

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 18, 2022 ~ 6:00 P.M.

BLUE LION, 101 NORTH 2ND STREET

The meeting was called to order by Mayor George McGill, presiding. Invocation was given by Director Lavon Morton, followed by the Pledge of Allegiance led by Director Jarred Rego.

On roll call, the following members of the Board were all physically present: Directors Jarred Rego, Lavon Morton, George Catsavis, Kevin Settle, Robyn Dawson, and Neal Martin. Director Andre' Good arrived immediately following roll call. 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 Settle noted that staff requested a resolution authorizing a contract with Crawford Construction Company in the amount of \$318,010 for emergency sewer line replacement be added to the agenda for immediate consideration; therefore, he offered a motion indicating same, citing such is to address the recent sewer line collapse on North 52nd Street, which required the replacement of approximately 500 feet of line. The motion was seconded by Morton. The members all voting affirmatively, the Mayor declared the motion carried and the item was added to agenda as Item No. 5.

The minutes of the January 4, 2022 regular meeting was presented for approval. Catsavis, seconded by Morton, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor McGill announced multiple presentations were on the agenda, which are provided as follows:

1. Girl Scout Diamonds of Arkansas, Oklahoma and Texas
Girl Scouts Kayleigh Cravens, Maliha Hamidou, Sophie Meyers and Elysabeth Harden, all of Troop 4398, addressed the Board advising that cookie sales will end January 24, 2022; however, booth sales will extend through February 18, 2022. All proceeds from cookie sales assist in providing necessary funding for Girl Scouts to earn badges, go on field trips, and community projects. Last year's funding allowed all the girls to attend summer camp. The Girl Scouts then presented gift bags with cookies to the Mayor, each member of the Board, and Administration.

Director Dawson announced she will purchase one (1) box of each of the nine (9) cookie flavors, and challenged each member of the Board to do the same. She further requested said orders be delivered at a future Board meeting. Mayor McGill and Directors Good, Settle, and Morton, along with Fire Chief Phil Christensen, accepted the challenge.

Mayor McGill extended much appreciation for the presentation and urged everyone to order Girl Scout cookies.

2. Acknowledge National Day of Racial Healing
Mayor McGill acknowledged January 19, 2022 as the National Day of Racial Healing in the City of Fort Smith. The Mayor then presented a video that was specifically created to acknowledge the aforementioned.

Item No. 1 was an ordinance making amendments to the provisions of Article VI of Chapter 6 of the Fort Smith Municipal Code of Ordinances with reference to the City's adoption of the Arkansas Plumbing Code and Arkansas Fuel Gas Code (*Building Services*).

Director of Building Services Jimmie Deer briefed the Board on the item advising the Arkansas Department of Health has completed the process and formally adopted the 2018 Arkansas Plumbing Code and 2018 Arkansas Fuel Gas Code. Mr. Ric Mayhan,

Director of Protective Health Codes, notified the City of the aforementioned adoption. The City of Fort Smith last adopted and currently enforces regulations of the 2006 Editions of the subject Codes. Upon adoption of the proposed, such will prevent any conflict between City and State regulations. The proposed matter was presented to the Plumbing Advisory Board, who voted to recommend the 2018 Editions of the Arkansas Plumbing Code and Arkansas Fuel Gas Code to the Board of Directors for consideration.

Martin, seconded by Catsavis, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance by caption for its readings. There being no director commenting and all members voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 7-22.

Item No. 2 was a resolution naming the park referred to as the Riverfront Drive Sports Fields the John Bell, Jr. Park (*Parks*).

Director of Parks and Recreation Doug Reinert briefed the Board on the item advising the fifty-one (51) acres, located at 1900 Riverfront Drive, was assigned the temporary name of Riverfront Drive Sports Fields during its continued development. With construction of the city's first all-inclusive playground with poured-in rubber surfacing nearing completion, the Parks and Recreation Commission expressed the need to assign a permanent name for the park. At its October 13, 2021 meeting, the Parks and Recreation Commission recommended the naming process be initiated as set forth by the City's Naming Policy, adopted per Resolution No. R-124-20. Such was accomplished and at its January 12, 2022 meeting, the Parks and Recreation Commission voted

unanimously to recommend the park be named the John Bell, Jr. Park, and that such be forwarded to the Board of Directors for consideration. Mr. Bell was a well-respected Fort Smith native and artist. While many attribute his artwork to his legacy, he was also a strong advocate for accessibility not only in Fort Smith, but at the State and National level as well.

Morton, seconded by Martin, moved adoption of the resolution. Prior to the vote and in recognition of occasion, Director Settle recommended the City host and schedule a grand opening for the newly named park.

Mayor McGill expressed much appreciation for the proposed item citing Mr. Bell recorded the history of Fort Smith through his skills and talents. He further extended gratitude to the Parks and Recreation Department for its efforts denoting the proposed is an excellent recognition of Mr. Bell's legacy.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-3-22.

Item No. 3 was a resolution authorizing acquisition of permanent easements for construction and maintenance, Basin 10 and 14 Capacity Improvements – Phase 1 (\$300.00 / Utility Department / Budgeted - 2018 Revenue Bonds) ♦ Future Fort Smith Item

- *Consent Decree Item*

Utility Engineering Deputy Director Jimmie Johnson briefed the Board on the item advising the subject project, known as the Basin 10 and 14 Capacity Improvements, is necessary to bring the city's sanitary sewer system into compliance with the Consent Decree. The project is intended to increase capacity of the sewer mains during wet weather events to prevent overflow situations of the sanitary sewer system. The project

consists of nine (9) permanent sewer utility easements and two (2) temporary construction easements (TCE). Negotiations have been successful on the two (2) necessary TCE's and seven (7) of the permanent sewer utility easements. The remaining easements, i.e. Tracts 7 and 11, are owned by the same owner, Harvey L. Walker Family Living Trust. Contact has been made with Mr. Walker on several occasions; however, while Mr. Walker has been receptive in the past, he is no longer responding to the City's attempts of contact. Due to project scheduling, it is imperative that the subject easements be acquired; therefore, in order to ensure acquisition of said tracts, it is requested that such be accomplished by eminent domain action. Upon approval, much assurance was conveyed that efforts will be continued to negotiate with the property owner in order to reach a mutually agreeable settlement.

Catsavis, seconded by Martin, moved adoption of the resolution. There being no director commenting and all members voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-4-22.

The consent agenda (Item No. 4) was presented for consideration, the items being as follows:

- A. Ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the City of Fort Smith (*SRCA, Area Agency on Aging, and Project Compassion*)
- B. Ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the City of Fort Smith (*Fort Smith Museum of History*) (*Finance*)
- C. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding for the purchase of an advance warning system for flooding (*\$136,705.72 / Streets and Traffic Control Department / Budgeted - Outside Services*)

- D. Resolution accepting bids for purchase of vehicles and equipment for the Streets and Traffic Control Department (*\$786,657.19 / Streets and Traffic Control Department / Budgeted - Capital Outlay Heavy Equipment and Capital Replacement Fund*)
- E. Resolution authorizing the Mayor to execute an additional statement of work with Paylt, LLC for bill payment by phone services and Solid Waste bill payment services ♦ *Future Fort Smith Item*
- F. Resolution accepting completion and authorizing final payment to Hobbs Construction Company, Inc. for the repairs and renovation of Elm Grove Community Center (*\$65,915.00 / Parks Department / Budgeted – 6204 Community Centers & Insurance Proceeds*)
- G. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with A&W Dumpster LLC

Settle, seconded by Rego, moved adoption of all consent agenda items. Prior to the vote and regarding Item No. 4A, Director Dawson expressed concern with sales tax fluctuations, which may hinder the City's ability to provide said funding. She further inquired how the subject funding amounts were set and/or determined.

City Administrator Carl Geffken and Deputy City Administrator Jeff Dingman clarified the subject funding is provided by proceeds from the one-cent, county-wide sales tax, which was first approved by the voters in 1994 and renewed in 2003 and 2013. The City of Fort Smith receives a portion of said tax and the Board of Directors have adopted resolutions that identify how said proceeds will be allocated. The proposed resolution merely authorizes the annual agreements to adhere to the allocation previously approved by the Board of Directors.

With regard to Item No. 4C, Director Settle requested confirmation as to why the Federal Communications Commission (FCC) license is necessary; if the sensors were easy to replace; and, how long they're expected to last.

Director of Streets and Traffic Control Matt Meeker advised the FCC license is required to provide a dedicated frequency of radio communication between the crossing arm station and the base station. The subject product is of high quality, and in his experience with pressure transducers, he anticipates the sensors will last quite some time. Additionally, at the request of Administrator Geffken, he provided a brief explanation of the advanced warning system citing such is designed to help gather information to develop flow rates and curves specific to the city to help improve future design of storm drains.

Director Morton questioned if the gates would automatically be deployed when the sensors are triggered based on the level of the water; if there was an emergency trigger in case something went wrong; and, the anticipated date for full installation.

Mr. Meeker confirmed that if something goes wrong, the sensors will trigger to ensure closure of the gates; however, the City also maintains the ability to remotely close the gates. With regard to installation, such is anticipated to be operational in eight (8) to twelve (12) weeks after approval.

Regarding Item No. 4E, Director Martin denoted Paylt's initial dependency on the City's Enterprise Resource Planning (ERP) system, and requested a brief update regarding the aforementioned, as well as associated transaction fees.

Due to the City's current utilization of the ERP's Version 19.1, Administrator Geffken explained that payments accepted from various vendors, including Paylt, has

created some difficulty with bank reconciliations. Rather than addressing the issue in the current version, it was determined that such would be addressed in the latest version, i.e. Version 21.3. Due to the aforementioned, he announced that the City will be soon be converting to Version 21.3 with a target implementation date of early April.

With regard to transaction fees, Utility Business Administration Deputy Director Joshua Robertson advised customers utilizing Paylt will be assessed a small transaction fee.

Director Morton requested confirmation that if the fees incurred by the users equal the amount the City would be required to pay, the City would incur no fees and that the City would only be required to make-up the shortfall. He further inquired if Paylt reporting will integrate with the City's ERP to provide necessary information that better facilitates bank reconciliation ensuring such is accomplished in a more timely and accurate manner.

Director of Finance Andy Richards confirmed that no fee will be incurred by the City if the user fees exceed the City's required amount noted within the proposed agreement. With regard to Paylt reporting and associated bank reconciliation, he clarified that such is an issue with the ERP system and not associated with Paylt reporting.

With regard to Item No. 4F, Director Dawson simply expressed much appreciation to Parks and Recreation Director Doug Reinert and Deputy Director Sara Deuster for their efforts associated with repair and renovation of the Elm Grove Community Center.

The motion to adopt all consent agenda items remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinances and resolutions were adopted with the ordinances given Ordinances No. 8-22

through 10-22 respectively, and the resolutions given Resolutions No. R-5-22 through R-8-22 respectively.

Item No. 5 was a resolution authorizing a contract with Crawford Construction Company in the amount of \$318,010.00 for an emergency sewer line replacement, which as placed on the agenda by unanimous consent of the Board at the beginning of the meeting.

Utility Engineering Deputy Director Jimmie Johnson briefed the Board on the item advising the purpose for the emergency sewer line replacement was due to a collapsed line on North 52nd Street. The line segment was 497 feet long and too deep for the City's excavation equipment to replace. Two (2) quotes were obtained to accomplish the emergency line replacement whereby Crawford Construction Company submitted the lowest bid. Due to such, he recommended approval of the proposed resolution.

Martin, seconded by Settle, moved adoption of the resolution. Prior to the vote, Director Morton questioned the timeline for completion of the subject repair whereby Mr. Johnson advised completion is expected to take approximately three (3) weeks.

Director Martin acknowledged he was contacted by one (1) of the homeowners impacted by the subject collapse, and extended much appreciation to Mr. McAvoy and Mr. Johnson for expediting and initiating the repair as soon as possible.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-9-22.

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

▶ Mayor McGill

- Re:
1. Congratulated Director Dawson upon her recent appointment by Governor Asa Hutchinson to the State Advisory Council for Gifted and Talented Education.
 2. With COVID-19 still present, he encouraged everyone to take the necessary precautions to continue to stay safe.

▶ Director Rego

Re: Requested confirmation if the upcoming Sales Tax Information and Feedback Meetings will be recorded, streamed or broadcasted.

Administrator Geffken advised such will not be streamed; however, such will be audio recorded and uploaded to the City's website.

▶ Director Morton

Re: Reminded all that the first Sales Tax Information and Feedback Meeting is scheduled for 6:00 p.m., Thursday, January 20, 2022 at the Fort Smith Senior Activity Center, citing multiple directors will be present to provide information and answer any questions.

▶ Director Settle

Re: Commended Administrator Geffken upon being selected to serve on the National League of Cities' Finance, Administration, and Intergovernmental Relations Committee.

▶ Administrator Geffken

- Re:
1. Extended appreciation and recognition to Brittney Bottoms, Assistant City Clerk, for her first time serving as City Clerk at the meeting.
 2. In response to Mayor McGill's comments regarding COVID-19, he advised that around the first of the year, the City had twenty-one (21) employee cases; however, such has now

jumped to fifty (50) active cases. COVID-19 has drastically impacted larger departments such as the Utility Department and Police Department. He encouraged all to take necessary precautions such as wearing a mask and getting vaccinated citing the more we can do, the better it will be for everyone, which will ensure the continuity of operations for all City services.

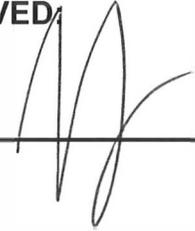
The Board convened into executive session at approximately 6:47 p.m. and after reconvening, the Mayor announced the following appointment nominations:

SEBASTIAN COUNTY REGIONAL SOLID WASTE MANAGEMENT BOARD

Emily Ziegler
Director George Catsavis
Terms expire January 21, 2025

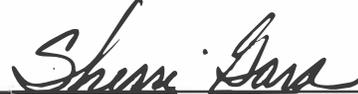
Martin, seconded by Settle, moved acceptance of the above named appointment nominations. The members all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Good and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:51 p.m.

APPROVED:


VICE-MAYOR

ATTEST:



CITY CLERK