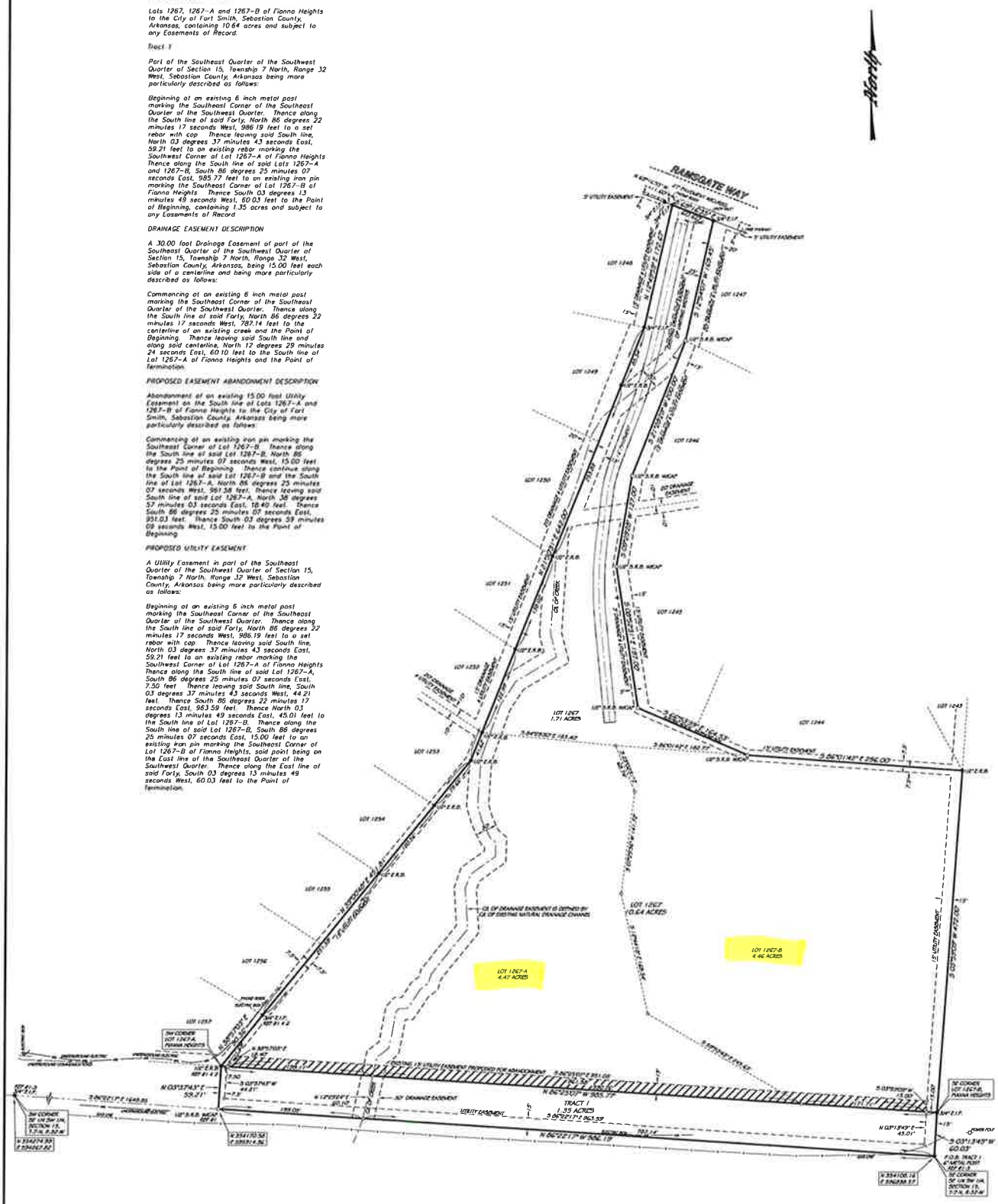
Abandonment of an existing 15.00 foot Utility Easement on the South line of Lots 1267-A and 1267-B of Fianna Heights to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Commencing at an existing iron pin marking the Southeast Corner of Lot 1267-B. Thence along the South line of said Lot 1267-B, North 86 degrees 25 minutes 07 seconds West, 15.00 feet to the Point of Beginning. Thence continue along the South line of said Lot 1267-B and the South line of Lot 1267-A, North 86 degrees 25 minutes 07 seconds West, 961.38 feet. Thence leaving said South line of said Lot 1267-A, North 38 degrees 57 minutes 03 seconds East, 18.40 feet. Thence South 86 degrees 25 minutes 07 seconds East, 931.03 feet. Thence South 03 degrees 59 minutes 09 seconds West, 15.00 feet to the Point of Beginning.

PROPOSED UTILITY EASEMENT

A Utility Easement in part of the Southeast Quarter of the Southwest Quarter of Section 15, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing 6 inch metal post marking the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the South line of said Forty, North 86 degrees 22 minutes 17 seconds West, 986.19 feet to a set rebar with cap. Thence leaving said South line, North 03 degrees 37 minutes 43 seconds East, 59.21 feet to an existing rebar marking the Southwest Corner of Lot 1267-A of Fianna Heights Thence along the South line of said Lot 1267-A, South 86 degrees 25 minutes 07 seconds East, 7.50 feet. Thence leaving said South line, South 03 degrees 37 minutes 43 seconds West, 44.21 feet. Thence South 86 degrees 22 minutes 17 seconds East, 983.59 feet. Thence North 03 degrees 13 minutes 49 seconds East, 45.01 feet to the South line of Lot 1267-B. Thence along the South line of said Lot 1267-B, South 86 degrees 25 minutes 07 seconds East, 15.00 feet to an existing iron pin marking the Southeast Corner of Lot 1267-B of Fianna Heights, said point being on the East line of the Southeast Quarter of the Southwest Quarter. Thence along the East line of said Forty, South 03 degrees 13 minutes 49 seconds West, 60.03 feet to the Point of Termination.



Sallenfield Land Surveyors P.A., Copyright 2015

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

SURVEYOR'S NOTE: This survey was conducted under the supervision of Dave W. Sallenfield, No. 1242, or Riley Hill, No. 1463, Sallenfield Land Surveyors, P.A., Certificate of Authorization No. 758. Sallenfield Land Surveyors, P.A., 1-(479)-632-3583, Hwy. 71 North, P.O. Box 642, Alma, AR 72921

SURVEYOR'S NOTE: All building, surface and subsurface, improvements on and adjacent to the site are not necessarily shown. The location and/or existence of utility service lines to the property surveyed are unknown and are not shown. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.

REVISIONS

SURVEYS REFERENCED

1 - SALLENFIELD LAND SURVEYORS - 9/12/2014 - 11/7/14

2 - SALLENFIELD LAND SURVEYORS - 7/21/2011 - 7/28/2011

3 - SALLENFIELD LAND SURVEYORS - 1/28/2010 - 1/28/2010

BASIS OF BEARING
BEARINGS ARE IN THE STATE COORDINATE SYSTEM NORTH

SHEET INDEX

T-7-N R-32-W

NW NE 15 SW SE

LEGEND

- ⊗ 5/8" x 18" REBAR W/ CAP
- ⊗ 3/4" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 5/8" x 18" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ 1/2" x 24" REBAR
- ⊗ EXISTING EASEMENT MONUMENT
- ⊗ EXISTING STONE
- ⊗ EXISTING CITY MONUMENT
- ⊗ EXISTING ALUM. MARKER
- ⊗ EXISTING STONE
- ⊗ EXISTING POST
- ⊗ FIRE ZONE

SURVEYORS DISCLAIMER AND STATEMENT OF USE

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

SOUTHWEST QUARTER OF SECTION 15-7N-32W
SEBASTIAN COUNTY, ARKANSAS
SURVEY OF

LOTS 1267, 1267-A & 1267-B, FIANNA HEIGHTS TO THE CITY OF FORT SMITH, ARKANSAS AND PART OF THE SE 1/4 SW 1/4, SECTION 15, T-7-N, R-32-W

FOR USE BY: CITY OF FORT SMITH

DRAWN BY: J.D.B.
SCALE: 1"=60'
DATE: 1-23-15
JOB NO: 40,617

Sallenfield Land Surveyors P.A.
REG. NO. 758
1520 HWY 71 NORTH, ALMA, AR - PHONE No. (479) 632-3583
FAX (479) 632-3002 - WEBSITE: http://www.sallenfield.com

6C

RESOLUTION NO. _____

RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF
FLEET TRUCKS AND VEHICLES

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

The bids, as indicated by enclosure on the attached Bid Tabulation **04-27-15BA** for the purchase of various trucks and vehicles for the City's fleet, are accepted.

This Resolution adopted this _____ day of May, 2015.

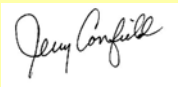
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:



x No Publication Required
☐ Publish ____ Times

Inter office Memorandum

TO: Ray Gosack, City Administrator

FROM: Alie Bahsoon, Purchasing Manager

SUBJECT: 2015 Fleet Bid Tabulation

DATE: April 29, 2015

BID TAB: 04-27-15BA

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

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

- Bid 1: Engineering-replace 2000 Ford F150
- Bid 2: Engineering-replace 2003 Ford Explorer
- Bid 3: Street Construction-replace 2001 Chevrolet Silverado
- Bid 4: Traffic Control Operations-addition to existing fleet
- Bid 5: Street Maintenance-replace 1994 GMC Sierra C7000
- Bid 6: Parks-replace 1998 Dodge Ram 1500

Funds for these purchases are available and have been appropriated for in the 2015 Budget.

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

Please let me know if you should have any questions.

CITY OF FORT SMITH
2015 FLEET BID TABULATION NO. 04-27-15BA

BID	**Breeden Dodge** **Ft. Smith, AR**	**Dunn Ford** **Stigler, OK**	**Randall Ford** **Ft. Smith, AR**
1	Yr: 2015 Make: RAM Model: 1500 Cost: $18,704 ✓ Del. 45-60 days Engineering Budgeted: $21,000	Yr: 2015 Make: Ford Model: F150 Cost: $20,021.91 Del. 60 days	Yr: 2015 Make: Ford Model: F150 Cost: $20,520 Del. 60 days
2	Yr: 2015 Make: Dodge Model: Durango Cost: $28,113 Del. 45-60 days	Yr: 2016 Make: Ford Model: Explorer Cost: $27,587.58 Del. 60 days	Yr: 2016 Make: Ford Model: Explorer Cost: $25,779 ✓ Del. 60 days Engineering Budgeted: $25,850
3	Yr: 2015 Make: RAM Model: 2500 Body: Knapheide Cost: $33,931 Del. 60-75 days	Yr: 2016 Make: Ford Model: F250 Body: Knapheide Cost: $35,493.99 Del. 60-90 days	Yr: 2016 Make: Ford Model: F250 Body: Stahl Cost: $33,314 ✓ Del. 60-90 days Street Construction Budgeted: $30,000 (balance to be supplemented from Sinking Fund)
4	Yr: 2015 Make: RAM Model: 2500 Body: Knapheide Cost: $31,732 Del. 60-75 days	Yr: 2016 Make: Ford Model: F250 Body: Knapheide Cost: $29,748.99 ✓ Del. 60-90 days	Yr: 2016 Make: Ford Model: F250 Body: ? Cost: $30,413 Del. 60-90 days Traffic Control 5401 Budgeted: $30,000 (balance to be supplemented from Sinking Fund)
5	Yr: 2015 Make: RAM Model: 3500 Dump Bed: Cadet Cost: $44,029 Del. 60-75 days	Yr: 2016 Make: Ford Model: F350 Dump Bed: Cadet Cost: $43,199.40 Del. 60-90 days	Yr: 2016 Make: Ford Model: F350 Dump Bed: Cadet Cost: $31,797 ✓ Cost: $45,392.30 Del. 60-90 days Street Maintenance 5304 Budgeted: $40,000

BID	**Breeden Dodge** **Ft. Smith, AR**	**Dunn Ford** **Stigler, OK**	**Randall Ford** **Ft. Smith, AR**
6	Yr: 2015 Make: RAM Model: 2500 4x4 Cost: $26,170 ✓ Del. 60-75 days Parks 6201 Budgeted: $25,000 (balance to be supplemented from Operating budget)	Yr: 2016 Make: Ford Model: F250 Cost: $31,619.75 Del. 60-90 days	Yr: 2015 Make: Ford Model: F250 Cost: $32,728 Del. 60-90 days

1. Bid #1: 1/2 Ton, Regular Cab, V6 P/U Truck (2WD) Qty. 1
2. Bid #2: Full-Size V6 Sports Utility Vehicle (4WD) Qty. 1
3. Bid #3: Three-Quarter (3/4) Ton Heavy Duty, Long Bed, with Utility Bed (4WD) Qty. 1
4. Bid #4: Three-Quarter (3/4) Ton Heavy Duty, Long Bed, with Utility Bed (2WD) Qty. 1
5. Bid #5: 1 Ton Single Cab Truck, Long Chassis, Dual Rear Wheels, Flat Dump Bed Qty. 1
6. Bid #6: Full Size Three-Quarter (3/4) Ton Pickup, 8-Cylinder Crew Cab, Short Bed, Full Size Rear Bench Seat, Four (4) Full Doors (4WD) Qty. 1

RESOLUTION NO._____ 6 D

RESOLUTION AUTHORIZING AMENDMENT NUMBER TWO TO AUTHORIZATION NUMBER THREE WITH MICKLE WAGNER COLEMAN, INC., FOR ENGINEERING SERVICES FOR CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS - GEREN ROAD AND MASSARD ROAD WATER LINES

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

SECTION 1: Amendment Number Two to Authorization Number Three under the Agreement with Mickle Wagner Coleman, Inc., to provide construction phase services for the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines, Project Number 12-04-EC2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number Two in the amount of $64,608.75, for construction phase services, adjusting Authorization Number Three to the amount of $372,560.75.

This Resolution adopted this _____ day of May 2015.

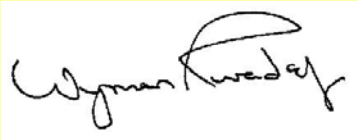
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** April 23, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements - Geren Road & Massard Road Water Lines Project Number 12-04

On March 5, 2013, the Board awarded a contract with M. Phillips Construction for construction of the water transmission line improvements along Geren Road and Massard Road. The Board also approved Authorization Number Three with Mickle Wagner Coleman, Inc., in the amount of $231,352.00 for construction inspection services associated with the project. A notice to proceed was issued to the contractor on May 6 with 330 calendar days allowed by contract to substantially complete the project by March 31, 2014. By July 10, 2014, construction was only 88-percent complete and Mickle Wagner had exceeded the funds authorized for construction phase services by $47,275.00 and anticipated an additional $29,320.00 would be needed by the time the contractor reached completion. The Board authorized a contract amendment in the amount of $76,600 to cover this shortfall.

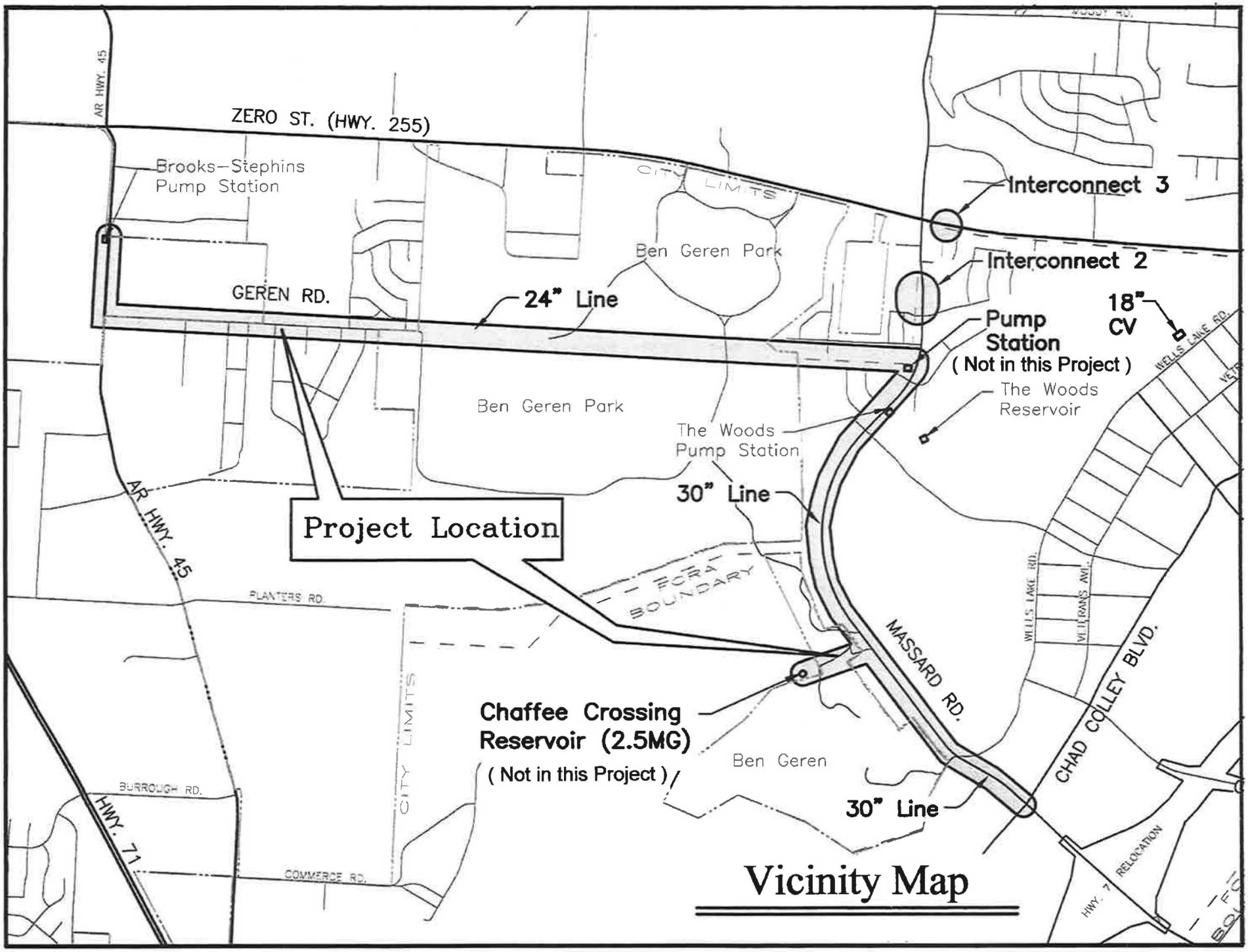
The contractor did not reach final completion of the project until November 18, 2014. As a result, Mickle Wagner has requested an additional $64,608.75 to cover the additional inspection time required for the contractor to reach final completion. Approval of Mickle Wagner's request will result in a total increase in construction phase services of $141,208.75. This additional cost is offset in part by the recommended liquidated damage assessment of $121,000 against the contractor. The remaining cost of $20,208.75 is the result of inclement weather and delays beyond the contractor's control.

A Resolution authorizing Amendment Number Two to Authorization Number Three with Mickle Wagner Coleman, Inc., in the amount $64,608.75 for additional construction phase services is attached. Funds for Amendment Number Two are available from the 2012 sales tax and use tax bonds issued for water transmission system improvements.

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

attachment

pc: Jeff Dingman



Vicinity Map

RESOLUTION NO. _____ 6 E

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH
M. PHILLIPS CONSTRUCTION, INC., FOR THE CHAFFEE CROSSING WATER
SUPPLY IMPROVEMENTS - GEREN ROAD & MASSARD ROAD WATER LINES

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

Change Order Number One in the amount of $19,769.53, adjusting the final contract amount to $4,681,620.53, and adding 121 calendar days to the contract with M. Phillips Construction, Inc., for the construction of the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines, Project Number 12-04-C2, is hereby approved.

This Resolution adopted this _____ day of May 2015.

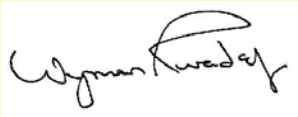
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

RESOLUTION NO._____ 6 F

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO M. PHILLIPS CONSTRUCTION, INC., FOR CONSTRUCTION OF THE CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS – GEREN ROAD AND MASSARD ROAD WATER LINES

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

SECTION 1: The construction of the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines, Project Number 12-04-C2, is accepted as complete.

SECTION 2: The assessment of liquidated damages in the amount of $121,000.00 for contractor delays in completion of the project, is hereby approved.

SECTION 3: Final payment to M. Phillips Construction, Inc., in the amount of $36,305.43, is hereby approved.

This Resolution adopted this _____ day of May 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** April 23, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines Project Number 12-04

On March 5, 2013, the Board authorized a contract in the amount of $4,661,851.00 with M. Phillips Construction, Inc., for construction of the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines, Project Number 12-04-C2. The project included the construction of 15,000 linear feet of 24-inch water line along Geren Road and through Ben Geren Park from Highway 45 to Massard Road and construction of 9,700 linear feet of 30-inch water line along Massard Road. An exhibit showing the project location is attached.

On May 6, 2013, the contractor was authorized to proceed with the entire project to be substantially complete within 330 consecutive calendar days. The special conditions of the project contract divided the work into three schedules with each schedule assigned a specified number of days for reaching substantial completion. The three schedules were for the purpose of coordination with other Chaffee Crossing water improvements underway or scheduled to begin (Chaffee Crossing Pump Station and Chaffee Crossing 2.5 MG Reservoir). The special conditions clearly indicated that work was expected to occur simultaneously and that contract time for all three schedules would start upon issuance of the notice to proceed.

The contractor was late in reaching substantial completion on all three of the project schedules and also late in reaching final completion on two of the three project schedules (the contract specified a 20 day period following substantial completion for reaching final completion). Following several meetings between staff, Mickle Wagner Coleman and contractor, a decision was reached by staff regarding additional contract days that could be recommended and the resulting liquidated damages that should be assessed.

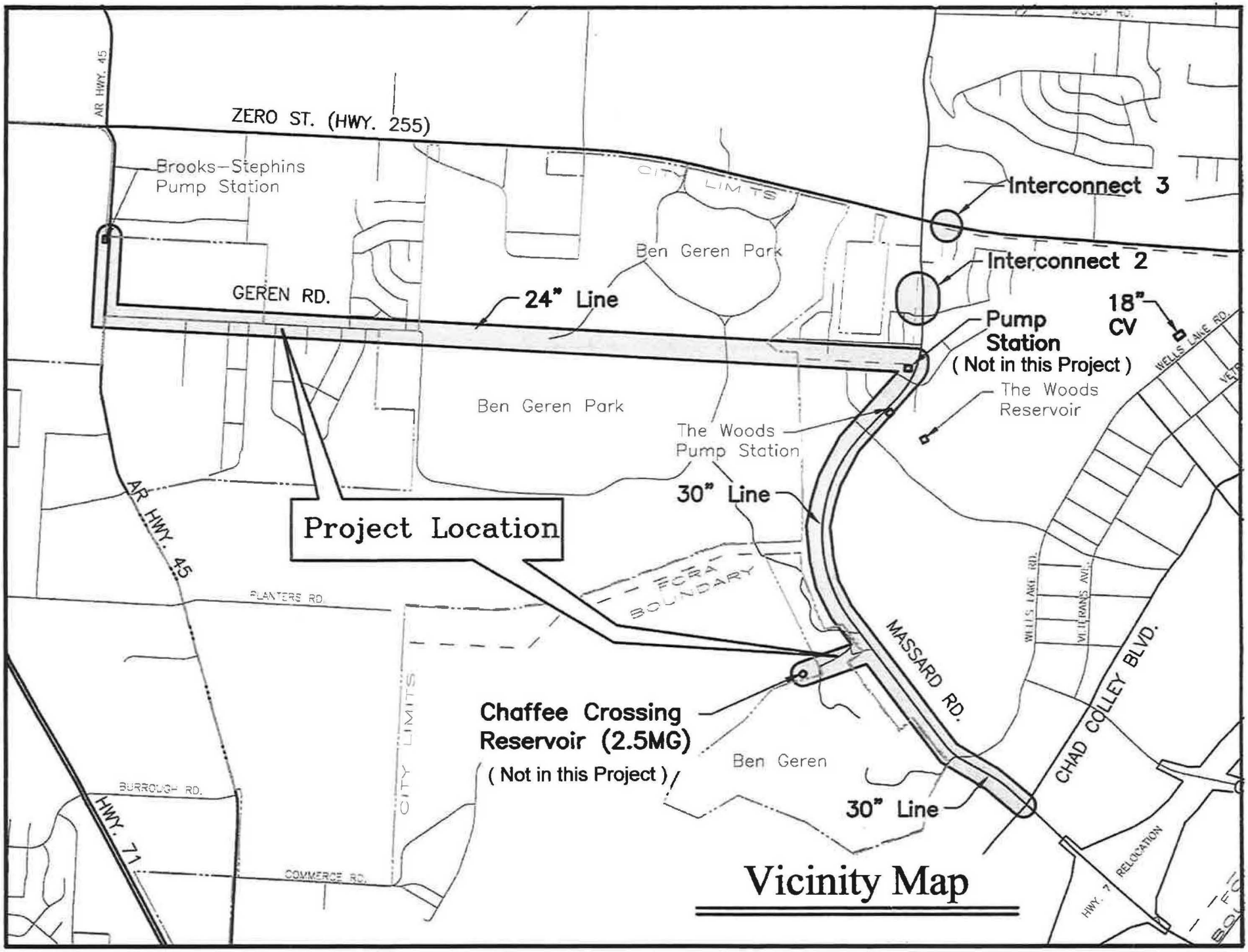
During the course of the project additional work totaling $19,769.53 (0.42% of original contract amount) was required to be performed. Change Order Number One in the amount of $19,769.53 has been prepared to cover this additional work and to add additional days to the contract time for weather related delays. A final pay request has been prepared which includes the deduction for liquidated damages totaling $121,000. After deduction of liquidated damages a final payment in the amount of $36,305.43 is due to the contractor.

Resolutions accepting the project as complete, authorizing Change Order Number One in the amount of $19,769.53, adding additional contract time, assessing liquidated damages in the amount of $121,000, and authorizing final payment to M. Phillips Construction, Inc., in the amount of $36,305.43 are attached. Funds for this project were included in the 2012 sales tax and use tax bonds issued for water transmission system improvements.

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

attachment

pc: Jeff Dingman



Vicinity Map

Project Summary

Project status: Complete

Project Name: Chaffee Crossing Water Supply Improvements - Geren Rd. & Massard Road Water Lines

Today's date: April 16, 2015

Project number: 12-04-C2

Staff contact name: Steve Parke

Project engineer: Mickle Wagner Coleman, Inc.

Staff contact phone: 784-2231

Project contractor: M. Phillips Construction, Inc.

Notice to proceed issued: May 2, 2013

Contract completion date: March 31, 2014

	Dollar Amount	Contract Time (Days)
Original Contract	$4,661,851.00	330
Change Orders: C.O. #1 (Pending Board Approval)	$19,769.53	121
Adjusted Contract	$4,681,620.53	451
Payments to Date (as negative)	$-4,446,994.10	
(as percentage)	95.4%	
Amount of this final payment (as negative)	$-36,305.43	
Retainage held	$0.00	
Final costs of work completed (as negative)	$-4,483,299.53	
Amount over original contract	$19,769.53	
(as a percentage)	0.4%	
Liquidated damages	$121,000.00	

Final comments:

Liquidated damages related to substantial completion: 152 days @ $500/day = $76,000.00
Liquidated damages related to final completion: 225 days @ $200/day = $45,000.00
Assessment of liquidated damages results in a final cost of project at $4,362,299.53.

RESOLUTION NO._____ 6 G

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH CDM SMITH, INC., FOR PROVIDING PROGRAM MANAGEMENT SERVICES FOR CONSENT DECREE COMPLIANCE PROGRAM AND INFRASTRUCTURE IMPROVEMENTS

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

SECTION 1: An Agreement and Authorization Number One with CDM Smith, Inc., for providing Program Management Services for Consent Decree Compliance Program and Infrastructure Improvements, said services identified as Project Number 15-13-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement and Authorization Number One for professional engineering services in the amount of $1,220,269.00.

This Resolution adopted this _____ day of May 2015.

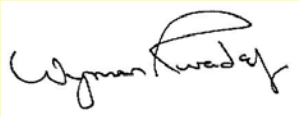
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** April 24, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Program Management Services for Consent Decree
Project Number 15-13

As you are aware, the Consent Decree requires a very aggressive schedule for identifying and correcting wastewater collection system defects which cause or contribute to both dry and wet weather wastewater overflows that occur throughout the city. Consent Decree requirements for tracking, documenting and reporting compliance will require implementation of processes and procedures not currently in place. Since the Consent Decree was issued earlier this year the Board has authorized engineering contracts to begin collection system assessments (to be repeated yearly for eight years), preliminary engineering on the first of a number of yearly capacity improvement projects required, updating of the hydraulic model and preparation of a capacity assessment report, and CMOM program development and implementation. Results from the yearly collection system assessments will result in multiple design and construction projects, all of which must be effectively managed to insure timely completion and compliance with the Consent Decree. In order to insure that the city is successful in developing and implementing a Consent Decree compliance program, staff recommends contracting with CDM Smith Inc., for providing program management services. It is anticipated that CDM Smith would provide yearly program management services following the first year's program implementation.

For the first year, CDM Smith will mobilize a program management team in Fort Smith and, working with staff, begin the preparation of a program management plan that addresses roles, responsibilities and authorities for all program participants and program-related activities. They will review existing utility department processes and perform a gap analysis to compare resources available to that which is needed to meet the program requirements. The gap analysis will evaluate and provide recommendations on areas of business practices including design management, construction cost estimating, construction management, general and technical specifications and details, assessment management and information management, and will identify opportunities to standardize these practices. CDM Smith will develop procedures for managing the multiple design and construction contracts that will be occurring simultaneously over the several years required to fulfill Consent Decree obligations. They will develop a master program schedule and budget and will provide Consent Decree compliance tracking and reporting.

Additional tasks to be accomplished by CDM Smith are the evaluation of the utility department's management information systems and development of a plan for implementing a program management information control system for the purpose of establishing project controls, scheduling, budgeting, document management, and financial management. Because of the time and effort required to develop and implement such a system, CDM Smith will immediately implement an interim document management system that meets Consent Decree requirements.

CDM Smith will also develop and prepare internal quarterly reports and the Consent Decree annual report to be submitted to EPA by March 31, 2016.

A Resolution authorizing the Mayor to sign an Agreement and Authorization Number One with CDM Smith, Inc., in the amount of $1,220,269.00 for providing program management implementation services through March 1, 2016, is attached. Subsequent authorizations will be presented to the Board to provide continued program management services. Funds for this year's services are available from the 2014 sales and use bonds for wastewater improvements.

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

attachment

pc: Jeff Dingman

RESOLUTION NO._____ 6 H

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH CDM SMITH INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH ″P″ STREET AND MASSARD WASTEWATER TREATMENT PLANTS EFFLUENT BLENDING AND TREATMENT CAPACITY ASSESSMENTS

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

SECTION 1: An Agreement and Authorization Number One with CDM Smith, Inc., for providing engineering services associated with the ″P″ Street and Massard Wastewater Treatment Plants Effluent Blending and Treatment Capacity Assessment, Project Number 15-14-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for professional engineering services and Authorization Number One in the amount of $198,600.00.

This Resolution adopted this _____ day of May 2015.

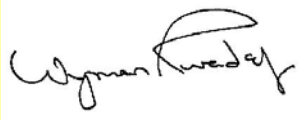
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** April 28, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: "P" Street and Massard Wastewater Treatment Plants
Effluent Blending & Treatment Capacity Assessments
Project 15-14

There are a number of wastewater treatment plant issues which have been identified and must be addressed under terms of the Consent Decree. Treatment capacity issues during peak wet-weather flow events continue to contribute to upstream collection system surcharging and manhole overflows which must be eliminated. There are recent plant discharge permit changes that must be addressed. These various issues have been consolidated into a single study and a project scope has been prepared as detailed below.

Both the "P" Street and Massard wastewater treatment plants have experienced occasional permit violations with respect to one or more of the effluent parameters monitored and reported under the State's discharge permits. The Consent Decree stipulates that the city perform an assessment of permit limit exceedances at both wastewater treatment plants (WWTP) to determine the root causes for such exceedances and to identify appropriate remedial measures to correct these causes.

A recent U.S. 8th Circuit Court decision has opened the door for the possibility of permitting the blending of partially treated peak weather flows with fully treated effluent provided the blended flow meets the discharge limits set for secondary treatment. The "P" Street WWTP currently employs a side-stream high-rate clarifier to process peak wet-weather flows which are stored in an equalization basin. Once plant influent flows return to a more normal level, wastewater stored in the EQ basin must be drained to the head of the plant and re-treated by the main biological treatment trains before discharge. Under the 8th Circuit Court ruling it may be permissibly to blend the effluent from the high-rate clarifier with effluent from the biological treatment train and avoid re-treatment. This would result in treatment cost savings and the possibility of increasing the peak wet weather rate of treatment which would decrease the likelihood of wet weather overflows in the collection system upstream of the plant, a primary requirement of and driving force behind the Consent Decree.

The Massard WWTP does not have a peak wet-weather flow treatment facility or side-stream storage for managing the modeled peak wet-weather flow of 31 MGD to the plants current 20 MGD hydraulic capacity. This shortcoming results in manhole overflows within the collection system upstream of the plant. Options for constructing a side-stream high-rate clarifier similar to the one operated at the "P" Street WWTP with either equalized storage or blending and discharge needs to be considered. Additionally, the current treatment system at the Massard plant was not previously required or designed to remove ammonia. The new discharge permit for the Massard WWTP has added a seasonal ammonia limit and the existing treatment system must be upgraded to meet this new requirement. Because of their familiarity

with the city's plants from their design of all recent plant upgrades and expansions, staff asked CDM Smith, Inc., to submit a proposal for conducting a study to address all of these issues. The study phase of the project as discussed above is set at $198,600. It is anticipated that the study phase services will be completed within nine months.

A Resolution authorizing the Mayor to execute an Agreement and Authorization Number One with CDM Smith, Inc., for providing engineering services associated with wastewater treatment plant effluent blending and treatment capacity assessments for both the "P" Street and Massard wastewater treatment plants is attached. Funds for the study phase of the project are available from the 2014 sales and use tax bonds for wastewater improvements.

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

attachment

pc: Jeff Dingman

RESOLUTION NO. _____ 6 I

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO THE AGREEMENT WITH SHANNON & WILSON, INC., FOR PROVIDING ENGINEERING SERVICES FOR THE YEAR 2015 POST CONSTRUCTION MONITORING AND INSPECTION OF THE LAKE FORT SMITH DAM AND RESERVOIR

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

SECTION 1: An Amendment Number One to the Agreement with Shannon & Wilson, Inc., for providing engineering services associated with Year 2015 Post Construction Monitoring and Inspection of the Lake Fort Smith Dam and Reservoir, Project Number 15-02-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Amendment Number One to the Agreement in the amount of $10,025.90, adjusting the Agreement in the amount of $101,057.90, for performance of said services.

This Resolution adopted this _____ day of May 2015.

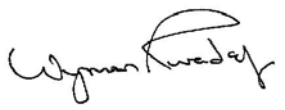
APPROVED:

_____

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator DATE: April 27, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Year 2015 Post Construction Monitoring and Annual Inspection
Project 15-02

On January 6, 2015, the Board authorized an Agreement with Shannon & Wilson, Inc., for providing post construction monitoring and a comprehensive on-site inspection of the Lake Fort Smith dam and reservoir. This marks the seventh year the city has contracted with Shannon & Wilson to provide post construction monitoring services. Work covered by this Agreement includes quarterly instrumentation readings and surveys by Mickle Wagner Coleman which will be analyzed by Shannon & Wilson and documented in quarterly reports. In early 2016, Shannon & Wilson will provide an annual summary report of all data gathered in 2015. In addition, with assistance from Burns & McDonnell, Shannon & Wilson will perform a comprehensive inspection of the dam and reservoir, including the intake tower and outlet tunnel, and prepare a report documenting the condition of these structures. This inspection is currently scheduled for late July or August.

Access to the intake tower is provided by an access bridge. The access bridge spans 90 feet with a total width of 19.3 feet. The bridge consists of three precast concrete I-girders with an 8.5-inch cast-in-place concrete deck and safety barrier curbs and is rated for AASHTO HS-25 truck loading. The operations and maintenance manual for the Lake Fort Smith raw water supply facilities recommends that a periodic bridge inspection be performed conforming to Federal bridge inspection standards. The access bridge has received moderate use since the Lake Fort Smith project was completed in 2006 and a comprehensive inspection has not been performed.

Staff asked Shannon & Wilson to contact Burns & McDonnell, their sub-consultant and original designers of the intake structure and access bridge, to prepare a proposal for including detailed inspection of the bridge as a part of this year's inspection of the intake structure. The cost for conducting the inspection is $10,025.90, adjusting the Agreement in the amount of $101,057.90. The amendment includes the rental cost for the under deck inspection truck and operator necessary for inspecting the underside of the bridge structure, approximately 35 feet above the water surface. A report describing the inspection, condition of the bridge, and any repair/maintenance recommendations will be provided.

A Resolution authorizing Amendment Number One to the Agreement with Shannon & Wilson for providing this additional inspection is attached. Funds for this service are available from the water and sewer operations budget.

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

attachment

pc: Jeff Dingman

6J

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL PERMIT AND AGREEMENT WITH ALTES SANITATION SERVICE, LLC

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

The Mayor, his signature attested by the City Clerk, is hereby authorized to execute the attached Non-Residential Solid Waste Collection and Disposal Permit and Agreement with Altes Sanitation Service, LLC.

This resolution adopted this _____day of May, 2015.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

x No Publication Required
□ Publish ____ Times

6K

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL PERMIT AND AGREEMENT WITH WASTE MANAGEMENT OF ARKANSAS, INC

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

The Mayor, his signature attested by the City Clerk, is hereby authorized to execute the attached Non-Residential Solid Waste Collection and Disposal Permit and Agreement with Waste Management of Arkansas, Inc.

This resolution adopted this _____day of May, 2015.

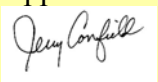
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:



x No Publication Required
□ Publish ____ Times

Fort Smith Department of Sanitation
Responsible Environmental Management

MEMORANDUM

May 1, 2015

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director

Subject: Non-Residential Solid Waste Collection and Disposal Permits and Agreements

---

The non-residential solid waste collection and disposal permits and agreements with Waste Management of Arkansas, Inc. and Altes Sanitation Service, LLC have expired. Both companies have expressed a desire to obtain new permits and agreements with the City of Fort Smith in order to comply with the City of Fort Smith Municipal Code and continue hauling non-residential solid waste within Fort Smith. Each company has submitted insurance certificates which meet the standard requirements of the agreements.

Submitted for Board consideration are updated non-residential solid waste collection and disposal permits and agreements for each company. Staff recommends the agreements be accepted and approved by Resolution.

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

NK

NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL PERMIT AND AGREEMENT

THIS AGREEMENT, made and entered on the date set forth below by and between the City of Fort Smith, Arkansas (hereinafter referred to as the "City"), and Altes Sanitation Service, LLC an Arkansas corporation.

WITNESSETH:

WHEREAS, the City is a municipal corporation of the first class of the State of Arkansas and, in its governmental capacity, owns and operates the City of Fort Smith Solid Waste Disposal Facility (the "Facility"), which is currently operated as a Class I landfill; and

WHEREAS, the City currently provides solid waste collection and disposal service to residential and non-residential customers within the City; and

WHEREAS, Altes Sanitation Service, LLC has the consent of the City to collect and dispose of solid waste for non-residential customers within the corporate limits of the City; and

WHEREAS, the City has evaluated the possibility of exercising its governmental option of providing solid waste collection and disposal services to non-residential customers; and

WHEREAS, Altes Sanitation Service, LLC desires to provide non-residential solid waste collection and disposal services for customers located in Sebastian County within and without the corporate limits of the City.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and intending to be legally bound hereby, the parties agree as follows:

1. **Definitions.**

   a. **"Solid Waste,"** when used in this Agreement, shall have the meaning given to it in Section 25-261 of the Fort Smith Code of Ordinance.

   b. **"Residential Customers,"** when used in this Agreement, shall have the meaning given in Section 25-261 of the Fort Smith Code of Ordinances.

2. **Disposal of Waste Generated Within the City.**

   a. Solid Waste Disposal. Altes Sanitation Service, LLC agrees that all solid waste generated within the City and which is collected by Altes Sanitation Service, LLC for disposal shall be hauled by Altes Sanitation Service, LLC to the Facility, except as otherwise provided herein. Excepted from this requirement are: (i) any categories of solid waste that the City does not accept for disposal at the Facility; (ii) any customers to which the City may consent in writing executed by the Fort Smith City Administrator to allow to use alternative disposal facilities; and (iii) any recyclables as defined in Section 25-261 of the Fort Smith Code of Ordinances and any other recycling program identified in writing and approved as an exception by the Fort Smith City Administrator. The City will use reasonable efforts to enforce the designation of the Facility against all waste haulers.

   b. Rates for Disposal. The rates for disposal of solid waste generated within the City and disposed of at the Facility shall be those rates, established from time to time, by the City for the customers of the Facility (the "Fort Smith Published Rates"). The City agrees that all waste haulers servicing Non-Residential

customers within the City and delivering solid waste to the Facility shall be charged the same disposal rates (subject to the right of the City to contract for special volume rates).

3. **Disposal of Waste Generated Outside the City.**

a. Rates for Disposal. The base rates charged for solid waste generated outside the City "External Rate" and delivered to the Facility by Altes Sanitation Service, LLC shall be the Fort Smith published rates.

b. The rates may be adjusted on the anniversary of each year of the term provided for in this paragraph. On each anniversary date, the rates set forth in the Fort Smith Published Rates may be adjusted by the percentage that the Consumer Pricing Index for All Urban Areas ("CPI-U") for the first calendar month of the preceding contract year was exceeded by the CPI-U at the beginning of the next contract year. (The CPI-U is based on the U.S. Department of Labor, Bureau of Labor and Statistics, Consumer Price Index for all urban customers in the U.S. city average, with all items having been computed based on 1982 - 84 = 100.0.)

c. The rates provided for in this paragraph 3 shall be subject to adjustment by the governing body of the City of Fort Smith upon determination of the governing body that federal or state regulatory agencies have adopted and implemented regulations which have a significant, adverse effect on the rates charged for waste disposal at the Facility (the percentage in change in the rates provided for in paragraph 3 of the Agreement shall not exceed the percentage of rate change published by the City of Fort Smith for waste generated within the City of Fort Smith).

d. Except as provided in subsections (b) and (c) above, the External Rate shall not be subject to any adjustment during the initial three (3) years under this Agreement.

4. **Permit.** This Agreement shall constitute a permit issued by the City to Altes Sanitation Service, LLC, pursuant to Section 25-321 of the Fort Smith Code of Ordinances.

5. **Billing and Payment.** Altes Sanitation Service, LLC shall be subject to the City's standard billing and payment terms and procedures for customers of the Facility.

6. **Compliance with Laws.** All waste provided by Altes Sanitation Service, LLC to the Facility for disposal shall comply with all current and future applicable Arkansas Department of Environmental Quality Regulations, including Regulation 22 and Regulation 23; and all other applicable federal, state and local environmental requirements. In the event that Altes Sanitation Service, LLC delivers waste to the Facility that does not conform to the identified regulations and requirements, Altes Sanitation Service, LLC shall be responsible for any cost incurred by the City in the treatment and handling of the non-conforming waste.

7. **Vehicles.**

a. License. All vehicles utilized by Altes Sanitation Service, LLC to deliver solid waste to the Facility pursuant to this Agreement shall have a hauler's license issued by the Sebastian County Regional Solid Waste Management District.

b. Covered Loads. All solid waste delivered by Altes Sanitation Service, LLC to the Facility pursuant to this Agreement, shall be delivered in vehicles in which all

loaded solid waste is covered and secured to prevent blowing or dropping on public rights-of-way or City-owned property from point of location to the point of disposal at the Facility.

8. **Inspection of Records.** Both parties shall have access to the governmental and business records of the other party relevant to this Agreement, for the purpose of verifying any information pertinent to this Agreement. Any exercise of such right of inspection shall occur at the normal business office and during the normal business hours of the party who holds the information. Altes Sanitation Service, LLC acknowledges that it will comply with reasonable requests of the City for information regarding the types, amounts, and locations of the collection of solid waste being disposed of at the Facility, as well as the types, amounts, and locations of collection of solid waste being disposed by Altes Sanitation Service, LLC at alternate locations.

9. **Dispute Resolution.** In the event that either party believes that the other party is in violation of any provision of this Agreement that party shall provide to the other party, in writing, a notice of the alleged breach. Within ten (10) days of receipt of notice, the notified party shall respond to the allegations. If the response does not resolve the issue, either party may request, in writing, that a meeting of the parties and/or their authorized representatives, be held. Such meeting shall be held within thirty (30) days of this request, at the Office of the Fort Smith City Administrator. Except in an emergency situation, neither party may initiate litigation regarding the alleged breach until the dispute resolution provisions, as set forth herein, have been completed. If this meeting does not result in a resolution of the dispute, either party may pursue any appropriate legal or equitable remedies, including rescission, with a court of competent jurisdiction.

10. **Term.** This permit and agreement shall have a term of two (2) years commencing on the first day of the calendar month which begins following the date of execution of this Agreement by the City.

11. **Choice of Law.** This Agreement shall be governed by the laws of the State of Arkansas.

12. **Assignment.** The provisions of this Agreement are not assignable by either party without the prior, written consent to the other party.

13. **Cancellation.** This permit and agreement shall be cancellable upon ten (10) days notice by the City when, in the opinion of the designated agent of the Fort Smith City Administrator, the work being performed by Altes Sanitation Service, LLC is being performed in such a manner as to constitute a public menace or nuisance or to be detrimental to the health, safety, and welfare of the citizens of the City.

14. **Indemnification.** Altes Sanitation Service, LLC agrees to indemnify and hold harmless the City from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and reasonable attorneys' fees resulting from Altes Sanitation Service, LLC operations hereunder. Provided, however, that Altes Sanitation Service, LLC shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses or attorneys' fees solely caused by the willful or negligent acts or omissions of the City's employees.

15. **Insurance.** Altes Sanitation Service, LLC shall at all times during the term of this Agreement maintain in full force and effect Employer's Liability, Workmen's Compensation, Public Liability, and Property Damage Insurance. Before commencement of work under this Agreement, Altes Sanitation Service, LLC agrees to furnish to the City certificates of insurance or other evidence to the effect that such insurance has been procured and is in force. For the purpose of this Agreement, Altes Sanitation Service,

LLC shall carry the following types of insurance in at least the amounts specified below:

Workmen's Compensation	Statutory
Employer's Liability	$ 500,000
Bodily Injury Liability (except automobile)	$ 500,000/occurrence $1,000,000/aggregate
Property Damage Liability (except automobile)	$ 500,000/occurrence $1,000,000/aggregate
Automobile Bodily Injury Liability	$ 500,000/person $1,000,000/occurrence
Automobile Property Damage Liability	$ 500,000/occurrence
Excess Umbrella Liability	$5,000,000/occurrence

16. **Force Majeure.** Neither party hereto shall be liable for its failure to perform hereunder do to circumstances beyond its reasonable control, including, but not limited to, strikes or other labor disputes, riots, civil disturbances or sabotage, fires, floods, explosions, accidents, weather or acts of God affecting either party hereunder. In the event any of the circumstances listed in the preceding sentence, or if any federal, state or local court or authority takes any action which would (i) close or restrict operations at the Facility, or (ii) limit the quantity or prohibit the disposal of waste at the Facility or limit the ability of or prohibit Altes Sanitation Service, LLC from delivering waste to the Facility, Altes Sanitation Service, LLC shall have the right, at its option, to reduce, suspend or terminate delivery of waste to the Facility, as set forth hereunder, immediately, without prior notices and without any additional liabilities between the parties.

17. **Severability.** If any provision of this Agreement shall be held to be invalid, illegal or unenforceable in any respect, this Agreement shall remain in effect and be construed without regard to such provision.

18. **Entire Agreement.** This Agreement constitutes the entire understanding between the parties, replacing and amending any prior agreements between the parties, and shall be binding upon all parties hereto, their successors, heirs, representatives and approved assigns. Any provision, term or condition in any acknowledgment, purchase order or other response by the City to Altes Sanitation Service, LLC, or by Altes Sanitation Service, LLC to the City, which is in addition to or different from the provisions of this Agreement shall be deemed objected to by the other party and shall be of no effect.

19. **Notices.** Any notice required to be given pursuant to the provisions of this Agreement shall be considered to be validly delivered, if it is sent by U.S. Certified Mail or if it is hand delivered and a signed receipt is obtained. Such notice should be given to the following:

If to the City:

City of Fort Smith
City Administrator
P.O. Box 1908
Fort Smith, AR 72902

If to Altes Sanitation Service, LLC:

Altes Sanitation Service, LLC
Attn: Mr. Robert E. Altes
PO Box 180086
Fort Smith, AR 72918

This Agreement is executed as of this _____ day of _____, by the authorized representatives of the parties.

CITY OF FORT SMITH, ARKANSAS

By: _____
Sandy Sanders, Mayor

ATTEST:

_____
City Clerk

Altes Sanitation Service, LLC

By: _____
Robert E. Altes

NON-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL PERMIT AND AGREEMENT

THIS AGREEMENT, made and entered on the date set forth below by and between the City of Fort Smith, Arkansas (hereinafter referred to as the "City"), and Waste Management of Arkansas, Inc. an Arkansas corporation.

WITNESSETH:

WHEREAS, the City is a municipal corporation of the first class of the State of Arkansas and, in its governmental capacity, owns and operates the City of Fort Smith Solid Waste Disposal Facility (the "Facility"), which is currently operated as a Class I landfill; and

WHEREAS, the City currently provides solid waste collection and disposal service to residential and non-residential customers within the City; and

WHEREAS, Waste Management of Arkansas, Inc. has the consent of the City to collect and dispose of solid waste for non-residential customers within the corporate limits of the City; and

WHEREAS, the City has evaluated the possibility of exercising its governmental option of providing solid waste collection and disposal services to non-residential customers; and

WHEREAS, Waste Management of Arkansas, Inc. desires to provide non-residential solid waste collection and disposal services for customers located in Sebastian County within and without the corporate limits of the City.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and intending to be legally bound hereby, the parties agree as follows:

1. **Definitions.**

   a. **"Solid Waste,"** when used in this Agreement, shall have the meaning given to it in Section 25-261 of the Fort Smith Code of Ordinance.

   b. **"Residential Customers,"** when used in this Agreement, shall have the meaning given in Section 25-261 of the Fort Smith Code of Ordinances.

2. **Disposal of Waste Generated Within the City.**

   a. Solid Waste Disposal. Waste Management of Arkansas, Inc. agrees that all solid waste generated within the City and which is collected by Waste Management of Arkansas, Inc. for disposal shall be hauled by Waste Management of Arkansas, Inc. to the Facility, except as otherwise provided herein. Excepted from this requirement are: (i) any categories of solid waste that the City does not accept for disposal at the Facility; (ii) any customers to which the City may consent in writing executed by the Fort Smith City Administrator to allow to use alternative disposal facilities; and (iii) any recyclables as defined in Section 25-261 of the Fort Smith Code of Ordinances and any other recycling program identified in writing and approved as an exception by the Fort Smith City Administrator. The City will use reasonable efforts to enforce the designation of the Facility against all waste haulers.

   b. Rates for Disposal. The rates for disposal of solid waste generated within the City and disposed of at the Facility shall be those rates, established from time to time, by the City for the customers of the Facility (the "Fort Smith Published Rates").

The City agrees that all waste haulers servicing Non-Residential customers within the City and delivering solid waste to the Facility shall be charged the same disposal rates (subject to the right of the City to contract for special volume rates).

3. **Disposal of Waste Generated Outside the City.**

a. Rates for Disposal. The base rates charged for solid waste generated outside the City "External Rate" and delivered to the Facility by Waste Management of Arkansas, Inc. shall be the Fort Smith published rates.

b. The rates may be adjusted on the anniversary of each year of the term provided for in this paragraph. On each anniversary date, the rates set forth in the Fort Smith Published Rates may be adjusted by the percentage that the Consumer Pricing Index for All Urban Areas ("CPI-U") for the first calendar month of the preceding contract year was exceeded by the CPI-U at the beginning of the next contract year. (The CPI-U is based on the U.S. Department of Labor, Bureau of Labor and Statistics, Consumer Price Index for all urban customers in the U.S. city average, with all items having been computed based on 1982 - 84 = 100.0.)

c. The rates provided for in this paragraph 3 shall be subject to adjustment by the governing body of the City of Fort Smith upon determination of the governing body that federal or state regulatory agencies have adopted and implemented regulations which have a significant, adverse effect on the rates charged for waste disposal at the Facility (the percentage in change in the rates provided for in paragraph 3 of the Agreement shall not exceed the percentage of rate change published by the City of Fort Smith for waste generated within the City of Fort Smith).

d. Except as provided in subsections (b) and (c) above, the External Rate shall not be subject to any adjustment during the initial three (3) years under this Agreement.

4. **Permit.** This Agreement shall constitute a permit issued by the City to Waste Management of Arkansas, Inc., pursuant to Section 25-321 of the Fort Smith Code of Ordinances.

5. **Billing and Payment.** Waste Management of Arkansas, Inc. shall be subject to the City's standard billing and payment terms and procedures for customers of the Facility.

6. **Compliance with Laws.** All waste provided by Waste Management of Arkansas, Inc. to the Facility for disposal shall comply with all current and future applicable Arkansas Department of Environmental Quality Regulations, including Regulation 22 and Regulation 23; and all other applicable federal, state and local environmental requirements. In the event that Waste Management of Arkansas, Inc. delivers waste to the Facility that does not conform to the identified regulations and requirements, Waste Management of Arkansas, Inc. shall be responsible for any cost incurred by the City in the treatment and handling of the non-conforming waste.

7. **Vehicles.**

a. License. All vehicles utilized by Waste Management of Arkansas, Inc. to deliver solid waste to the Facility pursuant to this Agreement shall have a hauler's license issued by the Sebastian County Regional Solid Waste Management District.

b. Covered Loads. All solid waste delivered by Waste Management of Arkansas, Inc. to the Facility pursuant to this Agreement, shall be delivered in vehicles in which

all loaded solid waste is covered and secured to prevent blowing or dropping on public rights-of-way or City-owned property from point of location to the point of disposal at the Facility.

8. **Inspection of Records.** Both parties shall have access to the governmental and business records of the other party relevant to this Agreement, for the purpose of verifying any information pertinent to this Agreement. Any exercise of such right of inspection shall occur at the normal business office and during the normal business hours of the party who holds the information. Waste Management of Arkansas, Inc. acknowledges that it will comply with reasonable requests of the City for information regarding the types, amounts, and locations of the collection of solid waste being disposed of at the Facility, as well as the types, amounts, and locations of collection of solid waste being disposed by Waste Management of Arkansas, Inc. at alternate locations.

9. **Dispute Resolution.** In the event that either party believes that the other party is in violation of any provision of this Agreement that party shall provide to the other party, in writing, a notice of the alleged breach. Within ten (10) days of receipt of notice, the notified party shall respond to the allegations. If the response does not resolve the issue, either party may request, in writing, that a meeting of the parties and/or their authorized representatives, be held. Such meeting shall be held within thirty (30) days of this request, at the Office of the Fort Smith City Administrator. Except in an emergency situation, neither party may initiate litigation regarding the alleged breach until the dispute resolution provisions, as set forth herein, have been completed. If this meeting does not result in a resolution of the dispute, either party may pursue any appropriate legal or equitable remedies, including rescission, with a court of competent jurisdiction.

10. **Term.** This permit and agreement shall have a term of two (2) years commencing on the first day of the calendar month which begins following the date of execution of this Agreement by the City.

11. **Choice of Law.** This Agreement shall be governed by the laws of the State of Arkansas.

12. **Assignment.** The provisions of this Agreement are not assignable by either party without the prior, written consent to the other party.

13. **Cancellation.** This permit and agreement shall be cancellable upon ten (10) days notice by the City when, in the opinion of the designated agent of the Fort Smith City Administrator, the work being performed by Waste Management of Arkansas, Inc. is being performed in such a manner as to constitute a public menace or nuisance or to be detrimental to the health, safety, and welfare of the citizens of the City.

14. **Indemnification.** Waste Management of Arkansas, Inc. agrees to indemnify and hold harmless the City from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and reasonable attorneys' fees resulting from Waste Management of Arkansas, Inc. operations hereunder. Provided, however, that Waste Management of Arkansas, Inc. shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses or attorneys' fees solely caused by the willful or negligent acts or omissions of the City's employees.

15. **Insurance.** Waste Management of Arkansas, Inc. shall at all times during the term of this Agreement maintain in full force and effect Employer's Liability, Workmen's Compensation, Public Liability, and Property Damage Insurance. Before commencement of work under this Agreement, Waste Management of Arkansas, Inc. agrees to furnish to the City certificates of insurance or other evidence to the effect that such insurance has been procured and is in force. For the purpose of this Agreement, Waste Management of

Arkansas, Inc. shall carry the following types of insurance in at least the amounts specified below:

Workmen's Compensation	Statutory
Employer's Liability	$ 500,000
Bodily Injury Liability (except automobile)	$ 500,000/occurrence $1,000,000/aggregate
Property Damage Liability (except automobile)	$ 500,000/occurrence $1,000,000/aggregate
Automobile Bodily Injury Liability	$ 500,000/person $1,000,000/occurrence
Automobile Property Damage Liability	$ 500,000/occurrence
Excess Umbrella Liability	$5,000,000/occurrence

16. **Force Majeure.** Neither party hereto shall be liable for its failure to perform hereunder do to circumstances beyond its reasonable control, including, but not limited to, strikes or other labor disputes, riots, civil disturbances or sabotage, fires, floods, explosions, accidents, weather or acts of God affecting either party hereunder. In the event any of the circumstances listed in the preceding sentence, or if any federal, state or local court or authority takes any action which would (i) close or restrict operations at the Facility, or (ii) limit the quantity or prohibit the disposal of waste at the Facility or limit the ability of or prohibit Waste Management of Arkansas, Inc. from delivering waste to the Facility, Waste Management of Arkansas, Inc. shall have the right, at its option, to reduce, suspend or terminate delivery of waste to the Facility, as set forth hereunder, immediately, without prior notices and without any additional liabilities between the parties.

17. **Severability.** If any provision of this Agreement shall be held to be invalid, illegal or unenforceable in any respect, this Agreement shall remain in effect and be construed without regard to such provision.

18. **Entire Agreement.** This Agreement constitutes the entire understanding between the parties, replacing and amending any prior agreements between the parties, and shall be binding upon all parties hereto, their successors, heirs, representatives and approved assigns. Any provision, term or condition in any acknowledgment, purchase order or other response by the City to Waste Management of Arkansas, Inc., or by Waste Management of Arkansas, Inc. to the City, which is in addition to or different from the provisions of this Agreement shall be deemed objected to by the other party and shall be of no effect.

19. **Notices.** Any notice required to be given pursuant to the provisions of this Agreement shall be considered to be validly delivered, if it is sent by U.S. Certified Mail or if it is hand delivered and a signed receipt is obtained. Such notice should be given to the following:

If to the City:

City of Fort Smith
City Administrator
P.O. Box 1908
Fort Smith, AR 72902

If to Waste Management of Arkansas, Inc.:

Waste Management of Arkansas, Inc.
Attn: Mr. Tim Wells
2555 Meridian Drive
Suite 200
Franklin, TN 37067

This Agreement is executed as of this _____ day of _____, by the authorized representatives of the parties.

CITY OF FORT SMITH, ARKANSAS

By: _____
Sandy Sanders, Mayor

ATTEST:

_____
City Clerk

Waste Management of Arkansas, Inc.

By: Tim Wells
Tim Wells

6L

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER NUMBER 1 TO THE CONTRACT WITH TURN KEY CONSTRUCTION, INC. FOR THE ASBESTOS ABATEMENT AND RENOVATIONS TO THE ADMINISTRATIVE WING OF FIRE STATION NO. 1

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

Change Order number 1, adding $509.25 to the cost of the work and one (1) day to the contract time, are hereby approved resulting in a total contract sum of $237,986.25 for the City's contract for the asbestos abatement and renovations in the administrative wing of Fire Station No. 1 with Turn Key Construction, Inc.

This Resolution adopted the _____ day of May, 2015.

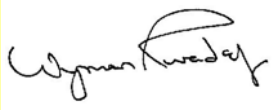
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
City Attorney
No publication Required

6M

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ASBESTOS ABATEMENT AND RENOVATIONS TO THE ADMINISTRATIVE WING OF FIRE STATION NO. 1 AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO TURN KEY CONSTRUCTION, INC.

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

The project for the asbestos abatement and renovations to the Administrative Wing of Fire Station No. 1 is accepted as complete and final payment of $12,383.10 to Turn Key Construction, Inc., is hereby approved.

This Resolution adopted this _____ day of May, 2015.

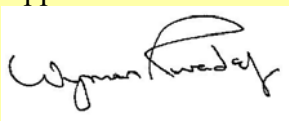
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
City Attorney
No Publication Required

The City of Fort Smith ARKANSAS

FORT SMITH FIRE DEPARTMENT

200 NORTH FIFTH STREET
FORT SMITH, ARKANSAS 72901
479-783-4052 • FAX: 479-783-5338

Mike Richards
Fire Chief

To: Ray Gosack, City Administrator
From: Mike Richards, Fire Chief MR
Date: April 24, 2015
Re: Completion of Fire Administration Wing Asbestos Abatement and Renovations

The asbestos abatement and renovations of the Fire Administration wing at Fire Station #1 are now complete. The project included asbestos abatement, providing controlled access to enhance the safety and security of our office staff, and maximizing the space that was available for offices to increase the efficiency of fire department staff.

Therefore, for the Board's consideration, are two (2) Resolutions to (a) authorize Change Order No. 1 and (b) to accept the project as complete and authorize final payment to Turn Key Construction, Inc. of Fort Smith, Arkansas. The first Resolution for the change order included adding paint to a brick wall in the reception area for an increase of $1,160.00 and the deduction of nine (9) automatic door closures and two (2) 220V receptacles for a decrease of $675.00. The difference in the changes requested increased the overall contract amount by $509.25 from $237,477.00 to $237,986.25. The change order also included increasing the contract time by one (1) day.

The second Resolution is to accept the project as complete and authorize final payment to Turn Key Construction, Inc. in the amount of $12,383.10. It is my recommendation that the change order be approved and the project be accepted as complete and the final payment authorized.

The funding for this project was provided through the 2012 Sales and Use Tax that was overwhelming approved by the citizens of Fort Smith and 4803 Capital funding. This project also brings to a close all of the Fire Service Improvement projects authorized for the fire department through the 2012 Sales and Use Tax. Please feel free to contact me if you have any questions.

Attachments (1)

Project Summary

Project status: Complete

Project name: Fire Admin Wing Remodel

Today's date: April 24, 2015

Project number: 14-04

Staff contact name: Mike Richards

Project engineer: N/A

Staff contact phone: 479-783-4052

Project contractor: Turn Key Construction, Inc.

Notice to proceed issued: November 17, 2014

	Dollar Amount	Contract Time (Days)
Original contract	$237,477.00	126
Change orders:		
Change Order No. 1 pending	$509.25	1
Change Order No. 2		
Change Order No. 3		
Total change orders	$509.25	1
Adjusted contract	$237,986.25	127
Payments to date (as negative):	$225,603.15	
Amount of this payment	$12,383.10	
Retainage held	$0.00	
Contract balance remaining	$0.00	
Amount (over/under) as a percentage	0.002%	

Final comments: With approval of Change Order Number One, the contract increases by $509.25 (+0.002%) to an adjusted contract amount of $237,986.25. The contract time was also increased by one (1) day due to the change order requested by the fire department.

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
May 5, 2015 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

INVOCATION & PLEDGE OF ALLEGIANCE
Pastor Bill Fink, Central Christian Church

ROLL CALL
- All present
- Mayor Sandy Sanders presiding

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)
Information available by viewing rebroadcast of the meeting on the City Access Channel 214, the City website or http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

APPROVE MINUTES OF THE APRIL 21, 2015 REGULAR MEETING
Unanimously approved as written

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map *(from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial-2 (ETJ I-2) by extension located at 8425 Highway 45)*
   APPROVED 7 in favor, 0 opposed / Ordinance No. 30-15

2. Ordinance amending Ordinance No. 61-14 *(correcting legal description for previous master land use plan map and zoning map amendments for property at 3507 and 3515 South 66th Street)*
APPROVED 7 in favor, 0 opposed / Ordinance No. 31-15

3. Resolution deferring the implementation of Resolution No. R-18-15 thereby deferring the installation of speed tables on Cliff Drive ~ *Lorenz/Catsavis placed on agenda at the April 28, 2015 study session* ~
APPROVED 7 in favor, 0 opposed as amended to repeal Resolution No. R-18-15 / Resolution No. R-74-15

4. Resolution establishing employer/employee contribution practices regarding employee benefits in Internal Service Fund 9106 for Employee Health and Wellness ~ *Lau/Settle placed on agenda at the April 14, 2015 study session* ~
APPROVED 7 in favor, 0 opposed as amended with Section 1 changed as follows, "…~~75%~~ 70% employer funded and ~~25%~~ 30% employee funded…" / Resolution No. R-75-15

5. Ordinance amending the 2015 Budget *(safety/risk manager)* ~ *Pennartz/Good placed on agenda at the April 14, 2015 study session / First reading – April 21, 2015 regular meeting / SECOND READING* ~
APPROVED 5 in favor, 2 opposed (Catsavis & Settle) / Ordinance No. 32-15

6. Consent Agenda

   A. Resolution authorizing the waiver and reimbursement of building permit fees for the Greater Fort Smith Association of Home Builders showcase home at 12406 Norwich Street
   APPROVED 7 in favor, 0 opposed / Resolution No. R-76-15

   B. Ordinance to abandon a public utility easement located in Fianna Heights, Lots 1257, 1266, 1267-A and 1267-B, an addition to the City of Fort Smith, Sebastian County, Arkansas
   APPROVED 7 in favor, 0 opposed / Ordinance No.33-15

   C. Resolution accepting bids for the purchase of fleet trucks and vehicles *($165,512.99 / Various Departments / Budgeted – Various Accounts)*
   APPROVED 7 in favor, 0 opposed as amended to remove Item No. 5 from the bid tab / Resolution No. R-77-15

   D. Resolution authorizing Amendment No. 2 to Authorization No. 3 with Mickle Wagner Coleman, Inc. for engineering services for Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines *($64,608.75 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*
   APPROVED 7 in favor, 0 opposed / Resolution No. R-78-15

E. Resolution authorizing Change Order No. 1 with M. Phillips Construction, Inc. for the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines *($19,769.53 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-79-15

F. Resolution accepting the project as complete and authorizing final payment to M. Phillips Construction, Inc. for construction of the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines *($36,305.43 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-80-15

G. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing program management services for Consent Decree Compliance Program and Infrastructure Improvements *($1,220,269.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-81-15

H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing engineering services associated with "P" Street and Massard Wastewater Treatment Plants effluent blending and treatment capacity assessments *($198,600.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-82-15

I. Resolution authorizing Amendment No. 1 to the agreement with Shannon & Wilson Inc. for providing engineering services for the Year 2015 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir *($10,025.90 / Utility Department / Budgeted – Water and Sewer Operating Budget)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-83-15

J. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Altes Sanitation Service, LLC
APPROVED 7 in favor, 0 opposed / Resolution No. R-84-15

K. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Waste Management of Arkansas, Inc.
APPROVED 7 in favor, 0 opposed / Resolution No. R-85-15

L. Resolution approving Change Order No. 1 to the contract with Turn Key Construction, Inc. for the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 *($509.25 & 1 day / Fire Department / Budgeted – 2012 Sales and Use Tax Bonds & 4803 Capital Funds)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-86-15

M. Resolution accepting the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 as complete and authorizing final payment to Turn Key Construction Inc. *($12,383.10 / Fire Department / Budgeted - 2012 Sales and Use Tax Bonds & 4803 Capital Funds)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-87-15

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

ADJOURN
7:14 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 5, 2015 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Pastor Bill Fink of Central Christian Church, followed by the Pledge of Allegiance.

On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings. The Mayor declared a quorum present.

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

The minutes of the April 21, 2015 regular meeting were presented for approval. Settle, seconded by Pennartz, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was an ordinance rezoning identified property and amending the zoning map *(from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial-2 (ETJ I-2) by extension located at 8425 Highway 45).*

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Randy Coleman, agent for Zero Mountain, Inc. The purpose of the rezoning request is to allow for a building addition and continued use of a packaging and distribution facility at the subject location. Zero Mountain, Inc. purchased the subject property and building, which is south of their existing facility. They intend to

connect the two (2) buildings and the proposed zoning classification will allow such to occur. The Planning Commission held a public hearing on April 14, 2015 with no individual present to speak in opposition to the request. The Planning Commission approved the proposed rezoning by a vote of eight (8) in favor and zero (0) opposed.

Lau, seconded by Pennartz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 30-15.

Item No. 2 was an ordinance amending Ordinance No. 61-14 *(correcting legal description for previous master land use plan map and zoning map amendments for property at 3507 and 3515 South 66th Street)*.

City Administrator Ray Gosack briefed the Board on the item advising the Board approved Ordinance No. 61-14 at its November 4, 2014 regular meeting, which amended the Master Land Use Plan map and rezoned property at 3507 and 3515 South 66th Street. After adoption, an error within the legal description was discovered; therefore, the proposed ordinance merely corrects a scrivener or clerical error within the legal description originally provided within Ordinance No. 61-14.

Hutchings, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 31-15.

May 5, 2015 Regular Meeting

Item No. 3 was a resolution deferring the implementation of Resolution No. R-18-15 thereby deferring the installation of speed tables on Cliff Drive ~ *Lorenz/Catsavis placed on agenda at the April 28, 2015 study session* ~ .

Mayor Sanders advised the item was thoroughly discussed at the April 28, 2015 study session citing the Board requested the proposed resolution. Upon adoption, such will defer the implementation of Resolution No. R-18-15, i.e. installation of speed tables on Cliff Drive, for a minimum of six (6) months.

The following individuals were present to address the Board:

- Bob Honea, representing residents on Cliff Drive
  Fort Smith, Arkansas

  Re: Requested those in attendance who maintain a Cliff Drive mailing address to stand and be recognized. Approximately twelve (12) individuals stood, some of whom Mr. Honea questioned if they maintained an actual Cliff Drive mailing address. Regardless, he conveyed much confidence that all will agree there is a speeding problem on Cliff Drive. At the request of residents via petition in 2014, City staff conducted a traffic study and concurred the results were such that warranted implementation and installation of speed tables on said street. He noted much assurance the area fits the criteria for speed tables as originally approved and urged the Board to deny the proposed resolution deferring implementation of Resolution No. R-18-15.

- Tracey Geren, representing Sebastian Woods property owners
  Fort Smith, Arkansas

  Re: Conveyed much appreciation to the Board for considering the proposed resolution. Property owners of Sebastian Woods sympathize with the other side; however, they are opposed to the implementation and installation of speed tables on Cliff Drive and hope to find a less intrusive option to address the speeding

issue. She alleged the previously presented petition that prompted the installation of speed tables on Cliff Drive did not even meet the criteria noted within the previously reviewed yet not adopted Traffic Calming Policy. Regardless, she alleged that speed tables are a controversial issue across the nation and conveyed multiple reasons that speed tables are not the best option to address speeding issues, i.e. they're expensive in regard to installation and staff time to administer a traffic calming policy, they hinder emergency vehicles, create increased noise, increase wear and tear on vehicles, and prohibit driving the actual posted speed limit.

In rebuttal, Mr. Honea clarified that at least fifty-percent (50%) of residents along Cliff Drive signed the petition requesting installation of the subject speed tables. He further conceded there are pros and cons to every option to address speeding; therefore, he previously suggested a cost-share program be created to address the cost to the City. Regardless, he again spoke in opposition to the proposed resolution and urged the Board to *"move forward."*

- Vance Gregory
  Fort Smith, Arkansas

  Re: Spoke in favor of the proposed resolution to defer implementation and installation of the subject speed tables to allow additional study. He alleged the negative aspects of speed tables outweigh the positive and such does not address the pedestrian traffic along Cliff Drive, which does not have shoulders or sidewalks.

- Mike Carter
  Fort Smith, Arkansas

  Re: Spoke in opposition to the proposed resolution and questioned, *"what will six (6) months do?"* He alleged the subject speed tables will slow traffic, which is the ultimate goal. He urged the Board to *"face the problem"* and vote against the resolution. He further presented maps to City Attorney Jerry Canfield indicating the area that excessive speed is occurring on Cliff Drive, i.e. west of Old Greenwood Road.

There was lengthy discussion with several directors inquiring about other options to address speeding on Cliff Drive, i.e. additional police patrol, installation of stop signs or stop lights. There was also concern expressed that no yield signs are present and an inquiry about possible construction of sidewalks to address pedestrian traffic.

With regard to additional police patrols, Police Sergeant Mark Hallum addressed the Board advising Police Chief Kevin Lindsey, who was unable to attend the meeting, has authorized a no tolerance, dedicated patrol of the area. Said patrol can be implemented for a few weeks and revisited as necessary.

Regarding installation of stop signs or stop lights, Director of Engineering Stan Snodgrass noted the roadway is utilized by approximately 1,600 vehicles per day. Due to the traffic volume, he spoke in opposition to said installation advising it's been determined that such is not a good option to address speeding and tends to create more cross traffic. Although Cliff Drive is not classified as a collector street, he conceded the roadway functions as such.

With regard to installation of sidewalks, Mr. Snodgrass noted that sidewalk funding is limited with much utilized to repair existing sidewalks. New construction does occur; however, areas for such are prioritized for schools and areas with high pedestrian traffic. If the pedestrian traffic warrants and funding is available, the subject area would most likely be considered for sidewalk construction.

Director Hutchings simply inquired what Mr. Snodgrass would recommend to address the speeding issue.

Mr. Snodgrass recommended the City first try a dedicated police patrol with a no

tolerance policy for speeding violations. Secondly, the City may also consider the placement of a sign that flashes the drivers speed upon approach. Such makes drivers more aware that they're speeding and tends to slow traffic. With regard to yield signs, he advised that statistics indicate few accidents in the area; therefore, such does not meet the warrants for placement. Ironically, one (1) accident that occurred in the subject area was due to a driver hitting a bump in the road causing them to roll their vehicle.

Director Settle recommended the Police Department schedule a problem solving meeting with the neighborhood.

Director Lorenz reiterated that no one disputes there's a speeding issue; however, he advised the Board must consider "all" who use the street and advised he's received multiple emails from individuals opposed to the placement of speed tables.

Lorenz, seconded by Pennartz, moved to amend the resolution to repeal Resolution No. R-18-15 thereby denying installation of speed tables on Cliff Drive. The members all voting affirmatively, the Mayor declared the motion carried and the resolution stood amended.

Lorenz, seconded by Pennartz, moved adoption of the resolution as amended, i.e. "Resolution repealing Resolution No. R. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-74-15.

Item No. 4 was a resolution establishing employer/employee contribution practices regarding employee benefits in Internal Service Fund 9106 for Employee Health and Wellness *~ Lau/Settle placed on agenda at the April 14, 2015 study session ~.*

May 5, 2015 Regular Meeting

Director of Human Resources Richard Jones briefed the Board on the item as discussed at the April 14, 2015 study session. The proposed resolution establishes the cost sharing percentage at seventy-five percent (75%) for the City and twenty-five percent (25%) for employees, sets a target reserve for Fund 9106 that is equal to seventy-five (75) calendar days or twenty-percent (20%) of the annual benefit cost, and allows for the cost sharing percentages to be adjusted to correct for any deviation in the cost sharing trend as well as any deficit or surplus in the reserve balance.

Director Hutchings questioned if the Affordable Care Act affects the City.

Mr. Jones advised such will affect the City only if contribution levels change or costs increase.

Director Lau inquired the manner in which the City keeps within the benchmark and how the City compares to the national average. He further commented the proposed is a huge leap forward, but urged Mr. Jones to keep a close watch on the trends.

With regard to keeping within the benchmark, Mr. Jones conveyed there's no easy way to definitively accomplish; however, he conveyed much assurance the City closely watches the trend for past years and adjusts accordingly annually. The City compares itself with the national average on an annual basis and currently *"ahead of the curve."*

Director Settle expressed concern that the fund balance keeps dropping; therefore, feels an adjustment is necessary at least until the Board has the opportunity to see how the budget is trending. He spoke in favor of adjusting the percentage between the City and employees from the current 75/25 to 70/30.

If the Board opts to adjust the current 75/25 split to 70/30, Mr. Jones offered a

warning that the cost to employees and their families *"will be significant"* citing approximately $1 million will be passed on to the employees. He expressed concern that such would be *"a lot (for the employees) to take on at one time."*

Director Pennartz extended much appreciation to Mr. Jones for his work and research to provide the information and questioned if a 50/50 split would be dramatic to employees whereby Mr. Jones responded *"very dramatic."* She further noted that another option would be for the City to no longer include vision and dental coverage within the benefits package, but provide such to employees solely as an option at their sole expense.

Settle, seconded by Lorenz, moved to amend Section 1 of the ordinance as follows:

"...~~75%~~ 70% employer funded and ~~25%~~ 30% employee funded..."

The members voted as follows: ayes - Lau, Lorenz, Pennartz and Settle; nays - Good, Catsavis and Hutchings. The Mayor declared the motion carried and the resolution stood amended.

Settle, seconded by Lorenz, moved adoption of the resolution as amended. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-75-15.

Item No. 5 was an ordinance amending the 2015 Budget *(safety/risk manager) ~ Pennartz/Good placed on agenda at the April 14, 2015 study session / First reading - April 21, 2015 regular meeting / SECOND READING ~*

Mayor Sanders advised the Board may merely allow the second reading to occur and the third and final reading scheduled for the next regular meeting or a motion to adopt the ordinance with suspension of the rules may be offered to allow passage of the ordinance on its second reading.

Pennartz, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the second and third readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its second reading. The members voted as follows: ayes - Lau, Good, Lorenz, Pennartz and Hutchings; nays - Catsavis and Settle. The Mayor declared the motion carried and since the ordinance received five (5) affirmative votes for passage on its second reading, he announced the ordinance was adopted and given Ordinance No. 32-15.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

A. Resolution authorizing the waiver and reimbursement of building permit fees for the Greater Fort Smith Association of Home Builders showcase home at 12406 Norwich Street

B. Ordinance to abandon a public utility easement located in Fianna Heights, Lots 1257, 1266, 1267-A and 1267-B, an addition to the City of Fort Smith, Sebastian County, Arkansas

C. Resolution accepting bids for the purchase of fleet trucks and vehicles *($165,512.99 / Various Departments / Budgeted - Various Accounts)*

D. Resolution authorizing Amendment No. 2 to Authorization No. 3 with Mickle Wagner Coleman, Inc. for engineering services for Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines *($64,608.75 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

E. Resolution authorizing Change Order No. 1 with M. Phillips Construction, Inc. for the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines *($19,769.53 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

F. Resolution accepting the project as complete and authorizing final payment to M. Phillips Construction, Inc. for construction

of the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines *($36,305.43 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

G. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing program management services for Consent Decree Compliance Program and Infrastructure Improvements *($1,220,269.00 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds)*

H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing engineering services associated with "P" Street and Massard Wastewater Treatment Plants effluent blending and treatment capacity assessments *($198,600.00 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds)*

I. Resolution authorizing Amendment No. 1 to the agreement with Shannon & Wilson Inc. for providing engineering services for the Year 2015 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir *($10,025.90 / Utility Department / Budgeted - Water and Sewer Operating Budget)*

J. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Altes Sanitation Service, LLC

K. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Waste Management of Arkansas, Inc.

L. Resolution approving Change Order No. 1 to the contract with Turn Key Construction, Inc. for the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 *($509.25 & 1 day / Fire Department / Budgeted - 2012 Sales and Use Tax Bonds & 4803 Capital Funds)*

M. Resolution accepting the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 as complete and authorizing final payment to Turn Key Construction Inc. *($12,383.10 / Fire Department / Budgeted - 2012 Sales and Use Tax Bonds & 4803 Capital Funds)*

Regarding Item No. 6C, Mayor Sanders announced staff recommends that Item No.

5 on the associated bid tab be removed with possible consideration at a later date. If the Board concurs with the recommended removal and deference, the motion to approve the consent agenda should reflect same.

Settle, seconded by Lau, moved adoption of all consent agenda items. The motion included that Item No. 6C be amended to remove Item No. 5 from the associated bid tab. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 33-15 and the resolution numbered R-76-15 through R-87-15 respectively.

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

- Mayor Sanders

  Re: 1. Extended congratulations to the coordinators of the successful Steel Horse Rally held on May 1st & 2nd citing they're already working on next year's event.

  2. Reminded all that early voting for the May 12th special election regarding continuation of the 1% sales and use tax for streets, bridges and associated drainage began today.

- Director Lorenz

  Re: 1. Reiterated the Mayor's comments regarding the Steel Horse Rally and also extended much gratitude not only to the event coordinator, but also to all the volunteers.

  2. Extended a heartfelt *"Happy Anniversary"* to his wife, Wendy, citing Sunday, May 2nd was their 22nd wedding anniversary.

- Director Settle

  Re: 1. Conveyed congratulations to Director Lorenz and Wendy.

2. Conveyed *"Happy Birthday"* to his daughter, Katie, who turned 14 on Monday, May 4th.

3. Extended congratulations to the University of Arkansas Fort Smith baseball team for making it to the conference tournament in San Antonio, Texas.

4. Regarding the Steel Horse Rally, he also extended much appreciation to the City of Fort Smith Police, Fire, Sanitation, Street and Parks Department, and the Sebastian County Sheriff's Office for their efforts and in-kind services that helped to make the event such a great success.

5. With regard to the upcoming special election on May 12th and early voting noted by the Mayor, he simply encouraged all to *"get out and vote!"*

- Director Hutchings

  Re: Advised the National Day of Prayer is Thursday, May 7th and encouraged all to attend an event recognizing same scheduled for 11:45 a.m. at the Sebastian County Courthouse.

There being no further business to come before the Board, Hutchings moved that the meeting adjourn. The motion was seconded by Good, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:14 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK