



# ***AGENDA***

**FORT SMITH BOARD OF DIRECTORS  
REGULAR MEETING**

***July 19, 2011 ~ 6:00 P.M.***

**FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD**

***THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6***

**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 JULY 5, 2011 REGULAR MEETING**

**ITEMS OF BUSINESS:**

1. Consent Agenda
  - A. Resolution accepting completion of and authorizing final payment for the construction of Traffic Signal Improvements, Project No. 10-09-A (\$18,288.83 / *Engineering Department; Budgeted – Street Sales Tax Fund*)
  - B. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Chad Colley Boulevard Extension, Project No. 10-00-A (\$583,693.52 / *Engineering Department; Budgeted – Street Sales Tax Fund*)

- C. Resolution authorizing Amendment Number One to the design agreement between the Department of the Army and the City of Fort Smith, Arkansas for design for the May Branch, Fort Smith, Arkansas Project
  - D. Resolution granting a temporary revocable license for the placement of a sign within a public utility easement and authorizing the Mayor to execute agreement (*8500 South 36<sup>th</sup> Terrace*)
  - E. Resolution authorizing execution of pipeline right-of-way (*\$13,318.50 / from Forest Oil Company to the City of Fort Smith*)
  - F. Resolution authorizing an agreement with Sebastian County for use of the former National Guard armory building (*8400 Zero*)
  - G. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 (*\$620,088.09 / Utility Department; Budgeted – 2008 Revenue Bonds*)
  - H. Resolution accepting the bid of and authorizing a contract with M. Phillips Construction, Inc. for the Sunnymede Basin Neighborhood Sewer Improvements – Phase I (*\$1,088,588.00 / Utility Department; Budgeted – 2009 Sales Tax Bonds*)
  - I. Resolution authorizing the Mayor to execute Authorization Number Two with Morrison Shipley Engineers, Inc. for engineering services associated with the Sunnymede Basin Neighborhood Sewer Improvements – Phase I (*\$126,000.00 / Utility Department; Budgeted – 2009 Sales Tax Bonds*)
  - J. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Silco Construction, Inc. for site restoration for the Sunnymede Wet Weather and Walking Trail Improvements (*\$104,755.00 / Utility Department; Budgeted – 2009 Sales Tax Bonds*)
- 2. Discuss prepared food tax and litigation
  - 3. Discuss city-wide goals for 2012 budget

**OFFICIALS FORUM ~ presentation of information requiring no official action  
(Section 2-36 of Ordinance No. 24-10)**

- A. Mayor
- B. Directors
- C. City Administrator

**EXECUTIVE SESSION**

- Performance Evaluation – City Administrator (6 month review)
- Appointments: Advertising & Promotion Commission (1), Mechanical Board of Adjustments & Appeals (2) and Parks & Recreation Commission (2)

**CITIZENS FORUM ~ presentation of information by citizens ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. Presentations are limited to 2 minutes for each citizen (Section 2-44(b) of Ordinance No. 24-10)**

**ADJOURN**

RESOLUTION \_\_\_\_\_

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZE FINAL PAYMENT FOR THE CONSTRUCTION OF  
TRAFFIC SIGNAL IMPROVEMENTS  
PROJECT NO. 10-09-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 Traffic Signal Improvements, Project 10-09-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$18,288.83 to the contractor Traffic Signals, Inc., for the above captioned project.

This resolution adopted this \_\_\_\_\_ day of July, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form

*Jee*  
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_\_\_ Times

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

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

**DATE:** July 11, 2011

**SUBJECT:** Traffic Signal Improvements  
Project No. 10-09-A

The above subject project included the installation of new traffic signals at Towson Avenue and South B Street and Towson Avenue and South D Street. These signals replaced the old signals in those locations and provides interconnection to other newer signals on Towson Avenue to allow better flow of traffic. The project also included the installation of a left turn arrow at Massard Boulevard and Zero Street allowing the increasing traffic on Massard Boulevard a protected left turn movement onto Zero Street. The location of the improvements are shown on the attached exhibit.

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.

G:\DRAWINGS\CIP\00-00 CIPALL\2010\CIPALL 2010 OVERALL.DWG 09/01/10-14:52 RBR SIG EX1



2010 CAPITAL IMPROVEMENTS PROGRAM  
SIGNAL IMPROVEMENTS



Project:	10-09-A
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR

## PROJECT SUMMARY

City of Fort Smith  
Project Status: Complete  
Today's Date: 7/11/2011  
Staff Contact Name: Stan Snodgrass  
Staff Contact Phone: 784-2225  
Contract Time (no of days): 210  
Notice to Proceed Issued: 3/7/2011

Project Name: Traffic Signal Improvements  
Project Number: 10-09-A  
Project Engineer: T.E.C.  
Project Contractor: Traffic Signals, Inc

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$197,212.30	8/31/2010	10/3/2011
Change orders: 1 2 3			
Adjusted contract amount	<u>\$197,212.30</u>		
Payments to date (as negative):	\$177,571.05		
Amount of this payment	\$18,288.83		
Contract balance remaining	\$1,352.42		
Retainage held	0%		
Final payment	\$18,288.83		
Amount under original contract amount as a percentage	1%		

### Final Comments:

This project was substantially completed on June 13, 2011.

RESOLUTION \_\_\_\_\_

**A RESOLUTION AUTHORIZING PARTIAL PAYMENT TO FORSGREN, INC., FOR THE CONSTRUCTION OF CHAD COLLEY BOULEVARD EXTENSION PROJECT NO. 10-00-A**

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

Payment in the amount of \$583,693.52 for the Periodic Pay Estimate No. 5 to Forsgren, Inc., is hereby approved for the construction of the Chad Colley Boulevard Extension, Project No. 10-00-A.

This Resolution adopted this \_\_\_\_\_ day of July, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form

*JSC*  
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_\_\_ Times

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

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

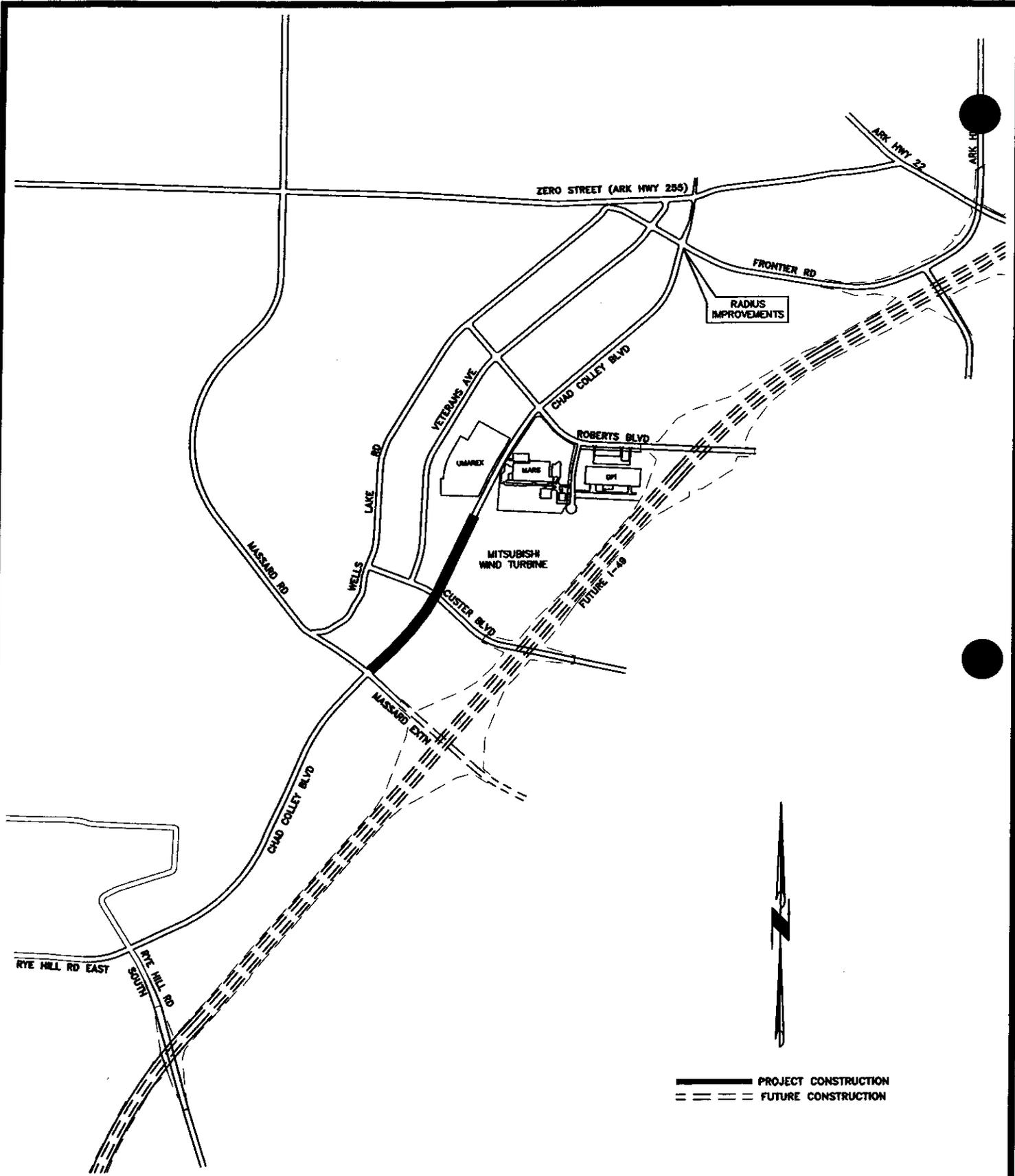
**DATE:** July 11, 2011

**SUBJECT:** Chad Colley Boulevard Extension  
Project No. 10-00-A

This project includes a 2000 foot extension of Chad Colley Boulevard from its current terminus adjacent to Umarex extending to Custer Boulevard along with radius improvements at Frontier Road committed as part of the memorandum of agreement for the Mitsubishi Wind Turbine plant. Also included is another 2000 foot extension of Chad Colley Boulevard between Custer Boulevard and Massard Road. This final extension will provide a direct route along Chad Colley Boulevard extending over 3 ½ miles from its intersection with Rye Hill Road to Zero Street. The project location is shown on the attached map. A project summary sheet is attached.

A City Ordinance requires that all payments in excess of \$500,000.00 be approved by the Board of Directors. A Resolution authorizing partial payment is attached. I recommend that this payment be approved. Should you have any questions, please advise.

C:\City of Ft. Smith\Engineering\Snodgrass\Chad Colley EXT\CC-149-REV6.dwg 12/29/10-09:39 RBR EXHIBIT



FCRA DEVELOPMENT  
 CHAD COLLEY EXTENSION  
 FORT SMITH, ARKANSAS



Project:	10-00-A
Date:	SEPT 2010
Scale:	NONE
Drawn By:	RBR

## SUMMARY SHEET

City of Fort Smith

Project name: Chad Colley Blvd. Extension

Project Status: 87% complete

Today's Date: 07/11/2011

Staff contact name: Stan Snodgrass

Staff contact phone: 784-2225

Contract time (no of days): 210

Notice to proceed issued: 2/14/2011

Project number: 10-00-A

Project engineer: Hawkins-Weir Engineers, Inc.

Project contractor: Forsgren, Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$3,153,579.65	12/28/2010	9/12/2011
Change orders:			
1			
2			
3			
Adjusted contract amount	<u>\$3,153,579.65</u>		
Payments to date (as negative):	\$2,033,488.38		
Amount of this payment	\$583,693.52		
Contract balance remaining	\$398,651.34		
Retainage held	\$137,746.41 (5%)		
Final payment			
Amount under original as a percentage			
Final Comments:			

RESOLUTION \_\_\_\_\_

**A RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO THE DESIGN AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND THE CITY OF FORT SMITH, ARKANSAS FOR DESIGN FOR THE MAY BRANCH, FORT SMITH, ARKANSAS PROJECT**

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

SECTION 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, amendment number one between the Department of the Army and the City of Fort Smith, Arkansas for design for the May Branch, Fort Smith, Arkansas project.

This resolution adopted this \_\_\_\_\_ day of July, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to Form

*JSL*  
\_\_\_\_\_  
NPR

## INTER-OFFICE MEMORANDUM

**TO:** Ray Gosack, City Administrator

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

**SUBJECT:** May Branch Design Agreement with U.S. Army Corps of Engineers

**DATE:** July 11, 2011

---

The May Branch Drainage project is a cost shared project between the U.S. Army Corps of Engineers (USACOE) and the City to reduce flooding along the May Branch drainage way. The project limits extend from Park Avenue approximately 2.8 miles to the Arkansas River as shown on the attached sketch. The project consists of constructing a drainage channel to replace the existing deteriorated and hydraulically inadequate concrete pipe.

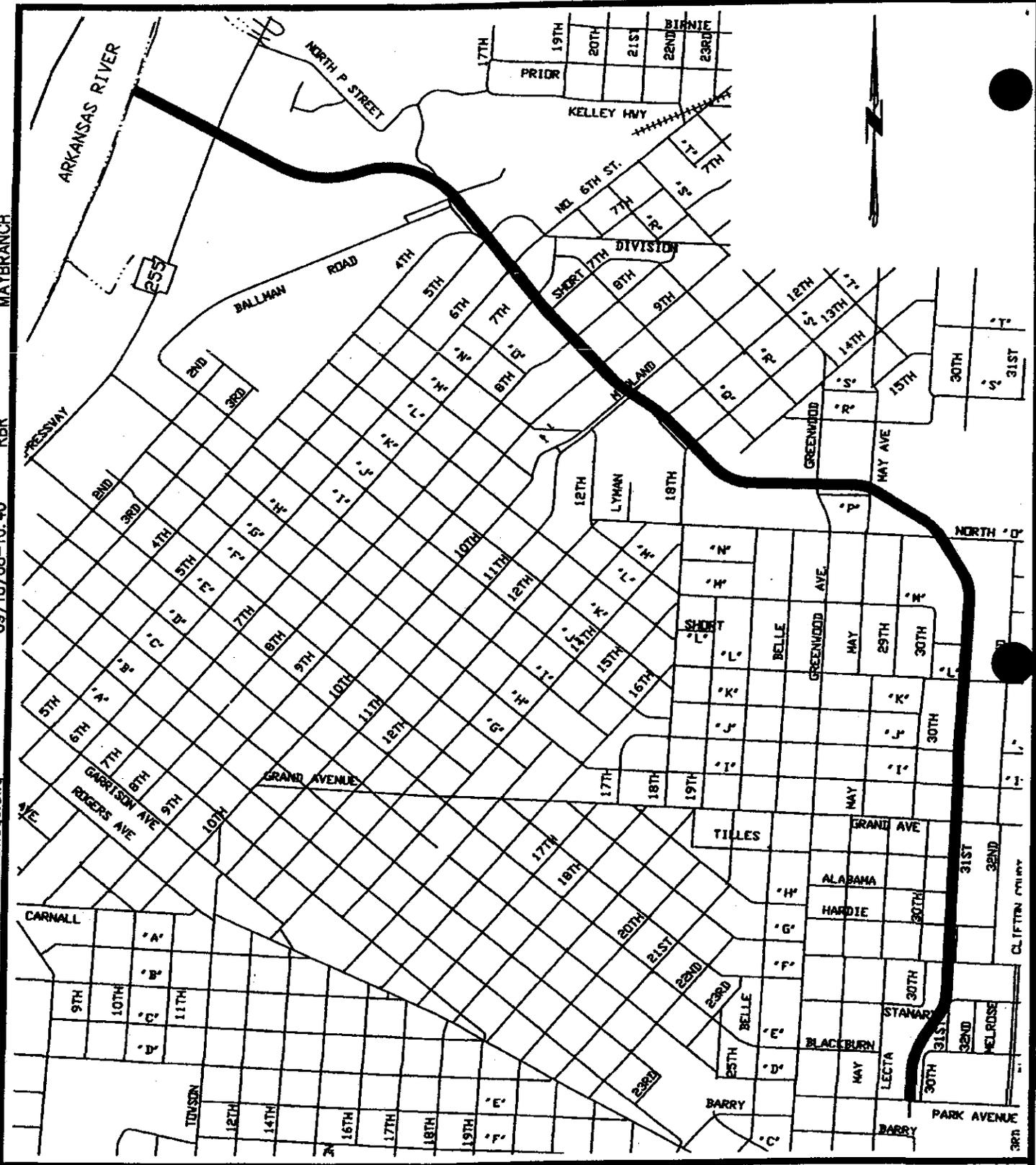
On October 7, 2008, the Board of Directors approved Resolution R-184-08 (copy attached) which authorized an agreement with the (USACOE) to begin design of the May Branch project. Payment of the City's estimated share for the design cost in the amount of \$554,000 was made to the USACOE.

On September 21, 2010, a request was made to the USACOE (see attached letter) to accelerate use of the previously deposited \$554,000 so that design of the project could continue. This amendment is needed in order to continue design of the May Branch project due to a lack of matching federal funding. During the past year, we have been working with the USACOE to amend the design agreement to allow the accelerated use of the previously deposited City's share. Amendment number one will accomplish this.

Attached is a Resolution to authorize the Mayor to execute this amendment. I recommend approval of the Resolution.

Enclosures

2009 CIP Drainage.dwg 09/18/08-10:40 RBR MAYBRANCH



**2009 CAPITAL IMPROVEMENTS PROGRAM  
MAYBRANCH DRAINAGE PROJECT**



Project:	
Date:	SEPT. 2008
Scale:	NONE
Drawn By:	RBR

P: \

11D

RESOLUTION R-18408

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS FOR THE DESIGN OF THE MAY BRANCH, FORT SMITH, ARKANSAS PROJECT**

---

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

Section 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the Design Agreement between the Department of the Army and the City of Fort Smith, Arkansas for the design of the May Branch, Fort Smith, Arkansas project. The City's anticipated share of the design cost is \$554,000.

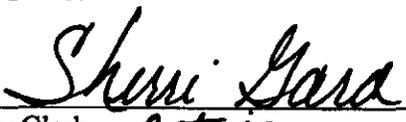
Section 2: Payment of the City's share of the design cost pursuant to the Agreement approved by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This Resolution adopted this 7<sup>th</sup> day of October, 2008.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk acting

Approved as to Form

  
\_\_\_\_\_



September 21, 2010

Glen A. Masset  
Colonel, U.S. Army  
District Engineer  
Little Rock District Corps of Engineers  
P. O. Box 867  
Little Rock, Arkansas 72203-0867

Re: May Branch Project  
Fort Smith, Arkansas

Dear Col. Masset:

In December 2008, the City made a cash contribution of \$554,000 in accordance with the Design Agreement for the May Branch, Fort Smith, Arkansas Project. As the Federal appropriations have been limited, the expenditure of non-federal funds is constrained. In order for the design effort to continue on this much needed project, we request the acceleration of the approximately \$487,244 currently unspent of our \$554,000 cash contribution.

Should you need any additional information please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Stan Snodgrass".

Stan Snodgrass, P.E.  
Director of Engineering

c: Ray Gosack, Deputy City Administrator  
Greg Riley, Project Engineer

G:\SSnodgrass\My Documents\98-12-B (Maybranch)\Maybranch COE letter 092110.wpd

623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, Arkansas 72902  
(501) 785-2801  
Administrative Offices FAX (501) 784-2407

10.

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

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE  
PLACEMENT OF A SIGN WITHIN A  
PUBLIC UTILITY EASEMENT  
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 GAST, LLC, their successors or assigns for the placement and maintenance of a sign within a public utility easement at 8500 South 36<sup>th</sup> Terrace as shown in Exhibit "A."

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

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF JULY 2011.**

**APPROVED:**

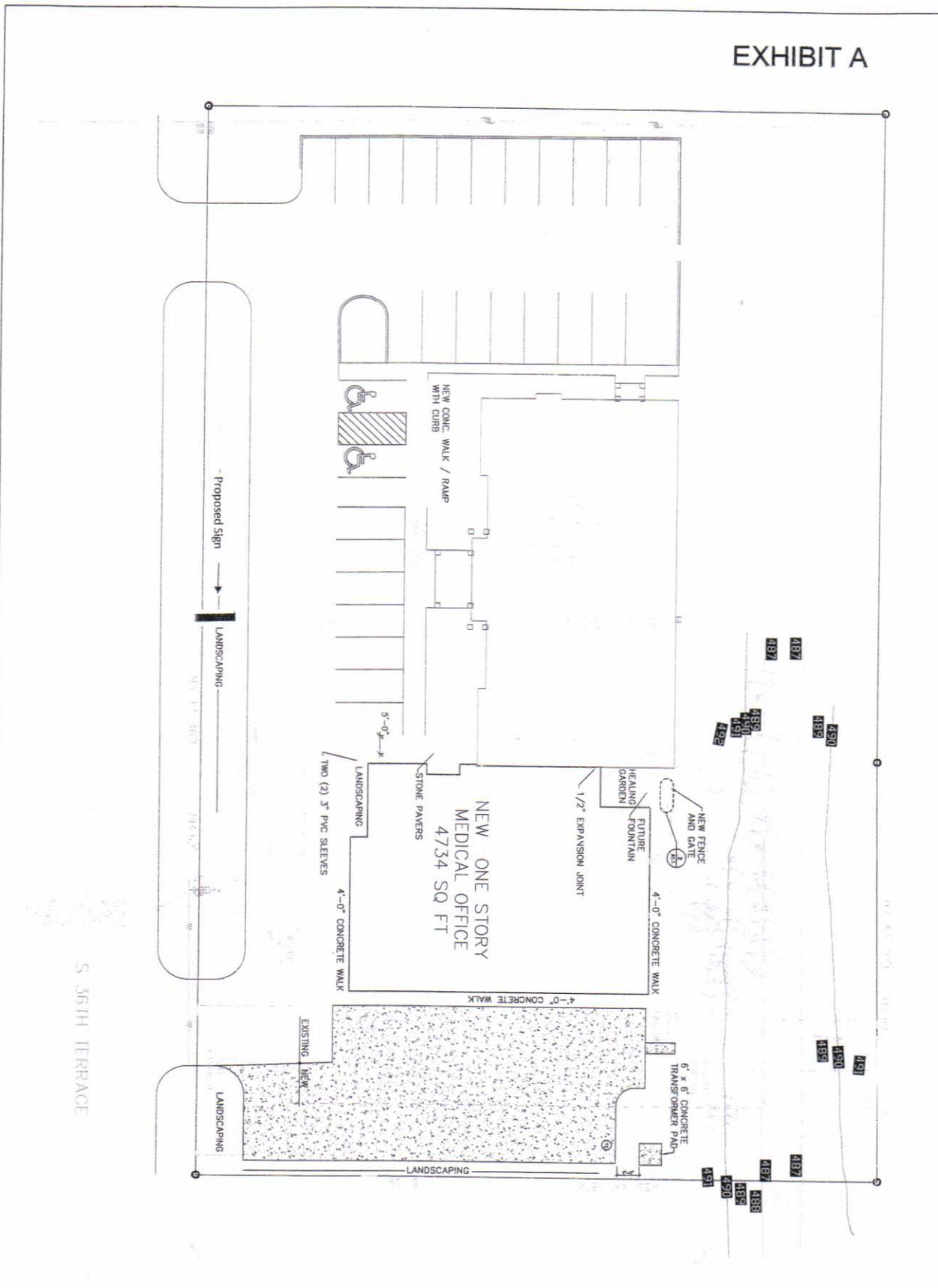
\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

*Approved as to form  
JDC  
No publication required*

# EXHIBIT A



		PROJECT TEAM STERLING BARNETT LITTLE ARCHITECTS 1001 N. UNIVERSITY FORT SMITH, AR 72309 (501) 783-1111 WWW.SBLITTLE.COM	PROJECT NO. 20111200	DATE 05.20.2011	DRAWING NO. A1.1
		PROJECT NAME FORT SMITH RADIATION ONCOLOGY, PA FORT SMITH, ARKANSAS	ARCHITECTURAL SITE PLAN	TITLE	DRAWN BY JTB

# Memo

**To:** Ray Gosack, City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** July 13, 2011  
**Subject:** Temporary Revocable License for the Placement of a Sign within a Public Utility Easement at 8500 South 36th Terrace

Mack Thompson, representative, for Dr. Kris Gast, has requested a Temporary Revocable License for the placement of a sign within a public utility easement at 8500 South 36<sup>th</sup> Terrace. (Please see the enclosed vicinity map.)

The proposed 4' x 8' monument sign is associated with the Fort Smith Radiation Oncology medical office that recently opened at this location. The sign will be located within an existing 10' public utility easement parallel with South 36<sup>th</sup> Street. Please see attached Exhibits "A" and "B", which show the location and illustration of the proposed sign.

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

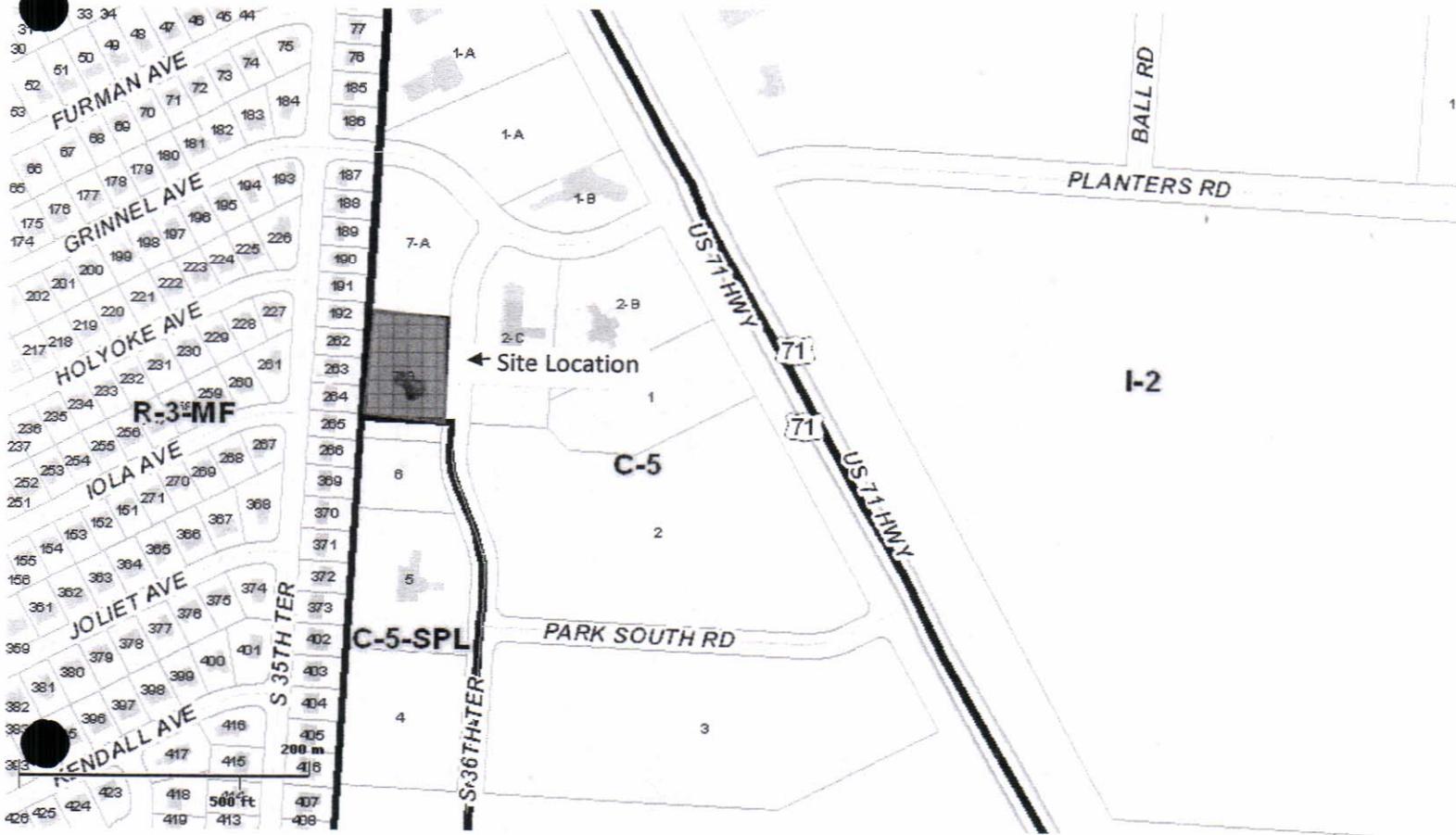
Attached for the Board's consideration is a Resolution granting the Temporary Revocable License and authorizing Mayor Sanders to sign a Temporary Revocable License Agreement.

Dr. Gast has agreed to the terms of the Temporary Revocable License and has signed the agreement. Enclosed is a copy of the signed agreement.

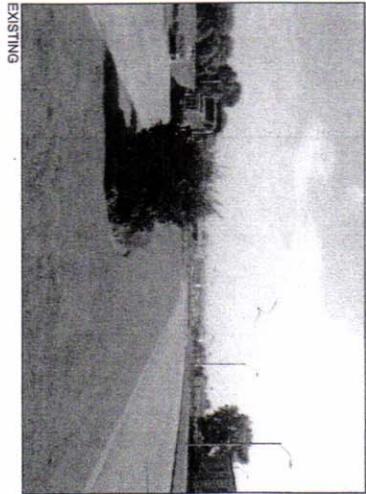
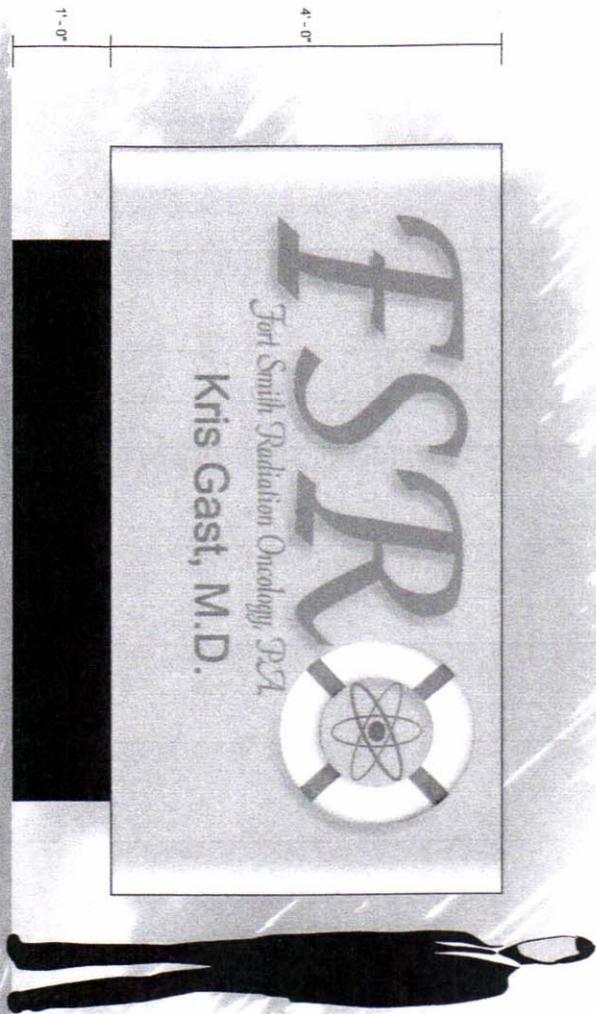
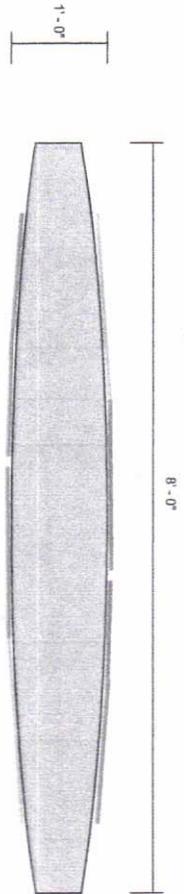
Enc.

# Vicinity Map

## 8500 South 36th Terrace



4' X 8' X 1" THICK DOUBLE-FACED UN-LIT ALUMINUM MONUMENT



**MT&S**  
**MACK THOMPSON & SON**  
 6208 SOUTH 20TH STREET  
 FORT SMITH, AR 72908  
 PHONE 479-648-1061  
 FAX 479-648-1058  
 E-MAIL: mack@mtsaijgna.com

**Project Location:**  
 FORT SMITH RADIATION  
 ONCOLOGY, PA  
 8500 S. 38TH TERRACE  
 FORT SMITH, AR 72908

**Description:**  
 SIGN IS FABRICATED OF ALUMINUM  
 WITH ALL WELDED SEAMS SANDED  
 SMOOTH. SIGN IS PAINTED WITH  
 POLYURETHANE.

\*FSRR\* ARE 1/2" THICK LASER CUT  
 ACRYLIC. RED LOGO AND REMAINDER  
 OF LETTERING ARE 3M VINYL.  
 INSTALLATION IS ON SINGLE STEEL  
 POLE IN CONCRETE FOUNDATION.

**Scale:**  
 3/4" = 1' - 0"

(Scale is accurate on 11" x 17" paper)

**Date:**  
 6/14/2011

**Customer Approval:**

**Date:**

**Landlord Approval:**

**Date:**

This original drawing is provided as part of a  
 proposed project and is not to be exhibited, copied or  
 made. Thompson & Son, Inc. or its authorized agents.

## TEMPORARY REVOCABLE LICENSE AGREEMENT

**SECTION 1:** On July 19, 2011, the Board of Directors passed Resolution No.

\_\_\_\_\_ granting a temporary revocable license to GAST, LLC, their successors or assigns, which, subject to the terms and conditions expressed in this Agreement, temporarily allows the placement and maintenance of a sign within the public utility easement at 8500 South 36<sup>th</sup> Terrace as shown in Exhibit "A."

**Section 2:** It is agreed that the City shall have no responsibility for the maintenance of the sign. If the sign 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 sign from the public utility easement 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 or utility company require access to the existing public

utility easement, said City department or utility company 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 public utility easement.

**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 \_\_\_\_\_, 2011.

**CITY OF FORT SMITH, ARKANSAS**

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

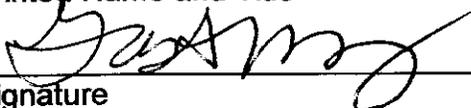
Attest:

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

**GAST, LLC**

BY: Kris East MD - President

Printed Name and Title

  
Signature

ACKNOWLEDGEMENT

STATE OF ARKANSAS    )  
  )SS  
COUNTY OF SEBASTIAN )

On this 13<sup>th</sup> day of July, 2011, before me, the undersigned notary public, personally appeared, Kris East 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.

Becky Fitzpatrick  
Notary Public

My Commission Expires:

04/15/2017

Becky Fitzpatrick  
My Commission # 12359625  
County of Crawford  
Notary Public - Arkansas  
My Commission Exp. 04/15/2017

ACKNOWLEDGEMENT

STATE OF ARKANSAS    )  
  )SS  
COUNTY OF SEBASTIAN )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, 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.

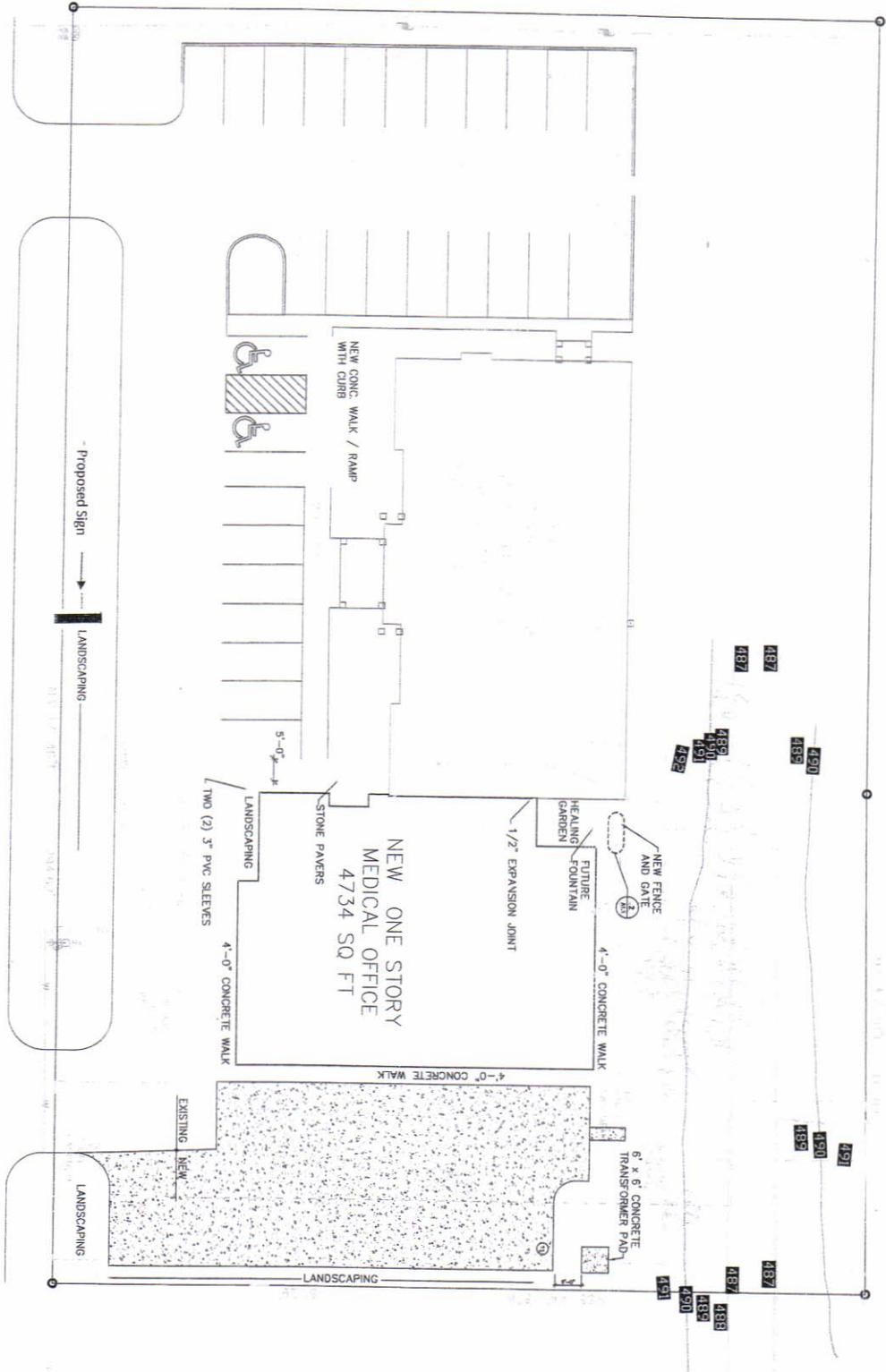
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

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

My Commission Expires:

\_\_\_\_\_

# EXHIBIT A



 <p><b>Sterling Barnett Little</b></p>		<p>PROJECT NO. <b>A1.1</b></p> <p>DATE <b>05.20.2011</b></p> <p>PROJECT NAME <b>Fort Smith Radiation Oncology, PA</b></p>	<p>ARCHITECTURAL SITE PLAN</p>	<p><b>FORT SMITH RADIATION ONCOLOGY, PA</b></p> <p>FORT SMITH, ARKANSAS</p>	<p>PROJECT TEAM</p> <p>STERLING BARNETT LITTLE ARCHITECTS</p>
		<p>PROJECT NO. <b>A1.1</b></p> <p>DATE <b>05.20.2011</b></p> <p>PROJECT NAME <b>Fort Smith Radiation Oncology, PA</b></p>	<p>ARCHITECTURAL SITE PLAN</p>	<p><b>FORT SMITH RADIATION ONCOLOGY, PA</b></p> <p>FORT SMITH, ARKANSAS</p>	<p>PROJECT TEAM</p> <p>STERLING BARNETT LITTLE ARCHITECTS</p> <p>STERLING BARNETT LITTLE ARCHITECTS</p> <p>STERLING BARNETT LITTLE ARCHITECTS</p> <p>STERLING BARNETT LITTLE ARCHITECTS</p>

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

**A RESOLUTION AUTHORIZING EXECUTION OF PIPELINE RIGHT OF WAY**

---

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

The Mayor is hereby authorized to execute the attached Pipeline Right of Way extending to Forest Oil Corporation a pipeline right-of-way across Fort Smith Landfill property in exchange for a payment by Forest Oil Corporation in the amount of \$13,318.50.

This resolution adopted this \_\_\_\_\_ day of July, 2011.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

Approved as to form:

No Publication Required

Publish \_\_\_\_\_ Times

**MEMORANDUM**

July 15, 2011

To: Ray Gosack, City Administrator

From: ~~M.T.~~ Baridi Nkokheli, Director

Subject: Gas Pipeline Right-of-way

---

The Forest Oil Corporation recently met with department staff to discuss installing a new natural gas pipeline across City of Fort Smith (landfill) property. Copies of the proposed 4,439.5 feet pipeline right-of-way and a map showing its location are attached. The proposed pipeline right-of-way is outside the areas permitted for current and future waste disposal and will never interfere with the department's waste disposal operations. Additionally, there are no anticipated uses of the property where the proposed pipeline crosses. Forest Oil is offering three dollars (\$3) per foot or \$13,318.50 for the right-of-way. Department staff recommends that the right-of-way be executed and approved by the attached Resolution at the next Board of Director's meeting.

Please let me know should you have any questions or require additional information.



**GARY A. MONROE**

*& Associates*

*Petroleum Land Services, Inc.*

July 12, 2011

City of Fort Smith  
623 Garrison Ave.  
Fort Smith, AR 72902  
Attn: Mr. Baridi Nkokheli

re: USA 1-13  
Pipeline Right-of-Way  
Sec. 13, T7N-R32W  
Sebastian County, AR

Dear Mr. Nkokheli:

Due to a recent shut down of an Ozark Transmission Gathering Line, Forest Oil Corporation has decided to market their gas from the USA 1-13 well located on the Landfill to AOG. This is one of two proposed routes and this route will not enter fear with State permitted lands set aside for further growth of the Landfill. We are enclosing our Pipeline Right-of-Way along with the survey for said route for the above captioned well.

Please look over the enclosed agreement; we are proposing \$3.00 per ft. at 4439.5 feet for our Right-of-Way. If everything appears to be in order, please have the appropriate officer for the City of Fort Smith sign in the presence of a Notary Public and return the original executed agreement along with the W-9 to us in the envelope provided. Or you can contact me and I will be glad to meet with you and hand-deliver the check in the amount of \$13,318.50.

If you have any questions, please do not hesitate to call our office at the number listed below or you can reach me direct at 479-629-4919. Thank you for your cooperation in this matter.

Sincerely,

Greg Milligan,  
Landman and Agent for  
Forest Oil Corporation

Enclosure

2409 S. 51st Court • P.O. Box 2110 • Fort Smith, AR 72903 • (479) 785-2613 • FAX (479) 478-8877  
915 Oak Street, Ste. 1010 • Conway, AR 72032 • (501) 505-8282 • Fax (501) 505-8666  
206 W. Water Street Elmira, NY 14901 • (607) 846-3681 • Fax (607) 846-3758

[www.garyamonroe.com](http://www.garyamonroe.com)  
E-Mail: [gama07@aol.com](mailto:gama07@aol.com)

AAPL • FSAPL • TAPL • OCAPL

## **PIPELINE RIGHT OF WAY**

**FOR AND IN CONSIDERATION** of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, to us in hand paid, receipt and adequacy of which is hereby acknowledged, The City of Fort Smith, 623 Garrison Ave. Fort Smith, AR 72902 (hereinafter referred to as Grantor), does hereby grant to Forest Oil Corporation, (hereinafter referred to as Grantee), its successors or assigns, a right of way 30 feet in width to lay, maintain, alter, repair, operate, replace, change the size of and remove a pipeline for the transportation of oil or gas, or products of oil or gas, including cathodic protection facilities within said right of way, if the same shall be found necessary on, over and through certain lands situated in the County of Sebastian, State of Arkansas, described more particularly as follows:

SECTION 13, TOWNSHIP 7 NORTH, RANGE 32 WEST  
South Half of the Northwest Quarter (S/2 NW/4) and North half of the Southwest Quarter (N/2 SW/4).

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

### **SPECIAL PROVISIONS**

1. If Grantee ceases to use the Right-of-Way herein granted for a period of twenty-four (24) consecutive months, this Right-of-Way Agreement shall terminate and shall be of no further force and effect.
2. Grantor shall have the right to construct and utilize paved/dirt roadways and cross-fencing across the Right-of-Way.
3. Grantee agrees to construct only one (1) pipeline in the Right-of-Way described in this Agreement.
4. If Grantee removes or disturbs any of Grantor's roads or fencing, whether before or after the initial construction of its pipeline, the Grantee agrees to restore same to a condition that is of a quality that is equal to their condition prior to Grantee's action.

To have and to hold said easements, rights and right-of-way unto the said Grantee, its successors and assigns. The pipeline installed hereunder shall be buried a minimum of 36 inches. Grantor shall not place any building or other facility over pipeline of Grantee as will be likely to interfere with Grantee access thereto by use of equipment of means customarily employed in the maintenance of said pipeline. This easement shall not exceed forty feet (40') for construction and thirty feet (30') permanent easement. After



**Hoffman & Associates, Inc.**  
 LAND SURVEYING CONSULTING ENGINEERS  
 320 DENALI LANE VAN BUREN, AR 72956  
 TEL: (479) 474-7916 FAX: (479) 474-2450  
 WEB ADDRESS: HAHAND.COM

**EXHIBIT "A"**

SEBASTIAN COUNTY, ARKANSAS

- 0+00 BOL @ EXISTING PIPELINE
- 13+67 MONITORING WELL #9, 14' LT
- 36+37 WOOD FENCE CORNER, 18' RT
- 38+12 MONITORING WELL #13, 20' RT
- 38+58 POWER POLE, 22' LT
- 39+41 POWER POLE, 57' LT
- 40+34 "CAUTION" CROSS AERIAL POWER LINE
- 42+20 POWER POLE, 22' LT
- 42+25 POWER POLE, 26' RT
- 42+48 GUY ANCHOR, 13' LT
- 42+52 GUY ANCHOR, 10' LT
- 42+56 CROSS FENCE
- 42+58 GUY ANCHOR, 8' RT
- 42+61 GUY ANCHOR, 7' RT
- 42+64 GUY ANCHOR, 3' RT
- 42+67 GUY ANCHOR, 6' RT
- 42+74 POWER POLE, 20' LT
- 42+76 "CAUTION" CROSS AERIAL POWER LINE
- 42+77 "CAUTION" CROSS SANITARY SEWER LINE
- 42+81 WATER METER, 18' LT
- 43+00 CROSS C.L. OF COMMERCE ROAD
- 43+21 "CAUTION" CROSS WATER LINE
- 43+32 WATER VALVE, 13' RT
- 43+34 WATER METER, 6' RT
- 43+35 WATER VALVE, 3' RT
- 43+36 "CAUTION" CROSS WATER LINE
- 43+39 WATER VALVE, 7' RT
- 43+39 B.W. FENCE CORNER, 13' RT
- 43+42 "CAUTION" CROSS WATER LINE
- 43+44 "CAUTION" CROSS UNDERGROUND TELEPHONE LINE
- 43+48 CROSS B.W. FENCE
- 43+88 B.W. FENCE CORNER, 15' LT
- 49+51 CROSS C.L. OF CREEK
- 49+99 "CAUTION" CROSS SANITARY SEWER LINE
- 61+80 GUY ANCHOR, 21' LT
- 61+60 GUY ANCHOR, 18' LT
- 61+61 POWER POLE, 32' LT
- 61+62 GUY ANCHOR, 18' LT
- 61+64 GUY ANCHOR, 21' LT
- 61+64 GUY ANCHOR, 18' LT
- 69+16 EOL @ PROPOSED METER LOT



**GENERAL NOTES:**

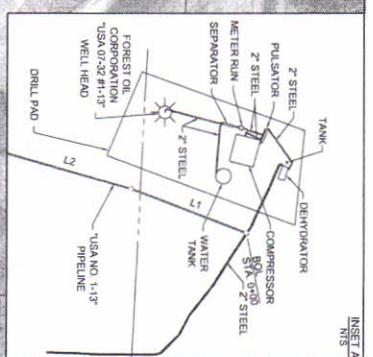
1. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED UPON REASONABLE VISUAL OBSERVATION. LOCATIONS OF UNDERGROUND ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED DURING EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE EXCAVATIONS ARE MADE, CONTACT SHOULD BE MADE WITH THE UTILITY COMPANIES TO DETERMINE THE DEPTHS AND SHOULD BE CONTACTED FOR THIS AREA.
2. THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY.

3. PROJECT COORDINATE: ARKANSAS STATE PLANE COORDINATES, NORTH ZONE, NAD 83, U.S. FEET AS DETERMINED WITH GPS RECEIVERS, RTK METHOD, AND NGS-0695 BASE STATION.
4. PROJECT COORDINATE SYSTEM: THE POINT OF INTERSECTION (P.I.) STATIONING IS BASED UPON GRID DISTANCES, AND THE CENTERLINE DESCRIPTIONS ARE BASED UPON GRID DISTANCES.

5. VAN FIELD NOTE REFERENCE BOOK: MISC. PIPELINE 198 PAGE: 21-32.
6. VAN JOB NUMBER: 48011 - USA NO. 1-13' PIPELINE

**FOREST OIL CORPORATION**  
 PIPELINE ROUTE SURVEY USA NO. 1-13'  
 SEBASTIAN COUNTY, ARKANSAS

STATION	CHORD BEARING	CHORD DISTANCE	CURVE DATA
0+00	N 11° 13' 00" W	100.00	100.00
1+00	S 88° 47' 00" W	100.00	100.00
2+00	N 11° 13' 00" E	100.00	100.00
3+00	S 88° 47' 00" E	100.00	100.00
4+00	N 11° 13' 00" W	100.00	100.00
5+00	S 88° 47' 00" W	100.00	100.00
6+00	N 11° 13' 00" E	100.00	100.00
7+00	S 88° 47' 00" E	100.00	100.00
8+00	N 11° 13' 00" W	100.00	100.00
9+00	S 88° 47' 00" W	100.00	100.00
10+00	N 11° 13' 00" E	100.00	100.00
11+00	S 88° 47' 00" E	100.00	100.00
12+00	N 11° 13' 00" W	100.00	100.00
13+00	S 88° 47' 00" W	100.00	100.00
14+00	N 11° 13' 00" E	100.00	100.00
15+00	S 88° 47' 00" E	100.00	100.00
16+00	N 11° 13' 00" W	100.00	100.00
17+00	S 88° 47' 00" W	100.00	100.00
18+00	N 11° 13' 00" E	100.00	100.00
19+00	S 88° 47' 00" E	100.00	100.00
20+00	N 11° 13' 00" W	100.00	100.00
21+00	S 88° 47' 00" W	100.00	100.00
22+00	N 11° 13' 00" E	100.00	100.00
23+00	S 88° 47' 00" E	100.00	100.00
24+00	N 11° 13' 00" W	100.00	100.00
25+00	S 88° 47' 00" W	100.00	100.00
26+00	N 11° 13' 00" E	100.00	100.00
27+00	S 88° 47' 00" E	100.00	100.00
28+00	N 11° 13' 00" W	100.00	100.00
29+00	S 88° 47' 00" W	100.00	100.00
30+00	N 11° 13' 00" E	100.00	100.00
31+00	S 88° 47' 00" E	100.00	100.00
32+00	N 11° 13' 00" W	100.00	100.00
33+00	S 88° 47' 00" W	100.00	100.00
34+00	N 11° 13' 00" E	100.00	100.00
35+00	S 88° 47' 00" E	100.00	100.00
36+00	N 11° 13' 00" W	100.00	100.00
37+00	S 88° 47' 00" W	100.00	100.00
38+00	N 11° 13' 00" E	100.00	100.00
39+00	S 88° 47' 00" E	100.00	100.00
40+00	N 11° 13' 00" W	100.00	100.00
41+00	S 88° 47' 00" W	100.00	100.00
42+00	N 11° 13' 00" E	100.00	100.00
43+00	S 88° 47' 00" E	100.00	100.00
44+00	N 11° 13' 00" W	100.00	100.00
45+00	S 88° 47' 00" W	100.00	100.00
46+00	N 11° 13' 00" E	100.00	100.00
47+00	S 88° 47' 00" E	100.00	100.00
48+00	N 11° 13' 00" W	100.00	100.00
49+00	S 88° 47' 00" W	100.00	100.00
50+00	N 11° 13' 00" E	100.00	100.00
51+00	S 88° 47' 00" E	100.00	100.00
52+00	N 11° 13' 00" W	100.00	100.00
53+00	S 88° 47' 00" W	100.00	100.00
54+00	N 11° 13' 00" E	100.00	100.00
55+00	S 88° 47' 00" E	100.00	100.00
56+00	N 11° 13' 00" W	100.00	100.00
57+00	S 88° 47' 00" W	100.00	100.00
58+00	N 11° 13' 00" E	100.00	100.00
59+00	S 88° 47' 00" E	100.00	100.00
60+00	N 11° 13' 00" W	100.00	100.00
61+00	S 88° 47' 00" W	100.00	100.00
62+00	N 11° 13' 00" E	100.00	100.00
63+00	S 88° 47' 00" E	100.00	100.00
64+00	N 11° 13' 00" W	100.00	100.00
65+00	S 88° 47' 00" W	100.00	100.00
66+00	N 11° 13' 00" E	100.00	100.00
67+00	S 88° 47' 00" E	100.00	100.00
68+00	N 11° 13' 00" W	100.00	100.00
69+00	S 88° 47' 00" W	100.00	100.00
70+00	N 11° 13' 00" E	100.00	100.00
71+00	S 88° 47' 00" E	100.00	100.00
72+00	N 11° 13' 00" W	100.00	100.00
73+00	S 88° 47' 00" W	100.00	100.00
74+00	N 11° 13' 00" E	100.00	100.00
75+00	S 88° 47' 00" E	100.00	100.00
76+00	N 11° 13' 00" W	100.00	100.00
77+00	S 88° 47' 00" W	100.00	100.00
78+00	N 11° 13' 00" E	100.00	100.00
79+00	S 88° 47' 00" E	100.00	100.00
80+00	N 11° 13' 00" W	100.00	100.00
81+00	S 88° 47' 00" W	100.00	100.00
82+00	N 11° 13' 00" E	100.00	100.00
83+00	S 88° 47' 00" E	100.00	100.00
84+00	N 11° 13' 00" W	100.00	100.00
85+00	S 88° 47' 00" W	100.00	100.00
86+00	N 11° 13' 00" E	100.00	100.00
87+00	S 88° 47' 00" E	100.00	100.00
88+00	N 11° 13' 00" W	100.00	100.00
89+00	S 88° 47' 00" W	100.00	100.00
90+00	N 11° 13' 00" E	100.00	100.00
91+00	S 88° 47' 00" E	100.00	100.00
92+00	N 11° 13' 00" W	100.00	100.00
93+00	S 88° 47' 00" W	100.00	100.00
94+00	N 11° 13' 00" E	100.00	100.00
95+00	S 88° 47' 00" E	100.00	100.00
96+00	N 11° 13' 00" W	100.00	100.00
97+00	S 88° 47' 00" W	100.00	100.00
98+00	N 11° 13' 00" E	100.00	100.00
99+00	S 88° 47' 00" E	100.00	100.00
100+00	N 11° 13' 00" W	100.00	100.00



**LEGEND**

- L.F. LIMBAL FEET
- C.L. CENTERLINE
- S.T.A. STATION
- LI LEFT
- RI RIGHT
- BWP EXISTING WIRE FENCE
- PROPOSED WELLHEAD
- PROPOSED WELL
- UTILITY POLE
- BRANCH/MAIN/EDGE OF WATER
- EXISTING PIPELINE
- PROPOSED PIPELINE
- BOL BEGIN OF LINE
- EOL END OF LINE
- LI LATERAL 1

**GRID NORTH (NAD 83) ARKANSAS NORTH ZONE**

**GRAPHIC SCALE IN FEET**

1" = 400'

0 400

NOT DRAWN TO SCALE

DATE: 06-14-2011  
 SCALE: 1" = 400'  
 SHEET NO. 1

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

**RESOLUTION AUTHORIZING AN AGREEMENT WITH SEBASTIAN COUNTY FOR THE USE OF THE FORMER NATIONAL GUARD ARMORY BUILDING (8400 ZERO)**

---

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

Section 1. The Inter-local Agreement between the City of Fort Smith and Sebastian County, Arkansas, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions and mutual understandings for the operation and maintenance of the Sebastian County Emergency Management and Public Safety Facility.

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

THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_

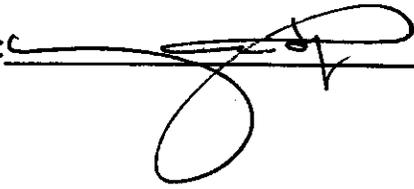
MAYOR

ATTEST:

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM:





## **Fort Smith Police Department**

Kevin Lindsey, Chief of Police

### **INTERDEPARTMENTAL MEMORANDUM**

**To:** Ray Gosack, City Administrator

**From:** Kevin Lindsey, Chief of Police *KL*

**Subject:** Interlocal Agreement Between Sebastian County and City of Fort Smith for Joint Use of Emergency Operations, Communications, and Training Center

**Date:** July 14, 2011

The City of Fort Smith and Sebastian County are proposing a joint Resolution to the Board of Directors and Quorum Court creating an Interlocal Agreement for the occupancy and operations of an Emergency Operations Center (EOC), Regional Law Enforcement Training Center, and Public Safety Communications Center on the former National Guard Armory site located at 8400 Zero Street (Massard and Zero). The Interlocal Agreement will be substantially in the form accompanying the Resolution, and provides for the terms, conditions, and mutual understandings for the operation and maintenance of the Sebastian County Emergency Management and Public Safety Facility.

The property was turned over to Sebastian County in 2009 for the purpose of constructing a County Emergency Operations Center (EOC). In addition, the county received federal grant funding to facilitate construction and implementation of the EOC. In October, 2009, members of the police department's training staff were relocated to the EOC property, with verbal approval from Sebastian County. The police department's training and recruitment functions are conducted from this facility. Currently, the police department is conducting its third basic police academy training class in this facility, and upon graduation of this class in late August, will have graduated over forty trained law enforcement officers and deputies for the City of Fort Smith and surrounding cities and counties.

The Public Safety Communications Center will serve as the backup Public Safety Answering Point (PSAP) for the police department and sheriff's office, facilitating

completion of the radio replacement project began in 2006. The police department plans to develop a data center for disaster recovery on the property.

The proposed Interlocal Agreement provides for a beneficial partnership with Sebastian County. Citizens within the City and in all areas of the County will benefit from an Emergency Operations Center designed to accommodate county and city leaders during the time of extreme emergencies to address emergency management concerns. The police department and sheriff's office will be able to utilize the facility as a secondary communications PSAP, or public safety answering point, for the purpose of handling 9-1-1 and non-emergency calls for city and county residents in the event that one or both of their respective headquarters are damaged or disabled. Regional law enforcement agencies will benefit from attending a variety of training courses, including a full-time basic law enforcement officer training academy, offered locally at the Regional Law Enforcement Training Center. Offering training courses locally significantly reduces travel costs and expenses for law enforcement agencies and the requirement for law enforcement officers to leave their families while attending extended training courses.

Costs for operating and maintaining the facility will be shared by the City and County. Estimates for the City's share of operating and maintenance costs for 2011 and future years should be approximately \$15,000 per year plus the cost of insuring part of the property and City-owned contents. These costs will be included in the police department's annual budget request. Due to locating police department staff in the facility in late 2009, the department will pay one-half of the operating expenses for fiscal year 2010 utilizing Federal asset forfeiture funds. These expenditures should not exceed \$10,000 for the year.

Staff recommends approval of this Resolution.

## **INTERLOCAL AGREEMENT**

**AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING THE OPERATION AND MAINTENANCE OF THE SEBASTIAN COUNTY EMERGENCY MANAGEMENT AND PUBLIC SAFETY FACILITY.**

**This Agreement made and entered into between Sebastian County, Arkansas, hereinafter referred to as the "County", and the City of Fort Smith, Arkansas, hereinafter referred to as the "City", regarding the Sebastian County Emergency Management and Public Safety Facility at 8400 Zero Street in Fort Smith, Arkansas, hereinafter referred to as the "Facility".**

**WITNESSETH:**

**WHEREAS, Sebastian County obtained ownership of property at 8400 South Zero designated for use as "The Sebastian County Emergency Management and Public Safety Facility"; and**

**WHEREAS, the Sebastian County Emergency Management and Public Safety Facility is dedicated to support an Emergency Operations Center, a Public Safety Communications Center and a Regional Law Enforcement Training Center; and**

**WHEREAS, the Emergency Operations Center (EOC) is the physical location where government officials and other organizations come together during an emergency or disaster to coordinate response and recovery actions and resources. The EOC is a secure Facility where collection and coordination of incident information and resources takes place. It is a center where coordination, logistics, and management decisions are made to facilitate an expedient, coordinated, and cost-effective response and recovery to an emergency or disaster. An EOC contains the facilities, equipment and supplies for policy level decision makers to meet and work together for an extended period of time; and**

**WHEREAS, the Public Safety Communications Center is a physical location where incoming calls from 911, other phone numbers or other communication resources are taken and information from the calls is collected, analyzed, coordinated and disseminated to the proper agencies for an appropriate response for a jurisdiction; and**

**WHEREAS, the Regional Law Enforcement Training Center is a physical location where law enforcement agencies receive training to achieve and maintain State of Arkansas law enforcement officer certifications; advance law enforcement skills, knowledge, and abilities; and participate in continuing education instruction; and**

**WHEREAS, the City of Fort Smith and Sebastian County are cooperating in the operation of the Facility; and**

WHEREAS, the Facility floor plans are attached as Exhibit "A"; and

WHEREAS, the Facility shall be maintained by the County Judge, for allocation of space, storage of equipment on the premises, assignment of office and operational space; and

WHEREAS, the Primary Building, as set forth in full on Exhibit A, will contain a total of 17,550 square feet in office, storage, and common spaces, of which approximately 50% of the square footage is currently used by the County to support County operations, an Emergency Operations Center, a Public Safety Communications Center, and approximately 50% of the square footage is currently used by the City of Fort Smith to support a Regional Law Enforcement Training Center; and

WHEREAS, the City and County are desirous of sharing the expenses of the Primary Building, including operational expenses and capital outlays on a fair and equitable basis in view of the relative benefits obtained by both from the shared operation of the Facility; and

WHEREAS, both parties will benefit by the joint use and operation of the Facility; and

WHEREAS, there is presently no written Agreement concerning the sharing of costs of operations and maintenance of the Facility.

NOW, THEREFORE, in exchange of the mutual benefits received by the County and the City, including the assistance of the other party in the discharge of their respective governmental operations, it is agreed as follows:

1. Facility Expenses

- A. The County will initially pay all expenses incurred for maintenance and utilities of the Primary Building, except as provided below. In financial support of the Primary Building, the City will be responsible for 50% of the County paid expenses for maintenance and utilities, except as provided below. The parties acknowledge that the current allocation is calculated based on the City utilizing approximately 8,775 square feet or 50% of the total Facility office, storage, and common space area of approximately 17,550 square feet. This allocation shall adjust automatically proportionate to the use by the City if either the size of the Facility or the amount of space utilized by the City changes.
- B. The term "expenses incurred from maintenance and utilities of the Facility" refers to any and all reasonable and necessary expenses incurred and paid by the County related to the maintenance and utilities of the Facility.

**C. Reasonable and necessary operating expenses concerning the Facility include:**

- 1. Electricity**
- 2. Water, sewer and sanitation**
- 3. Natural gas**
- 4. Propane**
- 5. Facility insurance**
- 6. Janitorial services, equipment and supplies**
- 7. Facility security**
- 8. Lawn care**

**D. Telephone systems shall be budgeted separately, with a City of Fort Smith system serving the Regional Law Enforcement Training Facility, a County system serving the Emergency Operations Center, and a dedicated system serving the 911 Public Service Answering Point (PSAP), operating under the County 911 budget.**

**E. The County Judge shall oversee the maintenance and operation of the Facility.**

**The Facility shall be operated within the intent of this Agreement for the joint use of the common areas to support normal operations, including such common areas as hallway, corridors, entry ways, training rooms, the large interior bay area, sidewalks, lawns, parking lots and driveways.**

**It is understood that activation of the Emergency Operations Center (EOC) will be implemented in such a manner as to not interfere with the operations of the Regional Law Enforcement Training Program, except in full scale disaster response when all local government emergency responders are also thus engaged. It is the intent of this Agreement to support the ongoing operation of the Regional Law Enforcement Training Center and to operate the Facility to provide the least disruption to the training schedules as possible, pending large scale disaster emergency response activation of the Emergency Operations Center.**

**F. The County shall procure and maintain in adequate amounts building, contents and liability insurance on the Facility for the benefit and in the names of the parties hereto. The City and County shall equally share the cost of the building and liability insurance. The County shall also procure building contents insurance, with each entity paying a prorated share of the premiums based upon the actual building contents owned by the respective entity. In the event of damage to building contents, each entity shall be entitled to its share of the insurance proceeds based on the value of that entity's contents that were actually damaged or destroyed. In furtherance of this agreement, the City shall furnish to the County on an annual basis a list of all of the building contents owned by the City and of the estimated value of same. The proceeds of any policy of insurance covering the Primary Building shall be used to repair and replace that part of the building or permanent facilities damaged by or as a result of the casualty or casualties insured against.**

- G. The County will provide a backup generator capable of providing electrical service to critical areas of the Facility with the exception of air conditioning to the single large interior bay. The generator will be maintained by the County and load tested according to a regular schedule.
- H. The County shall maintain and operate a security system which includes specific identification of personnel and monitored entry and exit to all areas of the Facility as well as camera monitoring and recording system for the Facility. The City agrees to have all City staff that will need access to the Facility wear an approved ID badge with appropriate security clearance. It is agreed by the County and the City that all other personnel that enter the Facility shall be issued a "visitor" identification badge which allows them access to unsecured areas. It is agreed by the County and City that all other visitors will be escorted by respective organization being visited when entering any secured areas.
- I. In the event of any office remodeling or renovation cost for the "Regional Law Enforcement Training Center" the budgeted cost shall be paid by the City. A budget for any such remodeling or renovation shall first be submitted to the County Judge for approval and then submitted and approved by the City. The County Judge shall contract and supervise said renovation and remodeling as the responsible authority for the operation and maintenance of the Facility. In the event of any "Primary Building" remodeling or renovation external to the Regional Law Enforcement Training Center and approved by both the City and the County, and which benefits the Regional Law Enforcement Training Center, the City shall pay a share of the cost for said remodeling or renovation based upon the square footage occupied by the City. The budget for any such Facility remodeling or renovation shall first be submitted by the County to the City for approval of the City's share of the remodeling or renovation costs.
- J. This Agreement shall have an effective date retroactive to January 1, 2010. The Agreement shall be effective for an annual period terminating on December 31, 2011. The Agreement is considered by the parties to be self perpetuating and to be applicable to subsequent annual periods and until either of the parties shall give notice to the other of intention to reconsider the Agreement. It is acknowledged that any notice of reconsideration shall be given in writing by the party desiring the same to the other party prior to September 1, preceding the calendar year in which the modification is proposed. In the event of notice of reconsideration, the parties' review of the proposed modification shall be finalized by October 1, preceding the calendar year in question in order to properly provide for the budget processes of the parties.

K. Any notices required to be given by this Agreement shall be effective if communicated at the following addresses:

County  
Sebastian County Judge  
Sebastian County Courthouse  
35 South 6<sup>th</sup> Street, Suite 106  
Fort Smith, AR 72901

City  
Mayor of Fort Smith  
PO Box 1908  
Fort Smith, AR 72902

L. This Agreement 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 \_\_\_\_\_, 2011.

Sebastian County:

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

ATTEST:

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

City of Fort Smith, Arkansas:

\_\_\_\_\_  
Mayor

ATTEST:

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

Exhibit "A": County Emergency Management and Public Safety Facility Floor Plan



1 G

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

**RESOLUTION AUTHORIZING PARTIAL PAYMENT TO CROSSLAND  
HEAVY CONTRACTORS, INC., FOR CONSTRUCTION OF THE LAKE  
FORT SMITH WATER TREATMENT PLANT - CONTRACT 3**

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

Partial payment number twenty-two to Crossland Heavy Contractors, Inc., in the amount  
of \$620,088.09, for construction of the Lake Fort Smith Water Treatment Plant - Contract 3,  
Project Number 07-09-C3, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of July 2011.

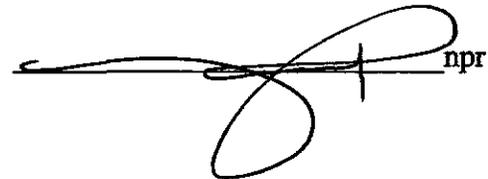
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

 npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** July 11, 2011

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

**SUBJECT:** Lake Fort Smith Water Treatment Plant Improvements - Contract 3  
Project Number 07-09-C3

Crossland Heavy Contractors, Inc., has submitted partial pay request number twenty-two in the amount of \$620,088.09 for work completed on the Lake Fort Smith Water Treatment Plant Improvements - Contract 3. A project summary sheet covering work completed to date is attached for your information. Major items of work completed during the time period covered by this pay request are as follows:

- Site Pipe (95% complete)
- Chlorine Building (95% complete)
- West Filter Building (59% complete)
- East Filter Building (82% complete)
- Finished Water Pump Station (62% complete)

The attached Resolution authorizes payment to Crossland. 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: Underway

Project name: Lake Fort Smith Water Treatment Plant  
Improvements - Contract 3

Today's date: July 11, 2011

Project number: **07-09-C3**

Staff contact name: Steve Parke

Project engineer: Burns & McDonnell, Inc.

Staff contact phone: 784-2231

Project contractor: Crossland Heavy Contractors, Inc.

Notice to proceed issued: August 31, 2009

Final completion date: April 04, 2012

	Dollar Amount	Contract Time (Days)
Original contract	\$31,641,000.00	785
Change orders:		
Change Order No. 1	\$22,902.00	14
Change Order No. 2	\$89,078.00	49
Change Order No. 3	\$-19,174.00	
Change Order No. 4	\$70,237.00	
Change Order No. 5	\$62,859.00	9
Change Order No. 6	\$155,516.00	45
Total change orders	\$381,418.00	<u>117</u>
Adjusted contract	<u>\$32,022,418.00</u>	<u>902</u>
Payments to date (as negative):	\$-25,059,135.03	
Amount of this payment (as negative)	\$-620,088.09	
Retainage held	\$1,601,120.90	
Contract balance remaining	\$6,343,194.88	
Amount over as a percentage	1.01%	

Final comments:

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

1 H

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING A CONTRACT  
WITH M. PHILLIPS CONSTRUCTION, INC., FOR THE SUNNYMEDE  
BASIN NEIGHBORHOOD SEWER IMPROVEMENTS - PHASE I

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

SECTION 1: The bid of M. Phillips Construction, Inc., for the construction of the  
Sunnymede Basin Neighborhood Sewer Improvements - Phase I, Project Number 09-04-C1,  
is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with M. Phillips  
Construction, Inc., for an amount of \$1,088,588.00, for performing said construction.

This Resolution adopted this \_\_\_\_\_ day of July 2011.

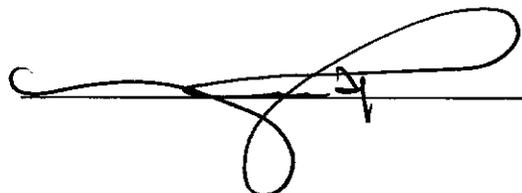
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** July 11, 2011

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

**SUBJECT:** Sunnymede Basin Neighborhood Sewer Improvements - Phase I  
Project Number 09-04-C1

This project consists of replacing 7,174 feet of 8 to 10-inch sanitary sewer lines within the Sunnymede sewer basin. These lines have been identified by utility personnel as having high incidents of stoppage and repair work orders. The attached exhibit shows the locations of the improvements.

The low bid for the project was submitted by M. Phillips Construction, Inc., in the amount of \$1,088,588.00. The engineer's construction estimate was \$1,230,000.00. A bid tab showing the bidders and their bid amounts is attached. This work is to be funded by both current and future bond issuances for wet weather sewer improvements. Fully funding this project is contingent upon the anticipated 2012 sales and use tax bonds. Should those bonds not be issued, the contract will have to be terminated before completion of the project. The contract documents provide for this contingency.

A Resolution accepting the bid of and authorizing the Mayor to execute a contract with M. Phillips Construction, Inc. in the amount of their bid is attached. Also, a Resolution is attached authorizing the Mayor to execute Authorization Number Two to the Agreement with Morrison Shipley Engineers, Inc., for construction observation in the amount of \$126,000.00, adjusting the total amount of their Agreement to \$481,200.00.

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

attachment

pc: Jeff Dingman



**Tabulation of Bids Received**

Page 1 of 1

**Project Name**

Sunnymede Basin Neighborhood Sewer Improvements-Phase 1  
Project No. 09-04-C1

**Bid Opening**

June 28, 2011  
10:00 A.M.

**Bids Received**

M. Phillips Construction Magazine, AR	<u>\$1,088,588.00</u>
Forsgren, Inc. Fort Smith, AR	<u>\$1,363,782.25</u>
Goodwin & Goodwin Fort Smith, AR	<u>\$1,364,034.55</u>
Harris Company of Fort Smith Fort Smith, AR	<u>\$ No bid</u>

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

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO WITH MORRISON SHIPLEY ENGINEERS, INC., FOR THE ENGINEERING SERVICES ASSOCIATED WITH THE SUNNYMEDE BASIN NEIGHBORHOOD SEWER IMPROVEMENTS - PHASE I

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

SECTION 1: Authorization Number Two to the Agreement for engineering services with Morrison Shipley Engineers, Inc., providing construction phase services associated with the Sunnymede Basin Neighborhood Sewer Improvements - Phase I, Project Number 09-04-E1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Two to increase said Agreement in the amount of \$126,000.00, for performance of inspection services. The original Agreement is hereby adjusted to an amount of \$481,200.00.

This Resolution adopted this \_\_\_\_\_ day of July 2011.

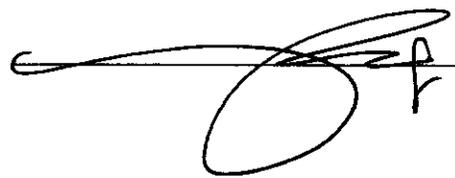
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

 npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** July 11, 2011

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

**SUBJECT:** Sunnymede Basin Neighborhood Sewer Improvements - Phase I  
Project Number 09-04-C1

This project consists of replacing 7,174 feet of 8 to 10-inch sanitary sewer lines within the Sunnymede sewer basin. These lines have been identified by utility personnel as having high incidents of stoppage and repair work orders. The attached exhibit shows the locations of the improvements.

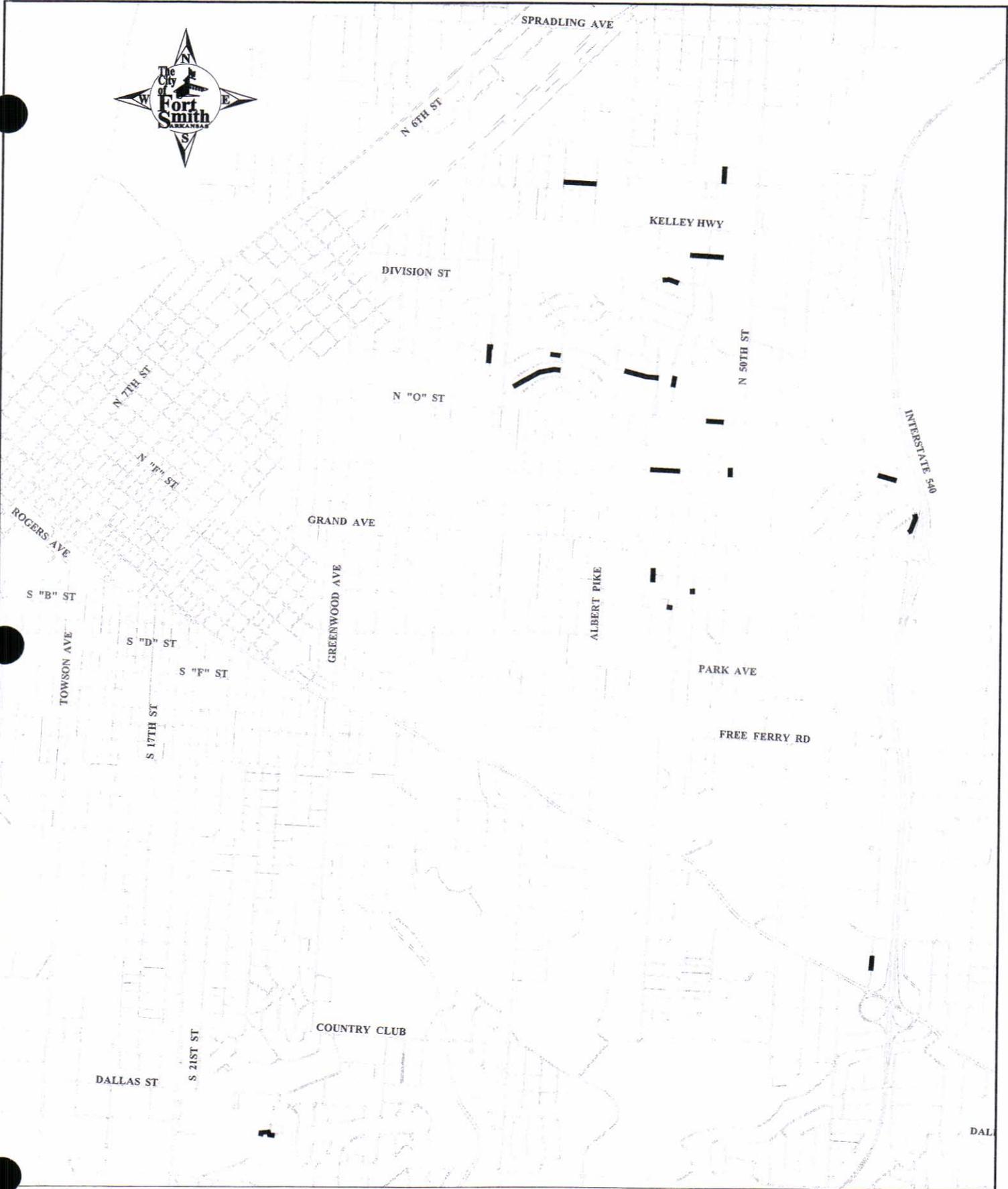
The low bid for the project was submitted by M. Phillips Construction, Inc., in the amount of \$1,088,588.00. The engineer's construction estimate was \$1,230,000.00. A bid tab showing the bidders and their bid amounts is attached. This work is to be funded by both current and future bond issuances for wet weather sewer improvements. Fully funding this project is contingent upon the anticipated 2012 sales and use tax bonds. Should those bonds not be issued, the contract will have to be terminated before completion of the project. The contract documents provide for this contingency.

A Resolution accepting the bid of and authorizing the Mayor to execute a contract with M. Phillips Construction, Inc. in the amount of their bid is attached. Also, a Resolution is attached authorizing the Mayor to execute Authorization Number Two to the Agreement with Morrison Shipley Engineers, Inc., for construction observation in the amount of \$126,000.00, adjusting the total amount of their Agreement to \$481,200.00.

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

attachment

pc: Jeff Dingman



**CITY OF FORT SMITH, ARKANSAS**  
**2011 SUNNYMEDE BASIN NEIGHBORHOOD SEWER IMPROVEMENTS - PHASE I**  
**PROJECT NO. 09-04C1**  
**PROJECT VICINITY MAP**

O:\UtilityDept\General\DWG DATA\Exhibits\J\2011 Sewer Project 09-04-C1\09-04-C1.dwg, 7/8/2011 2:07:54 PM, \\khypr01\UTL\_HP5550HP

**Tabulation of Bids Received**

Page 1 of 1

**Project Name**

Sunnymede Basin Neighborhood Sewer Improvements-Phase 1  
Project No. 09-04-C1

**Bid Opening**

June 28, 2011  
10:00 A.M.

**Bids Received**

M. Phillips Construction Magazine, AR	<u>\$1,088,588.00</u>
Forsgren, Inc. Fort Smith, AR	<u>\$1,363,782.25</u>
Goodwin & Goodwin Fort Smith, AR	<u>\$1,364,034.55</u>
Harris Company of Fort Smith Fort Smith, AR	<u>\$ No bid</u>

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

1 J

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR  
TO EXECUTE A CONTRACT WITH SILCO CONSTRUCTION, INC.,  
FOR THE SITE RESTORATION FOR THE SUNNYMEDE WET  
WEATHER AND WALKING TRAIL IMPROVEMENTS

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

SECTION 1: The bid of Silco Construction, Inc., for the construction of the Site  
Restoration for the Sunnymede Wet Weather and Walking Trail Improvements, Project Number  
06-04-C2, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Silco  
Construction, Inc., for an amount of \$104,755.00, for performing said construction.

This Resolution adopted this \_\_\_\_\_ day of July 2011.

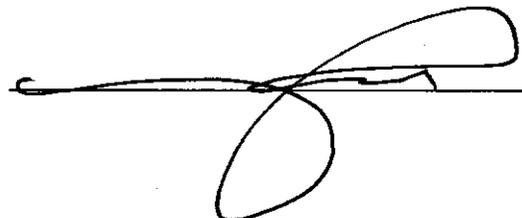
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** July 19, 2011

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

**SUBJECT:** Site Restoration of the Sunnymede Wet Weather  
Flow Management and Walking Trail Improvements  
Project Number 06-04-C2

Branco Enterprises, Inc., was removed from the Sunnymede Wet Weather Flow Management project for failure to complete the work in a timely manner. The remaining work under Branco's project has been combined with some improvements identified for the recently completed Sunnymede Walking Trail project and packaged into the above captioned site restoration contract.

Funds were withheld from the Sunnymede wet weather flow management contract in order to complete work unfinished in the amount of \$80,566.00. There was also a \$30,485.00 underrun on the walking trail contract. These remaining funds will cover the completion of the work under Branco's construction and also address the improvements identified for the walking trail project. These include enlarged concrete grounds maintenance pads around the benches, apply seed and mulch along the trail and the correction of erosion problems created by the heavy rains this past spring.

A Resolution accepting the bid and authorizing a contract with Silco Construction in the amount of \$104,755.00 for the site restoration contract is attached. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

## Tabulation of Bids Received

Page 1 of 1

### Project Name

Site Restoration for the Sunnymede Wet Weather and Walking Trail Improvements  
Project No. 06-04-C2

### Bid Opening

July 12, 2011  
10:00 A.M.

### Bids Received

Sileo Construction, Inc. Waldron, AR	<u>\$104,755.00</u>
Goodwin & Goodwin Fort Smith, AR	<u>\$105,487.50</u>
Steve Beam Construction, Inc. Barling, AR	<u>\$130,910.00</u>
Crawford Construction Co. Fort Smith, AR	<u>\$131,340.00</u>
Dixon Contracting, Inc. Fort Smith, AR	<u>\$148,725.00</u>
A.J. Greenwood Plumbing & Excavation, Inc. Van Buren, AR	<u>\$154,367.95</u>
Forsgren, Inc. Fort Smith, AR	<u>\$ No Bid</u>
Cameron Hubbs Construction, Inc. Van Buren, AR	<u>\$ No Bid</u>
Hudson Excavation, Inc. Van Buren, AR	<u>\$ No Bid</u>



**MEMORANDUM**

July 15, 2011

**TO:** Mayor and Board of Directors

**FROM:** Ray Gosack, City Administrator

**SUBJECT:** Prepared Food Tax

The city attorney will be prepared to discuss the board's suggestions about the prepared food tax ordinance at the July 19<sup>th</sup> board meeting. At the July 12<sup>th</sup> study session, the board discussed referring the ordinance to the voters as an alternative to the petition referendum process. The city attorney will report on the process for this to happen and his discussions with the petition organizers' attorney.

*Ray*



3

## MEMORANDUM

July 7, 2011

**TO:** Mayor and Board of Directors

**FROM:** Ray Gosack, City Administrator

**SUBJECT:** 2012 Budget

Preparation of Fort Smith's 2012 budget has just begun. At the July 12<sup>th</sup> study session, we'd like to receive the Board of Directors' priorities for next year's spending plan. This helps the staff prepare departmental service objectives and a budget which meets the board's expectations for resource allocations.

Attached are:

- ✓ A list of the 2011 budget goals. Some of these have multi-year horizons. It may be desirable for some of these goals to continue in 2012.
- ✓ Suggestions from the staff about possible 2012 budget goals. These suggestions are the strategic priorities agreed upon by the board at its May 23<sup>rd</sup> retreat.
- ✓ Guidelines for developing goals.
- ✓ The schedule for preparing the 2012 budget.

### **2011 BUDGET**

Preparation of the 2011 budget was extremely difficult, particularly for the General Fund. The mayor and board made many deliberate decisions about service priorities. We undertook drastic steps such as limiting merit and step pay increases for many employees and deferring most capital projects and fleet replacements in the General Fund programs. General Fund revenue

projections have been reduced by \$383,000, due mostly to per capita revenues being less than expected. We're closely monitoring expenditures, and don't expect any problems except for fuel budgets in one or two departments. We fortunately ended 2010 in better condition than projected, so we have that cushion to see us through 2011.

The 2011 budget was prepared with a General Fund balance of 9.1%, which is 33 days of operating expenses and well below the board's goal of 15%. At this time, we don't believe the final balance at the end of the year will be better.

### **LOOKING AHEAD**

As budget decisions are made for 2012, we need to be certain those decisions are sustainable into 2013 and beyond. Our budget preparation this year will include revenue and expenditure estimates for 2012 and for 2013, and these will be presented in the budget. When the budget is ready for adoption, we will ask the board to approve only the 2012 expenditures. However, a 2-year look will help with our longer-range planning.

Here are some key observations to consider for upcoming budgets.

- ▶ The economic recovery from the national Great Recession has been slow. Retail sales are showing signs of recovery, with 7 consecutive months of increase. However, the city's share of operating revenue from sales tax is less than expected because the city's rate of population growth is less than the rest of the county. This is significant because a considerable portion of the General Fund revenue is sales taxes.
- ▶ The uncertainty of the prepared food tax revenue to fund the convention center will potentially strain the General Fund. If the prepared food tax revenue isn't available, the only other financing option is the General Fund. The majority of expenditures in the General Fund are for police, fire and parks.

Operating the convention center from the General Fund will be a net cost of at least \$700,000 annually to that fund. This funding level makes no allowance for: capital needs; addressing the parking shortage; and bringing more entertainment events to the convention center. With no other revenue increases, we would have to reduce other General Fund programs and services by at least \$700,000.

- ▶ The reserve in the employee wellness fund (health coverage) exceeds prudent reserve requirements. The reserve is gradually being drawn down by slowing the rate of contribution to the employee wellness fund. This action will help reduce operating budget costs over a 2-3 year period while judiciously lowering the reserve to a more reasonable level.
  
- ▶ The unrestricted reserves (fund balance) in the Water & Sewer Fund have improved. They were 16.2% at the end of 2010 and are projected to be 21.5% at the end of 2011. However, the city's debt service coverage for 2010 was 1.19, which marginally exceeds the required minimum of 1.10. Also, many fleet replacements have been deferred for the last 6 years in an effort to preserve operating capital. Although water consumption is higher in 2011, the city must still address the long-term financial condition of the Water & Sewer Fund and funding for capital projects. An operations efficiency study will begin soon, which will likely help to contain operating costs.
  
- ▶ The costs of state-mandated police and fire pension programs continue to be a concern. The following table shows the city's contributions for police and fire pensions expressed as a percentage of payroll.

Police	27.53%	28.74%
Fire	39.14%	40.68%

NOTE: Police and fire pension employees aren't part of social security, so the city avoids the 6.2% employer social security contribution for these employees. For comparison, the city's contribution rate for non-uniformed employees for pension and social security is 16.2%.

The city must also budget for other post employment benefits (OPEB) as identified in our annual audit report. The OPEB liability grew by more than \$3 million in 2010 for all operating funds. This rate of growth is expected to continue for the foreseeable future.

- ▶ The usefulness and accountability of our budget can be improved through better performance measurement. While our budget has some measures in it now, they tend to be

more "busy" numbers than measures that will help us allocate resources and evaluate our progress. Our performance measures should be linked more closely with budget goals and departmental service objectives. They should also be more results and outcome oriented.

Mitzi Kimbrough and Jeff Dingman are working with 5 departments - sanitation, district court, streets & traffic, police, and finance - to develop more meaningful performance measures for the 2012 budget. This is a pilot effort that will be further expanded for the 2013 budget. The end result will be better measurement of the results we're producing with the public's resources.

### **BUDGET CHOICES**

Preparing a governmental budget involves deciding how to allocate available resources. In the past, much of this decision-making has been performed at the staff level. This leads to a lack of understanding and buy-in from stakeholders. Allocations of resources should be strategic policy decisions which are in harmony with the city's comprehensive plan and other goals.

For the 2012 budget, we will prepare for the board's consideration a recommended budget which balances revenues and expenditures. Inevitably, many worthwhile budget proposals can't be funded. We will present additional service priorities that the board may determine worthy of funding. We'll also identify revenue enhancement possibilities (including a review of service fees) and adjustments to existing services which would save money. Either of these could provide resources for budget proposals which may be of higher priority to the board. With this information, we can "right size" our budget to meet the board's highest budget priorities and eliminate services which are of lesser value.

### **CONCLUSION**

The board's priorities for the 2012 budget will guide preparation of the city's spending and work plan for the coming year. We look forward to the board's discussion about what's most important in 2012.

Attachments

*Ray*

## 2011 BUDGET GOALS

- ▶ Initiate and develop economic growth strategies to increase the job market with higher paying jobs as well as support the construction of the regional intermodal freight facilities and Interstate 49.
- ▶ Present voters with a solution for ongoing convention center funding.
- ▶ Continue the "green initiative" by developing strategies to reduce energy consumption and other costs in city facilities.
- ▶ Select preferred approach for funding wet weather sanitary sewer work after 2011.
- ▶ Identify a new revenue source and/or identifying savings in the General Fund to provide funds for construction, staffing, and equipping Fire Station 11 in Chaffee Crossing; future downtown development; and parks projects.
- ▶ Strengthen the budgeting process by improving revenue forecasts.
- ▶ Improve the provision of services to the homeless by providing a full-time staff position for the Old Fort Homeless Coalition.

## SUGGESTIONS FOR 2012 BUDGET GOALS

- ▶ Stimulate development along Fort Smith's downtown riverfront by developing a master plan, reviewing design standards, and planning for phased infrastructure extensions.
- ▶ Continue advocacy of the Interstate 49 project by lobbying AHTD, federal and state legislators and the Federal Highway Administration.
- ▶ Enhance Fort Smith's recreational offerings by pursuing water park and softball field improvements at Ben Geren Regional Park with Sebastian County.
- ▶ Plan for Fort Smith's future by updating or preparing a new comprehensive plan - Vision 2025 Plan.
- ▶ Improve public safety by constructing an additional fire station, by replacing aging fire apparatus, and by re-deploying aerial fire companies.
- ▶ Improve sanitary sewer services by planning and financing the next phases of wet weather sanitary sewer improvements.

In addition to these, the board may wish to continue some of the 2011 budget goals.

## GUIDELINES FOR PREPARING BUDGET GOALS

- Goals should be stated in desired **outcomes** and **results**. The budget should focus the organization on outcomes people care about at a price they're willing to pay. Resources can then be aligned with desired results. Whenever possible, methods and processes should be left to the discretion of those responsible for implementing the goals.
  
- Goals should be **clear, concrete, and measurable**. Lengthy or abstract goal statements can be subject to differing interpretations and be misunderstood. They should be specific enough to help define the services to be emphasized. Goals should have service measures if at all possible so that it's known whether or not the goal is achieved.
  
- Goals should be **realistic, attainable, and challenging**. They should be within the control of the organization, not set too low that they're easily attainable, and not set so high that the organization will fail.
  
- Goals should be **few in number**. Too many goals dilute the organization's resources. Focus on what's most important.

**City of Fort Smith, Arkansas**  
**Budget 2012 Calendar**

Note: Presentation dates with the Mayor and Board are presented in bold face type.

June 30, 2011	Distribution of 2012 Budget package to all departments.
July 1, 2011 through August 17 or 24, 2011	Departments prepare budget worksheets/disks and summaries for 2012 requests as well as estimates for 2013. Finance refines 2012 revenue estimates and prepares 2013 revenue projections.
<b>July 12, 2011</b>	<b>Receive Board of Directors input for city-wide goals for 2012 at study session.</b>
<b>July 12, 2011</b>	<b>Outside agency funding (OAF) task force review and funding allocation at study session.</b>
August 1, 2011	Local service agency application notification for OAF from 2012 Budget.
August 4, 2011	OAF workshop for service agencies.
August 9, 2011	Departments submit service objectives and outcome/performance measures for 2012 and submits status report on 2011 service objectives and outcome/performance measures to the Finance Department.
August 12, 2011	The following departments submit completed budget packages to Finance: Administration; Economic Development; District Court; City Prosecutor; Finance; City Clerk; Human Resources; Engineering; Planning, CDBG, Building Safety, and Neighborhood Services; Information & Technology Services; Convention Center; Health; Streets & Traffic Control; and Transit.
August 19, 2011	The following departments submit completed budget packages to Finance: Police; Fire; Parks; Water and Sewer; Sanitation; and Convention and Visitor's Bureau (A&P).
<b>August 23, 2011</b>	<b>Review departmental service objectives for 2012 and their correlation with city-wide goals for 2012 during the Board study session.</b>

**City of Fort Smith, Arkansas**  
**Budget 2012 Calendar**  
(Continued)

August 15, 2011 through September 12, 2011	Finance verifies accuracy of amounts submitted by the departments and prepares a preliminary budget supplement.
September 6, 2011	Deadline for submittal of application packets by local service agencies for OAF.
September 14, 2011 through September 30, 2011	City Administrator, Deputy City Administrators and Director of Finance review budget requests and meet with department directors to discuss the 2012 requests.
September 27, 2011	<b>Proposed five year streets and drainage CIP is presented at Board study session. Also, 2012 Budget progress report.</b>
October 1, 2011 through October 28, 2011	Preparation of draft budget by Finance.
November 1, 2011	<b>Present proposed budget to Mayor and Board of Directors.</b>
November 14, November 16, and November 17, 2011	<b>Review proposed budget with Mayor and Board of Directors; discussion with department directors.</b>
December 6, 2011	<b>Conduct 2012 Budget hearing and present 2012 Budget to the Board of Directors for adoption.</b>



MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: July 11, 2011

SUBJECT: A & P Commission

The A & P Commission has appointed Mr. Scott Meyer to replace Mr. Ronnie Townsend of the A & P Commission.

Appointments are **by the A & P Commission with the approval of the Board of Directors**. One appointment is needed; the term will expire December 31, 2014.

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



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Beshears, Administrative Assistant  
DATE: July 12, 2011  
SUBJECT: Mechanical Board of Adjustments and Appeals

The term of Mr. Bob Hawkins of the Mechanical Board of Adjustments and Appeals will expire July 31, 2011. Mr. Hawkins is not interested in being reappointed at this time. Mr. Chris Tomlin passed away last month, therefore his term will need to be appointed.

The applicants available at this time are:

Ron B. Smith	3221 Cliff Drive (Industry)
Greg Williams	2315 Hendrick Blvd. (Public)

Appointments are by the Board of Directors. Two appointments are needed; one term will expire July 31, 2016 (industry) and the other term will expire July 31, 2013 (Public).



# **AGENDA** ~ *Summary*

## **FORT SMITH BOARD OF DIRECTORS REGULAR MEETING**

***July 19, 2011 ~ 6:00 P.M.***

**FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD**

***THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6***

### **INVOCATION & PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

*All present*

### **PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING**

*(Section 2-37 of Ordinance No. 24-10)*

*Information available by viewing rebroadcast of the meeting on the City Access  
Channel 6 or City website*

### **APPROVE MINUTES OF THE JULY 5, 2011 REGULAR MEETING**

*Unanimously approved as written*

### **ITEMS OF BUSINESS:**

1. Consent Agenda
  - A. Resolution accepting completion of and authorizing final payment for the construction of Traffic Signal Improvements, Project No. 10-09-A (\$18,288.83 / Engineering Department; Budgeted – Street Sales Tax Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-130-11*
  - B. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Chad Colley Boulevard Extension, Project No. 10-00-A

(\$583,693.52 / *Engineering Department; Budgeted – Street Sales Tax Fund*)

Approved 7 in favor, 0 opposed / Resolution No. R-131-11

- C. Resolution authorizing Amendment Number One to the design agreement between the Department of the Army and the City of Fort Smith, Arkansas for design for the May Branch, Fort Smith, Arkansas Project

Approved 7 in favor, 0 opposed / Resolution No. R-132-11

- D. Resolution granting a temporary revocable license for the placement of a sign within a public utility easement and authorizing the Mayor to execute agreement (*8500 South 36<sup>th</sup> Terrace*)

Approved 7 in favor, 0 opposed / Resolution No. R-133-11

- E. Resolution authorizing execution of pipeline right-of-way (*\$13,318.50 / from Forest Oil Company to the City of Fort Smith*)

Approved 7 in favor, 0 opposed / Resolution No. R-134-11

- F. Resolution authorizing an agreement with Sebastian County for use of the former National Guard armory building (*8400 Zero*)

Approved 7 in favor, 0 opposed / Resolution No. R-135-11

- G. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 (*\$620,088.09 / Utility Department; Budgeted – 2008 Revenue Bonds*)

Approved 7 in favor, 0 opposed / Resolution No. R-136-11

- H. Resolution accepting the bid of and authorizing a contract with M. Phillips Construction, Inc. for the Sunnymede Basin Neighborhood Sewer Improvements – Phase I (*\$1,088,588.00 / Utility Department; Budgeted – 2009 Sales Tax Bonds*)

Approved 7 in favor, 0 opposed / Resolution No. R-137-11

- I. Resolution authorizing the Mayor to execute Authorization Number Two with Morrison Shipley Engineers, Inc. for engineering services associated with the Sunnymede Basin Neighborhood Sewer Improvements – Phase I (*\$126,000.00 / Utility Department; Budgeted – 2009 Sales Tax Bonds*)

Approved 7 in favor, 0 opposed / Resolution No. R-138-11

- J. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Silco Construction, Inc. for site restoration for the Sunnymede Wet Weather and Walking Trail Improvements (\$104,755.00 / Utility Department; Budgeted – 2009 Sales Tax Bonds)  
Approved 7 in favor, 0 opposed / Resolution No. R-139-11

2. Discuss prepared food tax and litigation  
The Board concurred to place an ordinance on the August 2, 2011 regular meeting calling a special election regarding the matter. The board further concurred on the special election be held in November (Tuesday November 8, 2011)
3. Discuss city-wide goals for 2012 budget  
The Board concurred the presented budget goals with the exception of Director Settle's request for the word softball be removed from the third item as to ensure the inclusion of all fields.

**OFFICIALS FORUM ~ presentation of information requiring no official action  
(Section 2-36 of Ordinance No. 24-10)**

- A. Mayor
- B. Directors
- C. City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

**EXECUTIVE SESSION**

- Performance Evaluation – City Administrator (6 month review)
- Appointments: **ADVERTISING & PROMOTION COMMISSION**  
Scott Meyers  
Term Expires December 31, 2014  
  
**MECHANICAL BOARD OF ADJUSTMENTS & APPEALS**  
Ron B. Smith  
Greg Williams  
Term Expires July 31, 2013

**PARKS & RECREATION COMMISSION**

Billy Bob Williams

Bryan Merry

Term Expires August 31, 2016

**CITIZENS FORUM ~ presentation of information by citizens ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. Presentations are limited to 2 minutes for each citizen**

**(Section 2-44(b) of Ordinance No. 24-10)**

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

**ADJOURN**

8:26 P.M.

## **MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ JULY 19, 2011 ~ 6:00 P.M.**

### **FORT SMITH PUBLIC SCHOOLS SERVICE CENTER**

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. The Mayor declared a quorum present.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. Director Weber requested review of South 67<sup>th</sup>, 68<sup>th</sup> and Fern Street drainage issues be placed on an upcoming study session. Placement requires two (2) directors; therefore, Catsavis seconded the request.

Mayor Sanders urged all those who wish to address the Board of Directors during the meeting to promptly complete a speakers card and submit to the City Clerk. He further advised of the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the citizens forum.

The minutes of the July 5, 2011 regular meeting were presented for approval. Settle, seconded by Hutchings, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

The Consent Agenda (Item No. 1) was introduced for consideration, the items being as follows:

## ***July 19, 2011 Regular Meeting***

- A. Resolution accepting completion of and authorizing final payment for the construction of Traffic Signal Improvements, Project No. 10-09-A (\$18,288.83 / *Engineering Department; Budgeted – Street Sales Tax Fund*)
- B. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Chad Colley Boulevard Extension, Project No. 10-00-A (\$583,693.52 / *Engineering Department; Budgeted – Street Sales Tax Fund*)
- C. Resolution authorizing Amendment Number One to the design agreement between the Department of the Army and the City of Fort Smith, Arkansas for design for the May Branch, Fort Smith, Arkansas Project
- D. Resolution granting a temporary revocable license for the placement of a sign within a public utility easement and authorizing the Mayor to execute agreement (*8500 South 36<sup>th</sup> Terrace*)
- E. Resolution authorizing execution of pipeline right-of-way (\$13,318.50 / *from Forest Oil Company to the City of Fort Smith*)
- F. Resolution authorizing an agreement with Sebastian County for use of the former National Guard armory building (*8400 Zero*)
- G. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 (\$620,088.09 / *Utility Department; Budgeted – 2008 Revenue Bonds*)
- H. Resolution accepting the bid of and authorizing a contract with M. Phillips Construction, Inc. for the Sunnymede Basin Neighborhood Sewer Improvements – Phase I (\$1,088,588.00 / *Utility Department; Budgeted – 2009 Sales Tax Bonds*)
- I. Resolution authorizing the Mayor to execute Authorization Number Two with Morrison Shipley Engineers, Inc. for engineering services associated with the Sunnymede Basin Neighborhood Sewer Improvements – Phase I (\$126,000.00 / *Utility Department; Budgeted – 2009 Sales Tax Bonds*)

**July 19, 2011 Regular Meeting**

- J. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Silco Construction, Inc. for site restoration for the Sunnymede Wet Weather and Walking Trail Improvements (\$104,755.00 / Utility Department; Budgeted – 2009 Sales Tax Bond)

Regarding Item No. 1C, Director Tyler inquired if the proposed resolution includes the Midland Boulevard and Town Branch area in the scope of the design.

Director of Engineering Stan Snodgrass advised such merely allows the project to move forward, but does not complete final design of the project. The City received approval from legislators and federal agencies to accelerate the Maybranch Drainage Project and utilize the City's share to initiate the project. When federal monies become available, such will be utilized for costs in the latter phases of the project.

With regard to Items No. 1H & 1J , Director Merry cited the wide range in bid amounts and expressed concern that such creates the potential for future change orders.

Weber, seconded by Tyler, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-130-11 through R-139-11 respectively.

Item No. 2 was continued discussion from the July 12, 2011 study session regarding the prepared food tax and litigation.

As directed by the Board at the July 12, 2011 study session, City Attorney Jerry Canfield advised no action has been initiated to appeal the Circuit Court ruling to the Arkansas Supreme Court. At said study session, the Board also conveyed their desire to refer the matter to a vote of the people. In order to accomplish such, the original

### ***July 19, 2011 Regular Meeting***

ordinance levying the 1% prepared food tax (Ordinance No. 14-11, adopted February 24, 2011) must be repealed because referral to the electorate must be accomplished within 30 days after passage of the ordinance. Such time has expired; therefore, as previously stated, the original ordinance must be repealed and re-adopted. Upon approval of the aforementioned, the Board may then refer the newly adopted ordinance to a vote of the people. A draft ordinance has been prepared to accomplish such, which includes the following, aforementioned provisions:

1. Repeal Ordinance No. 14-11 adopted on February 24, 2011 which levied the 1% prepared food tax.
2. Re-adopts the 1% prepared food tax as originally approved per Ordinance No. 14-11, adopted February 24, 2011.
3. Refers the newly adopted ordinance to the voters to either accept or reject the ordinance to levy the 1% prepared food tax.

In order to refer an ordinance to the electorate, state law requires the ordinance calling a special election be adopted by two-thirds (2/3) vote of the governing body. In Fort Smith, such will require five (5) affirmative votes. A copy of the draft ordinance was provided to the citizens for Responsible Taxation (CRT) legal counsel for review. Upon approval of the ordinance, the CRT has conveyed their intent to dismiss the current litigation against the City.

Mayor Sanders inquired of Judge Fitzhugh's willingness to accept the proposed action.

Mr. Canfield advised his intent to acquire a written agreement between both parties in litigation; however, if the proposed action is taken and the board repeals

***July 19, 2011 Regular Meeting***

Ordinance 14-11, the referendum process ceases to exist because Ordinance 14-11 is declared null and void.

Director Settle questioned the necessity of re-adoption of the 1% prepared food tax and conveyed his desire to merely repeal Ordinance 14-11 and refer the matter to a vote of the people.

Mr. Canfield advised re-adoption is not a necessity, but purely an option. The Board can repeal Ordinance No. 14-11 and refer the 'issue' to the electorate.

Director Catsavis inquired as to why the ballot title noted within the draft ordinance does not indicate prepared food tax revenues are to support convention center operations.

Mr. Canfield noted that state law permits the organization collecting the revenues to designate how funds are to be allocated. The lease agreement between the City of Fort Smith and the Advertising and Promotion Commission (A & P) is what legally obligates the A & P to utilize funds from the prepared food tax for convention center operations.

Mayor Sanders reiterated such citing the City and the A & P Commission are in agreement that allocation of revenues will be utilized for convention center operation.

Director Merry questioned if someone other than the City may request an appeal of the Circuit Court ruling and if said ruling sets any legal precedent for future referendums.

### ***July 19, 2011 Regular Meeting***

Mr. Canfield advised that only the Board of Directors or the City Clerk, parties named in the lawsuit, may file an appeal of the Circuit Court ruling. With regard to legal precedent, he conveyed little concern with such noting legal precedent can only come from a decision of the Arkansas Supreme Court. The only precedent would be in the minds of the citizens of Fort Smith.

The following individual was present to address the Board:

- Elizabeth Mayo  
Fort Smith, Arkansas

Re: Expressed discontent with the Board of Directors for passing the ordinance without referring to the electorate.

Director Tyler expressed the importance of the Board to re-adopt the 1% prepared food tax citing such will publicly convey the Board's position on the issue.

Director Weber reiterated the fact that currently the City is utilizing savings to fund convention center operations.

The Board concurred to place the draft ordinance on the August 2, 2011 regular meeting calling a special election to be held in November regarding the matter.

Item No. 3 was a discussion of city-wide goals for 2012 Budget.

Administrator Gosack advised the item was originally included on the July 12, 2011 study session agenda; however, such was deferred for a later date as time did not allow for discussion. Regardless, the budget process has begun; therefore, he presented a compiled list of recommended city-wide goals to be included within the 2012 Budget.

## ***July 19, 2011 Regular Meeting***

The Board concurred and conveyed acceptance of the proposed city-wide goals as presented; however, Director Settle simply requested “softball” be removed to ensure use of the fields will be for multiple recreational activities.

Director Merry questioned if the proposed budget will include an alternative plan if the 1% prepared food tax is not approved by the voters in November whereby Administrator Gosack confirmed such.

Mayor Sanders opened the Officials Forum with the following comments offered:

▶ Director Settle

Re: Extended congratulations to the University of Arkansas Fort Smith for its recent achievement in receiving active NCAA Division II membership status. Such identifies the dedication of several individuals, as well as supports growth of the city of Fort Smith.

▶ Director Merry

Re: Expressed his desire for more public forums to facilitate increased communication between elected officials and citizens of Fort Smith.

▶ Administrator Gosack

Re: 1. Advised applications for the Animal Services Task Force will continue to be accepted through July 29, 2011. Appointments are scheduled for consideration at the August 16, 2011 regular meeting.

2. Expressed gratitude to the World Changers Organization who will have 150 volunteers in Fort Smith the week of July 25 through July 30 for Good Neighbor Week. The volunteers will be making repairs on approximately 16 homes for low income families who would not otherwise be able to make the necessary repairs.

***July 19, 2011 Regular Meeting***

An executive session was held and after reconvening, Mayor Sanders announced the following appointment nominations:

**ADVERTISING & PROMOTION COMMISSION**

*(Appointment by A & P Commission confirmed Board of Directors)*

Scott Meyers

Term Expires December 31, 2014

**MECHANICAL BOARD OF ADJUSTMENTS & APPEALS**

*(Appointment by Board of Directors)*

Ron B. Smith

Greg Williams

Term Expires July 31, 2013

**PARKS & RECREATION COMMISSION**

*(Appointment by Board of Directors)*

Billy Bob Williams

Bryan Merry

Term Expires August 31, 2016

Hutchings, seconded by Settle, moved acceptance of all appointment nominations. The members all voting aye, with the exception to Director Merry who abstained on the Parks and Recreation Commission, the Mayor declared the motion carried.

The Mayor also conveyed the Board of Directors satisfaction and approval of City Administrator Ray Gosack's job performance and advised an annual performance evaluation will be scheduled at the end of the year.

Mayor Sanders opened the Citizens Forum with the following individuals present to address the Board:

- ◆ Britt Mounce  
Fort Smith, Arkansas

Re: Presented and read a prepared statement to the Board of

**July 19, 2011 Regular Meeting**

Directors conveying discontent with the Western Arkansas Tennis Association (WATA) management of the Creekmore Park tennis courts. He alleged multiple public tennis courts are being reserved thereby disallowing use by the public; therefore, he requested the matter be addressed.

Administrator Gosack confirmed that the City of Fort Smith maintains an agreement with WATA to manage the tennis courts. The matter will be referred to the Parks and Recreation Commission to determine if any adjustments need to be made to the agreement to assure increased public access to the tennis courts. He further conveyed much assurance the complaint will be reviewed and addressed accordingly.

- ◆ Elizabeth Mayo  
Fort Smith, Arkansas

Re: Expressed discontent with the Board of Directors passage of Ordinance 14-11 in February in lieu of sending it to a vote.

Director Good clarified that the Board of Directors did speak to constituents to gather public opinion on the prepared food tax issue and advised there are groups of constituents who support the food tax.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Weber and the members all voting affirmatively, the Mayor declared the motion carried and the meeting stood adjourned at 8:26 p.m.

**APPROVED:**

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

**ATTEST:**

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