

# A G E N D A

## FORT SMITH PORT AUTHORITY

### MEETING

Thursday, July 25, 2019

Bank OZK Building

5401 Rogers Avenue

Fort Smith, Arkansas

TIME: 11:30 a.m.

1. Call to order – Larry Combs, Chair
2. Roll Call
3. Approve minutes of:
  - a. May 2, 2019 regular meeting
  - b. May 30, 2019 special meeting
4. Treasurer’s Report – Dustin Collyge, Treasurer
  - a. Port Authority Bank Statements
  - b. Ratification of bills paid to date
  - c. Authorization of outstanding expenditures
5. Operations Reports – Wesley Danial, Five Rivers Distribution
  - a. Tonnage Report
  - b. Operations Report
6. Unfinished Business:
  - a. none
7. New Business:
  - a. Discuss status of flood repairs to Port of Fort Smith
  - b. Consider Resolution No. 2019-02 extending rent abatement per provisions of the Lease Agreement with Five Rivers Distribution through October 31, 2019.
8. Other discussion items.
9. Next meeting: ~ October 31, 2019
10. Adjourn

City of Fort Smith  
Port Authority Meeting  
11:30 a.m. Thursday, May 2, 2019  
Bank OZK Building  
5401 Rogers Avenue  
Fort Smith, Arkansas

**DRAFT**  
MINUTES

The Fort Smith Port Authority scheduled its regular quarterly meeting at 11:30 a.m. on Thursday, May 2, 2019 at the Bank OZK building, 5401 Rogers Avenue, Fort Smith, Arkansas.

The meeting was called to order by Larry Combs, chairperson, at 11:45 a.m. and a quorum was noted present. Other Port Authority members present were Philip Doss and Chad Lane. Eddie Norman and Dustin Collyge were absent and excused by unanimous vote. Others present were Marty Shell and Wesley Danial of Five Rivers Distribution and Jeff Dingman of the City of Fort Smith.

The minutes of the January 31, 2019 were presented, and Mr. Doss moved approval. Mr. Lane seconded, and the motion carried unanimously.

Mr. Dingman reviewed the Port Authority's bank account statements for the months comprising the first quarter of 2019. The balance of the operating account as of March 29, 2019 was \$31,206.42. Mr. Dingman noted the canceled checks for regular disbursements, and no other bills were outstanding. Mr. Doss moved ratification of bills paid and acceptance of the Treasurer's Report. Mr. Lane seconded, and the motion carried by unanimous vote.

Mr. Danial recounted the first quarter tonnage report for the Port of Van Buren and the Port of Fort Smith. The Port of Fort Smith moved 15,138.37 net tons of material, the Port of Van Buren 39,664.22 net tons, with a total for the quarter of 54,802.59 net tons of material for the quarter. Mr. Doss asked how the net tonnage compared to a normal month, to which Mr. Shell replied that it was unusually low, a normal month should be in the area of a combined 70,000 net tons. As for reasons for the low tonnage, Mr. Shell cited high river currents and tariffs on steel. High river currents make it difficult and even dangerous to operate barges on the river, and currents have been in the area of 156,000 cubic feet per second. The USACE issues advisories for small watercraft to stay off the river at currents above 70,000 cf/s. Federal policies regarding tariffs on imported steel has further hampered river freight traffic. Mr. Doss moved approval of the tonnage report. Mr. Lane seconded, and the motion carried by unanimous vote.

For the Operator's Report, Mr. Shell further discussed how federal tariffs and trade policies on steel and other materials has tremendously impacted the freight industry. One longstanding customer that manufactured steel food cans has closed, eliminating that source of business. Bekaert Steel, one of Five Rivers' biggest customers, went eight months without delivering a single barge.

The freight industry continues to see problems with labor availability. Low unemployment rates lead to shortages in truck drivers. The freight industry continues to wait for some sort of relief to tariff and trade policies.

Mr. Shell asked about property insurance relating to adding the new bulk storage building to the covered property schedule, and the timing of the premium payments. Mr. Dingman agreed to verify that the building has been added and the timing for the necessary payment. Mr. Doss moved

acceptance of the Operator's Report. Mr. Lane seconded and the vote was unanimous to approve.

Mr. Dingman referred to the Port Authority's Financial Statements for FY2018 that were included in the packet. The Financial Statements were prepared by Landmark PLC CPA's.

The next regular meeting of the Port Authority will be scheduled for July 25, 2019. There being no further business before the body, the meeting adjourned at 12:09 pm.

Respectfully submitted,

**DRAFT**

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Jeff Dingman  
Deputy City Administrator  
City of Fort Smith, Arkansas

City of Fort Smith  
Port Authority Special Meeting  
11:00 a.m. Thursday, May 30, 2019  
Bank of the Ozarks building  
5401 Rogers Avenue  
Fort Smith, Arkansas

DRAFT

MINUTES

The Fort Smith Port Authority called a special meeting at 11:00 a.m. on Thursday, May 30, 2019 at the Bank of the Ozarks building, 5401 Rogers Avenue, Fort Smith, Arkansas.

Larry Combs, Chair, called the meeting to order at 11:08 a.m. In attendance were Philip Doss and Eddie Norman. Dustin Collyge and Chad Lane were absent. Also present were Marty Shell of Five Rivers Distribution and Jeff Dingman of the City of Fort Smith.

The purpose of the special meeting was to consider a resolution authorizing the initiation of the Force Majeure provisions of the Lease Agreement with Five Rivers Distribution, LLC to abate rental payments due to flood conditions at the Port of Fort Smith through July 31, 2019.

Mr. Shell reported that all three buildings were flooded with the record flood levels. The two older warehouses were expected to flood, so inventory from those buildings was moved to the new bulk storage building. The new building was built to sustain flood elevations up to 38 feet, but the flood surpassed that level and got into the new building anyway. By the time Five Rivers got notice that flood levels were to exceed that level, it was too late to move product out.

The Port Authority carries property insurance on the buildings and docks at the port through the City's insurance with the Arkansas Municipal League. The extent of the damage repair or restoration costs will not be known until floodwaters recede and the property can be assessed. It is unknown how long that will take. Mr. Shell indicated that Five Rivers carried insurance on its inventory and equipment, but since his casualty insurance doesn't include continuity of operations coverage to continue paying staff he'll be wanting to move quickly to get the property back in operation as soon as possible.

Mr. Dingman noted that Mr. Shell asked for the Force Majeure provision allowing rent abatement due to flood be authorized. The proposed Resolution authorizes such abatement until July 31, 2019. Before such time, at the July 25 quarterly meeting, the status of the property should be better defined and an extension of the abatement can be considered at that time.

Mr. Norman moved approval of the resolution, abating rent payments for the months of May, June, and July 2019 due to flooded conditions. Mr. Doss seconded, and the motion carried by unanimous vote

There being no further business, Mr. Combs declared the meeting adjourned at 11:28 a.m.

Respectfully submitted,

DRAFT

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Jeff Dingman  
Deputy City Administrator



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\*\*\*\*\*AUTO\*\*ALL FOR AADC 727  
 70097 0.4640 AB 0.412 218 2 10  
 |||||  
 CITY OF FORT SMITH PORT AUTHORITY  
 OPERATING ACCOUNT  
 623 GARRISON AVE  
 FORT SMITH AR 72901-2508

Statement Date: 04/30/2019

Account Number: [REDACTED]

For business account customers, effective June 1, 2019, each overdrawn item will be assessed our standard overdraft fee, regardless of the overdraft balance.

**PUBLIC FUND CHECKING ACCOUNT - [REDACTED]**

PREVIOUS STATEMENT BALANCE AS OF 03/29/19:	31,206.42
PLUS 2 DEPOSITS AND OTHER CREDITS:	1,501.43
LESS 1 CHECKS AND OTHER DEBITS:	8.00
CURRENT STATEMENT BALANCE AS OF 04/30/19:	32,699.85
NUMBER OF DAYS IN THIS STATEMENT PERIOD:	32

**OTHER TRANSACTIONS**

DATE	DESCRIPTION	DEBITS	CREDITS
04/01	FIVE RIVERS DIST PAYMENT		1,500.00
04/30	INTEREST		1.43
04/30	SERVICE CHARGE	8.00	

**ITEMIZATION OF SERVICE CHARGE PAID THIS PERIOD**

TOTAL CHARGE FOR CYCLE SERVICE FEE	8.00
------------------------------------	------

	TOTAL FOR THIS PERIOD	TOTAL YEAR TO DATE
TOTAL OVERDRAFT FEES	0.00	0.00
TOTAL RETURNED ITEM FEES	0.00	0.00

**BALANCE BY DATE**

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
04/01	32,706.42	04/30	32,699.85				

PAYER FEDERAL ID NUMBER: 71-0130170

INTEREST PAID YEAR TO DATE: 5.20

**INTEREST EARNED THIS STATEMENT PERIOD**

AVERAGE LEDGER BALANCE:	32,612.67
INTEREST EARNED:	1.43
INTEREST PAID THIS PERIOD:	1.43
ANNUAL PERCENTAGE YIELD EARNED:	.05%
INTEREST RATE:	.05%





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 73430 0.6580 AB 0.412 228 2 10  
 |||||  
 CITY OF FORT SMITH PORT AUTHORITY  
 OPERATING ACCOUNT  
 623 GARRISON AVE  
 FORT SMITH AR 72901-2508

Statement Date: 05/31/2019

Account Number: [REDACTED]

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**PUBLIC FUND CHECKING ACCOUNT [REDACTED]**

PREVIOUS STATEMENT BALANCE AS OF 04/30/19:	32,699.85
PLUS 4 DEPOSITS AND OTHER CREDITS:	2,017.34
LESS 1 CHECKS AND OTHER DEBITS:	8.00
CURRENT STATEMENT BALANCE AS OF 05/31/19:	34,709.19
NUMBER OF DAYS IN THIS STATEMENT PERIOD:	31

**OTHER TRANSACTIONS**

DATE	DESCRIPTION	DEBITS	CREDITS
05/01	FIVE RIVERS DIST PAYMENT		1,500.00
05/02	DEPOSIT		373.49
05/30	DEPOSIT		142.38
05/31	INTEREST		1.47
05/31	SERVICE CHARGE	8.00	

**ITEMIZATION OF SERVICE CHARGE PAID THIS PERIOD**

TOTAL CHARGE FOR CYCLE SERVICE FEE	8.00
------------------------------------	------

	TOTAL FOR THIS PERIOD	TOTAL YEAR TO DATE
TOTAL OVERDRAFT FEES	0.00	0.00
TOTAL RETURNED ITEM FEES	0.00	0.00

**BALANCE BY DATE**

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
05/01	34,199.85	05/02	34,573.34	05/30	34,715.72	05/31	34,709.19

PAYER FEDERAL ID NUMBER: 71-0130170

INTEREST PAID YEAR TO DATE: 6.67

**INTEREST EARNED THIS STATEMENT PERIOD**

AVERAGE LEDGER BALANCE:	34,570.47
INTEREST EARNED:	1.47
INTEREST PAID THIS PERIOD:	1.47
ANNUAL PERCENTAGE YIELD EARNED:	.05%
INTEREST RATE:	.05%



ISN: 082907273  
Branch: 1012  
Teller: 9  
Comments:  
RT: 082907273

Date: 05/02/2019  
Start Time: 12:33:59 PM  
Amount: 373.49  
Account Number: [REDACTED]  
DDA Credit  
Deposit  
TC: 9

**\$373.49 05/02/2019**

Electronic Item

**\$373.49 05/02/2019**

Bank OZK CHECKING DEPOSIT  
PREPARED BY: APPROVED BY:  
DEPOSIT TO ACCOUNT NUMBER: [REDACTED]  
NAME: City of Fort Smith Port Authority  
DATE: 5.30.19  
CASH: 142.38  
NET DEPOSIT \$ 142.38  
MICR: ⑆5023⑆0929⑆

**\$142.38 05/30/2019**

ItemNum=000494927328 BusDt=05/30/19 RINum==082907273< S  
Br=1012-TrID=8  
-RINum=082907273<  
-BranchName=FORT SMITH-ROGERS-TRID=8  
-BusDt=05/30/19-ItemNum=000494927328-PrintTr=11 05:48 AM  
-ItemNum=000494927328


**\$142.38 05/30/2019**





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 97504 0.6580 AB 0.412 284 2 11  
  
 CITY OF FORT SMITH PORT AUTHORITY  
 OPERATING ACCOUNT  
 623 GARRISON AVE  
 FORT SMITH AR 72901-2508

Statement Date: 06/28/2019

Account Number: XXXXXXXXXX

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**PUBLIC FUND CHECKING ACCOUNT - XXXXXXXXXX**

PREVIOUS STATEMENT BALANCE AS OF 05/31/19:	34,709.19
PLUS 1 DEPOSITS AND OTHER CREDITS:	1.32
LESS 2 CHECKS AND OTHER DEBITS:	308.00
CURRENT STATEMENT BALANCE AS OF 06/28/19:	34,402.51
NUMBER OF DAYS IN THIS STATEMENT PERIOD:	28

**CHECK TRANSACTIONS**

SERIAL	DATE	AMOUNT
104	06/13	300.00

**OTHER TRANSACTIONS**

DATE	DESCRIPTION	DEBITS	CREDITS
06/28	INTEREST		1.32
06/28	SERVICE CHARGE	8.00	

**ITEMIZATION OF SERVICE CHARGE PAID THIS PERIOD**

TOTAL CHARGE FOR CYCLE SERVICE FEE	8.00
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	TOTAL FOR THIS PERIOD	TOTAL YEAR TO DATE
TOTAL OVERDRAFT FEES	0.00	0.00
TOTAL RETURNED ITEM FEES	0.00	0.00

**BALANCE BY DATE**

DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT	DATE	AMOUNT
06/13	34,409.19	06/28	34,402.51				

PAYER FEDERAL ID NUMBER: 71-0130170

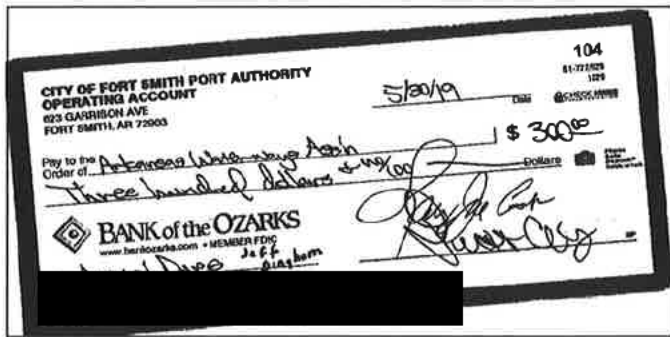
INTEREST PAID YEAR TO DATE: 7.99

**INTEREST EARNED THIS STATEMENT PERIOD**

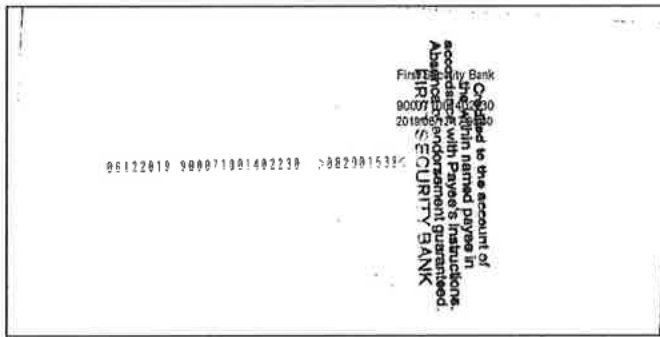
AVERAGE LEDGER BALANCE:	34,537.76
INTEREST EARNED:	1.32
INTEREST PAID THIS PERIOD:	1.32
ANNUAL PERCENTAGE YIELD EARNED:	.05%
INTEREST RATE:	.05%







104 \$300.00 06/13/2019



104 \$300.00 06/13/2019



**FIVE RIVERS DISTRIBUTION - PORT OF FORT SMITH  
TONNAGE REPORT**

Date: April 2019

Pay to: City of Fort Smith

PORT	DATE RECD.	COMMODITY	RECD. VIA	LOAD WT	TONS
<b>RECEIVED VIA TRUCKS</b>					
FSPT	04/01-30/19	Steel	Truck	2,454,464	1,227.2320
			TOTALS	2,454,464	1,227.2320
<b>RECEIVED VIA TRUCKS</b>					
FSPT	04/01-30/19	Potash/Trio	Truck	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	04/01-30/19	Steel	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	04/01-30/19	Lumber	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	04/01-30/19	Phosphate	Rail Cars	599,900	299.9500
			TOTALS	599,900	299.9500
<b>RECEIVED VIA TRUCKS/RAIL</b>					
FSPT	04/01-30/19	Soy Hull Pellets	Truck/Rail	200,050	100.0250
			TOTALS	200,050	100.0250
<b>RECEIVED VIA RAIL/TRUCK</b>					
FSPT	04/01-30/19	Scrap Iron	Trucks	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	04/01-30/19	Potash	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>SHIPPED/RECEIVED VIA BARGE</b>					
FSPT	04/01-30/19	Scrap Iron	Barge	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA TRUCK</b>					
FSPT	04/01-30/19	Alloys	Truck	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA BARGE/RAIL</b>					
FSPT	04/01-30/19	Alloys	Rail/Barge	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED/SHIPPED VIA RAIL/BARGE/TRUCK</b>					
FSPT	04/01-30/19	Urea/Trio/Potash	Barge	2,965,656	1,482.8280
FSPT	04/01-30/19	Mag. Oxide	Barge	0	0.0000
FSPT	04/01-30/19	Magnachem Ore	Barge	0	0.0000
FSPT	04/01-30/19	DDG/Soy Hull	Barge	0	0.0000
FSPT	04/01-30/19	Corn	Barge	0	0.0000
			TOTALS	2,965,656	1,482.8280
<b>SHIPPED VIA BARGE</b>					
FSPT	04/01-30/19	Coal	Barge	0	0.0000
			TOTALS	0	0.0000

TOTAL TONNAGE 04/01-30/19 3,110.0350

**FIVE RIVERS DISTRIBUTION - PORT OF FORT SMITH  
TONNAGE REPORT**

Date: May 2019

Pay to: City of Fort Smith

PORT	DATE RECD.	COMMODITY	RECD. VIA	LOAD WT	TONS
<b>RECEIVED VIA TRUCKS</b>					
FSPT	05/01-31/19	Steel	Truck	1,590,266	795.1330
			TOTALS	1,590,266	795.1330
<b>RECEIVED VIA TRUCKS</b>					
FSPT	05/01-31/19	Potash/Trio	Truck	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	05/01-31/19	Steel	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	05/01-31/19	Lumber	Rail Cars	115,000	57.5000
			TOTALS	115,000	57.5000
<b>RECEIVED VIA RAIL</b>					
FSPT	5/01-31/19	Phosphate	Rail Cars	398,800	199.4000
			TOTALS	398,800	199.4000
<b>RECEIVED VIA TRUCKS/RAIL</b>					
FSPT	05/01-31/19	Soy Hull Pellets	Truck/Rail	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL/TRUCK</b>					
FSPT	05/01-31/19	Scrap Iron	Trucks	279,186	139.5930
			TOTALS	279,186	139.5930
<b>RECEIVED VIA RAIL</b>					
FSPT	05/01-31/19	Potash	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>SHIPPED/RECEIVED VIA BARGE</b>					
FSPT	04/01-30/19	Scrap Iron	Barge	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA TRUCK</b>					
FSPT	05/01-31/19	Alloys	Truck	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA BARGE/RAIL</b>					
FSPT	05/01-31/19	Alloys	Rail/Barge	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED/SHIPPED VIA RAIL/BARGE/TRUCK</b>					
FSPT	05/01-31/19	Urea/Trio/Potash	Barge	0	0.0000
FSPT	05/01-31/19	Mag. Oxide	Barge	0	0.0000
FSPT	05/01-31/19	Magnachem Ore	Barge	0	0.0000
FSPT	05/01-31/19	DDG/Soy Hull	Barge	0	0.0000
FSPT	05/01-31/19	Corn	Barge	0	0.0000
			TOTALS	0	0.0000
<b>SHIPPED VIA BARGE</b>					
FSPT	05/01-31/19	Coal	Barge	0	0.0000
			TOTALS	0	0.0000

TOTAL TONNAGE 05/01-31/19

1,191.6260

**FIVE RIVERS DISTRIBUTION - PORT OF FORT SMITH  
TONNAGE REPORT**

Date: June 2019

Pay to: City of Fort Smith

PORT	DATE RECD.	COMMODITY	RECD. VIA	LOAD WT	TONS
<b>RECEIVED VIA TRUCKS</b>					
FSPT	06/01-30/19	Steel	Truck	1,603,517	801.7585
			TOTALS	1,603,517	801.7585
<b>RECEIVED VIA TRUCKS</b>					
FSPT	06/01-30/19	Potash/Trio	Truck	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	06/01-30/19	Steel	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	06/01-30/19	Lumber	Rail Cars	460,000	230.0000
			TOTALS	460,000	230.0000
<b>RECEIVED VIA RAIL</b>					
FSPT	06/01-30/19	Phosphate	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA TRUCKS/RAIL</b>					
FSPT	06/01-30/19	Soy Hull Pellets	Truck/Rail	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA RAIL/TRUCK</b>					
FSPT	06/01-30/19	Scrap Iron	Trucks	485,971	242.9855
			TOTALS	485,971	242.9855
<b>RECEIVED VIA RAIL</b>					
FSPT	06/01-30/19	Potash	Rail Cars	0	0.0000
			TOTALS	0	0.0000
<b>SHIPPED/RECEIVED VIA BARGE</b>					
FSPT	06/01-30/19	Scrap Iron	Barge	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA TRUCK</b>					
FSPT	06/01-30/19	Alloys	Truck	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED VIA BARGE/RAIL</b>					
FSPT	06/01-30/19	Alloys	Rail/Barge	0	0.0000
			TOTALS	0	0.0000
<b>RECEIVED/SHIPPED VIA RAIL/BARGE/TRUCK</b>					
FSPT	06/01-30/19	Urea/Trio/Potash	Barge	0	0.0000
FSPT	06/01-30/19	Mag. Oxide	Barge	0	0.0000
FSPT	06/01-30/19	Magnachem Ore	Barge	0	0.0000
FSPT	06/01-30/19	DDG/Soy Hull	Barge	0	0.0000
FSPT	06/01-30/19	Corn	Barge	0	0.0000
			TOTALS	0	0.0000
<b>SHIPPED VIA BARGE</b>					
FSPT	06/01-30/19	Coal	Barge	0	0.0000
			TOTALS	0	0.0000

TOTAL TONNAGE 06/01-30/19

1,274.7440

**FIVE RIVERS DISTRIBUTION - VAN BUREN  
TONNAGE REPORT**

Date: April 2019

Pay to: City of Fort Smith

PORT	DATE RECD.	COMMODITY	RECD. VIA	LOAD WT	TONS
<b>RECEIVED VIA TRUCKS</b>					
VB	04/01-30/19	Electrical Coils	Trucks	0	0.0000
VB	04/01-30/19	Steel Coils	Trucks	0	0.0000
VB	04/01-30/19	Tinplate Coils	Trucks	0	0.0000
VB	04/01-30/19	Wire Rods	Trucks	2,415,953	1,207.9765
VB	04/01-30/19	Ingots	Trucks	0	0.0000
TOTALS				2,415,953	1,207.9765
<b>RECEIVED/SHIPPED VIA RAIL</b>					
VB	04/01-30/19	Lumber	Rail Cars	0	0.0000
VB	04/01-30/19	Ingots	Rail Cars	0	0.0000
VB	04/01-30/19	Tinplate Coils	Rail Cars	0	0.0000
VB	04/01-30/19	Wire Rods	Rail Cars	0	0.0000
TOTALS				0	0.0000
<b>RECEIVED VIA RAIL</b>					
VB	04/01-30/19	Feed Pellets/DDG	Rail Cars	0	0.0000
VB	04/01-30/19	Sand	Rail Cars	0	0.0000
TOTALS				0	0.0000
<b>RECEIVED VIA BARGE</b>					
VB	04/01-30/19	Wire Rods	Barges	26,149,652	13,074.8260
VB	04/01-30/19	Tinplate	Barges	0	0.0000
VB	04/01-30/19	Steel Coils	Barges	0	0.0000
TOTALS				26,149,652	13,074.8260
<b>RECEIVED VIA BARGE</b>					
VB	04/01-30/19	Urea/DFP/Potash/MCP	Barges	0	0.0000
VB	04/01-30/19	Feed Pellets	Barges	0	0.0000
VB	04/01-30/19	Phosphate	Barges	0	0.0000
VB	04/01-30/19	DDG/Corn Gluten	Barges	0	0.0000
VB	04/01-30/19	MagOx	Barges	0	0.0000
VB	04/01-30/19	MagnaChem	Barges	0	0.0000
TOTALS				0	0.0000
<b>RECEIVED VIA TRUCK</b>					
VB	04/01-30/19	Potash/Magox	Trucks	0	0.0000
				0	0.0000
<b>RECEIVED VIA BARGE</b>					
VB	04/01-30/19	Scrap	Barges	0	0.0000
TOTALS				0	0.0000
<b>SHIPPED VIA BARGE</b>					
VB	04/01-30/19	Soy Beans	Barges	0	0.0000
TOTALS				0	0.0000

TOTAL TONNAGE 04/01-30/19

14,282.8025

# FIVE RIVERS DISTRIBUTION - VAN BUREN TONNAGE REPORT

Date: May 2019

Pay to: City of Fort Smith

PORT	DATE RECD.	COMMODITY	RECD. VIA	LOAD WT	TONS
<b>RECEIVED VIA TRUCKS</b>					
VB	05/01-31/19	Electrical Coils	Trucks	0	0.0000
VB	05/01-31/19	Steel Coils	Trucks	0	0.0000
VB	05/01-31/19	Tinplate Coils	Trucks	0	0.0000
VB	05/01-31/19	Wire Rods	Trucks	0	0.0000
VB	05/01-31/19	Ingots	Trucks	0	0.0000
				TOTALS	0
<b>RECEIVED/SHIPPED VIA RAIL</b>					
VB	05/01-31/19	Lumber	Rail Cars	0	0.0000
VB	05/01-31/19	Ingots	Rail Cars	0	0.0000
VB	05/01-31/19	Tinplate Coils	Rail Cars	0	0.0000
VB	05/01-31/19	Wire Rods	Rail Cars	0	0.0000
				TOTALS	0
<b>RECEIVED VIA RAIL</b>					
VB	05/01-31/19	Feed Pellets/DDG	Rail Cars	0	0.0000
VB	05/01-31/19	Sand	Rail Cars	0	0.0000
				TOTALS	0
<b>RECEIVED VIA BARGE</b>					
VB	05/01-31/19	Wire Rods	Barges	0	0.0000
VB	05/01-31/19	Tinplate	Barges	0	0.0000
VB	05/01-31/19	Steel Coils	Barges	0	0.0000
				TOTALS	0
<b>RECEIVED VIA BARGE</b>					
VB	05/01-31/19	Urea/DFP/Potash/MCP	Barges	2,968,122	1,484.0610
VB	05/01-31/19	Feed Pellets	Barges	0	0.0000
VB	05/01-31/19	Phosphate	Barges	0	0.0000
VB	05/01-31/19	DDG/Corn Gluten	Barges	0	0.0000
VB	05/01-31/19	MagOx	Barges	0	0.0000
VB	05/01-31/19	MagnaChem	Barges	0	0.0000
				TOTALS	2,968,122
<b>RECEIVED VIA TRUCK</b>					
VB	05/01-31/19	Potash/Magox	Trucks	0	0.0000
				0	0.0000
<b>RECEIVED VIA BARGE</b>					
VB	05/01-31/19	Scrap	Barges	0	0.0000
				TOTALS	0
<b>SHIPPED VIA BARGE</b>					
VB	05/01-31/19	Soy Beans	Barges	0	0.0000
				TOTALS	0

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TOTAL TONNAGE 05/01-31/19 1,484.0610

# FIVE RIVERS DISTRIBUTION - VAN BUREN TONNAGE REPORT

Date: June 2019

Pay to: City of Fort Smith

PORT	DATE RECD.	COMMODITY	RECD. VIA	LOAD WT	TONS
<b>RECEIVED VIA TRUCKS</b>					
VB	06/01-30/19	Electrical Coils	Trucks	0	0.0000
VB	06/01-30/19	Steel Coils	Trucks	0	0.0000
VB	06/01-30/19	Tinplate Coils	Trucks	0	0.0000
VB	06/01-30/19	Wire Rods	Trucks	1,226,381	613.1905
VB	06/01-30/19	Ingots	Trucks	0	0.0000
TOTALS				1,226,381	613.1905
<b>RECEIVED/SHIPPED VIA RAIL</b>					
VB	06/01-30/19	Lumber	Rail Cars	0	0.0000
VB	06/01-30/19	Ingots	Rail Cars	0	0.0000
VB	06/01-30/19	Tinplate Coils	Rail Cars	0	0.0000
VB	06/01-30/19	Wire Rods	Rail Cars	0	0.0000
TOTALS				0	0.0000
<b>RECEIVED VIA RAIL</b>					
VB	06/01-30/19	Feed Pellets/DDG	Rail Cars	0	0.0000
VB	06/01-30/19	Sand	Rail Cars	0	0.0000
TOTALS				0	0.0000
<b>RECEIVED VIA BARGE</b>					
VB	06/01-30/19	Wire Rods	Barges	0	0.0000
VB	06/01-30/19	Tinplate	Barges	0	0.0000
VB	06/01-30/19	Steel Coils	Barges	0	0.0000
TOTALS				0	0.0000
<b>RECEIVED VIA BARGE</b>					
VB	06/01-30/19	Urea/DFP/Potash/MCP	Barges	0	0.0000
VB	06/01-30/19	Feed Pellets	Barges	0	0.0000
VB	06/01-30/19	Phosphate	Barges	0	0.0000
VB	06/01-30/19	DDG/Corn Gluten	Barges	0	0.0000
VB	06/01-30/19	MagOx	Barges	0	0.0000
VB	06/01-30/19	MagnaChem	Barges	0	0.0000
TOTALS				0	0.0000
<b>RECEIVED VIA TRUCK</b>					
VB	06/01-30/19	Potash/Magox	Trucks	0	0.0000
				0	0.0000
<b>RECEIVED VIA BARGE</b>					
VB	06/01-30/19	Scrap	Barges	0	0.0000
TOTALS				0	0.0000
<b>SHIPPED VIA BARGE</b>					
VB	06/01-30/19	Soy Beans	Barges	0	0.0000
TOTALS				0	0.0000

TOTAL TONNAGE 06/01-30/19

613.1905

CITY OF FORT SMITH PORT AUTHORITY  
RESOLUTION NO. 2019-02

A RESOLUTION OF THE CITY OF FORT SMITH PORT AUTHORITY BOARD OF DIRECTORS AUTHORIZING THE EXTENSION OF FORCE MAJEURE PROVISIONS OF THE LEASE AGREEMENT WITH FIVE RIVERS DISTRIBUTION TO ABATE RENTAL PAYMENTS DUE TO FLOOD CONDITIONS AT THE PORT OF FORT SMITH THROUGH OCTOBER 31, 2019

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WHEREAS, the City of Fort Smith Port Authority Board of Directors entered into a Lease Agreement with Five Rivers Distribution, LLC to operate the Port of Fort Smith effective January 1, 2017; and

WHEREAS, such Lease Agreement contains language recognizing events of Force Majeure and authorizing the abatement of rent payments that prevent performance of the Lease Agreement due to events or occurrences not within the reasonable control of either party; and

WHEREAS, the Port of Fort Smith is currently inundated by flood waters from the record flows of the Arkansas River and the Poteau River, thoroughly preventing Five Rivers Distribution from navigating on the rivers or operating at the Port of Fort Smith; and

WHEREAS, the Port Authority initiated Force Majeure provisions in the Lease Agreement with Five Rivers Distribution to abate rent payments through July 31, 2019 by Resolution No. 2019-01.

NOW, THEREFORE, BE IT RESOLVED by the City of Fort Smith Port Authority that:

Section 1. The Force Majeure provisions of the Lease Agreement with Five Rivers Distribution, LLC for the operation of the Port of Fort Smith are hereby extended.

Section 2. The requirement for the payment of rent under the Lease Agreement is hereby abated through October 31, 2019.

Section 3. If Force Majeure conditions still exist, such abatement shall be reevaluated at the October 31, 2019 quarterly meeting of the City of Fort Smith Port Authority.

This Resolution adopted in regular session this 25<sup>th</sup> day of July, 2019.

APPROVED:

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Larry Combs, Chair

ATTEST:

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Jeff Dingman, Deputy City Administrator