

Mayor – Sandy Sanders

City Administrator – Ray Gosack

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 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA ~ Summary
Fort Smith Board of Directors
Regular Meeting
July 16, 2013 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

5:30 p.m. – Reception for Belle Grove Historic District (*Item 1A*)

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

All Present

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 6 or City website

APPROVE MINUTES OF THE JULY 9, 2013 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentations:
 - A. Recognition of 40th Anniversary of the Belle Grove Historic District
 - B. Fort Smith Riverfront Blues Society recognition to the City of Fort Smith for its support of the 23rd Annual Riverfront Blues Festival (*June 21 – 22, 2013*)

2. Ordinance amending Chapter 25, Article VII, of the Fort Smith Municipal Code to amend Section 25-261 regarding the definitions pertaining to solid waste services
 ~ *Settle/Good placed on agenda at the June 11, 2013 study session* ~
 ** Second Reading **
 Approved 6 in favor, 1 opposed (Merry) / Ordinance No. 29-13

3. Consent Agenda
 - A. Ordinance to abandon water and sanitary sewer easements located in Lot 3, Corrected Plat of Braums Shelby Addition, an addition to the City of Fort Smith, Sebastian County, Arkansas (1400 Zero Street)
 Approved 7 in favor, 0 opposed / Ordinance No. 30-13

 - B. Resolution accepting the bid and authorizing the Mayor to execute a contract for repairs to the city parking facility at 700 Rogers Avenue
 (\$ / Planning Department / Budgeted – Parking Authority Fund)
 Withdrawn from consideration

 - C. Resolution accepting the bid and authorizing a contract with LJB Construction Inc. for the construction of Ben Geren Softball Addition
 (\$1,231,845.00 / Parks Department / Budgeted – 1/8 % Sales and Use Tax)
 Approved 7 in favor, 0 opposed / Resolution No. R-108-13

 - D. Resolution accepting the bid for the purchase of lighting fixtures from Musco Sports Lighting LLC for the Ben Geren Softball Field Addition
 (\$126,212.50 / Parks Department / Budgeted – 1/8 % Sales and Use Tax)
 Approved 7 in favor, 0 opposed / Resolution No. R-109-13

 - E. Resolution authorizing execution of agreements with Oklahoma Gas and Electric company and agreement with Fort Chaffee Redevelopment Authority regarding underground electrical service for Fire Station No. 11
 Approved 7 in favor, 0 opposed / Resolution No. R-110-13

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 6 or City website

EXECUTIVE SESSION (6:14 p.m.)

- Performance evaluation - City Administrator ~ *Announced at the July 17, 2012 regular meeting* ~
 Approved 7 in favor, 0 opposed to provide 2 1/2% pay increase effective 8/1/2013

- Appointments: **Parks and Recreation Commission**
Sherry L. Toliver
Term expires August 31, 2018

Planning Commission
Michelle Stockman-Hood
(to fill the unexpired term of John Huffman who resigned)
Term expires April 30, 2014

Property Owners Appeal Board
Joel Culberson
Term expires July 14, 2018

ADJOURN
8:09 p.m.

Ordinance No. 29-13

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE VII, OF THE FORT SMITH MUNICIPAL CODE TO AMEND SECTION 25-261 REGARDING THE DEFINITIONS PERTAINING TO SOLID WASTE SERVICES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: Chapter 25, Article VII, Section 25-261 of the Fort Smith Municipal Code is hereby amended to read as follows:

Sec. 25-261. Definitions.

For the purposes of this article, the following words or phrases shall have the meanings respectively ascribed to them:

Commercial customer shall mean any customer whose use of a premises owned, leased, occupied, or managed by such customer is for a purpose other than residential use or is a residential use consisting of more than four (4) residential living units per building structure for which solid waste is collected. Each owner or agent of a multi-family building structure of over four (4) living units shall have the option of being charged under residential or commercial collection rates, provided that a suitable container, as provided for in the definition above, is available.

Residential customer shall mean any customer whose use of premises owned, leased, occupied, or managed is for a residential purpose in a single-family building structure or multi-family building complexes with no more than four (4) living units per building structure.

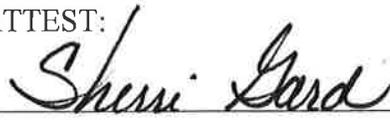
Residential use shall mean any structure used principally as a place of habitation with facilities for living, sleeping, eating, cooking, and parking, whether owned, rented, or otherwise occupied by the occupants thereof, and shall include any single-family house as one (1) living unit, any duplex as two (2) living units, and triplex as three (3) living units, and any quadplex as four (4) living units. Any individual family unit within a multiplex shall be included as one (1) living unit.

This Ordinance adopted this ^{16th} day of July, 2013.

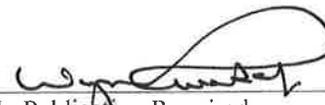
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form



No Publication Required

Publish One Time

3A.

ORDINANCE NO. 30-13

**AN ORDINANCE TO ABANDON
WATER AND SANITARY SEWER EASEMENTS
LOCATED IN LOT 3, CORRECTED PLAT OF BRAUMS SHELBY ADDITION,
AN ADDITION
TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS**

**BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, THAT:**

SECTION 1: The City of Fort Smith, Arkansas hereby releases, vacates and abandons all its rights together with the rights of the public generally to the following easements for water and sanitary sewer located in the hereinafter described real property:

Water Line Easement Abandonment Description:

A part of a 15' Water Line Easement described in Book 536 Page 1946, crossing part of Lot 3 of the corrected plat of Braums Shelby Addition to the City of Fort Smith (filed for record May 25, 1989), Sebastian County, Arkansas, said easement being 7.5' wide one each side of the centerline, more particularly described as follows:

Commencing at the NW corner of said Lot 3, on the south right of way line of Zero Street; thence S89°32'E along the north line of said Lot 3, 7.5'; thence South parallel to the West line of said Lot 3, 75.00' to the Point of Beginning; thence continuing South 173.00'; to a point 7.5' north of the south line of said Lot 3; thence S89°32'E parallel to said south line of Lot 3, 31.00' to the Point of Termination, said point being 113.50' east of the SW corner of said Lot 3.

Sanitary Sewer Easement Abandonment Description:

A part of a 15' Sanitary Sewer Easement described in Book 366 Page 1379, crossing part of Lot 3 of the corrected plat of Braums Shelby Addition to the City of Fort Smith (filed for record May 25, 1989), Sebastian County, Arkansas, more particularly described as follows:

Commencing at the NW corner of said Lot 3 on the south right of way line of Zero Street; thence S89°32'E along the north line of said Lot 3, 85.00 to the Point of Beginning; thence continuing S89°32'E 10.00'; thence South 245.40' to a point 10.00' north of the south line of said Lot 3; thence S89°32'E paralleling said south line 48.95' to the east line of said of said Lot 3; thence S00°28'W along said east line of Lot 3, 10.00' to the SE corner of said Lot 3; thence N89°32'W along said south line of Lot 3, 63.87'; thence North 255.40' to the Point of Beginning.

The easements being released, vacated and abandoned are no longer required for municipal corporate purposes.

SECTION 2: A copy of the Ordinance duly certified by the City Clerk shall be filed with the Office of the Recorder of the County and recorded in the deed records of the County.

PASSED AND APPROVED THIS 16th DAY OF JULY 2013.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time NPR

RESOLUTION NO. R-108-13

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING
A CONTRACT WITH LJB CONSTRUCTION INC. FOR THE
CONSTRUCTION OF THE BEN GEREN SOFTBALL FIELD ADDITION

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

SECTION 1: The bid of LJB Construction, Inc. for the construction of the
Ben Geren Softball Field Addition is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with
LJB Construction, Inc. for an amount not to exceed \$1,231,845.00, for performing
said construction.

This Resolution adopted this 16th day of July, 2013.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


npr

RESOLUTION NO. R-109-13

RESOLUTION ACCEPTING BID FOR THE PURCHASE OF
LIGHTING FIXTURES FROM MUSCO SPORTS LIGHTING LLC
FOR THE BEN GEREN SOFTBALL FIELD ADDITION

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

The bid of \$126,212.50 from Musco Sports Lighting, LLC for the lighting of
the Ben Geren Softball Field Addition is hereby accepted.

This Resolution adopted this 16th day of July, 2013.

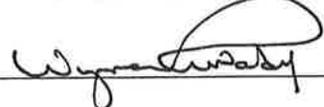
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

RESOLUTION NO. R-110-13

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH OKLAHOMA GAS AND ELECTRIC COMPANY AND AGREEMENT WITH FORT CHAFFEE REDEVELOPMENT AUTHORITY REGARDING UNDERGROUND ELECTRICAL SERVICE FOR FIRE STATION NO. 11

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

SECTION 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached Agreement with Oklahoma Gas and Electric Company (OG&E) providing for the design and installation of underground electric service for the benefit of Fort Smith Fire Station No. 11 now under construction and adjacent properties owned by the Fort Chaffee Redevelopment Authority (FCRA).

SECTION 2: The Mayor also is authorized to execute, his signature being attested by the City Clerk, the attached Agreement with Fort Chaffee Redevelopment Authority (FCRA) providing for the City's sharing of costs with FCRA for the providing the underground electrical service authorized by Section 1 above.

SECTION 3: Following execution of the Agreement with OG&E and execution and delivery by the FCRA of the Agreement authorized by Section 2 above, the City Administrator is authorized to cause the prepayment to OG&E to be made, to receive and deposit the FCRA share of costs, and to otherwise cause the approved agreements to be effectuated.

Resolution No. R-110-13

This Resolution adopted this 16th day of July, 2013.

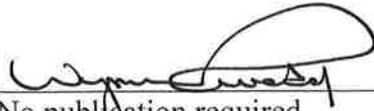
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


No publication required