

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 15, 2014 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Reverend Bobbie Woodard Jones of St. James Missionary Baptist Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry, Jr. The Mayor declared a quorum present. Director Andre' Good arrived during presentation of Item No. 1.

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

The minutes of the April 1, 2014 regular meeting were presented for approval. Settle, seconded by Lau, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Mayor Sanders announced that this was the time and place set for a public hearing regarding the issuance of Health and Educational Facilities Authority of the State of Missouri Health Facilities Revenue Bonds for the benefit of Mercy Health. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 1).

City Administrator Ray Gosack briefed the Board on the item advising Mercy Clinic would like to finance some of its Fort Smith projects with proceeds from the issuance of tax-exempt bonds. The IRS requires that Mercy conduct a public hearing in Fort Smith. The purpose of the hearing is to give the public an opportunity to comment on the projects that will benefit from the issuance of the tax-exempt bonds. The Fort

April 15, 2014 Regular Meeting

Smith projects include the orthopedic hospital on South 79th Street and the clinics on Cliff Drive and Waldron Road. The proposed resolution merely approves the use of proceeds from the bond issuance for the Mercy projects in Fort Smith. The city is not the issuer of the bonds; therefore, the City is not liable for repayment of the bonds. The Missouri Health and Educational Facilities Authority is the issuer and Mercy Health is the borrower.

There being no individual present to speak, Mayor Sanders closed the public hearing.

Merry, seconded by Weber moved adoption of the resolution. The members voted as follows: ayes – Lau, Good, Lorenz, Weber, Settle and Merry; abstention – Catsavis. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-35-14.

The Consent Agenda (Item No. 2) was introduced for consideration, the items being as follows:

- A. Resolution setting a public hearing date on petition to vacate an alley right-of-way located in Fitzgerald Addition, Block 9, an addition to the City of Fort Smith, Arkansas (*Immaculate Conception Catholic Church*)
- B. Resolution to accept the bid and authorize a contract for removal of buildings and foundations associated with Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (*\$198,211.50 / Engineering Department / Budgeted – Street Sales Tax Program*)
- C. Resolution to accept the bid and authorize a contract for the “P” and “J” Street Storm Water Pump Station Improvements, Project No. 12-06-F (*\$1,029,195.00 / Engineering Department / Budgeted – Street Sales Tax Program*)
- D. Resolution authorizing the Mayor to execute Amendment No. 1 to the agreement with Mickle Wagner Coleman engineers providing construction observation services associated with the “P” and “J” Street Storm Water Pump Station Improvements, Project 12-06-F (*\$99,740.00 / Engineering Department / Budgeted – Street Sales Tax Program*)

April 15, 2014 Regular Meeting

- E. Resolution adopting a citizen service philosophy and values for the City of Fort Smith ~ *Weber/Lorenz placed on agenda at the April 8, 2014 study session ~*
- F. Resolution accepting completion of and authorizing final payment to Southern Building Services, Inc. for fire station improvements for Fire Stations No. 1-10 (\$17,832.95 / *Fire Department / Budgeted – 2012 Sales Tax Bonds*)
- G. Resolution authorizing Change Order No. 1 to the contract with Beshears Construction, Inc. for services related to the construction of Fire Station No. 11 and public access street at 8900 Massard Road at Chaffee Crossing (\$116,714.87 decrease / *Fire Department / Budgeted – 2012 Sales Tax Bonds*)
- H. Resolution accepting completion of and authorizing final payment to Beshears Construction, Inc. for services related to the construction of Fire Station No. 11 and public access street at 8900 Massard Road at Chaffee Crossing (\$158,616.80 / *Fire Department / Budgeted – 2012 Sales Tax Bonds*)
- I. Resolution authorizing the Mayor to execute an agreement with RJN Group, Inc. for providing engineering services associated with Year 2014 Wastewater Collection System Flow Monitoring (\$77,122.00 / *Utility Department / Budgeted – 2012 Sales Tax Bonds*)

Regarding Item No. 2F, Director Settle noted he had the opportunity to tour the fire stations and expressed delight with the renovations. He further extended much gratitude to Chief Richards and Fire Department staff for their efforts regarding the project.

With regard to Item No. 2G, Mayor Sanders noted that concern was originally conveyed regarding utilizing the construction manager delivery method; however, the proposed resolution confirms utilizing said method was the right decision citing the project was a success, completed on time and under budget.

Settle, seconded by Lorenz, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-36-14 through R-44-14 respectively.

April 15, 2014 Regular Meeting

The Mayor recognized Matthew Nelson from Boy Scout Troop 2316, who was in attendance to earn his Communications Merit Badge.

Item No. 3 was a discussion regarding filling of vacancies of elected offices proposed by the City of Barling.

Administrator Gosack briefed the Board on the item advising the City of Barling is considering a legislative priority to change how mayoral and board vacancies are filled. Fort Smith, Barling and Siloam Springs are the only cities in Arkansas who operate under the City Administrator Form of Government; therefore, they have requested input from Fort Smith on the potential change. Currently, state law requires any mayoral or board vacancy which occurs more than six (6) months before the next general municipal election be filled via special election, which for Fort Smith is an estimated cost of \$35,000. Vacancies occurring within six (6) months of the election may be filled by appointment by the Board of Directors.

The legislative priority that Barling is considering would change the concept of filling vacancies similar to cities with the Mayor – Council Form of Government, which provides a two-tiered system dependent on the city's population. If the city maintains less than 20,000 in population, the vacancy may be filled by appointment regardless of how much time remains on the unexpired term. If the city maintains greater than 20,000 in population, the following options are available:

- If there's less than 1 year remaining on the unexpired council member term, the vacancy is filled by appointment of the council.
- If there's more than 1 year remaining on the unexpired council member term, the council may fill the vacancy by appointment or by special election. The council determines which method to use.
- For mayoral vacancies, an election is required if there's more than 6 months remaining on the mayor's term. If there's less than 6 months, the council may appoint someone to fill the remainder of the term.

April 15, 2014 Regular Meeting

The advantage of this change is that it would avoid special election costs for vacancies with less than one (1) year left on the term. The disadvantage is that voters would not be selecting the director where the vacancy is less than one (1) year or potentially longer than one (1) year if the board so chooses. Following the recent lieutenant governor's vacancy, it seems the statewide mood is that people are willing to forego directly electing officials for shorter unexpired terms in order to avoid special election expenses.

Director Merry, Good and Webber spoke in opposition to the legislative change proposed by the City of Barling citing the importance of the voter's right to choose representation on the Board of Directors.

Director Lau inquired how long the process of holding a special election takes once a vacancy occurs.

City Clerk Sherri Gard advised that in order to accommodate an adequate filing period and adhere to all special election requirements, the process can take approximately seventy-five (75) to ninety (90) days.

Director Catsavis inquired how many special elections the City of Fort Smith has held to accommodate the filling of vacancies.

Mrs. Gard advised that since 1975, the City of Fort Smith had held six (6) special elections to fill vacancies on the Board of Directors; however, only four (4) of said special elections were held to fill vacancies in which more than one (1) year remained on the unexpired terms.

Director Settle commented that data supports such has not been a major issue for the city of Fort Smith since only four (4) special elections have been held in the last thirty-nine (39) years; therefore, he too spoke in opposition to the legislative change proposed by the City of Barling.

April 15, 2014 Regular Meeting

Due to lack of a motion, Mayor Sanders announced, with Board concurrence, that the City of Fort Smith does not endorse the proposed legislative change to the City Administrator Form of Government; therefore, such will be communicated to the City of Barling.

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

➤ Mayor Sanders

Re: Announced the following, upcoming events:

- Tales of the Crypt, the annual event sponsored by the City of Fort Smith Parks Department, will be held Saturday, April 26, 6:00 p.m. to 7:00 p.m. and Sunday, April 27, 3:00 p.m. to 4:00 p.m. at Oak Cemetery, 1401 South Greenwood.
- *Darby's Rangers*, the 1958 movie starring James Garner, will be shown Saturday, April 26, 7:00 p.m. at Darby Junior High Historic Auditorium, 616 North 14th Street. Although donations will be accepted, this is a free event sponsored by The General Darby Legacy Project.

➤ Director Weber

Re: Encouraged citizens to participate in the Great American Cleanup event hosted by Beautify Fort Smith on Saturday, April 26. Participants are asked to meet at 8:00 a.m. in the Central Mall parking lot to pick up supplies, i.e. trash bags, gloves, etc. to assist with litter pick-up around the city. The first 100 volunteers to bring their collected trash back to the dumpster at Central Mall will receive a free tree, which has been donated by the "Up With Trees" organization out of Tulsa, Oklahoma.

➤ Director Good

Re: Advised he's been informed that citizens cannot hear the audio on the Government Access Channel.

City Clerk Sherri Gard advised she's unaware of any ongoing matter; however, if any citizen has an issue with the audio volume, she encouraged them to call the City Clerk's office at 479-784-2208.

April 15, 2014 Regular Meeting

➤ Administrator Gosack

Re: Noted the bidding process for construction of the aquatic facility at Ben Geren Regional Park has been initiated and contracts will soon be ready for consideration by the Board of Directors. Due to such, he recommended a special meeting be called for 12:00 Noon, Tuesday, April 22, 2014, to immediately precede the regularly scheduled study session on said date, to consider resolutions authorizing same.

Settle, seconded by Lau, moved that a special meeting be scheduled for 12:00 Noon, Tuesday, April 22, 2014 immediately preceding the regularly scheduled study session to consider approval of trade contracts and an amendment to the contract with the construction manager for management services. The members all voting aye, the Mayor declared the motion carried and announced the special meeting will be held at 12:00 Noon, Tuesday, April 22, 2014 at the Fort Smith Public Library Community Room.

The Board entered into executive session at approximately 6:21 p.m. and after reconvening, Mayor Sanders announced the following appointment nominations:

ANIMAL SERVICES ADVISORY BOARD

Jon Remer (*reappointment*)
Joan Bryant (*reappointment*)
Tammy Trouillon (*reappointment*)
Robert Lever
Eric Jayne
Terms expire April 15, 2017

HISTORIC DISTRICT COMMISSION

Dianne Morrison
(*to fill the unexpired term of Joan Singleton, who resigned*)
Term expires July 31, 2015

HOUSING ASSISTANCE BOARD

Karen Wuthrich (*reappointment*)
Jim Harris (*reappointment*)
Sara Edmiston (*reappointment*)
Terms expire April 30, 2016

PLANNING COMMISSION

Michelle Hood (*reappointment*)
Vicki Newton (*reappointment*)
Thomas Howard (*reappointment*)
Terms expire April 30, 2017

PLUMBING ADVISORY BOARD

Herbert Davis (*reappointment*)
Scott Hathaway (*reappointment*)
Terms expire April 15, 2018

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

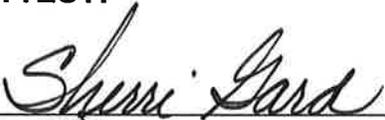
Mayor Sanders announced that City Clerk Sherri Gard has confirmed the Government Access Channel is experiencing technical difficulties with regard to audio for the live meeting and staff has been working frantically to address the issue. He further announced and conveyed much assurance that audio will be available for the rebroadcast of the meeting on the Government Access Channel.

There being no further business to come before the Board, Merry moved that the meeting adjourn. The motion was seconded by Lau, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:44 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk