

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

April 15, 2014 ~ 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 214

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Bobbie Woodard-Jones, St. James Missionary Baptist Church

ROLL CALL

All present, except Good (*Director Good arrived during presentation of Item No. 1*)

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 214 or City website

APPROVE MINUTES OF THE APRIL 1, 2014 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Public hearing and resolution approving the issuance of Health and Educational Facilities Authority of the State of Missouri Health Facilities Revenue Bonds
Approved 6 in favor, 1 abstention (Catsavis) / Resolution No. R-35-14
2. Consent Agenda
 - 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*)
Approved 7 in favor, 0 opposed / Resolution No. R-36-14

- 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*)
[Approved 7 in favor, 0 opposed / Resolution No. R-37-14](#)
- 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*)
[Approved 7 in favor, 0 opposed / Resolution No. R-38-14](#)
- 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*)
[Approved 7 in favor, 0 opposed / Resolution No. R-39-14](#)
- 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* ~
[Approved 7 in favor, 0 opposed / Resolution No. R-40-14](#)
- 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*)
[Approved 7 in favor, 0 opposed / Resolution No. R-41-14](#)
- 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*)
[Approved 7 in favor, 0 opposed / Resolution No. R-42-14](#)
- 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*)
[Approved 7 in favor, 0 opposed / Resolution No. R-43-14](#)

- 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)
Approved 7 in favor, 0 opposed / Resolution No. R-44-14

3. Discussion regarding filling of vacancies of elected offices proposed by the City of Barling
The Board took no formal action; however, they concurred the current procedure to fill vacancies should remain as is.

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 214 or City website

EXECUTIVE SESSION (approximately 6:21 p.m.)

Appointments: **ANIMAL SERVICES ADVISORY BOARD**
~ Deferred from the March 18, 2014 regular meeting ~
Dr. Jon Remer *(reappointment)*
Joan Bryant *(reappointment)*
Tammy Trouillon *(reappointment)*
Robert Lever
Dr. 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 Wutchrich *(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

ADJOURN

6:44 p.m.

RESOLUTION NO. R-35-14

A RESOLUTION APPROVING THE ISSUANCE OF HEALTH AND EDUCATIONAL FACILITIES AUTHORITY OF THE STATE OF MISSOURI HEALTH FACILITIES REVENUE BONDS

WHEREAS, the Health and Educational Facilities Authority of the State of Missouri (the "Authority") has represented that it is authorized by Chapter 360 of the Revised Statutes of the State of Missouri to issue bonds the interest on which is tax-exempt in order to finance certain educational and health facilities both within and outside of the State of Missouri; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires that, in order for such bonds to be tax-exempt, a properly noticed public hearing with respect to the issuance of such bonds and to facilities to be financed or refinanced thereby be held in the jurisdiction in which the facilities being financed or refinanced are located and that approval be provided by the governing body or the chief elected representative of such jurisdiction; and

WHEREAS, the Authority intends to issue one or more series of its Health Facilities Revenue Bonds (Mercy Health) in a principal amount not to exceed \$150,000,000 (the "Bonds"), and to loan the proceeds thereof to or for the benefit of Mercy Health, a Missouri nonprofit corporation, and its affiliates (collectively, "Mercy Health"), to finance, refinance, and reimburse the costs of health care facilities to be owned and operated by Mercy Health; and

WHEREAS, Mercy Health may use sale proceeds of the Bonds in an amount not to exceed \$35,000,000 to pay or reimburse the costs of the acquisition, construction, renovation, installation and equipping of an orthopedic hospital, two primary care clinics and additional capital improvements to health care facilities to be owned and operated by Mercy Hospital Fort Smith, an Arkansas nonprofit corporation and affiliate of Mercy Health, subject to all applicable development and building codes, ordinances and approvals of the City of Ft. Smith (the "City") with respect to construction projects in the City; and

WHEREAS, the Authority has requested the City to provide "Host Approval" under Section 147(f) of the Internal Revenue Code in connection with the use of the sale proceeds of the Bonds in the City; and

WHEREAS, the City has been assured that there will be no financial liability accruing to the City as a result of such approval and that this approval shall constitute approval solely for the purpose of permitting Mercy Health to proceed with the use of the sale proceeds of the Bonds in the City; and

WHEREAS, pursuant to the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") Mercy Health provided for the publication of notice of an open public hearing to permit the public to comment on the proposed use of the sale proceeds of the Bonds; and

WHEREAS, the notice was published on March 27, 2014, in the *Times Record*, the official newspaper of the City, which publication date is more than 14 days prior to today's date; and

WHEREAS, on today's date, the Board of Directors held an open public hearing permitting the public to comment on the proposed use of the sale proceeds of the Bonds;

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

The use by Mercy Health of the sale proceeds of the Bonds in the City as described in the notice of public hearing is hereby approved.

This Resolution passed this 15th day of April, 2014.

APPROVED:


Mayor

ATTEST:



City Clerk

RESOLUTION NO. R-36-14

RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION
TO VACATE AN ALLEY LOCATED IN
FITZGERALD ADDITION, BLOCK 9,
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS

WHEREAS, a petition to vacate a portion of an alley located in Fitzgerald Addition, Block 9, an addition to the City of Fort Smith, Arkansas, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

Said petition is hereby set for hearing on the 6th day of May 2014, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the City Clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

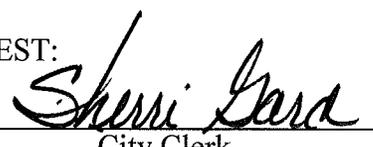
THIS RESOLUTION ADOPTED THIS 15th DAY OF APRIL 2014.

APPROVED:



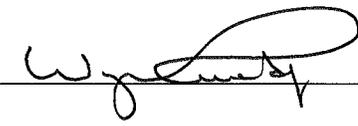
Mayor

ATTEST:



City Clerk

Approved as to form:



NPR

RESOLUTION R-37-14

**A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE
A CONTRACT FOR THE REMOVAL OF BUILDINGS AND
FOUNDATIONS ASSOCIATED WITH JENNY LIND ROAD
AND INGERSOLL AVENUE WIDENING
PROJECT NO. 07-01-A**

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

SECTION 1: The bid of Forsgren, Inc., received April 1, 2014, for the removal of buildings and foundations associated with Jenny Lind Road and Ingresoll Avenue Widening, Project No. 07-01-A, in the amount of \$198,211.50 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Forsgren, Inc., subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This Resolution adopted this 15th day of April, 2014.

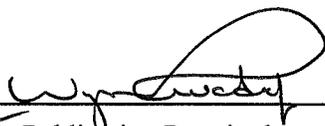
APPROVED.


Mayor

ATTEST:


City Clerk

Approved as to Form



No Publication Required

Publish ___ Times

RESOLUTION R-38-14

**A 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**

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

SECTION 1: The bid of VEI General Contractors received April 8, 2014, for the construction of the "P" and "J" Street Stormwater Pump Station Improvements, Project No. 12-06-F, in the amount of \$1,029,195.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with VEI General Contractors subject to the terms set forth in Section 1 above.

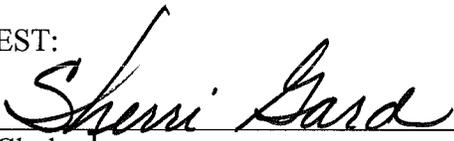
SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 15th day of April, 2014.

APPROVED:


Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

Publish _____ Times

RESOLUTION R-39-14

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AMENDMENT NUMBER ONE 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 NO. 12-06-F**

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

SECTION 1: Amendment Number One to the agreement with Mickle Wagner Coleman Engineers, Inc., providing construction observation services for the "P" and "J" Street Storm Water Pump Station Improvements Project No. 12-06-F is hereby approved.

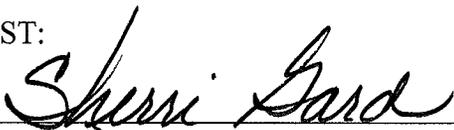
SECTION 2: The Mayor is hereby authorized to execute Amendment Number One for a not-to-exceed amount of \$99,740.00 for providing said services.

This resolution adopted this 15th day of April, 2014.

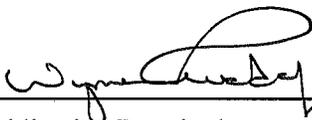
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form



- No Publication Required
- Publish ___ Times

RESOLUTION NO. R-40-14

**A RESOLUTION ADOPTING A CITIZEN SERVICE
PHILOSOPHY AND VALUES FOR THE CITY OF FORT SMITH**

WHEREAS, exemplary citizen service is paramount for maintaining citizens' trust in their city government; and

WHEREAS, exemplary citizen service must be displayed at all levels of the city government organization; and

WHEREAS, the Mayor and Board of Directors desire to promote a climate of making the City of Fort Smith an easy place to conduct business;

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

The Board of Directors expects all officials and employees to provide exemplary citizen service. The following philosophy and values for providing exemplary service to the citizens of Fort Smith and to visitors of Fort Smith are hereby adopted. All city officials and employees should adhere to these standards at all times.

1. All citizens and visitors should be acknowledged with honor, dignity and respect.
2. Officials and employees should always exhibit a genuine and sincere desire to meet the needs of citizens and visitors. Citizens and visitors should feel encouraged, not discouraged, by their interactions with city officials and employees.
3. Exceptional customer service includes keeping promises and following through on commitments.
4. Officials and employees should be accessible and respond promptly. Communicate early and often, and avoid surprises.
5. Officials and employees should always strive to seek

solutions and to resolve issues and concerns of citizens and visitors. Problem solving gains citizens' trust and confidence.

6. Officials and employees should listen to citizens and visitors to make certain their needs are understood. Empathy leads to excellence in taking care of citizens and visitors.
7. Officials and employees should always remain in control of themselves and never show anger.
8. Processes and procedures should be designed from the citizen's perspective and crafted to provide exceptional citizen service.

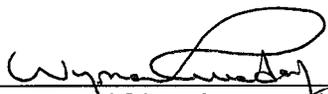
This Resolution passed this 15th day of April, 2014.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


No Publication Required

RESOLUTION NO. R-41-14

**RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING FINAL
PAYMENT TO SOUTHERN BUILDING SERVICES, INC. FOR FIRE STATION
IMPROVEMENTS FOR FIRE STATIONS NO. 1-10**

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

The Fire Station Improvement Project, consisting of renovations to Fire Stations 1-10, is
accepted as complete and final payment of \$17,832.95 to Southern Building Systems, Inc., is
hereby approved.

This Resolution adopted this 15th day of April, 2014.

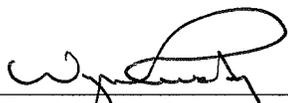
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
No Publication Required

RESOLUTION NO. R-42-14

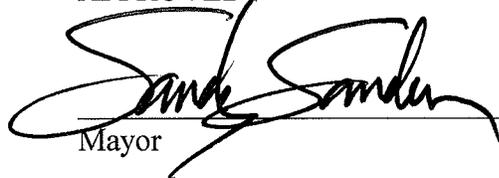
RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH BESHEARS CONSTRUCTION, INC. FOR SERVICES RELATED TO THE CONSTRUCTION OF FIRE STATION NO. 11 AND PUBLIC ACCESS STREET AT 8900 MASSARD ROAD AT CHAFFEE CROSSING

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

Change Order number 1, decreasing by \$116,714.87 the cost of work and adding 70 days to the contract time, are hereby approved resulting in a total new contract sum of \$2,998,841.89 for the City's contract with Beshears Construction, Inc., for construction of Fire Station 11 and a public access street located at 8900 Massard Road.

This Resolution adopted this 15th day of April, 2014.

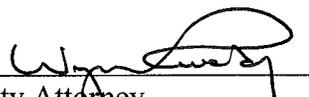
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
No Publication Required

RESOLUTION NO. R.43-14

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

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

The project to construct Fire Station 11 and a public access street located at 8900 Massard Road is accepted as complete and final payment of \$158,616.80 to Beshears Construction, Inc., is hereby approved.

This Resolution adopted this 15th day of April, 2014.

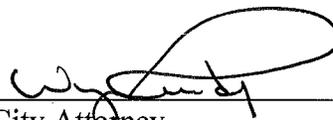
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
No Publication Required

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH R.J.N GROUP, INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH YEAR 2014 WASTEWATER COLLECTION SYSTEM FLOW MONITORING

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

Section 1: An agreement with R.J.N Group, Inc., for providing engineering services associated with Year 2014 Wastewater Collection System Flow Monitoring, Project No. 14-03-ED1, is hereby approved.

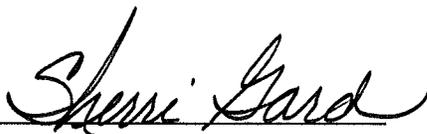
SECTION 2: The Mayor is hereby authorized to execute an Agreement for professional engineering services for an amount not to exceed \$77,122.00.

This Resolution adopted this 15th day of April 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr