A MEETING OF THE FAYETTEVILLE CITY COUNCIL

A meeting of the Fayetteville City Council was held on Tuesday, May 19, 1998, at 6:30 p.m., in the Council Room of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

PRESENT: **Mayor Fred Hanna; Aldermen Heather Daniel, Cyrus Young, Randy Zurcher, Trent Trumbo, Donna Pettus, and Kit Williams; City Attorney Jerry Rose; City Clerk/Treasurer Heather Woodruff; staff; press; and audience.**

ABSENT: **Aldermen Len Schaper and Stephen Miller**

Mayor Hanna called the meeting to order with six aldermen present.

SUPPORT CHIEF WATSON/UNDERAGE DRINKING

Mayor Hanna introduced a resolution supporting Police Chief Watson's efforts to stop underage drinking in Fayetteville.

City Attorney Rose read the resolution.

Alderman Trumbo commended Chief Watson and the Police Department's efforts.

Alderman Zurcher suggested holding a seminar for the people who run these clubs, before citations are given out.

Mayor Hanna said one had been held Monday evening and was well attended.

Alderman Williams moved the resolution. Alderman Pettus seconded. Upon roll call, the resolution passed on a vote of 6 to 0.

RESOLUTION 59-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

CONSENT AGENDA

BID 98-33/LAKE SEQUOYAH BAIT SHOP RESTROOM: Award of bid 98-33 to Heckathorn Construction for the construction of a restroom facility at the Lake Sequoyah Bait Shop in the amount of $25,113 with a 15% contingency.

RESOLUTION 60-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

BID 98-26/CREMATORY: Award of Bid 98-26 in the amount of $44,097.13 to Bestech Environmental Resources, Inc., for a small crematory for individual cremation services and a medium crematory for mass cremation services, for use by the animal shelter. The bid award includes installation.

RESOLUTION 61-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

BID 98-31/POLICE MOTORCYCLES: Award of Bid 98-31 in the amount of $45,773 to Cycle Connection for the acquisition of two heavy duty police motorcycles.

RESOLUTION 62-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

ENGINEERING STUDY/IL RIVER BASIN SANITARY SEWER: A resolution awarding an engineering contract to RJN Group, Inc., for a preliminary Engineering Study of the Illinois River Basin 16 sanitary sewer in the amount of $218,595 plus approval of a 10% contingency of $21,859.

RESOLUTION 63-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

MINUTES: Approval of minutes from the May 5, 1998, meeting.

Alderman Williams moved to approve the consent agenda. Alderman Zurcher seconded. Upon roll call, the motion carried on a vote of 6 to 0.

OLD BUSINESS

There was no old business.

NEW BUSINESS

VA98-3.00/SUNBRIDGE/KEATING

Mayor Hanna introduced an ordinance vacating a portion of a utility easement located on lots 14 and 15 in Sunbridge Subdivision. The request was submitted by Bill Keating on behalf of Keating Joint Venture.

City Attorney Rose read the ordinance for the first time.

Kevin Crosson, Public Works Director, stated there are no utilities located in this easement. The City has received no objections from the utility companies.

Alderman Williams noted this passed Planning Commission 6 to 0.

Alderman Williams moved to suspend the rules and go to second reading. Alderman Trumbo seconded. Upon roll call, the motion carried on a vote of 6 to 0.

City Attorney Rose read the ordinance for the second time.

There were no comments from the audience.

Alderman Trumbo moved to suspend the rules and go to the third and final reading. Alderman Pettus seconded. Upon roll call, the motion carried on a vote of 6 to 0.

City Attorney Rose read the ordinance for the third time.

There being no further comments, Mayor Hanna called for the vote.

Upon roll call, the ordinance passed on a vote of 6 to 0.

ORDINANCE 4097 AS RECORDED IN THE CITY CLERK'S OFFICE.

VA98-4.00/DICKSON ST. ALLEY/FENNEL

Mayor Hanna introduced an ordinance vacating approximately 12' x 72.5' of an existing alley at 310 W. Dickson Street. The request was submitted by Hiegel-Miller Architects on behalf of Joe Fennel.

City Attorney Rose read the ordinance for the first time.

Alderman Williams noted that the Planning Commission moved to approve this subject to the property being converted to a utility and drainage easement. He asked why this was left out.

Alderman Williams moved to add "and drainage." Alderman Zurcher seconded. Upon roll call, the motion carried on a vote of 6 to 0.

Alderman Pettus asked if the letter from Mr. Fennel is a legal, binding easement.

City Attorney Rose did not know if that could be enforced.

Alderman Young stated this is the kind of thing that gets lost, as it is not filed at the courthouse.

Rose thought if it is not filed and a matter of record, it would not be enforced.

Alderman Williams asked if the ordinance would not require them to submit a legal easement in order for the vacation to go through.

Rose agreed it is a condition of the granting of the vacation.

Kevin Crosson, Public Works Director, stated these concerns are different from what the utility companies and the City have. Their concerns are about drainage and utility access.

Rose stated this ordinance simply abandons the alley. It is only contingent on the City reserving a right to the utility and drainage easements. The Council can make it contingent on something else.

Crosson stated his interpretation of what the Planning Commission did is that they left the access arrangements between the private property owners.

This item was left on first reading.

GIRLS SOFTBALL COMPLEX

Mayor Hanna introduced a resolution approving a construction contract for $572,804 with Heckathorn Construction for Phase II Girls Softball Complex located adjacent to Holcomb School.

Kevin Crosson, Public Works Director, stated Phase I involved the earth work for this project and cost approximately $320,000. There will be a third phase that will involve most of the improvements above ground and the off-site improvements.

Alderman Trumbo stated this is a great use of the HMR tax and a good reason to have it.

Crosson added this will be a multi-use complex.

Alderman Williams moved to approve the construction contract. Alderman Pettus seconded. Upon roll call, the resolution passed on a vote of 6 to 0.

RESOLUTION 63-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

AMENDING RULES OF ORDER

Mayor Hanna introduced a resolution amending the Rules of Order of Procedure to require the support of three aldermen in order to place a discretionary item of new business on the City Council agenda.

Alderman Williams pointed out this would be only for a discretionary item that one of the aldermen present at the agenda session would object to.

Alderman Young asked if it would take one proposing alderman and two others to support putting it on the agenda and why wouldn't it require two aldermen to object to it.

Alderman Williams replied it would give any one of them the right to say let's consider whether we really want that item on the agenda.

Alderman Pettus felt it is a way to squelch controversial issues. She does not want to close the forum and suggested looking at alternatives. There are times when a resolution needs further work in a committee. She passed out an amendment pertaining to this.

Alderman Young stated it is getting harder for citizens to get something on the agenda.

Alderman Pettus stated she intended to substitute the words "a majority" for "three aldermen" in the last sentence and then add the paragraph, "If less than a majority support the item, then it will be referred to the appropriate Council committee for review and recommendation as to future action."

Alderman Williams still supported having only three aldermen in favor of putting an item on the agenda, in order not to squelch discussion.

Alderman Zurcher asked if it would come back to the Council no matter what the recommendation of the committee was.

The Council agreed it would.

Alderman Williams agreed to carrying this over to the next agenda.

BID WAIVER FOR SITE WORK/SUMMIT STREET WATER TANK

Mayor Hanna explained this was pulled from the agenda. The quote received was not acceptable.

Kevin Crosson, Public Works Director, stated a bid will be done.

ADJOURNMENT

Alderman Williams announced an Ordinance Review Committee meeting.

Alderman Zurcher announced an Environmental Concerns Committee meeting.

Mayor Hanna adjourned the meeting at 7:05 p.m.