

Mayor – Sandy Sanders

City Administrator – Carl Geffken

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Tracy Pennartz

At Large Position 6 – Kevin Settle

At Large Position 7 – Don Hutchings

AGENDA ~ Summary

Fort Smith Board of Directors

REGULAR MEETING

September 20, 2016 ~ 6:00 p.m.

Fort Smith Public Schools Service Center

3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE

Director Don Hutchings

ROLL CALL

- All present, except Director Lorenz
- Mayor Sandy Sanders presiding

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

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

Information available by viewing rebroadcast of the meeting on the City Access Channel 214, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-ofdirectors-meetings>

APPROVE MINUTES OF THE SEPTEMBER 6, 2016 REGULAR MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Resolution amending Board Best Practices ~ *Pennartz/Settle placed on agenda at the September 13, 2016 study session ~*
APPROVED 6 in favor, 0 opposed / Resolution No. R-138-16
2. Ordinance amending the 2016 Budget (*Utility Department*) ●
APPROVED 4 in favor, 2 opposed (Pennartz & Settle) / Ordinance No. 59-16

3. Resolution accepting the project as complete and authorizing final payment to Kraus Construction Company, LLC for construction of the Mill Creek Interceptor Improvements - Phase I (\$162,433.18 / *Utility Department / Budgeted – 2015 Revenue Bonds*) ♦ ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-139-16
4. Consent Agenda
 - A. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01-A (\$1,750,014.13 / *Engineering Department / Budgeted – Sales Tax Program*) ♦ ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-140-16
 - B. Resolution accepting completion of and authorizing final payment for the construction of 2014 Drainage Improvements, Phase B1, Project No. 14-06-B1 (\$64,635.21 / *Engineering Department / Budgeted – Sales Tax Program*) ♦ ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-141-16
 - C. Ordinance authorizing master lease agreement with Caterpillar Financial Services Corporation regarding lease of D8T bulldozer for the landfill and authorizing the Mayor and City Administrator to negotiate and execute all necessary documents regarding said agreement (\$569,107.02 / *Sanitation Department / Budgeted – Sanitation Sinking Fund*) ~ Pennartz/Hutchings placed on agenda at the September 13, 2016 study session ~
APPROVED 6 in favor, 0 opposed / Ordinance No. 60-16
 - D. Ordinance authorizing master lease agreement with Caterpillar Financial Services Corporation regarding lease of 836K compactor for the landfill and authorizing the Mayor and City Administrator to negotiate and execute all necessary documents regarding said agreement (\$638,404.56 / *Sanitation Department / Budgeted – Sanitation Sinking Fund*) ~ Pennartz/Hutchings placed on agenda at the September 13, 2016 study session ~
APPROVED 5 in favor, 1 opposed (Pennartz) / Ordinance No. 61-16
 - E. Resolution accepting bid for the purchase of articulating dump trucks (\$898,540.00 / *Sanitation Department / Budgeted – Sanitation Operating Fund*) ~ Pennartz/Hutchings placed on agenda at the September 13, 2016 study session ~
APPROVED 4 in favor, 2 opposed (Pennartz & Settle) / Resolution No. R-142-16

F. Resolution accepting completion of and authorizing final payment to Forsgren, Inc. for the Landfill Road Reconstruction Project (*Methane Lane and Compost Drive*) (\$27,210.08 / Sanitation Department / Budgeted – Sinking Fund ~ Landfill Construction)

APPROVED 6 in favor, 0 opposed / Resolution No. R-143-16

G. Resolution authorizing the City Administrator to accept offer made by property owner for the acquisition of real property interests for the Lake Fort Smith Water Supply Project (\$31,000.00 / Utility Department / Budgeted – Water and Sewer Capital Improvement Fund)

APPROVED 6 in favor, 0 opposed / Resolution No. R-144-16

OFFICIALS FORUM ~ presentation of information requiring no official action

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

➤ Mayor

➤ Directors

➤ City Administrator

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ADJOURN

6:43 p.m.

RESOLUTION NO. R-138-16

1

A RESOLUTION AMENDING BOARD BEST PRACTICES

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

Section 6.4 of the Board Best Practices adopted by Resolution No. R-118-14 is hereby amended to read as follows:

6.4 Effective Decision Making Requires Finality

Effective decision making results in finality. While it's important to deliberate in many voices, the Board must govern with one voice.

This resolution adopted this 20th day of September, 2016.

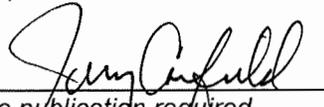
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


No publication required

CITY OF FORT SMITH BOARD BEST PRACTICES



Adopted by Resolution No. R-118-14

September 2, 2014

Amended by Resolution No. R-138-16

September 20, 2016

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INTRODUCTION

The responsibilities of modern government depend upon having procedures which help a community function effectively in the current atmosphere of complex laws, rules and regulations. This board best practices document is intended to refine and expand those initial rules of self-government. Creation of the document was identified by the City Board as a priority during a strategic planning retreat in summer 2013.

The board best practices document is a valuable resource for Fort Smith, the City's citizens, the City Board and City administration as all continue to work together for responsive, effective, and efficient local government. The members of the City Board and City administration should be familiar with the contents of this document and keep it close at hand.

Section 1: USE OF THIS DOCUMENT

This board best practices document is designed to provide guidance for the Board and City Administration. It is not to be considered as restrictions or expansions of Board authority. This document is not intended to be an amendment or substitute for state laws, city ordinances, case law, or other authority. Because this document is designed to assist the Board and not to provide substantive rules affecting constituents, it is expressly stated that this document does not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other substantive rules binding upon or to be used by or relied upon by members of the public.

Section 2: STATEMENT OF VALUES

It is hereby the practice of the City to establish the values stated in this Section 2 as core values of City governance. City leaders listen to the community in a way that fully represents the community's interests and goals. Board and staff should make the maximum effort to collaborate, seeking consensus as far as possible. Board members should individually, and collectively, demonstrate the ability to lead and reason together. City leaders exhibit respect for the professionalism and ethical conduct of the City Administrator and staff; and the City Administrator and staff exhibit the same respect and professionalism for the Mayor and City Board. Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable bottom lines for the community, environment, and for City finances and the local economy. Holding public office is synonymous with public trust. A public officer's relationship with the public is that of a fiduciary. The public expects the utmost of integrity, honesty, and fairness in their dealings with public officials.

Section 3: RESPONSIBILITIES OF MAYOR, VICE MAYOR, AND BOARD MEMBERS

The roles and responsibilities of the Mayor, Vice Mayor, and Board members are as follows. These are in addition to those enumerated throughout the Fort Smith Municipal Code and [Arkansas statutes 14-48-101](#) et. seq. In the event of a conflict, the state statutes and municipal code shall govern.

3.1 Mayor

- Acts as the official head of the city for all ceremonial purposes.
- Selects substitute for City representation when Mayor can't attend.

- Issues proclamations.
- Supervise the preparation of Board meeting agendas by the City Clerk.
- Chairs Board meetings.
- Maintains order, decorum, and the fair and equitable treatment of all speakers at board meetings.
- Keeps discussion and questions focused on the specific agenda item under consideration.
- Recognizes citizens who wish to comment at public meetings.
- Signs documents on behalf of the City.
- Has no vote at board meetings, but may veto actions passed by the board (except personnel items).
- Recognized by the Governor for purposes of military law.

3.2 **Vice Mayor**

The Vice Mayor is elected by the Board at the first regular Board meeting in January of odd-numbered years following the seating of board members elected in the preceding November General Election. The Vice Mayor serves a 2-year term, and may serve multiple terms without limitation. In the event of a vacancy, the board shall elect a new Vice Mayor to serve the remainder of the unexpired term. The Vice Mayor may be removed by a majority vote of the Board members.

- Performs the duties of Mayor if the Mayor is absent or otherwise unable to perform his/her duties.
- If presiding at a Board meeting, the Vice Mayor retains his/her right to vote on matters before the Board.
- Represents the City at ceremonial functions at the request of the Mayor.

3.3 **Board Members' Responsibilities**

All members of the Board of Directors have equal votes. No Board member has more power than any other Board member, and all should be treated with equal respect. Board members should:

- Fully participate in City Board meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of Board meetings and be familiar with topics on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Fort Smith government.
- Keep the community informed on municipal affairs.
- Encourage communications between citizens and the Board.
- Ensure the diverse interests of the community are represented.
- Be mindful of limited resources and avoid requests for unnecessary information in recognition of the limitations of staff time and resources.

Section 4: CODE OF ETHICS

Board members should be mindful of the need for neutrality and impartiality, rendering equal service to all and to extend the same treatment each would want to receive himself/herself. They should abstain from deliberations and voting when and only when a conflict of interest exists in accordance with the [City's business ethics policy, section II](#). Board members should make decisions based on the merits of the issue with attention to due process and citizen participation. They should be knowledgeable and develop an understanding of local, state and national governmental guidance, directives, regulations and ordinances pertaining to a Board member's office. Members of the board should maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out public duties; avoid improprieties in roles as public servants including the appearance of impropriety; and never use city position or powers for improper personal gain. Board members should maintain and respect the confidentiality of private and confidential information. Avoid personal gain by the misuse of confidential information. Members of the board shouldn't condone any unethical or illegal activity.

Section 5: CODE OF CONDUCT

Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. However, participants shouldn't make belligerent, personal, derogatory, impertinent, slanderous, threatening, abusive or disparaging comments. Shouting or physical actions that could be construed as threatening won't be tolerated.

Section 6: BOARD DECISION-MAKING PROCESS

6.1 Board Meetings Will Be Efficient and Businesslike

The information exchange, review, deliberation and vetting of issues during prior study sessions enables Board business meetings to be expeditious for the benefit of those who have business pending before the Board. The presiding officer's role, especially at the regular meetings, is to keep the Board business focused and expeditious. Board members, staff, and citizens should discuss only the topic before the Board so as not to become distracted by irrelevant discussion.

6.2 Maintain a Policy Focus

The Board's major policy focus will be on the intended long-term impacts outside the operating organization, not on the administrative or programmatic means of attaining those effects. Ends policies should define what is to be accomplished in terms of benefits, recipients, and their relative priorities. The Board should emphasize strategic rather than short-term issues, policy rather than single events, and group rather than individual decisions. Members should make decisions and recommendations based upon research and facts involving staff and stakeholders which considers the goals, impacts and the best interest of the greatest number of those affected.

6.3 Staff Reports

The City Administrator and staff shall provide the Mayor and Board with briefing reports which clearly and concisely state the issue(s), identify options and provide analysis of the advantages, disadvantages, and likely outcomes of each option, and make recommendations.

6.4 Effective Decision Making Requires Finality

Effective decision making results in finality. While it's important to deliberate in many voices, the Board must govern with one voice.

6.5 Make No Promises on Behalf of the Board

Board members shall never overtly or implicitly promise a Board action, or to promise City staff will do something specific (issue a permit, fix a pothole, adjust a water bill, etc.). Only decisions of the Board acting as a body are binding.

Section 7: LEGAL COUNSEL AND LITIGATION

The City Attorney provides legal advice to the Board, City Administrator, and staff to the extent their interests coincide with the City's. The City Attorney should not be requested to provide research, advice, or counsel on matters unrelated to the City's direct legal interests. The Mayor and members of the Board are encouraged to make requests for legal advice through the City Administrator. This document doesn't prohibit the Mayor and Board members from having direct access to the City Attorney. Once an individual or organization has filed a legal proceeding against the City or threatened to do so, no Board member shall engage in discussions or other communications with such individual (or the officers or directors of the organization) or their legal counsel about the subject of the lawsuit without first disclosing the intent to do so to the Board.

Section 8: PUBLIC PARTICIPATION

Citizens are encouraged to participate at regular and special board meetings. Before the Board deliberates and votes on matters, citizens will have an opportunity to comment on the matters. A citizen wishing to comment on a matter which is not on a meeting agenda may do so at the town hall meeting. More specific procedures for public participation are in [Section 2-37](#) of the Fort Smith Municipal Code.

Section 9: OPEN, TRANSPARENT GOVERNMENT

All meetings of the City Board must be open and public in accordance with the [Arkansas Freedom of Information Act](#) (Arkansas Statute 25-19-101 et. seq.). Deliberations and decisions of the board should be made so that the public has opportunity to view the performance of its elected officials. The Board may convene in executive session as provided by law. Members of the Board should avoid unintended meetings about city business which may occur in-person, by telephone, or interactive e-mail discussion.

Section 10: FILLING VACANCIES ON THE BOARD OF DIRECTORS BY APPOINTMENT

Once the Board has determined there is a vacant seat on the Board, the Board shall act in accordance with state law ([Arkansas Statute 14-48-115](#)) and as expeditiously as possible to fill the vacancy. If the Board shall fill the vacancy, the Board shall publicly solicit applications/statements of interest from qualified citizens. Based on the number of applications received, the Board shall establish a process for screening and interviewing applicants. The Board shall not be obligated to interview all applicants, particularly if there is a large number.

Section 11: EXECUTIVE SESSION DISCUSSIONS

Discussions held in executive session are to remain confidential and should never be discussed with anyone except those who were present during the executive session discussion. Any notes taken during executive session discussions should be treated with the same confidentiality. There shall be no audio or video recordings of executive sessions.

Section 12: ENDORSEMENT OF CANDIDATES

Board members shall have the right to endorse candidates for all Board seats and for other elected offices. It is prohibited for anyone to make endorsements of candidates during Board meetings or other official City meetings.

Section 13: BOARD MEETING AGENDA PROCESS

Items may be placed on board meeting agendas in accordance with the processes outlined in [Section 2-31](#) of the Fort Smith Municipal Code. During a study session, two or more directors may place an item on the agenda for a regular Board meeting. After a study session but at least 48 hours before the meeting, four directors may place an item on the agenda for the next regular meeting. An item requiring immediate action may be placed on the meeting agenda only with the concurrence of all seven directors. An item placed on a meeting agenda may be removed by four or more directors by giving notice to the City Clerk prior to the date of the meeting.

Section 14: BOARD MEETING TYPES AND PROCEDURES

The Board of Directors conducts regular meetings, special meetings, study session meetings, executive sessions, town hall meetings, neighborhood ward meetings, retreats, budget review meetings, and brain storming meetings. The procedures for conducting meetings are outlined in [Chapter 2, Article II](#) of the Fort Smith Municipal Code.

Section 15: TRAINING AND PROFESSIONAL DEVELOPMENT FOR BOARD MEMBERS

Board members are encouraged to attend training events that are beneficial to the performance of their elective duties. Such events may be found at conferences of the Arkansas Municipal League, the National League of Cities, and other similar organizations. Attendance at such events is subject to funding availability in the Board’s budget.

Section 16: TRAVEL AUTHORIZATIONS

16.1 Need for Travel

The Mayor and Board members will sometimes find it necessary to travel to conduct city business. Travel paid with public funds shall be for purposes directly related to the conduct of official city business and for which the elected official’s presence is necessary.

16.2 Authorized Expenses

Expenses for official travel shall be for purposes and uses only as permitted by the City’s travel policy which may be found [in Section III of the City’s Human Resources Policies](#). Reimbursement amounts shall be in accordance with established allowances for meals, lodging, mileage, etc. Travel expenses for spouses or others accompanying the elected official shall be the sole responsibility of the elected official.

Section 17: RELATIONSHIP BETWEEN BOARD, CITY ADMINISTRATOR, AND STAFF

17.1 Cooperation

Cooperation and mutual respect are essential from each individual for the good of the community. Staff should not be intimidated or manipulated by a Board member's individual comments or actions.

17.2 Informal Communications Encouraged

Individual members of the Board are encouraged to interact informally and casually with City staff for the purpose of gathering information, following up on routine constituent service requests, obtaining progress reports on policies and programs, and providing information to staff. Such informal contacts can serve to promote better understanding of specific City functions and services.

17.3 Limit Contact to Specific City Staff

Questions of City staff and requests for additional background information should be directed only to the City Administrator, Deputy City Administrator, City Attorney, Internal Auditor, and department heads. Requests for information which require a substantial work effort should be made to the City Administrator or Deputy City Administrator rather than to the department head. Requests for follow-up, directions, or action to staff should be made only through the City Administrator or Deputy City Administrator. Requests of the Internal Auditor may be made directly to that official without the need to coordinate with the City Administrator. When in doubt about what staff contact is appropriate, Board members should ask the City Administrator or Deputy City Administrator for assistance.

17.4 Avoid Administrative Functions

Board members shall not attempt to influence City staff on employment decisions, awarding contracts, purchasing decisions, selecting consultants, or issuing City licenses and permits.

17.5 Solicitation of Political Support from City Employees

Board members shouldn't solicit any type of political support (financial contributions, display of posters or yard signs, name on list of supporters, etc.) from City employees. City employees may, as private citizens with constitutional rights, support political candidates. All political activities must occur away from City workplaces, without the use of any City resources, and never during an employee's work time.

Section 18: ORIENTATION OF NEW BOARD MEMBERS

The City Administrator shall provide each newly elected Board member with appropriate orientation services, preferably before the member takes office. Such orientation should include, but not necessarily be limited to, the following:

The Board Best Practices Document	Board Meeting Procedures
Agenda Preparation	Freedom of Information Act
Contacts/Making Requests of Staff	Code of Business Conduct
Tours of City Facilities	

Section 19: COMMUNICATION WITH BOARDS, COMMISSIONS, AND COMMITTEES

Any comments by a City Board member at a board, commission, or committee meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire City Board. It is inappropriate for a City Board member to contact a member of a board, commission, or committee to lobby on behalf of an individual, business, or developer. It is acceptable for City Board members to contact members of boards, commissions, or committees in order to seek clarification of a position taken by the board, commission, or committee.

ORDINANCE NO. 59-16

AN ORDINANCE AMENDING THE 2016 BUDGET

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

WHEREAS, the Board of Directors approved the 2016 budget on December 1, 2015 by Ordinance No. 88-15: and

WHEREAS, the City of Fort Smith Utilities Department finds it necessary to revise its Water and Sewer Capital budget relative to the Consent Decree Bond Proceeds as noted in the attached schedule titled "2016 Utilities Capital Purchases-Bond Fund" and consisting of two (2) pages ("Schedule").

NOW, THEREFORE, the 2016 budget is hereby amended and reduced by \$289,265 as detailed in the attached schedule.

PASSED AND APPROVED THIS 20th DAY OF SEPTEMBER, 2016.

APPROVED:

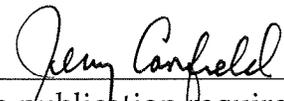

Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



No publication required

2016 Utilities Capital Purchases-Bond Fund

Original Budgeted Item	Qty.	Description	Budgeted Amount	Revised Budgeted Item	Anticipated Price	Over/(Under) Budget
Program 5501						
4 Door Sedan Gas/Electric Hybrid (Prius)	1	To replace Asset 492 (1999 Ford)	\$28,285.00	4dr Compact Sedan	\$17,380.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	To replace Asset 839 (1999 Ford)	\$28,285.00	4dr Large Sedan	\$20,300.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	1/2T 8-Passenger Van	\$25,500.00	
			<u>\$84,855.00</u>		<u>\$63,180.00</u>	<u>(\$21,675.00)</u>
Program 5521						
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	4WD 5-Passenger Small SUV	\$22,520.00	
Compact Utility Mini-Van	1	Addition	\$27,750.00	Compact Utility Mini-Van 2-Passenger	\$21,650.00	
			<u>\$56,035.00</u>		<u>\$44,170.00</u>	<u>(\$11,865.00)</u>
Program 5522						
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	4dr Compact Sedan	\$17,380.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	4dr Compact Sedan	\$17,380.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	Compact Utility Mini-Van 2-Passenger	\$21,650.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	4WD 5-Passenger Small SUV	\$22,520.00	
			<u>\$113,140.00</u>		<u>\$78,930.00</u>	<u>(\$34,210.00)</u>
Program 5523						
Compact Utility Mini-Van	1	Addition	\$27,750.00	Compact Utility Mini-Van 2-Passenger	\$21,200.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	4 Door Sedan Gas/Electric Hybrid	\$24,000.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	3	Addition	\$84,855.00	4WD 5-Passenger Small SUV (qty 3)	\$63,030.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	4	Addition	\$113,140.00	AWD 5-Passenger Small SUV (qty 4)	\$81,880.00	
			<u>\$254,030.00</u>		<u>\$190,110.00</u>	<u>(\$63,920.00)</u>
Program 5603						
1/2 Ton 2WD Full Size Regular Cab Pickup with Long Bed	1	To replace Asset 545 (1996 Ford)	\$23,800.00	No change	\$23,800.00	
1/2 Ton 2WD Full Size Regular Cab Pickup with Long Bed	1	Addition for Massard WWTP Supervisor To replace Asset 525 (1999 GMC) & Asset	\$23,800.00	No change	\$23,800.00	
Tri-Axle Dump Truck - Massard WWTP	2	733 (2003 Intl.)	\$220,000.00	No change	\$220,000.00	
			<u>\$267,600.00</u>		<u>\$267,600.00</u>	<u>\$0.00</u>
Program 5604						
1/2 Ton 4WD Full Size Pickup w/ Regular Cab & Short Bed-Lee Creek	1	To replace Asset 557 (2001 Dodge)	\$24,850.00	No change	\$24,850.00	
			<u>\$24,850.00</u>		<u>\$24,850.00</u>	<u>\$0.00</u>
Program 5625						
Compact Utility Mini-Van	5	Addition	\$122,170.00	No change	\$122,170.00	
Utility Vehicle 4 WD	1	Addition	\$31,325.00	No change	\$31,325.00	
1/2 Ton 4WD Full Size Pickup w/ Regular Cab & Short Bed	2	Addition	\$49,700.00	No change	\$49,700.00	
4 Door Mid-Size Sedan Gas/Electric Hybrid	2	Addition	\$56,000.00	No change	\$56,000.00	
			<u>\$259,195.00</u>		<u>\$259,195.00</u>	<u>\$0.00</u>
Program 5610						
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	1/2 ton full size 4x2 Reg. Cab	\$19,100.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	To replace Asset 112 (2000 Chevrolet)	\$28,285.00	1/2 ton full size 4x4 Reg. Cab	\$20,970.00	
4 Door Sedan Gas/Electric Hybrid (Prius)	1	To replace Asset 113 (2000 Chevrolet)	\$28,285.00	1/2 ton full size 4x4 Reg. Cab	\$20,970.00	
1 Ton Cab/Chassis w/ Utility Bed	1	Addition	\$55,000.00	1 ton 4x4 Reg. Cab dually w/crance-diesel	\$70,350.00	
2 Ton Dump Bed Truck - Diesel	1	To replace Asset 509 (2003 Ford)	\$80,000.00	No change	\$80,000.00	
			<u>\$219,855.00</u>		<u>\$211,390.00</u>	<u>(\$8,465.00)</u>
Program 5611						
CCTV Camera Truck	1	Addition	\$320,000.00	No change	\$320,000.00	
Jet Vacuum truck	2	Addition	\$980,000.00	Vacuum system config. changed from front to rear thus reducing the cost	\$649,640.00	
1 Ton Cab/Chassis w/Sign & Barricade Bed - Diesel	1	Addition	\$55,000.00	Additional parts needed	\$68,000.00	
			<u>\$1,355,000.00</u>		<u>\$1,037,640.00</u>	<u>(\$317,360.00)</u>
Program 5612						
4 Door Sedan Gas/Electric Hybrid (Prius)	1	Addition	\$28,285.00	4dr All wheel drive SUV	\$24,285.00	
1/2 Ton 2WD Full Size Regular Cab Pickup w/ Short Bed	1	To replace Asset 940 (2006 Ford)	21,750.00	Underbudgeted	\$23,000.00	
1 Ton Cab/Chassis w/ Utility Bed - Diesel	1	To replace Asset 959 (2006 GMC)	\$55,000.00	Underbudgeted	\$65,000.00	
5 Ton Cab/Chassis w/ Utility Bed - Diesel	1	To replace Asset 490 (2002 Ford)	\$54,000.00	Underbudgeted	\$82,000.00	
5 Ton Single Axle Dump Truck - Diesel	2	Addition	\$108,000.00	Underbudgeted	\$164,000.00	
1 Ton Cab/Chassis w/Flat Bed Dump - Diesel	1	Addition	\$55,000.00	No change	\$55,000.00	

2016 Utilities Capital Purchases-Bond Fund

Original Budgeted Item	Qty.	Description	Budgeted Amount	Revised Budgeted Item	Anticipated Price	Over/(Under) Budget
1 Ton Cab/Chassis w/Utility Bed - Diesel	2	Addition	\$110,000.00	Underbudgeted	\$128,000.00	
			<u>\$432,035.00</u>		<u>\$541,285.00</u>	<u>\$109,250.00</u>
Program 5626						
4 Door Mid-Size Sedan Gas/Electric Hybrid	1	Addition	\$31,200.00	No change	\$31,200.00	
1/2 T 4WD Full-Size Pickup w/ Regular Cab & Short Bed	1	Addition	\$24,850.00	No change	\$24,850.00	
1 T Cab/Chassis Dual Wheel & Service Bed w/ Autocrane (Recessed Outriggers) - Diesel	2	To replace Asset 500 (2001 Chevrolet) & Asset 446 (2002 Ford F350)	\$129,320.00	No change	\$129,320.00	
1 Ton Cab/Chassis w/ Utility Bed - Diesel	3	Addition	\$165,000.00	Add autocrane w/outriggers	\$193,980.00	
Dodge 4500 Short Wheelbase or Equivalent Diesel	1	Addition	\$55,000.00	Add autocrane w/outriggers	\$65,000.00	
		Replacement Year Make (Asset 972 - 124,170 miles)	\$45,000.00	No change-underbudgeted	\$55,000.00	
3/4 Ton Cab/Chassis w/ Utility Bed - Diesel	1	Addition	\$45,000.00	No change-underbudgeted	\$55,000.00	
1 Ton Cab/Chassis w/ Utility Bed - Diesel	2	Addition	\$110,000.00	No change	\$110,000.00	
			<u>\$605,370.00</u>		<u>\$664,350.00</u>	<u>\$58,980.00</u>
Grand total			<u>\$3,671,965.00</u>		<u>\$3,382,700.00</u>	<u>(\$289,265.00)</u>

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO KRAUS CONSTRUCTION COMPANY, LLC FOR CONSTRUCTION OF THE MILL CREEK INTERCEPTOR IMPROVEMENTS – PHASE I

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

SECTION 1: The construction of the Mill Creek Interceptor Improvements – Phase I, Project Number 12-09-C1, is accepted as complete.

SECTION 2: Final payment to Kraus Construction Company, LLC in the amount of \$162,433.18, is hereby approved.

This Resolution adopted this 20th day of September 2016.

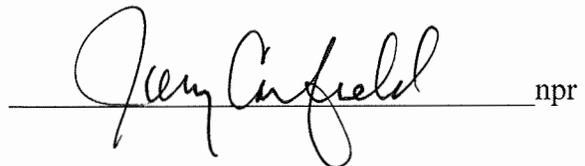
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION R.140-16

A RESOLUTION AUTHORIZING PARTIAL PAYMENT TO FORSGREN, INC., FOR THE CONSTRUCTION OF JENNY LIND ROAD AND INGERSOLL AVENUE WIDENING PROJECT AHTD JOB 040471, CITY OF FORT SMITH PROJECT NO. 07-01-A

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

Payment in the amount of \$1,750,014.13 for Periodic Pay Estimate No. 6 to Forsgren, Inc., is hereby approved for the construction of Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01-A.

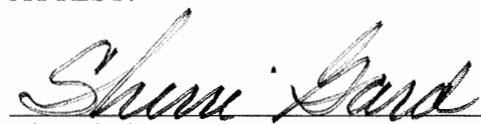
This resolution adopted this 20th day of September, 2016.

APPROVED:



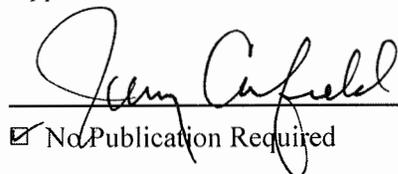
Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION R-141-16

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF
2014 DRAINAGE IMPROVEMENTS, PHASE B1
PROJECT NO. 14-06-B1**

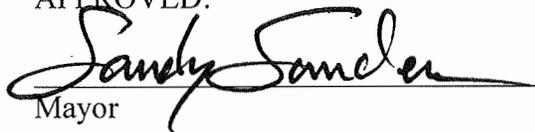
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the construction of 2014 Drainage Improvements, Phase B1, Project 14-06-B1 as complete.

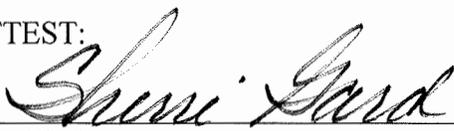
SECTION 2: Final payment is hereby authorized in the amount of \$64,635.21 to the contractor, Steve Beam Construction, Inc., for the 2014 Drainage Improvements, Phase B1.

This Resolution adopted this 20th day of September, 2016.

APPROVED:

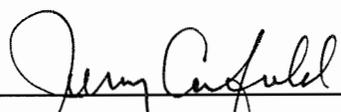

Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

ORDINANCE NO. 60-16

**AN ORDINANCE AUTHORIZING MASTER LEASE AGREEMENT WITH
CATERPILLAR FINANCIAL SERVICES CORPORATION REGARDING
LEASE OF D8T BULLDOZER FOR THE LANDFILL AND
AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO
NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS
REGARDING SAID AGREEMENT**

WHEREAS, the City of Fort Smith, Arkansas ("Municipality") is a political subdivision of the State of Arkansas (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State;

WHEREAS, pursuant to applicable law described in Section 4 below, the Municipality is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property and leases necessary to the functions or operations of the Municipality;

Whereas, the Governing Body of the Municipality hereby finds and determines that the execution of the Master Lease Agreement ("Lease") in a principal amount not exceeding the amount of \$569,107.02 for the purpose of renting the property ("Equipment") described in the Lease is appropriate and necessary to the functions and operations of the Municipality: and,

WHEREAS, Caterpillar Financial Services Corporation ("Lessor") shall act as Lessor under said Lease.

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

Section 1. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Master Lease Agreement with Lessor providing for the lease of a Caterpillar bulldozer, Model D8T used for solid waste handling and compacting waste at the landfill located at 5900 Commerce Road in the form, or substantially in the form, of the Master Lease Agreement presented to the Governing Body at the time of adoption of the Ordinance. The City Administrator is hereby authorized to negotiate such additional documents as are necessary to complete the Lease Agreement and the Mayor is hereby authorized to execute, his signature being attested by the City Clerk, any such necessary documents. All other related contracts, agreements and documents necessary and incidental to the Master Lease Agreement are hereby authorized.

Section 2. The principal amount of the payments to be made pursuant to the Lease shall not exceed the sum of \$569,107.02 and shall bear no interest as set forth in the Lease.

Section 3. As provided in Amendment No. 78, the rental payments under the Lease in each fiscal year shall be charged against and paid from the general revenues of the Municipality for such fiscal year. For the purpose of making the rental payments there is hereby, and shall be, appropriated to pay the rental payments, an amount of general revenues of the City sufficient for

such purposes. The City Treasurer is hereby authorized and directed to withdraw from the General Fund and/or from such other sources as may be hereafter directed by the Governing Body, and at the times directed by the Governing Body, the amounts at the times necessary to make the rental payments under the Lease. The obligations of the Municipality under the Lease shall be secured by a security interest in the Equipment in favor of the Lessor.

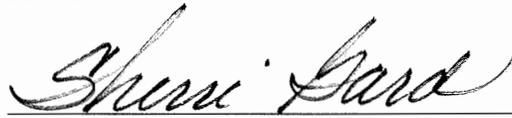
Section 4. This Ordinance is adopted pursuant to the authorizations and according to the procedures provided by Arkansas Constitution, Amendment 78 and the Local Government Short-term Financing Obligations Act of 2001, Act No. 1808 of the 2001 Acts of Arkansas, codified as Chapter 78 of Title 14 of the Arkansas Code Annotated.

Passed and approved this 20th day of September, 2016.

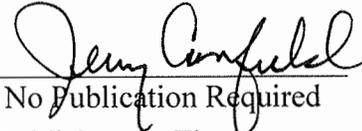
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


 No Publication Required
 Publish ___ Times

ORDINANCE NO. 61-16

**AN ORDINANCE AUTHORIZING MASTER LEASE AGREEMENT WITH
CATERPILLAR FINANCIAL SERVICES CORPORATION REGARDING
LEASE OF 836K COMPACTOR FOR THE LANDFILL AND
AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO
NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS
REGARDING SAID AGREEMENT**

WHEREAS, the City of Fort Smith, Arkansas (“Municipality”) is a political subdivision of the State of Arkansas (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State;

WHEREAS, pursuant to applicable law described in Section 4 below, the Municipality is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property and leases necessary to the functions or operations of the Municipality;

Whereas, the Governing Body of the Municipality hereby finds and determines that the execution of the Master Lease Agreement (“Lease”) in a principal amount not exceeding the amount of \$638,404.56 for the purpose of renting the property (“Equipment”) described in the Lease is appropriate and necessary to the functions and operations of the Municipality: and,

WHEREAS, Caterpillar Financial Services Corporation (“Lessor”) shall act as Lessor under said Lease.

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

Section 1. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Master Lease Agreement with Lessor providing for the lease of a Caterpillar compactor, Model 836K used for reducing yard waste and compacting waste at the landfill located at 5900 Commerce Road in the form, or substantially in the form, of the Master Lease Agreement presented to the Governing Body at the time of adoption of the Ordinance. The City Administrator is hereby authorized to negotiate such additional documents as are necessary to complete the Lease Agreement and the Mayor is hereby authorized to execute, his signature being attested by the City Clerk, any such necessary documents. All other related contracts, agreements and documents necessary and incidental to the Master Lease Agreement are hereby authorized.

Section 2. The principal amount of the payments to be made pursuant to the Lease shall not exceed the sum of \$638,404.56 and shall bear no interest as set forth in the Lease.

Section 3. As provided in Amendment No. 78, the rental payments under the Lease in each fiscal year shall be charged against and paid from the general revenues of the Municipality for such fiscal year. For the purpose of making the rental payments there is hereby, and shall be, appropriated to pay the rental payments, an amount of general revenues of the City sufficient for

such purposes. The City Treasurer is hereby authorized and directed to withdraw from the General Fund and/or from such other sources as may be hereafter directed by the Governing Body, and at the times directed by the Governing Body, the amounts at the times necessary to make the rental payments under the Lease. The obligations of the Municipality under the Lease shall be secured by a security interest in the Equipment in favor of the Lessor.

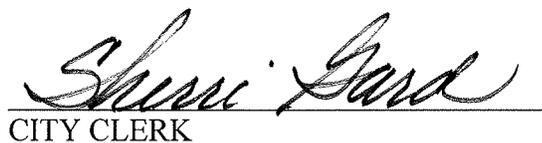
Section 4. This Ordinance is adopted pursuant to the authorizations and according to the procedures provided by Arkansas Constitution, Amendment 78 and the Local Government Short-term Financing Obligations Act of 2001, Act No. 1808 of the 2001 Acts of Arkansas, codified as Chapter 78 of Title 14 of the Arkansas Code Annotated.

Passed and approved this 20th day of September, 2016.

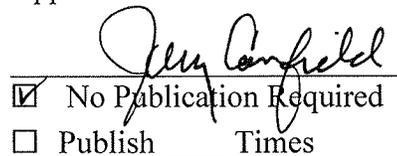
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


 No Publication Required
 Publish ___ Times

RESOLUTION NO. R-142-16

RESOLUTION ACCEPTING BID FOR THE PURCHASE OF
ARTICULATING DUMP TRUCKS

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

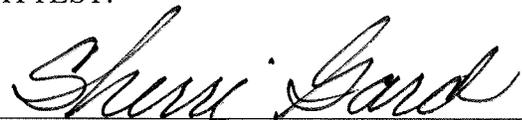
The bid, as indicated by enclosure on the attached Bid Tabulation
6305-AD-BA for the purchase of 2 (two) articulating dump trucks from GW Van
Keppel for \$898,540, is accepted.

This Resolution adopted this 20th day of September 2016.

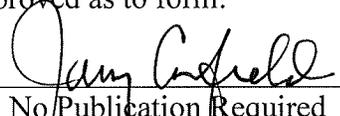
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


 No Publication Required

Publish ___ Times

Inter office Memorandum

TO: Carl Geffken, City Administrator

COPY TO: Mark Schlievert, Director of Sanitation

FROM: Alie Bahsoon, Purchasing Manager *AB*

SUBJECT: Purchase of Haul Trucks

DATE: September 15, 2016

BID TAB: 6305-LC-BA



Attached you will find the bid tabulation for the purchase of two landfill articulating dump trucks for use by the Department of Sanitation, Sanitary Landfill Division.

As indicated in the enclosed bid tabulation, GW Van Keppel of Springdale, Arkansas is the lowest bidder at \$449,270 per unit. As discussed and recommended by the board at the September 13th study session, the enclosed resolution is being submitted for approval for the purchase of these trucks.

Funding for these trucks has been appropriated for in the 2016 Budget under capital outlay program 6302-303 & 304 in the amount of \$513,000. The remaining funds will come from the budgeted Sanitation operating funds. Please find additional supporting documentation for funding under Item 4C.

This purchase fulfils all of the purchasing obligations as mandated by both state and local purchasing requirements and I am therefore recommending that the bid noted by enclosure on the attached bid tabulation, be accepted and approved by the Board.

Please let me know if you should have any questions.

Tabulation of Bids - City of Fort Smith

Off Road Articulating Dump Truck (Two) - Bid Tab #6305-AD-BA

Vendor	Stribling Equipment Fort Smith, AR	H & E Equipment Fort Smith, AR	JA Riggs Fort Smith, AR	Hugg & Hall Fort Smith, AR	GW Van Keppel Springdale, AR
Year	2016	2016	2016	2016	2016
Make	John Deere	Komatsu	Caterpillar	Volvo	Terex
Model	410E	HM400-5	745C	A40G	TA400
Delivery Terms	60-75 days	60-75 days	45-60 days	60 days	60 days
Cost Ea. (Option 1) Ea.	\$615,000	\$582,460	\$581,900	\$540,950	\$449,270 ✓
Lease Options					
Option 2(a) Annual Payment	\$159,439.55	\$169,522.56	\$145,140.29	\$103,729.49	\$121,475
Interest Rate %	3.9%	n/a	n/a	2.05%	n/a
Option 2(b) Annual Payment	\$209,630.19		\$206,634.74	\$187,830.46	\$153,035.37
Interest Rate %	2.25%		3.02%	2.05%	2.16%
Option 3					
Year 1 & 2 Annual Payments	\$216,073.43		\$223,227.66	\$153,809.02	\$164,541.02
Year 3 Payment	\$196,100		\$171,840	\$258,000	\$269,562
Interest Rate %	2.22%		3.2%	2.05%	2.74%

✓ Recommended Bid Award



RESOLUTION NO. R-143-16

A RESOLUTION ACCEPTING THE COMPLETION OF AND AUTHORIZING FINAL PAYMENT TO FORSGREN, INC. FOR THE LANDFILL ROAD RECONSTRUCTION PROJECT (METHANE LANE AND COMPOST DRIVE)

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 Landfill Road Reconstruction, Project FSL-03, as complete.

SECTION 2: Final Payment is hereby authorized in the amount of \$27,210.08 to Forsgren, Inc., for the Landfill Road Reconstruction, Project FSL-03.

THIS RESOLUTION ADOPTED THIS 20th DAY OF SEPTEMBER, 2016.

APPROVED:
Sandy Savelle
MAYOR

ATTEST:
Sherril Gard
CITY CLERK

APPROVED AS TO FORM:
Jeremy Confield
 No Publication Required

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT OFFER
MADE BY PROPERTY OWNER FOR THE ACQUISITION OF REAL PROPERTY
INTERESTS FOR THE LAKE FORT SMITH WATER SUPPLY PROJECT

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

The City Administrator is hereby authorized to execute an offer and acceptance made by the
following property owner:

Tract 31-11 Brad A. Smith & Tanya L. Carter \$31,000.00

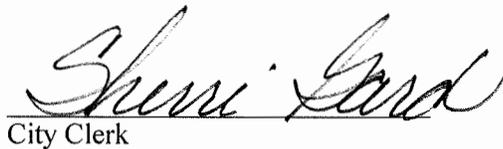
and make payment for same in connection with the acquisition of the real property for the Lake Fort
Smith Water Supply Project 99-01, said property being located on God's Ranch Road in Section 36,
Township 12 North, Range 30 West, Crawford County, Arkansas.

This Resolution adopted this 20th day of September 2016.

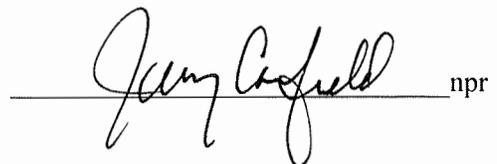
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr