MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
FEBRUARY 6, 2001

A meeting of the Fayetteville City Council was held on February 6, 2001 at 6:30 p.m. in Room 219 in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen, Reynolds, Theil, Young, Zurcher, Trumbo, Davis, Santos, Jordan, City Attorney Jerry Rose, City Clerk Heather Woodruff, Staff, Press, and Aldermen.\

CONSENT

APPROVAL OF THE MINUTES: Approval of the minutes from the December 19, 2000, and January 16, 2001 meetings.

UTILITY AGREEMENT: A resolution approving a City-Utility agreement between the City of Fayetteville and Ozarks Electric Coop. Corp., for the necessary adjustments for the Double Springs Road bridge over Owl Creek.

RESOLUTION 8-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRFIELD PAVEMENT REHAB: A resolution approving Task Order #8 to the McClelland Consulting Engineering contract in the amount of $138,620.00 with a 15% contingency of $20,793.00 for a total (not to exceed) of $159,413.00 for the engineering of the Airfield Pavement Rehabilitation.

RESOLUTION 9-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LIBRARY AGREEMENT: A resolution approving an interlocal agreement to participate in a joint county/city library system between Washington County Arkansas, and the cities of Fayetteville, Springdale, Elkins, Lincoln, Prairie Grove and West Fork.

RESOLUTION 10-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WASTEWATER ENGINEERING: A resolution approving Amendment No. 1 to the engineering contract with Garver Engineers for the Wastewater Improvement Project.

RESOLUTION 11-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NW REGIONAL SOLID WASTE MANAGEMENT BOARD: A resolution appointing Mayor Coody to serve as the City's authorized representative to the Four-County Regional Solid Waste Management Board.

RESOLUTION 12-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Zurcher moved to approve the consent agenda. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

NEW BUSINESS

BOYS AND GIRLS CLUB BUS: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of used diesel powered forward control passenger vehicles to be utilized by the Fayetteville Boys and Girls Club.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion.

Alderman Reynolds stated the Equipment Committee had reviewed this and recommended approval.

Mr. Rose read the ordinance for the third and final time.

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

ORDINANCE 4288 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OVER THE ROAD TRACTOR: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a used diesel powered over the road tractor to be utilized by the Fayetteville Street Maintenance Division.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

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

Mr. Rose read the ordinance for the third and final time.

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

ORDINANCE 4289 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GARLAND AVE.: A resolution approving Amendment No.1 (which also includes addition of Double Springs Road project) to the engineering contract with Hawkins-Weir Engineering, Inc. for Garland Ave. (Maple to North Street) water and sewer relocation project.

Alderman Young stated they had revised the contract. The sewer plant was the main reason that he was concerned about this. They had added some words to their standard contract. They were going to add some words for the construction phase. He wanted to make sure that the engineers and the contractors were held responsible for that contract. He thought it would be okay.

Alderman Santos asked if he wanted the engineers to be responsible for supervising and inspecting the construction.

Alderman Young stated they had to be responsible for the job. The local engineering firms were being held responsible for their job. It was called a level playing field. They had to be held to the same standard.

Alderman Santos stated there would be a public hearing on Garland widening, Thursday, March 15.

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

RESOLUTION 13-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRPORT BOARD: A resolution re-adopting the creation of the Airport Board; and establishing the purpose, general terms of membership, duties, authority, and policies and procedures for the Airport Board.

Alderman Young stated the Ordinance Review Committee had reviewed this and referred it to the City Council. One item the council needed to discuss was whether to allow members to be outside the city limits.

Mr. Bobby Ferrell, an area resident, stated he thought there needed to be clear rules and boundaries when placing people on boards and commissions. He thought the burden of paying for government and services were the burden of the residences of the city. He believed the decision that affected the citizens of Fayetteville should be made by citizens of Fayetteville. To his knowledge other communities did not have non-residents serving on their boards.

Mr. Rose stated they had a rule that they did not have any membership on their committees other than city residents. There was not a thing wrong to change that general rule and make this an exception to that rule.

Alderman Theil asked about other cities.

Mr. Rose replied he did not really know. It was his guess that Mr. Ferrell was right in that few if any did that. In response to questions, he stated they had the rules printed on the applications for the committees.

Alderman Santos asked if the existing people on boards and commission which did not live inside city limits, did they let them serve out their terms?

Alderman Zurcher stated he would shy away from being exclusive on their committees. A lot of those people who lived just outside the city limits did everything inside the city, except live inside the city. Anything the city did affected them greatly. He suggested including the people in the Planning Area.

Alderman Theil stated the members on the Airport Board were further out than that. Their problem had been finding people to meet the qualifications that they were asking for to serve on the board. She did not know if they could make exceptions for certain board because they needed a higher expertise.

Mr. Rose asked what their purpose was? What was before them tonight was the Airport Board specifically. In adopting this resolution they would be saying for some good reason why they did not wish to follow their rule and why it should be varied in this instance. They were not changing their rules and regulations. They were changing it for this one purpose. They should have some articulate reason for doing that.

Mr. Dave Fulton, an area resident, stated he could see no reason to remove their requirement for citizenship. There were other airports in the county and other cities. He found it difficult to believe that they could not find qualified members of that board within the city of Fayetteville. He could see no need to spread the playing field that wide.

Mr. Charles Wallas, Airport Board Chair, he thought there were three reasons behind their reasons for this portion of the resolution. They had considered every item which has come before them. They would not want this to be a make or break issue. The three reasons are: they would like the Airport Board to have as much expertise and diversity as possible. By including residents of Washington County. They would include people which are active in the Fayetteville Aviation community and were very involved. As an Airport Board they already and two members which were outside the city limits. Their third reasons was to be as broad as they could be to allow people to participate without that restriction. The most important part of this resolution was that it gave the Airport Board more responsibility and accountability.

Alderman Davis stated just because a person did not live inside city limits did not keep them from coming to their board meetings and expressing their thoughts. They could still have valuable input into the Airport.

Alderman Santos moved to amend the resolution to make the members qualified electors of the City of Fayetteville rather than Washington County. Alderman Theil seconded the motion. Upon roll call the motion carried by a vote of 6-2, Zurcher and Jordan voting nay.

Alderman Young moved to amend the resolution to replace "qualified elector" with "residents" of City of Fayetteville. Alderman Zurcher seconded the motion. Upon roll call the motion carried by a vote of 7-1, Santos voting nay.

Ms. Louise Weiss stated the best person for the job should get it without regard where they live.

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

RESOLUTION 14-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

UNDERGROUND UTILITIES: A resolution supporting SB 53, State of Arkansas 83rd General Assembly: An act to create the Study Commission on Underground Electric Lines sponsored by Senator J. Jeffress.

Mayor Coody stated he wanted to get support for this because during the last ice storm they had a lot of residents without power for several days. The Fire Department had responded to nearly fifty wire fires.

Alderman Davis stated it was important for people to know that the committee would not report to the governor until 2002.

Alderman Thiel stated it was a good bill and she would support the idea of a study.

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

RESOLUTION 15-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 7:10p.m.