

AGENDA

FAYETTEVILLE CITY COUNCIL MEETING JUNE 2, 1998

A meeting of the Fayetteville City Council will be held on June 2, 1998 at 6:30 p.m. in the City Administration Building, 113 West Mountain Street, Room 219, Fayetteville, Arkansas.

The following items will be considered:

NOMINATING COMMITTEE REPORT

I. CONSENT AGENDA

- A. APPROVAL OF MINUTES:** Approval of minutes from the May 19, 1998 meeting.
- B. BID 97-64:** Award of Bid 97-64 to Mobile Concepts by Scotty for a children's fire safety house in the amount of \$25,174.00 and approval of a budget adjustment in the amount of \$12,587.00.
- C. ABOVE GROUND FUEL FARM:** A resolution approving Amendment #1 to the contract with McClelland Engineering in the amount of \$2,000.00 for additional engineering services in the design of the Airport's new above-ground fuel farm.
- D. BATES PARK PLAYGROUND:** REMOVED FROM CONSENT AGENDA. Item has been moved to NEW BUSINESS 1A.
- E. BID 98-40.00:** A resolution awarding Bid 98-40 to Barton Freightline Inc. in the amount of \$91,621.00 for the purchase of a H. D. Cab & Chassis with mounted bulk waste crane and dump body for utilization in the City's solid waste bulk pick-up program.
- F. BID 98-37:** A resolution awarding Bid 98-37 to DYCHEM International, Inc. for the purchase of an automated drive-thru equipment wash and supplies.
- G. BID 98-42:** A resolution awarding Bid 98-42 to Williams Ford Tractor & Equipment in the amount of \$ 82,818.00 for tractors, mowers, and various haying equipment to be utilized for hay management operation at the sludge site and the parks mowing operations.
- H. WEDINGTON IMPROVEMENT DISTRICT:** A resolution appointing two new members to the Wedington Drive Sewer Improvement District board.

II. OLD BUSINESS

- A. VA 98-4.00:** An ordinance vacating approximately 12' X 72.5' of an existing alley at 310 West Dickson Street. The request was submitted by Hiegel-Miller Architects on behalf of Joe Fennel. Item was left on the first reading.

- B. AMENDING RULES OF ORDER:** A resolution amending the rules of order of procedure to require the support of two aldermen in order to place a discretionary item of new business on the City Council agenda.

III. NEW BUSINESS

- 1A. BATES PARK PLAYGROUND:** A resolution awarding \$49,856.32 to Diversified Recreation for the Bates Park playground project. The total estimated cost of the project is \$56,857. The Parks and Recreation Advisory Board will contribute \$29,000 from their Green Space Funds. The remaining balance will be paid by Fayetteville Public Schools and Bates Elementary School.
- A. RZ 98-10.00:** An ordinance approving a rezoning submitted by Demaree Media, Inc. for property located at 1780 Holly Street. The property is zoned R-1, Low Density Residential. The request is for R-O, Residential Office. The property contains approximately 2.34 acres.
- B. PLANNING COMMISSION APPEAL:** An appeal submitted by Burke & Eldridge on behalf of Washington Regional Medical Services for a large scale development off Millsap Road and Wimberly Street. The request is to appeal the Planning Commission's decision to deny waiver requests from placing utilities underground and the construction of a standard city street.
- C. SEWER REHABILITATION:** A resolution awarding a contract to Jones Brothers, Inc. for White River Minisystem 15 sewer rehabilitation in the amount of \$645,080.85 with a \$64,508 contingency for sewer lining.
- D. SEWER REHABILITATION:** A resolution awarding a contract to T.G. Excavating in the amount of \$186,543.00 with an \$18,654 contingency for White River Minisystem 15 sewer rehabilitation for pipe bursting.
- E. SEWER REHABILITATION:** A resolution awarding a contract to Insituform Texark, Inc., in the amount of \$228,937.50 with a \$22,893 contingency for White River Minisystem 15 sewer rehabilitation for sewer lining.
- F. INFORMATION ITEMS**
- G. CHAPTER 33 AMENDMENT:** An ordinance amending Chapter 33 of the Code of Fayetteville to provide for the Board of Adjustment, the Plat Review Committee, the Subdivision Committee, the Tree and Landscape Advisory committee and the Board of Sign Appeals.
- H. DELETING TITLE 15:** An ordinance deleting title 15; Land Usage; and Sections 98.01, 98.02, 98.06, 98.07 and 98.12 through 98.00, Streets and Sidewalks; of the Code of Fayetteville; and adopting the Unified Development Ordinance.
- I. SUTTON PARK:** A resolution authorizing the Mayor and City Attorney to make an offer of purchase to the current owner of proposed the Sutton Street Park.

6/2

	ROLL		NOMINATING	CONSENT	
DANIEL	✓		✓	✓	
YOUNG	✓		✓	✓	
ZURCHER	✓		✓	✓	
TRUMBO	✓		✓	✓	
PETTUS	✓		✓	✓	
MILLER	✓		✓	✓	
WILLIAMS	✓		✓	✓	
SCHAPER	✓		✓	✓	
MAYOR HANNA	✓				
			8-0-0.	8-0-0.	
	11A 98-4.00				
DANIEL	✓	✓			
YOUNG	✓	✓			
ZURCHER	✓	✓			
TRUMBO	✓	✓			
PETTUS	✓	✓			
MILLER	✓	✓			
WILLIAMS	✓	✓			
SCHAPER	✓	✓			
MAYOR HANNA					
	8-0-0.	8-0-0.	Approved		
	RULES ORD.				
DANIEL	N				
YOUNG	N				
ZURCHER	N				
TRUMBO	N				
PETTUS	N				
MILLER	N				
WILLIAMS	N				
SCHAPER	N				
MAYOR HANNA					
	8-0-0. Failed				

6/2

	Bates				
DANIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
PETTUS	✓				
MILLER	✓				
WILLIAMS	✓				
SCHAPER	✓				
MAYOR HANNA					
	8-0-0.				
	2298-10.				
DANIEL					
YOUNG					
ZURCHER					
TRUMBO					
PETTUS					
MILLER					
WILLIAMS					
SCHAPER					
MAYOR HANNA					
	to hear appeal P.C. appeal	to grant warrant U.S.E.	street appeal notation.		
DANIEL	✓	✓			
YOUNG	✓	✓			
ZURCHER	✓	✓			
TRUMBO	✓	✓			
PETTUS	✓	✓			
MILLER	✓	✓			
WILLIAMS	✓	✓			
SCHAPER	✓	✓			
MAYOR HANNA					
	7-0-1	4-3-1			
		5-3. U.E. warrant granted.			

	Saver				
DANIEL	—	absent for vote.			
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
PETTUS	✓				
MILLER	✓				
WILLIAMS	✓				
SCHAPER	✓				
MAYOR HANNA					
	7-0-0				
	Saver				
	sm. cl.				
DANIEL	✓				
YOUNG	✓				
ZURCHER	absent for vote.				
TRUMBO	✓				
PETTUS	✓				
MILLER	✓				
WILLIAMS	✓				
SCHAPER	✓				
MAYOR HANNA					
	7-0-0				
	Saver				
DANIEL	✓				
YOUNG	✓				
ZURCHER	absent for vote				
TRUMBO	✓				
PETTUS	✓				
MILLER	✓				
WILLIAMS	✓				
SCHAPER	✓				
MAYOR HANNA					
	7-0-0				

6/2

	Chapt. 33				
DANIEL					
YOUNG					
ZURCHER					
TRUMBO					
PETTUS					
MILLER					
WILLIAMS					
SCHAPER					
MAYOR HANNA					
	tithe 15				
DANIEL					
YOUNG					
ZURCHER					
TRUMBO					
PETTUS					
MILLER					
WILLIAMS					
SCHAPER					
MAYOR HANNA					
	\$ 52,000. to offer * Sutton purchase				
DANIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
PETTUS	✓				
MILLER	✓				
WILLIAMS	✓				
SCHAPER	✓				
MAYOR HANNA					
	8-0-0.				

FINAL AGENDA INFORMATION
for
June 2, 1998, Council Meeting

Agenda Session:

- Bates Park Playground was moved from consent agenda (1D) to the first item of new business.

handed out:

- Memo re UDO and Ord. amending Chapter 33, item 3G
- Ord. Re Title 15, item 3H
- Sutton Park info, item 3I

Attached here:

- Final Agenda
- Minutes, item 1A
- Additional Sutton Park info to add to what was distributed at agenda session, item 3I

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

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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.

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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.

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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.

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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.

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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.

parks, the needs of the community must be addressed. There is a concern of securing the facility against vandalism and/or theft. Ms. Dugwyler asked if the league would be responsible for hanging and removing the netting from the cages, and Mr. McGill said the nets would be put in place at the beginning of the spring season and removed after the conclusion of the fall season. Ms. Dugwyler was also concerned that the proposal included limiting public access to the batting cages. Mr. Ackerman said the proposal would be taken under advisement, and staff would be in contact with Mr. McGill. It was also brought to the Board's attention that Field #6 was in need of new bleachers...

IX. Walker Park parking lot update - Dugwyler

Ms. Dugwyler said the parking lot went to the Planning Commission on January 26 for a conditional use because it was zoned R-2 instead of P-1. It was approved, so the project should be bid in the upcoming months.

X. Sutton Street property update - Kathy Thompson

Kathy Thompson, a Sutton Street neighbor, proposed that the City purchase the property from Mrs. Bobby January. Ms. Thompson said the property has a lot of history. She believes Mrs. Roberta Fulbright named the park the Woodlands Park. The park was used extensively in the 1930s and 1940s. Ms. Thompson said she viewed the park as a walk-by, meditative, historic park in which children play. She suggested leaving the park natural, adding only indirect lighting and replacing a wall along Sutton Street which had existed in the past. Mr. Bleidt stated he had contacted some property owners in the area who expressed interest, but he would like to hear opposing views as well. Ms. Dugwyler suggested inviting the public to the next regular meeting to comment on this issue; everyone should be given the opportunity to express their views. Ms. Judy said one of the main concerns was the lack of parking along Sutton Street which might present a problem. Ms. Thompson said no parking signs should be placed and that there were other places to park in the neighborhood. Mr. Charboneau inquired

about the price of the one acre property. Ms. Dugwyler said it was listed at \$79,900, but the firm expressed interest in talking to the City. Ms. Thompson said she thought Mrs. January was in favor of making the site a public park. Mr. Ackerman said, after touring the site, he felt it would make a very nice park. He also pointed out that if the property became part of the parks system that it would be made available to the public. He encouraged Ms. Thompson to work with the neighborhood, determine the pros and cons of making the site a public park, and get a consensus of the neighbors. Mr. Ackerman said the PRAB was more than casually interested in the site becoming a neighborhood park subject to a firm coalition of the majority in favor of a neighborhood park and the negotiation of a reasonable, justifiable price.

Ms. Constance Clack, a neighborhood resident, expressed concerns regarding the traffic situation. The catholic church and school presents a lot of congestion in the area. There is not a place for cars to park. She also reported an increase in the number of crimes in the neighborhood which may present a safety issue regarding children.

Anita Scism, a resident of 417 E. Lafayette whose back property adjoins the Sutton Street site, applauded Ms. Thompson's vision. However, she stated that there were problems in the area, and she urged the PRAB and City Council to examine them carefully. Ms. Scism reported that there are times she cannot access her own driveway due to cars parked along Lafayette in no parking zones.

Chris Krueger, a Sutton Street resident, urged the PRAB to take the time to learn all the issues in the area. She stated a concern regarding the traffic, and she said parking was very limited.

XI. Bocce (sport) request - Nancy Williams

Ms. Williams requested the construction of a bocce court. There is a court planned in the concept plan of the senior citizen center. Ms. Williams asked if there was anything her group could do to help expedite the construction of a bocce

field per day with lights; \$100 field deposit refundable by check request. Mr. Dawson reached this conclusion due to the fact that if \$75 per field without lights were charged, it would be \$40 per field higher than those fees charged by Springdale.

MOTION: LUTTRELL/STAGGS

Mr. Luttrell moved to recommend to City Council that fee structures presented by staff of \$50 per field per day without lights and \$75 per field per day with lights be adopted.

The motion carried 6-0-0.

VI. School lease update - Dugwyler

Mr. Charboneau commented on the current state of disrepair of the Asbell gym. Mr. Ackerman said money had been committed to aid in ceiling tile replacement and interior painting. Mr. Ackerman also said, in his opinion, he agreed with working with the school system in a number of areas, but physical maintenance requirements when compared to the benefits received by the parks system did not equate. The cost is tremendous for minimal public use. The schools are funded to provide maintenance of their facilities. He requested examining our commitments in these areas. Mr. Ackerman further stated that we cannot, as a parks system, continue to move in the same arena as years past regarding maintenance of non-city owned equipment, buildings, and structures. The Parks Division has major obligations to the community, and to continue spending money on facilities which may or may not be utilized to any magnitude by the public raises questions. This needs to be carefully reassessed. It is anticipated that Washington School and the new middle schools will seek cost shares in the construction of gymnasiums in the near future.

Mr. Ackerman requested copies of the old, existing lease agreements to compare to the proposed lease draft presented with requested changes highlighted for consideration by the Parks and Recreation Advisory Board. Mr. Bleidt also requested the Public Works Director, Kevin Crosson, appear to answer questions if the need presented itself.

VII. Sutton Street property update - Dugwyler

Ms. Dugwyler said she had received mixed opinions regarding the Sutton Street property. Mr. Bleidt said he had received four calls against and three calls in favor of the proposal. Mr. Ackerman has received six telephone calls against the proposal to purchase the property as a public park. The regular March PRAB meeting will provide an arena for public input on this matter.

VIII. OTHER BUSINESS

Ms. Dugwyler has received and placed in staff files the Botanical Garden Society of the Ozarks, Inc. bylaws and articles of incorporation. She said the group was still working on a risk management plan, and their liability insurance was being finalized. A list of 1998 BGSO plans for improvements were distributed, and Ms. Dugwyler stated that staff did not foresee any problems with the plans. She requested that any PRAB members with concerns regarding these plans contact her and the concerns would be placed on the agenda for the March regular meeting.

Mr. Ackerman said there were outstanding issues regarding LandPlan, Inc. and the Lake Fayetteville trail which needed to be resolved. Ms. Dugwyler said she was pursuing questions regarding a \$20,000 grant received for the project. If the grant is given back, future applications probably would not be looked upon favorably.

Meeting adjourned at 9:38 p.m.

MINUTES TAKEN BY: John Nelson
John Nelson

First Draft 2.12.98 / 5:50 p.m.

Second Draft 2.17.98 / 8:23 a.m.

park?

Heady: We typically encompass basketball or tennis courts if we have the opportunity to have the space. In this development, if we did not have to give up the almost four acres, it would allow us to develop more infrastructure on site. In a lot of our properties we do golf practice areas.

Judy: Is this going to be a family-oriented or student-oriented development?

Heady: Student-oriented. The requirement we understand is for facilities. We need to provide them for the students. We're not looking to the city to provide them. We want to keep the space, so we can provide them ourselves.

Ackerman: I think this board would probably be willing to consider your proposal. I think you would need to come forth with details, exact measurements of the property, and let's be specific of what we are speaking. Then if it's agreeable with you and you can afford to give up a reasonable amount of land, I think there would certainly be some favorable comment in that regard.

City staff has been visiting with Children's House in regards to their needs. Peggy Smith stated that the director of Children's House had appeared at an earlier City Council meeting where the impression was given that the organization would move from the current site. Mr. Ackerman said recent conversations with Children's House indicated they would be amenable to this arrangement. The objective is to accommodate Children's House and enlarge their facility with the least disturbance to their program. Mr. Ackerman said he thought there was a way to do that and accomplish what the developer wanted as well.

V. Sutton Street property public input - Dugwyler

Neighborhood residents appeared at last month's meeting proposing the purchase of this property for a park. They were asked to survey the community in which they live where this park would accommodate and serve. The PRAB asked people who are interested in seeing a park as well as those opposed to the idea to speak tonight.

PROPOSERS:

Kathy Thompson: My name is Kathy Thompson, and I live at 507 North Walnut. I have lived in the historic district for nineteen years. I came before the Parks Board a month ago along with Cindy Long to propose that the PRAB buy the Sutton Street walk-by historic park. We were sent away with an assignment to find out how the neighborhood felt about this. So the first thing Cindy Long and myself did was poll the households surrounding the park. Out of those households we found one person we could not contact, seven people for it, two people "no", and two people who were undecided. That was three weeks ago. We have those people's signatures on our poll sheet with their decision. After that encouraging information, we got together a group of ten people and divided our neighborhood into sections. Our boundaries are Fletcher/Olive on the east, Dickson/Spring on the south, Washington/Willow on the west, and Rebecca/Johnson on the north. What we took around were what we are calling Sutton Street Walk-By Historic Park Petition, but actually, in reality, it is not so much a petition as it is a survey. Because all we asked people to do was sign their name, their address, and indicate yes or no. We gave them the choice of how they felt about the park. By then someone had brought around a sheet of paper all over the neighborhood without signing it against the park. People were aware of it, and we tried to explain to them about our proposal. Out of all of those people we have 182 people on our petition sheets. Out of all of those households the ones that are not on it are just people who simply were not at home. If they were not at home, we left a sheet explaining there was a meeting tonight so they would be aware. We left our name and address on each sheet, so if they were interested they could call. Out of those 182 people, 165 were for the park, 13 were against the park, and 4 were undecided. All of the people who went around and surveyed individually told me that the people who were for the park were overwhelmingly for the park. The people who did that are very much aware of the fears and the problems people have who are against it. It seems like to me that we have come up with four basic problems. One, they are

worried about the traffic. Part of that is because they already have so much problems with St. Joseph's traffic. Two, some are concerned with lighting. I tried to explain that we are going to propose that there be lighting up in the trees, so it would not only be safe but beautiful as well. Three, the future of the park. We would make sure that the park was not changed. It would be kept natural and only improved historically. It would be a park that would have no recreational equipment brought in. It would be kept and maintained as it is. Four, the criminal element. We believe that these problems can be overcome, both as a neighborhood and as a neighborhood working with the city. Basically it seems like what has really come out of this for most people in trying to understand how everyone feels, is that a basic fear is really the problem. I think that is a problem we have in our society today; people are afraid of what they do not know. It's easy to make things up. It's easy to fear things that you really don't know will happen. We have decided that we are really hopeful that people would much prefer to try to work on the problems that arise rather than to get rid of something that is really important to our neighborhood. There are many more things that I could say, positive things that have come up and positive things that people have told me: what it was like to go around and actually meet your neighbors that you had never seen before but had always wondered who lived in their houses; stories that they told us about playing in the park; but I know there are other people who want to talk. The last thing I would like to say is that I feel like we really hope that it does not disappear. Because once it disappears it never comes back. It is the only historic district that we have in our city. There has already been a lot of it taken away.

Ms. Thompson also read a letter written by Joan Smith, an art historian and neighborhood resident. [See attachment "A" following this page.] Ms. Thompson also submitted signed poll sheets as supporting information.

Sarah Leflar: My name is Sarah Leflar, and my address is 1495 Finger Road. I am here on behalf of the 300 members of Friends

Attachment "A" submitted by Kathy Thompson

TO: The Parks Board

FROM: Dick and Joan Smith corner of Sutton and Washington

Due to a family illness, we couldn't be here tonight, so we are writing this letter in support of converting the private park on Sutton St. into a public historic landmark. We live on the corner of Sutton and Washington, a one-minute walk to Mrs. January's property.

Many of us in this neighborhood with permission from the owner, have used Mrs. January's property for a number of years. Both of our children have enjoyed nature and sledged with their friends there. And, for a long time we have wanted the historic district to have a neighborhood park for our families to use. Although Mrs. January always has been very generous about letting people use the area, we are concerned that if it is sold for development it will be unavailable for use any more. In addition, we feel there is enough historic and aesthetic value to the location that it definitely merits being saved and preserved in its current state. It would be a perfect addition to the historic district.

We contacted Mrs. January a couple of weeks ago to find out what she knew about the history of her property, and she told us that Roberta Fullbright had named the area "The Woodlands." Mrs. Fullbright even wrote a poem about it that was published in the newspaper at the time. Unfortunately, we haven't had time yet to find a copy of the poem, but apparently there also were several newspaper articles published about "The Woodlands." Mrs. Lighton, also a resident in the historic district, said that when she was young the park was called "Big Spring" and that many neighborhood children spent time playing there.

Mrs. January told us that the people who cleared the area and had all the rock work done were Van and Mary Howell. Mrs. Howell was around 90 when she died about 10 years ago. Mrs. January believes that the Woodlands was constructed beginning around 1910 or 15. She was told by Mrs. Howell that one man built all of the rock work for the Howells. When the January family bought the property in the mid-1970s, they embarked upon a restoration effort that brought the Woodlands back to its original state. Working from old photographs and apparently with some help from the original owner, Mrs. January and a New Zealand mason, Ian Dickey, embarked on the restoration. They excavated areas that had been walls, the well, and so on, and used the original rock that was still on the site to repair and rebuild the Woodlands into what it still is today.

The Woodlands was used in both a private and public way for its entire existence. Mrs. January said that picnics and church and community gatherings frequently have been held on the grounds for the last 80 or so years. The spring-fed well was used to chill watermelons for community picnics. Special openings were built into the rock walls to hold torches to light the grounds for evening events. We hope to locate the newspaper articles, photographs, Mrs. Fullbright's poem, and other memorabilia related to the Woodlands to put into the archives at the Washington County Historical society.

Attachment "A" submitted by Kathy Thompson

We have heard concern over potential noise and safety for surrounding residents if this is made a public property. We contacted the Fayetteville police department to find out if there was any reason for concern, since we live in such close proximity to the park. They told us that at Headquarters House on Dickson St., a historic site comparable to the Woodlands, they only had been contacted 3 times and one of those was a fire alarm. We are satisfied that it will not become a nuisance to neighborhood property owners, and are very much in support of the city acquiring this property. In order to discourage any potential problems, we would like the Woodlands to be kept and maintained as it is, without additional parking or recreational facilities. The question of lighting, we think, should be left to the people in the homes that back up directly to the park. It is our opinion that signs with the park's name should be very small and unobtrusive or left off altogether. Thank you.

For Fayetteville. We support the city purchase and preservation of the historic Sutton Street park. We feel that the preservation of this lovely public space would promote the values that we represent, in particular, environmental quality, beauty, sense of community, the preservation of our unique heritage here in Fayetteville, and those are key values to us. We think it is clear that the preservation of the park would support that. It is a lovely, unserviceable green space. We hope that the city takes this opportunity to purchase and maintain it for generations to come.

Ackerman: Do you have a referendum of some kind from your board in a written document for you to make this presentation in support of this proposal?

Leflar: The Board has approved the statement I just read. I can get a copy to your committee tomorrow.

Orland Maxfield: I'm Orland Maxfield, I live at 533 North Willow. I am going to speak really twice while I am up here because of the difficulty of going back and forth. First, I am here as Chair of the Fayetteville Historic District Commission. I am speaking now on behalf of that commission. I would point out first that I don't really think that anyone has a question of this property, but in the article that came out just three or four days ago in the paper it commented that the property is near the Washington/Willow historic district. I want to correct that: it is *in* the district. I have a map here if anyone has any question about that. I am going to read this statement, and then I will give copies to you and I will say a few other words. "The Fayetteville Historic District Commission passed the following resolution relative to the property in question at its regular meeting on February 18, 1998. 'Be it resolved that the Fayetteville Historic District Commission supports the purchase of The Woodland, the January property located east of Walnut Avenue and north of Sutton Street, by the City of Fayetteville for use as a neighborhood park.'" I am authorized by the

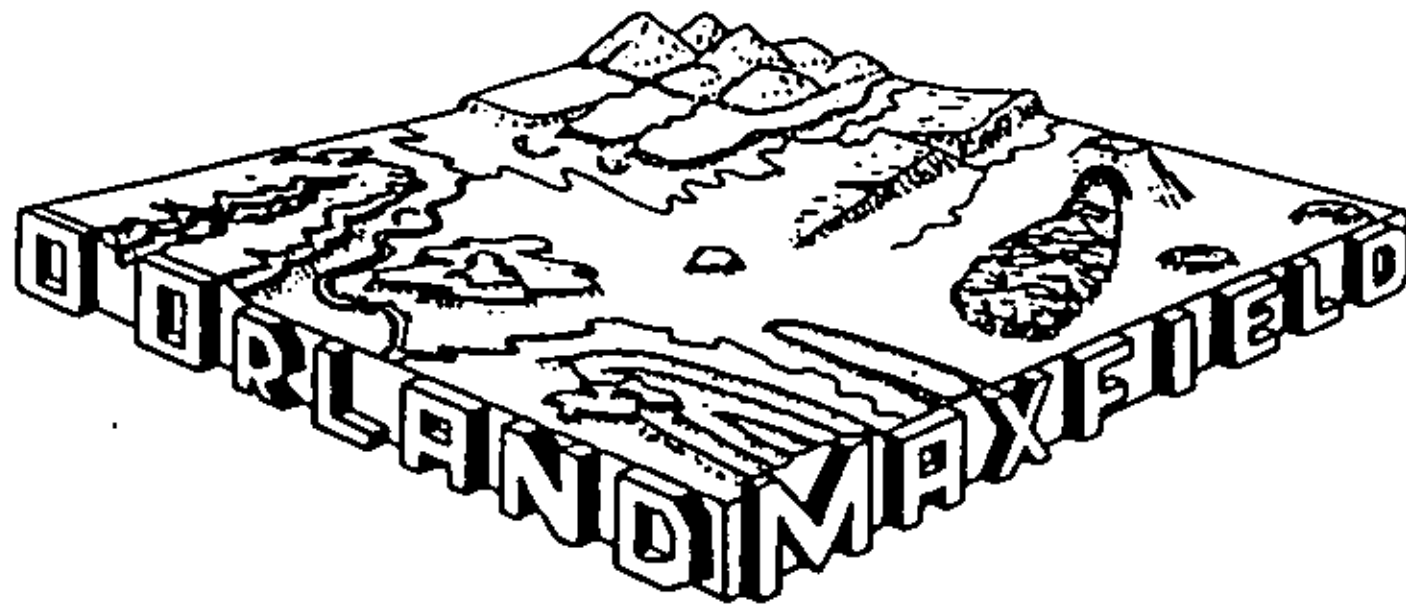
commission to give this. You have already heard that actually this has served, though a private property, in a somewhat quasi-public way. People in the neighborhood have been using it, apparently with the Howell's and January's blessing, so that use by those other than those that own it would be nothing new. It has been going on for a long time. I would say more to the point even perhaps, that having neighborhood parks is really a part of the character of historic districts of the vintage of the Washington-Willow district. We have a lot of buildings in that district from different dates. My house was built in 1895. To go back to that time and up to the 1920's, neighborhood parks were very important. We do not have one in that district. In fact, we have almost no green space in the district. That property, and what I would refer to simply as the somewhat enlarged lots on North Willow between Rebecca and Prospect, are really the only open areas we have. Those lots are privately owned, there are houses on them, and they are not for public use at all. Certainly the acquisition of this, not only I think would benefit the people who live in that neighborhood, but it certainly would be in accordance with the nature of historic districts of this type. Speaking as a private citizen, divorced from this district commission, I'm the old timer. I've lived in Fayetteville since 1946. I have lived in my house at the corner of Davidson and Willow, directly across from Betty Lighton, since 1956. This makes me certainly someone who has lived about as long as anyone else around in that neighborhood. I have observed the neighborhood fairly closely, I would say, in all of those years. We need a neighborhood park; I am speaking simply as a neighbor of other people. We need a neighborhood park. In the time that I have lived there there have only been, I would say, two or three empty lots that now are built on other than the little bit of green space that I referred to earlier. We do not have a formal neighborhood organization; I certainly do not pretend to speak for people with whom I am in contact from time to time about the neighborhood. Others have expressed to me their concern about this issue, the need for this, and I certainly applaud the efforts of Kathy [Thompson] and others who acquired all of those signatures. What a job this amounts to. I am giving you the support of the Fayetteville Historic District Commission, and I am giving you my own support as a private citizen.

Mr. Maxfield distributed a resolution approved by the Historic District Commission [see attachment "B" following this page]

Chris Huggard: My name is Chris Huggard, and I live on North Willow Avenue. I have lived there for sixteen years. I am an avid walker and, as Orland Maxfield has mentioned, I also have paid attention to what has been going on in the neighborhood. I strongly support the park. I think it would add something to the neighborliness of the neighborhood. It would also be nice to permanently protect, in the operative term these days, green space that would include trees, grass, and the historic landscape architecture. I would also like to say that we should keep parking away from it; we don't need parking there. It's very narrow there. Just keep it as a walk in; that will limit the traffic. As Kathy Thompson said, the lighting probably should be determined by the people who live there; however, I think lighting would be a security measure. It would actually make it more secure to have the lighting rather than to keep it dark as it is now. The other point is, if it were to be sold, someone might build a new home. Being in the historic district, by the way I am a professional historian, I think that would take away from the quality of that area. Building a new 2 x 4 home I don't think would add to this. I would like to go on record as saying I strongly support a walk-in park at the January property.

Jeanie Wyant: I am Jeanie Wyant, and I live at 424 Johnson. I wasn't home when they came by and didn't sign anything, so I wanted to put my word in. I've walked around in that area a lot, and I've not ever gone into the park because I assumed it was a private person's place. I am in favor of it being a walk-by neighborhood park; I'd love to go in on my walks or take some time just to sit. I agree with the comments on the lighting and the parking that have been made.

Cynthia Peven: My name is Cynthia Peven, and I live at 514 North Mission, down around the corner by Mission and Maple Street. I am simply here to argue as a resident and a home



533 NORTH WILLOW
FAYETTEVILLE, AR 72701

March 2, 1998

To: The Fayetteville Parks and Recreation
Advisory Board

Re: Acquisition of the January property

The Fayetteville Historic District Commission passed the following resolution relative to the property in question at its regular meeting on February 18, 1998.

"Be it resolved, that the Fayetteville Historic District Commission supports the purchase of The Woodland, the January property located east of Walnut Avenue and north of Sutton Street, by the City of Fayetteville for use as a neighborhood park."

Orland Maxfield, Chair
Historic District Commission

owner of the area that I would very much like to see this open space preserved. I greatly fear that if it is not preserved as a park then like very much of the other property surrounding the historic district and the Mt. Sequoyah area, then it is going to be developed into houses. Three or four houses are capable of fitting into a space that size, and we've seen it happen all around on the Mt. Sequoyah hillsides and so on. My argument is please make this a park. Let's not let this opportunity pass us by so that this becomes more developed private space. I have a few hopefully logical arguments in favor of making this a park area. The first is location, that important element of real estate; the only really sizeable green space in this entire neighborhood area is the Wilson Park area and there is no equivalent on the eastern side of College Avenue and there is no equivalent on Mt. Sequoyah. I am very much in favor of all of the various efforts that the Parks Board is considering to conserve and preserve some of the open spaces that are up there already. Because if we do not hang on to them, the burgeoning value of the land is going to force the next generation of people to develop them. They are very desirable locations to build and reside in. Keeping this an open park area, however, helps preserve the value of the living space of all of those houses that already exist there and that are being added to the area. My second argument really doesn't hold much water and that is the terrain of the area; it's a very beautiful natural creek. We have seen houses hung on hillsides much steeper than this with much worse drainage problems, but it would be nice to see this really unique small area of terrain preserved because it has a lot of charm. The third argument has been made for me by some of the other people up here--the weight of tradition. It has been a unique, beautiful area that people have already enjoyed as part of our historic heritage. It already exists as a green space and as such it already attracts traffic to it. People already go into the area and use it as a walk-in park, a park that is put there without driveways into it, without playground facilities, but just as a park that people would walk to with sidewalks and so on. I don't see that much of an increase in people going into the area over the ones that already use it. It exists now as an asset and a buffer to the people who reside around it, and I really do understand and honestly say that with them I would like for it to remain what

it is. I would like for it not to change. But I fear that change is inevitable, and that they're not going to be able to piggyback the use of that area onto their residences as long as it remains a private space. Without it being a public space, the residents around it actually have no control over what happens to the property. My fifth argument would be conservation. The size and beauty of the trees and plants in existence there is worth saving. If it is developed, many of those trees will go. I would like to see it change somewhat because I know it is full of poison ivy, so it does need a little care and maintenance. My final argument is purely selfish. I want this space to stay open in my neighborhood. We need more parks in the city of Fayetteville that you do not drive to, that you do not drive through, that you walk to on a sidewalk. It's unique to the neighborhood, and I would like for it to stay there. Once there was plenty, and there still is plenty, of green space in the historic district and on Mt. Sequoyah, but this is filling in very, very rapidly. And when it is all filled in and there are new large and expensive houses on small yards in all of those spaces then the unique character of the area will be lost. While I am up here beating my drum for the Sutton Street property, I'd also like to go on the record as supporting the purchase or the development of the area around the water tanks on Fletcher Street, and I would someday like to see the Parks Board look into the acquisition or some kind of cooperative arrangement on the gas company warehouse property that is on Maple Street.

Ms. Dugwyler stated that she had received voice mail from Dr. Samuel Hucke, a resident of 365 N. Olive Avenue, which adjoins the Sutton Street property, pledging his support in acquiring this property as a public park.

Angela Stevens: My name is Angela Stevens, I live at 429 Sutton Street, my house sits directly across the street from the Sutton property. I feel so blessed to live there and to be able to look out at that beauty. I have three little boys. We don't use it that often out of respect for the Januarys. My whole family loves it very much. I would love to see it preserved. I'm for it one hundred percent. I cannot find any

negativity in it. All the fear that you hear coming out; I don't live through fear. I live through positive thought, and I feel like that if the community is positive about it then it will be a positive, wonderful place for everyone. As far as the traffic, my understanding is that St. Joseph's is building a church and middle school east of Highway 265, which will alleviate a lot of traffic in the neighborhood.

Richard Alexander: My name is Richard Alexander, and I live in the historic district next to the public library. I'm very much in favor of the park. A lot of my arguments have already been well stated by the people who have preceded me. A couple of things I would like to say: it already is a park. There is a tremendous amount of infrastructure there, it is frankly a historic place and probably if it were a building would be placed on the national register. It is that old and that significant. The historic district does not have a park. This is Fayetteville's historic district. I think as a public body one of the things you are charged with is looking into the future not just making decisions for today. Fayetteville is growing. Green space like this will be a premium in the future both with respect to desirability and affordability. This is an opportunity, in my opinion, for the Parks Board to do the right thing and make a wise investment at a very reasonable price. Not so much for the present, because we live in a nice town that is not so crowded, but twenty or thirty years from now. That is what I am talking about. I think our town is going to be a lot more crowded, and this type of green space is going to make our city one of the desirable places to live that we are repeatedly voted for in various surveys and polls. I work in town, and I've been lobbying to have the Sutton Street property considered for a park for about a year. I've met very few people who are opposed to the idea both within and outside the historic district. I think that the survey that Kathy [Thompson] and others did proves the point that the majority of the people are for this as a park. The arguments that I have heard against the park, and I know some of these people who are making these arguments because they're my neighbors and good people who do not have a bad motive, are arguments that could be used against all of our parks. I would ask which ones would we not have: Wilson Park? Gulley Park? I

live next to the public library. On the one hand it would be nice not to have the library there because people park next to my house when they use it. On the other hand it is a great facility and a great asset for our town and my neighborhood. I think sometimes we have to consider the overall and the broader picture, and I think that is certainly the case with this park.

Harriet Jansma: My name is Harriet Jansma, and you saw me a few weeks ago speaking on the issue of the city property on Mt. Sequoyah which is much closer to my house. I live about six blocks from the Sutton Street property, but I walk by it several times a week during the winter, spring, summer, and fall. I've seen pileated woodpeckers come into that area from way out in the countryside in the winter time when the birds have larger territories when there is snow on the ground. We haven't had that this year because it's been such a warm winter. Because this area is a bowl and is a very wind protected place it would be a great place to sit in the winter as well as in the summer when the property is nicely shaded by the trees. Because the property is a very short city block from the public library it forms a nice asset in relation to the public library. I'm not too far from retirement and can picture myself walking of the morning to the public library to get a book and walking over to that park to start that book. That is the kind of use that I can envision that park having. Thankfully the historic district has many more young children than it did for awhile, but it also has a great many adults who will use that park in the way I have mentioned. I would urge you to consider the purchase of the property.

OPPOSITION:

Nancy Burris: My name is Nancy Burris, and I live at 315 Sutton Street. I am not a public speaker, and I wasn't sure all day if I would be able to make my feet walk up here, but here I am. I am going to leave it up to my neighbors who do not want the park. I've given each board member a copy of the

reasons that I am opposed to having a park on Sutton Street [see attachment "C" following this page]. I am the one who put out copies around the neighborhood. A wise woman that I talked to said 'don't go too deep, you're the ones who have to live with it', so I polled the immediate area and left it at that. I'm also passing on a letter from a Tina Buxton who keeps the grounds and does the landscaping for the public library.

Wyit Wright: My name is Wyitt Wright, and I live at the corner of Walnut and Sutton which is immediately adjacent to the park. I've lived there since 1986, so I think I have a reasonable idea of what the park is about. Bobbie January and I have been good friends and neighbors for that entire period. I have mowed the park myself, so I am intimately familiar with the terrain of the park. And having lived by it, literally for twenty-four hours a day for all of those years, I very much know what goes on in the park and what sort of things the park is suitable and not suitable. The issue here is not really about Bobbie selling the park, but simply whether the city should buy it. She certainly has the right to sell it to anyone she wants. What I am here to address is whether it is appropriate for the city to buy the property. I feel it is unsuitable as a park for a number of reasons. One of them is location. As it was mentioned, it is in a bowl shape which retains noise and sound. It is surrounded by houses, very closely, unlike a Wilson Park which has a street around it there is no street around this one. This park is twenty-five feet away from my house. It is very tightly surrounded by houses. There is no natural barrier of any kind between this park and the houses surrounding it. If you sit in that park and talk I can hear you. It is unsuitable partly because of the terrain. There is almost no level space in that park. It

ATTENTION

ALL RESIDENTS OF THE HISTORIC DISTRICT

The Fayetteville Parks and Recreation Department is currently entertaining a proposal that would establish a public park on the east end of Sutton Street (on the January property that is currently for sale). The matter was discussed at their last meeting on Monday, February 2, and will be discussed again early in March—most likely on Monday, March 2 at 5:30 p.m. Please try to attend this meeting and make your opinions known to the board. They want very much to hear from the people who would live in the immediate vicinity of the park—they are the ones who will be most affected by the establishment of such a park. The idea of a quiet, neighborhood park is, at first glance, an attractive one; but there are other concerns that the residents of this area need to address.

- 1) As the residents of Sutton Street and Willow street know, parking is at a premium on these streets. With the growth of both St. Joseph's School and the congregation of the church, this will become more of a problem. Although the park is to be set up as a "walk-by" park, and No Parking signs are to be posted, enforcement of this rule would be difficult, at best. And the No Parking signs, if they are effective, might well encourage people to park further down on Sutton, or Olive, or Willow, thereby exacerbating the problem they were designed to solve.
- 2) The January property, which has been so beautifully maintained and managed over the years, will become public property the moment it becomes part of the park system. When this happens, the neighborhood relinquishes its ability to control those who use the park and even, to a degree, the manner in which they use it.
- 3) If lights of any sort were installed—a real possibility—it would encourage usage of the park at night, and this would not be conducive to the atmosphere of a quiet neighborhood that generally predominates in the area.
- 4) The terrain of the lot is such that small children would need increased supervision.
- 5) It is important to remember that if the city purchases this lot and converts it into public property, the park as well as any problems that accompany it, would be permanent additions to the lives of those who live in its immediate vicinity. There is no feasible way to make a trial run. How certain are we that the advantages of having such a park would outweigh the potential disadvantages?

is a gulley, there is a creek running through it, and for the most part it is not an easy park to play frisbee in or something because it is all hill. There is a creek which flows through the park which tested positive for e-coli [sic]. It was tested four years ago; this is not the sort of creek in which little children should be playing. There is a natural erosion problem there. The park has very poor soil, and it does not have a good ground cover. For a number of years, Jim January tried to get vinca to grow there. It grew reasonably well, but it was always a problem. It is so heavily shaded because of the trees that there is no good ground cover. It's a trade off—you can get rid of the trees and have good ground cover, or you can have trees and not have good ground cover. With heavy usage erosion would be a real problem in this park. Even though it has been a private park people have been allowed to use it. Mrs. January has always been able to maintain some control over it, and I have assisted her with that. When things happened in the park I could step out and say this is not appropriate. There are people here who do not have an idea of what goes on there. The comment was made that we are afraid of what we don't know. But I do in fact know what goes on there. Rather than using my own words, I'll read an excerpt of the letter written by C.M. Buxton [see **attachment "D" following this page**] you have before you. 'I see public grounds at a much more intimate level than most—I have to clean them up! I am saddened to say I have found hypodermic needles and countless liquor bottles at the library. I have witnessed public urination and defecation much closer to home than I care to admit. Add to these incidents a layer of cigarette butts, used prophylactics, fast food trash, dirty diapers, used tissues and cue [sic] tips, and wads of chewed gum, and you have a "public use" area. This is an irrefutable fact of life that I deal with daily. To introduce this to an established neighborhood is unthinkable.' Those are the types of things I have, from time to time, picked up on Mrs. January's property. Children use this property to smoke dope, people fornicate out there, they leave liquor bottles. This is private property, this is a property that I or Mrs. January or other neighbors which are concerned, can go out and say something about. As a public property it would be much, much more difficult for us to do that. I'm sure we can call the police, but the fact of the matter is you can be sitting

C.M. Buxton
312 N. Willow
Fayetteville, AR 72701
521-5039

Dear Parks Board:

I have lived at 312 North Willow for nine years. I have a degree in Horticulture from the UofA and own my landscape and maintenance company. I have taken care of the Fayetteville Public Library grounds for several years, and the Washington County Courthouse is a very new account. (Both are about two blocks from the proposed park.)

I see public grounds at a much more intimate level than most — I have to clean them up! I am saddened to say I have found hypodermic needles and countless liquor bottles at the Library. I have witnessed public urination and defecation much closer to home than I care to admit. Add to these incidents a layer of cigarette butts, used prophylactics, fast food trash, dirty diapers, used tissues and cue tips, and wads of chewed gum, and you have a "public use" area. This is an irrefutable fact of life that I deal with daily. To introduce this to an established neighborhood is unthinkable.

My second and equally realistic objection to this park is traffic and parking.

Our small part of this neighborhood is unique. It is essentially an island of three blocks cornered by three of the busiest streets in Fayetteville: College Avenue, Dickson, and Lafayette Streets. We also have the distinction of having the ever-expanding St. Joseph's school and church in our midst. The traffic and commotion caused daily by this entity must be fully realized in order to make

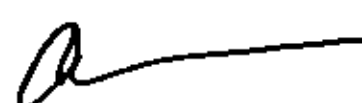
intelligent decisions about adding another possible source of more automobiles.

My street (Willow) is essentially a parking lot for St. Joseph's. The traffic problem gets worse every year and I resent this greatly. There are days when a Youth Center bus is parked (running) in front of my house! Willow, between Dickson and Sutton is extremely narrow. If residents are parked down one side, and waiting parents are parked down the other, my street is impassable. This happens often.

Traffic signs are ignored - from stop signs to "no parking" signs. There is no help from police. I know - I have called them several times. I am told this park will have "no parking" signs. Where do you think people are going to park? The park patrons will park on our already over-burgeoned streets. There is no guarantee that the police will monitor parking problems or violations. Judging from their track record, I am doubtful they will.

As the crowning glory to our congestion problems, our street has become a major "cut-through" street for those wishing to avoid the College-Lafayette stoplight. Many of these people fly down our very busy, very narrow street. Again, no help from law enforcement is evident.

It's hard to say "no" to a park. Unfortunately, at present, the disadvantages far outweigh the advantages. Our neighborhood is already pushed to the limits.

Sincerely,  C.M. BUXTON

there with your cooler and boom box at 10:30 at night, making all the noise in the world, and I don't have much to stand on. I know we have a noise ordinance, but when you are twenty-five feet away, it doesn't take much of a noise to penetrate my house and the neighbors around us. You have a copy of this neighborhood map on which you will notice the people surrounding the park who oppose it. These people are the people who are the closest to the park. Many of the people who spoke here tonight live at some distance from the park. I don't think they have a sense or a feel of what type of impact this could have on our neighborhood. I think these people who live this close by and who are willing to sign this piece of paper have that kind of insight. Before Jim January died, he and Bobbie January had talked about fencing the park because of some of the problems there. It was a concern to them even at that time. Those who are concerned about four houses or more being built there, Bobbie January has told me that she has talked with her lawyer and if this property sells for private home usage that the stipulation would be that only one house could be built there. Her lawyer has assured her that that could be done. It's easy to see that those who bear the brunt of this project are those who are opposed to it. Others who live at a distance will not be affected by the park. People like myself and others indicated on the map will be the ones who bear the impact and the noise, the vandalism, and the lowered property values that this park will produce. I think I speak for all of my neighbors who signed this petition when I ask that this board reject this proposal.

Chris Krueger: My name is Chris Krueger, and I live at 317 Sutton Street at the bottom of the hill. I wanted to bring up a few other concerns we have living in the proximity of the property. People in our neighborhood do not want to absorb any more traffic and congestion. St. Joseph's Catholic Church and school are our neighbors, they are part of our neighborhood, and since the church's on-site parking is not sufficient then parking can be bumper to bumper on Lafayette, Walnut, Sutton, and Willow. The school also brings more traffic into the neighborhood, and there are safety issues here. Within the last year a child was hit by a car at the corner of Lafayette and Walnut while walking home from school. From what I've seen

many of Fayetteville's smaller parks are located at the ends of streets where they are out of the way of traffic. Sutton Street, however, is part of a gridded street plan and it already gets its share of traffic from outside of the area. That includes people driving through the historic district, parents, church members, and people cutting through from the top of the mountain. Whoever sees this property would want to use it because it is so beautiful. Many have already seen it and asked about it. The people here tonight want to make this lot a walk-by area with the city providing no parking. I can tell you that the lot already draws its share of drive-by lookers, and I feel it would certainly draw people if it were to become a public park. While many would walk, many would also drive. That means that they will look for parking on the nearest available streets, and that's down the hill on Sutton, Walnut, and Willow. I understand that the rules governing neighborhood parks are no different than those governing the large community parks?

Dugwyler: It depends on what rules.

Krueger: The hours that they are open.

Dugwyler: They are the same.

Krueger: That means you can't legislate who can use the neighborhood park, the size of groups, nor how it could be used. We couldn't implement more strict rules on park hours?

Judy: You can have stricter hours.

Dugwyler: We have three parks which are closed at dark and opened at daylight. I think this is determined on a park by park basis. It depends on the needs of the park.

Krueger: I understand that lighting is also an issue that is negotiable. We could also not require people to walk in. They could drive in if they wanted to, correct?

Ackerman: Whatever curb side parking that is there now would be all that there would be unless we took an entirely different view of it. I don't anticipate that being the case. Certainly I do not think that geographically there would be any place to add additional parking.

Krueger: There are no definitions of a historic park in city ordinances?

Ackerman: Not currently, no.

Krueger: Let's not lose sight of the fact that to our knowledge the Sutton Street property has always been privately owned. You have been told that this property has essentially

been used as a park by neighbors for years, and if that is indeed true, it has been subject to the restrictions of the private property owners. That would not be the case if it were to become a public facility. There are already three parks within a short distance of our neighborhood. Those include Wilson Park, Washington School Park, and the Square Gardens. You are also exploring the old water treatment plant as a possible park site. Could you please comment on the status of that project?

Dugwyler: I don't think at this time the city has made a final decision on what to do with that piece of property.

Krueger: But it is still under consideration?

Dugwyler: Yes.

Krueger: My neighbors are concerned about traffic, about safety, and they are concerned about lighting. Some feel that lighting will draw people to the park at night. Some do not want lighting. Our area is not free of crime. Just because it is the historic district doesn't mean that it doesn't have its share of problems. Thank you for this opportunity to share my thoughts, and please consider our concerns as you decide whether a city park is truly a good fit for this piece of property.

Dick Keating: My name is Dick Keating, and I live directly across from the proposed park in question. I'd like to say a few words in opposition of the city's acquisition of this piece of property. First of all I don't want to come across as being against parks in general. We were instrumental in the city obtaining the property which is now the entrance to Gulley Park. When we bought the property from the church, we had the church deed lots 4 and 5 of that subdivision directly to the city at our expense. We thought enough of the park, but then we built seven houses directly in front of it. I have an argument in general against these postage stamp-sized lots. When you speak against the parks the problem is it's like speaking against motherhood or apple pie. It seems like such a wonderful idea that people don't understand where you are coming from. A person walks down the street, and they see that beautiful piece of property with the trees and the green space and the creek, and they think of a place where children can play, mothers can bring their toddlers, I could sit under an

oak tree and soothe my withered soul. The problem is these small parks dilute the city park funds because they are very expensive to maintain. And when that happens, the reality of the picture involves trash, vandalism, criminal mischief, and the opening up of another place in the city where nothing goes on good after dark. I think the cost of the parking, or this stopping people from parking, with the lighting, such as it would be, the general maintenance, the ADA requirements, the upgrading of the facilities to meet city building codes, the guardrails over the creek, the well that is there, and most especially the security requirements are such that it becomes a very expensive proposition for the city if the park were donated to the city. It's the continual maintenance and upkeep that is the problem. I think that is just a matter of logistics. There is just too much time when city employees are running around from one little pinpoint park to another and the city doesn't get the real bang for its buck when you're doing that as a general way of operating. The other argument specifically against this park is that the street is such a narrow street, and the traffic is very heavy right now. Ironically, I think this park works right now because it is not a piece of public property. The people who misbehave are asked to leave. This doesn't happen on city property. I guess in closing I would say that the city has the responsibility to use its funds in the most effective manner possible. I think to spend tax dollars on something like this is not using them in the most effective manner, and the city should steer away from it. Fear has been the reason for a lot of the opposition to the park. I submit that the fear of change has been a lot of the reason for the support of the park. It has been inferred that all the history would be lost, disappear, if this park is not sold to the city. It has been my experience that responsible private ownership also serves history well.

Kitty Gay: My name is Kitty Gay, and I live at 324 Sutton Street which is basically across the street from Chris Krueger. I am in the middle block of Sutton Street. The traffic is the thing that really concerns me. For those of us who live on Sutton Street it is a terrible, terrible problem. I come home sometimes when there are functions at the church, and the street is so narrow that one car can barely drive

intrigued to hear of some of the other sights that are being talked about for development as parks. Some of those sites that were mentioned need to have something done because they are eyesores. It seems to me that the money of our community could be much better spent by taking some place ugly and making it beautiful so it could be useful.

Constance Clack, a resident of 228 E. Dickson, submitted the following for the record: 'I would like to register my opposition to making the Sutton Street property a city park, my objection being chiefly the traffic situation, especially parking.'

PRAB DISCUSSION:

Thiel: I would like to say that I for many years have seen the site and thought it would be great if the city owned it so that we could control that amount of green space. But then again, because our funds are not inexhaustible, I do feel like the amount of money that we would be spending on such a small area would be extreme. I think it would remain a neighborhood park; I cannot see people driving far and wide to this little park because there is not much to do there. I think once St. Joseph has moved it will eliminate a lot of the parking problems. I think our funds might be better spent if we could possibly get the site on Mt. Sequoyah. I'm very mixed about it; I want the green space, but that is a big price to pay for green space and to maintain it.

Bleidt: I too am seriously mixed on this. As I was hearing the comments from the proponents of this issue, I got really excited when I hear that 165 people are for it, and when I hear about Friends For Fayetteville and the Fayetteville Historic District Commission. You really hear, through other people, really the comments from someone as great as Ms. Fulbright and the history behind all of this. I too go by it and see one of the most beautiful places in Fayetteville, and I want to preserve that. I think that's what we've been hearing—the preservation of this site. But the issue of traffic, the issue of the expense; then again you say well we should spend that sum of money for such a great place

through because both sides are lined with cars. I have problems turning into my own driveway. I'm certain that if this becomes a park there will be more traffic problems. The fact that the city doesn't provide parking doesn't mean people will not drive from somewhere else and try to park there. They're going to park in front of my house and walk up to the park, or even along the dangerous ditch in front of the park. Trash is another concern. My house backs up to St. Joseph Church, and they have a basketball goal in the parking lot of the church that is used sort of as a public park. In the middle of the night people will come there with their music blaring loud and shoot baskets; that is annoying. They also throw their trash over my fence. It's a weekly chore at my house to go out in the back yard and pick up the candy wrappers and coke cups and things which have been pitched over the fence. If we have a public park we are going to have more of that in the neighborhood. I also would like to say that I do not like to live in fear either, but we do have crime in our neighborhood. I have been subjected to crime in my home, someone tried to break in, and at least one other house that I know personally has had the same problem. I have never been in the park, and I have lived in this house since 1985. I raised a child there and a bunch of her friends, and they were under strict instructions to not go into the park. That is private, and you do not go play in other people's yards. My daughter did tell me that she has been there. She said there is a culvert you can go under; there are a lot of dark, hidden places in the park which you cannot possibly watch and police. I feel like it will be a place where people will come and hang out and do things we do not want done in our neighborhood. As far as a concern about whether there is one or two or three houses built on that piece of property, Mr. Keating's house is a prime example of how you can build a beautiful home on those steep hillsides and not destroy the character of the property. The Woodland character, as far as the animals and birds which come there, I don't feel like a home development would change the character of that neighborhood. I wouldn't be unhappy to see several homes go on that piece of property. I would much rather see a couple of private homes with people who could maintain control of what went on in the area than to have it be a public park. Finally, I haven't done nearly as much research as most of my neighbors have done, but I was

regardless of its size. There are pros and cons on this, and I think I could fight myself until the very end on it. This is an issue I will personally have to think about very, very strongly. I would like to thank everyone on both sides; it's a blessing in my eyes to have citizens who will put so much work and effort into an issue like this. Without it, we wouldn't be Fayetteville.

Charboneau: The Fayetteville Historic District Commission: are you a dues paying group like a property association?

Maxfield: No. We actually have three districts in Fayetteville. These districts are established under federal and state guidelines. They are on the national historic register in Washington. The guidelines come under the jurisdiction of the Secretary of the Interior of the federal government.

Charboneau: My only point is, it is a beautiful piece of land, but I don't think it's practical for the city to purchase this property. If the city buys this and it becomes public property it will change. The land itself may not change, but the use of the facility will. For those of you who do not want it to, I don't think that's being practical. In my subdivision we had a property association and if we wanted to do improvements within our neighborhood we could assess our members dues and do that. Is there any kind of option for that district to try to raise the money, finance through the district and pay it out over time, using dues from the home owners? That way it will never be developed, the home owners will own it, and it will remain private. I want everyone to understand that if the city becomes involved, the property will change.

Maxfield: There is no way that a national historic district can do what you are saying. You are speaking of neighborhood associations. As far as change, it is always inevitable. Having a neighborhood park is very consistent and compatible with neighborhoods of this vintage.

Alexander: I think the change the people who proposed the park are concerned with is the loss of green space. Absent of the city owning the park, there is no guarantee to what will happen. In my opinion it will be developed, and you will lose the opportunity to preserve that green space permanently. I think the majority of the citizens in the neighborhood as well as groups like the Fayetteville Historic District Commission and Friends for Fayetteville understand that it will change with city ownership, but I think they are comfortable that it would change for the better in the fact that the city would guarantee that the green

space would remain a green space. I think people are asking the city to make that change. I think there are more proponents than opponents by any calculation.

Dugwyler: We know what the asking price is; we have not negotiated with the owners, so we do not yet know the selling price. It's very distressing to me to hear what terrible reputations our Fayetteville city parks have and that they are such terrible places. I just didn't realize that.

Ackerman: With the Board's indulgence, I think we should take the information we have received tonight and digest the facts and do a little more research on our behalf. Certainly we need to talk to the property owner to see if we should agree with some of the public to attempt to acquire this property. That will still have to be negotiated at a level that we feel would be reasonable if it were to come to fruition. We need some time now to digest the information presented, and we certainly appreciate all of the hard work and interest which has gone into this presentation. We will take all of this into consideration as we move forward and evaluate the comments that were made. I think the Parks & Recreation Advisory Board were impressed with the property when they toured it, and we are all attuned to the quality of green space and what it lends to our individual communities. These are all factors that will be part of the equation. Certainly we understand and give strong consideration to those who live immediately in the proximity of the park and the concerns that you have. I know first hand, having lived near parks with small children, some of the problems you face. All of these things are important to us. Your show of support for your position tonight will give us strong input and help us make the decision that would be appropriate for our community. This is a complex issue, and it will take a little time to resolve it. We would like the opportunity to take a little time to evaluate it properly and make our recommendations.

Judy: I've always felt like it was very important to protect our heritage, and that is just a part of our heritage. It's what Fayetteville is all about. I feel very strong about it. I live near Wilson Park and the direct traffic, but it has never really been that much of a problem. I do feel like initially there might be more traffic, but after a few months things would settle down.

Bleidt: I think it is very important for us all to remember that this is not any neighborhood park, in my opinion, she said a very, very important word: heritage. This is our historic district, one of the three, so this is very important. The last thing I want to

Bleidt: I think it is very important for us all to remember that this is not any neighborhood park, in my opinion, she said a very, very important word: heritage. This is our historic district, one of the three, so this is very important. The last thing I want to see us do is lose this. I don't think we can just go down some check list of things to look at and things to not look at because this is different. This is our historic district.

VI. Annual Report - Rogers

Ms. Rogers commented on the distribution of the 1997 Parks & Recreation Annual Report completed by staff. An agenda request has been submitted to present the report to City Council at its' March 17 meeting. Mr. Ackerman asked that the request be resubmitted for a later date, and he would make the presentation.

VII. OTHER BUSINESS

A report from the Nominating Committee, comprised of Bleidt, Judy, and Thiel, was presented nominating Mr. Ackerman for Chairman and Mr. Bleidt for Vice Chairman of the Parks & Recreation Advisory Board.

MOTION: LUTTRELL/JUDY

Mr. Luttrell moved the nomination cease and the slate of officers be elected by acclamation.

The motion was approved unanimously 7-0-0.

Meeting adjourned at 7:20 p.m.

MINUTES APPROVED: APR 6 1998

MINUTES TAKEN BY: John Nelson
John Nelson

acre was adequate. Mr. Luttrell said the concern was to get as much space as possible but because the expansion plans were unknown, it was difficult to say exactly how much space that would be. The concern was to have a buffer zone; more space would provide greater distance from the proposed development. He said although he had reserves about the space, he found it difficult to vote against this proposal when Parks was willing to give up green space.

MOTION: CHARBONEAU/BLEIDT

Mr. Charboneau moved to recommend the acceptance of 1.28 acres of land for the Children's House usage. The Parks Division will not be responsible for maintaining this property. Also, accepting money in lieu formula of \$34,800 to complete the green space requirement. The PRAB does not have the authority on determining when the Public Works facilities will be moved which is outlined as Item #3 in the proposal from Mr. Heady. Mr. Heady must refer back to City Administration on Item #3. [See attached letter from Director of Public Works, Kevin Crosson, dated 3/12/98 to the attention of the Parks & Recreation Advisory Board].

The motion carried 5-0-0.

Mr. Ackerman also requested a letter be drafted to Mr. Heady in response to this submitted proposal with copies sent to the Public Works Director and Children's House.

SUTTON STREET PROPERTY

PRAB members addressed the responses received regarding the proposed purchase of this property. Additional letters were distributed which were submitted by citizens regarding the Sutton Street property. Mr. Luttrell said it makes it very difficult to vote in favor when there is so much opposition by people nearest to the property. He said he felt the concept was good, but it was difficult to use public funds toward something that was not completely settled. He also agreed with Mr. Charboneau that the idea of the neighborhood forming a property association could be explored. Ms. Judy said the property was part of the city's heritage, and she did not want to see it turned into a development. Mr. Ackerman said the first issue to determine was whether the PRAB had an interest in the park. He said the price, at this time, was academic and if it were determined to move forward the price would be negotiated. The immediate issue is to determine whether it is realistically and justifiably appropriate to move forward with the pursuit of this property. Mr. Bleidt said this was not just an ordinary neighborhood park because of its historical value. He said he had received numerous calls and letters in support of the

acquisition of this property. Mr. Bleidt said the interests of the property owners immediately adjacent to the tract must be taken into consideration as well as the interests of the entire neighborhood; since this is located in the historic district of the city, then the interest of the entire city comes into effect as well. Mr. Bleidt said he felt that the public support justified moving forward. Mr. Charboneau stated that he did not think it was fair to use tax dollars from the entire city to purchase a small lot for a relatively small number of people. He said he did not see the entire city receiving a benefit from the purchase of the property. Mr. Charboneau said he felt the city already had enough small properties to maintain. Mr. Ackerman said a number of the small properties were obtained under the existing green space ordinance, some of which were presently not maintainable due to the fact that some are undeveloped, and currently there is not sufficient maintenance staff and funds. Ms. Judy said the park in question was already existing, already developed, and in her opinion would require minimal maintenance. She also suggested the possibility of the neighborhood assisting in the upkeep of the park through the Adopt-A-Park program. Mr. Bleidt said because this lot was already developed, it would be unlike those parcels accepted through green space because the additional expense to develop would not be needed.

PRAB members also addressed the issues of parking and security. Ms. Judy said that she thought the parking problems would lighten once St. Joseph's moved; however, Mr. Charboneau commented that grades K-5 would be remaining. Mr. Ackerman said he would like to see this property become part of the parks system subject to being purchased at a reasonable cost. This would be worthwhile to pursue on behalf of the city of Fayetteville in general because of the historic beauty of the community. Mr. Ackerman said he has given a great deal of thought to the people who live next to the property. "My experience has been, growing up in various cities of various sizes, neighborhood parks have traditionally not been a problem," said Ackerman. "Parking is not a problem. If someone wants to drive three blocks down and park the neighbors will have to endure it. It is a city park and just part of the deal. It's a community park, it's a city park, it's a tax payer's park, so they will have to endure whatever transpires." Ms. Judy said this was a one-shot opportunity and presented a scenario: if the city was unable to reach a reasonable price, could the citizens contribute to the purchase? Ms. Thompson said Mrs. January was very willing to negotiate, and it is her [January] desire to keep the lot a park. Ms. Thompson asked that the neighborhood be notified if the city was unable to negotiate what it deemed a reasonable price, so the neighborhood could be given the opportunity to try to raise the extra money needed. She also said that some neighborhood residents

felt the high-maintenance of upkeep on the historic houses was their contribution to the city. Mr. Ackerman said that if the group wanted to contribute to the purchase of the property there would be no objections; however, when the city purchases a piece of property it takes full title to it.

MOTION: BLEIDT/JUDY

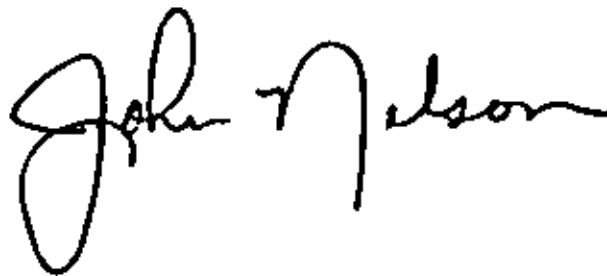
Mr. Bleidt moved to move forward in an attempt to purchase the Sutton Street property, subject to a negotiated price being agreed upon between Mrs. January, the Parks & Recreation Advisory Board, and staff, where at a final decision would be made whether or not to actually purchase the property.

The motion carried 3-1-1 with Mr. Charboneau voting against and Mr. Luttrell abstaining from the motion.

Mr. Luttrell informed the PRAB of a meeting he attended March 11. The issues were the two new middle schools, should they come to fruition, and a pending proposal from the schools. A gym would be included in each middle school, but they are requesting \$100,000 each for auxiliary gyms. They are also looking at the existing seven elementary school gyms, and request \$189,000 for renovations. The school system is asking for consideration in a timely manner because they hope to begin these projects in summer.

Meeting adjourned at 6:43 p.m.

Minutes taken by John Nelson



First run 3.14.98 11:05 a.m.

Second run 3.16.98 9:15 a.m.

VII. School/Park Lease Agreements - Dugwyler

Ms. Dugwyler presented PRAB members with copies of the existing lease agreements and copies of the proposed new agreements. This proposed lease agreement does not include the gymnasiums and deals strictly with the park areas. The existing lease agreements expire April 10, 1998. Mr. Bleidt was concerned with verbiage in the proposed agreement. Mr. Ackerman said the situation has changed in recent years, and he is concerned that the schools have not had any input. He said the school system needed to review this contract; he did not want to present a unilateral contract. Mr. Ackerman said the existing contract is twenty-five years old, and there has been considerable changes. He said it would be prudent to review the contract, work through the details, and develop a program that would work long-term for both parties. Ms. Dugwyler said that this has been presented to the PRAB three times since the first of the year, and a decision needed to be made. Ms. Dugwyler said she was requested to provide copies of the existing and proposed lease agreements to PRAB members, so they could be reviewed and discussed at tonight's meeting. "This is basically the same agreement which has worked very well for the past twenty-five years," Dugwyler said. The PRAB decided to review this at Thursday's special meeting if time permitted or to call a Facilities Committee meeting at a later date.

VIII. Sutton Street property update - Dugwyler

Ms. Dugwyler said that following the PRAB's decision to negotiate a price on the Sutton Street property, the city has hired an appraiser to determine the value of the land. The appraisal should begin tomorrow and will take approximately ten days to two weeks to complete. Mr. Ackerman said all that was being done currently is determining a buying price; the PRAB would decide if it was reasonable and justifiable. Mr. Wyit Wright asked if public comment would be accepted. Mr. Ackerman said once a price was obtained that discussion would be opened and public input would be received. He did not see any reason why this issue would require any special meetings. "I think the next time we would probably bring up this issue would be at our next regular board meeting," Ackerman said. Mr. Bleidt said he was concerned with public notice regarding special meetings and recommended when possible giving one week notice and utilize City Hall rooms for working meetings.

PRAB
SPECIAL MEETING
MAY 20, 1998

The meeting was called to order by Chairman Ackerman at 5:38 p.m. in Room 219 of the City Administration Building.

Members Present: Ackerman, Bleidt, Charboneau, Judy, Luttrell, Staggs

Members Absent: Eads, Thiel

Staff Present: Edmonston, Dugwyler, Nelson, Rogers

Guests Present: Bill Moeller, Charles Richardson, Constance Clack, Cindy Long, Nancy Burris, Chris Krueger, Patricia Hays, Wyit Wright, Becky Petty, Rick McKinney, Kathy Thompson, Dan Puckett, Paula Marinoni, Woody Charlton, Angela Stevens, Richard Alexander, Fran Alexander, Cyrus Young, Orland Maxfield, Samuel Hucke, Ann Thomas, Cynthia Peven, Katie Runnels, Nancy Seward, Jennifer Alexander, Susan Porter, Karl Friar

Media Present: Rusty Garrett, *NWA Times*
Jill Rohrback, *Morning News*
Julie Tribble, *KIX 104*

The Parks and Recreation Advisory Board regular June meeting date was changed from Monday, June 1, 1998 to Wednesday, June 10, 1998, at 5:30 p.m.

Mr. Ackerman summarized a May 11 meeting with Coldwell Bankers realtors Mike Henry and Karl Friar. Appraiser Mark Risk calculated the appraised value of the .6 acre lot at \$50,000. The original asking price of \$79,900 has been lowered to \$64,900. Mr. Friar said the current listing price has been adjusted to appraised value of \$50,000. There has been discussion of possibly contributing toward the purchase price with the remainder of the asking price funded by the citizens interested in raising funds for the park. A contract of intent with the realtors could be drafted subject to the amount agreed upon by the Parks and Recreation Advisory Board and the ability of the private sector to raise funds to match in order to acquire the property. This would be subject to approval by the City

Council. This would also not restrict Mrs. January from selling the property to another entity if she so chose.

Mr. Ackerman said the PRAB had the same empathy for the park in the historic district as everyone else, but the PRAB had to take budget restraints and the number of people who would benefit from an acquisition of this nature into consideration.

Ms. Judy said the park was part of the city's heritage and needed to be preserved; efforts should be made to make this acquisition possible.

MOTION: JUDY/BLEIDT

Ms. Judy moved to move forward with the discussion and potential acquisition of the Sutton Street property.

PUBLIC DISCUSSION:

Mr. Bill Moeller, a University Heights district resident, compared the Sutton Street property to Hotz Park which is located in his neighborhood. He said Hotz Park does not provide parking and is a "walk-to" park. Although people from outside the neighborhood use the park, there have been no problems experienced. Mr. Moeller also commented that University Heights would be willing to make a contribution toward the acquisition of the Sutton Street property.

Mr. Charles Richardson, a resident near Gregory Park, said there had been no problems with the neighborhood park. He said occasionally he rode his bicycle through Wilson Park, through the historic district, and to the top of Mt. Sequoyah. His favorite route was Sutton Street and by the park located there. He commented he would also be willing to make a contribution toward the purchase.

Ms. Constance Clack felt the money could be better spent to develop the Mt. Sequoyah water facility.

Ms. Cindy Long expressed the historic district residents' contribution to the city; the citizens of Fayetteville feel these residents have an obligation. Residents are often asked to offer their homes for fund raisers, historic walking tours are conducted, and promotional materials are made. Ms. Long did not favor the idea of the neighbors contributing to the purchase of the Sutton Street property; they feel as if they have already contributed.

Ms. Nancy Burris was against the acquisition.

Ms. Chris Krueger pointed out that a joint venture between the city and the private sector would still result in the city retaining title to the property. Changes were inevitable despite ownership of the property; there are no definitions of a neighborhood park or a historic park and there is no guarantee that it will not change if it is owned by the city. Ms. Krueger requested that if this became a city park she would like to see the following restrictions imposed: hours of operation, who uses the park, the sizes of groups, noise, and lighting. Parking, safety, maintenance, and future improvements were issues raised. Ms. Krueger stated that private ownership had served the land well.

Ms. Patricia Hays lives directly across from the site in question. She said she loved the park and would like for it to remain one. As a resident for sixteen years, Ms. Hays said her child played in the park during his youth.

Mr. Wyit Wright expressed numerous concerns. A petition opposing the acquisition had garnered forty signatures. He questioned the need for the park and felt the neighborhood was already being well served by Wilson Park. Mr. Wright stated that developing an additional park instead of concentrating efforts on existing parks appeared to be preferential treatment to a small percentage of citizens of the city. The historical significance and suitability of the Sutton Street property was questioned.

Ms. Becky Petty, a twenty-year resident of the neighborhood, spoke in favor the acquisition.

Mr. Rick McKinney pointed out the aesthetic and historical value of the existing park. He felt it would be hypocritical of the city to force new developers to provide green space and the city not consider purchasing this green space in the historical district.

Ms. Kathy Thompson submitted another letter from residents and questioned the validity of the petition against the park. She strongly favored the acquisition and said it would be a once in a lifetime opportunity.

Mr. Dan Puckett stated for the record that he encouraged the acquisition of the property and would be willing to make a contribution. He read a letter submitted by neighbors Bettye and Herb Lewis.

Ms. Paula Marinoni spoke as a representative of the Friends for Fayetteville and the Historic Preservation and Restoration Focus Group. Ms. Marinoni is also the founder of the Flower Garden and Nature Society of NW Arkansas which promotes education, beautification, and preservation of natural resources. She commented on the HMR tax and its usage in regards to green space and stated she did not think the citizens should have to pay. Mr. Ackerman stated that it was highly unusual for the city to purchase land other than in exceptional situations. The majority of park land has been given to us over a period of time. The PRAB must make the best use of budgeted money. The green space needs of the community are vast; however, improvements on green space we currently have are in vast need as well.

Ms. Rogers stated for the record that both Mr. Wright and Ms. Marinoni spoke for 4 ½ minutes against and in favor of the acquisition.

Mr. Woody Charlton, a resident of Willow, spoke in favor of the acquisition and neighborhood parks in general.

Ms. Angela Stevens, a resident of 429 Sutton Street, read a letter she submitted in favor of the park.

Mr. Richard Alexander offered a rhetorical question: what should be the criteria to determine whether the city should purchase this park? Historical significance, attributes, beauty, infrastructure, cost, and majority opinion were criteria cited in favor of the acquisition of this property.

Ms. Fran Alexander said northwest Arkansas was the fastest growing region of the state, tourism is the third largest industry of the state, and Fayetteville needs tourist attractions. How a community looks and feels is it's economic base. Ms. Alexander stated there was a need for more green space, and she favored the acquisition of the park and would be willing to contribute.

Mr. Orland Maxfield spoke as a representative of the Historic District Commission. The Commission previously submitted a resolution unanimously favoring the acquisition of the Sutton Street property as a park. Conditional uses for a R-1 zone were pointed out as well as the enormous potential for degradation.

Mr. Samuel Hucke spoke in favor of conserving the site in question and commented he would be willing to make a contribution toward its acquisition.

Ms. Ann Thomas expressed that the purchase of this property would serve all citizens of the city, and she would like to see the land remain in its natural state.

Ms. Cynthia Peven, a resident of Mission Blvd., expressed a need for a park in the neighborhood and submitted a letter. Issues regarding money, diversity, lack of control over park space, and traffic were discussed. She urged negotiations continue toward the acquisition of this property and the appropriation of green space funds. Ms. Peven also favored more small parks near neighborhoods accessible by walking.

Ms. Katie Runnels, a resident of Olive Street and University of Arkansas student, stated that she has been a lifelong resident. She favored the conservation and acquisition of the property.

Ms. Nancy Seward, a resident of Willow, said the community needed more green space and less concrete. Questioning this need, according to Ms. Seward, was ridiculous.

Ms. Jennifer Alexander commented on the natural attributes and plants of the park, and she urged the PRAB to consider the purchase of this property.

Ms. Susan Porter did not favor a cost share with the community, and urged board members to examine the budget and past expenses. She favored the purchase of the Sutton Street property as a park.¹

Parks and Recreation Advisory Board members discussed the issue. Mr. Bleidt expressed the importance of the public's voice. He stated that if a cost share was not possible he would support purchasing the property in full. Ms. Judy stated that she felt there were citizens who would be willing to become a part of the purchase, and it would be good community involvement.

Mr. Bleidt inquired as to the last time land was purchased; Ms. Dugwyler reported that HMR funds were appropriated toward the purchase of 2.5 acres at Gulley Park. Mr. Luttrell inquired as to what plans would be endangered if the budgeted \$50,000 was spent. Staff was not aware of any immediate plans.

¹Audio and video of the May 20, 1998 Special Meeting is on file in the Parks Office

Mr. Charboneau inquired as to whether sidewalks and an entrance would have to be put in and whether ADA standards would have to be addressed. Ms. Edmonston stated she did not know if this area was included in the city master sidewalk plan. Ms. Dugwyler said not everything had to be accessible; a representative sample of facilities and programs must be accessible. Any newly constructed or renovated facilities must be accessible.

Mr. Charboneau stated that he felt the city's money could be better spent elsewhere. A lot of the city parks are currently undeveloped because there is not enough funds. He also commented that the HMR tax was also for maintenance and development of facilities, and a number of existing facilities were in need of repair.

Mr. Staggs favored restricting parking if the property was purchased and suggested perhaps sharing parking with the courthouse or the library.

Mr. Ackerman said if the property was purchased, there were no immediate plans to spend additional money to provide parking or lighting. There would only be routine general maintenance provided. Mr. Ackerman also stated that the HMR tax designated for parks is not a part of the HMR tax associated with the Town Center or the Advertising and Promotion Commission.

MOTION: LUTTRELL/STAGGS

Mr. Luttrell moved to amend the motion to move forward with the discussion and potential acquisition of the Sutton Street property to read as follows: PRAB recommends to enter into a contract for purchase of the Sutton Street .6 acre lot as a park with \$25,000 plus closing costs funded from the Park's budget and the remainder of the purchase price be from public donations. This contract is subject to the public donating funds for the remainder of the asking price within 90 days and subject to approval by the City Council.

The motion carried 5-1-0 with Ackerman, Bleidt, Judy, Luttrell, and Staggs voting "yes" and Charboneau voting "no".

Chairman Ackerman requested the private sector form a committee and escrow the funds raised; a representative should be appointed to communicate with staff. Mr. Bleidt and Mr. Ackerman suggested staff explore the possibility of the Accounting Department aiding in the escrow account. Mr. Friar said that items between both parties and the amount of time were negotiable. A price could be agreed upon

and a long period of time could be given during which period Mrs. January could enter into another contract with another party. It is also possible that she could not enter into another contract with another party, or she could enter into another contract with another party providing the city and the private sector were given a period of time to act. These items are all negotiable. Mr. Friar said the property was now available on the open market for \$50,000.

Mr. Ackerman recommended staff visit with realtor and a committee from the private sector and structure a contract to be presented to Mrs. January. Ms. Edmonston requested a representative of the private sector committee contact the Parks Office.

Meeting adjourned at 7:54 p.m.

Minutes taken by John Nelson

111 G 6.
AS

ORDINANCE NO. _____

AN ORDINANCE DELETING TITLE 15; LAND USAGE; AND SECTIONS 98.01, 98.02, 98.06, 98.07 AND 98.12 THROUGH 98.99, STREETS AND SIDEWALKS; OF THE CODE OF FAYETTEVILLE; AND ADOPTING THE UNIFIED DEVELOPMENT ORDINANCE.

WHEREAS, A.C.A. §14-55-207 authorizes a municipality to adopt by reference technical codes and regulations without setting forth the provisions of the code; and,

WHEREAS, three copies thereof are filed in the office of the City Clerk for inspection and view by the public prior to the passage of said ordinance; and,

WHEREAS, notice to the public by publication in a paper of general circulation within Fayetteville has been given stating that the copies of the Unified Development Ordinance are open to public inspection prior to the passage of this ordinance adopting said code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Title 15, Land Usage, and Sections 98.01, 98.02, 98.06, 98.07 and 98.12 through 98.99; Streets and Sidewalks, of the Code of Fayetteville is hereby deleted.

Section 2. That the Unified Development Ordinance attached hereto as Exhibit "A" and made a part hereof is hereby adopted by reference.

Section 3. Said Unified Development Ordinance shall be codified in substantially the same form as show in the attached Exhibit "A".

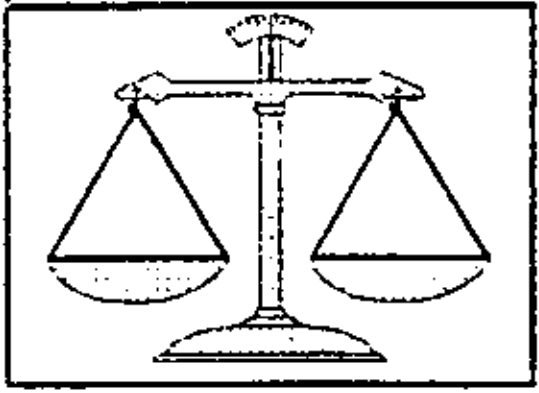
PASSED AND APPROVED this ____ day of _____, 1998.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____



F A Y E T T E V I L L E
CITY ATTORNEY DEPARTMENT

Jerry E. Rose
LaGayle D. McCarty
Clarice Buffalohead-Pearman
575-8313

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

FROM: LaGayle D. McCarty, Asst. City Attorney

DATE: March 26, 1998

RE: Unified Development Ordinance (UDO)

The UDO Committee determined that the best course of action to accomplish the task of development of the UDO was to start with a reformat of the existing ordinances. This will make it easier to see changes that need to be made and will establish the format so that amendments can be made consistent with the UDO format. After consideration and passage of the UDO, the Committee will prioritize needed amendments and continue with the process.

While the majority of the UDO document submitted for your consideration contains the existing ordinances, it also reflects some of the work previously done by the Committee. You will find their work in Chapters 150, 152, 153, 155, 156, 157. Some of the changes include standardization of the appeals, variances, and notification and public hearing procedures, and uniformity in terminology.

You will also find that the boards and committees established in the zoning and subdivision regulations have been moved to Chapter 33., Departments, Boards, Commissions, and Authorities, of the Code of Fayetteville.

I think you will find the UDO to be in a user friendly format. To use the UDO, there are three main sections to be aware of:

1. Administrative Regulations
 - Who do I go to for help?
 - What can I do if I'm not happy with a decision?
 - Can I vary requirements?
 - How is a regulation enforced?
 - What will a permit cost?

2. Zoning
 - How may I use my land?
3. Development.
 - How can I implement an approved use?
 - What rules do I follow to develop my land?

If you keep these three topics in mind, you will be able to find answers to your questions. The remaining chapters are specific areas of development. Additionally, to help find information, a detailed list of the chapters and sections is found behind each divider.

111F
AS

DRAFT
J. 11-15-98
Jm

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 33:
DEPARTMENTS, BOARDS, COMMISSIONS, AND
AUTHORITIES, OF THE CODE OF FAYETTEVILLE TO
ALLOW PROVIDE FOR THE BOARD OF ADJUSTMENT,
THE PLAT REVIEW COMMITTEE, THE SUBDIVISION
COMMITTEE, THE TREE AND LANDSCAPE ADJUSTMENT
COMMITTEE AND THE BOARD OF SIGNAGE

111F
A.S.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
FAYETTEVILLE, ARKANSAS:**

Section 1. That Chapter 33: Departments, Boards, Commissions, and Authorities, of the Code of Fayetteville, is hereby amended to read as follows:

BOARD OF ADJUSTMENT

§33.250 Composition; Membership

The Board of Adjustment shall consist of seven members with its members to be appointed by the City Council, each for a term of five years. Appointments shall be staggered. A majority of the membership of the Board of Adjustment shall constitute a quorum. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.

§33.251 Proceedings of Board of Adjustment

A. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of the Unified Development Ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The chairperson, or in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

B. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Planner.

§33.252 Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error or ambiguity in any order, requirement, decision, interpretation, or determination made by the City Planner in the enforcement of Zoning, Chapters 160-164.

Cross Reference: Variances, Chapter 156: Appeals, Chapter 155..

PLAT REVIEW COMMITTEE

§33.260. Composition; Membership The Plat Review Committee shall consist of the following: Inspection Superintendent; Street Superintendent; City Engineer; Sanitation Superintendent; Fire Chief; Administrative Assistant to the Mayor; Traffic Superintendent; City Planner; City Planning Consultant; electric company representative; gas company representative; telephone company representative, and cable television company representative. The Plat Review Committee shall have advisory capacity only. Its duty shall be to advise the developer of technical problems, to recommend solutions of such problems, and to advise the developer of mandatory requirements.

SUBDIVISION COMMITTEE

§33.270 Composition; Membership. The Subdivision Committee shall consist of three or more members of the Planning Commission appointed by the chairman of said commission.

TREE AND LANDSCAPE ADVISORY COMMITTEE

§33.280 Composition; Membership. There is hereby created a committee to be known as the "Tree and Landscape Advisory Committee", composed of citizens of Fayetteville.

A. The committee shall consist of at least nine members who shall be appointed through the regular boards and committees appointment procedure. Appointees shall include: one representative of the business community; one representative of a service organization; one representative from the land development community; one person trained in the field of forestry, landscaping or horticulture; one representative of an environmental group focused on tree protection; one representative of the utility industry; one representative from the University of Arkansas; two persons at large who are residents of the City of Fayetteville or the best available applicant. The Landscape Administrator shall be a nonvoting ex officio member.

B. All appointed members shall serve without pay.

C. The committee shall elect from its members a chairperson, who shall serve a one-year

term and shall be eligible for re-election to a subsequent term or terms. The committee may elect such additional officers and establish any subcommittees it deems necessary for the proper performance of its duties.

D. Terms of membership on the Tree and Landscape Advisory Committee shall be for a period of two (2) years. However, three of the initial membership terms shall be for a period of one year so as to provide for staggered membership terms. Should a member be unwilling or unable to serve the full membership term, the vacancy shall be filled, for the unexpired term, by standard appointment procedure.

§33.281 Powers and Duties.

A. The committee shall adopt and amend rules and govern the conduct of its business. Such shall be consistent with the provisions of the Arkansas Freedom of Information Act, A.C.A. §25-19-101 et seq.

B. The Committee shall hold regular meetings and may call special meetings if necessary to carry out its duties.

C. The Tree and Landscape Advisory Committee, in coordination with the Landscape Administrator, shall:

1. Assist in the dissemination of news and information regarding the protection, maintenance, removal, and planting of trees in the City.

2. Organize and administer an ongoing program of public education designed to increase public awareness of trees, their needs and proper care.

3. Advise and consult on issues pertaining to the tree protection ordinance, its administration and enforcement.

4. Study the benefits and problems to determine the needs of the City in connection with its tree.

5. Pursue the establishment of a comprehensive Fayetteville Street Tree Plan.

BOARD OF SIGN APPEALS

§33.290 Composition; Membership The Board of Sign Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or interpretation made in the enforcement of Signs, Chapter 174.

§33.291 Powers and Duties.

Cross reference: Appeals, Chapter 155; Variances, Chapter 156.

§33.292 Conflict of Interest. Any member of the Board of Sign appeals who shall have direct or indirect interest in any sign or in any decision relating to such sign, which shall be the subject matter of, or affected by, a decision of the Board of Sign Appeals, shall be disqualified from participating in the discussion, decision or proceeding of the Board of Sign Appeals in connection therewith.

PASSED AND APPROVED this ____ day of _____, 1998.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

May 26, 1998
514 N. Mission Blvd.
Fayetteville, AR 72701

Dear Councilman Young,

Following the Parks Board Special Meeting about the Sutton Street Park on May 20, our group of park supporters met and formed a community action group for this issue. The Citizens for the Sutton Street Park is chaired by Kathy Thompson, 521-0139, and co-chaired by Cindy Long, 575-0099.

We wish to thank you for your interest in appearing at that meeting. We appreciate that your presence indicates a willingness to learn about the issues involved in this purchase. We further feel that, having heard the public discussion presented that night, you have an understanding of the breadth of the public support for the park.

Therefore, we are asking you to place this item on the City Council Agenda, so that we may appeal the terms of the PRAB motion, and request the Council to approve this purchase.

Thank you for your interest,



Cynthia Peven, secretary
Citizens for the Sutton Street Park

May 26, 1998

To: Cyrus Young, Fayetteville City Council
From: Citizens for the Sutton Street Park
Subject: Council Agenda

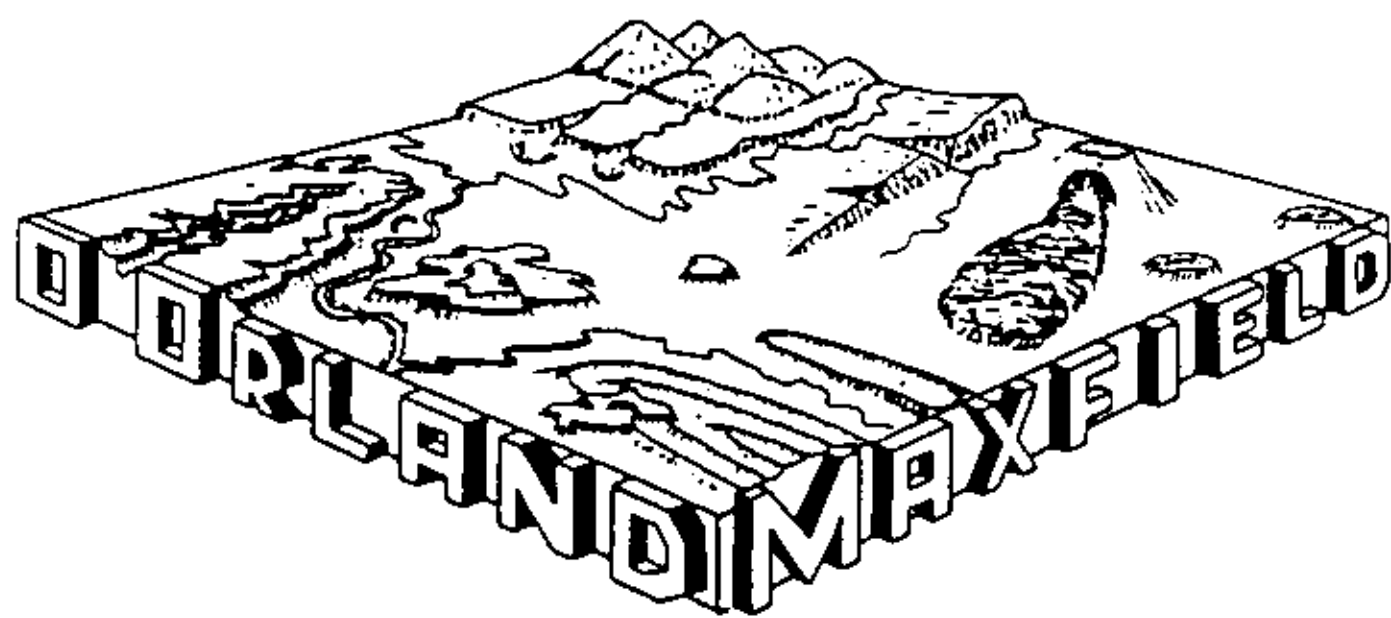
We, the membership of the Citizens for the Sutton Street Park, hereby request an appeal to the Fayetteville City Council of the amendment to the motion passed by the Parks and Recreation Advisory Board on May 20, which is as follows, as stated in the minutes of the Special Meeting.

The Parks Board moved to discuss the potential purchase by the City of Fayetteville of the Sutton Street property owned by Bobby January at the appraised price of \$50,000. The motion was amended to read as follows:

"PRAB recommends to enter into a contract for purchase of the Sutton Street .6 acre lot as a park with \$25,000 plus closing costs funded from the Parks budget and the remainder of the purchase price be from public donations. This contract is subject to the public donating funds for the remainder of the asking price within 90 days and subject to approval by the City Council."

We request that the City of Fayetteville act alone to purchase the land for this park from the owner, at fair market value for the property.

Katny Thompson, chairman
Cindy Long, co-chairman



533 NORTH WILLOW
FAYETTEVILLE, AR 72701

March 2, 1998

To: The Fayetteville Parks and Recreation
Advisory Board

Re: Acquisition of the January property

The Fayetteville Historic District Commission passed the following resolution relative to the property in question at its regular meeting on February 18, 1998.

"Be it resolved, that the Fayetteville Historic District Commission supports the purchase of The Woodland, the January property located east of Walnut Avenue and north of Sutton Street, by the City of Fayetteville for use as a neighborhood park."

Orland Maxfield, Chair
Historic District Commission



GREETINGS FROM FRIENDS FOR FAYETTEVILLE

To the City of Fayetteville:

We would like the Parks and Recreation Board and the City of Fayetteville Council to know that our organization supports the proposed city purchase and preservation of the Sutton Street Historic Park. We think that the preservation of this neighborhood/city space would promote the values that the Friends For Fayetteville represent, in particular the enhancement of civic beauty, environmental quality, sense of community, and the preservation of our unique heritage.

The Sutton Street park is a lovely and serviceable green space, and we hope and strongly urge the city to take this opportunity to purchase, maintain, and preserve this park.

Respectfully,

Friends For Fayetteville
Board of Directors

**PRAB
SPECIAL MEETING
MAY 20, 1998**

The meeting was called to order by Chairman Ackerman at 5:38 p.m. in Room 219 of the City Administration Building.

Members Present: Ackerman, Bleidt, Charboneau, Judy, Luttrell, Staggs

Members Absent: Eads, Thiel

Staff Present: Edmonston, Dugwyler, Nelson, Rogers

Guests Present: Bill Moeller, Charles Richardson, Constance Clack, Cindy Long, Nancy Burris, Chris Krueger, Patricia Hays, Wylt Wright, Becky Petty, Rick McKinney, Kathy Thompson, Dan Puckett, Paula Marinoni, Woody Charlton, Angela Stevens, Richard Alexander, Fran Alexander, Cyrus Young, Orland Maxfield, Samuel Hucke, Ann Thomas, Cynthia Peven, Katie Runnels, Nancy Seward, Jennifer Alexander, Susan Porter, Karl Friar

Media Present: Rusty Garrett, NWA Times
Jill Rohrback, Morning News
Julie Tribble, KIX 104

The Parks and Recreation Advisory Board regular June meeting date was changed from Monday, June 1, 1998 to Wednesday, June 10, 1998, at 5:30 p.m.

Mr. Ackerman summarized a May 11 meeting with Coldwell Bankers realtors Mike Henry and Karl Friar. Appraiser Mark Risk calculated the appraised value of the .6 acre lot at \$50,000. The original asking price of \$79,900 has been lowered to \$64,900. Mr. Friar said the current listing price has been adjusted to appraised value of \$50,000. There has been discussion of possibly contributing toward the purchase price with the remainder of the asking price funded by the citizens interested in raising funds for the park. A contract of intent with the realtors could be drafted subject to the amount agreed upon by the Parks and Recreation Advisory Board and the ability of the private sector to raise funds to match in order to acquire the property. This would be subject to approval by the City

PRAB Special Meeting

Council. This would also not restrict Mrs. January from selling the property to another entity if she so chose.

Mr. Ackerman said the PRAB had the same empathy for the park in the historic district as everyone else, but the PRAB had to take budget restraints and the number of people who would benefit from an acquisition of this nature into consideration.

Ms. Judy said the park was part of the city's heritage and needed to be preserved; efforts should be made to make this acquisition possible.

MOTION: JUDY/BLEIDT

Ms. Judy moved to move forward with the discussion and potential acquisition of the Sutton Street property.

PUBLIC DISCUSSION:

Mr. Bill Moeller, a University Heights district resident, compared the Sutton Street property to Hotz Park which is located in his neighborhood. He said Hotz Park does not provide parking and is a "walk-to" park. Although people from outside the neighborhood use the park, there have been no problems experienced. Mr. Moeller also commented that University Heights would be willing to make a contribution toward the acquisition of the Sutton Street property.

Mr. Charles Richardson, a resident near Gregory Park, said there had been no problems with the neighborhood park. He said occasionally he rode his bicycle through Wilson Park, through the historic district, and to the top of Mt. Sequoyah. His favorite route was Sutton Street and by the park located there. He commented he would also be willing to make a contribution toward the purchase.

Ms. Constance Clack felt the money could be better spent to develop the Mt. Sequoyah water facility.

Ms. Cindy Long expressed the historic district residents' contribution to the city; the citizens of Fayetteville feel these residents have an obligation. Residents are often asked to offer their homes for fund raisers, historic walking tours are conducted, and promotional materials are made. Ms. Long did not favor the idea of the neighbors contributing to the purchase of the Sutton Street property; they feel as if they have already contributed.

PRAB Special Meeting

Ms. Nancy Burris was against the acquisition.

Ms. Chris Krueger pointed out that a joint venture between the city and the private sector would still result in the city retaining title to the property. Changes were inevitable despite ownership of the property; there are no definitions of a neighborhood park or a historic park and there is no guarantee that it will not change if it is owned by the city. Ms. Krueger requested that if this became a city park she would like to see the following restrictions imposed: hours of operation, who uses the park, the sizes of groups, noise, and lighting. Parking, safety, maintenance, and future improvements were issues raised. Ms. Krueger stated that private ownership had served the land well.

Ms. Patricia Hays lives directly across from the site in question. She said she loved the park and would like for it to remain one. As a resident for sixteen years, Ms. Hays said her child played in the park during his youth.

Mr. Wylt Wright expressed numerous concerns. A petition opposing the acquisition had garnered forty signatures. He questioned the need for the park and felt the neighborhood was already being well served by Wilson Park. Mr. Wright stated that developing an additional park instead of concentrating efforts on existing parks appeared to be preferential treatment to a small percentage of citizens of the city. The historical significance and suitability of the Sutton Street property was questioned.

Ms. Becky Petty, a twenty-year resident of the neighborhood, spoke in favor the acquisition.

Mr. Rick McKinney pointed out the aesthetic and historical value of the existing park. He felt it would be hypocritical of the city to force new developers to provide green space and the city not consider purchasing this green space in the historical district.

Ms. Kathy Thompson submitted another letter from residents and questioned the validity of the petition against the park. She strongly favored the acquisition and said it would be a once in a lifetime opportunity.

Mr. Dan Puckett stated for the record that he encouraged the acquisition of the property and would be willing to make a contribution. He read a letter submitted by neighbors Bettye and Herb Lewis.

PRAB Special Meeting

Ms. Paula Marinoni spoke as a representative of the Friends for Fayetteville and the Historic Preservation and Restoration Focus Group. Ms. Marinoni is also the founder of the Flower Garden and Nature Society of NW Arkansas which promotes education, beautification, and preservation of natural resources. She commented on the HMR tax and its usage in regards to green space and stated she did not think the citizens should have to pay. Mr. Ackerman stated that it was highly unusual for the city to purchase land other than in exceptional situations. The majority of park land has been given to us over a period of time. The PRAB must make the best use of budgeted money. The green space needs of the community are vast; however, improvements on green space we currently have are in vast need as well.

Ms. Rogers stated for the record that both Mr. Wright and Ms. Marinoni spoke for 4 ½ minutes against and in favor of the acquisition.

Mr. Woody Charlton, a resident of Willow, spoke in favor of the acquisition and neighborhood parks in general.

Ms. Angela Stevens, a resident of 429 Sutton Street, read a letter she submitted in favor of the park.

Mr. Richard Alexander offered a rhetorical question: what should be the criteria to determine whether the city should purchase this park? Historical significance, attributes, beauty, infrastructure, cost, and majority opinion were criteria cited in favor of the acquisition of this property.

Ms. Fran Alexander said northwest Arkansas was the fastest growing region of the state, tourism is the third largest industry of the state, and Fayetteville needs tourist attractions. How a community looks and feels is it's economic base. Ms. Alexander stated there was a need for more green space, and she favored the acquisition of the park and would be willing to contribute.

Mr. Orland Maxfield spoke as a representative of the Historic District Commission. The Commission previously submitted a resolution unanimously favoring the acquisition of the Sutton Street property as a park. Conditional uses for a R-1 zone were pointed out as well as the enormous potential for degradation.

Mr. Samuel Hucke spoke in favor of conserving the site in question and commented he would be willing to make a contribution toward its acquisition.

PRAB Special Meeting

Ms. Ann Thomas expressed that the purchase of this property would serve all citizens of the city, and she would like to see the land remain in its natural state.

Ms. Cynthia Peven, a resident of Mission Blvd., expressed a need for a park in the neighborhood and submitted a letter. Issues regarding money, diversity, lack of control over park space, and traffic were discussed. She urged negotiations continue toward the acquisition of this property and the appropriation of green space funds. Ms. Peven also favored more small parks near neighborhoods accessible by walking.

Ms. Katie Runnels, a resident of Olive Street and University of Arkansas student, stated that she has been a lifelong resident. She favored the conservation and acquisition of the property.

Ms. Nancy Seward, a resident of Willow, said the community needed more green space and less concrete. Questioning this need, according to Ms. Seward, was ridiculous.

Ms. Jennifer Alexander commented on the natural attributes and plants of the park, and she urged the PRAB to consider the purchase of this property.

Ms. Susan Porter did not favor a cost share with the community, and urged board members to examine the budget and past expenses. She favored the purchase of the Sutton Street property as a park.¹

Parks and Recreation Advisory Board members discussed the issue. Mr. Bleidt expressed the importance of the public's voice. He stated that if a cost share was not possible he would support purchasing the property in full. Ms. Judy stated that she felt there were citizens who would be willing to become a part of the purchase, and it would be good community involvement.

Mr. Bleidt inquired as to the last time land was purchased; Ms. Dugwyler reported that HMR funds were appropriated toward the purchase of 2.5 acres at Gulley Park. Mr. Luttrell inquired as to what plans would be endangered if the budgeted \$50,000 was spent. Staff was not aware of any immediate plans.

¹Audio and video of the May 20, 1998 Special Meeting is on file in the Parks Office

PRAB Special Meeting

Mr. Charboneau inquired as to whether sidewalks and an entrance would have to be put in and whether ADA standards would have to be addressed. Ms. Edmonston stated she did not know if this area was included in the city master sidewalk plan. Ms. Dugwyler said not everything had to be accessible; a representative sample of facilities and programs must be accessible. Any newly constructed or renovated facilities must be accessible.

Mr. Charboneau stated that he felt the city's money could be better spent elsewhere. A lot of the city parks are currently undeveloped because there is not enough funds. He also commented that the HMR tax was also for maintenance and development of facilities, and a number of existing facilities were in need of repair.

Mr. Staggs favored restricting parking if the property was purchased and suggested perhaps sharing parking with the courthouse or the library.

Mr. Ackerman said if the property was purchased, there were no immediate plans to spend additional money to provide parking or lighting. There would only be routine general maintenance provided. Mr. Ackerman also stated that the HMR tax designated for parks is not a part of the HMR tax associated with the Town Center or the Advertising and Promotion Commission.

MOTION: LUTTRELL/STAGGS

Mr. Luttrell moved to amend the motion to move forward with the discussion and potential acquisition of the Sutton Street property to read as follows: PRAB recommends to enter into a contract for purchase of the Sutton Street .6 acre lot as a park with \$25,000 plus closing costs funded from the Park's budget and the remainder of the purchase price be from public donations. This contract is subject to the public donating funds for the remainder of the asking price within 90 days and subject to approval by the City Council.

The motion carried 5-1-0 with Ackerman, Bleidt, Judy, Luttrell, and Staggs voting "yes" and Charboneau voting "no".

Chairman Ackerman requested the private sector form a committee and escrow the funds raised; a representative should be appointed to communicate with staff. Mr. Bleidt and Mr. Ackerman suggested staff explore the possibility of the Accounting Department aiding in the escrow account. Mr. Friar said that items between both parties and the amount of time were negotiable. A price could be agreed upon

PRAB Special Meeting

and a long period of time could be given during which period Mrs. January could enter into another contract with another party. It is also possible that she could not enter into another contract with another party, or she could enter into another contract with another party providing the city and the private sector were given a period of time to act. These items are all negotiable. Mr. Friar said the property was now available on the open market for \$50,000.

Mr. Ackerman recommended staff visit with realtor and a committee from the private sector and structure a contract to be presented to Mrs. January. Ms. Edmonston requested a representative of the private sector committee contact the Parks Office.

Meeting adjourned at 7:54 p.m.

Minutes taken by John Nelson

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF JUNE 2, 1998

FROM:

MICKEY JACKSON, FIRE CHIEF FIRE PREVENTION FIRE DEPARTMENT
Name Division Department

ACTION REQUESTED: APPROVAL OF BID # 97-64 IN THE AMOUNT OF \$25,174 FOR A CHILDREN'S FIRE SAFETY HOUSE AND APPROVAL OF A BUDGET ADJUSTMENT OF \$12,587 FOR THE CITY'S 50-50 MATCH WITH FUNDS RAISED BY FIRE DEPARTMENT PERSONNEL FOR THIS PROJECT. LOW BIDDER IS "MOBILE CONCEPTS BY SCOTTY" OF MT. PLEASANT, PENN.

COST TO THE CITY:

\$ 12,587	\$ -0-	CHILDREN'S FIRE SAFETY
Cost of this request	Category/Project Budget	Category/Project Name HOUSE
1010 3010 5801 00	-0-	FIRE PREVENTION
Account Number	Funds used to date	Program Name
N/A	-0-	GENERAL
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

☐ Budgeted Item ☒ Budget Adjustment Attached

[Signature]

Budget Coordinator

[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn Cramer 5-8-98
Accounting Manager Date
[Signature] 5-11-98
City Attorney Date
[Signature] 5-11-98
Purchasing Officer Date

[Signature] 5-11-98
Internal Auditor Date
ADA Coordinator Date

STAFF RECOMMENDATION: Award of bid and approval of budget adjustment.

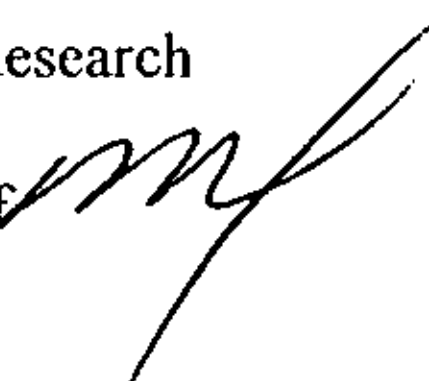
Division Head	Date
Department Director	Date
<i>[Signature]</i>	5-11-98
Administrative Services Director	Date
<i>[Signature]</i>	5-11-98
Mayor	Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Steve Davis, Budget and Research

From: Mickey Jackson, Fire Chief 

Date: May 8, 1998

RE: Children's Fire Safety Education House

On October 23, 1997, bids were opened for a Children's Fire Safety Education House to be used by Fayetteville Fire Department personnel in teaching children about fire prevention and proper escape practices when a home fire occurs. The tabulation of these bids is attached hereto, showing "Mobile Concepts by Scotty" of Mt. Pleasant, Pennsylvania as the low (and best) bidder.

The strategy for funding this project included a commitment by Fire Department personnel to raise one-half the total cost through public donations. They have now succeeded in obtaining pledges for a little more than one-half, with about ~~80%~~ ^{70%} of the funds in hand.

Although the fund raising has taken a little longer than we expected, the Scotty folks have told us they would honor their bid for a little longer. Therefore, we feel we should go ahead and get this order placed as soon as possible.

I am submitting herewith a council agenda form requesting approval to accept the Scotty bid at the June 2 council meeting and approval of a budget adjustment of \$12,587 for the City's half of the funding.

Many thanks for your support of this project from the beginning. Certainly, if you need any more information from me on this phase of it, just give me a call.

MJ/ca

BID: 97-64
DATE: 10/23/97
TIME: 2:00 PM
CITY OF FAYETTEVILLE

DESCRIPTION: FIRE SAFETY TRAILER

BIDDER	ITEM #1
--------	---------

MOBILE CONCEPTS BY SCOTTY

\$25,174.00

SURREY FIRE TRAILER

\$26,970.00

BID 97-64
1B3

CERTIFIED BY:

P. Vice

PURCHASING MANAGER

B. Williams 10/23/97

WITNESS

DATE

2298-10

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this 1st day of June, 1998, by the undersigned, owners of the following real estate described in Exhibit "A" attached hereto and made a part hereof located in the City of Fayetteville, Washington County, Arkansas.

WHEREAS, the aforesaid owners of the real property described in said Exhibit "A" have agreed that the present building will not be enlarged in square footage on the property listed in Exhibit "A"; and,

WHEREAS, the owners are desirous of making a declaration of the same in the form of this Bill of Assurance with the intention of guaranteeing the preservation of certain values and amenities in the community and to bind the owners and the owners' successors and assigns and the real estate described in Exhibit "A" and its subsequent owners with the obligations and restrictions hereinafter set forth for all present and future development and use of said property.

NOW, THEREFORE, the owners declare that the above described property shall be held, developed, transferred, sold, conveyed and occupied subject to the covenants and restrictions herein set forth:

1. The building located on the property described in Exhibit "A" as of the date of this Bill of Assurance shall not be enlarged in square footage and should any partial or complete reconstruction of such building take place in the future, such reconstruction shall be limited to the total square footage contained in the original building.

WITNESS our hands this 1st day of June, 1998.

DEMAREE MEDIA, INC.

By: [Signature]
BRETT HASH, PRESIDENT

(SEAL)

By: [Signature]
REBA P. DEMAREE, SECRETARY

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

}ss:

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public duly commissioned, qualified and acting within and for the County and State aforesaid, appeared in person the within named, Brett Hash, President and Reba P. Demaree, Secretary, duly commissioned and acting, officers for Demaree Media, Inc. to me well known, who acknowledged that they had executed the foregoing Bill of Assurance for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 1st day of June, 1998.

My Commission Expires:

7-15-2000

[Signature]
MARSHA L. JOHNSON
Washington County Notary Public
Notary Public-Arkansas
My Commission Expires July 15, 2000

2298-10
EXHIBIT A

Legal Description of 1780 Holly Street, Fayetteville, AR

Legal Description: Per Deed Book 1261, Page 531

Part of the North Half of the Southeast Quarter of Section Eight, Township Sixteen North, Range Thirty West, as described as follows: Beginning at a point 20 ft North and 200 ft West of the SE corner of said twenty acre tract, and running thence West 300 ft; thence North 340 ft; thence East 300 ft; thence South 340 ft to the point of beginning, containing 2.34 acres, more or less.

Bill of Assurance for Agenda Item III. A.

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this 1st day of June, 1998, by the undersigned, owners of the following real estate described in Exhibit "A" attached hereto and made a part hereof located in the City of Fayetteville, Washington County, Arkansas.

WHEREAS, the aforesaid owners of the real property described in said Exhibit "A" have agreed that the present building will not be enlarged in square footage on the property listed in Exhibit "A"; and,

WHEREAS, the owners are desirous of making a declaration of the same in the form of this Bill of Assurance with the intention of guaranteeing the preservation of certain values and amenities in the community and to bind the owners and the owners' successors and assigns and the real estate described in Exhibit "A" and its subsequent owners with the obligations and restrictions hereinafter set forth for all present and future development and use of said property.

NOW, THEREFORE, the owners declare that the above described property shall be held, developed, transferred, sold, conveyed and occupied subject to the covenants and restrictions herein set forth:

1. The building located on the property described in Exhibit "A" as of the date of this Bill of Assurance shall not be enlarged in square footage and should any partial or complete reconstruction of such building take place in the future, such reconstruction shall be limited to the total square footage contained in the original building.

WITNESS our hands this 1st day of June, 1998.

DEMAREE MEDIA, INC.

By: [Signature]

BRETT HASH, PRESIDENT

(SEAL)

By: [Signature]

REBA P. DEMAREE, SECRETARY

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

} ss:

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public duly commissioned, qualified and acting within and for the County and State aforesaid, appeared in person the within named, Brett Hash, President and Reba P. Demaree, Secretary, duly commissioned and acting, officers for Demaree Media, Inc. to me well known, who acknowledged that they had executed the foregoing Bill of Assurance for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 1st day of June, 1998.

MARSHA L. JOHNSON
Washington County Notary Public
Notary Public-Arkansas
My Commission Expires July 15, 2000

My Commission Expires:

7-15-2000

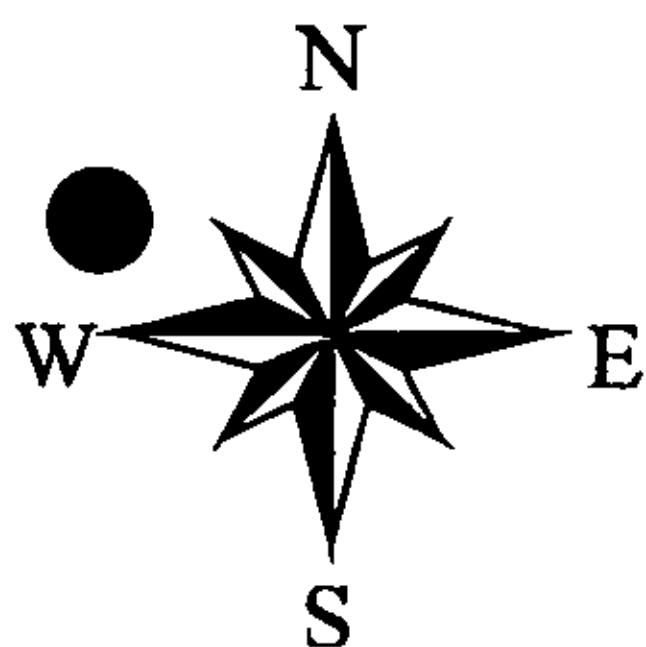
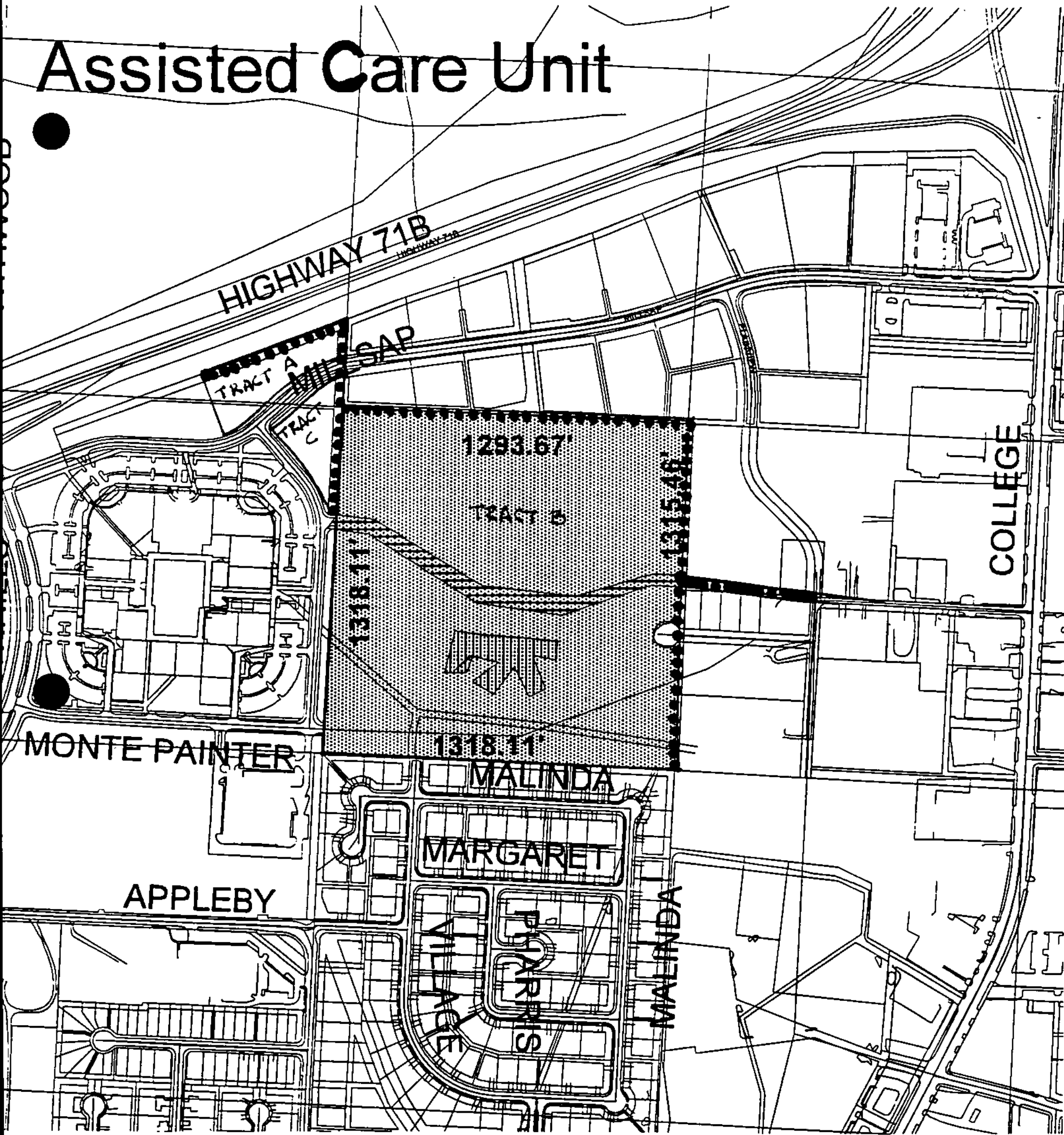
EXHIBIT A

Legal Description of 1780 Holly Street, Fayetteville, AR

Legal Description: Per Deed Book 1261, Page 531

Part of the North Half of the Southeast Quarter of Section Eight, Township Sixteen North, Range Thirty West, as described as follows: Beginning at a point 20 ft North and 200 ft West of the SE corner of said twenty acre tract, and running thence West 300 ft; thence North 340 ft; thence East 300 ft; thence South 340 ft to the point of beginning, containing 2.34 acres, more or less.

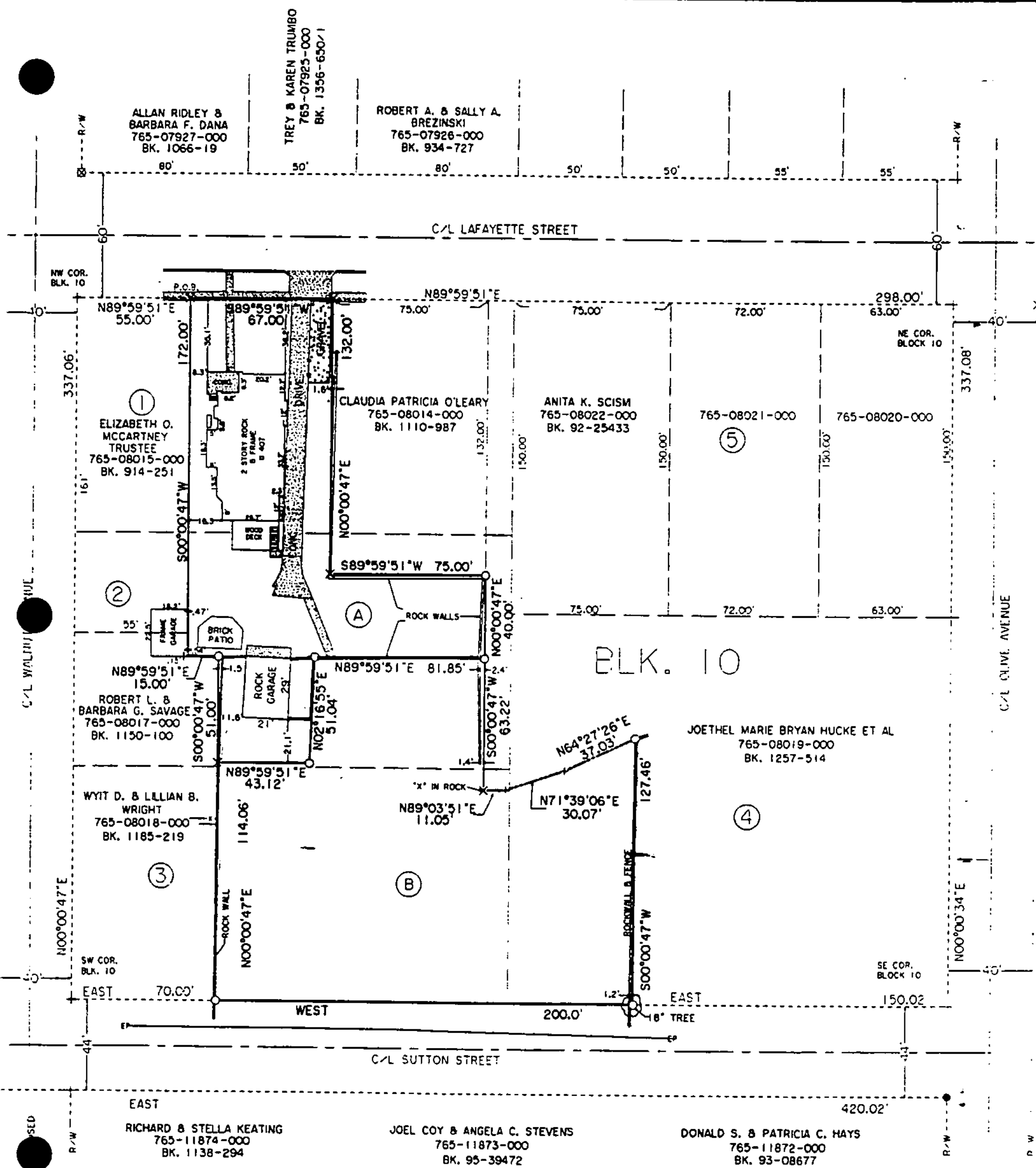
Assisted Care Unit



LONGVIEW
STREET EXTENSION

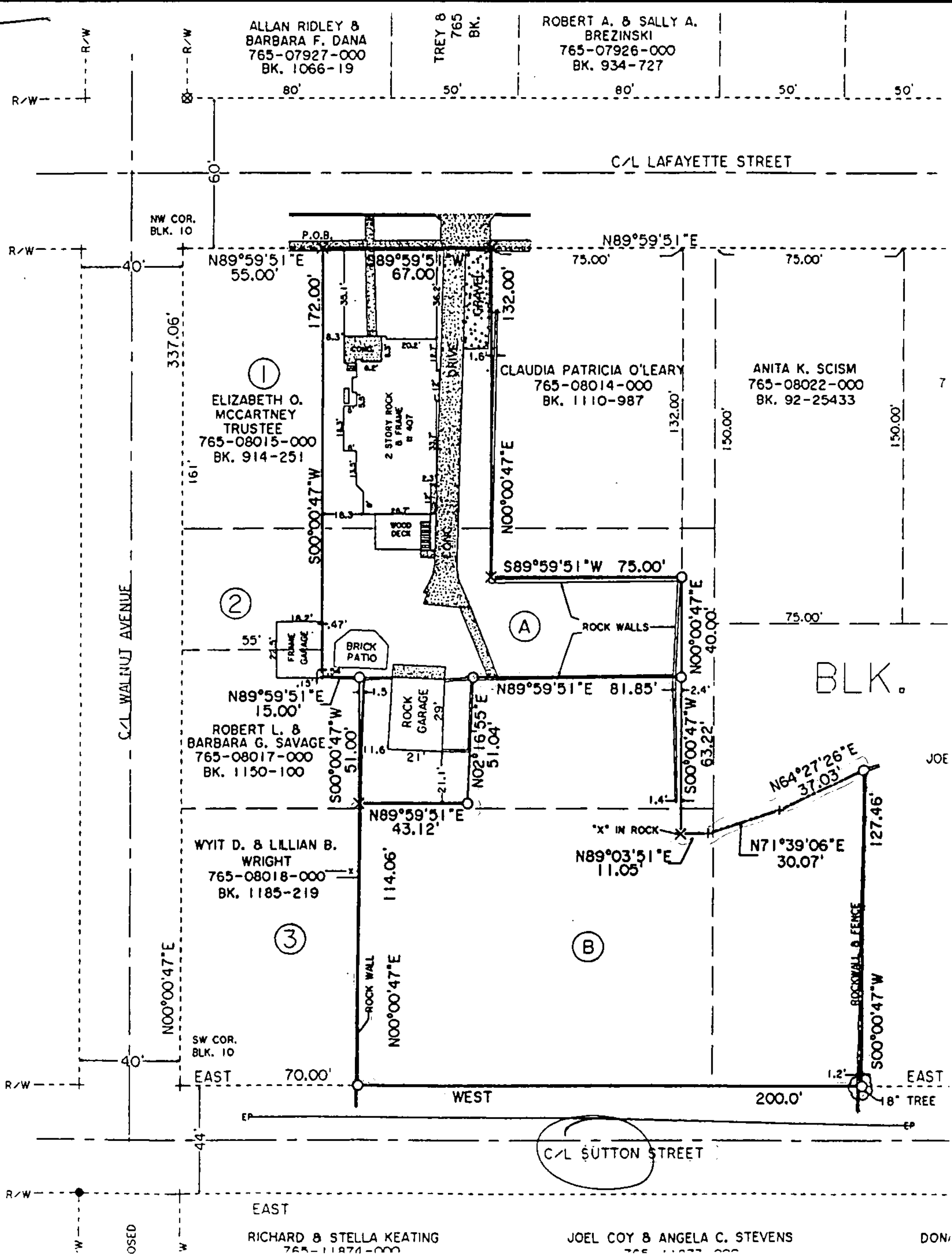
OVERHEAD ELECTRIC

500 0 500 1000 Feet



Map for Agenda Item III. I.





New

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. <u>Jean Campbell</u>	<u>1410 W. Refugee</u>	<u>583 1660</u>
2. <u>Edward Fulbright</u>	<u>2497 Blackberry</u>	<u>582-2377</u>
3. <u>Eugene Sargent</u>	<u>641 1/2 W 6th St Apt E</u>	<u>587 0704</u>
4. <u>Kate S. Bays</u>	<u>431 E. 6th St. Fayetteville, Ark.</u>	<u>582 9454</u>
5. <u>Ed Jones</u>	<u>14750 Candlewood Pl. Fayetteville</u>	<u>521-5741</u>
6. <u>Robert Jones</u>	<u>424 N. Olive Fayetteville</u>	<u>442-7813</u>
7. <u>M. K. Baul</u>	<u>1575 Paschal Rd. Fayetteville, Ark.</u>	<u>527-6484</u>
8. <u>Carole Lane</u>	<u>424 N. Olive</u>	<u>442-7813</u>
9. <u>Flint Richter</u>	<u>101 N. Locust Fayetteville, AR</u>	<u>665 2980</u>
10. <u>Wendy Johnson</u>	<u>826 N. Highland ⁷²⁷⁰¹</u>	
11. <u>Mim Heinrichs</u>	<u>946 Mission Fayetteville ⁷²⁷⁰¹</u>	<u>442-6754</u>
12. <u>Janice</u>	<u>706 Treadwell</u>	<u>442-6674</u>
13. <u>Katie Runnels</u>	<u>308 N. Olive</u>	<u>582-9233</u>
14. <u>Molly Langwith</u>	<u>15 W Prospect Apt</u>	<u>444-7635</u>
15. <u>Samuel Prince</u>	<u>362 W Rock</u>	<u>443-0616</u>
16. <u>Robert Wehr</u>	<u>13 N. Duncan</u>	<u>587-8550</u>
17. <u>Ureter Wilkins</u>	<u>2405 Bronze Tree</u>	<u>582-1349</u>
18. <u>Don Chabatur</u>	<u>19061 Skordme Fayetteville</u>	<u>521-2034</u>
20. <u>Leah Jones</u>	<u>102 S. University Fayetteville</u>	<u>444-6509</u>

Handwritten signature: *Handwritten signature*

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Motty Newmark	1038 Overcrest	442 7403
2. Flansey W. K. K.	1039 Overcrest Dr.	521-7786
3. Miller Edmund	64 1/2 W. 6th	521-4516
4. J B Smathers	1009 E Rockwood Trail	443-2318
5. M C Milam	"	
6. Susan Bull	812 N. W. 10th	521-3416
7. Jerry Fr. Hare	120 N. Block #1	444-0345
8. Warren Halsey	15 N. Locust #9	582-4777
9. Wendy Gude	339 Rockton Ave	587.8445
10. Jim de Noble	509 Forest Ave	571-1813
11. Terra Davidson	1215 Shady Lane	521-6901
12. Frank ^{PROU} W. K. K.	5402 Beaumont St.	443-5659
13. Amita Patel	197 W. Lafayette	443-7029
14. James W. K. K.	209 Lafayette St.	449 9163
15. J A B Brown	970 West Berry Fayetteville	443 1603
16. Derek Pich	464 Sunny Lane	444 4083
17. Jennifer Hanner	733 N Crest Jay	582-0695
18. M. Vonnor	660 N GARLAND, FAY	444 0387
20. Brock Lynes	624 Carolyn 72701	592 4340

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Anne Dauth	5694 Michael Cole	443-5291
2. Beth Motherwell	2973 John Wayne Dr	582-5729
3. Jamie Hall	111 S. Duncan	521-2893
4. Mr Gary L. Fast	419 W. Center	521-2615
5. John J. Miniff	16149 Broadhurst	575-2198
6. Mark W. RMD	706 Treadway #5	443-6674
7. Cary Lane	614 Reagan St.	442-8204
8. Stephen Sparger	11184 W. Reed Valley Rd.	361-2151
9. Faye Atter	424 N. Willow Av	443-1314
10. Susan Kay	940 Sunset	521-3279
11. Marcia Donkey	200 BARTON	442-7472
12. Louise Kornasky	201 E Appleby	443-4386
13. Tami Trzeicki	2159 Loren Circle	575-0082
14. Mr	823 Morningside	442-7387
15. Anita Steed	248 S. LOCUST	587-1270
16. Martha Welles	811 Amy Ave	638-8881
17. Judi Rust	3650 Wilson Hollow Rd.	442-3067
18. HIRAM BRANDON	315 W. MOUNTAIN	444-0605
20. Elizabeth Volmer	409 E. Lafayette	973-9052

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. <u>Pro Paschal</u>	<u>3361 City Lake Rd.</u>	<u>444-0305</u>
2. <u>Betty Shewalter</u>	<u>605 W. ^{Fay. AR.} Dickson</u>	<u>442-9091</u>
3. <u>Melborn Jerry</u>	<u>101 N. Locust 72701</u>	<u>521-5080</u>
4. <u>Paul Roth</u>	<u>P.O. 1971 72702</u>	<u>521-6371</u>
5. <u>Paul Zebert</u>	<u>103 S. Dewart / 72701</u>	<u>582-9384</u>
6. <u>Andy Burns</u>	<u>"</u>	<u>"</u>
7. <u>Ann Prassel</u>	<u>1613 Rockwood Tr.</u>	<u>521-0897</u>
8. <u>Amanda Johnson</u>	<u>2307 Kantz Cove</u>	<u>444-0095</u>
9. <u>Joyce Feldman</u>	<u>16 N. Sam</u>	<u>521-4521</u>
10. <u>Audrey Kilgore</u>	<u>527 Block St.</u>	<u>575-0848</u>
11. <u>Marilyn Cochran</u>	<u>1331 Edgely</u>	<u>443-4057</u>
12. <u>Sharon Young</u>	<u>3091 McComfort Rd</u>	<u>521-2804</u>
13. <u>Robert Young</u>	<u>3091 Mt. Comfort</u>	<u>521-2804</u>
14. <u>Ann R Craft</u>	<u>1976 Greenville Dr</u>	<u>444-7561</u>
15. <u>Mary Bassett</u>	<u>6805 Rivercrest, Fay.</u>	<u>444-0576</u>
16. <u>Holly Fussell</u>	<u>2468 Primrose Lane Fay</u>	<u>973-4977</u>
17. <u>Mauro Fussell</u>	<u>2468 Primrose Ln. Fay</u>	<u>973-4977</u>
18. <u>Bob Fink</u>	<u>10 W. Parquet</u>	<u>575-3601</u>
20. <u>E. Ford</u>	<u>1557 Brindley</u>	<u>575-3805</u>

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Laura Spurlock	3076 N. Sassafras Hill	521-1569
2. Audley Hall	2785 Stagmoach	521-5229
3. Jani James	700 Anna Place	575-9081
4. Sherry Mackey	1135 Paradise Ln	582 3264
5. Margaret Thomas	326 Fairway	442-4197
6. Mike Loefer	Fore Treadway #1	957 7029
7. Irene Frentz	2131 Loren Circle	587-8480
8. John Torbett	"	"
9. Kendra Schragg	710 Ray St, 72703	521 4054
10. Charlotte Lee	202 Elk St 72701	587-0513
11. Lynn Rogers	2468 N. CROSSOVER 72703	571-1077
12. R. Spaulding	5 E. MA.	521-3931
13. David G. W.	2404 E. Sycamore	521-1460
14. John F. Esten	3601 Weir Rd	521-5887
15. Glenn Miller	3601 Weir Rd	521-5887
16. Dale C. Smith	225 Craig St	539 3143
17. Janice B. Dunn	311 W. Spring	443-9783
18. Jack Dunn	311 W Spring	443 9783
20. John Ewell	4108 W Appleby #48	521-7379

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. <u>Kory Emerson</u>	<u>634 Whittham</u>	<u>587-0175</u>
2. <u>Lorena Thomas</u>	<u>634 Whittham Ave</u>	<u>587-0175</u>
3. <u>Fillon A. Ferguson</u>	<u>Rivers 477 N. Gregg #2</u>	<u>571 2213</u>
4. <u>Anne McFeters</u>	<u>1140 Waverly</u>	<u>442-4731</u>
5. <u>Melvin Stockell</u>	<u>2295 Creekside</u>	<u>521-1689</u>
6. <u>Paul J. Mostad</u>	<u>456 OLIVER AVE</u>	<u>521 5638</u>
7. <u>Joan Mostad</u>	<u>456 Oliver Ave</u>	<u>521 5638</u>
8. <u>Guthrie Gearhart</u>	<u>1010 Park</u>	<u>442-2066</u>
9. <u>Ch. Myenderfer</u>	<u>2332 Hatfield</u>	<u>442-3758</u>
10. <u>L.R. Kraemer</u>	<u>3251 Charing</u>	<u>442-3251</u>
11. <u>Carolyn D. Anderson</u>	<u>631 Skeeton St.</u>	<u>521 0479</u>
12. <u>Carol A. Lennox</u>	<u>95 S. Duncan Ave.</u>	<u>521-1851</u>
13. <u>David L. Lennox</u>	<u>95 S. Duncan Ave.</u>	<u>521-1851</u>
14. <u>Cheri Olmstead</u>	<u>326 N. Fletcher</u>	<u>443-3651</u>
15. <u>Cathy Ross</u>	<u>1793 Applebury Pl</u>	<u>443-4370</u>
16. <u>Tom B. Ross</u>	<u>584 Rock Cliff Rd.</u>	<u>521-6319</u>
17. <u>Joan Bennett</u>	<u>584 Rock Cliff Rd.</u>	<u>521-6319</u>
18. <u>Pat Ross</u>	<u>3223 Waverly</u>	<u>444-9677</u>
20. <u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. <u>Cary Araga</u>	<u>16 W. Maple</u>	<u>521-5185</u>
2. <u>Frank Henderson</u>	<u>660 #D N. Garland</u>	<u>444-0387</u>
3. <u>Joe Little</u>	<u>Box 3751</u>	<u>409-6101</u>
4. <u>STEPHEN ZISNER</u>	<u>522 S. WOOD</u>	<u>442-5900</u>
5. <u>Sarahbeth Matson</u>	<u>620 N. Oakland</u>	<u>444-9409</u>
6. <u>Shirley Duvak</u>	<u>1015 Whitman</u>	<u>582-5802</u>
7. <u>Nan Marie Luoler</u>	<u>1023 East Skyline</u>	<u>442-2263</u>
8. <u>Richard C. Covey</u>	<u>1023 E. SKYLINE</u>	<u>442-2263</u>
9. <u>Geoffrey Oelsner</u>	<u>1451 Canterbury Rd</u>	<u>521-2395</u>
10. <u>Anthony DeLiso</u>	<u>635 N. Whitman</u>	<u>571-2218</u>
11. <u>ANITA ZISNER</u>	<u>2078 S. Sutton St.</u>	<u>442-8705</u>
12. <u>Paul R. Ragan</u>	<u>533 E. MAPLE</u>	<u>521-9203</u>
13. <u>David Vail</u>	<u>843 N. OLIVE</u>	<u>587-1982</u>
14. <u>Keeta Jenkins</u>	<u>641 1/2 W 6</u>	<u>442-7952</u>
15. <u>Y. G. Hall</u>	<u>21 E. Spring St.</u>	<u>443-7594</u>
16. <u>Ent. Hays</u>	<u>15 N. Locust #8</u>	<u>582-0791</u>
17. <u>MEGAN BARTON</u>	<u>1175 W. LERON ROAD DR #214</u>	<u>973-0016</u>
18. <u>Leslie Cingman</u>	<u>48 N. Olive Ave</u>	<u>521-0991</u>
20. <u>Laura Berry</u>	<u>641 1/2 W 6th</u>	<u>521-5959</u>
21. <u>Emily Rowland</u>	<u>441 1/2 W. 6th St Apt F. Fayette, AR-01</u>	<u>521-5959</u>
22. <u>Peel Zebert</u>	<u>103 S. Duncan Apt. 1</u>	<u>7270 582-9394</u>
23. <u>Barbara Kohn</u>	<u>12423 S. 2nd St</u>	<u>521-4423</u>
24. <u>Barbara Kohn</u>	<u>105 N. Willow</u>	<u>72701 521-8004</u>

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. <u>Yvonne Yarnelle</u>	<u>902 7th St, Fay.</u>	<u>750-2020</u>
2. <u>Richard Shewmaker</u>	<u>605 W. Driskin</u>	<u>442-9094</u>
3. <u>Burtan A. Lynn</u>	<u>1599 Habell Rd</u>	<u>521-6925</u>
4. <u>Willie Smith</u>	<u>1146 N. Washington Ave</u>	<u>582-9165</u>
5. <u>D. Fay</u>	<u>1540 Boxley Ave</u>	<u>582-5732</u>
6. <u>Lodene Duffel</u>	<u>321 Trenton</u>	<u>443-4272</u>
7. <u>Jerry Threlkett - Sr</u>	<u>3758 Cus Holland Rd</u>	<u>521-9024</u>
8. <u>Morgan Hanson</u>	<u>2100 N. Leander #131</u>	<u>521-1029</u>
9. <u>Cate Allen</u>	<u>2227 Country Way</u>	<u>443-5073</u>
10. <u>Bill Allen</u>	<u>2227 Country Way</u>	<u>443-5073</u>
11. <u>Gandy Lynne</u>	<u>350 Radston</u>	<u>442-5961</u>
12. <u>John G. Giffitt</u>	<u>4432 Sandingham Fay</u>	<u>521-6576</u>
13. <u>Phyllis Giffitt</u>	<u>4432 Sandingham Fay</u>	<u>521-6576</u>
14. <u>Paula Giffitt</u>	<u>2203 S. 43rd St, Fayette</u>	<u>757-1912</u>
15. <u>Angele Huns</u>	<u>(Same)</u>	
16. <u>Mirigan Hedron-Cortney</u>	<u>740 Broadview Dr.</u>	<u>521-1029</u>
17. <u>Mirigan Giffitt</u>	<u>740 Broadview</u>	<u>521-1029</u>
18. <u>Samy Jensen</u>	<u>1529 Broadview</u>	<u>521-5436</u>
20. <u>Melissa Harwood-Bon</u>	<u>3926 E. Fox Hunt Rd</u>	<u>443-2336</u>

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Kathryn J. Martin	1434 Rolling Hill	443-0419
2. Jeanne Stoner	817 Highland Fay.	521-4607
3. Nathan Almon	1156 B Van Soren Spruick	780-2665
4. Katherine Sillman	" "	" "
5. J. Pendley	1942 Overcrest Fay	443-4640
6. May Pendley	" "	" "
7. Jeno Parker	41 Forsythia Fay	671-8832
8. Samma Gellert	1030 W. Rochler #11 Fay AR	
9. B. Gellert	1030 Rochler #21 Fay AR	575-6597
10. Ravi Ganga	1900 N. G. 34	575-0308
11. C. Lynn Combs	3560 Sassafras	521-3613
12. Fred A. Jann	3410 Finger Rd	521-5030
13. Coralie Kooze	101 W. 5th	582-4452
14. Kimberly Carlisle Rataj	941 Crest	442-3652
15. Betty Ball	2379 Fox Trail	521-8141
16. Laurie Schacherbauer	2620 N. Habberton Ave	575-0732
17. Lynn Blair	6538 Tall Oaks Loop S. 72762	361-2553
18. Landy Geller	1655 W. Markham Fay	443-9889
20. Wendy H. Hedges	1507 Rolling H. Fay	443-4634

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Emily Bagby	2135 Loren Circle	442-4524
2. Sonja Bennett	2060 Juneway	442-0170
3. Mervyn J. Tharr - Blackwell	357 N. Washington	582-5634
4. Fergall Mahoney	2498 Jane Circle Fay	444-9626
5. Ron Brinker	120 Skyline, Fay.	521-7106
6. James G. Goff	835 Lanson #101 Fay	582-3425
7. Sheila H. Hemmel	625 Crest Dr. Fay	442-0316
8. Nancy Jordan	2047 Baka Fay	582-0240
9. Elaine Williams	2252 Sheridan Fay	443-1582
10. Fred Glass	513 Olive Ave Fay	444-0850
11. Barbara Wink	3933 Parkside #12 Fay	444-7986
12. Fred Wink	3933 PARKSIDE #12 FAY	444-7986
13. Surita Ravin	1900, N Garland Ave #34, FAY	575-0308
14. Gary Under	218 E. DICKSON #1 FAY	443-4087
15. AH OK Lim	1782 Rockwood Tr.	444-8632
16. Kathy Stafford	908 Eva St	521-4303
17. Max Glenn	908 Eva St	521-4303
18. [Signature]	848 Stoner	521-8787
20. Dina Johnson	11425 Long-Tailed	643-2862

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Greg Herman	216 W. Spring St.	521-9289
2. Jeffery Hess	432 E. DICKSON	521-8447
3. Janice Blady	265 Rebecca St	442-0812
4. Mr MacNUGHTON	218 E. DICKSON	587-1341
5. Cathy Whitney	PO Box ^(612 Reagan) 354, Fay.	442-6324
6. Ernest M. Clendon	206 Adams	973-0252
7. ERK Peterson	400 DOUGLAS	973-9639
8. Sheri Kinnaman	163 Hill Street	967-5110
9. Yoshiko Sekizuchi	1333 Edgehill Dr.	442-9105
10. John Kufner	114 1/2 Olive, Fayetteville, Ark.	587-1243
11. Linda Gault	2535 Blackberry Ln. Fayetteville	527-9902
12. Sherry Ann Wilcox	581 Vinson Ave. Fayetteville	521-4526
13. Doug A Behrend	581 Vinson Fay 72701	521 4526
14. John Kuy	1813 Briarcliff Fay 72701	443-3674
15. Harry Stum	West Fork 72774	
16. Kim McLaughlin	1330 Edgehill drive Fayetteville	444-9587
17. Melvin McAbile	1330 Edgehill, Fayetteville (03)	444-9587
18. Teresa Stobough	1633 Cartwright Springdale	
20. Connie Cramer	850 Eastwood ^{Ark 72701} Fay.	521-2553

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. T. Sekiguchi	1333, Edgehill Dr.	442-9155
2. Kim Smith	909 Hall	521-4208
3. Brittany Segal	214 S. Church	443-0046
4. [Signature]	1902 PARKSHIRE DR. #9	587-1510
5. Susan Mims	12795 Fort Rd; W. Fort, AR	839-2872
6. [Signature]	12795 Fort Rd W. Fort AR	839-2893
7. WALLY MATTHEWS	754 W TAYLOR FAY	587-0569
8. Tracie Slatery	16053 Chocolate Flats, Fay	643-2696
9. Gynelle Cook	310 E. 12th Place	443-2657
10. Vanessa Cook	310 E. 12th place	443-2657
11. Kaye Frion	342 Combs St.	521-3818
12. Jane Ross	139 E. Baxter St.	NO #
13. David Stovanch	1633 Cartwright Cir	
14. Phil McShee	2408 Jorgin Ct	521-8260
15.		
16.		
17.		
18.		
20.		

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Susan Belder	485 Vision Ave	443-9461
2. Daniel K. Kelly	195 W. Lafayette	582 2382
3. Blaine Risk	489 Illa St. Fayetteville	443 6572
4. CATHERINE WALLACK	216 W. SPRING ST. FAY	521 9209
5. Anna Butler	218 E. Dickson	587-1341
6. Susan Dorge	2922 Sunny	582 9072
7. Maureen Dorge	2922 Sunny Ln	582-9072
8. Scott & Amy Phelps	214 E. CLARK	443 2150
9. Arthur D. Drinkwater	900 Douglas, Fayetteville	973 9639
10. Donald E. Jurek	2 Mt. Nord Fayette	913 0899
11. Hazel Reeder	1102 main, Huntville	738-1425
12. Cl. Ben	274 McQueen Fayetteville	582 1430
13. Amy Featherston	219 W. Meadow Fayette, AR	582-1430
14. DAN MARTIN	173 S. Hill Ave. Fayette, AR	443-0402
15. Becca Martin	173 S. Hill Fayetteville	443-0402
16. Susan Crowell	335 Baxterville	521 6247
17. KAYE BASKERVILLE	1833 Applebury Dr., Fayette	521-9201
18. Lynn Pliny	504 S. College Fayette	521-8850
20. L. Boyd	P.O. Box 1865 Fayette	521-0969

Sutton Street Walk-by Historic Park Petition

	Name	Address	Yes	No
1.	Rosa Edwards	133 Conner	X	
2.	Candace Marie	148 E. Spring	X	
3.	Roger Hanny	148 E. Spring	X	
4.	Alline Fulton	230 Conner	X	
5.	EDEN PRICE	221 E. Conner St.	X	
6.	Man G. Reil	221 E. Conner St.	X	
7.	Nancy Edelman	225 Conner St	X	
8.	Laurine Torara	225 Conner St	X	
9.	John B. Brecht	260 Conner St	X	
10.	Al Blumhoff	308 E. Spring St	X	
11.	Chrissy Taylor	210 E. Spring St	X	
12.	Shirley	210 E. Spring St	X	
13.	Sarah Smith	210 E. Spring St.	X	
14.	AMMEN JORDAN	280 ILA	X	
15.	William Brown	203 E. Spring St	X	
16.	Carrie M. Sivka	203 E. Spring St	X	
17.	Thady Kunkle	205 E. Spring St.	X	
18.	Chad W. Kunkle	205 E. SPRING ST	X	
20.	MARINA SKILES	201 E. SPRING ST	X	
21.	Michael Korns	201 E. Spring St.	X	
22.	Roberta Billingsley	1420 Windsor	X	
23.	Cary Arnes	16 W. Maple	X	

Sutton Street Walk-by Historic Park Petition

Name	Address	Yes	No
1. <u>Jessie Koepe</u>	<u>305 N. Washington</u>	<u>✓</u>	<u> </u>
2. <u>Dick Smith</u>	<u>326 N. Washington Ave</u>	<u>✓</u>	<u> </u>
3. <u>Cindy Long</u>	<u>329 N Washington</u>	<u>✓</u>	<u> </u>
4. <u>Bob Long</u>	<u>329 N. Washington</u>	<u>✓</u>	<u> </u>
5. <u>Robert L. Lurie</u>	<u>322 N. WASH</u>	<u>✓</u>	<u> </u>
6. <u>Mary Patrick</u>	<u>322 N. Wash</u>	<u>✓</u>	<u> </u>
7. <u>Jennifer Maynard</u>	<u>315 N. Wash</u>	<u>✓</u>	<u> </u>
8. <u>Philip M. Maynard</u>	<u>315 N. Wash</u>	<u>✓</u>	<u> </u>
9. <u>Karen League</u>	<u>210 E. Jackson</u>	<u>✓</u>	<u> </u>
10. <u>Beth Lewis</u>	<u>327 N WASHINGTON</u>	<u>✓</u>	<u> </u>
11. <u>Phyllis Lewis</u>	<u>327 N WASHINGTON</u>	<u>✓</u>	<u> </u>
12. <u>Harold Daniel</u>	<u>416 N Washington</u>	<u>✓</u>	<u> </u>
13. <u>Sarah Lewis</u>	<u>435 N. Washington</u>	<u>✓</u>	<u> </u>
14. <u>Harry G. Hunt</u>	<u>432 N. WASHINGTON</u>	<u>✓</u>	<u> </u>
15. <u>Mary Penne Hunt</u>	<u>432 N Washington</u>	<u>✓</u>	<u> </u>
16. <u>Edith S. Hammett</u>	<u>220 E. Lafayette</u>	<u>✓</u>	<u> </u>
17. <u>Edith Hammett</u>	<u>220 E. Lafayette</u>	<u>✓</u>	<u> </u>
18. <u>Jane Mather</u>	<u>348 N. Washington</u>	<u>✓</u>	<u> </u>
20. <u>John A. Mathias</u>	<u>348 N. Washington</u>	<u>✓</u>	<u> </u>
21. <u>Missy Harris</u>	<u>310 N. Washington</u>	<u>✓</u>	<u> </u>
22. <u>Joan Smith</u>	<u>326 N. Washington</u>	<u>✓</u>	<u> </u>
23. <u> </u>	<u> </u>	<u> </u>	<u> </u>

Sutton Street Walk-by Historic Park Petition

	Name	Address	Yes	No
1.	Richard K. K. K.	601 N. OLIVE	✓	
2.	Clara K. K.	511 N. Walnut	✓	
3.	Andrew M. O'Neil	511 N. Walnut	✓	
4.	DAVID CLARK	10169 S. Moxey Bear	✓	
5.	Delma De La Fuente	322 E. Lafayette	✓	
6.	Reuben McDaniel	" " "	✓	
7.	Sam Gussler	318 E. Lafayette	✓	
8.	Brad Gussler	318 E. Lafayette	✓	
9.	Gene B. Guadalupe	312 E. Lafayette	✓	
10.	Virginia Bellot	310 E. Lafayette	✓	probably a
11.	Monte Alter	424 Willow	✓	undecided
12.	Faye Alter	424 Willow	✓	
13.	Eliene Morrison	432 N. Willow	✓	
14.	Tom & Mary Ann Jursi	504 N. Willow	✓	
15.	Mary Ellen Hill	506 N. Willow	✓	
16.	Gwen O'Kraulik	514 N. Willow	✓	
17.	Robert J. Coyle	514 N. Willow	✓	
18.	Mary Lynn Dr. Kennedy	520 N. Wallin	✓	
20.	Harriet Baroud	528 N. Willow	✓	
21.	Edith Sutton	618 N. Willow	✓	
22.	Robert Entally	613 N. Willow	✓	
23.	Betty M. Lytle	603 N. WALNUT	✓	

Big Spring - Mrs. Morrison
1926/18
no one at 420 Willow

Sutton Street Walk-by Historic Park Petition

Name	Address	Yes	No
1. <u>John A. Allen</u>	<u>404 E. Dickson</u>	☒	☐
2. <u>Charles Alexander</u>	<u>231 E. Dickson St</u>	☒	☐
3. <u>Barry Baird</u>	<u>225 E. Lafayette Fay</u>	☒	☐
4. <u>Lisa Baker</u>	<u>318 E. Dickson St</u>	☒	☐
5. <u>Megan Maloney</u>	<u>432 E. Dickson</u>	☒	☐
6. <u>John</u>	<u>432 E. Dickson, Fay</u>	☒	☐
7. <u>William Seward</u>	<u>225 E. Lafayette Fay</u>	☒	☐
8. <u>Steven Seward</u>	<u>225 E. Lafayette Fay</u>	☒	☐
9. _____	_____	☐	☐
10. _____	_____	☐	☐
11. _____	_____	☐	☐
12. _____	_____	☐	☐
13. _____	_____	☐	☐
14. _____	_____	☐	☐
15. _____	_____	☐	☐
16. _____	_____	☐	☐
17. _____	_____	☐	☐
18. _____	_____	☐	☐
20. _____	_____	☐	☐
21. _____	_____	☐	☐
22. _____	_____	☐	☐
23. _____	_____	☐	☐

Sutton Street Walk-by Historic Park Petition

Name	Address	Yes	No
1. Lennie Alexady	231 E. Dickson St.	✓	
2. Courtney Robinson	354 N. Willow A	✓	
3. Mary Charetan	306 N. Willow	✓	
4. J. Sherrill Chantton	306 N. Willow	✓	
5. Walter Chantton	306 N. Willow	✓	
6. Aulra LINCON	308 N. Willow Apt B	✓	
7. Walter Chantton			Uth
8. Walter Chantton	315 Sutton St		✓
9. Walter Chantton	312 N. Willow		✓
10. Walter Chantton	315 Sutton		✓
11. Walter Chantton	317 Sutton		✓
12. Walter Chantton	429 Sutton	✓	
13. Walter Chantton	429 Sutton	✓	
14. Walter Chantton	429 Sutton #B	✓	
15. Walter Chantton	308 N. Olive	✓	
16. Walter Chantton	310-9 N. Olive	✓	
17. Walter Chantton	310 N. Olive #1	✓	
18. Walter Chantton	313 N. Olive	✓	
20. Walter Chantton	313 N. Olive	✓	
21. Walter Chantton	303 N. Olive	✓	
22. Walter Chantton	432 E. Dickson	✓	
23. Walter Chantton	401 E. Dickson St	✓	

Sutton Street Walk-by Historic Park Petition

Name	Address	Yes	No
1. Claudette Hunicutt	520 N. Washington	✓	
2. Don Hunicutt	520 N. Washington	✓	
3. Bonnie Davis	128 Davidson	✓	
4. Margaret E. Thomas	326 Fairway Lane	✓	
5. Kathy Bell	1143 Rodgers	✓	
6. Anne C Thomas	525 N Washington	✓	
7. Mary Anne Rully	2874 Bucklebury Ln	✓	
8. Christine Belen	311 E. Prospect	✓	
9. Jennifer Brown	230 Fletcher	✓	
10. Bitti Miller	4084 Valerie Dr.	✓	
11. [unclear]	611 Oliver	✓	
12. Bob H. Kelly	524 N. Sycamore	X	
13. Rebecca Thompson	611 Oliver	X	
14. Linda P. Kelly	524 N. Sequoia Dr.	X	
15. Lonnie McAllister	204 E Davidson	✓	
16. Scott Hunsford	513 N Washington	✓	
17. Claude Hunsford	513 N Washington	✓	
18. Don Reis	530 N Washington	✓	
20. Kathy Reis	530 N. Washington	✓	
21. Don Reis	2107 N KANTZ LAKE	X	
22. Diane Boyd	206 E Davidson	✓	
23. Jim Boyd	206 E Davidson	✓	
24. Deland Masfield	533 N. Willow	✓	
25. Chris Huggard	523 N. Willow	✓	
26. Scot Gardner	444 N. Willow	✓	
27. Martin Tuller	444 N. Willow	✓	

Block surrounding park - rewritten

Sutton Street Walk-by Historic Park Petition

Name		Address	Yes	No
— 1.	Ellian Wright	346 Walnut Ave	(need more info.)	
			X	X
2.	Wanda Thomas	403 E. Lafayette		undecided
— 3.	John Burrows	E. Lafayette	X	
		"		X
4.	Amita Scism			
— (5.	Kelly O'Callaghan	425 E. Lafayette	X	
			X	
6.	Ted Swedenburg		X	
— 7.	Dr. Hickey	Olive	X	
8.	Corrinne & Rick Briggs	Lafayette		undecided
— 9.	Bob & Dee Dee Lamb	350 Olive	X	
10.				
— (11.	Donald Hays	Olive & Sutton	X	
			X	
12.	Patty		X	
13.	Keatinga			X
— (14.	Angela Stevens	429 Sutton	X	
			X	
15.	Joe		X	
16.				
17.				
18.				
20.				
21.				
22.				
23.				

Sutton Street Walk-by Historic Park Petition

Name	Address	Yes	No
1. Susan Davis	449 Rebecca	yes	
2. Monta Lickunz			no
3. M. Allison Brothers		✓	
4. M. D. P. Tamm		✓	
5. Robert G. Tamm	424 E Olive	yes	
6. Grover L. Tamm	424 N. Olive	✓	
7. J. M. Carrington	421 N. Olive		✓
8. Peter McCarren	421 N. Olive		✓
9. Shannon R. Stokes	424 N. Walnut		✓
10. Eric Paul Mills	" "		✓
11. J. Moore	" "		✓
12. Roger Larrison	625 E. Lighton Trail	✓	
13.			
14.			
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18.			
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21.			
22.			
23.			

Sutton Street Walk-by Historic Park Petition

	Name	Address	Yes	No
1.	Robert Brown	315 Fletcher	✓	
2.	James Leely	309 Fletcher	✓	
3.	Walter Ethel	301 Fletcher	✓	
4.	Nancy Williams	333 Fletcher	✓	
5.	Ernie Cress Pittchen	339 N. Gregg Ave	✓	
6.	Samuel C. Jay	339 N. Gregg Ave	✓	
7.	Tom C. Kelly	6355 Huntsville Rd	✓	
8.	James E. Leavenworth	333 FLETCHER AV	✓	
9.				
10.				
11.				
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20.				
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22.				
23.				

Sutton Street Walk-by Historic Park Petition

Name	Address	Yes	No
1. Regent Sabari	312 E Maple	✓	
2. David Cappel	520 N. Walnut	✓	
3. Cynthia Pever	514 N. Mission	✓	
4. Michael Pever	514 N. Walnut	✓	
5. Anna John	508 Johnson	✓	
6. Elizabeth Woods	419 N. Walnut Ave	✓	
8. Ann Thompson	406 GUNTER Ave	✓	
9. Harriet H. Jansma	900 Lighton Trail	✓	
10. Erma Jansma	900 Lighton Trl.	✓	
11. Betty Thompson	507 N. WALNUT	✓	
12.			
13.			
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16.			
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21.			
22.			
23.			

Sutton Street Walk-by Historic Park Petition

Name	Address	Yes	No
1. <u>Mae Riley</u>	<u>525 N. Olive</u>	<u>X</u>	<u> </u>
2. <u>Susan Farrell Regan</u>	<u>1108 N. Washington</u>	<u>X</u>	<u> </u>
3. <u>Susan Swink</u>	<u>411 Guntz</u>	<u>X</u>	<u> </u>
4. <u>W. Garbo</u>	<u>411 Guntz</u>	<u>X</u>	<u> </u>
5. <u>Heath Notand</u>	<u>610 N. Walnut</u>	<u>X</u>	<u> </u>
6. <u>S. Turkson</u>	<u>607 N. Olive St.</u>	<u>X</u>	<u> </u>
7. <u>Barbara Schraier</u>	<u>521 N. Olive Ave</u>	<u>X</u>	<u> </u>
8. <u>Joe Schraier</u>	<u>521 N. Olive Ave</u>	<u>X</u>	<u> </u>
9. <u>Kathleen Randall</u>	<u>414 E. Maple</u>	<u>X</u>	<u>X</u>
10. <u>Charles R. Jeff</u>	<u>415 Guntz</u>	<u>X</u>	<u> </u>
11. <u>Carol Meadows</u>	<u>410 E. Maple</u>	<u>X</u>	<u> </u>
12. <u>Angela Luth Nij</u>	<u>406 E. Maple</u>	<u>X</u>	<u> </u>
13. <u>Angela R. L.</u>	<u>406 E. Maple</u>	<u>X</u>	<u> </u>
14. <u>W. R.</u>	<u>510 N. Walnut</u>	<u>X</u>	<u> </u>
15. <u> </u>	<u> </u>	<u> </u>	<u> </u>
16. <u> </u>	<u> </u>	<u> </u>	<u> </u>
17. <u> </u>	<u> </u>	<u> </u>	<u> </u>
18. <u> </u>	<u> </u>	<u> </u>	<u> </u>
20. <u> </u>	<u> </u>	<u> </u>	<u> </u>
21. <u> </u>	<u> </u>	<u> </u>	<u> </u>
22. <u> </u>	<u> </u>	<u> </u>	<u> </u>
23. <u> </u>	<u> </u>	<u> </u>	<u> </u>

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Nathan Milam	2112 Loren Cir	
2. Chris Kibler	626 Whitman	414 4909
3. Sam Smith	523 S. Washington	443-7806
4. JIMMY DRAHMS	5000 Firmy Rd	443 3932
5. Harrison Elkins	204 Baxter Ln	443-3365
6. Judi Singleton	836 Highland	442-7680
7. James Alexander	1946 Fox Hunter	442-5307
8. Judy Ross	14758 Atoka	521-6974
9. Will Clark	920 Holly Apt B	444-6963
10. Patrick Hoff	220 S. 6th St	444-1973
11. Noah Menard	1764 N. Leverett #227	443-1755
12.		
13.		
14.		
15.		
16.		
17.		
18.		
20.		

DANIEL KAMINSKY

DAVID GARCIA

Chris Breeding
Jen Holt

Jim Bailey

Sharon Randall
Talbott Cir

~~Chip King~~

PETER KING

RIN SHANE ARMSTRONG

543 ASSEMBLY

PO BOX 202 FAYETTEVILLE

165 S. Hill Fayetteville AR

109 S. Hill #A109

Box 874 72702

123 N Church

706 1/2 ~~Street~~ Sine
Fayetteville AR
72701

1329 VAN DYKENTON FAY 72701 444 6067

PO BOX 119

FAYETTEVILLE 72702

521-8657

443-2011

521-3504

442-0095

521-3930

973-9292

582-1628

443-4092

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Josephine DeRoche	326 Rollston Fayetteville	444-7527
2. Patti Brum	7120 White Pine Ridge F.	442-4561
3. M.R. E.	101 W. Mountain Circle Fayetteville	443-0200
4. Pat Melany Benson	15 N. West Ave. Fayetteville	442-9208

Name	Address	Phone #
1. Marcia Smith	1011 Missouri Way	444-6326
2. Sandra King	916 Dogwood Dr.	582-3587
3. [Signature]	3741 N. [Signature]	324-4260
4. Jennifer Hudson	1409 Dawn Drive	442-2437

1. [Signature]	1238 Stephens	442-3658
2. Susan Walker	1981 Greenview	521-6961
3. Linda Haggerson	PO BX 135 Winslow employed at Fayetteville Library	634-5393
4. Anne Prichard	3150 Pearl Lane, Fay.	72701 442-2439
5. Kendall Curlee	524 W. Prospect Fay.	72701 443-6477
non-resident but library employee Mary Koots	18361 Dunaway Fay.	72701 521-1538

**WE THE UNDERSIGNING CITIZENS OF
FAYETTEVILLE AR. SUPPORT THIS PURCHASE
BY THE CITY OF FAYETTEVILLE.**

Sutton Street Walk-by Historic Park

Name	Address	Phone #
1. Josephine DeRoche	326 Rollston Fayetteville	444-7527
2. Patty Erwin	7120 White River Ridge Fay	442-4561
3. Mr. R. Erwin	101 W. Mountain Suite 200 Fayetteville	443-0200
4. Pat Melany Beson	15 N. West Ave. Fayetteville	442-9208

Name	Address	Phone #
1. Marcia Smith	1011 Muscavi Way	444-6326
2. Sandra Pugh	916 Dogwood Lane	582-3587
3. [Signature]	3741 N. Old Lane	524-4260
4. Jennifer Hudson	1409 Dawn Drive	442-2437
5.		

1. Robert K. Stevens	1238 Stephens	442-3688
2. Susie Walker	1981 Greenview	521-6961
3. Linda Higginson	PO BX 125 Winslow employed at Fayetteville Library	634-5393
4. Anne Prichard	3150 Pearl Lane, Fay. 72701	442-2439
5. Kendall Curlee	524 W. Prospect Fay 72701	443 6477
non-resident but library employee Mary Koot	18361 Dandaway Fay 72701	521-1538

DANIEL KAMINSKY

DAVID GARCIA

Chris Breeding
Jen Holt

Jim Bailey

Sharon Langfall
Tabetha Orr

~~Chip King~~

PETER E. KING

RIN SHANE-ARMSTRONG

543 ASSEMBLY

PO BOX 202 FAYETTEVILLE

165 S. Hill Fayetteville AR

109 S. Hill #A109

Box 874 72702

223 N Church

706 1/2 ~~Stono~~ Stono

Fayetteville AR
72701

1329 VANDEVENTER FAY-72701 444 6067

PO BOX 119

FAYETTEVILLE 72702

521-8687

443-2077

521-3504

442-0095

521-3930

973-9292

~~443~~ 582-1628

443-4092

**TENTATIVE
AGENDA**

**FAYETTEVILLE CITY COUNCIL MEETING
JUNE 2, 1998**

A meeting of the Fayetteville City Council will be held on June 2, 1998 at 6:30 p.m. in the City Administration Building, 113 West Mountain Street, Room 219, Fayetteville, Arkansas.

The following items will be considered:

NOMINATING COMMITTEE REPORT

I. CONSENT AGENDA

- A. **APPROVAL OF MINUTES:** Approval of minutes from the May 19, 1998 meeting.
- B. **BID 97-64:** Award of Bid 97-64 to Mobile Concepts by Scotty for a children's fire safety house in the amount of \$25,174.00 and approval of a budget adjustment in the amount of \$12,587.00.
- C. **ABOVE GROUND FUEL FARM:** A resolution approving Amendment #1 to the contract with McClelland Engineering in the amount of \$2,000.00 for additional engineering services in the design of the Airport's new above-ground fuel farm.
- D. **BATES PARK PLAYGROUND:** A resolution awarding \$49,856.32 to Diversified Recreation for the Bates Park playground project. The total estimated cost of the project is \$56,857. The Parks and Recreation Advisory Board will contribute \$29,000 from their Green Space Funds. The remaining balance will be paid by Fayetteville Public Schools and Bates Elementary School.
- E. **BID 98-40.00:** A resolution awarding Bid 98-40 to Barton Freightline Inc. in the amount of \$91,621.00 for the purchase of a H. D. Cab & Chassis with mounted bulk waste crane and dump body for utilization in the City's solid waste bulk pick-up program.
- F. **BID 98-37:** A resolution awarding Bid 98-37 to DYCHEM International, Inc. for the purchase of an automated drive-thru equipment wash and supplies.
- G. **BID 98-42:** A resolution awarding Bid 98-42 to Williams Ford Tractor & Equipment in the amount of \$ 82,818.00 for tractors, mowers, and various haying equipment to be utilized for hay management operation at the sludge site and the parks mowing operations.

II. OLD BUSINESS

- A. **VA 98-4.00:** An ordinance vacating approximately 12' X 72.5' of an existing alley at 310 West Dickson Street. The request was submitted by Hiegel-Miller Architects on behalf of Joe Fennel.

- B. AMENDING RULES OF ORDER:** A resolution amending the rules of order of procedure to require the support of three alderman in order to place a discretionary item of new business on the City Council agenda.

III. NEW BUSINESS

- A. RZ 98-10.00:** An ordinance approving a rezoning submitted by Demaree Media, Inc. for property located at 1780 Holly Street. The property is zoned R-1, Low Density Residential. The request is for R-O, Residential Office. The property contains approximately 2.34 acres.
- B. PLANNING COMMISSION APPEAL:** An appeal submitted by Burke & Eldridge on behalf of Washington Regional Medical Services for a large scale development off Millsap Road and Wimberly Street. The request is to appeal the Planning Commission's decision to deny waiver requests from placing utilities underground and the construction of a standard city street.
- C. SEWER REHABILITATION:** A resolution awarding a contract to Jones Brothers, Inc. for White River Minisystem 15 sewer rehabilitation in the amount of \$645,080.85 with a \$64,508 contingency for sewer lining.
- D. SEWER REHABILITATION:** A resolution awarding a contract to T.G. Excavating in the amount of \$186,543.00 with an \$18,654 contingency for White River Minisystem 15 sewer rehabilitation for pipe bursting.
- E. SEWER REHABILITATION:** A resolution awarding a contract to Insituform Texark, Inc., in the amount of \$228,937.50 with a \$22,893 contingency for White River Minisystem 15 sewer rehabilitation for sewer lining.
- F. INFORMATION ITEMS**

Only items presented by the City Council or City Staff may be discussed during the meeting. If you have an item you wish to discuss, please contact your alderman to have it presented at the next City Council Agenda Session. For further assistance, please contact Heather Woodruff, City Clerk, at 575-8323.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF JUNE 2, 1998

FROM:

MICKEY JACKSON, FIRE CHIEF FIRE PREVENTION FIRE DEPARTMENT
Name Division Department

ACTION REQUESTED: APPROVAL OF BID # 97-64 IN THE AMOUNT OF \$25,174 FOR A CHILDREN'S FIRE SAFETY HOUSE AND APPROVAL OF A BUDGET ADJUSTMENT OF \$12,587 FOR THE CITY'S 50-50 MATCH WITH FUNDS RAISED BY FIRE DEPARTMENT PERSONNEL FOR THIS PROJECT. LOW BIDDER IS "MOBILE CONCEPTS BY SCOTTY" OF MT. PLEASANT, PENN.

COST TO THE CITY:

\$ <u>12,587</u>	\$ <u>-0-</u>	CHILDREN'S FIRE SAFETY
Cost of this request	Category/Project Budget	Category/Project Name HOUSE
<u>1010 3010 5801 00</u>	<u>-0-</u>	FIRE PREVENTION
Account Number	Funds used to date	Program Name
<u>N/A</u>	<u>-0-</u>	GENERAL
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

☐ Budgeted Item ☒ Budget Adjustment Attached

[Signature]

Budget Coordinator

[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn Chamber 5-8-98
Accounting Manager Date
[Signature] 5-11-98
City Attorney Date
[Signature] 5-11-98
Purchasing Officer Date

[Signature] 5-11-98
Internal Auditor Date
[Signature] 5-11-98
ADA Coordinator Date

STAFF RECOMMENDATION: Award of bid and approval of budget adjustment.

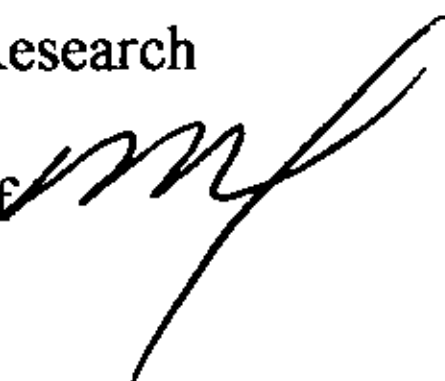
Division Head	Date
Department Director	Date
<u>[Signature]</u>	<u>5-11-98</u>
Administrative Services Director	Date
<u>[Signature]</u>	<u>5-11-98</u>
Mayor	Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Steve Davis, Budget and Research

From: Mickey Jackson, Fire Chief 

Date: May 8, 1998

RE: Children's Fire Safety Education House

On October 23, 1997, bids were opened for a Children's Fire Safety Education House to be used by Fayetteville Fire Department personnel in teaching children about fire prevention and proper escape practices when a home fire occurs. The tabulation of these bids is attached hereto, showing "Mobile Concepts by Scotty" of Mt. Pleasant, Pennsylvania as the low (and best) bidder.

The strategy for funding this project included a commitment by Fire Department personnel to raise one-half the total cost through public donations. They have now succeeded in obtaining pledges for a little more than one-half, with about ~~80%~~ ^{70%} of the funds in hand.

Although the fund raising has taken a little longer than we expected, the Scotty folks have told us they would honor their bid for a little longer. Therefore, we feel we should go ahead and get this order placed as soon as possible.

I am submitting herewith a council agenda form requesting approval to accept the Scotty bid at the June 2 council meeting and approval of a budget adjustment of \$12,587 for the City's half of the funding.

Many thanks for your support of this project from the beginning. Certainly, if you need any more information from me on this phase of it, just give me a call.

MJ/ca

BID: 97-64
DATE: 10/23/97
TIME: 2:00 PM
CITY OF FAYETTEVILLE

DESCRIPTION: FIRE SAFETY TRAILER

BIDDER	ITEM #1
--------	---------

MOBILE CONCEPTS BY SCOTTY

\$25,174.00

SURREY FIRE TRAILER

\$26,970.00

CERTIFIED BY:

D. Vice

PURCHASING MANAGER

R. Williams 10/23/97

WITNESS DATE

BID 97-64
1B3

BID 97-64
1B4

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 1998	Department: Fire Division: Fire Prevention Program:	Date Requested 05/08/98	Adjustment #
---------------------	---	----------------------------	--------------

Project or Item Requested:

Funding is requested to purchase Children's Fire Safety House. The Children's Fire Safety House is jointly funded with City funds and donations raised by Fire Department personnel.

Project or Item Deleted:

None. Use of General Fund fund balance is proposed for this adjustment.

Justification of this Increase:

The fire safety house will be used to teach children proper escape practices when a home fire occurs.

Justification of this Decrease:

sufficient cash & investments exist to fund this request and comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
Fixed Assets	12,587	1010 3010	5801 00

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Use of Fund Balance	12,587	1010 0001	4999 99

Approval Signatures

Requested By

Date

Budget Coordinator

Date

Department Director

Date

Admin. Services Director

Date

Mayor

Date

Budget Office Use Only

Type:

A

B

C

D

E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of 6/2/98

FROM: Dale Frederick Airport General Gvmt.
Name Division Department

ACTION REQUIRED: The Airport requests approval of Amendment #1 in the amount of \$2,000.00 to the contract with McClelland Consulting Engineers, Inc. McClelland Engineers is providing the design for the Airport's new above-ground fuel farm. The City Planning Department has required this project to go through an abbreviated Large Scale Development process. This process increases the engineering workload as reflected in the contract amendment.

COST TO CITY:

<u>\$ 2000.00</u> Cost of this Request	<u>289,899.00</u> <u>\$ 29,597.00</u> Category/Project Budget	<u>Above-Ground Fuel Farm</u> Category/Project Name
<u>5550-3960-5801.00</u> Account Number	<u>25,149.00</u> <u>\$ 12,387.45</u> Funds used to date	<u>n/a</u> Program Name
<u>97050-1</u> Project Number	<u>264,750.00</u> <u>\$ 17,209.55</u> Remaining Balance	<u>Airport</u> Fund

BUDGET REVIEW:

Steph Davis X Budgeted Item AK Budget Adjustment Attached
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn Cramer 5-5-98
Accounting Manager Date
5-2-98
City Attorney Date
P Vice
Purchasing Officer Date
5-4-98
Yolanda Fields 5-5-98
APA Coordinator Date
Internal Auditor Date

STAFF RECOMMENDATION: Staff recommends approval.

Dale Ind 4-30-98
Division Head Date

BPR 5/6/98
Department Director Date
Steph Davis 5/7/98
Administrative Services Director Date
Steph Davis
Mayor Date

Cross Reference

New Item: Yes No
Prev Ord/Res#: _____
Orig.Cont.Date

FUEL FARM

1C2

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

MAY 04 1998

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

RECEIVED

MAY 05 1998

FINANCE DEPT.

DEPARTMENTAL CORRESPONDENCE

TO: Fred Hanna, Mayor

FROM: Dale Frederick, Airport Manager 

DATE: April 30, 1998

SUBJECT: Request approval of Amendment #1 in the amount of \$2,000.00 for additional engineering services.

The Airport requests approval of Amendment #1 in the amount of \$2,000.00 to the contract with McClelland Consulting Engineers, Inc. for design of the new above-ground fuel farm. The City Planning Department has required this project to go through an abbreviated Large Scale Development process, which increases the engineering work beyond the original contract.

Staff recommends approval.

Attachments: Staff Review
Amendment #1

MCE McCLELLAND
CONSULTING
ENGINEERS, INC.
DESIGNED TO SERVE

P.O. Box 1229
Fayetteville, Arkansas 72702-1229
501-443-2377
FAX 501-443-9241

April 27, 1998

RECEIVED APR 28 1998

Mr. Don Green
Drake Field
4500 S. School, Suite F
Fayetteville, AR 72701

Re: Proposed Fee Increase
Large Scale Development Process

Dear Mr. Green:

Recent conversation with the City Planning Department indicates that an "abbreviated" Large Scale Development process will be required for your Fuel Farm project. Specifically, we believe that the City will enforce the requirement for preparation of a grading/drainage plan and that you'll be required to submit a site plan showing the location of the new fuel tanks (to enable emergency response, if necessary).

These documents will be subjected to Plat Review for evaluation by City Engineering staff and local utility representatives. If all goes as anticipated, the process will stop at that point (i.e., attendance at Subdivision Committee and Planning Commission meetings will not be required).

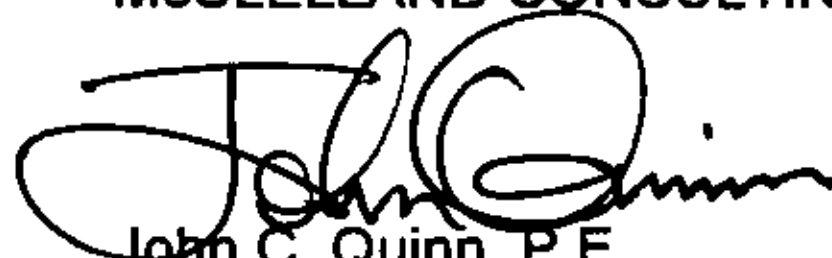
Based upon these expectations, we propose to provide the additional services associated with this "abbreviated" LSD process for a lump sum of \$2,000. However, if the process extends beyond Plat Review, and if our continued involvement is desired, then additional fees beyond the \$2,000 proposed herein may be in order.

Time-wise, I do not recommend that we suspend our work toward gaining agency approval and bidding while we await the outcome of the LSD process. As you are aware, the project schedule is already "tight" and cannot withstand such a delay.

If you have questions, please advise. Otherwise, please place the enclosed Amendment in line for review/execution. Thanks.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.


John C. Quinn, P.E.
President

Enclosure

AMENDMENT #1 TO TASK ORDER NO. 2

AGREEMENT WITH McCLELLAND CONSULTING ENGINEERS, INC.

This is an amendment to the Agreement for Engineering Services dated the 30th
day of August, 1995, between the City of Fayetteville, Arkansas, and
McClelland Consulting Engineers, Inc.. Additional services required to prepare site,
location, and grading documents to meet Plat Review requirements of the City. The
charge for the additional services shall not exceed \$ 2,000.

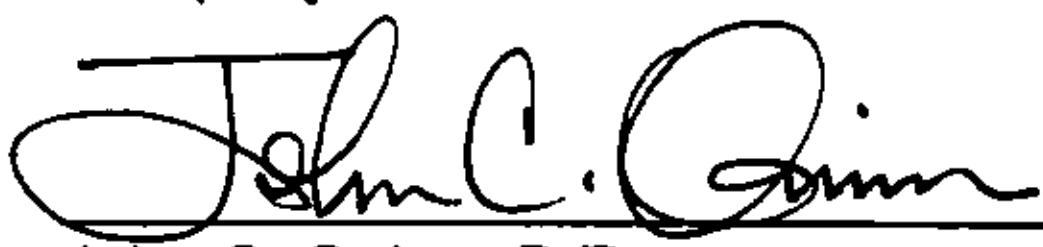
If additional work is required (beyond Plat Review), additional fees will be negotiated.

CITY OF FAYETTEVILLE

Mayor

Date: _____

McCLELLAND CONSULTING ENGINEERS, INC.
Company



John C. Quinn, P.E.

Date: 4/24/98

President
Title

FOR OFFICE USE ONLY

Existing P.O. # _____

Contract # _____

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 2, 1998

FROM:

Connie Edmonston

Parks & Recreation

Public Works

Name

Division

Department

ACTION REQUIRED:

Award Bates Park playground project to Diversified Recreation in the amount of \$49,856.32. This is a joint project with the Fayetteville Public Schools and Bates. Parks to fund \$29,000 from the Green Space Escrow Account.

COST TO CITY:

(Less School cost \$20,856.32. Net cost to City \$29,000)

\$ 49,856.32

\$ 29,000

Green Space

Cost of this Request

Category/Project Budget

Category/Project Name

1010 1505-02

\$ 0

Green Space

Account Number

Funds Used To Date

Program Name

n/a

\$ 29,000

Green Space Escrow

Project Number

Remaining Balance

Fund Southwest Park Dist.

BUDGET REVIEW:

xxx

Budgeted Item

Budget Adjustment Attached

Steph D. Green Space funds are not budgeted.

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maureen G. Gramer
Accounting Manager

5-12-98

Date

ADA Coordinator

Date

Ralph G.
City Attorney

5-13-98

Date

Internal Auditor

Date

P. Vice

5-13-98

Date

Purchasing Officer

STAFF RECOMMENDATION:

Connie Edmonston
Division Head

5-12-98

Date

W.D. Cross
Department Director

14 May 98

Date

BAM

Administrative Services Director

5/14/98

Date

Fred Hamme

Mayor

5/14/98

Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Kevin Crosson, Public Works Director

FROM:  Connie Edmonston, Parks & Recreation Superintendent

DATE: May 12, 1998

RE: Bid Award of Bates Park Playground Equipment

The Parks and Recreation Division requests award of the low bid for the Bates Park playground equipment, four park benches, and two picnic tables to Diversified Recreation, Incorporated in the amount of \$49,856.32. This is a joint partnership between the City of Fayetteville, Fayetteville Public Schools, University of Arkansas, the Cherokee Nation, Washington County Historic Society, and the Walton Family Foundation. The design parallels the Trail of Tears Marker Park located on the University of Arkansas land west of the park. Total estimated cost of the project is \$56,857. The Parks and Recreation Advisory Board approved to use up to \$29,000 in Green Space Funds from the Southwest Park District for the project at the April 23, 1998 Special Board Meeting. The remaining \$20,857 balance of the playground equipment will be paid by the Fayetteville Public Schools in the amount of \$10,857 and Bates Elementary School in the amount of \$10,000 (Walton Family Foundation donation). In addition, an estimated \$7,000 for the project will be supplied by the school to install the equipment, provide earthwork and a handicap accessible sidewalk to the area. The City's total commitment to this project is \$29,000.

Attachments:
PRAB Special Board Meeting Minutes April 23, 1998
School Purchase Order
Bates School Principal Letter

3324-ES-a

PURCHASE ORDER

Bill and Ship to:

BUILDING:

ATTN:

STREET:

CITY: FAYETTEVILLE, ARKANSAS

**INVOICES AND STATEMENT NOT INDICATING OUR
PURCHASE ORDER NUMBER WILL NOT BE PAID.**

SUPPLIER

diversified Recreation, Inc.
5 Wingfield Circle
P.O. Box 55001
Little Rock, AR 72215-5001THIS ORDER NUMBER MUST APPEAR
ON ALL PACKAGES, INVOICES AND
SHIPPING PAPERS

MO

ORDER NO.

Nº 11276

White - Vendor Copy
Yellow - Business Office Copy
Pink - School Requesting Copy
Gold - Receiving Department Copy

DATE	DATE WANTED	SHIP VIA	F.O.B.	TAX EXEMPT	TERMS
5-12-98				CHARGE TAX	
QUANTITY	RECEIVED	DESCRIPTION	UNIT PRICE	AMOUNT	
		playground equipment for Bates Elem.		\$ 10,856.32	
200026200110000064500 (ba)					

FAYETTEVILLE PUBLIC SCHOOLS
FAYETTEVILLE, ARKANSAS
AUTHORIZED SIGNATURE

BATES PLAYGROUND
1D4

BID: 98-41
DATE: 5/12/98
TIME: 11:00 am
CITY OF FAYETTEVILLE

DESCRIPTION: PLAYGROUND EQUIP & PARK FURNISHINGS

BIDDER	PLAYGROUND EQUIP	PARK FURNISHINGS
--------	------------------	------------------

ARKHOMA \$53,806.72 no bid

DIVERSIFIED RECREATION \$47,605.41 \$2,250.91

P. Vice P Vice Purch Mgr
R. Williams Witness
5/12/98 Date

PRAB Special Meeting

Ms. Thiel moved to accept money in lieu of land and request a variance from City Council regarding Owl Creek Subdivision.

The motion carried 5-0-0.

The Parks and Recreation Advisory Board felt their decision was justified because the proposed park land is located in a Flood Way and Flood Plain area, is not on a trail or greenway route and would create a costly maintenance situation, and felt the amount of undeveloped land in the area would provide future opportunities to acquire more appropriate park land.

II. WALKER PARK FIELDS #6 & #8 BLEACHERS

Ms. Edmonston reported that the bleachers on field #6 at Walker Park are board bleachers which are unsafe as far as structure and splintering of wood, and they are not aesthetically pleasing. The bleachers ordered for field #8 were not the correct size. That is why the cement bleacher pads are substantially larger than the existing bleachers. Staff proposes to move the small bleachers on field #8 to field #6. There is not much room between the fields. To have proper seating capacities, one additional bleacher is needed at field #6. Two new bleachers would be installed on field #8. Ms. Edmonston said there was green space money for the bleachers.

MOTION: THIEL/JUDY

Ms. Thiel moved to allocate up to \$9,000 of green space funds for the purchase of bleachers for field #6 and field #8 at Walker Park.

The motion carried 5-0-0.

III. BATES PARK PLAYGROUND REQUEST FOR MATCHING FUNDS

Ms. Edmonston said Bates Elementary School principal, Fay Jones, has partnered with the University of Arkansas, the Cherokee Nation, and the Walton Family Foundation on a playground. Bates School is requesting matching funds.

MOTION: THIEL/JUDY

Ms. Thiel moved to allocate up to \$29,000 of green space

matching funds for the construction of a playground at Bates School Park, of which the playground will be installed by the school system and will be ADA accessible from the school to the park.

The motion carried 5-0-0.

IV. REQUEST FOR BATTING CAGES AT WALKER PARK

Rex McGill reported at the April 6, 1998 Regular PRAB Meeting that both the fall and the spring baseball leagues had voted unanimously to build batting cages at Walker Park. This vote came after the PRAB had declined to participate in a cost share proposal. The league has requested PRAB approval to construct the batting cages. Ms. Edmonston said that a University of Arkansas graduate level class had taken this as a project regarding location and design.

MOTION: STAGGS/THIEL

Mr. Staggs moved to grant permission to the baseball leagues at Walker Park to construct batting cages with the provision they work with staff on aesthetics and location and with the understanding the leagues are expected to provide upkeep and maintenance of the batting cages to park standards.

The motion carried 5-0-0.

V. BMX PROPOSAL

PRAB members and staff visited a portion of Combs Park on Pump Station Road that is being considered for lease to the BMX group for the construction of a bicycle motocross track. However, several questions were raised regarding the group's development plans and lease restrictions on the land in question. These are questions staff are actively working to pursue answers.

VI. GREEN SPACE

Development:	Easton Park
Engineer:	Jorgenson
Owner:	TAJJMMK FARM, INC.
Location:	North of Hwy. 45, East of Crossover Park and

BATES PLAYGROUND
1D7**FAX****CITY OF FAYETTEVILLE****FAYETTEVILLE
PARKS & RECREATION**

MAY 13 1998

to:

City Clerk's Office

from:

Kene Rogers

number of pages

②

comments:please add this
to the Bates
Elementary Agenda
Request Packet.
Thanks! K.*Request from Comm.* *Funds for
Playground
Elementary.*City of
Fayetteville
Parks & Recreation
915 Calloway Dr.
Fayetteville, AR 72701
501-444-3471
Fax 501-521-7714

BATES PLAYGROUND

ID8

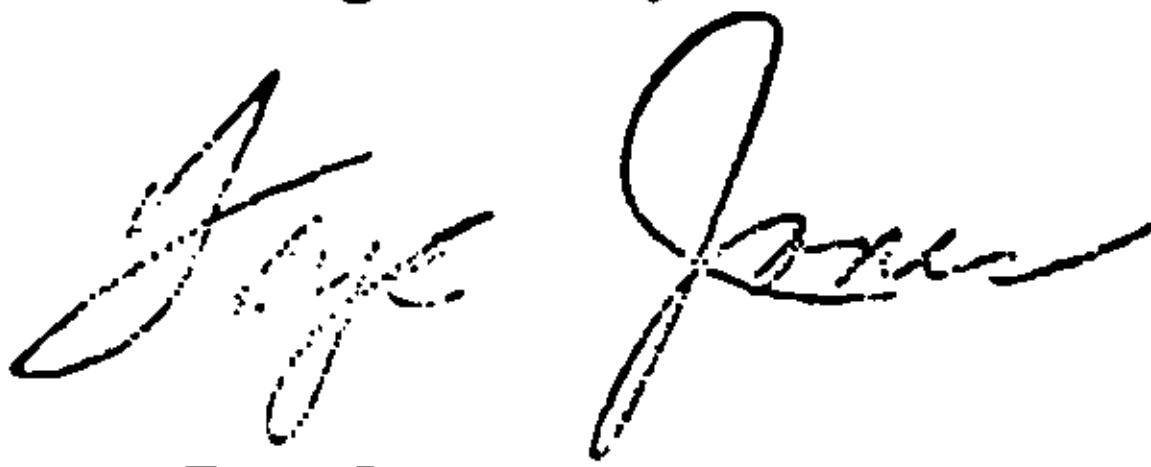
BATES ELEMENTARY SCHOOL

Faye Jones, Principal

601 So. Buchanan
Fayetteville, AR 72701
(501) 444-3083

May 12, 1998

Bates Elementary School received \$10,000 by the Walton Family Foundation
through McIlroy Bank.



Faye Jones
Bates Elementary School

STAFF REVIEW FORM

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of June 2, 1998

FROM:

W.A.Oestreich Fleet Operations Administrative Services
 Name Division Department

ACTION REQUIRED:

Acceptance of the Lowest Qualified Bidder for Item #2 - Bid #98-40 for the purchase of a H.D. Cab & Chassis w/Mounted Bulk Waste Crane & dump Body. The Vendor for this Purchase is Barton Freightliner Inc., 11700 Valentine Road, North Little Rock, AR 72117. *for utilization in the City's Solid Waste Bulk Pickup Program*

COST TO CITY:

Cost: \$ 91,621.00 Trade Allowance: N/A Net Cost: \$ 91,621.00

\$ 91,621.00 \$ 941,355.00 Repl/Exp Sanitation Veh/Equip
 Cost of this Request Category/Project Budget Category/Project Name

9700-1920-5802.00 \$ 649,562.00 Vehicles & Equipment
 Account Number Funds Used To Date Program Name

98067 \$ 290,793.00 Shop
 Project Number Remaining Balance Fund

BUDGET REVIEW: XX Budgeted Item _____ Budget Adjustment Attached

[Signature] [Signature]
 Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature] 5-13-98 _____
 Accounting Manager Date ADA Coordinator Date
[Signature] 5-13-98 [Signature] 5-13-98
 City Attorney Date Internal Auditor Date
[Signature] 5-13-98 _____
 Purchasing Officer Date

STAFF RECOMMENDATION:

Acceptance of Bid 98-40 and authorization to Purchase Item #2.

[Signature] 5/12/98 _____
 Division Head Date Cross Reference
[Signature] 14 MAY 98 _____
 Department Director Date New Item: Yes No
[Signature] 5/14/98 _____
 Administrative Services Director Date Prev Ord/Res #: _____
[Signature] 5/14/98 _____
 Mayor Date Orig Contract Date: _____

CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Ben Mayes, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: May 12, 1998

SUBJECT: BID AWARD RECOMMENDATION 98-40

Reference the attached Agenda Request for the Award of Bid 98-40, Item #1. The lowest qualified bidder meeting specifications is Barton Freightliner, Inc. 11700 Valentine Road, North Little Rock, AR 72117. This Bid was sent to 14 area dealers with 3 responses.

The Bid Tabulation Sheet dated May 8, 1998, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List attached.

The item listed has been evaluated for compliance with original specifications and for compatibility with the usage needs of the City. The anticipated Manufacturer and Dealer support necessary to maintain these units in a proper and efficient manner was also considered. .

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by the Solid Waste Division and Fleet Operations Division prior to submission to the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

ITEM 1. Heavy Duty Cab & Chassis w/Mounted Dump Body & Crane

**

Barton Freightliner, Inc.

1999 Freightliner FL70 w/Hawk Bulk Waste Crane & Body @ \$91,621.00. This Bid was accepted due to the compliance with the original Specifications. This should provide a unit that will be efficient, reliable and compatible to our operations.

SUMMARY

TO BE DELIVERED AS A COMPLETE UNIT:

ITEM 1. Barton Freightliner, Inc. 1 Unit at \$ 91,621.00

TOTAL BID AWARD: \$ 91,621.00

The budgeted amount for items in this Category/Project is \$940,355.00 in account 9700-1920-5802.00, Project 98067-001. With the purchase of this item at \$91,621.00 we will have a balance remaining of \$199,172.00 for the other items scheduled in this Category/Project.

BID 98-40
1E4

BID: 98-40
DATE: 5/8/98
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: HD TRUCK CHASSIS W/MOUNTED DUMP BODY

BIDDER	ITEM #1	ITEM #2
--------	---------	---------

BARTON FREIGHTLINER

no bid	\$91,621.00 unit \$183,242.00 tot	delivery if order rec by 5/18/98 del by 10/20/98
--------	--------------------------------------	--

SHIPLEY MOTOR EQUIP

no bid	\$97,524.00 unit \$195,048.00 tot	delivery 120 days
--------	--------------------------------------	----------------------

Certified by P Vice
P Vice Purch Mgr

William S/8/98
Witness Date

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville Equipment Committee

Thru: Fred Hanna, Mayor
Kevin Crosson, Public Works Director *KAC*

From: Cheryl Zotti, Environmental Affairs Administrator *by WCN*

Date: May 11, 1998

Re: Replacement Vehicle for Bulk Pick-up Program

The Solid Waste Division supports the approval and award of bid number 98-40 to the lowest bidder, Barton Freightliner, in the amount of \$91,621 for a heavy duty cab/chassis with mounted dump body and crane to be used in our residential bulk pick-up program. This purchase is the scheduled replacement of a 1988 Chevrolet Kodiak 70, our current residential bulk pick-up vehicle, which has outlasted its expected service life. Solid Waste staff further requests the addition of an automatic tarping attachment for this vehicle purchase contingent upon economic considerations.

The automatic tarping attachment is a result of regulatory requirements, safety issues, and collection efficiency. The Department of Transportation requires that all waste hauled in open top vehicles must be securely covered to prevent debris from falling in traffic areas. In addition to preventing traffic hazards, our collection personnel must manually untarp and retarp the entire dump body at each stop which exposes them to oncoming traffic. Manually tarping the dump body requires collection personnel to climb on top of the load further exposing personnel to potential shifting of large appliances and pieces of furniture that could pin an employees leg. This is the only collection service within our Division that exposes our personnel to the traffic side of the collection vehicle. The addition of an automatic tarping attachment will eliminate the exposure of a potentially serious accident to our personnel. Furthermore, the automatic tarping attachment will reduce the amount of time required for each collection, thus enabling staff to service more households in a given day. Currently, the bulk pick-up program requires collection days to be scheduled two to three weeks after the date a residents calls to schedule the pick-up.

The Solid Waste Division supports the approval and award of bid number 98-40 to the lowest bidder, Barton Freightliner, in the amount of \$91,621. Staff further requests your consideration for the addition of an automatic tarping attachment contingent upon the associated costs to be provided by the Fleet Maintenance Division. Your consideration and approval of this bid and request will be greatly appreciated. If you have any questions or request additional information, please contact me at your earliest convenience. Staff will be present at all meetings associated with this request to answer any questions that may arise.

NOTICE TO BIDDER

BID NO. 98 - 40

COMMODITY: H.D. CAB/CHASSIS W/MOUNTED DUMP BODY & CRANE

The City of Fayetteville, Arkansas will receive sealed bids at the Purchasing Office, City Hall, 113 W. Mountain Street, Fayetteville, Arkansas, 72701, until 11:00 A.M., MAY 8, 1998, for the furnishing of: **COMMODITY: H.D. CAB/CHASSIS W/MOUNTED DUMP BODY & CRANE**

Bid Forms, Specifications, and Terms and Conditions may be obtained from the Purchasing Office, located in Room 306, 3rd floor of the City Administration Building.

The City reserves the right to reject any and all bids and to waive any formalities deemed to be in the City's best interest.

Peggy Vice, Purchasing Officer

PUBLISH 4/26/98 NORTHWEST ARKANSAS TIMES -

Billing refer to P.O.# _____

BIDDERS LIST

HEAVY DUTY TRUCK CHASSIS

1. **RON BLACKWELL FORD TRUCK CENTER**
 P.O.BOX 608
 BENTONVILLE, AR 72712
 ATTN: LARRY EDEN
 501-756-9461

2. **OZARK TRUCK SALES**
 P.O. BOX 6247
 SPRINGDALE, AR 72766
 501-756-1200

3. **BUZY EQUIPMENT CO., INC.**
 P.O. BOX 97
 RECTOR, AR 72461
 800-537-8699

4. **DAVIS TRAILER & TRUCK EQUIPMENT, INC.**
 P.O.BOX 4007
 LITTLE ROCK, AR 72214
 800-233-1335

5. **SHIPLEY MOTOR EQUIPMENT CO.**
 P.O.BOX 250
 LOWELL, AR 72745
 501-631-7653

6. **McNeilus Truck & Manufacturing, Inc.**
 P.O.Box 458
 Hutchins, Texas 75141
 214-225-2313

7. **CRANE CARRIER COMPANY**
 P.O.BOX 582891
 TULSA, OK 74158
 ATTN: R.W.BUTLER
 918-836-1651 FAX 918-832-7348

8. **BARTON FREIGHTLINER, INC.**
11700 VALENTINE RD.
NORTH LITTLE ROCK, AR 72117
ATTN: DON ROBBINS
800-562-8875 - FAX 501-955-3235
9. **Reeder Simco Truck Center, Inc.**
3421 South Zero
Fort Smith, AR 72908
Attn: Ken Plemmons
800-643-2013 Fax 501-646-0533
10. **WASTE RESEARCH, INC.**
P.O. BOX 998
CHOUTEAU, OK 74337
ATTN: WAYNE FIELDS
800-880-9278

11. **Midwestern Equipment Co.**
P.O.Box 3445
Tulsa, OK 74101
Attn: Newton Box
800-324-6144
12. **Grant Manufacturing & Equipment Co., Inc.**
1828 Northwest 4th St.
Oklahoma City, OK 73106
Attn: Nick Pontikos
800-259-9892 FAX 405-236-1472
13. **Little Rock Equipment Sales**
13001 Interstate 30
Little Rock, AR 72209
14. **Daugherty Equipment**
1507 W. Truckers Lane
Fayetteville, AR 72701

CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS

501-444-3494

INVITATION TO BID

BID #: 98-40 **DATE ISSUED:** April 24, 1998

DATE & TIME OF OPENING: May 8, 1998 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNITS: 120 Days from Date of Order

F.O.B. Fayetteville, AR

ITEM:	DESCRIPTION:	QUANTITY:	*UNIT PRICE:	*TOTAL PRICE:
1.	Heavy Duty Truck Cab and Chassis with Mounted Dump Body with Bulk Waste Crane per Item #1 of Specifications Attached	2	\$ _____	\$ _____

***GUARANTEED DELIVERY SCHEDULE:** _____

2.	Heavy Duty Truck Cab and Chassis with Mounted Dump Body with Bulk Waste Crane per Item #1 of Specifications Attached with deletion of Automatic Transmission per Attachment 1.	2	\$ _____	\$ _____
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***GUARANTEED DELIVERY SCHEDULE:** _____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ *FAX: _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENT FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

**BID 98-40
SPECIAL TERMS & CONDITIONS**

ITEM #1

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** show as a separate item.
3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Each bidder **MUST** state on the face of the bid form the anticipated number of days from the date of receipt of order for delivery of the completed units to the City of Fayetteville, Arkansas.
6. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.
7. All bid prices shall be FOB Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701, and shall include current Arkansas vehicle inspection if applicable and all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.
8. Standard Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor **MUST** be noted.
9. Any exceptions to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
10. Installation of Dealership/Distributorship Logo is **PROHIBITED**.
11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed to prior to release for delivery.
11. All items marked "**MANDATORY REQUIREMENT FOR CONSIDERATION OF BID**" **MUST** be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.
12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items.
13. A training session shall be provided at a City of Fayetteville Facility to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

BASIC SPECIFICATIONS

HEAVY DUTY TRUCK CAB/CHASSIS W/MOUNTED DUMP BODY W/BULK WASTE CRANE

General Specification Requirements are as follows for HEAVY DUTY TRUCK CAB/CHASSIS W/MOUNTED DUMP BODY W/BULK WASTE CRANE. **THESE ARE MINIMUM SPECIFICATIONS ONLY** and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his bid. All Bids are subject to Staff analysis. Fleet standardization requirements, replacement parts availability, warranty service availability and Manufacturer/Distributor/Dealer Field support of operational units will be considered.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "hi-lited" and specifics noted is suggested.

All equipment shall be new and unused and of the Manufacturers Current Model Year and shall include all standard equipment as advertised by the Manufacturer. All vehicles and equipment listed herein shall comply with applicable Federal and State Safety, Emission and Pollution Control Requirements in effect at time of delivery. Standard Manufacturer's Warranty shall be furnished. Minimum Warranty period shall be no less than 1 year.

Field demonstrations of currently operational units which are offered as a substitute, variation, or deviation may be required as part of Staff analysis at the option of Staff members or other qualified interested parties. Properly documented referrals may be required of vendors which allows field evaluation of units in a comparable operational area.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid.

The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

It is the intent and purpose of these specifications to secure for the purchaser the necessary equipment and accessories which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials and workmanship shall be of the highest grade in accordance with modern practice. The equipment supplied will be new and unused except for the necessary testing, calibration and transportation.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturer's and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment must be one year. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment, which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to the lack of spare parts.

All suppliers submitting proposals must have available a parts and service facility within an area to allow 1 day service on any parts or service needs. The facility shall be staffed with full time technical personnel, as well as order and shipping personnel, during regular business hours and days.

ITEM 1. HEAVY DUTY TRUCK CAB/CHASSIS W/MOUNTED DUMP BODY AND BULK WASTE CRANE

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

BODY STYLE:	Conventional Cab/Chassis
WHEELBASE:	As Required by Body and Crane listed.
CAB/AXLE DIMENSION:	A/R

DIESEL ENGINE:

MINIMUM ONLY: 504 C.I.D. 8.3 Liter Displacement, Turbo charged w/Air to Air After cooling, 250 HP @ 2400 R.P.M., 660 LB.FT. @ 1300 R.P.M.-120 Volt 1500 Watt Engine Block Heater, Dry Type Air Cleaner with Restriction Indicator, Automatic Warning System with Automatic Shut Down, Spin-On Fuel Filters, Horizontal Exhaust. Grade Retarder to be provided. Provision shall be made to have the chassis capable of mounting a hot shift style P.T.O. and hydraulic pump which will be provided with the Body listed herein.

MANDATORY REQUIREMENT FOR CONSIDERATION.

PLEASE STATE:

MANUFACTURER: _____
MODEL DESIGNATION: _____
NO. OF CYLINDERS: _____
C.I.D. DISPLACEMENT: _____
HP RATING: _____ @ _____ R.P.M.
TORQUE RATING: _____ @ _____ R.P.M.

TRANSMISSION:

Allison MD3550WR-P 5 Speed Electronic Control Automatic **OR EQUAL.** W/Retarder.

FRAME:

17.2 SM 110,000 PSI Yield, 11/32" X 10-15/16".

GVW RATING:

30,000 LBS..

REAR AXLE:

20000 LB Rockwell Steel W/6.83 Ratio, Magnetic Drain and Fill Traps or equal, with 20000 LB Springs

DRIVE LINE:

Spicer/Dana 1710 Coated Spline w/guard.

FRONT AXLE:

10000 LB. Capacity, Bronze King Pin Bushings, Greaseable Drag Link and Tie Rods, Double Acting Telescopic Shock Absorbers W/10000 LB. Capacity Taperleaf Suspension.

ALTERNATOR:

130 AMP.

BATTERIES:	1875 CCA.
FUEL SYSTEM:	Dual Steel Min. Cap. 40 Gal. Per Tank
COOLING SYSTEM:	Silicone Hoses, Filter/Conditioner.
STEERING:	Ross TAS-65 Power Assist or equal.
WHEELS & TIRES:	22.5 x 8.25 Steel Disc 10 Hole Pilot Type w/11R22.5 Goodyear G-124 Steel Belt Radial Tires on Drive Wheels and Goodyear G-159 on Steering axle.
RADIO:	O.E.M. AM/FM with clock.
FLOOR COVERING:	Non-Skid Vinyl/Rubber
SEAT:	H.D. Vinyl/Cloth Air Suspended Drivers Seat, w/stationary passenger seat. Seat Belts shall be provided.
CAB:	Standard Manufacturers Rust Proofed Current Model Year, Equipped with O.E.M. Heater and Air Conditioner w/R134a Refrigerant capable of maintaining sufficient temperature control and air flow for operator comfort.
COLOR:	EXTERIOR-White INTERIOR-Grey
WIPERS:	2 Speed Intermittent
MIRRORS:	Left/Right Heated West Coast Style, with 5" Convex Spot Mirrors Arm Mounted below the standard mirrors. 6" Pedestal Mounted Convex Safety Mirror shall be furnished at left front corner of cab.
GLASS:	Tinted, Maximum Glass area offered by the Manufacturer shall be made available.
BRAKE SYSTEM:	Bendix 13.2 CFM Compressor or equal. 15 X 4" Front, 16-1/2" X 7" Rear, Outboard Mounted Drums, Automatic Slack Adjusters on all positions,

Rear Parking Brake Chambers, Bendix Heated Air Drier.

SAFETY EQUIPMENT: Electronic Back-Up Alarm, 5 Roof Mounted Marker Lamps, Frame Mounted Front Tow Hooks, Dual Air Horns, Interior Sun Visor-Both Sides, Electronic Tachometer and Speedometer w/Odometer, Vernier Hand Throttle, Manual Reset Circuit Breakers.

RADIO EQUIPMENT: Motorola C7 Spectra Dash Mount Mobil 35W DC7ZX Radio with Brackets, Antenna and all necessary hardware shall be provided. Mounting will be completed by the City of Fayetteville.

SPECIFICATION FOR BULK WASTE CRANE
18'-22' TELESCOPING BOOM
311 DEGREE BOOM ROTATION

INTENT

It is the intent of these specifications to describe a Bulky Waste Crane designed primarily for use as a hydraulic refuse loader and grapple machine. It is to be mounted behind the cab for loading of bulk waste into a suitably designed body attached to the chassis.

Bidder must provide printed product literature indicating compliance with specifications.

SECTION I: Knuckle Boom Crane

For safety reasons, the product bid shall be a true rated crane and shall comply with ASME/ANSI standards (B30.5 and B30.22). Cranes or loaders which do not comply with these features will not be considered.

A. CAPACITY

The crane bid shall be a minimum of 70,000 ft-lbs. This rating will be determined and published by the crane manufacturer as per the criteria in the latest edition of ASME/ANSI, B30.5 and B30.22 standards. A crane load chart as described in ANSI B30.5 shall be enclosed for the product bid. Minimum rated capacity without attachments and measured from the center line of at a lifting height of 10 feet above ground: 13,900 lbs. at 5 ft., 7,100 lbs. at 10 ft., 5,000 lbs. at 15 ft., 3,500 lbs. at 20 ft.

B. GEOMETRIC CONFIGURATION

The crane supplied will have adequate lifting capabilities to be able to lift large bulky items and clear the dump body. The dimensions shown are for a 40" chassis frame height without attachments. Reach from center line of rotation: 22 ft. total, 22 foot boom which telescopes to 18 ft., Lifting height from ground: 33 ft. - 8 inches., Crane storage height not to exceed 13 feet, Out rigger span 11'-1" at ground level. Lifting capabilities below grade without attachments - 4 feet, Crane weight shall be less than 5,500 lbs. Bidder shall provide a drawing with the bid showing the crane's configuration.

C. CRANE MOUNTING - STEM

The stem provides a platform for mounting the crane to a truck and the necessary elevation for crane operation. It also incorporates the outriggers which are powered through double-acting hydraulic cylinders and provide stabilization during crane operation. Crane shall be attached to the chassis using 4 pairs of 1" studs which meet ASTM A325, The installed unit shall have spacers installed between the truck chassis rails to avoid crushing or distorting the frame rails. Means shall be provided to assure that the frame rail spacers do not fall out in case the mounting studs loosen up. The crane stem base plate shall be 7/8" and extend across both chassis rails. Stem uprights shall consist of 2 pc. of 12" x 4" x 3/8" tube adequately braced and fully welded to the base plate. The crane hydraulic control valve shall be mounted between the stem uprights for adequate protection. Outriggers, one per side, shall be an A frame style and have a single cylinder and control to extend and put down each of the outriggers. Outrigger cylinder shall be mounted inside telescoping rectangular tubing to prevent side loading of the outrigger cylinder. Single cylinder outriggers must be used to assure the driver fully extends the outrigger to the full and safest position. Outrigger shall have a full travel of 36" and travel a total of 11 inches below grade to compensate for uneven ground. Outrigger span shall be 11' 1" at ground level (12' 2" at full extension). Outriggers shall operate independent of each other. Outrigger shall be visible from its actuating position. Outrigger ends shall be fitted with smooth flotation pads.

D. BOOM ROTATION

Boom shall be capable of rotating 311 degrees. To assure smooth and precise operation. The crane rotates using a heavy duty gearbox and turntable bearing. Rotation function is powered by a self lubricating bidirectional roller vane motor. Rotational motor to deliver a minimum of 1933 inch lbs. at flows of 1.0-20 gallons per minute. Motor shall be fully serviceable. Motor shall have O-ring ports to prevent leakage. Motor shaft seal shall be able to withstand full system pressure, thus eliminating the need for a case drain. Turntable bearing - 25.75 inch diameter

connecting the stem and boom secured by Grade 8 bolts. Turntable bearing shall be a 4 point contact ball bearing using 4150 for the inner race and outer gear. Nylatron bearings or bushings can not be used. Tooth hardness of turntable bearing: BHN 262 minimum. Moment arm rating of turntable bearing: 115,000 ft. lbs. The rotational motor speed will be reduced by a gear box by a factor of 19.75:1. (To assure a safe and precise rotation, direct drive rotation units will not be accepted). Rotational gear box shall be designed to withstand a maximum input torque of 100,000 inch ~lbs. and a 7,000 lb. radial load. The gear box shall turn a heat treated pinion gear which runs on the external gear teeth of the turntable bearing to accomplish the rotation function. The pinion gear shall be a single piece, easily removable from the gear box shaft for replacement. Rotational mast shall consist of a 1" plate with a 3/8" minimum box structure. Mast shall consist of mounts for the inner boom and inner boom cylinder

E. INNER BOOM

The standard inner boom is of the underslung variety and is raised and lowered by use of a double-acting hydraulic cylinder connected between it and the mast assembly. It articulates through 102 degrees. The inner boom shall articulate by use of an under boom mounted cylinder from 22 degrees to +80 degrees. Fixed 120" boom constructed of 7" x 7" x 3/8" tube. One piece - dual tube booms not acceptable. Cylinder mounts shall be below the inner boom. Holes shall not be cut in the 7" x 7" boom for cylinder mounting (or any other reason) to assure the strongest boom is provided. All cylinder and boom pins shall be chrome plated. Pins shall be secured in place with a hex head which is keyed into a lock on the mounting plate. The pin shall be secured using a lock nut which is threaded onto the pin.

F. OUTER BOOM

The outer boom shall telescope from 18 foot to 22 feet. The outer boom is of the underslung variety and is raised and lowered by use of a double-acting hydraulic cylinder connected between it and the inner boom. The outer boom shall be connected to the inner boom using a mechanical linkage for added control. The outer boom cylinder shall be mounted on the top side of the boom to protect the cylinder from contact with the crane's load. Outer boom shall articulate 165 degrees. The pins connecting the outer boom cylinder to the linkage and the linkage to the inner boom shall be 1144 stress proof or 1050 heat treated to limit wear. The outer boom shall be capable of extending 4 feet. The telescopic boom shall have an 8" x 6" base tube and a 7" x 5" telescoping tube. To limit wear on the telescopic boom, the boom shall have guide tubes of 2" x 1.25" tube on each side to maintain alignment. The tubes will ride in a replaceable polymer shoe. The boom extension cylinder shall be installed inside the telescoping section for added protection. Exposed tip boom cylinders are not acceptable. Hoses on the tip boom shall be covered by a removable steel cover.

G. CYLINDERS

Hydraulic cylinders which are chrome plated will be used to operate the crane boom and outriggers. 3 year cylinder workmanship warranty on all cylinders. Inner boom - 6" Bore x 3" solid chromed rod, Outer boom - 6" bore x 3" solid chromed rod, Telescopic boom - 2.5" bore x 1.5" solid chromed rod, Outrigger cylinders - 3.5" bore x 2" solid chromed rod. All cylinders to have chromed rods. All boom cylinders shall have replaceable ball bushings in the ends to eliminate side loading. Pistons shall have aluminum piston packing adapters and glands. Cylinders shall be rebuildable and use readily available packing kits available from sources other than the crane manufacturer. Cylinders shall be designed to operate at 2,000 PSI. The inner and outer boom cylinder shall use externally threaded caps and identical packing kits for ease of maintenance. Cylinder ports shall utilize ~O-ring fittings. Inner boom, outer boom, and tip boom shall have load holding valves to lock the cylinders in case of a hydraulic failure. Inner and outer boom cylinders shall have the load holding valve externally mounted to allow easy repair or replacement.

H. HYDRAULIC SYSTEM

The hydraulic system is designed around a tandem pump and stack style control valve mounted at a stand up control station. Tandem Commercial P330 or Tyrone with tandem 2" gears, Pump shall be birotational, Tandem pump required to provide two continuous flows to allow operation of 2 functions simultaneously, Pump to deliver at 1500 rpm two 24 GPM flows, Pump to have a front and rear bracket for adequate support. 8 section control valve - Greisen V20 or Commercial KA18 stack style. Inlet and midsection inlet to have an adjustable relief set at 1500 PSI. All cylinders to be protected by work port reliefs. Valve shall work with tandem pump to allow the following functions to be done simultaneously without the loss of power, 1- Rotate crane and move or extend the outer boom, 2 - Open or close the grapple and rotate the grapple, 3 - Move the inner boom cylinder and move or extend the outer cylinder or extend the outer boom. Filter: 25 micron spin on filter cartridge Gresen FSP or equal. All hose lengths shall be minimal, steel hydraulic tubes shall be used to limit long runs of hose. Steel hydraulic tubes shall be mounted in bolt on vibrational clamps. Hydraulic tubes shall be positioned to minimize damage. Any hose passing through a hole or in a close tolerance area shall be covered with a separate abrasion sleeve. Hoses to be two wire and exceed 100 R2 with permanent crimp style fittings. Hydraulic tank - 50 gallon steel tank with baffles. Tank mounted, reusable, in line suction strainer with a relief. Tank to include air breather, sight gauge, thermometer, and magnetic drain plug. Gate valve required to isolate tank when servicing the pump. 1 1/4" suction line with reusable ends secured by T-bolt clamps (hose or band clamps not acceptable) Diverter valve required to switch between crane operation and dump body function. A protection procedure shall be provided which will not allow simultaneous operation of the crane and dump body. PTO shall be Chelsa Hot Shift

with overspeed, PTO control to be dash mounted with a light and safety buzzer. Hot shift PTO, when activated, shall automatically disengage the PTO when the truck is placed in gear and reengage when the transmission is returned to neutral. For safety reasons the PTO must not operate when the vehicle's transmission is in gear to avoid accidental activation of the crane while in transit. System to include two pilot operated check valves to maintain the cylinder stability of both outriggers. Swing control valve to be provided to control crane rotation under load.

I. WALK BEHIND CONTROLS

Crane controls are located at the rear of the crane tower. Dual side, waist-level manual lever controls standard to provide operation from either side of the vehicle. Operators station to set above the chassis constructed from expanded gripstrut. Frame for driver's platform shall be constructed of a minimum of 2" x 2" rectangular tube. Operators station to be accessible from the ground by steps mounted on each side of the vehicle. Steps shall be covered with a non skid grate and must have a handrail for safe use. Size of platform and spacing between the cab and boom controls shall be sufficient for safe and efficient movement of the operator while manipulating the boom controls. Truck exhaust shall be modified so it discharges a minimum of 24" beyond the rearmost portion of the control platform. Vertical control handles shall be used. Controls shall be labeled on a permanently etched aluminum tag. Controls shall be self centering in the neutral position. Controls shall comply with standards set forth in ASME B30.5 and B 30.22. A single bank of control valves shall be utilized with dual-mirror image controls allowing operation from both sides of the truck. The dump body control shall be mounted so the driver is standing on the ground next to the driver's door when dumping. Dump control shall be properly labeled. A removable steel cover shall be provided to cover any exposed hydraulic hoses which are even with the operators upper body or head. Total height of the vehicle shall be posted on the dashboard of the truck.

J. GRAPPLE AND GRAPPLE ROTATION

To be S&L Model 28-B-3 or equal, Hydraulically operated by two double acting cylinders. Chromed cylinder rods, 1/3 cord capacity, 21 1/2" wide, Continuous rotation bucket, Minimum bucket opens to 72 inches, closes to 32 inches. minimum weight with rotator 695 lbs., Replaceable jaws, solid knuckle link with replaceable bushings. Hydraulic lines shall be secured and routed so they cannot be snagged by brush or debris. Hoses shall be protected by the head assembly. Rotator to be Indexator GV6 or equal. Rotator capacity 14,000 lbs. Rotator torque at 3,000 PSI, 1,157 ft.-lb. Rotator shall be unlimited continuous rotation without stops.

SECTION 2: 28 CUBIC YARD DUMP BODY

BODY FLOOR - One piece 3/16" plate, 8 feet wide and 20 feet long, Continuously welded to rub rails, Long sills to be 8 inch structural channel, Cross sills to be 3 inch structural channel on 12 inch centers.

HEADBOARD AND SIDES - 11 gauge smooth steel plate Continously welded to the floor top rail to be 4" x 3" x 11 gauge rectangular tube, Front portion to be 42 inches high, Angling to 60 inches for remainder of body and rear doors

SIDE POSTS: Side posts: 3" deep x 5" wide x 11 gauge formed channel on 20" centers with drain holes.

CROSS-SILLS: To be 3 inch structural channel on 12 inch centers.

LONG-SILLS: To be 8 inch structural channel w/3/16" gussets between long sills and channels.

REAR DOOR: Rear door shall rest on the floor of the body when the door is closed. Door shall be framed with 4" x 3" x 11 gauge tube with one additional piece horizontal across the center of the door. Door shall swing on 1/2" hinge plates with 1 1/4" removable pins, minimum of 3 hinges. Rear door shall incorporate a resting cradle to lock the grapple in place during transport. Rear door latch heavy duty torque action with 3 latch holders. Door shall open using a single handle which is secured with a safety chain. Door shall have a safety chain to secure it in the open position when dumping. Body to have a tarp tie down bar the total length of the body. Dump body hoist shall be Crysteel model 3300 or equal. Hoist shall have a minimum NTEA rating of G/70. Hoist to be twin cylinder, single action. Dump body hoist shall not add additional height to the dump body. Dump body hoist and cylinders to have a one year warranty.

PAINT: 1 coat of prime and 2 coats of enamel paint to match cab. Inside of the dump body must be painted.

ATTACHMENT #1

Item #2 (Page 1) consists of the Heavy Duty Truck Cab & Chassis with Mounted Dump Body with Bulk Waste Crane per Item #1 of the Specifications with the following exception:

Reference Page 6:

DELETE THE FOLLOWING:

TRANSMISSION: Allison MD3550WR-P 5 Speed Electronic Control Automatic **OR EQUAL** W/Retarder.

ADD THE FOLLOWING:

TRANSMISSION: Manual multi-speed of the proper type, style and torque rating to provide adequate service in stop & go operations as recommended by the Manufacturer.

CLUTCH: Heavy Duty as recommended by the Manufacturer.

HAWK BULK WASTE CRANE



The Hawk Model 1150 shown with 18-22 foot extendable boom, walk behind controls, continuous rotation grapple and 28 yard dump body.

A True Rated Crane for

STAFF REVIEW FORM

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of June 2, 1998

FROM:

W.A. Oestreich Fleet Operations Administrative Services
 Name Division Department

ACTION REQUIRED:

Acceptance of the Lowest Qualified Bidder for - Bid #98-37, for the purchase of Vehicle Wash Products and the furnishing of Automated Drive Thru Vehicle Wash Equipment installed at the City Fleet Operations Facility. The Vendor for this Purchase is DYCHEM International, Inc., 560 North 500 West, Salt Lake City, UT, 83116, Vendor #05231

COST TO CITY:

Cost: \$ 19,603 (based on 1997) Trade Allowance: \$ N/A Net Cost: \$ N/A

Annual needs as reflected

\$ in Budget	\$ <u>N/A</u>	<u>OPERATIONS</u>
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1910- (As Required)		
9700-1920- (As Required)	\$ <u>N/A</u>	<u>Vehicle Maintenance</u>
Account Number	Funds Used To Date	Program Name
	\$ _____	<u>Shop</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item _____ Budget Adjustment Attached

[Signature]
 Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn Cramer
 Accounting Manager
[Signature]
 City Attorney
P. Vice
 Purchasing Officer

5-13-98
 Date
5-13-98
 Date
5-13-98
 Date

ADA Coordinator
Yolanda Fields
 Internal Auditor

Date
5-13-98 ✓
 Date

STAFF RECOMMENDATION:

Authorization to Accept Proposal & Purchase Product - Bid 98-37.

[Signature]
 Division Head

5/12/98
 Date

Cross Reference

New Item: **Yes** **No**

Department Director
[Signature]

Date
5/14/98

Prev Ord/Res #: _____

Administrative Services Director
[Signature]
 Mayor

Date
5/14/98
 Date

Orig Contract Date: _____

CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Ben Mayes, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: April 29, 1998

SUBJECT: BID AWARD RECOMMENDATION 98-37

*Automated Drive Through
Wash Equipment & Supplies*

Reference the attached Agenda Request for the Award of Bid 98-37. The qualified bidder meeting requirements and specifications is DYCHEM International, Inc., 560 North 500 West, Salt Lake City, UT, (Vendor #05231).

This Bid was sent to 5 potential suppliers with 1 response. The supplying of equipment when a product is furnished is not an uncommon practice in this industry. As we have been utilizing the product from this manufacturer for over a year utilizing hand washing equipment, the performance has been well demonstrated. This supplier maintains other Drive Thru Wash equipment and product to firms in our area, including Tyson Long Haul and Ryder Truck Rental.

Calendar year expenses for vehicle wash for the City in 1997 was \$13,746.10 with repairs to the hand wash equipment at \$2,478.79 and Tokens for wash at an outside facility at \$3,375.00. Year to date in 1998 amounts to \$7,424.62, of which \$2,279.94 is for Hand wash equipment repair and Tokens. Note that labor costs of the vehicle operator are not included. Labor and parts costs of in house repairs has not been included as these costs are included as normal shop equipment maintenance. This includes wand hose replacement, rinse hose replacement, and valve replacement due to the operator failing to turn off the machine after use or driving over the hoses. These items will be eliminated with the automated system.

Hand wash is very time consuming, it is difficult to keep the units as clean as a Drive Thru would accomplish in the same amount of time. Work schedules of the operators may not allow sufficient time for hand wash, whereas the automated allows them to stay in the cab and reduce the time by a wide margin. This should result in more washes to keep the vehicles more presentable. An additional advantage is the installation of a "belly wash" feature. This will be greatly appreciated by the shop personnel that find it necessary to get under the units for lube and normal service.

At present the City operates 2 Hand Wand Wash units, one of which is in need of extensive repairs. It is the intent to dispose of the failed unit and only operate the fully functional unit on heavy equipment where the Drive Thru would be impractical.

The Bid Tabulation Sheet dated April 29, 1998, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List attached.

The equipment listed has been evaluated for compliance with the needs of the Fleet Operations Division and should provide adequate service when utilized as intended. The anticipated support necessary to maintain this unit in a proper and efficient manner was also considered.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by the Fleet Operations Division and the Building Maintenance Division prior to submission.

Therefore, the following is submitted for approval by the Council:

- | | |
|-------------|--|
| ITEMS 1 & 2 | Acceptance of provisions of the Bidder to supply necessary equipment with a full maintenance agreement on a "No Charge" Basis. This excludes damage caused by improper use, impact, etc. |
| ITEM 3 | Purchase the product in the needed amounts to comply with the proposed requirements. |

SUMMARY

Estimated product needed on an annual basis: approximately \$18,000.00

Estimated cost to provide water & electrical service: approximately \$3,000.00

The budgeted Categories involved includes:

- 9700-1910-5202.00 - Shop Supplies
- 9700-1910-5203.00 - Cleaning Supplies
- 9700-1910-5400.00 - Building & Grounds Maintenance
- 9700-1920-5804.00 - Wash Bay Improvements

The total amount of the bid award will remain as a flexible amount due to the unknown factors such as the total amount of vehicles washed on a monthly basis, final costs of electrical and plumbing needed to supply the equipment. However, it is anticipated that by item, there is a sufficient amount to cover any contingency.

CITY OF FAYETTEVILLE

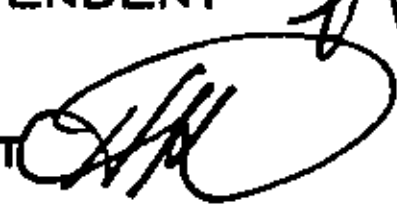
FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: MAYOR/CITY COUNCIL

THRU: BEN MAYES, ADMINISTRATIVE SERVICES DIRECTOR

THRU: W. A. OESTREICH, FLEET OPERATIONS SUPERINTENDENT

FROM: HAROLD DAHLINGER, FACILITIES SUPERINTENDENT 

DATE: APRIL 29, 1998

SUBJECT: BID AWARD RECOMMENDATION 98-37

I HAVE REVIEWED THE BID SPECIFICATIONS AND THE BIDDERS REQUIREMENTS OF BID 98-37 AND CONCUR WITH THE ESTIMATE OF \$3,000.00 TO PROVIDE WATER AND ELECTRICAL SERVICE TO THE EQUIPMENT THAT DYCHEM INTENDS TO PROVIDE. THE FACILITIES AT 1525 S. HAPPY HOLLOW ROAD WILL PROVIDE MORE THAN ADAQUATE SPACE AND SEWER LINE TO COMPLY WITH THEIR REQUEST.

B ID: 98-37
DATE: 4/29/98
TIME: 9:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: AUTOMATIC DRIVE-THRU CAR WASH

BIDDER

ITEM #1

ITEM #2

ITEM #3

DYCHEM INTERNATIONAL

*no chg

*no chg

*if 300 unit washes per month maintained

Product:

Hydro wash A (bulk) \$5.00 per gal

Hydro wash S (bulk) \$5.00 per gal

TRD (optional) \$12.75 per gal

Elbow grease bulk (optional) \$5.50 per gal

CITY OF FAYE

01 501 575 8257

10:02

04/29/98

BID 98-37
1F5

P Vice
P Vice Purch Mgr

Witness
Date 4/29/98

CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494
INVITATION TO BID

BID #: 98-37

DATE ISSUED: April 20, 1998

DATE & TIME OF OPENING: April 29, 1998 - 9:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNIT: 60 Days from Date of Order

F.O.B. Fayetteville, AR

***GUARANTEED DELIVERY SCHEDULE:** _____

ITEM:	DESCRIPTION:	QUANTITY:	UNIT PRICE:	TOTAL PRICE:
-------	--------------	-----------	-------------	--------------

- | | | | | |
|----|---|--|----------|--|
| 1. | Automated Drive Thru Vehicle Wash
Equipment as per attached
requirements. | | \$ _____ | |
| 2. | Service/Maintenance Agreement on Equipment
listed in Item #1 (Annual) | | \$ _____ | |
| 3. | Wash product compatible with
Equipment listed in Item #1
Please attach details. | | \$ _____ | |

***SPECIFY SUPPLIER OF WASH EQUIPMENT:** _____

***SPECIFY BRAND NAME OF PRODUCT:** _____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ *FAX: _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENT FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

**BID 98-37
SPECIAL TERMS & CONDITIONS**

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** show as a separate item.
3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Each bidder **MUST** state on the face of the bid form the anticipated number of days from the date of receipt of order for installation of the completed unit at the City of Fayetteville Fleet Operations Facility located at 1525 S. Happy Hollow Rd. Fayetteville, Arkansas and the anticipated delivery time for the product.
6. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.
7. All bid prices shall be FOB Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701.
8. Standard Manufacturers Warranty shall apply. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form.
9. Any exceptions to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
10. All items marked "**MANDATORY REQUIREMENT FOR CONSIDERATION OF BID**" **MUST** be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.
11. A training session shall be provided to familiarize City Employees with the operational and maintenance needs of the unit provided.

BID # 98 - 37

BASIC REQUIREMENTS

General Requirements are as follows for Automated Drive Thru Vehicle Wash Equipment installed at the City of Fayetteville Fleet Operations Facility located at 1525 S. Happy Hollow Road, Fayetteville, AR

Field demonstrations of currently operational wash units may be required as part of Staff analysis at the option of Staff members or other qualified interested parties. Properly documented referrals may be required of vendors which allows field evaluation of units in a comparable operational area.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid.

The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous wash equipment, product and services to meet the needs of the City.

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

It is the intent and purpose of these specifications to secure for the purchaser the necessary equipment, accessories, products, and services which will perform in a safe, practical and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials and workmanship shall be of the highest grade in accordance with modern practice.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturer's and/or supplier's standard warranty or guarantee. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to the lack of parts or service.

All suppliers submitting proposals must have qualified service personnel available within a reasonable time from notification during regular business hours and days.

ITEM 1. AUTOMATED DRIVE THRU WASH EQUIPMENT

The City of Fayetteville requires suitable equipment installed at the Fleet Operations Facility located at 1525 S. Happy Hollow Rd., Fayetteville, AR. This equipment will be installed in a professional manner in the wash bay area and be capable of washing and rinsing of any wheeled vehicle currently owned and/or operated by the City. The City will be responsible for providing the necessary electrical supply, water supply and concrete work to allow installation. Inspection of the desired location area can be arranged by contacting the Fleet Operations Division Monday through Friday from 8:00 A.M. to 5:00 P.M.

ITEM 2. SERVICE/MAINTENANCE AGREEMENT

The City of Fayetteville desires a Service/Maintenance Agreement on the equipment provided in Item #1. This equipment shall be priced on an annual basis and include the necessary parts and labor to keep the equipment functioning in a satisfactory manner.

ITEM 3. WASH PRODUCT

A suitable wash product is to be provided which will be compatible with the installed equipment. This product must be capable of maintaining the cleanliness of the vehicles/equipment in a satisfactory manner without damage to the units. Descriptive literature with the proper mix ratio is to be provided with the pricing structure.

BIDDERS LIST

WASH EQUIPMENT

1. DY-CHEM INTERNATIONAL, INC.
560 N. 500 WEST
SALT LAKE CITY, UTAH 84116
ATTN: WENDI KESSLER
2. MANTEK
P.O.BOX 660196
DALLAS, TEXAS 75266-0196
3. ULTRA CHEM INC.
9571 ALDEN
LENEXA, KANSAS 66215
4. NATIONAL CHEMSEARCH
P.O.BOX 152170
IRVING, TEXAS 75015
5. CHEMSTATION OF THE OZARKS
1008 CLAYTON
SPRINGDALE, AR 72762

BID 98-37

1F12

BID # 98-37
City of Fayetteville

ITEM #1

There will be NO CHARGE for the Fleetwash System based on a usage of 300 unit washes per month. The System will remain the property of DyChem International. See ADDENDUM C for a list of the equipment comprising the Fleet Wash System.

DyChem International, Inc. will be responsible for all parts, equipment replacement, labor and repairs as it pertains to the System, that is necessitated only by ordinary wear and tear of the System resulting from its normal, ordinary, and expected use during the term of our agreement. The City of Fayetteville to provide the items under ADDENDUM B.

ADDENDUM C

SYSTEM EQUIPMENT LIST

BASIC FLEET WASH COMPONENTS

DyChem is providing the following equipment to be used in the City of Fayetteville Fleet Wash System.

- (3) Steel Arches
- (8) Guide Rail Feet
- (1) Set of Guide Rails
- (18) Micro Switch Mounting Brackets
- (1) Rinse Pipe
- (1) Rinse Pump Cover
- (2) Chemical Application Pump Covers
- (10) Pipe Mounting Brackets
- PVC Piping and Fittings
- Customized electrical control panel with quick disconnect (including motor starters relays, transformers, terminals and all electrical components to operate system).
- (2) Chemical Solution Tanks
- (2) Bulk chemical storage tanks
- (1) Rinse tank
- (1) 30 Hp motor with centrifugal pump
- (1) High Viscosity D-foam Pump
- (1) 1 1/2" clay valve and control
- (18) Micro switches with actuator clamps
- (2) Hydrominders with hoses and fittings
- Tee Jets and vee jet nozzles together with Unistrut steel, clamps, wands, and other miscellaneous hardware necessary for chemical application.
- (1) 2 Side Low pH Pipe Assemblies Sch 80 1" pvc pipe.
- (1) 2 Side Alkaline Pipe Assemblies Sch 80 1" pvc pipe.
- (1) Set of Back Door low pH and Alkaline Pipe Assemblies
- (2) Alkaline Wheel Wash Pipe Assemblies
- (2) Low pH Wheel Wash Pipe Assemblies
- (2) Chemical Solution Pumps.

ADDENDUM B

EQUIPMENT TO BE PROVIDED BY CITY OF FAYETTEVILLE

Lessee is required to do the following:

- Provide an adequate building for the Fleet Washing Equipment;
- Provide a 1 ½ " incoming water supply at 50 psi to the Fleet Washing Equipment;
- Provide incoming electrical supply at 208, 230, or 440 volts, three phase with a disconnect box; to the Fleet Washing Equipment.
- Provide an adequate sewer line; and
- Ensure that all required permits are obtained in advance of the date of installation.

BID # 98-37
City of Fayetteville

ITEM #2

There will be NO CHARGE for service and maintenance of the Fleet Wash System. All maintenance, replacement of equipment, labor parts necessary for the ordinary maintenance of the System will be provided by DyChem International, Inc. during the term of our agreement and provided there is usage of 300 unit washes per month.

EXCEPTION: The City of Fayetteville shall be responsible and liable for any and all damage or destruction to the System resulting from any use of the System outside its normal, ordinary, or expected use and/or use contrary to the instructions of DyChem International, Inc. Specifically, for damages arising out of casualty losses and/ or damage to the System which are the result of its negligent use.

ITEM 3

PRICE QUOTE

I. Detergents Required & Pricing

PRODUCT	PRICE DELIVERED	DESCRIPTION
Hydro Wash A	\$ 5.00 per gallon / bulk	Low pH Chemical Application
Hydro Wash S	\$ 5.00 per gallon / bulk	High pH Alkaline Hydro Shock Neutralizer
TRD (optional)	\$12.75 per gallon	Defoamer
Elbow Grease (optional)	\$ 5.50 per gallon / bulk	

These detergents are specifically manufactured for the Fleet Wash System. They provide a perfect balance to ensure the best possible result. DyChem's stringent production control standards guarantee the highest possible quality detergents.

II. Minimum Annual/Monthly Dollar Volumes Required

Wash a minimum of three (300) units per month.

III. Terms

The above pricing will take effect as soon as the Fleet Washing System is installed. DyChem reserves the right to change these prices in the event of a dramatic increase in production costs, but will provide notice thirty (30) days before doing so. Pricing for the Detergents may be increased annually, but only in the event that Lessor's costs increase in excess of three percent (3%).

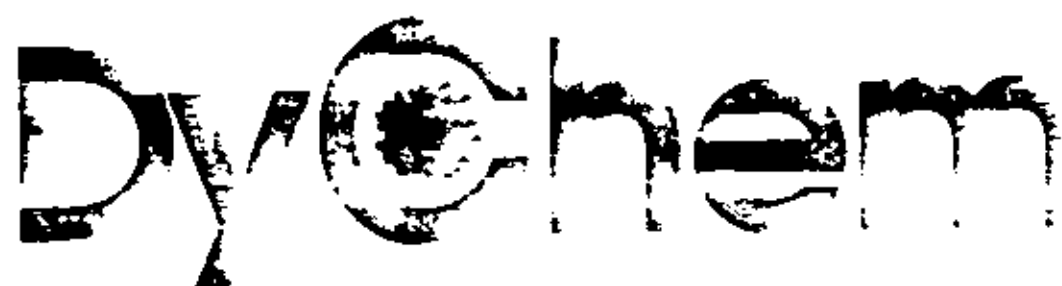
Lessee is required to purchase all Detergents used in the Fleet Washing System exclusively from DyChem.

DyChem will provide all routine maintenance and inspections, together with all labor and parts for any part of the System needing repair due to normal use.

These prices may be subject to change as set forth in the Agreement of which this is a part.

IV. See Attached Product Technical Sheets

V. See Attached letter as it pertains to special terms and conditions per Number 2.



- ◆ Concentrated ^{BID 98-37}_{1F17}
- ◆ Highly Active
- ◆ Brightens
- ◆ Harmless to Most Paint
- ◆ Minimizes Scrubbing

HYDRO WASH A

Fleet Wash Brightener

HYDRO WASH A is a clear, low pH liquid, especially formulated to remove soils and oxide accumulations from aluminum, stainless steel, brass, painted surfaces, steel and copper. A very effective and economical product when used in DyChem's Fleet Wash Systems or Multi-Step Units.

BENEFITS: When applied and rinsed as directed, HYDRO WASH A is safe on the following surfaces: bronze, aluminum, stainless steel, copper, iron, steel, brass, rubber and lead. HYDRO WASH A quickly brightens aluminum and other oxidized surfaces. Use with HYDRO WASH S to remove grease, oil, road film and other soils.

DIRECTIONS: Dilute HYDRO WASH A with water before use. The proper dilution depends upon the conditioning of the aluminum, or other metal, the dwell time available, the ambient temperature, and the equipment available. Typical dilutions are 1:10 to 1:50. Apply the product through low pressure or high pressure equipment. Can be applied in a Drive Thru Fleet Wash System. Do not allow solution to dry on the surface, and rinse thoroughly.

NFPA Code: Health - 3, Fire - 0, Reactivity - 0, Special - Acid

PACKAGING: 1 gallon
5 gallon
20 gallon
30 gallon
55 gallon



- Excellent Rinsing
- Stable in Hard Water
- Safe on Painted & Metal Surfaces
- Clean Results Without Rinsing

HYDRO WASH S

Fleet Wash Detergent

DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem

HYDRO WASH S is a medium to heavy duty liquid detergent with a unique blend of wetting and emulsifying agents which give HYDRO WASH S its superior ability to penetrate even the toughest soils. HYDRO WASH S breaks the bond that holds road film to painted surfaces and holds them in suspension. Rinsing is complete, leaving a surface that is free from residue. Also very effective and economical when used in DyChem's Fleet Wash Systems or Multi-Step units.

BENEFITS: HYDRO WASH S cleans and emulsifies greasy oil, animal fats and other soils. Also works great as a pre-soak. HYDRO WASH S is concentrated for economical use in a wide variety of applications.

DIRECTIONS: HYDRO WASH S gives best results when mixed as follows: General cleaning 1:40 to 1:100, truck washing 1:10 to 1:50, steam cleaning 1:50, ordinary degreasing 1:5.

NFPA Code: Health - 3, Fire - 0, Reactivity -0, Special -Alk

PACKAGING:

- 1 gallon
- 5 gallon
- 20 gallon
- 30 gallon
- 55 gallon

8/95

DyChem International, Inc.
1-800-453-4606

DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem DyChem

HYDRO SHOCK FLEET WASHING SYSTEM LEASE
AND CHEMICAL PURCHASE AGREEMENT

THIS LEASE/PURCHASE AGREEMENT is made and entered into this ____ day of _____, 1998 by and between DyChem International, Inc. ("Lessor") and the City of Fayetteville ("Lessee").

WHEREAS, Lessor is engaged in the business of manufacturing and installing hydro shock fleet washing systems ("System") and the detergents to operate System ("Detergents"); and,

WHEREAS, Lessee desires to lease a System and purchase Detergents.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, Lessee and Lessor agree to the terms and conditions as set forth herein:

1. System Equipment. The System equipment shall include that equipment listed in Addendum "A" attached hereto and made a part hereof.

2. Lease Fees. The System shall be provided to Lessee at no monthly charge; however, Lessee agrees to a minimum monthly purchase of Detergent.

3. Term/Termination. This Lease/Purchase Agreement shall remain in effect until December 31, 1998 and shall automatically renew, subject to Lessee's budget approval, for a period of one (1) year, (the "Principal Term"). Thereafter this Lease/Purchase Agreement shall automatically renew for four (4) one (1) year terms, subject to Lessee's budget approval. The parties shall have the right to terminate this Lease/ Purchase Agreement upon sixty (60) days written notice, at any time following the completion of the Principal Term.

4. Installation. Lessor shall provide the System including all parts and equipment, as well as all labor to fully install the System and make it fully operational. Lessee shall provide the items contained in Addendum "B" attached hereto and made a part hereof.

5. Ownership of System. All parts and equipment which constitute the System shall remain the sole and separate property of Lessor. At no time shall they be considered fixtures, but instead shall constitute personal property. The title to the System shall remain with Lessor exclusively. This Lease/Purchase Agreement shall in no way imply a right to purchase the System, any such right is hereby expressly denied. At the termination of this Lease/Purchase Agreement, Lessor shall remove the System from Lessee's premises, together with all parts and equipment appurtenant thereto. Removal shall be performed in a workmanlike and reasonable manner and shall be removed within 30 days from termination of this Lease/Purchase Agreement.

Lessee agrees to execute a UCC-1 form acknowledging Lessor's ownership interest in the System equipment.

6. Detergent. Lessee shall use DyChem Products exclusively in the System.

7. Detergent Fees. The fees for Detergent shall be as set forth in Addendum "C" attached hereto and made a part hereof.

8. Maintenance of System. Lessor agrees to furnish all labor, equipment, and parts necessary for the ordinary maintenance of the System, provided that such maintenance is necessitated only by ordinary wear and tear of the System resulting from its normal, ordinary, and expected use.

Damage to the System resulting from any use by Lessee outside its normal, ordinary or expected use and or use contrary to the instruction of Lessor shall be repaired by Lessor; however, all expenses relating thereto, including reasonable charges for labor and materials, shall be invoiced to the Lessee for payment.

9. Terms of Payment. All payments shall be made within thirty (30) days after receipt of invoice.

10. Notice and/or Written Communication. Any notices, requests, instructions, or other written communications shall be delivered personally or sent by registered or certified mail to:

LESSEE:

City of Fayetteville
1525 S. Happy Hollow
Fayetteville, AR 72701

LESSOR:

DyChem International, Inc.
ATTN: Fred Lieber
560 North 500 West
Salt Lake City, UT 84116

11. Remedies. In the event of any material breach hereunder, including but not limited to purchasing detergents to be used in the System from any party other than Lessor, or failure to make timely payment concerning invoices of Lessor, the Lessor may cancel this Lease/Purchase Agreement and remove the System, and pursue other legal and or equitable remedies, as permitted by law.

Lessor's failure to maintain and/or promptly repair the System shall be a breach of the Lease/Purchase Agreement. Lessee shall give Lessor written notice of such breach and Lessor shall have 14 days to perform remedial work. Failure to perform remedial work shall entitle Lessee to seek repairs from parties other than Lessor, and to pursue other legal and/or equitable remedies, as permitted by law.

12. Amendments or Modifications to this Lease/Purchase Agreement. This Lease/Purchase Agreement may only be modified or amended in writing, executed by Lessee and Lessor.

13. Assignment. This Lease/Purchase Agreement may not be assigned by either Lessee or Lessor without prior written consent of the other party.

14. Insolvency or Creditors Relief. In the event that either Lessee or Lessor becomes insolvent, makes an assignment for the benefit of creditors, or becomes the subject of any action or proceeding in bankruptcy or for the benefit of creditors, any such occurrence will be deemed a default of and will automatically terminate this Lease/Purchase Agreement.

15. Governing Law. This Lease/Purchase Agreement shall be deemed to have been executed in the State of Arkansas. Furthermore, this Lease/Purchase Agreement shall be executed in accordance with and construed and interpreted under the laws of the State of Arkansas.

16. Entire Agreement. This Lease/Purchase Agreement, together with Addenda A, B, and C, constitute the entire lease and purchase agreement between Lessee and Lessor and shall supersede all prior agreements, written or oral, together with any memoranda, or correspondence. Any other promises, terms, conditions, or obligations not contained herein are neither binding on the parties nor actionable in a court of law.

16. Multiple Counterparts. This Lease/Purchase Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute but a single instrument.

IN WITNESS WHEREOF, this HYDRO SHOCK FLEET WASHING SYSTEM LEASE AND CHEMICAL PURCHASE AGREEMENT is executed as of the day, month, and year set forth below.

DyChem International Inc., Lessor

City of Fayetteville, Lessee

By: _____
Title: _____

By: _____
Fred Hanna, Mayor

Attest:

Attest:

By: _____
Title: _____

By: _____
Heather Woodruff, City Clerk

ADDENDUM "A"
SYSTEM EQUIPMENT LIST
BASIC FLEET WASH COMPONENTS

DyChem is providing the following equipment to be used in the City of Fayetteville Fleet Wash System.

- (3) Steel Arches
- (9) Guide Rail Feet
- (1) Set of Guide Rails
- (18) Micro Switch Mounting Brackets
- (1) Rinse Pipe
- (1) Rinse Pump Cover
- (2) Chemical Application Pump Covers
- (10) Pipe Mounting Brackets
- (-) PVC Piping and Fittings
- *** Customized electrical control panel with Quick Disconnect Including Motor starters, relays, transformers, terminals and all electrical components to operate system.)
- (2) Chemical Solution tanks
- (2) Bulk Storage Tanks
- (1) Rinse Tank
- (1) 30 HP Motor with Centrifugal Pump
- (1) High viscosity D-Foam Pump
- (1) 1-1/2" Clay Valve and Control
- (18) Micro Switches and Actuator Clamps
- (2) Hydrominders with Hoses and Fittings
- *** Tee Jets and Vee Jet Nozzles together with Unistrut steel, clamps, wands, and other miscellaneous hardware necessary for chemical application.
- (1) 2 side Low PH Pipe Assemblies Sch 80 1" PVC Pipe
- (1) 2 side Alkaline Pipe Assemblies Sch 80 1" PVC Pipe
- (1) set of Back door Low PH and Alkaline Pipe Assemblies
- (2) Alkaline Wheel wash Assemblies
- (2) Low PH wheel Wash Pipe Assemblies
- (2) Chemical Solution Pumps

ADDENDUM "B"
EQUIPMENT TO BE PROVIDED BY LESSEE

Lessee is required to do the following:

Provide an adequate building for the Fleet Washing Equipment;

Provide a 1 ½" incoming water supply at 50 psi to the Fleet Washing Equipment;

Provide incoming electrical supply at 208, 230, or 440 volts, three phase with a disconnect box to the Fleet Washing Equipment.

Provide an adequate sewer line,

Ensure that all required permits are obtained in advance of the date of installation.

ADDENDUM "C"
DETERGENT

I. Detergents Pricing

PRODUCT Hydro Wash A
PRICE: \$5.00 per gallon
DESC:
 Low PH Chemical Application

PRODUCT Hydro Wash S
PRICE: \$5.00 per gallon
DESC:
 High PH Alkaline Hydro Shock Neutralizer

PRODUCT TRD (Optional)
PRICE: \$12.75 per gallon
DESC:
 Defoamer

These detergents are specifically Manufactured for the Fleet Wash System. They provide a perfect balance to ensure the best possible result. DyChems stringent production control standards guarantee the highest possible quality detergents.

II. Minimum Monthly Dollar Volumes Required

A minimum monthly Detergent purchase of \$1,500.00 is required.

III. Detergent Price Increases

The above pricing will take effect as soon as the Fleet Washing System is installed. DyChem reserves the right to change these prices in the event of a dramatic increase in production costs, but will provide notice thirty (30) days notice before doing so. Pricing for the Detergents may be increased annually, but only in the event that Lessor's costs increase is in excess of three percent (3%). Total increase shall not exceed five percent (5%) of the above quoted price.

STAFF REVIEW FORM

XX AGENDA REQUEST
 ___ CONTRACT REVIEW
 ___ GRANT REVIEW

For the Fayetteville City Council meeting of June 2, 1998

FROM:

W.A. Oestreich Fleet Operations Administrative Services
 Name Division Department

ACTION REQUIRED:

Acceptance of the Lowest Qualified Bidder for Items #1-A, #3#4 and #5. Bid #98-42, with trade in of Items# 6 thru 15. The Vendor for this Purchase is Williams Ford Tractors & Equip. Co., P.O. Box 1346, Fayetteville, AR 72702-1346, Vendor #12860. This consists of Tractors/Mowers and various Haying Equipment.

COST TO CITY: to be utilized for the hay management operation at the Shady site and the

Cost: \$ 120,193.00 Trade Allowance: \$37,375.00 Net Cost: \$ 82,818.00

peaks mowing operation.

\$ 82,818.00 \$ 303,827.00 Repl/Exp Other Vehicles/Equip.
 Cost of this Request Category/Project Budget Category/Project Name

9700-1920-5802.00 \$ 32,788.00 Vehicles & Equipment
 Account Number Funds Used To Date Program Name

98065 & 98068 \$ 271,039.00 Shop
 Project Number Remaining Balance Fund

BUDGET REVIEW: XX Budgeted Item ___ Budget Adjustment Attached

[Signature]
 Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

[Signature] 5-14-98
 Accounting Manager Date

ADA Coordinator Date

[Signature] 5-14-98
 City Attorney Date

Internal Auditor Date

[Signature] 5-14-98
 Purchasing Officer Date

STAFF RECOMMENDATION:

Authorization to Purchase Items #1-A, 3, 4, and 5 with acceptance of trade allowance of Items #6 thru 15 per Bid 98-42.

[Signature]
 Division Head

5/13/98
 Date

Cross Reference

Department Director

Date

New Item: **Yes No**

[Signature]
 Administrative Services Director

5/15/98
 Date

Prev Ord/Res #: _____

[Signature]
 Mayor

5/16/98
 Date

Orig Contract Date: _____

CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Ben Mayes, Administrative Services Director *BM*

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent *JO*

DATE: May 13, 1998

SUBJECT: BID AWARD RECOMMENDATION 98-42

Reference the attached Agenda Request for the Award of Bid 98-42, Items #1-A, #3, #4 and #5 with the acceptance of the trade offer for Items #6 thru 15. The qualified bidder meeting specifications is Williams Ford Tractor and Equip. Co., P.O. Box 1346, Fayetteville, AR 72702-1346. (Vendor #12860).

The Bid Tabulation Sheet dated May 11, 1998, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List attached.

The items listed have been evaluated for compliance with original specifications and for compatibility with the usage needs of the City. The anticipated Manufacturer and Dealer support necessary to maintain these units in a proper and efficient manner was also considered.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by the Parks Maintenance Division, Sludge Management Site and the Fleet Operations Division prior to submission to the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

ITEM 1-A. Large Rectangler Baler

for Haying at Sludge Mgmt site

Williams Ford Tractor and Equip. Co.

1998 Hesston 4755 Baler @ \$ 45,699.00 This Bid was accepted due to the compliance with the original Specifications. This should provide a unit that will be efficient, reliable and compatible to our operations.

ITEM 3. Bi-Fold Wheel Rake *for Haying operation*

Williams Ford Tractor and Equip. Co.
1998 Hesston 3982 Rake @ \$ 6,549.00
1998 M&W DF12 @ \$ 6,549.00
Total Price of \$ 13,098.00

ITEM 4. Disc Mower-Conditioner *for Haying operation*

Williams Ford Tractor and Equip. Co.
1998 New Holland 1411 Discbine @ \$ 13,999.00

ITEM 5. Tractor Mower *for Pake mowing operations*

Williams Ford Tractor and Equip. Co.
Ford New Holland 1630 Tractor with 914 Mower @ \$ 15,799.00 ea.
Total Price of \$ 47,397.00

TRADE ALLOWANCE FOR ITEMS # 6-15

Williams Ford Tractor and Equip. Co.

ITEM 6.	New Holland Mower	Md # 465	FA#2978	\$ 2,750.00
ITEM 7.	New Holland Mower	Md # 465	FA#2977	\$ 2,000.00
ITEM 8.	Hesston 12 Wheel Rake	Md # 3982	FA#2987	\$ 3,000.00
ITEM 9.	Hesston 8 Wheel Rake	Md # 3972	FA#3720	\$ 2,250.00
ITEM 10.	Belton Sprayer	Md # O H D		\$ 850.00
ITEM 11.	Bale Spear			\$ 125.00
ITEM 12.	Hustler Mower	Md # 340	Unit#527	\$ 3,000.00
ITEM 13.	Ford Tractor	Md # 1520	Unit#521	\$ 7,200.00
ITEM 14.	Ford Tractor	Md # 1520	Unit#525	\$ 8,200.00
ITEM 15.	Gehl Baler	Md # RB-1475	Unit#958	\$8,000.00

SUMMARY

ITEMS 1-A, 3 and 4	Williams Ford Tractor and Equip. Co. - Total at	\$ 72,796.00
	Items #6,7,8,9,10,11,and 15 Trade Allowance	<\$ 8,975.00>
	Net Cost	\$ 53,821.00

PROJECT #98065 BID AWARD: \$ 53,821.00

ITEMS 5.	Williams Ford Tractor and Equip. Co. - Total at	\$ 47,397.00
	Items #12,13,and 14 Trade Allowance	<u><\$ 18,400.00></u>
	Net Cost	\$ 28,997.00

PROJECT #98068 BID AWARD: \$ 28,997.00

The budgeted amount for items in Category/Project# 98065 is \$ 219,827.00 in account 9700-1920-5802.00, Project 98065-001. With the purchase of these items at \$ 53,821.00 we will have a balance remaining of \$ 133,218.00 for the other items scheduled in this Category/Project.

The budgeted amount for items in Category/Project# 98068 is \$ 84,000.00 in account 9700-1920-5802.00, Project 98068-001. With the purchase of these items at \$ 28,997.00 we will have a balance remaining of \$ 53,030.00 for the other items scheduled in this Category/Project.

CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Ben Mayes, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent 

DATE: May 14, 1997

SUBJECT: BID AWARD RECOMMENDATION 98-42

Reference the attached Agenda Request for the Award of Bid 98-42, the qualified bidder meeting specifications was the only bid received for the new equipment. This bidder was Williams Ford Tractor, P.O.Box 1346, Fayetteville, AR, 72702 (Vendor #12860).

This bid was sent to 34 prospective bidders with this being the only acceptable response. We received one "No Bid" response from other vendors with like equipment. One of the bidders I spoke to indicated he was too busy to complete his bid, another misread the due date and the third could not find his copy of the bid. I spoke to some of the potential bidders for the sale items with the response that they did not feel they would be able to match pricing from a local vendor who would be very competitive, however we did receive one "No Bid" and one bid of only one item.

Evaluation of the bid shows that the pricing structure received is in line with other units on the market of the same type in this category of equipment.

BID 98-42

1G6



THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Bill Oestreich, Fleet Operations Superintendent

FROM: *C. E.*
Connie Edmonston, Parks & Recreation Superintendent

DATE: May 12, 1998

RE: Parks Equipment

Bob Braswell, Dewey Morris, and myself have reviewed Bid 98-42 and feel the specifications are satisfactory to meet our needs for the parks.



MEMORANDUM

TO: Bill Oestreich
COPIES: Billy Ammons
FROM: Roy Reed
DATE: 11-May-98
SUBJECT: Purchase of the Large Rectangular Baler

During the summer of 1997 Williams Ford Tractor offered to bring a Hesston Large Rectangular Square Baler to the Sludge Management Site for a demonstration. The unit was tested in a very heavy hay crop which can be extremely hard to bale. The baler handled this crop with ease in producing 137 large bales which averaged 725 pounds each. This was accomplished in a period of three hours, which was phenomenal in that there were seven different operators. With half of those being very experienced equipment operators, and half having limited exposure to this type of equipment operations. The typical production during a three hour period using **two** round balers with experienced operators would be 84 bales. If only **one** round baler were used the expected output would be 42 bales during a three hour period, this equates to a bale of hay every 4.2 minutes. The reason the large square baler can produce more hay per hour is that there is no stopping to tie the bale, and the baler does not require that the tractor be stopped to discharge the bales. These factors reduce the time required to bale any given area and allows the SMS personnel to remove the hay from the fields at a faster rate. This freedom can let sludge application begin in these areas more rapidly if needed.

The SMS Team and Staff from the City of Fayetteville Fleet Operations attended a short school in Hesston Kansas during April to learn about the operation and mechanics of this baler. They found the baler to be very similar to the current square baler used by the SMS in operations and maintenance requirements. Mr. Shawn Boone one of the instructors for the class has stated that the baler will produce about 2 - 2 ½ times the amount of baled hay as the average round baler. Mr. Boone has also stated that the baler should be able to bale upwards to 100,000 bales without major problems during its life expectancy. During the class many people who are using this style of baler were talked to and they indicated that they were very pleased with their balers. The majority also stated that most of the problems they have had are related to the knotting mechanism, which they rapidly fixed by using emery cloth to smooth burrs on the tying device. Currently the round balers used by the SMS are traded out every three years on average, after having baled 6,000 to 9,000 bales. The average trade in value is about half of the original cost. Mr. Doug Williams, of Williams Ford Tractor has expressed that he would be willing to currently buy the large balers at an age of 5 to 6 years old, in good condition for about \$20,000 to \$25,000 if they were available. The SMS would bale 33,000 bales using this unit if all of the expected hay produced over a six year period from the site were baled using the square baler. This would utilize only 1/3 of the balers capability, thus allowing the unit to be well within the trade in range of being in good condition for future trade. The baler will not be used to bale all the site hay since, the demand for small square bales will continue to exist. The remaining round baler will also continue to be utilized at a much smaller scale.

MEMORANDUM

Page 2

May 13, 1998

I feel that other factors can be used to justify the purchase of the large square baler. The bales produce take up less room than the round bales. This allows more hay to be stored in the SMS barns if there is a larger supply of hay than demand in a given year. The customers can also take advantage of their storage space. Square bales also traditionally have less hay loss when fed to livestock, thus allowing better usage of the product with less cost. This factor creates an value added service to the customer, promoting hopefully a better long term relationship with our clients. The transportation of these type bales are more effective than round bales in allowing better usage of trailer space.

In closing I would like to thank you for your consideration of this matter, and if there are any further questions which I can answer please give me a call.

Roy D. Reed



MEMORANDUM

TO: Bill Oestreich
COPIES: Billy Ammons
FROM: Roy Reed
DATE: 11-May-98
SUBJECT: Bid # 98-42 Round Baler

At this time we have opted to purchase the Large Rectangular Baler Item # 1-A of Bid # 98-42 and would like to decline Item # 2 of Bid # 98-42, the New Holland 644 Round Baler with net wrap and bale command.

Roy D. Reed



MEMORANDUM

TO: Bill Oestreich
COPIES: Billy Ammons
FROM: Roy Reed
DATE: 11-May-98
SUBJECT: Bid Specifications Alternate Large Rectangular Baler

The Hesston 4755 Large Rectangular Baler specifications submitted by Williams Ford Tractor in Item 1-A of Bid # : 98-42 have been reviewed and are found to be in accordance with the required minimum specifications advertised in the INVITATION TO BID issued on April 29, 1998. Therefore, we recommend that this unit of equipment be purchased.

Roy D. Reed



MEMORANDUM

TO: Bill Oestreich
COPIES: Billy Ammons
FROM: Roy Reed
DATE: 11-May-98
SUBJECT: Bid Specifications Bi-Fold Wheel Rake

The Hesston 3982 Bi-Fold Wheel Rake specifications submitted by Williams Ford Tractor in Item 3 of Bid # : 98-42 have been reviewed and are found to be in accordance with the required minimum specifications advertised in the INVITATION TO BID issued on April 29, 1998. Therefore, we recommend that this equipment be purchased.

Roy D. Reed



MEMORANDUM

TO: Bill Oestreich
COPIES: Billy Ammons
FROM: Roy Reed
DATE: 11-May-98
SUBJECT: Bid Specifications Disc Mower-Conditioner

The New Holland 1411 Disc Mower-Conditioner specifications submitted by Williams Ford Tractor in Item 4 of Bid # : 98-42 have been reviewed and are found to be in accordance with the required minimum specifications advertised in the INVITATION TO BID issued on April 29, 1998. Therefore, we recommend that this unit of equipment be purchased.

Roy D. Reed

BID: 98-42
DATE: 5/11/98
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: TRACTORS/MOWERS/HAY EQUIP W/SALE/TRADE

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4	ITEM #5	ITEM #6	ITEM #7	ITEM #8	ITEM #9	ITEM #10
HOWARD BEEKS	no bid	no bid	no bid	no bid	no bid	no bid	no bid	no bid	no bid	\$825.00
WILLIAMS FORD TRACTOR	ea \$47,999.00	\$16,999.00	\$6,549.00	\$13,999.00	\$15,789.00	\$2,750.00	\$2,000.00	\$3,000.00	\$2,250.00	\$850.00
tot	\$47,999.00	\$16,999.00	\$13,098.00	\$13,999.00	\$47,397.00	trade in only item #4	trade in on item #1, #1A #2 or #4	trade in on item #1, #1A #2 or #3	trade in on item #1, #1A #2 or #3	trade in on item #1, #1A #2 or #5
all	\$45,699.00	\$0	\$0	\$0	same					

BIDDER	ITEM #11	ITEM #12	ITEM #13	ITEM #14	ITEM #15
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HOWARD BEEKS

WILLIAMS FORD TRACTOR

\$125.00 trade in only

\$3,000.00 trade in only on item #5

\$7,200.00 trade in only item #1, #1A or #5

\$8,200.00 trade in only item #1, #1A or #5

\$8,000.00 trade in only item #1, #1A or #2

Nice Williams 5/11/98

P Vice Pur Mgr Witness Date

NOTICE TO BIDDER

BID NO. 98 - 42

COMMODITY: TRACTORS/MOWERS AND HAY EQUIPMENT WITH THE SALE OR TRADE OF USED TRACTORS/MOWERS AND MISCELLANEOUS EQUIPMENT

The City of Fayetteville, Arkansas will receive sealed bids at the Purchasing Office, City Hall, 113 W. Mountain Street, Fayetteville, Arkansas, 72701, until 11:00 A.M., MAY 11, 1998, for the furnishing of: COMMODITY:

TRACTOR/MOWERS AND HAY EQUIPMENT WITH THE SALE OR TRADE OF USED TRACTORS/MOWERS AND MISCELLANEOUS EQUIPMENT LISTED BELOW

Description	Model #	Serial #	ID #
New Holland mower	465	940485	2978
New Holland mower	465	940474	
Hesston 12 Wheel Rake	3982	417	2987
Hesston 8 Wheel Rake	3972	0040	3720
Belton Century Sprayer	OHD	4968	
Hustler Mower	340	1087200	527
Ford Tractor/ Mower	1520	UH24093	521
Ford Tractor/ Mower	1520	UH25700	525
Bale Spear for Front Loader			

Bid forms and specifications for the unit being purchased may be obtained from the Purchasing Office, located in Room 306, 3rd floor of the City Administration Building, 113 W. Mountain St., Fayetteville, AR 72701.

Bid forms with terms and conditions for the unit being offered for sale or trade may be obtained from the Purchasing Office, located in Room 306, 3rd floor of the City Administration Building. Provisions for inspection of Trade/Sale unit are a part of the Invitation to Bid

The City reserves the right to reject any and all bids and to waive any formalities deemed to be in the City's best interest.

Peggy Vice, Purchasing Officer

PUBLISH 5/3/98 NORTHWEST ARKANSAS TIMES -

Billing refer to P.O.# _____

CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS

501-444-3494

INVITATION TO BID

BID #:98-42

DATE ISSUED: April 29, 1998

DATE & TIME OF OPENING: May 11, 1998 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNITS: 120 Days from Date of Order

F.O.B. Fayetteville, AR

ITEM:	DESCRIPTION:	QUANTITY:	*UNIT PRICE:	*TOTAL PRICE:
1.	LARGE RECTANGULAR BALER Per Item # 1 of Specifications Attached	1	\$_____	\$_____

***GUARANTEED DELIVERY SCHEDULE:** _____

1-A. **ALTERNATE**
LARGE RECTANGULAR
BALER (Demonstrator Unit)
Per Item # 1 of
Specifications Attached

1	\$_____	\$_____
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***GUARANTEED DELIVERY SCHEDULE:** _____

2.	ROUND BALER Per Item # 2 of Specifications Attached	2	\$_____	\$_____
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***GUARANTEED DELIVERY SCHEDULE:** _____

ITEM:	DESCRIPTION:	QUANTITY:	*UNIT PRICE:	*TOTAL PRICE:
2-A.	ALTERNATE ROUND BALER (Demonstrator Unit) Per Item # 2 of Specifications Attached	2	\$ _____	\$ _____
*GUARANTEED DELIVERY SCHEDULE: _____				
3..	BI-FOLD WHEEL RAKE Per Item # 3 of Specifications Attached	2	\$ _____	\$ _____
*GUARANTEED DELIVERY SCHEDULE: _____				
3-A.	ALTERNATE BI-FOLD WHEEL RAKE (Demonstrator Unit) Per Item # 3 of Specifications Attached	2	\$ _____	\$ _____
*GUARANTEED DELIVERY SCHEDULE: _____				
4.	DISC MOWER-CONDITIONER Per Item # 4 of Specifications Attached	1	\$ _____	\$ _____
*GUARANTEED DELIVERY SCHEDULE: _____				
4-A.	ALTERNATE DISC MOWER-CONDITIONER (Demonstrator Unit) Per Item # 4 of Specifications Attached	1	\$ _____	\$ _____
*GUARANTEED DELIVERY SCHEDULE: _____				
5.	TRACTOR-MOWER Per Item # 5 of Specifications Attached	3	\$ _____	\$ _____
*GUARANTEED DELIVERY SCHEDULE: _____				

ITEM:	DESCRIPTION:	QUANTITY:	*UNIT PRICE:	*TOTAL PRICE:
5-A	ALTERNATE TRACTOR-MOWER (Demonstrator Unit) Per Item # 5 of Specifications Attached	3	\$ _____	\$ _____

*GUARANTEED DELIVERY SCHEDULE: _____

ITEMS # 6 THRU 15 ARE OFFERED FOR EITHER SALE OR TRADE

	DESCRIPTION	* PRICE:
6.	New Holland Mower Model # 465 Serial # 940485 FA # 2978	\$ _____
7.	New Holland Mower Model # 465 Serial # 940474 FA #2977	\$ _____
8.	Hesston 12 Wheel Rake Model # 3982 Serial # 417 FA # 2987	\$ _____
9.	Hesston 8 Wheel Rake Model # 3972 Serial # 0040 FA # 3720	\$ _____
10.	Belton Sprayer 3pt Hitch 200 gal Tank Model # OHD Serial # 4968	\$ _____
11.	Bale Spear for Front End Loader (Adjustable)	\$ _____

ITEMS # 6 THRU 15 ARE OFFERED FOR EITHER SALE OR TRADE

DESCRIPTION	* PRICE:
12. 1990 Hustler Mower Model # 340 Serial # 1087200 Unit # 527	\$ _____
13. 1990 Ford Tractor w/mower Model # 1520 Serial # UH24093 Unit # 521	\$ _____
14. 1990 Ford Tractor Model # 1520 Serial # UH25700 Unit # 525	\$ _____
15. 1995 Gehl Round Baler Model # RB-1475 Serial # 23017 Unit # 958	\$ _____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ *FAX: _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENT FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

**BID 98-42
SPECIAL TERMS & CONDITIONS
ITEMS 1 thru 5-A**

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** show as a separate item.
3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Each bidder **MUST** state on the face of the bid form the anticipated number of days from the date of receipt of order for delivery of the completed units to the City of Fayetteville, Arkansas.
6. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.
7. All bid prices shall be FOB Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701, and shall include all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.

8. Standard Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor **MUST** be noted.
9. Any exceptions to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
10. Installation of Dealership/Distributorship Logo is **PROHIBITED**.
11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed to prior to release for delivery.
11. All items marked "**MANDATORY REQUIREMENT FOR CONSIDERATION OF BID**" **MUST** be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.
12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items.
13. A training session shall be provided at a City of Fayetteville Facility to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

**ADDITIONAL TERMS AND CONDITIONS
SALE ITEMS ONLY
ITEMS # 6-15**

1. All bids shall be submitted on forms provided by the City.
2. Bids received after the date and time set for receiving bids will not be considered.
3. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.
4. The City assumes no responsibility for the safety of the Bidder during inspection of the item listed herein.
5. The items listed will be sold "AS IS-WHERE IS" with no warranty either express or implied.

6. Arrangements for inspection may be made by appointment with Fayetteville Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 501-444-3494 & 501-444-3496, between 9:00 A.M. and 4:00 P.M. MONDAY, MAY 4, 1998 THROUGH FRIDAY, MAY 8, 1998.
7. Questions regarding these items may be directed to the Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 72701 501-444-3494 & 501-444-3496
8. Notification of bid award will not be made prior to proper approval of the acceptance of this bid by the City. Therefore, the following provisions for payment and possession are contingent on required approval by the City of Fayetteville.
 - A. Payment for the item/items listed herein shall be made after notification of bid award and prior to release of the item/items awarded.
 - B. Removal of the item/items listed herein awarded to the successful bidder shall be the sole responsibility of said successful bidder.
9. The item bid and the bid number shall be stated on the face of the sealed bid envelope.

BID # 98 - 42

BASIC SPECIFICATIONS

TRACTOR-MOWER / HAY EQUIPMENT

General Specification Requirements are as follows for TRACTOR-MOWER / HAY EQUIPMENT. These are **MINIMUM SPECIFICATIONS ONLY** and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his bid. All Bids are subject to Staff analysis. Fleet standardization requirements, replacement parts availability, warranty service availability and Manufacturer/Distributor/Dealer Field support of operational units will be considered.

ANY BIDDER, WHETHER A MANUFACTURER OR DESIGNATED DEALER, WHO CAN PROVIDE MATERIALS , FEATURES OR OPTIONS TO MEET THE SPECIFICATIONS OUTLINED HEREIN AND WILFULLY FAILS TO DO SO BECAUSE OF PRICE OR TO GAIN A PRICING ADVANTAGE IN A COMPETITIVE BID SITUATION WILL BE DEEMED NON-RESPONSIVE. ANY FURTHER CONSIDERATION OF THEIR BID SUBMISSION WILL NOT BE CONSIDERED. SHOULD THEIR CURRENT LITERATURE OR PRICE LISTS FOR MATERIALS, FEATURES, OR OPTIONS INDICATE THEIR ABILITY TO PROVIDE SAME TO MEET THESE SPECIFICATIONS, AND THEY FAIL TO DO SO, THEY WILL BE DEEMED NON-RESPONSIVE AND DECLARED INELIGIBLE TO RECEIVE THE AWARD FOR THE UNIT SPECIFIED. FINALLY, ANY CLAIMS THAT AN ITEM BID EXCEEDS THE STATED SPECIFICATION MUST BE DEMONSTRATED IN A PERFORMANCE DEMONSTRATION IN DIRECT COMPETITION WITH OTHER UNITS BID BY OTHER MANUFACTURERS PRIOR TO AN AWARD OR THE BID WILL BE DEEMED UNRESPONSIVE FOR FAILURE TO SUBSTANTIATE THE CLAIM.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "highlighted" and specifics noted is suggested.

All equipment shall be new and unused and of the Manufacturers Current Model Year and shall include all standard equipment as advertised by the Manufacturer. All vehicles and equipment listed herein shall comply with applicable Federal and State Safety, Emission and Pollution Control Requirements in effect at time of delivery. Standard Manufacturer's Warranty shall be furnished. Minimum Warranty period shall be no less than 1 year.

Field demonstrations of currently operational units which are offered as a substitute, variation, or deviation may be required as part of Staff analysis at the option of Staff members or other qualified interested parties. Properly documented referrals may be required of vendors which allows field evaluation of units in a comparable operational area.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid.

The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

It is the intent and purpose of these specifications to secure for the purchaser the necessary equipment and accessories which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials and workmanship shall be of the highest grade in accordance with modern practice . The equipment supplied will be new and unused except for the necessary testing, calibration and transportation.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturer's and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment must be one year. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment, which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to the lack of spare parts.

All suppliers submitting proposals must have available a parts and service facility within an area to allow 1 day service on any parts or service needs. The facility shall be staffed with full time technical personnel, as well as order and shipping personnel, during regular business hours and days.

ITEM 1. **SQUARE HAY BALER**

**Unit Must Be Compatible To Tractors On Site Which Will Be Used to
Operate The Baler: Ford Models; 8670 & 7840**

MINIMUM SPECIFICATIONS ONLY

BALE SIZE:

Cross Section	31.5"X 34.4"
Length	Adjustable to 98"
Weight	Up to 1500 lbs.

PICKUP:

Width Inside	70"
Width outside	77.4"
Number of Teeth	112 on four tooth bars
Drive	Roller chain to reel drive
Gauge Wheel	16" dia.
Protection	Overrunning and slip clutches

FEEDING SYSTEM:

Type	Fork Type w/4 tines, centering augers
Drive	Chain from main shaft
Charge Chamber Volume	6.7 cu. ft.
Protection	Slip clutch and shear bolt

PLUNGER:

Stroke Length	27.9"
Speed (@1000 rpm)	41 strokes per minute

BALE CHAMBER TENSIONING:

Hydraulically controlled, Tension on
three sides

TYING MECHANISM:

Type	Knotter
Protection	Shear bolts
Capacity	Sixteen balls

MAIN DRIVE:

PTO	ASAE 6
Protection	Shearbolts, with overrunning slip clutches
Gearbox	Enclosed, Double reduction

TIRES:

Flotation	Flotation, 21.5 X 16.1
Pickup	4 X 16

DIMENSIONS:

Height	104.6"
Width	101.4"
Length	335.8"

WEIGHT:

19000 lbs

BLOWER:

Blower to remove trash from knotter
area. Hydraulic driven (Own
hydraulic system, closed loop design)
Large air capacity, directional tubes
to direct airflow, air intake to be
mounted away from dust or chafe
areas. Self cleaning fan rotor 12.5"
dia. radial design at 2350 rpm.

ITEM. 2 ROUND HAY BALER

MINIMUM SPECIFICATIONS ONLY

BALE SIZE:

Diameter	35" to 60"
Width	46.1"
Weight	1100 lbs / 1750 lbs. max

DIMENSIONS:

Weight	4190 lbs
Length, Gate Closed	142.2"
Length, Gate Open	178.8"
Height, Gate Closed	102"
Height, Gate Open	128"
Width	96"

PICKUP:

Width Inside	61.4"
Width on Flare	71.2"
Number of Teeth	96 on 4 bars, 2.6" spacing
Converging Wheels	Side-mounted, rubber tipped, spring loaded

FORMING BELTS:

Number	6
Width	7"
Type	3-ply combination nylon polyester, diamond tread, friction surface, with plate-type hi-strength splices
Length	(2) 461" (4) 466.5"

TWINE WRAP:

Control	Manual
Type	Electric, Double Twine
Spacing	Operator Controlled

BALE MONITORING SYSTEM:

Bale Forming	Dial type indicators
Near-Full Indicator	Audible, Adjustable
Oversize Bale Protection	Visual with audible warning

TIRES:	High flotation
PTO:	
Speed	540 rpm
Protection	Slip Clutch
ATTACHMENTS:	Bale push bar, bale counter
OPTIONS:	Quick-wrap

ITEM 3. BI-FOLD WHEEL RAKE

MINIMUM SPECIFICATIONS ONLY

RAKING WIDTHS:	19', 21'6", 24'
WINDROW WIDTHS:	Adjustable from 40"-68"
NUMBER OF WHEELS:	12
NUMBER OF TEETH PER WHEEL:	40
OVERALL DIAMETER OF FINGER WHEELS:	55"
RAKE WHEELS:	Hubs with tapered roller bearings and dust covers
CENTER KICKER WHEEL:	Same as above
OVERALL LENGTH:	21'10&1/2"
TRANSPORT WIDTH:	9'8"
BI-FOLD CHARACTERISTICS:	Capable of hydraulically folding each side of the rake independently
TROLLEY:	
Tire Size	15"
Ground Clearance	9"
Spindle Capacity	3000 pounds

ITEM 4. DISC MOWER-CONDITIONER

MINIMUM SPECIFICATIONS ONLY

OVERALL WIDTH:

Transport Position	135"
Operating Position	192"

OVERALL LENGTH:

Transport Position	202"
Operating Position	187"

HEIGHT:

Transport Position	68"
Operating Position	53"

WEIGHT:

4100 pounds

DRIVE:

PTO & gears

TRACTOR PTO:

80 hp. 540 or 1000 rpm.

GROUND CLEARANCE:

18"

SWATH WIDTH:

84"

WINDROW WIDTH:

Infinitely adjustable from 36" to 84"

CUTTERBAR:

Number of Discs	8
Speed of Discs	3000 rpm
Type	Counter-rotating, 2 knives per disc
Angle	Hydraulic control-0 to 10 degrees

CUTTING WIDTH:

10'4"

CONDITIONER:

Intermeshing Chevron design rubber rollers, 102" long, 10.38" diameter, turning at 635 rpm

OPERATING SPEED:

0 to 9 mph

TRANSPORT SPEED: 25 mph
TIRES: 11Lx15 Tubeless

ITEM. 5 **22.5 P.T.O. HP UTILITY TRACTOR W/MOWER**

**COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES
REQUIREMENTS AS LISTED BELOW.**

MINIMUM SPECIFICATIONS ONLY

OPERATOR AREA: ROPS/FOPS, Locking Fuel Filler Cap, Hood Lock,
Electric Hour Meter, Cushioned Seat with Belt,
Hand & Foot Throttle, Tachometer, Fuel Gauge,
Coolant Temperature Gauge, Oil Pressure Warning
Lamp and Alternator Warning Lamp. Ergonomically
designed controls, Tilt/Telescoping Steering wheel.

DIESEL ENGINE: 3 CYL. **MINIMUM ONLY:** 81.2 C.I.D. 22.5
PTO HP, 2600 RPM Rated Engine Speed, Dry Type
Air Cleaner with Restriction Indicator, Fuel Filter
with Water/Sediment Separator, Glow Plug Cold
Start Aid Electric Fuel Shut-off.

MANDATORY REQUIREMENT FOR CONSIDERATION.

PLEASE STATE:

MANUFACTURER: _____
MODEL DESIGNATION: _____
C.I.D. DISPLACEMENT: _____
PTO HP RATING: _____
TORQUE RATING: _____ @ _____ R.P.M.

WHEELBASE: 72"
WIDTH: 40.1"
HEIGHT: 87.8" Top of ROPS

TRANSMISSION:	Hydrostatic , Three speed range
POWER TAKE-OFF:	Rear 540 RPM Midmount 2000 RPM
STEERING:	Hydrostatic Power. Turning Radius 93.8"
TIRES:	Turf type Tread 25 X8.5-14 Front 13.6 X 16 Rear
BRAKES	Wet disc brakes
SAFETY EQUIPMENT:	Back-Up Alarm, Directional Lights, Tail Lights, 2 Halogen Headlamps, 2 Amber Rotating Beacons, GROTE 76223 (Mount Below Roof Line One on each side, outboard of ROPS).
THREE POINT HITCH:	Category I
MOWER:	Mid-Mount, Shaft Driven, w/60" Cutting Width, 72.8" Total Width, 1.3" to 4.3" Cutting Height, 7 Gauge Deck Thickness, 3 Offset Blades 1/4" X 2-1/2" X 20.5", 1.1" Overlap. Front Roller, 6X2.5" Wheels, Adjust to 6 Cutting Heights, Hinged Grass Chute, Greaseable Blade Spindles.

BIDDERS LIST

Tractors/Loaders/Mowing Equipment

1. *Arktrac
2003 South 8th St.
Rogers, AR 72756
501-636-8220*
2. *Springdale Tractor Co.
Hwy 68 West
Springdale, AR 72764
501-361-2513*
3. *Williams Ford Tractor & Equipment Co.
P.O.Box 1346
Fayetteville, AR 72702-1346
501-442-8284*
4. *Scott Construction Equipment
P.O.Box 228
Springdale, AR 72765
501-751-4242*
5. *Luber Brothers Lawn & Garden Equipment
6801 N.W. 50
Oklahoma City, OK 73008*
6. *Little Rock Equipment Sales
13001 Interstate 30
Little Rock, AR 72209*
7. *Daugherty Equipment
1507 W. Truckers Lane
Fayetteville, AR 72701
501-267-2908*
8. *J.A.Riggs Tractor Co.
9125 Interstate 30
Little Rock, AR 72209*

9. *Barton County Implement Co.*
510 W. 12th St.
Lamar, MO 64759
Attn: Joe Terrington
417-682-5556 - FAX 417-682-3030
10. *Alma Tractor & Equipment, Inc.*
35 Hwy, 71, North
Alma, AR 72921
501-632-6300 - Fax 501-632-6309

BIDDERS LIST

SALE ITEMS

1. **CULVER TRUCK SALES**
P.O.BOX 21
GREENLAND, AR 72737
501-521-2870
2. **HARRY LUNSFORD**
P.O.BOX 13
LEICESTER, NC 28748
704-683-9252
3. **HARI AUTO SALES**
5401 E. 84TH TERRACE
KANSAS CITY, MO 64132
ATTN: ABDUL WAHEED
816-333-5794 FAX -SAME-
4. **WARFORD AUTO WRECKERS INC.**
PUMP STATION ROAD
FAYETTEVILLE, AR 72701
5. **DARREL MEREDITH TRUCK SALES**
1749 S. SCHOOL
FAYETTEVILLE, AR 72701
6. **AUTO WHOLESALERS**
P.O.BOX 445
HOLLIDAYSBURG, PA 16648
814-696-4343 FAX 814-696-1324
7. **MEUSER HEAVY EQUIPMENT**
4100 S. HIWAY 71B
SPRINGDALE, AR 72764
501-751-0680
8. **CHICAGO MOTORS INC.**
2553 WEST CHICAGO AVE.
CHICAGO, ILLINOIS 60622
Attn: ANIS GHANIWALA
312-235-6500 (800-942-0005) FAX 312-235-6532

9. TRI-STATE AUCTIONEERS INC.
RT. 4, BOX 4605 HWY 175 W.
ATHENS, TX 75751
ATTN: RANDY WHATLEY
903-675-9039 FAX 903 675-4557
10. AMI AUTO BROKER
16329 CENTER POINT
GROVER, MO 63040
314-458-1380
11. ATLAS AUTO LEASING
750 E. IRVING BLVD.
IRVING, TEXAS 75060
972-554-1117
12. BILLY THE KID, INC.
111 N. 2ND ST. #303
COEURD'ALENE, IDAHO 83814
208-765-8062
13. DIXIE SURPLUS EQUIPMENT
P.O.BOX 8507
ALEXANDRIA, LOUISIANA 71306
ATTN: KENNETH MCKAY
318-765-3068 FAX:318-765-9312
14. WHITTLE TRUCK SALES
P.O.BOX 7061
SPRINGDALE, AR 72766
ATTN: RICK WHITTLE
501-750-9410
15. CENTRAL OKLAHOMA POLICE SUPPLY
1329 N. HARRISON
SHAWNEE, OK 74810
ATTN: CHRIS HURLEY
800-259-7177 405-275-7177
16. TRUCKS & PARTS OF TAMPA
1015 S. 50TH ST.
TAMPA, FL 33619
800-488-8889 ATTN: BRUCE GOLDENBERG

17. DALE FREDERICK
6537 HUNTSVILLE RD.
FAYETTEVILLE, AR 72701
18. AL COAKLEY
2761 BOXWOOD
FAYETTEVILLE, AR 72703
19. MOUNTAIN CREEK REAL ESTATE CO.
P.O.BOX 520
HUNTSVILLE, AR 72740
ATTN: BILL G. COTTON
501-456-2547 FAX 501-738-6262
20. RAYMOND E. PURSER
P.O.BOX 1489
HUNTSVILLE, AR 72740
501-738-6420
21. SITC SERVICES CORP.
18603 E. HWY. 412
SPRINGDALE, AR 72764
ATTN: JAMES DUDLEY
501-751-4001 FAX 303-688-1372
22. NEBCO VOLUNTEER FIRE DEPT.
12772 LODGE DRIVE
GARFIELD, AR 72732
ATTN: JOE PHILLIPPE
501-359-3376
23. REEDER SIMCO TRUCK CENTER, INC.
3421 SOUTH ZERO
FORT SMITH, AR 72908
ATTN: KEN PLEMMONS
800-643-2013 FAX 501-646-0533
24. VICKI KAUFMAN
841 LOLA LANE
FAYETTEVILLE, AR 72701

Drawbar clevis

The drawbar clevis is adjustable in height so you can level the rake wheel beams for clean, consistent raking.



allows the bottom of the windrow to dry quicker.

Optional kicker wheel

With the optional center kicker wheel, you can lift a center swath of unraked hay and place it into a fluffy windrow for maximum pickup. This

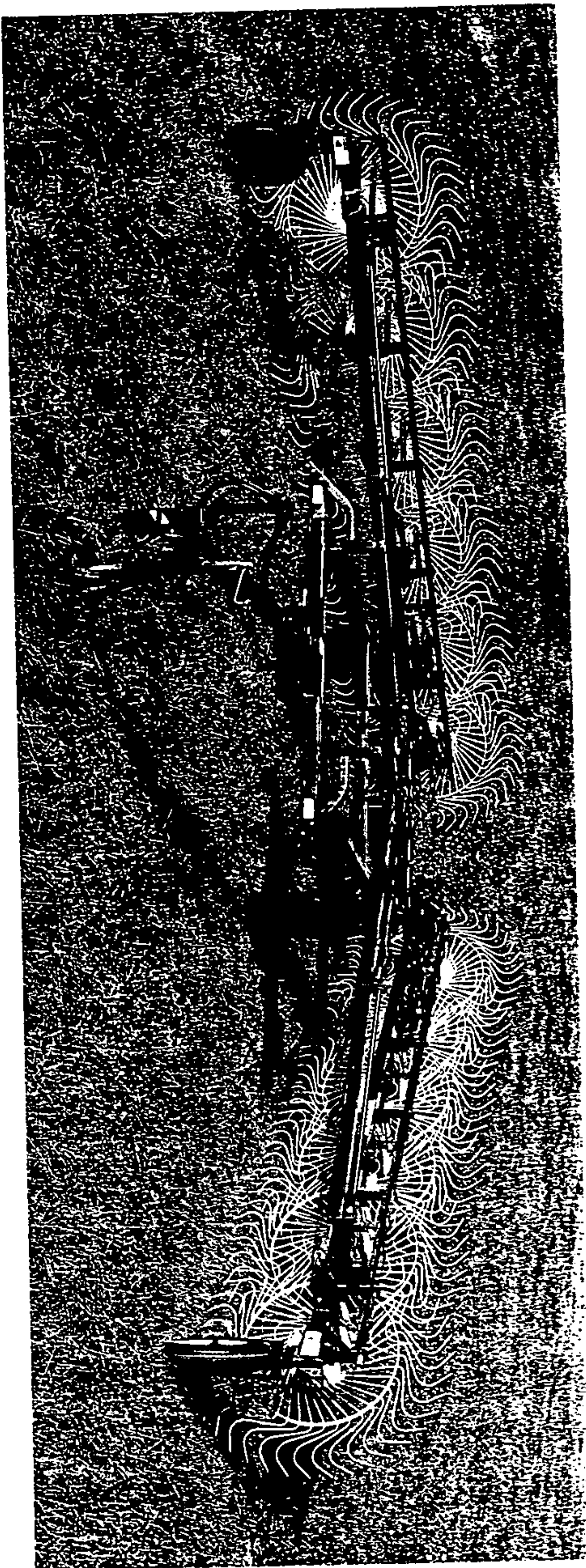


15" gauge wheel

The 3972, 3982 and 3991 feature a 15-inch, fully casting gauge wheel on the outboard end of each rake beam for clean raking and proper rake tooth setting.



beam and raises the gauge wheels for easy transport. You can count on the 3991 riding level in any position. It will even pass over irrigation corrugations due to the offset fixed tandem wheels on the mainframe.

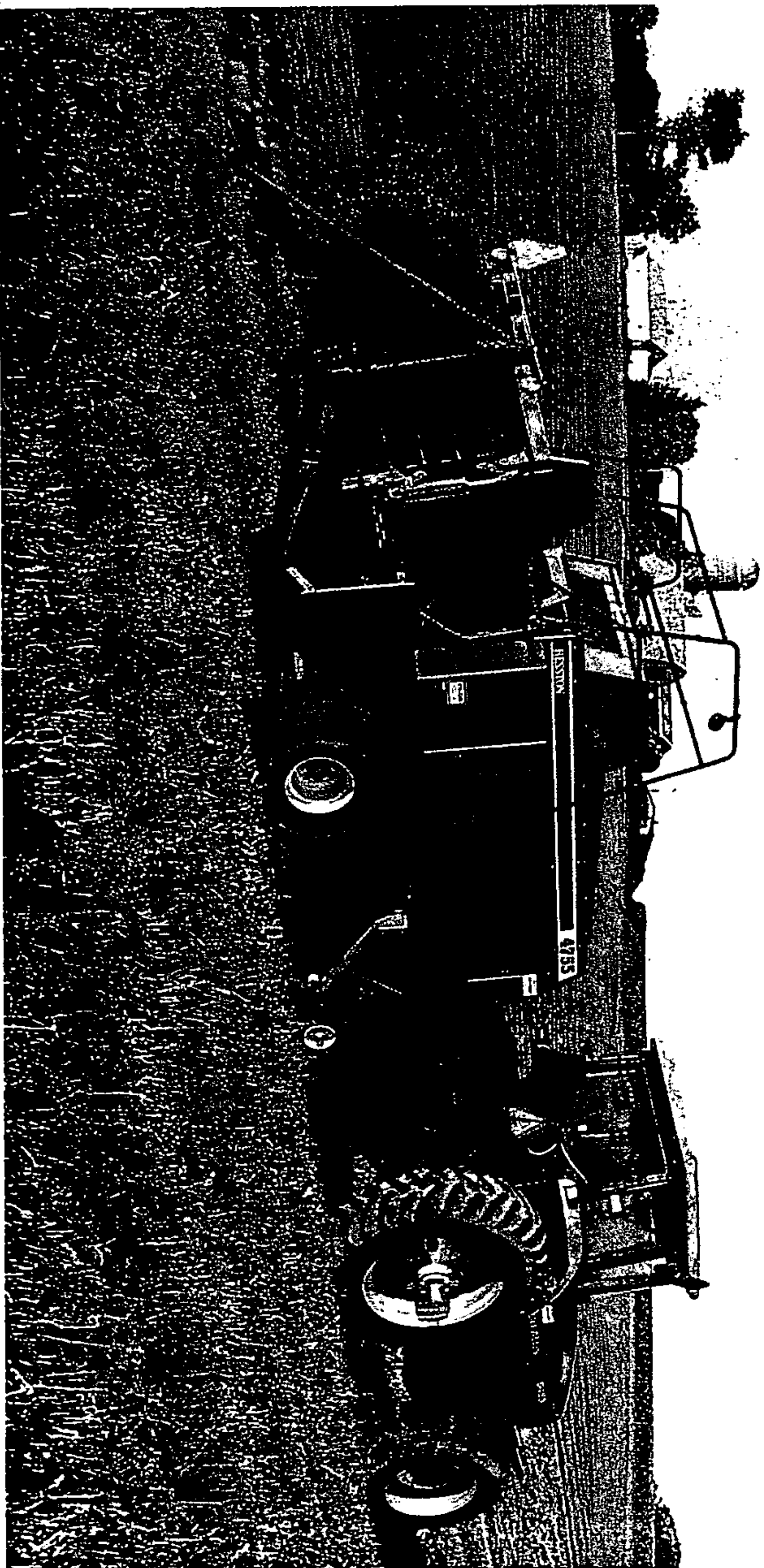


marketing decisions.

Model 4755 baler: Dry bales or silage, it's your choice

Positioned as Hesston's medium-duty rectangular baler

allows you to easily convert from dry bales to silage to start enjoying the ease and convenience of mid-size bales. Why not see your Hesston dealer about adding the Model 4755 to your list?



BID 98-42

1G37

98
42



New Holland Discbine Disc Mower-Conditioners

MODELS 1411 1431


NEW HOLLAND

BID 98-42
1G38



STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of June 2, 1998.

FROM:

Alett Little

Planning

Public Works

Name

Division

Department

ACTION REQUESTED:

To approve RZ 98-10.00: Rezoning (Demaree Media, Inc.) Submitted by Craig Hull on behalf of Demaree Media, Inc. for property located at 1780 Holly Street. The property is zoned R-1, Low Density Residential. The request is for R-O, Residential Office and the property contains approximately 2.34 acres.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff forwards the Planning Commission approval for subject property be rezoned from R-1 to R-O subject to Demaree Media, Inc. providing a bill of assurance that the present building not be enlarged in square footage. Said motion carried on a unanimous vote of 7-0-0.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res#:

Mayor

Date

Orig Contract Date:

ORDINANCE NO. _____

**AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZ 98-10.00 FOR A PARCEL
CONTAINING APPROXIMATELY 2.34 ACRES LOCATED ON
1780 HOLLY STREET REQUESTED BY DEMAREE MEDIA,
INC., SUBJECT TO A BILL OF ASSURANCE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
ARKANSAS:**

Section 1. That the zone classification of the following described property is hereby
changed as follows:

R-O Residential Office for the real property described in Exhibit "A" attached
hereto and made a part hereof.

From R-1, Low Density Residential to R-O, Residential Office.

Section 2. That the zone classification change is subject to a Bill of Assurance set out
in Exhibit "B" attached hereto and made a part hereof.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas, is hereby
amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this ____ day of _____, 1998.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this ____ day of _____, 1998, by the undersigned, owners of the following real estate described in Exhibit "A" attached hereto and made a part hereof located in the City of Fayetteville, Washington County, Arkansas.

WHEREAS, the aforesaid owners of the real property described in said Exhibit "A" have agreed that the present building will not be enlarged in square footage on the property listed in Exhibit "A"; and

WHEREAS, the owners are desirous of making a declaration of the same in the form of this Bill of Assurance with the intention of guaranteeing the preservation of certain values and amenities in the community and to bind the owners and the owners' successors and assigns and the real estate described in Exhibit "A" and its subsequent owners with the obligations and restrictions hereinafter set forth for all present and future development and use of said property.

NOW, THEREFORE, the owners declare that the above described real property shall be held, developed, transferred, sold, conveyed and occupied subject to the covenants and restrictions herein set forth:

WITNESS our hands this ____ day of _____, 1998.

BRETT HASH, PRESIDENT

(SEAL)

REBA P. DEMAREE, SECRETARY

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) SS:
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, within and for the County aforesaid, Brett Hash, President and Reba P. Demaree, Secretary, duly commissioned and acting, officers for Demaree Media, Inc. to me well known, who acknowledged that they had executed the foregoing Bill of Assurance for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this ____ day of _____, 1998.

Notary Public

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 98-10.00

Part of the North Half of the Southeast Quarter of Section Eight, Township Sixteen North, Range Thirty West, as described as follows: Beginning at a point 20 feet North and 200 feet West of the Southeast Corner of said twenty acre tract, and running thence West 300 feet; thence North 340 feet; thence East 300 feet; thence South 340 feet to the point of beginning, containing 2.34 acres, more or less.

MINUTES OF A MEETING OF THE PLANNING COMMISSION

A regular meeting of the Planning Commission was held May 11, 1998 at 5:30 p.m. in Room 219 of the City Administration Building, 113 W. Mountain Street, Fayetteville, Arkansas.

MEMBERS PRESENT: Conrad Odom, Phyllis Johnson, Lee Ward, Lorel Hoffman, Bob Reynolds, John Forney, Sharon Hoover

MEMBERS ABSENT: Bob Estes, Gary Tucker

STAFF PRESENT: Alett Little, Jim Beavers, Tim Conklin, Dawn Warrick, and Heather Woodruff.

APPROVAL OF THE MINUTES

The minutes for April 27, 1998, were approved as submitted.

ITEMS:

RZ 98-10.00: REZONING (DEMAREE MEDIA, INC.) **1780 HOLLY STREET**

Submitted by Craig Hull on behalf of Demaree Media, Inc. for property located at 1780 Holly Street. The property is zoned R-1, Low Density Residential, the request is for R-O, Residential Office and the property contains 2.34 acres.

Staff Recommendation:

Staff recommends denial of the requested rezoning from R-1 to R-O. Staff is unable to make the findings as required by the Planning Commission's Bylaws to recommend approval of the requested rezoning.

Craig Hull, representing Demaree Media, Inc., came before the Planning Commission. He introduced Brett Hash, President of Demaree Media, who would give some insight into the property and the history.

Brett Hash, President of Demaree Media, requests zoning for Residential Office for his building which has been in the present location for 20+ years. Demaree is not going to build or change anything to the present site, other than what might please the neighbors. Mr. Hash stated if their request was approved, Demaree would plan to move somewhere else in Fayetteville and would remove the tower and satellite dishes. The granting of conditional use in 1978 was for the use of the facility. He further stated the previous Planning Commission rezoning was not adequate for the facility and felt the City should take into consideration when doing land use what the land is being used for currently. He stated Demaree was high-traffic with 35 employees, 15 of which are sales people, 100 guests and is a 24-hour operation facility.

Planning Commission Minutes

May 11, 1998

Page -2-

Public Comments:

There were no public comments.

Discussion:

Mr. Hash stated their intention for the subject property is to sell or lease the property to allow them to move elsewhere due to a need for additional room.

- ☐ Mr. Odom stated was giving consideration to R-O zoning due to the fact the business has been there for 20 years, but he is dissuaded and with their plans of moving and selling the facility, it may change the character of what is presently there and would allow for further development in the R-O zoning by right.

Ms. Little stated that Demaree could offer a bill of assurance stating if they sold the property - the square footage in the building would not be expanded to address the concern of further development.

Mr. Hash stated the neighbors who moved in that area knew the facility was present, and therefore, decided to change it from A-1 to R-1.

- ☐ Mr. Odom stated the guarantees the neighbors that did move in around the radio station that the conditional use is very restrictive use, and therefore, that is the reason that property was zoned R-1. To rezone it to something other than what they anticipated would be questionable.
- ☐ Mr. Ward stated according to the minutes in 1978, allowing a non-conforming use for conditional use for a radio tower which already existed stretched the logic of the predecessors on the board. Therefore, it put a false sense of security in the corporation and there was a mixed signal given which allowed them to build another story on the house.
- ☐ Mr. Reynolds stated in the letter in 1978 and Demaree Media was asked if they would hire any more employees, they said no, and since then more employees were employed.
- ☐ Mr. Forney addressed Mr. Hash's concern about the fair market value of his property, but if it was rezoned to R-O, this would allow 6% of their lot covered in building which would give them 1.4 acres of building potentially on this project. He stated he would not support this issue. He recommended one way would be to do a lot split on this property so the building would have the maximum footage allowed on that lot for R-O and he would support rezoning that lot to R-O and the remaining property would stay R-1. This would be a different process but could possibly be addressed tonight.
- ☐ Ms. Hoffman inquired if the parking lot and the building would be one parcel.
- ☐ Mr. Forney stated they could allow this one built condition to be legal within the zone but not accommodate any substantial addition or expose the neighborhood to any other development.

Mr. Hash asked if they provided the City with a bill of assurance - that no changes would be made - would this alleviate the concerns and allow them to approve the rezoning.

- ☐ Mr. Odom inquired if Demaree Media had a prospective buyer.

Mr. Hash stated they had several prospective buyers, but at the present time they could not put it on the market until the rezoning was completed.

*Planning Commission Minutes**May 11, 1998**Page -3-*

- ☐ Mr. Odom stated he would not have any problem rezoning the building to R-O and then leave the rest of the property residential, and this would solve the issue concerning the issue of rezoning.

Ms. Little addressed three options that the property owner may utilize:

1. Bill of assurance for the building and property to remain the same.
2. Separation of property into possibly three lots with two remaining residential.
3. Non-conforming use of structure or structure and premise in combination at Section 160.139.
"If no structural alterations are made, any non-conforming use of a structure or structure or premises may as a conditional use be changed to another non-conforming use, provided that the Planning Commission either by general rule or by making findings in this specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this chapter.

- ☐ Mr. Odom stated if Mr. Hash offered a bill of assurance and the property was purchased, could the new property owner come forward and request the bill of assurance be removed with a particular subdivision request.

Ms. Little stated this has not happened before, but she felt that under the ordinance they would have to allow this application go through the due process. Ms. Little responded that the bill of assurance was never offered by Demaree Media.

Mr. Hash stated if a bill of assurance is what it would take to allow for the property to be rezoned, he would be willing to give this bill of assurance.

- ☐ Ms. Little stated that a Bill of Assurance, if it were offered, would need to state that the property, which is a lot of 300 feet x 340 feet was rezoned subject to a Bill of Assurance guaranteeing that the structure at 1780 Holly Street not be enlarged in square footage.

Mr. Odom moved to allow the rezoning subject to the bill of assurance.

Mr. Ward seconded the motion as stated.

- ☐ Ms. Hoffman inquired about the parking lot and the tower.
- ☐ Mr. Odom stated if the use changed the property owner would have to come before the Planning Commission for additional parking.

Ms. Little stated the staff could calculate to verify if the parking was adequate. If additional parking for a new use was less than 25 spaces then the project would not come before the Planning Commission. Ms. Little further stated staff would enforce the requirement of the zoning ordinance that no more than 60% of the lot would be covered. There is also a requirement of the commercial design standards that 15% of the lot would be open space, therefore, the whole thing could not be paved.

- ☐ Ms. Hoffman stated her concerns about the size of the parking lot.

Ms. Little stated there was a paved parking lot at the north property line and an area has been graveled which contains 5-10 parking spaces and does not meet City standards. She further stated she has calculated if the building was office space there is adequate parking. If the next owners needed additional parking, this could be

Planning Commission Minutes

May 11, 1998

Page -4-

addressed without coming before the Planning Commission, so long as the additional number of spaces were below 25.

- ☐ Mr. Forney stated he would support this motion but it was not his preference and the owner may find this out when they begin to market the property and felt the owner should split the lots and therefore advertise the property for their full and proper use as opposed to having to work with the bill of assurance.

The roll was called and said motion to zone property to R-O with the bill of assurance carried with a vote of 7-0-0.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:

PLANNING DIVISION CORRESPONDENCE

501-575-8264

TO: Fayetteville Planning Commission Members
THRU: Charles Venable, Asst. Public Works Director
Alett S. Little, City Planner
FROM: Tim Conklin, Planner
DATE: May 11, 1998

REQUEST: RZ 98-10.00 was submitted by Craig Hull on behalf of Demaree Media, Inc. for property located at 1780 Holly Street. The property is zoned R-1, Low Density Residential, the request is for R-O, Residential Office. The property contains 2.34 acres.

RECOMMENDED MOTION:

RZ 98-10.00: Staff recommends denial of the requested rezoning from R-1 to R-O. Staff is unable to make the findings as required by the Planning Commission's Bylaws to recommend approval of the requested rezoning.

PLANNING COMMISSION ACTION: YES Required
_____Approved _____Denied

Date: May 11, 1998

Comments:

CITY COUNCIL ACTION: YES Required
_____Approved _____Denied

Date: / /

Ms. Alett Little
April 22, 1998
Page -2-

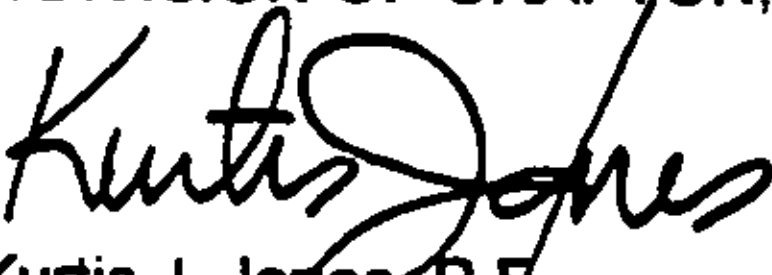
On behalf of the owner of this development, we are requesting a waiver for the requirement to lower the existing overhead electric line along the border of this property. Preliminary cost estimates received from SWEPCO for this work range from \$450,000 to \$550,000. We feel that it is unfair to burden the current owner of the property with this cost. Typically, easements were given in the past for lines such as this with little or no compensation to the owner. Certainly, the compensation for the easement across this property was nowhere near the cost required to place the line underground. The property owners that have granted these easements in the past, in which overhead utilities were subsequently placed, are now required to pay the cost of lowering these lines if they wish to develop their property. We seriously question the fairness of this practice. Furthermore, the overhead line in question on this site is located in a heavily wooded area, and is not currently easily visible from any public street areas.

We are also requesting, on behalf of the owner, the option to build Longview Drive (currently shown extending to the east property line of the site) to the eastern edge of the proposed facility. A surety bond for the remaining portion of the street would be provided to the City. We feel that this option would allow greater flexibility in the future design of the connection to Longview Drive or Kenray Street at the eastern boundary of the site.

We appreciate your consideration of this project. Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

NORTHWEST ENGINEERS
A DIVISION OF CRAFTON, TULL & ASSOCIATES, INC.


Kurtis J. Jones, P.E.

cc: Jim Tenpenny, AIA
Washington Regional Medical Center

Jim Beavers, P.E.
City of Fayetteville Engineering

Ms. Alett Little
April 22, 1998
Page -2-

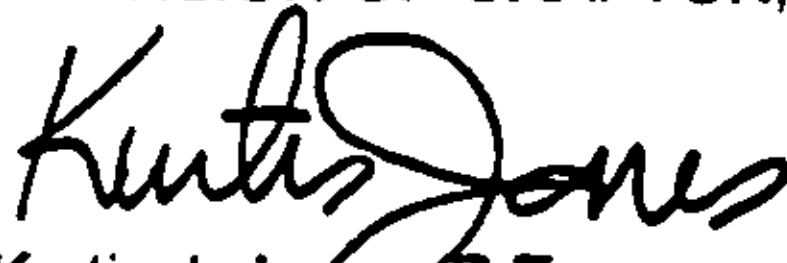
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Kurtis J. Jones, P.E.

cc: Jim Tenpenny, AIA
Washington Regional Medical Center

Jim Beavers, P.E.
City of Fayetteville Engineering

Page No. 2

BACKGROUND :

This site is currently developed with a 8,093 sf. building and 30 paved parking spaces which is used for Demaree Media, Inc (KFAY-AM, KKEG, KFAY-FM). The lot has approximately 300' of frontage along Holly Street and is 340' deep. The site has operated under the conditional use for over 20 years. The site is surrounded by single family residential uses zoned R-1.

The Planning Commission previously denied rezoning the property to multi-family in 1969 because it was inconsistent with the land use plan and would introduce apartments into a single family neighborhood. The Planning Commission did approve a conditional use for expanding the radio station with the addition of the second story in 1978 under Use Unit 3 Public Protection and Utility Facilities (Please see attached Planning Commission minutes).

The applicant has requested rezoning this property to R-O in order to relocate the radio station and to market the property for re-use.

INFRASTRUCTURE:

Streets: The site is adjacent to Holly Street, classified as a local Street.

Water: There is an 8" line along Lewis Ave. and a 4" line along Holly Street.

Sewer: There is a 6" line along Lewis Ave.

LAND USE PLAN:

General Plan 2020 shows this area as Residential.

RZ98-10.00 FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principals, and policies and with land use and zoning plans.

Staff finding: Unable to make this finding.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Staff finding: Unable to make this finding.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Staff finding: Additional development of the site under R-O zoning would increase traffic into the single family neighborhood.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Staff finding: The proposed zoning would not alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Staff finding: N/A

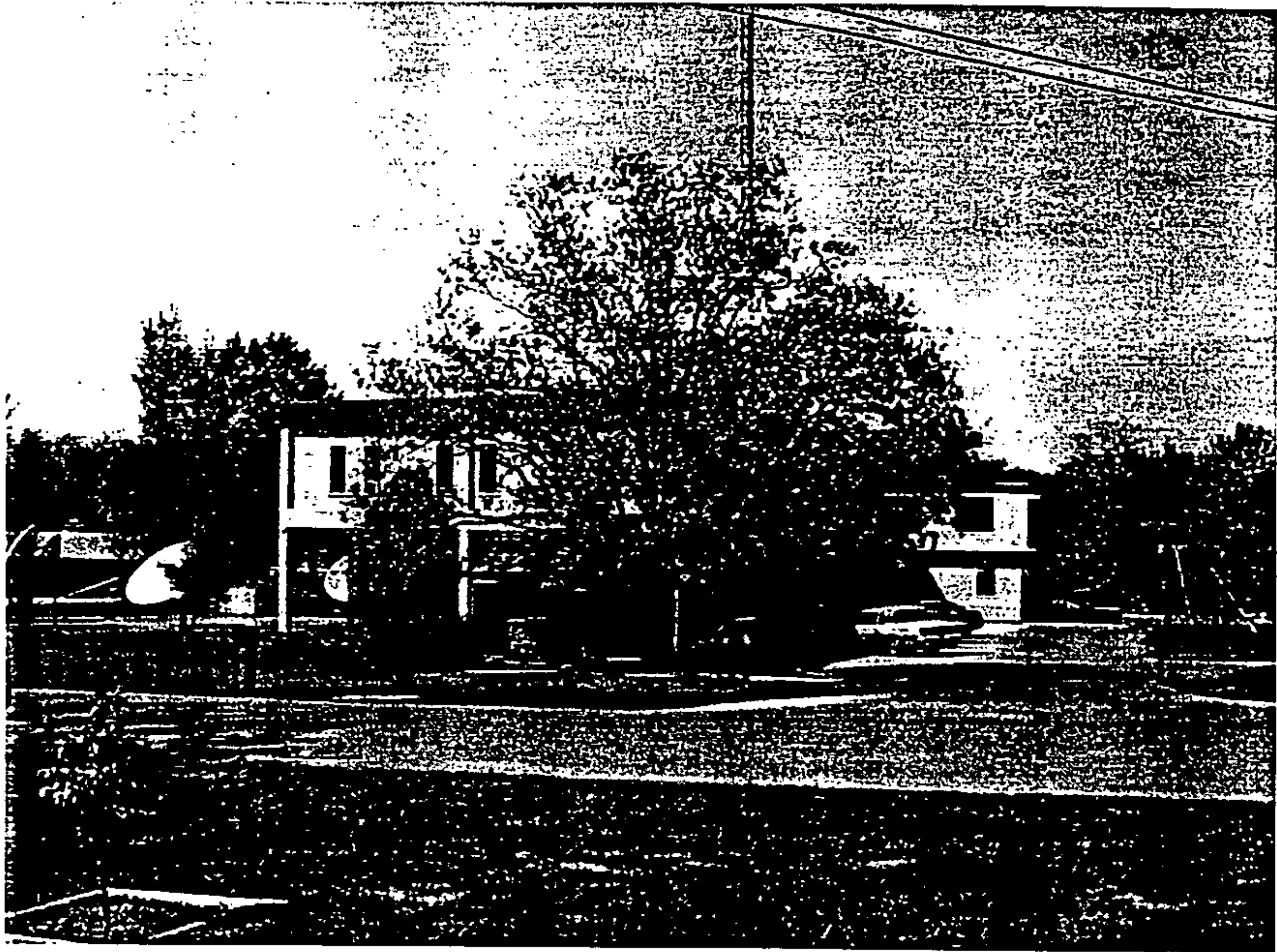
Staff finding: Additional development of the site under R-O zoning would increase traffic into the single family neighborhood.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Staff finding: The proposed zoning would not alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Staff finding: N/A



View looking north at existing two-story building.

**REZONING REQUEST BY
DEMAREE MEDIA, INC.
BRETT HASH, PRESIDENT
PAT DEMAREE, CEO
REBA DEMAREE, SECRETARY/TREASURER
1780 HOLLY STREET
P.O. BOX 878
FAYETTEVILLE, AR 72702
(501) 521-5566**

Authorized Representative
Craig Hull, Nickle-Hill Group, Inc.
202 Sunbridge Drive
Fayetteville, AR 72703
(501) 571-1111 Fax (501) 571-2931

Legal Description: Per Deed Book 1261, Page 531

Part of the North Half of the Southeast Quarter of Section Eight, Township Sixteen North, Range Thirty West, as described as follows: Beginning at a point 20 ft North and 200 ft West of the SE corner of said twenty acre tract, and running thence West 300 ft; thence North 340 ft; thence East 300 ft; thence South 340 ft to the point of beginning, containing 2.34 acres, more or less.

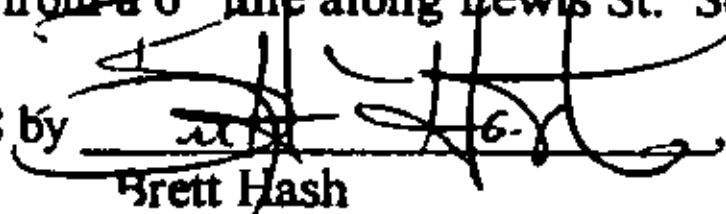
Explanation of the proposed zoning change: The Demaree Media Corporation (ownership & officers listed above) has occupied the property for over twenty five years. The office complex and radio broadcast studios serve the 2 FM Stations (KKEG & KFAY) & one AM Station (KFAY AM). Sales, technical & clerical support personnel, broadcasters and occasional guests are the only users of the building.

The property was purchased by Demaree Media in 1966 from Weldon Stamps. The original structure present at purchase was a 24' x 26' metal building. In 1971 the main building was expanded toward Holly Street, and in 1980 a second story and the adjacent office / garage building was erected. Each construction activity was authorized and permitted by the City of Fayetteville. A total of approximately 8,093 square feet is in use at the present time. Paved parking spaces total 30 marked spots, plus overflow space for 8.

Reason for the request: The property is presently zoned R-1. In order to assure potential lenders, underwriters, investors and tenants that the property is secure as a business entity, the appropriate zoning designation (R-O) is required. Non-conforming use provisions apply to the existing operation with specific time limitations. Rezoning would provide certainty to existing and new users that specific office type uses could be conducted legally and without time delays.

Statement of how the property relates to surrounding properties:

1. Use - The continuation of office type uses in the subject facility will not change.
2. Traffic- The occupancy of the facility by professional offices would not impact traffic. No change is anticipated.
3. Appearance - Not Applicable - Existing facility
4. Signage - No changes required.
5. Availability of water and sewer - The site is served by a 4" water line along Holly St. and an 8" line along Lewis St. Sewer is available on the site from a 6" line along Lewis St. See attached maps.

Respectfully submitted this 20th day of April, 1998 by  President
Demaree Media, Inc. Brett Hash

8.5 RZ 98-10.00 Rezoning (Demaree Media, Inc)
1780 Holly Street

**REZONING REQUEST BY
DEMAREE MEDIA, INC.
BRETT HASH, PRESIDENT
PAT DEMAREE, CEO
REBA DEMAREE, SECRETARY/TREASURER
1780 HOLLY STREET
P.O. BOX 878
FAYETTEVILLE, AR 72702
(501) 521-5566**

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202 Sunbridge Drive
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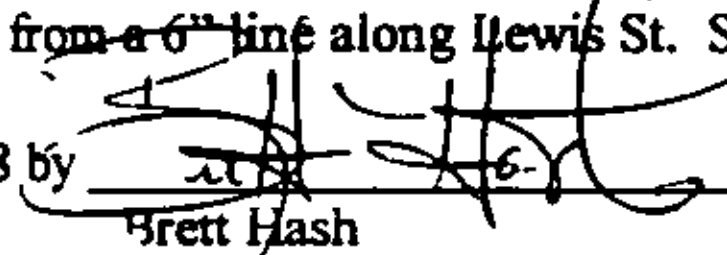
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The property was purchased by Demaree Media in 1966 from Weldon Stamps. The original structure present at purchase was a 24' x 26' metal building. In 1971 the main building was expanded toward Holly Street, and in 1980 a second story and the adjacent office / garage building was erected. Each construction activity was authorized and permitted by the City of Fayetteville. A total of approximately 8,093 square feet is in use at the present time. Paved parking spaces total 30 marked spots, plus overflow space for 8.

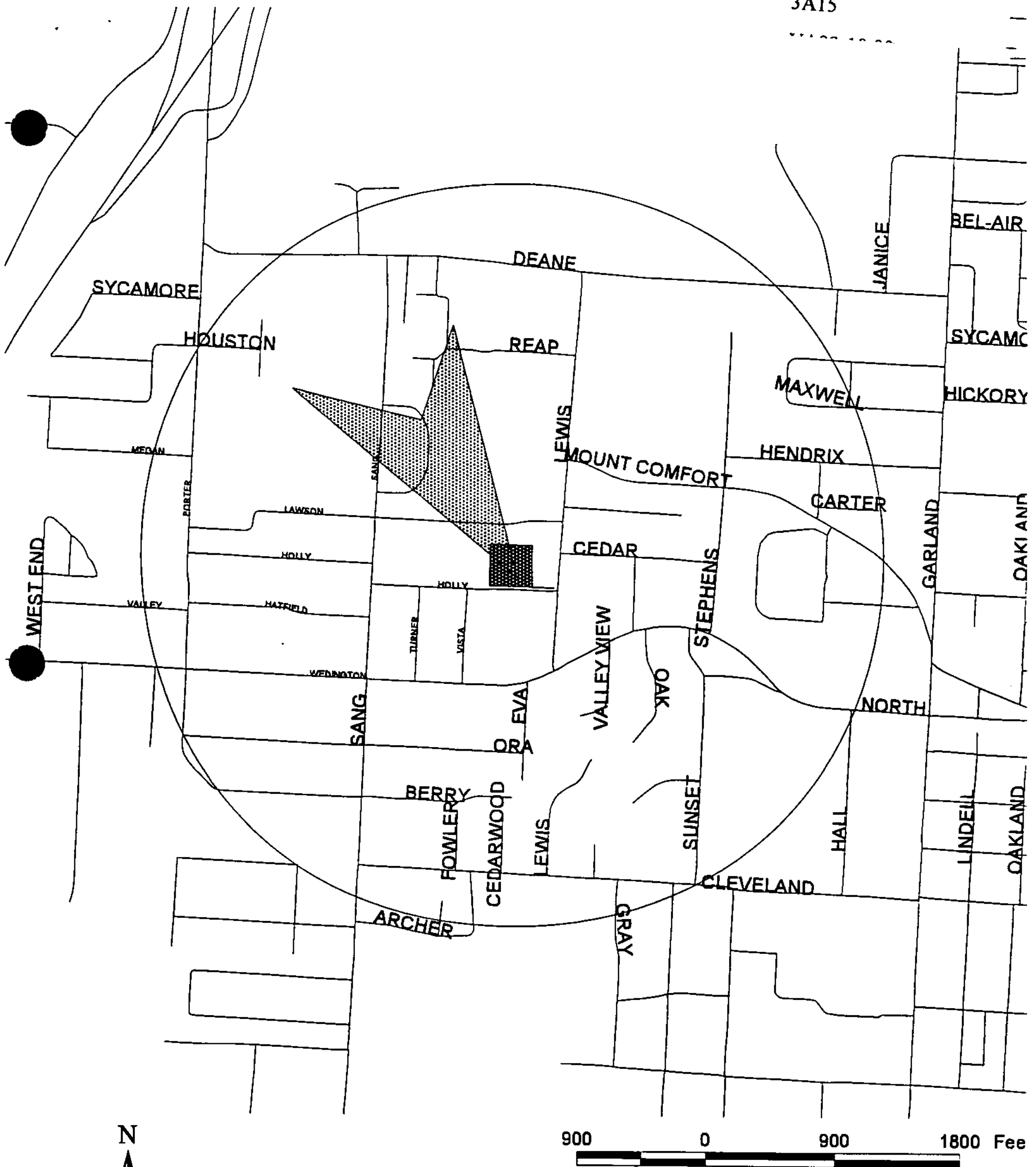
Reason for the request: The property is presently zoned R-1. In order to assure potential lenders, underwriters, investors and tenants that the property is secure as a business entity, the appropriate zoning designation (R-O) is required. Non-conforming use provisions apply to the existing operation with specific time limitations. Rezoning would provide certainty to existing and new users that specific office type uses could be conducted legally and without time delays.

Statement of how the property relates to surrounding properties:

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2. Traffic- The occupancy of the facility by professional offices would not impact traffic. No change is anticipated.
3. Appearance - Not Applicable - Existing facility
4. Signage - No changes required.
5. Availability of water and sewer - The site is served by a 4" water line along Holly St. and an 8" line along Lewis St. Sewer is available on the site from a 6" line along Lewis St. See attached maps.

Respectfully submitted this 20th day of April, 1998 by  President
Demaree Media, Inc.

8.5 RZ 98-10.00 Rezoning (Demaree Media, Inc)
1780 Holly Street



file

error had been made when the Planning Commission was advised that no sewer existed to serve the proposed development when in fact sewer had been installed at Barnes' expense; and that the petitioner now requested C-1, rather than C-2; Director Noland moved the Board refer the new proposals back to the Planning Commission. The motion was seconded by Henry. Noland agreed to an amendment to the motion by Malone that the Planning Commission be informed that the Board does not believe the commercial zone is proper and that the Board would like the Commission to consider R-1 versus R-2 classification.

John Power made a motion to approve rezoning to R-2 the entire 30 acres, contingent on a Bill of Assurance that nothing more dense than duplexes would be allowed. Ernest Jacks seconded the motion. Morton Gitelman asked Larry Wood if he felt they should have another planning report before voting on the rezoning. Larry Wood stated that his basic problem, besides the sewer, was the commitment to develop lands that far out from the City when there are areas closer to town which have not yet been developed. Bobbie Jones noted that 14 units per acre would be allowed in the R-2 district and 7 units per acre in the R-1 district (duplex development). Mr. Gitelman said he appreciates the logic in having developments that intense that far away from the City. He felt the question now is whether they want to allow 14 units per acre rather than 7 units per acre. John Power stated that it seems the Board of Directors was receptive to the R-2. Beth Crocker felt the Board of Directors was considering R-2 for the section along the highway rather than the entire tract. Mr. Gitelman stated that they will have set the pattern for the areas between this and the City which are not already developed if they rezone this to R-2. Richard Osborne said he is not sure that he agrees with Mr. Gitelman and Mr. Wood that this will set a precedent for the undeveloped areas between this property and the City. John Power said he feels there is a need for duplexes. The motion to approve the rezoning to R-2 made by John Power and seconded by Ernest Jacks failed to pass 4-3, with Power, Jacks, Gitelman, and Newhouse voting "Aye" and Hailey, Crocker, and Kisor voting "Nay".

The fifth item for consideration was the conditional use request for an addition to the radio station located on Holly Street submitted by Big Chief Broadcasting Company, zoned R-1, Low Density Residential District.

BIG CHIEF BROADCASTING COMPA
Conditional Use Request
Holly Street

Pat Demaree and Dewayne McChristian were present to represent.

Mr. Demaree stated that the addition which they want to make would be a second story to the existing building. They also need to build more parking spaces, because the present parking lot is inadequate. They are planning to build an additional parking lot.

Mr. McChristian said they would also be adding a building to store a tractor and truck but they will be removing a 12 by 20 foot metal building. They also hope to build a place on the new parking lot for sanitation services to pick up the trash.

file

VA98-10.00

3A16

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BIG CHIEF BROADCASTING COMPA
Conditional Use Request
Holly Street

Pat Demaree and Dwayne McChristian were present to represent. Mr. Demaree stated that the addition which they want to make would be a second story to the existing building. They also need to build more parking spaces, because the present parking lot is inadequate. They are planning to build an additional parking lot. Mr. McChristian said they would also be adding a building to store a tractor and truck but they will be removing a 12 by 20 foot metal building. They also hope to build a place on the new parking lot for sanitation services to pick up the trash.

Mr. Jacks asked if the adjoining property owners had been notified and Bobbie Jones said "yes".

Gary Blackburn, 1317 North Lewis, said his house is at the back of the proposed parking lot. He stated that he sleeps until 1:00 in the morning because he goes to work at 2:00. He felt they may be anticipating putting the lodal for the sanitation service near his back yard. He noted that they take out trash at about 12:00 and always wake him up. He suggested that 1) they either locate the parking lot directly north of the proposed garage, or 2) locate the parking lot west of the existing structure. He said he would also like to have a privacy fence built between his property and the parking lot.

Bobbie Jones said a privacy fence would be required.

Mr. Demaree noted that they have existed at the present located for 21 years.

Mark Bemberg, 1229 Lewis, said he is concerned that they do screen the parking lot and is also concerned about their adding 24 additional parking spaces. He noted that there is a gravel street there, and in the summer they have a problem with the dust.

Pat Demaree assured the Commission that there will not be any additional personnel hired with this addition.

Mr. Demaree said the gravel street has never been formally dedicated to the City since it has not been built. He said he had talked to Clayton Powell, Street Superintendent, and he told him this is a City street since it has been used as a street for seven years.

Mr. Demaree said the City is going to give him a cost estimate to build the street. He said Mr. Powell felt that the street may be built with the owners paying for the materials and the City providing labor and equipment.

Newton Hailey asked Mr. McChristian if he would object to the parking lot being built near his home. Mr. McChristian said he would not object. He explained that the problems are they would like to use the existing lot together with the new lot, and a new lot would require another driveway entrance and another culvert. Also, the radio station has ground radials running from the tower approximately 156 feet and anytime they disturb those, they would have to go all the way back to the tower with those. They would have to completely unearth all of these and put them back. As the parking lot is proposed, it will not require them to dig up the ground radials. He said if they can build the parking lot where it is proposed, it will save them considerable expense. He said there would not be any electrical problem in extending the lot to the north.

Mr. Demaree said they are planning to build a screening fence and will be moving the all-night station to the other side of the building, away from Mr. Blackburn and Mr. Bemberg. Mr. McChristian said they would alleviate the problem of dumping the trash at night by taking it out in the morning.

John Power said he would abstain from voting on this item.

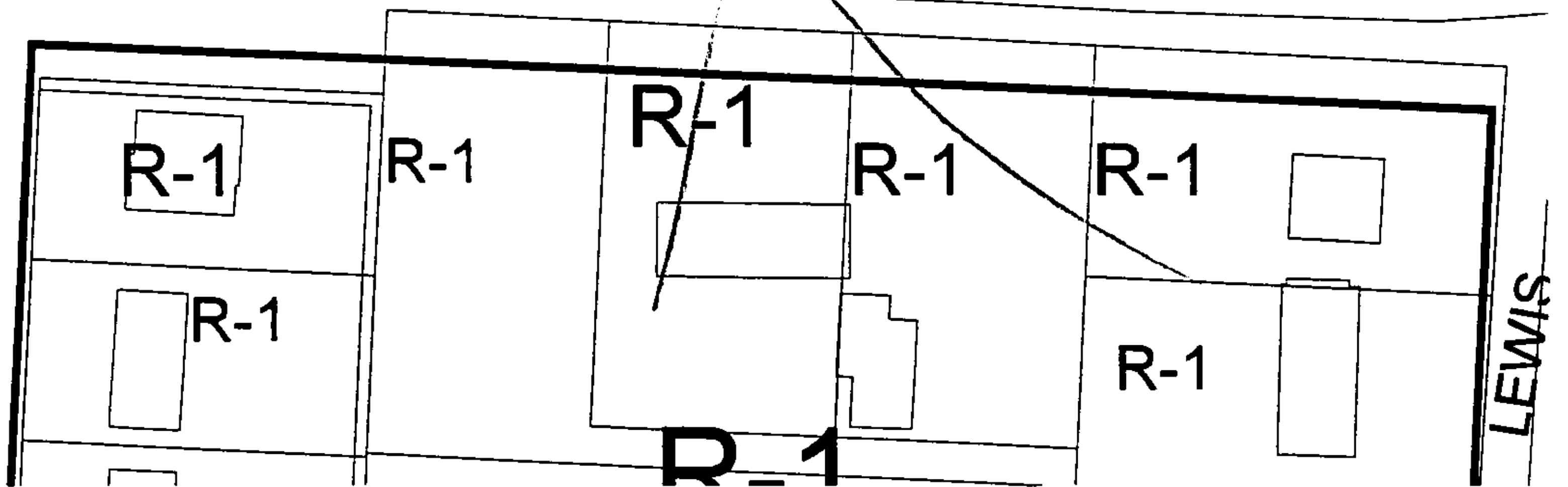
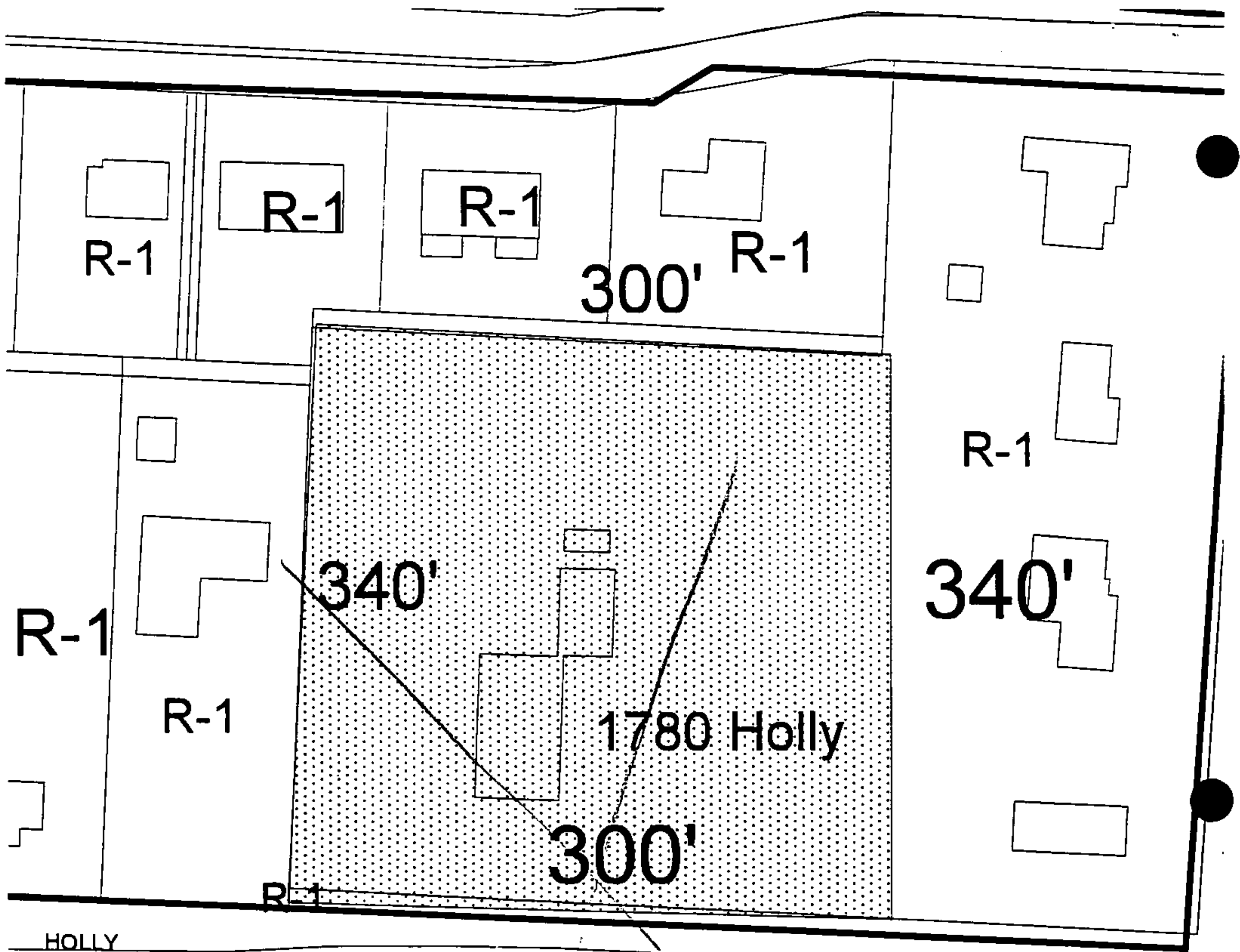
Bill Kisor made a motion to approve the conditional use request.

Ernest Jacks questioned if this is really a conditional use or a non-conforming use. He felt there is a difference between a "transmitting tower, radio" as allowed on appeal to the Planning Commission under Use Unit 3 in the R-1 District and a radio station. He felt what they were talking about as a "transmitting tower, radio" would only be some type of transmitting tower. He felt the "radio station" would need to be in a zone which allowed offices. He felt they may be expanding a non-conforming use by allowing them to add on to the existing building.

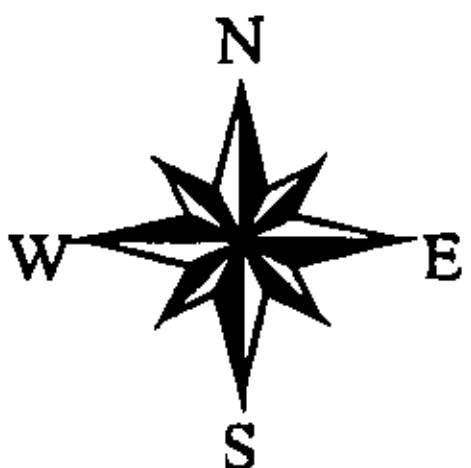
Mr. Blackburn said he felt it would be logical to assume that since they are enlarging the building and the parking facilities, they would be hiring additional personnel.

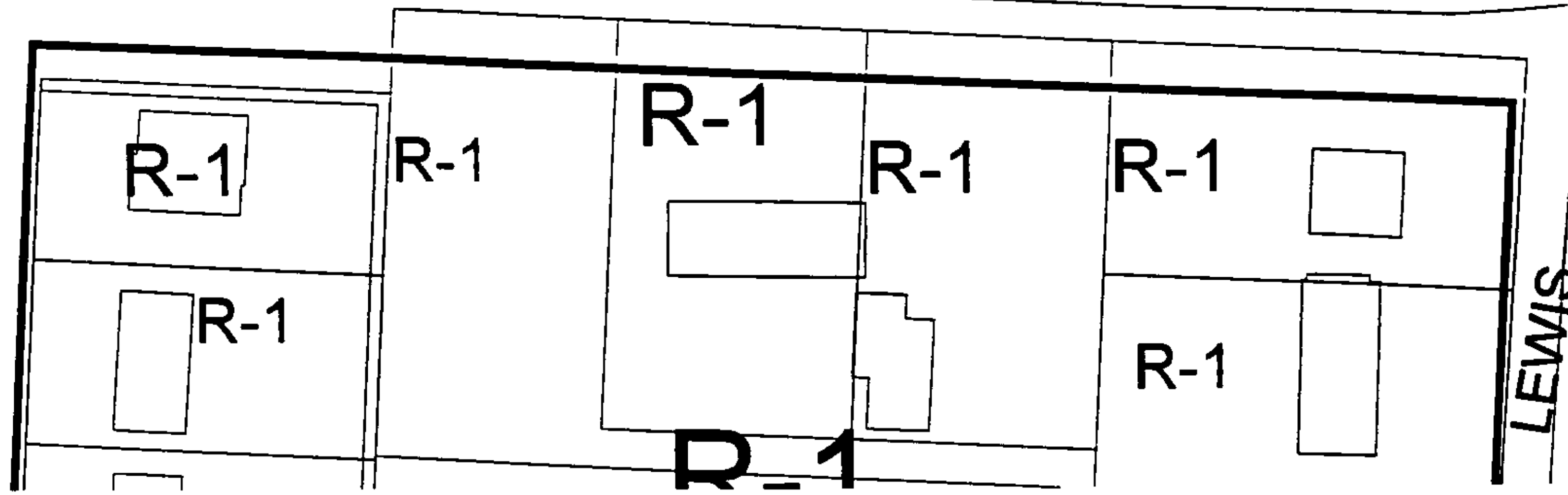
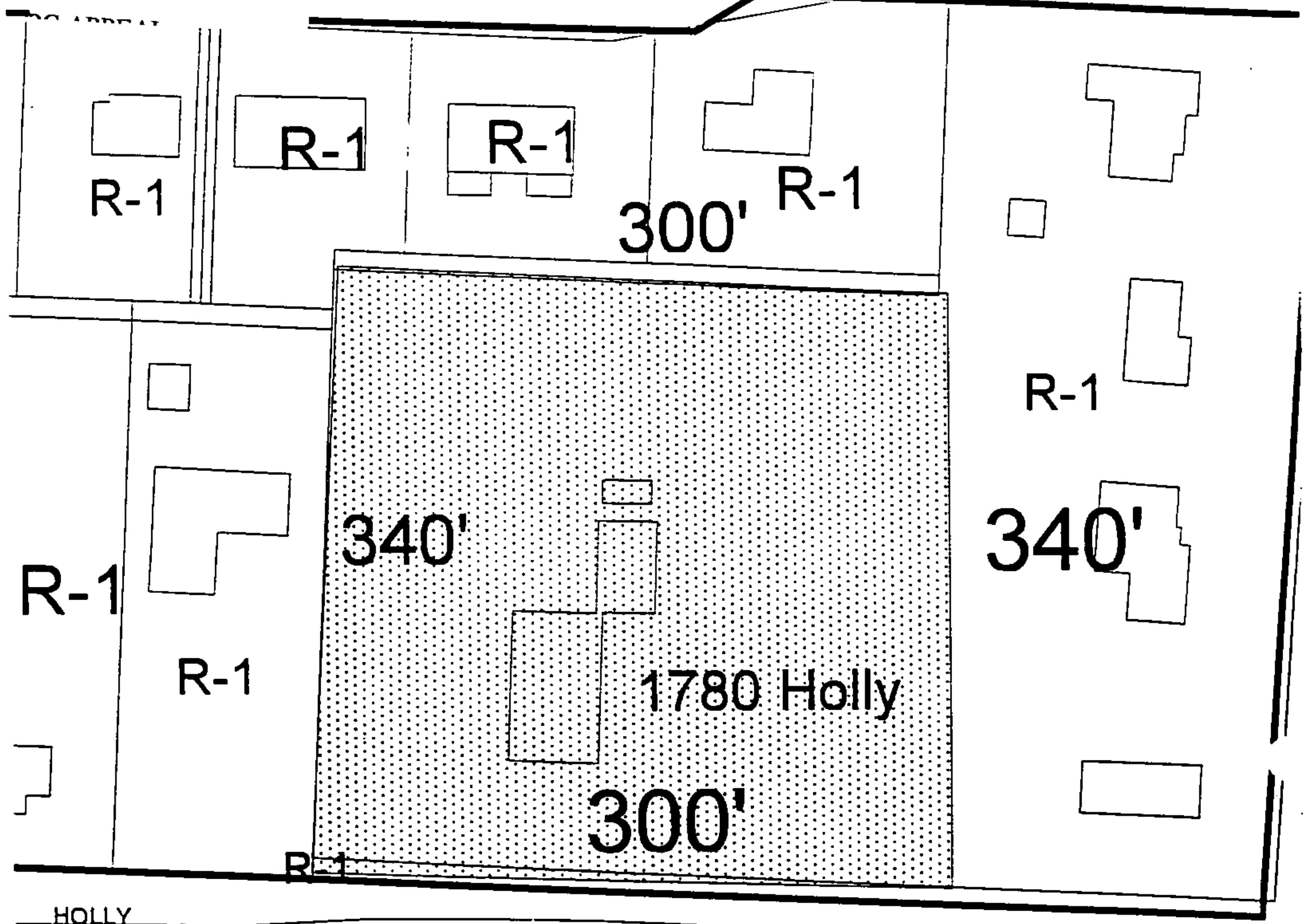
Mr. Blackburn said all he is really concerned about is that they provide some type of screening between the parking lot and his house and getting some kind of sound barrier so he will not be woke up every night.

The motion to approve the conditional use passed 4-2-1, with Gitelman, Crocker, Newhouse and Kisor voting "Aye", Hailey and Jacks voting "Nay" and Power abstaining. (An opinion from the City Attorney reflected that an abstention would go with the majority)

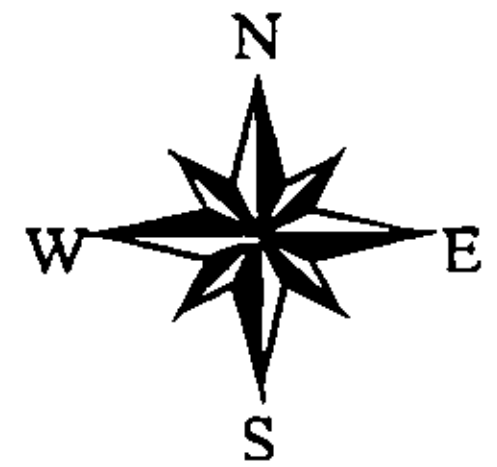


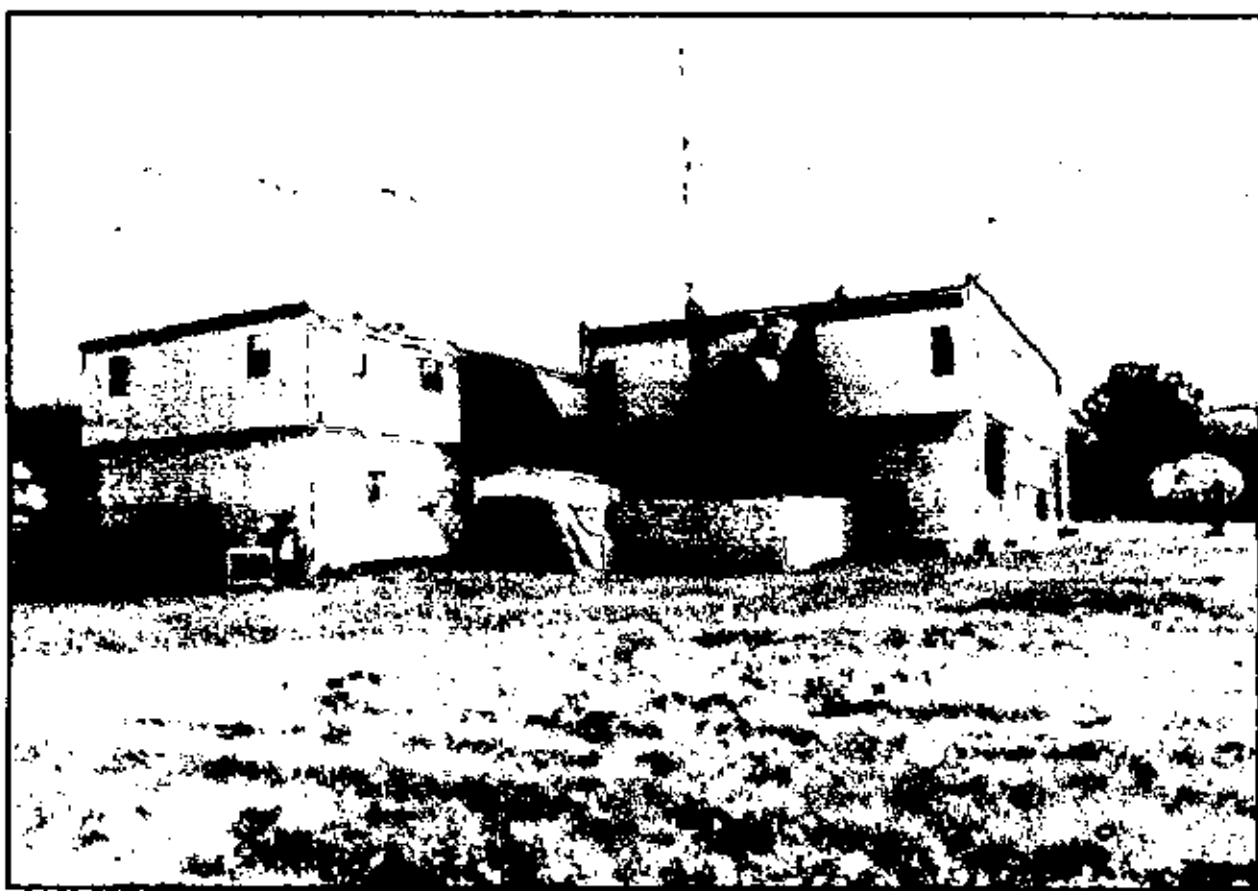
80 0 80 Feet





80 0 80 Feet





Rezoning Request by

Demaree Media, Inc.

Brett Hash, President

R-1 to R-O

1780 Holly, Fayetteville

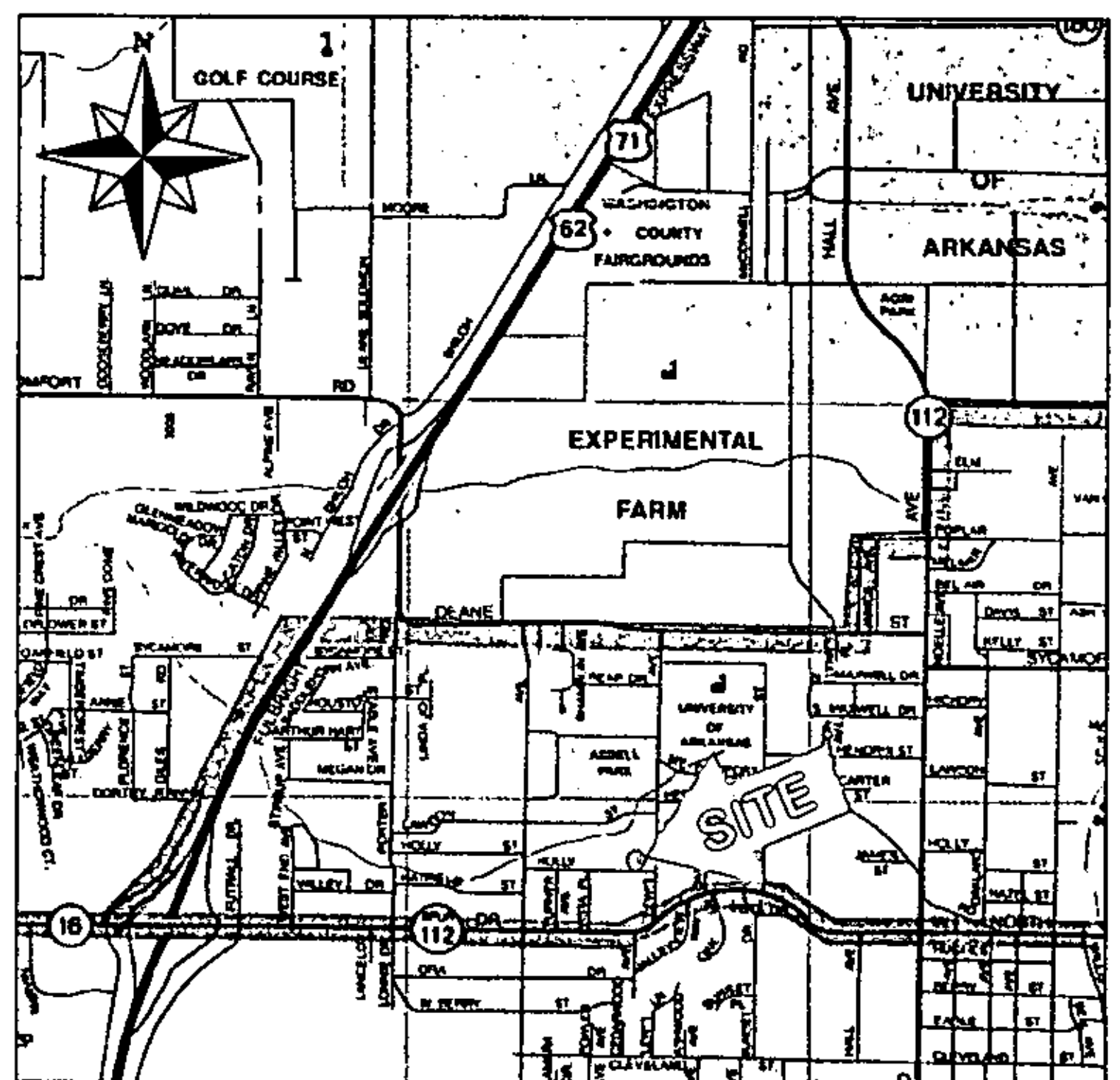
between Mt Comfort Rd & Wedington Drive

8093 SF Office Space

2.34 Acres

Lot Size: 300' x 340'

Purchased by Pat Demaree in 1966 - home of KKEG & KFAY FM & KFAY AM - oldest continuously operated radio station in Fayetteville. Expanded in 1971 and again in 1980, both times with permission of the City of Fayetteville.



MEMORANDUM

TO: FAYETTEVILLE PLANNING COMMISSION

FROM: BRETT HASH, DEMAREE MEDIA, INC

SUBJECT: 1780 HOLLY REZONING REQUEST

DATE: MAY 11, 1998

1. We are not asking for permission to build or expand anything. There will be no detrimental changes to the neighborhood or the community.
2. The granting of the conditional use / non-conforming use permit in 1978 was an official recognition of the use. In light of the previous actions by the City, the owners have invested considerable resources and funds to expand the facilities.
3. The actions of the previous Planning Commission, while not an actual rezoning, were an acknowledgment of it's presence. Subsequent land use mapping and planning efforts overlooked the property. 1978 to 1998 is 20 years. The City's land use plan should take into account existing land use.
4. Traffic will not increase due the rezoning. In fact, traffic will most likely decrease when a more traditional office facility replaces the radio station operations.
5. The application is justified by the following:

Continuation of a viable property for employment of Fayetteville citizens

Continuation of a significant source of property tax revenues

The intensity of use by a new owner or tenant will be the same or most probably less than the existing operations of the 3 Radio Stations.

Who is harmed? No one

Who Benefits? The entire community. If the allowed to market the space, new employment is gained in the City. As the existing operation moves to another Fayetteville location, additional tax revenues and a sustained source of employment are gained by the City.

BURKE & ELDRIDGE, P.A.
ATTORNEYS AT LAW
201 N. EAST STREET, SUITE 100
P.O. BOX 580
FAYETTEVILLE, ARKANSAS 72702-0580
TELEPHONE (501) 443-0908

FILED IN MY OFFICE TH

19 DAY OF may 1998
Heather Woodruff City Clerk

THOMAS B. BURKE
JOHN R. ELDRIDGE, III
THOMAS J. OLMSTEAD

TELECOPIER
(501) 443-2713

May 19, 1998

VIA HAND DELIVERY

Ms. Heather Woodruff
Fayetteville City Clerk
113 W. Mountain Street
Fayetteville, Arkansas 72701

Re: Notice of Appeal of Fayetteville Planning Commission No. 98-13;
Large Scale Development Millsap Road & Wimberly Street

Dear Ms. Woodruff:

On May 11, 1998, the Fayetteville Planning Commission approved the large scale development plan of Washington Regional Medical Services ("Services") in connection with its plans to construct an assisted living facility on a portion of a 36.62 acre tract in the North Hills Medical Park subject to eleven conditions recommended by the Planning Commission staff. Services is an affiliate of Fayetteville City Hospital, and the facility was to be owned and operated by Fayetteville City Hospital.

In granting its approval, however, the Planning Commission required Services to cause existing overhead electric lines to be buried underground at its own expense and contribute one-half the cost of constructing a standard city street which would connect Longview Street with Wimberly Road.

In accordance with §159.54(F)(1) of the Code of Ordinances for the City of Fayetteville, Arkansas, this correspondence shall serve as Services' notice to appeal the Planning Commission's denial of these waiver requests to the Fayetteville City Council. We hereby appeal that decision, and do ask that this appeal be placed on the agenda for the meeting of the City Council as soon as is convenient. We would prefer that the matter not be considered between June 11 and June 18 because one of our representatives will be out of town.

An assisted living facility provides a residential environment for citizens who require some degree of assistance in their daily lives but who otherwise are able to

continue to live independent of full-time nursing care. In response to widespread community interest and a survey of community needs, Fayetteville City Hospital has procured the necessary licensing and regulatory approval from the State of Arkansas to undertake the construction of such a facility.

As presented to the Planning Commission, this project is expected to cost approximately Four Million Dollars (\$4,000,000.00). Compliance with the conditions imposed by the Planning Commission will add at least an additional Eight Hundred Thousand Dollars (\$800,000.00) to the cost of the project. A twenty percent addition to the overall cost of this project would prove prohibitive and be so substantial that Fayetteville City Hospital could not in fairness attempt to impose the increase in costs on the residents of the facility and would result in Fayetteville City Hospital's abandoning the project.

The assisted living project, as proposed, would be adjacent to the east of the new Washington County Health Department and occupy only a portion of the 36.62 acre tract. The off-site improvements contemplated by the Planning Commission are not necessitated by the proposed development of this facility and the costs of such improvements do not bear a rational nexus to the needs of the proposed facility as required under ordinance §159.54.

It is the position of Services and Fayetteville City Hospital that the conditions imposed by the Planning Commission in approving the proposed large scale development at issue were arbitrary, capricious and constitute an undue financial burden on Fayetteville City Hospital which will prevent the construction of an assisted living facility needed in the Fayetteville community.

Should you have any further questions or comments, please do not hesitate to contact me.

Yours very truly,

BURKE & ELDRIDGE, P.A.

Thomas B. Burke

Thomas B. Burke

TBB:dml

FILED IN MY OFFICE THIS

19 DAY OF May 19 38
Henth W. W. City Clerk

Planning Commission Minutes
May 13, 1998
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CU 98-9.00: CONDITIONAL USE (WASHINGTON REGIONAL MEDICAL SERVICES)
SOUTH OF LONGVIEW AND EAST OF WIMBERLY STREET

This item was submitted by Northwest Engineers on behalf of Washington Regional Medical Services for property located south of Longview and east of Wimberly Street. The property is zoned A-1 Agricultural and contains approximately 39.20 acres.

Staff's Recommendation:

Staff recommends approval of the request based on the findings subject to the following conditions of approval:

1. The conditional use approval is for the large scale development application LSD 98-13.
2. Outdoor lighting shall be shielded and directed downward and away from the residential properties to the south.
3. The project shall be built according to the submitted elevation drawings, including colors shown or indicated, and the site plan.

There are no further conditions of approval and applicant has provided the color elevations to this meeting.

- ☐ Mr. Odom wanted to let the applicant be aware that due to this item being a conditional use and would need to be approved by 5 votes.

Kurt Jones of Northwest Engineers, appeared before the committee. Mr. Jones stated their request was a conditional use for a 64-bed assisted care unit on A-1 zoned property. The subject property is adjacent to the medical park and the next item on the agenda will show the proposal of their project.

Public Comments:

Charles Howard appeared on behalf of his mother who owns a home on Village Drive which is in a neighborhood to the south of the proposed facility. He inquired about the lighting and wanted to know about the road access to the subject property. Their concern is that Village Drive would be opened at the north end into that area and wanted that clarification.

- ☐ Ms. Little stated this was not part of the proposed large scale development, and the staff would not deal with the access on the conditional use, but will take comments on the large scale development.

Discussion:

- ☐ Mr. Forney noted that a conditional use vs. rezoning and why it was going this direction.
- ☐ Ms. Little responded that the applicant had requested a rezoning which is a lengthy process and the conditional use gives Planning Commission more control and more protection to the neighbors. Under use unit No. 4 allows dormitories and hospitals. There is not a category for an assisted-living facility and between the two this would be in line with what is anticipated here. With the category hospital takes into account what other facilities would be developed. Washington Regional Medical Center is the owner of the property and they have built other hospital facilities in the area.
- ☐ Mr. Forney did not find a zoning which allowed this use by right in the zoning ordinance.
- ☐ Ms. Little stated this may be true but this is typical for categories such as antique stores, schools which can be placed either by conditional use in a P-1 rezoning.
- ☐ Mr. Forney stated he could not find a zoning district which would rezone by use. He further noted the

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entire tract would not be developed and is assuming any addition beyond what is approved under the conditional use would have to come before the Planning Commission to govern any further development of the tract.

- Ms. Little stated this conditional use would be granted for the entire tract for hospital and hospital-like uses. All other proposals would have to come back before the commission except for additions to the facility less than 10,000 sf, which would create the need for less than 25 parking spaces, and it would not need an additional curb cut.

Mr. Ward moved to approve CU-98-9.00.

Mr. Reynolds seconded said motion as stated.

The roll was called and said motion carried unanimously on a vote of 7-0-0.

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LSD 98-13.00 LARGE SCALE DEVELOPMENT (ASSISTED CARE UNITS, 212/213)
SOUTH OF LONGVIEW AND EAST OF WIMBERLY DRIVE

This item was submitted by Northwest Engineers on behalf of Washington Regional Medical Services for property located south of Longview and east of Wimberly Drive. The property is zoned A-1 Agricultural and contains approximately 39.20 acres.

Staff's Recommendations:

Approval subject to the 11 conditions of approval.

Kurt Jones of Northwest Engineers, appeared on behalf of applicant before the commission. Mr. Jones stated there were no objections to any of the conditions. They are requesting a waiver of the overhead utilities.

- ☐ Mr. Odom stated there were two waivers being presented - one for the parking waiver and the other would be waiving requirement for overhead utilities to be placed underground.

Mr. Jones stated the developer is also requesting that in lieu of building the street past this development to the east to provide a surety bond in lieu of construction of the street.

Public Comments:

- ☐ Mr. Odom noted there was nothing proposed by the developer to go to Wimberly.

Thomas Gill, 3195 Butternut, which is the intersection of Village Drive and Butternut to the south of the proposed development. He stated he received a certified letter from the engineer and from the City. He stated he attended the SDC meeting and expressed his concern about opening Village Drive into the project. He stated since that time he had visited with Mr. Jones and was told this was never proposed, and wanted to know if this was a viable solution.

- ☐ Mr. Odom responded the engineer of the proposed project does not always get to say where they want to build a road, and are required to provide access points. He stated the staff's concerns were of future access.
- ☐ Ms. Little stated when subdivisions are platted for connectivity is addressed noted when the particular subdivision in which Mr. Gill is presently living was considered, the planning commission did plan for a connection to the north. That particular 50 foot right-of-way was removed from the development for the purpose of extension to the north. The current staff has the obligation to let the current Planning Commission know that in the past the staff and Planning Commission felt there was a need for access to the south. With this subject property being zoned A-1 it could have developed as a subdivision with residential lots, then there would have been a strong push for connection at that time. The property now has developed and since then that particular access has been dropped. That option is not viable due to the way the property has now developed.

Discussion:

- ☐ Mr. Forney noted the MSP shows connection from Longview towards Monte Painter. Because he had not attended the SDC he wondered if there was any question to access to Monte Painter.
- ☐ Ms. Little referred to page 7.7 and noted the consideration was whether to try satisfy the MSP and the location that was planned which would have connected to Monte Painter and then angle to the northeast to connect to Longview. The applicant has proposed and staff is in agreement that the collector street be

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constructed at Longview Street and intersect with Wimberly Drive. One reason this location for the collector is the County Health facility which has been constructed at the intersection of Wimberly and Monte Painter. The second reason is that there is a drainage way running along the southern portion of the 40 acres and if the collector street had been placed in that area this would have necessitated a bridge or another conveyance. The proposed location is a good location as opposed to the plan's location. Therefore, you are not abandoning the MSP but merely accepting a street in lieu of the MSP.

- Ms. Little noted that off-site directly to the east there is a site for a fire station, which the City has a plan to connect Plainview from the north down to Longview and this is shown on the map. The new Longview will connect to the new Plainview and staff felt this would be a good connection.
- Ms. Hoffman wanted to address the street connectivity and does feel it would be good idea to require a 50% contribution at this time which would steer traffic from here and the street be built to the property line.

Mr. Jones responded regarding the parking waiver and noted this facility would not require that many parking spaces and the residents would not have automobiles on-site and the only people utilizing the parking would be staff and visitors. Therefore, they feel the 55 proposed parking spaces would be more than adequate which was based on discussions with the developer.

- Ms. Little stated staff was in support of the parking waiver request.

Mr. Odom moved to approve the parking waiver for 55 proposed parking spaces.

Ms. Johnson seconded said motion as stated.

Mr. Jones stated he provided some information from SWEPCO and they were not able to prepare a detailed estimate and gave him a ball park figure which was half a million dollars. The total cost of the proposed project is estimated to be \$4 million dollars.

Mr. Jones also wanted to discuss the proposed 50% contribution for the extension and do not feel this would be appropriate due to the fact they are already building substantial road. He stated to require this developer to pay for off-site road.

The roll was called and said motion carried on a unanimous vote of 7-0-0.

- Ms. Johnson wanted to identify the curb cut issue.
- Ms. Little stated this was to be brought to the commission's attention. The normal recommendation is one curb cut per development. In this particular item in order to provide access to the drop out there the staff concurs with the applicant's plan. The item concerning the third curb cut is to provide access to the parking lot. This would not be necessary for the project but since there are no future proposals and with Longview being a collector street. The particular alignment of Longview Street has been placed where it veers back to the north to connect to Longview and it veers back to the north to allow buildable to the south for another development.
- Mr. Odom stated with this project being a hospital he felt two would be amenable to allow for ambulance use.
- Ms. Little stated since this was an assisted care facility emergency vehicles would be adequately served by the two curb cuts. There is no rear access to the building.

Mr. Jones referred to their layout and noted the two in front of the building is for the drive-thru area, and the third access to the east is mainly to provide service vehicles to the facility without routing through the front of the building. Also there is a fire hydrant located in that area which would be easier for a fire truck to access the

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hydrant and felt these three accesses would be needed.

- Ms. Little inquired what their comment would be if they eliminate the middle curb cut.

Mr. Jones stated there would be a lot of drive-thru traffic and their goal is to keep the traffic out of the parking lot as much as possible.

- Mr. Forney inquired about the conclusions the SDC members had.
- Ms. Hoffman stated that since Longview may eventually be a private street and therefore supports an elimination of one of the middle driveways which would still allow delivery vehicles easier access.
- Mr. Forney has no objection to three and would support two as well.

Mr. Odom moved to deny the waiver to place existing utilities underground.

Ms. Hoffman seconded said motion as stated.

Mr. Jones stated that the cost is \$500,000 for this project which is over 10% of the overall cost of the development. He stated one of the factors the Planning Commission is required to consider in deciding a waiver is the financial impact and burden and if \$500,000 is not considered a hardship or burden, then what is, and feels this amount is excessive.

- Mr. Forney stated there are a number of other areas of development going on at North Hills and the issues of burying utilities and stated it is burdensome to go down and up and would not be cost-effective for anybody. He referred to the ordinance and feels that the ordinance needs to be followed.
- Ms. Johnson inquired if the motion to deny the waiver was approved, could the applicant appeal the denial to the council and this was affirmed. She further noted if the requirement was not followed to place the utilities underground in this subject area then when and where would it be required.

Mr. Jones referred to the utility lines on the plat and stated that these utility lines were already on the property, the developer would be willing to install the new utilities underground, but felt it was excessive to require the developer to bear the burden of the cost for the existing utility lines.

- Ms. Little addressed another item concerning the difference of the line on the north side of the property and the line on the east side of the property.

Mr. Jones stated according to SWEPCO there was no difference in the utilities.

- Mr. Forney inquired of staff regarding Staffmark and the project south of Millsap regarding burying the utility lines.
- Ms. Little responded that Staffmark requested a waiver which had been denied. This is the same line which is a major feeder which runs up north to Hwy 412. Staffmark eventually came back and would want to readdress it and accepted to bury the lines underground with the condition to come back at a future time. Staff has a letter from them and they are going to lay the lines underground. There is amount of the line that the other project North Park Phase II would have been responsible for. Staffmark would have their utility lines completely underground and would be putting up a lot of money for that installation.

If we grant one developer a waiver and do not have any authority to go to the other developers to ask them to help this developer.

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- Ms. Little inquired concerning the other projects in this area and what SWEPCO's input was.

Mr. Jones stated it makes sense to install the utility lines at one time, but his disagreement is the overall cost to this developer and it is within the rights of the Planning Commission to grant a waiver due to the financial hardship. Mr. Jones stated at the present time there were no plans for the rest of the 40 acre site.

- Mr. Odom stated he did feel the amount was exorbitant and wondered if the developer could put some of the money in escrow to be used when the other property was developed.
- Mr. Forney stated the developer had chosen the route of going conditional use but if the developer had done a lot split, then the developer would be addressing only the property subject to this development.

The motion was restated by Chairman Odom.

The roll was called and said motion carried on a vote of 6-1-0, with Mr. Ward voting nay.

There was a question concerning the off-site improvement.

- Mr. Beavers stated Mr. Jones provided him with an estimate to extend Longview to the east in the amount of \$152,000 excluding the right-of-way.

Mr. Jones addressed this issue and noted this was a collector street and did not feel the 50% was for a collector street or a city standard street, but if it was city standard street, the amount would be less. The estimate was based on engineering and some other factors. This is for this street over to Plainview east of the eastern boundary of the proposed development. The developer's preference would be for the developer not to be assessed this cost.

- Mr. Reynolds inquired if the city had acquired the land or if it had been donated.
- Ms. Little stated they did speak with Tom Lewis, representative of the Lewis family, and were willing to consider the dedication, but this has not been formalized and does not anticipate it would be a problem. She further stated she did not feel it was appropriate to charge this developer for a portion of the acquisition of this land since the development of the street would directly benefit the owners of land. If the owners do not want to dedicate the land, the city has the right to pursue this through eminent domain.

The street is estimated to be 500 feet in length.

- Ms. Little stated since the estimate includes the extension of water and sewer, those numbers should not be in the street estimate numbers which calculation is based on \$60/foot for street cost.

Mr. Jones stated the cost for the street is coming out to about \$300/foot excluding engineering and utilities which is not uncommon. He further stated Joyce Boulevard worked out to be approximately \$300/foot with engineering which is a 4-lane road, and the asphalt cost is \$65/foot.

The staff's recommendation came from the SDC and it is not unreasonable to require the applicant to construct 1/2 of the street off-site and the city contribute the other 1/2 of the street.

Mr. Forney moved to approved LSD 98-13 with the following amendments to the conditions of approval:

1. *That the parking waiver is granted.*
2. *The requested waiver for utility lines be installed be denied;*
3. *That two curb cuts be permitted;*
4. *The developer be responsible for building a 28 foot residential street for the length of*

*Planning Commission Minutes
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Longview from property line to property line and ½ of such street from east property line to connect with the existing Longview.

Ms. Hoffman seconded said motion as stated.

- Ms. Johnson inquired about the extension of Longview and the fact that it does not connect with Kenray. Staff had said Kenray would ultimately be vacated so a future street would go up there and meet with Longview. She inquired if staff felt the street platted locates the eastern end of Longview where it should be.
- Ms. Little stated they were in support of this configuration.

Mr. Jones inquired about the request of putting a portion of the cost of the street improvement in the surety bond addressed in the motion.

Mr. Forney moved to approve the surety bond from the eastern edge of the property line to Longview street.

- Ms. Little stated the surety bond would be allowable and the question she would address was when the street would be built and there are two options:
 1. Staff take to council a request the other half of the street be built at public expense;
 2. Hold the bond until development of the property to the east occurs, then the developer of that property builds the other 14 feet and the surety bond would provide for the building of that street.

There is no preference at this time. With regard to the request the street be built to the entry way and not to the property line, the staff does not support this request.

Ms. Little stated property to the south is zoned R-1 and houses would be built on this property unless a developer requests a rezoning.

Mr. Forney moved to amend his motion that the assessment for portion of the road to the east of the property line could be made as a surety bond.

Ms. Hoffman seconded the amended motion.

Ms. Johnson inquired if the street be built within five years or the developer could come back and request a refund.

The roll was called and said amended motion and was approved on a vote of 7-0-0.

The roll was called and said motion to approved the large scale development was approved on a vote of 7-0-0.

MINUTES OF A MEETING OF THE

RZ 98-10.00: REZONING (DEMAREE MEDIA, INC.)

PC Meeting of 11 May 98

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Assisted Care LSD WRMS

TO: Fayetteville Planning Commission Members
THRU: Alett S. Little, City Planner
FROM: Dawn Warrick, Jim Beavers, P.E.
DATE: May 8, 1998

Project: LSD 98-13.00: Large Scale Development (Assisted Care Units, pp 212, 213) was submitted by Northwest Engineers on behalf of Washington Regional Medical Services for property located south of Longview and east of Wimberly Drive. The property is zoned A-1 Agricultural and contains approximately 39.20 acres.

Findings: This project will provide a 58 room assisted care facility located east of the North Hills Medical Park and south of Millsap Road. The applicant is seeking a waiver of 9 (64 required, 55 proposed) parking spaces. A waiver is also requested for existing overhead electric lines on the property. Refer to the letter from NW Engineers dated April 22, 1998.

Recommendation: Approval subject to the following conditions.

Conditions of Approval:

1. Planning Commission determination of the requested parking waiver.
2. Planning Commission determination of the requested waiver from the requirement to place existing utilities underground.
3. Planning Commission determination of the requirements for the alignment and extension of Longview Street. The developer has requested (April 22 letter) to construct Longview from Wimberly Drive to the proposed Assisted Care LSD and place funds in escrow for the street remaining to the east property line. Planning Commission must also determine if there will be an assessment for Longview Street off-site to its junction with Plainview Street.
4. Construction of a sidewalk along Wimberly Drive shall be the requirement of this project if that sidewalk has not been installed by North Hills Medical Park at the time that a Certificate of Occupancy is requested for this Assisted Care Unit development.

5. Planning Commission determination of two or three allowable curb cuts from Longview into the development.
6. Plat Review and Subdivision comments (to include written staff comments furnished to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, TCA Cable)
7. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval.

All improvements shall comply with City's current requirements.

Fire protection, including fire hydrant locations shall comply with the Fire Chief's requirements.

8. Sidewalk construction in accordance with current standards to include a min. 6' sidewalk with a min. 10' greenspace along both sides of Longview Street. Sidewalk along Wimberly Drive, if required, shall comply with current ordinances.
9. Large Scale Development approval to be valid for one calendar year. If construction has not started within one year the approval is void.
10. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. Separate easement plat for this project
 - c. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §159.34 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
11. The City Council must agree to any proposed cost-share of the collector street (Longview Street). Traditionally, the City has participated in the costs above a standard 28 ft. street.

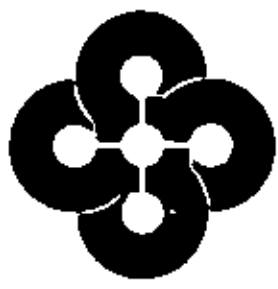
Neither the Planning Commission or staff can obligate City funds. Therefore the construction of Longview as a collector is subject to the City Council approving a cost share agreement with WRMC. If such agreement were to fail, then the developer must construct Longview as a 28 ft. residential street. Therefore, the cost-share agreement must be presented to the City Council prior to approval of the construction plans for the development. The developer's engineer shall be responsible to furnish a complete and

Date: / /

by

title

date



NORTHWEST ENGINEERS

CIVIL ENGINEERING CONSULTANTS

A DIVISION OF CRAFTON, TULL & ASSOCIATES, INC.

PC APPEAL
3B15

Al Harris, R.L.S.
Kurtis J. Jones, P.E.
Robert C. Reece, P.E.
Harry G. Gray, P.E.
(1941-1997)

May 7, 1998

RECEIVED

MAY 6 1998

CITY PLANNING DEPT.

Ms. Alett Little
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: WRMC Assisted Care Unit
Large Scale Development Plan
Overhead Electric Lines
NWE No. 98033.00

Dear Ms. Little:

Per your request, we have contacted SWEPCO regarding the overhead electric lines located on the above referenced project site. Specifically, we have inquired as to any differences there might be between the line running along the north boundary of the project site, and the line running along the east side of the project site. According to Dennis Burrack of SWEPCO, the lines running along the north and east boundaries are identical. The current capacity of these lines is 900 amps. Mr. Burrack did indicate that the line running along the north boundary of the property drops down in size significantly at the northeast corner of the site as it continues east.

Based on similar relocation projects involving overhead lines of this size, Mr. Burrack has indicated that we can expect the underground relocation cost of these lines to range from \$450,000 to \$550,000 or roughly \$200 per linear foot. We have requested this information in writing from SWEPCO, but have not yet received it. When we do receive this information, we will forward it to you as soon as possible.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

NORTHWEST ENGINEERS
A DIVISION OF CRAFTON, TULL & ASSOCIATES, INC.

Kurtis J. Jones, P.E.

PC APPEAL
3B16

PRELIMINARY CONSTRUCTION COST ESTIMATE
LONGVIEW DRIVE EXTENSION WEST OF WRMC ASSISTED CARE UNIT
FAYETTEVILLE, ARKANSAS
MAY, 1998
NWE NO. 98033.00

ITEM NO.	ITEM DESCRIPTION	UNITS	EST. QUANTITY	UNIT COST	TOTAL COST
1	Grading	CY	4000	\$8.50	\$26,000.00
2	32' Asphalt Street (6" Base, 4" Binder, 2" Surf.)	LF	500	\$85.00	\$32,500.00
3	2'-0" Concrete Curb & Gutter	LF	1000	\$7.50	\$7,500.00
4	Storm Drainage	LF	500	\$30.00	\$15,000.00
5	Curb Inlets	EA	4	\$2,000.00	\$8,000.00
6	8' wide Concrete Sidewalk	LF	1000	\$18.50	\$18,500.00
7	Waterline	SY	500	\$16.00	\$8,000.00
8	Erosion Control & Final Seeding	LS	1	\$5,000.00	\$5,000.00
9	Testing	LS	1	\$3,000.00	\$3,000.00
SUBTOTAL					\$123,500.00
CONTINGENCY (10%)					\$12,350.00
CONSTRUCTION TOTAL					\$135,850.00
ENGINEERING DESIGN (8%)					\$10,868.00
CONSTRUCTION ADMINISTRATION (4%)					\$5,434.00
TOTAL					\$152,152.00

ARTICLE III - CONTRACT AMOUNT

The Contractor agrees to receive and accept the attached contract unit prices and/or lump sum prices as full compensation for furnishing all materials and equipment for doing all the work contemplated and embraced in this Agreement; also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the Owner, and for all risks of every description connected with the work; also for well and faithfully completing the work, and the whole thereof, in the manner and according to and in compliance with the Contract Documents and the requirements of the Engineer under them, also for any and all things required by the Contract Documents.

ARTICLE IV - LIQUIDATED DAMAGES OR ACTUAL DAMAGES AND EXCESS ENGINEERING COSTS

The Contractor shall, and agrees to, pay excess engineering costs as described in the General Conditions.

The Contractor shall, and agrees to, pay for liquidated damages or actual damages if the Contractor fails to complete the project within the specified time in accordance with the General Conditions.

ARTICLE V - STARTING AND COMPLETION

The Contractor agrees to commence work under this Agreement within ten calendar days of receipt of written Notice to Proceed and to complete all work included in this Contract to the point of substantial completion in 150 working days. The contractor further agrees to complete all work to the point of final acceptance by the Owner in 180 working days.

The Contractor shall, and agrees to, furnish and deliver to the Owner, the Faithful Performance Bond, the Contractor's Labor and Material Bond, the Maintenance Bond and the insurance certificates and policies of insurance required of him by provisions of the Contract Documents, and to do, prior to starting work, all other things which are required of him by the Contract Documents as a prerequisite of starting work.

ARTICLE VI - PAYMENTS TO CONTRACTOR

The Owner agrees with said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and do all the work, and do all other things hereinabove contained or referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner and upon the conditions set forth or referred to in the Contract Documents; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

~~There shall be no measurement or separate payment for any items not listed and all costs pertaining thereto shall be included in the Contract unit prices for other items listed.~~
There shall be no measurement or separate payment for any items not listed and all costs pertaining thereto shall be included in the Contract unit prices for other items listed.

IN WITNESS WHEREOF, the parties hereto have caused this Instrument to be executed in three original counterparts the day and year first above written.

(SEAL)

INSITUFORM TEXARK, INC.

(Contractor)

Attest:

By

Name

Joann Smith

Name

Robert W. Affholder

(please type) the Principal and Secretary, jointly and
(please type) agent, for the Owner's

Title

Assistant Secretary

Title

President

(SEAL)

CITY OF FAYETTEVILLE, AR

Attest:

By

Name

(please type)

(please type)

Name

Title

Title

UNIT 3 LIVING - TERM CONTRACT

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST: \$378,562.60

RECAPITULATION:

CORRECTED

UNIT 3

DAY-12-28, TUE, 13:56 RJN GROUP

CITY OF FAYETTEVILLE, ARKANSAS

AGREEMENT

SANITARY SEWER MAIN REHABILITATION
WHITE RIVER WATERSHED AND ILLINOIS RIVER WATERSHED
MINISYSTEMS 13B, 15 & 18B/C AND BASINS 10, 12, 20, & 21
CONTRACT II
UNIT 1

THIS AGREEMENT, made this _____ day of _____, 1998,
by and between the City of Fayetteville, Arkansas, a municipal
corporation, hereinafter called the Owner, and Jones Bros, Inc.
hereinafter called the Contractor.

WITNESSETH:

WHEREAS, the Owner has heretofore solicited Bids for all the work
and improvements for the doing of all things included within the
hereinafter specified Sanitary Sewer Main Rehabilitation, White
River Watershed, Minisystems 13B, 15 & 18B/C and Illinois River
Watershed, Basins 10, 12, 20, & 21, Contract II.

WHEREAS, the Owner did on the _____ day of _____, 1998 find
that the Contractor was the lowest responsive, responsible Bidder
for the hereinafter specified work and did award the Contractor a
Contract for said work.

NOW, THEREFORE, for and in consideration of their mutual
promises, covenants, undertaking and agreements, the parties
hereto do hereby agree as follows:

ARTICLE I - WORK TO BE DONE BY CONTRACTOR

The Contractor agrees, at his own cost and expense, to do all the
work and to furnish all the labor, materials, equipment and other
property necessary to do, construct, install and complete all the
works and improvements included in Sanitary Sewer Main
Rehabilitation, White River Watershed Minisystems 13B, 15 & 18B/C
and Illinois River Watershed, Basins 10, 12, 20, & 21,
Contract II. All in full accordance with and in compliance with
and as required by the hereinafter specified Contract Documents
and any addenda for said work, and to do, at his own cost and
expense, all other things required of the Contractor by said
Contract Documents for said work.

ARTICLE II - CONTRACT DOCUMENTS

The Contract Documents are defined in the General Conditions.

ARTICLE III - CONTRACT AMOUNT

The Contractor agrees to receive and accept the attached contract unit prices and/or lump sum prices as full compensation for furnishing all materials and equipment for doing all the work contemplated and embraced in this Agreement; also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the Owner, and for all risks of every description connected with the work; also for well and faithfully completing the work, and the whole thereof, in the manner and according to and in compliance with the Contract Documents and the requirements of the Engineer under them, also for any and all things required by the Contract Documents.

ARTICLE IV - LIQUIDATED DAMAGES OR ACTUAL DAMAGES AND EXCESS ENGINEERING COSTS

The Contractor shall, and agrees to, pay excess engineering costs as described in the General Conditions.

The Contractor shall, and agrees to, pay for liquidated damages or actual damages if the Contractor fails to complete the project within the specified time in accordance with the General Conditions.

ARTICLE V - STARTING AND COMPLETION

The Contractor agrees to commence work under this Agreement within ten calendar days of receipt of written Notice to Proceed and to complete all work included in this Contract to the point of substantial completion in 160 working days. The contractor further agrees to complete all work to the point of final acceptance by the Owner in 190 working days.

The Contractor shall, and agrees to, furnish and deliver to the Owner, the Faithful Performance Bond, the Contractor's Labor and Material Bond, the Maintenance Bond and the insurance certificates and policies of insurance required of him by provisions of the Contract Documents, and to do, prior to starting work, all other things which are required of him by the Contract Documents as a prerequisite of starting work.

ARTICLE VI - PAYMENTS TO CONTRACTOR

The Owner agrees with said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and do all the work, and do all other things hereinabove contained or referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner and upon the conditions set forth or referred to in the Contract Documents; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

There shall be no measurement or separate payment for any items not listed and all costs pertaining thereto shall be included in the Contract unit prices for other items listed.

IN WITNESS WHEREOF, the parties hereto have caused this Instrument to be executed in three original counterparts the day and year first above written.

(SEAL)

JONES Bros. Inc.

(Contractor)

Attest:

W.R. Slinkard

By

M.E. Hubbard

Name

Wm. R. Slinkard

Name

M.E. Hubbard

(please type)

(please type)

Title

Vice President

Title

Vice President

(SEAL)

CITY OF FAYETTEVILLE, AR

Attest:

By

Name

(please type)

(please type)

Name

Title

Title

CITY OF FAYETTEVILLE, ARKANSAS

AGREEMENT

SANITARY SEWER MAIN REHABILITATION
WHITE RIVER WATERSHED AND ILLINOIS RIVER WATERSHED
MINISYSTEMS 13B, 15 & 18B/C AND BASINS 10, 12, 20, & 21
CONTRACT II
UNIT 2

THIS AGREEMENT, made this 13th day of June, 1998,
by and between the City of Fayetteville, Arkansas, a municipal
corporation, hereinafter called the Owner, and T-G Excavating,
Inc. hereinafter called the Contractor.

WITNESSETH:

WHEREAS, the Owner has heretofore solicited Bids for all the work and improvements for the doing of all things included within the hereinafter specified Sanitary Sewer Main Rehabilitation, White River Watershed, Minisystems 13B, 15 & 18B/C and Illinois River Watershed, Basins 10, 12, 20, & 21, Contract II.

WHEREAS, the Owner did on the 5 day of MAY, 1998 find that the Contractor was the lowest responsive, responsible Bidder for the hereinafter specified work and did award the Contractor a Contract for said work.

NOW, THEREFORE, for and in consideration of their mutual promises, covenants, undertaking and agreements, the parties hereto do hereby agree as follows:

ARTICLE I - WORK TO BE DONE BY CONTRACTOR

The Contractor agrees, at his own cost and expense, to do all the work and to furnish all the labor, materials, equipment and other property necessary to do, construct, install and complete all the works and improvements included in Sanitary Sewer Main Rehabilitation, White River Watershed Minisystems 13B, 15 & 18B/C and Illinois River Watershed, Basins 10, 12, 20, & 21, Contract II. All in full accordance with and in compliance with and as required by the hereinafter specified Contract Documents and any addenda for said work, and to do, at his own cost and expense, all other things required of the Contractor by said Contract Documents for said work.

ARTICLE II - CONTRACT DOCUMENTS

The Contract Documents are defined in the General Conditions.

ARTICLE III - CONTRACT AMOUNT

The Contractor agrees to receive and accept the attached contract unit prices and/or lump sum prices as full compensation for furnishing all materials and equipment for doing all the work contemplated and embraced in this Agreement; also for all loss or damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the Owner, and for all risks of every description connected with the work; also for well and faithfully completing the work, and the whole thereof, in the manner and according to and in compliance with the Contract Documents and the requirements of the Engineer under them, also for any and all things required by the Contract Documents.

ARTICLE IV - LIQUIDATED DAMAGES OR ACTUAL DAMAGES AND EXCESS ENGINEERING COSTS

The Contractor shall, and agrees to, pay excess engineering costs as described in the General Conditions.

The Contractor shall, and agrees to, pay for liquidated damages or actual damages if the Contractor fails to complete the project within the specified time in accordance with the General Conditions.

ARTICLE V - STARTING AND COMPLETION

The Contractor agrees to commence work under this Agreement within ten calendar days of receipt of written Notice to Proceed and to complete all work included in this Contract to the point of substantial completion in 190 working days. The contractor further agrees to complete all work to the point of final acceptance by the Owner in 220 working days.

The Contractor shall, and agrees to, furnish and deliver to the Owner, the Faithful Performance Bond, the Contractor's Labor and Material Bond, the Maintenance Bond and the insurance certificates and policies of insurance required of him by provisions of the Contract Documents, and to do, prior to starting work, all other things which are required of him by the Contract Documents as a prerequisite of starting work.

ARTICLE VI - PAYMENTS TO CONTRACTOR

The Owner agrees with said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and do all the work, and do all other things hereinabove contained or referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner and upon the conditions set forth or referred to in the Contract Documents; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

There shall be no measurement or separate payment for any items not listed and all costs pertaining thereto shall be included in the Contract unit prices for other items listed.

IN WITNESS WHEREOF, the parties hereto have caused this Instrument to be executed in three original counterparts the day and year first above written.

(SEAL)

T.G. EXCAVATING, INC.

CONDITIONS OF THIS OBLIGATION ARE SUCH that if the
(Contractor) fully perform the Contract on his part and

Attest:

[Signature]

By

[Signature]

Name

LARRY H. HANEY

Name

SANDRA K. HERRING

(please type)

(please type)

Title

SECRETARY

Title

PRESIDENT

(SEAL)

CITY OF FAYETTEVILLE, AR

Attest:

By

Name

(please type)

(please type)

Name

Title

Title

SEWER REHAB
3D4

BID TABULATION
UNIT 2 PIPE BURSTING/OPEN CUT

BID OPENING: MAY 5, 1998			T & D EXCAVATION		HETLER CO.		INSTRUPOLINI TEXARK		JONES BROS.	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM		UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
2A1	1674	LF	PIPE BURSTING, 6" DIA. TO 6" DIA. PIPE		47.00	\$176,578.00	58.00	\$113,602.00	NO BID	NO BID
2B1	35	LF	6" PVC SEWER PIPE, 0'-8" DEEP, OPEN CUT		60.00	\$2,100.00	43.00	\$1,575.00		
2B2	510	LF	6" DIP SEWER PIPE, OPEN CUT		60.00	\$24,000.00	36.00	\$19,800.00		
2C1	10	EA	48" DIA STANDARD MANHOLE, 0'-8" DEEP		2,300.00	\$23,000.00	3,000.00	\$270,000.00		
2C2	14	VF	48" DIA STANDARD MANHOLE, EXTRA DEPTH		220.00	\$3,080.00	140.00	\$1,580.00		
2C3	2	EA	SHALLOW MANHOLE		2,500.00	\$5,000.00	2,100.00	\$4,200.00		
2D1	1	EA	INSTALL CLEANOUT		600.00	\$600.00	425.00	\$425.00		
2E1	10	EA	WATER TIGHT MANHOLE INSERTS		100.00	\$1,000.00	40.00	\$400.00		
2F1	10	EA	6" SERVICE CONNECTION (PIPE BURSTING), EXTERNAL		900.00	\$16,200.00	405.00	\$7,530.00		
2F2	7	EA	6" SERVICE CONNECTION (OPEN CUT)		300.00	\$2,100.00	200.00	\$1,400.00		
2G1	1	EA	6" SERVICE CONNECTION (PIPE BURSTING), EXTERNAL		901.00	\$2,703.00	750.00	\$1,750.00		
2H1	200	LF	6" SERVICE LINE		15.00	\$3,000.00	10.00	\$2,000.00		
2H2	4	LF	6" SERVICE LINE		30.00	\$120.00	50.00	\$200.00		
2I1	4	EA	CLAY DAMS		100.00	\$400.00	400.00	\$1,600.00		
2J1	2	EA	OBSTRUCTION REMOVAL, 6" DIA. SEWER PIPE, 0'-10" DEEP		1,500.00	\$3,000.00	2,400.00	\$4,800.00		
2K1	55	LF	ASPHALT PAVEMENT REPAIR		65.00	\$4,675.00	68.00	\$3,190.00		
2L1	25	LF	CONCRETE CURB AND GUTTER REPAIR		30.00	\$750.00	10.00	\$250.00		
2M1	15	LF	CONCRETE SIDEWALK REPAIR		26.00	\$325.00	10.00	\$150.00		
2N1	2	CV	CONCRETE ENCASEMENT		150.00	\$300.00	220.00	\$400.00		
2O1	585	LF	TRENCH SAFETY		1.00	\$585.00	1.00	\$585.00		
2P1	1674	LF	CLEANING AND PRE-TV INSPECTION		2.50	\$4,185.00	1.42	\$2,377.06		
2P2	2219	LF	POST CONSTRUCTION TV INSPECTION		1.00	\$2,219.00	0.46	\$1,065.12		
2Q1	575	LF	HYDRO MULCH SEEDING		3.00	\$1,725.00	1.00	\$675.00		
2R1	10	EA	PIT COMPACTION TESTS		75.00	\$750.00	40.00	\$400.00		
2S1	20	LF	SAG ADJUSTMENT FOR 6" DIA. PIPE, 0'-10" DEEP		150.00	\$3,000.00	100.00	\$2,000.00		
2T1	2	CV	ROCK EXCAVATION		200.00	\$400.00	500.00	\$1,000.00		
2U1	50	TON	RIP RAP		50	\$2,500.00	40.00	\$2,000.00		
TOTAL						\$184,843.08		\$164,854.23	NO BID	NO BID

*CORRECTED

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST: \$222,161.00

CITY OF FAYETTEVILLE, ARKANSAS

AGREEMENT

SANITARY SEWER MAIN REHABILITATION
WHITE RIVER WATERSHED AND ILLINOIS RIVER WATERSHED
MINISYSTEMS 13B, 15- & 18B/C AND BASINS 10, 12, 20, & 21.
CONTRACT II

UNIT 3

THIS AGREEMENT, made this 15th day of April, 1998, by and between the City of Fayetteville, Arkansas, a municipal corporation, hereinafter called the Owner, and Insituform Texark, Inc. hereinafter called the Contractor.

WITNESSETH:

WHEREAS, the Owner has heretofore solicited Bids for all the work and improvements for the doing of all things included within the hereinafter specified Sanitary Sewer Main Rehabilitation, White River Watershed, Minisystems 13B, 15, & 18B/C and Illinois River Watershed, Basins 10, 12, 20, & 21, Contract II.

WHEREAS, the Owner did on the 15th day of April, 1998 find that the Contractor was the lowest responsive, responsible Bidder for the hereinafter specified work and did award the Contractor a Contract for said work.

NOW, THEREFORE, for and in consideration of their mutual promises, covenants, undertaking and agreements, the parties hereto do hereby agree as follows: Within ten calendar days of receipt of written Notice to Proceed
ARTICLE I - WORK TO BE DONE BY CONTRACTOR

The Contractor agrees, at his own cost and expense, to do all the work and to furnish all the labor, materials, equipment and other property necessary to do, construct, install and complete all the works and improvements included in Sanitary Sewer Main Rehabilitation, White River Watershed Minisystems 13B, 15 & 18B/C and Illinois River Watershed, Basins 10, 12, 20, & 21, Contract II. All in full accordance with and in compliance with and as required by the hereinafter specified Contract Documents and any addenda for said work, and to do, at his own cost and expense, all other things required of the Contractor by said Contract Documents for said work.

ARTICLE II - CONTRACT DOCUMENTS

The Contract Documents are defined in the General Conditions.

STAFF REVIEW FORM

XXX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the City Council meeting of: June 2, 1998.**FROM:**David Jurgens
NameWater/Sewer
DivisionPublic Works
Department

ACTION REQUIRED: City Council award the three attached construction contracts with contingencies for Sewer Rehabilitation, White River Minisystem 15, as follows: Jones Brothers, Inc, sewer lining, \$645,080.85 contract and \$64,508 contingency; T. G. Excavating, pipe bursting, \$186,543.00 contract and \$18,654 contingency; and Insituform Texark, Inc., sewer lining, \$228,937.50 contract and \$22,893 contingency. Bid #98-34

COST TO CITY:\$1,166,616.35
Cost of this request\$4,083,402
Project BudgetSewer Rehabilitation
Project Name4470-9470-5815.00
Account Number\$1,742,237
Funds used to dateSewer Mains Const
Program Name96012-8320
Project Number\$2,341,165
Remaining BalanceWater and Sewer
Fund**BUDGET REVIEW:** XXX Budgeted Item _____ Budget Adjustment AttachedSteph Sees
Budget Coordinator_____
Administrative Services Director**CONTRACT/GRANT/LEASE REVIEW:** **GRANTING AGENCY:** _____Marilyn Gramer
Accounting Manager5-13-98
Date_____
ADA Coordinator_____
Date[Signature]
City Attorney5-14-98
DateYolanda Fields
Internal Auditor
Copy Contracts + Section L+O
+ Sup Cond F
5-13-98
DatePVise
Purchasing Officer5-14-98
Date**STAFF RECOMMENDATION:** Award contracts and approve contingencies as stated above.[Signature]
Division Head5/12/98
DateCross Reference:[Signature]
Department Director15 MAY 98
DateNew Item: **Yes** **No**[Signature]
Administrative Services Director5/16/98
DatePrevious Ord/Res #: N/A[Signature]
Mayor5/18/98
DateOrig Contract Date: N/A MS15-SOL.WHD

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
WATER AND SEWER MAINTENANCE DIVISION

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville Mayor and City Council

Thru: Kevin Crosson, Public Works Director

From: David Jurgens, Water/Sewer

Date: May 12, 1998

Re: **Agenda Request- June 2 City Council Meeting, Construction Contract, Minisystem 15 Sanitary Sewer Rehabilitation, Jones Brothers, Inc., T. G. Excavating, and Insituform Texark Inc.**

1. Project Description. This sanitary sewer rehabilitation project involves trenchless sewer line repairs throughout the entire City. Many of these lines were identified in previous rehabilitation projects, but were deferred in order to get a more cost-effective project. There are two specialized and unique forms of construction, described below. Both involve reinstating an existing sewer line to excellent condition while minimizing digging. These methods cost more per foot than an average line replacement, but are used in areas where excavation would be costly, impossible or extremely inconvenient to the public.

A. Cured-in-place pipe (CIPP). This repair method involves placing a resin-impregnated felt tube inside the existing sewer line. The felt tube is expanded and then hardened using hot water or steam. The newly lined pipe has all leaks sealed and gives up only a small portion of its diameter. Service lines connecting to the pipe are either reinstated by digging up and manually attaching the service to the new pipe, or by using a robotic cutter from inside the pipe. We have used this type of product in two projects, the first of which was in 1992, with excellent results.

B. Pipe bursting. This repair involves pushing or pulling an expander through the existing pipe while simultaneously pulling an equal or larger diameter polyethylene pipe behind the expander. This allows a same-sized or larger pipe to be installed in place of the original pipe. Service laterals are reinstated by digging up the existing service line and making a manual connection. Bursting has proven its worth throughout the nation, although we have only tried one small scale project which did not succeed.

2. Project Organization. The project consists of three units, each of which was bid separately. This was done to get the best prices for each type of work.

A. Unit 1, CIPP, Contract Engineering Design. This unit consists of 9,256' of pipe lining in diameters from 4" - 12". The RJN Group consulting engineers did the design work in conjunction with several rehabilitation projects.

B. Unit 2, Pipe Bursting, Contract Engineering Design. This unit consists of 2,219' of pipe bursting 8" pipe. The RJN Group consulting engineers did the design work in conjunction with several rehabilitation projects.

C. Unit 3, CIPP with In-House Design. This unit consists of 4,500' of pipe lining in diameters from 6" - 12". I will perform the design for this work. This contract is written such that we can use this method of repair in emergency situations. This was separated from unit 1 in order to reduce engineering costs and increase flexibility.

3. Bids. Bids were opened on May 5, 1998. As a specialized sewer rehabilitation project, firms were required to be prequalified before the bid opening in order for their bids to be opened. We received bids from qualified bidders as shown in the bid tabulation below. We also received bids from one firm which did not meet the pre-qualification standards for this project: Mid-South Trenchless, Inc. Their bid was not opened. Additionally, we received a bid from U-Liner Mid America which did not meet the specifications as it did not recognize the one addendum. We received a faxed acknowledgment that they had received said addendum several days prior to their submitting the bid. Thus, complying with State purchasing laws, their bid had to be rejected as non-responsive.

Company	Bid		
	Unit 1	Unit 2	Unit 3
Jones Brothers, Inc.	\$645,080.85	No Bid	\$278,687.50
Heller Company, Inc.	No Bid	194,864.20	No Bid
Insituform Texark, Inc.	658,464.20	No Bid	228,937.50
T-G Excavating, Inc.	No Bid	186,543.00	No Bid
Engineer's Estimated Cost	697,600.00	222,151.00	378,562.50
Bid % of Engineer's Estimate	92.5%	84.0%	60.5%

4. Engineer's Recommendation. Attached is a letter from RJN Group, Inc., the Engineers, recommending the award of the bid to Jones Brothers, Inc., T-G Excavating, Inc., and Insituform Texark, Inc., for the contract units for which they were each low bidders. These firms all met all prequalification requirements.

5. Background. This project targets sewer lines throughout the City, but will show the greatest impact by eliminating several recurring rainfall-induced overflows in the area around Ramsey and Old Wire Road. It will also reduce the overflow at the Old Wire Road Lift Station. This project is

designed to reduce rain and ground water entering the sewer, thus reducing the volume of any sewer overflows downstream. Additionally, many of these lines are significant maintenance problems, causing dry-weather overflows and backups, and requiring significant and frequent maintenance. The lines involved in this project are the most difficult we have to deal with, as they are in locations which are very difficult to dig up and repair the existing line. This project is part of the ongoing sewer system rehabilitation.

6. Budgeting. This project is in the 1998 Capital Improvements Plan (page 105) and is funded by Sales Tax funds.

7. Staff Recommendation. The Staff recommends that the City Council award the three attached construction contracts with contingencies for Sewer Rehabilitation as follows: Jones Brothers, Inc., unit 1, sewer lining, \$645,080.85 contract and \$64,508 contingency; T. G. Excavating, unit 2, pipe bursting, \$186,543.00 contract and \$18,654 contingency; and Insituform Texark, Inc., unit 3, sewer lining, \$228,937.50 contract and \$22,893 contingency. The total project cost is \$1,060,561.35; the total contingency is \$106,055.00.

Enclosures:

Agenda Review Request

Proposed Contracts

RJN Group, Inc. Recommendation Letter

Purchase Requisitions

**RJN GROUP, INC.***Engineering and Information Technology Services**An Employee-Owned Firm*SEWER REHAB
3C5

May 12, 1997

Mr. Dave Jurgens, P.E.
City of Fayetteville
113 W. Mountain St.
Fayetteville, Arkansas 72701

Re: Sanitary Sewer Improvements
White River Watershed and Illinois River Watershed
Mini Systems 13B, 15, and 18B/C, Basins 10, 12, 20, & 21
Sanitary Sewer Main Rehabilitation
Contract II

Dear Mr. Jurgens:

Bids for the subject project were received on May 5, 1998. Bids were received from four responsive bidders as follows:

	UNIT 1	UNIT 2	UNIT 3
Jones Bros., Inc.	\$645,080.85	NO BID	\$278,687.50
Insituform Texark, Inc.	\$658,464.20	NO BID	\$228,937.50
Heller Co., Inc.	NO BID	\$194,864.20	NO BID
T. G. Excavating, Inc.	NO BID	\$186,543.00	NO BID

An addition error was found on the Heller Co. bid and the Jones Bros. Bid. This did not affect the low bid. A bid was received from U-Liner Mid America, Inc.; however, the bidder did not acknowledge Addendum No. 1. It is recommended that this bid be deemed unresponsive. A copy of the bid tabulation is enclosed.

References for Jones Bros., Insituform Texark, and T. G. Excavating were checked for similar work completed over the last two years. It was found that all three contractors had performed satisfactorily on numerous projects. All three firms were prequalified with the City of Fayetteville, and have valid Contractors Licenses with the State of Arkansas.

Mr. Dave Jurgens, P.E.
May 12, 1998
Page Two

We recommend that the contract for Unit 1 be awarded to Jones Bros., Inc., Unit 2 to T. G. Excavating, Inc., and Unit 3 to Insituform Texark, Inc. If we can be of further assistance please call.

Very truly yours,

RJN GROUP, INC.


Ken Matthews, P.E.
Project Manager

KM

enclosure

BID TABULATION
City Of Fayetteville, Arkansas
Mini Systems 16 and 18B/C
Basins 12, 13B, 20, & 21
Unit 1 Lining

BID OPENING: MAY 5, 1998				JONES BROS.		INSTITUTION TEXARK, INC.		HELLER CO		T.G. EXCAVATING	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
1A1	100	LF	LINING OF 4" DIA. SEWER LINE	50.00	\$5,000.00	96.00	\$9,600.00		NO BID		NO BID
1A2	2176	LF	LINING OF 6" DIA. SEWER LINE	39.50	\$39,512.50	50.00	\$108,750.00				
1A3	2180	LF	LINING OF 6" DIA. SEWER LINE	41.35	\$30,680.35	47.00	\$103,071.00				
1A4	163	LF	LINING OF 10" DIA. SEWER LINE	44.35	\$7,229.05	80.00	\$14,870.00				
1A5	1010	LF	LINING OF 12" DIA. SEWER LINE	48.35	\$48,833.50	88.00	\$89,890.00				
1A6	1186	LF	LINING OF 10" DIA. SEWER LINE, JOB NO. 1018	44.35	\$61,687.75	52.00	\$30,560.00				
1A7	2400	LF	LINING OF 12" DIA. SEWER LINE, JOB NO. 1018	48.35	\$117,460.50	56.00	\$135,650.00				
1B1	1	EA	CONSTRUCT SHALLOW MANHOLE	5,500.00	\$5,500.00	3,520.00	\$3,520.00				
1C1	2	EA	INSTALL CLEANOUT	2,200.00	\$4,400.00	2,200.00	\$4,400.00				
1D1	50	EA	4" SERVICE CONNECTION, EXTERNAL (LINING)	1,870.00	\$30,500.00	448.00	\$322,400.00				
1D2	18	EA	4" SERVICE CONNECTION INTERNAL (LINING)	100.00	\$1,800.00	225.00	\$4,050.00				
1E1	4	EA	6" SERVICE CONNECTION (LINING), EXTERNAL	1,080.00	\$7,820.00	485.00	\$11,980.00				
1F1	804	LF	4" SERVICE LINE	55.00	\$24,220.00	13.20	\$7,972.80				
1F2	39	LF	6" SERVICE LINE	68.00	\$2,376.00	15.40	\$564.40				
1G1	3	EA	CLAY DAME	168.00	\$465.00	625.00	\$2,475.00				
1H1	9	EA	OBSTRUCTION REMOVAL	3,500.00	\$31,500.00	1,320.00	\$11,340.00				
1I1	180	LF	ASPHALT PAVEMENT REPAIR	110.00	\$20,900.00	55.00	\$10,450.00				
1I2	50	LF	CONCRETE STREET REPAIR	110.00	\$5,500.00	68.00	\$3,300.00				
1I3	75	LF	CONCRETE CURB AND GUTTER REPAIR	38.00	\$2,423.00	15.40	\$1,155.00				
1I4	85	LF	CONCRETE SIDEWALK REPAIR	45.00	\$2,925.00	18.40	\$1,031.00				
1J1	2	CY	CONCRETE ENCASEMENT	185.00	\$330.00	275.00	\$550.00				
1K1	35	LF	TRENCH SAFETY	11.00	\$505.00	60.00	\$3,000.00				
1L1	9236	LF	CLEANING AND PRE-TV INSPECTION	1.25	\$11,545.00	4.00	\$16,944.00				
1L2	9236	LF	POST-CONSTRUCTION TV INSPECTION	1.00	\$9,236.00	2.00	\$18,472.00				
1M1	545	LF	HYDRO MULCH SEEDING	8.00	\$3,360.00	6.00	\$3,728.00				
1N1	1	CY	ROCK EXCAVATION	200.00	\$200.00	280.00	\$280.00				
TOTAL, UNIT 1					\$645,030.05		\$659,464.20		NO BID		NO BID

*CORRECTED AMOUNT

ENGINEERS OPINION OF PROBABLE CONSTRUCTION COST: \$697,600

SEWER REHAB
3C7

CITY OF FAYETTEVILLE
BID QUOTATIONS

#1

Purchase Date May 14, 1998
Investment Offered \$700,000.00 (\$715,000.00 if T - Bill)
Maturity Date Requested November 5, 1998
Number of Days 175 Days

	NATIONSBANK	MCILROY	BANK OF FAYE	Awarded BANK OF ARK
SETTLEMENT DATE	05/14/98	05/14/98	05/14/98	05/14/98
MATURITY DATE	11/05/98	11/05/98	11/05/98	11/05/98
DISCOUNT OR COUPON RATE				
YIELD	5.080			
DAYS BID	175	175	175	175

T-BILL BIDS

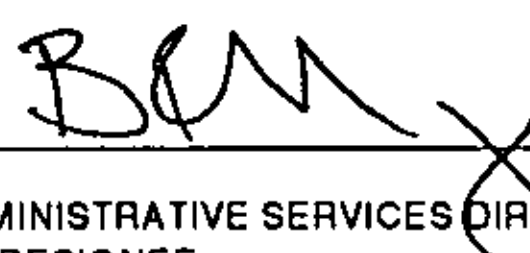
CALCULATED YIELD	5.281			
FACE VALUE	715,000.00			
BOOK VALUE	697,343.07			
HANDLING FEE	2.00			
T-BILL INTEREST EARNINGS	17,656.93			

T-NOTE/OTHER BIDS

FACE VALUE				
BOOK VALUE				
HANDLING FEE	2.00			
T-NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				

CD BID	No Bid	No Bid	5.570
CD INTEREST EARNINGS INTEREST ON INTEREST BASIS			19,167.35
CD EFFECTIVE YIELD			5.711
T-BILL EFFECTIVE YIELD	5.280		
T-NOTE/OTHER EFFECTIVE YIELD			

INVESTMENT NUMBER _____
LOGGED ON COMPUTER _____ BY _____
LOGGED OFF COMPUTER _____ BY _____


ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

BID QUOTE
3F2

Page 2 of 2

CITY OF FAYETTEVILLE
BID QUOTATIONS

#1

Purchase Date May 14, 1998
Investment Offered \$700,000.00 (\$715,000.00 If T - Bill)
Maturity Date Requested November 5, 1998
Number of Days 175 Days

	A. G. EDWARDS	DEAN WITTER	LLAMA CO.	MERRILL LYNCH
SETTLEMENT DATE	05/14/98	05/14/98	05/14/98	05/14/98
MATURITY DATE	11/05/98	11/05/98	11/05/98	11/05/98
DISCOUNT OR COUPON RATE	5.290	5.248		
YIELD	5.090	5.050		
DAYS BID	175	175	175	175

T - BILL BIDS

CALCULATED YIELD	5.290	5.249		
FACE VALUE	715,000.00	715,000.00		
BOOK VALUE	697,314.20	697,447.74		
HANDLING FEE		2.35		
T - BILL INTEREST EARNINGS	17,685.80	17,552.26		

T - NOTE/OTHER BIDS

FACE VALUE				
BOOK VALUE				
HANDLING FEE		2.35		
T - NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				

CD BID			No Bid	No Bid
CD INTEREST EARNINGS				
INTEREST ON INTEREST BASIS				

CD EFFECTIVE YIELD				
T - BILL EFFECTIVE YIELD	5.290	5.248		
T - NOTE/OTHER EFFECTIVE YIELD				

INVESTMENT NUMBER _____

LOGGED ON COMPUTER _____ BY _____

LOGGED OFF COMPUTER _____ BY _____


ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 1998	Department: Fire Division: Fire Prevention Program:	Date Requested 05/08/98	Adjustment #
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Project or Item Requested:

Funding is requested to purchase Children's Fire Safety House. The Children's Fire Safety House is jointly funded with City funds and donations raised by Fire Department personnel.

Project or Item Deleted:

None. Use of General Fund fund balance is proposed for this adjustment.

Justification of this Increase:

The fire safety house will be used to teach children proper escape practices when a home fire occurs.

Justification of this Decrease:

sufficient cash & investments exist to fund this request and comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
Fixed Assets	12,587	1010 3010 5801 00	

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Use of Fund Balance	12,587	1010 0001 4999 99	

Approval Signatures

Requested By [Signature] Date 5-8-98
Budget Coordinator
Date
Department Director
Date
Admin. Services Director
Date
Mayor
Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____
Posted to General Ledger _____
Posted to Project Accounting _____
Entered in Category Log _____

BID 97-64
1B4

City of Fayetteville, Arkansas
Budget Adjustment Form

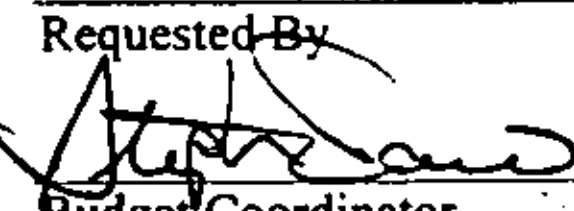
Budget Year 1998	Department: Fire Division: Fire Prevention Program:	Date Requested 05/08/98	Adjustment #
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Project or Item Requested: Funding is requested to purchase Children's Fire Safety House. The Children's Fire Safety House is jointly funded with City funds and donations raised by Fire Department personnel.	Project or Item Deleted: None. Use of General Fund fund balance is proposed for this adjustment.
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Justification of this Increase: The fire safety house will be used to teach children proper escape practices when a home fire occurs.	Justification of this Decrease: sufficient cash & investments exist to fund this request and comply with City policy.
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Increase Expense (Decrease Revenue)			
Account Name	Amount	Account Number	Project Number
Fixed Assets	12,587	1010 3010	5801 00

Decrease Expense (Increase Revenue)			
Account Name	Amount	Account Number	Project Number
Use of Fund Balance	12,587	1010 0001	4999 99

Approval Signatures		Budget Office Use Only	
Requested By 	Date 5-8-98	Type: A B C D E	Date of Approval
Budget Coordinator	Date	Posted to General Ledger	
Department Director	Date	Posted to Project Accounting	
Admin. Services Director	Date	Entered in Category Log	
Mayor	Date		