

**FINAL AGENDA
FOR
CITY COUNCIL MEETING
APRIL 1, 2003**

A meeting of the Fayetteville City Council will be held on April 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

NOMINATING COMMITTEE REPORT

**APPROVAL OF NANCY L. BOLIN TO THE FAYETTEVILLE HOUSING
AUTHORITY BOARD**

**APPROVAL OF NEAL CRAWFORD TO THE ADVERTISING AND
PROMOTION COMMISSION**

*Approve
Next
meeting*

1. **APPROVAL OF THE MINUTES:** Approval of the March 18, 2003 meeting minutes.
2. **MUSEUM OF NORTHWEST ARKANSAS:** A resolution to support the application of The Museum of Northwest Arkansas for formal affiliation with The Smithsonian Institute.
3. **KUTAK ROCK, LLP AGREEMENT:** A resolution to approve a bond counsel agreement with Kutak Rock, LLP.
4. **STEPHEN'S, INC:** A resolution to approve a bond underwriting agreement with Stephen's, Inc. for bond underwriting services of the Town Center bond issue refinancing if advisable.
5. **WITTENBERG, DELONY & DAVIDSON CONTRACT:** A resolution to approve an architect contract with Wittenberg, Delony & Davidson in a not to exceed amount of \$83,700.00 to design, complete the large scale development process and supervise construction of Fire Station Number 7 (West Side).

B. OLD BUSINESS:

1. **BUDGET ROLL-FORWARD:** A resolution to approve the budget adjustment for various capital projects to be re-budgeted from the 2002 budget to the 2003 budget. This part of the budget was not considered at the March 4, 2003 City Council meeting.
2. **RZN 03-6.00 (Brophy):** An ordinance rezoning that property described in rezoning petition RZN 03-6.00: rezoning (Brophy, PP 291) as submitted by Bill Rudasill on behalf of Ralph Brophy for a parcel containing approximately 1.65 acres located north of Township and east of Highway 71B, Fayetteville, Arkansas from C-2, Thoroughfare Commercial to R-3, High Density Residential. The ordinance was left on the second reading at the March 18, 2003 City Council meeting.

C. NEW BUSINESS:

1. **MOUNT SEQUOYAH:** A resolution to approve the offer and acceptance contract between the City of Fayetteville and Mount Sequoyah Assembly, Inc. for the purchase of about 67 acres of land for \$1,300,000.00 and a budget adjustment in the amount of \$600,000.00 as first year's payment.
2. **JED DEVELOPMENT, INC.:** An ordinance waiving the requirements of formal competitive bidding and authorizing the City to pay JED Development, Inc. up to \$55,095.43 as the City's portion of a cost share for the construction of about 300 feet of a 28 foot wide street with storm drainage and sidewalks.
3. **VAC 03-3.00 (Mee):** An ordinance approving VAC 03-3.00 to vacate and abandon a portion of the most easterly 8' of a 20' utility easement located at 3305 N. Southridge Drive as described on the attached map and legal description.
4. **NEW WORLD SYSTEMS:** An ordinance to waive the competitive bidding requirements to enable the City to purchase computer software from New World Systems.
5. **CONSTRUCTION MATERIAL BID WAIVER:** An ordinance to approve a bid waiver for the purchase of asphalt and aggregate materials and to approve a bulk purchase contract with McClinton Anchor.
6. **ORGANIZATIONAL CHART:** An ordinance amending §33.001 City Organizational Chart.

D. INFORMATIONAL:

1. **COUNCIL TOUR:** March 31, 2003 - Senior Center and RZN 03-6.00 (Brophy).

Meeting of April 1, 2003

7:15 Adjourn

Subject:						
Motion By: Seconded:		Roll				
Motion To:						
Jordan	✓					
Reynolds	✓					
Thiel	✓					
Cook	✓					
Marr	✓					
Rhoads	✓					
Davis	✓					
Lucas	✓					
Mayor Coody	✓					

Subject: Nominating Committee Report						
Motion By: Seconded:						
Motion To:						
Jordan	✓					
Reynolds	✓					
Thiel	✓					
Cook	✓					
Marr	✓					
Rhoads	✓					
Davis	✓					
Lucas	✓					
Mayor Coody						

Passed

Meeting of April 1, 2003

Subject: <i>Consent without Minutes of 3/18/2003</i>						
Motion By:		<i>Davis</i>				
Seconded:		<i>Jordan</i>				
Motion To:						
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Mayor Coody					

*Passed
Consent*

Subject: <i>Roll forward budget</i>						
Motion By:						
Seconded:						
Motion To:						
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Mayor Coody					

*Passed
Old Business
#1*

Meeting of April 1, 2003

Amend to R-2 instead of R-3.

Subject: RZN 03-6.00 Brophy						
Motion By: Seconded:						Rudasill
Motion To:		Amend from R-3 to R-2	Pass			Dawson/Planning
Old Business #2 Passed A	Jordan	✓	✓			
	Reynolds	✓	✓			
	Thiel	✓	✓			
	Cook	✓	✓			
	Marr	✓	✓			
	Rhoads	✓	✓			
	Davis	✓	✓			
	Lucas	✓	✓			
	Mayor Coody					

Subject: Mount Sequoyah						
Motion By: Seconded:		Marr Thiel				Dr. Heinzelman
Motion To:		Pass				Dr. Wallace
New Business #1 Passed	Jordan	✓				Steve Davis
	Reynolds	✓				Iran Alexander
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	Abstain				
	Lucas	✓				
	Mayor Coody					

Meeting of April 1, 2003

Subject: JED Development, Inc.						
Motion By: Seconded:		Second Reading	Third Reading			
Motion To:		Davis Marr	Davis Marr	Pass		
New Business # 2 <u>passed</u>	Jordan	✓	✓	✓		Greg Boettcher
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Mayor Coody					

Subject: UAC 03-3.00 (Mee)						
Motion By: Seconded:		Davis Reynolds	Jordan Marr			
Motion To:		Second Reading	Third Reading	Pass		
New Business # 3 <u>passed</u>	Jordan	✓	✓	✓		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Mayor Coody					

Meeting of April 1, 2003

Subject: <i>New World Systems</i>						
Motion By: Seconded:			<i>Jordan Lucas</i>			
Motion To:		<i>Second Reading</i>	<i>Third</i>	<i>Pass</i>		
	Jordan	✓	✓	✓		<i>Rick Hoyt</i>
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Mayor Coody					

*New
Business
4*

Passed

Subject: <i>Construction Material Bid Waiver.</i>						
Motion By: Seconded:		<i>Jordan Lucas</i>	<i>Jordan Reynolds</i>			
Motion To:		<i>Second Reading</i>	<i>Third Reading</i>	<i>Pass</i>		
	Jordan	✓	✓	✓		<i>Mr. Dumas</i>
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Mayor Coody					

*New
Business
5*

Passed

Meeting of April 1, 2003

7:15 Adjourn

Subject:

Organizational Chart

Motion By:
Seconded:

Marr
Jordan

Marr
Jordan

Motion To:

Second
Reading

Third

Pass

Jordan

✓

✓

✓

Reynolds

✓

✓

✓

Thiel

✓

✓

✓

Cook

✓

✓

✓

Marr

✓

✓

✓

Rhoads

✓

✓

✓

Davis

✓

✓

✓

Lucas

✓

✓

✓

Mayor Coody

New
Business
#6
Passed

Subject:

Motion By:
Seconded:

Motion To:

Jordan

Reynolds

Thiel

Cook

Marr

Rhoads

Davis

Lucas

Mayor Coody

Street Meeting next Tuesday,
following agenda.

Ward 2 Meeting Monday April 7th,
7:00

Nominating Committee Report
Meeting: Wednesday, March 26, 2003
Room 111, City Hall 4-7:30 pm
Members Present – Kyle Cook, Shirley Lucas, Don Marr, Robert Rhoads

Nominating Committee was called to order at 4:00 pm. We reviewed the interview schedule for the afternoon & evening. We then reviewed potential questions that were submitted by Staff for the Planning Commission Interviews, and Library Board Interviews. A review of any recommendations, attendance issues (none presented) submitted by committee chairs or assigned staff were reviewed and then interview of applicants began.

After interviewing all applicants the following slate of appointees are submitted for the entire council. All nominations being submitted by the nominating committee are being presented with the committees unanimous recommendation.

Advertising & Promotions Commission –

Nominated by the A&P commission and not handled through the City Council Nominating Committee -

Animal Concerns Committee –

No nominations were appointed as the Animal Concerns Committee was discontinued at the 3/18/03 City Council Meeting

Board of Adjustments/Board of Sign Appeals –

The committee has asked the City Clerk's office to contact Robert (Bob) Kohler to see if he is interested in serving on the Board of Adjustments since he the committee felt that he was a strong applicant that had applied for the Planning Commission and was not appointed to that Commission.

- *Robert (Bob) Kohler, as One Public-at-Large term ending 3/31/08*

Construction Board of Adjustment and Appeals –

- *James Key nominated as one full Member term ending 3/31/08*

Environmental Concerns Committee -

- *Terry Eastin as One Citizen-At-Large term ending 12/31/04*
- *Stephan Pollard as One Citizen-At-Large term ending 6/30/04*

Planning Commission –

The nominating committee felt that it was important to try and maintain the current balance of business interest, neighborhood interest, commercial design expertise, etc. After much discussion we believe that this recommendation (unanimous) is the best fit to maintain balance perspectives on our Planning Commission.

- *Nancy Allen – reappointment to 2nd term, set to expire 3/31/06*

- *Jill Anthes – appointment 1st term, set to expire 3/31/06*
- *Christian Vaught – appointment 1st term, set to expire 3/31/06*

Public Library Board of Trustees –

The nominating committee received recommendations from the current Library Director and Board requesting that the Nominating committee strongly consider re-appointment of existing Library Board members because of their depth of knowledge regarding the current library activities, and the desire to have continuity from planning through construction completion and start-up of the new facility. They ask us to strongly consider that trustees have made and are making decisions based on cumulative information. Therefore the committee has chosen to respect that request and re-appoint each of the Library Board Trustee Applicants for additional terms. We do believe that several applicants that applied for this appointment are extremely qualified, and should be looked at in the future for appointments to this board, and possibly their foundation board. These names will be forward on to Louise Schaper the Library Director and Louis Gottsponer the Board President.

- *Michael H. Thomas – reappointment to term, set to expire 3/31/08*
- *Beverly Bassett Schaffer – reappointment to term, set to expire 3/31/08*
- *Lorraine Brewer – reappointment to term, set to expire 3/31/06*
- *Maurice E Roberts – reappointment to term, set to expire 3/31/07*

Telecommunication Board –

The nominating committee felt that it was important to have individuals that bring strong understanding of the PEG center goals, and specifically that we look to bring in individuals that would assist in added skills/experience relative to the Educational Channel offerings and capabilities, as we believe that this might be an area of significant review by the telecommunications board in the future. However, the committee also believed that it is important in the future appointments to continue to seek out individuals that would serve in this area that have not served in the past, so to bring new ideas and new solutions to this area in the future. The City Clerks office will be notified to follow-up with an additional applicant not appointed at this time, that had applied who we believed meets this criteria and should be considered strongly in the future.

- *Stephan Smith – appointment to remaining unexpired term, set to expire 6/30/04*
- *David Young – appointment to remaining unexpired term, set to expire 6/30/03*

Youth Activities Committee –

The Nominating committee would like to see input from Alderman Jordan on the best way to solicit applicants for this committee, if this will remain a standing committee, since no applications were submitted for this committee. A determination needs to be made regarding the continued need to advertise and recruit for this committee.

No appointments were made because no applicants were received for any of the open positions.

FAYETTEVILLE HOUSING AUTHORITY **RECEIVED**

#1 NORTH SCHOOL AVE.
FAYETTEVILLE, AR. 72701-5928
PH: (501) 521-3850 FAX (501) 442-6771

FEB 07 2003

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Sandra

February 6, 2003

Honorable Dan Coody
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Coody,

The Fayetteville Housing Authority Board of Commissioners met in meeting on January 29, 2003 and elected Nancy L. Bolin to the board to replace Christine Childers whose term expired 12/28/02 and did not wish to serve again. Nancy Bolin's five year term will expire 12/28/07

A copy of her application to Fayetteville Housing Board of Commissioners is enclosed.

We would appreciate the City Board's confirmation of this election at their next regular meeting.

Sincerely yours

Bromo Wilson
Bromo Wilson
Executive Director

Encl.
cc: Garton

Attachment -- Nancy Bolin

I am interested in serving on the Housing Commission for numerous reasons. Housing has always been a primary interest of mine. I am a homeowner and own rental property. In previous years, I was a low-income, single-parent, which I feel gives me a personal insight into the needs of this population.

In May of 2000, I received a Masters in Social Work, with emphasis in non-profit administration. I have been employed with EOA of Washington County, as Operations Manager for the past three years. In my position with EOA, I am responsible for the administration of a number of State and Federal Grants. I am also the President of the Board and founding member of Sage House, Inc., an organization in the process developing a transitional housing facility for single-parent families.

From: Marilyn Johnson <mjohnson@twncenter.com>
To: Sondra Smith <:ssmith@ci.fayetteville.ar.us>
Date: Tue, Mar 11, 2003 11:22 AM
Subject: RE: A & P Commission appointment

Hi Sondra

The Advertising and Promotion Commission recommend for retification of the City Council Neal Crawford to fill the position vacated by Jor Fennel.

If you need a copy of his application and resume, let me know. I have it.

Marilyn Johnson

**Application Form
for appointment to City Boards, Commissions, and Committees**

Name NEAL CRAWFORD 1 Soc. Sec. # 432 43 6785

If married, please give
spouse's first name

610 N. WALNUT
Resident Street Address

Length of residency in Fayetteville 14 YRS

FAYETTEVILLE AR 72701
City State Zip Code

How did you find out about opening(s)?
BILL RAMSEY

610 N. WALNUT FAYETTEVILLE AR 72701
Mailing Address Zip Code

JDE FENNER

Telephone Number: Home: 444-6616
Business: 521-6194

References:
Name RICHARD WATSON
Address 2057 CLINE AVE FAYETTEVILLE AR 72701
Phone 442-2967

Occupation/Employer Name
GENERAL MANAGER / JOSES INC

Name JDE FENNER

Choice of Committee
A + P

Address 1655 N. WOLSEY FAYETTEVILLE AR 72701
Phone

Office Use Only	Terminate	Appointed
Term Expires	Replaced	

What are your qualifications for serving on this committee, including education and expertise in the subject matter?

SEE ATTACHMENT

Why would you like to be considered for appointment to this committee?

Please fill out application COMPLETELY and return to: Heather Woodruff
City Clerk's Office
113 W. Mountain Street, Fayetteville 72701

If you have any questions call 575-8323

01/07/03

1. What are your qualifications for serving on this committee, including education and expertise in the subject matter?

I have worked in the restaurant industry for twenty years, fourteen of which have been in Fayetteville at Jose's on Dickson St. I am currently the General Manager of Jose's and being located on Dickson St. I believe gives me a good perspective on how advertising and promotion of the City of Fayetteville can impact the community as a whole. Furthermore, I studied accounting and general business practices and how to apply cost vs. impact on business matters. I have also been involved in the planning of Mardi Gras on Dickson and the Bikes, Blues, and BBQ festival for the past few years. I feel that this combined knowledge would be an asset to the commission through my involvement in the business community of Fayetteville.

2. Why would you like to be considered for appointment to this committee?

I believe that Fayetteville has a lot to offer both the local and traveling consumer, and would like to take an active part in the marketing of my community. I feel that my experiences give me a unique perspective of our town and would like to be able to submit feedback and provide direction on the growth of Fayetteville as a community and a business. People now have many more options in Northwest Arkansas than they have ever had before and through the promotion of its natural assets and the several uniquely Fayetteville festivals, we should be able to attract more local and traveling consumers to our town, and I believe this can be done in such a way as to not compromise the integrity of the citizens of Fayetteville.

Mr
Bordinos

JOSE'S
A FAYETTEVILLE TRADITION

STREETSIDE

ALDERMAN AGENDA REQUEST FORM

Museum of NW Ark
A. 2. Page 1

FOR: COUNCIL MEETING OF April 1, 2003

FROM:

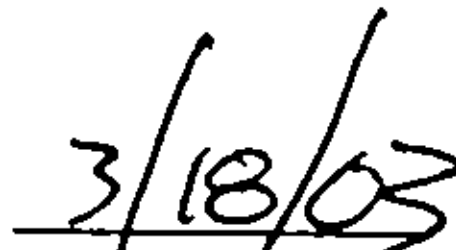
ALDERMAN KYLE COOK

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

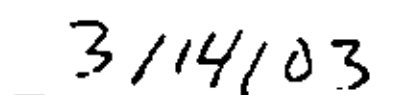
A Resolution To Support The Application Of The Museum Of Northwest
Arkansas For Formal Affiliation With The Smithsonian Institute

APPROVED FOR AGENDA:


Alderman


Date


City Attorney (as to form)


Date

RESOLUTION NO. _____

A RESOLUTION TO SUPPORT THE APPLICATION OF
THE MUSEUM OF NORTHWEST ARKANSAS FOR FORMAL
AFFILIATION WITH THE SMITHSONIAN INSTITUTE

WHEREAS, Fayetteville civic leaders are working on a plan to enhance the development of a cultural district near the Walton Arts Center in Fayetteville; and

WHEREAS, a cornerstone of this district is planned to be a new 40,000 square foot facility which would include the Museum of Northwest Arkansas; and

WHEREAS, the citizens of Fayetteville and the rest of Northwest Arkansas would greatly benefit from the creation of this museum facility near the Walton Arts Center; and

WHEREAS, the City of Fayetteville, Arkansas strongly supports the creation of this facility and encourages the Smithsonian Institute to allow the museum of Northwest Arkansas to join the Smithsonian Institute Affiliates program.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby expresses its support for the concept of the Museum of Northwest Arkansas as an enhancement of the Fayetteville cultural district including the Walton Arts Center and requests that the Smithsonian Institute favorably consider inclusion of the Museum of Northwest Arkansas in its Smithsonian Institute Affiliates program.

PASSED and APPROVED this 1st day of April, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

Sondra Smith, City Clerk

(City Of Fayetteville / Office of the Mayor Stationery?)

March 15, 2003

Mr. Aaron Glavas, Affiliates Director
THE SMITHSONIAN INSTITUTE
Arts & Industry Building, Suite 1360
900 Jefferson Drive, S.W.
Washington, D.C. 20013-7012

Dear Mr. Glavas:

It is our understanding that discussions have occurred between the Smithsonian Institute Affiliates program with one of our local businessmen (Eric Parkinson of Hannover House Communications), concerning a prospective Museum affiliation with your organization.

Mr. Parkinson is working with various civic leaders and private developers on an ambitious plan within the Downtown "cultural" district of Fayetteville. The cornerstone of these proposed developments is a major new, 40,000 sq. foot facility that Mr. Parkinson and his financial partners at Pioneer Group plan to construct. This new facility is intended to house a world-class, not-for-profit organization presently calling itself the "Museum of N.W. Arkansas."

Speaking for myself as Mayor, along with our City Council, we would like to express our support for the plans Mr. Parkinson is pursuing for this Museum construction. We would also like to express to you our enthusiasm and support for the planned affiliation of this new "Museum of N.W. Arkansas" with the Smithsonian Institute Affiliates program.

Fayetteville and Northwest Arkansas are among the fastest growing metropolitan markets in the United States. We have needed a major Museum for many years and we support the development plans for such a facility that Parkinson and Pioneer Group are pursuing. It is our belief that a formal affiliation with the Smithsonian Institute will be well received and supported by our citizens and businesses. Please do not hesitate to contact me if you need any additional information on Fayetteville or the plans being pursued for the new Museum project.

Very Truly Yours,

(Dan Coody, Mayor) ~ and / or City Council?

STAFF REVIEW FORM

Kutak Rock, LLP
A. 3. Page 1

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 1, 2003

FROM:

Stephen DavisFinance & Internal ServicesFinance & Internal Services

Name

Division

Department

ACTION REQUIRED: Approve bond counsel agreement with Gordon Wilbourn of Kutak Rock, LLP for the 2003 Debt Management Program.

COST TO CITY:

No cost with the item

\$

-

Cost of this requestProgram Category / Project Name

\$

-

Account NumberFunds Used to DateProgram / Project Category Name

\$

-

Project NumberRemaining BalanceFund Name

BUDGET REVIEW:

Budgeted ItemBudget Adjustment Attached[Signature]3-13-03

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

[Signature]3/13/03

Accounting Manager

Date

[Signature]

Internal Auditor

3/13/03

Date

[Signature]3/14/03

City Attorney

Date

[Signature]

Purchasing Manager

3/14/03

Date

STAFF RECOMMENDATION:

Staff recommends approval of bond counsel agreement with Gordon Wilbourn of Kutak Rock, LLP.

Division HeadDateCross Reference

New Item:

Yes

No

Department DirectorDate

Previous Ord/Res#:

[Signature]3-12-03

Finance & Internal Services Dir.

Date

Orig. Contract Date

[Signature]3-14-03

Chief Administrative Officer

Date

Orig. Contract Number

[Signature]3/17/03

Mayor

Date

K:\Steve Davis\Debt Financing\Staff_Review_Bond Counsel Services

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer

FROM: Stephen Davis, Finance & Internal Services Director

DATE: March 12, 2003

SUBJECT: **Debt Management Program: Bond Counsel Services**

Background

City Council approved a Debt Management Policy (Policy) on November 5, 2002. The Debt Management Committee met after approval of the Policy and determined the City needed to seek statement of qualifications for bond counsel services and to seek requests for proposals for bond underwriter services and for leasing services. A professional selection committee was formed to: 1) provide oversight of the drafting of the request for qualifications for bond counsel services and the request for proposals for the bond underwriter services and leasing services; 2) review the responses to the request for qualification/proposals; conduct interviews of the selected respondents; and, 3) recommend service providers for leasing services and bond underwriter services.

Current Status

In mid-January 2003, the Professional Selection Committee (Committee) met, reviewed and approved the request for qualifications for bond counsel services and request for proposals for bond underwriter and leasing services. The Committee reviewed the responses, developed a short list to interview for each service to be provided and selected the firm or firms to provide the service. The firms selected to provide services under this set of request for qualifications and request for proposals are as follows: **Bond Counsel Services** - Gordon Wilbourn of Kutak Rock LLP; **Leasing Services** - Banc of America Leasing & Capital, LLC, and, **Bond Underwriter Services** - (two firms were selected to provide bond underwriter services): Stephens, Inc and Crews & Associates.

Staff submitted, for City Council approval, a resolution of intent to reimburse for Council action at the March 18, 2003 City Council meeting. Staff is in the process of negotiating a master lease or leases with Banc of America Leasing & Capital, LLC. The master lease agreements are to provide the funding mechanism to leverage current and future City funds in acquiring solid waste residential collection vehicles and fire apparatus vehicles.

Staff has also negotiated a bond counsel services agreement with Kutak Rock, LLP. The bond counsel fees to be paid under this agreement will either be deducted from the bond issue proceeds or will be incorporated into the total moneys included in the individual lease payment agreement schedules.

Recommendation

Staff recommends City Council approval of the bond counsel services agreement with Gordon Wilbourn of Kutak Rock, LLP.

KUTAK ROCK LLP

SUITE 1100
425 WEST CAPITOL AVENUE

LITTLE ROCK, ARKANSAS 72201-3409

501-975-3000
FACSIMILE 501-975-3001

www.kutakrock.com

NORTHWEST ARKANSAS OFFICE
THE THREE SISTERS BUILDING
214 WEST DICKSON STREET
FAYETTEVILLE, ARKANSAS 72701-8221
479-975-4200

ATLANTA
CHICAGO
DENVER
DES MOINES
FAYETTEVILLE
KANSAS CITY
LINCOLN
NEWPORT BEACH
OKLAHOMA CITY
OMAHA
PASADENA
RICHMOND
SCOTTSDALE
WASHINGTON

March 11, 2003

Honorable Dan Coody
City of Fayetteville, Arkansas
113 W. Mountain
Fayetteville, AR 72701

Re: City of Fayetteville, Arkansas – 2003 Bond Counsel Services

Dear Mayor Coody:

The purpose of this engagement letter is to set forth certain matters concerning the services we would expect to perform as counsel to the City of Fayetteville, Arkansas (the "City") in connection with its financings and refinancings of various capital improvements and equipment during the calendar year 2003 (the "2003 Projects"). Specifically excluded from the provisions of this letter are financings relating to the acquisition, construction and equipping of the City's proposed wastewater treatment facility, which financings are the subject of a separate engagement letter between Kutak Rock LLP and the City dated June 5, 2000. We understand that the 2003 Projects may be financed utilizing various structures and revenue sources, including, but not limited to, general obligation bonds and notes, special revenue bonds and notes, sales and use tax bonds and notes, and lease/purchase arrangements.

SCOPE OF ENGAGEMENT

(a) Where the issuance of the City's bonds or notes ("Bonds") occurs in connection with this engagement, we would serve as bond counsel ("Bond Counsel") to the City and would expect to perform the following duties for each such issuance:

(1) Subject to the completion of proceedings to our satisfaction, render our legal opinion (the "Bond Opinion") regarding the validity and binding effect of the Bonds, the source of payment and security for the Bonds, and the excludability of interest on the Bonds from gross income for federal and Arkansas income tax purposes;

(2) Prepare and review resolutions, ordinances, documents and certificates necessary or appropriate to the authorization, issuance and delivery of the Bonds, coordinate the authorization and execution of such resolutions, ordinances, documents and certificates, and review enabling legislation;

KUTAK ROCK LLP

Honorable Dan Coody
March 11, 2003
Page 2

- (3) Assist the City and any underwriter of the Bonds in seeking from other governmental authorities such approvals, permissions and exemptions as we determine are necessary or appropriate in connection with the authorization, issuance and delivery of the Bonds;
- (4) Review legal issues relating to the structure of the Bond issue;
- (5) Review certified proceedings;
- (6) Undertake such additional duties as are necessary to render our Bond Opinion;
- (7) Assist the City in presenting information to bond rating organizations and providers of credit enhancement relating to legal issues affecting the issuance of the Bonds; and
- (8) Draft the continuing disclosure undertaking of the City.

In addition to the customary duties of Bond Counsel set forth above, we understand that we may additionally be asked to (i) draft the Bond Purchase Agreement between the City and the underwriter(s) with respect to the Bonds and (ii) assist the City in preparing the official statement (the "Official Statement") with respect to the Bonds, and, subject to the satisfactory completion of our review, provide to the City written advice that, in the course of our participation, no information has come to our attention which leads us to believe that the Official Statement, as of its date (except for the financial statements, other statistical data, feasibility reports and statements of trends and forecasts, and information concerning any credit enhancer and The Depository Trust Company, contained in the Official Statement and its appendices, as to which we will express no belief), contains any untrue statement of material fact or omits to state any material fact necessary to make the statements in the Official Statement, in light of the circumstances under which they were, not misleading. Although it is permissible for Bond Counsel to undertake the activities described in this paragraph, they are typically performed by counsel to the underwriter.

Each Bond Opinion will be addressed to the City and will be delivered by us on the date that an issue of Bonds is exchanged for the purchase price thereof (the "Closing").

Each Bond Opinion will be based on facts and law existing as of its date. In rendering our Bond Opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the City with applicable laws relating to the Bonds. During the course of this engagement, we will rely on the City to provide us with complete and timely information on all developments pertaining to any aspect of each issue of Bonds and their security.

Honorable Dan Coody
March 11, 2003
Page 3

(b) Where a 2003 Project is to be financed through a lease/purchase agreement ("Lease/Purchase Agreement"), we would serve as Bond Counsel to the City in connection with each such Lease/Purchase Agreement and would expect to perform the same or similar duties as those set forth above in connection with the issuance of Bonds, modified as necessary to meet the requirements of the particular leasing program; and

(c) Where a 2003 Project is to be financed with the proceeds of any sales and use tax, whether or not in connection with the issuance of Bonds or a Lease/Purchase Agreement, we would serve as special counsel to the City with respect to election matters, and would expect to prepare or assist in the preparation of all resolutions, ordinances, ballots and other materials for such election and, upon request, to attend all public meetings relating to such election.

Our duties in this engagement are limited to those expressly set forth above. Among other things, our duties will not include:

- (I) Preparing requests for tax rulings from the Internal Revenue Service, or no action letters from the Securities and Exchange Commission;
- (II) Drafting state constitutional or legislative amendments;
- (III) Pursuing test cases or other litigation;
- (IV) Making any investigation or expressing any view as to the creditworthiness of the City or the Bonds;
- (V) Representing the City in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations; or
- (VI) Except as set forth in (c) above, addressing any other matter not specifically set forth above that is not required to render our Bond Opinion.

ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this engagement letter, the City will be our client and an attorney-client relationship will exist between us. We assume that all other parties in connection with the issuance of any Bonds or the entry into any Lease/Purchase Agreements will understand that in those transactions we represent only the City, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services as counsel to the City are limited to those contracted for herein, and the City's execution of this engagement letter will constitute an acknowledgment of those limitations. Our representation of the City will not affect, however, our responsibility to render objective Bond Opinions where required in connection with this engagement.

KUTAK ROCK LLP

Honorable Dan Coody

March 11, 2003

Page 4

CONFLICTS

During the course of any Bond and lease/purchase financings referenced above, our firm will likely be representing the underwriter(s) of the Bonds or the lessor(s) under Lease/Purchase Agreements in separate unrelated matters. We do not believe such representations, if they occur, will adversely affect our ability to represent you as provided in this letter because such matters will be sufficiently different from the issuance of the Bonds or the entry into the Lease/Purchase Agreement so as to make such representations not adverse to our representation of you. Execution of this letter will signify the City's consent to our representation of said underwriter(s) and lessor(s) consistent with the circumstances described in this paragraph.

FEES

(a) In connection with each issue of Bonds as described above, we propose Bond Counsel fees as set forth in the following table:

<u>Principal Amount</u>	<u>Bond Counsel Fee</u>
Up to \$5,000,000	\$25,000
\$5,000,001 - \$10,000,000	\$30,000
\$10,000,001 - \$15,000,000	\$35,000
\$15,000,001 - \$20,000,000	\$37,500
\$20,000,001 - \$30,000,000	\$40,000
\$30,000,001 - \$50,000,000	\$45,000

In the event we are asked to undertake additional duties traditionally performed by underwriter's counsel (including the preparation of the Bond Purchase Agreement and Official Statement), we propose an additional fee of \$5,000 in connection with each such issue under \$10,000,000 in principal amount and \$7,500 in connection with each such issue over \$10,000,000 in principal amount.

(b) In connection with each Lease/Purchase Agreement as described above, we propose Bond Counsel fees as set forth in the following table:

<u>Principal Amount</u>	<u>Bond Counsel Fee</u>
Up to \$5,000,000	\$12,500
\$5,000,001 - \$10,000,000	\$15,000
\$10,000,001 - \$15,000,000	\$17,500
\$15,000,001 - \$20,000,000	\$20,000
\$20,000,001 - \$30,000,000	\$25,000
\$30,000,001 - \$50,000,000	\$30,000

KUTAK ROCK LLP

Honorable Dan Coody
March 11, 2003
Page 5

(c) For serving the City as special counsel with respect to election matters as described above, we propose a fee based upon a flat hourly rate of \$200 per hour for all attorneys of the firm who perform legal services in connection with such engagement.

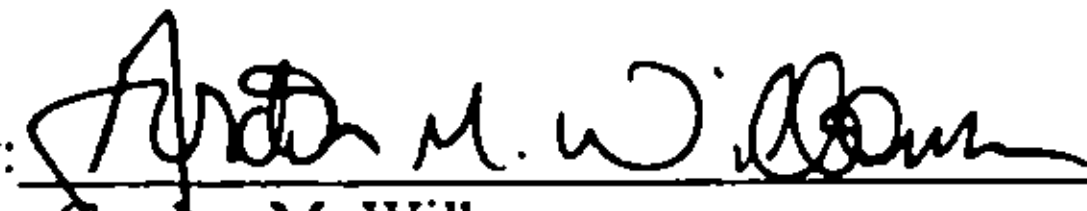
In addition, with respect to each representation of the City described above, we will expect to be reimbursed for all client charges made or incurred on your behalf, such as travel costs, photocopying, deliveries, long distance telephone charges, fax charges, filing fees, computer-assisted research and other out-of-pocket expenses.

We understand and agree that our fees with respect to Bonds and Lease/Purchase Agreements will be paid at the time of Closing of each such financing. If the financing is not consummated, we understand that we will not be paid for time expended on your behalf but will be reimbursed for client charges made or incurred on your behalf.

Our fees with respect to election matters will be billed on a monthly basis and are payable irrespective of the submission of questions to the voters or the ultimate approval of questions submitted.

If the foregoing terms are acceptable to you, please so indicate by returning the enclosed copy of this engagement letter signed by an appropriate officer, retaining the original for your files. We look forward to working with you.

KUTAK ROCK LLP

By: 
Gordon M. Wilbourn

Accepted and Approved:
CITY OF FAYETTEVILLE, ARKANSAS

By: _____

Title: _____

Dated: _____

XX AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

April 1, 2003

Date _____

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: March 18, 2003

SUBJECT: **2003 Debt Management Program – Bond Underwriter Services for the City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax Bonds – Series 1998 (Town Center Bond Issue) Refunding**

Background

On November 7, 2002 the City of Fayetteville advertised and solicited requests for qualifications (RFQ) for Bond Counsel Services and solicited requests for proposals (RFP) for Underwriter Services and Leasing Services. The City of Fayetteville Debt Committee (established by Resolution 173-02) received the responses to the request for qualifications and request for proposals in January, 2003. The Debt Committee selected Gordon Wilbourn of Kutak Rock as Bond Counsel, Dennis Hunt of Stephens, Inc and Crews and Associates as Bond Underwriter(s) and Bank of America (BOA) Leasing for leasing services. Agreements with each of these service providers will be developed and submitted to City Council for consideration and approval.

Discussion

A selection committee met and is proposing Stephens, Inc as the bond underwriter for the refunding of the City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax Bonds – Series 1998 (Town Center Bond Issue).

The City issued the bonds to pay for a portion of the construction cost for the Fayetteville Town Center. Dennis Hunt of Stephens Inc. has monitored the tax backed bond market and the bond agreements included in the City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax Bonds – Series 1998 (Town Center Bond Issue) to determine and propose a bond re-funding schedule that meets or exceeds the City policy for debt refunding/refinancings. The predicted net present benefit (NPB) of the Town Center Bond Issue refunding is approximately \$333,000.

Interest rates the City will pay on the current Town Center bond issue range 3.90% in 2004 to 4.8% for term bonds with a maturity date of October 1, 2015. The current predicted market interest rates for a new bond issue are from 1.1% in 2004 to 3.85% in 2015. The re-funding of the City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax Bonds – Series 1998 will provide the following benefits:

- Lower interest cost – the refunding is predicted to generate a net present benefit (NPB) of approximately \$333,000. This NPB is due to lower interest rates currently available.
- Pays more principal debt earlier than originally planned.
- Remove the term bonds that are due and payable on or before October 1, 2015 and replace the term bonds with a definitive scheduled debt service payment.

Recommendation

Staff recommends approval of the Bond Underwriter agreement with Stephens Inc for the City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax Bonds – Series 2003.

Stephens Inc.

Dennis R. Hunt
Senior Vice President and Manager

March 19, 2003

Honorable Dan Coody
Mayor
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Underwriting Services – City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax
Refunding Bonds, Series 2003

Dear Mayor Coody:

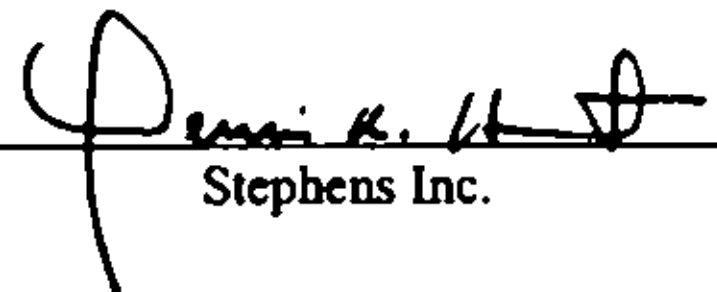
Stephens Inc. is pleased to provide underwriting services for the City of Fayetteville in connection with the above referenced refunding bond issue for the City. This letter is to serve as an Engagement Agreement between the City of Fayetteville and Stephens Inc. for underwriting services.

Our scope of services will be as submitted in our proposal to the City's RFP 2002-21. As indicated in our proposal, we will provide the City with an analysis of financing options, debt schedules, and prepare a report on pricing the bonds. In addition, we will be available to make presentations to review and explain financing alternatives. Once a structure is complete, we will then, based on the City's approval, offer the bonds.

To initiate this process, we would request that the City of Fayetteville agree to designate Stephens Inc. as underwriter for the proposed financing. It is understood the City will not be obligated to our firm for underwriting costs in the event the bonds are not sold or in the event the City Council fails to adopt an Ordinance approving the refunding bond issue. Our compensation will be limited solely to the sell of the bonds, the terms of which, including the underwriting discount, will be subject to the City's approval. In any event, the underwriting fee will not exceed 1.00% of the issue. Stephens agrees to pay all travel, phone, and computer expenses from the underwriter's discount. All other costs relating to the issuance of the bonds will be paid from bond proceeds or from existing funds.

If the foregoing is acceptable to the City, please execute the acceptance below. We look forward and appreciate the opportunity to work with the City on this refunding bond issue.

Respectfully submitted,

By: 
Stephens Inc.

Accepted this _____ day of _____

By: _____
Mayor, City of Fayetteville

Stephens Inc.

Dennis R. Hunt
Senior Vice President and Manager

March 19, 2003

Honorable Dan Coody
Mayor
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Underwriting Services – City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax
Refunding Bonds, Series 2003

Dear Mayor Coody:

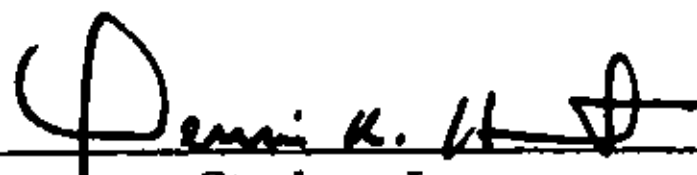
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To initiate this process, we would request that the City of Fayetteville agree to designate Stephens Inc. as underwriter for the proposed financing. It is understood the City will not be obligated to our firm for underwriting costs in the event the bonds are not sold or in the event the City Council fails to adopt an Ordinance approving the refunding bond issue. Our compensation will be limited solely to the sell of the bonds, the terms of which, including the underwriting discount, will be subject to the City's approval. In any event, the underwriting fee will not exceed 1.00% of the issue. Stephens agrees to pay all travel, phone, and computer expenses from the underwriter's discount. All other costs relating to the issuance of the bonds will be paid from bond proceeds or from existing funds.

If the foregoing is acceptable to the City, please execute the acceptance below. We look forward and appreciate the opportunity to work with the City on this refunding bond issue.

Respectfully submitted,

By: 
Stephens Inc.

Accepted this _____ day of _____

By: _____
Mayor, City of Fayetteville

Investment Bankers
www.stephens.com

3425 North Futrall Drive Suite 201 Fayetteville, Arkansas 72703 479-718-7400 Fax 479-718-7490
800-205-8613 dhunt@stephens.com

Stephens Inc.

Dennis R. Hunt
Senior Vice President and Manager

March 11, 2003

RECEIVED
MAR 13 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Mr. Steve Davis
Finance and Internal Services Director
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: City of Fayetteville, Arkansas Hotel Restaurant Gross Receipts Tax Refunding
Bonds, Series 2003

Dear Steve:

Enclosed please find preliminary savings numbers in connection with the above referenced bond issue that we previously discussed. I have also taken the liberty to visit with Gordon Wilbourn and established a Preliminary Schedule of Events for your review. I would appreciate if you would review this information and if you have changes regarding the Schedule of Events, please feel free to contact me.

Sincerely,


Dennis Hunt

Cc: Gordon Wilbourn

**CITY OF FAYETTEVILLE, ARKANSAS
Hotel Restaurant Gross Receipts Tax Bonds
Series 2003**

SCHEDULE OF EVENTS

March 11, 2003

April 2003						
		1		3	4	5
6	7			10	11	12
13		15		17		19
20		22	23	24		26
27	28	29	30			

May 2003						
				1	2	3
4	5		7		9	10
11	12	13	14	15		17
18	19	20	21	22		24
25	26		28	29	30	31

June 2003						
1			4			7
8		10		12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July 2003						
		1	2	3	4	5
6	7	8	9		11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

2003 Date	Event	Responsible Parties
April 2	Organizational Meeting	All Parties
April 8	Discuss proposed financing with City Council	City / Stephens
April 9	Prepare and distribute first draft of financing documents	Kutak Rock
April 14	Comments due on financing documents	All Parties
April 16	Blacklined financing documents distributed	Kutak Rock
April 21	Comments due on blacklined financing documents	All Parties
April 25	Submit Financing Documents to Insurers	Stephens
May 6	Bond Ordinance approved by City Council	City / Kutak Rock / Stephens
May 8	Publish Bond Ordinance	City/ Kutak Rock
May 16	Obtain Insurance Commitment	Stephens
May 23	Final Preliminary Official Statement to the printer	Kutak Rock / Stephens
May 27	Distribute POS to Investors	Stephens
June 2	Pre-pricing meeting with the City	Stephens
June 3	Offer bonds	Stephens

June 5	Commit to underwrite	Stephens
June 5	City Executes BPA	City / Stephens
June 5	Redemption Notice Distributed	Kutak Rock / Trustee
June 6	Final draft of the Official Statement distributed	Kutak Rock
June 9	Comments due on Official Statement	All Parties
June 11	Print final Official Statements	Kutak Rock / Stephens
July 10	Closing of issue	All Parties

City of Fayetteville, Arkansas
Hotel and Restaurant Gross Receipts Tax Refunding Bonds
Series 2003

SOURCES & USES

Dated 07/01/2003

Delivered 07/01/2003

SOURCES OF FUNDS

Par Amount of Bonds.....	\$6,305,000.00
Transfers from Prior Issue Debt Service Funds.....	113,395.62
Transfers from Prior Issue DSR Funds.....	495,100.00
TOTAL SOURCES.....	\$6,913,495.62

USES OF FUNDS

Costs of Issuance.....	115,000.00
Gross Bond Insurance Premium (50.0 bp).....	39,138.64
Surety Bond.....	7,881.25
Deposit to Current Refunding Fund.....	6,747,455.93
Rounding Amount.....	4,019.80
TOTAL USES.....	\$6,913,495.62

City of Fayetteville, Arkansas
Hotel and Restaurant Gross Receipts Tax Refunding Bonds
Series 2003

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I
10/01/2003	-	-	45,618.13	45,618.13
10/01/2004	115,000.00	1.100%	182,472.50	297,472.50
10/01/2005	500,000.00	1.300%	181,207.50	681,207.50
10/01/2006	505,000.00	1.650%	174,707.50	679,707.50
10/01/2007	515,000.00	2.100%	166,375.00	681,375.00
10/01/2008	525,000.00	2.450%	155,560.00	680,560.00
10/01/2009	540,000.00	2.800%	142,697.50	682,697.50
10/01/2010	555,000.00	3.100%	127,577.50	682,577.50
10/01/2011	570,000.00	3.350%	110,372.50	680,372.50
10/01/2012	585,000.00	3.500%	91,277.50	676,277.50
10/01/2013	610,000.00	3.600%	70,802.50	680,802.50
10/01/2014	630,000.00	3.750%	48,842.50	678,842.50
10/01/2015	655,000.00	3.850%	25,217.50	680,217.50
Total	6,305,000.00	-	1,522,728.13	7,827,728.13

YIELD STATISTICS

Bond Year Dollars.....	\$46,731.25
Average Life.....	7.412 Years
Average Coupon.....	3.2584793%
Net Interest Cost (NIC).....	3.2584793%
True Interest Cost (TIC).....	3.2306980%
Bond Yield for Arbitrage Purposes.....	3.3466401%
All Inclusive Cost (AIC).....	3.6351914%

IRS FORM 8038

Net Interest Cost.....	3.2584793%
Weighted Average Maturity.....	7.412 Years

City of Fayetteville, Arkansas
Hotel and Restaurant Gross Receipts Tax Refunding Bonds
Series 2003

GROSS DEBT SERVICE COMPARISON

Date	Principal	Coupon	Interest	NEW D/S	OLD D/S	Savings
10/01/2003	-	-	45,618.13	45,618.13	226,791.25	181,173.12
10/01/2004	115,000.00	1.100%	182,472.50	297,472.50	375,502.50	78,030.00
10/01/2005	500,000.00	1.300%	181,207.50	681,207.50	762,187.50	80,980.00
10/01/2006	505,000.00	1.650%	174,707.50	679,707.50	758,425.00	78,717.50
10/01/2007	515,000.00	2.100%	166,375.00	681,375.00	758,825.00	77,450.00
10/01/2008	525,000.00	2.450%	155,560.00	680,560.00	762,660.00	82,100.00
10/01/2009	540,000.00	2.800%	142,697.50	682,697.50	760,190.00	77,492.50
10/01/2010	555,000.00	3.100%	127,577.50	682,577.50	761,325.00	78,747.50
10/01/2011	570,000.00	3.350%	110,372.50	680,372.50	760,805.00	80,432.50
10/01/2012	585,000.00	3.500%	91,277.50	676,277.50	758,580.00	82,302.50
10/01/2013	610,000.00	3.600%	70,802.50	680,802.50	759,600.00	78,797.50
10/01/2014	630,000.00	3.750%	48,842.50	678,842.50	757,920.00	79,077.50
10/01/2015	655,000.00	3.850%	25,217.50	680,217.50	759,800.00	79,582.50
Total	6,305,000.00	-	1,522,728.13	7,827,728.13	8,962,611.25	1,134,883.12

PRESENT VALUE ANALYSIS SUMMARY (GROSS TO GROSS)

Gross PV Debt Service Savings.....	938,375.31
Transfers from Prior Issue Debt Service Fund.....	(113,395.62)
Transfers from Prior Issue DSR Fund.....	(495,100.00)
Contingency or Rounding Amount.....	4,019.80
NET PRESENT VALUE BENEFIT.....	\$333,899.49
 NET PV BENEFIT / \$6,620,000 REFUNDED PRINCIPAL.....	 5.044%
NET PV BENEFIT / \$6,305,000 REFUNDING PRINCIPAL.....	5.296%

STAFF REVIEW FORM

Budget Roll-Forward
B. 1. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 1, 2003

FROM:

Kevin SpringerBudget & ResearchFinance & Internal Services

Name

Division

Department

ACTION REQUIRED:

City Council is requested to approve a budget adjustment which will allow for the rebudget of all projects appropriated in the 2002 Budget. The items which are approved will become part of the 2003 budget.

COST TO CITY:

<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

 Budgeted ItemX Budget Adjustment Attached[Signature]
Budget Manager3-19-03
Date
Finance & Internal Svcs. Director
Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager
Date
Internal Auditor
Date
City Attorney
Date
Purchasing Manager
Date

STAFF RECOMMENDATION:

Staff recommends approval of the rollforward budget adjustment.

[Signature]
Division Head3-19-03
Date

Cross Reference

New Item: Yes No

[Signature]
Department Director3-19-03
DatePrevious Ord/Res#: [Signature]
Chief Administrative Officer3-16-03
DateOrig. Contract Date [Signature]
Mayor3/20/03
DateOrig. Contract Number

Budget Roll-Forward**B. 1. Page 2**

Staff Review Form - Page 2

Description 2003 Budget Rollforwards Meeting Date April 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor 
Hugh Earnest, Chief Administrative Officer 

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: March 19, 2003

SUBJECT: 2002 Capital Project Re-Budget Request

Background

City Council and Staff met on Monday, March 3 to review Staff's request for re-budget authorization of some operational funds and capital projects. Funding for all of the items requested was part of an appropriation that lapsed on December 31, 2002. At that meeting City Council requested Staff evaluate each capital project proposed for re-budget.

Discussion

Staff has completed the project evaluations and has included a summary of the uncommitted project evaluations in this agenda packet. This report identifies projects that Staff is proposing to be re-budgeted, projects that can be postponed and projects that can be canceled because they are complete. The postponed projects are viable and needed projects and are, for the most part, not ready to be worked on in 2003. These projects will be re-evaluated in the 2004-2008 Capital Improvement Program for priority ranking and scheduling.

A brief overview of the postponed and canceled projects follows:

Budgeting & Planning Software – this project is delayed due to several factors: staff availability to implement and verifiable assurance of a complete and stable software package at a reasonable cost. A more detailed report is attached at the end of the agenda item.

Building Improvements – Staff is proposing this funding be retained pending a more comprehensive building needs report. The report is expected to be available to discuss at a City Council work session item for either April 8 or April 29.

Employee Parking Lot – staff is requesting that this funding be retained for use as part of a comprehensive downtown assessment plan and/or a planned alternative development (new PAD). Capital funds can be used for a portion of this type of plan to the extent that the study results in capital improvements.

K:\Steve Davis\City Council\2002 Uncommitted Project Re-budget BA.doc

Gregg & Appleby Intersection, Ora Drive Drainage Improvements, School Avenue Improvements, Shiloh & Futrall Intersection & Signal and Steele Property – Street Improvements – Staff is requesting that this funding be retained to address needs identified in the Transportation Plan.

White River Bridge 45 East Waterline, East Ridgeway – Waterline Extension, Hinkle Mobile Home Park Waterline Replacement, Lake Fayetteville Dam- Monitor Wells and Double Springs Bridge – Water Relocations – Staff requests this funding be retained to address needs identified in the Master Water System Study.

Composting Pad Replacement – Staff requests this funding be retained in order to address any regulatory issues that may arise from the City's current composting operation.

Finally, the City has canceled a previously committed project for a Multi-Level Parking Deck. The funding released by canceling this project is \$226,938.

Recommendation

Staff recommends City Council approve the 2002 capital project schedule attached as part of this agenda item.

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: Capital

Proposed Rollforwards

Account	Program	Description	Capital	Postpone	Cancel
1010.1330.5315.00	Budget & Research	Contract Services for User Fee Study	25,000		
1010.6400.5801.00	Building Safety	Automated Field Inspection System	19,700		
1010.6600.5314.00	Miscellaneous	Research & High Tech Park (Wilson Springs)	79,203		
			<u>123,903</u>	<u>0</u>	<u>0</u>
2130.9130.5314.00	Utilities Mgt. - Off Street	Parking Garage(s)	30,000		
2130.9130.5411.00	Utilities Mgt. - Off Street	Parking Deck Rehabilitation	232,592		
2130.9130.5819.00	Utilities Mgt. - Off Street	Parking Lot Overlays	81,000		
			<u>343,592</u>	<u>0</u>	<u>0</u>
2250.9255.5314.00	Parks & Recreation	Tennis/Basketball Surface Renovation	20,431		
2250.9255.5315.00	Parks & Recreation	Lights of the Ozarks	45,942		
2250.9255.5400.00	Parks & Recreation	Lake Fay Softball Complex Improvements	15,680		
2250.9255.5805.00	Parks & Recreation	Trail/Park Land Acquisition/Development	39,000		
2250.9255.5806.00	Parks & Recreation	Wilson Park Improvements	937		
2250.9255.5806.00	Parks & Recreation	Bundrick Park Development	1,842		
2250.9255.5806.00	Parks & Recreation	Red Oak Park Development	3,370		
2250.9255.5806.00	Parks & Recreation	White River Baseball Complex Improvement	4,686		
2250.9255.5806.00	Parks & Recreation	Park Beautifications	48,182		
2250.9255.5806.00	Parks & Recreation	Community Park Development	76,173		
2250.9255.5806.00	Parks & Recreation	Lake Fayetteville/Sequoyah Improvements	180,195		
2250.9255.5806.00	Parks & Recreation	Lake Fay Softball Complex Improvements	23,087		
2250.9255.5814.00	Parks & Recreation	Lake Fayetteville Trails	73,146		
2250.9255.5819.00	Parks & Recreation	Gary Hampton Softball Complex	11,468		
2250.9255.5210.00	Parks & Recreation	Red Oak Park Development	81,000		
			<u>625,139</u>	<u>0</u>	<u>0</u>
4150.9150.5804.00	Library Construction	New Central Library Building	1,172,607		
			<u>1,172,607</u>	<u>0</u>	<u>0</u>
4470.9470.5801.00	Sales Tax Capital	Automated Field Inspection System	77,000		
4470.9470.5817.00	Sales Tax Capital	Betty Jo Drainage Improvements	271,883		
4470.9470.5801.00	Sales Tax Capital	Budgeting & Planning Software System	0	150,000	
4470.9470.5400.00	Sales Tax Capital	Building Improvements (City wide)	201,948	300,000	

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: Capital

Proposed Rollforwards

Account	Program	Description	Capital	Postpone	Cancel
4470.9470.5400.00	Sales Tax Capital	Building Improvements - Leased Buildings	7,417		
4470.9470.5801.00	Sales Tax Capital	City Shop/Public Works Facility Security	75,000		
4470.9470.5809.00	Sales Tax Capital	Cleveland Street Improvements	2,945		
4470.9470.5400.00	Sales Tax Capital	Concession/Restroom Improvements	3,626		
4470.9470.5801.00	Sales Tax Capital	Document Imaging System	88,188		
4470.9470.5817.00	Sales Tax Capital	Double Springs Road Bridge Replacement	24,746		
4470.9470.5314.00	Sales Tax Capital	Drainage Study/Master Plan	387,830		
4470.9470.5315.00	Sales Tax Capital	Economic Development Matches	425,000		
4470.9470.5805.00	Sales Tax Capital	Employee Parking Lot	0	147,600	
4470.9470.5808.00	Sales Tax Capital	Fayetteville Boys & Girls Club Imprvs	31,854		
4470.9470.5802.00	Sales Tax Capital	Fire Apparatus - Ladder Truck	197,367		
4470.9470.5400.00	Sales Tax Capital	Fire Facility Maintenance	2,657		
4470.9470.5804.00	Sales Tax Capital	Fire Station #7 - Escrow Funds	395,100		
4470.9470.5315.00	Sales Tax Capital	Forestry Program (Urban Forestry Mgt & Tree Planting	47,645		
4470.9470.5809.00	Sales Tax Capital	Gregg & Appleby Intersection	0		121,074
4470.9470.5809.00	Sales Tax Capital	Gregg Ave: Hwy. 71 to Mud Creek Bridge	35,000		
4470.9470.5817.00	Sales Tax Capital	Holly & Vista Dr Drainage Improvements	600,000		
4470.9470.5809.00	Sales Tax Capital	Hollywood St-6th & Sang Ave Intersection	615,087		
4470.9470.5314.00	Sales Tax Capital	Infrastructure Appraisal Services	20,000		
4470.9470.5809.00	Sales Tax Capital	In-House Pavement Improvements	426,872		
4470.9470.5210.00	Sales Tax Capital	L.E.D. Traffic Signal Lens Replacement	0		1,485
4470.9470.5400.00	Sales Tax Capital	Lake Fayetteville/Sequoyah Improvements	61,700		
4470.9470.5804.00	Sales Tax Capital	Lewis/Asbell Athletic Complex Development	15,184		
4470.9470.5314.00	Sales Tax Capital	Lk.Fay.Dam - Emergency Action Plan	5,954		
4470.9470.5212.00	Sales Tax Capital	M.U.T.C.D. Sign Material	18,015		
4470.9470.5210.00	Sales Tax Capital	Microcomputer Replacements	2,738		
4470.9470.5801.00	Sales Tax Capital	Municipal Mgt System (Data/Autocad Conversion)	20,296		
4470.9470.5806.00	Sales Tax Capital	Neighborhood Park Development	8,217		
4470.9470.5314.03	Sales Tax Capital	New Central Library Building	11,899		
4470.9470.5804.00	Sales Tax Capital	New Central Library Building - Off-site Improvements	100,000		
4470.9470.5315.00	Sales Tax Capital	New World Systems - Utility Billing Upgrade	5,968		
4470.9470.5809.00	Sales Tax Capital	Old Missouri - Stubblefield to Rolling H	570,000		
4470.9470.5809.00	Sales Tax Capital	Old Missouri Road Improvements	1,192,670		
4470.9470.5817.00	Sales Tax Capital	Ora Drive Drainage Improvements	0		111,273

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: Capital

Proposed Rollforwards

Account	Program	Description	Capital	Postpone	Cancel
4470.9470.5817.00	Sales Tax Capital	Other Drainage Improvements	144,671		
4470.9470.5315.00	Sales Tax Capital	Other Park & Safety Improvements	29,100		
4470.9470.5210.00	Sales Tax Capital	P.E.G. Television Center - Equipment	47,317		
4470.9470.5814.00	Sales Tax Capital	Park Trail Development	177,020		
4470.9470.5210.00	Sales Tax Capital	Playground & Picnic Improvements	11,400		
4470.9470.5400.00	Sales Tax Capital	Police Building Improvements	150,789		
4470.9470.5314.00	Sales Tax Capital	Police Computer System & Network Upgrade	97,579		
4470.9470.5210.00	Sales Tax Capital	Police Computer System & Network Upgrade	23,356		
4470.9470.5210.00	Sales Tax Capital	Printer Replacements	29,884		
4470.9470.5809.00	Sales Tax Capital	Research & High Tech Park (Wilson Springs)	1,626,317		
4470.9470.5809.00	Sales Tax Capital	School Avenue Improvements	0		5,750
4470.9470.5400.00	Sales Tax Capital	Shelter Quarantine Upgrade	24,331		
4470.9470.5817.00	Sales Tax Capital	Shenandoah Drainage Improvements	249,975		
4470.9470.5809.00	Sales Tax Capital	Shiloh & Futrell - Intersection & Signal	0		193,962
4470.9470.5814.00	Sales Tax Capital	Sidewalk Improvements	173,796		
4470.9470.5209.00	Sales Tax Capital	Software Upgrades - City Wide	18,828		
4470.9470.5210.00	Sales Tax Capital	Specialized Police Equipment	30,531		
4470.9470.5809.00	Sales Tax Capital	Steele Property - Street Improvements	0		34,362
4470.9470.5809.00	Sales Tax Capital	Street ROW / Intersection / Cost Sharing	581		
4470.9470.5804.00	Sales Tax Capital	TCA Annex Renovation - (exterior paint, etc)	1,304		
4470.9470.5210.00	Sales Tax Capital	Traffic Signal Improvements	78,523		
4470.9470.5314.00	Sales Tax Capital	Traffic Study - City Wide	602		
4470.9470.5806.00	Sales Tax Capital	Trail & Drainage Improvements	155,000		
4470.9470.5806.00	Sales Tax Capital	Trail/Park Land Acquisition/Development	500,000		
4470.9470.5315.00	Sales Tax Capital	Web Site Design & Construction	4,728		
4470.9470.5806.00	Sales Tax Capital	Wilson Park Improvements	5,576		
4470.9470.5806.00	Sales Tax Capital	Wilson Pool Improvements	217		
			<u>9,531,231</u>	<u>597,600</u>	<u>467,906</u>
4480.9480.5815.00	Wastewater Project	15th Street Sewer Transmission Line Repl	4,000,000		
4480.9480.5815.00	Wastewater Project	Lift Station 21 - Force Main Rep/Lining	9,200,000		
			<u>13,200,000</u>	<u>0</u>	<u>0</u>

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: Capital

Proposed Rollforwards

Account	Program	Description	Capital	Postpone	Cancel
5400.1810.5210.00	Billing and Collections	Furniture And Equipment	73,000		
5400.1820.5210.00	Water & Sewer Services	Equipment for new facility	44,000		
5400.1810.5314.00	Billing and Collections	Water & Sewer Rate/Operations Study	30,000		
5400.1820.5811.00	Water & Sewer Services	Water Meters	372,926		
5400.1810.5210.00	Billing and Collections	Cash Register Replacement	8,197		
5400.5600.5314.00	Water & Sewer Capital	Water & Sewer Operations Center Building	19,888		
5400.5600.5804.00	Water & Sewer Capital	Water & Sewer Operations Center Building	1,966,814		
5400.5600.5808.00	Water & Sewer Capital	36" Water Line Replacement & Protection	1,082,670		
5400.5600.5808.00	Water & Sewer Capital	White River Bridge 45 East Waterline	0		40,664
5400.5600.5808.00	Water & Sewer Capital	East Ridgeway - Water Line Extension	12,492		260,000
5400.5600.5808.00	Water & Sewer Capital	Hinkle Mobile Home Park-Water Line Repl	0		23,777
5400.5600.5808.00	Water & Sewer Capital	North College Waterline - Maple to North	848,789		
5400.5600.5808.00	Water & Sewer Capital	Water and Sewer Cost Sharing	291,679		
5400.5600.5808.00	Water & Sewer Capital	Lake Fayetteville Dam - Monitor Wells	0		30,718
5400.5600.5808.00	Water & Sewer Capital	W & S Improvements - Defined By Study	105,951		
5400.5600.5808.00	Water & Sewer Capital	Waterline Replacement - Accelerated	1,223,052		
5400.5600.5808.00	Water & Sewer Capital	Gregg Ave Waterline Relocation	15,453		
5400.5600.5808.00	Water & Sewer Capital	Highway 265 - Water/Sewer Relocations	30,096		
5400.5600.5808.00	Water & Sewer Capital	Double Springs Bridge-Water Relocations	0		51,000
5400.5700.5301.00	Water & Sewer Capital	Wastewater Treatment Plant - Engineering	1,243		
5400.5700.5314.00	Water & Sewer Capital	Wastewater Treatment Plant - Engineering	494,925		
5400.5700.5315.00	Water & Sewer Capital	S.C.A.D.A. System Upgrade	2,589		
5400.5700.5815.00	Water & Sewer Capital	Sanitary Sewer Rehabilitation	1,083,649		
5400.5700.5815.00	Water & Sewer Capital	I-540 Sewer Rehabilitation	67,722		
5400.5800.5400.00	Wastewater Capital	W.W.T.P. Building Improvements	70,000		
5400.5800.5400.00	Wastewater Capital	Upgrade/Replace Lift Stations - W.W.T.P.	282,803		
5400.5800.5414.00	Wastewater Capital	Plant Pumps and Equipment - W.W.T.P.	123,417		
5400.5800.5801.00	Wastewater Capital	Ultraviolet Disinfection System	54,184		
5400.5800.5210.00	Wastewater Capital	Testing Equipment - W.W.T.P.	10,254		
5400.5800.5210.00	Wastewater Capital	Computer System Upgrades - W.W.T.P.	10,596		
5400.5800.5210.00	Wastewater Capital	Safety Equipment Improvements - W.W.T.P.	14,048		
			<u>8,340,437</u>	<u>0</u>	<u>406,159</u>
5500.5000.5314.00	Solid Waste Capital	Solid Waste Rate Study			14,771

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: Capital

Proposed Rollforwards

Account	Program	Description	Capital	Postpone	Cancel
5500.5060.5816.00	Solid Waste Capital	Dumpster Lease Program	37,759		
5500.5060.5870.00	Solid Waste Capital	Dumpster Lease Program	115,000		
5500.5060.5210.00	Solid Waste Capital	Drop Box Containers	6,894		
5500.5070.5816.00	Solid Waste Capital	Composting Pad Replacement		200,000	
5500.5070.5816.00	Solid Waste Capital	Composting Site Improvements	58,394		
			<u>218,047</u>	<u>200,000</u>	<u>14,771</u>
5550.0955.6803.00	Airport Capital	East Taxiway & Hangar Apron Extensions (Grants)	(5,837)		
5550.0955.6805.00	Airport Capital	Professional Services - Airport (State Grants)	(169,600)		
5550.0955.6805.00	Airport Capital	Hangar Rehabilitation (State Grants)	(100,000)		
5550.0955.6820.30	Airport Capital	East Taxiway & Hangar Apron Extensions (Grants)	(105,057)		
5550.3960.5314.00	Airport Capital	Professional Services - Airport	97,100		
5550.3960.5315.00	Airport Capital	Professional Services - Airport	114,121		
5550.3960.5400.00	Airport Capital	Hangar Rehabilitation	48,207		
5550.3960.5804.00	Airport Capital	South Hangar Apron Complex	8,435		
5550.3960.7820.30	Airport Capital	East Taxiway & Hangar Apron Extensions	116,730		
			<u>4,099</u>	<u>0</u>	<u>0</u>
9700.1920.5801.00	Fleet Capital	Fleet Operations Maintenance System	70,659		
9700.1920.5802.00	Fleet Capital	Fire Vehicles/Equipment - Replacement	62,926		
9700.1920.5802.00	Fleet Capital	Fleet - Medium/Heavy Utility Vehicles	87,121		
9700.1920.5802.00	Fleet Capital	Fleet - Back Hoe/Loaders	138,605		
9700.1920.5802.00	Fleet Capital	Fleet - Other Vehicles/Equipment	290,145		
9700.1920.5802.00	Fleet Capital	Fleet - Tractor/Mower	293,532		
9700.1920.5802.00	Fleet Capital	Fleet - Light/Medium Utility Vehicles	366,408		
9700.1920.5802.00	Fleet Capital	Fleet - Police/Passenger Vehicles	472,160		
9700.1920.5804.00	Fleet Capital	Wash Bay & Covered Storage Improvements	40,090		
9700.1920.5210.00	Fleet Capital	Fuel Storage Improvements - Replacement	16,913		
			<u>1,838,559</u>	<u>0</u>	<u>0</u>
			<u>\$ 35,397,614</u>	<u>\$ 797,600</u>	<u>\$ 888,836</u>

Budget Roll-Forward
B. 1. Page 9

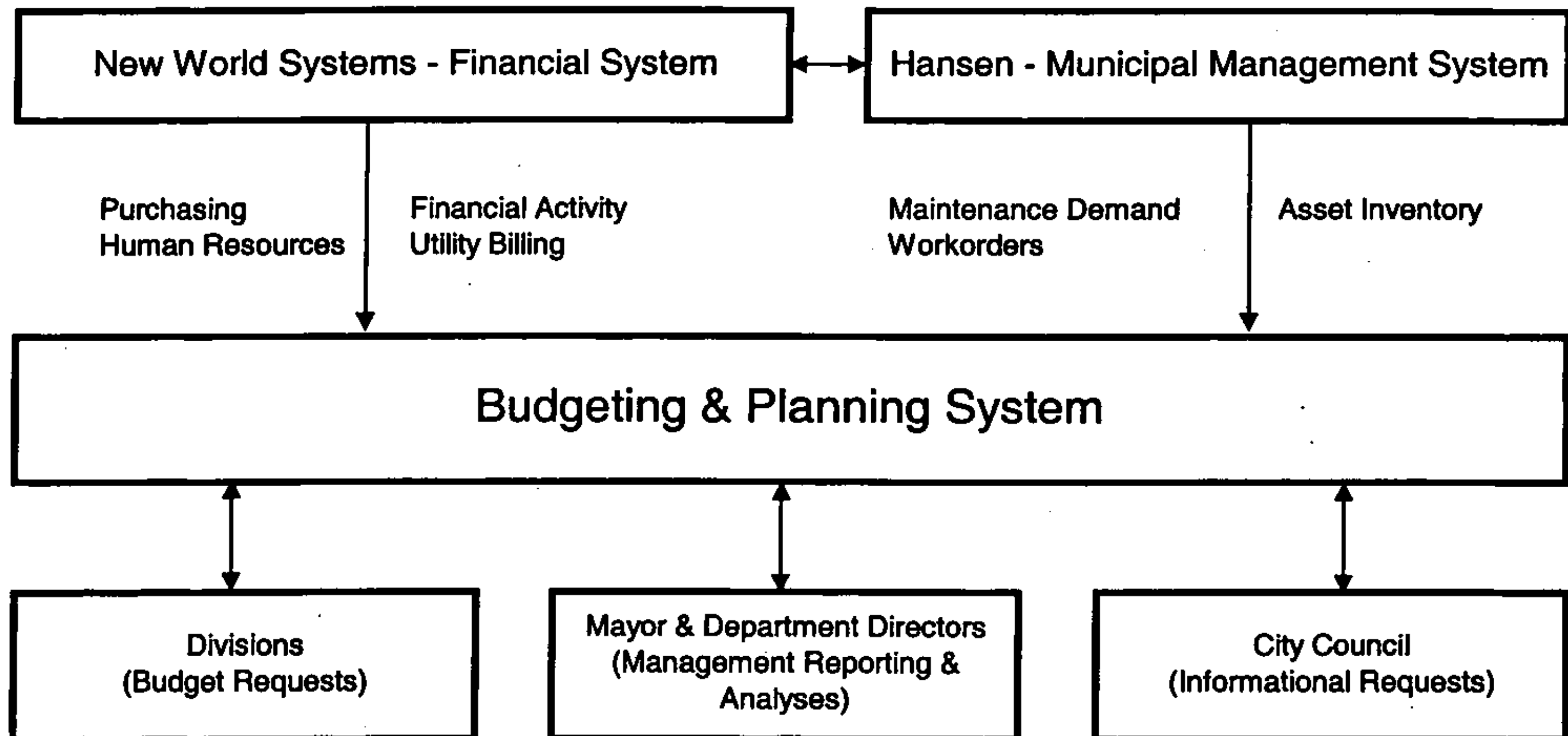
- Project will be scheduled for 2004 -

Budgeting & Planning Software System - Overview

The purpose of this project is to purchase a complete budgeting and financial planning software system for the City of Fayetteville. The new budgeting product will interface with the current financial software package and allow Budget & Research and other divisions to develop the budget through Web based templates reducing the typical paperwork and arithmetic burden imposed on staff. The current budgeting system involves the submission of requests by the user divisions on spreadsheets. Budget & Research staff copies the data into other spreadsheets as needed to develop specific reports. In the case any changes are made, it is necessary to re-copy data everywhere to all make all information be consistent.

The package includes data analysis features that will not only improve budget analysis but also facilitate "advanced" capabilities such as Activity Based Costing, Performance Measurement, and Financial Modeling/Forecasting which will allow the City to be in compliance with the National Advisory Council on State and Local Budgeting's (NACSLB) recommended practices.

The software system was originally slated for purchase in 2002. The City was interested in one particular vendor since it was developed as part of a joint project with the Governmental Finance Officers Association (GFOA). Since the software was developed in 2002 with only a few municipalities purchasing it, the City decided to wait until any "bugs" or problems, if any, are worked out. The other reason that the project was delayed was due to the massive undertaking of Information Technology projects that were underway by City staff such as the Hansen system, Teleworks, and the City's website.



STAFF AGENDA REQUEST FORM

RZN 03-6.00 (Brophy)

B. 2. Page 1

Brophy

Left on 2d
@ 3/18/03 mtg

FOR: COUNCIL MEETING OF March 18, 2003

FROM: Planning Division

Tim Conklin, AICP, Director of Community Planning and Engineering Services

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

RZN 03-6.00: Rezoning (Brophy, pp 291) was submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.65 acres. The request is to rezone to R-3, High Density Residential.

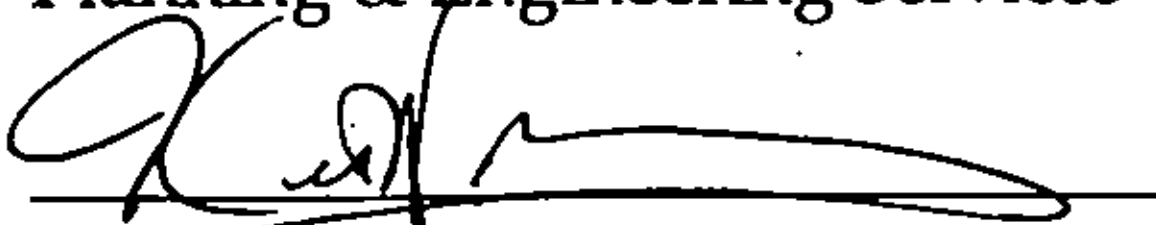
APPROVED FOR AGENDA:



Director of Community
Planning & Engineering Services

3-13-03

Date



City Attorney

3/19/03

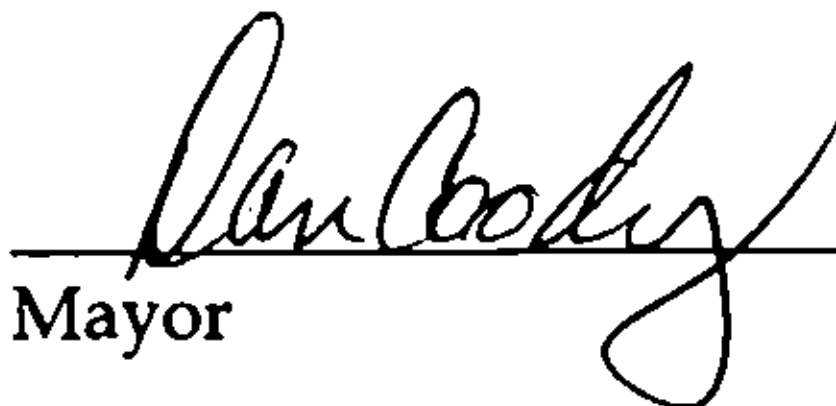
Date



Chief Admin. Officer

3/19/03

Date



Mayor

3/19/03

Date

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 03-6.00: REZONING (BROPHY, PP 291) AS
SUBMITTED BY BILL RUDASILL ON BEHALF OF RALPH BROPHY FOR
A PARCEL CONTAINING APPROXIMATELY 1.65 ACRES LOCATED
NORTH OF TOWNSHIP AND EAST OF HWY. 71B, FAYETTEVILLE,
ARKANSAS, FROM C-2, THOROUGHFARE COMMERCIAL TO R-3, HIGH
DENSITY RESIDENTIAL.

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:

From C-2, Thoroughfare Commercial to R-3, High Density Residential as shown
in Exhibit "A" attached hereto and made a part hereof.

Section 2. 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 _____, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 03-6.00

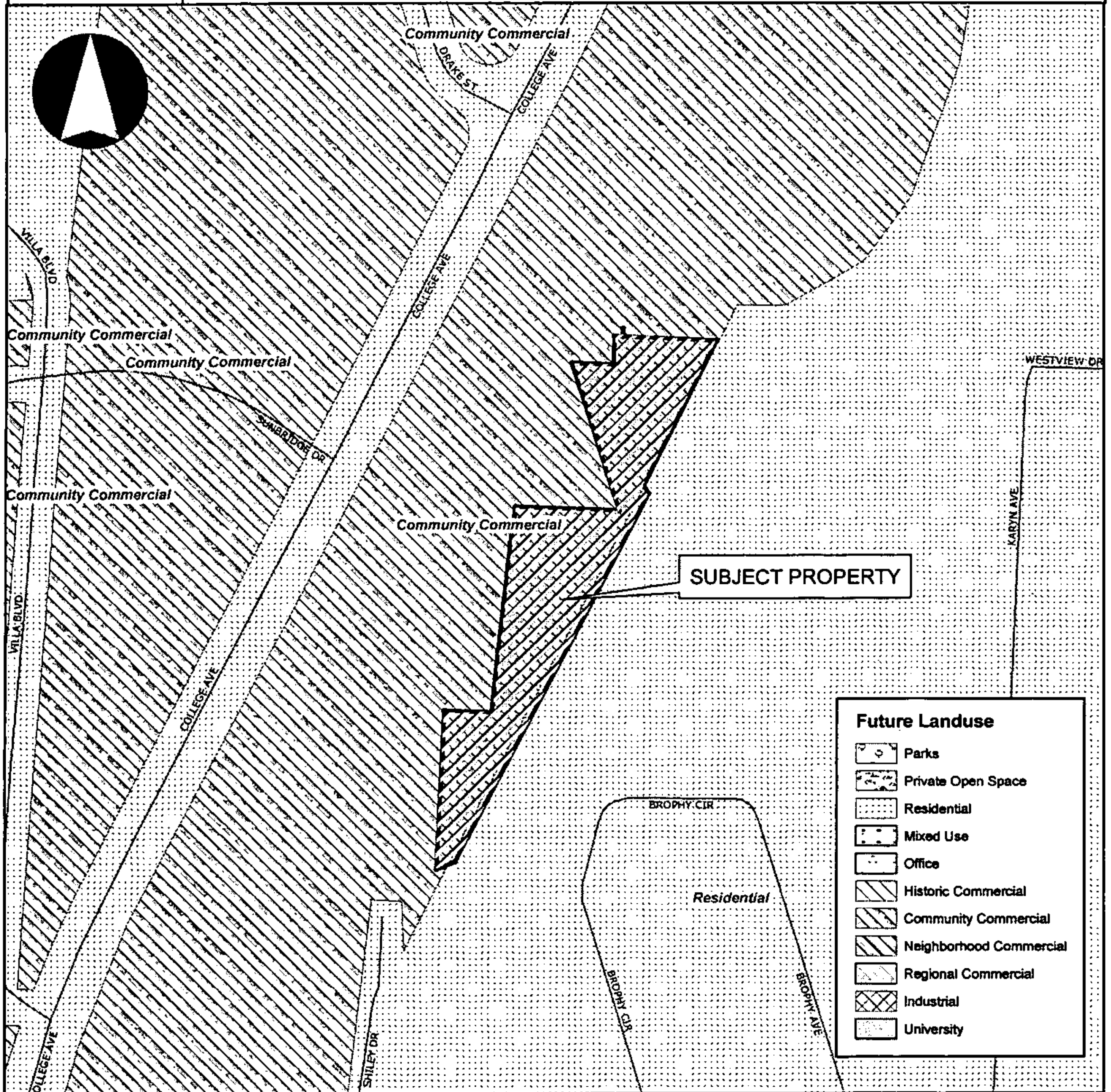
A PART OF THE SE ¼ OF THE SW ¼ AND A PART OF THE SW ¼ OF THE SE ¼ OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SAID SE ¼ OF THE SW ¼ OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST AS DEPICTED BY A LOT ADJUSTMENT SURVEY BY F. LEWIS STEENKEN RLS FILED FOR RECORD AT THE CIRCUIT CLERKS OFFICE OF WASHINGTON COUNTY, ARKANSAS RUN THENCE SOUTH 11.30 FEET TO THE TRUE POINT OF BEGINNING; THENCE S87°22'03"E 128.92 FEET; THENCE S26°05'08"W 224.52 FEET; THENCE S32°28'00"E 11.65 FEET; THENCE S27°31'37"W 575.06 FEET; THENCE S67°01'51"W 21.36 FEET; THENCE N02°32'57"E 219.99 FEET; THENCE S87°42'47"E 63.58 FEET; THENCE N05°44'36"E 86.47 FEET; THENCE N06°05'49"E 149.86 FEET; THENCE N07°51'09"E 50.71 FEET; THENCE S87°41'04"E 140.02 FEET; THENCE N17°44'06"W 212.91 FEET; THENCE S87°41'04"E 56.84 FEET; THENCE N01°26'29"E 38.89 FEET; THENCE S87°22'03"E 11.49 FEET TO THE POINT OF BEGINNING.

RZN 03-2.00

Future Landuse

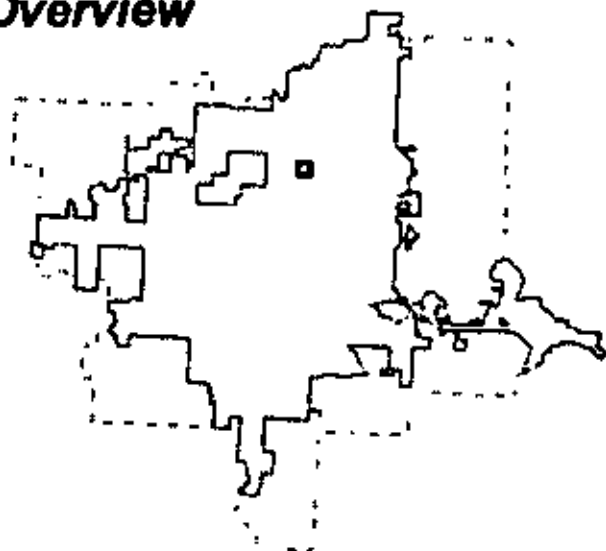
BROPHY



Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

— RZN 03-6.00

Streets

~ Existing

~ Planned

Boundary

~ Planning Area

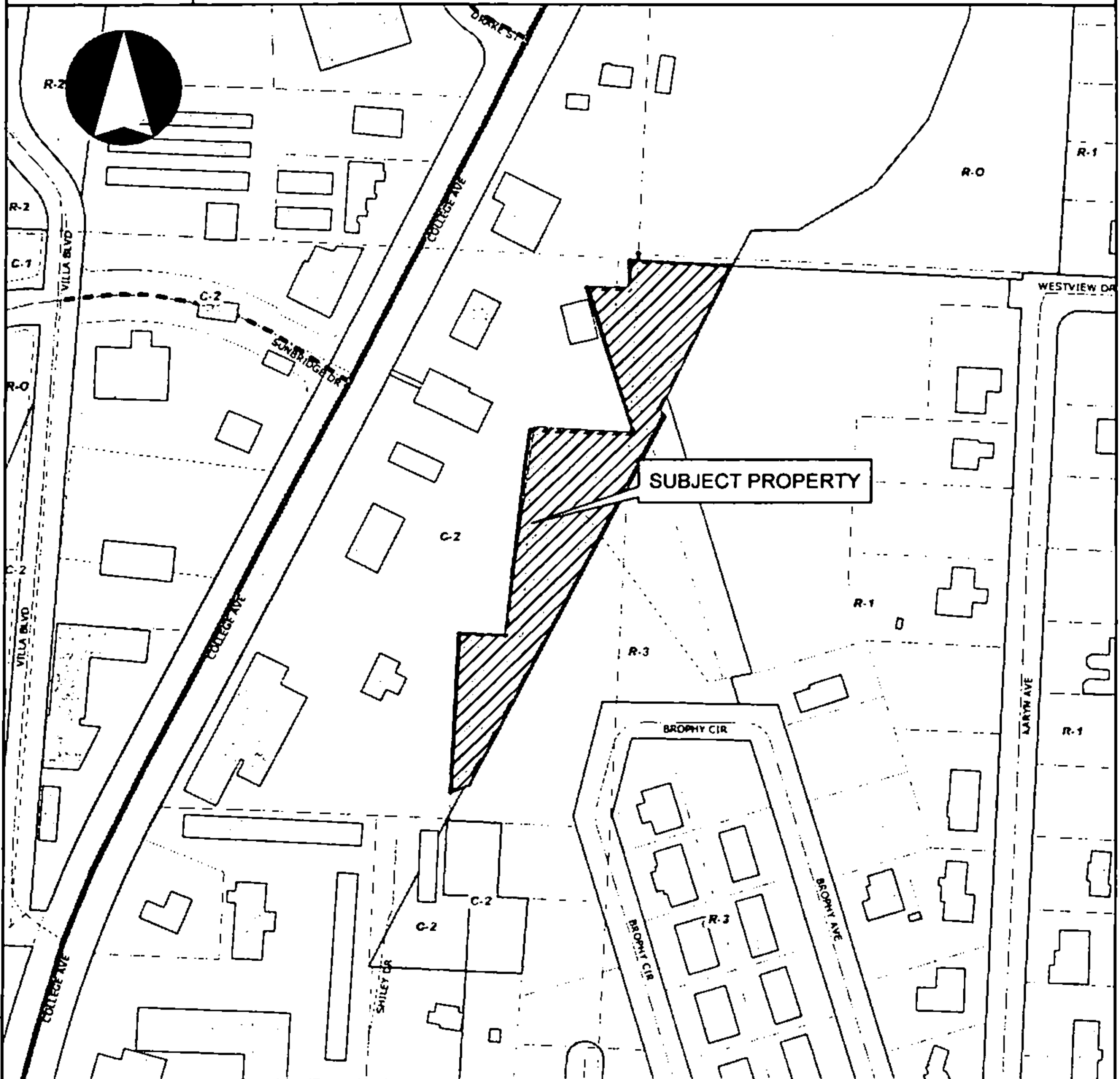
○ Overlay District

— City Limits

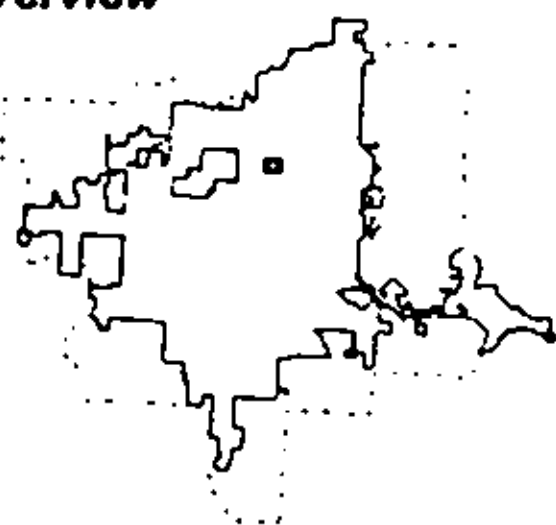
RZN03-6.00

Close Up View

BROPHY



Overview



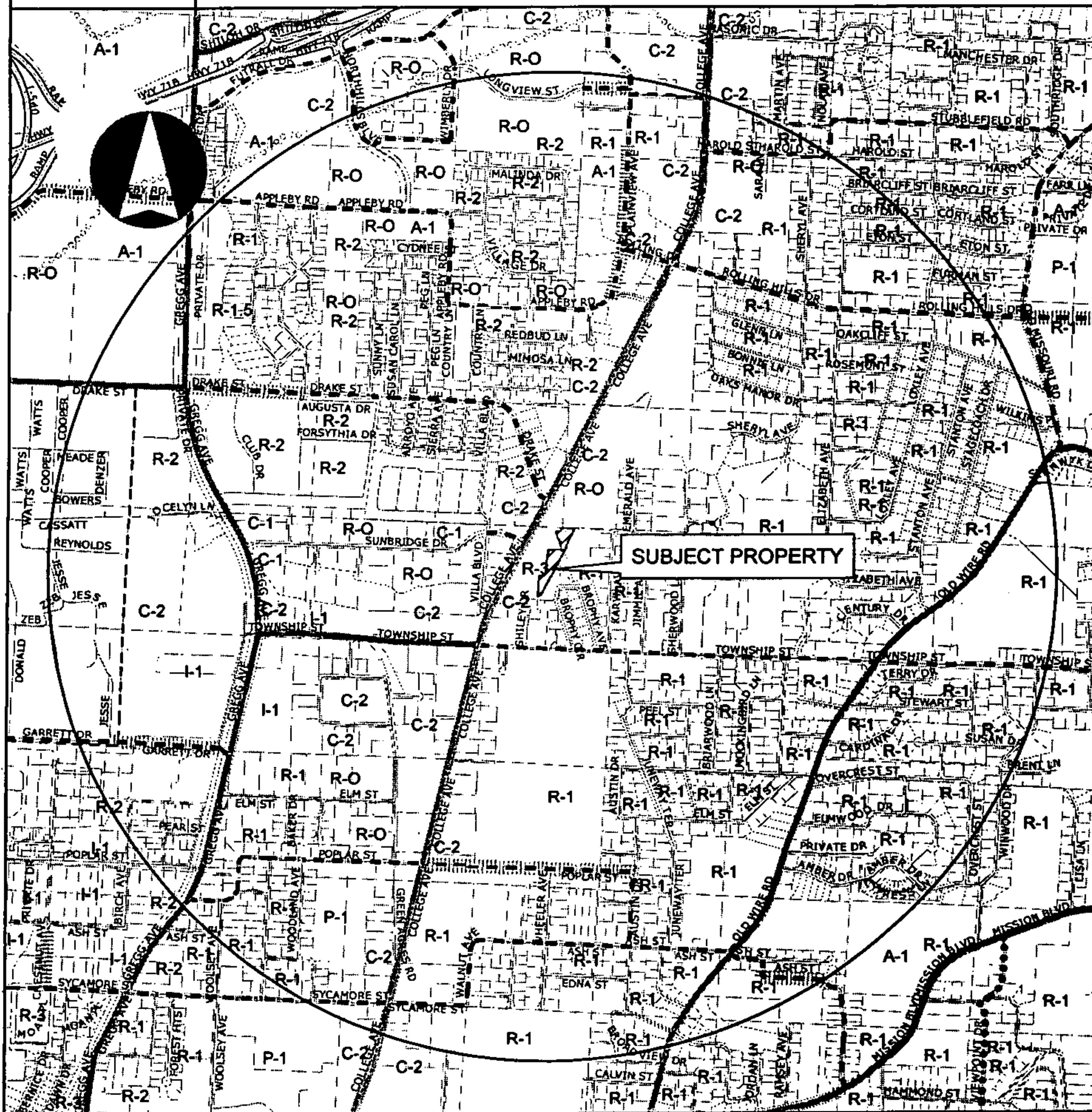
Legend

Subject Property	Boundary	Master Street Plan
— RZN03-6.00	— Planning Area	— Freeway/Expressway
Streets	○ Overlay District	— Principal Arterial
— Existing	— City Limits	— Minor Arterial
— Planned	□ Outside City	— Collector
		● Historic Collector
0 75 150 300 450 600 Feet		

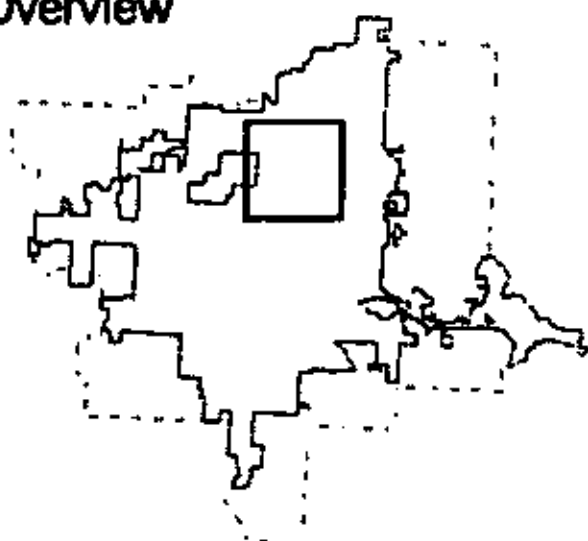
RZN03-6.00

One Mile View

BROPHY



Overview



Legend

Subject Property

— RZN03-6.00

Streets

— Existing

— Planned

Boundary

— Planning Area

○ Overlay District

— City Limits

□ Outside City

Master Street Plan

— Freeway/Expressway

— Principal Arterial

— Minor Arterial

— Collector

— Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council Meeting of March 18, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn T. Warrick, AICP, Senior Planner
THRU: Tim Conklin, AICP, Community Planning & Engineering Services Director
DATE: March 5, 2003

RZN 03- 6.00: Rezoning (Brophy, pp 291) was submitted by W.B. Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

BACKGROUND:

The subject property is located north of Township Road and east of College Ave. It adjoins commercial properties that front on College Ave. and extend eastward. This tract was previously platted, with adjoining residential property for development of town homes or condominiums however, the development was never installed.

The C-2, Thoroughfare Commercial zoning designation was applied to a 350' wide strip of land adjacent to College Ave. with the comprehensive zoning adopted by the City in 1970. The subject property is currently split zoned with a portion located within the C-2 district and the remainder in the R-3 district.

The applicant proposes to unify the zoning of the property by requesting that the portion currently located in the commercial district be rezoned to R-3, High Density Residential.

CURRENT STATUS:

On March 3, 2003, the Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Staff recommends approval of the requested rezoning from C-2 to R-3.

March 3, 2003

Page 34

RZN 03-6.00: Rezoning (Brophy, pp 291) was submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

Aviles: The fourth item on our agenda this evening is RZN 03-6.00 submitted by William Rudasill on behalf of Bill Brophy for property located north of Township and east of 71Business. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential. Staff is recommending approval of the requested rezoning. Dawn, would you like to give us the staff report before we hear from the applicant?

Warrick: The subject property is located north of Township, east of College Avenue. It adjoins Commercial properties that front College and extend eastward. The tract was previously platted with adjoining residential property for development of town homes or condominiums. However, the development was never installed. The C-2, Thoroughfare Commercial zoning designation was applied to a strip of land 350' wide in 1970 when the city went through a citywide rezoning. That 350' strip incorporated small triangular portions at the west end of this particular tract and therefore, the piece of property that we are dealing with is remnants of C-2 zoned property that are parts of lots that are actually split zoned, partially C-2 and partially R-3. The applicant's request is to unify those lots with an R-3, High Density Residential designation which is consistent with the adjoining properties.

Aviles: Is the applicant present? Do you have a presentation?

Rudasill: My name is Bill Rudasill, I am with WBR Engineering representing Mr. Brophy. Basically, she covered it. We have got property lines that go north and south, east and west and are stair stepped and we have got a line that kind of goes straight through the edge of them and we are just trying to clean that up.

Aviles: It is one of the most disjointed zonings I've seen.

Rudasill: The Commercial in the back of these lots is very small and there is no way to get to it. You have to come through a Residential zone to try to get to it and the Commercial developments are already developed, they have got all the property they need so there is no potential for it ever to be developed as Commercial.

Aviles: Thanks Mr. Rudasill. I will take public comment. Is there anyone here that would like to address us on this Rezoning this evening? Seeing no one, I will go ahead and bring the discussion back to the applicant and to the Commission for further discussion or motions.

Shackelford: I will go ahead and make a motion that we approve RZN 03-6.00 and forward it to City Council.

Bunch: I will second.

- Aviles: I have a motion by Commissioner Shackelford and a second by Commissioner Bunch, is there any additional discussion?
- Estes: What is the ingress and egress to the property? How do you get there and how do you get out of it?
- Rudasill: If you are familiar with Township, there is Brophy Circle that comes off of Township. It circles around and at the north end of Brophy Circle there are some undeveloped residential lots. The backside of those lots toward the west is what is the Commercial zone that is cut off. It is little triangles in the back of that because the property goes north and then jogs to the east. Then there is also a driveway, a private drive, that comes in on the north end there next to Midas that if someone were to eventually develop that property, he is just doing it on speculative stuff, they would have a potential drive entry and a public residential drive on the south.
- Estes: Thank you.
- Ward: On R-3, Multi-family high density, this is $\frac{3}{4}$ of an acre, how many units could possibly be put out there?
- Rudasill: 30.
- Warrick: The R-3 district permits 40 units per acre.
- Ward: Ok, thanks.
- Aviles: Renee, call the roll please.
- Roll Call:** Upon the completion of roll call the motion to forward RZN 03-6.00 to the City Council was approved by a vote of 8-0-0.
- Aviles: Thank you. The motion carries unanimously.
- Rudasill: Thank you very much.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Feb. 24, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, AICP, Senior Planner
THRU: Tim Conklin, AICP, City Planner
DATE: February 24, 2003

RZN 03- 6.00: Rezoning (Brophy, pp 291) was submitted by W.B. Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: February 24, 2003

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: March 18, 2003 (1st reading if recommended)

Comments: _____

BACKGROUND:

The subject property is located north of Township Road and east of College Ave. It adjoins commercial properties that front on College Ave. and extend eastward. This tract was previously platted, with adjoining residential property for development of town homes or condominiums however, the development was never installed.

The C-2, Thoroughfare Commercial zoning designation was applied to a 350' wide strip of land adjacent to College Ave. with the comprehensive zoning adopted by the City in 1970. The subject property is currently split zoned with a portion located within the C-2 district and the remainder in the R-3 district.

The applicant proposes to unify the zoning of the property by requesting that the portion currently located in the commercial district be rezoned to R-3, High Density Residential.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Commercial	C-2, Thoroughfare Commercial
South	Multi-family residential	R-3, High Density Residential
East	Residential	R-1, Low Density Residential
West	Commercial	C-2, Thoroughfare Commercial

INFRASTRUCTURE:

Access to this site is from Brophy Circle / Brophy Ave., a loop street that accesses Township Road east of College Ave.

Water and sewer connections are available to serve this area according to information submitted by the City Engineering Division.

LAND USE PLAN: General Plan 2020 designates this site Community Commercial. Rezoning this property to R-3, High Density Residential is not consistent with the land use plan, however it is consistent with adjacent zoning and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed zoning is consistent with guiding policies for residential areas as stated in Section 9.8 of General Plan 2020. The following policies are

applicable:

9.8.c Minimize through traffic on minor residential streets.

9.8.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning is justified in that it is designed to eliminate lots that are currently split-zoned with C-2 on the west and R-3 on the east. Development of the existing lots with these two zoning districts would be very difficult and could draw commercial traffic into an existing, established, residential neighborhood.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The proposed zoning would not create or appreciably increase traffic danger and congestion. Traffic generated by any development of this property under a residential designation (as proposed) would travel on existing residential streets – Brophy to Township, a collector connecting College Ave. and Old Wire Rd.

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.

Finding: Population density under the proposed R-3 designation could be greater than that permitted under the current C-2. The current district would permit a mixture of commercial and residential uses with a maximum of 17 residential units as accessory to a commercial development. The proposed R-3 district would allow for 29 units which, according to trip generation software, could generate an average weekday volume of 192 vehicle trips per day.

Engineering-

The proposed rezoning is located on the west side of Karyn Dr. and on the north side of Brophy Avenue. At this location Karyn and Brophy are paved residential streets. This property does not currently have frontage on any City street.

The proposed rezoning from C-2 to R-3 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as information becomes available.

The site has access to 6" water mains along Brophy. There is a 6" sewer line that crosses this property.

The proposed rezoning and ultimate development may or may not increase the loading on the existing infrastructure systems. During the development's review and approval process, the adequacy of the existing infrastructure to accommodate the service requirements will be assessed by the developer's consultant and reviewed by city staff. Any inadequacies, lack of availability, need for improvements and determination of responsibility for the infrastructure improvements shall be resolved during the development's review/approval process.

Police –

We do not believe there will be any adverse effects to public safety should these properties be rezoned as requested.

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.

Finding: N/A

Current Zoning District:

§161.14 DISTRICT C-2 THOROUGH-FARE COMMERCIAL.

A. Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 32	Sexually Oriented Business

C. Bulk and Area Regulations. Setback lines shall meet the following minimum requirements:

From Street ROW	50 ft.
From Side Property Line	None
From Side Property Line When Contiguous to a Residential District	15 ft.
From Back Property Line	20 ft.

D. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

E. Height Regulations. In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

Proposed Zoning District:

§161.07 DISTRICT R-3 HIGH DENSITY RESIDENTIAL

A. Purpose. The High Density Residential District is designated to protect existing high density multifamily development and to encourage additional development of this type where it is desirable.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings and Two-Family Dwellings
Unit 9	Multi-Family Dwellings/Medium Density
Unit 10	Multifamily Dwellings-High Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	16 to 40
-------------------	----------

D. Bulk and Area Regulations.

Lot Width Minimum:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.

Lot Width Minimum:	Mobile Home Park	100 ft.
	Professional Offices	100 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses:	
	Development	10,000 sq. ft.
	Individual Lot	2500 sq. ft.
	Single Family	6000 sq. ft.
	Two Family	6500 sq. ft.
	Three or More	8000 sq. ft.
	Fraternity or Sorority	1 acre
	Professional Offices	1 acre
Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses & Apartments:	
	Two or More Bedrooms	1200 sq. ft.
	One Bedroom	1000 sq. ft.
	No Bedroom	1000 sq. ft.
	Fraternity or Sorority	500 sq. ft., per resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

Cross Reference: Variance, Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.034; Code 1965, App. A, Art. 5(IV); Ord. No. 1747, 6-29-89; Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

Brophy rezoning
Summary of Trip Generation Calculation
For 29 Dwelling Units of Apartments
February 19, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.63	2.98	1.00	192
7-9 AM Peak Hour Enter	0.08	0.00	1.00	2
7-9 AM Peak Hour Exit	0.43	0.00	1.00	12
7-9 AM Peak Hour Total	0.51	0.73	1.00	15
4-6 PM Peak Hour Enter	0.42	0.00	1.00	12
4-6 PM Peak Hour Exit	0.20	0.00	1.00	6
4-6 PM Peak Hour Total	0.62	0.82	1.00	18
Saturday 2-Way Volume	6.39	2.99	1.00	185
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.52	0.74	1.00	15

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: City Council
FROM: Mayor Dan Goody 
DATE: March 20, 2003
SUBJECT: Mount Sequoyah Property

Some necessary information on the Mt. Sequoyah Assembly property was secured late Thursday, March 20, 2003.

We will have the information on this item available by mid-morning Friday and will see that this packet is forwarded to each of you.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

March 21, 2003

MT. SEQUOYAH: A resolution to approve the attached *Offer and Acceptance Contract* between the city and Mt. Sequoyah Assembly, Inc. for the purchase of 67 Acres of land on the east side of Mt. Sequoyah for the price of \$1,300,000, to be used for trails and natural habitat preservation purposes. Terms include \$0.6 MM cash at closing and the remaining \$0.7 paid in five (5) annual payments of \$140,000 each plus 3% interest on the unpaid balance, beginning one year after closing. Approval of a Budget adjustment is also required.

Please add the following to the Agenda package you received yesterday. This was not ready when agendas were run.

Thanks!
Sondra Smith
City Clerk

STAFF REVIEW FORM

Mount Sequoyah
C. 1. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of April 1, 2003

FROM:

Hugh Earnest

Name

Division

Administration

Department

ACTION REQUIRED: Approval of the attached *Offer and Acceptance Contract* between the city and Mt. Sequoyah Assembly, Inc. for the purchase of 67 Acres of land on the east side of Mt. Sequoyah for the price of \$1,300,000, to be used for trails and natural habitat preservation purposes. Terms include \$0.6 MM cash at closing and the remaining \$0.7 paid in five (5) annual payments of \$140,000 each plus 3% interest on the unpaid balance, beginning one year after closing. Approval of a Budget adjustment is also required.

COST TO CITY:

\$1,300,000

Cost of this Request

\$ 15,000

Category/Project Budget

Mt. Sequoyah Property Pur.

Category/Project Name

4470-9470-5805.00

Account Number

\$ 13,000

Funds Used To Date

Land Acquisition

Program Name

0317-1

Project Number

\$ 2,000

Remaining Balance

Fund

BUDGET REVIEW:

____ Budgeted Item

____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommends acquisition of this property for the purposes intended since the opportunity to do such may never present itself in the future. Of the \$0.6MM initial cash requirement, funding sources include \$370,000 ± from the completed sale of 32 acres to the U of A, with other sources identified in the attached memorandum. The \$0.7MM note to Mt. Sequoyah Assembly will be made with annual payments over five years which will be budgeted on an annual basis.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes ☒ No ☐

Administrative Services Director

3-20-03

Date

Prev Ord/Res #: _____

Chief Administrative Officer

3-20-03

Date

Orig Contract Date: _____

Mayor

3/20/03

Date

STAFF REVIEW FORM

Description Purchase of 67 Acres from Mt. Sequoyah Assembly, Inc.

Meeting Date April 1, 2003

Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: March 20, 2003
To: The Mayor and Council
From: Hugh Earnest 
Chief Administrative Officer
Subject: Mt. Sequoyah Purchase

Background

On February 3, 2003, Mayor Dan Coody submitted an offer to purchase approximately 67 acres from the Mt. Sequoyah Assembly, Inc. The offer of \$1,300,000 was accepted by a representative of the Assembly on February 14, 2003. The offer and acceptance contains a provision that the City agrees to make an initial cash payment of \$600,000 to the Assembly within 60 days after the resolution authorizing the purchase,

Current Situation

What is before the Council is a resolution approving the attached offer and acceptance between the City and Mt. Sequoyah Assembly, Inc. for the purchase of 67 acres on the east side of Mt. Sequoyah for \$1,300,000. The terms of the contract include \$600,000 cash at closing with the remaining paid out over five (5) years in annual payments of \$140,000 each plus 3% interest on the unpaid balance. These payments are to begin one year after closing. The listed price of \$1,300,000 (\$19,400/acre) from the Mt. Sequoyah Assembly has been verified by an independent audit commissioned by the City. His conclusion was that the property was valued at \$1,407,000 (\$21,000/acre). The assembly has committed to hold to their original amount.

The monies for the initial down payment are to come from the below listed sources:

- | | |
|---|-----------|
| • Sale of the former walker property (32 acres) to U of A. | \$371,320 |
| • Allocation of monies remaining from the Kohl's tree settlements | \$174,601 |
| • Donation from Fayetteville Natural Heritage Group | \$ 15,000 |
| • Earnest money committed | \$ 13,000 |
| • Park Development fund | \$ 26,080 |
| • Total cash authorization | \$600,000 |

The payment schedule committed to by the city for this property is as follows:

Note: \$700,000 at 3% over 5 years

Anniversary Date: 12 months after the date of closing:

Year	Balance	Principal	Interest@3%	Total Payment
1.	700,000	140,000	21,000	161,000
2.	560,000	140,000	16,800	156,800
3.	420,000	140,000	12,600	152,600
4.	280,000	140,000	8,400	148,400
5.	140,000	140,000	4,200	144,200

Several other issues are of importance in this proposed purchase of this parcel.

Mathias Property

The Tree and Trail task force had been approached by representatives from Parks and Recreation relative to the possible purchase from settlement monies of 40 plus acres in the Clabber Creek watershed for \$200,000. Rather than continue with this approach, we have been working very hard and successfully with the Mathias Corporation and have secured from them an agreement to deed to the City approximately 20 acres south of the creek. In addition, as can be seen from the attached letter, the corporation has agreed to deed similar land north of the creek after closing on the remainder of this land around June. The corporation will receive from the city a tax deductible receipt from the City for all lands so deeded. This arrangement is in the best interest of the public in that a greenway corridor will be protected in perpetuity and the corporation receives a value for the land so dedicated. A map showing the property in question is attached along the letter.

Park Land Dedication

Our Parks Department had proposed an expenditure of \$30,000 as their part of the monies that was being requested from the Tree and Trail task force. We will use approximately \$27,000 of that initial amount for this first payment.

Fayetteville Natural Heritage Association

This association has committed, as can be seen from the attached letter, to secure up to \$650,000 over the next two years from donations and through working with various professional groups to identify and secure conservation grants from a variety of sources. The Council should be aware that the responsibility for all payments resides with the City and the commitment from this group, while commendable, will not relieve the City of the legal responsibility that will remain with the City to make the annual payments contained within the contract.

Recommendation

This is an opportunity to acquire a large parcel of relatively undisturbed ground located within an urban setting. Property of this nature and size is rarely being found in an urban setting. It is staff's opinion that the city council should seize this chance to preserve this large parcel for public enjoyment for this and future generations.

Approval of a Budget Adjustment is also requested.

MATHIAS PROPERTIES

Mount Sequoyah
C. 1. Page 5

February 17, 2003

Mayor Dan Coody
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RECEIVED

MAR 05 2003

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Re: Clabber Creek Acreage

Dear Mr. Coody:

This letter will confirm our intention to deed the City of Fayetteville additional acreage along Clabber Creek as we discussed February 14, 2003. In order for us to obtain the lot split as required, we had to alter our prior commitment of January 9, 2003.

We will deed the city all of the undeveloped and unused acreage in both the flood way and flood plain south of Clabber Creek and north of both Phase I and Phase II of Clabber Creek Subdivision. The exact acreage we will deed is unclear at this time because we are still working on our large scale development but we estimate the total acreage, including park dedication and retention pond will be approximately 18 acres MOL. This, with the approximately three acres for park dedication in Phase I, will give the city control of approximately 21 acres south of the creek.

We are in agreement to accept from the City of Fayetteville a tax deductible receipt in the amount of \$5,000.00 per acre of flood way land and \$23,125.00 per acre of flood plain land. At this point we anticipate closing on the property that will become Phase II by mid-March.

In addition, we also agree to work with the city on the additional acreage north of Clabber Creek when and if we purchase that acreage. Right now our time frame is approximately mid-June to mid-July for closing on the property north of the Clabber Creek.

It is our opinion that the highest and best use for this land will be as an addition to the trails corridor and will greatly benefit the neighborhood that will be created and the city as a whole. Thank you for your help in transferring this property to the city.

If you have any additional questions, please do not hesitate to call me at 750-9100.

Sincerely,



Sam Mathias
BMW Investments, LLC



HAND DELIVERED
March 10, 2003

Mayor Dan Coody
City of Fayetteville
120 West Mountain Avenue
Fayetteville, AR 772701

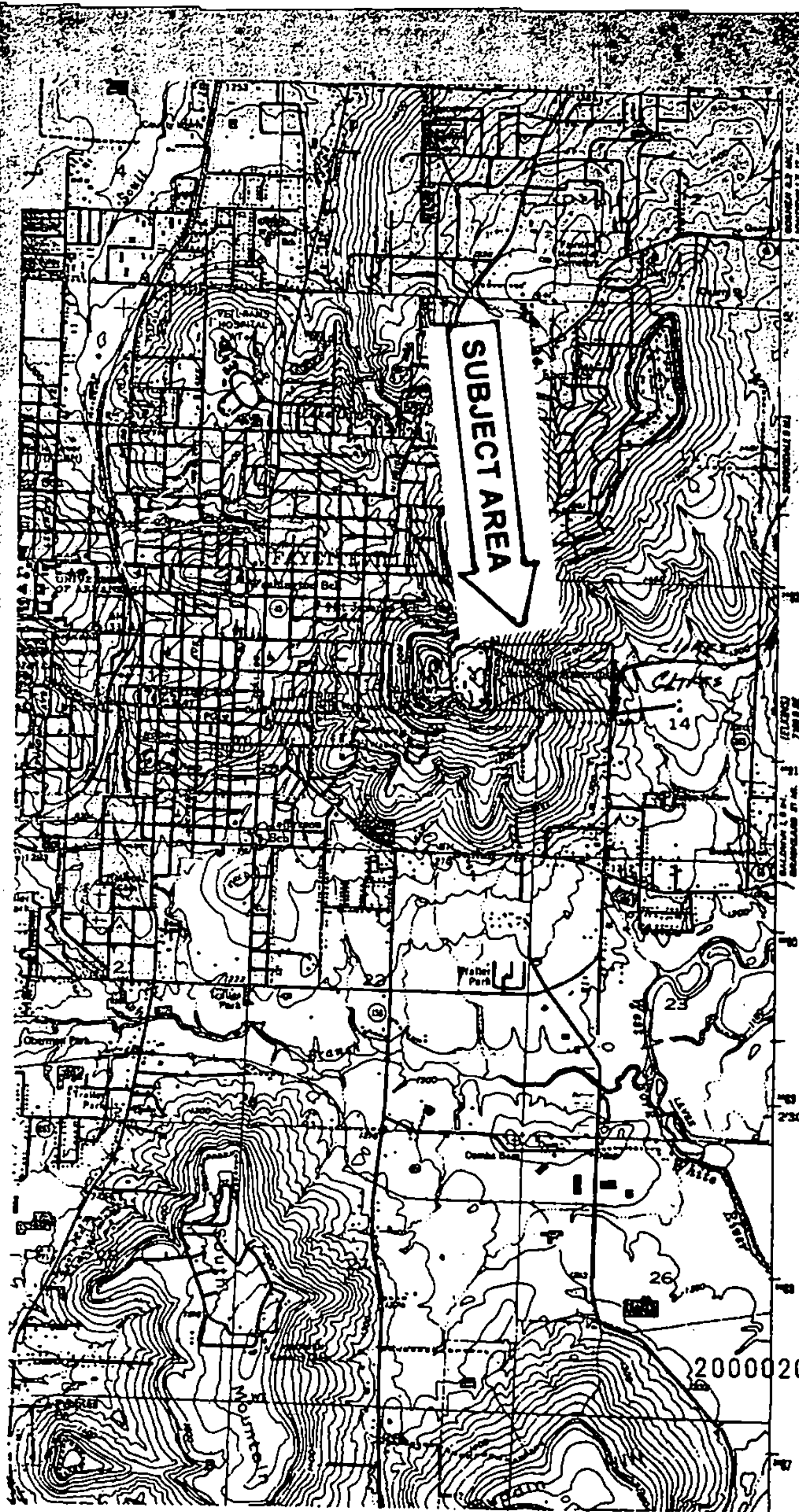
Dear Mayor Coody,

The Fayetteville Natural Heritage Association, Inc. welcomes the opportunity to work with the City of Fayetteville to conserve the natural area known as Mount Sequoyah Woods. We will provide the private initiative of the public/private partnership to conserve this property and others in the future.

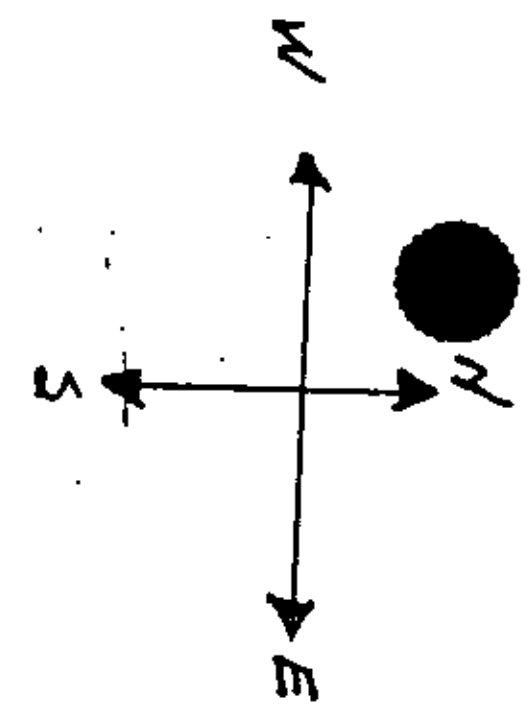
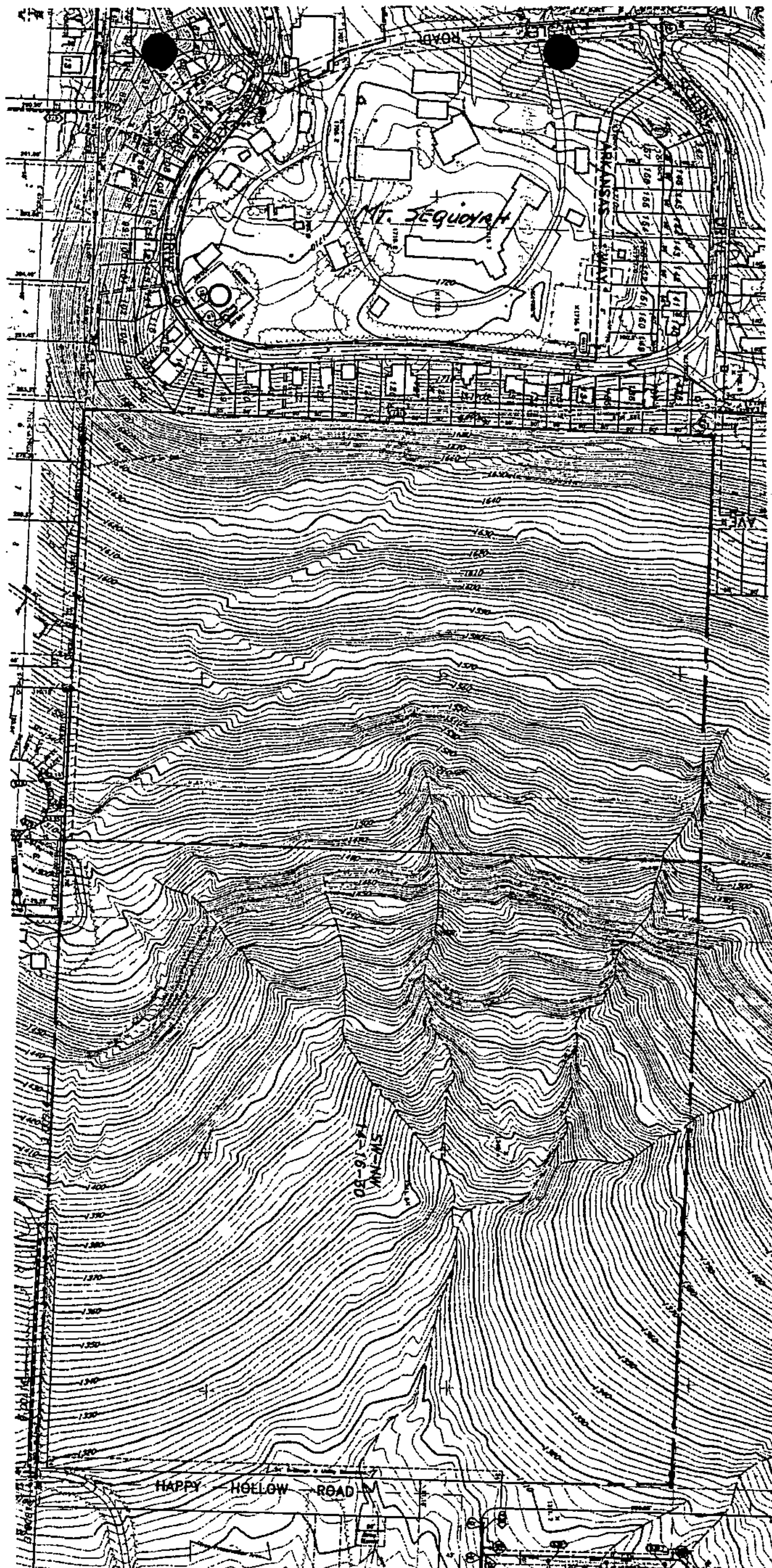
The FNHA board authorized the development of a fundraising campaign to match the \$650,000 provided by the City and to meet the \$1,300,000 purchase price. In March we will do a feasibility study as a prequalification of twenty prospective lead donors. Our public campaign will be to get pledges totaling \$300,000 that will be paid out in the next two years from residents, local organizations and businesses. In addition to that money, we will work with the Northwest Arkansas chapter of Association of Fundraising Professionals and other professionals to identify potential conservation grant sources and submit grants to raise another \$350,000.

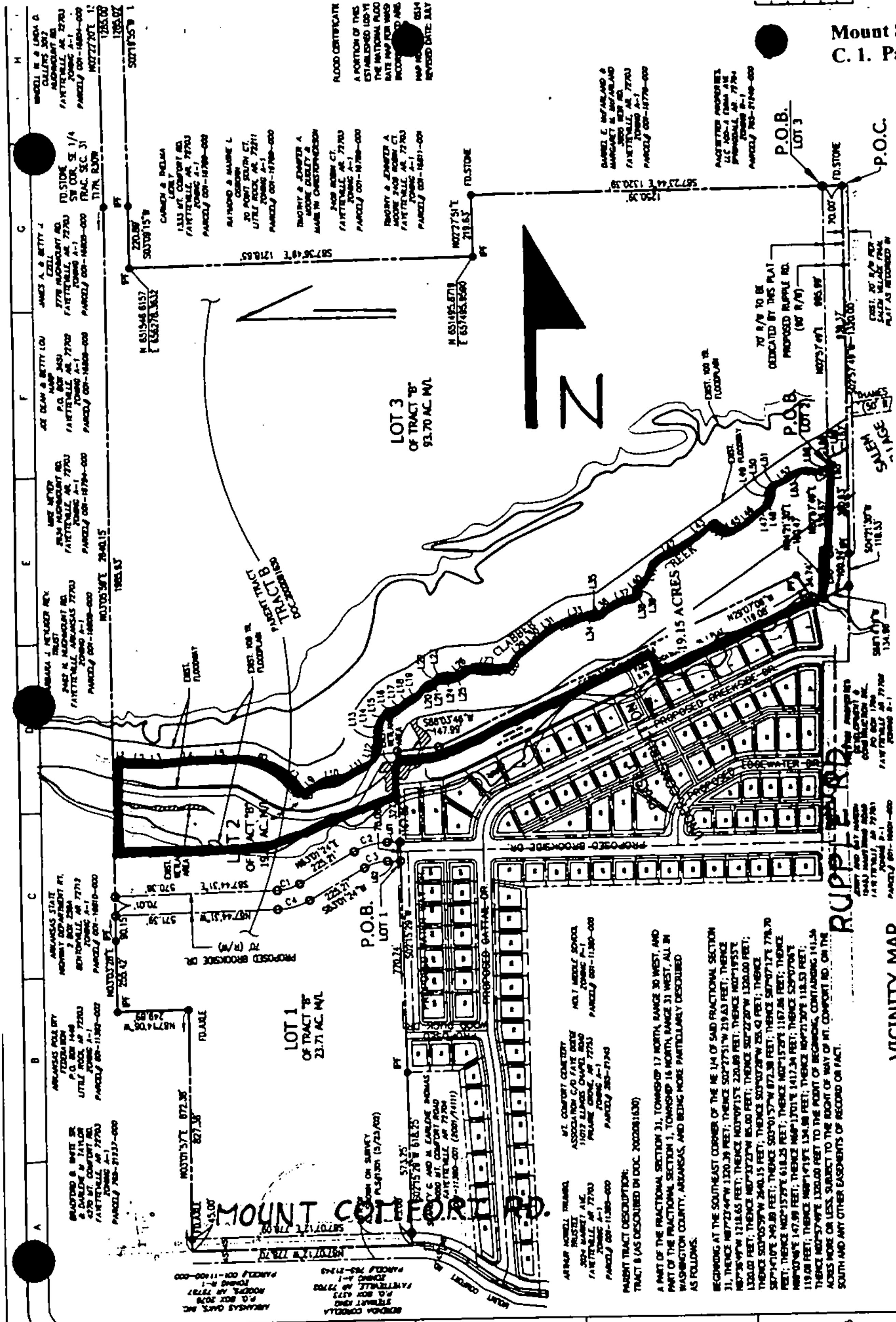
Sincerely,

Pete Heinzelman
President



2000020102

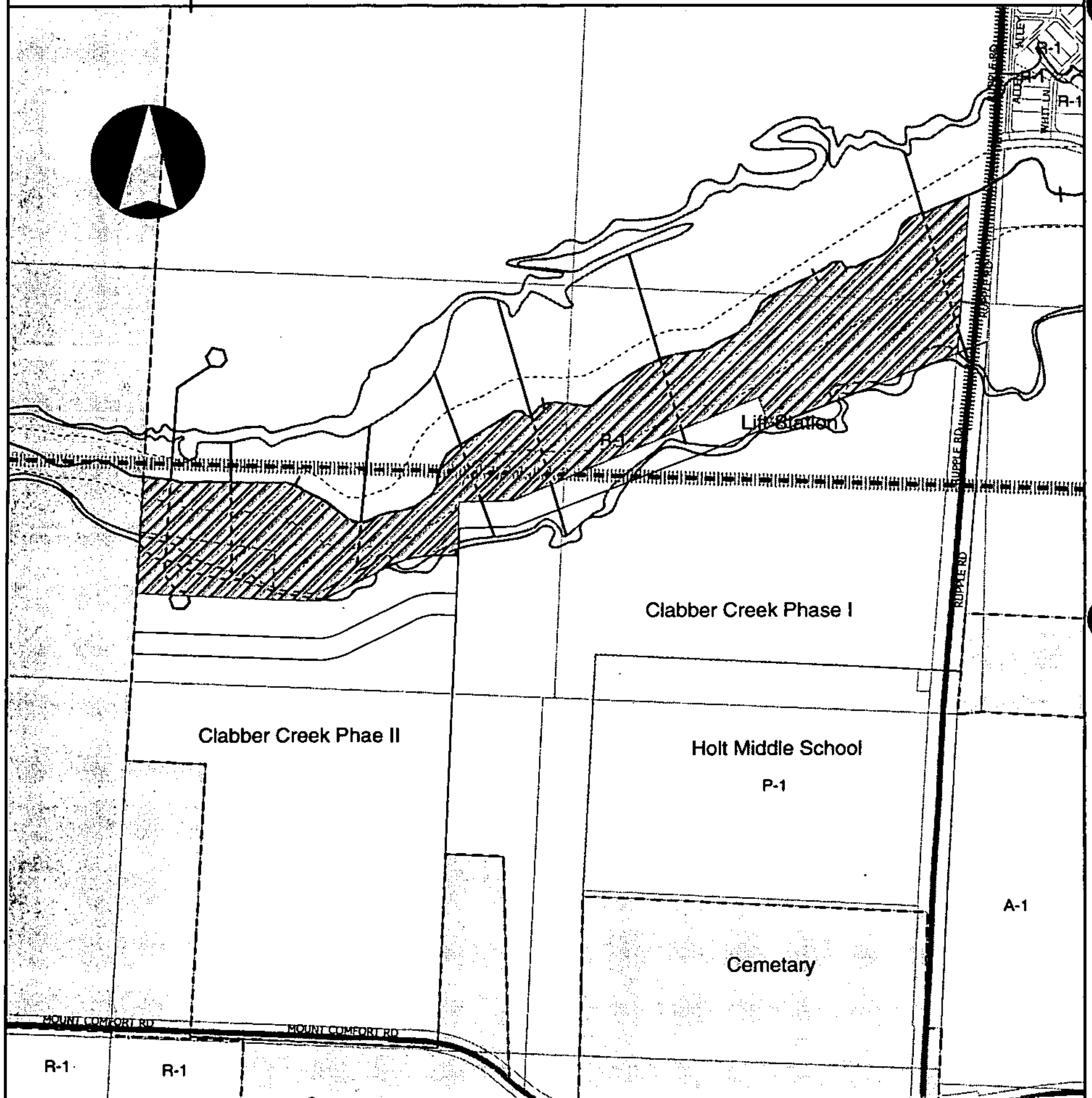




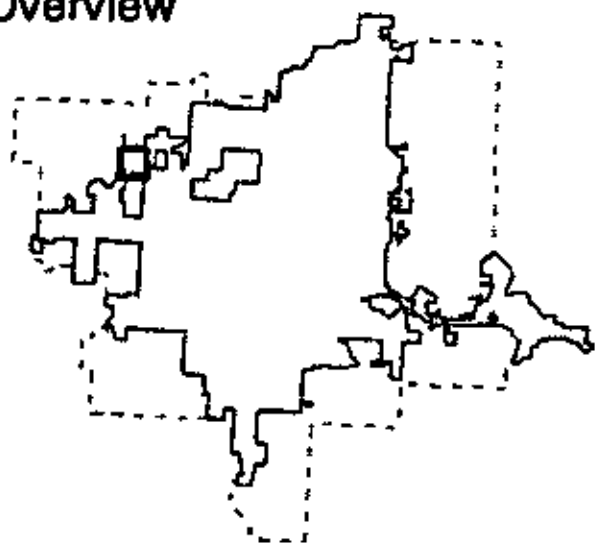
PPL03-9.00

One Mile View

CLABBER CREEK PHASE II



Overview



Legend

Subject Property

□ PPL03-9.00

Streets

~ Existing

✦ Planned

Boundary

~ Planning Area

○○○○○ Overlay District

--- City Limits

□ Outside City

Master Street Plan

~ Freeway/Expressway

~ Principal Arterial

~ Minor Arterial

~ Collector

••• Historic Collector

OFFER AND ACCEPTANCE CONTRACT

1. The City of Fayetteville, Arkansas, a municipal corporation, offers to buy, subject to the terms and conditions set forth herein, the following described property:

The East 895 feet of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Fifteen (15), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas, being all that part of said 40 acre tract not included in the plat of Western Methodist Assembly subdivision to the City of Fayetteville, Arkansas, containing 27.12 acres, more or less,

and

The Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section Fourteen (14), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas, containing 40 acres, more or less.

2. **Purchase Price:** Subject to the following conditions, the City of Fayetteville shall, pay \$ 1,300,000 to Mt. Sequoyah Assembly, Inc., an Arkansas non-profit corporation, for the described property, which includes a cash payment of \$ 600,000 at the time of closing and a mortgage note in the principal amount of \$ 700,000, payable in five (5) annual installments of \$140,000.00 plus 3% per annum interest on the unpaid balance, the first installment being due on the anniversary date of this contract and such date each year thereafter for the following four (4) years. The City of Fayetteville shall have the right to prepay the principal amount due, plus accrued interest, at any time. It is understood that the City of Fayetteville shall have full access to such land(s) and may implement improvements to said land in their normal course of improvement and maintenance of park or trails areas.
3. **Contingent Earnest Money Deposit:** The City of Fayetteville shall, within two weeks after the full execution of this contract, tender a check for \$ 13,000 to Mt. Sequoyah Assembly, Inc., as earnest money, which shall apply on the purchase price and credited toward the cash payment at closing. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to the City of Fayetteville by the Mt. Sequoyah Assembly, Inc.. If title requirements are not fulfilled or if Mt. Sequoyah Assembly, Inc. fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the City of Fayetteville. If the City of Fayetteville fails to fulfill his obligations under this contract or after all conditions have been met, the City of Fayetteville fails to close this transaction, the earnest money shall become liquidated damages to Mt. Sequoyah Assembly, Inc.

OFFER AND ACCEPTANCE CONTRACT

Page 2 of 5

4. Conveyance and Limited Land Use: Conveyance will be made to the City of Fayetteville by General Warranty Deed,. This conveyance shall include mineral rights owned by the Mt. Sequoyah Assembly, Inc. The City of Fayetteville intends to use this land as a nature park, preserving the natural habitat as much as possible with nature trails, picnic areas, benches, etc., and small parking lots at access areas. Except where necessary to access the park, the trails and picnic areas shall not be located near existing homes. The City of Fayetteville shall invite the purchase of its development rights for this acreage by the Fayetteville Natural Heritage Committee for their conveyance of development rights to the Ozark Regional Land Trust.
5. Mt. Sequoyah Assembly, Inc. shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the City of Fayetteville. The City of Fayetteville and Mt. Sequoyah Assembly, Inc. shall equally share in the cost of said insurance policy.
6. Mt. Sequoyah Assembly, Inc. agrees to allow the City of Fayetteville, if the City of Fayetteville so desires, at City of Fayetteville's expense, to survey the property. Mt. Sequoyah Assembly, Inc. agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the City of Fayetteville.
7. Taxes and special assessments due on or before closing shall be paid by the Mt. Sequoyah Assembly, Inc.. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing. Closing costs, except those heretofore mentioned, shall be equally shared between the City of Fayetteville and Mt. Sequoyah Assembly, Inc.
8. The closing date shall be within sixty (60) days after approval of this contract by the Fayetteville City Council. (Approved _____)
9. Possession of the property shall be delivered to the City of Fayetteville on the date of closing.
10. Mt. Sequoyah Assembly, Inc. hereby grants permission for the City of Fayetteville or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
11. All fixtures, improvements and attached equipment are included in the purchase price.
12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by Mt. Sequoyah Assembly, Inc..

13. Mt. Sequoyah Assembly, Inc. shall disclose to the City of Fayetteville any and all environmental hazards of which Mt. Sequoyah Assembly, Inc. has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, the City of Fayetteville and Mt. Sequoyah Assembly, Inc. shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, Mt. Sequoyah Assembly, Inc. shall cure such, at Mt. Sequoyah Assembly, Inc.'s expense, or in the alternative, at the City of Fayetteville's discretion, the City of Fayetteville may cure such environmental hazard, and Mt. Sequoyah Assembly, Inc. shall indemnify the City of Fayetteville for all costs associated with said cure.
14. This agreement shall be governed by the laws of the State of Arkansas.
15. This agreement, when executed by both the City of Fayetteville and Mt. Sequoyah Assembly, Inc. shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
16. This contract expires, if not accepted by the Mt. Sequoyah Assembly, Inc. on or before the 28th day of February, 2003.
17. **NOTICE: THE CITY OF FAYETTEVILLE, ARKANSAS, ASSERTS AND MT. SEQUOYAH ASSEMBLY, INC. HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO THE CITY OF FAYETTEVILLE OF THE \$ 13,000 EARNEST MONEY DEPOSIT.**

OFFER AND ACCEPTANCE CONTRACT
Page 4 of 5

Mt. Sequoyah Assembly, Inc.:

[Signature]
Dr. Charles Wallace, ~~Chairman~~ President

Date: 2/14/03

WITNESS:

Date: _____

City of Fayetteville, Arkansas,
a municipal corporation

[Signature]
Dan Coody, Mayor

Date: 2/3/03

[Signature]
Sondra Smith, City Clerk

Date: 2/3/03

ACKNOWLEDGMENT

STATE OF ARKANSAS)

ss.

COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Dr. Charles Wallace ~~and representing the Trustees~~, to me well known as the person who executed the foregoing document, and who stated and acknowledged that ~~they are the Chairman and~~ he is the President of Mt. Sequoyah assembly, Inc. and ~~is~~ ^{is} duly authorized to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that ~~they~~ ^{he} ~~has~~ so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 14TH day of February, 2003.

[Signature]

Notary Public

MY COMMISSION EXPIRES:

12-9-04

OFFICIAL SEAL
A. WILLISTINE SMITH
NOTARY PUBLIC - ARKANSAS
WASHINGTON COUNTY
MY COMMISSION EXPIRES: 12-09-2004

OFFER AND ACCEPTANCE CONTRACT
Page 5 of 5

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor and City Clerk of the City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

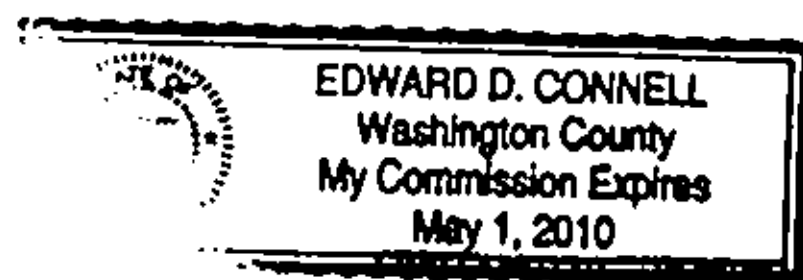
WITNESS my hand and seal on this 3rd day of FEBRUARY, 2003.



Notary Public

MY COMMISSION EXPIRES:

05-01-2010



DEED OF TRUST

FILED FOR RECORD
02 JAN 2 PM 51

WASHINGTON CO AR
8 STAMPS

Date: December 31, 2001

Grantor : MOUNT SEQUOYAH ASSEMBLY, INC., an Arkansas non-profit corporation, (formerly known as WESTERN METHODIST ASSEMBLY, a corporation) by and through its authorized representative, CHARLES WALLACE, pursuant to action of the BOARD OF TRUSTEES of MOUNT SEQUOYAH ASSEMBLY, INC., "the Assembly."

Grantor's Mailing Address (including county):

150 NW Skyline Drive, Fayetteville, Washington County, Arkansas 72701

Trustee : PATRICIA R. SPRAYBERRY-HALL

Trustee's Mailing Address (including county):

3215 West 4th Street, Fort Worth, Tarrant County, Texas 76107

Beneficiary: THE FOUNDATION OF THE CENTRAL TEXAS ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH, a Texas non-profit corporation doing business as the CENTRAL TEXAS METHODIST FOUNDATION (the "Foundation")

Beneficiary's Mailing Address (including county):

3215 West 4th Street, Fort Worth, Tarrant County, Texas 76107

Note(s)

Date: December 31, 2001

Amount: THREE HUNDRED SIXTY-SEVEN THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$367,500.00)

Maker: The Assembly

Payee: The Foundation

Final Maturity Date: December 1, 2017

Property (including any improvements now or hereafter placed upon it):

See Exhibit A, which is incorporated herein by reference.

Prior Liens (including recording information):

NONE

Other Exceptions to Conveyance and Warranty:

1. This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all reservations, restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other government authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property. This conveyance is made and accepted subject to the following restrictions:
2. All ordinances, laws, rules and regulations of every kind and character, if any, of any government authority to which the property is subject; and
3. All ad valorem taxes, if any, assessable against the property for the year of this Deed of Trust.

For value received and to secure the payment of the note, Grantor conveys the property to the Trustee in trust. Grantor warrants and agrees to defend the title to the property. If Grantor performs all of the covenants and pays the note according to its terms, this Deed of Trust shall have no further effect, and Beneficiary shall release it at Grantor's expense.

File No.: 1-15938

EXHIBIT A

Tract A:

A part of the S1/2 of the NE1/4 of Section 15, T-16-N, R-30-W, Washington County, Arkansas, lying within the Western Methodist Assembly Plat, and bounded by Skyline Drive, also the unplatted parcel of ground bounded on the North side by Skyline Drive and on the South side by Texas Way and on the West side by Lots 65 & 68, Western Methodist Assembly.

Also,

Lots 60, 61 62 & Lots 142 through 157 (inclusive), Western Methodist Assembly Plat to the City of Fayetteville, Arkansas, as shown on plat of record in the plat records of Washington County, Arkansas.

Tract B:

The East 895 feet of the SE1/4 of the NE1/4 of Section 15, T-16-N, R-30-W, Washington County, Arkansas, being all that part of said 40 acre tract not included in the plat of Western Methodist Assembly.

Tract C:

The SW1/4 of the NW1/4 of Section 14, T-16-N, R-30-W, Washington County, Arkansas, containing 40 acres, more or less.

2002000705

Street Right of Way, Drainage and Utility
EASEMENT DEED

001 MAR 16 AM 11:56
WASHINGTON COUNTY, ARKANSAS

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, hereinafter called GRANTOR, for and in consideration of the sum of \$1.00 and other valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, sell and quit claim unto the public, hereinafter called GRANTEE, a Street Right of Way, Drainage and Utility Easement to lay, construct, maintain, operate, locate, inspect, repair, relay and remove all streets, a drainage ditch with related structures and public utilities, with the right of ingress and egress to and from the same on the following described lands lying in WASHINGTON COUNTY, ARKANSAS, to-wit:

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION FOURTEEN (14), IN TOWNSHIP SIXTEEN (16) NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN AS DOCUMENTED IN DEED RECORDED IN BOOK 1181 ON PAGE 700 IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE.

IT IS UNDERSTOOD AND AGREED between the parties hereto, that the above described lands shall be subject to the aforementioned purposes, BUT THAT this easement, other than for purposes incident to construction, repair, maintenance, removal and relaying, shall be limited as a permanent easement to the following described lands:

A 24' WIDE TRACT OF PROPERTY ALONG AND ADJACENT TO THE EAST PROPERTY LINE OF THE ABOVE DESCRIBED TRACT RUNNING NORTH 97° FROM THE SOUTHEAST CORNER CONTAINING 0.53 ACRES MORE OR LESS.

Said GRANTEE hereby covenant with the GRANTOR, their heirs, assigns, or executors, to repair any and all damages to the lands above described, which said GRANTEE, its servants or agents may cause, or reimburse the GRANTOR, their heirs, assigns, or executors just compensation therefore.

GRANTOR shall remain the Owners of the above described lands, entitled to full usage thereof for all purposes not inconsistent with the easement herein conveyed, except GRANTOR shall not erect any permanent structures on or over the above described permanent easement.

I, the undersigned GRANTOR, hereby acknowledge, in concurrence with the date of this easement, that I am an individual acting in my own right.

GRANTOR:

WITNESS my hand and seal this 22ND day of February, 2000.

MT. SEQUOYAH ASSEMBLY, INC.

Scott Smith
MR. SCOTT SMITH, CHAIRMAN

Ronald W. Gilbert
MR. RONALD W. GILBERT

ACKNOWLEDGEMENT

State of Texas)
County of) ss

On this day, before me, a Notary Public duly commissioned and acting for the State and County aforesaid, personally appeared MR. SCOTT SMITH who acknowledged that he was the Chairman of MT. SEQUOYAH ASSEMBLY, INC., a corporation, and that he, as such being authorized so to do, had executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

Witness my hand and seal as such Notary Public this 22ND day of February, 2000.

My commission Expires:

5-3-2003

Karen Holdridge
Notary Public



2000020100

ACKNOWLEDGEMENT

State of Oklahoma)
County of) ss

On this day, before me, a Notary Public duly commissioned and acting for the State and County aforesaid, personally appeared MR. RONALD W. GILBERT who acknowledged that he was the Secretary of MTL SEQUOYAH ASSEMBLY, INC., a corporation, and that he, as such being authorized so to do, had executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

Witness my hand and seal as such Notary Public this 29 day of Feb, 2000.

My commission Expires:

10-16-02

Cynthia L. Brown
Notary Public



2000020101

**City of Fayetteville, Arkansas
Budget Adjustment Form**

Budget Year 2003	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 4/1/2003	Adjustment Number
----------------------------	---	-----------------------------------	-------------------

Project or Item Requested:
\$425,400 is requested in the Mount Sequoyah Land Purchase capital project.

Project or Item Deleted:
\$13,000 from the Use of Fund Balance.

To recognize \$371,320 in revenue received from the Sale of Property to the University of Arkansas.

Justification of this Increase:
The funding is for the down payment of \$800,000 for the purchase of 67 acres on Mount Sequoyah.

The remaining \$174,600 not included in this budget adjustment is being paid for out of an Escrow Account located in the Sales Tax Capital Improvements Fund as part of the Tree & Trail Trust settlement.

Justification of this Decrease:
There is sufficient fund balance remaining to comply with City Policy. \$15,000 will be received from the Fayetteville Natural Heritage Group. \$26,080 is from the Park Land Acquisition project.

The \$371,320 in revenue received in General Fund is from the sale of land to the University of Arkansas.

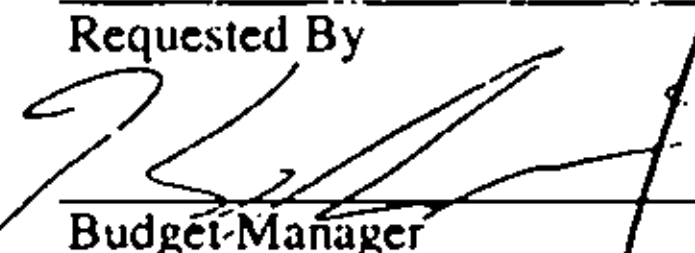
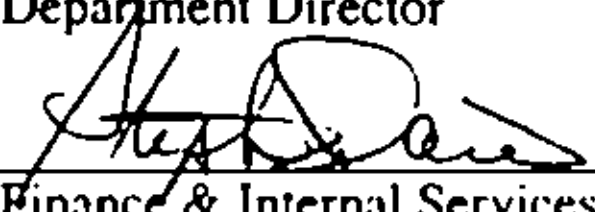
Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Land acquisition	4470	9470	5805	00	54,080	03017	1
Land acquisition	1010	6600	5805	00	371,320	03017	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	4470	0947	4999	99	13,000		
Donations	4470	0947	4809	00	15,000	03017	1
Park improvements	4470	9470	5806	00	26,080	02016	1
Gain/loss-sale of assets	1010	0001	4881	02	371,320		

Approval/Signatures

Requested By	Date
	3-21-03
Budget Manager	Date
Department Director	Date
	3-21-03
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type:	A	B	C	<u>D</u>	E
Date of Approval					
Posted to General Ledger					
Posted to Project Accounting					
Entered in Category Log					

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND MOUNT SEQUOYAH ASSEMBLY, INC. FOR THE PURCHASE OF ABOUT 67 ACRES OF LAND FOR \$1,300,000.00 AND A BUDGET ADJUSTMENT IN THE AMOUNT OF \$600,000.00 AS FIRST YEAR'S PAYMENT

WHEREAS, the City of Fayetteville desires to purchase about 67 acres of land on the east side of Mount Sequoyah now owned by Mount Sequoyah Assembly, Inc. to be used primarily as a nature park, preserving the natural habitat as much as possible with nature trails, picnic areas, benches, etc. and with small parking lots near access areas; and

WHEREAS, the City of Fayetteville invites the purchase of its development rights to this property by the Fayetteville Natural Heritage Committee for conveyance to the Ozark Land Trust; and

WHEREAS, the City of Fayetteville intends to work with adjoining landowners to allow them to purchase small buffer areas (as their backyards) along the edge of this property.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the Offer and Acceptance Contract between the City and Mount Sequoyah Assembly, Inc. (attached as Exhibit A) in which the City purchases about 67 acres of Mount Sequoyah Assembly, Inc. land for \$1,300,000.00. The City Council expressly authorizes Mayor Coody to sign the \$700,000.00 mortgage note described in the Offer and Acceptance contract.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the budget adjustment in the amount of \$600,000.00 as the first year's payment on the 67-acre purchase.

PASSED and APPROVED this the 1st day of April, 2003.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

Sondra Smith, City Clerk

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 1, 2003

FROM:

Matt Casey Engineering Community Planning and Engineering
 Name Division Department

ACTION REQUIRED: Approval of an ordinance authorizing a cost-share and bid waiver in the amount of \$55,095.43 with JED Development, Inc. for the construction of approximately 300 feet of 28' wide street with storm drainage and sidewalks.

COST TO CITY:

<u>\$55,095.43</u>	<u>\$</u> <u>350,000.00</u>	<u>Street ROW / Intersection/ Cost Sharing</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470.9470.5809.00</u>	<u>\$</u> <u>-</u>	<u>Street Improvements</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02116</u>	<u>\$</u> <u>350,000.00</u>	<u>Sales Tax Capital Improvements</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item Budget Adjustment Attached

[Signature] 3-14-03
 Budget Manager Date Administrative Services Director Date

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>Marsha Farkish</u> <u>3/14/03</u>	<u>Danny Smith</u> <u>3/14/03</u>
Accounting Manager Date	Internal Auditor Date
<u>[Signature]</u> <u>3/14/03</u>	<u> </u> <u> </u>
City Attorney Date	ADA Coordinator Date
<u>P. Vice</u> <u>3/14/03</u>	<u> </u> <u> </u>
Purchasing Manager Date	Grant Coordinator Date

STAFF RECOMMENDATION: Staff recommends approval of the ordinance for the cost share and bid waiver.

 Division Head Date

[Signature] 3-14-03
X [Signature], FESD 3-17-03
 Department Director Date

 Administrative Services Director Date

[Signature] 3/17/03
 Mayor Date

Cross Reference

New Item: Yes No

Previous Ord/Res#:

Orig. Contract Date

Orig. Contract Number

Description JED Development, Inc. Steet Cost-Share Meeting Date April 1, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Division Head
Pur. Reg. - needs Approval

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

TO: Mayor Dan Coody
Fayetteville City Council
THRU: Tim Conklin, Director CPE TC.
Jim Beavers, Engineering
FROM: Matt Casey, Staff Engineer
DATE: March 17, 2003

Proposed Cost Share in the amount of \$55,095.43 with JED Development, Inc. for the installation of approximately 300' of street, sidewalk and storm drain from Crystal Springs Ph. III to Deane Soloman Road

BACKGROUND:

This proposed subdivision is located north of Mt. Comfort Rd. between Deane Soloman Rd. and Salem Road. As a part of this development, the developer will be constructing streets and storm drainage for a residential subdivision.

The Fayetteville Planning Commission required the developer to extend a street through City Property to Deane Soloman Road to provide adequate connectivity and traffic flow for the development. On November 19, 2002, the Fayetteville City Council approved a resolution to exempt this portion of the buffer strip along Clabber Creek for the construction of this roadway extension.

CURRENT STATUS:

On January 13, 2003 the Planning Commission approved the Preliminary Plat for the Crystal Springs Phase III Subdivision. The developer is waiting for the approval of this cost-share before proceeding with submitting construction plans for City review.

RECOMMENDATION:

Staff recommends that the City cost-share with JED Development, Inc. to construct approximately 300' of 28' wide street with sidewalks and storm drains. Construction bid amounts have been provided to the City for these improvements by JED Development, Inc.'s engineer as follows:

City	\$ 50,086.75
JED Development, Inc.	\$ 50,086.75
Total	\$100,173.50

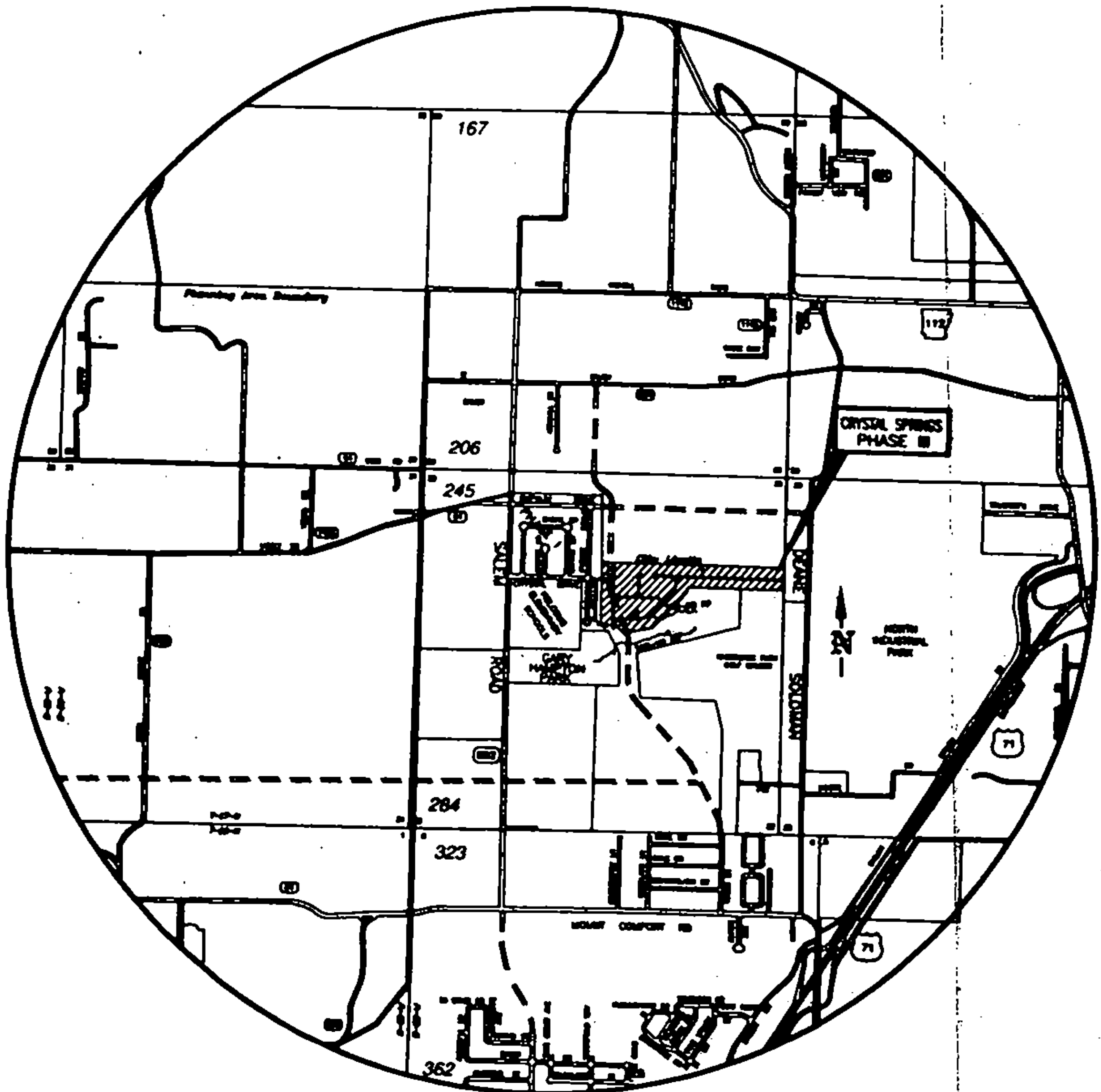
An additional 10% has been added to the construction cost as a contingency in case of unforeseen construction issues. With the addition of the \$5,008.68 contingency, the total requested funds for the cost share is \$55,095.43.

Based upon the information provided by the Budget & Research Division, there is a remaining balance of \$350,000.00 in the Street ROW/Intersection/Cost Sharing Account.

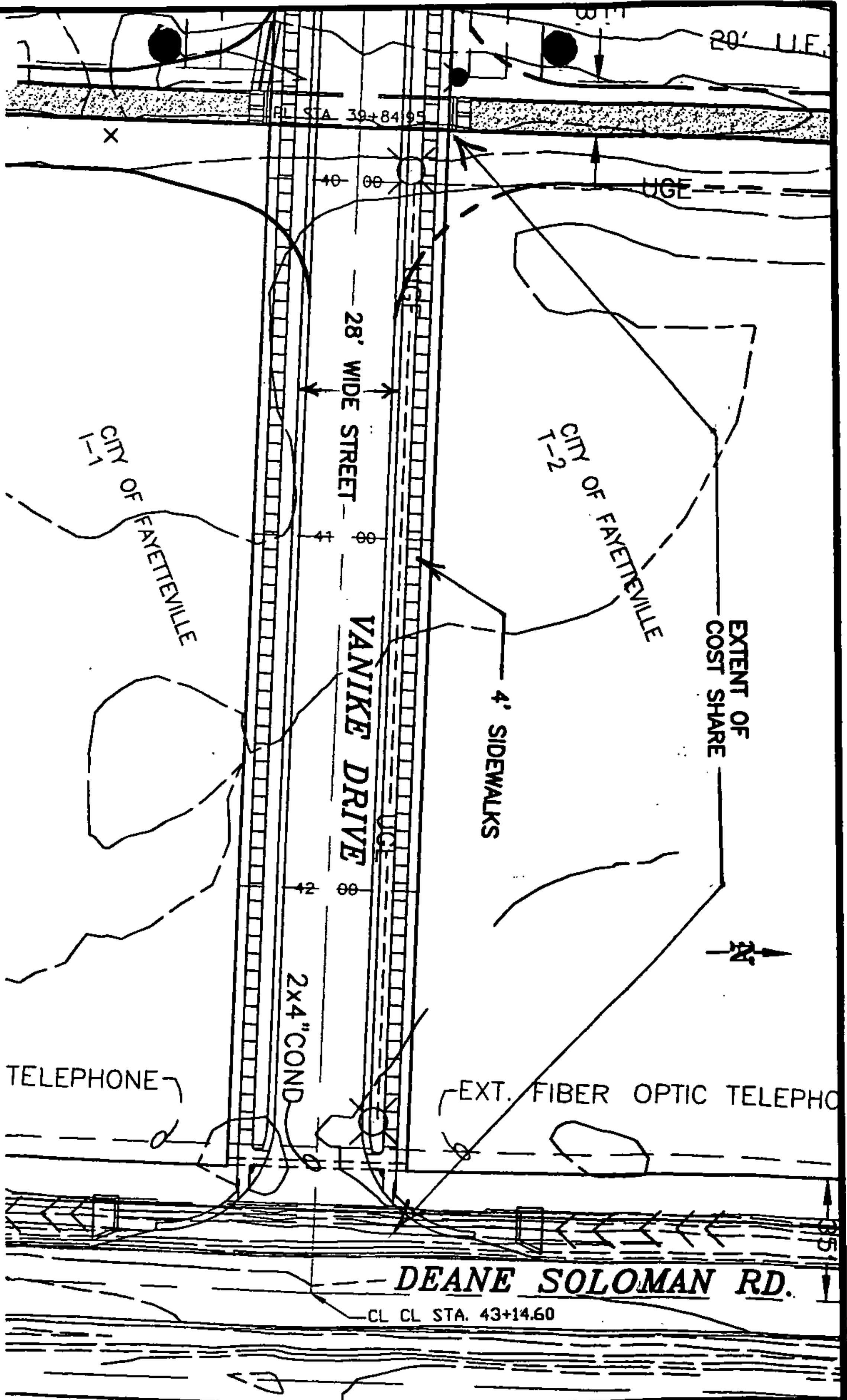
The final costs to the City will be based upon actual costs as documented by JED Development, Inc. subject to review by the City and may not exceed the submitted bid amount without additional approval from the City Council.

Enclosures:

Staff Review Form
Vicinity Map
Construction Drawing
Cost-Share Agreement
Purchase Requisition
Vendor Request Form



VICINITY MAP



EAST END/CITY PROPERTY

CRYSTAL SPRINGS, PHASE III

FAYETTEVILLE

ARKANSAS



JED Development, Inc.

**PROFESSIONAL
ENGINEERS**

**SURVEYING
SPECIALISTS**

505 W. Center Fayetteville, Arkansas
Phone (501) 443-4794 Fax (501) 443-4797
www.jeddevelopment.com

DATE	07-22-02	DEVELOPER	JED, INC.	SCALE	1"=40'
REVISION	1994	C/O GREG EDWARDS		PLAT BOOK NO.	246 & 247
PARCS DEPARTMENT	08-14-02	R. D. BOX 1249/2800 R.D. MISSOURI RD.		DRAWN BY	PAIM
TECH. PLAN REVIEW	08-24-02	SPRINGDALE, AR 72763-1549		CHECKED BY	
REVISIONS	08-24-02	PH44730 751-7530/FA44730 756-3823		MOI REF. E-383	
10-03-02/01-02-03		ZONING R-1/AR 2513 AC± LOT 101		E-453, E-535	
SUBDIVISION COMMISSION		PROPOSED USED SINGLE FAMILY DWELLINGS		DRAWING NO. E-633	
10-14-02/01-13-03		BASIS OF BEADINGS			
PLANNING COMMISSION		CITY OF FAYETTEVILLE - GPS SYSTEM			

Hand del Surg.

Engineering & Surveying

DATE: February 3, 2003

Contract Part "C" STREET & STORM DRAINAGE

February 3, 2003

MILHOLLAND COMPANY

Engineering & Surveying
205 West Center Street
70704

Fayetteville, Arkansas 72701
Phone/Fax: (479) 443-4724 / 443-4707

DATE: February 3, 2003

CONTRACTOR'S NAME: ADDRESS:	Edwards Design and Construction Co., Inc. P.O. Box 1549 Springdale, AR 72765		
LICENSE NO.	0044240403		

[illegible]

MILHOLLAND COMPANY

Fayetteville, Arkansas 72701
Phone/Fax: (479) 443-4724 / 443-4707

479) 443-4724 / 443-4707

DATE: February 3, 2003

0044240403

\$38,088.50

*** A contingency to compensate for the difference of current price of asphalt (\$30.00/ton delivered) and cost of material at time of construction is requested.**

TABULATION OF BIDS**CITY COST SHARE****CRYSTAL DRIVE EXTENSION**

(across City property)

MILHOLLAND COMPANY

Engineering & Surveying
205 West Center Street
Fayetteville, Arkansas 72701
Phone/Fax: (479) 443-4724 / 443-4707

Crystal Springs, Phase III
ENGINEER PROJECT No. E-633

OWNER: City of Fayetteville Property

DATE: February 3, 2003

CONTRACTOR'S NAME: ADDRESS:		Edwards Design and Construction Co., Inc. P.O. Box 1549 Springdale, AR 72765		
LICENSE NO.		0044240403		

Contract Part "D" MISCELLANEOUS ITEMS

ITEM #	QUANTITY	UNIT	DESCRIPTION	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
I	100	LP	2-PVC Conduit in Street ROW	\$4.00	\$400.00				
II.A	150	LP	Grade Existing 5' Btm. Ditch - City	\$10.00	\$1,500.00				
III	1	LS	Traffic Control	\$5,000.00	\$5,000.00				
IV.B	200	LP	Tree Preservation Fencing - City	\$1.50	\$300.00				
VII.D1	700	LP	Erosion Control Fencing	\$2.50	\$1,750.00				
VII.D.2	200	EA	Staked Hay Bales - City	\$3.50	\$700.00				
IX.B	1	LS	Re-Vegetation City	\$1,380.00	\$1,380.00				
XII.1	1	EA	Street Lights	\$400.00	\$400.00				
XII.2	300	LP	Trenching - Electrical	\$2.25	\$675.00				
			SUB TOTAL Page - Miscellaneous Items		\$12,105.00				
			TOTAL Contract Part "D" Miscellaneous Items		\$12,105.00				

CITY COST SHARE

MILHOLLAND COMPANY
Engineering & Surveying

Fayetteville, Arkansas 72701
Phone/Fax: (479) 443-4724 / 443-4707

DATE: February 3, 2003

CONTRACTOR'S NAME:	Edwards Design and Construction Co., Inc.		
ADDRESS:	P.O. Box 1549 Springdale, AR 72765		
LICENSE NO.	0044240403		

ITEM #	QUANT.	UNIT	DESCRIPTION	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
			TOTAL Part "C" STREET & STORM SEWER		\$88,068.60				
			TOTAL Part "D" MISCELLANEOUS ITEMS		\$12,106.00				
			SUB TOTAL		\$100,173.60				
			Engineering Fees						
			TOTAL Est CONSTRUCTION COST SHARED BY CITY.		\$100,173.60 200,394.60				

The above unit prices include all labor, materials, overhead, profit, insurance, etc., to cover the finished work of the kinds described. The Bidder/Contractor understands that the above amounts shall conform to bid/contract prices for corresponding work to be performed in regards to the entire project, Phase III - Crystal Springs. The final quantities and contract for construction of Phase III will be determined upon completion of final construction plans.

Edwards Design & Construction Co., Inc. - Greg Edwards

2/7/03

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and JED Development, Inc., Witnesseth:

WHEREAS, JED Development, Inc., has hired a contractor to construct phase 3 of the Crystal Springs Subdivision; and

WHEREAS, The developer was required to extend a street to Deane Soloman Rd. to provide connectivity and adequate traffic flow for the development; and

WHEREAS, On November 19, 2002, the Fayetteville City Council authorized the construction of this street through City property and exempted this corridor from the Clabber Creek Buffer, and

WHEREAS, it would benefit the City of Fayetteville to provide this connection between Deane Soloman Road and Salem Road across the City's property;

NOW, THEREFORE, the City of Fayetteville and JED Development, Inc., agree as follows:

1. Upon the City Council approving the Street and Storm Drainage Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 50% of the actual documented construction costs for approximately 300 L.F. of 28' wide street, 4' sidewalks and associated storm drainage as shown on the plans prepared by the engineer for JED Development, Inc.
 - B. Pay a maximum-not-to-exceed cost of \$55,095.43 for the afore mentioned street and storm drain construction as was provided by the engineer for JED Development, Inc. and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction & inspection prices exceed the maximum-not-to-exceed amount that was furnished by the engineer for JED Development, Inc. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to JED Development, Inc. within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

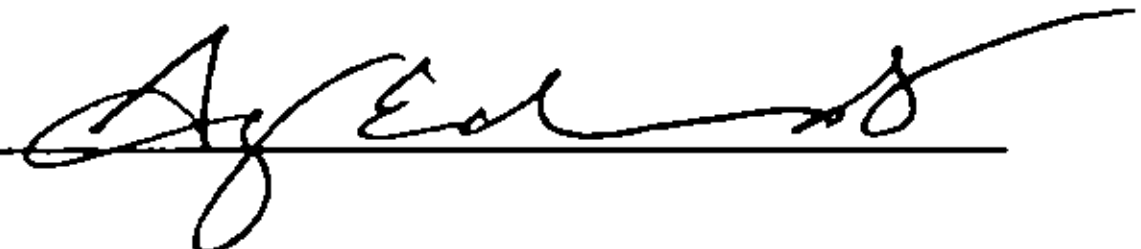
2. JED Development, Inc. agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable street and storm drain installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the street, storm drain and sidewalk construction.
 - C. Not to proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and signed by the Mayor.
3. It is further understood that the contract for construction is between JED Development, Inc. and his Contractor & Engineer and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$55,095.43 for the street and storm drain installation.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

JED Development, Inc.

By: _____
DAN COODY, Mayor

By:  _____

ATTEST:

By: _____
City Clerk

ST FOR VENDOR FILE MAINTENANCE

(CHECK ALL AVAILABLE RESOURCES. VENDOR LIST, ACCESS
SYSTEM PRIOR TO SUBMISSION OF THIS REQUEST)

DATE OF REQUEST: 3/18/03 REQUESTED BY: MATT CASEY (2119)

DEPT/DIVISION: ENGINEERING EFFECTIVE DATE: ASAP

TELEPHONE EXTENSION: 429

NEW VENDOR: x VENDOR CHANGE: _____ VENDOR RE-ENTRY: _____

VENDOR #: _____ VENDOR #: _____

VENDOR NAME: JED DEVELOPMENT, INC.

STREET OR P.O. BOX: PO BOX 1549; 2200 OLD MISSOURI ROAD, SUITE C

CITY: SPRINGDALE STATE: AR ZIP CODE: 72765-1549

ATTN: GREG EDWARDS PHONE: 751-9591

REMITTANCE ADDRESS IF DIFFERENCE FROM ABOVE:

NAME: _____

ADDRESS: _____

CITY, ST, ZIP: _____

TYPE OF ORGANIZATION

FEDERAL ID NUMBER: 71-0735900
OR
SOCIAL SECURITY NUMBER: _____

CORPORATION (100): x
PARTNERSHIP (200): _____
INDIVIDUAL (300): _____
EMPLOYEE (400): _____
PENSION (500): _____
RECIPIENT (600): _____
NON-PROFIT (700): _____

PURCHASING OFFICE USE ONLY

NEW VENDOR: _____

ENTERED BY: _____

VENDOR CHANGES: _____

DATE: _____

VENDOR RE-ENTRY: _____

G. L. FILE: _____

W-9 FORM MAILED: _____

INVENTORY FILE: _____

Purchase Requisition

(Not a Purchase Order)

Vendor Name:

JED DEVELOPMENT, INC.

FOB Point

Mah

Yes	No
-----	----

Taxable:

Yes	No
-----	----

Requisition No.:

FOIA:

3/18/03

P.O. Number:

Expected Delivery Date:
ASAP.

JED Development, Inc.
C. 2. Page 15

SPRINGDALE

PO BOX 1549; 2200 OLD MISSOURI ROAD, SUITE C

Stake:

2

72765

Ship To Code:

060

Requestor:

MATT CASEY

Requester's Employee: 2119

Extension:	429
------------	-----

[illegible]

Special instructions:

PLEASE RETURN PO TO ENGINEERING

Subtotal:

Tax:

TOTAL: \$55,095.43

Approvals:

The following items are not:

Major

Department Director:

Admin. Services Director.

Budget Coordinator:

Purchasing Manager:

Data Processing Mgt.

STAFF AGENDA REQUEST FORM

VAC 03-3.00 (Mee)
C. 3. Page 1

FOR: COUNCIL MEETING OF April 1, 2003

FROM: Dawn Warrick

THROUGH: Tim Conklin, AICP, Director of Community Planning and Engineering Services

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

VAC 03-3.00: Vacation (Mee, pp 214) was submitted by Seaside Pools, Inc. on behalf of David & Sue Ellen Mee for property located at 3305 Southridge Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.008 acres. The request is to vacate the most easterly 8' of a 20' utility easement located on the western lot line of the property for the installation of an in ground pool.

APPROVED FOR AGENDA:


Current Planning Administrator

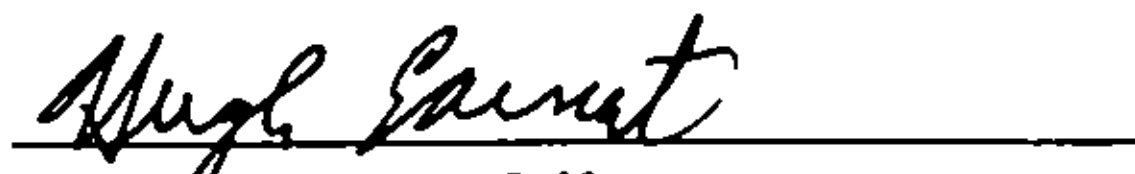
3/14/03
Date


Director of Community Planning & Engineering Services

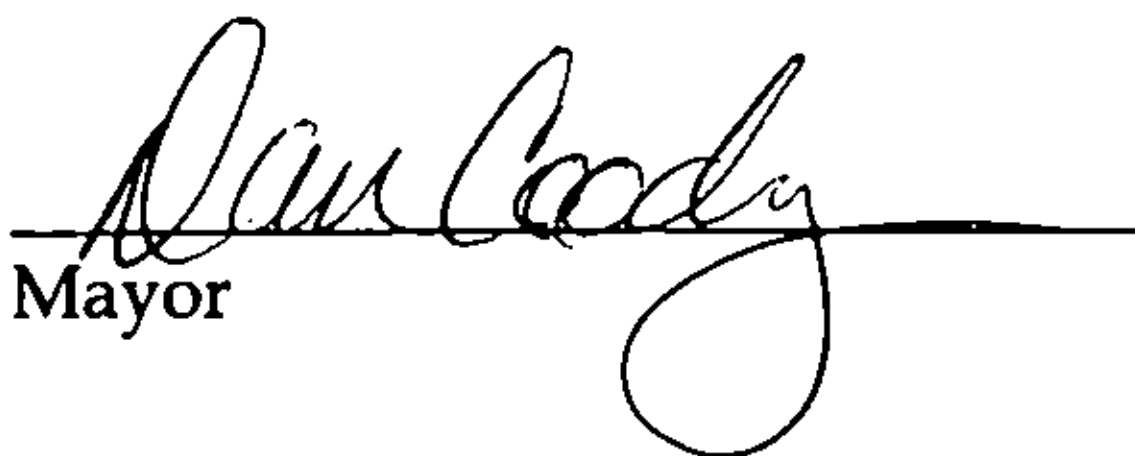
3-14-03
Date


City Attorney

Date


Chief Admin. Officer

3-16-03
Date


Mayor

3/17/03
Date

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 03-3.00 TO VACATE AND ABANDON A PORTION OF THE MOST EASTERLY 8' OF A 20' UTILITY EASEMENT LOCATED AT 3305 N. SOUTH RIDGE DRIVE AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described utility easement is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described street right of way:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

DRAFT

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

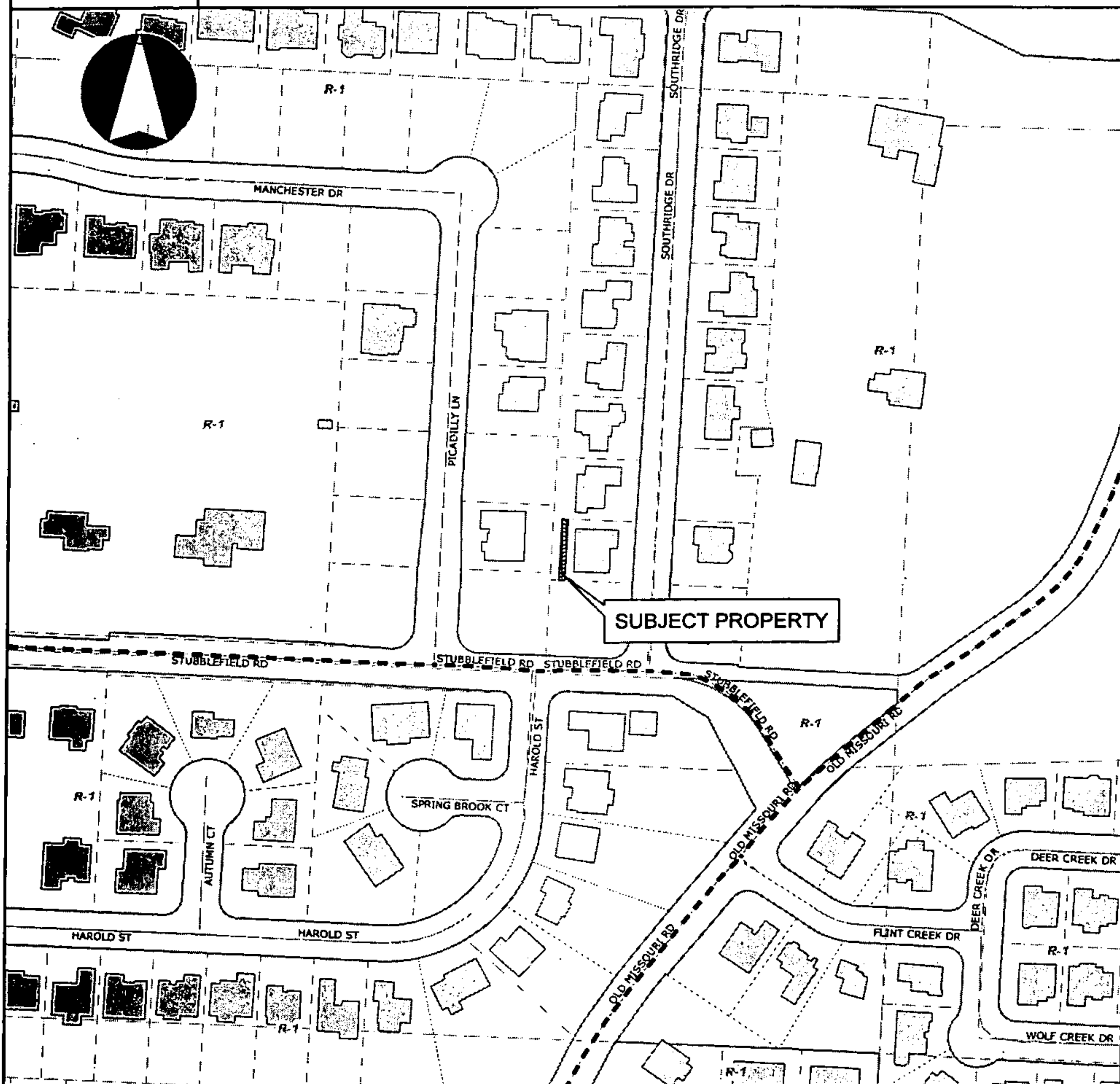
EXHIBIT "A"
VAC 03-3.00

The most easterly 8 feet of a 20 foot utility easement, beginning 8 feet north of the south property line, running 34 feet north, ending 42 feet north of the south property line, along the western lot line of Lot 2 of the Hemingway Ridge Subdivision, City of Fayetteville, Washington County, Arkansas.

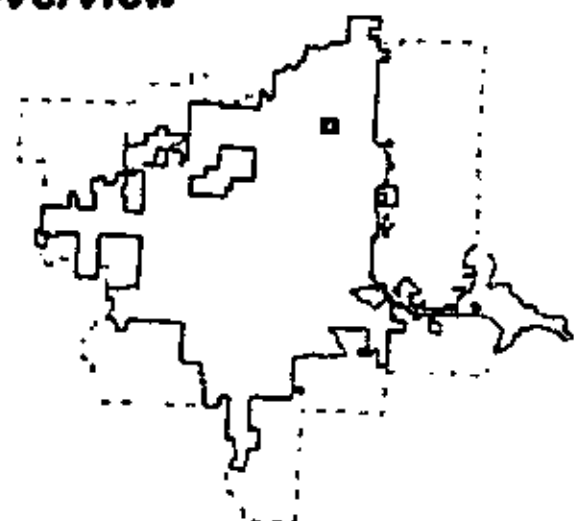
EXHIBIT "B"
VAC 03-3.00
MEE

VAC03-3.00

Close Up View



Overview



Legend

Subject Property

VAC03-3.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 75 150 300 450 600 Feet

CC Meeting of April 1, 2003

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

TO: Mayor Dan Coody
Fayetteville City Council
THRU: Tim Conklin, AICP, Director of Community Planning & Engineering Services
FROM: Dawn Warrick, Current Planning Administrator
DATE: March 14, 2003

VAC 03-3.00: Vacation (Mee), pp 214) was submitted by Seaside Pools, Inc. on behalf of David and Sue Ellen Mee for property located at 3305 South Ridge Drive (lot 2 Hemingway Ridge Subdivision). The property is zoned R-1, Low Density Residential. The request is to vacate an 8' wide portion of an existing 20' utility easement.

Background: No objections from the adjacent property owners have been submitted to the City. Utility companies had no objections but AEP/SWEPCO did request a condition to release 8' only in the area of the pool. They retain the existing 20' easement on both sides of the concrete decking of said pool.

Current Status: On March 10, 2003, the Planning Commission voted 9-0-0 to forward the Vacation to the City Council with a recommendation for approval.

Recommendation: Approval of the proposed easement vacation 03-3.00 subject to the condition of approval listed below.

Conditions of Approval:

1. The easement shall be vacated for the 8' only in the area that the pool is located.

Aviles: Welcome to the Monday, March 10, 2003 meeting of your Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call all Commissioners were present.

Aviles: The first item on the agenda this evening is the approval of the minutes from the March 3rd meeting. Do I have a motion?

Shackelford: So moved.

Aviles: There is a motion by Commissioner Shackelford, is there a second?

Bunch: Second.

Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

VAC 03-3.00: Vacation (Mee, pp 214) was submitted by Seaside Pools, Inc. on behalf of David & Sue Ellen Mee for property located at 3305 South Ridge Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.22 acres. The request is to vacate the most easterly 8' of a 20' utility easement located on the western lot line of the property for the installation of an in ground pool.

Aviles: The minutes stand approved. Our consent agenda this evening is VAC 03-3.00 submitted by Seaside Pools on behalf of David and Sue Ellen Mee for property located at 3305 South Ridge Drive. This item is on our consent agenda unless any member of the Planning Commission would like to remove it. Is there any member of the public that would like to address us on this item this evening? I will go ahead and entertain a motion for approval of the consent agenda.

Bunch: So moved.

Aviles: I have a motion by Commissioner Bunch.

Shackelford: I will second.

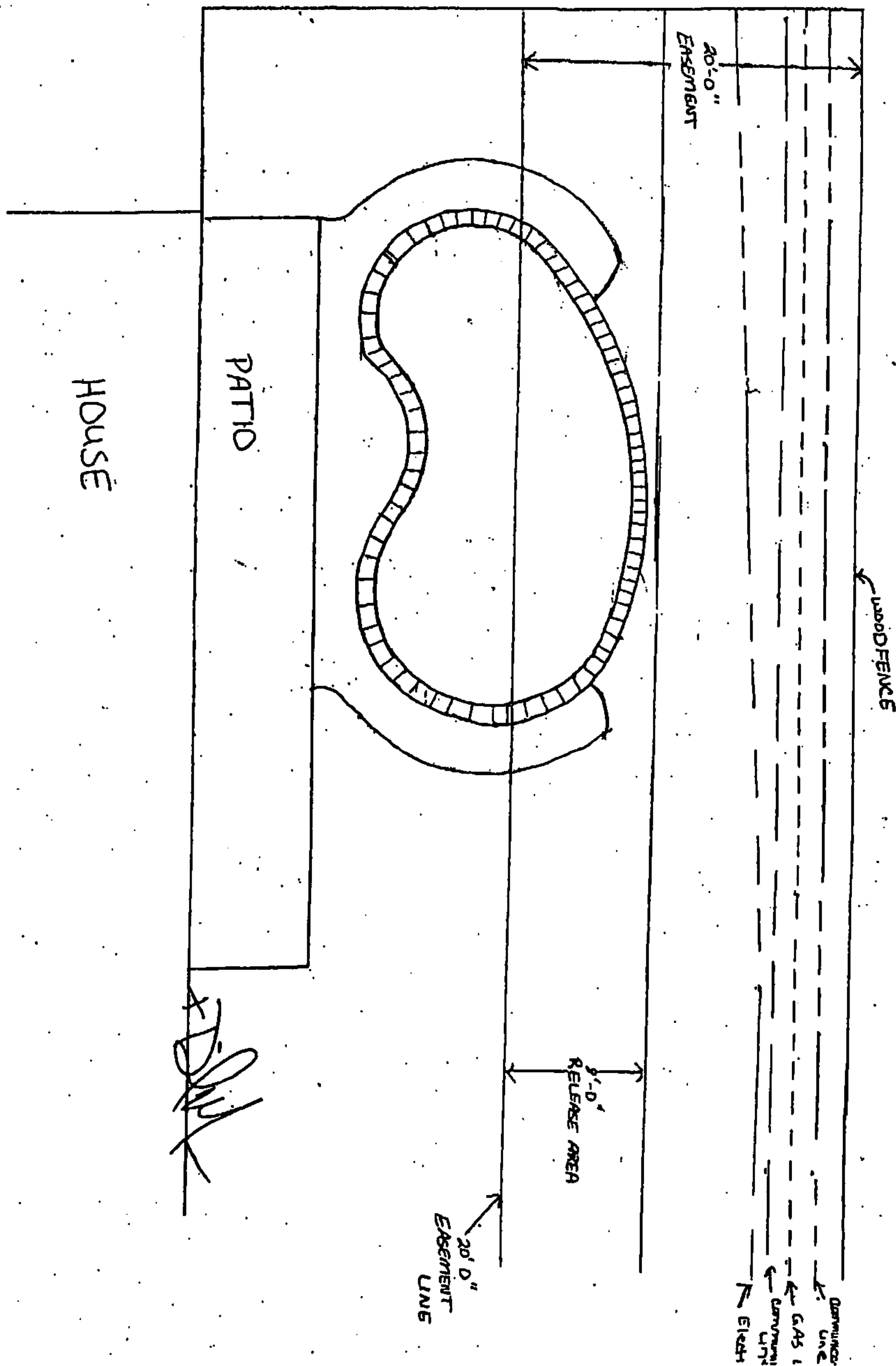
Aviles: There is a second by Commissioner Shackelford. Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved by a vote of 9-0-0.

Aviles: The consent agenda is approved.

VAC 03-3.00 (Mee)

C.3. Page 8



STAFF REVIEW FORM

Wittenberg, Delony &
Davidson Contract
C. 4. Page 1

X AGENDA REQUEST
X CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council Meeting of: April 1, 2003

FROM:

Chris BoschFire OperationsFire Department

Name

Division

Department

ACTION REQUIRED: A resolution approving the attached contract with Wittenberg, Delony & Davidson in the amount of \$ 83,700. This contract is for architectural services related to the design and construction of Fire Station 7.

COST TO CITY:

<u>\$83,700.00</u>	<u>\$</u>	<u>950,000.00</u> <i>(after all forwards)</i>	<u>Fire Station 7</u>
Cost of this request			Program Category / Project Name
<u>4470.9470.5804.00</u>	<u>\$</u>	<u>-</u>	<u>Fire Safety Improvements</u>
Account Number		Funds Used to Date	Program / Project Category Name
<u>01015</u>	<u>\$</u>	<u>950,000.00</u>	<u>Sales Tax Capital</u>
Project Number		Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item Budget Adjustment Attached

[Signature]
 Budget Manager

3-14-03
 Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager
Date
Internal Auditor
Date
City Attorney
Date
Purchasing Manager
Date

STAFF RECOMMENDATION:

Division Head
Date*[Signature]*
Department Director3/13/03

Date

Finance & Internal Services Dir.
Date*[Signature]*
Chief Administrative Officer3-13-03
Date*[Signature]*
Mayor3/19/03
Date

Cross Reference

New Item:

☒ Yes☐ NoPrevious Ord/Res#: Orig. Contract Date Orig. Contract Number

Executive Summary Architect's Contract

3/13/2003

Background:

In the 2003 Capital Improvements program, the Fayetteville Fire Department has funds identified for the design and construction of Fire Station 7, which will be located on the west side of I-540. The addition of this fire station will assist the Department in meeting the ever-increasing number of calls for service generated by our rapidly growing community.

The attached document is the contract for architectural services which will allow the Department to proceed with the design and construction phases of this project. The current budget for this project is listed in the following table.

Fire Station 7

Property Acquisition Budget	\$ 100,000
Construction Budget (Including Architectural Fees)	\$ 850,000
Total:	\$ 950,000

The Department plans on utilizing the initial building design which was developed for the construction of Fire Stations 4 & 6; however it will be necessary to add a third apparatus bay and reconfigure the interior floor plan to more effectively utilize the existing space. These changes will allow the Fire Department to more effectively adapt to any changes in the community's demographics which will certainly occur in this rapidly growing area of the City.

Current Status:

Approximately six weeks ago the Fire Department presented its selection of architects to the City's Selection Committee with a recommendation that firm of Wittenberg, Delony & Davidson be used for the design and construction of this project. The Fire Department chose WD&D based on the firms extensive experience in designing and constructing fire stations in and around the region. They also have a proven track record of working with the City of Fayetteville on the design and construction of previous Fire Department facilities. The Selection Committee reviewed the Fire Department's recommendation and approved the selection of this firm.

Representatives from the Fire Department and the Building Services Department have met with representatives from WD&D to negotiate an Architectural Fee structure. The table on the following page identified this Fee Schedule. This schedule includes a flat fee for basic architectural services with the remainder of the fees identified as reimbursable costs. The totals listed in the right hand column are listed as not to exceed reimbursable charges which mean the architect must present invoices for these fees, which have to be approved by the project manager, before receiving compensation for any of these charges.

Architectural Fees

Basic Service Fee	\$ 45,000
Additional Reimbursable Services	(Not to Exceed)
Large Scale Development	\$ 12,000
Site Survey	\$ 5,000
Geotechnical Report	\$ 4,500
Phase 1 ESA	\$ 2,500
Utility Construction Observation	\$ 2,500
Other Reimbursable Fees	
40 Drawings Sets Printed for Construction	\$ 6,000
Large Scale Development Drawings Printed	\$ 1,000
As-Built Record Documentation	\$ 450
Miscellaneous Printing	\$ 1,500
State health Dept. Plumbing Review	\$ 500
State Health Dept. Water Line Review Fee	\$ 500
AHTD Curb Cut Permit	\$ 1,000
Miscellaneous Postage, Printing, etc.	\$ 1,250
City of Fayetteville LSD & Planning Fee	Waived
City of Fayetteville Building Permit Fee(s)	Waived
Total:	\$ 83,700

Recommendation:

Based on WD&D's experience in fire station design, their professional qualifications and their past history of working with the City of Fayetteville it is Staff's recommendation that the City Council approve the attached contract for architectural services. Approval of this contract will allow all parties to begin the process of designing and constructing Fire Station 7.

The contract document with WD&D will be handed out to City Council at the Agenda Session, March 25, 2003.



STAFF REVIEW FORM

New World Systems
C. 5. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of April 1, 2003

FROM:

Rick Hoyt, Police Chief

Police

Police

Name

Division

Department

ACTION REQUIRED: The council is requested to approve an ordinance waiving the competitive bidding of computer software from New World Systems. This ordinance will be in effect until the City of Fayetteville discontinues use of New World Software.
COST TO CITY:

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 Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Approve the ordinance waiving competitive bidding.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #:

Mayor

Date

Orig Contract Date:

Nugl Earnest

3-13-03

Description: _____

Comments:

Reference Comments:

Budget Coordinator:

Accounting Manager

City Attorney

Purchasing Officer

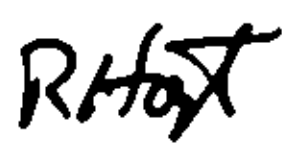
ADA Coordinator

Internal Auditor

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody

FROM: Rick Hoyt, Chief of Police 
Steve Davis, Finance and Internal Services Director 

DATE: March 13, 2003

SUBJECT: Bid Waiver Request – New World Systems

BACKGROUND

The City of Fayetteville has successfully used New World software since the early – 1990s. The software is used throughout the City in almost every aspect of business the City does including budget, general ledger, utility billing, payroll, accounting, human resources, police records, fire records, computer aided dispatch, etc.

CURRENT SITUATION

This is a housekeeping item to allow the City IT and the Fayetteville Police Department to purchase software from New World Systems by having an ordinance in place to waive competitive bidding. The Police Department is currently in the process of purchasing a software module from New World Systems for CAD Redundancy. This allows the Computer Aided Dispatch program to run on an alternate computer i.e., City Hall's AS400 system, when the Police Department computer is down for any amount of time. Because of the proprietary nature of the software, New World is the sole source of software that will interface with existing modules the City currently has. Competitive bidding of any add-on software would be complicated and costly in that the low bidder would be required to modify their software to assure a seamless interface with the City's existing software. This process, bidding of future software enhancements, would, very likely, result in no vendor responses except New World. The results would be inefficient use of limited City resources. Any contracts over \$20,000 will still be brought to the council for approval.

RECOMMENDATION

We are proposing a standard bid waiver for all New World products as they relate to either the Public Safety departments or other applicable departments within the City. This waiver will be in effect until the City of Fayetteville discontinues use of New World System software.

STAFF REVIEW FORM

Construction Material Bid
Waiver
C. 6. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of: April 1, 2003

FROM:

Terry Gulley
Name

Transportation
Division

Operations
Department

ACTION REQUIRED:

Approve a bid waiver for construction materials utilized by various divisions of the City. and approve purchase

COST TO CITY:

\$1,175.371
Cost of this request

\$1,476,872
Category/Project Budget

In-House Pavement Imp.
Category/Project Name

4470-9470-5809.00
Account Number

\$45,776.00
Funds Used to Date

N/A
Program Name

02052
Project Number

\$1,431,096
Remaining Balance

Sales Tax Capital
Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

[Signature]
Budget Coordinator

[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maisha Fanning
Accounting Manager

3/18/03
Date

[Signature]
ADA Coordinator

[Signature]
Date

[Signature]
City Attorney

3/14/03
Date

Nancy Smith
Internal Auditor

3/14/03
Date

[Signature]
Purchasing Officer

3/14/03
Date

STAFF RECOMMENDATION:

Approval

Terry Gulley
Division Head

3-13-03
Date

[Signature]
Cross Reference

[Signature]
Department Director

3-14-03
Date

New Item: YES NO

[Signature]
Chief Admin. Officer

3-17-03
Date

Prev Ord/Res #: _____

[Signature]
Mayor

3-18-03
Date

Orig. Contract Date: _____

Orig. Contract Number: _____

STAFF REVIEW FORM

Description: Approval of a bid waiver for construction materials

Meeting Date: 04/01/03

Comments:

Reference Comments:

Budget Coordinator:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

TO: The Fayetteville City Council

FROM: Gary Dumas, Director of Operations
Terry Gulley, Transportation Manager *gzh*

DATE: March 14, 2003

SUBJECT: 2003 Asphalt & Aggregate Bid Waiver

Asphalt and aggregate materials have consistently been bid for the last few years, resulting in only one bid being received. The only year in which another bid was received McClinton-Anchor was again selected due to the close proximity to the City's construction projects. Thus the repetitious process, that has resulted in no additional bids for consideration while increasing the City's cost due to the time spent by city staff in Purchasing as well as advertising expense. Due to the above mentioned results it is the Transportation Divisions recommendation that a bid waiver be granted for this years construction materials.

This will allow all City Divisions an adequate and consistent supply of the materials needed for the currently approved projects.



APAC-Arkansas, Inc.
McClinton-Anchor Division

March 13, 2003

Mr. Richard Cochrac
City of Fayetteville Street Division
1525 Happy Hollow Road
Fayetteville, AR 72701

Dear Richard:

Please find the attached Aggregate Price Sheet for 2003. Note that Class 7 Base and Misc. Base prices for the West Fork facility are subject to availability because they are back-hauled from our Sharps and Hindsville facilities respectively when applicable.

We at McClinton-Anchor sincerely appreciate your continued business and look forward to serving the City of Fayetteville's material needs. If you have questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mike Lancett".

Mike Lancett
Sales/Marketing Supervisor

**APAC-Arkansas
McClinton Anchor**

Construction Material Bid
Waiver
C. 6. Page 5

CITY OF FAYETTEVILLE PRODUCT PRICE LIST - F.O.B. PLANT

FOR YEAR 2003

Material Description	Material Code	WEST FORK	Material Code	SHARPS	Material Code	HINDSVILLE
AG Lime	90107	\$6.45	-	-	90108	\$6.20
Coarse Lime	90507	\$3.20	-	-	90508	\$3.95
Fill Material	-	-	90905	\$1.50	90908	\$1.50
• Class 7 Base	91505	\$6.85	91505	\$5.20	91508	\$5.20
• Misc. Base	91708	\$5.40	91705	\$4.70	91708	\$3.75
Crusher Run (Small, non-spec base)	-	-	91905	\$6.70	-	-
1 1/4" Conc. Aggregate	-	-	-	-	94308	\$7.10
1" Conc. Rock	-	-	-	-	94508	\$7.10
3/4" Conc. Rock	-	-	-	-	94908	\$7.45
B-Stone	-	-	95505	\$5.70	95508	\$5.70
Rip Rap	-	-	95705	\$10.70	95708	\$10.70
Shot Rock	-	-	95905	\$4.95	95908	\$4.95
CL 1 Seal Chips	-	-	-	-	96308	\$8.70
5/8" Chips (LS)	-	-	-	-	93608	\$7.95
CL 2 Seal Chips	-	-	-	-	96508	\$9.20
1/2" Chips (LS)	-	-	92305	\$8.45	92308	\$8.45
CL 4 Seal Chips	-	-	-	-	96908	\$11.45
Waste Material	-	-	97105	\$4.45	97108	\$4.45
Abrasives (LS) Grit	-	-	-	-	97308	\$5.70
Block Chat	-	-	-	-	97708	\$7.45
1 1/2" Filter Rock	-	-	8305a	\$6.70	8308a	\$6.70
1 1/8" Filter Rock	-	-	2105a	\$6.70	2108a	\$6.70

PLEASE NOTE:

- 1.) PRICES ABOVE ARE QUOTED FOB PLANT EXCLUDING APPLICABLE TAXES.
- 2.) PLEASE SEE AGGREGATE ORDERING NOTES ON BACK PAGE.
- 3.) Class 7 Base for West Fork is hauled in from Sharps.
- 4.) Misc. Base for West Fork is hauled in from Hindsville.

• Subject To Availability

- 5.) Please call the numbers listed below for material orders and haul rates:

West Fork	'Aggregate - (479) 443-2331 or Asphalt (479) 839-8514
Sharps	'Aggregate - (479) 756-8866 or Asphalt (479) 756-2881
Hindsville	'Aggregate or Asphalt - (479) 789-2230 or (479) 756-2232

- 6.) Sales tax at each location:

West Fork - 6.625%

Sharps - 6.125%

Hindsville - 6.625%

THANK YOU FOR YOUR BUSINESS!!!

For Aggregate Ordering:

- 1.) To ensure availability and timely delivery, please provide the designated plant a minimum of 1 weeks notice for any aggregate tonnage in excess of 1000 tons. All materials are subject to availability.
- 2.) If customer requires specification type materials (ie. AHTD, FAA), the customer has the responsibility for ordering and purchasing the appropriate material.
- 3.) Material prices are on a per ton basis F.O.B. plant location excluding applicable taxes.
- 4.) Please call 587-3300 with technical questions and for special pricing.



APAC-Arkansas, Inc.
McClinton-Anchor Division

March 11, 2003

Peggy Vice
City of Fayetteville Purchasing Manager
113 W. Mountain
Fayetteville, AR 72701

Dear Peggy,

Please find enclosed our asphalt price sheet for the City of Fayetteville effective March 31, 2003. As you know, within the last year asphalt liquid cement (AC) prices have increased drastically. There are numerous factors contributing to this price increase, most importantly the uncertainty of war with Iraq coupled with the effects of the recent Venezuela national strike, which crippled oil production and supply.

In January 2002 the City of Fayetteville asphalt price list was based on the current AC market range of \$125.00 per ton. The current average price for our region is \$175.00 per ton. The AC content in our asphalt mix designs average 5.5%. Depending on the type of mix design, computing the \$50.00 average increase results in a \$2.75 increase in price per ton. I have enclosed liquid asphalt price reports for 2002 and 2003 to support the circumstances we are faced with.

In closing, we at McClinton-Anchor have attempted to the best of our ability to minimize the impact of these changes for the City of Fayetteville and sincerely appreciate your patience and continued business.

Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Lancett". The signature is written in a cursive, flowing style.

Mike Lancett
Sales/Marketing Supervisor

**APAC-Arkansas
McClinton Anchor**

CITY OF FAYETTEVILLE PRODUCT PRICE LIST - F.O.B. PLANT

FOR YEAR 2003

*****Prices Are Subject To Change*****

Material Description	Material Code	WEST FORK	SHARPS	HINDSVILLE	AVOCA
Type 2 Surface (LS) 93' AHTD	44040	NO BID	\$25.00	NO-BID	NO-BID
Type 2 Surface (LS) 96' AHTD	44042	\$25.50	\$24.25	\$25.50	\$25.75
Type 3 Surface (LS) 93' AHTD	45420	NO BID	\$25.00	NO-BID	\$26.75
Type 3 Surface (LS) 96' AHTD	45042	\$25.75	\$24.50	\$25.75	\$26.25
Premix- MC250 - 96' AHTD	46581	\$29.00	\$29.00	NO-BID	\$29.00
Type 1 Surface (SS) 93' AHTD	43421	NO-BID	\$26.00	NO-BID	\$27.75
Type 2 Surface (SS) 93' AHTD	44421	NO-BID	\$26.00	NO-BID	\$27.50
Type 2 Surface (SS) 96' AHTD	44043	\$26.75	\$26.25	NO-BID	\$27.75
Type 3 Surface (SS) 96' AHTD	45043	NO-BID	\$26.00	NO-BID	\$28.75
Type 1 Binder 93' AHTD	41420	NO-BID	\$21.50	NO-BID	\$23.50
Type 2 Binder 93' AHTD	42420	NO-BID	\$21.50	NO-BID	\$23.75
Type 2 Binder 96' AHTD	42041	NO-BID	\$21.75	NO-BID	NO-BID
Base (Black Base) 93' AHTD	40420	NO-BID	\$22.00	NO-BID	\$22.75
Superpave Surface-(PG64-22)		NO-BID	\$27.75	\$28.50	\$30.75
Superpave Binder-(PG64-22)		NO-BID	\$23.75	\$23.00	NO-BID
Superpave Base-(PG64-22)		NO-BID	\$21.50	\$21.50	NO-BID
(Non-Spec) Type 3 Commercial Mix	65041	\$24.50	\$23.50	\$24.25	\$25.50

PLEASE NOTE:

1.) PRICES ABOVE ARE QUOTED FOB PLANT EXCLUDING APPLICABLE TAXES.

3.) Please call the numbers listed below for material orders and haul rates:

Sharps	Aggregate - (479) 756-8866 or Asphalt (479) 756-2881
Hindsville	Aggregate or Asphalt - (479) 789-2230 or (479) 756-2232
Avoca	Aggregate-(479)636-1010 or Asphalt (479)636-8329
West Fork	Asphalt-(479)839-8514

6.) Sales tax at each location:

West Fork - 6.625%
Sharps - 6.125%
Hindsville - 6.625%
Avoca - 7.125%

THANK YOU FOR YOUR BUSINESS!!!

For Asphalt Ordering:

- 1.) To ensure availability and timely delivery, please provide the designated plant a minimum of 1 weeks notice for any asphalt tonnage in excess of 500 tons. All asphalt mixes are subject to availability.
- 2.) If customer requires specification type asphalt mixes (ie. AHTD, FAA), the customer has the responsibility for ordering and purchasing the appropriate mixes.
- 3.) Asphalt mix prices are on a per ton basis F.O.B. plant location excluding applicable taxes.
- 4.) There will be a \$250 surcharge/day for any asphalt tonnage less than 150 tons per day required from a plant not in operation. Tonnage's will be calculated and assessed at the end of the business day to determine if a surcharge is to be applied or not.
- 5.) Any asphalt that is ordered by the customer and produced at a designated plant will be charged to the customer.
- 6.) When ordering specification asphalt mixes, the customer must supply McClinton-Anchor with the proper asphalt material code, job location, job name and either a purchase order # or job # associated with the project.
- 7.) Please call 587-3300 with technical questions and for special pricing.

Special Asphalt Pricing Considerations:

- 1.) Level 1 does not include F.O.B. plant testing for Quality Control and Quality Assurance of our specification asphalt mixes.
Your delivery ticket will indicate "non-spec" for asphalt material purchased.
- 2.) Level 2 does include F.O.B. plant testing only for Quality Control and Quality Assurance of our specification asphalt mixes. QA/QC includes gradation tests, air voids, marshall stability and AC content only. QA/QC does not include rolling patterns, nuclear testing, gyration results, density tests or any other types of lab tests.

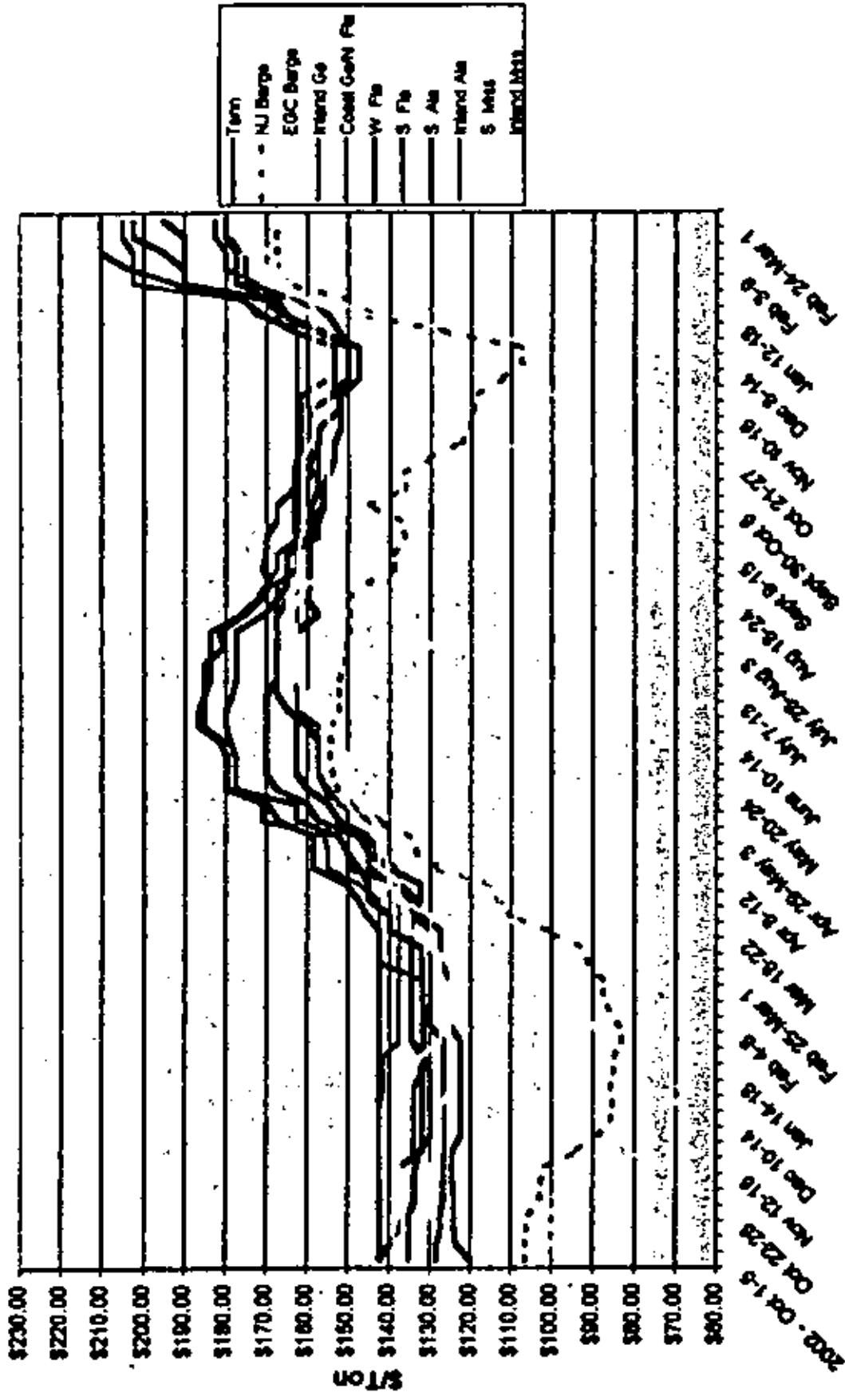
ESCALATION CLAUSE

Quoted price shall be firm unless price schedules are changed by the contractor's manufacturer/supplier. In the event of a general price schedule decrease during the contract period, the City shall be guaranteed full benefit of the price reduction for all undelivered orders on the effective date of the decrease and thereafter. Contractor guarantees against increases in quoted price for the first thirty (30) days of the contract period. Thereafter, in the event contractor's manufacturer/supplier increases his general price schedule, he may submit a price adjustment request to the Purchasing Office. The price adjustment request will be accepted so long as the requested increase in prices does not exceed the direct price increases published in the manufacturer's revised general price schedule (for example, if manufacturer's price increases \$.10/unit, he may request an adjustment not to exceed \$.10/unit in the contract award price). The contractor shall submit a letter from the manufacturer certifying the increased cost with each price adjustment request. All adjusted prices must be competitive with the prevailing market price.

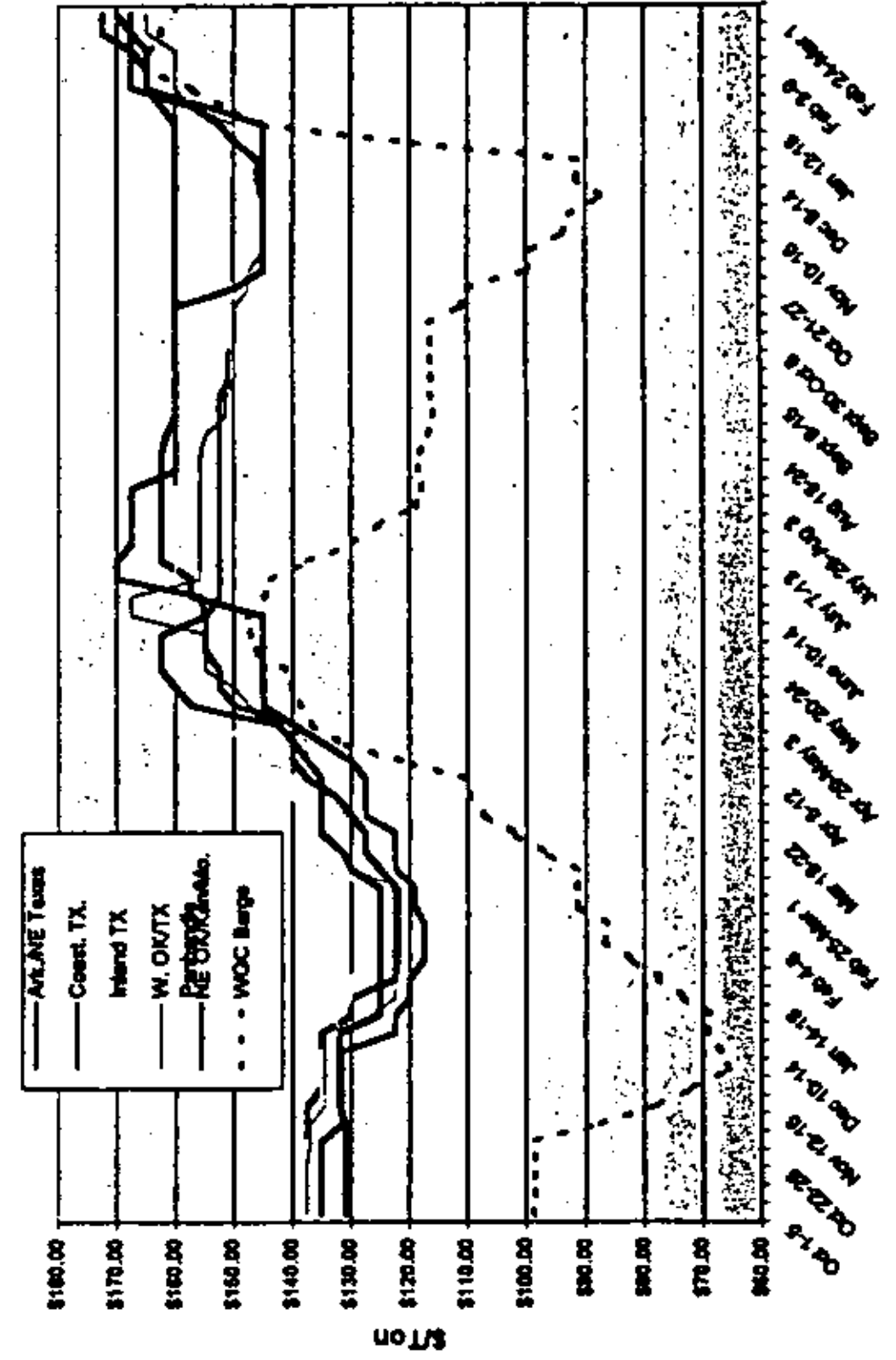
ARGUS Weekly Average

APAC Regions										1										2										3										4										5										6										7										8										9										10										11										12										13										14										15										16										17										18										19										20										21										22										23										24										25										26										27										28										29										30										31										32										33										34										35										36										37										38										39										40										41										42										43										44										45										46										47										48										49										50										51										52										53										54										55										56										57										58										59										60										61										62										63										64										65										66										67										68										69										70										71										72										73										74										75										76										77										78										79										80										81										82										83										84										85										86										87										88										89										90										91										92										93										94										95										96										97										98										99										100										101										102										103										104										105										106										107										108										109										110										111										112										113										114										115										116										117										118										119										120										121										122										123										124										125										126										127										128										129										130										131										132										133										134										135										136										137										138										139										140										141										142										143										144										145										146										147										148										149										150										151										152										153										154										155										156										157										158										159										160										161										162										163										164										165										166										167										168										169										170										171										172										173										174										175										176										177										178										179										180										181										182										183										184										185										186										187										188										189										190										191										192										193										194										195										196										197										198										199										200										201										202										203										204										205										206										207										208										209										210										211										212										213										214										215										216										217										218										219										220										221										222										223										224										225										226										227										228										229										230										231										232										233										234										235										236										237										238										239										240										241										242										243										244										245										246										247										248										249										250										251										252										253										254										255										256										257										258										259										260										261										262										263										264										265										266										267										268										269										270										271										272										273										274										275										276										277										278										279										280										281										282										283										284										285										286										287										288										289										290										291										292										293										294										295										296										297										298										299										300										301										302										303										304										305										306										307										308										309										310										311										312										313										314										315										316										317										318										319										320										321										322										323										324										325										326										327										328										329										330										331										332										333										334										335										336										337										338										339										340										341										342										343										344										345										346										347										348										349										350										351										352										353										354										355										356										357										358										359										360										361										362										363										364										365										366										367										368										369										370										371										372										373										374										375										376										377										378										379										380										381										382										383										384										385										386										387										388										389										390										391										392					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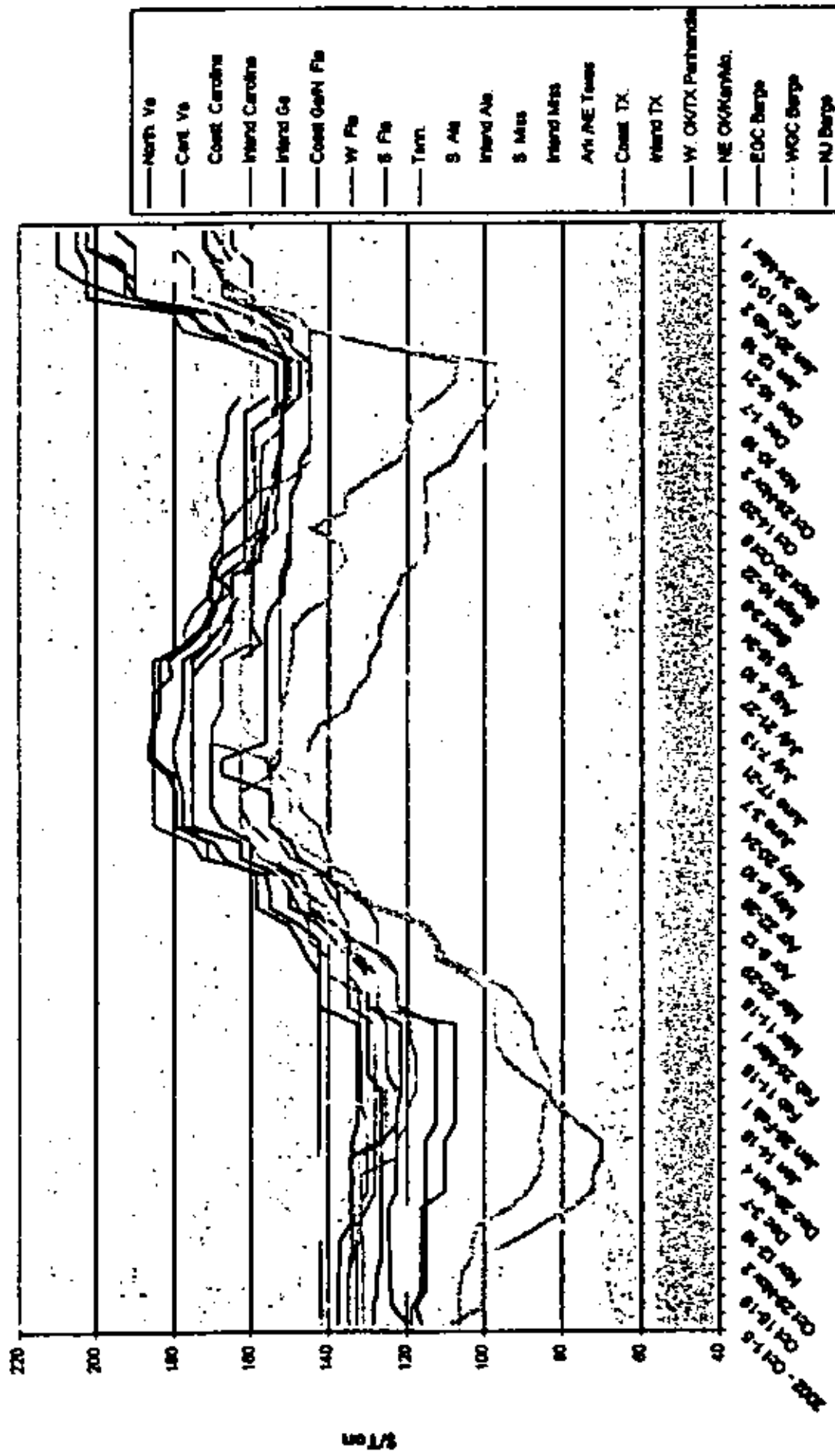
Region 2 Argus Historic Average Prices



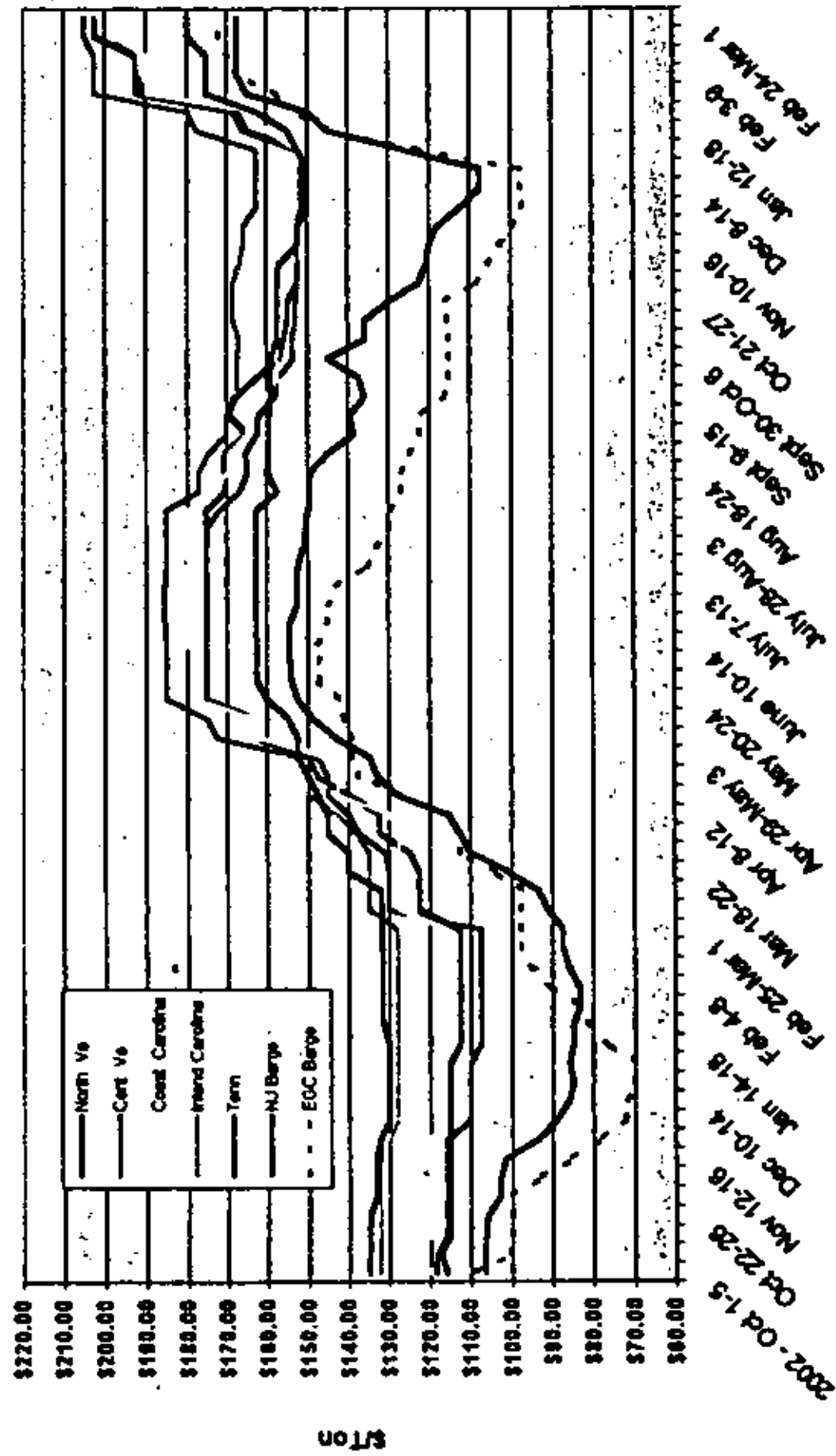
Region 2 Historical Argus Averages



Argus AC Averages



Region 1 Argus Historic Pricing



STAFF REVIEW FORM

Organizational Chart
C. 7. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF January 21, 2003 MAYOR'S APPROVAL _____

FROM:

Dan Coody

Name

Mayor

Division

Administration

Department

ACTION REQUIRED An Ordinance Amending §33.001 City Organizational Chart

COST TO CITY:

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

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

New Item: **Yes** No

Previous Ordinance/Resolution No.: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING §33.001
CITY ORGANIZATIONAL CHART

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §33.001 City Organizational Chart by replacing the current chart with the chart attached to this ordinance as Exhibit "A".

PASSED and APPROVED this the 21st day of January, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

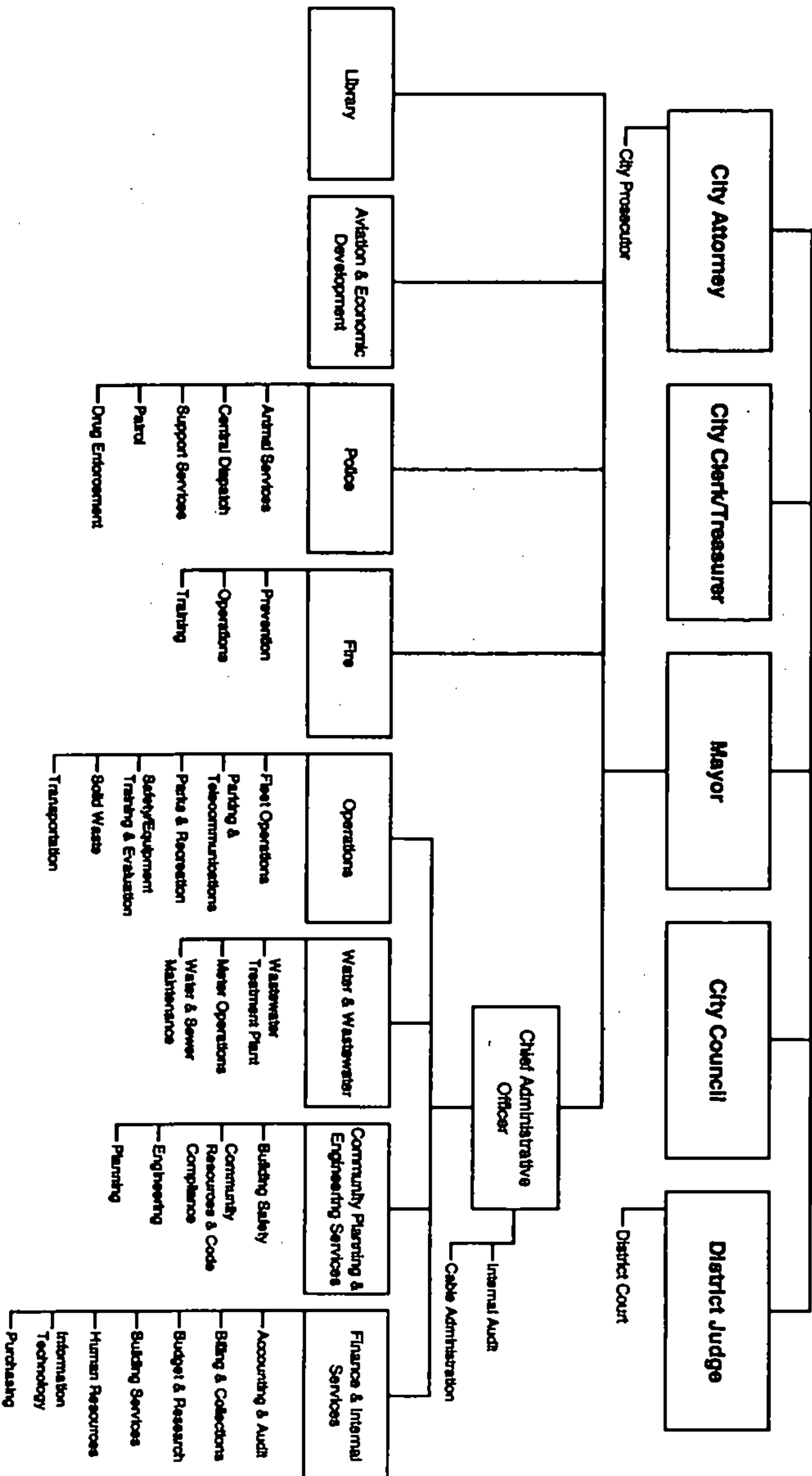
ATTEST:

By: _____
Heather Woodruff, City Clerk

City of Fayetteville, Arkansas

Organizational Chart

Citizens of Fayetteville

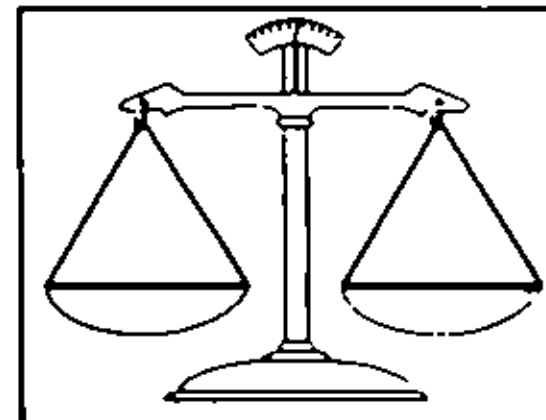


FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal stroke extending to the right.

DATE: **April 2, 2003**

RE: **Passed Ordinances and Resolutions from City Council meeting
of April 1, 2003**

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

- 41-03 1. **Museum of Northwest Arkansas:** Resolution supporting application of Museum of Northwest Arkansas for Formal Affiliation w/The Smithsonian Institute;
- 42-03 2. **Kutak Rock, LLP Agreement:** Resolution approving Bond Counsel Agreement w/Kutak Rock, LLP;
- 43-03 3. **Stephen's Inc.:** Resolution approving Bond Underwriting Agreement w/Stephen's Inc. for Bond Underwriting Services of the Town Center Bond Issue refinancing if advisable;
- 44-03 4. **Wittenberg, Delony & Davidson Contract:** Resolution approving architect contract w/Wittenberg, Delony & Davidson in a not to exceed amount of \$83,700.00 to design, complete large scale

development process and supervise construction of Fire Station Number 7;

- 45-03 5. **Budget Roll-Forward:** Resolution approving budget adjustment for various capital projects to be rebudgeted from 2002 budget to 2003 budget;
- 4471 6. **RZN 03-6.00 (Brophy):** Ordinance rezoning that property described in rezoning petition as submitted by Bill Rudasill on behalf of Ralph Brophy for a parcel containing approximately 1.65 acres located north of Township and east of Hwy. 71B, from C-2 Thoroughfare Commercial to R-2 Medium Density Residential;
- 46-03 7. **Mount Sequoyah:** Resolution approving offer and acceptance contract between City of Fayetteville and Mount Sequoyah Assembly, Inc. for purchase of about 67 acres of land for \$1,300,000.00 and budget adjustment in amount of \$600,000.00 as first year's payment;
- 4472 8. **JED Development, Inc.:** Ordinance waiving requirements of formal competitive bidding and authorizing City to pay JED Development, Inc. up to \$55,095.43 as City's portion of a cost share for construction of about 300 feet of a 28-foot wide street w/storm drainage and sidewalks;
- 4473 9. **VAC 03-3.00 (Mee):** Ordinance approving VAC 03-3.00 to vacate and abandon a portion of the most easterly 8' of a 20' utility easement located at 3305 N. South Ridge Drive as described on attached map and legal description;
- 4474 10. **New World Systems:** Ordinance waiving competitive bidding requirements to enable City to purchase computer software from New World Systems;
- 4475 11. **Construction Material Bid Waiver:** Ordinance approving bid waiver for purchase of asphalt and aggregate materials and to approve bulk purchase contract w/McClinton-Anchor;
- 4476 12. **Organizational Chart:** Ordinance amending §33.01 City Organizational Chart.

**TENTATIVE AGENDA
FOR
CITY COUNCIL MEETING
APRIL 1, 2003**

A meeting of the Fayetteville City Council will be held on April 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

NOMINATING
NOMINATING COMMITTEE REPORT

**APPROVAL OF NANCY L. BOLIN TO THE FAYETTEVILLE HOUSING
AUTHORITY BOARD**

**APPROVAL OF NEAL CRAWFORD TO THE ADVERTISING AND
PROMOTION COMMISSION**

1. **APPROVAL OF THE MINUTES:** Approval of the March 18, 2003 meeting minutes.
2. **MUSEUM OF NORTHWEST ARKANSAS:** A resolution to support the application of The Museum of Northwest Arkansas for formal affiliation with The Smithsonian Institute.
3. **KUTAK ROCK, LLP AGREEMENT:** A resolution to approve a bond counsel agreement with Kutak Rock, LLP (Gordon Wilbourn) for the 2003 Debt Management Program.
4. **STEPHEN'S, INC:** A resolution for approval of a bond underwriting agreement with Stephen's, Inc. for bond underwriting services in conjunction with the City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax Bonds – Series 1998 (Town Center Bond Issue) Refunding. The cost of issuance will be deducted from the bond proceeds.

B. OLD BUSINESS:

1. **BUDGET:** A resolution approving a budget adjustment which will allow for the roll-forward to the current budget of all projects or items in progress which were appropriated in the 2002 budget.

*Council
Tour
3/31/03*

2. **RZN 03-6.00 (Brophy):** An ordinance approving a rezoning as submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.65 acres. The request is to rezone to R-3, High Density Residential. The ordinance was left on the second reading at the March 18, 2003 City Council meeting.

C. NEW BUSINESS:

1. **MOUNT SEQUOYAH:** A resolution to approve an offer and acceptance to purchase approximately 67 acres of land from the Mount Sequoyah Assembly for approximately 1.3 million and a corresponding budget adjustment.
2. **JED DEVELOPMENT, INC.:** An ordinance authorizing a cost-share and bid waiver in the amount of \$55,095.43 with JED Development, Inc. for the construction of approximately 300 feet of 28' wide street with storm drainage and sidewalks.
3. **VAC 03-3.00 (Mee):** A ordinance as submitted by Seaside Pools, Inc. on behalf of David & Sue Ellen Mee for property located at 3305 Southridge Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.008 acres. The request is to vacate the most easterly 8' of a 20' utility easement located on the western lot line of the property for the installation of an in ground pool.

*Move to
consent*

4. **WITTENBERG, DELONY & DAVIDSON CONTRACT:** A resolution approving a contract with Wittenberg, Delony & Davidson in the amount of \$83,700.00. This contract is for architectural services related to the design and construction of Fire Station (#7 West Side)
5. **NEW WORLD SYSTEMS:** An ordinance approving waiving the competitive bidding of computer software from New World Systems. This ordinance will be in effect until the City of Fayetteville discontinues use of New World Software.
6. **CONSTRUCTION MATERIAL BID WAIVER:** An ordinance to approve a bid waiver for construction materials utilized by various divisions of the City and approve purchase.
7. **ORGANIZATIONAL CHART:** An ordinance amending §33.001 City Organizational Chart.

D. INFORMATIONAL:

1. **COUNCIL TOUR:** March 31, 2003 - Senior Center *and*

RZN 03-6.00 (Brophy)

Agenda
Meeting
3-19-03

**TENTATIVE AGENDA
FOR
CITY COUNCIL MEETING
APRIL 1, 2003**

A meeting of the Fayetteville City Council will be held on April 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

NOMINATING COMMITTEE REPORT

**APPROVAL OF NANCY L. BOLIN TO THE FAYETTEVILLE HOUSING
AUTHORITY BOARD**

**APPROVAL OF NEAL CRAWFORD TO THE ADVERTISING AND
PROMOTION COMMISSION**

1. **APPROVAL OF THE MINUTES:** Approval of the March 18, 2003 meeting minutes.

2. **MUSEUM OF NORTHWEST ARKANSAS:** A resolution to support the application of The Museum of Northwest Arkansas for formal affiliation with The Smithsonian Institute.

Kutak Rock, LLP

3. **~~GORDON WILBOURN~~ AGREEMENT:** A resolution to approve a bond counsel agreement with ~~Gordon Wilbourn~~ of Kutak Rock, LLP for the 2003 Debt Management Program. *(Gordon Wilbourn)*

4. **STEPHEN'S, INC:** A resolution for approval of a bond underwriting agreement with Stephen's, Inc. for bond underwriting services in conjunction with the City of Fayetteville, Arkansas Hotel and Restaurant Gross Receipts Tax Bonds - Series 1998 (Town Center Bond Issue) Refunding. The cost of issuance will be deducted from the bond proceeds.

*New.
Business*

5. **WITTENBERG, DELONY & DAVIDSON CONTRACT:** A resolution approving a contract with Wittenberg, Delony & Davidson in the amount of \$83,700.00. This contract is for architectural services related to the design and construction of Fire Station

B. OLD BUSINESS:

1. **BUDGET:** A resolution approving a budget adjustment which will allow for the roll-forward to the current budget of all projects or items in progress which were appropriated in the 2002 budget.

② RZN 03-6.00: *Brophy!*

C. NEW BUSINESS:

- Resolution to Approve an*
1. **MOUNT SEQUOYAH:** *Offer & Acceptance Contract to purchase approx. 67 acres from Mt. Seq. Assn!*
 2. **JED DEVELOPMENT, INC.:** An ordinance authorizing a cost-share and bid waiver in the amount of \$55,095.43 with JED Development, Inc. for the construction of approximately 300 feet of 28' wide street with storm drainage and sidewalks. *approx. 1.3 M. and a corresponding budget adjustment*
 3. **VAC 03-3.00 (Mee):** A ordinance as submitted by Seaside Pools, Inc. on behalf of David & Sue Ellen Mee for property located at 3305 Southridge Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.008 acres. The request is to vacate the most easterly 8' of a 20' utility easement located on the western lot line of the property for the installation of an in ground pool.
 4. **NEW WORLD SYSTEMS:** An ordinance approving waiving the competitive bidding of computer software from New World Systems. This ordinance will be in effect until the City of Fayetteville discontinues use of New World Software.
 5. ~~**CONSTRUCTION MATERIAL BID WAIVER:** An ordinance to approve a bid waiver for construction materials utilized by various divisions of the City.~~
 6. **ORGANIZATIONAL CHART:** An ordinance amending §33.001 City Organizational Chart.

D. INFORMATIONAL:

1. **COUNCIL TOUR:** March 31, 2003 - Senior Center

8-10 City Staff / City Council
10-1:00 City Council
29th
8:00 - 1:00 Sat.
Public
Friday
Public

STH
3-17-03

**DRAFT TENTATIVE AGENDA
FOR
CITY COUNCIL MEETING
APRIL 1, 2003**

A meeting of the Fayetteville City Council will be held on April 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

NOMINATING COMMITTEE REPORT

**APPROVAL OF NANCY L. BOLIN TO THE FAYETTEVILLE HOUSING
AUTHORITY BOARD**

**APPROVAL OF NEAL CRAWFORD TO THE ADVERTISING AND
PROMOTION COMMISSION**

1. **APPROVAL OF THE MINUTES:** Approval of the March 18, 2003 meeting minutes.
2. **MUSEUM OF NORTHWEST ARKANSAS:** A resolution to support the application of The Museum of Northwest Arkansas for formal affiliation with The Smithsonian Institute.

Roll forward **B. OLD BUSINESS:**

C. NEW BUSINESS:

- Mand
Seg.
Purchase* ←
1. **JED DEVELOPMENT, INC.:** An ordinance authorizing a cost-share and bid waiver in the amount of \$55,095.43 with JED Development, Inc. for the construction of approximately 300 feet of 28' wide street with storm drainage and sidewalks.
 2. **VAC 03-3.00 (Mee):** A ordinance as submitted by Seaside Pools, Inc. on behalf of David & Sue Ellen Mee for property located at 3305 Southridge Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.008 acres. The request is to vacate the most easterly 8' of a 20' utility easement located on the western lot line of the property for the installation of an in ground pool.

3. **NEW WORLD SYSTEMS:** An ordinance approving waiving the competitive bidding of computer software from New World Systems. This ordinance will be in effect until the City of Fayetteville discontinues use of New World Software.

Consent → 4. **GORDON WILBOURN AGREEMENT:** A resolution to approve a bond counsel agreement with Gordon Wilbourn of Kutak Rock, LLP for the 2003 Debt Management Program.

5. **CONSTRUCTION MATERIAL BID WAIVER:** A ^{*ordinance*}~~resolution~~ to approve a bid waiver for construction materials utilized by various divisions of the City.

Consent → 6. **WITTENBERG, DELONY & DAVIDSON CONTRACT:** A resolution approving a contract with Wittenberg, Delony & Davidson in the amount of \$83,700.00. This contract is for architectural services related to the design and construction of Fire Station 7.

7. **ORGANIZATIONAL CHART:** An ordinance amending §33.001 City Organizational Chart.

Need to add a new chart

D. INFORMATIONAL:

1. **HANSEN WORK SESSION:** After Agenda Session on March 25, 2003.

defer

NORTHWEST ARKANSAS EDITION
Arkansas Democrat Gazette

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APR 01 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

AFFIDAVIT OF PUBLICATION

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Legal Clerk of the Arkansas Democrat-Gazette newspaper, printed and
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and reference to the files of said publication, the advertisement of:

Find Agenda was inserted in the regular editions on
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** Publication Charge: \$ 152.79

Subscribed and sworn to before me this

30 day of March, 2003.

Tammy Allen

Notary Public

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Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2011

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APR 1 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FINAL AGENDA
FOR
CITY COUNCIL MEETING
APRIL 1, 2003



A meeting of the Fayetteville City Council will be held on April 1, 2003 at 8:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas

A. CONSENT:

NOMINATING COMMITTEE REPORT

APPROVAL OF NANCY L. BOUN TO THE FAYETTEVILLE HOUSING AUTHORITY BOARD

APPROVAL OF NEAL CRAWFORD TO THE ADVERTISING AND PROMOTION COMMISSION

1. APPROVAL OF THE MINUTES: Approval of the March 18, 2003 meeting minutes.
2. MUSEUM OF NORTHWEST ARKANSAS: A resolution to support the application of The Museum of Northwest Arkansas for formal affiliation with The Smithsonian Institute
3. KUTAK ROCK, LLP AGREEMENT: A resolution to approve a bond counsel agreement with Kutak Rock, LLP.
4. STEPHEN'S, INC.: A resolution to approve a bond underwriting agreement with Stephen's, Inc. for bond underwriting services of the Town Center bond issue refinancing if advisable
5. WITTENBERG, DELONY & DAVIDSON CONTRACT: A resolution to approve an architect contract with Wittenberg, Delony & Davidson Inc. not to exceed amount of \$83,700.00 to design, complete the large scale development process and supervise construction of Fire Station Number 7 (West Side).

B. OLD BUSINESS:

1. BUDGET ROLL-FORWARD: A resolution to approve the budget adjustment for various capital projects to be re-budgeted from the 2002 budget to the 2003 budget. This part of the budget was not considered at the March 4, 2003 City Council meeting.
2. RZN 03-6 00 (Brophy): An ordinance rezoning that property described in rezoning petition RZN 03-6 00: rezoning (Brophy, PP 291) as submitted by Bill Rudasill on behalf of Ralph Brophy for a parcel containing approximately 1.65 acres located north of Township and east of Highway 71B, Fayetteville, Arkansas from C-2, Thoroughfare Commercial to R-3, High Density Residential. The ordinance was left on the second reading at the March 18, 2003 City Council meeting.

C. NEW BUSINESS:

1. MOUNT SEQUOYAH: A resolution to approve the offer and acceptance contract between the City of Fayetteville and Mount Sequoyah Assembly, Inc. for the purchase of about 67 acres of land for \$1,300,000.00 and a budget adjustment in the amount of \$800,000.00 as first year's payment.
2. JED DEVELOPMENT, INC.: An ordinance waiving the requirements of formal competitive bidding and authorizing the City to pay JED Development, Inc. up to \$55,095.43 as the City's portion of a cost share for the construction of about 300 feet of a 28 foot wide street with storm drainage and sidewalks.
3. VAC 03-3 00 (Mee): An ordinance approving VAC 03-3 00 to vacate and abandon a portion of the most easterly 8' of a 20' utility easement located at 3305 N. Southridge Drive as described on the attached map and legal description.
4. NEW WORLD SYSTEMS: An ordinance to waive the competitive bidding requirements to enable the City to purchase computer software from New World Systems.
5. CONSTRUCTION MATERIAL BID WAIVER: An ordinance to approve a bid waiver for the purchase of asphalt and aggregate materials and to approve a bulk purchase contract with McClinton Anchor.
6. ORGANIZATIONAL CHART: An ordinance amending §33.001 City Organizational Chart.

D. INFORMATIONAL:

1. COUNCIL TOUR: March 31, 2003 - Senior Center and RZN 03-6 00 (Brophy).