



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

**Board of Directors**

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

# **AGENDA**

**Fort Smith Board of Directors**

**REGULAR MEETING**

**December 17, 2013 ~ 6:00 P.M.**

**Fort Smith Public Schools Service Center**

**3205 Jenny Lind Road**

***THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214***

**INVOCATION & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**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)***

**APPROVE MINUTES OF THE DECEMBER 3, 2013 REGULAR MEETING AND DECEMBER 10, 2013 SPECIAL MEETING**

**ITEMS OF BUSINESS:**

1. Public hearing and ordinance to close and vacate and abandon a portion of an alley right-of-way located in South Fort Smith, Block 18, an addition to the City of Fort Smith, Arkansas
2. Public hearing and resolution approving the use of proceeds from the sale of certain health care facilities located in the city of Hot Springs, Arkansas owned and operated by Mercy Health, a Missouri non-profit organization
3. Aquatic Center Project ~ *Settle/Lorenz placed on agenda at the December 9, 2013 special study session / joint meeting with Sebastian County Quorum Court ~*
  - A. Resolution approving the 2013 amendment to an agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park for Aquatic Center Design at an estimated \$8,800,000

- B. Resolution approving the 2013 amendment to an agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park for Aquatic Center design at an estimated \$10,900,000
4. Consent Agenda
- A. Resolution granting a temporary revocable license for the placement of fencing within a public right-of-way and authorizing the Mayor to execute agreement (*5118 South 28<sup>th</sup> Street*)
  - B. Resolution assessing liquidated damages for the construction of Flagstone Road Extension, Phase II, Project No. 12-00-C (*\$10,000.00 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - C. Resolution accepting completion of and authorizing final payment for the construction of Flagstone Road Extension, Phase II, Project No. 12-00-C (*\$19,181.36 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - D. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 11-06-A (*\$57,948.81 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - E. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Phase C, Project No. 13-03-C (*\$34,792.77 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - F. Resolution accepting completion of and authorizing final payment for the construction of Dallas Street Repair / Diamond Grinding, Project No. 13-90-A (*\$2,067.67 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - G. Resolution authorizing a time extension and assessing liquidated damages for the construction of McClure Amphitheater Road, Project No. 12-00-A. (*\$33,000.00 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - H. Resolution accepting completion of and authorizing final payment for the construction of McClure Amphitheater Road, Project No. 12-00-A (*\$30,622.33 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - I. Resolution authorizing the Mayor to execute a lease agreement with the United States Coast Guard Auxiliary Flotilla 15-5 located at 3802 Grand Avenue

- J. Resolution authorizing the Mayor to execute a lease agreement with Fort Smith Emergency Medical Services located at 1701 South Greenwood Avenue
- K. Resolution authorizing execution of a space use agreement with Young Actors Guild for space on the upper level of the Convention Center Annex
- L. Resolution approving a tolling agreement with the United States Department of Justice relating to wet weather sanitary sewer work
- M. Resolution authorizing Change Order No. 1 for additional work with Forsgren, Inc. for the Sunnymede Interceptor Improvements (*\$48,421.50 / Utility Department / Not Budgeted – 2012 Sales and Use Tax Bonds*)
- N. Resolution authorizing Change Order No. 1 to the contract with Crawford Construction Company for the Chaffee Crossing Water Supply Improvements – Pump Station (*\$6,371.91 / Utility Department / Not Budgeted - 2012 Sales and Use Tax Bonds*)
- O. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Hawkins-Weir Engineers, Inc. for engineering services for the Neighborhood Water System Improvements – Haven Hill and North “K” Street (*\$95,000.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
- P. Resolution accepting the bid of and authorizing a contract with Brothers Construction, Inc. for the Neighborhood Water System Improvements – Haven Hill and North “K” Street (*\$1,158,714.00 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)
- Q. Resolution setting public hearing date on petition to vacate an alley located in Reserve Addition, Block 575 an addition to the City of Fort Smith, Arkansas

**OFFICIALS FORUM ~ presentation of information requiring no official action**

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

- Mayor
- Directors
- City Administrator

**EXECUTIVE SESSION**

Appointments:                      Audit Committee (3), Building Board of Adjustment and Appeals (2), Library Board of Trustees (2) and Transit Advisory Commission (1)

**ADJOURN**

ORDINANCE NO. \_\_\_\_\_

1.

**AN ORDINANCE ENTITLED, AN ORDINANCE TO CLOSE AND VACATE AND  
ABANDON A PORTION OF AN ALLEY RIGHT-OF-WAY LOCATED IN  
SOUTH FORT SMITH, BLOCK 18, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

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**WHEREAS**, a petition was duly filed with the Board of Directors of the City of Fort Smith, Arkansas, November 25, 2013, asking the Board of Directors to vacate and abandon an alley right-of-way located in South Fort Smith, Block 18, an addition to the City of Fort Smith, Arkansas, more particularly described as follows:

The twenty feet (20') wide alley right-of-way, in South Fort Smith, Block 18, lying between Lots 5-8 and Lots 9-12, Fort Smith, Sebastian County, Arkansas, according to the plat filed December 16, 1913

**WHEREAS**, after notice as required by law, the Board of Directors has at the time and place mentioned in the notice duly published as required by law, heard all persons as desiring to be heard on the questions, and has ascertained that the said alley right-of-way as described above has heretofore been dedicated to the public use as an alley right-of-way and at this time is no longer required for the corporate purposes, and that said portion of alley right-of-way is of no practical purpose or general purpose to the citizens of Fort Smith and it is in the best interest of the citizens of Fort Smith that the alley right-of-way be closed; and that the public interest and welfare will not be adversely affected by the abandonment of the said alley.

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

**SECTION 1:** The City of Fort Smith hereby releases, vacates and abandons all of its rights, title and interest, together with the right of the public generally, in and to the alley designated as follows:

The twenty feet (20') wide alley right-of-way, in South Fort Smith, Block 18, lying between Lots 5-8 and Lots 9-12, Fort Smith, Sebastian County, Arkansas, according to the plat filed December 16, 1913

**SECTION 2:** A copy of this Ordinance duly certified by the City Clerk shall be filed in the Office of the County for the Fort Smith District of Sebastian County, Arkansas, and recorded in the deed records of said county.

**SECTION 3:** This Ordinance shall take effect and be in effect from and after its passage.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF DECEMBER 2013.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

Approved as to form:



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

# Memo

To: Ray Gosack, City Administrator  
From: Wally Bailey, Director of Development Services  
Date: 12/13/2013  
Re: Request for Abandonment of a Portion of an Alley Right-of-Way  
South Fort Smith, Block 18

Angie Carter of 5118 South 28<sup>th</sup> Street has submitted a petition to abandon a 20' x 200' alley right-of-way north of Vicksburg Street. The alley is located in South Fort Smith, Block 18, between lots 5-8 and lots 9-12. The Carter family owns all of the lots adjacent to the portion of the alley proposed for abandonment. Enclosed is a copy of the petition to abandon the alley right-of-way and a vicinity map showing the proposed alley closing. (See Exhibits A and B.)

Ms. Carter has requested the alley closing so that all of the lots can be combined into one lot, which will facilitate the placement of an accessory building.

Staff contacted the franchise utilities, appropriate city departments as well as property owners within 300 feet of the proposed abandonment. The city utility department requested an easement to accommodate the existing sanitary sewer line in the alley. Enclosed is a copy of the signed easement. (See Exhibit C.) There were no objections or other concerns regarding the abandonment.

In keeping with the Board's policy, all applicants requesting right-of-way abandonments are required to sign a Memorandum of Understanding (MOU). An MOU stipulates the applicant or its assigns will not make any claims for compensation in the event the city exercises the power of eminent domain to reclaim the abandoned right-of-way. Enclosed is a copy of the MOU executed by the property owners. (See Exhibit D.)

Enclosed for the board's consideration is an ordinance authorizing the abandonment of the alley right-of-way.

If you have any questions regarding this matter, please do not hesitate to contact me.

Enc.

EXHIBIT A

CITY OF FORT SMITH, ARKANSAS  
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY, ALLEY OR PUBLIC  
EASEMENT

APPLICATION:

Indicate one contact person for application:  Applicant  Representative

*Applicant (owner)* *Representative (engineer, attorney, realtor, etc)*

Name: Angie M. Carter Name: \_\_\_\_\_

Address: 5118 South 28<sup>th</sup> Street Address: \_\_\_\_\_  
Fort Smith, AR 27901 \_\_\_\_\_

Telephone Number: 479-462-4394 Telephone Number: \_\_\_\_\_

E-Mail: N/A E-Mail: \_\_\_\_\_

Site Address/Location: 5118 South 28<sup>th</sup> Street, Fort Smith, \_\_\_\_\_

Legal Description of area to be vacated (attach separate sheet if necessary):  
The twenty feet (20') wide alley lying between lots 5-8 and 9-12, Block 18 of South Fort Smith, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat of record on December 16, 1913.

Assessor's Parcel Number for Subject Property: #17162-0007-00018-00 & 17162-0008-00018-00

Reason for Request: Alley is undeveloped and not used by the public. Carter Family owns property on both sides of alley and wants to combine property into one lot.

Current Status of Right-of-Way/Easement: Alley is undeveloped and not used by the public. An existing sanitary sewer line is within the alley. An Easement for sanitary sewer line will be provided.

**APPLICANT/REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. Additionally, I understand that the applicant or agent will be required to execute a Memorandum of Understanding regarding any right-of-way abandonments and understand that no action will be taken by the Board of Directors on an abandonment request until said utility easement, if determined by staff is necessary, and Memorandum of Understanding are on file with the city.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) ANGIE M CARTER

Signature: Angie M. Carter Date: 11-22-2013

**Property Owner(s)/Authorized Agent:** *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

**Note:** If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



**PETITION TO VACATE**

PETITION TO VACATE AN ALLEY LOCATED IN SOUTH FORT SMITH, BLOCK 18, WITHIN LOTS 5-8 AND 9-12, AND ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

TO: Fort Smith Board of Directors

We, the undersigned, being all of the owners of the real estate abutting the alley herein sought to be abandoned and vacated, lying in South Fort Smith, Block 18, between lots 5-8 & 9-12, City of Fort Smith, Sebastian County, Arkansas, a municipal corporation, petition to vacate an alley which is described as follows:

The twenty feet (20') wide alley lying between lots 5-8 and 9-12, Block 18 of South Fort Smith, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat of record on December 16, 1913.

The Petitioners request to vacate the alley pursuant to A.C.A. 14-54-104(2) and state that the alley is no longer used as an alley or public right-of-way nor does not serve the interests of the surrounding property owners.

The petitioners pray that the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to a 20' sanitary sewer easement, and that the above-described real estate be used for the respective benefit and purpose as now approved by law.

The petitions further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREAS, the undersigned petitioners respectfully pray that the governing body of the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to required sanitary sewer easement and that title to said real estate sought to be abandoned be vested in the abutting owners as provided by law.

Dated this 22 day of NOVEMBER, 2013

Angie M. Carter Angie M Carter  
Printed Name

Angie M Carter  
Signature

Shirley Ann Lowther Shirley Ann Lowther  
Printed Name

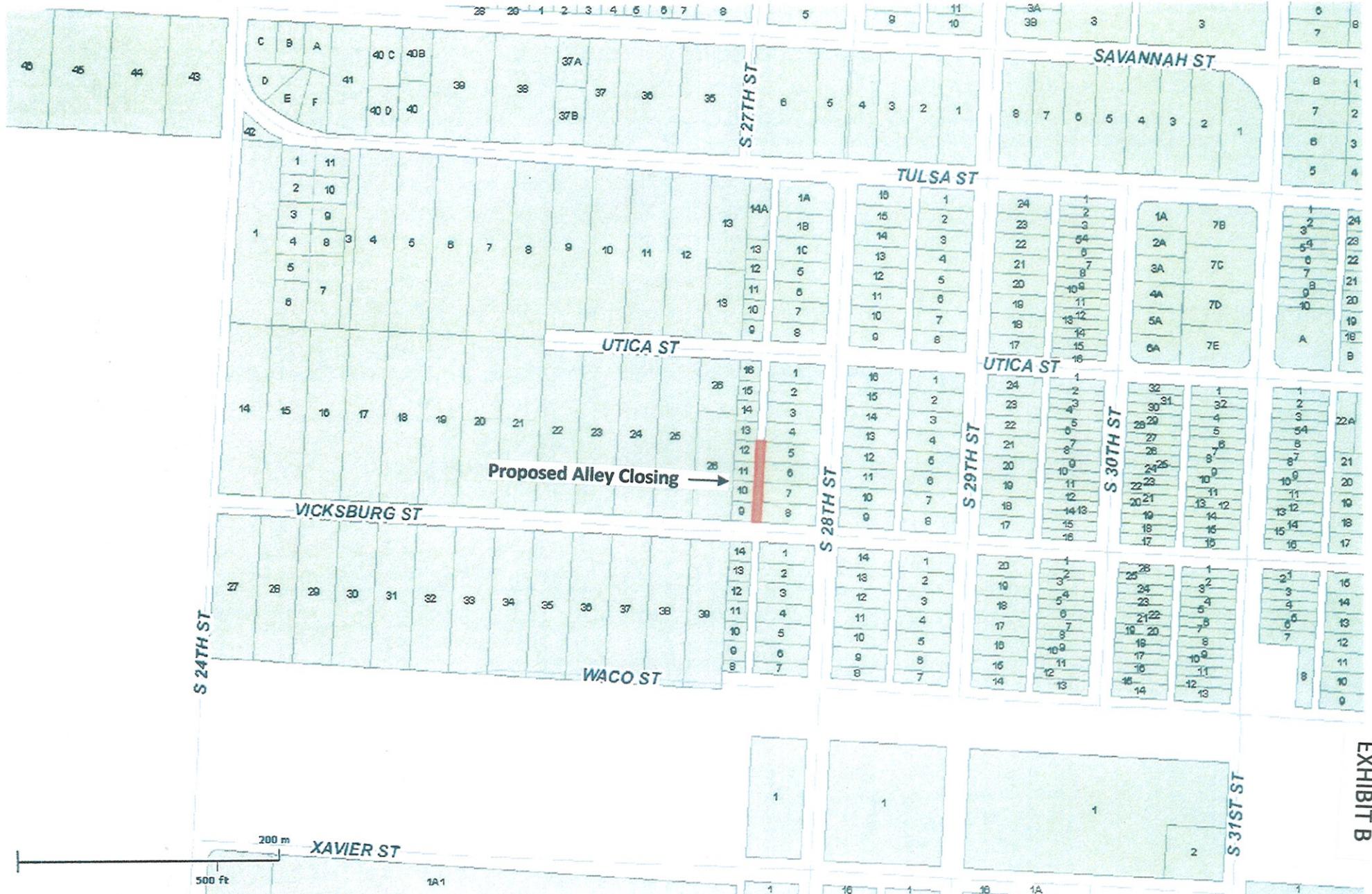
Shirley Ann Lowther  
Signature

Donna S. Carter DONNA S CARTER  
Printed Name

Donna S Carter  
Signature

# Vicinity Map

South Fort Smith, Block 18, Lots 5-8 & 9-12



## SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter, single persons, and GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the CITY OF FORT SMITH, ARKANSAS, a municipal corporation, GRANTEE, its successors and assigns, a TWENTY (20) FOOT WIDE Permanent Easement for the construction, operation, and maintenance of public (GRANTEE owned) sanitary sewer with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sanitary sewer over, under and upon the following lands situated in the County of Sebastian, State of Arkansas, to wit:

The twenty feet (20') wide alley lying between lots 5-8 and 9-12, Block 18 of South Fort Smith, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat of record on December 16, 1913.

with rights of ingress and egress to and from the same.

TO HAVE AND TO HOLD said Easement unto GRANTEE, its successors and assigns forever.

GRANTORS shall have the right to use the surface of the property above described as long as the GRANTORS wishe, PROVIDED, that GRANTORS shall not interfere with the use thereof by GRANTEE, and further, GRANTORS shall not erect a permanent building or other structure within said Easement, and further, GRANTORS shall provide gates acceptable to GRANTEE if said Easement is fenced.

The consideration paid by GRANTEE is received and accepted by GRANTORS in full satisfaction of GRANTOR does hereby conveyed.

GRANTORS do hereby covenant with GRANTEE that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEE is without authority to make any covenant or agreement not herein expressed.

WITNESS our hands and seals on this 22<sup>nd</sup> day of November, 2013.

GRANTOR(S)

Angie M. Carter

Angie M. Carter

Shirley Ann Lowther

Shirley Ann Lowther

Donna S. Carter

Donna S. Carter

ACKNOWLEDGEMENT

STATE OF ARKANSAS )

County of Sebastian )

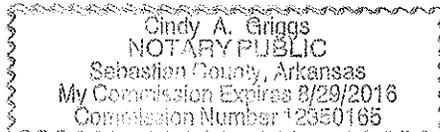
On this 22<sup>nd</sup> day of November, 2013, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of Sebastian, Arkansas, appeared in person the within named Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter to me personally well known as the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 22<sup>nd</sup> day of November, 2013.

Cindy A. Griggs  
Notary Public

My Commission Expires:

8-29-2016



**MEMORANDUM OF UNDERSTANDING**

On \_\_\_\_\_, the Board of Directors of the City of Fort Smith passed Ordinance No. \_\_\_\_\_ closing, vacating and abandoning an alley right-of-way located in South Fort Smith, Block 18, an addition to the City of Fort Smith, Sebastian County, Arkansas, more particularly described as follows:

The twenty feet (20') wide alley lying between Lots 5-8 and 9-12, Block 18 of South Fort Smith, an addition to the City of Fort Smith, Sebastian County, Arkansas, according to the plat filed December 16, 1913

For good and valuable consideration, the receipt of which is hereby acknowledged, Angie Carter, Shirley Ann Lowther, and Donna S. Carter agree that in the event the City of Fort Smith, condemns all or a portion of the lands and buildings contiguous to said alley right-of-way and owned by Angie Carter, Shirley Ann Lowther, and Donna S. Carter their successors or assigns, under the power of eminent domain, that the property owners, their successors or assigns, will make no claim to compensation for the value of the abandoned alley right-of-way described above. Nothing contained herein shall preclude Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter or their successors or assigns from claiming compensation for improvements situated on the abandoned alley right-of-way in the event of condemnation. By way of example, and example only, if the City condemns the property of Angie Carter, Shirley Ann Lowther, and Donna S. Carter and the total land condemned is 100,000 square feet and the abandoned alley right-of-way constitutes 10,000 square feet of that total, then the value of the land shall be reduced by 10% for condemnation compensation purposes.

This Memorandum of Understanding shall be binding on Angie Carter, Shirley Ann Lowther, and Donna S. Carter and their successors or assigns.

In witness whereof, this document is executed this 22<sup>nd</sup> day of November 2013.

Signature: Angie M Carter  
Angie M. Carter

Signature: Shirley Ann Lowther  
Shirley Ann Lowther

Signature: Donna S Carter  
Donna S. Carter

**ACKNOWLEDGMENT**

STATE OF ARKANSAS    )  
  )SS  
COUNTY OF SEBASTIAN )

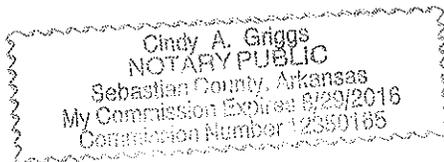
On this 22<sup>nd</sup> day of November, 2013, before me, the undersigned notary public, personally appeared, Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Cindy A. Griggs  
Notary Public

My Commission Expires:

8-29-2016



## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING THE USE OF PROCEEDS FROM THE SALE OF  
CERTAIN HEALTH CARE FACILITIES LOCATED IN THE CITY OF HOT  
SPRINGS, ARKANSAS OWNED AND OPERATED BY MERCY HEALTH, A MISSOURI  
NONPROFIT CORPORATION**

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WHEREAS, Mercy Health, a Missouri nonprofit corporation, may sell certain of its health care facilities located in the City of Hot Springs, Arkansas (the "Existing Facilities"); and

WHEREAS, the Existing Facilities were originally financed or refinanced with a portion of the following revenue bonds issued by the Health and Educational Facilities Authority of the State of Missouri (the "Authority") for the benefit of Mercy Health: \$378,300,000 Health Facilities Revenue Bonds (Sisters of Mercy Health System), Series 2001A, B and C and \$376,425,000 Variable Rate Demand Health Facilities Revenue Bonds (Mercy Health), Series 2011A, B, C and D; and

WHEREAS, the maximum aggregate face amount of the Authority's obligations that will be affected as a result of the sale of the Existing Facilities is not expected to exceed \$75,000,000; and

WHEREAS, Mercy Health may use sale proceeds in an amount not to exceed \$35,000,000 to finance the costs of certain health facilities including the acquisition, construction, renovation, and equipping of an orthopedic hospital, two primary care clinics and other capital improvements to be owned and operated by Mercy Hospital Fort Smith, an Arkansas nonprofit corporation and affiliate of Mercy Health, subject to all applicable development and building codes, ordinances and approvals of the City with respect to construction projects in the City; and

WHEREAS, the Authority has requested the City to provide "Host Approval" under Section 147(f) of the Internal Revenue Code in connection with the use of the sale proceeds in the City; and

WHEREAS, the City has been assured that there will be no financial liability accruing to the City as a result of such

approval and that this approval shall constitute approval solely for the purpose of permitting Mercy Health to proceed with the use of the sale proceeds in the City; and

WHEREAS, pursuant to the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") Mercy Health provided for the publication of notice of an open public hearing to permit the public to comment on the proposed use of the sale proceeds; and

WHEREAS, the notice was published on December 2, 2013 in the *Times Record*, the official newspaper of the City, which publication date is more than 14 days prior to today's date; and

WHEREAS, on today's date, the Board of Directors held an open public hearing permitting the public to comment on the proposed use of the sale proceeds;

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

The use by Mercy Health of the sale proceeds in the City as described in the notice of public hearing is hereby approved.

This Resolution passed this 17th day of December, 2013.

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Mayor

ATTEST:

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City Clerk



## *MEMORANDUM*

December 12, 2013

**TO:** Mayor and Board of Directors

**FROM:** Ray Gosack, City Administrator

**SUBJECT:** Mercy Clinic Projects

Mercy Clinic will be financing some of its Fort Smith projects with proceeds from the sale of Mercy-owned property in other locations. The Mercy properties being sold were originally financed with tax-exempt bonds issued in Missouri. In order to maintain the tax-exempt status of those bonds, the IRS requires that Mercy conduct a public hearing in Fort Smith. The purpose of the hearing is to give the public an opportunity to comment on Mercy's Fort Smith projects that will benefit from the previous issuance of tax-exempt bonds. At the conclusion of the public hearing, Mercy will seek a resolution of approval from the city board to use the proceeds from the sale of property in other locations for the Mercy projects in Fort Smith.

The public hearing and consideration of the resolution is scheduled for the December 17<sup>th</sup> board meeting. Attached is a letter which further explains the request. Attorneys representing Mercy will be present at the board meeting to provide information and answer questions. In the meantime, please let me know if there's any questions or a need for more information.

Attachments

A handwritten signature in black ink that reads "Ray".



December 9, 2013

Mr. Ray Gosack, City Administrator  
City of Fort Smith  
P.O. Box 1908  
Fort Smith, Arkansas 72902

Re: Request for Host Jurisdiction Public Hearing and Approval Under Section 147(f) of the Internal Revenue Code Regarding Tax-Exempt Bonds for Mercy Health

Dear Mr. Gosack:

The Missouri Health and Educational Facilities Authority (the "Missouri Authority") requests the Board of Directors' assistance in providing "Host Approval" under Section 147(f) of the Internal Revenue Code in connection with tax-exempt health facilities revenue bonds previously issued pursuant to Chapter 360 of the Revised Statutes of Missouri (the "Act") on behalf of Mercy Health, a Missouri nonprofit corporation headquartered in St. Louis, Missouri (the "Borrower"). The Missouri Authority is authorized by the Act to finance facilities for health care systems outside as well as inside the State of Missouri if the system maintains a national or regional headquarters in Missouri. The Missouri Authority, in accordance with the Act and its policies and procedures, previously issued the following revenue bonds for the benefit of Mercy Health: \$378,300,000 Health Facilities Revenue Bonds (Sisters of Mercy Health System), Series 2001A, B and C and \$376,425,000 Variable Rate Demand Health Facilities Revenue Bonds (Mercy Health), Series 2011A, B, C, and D (collectively, the "Bonds").

The proceeds of these Bonds were originally used to finance or refinance capital projects for the Borrower or its affiliated corporations in the States of Arkansas, Kansas, Missouri, Oklahoma and Texas. More specifically, a portion of the proceeds financed or refinanced assets at hospital facilities located in the City of Hot Springs, Arkansas. The Borrower now may sell certain of its health care facilities located in Hot Springs, Arkansas (the "Hot Springs Facilities"). The maximum amount of the Missouri Authority's outstanding obligations that will be affected as a result of the sale of the Hot Springs Facilities is not expected to exceed \$75,000,000.

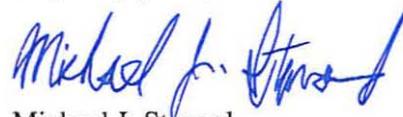
In order to maintain the tax-exempt status of the Bonds, the Borrower must either redeem the portion of affected Bonds or, provided certain requirements are met, use amounts received from the sale of the Hot Springs Facilities to finance new capital projects that otherwise would qualify for tax-exempt financing. The Borrower would like to preserve its ability to use a portion of the sale proceeds in an amount not to exceed \$35,000,000 to finance capital projects located in Fort Smith, Arkansas, which will be owned and operated by the Borrower or an affiliate.

Section 147(f) of the Internal Revenue Code requires that the Missouri Authority, as issuer of the Bonds, obtain the approval, following a public hearing, of the governing body or chief elected representative of each state or local government jurisdiction in which the financed facilities are to be located.

Accordingly, the Missouri Authority requests your assistance by conducting the public hearing and obtaining the host jurisdiction approval in accordance with the requirements of Section 147(f) of the Internal Revenue Code. Enclosed is a copy, prepared by bond counsel, of the Notice of Public Hearing that was published in the Times Record at least 14 days before the hearing date and a Resolution for the Board of Directors approving the use of proceeds from the sale of the Hot Springs Facilities for capital projects located in the City of Fort Smith, Arkansas. This approval does not impose any liability on the City of Fort Smith, Arkansas, or in any way involve the City with the Bond issues or proposed projects, but is an accommodation by the City to satisfy the requirements of the Internal Revenue Code.

I appreciate your assistance in this matter on behalf of the Missouri Authority and the Borrower. If I can answer any questions or provide any additional information please call me at (636) 519-0700.

Very truly yours,



Michael J. Stanard  
Executive Director

cc: Tracy Shafton  
Meghan McKernan  
Stephanie King  
Jill Drewyor

**PROOF OF PUBLICATION**  
STATE OF ARKANSAS  
COUNTY OF SEBASTIAN

I, do solemnly swear that I am the Inside Sales Manager of the Times Record, a daily newspaper having a second class mailing privilege, and being not less than four pages of five columns each, published at a fixed place of business and at fixed daily intervals continuously in the City of Fort Smith, Sebastian County, Arkansas, for more than a period of twelve months, circulated and distributed from an established place of business to subscribers and readers generally of all classes, in the city and county aforesaid, for a definite price for each copy, or a fixed price per annum, which was fixed at what is considered the value of the publication based upon the news service value it contains, that at least fifty percent of the subscribers thereto have paid cash for their subscription to the newspaper or its agents or through recognized news dealers, over a period of at least six months and that said newspaper published an average of more than forty percent news matter. The newspaper is circulated in the counties of Crawford, Franklin, Johnson, Logan, Polk, Scott and Sebastian in Arkansas.

I further certify that the legal notice hereto attached in the matter of:

**JILL- PUBLIC NOTICE**

Was published in the regular daily issue of said newspaper for consecutive insertions commencing on Monday the 2nd day of December 2013, and concluding on Monday the 2nd day of December 2013 for the following dates:

**12/02/13**

for a total cost of: \$ **187.00**

**NOTICE OF PUBLIC HEARING**  
The Board of Directors of the City of Fort Smith, Arkansas will hold a public hearing at 3205 Jenny Lind - Building B in Fort Smith, Arkansas, on Tuesday, December 17, 2013, at 6:00 P.M., regarding the use of proceeds to be derived from the sale of certain health care facilities located in the City of Hot Springs, Arkansas (the "Existing Facilities") owned and operated by Mercy Health, a Missouri nonprofit corporation, or its affiliates (collectively, "Mercy Health"). The Existing Facilities were originally financed or refinanced with a portion of the following revenue bonds issued by the Health and Educational Facilities Authority of the State of Missouri (the "Authority") for the benefit of Mercy Health: \$378,300,000 Health Facilities Revenue Bonds (Sisters of Mercy Health System), Series 2001A, B and C and \$376,425,000 Variable Rate Demand Health Facilities Revenue Bonds (Mercy Health), Series 2011A, B, C and D. The maximum aggregate face amount of the Authority's obligations that will be affected as a result of the sale of the Existing Facilities is not expected to exceed \$75,000,000. Mercy Health will use sale proceeds in an amount not to exceed \$35,000,000 to finance the costs of certain health facilities including the acquisition, construction, renovation, and equipping of an orthopedic hospital, two primary care clinics and other capital improvements to be owned and operated by Mercy Hospital Fort Smith, an Arkansas nonprofit corporation and affiliate of Mercy Health, at the following locations in the City of Fort Smith, Arkansas: 3601 South 79th Street, 3600 Cliff Drive and 1000 Waldron Road.  
The hearing will be open to the public.  
Sherri Gard  
City Clerk, City of Fort Smith, Arkansas

*Radonna Taylor*

Sworn before me on the 2 day of December 2013

*Johnnie L Swaim*

Notary Public

My commission expires: 1/11/2023

JOHNNIE L SWAIM  
Sebastian County  
Commission Number 12391360  
Notary Public - Arkansas  
My Commission Expires January 11, 2023

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE 2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK FOR AQUATIC CENTER DESIGN AT AN ESTIMATED \$8,800,000

WHEREAS, Sebastian County and the City of Fort Smith entered into agreement in 2012 regarding capital projects and operations of specific facilities at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith wish to amend such agreement to reflect that the updated cost of designing and building the facility, (estimated at \$8,800,000) are shared equitably between the County and the City.

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas, that the 2013 Amendment to an Agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park is hereby approved, and that the Mayor is hereby authorized to execute said Supplement on behalf of the city.

BE IT FURTHER RESOLVED that Resolution No. R-37-13 is hereby repealed.

THIS RESOLUTION passed this \_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

*Jeremy Confield*

\_\_\_\_\_  
City Attorney  
No Publication Required

2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT  
SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK

This 2013 Amendment to An Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park (2013 Amendment) is made and entered into between Sebastian County, Arkansas (“County”) and the City of Fort Smith, Arkansas (“City”).

WHEREAS, pursuant to authorizations of the governing bodies of the County and the City, the County and the City have previously entered into An Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park dated February 16, 2012 (the “Agreement”); and

WHEREAS, the conditions precedent outlined in paragraph 1 of the Agreement whereby the voters of the City of Fort Smith approved the issuance of four million dollars (\$4,000,000) in sales tax bonds and the County has earmarked four million dollars (\$4,000,000) for the construction of an Aquatics Facility have come to pass; and

WHEREAS, the annexation provisions of paragraph 4 of the Agreement have been completed; and

WHEREAS, the County and the City desire to adopt a 2013 Amendment to the Agreement for the purpose of providing additional funding for the Aquatics Facility to be constructed pursuant to the Agreement and make provisions regarding the equalizing of funding by the County and the City of facilities to be constructed pursuant to the Agreement.

NOW, THEREFORE, based on the mutual considerations accruing to the City and the County and their citizens, it is agreed as follows:

1. The recitals set forth in the foregoing whereas clauses are confirmed by the parties and incorporated into this Agreement, and the City and County confirm the continued effectiveness of the Agreement executed on February 16, 2012.

2. Section 2(A) of the Agreement is hereby amended to read as follows:

“A. The County and City agree to share equally in the cost of designing and constructing an aquatic center project, currently estimated to cost eight million eight hundred thousand dollars (\$8,800,000). The County and City agree to jointly select an architect for the project, and will then jointly agree on the final design for the project. The County and the City will jointly contract for the project and the county will serve as the project manager. Payments to the architect and the selected contractor shall be made jointly by the County and the City.”

3. In addition to equally dividing the design and construction costs above, the County and City agree to provide in-kind services including construction of a parking lot for the Aquatics Facility at an estimated cost of \$450,000 (the County) and construction of water and sewer facilities and a coordinated traffic light on Zero Street for ingress and egress into Ben Geren Park in support of the Aquatics Facility at an estimated cost of \$335,000 (the City).

4. The sums identified in this Agreement are current estimates. In the event the parties' estimates as compared to actual costs vary, the parties agree to adjust the figures set forth in this 2013 Amendment to reflect the actual figures determined by the construction and design activities, and agree to apportion all actual costs associated with the project (including the value of in-kind services) on an equal basis.

5. Except as amended by this 2013 Amendment, the parties' Agreement shall continue in full force and effect according to the terms of the Agreement.

This 2013 Amendment is executed on behalf of the County by the County Judge thereof and on behalf of the City by the Mayor thereof on this \_\_\_\_ day of \_\_\_\_\_, 2013.

Sebastian County:

\_\_\_\_\_  
County Judge

ATTEST:

\_\_\_\_\_  
County Clerk

City of Fort Smith, Arkansas:

\_\_\_\_\_  
Mayor

ATTEST:

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

# Memo



**To:** Ray Gosack, City Administrator  
**From:** Jeff Dingman, Deputy City Administrator  
**Date:** 12/13/2013  
**Re:** Amendment to Agreement with Sebastian County (based on \$8.8 million project)

An agreement with Sebastian County related to the aquatics center and softball field projects at Ben Geren Regional Park was adopted in January, 2012 by Resolution No. R-8-12. Among other things, the agreement specifically spelled out cost-sharing between the city and the county in the design, construction and operation of an aquatics facility based on the presumed \$8 million project.

Discussions on design and budget throughout the year, and ultimately a cost-review of the design by the construction manager, have indicated that the most current estimate to build a suitable facility as near as possible to the appropriated budget will be at least \$8.8 million.

The county and the city have agreed throughout the process to divide the construction cost of the facility evenly. As that estimate has grown from the agreed-upon \$8 million to the current \$8.8 million, it is necessary to amend the agreement to reflect the updated cost (there is still language in the agreement noting that the estimated project costs will be reconciled based on actual expenses when the project is complete). Current estimates of all costs, and a breakdown of the allocation of those costs, is shown as follows:

Original Design/Const	8,000,000		City	County
Add'l Design/Const	800,000	Original	4,000,000	4,000,000
Parking lot	450,000	In-Kind Value	335,000	450,000
Utilities/Traffic Signal	<u>335,000</u>	Subtotal	4,335,000	4,450,000
Total Cost	<u>9,585,000</u>	Add'l Cash	457,500	342,500
	4,792,500	each	Totals	<u>4,792,500</u>

In March, the Board of Directors agreed to a concept of contributing up to \$467,500 in additional funding to this project by way of Resolution No. R-37-13, but the amendment agreement was not approved by the County at that time.

As noted above, additional cash from the city under the current concept would be \$457,500. These additional funds would come from the 1/8 cent sales tax for parks projects & operations, and would be payable at the end of the project when the bond funds for the project have been spent, and the amount may be adjusted when all costs are reconciled. The attached update to the parks CIP showing the additional funds for this project in 2014 is attached.

The proposed amendment to the agreement recognizes the updated project authorization for \$8.8 million. As both the city's Board of Directors and the county's Quorum Court authorized the original agreement, both entities will need to approve resolutions adopting the amendment.

Please contact me if you have questions regarding this matter.

**Fort Smith Parks and Recreation Department  
5 Year Capital Improvement Program, Program 6208**

2014		2015		2016		2017		2018	
Park Project	Amount	Park Project	Amount	Park Project	Amount	Park Project	Amount	Park Project	Amount
Riverfront Dr. Property Improvements	750,000	Riverfront Dr. Prop. Improvements	1,000,000	Riverfront Dr. Property Improvements	250,000			Belle Grove Center	500,000
River Park Compass Splash Pad	150,000			FSP Parking and Fishing Pavilion	200,000				
		Neighborhood Parks Texas Road Park	150,000	Neighborhood Parks Fondren Park	150,000	Neighborhood Parks Briarcliff Avenue Williamson Place	300,000	Neighborhood Parks Middleton Farms	150,000
Glass Pavilion	100,000			Wilson Playground and Pavilion	100,000			FSP Park Playground	100,000
Creekmore Tennis Court Lighting and Surface Tilles Tennis Resurface	275,000	Trails & Greenways River West Trail	700,000	Trails & Greenways Mill Creek South Trail	1,000,000	Trails & Greenways Zero Street/Ridge Chaffee West	1,000,000	Trails & Greenways	500,000
RVSC Phase 1	300,000			Shade Structures at Creekmore Pool, MLK Pool and Playground	75,000	RVSC Tournament Softball fields (8)	500,000	RVSC Tournament Softball Fields (8)	500,000
Creekmore Park Land Acq & Parking	50,000	Creekmore Park Land Acq & Parking	150,000	Strategic Plan	100,000				
<b>Ben Geren Aquatic Park</b>	<b>457,500</b>			Kelley Stage and River Park Amphitheater	75,000				
	2,082,500		2,000,000		1,950,000		1,800,000		1,750,000
Operations	321,280		403,780		453,780		611,280		776,280
Total	2,403,780		2,403,780		2,403,780		2,411,280		2,526,280

2014 Budget Staff and Operations	180,280	321,280	403,780	453,780	611,280
<b>Seasonal staff recommended</b>	80,000				
Splash Pad Maintenance	50,000				
Trail Maintenance		20,000		20,000	40,000
Ben Geren Fields	11,000				
RVSC					
Aquatic Center		62,500	50,000	37,500	25,000
Belle Grove Center					
Riverfront Park (51 acres)				100,000	100,000
<b>Total Maintenance Estimate</b>	177,000	403,780	453,780	611,280	776,280
Estimated receipts	2.4m	2.4m	2.5m	2.5m	2.5m
Difference	-3,780	-3,780	96,220	88,720	-26,280

NOTE: the figures in this document are estimates, no firm pricing has been done on these line items or maintenance estimates.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE 2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK FOR AQUATIC CENTER DESIGN AT AN ESTIMATED \$10,900,000

WHEREAS, Sebastian County and the City of Fort Smith entered into agreement in 2012 regarding capital projects and operations of specific facilities at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith wish to amend such agreement to reflect that the updated cost of designing and building the facility, (estimated at \$10,900,000) are shared equitably between the County and the City.

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas, that the 2013 Amendment to an Agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park is hereby approved, and that the Mayor is hereby authorized to execute said Supplement on behalf of the city.

BE IT FURTHER RESOLVED that Resolution No. R-37-13 is hereby repealed.

THIS RESOLUTION passed this \_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

*Jerry Confull*

\_\_\_\_\_  
City Attorney  
No Publication Required

2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT  
SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK

This 2013 Amendment to an Agreement Between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park (2013 Amendment) is made and entered into between Sebastian County, Arkansas (“County”) and the City of Fort Smith, Arkansas (“City”).

WHEREAS, pursuant to authorizations of the governing bodies of the County and the City, the County and the City have previously entered into An Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park dated February 16, 2012 (the “Agreement”); and

WHEREAS, the conditions precedent outlined in paragraph 1 of the Agreement whereby the voters of the City of Fort Smith approved the issuance of four million dollars (\$4,000,000) in sales tax bonds and the County has earmarked four million dollars (\$4,000,000) for the construction of an Aquatics Facility have come to pass; and

WHEREAS, the annexation provisions of paragraph 4 of the Agreement have been completed; and

WHEREAS, the County and the City desire to adopt a 2013 Amendment to the Agreement for the purpose of providing additional funding for the Aquatics Facility to be constructed pursuant to the Agreement and make provisions regarding the equalizing of funding by the County and the City of facilities to be constructed pursuant to the Agreement.

NOW, THEREFORE, based on the mutual considerations accruing to the City and the County and their citizens, it is agreed as follows:

1. The recitals set forth in the foregoing whereas clauses are confirmed by the parties and incorporated into this Agreement, and the City and County confirm the continued effectiveness of the Agreement executed on February 16, 2012.

2. Section 2(A) of the Agreement is hereby amended to read as follows:

“A. The County and City agree to share equally in the cost of designing and constructing an aquatic center project, currently estimated to cost ten million nine hundred thousand dollars (\$10,900,000). The County and City agree to jointly select an architect for the project, and will then jointly agree on the final design for the project. The County and the City will jointly contract for the project and the county will serve as the project manager. Payments to the architect and the selected contractor shall be made jointly by the County and the City.”

B. An updated recap of the budget and cost-sharing between the County and the City for the \$10,900,000 cost-sharing agreement as set forth below:

Original Design/Const	8,000,000			
Add'l Design/Const	2,900,000	Original	4,000,000	4,000,000
Parking lot	450,000	In-Kind Value	335,000	450,000
Utilities/Traffic Signal	335,000	Subtotal	4,335,000	4,450,000
Total Cost	11,685,000	Add'l Cash	1,507,500	1,392,500
	5,842,500	each	Totals	5,842,500

3. In addition to equally dividing the design and construction costs above, the County and City agree to provide in-kind services including construction of a parking lot for the Aquatics Facility at an estimated cost of \$450,000 (the County) and construction of water and sewer facilities and a coordinated traffic light on Zero Street for ingress and egress into Ben Geren Park in support of the Aquatics Facility at an estimated cost of \$335,000 (the City).

4. The sums identified in this Agreement are current estimates. In the event the parties' estimates as compared to actual costs vary, the parties agree to adjust the figures set forth in this 2013 Amendment to reflect the actual figures determined by the construction and design activities, and agree to apportion all actual costs associated with the project (including the value of in-kind services) on an equal basis.

5. The final design for the \$10,900,000 Aquatics Facility will be reviewed and approved in a Joint Meeting by the Fort Smith City Board of Directors and the Sebastian County Quorum Court. In order to keep the project on schedule, it is the intent to schedule this joint meeting as soon as feasible during the month of December or early January in order for design work and the preparation of bid documents and bid specifications to remain on schedule.

6. Except as amended by this 2013 Amendment, the parties' Agreement shall continue in full force and effect according to the terms of the Agreement.

This 2013 Amendment is executed on behalf of the County by the County Judge thereof and on behalf of the City by the Mayor thereof on this \_\_\_\_ day of \_\_\_\_\_, 2013.

Sebastian County:

\_\_\_\_\_  
County Judge

ATTEST:

\_\_\_\_\_  
County Clerk

City of Fort Smith, Arkansas:

\_\_\_\_\_  
Mayor

ATTEST:

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

# Memo



**To:** Ray Gosack, City Administrator  
**From:** Jeff Dingman, Deputy City Administrator  
**Date:** 12/13/2013  
**Re:** Amendment to Agreement with Sebastian County (based on \$10.9 million project)

An agreement with Sebastian County related to the aquatics center and softball field projects at Ben Geren Regional Park was adopted in January, 2012 by Resolution No. R-8-12. Among other things, the agreement specifically spelled out cost-sharing between the city and the county in the design, construction and operation of an aquatics facility based on the presumed \$8 million project.

Discussions on design and budget throughout the year, and ultimately a cost-review of the design by the construction manager, have indicated that the most current estimate to build an aquatics facility as near as possible to the full-featured concept illustration will be at least \$10.9 million.

The county and the city have agreed throughout the process to divide the construction cost of the facility evenly. As that estimate has grown from the agreed-upon \$8 million to the current \$10.9 million, it is necessary to amend the agreement to reflect the updated cost (there is still language in the agreement noting that the estimated project costs will be reconciled based on actual expenses when the project is complete). Current estimates of all costs, and a breakdown of the allocation of those costs, is shown as follows:

Original Design/Const	8,000,000		City	County
Add'l Design/Const	2,900,000	Original	4,000,000	4,000,000
Parking lot	450,000	In-Kind Value	335,000	450,000
Utilities/Traffic Signal	335,000	Subtotal	4,335,000	4,450,000
Total Cost	11,685,000	Add'l Cash	1,507,500	1,392,500
	5,842,500	each	Totals	5,842,500

In March, the Board of Directors agreed to a concept of contributing up to \$467,500 in additional funding to this project by way of Resolution No. R-37-13, but the amendment agreement was not approved by the County at that time.

As noted above, additional cash from the city under the current concept would be \$1,507,500. These additional funds would come from the 1/8 cent sales tax for parks projects & operations, and would be payable at the end of the project when the bond funds for the project have been spent, and the amount may be adjusted when all costs are reconciled. In the attached CIP schedule for the park sales tax funds, you will see that the RVSC sports complex has been moved to 2017 so that funds collected to date can be allocated to the Aquatics Facility project in 2014.

The proposed amendment to the agreement recognizes the updated project authorization for \$10.9 million. As both the city's Board of Directors and the county's Quorum Court authorized the original agreement, both entities will need to approve and adopt the amendment.

Please contact me if you have questions regarding this matter.

**Fort Smith Parks and Recreation Department  
5 Year Capital Improvement Program, Program 6208**

2014		2015		2016		2017		2018	
Park Project	Amount	Park Project	Amount	Park Project	Amount	Park Project	Amount	Park Project	Amount
		Riverfront Dr. Property Improvements	750,000	Riverfront Dr. Prop. Improvements	1,000,000	Riverfront Dr. Property Improvements	250,000	Belle Grove Center	500,000
River Park Compass Splash Pad	150,000			FSP Parking and Fishing Pavilion	200,000				
		Neighborhood Parks Texas Road Park	150,000	Neighborhood Parks Fondren Park	150,000	Neighborhood Parks Briarcliff Avenue Williamson Place	300,000	Neighborhood Parks Middleton Farms	150,000
Glass Pavilion	100,000			Wilson Playground and Pavilion	100,000	FSP Park Playground	100,000		
		Trails & Greenways River West Trail	700,000	Trails & Greenways Mill Creek South Trail	500,000	Trails & Greenways Mill Creek South Trail	500,000	Trails & Greenways Zero Street/Ridge Chaffee West	500,000
RVSC Phase 1	300,000	Tennis Court Improvements	275,000			RVSC Tournament Softball fields (8)	500,000	RVSC Tournament Softball Fields (8)	500,000
<b>Ben Geren Aquatic Park</b>	<b>1,507,500</b>	Shade Structures at Creekmore Pool, MLK Pool and Playground	75,000	Kelley Stage and River Park Amphitheater	75,000	Creekmore Park Land Acq & Parking	200,000	Strategic Plan	100,000
<b>Total Projects</b>	<b>2,057,500</b>		<b>1,950,000</b>		<b>2,025,000</b>		<b>1,850,000</b>		<b>1,750,000</b>
Operations	321,280		403,780		453,780		611,280		776,280
<b>Total</b>	<b>2,378,780</b>		<b>2,353,780</b>		<b>2,478,780</b>		<b>2,461,280</b>		<b>2,526,280</b>
2014 Budget Staff and Operations	180,280		321,280		403,780		453,780		611,280

<b>Seasonal staff recommended</b>	80,000				
Splash Pad Maintenance	50,000				
Trail Maintenance		20,000		20,000	40,000
Ben Geren Fields	11,000				
RVSC					
Aquatic Center		62,500	50,000	37,500	25,000
Belle Grove Center					
Riverfront Park (51 acres)				100,000	100,000
<b>Total Maintenance Estimate</b>	321,280	403,780	453,780	611,280	776,280
Estimated receipts	2.4m	2.4m	2.5m	2.5m	2.5m
Difference	21,220	46,220	21,220	38,720	-26,280

NOTE: the figures in this document are estimates, no firm pricing has been done on these line items or maintenance estimates.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE  
PLACEMENT OF FENCING WITHIN 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 Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter, their successors or assigns for the placement and maintenance of fencing within a public right-of-way as shown on Exhibit "A" and adjacent to the following described property:

South Fort Smith, Block 18, Lot 5A, 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

Approved as to form:



\_\_\_\_\_  
NPR

# Memo

**To:** Ray Gosack, City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** December 12, 2013  
**Subject:** Temporary Revocable License for the Placement of Fencing within a Public Right-of-Way located at 5118 South 28<sup>th</sup> Street

Angie Carter of 5118 South 28<sup>th</sup> Street has requested a Temporary Revocable License to allow existing six foot chain link and wood privacy fencing to remain in the public rights-of-way adjacent to South 28<sup>th</sup> Street and Vicksburg Street. Attached is a map showing the location of the property and fencing. (See Exhibits A and B.) City staff became aware of the encroachment when the applicant submitted an application to replat the property.

The request was reviewed by the appropriate city departments and the franchise utility companies. There were no objections to the request.

The property owners have agreed to the terms of the Temporary Revocable License and have signed the agreement. A copy of the signed agreement is enclosed. (Exhibit C.)

Attached for the Board's consideration is a Resolution granting the Temporary Revocable License and authorizing Mayor Sanders to sign a Temporary Revocable License Agreement.

If you have any questions regarding this matter, please contact me.

Enc.

CITY OF FORT SMITH, ARKANSAS  
REQUEST FOR TEMPORARY REVOCABLE LICENSE

APPLICATION:

Indicate one contact person for application: \_\_\_\_\_ Applicant    X Representative

*Applicant (owner)*

*Representative (engineer, attorney, realtor, etc)*

Name: Angie Carter

Name: Ronald Brixey P.E.

Address: 5118 S. 28th  
Fort Smith, AR 72901

Address: 5223 E. Hwy 45  
Fort Smith, AR 72916

Telephone Number: 479.462.4394

Telephone Number: 479.646.6394

E-Mail: \_\_\_\_\_

E-Mail: ron@brixeyeng.com

Site Address/Location: 5118 South 28th Street, Fort Smith

Legal Description of area for which Temporary Revocable License is requested: attach separate sheet if necessary): Lot 5A South Fort Smith - dba: Lots 5, 6, 7, 8, 9, 10, 11 & 12 and Closed Alleyway of Block 18 South Fort Smith Block 11 to 22

Reason for Request: Existing fence encroachments in existing street rights of way on Vicksburg Street and South 28th Street

**APPLICANT/REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

Name: (printed) Ronald Brixey P.E.

Signature: *Ronald Brixey* Date: 10/3/13

**Property Owner(s)/Authorized Agent:** *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

**Note:** If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

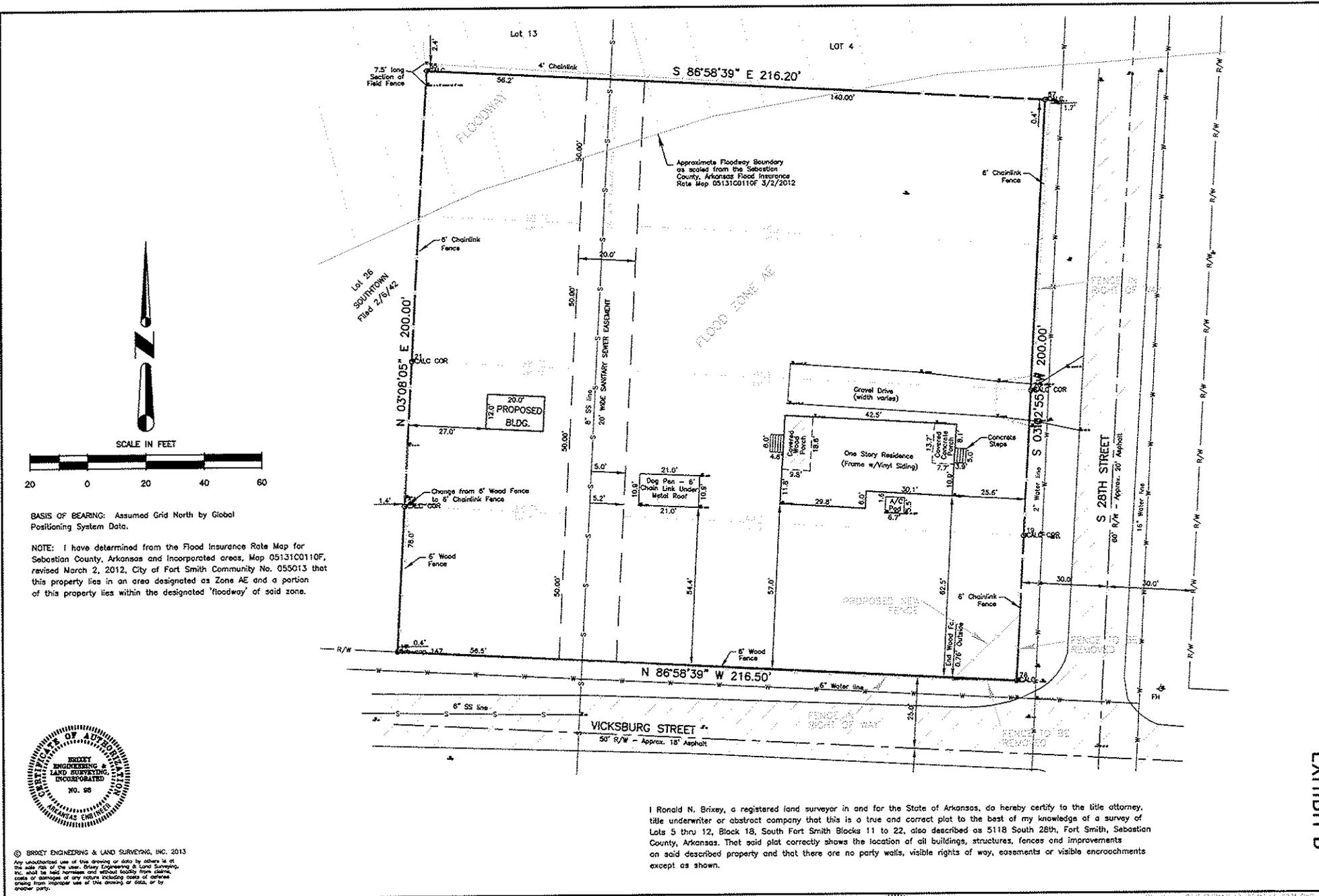
**AUTHORIZATION OF AGENT**

If an agent is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ronald Brixey P.E. to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

<u>NAME &amp; ADDRESS OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. <u>Angie M. Carter</u> <u>5118 South 28<sup>th</sup></u> <u>Fort Smith, Arkansas 72901</u>	<u>Angie Marie Carter</u>
2. <u>Shirley Ann Lawther</u> <u>2 Raleigh Cir</u> <u>Ft. Smith, AR 72901</u>	<u>Shirley Ann Lawther</u>
3. <u>Donna D Carter</u> <u>5118 South 28<sup>th</sup></u> <u>Fort Smith Ark 72901</u>	<u>Donna D Carter</u>
4. _____ _____ _____	_____



I Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plat to the best of my knowledge of a survey of Lots 5 thru 12, Block 18, South Fort Smith Blocks 11 to 22, also described as 5118 South 28th, Fort Smith, Sebastian County, Arkansas. That said plat correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown.



© BRIXEY ENGINEERING & LAND SURVEYING, INC. 2013  
 Any unauthorized use of this drawing or data by others is at the sole risk of the user. Brixey Engineering & Land Surveying, Inc. shall be held harmless and without liability from claims, costs or damages of any nature including those of defense arising from intentional use of this drawing or data, or by another party.

**BRIXEY ENGINEERING & LAND SURVEYING, INC.**  
 CONSULTING ENGINEERS -- LAND SURVEYORS  
 5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72908 (479) 646-6394

LEGEND	
Computed Point	○
Set 1/2" Iron Pin	●
Set 1/2" Iron Pin	○
Set R.R. Spike	⊕
Exist. R.R. Spike	⊕
Set Nail	⊕
Exist. Nail	⊕
Exist. Stone	⊕
Exist. Monument	⊕
Exist. Fence	—

Revisions:



**EXHIBIT TO TEMP. REV. LICENSE**  
 LOTS 5 THRU 12 & CLOSED ALLEY  
 BLOCK 18  
 SOUTH FORT SMITH  
 FORT SMITH, ARKANSAS  
 Prepared For: Angie Marie Carter & Donna Sue Carter

Date: Oct. 01, 2013
Drawn By: DPB
Approved:
Job No. 13-0235
Sheet
Filed

**TEMPORARY REVOCABLE LICENSE AGREEMENT**

**SECTION 1:** On \_\_\_\_\_ the Board of Directors passed Resolution No. \_\_\_\_\_ granting a temporary revocable license to Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter, their successors or assigns, which, subject to the terms and conditions expressed in this Agreement, temporarily allows the placement and maintenance of six (6) foot wood privacy fencing and six (6) chain link fencing within the Vicksburg Street and South 28<sup>th</sup> Street rights-of-way as shown on Exhibit "A" and adjacent to South Fort Smith, Block 18, Lot 5A.

**Section 2:** It is agreed that the City shall have no responsibility for the maintenance of the fencing. If the fencing is damaged in any manner, same shall be removed by the licensee, or any successor or assignee, at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) in a manner meeting the approval of the City Administrator. Additionally, at the sole discretion of the City Administrator, upon thirty (30) days notice from the City Administrator, the licensee or any successor or assignee shall remove the fencing from the right-of-way at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) and in a manner meeting the approval of the City Administrator. The licensee, their successor or assignees, shall hold the City harmless from and indemnify the city for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the placement and maintenance of said improvements. Should any City department require access to the right-of-way, said City department shall have no duty to give prior notice to the licensee in emergency situations. For routine or scheduled maintenance, reasonable notice shall be given if the work may affect any improvement by the licensee. Under any circumstance, the City shall have no responsibility to protect or replace any improvements of the licensee that are across and within the right-of-way.

**SECTION 3:** The terms of this temporary license are deemed accepted by the licensee by the licensee's signature below and by any successor or assignee of the licensee by the acquisition of or reliance on the rights to the temporary license granted by the City.

In witness whereof, this document is executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF FORT SMITH, ARKANSAS**

BY: \_\_\_\_\_  
**Sandy Sanders, Mayor of Fort Smith**

Attest:

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

PROPERTY OWNERS:

*Angie M Carter*

Angie M. Carter

*Donna S Carter*

Donna S. Carter

*Shirley Ann Lowther*

Shirley Ann Lowther

ACKNOWLEDGEMENT

STATE OF ARKANSAS    )  
  )SS  
COUNTY OF SEBASTIAN )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared, Sandy Sanders, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

ACKNOWLEDGEMENT

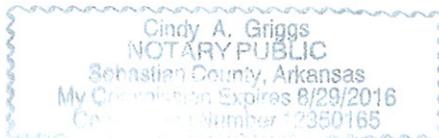
STATE OF ARKANSAS    )  
                                  )SS  
COUNTY OF SEBASTIAN )

On this 22<sup>nd</sup> day of November, 2013, before me, the undersigned notary public, personally appeared, Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter, whose identify is personally known to me known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Cindy A. Griggs  
Notary Public

My Commission Expires:  
8-29-2016





RESOLUTION \_\_\_\_\_

**A RESOLUTION ASSESSING LIQUIDATED DAMAGES  
FOR THE CONSTRUCTION OF  
FLAGSTONE ROAD EXTENSION, PHASE II  
PROJECT NO. 12-00-C**

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

SECTION 1: The City of Fort Smith hereby assesses liquidated damages for 10 calendar days in the amount of \$10,000.00 on Flagstone Road Extension, Phase II, Project No. 12-00-C.

This resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



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

RESOLUTION \_\_\_\_\_

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
FLAGSTONE ROAD EXTENSION, PHASE II  
PROJECT NO. 12-00-C**

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 completion of the Flagstone Road Extension, Phase II, Project No. 12-00-C.

SECTION 2: Final payment is hereby authorized in the amount of \$19,181.36 to the contractor, Goodwin & Goodwin, Inc. for the Flagstone Road Extension, Phase II, Project No. 12-00-C.

This resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



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

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

**FROM:** Stan Snodgrass, P.E., Director of Engineering

**DATE:** December 11, 2013

**SUBJECT:** Flagstone Road Extension, Phase II  
Project No. 12-00-C

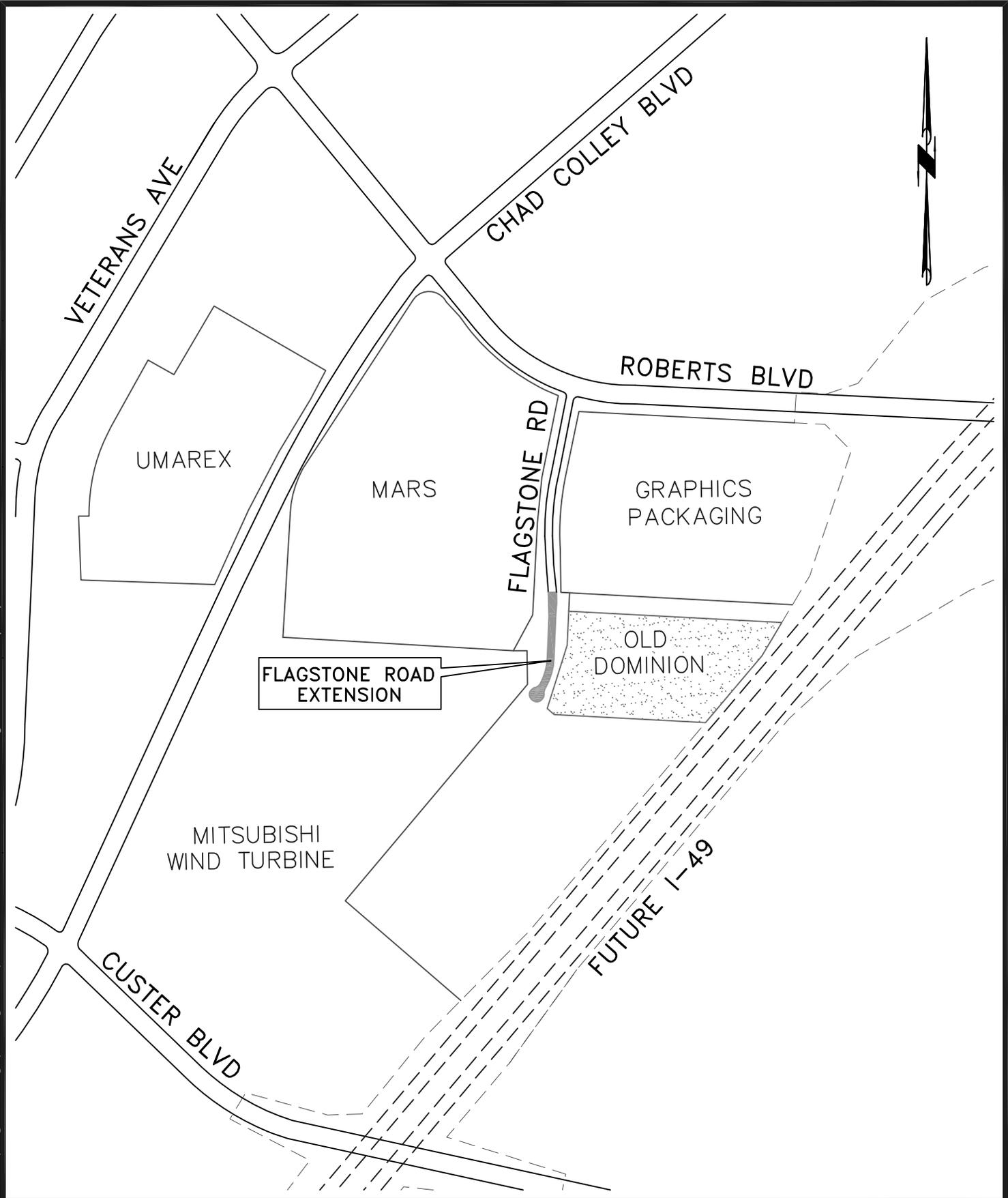
This project extended Flagstone Road approximately 600 feet to the south to serve the new Old Dominion freight line terminal. The project cost was shared equally between the Fort Chaffee Redevelopment Authority and the City. An exhibit is attached which shows the location of the proposed improvements. A project summary sheet is also attached.

The contract for the construction of the street extension required an April 5, 2013 milestone completion to the first driveway entrance for the Old Dominion site. The contractor did not meet this requirement until April 15, 2013. There is a cost of \$1,000/Day in liquidated damages to the contractor for each day that Old Dominion was denied access to their site beyond the milestone completion date. The contractor was 10 days late in providing access to the site, therefore, a \$10,000 deduction has been applied to the final payment.

Attached are Resolutions to assess the liquidated damages and to accept the project as complete and authorize final payment to the contractor. I recommend that the Resolutions be accepted by the Board of Directors at the next regular meeting.

Enclosures

C:\City of Ft. Smith\Engineering\Snodgrass\OLD DOMINION1.dwg 12/11/13-14:52 RBR OLD DOMINION



**FLAGSTONE ROAD EXTENSION  
PHASE II  
FORT SMITH, ARKANSAS**



Project:	12-00-C
Date:	DEC. 2012
Scale:	NONE
Drawn By:	RBR

# SUMMARY SHEET

City of Fort Smith  
 Project Status: Complete  
 Today's Date: 12/11/2013  
 Staff contact name: Stan Snodgrass  
 Staff contact phone: 784-2225  
 Contract time (no of days): 120  
 Notice to proceed issued: 1/14/2013

Project name: Flagstone Rd. Ext., Ph. II  
 Project number: 12-00-C  
 Consultant engineer: Mickle Wagner Coleman  
 Project contractor: Goodwin & Goodwin

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$633,501.00	12/18/2012	5/14/2013
Contract Revisions:			
1			
Adjusted contract amount	\$633,501.00		
Work Completed to Date	\$577,517.91		
Payments to date (as negative)	\$548,336.55		
Less Liquidated Damages (10 days at \$1,000/day)	\$10,000.00		
Amount of this payment	\$19,181.36		
Contract balance remaining	\$65,983.09		
Retainage held		0%	
Final payment	\$19,181.36		
Amount under original as a percentage		10.4%	

**Final Comments:**

The contract for the construction of the street extension required an April 5, 2013 milestone completion to the first driveway entrance for the Old Dominion site. The contractor did not meet this requirement until April 15, 2013. There is a cost of \$1,000/Day in liquidated damages to the contractor for each day that Old Dominion was denied access to their site beyond the milestone completion date. The contractor was 10 days late in providing access to the site, therefore, a \$10,000 deduction has been applied to the final payment.

RESOLUTION \_\_\_\_\_

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
DRAINAGE IMPROVEMENTS  
PROJECT NO. 11-06-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 2011 Drainage Improvements Phase A, Project No. 11-06-A as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$57,948.81 to the contractor, Crawford Construction, for 2011 Drainage Improvements Phase A, Project No. 11-06-A.

This resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



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

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

**FROM:** Stan Snodgrass, P.E., Director of Engineering

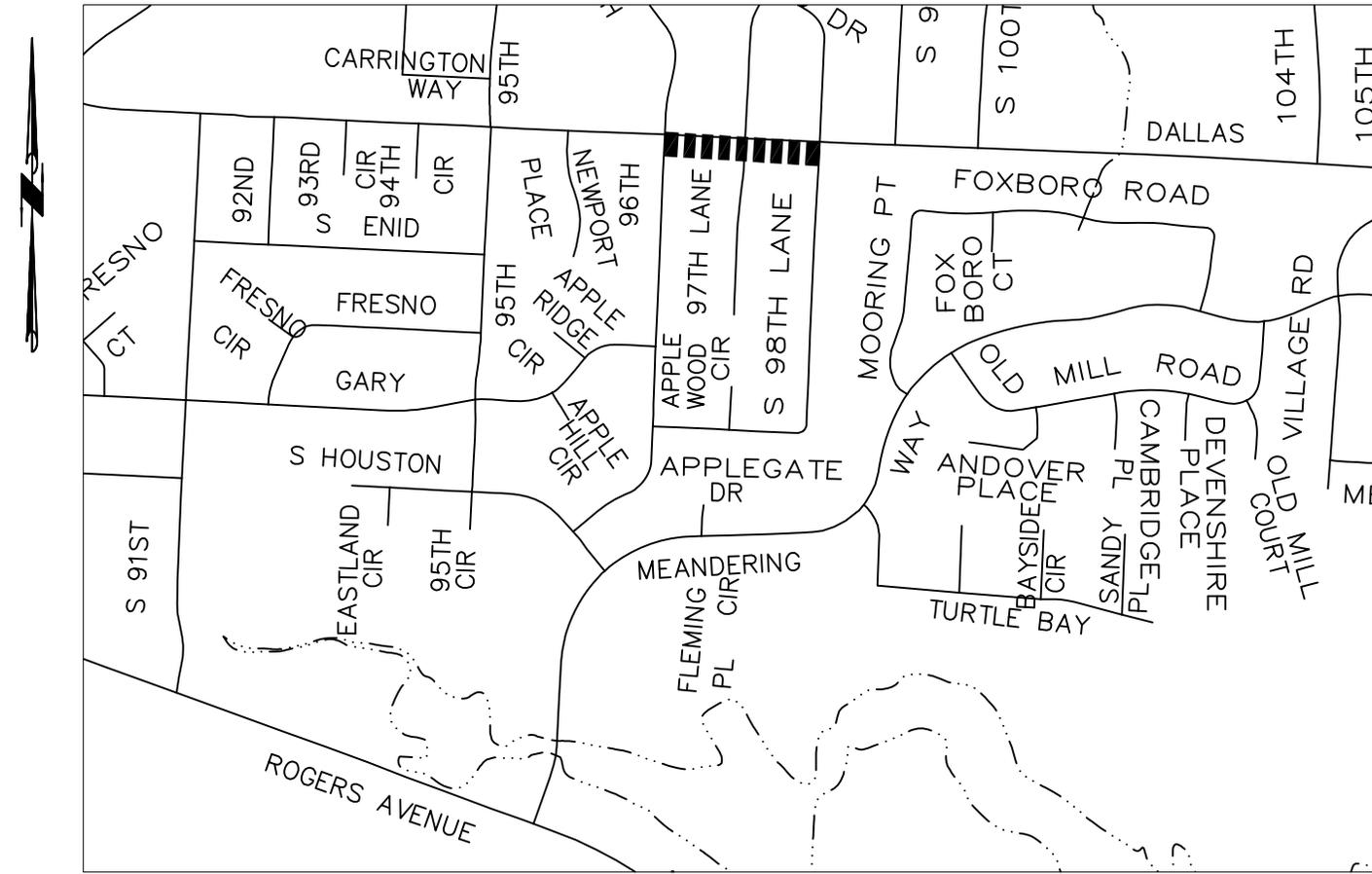
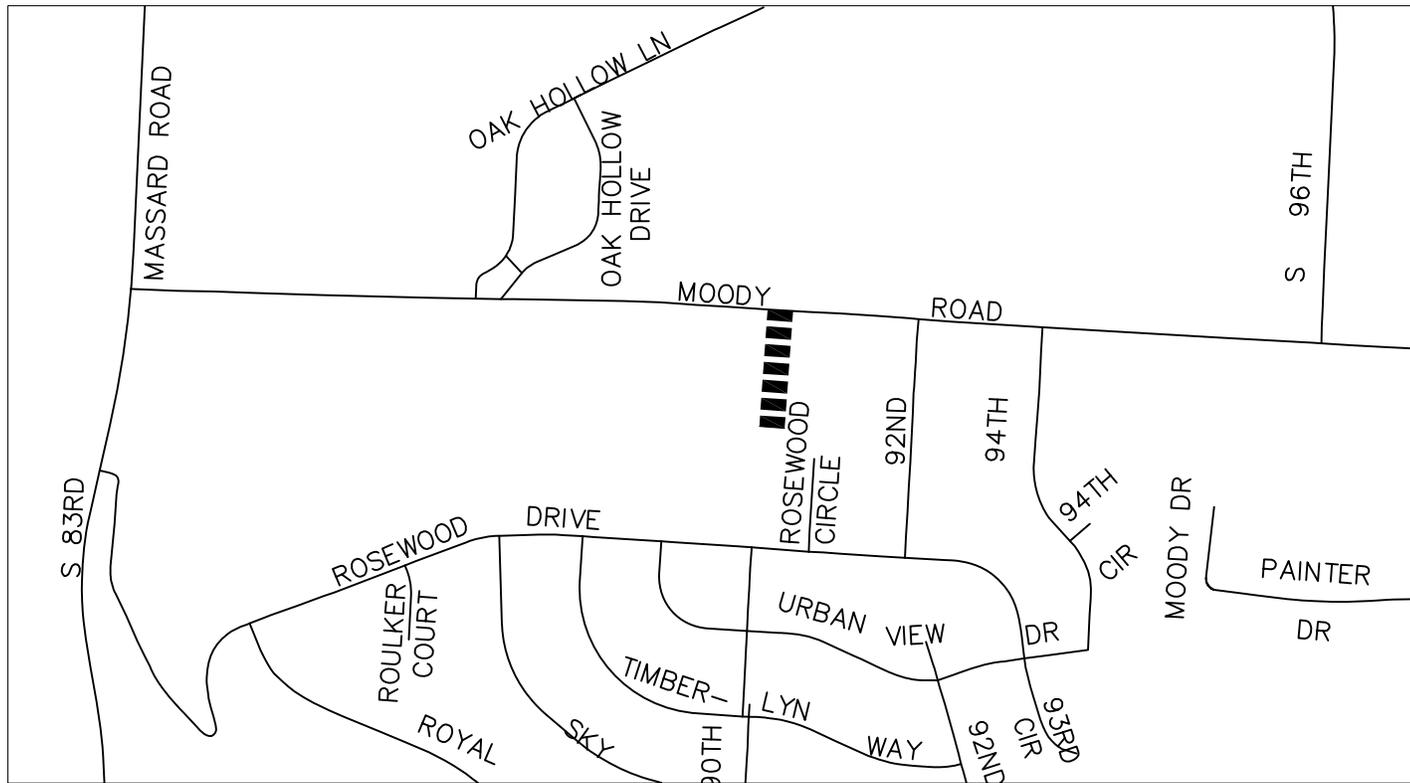
**DATE:** December 11, 2013

**SUBJECT:** Drainage Improvements  
Project No. 11-06-A

This project consisted of drainage improvements in five locations to reduce residential and school flooding and channel erosion. The project was approved by the Board of Directors as part of the 2011 Capital Improvements Program. The locations of the proposed improvements are shown on the attached exhibit. A project summary sheet is also attached

Attached is a Resolution to accept the project as complete and authorize final payment to the contractor. I recommend that the Resolution be accepted by the Board at the next regular meeting.

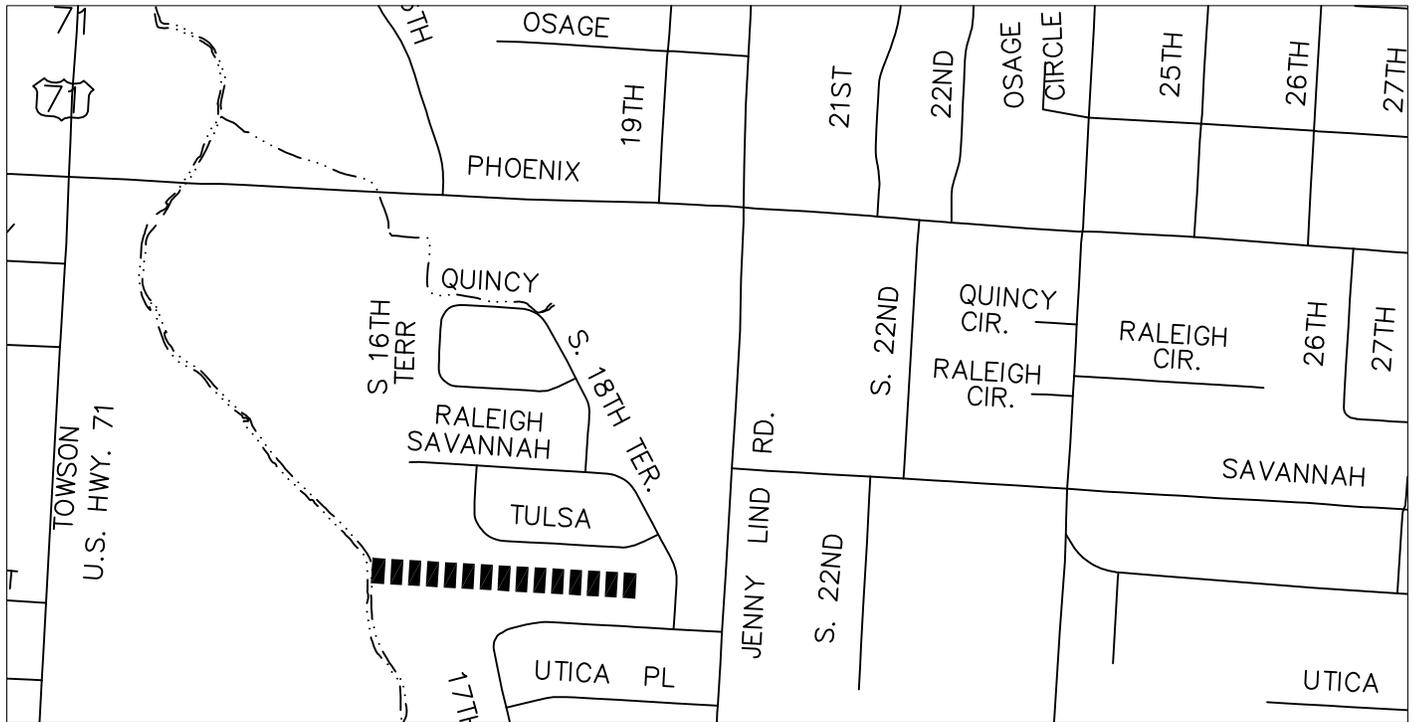
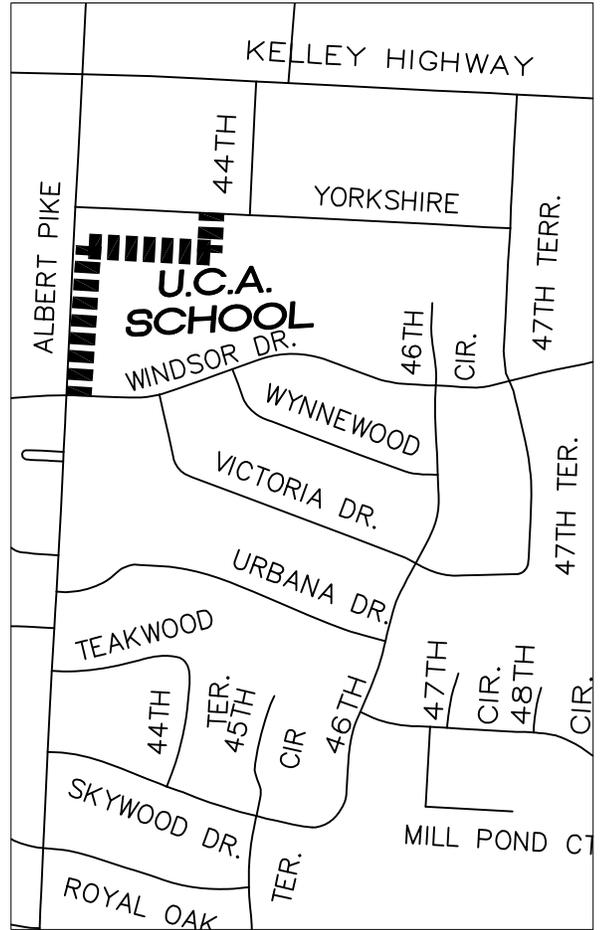
Enclosures



2011 CAPITAL IMPROVEMENTS PROGRAM  
DRAINAGE IMPROVEMENTS



Project: 11-06-A  
Date: OCT. 2010  
Scale: NONE  
Drawn By: RBR



2011 CAPITAL IMPROVEMENTS PROGRAM  
DRAINAGE IMPROVEMENTS



Project: 11-06-A  
Date: MARCH 2012  
Scale: NONE  
Drawn By: RBR

# SUMMARY SHEET

City of Fort Smith  
 Project Status: Complete  
 Today's Date: 12/11/2013  
 Staff contact name: Stan Snodgrass  
 Staff contact phone: 784-2225  
 Contract time (no of days): 340  
 Notice to proceed issued: 5/21/2012

Project name: Drainage Improvements  
 Project number: 11-06-A  
 Consultant engineer: Philip Leraris  
 Project contractor: Crawford Construction

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$1,099,485.30	3/27/2012	4/25/2013
Contract Revisions:			
1			
2			
3			
Adjusted contract amount	\$1,099,485.30		
Payments to date (as negative):	\$918,458.47		
Amount of this payment	\$57,948.81		
Contract balance remaining	\$123,078.02		
Retainage held		0%	
Final payment	\$57,948.81		
Amount under original as a percentage		11.2%	

**Final Comments:**

The project was not substantially completed until October 1, 2013 due to significant delays in obtaining a permit from the railroad as well as securing the necessary easements to allow the construction of the project.

RESOLUTION \_\_\_\_\_

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
STREET OVERLAYS / RECONSTRUCTION, PHASE C  
PROJECT NO. 13-03-C**

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 Street Overlays / Reconstruction, Phase C, Project No. 13-03-C as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$34,792.77 to the contractor, Forsgren, Inc., for Street Overlays / Reconstruction, Phase C, Project No. 13-03-C.

This resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



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

## **INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator  
**FROM:** Stan Snodgrass, P.E., Director of Engineering  
**DATE:** December 11, 2013  
**SUBJECT:** Street Overlays/Reconstruction  
Project No. 13-03-C

The above subject project consisted of asphalt street overlays, reconstruction and minor drainage improvements for the streets shown on the attached exhibit. The total length of streets improved was approximately 2.1 miles. A project summary sheet is also attached.

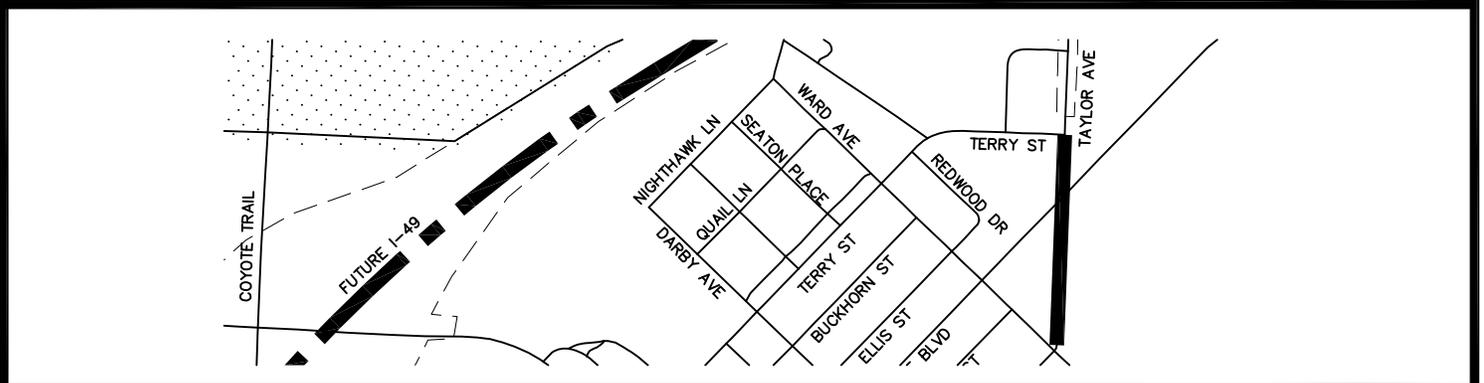
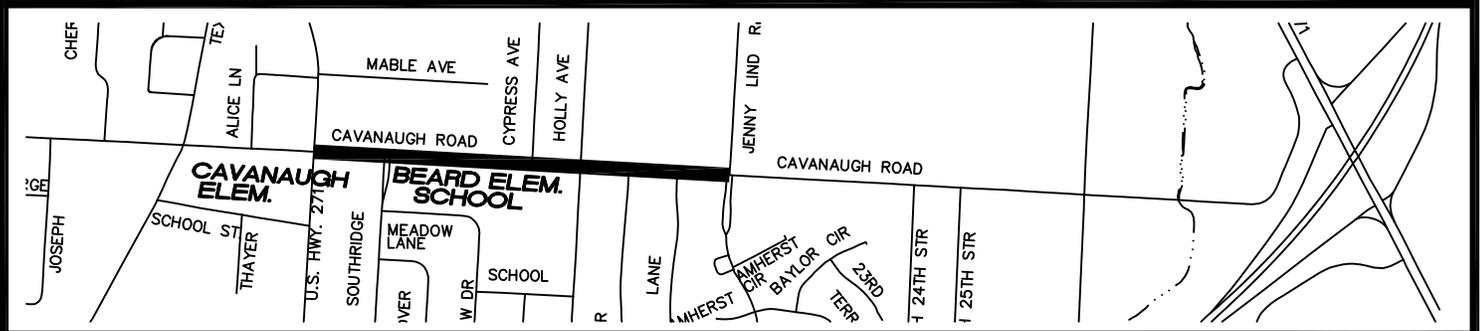
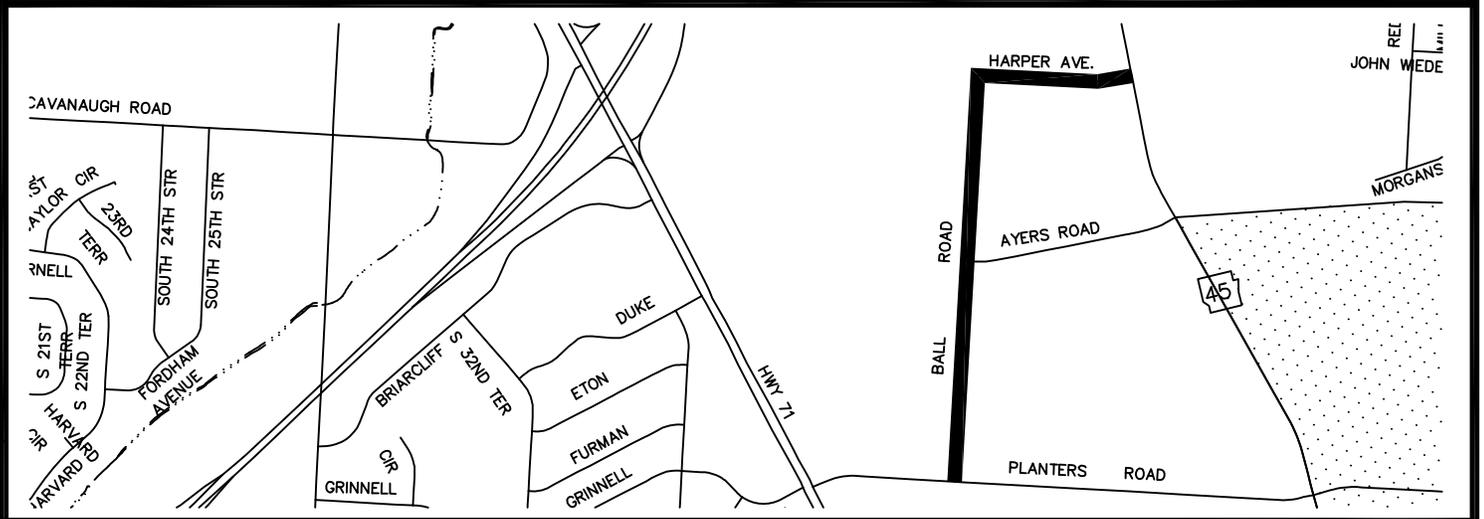
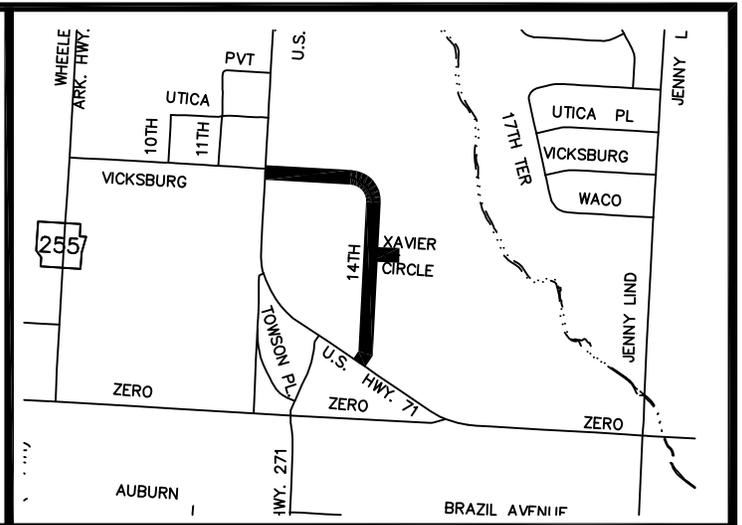
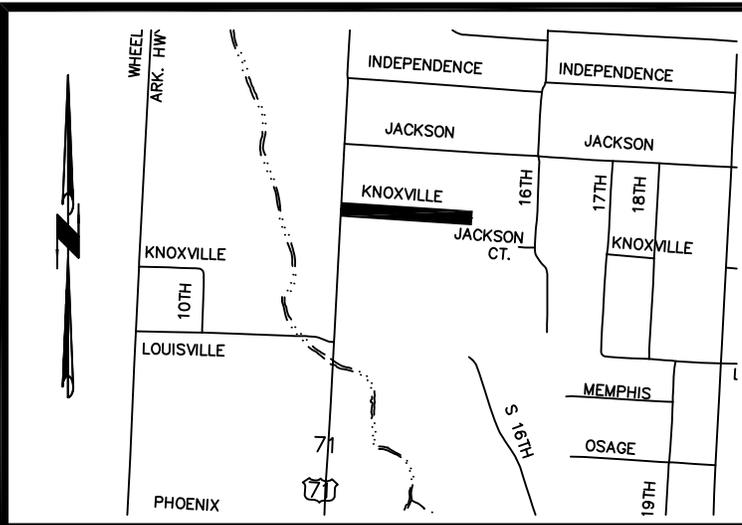
Attached is a Resolution to accept the project as complete and authorize final payment to the contractor. I recommend that the Resolution be accepted by the Board of Directors at the next regular meeting.

13-03-C

RBR

12/11/13-17:00

C:\DRAWINGS\CIP\00-00 CIPALL\2013\2013 OVERALL.DWG



2013 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



Project: 13-03-C  
Date: SEPT. 2012  
Scale: NONE  
Drawn By: RBR

# SUMMARY SHEET

City of Fort Smith  
 Project Status Complete  
 Today's Date: 12/11/2013  
 Staff contact name: Stan Snodgrass  
 Staff contact phone: 784-2225  
 Contract time (no of days): 270  
 Notice to proceed issued: 6/04/2013

Project Name: 2013 Street Overlays/Reconstruct Ph C  
 Project Number: 13-03-C  
 Consultant Engineer: Brixey Engineering  
 Project Contractor: Forsgren, Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$1,745,522.18	5/14/2013	2/28/2014
Contract Revisions:			
1			
2			
3			
Adjusted contract amount	<u>\$1,745,522.18</u>		
Payments to date (as negative):	\$1,589,450.69		
Amount of this payment	\$34,792.77		
Contract balance remaining	\$121,278.72		
Retainage held		0%	
Final payment	\$34,792.77		
Amount under original as a percentage		6.9%	

**Final Comments:**

The project was substantially complete on October 11, 2013.

RESOLUTION \_\_\_\_\_

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
DALLAS STREET REPAIR / DIAMOND GRINDING  
PROJECT NO. 13-90-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 Dallas Street Repair / Diamond Grinding, Project No. 13-90-A as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$2,067.67 to the contractor, Forsgren, Inc., for Dallas Street Repair / Diamond Grinding, Project No. 13-90-A.

This resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



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

## **INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**FROM:** Stan Snodgrass, P.E., Director of Engineering

**DATE:** December 11, 2013

**SUBJECT:** Dallas Street Repair/Diamond Grinding  
Project No. 13-90-A

This project consisted of removal and replacement of severely cracked concrete panel sections and diamond grinding of the street surface to improve the ride quality. The project limits were approximately 3100 feet along Dallas Street from Massard Road to just east of 91<sup>st</sup> Street as shown on the attached location map.

Attached is a Resolution to authorize the project as complete and authorize final payment to the contractor. I recommend that this Resolution be accepted by the Board of Directors at the next regular meeting.



# SUMMARY SHEET

City of Fort Smith  
 Project Status: Complete  
 Today's Date: 12/11/2013  
 Staff contact name: Stan Snodgrass  
 Staff contact phone: 784-2225  
 Contract time (no of days): 90  
 Notice to proceed issued: 6/10/2013

Project name: 2013 Dallas Street Repair  
 Project number: 13-90-A  
 Consultant engineer: Hawkins-Weir Engineering  
 Project contractor: Forsgren, Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$230,592.75	4/23/2013	9/8/2013
Contract Revisions:			
1			
2			
3			
Adjusted contract amount	<u>\$230,592.75</u>		
Payments to date (as negative):	\$204,699.61		
Amount of this payment	\$2,067.67		
Contract balance remaining	\$23,825.47		
Retainage held	0%		
Final payment	\$2,067.67		
Amount under original as a percentage	10.3%		

**Final Comments:**

The project was substantially complete on September 5, 2013.

RESOLUTION \_\_\_\_\_

**A RESOLUTION AUTHORIZING A TIME EXTENSION  
AND ASSESSING LIQUIDATED DAMAGES FOR THE  
CONSTRUCTION OF MCCLURE AMPHITHEATER ROAD  
PROJECT NO. 12-00-A**

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

SECTION 1: A time extension with Crawford Construction Company, Inc., for the construction of McClure Amphitheater Road, Project No. 12-00-A, which increases the contract time by 76 calendar days, is hereby approved.

SECTION 2: The City of Fort Smith hereby assesses liquidated damages for 66 calendar days in the amount of \$33,000.00 on Street Overlays/Reconstruction, Project No. 12-00-A.

This Resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



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

RESOLUTION \_\_\_\_\_

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
MCCLURE AMPHITHEATER ROAD  
PROJECT NO. 12-00-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 the McClure Amphitheater Road, Project No. 12-00-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$30,622.33 to the contractor, Crawford Construction Company, Inc., for the McClure Amphitheater Road, Project No. 12-00-A.

This Resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form



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

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

**FROM:** Stan Snodgrass, P.E., Director of Engineering

**DATE:** December 11, 2013

**SUBJECT:** McClure Amphitheater Road  
Project No. 12-00-A

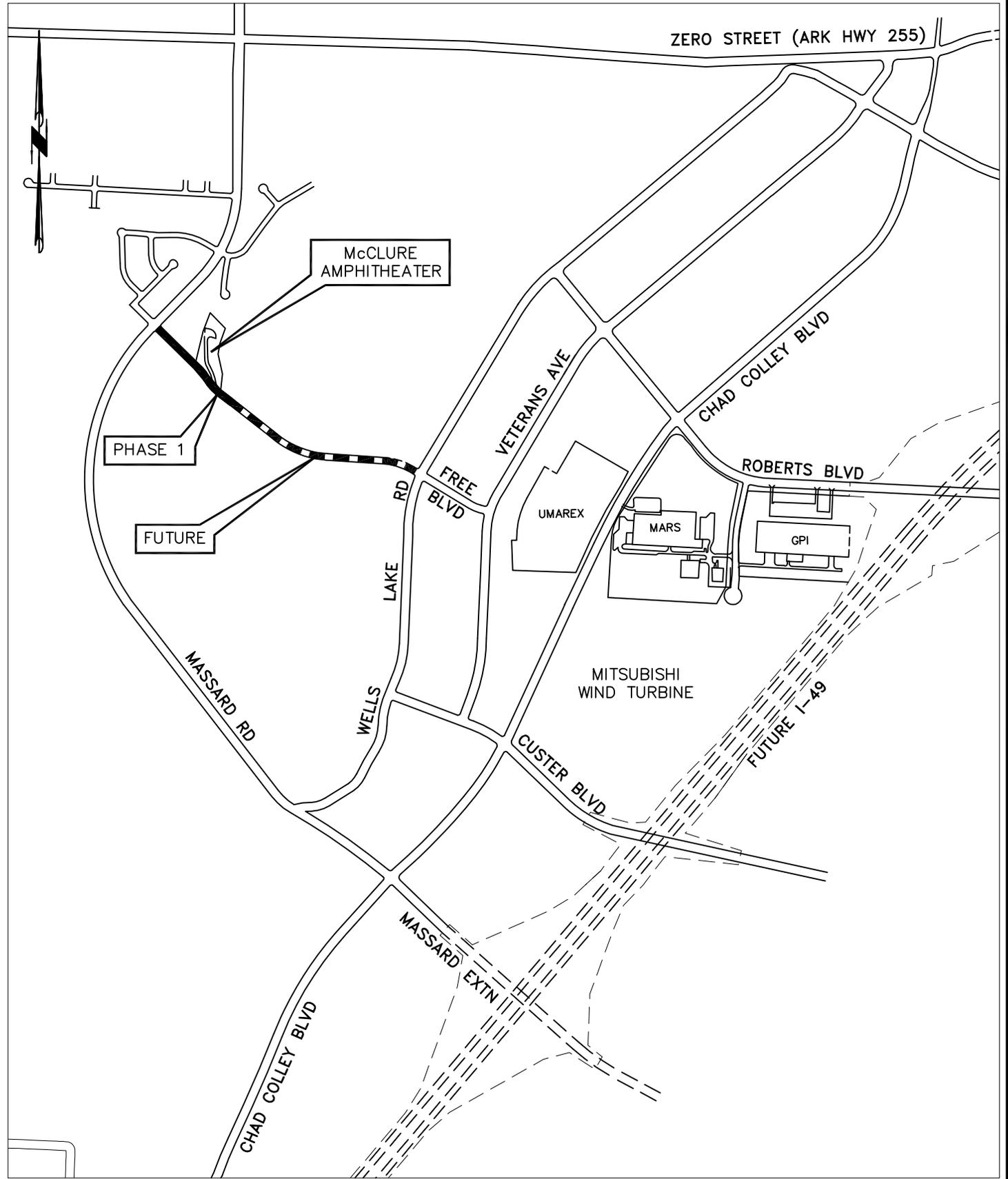
The above subject project was for the construction of a new street to serve the McClure Amphitheater. This street will also encourage development of the area east of the amphitheater extending towards Wells Lake Road. This approximately 1300 foot street intersects with Massard Road as shown on the attached exhibit. A project summary sheet is also attached. The cost of the project was split equally between the Fort Chaffee Redevelopment Authority and the City.

The project was substantially complete on September 25, 2013, 142 days beyond the contract completion date. A time extension of 76 days which includes 46 days for inclement weather and 30 days for field adjustments / additional work items is warranted. Liquidated damages for the remaining 66 days are being assessed. The contract specifies liquidated damages in the amount of \$500.00 per day which decreases the final payment to the contractor by \$33,000.00.

Attached is a resolution to increase the contract time and assess liquidated damages, and a resolution to accept the project as complete and authorize final payment to the contractor. I recommend that the two resolutions be accepted by the Board at the next regular meeting.

Enclosures

C:\DRAWINGS\CIP\00-00 CIPALL\2012\CIPALL 2012 PROJECTS.DWG 12/12/13-09:23 RBR McClure



2012 CAPITAL IMPROVEMENTS PROGRAM  
 McClure Amphitheater Road



Project:	12-00-A
Date:	DEC. 2013
Scale:	NONE
Drawn By:	RBR

## SUMMARY SHEET

City of Fort Smith  
 Project Status: Complete  
 Today's Date: 12/11/2013  
 Staff contact name: Stan Snodgrass  
 Staff contact phone: 784-2225  
 Contract time (no of days): 180  
 Notice to proceed issued: 11/7/2012

Project name: McClure Amphitheater Drive  
 Project number: 12-00-A  
 Consultant engineer: Mickle Wagner Coleman  
 Project contractor: Crawford Construction

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$1,089,115.10	8/21/2012	5/6/2013
<b>Contract Revisions:</b>			
1 Time Extension 76 days			
Adjusted contract amount	\$1,089,115.10		
Work Completed to Date	\$1,080,581.84		
Payments to date (as negative)	\$1,016,959.51		
Less Liquidated Damages (66 days at \$500/day)	\$33,000.00		
Amount of this payment	\$30,622.33		
Contract balance remaining	\$41,533.26		
Retainage held		0%	
Final payment	\$30,622.33		
Amount under original as a percentage		3.8%	

**Final Comments:**

The project was substantially complete on September 25, 2013, 142 days beyond the contract completion date. A time extension of 76 days which includes 46 days for inclement weather and 30 days for field adjustments / additional work items is warranted. Liquidated damages for the remaining 66 days are being assessed. The contract specifies liquidated damages in the amount of \$500.00 per day which decreases the final payment to the contractor by \$33,000.00.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE UNITED STATES COAST GUARD AUXILIARY FLOTILLA 15-5 LOCATED AT 3802 GRAND AVENUE**

---

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 to by the City Clerk, the attached Lease Agreement with the United States Coast Guard Auxiliary Flotilla 15-5 for the property known as the "Old Fire Station No. 6" located along frontage of Tilles Park at 3802 Grand Avenue in Fort Smith, Arkansas and the building and all improvements thereon;

This Resolution adopted this \_\_\_\_\_ day of December, 2013.

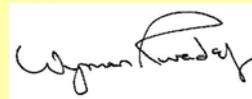
APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form:



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

## LEASE AGREEMENT

This Lease Agreement executed this 1<sup>st</sup> day of January, 2014, between the City of Fort Smith, Arkansas, LESSOR, and the United States Coast Guard Auxiliary Flotilla 15-5, Fort Smith, Arkansas, LESSEE, witness:

### I

The Lessor hereby leases the Lessee, the rental rate of One Dollar (\$1.00) annually for fifteen years, and other valuable consideration, the following property of the City of Fort Smith, Arkansas, a certain building known as the old Fire Station No. 6, located at Tilles Park at 3802 Grand Avenue, Fort Smith, Arkansas, for the term of fifteen (15) years, commencing on January 1, 2014. The Lessor shall have the right to extend this agreement on a month-to-month basis at the conclusion of the lease term with a thirty (30) day advance notice to the Lessee.

### II

The Lessee agrees to pay all utilities charged to the premises, shall provide proof of liability insurance coverage and agrees to maintain the interior and exterior of the building in good condition and reasonable repair.

### III

The Lessee shall use said premises for the purpose of the storage of United States Coast Guard Auxiliary boating safety equipment, search and rescue equipment, life saving equipment and survival equipment for the public welfare and safety of the citizens of Fort Smith, Arkansas, and surrounding territory, and shall further use said premises for the education and training of boating safety, for meetings of the Coast Guard Auxiliary Flotilla and to do all such similar associated acts for the common welfare and safety of the citizens of the Fort Smith area.

IV

The Lessee hereby releases the City of Fort Smith from all liability which might arise out of their use of the premises and hereby agrees to indemnify and hold the Lessor harmless from all claims, losses or expenses of any kind or description arising out of the use of the said property above described.

V

That said premises shall be used for no other purpose than those specifically described herein.

WITNESS the hands & seals of the Parties hereto this 1<sup>st</sup> day of January, 2014.

CITY OF FORT SMITH, ARKANSAS

By \_\_\_\_\_  
Mayor

ATTEST

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

United States Coast Guard  
Auxiliary Flotilla 15-5  
Fort Smith, Arkansas

By \_\_\_\_\_  
Auxiliary Representative

## Interoffice Memorandum

**TO:** Ray Gosack, City Administrator

**FROM:** Alie Bahsoon, Purchasing Manager 

**SUBJECT:** Coast Guard Auxiliary Lease

**DATE:** December 11, 2013

---



At the June 18<sup>th</sup> meeting, the Board approved Resolution R-95-13 authorizing a 6 month extension rental agreement between the City and the United States Coast Guard Auxiliary Flotilla 15-5 who presently leases the City's property at 3802 Grand Avenue for \$1 annually.

We requested from the Auxiliary to submit a rehabilitation plan for the building and to secure liability insurance for which they have complied on both matters. I have attached a copy of the correspondence I received from them regarding these two matters.

I am recommending the adoption of the attached resolution and to authorize and execute the Lease Agreement for fifteen (15) years.

Should you require any additional information, please do not hesitate to contact me.

## Bahsoon, Alie

---

**From:** Mina Alber [malber1313@cox.net]  
**Sent:** Wednesday, November 13, 2013 9:15 AM  
**To:** Bahsoon, Alie; Larry Alber  
**Subject:** 3802 Grand Ave.

Mr. Bahsoon:

The membership of Flotilla 15-5, 8WR, has voted to enter into an agreement with the City of Fort Smith to lease the building at 3802 Grand Avenue. We will either purchase liability insurance coverage from Brown Hiller Clark or we will present a Liability Letter signed by the Director of Auxiliary to the City of Fort Smith. A Liability Letter signed by the Director serves as a declaration to a third party that a unit of the U.S. Coast Guard Auxiliary, when acting within the scope of its authorized activities, comes under the provisions and protection of the Federal Tort Claims Act.

We also understand that we are charged with keeping the building in good repair, as we have been doing for the past 30 years.

We would like our lease to be in effect for 15 years.

Mina Alber  
Flotilla Commander 15-5

# 4J

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH FORT SMITH EMERGENCY MEDICAL SERVICES LOCATED AT 1701 SOUTH GREENWOOD AVENUE**

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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, his signature being attested to by the City Clerk, the attached Lease Agreement with Fort Smith Emergency Medical Services (EMS) for the property located at 1701 South Greenwood (Lot One (1) and the North 1/2 of Lot Two (2) of Block Two (2) of Pelley Addition No.1) in Fort Smith, Arkansas and the building and all improvements thereon.

This Resolution adopted this \_\_\_\_\_ day of December, 2013.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form:



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

## LEASE AGREEMENT

This Lease Agreement executed this 1<sup>st</sup> day of January, 2014, between the City of Fort Smith, Arkansas, LESSOR, and Fort Smith Emergency Services, Fort Smith, Arkansas, LESSEE, witness:

### I

The Lessor hereby leases the Lessee, the rental rate of One Dollar (\$1.00) annually for fifteen years, and other valuable consideration, the following property of the City of Fort Smith, Arkansas, located at 1701 South Greenwood (Lot One (1) and the North 1/2 of Lot Two (2) of Block Two (2) of Pelley Addition No.1) in Fort Smith, Arkansas, for the term of fifteen (15) years, commencing on January 1, 2014. The Lessor shall have the right to extend this agreement on a month-to-month basis at the conclusion of the lease term with a thirty (30) day advance notice to the Lessee.

### II

The Lessee agrees to pay all utilities charged to the premises, shall provide proof of liability insurance coverage and agrees to maintain the interior and exterior of the building in good condition and reasonable repair.

### III

The Lessee shall use said premises for ambulance services and the storage of ambulances and equipment for the public welfare and safety of the Citizens of Fort Smith, Arkansas.

### IV

The Lessee hereby releases the City of Fort Smith from all liability which might arise out of their use of the premises and hereby agrees to indemnify and hold the Lessor harmless from all claims, losses or expenses of any kind or description arising out of the use of the said property above described.

4J

V

That said premises shall be used for no other purpose than those specifically described herein.

WITNESS the hands & seals of the Parties hereto this 1<sup>st</sup> day of January, 2014.

CITY OF FORT SMITH, ARKANSAS

By \_\_\_\_\_  
Mayor

ATTEST

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

Fort Smith Emergency Medical Services  
Fort Smith, Arkansas

By \_\_\_\_\_  
Executive Director

# 4J

## Interoffice Memorandum

**TO:** Ray Gosack, City Administrator

**FROM:** Alie Bahsoon, Purchasing Manager 

**SUBJECT:** Fort Smith EMS Lease

**DATE:** December 11, 2013

---



The current Fort Smith Emergency Medical Services (EMS) lease expires at the end of this year (was formerly for 30 years and executed in 1983) and enclosed to this memorandum is the new lease for a term of 15 years.

Mr. Tim Hearn, Executive Director of EMS and I visited and he has requested to make some upgrades to the facility by adding a fence across the back of the property and adding a canopy on the front of the building (see attached). He has estimated approximately a \$12,000 investment to the facility.

I am recommending the adoption of the attached resolution and to authorize and execute the Lease Agreement for fifteen (15) years.

Should you require any additional information, please do not hesitate to contact me.

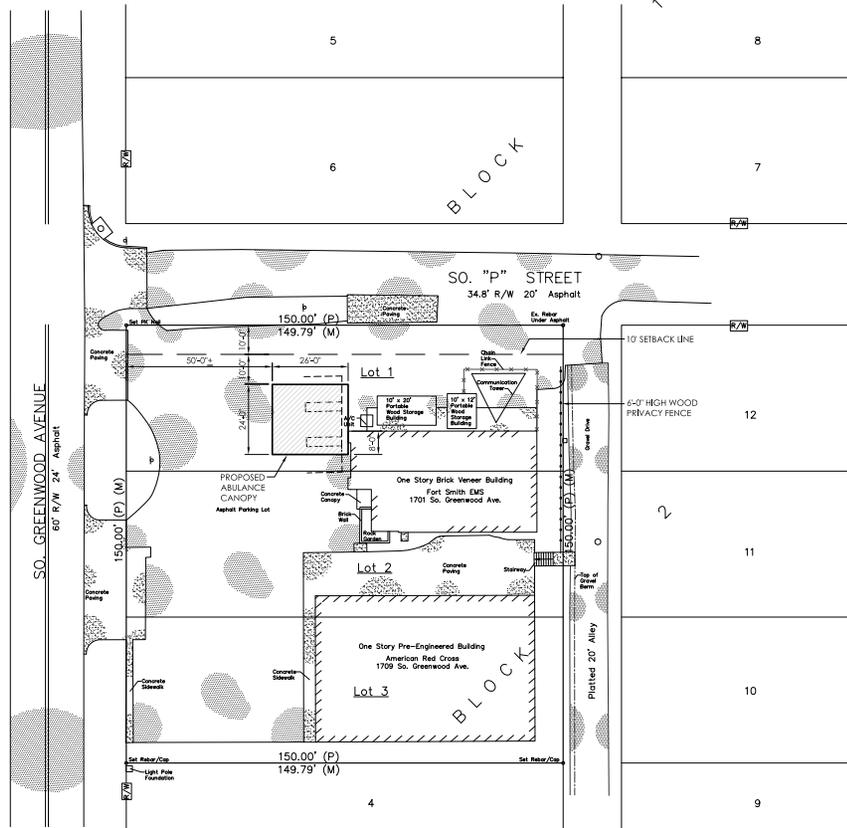




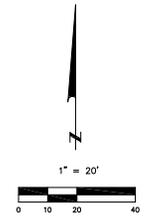
24 x 26 canopy  
w/ 4 posts

Location of fence -  
worst case

Location of fence -  
best case



**SITE PLAN for AMBULANCE CANOPY**  
1" = 20'-0"



- LEGEND**
- ◊ Fire Hydrant
  - Gas Meter
  - △ Utility Pedestal
  - Manhole
  - Power Pole
  - ▽ Sign
  - Water Meter
  - ⊕ Water Valve
  - ⊕ Tree
  - Guydown

**LEGAL DESCRIPTION:**  
Lots 1, 2 & 3, Block 2, Pelley Addition No. 1  
Fort Smith, Sebastian County, Arkansas

- NOTES:**
- This property does not fall within the 100-year floodplain.
  - 150.00' (P) indicates platted distance  
149.79' (M) indicates measured distance

**ZONING:** C-2-SPL  
**PROPOSED SQUARE FOOTAGE OF ADDITION:**  
524 S.F.

<b>FINAL SURVEY</b>	
Lots 1, 2, and 3, Block 2, Pelley Addition No. 1 Fort Smith, AR For: Fort Smith EMS/Oldswell Construction	
APPROVED:	DRAWN BY:
DATE: 06/12/13	REVISION:
Philip J. Leraris, P.E., L.S. consulting engineer land surveyor	
DRAWING NUMBER 158-622	
(479) 453-5822 p.o. box 11123 fort smith, ar 72917	



-architecture  
-planning  
-interiors  
6400 Riley Park Drive  
Fort Smith, Arkansas 72916  
D: 479.782.1051  
F: 479.782.6019  
e: info@mahgarch.com

**Ambulance Canopy**  
**Fort Smith Emergency Medical System**  
1701 So. Greenwood Ave. - Ft Smith, AR



**REVISIONS**

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SITE PLAN  
for AMBULANCE  
CANOPY

MAHG PROJECT  
DATE  
6.13.2013  
SHEET NUMBER

**A1.1**

Preliminary Not For Construction

Preliminary Not For Construction

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING EXECUTION SPACE USE AGREEMENT WITH YOUNG ACTORS GUILD FOR SPACE ON THE UPPER LEVEL OF THE CONVENTION CENTER ANNEX**

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

The Mayor is authorized to execute the attached space use agreement with the Young Actors Guild for a portion of the upper level of the Convention Center Annex, located at 801 Carnall Avenue, Fort Smith, AR 72901. The space to be used shall be utilized for program preparation, auditions, and rehearsals for the Young Actors Guild for the period of January 1<sup>st</sup>, 2014 through December 31<sup>st</sup>, 2014.

**THIS RESOLUTION ADOPTED** this \_\_\_\_\_ day of December, 2013.

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

Approved as to form:



\_\_\_\_\_  
NPR

# Memorandum

**To:** Ray Gosack, City Administrator  
**From:** Russell Gibson, Director, Information and Technology Systems  
**Date:** December 9<sup>th</sup>, 2013  
**Re:** Young Actors Guild Space Use Agreement

Ray,

Attached in PDF format please find a Resolution and Space Use Agreement between the City of Fort Smith and Young Actors Guild for a portion of the upper-level of the Convention Center Annex (old downtown library) located at 801 Carnall Avenue. The space will be utilized for meetings, rehearsals, auditions, and preparations for activities directly related to the Young Actors Guild. Use of the space is being provided to YAG at no-cost and the Agreement will be in effect from January 1<sup>st</sup>, 2014 through December 31<sup>st</sup>, 2014.

The Young Actors Guild reaches 300-400 area youth, which range in age from 6-19. This Space Use Agreement is an opportunity to support these young people in our community while also supporting a highly-successful performing arts program operating on a limited budget. During this past year (2013), YAG utilized the space to prepare for several successful productions including "BIG" and "Freckleface Strawberry". I am pleased to report that the participating youth displayed exemplary conduct and YAG's leadership and mentors ensured that respect and responsibility for the facility was exercised during use of the space. For 2014, I am more than happy to recommend this renewal.

Please contact me if you have any questions or would like additional information.

Best regards,



Russell Gibson  
Director, Information and Technology Systems  
479-788-8919  
[rgibson@fortsmithar.gov](mailto:rgibson@fortsmithar.gov)

## SPACE USE AGREEMENT

This SPACE USE AGREEMENT executed on this \_\_\_\_\_ day of December, 2013, between the City of Fort Smith, Arkansas, ("CITY"), and The Young Actors Guild, P.O. Box 180983, Fort Smith, AR 72918, ("YAG"), witness:

1. The primary term of this Agreement shall be for a period of twelve (12) consecutive months, commencing effective January 1st, 2014, and continuing through December 31st, 2014.

2. The CITY will make available to YAG throughout the term of this Agreement space located on the second (2<sup>nd</sup>) floor of the Convention Center Annex ("PREMISES"), located at 801 Carnall Ave, Fort Smith, AR 72901. The CITY retains all property rights and interests in and to the PREMISES.

3. YAG shall use said PREMISES solely for program preparations, auditions, rehearsals, meetings, and other activities directly related to operations of YAG.

4. The CITY agrees to provide the main, open space located on the second (2<sup>nd</sup>) floor and shared use of the meeting room located off the main, open space. CITY shall provide all utilities, excepting telephone and Internet services. YAG will provide and pay for its own telephone and Internet service. YAG will keep the PREMISES free from hazards at all times. In particular, entrances to and passageways through the PREMISES will be maintained free of obstacles or debris that could impede emergency access to, and egress from, the area. The installation of permanent fixtures or modifications to the interior or exterior of the PREMISES is not permitted by this Agreement. YAG shall, at its expense, maintain the PREMISES in good and reasonable repair, ordinary wear and tear excepted. YAG may not alter the PREMISES or place signs on or in the PREMISES unless approved by the CITY in advance in writing by the City Administrator. In the use of the PREMISES, YAG will comply with all laws, codes, and regulations, including requirements of state and local fire safety codes or ordinances applicable to the PREMISES.

5. YAG hereby releases the CITY from all liability which might arise out of its use of the said premises and hereby agrees to indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on the civil rights and anti-discrimination statutes of the United States and the State of Arkansas), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property, and the cost of liabilities (including the City's cost with respect to its employees and of defending any and all such actions and proceedings described herein) arising out of or pertaining to the use of the PREMISES or the providing of services hereunder by YAG.

6. YAG shall not sub-lease said property.

7. It is agreed by YAG that the CITY shall have the right, at all reasonable times, to inspect the facilities and programs being provided to YAG under this Agreement. After inspection or investigation, the CITY shall have the right to notify YAG, in writing, of any deficiencies in facilities provided under this Agreement, and, if such deficiencies are not cured to CITY's sole satisfaction within thirty (30) calendar days from the date of such written notice, CITY shall have the absolute right to terminate this Agreement immediately. Furthermore, the CITY in its sole discretion shall have the right to cancel this Agreement upon the happening of any of the following:

- a. Any substantial damage to or destruction of the PREMISES by fire, wind, or other casualty; or
- b. A determination by the City Administrator of the City of Fort Smith that the purpose for which the facility was provided by YAG is no longer being adhered to; or
- c. A determination by the City Administrator that YAG, its employees or agents, in the use of the PREMISES, have violated the CITY's policy against discrimination on the basis of age, sex, religion, national origin, political affiliation, handicap, veteran status, or have violated the CITY's policy in favor of a drug-free work place.

Termination or cancellation of this Agreement by the CITY prior to the end of the term of the Agreement shall require the approval of the City Administrator of the City of Fort Smith.

8. YAG may cancel this Agreement upon thirty (30) days written notice to CITY.

**IN WITNESS WHEREOF**, the parties have duly executed this agreement on the date first set forth above.

**YOUNG ACTOR'S GUILD**

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**CITY OF FORT SMITH, ARKANSAS**

\_\_\_\_\_  
Sandy Sanders, Mayor

RESOLUTION NO. R-\_\_\_\_\_

A RESOLUTION APPROVING A TOLLING AGREEMENT  
WITH THE UNITED STATES DEPARTMENT OF JUSTICE  
RELATING TO WET WEATHER SANITARY SEWER WORK

---

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

The tolling agreement with the United States Department of Justice for claims under the  
Clean Water Act relating to wet weather sanitary sewer work attached hereto as Exhibit "A" and  
ending on June 30, 2014 is hereby approved. The Mayor is hereby authorized to execute said  
agreement on behalf of the City.

This Resolution adopted this \_\_\_\_ day of December 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form:



\_\_\_\_\_  
City Attorney  
No Publication Required

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** December 6, 2013

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Tolling Agreement Extension

With our continuing consent decree negotiations with the Department of Justice they have requested a time extension for the current tolling agreement. As you are aware, the purpose of the tolling agreement is to prevent the city from raising a statute of limitations argument while discussions between the DOJ and Fort Smith are underway. In the absence of a tolling agreement, the DOJ would likely choose to file a suit against the city. The city has agreed to previous requests to extend the tolling agreement, and this extension request is for a time period through June 30, 2014.

Should you or members of the Board have any questions or desire additional information, please advise.

attachment

pc: Jeff Dingman

**TOLLING AGREEMENT FOR CLAIMS UNDER THE CLEAN WATER ACT  
RELATING TO THE CITY OF FORT SMITH, ARKANSAS**

The United States, on behalf of the United States Environmental Protection Agency, contends that it has a cause of action pursuant to Sections 301, 309 and 402 of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. §§ 1311, 1319, 1342., against the Defendant City of Fort Smith ("City") for, *inter alia*, civil penalties and injunctive relief relating to the bypasses and discharges of pollutants from the City's two publicly owned wastewater treatment works and sanitary sewer collection systems in violation of CWA National Pollutant Discharge Elimination System ("NPDES") permits (the "Tolled Claims").

The United States and the City ("Parties") enter into this Tolling Agreement to facilitate settlement negotiations within the time period provided by this Agreement, without thereby altering the claims or defenses available to any Party hereto, except as specifically provided herein.

The Parties, in consideration of the covenants set out herein, agree as follows:

1. Notwithstanding any other provision of this Tolling Agreement, the period commencing on August 26, 2009 and ending on June 30, 2014, inclusive (the "Tolling Period"), shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by the United States on the Tolled Claims.
2. Any defenses of laches, estoppel, or waiver, or other similar equitable defenses based upon the running or expiration of any time period shall not include the Tolling Period for the Tolled Claims.
3. The City shall not assert, plead, or raise against the United States in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.
4. This Tolling Agreement does not constitute any admission or acknowledgment of any fact, conclusion of law, or liability by any Party to this Tolling Agreement. Nor does this Tolling Agreement constitute any admission or acknowledgment on the part of the United States that any statute of limitations, or similar defense concerning the timeliness of commencing a civil action, is applicable to the Tolled Claims. The United States reserves the right to assert that no statute of limitations applies to any of the Tolled Claims and that no other defense based upon the timeliness of commencing a civil action is applicable.
5. This Tolling Agreement may not be modified except in a writing signed by the Parties. The Parties acknowledge that this Tolling Agreement may be extended for such period of time as the Parties agree to in writing.
6. It is understood that the United States may terminate settlement negotiations and commence suit at any time, upon provision of written notice by mail to the City. Where the

United States elects to terminate negotiations under this Paragraph, the Tolling Period shall continue for the duration set forth in Paragraph 1. Nothing herein shall preclude the commencement of any action by the United States to protect the public health, welfare, or the environment without provision of advance notice

7. This Tolling Agreement does not limit in any way the nature or scope of any claims that could be brought by the United States in a complaint against the City or the date on which the United States may file such a complaint, except as expressly stated herein.

8. This Agreement is not intended to affect any claims by or against third parties.

9. The City shall preserve and maintain, during the pendency of the Tolling Period, and for a minimum of 90 days after termination of the Tolling Period, at least one legible copy of all documents and other materials subject to discovery under the Federal Rules of Civil Procedure and relating to the Tolerated Claims, regardless of any corporate or document retention policy to the contrary.

10. This Tolling Agreement is effective upon execution by the City, and without the requirement of filing with the Court, and may be signed in counterparts.

11. This Tolling Agreement contains the entire agreement between the Parties, and no statement, promise, or inducement made by any Party to this Tolling Agreement that is not set forth in this Tolling Agreement shall be valid or binding, nor shall it be used in construing the terms of this Tolling Agreement as set forth herein.

12. The undersigned representative of each of the Parties certifies that he or she is fully authorized to enter into the terms and conditions of this Tolling Agreement and to legally bind such party to all terms and conditions of this document. This Agreement shall be binding upon the United States, acting on behalf of the United States Environmental Protection Agency, and upon the City.

The United States of America, on behalf of the United States Environmental Protection Agency, consents to the terms and conditions of this Tolling Agreement by its duly authorized representatives on this \_\_\_\_\_ day of December, 2013.

---

THOMAS P. CARROLL  
Assistant Section Chief  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice

LISA A. CHERUP  
Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
PO Box 7611  
Washington, D.C. 20044-7611  
Telephone: 202-514-2802  
Fax: 202-514-2802  
Email: [lisa.cherup@usdoj.gov](mailto:lisa.cherup@usdoj.gov)

The City consents to the terms and conditions of this Tolling Agreement by its duly authorized representative on this \_\_\_\_ day of December, 2013.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

4 M

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE  
FOR ADDITIONAL WORK WITH FORSGREN, INC., FOR  
THE SUNNYMEDE INTERCEPTOR IMPROVEMENTS (S008, S009)

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

Change Order Number One for additional work in the amount of \$48,421.50, and adding  
10 calendar days, to the contract with Forsgren, Inc., for construction of the Sunnymede  
Interceptor Improvements (S008, S009), Project Number 12-13-C1, and adjusting the contract  
amount to \$1,574,555.00, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of December 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:



\_\_\_\_\_  
npr

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

**DATE:** December 3, 2013

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Sunnymede Interceptor Improvements (S008, S009)  
Project Number 12-13

During construction of the referenced sanitary sewer project across the city facilities at 3900 Kelley Highway, the contractor crossed a 48-inch drainage tile which was found to be partly plugged with concrete. The concrete appears to be from washing out concrete trucks. Approximately two hundred feet of drain tile is affected and needs to be replaced to insure proper drainage of the maintenance facility's yard. This storm drain work is outside of the original scope of the sanitary sewer replacement as designed by Atkins Engineering and contracted with Forsgren, Inc. The attached exhibit shows the locations of the improvements.

A Resolution authorizing this addition of work to be incorporated by Change Order Number One in the amount of \$48,421.50, adjusting the contract amount to \$1,574,555.00 and adding 10 additional days to the contract time is attached for the Board's consideration. The bids received for the original work were favorable and this additional work would not cause the project to exceed the amount budgeted. The project is funded from the bonds issued for wet weather sewer improvements. A project summary sheet is attached for your review. It is my recommendation that the Resolution be approved.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

## Project Summary

Project status: Under construction

Project name: Sunnymede Interceptor Improvements  
(S008, S009)

Today's date: December 3, 2013

Project number: 12-13-C1

Staff contact name: Steve Parke

Project engineer: Atkins Engineering, Inc.

Staff contact phone: 784-2231

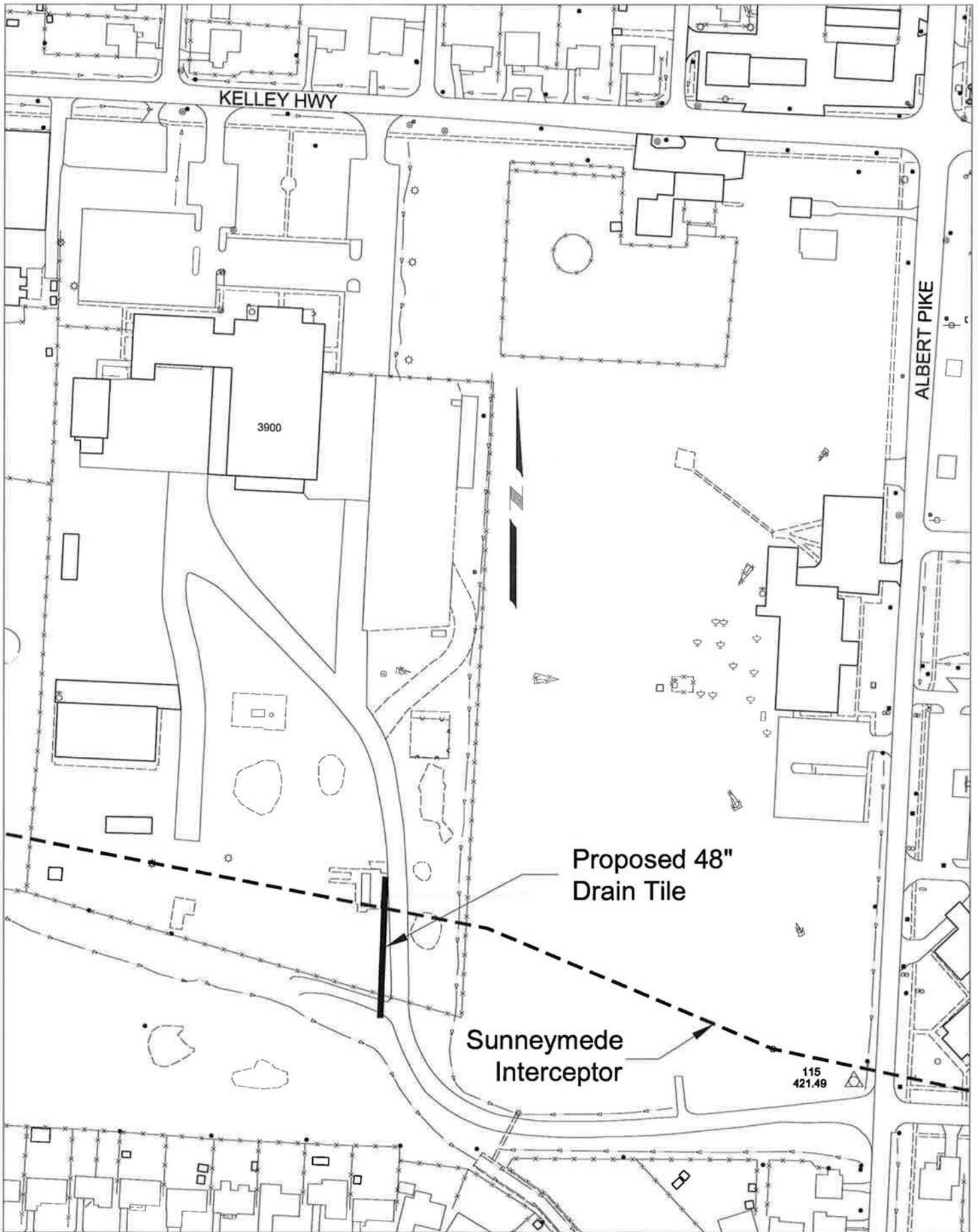
Project contractor: Forsgren, Inc .

Notice to proceed issued: September 9, 2012

Completion date: March 18, 2014

	Dollar Amount	Contract Time (Days)
Original contract	\$1,526,133.50	200
Change orders: Number One	\$48,421.50	0
Total change orders	\$48,421.50	<u>10</u>
Adjusted contract	<u>\$1,574,555.00</u>	<u>210</u>
Payments to date (as negative):	\$-897,254.74	57.0%
Amount of this payment (as negative)	\$0.00	0.0%
Retainage held	\$0.00	
Contract balance remaining (underrun)	\$677,300.26	43.0%
Amount over as a percentage	3.2%	

Final comments:



**Sunnymeade Interceptor Improvements  
Project No. 12-13**

December 17, 2013

RESOLUTION NO. \_\_\_\_\_

4 N

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE  
CONTRACT WITH CRAWFORD CONSTRUCTION COMPANY FOR THE CHAFFEE  
CROSSING WATER SUPPLY IMPROVEMENTS - PUMP STATION

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

Change Order Number One in the amount of \$6,371.91, adjusting the final contract  
amount to \$1,410,971.91, and adding 16 calendar days to the contract with Crawford  
Construction Company, for construction of the Chaffee Crossing Water Supply Improvements -  
Pump Station, Project Number 12-04-C3, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of December 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:



\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** December 5, 2013

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Chaffee Crossing Water Supply Improvements - Pump Station  
Project 12-04

On May 21 the Board authorized a contract with Crawford Construction Company in the amount of \$1,404,600.00, for construction of the Chaffee Crossing Water Supply Improvements - Pump Station, Project Number 12-04-C3. This project is one of four improvement projects designed by Mickle Wagner Coleman, Inc., for the purpose of providing water system improvements needed to support growth in the Chaffee Crossing and southeast Fort Smith area.

Change Order Number One covering the following three items of additional work has been submitted:

- In order to provide an additional measure of restraint to the future 36-inch pump station supply line, a reinforced concrete grade beam was added.
- Two existing trees, originally proposed to remain, required removal. One tree died prior to beginning construction and the other's root system will be damaged when site grading is performed.
- Due to excessive groundwater encountered, a thickened slab with additional reinforcement steel will provide improved support under the pumps and future pressure reducing valves.

I have attached a Resolution approving Change Order Number One in the amount of \$6,371.91, and adding 16 additional contract days and adjusting the contract amount to \$1,410,971.91. A project summary sheet is attached for you to review. Funds for this change order are available from the 2012 sales tax and use tax bonds issued for water transmission system improvements.

Should you or members of the Board have question or need any additional information, please let me know.

attachment

pc: Jeff Dingman

## Project Summary

Project status: Under construction	Project name: Chaffee Crossing Water Supply Improvements - Pump Station
Today's date: December 5, 2013	Project number: 12-04-C3
Staff contact name: Steve Parke	Project engineer: Mickle Wagner Coleman, Inc.
Staff contact phone: 784-2231	Project contractor: Crawford Construction Company
Notice to proceed Issued: June 21, 2013	
Contract completion date: December 17, 2013	

	Dollar Amount	Contract Time (Days)
Original contract	\$1,404,600.00	180
Change orders:		
Change Order #1 (pending)	\$6,371.91	16
Total change orders	\$6,371.91	<u>          </u>
Adjusted contract	<u>\$1,410,971.91</u>	<u>196</u>
Payments to date (as negative)	\$-507,315.08	
(as percentage)	36%	
Amount of this payment (as negative)	N/A	
Retainage held	\$8,779.38	
Contract balance remaining	\$903,656.83	
(as percentage)	64%	
Amount over (under)	0.454%	
as a percentage		

**Final comments:**

With approval of Change Order Number One, the contract substantial completion date will be January 2, 2014. Project to be fully completed within 20 calendar days following substantial completion.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO TO THE AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE NEIGHBORHOOD WATER SYSTEM IMPROVEMENTS - HAVEN HILL AND NORTH "K" STREET

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

SECTION 1: Authorization Number Two with Hawkins-Weir Engineers, Inc., for engineering construction phase services associated with the Neighborhood Water System Improvements - Haven Hill and North "K" Street, Project Number 10-03-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Two in the amount of \$95,000.00, for performance of said services.

This Resolution adopted this \_\_\_\_\_ day of December 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:



\_\_\_\_\_  
npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING A CONTRACT WITH BROTHERS CONSTRUCTION, INC., FOR THE NEIGHBORHOOD WATER SYSTEM IMPROVEMENTS - HAVEN HILL AND NORTH "K" STREET

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

SECTION 1: The bid of Brothers Construction, Inc., for the construction of the Neighborhood Water System Improvements - Haven Hill and North "K" Street, Project Number 10-03-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Brothers Construction, Inc., for an amount of \$1,158,714.00, for performing said construction.

This Resolution adopted this \_\_\_\_\_ day of December 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:



\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** December 3, 2013

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Neighborhood Water System Improvements -  
Haven Hill and North "K" Street, Project Number 10-03

This project consists of installing approximately 9,374 feet of new 6 and 8-inch water mains to replace old 2-inch galvanized water lines for improved water service and quality. The project will also provide better fire protection in these areas. The attached exhibit shows the service area locations for these improvements.

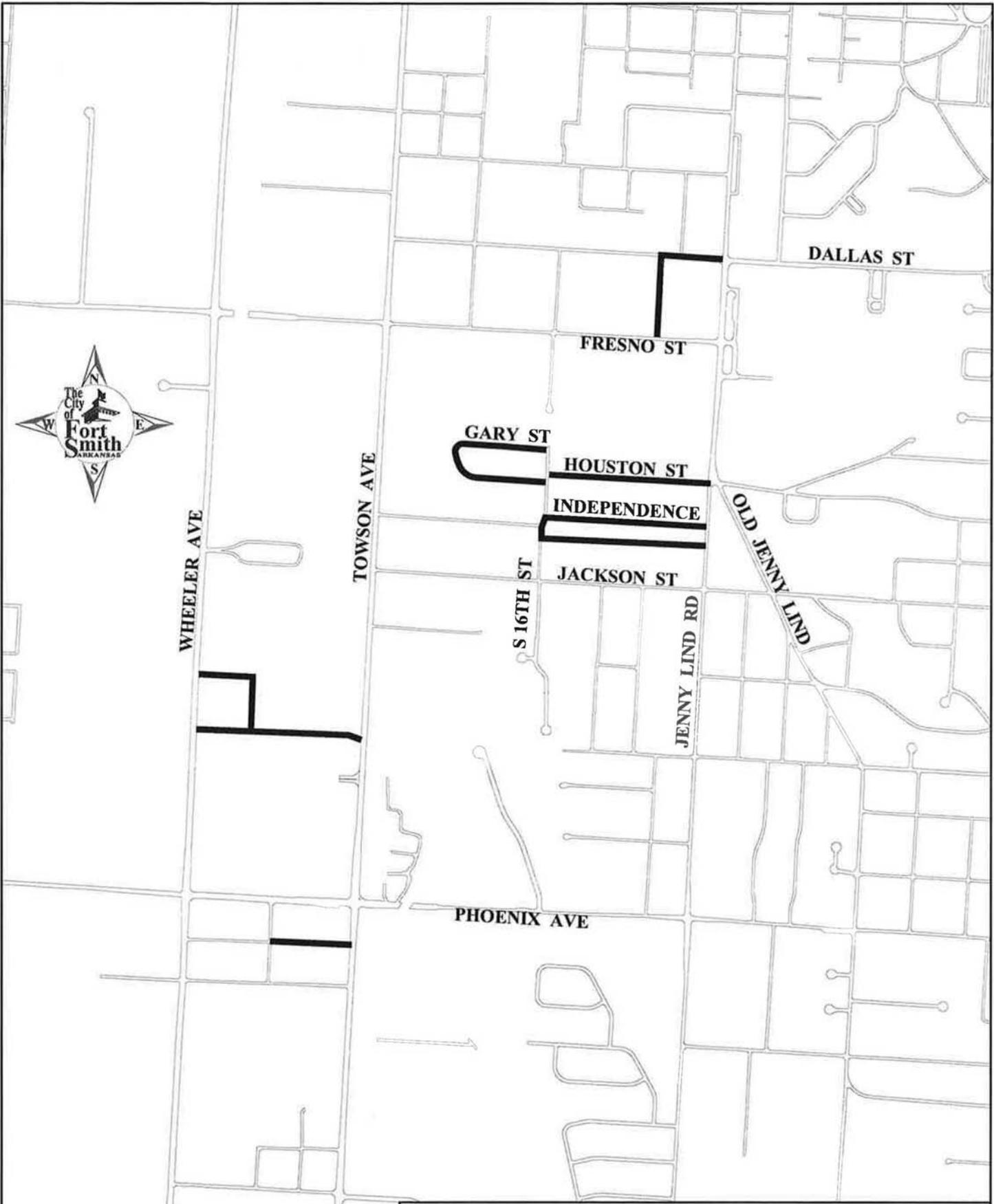
The lowest bid for the project was submitted by Brothers Construction, Inc., in the amount of \$1,158,714.00. A bid tabulation showing the bidders and their bid amounts is attached along with a Resolution accepting the bid of and authorizing a contract with Brothers Construction, Inc.

A Resolution approving Authorization Number Two to the Agreement with Hawkins-Weir Engineers, Inc., in the amount of \$95,000.00 for providing construction phase services is also attached. Funds for this project are available from the 2008 Revenue Bonds.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



**Legend**  
 ——— Proposed Water Line

**NEIGHBORHOOD WATER IMPROVEMENTS  
 HAVEN HILL SERVICE AREA**  
 PROJECT NO. 10-03  
 PROJECT VICINITY MAP

## **Bid Tabulation Sheet**

### **Project Name**

Neighborhood Water System Improvements-Haven Hill & North K Street  
Project Number 10-03-C1

### **Bid Opening**

November 26, 2013  
2:00 P.M.

### **Bids Received**

Brothers Construction Van Buren, Arkansas	<u>\$1,158,714.00</u>
Forsgren, Inc. Fort Smith, Arkansas	<u>\$1,261,238.95</u>
Goodwin & Goodwin, Inc. Fort Smith, Arkansas	<u>\$1,334,726.00</u>

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION  
TO VACATE AN ALLEY LOCATED IN  
RESERVE ADDITION, BLOCK 575  
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

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WHEREAS, a petition to vacate an alley located in Reserve Addition, Block 575, 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 7th day of January 2014, 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 \_\_\_\_\_ DAY OF DECEMBER 2013.**

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to form:



\_\_\_\_\_  
NPR

# Memo

To: Ray Gosack, City Administrator  
From: Wally Bailey, Director of Development Services  
Date: 12/13/2013  
Re: Resolution setting a public hearing date for a petition to vacate an alley located in Reserve Addition, Block 575

We have received the enclosed application from Bear Creek Leasing to vacate an alley in Reserve Addition, Block 575. Enclosed is a copy of the application to abandon the alley and a vicinity map showing the location of the alley. (See exhibits A and B).

The applicant is requesting that the alley be closed so that Boyd Metals can expand an existing building. (See exhibit C).

In accordance with Arkansas law, the Board of Directors is required to set a public hearing on the proposed abandonment. Staff recommends that the Board of Directors set a public hearing date for January 7, 2014, for the purpose of reviewing this matter. Enclosed is a resolution for the Board's consideration.

In response to the petition to close the alley, staff will contact all franchise utility companies and appropriate city departments relative to any ongoing or future interests that they may have within the alley. We will also notify all property owners within 300 feet of the proposed abandonment.

If you have any questions regarding this matter, please do not hesitate to contact me.

Enc.



**REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY, ALLEY OR PUBLIC EASEMENT**

Indicate one contact person for application:  Applicant  Representative

*Applicant (owner)*

*Representative (engineer, attorney, realtor, etc)*

Name: Bear Creek Leasing, Inc.

Name: Doug Whitlock, P.S

Address: P.O. Box 819  
Fort Smith, AR 72903

Address: 3434 Country Club Avenue  
Fort Smith, AR 72903

Phone Number: 800-323-8806

Phone Number: 479-649-8484

E-mail:

E-mail: dwhitlock@mwc-engr.com

Site Address/Location: Alley In Block 575, Reserve Addition

Legal Description of Area to be vacated (attach separate sheet if necessary):

Alley in Block 575, Reserve Addition, Fort Smith, Sebastian County, Arkansas

Assessor's Parcel Number for Subject Property: 16477-0007-00575-00, 16477-0003-00575-00, 16477-0004-00575-00, 16477-0005-00575-00, 16477-0006-00575-00

Reason for Request: Proposed building addition to cross alley

Current Status of Right-of-Way Development: Alley has been fenced and incorporated into a material storage yard.

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. No action will be taken by the Board of Directors on an abandonment request until said easement is on file with the city or until staff and/or franchisees have determined that no utility easement is necessary.

Print Form

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed or typed)

THOMAS G. KERRON

Signature:

*Thomas G. Kerron*

Date:

11/7/13

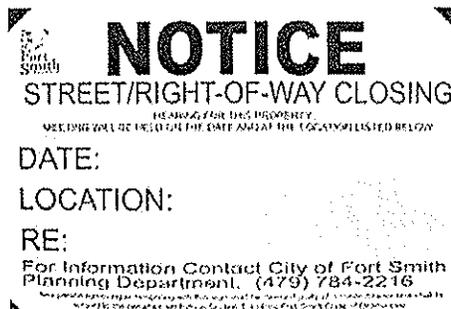
**Property Owner(s)/ Authorized Agent:** *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing.*

**NOTE: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.**

Application Checklist:

- A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. (County Assessor is located in Room 107 of the Sebastian County Courthouse).
- Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated.
- Petition with signatures of all abutting property owners.
- Meets and bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)
- Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated
- Application fee of \$150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at the area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the day following the Board of Directors meeting.





AUTHORIZATION OF AGENT

If an agent is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize

*Tom Kennon* to act as our agent in the matter.  
type name or clearly print

(Type or clearly print)

NAME AND ADDRESS OF ALL OWNERS

SIGNATURE OF ALL OWNERS

1. *Tom Kennon*

*T. Kennon*

2. *Ronnie Tabor*  
*Ronnie K Tabor*

*Ronnie K Tabor*

3. *Chester Koprean*

*Chester Koprean*

4.

5.

6.

11/1/2013

The alley located in Block 575, Reserve Addition, Fort Smith, Arkansas. Being more particularly described as follows:

Beginning at the southwest corner of Lot 7A, Block 575, Reserve Addition, being filed for record July 6, 2007 as plat 1783; Thence along the south line of said Block 575, S89°45'33"W, 20.00 feet to the southeast corner of Lot 6, Block 575; Thence along the east lines of Lots 6 thru 1, Block 575, N00°14'27"W, 300.00 feet to the northeast corner of said Lot 1, Block 575; Thence along the north line of said Block 575, N89°45'33"E, 20.00 feet to the northwest corner of said Lot 7A; Thence along the west line of said Lot 7A, S00°14'27"E, 300.00 feet to the Point of Beginning. Containing 0.14 acres, more or less.

# Vicinity Map Reserve Addition, Block 575



December 12, 2013

Fort Smith City Limits

Subdivisions

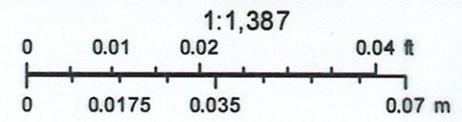
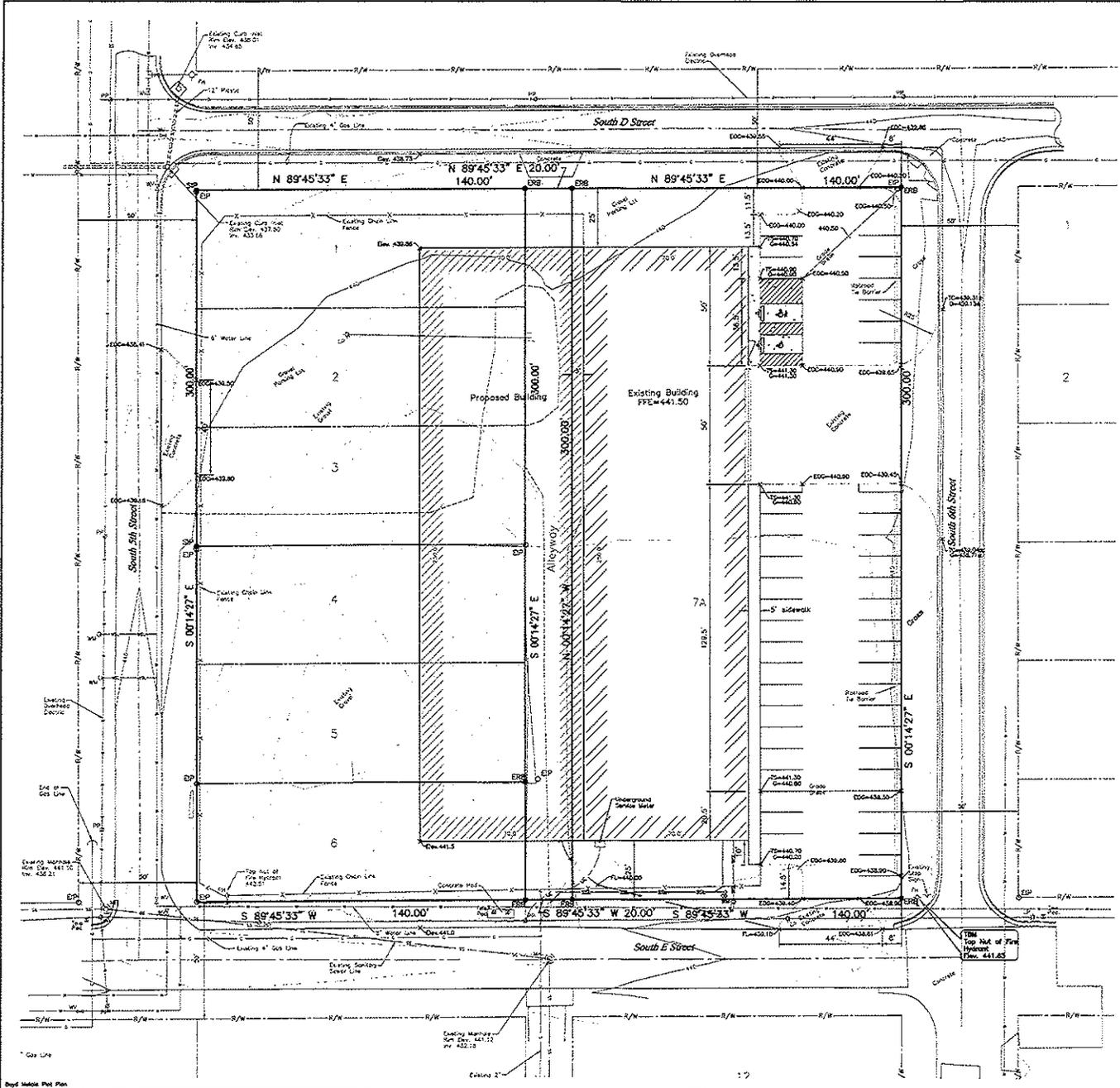


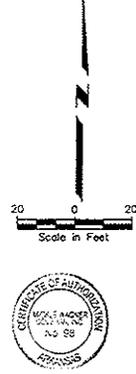
EXHIBIT B

C:\Users\jwagner\OneDrive\Documents\Projects\2013\121713\121713.dwg



**LEGEND**

---	PROPERTY LINE
---	RIGHT-OF-WAY LINE
---	EXISTING LINE
---	EXISTING ELEVATION
---	CRACK GREAT LINE
---	SANITARY SEWER SERVICE LINE
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---	2784" WATER MAIN
---	2790" WATER MAIN
---	2796" WATER MAIN
---	2802" WATER MAIN
---	2808" WATER MAIN
---	2814" WATER MAIN
---	2820" WATER MAIN
---	2826" WATER MAIN
---	2832" WATER MAIN
---	2838" WATER MAIN
---	2844" WATER MAIN
---	2850" WATER MAIN
---	2856" WATER MAIN
---	2862" WATER MAIN
---	2868" WATER MAIN
---	2874" WATER MAIN
---	2880" WATER MAIN
---	2886" WATER MAIN
---	2892" WATER MAIN
---	2898" WATER MAIN
---	2904" WATER MAIN
---	2910" WATER MAIN
---	2916" WATER MAIN
---	2922" WATER MAIN
---	2928" WATER MAIN
---	2934" WATER MAIN
---	2940" WATER MAIN
---	2946" WATER MAIN
---	2952" WATER MAIN
---	2958" WATER MAIN
---	2964" WATER MAIN
---	2970" WATER MAIN
---	2976" WATER MAIN
---	2982" WATER MAIN
---	2988" WATER MAIN
---	2994" WATER MAIN
---	3000" WATER MAIN



BY	
REVISION	
DATE	

**Engineers-Consultants-Surveyors**  
 (479) 678-6661  
 Fax: (479) 678-6666  
 mwc@mc-engineers.com

**MICKLE WAGNER COLEMAN**  
 394 Country Club Ave.  
 Fort Smith, Arkansas

**EXHIBIT C**

LOT PLAN

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

**LEGAL DESCRIPTION**  
 Lots 1-6 and Lot 7A, Block 575 Reserve Addition  
 Fort Smith, Sebastian County, Arkansas.

DATE	12/17/13
BY	JW
SCALE	N/A
PROJECT	RESERVE ADDITION
SHEET	1 OF 1



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: December 12, 2013

SUBJECT: Audit Committee

The terms of Director Kevin Settle, Mr. Lavon Morton and Mr. Ken Pyle of the Audit Committee will expire December 31, 2013. Mr. Morton and Mr. Pyle wish to be reappointed to this committee.

The applicant available is:

Kip Jarvis, CPIM

9700 Broadwell Road

Appointments are **by the Board of Directors**, two appointment are needed (plus one city director). The terms will expire December 31, 2016.

623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, Arkansas 72902  
(479) 785-2801  
Administrative Offices FAX (479) 784-2430

## Audit Committee

The Audit Committee serves in an advisory capacity to the Board of Directors to advise the Board of Directors on all matters relating to the annual financial audit and on matters related to the City's internal control structure.

The committee includes four private citizens of Fort Smith and three members of the Board of Directors. At least one member of the committee shall be a certified public accountant.

Members shall be nominated by the City Administrator and appointed by the Board of Directors. Following initial terms of one, two and three year, members shall serve three - year terms. The committee meets on call.

	<u>Date Appointed</u>	<u>Term Expires</u>
<b><u>Directors:</u></b>		
Kevin Settle 10904 Cork Court (08) 806-0280 (w)	04/20/10	12/31/13
Pam Weber 3001 Cliff Drive (01) 651-2167 <a href="mailto:pweber5469@aol.com">pweber5469@aol.com</a>	10/16/12	11/30/15
Mike Lorenz 2813 Rannoch Circle 651-7001 <a href="mailto:DirectorLorenz@hotmail.com">DirectorLorenz@hotmail.com</a>	01/03/13	11/30/16
<b><u>Citizens:</u></b>		
Lavon Morton, CPA 10408 Innsbruck Court (08) 459-8758 (h) 494-6823 (w) <a href="mailto:lmorton@arkbest.com">lmorton@arkbest.com</a>	10/19/99	11/30/13
Ken Pyle Executive Director Housing Authority 1404 Oak Knolls Cr (03) 452-5903 (h) 782-4991 ext. 15 (w)	08/20/08	11/30/13

Deana Infield  
CPA  
2819 Enid (01)  
484-5740 (w)  
763-1416 (h)  
[deana.infield@beallbarclay.com](mailto:deana.infield@beallbarclay.com)

10/17/12

11/30/15

George E. Moschner  
Chief Financial Officer at Baldor  
5711 R. S. Boreham, Jr. Street (01)  
784-9296 (h)  
648-5957 (w)  
[gmoschner@baldor.com](mailto:gmoschner@baldor.com)

07/21/09

11/30/15

**CITY OF FORT SMITH**  
**Application for City Boards/Commissions/Committees**

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 10/10/2013

Name: KENNETH L. PYLE Home Telephone: 479-452-5903

Home Address: 1404 OAK KNOLLS CT Work Telephone: 479-782-4991 x15

Zip: 72903 Email: kpyle1968@gmail.com

Occupation: EX. DIRECTOR, FORT SMITH HOUSING AUTHORITY  
 (If retired, please indicate former occupation or profession)

Education: M.S. AERONAUTICAL ENGINEERING (CALTECH)  
B.S. U.S. NAVAL ACADEMY, ANNAPOLIS, MD.  
 Professional and/or Community Activities: \_\_\_\_\_

OLD FORT HOMELESS COALITION (PRESIDENT)

Additional Pertinent Information/References: FORT SMITH ROTARY, ST LUKE LUTHERAN CHURCH

Are you a registered voter in the City of Fort Smith? Yes  No \_\_\_\_\_  
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
 Yes \_\_\_\_\_ NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Signature] Date of Birth [Signature] is \_\_\_\_\_

background check of all applicants

I am interested in serving on the (please check):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Audit Committee               | <input type="checkbox"/> Library Bd of Trustees                      |
| <input type="checkbox"/> Advertising & Promoting Commission       | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                       | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                    | <input type="checkbox"/> Parking Authority                           |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals      | <input type="checkbox"/> Parks & Recreation Commission               |
| <input type="checkbox"/> Central Business Improvement District    | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission             | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                 | <input type="checkbox"/> Port Authority                              |
| <input type="checkbox"/> Community Development Advisory Com.      | <input type="checkbox"/> Property Owners Appeals Board               |
| <input type="checkbox"/> County Equalization Board                | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee                     |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission                 |
| <input type="checkbox"/> Historic District Commission             | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                 | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                        |  |

**CITY OF FORT SMITH**  
**Application for City Boards/Commissions/Committees**

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 10-16-13  
 Name: LAVON MORTON Home Telephone: 479-461-2643  
 Home Address: 10408 Innsbruck Ct Work Telephone: 479-494-6823  
 Zip: 72908 Email: LMORTON@ArkBest.com  
 Occupation: Executive, Arkansas Best Corp.  
 (If retired, please indicate former occupation or profession)

Education: BBA Univ. of Central Ark. Master's - Tax Univ. of Tulsa

Professional and/or Community Activities: Board Member, Fort Smith Symphony; United Way, Cancer Support House, UCA Foundation

Additional Pertinent Information/References: Audit Committee member present or past; Fort Smith Symphony, United Way, UCA Foundation + one

Are you a registered voter in the City of Fort Smith? Yes  No   
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense? Yes  No  *Public Corporate*

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [redacted] Date of Birth [redacted] This information will be [redacted] (and check of all applicants).

I am interested in serving on the (please check):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Audit Committee               | <input type="checkbox"/> Library Bd of Trustees                      |
| <input type="checkbox"/> Advertising & Promoting Commission       | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                       | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                    | <input type="checkbox"/> Parking Authority                           |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals      | <input type="checkbox"/> Parks & Recreation Commission               |
| <input type="checkbox"/> Central Business Improvement District    | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission             | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                 | <input type="checkbox"/> Port Authority                              |
| <input type="checkbox"/> Community Development Advisory Com.      | <input type="checkbox"/> Property Owners Appeals Board               |
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| <input type="checkbox"/> Historic District Commission             | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                 | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                        |  |

## CITY OF FORT SMITH

### Application for City Boards/Commissions/Committees

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 11/17/2013

Name: Kip J. Jarvis, CPIM

Home Telephone: 479-646-5699

Home Address: 9700 Broadwell Ad

Work Telephone: 479-650-9820

Zip: 72908

Email: kip.jarvis@sbcglobal.net

Occupation: Materials Manager - Ingersoll-Rand - The Trane Company  
(If retired, please indicate former occupation or profession)

Education: High School Grad, Certified CPIM (Production Inventory Control Management)

Professional and/or Community Activities: Master Professional Supply Chain Instructor (APICS - CPIM Certification) - Resume attached

Additional Pertinent Information/References: Ray Goswami, Jeff Jones - Grace Community Church  
30+ years in Manufacturing Planning & Control Processes - Detail Oriented.  
Resume attached.

Are you a registered voter in the City of Fort Smith? Yes  No

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes  NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Signature] Date of Birth 0800 This information will [Signature] ground check of all applicants).

I am interested in serving on the (please check):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Audit Committee               | <input type="checkbox"/> Library Bd of Trustees                      |
| <input type="checkbox"/> Advertising & Promoting Commission       | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                       | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                    | <input type="checkbox"/> Parking Authority                           |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals      | <input type="checkbox"/> Parks & Recreation Commission               |
| <input type="checkbox"/> Central Business Improvement District    | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission             | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                 | <input type="checkbox"/> Port Authority                              |
| <input type="checkbox"/> Community Development Advisory Com.      | <input type="checkbox"/> Property Owners Appeals Board               |
| <input type="checkbox"/> County Equalization Board                | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee                     |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission                 |
| <input type="checkbox"/> Historic District Commission             | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                 | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                        |  |

# Kip J Jarvis, CPIM, Master CPIM Instructor

9700 Broadwell Road, Fort Smith, Arkansas 72908 Home: 479-646-5699 - Cell: 479-650-9820:  
kipjarvis@sbcglobal.net

**Objective:** A Materials or Supply Chain management development position requiring strong technical, organizational and problem solving skills focused on achieving results, building teams and continuous improvements.

## Core Qualifications

- Sales and Operations Planning
- Forecasting
- Master Scheduling
- Inventory Planning
- Capacity Planning
- ERP / MRP Systems Super User
- Distribution Management
- APICS CPIM Certified
- APICS Master CPIM Instructor
- International Multi-plant Planning and Scheduling.
- KPI and Process Development
- Logistics Management

## Professional Experience

### Materials Manager

November 2013 to Present

**Ingersoll-Rand – The Trane Company**  
**Fort Smith, Arkansas**

Responsible for directing the activities for demand and replenishment planning, production scheduling, inventory control and reconciliation, warehousing, material handling, line sequencing, receiving, shipping, cycle counting, inventory control, and service part replenishment functions.

### Sales and Operations Manager

April 2012 to November 2013

**Nilfisk-Advance, Inc. – Springdale, Arkansas**

Responsible for the development of sales forecast for a multi-site global provider of Commercial and Industrial floor cleaning and care equipment. Includes management of Master Schedulers and Material / Production Planners to achieve corporate KPI's for inventory performance, customer order fulfillment, forecast accuracy and new product planning and launch.

- Developed standard procedures for effective sales forecast from independent and internal sales companies spanning North and South America.
- Conduct monthly S&OP meetings with eight sales channels to validate unit forecast.
- Developed forecast / business plan reconciliation process. Accurately ties unit forecast to monthly revenue forecast.
- Managed forecast demand for manufacturing plants in Hungary (2), Italy, China (2), Mexico, and US (4), and US Distribution Centers (2), one European Distribution Center (Denmark)
- Super User and functional expert with ERP planning systems, Specifically (Infor ERP LN with Planner, Scheduler, Promiser functionality, Baan, SAP, JD Edwards)
- Managed forecasting systems with Infor ERP LN, SAP, and Forecast Pro.

### Supply Chain Development Manager

October 2010 to April 2012

**Nilfisk-Advance, Inc. – Springdale, Arkansas**

Responsible for the development of value supply chains to support business plan KPI's for customer service levels safety stock levels, and inventory levels in support of USDC operations.

- Developed costed MRP process (IRP-Inventory Requirements Planning) to plot inventory levels for three manufacturing and two distribution sites.
- Implemented ERP LN Multi-site system including MPS, MRP and DRP supply relationship between two DC's and three manufacturing plants.
- Facilitated the movement of manufacturing operations from three US facilities into new manufacturing operation in Queretaro, Mexico.
- Managed process to convert planning systems from \$90 million manufacturing operation to a \$300 million distribution and value added operation
- Managed production plans for two US production facilities and one Mexican manufacturing facility.
- Developed process to measure sales lines within ABC classification and supported with systems to report KPI, adjust stock levels and report financial impact of changes.

## **Production and Inventory Control Manager**

July 2007 to October 2010

**Nilfisk-Advance, Inc.** – Springdale, Arkansas

Responsible for the daily planning operations to control production of assembly operations including inventory control settings and overall inventory level responsibilities.

- Developed daily production planning reports to evaluate capacity and demand levels resources
- Reduced MOQ's from Asian Supply Chain to reduce overall inventory levels to meet inventory objectives.
- Developed production schedule process that includes demand and stock requirements daily.
- Converted Springdale Production facility from JD Edwards to Infor ERP LN software.

## **Director, Materials Management**

February 2006 to July 2007

**Federal Coach, Inc.** – Fort Smith, Arkansas

Responsible for the purchasing, receiving, warehousing, cycle counting, supply line replenishment, lean set up, sequencing of all materials supplied by outside partners. Responsible for the daily planning and production of all activities for the custom wood production department and the steel fabricating department including the use of laser cutting, MIG, TIG welding fabrication and mechanical metal forming and cutting.

- Implemented planning and control processes to initiate purchasing activity. Reduced stock outs by 80% for purchased items.
- Developed priority planning sequencing process for fabricated steel items produced in house. Depart was historically past due has become a current in house supplier in six weeks.
- Developed and instituted a cycle counting program to improve record accuracy by 40 %
- Developed outsourcing partners to reduce operating expenses and provide consistent quality and supply chains. Generated cost savings of \$500,000 during first six months in position.

## **Director, Materials Operations**

January 1995 to February 2006

**IC Corp. Navistar - International Truck and Engine** – Conway, Arkansas

Responsible for directing the activities for warehousing, material handling, line sequencing, receiving, shipping, cycle counting, inventory control, and service part replenishment functions for this Bus and Class 7 Chassis Manufacturer on 140 acre site with 1300 in employment.

- Managed stamping, assembly, and conveyor/ primer departments consisting of direct staff of 250+ employees. Achieved lowest recorded labor hours per unit, increased through put by 40% during a production ramp. Using capacity planning tools and system lead time factors, reduced past due back log from 300 orders weekly to current status in six weeks.
- Using cycling counting measures, increased warehouse inventory accuracy from 50% to 96% and eliminated physical inventory in three main cycle count controlled warehouses housing approximately 4 million dollars of inventory.
- Functional representative for Baan ERP Implementation Core Team. Developed Materials processes for Purchasing, Warehousing, Receiving, and Material Handling Operations for two functional implementations including training and process documentation.
- Reduced Inventory by \$28 million in 18 months without taking an impact to the P&L. Increased inventory turns from 8 to 22 over 20 months.
- Identified fraudulent charges from transportation partners resulting in prosecution for responsible parties for theft of over \$70,000, including surveillance of personnel suspected of illegal activity.

## **Materials Manager**

April 1993 to January 1995

**Circuit Test, Inc.** – Memphis, Tennessee

## **Assistant Facility Manager**

May 1993 to March 1994

**Square D Company** – Memphis, Tennessee

**Materials Manager**

September 1991 to May 1993

**VVP America / Glasscraft** – Memphis, Tennessee

**Production /Inventory Control Manager**

December 1986 to August 1991

**Bostrom Seating Inc.** – Piedmont, Alabama

**Production Planning Manager**

July 1981 to December 1986

**SunarHauserman** – Marked Tree, Arkansas

**Inventory Analyst**

October 1977 to May 1981

**Dover Corp / Holmes Div.** – Newbern, Tennessee

**Education**

---

**Dyersburg State Community College**

Dyersburg, Tennessee, USA

Business

**APICS**

CPIM Certified Production and Inventory Management

**Affiliations**

---

American Production and Inventory Control Society

Jonesboro, AR.; Jacksonville Al.; Memphis TN.; Little Rock, AR; Fort Smith, AR; Fayetteville, AR.

- CERTIFIED – CPIM
- QUALIFIED INSTRUCTOR – APICS BASICS OF SUPPLY CHAIN MANAGEMENT
- APICS Associate CPIM Instructor qualified.
- APICS Lead CPIM Instructor qualified.
- APICS Master CPIM Instructor qualified.



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: December 12, 2013

SUBJECT: Building Board of Adjustment and Appeals

The terms of Mr. Edgar Newlin, Jr. and Mr. James Hudson of the Building Board of Adjustment and Appeals has expired November 30, 2013. Mr. Newlin and Mr. Hudson do not wish to be reappointed at this time.

The applicants available are:

Mark Koch	10512 Inverness
Brett Abbott	3019 Independence

Appointments are **by the Board of Directors**, two appointment are needed. The terms will expire November 30, 2017.

623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, Arkansas 72902  
(479) 785-2801  
Administrative Offices FAX (479) 784-2430

**Building Board of Adjustment and Appeals**

The Building Board of Adjustments and Appeals was established by the 1979 Standard Building Code which the City has adopted. The Board has the authority to hear appeals from any aggrieved person or the head of any agency of the City which takes an appeal from any decision of the building official authorized to enforce the Standard Building Code. The Board of Adjustments and Appeals may vary the application of any provision of the code to any particular case when, in its opinion, the interpretation of the building official should be modified or reversed.

Members of the Building Board of Adjustments and Appeals are appointed by the Board of Directors for four-year terms. The Board shall consist of one architect, one general contractor or engineer, and three members at large from the building industry. The Board meets on call.

	<u>Date Appointed</u>	<u>Term Expires</u>
Edgar C. Newlin, Jr. 3000 Windrift Cove (03) 646-8003 (w) 452-5269 (h)	11/18/97	11/30/13
James A. Hudson Structural Engineer 2012 Massard Road (03) 452-6281 (h) & (w) <a href="mailto:james-hudson@sbcglobal.net">james-hudson@sbcglobal.net</a>	11/21/01	11/30/13
David Edwards 5414 South 31 Street (01) 646-2600 (h) 646-2221 (w)	11/19/02	11/30/14
Evan Fleming Design Builders 6900 Hestand Lane (03) 651-7391 (w) 452-9067 (h)	01/03/94	11/30/14
Chip Johnson Architect 602 Garrison Avenue, No. 800 (02) 782-4085 (w) 484-7280 (h)	12/05/95	11/30/15

**CITY OF FORT SMITH**  
**Application for City Boards/Commissions/Committees**

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 11/4/13

Name: Mark Koch

Home Telephone: 649-0699

Home Address: 10512 Inverness

Work Telephone: 782-0474

Zip: 72908

Email: mkoch@edmconsultants.com

Occupation: Consulting Engineer  
 (If retired, please indicate former occupation or profession)

Education: BS Civil Engineering

Professional and/or Community Activities: ASCE, ASPE, Arkansas Academy  
of Civil Engineers

Additional Pertinent Information/References: \_\_\_\_\_

Are you a registered voter in the City of Fort Smith? Yes X No \_\_\_\_\_  
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
 Yes \_\_\_\_\_ NO x  
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration

Drivers Licen [Signature] Date of Bi [Signature]  
 information wil \_\_\_\_\_ al back ground check of all applicar

I am interested in serving on the (please check):

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Committee                                | <input type="checkbox"/> Library Bd of Trustees                      |
| <input type="checkbox"/> Advertising & Promoting Commission             | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                             | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd       | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                          | <input type="checkbox"/> Parking Authority                           |
| <input checked="" type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission               |
| <input type="checkbox"/> Central Business Improvement District          | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission                   | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                       | <input type="checkbox"/> Port Authority                              |
| <input type="checkbox"/> Community Development Advisory Com.            | <input type="checkbox"/> Property Owners Appeals Board               |
| <input type="checkbox"/> County Equalization Board                      | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals       | <input type="checkbox"/> Sister Cities Committee                     |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments       | <input type="checkbox"/> Transit Advisory Commission                 |
| <input type="checkbox"/> Historic District Commission                   | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                       | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                              |  |

**CITY OF FORT SMITH**  
**Application for City Boards/Commissions/Committees**

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 11/19/13  
 Name: BRETT ABBOTT Home Telephone: 479-452-2838  
 Home Address: 3019 INDEPENDENCE Work Telephone: 479-452-2636  
 Zip: 72901 Email: babbott@crisley-associates.com  
 Occupation: ARCHITECT  
 (If retired, please indicate former occupation or profession)  
 Education: B.Arch - U of A  
 Professional and/or Community Activities: ROTARY CLUB, AIA

Additional Pertinent Information/References: \_\_\_\_\_

Are you a registered voter in the City of Fort Smith? Yes  No \_\_\_\_\_  
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
 Yes \_\_\_\_\_ NO   
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Signature] Date of Birth [Signature] s  
 information will be available to the public (background check of all applicants)

I am interested in \_\_\_\_\_:

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Committee                                | <input type="checkbox"/> Library Bd of Trustees                      |
| <input type="checkbox"/> Advertising & Promoting Commission             | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                             | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd       | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                          | <input type="checkbox"/> Parking Authority                           |
| <input checked="" type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals | <input type="checkbox"/> Parks & Recreation Commission               |
| <input type="checkbox"/> Central Business Improvement District          | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission                   | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                       | <input type="checkbox"/> Port Authority                              |
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| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments       | <input type="checkbox"/> Transit Advisory Commission                 |
| <input type="checkbox"/> Historic District Commission                   | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                       | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                              |  |



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Beshears, Administrative Assistant  
DATE: December 13, 2013  
SUBJECT: Library Board of Trustees

The terms of Mr. Brian DeLung and Mr. Kevin Lacewell of the Library Board of Trustees will expire December 31, 2013. Mr. Lacewell wishes to be reappointed.

The applicants available are:

Joshua Keifer	8207 Valley Forge Road
John Craig	9800 Fenwick Court
Christine Leimberg	402 South 14 Street
Vannetta Posey	3801 Young Street

Appointments are **by the Mayor confirmed by the Board of Directors**, two appointment are needed. The terms will expire December 31, 2018.

## LIBRARY BOARD OF TRUSTEES

The Library Board of Trustees is responsible for the management and control of the Fort Smith Public Library.

The Trustees are citizens of Fort Smith appointed by the Mayor, with the approval of the Board of Directors, for five-year terms. Beginning January 1, 1998 regardless of the term length, no person, whether a current trustee or being considered for appointment as a trustee, who has served two (2) or more consecutive terms shall be eligible for appointment or reappointment to serve until at least one (1) year shall have passed since they last served on the board.

The Library Board meets at 4:30 p.m. on the third Tuesday of each month at the Library.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Brian DeLung Wealth Management Advisor 7800 Westminister (03) 452-4573 (h) 441-2132 (w) <a href="mailto:bdelung@arvest.com">bdelung@arvest.com</a>	12/16/03	12/31/13
Kevin S. Lacewell Trust Officer 7717 South 24 Street (08) 649-9387 (h) 785-4331 (w) <a href="mailto:kevin.lacewell@Simmonsfirst.com">kevin.lacewell@Simmonsfirst.com</a>	11/18/08	12/31/13
Bettye J. Baker Retired 3304 North 48 Street (04) 783-1903 (h) <a href="mailto:tcb30@cox.net">tcb30@cox.net</a>	03/18/08	12/31/15
Ben Shipley Attorney 3216 Cliff Drive (03) 646-7853 (h) 783-8200 (w) <a href="mailto:bshipley@cwgw.com">bshipley@cwgw.com</a>	12/21/10	12/31/15

Robert D. Kelly  
Attorney  
9904 Glen Flora Circle (08)  
648-6755 (h)  
782-8813 (w)  
[rkelly@prbsklaw.com](mailto:rkelly@prbsklaw.com)

12/18/07

12/31/17

Ben Carroll  
Human Resources Manager  
3105 South 105 Street (03)  
462-2575 (h)  
471-6536 (w)  
[bcarroll34@yahoo.com](mailto:bcarroll34@yahoo.com)

12/18/12

12/31/17

Anita Paddock  
Retired  
2606 Dyllan Court (08)  
649-7367 (h)  
[apaddock12@cox.net](mailto:apaddock12@cox.net)

12/18/12

12/31/17

Jennifer Goodson, Library Director  
1212 North 52 Street (04)  
783-0229 (w)  
[jgoodson@fortsmithlibrary.org](mailto:jgoodson@fortsmithlibrary.org)

**CITY OF FORT SMITH**  
**Application for City Boards/Commissions/Committees**

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 12/2/13  
 Name: KEVIN LACEWELL Home Telephone: (479)649-9387  
 Home Address: 7717 S. 24<sup>th</sup> Work Telephone: (479)573-1132  
 Zip: 72908 Email: klacewell@arvest.com  
 Occupation: TRUST OFFICER  
 (If retired, please indicate former occupation or profession)  
 Education: BACHELOR OF SCIENCE- ORGANIZATIONAL MANAGEMENT  
 Professional and/or Community Activities: V.P. LIBRARY BOARD OF TRUSTEES

Additional Pertinent Information/References: \_\_\_\_\_

Are you a registered voter in the City of Fort Smith? Yes  No \_\_\_\_\_  
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
 Yes \_\_\_\_\_ NO   
 If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration

Drivers Licen \_\_\_\_\_ Date of Birth \_\_\_\_\_ This  
 information w \_\_\_\_\_ round check of all applicants

I am interested in serving on the \_\_\_\_\_

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Committee                          | <input checked="" type="checkbox"/> Library Bd of Trustees           |
| <input type="checkbox"/> Advertising & Promoting Commission       | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                       | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                    | <input type="checkbox"/> Parking Authority                           |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals      | <input type="checkbox"/> Parks & Recreation Commission               |
| <input type="checkbox"/> Central Business Improvement District    | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission             | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                 | <input type="checkbox"/> Port Authority                              |
| <input type="checkbox"/> Community Development Advisory Com.      | <input type="checkbox"/> Property Owners Appeals Board               |
| <input type="checkbox"/> County Equalization Board                | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee                     |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission                 |
| <input type="checkbox"/> Historic District Commission             | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                 | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                        |  |

### CITY OF FORT SMITH Application for City Boards/Commissions/Committees

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Date: 12-02-13

Name: Joshua Keifer Home Telephone: 479-806-6593

Home Address: 8207 Valley Forge Rd Work Telephone: 479-484-7000

Zip: 72903 Email: jkeifer@benefitbank.net

Occupation: Vice President, Commercial Lending, Benefit Bank  
(If retired, please indicate former occupation or profession)

Education: BSBA - Finance, University of Arkansas

Professional and/or Community Activities: Leadership Fort Smith (2013)  
Chamber of Commerce, Central Christian Church - Small Group leader

Additional Pertinent Information/References: Ben Carroll, Graphic Packaging  
Tim Beasley, Central Christian Church

Are you a registered voter in the City of Fort Smith? Yes  No   
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
Yes  NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration. NI

Drivers License [Signature] Date of 12/00/00  
information will be us check of all applic

I am interested in serving

- Audit Committee
- Advertising & Promoting Commission
- Airport Commission
- Arkansas Fair & Exhibition Facilities Bd
- Benevolent Fund Board
- Bldg. Bd. Of Adjustment and Appeals
- Central Business Improvement District
- Convention Center Commission
- Civil Service Commission
- Community Development Advisory Com.
- County Equalization Board
- Electric Code Board of Appeals & Appeals
- Fire Code Board of Appeals & Adjustments
- Historic District Commission
- Housing Assistance Board
- Housing Authority
- Library Bd of Trustees
- Mechanical Bd of Adjustments and Appeals
- Oak Cemetery Commission
- Outside Agency Review Panel
- Parking Authority
- Parks & Recreation Commission
- Planning Commission
- Plumbing Advisory Board
- Port Authority
- Property Owners Appeals Board
- Sebastian County Reg. Solid Waste Mgmt. Bd.
- Sister Cities Committee
- Transit Advisory Commission
- Residential Housing Facilities Board
- Comprehensive Plan Steering Committee

**CITY OF FORT SMITH**  
**Application for City Boards/Commissions/Committees**

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 12-5-13  
 Name: John Craig Home Telephone: 479-250-0152  
 Home Address: 9800 Fenwick Ct. Work Telephone: 479-785-4331  
 Zip: 72908 Email: john.craig@simmonsfirst.com  
 Occupation: Vice President Commercial Lending - Simmons First National Bank  
 (If retired, please indicate former occupation or profession)  
 Education: Northeastern State Univ - Bach. Business Admin 1994, Troy State Univ. Executive Masters  
in Bus. Admin 2005  
 Professional and/or Community Activities: Western Arkansas Literary Council - Board President,  
Ft Smith Rotary, Ft Smith Public Schools Partnership Educators, United Way,  
 Additional Pertinent Information/References: Robert Kelly, Library Trustee  
Jennifer Goodson, Ft Library

Are you a registered voter in the City of Fort Smith? Yes  No   
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
 Yes  NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Signature] Date of Birth [Signature]  
 information will be (round check of all applicants)

I am interested in serving on the (please check):

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Committee                          | <input checked="" type="checkbox"/> Library Bd of Trustees           |
| <input type="checkbox"/> Advertising & Promoting Commission       | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals    |
| <input type="checkbox"/> Airport Commission                       | <input type="checkbox"/> Oak Cemetery Commission                     |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel                 |
| <input type="checkbox"/> Benevolent Fund Board                    | <input type="checkbox"/> Parking Authority                           |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals      | <input type="checkbox"/> Parks & Recreation Commission               |
| <input type="checkbox"/> Central Business Improvement District    | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Convention Center Commission             | <input type="checkbox"/> Plumbing Advisory Board                     |
| <input type="checkbox"/> Civil Service Commission                 | <input type="checkbox"/> Port Authority                              |
| <input type="checkbox"/> Community Development Advisory Com.      | <input type="checkbox"/> Property Owners Appeals Board               |
| <input type="checkbox"/> County Equalization Board                | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd. |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Sister Cities Committee                     |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input type="checkbox"/> Transit Advisory Commission                 |
| <input type="checkbox"/> Historic District Commission             | <input type="checkbox"/> Residential Housing Facilities Board        |
| <input type="checkbox"/> Housing Assistance Board                 | <input type="checkbox"/> Comprehensive Plan Steering Committee       |
| <input type="checkbox"/> Housing Authority                        |  |

**CITY OF FORT SMITH**  
**Application for City Boards/Commissions/Committees**

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(Christine)

Name: Christine Leimberg

Date: Dec 2 2013

Home Address: 402 S. 14th St

Home Telephone: 479-719-1877

Zip: 72901

Work Telephone: 479-719-1877

Occupation: Owner/Director West End Private Preschool  
 (If retired, please indicate former occupation or profession)

Email: Kia19646@gmail.com

Education: Southside High School - ASU / UAFS

Professional and/or Community Activities: Positive People, If you ever lived in Fort Smith (large & Fort Smith Facebook Group) Women Shelter, Polar Express Event, FORWARD Fort Smith, Cash Mob

Additional Pertinent Information/References: \_\_\_\_\_

Are you a registered voter in the City of Fort Smith? Yes  No \_\_\_\_\_  
 Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
 Yes \_\_\_\_\_ NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [Signature] Date of Birth [Signature] is information will \_\_\_\_\_ (ground check of all applicants).

I am interested in serving on the (please check):

- Audit Committee
- Advertising & Promoting Commission
- Airport Commission
- Arkansas Fair & Exhibition Facilities Bd
- Benevolent Fund Board
- Bldg. Bd. Of Adjustment and Appeals
- Central Business Improvement District
- Convention Center Commission
- Civil Service Commission
- Community Development Advisory Com.
- County Equalization Board
- Electric Code Board of Appeals & Appeals
- Fire Code Board of Appeals & Adjustments
- Historic District Commission
- Housing Assistance Board
- Housing Authority
- Library Bd of Trustees
- Mechanical Bd of Adjustments and Appeals
- Oak Cemetery Commission
- Outside Agency Review Panel
- Parking Authority
- Parks & Recreation Commission
- Planning Commission
- Plumbing Advisory Board
- Port Authority
- Property Owners Appeals Board
- Sebastian County Reg. Solid Waste Mgmt. Bd.
- Sister Cities Committee
- Transit Advisory Commission
- Residential Housing Facilities Board
- Comprehensive Plan Steering Committee

Library Bd

### CITY OF FORT SMITH Application for City Boards/Commissions/Committees

**Note:** As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: Feb 8 2013

Name: Vannetta Posey Home Telephone: 479-651-7303

Home Address: 3801 Young St Work Telephone: 479-651-7303

Zip: 72904 Email: \_\_\_\_\_

Occupation: Self  
(If retired, please indicate former occupation or profession)

Education: 12th grade

Professional and/or Community Activities: \_\_\_\_\_  
Mentoring Program Girls & Boys Club

Additional Pertinent Information/References: \_\_\_\_\_

Are you a registered voter in the City of Fort Smith? Yes  No \_\_\_\_\_

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?  
Yes \_\_\_\_\_ NO

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consid

Drivers License 0000000000 Date of Birth 000000 is information will \_\_\_\_\_ (background check of all applicants).

I am interested in serving on the (please check):

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Committee                          | <input type="checkbox"/> Housing Authority                               |
| <input type="checkbox"/> Advertising & Promoting Commission       | <input checked="" type="checkbox"/> Library Bd of Trustees               |
| <input type="checkbox"/> Airport Commission                       | <input type="checkbox"/> Mechanical Bd of Adjustments and Appeals        |
| <input type="checkbox"/> Animal Services Advisory Board           | <input type="checkbox"/> Oak Cemetery Commission                         |
| <input type="checkbox"/> Arkansas Fair & Exhibition Facilities Bd | <input type="checkbox"/> Outside Agency Review Panel                     |
| <input checked="" type="checkbox"/> Benevolent Fund Board         | <input type="checkbox"/> Parking Authority                               |
| <input type="checkbox"/> Bldg. Bd. Of Adjustment and Appeals      | <input type="checkbox"/> Parks & Recreation Commission                   |
| <input type="checkbox"/> Central Business Improvement District    | <input checked="" type="checkbox"/> Planning Commission                  |
| <input type="checkbox"/> Comprehensive Plan Steering Committee    | <input type="checkbox"/> Plumbing Advisory Board                         |
| <input checked="" type="checkbox"/> Convention Center Commission  | <input type="checkbox"/> Port Authority                                  |
| <input checked="" type="checkbox"/> Civil Service Commission      | <input type="checkbox"/> Property Owners Appeals Board                   |
| <input type="checkbox"/> Community Development Advisory Com.      | <input type="checkbox"/> Sebastian County Reg. Solid Waste Mgmt. Bd.     |
| <input type="checkbox"/> County Equalization Board                | <input type="checkbox"/> Sister Cities Committee                         |
| <input type="checkbox"/> Electric Code Board of Appeals & Appeals | <input type="checkbox"/> Transit Advisory Commission                     |
| <input type="checkbox"/> Fire Code Board of Appeals & Adjustments | <input checked="" type="checkbox"/> Residential Housing Facilities Board |
| <input type="checkbox"/> Historic District Commission             |  |
| <input type="checkbox"/> Housing Assistance Board                 |  |



## TRANSIT ADVISORY COMMISSION

The Transit Advisory Commission is responsible for maintaining and improving public transit in Fort Smith and to direct efforts regarding marketing/advertising, shelters, special projects, bus zones, stops and routes as well as other related issues.

The commission was established April 7, 1998. The Transit Advisory Commission consists of five members appointed by the Mayor, confirmed by the Board of Directors and each serves three year terms. Meetings are quarterly at 3:00 p.m. in the Transit Department first floor at 6821 Jenny Lind Road.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Charles Mills Retired 8900 Copper Oaks Ln (03) 452-4783 (h)	07/15/08	07/15/14
Dustin Perceful 4615 South R Street (03) 651-0865 (h) 471-3482 (w) <a href="mailto:ke5sxm@gmail.com">ke5sxm@gmail.com</a>	05/15/12	06/15/15
Treopia Jordan 1014 Trenton Drive (08) 434-4042 (h) <a href="mailto:treopia@sbcglobal.net">treopia@sbcglobal.net</a>	05/15/12	06/15/15
Randy Burress 4109 Marshall Drive (04) 785-3765 (h)	07/01/01	07/15/16
Charles Poole 8503 Ashberry Court (08) 478-6883 (h) <a href="mailto:cpolec@cox.net">cpolec@cox.net</a>	07/20/10	07/15/16

Transit

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Name: Tim HEARN Date: 2/11-2013
Home Address: 2419 So. Greenwood Home Telephone: 479 783 1078
Zip: 72901 Work Telephone: 479 783 1078
Email: Tim@FSEMS.ORG
Occupation: Executive Director, Ft Smith EMS
(If retired, please indicate former occupation or profession)

Education: OAFS, CAL AIBET, SS Fort Smith.

Professional and/or Community Activities: Leadership FS Alum/class 2011

Now-Exchange, Partners in Ed Advisory, Crime Stoppers, In-Home/Child Death Board member of Ark Valley Trauma Regional Advisory Council review committee.

Additional Pertinent Information/References: Jeff Benchmark 785 1212
Galen Hunter, 782 1051 Bill Hollerbeck

Are you a registered voter in the City of Fort Smith? Yes [checked] No
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes NO [checked]

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [redacted] Date of Birth [redacted] is information will be use to conduct a criminal back ground check of all applicant

I am interested in serving on the (please check):

- ( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
(X) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals & Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Board
( ) Housing Authority
( ) Library Bd of Trustees
( ) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
(X) Transit Advisory Commission
( ) Residential Housing Facilities Board
(X) Comprehensive Plan Steering Committee