

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

– AUDIT COMMITTEE REPORT

A. CONSENT AGENDA

- 1. APPROVAL OF THE MINUTES**
- 2. RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
- 3. OLD MISSOURI:** A resolution approving amendment number one, in an amount not to exceed \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.
- 4. GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.
- 5. TRACKING SYSTEMS:** A resolution certifying local government endorsement of Tracking Systems to participate in the Advantage Arkansas Program also known as the Arkansas Enterprise Zone Program.
- 6. CARGO VAN:** A resolution approving the purchase of a 2001 Ford E-150 Cargo Van for the sum of \$21,164.00 from Ron Blackwell Ford. This unit will be used by the Police Department.

B. OLD BUSINESS

1. **SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities. The ordinance was left on the second reading.
2. **REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the Code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days. The ordinance was left on the first reading.

C. NEW BUSINESS

1. **CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept money-in-lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. **RZN 01-10.00:** An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. **RZN 01-11.00:** An ordinance approving rezoning request RZN 01-11.00 submitted by Phillip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. **RZN 01-12.00:** An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brian Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the Master Park Plan and the Master Sidewalk and Trail Plan.

Meeting of August 7, 2001

Roll Call

SANTOS	✓				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
COODY	✓				

● A. Consent *Pulled off consent A-2* (A-2) Passed.

Passed

SANTOS	✓ yes			✓ yes	
JORDAN	✓			✓	
REYNOLDS	✓			✓	
THIEL	✓			✓	
YOUNG	✓			✓	
ZURCHER	✓			✓	
TRUMBO	✓			✓	
DAVIS	✓			1st ✓	
COODY					

Meeting of August 7, 2001

B Old Business - Special Sales Tax Election

	3rd reading	final			
SANTOS	✓ yes	✓ yes			
JORDAN	✓	✓			
REYNOLDS	✓	✓			
THIEL	✓	✓			
YOUNG	✓	✓			
ZURCHER ^K	✓	✓			
TRUMBO	✓	✓			
① DAVIS	✓	✓			
COODY					

B-2 Old Business - Referendum Petitions

	2nd reading	3rd Reading	final		
SANTOS	✓ yes	✓	no		
JORDAN 2	✓	✓	yes		
REYNOLDS	✓	✓	no		
THIEL	✓	② ✓	no	Failed	
YOUNG 1	✓	✓	yes		
ZURCHER ^K	✓	✓	yes		
TRUMBO	✓	① ✓	no		
DAVIS	✓	✓	no		
COODY					

passed
B

go to 3rd reading
sup rules
will burn
Hunt ①

B-2
sup. rules
go to 2nd reading
Hunt
will burn
sup. rules
go to 3rd reading

Meeting of August 7, 2001

not with my packet.
check on Ordinance)

New Business
Cliffs Arts

	2 nd reading	3 rd reading	final		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓	passed	
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
ZURCHER ^K	✓	✓	✓		
TRUMBO	✓	✓	✓		
DAVIS ⑥	✓	✓	✓		
COODY					

RZN-01-10.00

	2 nd	3 rd			
SANTOS	✓ yes	✓ yes	✓ yes		
JORDAN	✓	✓	✓	passed	
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
ZURCHER ^K	✓	✓	✓		
TRUMBO	✓	✓	✓		
DAVIS	✓	✓	✓		
COODY					

CITY COUNCIL MEETING

AUGUST 7, 2001

New Business

ANX 01-2.00

*1st Reading
left on
1st Reading*

SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
ZURCHER ^K					
TRUMBO					
DAVIS					
COODY					

RZN 01-11.00

*left on
1st Reading*

SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
ZURCHER ^K					
TRUMBO					
DAVIS					
COODY					

CITY COUNCIL MEETING

AUGUST 7, 2001

*New Business**RZNO 1-12.00*

	<i>2nd reading</i>	<i>3rd reading</i>	<i>final</i>		
SANTOS	✓ <i>yes</i>	✓ <i>yes</i>	✓ <i>yes</i>		
JORDAN	✓	✓	✓		
REYNOLDS	✓	✓	✓	<i>passed</i>	
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
ZURCHER ^K _D	✓	✓	✓		
TRUMBO	✓	✓	✓		
DAVIS 21	✓	✓	✓		
COODY					

Special Election

SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
ZURCHER ^K					
TRUMBO					
DAVIS					
COODY					

Adjourned 8:40pm

*Just read
suspend
rules go
to 2nd
reading
suspend
rules go
3rd reading*

*no motion
Read
Held
for
lack of
a second*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Award GIS + Boy + Girls Club Information
- **AUDIT COMMITTEE REPORT** - *Marty Bryan - Audit Com. Chair* *Financials stn put in Boxes about the end of June*

A. **CONSENT AGENDA**

1. **APPROVAL OF THE MINUTES**

Pulled 500 consent
RAVEN TRAIL AND GULLEY PARK TRAIL: A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.

Passed
3. **OLD MISSOURI:** A resolution approving amendment number one, in an amount not to exceed \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.

Passed
4. **GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.

Passed
5. **TRACKING SYSTEMS:** A resolution certifying local government endorsement of Tracking Systems to participate in the Advantage Arkansas Program also known as the Arkansas Enterprise Zone Program.

Passed
6. **CARGO VAN:** A resolution approving the purchase of a 2001 Ford E-150 Cargo van for the sum of \$21,164.00 from Ron Blackwell Ford. This unit will be used by the Police Department.

Passed
a resolution
A-2 Fayetteville Multi-Use Trail Project - Info.
(Raven Trail and Gulley Park Trail)

B. OLD BUSINESS

passed
SPECIAL SALES TAX ELECTION: An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities. The ordinance was left on the second reading.

failed 2.
REFERENDUM PETITIONS: An ordinance amending Section 36.15 of the Code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days. The ordinance was left on the first reading.

C. NEW BUSINESS

passed 1.
CLIFFS APARTMENTS: An ordinance waiving Ordinance 3793 to accept money-in-lieu of the park land requirement for the Cliffs Apartments Phase II Development.

passed 2.
RZN 01-10.00: An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.

left on 1st reading
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.

left on 1st reading
RZN 01-11.00: An ordinance approving rezoning request RZN 01-11.00 submitted by Phillip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.

passed 5.
RZN 01-12.00: An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brian Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.

failed for lack of a second
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the Master Park Plan and the Master Sidewalk and Trail Plan.

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
JULY 17, 2001**

A meeting of the Fayetteville City Council will be held on July 17, 2001, at 6:30 p.m. Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

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

CONSENT

APPROVAL OF THE MINUTES: Approval of the July 3, 2001 minutes.

PASS THROUGH FEE: A resolution authorizing the continued "pass through" fee of 25 cents per month to water customers to comply with the Federal Safe Drinking Water Act.

RESOLUTION 99-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SAGE HOUSE: A resolution approving the contract in the amount of \$162,500 between the City of Fayetteville and Miller, Boskus, Lack Architects for the purpose of designing a 20,000 square foot transitional housing unit for Sage House.

RESOLUTION 100-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

QUALITY OF LIFE ASSOCIATES: A resolution approving a sub-recipient grant agreement with Quality of Life Associates Incorporated in the amount of \$100,000 for the purpose of designing and constructing a facility to house the clients served by this organization.

RESOLUTION 101-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RECORD DESTRUCTION: A resolution authorizing the destruction of records.

RESOLUTION 102-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SYSTEM RESOURCES: A resolution approving an annual maintenance agreement in the amount of \$10,476.00 with System Resources for hardware maintenance on system printers.

RESOLUTION 103-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WOMEN'S SHELTER: A resolution approving a lease agreement with the Project for Victim's of Family Violence, to lease city land for the construction of a new Battered Women's Shelter.

RESOLUTION 104-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LOCAL LAW ENFORCEMENT BLOCK GRANT: A resolution approving the application for the 2001 Local Law Enforcement Block Grant in the amount of \$36,058.00. The total project is \$40,065.00 and requires a 10% City match of \$4,007.00. This grant will be used for the purchase of video equipment to place in patrol cars.

RESOLUTION 105-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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

Mr. Gary Lowery, an area resident, stated July 1, 1991, the City passed a pass through fee of fifteen cents per month to the water customers for the Federal Safe Drinking Water Act, Act 1053. In 1993 this provision was increased on June 20, 1993, by ten cents. That increase now, accumulatively, is twenty-five cents. It was not a pass through resolution of twenty-five cents that they should be discussing, it should be a pass through increase of ten cents, not twenty-five cents. It should be an inclusion of the fifteen cents plus the ten cents, which would be twenty-five cents. They were making a pass through of twenty-five cents. The city had neglected State law for ten years by not having it printed on the water bills.

OLD BUSINESS

APPEAL: An ordinance amending Chapter 155, Appeals, to allow an appeal by three aldermen of a decision by the Planning Commission to approve or deny a conditional use. The ordinance was amended and left on the second reading at the July 3, 2001 meeting.

Mr. Williams read the ordinance for the third time.

Alderman Davis asked if they had heard anything back from the Attorney General's office.

Mr. Williams stated he had called the Attorney General's office to see where the request was. The person who did their zoning opinions was on vacation and would not be back until the first of August. They could not assure him that they would have an opinion by the seventh. He did not when they would have an opinion back to him.

Mr. Mort Gitelman, 1229 West Lake Ridge Drive, stated he had served eighteen years on the City Planning Commission during the late 1960 through the mid 1980's. About thirty years ago they did a major revision of the Fayetteville Zoning Ordinance. They had debated the suitability of appeals

and conditional use permits from the Planning Commission to the City Council. He had been teaching land use law for thirty-six years, the vast majority of cities did not allow appeals from the Planning Commission on Conditional Use permits, but there was nothing in Arkansas law that prevented them from allowing such appeals if they wanted to amend the ordinance. There were a lot of good reasons not to. The basic reason is that if they understand the theory of the conditional use permit. It makes the Planning Commission an administrative agency of the city. The Planning Commission had approximately ten standards they were supposed to look to in whether or not to grant a conditional use permit. The Planning Commission was to apply those standards. Once they started allowing appeals of conditional use requests to the city council, they might be opening a box that they might not want to. They would encourage a lot of appeals. If they stopped to consider all the conditional uses allowed in the zoning ordinance, for example, home occupations and duplexes. Many of the conditional use requests were controversial. The incentive for the Planning Commission to not to devote full attention to resolving those issues at the administrative level, would mean that they would start coming to the council. The City of Little Rock did allow appeals to the city council. He did not believe the city staff and city attorney are very happy with the process down there. There was no appeal from the Board of Adjustments on variances. State law prohibits it. It was the same sort of thing. The Board of Adjustment hears the individual facts and cases and decided on whether or not to grant a variance. There was no appeal to the legislative body of the city. It went to court. He thought the conditional use permit was very much the same sort of thing. They should look at the Planning Commission as one of their administrative agencies that they had given them the power to apply those standards in the ordinance to individual requests. He stated it would be unwise to change the procedure. He was sure their meetings were long enough as it was. This did not mean the Planning Commission was always going to be right.

Alderman Thiel moved to table the item until they had a decision from the Attorney General. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.

ORDINANCE WAS TABLED.

NEW BUSINESS:

Mayor Coody stated the next three items were related to each other, but they would be addressing each one individually.

SPECIAL SALES TAX ELECTION: An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities.

Mr. Williams read the ordinance for the first time.

Mr. James Ulmer, McGoodwin, Williams and Yates, presented an overview of the project. The first item on the history was the hiring of the engineer to develop a wastewater system facility plan, that was back in September of 1995. That process concluded in February of 1997. The recommendation of a split flow and a second wastewater treatment plan were in that facility plan. The second plant was to be built in the Illinois River Basin. The preferred location had been the confluence of Goose Creek and Illinois River. In April of 1997, the public hearing was held on the facility plan regarding the recommendation. In May 1997 the Water and Sewer Committee modified the selection of the preferred location to the east of the confluence of Owl and Goose Creeks. Approximately, the location which had been located for the Illinois River Basin plant site. In October of 1998, the Water and Sewer Committee met and the staff recommended the purchase of the Broyles Farm as the primary location for the plant site. They also recommended the additional purchase of property. In May 1999, they completed that process. The total acreage was approximately 300 acres. The plant site was to be located within those parcels. In October of 1999, the Selection Committee for the city selected four engineering firms. During February and March of 2000 engineering contracts were approved for those four firms; RJN Group, McGoodwin, Williams and Yates, Garver Engineers, and Black and Vetch. The process began with neighborhood meetings with residents surrounding both plant sites. A public meeting had also been held in June of 2000 which presented further detail regarding the proposed project. In March of this year the Water and Sewer Committee met. Recommendations had been made to the committee regarding the cost of the projects. On July 9, 2001, the Water and Sewer Committee met to discuss the financing for the project. That has been forwarded to the council for consideration tonight. Last Wednesday a preliminary engineering report had been reviewed by the Water and Wastewater Advisory Committee at Little Rock to recommend a funding program. They had a conditional approval to go forward with the revolving loan fund which was process by which they would borrow the money for this particular project. There were a lot of other things yet to do. Which would include a facility plan and public hearing and selected alternatives, which would come in the future. He presented a map of the city, mostly the west and north part of the town was in the Illinois River Watershed. The east and south part of town was in the White River Watershed. The current loading at the Noland Plant, the average annual flow for 2000 was 11.8 million gallons per day. During the peak times, where there was a great deal of rainfall induced fall the peak flow would rise to 27 million gallons per day. Those flow rates could be higher in the future, if they went through with this project. There were several overflows which ocured in the city on the order of sixty to ninety times per year because of this extraneous water which gets into the system. All that will be treated to eliminate all the environmental impacts of overflows. The present rate of capacity was 12.6 million gallons per day. The present average was 11.8 million gallons. The plant was 94% loaded. It was essential and urgent that they move forward with the project. The average annual design for each facility, the Noland Facility will be rated at 11.2 million gallons. The west side treatment plant would be rated at 10 million gallons. For a total of 21.2 million gallons. The effluent for the new plant was somewhat more stringent. Those proposed limits have been reviewed by the State of Arkansas and forwarded to the EPA for their review. When the EPA concurred or recommended changes it would come back to the State of Arkansas. Then the State would begin the process of establishing the effluent limits and will issue a permit. The process would take three to six months after the approval of the process.

There were several environmental issues which were going to have to be dealt with. There would be Section 404 Corp of Engineers permit regarding the construction of wet lands and stream crossings and the construction of the outfall structure, where the effluent from the west side plant would discharge into Goose Creek. EPNS permits would be required during construction to protect the environment from run off and siltation. Flood plain permits will be required. A lot of the pipe lines will be built in the flood plain. There were two species which were tentative on the endangered species in the project area. One of them was the Arkansas Darter and the Neosho Muscle. The best management practices plan will be part of the contract documents for the construction of all the facilities and each of these issues will be met. There will be a contingency plan in case caves are encountered during construction. There would also be terms and conditions regarding seasonal construction in the vicinity of sensitive environmental areas, like streams. The implementation schedule, July 11 was the Wastewater Advisory Committee. There will be a financing seminar on July 26. They will be explaining the details on the project and all the alternatives regarding the financing of the project. The public hearing will be advertised on August 5, that would be a forty five day notice. The public hearing scheduled to be on September 20. That public hearing will be regarding the selective plan. There would be a facility plan and environmental information document to be placed in a depository thirty days before that to give the public an opportunity to review the ongoing studies. They hoped to have an approval of the facility plan by October of 2000 before the November 6th Sales Tax election. It would be subject to all the regulatory and environmental review of the documents. Their earliest date to begin detailed design and plant specification was August of this year. All the studies had been done to be able to begin detailed design from the standpoint of engineering. If the city choose those detailed designs could begin. If they wanted to wait until after the sales tax election, then their beginning date would be January 2002. Receiving bids for construction would be between May 2002 and January 2003. Start of construction would be sixty days later. The State of Arkansas had to review those documents before they could go forward with construction, because of the revolving loan fund process. The construction of the project would take two to two and a half years. Some phases could be done sooner. It was a lengthy process. Project costs were summarized on page twelve. The west side line work was set at 28.43 million dollars. The west side wastewater treatment plant was set at 39.61 million. The outfall line for the west side plant was set at 2.9 million. The east side treatment plant upgrade was 17.1 million. The east side line work 14.71 million for a total construction cost of 102.76 million dollars. There would be additional fees regarding engineering, legal fees, administrative cost, and land acquisition. The subtotal comes to 119.76 million dollars. There was five million dollars on hand right now from a previous bond issue. The net capital cost to be financed was expected to be 115 million dollars.

Mayor Coody stated this project would help them to continue to enjoy the growth they had experienced. It had been his perspective that if they did not add another person to the Fayetteville population they still needed to do a lot of this work.

Mr. Ulmer replied there were overflows in the current system during the wet weather. That occurred approximately sixty to ninety times per year. Those issues had to be dealt with. They were talking

about fifty or sixty million dollars to deal with that issue allow, if they never added another drop of extra capacity for growth in the system.

Mayor Coody asked when they did have overflows, what happened to the effluent.

Mr. Ulmer stated those overflows generally went into the waterways in the city and then went into the Illinois or White River which then went into Beaver Lake which was the city's drinking water source or the Illinois River, which was Siloam Springs drinking water source.

Mayor Coody stated there were a lot of important factors to consider in this project. Another was that they had nine lift stations. He thought they would be eliminating nine lift stations if the public approved this project. If they did not add another person to the town, they still had some major work to do on this system.

In response to questions from Mayor Coody regarding the Neosho Muscle, Mr. Ulmer stated the effluent from the west side plant would be virtually spring water. A lot of the flow in the Illinois River was runoff water from agricultural environment and overflows from the sewer system. If they could gather up those overflows and increase the flow of clear water then they would improve the habitat of any species in the river including the endangered species.

Alderman Davis asked if they ran the chance of the being fined for those overflows from the EPA.

Mr. Ulmer stated they were running that risk now. The only reason they were not being fined was because they were moving forward now. A fine was \$25,000 per occurrence.

Mayor Coody stated their domestic average annual million gallons per day, they produced right at 5.6 million gallons of their domestic usage. When they had infiltration and rainfall induced infiltration, just those two came up to 4.6 million gallons. They had almost as much storm water entering their system during a storm as they produced in their domestic flow.

Alderman Young asked Mr. Ulmer to explain what the finance meeting was going to be.

Mr. Ulmer stated the meetings purpose was to allow the public to come and hear as much detail about how rates were determined and where revenues come from that created waste water revenues. How the sales tax plays into the affect of not raising rates. They planned to have everyone there who was involved from a financial stand point to give the public a briefing. Most people did not know their property taxes did not go for wastewater rates. They went for other things. They would be presenting an explaintation of the details.

Mayor Coody stated when they had the hearing on September 20 for the Selective Plan he wanted everyone to come to the meetings and to come to the city and ask questions. This needed to be a good education campaign, so when people went to the polls they would be very informed about what

the options were.

Alderman Young stated he had requested that they record the finance meeting and any meetings regarding the wastewater treatment plant.

Mayor Coody introduced Dennis Hunt to explain some of the financial aspects.

Mr. Hunt, Stephens Inc., stated they had spent the last several months working with the city attempting to identify the most cost affect approach which they could use to finance the wastewater treatment plant improvements and the wastewater system improvements that Mr. Ulmer had just reviewed. During the review they had analyzed during what traditional public bond issues and combinations of traditional public bond issues with other funds which were available, specifically the State Revolving Loan fund. After the analysis, and looking at the requirement that the State would have impose upon the city, they came to the conclusion that the most cost affect approach was to capitalize on the state's willingness to provide the city the latest information that they had \$115,000,000 from the revolving loan program. The reason that it was very attractive was that the interest rate for a shorter term financing is 3% which was far below the market rate, if they were doing a traditional public issue. Even if they went the longer structure it was 3.25%. They then looked at the best way to secure that debt. They had put together a table which summarized their analysis with respect to paying back the revolving loan program. As they could see option number one was simply using water and sewer system revenues, In other words increasing the rates for water and sewer. Increasing rates to provide for adequate revenue to pay off the \$115,000,000 loan. The second would be to impose a three-quarter cent sales tax that would be used to payoff the revolving loan. Doing the water system revenues the total principle and interest costs associated with \$115,000,000 borrowing was approximately \$161.9 million dollars. That issue would pay off in 2025. Under the second option of imposing a sales tax of three-quarters of a cent and using it to finance the revolving loan the principle and interest costs associated with that transaction was \$135.5 million. It would pay off in the year 2015. From this analysis was that there was about a \$26.4 million dollar advantage by using the sales tax as compared to the revenue bond issue. The key reason that the difference in the terms of maturity really were two fold. If they were using the revenues of the system to pay off the revolving loan fund the State required them to build their project, have that project operational and after that point, twenty years of amortization of the principle. Basically if they were using anything other than a sales tax, mandatory redemption, every cent that the city collected under this sales tax will be used to pay off this revolving loan. It did not go anywhere else. The only way the State would allow them to do the mandatory redemption, to pay off principle in advance of maturity is if this particular State Statute was used. It was a unique opportunity for the city to get extremely low interest rate financing and to have the ability to pay it off as rapidly as possible. Thereby saving about \$26.4 million. As a result, it was their recommendation to the city. They give the citizens of Fayetteville the opportunity to consider the approval of the three quarter cent sales tax and to finance this through the State Revolving Loan program.

Alderman Davis stated it was his understanding that they were now doing the one percent sales tax for the library which would end in March 2002. That was one cent, by having only three-quarters of a cent then the citizen would still be saving one quarter of a cent.

Mr. Hunt stated the sales tax would reduce on April 1, 2002 from one percent to three-quarts of a cent.

Alderman Thiel questioned how much would they have to increase their current fees?

Mr. Hunt stated based upon analysis prepared by Black and Vetch, the numbers were slightly smaller when the study was presented. It might be more. they would have to more than double the current rates. That estimate had been based on a \$110 million financing. That was only taking care of that indebtedness. It did not take into account the additional maintenance and operation costs. Which would be required regardless of which option they decided to use.

Alderman Zurcher asked if there had been any studies done on what other cities charged industries for their water and wastewater treatment. He questioned if other cities gave breaks, like they gave breaks.

Mr. Hunt stated he was not equipped to answer that question.

Alderman Zurcher stated it would be easier for him to support if they could end or reduce that subsidize. They were just encouraging people to waste water and to waste capacity. The industries that did this were as responsible as the additional people in town for them needed a new plant. They needed to do their fair share. He asked when their contracts with other towns who were using their system were up for renewal.

Mr. Steve Davis, Budget Manager, stated they had one contract with one town, Elkins. They were the only city that they actually contracted with. They provided sewer service to Greenland, Farmington, and portions of Johnson. The agreement that they had with Greenland and Farmington allowed them to treat their citizens as retail customers. They really did not have a contract in the normal since. If the citizens of Greenland or Farmington did not pay their sewer bill they had to go against the retail customer and the city. Outside the city they paid a higher rate on sewer and water.

Alderman Zurcher stated the sales tax meant that only people who bought things in Fayetteville would be paying for this plant. He did not know if people living in these other towns were doing that. He did not know if they were going to find a fair way to pay for this thing.

Mr. Davis stated when they totaled up the city's sales tax collected in Fayetteville and Springdale they had about ninety to ninety-five percent of the total one percent sales tax collected in Washington County.

Alderman Young questioned on the revolving loan fund, if they started construction, he assumed the money would be metered out a little at a time until they came up to the amount they needed.

Mr. Hunt stated that was the way the revolving loan was set up. They would draw it as they needed. They were not paying interest until they made the draw down. If the city elected to proceed forward the staff would work with the State in terms of a draw down schedule.

Alderman Young asked if there was a provision in there that the plant had to be completed within a specific amount of time.

Mr. Hunt stated it was not a specific amount of time. They had to negotiate the time. When that point in time was reached they could not draw down any more.

Mayor Coody introduced Gordon Wilburn, Kutak, Rock.

Mr. Wilburn stated they were serving as bond council in connection with this issue. The ordinance before them tonight was the necessary legislation by this body to call the election for a sales tax if that option was selected. They had to pass the ordinance at least thirty days before the election was called. These revenues could only be used for debt service. Under this program the State Revolving Loan Fund accepted prepayment, whereas, if they were doing a revenue issue that was not the case.

Mr. Williams stated that he wanted to point out that Kutak, Rock and Mr. Wilburn had been very helpful in drafting the ordinance. They had been in regular consultation to make sure that this ordinance would pass constitutional muster. The city had been sued numerous times over bond issues. That was one reason that they wanted to have them on board. They had the kind of expertise as a national law firm that deal in this sort of work to make sure that this particular ordinance and the bond issue was going to be done properly and to be in compliance with the Arkansas Law. They had worked together very hard to make sure that this was a good ordinance.

Mr. Wilburn stated they had tried to make this as flexible as possible. Under the revolving loan program. The reason they were talking about issuing bonds, what actually happened was that the city does issue a bond which the Arkansas Development Finance Authority bought. It then advances money on it as needed for construction. That was also the issuance of a bond. This would permit them to do that or a public issue if for some reason that became favorable. Or a combination of the two.

Alderman Davis stated he felt it was very straight forward.

Mr. Wilburn stated they could thank the state statute for that, with respect for the special tax they just for "for" or "against" the issuance of the bonds. They explained what the tax was about. They were not actually voting for the tax. If the bonds fail the tax was not implemented. If it passed it was implemented.

Alderman Young stated he would like to hear from a representative of Kutak and Rock, they had reviewed the ordinances and they did make the constitution.

Mr. Wilburn stated he had and as Kit had said they had numerous discussions. He believed this did pass constitutionl mustard.

Mayor Coody stated the city was going to be relying heavily on their expertise.

Alderman Young stated since this was \$125,000,000, the staff review form attached to their packet, all the signatures were not there.

Mr. Williams state he did not like the title on the first review form. There should be a second staff review form with additional signatures.

Mayor Coody stated they would be doing everything they could to bring it in under budget and a head of time.

Mr. Jeff Erf, an area resident, asked how much had already been spent, including property.

Mr. Don Bunn stated there had been approximately seven million dollars spent.

Mr. Erf questioned if there was any limitation on the amount of money the city could spend on this project. The Town Center had a finite amount on their ballot. This was more open ended. It was going to fund all or a portion of." It if was "a portion of", that meant it would cost more than 130 million dollars, because there was five million from a previous bond issue.

Mr. Williams stated they had place the "a portion of" there intentionally because if the project actually cost 135 million and one dollar, they did not want someone coming back and saying the voters had been misled. They were getting from the people in financing and engineering the most accurate amount of money that they believed it would cost. It was a major project with several different components. However, they wanted to be clear that if it did cost more then there would not be some problem with how the ballot was written.

Mr. Erf stated he wanted to be clear that what the citizens would be approving is not the total cost of the project, just the amount of the bond issue.

Mr. Williams stated they were not approving a cap on what could be spent, however, they were they approving not more that 125 million dollars worth of bonds may be issued in relation to the sales tax. He was correct. This was not a cap. They did not want people to be misled on this project.

Mr. Erf reminded them that originally the costs had been estimated about ninety million dollars. It had increase substantially since then. On April 1, 2002, what would be the sales tax rate that was

expected at that time. Currently he believed it was 8.125%.

Mayor Coody replied, basically and they had the 2% HMR Tax on top of that for restaurant. If all went to plan that rate would drop to 7.78%.

Mr. Erf stated that was making some assumptions that the county did not pass a 1% sales tax for a new jail or that the Parks and Recreation did not push for .25% tax for parks.

Mayor Coody stated they could not answer for the County, but he did think the Parks would be coming back for a quarter percent.

Alderman Young stated he knew a lady that was collecting 12.15%. It was at a hotel, motel and restaurant. They needed to nail down the exact amount of sales tax being charged in Fayetteville.

Alderman Reynolds stated it was 10.125%.

Mr. Erf asked on a 125 million dollars what would be the interest and principle total. How much tax dollars would be collected.

Alderman Santos estimated the costs to be \$148 million.

Mr. Erf stated in reality they were asking the citizens for up to 147 million dollars for this project. Not including the previous bond issue that was five million dollars. He asked if the city was going to provide the citizens with a better estimate of costs before the election. Was there any chance of having an impact fee passed before the election.

Mr. Steve Davis replied the impact fee consultant was scheduled to have a work product to city council to review by the end of September. In their contract there were public hearings and meetings scheduled. There was about a sixty day window for comments before they get to a final impact fee number. They were looking at the end of November.

Alderman Thiel asked what would happen to this tax if they did implement some impact fees on sewer. Was there some way the tax could be adjusted?

Mr. Davis stated the staff preferred the impact fees be held off to the side. They would need future capacity increases after this plant is brought on line. Those capacity increases would be to benefit the growth that would occur.

Alderman Santos stated he was assuming the impact fees would be used to pay for this capacity increase. That way they could pay off the bonds and retire the tax sooner.

Mr. Davis stated that was an option for City Council, if they wanted to do that. Staff would

recommend that they hold those impact fees off to the side to cover future capacity increases as they will occur.

Alderman Santos stated so they were going to have the present citizens pay for doubling the capacity and then after the population was over 115,000 would be when they would start charging impact fees.

Mr. Davis replied no. That was a decision the council would have to make after the impact fees were enacted.

Alderman Santos asked why he would recommend they not do that.

Alderman Young stated the reason was they could pay off those revolving loans faster, but they were at three percent, then they would have to go to the regular bond market at five to six percent and borrow more money.

Alderman Santos stated they would not need to do that until they doubled their sewer demand.

Mr. Davis stated the reports had indicated that if their building trends continued into the future as they had in the past they would collect approximately one million dollars per year on impact fees on the sewer side. If they collected a million dollars per year, that was equivalent to one month's sales tax collection. They were not going to shorten the amortization on the bond issue very much at all, but they could end up having to spend five or six million dollars on capacity related sewer issues in the interium between the time the plant comes on line and the bonds were paid off. If they dedicated the impact fees to paying off the debt then they could not use them for sewer capacity needs that will occur over time.

Alderman Santos stated the sewer capacity they were adding was doubling their existing capacity.

Mr. Davis stated if they wanted to increase the pipe line capacity they had the opportunity to do that by collecting the impact fees and putting the capacity in so they could possibility avoid overflows in the future from lift stations.

Alderman Santos stated the major capitol cost was the plant itself, that was what they should be paying for with impact fees as much as possible.

Mayor Coody stated they could put the impact fees toward the sewer plant or they could put it toward other project, but they did not have three percent money for.

Mr. Williams stated he would recommend that they wait until their consultants came back and gave their presentation. They might also have recommendations on how the impact fees can best be use to give them the most flexibility and to make sure that they did not have to go back to the citizens

with another bond issue any time soon.

In response to questions from Mr. Erf, Mr. Wilburn stated the underwriter language was only applicable if they did not do a revolving loan fund. There would be no underwriter if they did the revolving loan, but there was a financial advisor. Bond Counsel fees were approved by the revolving loan fund as a cost they could draw down. He did not think that generally that there were financial advisors, but they have not done a project nearly this size before.

Mr. Erf asked how much money they would be paying the underwriter and the bond advisor.

Mr. Hunt stated with respect to the underwriter, the way they had planned to do this right now, there would be no underwriter and there would be no fee associated with it if it could be done under the revolving loan program and they would serve as financial advisor. The city had already entered into a contract with them. They were paid on an hourly basis for the services that they provided. If the underwriter were used it would depend on the size of the issue. It would be a percentage basis, but a 115 million dollars would be a much smaller percentage than if it were a ten million dollar financing. All those issue would have to come back to the city and the city council would have to make the determination that was an appropriate fee and approve it. It would probably be less than one percent.

Mr. Erf asked who was going to organize the public meetings. Previously, the engineering firm was coordinating those through a consultant that they had hired or would someone from the city be doing this.

Mr. Ulmer stated right now Haniflin Associates were assisting them regarding public information. They had been working together. It was a joint effort between the staff and the consultants.

Mayor Coody stated they wanted to make this as big and public that they could make it. Everyone needed to know what they were voting on.

Mr. Erf stated it bothered him that the person responsible for coordinating the information for the public did not work for the public, but works for the engineer. He wanted to see the city coordinate this and not someone who worked for a third party and had an interest in the outcome of the election.

Mr. Greg Betcher, Public Works Director, stated they had began to flow all the information through the city offices, through their own public affairs office. They intended to handle this on a local basis. They would use her for advise and guidance, but it would go through them and they would add their own interpretation. He everyone was concerned about the costs and cost overruns. Right now, the engineering firms were working on a preliminary engineers report. Every detail of the project was not completed. When they had completed the detailed designs and the contract documents were completed, they would also receive a final engineer cost estimate. They would be reviewing this

closely before the project went out to bid. They would have check points before this went out to bid to make sure that they were on target, under cost, if they see there are cost concerns they would go back to the drawing board to see what they could do to avoid any financial difficulty.

Alderman Young stated the additional funds, on the Town Center, could they spend funds in addition to what the bond ordinance said. He wanted to make sure that if it ran over the 125 million they could spend from the general fund, sewer fund or impact fees. Additional fees to cover the costs.

Mr. Wilburn stated the answer was yes. The way this ordinance was drafted there was not limit on other funds for this project.

Mr. George Weiss, an area resident, asked why they were restricting this three-quarter percent tax to the first twenty-five hundred dollars.

Mayor Coody stated that was standard operating procedure for sales taxes.

Mr. Wilburn stated the state statute specifically said that. That was the standard definition in the statute.

Ms. Lou Weiss asked if groceries were going to be included in this.

Mr. Williams stated the state law was clear that when they passed a tax like this the state had set out will be taxed. What was taxed by the state was taxed by this.

In response to questions from Ms. Weiss, Mayor Coody stated there were some people who thought that if they stopped growth right now then they would not need a new sewer plant. In reality because of the overflows and the leakage in the existing sewer system they got a lot of infiltration from the sewer system. The sewer plant would also flood. They have the problem of sending improperly treated water into their streams and creeks. If storm water could get in during a rain, to him it meant that sewer could get out when it was dry. They had the chance of polluting their ground water at the same time. There were a lot of different reasons, even if not another person moved into town. They had current existing problems that they had to deal with. They were not cheap problems to fix.

Ms. Weiss stated Mr. Davis had made a statement that the taxes would not be increased they would go down a quarter of a cent. A year ago they were paying one cent less. Now they were paying one cent less more for the library. He could not say that their taxes were going to be increased. They were going to be three-quarters of a cent more than they were a year or two ago. That tax was supposed to end.

Alderman Young asked if the citizens passed this tax and they started collecting sales tax on food. If after that there was a constitutional amendment or state legislature prohibiting sales tax on food, what would happen.

Mr. Wilburn replied it was possible that portion of the tax would go away. Although he thought that the last act that came around had a grandfather provision where that tax pledged to bonds for the life of the bonds.

Alderman Young stated so it would be as it was written, but the odds were that it would continue on until their bonds were paid off.

Mr. Wilburn stated that was the last act that came up that they looked at.

Alderman Davis stated that if not the loan would take that much longer.

Mr. Al Vic, an area resident, stated he would be a poor environmentalist if he did not support a new plant because he did not want sewer pouring into the ground or aquifer or into the rivers either. But still there were some things that made him uncomfortable. In the 1990's they had a series of forums in the city. They knew the existing plant would be reaching capacity around this time. Every neighborhood in this city, the people came out and stated they needed to get a handle on the growth. It has not happened in this town. Everything had kept growing. What was happening was that the citizens of this city were subsidizing growth. As they grew the city was not the only one that came to them for money. The county will keep coming to them for larger jail facilities. The school boards and school district because the need to build new schools. Their taxes were going to continue to go up. He wanted to see some type of a smart growth policy for this town. They did not want to keep funding these things. He was opposed for the reason that continued to drive them in this direction. As a citizen he did not like the idea that they either vote for a three quarter sales tax or be punished by doubling their sewer rates. People should not have to subsidize this corporate welfare. When he was at the Water and Sewer Committee meeting when someone asked if they could pay off the debt in less than ten years and the answer had been no. His understanding was that it would not be allowed.

In response to questions, Mr. Hunt explained that typically if they did a traditional public bond offering there would be a ten year call protection. What was said at the Water and Sewer Committee meeting was that if they wanted to use revenues from their system or impact fees to try and pay off the bonds. The State Revolving Loan program has a ten year call protection. They could save back the money. They could pay off with the sales tax because the state statute stated that was the only way they collected it and that was the way they had to do it. But if they were using revenues from the system or impact fees they would have to wait the ten year period. If it was sales tax alone the revolving loan program allowed them to pay it off. If sales tax were to grow they could pay it off as fast as the money was coming in. There was a ten year call protection for any other than sales tax.

Alderman Santos stated he was hoping that they would be allowed to pay this loan off early if they came in under budget and used impact fee money to help pay for it. But they could not use anything but sales tax?

Mr. Hunt stated he thought that they could. With the sales tax 2.5% growth, they pay off in 2015. That was more than ten years. If the City Council decided they wanted to set back some money and pay it off quicker than 2015, sometime between 2011 and 2015 they could make that decision to accelerate that time. Unless they were going to create a lot of additional revenue they were not going to accelerate it by very much. The fact that the sales tax was currently generating 9.25 million. That would give them some period of time.

Mr. Wilburn stated if they came in under budget that meant that they had never drawn it down. Their principle amount would be lower to start with. They would typically have the ten year call protection for anything other than sales tax revenues. They might be limited to ten years out to use those. What they were trying to do was match their revenues coming in to their debt service on the debt that they had issued.

Mayor Coody stated that with three percent interest rate and a three percent inflation rate, this was free money.

Mr. Wilburn stated they could invest their other money in an excess of three percent. They did not run into the federal tax law pledge rules because that money was not pledged to the bonds so they could make what ever they could make on it.

Mayor Coody stated if he had borrowed money at three percent, he would not want to pay it off any earlier than he had too.

Mr. Gary Lowery, an resident, he believed in managed controlled growth. He believed in proper infrastructure and the cost associated with those, including the wastewater treatment plant expansion. He was against the rates and methods for payment. The Noland plant's maximum capacity is set at 17 million gallons per day, not eleven million. It currently runs twelve to thirteen million gallons a day. During thunderstorms they had the tendency to go over the maximum they were able to treat. The reason was that they had in-fill problems into the system because of their antiquated system. If they expanded the Noland plant by four million gallons they would have what they needed. They needed to expand, but who was going to pay for it. They were going to have every one who came here pay for it in addition to the citizens. He was already paying for it and they were going to increase his taxes even more. The mayor and two aldermen did not have city sewer. Why did they not have sewer lines running to every citizen in Fayetteville. We charged Elkins a \$1.80 per thousand gallons. The citizens of Fayetteville pay \$2.39 per thousand gallons. Industrial, commercial and business users pay \$1.87 per thousand gallons. That included the university and the big industries. This city generates twenty to twenty-one million dollars per year income of their wastewater plant costs and water treatment costs. It was going to take 9.2 million dollars per year to pay for the wastewater treatment plant additions. He asked what happened to the flat sewer rate they use to pay. He added the city of Fayetteville is a partial owner in the Beaver Water District. The district was made up of four entities. The cities of Rogers, Lowell, Springdale, and Fayetteville. All the members on this board are not appointed by or directed through any city entity. They had

total immunity from any government. They were self-sustained. We were buying our water from ourselves and they were charging the citizens more than they needed to.

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. Williams read the ordinance for the second time.

LEFT ON THE SECOND READING.

WASTEWATER TREATMENT PLANT: A resolution of intent regarding certain costs and expenses incurred in connection with the Wastewater Treatment Plant Expansion Project.

Mr. Wilburn stated the resolution of intent was required by the Revolving Loan Fund Program. It stemmed from the Federal Tax Regulation that if they were going to reimburse expenditures made by the city with tax exempt proceeds, they had to pass an intent to do so. From the date they passed that they could look back sixty days. If money was going to be spent then time was a factor. It did not hurt anything if they passed it tonight. It would have no impact if they did not end up issuing the bonds.

Mr. Boettcher stated there might be some engineering costs, which might be recovered, they would be minor in the scope of the entire project.

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

RESOLUTION 106-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SIGNATORY AUTHORITY: A resolution delegating signatory authority in connection with State Revolving Loan Assistance.

Mr. Williams state this resolution designated Mayor Coody and Mr. Ted Webber as Administrative Services Director as the signatory agents of the city or their successors to sign any documents necessary for this project.

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

RESOLUTION 107-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PARKING POLICY: Informational item regarding uniform parking policies for the City of Fayetteville Phase I of the downtown municipal parking areas.

Ms. Sharon Crosson stated with the opening of the Town Center they had two hundred and twenty spaces in the new parking deck. Before they did any thing major on the downtown parking issue, she would like to see how the spaces at the town center help the congestion in the area. There were several items in this proposal that did not really require council approval. They could be inhouse as policy only. They could pass these by resolution, even though it is not necessary. Others needed to be done by a new ordinance or an ordinance amendment. She did not want to bring those to them as an approval item until they could see the entire package. She wanted them to see everything that they were anticipating doing and not piece milling together.

Alderman Davis asked how long they should wait until they took any action.

Ms. Crosson replied she would like to propose the items that she had presented. If they were in favor of those then she would like to come back to the next council meeting with the ordinances for them to approve, particularly if they were interested in increasing parking fines. She highly recommended that. To enter the parking deck at the town center, it would cost them three dollars per entry. They could park right on the square and get a ticket for two dollars. There was no incentive to get off the square. They were trying to open up those spaces for customer parking. She would not recommend going so high that they scared off the customers downtown. She thought five dollars was high enough that if they received two tickets per day was a lot more expensive than parking at the deck for three dollars or participating in one of the other programs. If there was no cost incentive then it was easier for them to park on the square.

Alderman Davis asked if they ever enforced the habitual offender.

Ms. Crosson stated that they had used the boot one time, it was very bad PR and was never used again. Super tickets were already in place. On your sixth one, per calendar month, the sixth ticket and every one after that was twenty-five dollars. She recommended continuing that. The first five were two dollars each.

Alderman Zurcher asked if this dealt with the lease of parking spaces.

Ms. Crosson stated they had an in-house policy that limited the spaces to the first row of lot one, behind Campbell Bell. Those were the only spaces that they made available for lease. They limited those to customers who were on the west side of the square. The reason that was initially adopted by staff was because the Campbell Building had been empty for quiet some time. In order to promote people to move in there and to develop a business parking was an issue. They wanted parking.

Alderman Davis stated Ms. Crosson had done an excellent job in putting all this information together.

Alderman Young asked if she had met with the people around the square.

Ms. Crosson stated she had met with many of them individually. They could have a collective meeting if they wished. She presented this policy to six different downtown businesses, others she had talked to on the phone. She had received good responses from those people.

Alderman Young stated there were four different entities down there. Merchant, landowners, works and shoppers. He thought that before they considered an ordinance a public meeting should be held to get every ones input.

Ms. Crosson stated there were four items which would have to be done by ordinance or amendment to ordinance: parking fines, ticket fees and hang tag rates, and no storage/ abandonment, and meter cash key. She asked on the items which did not require council approval if they were interested in adopting them by resolution. She asked them if she could go forward with the city employee parking policy.

Alderman Davis moved to have concensus that Ms. Crosson go forward with in-house parking policy. And present an information item later with further details. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

NO ACTION TAKEN.

BUSINESS/TECHNOLOGY PARK: A resolution authorizing the City of Fayetteville to apply to the State of Arkansas Department of Finance and Administration for a grant from the Economic Development of Arkansas Fund for construction of water and sewer lines and streets necessary to develop the Arkansas Business/Technology Park.

Mr. Bobby Ferrell, Chamber of Commerce, stated he did wish to pull the item, but he would answer any questions that they might have.

Mayor Coody stated they had provided a lot of maps in the agenda packet. They did not have any hard and fast rules on how to develop the area. One thing they were working was to mitigate any potential damage that they might have out there with the Arkansas Darter. They wanted some conservation easements along the streams and to protect some wetlands. They were still waiting to hear back from the state on how much of the wet land they were wanting to buy and will pay for.

Mr. Ferrell stated they still had an applicant that would like to be considered to move in once this thing was done. Unless something changed he planned to have a resolution to bring that to the next meeting. The areas that were being looked at was running parallel with I-540, closer to the top of the hill.

Ms. Thiel stated she would like to see them develop the park. She understood that in order to run some of the utility lines might be where they ran into the problem of running through some of the wet lands. She would like to see a major conversation take place in a public format. She thought

they needed to find out what was going on there. She kept hearing different things.

Mayor Coody stated they did not have a hard and fast plan right now. There may be people interested in purchasing the developable land from them, excluding the wetlands. If that were to happen there would be covenants and they would develop it to their own desires. There may be some people looking at that would like to have a campus atmosphere.

Ms. Thiel stated she would like to have a discussion where they could find out more about what he was talking about. People would like to know what was in the works.

Mr. Ferrell stated that two hundred and eighty acres was not all wetlands and affected by the Darter. Alderman Thiel recommended that they try and set something up.

REMOVED FROM AGENDA.

APPEAL: An appeal of a Planning Commission decision regarding a lot split request submitted by Patrick Hannan, LS 01-20.00.

Mr. Patrick Hannan stated their appeal was that they were wanting to build a single residential home. All they were wanting to do was to get the family closer to the in-laws. They had given right-of-way and easements on their portion of the lot. He did not want to see this not happen because his in-law would not agree to give free land to the city.

Mr. Williams stated the reason this came forward was because their city planner was bound by ordinance. The ordinance stated that they city planner shall not waive the preliminary or final plat requirements for this chapter or proposed subdivision or lot split, until the subdivider dedicates sufficient right-of-way to bring those streets into conformance with the master street plan. The Master Street Plan showed a road going through the eastern part of his property. Mr. Conklin could not waive that requirement.

Alderman Davis asked if they could have some type of restriction on what they could do structurally on that area of land.

Mr. Williams stated it was possible. The ordinance stated that they could approve a lesser dedication. He had given them a memo citing a supreme court case, the most important one being that they had a burden to show the rough proportionality between the dedication of land the impact they were proposing. They were going to build one house.

Mr. Hannan stated the city was wanting a strip of land forty-five foot strip five hundred feet long for free. That was a problem. He was not going to give his land away.

Mr. Conklin stated the city had in the past on a couple of occasions used a deed restriction to make

sure that nothing would be built. The one on the northwest side of town they had the developer dedicate fifty foot of right-of-way and the remaining right-of-way required for the Master Street Plan was put into a deed restriction. There was one other on the east side of town where they just used a deed restriction. Typically by ordinance they were required by ordinance to dedicate that right-of-way. Typically when they had a development that right-of-way was dedicated to the city. Situations like these did not occur very often.

In response to questions from Alderman Theil, Mr. Conklin stated they would still own the property. The deed restrictions in the past have removed their development rights and their potential to build anything within that area. If they did not require these right-of-way or keep them free of development they were going to be in big trouble twenty or thirty years from now when they needed those principle streets.

Alderman Davis asked the applicant if he would have any problem with a deed restriction.

Mr. Hannan stated he would not if it only stated he would not build anything on it for the rest of his life. That was no problem as long as he still owned the land. He had no intention of building over there.

Alderman Davis moved to have a deed restriction on the land. Alderman Jordan seconded the motion.

Mr. Williams stated Mr. Hannan had been talking about the rest of his life. That was a life estate, which meant that at his death the deed restriction would be gone. Was it a forever deed restriction that he was agreeing to.

Alderman Young and Davis stated it needed to run with the land.

Mr. Dale Barnett, applicant's attorney, stated this was in the growth area and not in the city limits at this time. One of the problems with the deed restriction was that it was not really needed. They had control over what was built on the property anyway with the requirement of building permits. This was a two acre lot and they were asking the person who owned the land dedicate an acre. One of the problems was that he had a self contained water system within his property.

Mr. Conklin stated the county did not issue building permits. There was no way to know where something was built within their planning area. That was one of the biggest issues. They tried to make sure those right-of-way were preserved.

Alderman Davis stated his motion was that the deed restriction would follow the land and not the owner.

Alderman Santos stated they needed to stick to their plans. If they did not take it now as the

ordinance requires, they would have to go back and condemn it later and pay for it. It was going to be a street that provided access to this property.

Alderman Thiel stated it was just a planning document and it was subject to change. It was her understanding that if Starr Road was continued to the point that their property was, there would have to be two houses purchased in the path of that. The likelihood of them going right along that path would likely change. Their Master Street Plan was subject to changes especially when they thought it was going to be cost prohibited one way. She could not go along with making this family give up their rights to this property.

Alderman Santos stated that they had plans and they needed to stick to them. This road would be needed very soon. If they were not going to stick with their plans then he would recommend getting rid of their Master Street Plan because they were getting rid of it one parcel at a time.

Mr. Hannan stated his sole source of water was a lake over there in the corner where this forty-five foot went through. It was not a lake with a dam, it was a strip dip. Any contamination in the construction of the road or the use of the road would run into his water supply. He had built his own chlorination and filtration plant and he used it.

Alderman Reynolds stated he imagined the plan would be changed on this project. Not only would it affect his water supply, but there were two homes in direct line that would have to be taken out, if they stuck with this line.

Mr. Hannan stated there was just pasture land to the east.

Alderman Young clarified that the motion was to waive the right-of-way requirements subject to a deed restrict that would follow the land.

Mr. Williams stated the true question when they were looking at the constitutionality, it was a rough proportionality. Did the granting of a lot split to allow a single house to be build justify taking an acre and a half of land from this individual.

Upon roll call the motion carried unanimously.

RESOLUTION 108-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

REFERENDUM PETITIONS: An ordinance amending Section 36.15 of the Code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days.

Mr. Williams read the ordinance for the first time.

Alderman Young stated there had been some people passing around a petition regarding the HMR

Tax they thought it was too short of a time period. He thought thirty-one days was too short. The constitution allowed ninety days.

Alderman Zurcher stated to him this was a no brainer. It was the democratic thing to do. If they did not want to give people time for a referendum then maybe they should question the kind of things they were passing.

Mayor Coody stated this would affect all the ordinances that they would pass.

Mr. Williams stated all ordinances would not be able to go into affect for ninety days. Currently their ordinances went into affect after thirty days. With this amendment no ordinance would go into affect for ninety days unless it had an emergency clause. He did not believe they should uniformly pass emergency clauses unless it was a true emergency. For example annexations and rezonings would take ninety days. They did not want to have an ordinance go into affect until the time for a referendum had passed. It was just a matter of state law.

Mr. Zurcher stated there was a state law changing the amount of time to ninety days.

Mr. Williams stated at the Municipal League conference they had discussed this issue. What that statute did was take the effective date of the ordinance to this amendment. If they had not had an ordinance already stating they had thirty-one days, then it would have gone to ninety days. Now the state law is whatever your ordinance said for Amendment 7 that was the same day that the ordinance would take affect.

Alderman Young stated he had been wondering about emergency clause. Could they be passed to where it takes affect in twenty or thirty days.

Mr. Williams did not think so. The way he read the emergency clause was that it had to be an emergency and they had to take affect immediately and they had to have reasons.

Alderman Davis stated if they were afraid as a governing body of their decisions this may be the proper way to go. By going ninety days he felt they were saying they were not sure they were listening to their constituents. The people of Fayetteville were very vocal if they were doing something they did not like they would let them know in a hurry. If you went back to the Human Dignity, it took those people less than thirty-one days to get the petitions for a vote. On the HMR item they did not have a line of people out the door. In the past when the citizens have been upset and concerned there have been a lot more people come to discuss the item.

A citizen stated it was difficult to collect the number of signatures required. She noted several differences between the HMR and the Human Dignity. There were a lot of churches in the Human Dignity. It was very difficult to organize the people to get the petition circulated.

Mayor Coody stated if it were just the question of having people who wanted to redress their government and extending the period of time that would not be a problem. But the decision to extend the time also will affect every other ordinance that they would pass.

Mr. Williams stated with an initiated referendum they had to collect the same number of signature, they had a different time frame. It had to be voted on at a regular election and not a special election. They had more time to present and get organized.

LEFT ON THE FIRST READING.

Meeting adjourned at 10:10 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

- AUDIT COMMITTEE REPORT

A. CONSENT AGENDA

- 1. APPROVAL OF THE MINUTES**
- 2. RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
- 3. OLD MISSOURI:** A resolution approving amendment number one, in an amount not to exceed \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.
- 4. GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.
- 5. TRACKING SYSTEMS:** A resolution certifying local government endorsement of Tracking Systems to participate in the Advantage Arkansas Program also known as the Arkansas Enterprise Zone Program.
- 6. CARGO VAN:** A resolution approving the purchase of a 2001 Ford E-150 Cargo Van for the sum of \$21,164.00 from Ron Blackwell Ford. This unit will be used by the Police Department.

B. OLD BUSINESS

1. **SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities. The ordinance was left on the second reading.
2. **REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the Code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days. The ordinance was left on the first reading.

C. NEW BUSINESS

1. **CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept money-in-lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. **RZN 01-10.00:** An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. **RZN 01-11.00:** An ordinance approving rezoning request RZN 01-11.00 submitted by Phillip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. **RZN 01-12.00:** An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brian Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the Master Park Plan and the Master Sidewalk and Trail Plan.

Agenda Request
Contract Review
Grant Review

FROM:

Acct./Audit
Division

Admn. Services
Department

ION REQUIRED:
Review of the audit for the year ended December 31, 2001

<u>Cost of this Request</u>	<u>\$</u> Category/Project Budget	<u>Category/Project Name</u>
<u>Account Number</u>	<u>\$</u> Funds Used to Date	<u>Program Name</u>
<u>Project Number</u>	<u>\$</u> Remaining Balance	<u>Fund</u>

Budgeted Item	Budget Adjustment Attached

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:_____

City Attorney _____ Date _____ Internal Auditor _____ Date _____

Purchasing Officer	Date
--------------------	------

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Cross Reference

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

Audit Committee Presentation to City Council

August 7, 2001

History:

Established on October 3, 2000

Purpose:

To serve in an advisory capacity between the City Council, independent auditor, internal auditor and management as their duties relate to financial accounting and reporting, audit functions, internal controls and compliance.

Composition:

The committee is comprised of one city council member and three private citizens of Fayetteville.

Alderman, Bob Davis

Audit Committee 1 year term member, Wes Murtishaw

Audit Committee 2 year term member and current Chair, Marty Bryan

Audit Committee 3 year term member, Adam Motherwell

Highlights of Responsibilities:

- Serve on Review Committee to select external auditors
- Review the city's annual financial statements including any certification or reports rendered by the independent auditors
- Review the performance of the independent auditors
- Review with financial and accounting personnel the adequacy and effectiveness of accounting and financial controls of the city.
- Following completion of the annual audit, review with management and the independent auditors the financial results for the year, prior to their release to the public.
- Advise the city council on any issues reported by the internal audit staff and recommendations to improve or correct any situations brought to the committee's attention.

Results of 2000 Audit:

- Unqualified "Clean" Opinion
- No Disagreements with Management on Financial and Reporting Matters
- No Scope Limitations Related to Audit Work
- Open and Effective Communications with Management
- GFOA Certificate (12 Consecutive Years)

Honorable Mayor and City Council

Page 2

April 13, 2001

We wish to express our appreciation for the courtesies and cooperation extended to our representatives during the course of their work. We would be pleased to discuss these recommendations in greater detail or otherwise assist in their implementation.

Very truly yours,

Arthur Andersen LLP

City of Fayetteville, Arkansas

**Memorandum on Internal Control Structure
December 31, 2000**

Audit Committee Matters

Observation

The City recently established an audit committee. In connection, therewith, the roles and responsibilities of the audit committee and its members have not been defined.

Recommendation

We recommend that the audit committee consider developing/implementing the following items to more fully define its role within the City.

- Create a charter to clearly define the responsibilities of the committee.
- Assist in the identification of key business risks impacting the City.
- Be involved in the evaluation and prioritization of the key business risks of the City.
- Establish a formal meeting schedule that includes meetings with both external and internal audit.
- Evaluate/approve a formal internal audit plan to address identified key business risks.

Management's Response

The City has drafted a charter to present to the audit committee at the next meeting. The charter establishes a guideline for meetings, with exact dates yet to be approved. The City will recommend that the committee assist in identifying key business risks, prioritize these risks, and formalize an audit plan to address these risks.

City of Fayetteville, Arkansas

Status of Prior Years' Recommendations

The status of prior years' recommendations which were not implemented before fiscal year 2000 is based on consultation with management and limited review of the implementation.

<u>Year Recommended</u>	<u>Recommendations</u>	<u>Implemented</u>	<u>Not Implemented</u>	<u>In Process</u>	<u>Evaluation Made By Management Not To Implement</u>
	<u>Policies and Procedures</u>				
1996	1. The City should consider updating the existing policies and procedures manuals to reflect current policies and procedures.			X	
	<u>Accounting and Reporting</u>				
1996	2. The City should consider performing a fixed asset valuation and evaluate implementing an accounting policy to capitalize all public domain fixed assets.			X	
	<u>Managing Risks</u>				
1997	3. We recommend that the City formally evaluate the business risks of the City utilizing a tool such as the Business Risk Model, or similar model, to assist in identifying and addressing those risks most significant to the City.			X	
	<u>Integrity Risk Program</u>				
1998	4. We recommend the City establish an Integrity Risk Program, including specific procedures to be performed by City personnel in the event that fraud is suspected. As part of this program, we recommend that all members of management attend training and evaluate what procedures should be implemented to deal with any potential issues that may arise.			X	
	<u>Comprehensive Disaster Recovery Plan</u>				
1998	5. A comprehensive disaster recovery plan should be developed that addresses all actions necessary to recover the critical business functions in the event a disaster occurs. This plan should include the development of fully documented and adequately tested procedures to ensure the City's ability to promptly respond to an emergency in a systematic and organized manner. Additionally, the disaster recovery plan should be tested on a regular basis (at least annually), including practice drills and actual implementation of the plan after a simulated disaster. Management should ensure that the formalized plan is distributed to all key personnel.			X	

<u>Year Recommended</u>	<u>Recommendations</u>	<u>Implemented</u>	<u>Not Implemented</u>	<u>In Process</u>	Evaluation Made By Management
					<u>Not To Implement</u>
	<u>Financial Reporting Model</u>				
1999	6. We recommend the City begin evaluating the effort required and specific steps necessary to fully implement the new financial reporting model.			X	
	<u>Audit Committee</u>				
1999	7. We recommend the City consider establishing an audit committee. The audit committee should play an advisory role to the City Council and help facilitate communication between management, the auditors, and the Board of Directors.	X			

April 13, 2001

To the Honorable Mayor and Members of the City Council,
City of Fayetteville, Arkansas:

Under auditing standards generally accepted in the United States, auditors are encouraged to report various matters concerning an entity's internal control structure noted during an audit, and are required to report certain of those matters. Matters that are required to be reported are "significant deficiencies in the design or the operation of the internal control structure that, in the auditor's judgment, could adversely affect the organization's ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statements."

As part of our audit of the general purpose financial statements of the City of Fayetteville, Arkansas (the "City") as of and for the year ended December 31, 2000, we considered the City's internal control structure, but only to the extent we felt necessary for the purpose of providing a basis for reliance thereon in determining the nature, timing, and extent of the audit tests applied in connection with our audit of the City's general purpose financial statements.

Our consideration of the internal control structure did not entail a detailed study and evaluation of any of its elements and was not made for the purpose of making detailed recommendations or evaluating the adequacy of the City's internal control structure to prevent or detect errors and irregularities. In this regard, it should be recognized that, because of inherent limitations in any internal control structure, errors or irregularities may occur and not be detected. Furthermore, projection of any evaluation of the internal control structure to future periods is subject to the risk it may become inadequate because of changes in conditions or deterioration in its operating effectiveness.

While the purpose of our consideration of the internal control structure was not to provide assurances thereon, certain matters came to our attention that we want to report to you. These matters, which were considered by us during our audit and do not modify the opinion expressed in our auditors' report dated April 13, 2001, along with our recommendations, are described in the accompanying memorandum. In addition, we noted certain other matters involving the internal control structure and its operations which have been separately communicated to City management.

The accompanying memorandum on internal control structure is intended solely for the use of the City's management, the mayor, City Council, and the City's federal and state awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties. To the extent that federal and state awarding agencies and pass-through entities intend to rely upon this letter and the accompanying memorandum, such reliance should take into account the limited basis on which our recommendations were developed, as described above, and the limitations inherent in the internal control structure. In addition, federal and state awarding agencies and pass-through entities who intend to rely upon this letter should understand that the criteria used by us in considering the internal control structure could differ significantly from the criteria they may be using for their purpose.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

Draft

For the Fayetteville City Council meeting of August 7, 2001

FROM:

Paul Libertini
Name

Engineering
Division

Public Works
Department

ACTION REQUIRED: Award the construction contract to Jerry D. Sweetser, Inc., and approve funding for project contingency and material testing for the projects entitled "Raven Trail & Gulley Park Trail Construction".

COST TO CITY:

\$ 223,196
Cost of this Request

\$ 844,107
Category/Project Budget

Fayetteville Multi-Use Trails
Category/Project Name

4470-9470-5814.00
Account Number

\$ 42,070
Funds Used To Date

Street Improvements
Program Name

99081
Project Number

\$ 802,037
Remaining Balance

Transportation Enhancemt/Sales Tax
Fund

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached (to be furnished)

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager Date

Internal Auditor Date

City Attorney Date

ADA Coordinator Date

Purchasing Officer Date

STAFF RECOMMENDATION: Approval of the action items listed above.

Division Head Date

Cross Reference

Department Director Date

New Item: Yes ☒ No ☐

Administrative Services Director Date

Prev Ord/Res #: _____

Mayor Date

Orig Contract Date: _____

Orig Contract Number: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Mayor Dan Coody
Greg Boettcher, Public Works Director
Jim Beavers, City Engineer

From: Paul Libertini, Staff Engineer *PL*.

Date: July 23, 2001

Re: **Agenda Request, Council Meeting of August 7, 2001**
Raven Trail & Gulley Park Trail Construction (Fayetteville Multi-Use Trails)

1. Staff Recommendation: Staff recommends that the City Council award the construction contract to ***Jerry D. Sweetser, Inc.*** and approve funding for project contingency and materials testing for "Project A: Raven Trail Construction & Project B: Gulley Park Trail Construction".

2. Project Background: The City has received \$750,000 of Federal-aid Transportation Enhancement Funds (80/20 split) to construct 5 specific trail projects. The above referenced trails are the first two projects to proceed into the construction phase. Raven Trail will construct a 12' wide asphalt trail beginning at the easterly end of Farr Lane near Butterfield Trail Elementary School and will extend easterly approximately 1400 feet to Katherine Avenue. Gulley Park Trail will construct a 10' wide asphalt trail from an existing trail within Gulley Park and will extend easterly approximately 1700 feet along a tributary of Mud Creek to Azalea Terrace.

3. Estimated Project Costs: Bids were opened Thursday, June 28th, 2001. The engineer has reviewed the bids and recommends awarding the contract to the low bidder, Jerry D. Sweetser, Inc. in the amount of \$ 190,605.50. Concurrence of this award was received from AHTD (Arkansas State Highway & Transportation Department) on July 16th. The estimated total project costs including contingency monies for unforeseen project expenditures are as follows:

Project A: Raven Trail	\$ 82,020.50
<u>Project B: Gulley Park Trail</u>	<u>\$ 108,585.00</u>
Sub-Total	\$ 190,605.50
 Project contingency (15%)	 \$ 28,590.50
<u>Materials testing</u>	<u>\$ 4,000.00</u>
Total	\$ 223,196.00

FAVETTEVILLE RAVEN TRAIL (ATEP-95)(S)
F.A.P. STE-ENHN (154)
JOB NO. 040313

BID #01-23, BID TABULATION FORM
BID OPENING - JUNE 28, 2001 @ 2:00PM
City of Fayetteville, Arkansas

Item No.	Description	Unit	Estimated Quantity	Jerry D. Sweetser, Inc. Unit Price	Extended Price	Tomlinson Asphalt Co., Inc. Unit Price	Extended Price	Goodwin & Goodwin, Inc. Unit Price	Extended Price
A1	Mobilization	LS	1	\$500.00	\$500.00	\$2,200.00	\$2,200.00	\$10,000.00	\$10,000.00
A2	Construction Staking	LS	1	\$500.00	\$500.00	\$2,500.00	\$2,500.00	\$10,000.00	\$10,000.00
A3	Maintenance of Traffic	LS	1	\$500.00	\$500.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00
A4	Tree Protection Fencing	LF	500	\$10.00	\$5,000.00	\$2.00	\$1,000.00	\$6.00	\$3,000.00
A5	R & D Fence, Gate & Posts	LS	1	\$500.00	\$500.00	\$750.00	\$750.00	\$300.00	\$300.00
A6	R & D Curb & Gutter	LF	15	\$20.00	\$300.00	\$25.00	\$375.00	\$10.00	\$150.00
A7	R & D 18" Corrugated Metal Pipe (CMP)	LF	20	\$25.00	\$500.00	\$30.00	\$600.00	\$10.00	\$200.00
A8	R & D Concrete Endwalls & Railroad Ties	LS	1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
A9	R & D Asphalt Driveway	SY	400	\$10.00	\$4,000.00	\$2.00	\$800.00	\$10.00	\$4,000.00
A10	Excavation Safety	LS	1	\$500.00	\$500.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00
A11	Clearing & Grubbing	LS	1	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$20,000.00	\$20,000.00
A12	Common Excavation	CY	275	\$6.50	\$1,787.50	\$30.00	\$8,250.00	\$10.00	\$2,750.00
A13	Compacted Embankment - Select Hillside Material (Borrow)	CY	175	\$25.00	\$4,375.00	\$18.00	\$3,150.00	\$20.00	\$3,500.00
A14	Undercut and Backfill	CY	150	\$32.00	\$4,800.00	\$25.00	\$3,750.00	\$25.00	\$3,750.00
A15	Aggregate Base Course (Class 7)	TN	650	\$16.00	\$10,400.00	\$15.00	\$9,750.00	\$25.00	\$16,250.00
A16	Concrete Curb & Gutter	LF	15	\$20.00	\$300.00	\$25.00	\$375.00	\$20.00	\$300.00
A17	Type B' Curb	LF	25	\$30.00	\$750.00	\$25.00	\$625.00	\$25.00	\$625.00
A18	ACHM Surface Course (Type 3)	TN	200	\$42.00	\$8,400.00	\$48.00	\$9,600.00	\$50.00	\$10,000.00
A19	18-Inch Reinforced Concrete Pipe	LF	102	\$36.00	\$3,672.00	\$44.00	\$4,488.00	\$40.00	\$4,080.00
A20	Modified Type C' 4x4' Drop Inlet	EA	1	\$2,100.00	\$2,100.00	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00
A21	Articulated Cellular Concrete Interlocking Blocks	SF	204	\$15.00	\$3,060.00	\$9.30	\$1,897.20	\$12.00	\$2,448.00
A22	Seeding & Mulching	AC	1.2	\$2,200.00	\$2,640.00	\$2,000.00	\$2,400.00	\$2,500.00	\$3,000.00
A23	Imported Top Soil	CY	250	\$18.00	\$4,500.00	\$25.00	\$6,250.00	\$20.00	\$5,000.00
A24	Adjust Water Valve Box to Grade	EA	2	\$150.00	\$300.00	\$300.00	\$600.00	\$150.00	\$300.00
A25	Adjust Water Meter Box to Grade	EA	1	\$150.00	\$150.00	\$300.00	\$300.00	\$250.00	\$250.00
A26	Signs	SF	8	\$15.00	\$120.00	\$50.00	\$400.00	\$100.00	\$800.00
A27	Baled Straw Ditch Check (E-1)	EA	25	\$100.00	\$2,500.00	\$10.00	\$250.00	\$6.00	\$150.00
A28	Baled Straw Filter Barrier (E-2)	EA	25	\$180.00	\$4,500.00	\$10.00	\$250.00	\$6.00	\$150.00
A29	Silt Fence (E-3)	LF	600	\$3.00	\$1,800.00	\$3.00	\$1,800.00	\$2.50	\$1,500.00
				Subtotal	\$72,454.50	Subtotal	\$69,860.20	Subtotal	\$110,003.00
	FEDERALLY NON-PARTICIPATING FUNDS								
A30	Common Excavation	CY	120	\$6.50	\$780.00	\$30.00	\$3,600.00	\$10.00	\$1,200.00
A31	Compacted Embankment - Select Hillside Material (Borrow)	CY	40	\$25.00	\$1,000.00	\$20.00	\$800.00	\$25.00	\$1,000.00
A32	Aggregate Base Course (Class 7)	TN	175	\$16.00	\$2,800.00	\$15.00	\$2,625.00	\$25.00	\$4,375.00
A33	ACHM Surface Course (Type 2)	TN	60	\$42.00	\$2,520.00	\$48.00	\$2,880.00	\$75.00	\$4,500.00
A34	ACHM Overlay (1 1/2") (Type 2)	TN	21	\$42.00	\$882.00	\$60.00	\$1,260.00	\$75.00	\$1,575.00
A35	Imported Top Soil	CY	40	\$18.00	\$720.00	\$25.00	\$1,000.00	\$20.00	\$800.00
A36	18" Corrugated Metal Pipe (CMP)	LF	24	\$36.00	\$864.00	\$33.00	\$792.00	\$30.00	\$720.00
				Subtotal	\$9,566.00	Subtotal	\$12,957.00	Subtotal	\$14,170.00
	TOTAL CONSTRUCTION COSTS				\$82,020.50		\$82,817.20		\$124,173.00

FAYETTEVILLE GULLEY PARK TRAIL (ATEP-95)(S)
F.A.P. STE-ENHN (154)
JOB NO. 040313

BID #01-23, BID TABULATION FORM
BID OPENING - JUNE 28, 2001 @ 2:00PM
City of Fayetteville, Arkansas

Item No.	Description	Unit	Estimated Quantity	Jerry D. Sweetser, Inc.		Tomlinson Asphalt Co., Inc.		Goodwin & Goodwin, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
B1	Mobilization	LS	1	\$500.00	\$500.00	\$2,200.00	\$2,200.00	\$10,000.00	\$10,000.00
B2	Construction Staking	LS	1	\$500.00	\$500.00	\$2,875.00	\$2,875.00	\$10,000.00	\$10,000.00
B3	Maintenance of Traffic	LS	1	\$100.00	\$100.00	\$1,143.00	\$1,143.00	\$1,000.00	\$1,000.00
B4	Tree Protection Fencing	LF	100	\$10.00	\$1,000.00	\$2.35	\$235.00	\$6.00	\$600.00
B5	R & D Curb & Gutter	LF	15	\$20.00	\$300.00	\$25.00	\$375.00	\$8.00	\$120.00
B6	R & D CMP	LF	30	\$25.00	\$750.00	\$15.00	\$450.00	\$10.00	\$300.00
B7	Excavation Safety	LS	1	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
B8	Clearing & Grubbing	LS	1	\$500.00	\$500.00	\$1,600.00	\$1,600.00	\$10,000.00	\$10,000.00
B9	Common Excavation	CY	650	\$6.50	\$4,225.00	\$28.50	\$18,525.00	\$14.00	\$9,100.00
B10	Undercut and Backfill	CY	75	\$32.00	\$2,400.00	\$28.50	\$2,137.50	\$25.00	\$1,875.00
B11	Aggregate Base Course (Class 7)	TN	700	\$16.00	\$11,200.00	\$14.12	\$9,884.00	\$25.00	\$17,500.00
B12	Aggregate Base Course (Class 7) (6" under Box Culverts)	TN	25	\$16.00	\$400.00	\$20.00	\$500.00	\$25.00	\$625.00
B13	Concrete Curb & Gutter	LF	15	\$20.00	\$300.00	\$24.00	\$360.00	\$20.00	\$300.00
B14	ACHM Surface Course (Type 3)	TN	325	\$42.00	\$13,650.00	\$43.65	\$14,186.25	\$50.00	\$16,250.00
B15	Reinforced Concrete Box Culverts	CY	70	\$500.00	\$35,000.00	\$450.00	\$31,500.00	\$475.00	\$33,250.00
B16	Galvanized Steel Handrail	LF	76	\$100.00	\$7,600.00	\$70.00	\$5,320.00	\$30.00	\$2,280.00
B17	Articulated Cellular Concrete Interlocking Blocks	SF	1,240	\$15.00	\$18,600.00	\$9.30	\$11,532.00	\$12.00	\$14,880.00
B18	Seeding & Mulching	AC	0.8	\$2,200.00	\$1,760.00	\$2,000.00	\$1,600.00	\$2,500.00	\$2,000.00
B19	Imported Top Soil	CY	100	\$18.00	\$1,800.00	\$30.80	\$3,080.00	\$20.00	\$2,000.00
B20	Baled Straw Ditch Check (E-1)	EA	25	\$100.00	\$2,500.00	\$10.00	\$250.00	\$6.00	\$150.00
B21	Silt Fence (E-3)	LF	500	\$10.00	\$5,000.00	\$4.00	\$2,000.00	\$2.50	\$1,250.00
TOTAL CONSTRUCTION COST PROJECT "B"					\$108,585.00		\$110,252.75		\$133,980.00
TOTAL CONSTRUCTION COST PROJECT "A"					\$82,020.50		\$82,817.20		\$124,173.00
GRAND TOTAL CONSTRUCTION COSTS					\$190,605.50		\$193,069.95		\$258,153.00

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of July 17, 2001

FROM:

Jim Beavers Engineering Public Works
Name Division Department

ACTION REQUIRED:

1. Approval of change order number one in the not to exceed amount of \$24,947 to the engineering services contract Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection with Rolling Hills north to the Mud Creek Bridge.

COST TO CITY:

<u>\$24,947</u> Cost of this Request	<u>\$1,590,060</u> Category/Project Budget	<u>Old Missouri Road Phase 1</u> Category/Project Name
<u>4470-9470-5809.00</u> Account Number	<u>\$330,159</u> Funds Used To Date	<u>Street</u> Program Name
<u>00050-0010</u> Project Number	<u>\$1,259,901</u> Remaining Balance	<u>Sales tax</u> Fund

BUDGET REVIEW:

☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature] Administrative Services Director
Budget Manager

CONTRACT/GRANT/LEASE REVIEW:

Marsa Fathin 6/28/01
Accounting Manager Date
[Signature] 6/29/01
City Attorney Date
[Signature] 6/29/01
Purchasing Officer Date

GRANTING AGENCY:

[Signature] 6/29/01
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beavers 06-28-01
Division Head Date
[Signature] 07-02-01
Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: Yes ☐ No ☒

Prev Ord/Res #: 19-01

Orig Contract Date: 02/20/01

Orig Contract No: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Dan Coody, Mayor

Thru: Greg Boettcher, Public Works Director
Contract Review

From: Jim Beavers, City Engineer */B*

Date: June 28, 2001

Re: City Council Meeting July 17, 2001

Proposed change order number one to the engineering services contract with Garver Engineers for Old Missouri Road Improvements Phase 1.

Based upon the May 29 Public Hearing, the June 7 Public meeting on-site and subsequent meetings with staff and/or administration on June 11, 15 and 26, it is requested that the consultant's contract be amended to employee Garver to prepare additional conceptual designs and costs estimates for alternatives which reduce to differing degrees the scope and costs of the project.

The proposed change order is in the not to exceed amount of \$24,947.00.

Fayetteville

CHAMBER OF COMMERCE

July 27, 2001

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

Dear Mayor Cody:

Please find enclosed a copy of a Resolution for Tracking Systems International, LLC. Previously I had sent you a copy of a resolution, which is required for businesses to start the process for start up help from the Arkansas Department of Economic Development. You requested that I delete the portion that "Authorized DFA to refund local sales and use tax to Tracking Systems International LLC." The enclosed resolution does have this section deleted. I would appreciate your help in getting this on the agenda for the next City Council meeting dated August 7, 2001. Hopefully it can be placed on the consent agenda. Please refer any questions to Bobby Ferrell at 501-521-1710.

Respectfully,



Robert L. Ferrell
President/CEO



RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF FAYETTEVILLE OF
WASHINGTON COUNTY, ARKANSAS CERTIFYING LOCAL
GOVERNMENT ENDORSEMENT OF TRACKING SYSTEMS
INTERNATIONAL, LLC TO PARTICIPATE IN THE ADVANTAGE
ARKANSAS PROGRAM (ALSO KNOWN AS THE ARKANSAS
ENTERPRISE ZONE PROGRAM – ACT 947 OF 1993.)**

WHEREAS, the local government must endorse a business to participate in the Advantage Arkansas Program and benefit from the refunds/tax credits as provided in the Arkansas Enterprise Zone Program Regulations of 1993; and

WHEREAS, said endorsements must be made on specific form available from the Arkansas Department of Economic Development; and

WHEREAS, Tracking Systems International, LLC located at 112 West Center Street, Suite 700 in Fayetteville, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from expanding into a larger facility; and

WHEREAS, Tracking Systems International, LLC has agreed to furnish the local government all necessary information for compliance.

**NOW THEREFORE BE IT RESOLVED BY THE FAYETTEVILLE
CITY COUNCIL OF WASHINGTON COUNTY, ARKANSAS, THAT:**

1. Tracking Systems International, LLC be endorsed by the City of Fayetteville of Washington County, Arkansas for benefits from the refund/tax credits as provided in the Arkansas Enterprise zone Program Regulations of 1993, through July 31, 2004.
2. This resolution shall take effect immediately.

Dan Coody, Mayor

Date Passed: _____

Attest: _____

Sample Resolution

RESOLUTION No. _____

RESOLUTION OF THE (governing body of municipality of county in whose jurisdiction the facility is located) **OF** (name of city or county) **CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE ADVANTAGE ARKANSAS PROGRAM (ALSO KNOWN AS THE ARKANSAS ENTERPRISE ZONE PROGRAM - ACT 947 OF 1993).**

WHEREAS, the local government must endorse a business to participate in the Advantage Arkansas Program and benefit from the refunds/tax credits as provided in the Arkansas Enterprise Zone Program Regulations of 1993; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Department of Economic Development; and

WHEREAS, (name of company) located at (physical location of business) has sought to participate in the program and more specifically has requested benefits accruing from (expansion/construction) of the specific facility; and

WHEREAS, (name of company) has agreed to furnish the local government all necessary information for compliance.

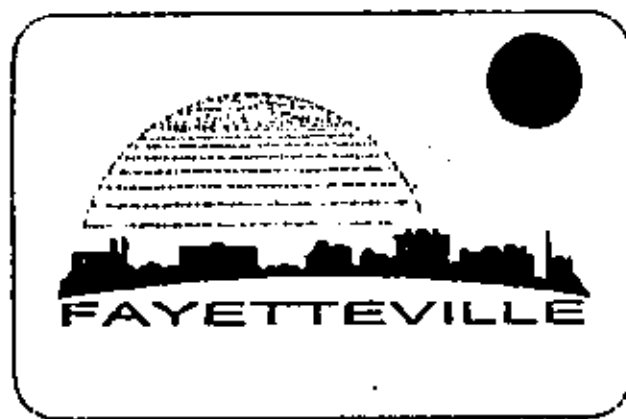
NOW THEREFORE BE IT RESOLVED BY THE (governing body of municipality or county) **OF** (name of city or county), **ARKANSAS, THAT:**

1. (name of company) be endorsed by the (city/county) of (name of city or county) for benefits from the refunds/tax credits as provided in the Arkansas Enterprise Zone Program Regulations of 1993, through June 30, 2001.
- ~~2.~~ *deleted per your request BT*
the Department of Finance and Administration be authorized to refund local sales and use taxes to (name of company) (OPTIONAL).
3. this resolution shall take effect immediately.

(title of head of governing body)

Date Passed: _____

Attest: _____
Clerk



STAFF REVIEW FORM

AGENDA REQUEST XXXX

CONTRACT REVIEW _____

GRANT REVIEW _____

For the Fayetteville City Council meeting of August 7, 2001

FROM:

W.A. Oestreich
Name

Fleet Operations
Division

Public Works
Department

ACTION REQUIRED:

A RESOLUTION APPROVING THE PURCHASE OF A 2001 FORD E-150 CARGO VAN FOR THE SUM OF \$21,164.00 FROM RON BLACKWELL FORD, P.O. BOX 547, BENTONVILLE, AR 72712, VENDOR #88230. THIS UNIT WILL PRIMARILY BE UTILIZED BY THE FAYETTEVILLE POLICE DEPARTMENT.

COST TO CITY:

\$ 21,164 00
Cost of this Request

\$ 576,200.00
Category/Project Budget

Light/Med Utility Veh Rep/Exp
Category/Project Name

9700-1920-5802.00
Account Number

\$ 157,408.00
Funds Used To Date

Vehicles & Equipment
Program Name

98063
Project Number

\$ 418,677.00
Remaining Balance

Shop
Fund

BUDGET REVIEW:

XX Budgeted Item

 Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION

Approval of Purchase as listed above

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes No**

Administrative Services Director

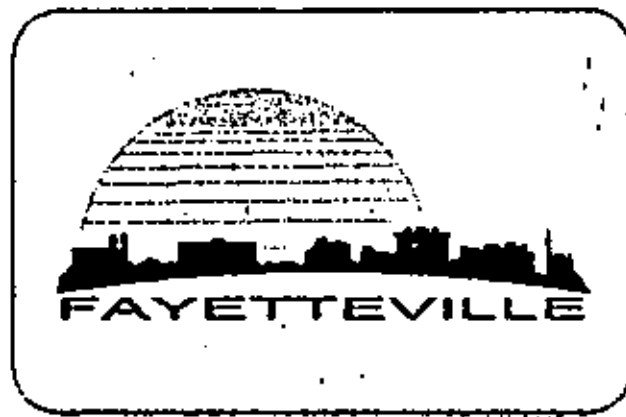
Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____



STAFF REVIEW FORM

Description: Purchase Utility Van (Police)

Meeting Date: August 7, 2001

Comments:

Reference Comments:

Budget Coordinator:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

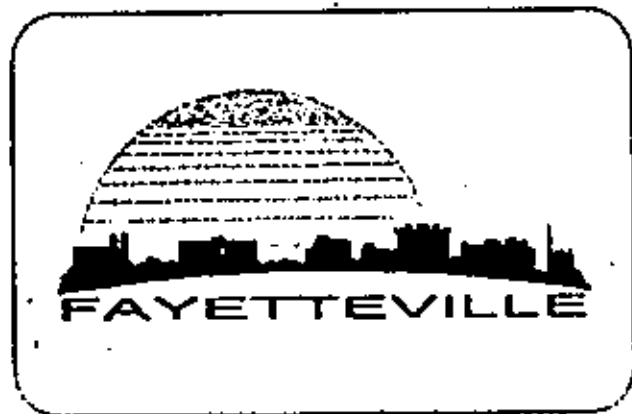
To: Bill Oestreich, Fleet Operations Superintendent

From: Lt. Tim Helder *TH*

Subject: Purchase of Crime Scene Tech Van

Date: January 11, 2001

The Fayetteville City Council recently approved a new position of Crime Scene Technician for the Fayetteville Police Department. This position will require purchasing an additional vehicle. Upon checking with other agencies that have Crime Scene Tech's all agree that a full size panel van is most practical. We feel a used van in sound physical and mechanical condition will meet our needs. The two necessary items the van will need are automatic transmission and air conditioning.



CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Greg Boettcher, Public Works Director

THRU: Ted Webber, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: July 31, 2001

SUBJECT: AGENDA REQUEST TO APPROVE PURCHASE OF A CARGO VAN

Reference the attached Agenda Request for a Resolution to approve the purchase of a 2001 Ford E-150 Cargo Van to be utilized by the Fayetteville Police Department.

Quotations from three bidders have been included. These are for comparable units presently in stock. Note that the lowest cost unit is the one that has been recommended. Amount of Quotes shown below.

As we are at the close of the 2001 model year, other Dealers have not shown left-over units in their stock to allow them to quote.

This recommendation has been reviewed by Fleet Operations Division and the Equipment Committee Chairman.

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

Purchase of 2001 Ford E-150 Cargo Van from Ron Blackwell Ford in the amount of \$21,164.00.

Nelms Auto Park @ \$21,245.00 comparably equipped

Nunnally Chevrolet @ \$24,502.00

If you have any questions or comments, please contact the Fleet Operations Division at 444.3494.

Prepared For:
Mr. Bill Oestreich
City Of Fayetteville
113 W. Mountain St. Rm 306
Fayetteville, AR, 72701
Phone: 501-444-3494

Prepared By:
P. Cody Manus
Ron Blackwell Ford Commercial Trucks
2809 South Walton Blvd.
P.O. Box 547
Bentonville, AR, 72712
Toll Free: 800-238-9289

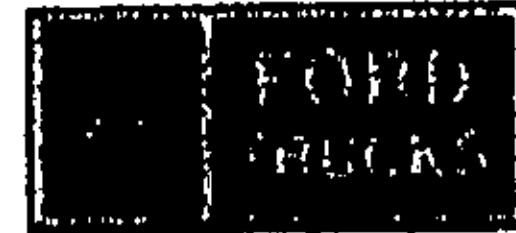


Table of Contents

2001 Ford E-150 Cargo Van Commercial

Description	Page
Table of Contents	1
Selected Options	2
Quotation Report	5

Selected Options

2001 Ford E-150

Cargo Van Commercial

Code	Description	Class	MSRP
E14	Base Vehicle Price	STD	\$21,746.00
Other Options			
PNTTBL	Table : Monotone Paint Application	OPT	0.00
Wheels & Tires			
T77	Tires: P235/75R15XL AS BSW	STD	N/C
Packages			
740A	Series Code 740A 4-Wheel Antilock Braking System, Passenger Air Bag, Air Conditioning, 130 Amp HD Alternator, Deluxe Engine Console Cover includes dual storage area and 4 cupholders, Handling Package includes front stabilizer bar and HD front and rear shocks, Light & Convenience Group includes courtesy light switches for all doors and a warning chime, Rear Step Bumper, Trailer Towing Package (Class I) includes trailer wiring harness. See Salesperson's Source Book or Ford RV Trailer Towing Guide for specific trailer towing limits and corresponding required equipment, Spare Tire & Wheel, Radio: ETR AM/FM Stereo w/Clock includes 2 speakers, Includes Engine: 4.2L EFI V8, Transmission: 4-Speed Automatic w/OD, Tires: P235/76R15XL AS BSW, Dual Bucket Seats, 3.55 Axle Ratio and Payload Package #1.	OPT	N/C
Power Teams			
44U	Transmission: 4-Speed Automatic w/OD	STD	N/C
X19	3.55 Axle Ratio	STD	N/C
202	Payload Package #1 Includes GVWR of 6700 lbs.	STD	N/C
99W	Engine: 4.6L EFI V8	OPT	1,395.00
Seats & Seat Trim			
211	Dual Bucket Seats	STD	N/C

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from estimate because of special local and pricing availability and pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CT05290503 08-04-01

Selected Options Continued

Prepared For: Destreich
 Prepared By: P. Cody Manus
 Dealership: Ron Blackwell Ford Commercial Truck

Code	Description	Class	MSRP
Seats & Seat Trim (Continued)			
C	Cloth Seat Trim w/Bucket Seats	OPT	20.00
Other Options			
138	138" Wheelbase	STD	N/C
168	Full Length Floor Covering	OPT	80.00
173	Fixed Rear Cargo Door Glass	INC	Included
178	Fixed Side Glass (173) Fixed Rear Cargo Door Glass	OPT	130.00
153	License Plate Bracket Required and generated in states issuing 2 license plates.	OPT	N/C
31G	Racks & Bins Installed Shelving, Cabinets & Drawers includes steel shelving and bulkhead with lockable door.	OPT	495.00
43P	Power Group Power Door Locks includes back door switch, Power Windows, Power Mirrors, Remote Keyless Entry/Panic Alarm includes panic button that activates anti-theft warning system and 2 transmitters.	OPT	895.00
52N	Speed Control/Tilt Steering Wheel	OPT	385.00
PAINT	Monotone Paint Application	STD	N/C
Incentives			
INCNT3	Ford Cash Incentives \$1000 Customer Cash	OPT	(1,000.00)
INCNT1	Ford Fleet Incentives \$1000 Off-Invoice Incentive	OPT	0.00
Primary Colors For : Primary w/Commercial			
YZ	Oxford White Clearcoat	OPT	0.00
Interior Colors For : Primary w/Commercial			
C2	Medium Graphite	OPT	0.00

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from estimates because of special local and pricing availability and pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Release: CY2009040204-01

Selected Options Continued

Prepared For: Destreich
Prepared By: P. Cody Manua
Dealership: Ron Blackwell Ford Commercial Truck

Code	Description	Class	MSRP
Sub Total			\$23,825.00
Total Vehicle Price			\$23,825.00

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from estimate because of special local and pricing availability and pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CTD200503 08-04-01

Prepared For:
Mr. Bill Oestreich
City Of Fayetteville
113 W. Mountain St. Rm 308
Fayetteville, AR, 72701
Phone: 501-444-3494

Prepared By:
P. Cody Manus
Ron Blackwell Ford Commercial Trucks
2808 South Walton Blvd.
P.O. Box 547
Bentonville, AR, 72712
Toll Free: 800-238-8289



Quotation Report

2001 Ford E-150
Cargo Van Commercial

Description	MSRP
Vehicle Price (excluding Package Discounts)	\$24,925.00
Vehicle Subtotal	\$24,925.00
Other (Discount)	(2,781.00)
Incentives	(1,000.00)
Total Other Items	(\$3,781.00)
Net Selling Price	\$21,164.00
Total Quote	\$21,164.00
Total	\$21,164.00

Customer Signature

Acceptance Date

Prices and content availability as shown, are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from estimate because of special local and pricing availability and pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information. Reference CT0220503 03-04-01

7/30/01
3:02 PM

Program: locator
Version: 2000.1

Vehicle Locator
Vehicle Search Detail Report for
NELMS CHEVROLET, INC.

Report: CUSTDTL
Page: 3

Division: Chevrolet
Model Year: 2001
Model: CG21405 - Express Cargo Van

(260 miles)

VIN: 1GCCG25R811242270
MSRP: \$25,531.00
Order Type: RETAIL - STOCK

Dealer: 07032

Color 1: 50U - White Summit
Color 2: N/A
Trim: 52G - Neutral Custom Cloth Trim
Package: 1SB - Option Package
Engine: L31 - Vortec 5700 V8 SFI Gas Engine
Trans: MT1 - 4-Speed Auto Trans w/Overdrive
Other Options: ZQ2 - Convenience Group. Power Door Locks and Windows
AJ3 - Air Bag, Driver's Side Only
AS5 - Seat, Front Bucket Deluxe
C60 - Air Conditioning, Front
C6P - GVW 8600 LBS
DE2 - Mirror, O/S LH & RH Direct Control Folding
GT4 - Rear Axle 3.73 Ratio
TR9 - Auxiliary Lighting
UM6 - AM/FM w/Seek-Scan, Cassette, Clock
VCL - Federal Clean Fuel Fleet Emissions
VK3 - Front License Plate Bracket
X88 - CONVERSION NAME PLT CHEVROLET
XHF - Front LT225/75R16-E ALS B/W Tires
YA2 - Door, Sliding Side Rear
YHF - Tires, LT225/75R16E ALS B/W
ZHF - Tires, LT225/75R16/E ALS B/W
ZQ3 - Convenience Group, Tilt Wheel and Speed Control
ZW3 - Glass, Rear Doors and Rear Side Doors
ZW9 - Standard Body
ZX2 - Driver and Passenger Highback Seat. Arrgmt
ZY1 - Solid, Exterior Paint

#21245-
OSP

CHEVROLET

NELMS 
nelmsauto.com

Auto Park

local 501-251-2135
toll-free 877-657-4201
fax 501-251-2147
rhunter@nelmsauto.com

Rick Hunter
Sales Consultant CSV



1310 W. Showroom Drive • Fayetteville, AR 72704

An asterisk (*) indicates the option was part of the desired search criteria.



GEORGE NUNNALLY CHEVROLET, INC.

SELECTED OPTIONS

CODE DESCRIPTION

C5Y	7100# GVWR (3600 front/3968 rear), springs (3600 front/3968 rear), axles (3600 front/ 4000 rear) -inc: P235/75R15 BSW tires	150.00
L30	5.0L (305) SFI V8 VORTEC 5000 ENGINE	495.00
XHA	P235/75R15 ALL-SEASON SBR BSW TIRES (REQ: C5Y GVWR)	160.00
ZX2	DUAL FRONT HIGH-BACK BUCKET SEATS (STD)	0.00
W	CUSTOM VINYL SEAT TRIM (STD)	0.00
ZY1	SOLID EXTERIOR PAINT (STD)	0.00
C80	FRONT AIR CONDITIONING	975.00
UM7	ETR AM/FM STEREO -inc: seek-scan, digital clock, (2) front speakers (STD)	0.00
ZW3	FIXED REAR/SIDE CARGO DOOR GLASS	100.00
Z82	HD TRAILERING EQUIPMENT -inc: trallering hitch platform, 8-wire harness	310.00
ZQ3	CONVENIENCE PKG 2 -inc: tilt wheel, cruise control	385.00
B31	REAR CARGO MAT DELETE *Retains front floor covering*	0.00
A19	SWING-OUT RH SIDE/REAR CARGO DOOR GLASS (REQ: ZW3, ZW4, or ZW6 Glass Pkg)	167.00
R7J	COMMERCIAL CUSTOMER BIN (REQ: TBM Ship Thru)	0.00
TBM	SHIP THRU ADRIAN STEEL UPFIT	0.00

Colors are currently unavailable.

CAREFUL ATTENTION HAS BEEN GIVEN TO ENSURE DATA ACCURACY. CHROME SYSTEMS ASSUMES NO RESPONSIBILITY FOR ERRORS OR OMISSIONS. ALL INFORMATION IS SUBJECT TO CHANGE WITHOUT NOTICE.

GM AutoBook for Windows Data Version: 7/18/01

©Copyright 1988-2001 Chrome Systems Corporation All Rights Reserved

July 24, 2001

Page 1

VEHICLE SUMMARY

Base Vehicle	\$21,080.00
Total Options	\$2,732.00
Destination Charge	\$690.00
Advert/Adjustments	\$0.00
Total Price	\$24,502.00

Effective Date: 3/2/01
 Vehicle Not Complete

Ken. Stroup
 Sales Rep.

STANDARD EQUIPMENT**MECHANICAL**

4.3L (262) SFI V6 Vortec 4300 engine
 4-speed electronically-controlled automatic transmission w/OD
 Brake/transmission shift interlock
 Rear wheel drive
 600-CCA battery
 105-amp alternator
 6100# GVWR (3168 front/3168 rear), springs (3600 front/3168 rear), axles (3600 front/3500 rear)
 Independent coil spring front suspension w/stabilizer bar
 Two-stage multi-leaf spring rear suspension
 P215/75R15 all-season SBR BSW tires
 Full size spare tire
 Spare tire carrier located underneath rear floor, accessed from outside
 (5) 15" x 6.0" argent steel wheels
 (4) black plastic center caps
 Variable assist pwr steering
 Pwr front disc/rear drum brakes
 4-wheel anti-lock braking system
 31 gallon fuel tank
 Mechanical jack & wheel wrench located at RH rear of vehicle
 Stainless steel muffler/tailpipe

EXTERIOR

Front/rear gray-painted bumpers w/rear entry-assist step
 Molded gray plastic grille
 Single rectangular halogen sealed beam headlamps
 Daytime running lamps
 Dual black foldaway mirrors w/adjustable glass (RH convex)
 Solar-Ray tinted glass on all windows
 Intermittent windshield wipers
 60/40 split hinged swing-out side cargo doors
 Hinged swing-out rear cargo doors

INTERIOR

Dual high-back vinyl reclining front bucket seats

Molded front/rear full-width black vinyl floor covering

Steering wheel w/anti-theft locking column

Gauges-inc: speedometer, odometer, trip odometer, voltmeter, engine temp, oil pressure, fuel level

Headlamps-on warning tone

Passlock theft deterrent system

ETR AM/FM stereo-inc: seek-scan, digital clock, (2) front speakers

(2) cup holders in dash

Covered pwr outlet

Color-keyed cloth front headliner to B-pillar

Dual color-keyed padded vinyl sunshades

(3) dome lamps w/defeat switch, door-actuated switches

EPA FUEL ECONOMY RATINGS

City 15/hwy 18 (4.3L engine/Light Duty 4-speed auto trans)

City 14/hwy 18 (5.0L engine/Light Duty 4-speed auto trans)

City 14/hwy 17 (5.7L engine/Light Duty 4-speed auto trans)

SAFETY

4-wheel anti-lock braking system

Driver & front passenger airbags

Brake/transmission shift interlock

Front side door guard beams

Daytime running lamps

QUOTE WORKSHEET

Garver, Inc.
Engineers

3810 Front Street, Suite 10
Fayetteville, AR 72703

501-527-9100
FAX 501-527-9101

www.garverinc.com

GARVER|ENGINEERS

June 28, 2001

Mr. Jim Beavers, P.E.
City Engineer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Old Missouri Road Improvements - Professional Engineering Services Contract Amendment No. 1

Dear Jim:

As requested, please consider this our proposed Amendment No. 1 to our original contract for Old Missouri Road Improvements dated February 20, 2001.

After meeting on June 15 with Mayor Coody, Bob Davis, Greg Boettcher, and you, we understand that the City wants us to develop, evaluate, and present additional conceptual alternatives for Old Missouri Road from Rolling Hills to the Mud Creek Bridge and to participate in additional public meetings and coordination. Based on your direction as a result of our meetings on June 15 and 26, we understand we are to develop additional alternatives in accordance with the following guidelines.

- ✓ Reduce Construction Cost. Specific items discussed directly related to reducing construction cost included not raising the street near the creek as high as originally planned, narrowing typical section elements including street, sidewalk, and trail width at strategic locations, and using open ditches instead of underground pipes for storm drainage. Garver will also investigate other ways to save substantial construction cost on this project.
- ✓ Reduce Impact to Some Adjacent Properties. This primarily included discussion of revisions to the horizontal alignment and narrowing typical section elements including street, sidewalk, and trail width at strategic locations.
- ✓ Additional Options to Evaluate. Garver will make revisions in accordance with the direction from the City as herein stated. We will also present the following alternatives (options) for consideration by the City in accordance with the general guidelines in our original agreement for the Conceptual Design Phase.

Option 4 – Option 3 (original report) with the following revisions:

1. Use 28 feet back to back street width from Farr to Stubblefield and from Elaine to Mud Creek Bridge
2. Revise curve near creek to be less sharp
3. Reduce amount roadway will be raised near creek
4. Use open ditches instead of underground stormwater pipes and inlets where possible
5. Allow existing sidewalk to remain on west side and allow 2-ft buffer
6. Narrow trail to six feet on east side, except for in front of school
7. Move trail to west side of street north of Elaine

June 28, 2001

Page 2

Option 5 – Raise the road near the creek, from Stubblefield to Elaine, as needed to eliminate flooding, and “straighten” the curve as much as possible without significant impacts to the creek. This option would include cross drainage improvements and construction of a new trail/sidewalk from Stubblefield to Elaine.

Option 6 – Option 5 plus widen the roadway from Rolling Hills to Farr Lane to allow for a left-turn lane for Butterfield Trail Elementary School. This option would including cross drainage improvements and construction of a new trail/sidewalk from Rolling Hills to Farr Lane.

Option 7 – Option 6 plus add a sidewalk on the west side from Farr to Stubblefield.

Option 8 – Option 5 plus widen the roadway only from Eaton to Farr to allow for a left-turn lane for Butterfield Trail Elementary School. This option would including cross drainage improvements and construction of a new trail/sidewalk from Eaton to Farr and construction of a new sidewalk on the west side from Farr to Stubblefield. No improvements would be made south of Eaton or north of Elaine.

Since we have already completed the Conceptual Design Phase of our original agreement, and since the City wants us to develop and evaluate several additional conceptual alternatives, we believe it is appropriate to ask for this amendment to cover our additional costs. Approval of this amendment would increase our “Not to Exceed” fee for Design Phase Services by \$24,947, as shown on the attached detailed spreadsheet.

If this proposal is acceptable to you, please sign the three copies and return one copy to me. As always, we appreciate the opportunity to provide professional services to the City of Fayetteville and look forward to successful completion of this project. Please call me with any questions or comments. Thank you.

Respectfully,

GARVER | ENGINEERS



Brock Hoskins, P.E.

Vice President / Project Manager

Approved by: _____

Date: _____

APPENDIX A - Amendment No. 1

CITY OF FAYETTEVILLE
OLD MISSOURI ROAD IMPROVEMENTS - Rolling Hills to Mud Creek Bridge

CONCEPTUAL DESIGN - Extra Work

WORK TASK DESCRIPTION	Senior Project Manager	Project Manager	Senior Project Engineer	Project Engineer	Senior Design Engineer	Design Engineer	Project Surveyor	Survey Coord	Environmental Scientist	Geologist	Senior Tech/Draftsman	Tech./Draftsman	Clerical	Survey Crew	Senior Constr Engineer	Constr Engineer	Senior Constr Observer	Constr Observer
1. Civil Engineering																		
Typical Sections		2			6	12						12						
Plan & Profile Sheets		6			18	18						40						
Right-of-Way Requirements		1			4	12	4					12						
Cross Sections		2			6	6						16						
Maintenance of Traffic Plan		1			6	0						16						
Water and Sewer Relocation		1			4	4						4						
Drainage Design		1			6	20						12						
Public Meetings with Exhibits		4			4	6						12						
Meetings with Residents		2			2	0	2											
Utility Companies Coordination		4			4	4												
Option of Probable Construction Cost		2			8	24						24						
Amend Conceptual Report		4			16	0						4						
Subtotal - Civil Engineering	0	24	0	0	90	108	6	0	0	0	0	148	4	0	0	0	0	0
2. Structural Engineering																		
Retaining Walls					4							4						
Subtotal - Structural Engineering	0	0	0	0	4	0	0	0	0	0	0	4	0	0	0	0	0	0
3. Mechanical Engineering																		
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Electrical Engineering																		
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hours	0	24	0	0	94	108	6	0	0	0	0	152	4	0	0	0	0	0
Salary Costs	\$0.00	\$816.00	\$0.00	\$0.00	\$2,444.00	\$2,180.00	\$132.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,564.00	\$44.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,180.00

SUBTOTAL - SALARIES

\$8,180.00

LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD (160%)

\$13,068.00

DIRECT NON-LABOR EXPENSES

Reproduction/Printing	\$400.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Travel Costs	\$425.00

Subtotal

\$21,653.00

PROFESSIONAL FEE (profit)

\$3,253.95

CONSULTANTS

\$0.00

TOTAL COST:

\$24,948.95

Orig Contract Number: _____

STAFF REVIEW FORM

Description Waiver of Ordinance 3793

Meeting Date July 17, 2001

Comments:
Budget Coordinator

Accounting Manager

City Attorney

*I do not object if the developer
wishes to pay \$ at their preferred
decision. Kit*

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council
THRU: Hugh Earnest, Urban Development Director
FROM: Connie Edmonston, Parks & Recreation Superintendent *C.E.*
DATE: July 16, 2001
SUBJECT: Waiver of the Park Land Dedication Ordinance 3793

Background

Cliffs Apartments Phase III is a proposed subdivision located west of Highway 265 adjacent to the current Cliffs Apartments. The owner of the subdivision is Bill Underwood and the engineer is Crafton, Tull and Associates. Phase III contains 348 multi-family units on 47 acres located in two different areas within the development. The land north of the current apartments would contain 60 multi-family units on 11 acres, of which 8.3 acres, or 75 percent, will remain open areas. The development to the southwest will contain 32.3 acres of which 17 acres, or 53 percent, will remain open areas. The requirement for park land is 6.96 acres and money in lieu is \$130,500 for the 348 multi-family development. The Park Land Dedication Ordinance states if a large scale 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)

Current Status

Parks and Recreation staff met with the owner and engineering firm to evaluate the site. The development was presented to the Parks and Recreation Advisory Board on July 9, 2001.

Recommendation

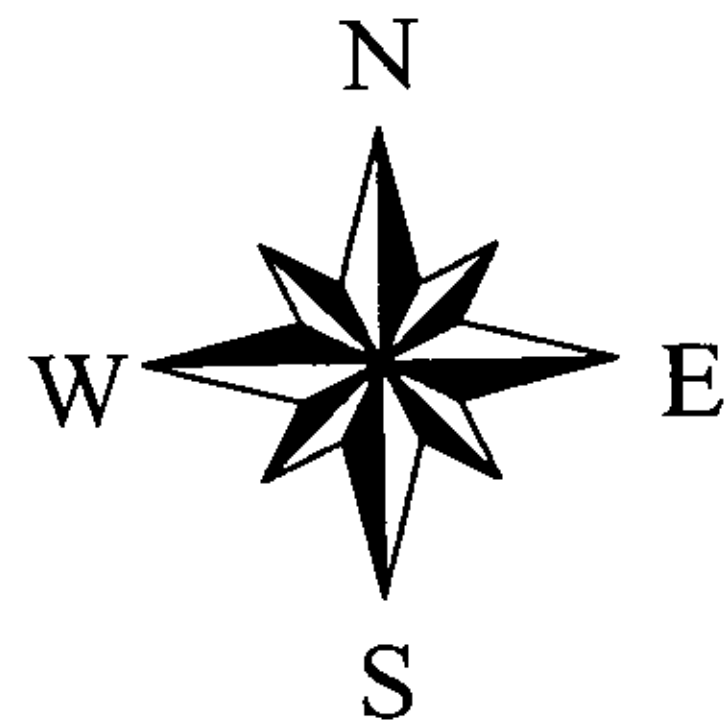
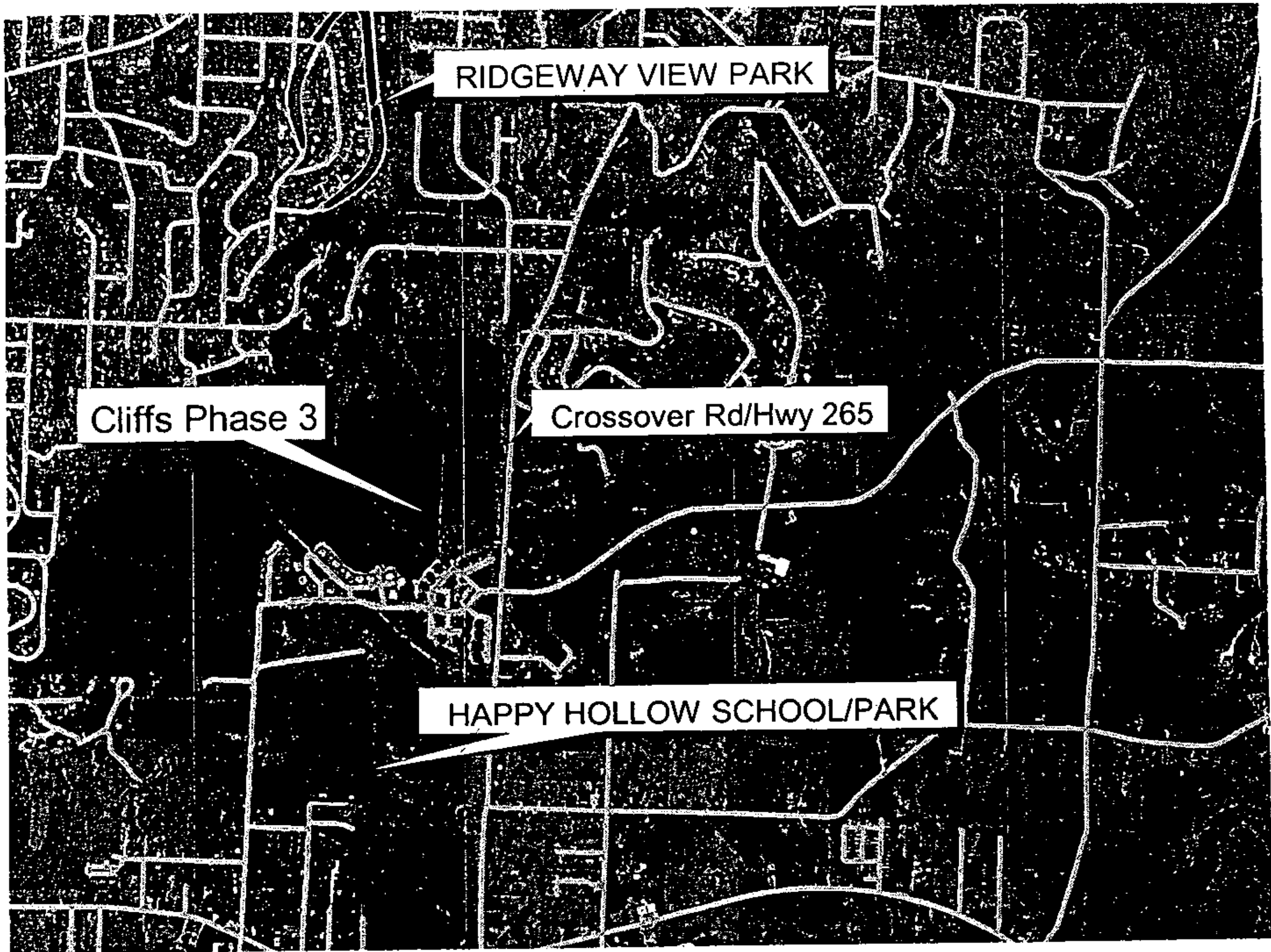
Parks and Recreation staff and the Parks and Recreation Advisory Board recommended to accept money in lieu as the requirement thus requiring a wavier of the Park Land Dedication ordinance for the reasons stated below:

1. The development provides lakes, swimming pool, basketball court, trail and picnic facilities for their residents. See attached letter.
2. Happy Hollow School Park and Ridgeway View Park are located in this area.
3. There would be confusion between the City Park and the residential park features of the development.
4. Park land acquisition to the north of the development is preferred in the future.
5. The owner desires the requirement of money in lieu.

Attachments:

Location Map
PRAB July 9, 2001 Meeting Minutes
Letter: Crafton, Tull & Associates
Letter: Craig Underwood

Cliffs Apts Ph 3



V. **Park Land Dedication Ordinance:**

<u>Development Name:</u>	Cliffs Apartments Phase III
Engineer:	Crafton, Tull and Associates, Inc. (Jerry Kelso)
Owner:	Bill Underwood
Location:	North of Wyman Road and west of Hwy. 265
Park District:	SE
Units:	348 multi units
Total Acres:	147.5 acres
Land Dedication Requirement:	6.96 acres
Money in Lieu Requirement:	\$130,500
Existing Parks:	Happy Hollow School Park (5 acres) Ridgeway View Park (6 acres)
Developer Recommendation:	Money in lieu of land.
Staff Recommendation:	Money in lieu of land thus requiring a waiver of the ordinance to City Council for the following reasons:

1. The development provides lakes, swimming pool, basketball court, trail and picnic facilities for its residents.
2. Happy Hollow School Park and Ridgeway View Park are located in this area.
3. There would be confusion between the City Park and the residential park features the development is providing.
4. Park land acquisition north of the development is preferred in the future.

"...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 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 and Recreation Advisory Board with instructions or for further study."

(Unified Development Ordinance § 166.03K)

Jerry Kelso, an engineer with Crafton, Tull and Associates, gave an overview of the Cliffs Apartments project which began in 1993. Because 288 units are planned for development outside the original 1993 plan, this addition requires a park land dedication recommendation. Phase III of the development includes 348 multi units on 147.5 acres. Like the first two phases, Mr. Kelso said recreational amenities such as a swimming pool, fishing lakes, tennis court, basketball goals, benches, grills, and a clubhouse would be provided for the residents. Additionally, a walking/jogging trail is planned for the complex. Although developers are not required to provide such amenities for their residents, Ms. Edmonston said she encouraged them to do so. Ms. Edmonston said land acquisition north of the development is preferred in the future. Mr. Ackerman requested a list of amenities planned for the complex be filed with the Parks Office.

MOTION:

Mr. Hill moved to accept money in lieu of a land dedication to satisfy the park land dedication requirement for the proposed Cliffs Apartments Phase III and recommend a waiver of the Park Land Dedication Ordinance from City Council.

Ms. Nickell seconded the motion.

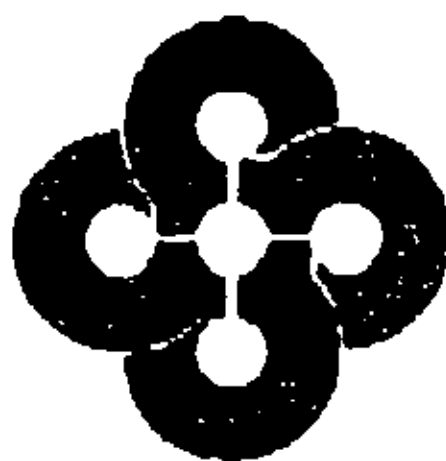
Upon roll call, the motion was approved unanimously 8-0-0.

July 9, 2001

Denny L. Brown, P.E.
Robert M. (Matt) Crafton, P.E.
Thomas E. Hopper, P.E.
Kurtis J. Jones, P.E.
Cline L. Mansur, P.E., R.L.S.
R.E. (Gene) Reese, P.E.
David Swearingen, A.I.A.
James L. Tull, C.D.A.

Principal Emeritus

Lemuel H. Tull, P.E.
Bob H. Crafton, P.E.



Crafton, Tull & Associates, Inc.
Architects, Engineers & Surveyors

Associates

Everett L. Balk, P.E.
James B. Geurin, P.E.
A. Harris, R.L.S.
James W. Koolstra, A.I.A.
Jerry J. Kelso, P.E.
Kenneth A. Kuras, P.L.S.
Tom Mansur, P.E.
Robert C. Reese, P.E.
Rick G. Rose, P.L.S.
George G. Strella, P.E., D.E.E.
James P. Swearingen, A.I.A.
Richard Wright, R.L.S.

Harry G. Gray, P.E.
(1941-1997)

Ms. Connie Edmonston
Parks Superintendent
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72703

June 26, 2001

Re: The Cliffs Phase 3
Existing Amenities
CTA No. 93033-06

Dear Ms. Edmonston:

As you requested, we have located the existing amenities within the Cliffs Apartment Complex on Highway 265. There are 6 charcoal grill & picnic table combinations and one gazebo that exist within the complex at this time. There are also 3 existing lakes that are stocked with fish and can be used by all residents for fishing. Swimming is not allowed in these lakes, but a swimming pool does exist in Phase 1 for that purpose. A sketch that shows the location of these existing amenities is attached for your use.

With the planned additions to the Cliffs in the 3rd phase of the development, the same pattern will be followed with picnic tables and charcoal grills placed throughout the addition. Precisely how many table/grill combinations will be added is yet to be determined. Two new lakes will be constructed and will be stocked with fish. Also, several basketball goals will be erected throughout both the existing and proposed complexes. An Olympic-sized pool along with a very large clubhouse will also be constructed, and will be available for use by residents of the complex. A jogging/walking trail is planned for the entire development, and will be constructed along with the proposed 24 units in Phase 3.

Should you have any questions regarding this information or require any additional information, please feel free to contact us at your earliest convenience.

Sincerely,

Chris Parton, E.I.
Project Engineer

Cc: Craig Underwood
Fax: 521-8296



CERTIFIED GEMOLOGIST APPRAISER
AMERICAN GEM SOCIETY

June 18, 2001

Parks & Recreation
113 W Mountain
Fayetteville AR 72701

ATTN: Kim Rogers

We as the developers prefer to give money in leu of land for a city park for the development of
The Cliffs Phase III.

Cordially,

A handwritten signature in black ink, appearing to read 'Craig Underwood', is written over a horizontal line.

Craig Underwood



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZN 01-10.00
C. 2. Page 1

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
City Council
FROM: Hugh Earnest, Urban Development Director
DATE: July 23, 2001
SUBJECT: RZN 01-10.00: Rezoning (McDonald, pp 329)

BACKGROUND

RZN 01-10.00: Rezoning (McDonald, pp 329) was submitted by George Faucette on behalf of James & Judy McDonald for property located at 461 E. Township. The property is zoned R-1, Low Density Residential and contains approximately 0.42 acres. The request is to rezone to C-2, Thoroughfare Commercial. The subject property is located on Jane Ave., south of Township St. and east of College Ave. Currently there are only two developed lots which access Jane Ave. which is a short cul-de-sac that connects into the Butcher Block restaurant parking lot. Both lots on Jane Ave. contain commercial buildings and associated parking. The subject property was developed as an auto parts store in approximately 1970 and has been continually used as a commercial structure since that time according to the applicant's representative (see attached narrative).

Topography south and east of this property is rather steep and these areas, zoned R-1, remain vacant. Other adjoining properties include the Butcher Block restaurant to the west and a multi-tenant commercial building to the north with the Days Inn motel across Township to the north.

The General Plan 2020 reflects current zoning of the commercial tract to the immediate north of the subject property, however it designates a change in land use which bisects this lot changing from Regional Commercial to Residential. The dividing line between these land use categories runs through the parking lot located south of the existing office building.

CURRENT STATUS

The rezoning was recommended by the Planning Commission on July 9, 2001 by a 9-0-0 vote and forwarded to the City Council for approval.

RECOMMENDATION

The Planning Commission and staff recommended approval of the requested rezoning based on the findings included as part of this report.

STAFF REVIEW FORM

X Agenda Request
 _____ Contract Review
 _____ Grant Review

For the Fayetteville City Council meeting of August 7, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 9-0-0 to recommend and forward the rezoning to the City Council.

Division Head

7-18-01

Date

Department Director

7-23-01

Date

Administrative Services
Director

7-23-01

Date

Mayor

7-23-01

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 01-10.00 FOR A PARCEL
CONTAINING APPROXIMATELY .42 ACRES FOR PROPERTY
LOCATED AT 461 EAST TOWNSHIP, AS SUBMITTED BY GEORGE
FAUCETTE ON BEHALF OF JAMES AND JUDY McDONALD

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

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

From R-1, Low Density Residential to C-2, Thoroughfare Commercial
described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is
hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 01-10.00

A PART OF THE EAST HALF (E½) OF THE FRACTIONAL NORTHWEST QUARTER (FRL.NW¼) OF SECTION THREE (3), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF (E½) OF THE FRACTIONAL NORTHWEST QUARTER (FRL.NW¼) OF SAID SECTION THREE (3); THENCE S88°07'29"E ALONG THE NORTH LINE OF SAID SECTION THREE (3) 386.78 FEET; THENCE S01°31'59"W 167.00 FEET (DEED=175.00 FEET) TO A SET IRON FOR THE TRUE POINT OF BEGINNING; THENCE S01°31'59"W 146.01 FEET TO A SET IRON; THENCE N88°28'01"W 150.00 FEET TO A SET IRON; THENCE N01°31'59"E 25.76 FEET TO A SET IRON ON THE SOUTH LIEN OF JANE STREET, SAID POINT BEING ON A CUL-DE-SAC WITH A FORTY (40) FOOT RADIUS CURVE CONCAVE TO THE NORTH; THENCE NORTHEASTERLY ALONG SAID CURVE 55.39 FEET, THE CHORD FOR WHICH BEING N40°47'04"E 51.07 FEET TO A SET COTTON SPINDLE AT THE POINT OF TANGENCY OF SAID CURVE; THENCE N01°06'59"E ALONG THE EAST LINE OF JANE STREET 80.79 FEET TO A SET IRON; THENCE S88°28'01"E 118.28 FEET (DEED 119.2 FEET) TO THE POINT OF BEGINNING.

§161.14 DISTRICT C-2 THOROUGHFARE COMMERCIAL.

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

B. Uses.**1. Permitted Uses.**

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

2. Uses Permissible on Appeal to the Planning Commission.

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

C. Bulk and Area Regulations.

Setback lines shall meet the following minimum requirements:

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

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

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

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

June 14, 2001

Mr. Tim Conklin, Planning Administrator
Fayetteville Planning Commission
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Re-Zoning Petition, 461 E. Township, Fayetteville, AR

Dear Mr. Conklin and Members of the Fayetteville Planning Commission:

This letter is written to provide additional information about the property that is the subject of this re-zoning petition.

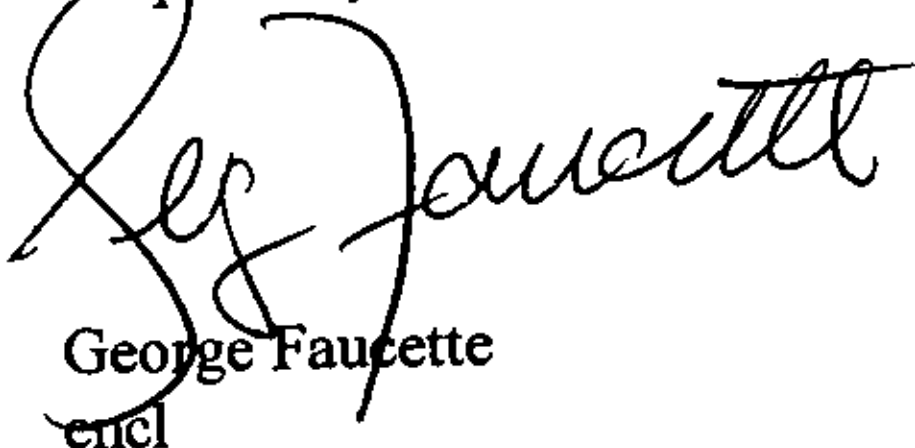
The property contains a single story, concrete block building that was constructed for use as an auto parts store about 1970. The building and adjacent asphalt parking cover approximately 67% of the lot.

The City of Fayetteville zoning map indicates that approximately the north ½ of the lot is zoned C-2 and the south ½ is zoned R-1. Since there is no apparent reason for the dual zoning of this property and since the zoning map indicated some C-2 zoned property even east of this property, I feel as if it is a probably a result of earlier conflicting legal descriptions and/or surveys.

The property has had a continuous commercial use since 1970, and this request is to re-zone the balance of the property to a C-2 zone, which is consistent with that use. This re-zoning will not change the use or character, traffic, appearance, or signage from what it has been for the last 30+ years.

If you have any questions, please give me a call.

Respectfully submitted,

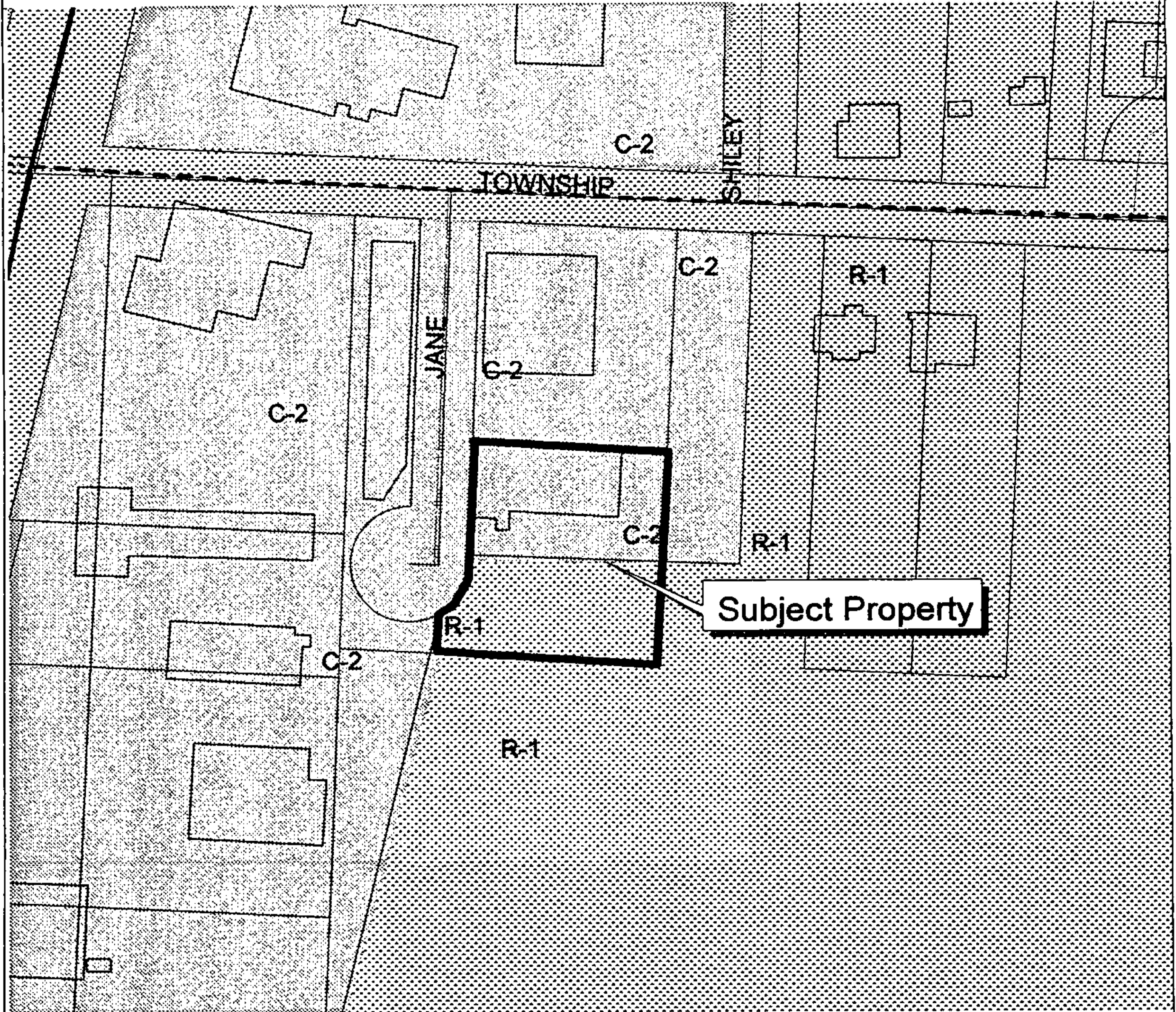


George Faucette

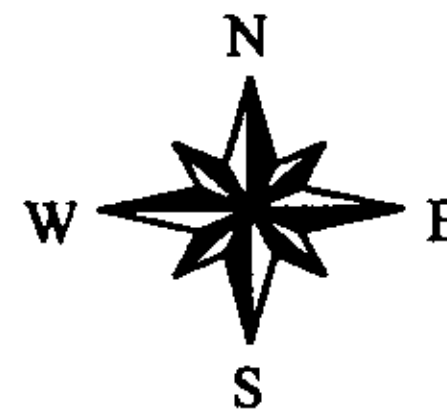
encl

cc: James L. and July L. McDonald

RZN 01-10 McDonald LAND USE



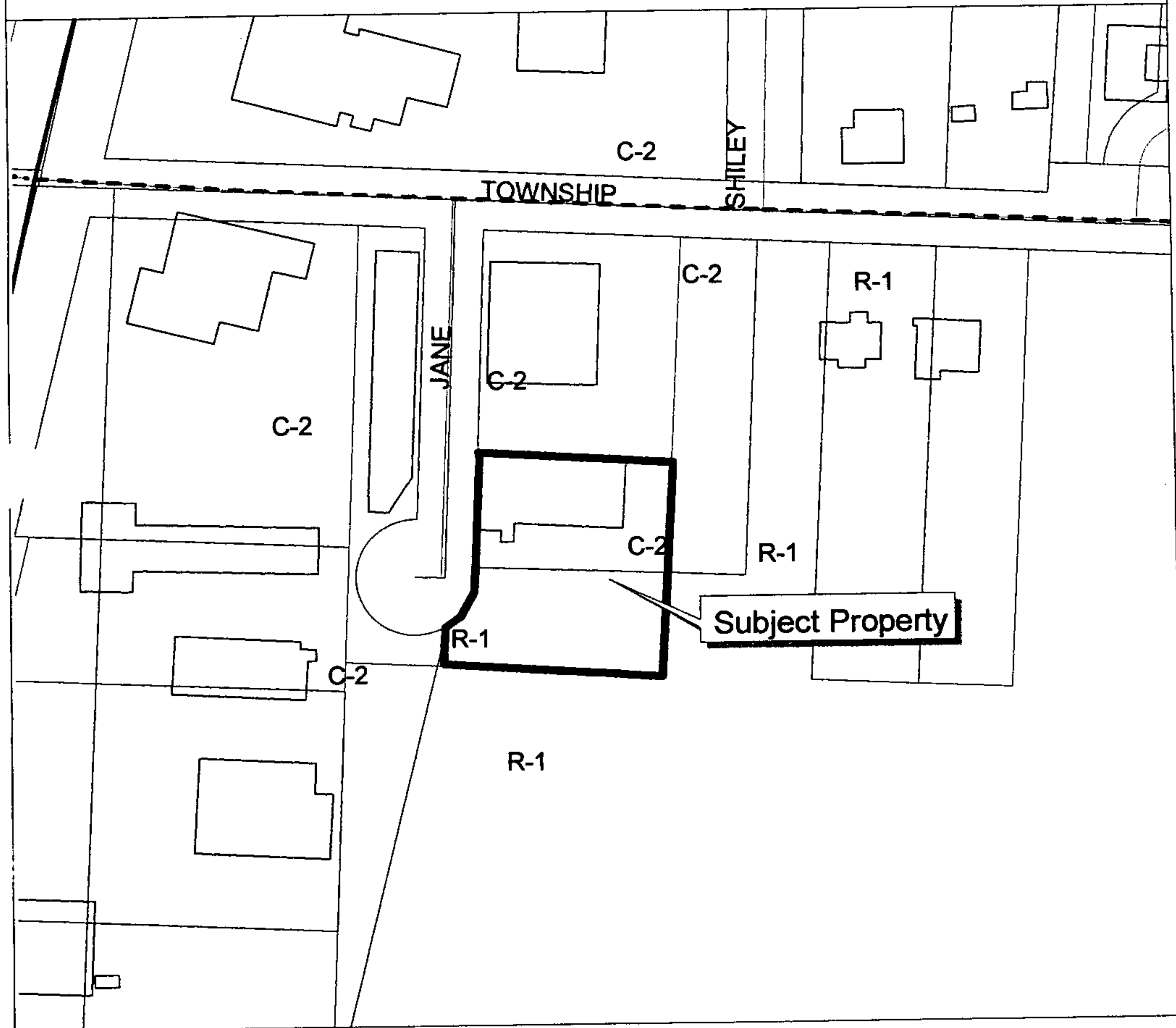
- STREETS
- Structures
- Land
- Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Railroad.shp
- Landuse
- Residential
- University



120 0 120 Feet

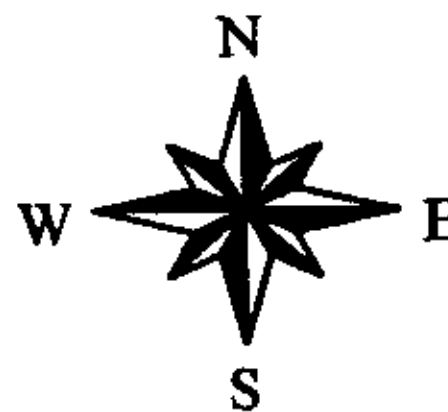
A horizontal scale bar with three segments. The first segment is labeled '120', the second '0', and the third '120 Feet'. The bar is black with white markings.

RZN 01-10 McDONALD CLOSE UP



Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Railroad.shp
- STREETS
- Structures (1998)



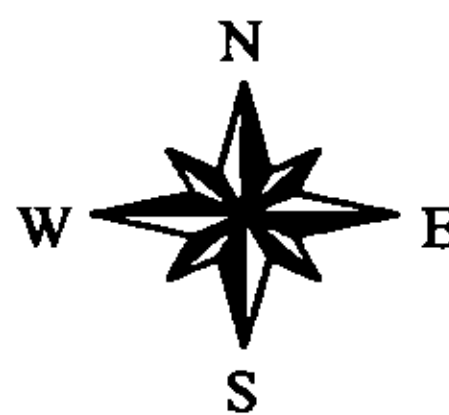
120 0 120 Feet





Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS
- Railroad.shp



0.5 0 0.5 Miles

Planning Commission
July 9, 2001
Page 8

RZN 01-10.00: Rezoning (McDonald, pp 329) was submitted by George Faucette on behalf of James & Judy McDonald for property located at 461 E. Township. The property is zoned R-1, Low Density Residential and contains approximately 0.42 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Estes: The next item of business to come before your Commission is item number five on the agenda, this is rezoning request submitted by George Faucette on behalf of James & Judy McDonald for property located at 461 E. Township. The property is zoned R-1, Low Density Residential and contains approximately 0.42 acres. The request is to rezone to C-2, Thoroughfare Commercial. Staff recommends approval of the requested rezoning based on the findings included as a part of this report. Is the applicant present? Mr. Faucette do you have any presentation you would like to make regarding this requested rezoning?

Faucette: Over half this lot is already zoned C-2. It's not the entire lot. It's just to flush out the zoning that's there already. I wasn't able to determine exactly how much of it was looking at the City zoning maps but it's not the entire lot. I'll be happy to answer any questions.

Estes: Are there any questions for Mr. Faucette?

PUBLIC COMMENT:

Estes: Is there any member of the audience that would like to provide public comment on this requested rezoning request?

COMMISSION DISCUSSION:

Estes: Seeing none, I'll bring it back to the Commission for discussion and motions.

MOTION:

Marr: I'll move for approval of rezoning 01-10.00.

Allen: I'll second.

Estes: There is a motion to approve by Commissioner Marr and second by Commissioner Allen to approve rezoning request 01-10.00, is there any discussion? Sheri, would you

Planning Commission
July 9, 2001
Page 9

call the roll please?

ROLL CALL:

Upon roll call RZ 01-10.00 is approved by a unanimous vote of 9-0-0.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

ANX 01-2.00

C. 3. Page 1

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
City Council
FROM: Hugh Earnest, Urban Development Director
DATE: July 23, 2001
SUBJECT: ANX 01-2.00: Annexation (Cross Creek Subdivision, LLC, pp 359)

BACKGROUND

ANX 01-2.00: Annexation (Cross Creek Subdivision, LLC, pp 359) was submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is in the Planning Growth Area and contains approximately 14.47 acres. The subject property is located north of a recently annexed 40 acre tract of land which is west of Bridgeport Subdivision. Access is from WC 887, Sunshine Road and from WC 882, Jess Anderson Road. Eventually access will be available through Bridgeport by way of the Master Street Plan collector New Bridge Drive.

The subject tract is bounded on the north and west by county property and on the east by R-1 property. The area is within the City's Planning Area boundary and it is situated at the far western edge of Fayetteville. This property is currently claimed by the Farmington School District.

A preliminary plat for this area in combination with the 40 acre tract to the south is being processed at this time. Annexation of this tract would provide for an orderly development which would comply with all City ordinances, specifically those regarding, tree preservation, access, grading, drainage, storm water, park land, sidewalks, land use and others. The property would make better use of infrastructure as well as natural resources as an addition to the City of Fayetteville than it would if left to develop under county standards with no oversight regarding land use. It is not in the City's best interest to encourage unregulated development with potentially hundreds of septic systems adjacent to the City limits and within the Planning Area which is designated as the area into which the City expects to grow in the future. It is for these reasons that staff recommends approval of the requested annexation.

CURRENT STATUS

The annexation was recommended by the Planning Commission on July 9, 2001 by a 9-0-0 vote and forwarded to the City Council for approval.

RECOMMENDATION

The Planning Commission and staff recommended approval of the requested annexation based on the findings included as part of this report.

STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of August 7, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUIRED: To approve an ordinance for ANX 01-2.00: Annexation (Cross Creek Subdivision LLC, pp 359) as submitted by Philip Humbard of Engineering Services, Inc., on behalf of Cross Creek Subdivision LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is in the Planning Area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.

COST TO CITY:

\$

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

J. J. Whitel
City Attorney

7/19/01
Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and on July 9, 2001, Planning Commission unanimously voted 9-0-0 to recommend approval and to forward the annexation to the City Council.

[Signature]
Division Head

7-18-01
Date

[Signature]
Department Director

7-23-01
Date

[Signature]
Administrative Services Director

7/23/01
Date

[Signature]
Mayor

7/26/01
Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

ORDINANCE NO. _____

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 01-2.00 FOR A PARCEL CONTAINING APPROXIMATELY 14.47 ACRES LOCATED EAST OF SUNSHINE ROAD AND SOUTH OF MOUNT COMFORT ROAD AS SUBMITTED BY PHILIP HUMBARD OF ENGINEERING SERVICES, INC. ON BEHALF OF CROSS CREEK SUBDIVISION LLC

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of the following described property:

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

Section 2. That the above described property is hereby assigned to Ward No. _____.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect that the zoning of the property described above shall be A-1, Agricultural.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR ANX 01-2.00

PART OF THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION TWO (2), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE N00°11'07"W ALONG THE EAST LINE OF SAID 40 ACRE TRACT 520.61 FEET TO THE CENTER OF HAMESTRING CREEK; THENCE ALONG THE CENTERLINE OF SAID CREEK, THE FOLLOWING BEARINGS AND DISTANCES; NORTH 85°59'24" WEST 139.51 FEET; NORTH 41°23'43" WEST 55.69 FEET; NORTH 72°20'48" WEST 101.76 FEET; SOUTH 78°29'37" WEST 362.08 FEET; SOUTH 61°19'53" WEST 312.06 FEET; NORTH 76°24'12" WEST 262.12 FEET TO THE CENTERLINE OF COUNTY ROAD 877; THENCE ALONG THE CENTERLINE OF SAID ROAD THE FOLLOWING BEARINGS AND DISTANCES; SOUTH 42°06'35" WEST 145.89 FEET; SOUTH 23°53'30" WEST 96.74 FEET; SOUTH 02°17'31" WEST 221.27 FEET; SOUTH 06°23'12" WEST 21.5 FEET TO THE SOUTH LINE OF SAID 40 ACRE TRACT; THENCE SOUTH 89°50'24" EAST 1306.74 FEET TO THE POINT OF BEGINNING, CONTAINING 14.47 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED TRACT BEING SUBJECT TO COUNTY ROAD RIGHT-OF-WAY ALONG THE WEST BOUNDARY AND ANY OTHER EASEMENTS OF RECORD.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: July 9, 2001

ANX 01-2.00: Annexation (Cross Creek Subdivision, LLC, pp 359) was submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is in the Planning Growth Area and contains approximately 14.47 acres.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: July 9, 2001

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: August 7, 2001 (1st reading)

Comments: _____

BACKGROUND:

The subject property is located north of a recently annexed 40 acre tract of land which is west of Bridgeport Subdivision. Access is from WC 887, Sunshine Road and from WC 882, Jess Anderson Road. Eventually access will be available through Bridgeport by way of the Master Street Plan collector New Bridge Drive.

The subject tract is bounded on the north and west by county property and on the east by R-1 property. The area is within the City's Planning Area boundary and it is situated at the far western edge of Fayetteville. This property is currently claimed by the Farmington School District.

A preliminary plat for this area in combination with the 40 acre tract to the south is being processed at this time. Annexation of this tract would provide for an orderly development which would comply with all City ordinances, specifically those regarding, tree preservation, access, grading, drainage, storm water, park land, sidewalks, land use and others. The property would make better use of infrastructure as well as natural resources as an addition to the City of Fayetteville than it would if left to develop under county standards with no oversight regarding land use. It is not in the City's best interest to encourage unregulated development with potentially hundreds of septic systems adjacent to the City limits and within the Planning Area which is designated as the area into which the City expects to grow in the future. It is for these reasons that staff recommends approval of the requested annexation.

SURROUNDING LAND USE AND ZONING

North:	County property, Residential, Agricultural
South:	Vacant, R-1 (Cross Creek Preliminary Plat)
East:	Vacant, R-1 (Bridgeport subdivision - under construction)
West:	County property, Residential, Agricultural

LAND USE PLAN: General Plan 2020 designates this site as Residential.

FILED
'01 JUN 5 AM 10 51

MARILYN EDWARDS
CO. & PROBATION CLERK
WASHINGTON CO. ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF:
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

CASE No. CC 2001-13

NOTICE OF ANNEXATION PETITION

NOTICE is hereby given to all interested parties that a Petition has been filed to annex to the City of Fayetteville, Arkansas, the following land in Washington County, Arkansas:

See Exhibit "A" attached

All interested parties are hereby notified that said Petition will be heard in the County Court of Washington County Arkansas, on the 9th day of July, 2001, at 10:30 o'clock a.m. by the County Court of Washington County, at which time you may appear and object or thereafter be barred.

Marilyn Edwards

MARILYN EDWARDS, County Clerk

By:

Shirley Brown
Deputy Clerk

EXHIBIT "A"

Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Sixteen (16) North, Range Thirty-one (31) West, being more particularly described as follows: Beginning at the Southeast corner of said 40 acre tract; thence N 00° 11' 07"W along the East line of said 40 acre tract 520.61 feet to the center of Hamestring Creek; thence along the centerline of said creek, the following bearings and distances: North 85° 59' 24" West 139.51 feet; North 41° 23' 43" West 55.69 feet; North 72° 20' 48" West 101.76 feet; South 78° 29' 37" West 362.08 feet; South 61° 19' 53" West 312.06 feet; North 76° 24' 12" West 262.12 feet to the centerline of County Road 877; thence along the centerline of said road, the following bearings and distances; South 42° 06' 35" West 145.89 feet; South 23° 53' 30" West 96.74 feet; South 02° 17' 31"W 221.27 feet; South 06° 23' 12" West 21.5 feet to the South line of said 40 acre tract; thence South 89° 50' 24" East 1306.74 feet to the point of beginning, containing 14.47 acres, more or less, Washington County, Arkansas. The above describe tract being subject to County Road right-of-way along the West boundary and any other easements of record.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF:
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

Case No. CC 2001-13

ORDER OF ANNEXATION

Now on this 9th day of July, 2001, this cause comes on to be heard, the Petitioners, Alice Ann Simkins, Living Trust, Alice Ann Simkins, Trustee, Fayetteville, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and the oral and documentary evidence adduced, the Court being well and sufficiently advised finds:

1. The Petition in this cause was filed on June 5, 2001, at which time this Court fixed July 9, 2001 at 10:30 a.m., as the date of hearing for said cause, and that a full thirty (30) days notice of hearing was given as required by law and the proof of publication of said notice is now on file with the Clerk of this Court and the Court has jurisdiction of this cause.

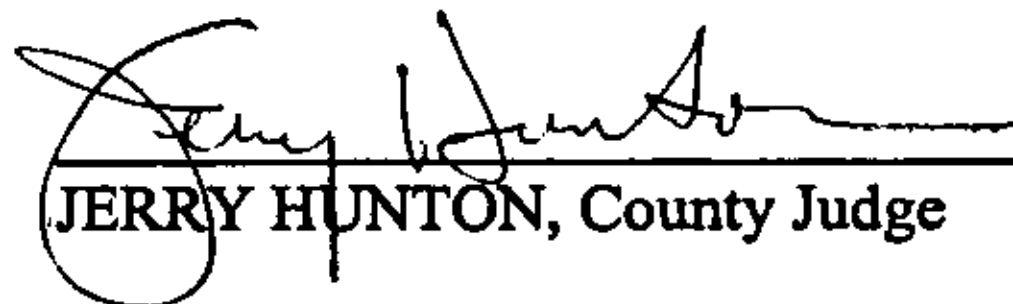
2. The Court is satisfied that the allegations of the petition are sustained by the proof; that the limits of the territory to be annexed have been properly filed; that a majority of the property owners having a freehold interest in the property hereinafter described joined in the petition and constitute of the real owners of the area affected.

3. The land proposed to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described as follows:

See Exhibit "A" attached

4. The area is not unusually large and it is contiguous and adjacent to and adjoins the present corporate limits of the City of Fayetteville, and it is peculiarly adapted for urban purposed and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

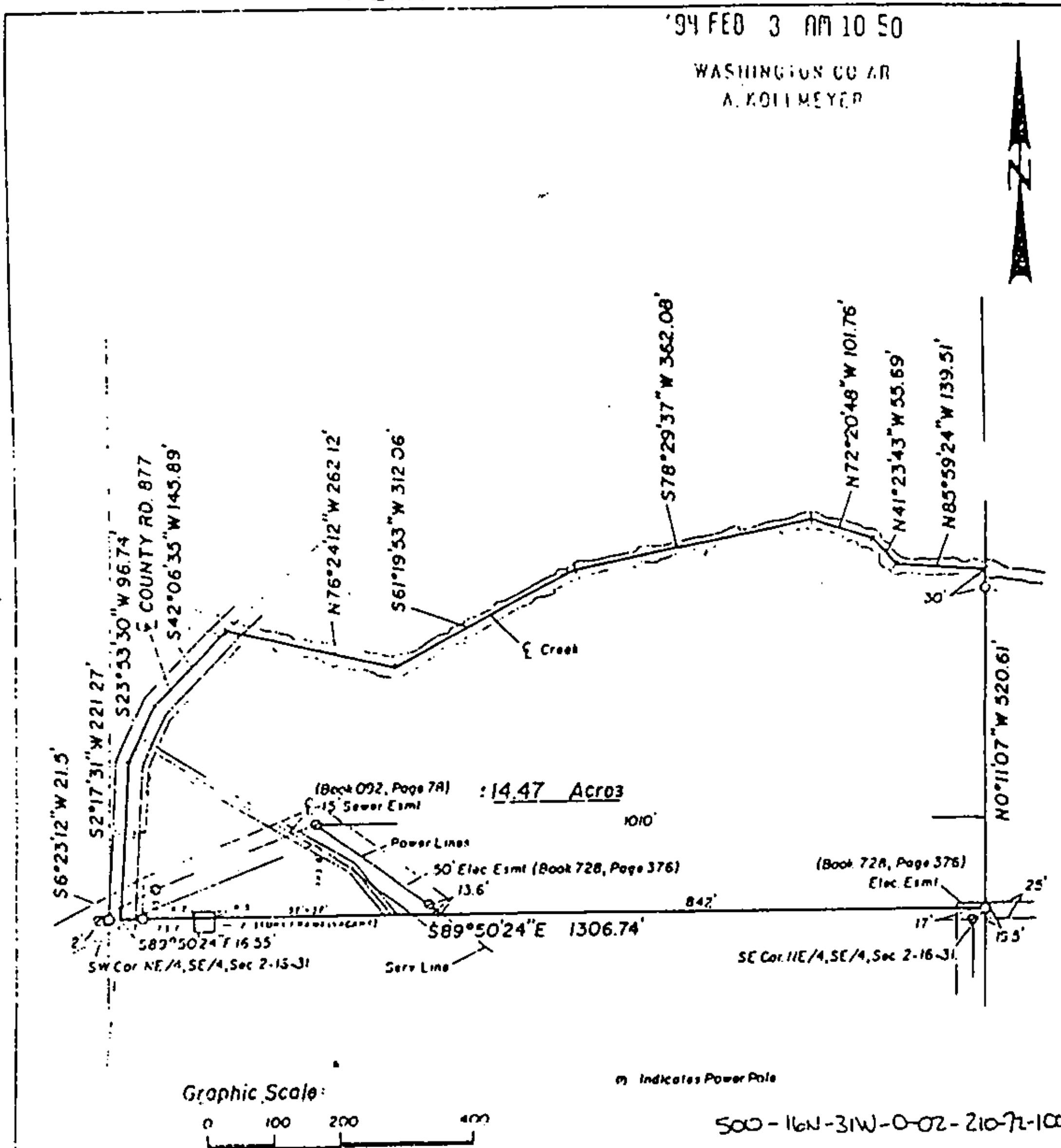
IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. § 14-40-601, et seq., and this Order shall be duly recorded by the Clerk of Washington County.


JERRY HUNTON, County Judge

PLAT—OF—SURVEY FOR RECORD

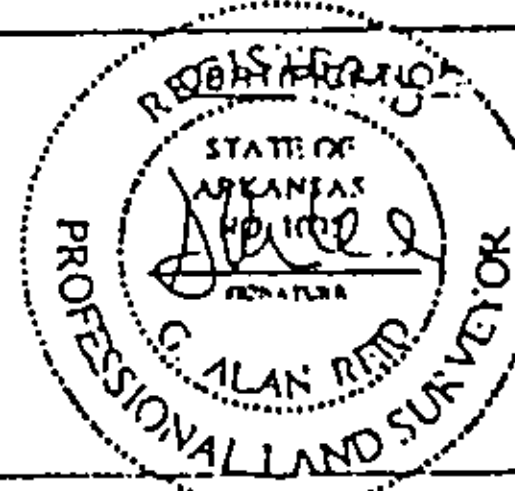
'94 FEB 3 AM 10 50

WASHINGTON CO AR
A. KOLLMEYER



SURVEY DESCRIPTION

Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Two (2), Township Sixteen (16) North, Range Thirty-one (31) West, being more particularly described as follows: Beginning at the Southeast corner of said 40 acre tract; thence North 11° 07' W along the East line of said 40 acre tract 520.61 feet to the center of Huesting Creek; thence along the centerline of said creek, the following bearings and distances: N 02° 50' 24" W 129.51 feet; N 11° 23' 43" W 55.69 feet; N 72° 20' 48" W 101.76 feet; S 78° 29' 37" W 362.08 feet; S 61° 19' 53" W 312.06 feet; N 76° 24' 12" W 262.12 feet; S 42° 06' 35" W 145.89 feet; S 23° 53' 30" W 96.74 feet; S 2° 17' 31" W 221.27 feet; S 6° 23' 12" W 21.5 feet to the South line of said 40 acre tract; thence S 89° 50' 24" E 1306.74 feet to the point of beginning, containing 14.47 acres, more or less, Washington County, Arkansas. The above described tract being subject to County Road right-of-way along the West boundary and any other easements of record.



LEGEND

- — FOUND IRON PIN
- — SET IRON PIN
- — STONE MARKER
- - - — EXISTING FENCE

94007709

ARA

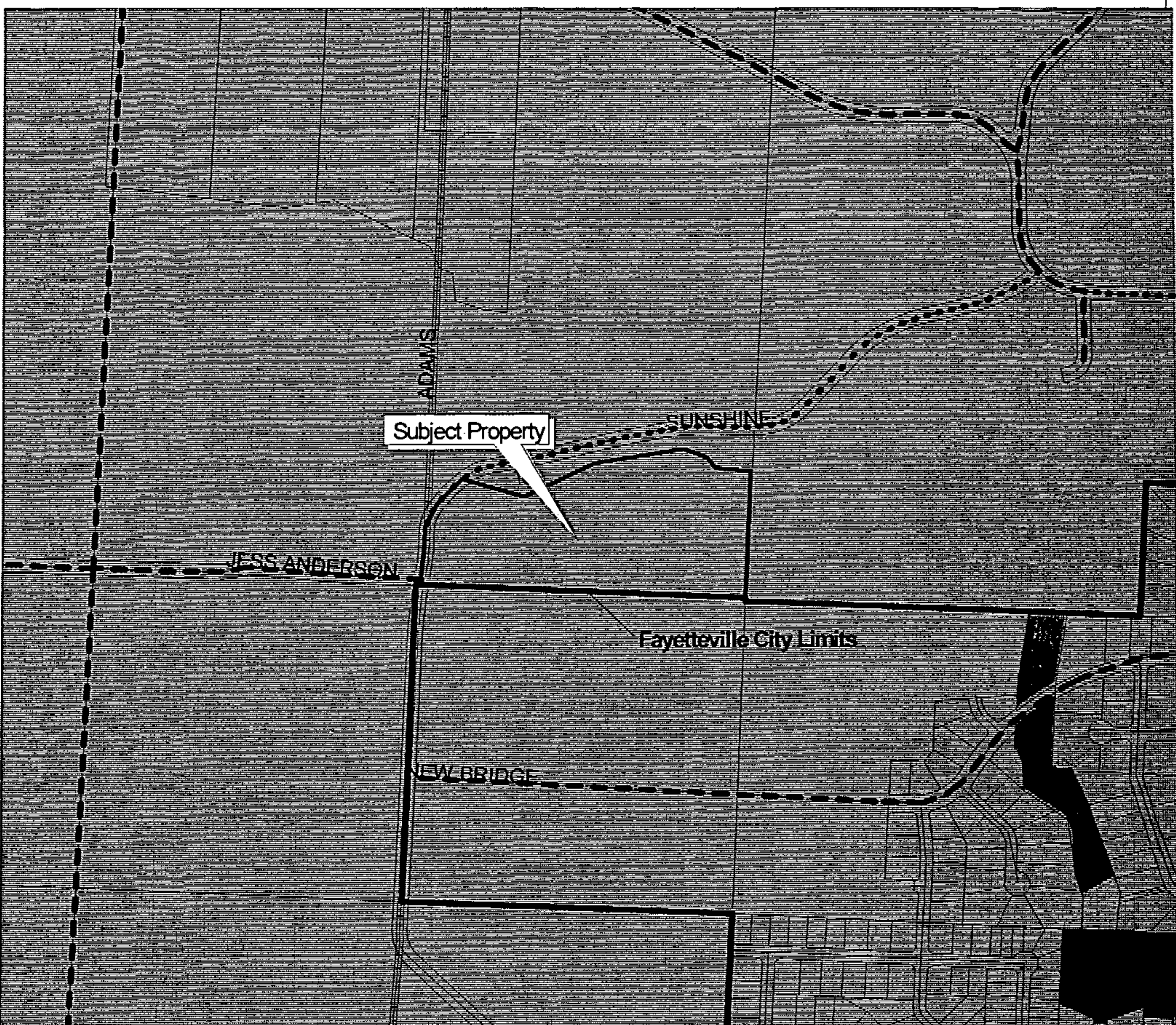
4210 Frankford Road
Fayetteville, Arkansas 72703
501 444 8784
Fax 444 0984

Alan Reid
& ASSOCIATES

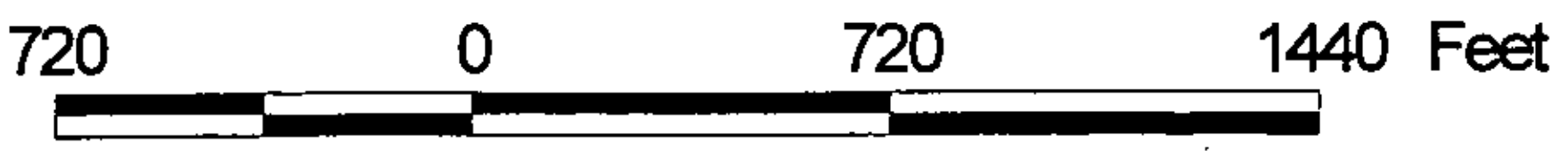
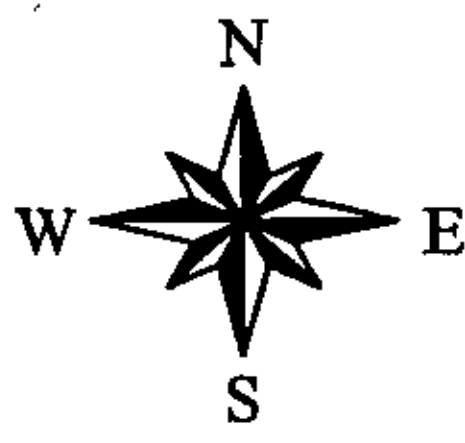
PROFESSIONAL
LAND
SURVEYORS

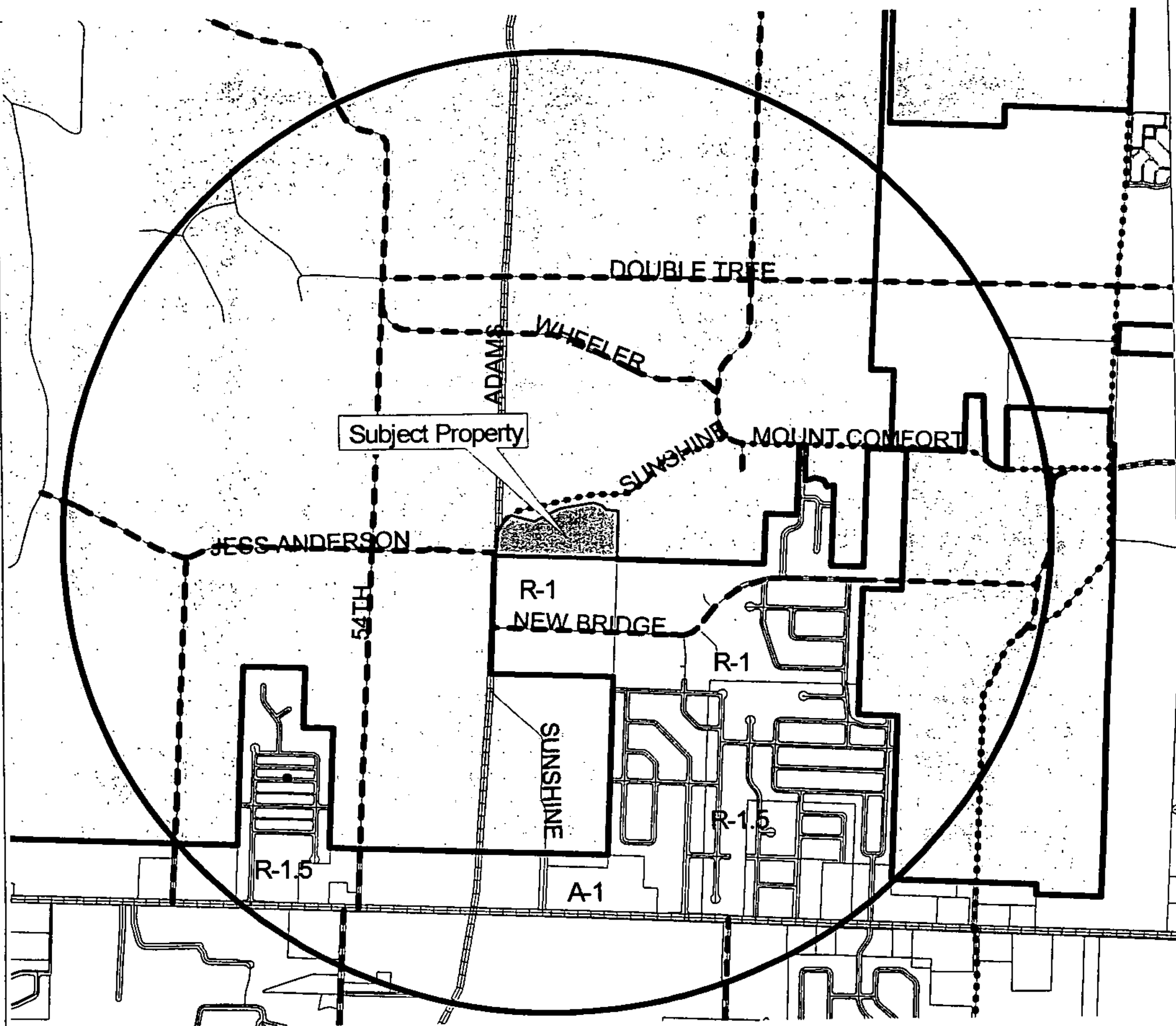
NAME	Windmill Realty - Mike Parker	
CITY	Fayetteville	COUNTY: Washington
STATE	Arkansas	DATE: 01-07-94
SCALE:	1" = 200'	JOB NO.: 94024

J1-11 Cross Creek Land Use



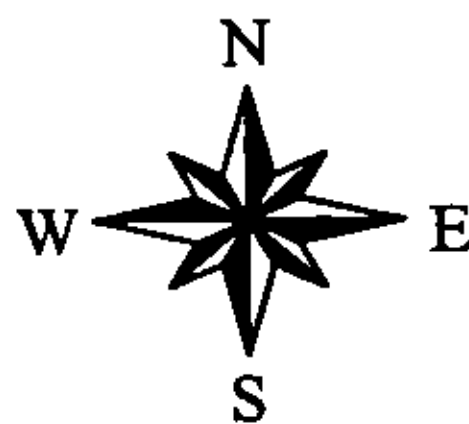
- STREETS**
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historical Collector
Fayetteville City Limits
Landuse
Residential





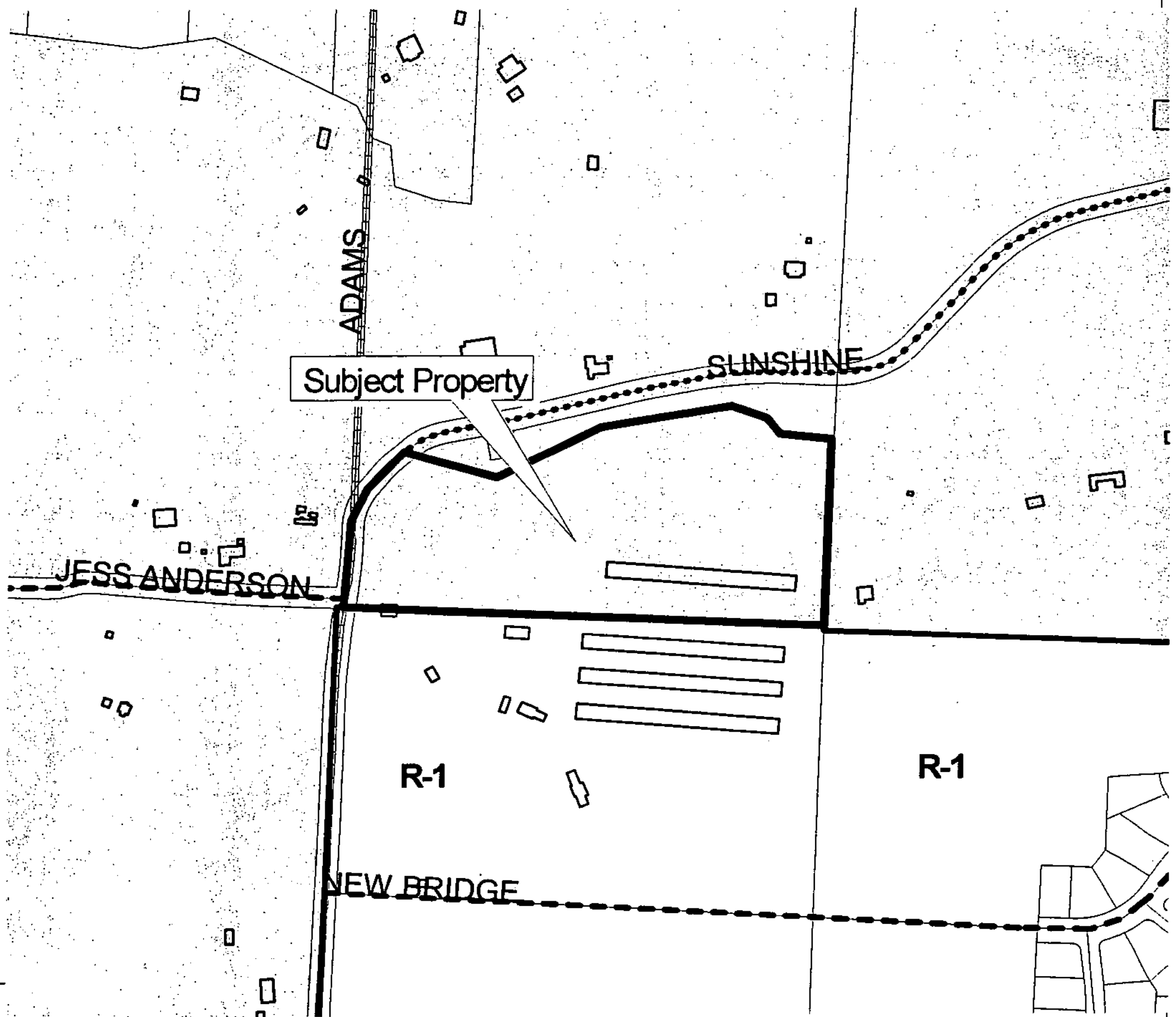
Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS
- Fayetteville City Limits
- Washcnty

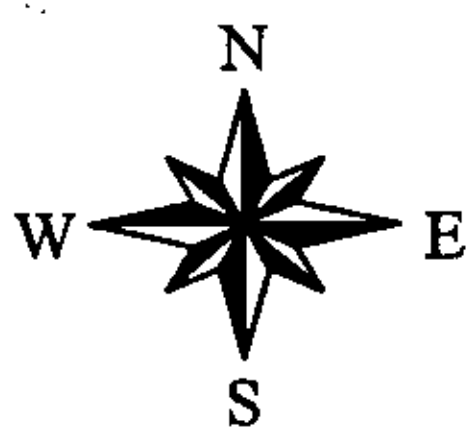


0.5 0 0.5 Miles

1-11 Cross Creek Close Up



- STREETS
- Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Fayetteville City Limits
- Washcnty



480 0 480 960 Feet

Planning Commission
July 9, 2001
Page 10

ANX 01-2.00: Annexation (Cross Creek Subdivision, LLC, pp 359) was submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is in the Planning Growth Area and contains approximately 14.47 acres.

Estes: The next item of business to come before the Commission is item number six on the agenda, this is an annexation for Cross Creek Subdivision submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is in the Planning Growth Area and contains approximately 14.47 acres. Staff recommends approval of the requested annexation based on the findings included as a part of staff's report. Is the applicant present?

PUBLIC COMMENT:

Estes: Seeing no representative on behalf of the applicant, let me ask if there is any member of the audience who wishes to provide public comment on this requested annexation?

COMMISSION DISCUSSION:

Estes: Seeing none, I will bring it back to the Commission.

Conklin: I did speak with the applicant and the applicant's representative this morning and they were aware of this meeting. They did bring by, this morning, the Confirmation of the Order of Annexation that was signed by the County Judge. That has approved by the County Judge this morning. It's up the Commission whether or not to proceed without applicant. Staff is recommending approval of this 14 plus acre annexation. It's directly north of an annexation we just completed a couple of months ago. We do have a preliminary plat that is going through the process right now, this 14 acres plus that previous annexation has been to Parks Board with regard to land dedication versus money in lieu. Basically what I'm indicating is that I would recommend that we do proceed on with this if the Commission is comfortable with proceeding on with recommending this annexation to City Council.

Estes: Commissioners, we also have a companion item on the agenda which is a rezoning. Let me suggest this, because the applicant is not present, is there a motion to proceed with the annexation request?

Planning Commission
July 9, 2001
Page 11

MOTION:

Shackelford: I'll make a motion we proceed.

Hoffman: I'll second with this comment: I would proceed with the annexation but then not recommend that we proceed with the rezoning because there are always questions of the applicant that I find are useful and necessary. Would that be possible to reschedule the rezoning hearing for the next meeting?

Estes: I would think it certainly would be. We have a motion by Commissioner Shackelford and a second by Commissioner Hoffman to proceed with the annexation request, is there any discussion? Sheri, would you call the roll?

ROLL CALL:

Upon roll call the motion to proceed with annexation request 01-2.00 is approved by a unanimous vote of 9-0-0.

Estes: The matter is before the full Commission for discussion, motions or comments.

MOTION:

Shackelford: I'll make a motion for approval of annexation 01-2.00.

Hoffman: I'll second. I just wanted to ask staff if we've received any telephone calls about this proposal?

Conklin: I have not heard from any of the adjoining neighbors or other areas in that vicinity.

Hoffman: There has been proper notification?

Conklin: Yes, notification did go up. Because it's also a rezoning we did place a sign up there 15 days prior to the meeting. Under annexation law they are required to publish notice in the newspaper three times, once every week. 30 days ago they did file the Petition For Order of Annexation and I have not heard anything from any of the surrounding property owners.

Estes: Any other questions or comments?

Planning Commission
July 9, 2001
Page 12

- Marr: On these zoning maps, when we are looking at an annexation, how would do I tell from this where the current City boundary is and how far out into the planning area would this location would be?
- Conklin: On page 6.6, if you look under the legend, Fayetteville City limits, it's the dotted line that shows the city limit line.
- Marr: It's already included within the limit?
- Conklin: No it adjoins that line. We also have the Master Street Plan that shows a minor arterial street for Sunshine Road.
- Marr: Just a suggestion, we could make something that's more distinctive between those two. When I was looking at it I really thought it was already in it. I certainly support this annexation.
- Conklin: We will work on providing a map that's easier to understand. We have the capability to show as much information and change line types and shade in areas. Any suggestions to improve our product, we welcome that in the Planning Division.
- Estes: Any other questions, discussion? We have a motion by Commissioner Shackelford to approve annexation request 01-2.00 and second by Commissioner Hoffman, would you call the roll Sheri?

ROLL CALL:

Upon roll call ANX 01-2.00 us approved by a unanimous vote of 9-0-0.

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
City Council
FROM: Hugh Earnest, Urban Development Director
DATE: July 23, 2001
SUBJECT: RZN 01-11.00: Rezoning (Cross Creek Subdivision, LLC, pp 359)

BACKGROUND

RZN 01-11.00: Rezoning (Cross Creek Subdivision, LLC, pp 359) was submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential. The subject property is located north of a recently annexed 40 acre tract of land which is west of Bridgeport Subdivision. Access is from WC 887, Sunshine Road and from WC 882, Jess Anderson Road. Eventually access will be available through Bridgeport by way of the Master Street Plan collector New Bridge Drive.

The subject tract is bounded on the north and west by county property and on the east by R-1 property. The area is within the City's Planning Area boundary and it is situated at the far western edge of Fayetteville. A preliminary plat for this area in combination with the 40 acre tract to the south is being processed at this time.

CURRENT STATUS

The rezonning was recommended by the Planning Commission on July 9, 2001 by a 9-0-0 vote and forwarded to the City Council for approval.

RECOMMENDATION

The Planning Commission and staff recommended approval of the requested rezoning based on the findings included as part of this report.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of August 7, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZN 01-11.00 submitted by Philip Humbarb of Engineering Services, Inc. on behalf of Cross Creek Subdivision, LLC, for property located east of Sunshine Road and south of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission voted 8-1-0 to recommend and forward the rezoning to the City Council.

Division Head

7-18-01

Date

Department Director

7-23-01

Date

Administrative Services
Director

7/23/01

Date

Mayor

7/24/01

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 01-11.00 FOR A PARCEL
CONTAINING APPROXIMATELY 14.47 ACRES FOR PROPERTY
LOCATED EAST OF SUNSHINE ROAD AND SOUTH OF MOUNT
COMFORT ROAD, AS SUBMITTED BY PHILIP HUMBARO OF
ENGINEERING SERVICES, INC. ON BEHALF OF CROSS CREEK
SUBDIVISION, LLC

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

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

From A-1, Agricultural to R-1, Low Density Residential described in Exhibit
"A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is
hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 01-11.00

PART OF THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION TWO (2), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE N00°11'07"W ALONG THE EAST LINE OF SAID 40 ACRE TRACT 520.61 FEET TO THE CENTER OF HAMESTRING CREEK; THENCE ALONG THE CENTERLINE OF SAID CREEK, THE FOLLOWING BEARINGS AND DISTANCES; NORTH 85°59'24" WEST 139.51 FEET; NORTH 41°23'43" WEST 55.69 FEET; NORTH 72°20'48" WEST 101.76 FEET; SOUTH 78°29'37" WEST 362.08 FEET; SOUTH 61°19'53" WEST 312.06 FEET; NORTH 76°24'12" WEST 262.12 FEET TO THE CENTERLINE OF COUNTY ROAD 877; THENCE ALONG THE CENTERLINE OF SAID ROAD THE FOLLOWING BEARINGS AND DISTANCES; SOUTH 42°06'35" WEST 145.89 FEET; SOUTH 23°53'30" WEST 96.74 FEET; SOUTH 02°17'31" WEST 221.27 FEET; SOUTH 06°23'12" WEST 21.5 FEET TO THE SOUTH LINE OF SAID 40 ACRE TRACT; THENCE SOUTH 89°50'24" EAST 1306.74 FEET TO THE POINT OF BEGINNING, CONTAINING 14.47 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED TRACT BEING SUBJECT TO COUNTY ROAD RIGHT-OF-WAY ALONG THE WEST BOUNDARY AND ANY OTHER EASEMENTS OF RECORD.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: July 9, 2001

RZN 01-11.00: Rezoning (Cross Creek Subdivision, LLC, pp 359) was submitted by Philip Humbarb of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: July 9, 2001

CITY COUNCIL ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date: <u>August 7, 2001 (1st reading)</u>	

Comments: _____

BACKGROUND:

The subject property is located north of a recently annexed 40 acre tract of land which is west of Bridgeport Subdivision. Access is from WC 887, Sunshine Road and from WC 882, Jess Anderson Road. Eventually access will be available through Bridgeport by way of the Master Street Plan collector New Bridge Drive.

The subject tract is bounded on the north and west by county property and on the east by R-1 property. The area is within the City's Planning Area boundary and it is situated at the far western edge of Fayetteville. A preliminary plat for this area in combination with the 40 acre tract to the south is being processed at this time.

SURROUNDING LAND USE AND ZONING

North:	County property, Residential, Agricultural
South:	Vacant, R-1 (Cross Creek Preliminary Plat)
East:	Vacant, R-1 (Bridgeport subdivision - under construction)
West:	County property, Residential, Agricultural

INFRASTRUCTURE

Access to this property is from Mt. Comfort Rd. and Sunshine Road (WC 887) and through the Bridgeport Subdivision. Improvements to infrastructure and extension of water and sewer to serve this property will be reviewed at the time of development.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-1, Low Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with the General Plan 2020 which calls for this property to develop with a residential land use.

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

Finding: The proposed zoning is justified at this time, it is consistent with the General Plan 2020 and is compatible with adjacent properties. Development of this property under R-1 zoning represents a more efficient use of infrastructure than an A-1 residential development with larger lots that may have the potential in the future to be further divided.

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

Finding: The proposed zoning could provide for a maximum of 57 single family homes. This would be an increase from the amount of traffic currently generated by this site. Further review at the time of development will be necessary to implement any controls or improvements needed as a result of traffic generated by a proposed project. Connectivity and extension of the City's Master Street Plan will be required at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning will alter population density. The load on public services will be determined by a proposed development. The property is currently served by the Farmington School District. Water and sewer utilities will be available to the site when the final phases of the Bridgeport subdivision are completed and accepted by the City. Phase 4 has been approved, phases 5 and 6 are still under construction.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

§ 161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 26	Single-Family Dwelling

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 8	Single-Family and Two-Family Dwellings

C. Density.

SINGLE-FAMILY DWELLINGS	TWO FAMILY DWELLINGS
4 or Less Families Per Acre	7 or Less Families Per Acre

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.
Lot Area Minimum	8,000 sq. ft.	12,000 sq.ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

F. Building Area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031)

SEWER CAPACITY WARNING

The City of Fayetteville is nearing its permitted capacity at its current sewer plant. Fayetteville needs and has been planning to build a new sewer plant. However, it cannot guarantee when or if such a new sewer plant will be built to increase the City's capacity to accept sewage from residents and businesses.

I acknowledge receipt of a copy of this Notice, and I understand that even if I have received or will receive City Approval of requested annexation, rezoning, or other land use development or construction approval, I am not assured that I will be allowed a sewer hook-up.

6-18-2001

Date

[Signature]

Applicant

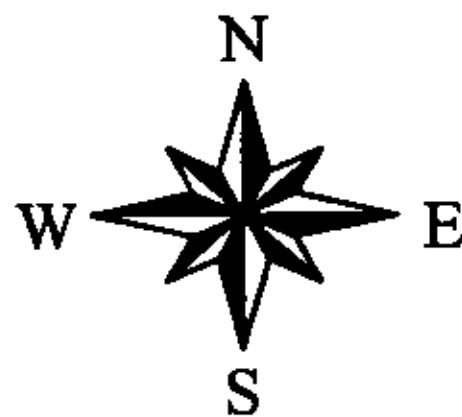
A copy of the above notice was provided to the applicant on the 18 day of JUNE, 2001.

Planning Department Representative

J1-11 Cross Creek Land Use

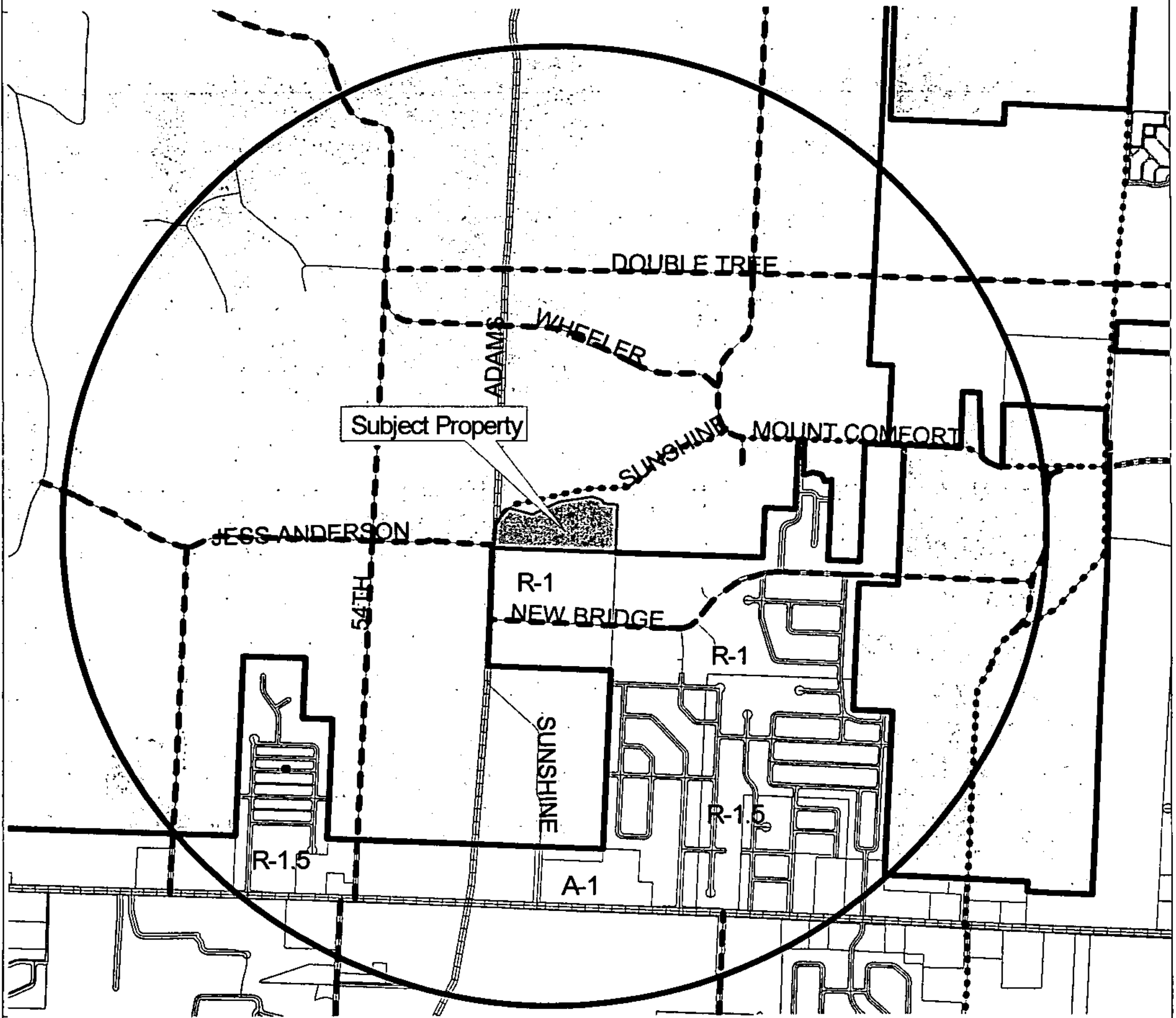


- STREETS**
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historical Collector
Fayetteville City Limits
Landuse
Residential



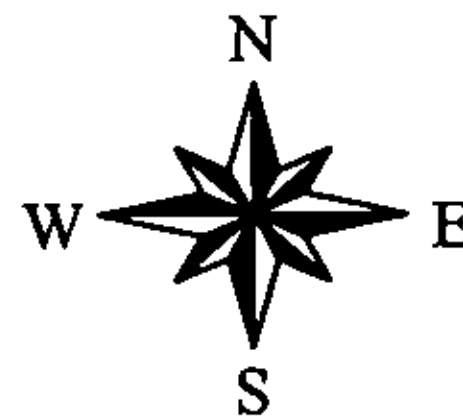
720 0 720 1440 Feet

A scale bar with four segments. The first segment is labeled 720, the second 0, the third 720, and the fourth 1440 Feet. The bar is black with white segments.



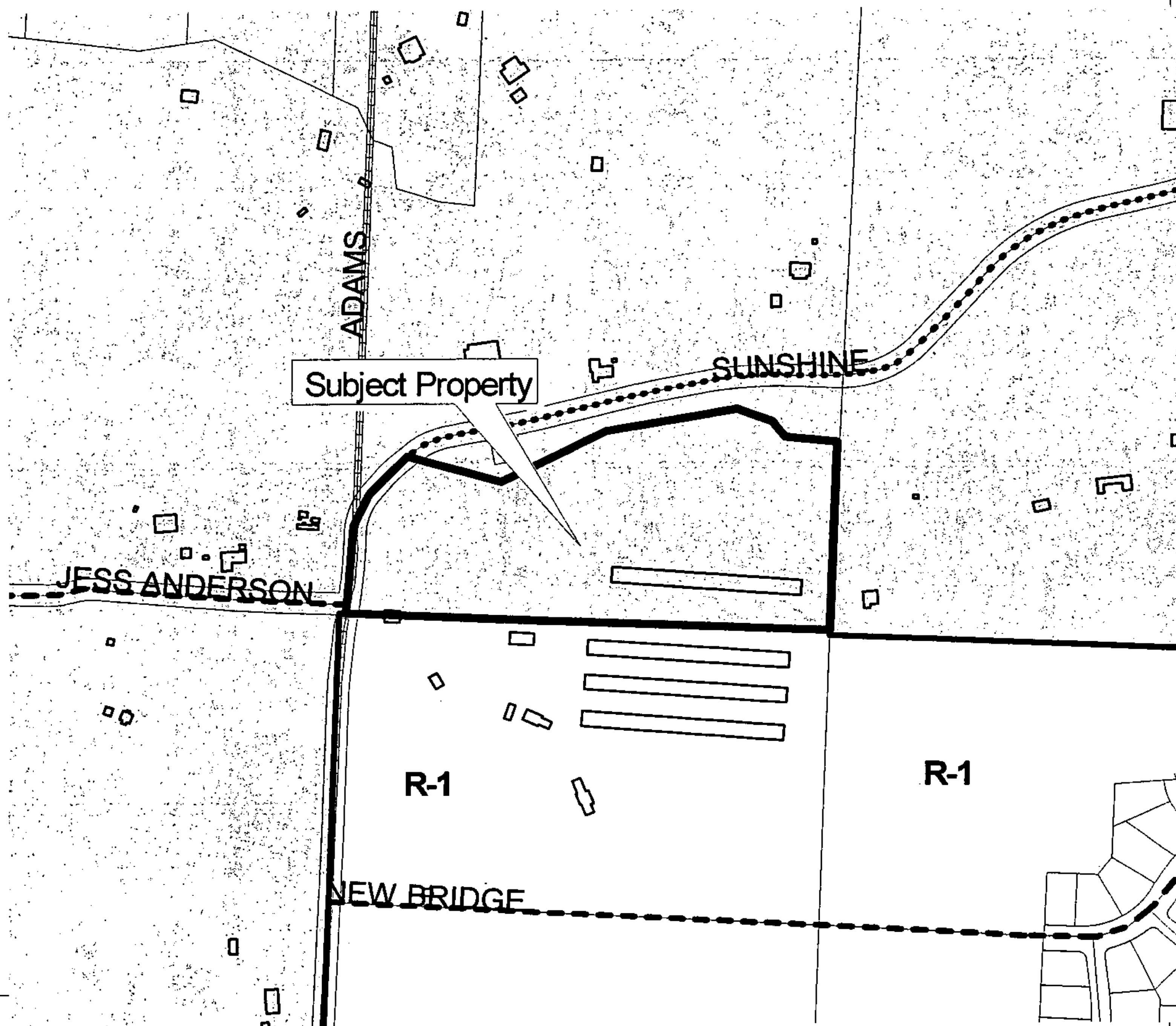
Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS
- Fayetteville City Limits
- Washcnty

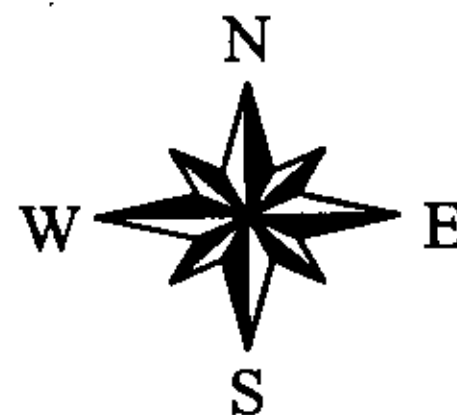


0.5 0 0.5 Miles

J1-11 Cross Creek Close Up



- STREETS
- Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Fayetteville City Limits
- Washcnty



480 0 480 960 Feet

Planning Commission
July 9, 2001
Page 13

RZN 01-11.00: Rezoning (Cross Creek Subdivision, LLC, pp 359) was submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.

Estes: The next item of business to come before the Commission is rezoning request 01-11.00 Cross Creek Subdivision submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential. This is a companion item to the annexation request that we just heard. Is the applicant now present? Seeing that the applicant is not present, let me say this, staff does recommend approval of the requested rezoning based on finding included as part of the report. However, before we proceed further is there a motion by any member of the Commission to hear this rezoning request without the applicant present?

Hoffman: I believe it's proper to make a motion to table the item pending the appearance of the applicant.

Estes: Is there a motion to table this rezoning request pending the appearance of the applicant?

MOTION:

Hoffman: That's my motion.

Marr: I'll second.

Shackelford: Just because I don't like to table any item, it is my understanding that this would strictly be a recommendation to City Council if it was approved at this point, correct?

Estes: That is correct.

Shackelford: I'm going to vote against tabling the motion basically because I think the hearing with City Council would give the public to comment at that level.

Estes: There is a motion by Commissioner Hoffman and second by Commissioner Marr to table rezoning request 01-11.00 pending appearance of the applicant, is there any other discussion?

Planning Commission
July 9, 2001
Page 14

Bunch: Since the preliminary plat is already in the system, what effect would tabling this have on the progression of the preliminary plat?

Conklin: The preliminary plat was originally submitted showing this 14 acres, however, staff required them to remove that from their preliminary plat since it was not annexed into the City and not zoned. Right now we do have a phase of Cross Creek Subdivision, which is now called Fairfield, coming through the process which is in the City. There is one issue that still needs to be resolved outside of this annexation and that is any development that contains over 100 dwelling units has to plan for a park. In this situation the applicant has acquired this 14 acres and the Parks Board has recommended that there be land dedication. If they don't annex this in and rezone it, they will have to get permission to not provide parkland and pay the in lieu fee. We are trying to get it all together in a timely fashion. We probably would hold up the preliminary plat until the Council decided on the parkland issue prior to approving that at Planning Commission. I'm not sure where those dates fall in right now. Once again, the applicant was aware of the meeting tonight. I'm not sure what happened.

Estes: Any further discussion, questions? We have a motion by Commissioner Hoffman and motion by Commissioner Marr to table rezoning request 01-11.00 pending the appearance of the applicant. Sheri, would you call the roll please?

ROLL CALL:

Upon roll call the motion to table RZ 01-11.00 passes by a vote of 6-3-0 with Commissioners Ward, Shackelford and Bishop voting "No".

LATER IN THE MEETING:

Shackelford: Is there any opportunity that we can see if the applicant is present and hear item number seven that was tabled at this time?

Estes: This meeting was noticed for 5:30 p.m. this evening. When item number seven was called there was a motion by Commissioner Hoffman and a second by Commissioner Marr to table the rezoning request 01-11.00 until the applicant was present at the next regularly called meeting. I suppose that if one of those making the motion would like to move for reconsideration of that motion, that could be done.

Planning Commission
July 9, 2001
Page 15

MOTION:

Hoffman: I would so move to hear the item now, although we would have preferred to have heard it when it came up in it's order. In order to not hold up the applicant and be helpful in this process, I would like to move that we reconsider and hear the item tonight.

Marr: I'll second.

Estes: We have a motion by Commissioner Hoffman and a second by Commissioner Marr to reconsider the motion to table item number seven, the rezoning request 01-11.00. Is there any discussion of the motion? Sheri, would you call the roll please?

ROLL CALL:

Upon roll call the motion to reconsider rezoning request 01-11.00 is approved by a vote of 8-1-0.

Estes: We will now, for the second time, call item number seven, rezoning 01-11.00. This is rezoning request submitted by Philip Humbard of Engineering Services Inc. on behalf of Cross Creek Subdivision, LLC for property located east of Sunshine Road and south of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential. Staff recommends approval of the requested rezoning based on the findings included as part of this report. Is the applicant now present?

Williamson: Yes. My name is Len Williamson and I represent Cross Creek, LLC. I apologize for the imposition on your time, I wasn't planning to even be here but I'm glad I came and I appreciate the opportunity of doing this tonight. What happened to Mr. Humbard, I don't know, if I knew I would tell you. We would just like to, as we did with the adjacent 40 acres just a few months ago, this 14.74 acres would be additional property included in the previous rezoning request that we made. We ask for your approval. Thank you.

PUBLIC COMMENT:

Estes: Is there any member of the public now present who would wish to provide public comment on this rezoning request 01-11.00? Let me say this for the purpose of the record: When this item was previously called, there was no member of the public present who wished to offer public comment and now there is no member of the public

Planning Commission
July 9, 2001
Page 16

present who wishes to offer public comment.

COMMISSION DISCUSSION:

Estes: Seeing no public comment, I'll bring it back to the full Commission for discussion, motions.

Hoffman: The reason I did want the applicant present is, I do have some questions about the circulation to and from the proposed site. By the acreage, I believe, 57 units would be the maximum allowed in an R-1 district. Is Adams the only paved road that this property abuts? I've got Jess Anderson as being a proposed minor arterial and Sunshine as being a proposed street. Those are the only two other streets besides Adams that I see that reach this property, is that right?

Williamson: This property of which about 5 acres is below a bluff area on the north. The south portion of this property, approximately 9 to 10 acres, joins the 40 acres to the south which is accessed to the Bridgeport Subdivision. The Bridgeport Subdivision thoroughfare comes through this proposed subdivision. This is just an appendage on the original 40 acre parcel. I think that I might appeal to Mr. Conklin to help me here but I believe that we have submitted our preliminary plat for the property that has already zoned and then we tied this property up and started the rezoning process. You are right, Sunshine Road would be the major arterial and I believe that is 110 foot right-of-way, for that property to the west of that subdivision.

Hoffman: But it only joins this particular part of the subdivision for just a real short area and it doesn't above the property. The problem is, I've got the maps on page 7.5 and 7.6 that really show a very small portion of the property being adjacent to a street, we show chicken houses where development is. In the preliminary plat do we have a better idea of what's happening?

Conklin: The chicken houses are no longer there. On the preliminary plat, we'll do better with our maps I promise you that, Sunshine Road is paved from Mount Comfort and does adjoin this property on the west and it also joins the 40 acre tract that we annexed two or three months ago. If you look at page 7.6, you find the word Mount Comfort and follow Sunshine Road, that street is paved and does adjoin that property, that's shaded in, on the west side. It also stops there and is gravel south of there, which the City of Fayetteville is recommending that the developer improve one-half that street to City standards and the other half to County standards, paved.

Planning Commission
July 9, 2001
Page 17

Hoffman: Jess Anderson would be a part of that improvement as well, on the south side which completely abuts his property?

Conklin: What's called Jess Anderson completely on this side, that's not a road through the south side on our Master Street Plan, that's a city limit line. They also have access through Newbridge Road through Bridgeport Subdivision through a stub-out.

MOTION:

Hoffman: With that being said and if the Parks Department and everybody are working out those issues, I'll make a motion to go ahead and approve this rezoning subject to any staff comments.

Shackelford: I'll second.

Marr: I read the staff report that the findings are that the zoning will alter population density and are we comfortable that there is no undesirable increase in the load of public services, water and sewer facilities specifically for this? Have we made the applicant aware of that may be an issue of development?

Conklin: The applicant does now sign a waiver form with the understanding that the City of Fayetteville is planning a new wastewater treatment plant and future growth and development is contingent on us being able to provide additional capacity. They are aware of that. With regard to infrastructure improvements, at the time of preliminary plat approval, that is something that City staff does make recommendations with regard to streets, water, sewer and other types of infrastructure. Once again, with regard to the road along the western boundary line, we are asking them for 14 feet from centerline, curb and gutter, storm drainage, sidewalks plus meeting County standards on the west. There are two or three additional streets to the back east they can use on Newbridge Road. Through the Planning Commission's efforts, we do have stub-outs that will provide future connections through Fieldstone Subdivision and Willow Springs Subdivision through Bridgeport Subdivision. We do have three subdivisions that have been planned, built to provide access between Mount Comfort and Wedington Road. There will be additional ways in and out of this subdivision through those access points. With regard to schools, I have contacted the school district over many years, their response to the Planning Division is that they will plan for future increases in the school children. In this area, if you look at page 7.6, just north of Mount Comfort Road, there is a new middle school and elementary school. That's been the official response from the school district. On the previous 40 acre annexation that was approved two months

Planning Commission
July 9, 2001
Page 18

ago, all the departments were contacted and there were no negative responses. We were not able to get that on this 14 acres but we do feel comfortable that since this adjoins this annexation that those comments would be applicable to this 14 acres, that they are able to provide service for this future annexation and development.

Estes: Any further questions or discussion? We have a motion by Commissioner Hoffman to approve rezoning request 01-11.00 and a second by Commissioner Shackelford, Sheri would you call the roll please?

ROLL CALL:

Upon roll call RZ 01-11.00 is approved by a unanimous vote of 9-0-0.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZN 01-12.00

C. 5. Page 1

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
City Council
FROM: Hugh Earnest, Urban Development Director
DATE: July 23, 2001
SUBJECT: RZN 01-12.00: Rezoning (Reindl, pp 484)

BACKGROUND

RZN 01-12.00: Rezoning (Reindl, pp 484) was submitted by Robert Sharp, Architect on behalf of Brian Reindl for property located at 509 W. Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial. The subject property is located immediately south of the Walton Arts Center parking lot, west of the Nadine Baum Learning Center. The Powerhouse Restaurant is to the west and several warehouses and mixed tenant buildings are located south of the site. The applicant is in the process of developing plans to renovate the second floor of the building on this site in order to build office space for lease. The structure currently houses a mix of various uses, some of which are permitted within the C-3 district by right and some which would become non-conforming uses as a result of this rezoning. The applicant is aware that uses made non-conforming because of a change in zoning will be treated as such and will be allowed to remain until they are converted to uses permitted by right.

The C-3 zoning district provides for a transitional zone in this area and will allow for flexibility in parking regulations. This site is designated on the City's adopted General Plan 2020 as Historic Commercial. The C-3 district is applied in these areas and provides for a mixture of uses which are compatible to the downtown area, providing a transition between residential, industrial and other higher impact commercial areas. This site is adjacent to the Arkansas Missouri Rail Road and was at one time surely used in conjunction with this form of transportation and was therefore zoned for heavy commercial and light industrial uses. At this time, the character of the area and the specific building has changed. A change in the zoning designation of this property will reflect the use of the building (specifically the proposed use) and the nature of the property with regard to its location and the surrounding area.

CURRENT STATUS

The rezoning was recommended by the Planning Commission on July 9, 2001 by a 9-0-0 vote and forwarded to the City Council for approval.

RECOMMENDATION

The Planning Commission and staff recommended approval of the requested rezoning based on the findings included as part of this report.

STAFF REVIEW FORM

X Agenda Request
 _____ Contract Review
 _____ Grant Review

For the Fayetteville City Council meeting of August 7, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZN 01-12.00 submitted by Robert Sharp, Architect on behalf of Brian Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission voted 9-0-0 to recommend and forward the rezoning to the City Council.

Division Head

7-18-01

Date

Department Director

7-21-01

Date

Administrative Services

7/23/01

Date

Director

7/24/01

Date

Mayor

Cross ReferenceNew Item: **Yes** **No**

Prev Ord/Res#: _____

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 01-12.00 FOR A PARCEL
CONTAINING APPROXIMATELY 1.91 ACRES FOR PROPERTY
LOCATED AT 509 WEST SPRING STREET, AS SUBMITTED BY
ROBERT SHARP, ARCHITECT ON BEHALF OF BRIAN REINDL

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

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

From I-1, Heavy Commercial/Light Industrial to C-3, Central Commercial
described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is
hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 01-12.00

A PART OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, AND A PART OF BLOCK EIGHT (8) AND A PART OF GREGG AVENUE (ABANDONED), ALL IN THE ORIGINAL TOWN (NOW CITY) OF FAYETTEVILLE, ARKANSAS, AS DESIGNATED UPON THE ORIGINAL PLAT OF SAID TOWN ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK EIGHT (8); THENCE N89°59'13"W ALONG THE NORTH LINE OF SAID BLOCK EIGHT (8) 103.44 FEET TO A CHISELED "X" FOR THE TRUE POINT OF BEGINNING, SAID POINT 8.5 FEET WEST AND PERPENDICULAR TO THE CENTERLINE OF THE OLD O. & C.C. MAIN TRACK OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY; THENCE N89°59'13"W 42.59 FEET TO THE EAST BOUNDARY OF VACATED PORTION OF SPRING STREET, AS PER ORDINANCE 1513; THENCE S00°46'15"E ALONG SAID EAST BOUNDARY 6.03 FEET; THENCE N89°58'40"W 184.51 FEET TO THE EAST LINE OF GREGG AVENUE (ABANDONED); THENCE N00°46'15"W ALONG THE EAST LINE OF GREGG AVENUE (ABANDONED) 28.00 FEET TO THE CENTER OF SPRING STREET (VACATED); THENCE N89°59'13"W 17.00 FEET TO THE CENTER OF GREGG AVENUE (ABANDONED); THENCE S00°46'15"E 24.88 FEET ALONG THE CENTER OF GREGG AVENUE (ABANDONED); THENCE N89°59'13"W 17.00 FEET TO THE INTERSECTION OF THE WEST LINE OF GREGG AVENUE (ABANDONED) AND THE EAST RIGHT-OF-WAY OF THE ARKANSAS & MISSOURI RAILROAD; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY, THE FOLLOWING BEARINGS AND DISTANCES: S25°50'27"W 117.67 FEET; S24°49'28"W 74.92 FEET; S22°46'21"W 82.43 FEET; S19°58'05"W 78.66 FEET; S16°37'32"W 19.29 FEET TO A POINT TWO (2) FEET SOUTH OF AN EXISTING CONCRETE RETAINING WALL; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY AND RUNNING PARALLEL WITH AND TWO (2) FEET SOUTH OF SAID RETAINING N89°23'28"E 151.62 FEET TO THE WEST LINE OF GREGG AVENUE; THENCE N00°46'15"W ALONG THE WEST LINE OF GREGG AVENUE 7.96 FEET TO THE NORTH LINE OF MEADOW STREET; THENCE N89°49'06"E ALONG THE NORTH LINE OF MEADOW STREET 88.99 FEET TO A POINT 8.5 FEET WEST AND CONCENTRIC TO THE CENTERLINE OF THE OLD O. & C.C. MAIN TRACK OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY; THENCE NORTHEASTERLY PARALLEL WITH AND CONCENTRIC TO THE CENTERLINE OF SAID TRACK 143.81 FEET; THENCE N29°26'16"E PARALLEL WITH THE CENTERLINE OF SAID TRACK 232.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.91 ACRES, MORE OR LESS.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: July 9, 2001

RZN 01-12.00: Rezoning (Reindl, pp 484) was submitted by Robert Sharp, Architect on behalf of Brian Reindl for property located at 509 W. Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: July 9, 2001

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: August 7, 2001 (1st reading)

Comments: _____

BACKGROUND:

The subject property is located immediately south of the Walton Arts Center parking lot, west of the Nadine Baum Learning Center. The Powerhouse Restaurant is to the west and several warehouses and mixed tenant buildings are located south of the site. The applicant is in the process of developing plans to renovate the second floor of the building on this site in order to build office space for lease. The structure currently houses a mix of various uses, some of which are permitted within the C-3 district by right and some which would become non-conforming uses as a result of this rezoning. The applicant is aware that uses made non-conforming because of a change in zoning will be treated as such and will be allowed to remain until they are converted to uses permitted by right.

The C-3 zoning district provides for a transitional zone in this area and will allow for flexibility in parking regulations. This site is designated on the City's adopted General Plan 2020 as Historic Commercial. The C-3 district is applied in these areas and provides for a mixture of uses which are compatible to the downtown area, providing a transition between residential, industrial and other higher impact commercial areas. This site is adjacent to the Arkansas Missouri Rail Road and was at one time surely used in conjunction with this form of transportation and was therefore zoned for heavy commercial and light industrial uses. At this time, the character of the area and the specific building has changed. A change in the zoning designation of this property will reflect the use of the building (specifically the proposed use) and the nature of the property with regard to its location and the surrounding area.

SURROUNDING LAND USE AND ZONING

North:	Walton Arts Center parking lot, C-3
South:	Warehouse / Mixed Use, I-1
East:	Nadine Baum Learning Center, C-3
West:	Powerhouse Restaurant, I-1

INFRASTRUCTURE:

Access to this site is from West Ave. and Spring Street. West Ave. is classified as an Historic Collector on the Master Street Plan, Spring St. is a local street.

Water and sewer are available and currently serve the site. A 6" water line and an 8" sewer line are both located within the right of way of Spring Street.

LAND USE PLAN: General Plan 2020 designates this site Historic Commercial. Rezoning this property to C-3, Central Commercial is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles and policies and with the adopted General Plan 2020 which designates the land use in this area as Historic Commercial.

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

Finding: The proposed zoning is justified in that it more appropriately reflects the use and character of the site than the current I-1 zoning.

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

Finding: The proposed zoning will not create or appreciable increase traffic danger and congestion. Any of the uses permitted within the requested C-3 zoning district are currently permitted on the site. Adequate parking is available within adjacent and nearby public parking lots to accommodate tenants and customers to this site.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning will not alter population density.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning

even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

**§161.15 DISTRICT C-3 CENTRAL
COMMERCIAL.**

A. Purpose. The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district or regional shopping centers which provide a wide range of retail and personal service uses.

B. Uses.**1. Permitted Uses.**

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 5	Government Facilities
Unit 9	Multifamily Dwelling - Low Density
Unit 10	Multifamily- High Density
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 18	Gas Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 19	Trades and Services
Unit 28	Center for Collecting Recyclable Materials

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

	Central Business District	Shopping Center
From Street ROW	5 ft.	25 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.	50 ft.
From Side Property Line	None	None
From Side Property Line When Contiguous to a Residential District	10 ft.	25 ft.
From Back Property Line Without Easement or Alley	15 ft.	25 ft.
From Centerline Line of a Public Alley	10 ft.	10 ft.

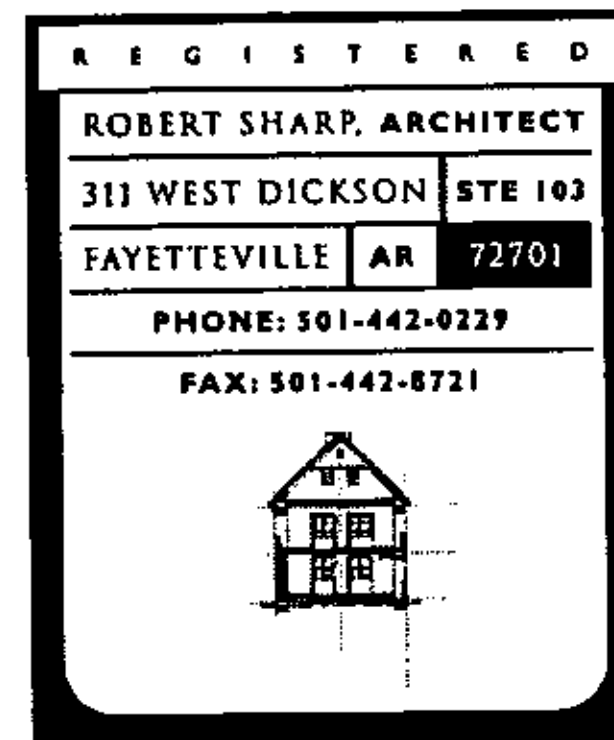
(Code 1991, §160.037; Code 1965, App. A, Art. 5(VII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80)

14 June, 2001

Fayetteville Planning Commission
113 West Mountain Street
Fayetteville, AR 72701

To: The Fayetteville City Planning Commission
and The Fayetteville City Council

**RE: REZONING REQUEST
509 WEST SPRING STREET**



The building located at 509 West Spring Street in Fayetteville, Arkansas is owned by Brian Reindl of Reindl Properties, Inc. There are no proposed or pending property sales relating to the lot or building. The owner has retained the services of Robert Sharp, Architect, Inc. in order to create rental office space on the second floor of this building.

The building is currently zoned as I-1. Renovating the second floor under the I-1 designation could trigger both setback and parking issues. The area adjacent to this property has been undergoing a steady transition from industrial, track side uses to mixed use--including office, residential, retail, and restaurant. It seems appropriate at this time to rezone this property to C3 to allow this transition to continue. If this is done, then the existing setback and parking situation would more nearly conform to city ordinance. There are current tenants of the building, including a screen printing business, metal shop, furniture builder, and warehouse space that do not conform to the uses of a C-3 building. However, C-3 properties may have existing nonconforming uses, given that they do not expand or renovate their services beyond the limits set by the ordinance. It is our intention that the manufacturing and warehouse use of the basement and first floor of the building remain.

Architecturally, the renovated building will remain consistent with its context. The masonry exterior walls will not be altered by the work done on the building. However, we do anticipate re-installing large multi-pane windows in the blocked-in openings and reworking the signage, exterior lighting, and entrances on the north elevation. The main entrance for the second floor offices will be in this area, and this elevation will be adapted to better represent the businesses in the building. This facade is the one that faces Dickson Street, and will be instrumental in creating a stronger relationship between the offices spaces of the warehouse building and the businesses nearby.

The building's function will remain multi-use, containing office, manufacturing, studio, and warehouse space. The nearby lots include a city owned parking lot and the Nadine Baum learning center, and the movement of people and cars through this area will be complementary to the use of the renovated warehouse. The signage for the new office tenants will be integrated into the design of the north elevation, and will comply with the sign ordinance of the City of Fayetteville.

The flow of traffic created by the renovation will be consistent with the current conditions. The city owned parking lot to the north of the property is under utilized during the anticipated hours of operation of the office tenants. In addition, there is a parking area to the south of the building that belongs to the owner. Water and sewer lines are available on the property. They are both located in the street. The diameter of the water line is six inches, and the sewer line is eight inches.

Brian and I appreciate your consideration of this issue. I look forward to presenting this project in more detail at the Planning Commission meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Sharp", with a long horizontal flourish extending to the right.

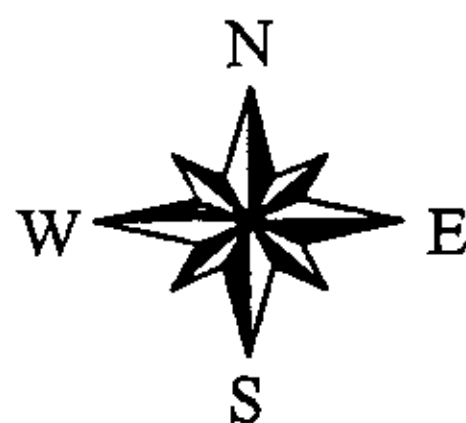
Robert Sharp, Architect

cc: File

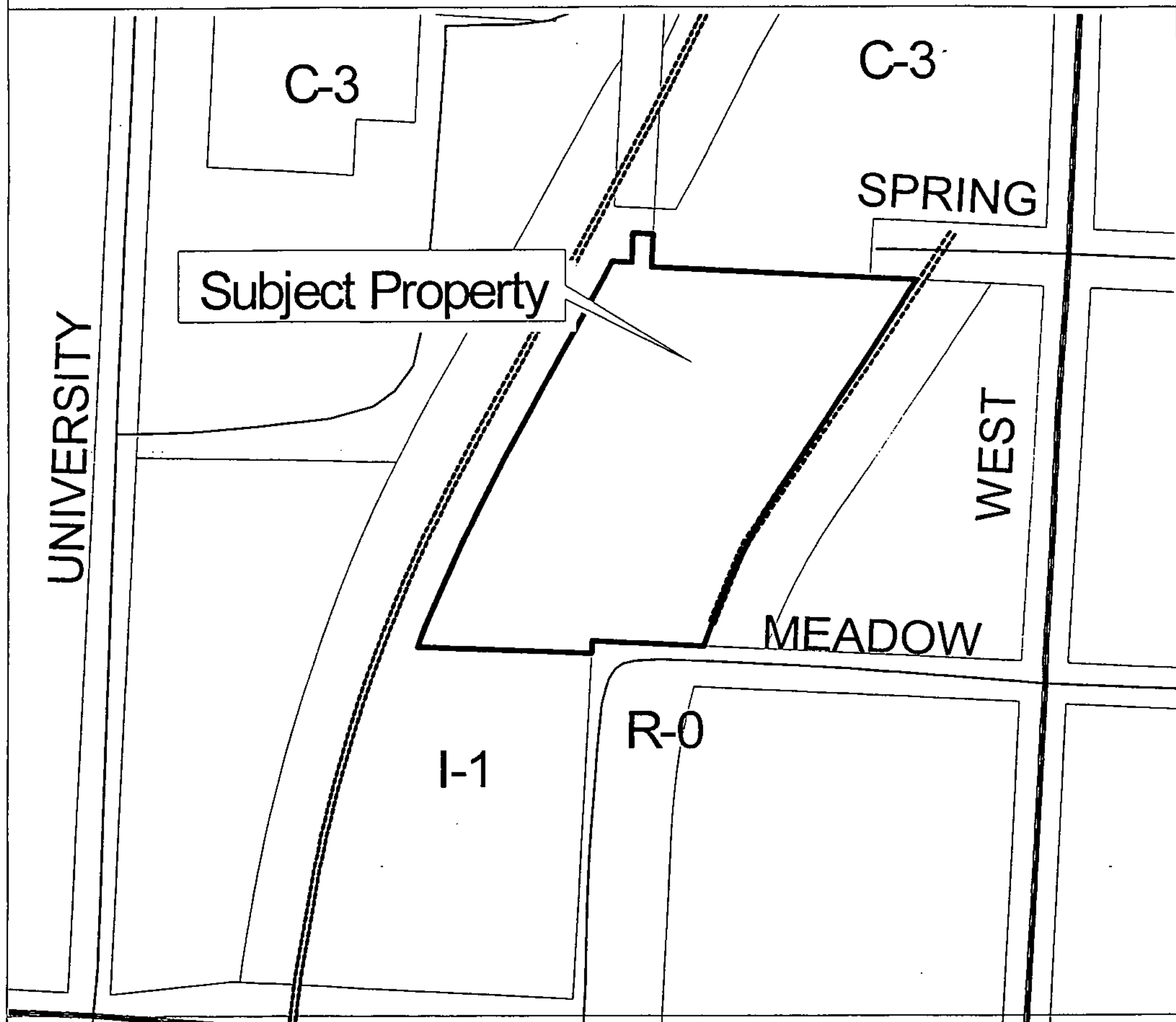
01-12 Reind One Mile



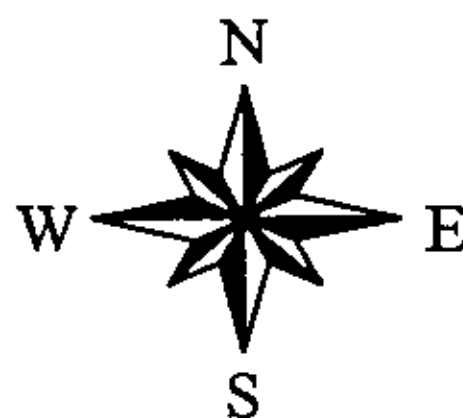
- Master Street Plan
- Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historical Collector
 - STREETS



0.5 0 0.5 Miles



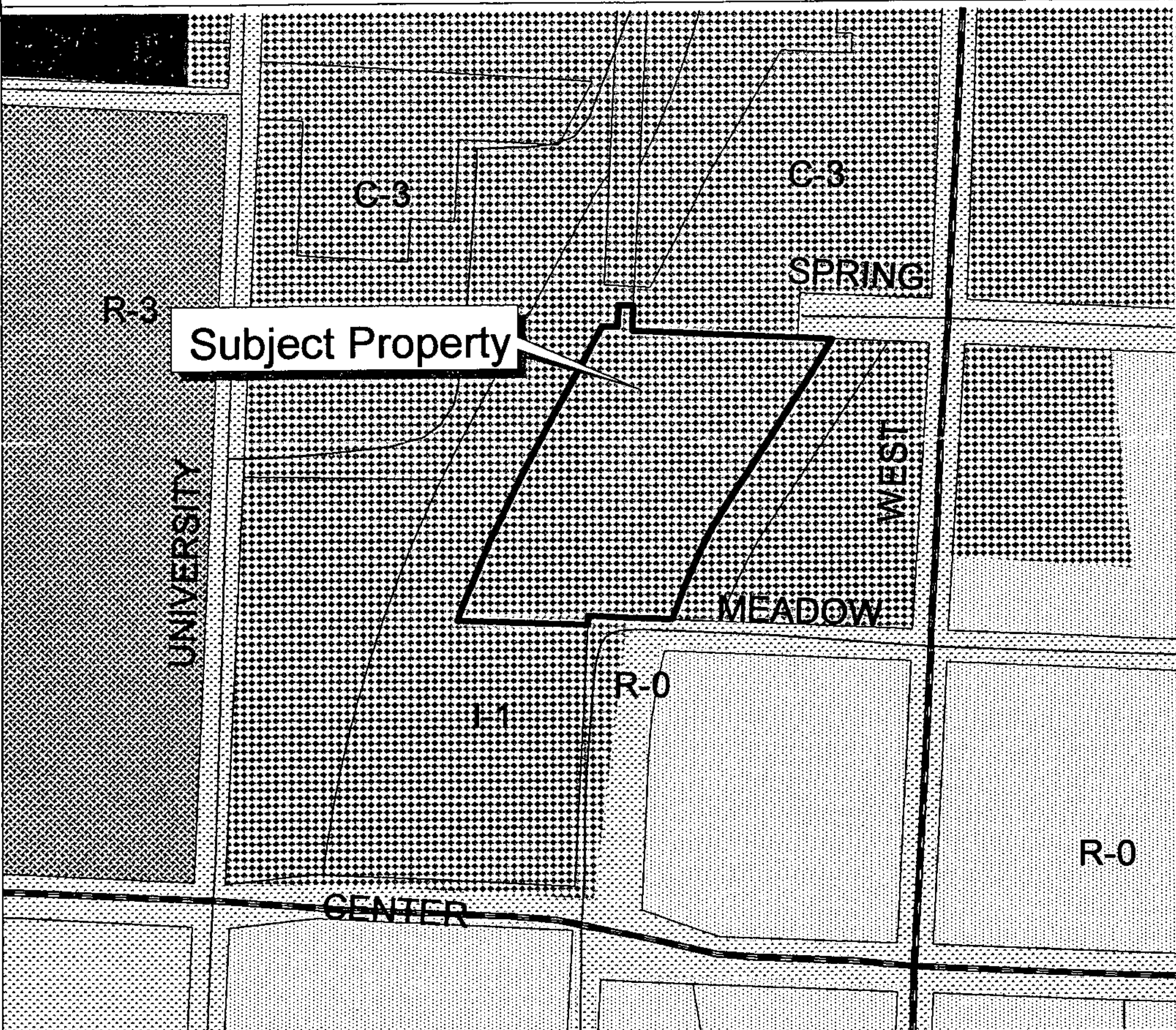
- Master Street Plan
-  Freeway/Expressway
 -  Principal Arterial
 -  Minor Arterial
 -  Collector
 -  Historical Collector
 -  STREETS



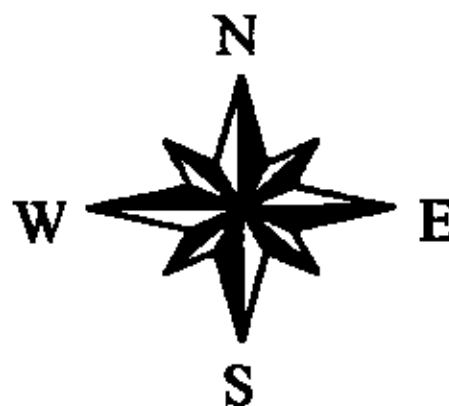
150 0 150 Feet



RZN 01-12 Reindl Land Use



- STREETS**
- Master Street Plan
 - Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historical Collector
- Landuse**
- Historic Commercial
 - Private Open Space
 - Mixed Use
 - Residential
 - University



200 0 200 Feet

A scale bar with markings for 200 feet and 0 feet.

Planning Commission
July 9, 2001
Page 19

RZN 01-12.00: Rezoning (Reindl, pp 484) was submitted by Robert Sharp, Architect on behalf of Brian Reindl for property located at 509 W. Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.

Estes: The next item on the agenda is rezoning request 01-12.00 submitted by Robert Sharp, Architect on behalf of Brian Reindl for property located at 509 W. Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial. Staff recommends approval of the requested rezoning based on the findings included as a part of the report. Is the applicant present?

Sharp: Yes.

Estes: Mr. Sharp, would you give us your name and the benefit of your presentation please?

Sharp: My name is Robert Sharp, I'm here on the behalf of Brian Reindl. The project is located at 509 Spring Street and it's approximately 2 acres. Right now it's zoned I-1 and we would like to rezone it to C-3. About two years ago Brian bought the building and since then he's painted the exterior, he's installed new windows and fixed the roof. He would like to continue to maintain and renovate the building, particularly the second floor. Right now it's being used for storage. He would like to accommodate some office tenants up there. In order to do that we feel like we should get the property rezoned. We have two reasons for this, one is that if we can get it rezoned to C-3, it will more nearly match the existing setbacks of the building, C-3 has much less setbacks than the Heavy Commercial/Light Industrial zoning. Also, it meets the City's parking requirements for the C-3 district. The parking requirements assume a certain amount of shared parking in the proximity to public parking down there. Also, there are just more pedestrians in that area so the parking requirements are less. We also feel that the rezone is appropriate because it more nearly matches Fayetteville's 2020 Plan which was developed after numerous public meetings and City staff input and they have designated this area as Historic Commercial, which provides for a mixture of uses and is more compatible with the downtown area. We feel this C-3 zoning would also help fulfill the City's 2020 Plan. Another reason we feel rezoning is necessary, if there was a rail spur in the area which served the industrial concerns, the rail track has been pulled up and the right-of-way is sold. Modern industrial and storage areas required heavy truck access which this area doesn't provide. In order to keep this area commercially viable we think the rezone makes sense. Also, the adjacent properties are primarily they are either Historic Commercial in zoning or use. There is the Walton Arts Center

Planning Commission
July 9, 2001
Page 20

adjacent, the Nadine Baum Learning Center is adjacent to the property and also across the tracks is the Powerhouse Restaurant. We feel that with these neighboring uses the C-3 zoning makes more sense. I would like to answer any questions you have and thank you for your time.

Estes: Commissioners, do you have any questions for Mr. Sharp?

Hoffman: How many parking spaces exist on the site now and would there be a parking shortage with the addition of the office tenant?

Sharp: Right now the parking is unstriped, it's a little bit of a free-for-all. We are trying to organize the parking a little better. When we apply for permitting we'll have a parking plan in place. We think that the area that's currently used for loading is going to be adequate for our parking needs. Our main parking strategy is that the Walton Arts Center parking, during the day, it has numerous vacancies. We think that's going to cover any kind of overflow parking situation.

Hoffman: My second question is for staff. If this remains zoned I-1, really because of this location, does the I-1 require them to add parking if they remodeled the building but not add to it or would the C-3 accomplish that?

Conklin: The C-3 zoning will resolve a lot of issues that we have down in the Planning Division when they do come in and want to renovate the space. A lot of the space historically was used for warehousing and light industrial uses which didn't require as much parking. When they come in and convert that into retail space and office space, it does require additional parking. A couple of years ago I went out there and I physically went around the building and counted the number of spaces just to get some retail use into the building and make it work. This is going to allow a lot more flexibility, it's an existing building. It would be treated like all the existing buildings that were not retail that have been converted to allow them to be renovated and be used for retail, restaurants, office, without having a penalty of trying to provide that parking with the existing large buildings in our downtown area.

Hoffman: Do you agree that the Arts Center parking lot being right next door is going to be available for their use during the day?

Conklin: I believe there is adequate parking in that area.

Planning Commission
July 9, 2001
Page 21

PUBLIC COMMENT:

Estes: Is there any member of the audience who would like to provide public comment on this rezoning request 01-12.00?

COMMISSION DISCUSSION:

Estes: Seeing none, I'll bring it back to the full Commission for discussion, comments, questions, motions.

Marr: One of the determinations or findings that we need to make is the proposed zoning is justified and needed at the time. Do we know what the current availability of C-3 zoning in this area already, how much is vacant roughly, or is it pretty much all taken space?

Conklin: I do know there has been some buildings that have been renovated recently that haven't been fully leased out. One of them is Three Sisters which is slowly going up and another one is the project Cal Canfield did or the Icehouse project on West Street. With regard to appropriateness of the zone change, I would rather see it rezoned as C-3 than I-1 with the ability to leave that property with light manufacturing/heavy commercial type uses that could be inappropriate in that area. I believe it would be beneficial of the City to bring in that type of use into this area that's been transformed from what the bomb center used to be, the McBride Distribution Warehouse to an art type center and this being right next door I think will be beneficial to have offices and potential restaurants and retail within the center.

MOTION:

Marr: With that comment, I'll move for approval of rezoning 01-12.00 subject to the findings in the report.

Bunch: I'll second.

Estes: We have a motion by Commissioner Marr and a second by Commissioner Bunch to approve rezoning request 01-12.00, is there any discussion? Sheri, would you call the roll please?

ROLL CALL:

Upon roll call CU 01-12.00 is approved by a unanimous vote of 9-0-0.

Planning Commission
July 9, 2001
Page 22

Estes: That concludes our agenda. Are there any announcements?

Conklin: Yes. I would like to remind the Commission of Monday, July 16, 2001, at 6:00 p.m. at Genesis, down off of South School Street, the Master Parks Plan meeting. Each of you should have received an executive summary of that master plan and I do encourage each of you to attend that meeting. It's a joint meeting with City Council and Parks Board. It will be a good opportunity to have a understanding of the Master Parks Plan which includes the actual future facilities needed to serve future growth and development in Fayetteville. Please let me know if you are not able to attend that meeting next Monday.

Hoffman: I don't know that the meeting date is confirmed but I think we are set for an August 1st meeting for the Outdoor Lighting Ordinance at 12:00 p.m.

Estes: Any other announcements? Any other business? We'll stand adjourned until the next regularly called meeting.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

- 1. APPROVAL OF THE MINUTES**
- 2. RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
- 3. OLD MISSOURI:** A resolution approving amendment number one in the not to exceed amount of \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.

B. OLD BUSINESS

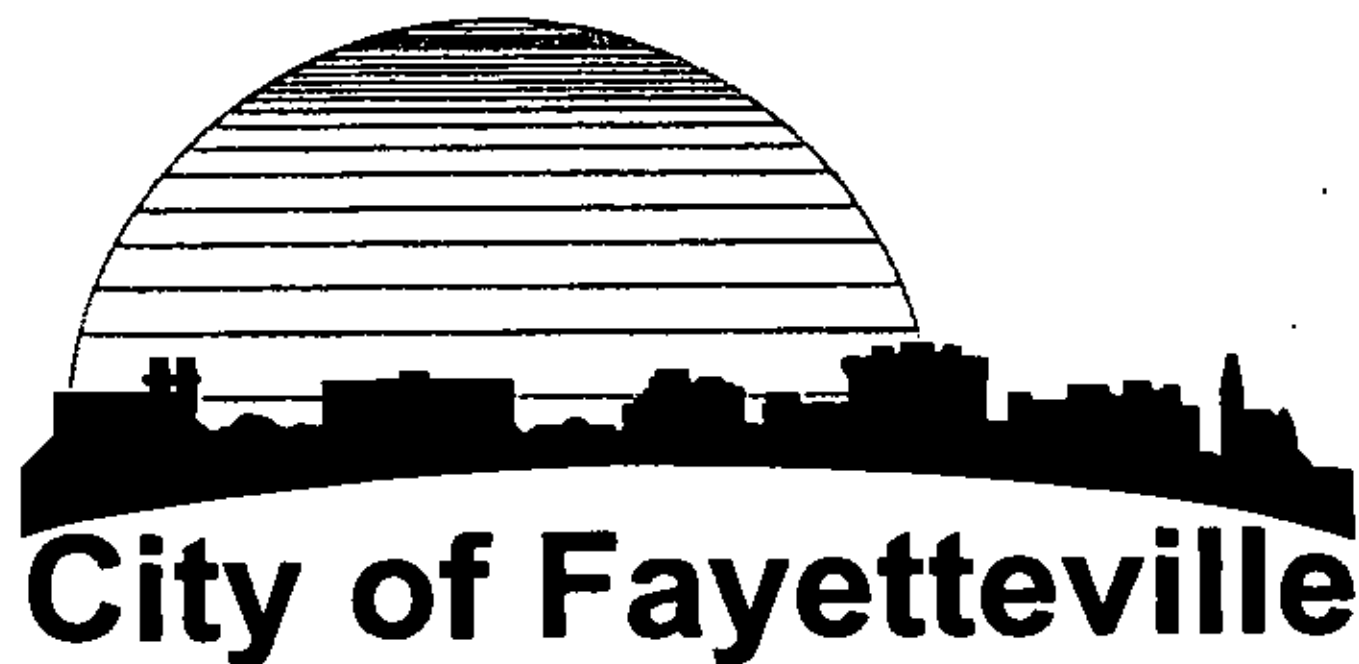
- 1. SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities.
- 2. REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days.

C. NEW BUSINESS

1. **CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept land and money in lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. **RZN 01-10.00:** An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. **RZN 01-11.00:** An ordinance approving rezoning request RZN 01-11.00 submitted by Philip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. **RZN 01-12.00:** An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brain Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the master park plan and the master sidewalk and trail plan.
7. **GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.

**City of
Fayetteville, Arkansas**

**REPORT ON OPERATIONS
OF THE
WATER & SEWER SYSTEM**



BLACK & VEATCH
C o r p o r a t i o n



BLACK & VEATCH

8400 Ward Parkway
P.O. Box 8405
Kansas City, Missouri 64114 USA

Black & Veatch Corporation

Tel: (913) 458-2000

August 3, 1999

Honorable Fred Hanna, Mayor
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Dear Mayor Hanna:

In accordance with our agreement, we are submitting our "Report on Operations of the Water and Sewer Systems" for the City of Fayetteville. The ordinance for the Series 1994 Bonds requires that periodic Consulting Engineer's reports be completed at least every three years until the Series 1994 Bonds are retired in 2009. This report includes the results of an engineering evaluation, financial analysis, and an evaluation of compliance with the bond covenants.

We appreciate the opportunity to be of service to the City of Fayetteville.

Very truly yours,

BLACK & VEATCH CORPORATION

Blaine W. Bickel

BWB:lkm

Historical data presented in this report has been provided by the City of Fayetteville, Arkansas. Black & Veatch has not conducted detailed verification tests of the data. In the preparation of the forecast of future operations summarized in this report, Black & Veatch has made certain assumptions with respect to conditions, events and circumstances which may occur in the future. The methodology utilized in performing the analyses follows generally accepted practices for such forecasts. While Black & Veatch believes the assumptions are reasonable and the methodology valid, actual results may differ materially from those forecast, as influenced by the conditions, events and circumstances which actually occur.

Contents

	<u>Page</u>
Introduction.....	1
Purpose.....	1
Scope.....	1
Engineering Evaluation.....	3
Introduction.....	3
Water Distribution System.....	3
Wastewater Treatment	6
Odor Management at the Wastewater Treatment Plant	7
Industrial Pretreatment Program [IPP].....	7
Wastewater Treatment Plant Capacity	8
Sludge Processing	9
Wastewater Collection System	9
City/OMI Relationship	9
Findings	10
Accomplishments.....	10
Financial Analysis.....	14
Water Utility Revenue	14
Water Sales Revenue Under Existing Rates	14
Other Water Revenue.....	15
Water Utility Revenue Requirements	15
Operation and Maintenance Expenses	15
Water Utility Debt Service Requirements	15
Water Utility Major Capital Improvements	16
Water Utility Minor Capital Expense	16
Adequacy of Water Revenue under Existing Rates	16
Capital Projects Funding.....	17
Wastewater Utility Revenue	18
Other Wastewater Revenue.....	18
Wastewater Utility Revenue Requirements	18
Operation and Maintenance Expenses	19
Wastewater Utility Debt Service Requirements	19
Wastewater Utility Minor Capital Expense	20
Adequacy of Wastewater Revenue under Existing Rates	20

Contents (Continued)

	<u>Page</u>
Capital Projects Funding.....	20
Combined Water and Wastewater Utilities.....	22
Compliance	23
Issuance of Revenue Bonds	23
Establishment of Funds.....	23
Revenue Fund	23
Operation and Maintenance Fund	24
Bond Fund.....	24
Renewal and Replacement Fund.....	24
Debt Service Reserve Fund.....	24
Construction Fund.....	25
Fund Establishment Compliance	25
Insurance	25
Other Covenants.....	25
Appendix.....	27

Contents (Continued)

List of Tables

Water Utility

Table W-1	Historical and Projected Number of Customers
Table W-2	Historical and Projected Water Sales Volume
Table W-3	Historical and Projected Water Sales Revenue
Table W-4	Historical and Projected Operation and Maintenance Expenses
Table W-5	Debt Service on Outstanding Bonds
Table W-6	Currently Scheduled Capital Improvements
Table W-7	Projected Cash Flow Analysis

Sewer Utility

Table S-1	Historical and Projected Number of Customers
Table S-2	Historical and Projected Billed Sewage Volume
Table S-3	Historical and Projected Sewer Sales Revenue
Table S-4	Historical and Projected Operation and Maintenance Expenses
Table S-5	Debt Service on Outstanding Bonds
Table S-6	Currently Scheduled Capital Improvements
Table S-7	Projected Cash Flow Analysis

Combined Water and Sewer Utilities

Table C-1	Projected Cash Flow Analysis
Table C-2	Insurance Coverage

Appendix

Table W-7A	Projected Cash Flow Analysis, Alternative Financing Plan
Table S-7A	Projected Cash Flow Analysis, Alternative Financing Plan
Table C-1A	Projected Cash Flow Analysis, Alternative Financing Plan

Introduction

The City of Fayetteville issued Water and Sewer System Refunding and Improvement Revenue Bonds, Series 1992, dated August 15, 1992, to refund the City's Water and Sewer Revenue Refunding Bonds, Series 1985 and to provide for improvements to the water and sewer system. Ordinance No. 3638, which authorized the refunding and improvement issue, requires that a report on the status of the water and wastewater system's assets and compliance with the terms and provisions of the Ordinance be periodically prepared by a Consulting Engineer. The City subsequently issued Water and Sewer Revenue Bonds, Series 1994; and Water and Sewer System Refunding Revenue Bonds, Series 1999, to defease the Series 1992 Bonds. The ordinance for the Series 1994 Bonds requires that periodic Consulting Engineer's reports be completed at least every three years until the Series 1994 Bonds are retired in 2009. The Series 1999 bond ordinance does not require periodic Consulting Engineer's reports.

Purpose

The purpose of this report is to present the results of our analysis of the water and wastewater systems of the City of Fayetteville in accordance with bond Ordinance requirements, which state in part:

Periodically the City shall cause a Consulting Engineer to prepare a report on the status of the System's assets and compliance with the terms and provisions of the Ordinance. Such report shall be prepared no less frequently than every three (3) years...

Scope

This report includes the results of an engineering evaluation, financial analysis, and an evaluation of compliance with the provisions of the Series 1994 bond ordinance. The engineering evaluation consists of onsite surveys of existing above ground or observable water and wastewater facilities, including interviews of operation and maintenance personnel; review of operation and maintenance records and techniques to analyze the effect on facility performance, maintenance, and reliability; and review of the major capital improvement programs for the water and wastewater systems.

The financial analysis section includes projections of customers served, water and wastewater volumes, water and wastewater revenues, and water and wastewater revenue requirements. A projected cash flow statement for a five year study period covering 1999-2003 has been prepared to identify any revenue deficiencies, show the timing and magnitude of

required revenue increases, and determine the optimum combination of cash and debt financing required to meet total revenue requirements.

The section on compliance with the bond ordinances includes an evaluation of the adequacy of projected revenues to meet required coverage tests, verification that all funds required by the ordinances have been established and that fund balances are in compliance with requirements, review of insurance coverage, verification that no service is being provided without charge, and review of records and books of accounts for compliance with the bond ordinances.

Engineering Evaluation

Introduction

Black & Veatch conducted an engineering evaluation for the City of Fayetteville including the City's water distribution system, water pumping stations, wastewater collection system and the wastewater treatment facility. The information for this section was obtained from on-site facility inspections conducted on April 19, 20 and 21 1999 and personal interviews with City employees and Operations Management International, Inc. (OMI) personnel.

Water Distribution System

The City of Fayetteville does not have any water treatment facilities; its potable water needs are met by wholesale purchasing from the Beaver Water District. The City service area includes Fayetteville, Farmington, Greenland, Goshen, part of Johnson and the Fayetteville Growth Area. The City also provides wholesale potable water services to Elkins, West Fork, Mount Olive Rural Water System and the Washington Water Authority. The City operates and maintains an area-wide potable water transmission and distribution system for over 65,000 persons comprised of approximately 28,000 active billing accounts. The City is regulated by the Arkansas Department of Health for water quality issues related to water distribution systems, including but not limited to bacteriological limits and the federally mandated Lead and Copper Rules.

The water transmission and distribution system is operated and maintained by the City of Fayetteville Water and Sewer Division. The Water and Sewer Division is comprised of five programs of which three programs, Water and Sewer Administration, Water Distribution Maintenance and Water Storage and Pump Maintenance are directly responsible for the proper operation and maintenance of the water distribution system.

These three programs include overlapping supervisory and administrative support personnel and are field staffed by 20 City employees. Sixty-five percent of the field staff are licensed Water Distribution System Operators by the State of Arkansas. The remaining personnel are expected to successfully complete the operator testing requirements no later than December 1999.

The staffing of these Programs by licensed and certified City personnel provides the cornerstone of the Water and Sewer Divisions successful operation, maintenance and water main/component rehabilitation of approximately:

- 470 miles of water mains
- 260 miles of water service lines
- 1,625 fire hydrants

4,350 flow control valves
13 water storage tanks and related control systems
Three lake dams
Eight pumping stations

A fourth program within the Water and Sewer Division is Water and Sewer Connections. This program has a field staff of three, one of which is a licensed Water Distribution System Operator by the State of Arkansas. The remaining personnel are expected to successfully complete the operator testing requirements no later than December 1999.

The Water and Sewer Connections staff installs approximately 410 new taps per year on existing mains for both water and sewer services between the City-wide systems and its customers. Another 600 connections are made annually by contractors as part of new development water and sewer main extensions. City crews also replace leaking, blocked or obsolete service connections, taps and meter loops/boxes which are not counted in the "new" tap numbers. On the slow "install days," which are few and far between, these field personnel provide direct support to the Water Distribution Maintenance team.

The management team of the Water and Sewer Division should be commended for both the foresight and dedication necessary to assist the field staff to complete the rigorous Operator training, certification, and testing cycles.

The Water and Sewer division has performed under contract, two separate water leak detection surveys within the preceding three years. The results of these leak detection surveys are summarized as follows:

Water distribution lines leaks	30
Fire hydrant leaks	20
Water distribution valve leaks	5
Service line leaks	11
Total of water leaks	66

Of these water leaks, 38 percent could be detected during an annual preventive maintenance inspection of the fire hydrants and water distribution valves.

As of our April on-site inspection, the unmetered water percentage appears to be trending lower by approximately four percent from 1998. Continual efforts by the Water & Sewer Division staff, coupled with water leak detection surveys, immediate corrective leak detection repair and water distribution line replacement activities, should continue to reduce the overall percentage of water loss.

The Water Meter/Cross-Connection Control [CCC] program personnel effectively obtained the City Commission's approval of a Cross-Connection Control ordinance.

Implementation of the Cross-Connection Program required specialized training and State of Arkansas certification to perform sanitary survey inspections and backflow preventer testing and repair. The sanitary survey is a crucial portion of the Cross-Connection Program and must be performed by City staff to determine the required level of water distribution system protection from the customer's on-site activities. Some customers, such as residential homes or office buildings, present minimal risk of water distribution system contamination whereas a restaurant or automotive repair shop are considered high risk and require the best backflow protection devices.

The City is budgeting over \$200,000 per year through 2003 for the replacement and upgrade of water meters. The plan defines the up-grading of approximately 1,500 manual read water meters with automated water meters. Utilization of the automated water meters should provide several benefits, including but not limited to:

Improved accuracy in the data transfer of the customer usage by eliminating several steps currently required for the manual read meters.

The automated water meters utilize the latest technology to accurately measure the actual water consumption of the customer.

Improves the performance of the current in-house staff operated meter repair and replacement program. The automated water meters require less frequent re-calibration and water meter repair parts and labor costs are normally reduced from hours to minutes because of competent manufacturing methods.

The automated water meters' usage allows for a shifting of labor time and skills of the low tech manual meter reading positions, allowing additional man-hours to perform customer service, CCC program monitoring and compliance, and large water meter testing and re-calibration services; all requiring higher skills level from the City staff yet returning significant cost saving by reducing loss water revenues and water distribution system protection activities.

The importance of the Water Meter/CCC department cannot be overemphasized. This program should be known as "the point where the rubber meets the road" based on the responsibilities which include two crucial activities.

The staff is first responsible for providing "perfect" water usage reports used to generate most if not all water related billings and revenue. The staff's second responsibility is to operate

and maintain the Cross-Connection Control program or the primary safety method to ensure the water quality and safety of the City-wide water distribution system. The purpose of the CCC program is to protect the public potable water supply from the possibility of contamination. The City's support [including continual investment in up-graded equipment and most importantly in the quantity of staff and specialized training of the staff] is required to ensure continual water distribution system efficiency and effectiveness.

Wastewater Treatment

The City is responsible for treating all waters discharged into the sanitary sewer system. The wastewater is treated in accordance with the National Pollutant Discharge Elimination System (NPDES) permit issued for the Paul R. Noland Wastewater Treatment Plant (WWTP). The permit has set the WWTP final effluent limits of 5 milligrams per liter (mg/L) of Biological Oxygen Demand, 5 mg/L of Total Suspended Solids, 2 mg/L of Total Ammonia-Nitrogen and 1 mg/L of Total phosphorous. The raw influent wastewater is processed by the following treatment units:

- Raw influent screening.

- Grit removal.

- Primary clarification.

- Activated sludge treatment including biological nutrient removal by the Anoxic/Oxic or A/O process.

- Final clarification.

- Sand filtration.

- Chlorination and dechlorination pending installation of an ultraviolet disinfection system.

- Post aeration including the capacity to apply liquid oxygen to the final effluent prior to discharging to either of the receiving streams.

The sludge produced at the WWTP is processed in the following manner:

- Gravity thickening

- Gravity-belt thickening

- Covered aerobic digestion with odor control system

- Land application of EPA 503 regulated sludge

Sludge storage basins are utilized with the land application treatment process. Sludge is applied to 524 acres of bermuda grass which is harvested and sold on a regular basis.

OMI is contracted to operate the WWTP, lift stations, pretreatment program, and sludge processing facilities. In addition to wastewater operations, OMI is responsible for operating and

maintaining the Supervisory Control and Data Acquisition (SCADA) system for 27 lift stations. OMI has continuously operated the WWTP since it was constructed in 1988. The original contract has expired and was renewed on August 14, 1994 without interruption of service. The current contract expires December 31, 1999, with two successive five-year renewal options.

Two final effluent outfalls are utilized in accordance with the NPDES permit for discharge by the WWTP. Outfall 1 discharges to the White River, which flows into Beaver Lake. Beaver Lake is used both as recreational watershed and source of raw water for conversion to drinking water for several communities, including Fayetteville.

Outfall 2 discharges into Mud Creek, which flows into the Illinois River, a scenic river in Oklahoma. Because the WWTP discharges to rivers that have other significant users, regulatory and public scrutiny remains focused on the facility's final effluent quality.

Odor Management at the Wastewater Treatment Plant

Historically, odor complaints have been an issue with the residents living in the vicinity of the WWTP. The City contracted with a consultant in 1992 to evaluate options and recommend an odor control strategy. After consideration and review by the City and OMI, an odor control strategy was initiated and completed in 1996. The result was the installation of aluminum domes over three of the sludge digesters, with an associated chemical odor control system at a cost of approximately \$1,000,000.

OMI indicated the number of odor complaints has declined to the point where the community now may notice odors emanating from the open wetwell of the in-plant raw influent lift station. A review of the facility, over the course of three days and at varying times of the day, indicated the aerobic digester odor control system was operating satisfactorily.

Industrial Pretreatment Program [IPP]

As a requirement of the United States Environmental Protection Agency and the City's NPDES operating permit, the City was directed to implement and operate an industrial pretreatment program. The City Council approved the modified Pretreatment ordinance in 1996 allowing for effective control and possibly eliminating toxic discharges to the wastewater collection system and/or the WWTP. The City and OMI received the 1998 EPA Region 6 Environmental Excellence Award and the National Environmental Excellence Award for Outstanding Industrial Pretreatment Program.

The City's IPP program monitors ten permitted significant industrial users [SIU] including Baldwin Piano and Organ Company, Campbell Soup Company, Elkhart Products Corporation, Hiland Dairy Company, K-D Tools, Marshalltown Tools, Tyson's Mexican Original - East, Superior Industries International, Sunray Services and Tyson Food - South.

OMI reported that five years ago, the WWTP had sporadically received excessive metal discharges from industrial customers. Metal discharge into the wastewater collection system is generally the result of an industrial operation and is best resolved at the source by the industry pretreating their wastewater discharges.

Metals may have a negative impact on the wastewater treatment biological processes, resulting in a NPDES permit violation. Another concern with metals is the impact on sludge that is land applied. Sludge with an overabundance of metals will persist in the soil longer than sludge with "normal" background levels of metals. Sludge high in metals also reduces the life cycle of the City-owned sludge disposal/ hay farm.

OMI identified an industrial customer who was predominately responsible for metal discharges into the system. Appropriate monitoring and compliance activities were implemented, culminating in a cease and desist order that closed the industrial operation. OMI personnel stated that metal concerns have abated throughout the system, possibly due to the City's proactive stance with the offending industrial customer.

The IPP section monitors ten SIU by compliance sampling events and compliance inspections. The IPP records indicate a steady and consistent decline in pretreatment limit violations or exceedances requiring a formal Notice of Violations or NOV. OMI has developed and implemented an effective IPP based on positive monitoring, and interaction with individual SIU's ensuring continuous compliance. The increased usage of informal notices versus the formal NOV is another win-win strategy utilized by OMI.

Wastewater Treatment Plant Capacity

The plant's operating permit is based on discharging an annual average of 12.4 million gallons per day (MGD). The facility has processed a maximum monthly flow of 19.1 MGD. The annual average daily flow to the facility for 1998 was 11.2 MGD.

OMI personnel stated that temporary flows, related to unusual storm events, in excess of 12.4 do not create substantial operational difficulties. Plant personnel indicated the facility should accommodate organic loads larger than those currently experienced. The design Biochemical Oxygen Demand (BOD) loading of the plant is 25,700 pounds per day (lbs./day) and the design Total Suspended Solids (TSS) loading of 21,300 pounds per day (lbs./day). For 1998, the facility's highest monthly average of BOD was 19,988 lbs./day and the highest monthly average of TSS was 21,612 lbs./day.

The wastewater hydraulic flows to the facility have historically exceeded the design flowrate. The maximum design organic loads of BOD and TSS have consistently been within the design limits. This difference between hydraulic flows and organic loading is normally indicative of infiltration [rainfall] and inflows [stormwater or surface water flowing into] to the

wastewater collection system. Fayetteville has expended over \$20 million to rehabilitate the collection system since 1989 to eliminate over 90 percent of the sanitary sewer overflows related to rainfall infiltration.

Sludge Processing

OMI operates a 670-acre City-owned sludge land application farm, of which 524 acres are dedicated for land application. The hay farm utilizes digested sludge and plant effluent as a fertilizer and supplemental irrigation. Bermuda grass is grown on the hay farm and the City sells the hay at prevailing market rates.

Sludge production at the wastewater treatment facility increased approximately 5 percent in 1998. OMI operates the land application in accordance with acceptable sludge management practices and the facility appears to be efficient and well managed.

Wastewater Collection System

As previously stated, OMI is responsible for operating and maintaining wastewater lift stations. City staff is responsible for maintaining the remainder of the wastewater collection system, which consists of approximately 420 miles of sewer lines and 7,400 sewer manholes. The City was, until December 31, 1995, under an administrative order from the Environmental Protection Agency (EPA) to eliminate all sanitary sewer overflows. The City has made significant progress in reducing the overall quantity and frequency of overflows. The City has performed wastewater collection system rehabilitation, culminating in the elimination of approximately 90 percent of the rainfall overflows.

The overall mechanical, electrical and structural condition of the wastewater collection system and appurtenances reflects both a competent preventive maintenance program and yet a lack of consistent component or system upgrading. Several of the lift stations we visited exhibited moderate to severe vibration and noise during "normal" pumping operation. The focus of attention and resources should shift from collection system line repair and replacement to upgrading the wastewater pumping mechanisms, structures and wetwell water level controls.

Implementation of improved lift station operations and the installation of chemical feed systems for the treatment of raw wastewater odors should significantly reduce odors currently emitting from the wastewater treatment facility on-site pumping station and preliminary treatment facilities.

City/OMI Relationship

The relationship between the City and OMI appears to be well suited for proper operation of the Wastewater Treatment Plant (WWTP). City staff stated that they are pleased with the

operation of the WWTP and the on-site inspection by Black & Veatch revealed that the WWTP is maintained in accordance with industry standards.

To analyze the financial ramifications of contract operations, City staff have informally compared costs of contract operations with estimated internal costs for similar work. This informal cost analysis indicates that contract operations are more cost effective than having the City operate the facility. The OMI contract is due for a five year renewal option in December 1999. OMI personnel have maintained the WWTP in a responsible manner. The City has taken an active planning approach to system needs. Utility-wide environmental compliance continues to be outstanding. The utility system appears to be maintained at or above industry standards in all categories of operation.

Findings

The findings of this report are based on field observations and discussions of operations and maintenance policy and procedures with management personnel. It is concluded that the City of Fayetteville utility systems meet or exceed industry standards for operation and maintenance of its facilities.

Accomplishments

1. Significantly reducing wastewater collection system infiltration, inflows, maintenance related blockages and bottlenecks reducing sewer overflows and rescinding the Administrative Order by rehabilitation and improved system-wide maintenance.
2. Up-graded the City employee's skills by supporting the training and State of Arkansas certification program for Water Distribution Systems.
3. Development and implementation of a water leak elimination program combining the expertise of the City Engineering staff, the contracted services of the local utility contractors and most importantly the daily efforts of the Water Distribution and Water Storage and Pump Maintenance field crews.
4. Up-grading the rural and apartment complexes with "radio read" or automated water meters at a rate of 1,500 per year for the past three years and plans to maintain the same rate of conversion to "radio read" water meters in the future.
5. Development of a large [4-inch and above] water meter testing and rehabilitation program.

6. Reviewing the City's policy and procedures to improve employee development and retention program in the Water Meter/Cross Connection Program.
7. Implementation of a Cross Connection Ordinance and up-grading the City staff's training to include State of Arkansas certification for Cross Connection Control.
8. The City's Industrial Pretreatment Program received the 1998 EPA Region 6 Environmental Excellence Award and the National Environmental Excellence Award for Outstanding Industrial Pretreatment Program.
9. The OMI, Inc. operated Wastewater Treatment Plant laboratory passed the annual quality control & quality assurance audit conducted by the USEPA and the Arkansas Department of Pollution Control and Ecology.

Although the current operations and maintenance policies and protocols are effective, the City should continue its efforts for utility systems improvements, including but not limited to the following:

- Continue to focus on the Water & Sewer Division staffs training and up-grade their individual state certification licenses.
- Continue the City's current five-year cycle to incrementally perform leak detection of the water distribution system.
- Implement a water metering requirement for all new water mains and sewer line construction activities including line flushing, pressure testing and disinfection. This type of unmetered water usage directly impacts the water loss percentage.
- In cooperation with the fire department, provide fire hydrant meters to be used during their hydrant inspections. This type of unmetered water usage directly impacts the water loss percentage.
- Water theft at the fire hydrants in the rural sections of the system maybe another source of unmetered water losses. The utility industry as a whole has successfully utilized a method of eliminating these losses and most importantly in agreement with the local fire departments, by installing tamper-proof covers on the fire hydrants. The process requires specialized valve "keys" to be provided to the fire department in sufficient numbers to outfit all of the emergency response vehicles.

- Continue the City's current efforts of a fire hydrant preventive maintenance program including the usage of City owned and operated leak detection equipment to minimize these as a future contributor to the water loss percentage.
- Implement a water distribution line valve preventive maintenance program including the usage of City owned and operated leak detection equipment to minimize these as a future contributor to the water loss percentage.
- Perform further investigation for the addition of cathodic protection for the steel water storage tanks and related annual cost versus the increased frequency of painting and preservation of the tank interior.
- Perform further investigation for the addition of lightning protection for the steel water tanks and water pumping station.
- Odor control at the lift stations by the application of dissolved oxygen, chemical or biological additions would reduce the factors causing odors at the WWTP and improve the quality of life for the public living near both the lift stations and the WWTP. The City should consider additional odor control at the WWTP on-site raw influent pump station
- As the City eliminates infiltration and inflows to the wastewater collection system, the utilization of the City operated flow metering system should focus on the corrective maintenance activities to specific lift station pump and control system replacement.
- We performed a ground level, exterior inspection of the Kessler Mountain 6 MG steel water tanks which indicated a possible problem with steel panel deflection near the top of one tank. A structural engineer should be consulted and non-destructive testing of the affected welds may be required.
- We reviewed the capital improvement programs for the water and wastewater utilities, projected studies and system improvements appear to match our observations. Implementation of those budget line items should insure the City's utility system efficient and effective operations.
- The Cross-Connection Control program is currently performing the required annual testing of all backflow prevention devices attached to its water distribution system. The City should consider developing the cost associated with the staff's skills and labor to perform this task and invoice all non-residential accounts depending on the meter size and type of backflow preventer installation.

- The City should increase the number and review the job classification of the staff comprising the Water Meter/ CCC program.
- The Water and Sewer Division as a whole appears to be adequately prepared for both scheduled and emergency maintenance. The availability of spare parts and replacement items is sufficient but the storage area should include a covered or enclosed building for the smaller pieces.
- The Water & Sewer Division's reconfiguration of existing staff to maintain an on-going gravity and forcemain line cleaning crew should increase the efficiency of the wastewater collection system and significantly reduce future blockages and possible sanitary sewer overflows.
- The City should perform a formal review of the OMI operations contract to ensure the Contract reflects the City's utility requirements over the next five years.

Financial Analysis

Water Utility Revenue

The principal source of revenue for the water utility to meet annual costs of water service is from charges for service to water customers. Additional revenue is derived from fire protection charges, interest income, and other miscellaneous sources.

Water Sales Revenue Under Existing Rates

Table W-1 presents a summary of the historical and projected average number of customer accounts. It is estimated that inside City customer numbers will increase by an average of 539 accounts per year through the study period 1999 – 2003. Projected increases in single family residential accounts, at 500 per year, constitute most of the anticipated customer growth. Outside City customers are projected to increase by an average of 165 accounts per year. Water service was initiated to 464 White River area accounts in 1997. Farmington and White River have exhibited the most rapid growth among outside City customers in the recent past, and this trend is anticipated to continue through the study period. It should be noted that planned development in White River may double or triple the number of customers served in that area over the next 10 years, but this development is not recognized for purposes of this study because of the preliminary nature of the plans.

It is also noted that a rural water project known as the Two Ton Loop has been under development in Benton and Washington counties in recent years. This project recently has connected a portion of the customers currently serviced by the City of Fayetteville in the Rural Development Authority/Washington Water Authority (RDA/WWA) service area. The exact impact on number of customers, water sales volumes, and water sales revenue is currently unknown and no allowance for such is made in this report. City staff has been discussing the need for a water usage contract with representatives of the RDA/WWA, but to date negotiations have been inconclusive. RDA/WWA is Fayetteville's largest wholesale customer, accounting for approximately six percent of water sales revenue in 1998.

Table W-2 presents Historical and Projected Water Sales Volume. It is assumed that water sales per customer will remain constant at a level consistent with usage in recent years, after normalizing 1998 water usage to recognize increased usage due to the hot, dry weather experienced that year. The projected increase in water sales volume is related to the anticipated growth in the number of customers.

Historical and Projected Water Sales Revenue under existing rates, shown in Table W-3, is based on the estimated number of accounts and the estimated water sales volumes presented in Tables W-1 and W-2, respectively. Projected revenues are based on rates which became

effective November 1, 1997. Revenue from the sale of water is expected to increase each year in the study period due to the estimated increase in customer numbers and associated increase in total water usage.

Other Water Revenue

Revenues from fire protection charges are estimated at \$320,000 in 1999, while other income is estimated to total \$212,900 per year through the study period. Other income includes water connection fees, rural water taps, and miscellaneous fees and charges. Interest income, calculated at 5 percent of the balances available for investment, is estimated to average approximately \$89,500 per year during the study period.

Water Utility Revenue Requirements

The revenue required to adequately provide for the continued operation of the City's water system must be sufficient to meet the cash requirements of operation and maintenance expenses, principal, interest, and reserve payments on revenue bond indebtedness issued for major capital improvements, recurring minor capital expense, and improvements to the system which are not debt financed. Operation and maintenance expenses include the cost of purchased water, personnel and materials required to operate and maintain the water utility system, plus the costs of metering, billing, collecting, and administrative services. In estimating future costs, historical costs by utility function are projected for the study period recognizing requirements for service and estimated inflationary increases. Capital costs consist of debt service requirements, cash financing of capital improvements, and operating reserves.

Operation and Maintenance Expenses

Historical and Projected Operation and Maintenance Expenses are shown in Table W-4. Major cost items for each program include personnel services, materials and supplies, service and charges, and maintenance. Projected operation and maintenance expenses are based on budgeted 1999 costs adjusted to recognize variances between budgeted and actual expenditures, and an analysis of historical expense trends and anticipated future conditions. Estimated increases in operating costs are primarily due to anticipated inflationary increases and increases in water usage. Purchased water costs recognize increased water usage due to customer growth and anticipated annual rebates from Beaver Water District.

Water Utility Debt Service Requirements

Existing debt service requirements, shown in Table W-5, consist of principal and interest on the Water and Sewer System Revenue Bonds, Series 1994, and the Water and Sewer System Refunding Revenue Bonds, Series 1999. The Series 1999 Bonds were issued to defease the

Water and Sewer System Refunding and Improvement Revenue Bonds, Series 1992. Based on the facilities constructed with the original bond proceeds, 88.8 percent of the annual principal and interest on the Series 1999 Bonds, and 100 percent of the principal and interest on the Series 1994 Bonds is allocated to the water utility. The balance of the debt service is allocated to the wastewater utility.

Water Utility Major Capital Improvements

The City has developed a multi-year major capital improvement program for the water utility covering its anticipated projects through 2003. A complete listing of currently scheduled capital projects for the period 1999 – 2003 is shown in Table W-6. The approved capital program reflects spent or encumbered monies as well as planned expenditures for each year of the study period. The proposed projects include the Hyland Park and Mt. Sequoyah elevated water storage tanks, SCADA system upgrade, Highway 45 East pump station and elevated tank, 36 inch water line replacement and protection, water meters and backflow prevention assemblies, and various extensions and relocations. Projected capital expenditures have been adjusted for inflation and are expected to total \$14,730,253 for the study period. It is anticipated these capital expenditures will be funded through sales tax revenues, water sales revenues, and reimbursements from the State of Arkansas for relocation of water lines along Highway 265.

Water Utility Minor Capital Expense

Minor capital expenses include small equipment and tools, and other capital related expenditures which are required on a recurring basis each year. Projected minor capital expenditures are \$25,000 per year for the water utility.

Adequacy of Water Revenue under Existing Rates

The pro forma operation statement or cash flow analysis presented in Table W-7 provides a basis for evaluation of the adequacy of revenues under existing rates to meet the projected revenue requirements of the Water Utility for the period 1999 through 2003. The analysis indicates that no revenue increase is required to meet projected revenue requirements through the study period.

Debt service coverage is shown in Table W-7 for information purposes only, to illustrate the degree to which water utility net revenues cover the debt service designated as the responsibility of the water system. The coverage tests required by the bond ordinance are based on the combined net revenues of the water and sewer systems and the total water and sewer debt service. These tests are shown subsequently in the Combined Utilities section of this report.

Capital Projects Funding

Also shown on Table W-7 is a financing plan for the currently scheduled capital improvements which indicates the sources and application of funds anticipated to be used to finance the capital improvement program during the period 1999-2003. Funding sources include the use of funds on hand, operating revenue, sales tax revenue, interest income from the investment of construction funds, and reimbursements from the State of Arkansas.

The estimated beginning of year fund balance of \$481,300 in the Capital Projects Fund at January 1, 1999 (Line 26), represents a portion of the total unencumbered monies available in the Water and Sewer Fund's Capital Projects Fund. The balance of such funds are allocated to the sewer utility. It is anticipated the City will utilize \$10,600,000 in operating revenue and \$3,037,100 in City Sales Tax funds to finance capital improvements over the projection period.

Table W-1

City of Fayetteville
Water Utility
Historical and Projected Number of Customers
Average for the Year

Line No.	Customer Classification	Historical			Projected				
		1996	1997	1998	1999	2000	2001	2002	2003
1.	Construction	381	359	314	300	300	300	300	300
2.	Combination	37	36	43	40	40	40	40	40
3.	Commercial	1,369	1,405	1,424	1,444	1,464	1,484	1,504	1,524
4.	Duplex	145	153	163	168	173	178	183	188
5.	Government	197	198	197	197	197	197	197	197
6.	Industrial	32	32	31	31	31	31	31	31
7.	Multi-Unit	300	297	302	300	300	300	300	300
8.	Non-Profit	106	108	117	121	125	129	133	137
9.	Residential	17,491	17,906	18,345	18,845	19,345	19,845	20,345	20,845
10.	Irrigation	370	427	435	445	455	465	475	485
11.	Total Inside City	20,426	20,919	21,369	21,890	22,429	22,968	23,507	24,046
12.	Farmington	949	1,070	1,184	1,294	1,404	1,514	1,624	1,734
13.	Greenland	301	311	318	328	338	348	358	368
14.	Growth Area	1,673	1,710	1,735	1,760	1,785	1,810	1,835	1,860
15.	White River	0	464	476	500	515	530	545	560
16.	Wheeler	156	157	170	175	180	185	190	195
	Wholesale								
17.	Elkins	1	1	1	1	1	1	1	1
18.	Mt. Olive	2	2	2	2	2	2	2	2
19.	West Fork	1	1	1	1	1	1	1	1
20.	RDA/WWA	4	4	4	4	4	4	4	4
21.	Total Other	3,086	3,719	3,890	4,064	4,229	4,394	4,559	4,724
22.	Total System	23,511	24,638	25,258	25,954	26,658	27,362	28,066	28,770

Table W-2

City of Fayetteville
Water Utility
Historical and Projected Water Sales Volume
1,000 Gallons

Line No.	Customer Classification	Historical			Projected				
		1996	1997	1998	1999	2000	2001	2002	2003
1.	Construction	49,440	46,906	53,837	39,000	39,000	39,000	39,000	39,000
2.	Combination	4,058	4,231	4,346	4,400	4,400	4,400	4,400	4,400
3.	Commercial	379,546	405,294	401,635	411,500	417,200	422,900	428,600	434,300
4.	Duplex	12,893	13,657	14,474	15,000	15,400	15,900	16,300	16,800
5.	Government	258,000	245,097	260,465	256,100	256,100	256,100	256,100	256,100
6.	Industrial	730,405	695,766	700,218	697,500	697,500	697,500	697,500	697,500
7.	Multi-Unit	321,786	305,232	302,690	300,000	300,000	300,000	300,000	300,000
8.	Non-Profit	15,402	16,201	15,846	17,500	18,100	18,700	19,300	19,900
9.	Residential	1,069,064	1,099,518	1,242,613	1,168,400	1,199,400	1,230,400	1,261,400	1,292,400
10.	Irrigation	124,699	138,985	199,621	146,700	150,000	153,300	156,600	159,900
11.	Total Inside City	2,965,293	2,970,887	3,195,745	3,056,100	3,097,100	3,138,200	3,179,200	3,220,300
12.	Farmington	65,055	68,173	79,207	86,000	93,300	100,700	108,000	115,300
13.	Greenland	23,019	23,203	24,691	24,900	25,600	26,400	27,100	27,900
14.	Growth Area	227,611	243,606	253,737	246,300	249,800	253,300	256,800	260,300
15.	White River	0	38,465	44,636	45,000	46,400	47,700	49,100	50,400
16.	Wheeler	10,173	9,742	12,208	11,000	11,300	11,700	12,000	12,300
	Wholesale								
17.	Elkins	35,378	34,522	39,043	34,300	34,300	34,300	34,300	34,300
18.	Mt. Olive	39,741	34,142	34,918	34,400	34,400	34,400	34,400	34,400
19.	West Fork	77,374	79,867	80,347	77,700	77,700	77,700	77,700	77,700
20.	RDA/WWA	227,793	228,581	245,577	225,200	225,200	225,200	225,200	225,200
21.	Total Other	706,144	760,301	814,364	784,800	798,000	811,400	824,600	837,800
22.	Total System	3,671,437	3,731,188	4,010,109	3,840,900	3,895,100	3,949,600	4,003,800	4,058,100

Table W-3

**City of Fayetteville
Water Utility
Historical and Projected Water Sales Revenue**

Line No.	Customer Classification	Historical			Projected				
		1996	1997	1998	1999	2000	2001	2002	2003
1.	Construction	132,715	123,609	145,409	105,300	105,300	105,300	105,300	105,300
2.	Combination	11,050	11,674	13,234	13,400	13,400	13,400	13,400	13,400
3.	Commercial	856,589	934,035	1,034,566	1,060,000	1,074,700	1,089,300	1,104,000	1,118,700
4.	Duplex	38,041	40,544	45,600	47,300	48,500	50,100	51,400	52,900
5.	Government	492,832	479,009	548,780	539,600	539,600	539,600	539,600	539,600
6.	Industrial	1,160,915	1,107,246	1,133,146	1,128,700	1,128,700	1,128,700	1,128,700	1,128,700
7.	Multi-Unit	642,296	624,016	684,406	678,300	678,300	678,300	678,300	678,300
8.	Non-Profit	39,808	42,275	47,185	52,100	53,900	55,700	57,500	59,300
9.	Residential	3,456,243	3,590,340	4,002,086	3,763,100	3,862,900	3,962,800	4,062,600	4,162,400
10.	Irrigation	275,999	315,582	498,013	366,000	374,200	382,500	390,700	398,900
11.	Total Inside City	7,106,488	7,268,330	8,152,425	7,753,800	7,879,500	8,005,700	8,131,500	8,257,500
12.	Farmington	273,218	293,802	334,561	363,300	394,100	425,300	456,200	487,000
13.	Greenland	102,892	99,390	97,181	98,000	100,800	103,900	106,700	109,800
14.	Growth Area	736,069	782,190	839,554	814,900	826,500	838,100	849,700	861,300
15.	White River	0	187,138	202,328	204,000	210,300	216,200	222,600	228,500
16.	Wheeler	42,109	40,943	50,686	45,700	46,900	48,600	49,800	51,100
	Wholesale								
17.	Elkins	88,736	86,618	97,916	86,000	86,000	86,000	86,000	86,000
18.	Mt. Olive	108,699	93,580	95,676	94,300	94,300	94,300	94,300	94,300
19.	West Fork	209,608	216,339	217,635	210,500	210,500	210,500	210,500	210,500
20.	RDA/WWA	617,835	646,977	665,851	610,600	610,600	610,600	610,600	610,600
21.	Total Other	2,179,166	2,446,977	2,601,388	2,527,300	2,580,000	2,633,500	2,686,400	2,739,100
22.	Total System	9,285,654	9,715,307	10,753,813	10,281,100	10,459,500	10,639,200	10,817,900	10,996,600

**City of Fayetteville
Water Utility
Historical and Projected Operation and Maintenance Expenses**

Line No.	Historical			Projected					
	1996	1997	1998	1999	2000	2001	2002	2003	
	\$	\$	\$	\$	\$	\$			
1.	Water Purchased	3,720,823	3,628,302	3,737,587	3,687,300	3,739,300	3,791,600	3,843,600	3,895,800
2.	Meter Operations	1,146,252	1,192,183	1,480,280	1,653,600	1,703,200	1,754,300	1,806,900	1,861,100
3.	Water Transmission & Distribution	699,052	967,880	937,419	1,192,200	1,228,000	1,264,800	1,302,700	1,341,800
4.	Water Operations & Administration	1,150,177	1,235,575	1,292,702	1,366,800	1,407,800	1,450,000	1,493,500	1,538,300
5.	Total Operation & Maintenance	6,716,304	7,023,940	7,447,988	7,899,900	8,078,300	8,260,700	8,446,700	8,637,000

Table W-5

City of Fayetteville
Water Utility
Debt Service on Outstanding Bonds

<u>Year</u>	<u>Principal and Interest</u>		
	<u>Refunding</u>		<u>Total</u>
	<u>Series 1994</u>	<u>Series 1999</u>	
	\$	\$	\$
1999	575,500	176,200	751,700
2000	573,600	698,800	1,272,400
2001	575,600	697,700	1,273,300
2002	576,200	700,400	1,276,600
2003	575,300	698,000	1,273,300

Table W-6

**City of Fayetteville
Water Utility
Currently Scheduled Capital Improvements**

Line No.	Description	Budgeted 1999 \$	2000 \$	2001 \$	2002 \$	2003 \$	Total \$
Funded by City Sales Tax							
1.	Highway 265 - Water/Sewer Relocations	350,000					350,000
2.	Wedington Road - Water/Sewer Relocations						0
3.	Lake Fayetteville Dam Monitor Wells	107,206					107,206
4.	Water & Sewer Cost Sharing	60,937					60,937
5.	Water Improvements - Defined by Study	312,967					312,967
6.	Dickson Street - Water/Sewer Relocations	250,000					250,000
7.	Water and Sewer Operations/Scvs Center	100,000	300,000				400,000
8.	Highway 16 West Water/Sewer Relocation	225,000					225,000
9.	Hyland Park Elevated Water Storage Tank				831,000		831,000
10.	Wilson Park Area Water Relocations					500,000	500,000
11.	Total Funded by City Sales Tax	1,406,110	300,000	0	831,000	500,000	3,037,110
Funded by Water & Sewer Fund							
12.	Highway 265 - Water/Sewer Relocations	1,649,780					1,649,780
13.	SCADA System Upgrade	125,000	200,000	100,000			425,000
14.	Water and Sewer Cost Sharing	86,696	102,500	112,500	117,500	107,500	526,696
15.	Rolling Hills Water Line Replacement	179,519					179,519
16.	Wedington Road - W/S Relocations	4,605					4,605
17.	White River Water Authority - Acq. & Improv.	72,474					72,474
18.	Shenandoah Mobile Home Park - WL Repl.	168,600					168,600
19.	Water Tank Painting - Rogers Dr/Baxter Lane	250,000					250,000
20.	Double Springs Rd. Bridge Water Relocations	60,000					60,000
21.	Hwy. 45 East Pump Station & Elevated Tank	1,192,707					1,192,707
22.	White River Rate Study	15,000					15,000
23.	Water and Sewer Operations/Svcs Center	84,846	352,000				436,846
24.	West Fork Meter Vault Reconstruction	19,940					19,940
25.	East Ridgeway - Water Line Extension		300,000				300,000
26.	36" Water Line Replacement and Protection		100,000	550,000			650,000
27.	Mt. Sequoyah Water/Sewer System Upgrade			202,500	997,500		1,200,000
28.	Huntsville Road - Water Line Repl.			827,000			827,000
29.	Hinkle Mobile Home Park - Water Line Repl.			180,000			180,000
30.	North Central Area Water System Upgrades					951,000	951,000
31.	Mt. Sequoyah Elevated Water Storage Tank					1,100,000	1,100,000
32.	Water Meters	211,476	215,000	253,000	285,000	302,000	1,266,476
33.	Backflow Prevention Assemblies	43,500	13,000	15,000	16,000	17,000	104,500
34.	Water & Sewer Rate/Operations Study	50,000			63,000		113,000
35.	Total Funded by Water & Sewer Fund	4,214,143	1,282,500	2,240,000	1,479,000	2,477,500	11,693,143
36.	Total All Water Projects	5,620,253	1,582,500	2,240,000	2,310,000	2,977,500	14,730,253

Table W-7

**City of Fayetteville
Water Utility
Projected Cash Flow Analysis**

Line No.	Description	Year Ending December 31				
		1999	2000	2001	2002	2003
Operating Fund						
Revenues						
1.	Water Sales Under Existing Rates	10,281,100	10,459,500	10,639,200	10,817,900	10,996,600
2.	Fire Protection Charges	320,000	328,000	336,200	344,600	353,200
3.	Total Revenues Under Existing Rates	10,601,100	10,787,500	10,975,400	11,162,500	11,349,800
Additional Revenues Required						
	Effective Date	Percent Increase	Months Effective			
4.	1999	0%	12	0	0	0
5.	2000	0%	12	0	0	0
6.	2001	0%	12	0	0	0
7.	2002	0%	12		0	0
8.	2003	0%	12			0
9.	Total Additional Revenue	0	0	0	0	0
10.	Total Water Sales Revenue	10,601,100	10,787,500	10,975,400	11,162,500	11,349,800
11.	Interest Income	108,400	80,400	78,300	88,600	91,900
12.	Other Income	212,900	212,900	212,900	212,900	212,900
13.	Total Revenues and Other Income	10,922,400	11,080,800	11,266,600	11,464,000	11,654,600
Revenue Requirements						
14.	Operating Expense	7,899,900	8,078,300	8,260,700	8,446,700	8,637,000
15.	Net Revenue	3,022,500	3,002,500	3,005,900	3,017,300	3,017,600
Debt Service						
16.	Existing Revenue Bonds	751,700	1,272,400	1,273,300	1,276,600	1,273,300
17.	Proposed Revenue Bonds	0	0	0	0	0
18.	Total Debt Service	751,700	1,272,400	1,273,300	1,276,600	1,273,300
19.	Routine Capital Expense	25,000	25,000	25,000	25,000	25,000
20.	Transfer to Capital Project Fund	3,800,000	1,300,000	2,200,000	800,000	2,500,000
21.	Total Revenue Requirements	12,476,600	10,675,700	11,759,000	10,548,300	12,435,300
22.	Net Annual Balance	-1,554,200	405,100	-492,400	915,700	-780,700
23.	Beginning of Year Balance	3,000,000	1,445,800	1,850,900	1,358,500	2,274,200
24.	End of Year Balance	1,445,800	1,850,900	1,358,500	2,274,200	1,493,500
25.	Required Working Balance	1,316,700	1,346,400	1,376,800	1,407,800	1,439,500
Capital Projects Funding						
26.	Funds Available at Beginning of Year	481,300	67,100	84,600	747,800	68,800
27.	Transfer from Operating Fund	3,800,000	1,300,000	2,200,000	800,000	2,500,000
28.	Sales Tax Revenue	1,406,100	300,000	0	831,000	500,000
29.	Interest Income	0	0	3,200	0	0
30.	State of Arkansas Reimbursement	0	0	700,000	0	0
31.	Funds Available for Major Capital Improvements	5,687,400	1,667,100	2,987,800	2,378,800	3,068,800
32.	Major Capital Improvements	5,620,300	1,582,500	2,240,000	2,310,000	2,977,500
33.	End of Year Balance	67,100	84,600	747,800	68,800	91,300
Debt Service Coverage						
34.	Revenue Bond D. S. Coverage (L.15/L.18)	4.02 x	2.36 x	2.36 x	2.36 x	2.37 x
35.	Maximum Revenue Bond Debt Service	1,277,300	1,277,300	1,277,300	1,277,300	1,277,300
36.	Parity Revenue Bond Debt Service Coverage	2.94 x	2.83 x	2.36 x	2.35 x	2.36 x

Wastewater Utility Revenue

The principal source of revenue for the wastewater utility to meet annual costs of service is from charges for service to wastewater customers. Additional revenue is derived from interest income, and other miscellaneous sources.

Sewer Sales Revenue Under Existing Rates

Table S-1 presents a summary of the historical and projected average number of customer accounts. Increases in the number of customers for the wastewater utility are projected to approximate those for the water utility.

Table S-2 presents Historical and Projected Billed Sewage Volume. It is assumed that wastewater volume per customer will remain constant at a level consistent with recent years, after normalizing 1998 to recognize increased volume due to the hot, dry weather experienced that year. The projected increase in sewage volume is related to the anticipated growth in the number of customers.

Historical and Projected Sewer Sales Revenue under existing rates, shown in Table S-3, is based on the estimated number of accounts and the estimated billed sewage volume presented in Tables S-1 and S-2, respectively. Projected revenues are based on current rates which became effective November 1, 1997. Revenues from wastewater service are expected to increase due to the estimated increase in customer numbers and the associated increase in total billed usage.

Other Wastewater Revenue

Revenues from other operating income, consisting of sewer connection fees and other miscellaneous fees and charges, are estimated to total \$138,100 per year. Interest income, calculated at 5 percent of the balances available for investment, is estimated to average approximately \$195,100 per year during the study period.

Wastewater Utility Revenue Requirements

The revenue required to adequately provide for the continued operation of the City's wastewater system must be sufficient to meet the cash requirements of operation and maintenance expenses, principal, interest, and reserve payments on revenue bond indebtedness issued for major capital improvements, recurring minor capital expense, and improvements to the system which are not debt financed. Operation and maintenance expenses include the cost, personnel and materials required to operate and maintain the sewer utility system, plus the costs of metering, billing, collecting, and administrative services. In estimating future costs, historical costs by utility function are projected for the study period recognizing requirements for service and estimated

inflationary increases. Capital costs consist of debt service requirements, cash financing of capital improvements, and operating reserves.

Operation and Maintenance Expenses

Historical and projected operation and maintenance expenses are shown in Table S-4. Major cost items for each program include personnel services, materials and supplies, service and charges, and maintenance. Projected operation and maintenance expenses are based on budgeted 1999 costs adjusted to recognize variances between budgeted and actual expenditures, and an analysis of historical expense trends and anticipated future conditions. Estimated increases in operating costs are primarily due to anticipated inflationary increases, and increases in sewage volumes transported and treated.

Wastewater Utility Debt Service Requirements

Existing debt service requirements, shown in Table S-5, consist of principal and interest on the Water and Sewer System Refunding Revenue Bonds, Series 1999. The Series 1999 Bonds were issued to defease the Water and Sewer System Refunding and Improvement Revenue Bonds, Series 1992. Based on the facilities constructed with the original bond proceeds, 11.2 percent of the annual principal and interest on the Series 1999 bond issue is allocated to the wastewater utility.

Wastewater Utility Major Capital Improvements

The City has developed a multi-year major capital improvement program for the wastewater utility covering its anticipated projects through 2003. A complete listing of currently scheduled capital projects is shown in Table S-6. The approved capital program reflects spent or encumbered monies as well as planned expenditures for each year of the study period. The proposed projects include ultraviolet disinfection, plant pumps and equipment, SCADA system upgrade, wastewater treatment plant engineering and expansion, collection system engineering, and various extensions and relocations. Projected capital expenditures have been adjusted for inflation in later years and are expected to total \$90,909,082 for the study period. It is anticipated these capital expenditures will be funded through sales tax revenues, sales tax bonds, sewer system revenues, and reimbursements from the State of Arkansas for relocation of sewer lines along Highway 265.

Wastewater Utility Minor Capital Expense

Minor capital expenses include small equipment and tools, and other capital related expenditures which occur on a recurring basis each year. Projected minor capital expenditures are \$25,000 per year for the wastewater utility.

Adequacy of Wastewater Revenue under Existing Rates

The pro forma operation statement or cash flow analysis presented in Table S-7 provides a basis for evaluation of the adequacy of revenues under existing rates to meet the projected revenue requirements of the wastewater utility for the period 1999 through 2003. The analysis indicates that no revenue increase is required to meet projected revenue requirements through the study period, based on the City's current capital planning. The City intends to proceed with an election on sales tax bonds in 2000 to finance costs related to the expansion of the wastewater treatment facilities. Should the issuance of sales tax bonds fail to materialize, the City would be faced with the need to raise wastewater rates, as shown in the Appendix, or scale back operating and capital expenditures.

Although the year end balance in the operating fund (Line 22) falls slightly below 60 days of operation and maintenance expenses in 2000, the combined balances of the water and sewer utilities are sufficient to meet bond covenant requirements.

Debt service coverage is shown in Table S-7 for information purposes only, to illustrate the degree to which wastewater utility net revenues cover the debt service designated as the responsibility of the wastewater system. The coverage tests required by the bond ordinance are based on the combined net revenues of the water and wastewater systems and the total water and wastewater debt service. These tests are shown subsequently in the Combined Utilities section of this report.

Capital Projects Funding

Also shown on Table S-7 is a financing plan for the currently scheduled capital improvements which indicates the sources and application of funds to be used to finance the capital improvement program during the period 1999-2003. Funding sources include the use of funds on hand, operating revenue, sales tax revenue, sales tax bonds, and reimbursements from the State of Arkansas.

The beginning of year estimated fund balance of \$34,400 in the Capital Projects Fund at January 1, 1999 (Line 24), represents a portion of the total unencumbered monies available in the Water and Sewer Fund's Capital Projects Fund. The balance of such funds are allocated to the water utility. It is anticipated the City will utilize approximately \$17,900,000 in operating

revenue, \$10,909,300 in City sales tax funds, and \$61,400,000 in sales tax bonds to finance capital improvements over the projection period.

It should be noted that the financing plan shown in Table S-7 does not include operation and maintenance expenses associated with a new wastewater treatment plant. Nor does the financing plan support debt service beyond the amount indicated in the report. Should revenue bonds be required to finance the wastewater treatment plant, revenues would need to be increased accordingly.

Table S-1

**City of Fayetteville
Sewer Utility
Historical and Projected Number of Customers
Average for the Year**

Line No.	Customer Classification	Historical			Projected				
		1996	1997	1998	1999	2000	2001	2002	2003
1.	Construction	126	145	150	150	150	150	150	150
2.	Combination	34	34	39	40	40	40	40	40
3.	Commercial	1,316	1,352	1,372	1,392	1,412	1,432	1,452	1,472
4.	Duplex	134	141	150	155	160	165	170	175
5.	Government	158	158	159	159	159	159	159	159
6.	Industrial	31	31	30	30	30	30	30	30
7.	Multi-Unit	297	294	299	300	300	300	300	300
8.	Non-Profit	93	95	102	106	110	114	118	122
9.	Residential	17,002	17,414	17,856	18,356	18,856	19,356	19,856	20,356
10.	Irrigation	1	1	1	1	1	1	1	1
11.	Total Inside City	19,191	19,664	20,157	20,689	21,218	21,747	22,276	22,805
12.	Farmington	860	974	1,086	1,196	1,306	1,416	1,526	1,636
13.	Greenland	269	279	286	295	304	313	322	331
14.	Growth Area	170	170	169	170	170	170	170	170
15.	White River	0	0	0	0	0	0	0	0
16.	Wheeler	0	0	0	0	0	0	0	0
	Wholesale								
17.	Elkins	1	1	1	1	1	1	1	1
18.	Mt. Olive	0	0	0	0	0	0	0	0
19.	West Fork	0	0	0	0	0	0	0	0
20.	RDA/WWA	0	0	0	0	0	0	0	0
21.	Total Other	1,300	1,424	1,541	1,661	1,780	1,899	2,018	2,137
22.	Total System	20,490	21,088	21,698	22,350	22,998	23,646	24,294	24,942

Table S-2

City of Fayetteville
Sewer Utility
Historical and Projected Billed Sewage Volume
1,000 Gallons

Line No.	Customer Classification	Historical			Projected				
		1996	1997	1998	1999	2000	2001	2002	2003
1.	Construction	22,127	16,863	16,895	17,300	17,300	17,300	17,300	17,300
2.	Combination	3,730	3,670	3,498	4,000	4,000	4,000	4,000	4,000
3.	Commercial	361,024	389,350	383,757	392,400	398,000	403,700	409,300	415,000
4.	Duplex	11,542	11,995	12,646	13,200	13,700	14,100	14,500	14,900
5.	Government	196,838	221,933	240,465	232,100	232,100	232,100	232,100	232,100
6.	Industrial	730,261	695,572	699,969	700,800	700,800	700,800	700,800	700,800
7.	Multi-Unit	321,680	305,140	302,562	307,500	307,500	307,500	307,500	307,500
8.	Non-Profit	14,379	15,444	14,766	16,400	17,100	17,700	18,300	18,900
9.	Residential	1,022,909	1,054,319	1,193,250	1,141,700	1,172,800	1,203,900	1,235,000	1,266,100
10.	Irrigation	793	876	1,125	800	800	800	800	800
11.	Total Inside City	2,685,283	2,715,162	2,868,933	2,826,200	2,864,100	2,901,900	2,939,600	2,977,400
12.	Farmington	59,889	62,887	71,234	80,200	87,500	94,900	102,300	109,700
13.	Greenland	20,845	21,122	21,752	22,400	23,100	23,800	24,500	25,200
14.	Growth Area	9,451	9,018	9,660	9,400	9,400	9,400	9,400	9,400
15.	White River	0	0	0	0	0	0	0	0
16.	Wheeler	0	0	0	0	0	0	0	0
17.	Wholesale								
18.	Elkins	16,807	17,488	18,601	19,000	19,500	20,000	20,500	21,000
19.	Mt. Olive	0	0	0	0	0	0	0	0
20.	West Fork	0	0	0	0	0	0	0	0
21.	RDA/WWA	0	0	0	0	0	0	0	0
22.	Total Other	106,992	110,515	121,247	131,000	139,500	148,100	156,700	165,300
23.	Total System	2,792,275	2,825,677	2,990,180	2,957,200	3,003,600	3,050,000	3,096,300	3,142,700

Table S-3

**City of Fayetteville
Sewer Utility
Historical and Projected Sewer Sales Revenue**

Line No.	Customer Classification	Historical			Projected				
		1996	1997	1998	1999	2000	2001	2002	2003
1.	Construction	56,811	49,621	48,148	49,300	49,300	49,300	49,300	49,300
2.	Combination	12,269	12,033	11,682	13,400	13,400	13,400	13,400	13,400
3.	Commercial	744,461	812,088	863,266	882,700	895,300	908,100	920,700	933,500
4.	Duplex	33,855	36,280	37,444	39,100	40,600	41,700	42,900	44,100
5.	Government	314,510	314,414	342,889	331,000	331,000	331,000	331,000	331,000
6.	Industrial	1,487,160	1,508,698	1,637,944	1,639,900	1,639,900	1,639,900	1,639,900	1,639,900
7.	Multi-Unit	847,921	800,063	762,891	775,300	775,300	775,300	775,300	775,300
8.	Non-Profit	32,891	34,158	35,046	38,900	40,600	42,000	43,400	44,900
9.	Residential	3,505,081	3,632,013	3,726,246	3,565,300	3,662,400	3,759,500	3,856,600	3,953,700
10.	Irrigation	2,149	2,326	2,831	2,000	2,000	2,000	2,000	2,000
11.	Total Inside City	7,037,108	7,201,694	7,468,387	7,336,900	7,449,800	7,562,200	7,674,500	7,787,100
12.	Farmington	303,724	331,626	381,114	429,100	468,100	507,700	547,300	586,900
13.	Greenland	105,867	106,761	113,140	116,500	120,200	123,800	127,400	131,100
14.	Growth Area	50,940	48,179	52,239	50,800	50,800	50,800	50,800	50,800
15.	White River	0	0	0	0	0	0	0	0
16.	Wheeler	0	0	0	0	0	0	0	0
	Wholesale								
17.	Elkins	41,344	40,925	33,482	34,200	35,100	36,000	36,900	37,800
18.	Mt. Olive	0	0	0	0	0	0	0	0
19.	West Fork	0	0	0	0	0	0	0	0
20.	RDA/WWA	0	0	0	0	0	0	0	0
21.	Total Other	501,875	527,491	579,975	630,600	674,200	718,300	762,400	806,600
22.	Total System	7,538,983	7,729,185	8,048,362	7,967,500	8,124,000	8,280,500	8,436,900	8,593,700

Table S-4

**City of Fayetteville
Sewer Utility
Historical and Projected Operation and Maintenance Expenses**

Line No.	Historical				Projected			
	1996	1997	1998	1999	2000	2001	2002	2003
	\$	\$	\$	\$	\$	\$		
1. Sewer Main Maintenance	950,726	999,872	1,070,426	1,127,400	1,161,200	1,196,000	1,231,900	1,268,900
2. Waste Water Treatment Plant	3,312,412	3,441,015	3,734,472	3,771,200	3,884,300	4,000,800	4,120,800	4,244,400
3. Sewer Operations & Administration	941,054	1,010,925	1,057,666	1,106,700	1,139,900	1,174,100	1,209,300	1,245,600
4. Total Operation & Maintenance	5,204,192	5,451,812	5,862,564	6,005,300	6,185,400	6,370,900	6,562,000	6,758,900

Table S-5

City of Fayetteville
Sewer Utility
Debt Service on Outstanding Bonds

<u>Year</u>	<u>Principal and Interest</u>		
	<u>Refunding</u>		<u>Total</u>
	<u>Series 1994</u>	<u>Series 1999</u>	
	\$	\$	\$
1999	0	22,200	22,200
2000	0	88,100	88,100
2001	0	88,000	88,000
2002	0	88,300	88,300
2003	0	88,000	88,000

Table S-6

**City of Fayetteville
Sewer Utility
Currently Scheduled Capital Improvements**

Line No.	Description	Budgeted 1999 \$	2000 \$	2001 \$	2002 \$	2003 \$	Total \$
Funded by City Sales Tax							
1.	Highway 265 - Water/Sewer Relocations	350,000					350,000
2.	Sanitary Sewer Rehabilitation	2,518,342	1,963,000	1,608,000	1,728,000	1,806,000	9,623,342
3.	Water & Sewer Cost Sharing	60,938					60,938
4.	Dickson Street - Water/Sewer Relocations	250,000					250,000
5.	Water and Sewer Operations/Scvs Center	100,000	300,000				400,000
6.	Highway 16 West Water/Sewer Relocation	225,000					225,000
7.	Total Funded by City Sales Tax	3,504,280	2,263,000	1,608,000	1,728,000	1,806,000	10,909,280
Funded by Water & Sewer Fund							
8.	Landscape Maintenance - WWTP	13,956					13,956
9.	Replace Bar Screen	17,400					17,400
10.	Ultraviolet Disinfection System	1,100,000					1,100,000
11.	Safety Equipment Improvements	19,261	6,000	6,000	6,000	6,000	43,261
12.	Plant Pumps and Equipment	98,265	101,000	101,000	101,000	101,000	502,265
13.	Testing Equipment	9,000	9,000	10,000	10,000	10,000	48,000
14.	Computer System Upgrade/Maintenance	8,000	8,000	9,000	9,000	9,000	43,000
15.	Upgrade/Replace Lift Stations	104,465	50,000	50,000	50,000	50,000	304,465
16.	S.M.S. Access Road Improvements	5,000	5,000	5,000	5,000	5,000	25,000
17.	Upgrade/Replace Sludge Dewatering System		400,000				400,000
18.	Highway 265 - Water/Sewer Relocations	1,649,779					1,649,779
19.	SCADA System Upgrade	125,000	200,000	100,000			425,000
20.	Water and Sewer Cost Sharing	86,696	102,500	112,500	117,500	107,500	526,696
21.	Wastewater Treatment Plant Expansion	2,900,000					2,900,000
22.	Wastewater Treatment Plant Engineering	1,000,000					1,000,000
23.	Wastewater Collection System Engineering	1,000,000					1,000,000
24.	WWTP Impact/Development Fee Study	60,000					60,000
25.	Sewer System Study	17,500					17,500
26.	Wedington Road - W/S Relocations	4,605					4,605
27.	Water and Sewer Operations/Scvs Center	84,846	352,000				436,846
28.	Sanitary Sewer Rehabilitation	97,029	700,000	572,000			1,369,029
29.	Mt. Sequoyah Water/Sewer System Upgrade			202,500	997,500		1,200,000
30.	Water & Sewer Rate/Operations Study	50,000			63,000		113,000
31.	Total Funded by Water & Sewer Fund	8,450,802	1,933,500	1,168,000	1,359,000	288,500	13,199,802
Funded by Bond Fund							
32.	Wastewater Treatment Plant Expansion		3,300,000	3,200,000	37,300,000	23,000,000	66,800,000
33.	Total All Sewer Projects	11,955,082	7,496,500	5,976,000	40,387,000	25,094,500	90,909,082

Table S-7

**City of Fayetteville
Sewer Utility
Projected Cash Flow Analysis**

Line No.	Description	Year Ending December 31				
		1999	2000	2001	2002	2003
Operating Fund						
Revenues						
1.	Sewer Sales Under Existing Rates	7,967,500	8,124,000	8,280,500	8,436,900	8,593,700
Additional Revenues Required						
	Effective Date	Percent Increase	Months Effective			
2.	1999	0%	12	0	0	0
3.	2000	0%	12	0	0	0
4.	2001	0%	12	0	0	0
5.	2002	0%	12		0	0
6.	2003	0%	12			0
7.	Total Additional Revenue	0	0	0	0	0
8.	Total Sewer Sales Revenue	7,967,500	8,124,000	8,280,500	8,436,900	8,593,700
9.	Interest Income	512,700	159,800	95,700	102,000	105,200
10.	Other Income	138,100	138,100	138,100	138,100	138,100
11.	Total Revenues and Other Income	8,618,300	8,421,900	8,514,300	8,677,000	8,837,000
Revenue Requirements						
12.	Operating Expense	6,005,300	6,185,400	6,370,900	6,562,000	6,758,900
13.	Net Revenue	2,613,000	2,236,500	2,143,400	2,115,000	2,078,100
Debt Service						
14.	Existing Revenue Bonds	22,200	88,100	88,000	88,300	88,000
15.	Proposed Revenue Bonds	0	0	0	0	0
16.	Total Debt Service	22,200	88,100	88,000	88,300	88,000
17.	Routine Capital Expense	25,000	25,000	25,000	25,000	25,000
18.	Transfer to Capital Project Fund	8,500,000	3,600,000	1,900,000	2,000,000	1,900,000
19.	Total Revenue Requirements	14,552,500	9,898,500	8,383,900	8,675,300	8,771,900
20.	Net Annual Balance	-5,934,200	-1,476,600	130,400	1,700	65,100
21.	Beginning of Year Balance	8,419,600	2,485,400	1,008,800	1,139,200	1,140,900
22.	End of Year Balance	2,485,400	1,008,800	1,139,200	1,140,900	1,206,000
23.	Required Working Balance	1,000,900	1,030,900	1,061,800	1,093,700	1,126,500
Capital Projects Funding						
24.	Funds Available at Beginning of Year	34,400	86,600	56,600	92,200	36,300
25.	Transfer from Operating Fund	8,500,000	3,600,000	1,900,000	2,000,000	1,900,000
26.	Net Sales Tax Bond Proceeds	0	1,600,000	1,800,000	36,600,000	21,400,000
27.	Sales Tax Revenue	3,504,300	2,263,000	1,608,000	1,728,000	1,806,000
28.	Interest Income	3,000	3,500	3,600	3,100	2,100
29.	State of Arkansas Reimbursement	0	0	700,000	0	0
30.	Funds Available for Major Capital Improvements	12,041,700	7,553,100	6,068,200	40,423,300	25,144,400
31.	Major Capital Improvements	11,955,100	7,496,500	5,976,000	40,387,000	25,094,500
32.	End of Year Balance	86,600	56,600	92,200	36,300	49,900
Debt Service Coverage						
33.	Revenue Bond D. S. Coverage (L.13/L.16)	117.70 x	25.39 x	24.36 x	23.95 x	23.61 x
34.	Maximum Revenue Bond Debt Service	143,100	268,600	409,700	3,279,600	4,957,700
35.	Parity Revenue Bond Debt Service Coverage	19.64 x	10.16 x	5.92 x	0.67 x	0.43 x

Combined Water and Wastewater Utilities

The projected cash flow tables for the water utility (Table W-7) and the wastewater utility (Table S-7) are combined in this section to facilitate conducting the coverage tests required by the Bond Ordinance. The combined cash flow statement is shown in Table C-1

The bond ordinances state that system gross revenues shall be at least 110 percent of the amount required to pay operating expenses, principal and interest requirements, any registrar, paying agent, and trustee fees, required deposits to the debt service reserve fund, and required deposits to the renewal and replacement fund. As shown on Line 35 of Table C-1, this annual coverage requirement is met assuming the proposed revenue increases are implemented as indicated.

In addition, the bond ordinances require that prior to issuing parity indebtedness net revenues for each of the two fiscal years preceding issuance of additional parity indebtedness must be no less than 120 percent of the maximum principal and interest requirements on all Bonds and any parity indebtedness then outstanding and the proposed parity indebtedness. Net revenues may be adjusted for rate increases adopted before the additional parity indebtedness are issued. The coverage test for additional revenue bonds is shown on Line 37 of Table C-1. This test is not applicable because no additional revenue bond issues are planned during the study period. This test does point out, however, that revenue increases would be required in the event revenue bonds are used to fund the proposed wastewater treatment plant.

Table C-1

City of Fayetteville
Combined Water and Sewer Utilities
Projected Cash Flow Analysis

Line No.	Description	Year Ending December 31				
		1999	2000	2001	2002	2003
Operating Fund						
Revenues						
1.	Water/Sewer Sales Under Existing Rates	18,248,600	18,583,500	18,919,700	19,254,800	19,590,300
2.	Fire Protection Charges	320,000	328,000	336,200	344,600	353,200
3.	Total Revenues Under Existing Rates	18,568,600	18,911,500	19,255,900	19,599,400	19,943,500
Additional Revenues Required						
	Effective Date	Percent Increase	Months Effective			
4.	1999	0.0%	12	0	0	0
5.	2000	0.0%	12	0	0	0
6.	2001	0.0%	12	0	0	0
7.	2002	0.0%	12		0	0
8.	2003	0.0%	12			0
9.	Total Additional Revenue	0	0	0	0	0
10.	Total Water Sales Revenue	18,568,600	18,911,500	19,255,900	19,599,400	19,943,500
11.	Interest Income	621,100	240,200	174,000	190,600	197,100
12.	Other Income	351,000	351,000	351,000	351,000	351,000
13.	Total Revenues and Other Income	19,540,700	19,502,700	19,780,900	20,141,000	20,491,600
Revenue Requirements						
14.	Operating Expense	13,905,200	14,263,700	14,631,600	15,008,700	15,395,900
15.	Net Revenue	5,635,500	5,239,000	5,149,300	5,132,300	5,095,700
Debt Service						
16.	Existing Revenue Bonds	773,900	1,360,500	1,361,300	1,364,900	1,361,300
17.	Proposed Revenue Bonds	0	0	0	0	0
18.	Total Debt Service	773,900	1,360,500	1,361,300	1,364,900	1,361,300
19.	Routine Capital Expense	50,000	50,000	50,000	50,000	50,000
20.	Transfer to Capital Project Fund	12,300,000	4,900,000	4,100,000	2,800,000	4,400,000
21.	Total Revenue Requirements	27,029,100	20,574,200	20,142,900	19,223,600	21,207,200
22.	Net Annual Balance	-7,488,400	-1,071,500	-362,000	917,400	-715,600
23.	Beginning of Year Balance	11,419,600	3,931,200	2,859,700	2,497,700	3,415,100
24.	End of Year Balance	3,931,200	2,859,700	2,497,700	3,415,100	2,699,500
25.	Required Working Balance	2,317,600	2,377,300	2,438,600	2,501,500	2,566,000
Capital Projects Funding						
26.	Funds Available at Beginning of Year	515,700	153,700	141,200	840,000	105,100
27.	Transfer from Operating Fund	12,300,000	4,900,000	4,100,000	2,800,000	4,400,000
28.	Net Revenue Bond Proceeds	0	1,600,000	1,800,000	36,600,000	21,400,000
29.	Sales Tax Revenue	4,910,400	2,563,000	1,608,000	2,559,000	2,306,000
30.	Interest Income	3,000	3,500	6,800	3,100	2,100
31.	State of Arkansas Reimbursement	0	0	1,400,000	0	0
32.	Funds Available for Major Capital Improvements	17,729,100	9,220,200	9,056,000	42,802,100	28,213,200
33.	Major Capital Improvements	17,575,400	9,079,000	8,216,000	42,697,000	28,072,000
34.	End of Year Balance	153,700	141,200	840,000	105,100	141,200
Debt Service Coverage						
35.	Revenue Bond D. S. Coverage (L.15/L.18)	7.28 x	3.85 x	3.78 x	3.76 x	3.74 x
36.	Maximum Revenue Bond Debt Service	1,420,400	1,545,900	1,687,000	4,556,900	6,235,000
37.	Parity Revenue Bond Debt Service Coverage	4.63 x	4.11 x	3.22 x	1.14 x	0.82 x

Table C-2

City of Fayetteville
Combined Water and Sewer Utilities
Insurance Coverage

Line No.	Carrier (a)	Kind	Coverage \$	Policy Period	
				From	To
1.	Ramsey, Krug, Farrell & Lensing	Water Pump Building	45,000	9/1/98	8/31/99
2.	Ramsey, Krug, Farrell & Lensing	Water Department Equipment Building	231,000	9/1/98	8/31/99
3.	Ramsey, Krug, Farrell & Lensing	Water/Sewer Equipment Shed	62,000	9/1/98	8/31/99
4.	Ramsey, Krug, Farrell & Lensing	Water Booster Station	193,000	9/1/98	8/31/99
5.	Ramsey, Krug, Farrell & Lensing	Water/Sewer Maintenance Office	394,000	9/1/98	8/31/99
6.	Ramsey, Krug, Farrell & Lensing	Water Lift Stations	192,000	9/1/98	8/31/99
7.	Ramsey, Krug, Farrell & Lensing	Water/Sewer Warehouse	609,000	9/1/98	8/31/99
8.	Ramsey, Krug, Farrell & Lensing	Wastewater Lift Stations	3,409,000	9/1/98	8/31/99
9.	Ramsey, Krug, Farrell & Lensing	Wastewater Treatment Plant	22,000,000	9/1/98	8/31/99
10.	Ramsey, Krug, Farrell & Lensing	Sludge Management Site	833,000	9/1/98	8/31/99
11.	Ramsey, Krug, Farrell & Lensing	Water Storage Tanks	4,900,000	9/1/98	8/31/99
12.	Ramsey, Krug, Farrell & Lensing	Water Well Site	25,000	9/1/98	8/31/99
13.	Ramsey, Krug, Farrell & Lensing	Water Pump Stations	47,000	9/1/98	8/31/99

(a) Chubb Insurance is the underwriter

Compliance

In addition to the debt service coverage tests discussed in the preceding section of this report, the bond ordinance contains provisions for the issuance of revenue bonds, the establishment of certain funds, the City's covenant to maintain adequate insurance on the system facilities, and other requirements to protect the interest of the bond holders. This section of the report examines the City's compliance with the provisions of the bond ordinances.

Issuance of Revenue Bonds

The City is authorized under the constitution and laws of the State of Arkansas, including particularly Title 14, Chapter 234, Subchapter 2; Title 14, Chapter 235, Subchapter 2; Title 14, Chapter 164, Subchapter 4; and Title 19, Chapter 9, Subchapter 6 of the Arkansas Code of 1987 annotated to acquire, construct, equip, improve, maintain, operate and repair the system and to issue its revenue bonds to finance capital improvements to the system or to refund any outstanding bonds issued for the purpose of financing such capital improvements.

Establishment of Funds

The Series 1999 bond ordinance provides for the establishment of a Revenue Fund, Operation and Maintenance Fund, Bond Fund, Renewal and Replacement Fund, Debt Service Reserve Fund, and Construction Fund. The ordinance also requires the establishment of two separate accounts in the Bond Fund designated the "Bond Service Account" and the "Redemption Account." Each of these funds is to be maintained as a segregated fund on the records of the City.

Revenue Fund

Gross revenues from the operation of the water and wastewater systems are deposited into the Revenue Fund. Each month the City transfers from the Revenue Fund the following amounts:

1. To the Operation and Maintenance Fund, an amount which will result in a balance equal to the anticipated operating expenses for the next two months.
2. To the Bond Fund, an amount equal to one-sixth of the interest due on the next interest payment date, plus one-twelfth of the principal due on the next principal payment date.

3. To the Debt Service Reserve Fund, an amount at least equal to one-twelfth of any deficiency until the balance in the Debt Service Reserve Fund is equal to the Reserve Fund Requirement.
4. To the Renewal and Replacement Fund, to the extent money is available in the Revenue Fund, at least one-twelfth of the amount necessary to increase the balance to \$300,000.

Any money remaining in the Revenue Fund after the above transfers are made may be used for any lawful purposes by the City.

Operation and Maintenance Fund

Money in the Operation and Maintenance Fund is to be used solely to pay operating expenses. Operating expenses are defined as all ordinary and necessary expenses of operation, repair, maintenance, and insuring of the system.

If in any month the amount transferred to the Operation and Maintenance Fund is less than required, the deficiency is added to the amount required to be transferred the following month.

Bond Fund

Monthly transfers from the Revenue Fund to the Bond Fund are equal to one-sixth of the next interest payment, plus one-twelfth of the next principal payment, after taking into account amounts held in the Bond Fund for the payment of such principal and interest. From the Bond Fund, the trustee pays the amounts required to meet interest and principal payments on the bonds. If there is insufficient money in the Bond Fund to meet the interest and principal payments, the deficiency is made up first from transfers from the Debt Service Reserve Fund, and second from transfers from the Renewal and Replacement Fund.

Renewal and Replacement Fund

The Renewal and Replacement Fund requirement of \$300,000 was met in entirety from funds on deposit for the security of the refunded series 1985 Bonds. Money in the Renewal and Replacement Fund is to be used to pay the costs of necessary repairs or replacements due to depreciation of the system and the costs of damage caused by unforeseen catastrophes.

Debt Service Reserve Fund

The balance in the Debt Service Reserve Fund is to equal the Reserve Fund Requirement. Money in the Debt Service Reserve Fund is to be used as necessary to meet deficiencies in the

Bond Fund. Any money in the Debt Service Reserve Fund which is in excess of the reserve requirement may be transferred back to the Bond Fund.

Construction Fund

Proceeds of bond issues are to be deposited to the credit of the Construction Fund created by the ordinance. When improvement work has been completed, the balance in the Construction Fund not reserved by the City for the payment of improvements shall be transferred to the Bond Fund for the payment of principal and interest or retained in the Construction Fund and used to pay the cost of additional capital improvements. Currently, the City has no money deposited in the Construction Fund.

Fund Establishment Compliance

We have examined the financial statements of the water and wastewater utilities and find that all required funds have been established. Deposits to, and withdrawals from the various funds are in compliance with the bond ordinance.

Insurance

The City has agreed to insure all properties other than mains and lines for the transmission, distribution, or collection of water or wastewater, against loss or damage from fire, lightning, tornado, winds, strike, malicious damage, explosion, and other causes customarily insured against by private companies engaged in a similar type of business. Such insurance is to remain in force as long as any of the bonds are outstanding. Table C-2 summarizes the insurance policies now covering the water and wastewater systems.

Other Covenants

The City is to pay the principal and interest on each Bond and all other indebtedness issued at the places, on the dates and in the manner specified. Such principal, interest and premium will be payable solely from the net revenues.

All payments on the bonds are to be made only through a designated paying agent. The designated paying agent for the 1994 Bonds and the Series 1999 Bonds is the Bank of Oklahoma, N.A., in the City of Tulsa, Oklahoma.

The City is to construct improvements in accordance with plans and specifications approved by the City and required by law.

All bonds paid or purchased either at or before maturity are to be canceled when payment or purchase is made and held by the trustee or the City and are not to be reissued.

The system is to be operated on a fiscal year basis beginning January 1 and ending December 31 of each year. Current audited financial statements reflect such a fiscal year.

The City is to perform all duties with reference to the system required by the Constitution and laws of the State of Arkansas, including charging and collecting reasonable and sufficient rates for services rendered, segregating gross revenues as provided in the ordinances, and applying net revenues to the respective funds and accounts created by the ordinances. Our investigations indicate the City is in compliance with these covenants.

The City is to maintain the system in good condition and operate it in an efficient manner and at a reasonable cost. Maintenance and operation of the system is discussed in detail in the Engineering Evaluation section of this report. While some recommendations have been made as a result of our investigations, it is our opinion that the water and wastewater systems are generally in good working condition. It is also our opinion that the cost of water and wastewater service is reasonable relative to the level of services provided.

No free water service is being provided to any department or agency of the City.

The City may not mortgage, pledge, or otherwise dispose of any substantial portion of the water or wastewater systems or any gross revenues as long as any of the bonds are outstanding. The City has not mortgaged any portion of the water and wastewater systems. The only assets which have been disposed of are those which are regularly replaced at the end of their useful service lives.

In the event the offices of the Mayor, City Clerk or members of the City Council shall be abolished or a vacancy in any office results, all powers conferred and obligations and duties imposed upon such office shall be performed by the succeeding office or officer.

The City is to prepare a budget of proposed system capital costs and operating expenses for each fiscal year of operation. Budgets have been completed as required.

A report on the status of the water and wastewater system's assets and compliance with the terms and provisions of the ordinance is to be prepared by a consulting engineer no less frequently than every three years until the requirement lapses in 2008. A copy of the report is to be delivered to the trustee of the bonds. This report is designed to meet the requirement.

The City is not to take any action which would cause the interest on the bonds to be subject to federal income taxes. To the best of our knowledge, the City is in compliance with this provision.

Table W-7A

**City of Fayetteville
Water Utility
Projected Cash Flow Analysis
Alternative Financing Plan**

Line No.	Description	Year Ending December 31				
		1999	2000	2001	2002	2003
Operating Fund						
Revenues						
1.	Water Sales Under Existing Rates	10,281,100	10,459,500	10,639,200	10,817,900	10,996,600
2.	Fire Protection Charges	320,000	328,000	336,200	344,600	353,200
3.	Total Revenues Under Existing Rates	10,601,100	10,787,500	10,975,400	11,162,500	11,349,800
Additional Revenues Required						
	Effective Date	Percent Increase	Months Effective			
4.	1999	0%	12	0	0	0
5.	2000	0%	12	0	0	0
6.	2001	0%	12	0	0	0
7.	2002	0%	12		0	0
8.	2003	0%	12			0
9.	Total Additional Revenue	0	0	0	0	0
10.	Total Water Sales Revenue	10,601,100	10,787,500	10,975,400	11,162,500	11,349,800
11.	Interest Income	108,400	80,400	78,300	88,600	91,900
12.	Other Income	212,900	212,900	212,900	212,900	212,900
13.	Total Revenues and Other Income	10,922,400	11,080,800	11,266,600	11,464,000	11,654,600
Revenue Requirements						
14.	Operating Expense	7,899,900	8,078,300	8,260,700	8,446,700	8,637,000
15.	Net Revenue	3,022,500	3,002,500	3,005,900	3,017,300	3,017,600
Debt Service						
16.	Existing Revenue Bonds	751,700	1,272,400	1,273,300	1,276,600	1,273,300
17.	Proposed Revenue Bonds	0	0	0	0	0
18.	Total Debt Service	751,700	1,272,400	1,273,300	1,276,600	1,273,300
19.	Routine Capital Expense	25,000	25,000	25,000	25,000	25,000
20.	Transfer to Capital Project Fund	3,800,000	1,300,000	2,200,000	800,000	2,500,000
21.	Total Revenue Requirements	12,476,600	10,675,700	11,759,000	10,548,300	12,435,300
22.	Net Annual Balance	-1,554,200	405,100	-492,400	915,700	-780,700
23.	Beginning of Year Balance	3,000,000	1,445,800	1,850,900	1,358,500	2,274,200
24.	End of Year Balance	1,445,800	1,850,900	1,358,500	2,274,200	1,493,500
25.	Required Working Balance	1,316,700	1,346,400	1,376,800	1,407,800	1,439,500
Capital Projects Funding						
26.	Funds Available at Beginning of Year	481,300	67,100	84,600	747,800	68,800
27.	Transfer from Operating Fund	3,800,000	1,300,000	2,200,000	800,000	2,500,000
28.	Sales Tax Revenue	1,406,100	300,000	0	831,000	500,000
29.	Interest Income	0	0	3,200	0	0
30.	State of Arkansas Reimbursement	0	0	700,000	0	0
31.	Funds Available for Major Capital Improvements	5,687,400	1,667,100	2,987,800	2,378,800	3,068,800
32.	Major Capital Improvements	5,620,300	1,582,500	2,240,000	2,310,000	2,977,500
33.	End of Year Balance	67,100	84,600	747,800	68,800	91,300
Debt Service Coverage						
34.	Revenue Bond D. S. Coverage (L.15/L.18)	4.02 x	2.36 x	2.36 x	2.36 x	2.37 x
35.	Maximum Revenue Bond Debt Service	1,277,300	1,277,300	1,277,300	1,277,300	1,277,300
36.	Parity Revenue Bond Debt Service Coverage	2.94 x	2.83 x	2.36 x	2.35 x	2.36 x

Table S-7A

**City of Fayetteville
Sewer Utility
Projected Cash Flow Analysis
Alternative Financing Plan**

Line No.	Description	Year Ending December 31				
		1999	2000	2001	2002	2003
Operating Fund						
Revenues						
1.	Sewer Sales Under Existing Rates	7,967,500	8,124,000	8,280,500	8,436,900	8,593,700
Additional Revenues Required						
	Effective Date	Percent Increase	Months Effective			
2.	1999	0%	12	0	0	0
3.	2000	16%	12	1,299,800	1,349,900	1,375,000
4.	2001	8%	12	768,400	782,900	797,500
5.	2002	0%	12		0	0
6.	2003	0%	12			0
7.	Total Additional Revenue			0	1,299,800	2,093,300
8.	Total Sewer Sales Revenue			7,967,500	9,423,800	10,373,800
9.	Interest Income			512,700	144,800	81,400
10.	Other Income			138,100	138,100	138,100
11.	Total Revenues and Other Income			8,618,300	9,706,700	10,593,300
Revenue Requirements						
12.	Operating Expense			6,005,300	6,185,400	6,370,900
13.	Net Revenue			2,613,000	3,521,300	4,222,400
Debt Service						
14.	Existing Revenue Bonds			22,200	88,100	88,000
15.	Proposed Revenue Bonds			0	0	0
16.	Total Debt Service			22,200	88,100	88,000
17.	Routine Capital Expense			25,000	25,000	25,000
18.	Transfer to Capital Project Fund			8,500,000	5,200,000	3,650,000
19.	Total Revenue Requirements			14,552,500	11,498,500	10,133,900
20.	Net Annual Balance			-5,934,200	-1,791,800	459,400
21.	Beginning of Year Balance			8,419,600	2,485,400	693,600
22.	End of Year Balance			2,485,400	693,600	1,153,000
23.	Required Working Balance			1,000,900	1,030,900	1,061,800
Capital Projects Funding						
24.	Funds Available at Beginning of Year			34,400	86,600	56,600
25.	Transfer from Operating Fund			8,500,000	5,200,000	3,650,000
26.	Net Sales Tax Bond Proceeds			0	0	0
27.	Sales Tax Revenue			3,504,300	2,263,000	1,608,000
28.	Interest Income			3,000	3,500	0
29.	State of Arkansas Reimbursement			0	0	700,000
30.	Funds Available for Major Capital Improvements			12,041,700	7,553,100	6,014,600
31.	Major Capital Improvements			11,955,100	7,496,500	5,976,000
32.	End of Year Balance			86,600	56,600	38,600
Debt Service Coverage						
33.	Revenue Bond D. S. Coverage (L.13/L.16)			117.70 x	39.97 x	47.98 x
34.	Maximum Revenue Bond Debt Service			143,100	143,100	143,100
35.	Parity Revenue Bond Debt Service Coverage			19.64 x	19.06 x	21.43 x

Table C-1A

City of Fayetteville
Combined Water and Sewer Utilities
Projected Cash Flow Analysis
Alternative Financing Plan

Line No.	Description	Year Ending December 31				
		1999	2000	2001	2002	2003
Operating Fund						
Revenues						
1.	Water/Sewer Sales Under Existing Rates	18,248,600	18,583,500	18,919,700	19,254,800	19,590,300
2.	Fire Protection Charges	320,000	328,000	336,200	344,600	353,200
3.	Total Revenues Under Existing Rates	18,568,600	18,911,500	19,255,900	19,599,400	19,943,500
Additional Revenues Required						
	Effective Date	Percent Increase	Months Effective			
4.	1999	0.0%	12	0	0	0
5.	2000	7.0%	12	1,299,800	1,349,900	1,375,000
6.	2001	3.8%	12	768,400	782,900	797,500
7.	2002	0.0%	12		0	0
8.	2003	0.0%	12			0
9.	Total Additional Revenue	0	1,299,800	2,093,300	2,132,800	2,172,500
10.	Total Water Sales Revenue	18,568,600	20,211,300	21,349,200	21,732,200	22,116,000
11.	Interest Income	621,100	225,200	159,700	191,100	195,400
12.	Other Income	351,000	351,000	351,000	351,000	351,000
13.	Total Revenues and Other Income	19,540,700	20,787,500	21,859,900	22,274,300	22,662,400
Revenue Requirements						
14.	Operating Expense	13,905,200	14,263,700	14,631,600	15,008,700	15,395,900
15.	Net Revenue	5,635,500	6,523,800	7,228,300	7,265,600	7,266,500
Debt Service						
16.	Existing Revenue Bonds	773,900	1,360,500	1,361,300	1,364,900	1,361,300
17.	Proposed Revenue Bonds	0	0	0	0	0
18.	Total Debt Service	773,900	1,360,500	1,361,300	1,364,900	1,361,300
19.	Routine Capital Expense	50,000	50,000	50,000	50,000	50,000
20.	Transfer to Capital Project Fund	12,300,000	6,500,000	5,850,000	4,950,000	6,600,000
21.	Total Revenue Requirements	27,029,100	22,174,200	21,892,900	21,373,600	23,407,200
22.	Net Annual Balance	-7,488,400	-1,386,700	-33,000	900,700	-744,800
23.	Beginning of Year Balance	11,419,600	3,931,200	2,544,500	2,511,500	3,412,200
24.	End of Year Balance	3,931,200	2,544,500	2,511,500	3,412,200	2,667,400
25.	Required Working Balance	2,317,600	2,377,300	2,438,600	2,501,500	2,566,000
Capital Projects Funding						
26.	Funds Available at Beginning of Year	515,700	153,700	141,200	786,400	100,100
27.	Transfer from Operating Fund	12,300,000	6,500,000	5,850,000	4,950,000	6,600,000
28.	Net Revenue Bond Proceeds	0	0	0	34,500,000	19,200,000
29.	Sales Tax Revenue	4,910,400	2,563,000	1,608,000	2,559,000	2,306,000
30.	Interest Income	3,000	3,500	3,200	1,700	1,900
31.	State of Arkansas Reimbursement	0	0	1,400,000	0	0
32.	Funds Available for Major Capital Improvements	17,729,100	9,220,200	9,002,400	42,797,100	28,208,000
33.	Major Capital Improvements	17,575,400	9,079,000	8,216,000	42,697,000	28,072,000
34.	End of Year Balance	153,700	141,200	786,400	100,100	136,000
Debt Service Coverage						
35.	Revenue Bond D. S. Coverage (L.15/L.18)	7.28 x	4.80 x	5.31 x	5.32 x	5.34 x
36.	Maximum Revenue Bond Debt Service	1,420,400	1,420,400	1,420,400	4,125,700	5,631,200
37.	Parity Revenue Bond Debt Service Coverage	4.63 x	4.47 x	4.28 x	1.67 x	1.29 x

Appendix

The pro forma cash flow analysis presented in Table S-7 in the main body of this report is based on the assumption that approval will be received to issue sales tax bonds in 2000. In the event that sales tax bonds are not approved by the electorate, alternative funding sources must be utilized or the City must scale back operating and capital expenditures. This appendix evaluates one potential funding alternative.

Table S-7A assumes that sales tax bonds will not be issued until 2002. Under this scenario, additional revenue increases of 16 percent in 2000 and 8 percent in 2001 are required to meet the projected revenue requirements of the wastewater utility. This scenario assumes the City will utilize approximately \$25,600,000 in operating revenue, \$10,909,300 in City sales tax funds, and \$53,700,000 in sales tax bonds to finance capital improvements over the projection period. The availability of additional sales tax revenues or the issuance of short-term notes could reduce or postpone the indicated revenue increases.

It should be noted that the financing plan shown in Table S-7A does not include operation and maintenance expenses associated with a new wastewater treatment plant. Nor does the financing plan support debt service beyond the amount indicated in the report. Should revenue bonds be required to finance the wastewater treatment plant, the indicated revenue increases would need to be increased accordingly.

The financing plan for the water utility is not dependent on the wastewater utility financing plan. Table W-7A, which is identical to Table W-7 in the main body of this report, is included in this appendix because it is a part of the combined analysis shown in Table C-1A.

July 31, 2001

**AGENDA SESSION
FOR
CITY COUNCIL
AUGUST 7, 2001**

NEW ITEMS:

1. 2001 Audit: Review of the audit for the year ending December 31, 2001.
2. Tracking Systems: A resolution for Tracking Systems International certifying local government endorsement of business to participate in the Advantage Arkansas Program also known as the Arkansas Enterprise Zone Program.
3. Cargo Van: A resolution approving the purchase of a 2001 Ford E-150 Cargo Van for the sum of \$21,164.00 from Ron Blackwell Ford. This unit will be used by the Police Department.

ADDITIONAL INFORMATION:

1. Raven Trail and Gulley Park Trail: additional information for Item A. 2.
2. Gregg Street: Information for Item C. 7.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES** *July 17, 2001 meeting.*
2. **RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
3. **OLD MISSOURI:** A resolution approving amendment number one in the not to exceed amount of \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.

4) *GREEN ST.*

5) *TRACKING SYSTEM. 6) CARGO VAN-*

B. OLD BUSINESS

1. **SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities. *LEFT ON SECOND READING.*
2. **REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days.

LEFT ON FIRST READING.

C. NEW BUSINESS

1. **CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept ~~land~~ ~~and~~ money-in-lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. **RZN 01-10.00:** An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. **RZN 01-11.00:** An ordinance approving rezoning request RZN 01-11.00 submitted by Philip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. **RZN 01-12.00:** An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brain Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the master park plan and the master sidewalk and trail plan.
7. **GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.

Consent

7 AUDIT

**DRAFT TENTATIVE AGENDA
CITY COUNCIL
AUGUST 7, 2001**

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:330 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. APPROVAL OF THE MINUTES

- check to see if separate*
- 2. RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract to Jerry D. Sweetser and approving funding for project contingency and material testing for the projects entitled "Raven Trail and Gulley Park Trail Construction."

- 3. OLD MISSOURI:** A resolution approving change order *amend.?* number one in the not to exceed amount of \$24,947 to the engineering services contract Garver Engineers for additional conceptual designs and cost estimate for improvements to Old Missouri Road from the intersection with Rolling Hills north to Mud Creek Bridge.

B. OLD BUSINESS

- 1. SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities.
- 2. REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days.

B.C. **NEW BUSINESS**

- 1. Cliffs - Swan Sparc wanner.*
- 1. RZ 01-10.00:** An ordinance approving rezoning request RZ 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.

2. **RZ 01-11.00:** An ordinance approving rezoning request RZ 01-11.00 submitted by Philip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City.
4. **RZ 01-12.00:** An ordinance approving rezoning request RZ 01-12.00 submitted by Rob Sharp, on behalf of Brain Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.

5. ~~**THUNDER VALLEY RACE TRACK:** A resolution finding that the Thunder Valley Racetrack is a public nuisance and to request that the city attorney file a suite to enjoin them as a public nuisance.~~

6. ~~**CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept land and money in lieu of park land requirement of the Cliffs Apartments Phase II Development.~~

7. Park master plan 1/4 to (B.T.)
See list.

Consent { 3. - items from CDBG } See
+ Parks } Huge fund.

8). Gregg Street - Hwy dept. - list
widening.

Gregg St. - agent to pay for ROW widening
a amount of utility if

Tuesday agenda ^{seminar} purchase
See ~~date~~ ^{Gregg} Van for police
Benchman.

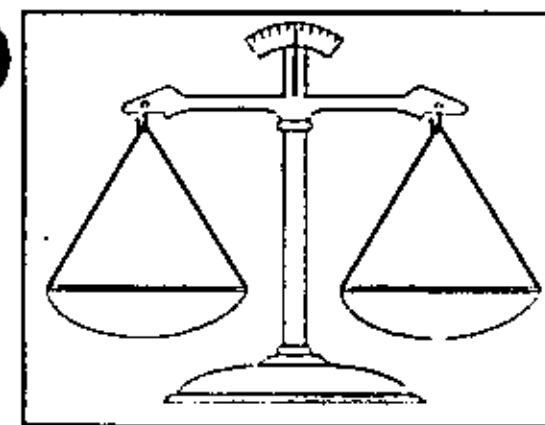
Hwy dept. includes.
Gregg St for turnkey
to by person.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Heather Woodruff, City Clerk

FROM: Kit Williams, City Attorney *KW*

DATE: August 8, 2001

RE: Passed Ordinances and Resolutions from August 7, 2001 meeting

The following Ordinances and Resolutions were passed at the last City Council meeting.

Enclosed are:

- Res. 113 1. Raven & Gulley Park Trail Resolution
- Res. 109 2. Old Missouri (from Rolling Hills to Mud Creek Bridge) Resolution
- Res. 110 3. Gregg Street Resolution
- Res. 111 4. Tracking Systems Resolution
- Res. 112 5. Purchase of Cargo Van Resolution
- ORD. 4327 6. Special Sales Tax Election Ordinance
- ORD. 4328 7. Cliffs Apartments Ordinance
- ORD. 4329 8. RZN 01-10.00 Ordinance
- ORD. 4330 9. RZN 01-12.00 Ordinance

jh
/8-8-01



FINAL AGENDA CITY COUNCIL AUGUST 7, 2001

CITY OF FAYETTEVILLE

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

- AUDIT COMMITTEE REPORT

A. CONSENT AGENDA

1. APPROVAL OF THE MINUTES
2. RAVEN TRAIL AND GULLEY PARK TRAIL: A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
3. OLD MISSOURI: A resolution approving amendment number one, in an amount not to exceed \$24,947 to the engineering services contract with Carver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.
4. GREGG STREET: A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.
5. TRACKING SYSTEMS: A resolution certifying local government endorsement of Tracking Systems to participate in the Advantage Arkansas Program also known as the Arkansas Enterprise Zone Program.
6. CARGO VAN: A resolution approving the purchase of a 2001 Ford E-150 Cargo Van for the sum of \$21,164.00 from Ron Blackwell Ford. This unit will be used by the Police Department.

B. OLD BUSINESS

1. SPECIAL SALES TAX ELECTION: A ordinance calling a special election to decide whether or not to approve a three-fourths cent (3/4¢) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities. The ordinance was left on the second reading.
2. REFERENDUM PETITIONS: An ordinance amending Section 36.15 of the Code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days. The ordinance was left on the first reading.

C. NEW BUSINESS

1. CLIFFS APARTMENTS: An ordinance waiving Ordinance 3793 to accept money-in-lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. RZN 01-10.00: An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. This property is zoned R-1, Low Density Residential and contains approximately 42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. ANX 01-2.00: An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. RZN 01-11.00: An ordinance approving rezoning request RZN 01-11.00 submitted by Phillip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. RZN 01-12.00: An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brian Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. SPECIAL ELECTION: A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the Master Park Plan and the Master Sidewalk and Trail Plan.

Revised Agenda



CITY OF FAYETTEVILLE

FINAL AGENDA

AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

- AUDIT COMMITTEE REPORT

A. CONSENT AGENDA

1. APPROVAL OF THE MINUTES
2. RAVEN TRAIL AND GULLEY PARK TRAIL: A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
3. OLD MISSOURI: A resolution approving amendment number one, in an amount not to exceed \$24,947 to the engineering services contract with Carver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.
4. GREGG STREET: A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.
5. TRACKING SYSTEMS: A resolution certifying local government endorsement of Tracking Systems to participate in the Advantage Arkansas Program also known as the Arkansas Enterprise Zone Program.
6. CARGO VAN: A resolution approving the purchase of a 2001 Ford E-150 Cargo Van for the sum of \$21,164.00 from Ron Blackwell Ford. This unit will be used by the Police Department.

B. OLD BUSINESS

1. SPECIAL SALES TAX ELECTION: A ordinance calling a special election to decide whether or not to approve a three-fourths cent (3/4¢) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities. The ordinance was left on the second reading.
2. REFERENDUM PETITIONS: An ordinance amending Section 36.15 of the Code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days. The ordinance was left on the first reading.

C. NEW BUSINESS

1. CLIFFS APARTMENTS: An ordinance waiving Ordinance 3793 to accept money-in-lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. RZN 01-10.00: An ordinance approving rezoning request RZN 01-10.00 submitted by George Fauette on behalf of James and Judy McDonald, for property located at 461 East Township. This property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. ANX 01-2.00: An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. RZN 01-11.00: An ordinance approving rezoning request RZN 01-11.00 submitted by Phillip Humbird of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. RZN 01-12.00: An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brian Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. SPECIAL ELECTION: A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the Master Park Plan and the Master Sidewalk and Trail Plan.

DAYTON

THE CITY OF FAYETTEVILLE, ARKANSAS
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701-6083

RETURN SERVICE REQUESTED

**PRESORTED
FIRST CLASS**



PB MARET 71101 RT

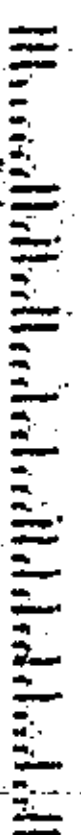
0322

Don & Donna Hendricks
521 East Lafayette

Fayettevil

727042073 1900 07 07/31/01
 SEND TO
 SUNSHINE RD
 VILLE AR 72704-6302
 THE
 NEW
 TO
 SEND
 727042073 1900 07 07/31/01

2020-09-08



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

- 1. APPROVAL OF THE MINUTES**
- 2. RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
- 3. OLD MISSOURI:** A resolution approving amendment number one in the not to exceed amount of \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.

B. OLD BUSINESS

- 1. SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities.
- 2. REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days.

C. NEW BUSINESS

1. **CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept land and money in lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. **RZN 01-10.00:** An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. **RZN 01-11.00:** An ordinance approving rezoning request RZN 01-11.00 submitted by Philip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. **RZN 01-12.00:** An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brain Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the master park plan and the master sidewalk and trail plan.
7. **GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701-6083

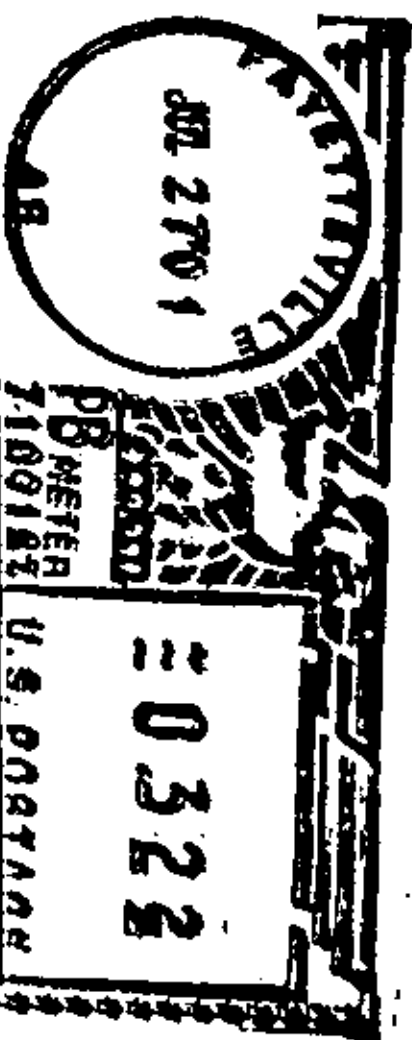
RETURN SERVICE REQUESTED



**NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD**

Bobby & Tammy Covey
1606 Hunter Hill Drive
Van Buren, AR 72956-2076

**PRESORTED
FIRST CLASS**



OK

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

- 1. APPROVAL OF THE MINUTES**
- 2. RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
- 3. OLD MISSOURI:** A resolution approving amendment number one in the not to exceed amount of \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.

B. OLD BUSINESS

- 1. SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities.
- 2. REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days.

C. NEW BUSINESS

1. **CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept land and money in lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. **RZN 01-10.00:** An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. **RZN 01-11.00:** An ordinance approving rezoning request RZN 01-11.00 submitted by Philip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. **RZN 01-12.00:** An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brain Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the master park plan and the master sidewalk and trail plan.
7. **GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL AUGUST 7, 2001

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

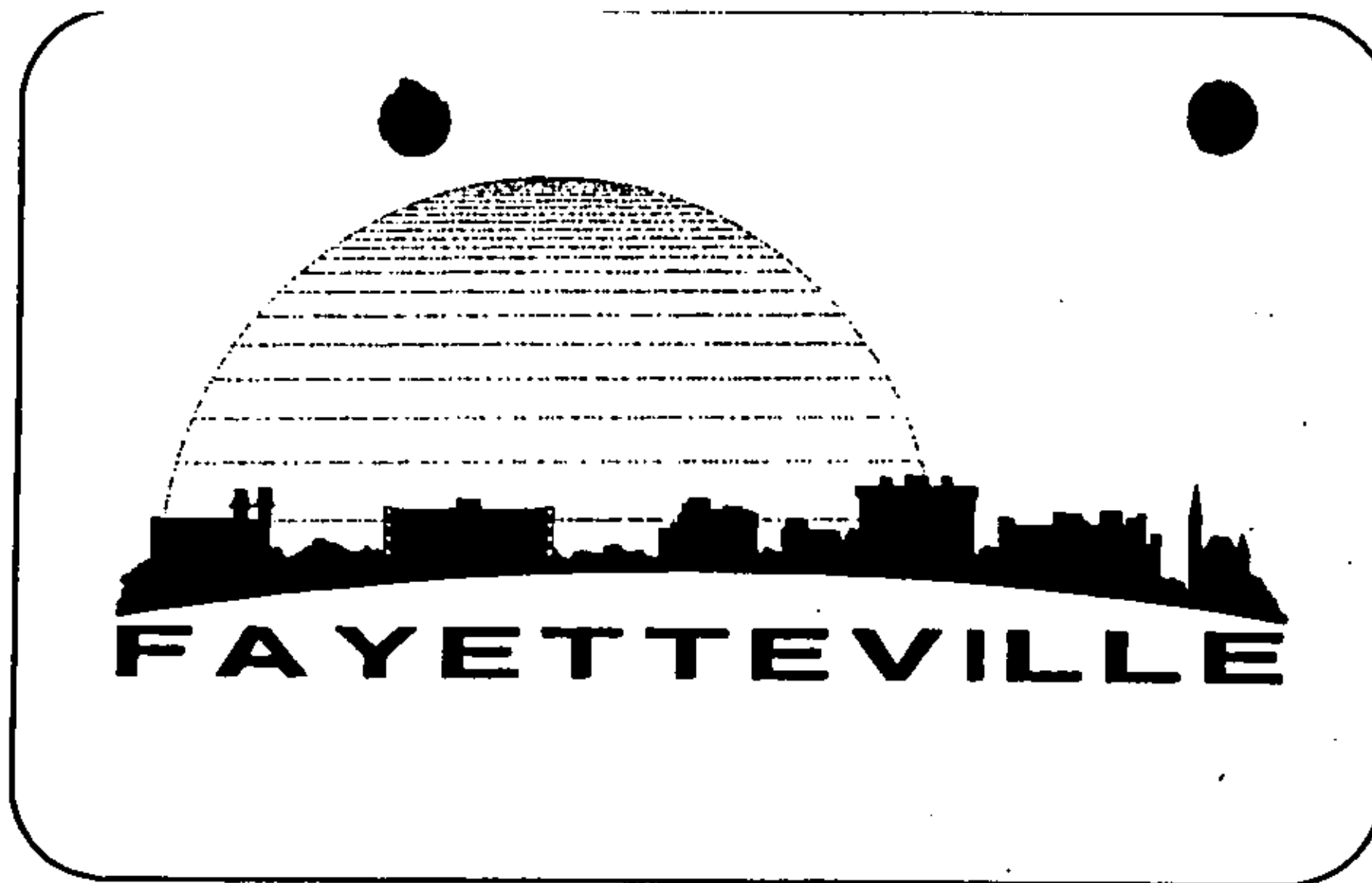
- 1. APPROVAL OF THE MINUTES**
- 2. RAVEN TRAIL AND GULLEY PARK TRAIL:** A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
- 3. OLD MISSOURI:** A resolution approving amendment number one in the not to exceed amount of \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.

B. OLD BUSINESS

- 1. SPECIAL SALES TAX ELECTION:** An ordinance calling a special election to decide whether or not to approve a three-fourths cent ($\frac{3}{4}\%$) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities.
- 2. REFERENDUM PETITIONS:** An ordinance amending Section 36.15 of the code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days.

C. NEW BUSINESS

1. **CLIFFS APARTMENTS:** An ordinance waiving Ordinance 3793 to accept land and money in lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. **RZN 01-10.00:** An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. The property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **ANX 01-2.00:** An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. **RZN 01-11.00:** An ordinance approving rezoning request RZN 01-11.00 submitted by Philip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. **RZN 01-12.00:** An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brain Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. **SPECIAL ELECTION:** A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the master park plan and the master sidewalk and trail plan.
7. **GREGG STREET:** A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.



City of Fayetteville

CITY CLERK'S OFFICE

113 W. Mountain St.
Phone: (501) 575-8323

Fayetteville, AR 72701
Fax #: (501) 718-7695

Fax Cover Sheet

To: Doug Wallace, Display Ads
Company: NWA Times
Fax #: 442-5477
From: Joan Blackard
Date: 08-03-01
Number of Pages (including cover sheet): 3
Notes: Pls. run in NWA Times.
(Monday Paper)

Pls. fax back a proof! Thanks!

If transmission cannot be read clearly, please call back as soon as possible.
Thank you.

A2

Northwest Arkansas Times

**Monday
August 6, 2001**



FINAL AGENDA CITY COUNCIL AUGUST 7, 2001

CITY OF FAYETTEVILLE

A meeting of the Fayetteville City Council will be held on August 7, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

AUDIT COMMITTEE REPORT

A. CONSENT AGENDA

1. APPROVAL OF THE MINUTES
2. RAVEN TRAIL AND GULLEY PARK TRAIL: A resolution awarding the construction contract for Raven Trail and Gulley Park Trail to Jerry D. Sweetser in the amount of \$190,605.50 and approving funding for the project contingency and material testing for the projects.
3. OLD MISSOURI: A resolution approving amendment number one, in an amount not to exceed \$24,947 to the engineering services contract with Garver Engineers for additional conceptual designs and cost estimates for improvements to Old Missouri Road from the intersection of Rolling Hills north to Mud Creek Bridge.
4. GREGG STREET: A resolution agreeing to pay for right-of-way and the movement of utilities, if the Highway Department widens Gregg Street from Township to the Bypass.
5. TRACKING SYSTEMS: A resolution certifying local government endorsement of Tracking Systems to participate in the Advantage Arkansas Program also known as the Arkansas Enterprise Zone Program.
6. CARGO VAN: A resolution approving the purchase of a 2001 Ford E-150 Cargo Van for the sum of \$21,164.00 from Ron Blackwell Ford. This unit will be used by the Police Department.

B. OLD BUSINESS

1. SPECIAL SALES TAX ELECTION: A ordinance calling a special election to decide whether or not to approve a three-fourths cent (3/4¢) sales and use tax to fund the issuance of not to exceed one hundred twenty-five million dollars of Capital Improvement Bonds to finance all or a portion of the acquisition, construction, reconstruction, extending, improving and equipping of wastewater treatment plants, sewerage and related facilities. The ordinance was left on the second reading.
2. REFERENDUM PETITIONS: An ordinance amending Section 36.15 of the Code of Fayetteville to change the number of days allowed for referendum petitions to be filed from thirty-one days to ninety days. The ordinance was left on the first reading.

C. NEW BUSINESS

1. CLIFFS APARTMENTS: An ordinance waiving Ordinance 3793 to accept money-in-lieu of the park land requirement for the Cliffs Apartments Phase II Development.
2. RZN 01-10.00: An ordinance approving rezoning request RZN 01-10.00 submitted by George Faucette on behalf of James and Judy McDonald, for property located at 461 East Township. This property is zoned R-1, Low Density Residential and contains approximately .42 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. ANX 01-2.00: An ordinance approving annexation request ANX 01-2.00 for property located east of Sunshine Road and South of Mount Comfort. The property is in the planning area and contains approximately 14.47 acres. The request is to annex the subject property into the City of Fayetteville.
4. RZN 01-11.00: An ordinance approving rezoning request RZN 01-11.00 submitted by Phillip Humbard of Engineering Services on behalf of Cross Creek Subdivision for property located east of Sunshine Road and South of Mount Comfort Road. The property is zoned A-1, Agricultural, and contains approximately 14.47 acres. The request is to rezone to R-1, Low Density Residential.
5. RZN 01-12.00: An ordinance approving rezoning request RZN 01-12.00 submitted by Rob Sharp, on behalf of Brian Reindl, for property located at 509 West Spring Street. The property is zoned I-1, Heavy Commercial/Light Industrial, and contains approximately 1.91 acres. The request is to rezone to C-3, Central Commercial.
6. SPECIAL ELECTION: A resolution expressing the intent of the City Council to call a special election to dedicate one-quarter cent (.25%) sales and use tax for bonds to fund development of projects toward achieving the goals of the Master Park Plan and the Master Sidewalk and Trail Plan.