



Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

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

August 4, 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 JULY 21, 2015 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Transitional by classification located at 11300 Roberts Boulevard)*
2. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to a Planned Zoning District by classification located at 7500 Wells Lake Road)*
3. Ordinance amending the special conditions for the Commercial-5 Zoning on the property located at 1520 South “U” Street

4. Items regarding water and sewer revenue bonds:
 - A. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto *(80/20 Stephens, Inc. & Raymond James) ~ Good/Hutchings placed on agenda at the July 14, 2015 study session ~*
 - B. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto *(50/50 Stephens, Inc. & Raymond James) ~ Settle/Pennartz placed on agenda at the July 14, 2015 study session ~*
5. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Burns & McDonnell for engineering services for the Lake Fort Smith and Lee Creek Fluoride Feed Systems *(\$249,000.00 / Utility Department / Budgeted – Grant Funds)*
6. Consent Agenda
 - A. Resolution setting public hearing date on petition to vacate a portion of an alley located in Block 19, South Fort Smith Addition, an addition to the City of Fort Smith, Arkansas
 - B. Resolution authorizing a special warranty deed and a bill of sale conveying property to Evans Enterprises, Inc. and prescribing other matters pertaining thereto
 - C. Resolution authorizing a time extension for the construction of South 7th Street and Parker Avenue Overlay / Reconstruction and Trolley Extension, Project 14-90-A *(32 days)*
 - D. Resolution accepting completion of and authorizing final payment for the construction of South 7th Street & Parker Avenue Overlay / Reconstruction and Trolley Extension, Project No. 14-90-A *(\$120,048.40 / Engineering Department / Budgeted – Sales Tax Program Fund)*
 - E. Resolution authorizing the Mayor to execute an electric utility easement with Oklahoma Gas & Electric for the River Valley Sports Complex
 - F. Resolution accepting Change Order No. 1 with Creative Design Pools, LLC for construction of the Compass Park Splash Pad *(\$7,416.11 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦*

- G. Resolution accepting completion of and authorizing final payment to Creative Design Pools, LLC for construction of the Compass Park Splash Pad (\$18,166.74 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦
- H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with KBM Industrial Services, Inc. for the Lee Creek Water Treatment Plant Trash Rake Access Platforms (\$39,971.61 / Utility Department / Budgeted – Water and Sewer Operations Budget)
- I. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for the Mill Creek Interceptor Improvements – Phase II (96 days)
- J. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the Mill Creek Interceptor Improvements – Phase II (\$114,596.71 / Utility Department / Budgeted – 2012 and 2014 Sales and Use Tax Bonds)

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

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Appointment: Acting City Administrator ~ *Placed on agenda at the July 10, 2015 special meeting ~*

- 7. Resolution confirming appointment of Jeff Dingman as Acting City Administrator and authorizing execution of agreement pertaining thereto

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. 8-7-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 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:

Part of Northeast Quarter of the Northwest Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Northeast Quarter of the Northwest Quarter; Thence along the west line of said Northeast Quarter of the Northwest Quarter, S02°41'29"W, 96.18 feet to a point on the southerly right-of-way line of Roberts Boulevard as established by AHTD Job 001747; Thence along said right-of-way line the following courses: N89°49'08"E, 94.98 feet to an existing AHTD right-of-way monument; N01°45'02"E, 30.09 feet to an existing 1/2" rebar with cap stamped MWC 1369 on said right-of-way line as established by Document Number 2014F-16552; Thence along said right-of-way line the following courses: 675.29 feet along the arc of a curve to the right, said curve having a radius of 965.60 feet and being subtended by a chord having a bearing of S68°23'40"E and a distance of 661.61 feet to an existing 1/2" rebar with cap stamped MWC 1369; S45°27'55"E, 42.42 feet to the Point of Beginning and a set 1/2" rebar with cap stamped MWC 1369; Continuing along said right-of-way line, S45°27'55"E, 180.00 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said right-of-way line, S44°05'10"W, 210.00 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N45°27'55"W, 180.00 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N44°05'10"E, 210.00 feet to the Point of Beginning. Containing 0.87 acres, more or less.

more commonly known as 11300 Roberts Boulevard, should be, and is hereby rezoned from Not Zoned to Transitional by Classification, subject to the development plan approved by the

Planning Commission. Any significant changes or amendments to the development plan must be approved by the Planning Commission.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time



July 29, 2015

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

Re: A request by Larry Hall, agent for Chaffee Crossing Clinic, for a zone change from Not Zoned to Transitional by Classification located at 11300 Roberts Boulevard.

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

Mr. Wally Bailey read the staff report indicating that the purpose of the rezoning request is to allow for the construction of a medical clinic.

In addition to the rezoning request, a development plan was submitted that shows a 2,272 square foot medical clinic building with 24 parking spaces. A driveway variance was approved allowing the distance between the driveways to be reduced.

Mr. Larry Hall was present to speak on behalf of this request.

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

The Board of Zoning adjustment approved the driveway variance request. The Planning Commission unanimously approved the development plan.

Following a discussion by the Commission, motion was made by Commissioner Howard, seconded by Commissioner Richardson to approve the rezoning request contingent upon the submitted and approved development plan.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 6 in favor and 2 abstentions. (Keesee, Howard)

Respectfully Submitted,

CITY PLANNING COMMISSION

A handwritten signature in black ink that reads "Marshall S. 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

Memo

To: City Planning Commission

From: Planning Staff

Date: July 10, 2015

Re: Rezoning #8-7-15 - A request by Larry Hall, agent, for Planning Commission consideration of a zone request from Not Zoned to Transitional by classification at 11300 Roberts Boulevard (Companion to items #4 & #5)

PROPOSED ZONING

The approval of this rezoning will allow for the construction of a medical clinic at this location.

LOT LOCATION AND SIZE

The subject property is on the south side of Roberts Boulevard east of the entrance ramp to Interstate 49 and west of Terry Street. The tract contains an area of 0.87 acres with approximately 180 feet of street frontage along Roberts Boulevard.

REQUESTED ZONING

The proposed zoning on this tract is Transitional (T). Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital,

3A

daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

EXISTING ZONING

The property is currently Not Zoned.

SURROUNDING ZONING AND LAND USE

The area to the north is Not Zoned and is developed as a cemetery.

The area to the east is Not Zoned and is developed with two vacant building.

The area to the south is Not Zoned and is undeveloped.

The area to the west is Not Zoned and is undeveloped.

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies the site as Mixed Use Business Park. The proposed Transitional zoning will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. Companion item #4 is a Development Plan Review for the construction of a medical office and companion item #5 is a Variance request for the minimum driveway separation for the new driveways and one existing driveway on the neighboring property.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, July 6, 2015, at the Fort Smith Public Library, Dallas Branch. No neighboring property owner’s were in attendance at the meeting.

Staff recommends approval of the zone request.

3B

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: 11300 ROBERTS BLVD. CHAFFEE CROSSING

- 3. The above described property is now zoned: NOT ZONED

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

- 5. Why is the zoning change requested?

NOT ZONED

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

LARRY HALL

Signed:

TIM A. FISLEY & ASSOC.

Owner or Agent Name
(please print)

Owner

6101 PHOENIX AVE

or

Owner or Agent Mailing Address

Larry B. Hall

Agent

(479) 452-2636

Owner or Agent Phone Number

30

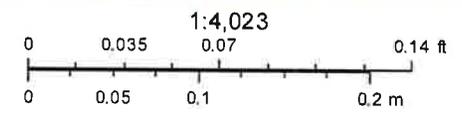
Rezoning #8-7-15: From Not Zoned to Transitional (T) 11300 Roberts Boulevard

3D



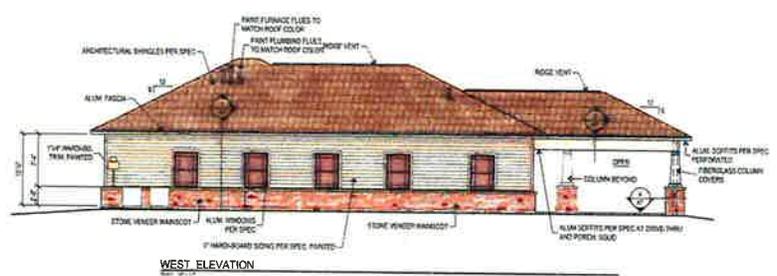
July 7, 2015

-  Fort Smith City Limits
-  Building Footprints
-  Zoning
-  Subdivisions



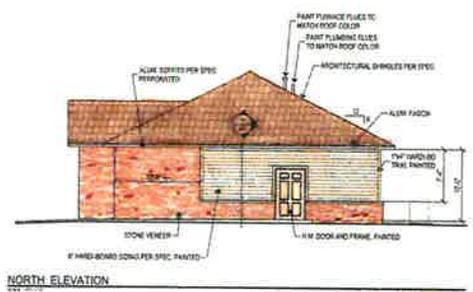
City of Fort Smith GIS
Copyright 2013, City of Fort Smith

NH



EAST ELEVATION

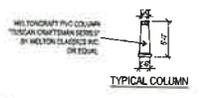
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



STREET ELEVATION

CHAFFEE CROSSING CLINIC
 Dr. Justin Hayes
 11300 Roberts Blvd
 Fort Smith, Arkansas

Fort Chaffee Redevelopment Trust
P. O. Box 11165
Fort Smith, AR 72917

HARCO Properties, LLC
700 South 21st Street
Fort Smith, AR 72901

DRAFT

**Planning Commission Meeting Minutes
July 14, 2015**

- Planning Commission approval of the companion subdivision variance requesting a variance from the perimeter landscaping requirements.

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

- 2. Subdivision Variance #2-7-15; A request by Ricky Hill, agent for James Williams and William Cantrell, for a variance from the perimeter landscaping requirements located at 4712 South 28th Street and 4721 South 27th Street.**

Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to the subdivision being developed with single family homes.

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

- 3. Rezoning #8-7-15; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a zone change from Not Zoned to Transitional by Classification located at 11300 Roberts Boulevard. (companion item to items #4 & #5)**
- 4. Development Plan; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a doctor's office and clinic located at 11300 Roberts Boulevard. (companion item to items #3 & #5)**
- 5. Variance #17-7-15; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a variance from 200 feet to 107 feet and from 200 feet to 28 feet minimum separation between adjacent driveways located at 11300 Roberts Boulevard. (companion item to items #3 & #4)**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow for the construction of a medical clinic at this location with two (2) driveways to be constructed on the site. One driveway at each end of the property is being proposed with an existing driveway to the east of the site that they are requesting the second variance for.

Mr. Larry Hall was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission , Chairman Sharpe called for the vote on these items.

- 3. Rezoning #8-7-15; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a zone change from Not Zoned to Transitional by Classification located at 11300 Roberts Boulevard. (companion item to items #4 & #5)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 6 in favor and 2 abstentions (Keese, Howard)

- 4. Development Plan; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a doctor's office and clinic located at 11300 Roberts Boulevard. (companion item to items #3 & #5)**

Motion was made by Commissioner Howard, seconded by Commissioner Richardson and carried unanimously to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Board of Zoning Adjustment approval of the companion variance application.
- All platting requirements shall be completed prior to the issuance of the building permit.
- All site design features of the development not specifically mentioned or shown on the development plan shall comply with the UDO requirements and Chaffee Crossing Design Guidelines.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 6 in favor and 2 abstentions (Keese, Howard).

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

- DRAFT
5. **Variance #17-7-15; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a variance from 200 feet to 107 feet and from 200 feet to 28 feet minimum separation between adjacent driveways located at 11300 Roberts Boulevard. (companion item to items #3 & #4)**

Chairman Sharpe then called for the vote on the variance request. The vote was 6 in favor and 2 abstentions. (Keese, Howard)

**RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION**

6. **Rezoning #9-7-15; A request by Mickle-Wagner-Coleman, agent for Brownwood Life Care, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 7500 Wells Lake Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the rezoning request is to allow for a new 42,630 square foot nursing home located on an approximate 9 acre tract of land with approximately 86 parking spaces and landscaping.

- Mr. Nick Griffin, representing Mickle-Wagner-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, motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to compliance with the submitted project booklet.

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

7. **Rezoning #10-7-15; A request by Al Prieur, agent for Bryan White and Renee Barrow, for a zone change from Commercial-5-Special (C-5-SPL) to Commercial Heavy (C-5) by Classification located at 1520 South "U" Street. (companion item to items #8 & #9)**
8. **Development Plan; A request by Al Prieur, agent for Bryan White and Renee Barrow, for a multi-family development located at 1520 South "U" Street. (companion item to items #7 & #9)**

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. 9-7-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 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:

Part of the Southeast Quarter of the Southeast Quarter of Section 6, and part of the Southwest Quarter of the Southwest Quarter of Section 5, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 6, said point being marked with an existing ½” rebar with cap stamped PLS 1272; thence along the South line of said Section 6, N87°14’55”W, 334.55 feet to a point on the westerly right-of-way line of Wells Lake Road; thence leaving said South line and along said westerly right-of-way line the following courses: 138.19 feet along the arc of a curve to the right, said curve having a radius of 1740.00 feet and being subtended by a chord having a bearing of N 28°35’37”E and a distance of 138.15 feet, N 30°52’08”E, 179.11 feet to the Point of Beginning, said point being marked with a set ½” rebar with cap stamped MWC 1369; thence leaving said westerly right-of-way line, N 59°15’55”W, 333.24 feet to a set ½” rebar with cap stamped MWC 1369; thence N 79°30’45”W, 315.46 feet to a set ½” rebar with cap stamped MWC 1369; thence N 30°52’08”E, 709.17 feet to a set ½” rebar with cap stamped MWC 1369; thence S 59°15’55”E, 628.96 feet to a point on said westerly right-of-way line; thence along said westerly right-of-way line, S 30°52’08”W, 600.00 feet to the Point of Beginning, containing 9.03 acres, more or less.

more commonly known as 7500 Wells Lake Road, should be, and is hereby rezoned from Not

Zoned to a Planned Zoning District by Classification. The approved change in zoning

classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

ATTEST:

APPROVED:

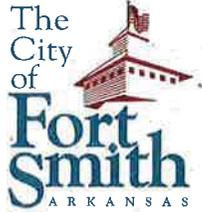
City Clerk

Mayor

Approved as to form:



Publish One Time



July 29, 2015

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

Re: A request by Mickle-Wagner-Coleman, agent for Brownwood Life Care, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 7500 Wells Lake Road.

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

Ms. Brenda Andrews read the staff report indicating that the purpose of the rezoning request is to allow for a new 42,630 square foot nursing home located on an approximate 9 acre tract of land with approximately 86 parking spaces and landscaping.

Mr. Nick Griffin, representing Mickle-Wagner-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, motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to compliance with the submitted project booklet.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

A handwritten signature in black ink that reads "Marshall 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

Memo

To: City Planning Commission

From: Planning Staff

Date: June 30, 2015

Re: Rezoning #9-7-15 - A request by Mickle-Wagner-Coleman, agent for Brownwood Life Care, for Planning Commission consideration of a zone request from Not Zoned to Planned Zoning District by classification at 7500 Wells Lake Road

PROPOSED ZONING

The rezoning if approved will allow for a new 42,630 s.f. nursing home located on an approximate 9 acre tract of land with approximately 86 parking spaces and landscaping

LOT LOCATION AND SIZE

The subject property is on the west side of Wells Lake Road between Free Boulevard and Roberts Boulevard. The tract contains an area of 9.03 acres with approximately 600 feet of street frontage along Wells Lake Road.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

6A

EXISTING ZONING

The property is currently Not Zoned (NZ).

SURROUNDING ZONING AND LAND USE

The areas to the west and south are not zoned and undeveloped.

The area to the east is not zoned and is developed as the officers club.

The area to the east is zoned Residential Single Family High Density (RS-4) and is undeveloped.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Land Use Plan classifies the site as Commercial/Office. This classification is intended to guide the appropriate development of non-residential uses with a larger community context, establish a strong street presence through setbacks and other mixed use categories and to promote parking on the sides and rear of the buildings.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes- the site plan shows the building location along with the proposed parking lots and areas for landscaping with the driveways defined on the plan. The development has room at the rear of the building to shift if the easements at the front of the property conflict with the landscaping.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes – all traffic will enter and exit the site plan from Wells Lake Road.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **Yes – the architectural features will consist hardie board of 100% high quality materials on each façade.**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **The overall plan will be consistent with the design patterns for the Master Street Plan, Comprehensive Plan, and Chaffee Crossing Master Land Use Plan.**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **The existing right of way is adequate for Wells Lake Road.**

6B

- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **All easements and utilities will comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction and will be verified during platting process.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Most of the surrounding properties are undeveloped with the exception of the officers club located to the north of the project. The project engineer has provided a traffic information statement which has been reviewed and approved by the city's Engineering Department.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The building will utilize 100% of high quality materials. The landscaping will exceed the UDO requirements by following the Chaffee Crossing Design standards which requires more landscaping than the UDO such as building landscaping and parking area landscaping.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The property will be accessible from Wells Lake Road.

Right-of-way dedication – All right-of-way dedication is adequate as shown from the plat comments.

Drainage – The site plan shows a detention pond at the rear of the development. The drainage plan shall be approved by the city engineering department during the building permit review.

Landscaping & Screening – The submitted booklet states that the buffer areas, screening and landscaping areas will meet or exceed the City of Fort Smith UDO.

Parking – The project booklet states the site will have 86 parking spaces. Previous comments from the engineering firm state that this will exceed the UDO requirements.

Signage – The project booklet states that monument style signage will be used.

Sidewalks – Sidewalks are proposed along Wells Lake Road.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood) **The proposed development is in compliance with the applicable plans. With the exception of the sidewalks and landscaping inside the utility easement.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The existing land use and PZD are compatible with the surrounding area.**

6C

- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The zoning and proposed uses are compatible with the nearby properties.**
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. A **Traffic Information Statement was submitted to the city's Engineering Department and is acceptable.**
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **A 6 inch water line will be extended from the existing 12 inch water line across Wells Lake Road. FCRA will be extending an 8" sanitary sewer line and franchise utilities will be extended to the site.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The land uses, design guidelines and PZD information complies or exceeds the UDO requirements.**

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Tuesday June 16, 2015, at 1:00 P.M. at the FCRA offices. One attendee was present at the meeting and asked questions about detention/water quality basin which Mr. Griffin addressed how the project would accommodate the concerns. There were no objections to the proposed project.

Staff recommends approval of the proposed Planned Zoning District based on compliance with the submitted project booklet.

6D

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 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: 7500 Wells Lake Road

3. The above described property is now zoned: Not Zoned

4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

5. Explain why the Planned Zoning District is requested?

The project would require variances to utilize applicable conventional zoning.

Signed:

Mickle Wagner Coleman, Inc.

~~Owner or Agent Name~~
(please print)

P.O. Box 1507, Fort Smith, AR 72902

~~Owner or Agent Mailing Address~~

479-649-8484

~~Owner or Agent Phone Number~~

Owner
or
Agent

6E

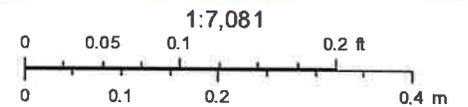
Rezoning #9-7-15: From Not Zoned to Planned Zoning District (PZD) 7500 Wells Lake Road

6F



July 8, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions



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



Patrick J. Mickle, P.E.
Neal B. Wagner, PLS
Randell C. Coleman, P.E.
Andrew J. Dibble, P.E.

**Neighborhood Meeting Minutes
Brownwood Life Care Center
June 16, 2015 1:00 PM
FCRA Offices
7020 Taylor Avenue, Fort Smith, Arkansas**

A neighborhood meeting to discuss the Brownwood Life Care Center at Chaffee Crossing project was held Tuesday, June 16, 2015 at 1:00 p.m. at the FCRA Offices, 7020 Taylor Avenue, Fort Smith, Arkansas. The meeting was called to order at 1:00 p.m.; Nick Griffin was the moderator. The only attendees were Rebecca Gomez of Lend-A-Hand and Brenda Andrews of the City of Fort Smith Planning Dept. See attached list of attendees. Mr. Griffin explained the scope of the project and answered questions from Mrs. Gomez regarding the detention/water quality basin.

There being no further comments, the meeting adjourned at 1:20 p.m.

A handwritten signature in black ink, appearing to read 'N. Griffin', written over a light blue horizontal line.

Nicholas J. Griffin

f:\doc\misc\Neighborhood Meeting Minutes -- Brownwood Life Care 6-16-15.doc

**BROWNWOOD LIFE CARE CENTER
PLANNED ZONING DISTRICT
PROJECT BOOKLET**

6I

**Brownwood Life Care Center
PLANNED ZONING DISTRICT APPLICATION
PROJECT BOOKLET**

3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The property for the Brownwood Life Care is not currently zoned. A Planned Zoning District (PZD) is proposed for this project. A PZD will allow the development to utilize design standards which meet or exceed the minimum standards required by the UDO and FCRA design guidelines.

3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.

OWNER
Brownwood Life Care
2121 Towson Avenue
Fort Smith, AR 72901

REPRESENTATIVE
Mickle Wagner Coleman, Inc.
3434 Country Club Avenue
Fort Smith, AR 72903

3c. Description of the scope, nature, and intent of the proposal.

The PZD will include an area of 9 acres located on Wells Lake Road near the Chaffee Officer's Club. The proposed use is a 42,000+ sq.ft., nursing home facility and a 86 space parking area. A vicinity map and development plan is included in the Appendix A.

3d. General Project Scope.

- i. Street and lot layout:
See attached development plan. Access to the site is via Wells Lake Road.
- ii. Site plan showing improvements:
See attached Development Plan.
- iii. Buffer areas, screening and landscaping areas:
All items will meet or exceed City UDO requirements. Landscaping meets FCRA requirements with the exception of the variances. Proposed variances are detailed in section 3j.
- iv. Storm water detention areas and drainage:
All detention and drainage will comply with The City of Fort Smith's 2011 Storm Drainage Standards. Detention areas are shown on attached Development Plan.

- v. Undisturbed natural areas:
The western edge of the property contains good quality hardwood trees that will remain as a buffer to the proposed green belt that bounds the west side of the property.
- vi. Existing and proposed utility connections and extensions:
 - a. A 6” water line will be extended from the existing 12” water line across Wells Lake Road.
 - b. A proposed 8” Sanitary Sewer will be extended to the site by FCRA
 - c. Franchise Utilities will be extended to the site
- vii. Development and architectural design standards:
 - a. Design standards will meet or exceed UDO and FCRA design guidelines with approved FCRA variances.
 - b. Landscape materials and types will meet the requirements of the UDO and FCRA architectural standards with approved FCRA variances.
 - c. All exterior lighting will comply with the UDO “Commercial Outdoor Lighting” regulations.
- viii. Building elevations:
 - a. See attached elevations
- ix. Proposed signage (Type and Size):
 - a. The sign will be a masonry monument style sign and will comply with UDO and FCRA sign regulations. The road frontage is 600’, thus the maximum sign area is limited to 100 sq.ft. maximum.

3e. Proposed Development Phasing and Time Frame

The development is proposed to be constructed beginning August 2015.

3f. Identify land use designations

The property is designated as “Commercial/Office” according to the Chaffee Crossing Master Land Use plan.

3g. Identify area and bulk regulations

- a. Minimum lot size: 9 acres.
- b. Minimum lot width at BSL: 150’.
- c. Maximum lot coverage: 60%.
- d. Maximum height: 38’
- e. Additional height: Per UDO code 27-404-D
- f. Setbacks:
 - Front: 25’.
 - Side: 10’.
 - Street side/corner: 25’.

6K

- Rear: 10’.
- Minimum street frontage: 50’.
- Minimum building separation: To be determined by current building and fire code.

3h. **A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

Not Applicable; Currently the Property is not zoned.

3i. **A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

The proposed land use is a nursing home. This is a conditional use in the Transitional Zone as well as Commercial 2 through Commercial 5 Zones. See land use chart in Appendix C.

3j. **A chart articulating how the project exceeds the UDO requirements (ex. increased landscaping, increased high quality materials on the façade, etc.).**

Architectural Elevations and Landscape Plans are included in Appendix B.

The building architecture will meet and exceed UDO requirements. Architectural elevations are included in Appendix B. The building will utilize 100% high quality materials: brick, Hardy Plank fiber cement board. Hardy Board is not on Chaffee Crossings’ approved building material list. Thus, a variance will be requested at the FCRA Design Review Committee meeting.

Landscaping will meet or exceed UDO requirements. The landscaping will meet FCRA requirements with the exception of the following variances that will be requested at the FCRA Design Review Committee meeting:

Building Landscaping:

FCRA Requirement: 1 Tree plus 4 shrubs per 40 linear feet of building.

Variance: Landscaping only required at entrances to building

Parking Lot Landscape:

FCRA Requirement: 1 shade tree per 8 spaces.

Variance: 1 tree on each corner of parking lot

Perimeter Landscaping:

FCRA Requirement: Along perimeter within setbacks

Variance: Perimeter landscaping only required along Wells Lake Road Frontage.

Parking Lot Screening:

FCRA Requirement: Parking lots shall be screened from Street rights of way as well adjacent properties.

66

Variance: Perimeter landscaping along Wells Lake Road shall be used as parking lot screening for the lot in the front (east side) of the building. The parking lot behind the building will not be screened. The existing trees along the west side of the property screens this lot to the west. The building structure screens this parking lot from property to the east and south. Topography will screen this lot from property to the north.

3k. **Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

Much of the surrounding property is undeveloped with the exception of the existing Officer's Club to the north. Lend-A-Hand is planning a single family development across the street on the east side of Wells Lake Road.

The City of Fort Smith (in partnership with FCRA) is constructing two 38' wide streets: McClure Drive Extension and R.A. Young Jr Drive. McClure Drive will link Wells Lake Road to Massard Road and facilitate traffic in the area.

A 100 sq.ft. masonry monument style sign will be used and will meet or exceed Fort Smith UDO requirements and FCRA design guidelines

3l. **A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

The City of Fort Smith Engineering department has reviewed and approved the traffic statement for this project.

3m. **Statement of availability of water and sewer (state size of lines).**

A 6" water line will be extended from the existing 12" water line across Wells Lake Road. The Fort Chaffee Redevelopment Authority currently has a sewer project scheduled for completion in the summer of 2015. This project includes an 8-inch sanitary sewer extension to the Brownwood Site.

f:\doc\forms\CFS Forms-Applications\Brownwood PZD booklet.docx

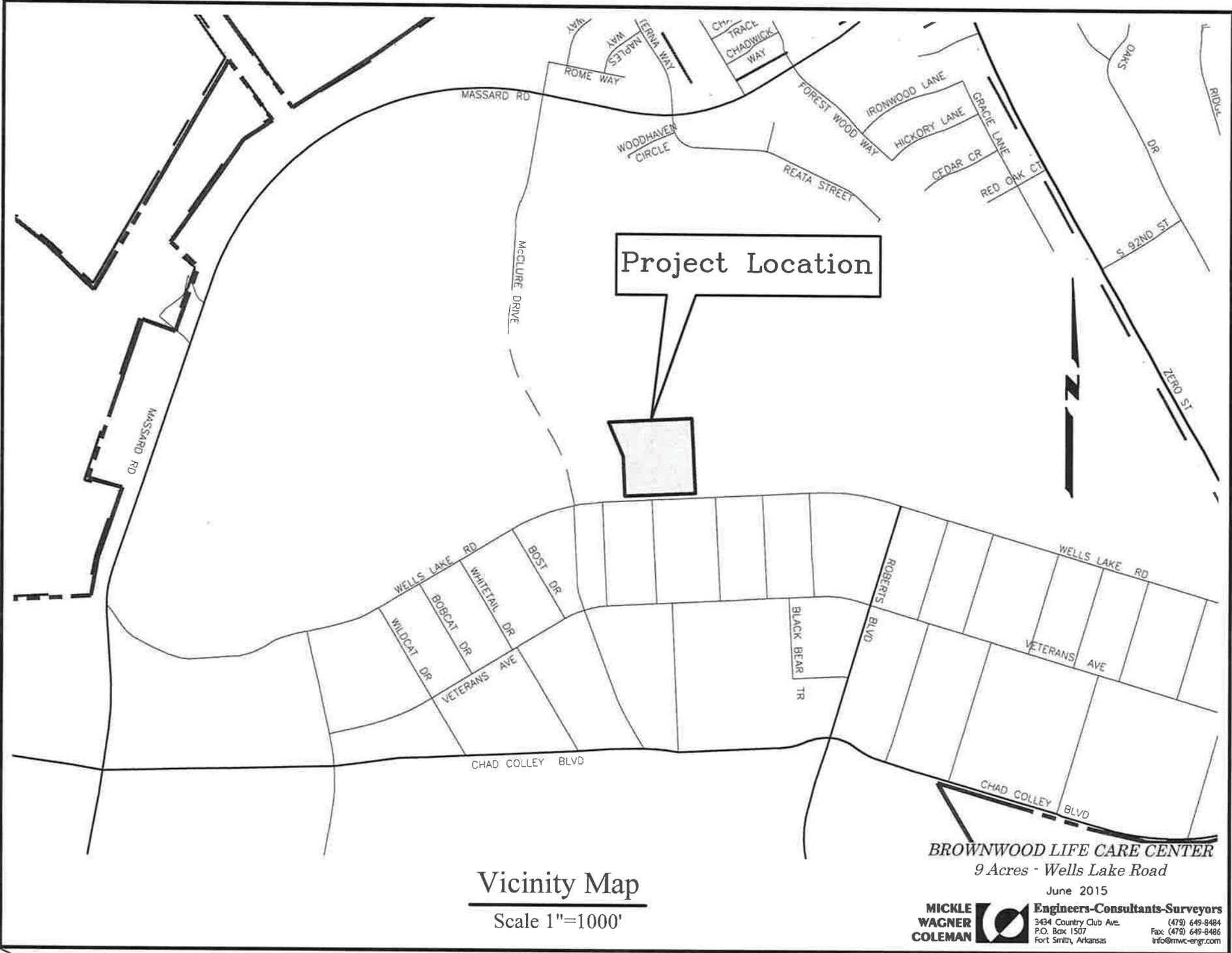
6M

APPENDIX A

Vicinity Map
Development Plan

6N

K:\Miscellaneous Projects\Brownwood - P3077\Drafting\Plots\Brownwood Vicinity Map.dwg, Layout1, 5/29/2015 10:24:10 AM, ANSI (full bleed A (8.50 x 11.00 inches), 1:1



Project Location

Vicinity Map

Scale 1"=1000'

BROWNWOOD LIFE CARE CENTER
9 Acres - Wells Lake Road

June 2015

**MICKLE
WAGNER
COLEMAN**



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

09

APPENDIX B

Architectural Elevations
Landscape Plans

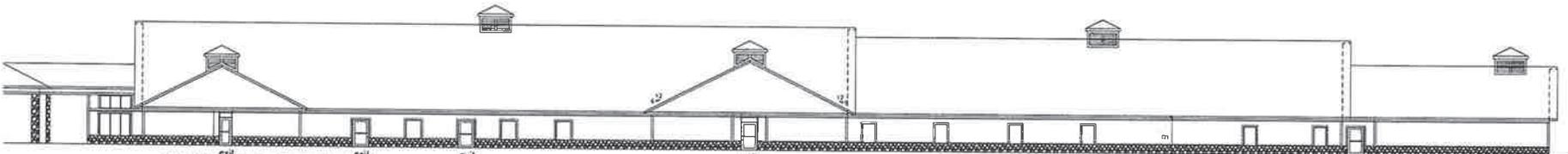
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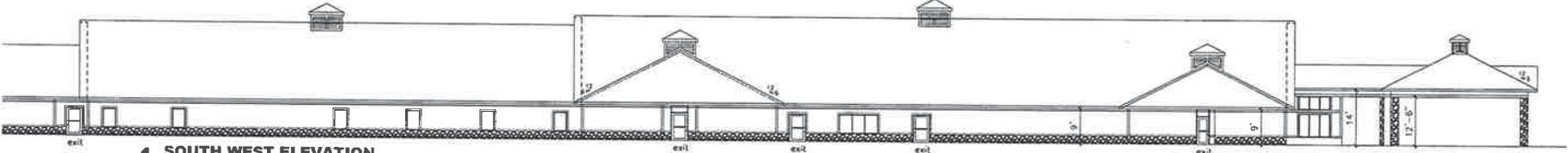
1 SOUTH EAST ELEVATION
SCALE: 1/8" = 1'-0"



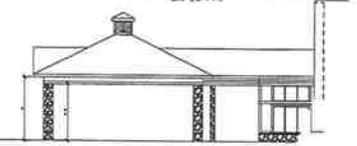
2 NORTH WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH EAST ELEVATION
SCALE: 1/8" = 1'-0"



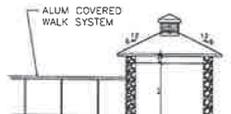
4 SOUTH WEST ELEVATION
SCALE: 1/8" = 1'-0"



5 NORTH EAST ELEVATION OF DRIVE THRU
SCALE: 1/8" = 1'-0"



6 NORTH ELEVATION OF BACK DRIVE THRU
SCALE: 1/8" = 1'-0"



7 EAST ELEVATION OF BACK DRIVE THRU
SCALE: 1/8" = 1'-0"

HDMS, INC.
ARCHITECTURE
& INTERIOR DESIGN
MICK, DORSEY, MCDONALD & SHELLEY, INC.
1000 W. UNIVERSITY BLVD., SUITE 100
ARLINGTON, MISSISSIPPI 39201
PH: 601-778-8800 FAX: 601-778-9885
A/C: ALL RIGHTS RESERVED

BROWNWOOD - LIFE CARE
WELLS LAKE ROAD
FORT SMITH, ARKANSAS 72905

112114
DATE:
May 28, 2015

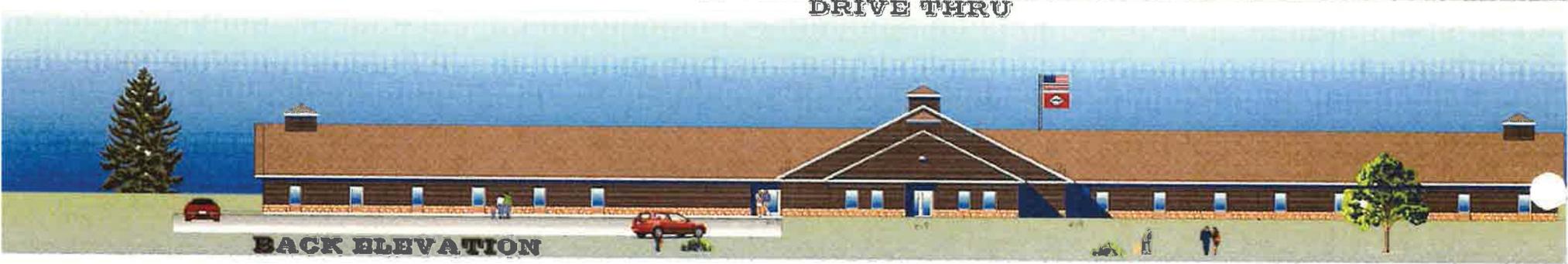
A-8

LR



FRONT ELEVATION

DRIVE THRU



BACK ELEVATION



RIGHT ELEVATION



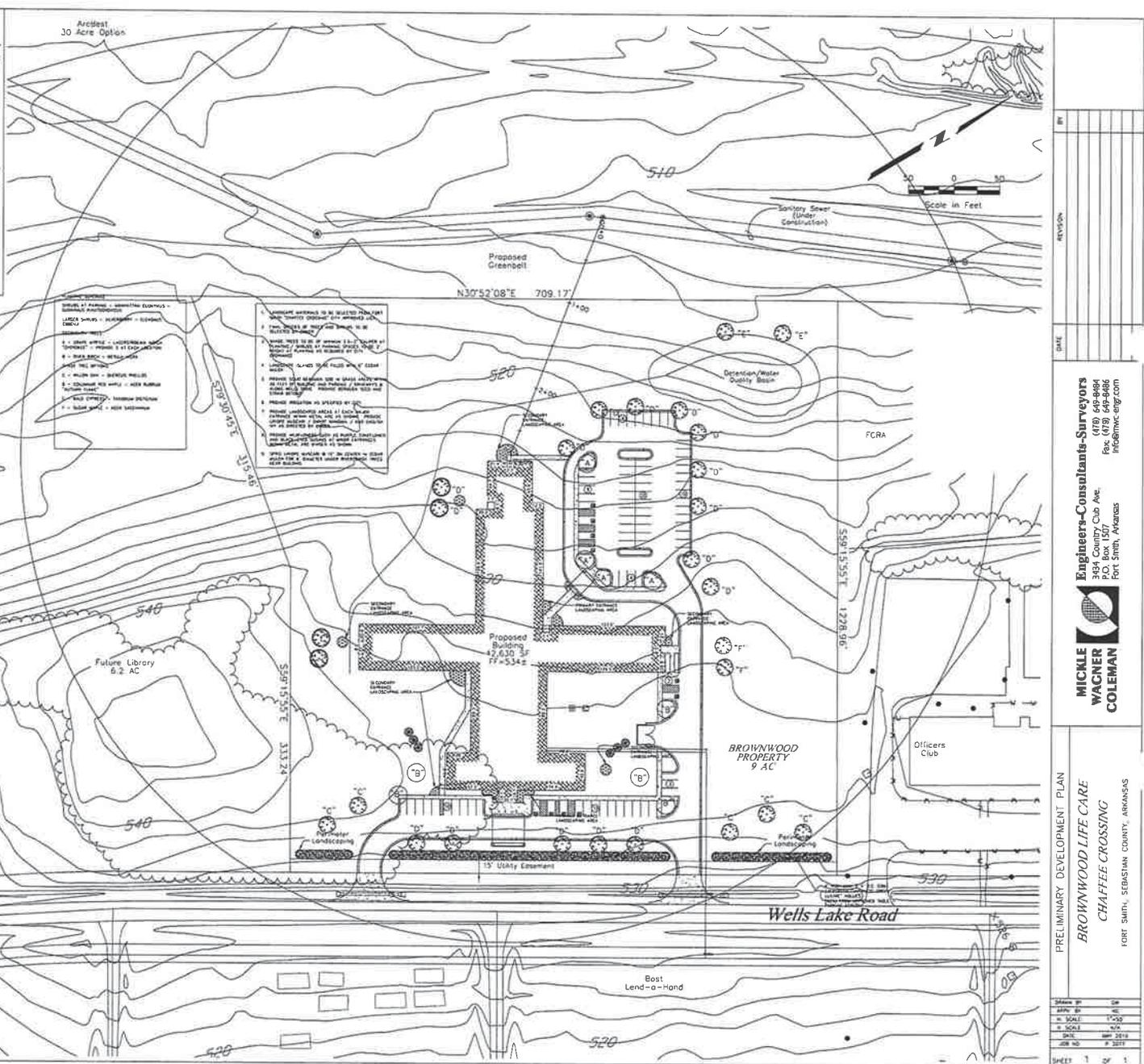
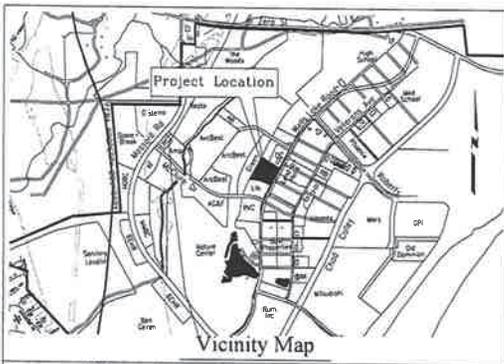
LEFT ELEVATION



BACK DRIVE THRU

SUNWOOD - LIFE CARE CENTER
200 LAKE ROAD
NORTH LITTLE ROCK, ARKANSAS 72905

HDMS, INC.
ARCHITECTURE
+ INTERIOR DESIGN
HECK, DOWDY, McDERMOTT, & BOHLEN, INC.
409 MAIN STREET
NORTH LITTLE ROCK, AR 72918
PH: 501-274-5500 FAX: 501-274-5001



- Legend**
- 1. Contour Interval - 5 Feet
 - 2. Spot Elevation - 5 Feet
 - 3. Proposed Building - 6,810 SF
 - 4. Future Library - 6.2 AC
 - 5. Parking Lot - 100 Spaces
 - 6. Detention/Water Quality Basin
 - 7. Utility Easement - 15'
 - 8. Greenbelt
 - 9. MacClure Road - 15' Right-of-Way
 - 10. Wells Lake Road - 15' Right-of-Way
 - 11. Officers Club
 - 12. FCRA

NO.	DATE	REVISION

MICKLE WACHNER COLEMAN
Engineers-Consultants-Surveyors
3934 County Club Ave.
P.O. Box 1507
Fort Smith, Arkansas
(479) 649-8984
Fax: (479) 649-8986
mwc@mcw-eng.com

PRELIMINARY DEVELOPMENT PLAN
BROWNWOOD LIFE CARE
CHAFFEE CROSSING
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DATE OF PLAN	DATE OF SHEET
SCALE	SCALE
DATE	DATE
JOB NO.	NO.
SHEET 1	OF 1

67

APPENDIX C

Land Use Chart

Appendix A

Fort Smith Use Matrix							J	K	L	M	N	O	Q	R	S	T	U	W	X	Y	AB	Z	AC	AD	AE	AF	Y	
						Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RM-2	RM-3	RM-4	RMD	RH	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD	
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
<i>Size or density restrictions for any use may be noted in the district</i>																												
Health and Human Services																												
						Nursing home																					P	

109

Fort Smith
1

Use Matrix

July 1, 2015

**Traffic Information Statement
Brownwood Life Care**

- Brownwood Life Care is an assisted living facility planned to have 50 beds and 75 employees.
- Access will be provided by:
 - Wells Lake Road is classified as a Major Collector.
- This area is zoned commercial and residential.
- Because the nature of future commercial and residential development along Wells Lake Road is not well known, commercial traffic volumes cannot be estimated at this time.
- The ITE “Trip Generation Manual” projects, for assisted living (Code 254), weekday trips at 137 vehicles per day (ADT) and the PM Peak Hour traffic at 19 vehicles per hour.
- Traffic patterns in this area may be effected somewhat if Arkansas Highway 255 in the north is re-routed to follow Frontier Road, but adverse impact would not be expected from this facility given the low ADT projection.
- Conclusion: The traffic generated by Brownwood Life Care should not significantly impact traffic patterns, nor significantly impact the level-of-service.

f:\doc\misc\traffic impact stmt – Brownwood life care 7-1-15.doc

GW

Fort Chaffee Redevelopment Authority
7020 Taylor Avenue
Fort Smith, AR 72916

Lend a Hand, Inc.
721 North 10th Street
Fort Smith, AR 72901

Lynn & Mary Merechka
P. O. Box 1603
Van Buren, AR 72956

Old Dominion Freight Line
500 Old Dominion Way
Thomasville, NC 27360

Blake River, LLC
109 North 6th Street
Fort Smith, AR 72901

DRAFT

**Planning Commission Meeting Minutes
July 14, 2015**

**separation between adjacent driveways located at 11300 Roberts Boulevard.
(companion item to items #3 & #4)**

Chairman Sharpe then called for the vote on the variance request. The vote was 6 in favor and 2 abstentions. (Keesee, Howard)

**RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION**

- 6. Rezoning #9-7-15; A request by Mickle-Wagner-Coleman, agent for Brownwood Life Care, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 7500 Wells Lake Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the rezoning request is to allow for a new 42,630 square foot nursing home located on an approximate 9 acre tract of land with approximately 86 parking spaces and landscaping.

Mr. Nick Griffin, representing Mickle-Wagner-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, motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to compliance with the submitted project booklet.

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

- 7. Rezoning #10-7-15; A request by Al Prieur, agent for Bryan White and Renee Barrow, for a zone change from Commercial-5-Special (C-5-SPL) to Commercial Heavy (C-5) by Classification located at 1520 South "U" Street. (companion item to items #8 & #9)**
- 8. Development Plan; A request by Al Prieur, agent for Bryan White and Renee Barrow, for a multi-family development located at 1520 South "U" Street. (companion item to items #7 & #9)**

#3

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SPECIAL CONDITIONS FOR THE COMMERCIAL-5 ZONING ON THE PROPERTY LOCATED AT 1520 SOUTH U STREET

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 10-7-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 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:

Lots 5 & 6 Block 59 Bailey Addition
more commonly known as 1520 South "U" Street, should be, and is hereby rezoned from Commercial Heavy (C-5), subject to condition imposed by Ordinance #88-11 to Commercial Heavy (C-5) by Classification, subject to the development plan approved by the Planning Commission on July 14, 2015.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

Memorandum

To: Jeff Dingman, Interim City Administrator
From: Wally Bailey, Director of Development Services
Date: July 27, 2015
Subject: 1520 South U Street – Rezoning Application

The subject rezoning request at 1520 South U Street is for the purpose of allowing a multi-family development (four-plex). The zoning on the property is Commercial-5 which allows multi-family development.

Background

November 1, 2011, the zoning on the property was changed from Commercial-4 (C-4) to Commercial-5 (C-5) classification subject to the development plan approved by the Planning Commission on October 11, 2011. The development plan was for a small mini-storage facility to be constructed on the property. A copy of Ordinance No. 88-11 and the approved development plan are attached.

The reason for the condition was to insure the development of this property would be consistent with that which was approved by the Planning Commission with the rezoning application. The proposed mini-storage facility would have little impact on the neighboring properties, however, there are numerous uses in the C-5 which could present problems for the neighborhoods near the property.

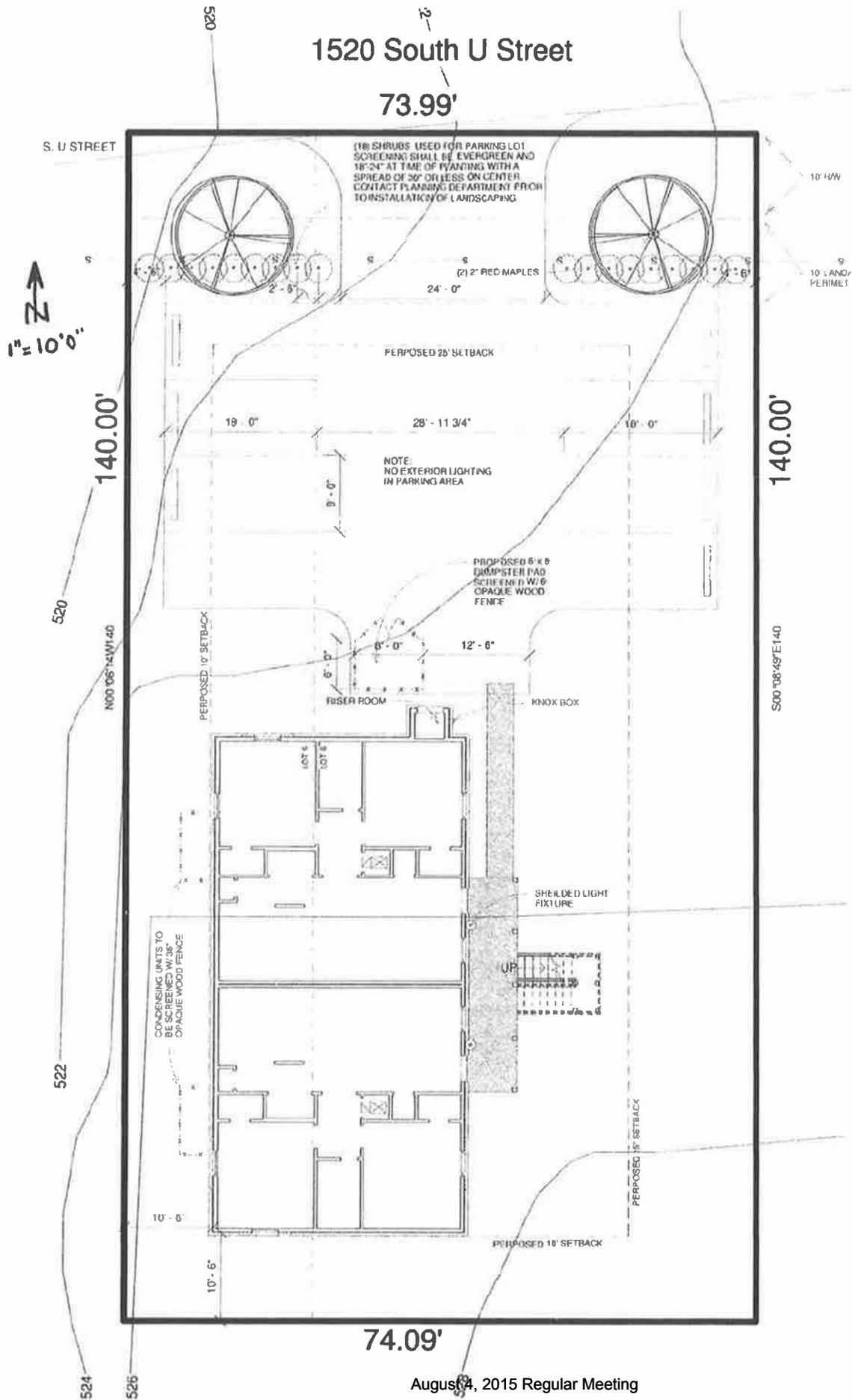
Current Request

The present request is to change the special zoning condition from the proposed mini-storage facility to a multi-family (four-plex) development. The Planning Commission recommends the change with the condition that the zoning is contingent on the new development plan which was approved by the Planning Commission on July 14, 2015. A copy of the new development plan is attached.

The Ordinance to be presented to the Board of Directors will accomplish a change from the special conditions of Ordinance No. 88-11 (mini-storage facility), to now be subject to the development plan (four-plex) approved by the Planning Commission on July 14, 2015.

Please contact me if you have any questions.

Development Plan Approved by Planning Commission on July 14, 2015

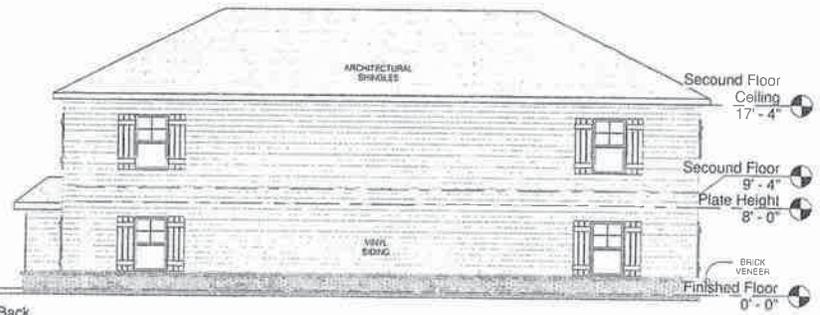




Front
1/8" = 1'-0"



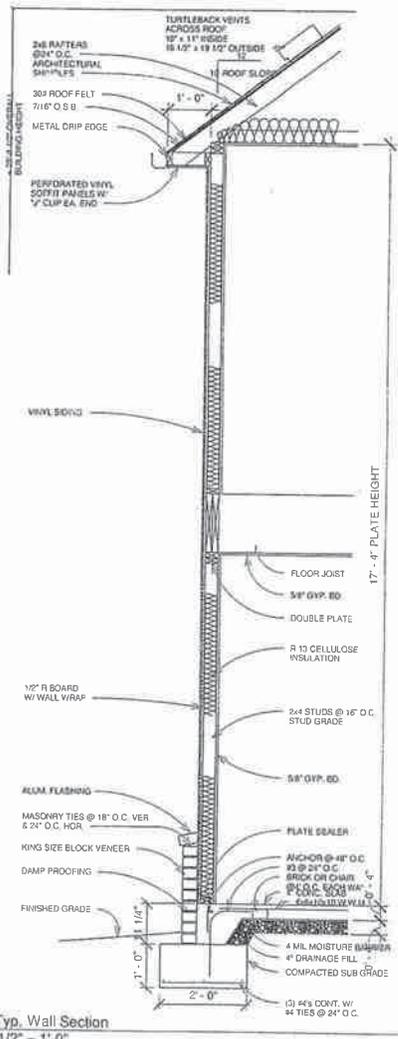
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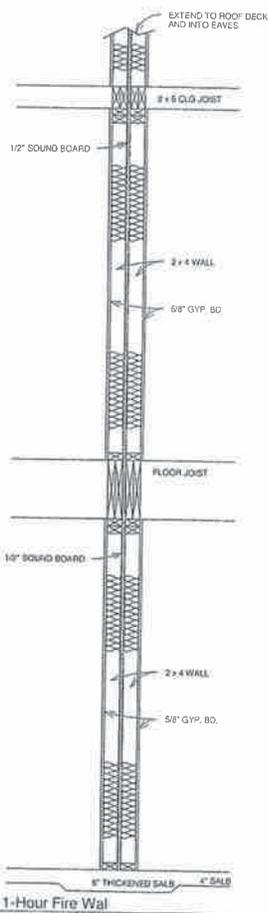
Back
1/8" = 1'-0"



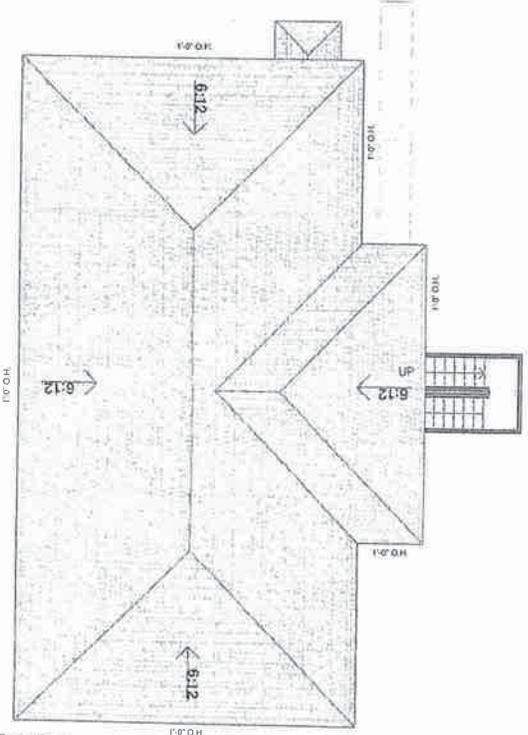
6 Right
1/8" = 1'-0"



8 Typ. Wall Section
1/2" = 1'-0"



7 1-Hour Fire Wall
1/2" = 1'-0"



2 Roof Plan
1/8" = 1'-0"

Fourplex 841 (2BD-1BA) U Street

BEHR LLC

August 4, 2015 Regular Meeting

48

3.

ORDINANCE NO. 88-11

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 11, 2011, 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.

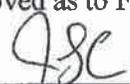
WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 26-9-11 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 11, 2011, that said change be made;

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 Attached to General Commercial and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

Lots 5 & 6, Block 59, Bailey Hill Addition
more commonly known as 1520 South "U" Street.

SECTION 2: The hereinafter described property is hereby rezoned from Commercial

Approved as to Form:


City Attorney
Publish 1 time

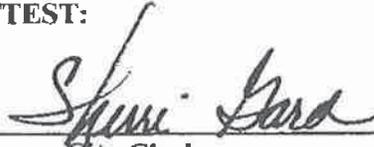
Regional (C-4) to Commercial Heavy (C-5) by Classification, subject to the development plan approved by the Planning Commission on October 11, 2011:

Lots 5 & 6, Block 59, Bailey Hill Addition
more commonly known as 1520 South "U" Street.

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

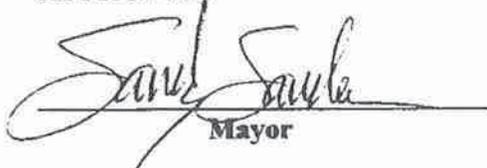
PASSED AND APPROVED THIS 1st DAY OF November, 2011.

ATTEST:



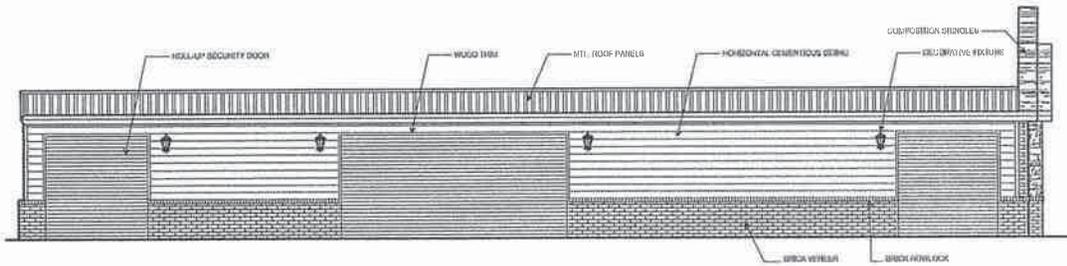
City Clerk

APPROVED:

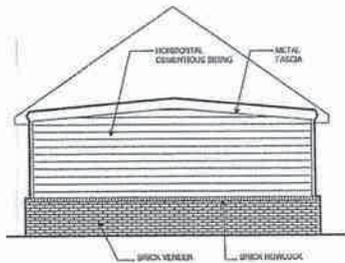


Mayor

44



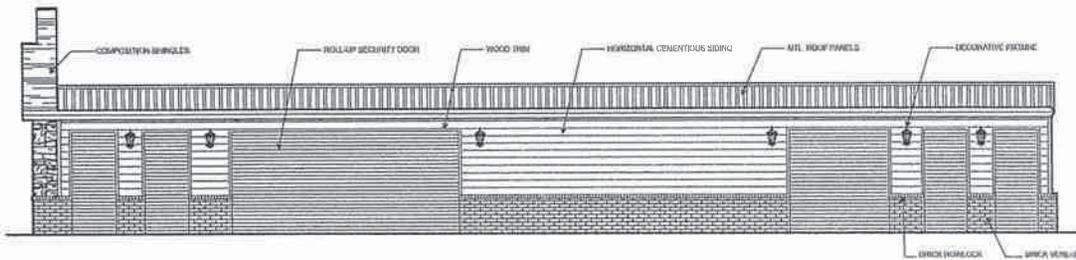
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



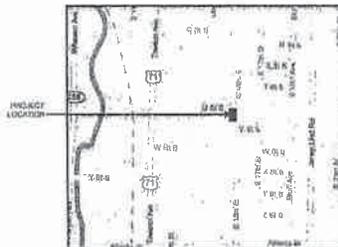
REAR ELEVATION
SCALE: 1/4" = 1'-0"



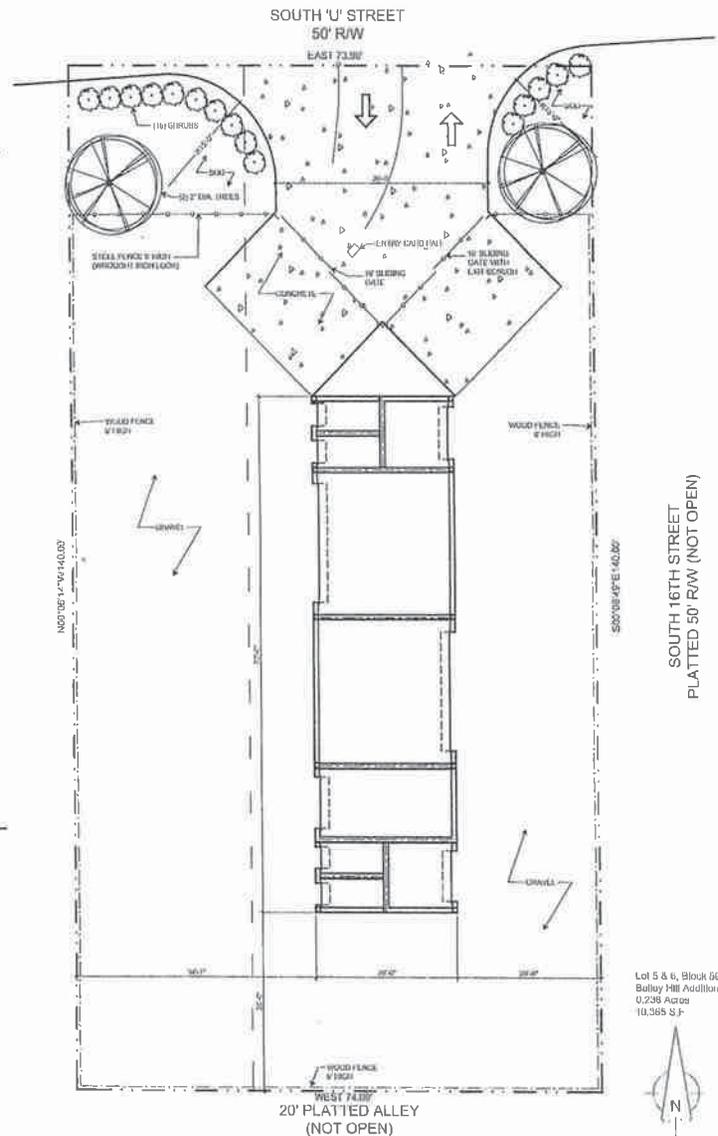
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



VICINITY MAP

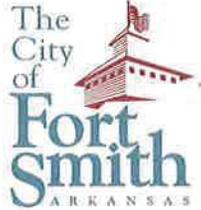


SITE PLAN
SCALE: 1/8" = 1'-0"

Lot 5 & 6, Block 59
Bulley Hill Addition
0.238 Acres
10,365 S.F.



BEHR STORAGE SOUTH 'U' ST. FORT SMITH, AR	
scottbrantton architects, inc.	
DATE: 11-08	DATE: 8.18.11
BEHR MINI-STORAGE PLAN & ELEVATIONS	
SP1	



July 29, 2015

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

Re: A request by Al Prieur, agent for Bryan White, to change the special conditions for the Commercial-5 (C-5) zoning at 1520 South "U" Street to allow for a multi-family development (*four-plex*).

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

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the development of a multi-family development (*four-plex*). The current conditions for this zoning require compliance to a development plan (*mini-storage facility*) approved by Ordinance No. 88-11.

Mr. Al Prieur 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 Keese, seconded by Commissioner Redd and carried unanimously to amend the request contingent upon the submitted development plan for the multi-family (*four-plex*) development.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

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

Items # 7, #8 + #9

**ALVIN L. PRIEUR, JR., PE
CONSULTING ENGINEER
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net**

July 14, 2015

Planning Department
City of Fort Smith
P O Box 1908
Fort Smith, Arkansas 72902

Attn: Brenda Andrews

Re: 1520 South "U" Street

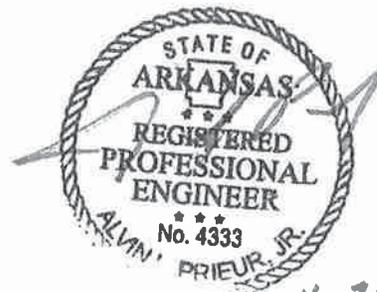
Dear Brenda:

Attached please find a copy of the attendance list from the neighborhood meeting on the above reference project. There were two people from the area at the meeting. They had several concerns including tree removal from property not on the lot, grading of the property no on the lot and the foundation for the structure. I do not think that they were against the four plex but concerned on the construction.

Respectfully submitted,



Alvin L. Prieur, Jr., PE
Consulting Engineer



7-14-2015

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location ON-SITE 1520 South "U" Street.

Meeting Time & Date ~~3:00 p.m. on July 6, 2015,~~ July 14, 2014 9:00 a.m.

Meeting Purpose TO DISCUSS REZONING, VARIANCE, & SITE PLAN

NAME

ADDRESS

PHONE #

1. Alvin L. Pr. ~~ior~~ P.O. Box 1689 VB 72917 479-657-7920
2. Dawn Castleberry 1604 South V St 479 926 4642
3. Sherril Dizewiecki 1600 South V St 479-783-2355
4. Bill Stahl City of Fort Smith 784-2211
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

Memo

To: City Planning Commission

From: Planning Staff

Date: July 2, 2015

Re: Rezoning #10-7-15 - A request by Al Prieur, agent for Bryan White, for Planning Commission consideration of a rezoning request from Commercial Heavy (C-5-SPL) to Commercial Heavy (C-5) by classification at 1520 South U Street (Companion to items #8 & #9)

PROPOSED ZONING

The rezoning and other applications if approved will allow for the development of a multifamily development (four-plex) located at 1520 South U Street.

LOT LOCATION AND SIZE

The subject property is on the southwest intersection of South "U" Street and South 16th Street. The tract contains an area of 0.24 acres with approximately 75 feet of street frontage along South U Street.

REQUESTED ZONING

The requested zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

7A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy Special (C-5-SPL).

Ordinance #88-11 that authorized the rezoning required that the rezoning was subject to the development plan for mini storages that was approved by the Planning Commission on October 11, 2011.

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

7B

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The property to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as single-family residences.

The properties to the south and west are zoned Commercial Regional (C-4) and are undeveloped.

The property to the east is zoned Residential Multifamily Medium Density (RM-3) and is developed as duplexes.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, July 13, 5:30 p.m., on site. A summary of the meeting will be provided to the planning commission.

Staff recommends approval of the rezoning contingent upon the submitted companion development plan and variance applications.

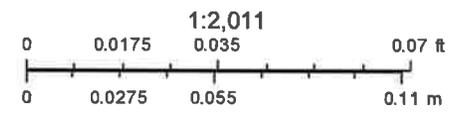
nc

Rezoning #10-7-15: From C-5 SPL to C-5 1520 South "U" Street



June 22, 2015

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



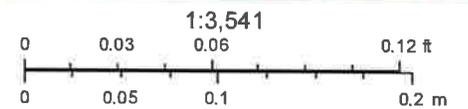
Aerial of Neighborhood 1520 South "U" Street

7F



July 8, 2015

 Fort Smith City Limits



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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE OFFERING OF WATER AND SEWER REVENUE BONDS TO REFUND OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2005B AND TO FINANCE SEWER IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of Fort Smith, Arkansas (the “City”) owns and operates a water and sewer system (the “System”) that requires ongoing maintenance, upgrade, and capital improvement; and

WHEREAS, the City has outstanding its Water and Sewer Revenue Bonds, Series 2005B (the “2005B Bonds”) that are payable from and secured by revenues of the System; and

WHEREAS, in order to achieve debt service savings, it is in the best interest of the City to refund the 2005B Bonds; and

WHEREAS, specific programs, replacements, upgrades and general capital improvements to the System have been identified in order to meet specific requirements set forth in a Consent Decree entered against the City for violations of the Clean Water Act; and

WHEREAS, the City has determined that the City should issue Water and Sewer Revenue Bonds in series and that the City should proceed with the issuance of the bonds (the “Series 2015 Bonds”) to accomplish the refunding of the 2005B Bonds and the financing of sewer improvements; and

WHEREAS, water and sewer usage rates have been adjusted in anticipation of meeting debt service obligations related to such bonds; and

WHEREAS, pursuant to the authority granted in the Arkansas statutes authorizing the issuance of the Series 2015 Bonds, including particularly A.C.A. §14-164-409, the City has determined to sell the Series 2015 Bonds on a negotiated basis to Stephens Inc. and Raymond James & Associates, Inc. as underwriters (the “Underwriters”), with Stephens Inc. serving as the senior book running manager and receiving all associated management fees; and

WHEREAS, the Series 2015 Bonds shall be allocated between the Underwriters as follows: Stephens Inc. – 80% of Series 2015 Bonds; and Raymond James & Associates, Inc. – 20% of Series 2015 Bonds.

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

Section 1. The offering of the Series 2015 Bonds by the Underwriters as set forth herein is hereby authorized.

Section 2. The officials of the City are authorized to cooperate with the Underwriters, and Friday, Eldredge & Clark, LLP, as Bond Counsel, in the preparation of a preliminary official statement and bond ordinance and are further authorized to execute such writings and take such actions as may be appropriate to the offering of the Series 2015 Bonds.

Section 3. As the issuance of the Series 2015 Bonds is, under Arkansas law, subject to the approval of the Board of Directors, by ordinance, any sale of the Series 2015 Bonds will be subject to the approval of the Board of Directors.

This Resolution passed this 4th day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Fort Smith, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a regular session of the Board of Directors of the City, held at the regular meeting place of the Board at 6:00 o'clock p.m. on the _____ day of August, 2015

City Clerk

(SEAL)

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE OFFERING OF WATER AND SEWER REVENUE BONDS TO REFUND OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2005B AND TO FINANCE SEWER IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of Fort Smith, Arkansas (the “City”) owns and operates a water and sewer system (the “System”) that requires ongoing maintenance, upgrade, and capital improvement; and

WHEREAS, the City has outstanding its Water and Sewer Revenue Bonds, Series 2005B (the “2005B Bonds”) that are payable from and secured by revenues of the System; and

WHEREAS, in order to achieve debt service savings, it is in the best interest of the City to refund the 2005B Bonds; and

WHEREAS, specific programs, replacements, upgrades and general capital improvements to the System have been identified in order to meet specific requirements set forth in a Consent Decree entered against the City for violations of the Clean Water Act; and

WHEREAS, the City has determined that the City should issue Water and Sewer Revenue Bonds in series and that the City should proceed with the issuance of the bonds (the “Series 2015 Bonds”) to accomplish the refunding of the 2005B Bonds and the financing of sewer improvements; and

WHEREAS, water and sewer usage rates have been adjusted in anticipation of meeting debt service obligations related to such bonds; and

WHEREAS, pursuant to the authority granted in the Arkansas statutes authorizing the issuance of the Series 2015 Bonds, including particularly A.C.A. §14-164-409, the City has determined to sell the Series 2015 Bonds on a negotiated basis to Stephens Inc. and Raymond James & Associates, Inc. as underwriters (the “Underwriters”) with Raymond James & Associates, Inc. designated as senior book running manager for the Series 2015 Bonds (intending that such designation will alternate between the Underwriters on any subsequent issues) and all associated management fees are to be evenly distributed among the Underwriters; and

WHEREAS, the Series 2015 Bonds shall be allocated between the Underwriters as follows: Stephens Inc. – 50% of Series 2015 Bonds; and Raymond James & Associates, Inc. – 50% of Series 2015 Bonds.

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

Section 1. The offering of the Series 2015 Bonds by the Underwriters as set forth herein is hereby authorized.

Section 2. The officials of the City are authorized to cooperate with the Underwriters, and Friday, Eldredge & Clark, LLP, as Bond Counsel, in the preparation of a preliminary official statement and bond ordinance and are further authorized to execute such writings and take such actions as may be appropriate to the offering of the Series 2015 Bonds.

Section 3. As the issuance of the Series 2015 Bonds is, under Arkansas law, subject to the approval of the Board of Directors, by ordinance, any sale of the Series 2015 Bonds will be subject to the approval of the Board of Directors.

This Resolution passed this 4th day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Fort Smith, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a regular session of the Board of Directors of the City, held at the regular meeting place of the Board at 6:00 o'clock p.m. on the _____ day of August, 2015

City Clerk

(SEAL)

Memo



To: Honorable Mayor & Members of the Board of Directors
From: Jeff Dingman, Acting City Administrator
Date: 7/31/2015
Re: Authorizing Resolution for Water & Sewer Revenue Bond Financing

Presented for your consideration at the August 4, 2015 regular meeting are two resolutions placed on the regular agenda at the July 14, 2015 study session related to the authorization for staff to begin working with bond underwriters and bond counsel for the issuance of bonds to finance wastewater projects to satisfy requirements of the consent decree. This process will also refund 2005 water and sewer bonds, as conditions appear favorable to achieve a net savings in debt service costs.

While both resolutions afford the same authorizations, the difference is in the percentage of bonds allocated to the different underwriters, along with designation of book running manager and distribution of the management fee. The resolution versions differ as follows:

- A. This version designates Stephens, Inc. to serve as senior book running manager and collect the management fee. This version allocates 80% of the bonds to Stephens, Inc. for underwriting, and 20% of the bonds to Raymond James and Associates, Inc. for underwriting.
- B. This version designates Raymond James and Associates, Inc. to serve as senior book running manager and collect the management fee. This version allocates 50% of the bonds to Raymond James and Associates, Inc. for underwriting, and 50% of the bonds to Stephens, Inc. for underwriting.

Version "A" of the resolution represents the arrangement the city has used for the past several bond issues. Stephens Inc. has a longstanding relationship with the City and is very familiar with the structure and nature of the City's entire existing debt. Raymond James and Associates, Inc. (and its predecessor companies) has been involved in the city's debt issuances since 2006.

Both versions of the resolution authorize staff to cooperate with the Underwriters and the law firm Friday, Eldredge & Clark, LLP, as bond counsel, in the process to offer the bonds, which will be finalized by ordinance of the Board of Directors at a later date.

The Board will need to adopt either version A or version B of the resolution in order for staff to start this process. Please contact me if you have questions regarding this agenda item.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO TO THE AGREEMENT WITH BURNS & MCDONNELL FOR ENGINEERING SERVICES FOR THE LAKE FORT SMITH AND LEE CREEK FLUORIDE FEED SYSTEMS

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

SECTION 1: Authorization Number Two with Burns & McDonnell for engineering construction phase services associated with the Lake Fort Smith and Lee Creek Fluoride Feed Systems, Project Number 14-10-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Authorization Number Two in the amount of \$249,000.00, for performance of said services.

This Resolution adopted this _____ day of August 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Jeff Dingman, Acting City Administrator

DATE: July 30, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Lake Fort Smith and Lee Creek Water Treatment Plant
Fluoride Feed Systems - Project Number 14-10

As part of the July 21 agenda meeting, two Resolutions associated with the above captioned project were presented for the Board's consideration. The Resolution presenting the award of the construction contract to Goodwin & Goodwin was approved. The Resolution presenting the needed construction phase engineering services agreement with Burns & McDonnell was not approved due to the Board's concerns about the cost of those services. Admittedly, the estimated engineering cost of \$249,000 falls outside of the normally expected percentage of the \$1,586,300 construction cost, but what may not be readily apparent is the complexity of the reviews and oversight needed in order to assure the proper and safe integration of the new chemical addition into the water treatment processes and control systems at two separate drinking water treatment plant locations. A table showing the tasks and estimated labor hours, labor costs, expenses and their totals is attached. As discussed previously, this work is being performed on an hourly basis and not for a lump sum. The city will be billed only for the actual time and expenses. If the contractor and his subcontractors perform timely and in accordance with the plans and specifications, the engineer's construction phase services costs will underrun the authorized amount. A copy of the July 16 memo discussing the Delta Dental Foundation of Arkansas fluoridation grant included with the July 21 agenda package and the recently received modification to the grant agreement are also attached.

The Arkansas Department of Health's Rules and Regulations for water supplies requires that competent, licensed professional engineers be retained to ensure that the water system improvements are constructed in accordance with the engineering plans and specifications as approved by the Department. Therefore, construction phase engineering services must be in place before the contractor may proceed with construction. Delta Dental Foundation has reviewed our project costs, which includes the construction phase services contract amount, and has accepted and approved our grant request of \$2,015,300 to fully reimburse 100-percent of the engineering and construction costs. The grant condition to complete the work and begin feeding fluoride into the water supply is March 16, 2016. Completing the work within the remaining approximate eight months presents a compressed time period and has influenced the project costs.

With the presentation of the supplemental supporting information related to Burns & McDonnell's construction phase engineering cost estimate and Delta Dental Foundation's grant, staff respectfully requests the Board's reconsideration and approval of the attached Resolution authorizing Amendment Number Two in the amount of \$249,000. Staff, along with representatives of Burns & McDonnell and Mickle Wagner Coleman, will be available at Tuesday's meeting to address questions. Should you or members of the Board have any questions or desire additional information, at this time, please let me know.

attachment

	Engr Tech III	Associate Engr III	Senior Engr II	Senior Engr I	Staff Engr II	Staff Engr I	Asst Engr III	Labor Hours	Labor Cost	Expenses	Total Cost
Construction Phase								822			\$151,398
Submittal Review			56	61		30	60	207	\$33,520	\$2,060	\$35,580
Monthly Progress Meetings (6)			24	72			36	132	\$21,828	\$5,910	\$27,738
Project Management				100			20	120	\$20,020	\$1,194	\$21,214
RFIs			10	10			20	40	\$6,270	\$398	\$6,668
Site Inspection/Startups			52	36		12	24	124	\$21,080	\$3,811	\$24,891
Conforming to Construction Drawings			16	22	2	12	12	64	\$10,512	\$1,137	\$11,649
O&M Manual		15	30	30			60	135	\$22,065	\$1,593	\$23,658
RPR Services								900			\$94,645
5 months - Full Time (40 hr weeks)	800							800	\$81,320		\$81,320
1/8th Time Supplemental Inspection	100							100	\$9,095		\$9,095
Mileage										\$4,230	\$4,230
Materials Testing										\$3,000	\$3,000
Total	900	15	188	331	2	54	232	1722	\$225,710	\$23,333	
										Total Fee	\$249,000

INTER-OFFICE MEMO

TO: Jeff Dingman, Acting City Administrator

DATE: July 16, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Lake Fort Smith and Lee Creek
Fluoride Feed Systems
Project Number 14-10

In 2011 the Arkansas Legislature passed Act 197 requiring water systems serving populations of more than 5,000 to add fluoride to its water system at levels established by the Arkansas Department of Health. Water systems were not required to comply with the Act until funds sufficient to pay capital start-up costs for fluoridation equipment became available from any source other than tax revenue or service revenue regularly collected. The city applied for a grant from the Delta Dental Foundation of Arkansas (Delta Dental) to make fluoride system improvements at its Lake Fort Smith and Lee Creek water treatment plants in 2011. In July 2014 the city received notice from Delta Dental that they had approved a grant for our system needs in the amount of \$1,804,000. The grant agreement is structured to fully reimburse Fort Smith's expenses for engineering and construction costs. Engineering fees will be reimbursed at 50-percent after construction begins and the remaining balance paid on completion of the project. Reimbursement of construction costs will be disbursed monthly based upon construction progress payments. The city will need to cash-flow the engineering and construction payments until reimbursement is received. The city accepted those terms and entered into the Fluoridation Grant Agreement with Delta Dental in September 2014. The grant agreement established a project completion date of March 2016.

Bids for the project were opened on June 30, 2015, with the low bid submitted by Goodwin & Goodwin, Inc., in the amount of \$1,586,300. A bid tabulation is attached for your information. The construction bid, together with Burns & McDonnell's design fee of \$180,000 and construction phase services of \$249,000, resulted in a total grant requirement of \$2,015,300. On July 6, 2015, a request for an amendment to the grant agreement in the amount of \$211,300 to adjust the total grant amount to \$2,015,300 was submitted to Delta Dental. A copy of the July 6 letter is attached. On July 13, 2015, Delta Dental notified staff that the grant amendment was approved. A copy of the email notification from Delta Dental is attached.

A Resolution authorizing the award of the Lake Fort Smith and Lee Creek Fluoride Feed Systems project to Goodwin & Goodwin for the bid amount of \$1,586,300 is attached. A second Resolution approving Authorization Number 2 with Burns & McDonnell to provide construction phase engineering services in the amount of \$249,000 is also attached. It is my recommendation that these two resolutions are presented to the Board for consideration at their next scheduled meeting.

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

attachment



MODIFICATION
to
FLUORIDATION GRANT AGREEMENT

City of Fort Smith Utility Department
3900 Kelly Highway
Fort Smith, AR 72904

Project: Lake Fort Smith and Lee Creek Fluoride Feed System
Original Grant Agreement Date: September 16, 2014
Original Grant Amount: Up to but not to exceed \$1,804,000.00
Grant Amount Changes: \$211,300
Revised Grant Amount: Up to but not to exceed \$2,015,300.00

The Delta Dental Foundation of Arkansas Board of Directors approves increasing the Grant Amount as shown above to reflect the final costs of engineering design, required engineering construction services, and construction.

Grantee agrees that all other provisions of the original Fluoridation Grant Agreement executed with the Grantor shall remain in full force and effect.

Weldon Johnson


Executive Director

August 20, 2015
Date

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

Weldon Johnson, Executive Director
Direct: 501-992-1698
Toll free: 800-462-5410
wjohnson@deltadentalar.com

RESOLUTION NO. _____

**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION
TO VACATE A PORTION OF AN ALLEY LOCATED IN
BLOCK 19, SOUTH FORT SMITH ADDITION,
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

WHEREAS, a petition to vacate a portion of an alley located in Block 19, South Fort Smith Addition, an addition to the City of Fort Smith, Arkansas, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the 18th day of August 2015, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

THIS RESOLUTION ADOPTED THIS _____ DAY OF AUGUST 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required

Memo

To: Jeff Dingman, Acting City Administrator
From: Wally Bailey, Director of Development Services
Date: 7/30/2015
Re: Resolution setting a public hearing date for a petition to vacate a portion of an alley located in Block 19, South Fort Smith Addition

We have received the enclosed application from Stuart Leonard, agent for Robert Steel of RJ&M Properties, LLC, to vacate a portion of an alley located in Block 19, South Fort Smith Addition, between Lot 14A and lots 1A, 1B and 1C. The property is located on the southwest corner of the intersection of Tulsa Street and South 28th Street. A vicinity map is enclosed.

The applicant is requesting abandonment of this portion of the alley so that it can be combined with Lot 14A and utilized as a driveway for future duplexes.

In accordance with Arkansas law, the Board of Directors is required to set a public hearing on the proposed abandonment. Staff recommends that the Board of Directors set a public hearing date for August 18, 2015, for the purpose of reviewing this matter. Enclosed is a resolution for the Board's consideration.

In response to the petition, we have contacted all franchise utility companies and appropriate city departments relative to any ongoing or future interests that they may have within the alley. We will also notify all property owners within 300 feet of the proposed abandonment.

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

Enc.

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

APPLICATION:

Indicate one contact person for application: _____ Applicant Representative

Applicant (owner)

Representative (engineer, attorney, realtor, etc)

Name: RJM Properties, LLC

Name: STUART LEONARD

Address: 4437 Hwy. 253, South
Greenwood, AR 72436

Address: 7525 LEONARD CT
FSM, AR 72914

Telephone Number: _____

Telephone Number: 479-459-4788

E-Mail: _____

E-Mail: Stuart@rmsgc.com

Site Address/Location: 2730 Tulsa

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

See attached

Assessor's Parcel Number for Subject Property: 17162-0016-00019-00

Reason for Request: Access to Duplex

Current Status of Right-of-Way/Easement: Alley is currently open
and has easement for sewer.

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

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

PROPERTY DESCRIPTION

Lot 14A-1

Lot 14A and part of a platted alley in Block 19 of South Fort Smith Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Northwest Corner of Lot 14A, said point being on the South right of way line of Tulsa Street. Thence along the North line of said Lot 14A and said right of way line, South 86 degrees 50 minutes 28 seconds East, 75.50 feet to an existing chiseled hole in the concrete marking the Northwest Corner of Lot 1A, said point being at the intersection of the South right of way line of Tulsa Street and the East right of way line of a platted alley. Thence leaving said South right of way line and along the West line of Lots 1A, 1B and 1C and the East right of way line of said platted alley, South 03 degrees 08 minutes 54 seconds West, 148.80 feet to a set rebar with cap. Thence leaving the West line of Lot 1C and said East right of way line, North 86 degrees 50 minutes 28 seconds West, 75.65 feet to an existing rebar marking the Southwest Corner of Lot 14A. Thence along the West line of said Lot 14A, North 03 degrees 12 minutes 21 seconds East, 148.80 feet to the Point of Beginning, containing 0.26 of an acre and subject to any Easements of Record.

PLATTED ALLEY RIGHT OF WAY DESCRIPTION

A part of a platted alley in Block 19 of South Fort Smith Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing chiseled hole in the concrete marking the Northeast Corner of Lot 14A, said point being on the South right of way line of Tulsa Street. Thence along said South right of way line, South 86 degrees 50 minutes 28 seconds East, 20.00 feet to an existing chiseled hole in the concrete marking the Northwest Corner of Lot 1A, said point being at the intersection of the South right of way line of Tulsa Street and the East right of way line of a platted alley. Thence leaving said South right of way line and along the West line of Lots 1A, 1B and 1C and the East right of way line of said platted alley, South 03 degrees 08 minutes 54 seconds West, 148.80 feet to a set rebar with cap. Thence leaving the West line of Lot 1C and said East right of way line, North 86 degrees 50 minutes 28 seconds West, 20.00 feet to an existing rebar marking the Southeast Corner of Lot 14A, said point being on the West right of way line of a platted alley. Thence along the East line of said Lot 14A and the West right of way line of said platted alley, North 03 degrees 08 minutes 54 seconds East, 148.80 feet to the Point of Beginning, containing 0.07 of an acre and subject to any Easements of Record.

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

Name: (printed) STUART LEONARD

Signature: *Stuart Leonard* Date: 7-21-15

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.

Application Checklist:

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

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



PETITION TO VACATE

PETITION TO VACATE an alley LOCATED IN SOUTH FORT SMITH, BLOCK 19, LOT 14A-1, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

TO: Fort Smith Board of Directors

We, the undersigned, being all of the owners of the real estate abutting the alley herein sought to be abandoned and vacated, lying in SOUTH FORT SMITH, BLOCK 19, LOT 14A-1, City of Fort Smith, Sebastian County, Arkansas, a municipal corporation, petition to vacate an alley which is described as follows:

Legal description

Lot 14A-1

Lot 14A and part of a platted alley in Block 19 of South Fort Smith Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Northwest Corner of Lot 14A, said point being on the South right of way line of Tulsa Street. Thence along the North line of said Lot 14A and said right of way line, South 86 degrees 50 minutes 28 seconds East, 75.50 feet to an existing chiseled hole in the concrete marking the Northwest Corner of Lot 1A, said point being at the intersection of the South right of way line of Tulsa Street and the East right of way line of a platted alley. Thence leaving said South right of way line and along the West line of Lots 1A, 1B and 1C and the East right of way line of said platted alley, South 03 degrees 08 minutes 54 seconds West, 148.80 feet to a set rebar with cap. Thence leaving the West line of Lot 1C and said East right of way line, North 86 degrees 50 minutes 28 seconds West, 75.65 feet to an existing rebar marking the Southwest Corner of Lot 14A. Thence along the West line of said Lot 14A, North 03 degrees 12 minutes 21 seconds East, 148.80 feet to the Point of Beginning, containing 0.26 of an acre and subject to any Easements of Record.

PLATTED ALLEY RIGHT OF WAY DESCRIPTION

A part of a platted alley in Block 19 of South Fort Smith Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at an existing chiseled hole in the concrete marking the Northeast Corner of Lot 14A, said point being on the South right of way line of Tulsa Street. Thence along said South right of way line, South 86 degrees 50 minutes 28 seconds East, 20.00 feet to an existing chiseled hole in the concrete marking the Northwest Corner of Lot 1A, said point being at the intersection of the South right of way line of Tulsa Street and the East right of way line of a platted alley. Thence leaving said South right of way line and along the West line of Lots 1A, 1B and 1C and the East right of way line of said platted alley, South 03 degrees 08 minutes 54 seconds West, 148.80 feet to a set rebar with cap. Thence leaving the West line of Lot 1C and said East right of way line, North 86 degrees 50 minutes 28 seconds West, 20.00 feet to an existing rebar marking the Southeast Corner of Lot 14A, said point being on the West right of way line of a platted alley. Thence along the East line of said Lot 14A and the West right of way line of said platted alley, North 03 degrees 08 minutes 54 seconds East, 148.80 feet to the Point of Beginning, containing 0.07 of an acre and subject to any Easements of Record.

That the abutting real estate affected by said abandonment of the alley are SOUTH FORT SMITH, BLOCK 19, LOT 14A-1 has not been used by the public for a period of years, and that the public interest and welfare would not be adversely affected by the abandonment of the above-described alley.

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

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

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

Dated this 23 day of July, 2015

Robert R Steel
Printed Name

Robert R Steel
Signature

AUTHORIZATION OF AGENT

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

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

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Robert steel

Robert R Steel

4437 Hwy 253 South
Brewwood AR 72936

2. _____

3. _____

4. _____

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A SPECIAL WARRANTY DEED
AND A BILL OF SALE CONVEYING PROPERTY TO EVANS
ENTERPRISES, INC. AND PRESCRIBING
OTHER MATTERS PERTAINING THERETO**

WHEREAS, the City of Fort Smith, Arkansas has issued its Industrial Development Revenue Bonds (Evans Electric Project) Series, 1984 Bond Issuance, for the facility located at 4300 Planters Road, Fort Smith, Arkansas (the “Industrial Facility”); and,

WHEREAS, the Industrial Facility is being leased by Evans Enterprises, Inc., pursuant to a Lease and Agreement dated as of July 1, 1984, (The “Lease”); and,

WHEREAS, the lease provides Evans Enterprises, Inc. with the option to purchase the Industrial Facility for a purchase price equal to the principal and interest on the outstanding Bonds plus \$100.00; and,

WHEREAS, the Bonds have been fully redeemed and paid in accordance with the Indenture from rental paid by Evans Enterprises, Inc. in accordance with the Lease; and,

WHEREAS, Evans Enterprises, Inc. has notified the City that it intends to exercise its option to purchase the Industrial Facility.

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

SECTION ONE (1): That there shall be and there is hereby authorized the execution and delivery of a Special Warranty Deed and a Bill of Sale conveying the Industrial Facility to Evans Enterprises, Inc., and the Mayor and City Clerk be, and they are hereby, authorized to execute and deliver the Special Warranty Deed and Bill of Sale for and on behalf of the City. The Special Warranty Deed and the Bill of Sale are hereby approved in substantially the forms submitted to this meeting, and the Mayor is authorized to confer with Evans Enterprises, Inc., and the City Attorney in order to complete the Special Warranty Deed and the Bill of Sale in substantially the forms submitted to this meeting with such changes as shall be approved by such persons executing the documents, their execution to constitute conclusive evidence of such approval.

SECTION TWO (2): That the Mayor and City Clerk, for and on behalf of the City be, and they are hereby, authorized to do any and all things necessary to terminate the Lease and to effect the execution of the Special Warranty Deed and the Bill of Sale and the performance of all other acts of whatever nature necessary to carry out the authority conferred by the Resolution.

SECTION THREE (3): That the provisions of this Resolution are hereby declared to be severable and in a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Resolution.

This Resolution adopted this _____ day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required

MEMORANDUM

To: Jeff Dingman, Acting City Administrator
From: Sherri Gard, City Clerk
Date: July 31, 2015
Re: Act 9 Bonds - Evans Enterprises, Inc.

In 1984, the City issued \$925,000 in industrial development revenue bonds for Evans Electric, Inc., now Evans Enterprises, Inc., for financing the cost of acquiring, constructing and equipping industrial facilities located at 4300 Planters Road. The bonds have been redeemed and Evans Enterprises, Inc. desires to conclude the bond issue in accordance with the Trust Indenture and Lease Agreement.

The Board's approval of the attached resolution will formally conclude the matter. Mr. Daniel Stewart, Vice-President of Evans Enterprises, Inc., will be present at the meeting should the Board have any questions.

BILL OF SALE

STATE OF ARKANSAS §

COUNTY OF SEBASTIAN §

KNOW ALL MEN BY THESE PRESENTS:

That the City of Fort Smith, Arkansas (the "City"), for and in consideration of the sum of Ten Dollars (\$10.00), in hand paid by Evans Enterprises, Inc., ("Evans"), the receipt of which is hereby acknowledged, does hereby bargain, sell, convey, assign, transfer and deliver unto Evans, its successors and assigns forever, all personal property financed with the proceeds of the City of Fort Smith, Arkansas Industrial Development Revenue Bonds - Evans Project, \$925,000 Series 1984 dated July 1, 1984.

TO HAVE AND TO HOLD the same unto Evans and assigns forever.

IN TESTIMONY WHEREOF, the name of the City is hereunto affixed by its Mayor and attested and its seal affixed by the City Clerk this _____ day of August, 2015.

CITY OF FORT SMITH, ARKANSAS

By: _____

ATTEST:

City Clerk
(SEAL)

SPECIAL WARRANTY DEED

KNOWN ALL MEN BY THESE PRESENTS:

That the City of Fort Smith, Arkansas, hereinafter called Grantor, for and in consideration of the sum of \$100.00 and other valuable consideration in hand paid by Evans Enterprises, Inc., hereinafter called Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto Evans Enterprises, Inc., and unto Grantee's successors and assigns forever, the following lands lying in the Fort Smith District of the County of Sebastian of the State of Arkansas, to wit:

Part of Tract 1 Industrial Park South No. 4, An Addition to the City of Fort Smith, Sebastian County, Arkansas, and more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter (SW/4 of NW/4) of Section 11, Township 7 North, and Range 32 West; thence S 00°36'00" W, 800.00 feet to a point on the Centerline of Planters Road; thence S 88°43'00" E, 200.00 feet along said centerline; thence S 00°36'00" W, 40.00 feet to the **POINT OF BEGINNING**; said point also being the Northwest corner of said Industrial Park South No. 4 Subdivision; thence S 88°43'00" E, 371.72 feet; thence S 00°36'00" W, 375.00 feet; thence N 88°43'00" W, 371.72 feet; thence N 00°36'00" E, 375.00 feet to the **POINT OF BEGINNING**, containing 3.20 acres, more or less.

Subject to all restrictions, easements, and rights-of-way, and oil and gas leases, if any.

TO HAVE AND TO HOLD the same unto Evans Enterprises, Inc., and unto its successors and assigns forever, with all appurtenances thereunto belonging. And the City hereby covenants with Evans Enterprises, Inc. that it will forever warrant and defend the title to said real property against all claims and encumbrances done or suffered by it subsequent to July 1, 1984, without the consent of Evans Enterprises, Inc., but against none other.

EXECUTED this ___ day of August, 2015.

CITY OF FORT SMITH, ARKANSAS

By: _____
Mayor

ATTEST:

City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS §

COUNTY OF SEBASTIAN §

On this ____ day of August, 2015, before me, a Notary Public, duly commissioned, qualified and acting within the State and County aforesaid, appeared in person the within named SANDY SANDERS and SHERRI GARD, to me personally well known, who stated that they were the Mayor and City Clerk, respectively, of the City of Fort Smith, Arkansas, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said City, and further states and acknowledged that they had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my seal on the day and date last written above.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

{SEAL}

RESOLUTION _____

**A RESOLUTION AUTHORIZING A TIME EXTENSION
FOR THE CONSTRUCTION OF SOUTH 7TH STREET AND PARKER AVENUE
OVERLAY/RECONSTRUCTION AND TROLLEY EXTENSION
PROJECT NO. 14-90-A**

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

SECTION 1: A time extension with Township Builders Inc., for the construction of South 7th Street and Parker Avenue Overlay/Reconstruction and the Trolley Extension, Project 14-90-A, which increases the contract time by 32 calendar days, is hereby approved.

This resolution adopted this _____ day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

RESOLUTION _____

**A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF SOUTH 7TH STREET AND PARKER AVENUE OVERLAY/RECONSTRUCTION AND TROLLEY EXTENSION
PROJECT NO. 14-90-A**

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

SECTION 1: The City of Fort Smith hereby accepts the construction of South 7th Street and Parker Avenue Overlay/Reconstruction and the Trolley Extension, Project 14-90-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$120,048.40 to the contractor, Township Builders Inc, for Project 14-90-A.

This resolution adopted this _____ day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

INTER-OFFICE MEMO

TO: Jeff Dingman, Acting City Administrator

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

DATE: July 28, 2015

SUBJECT: South 7th Street & Parker Avenue Overlay/Reconstruction and Trolley Extension, Project No. 14-90-A

The above subject project consisted of the asphalt street overlay, reconstruction and minor drainage improvements along South 7th Street and Parker Avenue. The project also included an approximately 800 foot extension of the rail/poles for the Fort Smith Trolley along South 7th Street. A project location map and project summary sheet are attached.

The project was substantially complete on June 23, 2015 which is 32 days beyond the May 22, 2015 contract completion date. The additional time beyond the contract completion date is due to weather delays, 27 days; and additional/field modified work items, 5 days.

The funding for the installation of the trolley rails/poles was provided by the Downtown Improvement Reserve Account (0101) and the 2015 Downtown Development Program (4111). The street work was funded through the Sales Tax Fund (1105).

The Fort Smith Trolley Museum will be installing the cross-arms and wiring for this trolley extension. They expect to have the work completed in approximately one month at which time the trolley will be able to utilize this rail extension along South 7th Street.

Attached is a Resolution authorizing a time extension and a Resolution to accept the project as complete and authorize final payment to the contractor. I recommend that the Resolutions be accepted by the Board of Directors at the next regular meeting.

Attachments

SUMMARY SHEET

City of Fort Smith
 Project Status Complete
 Today's Date: 7/27/2015
 Staff contact name: Stan Snodgrass
 Staff contact phone: 784-2225
 Contract time (no of days): 180
 Notice to proceed issued: 11/24/2014

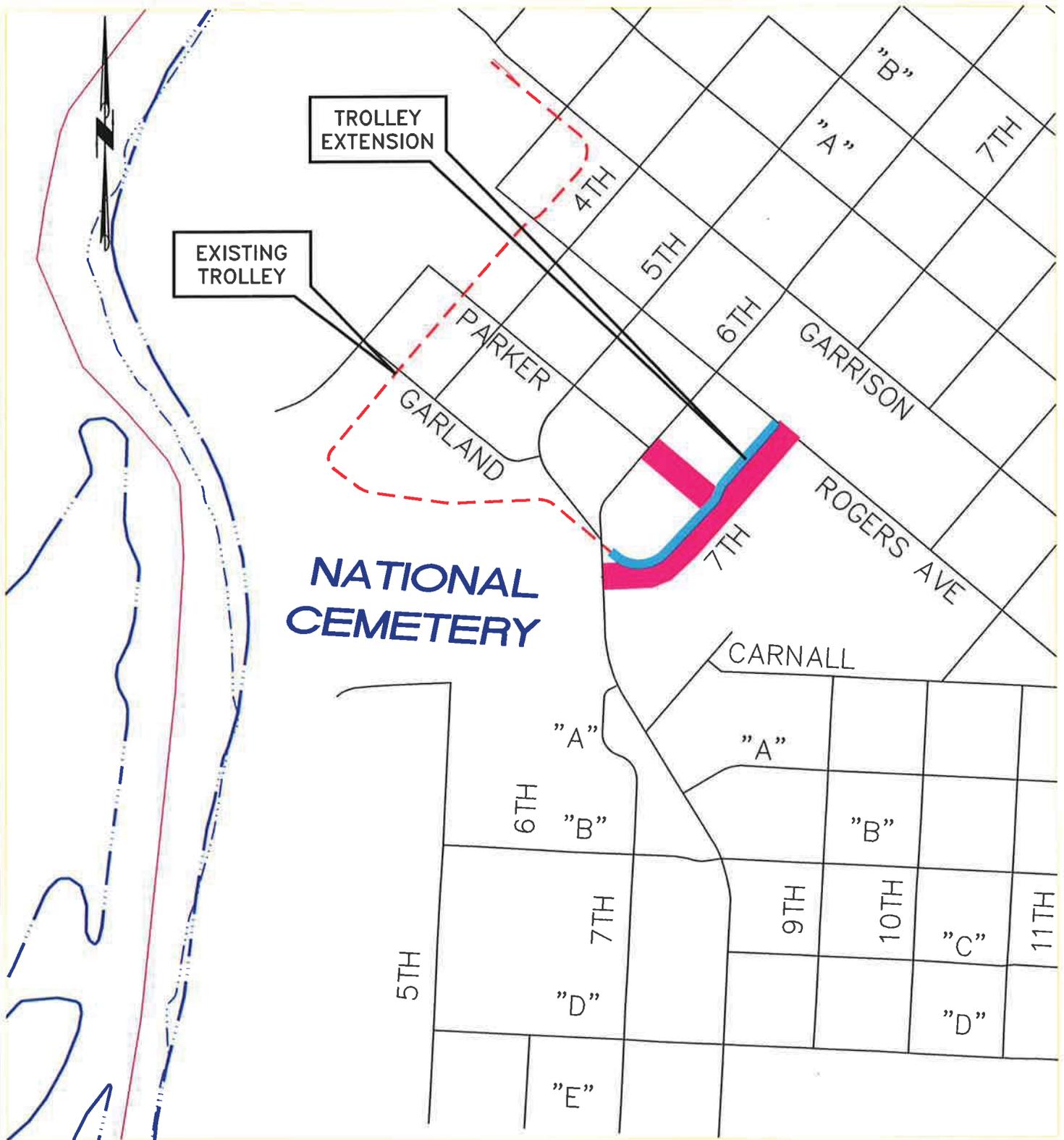
Project Name: 7th Street & Parker Ave. Overlay/
 Reconstruction & Trolley Extension
 Project Number: 14-90-A
 Consultant Engineer: Mickle Wagner Coleman
 Project Contractor: Township Builders Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$713,760.00	10/21/2014	5/22/2015
Contract Revisions:			
1			
2			
3			
Adjusted contract amount	\$713,760.00		
Payments to date (as negative):	\$545,064.93		
Amount of this payment	\$120,048.40		
Contract balance remaining	\$48,646.67		
Retainage held	0%		
Final payment	\$120,048.40		
Amount under original as a percentage	6.8%		

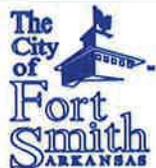
Final Comments:

The project was substantially complete on June 23, 2015 which is 32 days beyond the May 22, 2015 contract completion date. The additional time beyond the contract completion date is due to weather delays, 27 days; and additional/field modified work items, 5 days.

C:\DRAWINGS\CIP\00-00 CIPALL\2015\ TROLLEY.dwg 10/27/14-11:44 RBR EXHIBIT



2014 CAPITAL IMPROVEMENTS PROGRAM
 STREET OVERLAYS/RECONSTRUCTION
 & TROLLEY EXTENSION



Project:	14-90-A
Date:	OCT. 2014
Scale:	NONE
Drawn By:	RBR

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ELECTRIC
UTILITY EASMENT WITH OG&E FOR THE RIVER VALLEY SPORTS COMPLEX

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

The Mayor is hereby authorized to execute, his signature being attested by the
City Clerk, the attached electric utility easement with OG&E for the River Valley Sports
Complex.

This Resolution adopted this _____ day of August 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



_____ npr



Memo:

July 31, 2015

To: Jeff Dingman, Acting City Administrator
From: Doug Reinert, Director of Parks and Recreation *DSR*
Re: Easement with OG&E for the River Valley Sports Complex

OG&E has requested an easement for the installation of an underground electric line needed to supply power to the River Valley Sports Complex. A copy of the easement and exhibit drawing depicting said easement area are attached. Staff recommends the granting of the easement.

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

Attachment

pc: Jeff Dingman

THIS INSTRUMENT WAS PREPARED BY
LAND MANAGEMENT
AFTER RECORDING RETURN TO SAME @:
OG&E ELECTRIC SERVICES
ATTN: RIGHT OF WAY DEPT. - M/C AF90
7200 HIGHWAY 45
FORT SMITH, ARKANSAS 72916

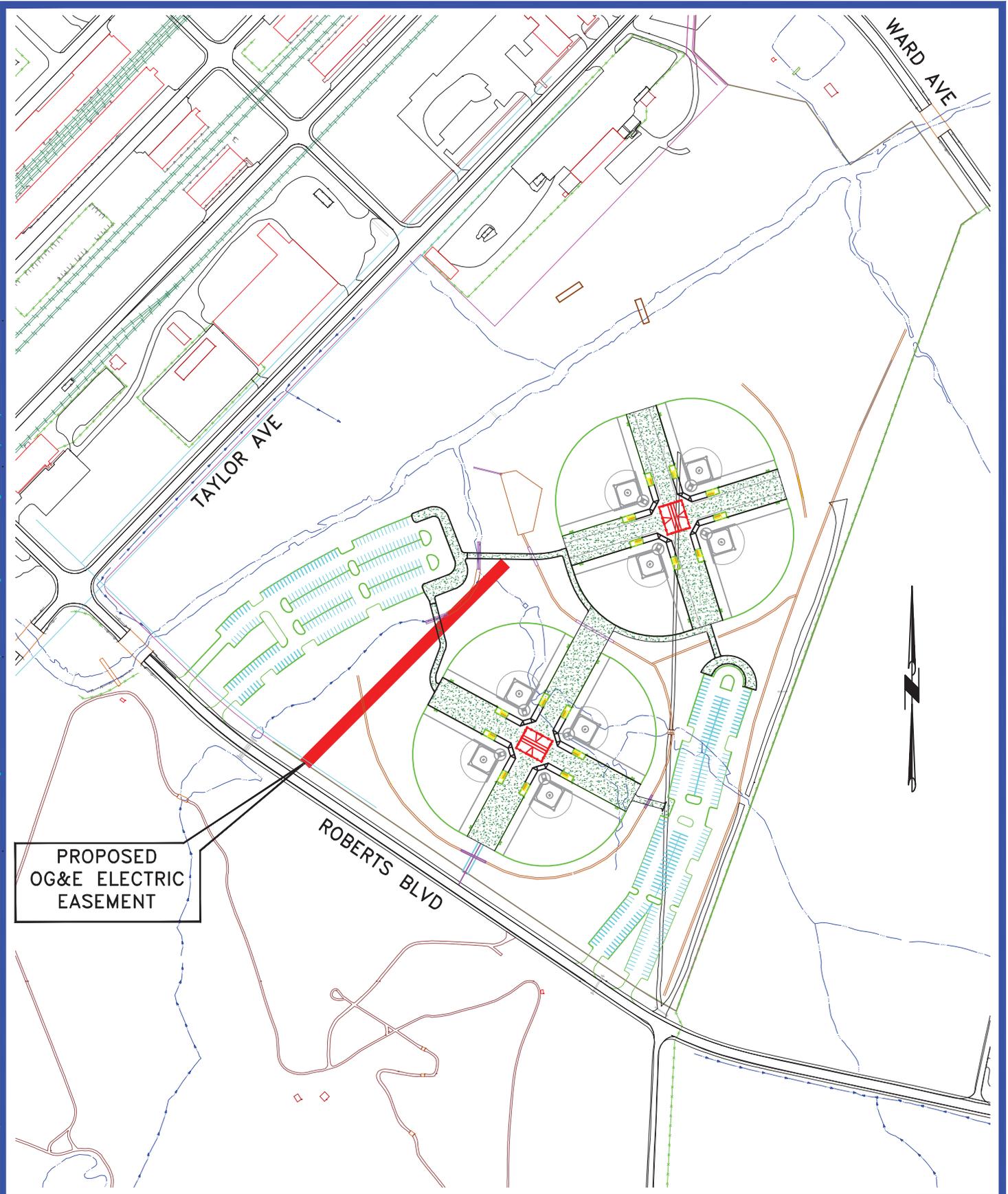
EASEMENT

Work Order # 7361659

KNOW ALL MEN BY THESE PRESENTS:

THAT **THE CITY OF FORT SMITH**, Grantor, in consideration of the sum of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and convey unto **OKLAHOMA GAS AND ELECTRIC COMPANY**, an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Sebastian (Fort Smith District) County, State of Arkansas, to wit:

A ten (10) foot wide easement being five (5) feet each side of the centerline lying in the **Southeast Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West**, being more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 10, Township 7 North, Range 31 West; thence along the West line of said NW/4 of the NW/4 South 02 deg. 46' 50" West 292.66 feet; thence South 45 deg. 58' 03" East 121.64 feet to an existing ½" rebar; thence South 77 deg. 19' 54" East 205.48 feet to a set ½" rebar with cap stamped MWC 1369; thence South 35 deg. 12' 39" East 198.00 feet to a set ½" rebar with cap stamped MWC 1369; thence North 54 deg. 47' 21" East 194.65 feet to the Southerly right of way of Ward Avenue and a set ½" rebar with cap stamped MWC 1369; thence along said right of way South 35 deg. 11' 29" East 290.44 feet to the military boundary and a set ½" rebar with cap stamped MWC 1369; thence along said military boundary South 54 deg. 38' 24" West 49.28 feet to an existing brass cap stamped FC 452; thence continuing along said military boundary South 19 deg. 53' 56" West 1811.42 feet to an existing brass cap stamped FC 452C; thence continuing along said military boundary South 19 deg. 53' 56" West 345.37 feet to the Northerly right of way of Roberts Boulevard and a set ½" rebar with cap stamped MWC 1369; thence along said right of way and 116.99 feet along the arc of a curve to the right, said curve having a radius of 909.47 feet and being subtended by a chord having a bearing of North 59 deg. 36' 25" West and a distance of 116.91 feet to a set ½" rebar with cap stamped MWC 1369; thence continuing along said right of way North 55 deg. 55' 19" West 1133.61 feet to a set ½" rebar with cap stamped MWC 1369; thence



**PROPOSED
OG&E ELECTRIC
EASEMENT**

OG&E ELECTRIC EASEMENT EXHIBIT
RIVER VALLEY SOFTBALL COMPLEX
FORT SMITH, ARKANSAS



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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING CHANGE ORDER NUMBER
ONE WITH CREATIVE DESIGN POOLS, LLC FOR THE
CONSTRUCTION OF THE COMPASS PARK SPLASH PAD

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

The mayor is hereby authorized to execute Change Order No. 1 with Creative Design Pools, LLC increasing the contract amount by \$7,416.11 and extending the contract time by 34 calendar days.

This Resolution adopted this _____ day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



_____npr

RESOLUTION NO. _____

A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING
FINAL PAYMENT TO CREATIVE DESIGN POOLS, LLC FOR THE
CONSTRUCTION OF THE COMPASS PARK SPLASH PAD

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

SECTION 1: The City of Fort Smith hereby accepts construction of the above
captioned project as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$18,166.74 to
the contractor, Creative Design Pools, LLC, for the above captioned project.

This Resolution adopted this _____ day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM



_____npr



Memo:

July 31, 2015

To: Jeff Dingman, City Administrator
From: Doug Reinert, Director of Parks and Recreation *DSR*
Re: Compass Park Splash Pad change order and final pay

The Compass Park Splash Pad has been wildly successful as a major downtown focal point for Fort Smith citizens and tourists. Since the grand opening on July 2, there has not been a day the Splash Pad was not filled with children and parents.

This site includes spray features that double as a modern art piece with spray ribbons, cannon fountains and modern lighting with the ability to be programmed for light shows. The grounds have been landscaped with flowering shrubs, ornamental grasses and annual plants. A watering system has been installed and the grounds are beautifully maintained. This project was a joint venture with Central Business Improvement District donating \$150,000 making this project achievable.

During the construction of the Compass Park Splash Pad crews encountered significant delays due to frequent and unusually large amounts of rainfall. This unusual weather delayed the completion of the project by 34 days.

During construction of the Compass Park Splash Pad the realization of this site being a focal point after sundown by the Park at West End allowed for the opportunity to enhance the attraction with modern lighting to align with the modern art theme of the splash pad project. These lights add safety to the area, keeping the site well lit. It is efficient using LED bulbs that save on energy costs and lowering maintenance by using longer lasting bulbs. The amount of the change order for the lights is \$7,416.11, bringing the final payment amount to \$18,146.74.

This project is in alignment with the goals of the Comprehensive Plan action FLU 2.3.2, ED-6.1.1, ED-6.2.1 and CCD-1.1.1. I recommend approval of the attached change order, accepting the project as complete and authorizing final pay. Please call if you have any questions regarding this project.

Project Summary

Project Status: Complete Project name: Compass Park Splash Pad
Today's Date: July 31, 2015 Project contractor: Creative Design Pools, LLC
Staff contact name: Doug Reinert
Staff contact phone: (479) 784-1006
Notice to proceed issued: January 13, 2015

	Dollar Amount	Contract Time (Days)
Original bid award	214,612.51	122
Change Order No. 1	7,416.11	34
Total change orders	<u>7,416.11</u>	<u>34</u>
Adjusted contract amount	<u><u>222,028.62</u></u>	156
Payments to date (as negative):	203,881.88	
Amount of this payment (as negative)	-18,146.74	
Retainage held	0.00	
Contract balance remaining	0.00	
Amount over (under) as a percentage	3.45%	
Final Comments:		

FORM OF CHANGE ORDER

Change Order No: 1	
Date: 7/ 08/ 2015	
Contractor's Name and Address: Creative Design Pools, LLC Burton Construction, LLC 6121 S. Zero Street Fort Smith, AR 72903	Owner's Name and Address: City of Fort Smith - Compass Park Splashpad City Administrator P.O. Box 1908 Fort Smith, AR 72902
THE CONTRACTOR AGREEMENT IS HEREBY CHANGED AS FOLLOWS	
To run new electrical for the lamp posts. Upgraded Deco Wall SS Chase Sidewalk Pull Boxes Carter's Lighting Substantial Completion Date: Changed from- May 15, 2015 to June 18, 2015 Due to Weather Delays Total of \$7,416.11	
Additional Contract Days: (if none, state "NONE"): [This isn't a defined term - consider changing to "Additional days needed to complete Work"]	
ALL OTHER TERMS AND CONDITIONS OF THE CONTRACTOR AGREEMENT THAT ARE NOT CHANGED BY THIS CHANGE ORDER REMAIN IN FULL FORCE AND EFFECT.	
PREVIOUS CONTRACT PRICE: \$ \$214,612.50 REVISED CONTRACT PRICE: \$ \$222,028.61 REVISED CONTRACT TIME: <u> 34 Days </u>	
ACCEPTANCE	
The above prices, specifications, and conditions are satisfactory, and are hereby accepted. The Contractor is authorized to do the work as specified, and the Owner shall make payments as outlined above.	
Owner Signature: _____	Date: _____
Contractor Signature:  _____	Date: <u> 7/8/2015 </u>

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH KBM INDUSTRIAL SERVICES, INC., FOR THE LEE CREEK WATER TREATMENT PLANT TRASH RAKE ACCESS PLATFORMS

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

SECTION 1: The bid of KBM Industrial Services, Inc., for the construction of the Lee Creek Water Treatment Trash Rake Access Platforms, Project 15-21-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with KBM Industrial Services, Inc., for an amount of \$39,971.61, for performing said construction.

This Resolution adopted this _____ day of August 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Jeff Dingman, Acting City Administrator

DATE: July 30, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Lee Creek Water Treatment Plant
Trash Rake Access Platforms
Project No. 15-21-C1

The trash racks installed to protect the water intakes for the Lee Creek water treatment plant and hydro-turbine generator utilize a traveling trash rake to remove the collected debris. The trash rake is mounted on the upstream face of the intake structure at the main operating floor level and is approximately 40-feet above the reservoir's normal pool elevation. The trash rake travels across the face of the intake structure utilizing telescoping arms to reach below the water and to bring the debris up to a trough at the main operating floor elevation where it is then pushed laterally to a point where it may be removed for disposal. Water treatment plant and maintenance personnel access the trash rake for inspection and maintenance, first from an access platform which projects over the reservoir, and then up a ship ladder to a platform which is mounted to, and travels with, the rake. The access platforms load ratings and personnel fall protection designs no longer meet safety standards. This project is to remove and replace the existing access platforms with new platforms which meet current standards and safety factors.

Bids for the project were opened on July 21 with the low bid submitted by KBM Industrial Service, Inc., of Russellville, Arkansas, for an amount of \$39,971.61. A bid tabulation showing the bidders and their bid amounts is attached. The bid submitted by Goodwin & Goodwin is above the 5-percent margin which would qualify for a local bidder's preference. Funding for the work was established in the 2015 operations budget in the water treatment program 5604. KBM's bid is within the budgeted amount.

A Resolution accepting the bid of KBM Industrial Service and authorizing the award of the contract is attached for the Board's consideration. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

Bid Tabulation Sheet

Project Name

Lee Creek Water Treatment Plant Rack Access Platforms
Project Number 15-21-C1

Bid Opening

July 21, 2015
2:00 P.M.

Bids Received

KBM Industrial Service, Inc. Russellville, Arkansas	\$ 39,971.61 _____
Crawford Construction Co. Van Buren, Arkansas	\$ 46,491.00 _____
Goodwin & Goodwin Fort Smith, Arkansas	\$ 56,500.00 _____
JL Bryson Co. Springdale, Arkansas	\$ 61,200.00 _____

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH FORSGREN, INC., FOR THE MILL CREEK INTERCEPTOR IMPROVEMENTS – PHASE II

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

Change Order Number One to the contract with Forsgren, Inc., for the Mill Creek Interceptor Improvements – Phase II, Project Number 12-12-C1, adding 96 days to the contract duration is hereby approved.

This Resolution adopted this _____ day of August 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO FORSGREN, INC., FOR CONSTRUCTION OF THE MILL CREEK INTERCEPTOR IMPROVEMENTS – PHASE II

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

SECTION 1: The construction of the Mill Creek Interceptor Improvements – Phase II, Project Number 12-12-C1, is accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of \$114,596.71, is hereby approved.

This Resolution adopted this _____ day of August 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Jeff Dingman, Acting City Administrator

DATE: July 29, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Mill Creek Interceptor Improvements – Phase II
Project 12-12

Forsgren, Inc., has submitted final pay request in the amount of \$114,596.71 for work completed on the Mill Creek Interceptor Improvements – Phase II, Project 12-12-C1. This project provided increase capacity for approximately 6,900 linear feet of interceptor sewer main to convey wet weather sewer flows to the new Mill Creek pump station and equalization tank. A project summary sheet and a location exhibit are attached for your review.

The project was awarded to Forsgren in the amount of \$1,917,753.10 with a contract completion time of 240 calendar days. Forsgren's work exceeded the contract time by 209 calendar days, of which 96 days were related to events beyond the contractor's control. Weather delays accounted for 53 days, 21 days were attributed to pipe supplier production problems, 17 days were required for additional work related to underground utility adjustments and 5 days related to encountering fuel contaminated soils which halted construction. Staff recommends adding the 96 days related to those events to the contract time and adjusting the contract period to 336 calendar days. The remaining balance of the 113 days of the contract time overrun are associated with a contractor error which required the reinstallation of approximately 3,000 linear feet of sewer main due to the original work being placed at improper grade. The remaining balance of 113 calendar days are being assessed liquidated damages in the amount of \$52,000 as provided by the contract documents and reducing the final payment to the amount of \$114,596.71.

Attached are two Resolutions, one approving Change Order Number One adding 96 days to the contract time, and one which accepts the project as complete and authorizes final payment of \$114,596.71 to Forsgren. Should you or the members of the Board have any questions or need additional information, please let me know.

attachment

Project Summary

Project status: Complete

Project name: Mill Creek Interceptor Improvements - Phase II

Today's date: July 29, 2015

Project number: 12-12-C1

Staff contact name: Steve Parke

Project Engineer: Hawkins-Weir Engineers, Inc.

Staff contact phone: 784-2231

Project contractor: Forsgren, Inc.

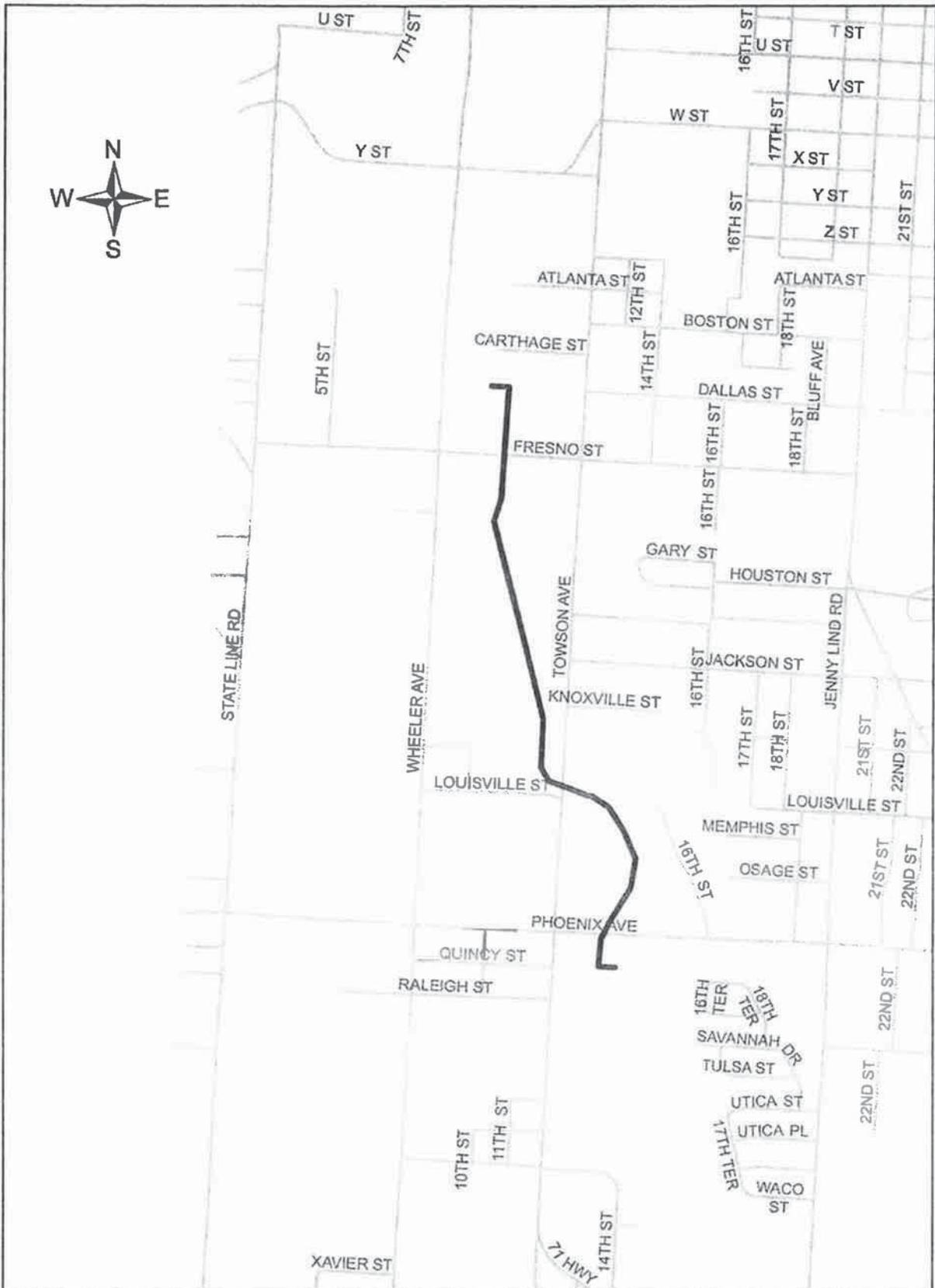
Notice to proceed issued: March 31, 2014

Completion date: June 23, 2015

	Dollar Amount	Contract Time (Days)
Original contract	\$1,917,753.10	240
Change orders: 1	\$0.00	96
Total change orders	\$0.00	336
Adjusted contract	\$1,917,753.10	
Payments to date (as negative):	-\$1,641,525.64	85.5%
Amount of final request	-\$166,596.71	94.3%
Liquidated damages	\$52,000.00	
Amount of this payment	-\$114,596.71	91.6%
Retainage held	\$0.00	
Contract balance remaining		
Amount under original as a percentage	-8.4%	

Final comments:

The contractor exceeded the contract time by 209 days. Change Order Number One adds 96 days to the contract time due to weather delays, supplier problems and contaminated soil. Liquidated damages in the amount of \$52,000 are assessed for the remaining 113 days over the contract time. The contractor has accepted the adjustments.



**MILL CREEK INTERCEPTOR IMPROVEMENTS
PHASE 2
PROJECT NO. 12-12**

RESOLUTION NO. _____

RESOLUTION CONFIRMING APPOINTMENT OF JEFF DINGMAN AS ACTING CITY ADMINISTRATOR AND AUTHORIZING EXECUTION OF AGREEMENT PERTAINING THERETO

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

SECTION 1: The City of Fort Smith Board of Directors hereby confirms the appointment of Jeff Dingman as Acting City Administrator effective August 11, 2015.

SECTION 2: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the attached agreement with Acting City Administrator Jeff Dingman.

THIS RESOLUTION ADOPTED this 4th day of August, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



City Attorney
No Publication Required



July 29, 2015

TO: Members of the Board of Directors
Members of the Central Business Improvement District

RE: Appointments:

The terms of Mr. Robert Vick, Mr. Richard Griffin, Mr. Rodney Ghan, Mr. Phil White and Mr. Sam T. Sicard of the Central Business Improvement District will expire September 30th, 2015. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on August 12th, 2015. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Dingman".

Jeff Dingman
Acting City Administrator

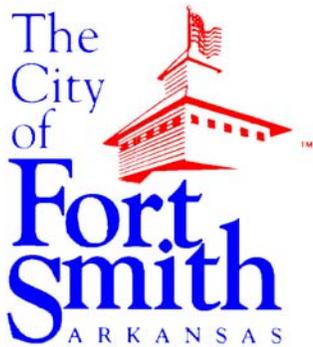
623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
www.fortsmithar.gov

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August 2015

August 2015							September 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Jul 26	27	28	29	30	31	Aug 1
Jul 26 - Aug 1							
	2	3	4	5	6	7	8
Aug 2 - 8			11:30am Planning Com. S.S. (Creekmore) 6:00pm Board of Directors (FSM Public School Cntr)		12:00pm Housing Assistance Board (Main Library) 6:00pm Historic District Com. (220 North 7 Street)		
	9	10	11	12	13	14	15
Aug 9 - 15		11:00am Property Owners Appeal Board (Planning Conf. Rm, (Tentative))	12:00pm Board of Directors S.S. (FSM Public Library) 5:30pm Planning Commission (Creekmore)	12:00pm Parks Commission (Creekmore)	12:15pm Oak Cemetery Com. (Creekmore)		
	16	17	18	19	20	21	22
Aug 16 - 22			9:30am CBID (Area Agency) 4:30pm Library Board of Trustees (Main Library) 6:00pm Board of Directors (FSM Public Schools)				
	23	24	25	26	27	28	29
Aug 23 - 29			12:00pm Board Study Session (Elm Grove Com) 4:00pm A & P Com. (Miss Laura's) 5:30pm Airport Com. (Airport - Adm.)		5:30pm Historic District S.S. (220 North 7 Street)		
	30	31	Sep 1	2	3	4	5
Aug 30 - Sep 5		6:00pm Brainstorming Meeting (Location TBD)					



Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

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

August 4, 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 Megan Foote, Evangel Temple

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 JULY 21, 2015 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Transitional by classification located at 11300 Roberts Boulevard*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 52-15

2. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned to a Planned Zoning District by classification located at 7500 Wells Lake Road*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 53-15
3. Ordinance amending the special conditions for the Commercial-5 Zoning on the property located at 1520 South “U” Street
APPROVED 7 in favor, 0 opposed / Ordinance No. 54-15
4. Items regarding water and sewer revenue bonds:
 - A. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto (*80/20 Stephens, Inc. & Raymond James*) ~ *Good/Hutchings placed on agenda at the July 14, 2015 study session* ~
NO ACTION TAKEN due to adoption of Item No. 4B
 - B. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto (*50/50 Stephens, Inc. & Raymond James*) ~ *Settle/Pennartz placed on agenda at the July 14, 2015 study session* ~
APPROVED 4 in favor (Lorenz, Catsavis, Pennartz & Settle), 3 opposed (Lau, Good and Hutchings) as revised to more accurately reflect Director Settle’s motion at the July 14 study session, i.e. 7th recital (“Whereas” clause) / Resolution No. R-134-15
5. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Burns & McDonnell for engineering services for the Lake Fort Smith and Lee Creek Fluoride Feed Systems (*\$249,000.00 / Utility Department / Budgeted – Grant Funds*)
APPROVED 5 in favor, 2 opposed (Lau & Catsavis) / Resolution No. R-135-15
6. Consent Agenda
 - A. Resolution setting public hearing date on petition to vacate a portion of an alley located in Block 19, South Fort Smith Addition, an addition to the City of Fort Smith, Arkansas
APPROVED 7 in favor, 0 opposed / Resolution No. R-136-15
 - B. Resolution authorizing a special warranty deed and a bill of sale conveying property to Evans Enterprises, Inc. and prescribing other matters pertaining thereto
APPROVED 7 in favor, 0 opposed as revised to correct the original bond amount and date / Resolution No. R-137-15

- C. Resolution authorizing a time extension for the construction of South 7th Street and Parker Avenue Overlay / Reconstruction and Trolley Extension, Project 14-90-A (32 days)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-138-15](#)
- D. Resolution accepting completion of and authorizing final payment for the construction of South 7th Street & Parker Avenue Overlay / Reconstruction and Trolley Extension, Project No. 14-90-A (\$120,048.40 / Engineering Department / Budgeted – Sales Tax Program Fund)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-139-15](#)
- E. Resolution authorizing the Mayor to execute an electric utility easement with Oklahoma Gas & Electric for the River Valley Sports Complex
[APPROVED 7 in favor, 0 opposed / Resolution No. R-140-15](#)
- F. Resolution accepting Change Order No. 1 with Creative Design Pools, LLC for construction of the Compass Park Splash Pad (\$7,416.11 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦
[APPROVED 7 in favor, 0 opposed / Resolution No. R-141-15](#)
- G. Resolution accepting completion of and authorizing final payment to Creative Design Pools, LLC for construction of the Compass Park Splash Pad (\$18,166.74 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦
[APPROVED 7 in favor, 0 opposed / Resolution No. R-142-15](#)
- H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with KBM Industrial Services, Inc. for the Lee Creek Water Treatment Plant Trash Rake Access Platforms (\$39,971.61 / Utility Department / Budgeted – Water and Sewer Operations Budget)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-143-15](#)
- I. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for the Mill Creek Interceptor Improvements – Phase II (96 days)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-144-15](#)
- J. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the Mill Creek Interceptor Improvements – Phase II (\$114,596.71 / Utility Department / Budgeted – 2012 and 2014 Sales and Use Tax Bonds)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-145-15](#)

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

➤ Mayor

➤ Directors

➤ City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 214, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

EXECUTIVE SESSION (Approximately 7:26 p.m.)

Appointment: Acting City Administrator ~ *Placed on agenda at the July 10, 2015 special meeting* ~
See Item No. 7

7. Resolution confirming appointment of Jeff Dingman as Acting City Administrator and authorizing execution of agreement pertaining thereto
APPROVED 7 in favor, 0 opposed / Resolution No. R-146-15

ADJOURN

7:53 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ AUGUST 4, 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 Megan Foote of Evangel Temple 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 July 21, 2015 regular meeting was presented for approval. Lau, seconded by Hutchings, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Item No. 1 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Transitional by classification located at 11300 Roberts Boulevard*).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Larry Hall, agent for Chaffee Crossing Clinic. The purpose of the rezoning is to allow a small scale area for limited office, professional service and medical services designed in scale with surrounding residential uses. In addition to the rezoning request, a development plan was submitted that showed a 2,272 square foot medical clinic building with twenty-four (24) parking spaces. A driveway variance was approved allowing the distance between the driveways to be reduced. A neighborhood meeting was held July 6, 2015 with no neighboring property

August 4, 2015 Regular Meeting

owners in attendance. The Planning Commission held a public hearing on July 14, 2015 with no individuals present to speak in opposition to the request. The Planning Commission voted six (6) in favor and two (2) abstentions (Keessee, Howard) to amend the request as follows:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted, but limited to those described in Section 27-329-8 of the Unified Development Ordinance (UDO). Any changes greater than those described in this section will require Planning Commission approval.
- Board of Zoning Adjustment approval of the companion variance application.
- All platting requirements shall be completed prior to the issuance of the building permit.
- All site features of the development not specifically mentioned or shown on the development plan shall comply with the UDO requirements and Chaffee Crossing Design Guidelines.

The Planning Commission approved the rezoning requested as amended by vote of eight (8) in favor and zero (0) opposed.

Pennartz, seconded by Hutchings moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 52-15.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to a Planned Zoning District by classification located at 7500 Wells Lake Road*).

Mr. Bailey briefed the Board on the item advising such is per the request of Mickle Wagner Coleman, agent for Brownwood Life Care. The purpose of the rezoning

August 4, 2015 Regular Meeting

is to allow for a new 42,630 square foot nursing home on a nine (9) acre tract of land. The proposed development includes eighty-six (86) parking spaces and landscaping.

The purpose of a Planned Zoning District (PZD) are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan.
- Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- Flexible administration of general performance standards and development guidelines.
- Primary emphases shall be placed upon achieving compatibility between the proposed development and surrounding areas to preserve and enhance the neighborhood through the use of the enhanced site design, architecture, landscaping and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

A neighborhood meeting was held June 16, 2015 with one (1) attendee present whom inquired about the detention/water quality basin. Mr. Griffin addressed how the project would accommodate the concerns and there were no objections to the proposed project. The Planning Commission held a public hearing on July 14, 2015 with no individuals present to speak in opposition to the request. The Planning Commission unanimously amended the rezoning request to make approval subject to compliance with the submitted project booklet. The Planning Commission approved the amended request for Board consideration by a vote of eight (8) in favor and (0) opposed.

Director Pennartz inquired if the developers will install the sidewalks, which are included within the design plan, whereby Mr. Bailey responded affirmatively.

Settle, seconded by Pennartz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be

August 4, 2015 Regular Meeting

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. 53-15.

Item No. 3 was an ordinance amending the special conditions for the Commercial-5 Zoning on the property located at 1520 South "U" Street.

Mr. Bailey briefed the Board on the item advising such is per the request of Al Prieur, agent for Bryan White. The purpose of the proposed amendment is to allow the development of a multi-family development (*four-plex*). The current zoning was approved in 2011 with a special condition for the development of a mini-storage facility; however, the mini-storage facility was never constructed. Although the current zoning classification allows a multi-family development, the special condition attached to the 2011 rezoning does not; therefore, the special conditions must be amended if the proposed development is to proceed. The Planning Commission held a public hearing on July 14, 2015 with no individuals present to speak in opposition to the request. The Planning Commission voted unanimously to amend the request contingent upon the submitted development plan for the multi-family (*four-plex*) development. The Planning Commission approved the amended request for Board consideration by a vote of eight (8) in favor and (0) opposed.

Since the proposed development is a two-story structure, Director Pennartz inquired that if the Fort Smith Municipal Code requires an exit to be located in the rear of the structure.

Mr. Bailey advised the development plan has not been submitted to the Building and Fire Departments for review; however, such will be submitted for compliance

August 4, 2015 Regular Meeting

review upon adoption of the proposed ordinance. If required, no building permit will be issued until the plan is in compliance with the Fort Smith Municipal Code.

Lorenz, seconded by Catsavis, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 54-15.

Item No. 4 was items regarding water and sewer revenue bonds:

- A. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto *(80/20 Stephens, Inc. & Raymond James) ~ Good/Hutchings placed on agenda at the July 14, 2015 study session ~*
- B. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto *(50/50 Stephens, Inc. & Raymond James) ~ Settle/Pennartz placed on agenda at the July 14, 2015 study session ~*

Acting City Administrator Jeff Dingman briefed the Board on the item as discussed at the July 14, 2015 study session.

Mayor Sanders announced the 7th recital (Whereas) of Item No. 4B had been revised with a minor language change to more accurately reflect the motion of Director Settle when such was placed on the agenda. Due to such, the motion to adopt Item No. 4B should include "as revised."

The following individuals were present to address the Board:

- Terry Gallamore, Fort Smith Branch Manager
Raymond James

August 4, 2015 Regular Meeting

Re: Spoke in favor of Item No. 4B and acknowledged several employees of the firm who were present and also reside in Fort Smith. He advised of the firm's commitment to Fort Smith and provided a hand-out which referenced a multitude of community related events/organizations the firm is involved with.

- Ron Pyle, Arkansas Public Finance Division
Raymond James

Re: Spoke in favor of Item No. 4B referencing accomplishments of the firm, their experience in the subject matter, the benefits the firm could provide and requested to be an equal partner with the Stephens, Inc.

- John C. Carson
Raymond James

Re: Spoke in favor of Item No. 4B conveying support of his colleagues and their request for the allocation of the bond issues be evenly distributed between Stephens, Inc. & Raymond James. Much assurance was conveyed that the firm can provide an additional level of resources citing the creation of competition leads to better service by both firms.

- Dennis Hunt, Executive Vice-President
Stephens, Inc.

Re: Spoke in favor of Item No. 4A and acknowledged his colleague, Mr. Kevin Faught, who was also in attendance. He did not dispute the abilities of Raymond James; however, he reiterated the subject bonds are Arkansas bonds citing Stephens, Inc. is proficient in such field. The three (3) key factors to consider are continuity of experience, strong relationship with community and proven commitment to Fort Smith, which Stephens, Inc. has consistently provided. He further noted Stephens, Inc. commitment to purchase Fort Smith's bond offerings with unsold balances citing an occurrence in 2011 when Stephens, Inc. bought one-hundred percent (100%) of the unsold balance on the bonds whereby Raymond James was not interested in buying their twenty percent (20%) of unsold bonds. He expressed his desire for the Board to consider such when deciding the underwriting arrangement.

Director Good commended the presenters on information provided. Concern was expressed with the enormous amount of the bonds citing the City is in unfamiliar

August 4, 2015 Regular Meeting

territory with the consent decree. Due to such, he spoke in favor of retaining the current bond underwriting allocation citing now is not the appropriate time to change bond.

Director Lau requested Acting City Administrator Jeff Dingman's position on the issue.

Acting Administrator Dingman advised there is a good working relationship with both firms; however, he conveyed agreement with Director Good advising he supports continuing with the current 80/20 arrangement at this time.

Regarding the aforementioned 2011 occurrence of unsold bonds referenced by Mr. Hunt, Directors Lau and Lorenz requested further clarification and questioned if such adversely affected the City.

Acting Administrator Dingman simply advised Stephens, Inc. remedied the situation by purchasing the unsold bonds before it could adversely affect the City.

Mr. Pyle advised Raymond James provided an explanation of the occurrence citing Raymond James entered into negotiations with Stephens, Inc. for the unsold bonds alleging Stephens, Inc. allocated to Raymond James a lesser amount of bonds that Raymond James had ordered. Due to the nature of the underwriter and trading business, such under-allocation created a disagreement and ultimately negotiations ceased. Although it appeared Raymond James did not have interest in buying the unsold bonds, he conveyed much assurance that such was certainly not the case. A meeting with City Administration was scheduled soon after the occurrence whereby he took full responsibility for the unfortunate issue and vowed such "*will never happen again.*"

Mr. Hunt with Stephens, Inc. also addressed Board citing Mr. Pyle was not responsible for the issue advising the matter originated from a Dallas office. He further

August 4, 2015 Regular Meeting

expressed full confidence in Mr. Pyle's commitment and assurance there will not be a reoccurrence of the above stated issue.

Regarding the 2011 issue, Director Pennartz requested confirmation that Raymond James was interested in purchasing the unsold bonds and if the subject unsold bonds were sold throughout the United States whereby Mr. Pyle responded affirmatively to both inquiries.

Director Catsavis simply conveyed concurrence with the comments of Director Good.

Director Settle spoke in support of Item No. 4B alleging the utilization of two (2) companies evenly (50/50) is fair and equitable. Such would increase the resources in the midst of uncharted territory regarding the consent decree alleging such will benefit the city and the citizens.

Settle, seconded by Pennartz, moved adoption of Item No. 4B as revised.

Prior to the vote, Director Catsavis offered a motion to allocate the underwriting services with seventy percent (70%) to Stephens, Inc. and thirty percent (30%) to Raymond James. There was no second offered; therefore, the Mayor declared the motion died for lack of a second.

Director Lau also expressed concern with changing the long-standing allocation percentage.

At the request of Director Good, Deputy Finance Director Jennifer Walker addressed the Board advising that given the current circumstances, i.e. vacancies in the City Administrator position and the upcoming changes with the Director of Finance position; and, because Stephens, Inc. has already started work on the upcoming issuance, now is not the right to change the underwriter allocation.

August 4, 2015 Regular Meeting

There was continued discussion regarding the matter with several directors speaking in favor and opposition to the proposed resolutions.

The motion remaining on the floor (adoption of Item No. 4B as revised), the members voted as follows: ayes – Lorenz, Catsavis, Pennartz and Settle; nays – Lau, Good Hutchings. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-134-15.

Item No. 5 was a resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Burns & McDonnell for engineering services for the Lake Fort Smith and Lee Creek Fluoride Feed Systems (*\$249,000.00 / Utility Department / Budgeted – Grant Funds*).

Director of Utilities Steve Parke briefed the Board on the item advising the proposed resolution was defeated at the July 21, 2015 regular meeting citing the directors were concerned with the cost of the services. Although the estimated engineering cost of \$249,000.00 appears to exceed the normally expected percentage of the \$1,586,300.00 construction cost, what may not be readily apparent is the complexity of the reviews and oversight needed in order to assure the proper and safe integration of the new chemical addition into the water treatment processes and control systems at two (2) separate drinking water treatment plant locations. As previously discussed, the work is being performed on an hourly basis and not for a lump sum; therefore, the City will be billed for only the actual time and expenses, and such is to be reimbursed by the Delta Dental Foundation of Arkansas. Delta Dental Foundation of Arkansas has reviewed the project costs and has accepted and approved the grant request of \$2,015,300.00 to fully reimburse one-hundred percent (100%) of the engineering and construction costs. The grant condition to complete the work and

August 4, 2015 Regular Meeting

begin feeding fluoride into the water supply is March 16, 2016. Completing the work within the remaining approximate eight (8) months presents a compressed time period and has influenced the project costs as well. He understands bringing the originally presented and defeated resolution back to the Board is not ideal; however, staff does not feel comfortable foregoing cost at the expense to the users of the system. Staff respectfully requests the Board's reconsideration and approval of the proposed resolution.

Director Settle advised he continues to struggle with the amount in comparison to the drawings.

Mr. Parke sympathized with Board's concerns reiterating the cost is attributed to the level of complexity that the system requires and the assurance that such is done so properly, which is not specifically reflected in the drawings. The cost could be lowered; however, such would reduce the amount of care and oversight that could result in exposure and risk to the system users. Since such directly affects the drinking water system, there is a high potential for risk; therefore, assuring exceptional care and oversight is crucial.

There was continued lengthy discussion regarding the necessity of multiple, full-time inspectors whereby Director Pennartz called the question to end debate on the matter.

Lorenz, seconded by Hutchings, moved adoption of the resolution. The members voted as follows: ayes – Good, Lorenz, Pennartz and Settle Hutchings; nays – Lau, and Catsavis. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-135-15.

August 4, 2015 Regular Meeting

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

- A. Resolution setting public hearing date on petition to vacate a portion of an alley located in Block 19, South Fort Smith Addition, an addition to the City of Fort Smith, Arkansas
- B. Resolution authorizing a special warranty deed and a bill of sale conveying property to Evans Enterprises, Inc. and prescribing other matters pertaining thereto
- C. Resolution authorizing a time extension for the construction of South 7th Street and Parker Avenue Overlay / Reconstruction and Trolley Extension, Project 14-90-A (32 days)
- D. Resolution accepting completion of and authorizing final payment for the construction of South 7th Street & Parker Avenue Overlay / Reconstruction and Trolley Extension, Project No. 14-90-A (\$120,048.40 / Engineering Department / Budgeted – Sales Tax Program Fund)
- E. Resolution authorizing the Mayor to execute an electric utility easement with Oklahoma Gas & Electric for the River Valley Sports Complex
- F. Resolution accepting Change Order No. 1 with Creative Design Pools, LLC for construction of the Compass Park Splash Pad (\$7,416.11 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦
- G. Resolution accepting completion of and authorizing final payment to Creative Design Pools, LLC for construction of the Compass Park Splash Pad (\$18,166.74 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦
- H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with KBM Industrial Services, Inc. for the Lee Creek Water Treatment Plant Trash Rake Access Platforms (\$39,971.61 / Utility Department / Budgeted – Water and Sewer Operations Budget)
- I. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for the Mill Creek Interceptor Improvements – Phase II (96 days)
- J. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the Mill Creek Interceptor Improvements – Phase II (\$114,596.71 / Utility

August 4, 2015 Regular Meeting

Department / Budgeted – 2012 and 2014 Sales and Use Tax Bonds)

Mayor Sanders announced that Item No. 6B had been revised to correct the amount and date on the bill of sale and special warranty deed; therefore, the motion to adopt must include “as revised.”

Pennartz, seconded by Hutchings, moved adoption of all consent agenda items with inclusion of the aforementioned revision to Item No. 6B. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-136-15 through R-145-15, respectively.

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

➤ Director Settle

Re: Expressed gratitude to the Fort Smith Police and Fire Department staff who were on scene at an automobile accident in which his wife was involved in.

➤ Director Pennartz

Re: Commended Fort Smith Police Officer Jeffrey Lum, who saw a citizen struggling to mow her lawn in the summer heat and stopped to help her.

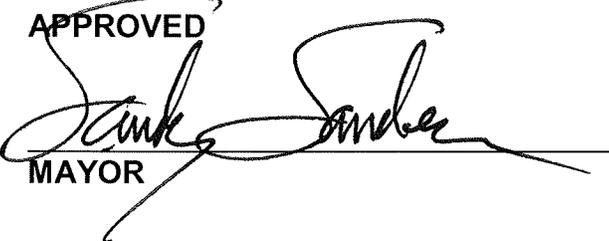
The Board entered into executive session at approximately 7:26 p.m. and after reconvening, the Mayor announced the Board wishes to confirm the appointment of Jeff Dingman as Acting City Administrator and introduced Item No. 7.

Item No. 7 was a resolution confirming appointment of Jeff Dingman as Acting City Administrator and authorizing execution of agreement pertaining thereto.

Settle, seconded by Hutchings, moved to appoint Jeff Dingman as Acting City Administrator. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-146-15.

August 4, 2015 Regular Meeting

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Lorenz, and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:53 p.m.

APPROVED

MAYOR

ATTEST


CITY CLERK