

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 ~ SUMMARY

Fort Smith Board of Directors REGULAR MEETING

August 4, 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

Pastor Megan Foote, Evangel Temple

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 21, 2015 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Transitional by classification located at 11300 Roberts Boulevard*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 52-15

2. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned to a Planned Zoning District by classification located at 7500 Wells Lake Road*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 53-15
3. Ordinance amending the special conditions for the Commercial-5 Zoning on the property located at 1520 South “U” Street
APPROVED 7 in favor, 0 opposed / Ordinance No. 54-15
4. Items regarding water and sewer revenue bonds:
 - A. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto (*80/20 Stephens, Inc. & Raymond James*) ~ *Good/Hutchings placed on agenda at the July 14, 2015 study session* ~
NO ACTION TAKEN due to adoption of Item No. 4B
 - B. Resolution authorizing the offering of water and sewer revenue bonds to refund outstanding water and sewer revenue bonds, Series 2005B and to finance sewer improvements; and prescribing other matters relating thereto (*50/50 Stephens, Inc. & Raymond James*) ~ *Settle/Pennartz placed on agenda at the July 14, 2015 study session* ~
APPROVED 4 in favor (Lorenz, Catsavis, Pennartz & Settle), 3 opposed (Lau, Good and Hutchings) as revised to more accurately reflect Director Settle’s motion at the July 14 study session, i.e. 7th recital (“Whereas” clause) / Resolution No. R-134-15
5. 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*)
APPROVED 5 in favor, 2 opposed (Lau & Catsavis) / Resolution No. R-135-15
6. Consent Agenda
 - A. Resolution setting public hearing date on petition to vacate a portion of an alley located in Block 19, South Fort Smith Addition, an addition to the City of Fort Smith, Arkansas
APPROVED 7 in favor, 0 opposed / Resolution No. R-136-15
 - B. Resolution authorizing a special warranty deed and a bill of sale conveying property to Evans Enterprises, Inc. and prescribing other matters pertaining thereto
APPROVED 7 in favor, 0 opposed as revised to correct the original bond amount and date / Resolution No. R-137-15

- C. Resolution authorizing a time extension for the construction of South 7th Street and Parker Avenue Overlay / Reconstruction and Trolley Extension, Project 14-90-A (32 days)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-138-15](#)
- D. Resolution accepting completion of and authorizing final payment for the construction of South 7th Street & Parker Avenue Overlay / Reconstruction and Trolley Extension, Project No. 14-90-A (\$120,048.40 / Engineering Department / Budgeted – Sales Tax Program Fund)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-139-15](#)
- E. Resolution authorizing the Mayor to execute an electric utility easement with Oklahoma Gas & Electric for the River Valley Sports Complex
[APPROVED 7 in favor, 0 opposed / Resolution No. R-140-15](#)
- F. Resolution accepting Change Order No. 1 with Creative Design Pools, LLC for construction of the Compass Park Splash Pad (\$7,416.11 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦
[APPROVED 7 in favor, 0 opposed / Resolution No. R-141-15](#)
- G. Resolution accepting completion of and authorizing final payment to Creative Design Pools, LLC for construction of the Compass Park Splash Pad (\$18,166.74 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦
[APPROVED 7 in favor, 0 opposed / Resolution No. R-142-15](#)
- H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with KBM Industrial Services, Inc. for the Lee Creek Water Treatment Plant Trash Rake Access Platforms (\$39,971.61 / Utility Department / Budgeted – Water and Sewer Operations Budget)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-143-15](#)
- I. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for the Mill Creek Interceptor Improvements – Phase II (96 days)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-144-15](#)
- J. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the Mill Creek Interceptor Improvements – Phase II (\$114,596.71 / Utility Department / Budgeted – 2012 and 2014 Sales and Use Tax Bonds)
[APPROVED 7 in favor, 0 opposed / Resolution No. R-145-15](#)

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 7:26 p.m.)

Appointment: Acting City Administrator ~ *Placed on agenda at the July 10, 2015 special meeting* ~
See Item No. 7

7. Resolution confirming appointment of Jeff Dingman as Acting City Administrator and authorizing execution of agreement pertaining thereto
APPROVED 7 in favor, 0 opposed / Resolution No. R-146-15

ADJOURN

7:53 p.m.

ORDINANCE NO. 52-15AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 8-7-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 14, 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: That the following properties to-wit:

Part of Northeast Quarter of the Northwest Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Northeast Quarter of the Northwest Quarter; Thence along the west line of said Northeast Quarter of the Northwest Quarter, S02°41'29"W, 96.18 feet to a point on the southerly right-of-way line of Roberts Boulevard as established by AHTD Job 001747; Thence along said right-of-way line the following courses: N89°49'08"E, 94.98 feet to an existing AHTD right-of-way monument; N01°45'02"E, 30.09 feet to an existing 1/2" rebar with cap stamped MWC 1369 on said right-of-way line as established by Document Number 2014F-16552; Thence along said right-of-way line the following courses: 675.29 feet along the arc of a curve to the right, said curve having a radius of 965.60 feet and being subtended by a chord having a bearing of S68°23'40"E and a distance of 661.61 feet to an existing 1/2" rebar with cap stamped MWC 1369; S45°27'55"E, 42.42 feet to the Point of Beginning and a set 1/2" rebar with cap stamped MWC 1369; Continuing along said right-of-way line, S45°27'55"E, 180.00 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said right-of-way line, S44°05'10"W, 210.00 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N45°27'55"W, 180.00 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N44°05'10"E, 210.00 feet to the Point of Beginning. Containing 0.87 acres, more or less.

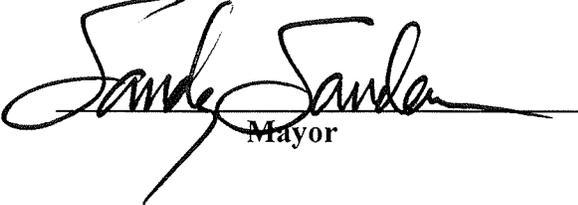
more commonly known as 11300 Roberts Boulevard, should be, and is hereby rezoned from Not Zoned to Transitional by Classification, subject to the development plan approved by the

Planning Commission. Any significant changes or amendments to the development plan must be approved by the Planning Commission.

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

PASSED AND APPROVED THIS 4th DAY OF August, 2015.

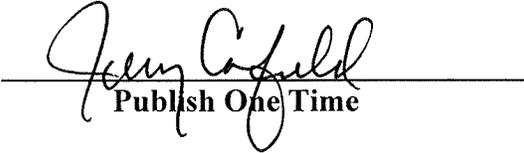
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


Publish One Time

Rezoning #8-7-15: From Not Zoned to Transitional (T)
 11300 Roberts Boulevard

30



- July 7, 2015
- Fort Smith City Limits
 - Building Footprints
 - Zoning
 - Subdivisions



ORDINANCE NO. 53-15AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 9-7-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 14, 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: That the following properties to-wit:

Part of the Southeast Quarter of the Southeast Quarter of Section 6, and part of the Southwest Quarter of the Southwest Quarter of Section 5, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 6, said point being marked with an existing ½" rebar with cap stamped PLS 1272; thence along the South line of said Section 6, N87°14'55"W, 334.55 feet to a point on the westerly right-of-way line of Wells Lake Road; thence leaving said South line and along said westerly right-of-way line the following courses: 138.19 feet along the arc of a curve to the right, said curve having a radius of 1740.00 feet and being subtended by a chord having a bearing of N 28°35'37"E and a distance of 138.15 feet, N 30°52'08"E, 179.11 feet to the Point of Beginning, said point being marked with a set ½" rebar with cap stamped MWC 1369; thence leaving said westerly right-of-way line, N 59°15'55"W, 333.24 feet to a set ½" rebar with cap stamped MWC 1369; thence N 79°30'45"W, 315.46 feet to a set ½" rebar with cap stamped MWC 1369; thence N 30°52'08"E, 709.17 feet to a set ½" rebar with cap stamped MWC 1369; thence S 59°15'55"E, 628.96 feet to a point on said westerly right-of-way line; thence along said westerly right-of-way line, S 30°52'08"W, 600.00 feet to the Point of Beginning, containing 9.03 acres, more or less.

more commonly known as 7500 Wells Lake Road, should be, and is hereby rezoned from Not Zoned to a Planned Zoning District by Classification. The approved change in zoning

classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

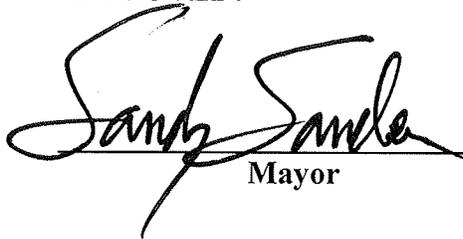
PASSED AND APPROVED THIS 4th DAY OF August, 2015.

ATTEST:



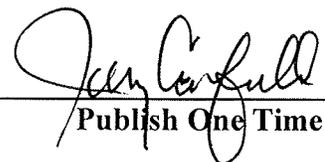
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

Rezoning #9-7-15: From Not Zoned to Planned Zoning District (PZD)
7500 Wells Lake Road

6F



July 8, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions

ORDINANCE NO. 54-15

AN ORDINANCE AMENDING THE SPECIAL CONDITIONS FOR THE COMMERCIAL-5 ZONING ON THE PROPERTY LOCATED AT 1520 SOUTH U STREET

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 10-7-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on July 14, 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:

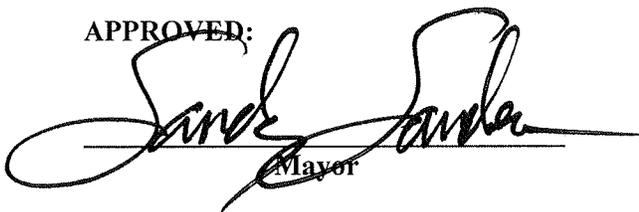
SECTION 1: That the following properties to-wit:

Lots 5 & 6 Block 59 Bailey Addition

more commonly known as 1520 South "U" Street, should be, and is hereby rezoned from Commercial Heavy (C-5), subject to condition imposed by Ordinance #88-11 to Commercial Heavy (C-5) by Classification, subject to the development plan approved by the Planning Commission on July 14, 2015.

PASSED AND APPROVED THIS 4th DAY OF August, 2015.

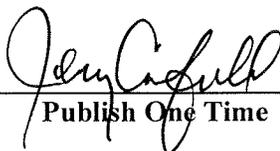
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


Publish One Time

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE OFFERING OF WATER AND SEWER REVENUE BONDS TO REFUND OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2005B AND TO FINANCE SEWER IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of Fort Smith, Arkansas (the “City”) owns and operates a water and sewer system (the “System”) that requires ongoing maintenance, upgrade, and capital improvement; and

WHEREAS, the City has outstanding its Water and Sewer Revenue Bonds, Series 2005B (the “2005B Bonds”) that are payable from and secured by revenues of the System; and

WHEREAS, in order to achieve debt service savings, it is in the best interest of the City to refund the 2005B Bonds; and

WHEREAS, specific programs, replacements, upgrades and general capital improvements to the System have been identified in order to meet specific requirements set forth in a Consent Decree entered against the City for violations of the Clean Water Act; and

WHEREAS, the City has determined that the City should issue Water and Sewer Revenue Bonds in series and that the City should proceed with the issuance of the bonds (the “Series 2015 Bonds”) to accomplish the refunding of the 2005B Bonds and the financing of sewer improvements; and

WHEREAS, water and sewer usage rates have been adjusted in anticipation of meeting debt service obligations related to such bonds; and

WHEREAS, pursuant to the authority granted in the Arkansas statutes authorizing the issuance of the Series 2015 Bonds, including particularly A.C.A. §14-164-409, the City has determined to sell the Series 2015 Bonds on a negotiated basis to Stephens Inc. and Raymond James & Associates, Inc. as underwriters (the “Underwriters”), with Stephens Inc. serving as the senior book running manager and receiving all associated management fees; and

WHEREAS, the Series 2015 Bonds shall be allocated between the Underwriters as follows: Stephens Inc. – 80% of Series 2015 Bonds; and Raymond James & Associates, Inc. – 20% of Series 2015 Bonds.

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

Section 1. The offering of the Series 2015 Bonds by the Underwriters as set forth herein is hereby authorized.

Section 2. The officials of the City are authorized to cooperate with the Underwriters, and Friday, Eldredge & Clark, LLP, as Bond Counsel, in the preparation of a preliminary official statement and bond ordinance and are further authorized to execute such writings and take such actions as may be appropriate to the offering of the Series 2015 Bonds.

Section 3. As the issuance of the Series 2015 Bonds is, under Arkansas law, subject to the approval of the Board of Directors, by ordinance, any sale of the Series 2015 Bonds will be subject to the approval of the Board of Directors.

This Resolution passed this 4th day of August, 2015.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney
No publication required

CERTIFICATE

The undersigned, City Clerk of the City of Fort Smith, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a regular session of the Board of Directors of the City, held at the regular meeting place of the Board at 6:00 o'clock p.m. on the _____ day of August, 2015

City Clerk

(SEAL)

RESOLUTION NO.

R-134-15

4B
(revised)

A RESOLUTION AUTHORIZING THE OFFERING OF WATER AND SEWER REVENUE BONDS TO REFUND OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2005B AND TO FINANCE SEWER IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of Fort Smith, Arkansas (the "City") owns and operates a water and sewer system (the "System") that requires ongoing maintenance, upgrade, and capital improvement; and

WHEREAS, the City has outstanding its Water and Sewer Revenue Bonds, Series 2005B (the "2005B Bonds") that are payable from and secured by revenues of the System; and

WHEREAS, in order to achieve debt service savings, it is in the best interest of the City to refund the 2005B Bonds; and

WHEREAS, specific programs, replacements, upgrades and general capital improvements to the System have been identified in order to meet specific requirements set forth in a Consent Decree entered against the City for violations of the Clean Water Act; and

WHEREAS, the City has determined that the City should issue Water and Sewer Revenue Bonds in series and that the City should proceed with the issuance of the bonds (the "Series 2015 Bonds") to accomplish the refunding of the 2005B Bonds and the financing of sewer improvements; and

WHEREAS, water and sewer usage rates have been adjusted in anticipation of meeting debt service obligations related to such bonds; and

WHEREAS, pursuant to the authority granted in the Arkansas statutes authorizing the issuance of the Series 2015 Bonds, including particularly A.C.A. §14-164-409, the City has determined to sell the Series 2015 Bonds on a negotiated basis to Stephens Inc. and Raymond James & Associates, Inc. as underwriters (the "Underwriters") with Raymond James & Associates, Inc. designated as senior book running manager for the Series 2015 Bonds (intending that such designation will alternate between the Underwriters on any subsequent issues) and all associated management fees are to be evenly distributed among the Underwriters; and

WHEREAS, the Series 2015 Bonds shall be allocated between the Underwriters as follows: Stephens Inc. – 50% of Series 2015 Bonds; and Raymond James & Associates, Inc. – 50% of Series 2015 Bonds.

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

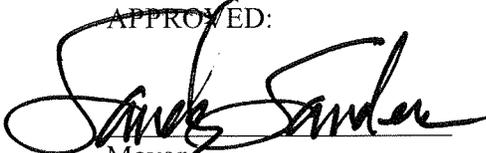
Section 1. The offering of the Series 2015 Bonds by the Underwriters as set forth herein is hereby authorized.

Section 2. The officials of the City are authorized to cooperate with the Underwriters, and Friday, Eldredge & Clark, LLP, as Bond Counsel, in the preparation of a preliminary official statement and bond ordinance and are further authorized to execute such writings and take such actions as may be appropriate to the offering of the Series 2015 Bonds.

Section 3. As the issuance of the Series 2015 Bonds is, under Arkansas law, subject to the approval of the Board of Directors, by ordinance, any sale of the Series 2015 Bonds will be subject to the approval of the Board of Directors.

This Resolution passed this 4th day of August, 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Fort Smith, Arkansas (the "City"), hereby certifies that the foregoing is a true and compared copy of a resolution passed at a regular session of the Board of Directors of the City, held at the regular meeting place of the Board at 6:00 o'clock p.m. on the 4th day of August, 2015



Sheri Gard

City Clerk

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.

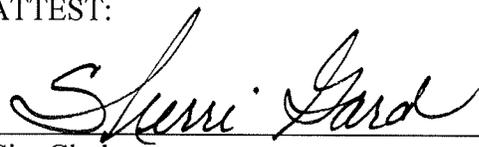
SECTION 2: The Mayor is hereby authorized to execute the Authorization Number Two in the amount of \$249,000.00, for performance of said services.

This Resolution adopted this 4th day of August 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


_____ npr

RESOLUTION NO. R-136-15

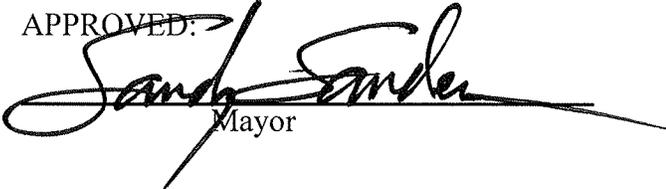
**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION
TO VACATE A PORTION OF AN ALLEY LOCATED IN
BLOCK 19, SOUTH FORT SMITH ADDITION,
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

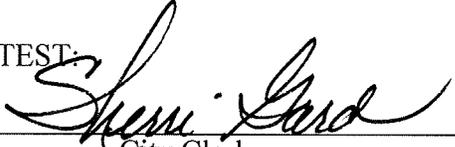
WHEREAS, a petition to vacate a portion of an alley located in Block 19, South Fort Smith Addition, an addition to the City of Fort Smith, Arkansas, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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 18th day of August 2015, 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 14th DAY OF AUGUST 2015.

APPROVED: 
Mayor

ATTEST: 
City Clerk

*Approved as to form
J&E
No publication required*

RESOLUTION NO. R-137-15

**A RESOLUTION AUTHORIZING A SPECIAL WARRANTY DEED
AND A BILL OF SALE CONVEYING PROPERTY TO EVANS
ENTERPRISES, INC. AND PRESCRIBING
OTHER MATTERS PERTAINING THERETO**

WHEREAS, the City of Fort Smith, Arkansas has issued its Industrial Development Revenue Bonds (Evans Electric Project) Series, 1984 Bond Issuance, for the facility located at 4300 Planters Road, Fort Smith, Arkansas (the "Industrial Facility"); and,

WHEREAS, the Industrial Facility is being leased by Evans Enterprises, Inc., pursuant to a Lease and Agreement dated as of July 1, 1984, (The "Lease"); and,

WHEREAS, the lease provides Evans Enterprises, Inc. with the option to purchase the Industrial Facility for a purchase price equal to the principal and interest on the outstanding Bonds plus \$100.00; and,

WHEREAS, the Bonds have been fully redeemed and paid in accordance with the Indenture from rental paid by Evans Enterprises, Inc. in accordance with the Lease; and,

WHEREAS, Evans Enterprises, Inc. has notified the City that it intends to exercise its option to purchase the Industrial Facility.

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

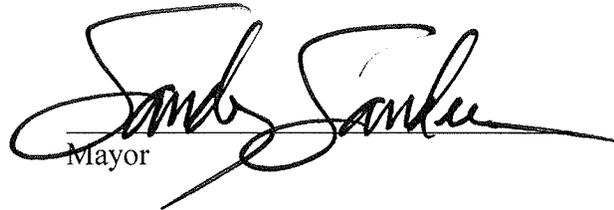
SECTION ONE (1): That there shall be and there is hereby authorized the execution and delivery of a Special Warranty Deed and a Bill of Sale conveying the Industrial Facility to Evans Enterprises, Inc., and the Mayor and City Clerk be, and they are hereby, authorized to execute and deliver the Special Warranty Deed and Bill of Sale for and on behalf of the City. The Special Warranty Deed and the Bill of Sale are hereby approved in substantially the forms submitted to this meeting, and the Mayor is authorized to confer with Evans Enterprises, Inc., and the City Attorney in order to complete the Special Warranty Deed and the Bill of Sale in substantially the forms submitted to this meeting with such changes as shall be approved by such persons executing the documents, their execution to constitute conclusive evidence of such approval.

SECTION TWO (2): That the Mayor and City Clerk, for and on behalf of the City be, and they are hereby, authorized to do any and all things necessary to terminate the Lease and to effect the execution of the Special Warranty Deed and the Bill of Sale and the performance of all other acts of whatever nature necessary to carry out the authority conferred by the Resolution.

SECTION THREE (3): That the provisions of this Resolution are hereby declared to be severable and in a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Resolution.

This Resolution adopted this 4th day of August, 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to form:



No Publication Required

RESOLUTION R-138-15

A RESOLUTION AUTHORIZING A TIME EXTENSION
FOR THE CONSTRUCTION OF SOUTH 7TH STREET AND PARKER AVENUE
OVERLAY/RECONSTRUCTION AND TROLLEY EXTENSION
PROJECT NO. 14-90-A

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

SECTION 1: A time extension with Township Builders Inc., for the construction of
South 7th Street and Parker Avenue Overlay/Reconstruction and the Trolley Extension, Project
14-90-A, which increases the contract time by 32 calendar days, is hereby approved.

This resolution adopted this 4th day of August, 2015.

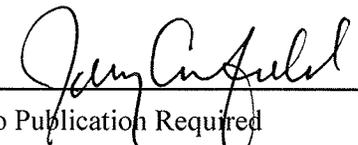
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


No Publication Required

RESOLUTION R-139-15

**A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF SOUTH 7TH STREET AND PARKER AVENUE OVERLAY/RECONSTRUCTION AND TROLLEY EXTENSION
PROJECT NO. 14-90-A**

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 construction of South 7th Street and Parker Avenue Overlay/Reconstruction and the Trolley Extension, Project 14-90-A, as complete.

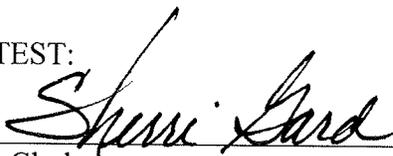
SECTION 2: Final payment is hereby authorized in the amount of \$120,048.40 to the contractor, Township Builders Inc, for Project 14-90-A.

This resolution adopted this 4th day of August, 2015.

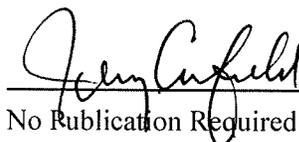
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


No Publication Required

RESOLUTION NO. R-140-15

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ELECTRIC UTILITY EASMENT WITH OG&E FOR THE RIVER VALLEY SPORTS COMPLEX

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

The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached electric utility easement with OG&E for the River Valley Sports Complex.

This Resolution adopted this 4th day of August 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

*Approved as to form
JBC
No publication required*

RESOLUTION NO. R-141-15

A RESOLUTION ACCEPTING CHANGE ORDER NUMBER ONE WITH CREATIVE DESIGN POOLS, LLC FOR THE CONSTRUCTION OF THE COMPASS PARK SPLASH PAD

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

The mayor is hereby authorized to execute Change Order No. 1 with Creative Design Pools, LLC increasing the contract amount by \$7,416.11 and extending the contract time by 34 calendar days.

This Resolution adopted this 4th day of August, 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


No publication required

RESOLUTION NO. R-142-15

A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING
FINAL PAYMENT TO CREATIVE DESIGN POOLS, LLC FOR THE
CONSTRUCTION OF THE COMPASS PARK SPLASH PAD

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 construction of the above
captioned project as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$18,166.74 to
the contractor, Creative Design Pools, LLC, for the above captioned project.

This Resolution adopted this 4th day of August, 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

*Approval as to form
FSC
no publication required*

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH KBM INDUSTRIAL SERVICES, INC., FOR THE LEE CREEK WATER TREATMENT PLANT TRASH RAKE ACCESS PLATFORMS

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

SECTION 1: The bid of KBM Industrial Services, Inc., for the construction of the Lee Creek Water Treatment Trash Rake Access Platforms, Project 15-21-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with KBM Industrial Services, Inc., for an amount of \$39,971.61, for performing said construction.

This Resolution adopted this 4th day of August 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH FORSGREN,
INC., FOR THE MILL CREEK INTERCEPTOR IMPROVEMENTS – PHASE II

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

Change Order Number One to the contract with Forsgren, Inc., for the Mill Creek
Interceptor Improvements – Phase II, Project Number 12-12-C1, adding 96 days to the contract
duration is hereby approved.

This Resolution adopted this 4th day of August 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING
FINAL PAYMENT TO FORSGREN, INC., FOR CONSTRUCTION OF THE
MILL CREEK INTERCEPTOR IMPROVEMENTS – PHASE II

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

SECTION 1: The construction of the Mill Creek Interceptor Improvements – Phase II,
Project Number 12-12-C1, is accepted as complete.

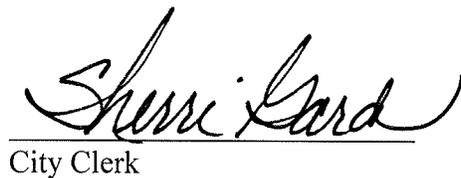
SECTION 2: Final payment to Forsgren, Inc., in the amount of \$114,596.71, is hereby
approved.

This Resolution adopted this 4th day of August 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-146-15

RESOLUTION CONFIRMING APPOINTMENT OF JEFF DINGMAN AS ACTING CITY ADMINISTRATOR AND AUTHORIZING EXECUTION OF AGREEMENT PERTAINING THERETO

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

SECTION 1: The City of Fort Smith Board of Directors hereby confirms the appointment of Jeff Dingman as Acting City Administrator effective August 11, 2015.

SECTION 2: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the attached agreement with Acting City Administrator Jeff Dingman.

THIS RESOLUTION ADOPTED this 4th day of August, 2015.

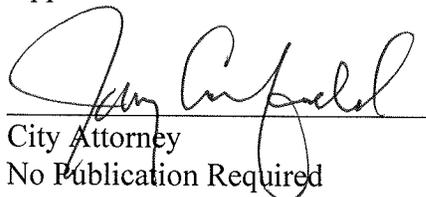
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


City Attorney
No Publication Required