

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 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA ~ Summary
Fort Smith Board of Directors
REGULAR MEETING
February 3, 2015 ~ 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 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Don Brewer, St. Luke Lutheran Church

ROLL CALL

- All present
- 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, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

APPROVE MINUTES OF THE JANUARY 20, 2015 REGULAR MEETING

Approved as written

ITEMS OF BUSINESS:

1. Items regarding the Steel Horse Rally:
 - A. Consideration of Mayor’s veto of Ordinance No. 9-15 authorizing the appropriation of funds from the General Fund (*Steel Horse Rally scheduled for May 1 & 2, 2015*)
Veto upheld – 4 in favor (Lorenz, Catsavis, Settle & Hutchings), 3 opposed (Lau, Good & Pennartz)

- B. Ordinance authorizing the Mayor to execute an agreement with the Steel Horse Rally, Inc. for certain services for inhabitants of the City of Fort Smith ~ *Settle/Catsavis placed on agenda at the January 13, 2015 study session* ~
No action taken due to veto of Ordinance No. 9-15 (Item No. 1A)
2. Items regarding property located at 8225 and 8227 Texas Road:
- A. Ordinance accepting certain territory into the city of Fort Smith, Arkansas (8225 & 8227 Texas Road)
Approved 7 in favor, 0 opposed / Ordinance No. 12-15
- B. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Extra-Territorial Jurisdiction Low Density Residential to Residential Attached / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Residential Single Family Duplex Medium/High Density (RSD-3) by classification located at 8225 and 8227 Texas Road*)
Approved 7 in favor, 0 opposed / Ordinance No. 13-15
3. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*Setback exceptions for corner lots*)
Approved 7 in favor, 0 opposed / Ordinance No. 14-15
4. Consent Agenda
- A. Resolution authorizing the installation of speed tables on Cliff Drive (\$30,000.00 / Engineering Department / Not Budgeted – Sales Tax Program) ~ *Settle/Lorenz placed on agenda at the January 27, 2015 study session* ~
Approved 6 in favor, 1 opposed (Lau) / Resolution No. R-18-15
- B. Resolution authorizing acquisition of real property interests for Town Branch Drainage Improvements, Phase III, Project No. 11-06-B (\$7,500.00 / Engineering Department / Budgeted – Street Sales Tax Fund)
Approved 7 in favor, 0 opposed / Resolution No. R-19-15
- C. Ordinance to abandon a public utility easement located in Commercial Park South, Phase II, an addition to the City of Fort Smith, Sebastian County, Arkansas
Approved 7 in favor, 0 opposed / Ordinance No. 15-15
- D. Resolution authorizing agreements for easements for the Greg Smith Riverwalk
Approved 7 in favor, 0 opposed / Resolution No. R-20-15

- E. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas and Sebastian County, Arkansas, concerning administration and funding for the Homeland Security Grant Program (\$125,590.00 Grant Revenue / Police Department / Not Budgeted – Homeland Security)
Approved 7 in favor, 0 opposed / Resolution No. R-21-15
- F. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding for the rehabilitation of the Lee Creek facility's horizontal Kaplan s-turbine (\$343,764.00 / Utility Department / 2014-2015 Budgeted – Operating Budget)
Approved 6 in favor, 1 opposed (Settle) / Ordinance No. 16-15
- G. Resolution authorizing the Mayor to execute an agreement with RJN Group, Inc. for providing engineering services associated with Year 2015 sewer system assessments (\$1,028,990.48 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)
Approved 6 in favor, 1 opposed (Settle) / Resolution No. R-22-15
- H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Dale Crampton Company for the 3900 Kelly Highway roof renovation (\$297,983.00 / Utility Department / Budgeted – Operating Budget)
Approved 7 in favor, 0 opposed / Resolution No. R-23-15
5. Ordinance specifying the personnel authority of the City Administrator ~ Directors Settle, Lau, Good, Lorenz & Catsavis placed on agenda 1/30/2015 ~ Tabled 5 in favor, 2 opposed (Lau and Settle) pending further discussion at a future study session

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, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

ADJOURN
7:18 p.m.

ORDINANCE NO. 9-15

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND

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

There is hereby authorized an appropriation in the amount of \$84,000 from the unobligated balance of the General Fund (0101) to provide funding for the 2015 Steel Horse Rally, subject to execution of a services agreement containing the City's standard provisions.

THIS ORDINANCE ADOPTED THIS 20th DAY OF January, 2015.

APPROVED:

~~VETO~~
MAYOR *Samuel Sanchez*

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

John Corfield

No Publication Required

MAYOR'S VETO UPHELD
February 3, 2015 regular meeting

*Motion to override the Mayor's veto was defeated as follows:
4 in favor (Lorenz, Catsavis, Settle & Hutchings)
3 opposed (Lau, Good & Pennartz)*

SG

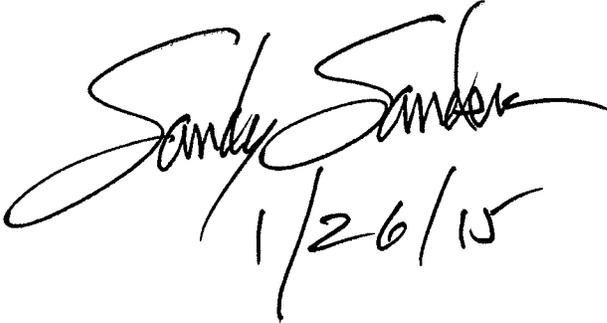
While supporting the concept of the Steel Horse Rally, I cannot justify the use of tax dollars for what I believe should be a private sector effort, just as Bikes, Blues and Barbecue is in Fayetteville.

The Board of Directors and staff devoted a great amount of time and effort to establish the 2015 budget. Every single department had funding requests reduced.

Additionally, the City has a system for organizations to complete an extensive application process to contract services for the City. The 2015 City budget for more than 20 organizations is \$145,800, a reduction of \$16,200 from last year. How can we allocate \$4,950 for the Crisis Center for Women or \$4,500 for the Children's Emergency Shelter, which went through the extensive review process by a panel of City residents, and then suddenly find an additional \$84,000 in the budget for a brand new start-up effort which is almost 60 percent of the budget for those organizations with performance histories.

Passing this ordinance also sets an unhealthy precedent, which has already manifested itself in notification by another new organization informing the City that substantial funds to support that event will be requested from the City.

I have vetoed this ordinance in the overall best interests of the City.



Sandy Sanders
1/26/15

NO ACTION TAKEN

February 3, 2015 Regular Meeting

no action necessary due to Mayor's
veto of Ordinance No. 9-15 being upheld

1B

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR
TO EXECUTE AN AGREEMENT WITH THE STEEL HORSE RALLY, INC.,
FOR CERTAIN SERVICES FOR INHABITANTS OF THE CITY OF FORT SMITH**

BE IT ORDAINED AND ENACTED 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, that certain agreement with the Steel Horse Rally, Inc., providing for the payment by the City to the Steel Horse Rally, Inc., up to a maximum of \$84,000 for services provided to the City that shall consist of providing a motorcycle rally in downtown Fort Smith.

SECTION 2: It is hereby declared and determined by the Board of Directors that the agreement authorized by Section 1 above deals with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreement.

PASSED and APPROVED this _____ day of February, 2015.

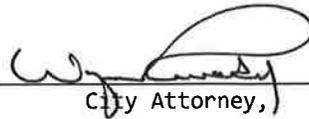
APPROVED:

Mayor

ATTEST:

APPROVED AS TO FORM

City Clerk



City Attorney,

No Publication Required

2A.

ORDINANCE NO. 12-15

AN ORDINANCE ACCEPTING CERTAIN TERRITORY INTO
THE CITY OF FORT SMITH, ARKANSAS

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

WHEREAS, on the 11th day of December, 2014, before the County Court of Sebastian County,
Arkansas, Greenwood District, there came to be heard a Petition, in proper form and substance, executed by all
of the real estate owners in the territory to be annexed;

WHEREAS, the property desired to be annexed was described accurately as follows:

A tract of land lying in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of
Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County,
AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of
said Northeast Quarter; thence S 89°4'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along
the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of
949.9 feet; thence S 04°1'41" W a distance of 215.94 feet to the point of beginning.

WHEREAS, the County Court for Sebastian County, Arkansas, Greenwood District approved the
Petition and ordered the annexation of the described property.

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

The territory above described be accepted into the City of Fort Smith, Arkansas, annexed to the City of Fort Smith, Arkansas, and made a part thereof for all purposes as provided by law.

PASSED AND APPROVED THIS 3rd DAY OF February, 2015.

APPROVED:



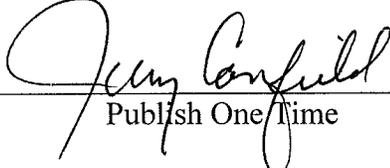
Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

8225 & 8227 Texas Road Annexation



January 27, 2015

Fort Smith City Limits

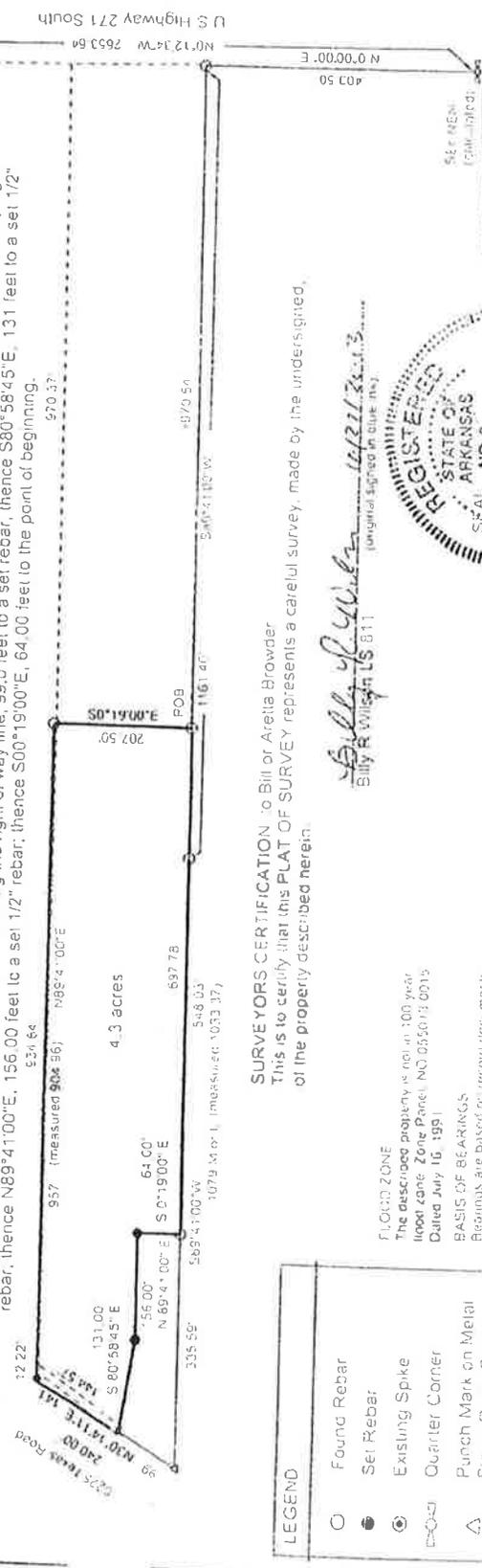
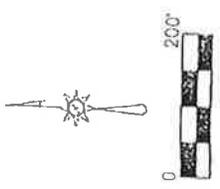
Subdivisions

Parcels

PLAT OF SURVEY

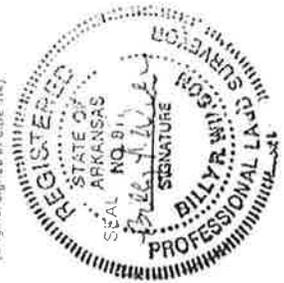
Part of NE/4 Sec 8 T1N R32W, Sebastian County, AR

PROPERTY DESCRIPTION: Warranty Deed, Document S15461, Greenwood District, Sebastian County, AR (4.3 acres) Beginning at a point 403.5 feet North and 1020 feet West of the NE/4 of Section 8, Township 7 North, Range 32 West, thence West 1079 feet, more or less, to a point on the East line of Texas Road; thence North 240 feet, thence East 957 feet; thence South 207.5 feet to the point of beginning, LESS AND EXCEPT Part of the SW/4 of the NE/4 of Section 8, Township 7 North, Range 32 West, and being more particularly described as follows: Commencing at an existing spike marking the NE corner of the NE/4 NE/4 of Section 8, S03°20'21"W, a distance of 2052.96 feet; thence leaving said East line, N86°39'39"W, a distance of 970.37 feet; thence N86°35'06"W, a distance of 934.64 feet to the point of beginning; thence N77°14'51"W, a distance of 144.57 feet; thence S37°30'52"W, a distance of 4.32 feet; to the South Property line, thence N77°14'51"W, a distance of 11.95 feet along said South line to the East right of way line of Texas Road; thence right of way line, S86°35'06"E, a distance of 147.03 feet along said East right of way line to the North Property line; thence leaving East Section 8 Township 7 North, Range 32 West, being more particularly described as follows: Commencing, LESS AND EXCEPT Part of the NE/4 of N0°12'34"W along the East line of said NE/4, 403.5 feet; thence S89°41'00"W, 1161.40 feet to a found iron pin, thence continuing S89°41'00"W 548.03 feet to a set 1/2" rebar and the point of beginning; thence continuing S89°41'00"W, 335.59 feet to a set 1/2" rebar on the Easterly right of way line of Texas Road; thence N30°14'11"E along the right of way line, 99.0 feet to a set rebar, thence S80°58'45"E, 131 feet to a set 1/2" rebar; thence N89°41'00"E, 156.00 feet to a set 1/2" rebar; thence S00°19'00"E, 64.00 feet to the point of beginning.



SURVEYORS CERTIFICATION to Bill or Arelia Browder
 This is to certify that this PLAT OF SURVEY represents a careful survey, made by the undersigned, of the property described herein.

Billy R. Wilson
 Billy R. Wilson, LS 611
 (original signed in blue ink)



BILLY R. WILSON LLS
 P O Box 208
 Kinta, OK 74552
 (918) 768 3542

FLOOD ZONE
 The described property is not in a 100 year flood zone. Zone Panel NO:055013 0019 Dated July 16, 1991
BASIS OF BEARINGS
 Bearings are based on meridian documents on file at the Recorder's Office, Sebastian County, Greenwood District, Arkansas.

LEGEND	
○	Found Rebar
●	Set Rebar
⊙	Existing Spike
⊕	Quarter Corner
△	Punch Mark on Metal Storm Drain Grate
✕	This "X" on Concrete Driveway

State Plot Coding
 00-07N-32W-08-100-65-0811
 Traverse PC

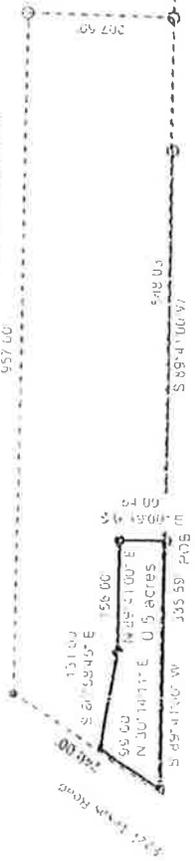
FILE NAME	B-7N32W-BROWDER.TRV		
SCALE	DATE	DRAWN BY	
200 F/In	10-27-2013	Bill Wilson	
JOB	REVISION	SHEET	
13021	1/1	1/1	

This map drawn with TRAVERSE PC, S08W08

PLAT OF SURVEY

Part of SW/4 NE/4 Sec 8 T7N R32W, Sebastian County, AR

PROPERTY DESCRIPTION: Warranty Deed, Document S15461, Greenwood District, Sebastian County, AR, 0.5 acres
 Part of the NE/4 of Section 8, Township 7 North, Range 32 West, being more particularly described as follows: Commencing at the SE corner of said NE/4, thence N0°12'34"W along the East line of said NE/4, 403.50 feet, being more particularly described as follows: Commencing at the SE corner continuing N89°41'00"W, 548.03 feet to a set 1/2" rebar and the point of beginning, thence continuing S89°41'00"W, 335.59 feet to a set 1/2" rebar on the easterly right of way line Texas Road, thence N30°14'11"E along the right of way line, 99.0 feet to a set 1/2" rebar, thence S80°58'45"E, 131.00 feet to a set 1/2" rebar, thence N89°41'00"E, 156.00 feet to a set 1/2" rebar, thence S0°19'00"E, 64.00 feet to the POB LESS AND EXCEPT part of the SW/4 NE/4 of Section 8, Township 7 North, Range 32 West, and being more particularly described as follows: Commencing at an existing spike marking the NE corner of the NE/4 of the NE/4 of Section 8, thence along the east line of Section 8 a distance of 2260.46 feet, thence leaving said East Section line, N86°35'06"W a distance of 970.64 feet, thence N86°35'06"W a distance of 1072.55 feet to the point of beginning, thence N86°35'06"W a distance of 6.45 feet to the East right of way line of Texas Road, thence N34°57'33"E a distance of 99.00 feet along said East right of way line to the North property line, thence leaving said East right of way line, S77°14'51"E a distance of 11.95 feet along said North line, thence leaving said North line, S37°30'52"W a distance of 58.56 feet, thence S39°01'30"W a distance of 41.75 feet to the point of beginning



LEGEND	
	Punch Mark on Metal Storm Drain Grate
	Found Rebar
	Quarter Corner
	Set Rebar
	Chis "X" on Concrete Driveway
	Existing Spike

SURVEYORS CERTIFICATION: I, Billy R. Wilson, Surveyor, do hereby certify that this PLAT OF SURVEY represents a careful survey made by me or under my direct supervision and to the best of my knowledge and belief is true and correct.

Billy R. Wilson
 Billy R. Wilson, L.S. 611 (Original Survey in Blue Ink)



BILLY R. WILSON LLS
 P O Box 208
 Kintla, OK 74552
 (918) 768 3542

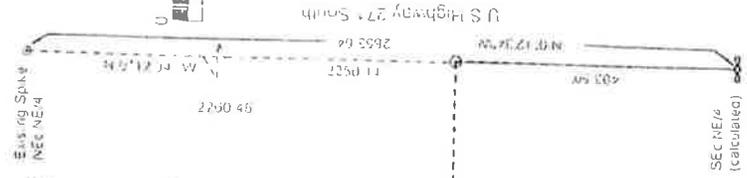
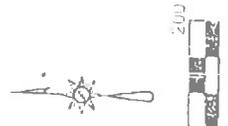
FLOOD ZONE
 The censused property is not in 100 year flood zone Zone Panel NO 055613.0015 Dated July 16, 1981

BASIS OF BEARINGS:
 Bearings are based on recent occupations on file at the Recorder's Office, Sebastian County, Greenwood District, Arkansas

State Plat County
 505-07-N-32W-0 06 130-60-0811

FILE NAME	8-7N32W-BROWDER.TRV		
SCALE	DATE	REVISION	DRAWN BY
2:00 F/In	10-27-2013	1/1	Bill Wilson
JOB	1:3021	1/1	SHEET
			1/1

This map drawn with TRAVERSE PC Software



ORDINANCE NO. 13-15

2B.

**AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on January 13, 2015, that said change be made; and,

WHEREAS, the Planning Commission determined the change to the Master Land Use Plan Map does conform to the goals and objectives of the Comprehensive Plan.

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 23-12-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on January 13, 2015, that said change be made;

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

SECTION 1: The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Extra Territorial Jurisdiction Low Density Residential to Residential Attached and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

A tract of land lying in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of said Northeast Quarter; thence S 89°4'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of 949.9 feet; thence S 04°1'41" W a distance of 215.94 feet to the point of beginning.

SECTION 2: The real property described in Section 1 above is hereby rezoned from Extraterritorial

Jursidiction Open-1 (ETJ O-1) to Residential Single Family Duplex Medium/High Density (RSD-3) by
Classification, subject to annexation approval by the City of Fort Smith Board of Directors.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS 3rd DAY OF February, 2015.

APPROVED:



Mayor

ATTEST:



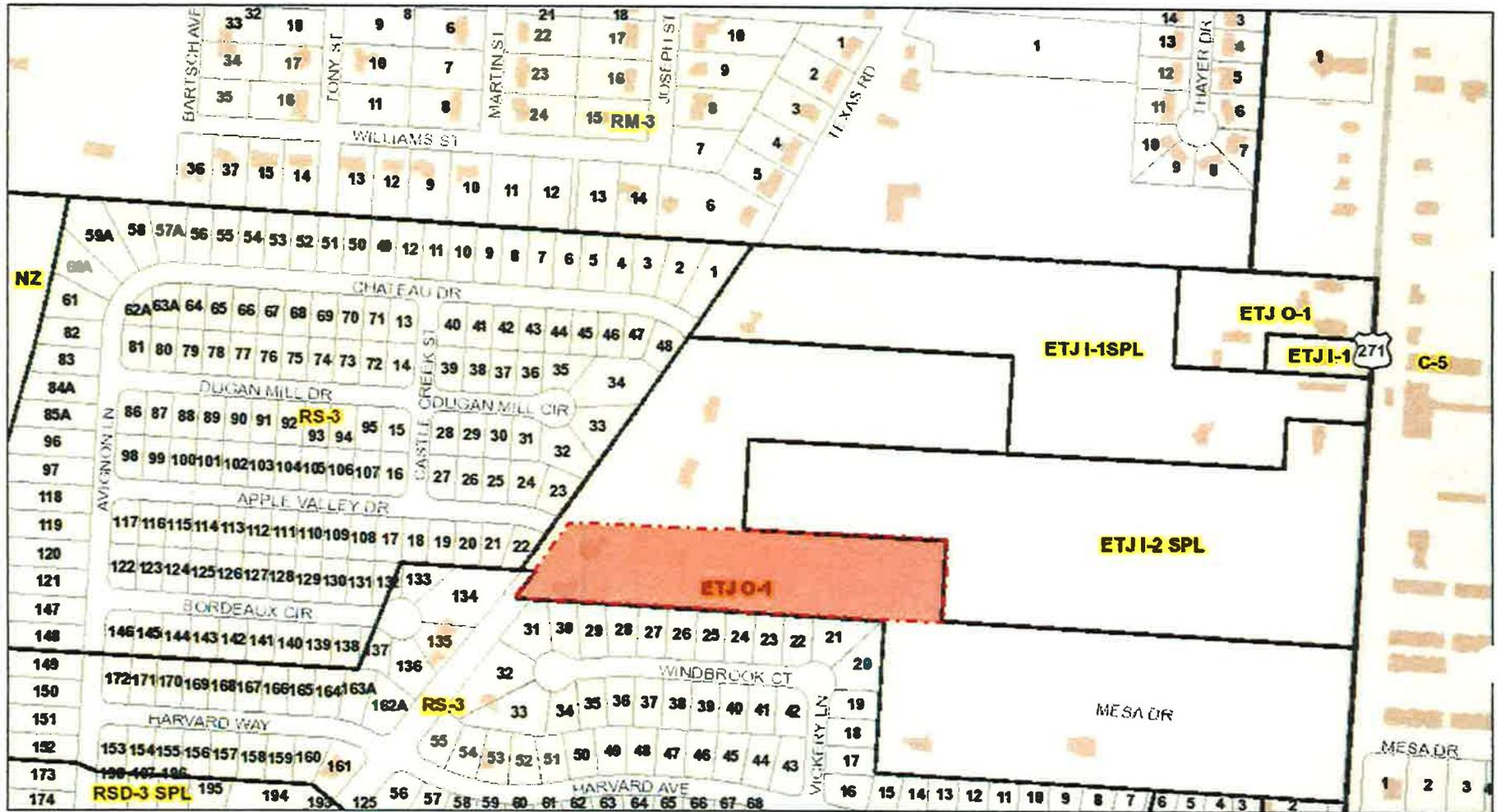
City Clerk

Approved as to form:



Publish One Time

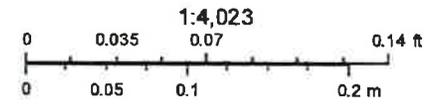
Rezoning #1-1-15: From ETJ Open-1 to Residential Single Family-Duplex Medium/High Density (RSD-3) 8225 & 8227 Texas Road



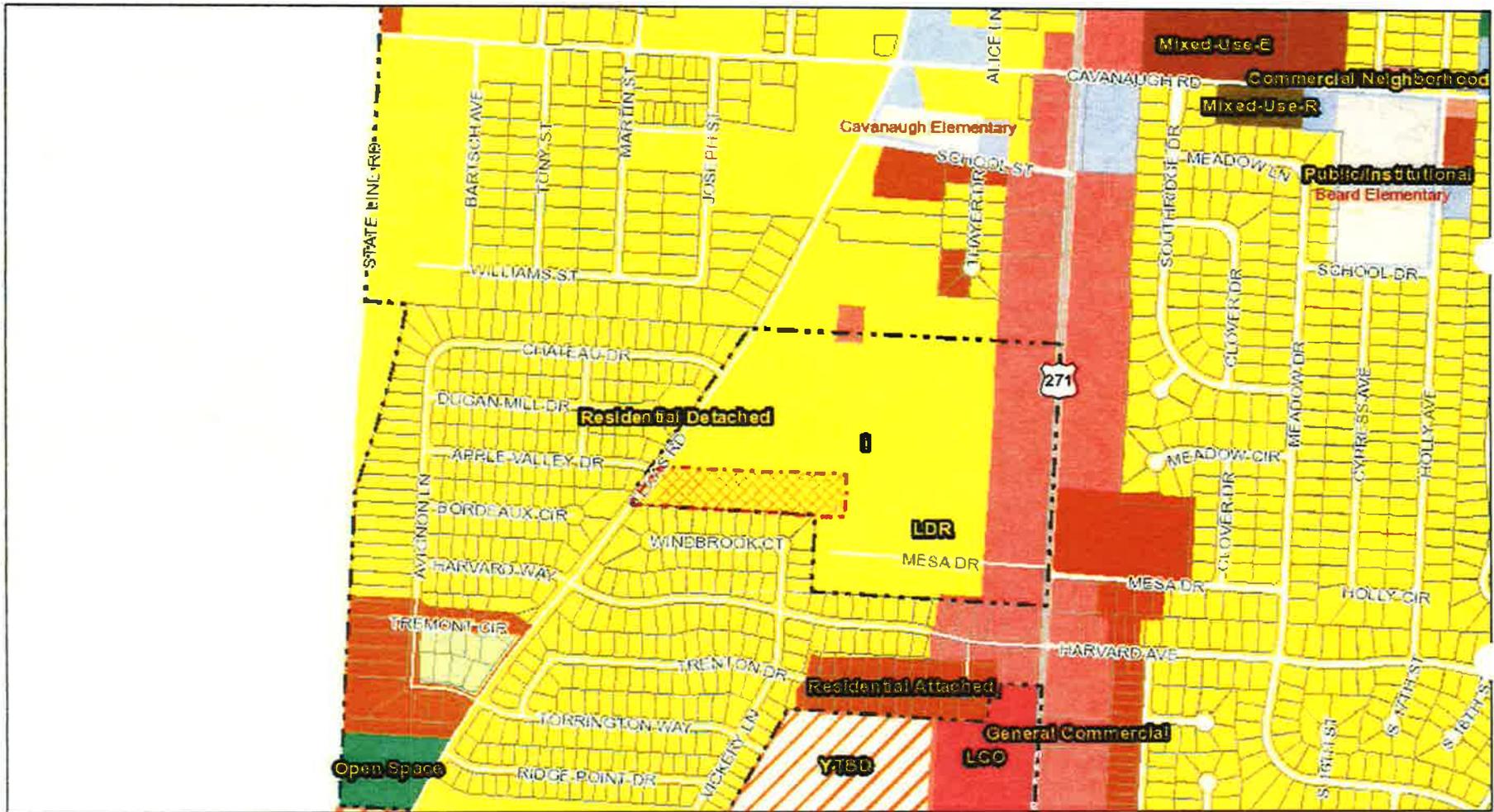
December 16, 2014

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

W
M

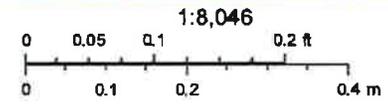


Master Land Use Amendment: From ETJ Low Density Residential to Residential Attached 8225 & 8227 Texas Road



December 16, 2014

-  Fort Smith City Limits
-  Subdivisions
-  Commercial



HE

ORDINANCE NO. 14-15

**AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on January 13, 2015, that said changes be made; and,

WHEREAS, three (3) copies of February 2015 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

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

SECTION 1: The February 2015 Amendments to the Unified Development Ordinance is hereby adopted.

SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS 3rd DAY OF February, 2015.

APPROVED:



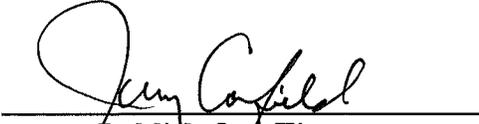
Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

FEBRUARY 2015
AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE

provided they are erected in compliance with the provisions of the Fort Smith Sign Regulations.

7. Gasoline sales are permitted under the following conditions:
 - a. Pump islands shall be located a minimum of twenty (20) feet from any public right-of-way.
 - b. Island canopy overhangs shall be located at least ten (10) feet from any public right-of-way and must have a height of at least twelve (12) feet. Supportive posts of canopies shall be located at least twenty (20) feet from any public right-of-way.
8. The following structures are exempt from setback regulations as specified below:
 - a. Patios, terraces, walks, and driveways provided they are at grade, and do not have enclosed walls or a roof;
 - b. Ramps for the purpose of meeting accessibility requirements provided they do not have enclosed walls or a roof;
 - c. Fences;
9. Residential property platted prior to the effective date (August 12, 2009) of the UDO is permitted to use the 15' exterior side yard setback. This exemption does not include multifamily developments.

D. Height

1. Measurement. Building height is the mean vertical distance from the average ground level at the minimum front setback to the highest permanent part of the building or structure.
2. A structure may not be more than the maximum allowable feet high at the minimum side setback line, but for each addition foot of horizontal setback in excess of the minimum, the height may be increased by one foot. The height of a gabled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.
3. The following structures may be exempted from the height requirements in the various districts if they are not detrimental to neighboring property and are approved by the city building official:

RESOLUTION R-18-15

A RESOLUTION AUTHORIZING THE
INSTALLATION OF SPEED TABLES ON CLIFF DRIVE

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

SECTION 1: There will be six speed tables and associated signage installed as a test area along Cliff Drive between South 30th Street and Old Greenwood Road as a means of traffic calming.

SECTION 2: This test area will be reevaluated in six to twelve months following the installation of the speed tables to determine the effectiveness of the speed tables and to allow for community feedback on desirability for speed tables.

SECTION 3: The adoption of a traffic calming policy will not take place until reevaluation of the test area. Requests for speed tables in other areas will be accepted and evaluated, but not acted upon until the Cliff Drive test area is reevaluated.

SECTION 4: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 3rd day of February, 2015.

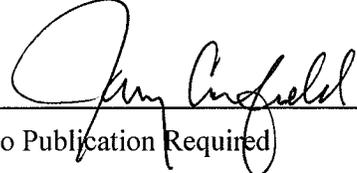
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


 No Publication Required

RESOLUTION NO. R-19-15

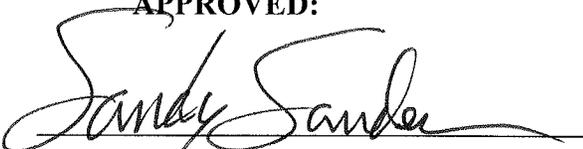
RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY INTERESTS FOR TOWN BRANCH DRAINAGE IMPROVEMENTS, PHASE III PROJECT NO. 11-06-B

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

The Board of Directors hereby accepts the offer made by Darrin and Glenda G. Bradley to grant the City a permanent drainage easement across, under and upon their property, along with a temporary construction easement, in exchange for a payment of \$7,500.00. The City Administrator and the City attorney are hereby authorized to conclude the acquisition of said easements for the above amount.

THIS RESOLUTION ADOPTED this 3rd day of February, 2015.

APPROVED:



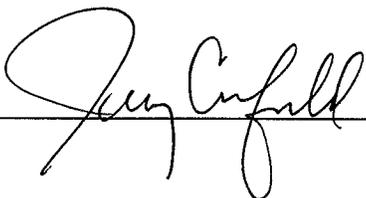
Mayor

ATTEST:



City Clerk

Approved as to form:



NPR

4C.

ORDINANCE NO. 15-15

**AN ORDINANCE TO ABANDON A PUBLIC UTILITY EASEMENT
LOCATED IN COMMERCIAL PARK SOUTH, PHASE II,
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 public utility easement located in the hereinafter described real property:

A 15-foot-wide utility easement over, upon, and across Lot 1 of the Commercial Park South, Phase II, an addition to the City of Fort Smith, Sebastian County, Arkansas, recorded as Plat No. 1485, being more particularly described by metes and bounds as follows:

Beginning at a found 1 inch pipe with cap "LS 773" at the Southeast corner of Lot 2-C of the Commercial Park South, Phase I, recorded as Plat No. 1261, Thence along the West boundary of said Lot 1, North 03°18'40" East, a distance of 21.25 feet; Thence departing said boundary, South 41°35'59" East, a distance of 80.20 feet; Thence South 86°41'31" East, a distance of 143.01 feet; Thence North 62°07'23" East, a distance of 271.22 feet; Thence South 27°56'07" East, a distance of 15.00 feet to the South boundary of said Lot 1; Thence along said South Boundary, the following three (3) courses:

- 1.) South 62°07'23" West, a distance of 275.42 feet to a found 5/8 inch rebar with cap "LS 773";
- 2.) North 86°41'31" West, a distance of 153.43 feet to a found 5/8 inch rebar with cap "LS 773";
- 3.) North 41°35'59" West, a distance of 71.38 feet to the point of beginning, containing 7,460 square feet or 0.17 acres, more or less.

The public utility easement being released, vacated and abandoned is 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 3rd DAY OF FEBRUARY 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to form:



No Publication Required

RESOLUTION NO. R-20-15A RESOLUTION AUTHORIZING AGREEMENTS FOR
EASEMENTS FOR THE GREG SMITH RIVERWALK

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

Section 1: The attached Agreement on behalf of the City of Fort Smith with Clayton Riverfront, LLC regarding trail easements needed for the construction of the Greg Smith Riverwalk is hereby approved.

Section 2: The attached Agreement on behalf of the City of Fort Smith with Westphal Leasing, LLC, Riverfront Exploration, LLC, Ozarks Oil & Gas, Inc., Bennie B. Westphal, Robin W. Clegg, Exotic Imports, Inc. and BancorpSouth Bank, Trustee of the Harry Schwartz Family Trust (collectively the "Owners") regarding trail easements needed for the construction of the Greg Smith Riverwalk is hereby approved.

Section 3: The attached Agreement on behalf of the City of Fort Smith with U.S. Marshall's Museum, Inc. regarding trail easements needed for the construction of the Greg Smith Riverwalk is hereby approved.

Section 4: The City Administrator is hereby authorized to execute the Agreements approved by Sections 1, 2 and 3 of this Resolution. The City Administrator is hereby authorized to accept, record and utilize for the purposes of the Greg Smith Riverwalk, trail easements from the owners identified in Sections 1, 2 and 3 substantially in the form of the Exhibit "B" attachments to each Agreement. Upon receipt of satisfactory trail easements substantially in the form of Exhibit "B" attached to each Agreement and verification of absence of title

issues, the City Administrator is authorized to execute the release documents to release the City's rights in the Trail/Lease Easement Agreement attached as Exhibit "A" to the Agreement approved by Section 1 and the Trail Easement Agreement attached as Exhibit "A" to the Agreement approved by Section 2.

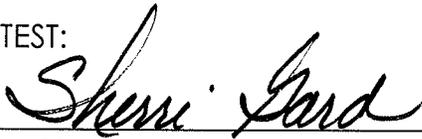
This Resolution adopted this 3rd day of February, 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



npr

RESOLUTION R.21-15

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS,
CONCERNING ADMINISTRATION AND FUNDING FOR THE
HOMELAND SECURITY GRANT PROGRAM.**

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, Police Department and Sebastian County Office of Emergency Management, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings for the administration of the Homeland Security Grant funds awarded to Fort Smith Police Department SWAT in the amount of \$125,590.00.

Section 2: The Mayor, his signature being attested by the City clerk, is hereby authorized to execute this Memorandum of Understanding to which the City of Fort Smith is a party.

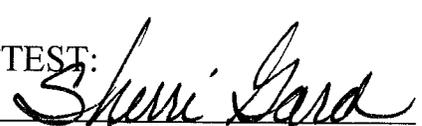
THIS RESOLUTION ADOPTED this 3rd day of February 2015.

APPROVED:



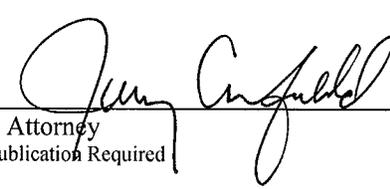
Mayor

ATTEST:



City Clerk

Approved as to Form



City Attorney
No Publication Required

ORDINANCE DECLARING AN EXCEPTIONAL SITUATION AND WAIVING
THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE REHABILITATION
OF THE LEE CREEK FACILITY'S HORIZONTAL KAPLAN S-TURBINE

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

WHEREAS, the Federal Energy Regulatory Commission license issued for the Lee Creek water project required the installation of the hydro-electric turbine generation equipment with stipulations for its operation and maintenance; and,

WHEREAS, the hydro-turbine is currently out of service due to normal wear from its 22 years of operation and must undergo refurbishment of its operating components to restore it to an operating condition as required by the license conditions; and,

WHEREAS, the required specialized machining services required for the rehabilitation of a horizontal Kaplan S-turbine are not available within the local service area making it not feasible to seek competitive bids:

SECTION 1: Because it is not feasible to obtain competitive bids (beyond the acquired competitive proposals for services) for the making of the necessary repairs to the Lee Creek hydro-turbine, it is determined that any requirement of competitive bids is hereby waived.

SECTION 2: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached contract with Precision Machine and Supply, Inc., of Spokane, Washington, in the amount of \$343,764.00, for the making of such repairs.

PASSED AND APPROVED this 3rd day of February ~~January~~ 2015.

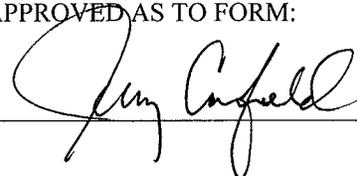
APPROVED:


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 YEAR 2015 SEWER SYSTEM ASSESSMENTS

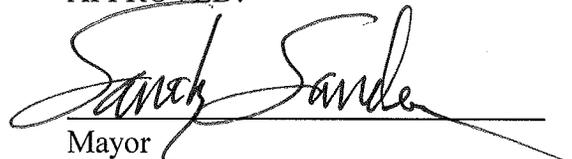
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

SECTION 1: An Agreement with RJN Group, Inc., for providing engineering services
associated with the Year 2015 Sewer System Assessments, Project Number 15-04-ED1, is hereby
approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for professional
engineering services in the amount of \$1,028,990.48.

This Resolution adopted this 3rd day of February 2015.

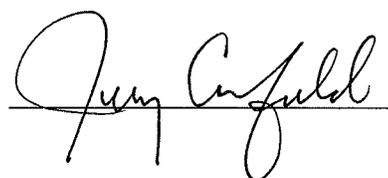
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE
MAYOR TO EXECUTE A CONTRACT WITH DALE CRAMPTON COMPANY
FOR THE 3900 KELLEY HIGHWAY ROOF RENOVATION

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

SECTION 1: The bid of Dale Crampton Company for the 3900 Kelley Highway
Roof Renovation, Project Number 14-05-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Dale Crampton
Company in the amount of \$297,983.00, for performing said work.

This Resolution adopted this 3rd day of February 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr