

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan



Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

**City of Fayetteville Arkansas
City Council
Meeting Minutes
July 18, 2006**

A meeting of the Fayetteville City Council was held on July 18, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, City Mayor Dan Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor Coody: We have a visitor here today, Brian Lucas who is working on his Boy Scout city government merit badge. Brian has gotten interested in City government since his grandmother Shirley Lucas is on the City Council.

CONSENT:

Approval of the June 27, 2006 Special City Council meeting minutes and the July 6, 2006 City Council meeting minutes.

Approved

Planning Commissioner's Compensation: A resolution approving a Budget Adjustment in the amount of \$21,800.00 for Salaries and Wages expense related to the compensation of Planning Commissioners.

Resolution 124-06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent during the vote.

UNFINISHED BUSINESS:

Raze and Removal at 95 Cleburn Street: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Beacon Flats, LLC located at 95 Cleburn Street in the City of Fayetteville, Arkansas. *This item was Tabled at the July 6, 2006 City Council Meeting to the July 18, 2006 City Council Meeting.*

Yolanda Fields, Community Resources & Code Compliance Director: The property owners have submitted the required documentation to Planning for review so I am requesting that we table this until the first meeting of September.

Alderman Marr moved to table the resolution to the first meeting in September. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent during the vote.

This resolution was tabled to the September 5, 2006 City Council meeting.

NEW BUSINESS:

Improvement District No. 16 – Wellspring: An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District No. 16 – Wellspring.

City Attorney Kit Williams read the Ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent during the vote.

City Attorney Kit Williams read the Ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent during the vote.

City Attorney Kit Williams read the Ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Reynolds was absent during the vote.

Ordinance 4897 as recorded in the office of the City Clerk.

ANX 06-2129 McDonald: An ordinance annexing that property described in annexation petition ANX 06-2129 (CC2005-27, CC2006-7, and CC2006-8), for property located south of Huntsville Road (HWY 16), west of Roberts Road, containing approximately 14.21 acres.

City Attorney Kit Williams read the Ordinance.

Jeremy Pate, Director of Current Planning: This annexation request is for 14 acres south of Huntsville Road. This is owned by five different property owners, the applicant has succeeded in gaining the approval and signatures of those property owners to annex, so this would not create an island. It was originally submitted as a smaller parcel that the applicant wished to develop however it would have created two islands. We recommend that the applicant go back to get those signatures so that it would not create an island. Staff is recommending approval. I would like to add an amendment under section one, *the City Council hereby confirms annexation to the City of Fayetteville, Arkansas that property described in Exhibit A and map labeled Exhibit B attached hereto and make a part hereof.*

Alderman Thiel moved to approve the amendment under section one, *the City Council hereby confirms annexation to the City of Fayetteville, Arkansas that property described in Exhibit A and map labeled Exhibit B attached hereto and make a part hereof.* **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Reynolds** abstained.

Alderman Thiel: I have not had any calls about this and I just want to make sure that the staff hasn't heard any concerns.

Jeremy Pate: We have not. We originally had some comments about the creation of islands because some residents in the area heard that was our policy and we responded accordingly.

Alderman Thiel: It is totally surrounded by the City and it's not that far from Huntsville Road, I don't really have a problem with it.

Alderman Reynolds moved to suspend the rules and go to the second reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the Ordinance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the Ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. **Alderman Cook** voting no.

Ordinance 4898 as recorded in the office of the City Clerk.

ANX 06-2125 Dunnerstock/Foster: An ordinance annexing that property described in annexation petition ANX 06-2125 (CC2006-5), for property located at the north end of 59th Avenue, off Wedington Drive, containing approximately 60.20 acres.

City Attorney Kit Williams read the Ordinance.

Jeremy Pate gave a short description of the proposed annexation. Planning Commission recommended this with a vote of 6-2. Staff is in favor of this proposal.

Alderman Jordan: I wouldn't mind if this went to the second reading but I would like to leave it on the second reading, because I would like Mr. McCord to show this at the Ward 4 meeting.

Jim McCord: Absolutely.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the Ordinance.

This ordinance was left on the second reading.

RZN 06-2126 Dunnerstock/Foster: An ordinance rezoning that property described in rezoning petition RZN 06-2126, from approximately 60.20 acres, located north of Wedington Drive, at the end of 59th, for R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre.

City Attorney Kit Williams read the Ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Ferrell** was absent during the vote.

City Attorney Kit Williams read the Ordinance.

This ordinance was left on the second reading.

VAC 06-2123 Launder: An ordinance approving VAC 06-2123 submitted by John Launder for property located at 1025 Company, vacating 0.06 acre portion of the utility easement located within the subject property.

City Attorney Kit Williams read the Ordinance.

Jeremy Pate gave a brief description of the ordinance. Planning Commission reviewed this and there were no objections to this request. There are some conditions of approval. Staff is recommending approval.

Alderman Thiel: At Agenda Session I asked whether or not this was being utilized as a drainage area for the hillside there and I understand that is not at all. The applicant would like to go through three readings tonight so that he can obtain his building permit and get started.

Alderman Thiel moved to suspend the rules and go to the second reading. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the Ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the Ordinance.

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

Ordinance 4899 as recorded in the office of the City Clerk.

VAC 06-2068 Bio-Based/City of Fayetteville: An ordinance approving VAC 06-2068 submitted by the City of Fayetteville for property located at 1475 Cato Springs Road, vacating un-constructed right-of-way within the subject property in association with an approved large scale development for Bio-Based.

City Attorney Kit Williams read the Ordinance.

Jeremy Pate gave a brief description of the vacation. Planning Commission voted unanimously to vacate these rights of way and staff is recommending approval.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Reynolds: Let's just leave it on the second reading; there is something I would like to check on first, that involves the property south of this.

Ray Boudreaux, Aviation and Economic Developer Director: Our extension to close the sale for that property is good for the 27th of July. This has been going through staff for sometime now. I would like to see this approved tonight.

Mayor Coody: Alderman Reynolds's had some concerns of the property south of that.

Alderman Reynolds: When this thing went through, we guaranteed them that they would have a sewer line through there. I haven't seen anything to show that.

Ray Boudreaux: I am pretty sure that was agreed to in the original agreement. This has to do with old roads that we need vacated.

Mayor Coody: The sewer lines and road way are different easements.

Alderman Thiel: Is that one of the conditions of the approval?

Alderman Cook: Letter F, does that not cover that?

Jeremy Pate: There are a number of conditions there, they start on page 9 of 16, A through G on condition one. Letter F does actually describe a utility easement and extension of utilities at time of development for this property.

Alderman Reynolds moved to reconsider VAC 06-2068 Bio-Based/City of Fayetteville. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Alderman Reynolds: Thanks for clearing that up.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 4900 as recorded in the office of the City Clerk.

Amend Chapter 34, Cost Share Exemptions: An ordinance amending Chapter 34, Article II of the Code of Fayetteville, to exempt Cost Share agreements for Infrastructure Improvements from the requirements of §34.23.

City Attorney Kit Williams read the Ordinance.

Kit Williams, City Attorney: State Law requires that any services or contracts in excess of \$20,000 must be competitively bid, unless this City Council by ordinance waives it. However, below \$20,000 the State law says that the City Council can make the rules for how you want the purchases to be handled. There is one new section in here; everything else is the same except for Subsection B which talks about cost-share agreements. I have proposed this amendment so that you will still see these cost-shares, they will come through as a resolution to approve the contract, but you won't have to waive competitive bidding.

Alderman Cook: These will still come through the committees?

Kit Williams: There would be no change. The only change would be if we had an ordinance or a resolution to present to the City Council.

Alderman Jordan: That was my understanding also.

Alderman Rhoads: If it is a cost-share agreement, it doesn't matter if it is over \$20,000?

Kit Williams: If it is over \$20,000, then you don't set the rules; the State sets the rules and we still have to have a waiver because that's what State law says.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the Ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the Ordinance.

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

Ordinance 4901 as recorded in the office of the City Clerk.

Duncan Associates Water and Sewer Impact Fees Phase 2: A resolution approving the first contract amendment with Duncan Associates in the amount of \$110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington, and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries; and approving a budget adjustment.

Tim Conklin, Planning and Program Development Director: At Agenda Session you asked whether or not the cities would be willing to pay ahead of time, prior to the Impact Fee Study being completed. I did speak with the Mayor's of those three cities and they did indicate for us to send them an invoice, so I do have a verbal agreement. All three cities have agreed to participate to have Duncan and Associates look at the system that they own. For Elkins, it's both the water and sewer systems, for Farmington and Greenland; it's the sewer system that they own, so the prices are different. Elkins will be paying \$25,000.00, the cities of Farmington and Greenland will be paying \$15,000.00, and the City of Fayetteville will be paying \$55,000.00. That includes an update to our existing water and wastewater fee and it expands it into the actual collection system which includes the force mains and lift stations. We expect this study to take approximately 6 to 7 months to complete. We will be starting the project off in the first part of August if you approve this contract this evening. You are also approving a budget adjustment. The project will be managed by the City of Fayetteville, with all meetings held here and the three communities invited.

Alderman Ferrell: This would include a study of force mains and lift stations, in the rate study before, was that not part of it?

Tim Conklin: On the wastewater side the impact fee was based on the Wastewater Treatment Plant only, it did not include the collection system.

Alderman Jordan moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 125-06 as recorded in the office of the City Clerk.

Brasfield & Gorrie, LLC: A resolution approving a construction contract with Brasfield & Gorrie, LLC in the amount of \$6,130,000.00 to construct the Hamestring Sewer Lift Station, WL-6; approving a four percent (4%) contingency in the amount of \$245,000.00; and approving a budget adjustment in the amount of \$5,100,000.00.

Alderman Cook: We looked at this at the Water and Sewer Committee meeting and I think we all unanimously agreed on the contract. We also discussed the funding on this, part of this funding is coming out of the fund balance or cash balance that we have. We talked about using some of that money for our project; \$5 million of this is coming directly out of that.

Alderman Cook moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 126-06 as recorded in the office of the City Clerk.

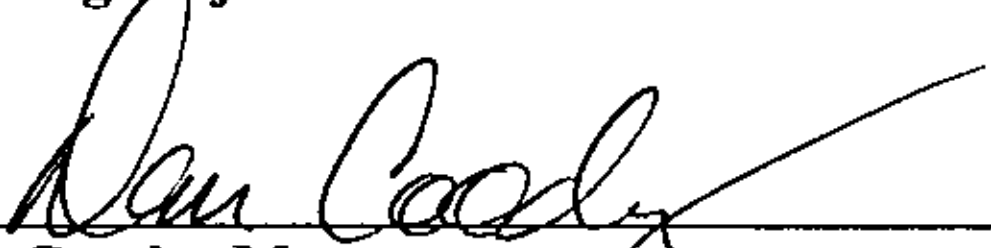
Amend §166.05 of the UDO - Large Scale Development: An ordinance to amend §166.05 Large Scale Development of the Unified Development Code by adding Subsection (7) (e) to allow consideration of a Development's Economic Benefit.

Alderman Ferrell: I would like to ask that we table this indefinitely. When I brought this forward and asked other Councilmen to support it and sign on, there was no intent to aggravate a situation. I feel that this is too soon, so I respectfully would like to table indefinitely.

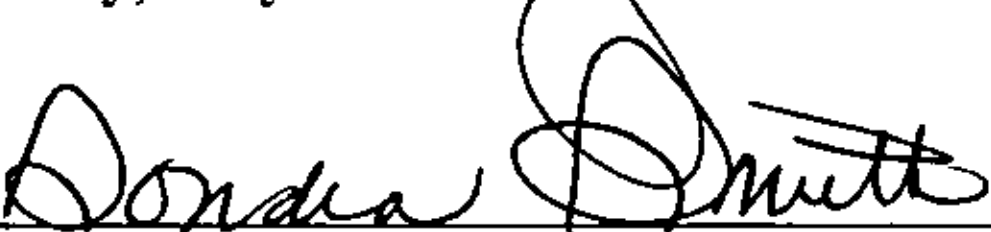
Alderman Ferrell moved to table the ordinance indefinitely. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0 with Alderman Reynolds absent during the vote.

This ordinance was tabled indefinitely.

Meeting Adjourned at 6:40PM.



Dan Coody, Mayor



Sondra Smith, City Clerk/Treasurer