

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MARCH 3, 2015 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Vice-Mayor Kevin Settle, presiding. Invocation was given by Pastor Phil Redding of River of Life Fellowship Church, followed by the Pledge of Allegiance.

Vice-Mayor Settle announced Mayor Sandy Sanders is absent due to sickness; therefore, he extended much hope that the Mayor feels better soon.

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 Vice-Mayor declared a quorum present.

Vice-Mayor Settle 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 February 17, 2015 regular meeting were presented for approval. Good, seconded by Lorenz, moved approval of the minutes as written. The members all voting aye, the Vice-Mayor declared the motion carried.

Item No. 1 consisted of the following items regarding rates for services of the sanitary sewer system ~ *Lorenz/Lau placed on agenda at the February 24, 2015 study session ~ :*

- A. Introduction of an ordinance to provide for rates for services of the sanitary sewer system and superseding ordinances in conflict herewith
- B. Resolution setting public hearing regarding proposed rates for sanitary sewer services and authorizing publication of a notice of said public hearing

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Regarding Item No. 1A, Vice-Mayor Settle read a prepared statement, attached as Exhibit A, which as required by law formally introduced the ordinance to provide for rates for services of the sanitary sewer system by the City of Fort Smith.

With regard to Item No. 1B, City Administrator Ray Gosack briefed the Board advising Arkansas state law also requires a public hearing be held prior to consideration of the proposed ordinance and said notice must be published at least ten (10) days in advance of the public hearing. The proposed resolution accomplishes such and formally sets the public hearing and consideration of the sewer rate ordinance at the March 17, 2015 regular meeting.

Director Pennartz expressed concern that input from the public hearing could prompt the necessity for future discussion, possibly at a study session; therefore, she conveyed her preference that consideration of the ordinance be scheduled for a later date after the public hearing on March 17th. She further recommended a public campaign be initiated to inform residents of the existence of the City of Fort Smith Utility Assistance Program, which allows for reduced utility billing for eligible participants.

Director Catsavis, along with Director Good, conveyed interest in proposing a one-percent (1%) sales tax increase in lieu of the proposed sewer rate increases. He further inquired if the information included in the presentation previously presented by Burns and McDonnell was based on current usage.

With regard to a one-percent (1%) sales tax, Director Lau noted no objection to such in the future; however, since it's been determined that a sales tax would still not be enough to cover the required funding, he spoke in favor of moving forward with the recommended rate increases in order to "*stay the course.*"

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Regarding the proposed rates being based on current usage, Director of Utilities Steve Parke advised the projections were based on both current and projected usage.

Director Lorenz reminded all that one of the reasons “*we’re here*” is because the City of Fort Smith opted to not adequately increase sewer rates in the past.

Lau, seconded by Hutchings, moved adoption of Item No. 1B. The members all voting affirmatively, the Vice-Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-39-15.

Item No. 2 was an ordinance amending Ordinance No. 71-11 to amend disinterment fees at Oak Cemetery.

Deputy City Administrator Jeff Dingman briefed the Board on the item advising such authorizes the disinterment fee at Oak Cemetery be increased from \$600.00 to \$1,000.00 for regular burials and from \$100.00 to \$300.00 for the disinterment of infant burials. The proposed also increases the disinterment fee from \$100.00 to \$300.00 for cremain burials. Requests for disinterment are rare, but the City has performed one (1) per year for the last two (2) years. The City provides equipment and staffing for disinterments. The effort required to accomplish the work is much more than the interment and is typically an emotional process for the family and difficult for staff. Increasing the rate would more adequately compensate the City for the work being done and help ensure the disinterment is absolutely necessary. The proposed rate increases were reviewed and unanimously recommended by the Oak Cemetery Commission.

Lau, seconded by Lorenz, 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

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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 Vice-Mayor declared the motion carried. Hutchings, seconded by Lorenz, moved adoption of Section 2 the emergency clause. The members all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 20-15.

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

- A. Resolution to accept the bid and authorize a contract for the 2015 Drainage Improvements, Phase A, Project No. 15-06-A (\$817,504.00 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- B. Resolution approving and authorizing the Mayor to execute a trade contract for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park (*Parrot Island Waterpark*) (\$79,000.00 / *Parks Department / Budgeted - 2012 Sales Tax Bonds*)
- C. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Norris Services & Construction, Inc.
- D. Resolution accepting bid for purchase of a roll-off truck (\$185,866.29 / *Sanitation Department / Budgeted - Program 6307 Sinking Fund*)
- E. Resolution authorizing Amendment No. 1 to Authorization No. 2 with Hawkins-Weir Engineers, Inc. for the Neighborhood Water System Improvements - Haven Hill and North "K" Street (\$16,500.00 / *Utility Department / Budgeted - 2008 Revenue Bonds*)
- F. Resolution accepting the project as complete and authorizing final payment to Brothers Construction, Inc. for the Neighborhood Water System Improvements - Haven Hill and North "K" Street (\$52,297.97 / *Utility Department / Budgeted - 2008 Revenue Bonds*)

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Regarding Item No. 3D, Director Pennartz acknowledged the proposed bid was originally received in March 2011 whereby the bid document contained a provision allowing the City to exercise an option to renew the contract with Shipley Motor for four (4) consecutive one (1) year periods under the terms and conditions of the bid. Due to such, she questioned if the contract binds the City to purchasing the roll-off truck under the 2011 bid; if staff conducted a price comparison to determine if the proposed cost aligns with current prices; and, if staff considered rebidding the roll-off truck.

Director of Sanitation Baridi Nkokheli advised the 2011 contract does not bind the City to purchasing the roll-off truck from Shipley Motor. No cost comparison was conducted; however, staff determined that the proposed cost “*seems to be in line*” or an expected increase from 2011 to 2015 costs. Due to such, staff opted not to rebid the roll-off truck and purchase such utilizing the 2011 contract.

Director Lau noted he was contacted by a vendor, who conveyed much confidence the same truck could be provided by his company at an approximate \$20,000 cost savings from the purchase price currently proposed; therefore, he inquired if it would be prudent to consider or rebid the roll-off truck.

Mr. Nkokheli acknowledged he was aware of such; however, he advised the subject roll-off truck noted by the aforementioned vendor does not meet the bid specifications. Mack trucks, which is the manufacturer of the proposed roll-off truck, are specifically manufactured to pick up and transport garbage and coincides with the existing Sanitation Department fleet; therefore, he recommended acceptance of the proposed bid.

With regard to Item No. 3C, Director Pennartz questioned if the insurance coverages

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noted within the agreement are the norm or greater than coverage required by law.

Mr. Nkokheli advised the insurance coverages noted within the agreement are the industry standard.

Hutchings, seconded by Good, moved adoption of all consent agenda items. The members voted affirmatively on all items, except Item No. 3A whereby Director Catsavis abstained; and, Items No. 3B and 3D in which Director Pennartz voted “no”. The Vice-Mayor declared the motion carried and the resolutions were adopted and given Resolution No. R-40-15 through R-45-15, respectively.

Vice-Mayor Settle opened the Officials Forum with the following comments offered:

▶ Vice-Mayor Settle

- Re:
1. Announced the monthly Town Hall meeting will be held immediately following adjournment and encouraged all who wish to participate to please sign up at the City Clerk’s desk.
 2. Extended much appreciation to The Degen Foundation regarding the recent groundbreaking for College of Osteopathic Medicine, which was held earlier in the day.
 3. Announced the University of Arkansas - Fort Smith (UAFS) mens and womens basketball teams schedules and encouraged all either attend the local games or watch online to support the UAFS Lions!

▶ Director Hutchings

Re: Extended much appreciation to the City of Fort Smith for *“being such a great partner”* with the College of Osteopathic Medicine stating, *“it’s a great day for Fort Smith!”*

▶ Administrator Gosack

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Re: Encouraged all to attend the upcoming neighborhood meeting to allow the opportunity for citizen input regarding a new neighborhood park on Texas Road. The meeting is set for 5:30 p.m., March 5th, Fort Smith Senior Activity Center, 2700 Cavanaugh Road.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Good, and the members all voting aye, the Vice-Mayor declared the motion carried and the meeting stood adjourned at 6:32 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

PREPARED STATEMENT ITEM NO. 1

Item 1A on the agenda provides for the formal introduction of a proposed ordinance that establishes rates for sanitary sewer services. As required by law, no rates or charges shall be established until after a public hearing, at which all the users of the works and owners of property served or to be served by them and others interested shall have opportunity to be heard concerning the proposed rates or charges. The proposed ordinance is now formally introduced. The proposed ordinance is available for review in the City Clerk's Office at 623 Garrison Avenue, Room 303.

The Board will now consider Item No. 1B, which sets the public hearing date for consideration of the proposed ordinance.