

Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

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

Fort Smith Board of Directors REGULAR MEETING

July 21, 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

Dr. Howard Huddle, Southside Baptist 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 JULY 7, 2015 REGULAR MEETING AND JULY 10, 2015 SPECIAL MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Resolution confirming appointment of Acting City Administrator and appointing Acting Deputy City Administrator
Withdrawn from consideration – No action taken
2. Ordinance to amend Article V, Division 2 of the Fort Smith Municipal Code to add Sections 2-187 and 2-188 regarding preference among municipal bidders ~ *Pennartz/Lorenz placed on agenda at the June 23, 2015 study session ~ APPROVED 7 in favor, 0 opposed / Ordinance No. 50-15*

3. Resolution eliminating outside agency funding ~ *Lorenz/Pennartz placed on agenda at the July 14, 2015 study session ~*
APPROVED 4 in favor (Lau, Lorenz, Pennartz & Settle), 0 opposed (Good, Catsavis & Hutchings) / Resolution No. R-124-15
4. Ordinance amending the 2015 Budget ~ *Lau/Pennartz placed on agenda at the July 14, 2015 study session ~*
Unanimously placed on a future study session for discussion within the next 30 days
5. Ordinance amending Ordinance No. 69-13 to adjust the rate schedule for charter services (*Fort Smith Public Transit*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 51-15
6. Consent Agenda
 - A. Resolution authorizing a time extension for the improvements of the “P” Street and “J” Street Storm Water Pump Stations (*143 days*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-125-15
 - B. Resolution accepting completion of and authorizing final payment for the improvements to the “P” Street and “J” Street Storm Water Pump Stations (*\$5,054.45 / Engineering Department / Budgeted – Sales Tax Program Fund*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-126-15
 - C. Resolution authorizing the Mayor to execute a correction easement granting Oklahoma Gas & Electric Company an easement for electric facilities in Kelly Park
APPROVED 7 in favor, 0 opposed / Resolution No. R-127-15
 - D. Resolution granting a temporary revocable license for the placement of concrete steps in a public right-of-way and authorizing the Mayor to execute agreement (*1100 Garrison Avenue / Propak Logistics, Inc.*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-128-15
 - E. Resolution authorizing Change Order No. 2 with Archer Western Construction, LLC for the Zero Street Pump Station Weather Improvements – Pump Station and EQ Storage (*\$8,313.95 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-129-15

- F. Resolution authorizing the Mayor to execute Authorization No. 4 to the agreement for engineering services with RJN Group, Inc. for the Basin 17 Collection System Improvements (\$219,412.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds & upcoming 2015 Water and Sewer Revenue Bonds) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-130-15
- G. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Basin 17 Collection System Improvements (\$2,857,019.30 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds & upcoming 2015 Water and Sewer Revenue Bonds) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-131-15
- H. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Burns & McDonnell for engineering services for the Lake Fort Smith and Lee Creek Fluoride Feed Systems (\$249,000.00 / Utility Department / Budgeted – Grant Funds)
DEFEATED 3 in favor (Good, Lorenz & Hutchings), 4 opposed (Lau, Catsavis, Pennartz & Settle)
- I. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the Lake Fort Smith and Lee Creek Fluoride Feed Systems (\$1,586,300.00 / Utility Department / Budgeted – Grant Funds)
APPROVED 7 in favor, 0 opposed / Resolution No. R-132-15
- J. Resolution accepting the bid for sale of a surplus parcel of land and authorizing the Mayor and City Attorney to execute all necessary and legal documentation pertaining to the land thereof (900 North 14th Street)
BID REJECTED BY MOTION 6 in favor, 1 opposed (Hutchings)
- K. Resolution to acquire property (water storage tank property near Massard Road)
APPROVED 7 in favor, 0 opposed / Resolution No. R-133-15

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>

EXECUTIVE SESSION (approximately 6:59 p.m.)

Appointments:

CAPITAL IMPROVEMENT PLAN ADVISORY COMMITTEE

Stan Vlademar – Ward 1

William Lamon – Ward 2

Tiffinee Baker – Ward 2

Robert Brown – Ward 3

Aaron St. Amant – Ward 3

David Armbruster – Ward 4

Philip Rosar – Ward 4

Terms expire July 21, 2016; July 21, 2017; and, July 21, 2018.

(Per Ordinance 40-15, specific terms will be determined by lot for each member at the first meeting)

HISTORIC DISTRICT COMMISSION

Cheryl Boswell

Term expires July 31, 2018

OUTSIDE AGENCY REVIEW PANEL

No action taken

PARKS AND RECREATION COMMISSION

Madeline Marquette

Term expires August 31, 2010

ADJOURN

7:20 p.m.

ORDINANCE NO. 50-15

**AN ORDINANCE TO AMEND ARTICLE V, DIVISION 2 OF THE
FORT SMITH MUNICIPAL CODE TO ADD SECTIONS 2-187 AND
2-188 REGARDING PREFERENCE AMONG MUNICIPAL BIDDERS**

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

Section 1: The Fort Smith Municipal Code is amended to add Sections 2-187 and 2-188 to read as follows:

Section 2-187. Definitions.

The following words and phrases shall for the purpose of Section 2-188 have the following meanings:

(1) "Commodities" means all property, including without limitation, equipment, printing, stationery, supplies (to the extent not purchased pursuant to section 2-182(d)), and capital improvements, but excluding leases on real property, real property, or a permanent interest in real property, and exempt commodities and services;

(2) "Firm resident in the city" means any individual, partnership, association, or corporation, whether domestic or foreign, that:

(A) Maintains at least one (1) staffed place of business located within the corporate limits of the city;

(B) For not less than two (2) successive years immediately before submitting a bid, has paid taxes to the county that benefit the city on either real or personal property used or intended to be used in connection with the firm's business; and,

(C) Has a valid business registration/license with the city.

(3) "Lowest qualified bid" means the lowest bid that conforms to the specifications and request for bids.

(4) "City" means the City of Fort Smith;

(5) "Nonresident firm" means a firm that is not included in the definition of a "firm resident in the city"; and

(6) "Services" means labor, time, or effort furnished by a contractor.

Section 2-188.

(1)(A) In the purchase of commodities or services by competitive bidding, a preference of five percent (5%) shall be granted to the lowest qualified bid for a bidder that qualifies as a firm resident in the city.

(B) The maximum monetary amount of any preference granted, regardless of the bid amount or percentage of preference, shall be One Hundred Thousand Dollars (\$100,000.00).

(C)(i) In calculating the preference to be allowed, the total amount of each bid of each firm resident in the city who claims the preference shall be reduced by five percent (5%) from the total amount of each bid.

(ii) If after making the deduction, the bid of any firm resident in the city claiming the preference is lower than the bid of the nonresident firm, then the award shall be made to the firm resident in the city that submitted the lowest qualified bid, whether or not that particular firm resident in the city claimed the preference.

(2)(A) The preference provided for in this section only applies in comparing bids when one (1) or more bids are by a firm resident in the city and the other bid or bids are by a nonresident firm.

(B) The preference provided for in this section does not apply to competing bids of firm residents in the city after preferential rejection of the bids of nonresident firms, nor to the situation where all bidders are firm residents in the city.

(C)(i) If any provision or condition of this section conflicts with any provision of federal or state law or any rule or regulation made under federal or state law pertaining to federal grants-in-aid programs or other federal or state aid programs, the provision or condition shall not apply to the state-supported or federal-supported contracts for the purchase of commodities or services to the extent that the conflict exists.

(ii) However, all provisions or conditions of this section with which there is no conflict apply to contracts to purchase commodities or services to be paid, in whole or in part, from federal funds.

(3) The provisions of this section shall apply to public works projects, capital improvements, commodities, materials, equipment, and services procured by the city, including those purchases and contracts for services made pursuant to section 2-182(b) and (c).

(4) When circumstances arise to which this section and Ark. Stat. Ann. § 19-11-259 (regarding preferences among bidders) apply, both the preference provided under this section and the preference provided under Ark. Stat. Ann. § 19-11-259 shall also apply.

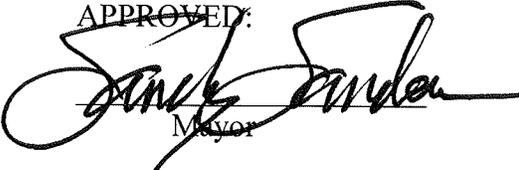
(5) To the extent that federal purchasing laws or bidding preferences conflict, this section does not apply to projects related to supplying water or wastewater utility services, operations, or maintenance to a federal military installation by a municipality of the state.

Section 2: Emergency Clause. In order to provide for a preference to be given to local bidders, under certain specific circumstances, as allowed by state statute, and it being necessary to provide for the general welfare of the City's inhabitants, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after July 22, 2015.

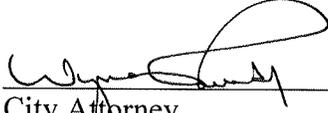
PASSED AND APPROVED THIS 21st DAY OF July, 2015.

ATTEST:

City Clerk

APPROVED:

Mayor

Approved as to form:


City Attorney
Publish 1 time

RESOLUTION NO. R.124-15

A RESOLUTION ELIMINATING OUTSIDE AGENCY FUNDING

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

The funding allocation for the outside agency funding program is hereby eliminated from consideration in the 2016 Budget.

THIS RESOLUTION ADOPTED THIS 21st DAY OF July, 2015.

APPROVED:

MAYOR



A handwritten signature in black ink, appearing to read "Sandy Sank", written over a horizontal line.

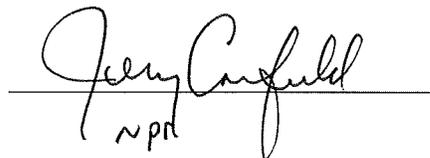
ATTEST:



A handwritten signature in black ink, appearing to read "Sheri Gerd", written over a horizontal line.

CITY CLERK

Approved as to form:



A handwritten signature in black ink, appearing to read "Jerry Confield", written over a horizontal line. Below the signature, the initials "JPC" are written.

ORDINANCE NO. 51-15

AN ORDINANCE AMENDING ORDINANCE NO. 69-13
TO ADJUST THE RATE SCHEDULE FOR CHARTER SERVICES

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

Section 1: The Transit Department Services Rate Schedule approved by Ordinance No.
69-13 on December 3, 2013, is amended effective January 3, 2016, as follows:

Charter Service City of Fort Smith Department Rates:

First Hour – \$95.00 (\$25.00 for admin. + \$70.00 service hour) Each Additional
Hour – \$70.00

Charter Service Private Charter Rates (all other entities besides city departments):

First Hour – \$200.00 (Includes local deadhead travel) Each Additional Hour –
\$100.00

All charters require a minimum seven (7) day advance reservation notice and are subject
to federal approval.

Section 2: In all other respects, the existing Transit Department Service Rate Schedule
adopted by Ordinance 69-13 shall remain in effect.

PASSED AND APPROVED THIS 21st DAY OF July, 2015.

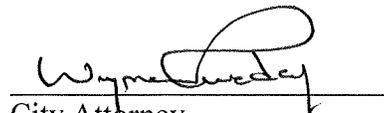
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
Publish 1 time

RESOLUTION R-125-15

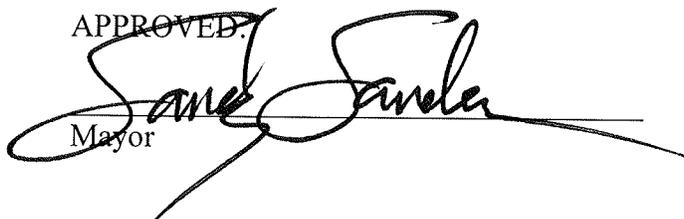
A RESOLUTION AUTHORIZING A TIME EXTENSION
FOR THE IMPROVEMENTS OF THE
"P" STREET AND "J" STREET STORM WATER PUMP STATIONS
PROJECT NO. 12-06-F

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

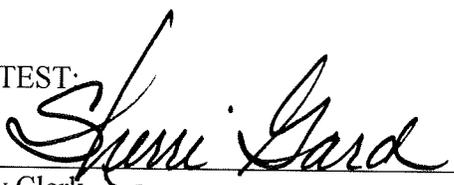
SECTION 1: A time extension with VEI General Contractors, Inc., for the improvements to the "P" Street and "J" Street Storm Water Pump Stations, Project 12-06-F, which increases the contract time by 143 calendar days, is hereby approved.

This resolution adopted this 21st day of July, 2015.

APPROVED:

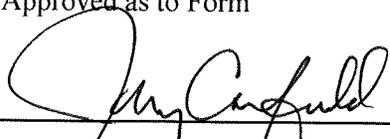

Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

RESOLUTION R-126-15

A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE IMPROVEMENTS
TO THE "P" STREET AND "J" STREET WATER PUMP STATION IMPROVEMENTS
PROJECT NO. 12-06-F

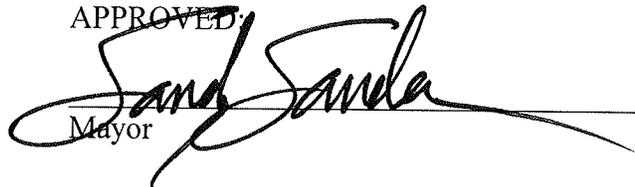
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the improvements to the "P" Street and "J" Street Storm Water Pump Station Improvements, Project 12-06-F, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$5,054.45 to the contractor, VEI General Contractors Inc, for Project 12-06-F.

This resolution adopted this 21st day of July, 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


No Publication Required

RESOLUTION NO. R-127-15

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CORRECTION EASEMENT GRANTING OKLAHOMA GAS & ELECTRIC COMPANY AN EASEMENT FOR ELECTRIC FACILITIES IN KELLY PARK

WHEREAS, on January 17, 2001, the City of Fort Smith granted Oklahoma Gas & Electric Company (OG&E) a 10-foot wide easement within Kelly Park for electrical facilities, and;

WHEREAS, OG&E recently discovered that the legal description for the easement that had been provided by OG&E to the City of Fort Smith contained a scrivener's error, and;

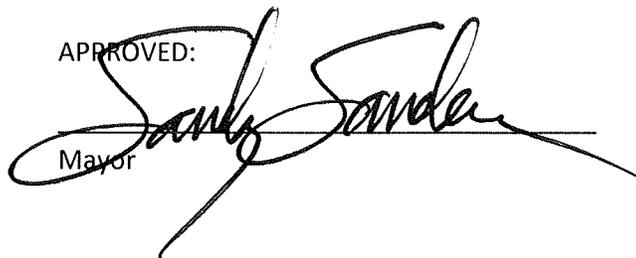
WHEREAS, the corrected legal description shall read as follows:

A ten (10) foot wide easement being five (5) feet each side of the centerline lying in the Southeast Quarter of the Northwest Quarter of Section 22, Township 8 North, Range 32 West, being more particularly described as follows: Commencing at the NW/corner of the SW/4 SE/4 NW/4 of said Section 22; thence North 5 feet; thence South 86 deg. East 50 feet to the East right of way line of Old Greenwood Road for the point of beginning of centerline of said easement; thence South 55 deg. East 110 feet to and including an existing padmount for the point of terminus.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the Mayor is hereby authorized to execute the correction easement.

This Resolution passed this 21st day of July 2015.

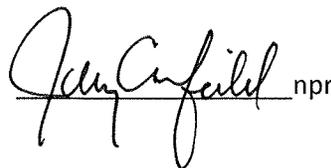
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

6D.

RESOLUTION NO. R-128-15

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE
PLACEMENT OF CONCRETE STEPS IN A PUBLIC RIGHT-OF-WAY
AND
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT**

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

SECTION 1: A Temporary Revocable License is hereby granted to Propak Logistics, Inc., its successors or assigns for the placement and maintenance of concrete steps within a public right-of-way as shown on Exhibit "A" and adjacent to the following described property:

Fitzgerald Addition, Part Lot 4, Block A, an addition to the City of Fort Smith Sebastian County, Arkansas.

SECTION 2: The Mayor is authorized to execute the agreement for the above-captioned Temporary Revocable License.

THIS RESOLUTION ADOPTED THIS 21st DAY OF July 2015.

APPROVED: ~~_____~~


Mayor

ATTEST:


City Clerk

Approved as to form:



RESOLUTION AUTHORIZING CHANGE ORDER NUMBER TWO WITH ARCHER WESTERN CONSTRUCTION, LLC FOR THE ZERO STREET PUMP STATION WEATHER IMPROVEMENTS – PUMP STATION AND EQ STORAGE

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

Change Order Number Two with Archer Western Construction, LLC for the Zero Street Pump Station Wet Weather Improvements – Pump Station and EQ Storage, Project Number 09-17-C2, in the amount of \$8,313.95, adjusting the final contract amount to \$12,244,323.15 and adding 29 calendar days to the contract, is hereby approved.

This Resolution adopted this 21st day of July 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER FOUR TO THE AGREEMENT FOR ENGINEERING SERVICES WITH RJN GROUP, INC., FOR THE BASIN 17 COLLECTION SYSTEM IMPROVEMENTS

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

SECTION 1: Authorization Number Four with RJN Group, Inc., for engineering construction phase services associated with Basin 17 Collection System Improvements, Project Number 12-14-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Four in the amount of \$219,412.00, for performance of said services.

This Resolution adopted this 21st day of July 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 FORSGREN, INC.,
FOR THE BASIN 17 COLLECTION SYSTEM IMPROVEMENTS

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

SECTION 1: The bid of Forsgren, Inc., for the construction of the Basin 17 Collection
System Improvements, Project Number 12-14-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Forsgren, Inc.,
for an amount of \$2,857,019.30, for performing said construction.

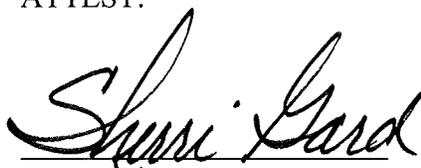
This Resolution adopted this 21st day of July 2015.

APPROVED:



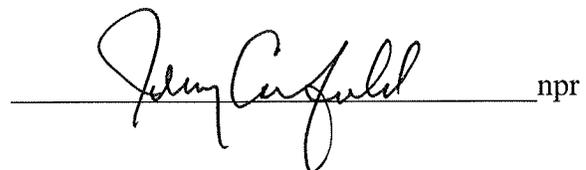
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

DEFEATED

at the July 21, 2015 regular meeting

3 in favor (Good, Lorenz & Hutchings)
4 opposed (Lau, Catsavis, Pennartz & Settle)

RESOLUTION NO. _____

6 H

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION
NUMBER TWO TO THE AGREEMENT WITH BURNS & MCDONNELL FOR
ENGINEERING SERVICES FOR THE LAKE FORT SMITH AND
LEE CREEK FLUORIDE FEED SYSTEMS

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

SECTION 1: Authorization Number Two with Burns & McDonnell for engineering
construction phase services associated with the Lake Fort Smith and Lee Creek Fluoride Feed
Systems, Project Number 14-10-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Authorization Number Two
in the amount of \$249,000.00, for performance of said services.

This Resolution adopted this _____ day of July 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Jerry Carfield npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH GOODWIN & GOODWIN, INC., FOR THE LAKE FORT SMITH AND LEE CREEK FLUORIDE FEED SYSTEMS

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

SECTION 1: The bid of Goodwin & Goodwin, Inc., for the construction of the Lake Fort Smith and Lee Creek Fluoride Feed Systems, Project Number 14-10-C1, is hereby accepted.

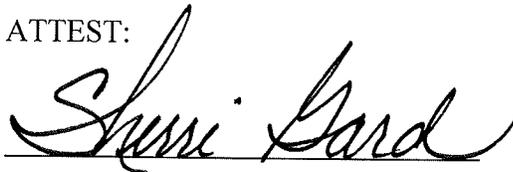
SECTION 2: The Mayor is hereby authorized to execute a contract with Goodwin & Goodwin, Inc., for an amount of \$1,586,300.00, for performing said construction.

This Resolution adopted this 21st day of July 2015.

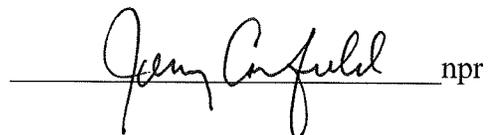
APPROVED:


Mayor

ATTEST:



APPROVED AS TO FORM:


_____ npr

BID REJECTED

at the July 21, 2015 regular meeting
(Rejected via motion - attached)

6J

6 in favor / 1 opposed (Hutchings)

RESOLUTION NO. _____

**RESOLUTION ACCEPTING BID FOR THE SALE OF SURPLUS PARCEL
OF LAND AND AUTHORIZING THE MAYOR AND CITY ATTORNEY
TO EXECUTE ALL NECESSARY AND LEGAL DOCUMENTATION
PERTAINING TO THE LAND THEREOF**

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

SECTION 1: The Board of City Directors have declared vacant land located at 900 North 14th Street, Lot 1 Block 107 of Kennedy Subdivision to be surplus property owned by the City of Fort Smith and authorized the publication of an invitation to bid by the public.

SECTION 2: In response to the invitation to bid, Fort Smith Public Schools was determined to be the only responsible bidder by submitting a bid of \$100.00.

SECTION 3: The Mayor is authorized to execute all necessary documents to convey the identified property to Fort Smith Public Schools for \$100.00 subject to the terms and conditions of the invitation to bid published on March 28, 2015. The Mayor and City Attorney are authorized to take all necessary actions to effectuate the approved sale.

This Resolution adopted this _____ day of July, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

 NPR

MOTION

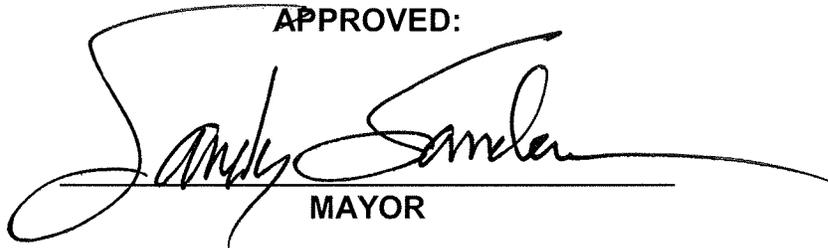
A MOTION TO REJECT THE BID FOR PURCHASE OF A SURPLUS PARCEL OF LAND LOCATED AT 900 NORTH 14TH STREET

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

The City of Fort Smith hereby rejects the bid of \$100 from the Fort Smith Public Schools to purchase a surplus parcel of land located at 900 North 14th Street, as presented for consideration as Item No. 6J at the July 21, 2015 regular meeting.

THIS MOTION ADOPTED this 21st day of July, 2015.

APPROVED:



MAYOR

ATTEST:



CITY CLERK

RESOLUTION NO. R-133-15

RESOLUTION TO ACQUIRE PROPERTY

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT

SMITH, ARKANSAS, that:

Whereas, certain real property owned by the United States, located in the County of Sebastian, State of Arkansas, has been declared surplus and is subject to assignment for disposal for public health purposes by the Secretary of Health and Human Services under the provisions of Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, and regulations promulgated pursuant thereto, more particularly described as follows:

Part of the West Half of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas; being more particularly described as follows:

Commencing at the Southeast Corner of Government Lot 2 of the Northwest Quarter of said Section 7; Thence along the South Line of said Government Lot 2, N87°12'36"W, 33.92 feet to the easterly line of the City of Fort Smith Landfill Property; Thence along said easterly line, N25°57'24"W, 32.31 feet to the Point of Beginning; Thence S80°58'51"W, 30.66 feet to an existing fence line; Thence along said fence line, S04°03'11"E, 104.41 feet to a point on the southerly line of said Property; Thence along said southerly line, S76°51'52"W, 396.95 feet; Thence leaving said southerly line, N00°00'00", 253.80 feet; Thence N76°51'52"E, 353.05 feet to a point on said easterly line; Thence along said easterly line, S25°57'24"E, 150.00 feet to the Point of Beginning. Containing 96,212 square feet or 2.21 acres, more or less.

See attached Plat - Exhibit "A"

Whereas, the City of Fort Smith, Arkansas needs and can utilize said property for public health purposes in accordance with the requirements of said Act and the rules and regulations promulgated pursuant thereto, of which this Board is fully informed, including commitments regarding use and time within which such use shall commence.

Now, Therefore, Be It Resolved, that the City of Fort Smith, Arkansas has legal authority, is willing, and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that Mayor Sandy Sanders, Mayor, is hereby authorized, for and on behalf of the City of Fort Smith, Arkansas, to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase price thereof, including fees or costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs, together with any payments by virtue of nonuse or deferral of use of the property.

If the applicant is unable to place the property into use with the time limitation indicated below (or determines that a deferral of use should occur), it is understood that the City of Fort Smith, Arkansas will

pay to the Department of Health and Human Services for each month of nonuse beginning twelve (12) months after the date of the deed, or thirty-six (36) months where construction or major renovation is contemplated, the sum of 1/360 of the then market value for each month of nonuse.

This Resolution adopted this 21st day of July, 2015.

APPROVED:

Sandy Sandoz
Mayor

ATTEST:

Sherri Gard
City Clerk

Approved as to form:

Jerry Airfield
City Attorney
No Publication Required

Board of Directors of the City of Fort Smith, Arkansas
Legal Title of Governing Body of Applicant

P.O. Box 1908
Address

Fort Smith Arkansas 72902
City State Zip Code

I, Sherri Gard, hereby certify that I am the
(Name of Certifying Officer)

City Clerk, of the City of Fort Smith
(Title of Certifying Officer) (Title of Governing Body)

and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote

of a majority of members of the Board of Directors present at a meeting of said
(Title of Governing Board)

Board on 21st day July, 2015 at which a quorum was present.

Signature of Certifying Officer

MICKLE-WAGNER-COLEMAN, INC.
Engineers Consultants Surveyors

EXHIBIT "A"

3434 Country Club Avenue
 P.O. Box 1507 Fort Smith,
 Arkansas 72902

Fort Smith Landfill

N76°51'52"E 353.05'

S25°57'24"E 154.03'

Point of Beginning

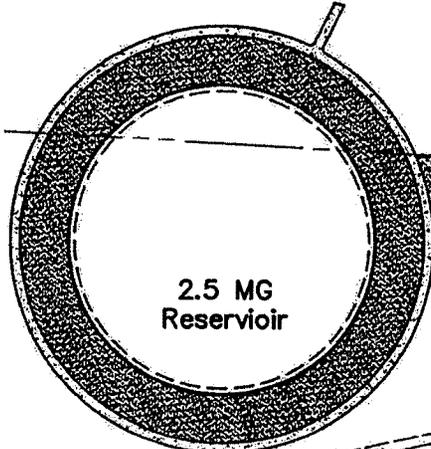
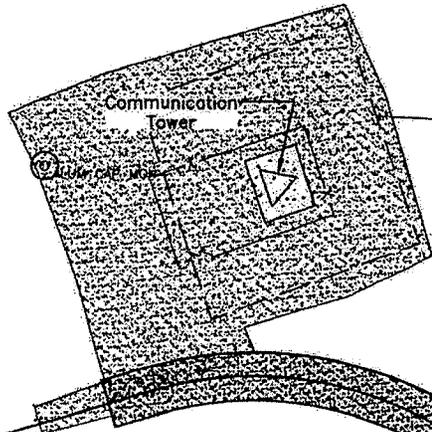
S77°34'09"W 32.40'

30' Access Easement
 Doc. 2013F-17269

2.21 Ac. ±

N25°57'24"W 28.28'
 N87°12'36"W 33.92'

Point of Commencement
 SE Corner
 Government Lot 2 of the
 NW ¼, Section 7, T7N, R31W



2.5 MG
 Reservoir

Barbed Wire
 Fence

Asphalt Bike
 Trail

Access Easement
 Doc. 2013F-17268

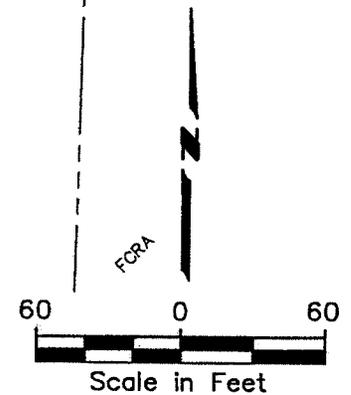
Ben Geren

N00°00'00"E 253.80'

S76°51'52"W 396.95'

S04°03'11"E 98.60'

CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS
2.5 MILLION GALLON RESERVOIR
 PROJECT NO. 12-04-C4
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS



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