

**Final Agenda
For
City Council Meeting
December 2, 2003**

A meeting of the Fayetteville City Council will be held on December 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the October 21, 2003 and November 18, 2003 meeting minutes.
2. **Police Department Policy – Racial Profiling Prohibited:** A resolution to adopt a Fayetteville Police Department Policy prohibiting racial profiling.
3. **APAC Arkansas Inc; Church Avenue Retaining Wall:** A resolution awarding Bid # 03-66 to APAC-Arkansas Inc. in the amount of Twenty-Eight Thousand Fifteen Dollars (\$28,015.00) to replace a retaining wall at the Church Avenue employee parking lot; and approving a project contingency in the amount of Two Thousand Eight Hundred One Dollars (\$2,801.00).
4. **Garver Engineers, LLC; Mount Sequoyah Water and Sewer Improvements Project:** A resolution approving a contract in the amount of Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00) with Garver Engineers, LLC for engineering services relating to the Mount Sequoyah Water and Sewer Improvements Project.
5. **Cross Keys Subdivision – Park Land Dedication – Money in lieu of land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$58,830.00 cash in lieu of the required park land dedication for Cross Keys Subdivision.
6. **Fleet Purchase of 2 Expeditions for the Police Department:** A resolution approving the purchase of two Ford Expeditions from Landers Ford at State contract prices for a total cost of \$56,322.00 for use as police K-9 units.
7. **Special Election for the Referendum Election on Ordinance No. 4512:** A resolution setting the date for the Special Election for the Referendum Election on Ordinance No. 4512 which amended §95.05 of the Fayetteville Code to Regulate Smoking In Most Public Places And Places Of Employment and requesting the Washington County Board of Election Commissioners to place this referendum on the ballot.

B. OLD BUSINESS:

1. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates. *This Ordinance was left on the second reading at the October 7, 2003 City Council meeting. This Ordinance was tabled at the November 18, 2003 City Council meeting to the December 2, 2003 City Council meeting.*
2. **2004 Annual Budget:** A resolution adopting the proposed 2004 Annual Budget & Work Program and the 2004-2008 Capital Improvement Program. *This Resolution was tabled at the November 18, 2003 City Council meeting until the December 2, 2003 City Council meeting.*
3. **Public Hearing Raze and Removal 226 North School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in the City of Fayetteville, Arkansas.

C. NEW BUSINESS:

1. **Raze and Removal 1905 S. Brower Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in the City of Fayetteville, Arkansas.
2. **VAC 03-12.00 Combs Street Church of Christ:** An ordinance approving VAC 03-12.00 to vacate and abandon a portion of 4th Street right of way, City of Fayetteville, Washington County, Arkansas as described on the attached map and legal description.
3. **Hay Group 2004 Salary Recommendation:** A resolution adopting the Hay Group's recommendation in the 2003 compensation practices update; implementing 50% of the recommendation in January 2004 and the remaining 50% in January 2005; and approving the 2004 city and employee premium amounts for the group medical plan
4. **ADM 03-29.00 Amend Master Street plan – Cliffs Boulevard Eastern Extension:** A resolution approving ADM 03-29.00 amending the Master Street Plan by removing the Eastern extension of Cliffs Blvd. between Crossover Road and Starr Drive.

D. INFORMATIONAL:

December 1, 2003 – Council Tour

Meeting of December 2, 2003

Meeting Adjourned at 10:25 pm

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

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

passed
Pull
minutes
Approve
minutes
179-03
to 184-03

✓

Subject: Amend Chapter 51.136 Monthly Water Rates

Motion To: 3rd read

Motion By: Davis
Seconded: Jordan

Old Business
#1

Cook	✓								
Marr	✓								
Rhoads	✓								
Davis	✓								
Lucas	✓								
Jordan	✓								
Reynolds	✓								
Thiel	✓								
Mayor Coody									

Paul Graham
Glennview
City Council

Sharon
Freeman
Elkins

Heather
Woodruff
Dumas

John
Harris
Mayor
of Farmington

Ernie
Penn
Assistant
Mayor

Danny
Spears
City
Council
Farmington

Leresa
Clark
Farmington
City Council

Kelly
Thomas

Subject: Amend motion to Amend Exhibit A

Motion To: Winter Average

Motion By: Cook
Seconded:

Passed

Cook	✓								
Marr	✓								
Rhoads	✓								
Davis	✓								
Lucas	✓								
Jordan	✓								
Reynolds	✓								
Thiel	✓								
Mayor Coody	✓								

Subject: Amend remove Section 2 of						
Motion To:					the proposed Ordinance.	
Motion By: Seconded:		Thiel Reynolds				
Passed	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Mayor Coody	✓				

Subject: 51.136 Monthly Water Rate						
Motion To:		Pass		with Amended Exhibit A and removal of Section 2		
Motion By: Seconded:						
Old Business #1 Passed 14530	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	N				
	Thiel	✓				
	Mayor Coody	✓				

Subject: 2004 Annual Budget						
Motion To:		Table				
Motion By:		Until the next City Council meeting.				
Seconded:						
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Mayor Coody	—				

#2
old Business

Tabled

Subject: Public Hearing Race & Renewal 226 ^{North} School						
Motion To:		Pass the Resolution				
Motion By:		Reynolds				
Seconded:		Jordan				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Mayor Coody	—				

#3
old Business

passed
185-03

Subject: <i>Raze & Removal 1905 S. Brown Ave.</i>						
Motion To:		<i>Approve Resolution</i>				
Motion By:		<i>Jordan</i>				
Seconded:		<i>Reynolds</i>				
	Cook	<i>✓</i>				
	Marr	<i>✓</i>				
	Rhoads	<i>✓</i>				
	Davis	<i>✓</i>				
	Lucas	<i>✓</i>				
	Jordan	<i>✓</i>				
	Reynolds	<i>✓</i>				
	Thiel	<i>✓</i>				
	Mayor Coody	<i>—</i>				

*#1
New Business
Passed
186-03*

Subject: <i>VAC 03-12.00 Combs Street</i>						
Motion To:		<i>2nd Read</i>	<i>3rd read</i>	<i>Approve</i>		
Motion By:		<i>Marr</i>	<i>Jordan</i>			
Seconded:		<i>Jordan</i>	<i>Davis</i>			
	Cook	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Marr	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Rhoads	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Davis	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Lucas	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Jordan	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Reynolds	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Thiel	<i>✓</i>	<i>✓</i>	<i>✓</i>		
	Mayor Coody	<i>—</i>	<i>—</i>	<i>—</i>		

*#2
New Business
Passed
4531*

Subject: Hay Group 2004 Salary Rec.						
Motion To:		Remove Section 3.	Section 1 and 2.	Leave only		
Motion By:		_____				
Seconded:						
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Mayor Coody	_____				

#3
New
Business

Subject: Hay Group 2004 Salary Rec.						
Motion To:		Approve resolution as amended.				
Motion By:		Thiel				
Seconded:		Reynolds				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Mayor Coody	_____				

#3
New
Business
187-03

Meeting of December 2, 2003

Subject: ADM 03-29.00 Amend Master Street Plan - Cliff's Boulevard						
Motion To:		Table until the next City Council Meeting				
Motion By: Seconded:						
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Mayor Coody	✓				

#4
New
Business

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

**Final Agenda
For
City Council Meeting
December 2, 2003**

A meeting of the Fayetteville City Council will be held on December 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT: *Passed w/o minutes*

Pulled

1. **Approval Of The Minutes:** Approval of the October 21, 2003 and November 18, 2003 meeting minutes.

179-03

2. **Police Department Policy – Racial Profiling Prohibited:** A resolution to adopt a Fayetteville Police Department Policy prohibiting racial profiling.

180-03

3. **APAC Arkansas Inc; Church Avenue Retaining Wall:** A resolution awarding Bid # 03-66 to APAC-Arkansas Inc. in the amount of Twenty-Eight Thousand Fifteen Dollars (\$28,015.00) to replace a retaining wall at the Church Avenue employee parking lot; and approving a project contingency in the amount of Two Thousand Eight Hundred One Dollars (\$2,801.00).

181-03

4. **Garver Engineers, LLC; Mount Sequoyah Water and Sewer Improvements Project:** A resolution approving a contract in the amount of Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00) with Garver Engineers, LLC for engineering services relating to the Mount Sequoyah Water and Sewer Improvements Project.

182-03

5. **Cross Keys Subdivision – Park Land Dedication – Money in lieu of land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$58,830.00 cash in lieu of the required park land dedication for Cross Keys Subdivision.

183-03

6. **Fleet Purchase of 2 Expeditions for the Police Department:** A resolution approving the purchase of two Ford Expeditions from Landers Ford at State contract prices for a total cost of \$56,322.00 for use as police K-9 units.

184-03

7. **Special Election for the Referendum Election on Ordinance No. 4512:** A resolution setting the date for the Special Election for the Referendum Election on Ordinance No. 4512 which amended §95.05 of the Fayetteville Code to Regulate Smoking In Most Public Places And Places Of Employment and requesting the Washington County Board of Election Commissioners to place this referendum on the ballot.

B. OLD BUSINESS:

- 4530
1. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates. *This Ordinance was left on the second reading at the October 7, 2003 City Council meeting. This Ordinance was tabled at the November 18, 2003 City Council meeting to the December 2, 2003 City Council meeting.*

- Tabled to Dec. 16, 2003
2. **2004 Annual Budget:** A resolution adopting the proposed 2004 Annual Budget & Work Program and the 2004-2008 Capital Improvement Program. *This Resolution was tabled at the November 18, 2003 City Council meeting until the December 2, 2003 City Council meeting.*

- 185-03
3. **Public Hearing Raze and Removal 226 North School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in the City of Fayetteville, Arkansas.

C. NEW BUSINESS:

- 186-03
1. **Raze and Removal 1905 S. Brower Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in the City of Fayetteville, Arkansas.

- 4531
2. **VAC 03-12.00 Combs Street Church of Christ:** An ordinance approving VAC 03-12.00 to vacate and abandon a portion of 4th Street right of way, City of Fayetteville, Washington County, Arkansas as described on the attached map and legal description.

- Passed and resolution-See 3 only 187-03
3. **Hay Group 2004 Salary Recommendation:** A resolution adopting the Hay Group's recommendation in the 2003 compensation practices update; implementing 50% of the recommendation in January 2004 and the remaining 50% in January 2005; and approving the 2004 city and employee premium amounts for the group medical plan.

- Tabled to Dec. 16, 2003
4. **ADM 03-29.00 Amend Master Street Plan – Cliffs Boulevard Eastern Extension:** A resolution approving ADM 03-29.00 amending the Master Street Plan by removing the Eastern extension of Cliffs Blvd. between Crossover Road and Starr Drive.

D. INFORMATIONAL:

December 1, 2003 – Council Tour

From: David Whitaker
To: Davis, Steve; Laycox, Rainy
Date: 12/3/03 9:54AM
Subject: Re: When we get questions concerning the effective date of the rate ordinance

Couldn't have said it better!

David J. Whitaker
Assistant City Attorney
City of Fayetteville, Arkansas
479.575.8313
479.575.8315 (FAX)

>>> Steve Davis 12/03/03 09:52AM >>>

The City Attorney's Office and the City Clerk's office will be making the last minute changes to the rate ordinance that was approved last night. The ordinance will be presented to the Mayor for signature. After the Mayor and City Clerk sign the ordinance it has to be published and becomes effective 31 days after publication. I would expect the ordinance to be published in Saturday's paper so the ordinance would become effective for water & sewer bills calculated after January 7.

In answer to your question of how staff is to respond to question concerning the rate ordinance I think the most appropriate response would be along the lines of "the City Council adopted new water & sewer rates that will become effective 31 days from the date the ordinance is published. The tentative effective date for the ordinance is Jan 7. The rate increases are due to 1) increased cost of purchasing water from Beaver Water District and increased cost of operating the sewer system for the improvements approved by the voters in 2001. The City had to begin land filling sludge to comply with environmental regulations. For additional information concerning the rate increase please see the City's web site."

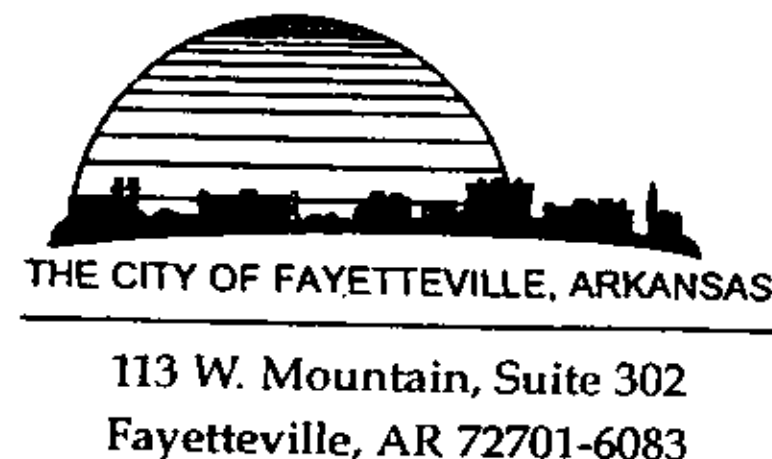
Stephen

CC: Boettcher, Greg; Earnest, Hugh; Smith, Sondra

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

DAVID J. WHITAKER
Assistant City Attorney
Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315



November 7, 2003

Honorable Steve Tennant
Farmington City Attorney
Farmington, AR 72730

By FAX: 267-2025

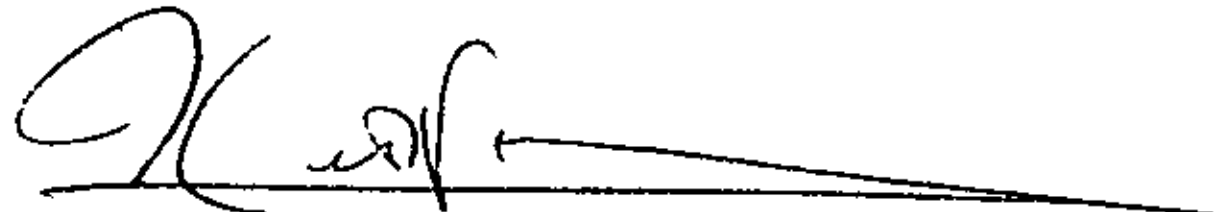
RE: *FOI request for documents requested by letter of Nov. 5, 2003*

Dear Steve:

We have again compiled the documents concerning the contracts with your client, water and sewer studies of the Farmington sewer, etc. Since this is the third time we have supplied these documents to Farmington, we must charge you a photocopy charge of 5¢ per page. There are 465 pages or requested documents included so your photocopying charge is \$23.25.

Please bring your check payable to the City of Fayetteville when you come to pick up these documents which are now ready and in my office.

With kindest regards,



Kit Williams
Fayetteville City Attorney

KW/jh

cc: Steve Davis, Finance & Internal Services Director
Sondra Smith, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51, WATER AND SEWERS, OF THE CODE OF FAYETTEVILLE, TO CHANGE NOMENCLATURE; AND ADJUST WATER AND SEWER RATES.

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

Section 1. That Chapter 51: Water and Sewers, Code of Fayetteville is hereby amended by deleting all references to the "**Public Works Director**" and the "**Water & Sewer Services Superintendent**", and replacing them with "the Water & Wastewater Director or designee, or the Finance & Internal Services Director, or designee."

Section 2. That §§ 51.136 & 51.137 of the Code of Fayetteville are hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in their stead.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A" – Revised 12/02/2003

51.136 Monthly Water Rates

Effective as of the first billing statements issued after December 31, 2003, the following monthly rates shall be fixed as rates to be charged for water furnished by the waterworks system of the city, which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged:

(A) Monthly treated water rates.

- (1) The water usage of each customer shall be determined each month by meter measurement and the amount per 1,000 gallons to be paid for water usage by each customer shall be computed on the basis of the following schedule of rates. The minimum billing shall be 1,000 gallons per month.

Table A
Monthly Water Rates

Usage Rate (In gallons)	Inside City	Outside City
First 10,000	\$2.81	\$3.52
Next 290,000	2.42	3.03
Next 4,700,000	1.76	2.20
Over 5,000,000	1.60	1.98

- (2) All bills under such schedule shall be computed by adding the applicable meter service charge prescribed by subsection (B) to the amount determined to be due for water usage under this schedule. Applicable sales tax and franchise fees shall be added to the bill so computed.
- (3) When a common facility/building is served by multiple water meters and the water usage is for the same purpose, customers may petition the Water & Wastewater Director and/or the Finance & Internal Services Director to have the water consumption aggregated and have the tiered rates apply to the aggregated quantity.

(B) Monthly meter service charge.

- (1) In addition to the above, each customer shall pay a monthly meter service charge in accordance with the following schedule:

EXHIBIT "A" – Revised 12/02/2003

Table B
Monthly Water Meter Service Charge

Meter Size	Inside City	Outside City
5/8 inch	\$ 4.16	\$ 5.20
3/4 inch	4.42	5.54
1 inch	5.67	7.12
1 ½ inch	9.68	12.22
2 inch	13.97	17.67
3 inch	32.18	40.79
4 inch	53.08	67.33
6 inch	105.88	134.39
8 inch	158.68	201.44

(2) The monthly treated water rates and the monthly meter service charge rates prescribed by subsections (A) and (B) of this section shall commence as of the first billing statements issued after December 31, 2003. Customers served through the white river water district system will pay the outside city rate plus an additional \$5.94 per month. The Safe Drinking Water Act fee shall be added to these Monthly Water Meter Service Charges.

(C) *Monthly standby fire protection service charge.* Charges for un-metered service connections inside the city limits for standby fire protection and fire hydrants shall be:

Table C
Monthly Standby Fire Protection Service Charge

Line Size	Inside City	Outside City
2 inch	\$ 6.60	\$ 6.60
3 inch	19.80	19.80
4 inch	39.60	39.60
6 inch	110.00	110.00
8 inch	231.00	231.00
10 inch	396.00	396.00

EXHIBIT "A" – Revised 12/02/2003

(E) Monthly wholesale treated water rates outside city limits shall be:

Table D
Monthly Wholesale Treated Water Rates - Outside City Limits

Usage Rate Per 1,000 Gallons	\$ 2.01
Reduced demand	1.81
Meter charge	55.55

(Based on Cost of Service Methodology)

(F) Monthly charge for fire hydrants provided water by the city for municipalities and/or districts outside the city limits for billing statements issued after December 31, 2003 shall be \$7.70 per hydrant per month.

51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.* All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

(1) Monthly sewer quantity charge:

Table E-1
Monthly Sewer Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2003
(*Across-the-Board Percentage; **Cost of Service Methodology)

Residential*	\$ 2.61
Commercial/Industrial*	2.04
Outside city limits**	6.03
Elkins**	5.24

Table E-2
Monthly Sewer Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2004

Residential*	\$ 2.84
Commercial/Industrial*	2.22
Outside city limits**	6.57
Elkins**	5.71

Table E-3
Monthly Sewer Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2005

Residential*	\$ 3.10
Commercial/Industrial*	2.42
Outside city limits**	7.16
Elkins**	6.22

EXHIBIT "A" – Revised 12/02/2003

(2) Monthly service charge:

**Table F-1 Monthly Sewer Service Charge
After December 31, 2003**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 8.72	\$ 8.72
3/4 inch	10.08	11.87
1 inch	11.34	16.28
1½ inch	15.85	28.90
2 inch	21.10	41.51
3 inch	46.31	97.02
4 inch	77.51	160.09
6 inch	149.26	317.78
8 inch	232.26	475.47

**Table F-2 Monthly Sewer Service Charge
After December 31, 2004**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 9.50	\$ 9.50
3/4 inch	10.99	12.94
1 inch	12.36	17.75
1½ inch	17.27	31.50
2 inch	23.00	45.25
3 inch	50.77	105.75
4 inch	84.49	174.50
6 inch	163.64	346.38
8 inch	253.16	518.26

**Table F-3 Monthly Sewer Service Charge
After December 31, 2005**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 10.36	\$ 10.35
3/4 inch	11.98	14.10
1 inch	13.47	19.35
1½ inch	21.99	34.33
2 inch	31.44	49.32
3 inch	73.01	115.27
4 inch	120.26	190.21
6 inch	238.37	377.56
8 inch	356.48	564.90

†Cost of Service Methodology required by contract.

(B) Determination of charge for domestic customers.

- (1) (a) In the case of domestic customers, the average monthly water consumption for the preceding months of December, January, and February shall be computed separately for each customer, and a uniform monthly charge for each customer shall be determined by applying the schedule of rates set out in

EXHIBIT "A" – Revised 12/02/2003

subsection (A) of this section to such average monthly water consumption. In the case of a domestic user for whom a uniform monthly charge has been established and who moves to a new location the same uniform monthly charge shall apply at the new location. In the case of new domestic users, the schedule of rates shall be applied to monthly water usage until an average monthly water consumption has been established. This methodology shall not apply to multi-family structures containing five (5) or more units in a contiguous building.

- (b) Each domestic customer shall be required to make a \$50.00 service deposit with each application for sewer service. This service deposit shall be retained in trust, without interest, by the city finance department. When service to the depositor is discontinued permanently, said service deposit shall be applied to the final billing and the remainder, if any, returned to the depositor.
- (2) Domestic customers with a single water meter and an existing irrigation system may petition the Water & Wastewater Director within 36 months of the effective date of this ordinance revision, to install an irrigation meter and to request a waiver of the meter impact fee for the pre-existing irrigation demand.
- (C) *Determination of charge for commercial and industrial customers.* In the case of commercial and industrial customers the monthly sewer charge shall be determined by applying the schedule of rates prescribed in subsection (A) of this section to the monthly water usage of such customers. In the event that a commercial or industrial customer discharging waste into the city's sanitary sewer system produces evidence to the water and sewer superintendent demonstrating that a substantial portion of the total amount of water from all sources used for all purposes does not reach the sanitary sewer which is in excess of the factors used in establishing the rates in subsection (A) of this section, an estimated percentage of total water consumption to be used in computing charges may be established by the water and sewer superintendent. The factors used in establishing said rates are on file in the office of the water and sewer superintendent and are incorporated herein by reference thereto. Any rate so adjusted by the water and sewer superintendent shall be effective for a 12-month period beginning with the billing for the month when rates adjudged hereby go into effect.
- (D) *Extra Strength Surcharge.* For all commercial and industrial customers whose wastewater discharge is greater than 300 mg/l of BOD₅ and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

	<i>After December 31, 2003</i>	<i>After December 31, 2004</i>	<i>After December 31, 2005</i>
(1) Extra Strength BOD ₅ ---	\$0.2246/lb.	0.2449/lb.	0.2669/lb.
(2) Extra Strength TSS -----	\$0.1123/lb.	0.1224/lb.	0.1334/lb.

EXHIBIT "A" – Revised 12/02/2003

Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).

(E) Definitions.

For the purpose of this division the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) *Commercial, industrial customer or user.* All retail stores, restaurants, office buildings, laundries, and other private business and service establishments which contribute wastewater to the city's wastewater treatment plant. It shall include any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the *Standard Industrial Classification Manual, 1972, Office of Management and Budget*, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services. It also includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users; legislative, judicial, administrative, and regulatory activities of federal, state and local governments.
- (2) *Domestic customer or user.* Any contributor of wastewater to the city's treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.
- (3) *Infiltration/inflow.* The total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roofleaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash water, or drainage.
- (4) *Municipality.* A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste or other waste. The definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.
- (5) *Operation and maintenance.* Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement.

EXHIBIT "A" – Revised 12/02/2003

- (6) *Replacement.* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (7) *Treatment works.* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement; remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
- (8) *Useful life.* The estimated period during which a treatment works will be operated.
- (9) *User charge.* That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
- (10) *Water meter.* A water volume measuring and recording device, furnished and installed by the water department of the city.

(F) *Deposit of revenues; fund.*

- (1) The revenues from charges collected by the city shall be deposited in a separate non-lapsing fund known as the operation, maintenance, and replacement fund.
- (2) Fiscal year-end balances in the operation, maintenance and replacement fund shall be used for no other purpose than those designated. Moneys which may be transferred from other sources to meet temporary shortages in the operations, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rates shall be adjusted so that the transferred moneys will be returned to their respective accounts within six months of the fiscal year in which moneys were borrowed.

EXHIBIT "A" – Revised 12/02/2003

(3) *Application for review; adjustments to user.*

- (a) Any user who feels that the volume used to determine his bill is incorrect may make written application to the Director of Water and Wastewater requesting a review of his bill. The written request shall, where necessary, show actual or estimated flows and/or strength of his wastewater, including how the measurements were made.
- (b) A review of the request shall be made by the Water and Wastewater Director and if substantiated, the charges for that user shall be recomputed based on the revised flow and/or strength characteristics. In no case, however, shall allowances or adjustments be made for claims of sewage strengths less than 300 mg/l suspended solids and 300 mg/l of BOD₅.
- (c) Any adjustments will be applicable to the next billing period.

(4) *Annual review by city; revision of rates; notification of user.*

- (a) The city shall review the charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement, and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes.
- (b) The city shall notify each user at least annually, in conjunction with a regular bill, of the rates being charged for operation, maintenance and replacement of the treatment works.

From: Greg Boettcher
To: Bickelbw@bv.com; Coody, Dan; Davis, Steve; Earnest, Hugh; jwh@uark.edu; tennants100@aol.com; Williams, Kit
Date: 11/26/03 4:46PM
Subject: Draft Response to Farmington Letter of November 21, 2003

Attached please find a draft response to the Farmington letter of November 21, 2003. The contents of this letter have not been reviewed by the City Administration, there are items that have not yet been addressed and this material is information sharing by Fayetteville. The City of Fayetteville will be reviewing the draft response and will formally respond at a later date.

By copy of this email I am advising our rate consultant of the desire to meet with them prior to the city council meeting of December 4, 2003, the tentative date, time and location being as follows:

Tuesday, December 4, 2003, 2:00 PM-Fayetteville City Hall-Room 326

Happy Holidays,

Greg Boettcher

Greg Boettcher, P.E.
Water and Wastewater Director
Fayetteville, Arkansas
479-575-8302
479-575-8257 fax
gboettcher@ci.fayetteville.ar.us

From: Greg Boettcher
To: Woodruff, Heather
Date: 11/26/03 5:00PM
Subject: Fwd: Draft Response to Farmington Letter of November 21, 2003

>>> Greg Boettcher 11/26/03 04:46PM >>>

Attached please find a draft response to the Farmington letter of November 21, 2003. The contents of this letter have not been reviewed by the City Administration, there are items that have not yet been addressed and this material is information sharing by Fayetteville. The City of Fayetteville will be reviewing the draft response and will formally respond at a later date.

By copy of this email I am advising our rate consultant of the desire to meet with them prior to the city council meeting of December 4, 2003, the tentative date, time and location being as follows:

Tuesday, December 4, 2003, 2:00 PM-Fayetteville City Hall-Room 326

Happy Holidays,

Greg Boettcher

Greg Boettcher, P.E.
Water and Wastewater Director
Fayetteville, Arkansas
479-575-8302
479-575-8257 fax
gboettcher@ci.fayetteville.ar.us

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Deary Lowrey
gave this to
City Council
folks Dec./03

Blenda
Thiel

DEPARTMENTAL CORRESPONDENCE

TO: Alderman Trent Trumbo

Copy: Mayor Dan Coody
Ted Webber, Administrative Services Director
Don Bunn, Assistant Public Works Director
Steve Davis, Budget Manager
Maureen Hoover, Mayor's Assistant

FROM: Greg Boettcher, P.E.,
Public Works Director

Date: October 29, 2001

Re: Water and Sewer Rate Comparisons
Other Arkansas Communities

Mr. Steve Davis has compiled data on water and sewer rates in other communities. Based upon average residential consumption of 4,100 gallons per month, the following sewer service changes would be levied in these communities.

City	Mo. Sewer Bill (4100 gallons)	Monthly Customer Charge	Charge unit Per 1,000 gal.
Fayetteville (Now)	\$17.80 *	\$8.00	\$2.39
Fayetteville (with increase)	\$22.96 *		
Springdale	\$14.47	\$5.78	\$2.12
Rogers	\$20.55	\$8.45	\$2.95
Bentonville	\$20.27	\$6.04	\$3.47
Fort Smith	\$ 8.92	\$4.97	\$0.96
Little Rock	\$11.22	\$3.00	\$2.00

From: "Bill Lauer" <blauer@awwa.org>
To: <SBogan9@aol.com>
Date: 12/2/03 9:15AM
Subject: Re: Water Related - Standards

I hope this answers your question. The average home uses 69.3 gallons per person per day. This breaks down like this:

toilets 26.7%
Showers 16.8%
Faucets 15.7%
Baths 1.7%
Diswasher 1.4%
Clothes Washer 21.7%
Leaks 13.7%
Othr 2.2%

I hope this helps.

>>> <SBogan9@aol.com> 11/22/2003 11:21:07 PM >>>

How much water is required per month for an adult and how much is need by a child under 18. What would the basic water needs be? I've been told that the average adult needs 2250 gals per month. Is this true and if so, how much of this would be discarded as waste? The reason I ask is that our local officials are trying to tell us that 85% of all the water metered to our homes wind up as sewer affluent. I don't believe this to be the case. Any info would be of great help.

Thank You
Geary Lowery

From: Geary Lowery SBogan9@aol.com
AWWA Member: No
AWWA Member number:
Phone Number: 479-443-0767
Job Title: Other
Business: Fully Retired

| Mozilla/4.0 (compatible; MSIE 5.5; AOL 6.0; Windows 98; Compaq)

American Water Works Association
The Authoritative Resource for Safe Drinking Water (SM)

This email has been scanned for all viruses by the MessageLabs SkyScan service.

Revised

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF TWO (2) FORD EXPEDITIONS FROM LANDERS FORD AT STATE CONTRACT PRICES FOR A TOTAL COST OF FIFTY-SIX THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS (\$56,322.00) FOR USE AS POLICE K-9 UNITS.

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 purchase of two (2) Ford Expeditions from Landers Ford at state contract prices for a total cost of Fifty-Six Thousand Three Hundred Twenty-Two Dollars (\$56,322.00) for use as police K-9 units.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

CITY ATTORNEY AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF DECEMBER 2, 2003

FROM:

CITY ATTORNEY KIT WILLIAMS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution Setting The Date For The Special Election For The Referendum Election On Ordinance No. 4512 Which Amended §95.05 Of The Fayetteville Code To Regulate Smoking In Most Public Places And Places Of Employment And Requesting The Washington County Board Of Election Commissioners To Place This Referendum On The Ballot

APPROVED FOR AGENDA:

 11/25/03

City Attorney Date

Mayor Date

RESOLUTION NO. _____

A RESOLUTION SETTING THE DATE FOR THE SPECIAL ELECTION FOR THE REFERENDUM ELECTION ON ORDINANCE NO. 4512 WHICH AMENDED §95.05 OF THE FAYETTEVILLE CODE TO REGULATE SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT AND REQUESTING THE WASHINGTON COUNTY BOARD OF ELECTION COMMISSIONERS TO PLACE THIS REFERENDUM ON THE BALLOT

WHEREAS, Fayetteville City Clerk Sondra Smith has diligently verified and counted the number of Fayetteville Registered Voters who signed referendum petitions calling for a special referendum election on Ordinance No. 4512; and

WHEREAS, Fayetteville City Clerk Sondra Smith certified on November 24, 2003 that the referendum petition was sufficient pursuant to Amendment 7 and state law.

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 Orders that in accord with the certified sufficient referendum petition, a special election called for in such referendum petition, shall be held on February 10, 2004, to determine by vote of the qualified electors of the City of Fayetteville, Arkansas, whether Ordinance No. 4512, amending §95.05 of the Fayetteville Code to more strictly regulate smoking in most public places and places of employment (attached as Exhibit A) shall be approved or rejected.

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby requests the Washington County Board of Election Commissioners, pursuant to A.C.A. §7-9-117 to place Ordinance No. 4512 upon the ballot followed by these words:

FOR REFERRED ORDINANCE NO. 4512

☐

AGAINST REFERRED ORDINANCE NO. 4512

☐

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

ORDINANCE NO. 4512

AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05 REGULATION OF SMOKING IN MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.

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

Section 1. That the City Council of the City of Fayetteville, hereby repeals §95.05 Regulation of smoking in certain public places of the Fayetteville Code in its entirety and enacts the following new §95.05 Regulation of smoking in most public places and places of employment of the Fayetteville Code to replace it:

"Sec. 95.05. Regulation of smoking in most public places and places of employment.

context clearly indicates or requires a different meaning.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the

Bar. An establishment, whether termed a private club or public establishment, that is devoted primarily to the sale and service of



alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant. An eating establishment, including but not limited to dining establishments, private clubs, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, hallways, classrooms, and employee cafeterias. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility. A "bar" and a "retail tobacco store" are not places of employment for purposes of this Section. An enclosed private office that is not regularly entered or occupied by a nonsmoking employee is not a place of employment for purposes of this section.

Public place.

- (1) Any enclosed indoor area that is used by the public or private club members and guests, except designated hotel and motel guest rooms.
- (2) Any swimming pool owned or operated by the city.

Retail Tobacco Store. A retail store utilized primarily for the sale and use of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(B) Prohibition of Smoking in public places and places of employment

Smoking is prohibited in all public places, places of employment, and city vehicles unless specifically exempted in subsection (C).

(C) Exemptions.

The following types of establishments are exempted from the smoking prohibition of this ordinance:

- (1) Bars
- (2) Retail tobacco stores

(D) Duties of Managers.

- (1) The manager of a place within which smoking is prohibited by this ordinance shall place "No Smoking" or "Smoke Free" signage at the major entrance and other appropriate places within the establishment.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit or fail to make reasonable efforts to prevent smoking in any area where smoking is prohibited.

(E) Enforcement.

- (1) City police shall enforce this section pursuant to their normal police power.
- (2) If a manager knowingly permits or fails to make reasonable efforts to prevent smoking by the establishment's customers or employees where prohibited by this section, the manager shall be guilty of a violation and a fine or not more than \$100.00 per occurrence.
- (3) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty (\$50.00) dollars per occurrence.
- (4) In addition to the fines established by this Section, multiple violations of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued for the premises on which the violation occurred.

(F) *Jurisdiction.*

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

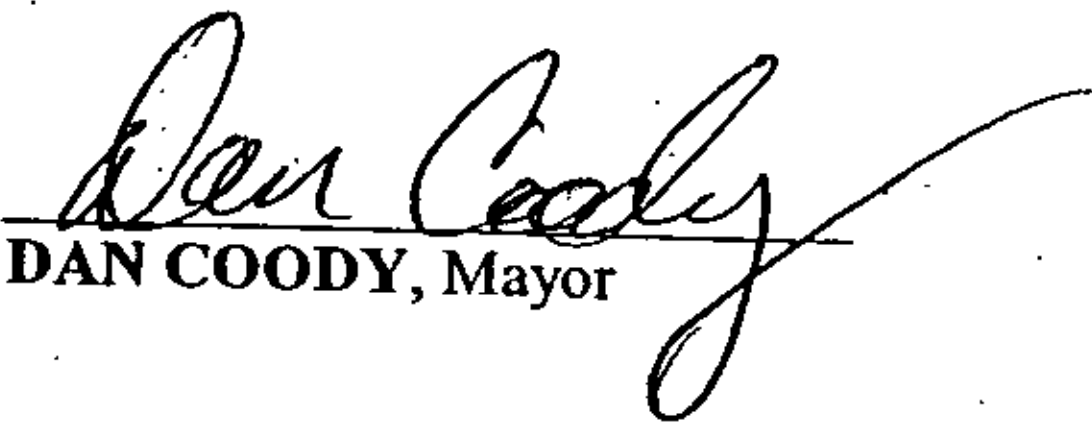
(G) *Effective date.*

This ordinance shall take effect on February 1, 2004.

PASSED and APPROVED this the 2nd day of September, 2003.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:

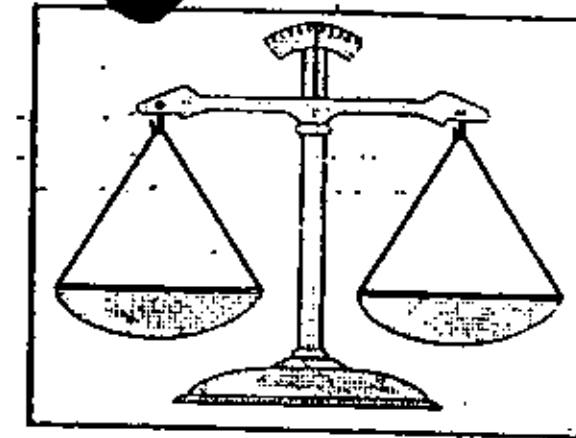

SONDRA SMITH, City Clerk



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Kit Williams, City Attorney
David Whitaker, Asst. City Attorney



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council

FROM: Kit Williams, City Attorney

DATE: November 24, 2003

A large, stylized handwritten signature, likely belonging to Kit Williams, the City Attorney. The signature is written in dark ink and features a prominent, sweeping horizontal stroke at the end.

RE: Setting Date for Special Election on Smoking Ordinance

Now that City Clerk Sondra Smith has certified that the second group of referendum petitions contain enough registered voters' signatures so that the petition is sufficient, a date for a special election needs to be fixed by the City Council.

A.C.A. §7-9-111 (h) states:

"Municipal referendum petition measures shall be submitted to the electors at a regular general election unless the petition expressly calls for a special election. If the date set by the petition does not allow sufficient time to comply with election procedures, then the city or town council shall fix the date for any special election on the referendum measure. The date of any special election shall not be more than one hundred twenty (120) calendar days after the date of certification of sufficiency by the municipal clerk."

Since the petition did request a Special Election, one must be set by the City Council within one hundred twenty (120) calendar days from today. Another state law requires that any special election be held only on the second Tuesday of the month. By the way I calculate it, four days (December 9, January 13, February 10 and March 9) meet that requirement. However, ballots need to be printed and a period of early voting be allowed. **February 10, 2004 and March 9, 2004 are certainly feasible.** December 9th would be impossible. I am not certain whether the Washington County Election Commission could get everything printed and ready for early voting for the January 13, 2004 date.

If the Clerk's certification of sufficiency is contested by Smoke Free Fayetteville in Court, I recommend the farthest away date of March 9, 2004, to give the Court and litigants as much time as possible to resolve any disputes in Court. If an election is held without such resolution, the election controls, and no further review of any alleged problems with the petitions will be considered.

This needs to be placed on your Agenda for December 2, 2003 so that the Washington County Election Commission can begin the necessary preparations (printing the ballots, etc.) for the special election.

Memo

To: Dan Coody, Mayor
City Council

From: Sondra Smith, City Clerk

Sondra Smith

Date: November 24, 2003

Re: Petition for Referendum on Smoking Ordinance

My office has spent innumerable hours reviewing thousands of signatures on the petitions presented by Free Choice Fayetteville requesting a referendum on the recently passed smoking ordinance. We had to reject signatures on petitions that were not properly notarized just as we had to reject the first batch of petitions which had no ordinance attached as required by Amendment 7 and state law.

In my analysis of these petitions, I have been guided by Arkansas Supreme Court decisions which require a liberal evaluation of the petitions so that the goals of citizen review of government action is promoted. Amendment 7's requirements "must be construed with liberality in order that its purposes may be well effectuated." Yarbrough v. Witty, 336 Ark. 479, 987 S.W. 2d 257, 260 (1990). Strict or technical construction of Amendment 7 and its implementing statutes has been rejected by the Arkansas Supreme Court. Leigh v. Hall, 232 Ark. 558, 339 S.W. 2d 104, 109 (1960).

I divided the petitions submitted to my office and filed on October 30, 2003 into two groups. The first group of new, original petitions with properly attached ordinances contained about 2,448 apparently properly signed names of registered voters of Fayetteville. This was 484 signatures short of the necessary 2,932 valid signatures needed.

The second group of petitions filed on October 30, 2003, contained about 1,938 signatures. These were photocopies of the petitions filed earlier without attaching the ordinance as required by state law. These photocopied

petitions now had the ordinance and an affidavit by the Canvasser attached which stated that the ordinance had been "attached to or provided to the petitioner when each person signed the petition...."

Although state law requires that the ordinance be attached (not just provided to the petitioner), I believe the action of providing the ordinance to each person when the voter signed the petition as sworn to in each affidavit is substantial compliance with the state law. Providing the ordinance to each person when the voter signed accomplishes the same goals of voter information and prevention of confusion that our 90 year old state law was designed to ensure. Therefore, I believe these newly attached affidavits by the canvassers constitute a proper "amendment and correction" of the initially invalid petitions because they evidence a "substantial compliance with this requirement (attachment of the ordinance) of the statute." Townsend v. McDonald, 184 Ark. 273 (1931).

My office then attempted to validate the signatures as we had on the originals filed on October 30, 2003. We eliminated duplications (many voters signed both petitions). We eliminated registered voters who became registered **after they signed the petition** or who failed to date the petition so that we could not determine whether their recent voter registration occurred before or after they signed the petition.

In all of our evaluations of the petitions, we accepted the affidavit of the canvasser as true. Every affidavit is a sworn statement that the canvasser personally witnessed each voter sign the petition. Thus, we did not question the accurateness of any signature on a properly sworn to petition. My office is only supposed to examine what is presented and filed in my office to see if the referendum petition is sufficient. Information or allegations about questionable signatures or questions of canvassers is a subject for litigation before a Judge, and not within my power or responsibility as Fayetteville City Clerk.

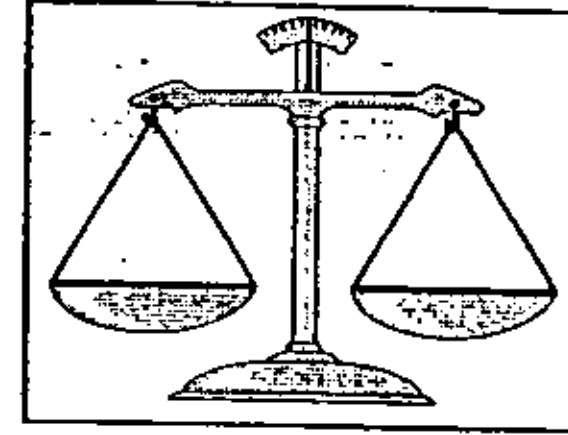
CONCLUSION

Combining all of the petitions, both originals and photocopies of the earlier petitions with the ordinance and new affidavits attached yielded slightly more than the 2,932 signatures required to call a special referendum election. **Therefore, as Fayetteville City Clerk, I certify that the Referendum Petition concerning Ordinance #4512 passed on September 2, 2003 is SUFFICIENT pursuant to the requirements of Amendment 7 and Arkansas law.**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council

FROM: Kit Williams, City Attorney

DATE: November 25, 2003

RE: Referendum Election requires ordinance to be held
in abeyance until citizens' vote

Amendment 7 states: "Any measure referred to the people by referendum petition shall remain in abeyance until such vote is taken." Although this section of Amendment 7 refers to statewide referendums, there is no direct reference in Amendment 7 to municipal referendums on this subject. Thus, I conclude this language should also control municipal ordinances such that Ordinance No. 4512 shall not go into effect on February 1, 2004, as stated therein, but must "remain in abeyance" until the special election.

Amendment 7 states the following concerning the effective date of a measure submitted or a vote of the people:

"Majority – Any measure submitted to the people as herein provided shall take effect and become a law when approved by a majority of the votes cast upon such measure, and not otherwise, and shall not be required to receive a majority of the electors voting at such elections. Such measures shall be operative on and after the 30th day after the election at which it is approved, unless otherwise specified in the act."

Since Ordinance No. 4512 specified it would be operative on February 1, 2004, the thirty day period after an election quoted above is not controlling. If the special election is held after February 1, 2004, and the ordinance is not rejected, it will be in effect as soon as the election results are certified and published.

CITY COUNCIL MEMO

TO: Mayor Dan Coody and the City Council

THRU: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director *SD*

FROM: Michele Bechhold, Human Resources Director *MB*

DATE: November 25, 2003

SUBJECT: Replacement Pages for Hay Group Pay Plan Item

Corrected copies of the Proposed 2004 and 2005 Exempt Pay Ranges are attached. The corrections to the original documents include the following items.

- Maximum Hourly Rate Column for the Executive Grades is now correct.
- The 2005 Proposed Pay Ranges for Grades 10 -15 now reflect the 6.19% increase recommended by Hay.

On the original chart in the agenda packet, the 2005 Proposed Exempt Salary Ranges for Grades 10 - 15 represented a 5.1% increase over the existing pay rates. We have now corrected these midpoints to match the survey recommendation of 6.19%.

2004 PROPOSED EXEMPT PAY RANGES AND HOURLY RATES

GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY	MAX HRLY	GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY	MAX HRLY
1768	EX		79,728	96,057	112,387	38.331	54.032	580	15	ER	55,622	67,014	78,406	26.741	37.695
										EB	56,452	68,014	79,576	27.140	38.258
1124	EX		66,723	80,389	94,055	32.078	45.219			ED	58,112	70,014	81,916	27.938	39.383
	EXD		69,213	83,389	97,565	33.275	46.906								
1074	EX		65,713	79,172	92,632	31.593	44.534	490	14	ER	48,060	57,904	67,748	23.106	32.571
										EB	48,890	58,904	68,918	23.505	33.134
										ED	50,550	60,904	71,258	24.303	34.259
1028	EX		64,784	78,053	91,322	31.146	43.905								
								410	13	ER	41,340	49,807	58,274	19.875	28.016
994	EX		64,098	77,226	90,354	30.816	43.440			EB	42,170	50,807	59,444	20.274	28.579
										ED	43,830	52,807	61,784	21.072	29.704
904	EX		62,280	75,036	87,792	29.942	42.208								
								350	12	ER	36,298	43,733	51,168	17.451	24.600
839	EX		60,968	73,455	85,942	29.311	41.318			EB	37,128	44,733	52,338	17.850	25.162
										ED	38,788	46,733	54,678	18.648	26.287
732	EX		58,807	70,852	82,896	28.272	39.854								
								290	11	ER	31,621	38,098	44,575	15.203	21.430
702	EX		58,201	70,122	82,042	27.981	39.443			EB	32,451	39,098	45,745	15.602	21.993
										ED	34,111	41,098	48,085	16.400	23.118
682	EX		57,797	69,635	81,473	27.787	39.170								
								250	10	ER	28,220	34,000	39,780	13.567	19.125
677	EX		57,696	69,513	81,331	27.739	39.101			EB	29,050	35,000	40,950	13.966	19.688
	EXD		60,186	72,513	84,841	28.936	40.789			ED	30,710	37,000	43,290	14.764	20.813

2005 PROPOSED EXEMPT PAY RANGES AND HOURLY RATES

GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY	MAX HRLY	GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY	MAX HRLY
1768	EX		85,496	103,007	120,518	41.104	57.942	580	15	ER	57,288	69,022	80,756	27.542	38.825
										EB	58,118	70,022	81,926	27.941	39.387
1124	EX		71,550	86,205	100,860	34.399	48.490			ED	59,778	72,022	84,266	28.740	40.512
	EXD		74,040	89,205	104,370	35.596	50.178								
1074	EX		70,468	84,901	99,334	33.879	47.757	490	14	ER	49,500	59,639	69,778	23.798	33.547
										EB	50,330	60,639	70,948	24.197	34.109
										ED	51,990	62,639	73,288	24.995	35.234
1028	EX		69,471	83,701	97,930	33.400	47.082								
								410	13	ER	42,578	51,299	60,020	20.470	28.856
994	EX		68,735	82,813	96,892	33.046	46.583			EB	43,408	52,299	61,190	20.869	29.418
										ED	45,068	54,299	63,530	21.667	30.543
904	EX		66,786	80,465	94,144	32.109	45.262								
								350	12	ER	37,387	45,044	52,701	17.974	25.337
839	EX		65,379	78,770	92,160	31.432	44.308			EB	38,217	46,044	53,871	18.373	25.900
										ED	39,877	48,044	56,211	19.171	27.025
732	EX		63,062	75,978	88,894	30.318	42.738								
								290	11	ER	32,194	38,788	45,382	15.478	21.818
702	EX		62,412	75,195	87,978	30.006	42.297			EB	33,024	39,788	46,552	15.877	22.381
										ED	34,684	41,788	48,892	16.675	23.506
682	EX		61,979	74,673	87,368	29.798	42.004								
								250	10	ER	28,733	34,618	40,503	13.814	19.473
677	EX		61,871	74,543	87,215	29.745	41.930			EB	29,563	35,618	41,673	14.213	20.035
	EXD		64,361	77,543	90,725	30.943	43.618			ED	31,223	37,618	44,013	15.011	21.160

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: July 23, 2003
To: The Mayor and Council
From: Hugh Earnest 
CAO
Subject: Raze and Removal Resolution

Background

Our Community Resources and Code Compliance Division has been active in moving against structures that no longer comply with minimum codes relating to the basic structure and integrity of the structure. As part of that process, an Unsafe Buildings Violation notice was sent the owners of a building at 226 N. School in February of 2003. The owners had until April 1 to acquire a permit and make repairs or demolish the building. This particular location has a long history with respect to its condition and compliance with our ordinances. I have attached a 1998 memo from Charles Venable that summarized the several commitments made regarding this structure.

Current Situation

We have had several conversations with Mr. Tom Klinger, who along with his wife is the owner of the building. Mr. Klinger has expressed a continued interest in working to improve the site and had apparently employed or authorized an individual to begin work on the grounds by removing a concrete pad adjacent to the building in question. However, no building permit was requested for work on the site. Mr. Klinger understands that we will carry this issue to the council meeting of August 5, 2003.

Recommendation

It is our opinion that the city has given every opportunity for this property to be re-developed and returned to profitable use. That willingness to cooperate is certainly evidenced in the 1998 memo from Mr. Venable and most recently by the slowness shown by the staff in moving this to the council agenda. While we certainly remain receptive to working with the owner, we believe it is in the public interest to request a resolution ordering the raze and removal of this structure.

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY TIMOTHY C. AND CHRISTINE KLINGER LOCATED AT 226 N. SCHOOL AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, Timothy C. and Christine Klinger are the record owners of the real property situated at 226 N. School Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as set forth in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Timothy C. and Christine Klinger, having been properly served with a Violation Notice via Certified Mail, and given thirty (30) days to correct said violation, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Timothy C. and Christine Klinger are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if Timothy C. and Christine Klinger do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and APPROVED this 20th day of May, 2003.

ATTEST:

By SONDRA SMITH, City Clerk

APPROVED:

By DAN COODY, Mayor

DRAFT

EXHIBIT "A"

A part of Lot Seven (7) in Block Five (5), Original Plat of the City of Fayetteville, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of the South 46.00 feet of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 1.50 feet along the West line of said Lot Seven (7) to a point in line with the North wall of an existing brick building at 226 N. School Ave.; thence North 89 degrees 57 minutes 50 seconds East 104.86 feet along the North wall of said building to the Northeast corner of said building; thence North 89 degrees 12 minutes 51 seconds East 38.64 feet; thence South 01 degree 56 minutes 31 seconds East 46.91 feet; thence South 89 degrees 53 minutes 10 seconds West along an existing curb 136.95 feet; thence North 88 degrees 23 minutes 01 seconds West 3.87 feet; thence North 58 degrees 27 minutes 08 seconds West 4.64 feet to the West line of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 42.53 feet to the point of beginning.

Memo

To: Mayor Hanna and City Council
From: Charles E. Venable *ce*
Date: July 27, 1998
Subject: Property Located at 226 North School (Timothy Klinger)

Summary of Events

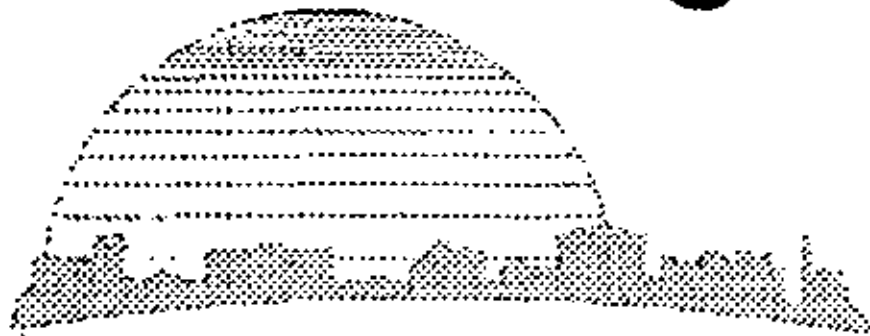
- City purchased a parcel of land totaling 19,530 square feet with a building totaling 4,284 square feet in April 1990 for \$83,500.
- A portion of the land, 12,897 square feet, was converted into a parking lot for use by the Walton Arts Center, et al, following the purchase.
- On March 25, 1993, a public auction was held to dispose of the remaining parcel, 6,633 square feet, and the 4,284 square foot building. Five bids were received with the high bid in the amount of \$21,100. This bid, from Timothy Klinger, was approved by the City Council on June 15, 1993.
- In February 1995, problems with the building were noted by the Inspections Division and Mr. Klinger was notified of a potential hazard.
- March 10, 1995, it was noted that Mr. Klinger had made a good faith effort but more corrections were needed.
- November 1995, Mr. Klinger was notified the back wall of the building was unsafe. This wall was removed in early December.
- December 2, 1996, a letter from Kevin Crosson was sent to Timothy Klinger requesting schedule and plans for the property since no work had been done on the site and the building was continuing to deteriorate.

- April 14, 1997, a follow up letter was sent to Mr. Klinger since no reply had been received from the December 2, 1996, letter.
- May 22, 1997, notification from Inspections Division that the building had become dilapidated, unsafe, and detrimental to the public welfare was forwarded to Mr. Klinger requesting the owner to obtain a building permit and either repair or demolish the structure.
- June 23, 1997, a building permit was requested from the Inspections Division for the stabilization of the structure and the removal of debris, secure from vandalism, and to reroof a portion of the structure.
- June 24, 1997, letter from Inspections Division notifying Mr. Klinger that on July 1, 1997, the City Council would consider a resolution to determine if the structure should be razed and removed.
- June 25, 1997, letter from Timothy Klinger to Jerry Rose regarding his concern on the proposed council action.
- June 26, 1997, Inspections Division met with Mr. Klinger.
- June 30, 1998, letter from Timothy Klinger to the Inspections Division stating that an architect, Cal Canfield, had been retained and that the following schedule was developed:
 1. Preparation of preliminary design - two to three months
 2. Preparation of construction documents - three to four months
 3. Total design effort completed within seven months
 4. Construction to begin in the spring 1998
- June 30, 1997, memo from the Inspection Division to the City Council giving the status of the property and recommending that Mr. Klinger be given the time to accomplish the objectives outlined in his June 30 letter.
- July 1, 1997, the raze and removal resolution was introduced to the City Council. After discussion with Mr. Klinger, the City Council voted to table the resolution until such time as there is no progress shown on the time line or to completion of promise made by Mr. Klinger.
- July 3, 1997, letter from Mr. Klinger to the Inspections Division setting out the method of alleviating the problems at the site. Mr. Klinger agreed to:
 1. Cover all openings with either plywood or fencing
 2. Seal the front of the structure with fencing to allow easy viewing of the interior
 3. Seal the south and east walls with plywood

4. Seal one opening on the south with fencing to allow viewing of the interior
 5. Remove all loose blocks and bricks from the tops of all walls
- July 21, 1997, memo to Public Works and Inspections that the work was under way.
 - August 12, 1997, letter to Mr. Klinger from Inspections notifying him that a portion of the north wall was unsafe.
 - April 6, 1998, letter to Mr. Klinger from Inspections requesting status of proposed improvements.
 - April 17, 1998, letter Mr. Klinger to Inspections stating that the architect, Cal Canfield, had been terminated and that discussions with Richard Alderman were ongoing. He also stated that a commitment for construction financing had been secured.
 - July 23, 1998, memo from Inspections updating status of property stating that the building is secure although new graffiti has appeared on the inside of the north wall within with past six weeks. Also stated that no further communication had been received from Mr. Klinger since the April 17 letter.

CV:mm

cc Kevin Crosson
Bert Rakes
Jerry Rose



HELPING TO BUILD A BETTER COMMUNITY

City of Fayetteville, Arkansas
Community Code Enforcement
113 West Mountain Street
Fayetteville, Arkansas 72701
Fax 479- 444-3445

VIOLATION NOTICE

February 28, 2003

CASE NO. 1266

Owner: Timothy C & Christine L Klinger
P.O. Box 1064
Fayetteville, AR 72702

RE: Property @ 226 N. School Ave. OR 262 N. School Ave., Fayetteville, AR
WC Parcel# 765-01710-000

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. Please feel free to call our office at (479) 575-8232 for clarification of this notice or advice on how to correct the problem.

Suspected Violation That Needs Correction:

§ 173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

Potential Penalties if not corrected within thirty (30) days from the service of this Notice include: Condemnation.

Appeal: If you disagree with our conclusion that your property contains a violation of the ordinance listed above, you have a right to file an appeal with the City Council.

Sincerely,

Sue Butler
Code Compliance Officer

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7001 1940 0001 4913 4127

Postage	\$	Postmark Here 2-24-03
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Timothy C & Christinel Klinger
 Street, Apt. No. or PO Box No. PO Box 1064
 City, State, ZIP+4 Mem 72702

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy C & Christinel
 Klinger
 P.O. Box 1064
 Fayetteville, AR
 72702

2. Article Number

(Transfer from service label)

7001 1940 0001 4913 4127

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature X OC/K ☐ Agent ☐ Addressee

B. Received by (Printed Name) TIM KLINGER C. Date of Delivery 2-24-03

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

SR 5442/1266

102595-01-M-2509



City of Fayetteville
Code Compliance Section
113 West Mountain Street
Fayetteville, AR 72701



Helping to build a better Community

April 8, 2003

Timothy C & Christine Klinger
P O Box 1064
Fayetteville, AR 72702

RE: Enforcement of Ordinance 173.08
Arkansas Code Ann. § 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. §14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 262 N School Ave, should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. Please call and inform me if you plan to appear at the public hearing. If you need additional information concerning this process, please call or if you have information that we are not aware of please call the Code Compliance Office (479-575-8270).

The hearing will be part of a regular City Council meeting – probably on May 20, 2003 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as June 3, 2003 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing. If you need additional information concerning this process please call the Code Compliance Office (575-8270).

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Hancock", is written over a horizontal line.

Don Hancock
Code Compliance
Project Coordinator

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Tim + Christine Klinger
 Street, Apt. No.,
 or PO Box No. PO Box 1064
 City, State, ZIP+4 Fay AR 72702

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy or Christine Klinger
PO Box 1064
Fay AR 72702

2. Article Number
 (Transfer from service label)

7001 1940 0001 4906 0594

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [Signature]

B. Received by (Printed Name)

Tim Klinger

D. Is delivery address different from item 1?
 If YES, enter delivery address below: ☐ Yes ☒ No

3. Service Type

- | | |
|---|---|
| ☐ Certified Mail | ☐ Express Mail |
| ☐ Registered | ☐ Return Receipt for Merchandise |
| ☐ Insured Mail | ☐ C.O.D. |

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

Domestic Return Receipt 262 N School

102595-01-M-2509

Record 1 of 1 Last Updated 02/24/03

Parcel Number: 765-01710-000 Prev. Parcel Number: 135617-000-00 Type: CI
 Location: 226 N SCHOOL AVE
 Owner Name: KLINGER, TIMOTHY C & CHRISTINE L
 Mailing Address: PO BOX 1064 FAYETTEVILLE AR 72702
 Lot: Block: S-T-R: 16-16-30
 Addition: FAYETTEVILLE ORIGINAL
 School District: FAYETTEVILLE SCHOOLS Tax District: 011
 City: FAYETTEVILLE
 Legal: PT LOT 7 BLOCK 5
 Current Year A79 Credit Status:

Last Appraised: 2002	Appraised Value	Taxable Value
Land	51,750	6,768
Improvement	0	0
Total	51,750	6,768

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Total Tax	Total Tax Paid	A79 Credit Status	A79 Payment Status
2002	6,768	\$351.67	\$0.00	\$0.00	\$0.00	\$351.67	\$0.00		
2001	6,204	\$322.36	\$0.00	\$0.00	\$0.00	\$322.36	\$322.36		PAID
2000	5,640	\$296.10	\$0.00	\$0.00	\$0.00	\$296.10	\$296.10		PAID
1999	5,660	\$289.79	\$0.00	\$0.00	\$0.00	\$289.79	\$289.79		PAID
1998	5,660	\$290.36	\$0.00	\$0.00	\$0.00	\$1,014.60	\$1,014.60		PAID
1997	5,660	\$290.36	\$724.24	\$0.00	\$0.00	\$1,014.60	\$1,087.02		PAID
1996	5,660	\$290.36	\$724.24	\$0.00	\$0.00	\$1,141.47	\$1,069.05		PAID
1995	5,660	\$0.00	\$724.24	\$0.00	\$0.00	\$724.24	\$724.49		PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2001	112882	10/25/02	\$322.36	\$0.00	\$0.00	\$0.00	\$0.00	\$322.36
2000	9081	09/04/01	\$296.10	\$0.00	\$0.00	\$0.00	\$0.00	\$296.10
1999	9395	08/29/00	\$289.79	\$0.00	\$0.00	\$0.00	\$0.00	\$289.79
1997	4851	06/30/98	\$0.00	\$724.24	\$0.00	\$0.00	\$0.00	\$724.24
1997	10352	10/10/98	\$0.00	\$724.24	\$0.00	\$0.00	\$0.00	\$724.24
1996	8437	07/02/98	\$0.00	\$0.00	\$0.00	\$0.00	\$72.42	\$72.42
1995	9757	08/27/96	\$0.00	\$724.24	\$0.00	\$0.00	\$0.00	\$724.24
1994	12945	07/17/95	\$0.00	\$724.49	\$0.00	\$0.00	\$0.00	\$724.49

Deed History

Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
10/14/1993	93	60983	KLINGER, TIMOTHY C. & CHRISTINE		WD	0	0.00

NO REV.

4/5/1990 1361 822 CITY OF FAYETTEVILLE, A PAL WD 42,000 92.40
MUNICI-CORP

PAGES 822/823. ALSO 01713.1362-503 CORR: WD, CORR 1361-822
BY ADDING FILE MARK PREVIOUSLY OMITTED. 1362-517
AFFIDAVIT STATING REV STAMPS PLACED ON DEED 1361-822 IN
ERROR. 6/25/93 EXEMPTION DENIED/BLDG BOARDED UP.(SP)

10/23/1987 1248 322 FIRST FEDERAL SAVINGS OF ARK TD 0 0.00

PAGES 322-329. ALSO 765-01713. 1304-412 QCD FROM SHIPLEYS.
PT LOT 7 TRANSFERRED FROM 01707-000 PER QCD 1304-411
FILED 1/19/89. PT LOT 7 TRANSFERRED FROM 01709-000 PER QCD
1304-411 FILED 1/19/89. NO VALUE CHANGE. 1334-435 RECEIVER'S
QCD, NO REV, ALSO 01713. 1350-800 CORR QCD-CORRECTS 1334-
435.

1/1/1985 920 76 OZARK MOUNTAIN SPORTS, INC, WD 0 0.00

[Next Item](#) | [Previous Item](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)

WARRANTY DEED
(CORPORATION)

FILED FOR RECORD
93 OCT 19 PM 4 02
WASHINGTON CO AR
A. KOLLMAYER

KNOW ALL MEN BY THESE PRESENTS:

That the City of Fayetteville, a municipal corporation, a corporation organized under and by virtue of the laws of the State of Arkansas, hereinafter called Grantor, by its Mayor and City Clerk, duly authorized by proper resolution of its City Council, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by Timothy C. Klinger and Christine Klinger, husband and wife, hereinafter called Grantees, do hereby grant, bargain and sell unto the said Grantees and Grantee's heirs and assigns, the following described land situate in Washington County, State of Arkansas, to-wit:

A part of Lot Seven (7) in Block Five (5), Original Plat of the City of Fayetteville, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of the South 46.00 feet of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 1.50 feet along the West line of said Lot Seven (7) to a point in line with the North wall of an existing brick building at 226 N. School Ave; thence North 89 degrees 57 minutes 50 seconds East 104.86 feet along the North wall of said building to the Northeast corner of said building; thence North 89 degrees 12 minutes 51 seconds East 38.64 feet; thence South 01 degree 56 minutes 31 seconds East 46.91 feet; thence South 89 degrees 53 minutes 10 seconds West along an existing curb 136.95 feet; thence North 88 degrees 23 minutes 01 seconds West 3.87 feet; thence North 58 degrees 27 minutes 08 seconds West 4.64 feet to the West line of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 42.53 feet to the point of beginning.

TO HAVE AND TO HOLD the lands and appurtenances thereunto belonging unto the said Grantees and Grantees' heirs and assigns, forever. And said corporation hereby covenants with the said Grantees that it is lawfully seized of said land and premises, that the same is unencumbered, and that it will forever warrant and defend the title to the said lands against all legal claims whatever.

IN TESTIMONY WHEREOF, the name of the Grantor is hereunto affixed by its Mayor and its seal affixed by its City Clerk, this 14 day of October, 1993.

CITY OF FAYETTEVILLE

BY: Fred Kanner
Mayor

BY: Sherry L. Thomas
City Clerk

93 60983

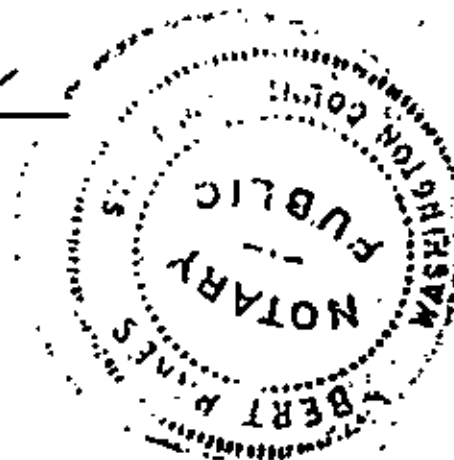
ACKNOWLEDGMENT

State of Arkansas | County of Washington | ss.

On this the 14 day of October, 1993, before me, a notary public, qualified and acting, within and for the said County and State, appeared in person the within named Fred Hanna and Sherry L. Thomas to me personally known who stated that they were the Mayor and City Clerk of the City of Fayetteville, a municipal corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in name and behalf of said 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 14 day of October, 1993.


Notary Public



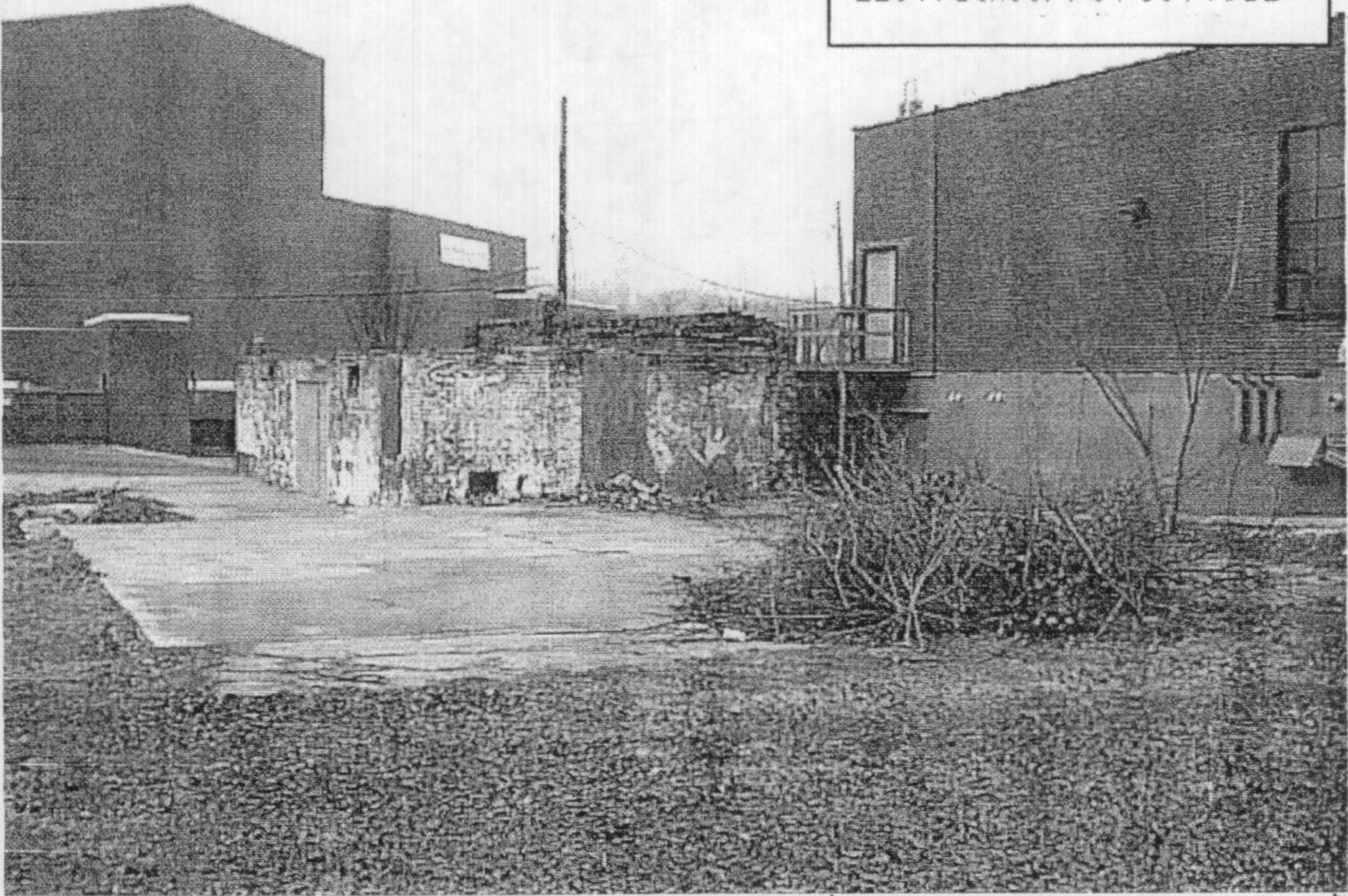
My commission expires:

July 11, 2002

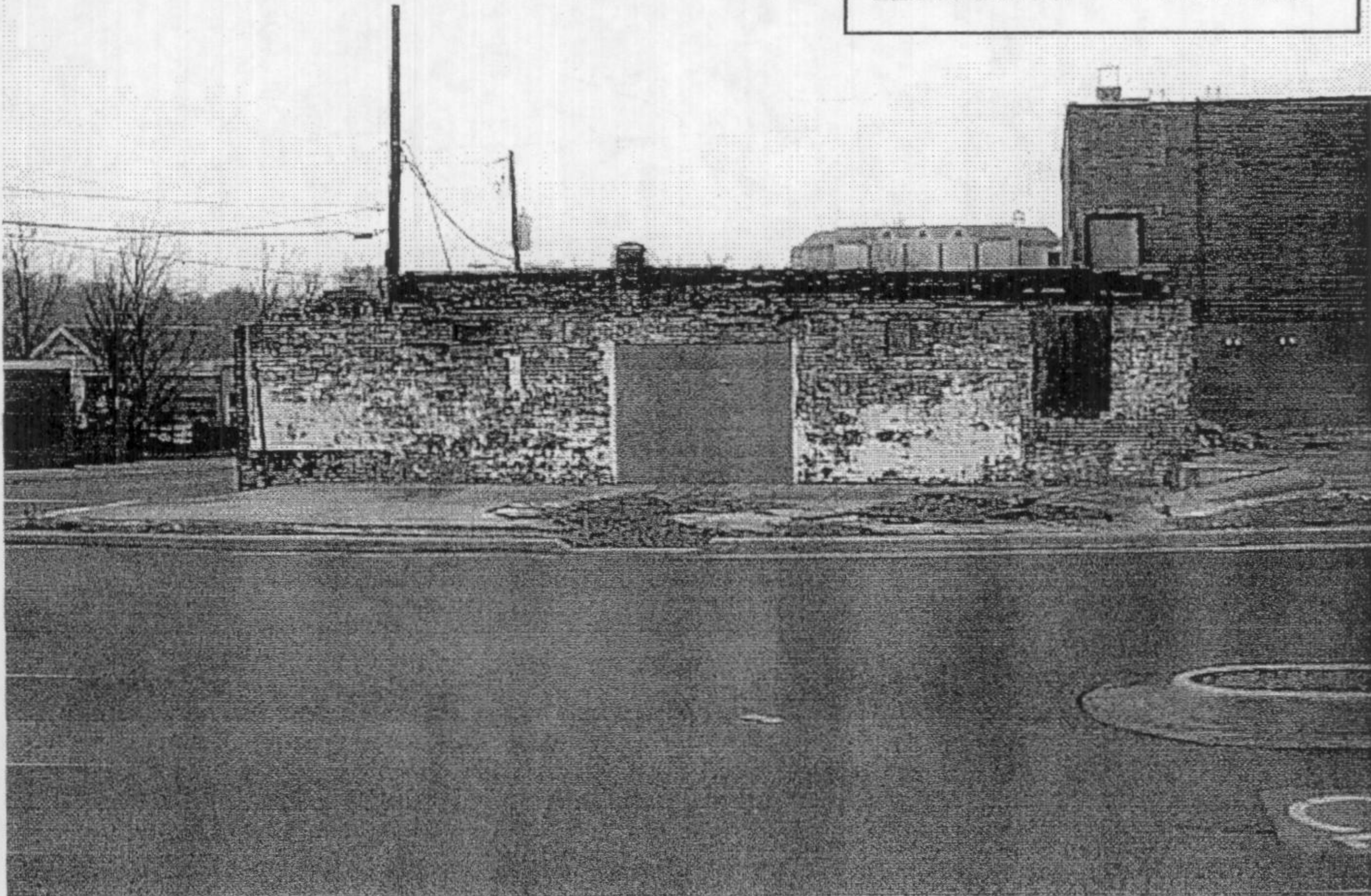
93 60984



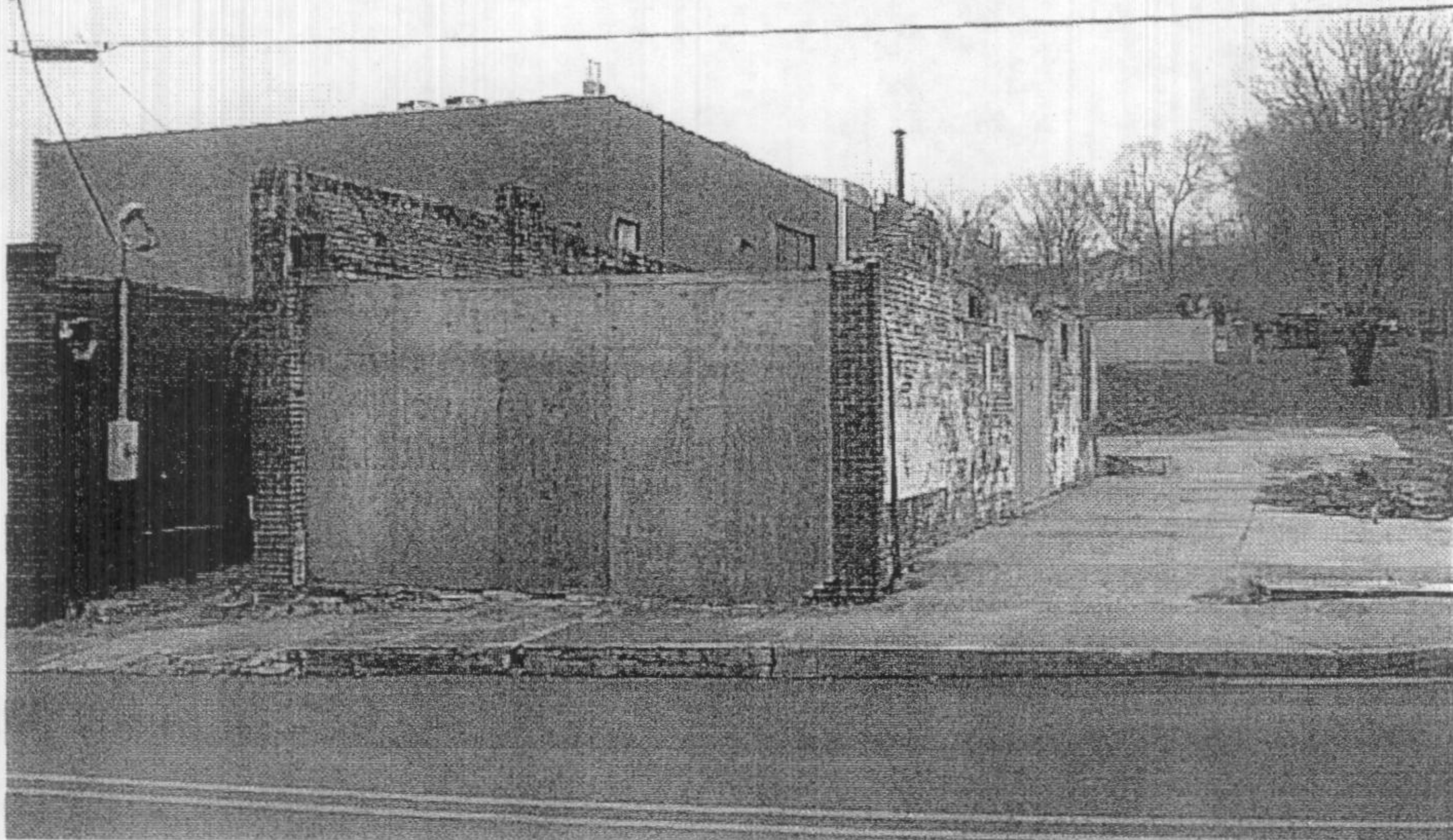
226 N School 1-31-03 PH/SB



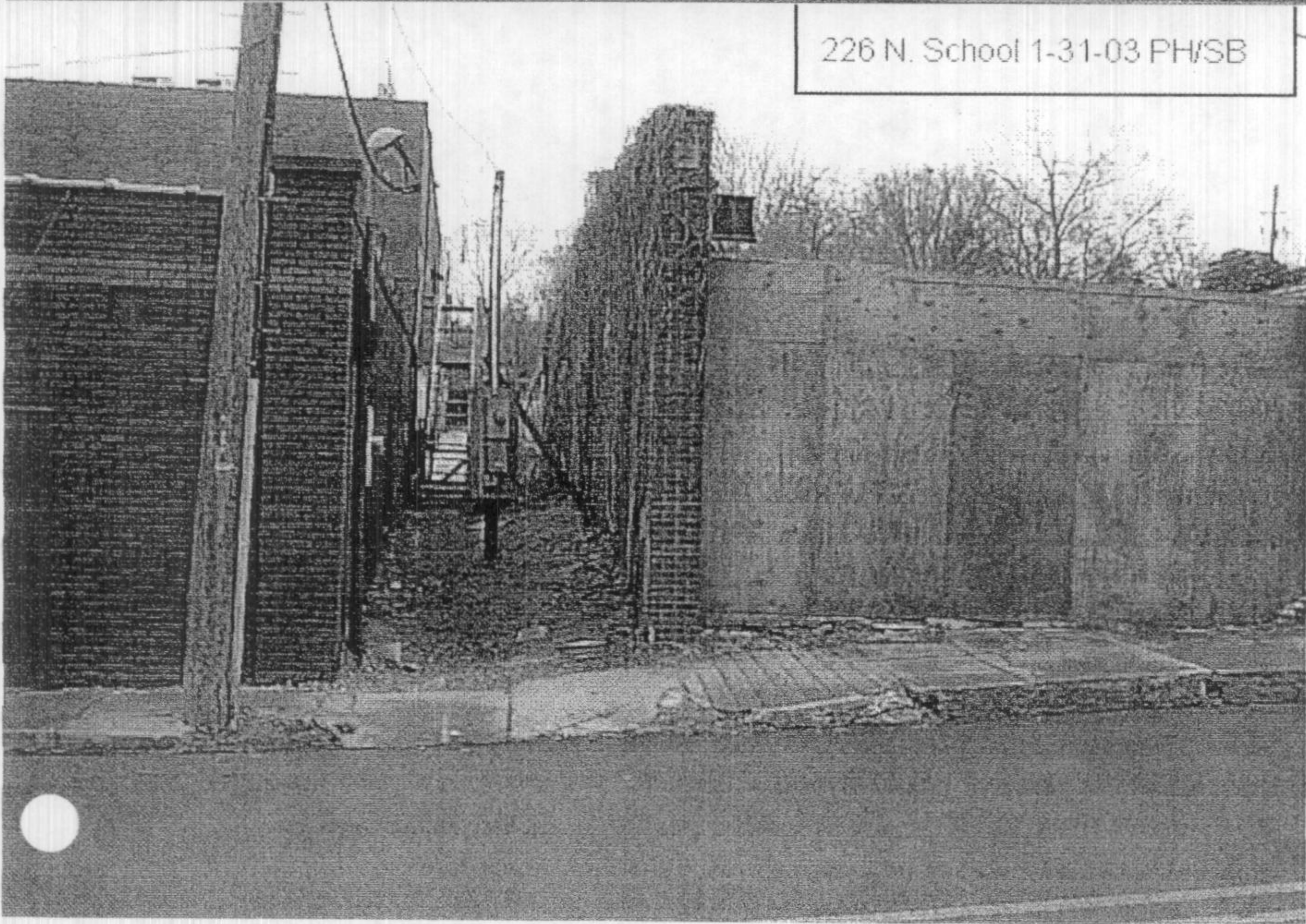
226 N School 1-31-03 PH/SB

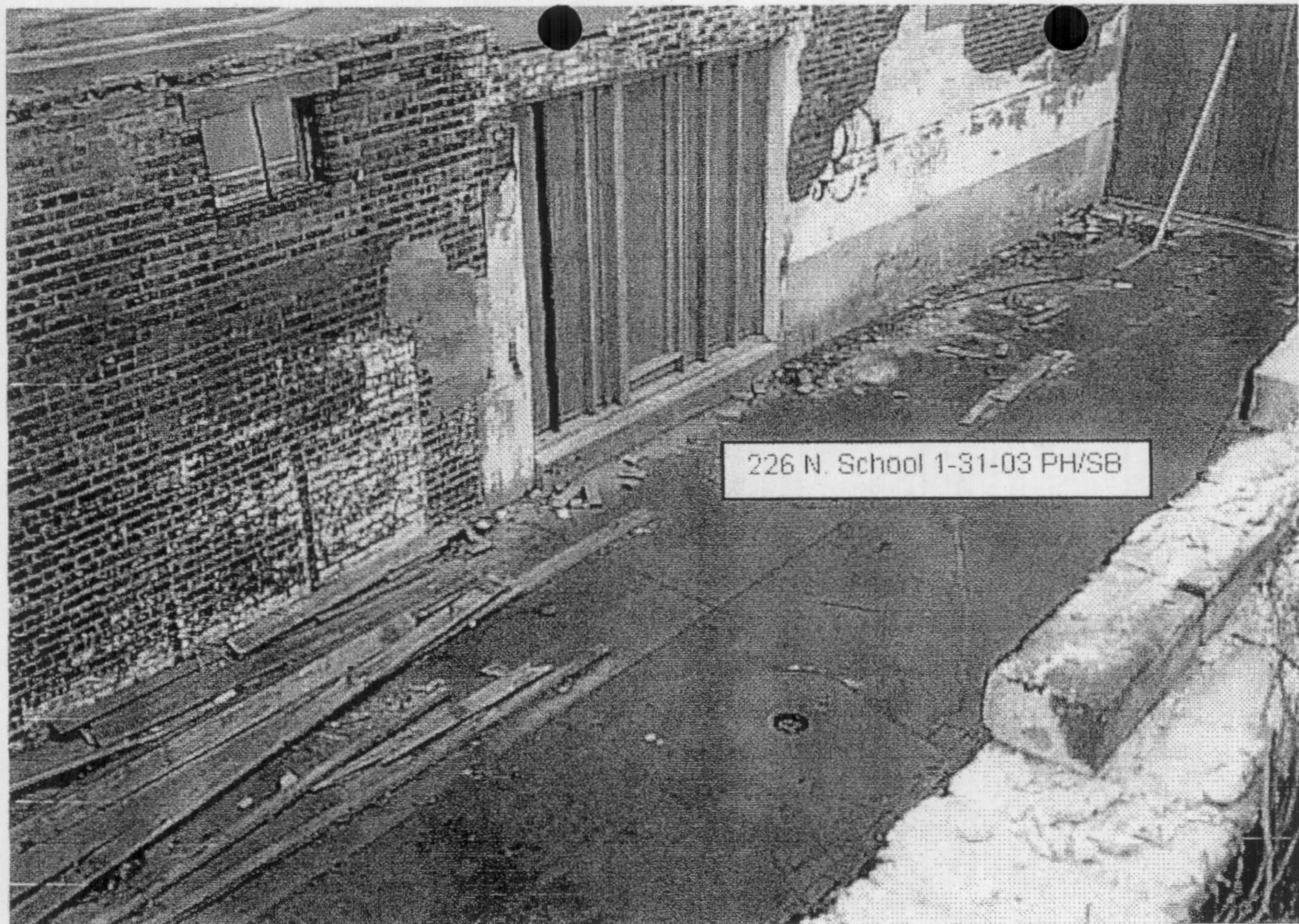


226 N. School 1-31-03 PH/SB



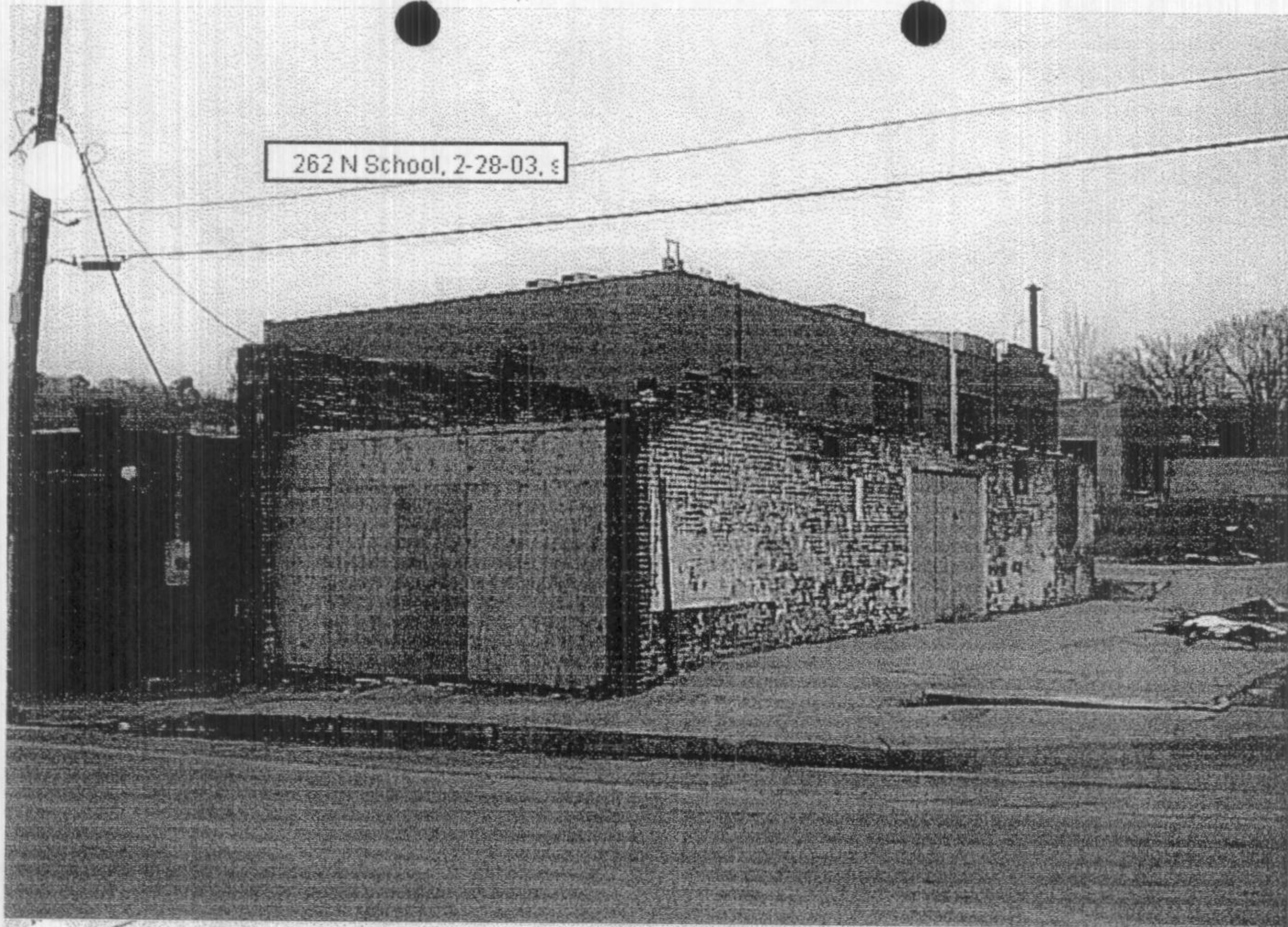
226 N. School 1-31-03 PH/SB



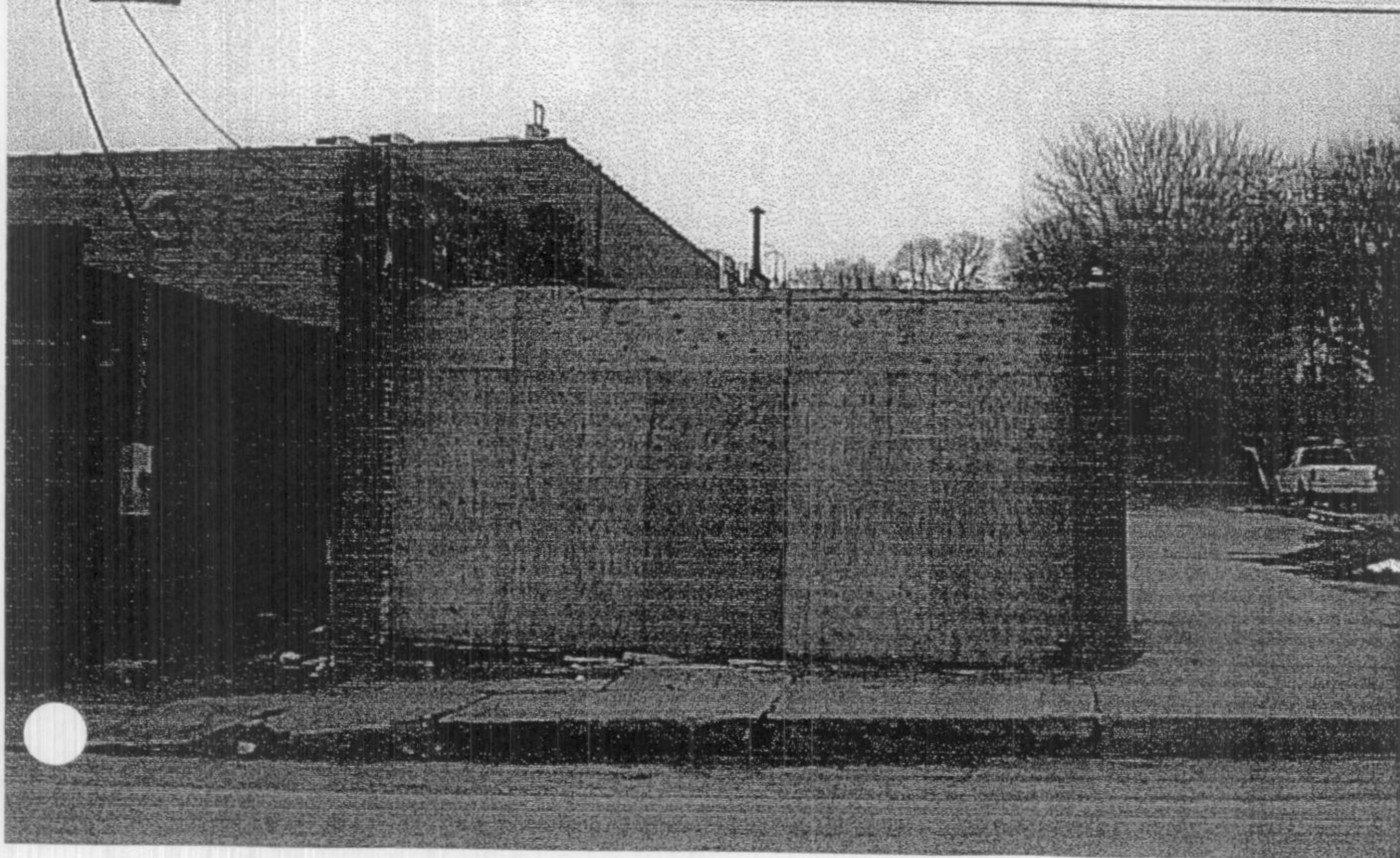


226 N. School 1-31-03 PH/SB

262 N School, 2-28-03, ε



262 N School, 2-28-03, sl



262 N. School, 2-28-03,s



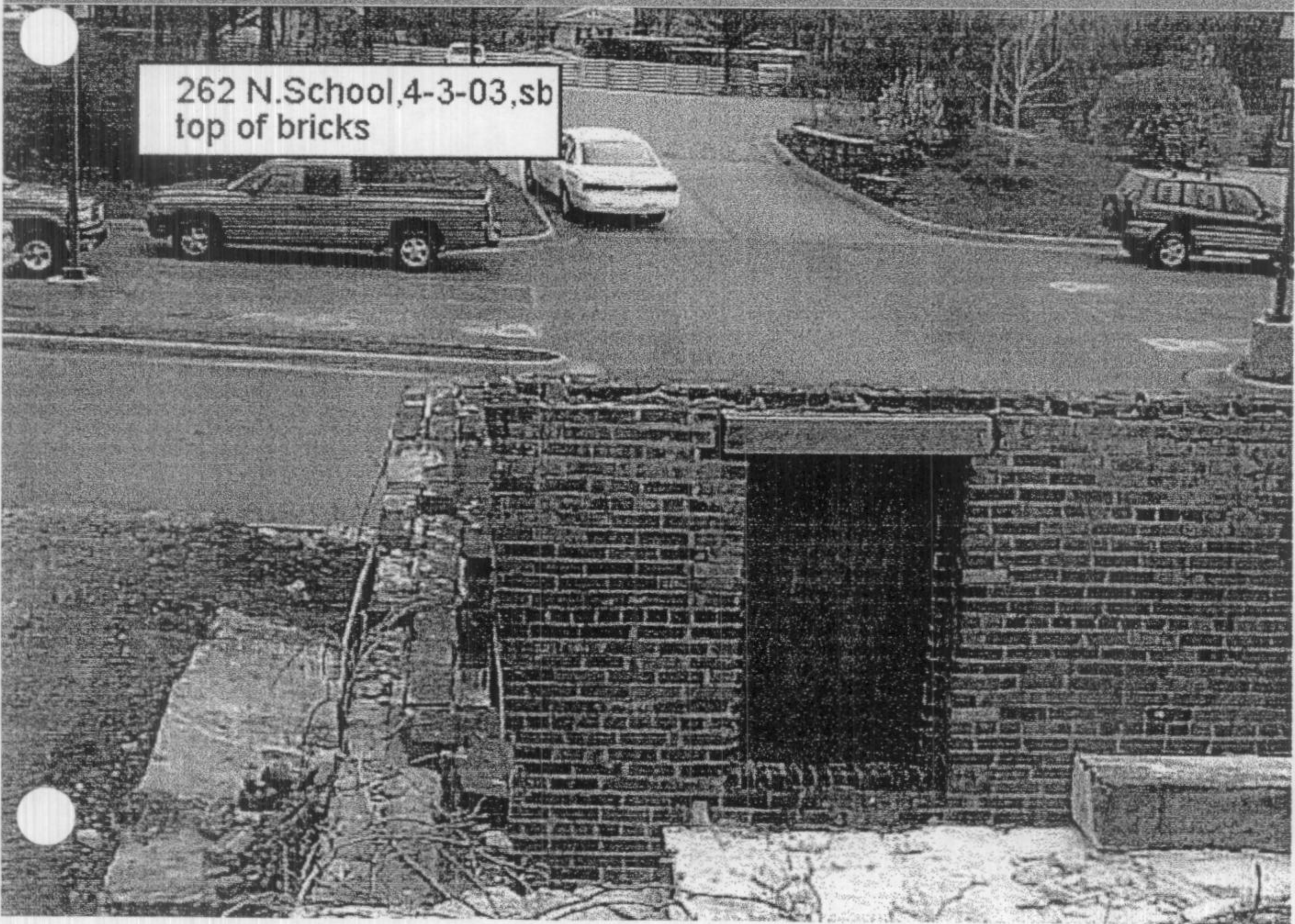
262 N School, 2-28-03,sb



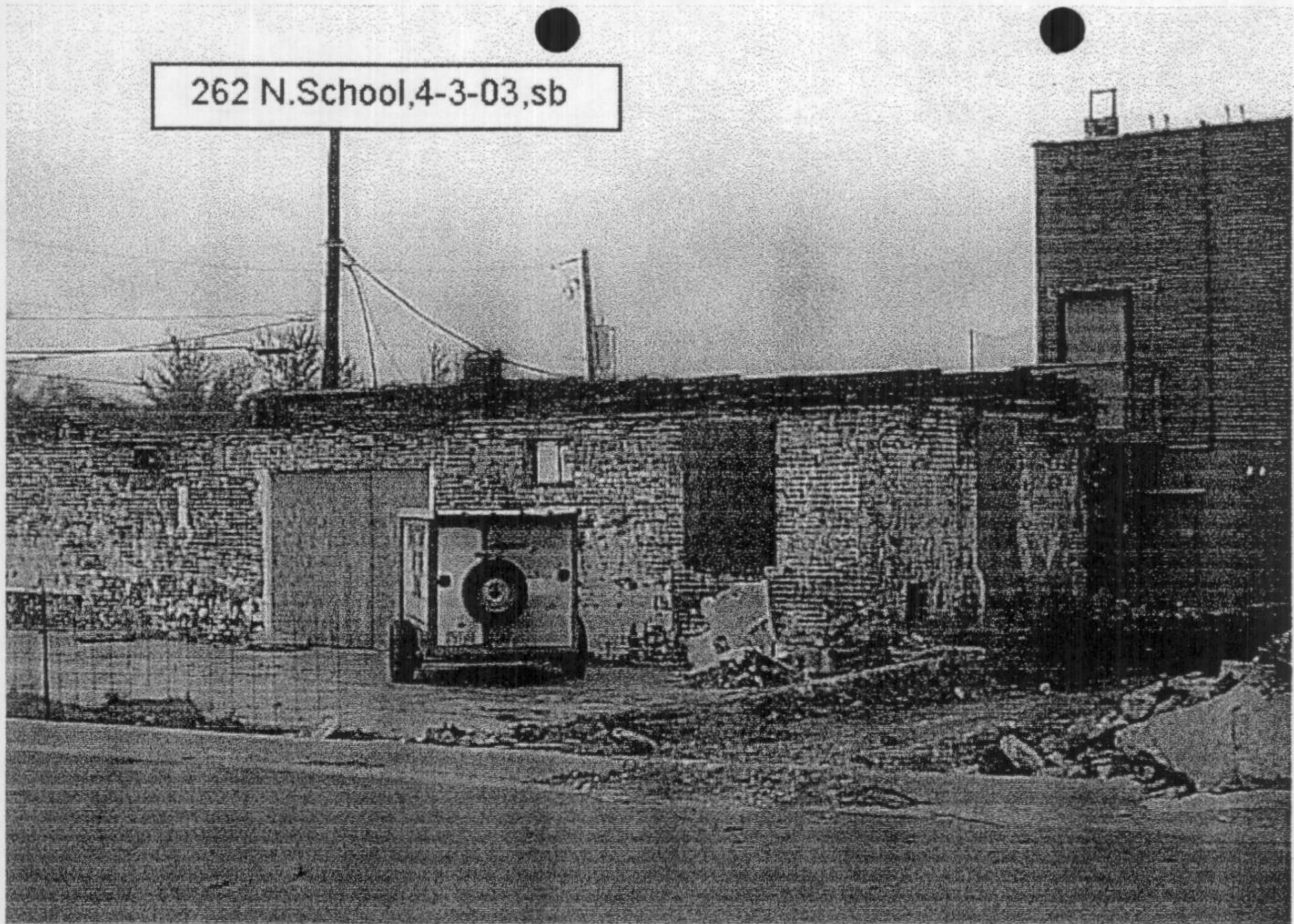
262 N.School,4-3-03,sb



262 N.School,4-3-03,sb
top of bricks



262 N.School,4-3-03,sb



262 N.Schoole,4-3-03,sk



262 N. School, 4-3-03, sb



262 N.School,4-3-03,sb



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Council Meeting of Aug 19
August 5, 2003
per Hughes
Tabled Indefinitely 10/7/03

YES AGENDA REQUEST

For the Fayetteville City Council Meeting of:

8-19
May 20, 2003

Tabled until
Oct 7, 2003
City Council
Meeting

FROM:

Don Hancock

Com Res & Code Com

Com Plan & Engr Services

Name

Division

Department

ACTION REQUIRED: Public Hearing and Resolution to order the Raze and Removal of the dilapidated structure located at 262 North School Avenue, Fayetteville, AR 72702

226

SUMMARY EXPLANATION:

See attached Memo

STAFF RECOMMENDATION:

Division Head

4-15-03
Date

Received in Mayor's Office

4/21/03 P.H.
Date

City Attorney

4/21/03
Date

Department Director

4-16-03
Date

Cross Reference:

Finance & Internal Services Dir.

4-16-03
Date

Previous Ord/Res#:

Chief Administrative Officer

4-16-03
Date

Orig. Contract Date:

Mayor

4/5/03
Date

Orig. Contract Number:

New Item:

Yes

No



**Tentative Agenda
For
City Council Meeting
December 2, 2003**

A meeting of the Fayetteville City Council will be held on December 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the October 21, 2003 and November 18, 2003 meeting minutes.
2. **Police Department Policy – Racial Profiling Prohibited:** A resolution to adopt a Fayetteville Police Department Policy prohibiting racial profiling.
3. **APAC Arkansas Inc; Church Avenue Retaining Wall:** A resolution awarding Bid # 03-66 to APAC-Arkansas Inc. in the amount of Twenty-Eight Thousand Fifteen Dollars (\$28,015.00) to replace a retaining wall at the Church Avenue employee parking lot; and approving a project contingency in the amount of Two Thousand Eight Hundred One Dollars (\$2,801.00).
4. **Garver Engineers, LLC; Mount Sequoyah Water and Sewer Improvements Project:** A resolution approving a contract in the amount of Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00) with Garver Engineers, LLC for engineering services relating to the Mount Sequoyah Water and Sewer Improvements Project.
5. **Cross Keys Subdivision – Park Land Dedication – Money in lieu of land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$58,830.00 cash in lieu of the required park land dedication for Cross Keys Subdivision.
6. **Fleet Purchase of 2 Expeditions for the Police Department:** A resolution approving the purchase of four Ford Expeditions from Landers Ford at State contract prices for a total cost of \$56,322.00 for use as police K-9 units.
7. **VAC 03-29.00 Property South of Hyland Park and East of Crossover Road:** A resolution approving ADM 03-29.00 amending the Master Street Plan by removing the Eastern extension of Cliffs Blvd. between Crossover Road and Starr Drive.

B. OLD BUSINESS:

1. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates. *This Ordinance was left on the second reading at the October 7, 2003 City Council meeting. This Ordinance was tabled at the November 18, 2003 City Council meeting to the December 2, 2003 City Council meeting.*
2. **2004 Annual Budget:** A resolution adopting the proposed 2004 Annual Budget & Work Program and the 2004-2008 Capital Improvement Program. *This Resolution was tabled at the November 18, 2003 City Council meeting until the December 2, 2003 City Council meeting.*

C. NEW BUSINESS:

1. **Raze and Removal 1905 S. Brower Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in the City of Fayetteville, Arkansas.
2. **VAC 03-12:00 Combs Street Church of Christ:** An ordinance approving VAC 03-12.00 to vacate and abandon a portion of 4th Street right of way, City of Fayetteville, Washington County, Arkansas as described on the attached map and legal description.
3. **Hay Group 2004 Salary Recommendation:** A resolution adopting the Hay Group's recommendation in the 2003 compensation practices update; implementing 50% of the recommendation in January 2004 and the remaining 50% in January 2005; and approving the 2004 city and employee premium amounts for the group medical plan.

D. INFORMATIONAL:

December 1, 2003 – Council Tour

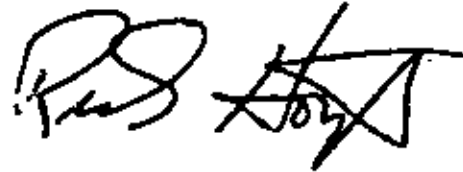
City Council Meeting of December 2, 2003

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Rick Hoyt, Chief of Police



Date: November 5, 2003

Subject: Resolution approving Police Department Policy 1.2.3 – “Racial Profiling Prohibited”

RECOMMENDATION

Fayetteville Police Department Administration recommends passage of a Council Resolution that approves proposed police department policy, 1.2.3, which prohibits racial profiling.

BACKGROUND

Earlier this year, State lawmakers passed Act 1207 of 2003. The purpose of this act was to prohibit racial profiling. The act has specific language requiring all police departments, sheriff's offices, state police agencies and any other law enforcement agencies to adopt specific provisions of the state act into individual department policies. It was further mandated by this act that policies are required to be in place by January 1, 2004. A companion state law requires municipalities to approve policies of police departments.

DISCUSSION

The Fayetteville Police Department has previously taken a very proactive stance in the area of prohibiting and discouraging biased-based policing practices. Our department mandated cultural awareness training for officers many years ago and we have always taken this issue very seriously. We believe existing policies, practices and philosophy at the department already prohibit racial profiling. However, our existing policies did not specifically address all areas of the new State act. The attached proposed policy does cover these areas and will be a welcome addition to our policy manual.

BUDGET IMPACT

There is no budget impact from this request.



RESOLUTION NO. _____

A RESOLUTION TO ADOPT A FAYETTEVILLE POLICE
DEPARTMENT POLICY PROHIBITING RACIAL PROFILING

WHEREAS, A.C.A. §12-12-1401 through 1404 requires all municipal police departments to adopt a written policy prohibiting racial profiling and take other measures to ensure constitutional rights of potential suspects are respected.

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 and adopts Rule 1.2.3 **Racial Profiling Prohibited** (attached as Exhibit A) as a new part of the Fayetteville Police Department's Policies, Procedures and Rules.

PASSED and APPROVED this the 18th day of November, 2003.

APPROVED:

By: _____
DAN GOODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date December 2, 2003		Number 1.2.3
Subject RACIAL PROFILING PROHIBITED		
Reference Arkansas Act 1207 of 2003		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The purpose of this policy is to prohibit the act of racial profiling and to reaffirm the department policy to perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration and to treat all citizens equally with courtesy, consideration and dignity.

II. DISCUSSION

This order recognizes Arkansas Act 1207 of 2003 to prohibit racial profiling and further establishes a directive to prohibit the use of race, ethnicity, national origin, or religion in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches and seizures, and other law enforcement activities.

III. POLICY

All officers of the Fayetteville Police Department are directed to adhere to the guidelines contained within this policy pertaining to "racial profiling" as defined by Arkansas Act 1207 of 2003.

A. Prohibitions

Officers are prohibited from relying on race, ethnicity, national origin, or religion, to any degree, in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of police practices following the initial routine investigatory activity. Officers shall have reasonable suspicion or probable cause in compliance with the United States Constitution and Arkansas Rules of Criminal Procedures prior to stopping a pedestrian or motor vehicle, or engaging in detentions, searches, arrests, or other investigatory activities.

IV. PROCEDURES

- A. Officers shall professionally and courteously identify themselves by full name and department, state the reason for the stop, and when possible, provide written identification.
- B. Officers shall receive a basic training course on racial and cultural sensitivity and annual training in operating procedures that prohibit biased policing. This training shall emphasize the prohibition against racial profiling and include topics on community policing, law enforcement in a multi-cultural society, and racial, ethnic, and religious diversity. Officers will also complete foreign language training with an emphasis in Spanish, when possible, in accordance with state law.
- C. Supervisors are responsible for ensuring that all personnel read and understand the policies and procedures prohibiting racial profiling.
 - (1) Supervisors will encourage officers to report violations of this policy to determine whether any officer is engaged in a pattern of racial profiling or biased policing.
 - (2) Supervisors will not retaliate against an officer or officers who report acts of racial profiling.
- D. Internal or external complaints or allegations of racial profiling or biased policing shall be assigned to the department's Office of Professional Standards for an investigation.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

X AGENDA REQUEST

For the Fayetteville City Council Meeting of: December 2, 2003

FROM:

<u>Rick Hoyt</u>	<u>Police</u>
Name	Department

ACTION REQUIRED:

Council passage of resolution approving Fayetteville Police Department Policy 1.2.3 - "Racial Profiling Prohibited"

SUMMARY EXPLANATION:

Arkansas Act 1207 of 2003 requires all law enforcement agencies to implement a written policy prohibiting racial profiling by January 1, 2004. Arkansas law also requires City Councils to approve operating policies of the Police Department.

STAFF RECOMMENDATION: Pass the resolution approving FPD Policy 1.2.3, - Racial Profiling Prohibited

Division Head	Date
<u>[Signature]</u>	<u>11-5-03</u>

City Attorney	Date
<u>[Signature]</u>	<u>11-5-03</u>

Department Director	Date
<u>[Signature]</u>	<u>11-5-03</u>

Finance & Internal Services Dir.	Date
<u>[Signature]</u>	<u>11-5-03</u>

Chief Administrative Officer	Date
<u>[Signature]</u>	<u>11/6/03</u>

Mayor	Date
<u>[Signature]</u>	<u>11/6/03</u>

Received in Mayor's Office

11/6/03
Date P.H.

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No



DEPARTMENTAL CORRESPONDENCE

December 2, 2003 City Council Meeting

TO: Mayor Dan Coody and the Fayetteville City Council
THROUGH: Stephen Davis, Director of Internal and Financial Services
FROM: Larry Rennie, Building Services Supervisor
DATE: November 3, 2003
SUBJECT: A resolution approving a contract with Apac-Arkansas for replacement of a retaining wall adjacent to the employee parking lot

Recommendation: Staff recommends approval of this contract and project contingency fund.

Background: On October 30, 2003, a bid was opened regarding work proposed to be done on an existing retaining wall adjacent to the employee parking lot on Church Street. The scope of this work is the removal of an existing wall and its replacement with a concrete structure conforming to specifications developed by the City's Engineering Department. Of the four bids received and opened by the Purchasing Department, the low bid was from the Apac-Arkansas Company. This bid was \$28,015.00.

Discussion: A retaining wall adjacent to the Church Street employee parking lot was constructed approximately twenty-five years ago. This wall was constructed when the Interim City Hall Building was built. The wall was constructed of penta treated cross-ties that have deteriorated with the passage of time. Now the wall has deteriorated to the point that a replacement wall should be constructed. To facilitate this effort, the above referenced bid was initiated.

Staff recommends that the October 30th bid be accepted along with a ten percent contingency fund. The contract and contingency will amount to \$30,817.00.

Budget Impact: The cost of the request (\$30,817.00) was budgeted as part of the Building Improvement Project.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #03-66 TO APAC-ARKANSAS, INC. IN THE AMOUNT OF TWENTY-EIGHT THOUSAND FIFTEEN DOLLARS (\$28,015.00) TO REPLACE A RETAINING WALL AT THE CHURCH AVENUE EMPLOYEE PARKING LOT; AND APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF TWO THOUSAND EIGHT HUNDRED ONE DOLLARS (\$2,801.00).

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 awards Bid #03-66 TO APAC-Arkansas, Inc. in the amount of Twenty-Eight Thousand Fifteen Dollars (\$28,015.00) to replace a retaining wall at the Church Avenue employee parking lot.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a project contingency in the amount of Two Thousand Eight Hundred One Dollars (\$2,801.00).

PASSED and APPROVED this 18th day of November, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

**City of Fayetteville, Arkansas
Bid 03-66
Employee Parking Lot Retaining Wall**

General Information and Specifications:

The City of Fayetteville is accepting price proposals from bidders to provide a turn-key project for the stabilization of the existing employee parking lot retaining wall. Proposals shall conform to specific specifications set forth by the Building Services Division located at 115 S. Church Avenue, Fayetteville, AR 72701. Contact person for this project is Larry Rennie at Building Services (479) 575-8363. Contractors must review plans and specifications and are encouraged to visit the site to verify site size, shape, condition and accessibility before submitting their bids. (The parking lot is located directly behind the building services offices where you will pick up your specifications packet).

Proposals must conform to the following specifications and include appropriate evidence for each:

1. Bidder shall have a state of Arkansas Contractors License.
2. Bidder shall have workers' compensation as required by Arkansas State statutes.
3. Bidder shall have general liability insurance as required at a minimum of \$500,000.
4. A bid bond of 5% shall be submitted with the bid and a 100% performance/payment bond will be required upon contract approval.

The successful bidder will be responsible for providing the following

1. Provide all labor, equipment, materials and supplies needed to complete the job as specified.
2. Removal and cleanup of all debris and construction materials after installation.
3. A \$100.00 per day penalty shall be assessed for each day over the 30 day required delivery date. Any deviation must be noted with specifications attached to bid.
4. Bad weather days will be considered and allowed when appropriate.
5. Project will not be accepted until the City approves the work after construction. It is the contractor's responsibility to supervise area.

Construction Notes for Retaining Wall Project

1. Contractor shall take full responsibility in providing all necessary items to stabilize the existing retaining wall and/or slope.
2. The utilities have not been located on these plans. The contractor shall be responsible for notifying Arkansas One Call prior to beginning any construction and shall have all utilities field located. Telephone: 1-800-482-8998
3. The contractor shall remove and dispose of existing railroad tie retaining wall.
4. The existing asphalt parking lot shall be saw cut and the existing asphalt and curb shall be removed and disposed of in a proper manner.
5. The contractor shall back fill behind the retaining wall to match the final contours. A minimum of 4" of Topsoil shall be placed behind the wall with seed and mulch.
6. The City of Fayetteville shall provide horizontal and vertical control with coordinates and elevations.

PROPOSAL FORM

Total price for this project shall include installation, post construction cleanup, etc. and sales tax as regulated in Arkansas Department of Finance and Administration, GR-21 (Attached).

Total Bid

\$ 28,015.00

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

Bidder agrees that this bid shall be good and may not be withdrawn for a period of sixty (60) calendar days after the schedule closing time for receiving bids.

CONTRACTORS NAME APAC- Arkansas, Inc.
McClinton-Anchor Div.

CONTRACTORS LICENSE # 0011841203

CONTACT PERSON DAVID LOVE

TITLE PROJECT ENGINEER / ESTIMATOR

ADDRESS P.O. Box 1367

FAYETTEVILLE, AR 72702

EMAIL ADDRESS d+love@ashland.com

TELEPHONE 587-3395 FAX 521-2826

SIGNATURE:

James A. Cole

All inclusive bids must be submitted no later than Oct. 31st, 2003 at 2:00 p.m., to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked "Employee Parking Lot Retaining Wall" "Bid 03-66." Each bidder will be required to meet or exceed the specifications. Any deviation must be noted with specifications attached to bid. Questions should be directed to Larry Rennie, City of Fayetteville Facilities Maintenance, (479) 575-8363.

License No. 0011841203

State of Arkansas
Contractors Licensing Board

APAC-ARKANSAS, INC. & DIVISIONS
PO BOX 1367
FAYETTEVILLE, AR 72702

APAC-ARKANSAS, INC. & DIVISIONS

This is to Certify That

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended
and is entitled to practice Contracting in the State of Arkansas within the
following classification:

HIGHWAY, RAILROAD, AIRPORT
CONSTRUCTION
MUNICIPAL & UTILITY
CONSTRUCTION

with the following suggested bid limit UNLIMITED

from January 24, 2003 until December 31, 2003

when this Certificate expires.

Witness our hands of the Board, dated at Little Rock, Arkansas:



W. Dan Wright

CHAIRMAN

Michael T. A.

SECRETARY

January 24, 2003

CERTIFICATE OF INSURANCE

A. 3
APAC Arkansas Inc.; Church Ave. Retaining Wall
Page 6 of 17

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES LISTED BELOW.

Name and Address of Agency United Service Agency, Inc. Post Office Box 11765 Lexington, Kentucky 40577	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">Company Letter</th> <th style="width: 90%;">Companies Affording Coverages</th> </tr> <tr> <td style="text-align: center;">A</td> <td>Pacific Employers Insurance Company</td> </tr> <tr> <td style="text-align: center;">B</td> <td>Bankers Standard Insurance Company</td> </tr> <tr> <td style="text-align: center;">C</td> <td></td> </tr> <tr> <td style="text-align: center;">D</td> <td></td> </tr> <tr> <td style="text-align: center;">E</td> <td></td> </tr> <tr> <td style="text-align: center;">F</td> <td></td> </tr> <tr> <td style="text-align: center;">G</td> <td></td> </tr> <tr> <td style="text-align: center;">H</td> <td></td> </tr> <tr> <td style="text-align: center;">I</td> <td></td> </tr> </table>	Company Letter	Companies Affording Coverages	A	Pacific Employers Insurance Company	B	Bankers Standard Insurance Company	C		D		E		F		G		H		I	
Company Letter	Companies Affording Coverages																				
A	Pacific Employers Insurance Company																				
B	Bankers Standard Insurance Company																				
C																					
D																					
E																					
F																					
G																					
H																					
I																					
Name and Address of Insured APAC-Arkansas, Inc. McClinton-Anchor Division P.O. Box 1367 240 North Block Fayetteville, AR 72702																					

This is to certify that policies of insurance listed below have been issued to the insured named above and are in force at this time.

Company Letter	Type of Insurance	Policy Number	Policy Expiration Date	Limits of Liability in Thousands (000)		
					Each Occurrence	Policy Aggregate
A	GENERAL LIABILITY ☒ COMPREHENSIVE FORM ☒ PREMISES - OPERATIONS ☒ EXPLOSION AND COLAPSE HAZARD ☒ UNDERGROUND HAZARD ☒ PRODUCTS/COMPLETED OPERATIONS HAZARD ☒ CONTRACTURAL INSURANCE ☒ BROAD FORM PROPERTY DAMAGE ☒ INDEPENDENT CONTRACTORS ☒ PERSONAL INJURY	LAB 26610 Effective: 12/1/02	12/01/05	PERSONAL INJURY INCLUDING BODILY INJURY	\$	\$
				PROPERTY DAMAGE	\$	\$
A	AUTOMOBILE LIABILITY ☒ COMPREHENSIVE FORM ☒ OWNED ☒ HIRED ☒ NON-OWNED	LAB 26610 Effective: 12/1/02	12/01/05	PERSONAL INJURY, BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$ 1,000	\$ 1,000
				BODILY INJURY (EACH PERSON) BODILY INJURY (EACH OCCURRENCE)	\$	
				PROPERTY DAMAGE	\$	
	EXCESS LIABILITY ☐ UMBRELLA FORM ☐ OTHER THAN UMBRELLA FORM			BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$	\$
B	WORKERS' COMPENSATION and EMPLOYERS' LIABILITY	WLR C 4298985A	12/01/03	STATUTORY		
					\$ 1,000	(EACH ACCIDENT)
					\$	\$
					\$	\$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES

CANCELLATION: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the Company.

Name and Address of Certificate Holder 	Date Issued:  AUTHORIZED SIGNATURE
---	--

CONTRACT

THIS AGREEMENT, made and entered into the _____ day of December, 2003, by and between the City of Fayetteville, County of Washington, State of Arkansas, and APAC-ARKANSAS, INC.

WITNESSETH THAT:

WHEREAS, the City of Fayetteville has called for bids to replace a retaining wall at the Church Avenue employee parking lot, as set out in the Plans and Specifications approved by the City of Fayetteville, Arkansas; and

WHEREAS, pursuant to the published calls for bids under said Plans and Specifications, APAC-ARKANSAS, INC is the lowest and best qualified bidder for the construction of said Improvements;

NOW THEREFORE, APAC-ARKANSAS, INC agrees with the City of Fayetteville to commence and complete the construction of:

Bid No. 03-66 which shall be the replacement of a retaining wall at the Church Avenue employee parking lot and related work for The City of Fayetteville, Arkansas, in accordance with the bid schedule, plan drawings, the contract documents including the project specifications, including all work required for a complete and acceptable installation, for the unit and lump sum prices bid in the Bid Proposal, all of which become and are a part of this Contract, the total sum thus being

Twenty-Eight Thousand Fifteen Dollars.

(\$ 28,015.00), such sum being the agreed amount upon which bonds and liabilities are based, and at his own cost and expense furnish all materials, supplies, labor, machinery, equipment, tools, supervision, bonds, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Bid attached hereto and made a part hereof, and in accordance with the Technical Specifications, the General Conditions, the Supplementary Conditions, and in accordance with the Plans, which include all blueprints, and other drawings, and written or printed explanatory matter thereof.

APAC-ARKANSAS, INC will comply with the applicable Federal and State requirements and conditions of employment to be observed and minimum wage rates to be paid under this contract.

APAC-ARKANSAS, INC agrees to commence work under this contract within ten days of the issuance of the Notice to Proceed and totally complete all work within thirty (30) calendar days.

The City of Fayetteville agrees to pay APAC-ARKANSAS, INC in current funds for the performance of the contract in accordance with the accepted Bid, subject to additions and deductions, as provided in the Specifications, and to make payment on account thereof as provided below.

As soon as is practicable after completion of the job, and in accordance with the bid Specifications, the City of Fayetteville will make payments to APAC-ARKANSAS, INC for work performed , based upon the project manager's approval of work completed, said invoice being certified by APAC-ARKANSAS, INC and accepted by the City of Fayetteville.

Time is hereby expressly declared to be of the essence of this contract, and the time of beginning, manner of progress and time of completion of the work hereunder shall be and are essential conditions hereof.

APAC-ARKANSAS, INC agrees to commence work within ten (10) calendar days from the date of the Notice to Proceed and to proceed with the construction of the work and to prosecute the work with an adequate force and in a manner so as to complete the work within the time stipulated herein. If APAC-ARKANSAS, INC fails in completing the contract within the time stipulated herein, APAC-ARKANSAS, INC agrees to pay the City of Fayetteville, as liquidated damages the sum of one hundred dollars (\$100.00) per day for each calendar day of delay in completion, said amounts being fixed and agreed upon by and between the parties hereto. Because of the impracticability and extreme difficulty in fixing and ascertaining the actual damages City of Fayetteville would in such event sustain, said amounts are to be presumed by the parties to this contract to be the amounts of damage City of Fayetteville would sustain in related costs. Said amounts of liquidated damages shall be deductible from any amount due APAC-ARKANSAS, INC under the Final Estimate of said work, after the completion thereof, and APAC-ARKANSAS, INC shall be entitled to the Final Estimate less such amounts of liquidated damages.

If APAC-ARKANSAS, INC is delayed at any time in the progress of the work by any act or neglect of the City of Fayetteville or of the City of Fayetteville's employees, or by any other Contractor employed by the City of Fayetteville, or by changes ordered in the work, or by strikes, lockouts, fire, unusual delay in transportation, unavoidable casualties or any causes beyond APAC-ARKANSAS, INC's control, or by any cause which the Project Manager shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Project Manager may decide.

No such extension shall be made for delay occurring more than seven days before claim therefore is made in writing to the Project Manager. In the case of a continuing cause for delay, only one claim is necessary.

In the event APAC-ARKANSAS, INC abandons the work hereunder or fails, neglects or refuses to continue the work after ten (10) days written notice, given APAC-ARKANSAS, INC by the City of Fayetteville, then the City of Fayetteville shall have the option of 1) declaring this contract at an end, in which event the City of Fayetteville shall not be liable to the APAC-ARKANSAS, INC for any work theretofore performed, or 2) requiring the surety hereto, upon ten (10) days notice, to complete and carry out the contract of APAC-ARKANSAS, INC; and in that event, should the surety fail, neglect or refuse to carry out said contract, 3) said City of Fayetteville may complete the contract as its own expense and maintain an action against APAC-ARKANSAS, INC and the surety hereto for the actual cost of same, together with any damages or other expense sustained or incurred by City of Fayetteville in completing this contract, less the total amount provided for hereunder to be paid APAC-ARKANSAS, INC upon the completion of this contract.

Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

APAC-ARKANSAS, INC shall ensure that the City of Fayetteville receives lien waivers from all material suppliers, subcontractors and sub-subcontractors and before work begins on the project. APAC-ARKANSAS, INC shall give written notice to the material suppliers, subcontractors and sub-subcontractors providing work on the project that states the following: "According to Arkansas Law, it is understood that no liens can be filed against public property if a valid and enforceable payment and performance bond is in place. The contractor shall have each subcontractor, sub-subcontractor and material supplier execute a written receipt evidencing acknowledgment of this statement prior to commencement of the work of the subcontractor, sub-subcontractor or material supplier.

City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville APAC-ARKANSAS, INC will do everything possible to provide the documents

in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act. (A.C.A. 25-19-101 et. Seq.) Only legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance."

APAC-ARKANSAS, INC shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of performance or nonperformance of the services or subject matter called for in this contract, provided that nothing herein shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville under the Constitution and Statutes of the State of Arkansas.

This contract shall be binding upon the heirs, representatives, successors or assigns of the parties hereto, including the surety.

IN WITNESS WHEREOF, the City of Fayetteville and APAC-ARKANSAS, INC have hereto set their hands and seals, respectively.

APAC-ARKANSAS, INC
Firm Name

By: James A. Cole

Admin. Vice President
Title of Authorized Person

David Love
Witness*

*If corporation, secretary should attest.

CITY OF FAYETTEVILLE, ARKANSAS

Dan Coody, Mayor

Attest:

Sondra Smith, City Clerk

End of Contract

CONTRACT

THIS AGREEMENT, made and entered into the _____ day of December, 2003, by and between the City of Fayetteville, County of Washington, State of Arkansas, and APAC -ARKANSAS, INC.

WITNESSETH THAT:

WHEREAS, the City of Fayetteville has called for bids to replace a retaining wall at the Church Avenue employee parking lot, as set out in the Plans and Specifications approved by the City of Fayetteville, Arkansas; and

WHEREAS, pursuant to the published calls for bids under said Plans and Specifications, APAC-ARKANSAS, INC is the lowest and best qualified bidder for the construction of said Improvements;

NOW THEREFORE, APAC-ARKANSAS, INC agrees with the City of Fayetteville to commence and complete the construction of:

Bid No. 03-66 which shall be the replacement of a retaining wall at the Church Avenue employee parking lot and related work for The City of Fayetteville, Arkansas, in accordance with the bid schedule, plan drawings, the contract documents including the project specifications, including all work required for a complete and acceptable installation, for the unit and lump sum prices bid in the Bid Proposal, all of which become and are a part of this Contract, the total sum thus being

Twenty-Eight Thousand Fifteen Dollars.

(\$ 28,015.00), such sum being the agreed amount upon which bonds and liabilities are based, and at his own cost and expense furnish all materials, supplies, labor, machinery, equipment, tools, supervision, bonds, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Bid attached hereto and made a part hereof, and in accordance with the Technical Specifications, the General Conditions, the Supplementary Conditions, and in accordance with the Plans, which include all blueprints, and other drawings, and written or printed explanatory matter thereof.

APAC-ARKANSAS, INC will comply with the applicable Federal and State requirements and conditions of employment to be observed and minimum wage rates to be paid under this contract.

APAC-ARKANSAS, INC agrees to commence work under this contract within ten days of the issuance of the Notice to Proceed and totally complete all work within thirty (30) calendar days.

The City of Fayetteville agrees to pay APAC-ARKANSAS, INC in current funds for the performance of the contract in accordance with the accepted Bid, subject to additions and deductions, as provided in the Specifications, and to make payment on account thereof as provided below.

As soon as is practicable after completion of the job, and in accordance with the bid Specifications, the City of Fayetteville will make payments to APAC-ARKANSAS, INC for work performed , based upon the project manager's approval of work completed, said invoice being certified by APAC-ARKANSAS, INC and accepted by the City of Fayetteville.

Time is hereby expressly declared to be of the essence of this contract, and the time of beginning, manner of progress and time of completion of the work hereunder shall be and are essential conditions hereof.

APAC-ARKANSAS, INC agrees to commence work within ten (10) calendar days from the date of the Notice to Proceed and to proceed with the construction of the work and to prosecute the work with an adequate force and in a manner so as to complete the work within the time stipulated herein. If APAC-ARKANSAS, INC fails in completing the contract within the time stipulated herein, APAC-ARKANSAS, INC agrees to pay the City of Fayetteville, as liquidated damages the sum of one hundred dollars (\$100.00) per day for each calendar day of delay in completion, said amounts being fixed and agreed upon by and between the parties hereto. Because of the impracticability and extreme difficulty in fixing and ascertaining the actual damages City of Fayetteville would in such event sustain, said amounts are to be presumed by the parties to this contract to be the amounts of damage City of Fayetteville would sustain in related costs. Said amounts of liquidated damages shall be deductible from any amount due APAC-ARKANSAS, INC under the Final Estimate of said work, after the completion thereof, and APAC-ARKANSAS, INC shall be entitled to the Final Estimate less such amounts of liquidated damages.

If APAC-ARKANSAS, INC is delayed at any time in the progress of the work by any act or neglect of the City of Fayetteville or of the City of Fayetteville's employees, or by any other Contractor employed by the City of Fayetteville, or by changes ordered in the work, or by strikes, lockouts, fire, unusual delay in transportation, unavoidable casualties or any causes beyond APAC-ARKANSAS, INC's control, or by any cause which the Project Manager shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Project Manager may decide.

No such extension shall be made for delay occurring more than seven days before claim therefore is made in writing to the Project Manager. In the case of a continuing cause for delay, only one claim is necessary.

In the event APAC-ARKANSAS, INC abandons the work hereunder or fails, neglects or refuses to continue the work after ten (10) days written notice, given APAC-ARKANSAS, INC by the City of Fayetteville, then the City of Fayetteville shall have the option of 1) declaring this contract at an end, in which event the City of Fayetteville shall not be liable to the APAC-ARKANSAS, INC for any work theretofore performed, or 2) requiring the surety hereto, upon ten (10) days notice, to complete and carry out the contract of APAC-ARKANSAS, INC; and in that event, should the surety fail, neglect or refuse to carry out said contract, 3) said City of Fayetteville may complete the contract as its own expense and maintain an action against APAC-ARKANSAS, INC and the surety hereto for the actual cost of same, together with any damages or other expense sustained or incurred by City of Fayetteville in completing this contract, less the total amount provided for hereunder to be paid APAC-ARKANSAS, INC upon the completion of this contract.

Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

APAC-ARKANSAS, INC shall ensure that the City of Fayetteville receives lien waivers from all material suppliers, subcontractors and sub-subcontractors and before work begins on the project. APAC-ARKANSAS, INC shall give written notice to the material suppliers, subcontractors and sub-subcontractors providing work on the project that states the following: "According to Arkansas Law, it is understood that no liens can be filed against public property if a valid and enforceable payment and performance bond is in place. The contractor shall have each subcontractor, sub-subcontractor and material supplier execute a written receipt evidencing acknowledgment of this statement prior to commencement of the work of the subcontractor, sub-subcontractor or material supplier.

City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville APAC-ARKANSAS, INC will do everything possible to provide the documents

in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act. (A.C.A. 25-19-101 et. Seq.) Only legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance."

APAC-ARKANSAS, INC shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of performance or nonperformance of the services or subject matter called for in this contract, provided that nothing herein shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville under the Constitution and Statutes of the State of Arkansas.

This contract shall be binding upon the heirs, representatives, successors or assigns of the parties hereto, including the surety.

IN WITNESS WHEREOF, the City of Fayetteville and APAC-ARKANSAS, INC have hereto set their hands and seals, respectively.

APAC-ARKANSAS, INC
Firm Name

By: James A. Cole
Admin. Vice President
Title of Authorized Person

David Love
Witness*

*If corporation, secretary should attest.

CITY OF FAYETTEVILLE, ARKANSAS

Dan Coody, Mayor

Attest:

Sondra Smith, City Clerk

End of Contract

FORMAL	☐	BID BOND REQUIRED	YES ☐	NO ☐
INFORMAL	☐			
VERBAL QUOTATION	☐	PERFORMANCE BOND REQUIRED	YES ☐	NO ☐

TABULATION OF BIDS

PROJECT	DESCRIPTION	F.O.B.	DATE OPENED
1	Inst Retaining Wall		10/31/03
13-14			2:00 PM

A. 3
Retaining Wall
Page 13 of 17

ITEM	TO	P.O. #
ITEM	TO	P.O. #
ITEM	TO	P.O. #

REMARKS:

PURCHASING OFFICER

7470		27290		Vendor Name: McClinton Anchor		Requestion No.: 162		Date: 11/12/2003	
Address:		APAC - Arkansas Inc. PO Box 1367		Job Point:		P.O. Number:		Expected Delivery Date:	
City: Fayetteville		State: Ar		Zip Code: 72702-1367		Mail Yes: No: X		Quotes Attached Yes: No: X	
Requester: Larry Rennie		Requester's Employee #: 850		Ship to code: 85		Division Head Approval: <i>L. Rennie</i>		Extension: 363	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Employee Parking Lot Retaining Wall				\$28,016.00	4470.9470.5819.00	03035-1		
2	<i>New Bid # 03-66</i>				\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				
Special Instructions:									
Subtotal: \$28,016.00 Tax: Total: \$28,016.00 RECEIVED NOV 13 2002 PURCHASING									
Approvals: Mayor: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Department Director: _____ Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Manager: _____ Other: _____									

BID:	FORMAL	BID BOND REQUIRED	YES	NO
	INFORMAL			
	VERBAL QUOTATION			
		PERFORMANCE BOND REQUIRED	YES	NO

PROJECT

DESCRIPTION	F.O.B.	DATE OPENED	QTY
Inst. / Retaining Wall		10/31/03	2.00 Pcs

BID NO.	PROJECT NO.	UNIT/QUANT COST	EXT. COST	ITEM	ITEM	ITEM	ITEM	ITEM	EXTENSION
BIDDER: Apac-Arkansas		UNIT/QUANT COST		28,015.00					
ADDRESS:		EXT. COST							
BIDDER: Mobley Contractors		UNIT/QUANT COST		50,327.50					
ADDRESS: Inc,		EXT. COST							
BIDDER: Cando Inc,		UNIT/QUANT COST		38,500.00					
ADDRESS:		EXT. COST							
BIDDER: Multi-Craft		UNIT/QUANT COST		30,691.00					
ADDRESS: Contractors		EXT. COST							
BIDDER:		UNIT/QUANT COST							
ADDRESS:		EXT. COST							
BIDDER:		UNIT/QUANT COST							
ADDRESS:		EXT. COST							
BIDDER:		UNIT/QUANT COST							
ADDRESS:		EXT. COST							
BIDDER:		UNIT/QUANT COST							
ADDRESS:		EXT. COST							
BIDDER:		UNIT/QUANT COST							
ADDRESS:		EXT. COST							
BIDDER:		UNIT/QUANT COST							
ADDRESS:		EXT. COST							

ITEM	TO	P.O.#
ITEM	TO	P.O.#
ITEM	TO	P.O.#
ITEM	TO	P.O.#

REMARKS:

PURCHASING OFFICER

Summary

STAFF REVIEW FORM - FINANCIAL OBLIGATION

AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of:

December 2
November 18, 2003

FROM:

Larry Rennie

Building Services

FISD

Name

Division

Department

ACTION REQUIRED: Replace retaining wall in employee parking lot for the sum of \$28,015.00 plus a contingency of \$2,801.00.

03-66

COST TO CITY:

\$30,817.00	\$31,000.00	Emp. Parking Lot Retaining Wall
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5819.00	\$150.00	Other Capitol Improvements
Account Number	Funds Used to Date	Program / Project Category Name
03035-1	\$ 30,850.00	Sales Tax Capitol Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

X Budgeted Item Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Denise Hingle 11/10/03
Accounting Manager Date

Mary Smet 11/12/03
Internal Auditor Date

D. J. Whit 11/12/03
City Attorney Date

P. Licio 11/12/03
Purchasing Manager Date

STAFF RECOMMENDATION:

Division Head Date

Received in Mayor's Office

11/13/03
Date *PH*

Department Director Date

Cross Reference:

Steph 11-13-03
Finance & Internal Services Dir. Date

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

Chief Administrative Officer Date

New Item: Yes No

Alan 11/14/03
Mayor Date



Staff Review Form - Page 2

Description _____ Meeting Date November 18, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

Steve - Your call. We are
paying this after job is completed.
Do you want a contract?
A 100% performance bond is required.

P.S. Please ask Barry for per. Reg
to attach. OKAY - attached

ADA Coordinator

Internal Auditor

No contract to review
(Bid proposal Contractor's
license, ins. certificate attached)

Grants Coordinator

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Tim Conklin, Community Planning and Engineering Services Director T.C.

Date: October 29, 2003

Subject: Mt. Sequoyah Water and Sewer Improvements Project - Engineering Contract (Study Phase) with Garver Engineers, LLC in the lump sum amount of \$68,300.

RECOMMENDATION

Fayetteville City Administration recommends approval of the Engineering Contract with Garver Engineers, LLC, in the lump sum amount of \$68,300 for the STUDY PHASE of the Mt. Sequoyah Water and Sewer Capital Improvements Project.

BACKGROUND

This CIP project is to evaluate and identify improvements to the water and sewer systems which serve a large portion of the Mount Sequoyah area. The systems in this area are very inadequate, water and sewer pipes are very old and deteriorated, and in numerous cases lines run under houses and other structures.

Many lines are not within existing easements and often do not adjoin lots. This has caused private service lines to cross adjacent property and create accessibility problems.

The existing water and sewer lines have exceeded their life expectancy, and due to their age, the water lines have severely reduced flow due to tuberculation build-up within the pipes and the many of the sewer lines have numerous cracks and root blockage.

DISCUSSION

Through the formal selection process, Garver Engineers have been selected to perform the engineering tasks for this project. After several meetings between the City Staff and Garver Engineers, it was decided that a preliminary study of this system will be needed to adequately determine the full extent of the problems and to recommend the most cost-effective solutions.

Scope of the full CIP project:

1. Relocate all water and sewer lines that are currently near or under houses and other structures.
2. Provide adequate water and sewer capacity, particularly for fire protection.
3. Provide new water and sewer lines in locations that are easily accessible for future maintainance.
4. Relocate and establish legal individual service lines in accordance with City of Fayetteville requirements.
5. Demolish and remove two abandoned pump station structures.

This project will involve replacement of approximately 16,000 feet of waterlines and 8,000 feet of sewer lines in the Mount Sequoyah area as shown on the attached sheet from the 2002-2006 CIP and Appendix C of the contract.

Scope of this initial Study:

1. Conduct field investigations
2. Evaluate existing sewer lines
3. Evaluate existing water lines
4. Provide conceptual drawings with proposed alignments
5. Present a formal report outlining alternatives
6. Coordination meetings with City Staff and residents

BUDGET IMPACT

The beginning project budget for 2003 approved by City Council is \$1,995,000. A summary of costs is as follows:

Project Budget	\$1,995,000
Spent/Obligated to date	<u>262</u>
Balance	\$1,994,738
Proposed Study Phase Contract with Garver	<u>\$ 68,300</u>
Remaining Project Balance	\$1,926,438

Due to the complexity of this project, the Design Phase cost will be determined during the Study Phase, and the estimated construction cost will be determined during the Final Design Phase.

#

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF SIXTY-EIGHT THOUSAND THREE HUNDRED DOLLARS (\$68,300.00) WITH GARVER ENGINEERS, LLC FOR ENGINEERING SERVICES RELATING TO THE MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS PROJECT.

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 a Contract in the amount of Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00) with Garver Engineers, LLC for engineering services relating to the Mount Sequoyah water and sewer Improvements Project. A copy of the Contract, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 18th day of November, 2003.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

Contract
940

STAFF REVIEW FORM - FINANCIAL OBLIGATION

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 2, 2003

FROM:

Sid Norbash
Name

Engineering
Division

CP&E
Department

ACTION REQUIRED: Approval of the Engineering Contract (Study Phase) with Garver Engineers, LLC in the lump sum amount of \$68,300 for Mount Sequoyah Water and Sewer Improvements Project.

COST TO CITY:

<u>\$68,300</u>	<u>\$ 1,995,000</u>	<u>Mt. Sequoyah Water & Sewer Impvts.</u>
<u>Cost of this Request</u>	<u>Category/Project Budget 2003</u>	<u>Program Category/Project Name</u>
<u>5400-5600-5808-00</u>	<u>\$ 262</u>	<u>Water & Sewer Impvts.</u>
<u>Account Number</u>	<u>Funds Used To Date 2003</u>	<u>Program/Project Category Name</u>
<u>01023-10</u>	<u>\$ 1,994,738</u>	<u>Water & Sewer</u>
<u>Project Number</u>	<u>Remaining Balance 2003</u>	<u>Fund Name</u>

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached
10-31-03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Maura Tashley 10/31/03
Accounting Manager Date
[Signature] 10/31/03
City Attorney Date

Nancy Smith 10/31/03
Internal Auditor Date
Purchasing Manager Date

STAFF RECOMMENDATION: Approval

[Signature] 10-30-03
Division Head Date
[Signature] 10-31-03
Department Director Date
[Signature] 11-14-03
Finance and Internal Services Director Date
[Signature] 11/14/03
Chief Administrative Officer Date
Mayor Date

Received in Mayor's Office 11/3/03
Date

Cross Reference:

Prev Ord/Res #:

Orig. Contract Date:

Orig. Contract No:

New Item: Yes ☒ No ☐



STAFF REVIEW FORM

Page 2

Description Mt. Sequoyah Water & Sewer Imprvts. Project

Meeting Date December 2 , 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

Internal Auditor

City Attorney

Purchasing Manager

*Needs pur req. attached.
attached - PUC*

Finance and Internal Services Director

-

-

Chief Administrative Officer

-

-

City of Fayetteville

(Not a Purchase Order)

Vendor #:

52650

Vendor Name:

Garver Engineers

Address:

3810 Front Street, Ste 10

Job Point:

City:

Fayetteville

State:

AR

Zip Code:

72703

Ship to code:

90

Requester:

Sid Norbash

Requester's Employee #:

76

Item Description

Engr. Contr. For Mt. Sequoyah W&S Impvts.

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

01023-10

1

\$68,300.00

5400-5600-5808.00

2

\$0.00

3

\$0.00

4

\$0.00

5

\$0.00

6

\$0.00

7

\$0.00

8

\$0.00

9

\$0.00

10

\$0.00

Special Instructions:

Please return PO to Engineering

Approvals:

Mayor:

Department Director:

Finance & Internal Services Director:

Budget Manager:

Dispatch Manager:

Utilities Manager:

Purchasing Manager:

IT Manager:

Other:

Subtotal:

\$68,300.00

Tax:

Total:

\$68,300.00

RECEIVED

OCT 31 2002

PURCHASING

Cross Keys Subdivision
p. 1 of 4

City Council Meeting of December 2, 2003

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations *GD*
Connie Edmonston, Director of Parks and Recreation *CE*

From: Rebecca Ohman *RO*

Date: November 12, 2003

Subject: Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money in lieu of land for the Park Land Dedication Requirement of Cross Keys Subdivision.

RECOMMENDATION

Fayetteville Parks and Recreation Advisory Board (PRAB) and Parks and Recreation Staff recommend money in lieu of land as the Park Land Dedication requirement for Cross Keys Subdivision.

BACKGROUND

Cross Keys Subdivision is located at the intersection of N 46th Street and Persimmon Street. The owner is Sloan Properties, Inc and the engineering firm is Jorgensen & Associates. The development contains 106 single family units on 38.48 acres. The requirement for park land is 2.54 acres and money in lieu is \$58,830. The Park Land Dedication Ordinance states if a major development is over 40 acres or 100 units, the requirement is land.

"...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study." (Unified Development Ordinance No. 166.03K)

Parks and Recreation Staff met with Jorgensen & Associates and the owner, Charlie Sloan to evaluate the site. The Boys and Girls Club is located within a half-mile of this development.

The development was presented to the Parks and Recreation Advisory Board on November 3, 2003.

DISCUSSION

The Parks and Recreation Staff and PRAB recommend money-in-lieu of land in the amount of \$58,830 for the Park Land Dedication requirement. This decision is based upon the developer's plan to provide park land and a trail corridor along Owl Creek in future developments adjacent to this subdivision. This proposed trail corridor is included in the Alternative Transportation and Trails Master Plan and will provide off-street connections to the Boys and Girls Club for this and surrounding developments. The money-in-lieu contribution will be used for park improvements in the southwest park district. If you have any questions, please call me at 444-3472.

Attachments;

Cross Keys Subdivision Concept Plan
Location Map
PRAB November 3, 2003 Meeting Minutes

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PARKS AND RECREATION ADVISORY BOARD'S RECOMMENDATION TO ACCEPT FIFTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY DOLLARS (\$58,830.00) CASH IN LIEU OF THE REQUIRED PARK LAND DEDICATION FOR CROSS KEYS SUBDIVISION.

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 accepts the Parks and Recreation Advisory Board's recommendation to accept Fifty-Eight Thousand Eight Hundred Thirty Dollars (\$58,830.00) cash in lieu of the required Park Land Dedication for Cross Keys Subdivision.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

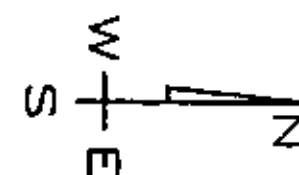
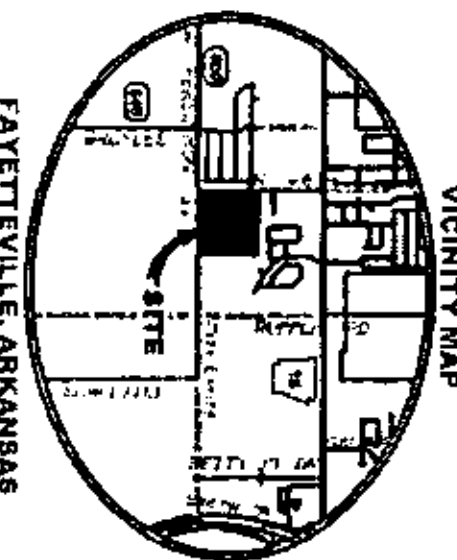
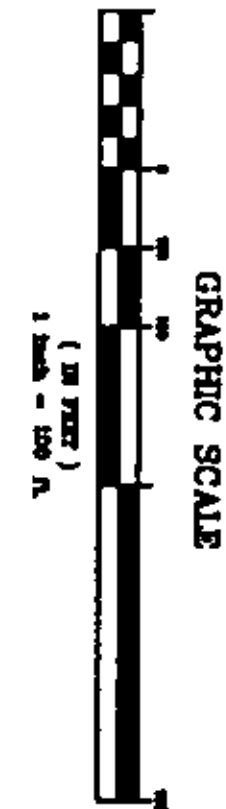
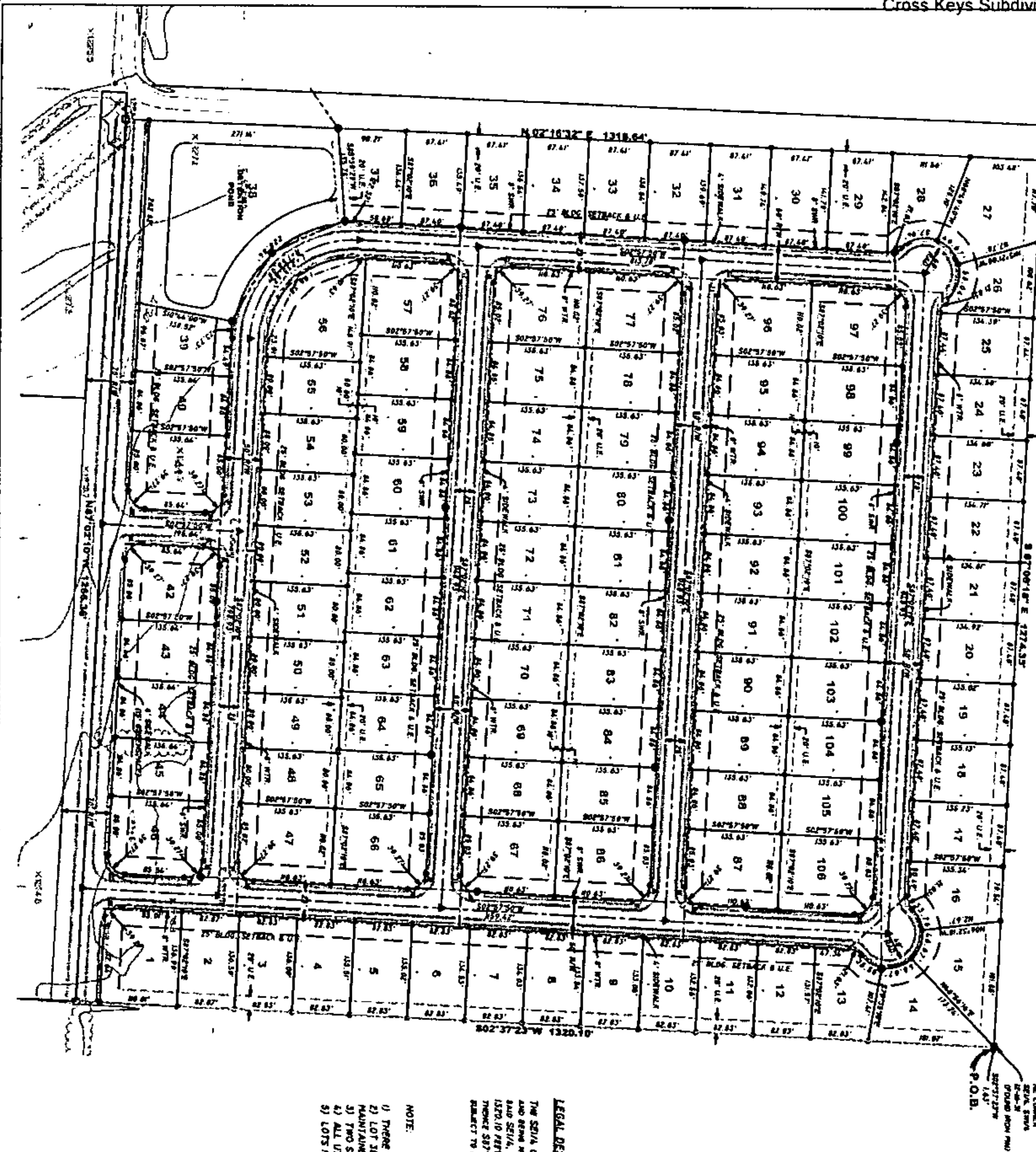
By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk



LEGEND

- FOUND IRON PIN
- BOUNDARY CORNER
- ▲ CENTERLINE MARKER
- △ STREET LIGHT
- SET IRON PIN
- SEWER MANHOLE
- FIVE HYDRANT
- CENTERLINE STREET
- UTILITY EASEMENT
- BUILDING SETBACK
- SEWER LINE
- WATERLINE
- SIDEWALK
- DRAINAGE PIPE
- UTILITY CROSSING
- LOT

ENGINEER
JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
124 WEST SUMMIT STREET
FAYETTEVILLE, AR 72703
(479) 444-9127

DEVELOPER
SLAN PROPERTIES, INC.
1459 KNOTTINGHAM PLACE
FAYETTEVILLE, AR 72703
(479) 444-9102

OWNER
THE HOTEL GREENWOOD TRUST A.
JEAN GREENWOOD JORGENSEN, TRUSTEE
437 NORTH 43RD STREET
FAYETTEVILLE, AR 72701

ZONING - R-4
PROPOSED USE - SINGLE FAMILY

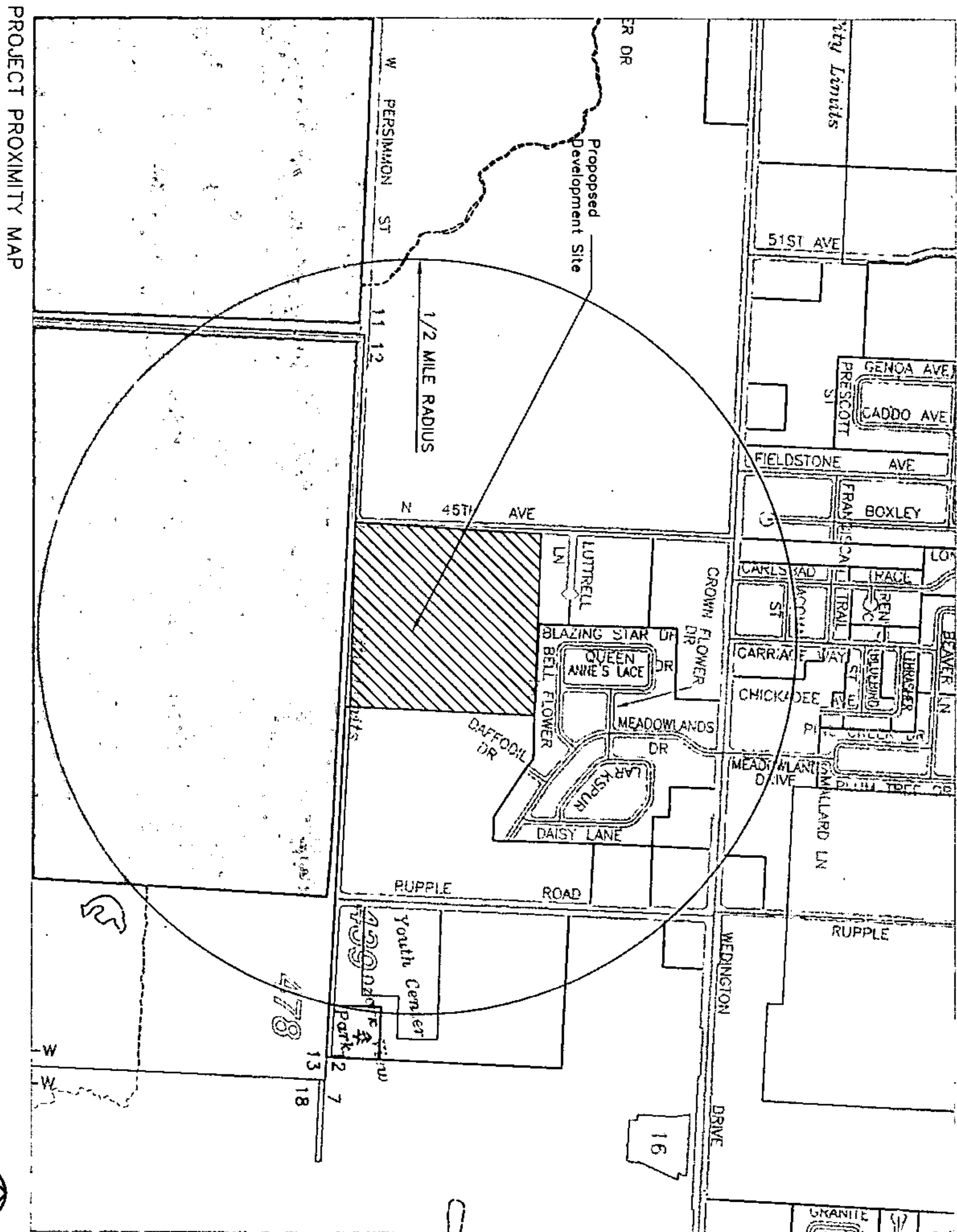
LEGAL DESCRIPTION:
THE S214 OF THE SW1/4 OF SECTION 12, T16N, R15W IN WASHINGTON COUNTY, ARKANSAS
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF
SAID S214, S1/4, THENCE S02°57'23"W 1.55 FEET TO THE P.O.B.; THENCE S02°57'23"W
1270.10 FEET, THENCE N02°02'07"W 1266.36 FEET, THENCE N02°02'07"W 1318.64 FEET,
THENCE S07°06'18"E 1274.35 FEET TO THE P.O.B.; CONTAINING 58.48 ACRES MORE OR LESS
SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

NOTE:
1) THERE ARE NO KNOWN WETLANDS ON THIS PROPERTY.
2) LOT 38 (DEFENTION FORD) SHALL BE COMMON PROPERTY AND SHALL BE
MAINTAINED BY THE P.O.A.
3) TWO SIDEWALK ACCESS RAMPS WILL BE INSTALLED AT EACH STREET CORNER.
4) ALL UTILITY CROSSING SHALL BE 6" - 4" PVC PIPES BURIED MINIMUM 4" DEEP.
5) LOTS MAY ONLY ACCESS INTERIOR STREETS.

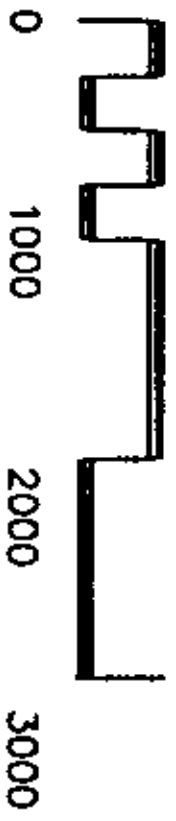
JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

SCALE: 1" = 500'
DATE: 11/11/11
CHECKED BY: [Signature]
DRAWN BY: [Signature]
CROSS KEYS SUBDIVISION PHASE I
CONCEPT PLAT

PLAT PAGES:
PAGE 8 PAGE 9



PROJECT PROXIMITY MAP



PROXIMITY MAP	
Cross Keys Subdivision	
Sloan Properties, Inc.	
DATE	10/1/00
BY	10/1/00
CHECKED	10/1/00
APPROVED	10/1/00
SCALE	1" = 1000'

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
November 3, 2003

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on November 3, 2003 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Chairman Colwell.

Present:

Parks and Recreation Advisory Board members Colwell, Bailey, Eads, Marley, Shoulders, Pawlik-Holmes, Mauritson; City Staff Coles, Ohman, Wright, Edmonston; and Audience.

1. Park Land Dedication

Development Name:	Cross Keys Subdivision
Engineer:	Jorgensen and Associates, Chris Brackett
Owner:	Sloan Properties, Inc
Location:	Intersection of Persimmon Street and 46 th Street
Park District:	SW
Units:	106 Single Family Units
Total Acres:	38.48 acres
Land Dedication Requirement:	2.54 acres
Money in Lieu Requirement:	\$58,830
Existing Parks:	Boys and Girls Club
Staff Recommendation:	Money in lieu of land and Park Land Dedication Ordinance Waiver
Developer Request:	Money in lieu of land
Justification:	Boys and Girls Club is located within a half-mile of this development. In addition, the Applicant has indicated that additional phases of the development will occur along Owl Creek. These developments will provide several opportunities to acquire sufficient park land for the entire development. A waiver from City Council will be required as this development proposes over a 100 units.

Colwell asked the Applicant if the future development would have enough land to provide park land for the parks and recreation needs of the entire development.

Sloan replied the property provided ample land for the development of park lands. In addition, the property runs along Owl Creek and Sloan stated that a trail would be constructed along the Creek as part of the development

Ohman reminded the Board this recommendation will have to be approved by City Council as an amendment to the Park Land Dedication Ordinance 166.03 K.

MOTION:

Marley moved to accept money in lieu of land for the proposed Cross Keys Subdivision.

Mauritson seconded the motion.

Upon roll call, the motion was approved 7-0-0 with Colwell, Bailey, Eads, Marley, Shoulders, Mauritson and Pawlik-Holmes voting 'yes'.

November 3, 2003 / 1

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

X AGENDA REQUEST

For the Fayetteville City Council Meeting of: December 2, 2003

FROM:

Rebecca Ohman

Operations

Parks and Recreation

Name

Division

Department

ACTION REQUIRED: Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money in lieu of land for the Park Land Dedication Requirement of Cross Keys Subdivision.

SUMMARY EXPLANATION: See attached memo.

STAFF RECOMMENDATION:

Donna Edmonson
Division Head

11-12-03
Date

Received in Mayor's Office

11/13/03
Date PH

D.J. Whit
City Attorney

11/13/03
Date

Harry Dumas
Department Director

11/12/03
Date

Cross Reference:

Steve Dan
Finance & Internal Services Dir.

11-13-03
Date

Previous Ord/Res#:

Hugh Earnest
Chief Administrative Officer

11-18-03
Date

Orig. Contract Date:

Orig. Contract Number:

Don Carley
Mayor

11/11/03
Date

New Item:

Yes

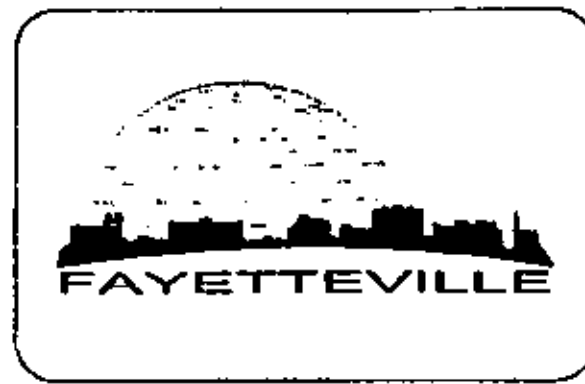
No

RECEIVED

NOV 12 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE





CITY OF FAYETTEVILLE

FLEET OPERATIONS

**1525 S. Happy Hollow Road
Fayetteville AR 72701**

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent *LB*
Date: November 12, 2003
Subject: Purchase of Fleet vehicles from State of Arkansas Purchase Contract

RECOMMENDATION: That City Council approve the purchase of 2 Expeditions for the Police K-9 units from the State Contract prices from Landers Ford.

BACKGROUND: Police K-9 units #117 and #120 are in need of replacement. The increased use of computers, video cameras and other law enforcement tools presents a need for increased cabin space. The Ford Expedition meets those needs much better than the Explorers currently in use for K-9 officers. Pricing is consistently lower through the State volume purchase contract than individual local bids. Bid prices include delivery to Fayetteville.

Funds for this purchase are available in 0700.1910.5802.00, Project #02081

The purchase of these 2 units was approved by the Equipment Committee at the meeting of November 10, 2003.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF FOUR (4) FORD EXPEDITIONS FROM LANDERS FORD AT STATE CONTRACT PRICES FOR A TOTAL COST OF FIFTY-SIX THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS (\$56,322.00) FOR USE AS POLICE K-9 UNITS.

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 purchase of four (4) Ford Expeditions from Landers Ford at state contract prices for a total cost of Fifty-Six Thousand Three Hundred Twenty-Two Dollars (\$56,322.00) for use as police K-9 units.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

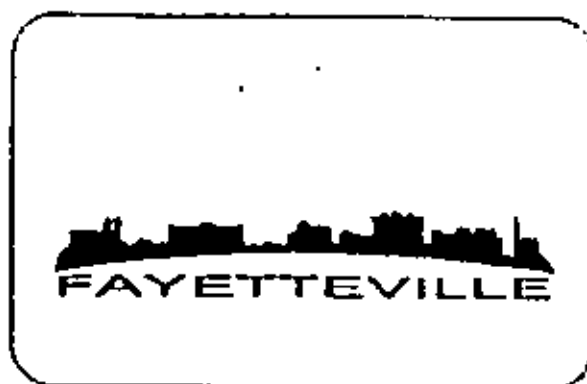
By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk



CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

A. 6
Fleet Purchase of 2 Expeditions
Page 3 of 6

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee
From: David Bragg, Fleet Operations Supt. *2003*
Date: November 4, 2003
Subject: Purchase of Fleet Vehicles from State of Arkansas Purchase Contract

The following Police vehicles are in need of replacement and funds have been appropriated in the FY2003 Budget. The increased use of computers, video cameras, and other law enforcement tools presents a need for increased cabin space. The Ford Expedition meets those needs much better than the Explorers currently in use for K-9 officers. The Expedition is currently available from the State of Arkansas Vehicle Purchasing Contract. Due to factory allowances available through the State volume purchase contract, pricing is consistently lower than individual local bids. Bid prices include delivery to Fayetteville.

Qty.	Description	Make / Model	Vendor	Unit Price
2	Full size 4X4 4 door SUV	Ford Expedition	Landers Ford	\$25,811.00

Division	Replace Unit#
Police	117, 120

Funds for the purchase of these units are available in the FY2003 replacement project accounts:
02081 – Police/Passenger Vehicles \$51,622

I recommend purchase of these vehicles from the State of Arkansas Vehicle Purchasing Contract.

APPROVED

11/10/03

2003

Please return original form to Fleet when signed by all.

City Of Fayetteville

(Not a Purchase Order)

Vendor # **7582** Vendor Name: **LANDER'S FORD**

Address: _____ Fob Point: _____

City: _____ State: _____ Zip Code: _____ Ship to code: _____

Requester **BARBARA OLSEN** Requester's Employee # **1940**

Requisition No. _____ Date: **11/12/2003**
P.O Number _____ Expected Delivery Date: _____
Mail Yes: ___ No: ___
Taxable Yes: ___ No: ___
Division Head Approval *20705* Quotes Attached Yes: ___ No: ___
Extension: **495**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Full size Ford Expeditions, 4 x 4,	2	EA	\$25,811.00	\$51,622.00	9700.1920.5802.00	Project #02081.1		
2	4 door SUV		EA		\$0.00				
3			EA		\$0.00				
4			EA		\$0.00				
5			EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:
STATE CONTRACT PRICES

Approvals:

Subtotal: **61,622.00**
Tax: **4,323.34**
Total: **65,945.34**

Mayor: _____ Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council Meeting of: December 2, 2003

FROM:

David Bragg

Fleet Operations

Operations

Name

Division

Department

ACTION REQUIRED: Approval of purchase of 2 Expeditions for Police Department K-9 units, from Landers Ford on the State Contract price list. State contract price of \$25811. Lights, siren and console will be an extra cost of approx. \$2350.

COST TO CITY:

<u>\$56,322.00</u>	<u>\$ 791,160.00</u>	<u>Police/Passenger Vehicles</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>9700.1920.5802.00</u>	<u>\$ 217,412.00</u>	<u>Vehicles & Equipment</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02081</u>	<u>\$ 573,740.00</u>	<u>Shop</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

X Budgeted Item Budget Adjustment Attached

[Signature] 11-14-03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u> <u>11/14/03</u>	<u>[Signature]</u> <u>11/14/03</u>
Accounting Manager Date	Internal Auditor Date
<u>[Signature]</u> <u>11/14/03</u>	<u>[Signature]</u> <u>11/14</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION:

<u>[Signature]</u> <u>11/12/03</u>
Division Head Date
<u>[Signature]</u> <u>11/17/03</u>
Department Director Date
<u>[Signature]</u> <u>11-17-03</u>
Finance & Internal Services Dir. Date
<u>[Signature]</u> <u>11-18-03</u>
Chief Administrative Officer Date
<u>[Signature]</u> <u>11/19/03</u>
Mayor Date

Received in Mayor's Office

11/14/03
Date [Signature]

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



[Signature]

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director TC

From: Dawn T. Warrick, AICP, Zoning and Development Administrator DW

Date: November 14, 2003

Subject: Master Street Plan amendment – Cliffs Boulevard Eastern Extension

RECOMMENDATION

Planning Staff recommends approval of a resolution amending the Master Street Plan to remove Cliffs Boulevard eastern extension, a proposed minor arterial, from this policy document. This request was heard by the Planning Commission November 10, 2003 as a part of the proposed Stone Mountain Subdivision preliminary plat. The plat identifies the road in question as Stone Mountain Rd.

BACKGROUND

Cliffs Blvd., a proposed connection between Crossover Rd. and Starr Dr., has been identified on the City's Master Street Plan for many years. Staff recommends removal of this eastern extension of Cliffs Blvd. based on findings from the City of Fayetteville's traffic analysis performed by Bucher, Willis and Ratliff and their recommendations regarding the Master Street Plan. Approval of a preliminary plat is currently being sought to begin the development process of an 82.74 acre tract which includes 8.19 acres of park land and 112 residential lots.

DISCUSSION

The attached documents include a memo from the project representative for the proposed development and a section from the traffic study conducted by Bucher, Willis and Ratliff addressing the Master Street Plan.

BUDGET IMPACT

None.



RESOLUTION NO. _____

A RESOLUTION APPROVING ADM 03-29.00 AMENDING
THE MASTER STREET PLAN BY REMOVING THE EASTERN
EXTENSION OF CLIFFS BLVD. BETWEEN CROSSOVER ROAD
AND STARR DRIVE

**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 amends the Master Street Plan by removing the proposed eastern
extension of Cliffs Blvd. from Crossover Road (Highway 265) to Starr Drive.

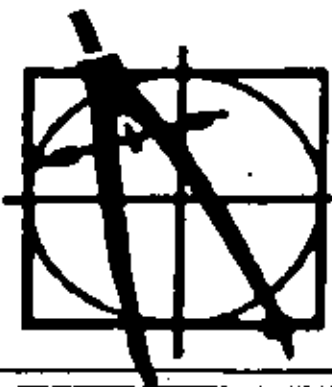
PASSED and APPROVED on this the 2nd day of December, 2003.

APPROVED:

By: **DRAFT**
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

CHRISTOPHER B. BRACKETT, P.E.

October 22, 2003

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Planning Department

Re: Stone Mountain Subdivision Phase I - MSP Amendment

On behalf of the owner of the above mentioned project, we are also requesting an amendment to the Master Street Plan for the minor arterial that is shown crossing this property. We are proposing to change this street classification from a minor arterial with a 90' Right-of-way to a collector with a 70' Right-of-way. We are also proposing to move the street to the north and build it with this development. It would be very difficult for this street to function as a minor arterial due to the steep grades coming from Highway 265 and the extremely steep grades east of this project. These steep grades would limit the capacity of this road. It is our option that this road would never function as a minor arterial whether or not the Right-of-way was dedicated.

Please call concerning any questions you may have.

Thank you.

Sincerely,

Christopher B. Brackett
Christopher B. Brackett, P.E.

2. MASTER STREET PLAN

Key Findings:

This chapter of the report describes the proposed Master Street Plan for the City of Fayetteville. Development of the Master Street Plan considers the function of each street (mobility and/or access) and uses this functional assignment to create a functional hierarchy. Defining a functional hierarchy is paramount in attaining a balance between arterial, collector, and local streets, which is essential to maintaining the quality of life within the City as it grows. Based on the functional assignment and functional hierarchy of Fayetteville's city streets, the proposed Master Street Plan recommends the following typical sections for arterial, collector, and local access streets:

- Principal arterial streets should generally provide two to three moving lanes in each direction, plus auxiliary turn lanes. Four typical sections have been prepared for principal arterial streets: (1) Principal Arterial typical section (150 feet right of way) with a trail on one side and sidewalk on the other, (2) Principal Arterial typical section (150 feet right of way) with on-street bike lanes on both sides and sidewalk on the both sides, (3) Constrained Principal Arterial typical section (110 feet right of way) with a trail on one side and sidewalk on the other, and (4) Constrained Principal Arterial typical section (110 feet right of way) with on-street bike lanes on both sides and sidewalk on the both sides.
- The typical sections for a minor arterial street lie within a 90 feet right of way width. This width would allow for (1) one moving traffic lane in each direction, a bicycle lane in each direction, sidewalks on each side, room for utilities and green space, and sufficient room to provide a center auxiliary turn lane, (2) one moving traffic lane in each direction, a bicycle lane in each direction, sidewalks on each side, room for utilities and green space, and sufficient room to provide a center landscaped median, (3) two moving traffic lanes in each direction, sidewalks on each side, and room for utilities and green space.
- The collector street typical section would lie within a 70 feet right of way and would provide for (1) one lane of moving traffic in each direction and sufficient room for a center turn lane with sidewalks on each side, and room for utilities and green space, (2) one 15 feet lane of moving traffic in each direction and sufficient room for a center landscaped median, with sidewalks on each side, and room for utilities and green space, (3) one lane of moving traffic in each direction, on-street bike lanes in each direction, with sidewalks on each side, and room for utilities and green space.
- The historic collector includes two 16 feet lanes and sidewalk on each side, within a 50 feet right of way.
- Several typical sections for local streets have been developed to meet the special demands for a variety of subdivision designs. Most local streets lie within a 50 feet right of way width. Four typical sections have been provided to accommodate local streets: (1) 50 feet of right of way to include 24 feet of pavement with sidewalks and green space each side, (2) 50 feet of right of way to include 34 feet of pavement to include bike lanes each side, with sidewalks and green space each side, (3) a new urbanism section with 50 feet of right of way, to include 30 feet of pavement for parking lanes each side, with landscaped sidewalks each side (4) a new urbanism section with 60 feet of right of way,

to include 40 feet of pavement for parking lanes and bike lanes each side, with landscaped sidewalks each side.

- The typical section for residential streets is set in a 40 feet right of way, and includes 22 feet of pavement with sidewalks on each side.
- 20 feet of right of way should be dedicated for alleys.

It is vital that the City protects the function of the major street system. Therefore, the study recommends that the City adopts the Access Management Policies described in Chapter 7 to preserve the function of the major street system.

INTRODUCTION

Public roadways have two primary purposes. They are intended to provide access to properties within a community, and to carry traffic between properties within a community or between two communities. These two functions are in competition with each other when provided on the same roadway. An increase in the number of access points onto a roadway causes a corresponding decrease in vehicle mobility and safety. As a result, a well managed street system must include:

- Local streets, whose primary purpose is to provide access.
- Arterial streets, whose primary purpose is to provide mobility.
- Collector streets, whose primary purpose is to collect traffic from local streets and feed it to arterial streets.

In reality, the street systems in most communities do not reflect this distinction clearly. Frequently, what are intended to be arterial streets degenerate into providing direct access to properties, reducing both mobility and safety. At the other end of the continuum, streets that are intended to provide direct property access sometimes end up carrying volumes of through traffic for lack of an adequate arterial street to fulfill that function, resulting in a decrease of safety through neighborhoods. The key to protecting emerging neighborhoods from future encroachment of through traffic is to plan the transportation system to include local, collector, and arterial streets, and to protect the intended function of each through adhering to design guidelines. These roadway design guidelines are most effective when implemented and maintained on new construction.

FUNCTIONAL ASSIGNMENT

The street system functions best when the intended purposes of arterial, collector, and local streets are protected, and when the overall street system includes the proper proportion of each type of street. Too few arterial streets will result in excessive through traffic using collector and local streets to pass through neighborhoods. In contrast direct access onto arterial streets will result in degradation of the arterial's function to move traffic, again causing diversion of through traffic onto collector and local streets and through neighborhoods.

Since many existing streets in Fayetteville do not have a pure function of mobility only, or access only, classification of the streets as a principal arterial, minor arterial, collector, or local street is somewhat subjective. Several factors may be considered in determining the actual existing function of each street.

- ☐ Greater existing traffic volumes on a street indicate a draw from a larger area within the community, and thus an arterial function.
- ☐ As the continuous length of a street increases, its potential to carry traffic through the community also increases, and thus an arterial function.
- ☐ Streets that provide interchanges with the freeway system will more often carry through traffic, and thus function as an arterial.
- ☐ Streets that access major commercial developments, industrial areas, or a university will generally carry traffic originating elsewhere in the community, thus functioning as an arterial.

General traffic volume guidelines assumed in assigning functions to the existing streets in Fayetteville as part of this Master Street Plan include:

- ☐ Residential streets carry less than 300 vehicles per day.
- ☐ Local streets carry less than 2000 vehicles per day.
- ☐ Collector streets 2000 to 7000 vehicles per day.
- ☐ Minor arterial streets carry 7000 to 14,000 vehicles per day.
- ☐ Principal arterial streets carry greater than 14,000 vehicles per day.

It should be emphasized that these traffic volume ranges do not describe the capacity of the street to carry traffic, but only provide a general range of the magnitude of traffic volumes that might be expected on a class of street. For instance, a minor arterial street, collector street, and local street might physically carry the same traffic volume. Furthermore, traffic volume alone does not determine or necessarily indicate the function of a street.

Whereas the traffic volume guidelines may be useful in classifying streets according to their existing function, traffic volumes alone are insufficient to address the long range function of currently undeveloped streets. It is important that arterial and collector corridors be designated to service future development of land beyond the urban fringe, even though significant traffic volumes may not be present for many years. The future function of these corridors will be influenced by the continuous length of each corridor, and their access to the freeway system.

The master street plan also designates a number of streets as historic collector streets. These are streets that carry greater traffic volumes than might be expected on a typical local street, but lack sufficient right of way to be widened and/or are constrained by historic development. While the function of these streets may be a collector function, it is impractical to consider reconstructing them to the collector street typical section. Rather, as historic collector streets are considered for improvement, it should be recognized that each historic collector street in Fayetteville has its own unique characteristics and any improvement project should be carried out in the spirit of context sensitive design, consistent with the smart growth policy of identifying the unique demands for neighborhood preservation. Consequently, a special typical section for historic collector has not been recommended.

Figure 2-1 depicts the proposed Master Street Plan for the year 2023. The plan designates the future street network for major arterial, minor arterial, collector, and historic collector streets. It is important that as the City expands, the intent of the plan be followed, so that an adequate balance of arterial and collector streets with local streets is maintained.

Planning Commission
November 10, 2003

Page 5

ADM 03-29.00: Administrative Item (Cliffs Blvd. Eastern Extension) Master Street Plan Amendment.

PPL 02-13.10: Preliminary Plat (Stone Mountain, pp. 488/489) was submitted by Jorgensen and Assoc. on behalf of Bill Conner for property located South of Hyland Park and east of Crossover Rd. The property is zoned RSF-4, Residential Single-family and contains 82.74 acres. The request is for a residential subdivision with 115 lots proposed.

Hoover: Item number two on the agenda is ADM 03-29.00 for Cliffs Blvd. eastern extension.

Warrick: If I might request that we hear items two and three together, this is a Master Street Plan amendment that is being brought forward because of the Preliminary Plat, which is the following item.

Hoover: Great. That would be item two and then item three that we are going to hear with it is PPL 02-13.10 for Stone Mountain submitted by Jorgensen & Associates on behalf of Bill Conner. Suzanne?

Morgan: Thank you. Item two again, is an amendment of the adopted Master Street Plan to relocate and change the destination of Cliffs Blvd. eastern extension, a proposed minor arterial connecting Crossover Road and Starr Drive. Planning staff recommends approval of a resolution to amend the Master Street Plan to eliminate Cliffs Blvd. eastern extension, a proposed minor arterial from this policy document. This request, will, as stated, be heard as part of the Stone Mountain subdivision Preliminary Plat. For some background, Cliffs Blvd. is a proposed connection between Crossover Road and Starr Drive that has been identified on the Master Street Plan for several years. Staff recommends removing this extension based on findings from the City of Fayetteville's traffic analysis performed by BWR and their recommendations regarding the Master Street Plan. Approval for a Preliminary Plat is currently being sought and will go ahead and read staff's comments on the Preliminary Plat for Stone Mountain. This was submitted by Jorgensen & Associates on behalf of Bill Conner for property located south of Hyland Park and east of Crossover Road. The applicant is requesting to create a residential subdivision of 115 lots on 82.74 acres. Two lots are to be used for detention and one 8.19 acre lot is proposed for park land dedication. The location of the proposed subdivision extends east off of Crossover Rd to the border of the City and Planning Area and is zoned RSF-4, Residential Single-family with 4 units per acre. Land to the north, south, and west is zoned RSF-4 with Planning Area to the east. All land is single-family residential in nature. Water and sewer will be extended to serve this development. The applicant requests an amendment to the Master Street Plan for the minor arterial (90') bisecting the property. The request is to relocate this planned road further south as Stone Mountain Drive at a lesser dedication of 70', a collector road. All other streets will have 50' of right of way. For tree preservation, existing is 33.94%, Required canopy is 25.0%, Preserved canopy proposed is 24.88% and Mitigation

required is \$3,150 to the Tree Escrow Account. Parkland dedication for 112 single-family lots is 2.68 acres and the owners have proposed a dedication of 8.19 acres leaving a banking credit of 5.51 acres for the southeast park quadrant. Staff recommends approval of PPL 02-13.10 with the following conditions: 1) Add a note to the plat stating the existing private drive shall be removed prior to Final Plat approval. 2) Payment into the Tree Escrow Account in the amount of \$3,150. 3) All street names shall be approved by the 9-1-1 Coordinator. 4) Any outstanding issues with the legal description shall be resolved prior to final plat approval. 5) Necessary property line adjustments to the east of the project boundary and to lot 51 shall be approved prior to Final Plat. 6) If any water pressure problems arise that might impact this proposed subdivision or the adjacent residents preventative actions shall be addressed and resolved through an approved water system design. 7) Planning Commission determination of waiver request for Stone Mountain Drive to be constructed at a 14% grade for approximately 1400 feet. City street standards allow for a 10% grade with an allowance up to 15% for 300 feet. Staff is in support of this request due to the connectivity Stone Mountain Drive provides to the east on Crossover Road. 8) Planning Commission determination of the proposed Master Street Plan Amendment to relocate the planned minor arterial Cliffs Boulevard to the proposed location of Stone Mountain Drive and to reduce the street classification from a minor arterial to a collector street. Staff recommends removal of the Cliffs Boulevard eastern extension. The proposed revision to the Master Street Plan based on the recent traffic study performed by Bucher, Willis and Ratliff does not include the construction of the minor arterial in this location due to unsuitable topography. 9) The developer shall comply with all conditions of the Parks and Recreation Board. All conditions as noted in the attached Memo dated October 29, 2003 are applicable and shall be considered, by reference, as part of the official Conditions of Approval. Items ten through fourteen are standard conditions of approval.

Hoover: Thank you. Would the applicant come forward?

Brackett: Good evening, my name is Chris Brackett, I am with Jorgensen & Associates representing the owner tonight. We are in agreement with all of the conditions of approval and I would be happy to answer any questions that you may have.

Hoover: At this time will ask if there is any member of the audience that would like to address this ADM 03-29.00 for the amendment to the Master Street Plan or if you have comments about PPL 02-13.10.

Earff: Good evening, my name is Jeff Earff, I live at 2711 Woodcliff Road which is in Hyland Park which is north of the proposed development. The first thing I would like to comment on is the change to the Master Street Plan. I just wanted to remind you all that a few years ago the city spent about \$460,000 upgrading Cliffs Blvd. as part of a cost share so that would go from two lane

to a four lane road. That is back when this connector to Mr. Conner's property was proposed to be a minor arterial. Also, I wanted to point out that the recent traffic and transportation study indicated that a signal was proposed for Cliffs and Crossover, Hwy. 265. It seems to me that it would be better use of that signal if it was four way rather than three way. If you move the road then that traffic signal will only benefit traffic going into and out of the Cliffs. Just a couple of other things, concerning construction traffic, presently there is a driveway that comes up from that proposed development into Hyland Park on Cliffside Road and I would like to see a condition that would indicate construction traffic can not come through the Hyland Park subdivision. That was talked about previously when the homeowners got together about a year or two ago. Also, the issue of water pressure, I know it is unclear at this point what the resolution of that situation is going to be. My understanding is that it could potentially be a water tower in Hyland Park or perhaps using pumps or something like that. My question is will there be any grading and excavating until that issue is resolved? If you approve what's before you tonight does the developer has to wait for that issue to be resolved for the water pressure? My understanding is that the reason for the delay was the issue concerning water pressure. Does anyone have an answer for me?

Hoover: Jeff, we do things differently from Council. We take public comment and then they will answer questions.

Earff: Ok, I'm done. Thanks for your time.

Hoover: Is there any member of the audience that would like to address this Master Street Plan amendment and the Preliminary Plat? Seeing none, I will bring it back to the Commission. Staff, would you answer two of Jeff's questions? One is confirm that there is no Hyland Park connection, you might just talk a little bit about that and then we will get to the water pressure issue.

Warrick: We are going to tag team this because it has a lot to do with Engineering as well. With regard to the access through Hyland Park for construction traffic. That is not noted as a construction entrance on this plat. It is probably very reasonable for that not to be utilized for construction traffic. The streets in Hyland Park are quite curvy and steep in areas and it is not the most direct route to get construction vehicles in and out of this proposed development. Typically where people are able to construct construction entrances to projects are in locations that entrances will be permanent in those projects once they are built out. I am going to ask Matt to address the water pressure questions.

Casey: As some of you may know, this came through last year and started the process and was withdrawn at the time because of water concerns. Currently the City of Fayetteville has hired McGoodwin, Williams and Yates to perform a Master Water Study. They are preparing a water model which we can analyze this area and plug in this subdivision and the number of lots that are going to be in this area and see the effect that it is going to have on this neighborhood.

We have been waiting on that, the study is almost complete and so we have allowed the applicant to proceed with this process knowing that there are going to be offsite improvements required for improving the water situation if it negatively effects any of the neighboring developments. There have been several options thrown out there over the past year including a water tank, pumps, rerouting a line and creating a high pressure line instead of the existing low pressure line along Hwy. 265. Those items will be worked out during the construction review after the water model is received and we are able to analyze that to see what needs to be done. At this time the applicant is aware that the improvements will need to be made and we will determine what those are at this time. I do assure you we will not approve any construction plans that will negatively effect the Hyland Park water situation.

Shackelford: A follow up question with Matt, just to be specific, no construction, grading or anything is going to be permitted on this until that is resolved?

Casey: We will see the construction plans submitted as a whole. I will not issue a grading permit without the water design situation worked out.

Shackelford: It is a little confusing. If you look at number six it talks about preventive actions shall be addressed if there is a problem. What you are saying is the study that you are doing will be able to show if there is a problem before construction starts?

Casey: Yes Sir.

Shackelford: Thank you very much.

Hoover: I was wondering if we could have a report from Subdivision. Were there important issues that we should be looking at on this Preliminary Plat, has it evolved or anything that you would like to share?

Bunch: Basically, what we addressed at Subdivision was the waiver request for the grades on the road from Hwy. 265 into this subdivision and we also discussed the pros and cons of a connection north into the Hyland Park area and also looked at the eastern extensions of the Master Street Plan. Those are basically the items that we discussed.

Hoover: Thank you.

Shackelford: Staff, maybe you can help me out a little bit. As I drove around and looked at this property I was thinking about the waiver request for the grading on the road. I think we call for 10% grade with allowance for 15%. I not only drove around this property but I drove around Hyland Park and Lovers Lane and some of the older properties in that area. Can you tell us an idea of the grades of those roads in the subdivisions? Are they greater than, equal to, less than what is being proposed here?

Casey: I'm sorry, I'm not able to answer that without the plans we have on file for those subdivisions.

Shackelford: Ok. Have the restrictions on grading changed or have they been in place for quite some time?

Casey: I believe those were adopted in 1996.

Shackelford: Thank you.

Hoover: In general, why did the traffic consultants recommend that we do not extend Cliffs Blvd.? I guess one thing is I'm confused on which part is Cliffs and which part is Stone.

Warrick: I don't know that we are going to find any definitive specific answer with them addressing this particular segment of the street. The map that is up for your display is the proposed Master Street Plan developed by BWR with the current Traffic and Transportation Study that is being considered. It is not adopted, which is why we are looking at an amendment to the Master Street Plan that is on the books right now. If you will reference your vicinity map on your plat, the applicant has overlaid the city's Master Street Plan on that so you will get an idea of where this project is in relation to the existing adopted Master Street Plan street. This proposed eastern extension of the Cliffs is actually not a four way intersection. This particular property does not intersect Hwy. 265 in the vicinity of Cliffs Blvd. It intersects north of that. The closest we could get is not a four way intersection. As I said, it is offset to the north. The proposed street through the development is offset again from what is on the plans. Keep in mind that the Master Street Plan is not an engineered study, it is a policy document and it is a guide. Our current Master Street Plan indicates there is a desire to have a larger street connecting Crossover east to Starr Drive. The proposed Master Street Plan that BWR has brought forward has actually eliminated quite a few of the higher level streets that we currently indicate on our plan. My understanding in that is the number of streets that are located on our currently adopted Master Street Plan as higher level streets is unrealistic that they will actually be all built out to those levels that streets not indicated as collectors or arterials on the Master Street Plan can very well function and carry similar, if not the same, loads of traffic as local streets. There was a determination somewhere through the committee process and the review, I know that staff met many times with the consultants for this traffic and transportation study and it has been through several public hearings, through that process it was determined that this particular stretch of collector street, minor arterial street, should be eliminated from that plan. I can't give you an exact reason. There is a lot of grade in this area, a lot of steep slopes and it is very reasonable to expect that that was partly to blame, partly a reason for them eliminating the street. Fayetteville is a hilly city and we have a lot of grade.

- Hoover: You are saying they eliminated several streets but they don't reference item 5.3.A is our reason for this one.
- Warrick: No, we included in your packet with item number two materials out of the text document that they submitted to compare with this map.
- Allen: I wondered if there had been many comments from neighbors about the traffic impact for this area.
- Warrick: In this round of review we have not heard much from the neighbors. However, when this project was originally brought forward in the spring of 2002 there were several neighborhood meetings with the Hyland Park neighborhood association because originally there was a contemplation for a street connection in the location of the existing drive that comes off Cliffside Drive into the subject property. It was determined that that would change the character of that neighborhood significantly that that property was platted as a single family residential lot, as were the lots around it and it was not desirable to the neighbors to have a street connection into Hyland Park into Cliffside Drive where it adjoins this property.
- Allen: I guess I would like to have a clearer understanding about condition number six because it seems to me like the possible ways that the problem could be alleviated if they find that there is a water pressure problem could certainly have a significantly different impact on the area.
- Casey: I'm sorry, I didn't fully understand your question.
- Allen: Well, if there is a water tower up there that seems to me like an eye sorer or some people might be concerned about that. I just wanted a better understanding of the ways that water pressure problems could be eliminated.
- Casey: I know the different methods that have been discussed, the top option was the tower. It has been discussed already. I know there has been some opposition to that but that would be the best way to increase the water pressure and also give additional capacity in the area. The other options that I'm aware of, unfortunately I wasn't involved in the review process last year when the majority of these were discussed, were some line changes out on Hwy. 265 that would convert the pressure of the line that will serve this development from one tank to the other so it will change the pressure and the other option that has been discussed is adding some pumps along that line to increase the pressure in this area as well. Those are the three that I know have been discussed. Chris Brackett may have some more information on that.
- Brackett: There are not any detailed plans because we are waiting on the detailed study that the city is conducting. Those are the three options that we have before us now. There may be others but we will not know them until we actually know.

exactly what the pressure problem is. It is our understanding currently that they don't believe that there is adequate pressure to serve this subdivision. We understand that we will have to provide adequate pressure for this subdivision to be able to continue and the owner understands that. As far as how it is done, right now it is our understanding that the city is not prepared to go forward with any kind of tower. Our understanding is that we will be fixing the problem for this subdivision. We won't be fixing the problem for the entire area. We are prepared to spend the money to fix the problem for this subdivision.

Allen: Will the method that you use be up to you?

Brackett: Anything that we do will have to be approved by the city. The method that we believe, we've had discussions with McGoodwin, Williams & Yates and the last method that was discussed that we were a part of were booster pumps which is nothing more than a pump station. It is not a tower or anything of that nature. Like I said, we can't really go any further than just discussions or what the possibilities are because we don't know exactly what the problem is.

Shackelford: It seems like every meeting that we are here we talk about connectivity. Every subdivision that we approve we stub out for connectivity. What makes this different? Can you walk me through the process of the decision to not require this to tie into the existing neighborhoods and why this is different than the normal deal that we look at?

Warrick: I don't believe that this is different because this particular project is connecting to Hwy. 265 and Stonebridge Road and has two future connections to the east and a future phase. That is the kind of connectivity that we look for in any development is to identify where an existing piece of property, when developed, can connect and where possible future connections would lead if there are adjacent undeveloped tracts of land that we believe will come through the review process at some point in time. We don't even expect those adjacent properties to come through in the near future even. Like I said, we have got connections from this particular project in three directions. The fact that there is an empty lot in a single family subdivision north of this, we did not feel that that merited a street. Like said before, it does change what the expectations were as far as those people who purchased lots and built in the Hyland Park subdivision when they felt there was a single family lot in that location. It was and is used for access purposes but it is not a public street. It is a private access drive. The change in the character of that would be significant to what everyone expected when they moved into that area which is primarily single family homes with a large equestrian farm south of it. That is why we did not feel that this connection was critical. It was not the desire of the neighbors to the north to have this connection. They are truly the ones who would benefit the most if they chose to have a connection in that location because Hyland Park is a one way in and one way out subdivision. That was really the process that we went through in realizing whether or not it was

appropriate. We felt that through the connections that were being achieved on the property we were meeting our mandate, if you will, for providing connectivity for future developments.

Shackelford: Thank you very much.

Hoover: I would like to focus on the Master Street Plan amendment issue. Do we have some discussion about that? I'm curious if we are recommending eliminating it from the Master Street Plan, why are we showing it on the vicinity map a road connecting?

Warrick: The applicant's request was to downgrade and relocate this street. Staff's recommendation is just to eliminate it from the Master Street Plan and allow it to be a local street. It is identified currently, there is a minor arterial identified currently connecting Crossover and Starr Drive. The applicant is proposing to relocate that slightly and to downgrade it to a collector street status. In reviewing their request to amend the Master Street Plan we looked to the study that the city commissioned recently for traffic and transportation study for the city. In that, the recommendation is not to have a higher level street, collector or above, in this location. Staff is recommending that it just be utilized as a local street and not be identified as a higher level street on the Master Street Plan.

Hoover: Is that what this says? Maybe I'm misreading it. It just says here eliminate Cliffs Blvd. eastern extension as a proposed minor arterial.

Warrick: This would not be the Cliffs Blvd. eastern extension. Due to the location of it, it would not be reasonable for it to be named Cliffs Blvd. because it is offset to the north. It does not intersection Cliffs Blvd. on the opposite side of Hwy. 265.

Hoover: This street is called Stone Mountain.

Anthes: On the Master Street Plan as it shows now it would actually connect across Hwy. 265. Two questions of staff, is there indeed a signal proposed at that intersection and what are the physical reasons on that site that we would like to shift that road to the north?

Warrick: We don't have the ability with this subdivision to connect in that location. The property owner doesn't own the property and we don't have control of the property. I am not aware of signalization being on the city's capital improvement program for this particular site.

Williams: Of course that is Hwy. 265 so the state would have to approve any traffic signal that we would ask them to install.

Anthes: I guess that's why I'm still confused. It doesn't appear that the connection to

Crossover Road is on this applicant's property either at this current location or at the north location, is that true or am I reading this map wrong? It appears to me from this map that the current Master Street Plan connection across Crossover Road or the new configuration located to the north, neither of those are on the applicant's property, is that true?

Warrick: That is true.

Anthes: If that is the case, why are we showing this thing shifted north misaligned with the intersection?

Warrick: Again, our Master Street Plan is a policy document and a guide. It is a line on the map and it is not an exact engineered location for a future street.

Anthes: I understand that but if it is a line on the map and it currently connects across and makes a four way intersection with Cliffs Drive and we had to physically take a pen or a pencil and move it up, what was the reason for that?

Warrick: The location of an opportunity for a development that would provide a connection.

Anthes: I thought you said they didn't own either location?

Warrick: I must not have understood you, I'm sorry. The area that is highlighted on your vicinity map that is in dark gray is the project site.

Anthes: Ok, so they do own the northernmost and that is the reason for the shift is because we have an opportunity to connect to Hwy. 265. That's all I have for now.

Ostner: My question Ms. Warrick, I wish I could ask BWR why they don't think we should have any connection across this area, the big drawing wherever it went. Do you know why? I know the grades are steep but there is just so much from Mission to Huntsville and from Starr to Hwy. 265 is nothing but local streets that don't have to connect by policy?

Warrick: How do you mean by policy they don't have to connect because we do have a policy of connectivity.

Ostner: We do but as a Master Street Plan policy we are saying no.

Warrick: The Master Street Plan identifies higher level streets. It doesn't mean that local streets would not serve a purpose of getting people from one place to another. We do, as I said, have a policy of connectivity. Keep in mind, this is a policy document, this is a recommendation. This is your plan. Please understand that we are just making a recommendation here. If you don't wish to change the Master Street Plan that is fine. We are making a

recommendation based on the study by transportation engineers and we need to rely on somebody to provide us with guidance. That is the information that is current that is available to us right now. Mr. Earff handed me this information, it is out of the traffic and transportation study, I made a statement with regard to signalization not being on the city's capital improvement plan. It is not but it is recommended in the city's traffic and transportation study for future improvements. I just wanted to clear that up. I didn't want to misstate anything but it is not in a capital projects list.

Ostner: Is that signal for a normal four way intersection?

Warrick: It is a table in the document. It is certainly not an engineered project.

Hoover: Do I have this correctly then that it would show up on the Master Street Plan if it is a collector or a higher level street. That does not exclude us connecting over to Starr Blvd. at a later date whenever that property is developed because of our connectivity ordinance or policy?

Warrick: That is correct.

Hoover: The only reason it is not on the Master Street Plan is they still can be recommending it in theory but they don't recommend that it be a higher level street?

Warrick: Correct.

Hoover: Does everybody understand?

Allen: Finally, yes.

Hoover: Is there any other discussion on this item or would someone like to make a motion?

Shackelford: I will go ahead and get it on the table. With what you just said was exactly what direction I was going when I talked about the connectivity of this subdivision. I think it is a lot more realistic to think that there will be connectivity through here as this property develops in neighborhood streets than there ever will seeing a minor arterial or a collector street built across this property. With that, I am going to support staff's recommendation and make a motion to approve ADM 03-29.00.

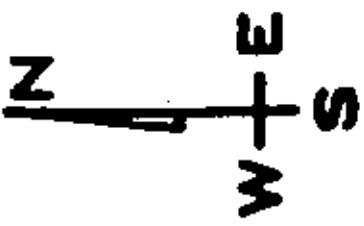
Hoover: I have a motion by Commissioner Shackelford, is there a second?

Bunch: I will second.

Hoover: A second by Commissioner Bunch. Is there more discussion? Seeing none, Renee?

Roll Call: Upon the completion of roll call the motion to approve ADM 03-29.00 was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

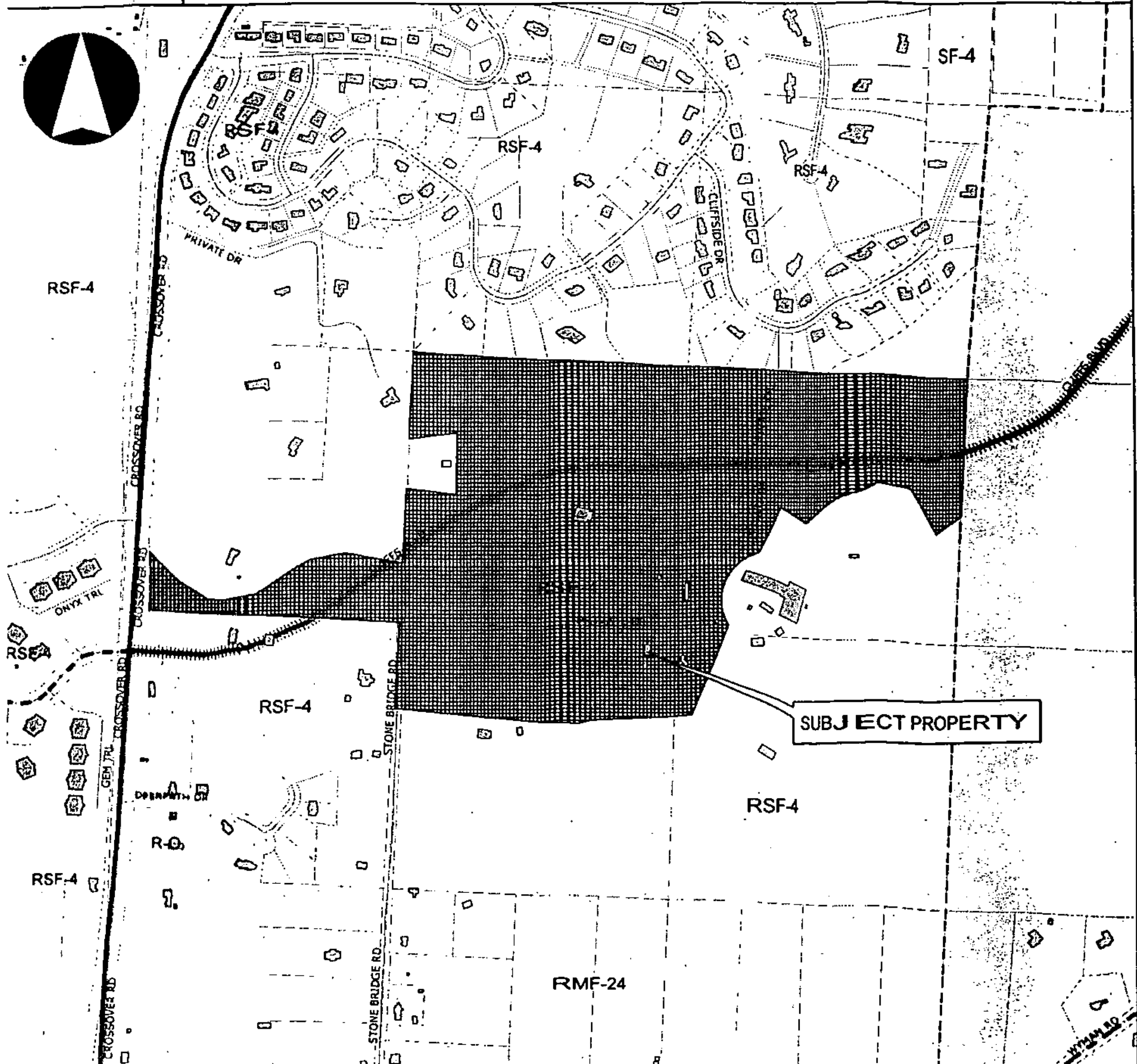


124 WEST SUNBRIDGE, SUITE 50 • FAYETTEVILLE, ARKANSAS 72709 (501) 443-9127 • FAX (501) 582-4807

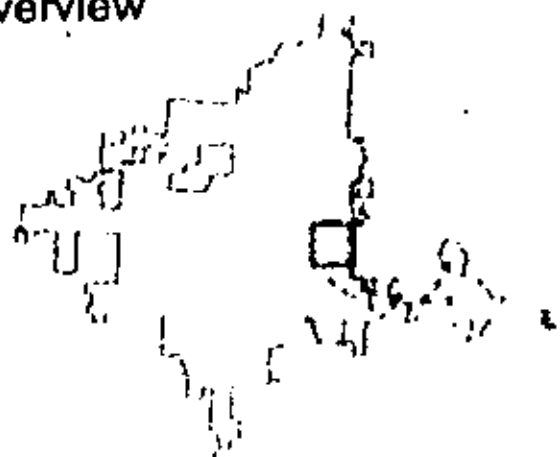
PPL02-13.10

Close, Up View

STONE MOUNTAIN SUB DIVISION



Overview



Legend

Subject Property

PPL02-13.10

Streets

Existing

Planned

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

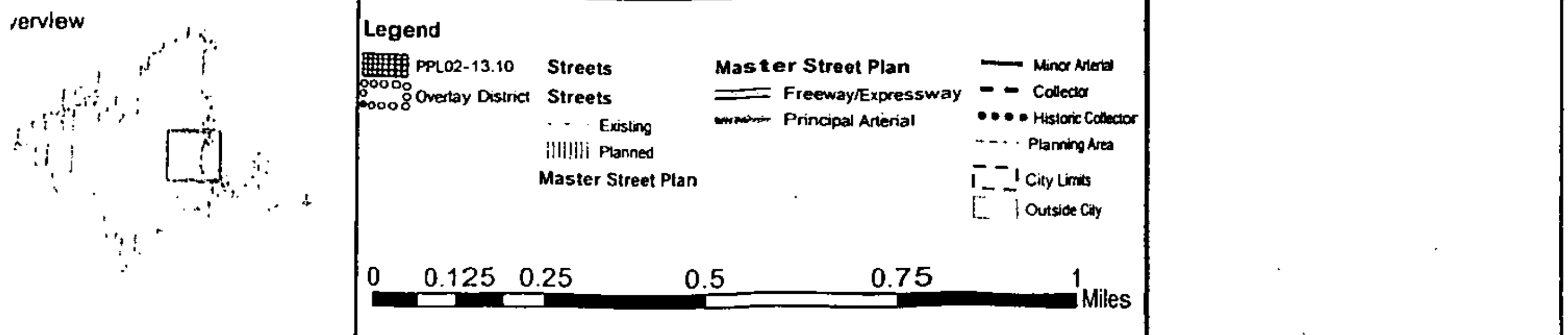
Principal Arterial

Minor Arterial

Collector

Historic Collector

0 250 500 1,000 1,500 2,000 Feet



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

A. 7
VAC 03-29.00 Hyland Park and East Crossover Rd.
Page 22 of 22 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

December 2, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

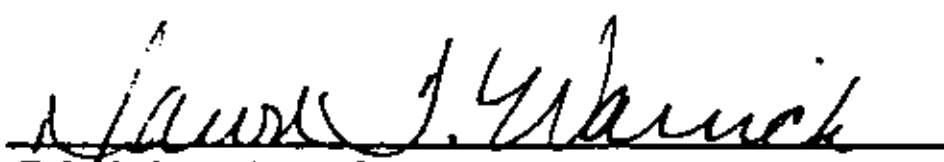
Department

ACTION REQUIRED: Resolution approval.

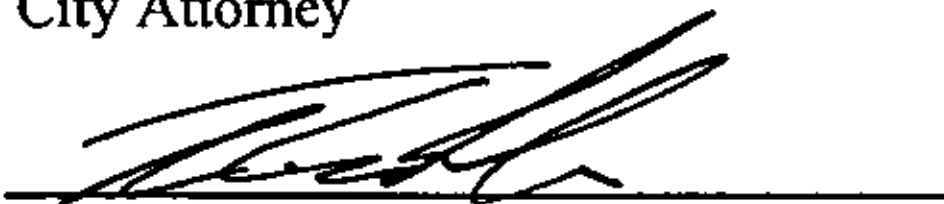
SUMMARY EXPLANATION:

ADM 03-29.00 was submitted by Chris Brackett of Jorgensen & Associates on behalf of Bill Conner for property located south of Hyland Park and east of Crossover Rd. The property is zoned RSF-4, Residential Single-family, four units per acre and contains approximately 82.74 acres. The request is to amend the Master Street Plan to eliminate the eastern extension of Cliffs Boulevard, a proposed minor arterial.

STAFF RECOMMENDATION: Approval


Division Head11/14/03
Date

Received in Mayor's Office

11/14/03
Date
City Attorney11/14/03
Date
Department Director11-14-03
Date

Cross Reference:


Finance & Internal Services Dir.11-17-03
Date

Previous Ord/Res#:


Chief Administrative Officer11-19-03
Date

Orig. Contract Date:


Mayor11/12/03
Date

Orig. Contract Number:

New Item:

Yes

No

FAYETTEVILLE

City Council Meeting November 18, 2003

Water & Sewer Rates

B. 1
Amend Chapter 51.136 Monthly Water Rates
Page 1 of 70

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Coody and City Council

From: Stephen Davis, Finance & Internal Services Director
Greg Boettcher, Water & Wastewater Director

Date: November 5, 2003

Subject: Water & Wastewater Rate Ordinance

Recommendation: Approval of the Water & Sewer Committee recommendation of Across-The-Board % Increase with the exception of those service agreements that specify an explicit methodology.

Background: The City Council Water & Sewer Committee met on November 3, 2003 in Room 111 to consider rate options to the Cost of Service Study prepared by Black & Veatch. The Committee voted to recommend to the full City Council water & sewer rate increases based on 10% increase across-the-board for water with the new rate structure effective for water bills dated after January 1, 2004 and across-the-board for wastewater increase for sewer service charges with the increases being 9% for wastewater service dated after January 1, 2004, 8% for wastewater service after January 1, 2005 and 9% for wastewater services January 1, 2006. The rate adjustment is 10% for water and a cumulative 29.5% for wastewater. This rate recommendation will govern water & sewer rate adjustments except those that stipulate a rate methodology in a current contract.

The rate tables that reflect the charges are attached.

Discussion: The City contracted with Black & Veatch during 2002 to conduct an operations study, as required by bond indentures, and to conduct a cost-of-services water & wastewater study and to develop recommendations that would provide sufficient funding to operate the water & sewer utility on a sound business basis. The City had previously approved wastewater system improvements that include a second treatment plant in the Illinois River watershed and this new rate study needed to address the increased cost associated with the new facilities. Additionally, the City had to cease land application of sludge and begin land filling the materials due to a build-up of certain nutrients.

Prior to the initiation of the wastewater system improvements a public vote was conducted whereby the Citizens authorized the use of a special sales & use tax to fund the construction cost of the improvements. During the information phase leading up to the

City Council Agenda Item

public vote, the City disclosed that a system wide increase in revenues of 29.5% would be required when the new facilities came on-line.

Additionally, Beaver Water District announced this past summer that the wholesale water rate would be increased by 15% beginning on November 1, 2003. This increased cost of purchased water translates into a 10% rate increase, system-wide, for the water utility.

Black & Veatch completed their contract and delivered to the City a cost-of service rate study (Study) and Staff forwarded the Study to City Council for consideration and adoption. Subsequent to submission of the Study, representatives of the industrial customer group and representatives of the City of Farmington expressed concerns over the magnitude of the proposed increases and requested the City to consider alternative rate structures. Black & Veatch developed two alternatives: Across-the-Board % Increase and Across-the-Board Unit Cost Increase. City Council Water & Sewer Committee met, in a public session, to determine which of the alternatives to recommend to the full City Council.

Budget Impact: A rate structure must be approved that provides sufficient funding to operate the water & sewer utility, comply with bond indenture requirements and is able to be approved by the Arkansas Soil & Water Conservation Commission.

Council at the
Meeting on 11-18-03.
Ses

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51, WATER AND SEWERS, OF THE CODE OF FAYETTEVILLE, TO CHANGE NOMENCLATURE; AND ADJUST WATER AND SEWER RATES.

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

Section 1. That Chapter 51: Water and Sewers, Code of Fayetteville is hereby amended by deleting all references to the "Public Works Director" and the "Water & Sewer Services Superintendent", and replacing them with "the Water & Wastewater Director or designee, or the Finance & Internal Services Director, or designee."

Section 2. That §§ 51.136 & 51.137 of the Code of Fayetteville are hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in their stead.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

EXHIBIT "A" – Revised 11/18/2003

51.136 Monthly Water Rates

Effective as of the first billing statements issued after December 31, 2003, the following monthly rates shall be fixed as rates to be charged for water furnished by the waterworks system of the city, which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged:

(A) Monthly treated water rates.

- (1) The water usage of each customer shall be determined each month by meter measurement and the amount per 1,000 gallons to be paid for water usage by each customer shall be computed on the basis of the following schedule of rates. The minimum billing shall be 1,000 gallons per month.

Table A
Monthly Water Rates

Usage Rate (In gallons)	Inside City	Outside City
First 10,000	\$2.81	\$3.52
Next 290,000	2.42	3.03
Next 4,700,000	1.76	2.20
Over 5,000,000	1.60	1.98

- (2) All bills under such schedule shall be computed by adding the applicable meter service charge prescribed by subsection (B) to the amount determined to be due for water usage under this schedule. Applicable sales tax and franchise fees shall be added to the bill so computed.
- (3) When a common facility/building is served by multiple water meters and the water usage is for the same purpose, customers may petition the Water & Wastewater Director and/or the Finance & Internal Services Director to have the water consumption aggregated and have the tiered rates apply to the aggregated quantity.

(B) Monthly meter service charge.

- (1) In addition to the above, each customer shall pay a monthly meter service charge in accordance with the following schedule:

EXHIBIT "A" – Revised 11/18/2003

Table B
Monthly Water Meter Service Charge

Meter Size	Inside City	Outside City
5/8 inch	\$ 4.16	\$ 5.20
3/4 inch	4.42	5.54
1 inch	5.67	7.12
1 ½ inch	9.68	12.22
2 inch	13.97	17.67
3 inch	32.18	40.79
4 inch	53.08	67.33
6 inch	105.88	134.39
8 inch	158.68	201.44

(2) The monthly treated water rates and the monthly meter service charge rates prescribed by subsections (A) and (B) of this section shall commence as of the first billing statements issued after December 31, 2003. Customers served through the white river water district system will pay the outside city rate plus an additional \$5.94 per month. The Safe Drinking Water Act fee shall be added to these Monthly Water Meter Service Charges.

(C) *Monthly standby fire protection service charge.* Charges for un-metered service connections inside the city limits for standby fire protection and fire hydrants shall be:

Table C
Monthly Standby Fire Protection Service Charge

Line Size	Inside City	Outside City
2 inch	\$ 6.60	\$ 6.60
3 inch	19.80	19.80
4 inch	39.60	39.60
6 inch	110.00	110.00
8 inch	231.00	231.00
10 inch	396.00	396.00

EXHIBIT "A" – Revised 11/18/2003

(E) Monthly wholesale treated water rates outside city limits shall be:

Table D
Monthly Wholesale Treated Water Rates - Outside City Limits

Usage Rate Per 1,000 Gallons	\$ 2.01
Reduced demand	1.81
Meter charge	55.55

(Based on Cost of Service Methodology)

(F) Monthly charge for fire hydrants provided water by the city for municipalities and/or districts outside the city limits for billing statements issued after December 31, 2003 shall be \$7.70 per hydrant per month.

51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.* All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

(1) Monthly sewer quantity charge:

Table E-1
Monthly Sewer Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2003
(*Across-the-Board Percentage; **Cost of Service Methodology)

Residential*	\$ 2.61
Commercial/Industrial*	2.04
Outside city limits**	6.03
Elkins**	5.24

Table E-2
Monthly Sewer Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2004

Residential*	\$ 2.84
Commercial/Industrial*	2.22
Outside city limits**	6.57
Elkins**	5.71

Table E-3
Monthly Sewer Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2005

Residential*	\$ 3.10
Commercial/Industrial*	2.42
Outside city limits**	7.16
Elkins**	6.22

EXHIBIT "A" – Revised 11/18/2003

(2) Monthly service charge:

**Table F-1 Monthly Sewer Service Charge
After December 31, 2003**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 8.72	\$ 8.72
3/4 inch	10.08	11.87
1 inch	11.34	16.28
1½ inch	15.85	28.90
2 inch	21.10	41.51
3 inch	46.31	97.02
4 inch	77.51	160.09
6 inch	149.26	317.78
8 inch	232.26	475.47

**Table F-2 Monthly Sewer Service Charge
After December 31, 2004**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 9.50	\$ 9.50
3/4 inch	10.99	12.94
1 inch	12.36	17.75
1½ inch	17.27	31.50
2 inch	23.00	45.25
3 inch	50.77	105.75
4 inch	84.49	174.50
6 inch	163.64	346.38
8 inch	253.16	518.26

**Table F-3 Monthly Sewer Service Charge
After December 31, 2005**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 10.36	\$ 10.35
3/4 inch	11.98	14.10
1 inch	13.47	19.35
1½ inch	21.99	34.33
2 inch	31.44	49.32
3 inch	73.01	115.27
4 inch	120.26	190.21
6 inch	238.37	377.56
8 inch	356.48	564.90

†Cost of Service Methodology required by contract.

(B) Determination of charge for domestic customers.

(1) (a) The monthly wastewater charge for domestic customers shall be based on 85% of the customer's monthly water usage.

(b) Each domestic customer shall be required to make a \$50.00 service deposit

EXHIBIT "A" – Revised 11/18/2003

with each application for sewer service. This service deposit shall be retained in trust, without interest, by the city finance department. When service to the depositor is discontinued permanently, said service deposit shall be applied to the final billing and the remainder, if any, returned to the depositor.

- (2) Domestic customers with a single water meter and an existing irrigation system may petition the Water & Wastewater Director within 36 months of the effective date of this ordinance revision, to install an irrigation meter and to request a waiver of the meter impact fee for the pre-existing irrigation demand.
- (C) *Determination of charge for commercial and industrial customers.* In the case of commercial and industrial customers the monthly sewer charge shall be determined by applying the schedule of rates prescribed in subsection (A) of this section to the monthly water usage of such customers. In the event that a commercial or industrial customer discharging waste into the city's sanitary sewer system produces evidence to the water and sewer superintendent demonstrating that a substantial portion of the total amount of water from all sources used for all purposes does not reach the sanitary sewer which is in excess of the factors used in establishing the rates in subsection (A) of this section, an estimated percentage of total water consumption to be used in computing charges may be established by the water and sewer superintendent. The factors used in establishing said rates are on file in the office of the water and sewer superintendent and are incorporated herein by reference thereto. Any rate so adjusted by the water and sewer superintendent shall be effective for a 12-month period beginning with the billing for the month when rates adjudged hereby go into effect.
- (D) *Extra Strength Surcharge.* For all commercial and industrial customers whose wastewater discharge is greater than 300 mg/l of BOD₅ and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

	<i>After December 31, 2003</i>	<i>After December 31, 2004</i>	<i>After December 31, 2005</i>
(1) Extra Strength BOD ₅ ---	\$0.2246/lb.	0.2449/lb.	0.2669/lb.
(2) Extra Strength TSS -----	\$0.1123/lb.	0.1224/lb.	0.1334/lb.

Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).

(E) *Definitions.*

For the purpose of this division the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) *Commercial, industrial customer or user.* All retail stores, restaurants, office buildings, laundries, and other private business and service establishments

EXHIBIT "A" – Revised 11/18/2003

which contributes wastewater to the city's wastewater treatment plant. It shall include any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the *Standard Industrial Classification Manual, 1972, Office of Management and Budget*, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services. It also includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users; legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

- (2) *Domestic customer or user.* Any contributor of wastewater to the city's treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.
- (3) *Infiltration/inflow.* The total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roofleaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash water, or drainage.
- (4) *Municipality.* A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste or other waste. The definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.
- (5) *Operation and maintenance.* Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (6) *Replacement.* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (7) *Treatment works.* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their

EXHIBIT "A" – Revised 11/18/2003

appurtenances; extensions improvement; remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (8) *Useful life.* The estimated period during which a treatment works will be operated.
- (9) *User charge.* That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
- (10) *Water meter.* A water volume measuring and recording device, furnished and installed by the water department of the city.

(F) *Deposit of revenues; fund.*

- (1) The revenues from charges collected by the city shall be deposited in a separate non-lapsing fund known as the operation, maintenance, and replacement fund.
- (2) Fiscal year-end balances in the operation, maintenance and replacement fund shall be used for no other purpose than those designated. Moneys which may be transferred from other sources to meet temporary shortages in the operations, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rates shall be adjusted so that the transferred moneys will be returned to their respective accounts within six months of the fiscal year in which moneys were borrowed.
- (3) *Application for review; adjustments to user.*
 - (a) Any user who feels that the volume used to determine his bill is incorrect may make written application to the Director of Water and Wastewater requesting a review of his bill. The written request shall, where necessary, show actual or estimated flows and/or strength of his wastewater, including how the measurements were made.
 - (b) A review of the request shall be made by the Water and Wastewater Director

EXHIBIT "A" – Revised 11/18/2003

and if substantiated, the charges for that user shall be recomputed based on the revised flow and/or strength characteristics. In no case, however, shall allowances or adjustments be made for claims of sewage strengths less than 300 mg/l suspended solids and 300 mg/l of BOD₅.

(c) Any adjustments will be applicable to the next billing period.

(4) *Annual review by city; revision of rates; notification of user.*

(a) The city shall review the charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement, and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes.

(b) The city shall notify each user at least annually, in conjunction with a regular bill, of the rates being charged for operation, maintenance and replacement of the treatment works.

Handed out
City Council
meeting 11-18-03

FACT SHEET

Fayetteville Water and Sewer Services

What are relative proportions of customer base using 2002 water services?

Fayetteville	24, 230	(84%)
Rural Customers	2,680	(9%)
Farmington	1,500	(5%)
Greenland	360	(1%)
Wholesale	8	(>1%)

What are the characteristics of service agreements with various customer groups?

Customer Group	System Owner	Rate Basis	Contract
Farmington – Water	Fayetteville	Out of City Rate	None
Farmington – Sewer	Farmington	Cost of Service	Thru 2009
Greenland – Water	Fayetteville	Out of City Rate	None
Greenland – Sewer	Greenland	Cost of Service	Thru 2008
Elkins – Water	Elkins	Cost of Service	Not Extended in 2001
Elkins – Sewer	Elkins	Cost of Service	Term of FmHA Loan
Johnson	Fayetteville	Out of City Rate	None
Goshen-Water	Fayetteville	Out of City Rate	
West Fork-Water	West Fork	Cost of Service	Thru 2018
Mt. Olive-Water	Mt. Olive	Cost of Service	
Wheeler-Water	Fayetteville	Out of City Rate	
Washington Water	Washington Water	Cost of Performance	Expired

What are the annual revenues from Farmington Customers?

Year	Water	Sewer	% Revenue
2001	\$403,491	\$467,598	4.5%
2002	\$423,500	\$485,800	4.7%
2003 (est)	\$440,800	\$506,800	4.8%

What is the average unit cost of service for Fayetteville and Farmington customer in 2002?

	Water/1,000 gallons	Sewer/1,000 gallons
Fayetteville	\$3.27	\$3.34
Farmington	\$4.33	\$5.24

Estimated Annual Revenue Differential from out of city rate \$273,640
(using 97,700,000 water and 92,600,000 sewer)

To fully equate the costs of utility services between Farmington and Fayetteville customers, what are the issues at stake?

Utility rates	Equal across customer classes
Sales tax	¾-cent capital sales tax for Farmington
Impact Fees	\$835.00 for Farmington sewer connections
Farmington Surcharge	Remove \$0.17/1000 gallons collected for Farmington city government.

How do these factors balance out in terms of gross costs between the Farmington and Fayetteville Customer Groups?

	Fayetteville	Farmington
Equalize Rates	(\$273,640)	\$ 273,640
¾-cent Sales Tax	\$162,916	(\$ 162,916)
Impact Fees	\$75,150	(\$ 75,150)
Net Impact	(\$35,574)	\$35,574

Other factors to be considered in the comparisons:

Farmington Surcharge (\$0.17/1000 gallons) of approximately \$16,000 per year for Farmington residents only

Farmington Lift Station upgrading costs predicted at \$3,500,000

Farmington Sewer System Reinvestment from Sewer System Evaluation Survey of \$456,416 (Priorities 1 and 2)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51, WATER AND SEWERS, OF THE CODE OF FAYETTEVILLE, TO CHANGE NOMENCLATURE; AND ADJUST WATER AND SEWER RATES.

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

Section 1. That Chapter 51: Water and Sewers, Code of Fayetteville is hereby amended by deleting all references to the "Public Works Director" and the "Water & Sewer Services Superintendent", and replacing them with "the Water & Wastewater Director or designee, or the Finance & Internal Services Director, or designee."

Section 2. That §§ 51.136 & 51.137 of the Code of Fayetteville are hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in their stead.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A" – Revised 11/14/2003

51.136 Monthly Water Rates

Effective as of the first billing statements issued after December 31, 2003, the following monthly rates shall be fixed as rates to be charged for water furnished by the waterworks system of the city, which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged:

(A) Monthly treated water rates.

- (1) The water usage of each customer shall be determined each month by meter measurement and the amount per 1,000 gallons to be paid for water usage by each customer shall be computed on the basis of the following schedule of rates. The minimum billing shall be 1,000 gallons per month.

Table A
Monthly Water Rates

Usage Rate (In gallons)	Inside City	Outside City
First 10,000	\$2.81	\$3.52
Next 290,000	2.42	3.03
Next 4,700,000	1.76	2.20
Over 5,000,000	1.60	1.98

- (2) All bills under such schedule shall be computed by adding the applicable meter service charge prescribed by subsection (B) to the amount determined to be due for water usage under this schedule. Applicable sales tax and franchise fees shall be added to the bill so computed.
- (3) When a common facility/building is served by multiple water meters and the water usage is for the same purpose, customers may petition the Water & Wastewater Director and/or the Finance & Internal Services Director to have the water consumption aggregated and have the tiered rates apply to the aggregated quantity.

(B) Monthly meter service charge.

- (1) In addition to the above, each customer shall pay a monthly meter service charge in accordance with the following schedule:

EXHIBIT "A" – Revised 11/14/2003

Table B
Monthly Meter Service Charge

Meter Size	Inside City	Outside City
5/8 inch	\$ 4.16	\$ 5.20
3/4 inch	4.42	5.54
1 inch	5.67	7.12
1 ½ inch	9.68	12.22
2 inch	13.97	17.67
3 inch	32.18	40.79
4 inch	53.08	67.33
6 inch	105.88	134.39
8 inch	158.68	201.44

(2) The monthly treated water rates and the monthly meter service charge rates prescribed by subsections (A) and (B) of this section shall commence as of the first billing statements issued after December 31, 2003 for those customers outside the city limits receiving city water, and shall continue until such time as said customers either go off service or until such time as a revised rate structure is adopted by the City Council. Customers served through the white river water district system will pay the outside city rate plus an additional \$5.94 per month.

(C) *Monthly standby fire protection service charge.* Charges for un-metered service connections inside the city limits for standby fire protection and fire hydrants shall be:

Table C
Monthly Standby Fire Protection Service Charge

Line Size	Inside City	Outside City
2 inch	\$ 6.60	\$ 6.60
3 inch	19.80	19.80
4 inch	39.60	39.60
6 inch	110.00	110.00
8 inch	231.00	231.00
10 inch	396.00	396.00

EXHIBIT "A" – Revised 11/14/2003

(E) Monthly wholesale treated water rates outside city limits shall be:

Table D
Monthly Wholesale Treated Water Rates - Outside City Limits

Usage Rate Per 1,000 Gallons	\$ 2.01
Reduced demand	1.81
Meter charge	55.55

(F) Monthly charge for fire hydrants provided water by the city for municipalities and/or districts outside the city limits for billing statements issued after December 31, 2003 shall be \$7.70 per hydrant per month.

51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.* All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

(1) Monthly quantity charge:

Table E-1
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2003

Residential	\$ 2.61
Commercial/Industrial	2.04
Outside city limits	6.03
Elkins	5.24

Table E-2
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2004

Residential	\$ 2.84
Commercial/Industrial	2.22
Outside city limits	6.57
Elkins	5.71

Table E-3
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2005

Residential	\$ 3.10
Commercial/Industrial	2.42
Outside city limits	7.16
Elkins	6.22

EXHIBIT "A" – Revised 11/14/2003

(2) Monthly service charge:

**Table F-1 Monthly Service Charge
After December 31, 2003**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 8.72	\$ 8.72
3/4 inch	10.08	11.87
1 inch	11.34	16.28
1½ inch	15.85	28.90
2 inch	21.10	41.51
3 inch	46.31	97.02
4 inch	77.51	160.09
6 inch	149.26	317.78
8 inch	232.26	475.47

**Table F-2 Monthly Service Charge
After December 31, 2004**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 9.50	\$ 9.50
3/4 inch	10.99	12.94
1 inch	12.36	17.75
1½ inch	17.27	31.50
2 inch	23.00	45.25
3 inch	50.48	105.75
4 inch	84.48	174.50
6 inch	163.69	346.38
8 inch	253.16	518.26

**Table F-3 Monthly Service Charge
After December 31, 2005**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 10.36	\$ 10.35
3/4 inch	11.98	14.10
1 inch	13.47	19.35
1½ inch	18.83	34.33
2 inch	25.06	49.32
3 inch	55.02	115.27
4 inch	92.07	190.21
6 inch	177.36	377.56
8 inch	275.93	564.90

†Cost of Service Methodology required by contract.

(B) Determination of charge for domestic customers.

- (1) (a) The monthly wastewater charge for domestic customers shall be based on 85% of the customer's monthly water usage.
- (b) Each domestic customer shall be required to make a \$50.00 service deposit with each application for sewer service. This service deposit shall be retained

EXHIBIT "A" – Revised 11/14/2003

in trust, without interest, by the city finance department. When service to the depositor is discontinued permanently, said service deposit shall be applied to the final billing and the remainder, if any, returned to the depositor.

- (2) Domestic customers with a single water meter and an existing irrigation system may petition the Water & Wastewater Director within 36 months of the effective date of this ordinance revision, to install an irrigation meter and to request a waiver of the meter impact fee for the pre-existing irrigation demand.

(C) *Determination of charge for commercial and industrial customers.* In the case of commercial and industrial customers the monthly sewer charge shall be determined by applying the schedule of rates prescribed in subsection (A) of this section to the monthly water usage of such customers. In the event that a commercial or industrial customer discharging waste into the city's sanitary sewer system produces evidence to the water and sewer superintendent demonstrating that a substantial portion of the total amount of water from all sources used for all purposes does not reach the sanitary sewer which is in excess of the factors used in establishing the rates in division (A) of this section, an estimated percentage of total water consumption to be used in computing charges may be established by the water and sewer superintendent. The factors used in establishing said rates are on file in the office of the water and sewer superintendent and are incorporated herein by reference thereto. Any rate so adjusted by the water and sewer superintendent shall be effective for a 12-month period beginning with the billing for the month when rates adjudged hereby go into effect.

(D) *Extra Strength Surcharge.* For all commercial and industrial customers whose wastewater discharge is greater than 300 mg/l of BOD₅ and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

	<i>After December 31, 2003</i>	<i>After December 31, 2004</i>	<i>After December 31, 2005</i>
(1) Extra Strength BOD ₅ ---	\$0.2246/lb.	0.2449/lb.	0.2669/lb.
(2) Extra Strength TSS -----	\$0.1123/lb.	0.1224/lb.	0.1334/lb.

Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).

(E) *Definitions.*

For the purpose of this division the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) *Commercial, industrial customer or user.* All retail stores, restaurants, office buildings, laundries, and other private business and service establishments which contributes wastewater to the city's wastewater treatment plant. It shall

EXHIBIT "A" – Revised 11/14/2003

include any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the *Standard Industrial Classification Manual, 1972, Office of Management and Budget*, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services. It also includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users; legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

- (2) *Domestic customer or user.* Any contributor of wastewater to the city's treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.
- (3) *Infiltration/inflow.* The total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roofleaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash water, or drainage.
- (4) *Municipality.* A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste or other waste. The definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.
- (5) *Operation and maintenance.* Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in subsection (D)(1)(f) of this section.
- (6) *Replacement.* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (7) *Treatment works.* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement; remodeling, additions, and

EXHIBIT "A" – Revised 11/14/2003

alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (8) *Useful life.* The estimated period during which a treatment works will be operated.
- (9) *User charge.* That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
- (10) *Water meter.* A water volume measuring and recording device, furnished and installed by the water department of the city.

(F) *Deposit of revenues; fund.*

- (1) The revenues from user charges collected by the city shall be deposited in a separate non-lapsing fund known as the operation, maintenance, and replacement fund.
 - (2) Fiscal year-end balances in the operation, maintenance and replacement fund shall be used for no other purpose than those designated. Moneys which may be transferred from other sources to meet temporary shortages in the operations, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rates shall be adjusted so that the transferred moneys will be returned to their respective accounts within six months of the fiscal year in which moneys were borrowed.
- (3) *Application for review; adjustments to user.*
- (a) Any user who feels his user charge is unjust and inequitable may make written application to the director of public works requesting a review of his user charge. The written request shall, where necessary, show actual or estimated flows and/or strength of his wastewater, including how the measurements were made.
 - (b) A review of the request shall be made by the public works director and if substantiated, the user charges for that user shall be recomputed based on the

EXHIBIT "A" – Revised 11/14/2003

revised flow and/or strength characteristics. In no case, however, shall allowances or adjustments be made for claims of sewage strengths less than 300 mg/l suspended solids and 300 mg/l of BOD₅.

(c) Any adjustments will be applicable to the next billing period.

(4) *Annual review by city; revision of rates; notification of user.*

(a) The city shall review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement, and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes.

(b) The city shall notify each user at least annually, in conjunction with a regular bill, of the rates being charged for operation, maintenance and replacement of the treatment works.

Fayetteville Alternative Water and Sewer Rates

Alternative 1 – Across-the-Board Rate Increase

Across-the-board rate increases are easy to understand, and impact all customers equally. Across-the-board increases do not, however, address changes in costs of service.

For water, the existing rate schedule is increased 10 percent effective 2004. Monthly bills to all customers would increase 10 percent as a result of this adjustment.

The exception is White River. The Cost of Service study recommended that White River pay the same charges as other outside City customers. In keeping with that recommendation, the charges to White River customers would vary from the overall 10 percent adjustment.

The existing schedule of sewer rates is increased 9 percent effective 2004, 9 percent effective 2005, and an additional 9 percent effective 2006. To facilitate the across-the-board adjustments, the differential volume charges for inside residential and nonresidential customer classes are maintained. Relative to existing sewer charges, bills to all customers would increase 9 percent in 2004, 18.8 percent in 2005, and 29.5 percent in 2006.

Alternative 1
Across-the-Board Rate Increase
City of Fayetteville
Water Utility
Proposed Rates
Years 2003, 2004, and 2005
(Proposed Rates Effective January 1 of each year shown)

	Existing Rates		2004		2005		2006	
	Fayetteville	Outside City	Fayetteville	Outside City	Fayetteville	Outside City	Fayetteville	Outside City
Volume Charge - \$/1,000 gallons								
First 10,000 gallons	2.55	3.20	2.81	3.52	2.81	3.52	2.81	3.52
Next 290,000 gallons	2.20	2.75	2.42	3.03	2.42	3.03	2.42	3.03
Next 4,700,000 gallons	1.60	2.00	1.76	2.20	1.76	2.20	1.76	2.20
Over 5,000,000 gallons	1.45	1.80	1.60	1.98	1.60	1.98	1.60	1.98
Minimum Bill (a) - \$/month								
5/8"	3.78	4.73	4.41	5.45	4.41	5.45	4.41	5.45
3/4"	4.02	5.04	4.67	5.79	4.67	5.79	4.67	5.79
1"	5.15	6.47	5.92	7.37	5.92	7.37	5.92	7.37
1 1/2"	8.80	11.11	9.93	12.47	9.93	12.47	9.93	12.47
2"	12.70	16.06	14.22	17.92	14.22	17.92	14.22	17.92
3"	29.25	37.08	32.43	41.04	32.43	41.04	32.43	41.04
4"	48.25	61.21	53.33	67.58	53.33	67.58	53.33	67.58
6"	96.25	122.17	106.13	134.64	106.13	134.64	106.13	134.64
8"	144.25	183.13	158.93	201.69	158.93	201.69	158.93	201.69
Wholesale Water Rates								
Volume Charge - \$/1,000 gallons	2.70	2.97	2.97	2.97	2.97	2.97	2.97	2.97
Reduced Demand (b) - \$/1,000 gallons	2.49	2.74	2.74	2.74	2.74	2.74	2.74	2.74
Meter Charge - \$/month	58.20	64.02	64.02	64.02	64.02	64.02	64.02	64.02
White River								
Volume Charge - \$/1,000 gallons								
First 1,000 gallons	9.06	(c)	(c)	(c)	(c)	(c)	(c)	(c)
Next 4,000 gallons	3.00							
Next 5,000 gallons	2.75							
Next 10,000 gallons	2.50							
Over 20,000 gallons	2.25							
Minimum Bill (a) - \$/month	6.19							
Private Fire Protection - \$/month								
2"	6.00	6.60	6.60	6.60	6.60	6.60	6.60	6.60
3"	18.00	19.80	19.80	19.80	19.80	19.80	19.80	19.80
4"	36.00	39.60	39.60	39.60	39.60	39.60	39.60	39.60
6"	100.00	110.00	110.00	110.00	110.00	110.00	110.00	110.00
8"	210.00	231.00	231.00	231.00	231.00	231.00	231.00	231.00
10"	360.00	396.00	396.00	396.00	396.00	396.00	396.00	396.00
Public Fire Protection - \$ (d)	7.00	7.70	7.70	7.70	7.70	7.70	7.70	7.70

- (a) Includes \$0.25 Safe Water Act Fee.
 (b) Applicable to customers with a storage capacity at least 2.5 times the average daily usage whose maximum daily usage does not exceed 2.0 times average daily usage.
 (c) Under proposed rates, White River will pay outside City rates plus an additional \$5.94 per month.
 (d) Per hydrant per month.

Alternative 1
Across-the-Board Rate Increase
City of Fayetteville
Water Utility
Comparison of Typical Monthly Water Bills
Under Existing and Proposed Rates
(Proposed Rates Effective January 1 of each year shown)

Meter Size inches	Usage 1,000 gal.	Existing Rates \$	2004 Proposed Rates				2005 Proposed Rates				2006 Proposed Rates			
			Amount		Increase		Amount		Increase		Amount		Increase	
			\$	%	\$	%	\$	%	\$	%	\$	%		
Fayetteville														
5/8	5	16.53	18.18	1.65	10.0	18.18	1.65	10.0	18.18	1.65	10.0	18.18	1.65	10.0
5/8	10	29.28	32.21	2.93	10.0	32.21	2.93	10.0	32.21	2.93	10.0	32.21	2.93	10.0
5/8	25	62.28	68.51	6.23	10.0	68.51	6.23	10.0	68.51	6.23	10.0	68.51	6.23	10.0
5/8	30	73.28	80.61	7.33	10.0	80.61	7.33	10.0	80.61	7.33	10.0	80.61	7.33	10.0
1	10	30.65	33.72	3.07	10.0	33.72	3.07	10.0	33.72	3.07	10.0	33.72	3.07	10.0
1	20	52.65	57.92	5.27	10.0	57.92	5.27	10.0	57.92	5.27	10.0	57.92	5.27	10.0
1	50	118.65	130.52	11.87	10.0	130.52	11.87	10.0	130.52	11.87	10.0	130.52	11.87	10.0
1	100	228.65	251.52	22.87	10.0	251.52	22.87	10.0	251.52	22.87	10.0	251.52	22.87	10.0
4	500	1,031.75	1,134.93	103.18	10.0	1,134.93	103.18	10.0	1,134.93	103.18	10.0	1,134.93	103.18	10.0
4	1,000	1,831.75	2,014.93	183.18	10.0	2,014.93	183.18	10.0	2,014.93	183.18	10.0	2,014.93	183.18	10.0
6	2,500	4,279.75	4,707.73	427.98	10.0	4,707.73	427.98	10.0	4,707.73	427.98	10.0	4,707.73	427.98	10.0
6	5,000	8,279.75	9,107.73	827.98	10.0	9,107.73	827.98	10.0	9,107.73	827.98	10.0	9,107.73	827.98	10.0
8	10,000	15,577.75	17,135.53	1,557.78	10.0	17,135.53	1,557.78	10.0	17,135.53	1,557.78	10.0	17,135.53	1,557.78	10.0
8	15,000	22,827.75	25,110.53	2,282.78	10.0	25,110.53	2,282.78	10.0	25,110.53	2,282.78	10.0	25,110.53	2,282.78	10.0
Farmington, Greenland, Growth Area, and Wheeler														
5/8	5	20.73	22.80	2.07	10.0	22.80	2.07	10.0	22.80	2.07	10.0	22.80	2.07	10.0
5/8	10	36.73	40.40	3.67	10.0	40.40	3.67	10.0	40.40	3.67	10.0	40.40	3.67	10.0
5/8	25	77.98	85.78	7.80	10.0	85.78	7.80	10.0	85.78	7.80	10.0	85.78	7.80	10.0
5/8	30	91.73	100.90	9.17	10.0	100.90	9.17	10.0	100.90	9.17	10.0	100.90	9.17	10.0
1	10	38.47	42.32	3.85	10.0	42.32	3.85	10.0	42.32	3.85	10.0	42.32	3.85	10.0
1	20	65.97	72.57	6.60	10.0	72.57	6.60	10.0	72.57	6.60	10.0	72.57	6.60	10.0
1	50	148.47	163.32	14.85	10.0	163.32	14.85	10.0	163.32	14.85	10.0	163.32	14.85	10.0
1	100	285.97	314.57	28.60	10.0	314.57	28.60	10.0	314.57	28.60	10.0	314.57	28.60	10.0
White River														
5/8	5	27.25	28.74	1.49	5.5	28.74	1.49	5.5	28.74	1.49	5.5	28.74	1.49	5.5
5/8	10	41.00	46.34	5.34	13.0	46.34	5.34	13.0	46.34	5.34	13.0	46.34	5.34	13.0
5/8	25	77.25	91.72	14.47	18.7	91.72	14.47	18.7	91.72	14.47	18.7	91.72	14.47	18.7
5/8	30	88.50	106.84	18.34	20.7	106.84	18.34	20.7	106.84	18.34	20.7	106.84	18.34	20.7
Wholesale														
	500	1,408.20	1,549.02	140.82	10.0	1,549.02	140.82	10.0	1,549.02	140.82	10.0	1,549.02	140.82	10.0
	1,000	2,758.20	3,034.02	275.82	10.0	3,034.02	275.82	10.0	3,034.02	275.82	10.0	3,034.02	275.82	10.0
	2,500	6,808.20	7,489.02	680.82	10.0	7,489.02	680.82	10.0	7,489.02	680.82	10.0	7,489.02	680.82	10.0
	5,000	13,558.20	14,914.02	1,355.82	10.0	14,914.02	1,355.82	10.0	14,914.02	1,355.82	10.0	14,914.02	1,355.82	10.0

**Alternative 1
Across-the-Board Rate Increase**

**City of Fayetteville
Wastewater Utility**

Proposed Rates

Years 2003, 2004, and 2005

(Proposed Rates Effective January 1 of each year shown)

	Existing Rates		2004		2005		2006	
	Fayetteville	Outside City	Fayetteville	Outside City	Fayetteville	Outside City	Fayetteville	Outside City
Volume Charge - \$/1,000 gallons								
Residential	2.39	4.00	2.61	4.36	2.84	4.75	3.10	5.18
Commercial	1.87	4.00	2.04	4.36	2.22	4.75	2.42	5.18
All Retail								
Elkins		1.80		1.96		2.14		2.33
Minimum Bill - \$/month								
5/8"	8.00	9.60	8.72	10.46	9.50	11.41	10.36	12.43
3/4"	9.25	11.10	10.08	12.10	10.99	13.19	11.98	14.37
1"	10.40	12.48	11.34	13.60	12.36	14.83	13.47	16.16
1 1/2"	14.54	17.45	15.85	19.02	17.27	20.73	21.99	22.60
2"	19.36	23.23	21.10	25.32	23.00	27.60	31.44	31.45
3"	40.40	48.48	46.31	52.84	50.77	57.60	73.01	73.04
4"	71.11	85.33	77.51	93.01	84.49	101.38	120.26	120.31
6"	135.75	162.90	149.26	177.56	163.64	193.54	238.37	238.47
8"	213.08	255.70	232.26	278.71	253.16	303.80	356.48	356.63

Excess Strength Surcharge - \$/lb

BOD over 300 mg/l

Suspended Solids over 300 mg/l

mg/l - milligrams per liter

0.2061	0.2246
0.1030	0.1123
0.2669	0.2449
0.1334	0.1224

Alternative 1
Across-the-Board Rate Increase

City of Fayetteville
Wastewater Utility

Comparison of Typical Monthly Wastewater Bills
Under Existing and Proposed Rates
(Proposed Rates Effective January 1 of each year shown)

Meter Size inches	Usage 1,000 gal.	Existing Rates \$	2004 Proposed Rates		2005 Proposed Rates		2006 Proposed Rates	
			Amount \$	Increase \$ %	Amount \$	Increase \$ %	Amount \$	Increase \$ %
Fayetteville								
Residential								
5/8	5	19.95	21.75	1.80	23.70	3.75	25.84	5.89
5/8	10	31.90	34.77	2.87	37.90	6.00	41.31	9.41
5/8	25	67.75	73.85	6.10	80.49	12.74	87.74	19.99
5/8	30	79.70	86.87	7.17	94.69	14.99	103.21	23.51
Commercial								
1	10	29.10	31.72	2.62	34.57	5.47	37.69	8.59
1	20	47.80	52.10	4.30	56.79	8.99	61.90	14.10
1	50	103.90	113.25	9.35	123.44	19.54	134.55	30.65
1	100	197.40	215.17	17.77	234.53	37.13	255.64	58.24
Industrial								
4	500	1,006.11	1,096.66	90.55	1,195.36	189.25	1,331.11	325.00
4	1,000	1,941.11	2,115.81	174.70	2,306.23	365.12	2,541.96	600.85
6	2,500	4,810.75	5,245.01	434.26	5,718.01	907.26	6,292.63	1,481.88
6	5,000	9,485.75	10,340.76	855.01	11,272.37	1,786.62	12,346.89	2,861.14
8	10,000	18,913.08	20,615.26	1,702.18	22,470.63	3,557.55	24,573.52	5,660.44
8	15,000	28,263.08	30,806.76	2,543.68	33,579.37	5,316.29	36,682.05	8,418.97
Outside City								
Residential								
5/8	5	29.60	32.26	2.66	35.17	5.57	38.33	8.73
5/8	10	49.60	54.06	4.46	58.93	9.33	64.23	14.63
5/8	25	109.60	119.46	9.86	130.22	20.62	141.94	32.34
5/8	30	129.60	141.26	11.66	153.98	24.38	167.84	38.24

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51, WATER AND SEWERS, OF THE CODE OF FAYETTEVILLE, TO CHANGE NOMENCLATURE; AND ADJUST WATER AND SEWER RATES CONSISTENT WITH THE RECOMMENDATIONS OF THE BLACK & VEATCH RATE STUDY.

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

Section 1. That Chapter 51: Water and Sewers, Code of Fayetteville is hereby amended by deleting all references to the "**Public Works Director**" and the "**Water & Sewer Services Superintendent**", and replacing them with "the Water & Wastewater Director or designee, or the Finance & Internal Services Director, or designee."

Section 2. That §§ 51.136 & 51.137 of the Code of Fayetteville are hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in their stead.

PASSED and APPROVED this 16th day of September, 2003.

APPROVED:

By DAN COODY, Mayor

ATTEST:

By SONDRA SMITH, City Clerk

EXHIBIT "A"

51.136 Monthly Water Rates

Effective as of the first billing statements issued after December 31, 2003, the following monthly rates shall be fixed as rates to be charged for water furnished by the waterworks system of the city, which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged:

(A) Monthly treated water rates.

- (1) The water usage of each customer shall be determined each month by meter measurement and the amount per 1,000 gallons to be paid for water usage by each customer shall be computed on the basis of the following schedule of rates. The minimum billing shall be 1,000 gallons per month.

Table A
Monthly Water Rates

Usage Rate (In gallons)	Inside City	Outside City
First 10,000	\$2.85	\$3.10
Next 290,000	2.55	2.65
Next 4,700,000	2.30	2.45
Over 5,000,000	2.00	2.10

- (2) All bills under such schedule shall be computed by adding the applicable meter service charge prescribed by subsection (B) to the amount determined to be due for water usage under this schedule. Applicable sales tax and franchise fees shall be added to the bill so computed.

- (3) When a common facility/building is served by multiple water meters and the water usage is for the same purpose, customers may petition the Water & Wastewater Director and/or the Finance & Internal Services Director to have the water consumption aggregated and have the tiered rates apply to the aggregated quantity.

(B) Monthly meter service charge.

- (1) In addition to the above, each customer shall pay a monthly meter service charge in accordance with the following schedule:

EXHIBIT "A"

Table B
Monthly Meter Service Charge*

Meter Size	Inside City	Outside City
5/8 inch	\$ 3.97	\$ 4.97
3/4 inch	5.40	6.79
1 inch	7.40	9.33
1 1/2 inch	13.12	16.59
2 inch	18.83	23.85
3 inch	43.99	55.80
4 inch	72.58	92.11
6 inch	144.04	182.86
8 inch	215.51	273.63

(2) The monthly treated water rates and the monthly meter service charge rates prescribed by subsections (A) and (B) of this section shall commence as of the first billing statements issued after December 31, 2003 for those customers outside the city limits receiving city water, and shall continue until such time as said customers either go off service or until such time as a revised rate structure is adopted by the City Council. Customers served through the white river water district system will pay the outside city rate plus an additional \$5.94 per the monthly service charge specific to this subsystem.

(c) *Monthly standby fire protection service charge.* Charges for unmetered service connections inside the city limits for standby fire protection and fire hydrants shall be:

Table C
Monthly Standby Fire Protection Service Charge

Line Size	Inside City	Outside City
2 inch	\$ 4.00	\$ 4.00
3 inch	12.00	12.00
4 inch	23.00	25.00
6 inch	64.00	69.00
8 inch	134.00	140.00
10 inch	230.00	248.00

* Includes \$0.25 Safe Water Act Fee

EXHIBIT "A"

(E) Monthly wholesale treated water rates outside city limits shall be:

Table D
Monthly Wholesale Treated Water Rates - Outside City Limits

Usage Rate Per 1,000 Gallons	\$ 2.01
Reduced demand	1.81
Meter charge	55.55

(F) Monthly charge for fire hydrants provided water by the city for municipalities and/or districts outside the city limits for billing statements issued after December 31, 2003 shall be \$10.00 per hydrant per month.

51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.* All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

(1) Monthly quantity charge:

Table E-1
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2003

Residential	\$2.49
Commercial/Industrial	2.49
Outside city limits	6.03
Elkins	5.24

Table E-2
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2004

Residential	\$ 2.71
Commercial/Industrial	2.71
Outside city limits	6.57
Elkins	5.71

Table E-3
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning December 31, 2005

Residential	\$ 2.95
Commercial/Industrial	2.95
Outside city limits	7.16
Elkins	6.22

EXHIBIT "A"

(2) Monthly service charge:

**Table F-1 Monthly Service Charge
After December 31, 2003**

Meter Size	Inside City	Outside City
5/8 inch	\$ 7.27	\$ 8.72
3/4 inch	9.89	11.87
1 inch	13.57	16.28
1½ inch	24.08	28.90
2 inch	34.60	41.51
3 inch	80.85	97.02
4 inch	133.41	160.09
6 inch	264.82	317.78
8 inch	396.22	475.47

**Table F-2 Monthly Service Charge
After December 31, 2004**

Meter Size	Inside City	Outside City
5/8 inch	\$ 7.92	\$ 9.50
3/4 inch	10.78	12.94
1 inch	14.79	17.75
1½ inch	26.25	31.50
2 inch	37.71	45.25
3 inch	88.13	105.75
4 inch	145.42	174.50
6 inch	288.65	346.38
8 inch	431.88	518.26

**Table F-3 Monthly Service Charge
After December 31, 2005**

Meter Size	Inside City	Outside City
5/8 inch	\$ 8.63	\$ 10.35
3/4 inch	11.75	14.10
1 inch	16.12	19.35
1½ inch	28.61	34.33
2 inch	41.10	49.32
3 inch	96.06	115.27
4 inch	158.51	190.21
6 inch	314.63	377.56
8 inch	470.75	564.90

(B) Determination of charge for domestic customers.

- (1) (a) The monthly wastewater charge for domestic customers shall be based on 85% of the customer's monthly water usage.
- (b) Each domestic customer shall be required to make a \$50.00 service deposit with each application for sewer service. This service deposit shall be retained in trust, without interest, by the city finance department. When service to the

EXHIBIT "A"

depositor is discontinued permanently, said service deposit shall be applied to the final billing and the remainder, if any, returned to the depositor.

- (2) Domestic customers with a single water meter and an existing irrigation system may petition the Water & Wastewater Director within 36 months of the effective date of this ordinance revision, to install an irrigation meter and to request a waiver of the meter impact fee for the pre-existing irrigation demand.

(C) *Determination of charge for commercial and industrial customers.* In the case of commercial and industrial customers the monthly sewer charge shall be determined by applying the schedule of rates prescribed in subsection (A) of this section to the monthly water usage of such customers. In the event that a commercial or industrial customer discharging waste into the city's sanitary sewer system produces evidence to the water and sewer superintendent demonstrating that a substantial portion of the total amount of water from all sources used for all purposes does not reach the sanitary sewer which is in excess of the factors used in establishing the rates in division (A) of this section, an estimated percentage of total water consumption to be used in computing charges may be established by the water and sewer superintendent. The factors used in establishing said rates are on file in the office of the water and sewer superintendent and are incorporated herein by reference thereto. Any rate so adjusted by the water and sewer superintendent shall be effective for a 12-month period beginning with the billing for the month when rates adjudged hereby go into effect.

(D) *Extra Strength Surcharge.* For all commercial and industrial customers whose wastewater discharge is greater than 300 mg/l of BOD₅ and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

	<i>After December 31, 2003</i>	<i>After December 31, 2004</i>	<i>After December 31, 2005</i>
(1) Extra Strength BOD ₅ ---	\$0.3822/lb.	0.4166/lb.	0.4541/lb.
(2) Extra Strength TSS -----	\$0.2994/lb.	0.3263/lb.	0.3557/lb.

Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).

(E) *Definitions.*

For the purpose of this division the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) *Commercial, industrial customer or user.* All retail stores, restaurants, office buildings, laundries, and other private business and service establishments which contributes wastewater to the city's wastewater treatment plant. It shall include any nongovernmental, nonresidential user of publicly owned

EXHIBIT "A"

treatment works which is identified in the *Standard Industrial Classification Manual, 1972, Office of Management and Budget*, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services. It also includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users; legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

- (2) *Domestic customer or user.* Any contributor of wastewater to the city's treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.
- (3) *Infiltration/inflow.* The total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roofleaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash water, or drainage.
- (4) *Municipality.* A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste or other waste. The definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.
- (5) *Operation and maintenance.* Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in subsection (D)(1)(f) of this section.
- (6) *Replacement.* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (7) *Treatment works.* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement; remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply

EXHIBIT "A"

such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (8) *Useful life.* The estimated period during which a treatment works will be operated.
- (9) *User charge.* That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
- (10) *Water meter.* A water volume measuring and recording device, furnished and installed by the water department of the city.

(F) *Deposit of revenues; fund.*

- (1) The revenues from user charges collected by the city shall be deposited in a separate non-lapsing fund known as the operation, maintenance, and replacement fund.

- (2) Fiscal year-end balances in the operation, maintenance and replacement fund shall be used for no other purpose than those designated. Moneys which may be transferred from other sources to meet temporary shortages in the operations, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rates shall be adjusted so that the transferred moneys will be returned to their respective accounts within six months of the fiscal year in which moneys were borrowed.

(3) *Application for review; adjustments to user.*

- (a) Any user who feels his user charge is unjust and inequitable may make written application to the director of public works requesting a review of his user charge. The written request shall, where necessary, show actual or estimated flows and/or strength of his wastewater, including how the measurements were made.
- (b) A review of the request shall be made by the public works director and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength characteristics. In no case, however, shall

EXHIBIT "A"

allowances or adjustments be made for claims of sewage strengths less than 300 mg/l suspended solids and 300 mg/l of BOD₅.

(c) Any adjustments will be applicable to the next billing period.

(4) *Annual review by city; revision of rates; notification of user.*

(a) The city shall review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement, and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes.

(b) The city shall notify each user at least annually, in conjunction with a regular bill, of the rates being charged for operation, maintenance and replacement of the treatment works.

DRAFT

Table W-19

**City of Fayetteville
Water Utility
Proposed Rates
Years 2003, 2004, and 2005
(Proposed Rates Effective January 1 of each year shown)**

	2004		2005		2006	
	Fayetteville	Outside City (a)	Fayetteville	Outside City (a)	Fayetteville	Outside City (a)
Volume Charge - \$/1,000 gallons						
First 10,000 gallons	2.85	3.10	2.85	3.10	2.85	3.10
Next 290,000 gallons	2.55	2.65	2.55	2.65	2.55	2.65
Next 4,700,000 gallons	2.30	2.45	2.30	2.45	2.30	2.45
Over 5,000,000 gallons	2.00	2.10	2.00	2.10	2.00	2.10
Minimum Bill (b) - \$/month						
5/8"	3.97	4.97	3.97	4.97	3.97	4.97
3/4"	5.40	6.79	5.40	6.79	5.40	6.79
1"	7.40	9.33	7.40	9.33	7.40	9.33
1 1/2"	13.12	16.59	13.12	16.59	13.12	16.59
2"	18.83	23.85	18.83	23.85	18.83	23.85
3"	43.99	55.80	43.99	55.80	43.99	55.80
4"	72.58	92.11	72.58	92.11	72.58	92.11
6"	144.04	182.86	144.04	182.86	144.04	182.86
8"	215.51	273.63	215.51	273.63	215.51	273.63
Wholesale Water Rates						
Volume Charge - \$/1,000 gallons		2.01		2.01		2.01
Reduced Demand (c) - \$/1,000 gallons		1.81		1.81		1.81
Meter Charge - \$/month		55.55		55.55		55.55
Private Fire Protection - \$/month						
2"	4.00	4.00	4.00	4.00	4.00	4.00
3"	12.00	12.00	12.00	12.00	12.00	12.00
4"	23.00	25.00	23.00	25.00	23.00	25.00
6"	64.00	69.00	64.00	69.00	64.00	69.00
8"	134.00	145.00	134.00	145.00	134.00	145.00
10"	230.00	248.00	230.00	248.00	230.00	248.00
Public Fire Protection - \$ (d)						
		10.00		10.00		10.00

(a) Under proposed rates, White River will pay outside City rates plus an additional \$5.94 per month.

(b) Includes \$0.25 Safe Water Act Fee.

(c) Applicable to customers with a storage capacity at least 2.5 times the average daily usage whose maximum daily usage does not exceed 2.0 times average daily usage.

(d) Per hydrant per month.

Table S-19

**City of Fayetteville
Wastewater Utility
Proposed Rates
Years 2003, 2004, and 2005
(Proposed Rates Effective January 1 of each year shown)**

	2004		2005		2006	
	Fayetteville	Outside City	Fayetteville	Outside City	Fayetteville	Outside City
Volume Charge - \$/1,000 gallons						
All Retail	2.49	6.03	2.71	6.57	2.95	7.16
Elkins		5.24		5.71		6.22
Minimum Bill - \$/month						
5/8"	7.27	8.72	7.92	9.50	8.63	10.35
3/4"	9.89	11.87	10.78	12.94	11.75	14.10
1"	13.57	16.28	14.79	17.75	16.12	19.35
1 1/2"	24.08	28.90	26.25	31.50	28.61	34.33
2"	34.60	41.51	37.71	45.25	41.10	49.32
3"	80.85	97.02	88.13	105.75	96.06	115.27
4"	133.41	160.09	145.42	174.50	158.51	190.21
6"	264.82	317.78	288.65	346.38	314.63	377.56
8"	396.22	475.47	431.88	518.26	470.75	564.90
Excess Strength Surcharge - \$/lb						
BOD over 300 mg/l	0.3822		0.4166		0.4541	
Suspended Solids over 300 mg/l	0.2994		0.3263		0.3557	

mg/l - milligrams per liter

August 7, 2003

Alderman Robert Reynolds
P.O. Box 1625
Fayetteville, AR 72702

RE: Water and Wastewater Rate Study
Fayetteville Benchmarking Study
Overview and Preliminary Schedule

Dear Alderman Reynolds,

Attached for your review and reference, please find copies of the Water and Wastewater Rate Study and the Fayetteville Benchmarking Study as prepared by Black and Veatch. A detailed presentation on both work products is scheduled for a Water and Sewer Committee Meeting immediately following the City Council Agenda session on August 12, 2003, with more abbreviated presentations to follow as necessary.

This letter is provided to summarize the key issues and objectives of both activities and to outline a tentative schedule for City Council actions. The process planned for the water and wastewater rate changes provides ample lead time for stakeholder reviews while still complying with the schedule constraints imposed by external sources (Arkansas Soil and Water Conservation Commission, Beaver Water District, Water and Wastewater Operations Budget). Much of this work has been completed for some time; however, it was not prudent to bring these issues before the committee and City Council until formal approval of the rate study by the Arkansas Soil and Water Conservation Commission was received (copy of July 25, 2003 approval letter enclosed).

Based upon scheduling factors and external constraints, the proposed timeline for the water and wastewater rate changes are highlighted as follows:

TARGET DATE	ACTIVITY
August 12, 2003	Black and Veatch Presentation to Water and Sewer Committee
August 13, 2003 (8:00 am – 12:00 pm)	Open Workshop for local elected officials, contract customers and other extended concerns – Black and Veatch to chair workshop
September 16, 2003	First Reading of Rate Change Ordinance-preceded by Black and Veatch overview
October 7, 2003	Second Reading of Rate Change

	Ordinance
October 21, 2003	Third and Final Reading of Rate Change Ordinance
October, 2003	Submit Rate Change Ordinance to Arkansas Soil and Water Conservation Commission
November, 2003	Beaver Water District to institute a 15% rate increase for customers
January, 2004	Billings to Fayetteville customers reflect water and wastewater rate changes

Integrated within these proposed milestone dates will be media notices, customer billing inserts, public meeting (if necessary), large-customer notices, and other public information tasks found appropriate.

WATER AND WASTEWATER RATE STUDY SUMMATION

- Water rates will increase an average of 10%, primarily as a result of bulk water rate increase by Beaver Water District
- Wastewater rates will increase by an average of 9%, reflecting the first step of a 28% total cost increase associated with the wastewater system improvement
- New policy allows contiguous integrated complexes to stack their water use, once customer charges are satisfied
- New rate methodology which bases wastewater charges on water charges is proposed to mirror utility industry practices, reduce administrative burdens and improve billing accuracy. Removal of winter averaging includes a compensating reduction in residential charges, making this a revenue-neutral methodology change
- New water and wastewater rates have been similarly completed for all customer classes and service jurisdictions providing an equitable distribution of expenses using cost of service

FAYETTEVILLE BENCHMARKING STUDY OBJECTIVES

- Various performance measures for similar utility systems have been completed to allow a comparative analysis of Fayetteville with peer communities
- Benchmarking data will be analyzed to reveal current operating strengths
- Benchmarking data will be critically evaluated to reveal opportunities for further improvements in operations
- Benchmarking information is being reviewed by department managers, and will be used for strategic improvements in future operations

CONCLUSIONS AND RECOMMENDATIONS

The immediate actions to be considered by the Fayetteville City Council relate only to utility rate methodology and rate structure, the benchmarking data will be used for continuing strategic analysis of operations. The recommended changes to water and

wastewater rate systems are necessary to maintain solvency of the enterprise operations and are consistent with communications set forth during the wastewater projects sales tax election. The recommended actions set forth in the proposed ordinance pose changes as follows:

- ✓ Replace winter averaging with an equivalent reduction in the residential rates-revenue neutral
- ✓ Allow stacking of water use for large complexes
- ✓ Institute nominal 10% water rate increase in 2004
- ✓ Phase in 9% wastewater rate increase in 2004 (part of 28% rate increase linked to wastewater improvement project)

We respectfully recommend the City Council's approval of the water and wastewater rate system changes.

Very truly yours,

CITY OF FAYETTEVILLE, ARKANSAS

Greg Boettcher
Water & Wastewater Director

Stephen Davis
Finance & Internal Services Director

cc: Hugh Earnest, Chief Administrative Officer
David Jurgens, Water & Sewer Maintenance Superintendent
Don Osburn, Water Services Supervisor
Rainy Laycox, Business Office Supervisor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and
Fayetteville City Council

FROM: Greg Boettcher, P.E., *GB*
Water & Wastewater Director

COPY: Steve Davis, Hugh Earnest, Kit Williams

DATE: July 23, 2003

RE: **Rate Adjustment Notification**
External Customer Groups

Under the terms of our contracts with external customer groups, it is necessary that written notice be provided for forthcoming rate schedule adjustments. A copy of the typical letter being forwarded to such entities is attached for your information. Detailed information on adjustments, justifications and recommended actions will be provided to you in the coming weeks. This information is provided for your awareness should any of these entities report same to the media. Our external customer notifications were mailed to:

- **City of Elkins**
- **City of Farmington**
- **City of Goshen**
- **City of Greenland**
- **City of Johnson**
- **Mount Olive Water Authority**
- **City of West Fork**
- **Washington County Rural Development Authority**

THE CITY OF FAYETTEVILLE, ARKANSAS

July 23, 2003

Mayor Wallace Brt
City of Elkins
P.O. Box 331
Elkins, AR 72727

RE: WATER AND WASTEWATER RATE ADJUSTMENT
Water Purchase Contract-May 21, 1991
Wastewater Service Contract-July 23, 1981

Dear Mayor Brt:

In accordance with the provisions of the above noted contracts, this letter is provided as notice of a pending adjustment to the Elkins' rate schedule. The City of Fayetteville has retained Black and Veatch of Kansas City, Missouri to perform a cost of service study for Fayetteville's water and wastewater enterprises. The use of this firm complies with the determinations made sometime prior to 1991 by a joint selection committee that said firm perform such financial analyses. This study has been completed, and is currently under the review of the Arkansas Soil and Water Conservation Commission. We expect to receive written approval of the cost of service findings, enabling formal consideration of the recommended adjustments by Fayetteville government in the coming months. The nature and effective date of water and wastewater rate adjustments cannot be guaranteed at this time, as final decisions rest with our elected officials.

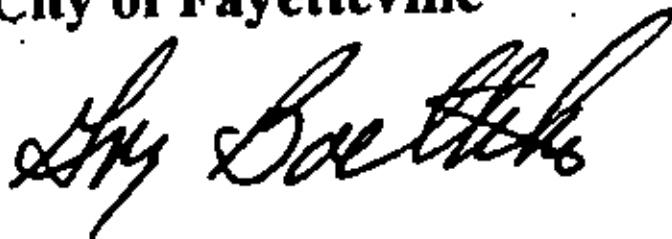
A tentative schedule has been proposed for the implementation of the adjusted cost of services, with key activities being noted as follows:

August 12, 2003	Fayetteville Water and Sewer Committee receives rate study presentation by Black and Veatch
August 13, 2003	Continuous rate study workshop in room 326, City Hall, Fayetteville, Arkansas for neighboring community representatives (Elkins, Farmington, Goshen, Greenland, Farmington, Johnson, Mount Olive Water Authority and West Fork)
September 2003	Fayetteville City Council considers water and wastewater rate adjustments
November 2003	Beaver Water District Rate Increase becomes effective
January 2004	Customer billings after January 1, 2004 reflect water and wastewater cost of service adjustments

The details of the water and wastewater rate adjustments will be defined in explicit terms for our customers in the coming months. Due to the use of "cost of service" methodology, the adjustments proposed will vary according to customer class to provide an equitable rate structure. The primary factor in the water rate adjustment is the increased cost of potable water being levied by Beaver Water District. The upgrading, expansion and enhancement of this water supply requires a rate increase to meet operation, maintenance and debt service obligations. Similarly, the improvement of the Fayetteville wastewater system and increasingly stringent operating requirements necessitate rate adjustments to meet growing operation, maintenance and replacement costs. The wastewater rate service adjustments are softened dramatically by Fayetteville citizens approving a 3/4-cent sales tax to make debt service payments on the \$125 million of capital costs. This action reduced the typical customer's wastewater rate increase from 134% to only 28%. In the current cost of service rate study, only a portion of the rate increase is to be implemented in 2004. Such an approach will allow customers to be transitioned gradually to the new wastewater service charges, matching the phased expense increases.

We will be in contact as firm dates for meetings are developed. Should there be questions, please feel free to contact either Steve Davis or the undersigned at 479-575-8330.

Sincerely,
City of Fayetteville



Greg Boettcher
Water & Wastewater Director

GB/pkh

cc: Kit Williams
Hugh Earnest
David Jurgens



Steve D

Arkansas Soil & Water Conservation Commission



J.Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
www.accessarkansas.org/aswcc

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: aswcc@mail.state.ar.us

Mike Huckabee
Governor

WSIF - DESIGN -
Amend Chapter 5, 1986 Uniform Water Rates
COSTS FILE (1040)
Page 45 of 70

July 25, 2003

The Honorable Dan Coody
Mayor, City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RECEIVED

JUL 28 2003

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

RE: Arkansas Soil and Water Conservation Commission – Arkansas Clean Water State Revolving
Loan Fund Program – City of Fayetteville – 00183-CWRLF-L– User Charge System

Dear Mayor Coody:

The proposed User Charge System, comprised of the User Charge Ordinance and RLF-122 rate structure documentation, is approved and a copy is enclosed for your project records.

Amendment number 1 to the Memorandum of Agreement, dated March 24, 2003, between the City of Fayetteville and the Arkansas Soil and Water Conservation Commission requires that the enacted rate ordinance be submitted by January 5, 2004. When you officially enact the Ordinance, please submit the following documents to our office:

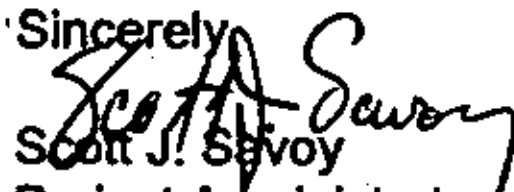
1. Certified copy of the Ordinance
2. Proof of publication of the notice of public hearing
3. Transcript or minutes of the public hearing
4. Proof of publication of the User Charge Ordinance

Any future Ordinances affecting your rate structure must be in accordance with program requirements and must be approved by the Commission before enactment.

At some point in the near future, your Bond Counsel should begin preparation of the draft Bond Ordinance and Bond Purchase Agreement for this project. Considering application certification is not estimated until April 2004 and construction might not be ready to commence until May 2004, it is still premature; however, when the City is ready to involve its Bond Counsel, I recommended that he/she contact me to establish a tentative schedule regarding the preparation and submittal of these documents for review.

Thank you for your interest and cooperation in bringing this project closer to completion. If you have any questions or need assistance, please contact me at (501) 682-3086 or e-mail scott.savoy@mail.state.ar.us.

Sincerely,


Scott J. Savoy
Project Administrator

Enclosure

cc: Greg Boettcher, P.E, Water & Wastewater Director, 113 West Mountain Street, Fayetteville, AR
72701 w/enclosure

An Equal Opportunity Employer

PROPOSED USER CHARGE SYSTEM CHECKLIST

PROJECT NAME: Fayetteville, ARKANSAS

PROJECT NUMBER: CS-050803-03

YES NO

- ☒ ☐ 1. Each user (or user class) pays its proportionate share of operation, maintenance and replacement (OM&R) costs based upon their total wastewater discharge into the system.
- ☒ ☐ 2. The UCS has an adequate surcharge system for excessive strength wastewater discharges.
- ☒ ☐ 3. All users are notified annually, in conjunction with a regular bill, of the rate and portion of user charges which are attributable to wastewater treatment costs for OM&R. If notification is not through a regular bill, list other method: _____
- ☒ ☐ 4. Provide for an adequate financial management system?
- ☒ ☐ 5. Account accurately for all revenues generated by the system derived from OM&R, administration and debt service charges?
- ☐ ☒ 6. Will the project involve a revenue-producing technology? If not, mark N/A. If so,
- a. List annual revenue estimate: \$ _____.
- b. Does UCS include method to adjust user charges to account for this revenue?

- ☒ ☐ 7. Does the project accept wastewater from other municipalities? If not, mark N/A. If so,
- ☒ ☐ a. Are these municipalities subject to the applicant's User Charge System?
- ☒ ☐ b. If not, refer to Procedures For User Charge System, Section IIB, for review guidance.
- ☒ ☐ 8. The proposed User Charge Ordinance states that it will take precedence over all existing terms, ordinances, agreements or contracts pertaining to User Charges that conflict with its provisions.

X 9. Are User Charge rates consistent with project cost estimates contained in the Facility Plan (FP), Environmental Information Document (EID) and financial capability analysis? If not, discuss the situation with the Environmental Review Coordinator to see if a new Public Hearing will be necessary or if the FP, EID or Finding of No Significant Impact will need to be amended.

X 10. Is a pretreatment program in existence or required for this project? If so, list annual pretreatment costs: \$ _____

Indicate how these costs are/will be distributed among affected parties:

Pretreatment is user responsibility, only costs are extra strength surcharges

11.	Total Project Cost:	\$ 125,000,000
	RLF Amount:	\$ 100,000,000
	Local Funds:	\$ 25,000,000
	Other Funding Sources:*	\$ _____

*Note: List Other Funding Agencies:

12.	Annual OM&R Costs:	
	Operation:	\$ 9,914,344
	Maintenance:	\$ 1,351,956
	Replacement:	\$ 168,600
	Total:	\$ 11,434,900
13.	Annual Debt Service Costs:	
	Existing:	\$ 390,000
	Future:	\$ (sales tax to pay new debt service)
	Total:	\$ 390,000

14. Total Annual UCS Costs (12 + 13):
\$ 11,824,900

Total Annual UCS Revenue (Estimate)
\$ 12,389,500

If expenses exceed revenues, consult Planning Section Manager for guidance.

15. Does the proposed User Charge Ordinance contain the following information:

- ☒ a. Defines purpose of Ordinance and how revenue will be utilized.
- ☒ b. Incorporates RLF model ordinance terminology.
- ☒ c. Rate structure and minimum bill are clearly defined so that rates and charges, which are subject to annual revision, can be easily changed without affecting other sections of the Ordinance.
- ☒ d. Defines appeal procedures for users who question rates and actions for delinquent payment.
- ☒ e. Ordinance contains invalidity clause.

Reviewed By: Steffi Savary (Project Administrator)

Comments:

The purpose of this proposed User Charge Ordinance is well defined with RLF model ordinance terminology incorporated throughout.

NOTE: Ensure That the User Charge System Methodology is attached.

Financial Capability Reviewed By: Regina Funch

RLF Fund Manager's Comments:

[Signature]

[Signature]

Date comment letter sent regarding deficiencies: _____

Date approval letter drafted (RLF-31): _____

-2-

IV. User Charge Calculation:

COPY

- A. The user charge methodology and costs are set forth in the attached study titled "Draft Report on Revenue Requirements, Costs of Service and rates for water and Wastewater Service" as developed by Black and Veatch in March of 2003. User charge design considers fixed and variable costs of service with equitable allocations of the costs to the various customer classes.
- B. The proposed rates that will be in effect in 2006 (using a phase in of the design rate over several years) are set forth in the following table as per the rate study:

VOLUME CHARGES-COST PER 1,000 GALLONS

RATE CATEGORY	EXISTING	2006
Residential-Fayetteville	\$2.39	\$2.95
Residential-Outside City	\$4.00	\$7.16
Commercial-Fayetteville	\$1.87	\$2.95
Commercial-Outside City	\$4.00	\$7.16
Retail-Fayetteville		\$2.95
Retail-Outside City		\$7.16
Elkins-Wholesale	\$1.80	\$6.22

CUSTOMER CHARGES-MINIMUM MONTHLY COST

Meter Size	Existing-Fayetteville	2006-Fayetteville	Existing-Outside	2006-Outside
5/8"	\$8.00	\$8.63	\$9.60	\$10.35
3/4"	\$9.25	\$11.75	\$11.10	\$14.10
1"	\$10.40	\$16.12	\$12.48	\$19.35
1-1/2"	\$14.54	\$28.16	\$17.45	\$34.33
2"	\$19.36	\$41.10	\$23.23	\$49.32
3"	\$40.40	\$96.06	\$48.48	\$115.27
4"	\$71.11	\$158.51	\$85.33	\$190.21
6"	\$135.75	\$314.63	\$162.90	\$377.56
8"	\$213.08	\$470.75	\$255.70	\$564.90

EXTRA STRENGTH SURCHARGE-COST PER POUND

Parameter	Current Charge	2006 Charge
BOD over 300mg/l	\$0.2061	\$0.4541
Suspended Solids over 300 mg/l	\$0.1030	\$0.3557

ASWCC MINIMUM REQUIREMENT

FAYETTEVILLE-CLEAN WATER RATE PRESENTATION - CURRENT RATES		00183-CWSRF-L REVISED 6/10/03	
LOAN AMOUNT \$100,000,000		MINIMUM GALLONS BILLED 1,000	
RATE 3.25%		<u>CUSTOMER CHARGES-MINIMUM MONTHLY COST</u>	
TERM 20 YEARS		5/8" METER SIZE	
ANNUAL BILLABLE WATER			
FAYETTEVILLE	2,936,201,000 EST.	FAYETTEVILLE	\$8.00
OUTSIDE CITY	115,645,000 EST.	OUTSIDE CITY	\$9.60
ELKINS-WHOLESALE	12,954,000 EST.		
	3,064,800,000		
OPERATION & MAINTENANCE \$11,637,900		<u>VOLUME CHARGE PER 1,000 GALLONS</u>	
REPLACEMENT \$0		FAYETTEVILLE	\$2.39
ANNUAL OM&R REQUIRED \$11,637,900		OUTSIDE CITY	\$4.00
		ELKINS-WHOLESALE	\$1.80
CURRENT DEBT SERVICE \$390,045			
RLF DEBT SERVICE \$0 PAID BY SALES TAX			
ANNUAL DEBT SERVICE REQ. \$390,045			
USER CLASSES/NO. OF CUSTOMERS PER CLASS			
FAYETTEVILLE-RES.	21,361 2000 + EST.		
OUTSIDE CITY-RES.	1,672		
FAYETTEVILLE-COMM	1,477		
OUTSIDE CITY-COMM	71		
TOTAL NO. OF USERS	24,581		
<u>MINIMUM BILL FOR FAYETTEVILLE-RESIDENTIAL</u>		<u>CUSTOMER CHARGES-MINIMUM MONTHLY COST</u>	
\$8.00 MINIMUM MONTHLY COST		FAYETTEVILLE-RES.	\$8.00 X 21,361 X 12 MO. = \$2,050,656
\$2.39 VOLUME CHARGE 1,000 GAL		OUTSIDE CITY-RES	\$9.60 X 1,672 X 12 MO. = \$192,614
\$10.39 MINIMUM BILL FOR 1,000 GAL/MO		FAYETTEVILLE-COMM	\$8.00 X 1,477 X 12 MO. = \$141,792
		OUTSIDE CITY-COMM	\$9.60 X 71 X 12 MO. = \$8,179
			24,581
<u>BILL FOR 4,000 GALLONS FAYETTEVILLE-RESIDENTIAL</u>		<u>TOTAL MINIMUM MONTHLY COST</u>	
\$8.00 MINIMUM MONTHLY COST			\$2,393,242
\$9.56 VOLUME CHARGE 4,000 GAL			
\$17.56 BILL FOR 4,000 GAL/MO			
<u>BILL FOR 6,000 GALLONS FAYETTEVILLE-RESIDENTIAL</u>			
\$8.00 MINIMUM MONTHLY COST			
\$14.34 VOLUME CHARGE 6,000 GAL			
\$22.34 BILL FOR 6,000 GAL/MO			
VOLUME CHARGE		IN 1,000 GALLONS	
	FAYETTEVILLE	\$2.39 X 2,936,201	\$7,017,521
	OUTSIDE CITY	\$4.00 X 115,645	\$462,579
	ELKINS-WHOLESALE	\$1.80 X 12,954	\$23,317
		3,064,800	
MINIMUM BILL FOR OUTSIDE CITY		TOTAL VOLUME CHARGE	\$7,503,417
\$9.60 MINIMUM MONTHLY COST			
\$4.00 VOLUME CHARGE 1,000 GAL		TOTAL REVENUE	\$9,896,659
\$13.60 MINIMUM BILL FOR 1,000 GAL/MO			
VARIOUS METER SIZES (5/8" TO 8")-USED 5/8"		REQUIRED DEBT SERV.	(\$390,045)
		REQUIRED OM&R	(\$11,637,900)
		NET	(\$2,131,287)

ASWCC MINIMUM REQUIREMENT

FAYETTEVILLE-CLEAN WATER			
RATE PRESENTATION - PROPOSED RATES-Black & Veatch			
		REVISED	5/12/03
		MINIMUM GALLONS BILLED	1,000
LOAN AMOUNT	\$100,000,000	CUSTOMER CHARGES-MINIMUM MONTHLY COST	
RATE	3.25%	5/8" METER SIZE	
TERM	20 YEARS		
ANNUAL BILLABLE WATER		FAYETTEVILLE	\$8.63
FAYETTEVILLE	2,936,201,000 EST.	OUTSIDE CITY	\$10.35
OUTSIDE CITY	115,645,000 EST.		
ELKINS-WHOLESALE	12,954,000 EST.		
	3,064,800,000		
OPERATION & MAINTENANCE	\$11,637,900		
REPLACEMENT	\$0		
ANNUAL OM&R REQUIRED	\$11,637,900		
CURRENT DEBT SERVICE	\$390,045	VOLUME CHARGE PER 1,000 GALLONS	
RLF DEBT SERVICE	\$0	FAYETTEVILLE	\$2.95
ANNUAL DEBT SERVICE REQ.	\$390,045	OUTSIDE CITY	\$7.16
		ELKINS-WHOLESALE	\$6.22
USER CLASSES/NO. OF CUSTOMERS PER CLASS			
FAYETTEVILLE-RES.	21,361 2000 + EST.		
OUTSIDE CITY-RES.	1,672		
FAYETTEVILLE-COMM	1,477		
OUTSIDE CITY-COMM	71		
TOTAL NO. OF USERS	24,581		
MINIMUM BILL FOR FAYETTEVILLE-RESIDENTIAL		CUSTOMER CHARGES-MINIMUM MONTHLY COST	
\$8.63 MINIMUM MONTHLY COST		FAYETTEVILLE-RES.	\$8.63 X 21,361 X 12 MO. = \$2,212,145
\$2.95 VOLUME CHARGE 1,000 GAL		OUTSIDE CITY-RES.	\$10.35 X 1,672 X 12 MO. = \$207,662
\$11.58 MINIMUM BILL FOR 1,000 GAL/MO		FAYETTEVILLE-COMM	\$8.63 X 1,477 X 12 MO. = \$152,958
		OUTSIDE CITY-COMM	\$10.35 X 71 X 12 MO. = \$8,818
			24,581
BILL FOR 4,000 GALLONS FAYETTEVILLE-RESIDENTIAL		TOTAL MINIMUM MONTHLY COST	
\$8.63 MINIMUM MONTHLY COST			\$2,581,584
\$11.80 VOLUME CHARGE 4,000 GAL			
\$20.43 BILL FOR 4,000 GAL/MO			
BILL FOR 6,000 GALLONS FAYETTEVILLE-RESIDENTIAL			
\$8.63 MINIMUM MONTHLY COST			
\$17.70 VOLUME CHARGE 6,000 GAL			
\$26.33 BILL FOR 6,000 GAL/MO			
VOLUME CHARGE		IN 1,000 GALLONS	
	FAYETTEVILLE	\$2.95 X 2,936,201	\$8,661,794
	OUTSIDE CITY	\$7.16 X 115,645	\$828,016
	ELKINS-WHOLESALE	\$6.22 X 12,954	\$80,574
		3,064,800	
MINIMUM BILL FOR OUTSIDE CITY		TOTAL VOLUME CHARGE	\$9,570,384
\$10.35 MINIMUM MONTHLY COST			
\$7.16 VOLUME CHARGE 1,000 GAL		TOTAL REVENUE	\$12,151,968
\$17.51 MINIMUM BILL FOR 1,000 GAL/MO			
		REQUIRED DEBT SERV.	(\$390,045)
		REQUIRED OM&R	(\$11,637,900)
		NET	\$124,022

ASWCC MINIMUM REQUIREMENT

FAYETTEVILLE-CLEAN WATER RATE PRESENTATION - PROPOSED RATES		00183-CWSRF-L	REVISED	6/10/03
LOAN AMOUNT		\$100,000,000	MINIMUM GALLONS BILLED	1,000
RATE		3.25%	CUSTOMER CHARGES-MINIMUM MONTHLY COST	
TERM		20 YEARS	5/8" METER SIZE	
ANNUAL BILLABLE WATER			FAYETTEVILLE	\$8.00
FAYETTEVILLE		2,936,201,000 EST.	OUTSIDE CITY	\$9.60
OUTSIDE CITY		115,645,000 EST.		
ELKINS-WHOLESALE		12,954,000 EST.		
		3,064,800,000		
OPERATION & MAINTENANCE		\$11,637,900	VOLUME CHARGE PER 1,000 GALLONS	
REPLACEMENT		\$0	FAYETTEVILLE	\$3.20
ANNUAL OM&R REQUIRED		\$11,637,900	OUTSIDE CITY	\$4.20
CURRENT DEBT SERVICE		\$390,045	ELKINS-WHOLESALE-VOLUME ONLY	\$6.00
RLF DEBT SERVICE		\$0 PAID BY SALES TAX		
ANNUAL DEBT SERVICE REQ.		\$390,045		
USER CLASSES/NO. OF CUSTOMERS PER CLASS				
FAYETTEVILLE-RES.		21,361 2000 + EST.		
OUTSIDE CITY-RES.		1,672		
FAYETTEVILLE-COMM		1,477		
OUTSIDE CITY-COMM		71		
TOTAL NO. OF USERS		24,581		
MINIMUM BILL FOR FAYETTEVILLE-RESIDENTIAL		CUSTOMER CHARGES-MINIMUM MONTHLY COST		
\$8.00 MINIMUM MONTHLY COST		FAYETTEVILLE-RES.	\$8.00 X 21,361 X 12 MO. =	\$2,050,656
\$3.20 VOLUME CHARGE 1,000 GAL		OUTSIDE CITY-RES.	\$9.60 X 1,672 X 12 MO. =	\$192,614
\$11.20 MINIMUM BILL FOR 1,000 GAL/MO		FAYETTEVILLE-COMM	\$8.00 X 1,477 X 12 MO. =	\$141,792
		OUTSIDE CITY-COMM	\$9.60 X 71 X 12 MO. =	\$8,179
			24,581	
BILL FOR 4,000 GALLONS FAYETTEVILLE-RESIDENTIAL		TOTAL MINIMUM MONTHLY COST		
\$8.00 MINIMUM MONTHLY COST				\$2,393,242
\$12.80 VOLUME CHARGE 4,000 GAL				
\$20.80 BILL FOR 4,000 GAL/MO				
BILL FOR 6,000 GALLONS FAYETTEVILLE-RESIDENTIAL				
\$8.00 MINIMUM MONTHLY COST				
\$19.20 VOLUME CHARGE 6,000 GAL				
\$27.20 BILL FOR 6,000 GAL/MO				
VOLUME CHARGE		IN 1,000 GALLONS		
		FAYETTEVILLE	\$3.20 X 2,936,201	\$9,395,844
		OUTSIDE CITY	\$4.20 X 115,645	\$485,708
		ELKINS-WHOLESALE	\$6.00 X 12,954	\$77,724
			3,064,800	
MINIMUM BILL FOR OUTSIDE CITY		TOTAL VOLUME CHARGE		
\$9.60 MINIMUM MONTHLY COST				\$9,959,276
\$4.20 VOLUME CHARGE 1,000 GAL				
\$13.80 MINIMUM BILL FOR 1,000 GAL/MO				
		TOTAL REVENUE		
				\$12,352,518
VARIOUS METER SIZES (5/8" TO 8")-USED 5/8"		REQUIRED DEBT SERV.		
				(\$390,045)
		REQUIRED OM&R		
				(\$11,637,900)
		NET		
				\$324,572

JUL-22-2003 15:39



BLACK & VEATCH

11401 Lamar Avenue
Overland Park, Kansas 66211 USA

Tel: (913) 458-2000

P.02 B.1
Amend Chapter 51-136 Monthly Water Rates
Page 53 of 70

RECEIVED

JUL 15 2003

**CITY OF FAYETTEVILLE
MAYOR'S OFFICE**

Black & Veatch Corporation

July 14, 2003

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

Dear Mr. Davis:

In response to the Arkansas Soil & Water Conservation Commission letter dated June 25, 2003 regarding sewer charges to the City of Elkins, we are providing the following information.

The City of Fayetteville provides wastewater treatment service to the City of Elkins on a wholesale basis. Wastewater from Elkins is received into the Fayetteville system by way of a trunk sewer. As such, the City of Elkins does not utilize the smaller lateral sewer lines in the Fayetteville collection system, and should not share in costs associated with lateral sewer lines.

The allocation process is illustrated in the attached tables from our rate report. Table S-9 shows the allocation of net plant investment. Costs associated with larger trunk sewer lines are utilized by all customers inside and outside the City of Fayetteville, whether served on a retail or wholesale basis. Trunk sewer lines are therefore assigned to the "Common to All" category. Because lateral sewer lines are utilized by only those customers served on a retail basis, those costs are assigned to the "Retail Only" category.

Allocation of depreciation expense, shown in Table S-10, is similar to the allocation of net plant investment.

The result of the allocation process is that the rate for Elkins (\$6.22 per 1,000 gallons) is lower than the rate to other outside city customers such as Farmington, Greenland, and Growth Area that are served on a retail basis.

We trust the enclosed information adequately explains the rate differential in question. Should additional questions arise, however, we will be happy to respond.

Very truly yours,

BLACK & VEATCH CORPORATION

Blaine W. Bickel

Blaine W. Bickel

BWB/mdp
Enclosures

Table S-9

City of Fayetteville
Wastewater Utility
Allocation of Net Plant Investment
to Functional Cost Components
Test Year 2006

Line No		Total Net Plant Investment (a)	Common to All				Retail Only
			Volume	Wastewater Strength		Customer	
		\$	\$	BOD	SS	\$	Volume
							\$
	Collection System						
	G-12						
1	Trunk Sewer Lines	27,725,700	27,725,700				
2	Lateral Sewer Lines	14,164,200					14,164,200
3	Connections	640,200				640,200	
4	Subtotal Collection System	42,530,100	27,725,700	0	0	640,200	14,164,200
5	Wastewater Treatment Plant	113,126,100	45,250,500	45,250,400	22,625,200		
6	General Plant & Equipment	1,164,600	545,900	338,600	169,300	4,800	106,000
7	Total Net Plant Investment	156,820,800	73,522,100	45,589,000	22,794,500	645,000	14,270,200
	Percent of Total	100.0%	46.9%	29.1%	14.5%	0.4%	9.1%
(a)	Excludes contributed plant.						

Table S-10

**City of Fayetteville
Wastewater Utility
Allocation of Annual Depreciation Expense
to Functional Cost Components
Test Year 2006**

Line No		Total Plant Net Annual Depreciation (a)	Common to All				Retail Only Volume
			Volume	BOD	SS	Customer	
		\$	\$	\$	\$	\$	\$
	<u>Q-12</u>						
1	Collection System						
2	Trunk Sewer Lines	187,000	187,000				
3	Lateral Sewer Lines	302,300					302,300
4	Connections	26,000				26,000	
5	Subtotal Collection System	515,300	187,000	0	0	26,000	302,300
6	Wastewater Treatment Plant	3,540,900	1,416,300	1,416,400	708,200		
7	General Plant & Equipment	23,400	9,300	8,200	4,100	100	1,700
	Total Depreciation Expense	4,079,600	1,612,600	1,424,600	712,300	26,100	304,000
	Percent of Total	100.0%	39.5%	34.9%	17.5%	0.6%	7.5%

(a) Excludes contributed plant.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Amend Chapter 51.136 Monthly Water Rates
 B.1
 Page 56 of 70
 Left on 1st reading
 Left on 2d reading
 10/7/03

XX AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Greg Boettcher

Water & Wastewater Dir.

Water & Wastewater

Stephen Davis

Finance & Internal Services Dir.

Finance & Internal Services

Name

Division

Department

ACTION REQUIRED: Approve an ordinance amending (Chapter 51.136) the monthly water rates, monthly meter service charge, monthly standby fire protection service charge, monthly wholesale treated water rates outside city limits (Table W-19), add "Section 51.136 A(3) Customers may, when a common facility/building is served by multiple water meters and the water usage is for the same purpose for the water meters, petition the Water & Wastewater Director and/or the Finance & Internal Services Director to have the water consumption aggregated and have the tiered rates apply to the aggregated water quantity"; and amending monthly quantity charge, monthly services charge and extra strength surcharge (Table S-19), elimination of 51.137 B(1) and add "for domestic customers, the monthly wastewater charge shall be based on 85% of monthly water consumption"; add "Section 51.137 B(2) domestic customers with a single water meter and an existing irrigation system may petition the Water & Wastewater Director for extended time not to exceed 36 months from the adoption of the ordinance revisions to install an irrigation meter and be exempted from paying impact fees for the irrigation meter"; and amend the water and sewer ordinance (Chapter 51) to remove Public Works Director, Water & Sewer Services Superintendent and replace with Water & Wastewater Director or designee and/or Finance & Internal Services Director or designee, as appropriate.

SUMMARY EXPLANATION:

The City contracted with Black & Veatch to conduct a rate study in advance of the wastewater system improvements being completed. The rate study has been completed and contains the following recommendations: the water utility needs a rate adjustment of 10%. This rate adjustment is driven by the wholesale rate increase implemented by Beaver Water District. The wastewater utility needs a rate adjustment of 29.5% between 2003 and 2006. This rate adjustment is needed due to increased operational costs of the new wastewater treatment plant. The last time rates were adjusted for either utility was in 1997.

STAFF RECOMMENDATION: Approve ordinance revisions.

Division Head

Date

Received in Mayor's Office

9/3/03

Date

PH

D. J. Whit
 City Attorney

9/3/03
 Date

Department Director

Date

Cross Reference:

Greg Boettcher
Steph Davis
 Finance & Internal Services Dir.

8-25-03
8-25-03
 Date

Previous Ord/Res#:

W. J. Earned
 Chief Administrative Officer

9-03-03
 Date

Orig. Contract Date:

Orig. Contract Number:

Don Cooley
 Mayor

9/3/03
 Date

New Item:

Yes

No



Tabled to
 Nov. 18, 2003

City of Fayetteville

NOTICE TO BIDDERS

BID NO. 03-72 Heavy Duty Flash Mixer

The City of Fayetteville, Arkansas, will receive sealed bids at the City Administration Office, City Hall, Room 306, 113 West Mountain Street, Fayetteville, Arkansas until Nov. 14, 2003 at 11:00 a.m. for a heavy duty flash mixer.

Bid forms may be obtained from the Purchasing Office, located in Room 306, 3rd Floor of the City Administration Building or by downloading the bid documents from the Purchasing Website at www.accessfayetteville.org.

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

Peggy Vice
Purchasing Manager
479/575-8289



CITY OF FAYETTEVILLE
113 W. Mountain St.
Fayetteville, AR 72701
479-575-8289
INVITATION TO BID

BID #: 03-72

DATE ISSUED: November 5, 2003

DATE & TIME OF OPENING: November 14, 2003 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (479) 575-8289

DATE REQUIRED AS A COMPLETE UNIT: 30 days from Date of Order

***GUARANTEED DELIVERY DATE: _____**

F.O.B. Fayetteville, AR

THIS INVITATION TO BID IS BASED ON THE NEED FOR 1 UNIT, AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS, WAIVE FORMALITIES IN THE BIDDING, AND MAKE A BID AWARD DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

ITEM:	DESCRIPTION:	QUANTITY:	*TOTAL PRICE:
-------	--------------	-----------	---------------

1.	<u>Heavy Duty Flash Mixer</u>	1	_____
----	-------------------------------	---	-------

As specified or approved equivalent:

LIGHTNIN Model 83Q5 Heavy Duty Flash Mixer (or equivalent) constructed with an 80 Series right angle double reduction oil splash lubricated gear reducer. The mixer will be supplied with a 5 HP, 230/460/3/60, 215T frame, TEFC severe duty high efficiency horizontal electric motor. Also included with the mixer will be a 3" diameter by 154" long FMB shaft with rigid coupling for attachment to the reducer output shaft. The lower 30" of the shaft is stepped to 2-1/2"

diameter. A single 72" diameter A510E32 high efficiency axial flow impeller is to be mounted to the shaft. Shaft and impeller are to be epoxy-coated carbon steel.

PLEASE SPECIFY:

***MANUFACTURER:** _____

***MODEL:** _____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this proposal. Including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. The Bidder also agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** _____

***BUSINESS ADDRESS:** _____

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

***PHONE:** _____ ***FAX:** _____

***BY : (PRINTED NAME)** _____

***AUTHORIZED SIGNATURE:** _____

***TITLE:** _____

***EMAIL:** _____

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

SPECIAL TERMS & CONDITIONS

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

1. All bids shall be submitted on forms provided by the City, with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing, and providing responses shall be borne by the bidder.
2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** be shown as a separate item.
3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendors may call the Purchasing Office at (479) 575-8289, to determine if their bid documents have been received prior to opening date and time listed on the bid form.

Bids must be mailed or hand delivered to:

City of Fayetteville – Attn: Purchasing
113 West Mountain St.
Fayetteville, AR 72701

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Each bidder **MUST** state on the face of the bid form the anticipated number of days from the date of receipt of order, to the date of delivery of the completed units to the City of Fayetteville, Arkansas.
6. Time is specifically made of the essence in this contract, and failure to deliver on or before the time specified in the contract may subject the contractor to payment of damages.
7. All bid prices shall be F.O.B. Fayetteville Airport, Drake Field, Hwy 71 S., Fayetteville, AR, 72701, and shall include all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.
8. Minimum one year warranty or Manufacturer's Standard Warranty, whichever is greater, shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid, with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor **MUST** be noted.
9. Any exceptions to the requirements of the City of Fayetteville **MUST** be noted on the Bid

Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature, and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

10. Installation of Dealership/Distributorship Logo is **PROHIBITED**.
11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed prior to release for delivery.
12. All items marked, **"MANDATORY REQUIREMENT FOR CONSIDERATION OF BID" MUST** be completed and returned with the bid, or the bid may be considered as non-responsive and rejected on that basis.
13. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body, and any modifications to production items.
14. A training session shall be provided at a City of Fayetteville Facility, in order to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

These are **MINIMUM SPECIFICATIONS ONLY**, and are not limited or restricted to the following.

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

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

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

ANY BIDDER, WHETHER A MANUFACTURER OR DESIGNATED DEALER, WHO CAN PROVIDE MATERIALS, FEATURES OR OPTIONS TO MEET THE SPECIFICATIONS OUTLINED HEREIN, AND WILLFULLY FAILS TO DO SO BECAUSE OF PRICE, OR TO GAIN A PRICING ADVANTAGE IN A COMPETITIVE BID SITUATION WILL BE DEEMED NON-RESPONSIVE. NO FURTHER CONSIDERATION OF THEIR BID SUBMISSION WILL BE MADE. SHOULD THEIR CURRENT LITERATURE OR PRICE LISTS FOR MATERIALS, FEATURES, OR OPTIONS INDICATE THEIR ABILITY TO PROVIDE SAME TO MEET THESE SPECIFICATIONS, AND THEY FAIL TO DO SO, THEY WILL BE DEEMED NON-RESPONSIVE, AND DECLARED INELIGIBLE TO RECEIVE THE AWARD FOR THE UNIT SPECIFIED. FINALLY, ANY CLAIMS THAT AN ITEM BID EXCEEDS THE STATED SPECIFICATION MUST BE DEMONSTRATED IN A

PERFORMANCE DEMONSTRATION IN DIRECT COMPETITION WITH OTHER UNITS BID BY OTHER MANUFACTURERS PRIOR TO AN AWARD, OR THE BID WILL BE DEEMED UNRESPONSIVE FOR FAILURE TO SUBSTANTIATE THE CLAIM.

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

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

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

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

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

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

2. MATERIALS AND WORKMANSHIP

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

3. WARRANTY

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

4. PARTS AND SERVICE

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

A complete set of Parts and Service Manuals are to be provided for each unit.

Water
Rates

October 19, 2003

Mr. Dan Coody, Mayor of Fayetteville.
Members of Fayetteville City Council.

Sirs,

I am writing to you in regard to the rate increase for both water and sewer. We are not complaining about the increase, as we realize the need. Everyone, should pay for the amount used. It seems no one is looking out for the little guy, who is about to get it in the shorts again. The local industries and their champions, the Chamber of Commerce, (whose membership is probably made from these industries) are lobbying for special treatment. How about the residents? Again we are being asked to pay more. Greg Boettcher , who oversees water and sewer, notes reducing industrial costs will only add pennies to our cost. (sounds as if he has an interest in local industries). All the pennies everyone wants from us adds up. We are not a HORN OF PLENTY.

Pay for what you use is the basic idea.

Robert & Virginia Meierdiercks
1959 E. Harold St.
Fayetteville AR. 72703

RECEIVED

OCT 21 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FAYETTEVILLE

City Council Meeting November 18, 2003

Water & Sewer Rates

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Coody and City Council

From: Stephen Davis, Finance & Internal Services Director
Greg Boettcher, Water & Wastewater Director

Date: November 5, 2003

Subject: Water & Wastewater Rate Ordinance

Recommendation: Approval of the Water & Sewer Committee recommendation of Across-The-Board % Increase with the exception of those service agreements that specify an explicit methodology.

Background: The City Council Water & Sewer Committee met on November 3, 2003 in Room 111 to consider rate options to the Cost of Service Study prepared by Black & Veatch. The Committee voted to recommend to the full City Council water & sewer rate increases based on 10% increase across-the-board for water with the new rate structure effective for water bills dated after January 1, 2004 and across-the-board for wastewater increase for sewer service charges with the increases being 9% for wastewater service dated after January 1, 2004, 8% for wastewater service after January 1, 2005 and 9% for wastewater services January 1, 2006. The rate adjustment is 10% for water and a cumulative 29.5% for wastewater. This rate recommendation will govern water & sewer rate adjustments except those that stipulate a rate methodology in a current contract.

The rate tables that reflect the charges are attached.

Discussion: The City contracted with Black & Veatch during 2002 to conduct an operations study, as required by bond indentures, and to conduct a cost-of-services water & wastewater study and to develop recommendations that would provide sufficient funding to operate the water & sewer utility on a sound business basis. The City had previously approved wastewater system improvements that include a second treatment plant in the Illinois River watershed and this new rate study needed to address the increased cost associated with the new facilities. Additionally, the City had to cease land application of sludge and begin land filling the materials due to a build-up of certain nutrients.

Prior to the initiation of the wastewater system improvements a public vote was conducted whereby the Citizens authorized the use of a special sales & use tax to fund the construction cost of the improvements. During the information phase leading up to the

Tabled to 12/02/03

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51, WATER AND SEWERS, OF THE CODE OF FAYETTEVILLE, TO CHANGE NOMENCLATURE; AND ADJUST WATER AND SEWER RATES.

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

Section 1. That Chapter 51: Water and Sewers, Code of Fayetteville is hereby amended by deleting all references to the "Public Works Director" and the "Water & Sewer Services Superintendent", and replacing them with "the Water & Wastewater Director or designee, or the Finance & Internal Services Director, or designee."

Section 2. That §§ 51.136 & 51.137 of the Code of Fayetteville are hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in their stead.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

By.

DAN COODY, Mayor

ATTEST.

By.

SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A" – Revised 11/14/2003

Table B
Monthly Meter Service Charge

Meter Size	Inside City	Outside City
5/8 inch	\$ 4.16	\$ 5.20
3/4 inch	4.42	5.54
1 inch	5.67	7.12
1 ½ inch	9.68	12.22
2 inch	13.97	17.67
3 inch	32.18	40.79
4 inch	53.08	67.33
6 inch	105.88	134.39
8 inch	158.68	201.44

(2) The monthly treated water rates and the monthly meter service charge rates prescribed by subsections (A) and (B) of this section shall commence as of the first billing statements issued after December 31, 2003 for those customers outside the city limits receiving city water, and shall continue until such time as said customers either go off service or until such time as a revised rate structure is adopted by the City Council. Customers served through the white river water district system will pay the outside city rate plus an additional \$5.94 per month.

(C) *Monthly standby fire protection service charge.* Charges for un-metered service connections inside the city limits for standby fire protection and fire hydrants shall be:

Table C
Monthly Standby Fire Protection Service Charge

Line Size	Inside City	Outside City
2 inch	\$ 6.60	\$ 6.60
3 inch	19.80	19.80
4 inch	39.60	39.60
6 inch	110.00	110.00
8 inch	231.00	231.00
10 inch	396.00	396.00

EXHIBIT "A" – Revised 11/14/2003

(2) Monthly service charge:

**Table F-1 Monthly Service Charge
After December 31, 2003**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 8.72	\$ 8.72
3/4 inch	10.08	11.87
1 inch	11.34	16.28
1½ inch	15.85	28.90
2 inch	21.10	41.51
3 inch	46.31	97.02
4 inch	77.51	160.09
6 inch	149.26	317.78
8 inch	232.26	475.47

**Table F-2 Monthly Service Charge
After December 31, 2004**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 9.50	\$ 9.50
3/4 inch	10.99	12.94
1 inch	12.36	17.75
1½ inch	17.27	31.50
2 inch	23.00	45.25
3 inch	50.48	105.75
4 inch	84.48	174.50
6 inch	163.69	346.38
8 inch	253.16	518.26

**Table F-3 Monthly Service Charge
After December 31, 2005**

Meter Size	Inside City	Outside City†
5/8 inch	\$ 10.36	\$ 10.35
3/4 inch	11.98	14.10
1 inch	13.47	19.35
1½ inch	18.83	34.33
2 inch	25.06	49.32
3 inch	55.02	115.27
4 inch	92.07	190.21
6 inch	177.36	377.56
8 inch	275.93	564.90

†Cost of Service Methodology required by contract.

(B) Determination of charge for domestic customers.

(1) (a) The monthly wastewater charge for domestic customers shall be based on 85% of the customer's monthly water usage.

(b) Each domestic customer shall be required to make a \$50.00 service deposit with each application for sewer service. This service deposit shall be retained

EXHIBIT "A" – Revised 11/14/2003

include any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the *Standard Industrial Classification Manual, 1972, Office of Management and Budget*, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services. It also includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users; legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

- (2) *Domestic customer or user.* Any contributor of wastewater to the city's treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.
- (3) *Infiltration/inflow.* The total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roofleaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash water, or drainage.
- (4) *Municipality.* A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste or other waste. The definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.
- (5) *Operation and maintenance.* Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in subsection (D)(1)(f) of this section.
- (6) *Replacement.* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (7) *Treatment works.* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement; remodeling, additions, and

EXHIBIT "A" – Revised 11/14/2003

revised flow and/or strength characteristics. In no case, however, shall allowances or adjustments be made for claims of sewage strengths less than 300 mg/l suspended solids and 300 mg/l of BOD₅.

(c) Any adjustments will be applicable to the next billing period.

(4) *Annual review by city; revision of rates; notification of user.*

- (a) The city shall review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement, and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes.
- (b) The city shall notify each user at least annually, in conjunction with a regular bill, of the rates being charged for operation, maintenance and replacement of the treatment works.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

B. 2
2004 Annual Budget
Page 1 of 4

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director 

FROM: Kevin Springer, Budget Manager 

DATE: November 6, 2003

SUBJECT: **Proposed 2004 Annual Budget &
2004-2008 Capital Improvements Program**

Recommendation:

Consider the Proposed 2004 Annual Budget & 2004-2008 Capital Improvements Program for adoption by the December 18, 2003 City Council meeting.

Discussion:

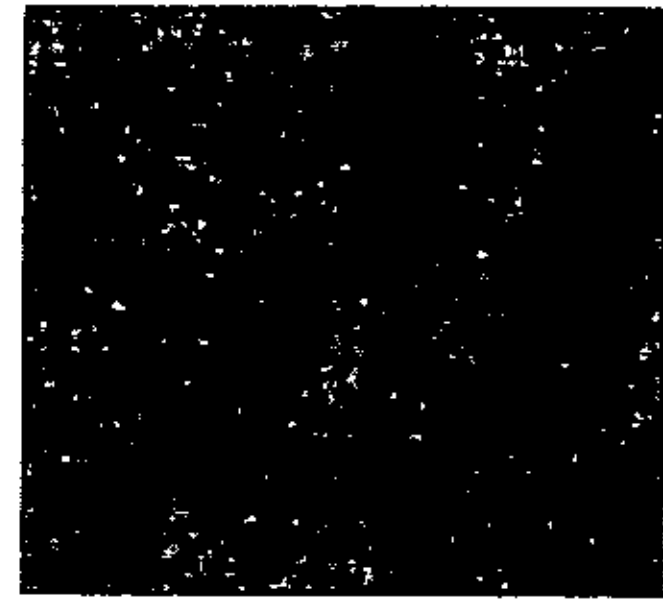
The Proposed 2004 Annual Budget & 2004-2008 Capital Improvements Program documents were distributed to City Council on Friday, October 31 for consideration.

A brief overview of the proposed 2004 Annual Budget and 2004-2008 Capital Improvements Program documents is scheduled for **Wednesday, November 12** following the City Council agenda session that starts at 4:30 PM in room 326. Other meeting dates are scheduled as follows:

Date	Budget Meeting
Tuesday, November 12 2003	Budget & Capital Improvements Program Presentation / Zero Based Budget Presentation by the Parks & Recreation Division, the Fire Department, and the Police Department (agenda session)
Tuesday, November 18 2003	City Council Meeting
Tuesday, November 25 2003	Budget/CIP Working Session (agenda session)
Tuesday, December 2 2003	City Council Meeting
Tuesday, December 9 2003	Budget/CIP Working Session (agenda session)
Tuesday, December 16 2003	City Council Meeting

If you have any questions concerning the Proposed 2004 Annual Budget or the 2004-2008 CIP, please feel free to contact either Stephen Davis at 575-8330 or myself at 575-8226. Thank you for your attention to this matter.

Tabled to 12/2/03



2004



City of Fayetteville, Arkansas

Proposed Annual Budget

and

2004-2008 Capital

Improvements Program



RESOLUTION NO. _____

A RESOLUTION ADOPTING THE PROPOSED 2004 ANNUAL BUDGET & WORK PROGRAM AND THE 2004-2008 CAPITAL IMPROVEMENT PROGRAM.

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 adopts the Proposed 2004 Annual Budget & Work Program and the 2004-2008 Capital Improvement Program, attached as Exhibit "A".

PASSED and APPROVED this 18th day of November, 2003.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

STAFF REVIEW FORM - FINANCIAL OBLIGATION

B. 2
2004 Annual Budget
Page 4 of 4

X AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council Meeting of: November 18, 2003

FROM:

Kevin SpringerBudget & ResearchFinance & Internal Services

Name

Division

Department

ACTION REQUIRED:

Approve a resolution adopting the Proposed 2004 Annual Budget & Work Program and the 2004-2008 Capital Improvements Program.

COST TO CITY:

Cost of this requestCategory/Project BudgetProgram Category / Project NameAccount NumberFunds Used to DateProgram / Project Category NameProject NumberRemaining BalanceFund Name

BUDGET REVIEW:

XBudgeted ItemBudget Adjustment AttachedBudget Manager10-31-03
Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager10/31/03
DateInternal Auditor10/31/03
DateCity Attorney10/31/03
DatePurchasing Manager10/31/03
Date

STAFF RECOMMENDATION:

Staff recommends approval of the Proposed 2004 Annual Budget & 2004-2008 CIP.

Received in Mayor's Office

Division HeadDateDateDepartment DirectorDate

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

Chief Administrative OfficerDate

New Item:

Yes

No

Mayor11/3/03
Date

ENTERED
10-31-03
JAW

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Tim Conklin, Community Planning and Eng. Services Director
From: Yolanda Fields, CRCC Director
Date: October 31, 2003
Subject: Raze & Removal of property on 1905 S. Brower Ave.

RECOMMENDATION

Staff recommends a resolution to order the raze and removal of the structure.

BACKGROUND

Service Request #6536, Case #1479: Code Compliance received a complaint about the unsafe building on the property owned by Jonathan and Jennifer Rich. The property is located on 1905 S. Brower Ave. An Unsafe Buildings violation notice was sent to the owners on May 20, 2003. Earl Christensen signed for the notice on May 21, 2003. By ordinance, the owners were given until June 23, 2003 to acquire a permit and make repairs or to demolish and remove the building.

DISCUSSION

There is not a current building permit on this building. The Fire Marshall assessed the property on September 29, 2003 and determined the structure was deteriorating and should be secured until a decision is made regarding this property. The structure is on the southwest corner of S. Brower Ave. and Sligo. Washington County records show the address of the property as 1905 Sligo.

BUDGET IMPACT

Contracting the raze and removal of the property would cost approximately \$3000.00. The cost would be billed to the property owners. If payment is not received, the City of Fayetteville could put a lien on the property for the amount of the raze and removal.

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY JONATHAN M. AND JENNIFER L. RICH LOCATED AT 1905 S. BROWER AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, Jonathan M. and Jennifer L. Rich are the record owners of the real property situated at 1905 S. Brower Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as follows

Lot 1 & N 12 FT of E 30 FT Lot 2, Block 3, Meadowvale Subdivision;

and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Jonathan M. and Jennifer L. Rich, having been properly served with a Violation Notice via Certified Mail, and given thirty (30) days to correct said violation, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Jonathan M. and Jennifer L. Rich are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if, Jonathan M. and Jennifer L. Rich do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and APPROVED this 2nd day of December, 2003.

APPROVED:

By:

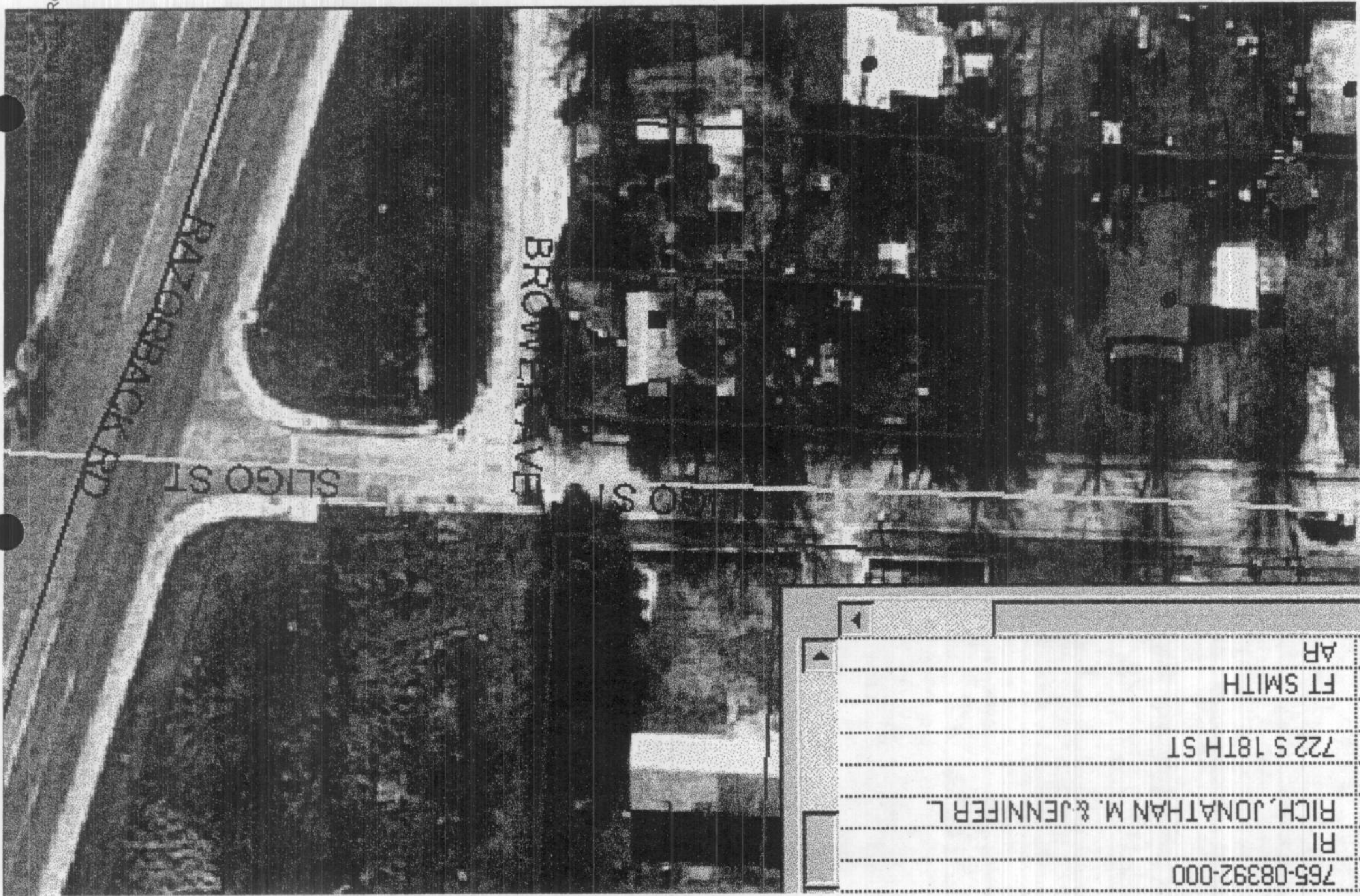
DAN COODY, Mayor

ATTEST:

By:

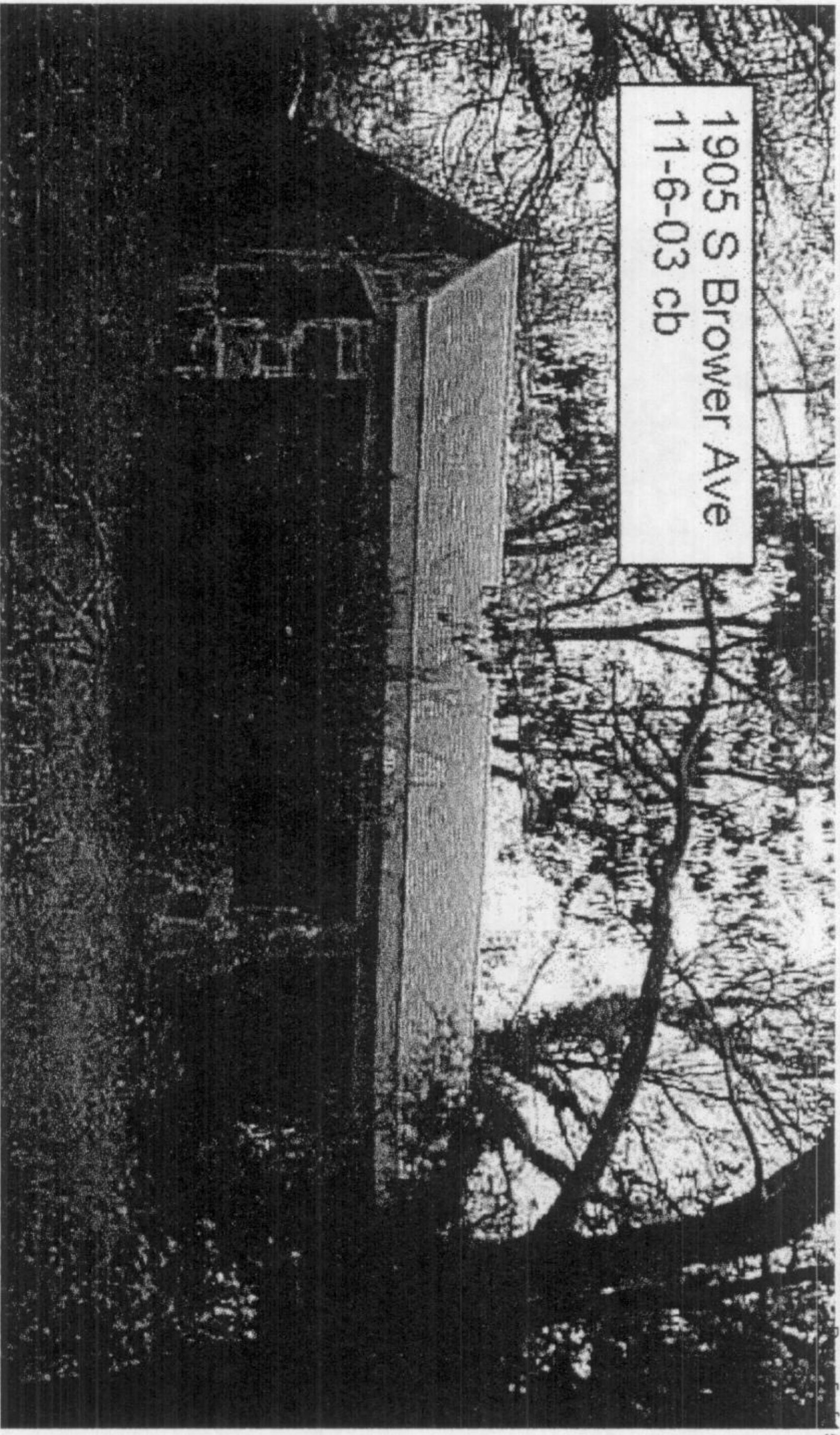
SONDRA SMITH, City Clerk

DRAFT

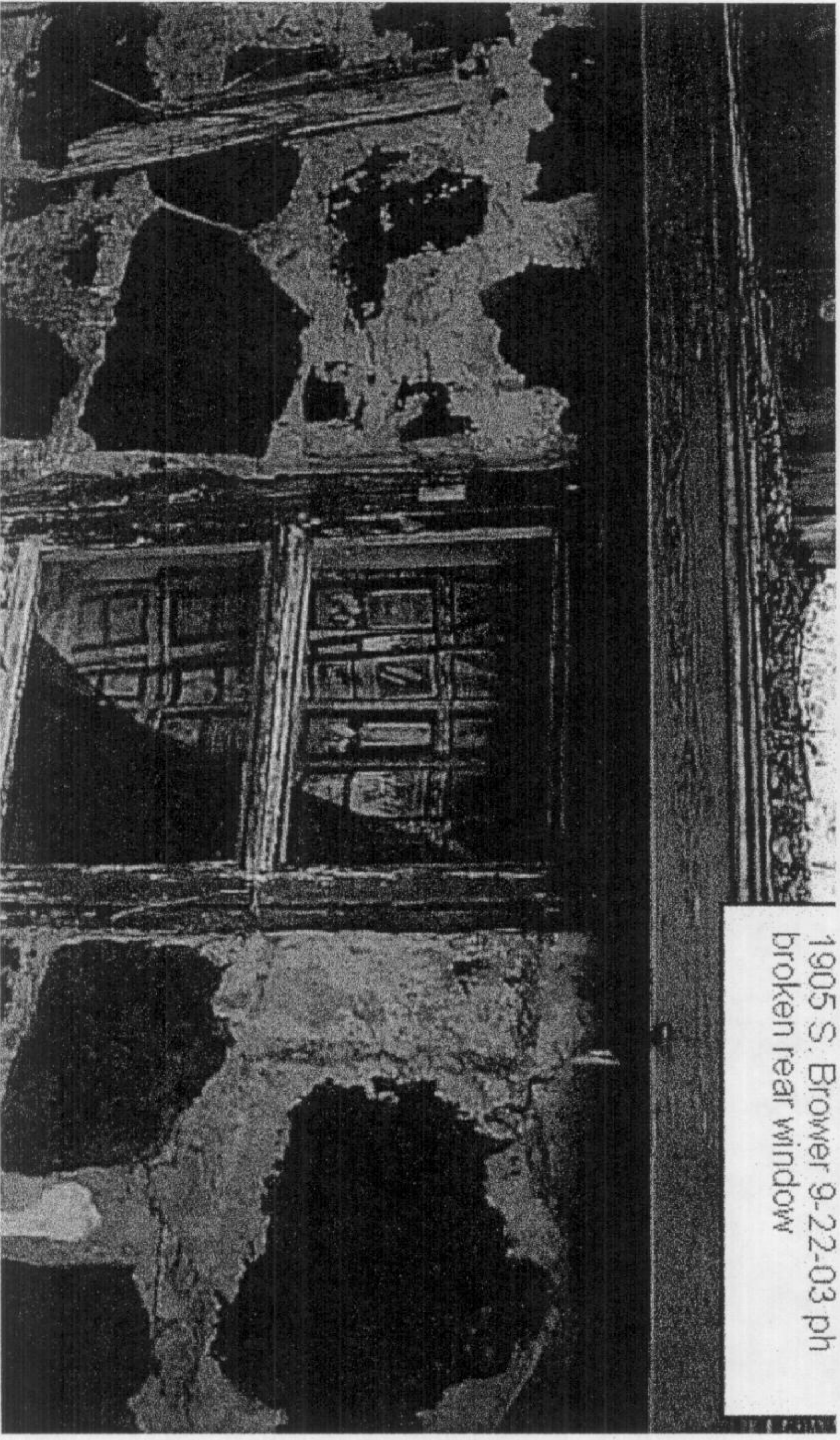


765-08392-000	RI	RICH, JONATHAN M. & JENNIFER L.	722 S 18TH ST	FT SMITH	AR

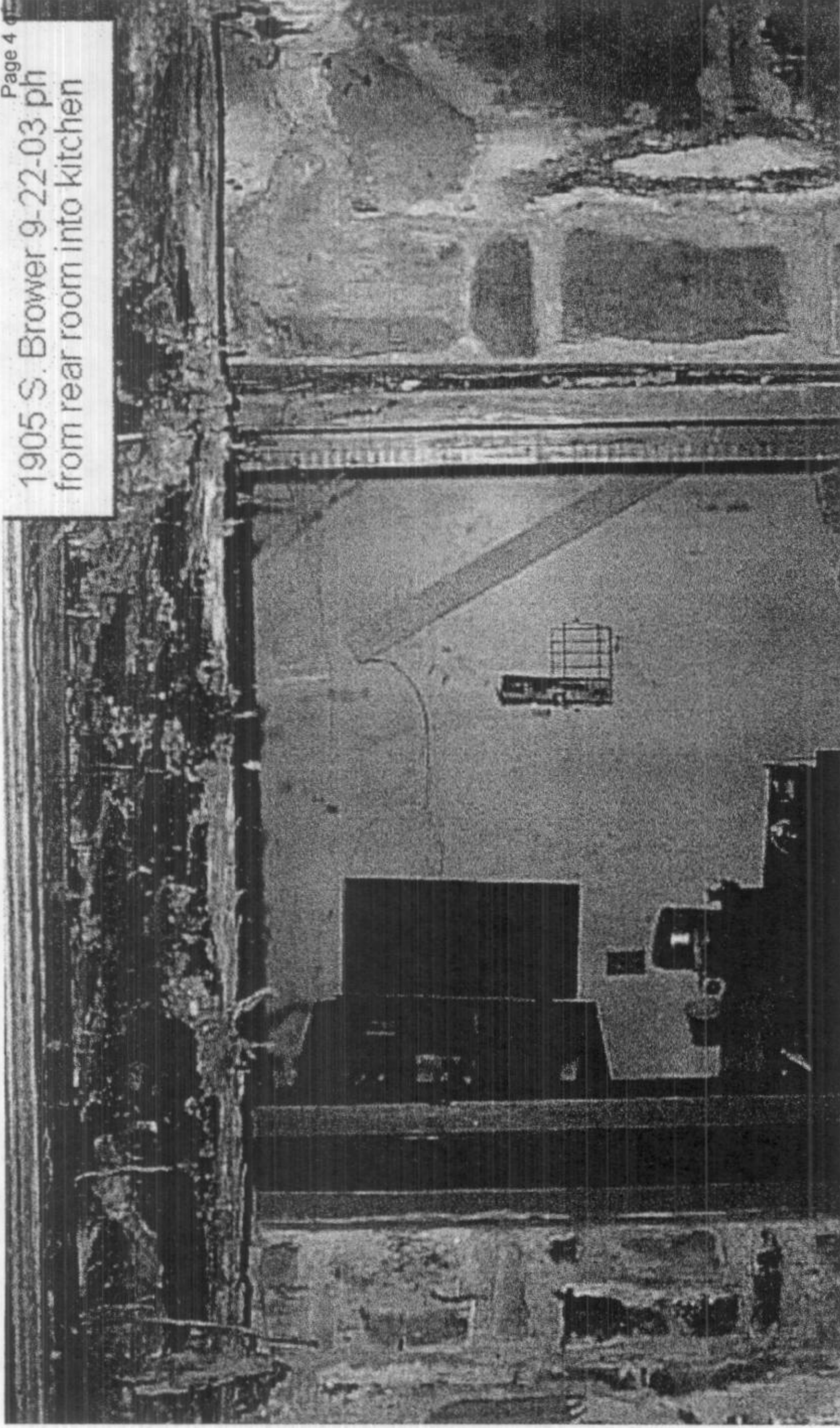
1905 S Brower Ave
11-6-03 cb



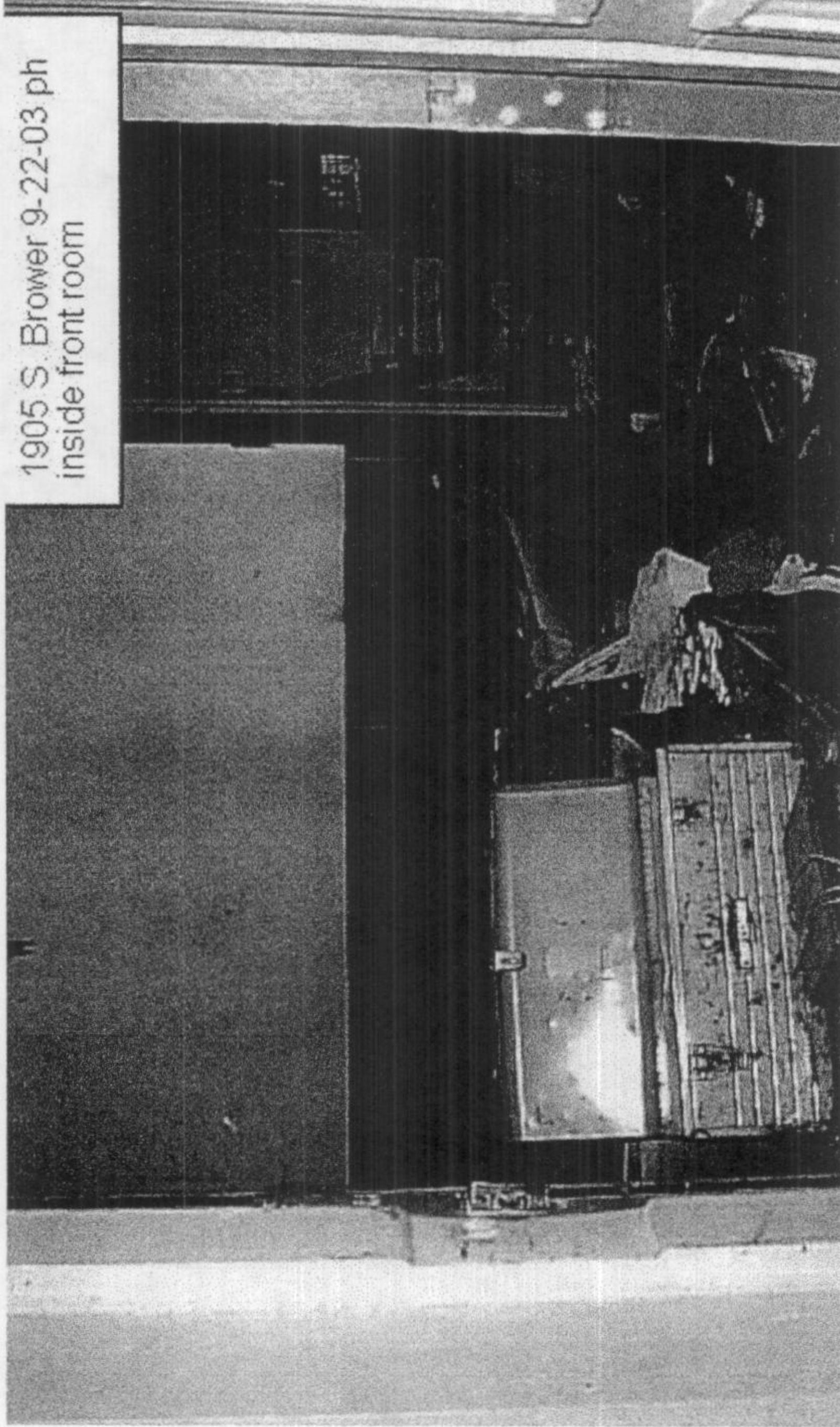
1905 S. Brower 9-22-03 ph
broken rear window

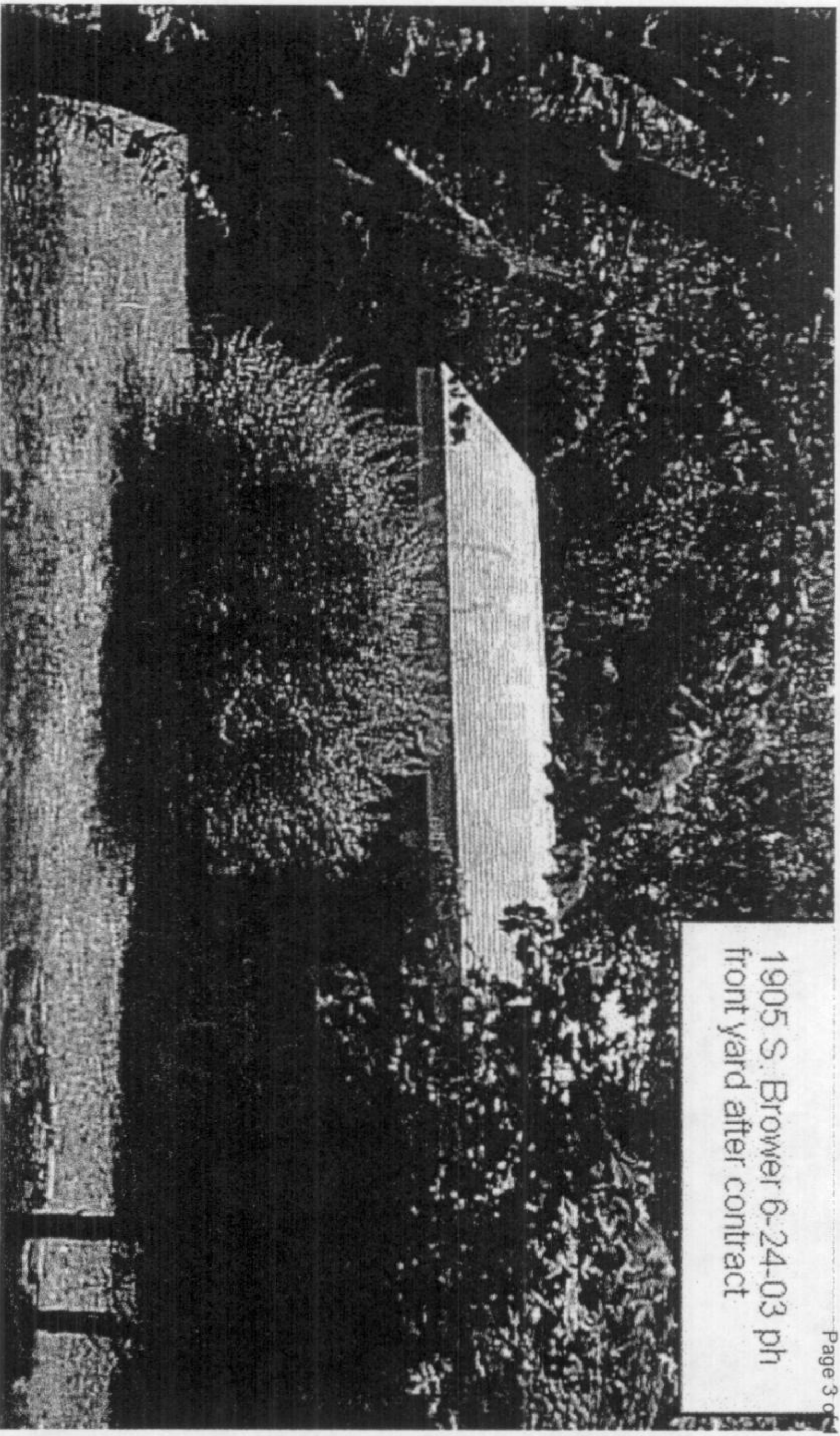


1905 S. Brewer 9-22-03 ph
from rear room into kitchen

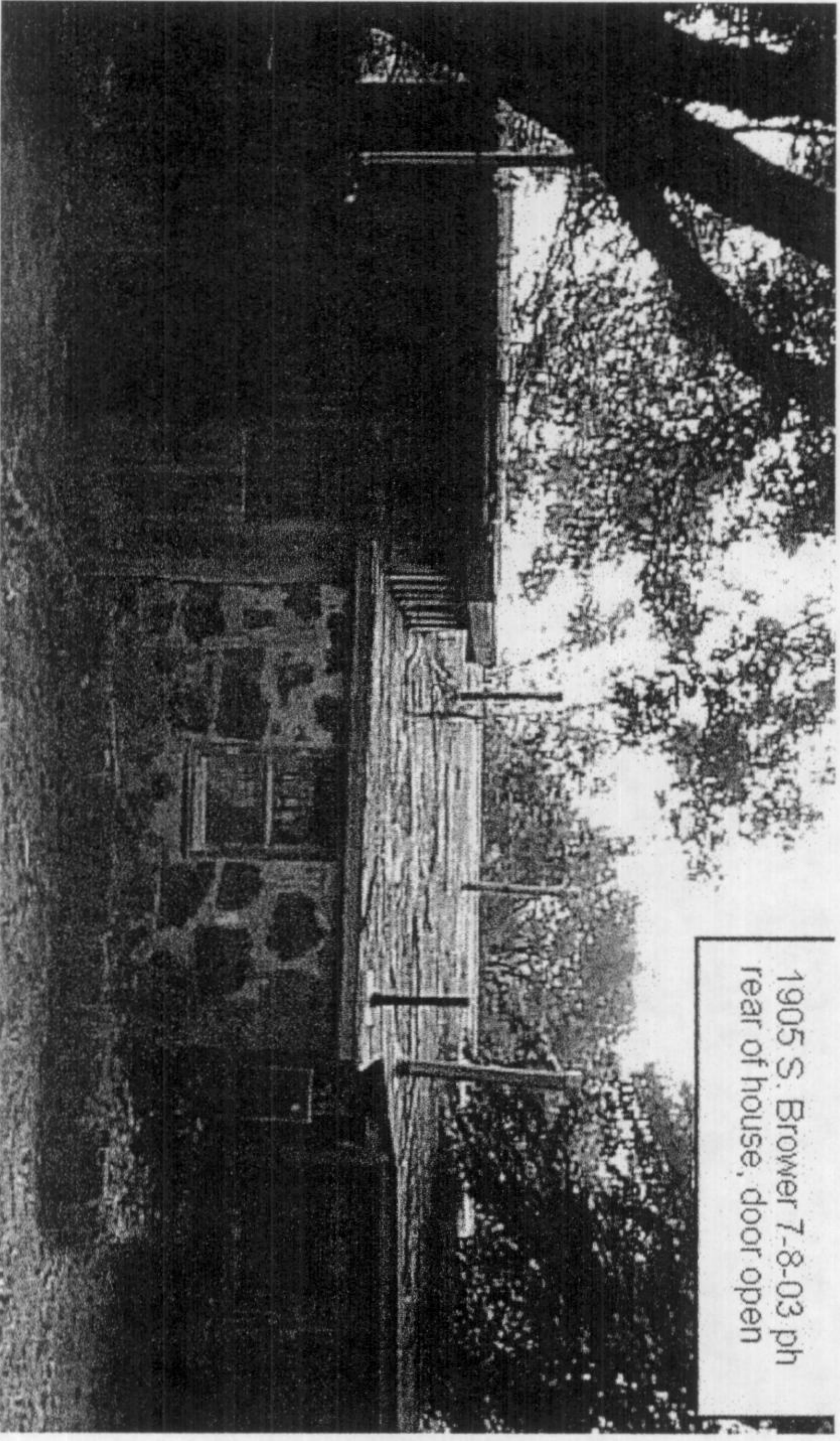


1905 S. Brewer 9-22-03 ph
inside front room





1905 S. Brewer 6-24-03 ph
front yard after contract



1905 S. Brewer 7-8-03 ph
rear of house, door open



HELPING TO BUILD A BETTER COMMUNITY

C. 1
Raze & Removal 1905 S. Brewer
Page 7 of 15
City of Fayetteville, Arkansas
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Fax 479- 444-3445

VIOLATION NOTICE

May 20, 2003

CASE NO. 01479

Owner: Jonathan M. & Jennifer L. Rich
722 S. 18th Street
Fort Smith, AR 72901

RE: Property @ 1905 Brower, Fayetteville, AR
WC Parcel# 765-08392-000 (County records describe location as 1905 Sligo)

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. Please feel free to call our office at (479) 575-8240 for clarification of this notice or advice on how to correct the problem.

Suspected Violation That Needs Correction:

' 173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

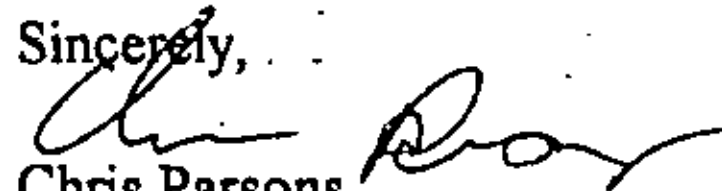
How This Violation Can Be Voluntarily Corrected:

Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

Potential Penalties if not corrected within thirty (30) days from the service of this Notice include: Condemnation.

Appeal: If you disagree with our conclusion that your property contains a violation of the ordinance listed above, you have a right to file an appeal with the City Council.

Sincerely,


Chris Parsons

Code Compliance Officer

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jonathan M. & Jennifer L.
Rich
722 S. 18th Street
Ft. Smith, AR 72901

2. Article Number

(Transfer from service label)

7001 1940 0001 4906 3298

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Eda R. Johnson

C. Date of Delivery

1/21

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Jonathan M. & Jennifer L. Rich

Street, Apt. No.,
or PO Box No.

722 S. 18th Street

City, State, ZIP+4

Ft. Smith AR 72901

PS Form 3800, January 2001

See Reverse for Instructions

7001 1940 0001 4906 3298



City of Fayetteville
Code Compliance Division
113 West Mountain Street
Fayetteville, AR 72701
Helping to build a better Community

September 22, 2003

Jonathan M. & Jennifer L. Rich
722 S. 18th Street
Fort Smith, AR 72901

RE: Enforcement of Ordinance 173.08
Arkansas Code Ann. § 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. §14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 1905 Brower (Parcel #765-08392-000), should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting – probably on October 21, 2003 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as November 4, 2003 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball

Code Compliance Administrator

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X <i>Earl Christensen</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Earl Christensen</i> C. Date of Delivery <i>9/24</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: <i>Jonathan & Jennifer Rich</i> <i>722 S. 18th Street</i> <i>Fort Smith, AR 72901</i>	3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) 7001 1940 0001 4906 0969	

PS Form 3811, August 2001 Domestic Return Receipt *AB 1479* 102505-01-M-2509

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7001 1940 0001 4906 0969

O F F I C I A L U S E

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To *Jonathan & Jennifer Rich*

Street, Apt. No., or PO Box No. *722 S. 18th St.*

City, State, ZIP+4 *Fort Smith, AR 72901*

Postmark Here

PS Form 3800, January 2001

See Reverse for Instructions



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 1
Raze & Removal 1905 S. Brower
Page 11 of 15

To: Code Enforcement Division

Date: 9-30-03

Ref: Property Assessment
1905 Brower

From: Dennis Ledbetter
Fire Marshal

On 9-30-03 I was assigned to assess the property at 1905 Brower Street. This was a wood frame single family dwelling. The exterior was covered with rock and the roof was covered with composition shingles. There was a considerable amount of trash and debris inside house. The ceiling and walls were deteriorated and some of them were coming down. There is still an electric meter and gas meter to the house.

The owner of this property should consider the cost of repairs verses the cost of the removal. The electric meter and gas meter should be removed until an inspection of the electrical system and plumbing can be conducted by a licensed electrician and plumber. The structure should be secured until a decision is made regarding this property. Permits should be obtained before any work is conducted on the property.

303 W. CENTER ST.
501-575-8365

FAYETTEVILLE, AR. 72701
FAX 501-575-0471

Record 1 of 1 Last Updated 11/03/03

Parcel Number: 765-08392-000 Prev. Parcel Number: 141894-000-00 Type: RI

Location: 1905 S. ~~1100~~ *Brower*

Owner Name: RICH, JONATHAN M. & JENNIFER L.

Mailing Address: 722 S 18TH ST FT SMITH AR 72901

Lot:

Block:

S-T-R: 20-16-30

Addition: MEADOWVALE S/D

School District: FAYETTEVILLE SCH, FAY

Tax District: 011

City: FAYETTEVILLE

Legal: LOT 1 & N 12 FT OF E 30 FT LOT 2 BLOCK 3

Current Year A79 Credit Status:

Last Appraised: 2001

	Appraised Value	Taxable Value
Land	10,000	2,000
Improvement	23,650	4,730
Total	33,650	6,730

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Total Tax	Total Tax Paid	A79 Credit Status	A79 Payment Status
2002	6,730	\$349.69	\$0.00	\$0.00	\$0.00	\$349.69	\$349.69		PAID
2001	6,226	\$323.50	\$0.00	\$0.00	\$0.00	\$323.50	\$323.50		PAID
2000	5,660	\$297.15	\$0.00	\$0.00	\$0.00	\$297.15	\$297.15		PAID
1999	5,660	\$289.79	\$0.00	\$0.00	\$0.00	\$289.79	\$289.79		PAID
1998	5,660	\$290.36	\$0.00	\$0.00	\$0.00	\$290.36	\$290.36		PAID
1997	5,660	\$290.36	\$0.00	\$0.00	\$0.00	\$290.36	\$290.36		PAID
1996	5,660	\$290.36	\$0.00	\$0.00	\$0.00	\$344.40	\$344.40		PAID
1995	5,660	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2002	123958	10/16/2003	\$349.69	\$0.00	\$0.00	\$0.00	\$0.00	\$349.69
2001	66802	9/25/2002	\$323.50	\$0.00	\$0.00	\$0.00	\$0.00	\$323.50
2000	16288	10/17/2001	\$297.15	\$0.00	\$0.00	\$0.00	\$0.00	\$297.15
1999	7341	10/17/2000	\$289.79	\$0.00	\$0.00	\$0.00	\$0.00	\$289.79
1998	19750	9/28/2000	\$290.36	\$0.00	\$0.00	\$0.00	\$0.00	\$290.36
1997	19749	9/28/2000	\$290.36	\$0.00	\$0.00	\$0.00	\$0.00	\$290.36

Deed History

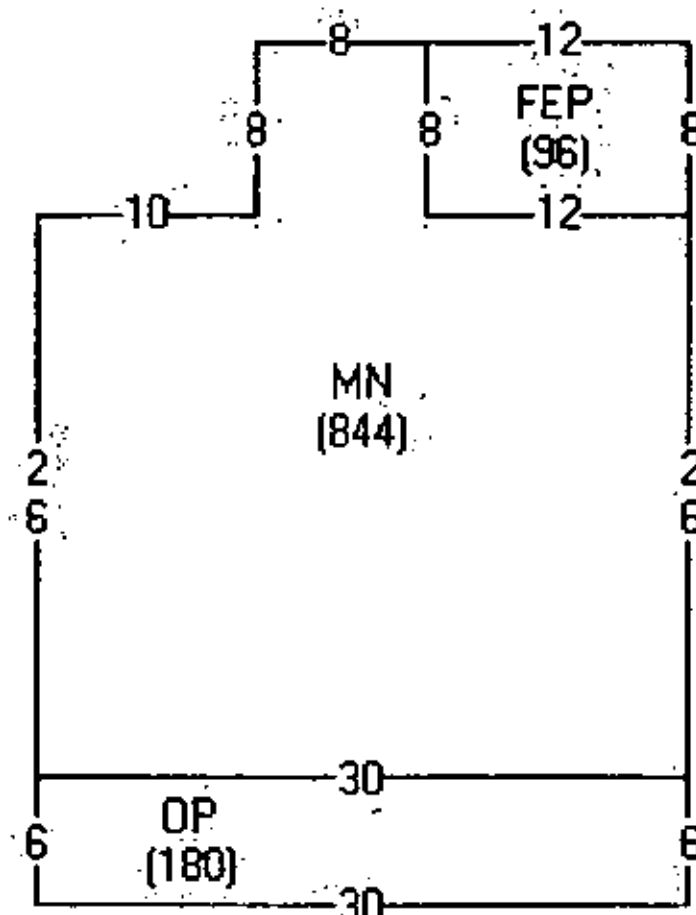
Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
9/20/2000	2000	80398	RICH, JONATHAN M. & JENNIFER L.		RD	0	0.00
LRR 2000-80398 RED DEED #148826							
7/15/1993	93	39470	RICH, JONATHAN M. & % CAROLYN		WD	25,000	55.00

JENNIFER L. SCHISLER

8/3/1989 1329 441 BATES, DONALD
R. JR. & ANITA L. WD 24,000 52.801/1/1985 1114 885 MUYSKENS,
KATHRYN I. 0 0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
1	SF	MV	844	844	47	

Sketch:



[Next Item](#) | [Previous Item](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)



REDEMPTION DEED NO. 148826

CHARLIE DANIELS
COMMISSIONER OF STATE LANDS
STATE OF ARKANSAS

Issued under the provisions of Act 151 of 1891, Act 626 of 1983 and Act 814 of 1987

FILED FOR RECORD

SEP 25 PM 12 54

WASHINGTON CO AR
K. HARNESS

THE STATE OF ARKANSAS:

To All Whom these Presents Shall Come— GREETINGS:

KNOW YE THAT, WHEREAS: The following described lands situated in the County of Washington in the State of Arkansas, to Wit:

Description: LOT 1 & N12' OF E 30' LOT 2, BLOCK 3

Acres: 0

Addition: MEADOWVALE

City: FAYETTEVILLE

DISTRICT 11

Parcel Number: 765-08392-000

Year Forfeited: 32-8 1997

Receipt #: 110275

were certified to the Commissioner of State Lands, by the County Collector for the non-payment of taxes for the years hereinbelow set forth; and that the taxes, penalties, interest and cost outline below have been paid to the Commissioner of State Lands;

AND WHEREAS JONATHAN M. & JENNIFER L. RICH
722 S. 18TH STREET
FT. SMITH, AR 72901

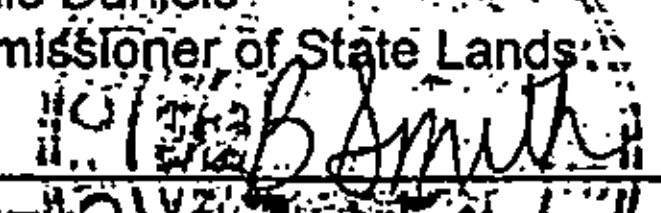
claiming to be the owner(s) of said real property, filed a petition to redeem duly verified according to the law, showing such ownership.

NOW THEREFORE, I, CHARLIE DANIELS, Commissioner of State Lands within the State of Arkansas, for and in consideration of \$759.49 so paid and by virtue of the authority in me vested by law, do hereby release and quitclaim unto the said JONATHAN M. & JENNIFER L. RICH and their heirs and assigns forever all right, title and interest the State of Arkansas acquired under any forfeiture, sale or condemnation for taxes.

WITNESS MY HAND AND OFFICIAL SEAL September 20, 2000

Taxes	1997 - 1998	\$580.72
Imp. Tax Due		\$0.00
Interest		\$81.70
Penalty		\$58.07
County Costs		\$3.00
Recording Fee		\$6.00
Deed Fee		\$5.00
Commissioner Fee		\$25.00
Municipal Lien		\$0.00
Total Paid:		\$759.49


Charlie Daniels
Commissioner of State Lands


BSMITH
Deputy Commissioner of State Lands

Deed
Mail to: JONATHAN M. & JENNIFER L. RICH
722 S. 18TH STREET

FT. SMITH, AR 72901

2000080398

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

YES AGENDA REQUEST

For the Fayetteville City Council Meeting of: December 2, 2003

FROM:

Chad Ball

Com Res & Code Com

Com Plan & Engr Services

Name

Division

Department

ACTION REQUIRED: Public Hearing and Resolution to order the Raze and Removal of the dilapidated structure located at 1905 S Brower Ave, Fayetteville, AR 72701

SUMMARY EXPLANATION:

See attached Memo

STAFF RECOMMENDATION: Staff recommends the Raze and Removal of the property.

[Signature]
Division Head

11-7-03
Date

Received in Mayor's Office

11/17/03
Date p.A.

[Signature]
City Attorney

11/17/03
Date

[Signature]
Department Director

11-7-03
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

11-17-03
Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

11-18-03
Date

Orig. Contract Date:

[Signature]
Mayor

11/19/03
Date

Orig. Contract Number:

New Item:

Yes

No

ENTERED
11-14-03
aw

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director TC

From: Dawn T. Warrick, AICP, Zoning and Development Administrator DW

Date: November 14, 2003

Subject: Vacation of a portion of street right of way along 4th Street
(VAC 03-12 Combs Street Church of Christ)

RECOMMENDATION

Staff recommends approval of an ordinance vacating a portion of right of way located along 4th Street where the dedicated right of way extends beyond 25' from center line. This request is associated with a large scale development for Combs St. Church of Christ.

BACKGROUND

There is an existing 2100 square foot church on this property and the applicant requests to build an addition of 4700 sq. ft. with 56 parking stalls. The surrounding property is zoned RMF-24, 24 units per acre, and single-family residential in nature.

History: Right of way was dedicated and platted in the 1970s. When 4th Street was constructed, it was not built in this dedicated area, but slightly to the north at a diagonal. Therefore, the existing right of way extends further south than 25' from centerline. The applicant desires to vacate the excess existing right-of-way on the subject property. A 20 foot utility easement will remain adjacent to the new right of way and will not include the any portion of the existing structure.

Proposal: The applicant proposes to construct a 4700 square foot addition south of the existing structure and a parking lot with 56 stalls with the required landscaping.

Request: The request is to vacate that portion of the right of way which extends south of 25' from centerline of 4th Street and encroaches the existing building.

DISCUSSION

Planning Commission approved a condition recommended by staff for a section of 4th Street, from Willow Avenue to Combs Avenue, to be improved to a 20' street section. The existing portion of roadway will be overlayed to provide a new pavement section for the entire 20' width. Curb and gutter are not recommended at this time.



No objections were received from utility representatives. The Planning Commission voted 7-0-0 to approve this request on the regular agenda at the October 27, 2003 Planning Commission meeting.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 03-12.00 TO VACATE AND ABANDON A PORTION OF 4TH STREET RIGHT OF WAY, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, a petition was duly filed with the City of Fayetteville, Arkansas, on the September 22, 2003, asking the City Council to vacate and abandon all that portion of the 4th Street right of way designated on City Plat Page 524 now appearing of record in the office of the Circuit Clerk of Washington County.

WHEREAS, after due notice as required by law, the council, has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street, or the portion thereof, hereinafter described, has been dedicated to the public use as a street; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the City Planning Office their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

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

Section 1. The City of Fayetteville, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street designated as follows:

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

Section 2. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 3. That this Vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendation as described in Exhibit "B" attached hereto and made a part hereof.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By: _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

EXHIBIT "A"
VAC 03-12.00

A PART OF THE SW ¼ OF THE SW ¼ OF SECTION 15, T-16-N, R-30-W; AND BEING THAT PORTION OF A PERPETUAL EASEMENT TO THE CITY OF FAYETTEVILLE FILED FOR RECORD IN BOOK 913 AT PAGE 863 IN THE RECORDS OF THE CIRCUIT CLERKS OFFICE IN WASHINGTON COUNTY, ARKANSAS TO BE VACATED, SAID VACATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID 40 ACRES TRACT IN SAID SECTION, RUN THENCE N00°05'46"E (NORTH) 841.5 FEET (51 RODS) AND THENCE S89°54'14"E (EAST) 348.90 FEET (20 RODS) TO THE NW CORNER OF SAID EASEMENT AND THENCE S90°00'00"E 5.36 FEET TO THE TRUE POINT OF BEGINNING OF SAID VACATION. THENCE N90°00'00"E 47.77 FEET; THENCE S78°24'46"E 88.47 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING OF S88°52'13"E AND A RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 21.90 FEET; THENCE S85°55'06"E 11.63 FEET; THENCE S65°27'21"E 11.98 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING OF S76°02'07"E AND A RADIUS OF 118.41 FEET AND AN ARC LENGTH OF 29.99 FEET; THENCE S83°17'28"E 98.68 FEET TO THE WEST R/W LINE OF WILLOW STREET; THENCE S00°00'00"W 7.25 FEET TO THE SE CORNER OF SAID RECORDED EASEMENT; THENCE LEAVING SAID WILLOW R/W THENCE S90°00'00"W 311.10 FEET TO THE EAST R/W OF WASHINGTON STREET; THENCE NORTH ALONG SAID R/W N00°00'00"E 36.38 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF N21°28'08"E AND A RADIUS OF 20.00 FEET AND AN ARC LENGTH OF 14.99 FEET TO THE POINT OF BEGINNING LEAVING IN FORCE THE REMAINING PORTION OF SAID EASEMENT NOT CONTAINED IN THIS DESCRIPTION.

DRAFT

PC Meeting of October 27, 2003

FAYETTEVILLE

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

TO: Fayetteville Planning Commission Members
THRU: Dawn Warrick, AICP. Zoning & Development Administrator
FROM: Jeremy Pate, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: October 9, 2003

Project: VAC 03-12.00: Vacation (Combs St. Church of Christ), pp 524 was submitted by Combs St. Church of Christ for property located at 350 S. Combs Street. The property is zoned RMF-24. The request is to vacate a portion of street right of way.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right of way vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric

AEP/SWEPCO

Arkansas Western Gas

SW Bell

Cox Communications

City of Fayetteville:
Water/Sewer

Transportation

Solid Waste

Engineering

RESPONSE

No Objections.

No Objections

No Objections

No Objections.

No Objections.

See attached comments.

No Objections

No Objections

No objections - See Conditions of Approval

Recommendation: Approval of the proposed right of way vacation 03-11.00 subject to the following conditions.

Conditions of Approval:

1. Any relocation of existing utilities will be at the owner's expense.
2. The right of way to be vacated shall be replaced with a general utility easement for the entire area excluding the portion occupied by the existing structure.

PLANNING COMMISSION ACTION: yes Required
X Approved Denied Oster/Allen² 7-0-0

Date: 10/27/03

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

J. STEVE CLARK, P.E.

September 25, 2003

Fayetteville Planning Department
125 W. Mountain St
Fayetteville, Arkansas 72701

Re: Combs Street Church of Christ - ROW Vacation

Dear Sirs:

The requested right-of-way (ROW) vacation is intended to resolve a incorrect ROW acquisition that the City of Fayetteville executed back in the early 1970s. At that time the City prepared a ROW dedication document to acquire a 50 foot easement across the north end of the property owned by the Combs Street Church of Christ. Apparently the legal was prepared with out the benefit of a survey, because the south line of the legal description runs through the northwest corner of the existing church building.

Subsequent to the ROW acquisition the City constructed 4th Street diagonal to the ROW with portions of the street north and south of the north line of the ROW dedicated by the Church. The Church is requesting that the portions of the ROW beyond 25 feet from the centerline of 4th Street as constructed be vacated. A 20 foot utility easement would remain adjacent to the new ROW.

To the best of knowledge there are no utility lines or other public facilities within the limits of the ROW to be vacated.

Sincerely
Clark Consulting.



J. Steve Clark, P.E.

RECEIVED

OCT 06 2003

PLANNING DIV.

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

443-1815

DATE: 8/19/03

UTILITY COMPANY: Water & Sewer Supt

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: 350 S. Combs St. Fayetteville, AR
AREA OF FOURTH STREET ROW BETWEEN WASHINGTON AND WILLOW,

(Include legal description and graphic representation of what is being vacated)

PAGE 524

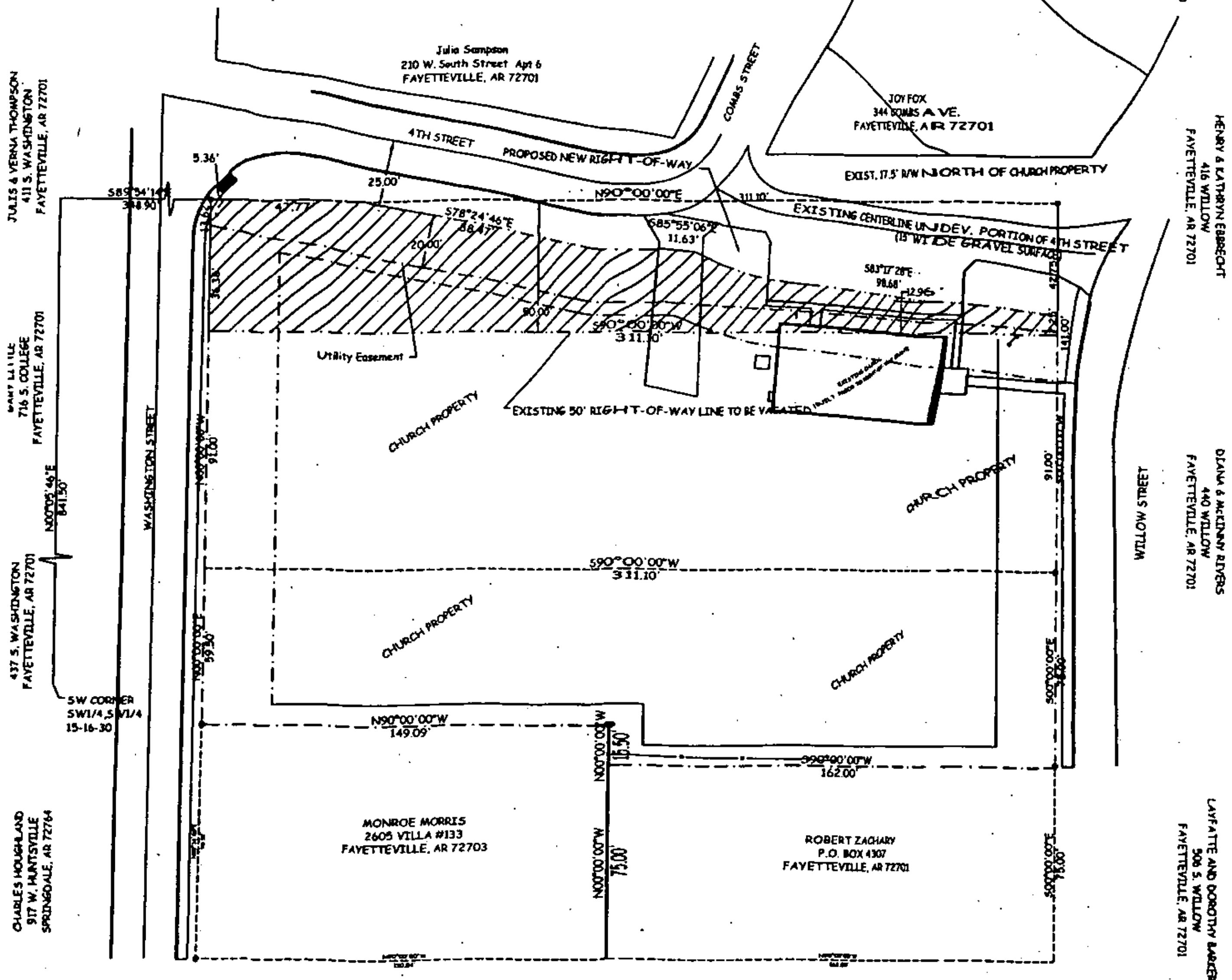
UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

A GREAT DEAL OF UTILITY WORK NEEDS TO BE PERFORMED IN THIS AREA, BOTH TO WATER AND SEWER LINES. THESE INCLUDE LAYING A FUTURE WATER MAIN AND REPLACEMENT SEWER MAIN WITHIN THE CORRIDOR WHICH INCLUDES THE AREA REQUESTED FOR VACATION. IN ORDER TO VACATE ANY OF THIS AREA, THESE FUTURE REQUIREMENTS MUST BE EVALUATED AND INTEGRATED INTO THE SITE MASTER PLAN. THESE ARE SHORT TERM NEEDS.

Signature of Utility Company Representative

Water/Sewer Main Supt
Title



VACATION DESCRIPTION

A PART OF THE SW1/4 OF THE SW1/4 OF SECTION 15, T-16-N, R-30-W, AND BEING THAT PORTION OF A PERPETUAL EASEMENT TO THE CITY OF FAYETTEVILLE FILED FOR RECORD IN BOOK 913 AT PAGE 863 IN THE RECORDS OF THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS TO BE VACATED, SAID VACATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID 40 ACRES TRACT IN SAID SECTION, RUN THENCE N00°05'46"E (NORTH) 841.5 FEET (51 RODS) AND THENCE S89°54'14"E (EAST) 348.90 FEET (20 RODS) TO THE NW CORNER OF SAID EASEMENT AND THENCE S90°00'00"E 5.36 FEET TO THE TRUE POINT OF BEGINNING OF SAID VACATION. THENCE N90°00'00"E 47.77 FEET; THENCE S78°24'46"E 88.47 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING OF S88°52'13"E AND A RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 21.90 FEET; THENCE S85°55'06"E 11.63 FEET; THENCE S65°27'21"E 11.98 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING OF S76°02'07"E AND A RADIUS OF 118.41 FEET AND AN ARC LENGTH OF 29.99 FEET; THENCE S83°17'28"E 98.68 FEET TO THE WEST R/W LINE OF WILLOW STREET; THENCE S00°00'00"W 7.25 FEET TO THE SE CORNER OF SAID RECORDED EASEMENT; THENCE LEAVING SAID WILLOW R/W THENCE S90°00'00"W 311.10 FEET TO THE EAST R/W OF WASHINGTON STREET; THENCE NORTH ALONG SAID R/W N00°00'00"E 36.38 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING OF N21°28'08"E AND A RADIUS OF 20.00 FEET AND AN ARC LENGTH OF 14.99 FEET TO THE POINT OF BEGINNING LEAVING IN FORCE, THE REMAINING PORTION OF SAID EASEMENT NOT CONTAINED IN THIS DESCRIPTION.



Clark
Consulting

Business Drive # 202 Fayetteville, AR 479 444-8171

Combs Street Church of Christ
Fayetteville, Arkansas

FIGURE NO. 1

SCALE: 1" = 60'

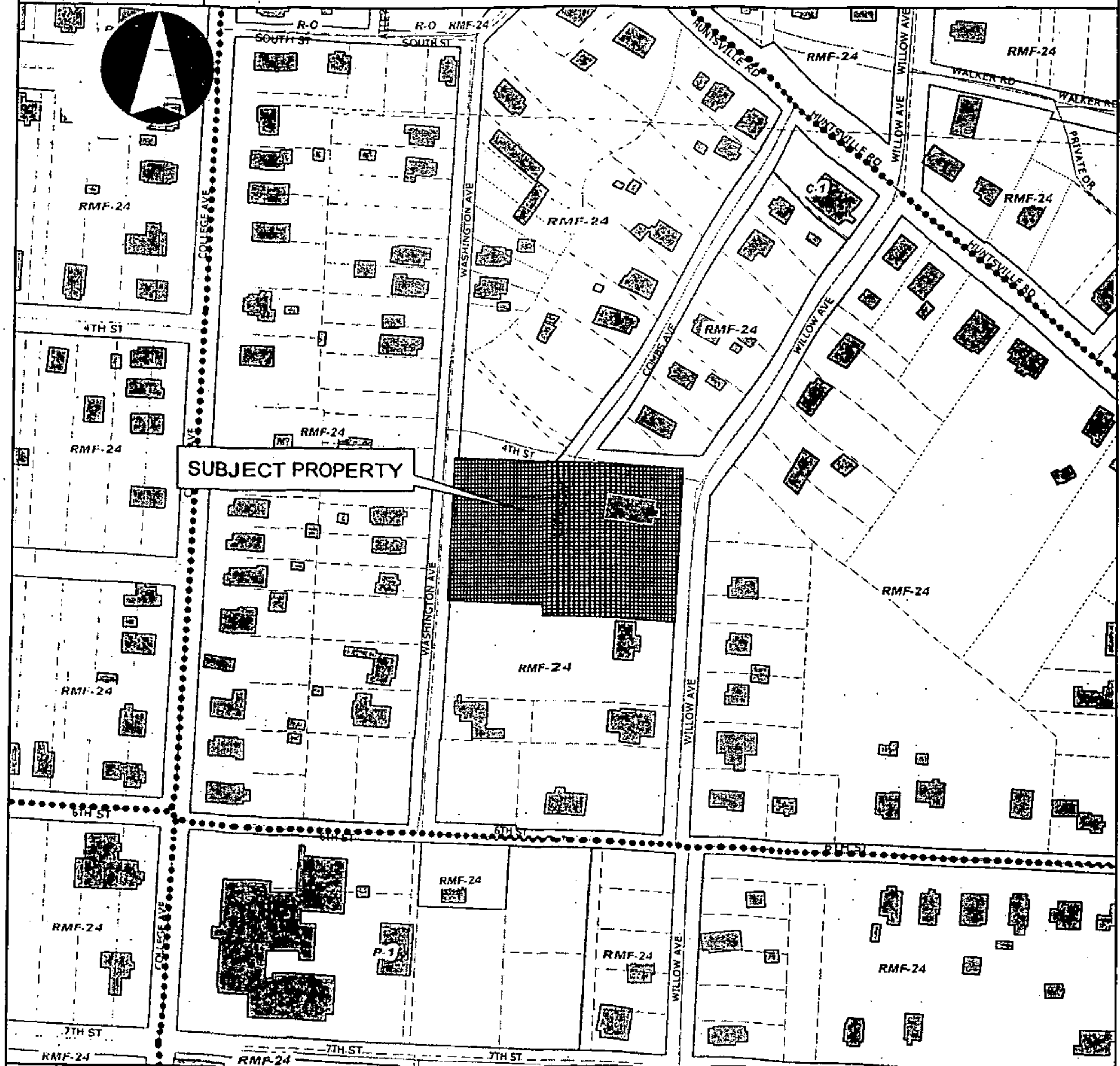
DATE: 10/03/03

PREPARED BY: JSC

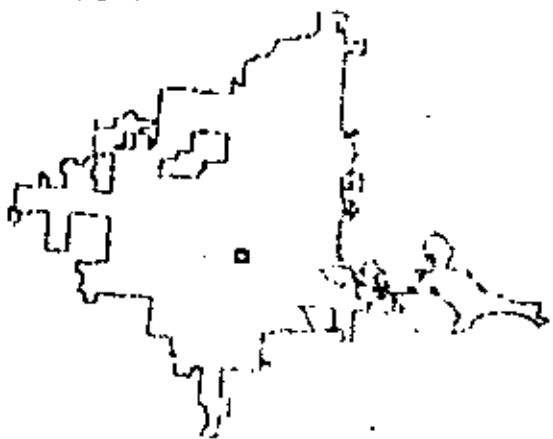
VAC03-12.00

Close Up View

COMBS ST. CHURCH OF CHRIST



Overview



Legend
Subject Property

VAC03-12.00

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

COMBS ST. CHURCH OF CHRIST

 VAC03-12.00

Existing
Planned

Planning Area

Overlay District

City Limits

☐ Outside City Freeway/Expressway

Principal Arterial

 Minor Arterial

Collector

Historic Collection

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

C. 2
VAC 03-12.00 Combs St. Church of Christ
Page 12 of 12 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

December 2, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

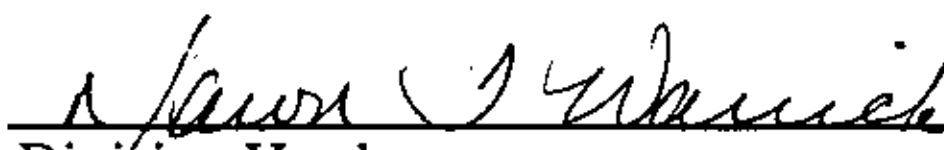
ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

VAC 03-12.00: Vacation (Combs St Church of Christ, pp 524) was submitted by Steve Clark on behalf of Combs St Church of Christ for property located at 350 S. Comb St. The property is zoned RMF-24, Residential Multi-family-24 units per acre. The proposal is to vacate a portion of the platted right of way for 4th Street.

STAFF RECOMMENDATION:

Staff recommended approval and on October 27, 2003 the Planning Commission voted 7-0-0, to recommend approval of this Vacation by the City Council.

 11/14/03
Division Head Date

Received in Mayor's Office

11/18/03
Date P.H. 11/14/03
City Attorney Date 11-14-03
Department Director Date

Cross Reference:

 11-14-03
Finance & Internal Services Dir. Date

Previous Ord/Res#: _____

 11-18-03
Chief Administrative Officer Date

Orig. Contract Date: _____

 11/18/03
Mayor Date

Orig. Contract Number: _____

New Item:

Yes

No

City Council Meeting of December 2, 2003

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and the City Council

THRU: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director *AD*

FROM: Michele Bechhold, Human Resources Director *MB*

DATE: October 28, 2003

SUBJECT: Pay Plan Adjustment Recommendations

RECOMMENDATION:

Adopt Hay's recommendations contained in the 2003 Compensation Practices Update; with an implementation plan to adjust the pay structure by 50% of the Hay recommendation in January 2004, and achieve full implementation in January 2005. This action would result in the following percentages of increase to the various pay structures for 2004 and 2005.

	Non-Uniformed Employees			Police Department			
	NonExempt	Exempt	Executive	Officer	Sergeant	Lieutenant	Captain
% of Structure Increase	3.95	3.1	7.8	3.4	1.8	3.05	4.4

The salary survey showed the Fire Department's pay ranges were very competitive to the market. On average, the overall pay structure is .2% above market. Based on this data, Hay did not recommend any increase to the pay ranges for the Fire Department. (See Fire Pay Comparison Chart, Appendix C of report.)

Coordination of this Decision with Group Medical Premium Amounts

When the renewal of our group benefit plans came before Council, Staff asked that any decision regarding funding the premium increase be made concurrent with any decision regarding possible pay range adjustments. If pay plan adjustments are approved, Staff recommends adopting the rate structure below to fund the increased medical premium.

2004 City & Employee Monthly Premiums

	2004 Individual	2004 Family
City	182.20	408.73
Employee	8.26	54.52

The current rate structure is below.

2003 City & Employee Monthly Premiums

	2003 Individual	2003 Family
City	173.94	373.26
Employee	0	49.80

BACKGROUND:

For your reference, the chart below depicts salary survey results and pay structure adjustments, (implemented and proposed), since the new public sector methodology developed by the Oversight Committee has been in place.

SUMMARY OF SURVEY RESULTS & STRUCTURE ADJUSTMENTS

Employee Group	Changes Recommended For 2003	Changes Made In 2003	Changes Recommended For 2004	1 st Phase of Change 2004	2 nd Phase of Change 2005	Total Adjustments
NonExempt	0	0	7.9	3.95	3.95	7.9
Exempt	0	0	6.19	3.1	3.09	6.19
Executive	11	0	15.6	7.8	7.8	15.6
Firefighter	18	18	0	0	0	18
Fire Captain	11	11	0	0	0	11
Battalion Chief	9.4	9.4	0	0	0	9.4
Police Officer	13	13	6.8	3.4	3.4	19.8
Police Sergeant	14	14	3.6	1.8	1.8	17.6
Police Lieutenant	11	11	6.1	3.05	3.05	17.1
Police Captain	4	4	8.8	4.4	4.4	12.8

DISCUSSION:

Staff's recommendation and two other possible options are presented below. Both Options 1 and 2 result in actual increases in base pay for all uniformed police employees on January 5, 2004. For the non-uniformed sector, Option 1 results in less than thirty employees receiving an increase on January 5, 2004 due to the pay range adjustments. The movement of the pay ranges under Option 2 would create an increase in pay for less than eighty non-uniformed employees.

Option 1: Phased – In Implementation

Staff is recommending a phased-in approach to implement the survey, in order to more closely match increases in personnel costs with projected revenue streams. Key considerations in developing this recommendation were to present a plan that would allow the City to contain costs, while at the same time maintaining our systems and remaining competitive in the market. By phasing in the structure increases over a two year period, the City is able to minimize the associated costs, provide partial benefit of the survey to employees, and make incremental adjustments to maintain our position in the market. When the pay ranges are adjusted in January 2005 to complete this process, we will achieve our policy goal of setting our pay range midpoints at average market pay, as determined by the latest salary survey.

If labor market conditions remain constant, this option generates very little risk for the City. We would not expect any measurable increase in turnover directly attributable to a phased in approach.

Option 2: Full Implementation

Council may wish to consider adjusting the pay ranges by the full amount Hay has recommended to meet the average market pay of the survey group. The City's practice in past years has been to implement the full recommendation in one year. Implementation of the survey percentages across the board would allow the City to be consistent in this practice.

For non-uniformed employees, compensated through a merit pay system, this option provides the greatest opportunity for supervisors to reward employees for performance at their review date.

The downside of this option is that all implementation costs are incurred in 2004 and these costs are a factor for 2004 and 2005.

Option 3: Delay Implementation - 2.5% COLA on Anniversary Date

This option does not correct any of the differences between the market and our pay range structures. It delays, but does not eliminate, the costs associated with maintaining our pay ranges. This approach achieves short-term cost savings. Savings would be generated by two separate actions. One, no changes would be made to the pay structures in 2004, and two, the City would suspend merit and step raises for 2004. In this scenario, employees would receive a 2.5% COLA on their anniversary date instead of a merit or step raise.

This approach creates the greatest potential risk for the City. By utilizing the COLA process, the City would be setting aside the systems that have been developed to administer base pay. Considerable funding and staff hours have been invested in the process of fine tuning our existing systems. Abandoning these systems would be in direct contradiction to the City's goal of building and maintaining trust and confidence in our compensation system. By disabling the merit pay system for non-uniformed employees, supervisors would lose the mechanism to reward individual performance. In the assessment of downsides and possible negative effects, it is reasonable to project that the elimination of the incentive to perform would have a negative impact on organizational performance as a whole.

Of the three options, this situation is the one most likely to set the stage for a potential increase in turnover and the associated recruiting, hiring and training costs.

Merit Budget

Staff is also recommending that the City adopt a revised merit matrix, one that yields approximately 3.0% - 3.5% increase to non-uniformed base pay. According to Hay's market data sources, public sector employers are projecting merit budgets to be approximately 3.3% for 2004.

The 2003 and proposed 2004 Merit Increase Salary Guides are included as an attachment to this document.

BUDGET IMPACT:

Option 1

The 2004 Proposed Budget includes the funding necessary to implement Option 1. The immediate cost to accomplish a 50% structure increase for 2004 is \$149,999.

Option 2

The immediate cost to fully implement Hay's recommendations in 2004 is \$306,656. The Proposed Budget does not include adequate funding for this option. To fund full implementation, an additional \$156,657 over the budgeted amount would need to be allocated.

Option 3 **

This option generates a cost savings in comparison to implementing structure increases and continuing to administer the merit and step increase plans. The cost of the COLA is \$379,049. The savings of this option as compared to Staff's recommendation is approximately \$231,156. This savings represents the difference between the cost of implementing a 50% increase to the ranges and continuing our normal merit/step increases; and the cost of the COLA alone.

** The cost figures for Options 1 and 2 reflect only the costs to adjust the pay structures and do not include any costs associated with merit/step increases. Elimination of the merit/step increases generates the savings amount referenced in Option 3.

Medical Premium Increase

As previously stated, Staff is proposing to fund the increase in the medical premium by increasing both the City's and the employees' share if Council approves Option 1 or 2. The 2004 Proposed Budget includes funding to cover the increase to the City's portion of the premium based on the cost sharing arrangement on Page 1 of this memo.

Staff is available to answer any questions you may have.

Attachments: Proposed 2004 & 2005 Police Matrices
Proposed 2004 & 2005 Nonexempt & Exempt Matrices
2003 Merit Increase Salary Guide
2004 Proposed Merit Increase Salary Guide

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE HAY GROUP'S RECOMMENDATION IN THE 2003 COMPENSATION PRACTICES UPDATE; IMPLEMENTING 50% OF THE RECOMMENDATION IN JANUARY 2004 AND THE REMAINING 50% IN JANUARY 2005; AND APPROVING THE 2004 CITY AND EMPLOYEE PREMIUM AMOUNTS FOR THE GROUP MEDICAL PLAN.

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 adopts the Hay Group's recommendation in the 2003 Compensation Practices Update.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby adopts City Staff's recommendation to implement 50% of the recommendation in January 2004, and the remaining 50% in January 2005.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves the 2004 City and Employee premium amounts for the Group Medical Plan.

PASSED and APPROVED this 18th day of November, 2003.

ATTEST
By: SONDRA SMITH, City Clerk

APPROVED
By: DAN COODY, Mayor

DRAFT

2004 PROPOSED POLICE STEP RATES

STEP A											STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	YEAR 10	YEAR 15	YEAR 20
POLICE CAPTAIN (Day Shift) Increase = 4.4%	TOTAL PAY	48,650	51,073	53,496	55,919	58,342	60,765	63,188	64,188	65,188	66,188								
	RT PAY RATE 1	23,389	24,554	25,719	26,884	28,049	29,214	30,379	30,860	31,341	31,821								
POLICE LIEUTENANT Increase = 3.05%	BASE PAY	40,417.90	42,431.04	44,444.21	47,832.00	49,905.00	51,977.16	54,050.16	53,425.39	54,353.96	55,283								
	HOLIDAY PAY	1865.44	1958.36	2051.27	2144.19	2237.10	2330.02	2422.93	2465.79	2508.64	2551.50								
	EXTRA HOL PAY	1243.63	1305.57	1367.51	1429.46	1491.40	1553.34	1615.29	1643.86	1672.43	1701.00								
	TOTAL PAY	43,527	45,695	47,863	50,031	52,199	54,367	56,535	57,535	58,535	59,535								
	RT PAY RATE 1	19,432	20,400	21,367	22,335	23,303	24,271	25,239	25,685	26,132	26,578								
	OT PAY RATE 2	20,926	21,969	23,011	24,053	25,096	26,138	27,180	27,661	28,142	28,623								
POLICE SERGEANT Increase = 1.8%	BASE PAY	36512.72	38331.79	40149.57	41968.64	43787.71	45605.50	47424.57	48353.14	49281.71	50210.28								
	HOLIDAY PAY	1685.20	1769.16	1853.06	1937.01	2020.97	2104.87	2188.83	2231.68	2274.54	2317.40								
	EXTRA HOL PAY	1123.47	1179.44	1235.37	1291.34	1347.31	1403.25	1459.22	1487.79	1516.36	1544.93								
	TOTAL PAY	39,321	41,280	43,238	45,197	47,156	49,114	51,073	52,073	53,073	54,073								
	RT PAY RATE 1	17,554	18,429	19,303	20,177	21,052	21,926	22,800	23,247	23,693	24,140								
	OT PAY RATE 2	18,905	19,846	20,788	21,729	22,671	23,612	24,554	25,035	25,516	25,996								
POLICE OFFICER Increase = 3.4%	BASE PAY	29192.73	30646.87	32100.71	33554.86	35009.00	36462.85	37916.99	38845.56	39774.13	40702.70								
	HOLIDAY PAY	1347.36	1414.47	1481.57	1548.69	1615.80	1682.90	1750.01	1792.87	1835.73	1878.59								
	EXTRA HOL PAY	898.24	942.98	987.71	1032.46	1077.20	1121.93	1166.68	1195.25	1223.82	1252.39								
	TOTAL PAY	31,438	33,004	34,570	36,136	37,702	39,268	40,834	41,834	42,834	43,834								
	RT PAY RATE 1	14,035	14,734	15,433	16,132	16,831	17,530	18,229	18,676	19,122	19,569								
	OT PAY RATE 2	15,115	15,867	16,620	17,373	18,126	18,879	19,632	20,112	20,593	21,074								
POLICE CORPORAL	BASE PAY						37916.99	39371.13	40299.70	41228.27	42156.85								
	HOLIDAY PAY						1750.01	1817.13	1859.99	1902.84	1945.70								
	EXTRA HOL PAY						1166.68	1211.42	1239.99	1268.56	1297.13								
	TOTAL PAY						40,834	42,400	43,400	44,400	45,400								
	RT PAY RATE 1						18,229	18,928	19,375	19,821	20,268								
	OT PAY RATE 2						19,632	20,384	20,865	21,346	21,827								

P1 HOURS 2240
P2 HOURS 2080

2005 PROPOSED POLICE STEP RATES

	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	YEAR 10	YEAR 15	YEAR 20
POLICE CAPTAIN										
TOTAL PAY	50,699	53,224	55,750	58,275	60,800	63,326	65,851	68,851	67,851	68,851
RT PAY RATE 1	24,375	25,589	26,803	28,017	29,231	30,445	31,659	32,140	32,621	33,101
INCREASE = 8.8%										
POLICE LIEUTENANT										
BASE PAY	41,614.34	43,686.91	45,760.00	47,832.00	49,905.00	51,977.16	54,050.16	54,979.38	55,907.95	56,837
HOLIDAY PAY	1920.66	2016.32	2112.00	2207.66	2303.31	2399.00	2494.65	2537.51	2580.37	2623.22
EXTRA HOL PAY	1280.44	1344.21	1408.00	1471.77	1535.54	1599.33	1663.10	1691.67	1720.24	1748.82
TOTAL PAY	44,815	47,047	49,280	51,512	53,744	55,977	58,209	59,209	60,209	61,209
RT PAY RATE 1	20,007	21,003	22,000	22,996	23,993	24,990	25,986	26,432	26,879	27,325
OT PAY RATE 2	21,546	22,619	23,692	24,765	25,838	26,912	27,985	28,466	28,946	29,427
POLICE SERGEANT										
BASE PAY	37,158.20	39,008.84	40,859.93	42,710.57	44,561.21	46,412.30	48,262.95	49,191.52	50,120.09	51,048.66
HOLIDAY PAY	1714.99	1800.41	1885.84	1971.26	2056.67	2142.11	2227.52	2270.38	2313.23	2356.09
EXTRA HOL PAY	1143.33	1200.27	1257.23	1314.17	1371.11	1428.07	1485.01	1513.59	1542.16	1570.73
TOTAL PAY	40,017	42,010	44,003	45,996	47,989	49,982	51,975	52,975	53,975	54,975
RT PAY RATE 1	17,865	18,754	19,644	20,534	21,424	22,314	23,203	23,650	24,096	24,543
OT PAY RATE 2	19,239	20,197	21,155	22,113	23,072	24,030	24,988	25,469	25,950	26,431
POLICE OFFICER										
BASE PAY	30,152.46	31,653.96	33,156.50	34,658.00	36,159.50	37,662.04	39,163.54	40,092.11	41,020.68	41,949.25
HOLIDAY PAY	1391.65	1460.95	1530.30	1599.60	1668.90	1738.25	1807.55	1850.41	1893.26	1936.12
EXTRA HOL PAY	927.77	973.97	1020.20	1066.40	1112.60	1158.83	1205.03	1233.60	1262.17	1290.75
TOTAL PAY	32,472	34,089	35,707	37,324	38,941	40,559	42,176	43,176	44,176	45,176
RT PAY RATE 1	14,496	15,218	15,941	16,663	17,384	18,107	18,829	19,275	19,721	20,168
OT PAY RATE 2	15,611	16,389	17,167	17,944	18,722	19,500	20,277	20,758	21,239	21,719
POLICE CORPORAL										
BASE PAY										
HOLIDAY PAY										
EXTRA HOL PAY										
TOTAL PAY										
RT PAY RATE 1										
OT PAY RATE 2										

P1 HOURS 2240
P2 HOURS 2080

2004 PROPOSED NON-EXEMPT PAY RANGES AND HOURLY RATES

GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY	GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY
290	11	NA	31,375	37,801	44,227	15.084	120	6	NA	17,467	21,045	24,622	8.398
		NB	32,205	38,801	45,397	15.483			NB	18,297	22,045	25,792	8.797
		NC	33,035	39,801	46,567	15.882			NC	19,127	23,045	26,962	9.196
		ND	33,865	40,801	47,737	16.281			ND	19,957	24,045	28,132	9.595
250	10	NA	28,102	33,858	39,614	13.511	100	5	NA	15,831	19,074	22,316	7.611
		NB	28,932	34,858	40,784	13.910			NB	16,661	20,074	23,486	8.010
		NC	29,762	35,858	41,954	14.309			NC	17,491	21,074	24,656	8.409
		ND	30,592	36,858	43,124	14.708			ND	18,321	22,074	25,826	8.808
205	9	NA	24,421	29,423	34,425	11.741	85	4	NA	14,604	17,595	20,586	7.021
		NB	25,251	30,423	35,595	12.140			NB	15,434	18,595	21,756	7.420
		NC	26,081	31,423	36,765	12.539			NC	16,264	19,595	22,926	7.819
		ND	26,911	32,423	37,935	12.938			ND	17,094	20,595	24,096	8.218
175	8	NA	21,967	26,466	30,965	10.561	75	3	NA	13,786	16,609	19,433	6.628
		NB	22,797	27,466	32,135	10.960			NB	14,616	17,609	20,603	7.027
		NC	23,627	28,466	33,305	11.359			NC	15,446	18,609	21,773	7.426
		ND	24,457	29,466	34,475	11.758			ND	16,276	19,609	22,943	7.825
145	7	NA	19,512	23,509	27,505	9.381	65	2	NA	12,968	15,624	18,280	6.234
		NB	20,342	24,509	28,675	9.780			NB	13,798	16,624	19,450	6.634
		NC	21,172	25,509	29,845	10.179			NC	14,628	17,624	20,620	7.033
		ND	22,002	26,509	31,015	10.578			ND	15,458	18,624	21,790	7.432

2005 PROPOSED NON-EXEMPT PAY RANGES AND HOURLY RATES

GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY	GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY
290	11	NA	32,567	39,237	45,907	15.657	120	6	NA	18,131	21,844	25,558	8.717
		NB	33,397	40,237	47,077	16.056			NB	18,961	22,844	26,728	9.116
		NC	34,227	41,237	48,247	16.455			NC	19,791	23,844	27,898	9.515
		ND	35,057	42,237	49,417	16.854			ND	20,621	24,844	29,068	9.914
250	10	NA	29,170	35,145	41,119	14.024	100	5	NA	16,432	19,798	23,164	7.900
		NB	30,000	36,145	42,289	14.423			NB	17,262	20,798	24,334	8.299
		NC	30,830	37,145	43,459	14.822			NC	18,092	21,798	25,504	8.698
		ND	31,660	38,145	44,629	15.221			ND	18,922	22,798	26,674	9.097
205	9	NA	25,349	30,541	35,732	12.187	85	4	NA	15,159	18,263	21,368	7.288
		NB	26,179	31,541	36,902	12.586			NB	15,989	19,263	22,538	7.687
		NC	27,009	32,541	38,072	12.985			NC	16,819	20,263	23,708	8.086
		ND	27,839	33,541	39,242	13.384			ND	17,649	21,263	24,878	8.485
175	8	NA	22,801	27,471	32,141	10.962	75	3	NA	14,309	17,240	20,171	6.880
		NB	23,631	28,471	33,311	11.361			NB	15,139	18,240	21,341	7.279
		NC	24,461	29,471	34,481	11.760			NC	15,969	19,240	22,511	7.678
		ND	25,291	30,471	35,651	12.159			ND	16,799	20,240	23,681	8.077
145	7	NA	20,254	24,402	28,550	9.737	65	2	NA	13,460	16,217	18,974	6.471
		NB	21,084	25,402	29,720	10.136			NB	14,290	17,217	20,144	6.870
		NC	21,914	26,402	30,890	10.535			NC	15,120	18,217	21,314	7.269
		ND	22,744	27,402	32,060	10.934			ND	15,950	19,217	22,484	7.668

2004 PROPOSED EXEMPT PAY RANGES AND HOURLY RATES

GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY MAX HRLY	GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY MAX HRLY
1768	EX		79,728	96,057	112,387	38,331 50.123	580	15	ER	55,622	67,014	78,406	26,741 36.562
1124	EX		66,723	80,389	94,055	32,078 41.947			EB	56,452	68,014	79,576	27,140 37.125
	EXD		69,213	83,389	97,565	33,275 43.635			ED	58,112	70,014	81,916	27,938 38.250
1074	EX		65,713	79,172	92,632	31,593 41.312	490	14	ER	48,060	57,904	67,748	23,106 31.592
1028	EX		64,784	78,053	91,322	31,146 40.728			EB	48,890	58,904	68,918	23,505 32.154
994	EX		64,098	77,226	90,354	30,816 40.297	410	13	ED	50,550	60,904	71,258	24,303 33.279
904	EX		62,280	75,036	87,792	29,942 39.154							
839	EX		60,968	73,455	85,942	29,311 38.329	350	12	ER	36,298	43,733	51,168	17,451 23.860
732	EX		58,807	70,852	82,896	28,272 36.970			EB	37,128	44,733	52,338	17,850 24.423
702	EX		58,201	70,122	82,042	27,981 36.590			ED	38,788	46,733	54,678	18,648 25.548
682	EX		57,797	69,635	81,473	27,787 36.336	290	11	ER	31,621	38,098	44,575	15,203 20.547
677	EX		57,696	69,513	81,331	27,739 36.272			EB	32,451	39,098	45,745	15,602 21.109
	EXD		60,186	72,513	84,841	28,936 36.960			ED	34,111	41,098	48,085	16,400 22.234
							250	10	ER	28,220	34,000	39,780	13,567 18.338
									EB	29,050	35,000	40,950	13,966 18.900
									ED	30,710	37,000	43,290	14,764 20.025

2005 PROPOSED EXEMPT PAY RANGES AND HOURLY RATES

GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY MAX HRLY	GRD PTS	GRD	ACES	MIN	MID	MAX	MIN HRLY MAX HRLY
1768		EX	85,496	103,007	120,518	41.104 50.123	580	15	ER	56,708	68,323	79,938	27.264 36.562
1124		EX	71,550	86,205	100,860	34.399 41.947			EB	57,538	69,323	81,108	27.663 37.125
		EXD	74,040	89,205	104,370	35.596 43.635			ED	59,198	71,323	83,448	28.461 38.250
1074		EX	70,468	84,901	99,334	33.879 41.312	490	14	ER	48,999	59,035	69,071	23.557 31.592
1028		EX	69,471	83,701	97,930	33.400 40.728			EB	49,829	60,035	70,241	23.956 32.154
994		EX	68,735	82,813	96,892	33.046 40.297	410	13	ER	42,147	50,779	59,411	20.263 27.174
904		EX	66,786	80,465	94,144	32.109 39.154			ED	44,637	53,779	62,921	21.460 28.861
839		EX	65,379	78,770	92,160	31.432 38.329	350	12	ER	37,007	44,587	52,167	17.792 23.860
732		EX	63,062	75,978	88,894	30.318 36.970			EB	37,837	45,587	53,337	18.191 24.423
702		EX	62,412	75,195	87,978	30.006 36.590	290	11	ER	31,868	38,395	44,922	15.321 20.547
682		EX	61,979	74,673	87,368	29.798 36.336			ED	34,358	41,395	48,432	16.518 22.234
677		EX	61,871	74,543	87,215	29.745 36.272	250	10	ER	28,442	34,267	40,092	13.674 18.338
		EXD	64,361	77,543	90,725	30.943 36.960			EB	29,272	35,267	41,262	14.073 18.900
									ED	30,932	37,267	43,602	14.871 20.025

2003 MERIT INCREASE SALARY GUIDE

		PERFORMANCE									
		(EVALUATION SCORES ARE BELOW)									
MAX		BEST									
		5.0	4.5	4.0	3.5	3.0	2.5	2.0	0.0	WORST	
117	%	6.0%	5.5%	5.0%	4.0%	3.0%	0.0%	0.0%	0.0%	0.0%	
111											
110.9	%	8.0%	7.0%	6.0%	5.0%	4.0%	0.0%	0.0%	0.0%	0.0%	
104											
103.9	%	9.0%	8.0%	7.0%	6.0%	5.0%	0.0%	0.0%	0.0%	0.0%	
97											
96.9	%	11.0%	10.0%	9.0%	8.0%	7.0%	0.0%	0.0%	0.0%	0.0%	
90											
89.9	%	12.0%	11.0%	10.0%	9.0%	8.0%	0.0%	0.0%	0.0%	0.0%	
83											
MIN											

[illegible]

STAFF REVIEW FORM - FINANCIAL OBLIGATION

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

December 2, 2003
November 18, 2003

For the Fayetteville City Council Meeting of:

FROM:

Michele Bechhold Human Resources Finance & Internal Services
Name Division Department

ACTION REQUIRED: Adopt Hay Group's recommendation in the 2003 Compensation Practices Update; with an implementation plan to adjust the pay structure by 50% of the Hay recommendation in January 2004 and achieve full implementation in January 2005. Approve 2004 City and employee premium amounts for the group medical plan.

COST TO CITY:

<u>\$325,088.00</u>	<u>\$ -</u>	
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>Various</u>	<u>\$ -</u>	
Account Number	Funds Used to Date	Program / Project Category Name
	<u>\$ -</u>	<u>Various</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: 2004 Budgeted Item Budget Adjustment Attached

[Signature] 11-5-03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u> <u>11/5/03</u>	<u>[Signature]</u> <u>11/5/03</u>
Accounting Manager Date	Internal Auditor Date
<u>[Signature]</u> <u>11/5/03</u>	<u>[Signature]</u> <u>11/5/03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION:

[Signature] 11-4-03
Division Head Date

Received in Mayor's Office
Date

Department Director Date

[Signature] 11-5-03
Finance & Internal Services Dir. Date

Chief Administrative Officer Date

Mayor Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701

TO: Mayor Dan Coody → Please forward to Council for Agenda Packet.
FROM: Wage & Benefit Committee J. Thomas J.T.B. D.C.
DATE: November 14, 2003
SUBJECT: Implementation of Pay Plan and Proposed Decrease in the Merit Matrix

The Wage & Benefit committee has carefully reviewed all data provided by Human Resources and Budget staff. We believe it is essential for pay plan conformance and employee morale that the full pay plan recommendations be implemented in 2004. It should be noted that a fully implemented plan would get employees to a 2003 average market figure.

We recommend no change be made to the merit matrix, which was adjusted with input from the committee for the 2003 calendar year. We feel the 2003 matrix is working well. The amount proposed in the 2004 merit matrix budget shows a decrease of \$41,500 from the 2003 merit matrix. The committee feels this amount should not significantly impact the 2004 budget, but could negatively impact the 427 city employees on the merit system.

The employees are the City of Fayetteville's most valuable assets. Since 1989 the city has been able to implement the pay plan fully. This committee was given the task of evaluating the proposal for fair compensation to both civilian and civil service employees. This fair compensation as noted by the extensive study performed by HayGroup recommends the following:

- Increase Non-Exempt midpoint policy by 7.9%
- Increase Exempt midpoint policy by 6.19%
- Increase Executive midpoint policy by 15.6%
- No Increase to Fire Department Salary Ranges
- Increase Police pay ranges by approximately 6.6% overall

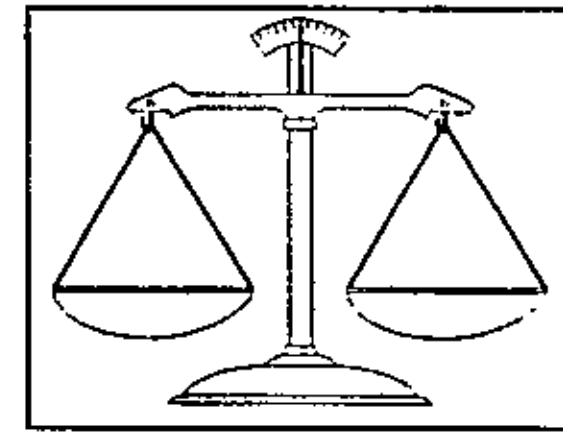
It is important to maintain a plan that rewards all employees equally. The committee respectfully submits this recommendation for your consideration.

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 be 'Kit Williams', written over a horizontal line.

DATE: **December 3, 2003**

RE: **Passed Resolutions and Ordinances from City Council meeting of
December 2, 2003**

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

Enclosed are:

1. **Police Department Policy – Racial Profiling Prohibited:** Resolution to adopt Fayetteville Police Department Policy prohibiting racial profiling;
2. **APAC Arkansas Inc.; Church Avenue Retaining Wall:** Resolution awarding Bid #03-66 to APAC Arkansas Inc. in amount of \$28,015.00 to replace retaining wall at Church Avenue employee parking lot; and approving project contingency in amount of \$2,801.00;
3. **Garver Engineers, LLC; Mount Sequoyah Water & Sewer Improvements:** Resolution approving contract w/Garver Engineers for engineering services related to Mount Sequoyah Water & Sewer Improvements project in amount of \$68,300.00;

4. **Cross Keys Subdivision – Park Land Dedication – Money in lieu of land:** Resolution accepting Parks & Recreation Advisory Board's recommendation to accept \$58,830.00 cash in lieu of required park land dedication for Cross Keys Subdivision;
5. **Fleet Purchase of Two Ford Expeditions for Police Department:** Resolution approving purchase of two Ford Expeditions from Landers Ford at State contract prices for total cost of \$56,322.00 for use as police K-9 units;
6. **Special Election for Referendum Election on Ordinance No. 4512:** Resolution setting date for Special Election for Referendum Election on Ordinance No. 4512 which amended §95.05 of Fayetteville Code to Regulate Smoking in Most Public Places and Places of Employment and requesting Washington County Board of Election Commissioners to place this referendum on ballot;
7. **Amend Chapter 51.136 Monthly Water Rates:** Ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates;
8. **Public Hearing Raze & Removal 226 N. School Avenue:** Resolution ordering razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in City of Fayetteville;
9. **Raze & Removal 1905 S. Brower Avenue:** Resolution ordering razing and removal of a dilapidated and unsafe structure owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in City of Fayetteville;
10. **VAC 03-12.00 Combs Street Church of Christ:** Ordinance approving VAC 03-12.00 to vacate and abandon a portion of 4th Street right of way, City of Fayetteville, as described on attached map and legal description;
11. **2004 Group Medical Premium Recommendation:** Resolution approving 2004 City and Employee Premium amounts for Group Medical Plan.

**Tentative Agenda
For
City Council Meeting
December 2, 2003**

A meeting of the Fayetteville City Council will be held on December 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the October 21, 2003 and November 18, 2003 meeting minutes.
2. **Police Department Policy – Racial Profiling Prohibited:** A resolution to adopt a Fayetteville Police Department Policy prohibiting racial profiling.
3. **APAC Arkansas Inc; Church Avenue Retaining Wall:** A resolution awarding Bid # 03-66 to APAC-Arkansas Inc. in the amount of Twenty-Eight Thousand Fifteen Dollars (\$28,015.00) to replace a retaining wall at the Church Avenue employee parking lot; and approving a project contingency in the amount of Two Thousand Eight Hundred One Dollars (\$2,801.00).
4. **Garver Engineers, LLC; Mount Sequoyah Water and Sewer Improvements Project:** A resolution approving a contract in the amount of Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00) with Garver Engineers, LLC for engineering services relating to the Mount Sequoyah Water and Sewer Improvements Project.
5. **Cross Keys Subdivision – Park Land Dedication – Money in lieu of land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$58,830.00 cash in lieu of the required park land dedication for Cross Keys Subdivision.
6. **Fleet Purchase of 2 Expeditions for the Police Department:** A resolution approving the purchase of four Ford Expeditions from Landers Ford at State contract prices for a total cost of \$56,322.00 for use as police K-9 units.
7. **ADM 03-29.00 Property South of Hyland Park and East of Crossover Road:** A resolution approving ADM 03-29.00 amending the Master Street Plan by removing the Eastern extension of Cliffs Blvd. between Crossover Road and Starr Drive.

*Check description
of resolution →*

*New
Business*

Consent Smoking Special Election

B. OLD BUSINESS:

- Check reading 2nd or 3rd?*
1. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates. *This Ordinance was left on the second reading at the October 7, 2003 City Council meeting. This Ordinance was tabled at the November 18, 2003 City Council meeting to the December 2, 2003 City Council meeting.*
 2. **2004 Annual Budget:** A resolution adopting the proposed 2004 Annual Budget & Work Program and the 2004-2008 Capital Improvement Program. *This Resolution was tabled at the November 18, 2003 City Council meeting until the December 2, 2003 City Council meeting.*

C. NEW BUSINESS:

1. **Raze and Removal 1905 S. Brower Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in the City of Fayetteville, Arkansas.
2. **VAC 03-12.00 Combs Street Church of Christ:** An ordinance approving VAC 03-12.00 to vacate and abandon a portion of 4th Street right of way, City of Fayetteville, Washington County, Arkansas as described on the attached map and legal description.
3. **Hay Group 2004 Salary Recommendation:** A resolution adopting the Hay Group's recommendation in the 2003 compensation practices update; implementing 50% of the recommendation in January 2004 and the remaining 50% in January 2005; and approving the 2004 city and employee premium amounts for the group medical plan.

H7 Amend Summary 4-
D. INFORMATIONAL:

December 1, 2003 – Council Tour

Enterprise Fund Tuesday Room 326
December 2, 2003

Old Business Dec. 2. Klinger Property - Add to Agenda

**Tentative Agenda
For
City Council Meeting
December 2, 2003**

A meeting of the Fayetteville City Council will be held on December 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the October 21, 2003 and November 18, 2003 meeting minutes.

B. OLD BUSINESS:

1. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates. *This Ordinance was left on the second reading at the October 7, 2003 City Council meeting. This Ordinance was tabled at the November 18, 2003 City Council meeting to the December 2, 2003 City Council meeting.*
2. **2004 Annual Budget:** A resolution adopting the proposed 2004 Annual Budget & Work Program and the 2004-2008 Capital Improvement Program. *This Resolution was tabled at the November 18, 2003 City Council meeting until the December 2, 2003 City Council meeting.*

C. NEW BUSINESS:

- move to consent*
- ① **Police Department Policy – Racial Profiling Prohibited:** A resolution to adopt a Fayetteville Police Department Policy prohibiting racial profiling.
 2. **Hay Group 2004 Salary Recommendation:** A resolution adopting the Hay Group's recommendation in the 2003 compensation practices update; implementing 50% of the recommendation in January 2004 and the remaining 50% in January 2005; and approving the 2004 city and employee premium amounts for the group medical plan.
 - move to consent* ③ **APAC Arkansas Inc; Church Avenue Retaining Wall:** A resolution awarding Bid # 03-66 to APAC-Arkansas Inc. in the amount of Twenty-Eight Thousand Fifteen Dollars (\$28,015.00) to replace a retaining wall at the Church Avenue employee parking lot; and approving a project contingency in the amount of Two Thousand Eight Hundred One Dollars (\$2,801.00).

move to consent

4. **Garver Engineers, LLC; Mount Sequoyah Water and Sewer Improvements Project:** A resolution approving a contract in the amount of Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00) with Garver Engineers, LLC for engineering services relating to the Mount Sequoyah Water and Sewer Improvements Project.

move to consent

5. **Cross Keys Subdivision – Park Land Dedication – Money in lieu of land:**

move to consent

6. **Fleet Purchase of 2 Expeditions for the Police Department:**

rec'd

7. **Raze and Removal 1905 S. Brower Avenue:**

rec'd

8. **VAC 03-12:00 Combs Street Church of Christ:**

move to consent

9. **VAC 03-29.00 Property South of Hyland Park and East of Crossover Road:**

10. **Council on Aging – Operation of Fayetteville Senior Center:** put on 1st Dec.

D. ~~A~~ **INFORMATIONAL:**

December 1, 2003 – Council Tour

**Tentative Agenda
For
City Council Meeting
December 2, 2003**

A meeting of the Fayetteville City Council will be held on December 2, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the October 21, 2003 and November 18, 2003 meeting minutes.

B. OLD BUSINESS:

C. NEW BUSINESS:

1. **Police Department Policy – Racial Profiling Prohibited:** A resolution to adopt a Fayetteville Police Department Policy prohibiting racial profiling.
2. **Hay Group 2004 Salary Recommendation:** A resolution adopting the Hay Group's recommendation in the 2003 compensation practices update; implementing 50% of the recommendation in January 2004 and the remaining 50% in January 2005; and approving the 2004 city and employee premium amounts for the group medical plan.
3. **APAC Arkansas Inc; Church Avenue Retaining Wall:** A resolution awarding Bid # 03-66 to APAC-Arkansas Inc. in the amount of Twenty-Eight Thousand Fifteen Dollars (\$28,015.00) to replace a retaining wall at the Church Avenue employee parking lot; and approving a project contingency in the amount of Two Thousand Eight Hundred One Dollars (\$2,801.00).
4. **Garver Engineers, LLC; Mount Sequoyah Water and Sewer Improvements Project:** A resolution approving a contract in the amount of Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00) with Garver Engineers, LLC for engineering services relating to the Mount Sequoyah Water and Sewer Improvements Project.
5. **Cross Keys Subdivision – Park Land Dedication – Money in lieu of land:**
6. **Council on Aging – Operation of Fayetteville Senior Center:**
7. **Fleet Purchase of 2 Expeditions for the Police Department:**

8. Raze and Removal 1905 S. Brower Avenue:

9. VAC 03-12:00 Combs Street Church of Christ:

10. VAC 03-29.00 Property South of Hyland Park and East of Crossover Road:

D. INFORMATIONAL:

December 1, 2003 – Council Tour