MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 21, 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 Greg Wolf of Cliff Terrace 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 and Kevin Settle; absent – Director Don Hutchings. The Mayor declared a quorum present.

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

The minutes of the April 7, 2015 regular meeting was presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Mayor Sanders recognized Joshua Reinhard and Joey Boyd, members of Boy Scout Troop 2316, who were in attendance to earn their Citizenship in Community Badge.

Item No. 1 was an ordinance specifying personnel authority of the City Administrator ~ *Settle/Catsavis placed on the agenda at the April 14, 2015 study session* ~

City Administrator Ray Gosack briefed the board on the item as discussed at the April 14, 2015 study session. Such provides that the city administrator has authority to appoint and remove all department heads except the district court clerk and internal auditor. The district court clerk is appointed by the judges as provided in state law and the internal auditor is solely under the Board's authority.

The following individual was present to address the Board:

- Doug Skokos
  Fort Smith, Arkansas

  Re: Spoke in favor of the item noting such is an important issue and there must be a level of trust and integrity in government. He alleged a single individual could be more susceptible to pressure from powerful individuals who may wish to influence decisions. He feels approval of such would provide a "buffer" for department heads and the city administrator, and believes such would uphold the integrity of city government.

Director Good clarified that integrity and trust are attributes that must be upheld regardless of who maintains hire/fire authority; however, he spoke in opposition to the proposed ordinance citing he supports keeping the hire/fire authority with the city administrator.

Director Lau inquired clarification regarding if the proposed ordinance gives the authority to the Board to hire/fire department heads or if it merely requires approval or disapproval of the city administrator's recommendation to hire/fire a department head.

Administrator Gosack advised the proposed ordinance specifies the Board approves the city administrator's actions to either appoint or remove a department head.

Director Pennartz expressed gratitude for including her requested changes regarding the internal auditor and district court clerk. She also requested the number of department head positions and the current number of city employees.

Administrator Gosack advised there are fifteen (15) department heads and approximately nine-hundred (900) full time employees.

Director Settle advised he brought the issue back to the Board because of his desire for the hire/fire authority of department heads to be in the hands of the elected officials.

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 by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members present voted as follows: aye – Director Settle; nays – Directors Lau, Good, Lorenz, Catsavis and Pennartz. The Mayor declared the motion defeated.

Item No. 2 was an ordinance amending the 2015 Budget *(safety/risk manager) ~ Pennartz/Good placed on agenda at the April 14, 2015 study session ~*

Human Resource Director Richard Jones briefed the Board on the item as discussed at the April 14, 2015 study session. Upon approval, such will create a new position of Safety & Risk Manager, which requires an amendment to the 2015 Budget to add the position to the personnel schedule.

Mayor Sanders questioned if the education experience on the job description denotes *"Bachelor's Degree preferred"*, which was requested at the April 14 study session, whereby Mr. Jones confirmed the language has been changed as requested.

Director Settle noted that Utility Department Administration currently includes a position entitled Training/Safety Coordinator; therefore, he questioned if the creation of the proposed position will have any effect on the existing Training/Safety Coordinator position.

Mr. Jones advised there would be no effect on the existing utility administration position citing the water and wastewater regulations maintain strict guidelines for the existing position. Upon approval, the new position of Safety/Risk Manager and the existing Training/Safety Coordinator could potentially work together on some training

issues to ensure preventative measures are being met and maintained; however, the two (2) positions will most likely maintain very separate job functions.

Administrator Gosack clarified that the new position will encompass and focus on insurance requirements for the City fleet, properties, etc. whereas the utility administration position duties do not include anything with regard to insurance, not even for the Utility Department much less the entire City fleet, properties, etc.

Director Pennartz inquired who currently processes workers compensation claims and questioned if the new position would take on that task.

Mr. Jones advised the Human Resource Department currently processes claims when they arise, and processing of such claims would not fall under the new positions duties. The Human Resource Department offers some training for preventative measures to mitigate risks, but foresees the Safety/Risk Manager expanding the aforementioned training to ensure preventative measures are more adequately addressed.

There was brief discussion and concern with funding to cover the expense of the proposed position.

Administrator Gosack advised cost savings from the insurance renewal with Travelers for property and casualty coverage will initially cover the cost of the position for 2015. In years to come, potential funding sources can come from a continuation of insurance savings and, with good risk management measures in place, savings are expected to continue. Another potential funding source is growth in revenue, which has been higher than budgeted to date. The trend reflects growth and funding allocations for the position will come from the general fund, street sales tax fund, water and wastewater operating fund, street maintenance fund and sanitation operating fund.

After further discussion, the Board concurred to include an annual reporting requirement to the job description to ensure the positon is in fact mitigating risk and reducing cost.

Pennartz, seconded by Good, 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 present voted as follows: ayes – Lau, Good, Lorenz and Pennartz; nays – Settle and Catsavis. The Mayor declared the motion did not receive the five (5) affirmative votes for passage on its first reading; therefore, the City Clerk read the ordinance in its entirety for its first reading. The second reading is scheduled to occur at the May 5, 2015 regular meeting.

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

A. Resolution authorizing a time extension for the construction of Drainage Improvements, Project No. 13-06-B1 *(20 days)* ♦

B. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 13-06-B1 *($7,672.72 / Engineering Department / Budgeted – Sales Tax Program)* ♦

C. Resolution endorsing modification of the Tilles Foundation Trust From 1926 in favor of one-time disbursement of $15,000 from the Tilles Foundation to the City in support of the Lewis Tilles Children's Park in Fort Smith; and authorizing the Mayor to execute any documents required to effect such change

D. Resolution accepting the bid and authorizing a contract with Dixon Contracting, Inc. for the River Park Pavilion Addition *($86,400.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax)* ♦

E. Ordinance waiving the requirement of competitive bidding relative to stained concrete and 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 Water Park) ($17,000.00 / Parks Department / Budgeted –2012 Sales Tax Bonds)*

F. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, through its Police Department, and the Drug Enforcement Administration regarding communication between the agencies via wireless radio transmissions on encrypted radio frequencies

G. Resolution authorizing the execution of an inter-municipal fire protection services agreement between the City of Fort Smith and the Town of Roland, Oklahoma concerning mutual fire protection and emergency services

H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the 3571 Gary Street Sewer Repair *($129,540.50 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds)*

I. Resolution authorizing Change Order No. 1 with Archer Western Construction, LLC for the Zero Street Pump Station Weather Improvements – Pump Station and EQ Storage *($43,009.20 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

J. Resolution authorizing acquisition of real property interests in connection with the Basin 17 Collection System Improvements *($5,972.90 / Utility Department / Budgeted – 2012 and 2014 Sales and Use Tax Bonds)*

K. Resolution authorizing the Mayor to execute an agreement with RJN Group, Inc. for providing engineering services associated with Chaffee Crossing Wastewater Collection System Flow Monitoring *($85,781.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

L. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing a contract with Goodwin & Goodwin, Inc. for 2200-2321 Rogers Avenue Sanitary Sewer Extension *($317,970.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

♦ Future Fort Smith Item

Regarding Item No. 3J, Administrator Gosack advised three (3) properties, i.e. Tracts 2, 17 and 18, have reached a settlement; therefore, should be removed from the resolution. The motion to adopt the consent agenda should include a provision to remove the aforementioned tracts from the resolution.

Regarding Item No. 3D, Director Pennartz inquired how many events are held at the River Park Pavilion, what the current revenues are, and if such reflects the necessity for the proposed addition.

Director of Parks and Recreation Doug Reinert advised due to only being on the job for merely eleven (11) days, he was unsure of such figures; however he will obtain and provide to the Board as soon as possible. Although the project was already being evaluated prior to his arrival, he conveyed much assurance the proposed improvements will certainly attract more patrons to utilize the facility.

Regarding Item No. 3K, Director Pennartz inquired when the design of the wastewater pump station and the force main to the Massard Wastewater Treatment Plant will be complete and the cost of such.

Director of Utilities Steve Parke advised he will obtain the cost and provide as soon as possible; however, he clarified the design completion hinges on the result of the flow monitoring data, which will identify exactly what the system needs. A specific date of completion of the wastewater pump station and force main design is ambiguous until such monitoring is complete.

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

- David Armbruster
  Fort Smith, Arkansas

Re: Inquired what constituted the exceptional situation the on the project.

Administrator Gosack advised the project involves the construction of a new sanitary sewer line along Rogers Avenue in the vicinity of Northside High School (NHS). NHS indicated their desire to put one of the old buildings into use. As a result of the construction plans, the sewer line maintenance personnel discovered the sanitary sewer service line from 100 North 23rd Street, as well the sanitary sewer lines from six (6) other businesses, were not connected to the sanitary sewer main, but was instead connected to the 36-inch diameter storm drain along the south side of Rogers Avenue. This is a violation of the Clean Water Act; therefore, thus is the reason the formal process of competitive bidding is waived to allow construction to start as quickly as possible. Although the proposed ordinance is to waive the competitive bidding procedure, the City actually obtained quotes to ensure the City is getting a favorable price to complete the project.

Director Pennartz inquired if the appropriate agencies were notified of the violations and if any penalties could be assessed.

Administrator Gosack advised all appropriate agencies were notified, which is required, and noted that it will be up to the Environmental Protection Agency (EPA) Region 6 to determine if penalties will be assessed. To date, the City has not been contacted by the EPA regarding the matter.

Lau, seconded by Lorenz, moved adoption of all consent agenda items with the aforementioned amendment to Item No. 3J for the removal of Tracts No. 2, 17 and 18. The members present voted affirmatively, with the exception of Director Pennartz who voted “no” on Item 3I. The Mayor declared the motion carried and the ordinances and resolutions were adopted with the ordinances given Ordinance No. 28-15 and 29-15

respectively, and the resolutions numbered Resolution No. R-64-15 through R-73-15 respectively.

Director Lorenz offered a motion to place an item to re-evaluate the traffic calming policy on the April 28, 2015 study session. Director Settle seconded the motion; therefore, because the placement of items on a future agenda requires concurrence of only two (2) directors, the Mayor announced the item will be placed on the study session agenda as requested.

Director Pennartz inquired when the review of the creation of an advisory commission for streets, bridges and associated drainage would be placed on a study session citing such was requested at a study session in March.

Mayor Sanders advised such is currently scheduled for discussion at the June 9, 2015 study session.

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

- Mayor Sanders

  Re: Announced Fort Smith has been named a 2014 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

- Director Settle

  Re:
  1. Reminded all of the upcoming Steel Horse Bike Rally scheduled for Friday, May 1 and Saturday, May 2. He encouraged all to attend
  2. Congratulated University of Arkansas Fort Smith Cheerleading for winning the Co-Ed Division 2 at a recent national championship competition.

- Administrator Gosack

  Re: Reminded all of the annual Tales of the Crypt event at Oak Cemetery, which is set for Saturday, April 25 at 8:30 and Sunday, April 26 at 3:00 and 4:00 p.m.

The Board entered into executive session at approximately 6:55 p.m. and after reconvening, the Mayor announced the following appointment nominations:

ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD
David Hudson
(to fill the unexpired term of Andrew Smith who resigned)
Term expires March 7, 2018

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE
Cinda Rusin (reappointment)
Fran Hall (reappointment)
Terms expire June 30, 2018

Patricia Richardson
(to fill the unexpired term of Josh Carson who resigned)
Term expires June 30, 2017

COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE
Alex Sanchez
Keley Simpson
Tim Hearn
John Cooley
Galen Hunter
Bruce King
Rocky Walker
Mitch Minnick
Paula Toler Linder
Terms expire April 21, 2020

HISTORIC DISTRICT COMMISSION
Graham Sharum
(to fill 'his' unexpired term – Mr. Sharum resigned March 6, 2015, but wished to be reappointed to complete his original term.)
Term expires July 31, 2017

HOUSING ASSISTANCE BOARD
Tara Muck
Term expires April 23, 2017

Lau, seconded by Pennartz, moved acceptance of the above named nominations. The members present all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Pennartz 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 7:25 p.m.

APPROVED

MAYOR

ATTEST

CITY CLERK