

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

September 16, 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

City of Fort Smith Police Chief Kevin Lindsey

ROLL CALL

- All present, except Director Merry who arrived during presentation of Item No. 1
- Mayor Sandy Sanders presiding

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 SEPTEMBER 2, 2014 REGULAR MEETING

Approved as written

ITEMS OF BUSINESS:

1. Resolution authorizing the waiver of permit fees, zoning application fees and sewer connection fees for the Arkansas College of Osteopathic Medicine at 7000 Chad Colley Boulevard
Approved 7 in favor, 0 opposed / Resolution No. R-128-14
2. Consent Agenda
 - A. Resolution adopting annual audit requirements and retaining BKD, LLP as external auditors
Approved 7 in favor, 0 opposed / Resolution No. R-129-14

- B. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith Police Department and the University of Arkansas – Fort Smith concerning the awarding of college credit hours for completion of the basic police training academy
[Approved 7 in favor, 0 opposed / Resolution No. R-130-14](#)
- C. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith Police Department and the National Park Service – Fort Smith National Historic Site concerning providing police protection on lands within the park’s boundaries
[Approved 7 in favor, 0 opposed / Resolution No. R-131-14](#)
- D. Resolution authorizing the City Administrator to accept a settlement offer from a property owner for the acquisition of easement interests in connection with the Highway 71 Interchange 12-Inch Water Line Relocation (\$7,000.00 / Utility Department / Budgeted - 2008 Revenue Bonds)
[Approved 7 in favor, 0 opposed / Resolution No. R-132-14](#)
- E. Resolution authorizing the City Administrator to accept offer made by property owner for the acquisition of real property interests for the Lake Fort Smith Water Supply (\$12,500.00 / Utility Department / Budgeted - Capital Improvement Fund)
[Approved 7 in favor, 0 opposed / Resolution No. R-133-14](#)
- F. Resolution authorizing the City Administrator to execute a settlement agreement and release with a property owner for the acquisition of real property and easement interests in connection with the Sunnymede Basin Wet Weather Flow Management Improvements (\$120,000.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bond)
[Approved 7 in favor, 0 opposed / Resolution No. R-134-14](#)
- G. Resolution authorizing the Mayor to execute an agreement with RJN Group, Inc. for providing engineering services associated with Fall 2014 Wastewater Collection System Flow Monitoring (\$286,314.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bond)
[Approved 7 in favor, 0 opposed / Resolution No. R-135-14](#)
- H. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing the purchase of replacement headworks pumps for the Massard Wastewater Treatment Plant (\$179,340.00 / Utility Department / Not Budgeted - 2014 Sales and Use Tax Bonds)
[Approved 7 in favor, 0 opposed / Ordinance No. 53-14](#)

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

➤ Mayor

➤ Directors

➤ City Administrator

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EXECUTIVE SESSION

• Appointments:

AIRPORT COMMISSION

Justin Voris *(to fill the unexpired term of Larry Devero who resigned)*

Term expires June 30, 2016

MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS

Buford Martin

Term expires July 31, 2019

ADJOURN

6:16 p.m.

RESOLUTION R-128-14

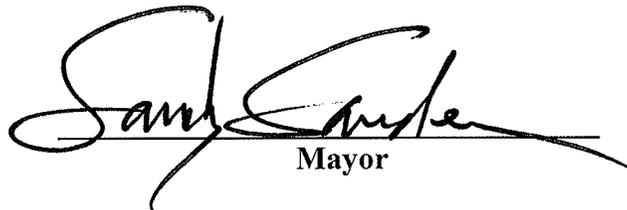
A RESOLUTION AUTHORIZING THE WAIVER OF PERMIT FEES, ZONING APPLICATION FEES AND SEWER CONNECTION FEES FOR THE ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE AT 7000 CHAD COLLEY BOULEVARD

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

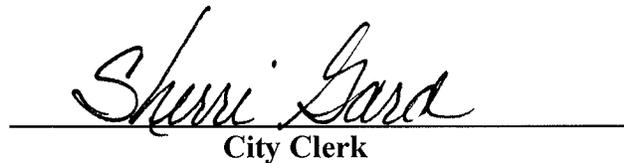
The fees for the building permit and inspections, grading permit, zoning application and sewer connection for the construction of the Arkansas College of Osteopathic Medicine are hereby waived.

This resolution adopted this 16th day of September, 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


~~Publish One Time~~ - NPR
Per Rick Wade

RESOLUTION NO. R-129-14
A RESOLUTION ADOPTING ANNUAL AUDIT REQUIREMENTS
And RETAINING BKD, LLP as EXTERNAL AUDITORS

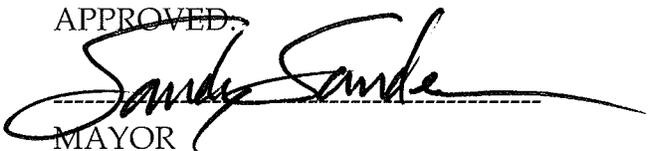
BE IT RESOLVED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The annual audit examination for the City of Fort Smith for the year ending December 31, 2014 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.

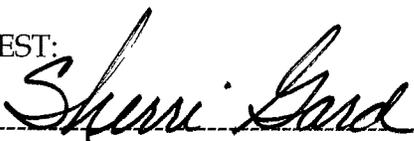
SECTION 2: BKD, LLP shall perform the annual audit examination for the year ending December 31, 2014 in accordance with Section 1 of this resolution.

THIS RESOLUTION ADOPTED THIS 16 DAY OF September, 2014.

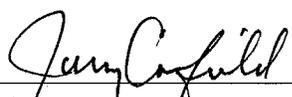
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


City Attorney
no publication required

RESOLUTION NO. R-130-14

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH POLICE DEPARTMENT AND THE UNIVERSITY OF ARKANSAS - FORT SMITH CONCERNING THE AWARDING OF COLLEGE CREDIT HOURS FOR COMPLETION OF THE BASIC POLICE TRAINING ACADEMY

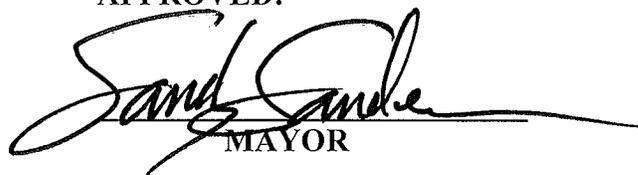
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and the University of Arkansas – Fort Smith, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the University of Arkansas – Fort Smith in awarding college credit hours for completion of the Basic Police Training Academy.

Section 2. The Chief of Police of the Fort Smith Police Department is authorized to sign the Memorandum of Understanding to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED THIS 16th DAY OF SEPTEMBER, 2014.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


City Attorney npr

RESOLUTION NO. R-131-14

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
FORT SMITH POLICE DEPARTMENT AND THE NATIONAL PARK
SERVICE – FORT SMITH NATIONAL HISTORIC SITE CONCERNING
PROVIDING POLICE PROTECTION ON LANDS WITHIN THE PARK’S
BOUNDARIES**

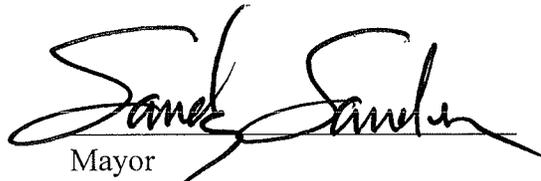
**BE IT RESOLVED BY THE CITY DIRECTORS OF THE CITY OF
FORT SMITH, THAT:**

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and the Fort Smith National Historic Site, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the National Park Service – Fort Smith National Historic Site for the police department to provide mutual assistance in the investigation and enforcement of felony and misdemeanor crimes occurring on land within the Park’s boundaries.

Section 2. The Chief of Police of the Fort Smith Police Department is authorized to sign the Memorandum of Understanding to which the City of Fort Smith is a party.

This Resolution adopted this 16th day of September, 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney npr

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT A SETTLEMENT OFFER FROM A PROPERTY OWNER FOR THE ACQUISITION OF EASEMENT INTERESTS IN CONNECTION WITH THE HIGHWAY 71 INTERCHANGE 12-INCH WATER LINE RELOCATION

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

Section 1: The City Administrator is hereby authorized to accept a settlement offer to conclude eminent domain case CV-12-90-G, made by the following property owners:

<u>Tract</u>	<u>Owner</u>	<u>Amount</u>
Tract 1	Stephens Production Company & Crossland Construction Company, Inc.	\$ 7,000.00

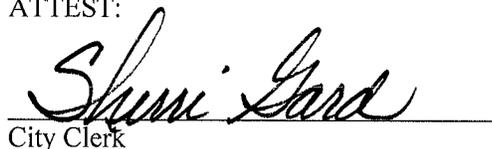
and to make a payment for same in connection with the acquisition of a water line easement for the Highway 71 Interchange 12-Inch Water Line Relocation, Project Number 11-11-C1, said property being located at the intersection of Highway 71 and I-49, Sebastian County, Arkansas.

This Resolution adopted this 16th day of September 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT OFFER
MADE BY PROPERTY OWNER FOR THE ACQUISITION OF REAL
PROPERTY INTERESTS FOR THE LAKE FORT SMITH WATER SUPPLY

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 extended by the following
property owner:

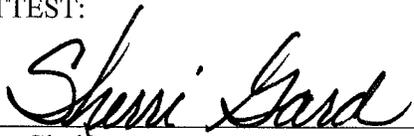
<u>Tract</u>	<u>Owner</u>	<u>Amount</u>
Tract 17-3	J. Richard Carver and Elizabeth Carver	\$12, 500.00

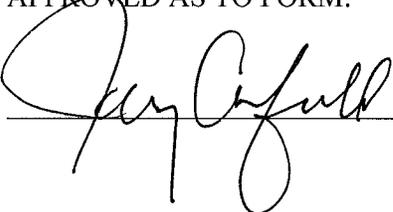
and make payment for same and any applicable closing costs in connection with the acquisition
of the real property designated as 99-01-P for the Lake Fort Smith Water Supply, Project Number
99-01, said property being located in Section 17, Township 12 North, Range 29 West, Crawford
County, Arkansas.

This Resolution adopted this 16th day of September 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

npr

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE WITH A PROPERTY OWNER FOR THE ACQUISITION OF REAL PROPERTY AND EASEMENT INTERESTS IN CONNECTION WITH THE SUNNYMEDE BASIN WET WEATHER FLOW MANAGEMENT IMPROVEMENTS

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

Section 1: The City Administrator is hereby authorized to execute a settlement agreement and release to conclude eminent domain cases CV-2008-127-V1 and CV-2008-128-V1 involving the following property owners:

<u>Tract</u>	<u>Owners</u>	<u>Amount</u>
Tract 2/3	Willie Mae Jeffrey Living Trust, Peggy Hinds Baker Living Trust & Joanne Swafford Living Trust	\$ 120,000.00

and to make a final payment for same in connection with the acquisition of 68 acres of real property and sewer easements designated as 06-04-P for the Sunnymede Basin Wet Weather Flow Management Improvements, Project Number 06-04-E2, said property being located at the east end of Grand Avenue, Fort Smith, Arkansas.

Section 2: The City Administrator is hereby authorized to execute a release of two sewer easements, grant two access easements and accept one access easement as set forth in Item 1 of the Settlement Agreement and Release.

This Resolution adopted this 16th day of September 2014.

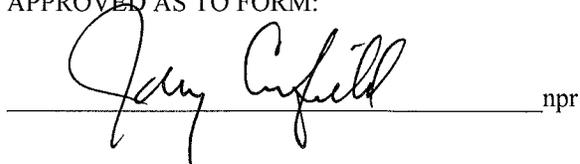
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
RJN GROUP, INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH
FALL 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 RJN Group, Inc., for providing engineering services
associated with the Fall 2014 Wastewater Collection System Flow Monitoring, Project Number
14-11-ED1, is hereby approved.

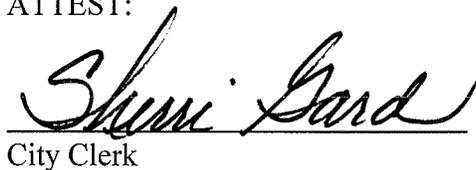
SECTION 2: The Mayor is hereby authorized to execute an Agreement for professional
engineering services in the amount of \$286,314.00.

This Resolution adopted this 16th day of September 2014.

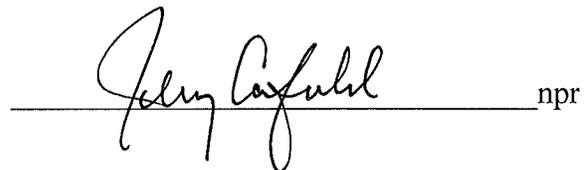
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

ORDINANCE DECLARING AN EXCEPTIONAL SITUATION
WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING AND
AUTHORIZING THE PURCHASE OF REPLACEMENT HEADWORKS PUMPS
FOR THE MASSARD WASTEWATER TREATMENT PLANT

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

WHEREAS, it is necessary to replace two of the existing pumps at the headworks of the Massard wastewater treatment plant with matching equipment; and,

WHEREAS, Jack Tyler Engineering, Incorporated is the sole authorized representative serving the Fort Smith area for the equipment manufacturer of the required pump equipment and it is necessary to purchase the replacement pumps through Jack Tyler Engineering, Incorporated:

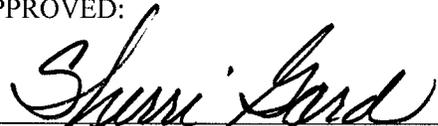
NOW THEREFORE, in order to eliminate the possibility of health hazards to the residents of the City of Fort Smith and to purchase the pump equipment as quickly as possible, an exceptional situation exists requiring the waiving of the conditions of competitive bidding, so that the competitive bidding requirements are hereby waived. The purchase of two Flygt pumps and extended length cables from Jack Tyler Engineering, Incorporated in the amount of \$179,340.00, excluding taxes and freight, is hereby approved.

PASSED AND APPROVED this 16th day of September 2014.

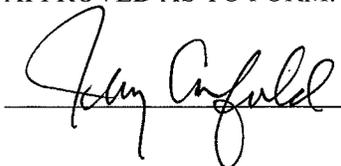
APPROVED:


Mayor

APPROVED:


City Clerk

APPROVED AS TO FORM:


npr