

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**

**November 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**

Youth Pastor Matt Stevenson, 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 OCTOBER 20, 2015 REGULAR MEETING**

**APPROVED** as written

#### **ITEMS OF BUSINESS:**

1. Ordinance to amend Chapter 25, Article II of the Fort Smith Municipal Code to amend billing utilities procedures ~ *Pennartz/Lau placed on agenda at the September 8, 2015 study session / First reading at the October 6, 2015 regular meeting / Second reading at the October 20, 2015 regular meeting ~ **THIRD & FINAL READING***  
Third & final reading / Ordinance No. 71-15

2. Presentation of proposed 2016 Budget  
*Presentation only*
  
3. Items relative to an appeal of the Planning Commission's denial of a requested amendment to the 2009 Unified Development Ordinance (*appeal of Jeremy Jones / River City Cycles*)
  - A. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*add motorcycle or ATV sales and service to the Commercial 6 zoning district as a conditional use*)  
**APPROVED** 7 in favor, 0 opposed / Ordinance No. 72-15
  - B. Resolution affirming the action of the Planning Commission denying the appeal for a text amendment to the 2009 Unified Development Ordinance to add motorcycle or ATV sales and service to the Commercial 6 zoning district as a conditional use  
*No action taken due to adoption of Item No. 3A*
  
4. Items regarding an appeal of the Planning Commission's denial of a conditional use permit (*appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin*)  
**TABLED** for sixty (60) days 7 in favor, 0 opposed
  - A. Resolution approving an appeal of Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue
  - B. Resolution affirming the action of the Planning Commission denying Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue
  
5. Ordinance rezoning identified property and amending the zoning map (*Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8009 Steep Hill Road*)  
**APPROVED** 7 in favor, 0 opposed / Ordinance No. 73-15
  
6. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: Residential Detached to Residential Attached / Rezoning: Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by extension located at 3321 Utica Street*)  
**APPROVED** 7 in favor, 0 opposed / Ordinance No. 74-15
  
7. Ordinance rezoning identified property and amending the zoning map (*Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 7001 Wells Lake Road*)  
**APPROVED** 7 in favor, 0 opposed / Ordinance No. 75-15
  
8. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*microbrewery / microwinery / microdistillery*)  
**APPROVED** 4 in favor (Good, Pennartz, Settle & Hutchings), 0 opposed (Lau, Lorenz and Catsavis) as amended to only allow in Commercial-6 and Industrial

zoning districts as a permitted use. This ordinance did not obtain five (5) affirmative votes required for passage on its first reading. The second reading is scheduled to occur at the November 17, 2015 regular meeting.

9. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*auto body shops in the ETJ Industrial Light zoning district*)  
**APPROVED** 7 in favor, 0 opposed / Ordinance No. 76-15
10. Resolution authorizing the hiring of one internal auditor for Utility ~ *Lau/Settle placed on agenda at the October 20, 2015 regular meeting* ~  
**APPROVED** 5 in favor (Lau, Good, Lorenz, Pennartz & Settle), 1 opposed (Hutchings) and 1 abstention (Catsavis) / Resolution No. R-200-15
11. Ordinance authorizing the appropriation of funds from the Landfill Operating Fund, and accepting the bid of and authorizing the Mayor to execute a contract with Forsgren Inc. for the Landfill Road Reconstruction Project (\$1,393,424.20 / *Sanitation Department / Budgeted - Sinking Fund ~ Landfill Construction*)  
**APPROVED** 7 in favor, 0 opposed / Ordinance No. 77-15
12. Consent Agenda
  - A. Resolution to accept the bid and authorize a contract for the construction of street and parking lot improvements serving the Arkansas College of Osteopathic Medicine, Project No. 15-90-A, EDA Award No. 08-79-04996 (\$2,161,727.73 / *Engineering Department / Budgeted – Sales Tax Program Fund, EDA Grant, Degen Foundation*) ♦  
**APPROVED** 7 in favor, 0 opposed / Resolution No. R-201-15
  - B. Resolution accepting Change Order No. 2 with Dixon Contracting, Inc. for the construction of the Greg Smith Riverwalk (West River Front Trail) (\$8,500.00 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)  
**APPROVED** 7 in favor, 0 opposed / Resolution No. R-202-15
  - C. Resolution authorizing the execution of a memorandum of agreement between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, concerning the administration and funding for the Fiscal Year 2015 Homeland Security Grant Program  
**APPROVED** 7 in favor, 0 opposed / Resolution No. R-203-15

#### **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>

**ADJOURN**  
8:27 p.m.

ORDINANCE NO. 71-15

AN ORDINANCE TO AMEND CHAPTER 25, ARTICLE II, OF THE FORT SMITH MUNICIPAL CODE TO AMEND BILLING UTILITIES PROCEDURES

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

Section 1: Sections 25-43 and 25-45 of the Fort Smith Municipal Code are amended to read as follows:

Section 25-43. When payment due.

All bills for utility services furnished by the city shall be due and payable prior to midnight of the twentieth (20<sup>th</sup>) day following the date of such bill; provided, however, that if such due date shall fall on a Sunday or a legal holiday observed by the city, then such bill shall be due and payable by midnight of the following business day.

Sec. 25-45. - Disconnection for nonpayment.

In the event bills for utility services shall not be paid when the same become due, the city shall have the right to disconnect and discontinue all utility services furnished by the city to the consumer so in arrears. Disconnection shall occur on the thirtieth (30<sup>th</sup>) day following the date of the bill; provided, however, that if such due date shall fall on a Sunday or a legal holiday observed by the city, then such disconnection shall occur on the following business day.

Section 2: This ordinance shall become effective January 1, 2016.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF November, 2015.

ATTEST:

Shirley Gard  
City Clerk

APPROVED:

Samuel Sanda  
Mayor

Approved as to form:

John Campbell  
City Attorney  
Publish 1 time

ORDINANCE NO. 72-15

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

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**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 October 13, 2015, that said changes not be made; and,

**WHEREAS**, an appeal has been filed requesting the Board of Directors approve the amendment; and,

**WHEREAS**, three (3) copies of the November 2015 Amendments to the Unified Development Ordinance allowing motorcycle or ATV sales and service in a Commercial-6 zone 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:**

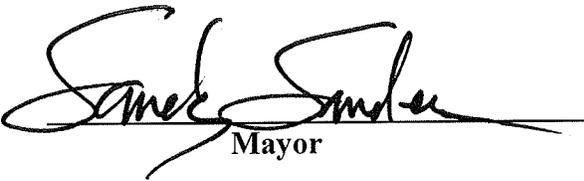
**SECTION 1:** The November 2015 Amendments to the Unified Development Ordinance allowing motorcycle or ATV sales and service in a Commercial-6 zone are hereby adopted.

**SECTION 2:** The codifier shall 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 3<sup>rd</sup> DAY OF November, 2015.

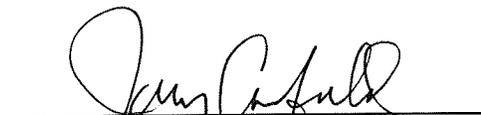
**APPROVED:**

  
Mayor

**ATTEST:**

  
City Clerk

**Approved as to form:**

  
Publish One Time

**NOVEMBER 2015 – MOTORCYCLE OR ATV SALES & SERVICE IN C-6 ZONES  
AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE**

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
	Car wash - full service																					P		P		P
	Car wash self-service																		C		P	P	C	P	P	P
	Gasoline service station																				P	P		P	P	P
	Motorcycle or ATV sales & service																					P	P	P	P	P
	Motorcycle or ATV sales & service (no outdoor storage)																						C	P	P	P
	Tire sales																					P		P	P	P
	Truck stop/travel plaza																					C		C	C	P
	<b>Heavy Consumer Goods Sales or Service</b>																									
	Agricultural equipment and supplies (sales & service)																					P	P	P	P	P
	Appliance repair - (Large)																					P	P	P	P	P
	Appliance repair (Small)																				P	P	P	P	P	P
	Bus, truck sales and service																					P	P	P	P	P
	Clothing and personal items (repair)																		P		P	P	P	P	P	P
	Commercial, industrial machinery & equipment (sales & service)																					P		P		P
	Department store, warehouse club or superstore																					P		P		P
	Computer and software shop																	P				P	P	P		
	Electronics and appliances (new)																		P			P	P	P	P	
	Electronics and appliances (used)																					P	P	P	P	
	Floor, paint, wall coverings, window treatments																					P	P	P	P	
	Furniture or home furnishings (new)																					P	P	P	P	
	Furniture or home furnishings (used)																					P	P	P	P	
	Furniture repair and upholstery shop																					P		P		P
	Greenhouse (sales)																					P	P	P	P	P
	Hardware store																					P	P	P	P	
	Hardware store (neighborhood)																		P			P	P	P	P	
	Home improvement center																					P	P	P	P	
	Lawn and garden supplies																					P	P	P	P	
	Locksmith																		P			P	P	P	P	
	Lumber yard and building materials																						P	P	P	P
	Mall or shopping center																							P	P	P
	Manufactured home and mobile home sales and service																					P		P	P	P
	Oil and gas equipment (sales and service)																					P	P	P	P	P
	Sand, gravel, stone, or earth sales and storage																					C	P	P	P	P
	Swimming pool sales and supply store (w/o storage yard)																					P	P	P	P	P
	Truck or tractor sales and service facility																					P		P		P
	<b>Durable Consumer Goods Sales or Service</b>																									
	Bait and tackle shop																					P	P	P		
	Bicycle sales and service																					P	P	P		
	Bicycle sales and service (no outside storage)																					P	P	P		
	Bookstore																					P	P	P		
	Bridal shop																					P	P	P		
	Cameras, photographic supplies and services																					P	P	P		
	Clothing, jewelry, luggage, shoes, accessories																					P	P	P		

ORDINANCE NO. 73-15**AN ORDINANCE REZONING IDENTIFIED PROPERTY  
AND AMENDING THE ZONING MAP**

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

Part of Government Lot 1 of the Southwest Quarter of Section 18, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

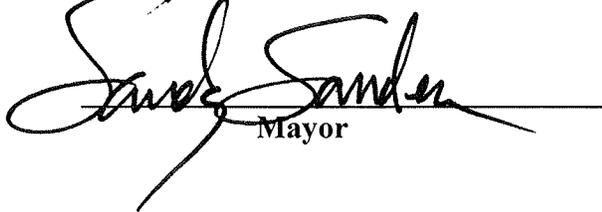
Beginning at the Northwest Corner of said Government Lot 1, said corner being marked with an existing brass cap stamped Fort Chaffee Monument #178; thence along the north line of said Government Lot 1, S 87°31'09"E, 559.35 feet to a set ½" rebar with plastic cap stamped MWC 1369; thence leaving said north line, S 02°48'55"W, 293.27 feet to a ½" rebar with plastic cap stamped MWC 1369; thence S 73°33'03"W, 592.52 feet to the west line of said Government Lot 1 and a set ½" rebar with plastic cap stamped MWC 1369; thence along said west line, N02°48'55"E, 485.50 feet to the Point of Beginning. Containing 5.0 acres, more or less. Less and except minerals and mineral rights.

more commonly known as 8009 Steep Hill Road, should be, and is hereby rezoned from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8009 Steep Hill Road.

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

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF November, 2015.

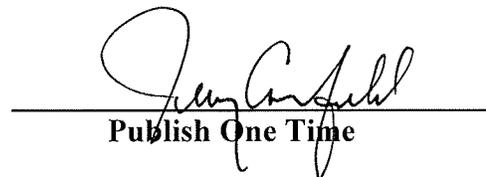
APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

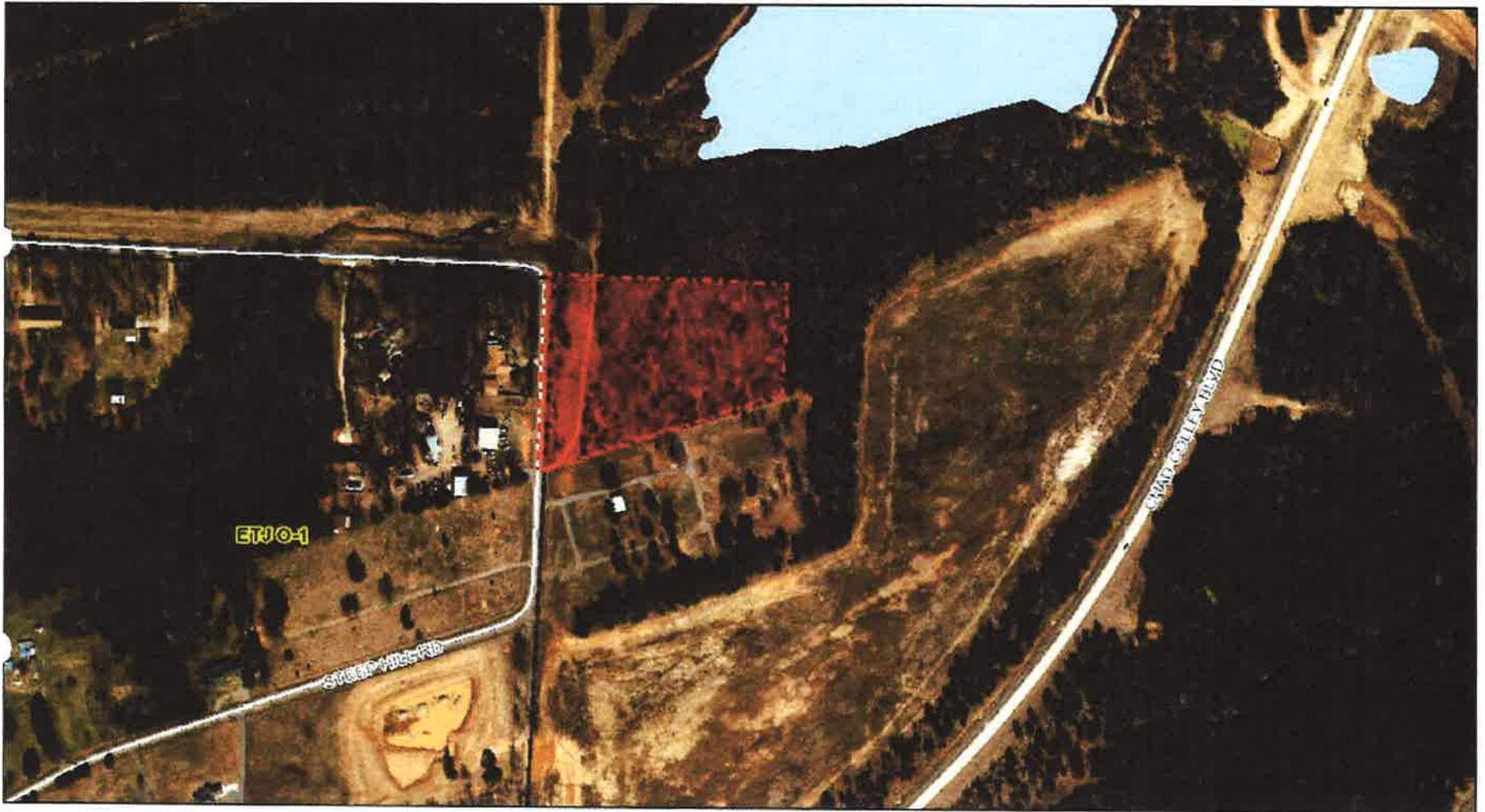
  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Publish One Time

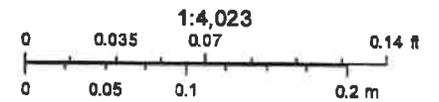
# Rezoning #15-10-15: From Not Zoned to Residential Single Family Medium/High Density (RS-3) 8009 Steep Hill Road

10



October 7, 2015

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



ORDINANCE NO. 74-15

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

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**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 October 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. 16-10-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 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 Residential Detached to Residential Attached and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

Falconers Addition – Block 7 – Lot 9A  
more commonly known as 3321 Utica Street.

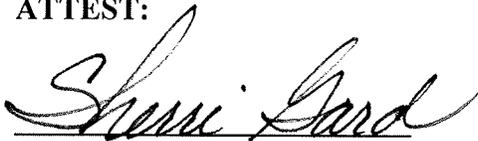
**SECTION 2:** The hereinafter described property is hereby rezoned from Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by Extension, subject to the submitted development plan.

Falconers Addition – Block 7 – Lot 9A  
more commonly known as 3321 Utica Street.

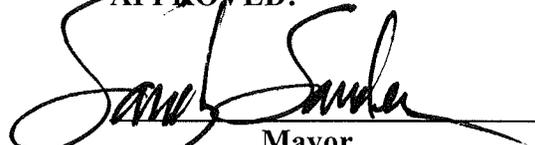
The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF November, 2015.

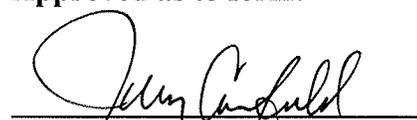
**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**APPROVED:**

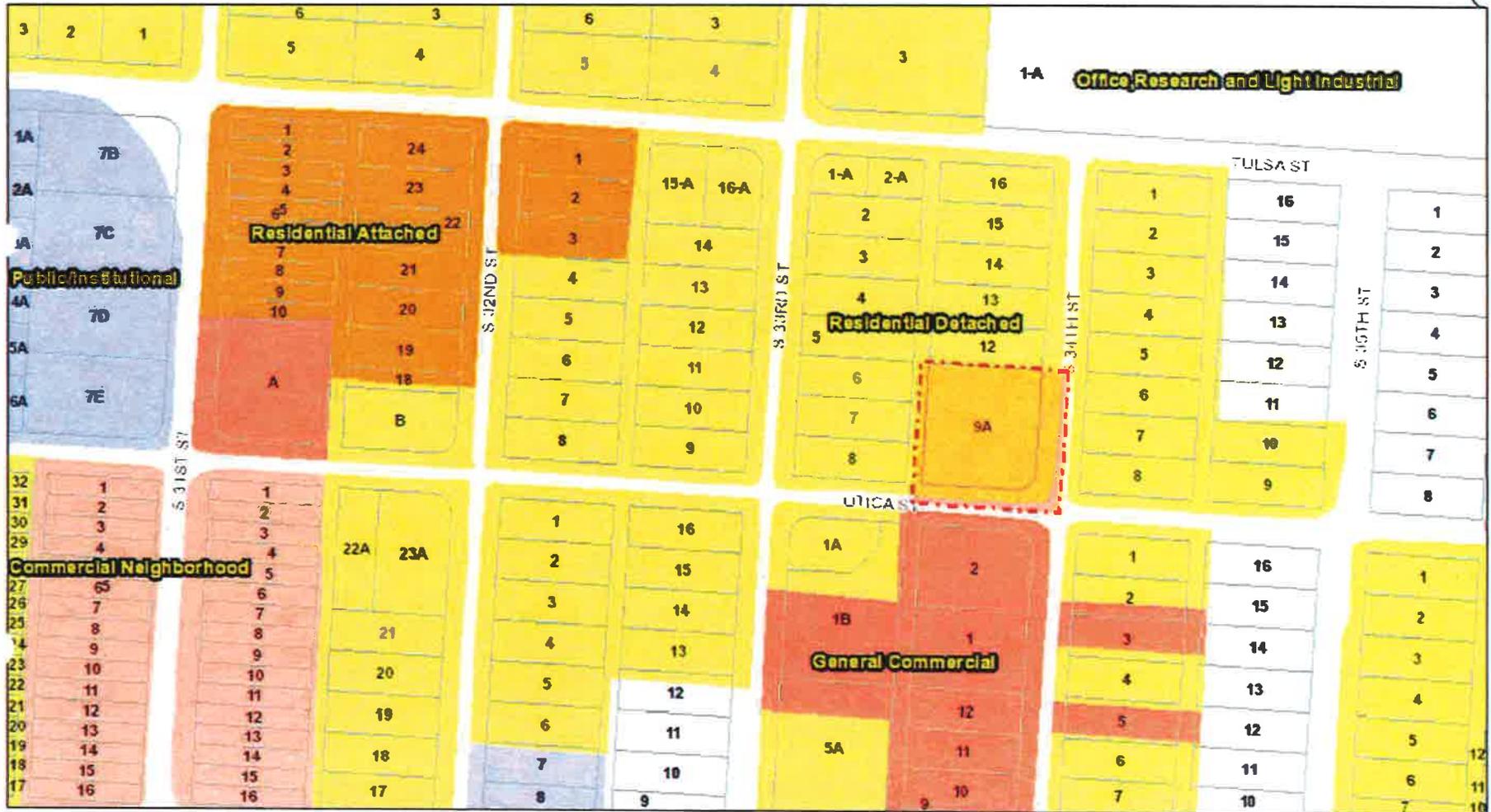
  
\_\_\_\_\_  
Mayor

**Approved as to form:**

  
\_\_\_\_\_  
Publish(One Time

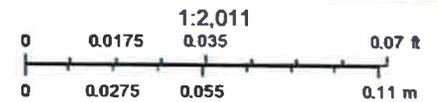
# Master Land Use Plan Amendment: From Residential Detached to Residential Attached 3321 Utica Street

3



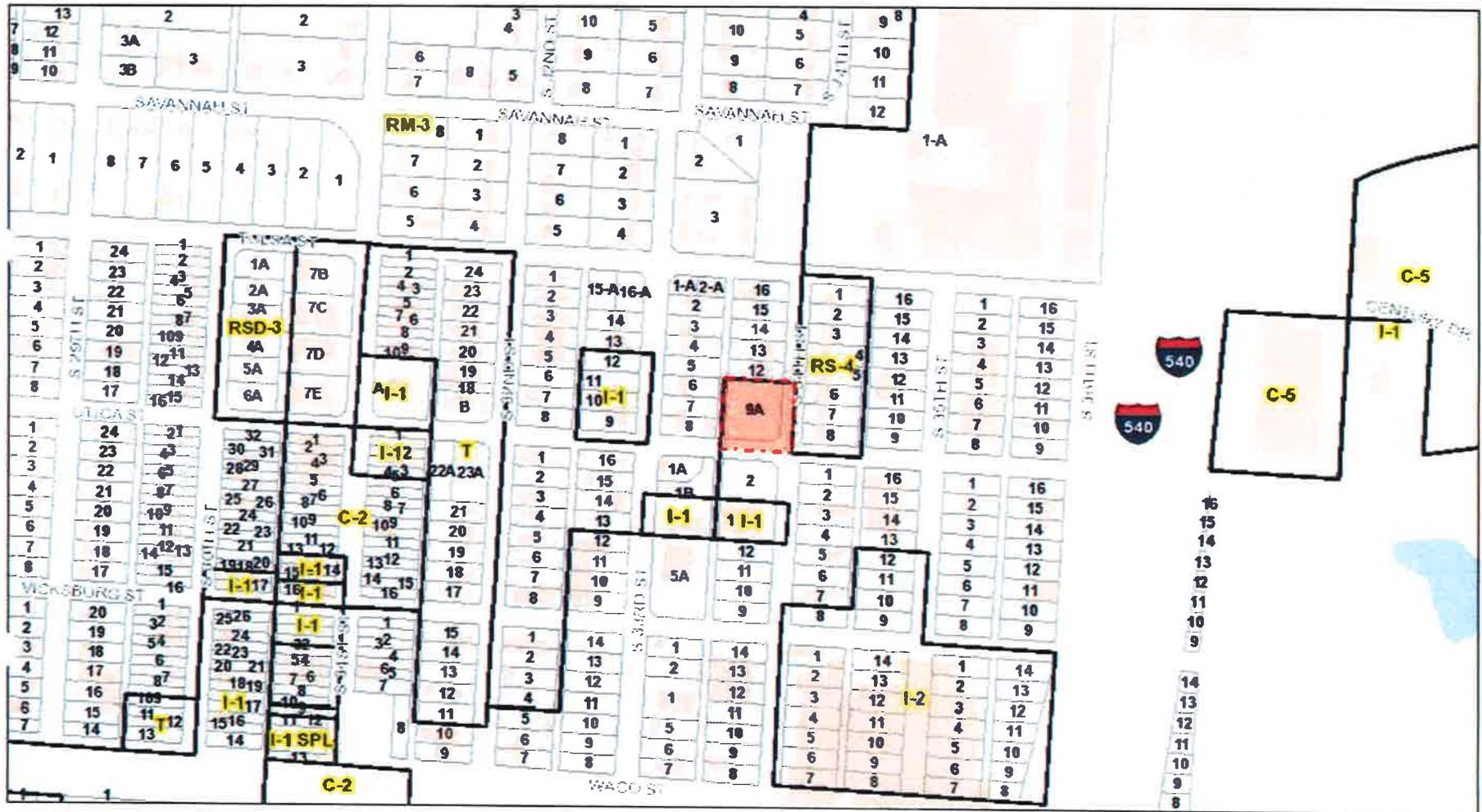
October 7, 2015

- Fort Smith City Limits
- Subdivisions
- Commercial



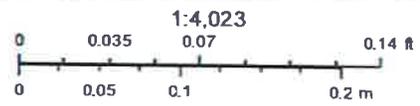
# Rezoning #16-10-15: From Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) 3321 Utica Street

11  
1



September 21, 2015

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



ORDINANCE NO. 175-15AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE  
ZONING MAP

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**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request No. 17-10-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 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:** That the following properties to-wit:

Part of the Southwest Quarter of Section 5, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows: Commencing at the Southwest Corner of said Section 5, said corner being marked with an existing ½" rebar with cap stamped PLS 1272; Thence along the West Line of said Section 5, N02°38'35"E, 1504.51 feet; Thence leaving said West Line, N90°00'00"E 572.15 feet to set 1/2" rebar with cap stamped MWC 1369 on the easterly right-of-way line of Wells Lake Road and the Point of Beginning; Thence along said easterly right-of-way line the following courses: N30°52'08"E, 179.99 feet to a set 1/2" rebar with cap stamped MWC 1369; 593.21 feet along the arc of a curve to the right, said curve having a radius of 1636.96 feet and being subtended by a chord having a bearing of N41°15'02"E and a distance of 589.97 feet to a set 1/2" rebar with cap stamped MWC 1369; 17.77 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N68°35'57"E and distance of 17.51 feet to a set 1/2" rebar with cap stamped MWC 1369 on the southerly line of a Magellan Pipeline Easement, being filed for record June 30, 2015 as Document No. 2015F-09014; Thence along said southerly line the following courses: S09°56'31"E, 69.60 feet to a set 1/2" rebar with cap stamped MWC 1369; S39°56'31"E, 748.04 feet to a set 1/2" rebar with cap stamped MWC 1369 on the westerly right-of-way line of Veterans Avenue; Thence leaving said southerly line and along said westerly right-of-way line the following courses: 313.51 feet along the arc of a curve to the left, said curve having a radius of 928.11 feet and being subtended by a chord having a bearing of S40°32'18"W and a distance of 312.02 feet to a set 1/2" rebar with cap stamped MWC 1369; S30°51'41"W,

108.79 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said westerly right-of-way line, N63°16'45"W, 818.75 feet to the Point of Beginning. Containing 11.06 acres, more or less.

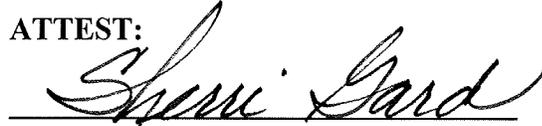
more commonly known as 7001 Wells Lake Road, should be, and is hereby rezoned from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF November, 2015.

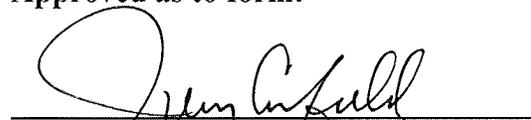
APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Publish One Time

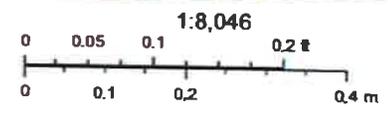
Rezoning #17-10-15: From Not Zoned to Residential Single Family Medium/High Density (RS-3)  
 7001 Wells Lake Road

b  
 9



October 7, 2015

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



ORDINANCE NO. 76-15

9.

**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 October 13, 2015, that said changes be made; and,

**WHEREAS**, three (3) copies of the November 2015 Amendments to the Unified Development Ordinance allowing an auto body shop in Extraterritorial Jurisdiction Industrial Light (ETJ I-1) zones 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:**

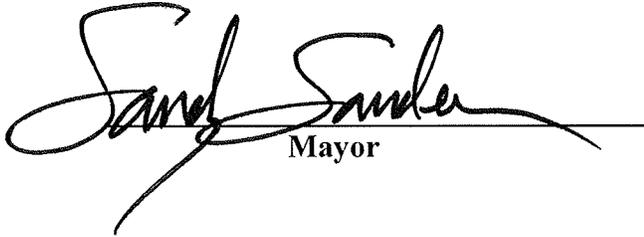
**SECTION 1:** The November 2015 Amendments to the Unified Development Ordinance allowing an auto body shop in Extraterritorial Jurisdiction Industrial Light (ETJ I-1) zones are hereby adopted.

**SECTION 2:** The codifier shall 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 3<sup>rd</sup> DAY OF November, 2015.

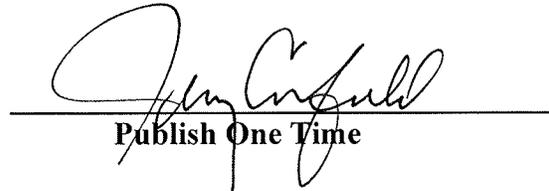
**APPROVED:**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**Approved as to form:**

  
\_\_\_\_\_  
Publish One Time

**NOVEMBER 2015 – AUTOMOBILE BODY SHOP IN ETJ I-1 ZONES  
AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE**



RESOLUTION NO. R-200-15

RESOLUTION AUTHORIZING THE HIRING OF ONE INTERNAL AUDITOR FOR UTILITIES

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

WHEREAS, the 2016 Budget should include funds for one Internal Utilities Auditor who will report to the City Internal Auditor; and,

WHEREAS, Director Keith Lau specifically requested the creation of this position at the October 20, 2015 Board of Directors meeting,

NOW, THEREFORE, be it Resolved by the Board of Directors of the City of Fort Smith that: one (1) Internal Utilities Auditor position is approved for hire during 2016.

THIS RESOLUTION ADOPTED THIS 3<sup>rd</sup> day of November, 2015.

Approved  
  
MAYOR

ATTEST  
  
CITY CLERK

Approved as to form:

  
No Publication Required

ORDINANCE NO. 77-15

**ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE  
LANDFILL OPERATING FUND, AND ACCEPTING THE BID OF AND  
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FORSGREN, INC.  
FOR THE LANDFILL ROAD RECONSTRUCTION PROJECT**

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

SECTION 1: There is hereby appropriated \$38,424.20 from the Landfill Operating Fund (6305-203) to the Landfill Construction Sinking Fund.

SECTION 2: The bid of Forsgren, Inc. for the Landfill Road Reconstruction Project (Methane Lane and Compost Drive) is hereby accepted.

SECTION 3: The Mayor is hereby authorized to execute a contract with Forsgren, Inc. in the amount of \$1,393,424.20-for performing said reconstruction.

This Ordinance adopted on this 3rd day of November 2015.

APPROVED:

Sandy Saula  
MAYOR

ATTEST:

Sherril Gaud  
CITY CLERK

Approved as to form:

John Cornfield  
No Publication Required

RESOLUTION R-201-15

**A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A CONTRACT FOR THE CONSTRUCTION OF STREET AND PARKING LOT IMPROVEMENTS SERVING THE ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE PROJECT NO. 15-90-A, EDA AWARD No. 08-79-04996**

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

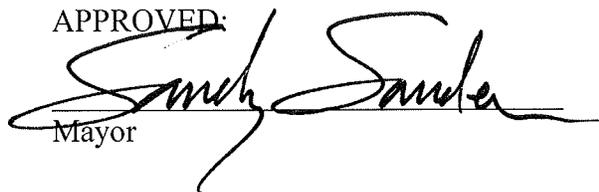
SECTION 1: Subject to concurrence by the Economic Development Administration and The Degen Foundation, the bid of Steve Beam Construction, Inc., received October 27, 2015, for the construction of the street and parking lot improvements serving the Arkansas College of Osteopathic Medicine, Project No. 15-90-A, EDA Award No. 08-79-04996 in the amount of \$2,161,727.73 is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the contract with Steve Beam Construction, Inc. for Project No. 15-90-A, EDA Award No. 08-79-04996, subject to the terms set forth in Section 1 above.

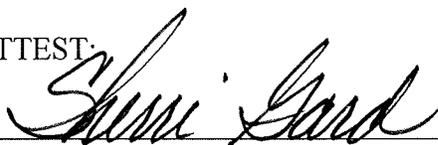
SECTION 3: Payment for construction contract pursuant to Sections 1 and 2 is hereby authorized from the Sales Tax Fund (1105) and contributions from the EDA Grant and The Degen Foundation.

This resolution adopted this 3<sup>rd</sup> day of November, 2015.

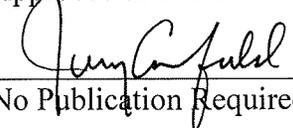
APPROVED:

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to Form

  
\_\_\_\_\_  
No Publication Required

RESOLUTION NO. R-202-15

RESOLUTION ACCEPTING CHANGE ORDER NUMBER TWO  
WITH DIXON CONTRACTING INC. FOR THE CONSTRUCTION  
OF THE GREG SMITH RIVERWALK (WEST RIVER FRONT TRAIL)

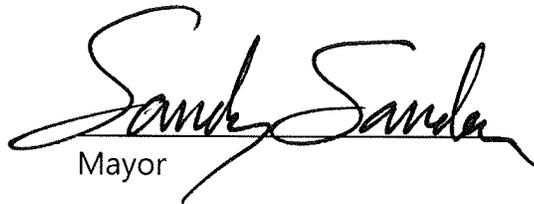
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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,  
ARKANSAS, that:

The Mayor is hereby authorized to execute Change Order No. 2 with Dixon Contracting, Inc., increasing the contract amount by \$8,500.00 and extending the contract time by 10 calendar days.

This Resolution adopted this 3<sup>rd</sup> day of November, 2015.

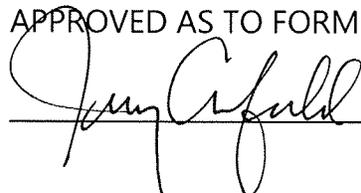
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM

  
npr

## RESOLUTION R. 203-15

**A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, CONCERNING THE ADMINISTRATION AND FUNDING FOR THE FY 2015 HOMELAND SECURITY GRANT PROGRAM.**

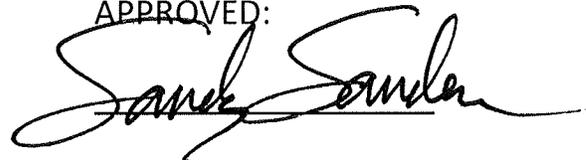
**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:**

**Section 1:** The Memorandum of Agreement between the City of Fort Smith, Arkansas, and Sebastian County, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual agreements for the administration of the FY2015 Homeland Security Grants funds awarded to Fort Smith Police Department SWAT in the amount of \$59,883.00.

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

**THIS RESOLUTION ADOPTED** this 3<sup>rd</sup> day of November 2015.

APPROVED:



Mayor

ATTEST:

Approved as to form



City Clerk



City Attorney

npr