

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ FEBRUARY 16, 2010 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Ray Baker, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, Bill Maddox, Gary Campbell, Kevin Settle and Cole Goodman. A quorum was declared present.

Mayor Baker, the Board, and City Administration presented the "*Good Neighbor Awards*" along with a red rose and certificate to the following citizens of Fort Smith for helping to make their neighborhoods and the community a better place in which to live:

- Kristy Thompson
- Christy Lou Stipe
- Charlie Mae Palmer
- Mark Coker
- Paddy Walz (*unable to attend*)
- Wayne Fiser (*unable to attend*)

Karen Hollenbeck, Principal of St. Boniface Catholic School, addressed the Board on behalf of the Girl Scout Council Diamonds of Arkansas, Oklahoma and Texas advising the school participated in the "Gift of Caring Project" which affords individuals the opportunity to donate Girl Scout cookies. The school opted to distribute the donated cookies to members of the 188th Fighter Wing in Fort Smith.

The following girls from Girl Scout Troops 4183 and 4383 presented cookies to the Mayor and Board:

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- Gracie Hollenbeck
- Kathryn Kaelin
- Althea Bishop
- Rachel English
- Anna Claire Kuykendall
- Ashlyn Teague
- Linda Kaelin (leader)
- Rita English (leader)

The minutes of the February 2, 2010 regular meeting were presented for approval. Hutchings, seconded by Campbell, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, Mayor Baker communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the Citizens Forum.

Mayor Baker opened the Citizens Forum with the following individual present to address the Board:

- Tammy Trouillon
8000 Holly Avenue

Re: Advised of two recent attacks by two different pit bull dogs, with the latest attack killing her small dog. She alleged the pit bull jumped it's 4 ft. fence; therefore, she requested the City of Fort Smith require pet owners of vicious or dangerous dog breeds maintain a fencing height of at least 6 feet.

Director Goodman questioned if the subject dog was previously deemed vicious whereby Ms. Trouillon advised it was not; however, the owner voluntarily relinquished the dog to animal control and was later euthanised.

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- Eric Arthur
815 North "B" Street

Re: Conveyed multiple sales tax rates for various Arkansas municipalities claiming Fort Smith and Fayetteville maintain the highest. Due to such, he spoke in opposition to any additional tax for Fort Smith.

Mayor Baker clarified that the Fort Smith sales tax was approved by voters and such is dedicated for drainage and street improvements.

Mayor Baker announced and extended a very "Happy Birthday" to Police Chief Kevin Lindsey.

Item No. 1 was a resolution approving priorities for the 2011 Session of the Arkansas General Assembly

Deputy Administrator Ray Gosack briefed the Board on the item as discussed at the February 9, 2010 study session and provided a brief explanation of each priority. The proposed priorities will be submitted to the Arkansas Municipal League (AML) for inclusion in their legislative package. Priorities which are part of the AML's legislative agenda have a better chance of being adopted.

The following individual was present to address the Board:

- Eric Arthur
815 North "B" Street

Re: Requested a brief explanation of the proposed amendment regarding the restaurant tax.

Mr. Gosack noted that municipalities have the option to charge a restaurant tax and utilize the revenue for park improvements, provided the municipality has a park of at least 1,000 acres. Only two cities in the state of Arkansas meet the requirement; therefore, the

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proposed amendment is merely to remove the 1,000 acre size requirement to other municipalities to utilize the tax. He further clarified that such tax requires voter approval.

Director Maddox advised of his intent to vote in favor of the item; however, he conveyed opposition to the inclusion of the amendment regarding attorney fee's for acquisition of water supply properties and requested such opposition be noted for the record.

Settle, seconded by Tyler, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given no. R-31-10.

Item No. 2 was a resolution inviting the Arkansas State Highway Commission to meet in Fort Smith

Director Gary Campbell noted that the Arkansas State Highway Commission has announced their intent to hold commission meetings in various cities within the state; therefore, he spoke in favor of the resolution formally inviting the ASHC to Fort Smith.

Campbell, seconded by Maddox, moved adoption of the item. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-32-10.

The Consent Agenda (Item No. 3) was introduced for consideration, the items being as follows:

- A. Resolution approving an architectural services agreement with MAHG Architects, Inc. for improvements to the transit offices at 6821 Jenny Lind Road (\$75,000.00)

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- B. Resolution of the Board of Directors of the city of Fort Smith authorizing a lease agreement between the City of Fort Smith, Arkansas and Dynamic Information Systems Company, Inc.
- C. Resolution authorizing partial payment to Branco Enterprises, Inc. for construction of the Phase II "P" Street Wastewater Treatment Plant Wet Weather Improvements - Schedule 2 (\$779,421.25)
- D. Resolution authorizing partial payment to Crossland Heavy Contractors for construction of the Lake Fort Smith Water Treatment Plant - Contract 3 (\$626,328.47)
- E. Resolution authorizing Change Order Number Two with C B & I, Inc. for the Howard Hill elevated water storage tank (\$38,900.00)
- F. Resolution accepting the project as complete and authorizing final payment to C B & I, Inc. for the Howard Hill elevated water storage tank (\$41,183.75)

Mayor Baker announced that Item No. 3B had been withdrawn from consideration.

Regarding Item No. 3A, the following individual was present to address the Board:

- Pauline Novak
5200 Johnson

Re: Advised the money was allocated in 2009; therefore, she inquired if additional funds are being utilized.

Director of Transit Ken Savage confirmed that funds were allocated for the proposed project in 2009, but not utilized. No additional funds are necessary as the said funds were merely encumbered for use in 2010.

Settle, seconded by Hutchings, moved adoption of all consent agenda items with the exception of Item No. 3B which had been withdrawn. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-33-10 through R-37-10 respectively.

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Mayor Baker opened the Directors Forum with no director wishing to comment; however, the Mayor conveyed the following:

1. Requested an update on the construction progress of the North Point development by the Housing Authority.

Housing Authority Executive Director Ken Pyle advised infrastructure is almost complete and the loan closing is anticipated within a couple weeks. Construction is expected to begin in early March with estimated completion in December.

2. Requested a status report regarding the City's policy regarding sewer backup claims.

Administrator Kelly advised the matter will be discussed at an upcoming study session; however, no date has been determined as staff is currently compiling information.

3. Regarding the removal of many channels from the Cox Communications basic/lower tier, he requested a resolution be placed on an upcoming agenda requesting Cox Communications fill the vacant channels with other programming.
4. Advised of multiple notifications from citizens that Fort Smith mail is being shipped to northwest Arkansas for processing; therefore, he requested the matter be addressed during the upcoming trip to Washington, D.C.

The Mayor offered the floor to Administrator Kelly for the City Administrator's Report whereby he advised the following:

1. Due to the decrease of revenue, staff is in the process of reviewing budget amendments and the Board will be advised of action taken as soon as possible.
2. Reminded all that several members of the Board will be traveling to Washington, D.C. to lobby for "Quality of Place" funding February 23rd through 25th. Since multiple directors will be traveling to Washington, D.C., the study session scheduled for February 23rd has been cancelled.

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An executive session was held and after reconvening, Mayor Baker announced the following appointment nominations:

ADVERTISING AND PROMOTIONS COMMISSION

Bert Heifley, Jr. (reappointment)
Term expires December 31, 2013

HOUSING AUTHORITY

Rex Terry
Term expires March 3, 2015

PLUMBING ADVISORY BOARD

Jan Taylor (reappointment)
Term expires February 28, 2014

**SEBASTIAN COUNTY REGIONAL SOLID WASTE
MANAGEMENT BOARD**

Director Kevin Settle (reappointment)
Term expires January 21, 2013

Campbell, seconded by Maddox, moved acceptance of all appointment nominations. The members all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Maddox moved that the meeting adjourn. The motion was seconded by Campbell and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

APPROVED:



MAYOR

ATTEST:


CITY CLERK *Acting*