MINUTES OF A MEETING
OF THE
CITY COUNCIL
FEBRUARY 19, 2002

A meeting of the Fayetteville City Council will be held on February 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Trumbo, Davis, Santos, Jordan, Reynolds, Thiel, Young and Zurcher, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

Mayor Coody stated David Wright, Parks and Recreation, had received Silver National Aquatic Safety Award.

CONSENT

APPROVAL OF THE MINUTES

SANITATION TRUCKS: A resolution awarding Bid No. 02-01 to two qualified bidders. Item #1- Arkansas Power Steering Mack Chassis with Labrie Body, ($348,677.30) and Item #2- Shipley Motor equipment - Mack Chassis with Heil Body ($298,242.50). Total purchase of $646,919.80.

RESOLUTION 23-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LIBRARY: A resolution supporting cooperation with the Chemical Engineering Department of the University of Arkansas and the Fayetteville Public Library related to distributed power options for the new library building.

RESOLUTION 24-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

INFRASTRUCTURE GRANT: A resolution approving an Economic Infrastructure Grant from Arkansas Department of Economic Development for $100,000 to replace a water distribution main. The work will enable Pinnacle Foods to expand and add 134 jobs.

RESOLUTION 25-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the Consent Agenda. Alderman Santos seconded. Upon roll call the motion carried unanimously.

OLD BUSINESS

CABLE RATES: A resolution expressing the City Council's opposition to the seventy-five percent (75%) rate increase for basic tier cable television service proposed by Cox Communications, Inc., to authorize hiring an expert to audit and challenge the increase before the FCC and to approve a budget adjustment of $6,000.00. The item was tabled at the February 5, 2002, meeting.

Mr. Hugh Earnest, Urban Development Director, stated they had held an open forum last week. There were concerns about the response time Cox had on tie in. He had received a map of where they were with their new cable installation. They had completed approximately thirty percent of the city. It appeared to him that Cox was reluctant to discuss an important franchise. They have some points to make. They have been at this for some time. The city had a technical committee putting together our version of what an institutional network needs to be for the city. The Council had several options. They could table it, pass it, or remove it from the table with the threat that they could bring it back before them at any time. It was his opinion that if they were going to have any movement on this issue that they would be better served by having the staff and others to use this to negotiate on the franchise. On February 4, he had stated that they had indications from their attorney in Washington that they were considering some give on a reduced life-line tier. In a later e-mail that he had received from Mr. Grogan has shown some change in Cox's position. They were firm in their communications. There appeared to be not much give at all. The only card the city held was the length of the franchise. He recommended that they table the item.

Alderman Zurcher stated Cox's customer service was lacking. They did not care what the subscriber thought about this rate increase. The only way the city could hold them accountable for a fair rate was to do this audit. The lowest tier that they were proposing was only a $1.50 less than it was to get the next tier. They did not want the consumer to get the lowest tier. They were keeping citizen from getting a more affordable tier. They needed to offer a lower life-line tier.

Alderman Young stated he had observed these negotiations for years. One of the things that he had observed was the lack of resolve on the part of the city. He thought they were faced with the same problem today. He proposed that they passed both of the things. It would take a while to get the data together. If they came to an agreement then they could pass a resolution rescinding this resolution.

Alderman Santos stated he had received an e-mail with rates around the country. It seemed to him that other people were getting a better deal than they were giving them. From what he could gather it seemed that if the satellite companies were able to compete with Cox.

Alderman Davis stated he had received more calls with people concerned about losing MSNBC, than about the rate structure.

Mr. Earnest stated it had to do with analog and digital. MSNBC was still carried as an analog. Once they could get MSNBC in digital format it would added to the upper tier.

Alderman Zurcher moved to approve the resolution. Alderman Thiel seconded. Upon roll call the motion carried by a vote of 6-2-0. Trumbo and Davis voting nay.

RESOLUTION 26-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-1.00: An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting.

Alderman Young moved to suspend the rules and move to the second reading. Alderman Davis

seconded the motion. Upon roll call the motion carried 6-2-0. Jordan and Zurcher voting nay.
Mr. Williams read the ordinance.

Alderman Jordan stated he had received a petition from the people in the area. They were concerned about traffic congestion, drainage and crime rate.

Ms. Sharon Davidson, an area resident, stated they needed to fix the problem with the map and fix the zoning issues. She questioned if they really needed these apartments.

Ms. Emma Sue Hanna, an area resident, stated traffic and crime in this area was the neighborhood's first concern. There were a number of apartments in this area that were vacant. She asked them to consider that this was one of the last remaining neighborhoods. People were coming in and renovating the neighborhood. It was coming back to life. This was their home and they would like to keep it the way it was. She suggested they build a couple homes.

Mr. Jerry Lang, an area resident, asked the aldermen if they would like to have a duplex built behind his house. It would be ten years before they widened Garland.

Ms. Joyce Richards, an area resident, presented a petition. People in the neighborhood cared. She asked that they not rezone the property. People had lived in this neighborhood for twenty, thirty, fifty years. They have years invested in this area. They were looking for a return in their investment just like Broc Thompson.

Janet Bolin, an area resident, stated she had lived here since she was fourteen. She had seen a lot of changes to the neighborhood. She asked them to preserve the integrity of the older neighborhoods. Quality of life in their neighborhood has decreased. Their street has been paved once since 1966. She sited problems with traffic and water and sewer.

Alice Richards, an area resident, stated a mistake in zoning had allowed two triplexes to be put up in her back yard. She felt that was an invasion into their neighborhood. She asked the council not to rezone the property.

Mr. David Davidson, an area resident, stated people in this area did not want to see the zoning change or the additional apartments. There are concerns about drainage and traffic.

Mr. Steve Frankenburger, an area resident, stated this was a simple issue of neighborhood preservation and property rights. The property belonged to the individual, but it should be a give that the zoning belonged to all of them in the neighborhood. Zoning was a contract between neighbors.

Alderman Thiel asked number of units proposed for the site.

Mr. Conklin stated they have offered a Bill of Assurance for a maximum of nine units. There was one single family home on the property. They would add two units to the single family home, then add two additional triplexes.

Alderman Trumbo stated the purchasers had taken out a loan contingent upon the zoning that the city had showed them. What was their exposure legally?

Mr. Williams stated he did not believe they were legally liable, but only a judge and jury could decide that. He thought their sovereign immunity would protect them. His advise to the Planning Commission was that from a legal point of view they were not liable. Even if negligence could be shown when they were transferring from a paper map to a digital map. The error had been done by mistake. He thought they would be protected by the tort immunity statute. The reason that statute was drafted to protect the city from these types of suits from damages. He did not believe they would be liable for damages.

Mr. Earnest stated a representative of the city had given them a letter stating the property was R-1.5. That was a direct result of a request from the bank.

Alderman Thiel stated regardless of what the Planning office did, would the council rezone this, if this was not the case. She would not consider rezoning this after hearing from the neighbors.

Alderman Jordan stated the people in the area wanted to preserve their neighborhood. He would not want those triplexes in his neighborhood. He knew mistakes had been made, but to rezone this would be another mistakes.

Alderman Young asked how long it was going to take to present a revised map to the council.

Mr. Conklin explained he had discovered the mistake. He did not want this to happen again. It will take approximately two weeks to print out their zoning map on clear plastic and overlay that on their 1970 map, which was colored in crayon. Their GIS department would have to make any adjustments to the map. He hoped they could bring something forward to the city council in a month to a month and a half. He would proposed that they adopt an official map with signatures. The map could change every two weeks. He believed they needed an official map.

In response to questions, Mr. Conklin stated they were going to identify discrepancies and make the necessary adjustments. They were not going to change any zonings that have not been approved by the City Council. It was difficult to take a 1970's map and put it into a digital format.

Alderman Santos stated the property could not return to the commercial use because the grandfather clause no longer applied because it had been vacant for more than six months.

Mr. Earnest stated Garland Avenue was a principle street. It made planning sense to talk about using higher density against principle arterials or collectors. It becomes logical that those cars would not go back into neighborhood, but would go out towards the collector. When they talked about smart growth and higher density in existing neighborhoods, this is a case in point. They were going to be facing this issue over and over, if they were concerned about sprawl. This area of the state was going to grow. This area was going to under increased pressure for housing.

Alderman Trumbo asked if he was advocating the rezoning.
Mr. Earnest stated it made since from a planning perspective. There was one house on the property now. The rest of it was vacant. Quality development on this property could just as easily be a positive benefit to the neighborhood if it was done properly.

Alderman Trumbo stated that was from a planners perspective. From a neighbor standpoint, that did not make any sense.

Alderman Reynolds stated a mistake had been made and they had put triplexes in the neighborhood. These people loved their neighborhood just like everyone else. They wanted to keep their neighborhood as it was at this time.

Alderman Trumbo asked Mr. Osburn if this property was not rezoned would his client still develop the property?

Mr. Osburn stated he could not answer the question.

Alderman Davis asked Mr. Osburn to meet with the neighbors.

THE ORDINANCE WAS LEFT ON THE SECOND READING.

RZN_02-2.00: An ordinance approving rezoning request RZN 02-2.00 as submitted by Craig Hull of Nickle-Hill Group on behalf of Andy Bethell for property located at the northeast corner of Joyce Blvd. and Crossover Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.94 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the February 5, 2002, meeting.

Alderman Trumbo moved to suspend the rules and move to the second reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Ms. Hull stated the Planning Commission had approved their request and they had filed a Bill of Assurance.

Alderman Davis stated there was a bill of assurance on the property which would limit the use of the property.

Alderman Trumbo moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4370 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

Alderman Trumbo moved to move item twelve to number one under new business. Alderman Davis seconded. Upon roll call the motion carried unanimously.

WARD BOUNDARIES: Discussion regarding Ward Boundaries.

A representative from the Election Commission stated John Goddard had presented them a map of the proposed changes that he has developed for the city. They were in conformance with their request. They tried to keep it as simple as possible. The proposal was to modify the boundaries for Ward One and Ward Two to make those two wards conform to the precients. The alternative to this change would be for the election commission to create two small precients. If they could adopt these ward boundaries before their next election it would be helpful.

Mr. Williams stated they were going to have a special election in April. He was concerned about the city council altering the boundaries prior to that special election.

The representative stated he would not advocate them doing something against the law. He knew that they could change their precincts within thirty days of an election. That was the only law that he was aware of .

Mr. Williams stated his advise to the council was to have the election out of the current ward, rather than changing it.

The representative stated the Election Commission happy to make this change. If they had an election based on the existing ward boundaries, then they would have to do something about providing for a special precincts.

Alderman Thiel stated she favored the changes.

The representative stated the simplest thing for them would be to have the changes made then the election.

Alderman Young stated the changes would not match the old ward two boundaries.

Alderman Zurcher stated the new map followed the roads. He thought they were good changes, but he thought it would be best to wait until after the election to make the changes.

The representative stated they would have to create two special precincts.

Alderman Santos stated it would take thirty days to create the new precincts for this election. They were only making this change so that they could have the same people who voted in the last election, vote in this one. After this election they expected to change the city's ward boundaries to match the precinct lines. *NO ACTION TAKEN.*

CIVIL SERVICE: An ordinance adding two additional members to the Fayetteville Civil Service Commission.

Mr. Williams read the ordinance.

Alderman Thiel stated currently the commission had staggered six year terms. By adding two more positions they would have the opportunity to add more diversity the commission. In conjunction with this ordinance, the Ordinance Review Committee recommended a revision of their Rules of Order and Procedure. If that recommendation was approved, one of their objections for the selection of commissioners would be to provide a broad diversity of qualified individuals to serve on appointed boards.
Alderman Young asked if they needed to add something in there allowing staggering terms. Figuring out how they would fit into the other members.

Mr. Williams stated the state statutes and state legislature had made that decision for them. It stated that when members were added, "when additional members were appointed subsequent to this subsection. The shall serve staggered terms to be determined by lot so that one would serve a three year term and one a six year term. Their successors will serve six year terms."

Alderman Davis stated the concerns that he had heard had been about the difficulty in getting a quorum. By adding two additional people to the commission would make it more difficult. A lot of people did not realize the time that it took to be a Civil Service Commissioner. They would sometimes spend two days in interviewing. It had to be someone who could take two to four days away from their positions. He had been asked to not support this issue for those reasons.

LEFT ON THE FIRST READING.

ROLLFORWARD: A resolution approving a budget adjustment which will allow for the rollforward and re-budget of all projects for items in progress which were appropriated in the 2001 Budget. The items which are approved will become part of the 2002 Budget.

In response to questions, Mr. Steve Davis stated the roll forwards did not include the Community Access Television. The amount of money they were rolling forward from General Fund was approximately $951,000. When they did the discussion on 2002 budget, they reduced operating budgets in General Fund by 1.3 million. During those deliberations, staff discussed with council that they would be bringing a re-budget item of approximately one million dollars back to the city council in early 2002. They had projected the General Fund reserves to be at $6,004,953 in 2002. The monies that were not spent in revenues that came in a little higher than they had projected. They would have after the roll-forwards were approved $7,043,153.

Mayor Coody stated they were going to be approximately one million dollars ahead of where they thought

they were going to be.
Mr. Davis stated they would have more money in their savings account, but if they did not change their expense pattern or revenue pattern, they would be out of their reserves in two years.

Alderman Santos moved to approve the resolution. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

RESOLUTION 27-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BURDITT ASSOCIATES: A resolution authorizing a contract change with Burditt Associates in the amount of $33,000 to complete the city-wide tree inventory and to provide software and management plan.
Mr. Earnest stated on May 15 this council awarded a contract for a not to exceed amount of $25,000 for tree inventory, softward package and a management plan for trees in city right-of-way and city parks. An error had been made in a sever under estimation of the number of trees that were in Fayetteville. Work began on this project in July. In September they had exceeded the amount in the contract. They then stopped work on it. It was inappropriate for the city to insist Burditt complete with project given that the city had underestimated the project. They also felt it was inappropriate for them to continue work on the project until the council had approved additional money for them to continue this process. Trees in a city like Fayetteville should be considered an asset. Urban Forestry Programs depended on the collection of data so that they could systematically manage the asset.

Mr. Drum, Burditt Associates, gave a presentation summarizing the project and a sample of the completed project.

Mr. Earnest stated the emphasis on this project was the management plan.

Alderman Davis asked about using the University to assist in the study.

Mr. Drum stated he had worked behind programs that had used volunteer help that have used unskilled people, they do not see the problems. They see more emotion.

Ms. Kim Hesse stated the University did not have a Forestry Department. They did have a certified degree in Aborticulture. There was a lot to learn from experience.

Alderman Zurcher moved to approve the resolution. Alderman Santos seconded. Upon roll call the motion carried by a vote of 7-1, Reynolds voting nay.

RESOLUTION 28-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MUDD CREEK: A resolution showing support for the Mudd Creek Trail Project and giving the authority to the Mayor to enter into a contractual agreement with AHTD.

Alderman Trumbo moved to approve the resolution. Alderman Santos seconded.

Mr. Steve Hatfield, Parks and Recreation, stated they had applied for T21 Federal Enhancement Program in August. They had been notified in January that they had received funding. They had gotten $200,000. The city's portion will be $45,000. The trail will be located from CMN Park to Front Street going west to east. They will be able to go under Highway 71B.

Upon roll call the motion carried unanimously.

RESOLUTION 29-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SWIMMING POOL FEES: An ordinance amending Section 97.017 of the Code of Fayetteville to allow the Mayor or his designee to establish fees for the city swimming pool.

Mr. Williams read the ordinance.

Alderman Trumbo moved to suspend the rules and go to the second reading. Alderman Davis seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mr. Trumbo moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4371 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PARKS MASTER PLAN: A resolution approving the Parks and Recreation Ten-Year Master Plan with guiding policies and implementation strategies.

Ms. Connie Edmonston, Parks and Recreation Director, stated they had worked on this for the past two years which was really created by the citizens.

Alderman Trumbo complemented the staff on their hard work. He asked where they were going to get the money to fund the plan.

Ms. Edmonston stated it depended on the funding options that they wanted to go too. They will continue to seek more grant money. They would also be looking at bonds.

Alderman Thiel stated they had been given a twenty year time frame with their existing funding.

Mr. Eric Schultz gave a brief summary of the Master Plan and the process they went through.

Alderman Santos moved to approve the resolution. Alderman Davis seconded. Upon roll call the motion carried unanimously.

RESOLUTION 30-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BOYS AND GIRLS CLUB: An ordinance waiving the requirement of formal competitive bidding and approving a contract between the City of Fayetteville and Boys and Girls Club to provide public recreation.
Mr. Williams read the ordinance.

Alderman Trumbo moved to suspend the rules and move to the second reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Reynolds seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed.

ORDINANCE 4372 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

COUNCIL ON AGING: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and Council on Aging in the amount of $30,999.96 to provide public recreations for the senior citizens of Fayetteville for 2002.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and move the third and final reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the motion carried unanimously.

ORDINANCE 4273 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FAYETTE TREE AND TRENCH: An ordinance to waive competitive bidding requirements for a contract to repair and replace the sewer main running under I-540 and to declare an emergency.
Mr. Williams read the ordinance.

Mr. Greg Boettcher, Public Works Director, stated there was a twenty-one inch sewer line that crossed under Highway 540, north of 6th Street. The Porter Road lift station which served the area west of 540 pumped through this line. It carried about 800,000 gallons of waste water per day. There had been numerous breaks in the line recently. Where the pipe had been inspected it was found to be in terrible condition. Staff thought it was appropriate to expedite the repair. Engineering had selected a contracting firm and quested a quotation. The estimate was $149,000 to repair this. It would take approximately three weeks to complete the repair and another week to abandon the existing line. By comparison, if they followed their conventional process they would need to complete detailed plans, advertise. It was estimated to be approximately six weeks completion time. This was a very critical pipe line. He could not say if it would fail for sure or not. There had been two problems on it recently.

Mayor Coody asked why they had chosen Fayette Tree and Trench.

Mr. Boettcher stated he had asked engineering for a firm that had done similar work that they had a good relationship with. There were several firms. This company had been low on several recent bid openings. It was one of many.

Alderman Santos stated there was at least one other firm interested in bidding on this.

Mr. Gary Combs, an area contractor, stated he did not believe this was right. They had been the low bidder on the Hwy 265 relocation. He named a number of other jobs they had done for the city. They were concerned that Engineering had decided to act in this manner. This was the good old boy system. He thought they needed to go with bidding for this project.

Alderman Santos stated he thought they needed to take their chances and go through competitive bidding.

Mr. Boettcher stated it was a council decision. He agreed with competitive procurement. In view of what had happened between December and January he felt there was a risk that needed to be brought to the council for a decision. They could proceed in what every direction the council wanted to proceed in. There was some risk. He knew that it was a major line. The photographs that they had indicated that it was in terrible shape.

Alderman Trumbo stated that it seemed to him to be an emergency.

Mr. Williams stated if a blockage were to occur in a place that they could not get too, they could face substantial fines from the EPA. He added in order to waive competitive bidding the council must find that normal competitive bidding was not feasible or practical in this situation. If that was there determination then they could waive competitive bidding. They should rely upon the facts presented. They also had to rely on their common sense. They had to make a decision based upon what their experts have told them and how compelling those facts were to them.

Alderman Davis asked Mr. Williams how he felt his stance was on this in the event that they were sued if they approved this.

Mr. Williams stated there had been a sufficient showing that could justify their finding that it was not feasible to do bidding. He was concerned about what would happen if the line did break. He thought he could defend the city given the facts presented by Mr. Boettcher. This was a judgment call.

Alderman Trumbo asked if there was a possibility of a restraining order until it was litigated.

Mr. Williams stated he did not believe so.

Alderman Trumbo moved to suspend the rules and move to the second reading. Alderman Young seconded. Upon roll call the motion carried by a vote of 6-3-0, Santos, Jordan, Reynolds voting nay.

Mr. Williams read the ordinance.

Alderman Trumbo moved to suspend the rules and move to the third and final reading. Alderman Young seconded. The motion carried by a vote of 6-3-0, Santos, Jordan, Reynolds voting nay.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-3, Santos, Jordan, and Reynolds.

Mr. Williams stated there needed to be a separate vote on the emergency clause. He added the mayor could not vote on the emergency clause. The emergency clause required two-thirds vote to pass. It would be foolish of the council to pass the ordinance then not pass the emergency clause.

Alderman Trumbo moved to approve the emergency clause. Alderman Zurcher seconded. Upon roll call the motion failed by 5-3, Santos, Jordan, and Reynolds.

Alderman Zurcher moved to reconsider the ordinance. Alderman Trumbo seconded. Upon roll call the motion carried unanimously.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 6-2, Davis and Zurcher voting yea.

ORDINANCE FAILED.

FAYETTE TREE AND TRENCH: A resolution to approve a contract with Fayette Tree and Trench in the amount of $205,650.40 with a 15% project contingency amount of $30,847.60 for a total of

$236,498.00 and to approve a budget adjustment in the amount of $236,498.00.

RESOLUTION NOT CONSIDERED.

DEAD HORSE MOUNTAIN BRIDGE: A resolution approving an agreement with the Arkansas Highway and Transportation Department regarding the design and funding for the replacement of the Dead Horse Mountain Bridge. Costs to consist of the deposit payment to AHTD at the start of the preliminary design.

Alderman Reynolds stated not one city tax payer lived on this road. The price of this was going to be a lot higher than they thought it was going to be. The flood water had caused all the damage to the bridge and unless they built up the road too the same thing would happen again.

Mr. Boettcher stated the funding for this bridge would be set up on 80/20 with a million dollar cap. When the State did their estimate the city would be advised of the cost. The city would be out of the cost of the design. They could forgo the construction, if they determined it was not cost effective.
The CIP has included this in the 2003 funded activity. The traffic division had done a traffic count. During the week days they had counted 500-550 vehicles. This past weekend there had been 700-750 vehicles. When the golf course was up and running there could be as many as 1,000 to1,200.

Alderman Thiel stated there were other ways to get out of there. The majority of the people that are in the city limit use those other ways. They would not go back around.

Alderman Santos stated he did not like the sound of closing the bridge or the road.

Mr. Combs stated he paid a lot of taxes in the city, but if they wanted to abandon this bridge he would offer to buy the road. He owned most of the land out there and would be willing to pay for the abandonment. Any repairs would then be made by him.

Mr. Williams stated in order to abandon a road the city had to say that they had no use for it. If the bridge was down, then they might be able to find that. As long as the bridge was functioning he thought they would lack the legal authority to sell the road.

Alderman Thiel stated the road would be dangerous in a few years.

Alderman Thiel moved to approve the resolution. Alderman Trumbo seconded. Upon roll call the motion failed unanimously.

RESOLUTION FAILED.

Meeting adjourned at 11:45 p.m.