

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 17, 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. There was none presented.

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 May 3, 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.

With Board concurrence, Mayor Sanders removed Item No. 3A from the consent agenda to be voted on separately.

Item No. 3A was a resolution of the Board of Directors of the City of Fort Smith honoring the 188th Fighter Wing for earning the Air Force Outstanding Unit Award for

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the period of October 1, 2008 to September 30, 2010.

Weber, seconded by Merry, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-84-11.

Regarding the previously approved resolution, Mayor Sanders presented a proclamation recognizing same to Colonel Tom Anderson, Air Commander of the 188th Fighter Wing. The Mayor further provided a briefing of the outstanding service and accomplishments provided by the 188th Fighter Wing, as well as their instrumental role within the Fort Smith economy.

Colonel Tom Anderson addressed the Board and citizens and extended much appreciation and gratitude to the community for the unwavering support given to the 188th Fighter Wing through the years.

Item No. 1 was presentations as follows:

- Proclamations for Public Works Week (May 15 – 21, 2011)

On behalf of the Board of Directors, Mayor Sanders presented proclamations to Director of Engineering Stan Snodgrass, Director of Transit Ken Savage, Director of Sanitation Baridi Nkokheli, Director of Operation's Bob Wright, Director of Parks and Recreation Mike Alsup, and Director of Utilities Steve Parke, whom accepted the proclamations on behalf of their entire departments. The Mayor noted the City of Fort Smith would not be able to progress and move forward without the stated departments and commended each for the good job they do.

- Recognition of participants in the downtown beautification project

Director Weber expressed gratitude to Mayor Sanders for his commitment and help with a recent down town beautification project. Director Weber requested participants in the downtown beautification project to come forward as she advised Saturday May 14, 2011 two

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hundred and fifteen (215) roses were planted in the downtown streetscapes. Director Weber expressed appreciation to Mike Alsup Director of Parks and Recreation, LeAnn with the Sebastian Hills Property Owners Association and Hazel with the River Valley Botanical Society for their participation and or donations to make the project a success. Hardscrabble Garden Club and Sharum's Garden Center were also noted as contributors in the beautification project.

Mayor Sanders recognized Director Weber for her essential role in getting this project started and for its success, noting beautification projects such as this are imperative to the growth of the City.

Item No. 2 was an ordinance amending portions of Chapter 25 of the Fort Smith Municipal Code, establishing charges for water and sanitary sewer connections, establishing fees for industrial user permits and vacuum truck discharge permits to the utility systems of the City of Fort Smith, establishing a permit procedure for certain connections to the utility systems of the City, prohibiting unauthorized use of utility easements and rights-of-way; repealing ordinances in conflict herewith and for other purposes.

Director of Utilities Steve Parke briefed the Board on the item as discussed at the Board of Directors March 8, 2011 study session. Miscellaneous water and sewer fees have not been adjusted since the mid 1980's and per the Board of Directors direction, fees have been reviewed and brought up to date to ensure the cost of providing service is recovered. The proposed ordinance reflects adjustments to the water and sewer service connection fees, pretreatment program charges, as well as incorporates the City's current administrative procedures as it relates to various installations. Such also includes an amendment for the use of easements and

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right-of-way to provide flexibility in issuing permits, which will allow private contractors to work within said areas.

The following individuals were present to address the Board:

- Dave Hughes, Executive Director of the Greater Fort Smith Association of Home Builders
5111 Rogers Ave
Fort Smith, Arkansas

Re: Expressed discontent that the Association was not contacted for input with regard to the proposed fee adjustments citing such has been done in the past for various other municipal modifications. The input from the Association is merely to ensure proposed amendments are fair for both the City as well as developers. He alleged the percentage of increase is drastic whereby he suggested, if increases are inevitable, a gradual approach would be more feasible.

To ensure industry is better informed as to the necessity of the adjustments Director Weber conveyed no objection to tabling the matter to allow the Greater Fort Smith Association of Home Builders to meet with the Utilities Department for discussion and education on proposed adjustments. Mr. Hughes voices Association appreciation of purposed meeting.

Weber, seconded by Hutchings, moved to table consideration of the ordinance for up to 60 days to allow dialogue between Utilities Department and the Home Builders Association.

Prior to the vote, Director Merry conveyed desire to allow remaining speakers to address the board if they so desire.

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The remaining individuals addressed the board.

- David Harris
Fort Smith, Arkansas

Re: The increases are extensive due to decades of stagnant fee adjustments; therefore, he expressed concern that the cost will be deferred to the citizens if the proposed ordinance is defeated.

- Buddy Coleman
3110 Brighten Place
Fort Smith, Arkansas

Re: Spoke in opposition to the proposed ordinance citing the industry already faces economic challenges.

- David Edwards, Edwards Construction
Fort Smith, Arkansas

Re: Simply spoke in opposition to the proposed ordinance; however, he conveyed much appreciation for the motion to table consideration to allow the opportunity for additional input.

Director Settle clarified the proposed ordinance addresses connection fees, not water and sewer rates.

Since fee increases are naturally anticipated, Director Tyler spoke in favor of implementing software that will calculate the necessary adjustments on an incremental basis when needed. Such will prevent the necessity for drastic increases from being an issue in the future.

The motion remaining on the floor and all members voting affirmatively, the Mayor declared the motion carried.

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The Consent Agenda (Item No. 3) was introduced for consideration, the items being as follows:

- A. Resolution of the Board of Directors of the City of Fort Smith honoring the 188th Fighter Wing for earning the Air Force Outstanding Unit Award for the period of October 1, 2008 to September 30, 2010
- B. Resolution authorizing a partial payment to Forsgren, Inc. for the construction of Chad Colley Blvd. Extension, Project No. 10-00-A (\$574,765.15)
- C. Resolution accepting bids and authorizing a contract for the renovation and additions to the transit facilities at 6821 Jenny Lind Road, Project No. 10-02 (\$1,106,935.00)
- D. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Waste Way, LLC.
- E. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with AAA Roll Off Co., LLC.
- F. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Waste Removal Experts, Inc.
- G. Resolution authorizing partial payment to Branco Enterprises, Inc. for construction of the Phase II "P" Street Wastewater Treatment Plant Wet Weather Improvements – Schedule 2 (\$ 565,279.74)
- H. Resolution authorizing Change Order Number Five with Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 (\$62,859.00)
- I. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 (\$1,167,874.01)

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- J. Resolution authorizing an amendment to the agreement with Hawkins-Weir Engineers, Inc. for engineering construction phase services associated with the Sunnymede Wet Weather Flow Management Improvements (\$170,000.00)
- K. Resolution authorizing Change Order Number Four, project acceptance and final payment to Branco Enterprises, Inc. for construction of the Sunnymede Wet Weather Flow Management (\$387,780.35)
- L. Resolution authorizing the Mayor to execute an agreement and Authorization Number One with RJN Group, Inc. for providing engineering services associated with the Basin 11-1 Sewer Improvements (\$163,521.00)
- M. Resolution authorizing the Mayor to execute Amendment Number One to the agreement with FSM Redevelopment Partners, LLC, for the relocation of sanitary sewer lines

Hutchings, seconded by Good, 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-85-11 through R-96-11 respectively.

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

- Director Weber
Re: Recognized Director of Engineering Stan Snodgrass and his department on their diligent work to ensure cost effective measures are taken to address drainage issues. She's received numerous calls regarding excessive water due to the frequent storms and has received good feedback from citizens dealing with the Engineering Department.
- Director Merry
Re: Extended appreciation to Administrator Gosack for scheduling the trip to Washington, D.C., which allowed the Board of Directors to speak with various legislators. The legislators are very informed of important projects in Fort Smith and noted "the trip was a success."

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▪ Administrator Gosack

- Re:
1. Reminded all of the second Board of Directors Retreat, which will be held at 5:00 p.m., Monday, May 23, 2011 at Lake Fort Smith State Park Visitors Center.
 2. Regarding the recent trip to Washington D.C., he advised the City received positive responses from the Arkansas legislator, as well as federal agencies regarding important projects in Fort Smith such as Interstate 49 and deepening of the Arkansas River to increase the capacity for barge traffic. Approval was also received to accelerate the Maybranch Drainage Project, which will allow the City's share to be used to initiate the project and when the federal monies become available, such will be utilized for costs in the latter phases of the project.
 3. The recent heavy rains have been determined to be a 25-year storm event and the Engineering staff is currently evaluating eleven (11) reports of structure flooding from such. Possible cost effective solutions to lessen the occurrence of said flooding will be considered and presented for consideration in the coming weeks. Other solutions to fully address the issue will be considered for inclusion in the 2012 Budget.

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

AIRPORT COMMISSION

Larry Devero (reappointment)
Ryan Carter (reappointment)
Terms expire June 30, 2016

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Kerri Norman (reappointment)
George Willis (reappointment)
Genia Smith (reappointment)
Joshua Carson
Terms expire June 30, 2014

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**FORT SMITH MUNICIPAL EMPLOYEES BENEVOLENT FUND
BOARD OF ADVISORS**

Larry Murry (reappointment) (citizen)
Sonya Elliott (city employee)
Terms expire June 30, 2014

OUTSIDE AGENCY REVIEW PANEL

Amy Manley
Term expires March 31, 2013

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

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

- ♦ Eric Arthur
Fort Smith, Arkansas

Re: Due to an assertion that he seems negative when he addresses the Board of Directors, he offered an apology to the Board of Directors citing his harshness is associated to his desire to see more action by the Board and his desire to see the City flourish. He further welcomed the Board of Directors to come visit his building renovation at 1115 Garrison Avenue.

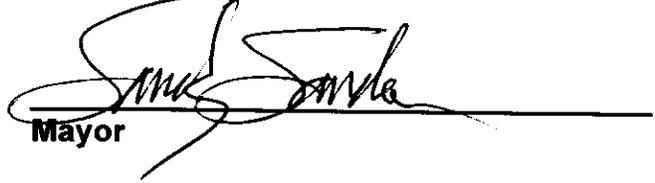
- ♦ Elizabeth Mayo
Fort Smith, Arkansas

Re: Expressed discontent that her home almost flooded during the recent storms. She conveyed opposition to the recently discussed animal ordinances, as well as any and all fee increases proposed by the City.

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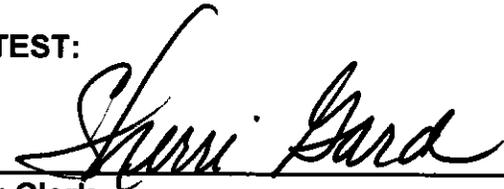
There being no further business to come before the Board, Merry moved that the meeting adjourn. The motion was seconded by Hutchings and the members all voting affirmatively, the Mayor declared the motion carried and the meeting stood adjourned at 7:09 p.m.

APPROVED:



Mayor

ATTEST:



City Clerk