

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
Fort Smith Board of Directors
Regular Meeting
September 17, 2013 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

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 SEPTEMBER 3, 2013 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Ordinance directing the installation of a four way stop at the intersection of Chad Colley Boulevard and Massard Road ~ *Settle/Merry placed on agenda at the September 3, 2013 regular meeting ~ Approved 4 in favor, 3 opposed (Lau, Good & Lorenz) / Adoption on first reading requires 5 affirmative votes; therefore, the second reading is scheduled to occur at the October 1, 2013 regular meeting.*
2. Consent Agenda
 - A. Resolution encouraging the Arkansas Veterans' Home Task Force to locate the new Arkansas Veterans' Home at Chaffee Crossing in Fort Smith
Approved 7 in favor, 0 opposed / Resolution No. R-141-13

- B. Resolution adopting annual audit requirements and retaining BKD, LLP as external auditors (*approximately \$143,000.00 / Finance Department / Budgeted – various funds*)
Approved 7 in favor, 0 opposed / Resolution No. R-142-13
- C. Resolution authorizing the Mayor to execute an electric utility easement to Arkansas Valley Electric Cooperative for the Fort Smith Landfill Scale Facility (*R-94-13*)
Approved 7 in favor, 0 opposed / Resolution No. R-143-13
- D. Resolution authorizing Amendment No. 1 to Authorization No. 2 with Brixey Engineering & Land Surveying, Inc. for engineering services for South 62nd Street Sewer Improvements (*\$9,000.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-144-13
- E. Resolution authorizing a Change Order No. 1 with Forsgren, Inc. for South 62nd Street Sewer Improvements (*\$15,324.98 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-145-13
- F. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for South 62nd Street Sewer Improvements (*\$36,670.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-146-13
- G. Resolution authorizing the Mayor to execute an agreement with CDM Smith, Inc. for providing engineering services for Basin 17 Collection System Improvements Evaluation (*\$78,000.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-147-13
- H. Resolution authorizing the City Administrator to accept an offer made by property owner for the acquisition of easements in connection with Mill Creek Interceptor Improvements – Phase II (*\$1,600.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-148-13
- I. Resolution authorizing partial payment to Archer Western Construction, LLC for the construction of Zero Street Pump Station Wet Weather Improvements - Pump Station and EQ Storage (*\$920,588.63 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-149-13

3. Ordinance amending Fort Smith Municipal Code Section 2-221 to establish a \$1,000.00 reimbursement limit on sanitary sewer backup claims ~ *Settle/Merry placed on agenda at the September 10, 2013 study session ~*
Approved 7 in favor, 0 opposed / Ordinance No. 47-13

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 6:29 p.m.

- Appointment: **FIRE CODE BOARD OF APPEALS AND ADJUSTMENTS**
Mike Schluterman
Term expires October 31, 2017

ADJOURN
6:34 p.m.

RESOLUTION NO. R-141-13

**A RESOLUTION ENCOURAGING THE
ARKANSAS VETERANS' HOME TASK FORCE
TO LOCATE THE NEW ARKANSAS VETERANS' HOME
AT CHAFFEE CROSSING IN FORT SMITH**

WHEREAS, the Arkansas Veterans' Home Task Force is considering sites, including a site at Chaffee Crossing in Fort Smith, for the location of a new Arkansas Veterans' Home; and

WHEREAS, the Chaffee Crossing site in Fort Smith has many amenities including suitable land area with infrastructure, nearby recreation spaces, public transportation, and exceptional medical care facilities; and

WHEREAS, the Fort Smith region has close connections with the military since the city's founding by the Army in 1817, the Fort Chaffee Army post, and the Ebbing Air National Guard Base; and

WHEREAS, the Fort Smith region embraces the military and its veterans, with many veterans choosing to retire in the Fort Smith region because of the community support for the military and its service members; and

WHEREAS, locating the Arkansas Veterans' Home at Chaffee Crossing would allow veterans to live on former Army post lands in the shadows of current Army and Air National Guard facilities, thereby providing a location fitting to meet the housing needs of Arkansas' veterans;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The City of Fort Smith encourages the Arkansas Veterans' Home Task Force to choose Chaffee Crossing and Fort Smith as the location for the new Arkansas Veterans' Home.

This Resolution passed this 17th day of September, 2013.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


No Publication Required

RESOLUTION NO. R-142-13
A RESOLUTION ADOPTING ANNUAL AUDIT REQUIREMENTS
And RETAINING BKD, LLP as EXTERNAL AUDITORS

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

SECTION 1: The annual audit examination for the City of Fort Smith for the year ending December 31, 2013 shall be performed by an independent accounting firm in accordance with accounting standards generally accepted in the United States of America. Such standards shall include those promulgated by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants and the United States Government Accounting Office, as applicable.

SECTION 2: BKD, LLP is hereby retained to perform the annual audit examination for the year ending December 31, 2013, at an anticipated cost of approximately \$143,000.00, determined by actual services provided and billed according to attached fee schedule.

THIS RESOLUTION ADOPTED THIS 17 DAY OF September, 2013.

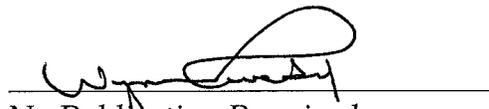
APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:


No Publication Required

RESOLUTION NO. R-143-13

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ELECTRIC
UTILITY EASEMENT TO ARKANSAS VALLEY ELECTRIC COOPERATIVE FOR
THE FORT SMITH LANDFILL SCALE FACILITY (R-94-13)**

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

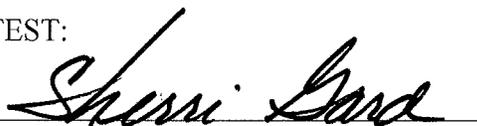
The Mayor is hereby authorized to execute the attached easement extending to Arkansas
Valley Electric Cooperative an electrical utility easement for the upgrading of electric services for
the Fort Smith Landfill Scale Facility (R-94-13).

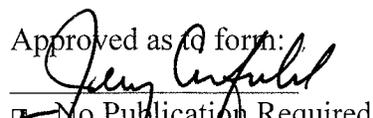
This resolution adopted this 17th day of September, 2013.

APPROVED:

MAYOR

ATTEST:


CITY CLERK

Approved as to form:

 No Publication Required
 Publish Times

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER TWO WITH BRIXEY ENGINEERING & LAND SURVEYING, INC., FOR ENGINEERING SERVICES FOR THE SOUTH 62ND STREET SEWER IMPROVEMENTS - S001

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

SECTION 1: Amendment Number One to Authorization Number Two under the Agreement with Brixey Engineering & Land Surveying, Inc., to provide construction phase services for the South 62nd Street Sewer Improvements - S001, Project Number 09-05-EC1, is hereby approved.

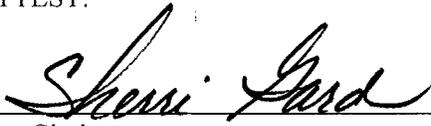
SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of \$9,000.00, for construction phase services, adjusting Authorization Number Two to amount of \$89,200.00.

This Resolution adopted this 17th day of September 2013.

APPROVED

Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-145-13

2 E

RESOLUTION AUTHORIZING CHANGE ORDER ONE WITH FORSGREN, INC.,
FOR THE SOUTH 62ND STREET SEWER IMPROVEMENTS - S001

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

Change Order Number One in the amount of \$15,324.98 to the contract with
Forsgren, Inc., for the South 62nd Street Sewer Improvements - S001, Project Number 09-05-C1,
adjusting the contract amount to \$2,149,757.98, is hereby approved.

This Resolution adopted this 17th day of September 2013.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND
AUTHORIZING FINAL PAYMENT TO FORSGREN, INC., FOR
THE SOUTH 62ND STREET SEWER IMPROVEMENTS - S001

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

SECTION 1: The construction of the South 62nd Street Sewer Improvements - S001,
Project Number 09-05-C1, is accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of \$36,670.00, is
hereby approved.

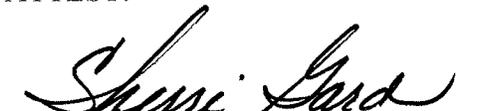
This Resolution adopted this 17th day of September 2013.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
CDM SMITH, INC., FOR PROVIDING ENGINEERING SERVICES FOR THE
BASIN 17 COLLECTION SYSTEM IMPROVEMENTS EVALUATION

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

SECTION 1: An Agreement with CDM Smith, Inc, for providing engineering services associated
with the Basin 17 Collection System Improvements Evaluation, Project Number 12-14-ED3, is hereby
approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement in the amount of
\$78,000.00, for the performance of said services.

This Resolution adopted this 17th day of September 2013.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AN OFFER MADE BY PROPERTY OWNER FOR THE ACQUISITION OF EASEMENTS IN CONNECTION WITH THE MILL CREEK INTERCEPTOR IMPROVEMENTS – PHASE II

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

The City administrator is hereby authorized to accept an offer made by the following property owner:

<u>Tract No.</u>	<u>Owner</u>	<u>Appraised Value</u>
Tract 29	William D. White	\$1,600.00

and to make payment for same in connection with the acquisition of a sewer utility easement for the Mill Creek Interceptor Sewer Improvements – Phase II, Project 12-12-P, said property being located at 4210 Towson Avenue, Fort Smith, Arkansas.

This Resolution adopted this 17th day of September 2013.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING PARTIAL PAYMENT TO ARCHER WESTERN CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE ZERO STREET PUMP STATION WET WEATHER IMPROVEMENTS-PUMP STATION AND EQ STORAGE

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

Partial payment number four to Archer Western Construction, LLC in the amount of \$920,588.63, for the construction of the Zero Street Pump Station Wet Weather Improvements-Pump Station and EQ Storage, Project Number 09-17-C2, is hereby approved.

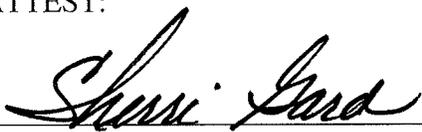
This Resolution adopted this 17th day of September 2013.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

ORDINANCE NO. 47-13

AN ORDINANCE AMENDING FORT SMITH MUNICIPAL CODE SECTION 2-221 TO ESTABLISH A \$1,000.00 REIMBURSEMENT LIMIT ON SANITARY SEWER BACKUP CLAIMS

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

Section 1: Section 2-221 of the Fort Smith Municipal Code is hereby amended to increase the current \$500.00 maximum reimbursement per structure per occurrence for sanitary sewer backup claims to \$1,000.00 as the maximum reimbursement.

Section 2: In addition to the codification of previously approved amendments to Section 2-221 by Ordinance 68-12, the codifier of the Municipal Code shall codify the increase from \$500.00 to \$1,000.00 in maximum reimbursements for sanitary sewer backup claims in Section 2-221 of the Municipal Code.

Section 3: Emergency Clause. It is determined that the adoption of an amended maximum reimbursement for sanitary sewer overflow claims is essential to the appropriate administration of the relationship of the city with potential claimants and that the amendments adopted by this Ordinance are in the public interest. Therefore an emergency is declared to exist, and this Ordinance, being necessary to preserve the health, safety and welfare of the inhabitants of the city, shall be in effect from and after its date of approval.

This Ordinance Passed and Approved this 17th day of September 2013.

APPROVED:


Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Publish 1 Time