

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
February 19, 2008**

A meeting of the Fayetteville City Council will be held on February 19, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the February 5, 2008 City Council meeting minutes. **APPROVED.**
2. **Washington County Interlocal Agreement:** A resolution to approve an Interlocal Agreement with Washington County so that the county may continue to monitor and manage Community Sewer Systems that have been annexed into Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 22-08.

3. **Garney Companies Cost-Share:** A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$376,060.48 to contract with Garney Companies, Inc. as Fayetteville's share of construction of the Farmington Sewer Force Main, WSIP subproject WL-11, Bid # 08-01; and approving a 10% contingency in the amount of \$37,500.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 23-08.

4. **Redford Construction, Inc Cost-Share:** A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$66,296.34 to contract with Redford Construction, Inc. as Fayetteville's share of construction of the Farmington gravity sewer line, WSIP subproject WL-10, Bid # 08-01; and approving a 10% contingency in the amount of \$7,000.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 24-08.

5. **Bid # 08-03 Kim Construction Company, Inc:** A resolution awarding Bid # 08-03 and approving a contract with Kim Construction Company, Inc. in the amount of \$1,501,102.00 for construction of manhole rehabilitation, basins I-15, W-02, W-05, W-06 & W-13; and approving a contingency in the amount of \$75,000.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 25-08.

6. **Bids # 08-05 – # 08-13 and Bid # 08-29 Bulk Construction Materials:** A resolution awarding Bids # 08-05 - # 08-13 and Bid # 08-29 and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,516,486.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 26-08.

7. **Bid # 08-15 Six Pedestrian Bridges:** A resolution awarding Bid # 08-15 and approving the purchase of six (6) prefabricated weathering steel pedestrian bridges from Thompson Culvert Company in the amount of \$189,520.00 plus all applicable taxes for Scull Creek Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 27-08.

8. **Bid # 08-16 Six Trail Bridges:** A resolution awarding Bid # 08-16 and approving a contract with Kinco Contractors, LLC in the amount of \$240,784.72 for the installation of six (6) trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$36,117.71.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 28-08.

9. **Landers Ford, One Sedan:** A resolution approving the purchase of one (1) Ford Fusion from Landers Ford of Benton through the state vehicle purchase contract in the amount of \$14,195.00 for use by the Parks & Recreation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 29-08.

10. **Landers Ford, Eight Trucks:** A resolution approving the purchase of eight (8) Ford Trucks from Landers Ford through the state vehicle purchase contract in the amount of \$113,471.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 30-08.

11. **Landers Chevrolet, Two Trucks:** A resolution approving the purchase of two (2) ½-ton extended cab 4WD pickup trucks from Landers Chevrolet of Benton through the state vehicle purchase contract in the amount of \$39,888.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 31-08.

12. **Bale Chevrolet, One Passenger Van:** A resolution approving the purchase of one (1) Chevrolet 15-passenger van from Bale Chevrolet of Little Rock through the state vehicle purchase contract in the amount of \$21,322.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 32-08.

13. **Mobile Vision Inc:** A resolution approving the purchase of twenty-eight (28) digital in-car video systems pursuant to the bid waiver granted in Ordinance No. 4551, from Mobile Vision Inc. in the amount of \$148,592.15; and approving a budget adjustment in the amount of \$11,593.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 33-08.

14. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution to approve a budget adjustment in the amount of \$100,000.00 to recognize revenue from an Arkansas Parks and Tourism Outdoor Recreation Grant.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 34-08.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals: A resolution to approve the hiring of one replacement employee.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 35-08.

2. **Hobson, Inc. Appeal:** An ordinance rezoning a portion of property described in rezoning petition RZN 07-2667, for approximately 1.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting. This*

ordinance was left on the Second Reading at the February 5, 2008 City Council meeting.

THIS ITEM FAILED AFTER THE THIRD READING OF THE ORDINANCE.

3. **R-PZD 07-2680 (Arcadian Court):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting. This ordinance was Tabled indefinitely at the October 2, 2007 City Council meeting.*

THIS ITEM FAILED AFTER THE THIRD READING OF THE ORDINANCE.

C. New Business:

1. **General Improvement Fund Grant:** A resolution authorizing the Aviation & Economic Development Department to apply for a General Improvement Fund Economic Development Infrastructure Grant in the amount of \$250,000.00 for the creation of an Aerospace & Technology Park east of Drake Field.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 36-08.

2. **RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General.

THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.

3. **VAC 07-2743 (Advanced Auto Parts):** An ordinance approving VAC 07-2743 submitted by Freeland-Kauffman and Fredeen, Inc. for property located at South School Avenue, just south of O'Reilly's Automotive to vacate a portion of a utility easement, a total of 2,419.62 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5110.

4. **VAC 07-2888 (Clabber Creek III Lot 103):** An ordinance approving VAC 07-2888 submitted by Northstar Engineering Consultants, Inc. for property located at Lot 103, Clabber Creek Phase III, to vacate a portion of a utility easement on the south side of the subject property, a total of 54 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5111.

5. **King Electrical Contractors:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with King Electrical Contractors in the amount of \$165,000.00 for electrical work associated with the Fayetteville Square Improvements.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5112.

- 6. Beaver Watershed Management Plan:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving an agreement with the Northwest Arkansas Community Foundation (NWACF) in the amount of \$10,000.00 for development of the Beaver Watershed Management Plan.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5113.

- 7. 2007 Rebudgets:** A resolution approving a budget adjustment to reappropriate \$107,975,386.00 for on-going capital and grant funded projects and to approve reductions in this amount from year end finalization of the 2007 budget.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 37-08.

- 8. Southpass Development LLC:** A resolution to grant approval to allow Southpass Development LLC to submit a Planned Zoning District (PZD) to the City of Fayetteville prior to annexation into the city pursuant to §166.06 (A) (1) of the Unified Development Code.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 38-08.

- 9. Reconsideration of Part-time Park Patrol Officer:** A resolution to amend Resolution No. 20-08 to remove the approval to hire a replacement part-time park patrol officer.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 39-08.

Announcements:

- 1. City Council Tour: None**

Adjournment: MEETING ADJOURNED AT 8:40 P.M.

Subject: Roll					
Motion To:					
Motion By:					
Seconded:					
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	Absent ✓ until 6:20 PM			
	Ferrell	✓			
	Mayor Coody	✓			

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Cook			
Minutes were Approved	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
passed 22-08 to 34-08	Cook	✓			
	Allen	✓			
	Rhoads	absent during the vote.			
	Ferrell	✓			
	Mayor Coody				

City Council Meeting February 19, 2008

Subject: Hiring Freeze - Dispatcher (1)					
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Cook			
B.1. Unfinished Business	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
<u>Approved</u> 35-08	Cook	✓			
	Allen	✓			
	Rhoads	Absent during the vote.			
	Ferrell	✓			
	Mayor Coody				

7-0

Subject: Hobson, Inc. Appeal					
Motion To:		3rd Read	Pass		
Motion By:		Jordan			
Seconded:		Cook			
B.2. Unfinished Business	Lucas	✓	N		
	Jordan	✓	N		
	Gray	✓	N		
	Thiel	✓	N		
<u>Failed</u>	Cook	✓	N		
	Allen	✓	N		
	Rhoads	Absent during the vote.	N		
	Ferrell	✓	✓		
	Mayor Coody				

7-0

1-7

Subject: R-PZD 07-2680 Arcadian Court					
Motion To:		3rd Read	Pass		
Motion By:		Cook			
Seconded:		Allen			
B.3. Unfinished Business	Lucas	✓	N		
	Jordan	✓	N		
	Gray	✓	✓		
	Thiel	✓	N		
<u>Failed</u>	Cook	✓	N		
	Allen	✓	N		
	Rhoads	✓	N		
	Ferrell	✓	✓		
	Mayor Coody				

8-0

2-6

Subject: General Improvement Fund Grant					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Ferrell			
C.I. New Business	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
<u>Passed</u> 36-08	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

8-0

City Council Meeting February 19, 2008

Subject: RZN 07-2889 (Cooper)					
Motion To:		2nd Read			
Motion By:		Cook			
Seconded:		Ferrell			
C.2. New Business	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
<u>Left on the Second Reading</u>	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

8-0

Subject: VAC 07-2743 Advanced Auto Parts					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C.3. New Business	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
<u>Passed</u> 5110	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	Absent during the vote.	✓	✓	
	Ferrell	Absent during the vote.	✓	✓	
	Mayor Coody				

6-0

8-0

8-0

Subject: VAC 07-2888 Clabber Creek III Lot 103					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Ferrell	Ferrell		
C.4. New Business	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
Passed 5111	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: King Electrical Contractors					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Rhoads		
Seconded:		Gray	Gray		
C.5. New Business	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
Passed 5112	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: Beaver Watershed Management Plans					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Thiel		
C.6 New Business	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
<u>Passed</u> 5/13	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: 2007 Rebudgets					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Thiel			
C.7. New Business	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
<u>Passed</u> 37-08	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				
		8-0			

Subject: Southpass Development LLC.					
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Thiel			
C. 8: New Business <u>passed</u> 38-08	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

8-0

Subject: Part-time Park Patrol (Motion to Re-Consider)					
Motion To:		Motion to Re-Consider		Maintain the position	
Motion By:		Ferrell		Thiel	
Seconded:		Lucas		Gray	
Added back from 2/5/08 Meeting. 39-08	Lucas	✓		N	
	Jordan	✓		N	
	Gray	N		✓	
	Thiel	N		✓	
	Cook	✓		N	
	Allen	✓		N	
	Rhoads	✓		✓	
	Ferrell	✓		N	
	Mayor Coody				

6-2

3-5

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



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subproject WL-11, Bid # 08-01; and approving a 10% contingency in the amount of \$37,500.

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6. **Bids # 08-05 – # 08-13 and Bid # 08-29 Bulk Construction Materials:** A resolution awarding Bids # 08-05 - # 08-13 and Bid # 08-29 and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,516,486.00.
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- 14. Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution to approve a budget adjustment in the amount of \$100,000.00 to recognize revenue from an Arkansas Parks and Tourism Outdoor Recreation Grant.

B. Unfinished Business:

- 1. Hiring Freeze:** Hiring Freeze Appeals:
- 2. Hobson, Inc. Appeal:** An ordinance rezoning a portion of property described in rezoning petition RZN 07-2667, for approximately 1.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2008 City Council meeting.*
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- 8. Southpass Development LLC:** A resolution to grant approval to allow Southpass Development LLC to submit a Planned Zoning District (PZD) to the City of Fayetteville prior to annexation into the city pursuant to 166.06 (A) (1) of the Unified Development Code.

Announcements:

- 1. City Council Tour: None**

Adjournment:



Revised 2/12/08
AH

City Council Agenda Item

A.6 City Council

2/19/08
Meeting

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Terry Gulley, Transportation Manager

Date: February 19, 2008

Subject: A resolution awarding Bids 08-05 - 08-13 and Bid 08-29 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

Recommendation: Staff recommends a resolution awarding Bid 08-05 – Bid 08-13 and Bid 08-29 for and approving the purchase of bulk construction materials and services, utilized by various divisions of the City of Fayetteville, in the estimated amount of \$3,516,486.00.

Background: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2008 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Discussion: Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, asphalt and aggregate materials, bricks, and truck hauling services were publicly read and the results are attached to this memo.

Bid 08-05: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

Bid 08-06: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 08-07: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

Bid 08-08: Staff recommends awarding the topsoil bid to S & R Trucking, as the primary supplier with the option to utilize other bidders based on price and availability, in the order as follows: Sherman Wiles, Wiles Construction, Les Rogers, Central Group, LLC and Sweetser Construction.

Bid 08-09: Staff recommends awarding the hillside gravel bid to McClinton-Anchor for materials picked up by City staff and S & R Trucking for delivered materials.

Bid 08-10: Staff recommends awarding the concrete bid to Tune Concrete Company, as the primary supplier, and Beaver Lake Concrete as a secondary supplier, for use on an "as needed" basis, in the

event that Tune Concrete Company cannot supply the necessary materials within the time frame required to complete a project. Tune Concrete Company has the lowest unit price bid and the lowest total bid, after deducting the price of portland cement from their total, which provides an accurate price comparison, as no other supplier bid on this item.

Bid 08-11: Staff recommends awarding the asphalt and aggregate materials bid to Kiewit Southern Co. as the primary supplier for asphalt material purchases, McClinton-Anchor for asphalt milling sales, and Northwest Arkansas Quarries, LLC for aggregate material purchases. Staff recommends utilizing McClinton-Anchor as the secondary supplier for asphalt and aggregate purchases, for use on an "as needed" basis, in the event that Kiewit Southern Co. cannot supply the necessary materials in the time frame required to complete a project. Kiewit Southern Company has the lowest unit price and overall bid for asphalt materials.

Bid 08-13: Staff recommends awarding the Truck Hauling Services to Sweetser Construction, Inc. as the primary supplier with the option to utilize other bidders based on price and availability, in the order as follows: Patricks Trucking, Doss Construction / Trucking, Roll Off Service, Inc., Northwest AR Trucking, S & R Trucking, Les Rogers, Inc., and Central Group, LLC.

Bid 08-29: Staff recommends awarding the bricks bid to ABC – Central Block.

Budget Impact: Funds for the acquisition of these materials and services have been budgeted in the Trail Development, In-House Pavement Improvements, Sidewalk Improvements, Scull Creek Trail Corridor, and Transportation Bond Street Improvements Capital Projects. Sufficient funding is available for the 2008 purchases.

Attached: Bid 08-05 Thermal Striping
 Bid 08-06 Reflectorized Paint Markings
 Bid 08-07 Curb and Gutter
 Bid 08-08 Topsoil
 Bid 08-09 Hillside Gravel
 Bid 08-10 Concrete
 Bid 08-11 Asphalt and Aggregate
 Bid 08-13 Truck Hauling Services
 Bid 08-29 Bricks

City of Fayetteville Staff Review Form

A.7.
Bid # 08-15 Six Pedestrian Bridges
Page 1 of 8City Council Agenda Items
and
Contracts, Leases or Agreements

2/19/2008

City Council Meeting Date
Agenda Items OnlyMatt Mihalevich
Submitted ByEngineering
DivisionOperations
Department

Action Required:

Approval of the purchase of 6 prefabricated weathering steel pedestrian bridges under Bid #08-15 from
in the amount of \$ for Scull Creek Trail.

Cost of this request

\$ 790,547.75

Category / Project Budget

Transportation Bond Trail Improvements

Program Category / Project Name

4520-9520-5814.05

\$ 52,972.75

Account Number

Funds Used to Date

Trail Improvements

Program / Project Category Name

06036 / 1

\$ 737,575.00

Project Number

Remaining Balance

Sales Tax 2006A Construction Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

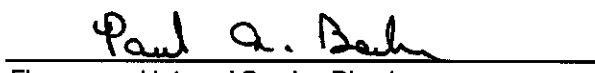
 1-31-08
 Department Director Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


 2-1-08
 City Attorney Date


 2-7-08
 Finance and Internal Service Director Date
Received in City
Clerk's OfficeENTERED
1/31/08

 2/5/08
 Mayor Date
Received in
Mayor's OfficeENTERED
2/4/08

Comments:

City of Fayetteville Staff Review Form

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

2/19/2008

City Council Meeting Date
 Agenda Items Only

Matt Mihalevich
Submitted By

Engineering
Division

Operations
Department

Action Required:

Approval of the purchase of 6 prefabricated weathering steel pedestrian bridges for Scull Creek Trail under Bid #08-15 from Thompson Culvert Company in the amount of \$189,520.00 plus all applicable taxes.

\$ 207,050.60

Cost of this request

\$ 790,547.75

Category / Project Budget

Transportation Bond Trail Improvements

Program Category / Project Name

4520-9520-5814.05

Account Number

\$ 52,972.75

Funds Used to Date

Trail Improvements

Program / Project Category Name

06036 / 1

Project Number

\$ 737,575.00

Remaining Balance

Sales Tax 2006A Construction Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City
 Clerk's Office

Finance and Internal Service Director

Date

Received in
 Mayor's Office

Mayor

Date

Comments:



City Council Meeting of February 19, 2008
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, City Engineer

From: Matt Mihalevich, Trails Coordinator

Date: February 1, 2008

Subject: Scull Creek Trail Bridges – Equipment Only, Bid #08-15

RECOMMENDATION

Approval of the purchase of 6 prefabricated weathering steel pedestrian bridges for Scull Creek Trail under Bid #08-15 from Thompson Culvert Company in the amount of \$189,520.00 plus all applicable taxes.

BACKGROUND

As construction of Scull Creek Trail continues to progress, a total of 6 pedestrian trail bridges are necessary to complete the trail from Mud Creek Trail south to Frisco Trail. In an effort to reduce cost, the fabrication and delivery of the bridges was bid directly by the City as Bid #08-15 and will be delivered to the individual bridge sites to be installed by a contractor of Bid #08-16 (Scull Creek Trail Bridges – Installation). The individual bridges and lengths are listed below.

<u>Bridge Name</u>	<u>Span Length</u>
CMN Bridge	62 feet
Ash St. Bridge	64 feet
Sycamore St. Bridge	38 feet

<u>Bridge Name</u>	<u>Span Length</u>
Bernice Dr. Bridge	50 feet
Cleveland St. Bridge	50 feet
Frisco St. Bridge	80 feet

DISCUSSION

The style of bridges will match the recently installed Town Branch Trail Bridge (see photo below). The bridges will be fabricated from Weathering Steel (also known as COR-TIN Steel). This type of steel alloy will rust on the outside while forming a protective layer that will never require painting or any maintenance.

The fabrication of the bridges was advertised on January 17th, 2008 as bid number 08-15 with official bids on February 8th, 2007. The official bid tab will be attached.

BUDGET IMPACT

Funds for the manufacture of the bridges outlined above have been budgeted as part of the Transportation Trail Improvements Program. Sufficient funding is available for these purchases.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-15 AND APPROVING THE PURCHASE OF SIX (6) PREFABRICATED WEATHERING STEEL PEDESTRIAN BRIDGES FROM THOMPSON CULVERT COMPANY IN THE AMOUNT OF \$189,520.00 PLUS ALL APPLICABLE TAXES FOR SCULL CREEK TRAIL.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-15 and approves the purchase of six (6) prefabricated weathering steel pedestrian bridges from Thompson Culvert Company in the amount of \$189,520.00 plus all applicable taxes for Scull Creek Trail.

PASSED and APPROVED this 19th day of February, 2008.

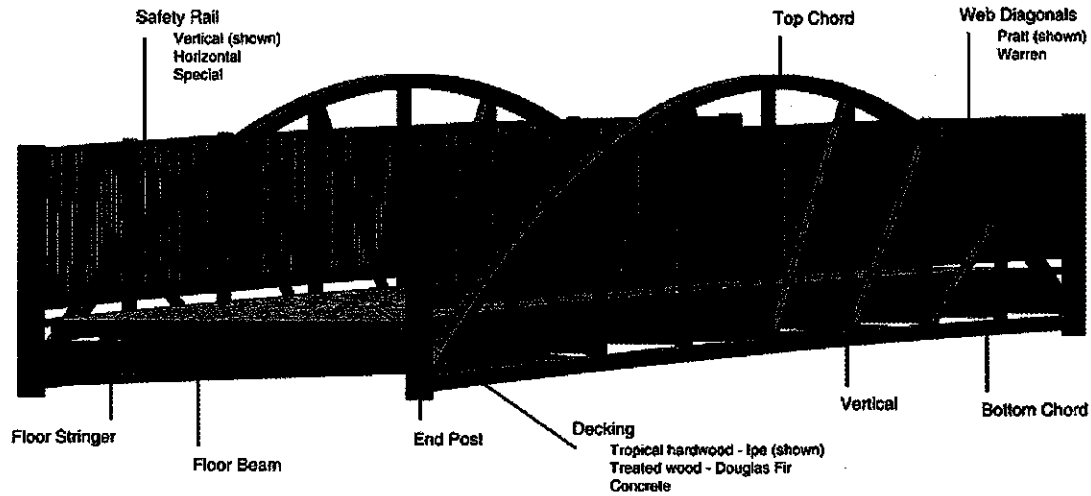
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

BRIDGE STYLE



Example of the bowstring style bridge proposed



50' long Town Branch Creek Bridge near the intersection of Razorback and 15th.

BID: 08-15
DATE: 2/8/2008
2:00 PM
CITY OF FAYETTEVILLE



Bid 08-15, Scull Creek Trail Bridges - Equipment Only

Item Description	Contech Bridge Solutions, Inc.	Echo Bridge, Inc.	Excel Bridge Company	Thompson Culvert Company	US Bridge	Wheeler Lumber, LLC
1 CMN Bridge Manufacturer Model	\$39,860.00 Contech Bridge Keystone	\$43,234.00 Echo Bridge, Inc Steel Bowstring	\$43,000.00 Excel Bridge Pratt "Bowstring" Truss	\$33,120.00 Anderson Bridge Per Specs		\$32,700.00 Wheeler Lumber, LLC Bowstring
2 Ash Street Bridge Manufacturer Model	\$40,600.00 Contech Bridge Keystone	\$44,629.00 Echo Bridge, Inc Steel Bowstring	\$42,000.00 Excel Bridge Pratt "Bowstring" Truss	\$34,120.00 Anderson Bridge Per Specs		\$33,975.00 Wheeler Lumber, LLC Bowstring
3 Sycamore Bridge Manufacturer Model	\$25,565.00 Contech Bridge Keystone	\$26,498.00 Echo Bridge, Inc Steel Bowstring	\$33,000.00 Excel Bridge Pratt "Bowstring" Truss	\$23,120.00 Anderson Bridge Per Specs		\$23,250.00 Wheeler Lumber, LLC Bowstring
4 Bernice Drive Bridge Manufacturer Model	\$31,600.00 Contech Bridge Keystone	\$34,866.00 Echo Bridge, Inc Steel Bowstring	\$37,000.00 Excel Bridge Pratt "Bowstring" Truss	\$27,420.00 Anderson Bridge Per Specs		\$30,175.00 Wheeler Lumber, LLC Bowstring
5 Cleveland Street Bridge Manufacturer Model	\$31,600.00 Contech Bridge Keystone	\$34,866.00 Echo Bridge, Inc Steel Bowstring	\$37,000.00 Excel Bridge Pratt "Bowstring" Truss	\$27,420.00 Anderson Bridge Per Specs		\$30,175.00 Wheeler Lumber, LLC Bowstring
6 Frisco Street Bridge Manufacturer Model	\$58,000.00 Contech Bridge Keystone	\$55,785.00 Echo Bridge, Inc Steel Bowstring	\$62,500.00 Excel Bridge Pratt "Bowstring" Truss	\$44,320.00 Anderson Bridge Per Specs		\$42,725.00 Wheeler Lumber, LLC Bowstring
TOTAL BID PRICE	\$227,225.00	\$239,878.00	\$254,500.00	\$189,520.00	No Bid	\$193,000.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications, and formal authorization by City officials.

CERTIFIED: P. Vice
P. VICE PURCH MGR

H. Folen
WITNESS

2/8/08
DATE

City Of Fayetteville										Requisition No.: Date: 2/19/2008 Expected Delivery Date: ASAP	
Vendor #: _____ Address: _____ City: _____ State: _____ Zip Code: _____ Requester: _____ Glnny Apperson		Vendor Name: Thompson Culvert Company 4151 East Kearney Missouri		Fob Point: Ship to code: 104 Requester's Employees #: 2283		Mail Yes: ☒ No: ☐ Taxable Yes: ☒ No: ☐ Quotes Attached Yes: ☒ No: ☐		Division Head Approval:  Extension: 489		Inventory # Fixed Asset #	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #		
1	CMN Bridge for Scull Creek Trail Development	1	Ea	33,120.00	\$33,120.00	4520-9520-5814.05	06036 / 1				
2	Ash St Bridge for Scull Creek Trail Development	1	Ea	34,120.00	\$34,120.00	4520-9520-5814.05	06036 / 1				
3	Sycamore Bridge for Scull Creek Trail Development	1	Ea	23,120.00	\$23,120.00	4520-9520-5814.05	06036 / 1				
4	Bernice Dr Bridge for Scull Creek Trail Development	1	Ea	27,420.00	\$27,420.00	4520-9520-5814.05	06036 / 1				
5	Cleveland St Bridge for Scull Creek Trail Development	1	Ea	27,420.00	\$27,420.00	4520-9520-5814.05	06036 / 1				
6	Frisco St Bridge for Scull Creek Trail Development	1	Ea	44,320.00	\$44,320.00	4520-9520-5814.05	06036 / 1				
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
	Shipping/Handling		Lot		\$0.00						
Special Instructions: Per Bid #08-15 and Res # _____											
Subtotal: \$189,520.00 Tax: \$17,530.60 Total: \$207,050.60											

Approvals:
 Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____

Department Director: _____
 Budget Manager: _____
 Utilities Manager: _____

Purchasing Manager: _____
 IT Manager: _____
 Other: _____



Andrea Foren
Fayetteville City Hall
113 W. Mountain
Fayetteville, AR 72701

February 11, 2008

Re: Scull Bridges (Bid# 08-15)

Dear Andrea:

I am writing this letter with regards to the above mentioned project and the AISC requirements. Thompson Culvert Company is acting solely as an agent for Anderson Bridges on this project. At no time will they be involved in any aspect of the fabrication process.

Anderson Bridges will order and receive all raw materials directly from the supplier and prepare the raw material for fabrication. All fabrication will take place at our facility in Colfax, WI and all finished product will ship from Colfax to the jobsites located in or near Fayetteville, AR.

As an AISC certified company, we are charged with the responsibility to use only AISC certified companies if any part of the fabrication process is sub-contracted to another firm. I assure you that no part of the fabrication on the above mentioned project shall be sub-contracted.

Please feel free to contact me directly with any questions at (715) 210-6922. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kory S. Weathers", is written over a horizontal line.

Kory S. Weathers
Principal

City of Fayetteville Staff Review Form

A.8.
Bid # 08-16 Six Trail Bridges
Page 1 of 8City Council Agenda Items
and
Contracts, Leases or Agreements

2/19/2008

City Council Meeting Date
Agenda Items OnlyMatt Mihalevich
Submitted ByEngineering
DivisionOperations
Department

Action Required:

Approval of a resolution awarding Bid # 08-16 and approving a contract with _____ in the amount of \$ _____ for the complete installation of the 6 trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$ _____.

Cost of this request	\$ 790,547.75	Transportation Bond Trail Improvements
	Category / Project Budget	Program Category / Project Name
4520-9520-5814.05	\$ 52,972.75	Trail Improvements
Account Number	Funds Used to Date	Program / Project Category Name
06036 / 1	\$ 737,575.00	Sales Tax 2006A Construction Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

 1-31-08
Department Director Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

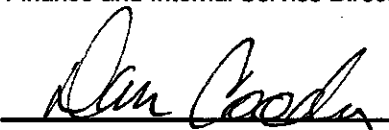
 2/1/08
City Attorney Date

 2-4-08
Finance and Internal Service Director Date

Received in City
Clerk's Office

ENTERED

1/31/08

 2/15/08
Mayor Date

Received in
Mayor's Office

ENTERED

2/4/08

Comments:

City of Fayetteville Staff Review Form

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

2/19/2008

City Council Meeting Date
 Agenda Items Only

Matt Mihalevich
Submitted By

Engineering
Division

Operations
Department

Action Required:

Approval of a resolution awarding Bid # 08-16 and approving a contract with Kinco Contractors, LLC. in the amount of \$240,784.72 for the complete installation of the 6 trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$36,117.71.

\$ 276,902.43

Cost of this request

\$ 790,547.75

Category / Project Budget

Transportation Bond Trail Improvements

Program Category / Project Name

4520-9520-5814.05

Account Number

\$ 52,972.75

Funds Used to Date

Trail Improvements

Program / Project Category Name

06036 / 1

Project Number

\$ 737,575.00

Remaining Balance

Sales Tax 2006A Construction Fund

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City
 Clerk's Office

Finance and Internal Service Director

Date

Received in
 Mayor's Office

Mayor

Date

Comments:



City Council Meeting of February 19, 2008
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, City Engineer

From: Matt Mihalevich, Trails Coordinator

Date: February 11, 2008

Subject: Scull Creek Trail Bridges – Installation Only, Bid #08-16

RECOMMENDATION

Approval of a resolution awarding Bid # 08-16 and approving a contract with Kinco Contractors, LLC. in the amount of \$240,784.72 for the complete installation of the 6 trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$36,117.71.

BACKGROUND

As construction of Scull Creek Trail continues to progress, a total of 6 pedestrian trail bridges are necessary to complete the trail from Mud Creek Trail south to Frisco Trail. In an effort to reduce cost, the fabrication and delivery of the bridges was bid directly by the City as Bid #08-15 (Scull Creek Trail Bridges – Equipment Only) and will be delivered to the individual bridge sites to be installed by the contractor of Bid #08-16.

Under Bid #08-16 the contractor will be responsible for the excavation and construction of concrete bridge abutments at each of the 6 bridge locations along with stream bank stabilization work to protect the abutments from flood events. Once the abutments are complete, the contractor will install the prefabricated bridges (provided by the City) and pour a concrete deck with 15 foot approach slabs on each side. The City trails crew will then complete the trail by paving up to the approach slabs on each side. The individual bridges and lengths are listed below along with a map of the bridge locations on page 2.

<u>Bridge Name</u>	<u>Span Length</u>
CMN Bridge	62 feet
Ash St. Bridge	64 feet
Sycamore St. Bridge	38 feet

<u>Bridge Name</u>	<u>Span Length</u>
Bernice Dr. Bridge	50 feet
Cleveland St. Bridge	50 feet
Frisco St. Bridge	80 feet

DISCUSSION

The style of bridges will match the recently installed Town Branch Bridge and will be fabricated from Weathering Steel which will never require painting or any maintenance.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #08-16 AND APPROVING A CONTRACT WITH KINCO CONTRACTORS, LLC IN THE AMOUNT OF \$240,784.72 FOR THE INSTALLATION OF SIX (6) TRAIL BRIDGES FOR SCULL CREEK TRAIL; AND APPROVING A 15% PROJECT CONTINGENCY IN THE AMOUNT OF \$36,117.71.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-16 and approves a contract with Kinco Contractors, LLC in the amount of \$240,784.72 for the installation of six (6) trail bridges for Scull Creek Trail.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 15% project contingency in the amount of \$36,117.71.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

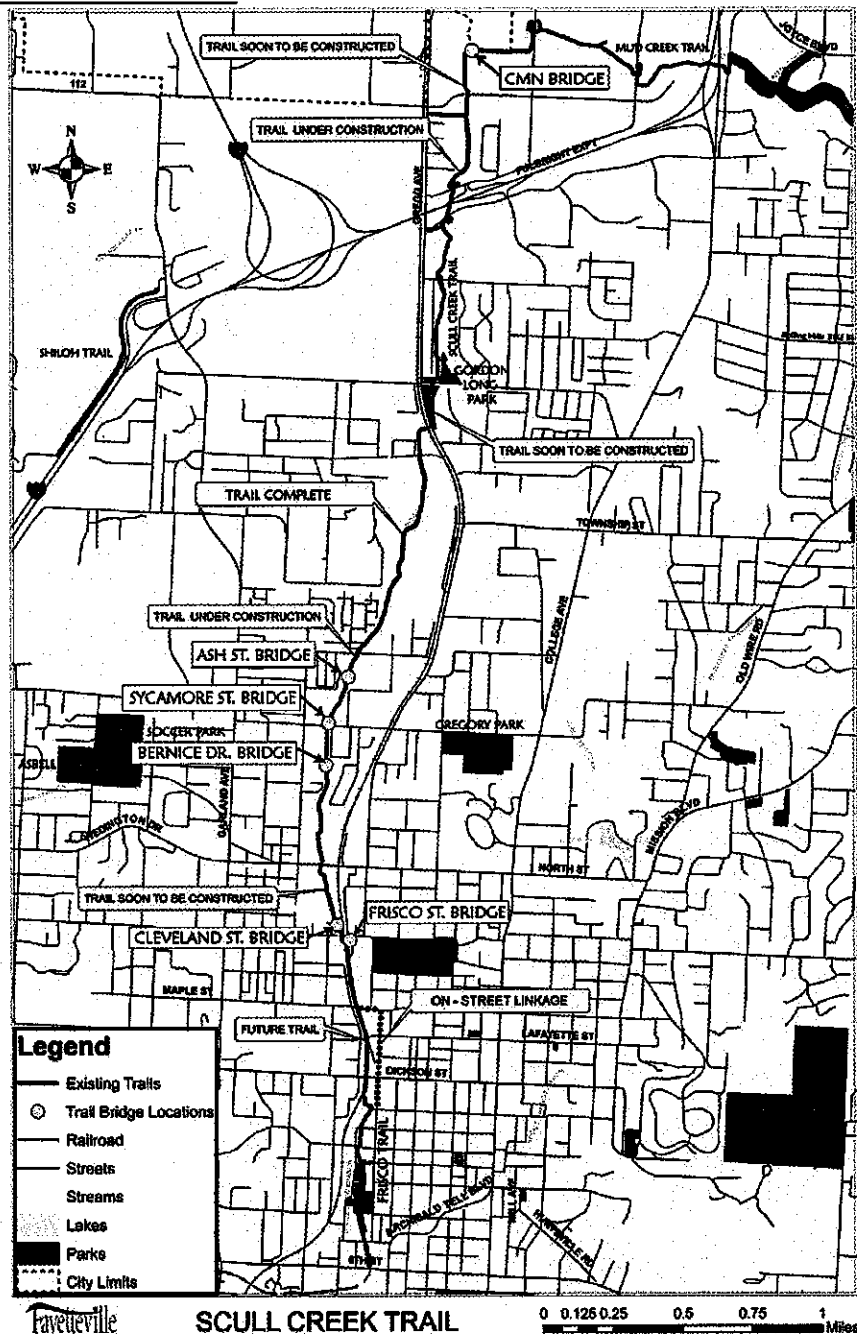
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

The installation of the bridges was advertised on January 18th and 25th, 2008 as bid number 08-16 with official bids on February 8th, 2007. The official bid tab will be attached.

BUDGET IMPACT

Funds for the installation of the bridges outlined above has been budgeted as part of the trails portion of the Transportation Bond Program. Sufficient funding is available for this contract.

BRIDGE LOCATIONS MAP



SCULL CREEK TRAIL BRIDGES
 City of Fayetteville

March 8, 2008
 NICE Project No. FY07125

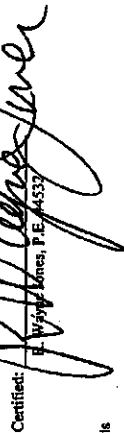
Item #	Description	Qty.	Unit	KINGO CONSTRUCTORS, LLC.		BENCHMARK CONST. OF NWA		TOWNSHIP BUILDERS, INC.		MIDLAND CONSTRUCTION, INC.		SWEETSER CONSTRUCTION, INC.	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Act 291, 1993 Trench and Excavation Safety System	1	LS	\$1,200.00	\$1,200.00	\$650.00	\$650.00	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00
2	Mobilization and Demobilization (Limited to 5% of Bid)	1	LS	\$11,000.00	\$11,000.00	\$8,660.00	\$8,660.00	\$11,922.00	\$11,922.00	\$11,000.00	\$11,000.00	\$3,050.25	\$3,050.25
3	Construction Control Layout	1	LS	\$5,000.00	\$5,000.00	\$11,000.00	\$11,000.00	\$2,000.00	\$2,000.00	\$3,500.00	\$3,500.00	\$5,900.00	\$5,900.00
4	Clearing & Grubbing (5 Bridge Sites)	1	LS	\$26,000.00	\$26,000.00	\$14,500.00	\$14,500.00	\$10,500.00	\$10,500.00	\$25,000.00	\$25,000.00	\$9,500.00	\$9,500.00
5	CMN Bridge Abutments	1	LS	\$11,000.00	\$11,000.00	\$12,000.00	\$12,000.00	\$18,000.00	\$18,000.00	\$16,000.00	\$16,000.00	\$22,000.00	\$22,000.00
6	CMN Bridge Installation (Bridge Supplied by City)	1	LS	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00	\$3,500.00	\$3,500.00	\$4,500.00	\$4,500.00	\$7,700.00	\$7,700.00
7	6" Concrete Bridge Deck for CMN Bridge	85.4	SY	\$61.48	\$5,250.39	\$47.00	\$4,013.80	\$85.00	\$7,259.00	\$7,259.00	\$7,259.00	\$4,697.00	\$4,697.00
8	Channel Widening Excavation at CMN Bridge (Plan Quantity)	210	CV	\$15.00	\$3,150.00	\$12.50	\$2,625.00	\$13.00	\$2,730.00	\$21.00	\$4,410.00	\$47.00	\$9,870.00
9	Native Stone Riprap for Channel Widening at CMN Bridge	140	SY	\$45.00	\$6,300.00	\$31.86	\$4,460.40	\$50.00	\$7,000.00	\$7,980.00	\$7,980.00	\$7,700.00	\$7,700.00
10	Ash Street Bridge Abutments	1	LS	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$14,000.00	\$14,000.00	\$15,500.00	\$15,500.00	\$22,000.00	\$22,000.00
11	Ash Street Bridge Installation (Bridge Supplied by City)	1	LS	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00	\$7,700.00	\$7,700.00
12	6" Concrete Bridge Deck for Ash Street Bridge	82.75	SY	\$60.42	\$4,999.76	\$53.00	\$4,385.75	\$60.00	\$4,965.00	\$85.00	\$7,033.75	\$55.00	\$4,581.25
13	Channel Widening Excavation At Ash Street Bridge (Plan Quantity)	206	CV	\$15.00	\$3,090.00	\$12.00	\$2,472.00	\$13.00	\$2,678.00	\$21.00	\$4,526.00	\$47.00	\$9,682.00
14	Native Stone Riprap for Channel Widening at Ash Street Bridge	130	SY	\$45.00	\$5,850.00	\$36.85	\$4,790.50	\$50.00	\$6,500.00	\$57.00	\$7,500.00	\$55.00	\$7,150.00
15	Sycamore Street Bridge Abutments	1	LS	\$11,000.00	\$11,000.00	\$12,660.00	\$12,660.00	\$16,000.00	\$16,000.00	\$15,500.00	\$15,500.00	\$22,000.00	\$22,000.00
16	Sycamore Street Bridge Installation (Bridge Supplied by City)	1	LS	\$3,000.00	\$3,000.00	\$4,070.00	\$4,070.00	\$3,000.00	\$3,000.00	\$4,400.00	\$4,400.00	\$7,700.00	\$7,700.00
17	6" Concrete Bridge Deck for Sycamore Street Bridge	50.7	SY	\$74.95	\$3,799.97	\$62.00	\$3,143.40	\$60.00	\$3,042.00	\$85.00	\$4,309.50	\$55.00	\$2,788.50
18	Native Stone Riprap for Sycamore Street Bridge Site	22	SY	\$45.00	\$990.00	\$48.00	\$1,056.00	\$50.00	\$1,100.00	\$1,452.00	\$55.00	\$1,210.00	\$1,210.00
19	Removal of 30 SY Asphalt & 35 LF of Curb and Gutter	1	LS	\$2,400.00	\$2,400.00	\$1,340.00	\$1,340.00	\$1,400.00	\$1,400.00	\$600.00	\$600.00	\$800.00	\$800.00
20	Embankment Fill Material (Plan Quantity)	65	CV	\$17.00	\$1,105.00	\$21.54	\$1,400.10	\$22.00	\$1,430.00	\$16.00	\$1,040.00	\$14.00	\$910.00
21	2" Asphalt Pavement Repair	11	SY	\$100.00	\$1,100.00	\$218.20	\$2,400.20	\$80.00	\$880.00	\$150.00	\$1,500.00	\$85.00	\$935.00
22	Concrete Curb & Gutter	28	LF	\$20.00	\$560.00	\$21.07	\$589.96	\$30.00	\$840.00	\$27.00	\$756.00	\$25.00	\$700.00
23	Bernice Drive Bridge Abutments	1	LS	\$11,000.00	\$11,000.00	\$11,000.00	\$11,000.00	\$15,000.00	\$15,000.00	\$17,000.00	\$17,000.00	\$22,000.00	\$22,000.00
24	Bernice Drive Bridge Installation (Bridge Supplied by City)	1	LS	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00	\$3,000.00	\$3,000.00	\$3,600.00	\$3,600.00	\$7,700.00	\$7,700.00
25	6" Concrete Bridge Deck for Bernice Drive Bridge	66.7	SY	\$74.96	\$4,999.84	\$63.28	\$4,242.78	\$60.00	\$4,002.80	\$85.00	\$5,665.50	\$55.00	\$3,668.50
26	Native Stone Riprap for Bernice Drive Bridge Site	22	SY	\$45.00	\$990.00	\$48.00	\$1,056.00	\$50.00	\$1,100.00	\$66.00	\$1,452.00	\$55.00	\$1,210.00
27	Cleveland Street Bridge Abutments	1	LS	\$11,000.00	\$11,000.00	\$12,000.00	\$12,000.00	\$17,000.00	\$17,000.00	\$16,000.00	\$16,000.00	\$22,000.00	\$22,000.00
28	Cleveland Street Bridge Installation (Bridge Supplied by City)	1	LS	\$3,000.00	\$3,000.00	\$4,700.00	\$4,700.00	\$3,000.00	\$3,000.00	\$3,600.00	\$3,600.00	\$7,700.00	\$7,700.00
29	6" Concrete Bridge Deck for Cleveland Street Bridge	66.7	SY	\$74.96	\$4,999.83	\$68.84	\$4,592.43	\$60.00	\$4,002.00	\$85.00	\$5,665.50	\$55.00	\$3,668.50
30	Retaining Walls for Cleveland Street Bridge	25	LF	\$140.00	\$3,500.00	\$225.69	\$5,642.25	\$300.00	\$7,500.00	\$332.00	\$8,300.00	\$200.00	\$5,000.00
31	Native Stone Riprap for Cleveland Street Bridge Site	14	SY	\$45.00	\$630.00	\$47.00	\$658.00	\$50.00	\$700.00	\$66.00	\$924.00	\$55.00	\$770.00
32	Prisco Bridge Abutments	1	LS	\$14,000.00	\$14,000.00	\$13,000.00	\$13,000.00	\$17,000.00	\$17,000.00	\$16,000.00	\$16,000.00	\$22,000.00	\$22,000.00
33	Prisco Street Bridge Installation (80 R.) (Bridge Supplied by City)	1	LS	\$4,000.00	\$4,000.00	\$4,700.00	\$4,700.00	\$3,000.00	\$3,000.00	\$6,000.00	\$6,000.00	\$11,900.00	\$11,900.00
34	6" Concrete Bridge Deck for Cleveland Street Bridge	107	SY	\$65.42	\$6,999.94	\$53.00	\$5,671.00	\$60.00	\$6,420.00	\$85.00	\$9,095.00	\$55.00	\$5,885.00
35	Unclassified Excavation for Approach Slabs (Plan Quantity)	340	CV	\$15.00	\$5,100.00	\$14.00	\$4,760.00	\$11.00	\$3,740.00	\$14.00	\$4,760.00	\$47.00	\$13,980.00
36	18-inch Select Embankment for Approach Slabs (Plan Quantity)	215	CV	\$17.00	\$3,655.00	\$16.25	\$3,493.75	\$19.00	\$4,085.00	\$16.00	\$3,460.00	\$14.00	\$3,010.00
37	Undercut and Backfill (Field Measured)	120	CV	\$27.00	\$3,240.00	\$28.60	\$3,432.00	\$27.00	\$3,240.00	\$30.00	\$3,600.00	\$18.00	\$2,160.00
38	6-inch Crushed Stone base (Class 7)	125	TN	\$24.00	\$3,000.00	\$39.00	\$4,875.00	\$26.00	\$3,250.00	\$27.00	\$3,375.00	\$54.00	\$6,750.00
39	6" Concrete Approach Slabs	300	SY	\$60.00	\$18,000.00	\$38.00	\$11,400.00	\$64.00	\$19,200.00	\$48.00	\$14,400.00	\$55.00	\$16,500.00
40	Topsoil Replacement (Plan Quantity)	150	CV	\$18.00	\$2,700.00	\$41.00	\$6,150.00	\$24.00	\$3,600.00	\$20.00	\$3,000.00	\$18.00	\$2,700.00
41	Seeding, Fertilizer & Mulch	1.5	AC	\$750.00	\$1,125.00	\$3,380.00	\$5,070.00	\$2,300.00	\$3,450.00	\$2,900.00	\$4,350.00	\$2,500.00	\$3,750.00
42	Silt Fencing	100	SY	\$2.50	\$250.00	\$6.50	\$650.00	\$5.00	\$500.00	\$5.00	\$500.00	\$3.00	\$300.00
43	Silt Fence	600	LF	\$6.00	\$3,600.00	\$7.15	\$4,290.00	\$7.00	\$4,200.00	\$8.00	\$4,800.00	\$7.00	\$4,200.00
44	Hay Bales	200	EA	\$8.50	\$1,700.00	\$20.00	\$4,000.00	\$14.00	\$2,800.00	\$17.00	\$3,400.00	\$10.00	\$2,000.00
45	Site Erosion & Storm Water Control	1	LS	\$6,000.00	\$6,000.00	\$1,950.00	\$1,950.00	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00
46	Special Insurance for Prisco Bridge Work within Railroad ROW	1	LS	\$5,000.00	\$5,000.00	\$5,200.00	\$5,200.00	\$3,000.00	\$3,000.00	\$3,300.00	\$3,300.00	\$5,500.00	\$5,500.00
	TOTAL BID				\$240,784.72		\$242,493.51		\$256,927.00		\$298,111.25		\$342,806.00

Certified: 
 Robert J. Hester
 Mayor, City of Fayetteville

SCULL CREEK TRAIL BRIDGES
 City of Fayetteville

March 8, 2008
 MCE Project No. F1071215

Item #	Description	Qty.	Unit	TOMLINSON ASPHALT		APACIMCLINTON ANCHOR		M.J. LEE CONST. CO.		CROSSLAND HEAVY CONTRACTORS	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Act 291, 1993 Trench and Excavation Safety System	1	LS	\$3,000.00	\$3,000.00	\$600.00	\$600.00	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00
2	Construction and Demobilization (Limited to 5% of Bid)	1	LS	\$12,750.00	\$12,750.00	\$15,500.00	\$15,500.00	\$23,000.00	\$23,000.00	\$12,423.25	\$12,423.25
3	Mobilization and Demobilization (Limited to 5% of Bid)	1	LS	\$9,000.00	\$9,000.00	\$5,100.00	\$5,100.00	\$16,500.00	\$16,500.00	\$5,000.00	\$5,000.00
4	Cleaning & Grubbing (5 Bridge Sites)	1	LS	\$16,600.00	\$16,600.00	\$25,000.00	\$25,000.00	\$18,290.80	\$18,290.80	\$28,000.00	\$28,000.00
5	CMN Bridge Abutments	1	LS	\$24,000.00	\$24,000.00	\$17,000.00	\$17,000.00	\$27,000.00	\$27,000.00	\$19,000.00	\$19,000.00
6	CMN Bridge Installation (Bridge Supplied by City)	1	LS	\$5,985.00	\$5,985.00	\$4,860.00	\$4,860.00	\$6,300.00	\$6,300.00	\$11,000.00	\$11,000.00
7	6" Concrete Bridge Deck for CMN Bridge	85.4	SY	\$100.00	\$8,540.00	\$123.00	\$10,592.40	\$118.00	\$10,077.20	\$80.00	\$6,832.00
8	Channel Widening Excavation at CMN Bridge (Plan Quantity)	210	CY	\$16.20	\$3,402.00	\$20.80	\$4,368.00	\$25.00	\$5,250.00	\$21.00	\$4,410.00
9	Native Stone Riprap for Channel Widening at CMN Bridge	140	SY	\$43.75	\$6,125.00	\$51.70	\$7,238.00	\$42.00	\$5,880.00	\$40.00	\$5,600.00
10	6" Concrete Bridge Abutments	1	LS	\$21,000.00	\$21,000.00	\$16,000.00	\$16,000.00	\$28,000.00	\$28,000.00	\$19,000.00	\$19,000.00
11	Ash Street Bridge Abutments	1	LS	\$3,560.00	\$3,560.00	\$4,860.00	\$4,860.00	\$6,300.00	\$6,300.00	\$9,700.00	\$9,700.00
12	6" Concrete Bridge Deck for Ash Street Bridge	82.75	SY	\$100.00	\$8,275.00	\$125.60	\$10,393.40	\$125.00	\$10,343.75	\$75.00	\$6,206.25
13	Channel Widening Excavation at Ash Street Bridge (Plan Quantity)	206	CY	\$16.00	\$3,296.00	\$21.30	\$4,387.80	\$25.00	\$5,150.00	\$23.00	\$4,718.00
14	Native Stone Riprap for Channel Widening at Ash Street Bridge	130	SY	\$43.75	\$5,687.50	\$50.50	\$6,565.00	\$42.00	\$5,460.00	\$40.00	\$5,200.00
15	Sycamore Street Bridge Abutments	1	LS	\$20,520.00	\$20,520.00	\$17,000.00	\$17,000.00	\$24,000.00	\$24,000.00	\$19,000.00	\$19,000.00
16	Sycamore Street Bridge Installation (Bridge Supplied by City)	1	LS	\$3,560.00	\$3,560.00	\$4,860.00	\$4,860.00	\$6,300.00	\$6,300.00	\$9,700.00	\$9,700.00
17	6" Concrete Bridge Deck for Sycamore Street Bridge	90.7	SY	\$100.00	\$9,070.00	\$147.70	\$13,390.90	\$162.00	\$14,700.00	\$81.00	\$7,407.00
18	Native Stone Riprap for Sycamore Street Bridge Site	22	SY	\$80.00	\$1,760.00	\$94.00	\$2,068.00	\$42.00	\$924.00	\$40.00	\$880.00
19	Removal of 30 SY Asphalt & 35 LF of Curb and Gutter	1	LS	\$800.00	\$800.00	\$1,190.00	\$1,190.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00
20	Embankment Fill Material (Plan Quantity)	65	CY	\$28.23	\$1,834.95	\$45.80	\$2,977.00	\$31.00	\$2,015.00	\$14.00	\$910.00
21	2" Asphalt Pavement Repair	11	SY	\$90.00	\$990.00	\$95.00	\$1,045.00	\$40.00	\$440.00	\$90.00	\$990.00
22	Concrete Curb & Gutter	28	LF	\$15.00	\$420.00	\$39.00	\$1,092.00	\$62.00	\$1,736.00	\$43.00	\$1,204.00
23	Bermice Drive Bridge Abutments	1	LS	\$19,935.00	\$19,935.00	\$17,000.00	\$17,000.00	\$30,500.00	\$30,500.00	\$19,000.00	\$19,000.00
24	Bermice Drive Bridge Installation (Bridge Supplied by City)	1	LS	\$4,200.00	\$4,200.00	\$4,800.00	\$4,800.00	\$6,200.00	\$6,200.00	\$9,700.00	\$9,700.00
25	6" Concrete Bridge Deck for Bermice Drive Bridge	66.7	SY	\$100.00	\$6,670.00	\$133.80	\$8,924.46	\$137.00	\$9,137.90	\$77.00	\$5,135.90
26	Native Stone Riprap for Bermice Drive Bridge Site	22	SY	\$80.00	\$1,760.00	\$94.00	\$2,068.00	\$42.00	\$924.00	\$40.00	\$880.00
27	Cleveland Street Bridge Abutments	1	LS	\$25,000.00	\$25,000.00	\$20,000.00	\$20,000.00	\$31,000.00	\$31,000.00	\$19,000.00	\$19,000.00
28	Cleveland Street Bridge Installation (Bridge Supplied by City)	1	LS	\$3,560.00	\$3,560.00	\$4,860.00	\$4,860.00	\$6,300.00	\$6,300.00	\$9,700.00	\$9,700.00
29	6" Concrete Bridge Deck for Cleveland Street Bridge	66.7	SY	\$100.00	\$6,670.00	\$134.00	\$8,957.80	\$145.00	\$9,671.50	\$77.00	\$5,135.90
30	Retaining Walls for Cleveland Street Bridge	25	LF	\$303.80	\$7,595.00	\$203.00	\$5,075.00	\$315.00	\$7,875.00	\$13,000.00	\$325,000.00
31	Native Stone Riprap for Cleveland Street Bridge Site	14	SY	\$100.00	\$1,400.00	\$135.00	\$1,890.00	\$42.00	\$588.00	\$40.00	\$560.00
32	Frisco Bridge Abutments	1	LS	\$25,000.00	\$25,000.00	\$21,000.00	\$21,000.00	\$28,200.00	\$28,200.00	\$19,000.00	\$19,000.00
33	Frisco Street Bridge Installation (80 Ft.) (Bridge Supplied by City)	1	LS	\$5,985.00	\$5,985.00	\$7,290.00	\$7,290.00	\$9,200.00	\$9,200.00	\$9,700.00	\$9,700.00
34	6" Concrete Bridge Deck for Cleveland Street Bridge	107	SY	\$98.00	\$10,486.00	\$118.60	\$12,690.20	\$109.00	\$11,663.00	\$70.00	\$7,490.00
35	Unclassified Excavation for Approach Slabs (Plan Quantity)	340	CY	\$19.00	\$6,460.00	\$34.00	\$11,560.00	\$26.00	\$8,840.00	\$16.00	\$5,440.00
36	18-inch Select Embankment for Approach Slabs (Plan Quantity)	215	CY	\$31.00	\$6,665.00	\$32.00	\$6,880.00	\$38.00	\$8,020.00	\$30.00	\$6,450.00
37	Undercut and Backfill (Field Measured)	120	CY	\$74.00	\$8,880.00	\$56.50	\$6,780.00	\$33.00	\$3,960.00	\$17.00	\$2,040.00
38	6-inch Crushed Stone base (Class 7)	125	TN	\$58.00	\$7,250.00	\$53.00	\$6,625.00	\$43.00	\$5,375.00	\$25.00	\$3,125.00
39	6" Concrete Approach Slabs	300	SY	\$58.00	\$17,400.00	\$90.00	\$27,000.00	\$102.00	\$30,600.00	\$80.00	\$24,000.00
40	Topsoil Replacement (Plan Quantity)	150	CY	\$53.00	\$7,950.00	\$25.50	\$3,825.00	\$56.00	\$8,400.00	\$32.00	\$4,800.00
41	Seeding, Fertilizer & Mulch	1.5	AC	\$2,700.00	\$4,050.00	\$7,000.00	\$10,500.00	\$2,750.00	\$4,125.00	\$3,000.00	\$4,500.00
42	Solid Sodding	100	SY	\$14.00	\$1,400.00	\$29.30	\$2,930.00	\$11.00	\$1,100.00	\$2.00	\$200.00
43	Silt Fence	600	LF	\$7.50	\$4,500.00	\$12.50	\$7,500.00	\$12.00	\$7,200.00	\$2.50	\$1,500.00
44	Hay Bales	200	EA	\$21.00	\$4,200.00	\$21.00	\$4,200.00	\$29.00	\$5,800.00	\$15.00	\$3,000.00
45	Site Erosion & Storm Water Control	1	LS	\$6,300.00	\$6,300.00	\$600.00	\$600.00	\$3,600.00	\$3,600.00	\$2,100.00	\$2,100.00
46	Special Insurance-007 Frisco Bridge Work within Railroad ROW	1	LS	\$10,000.00	\$10,000.00	\$600.00	\$600.00	\$5,600.00	\$5,600.00	\$6,200.00	\$6,200.00
TOTAL BID					\$369,491.45		\$380,052.25		\$467,259.55		\$671,997.00

Certified: 
 Robert J. Jones, P.E. #4533

City Of Fayetteville										Requisition No.: Date: 2/19/2008 Expected Delivery Date: ASAP	
Vendor #: 15924 Address:		Vendor Name: Kinco Construction Fab Point:		Mail Yes: ☒ No: ☐ Taxable Yes: ☒ No: ☐ Quotes Attached Yes: ☒ No: ☐		Division Head Approval:  Extension: 489		No: X			
City:		State:		Ship to code: 104 Requester's Employee #: 2283		Project/Subproject #: 06036 / 1		Inventory #		Fixed Asset #	
Requester: Ginny Apperson		Account Numbers: 4520-9520-5814.05									
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost						
1	Bridge Installation for Scull Creek Trail Development	1	LOT	240,784.72	\$240,784.72						
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
Shipping/Handling			Lot		\$0.00						
Special Instructions: Per Bid #08-16 and Res # _____											
Subtotal: \$240,784.72 Tax: \$22,272.59 Total: \$263,057.31											
Approvals:											
Mayor: _____				Department Director: _____				Purchasing Manager: _____			
Finance & Internal Services Director: _____				Budget Manager: _____				IT Manager: _____			
Dispatch Manager: _____				Utilities Manager: _____				Other: _____			

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

C.1.
General Improvement Fund Grant
Page 1 of 26

2/19/2008 ??
City Council Meeting Date

added at
Agenda Session
2-12-08

Ray M. Boudreaux

Submitted By

Aviation & Economic Development

Division

General Government

Department

Action Required:

Action Required: Approval of an application for a General Improvement Fund Grant c/o Arkansas Economic Development Commission, One Capital Mall, 4th Floor, Little Rock, AR 72201, Harold Sharp, Budget Director, 1-800-275-2672, hsharp@arkansasedc.com

\$

Cost of this request

\$

\$

Account Number

Funds Used to Date

\$

NEW PROJECT

Project Number

Remaining Balance

Program Category / Project Name

Program / Project Category Name

General Fund

Fund Name

Budgeted Item

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office

ENTERED

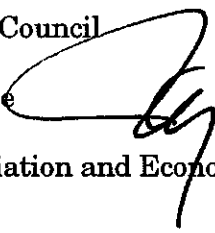
Received in Mayor's Office

ENTERED

Comments:

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor and Members of the City Council

THRU: Staff/Contract Review Committee 

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: January 31, 2008

SUBJECT: Approval of Grant Application to the Arkansas Economic Development Council for the creation of an Aerospace Technology Park east of Drake Field on land to be acquired from the Arthur Miller Family.

RECOMMENDATION: Approval of the attached grant application and resolution for the purpose of creating a new Aerospace Technology Park east of the Airport. Cities and Counties were invited to apply for the newly created General Improvement Fund Economic Development Grant for projects like the Aerospace Technology Park. Applicants must be a member of a Regional Economic Development organization. Our Regional ED Organization is the Northwest Arkansas Council as defined by the AEDC. Fayetteville is represented by the President and CEO of the Fayetteville Chamber of Commerce.

BACKGROUND: The Fayetteville Industrial Park is mostly full. There are three City owned parcels left, none of which is easily developed. We have shown the parcels but have had very little interest. The new area is along Hwy 156 and adjacent to the Airport so will have much greater appeal.

BUDGET IMPACT: The economic development match fund contains proceeds from the sale of the Bio Based property and other industrial park land sales. It is designated for economic development purposes.

Attachments: Staff Review Form
Grant Application
Invitation to apply from Maria Haley, Arkansas Economic Development Commission

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

RESOLUTION NO. _____

Revised 2-13-08

A RESOLUTION AUTHORIZING THE AVIATION & ECONOMIC DEVELOPMENT DEPARTMENT TO APPLY FOR A GENERAL IMPROVEMENT FUND ECONOMIC DEVELOPMENT INFRASTRUCTURE GRANT IN THE AMOUNT OF \$250,000.00 FOR THE CREATION OF AN AEROSPACE & TECHNOLOGY PARK EAST OF DRAKE FIELD.

WHEREAS, the City Council of the City of Fayetteville, Arkansas has determined that the Aviation & Economic Development Department meets the eligibility requirements necessary to apply for a Grant under the 2007 General Improvement Fund Program; and

WHEREAS, the Aviation & Economic Development Department has presented plans to create the Aerospace & Technology Park; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas recognizes the need for the project, concurs with its importance, and supports the Aviation & Economic Development Department in its efforts to proceed with same.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Aviation & Economic Development Department to submit an application of formal request to the Arkansas Economic Development Commission for the purposes of securing state grant funds in the amount of \$250,000.00 for the creation of an Aerospace & Technology Park; and that the Mayor of the City of Fayetteville is authorized to administer the grant funds for the same project.

Section 2. That the City Council of the City of Fayetteville, Arkansas may designate up to \$1,000,000.00 from the Economic Development Match Fund to meet the local match money requirements for the development of the Aerospace & Technology Park.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Executive Summary

GENERAL IMPROVEMENT FUND ECONOMIC DEVELOPMENT INFRASTRUCTURE GRANT

March 3, 2008

Fayetteville Aviation and Economic Development Arthur Miller Aerospace Technology/Industrial Park Development Project

The Fayetteville South Industrial park was developed by the Fayetteville Industrial Development Corporation more than 20 years ago. Most of the Industrial Park's property sites have been sold for industrial developments. Overall, the project was a successful venture for the City of Fayetteville, attracting 32 companies with a total work force of nearly 2000 employees.

Currently, Fayetteville has very little land to continue developing industrial, technological research, manufacturing or assembly but anticipates the opportunity to acquire the land for an Aerospace Technology Park adjacent to the Fayetteville Municipal Airport, Drake Field. This proposed development will be designed in cooperation with the University of Arkansas' Innovation Center as a place to center graduates of the Genesis Incubator. We foresee this project as essential to the continued growth of the Fayetteville economy and as part of the City's "Green Valley" sustainability initiative. We expect it to tap the potential and resources of U of A graduates and entrepreneurs looking to remain in Fayetteville and near the University of Arkansas Research and Technology Park (ARTP).

167 acres up to potentially as much as 383 total acres adjacent to the Fayetteville Municipal Airport are being considered for this project. The City is currently in negotiation with the owners of the initial 167 acres for a 5-year purchase option while the City of Fayetteville pursues the design concepts for the development. The site concept features energy efficient LEED buildings and low-impact, environmentally sensitive infrastructure.

Further, the project incorporates "Virtual Development" designs which can be shepherded through the local development approval process on the front end, and thereby reduce an ED prospect's construction timeline by as much as 12 months. The Virtual Development designs are also a potent marketing tool for the site.

This proposal includes:

- A five year option on up to 383 acres adjacent to Drake Field.
- A Technology/Industrial Park Development Plan including layout and infrastructure design.
- A marketing plan with Virtual building designs and tour of existing facilities
- A Phase I Environmental Assessment of the ground
- An Archeological Study of the ground.
- A Land Survey and Appraisal

If approved, this project will be implemented within six months of grant award. The City of Fayetteville excels in all of your rating criteria:

1. **Economic Impact:** There is little doubt that the economic impact of this project far exceeds the investment. In the very recent past, several graduates of the U of A Genesis Incubator have located in other communities because there are no suitable properties for development or buildings to accommodate their business. This acute need was recently revealed when Fayetteville Economic Development Council (FEDC) entered the competition for an aviation manufacturing prospect, Project Lynx, that could bring 650 aviation related new jobs to the area. The company would be an ideal anchor tenant for this project. Without spade-ready industrial land it is difficult, if not impossible, to compete for opportunities like Project Lynx that require 75 to 100 acres. The economic impact of this type of project is very significant. Property taxes alone would yield \$1.3M with \$1.1M going to the public school. The selected site is 167 acres and negotiations are underway for purchase options or outright purchase. An additional 216 acres could be added to the development. The development plan would be for dense construction of LEED Certified facilities and sustainable land use where employee parking areas would be designed to eliminate adverse impact to the storm- water runoff stream.
2. **Ability to Leverage other Funding Sources:** The City of Fayetteville has up to \$1,000,000.00 of designated Economic Development Match funding available to invest in economic development projects creating jobs and wealth in the community.
3. **Readiness to Proceed:** The City of Fayetteville is ready to proceed.
4. **Alignment with Governor's Goals:** This project satisfies all of the Governor's Goals. The jobs we are targeting will require post secondary training in the several areas of research and technology currently centered in the University of Arkansas ARTP, Innovation Center and the Genesis Incubator. The City will not provide the training but there is substantial opportunity for training with the Northwest Arkansas Community College (NWACC) and the Northwest Technical Institute (NTI). Currently, the NWACC provides training in Aviation Airplane and Power Plant Maintenance Technician training as well as several other Industry specific courses. NTI specializes in computer repair, business principles, welding, electronics, automotive repair and diesel engine repair. The UA brings extensive research, training, and personnel to support an aviation related technology park. The UA understands that modern aerospace systems rely heavily on specialized electronic systems in navigation, communications, surveillance, control and scheduling to deal with the overcrowded airspace and airports. Advanced radar and global-positioning systems are vital for future avionics. The College of Engineering has the necessary expertise to assist in these areas. Strong research programs exist in Electrical Engineering and in Computer Science and Computer Engineering in the areas of wireless communications, data mining, embedded sensors for damage detection, acoustics, mixed signals processing and in electronics packaging to support the state-of-the-art avionics technology. Outstanding facilities exist for design and fabrication of electronic packages in the internationally renowned High Density Electronics Center which is administered by the College of Engineering. When fully integrated into the business community, the new Park could generate more than 1,000 jobs depending on the number and types of businesses locating in the Park.

5. The City of Fayetteville is well acquainted in the management and oversight of grant funds and the reporting requirements of the Federal Government and the State of Arkansas. The City has been the recipient of many Federal and State grant funds. In 2005 the Fayetteville Municipal Airport applied for and received \$1.2M in Federal funds and \$50,000 in State of Arkansas funds to construct the West General Aviation Apron on the Airport. In 2006/7 Arkansas Department of Aeronautics supported the Airport with \$600,000 for the construction of two corporate hangars for businesses on the Airport. In 2007/8 the airport received \$123,000 in Federal and State grant funds for new airfield striping and an updated Obstruction Survey. Additionally, since 2005, the City of Fayetteville has received \$16,216,500.00 in Federal Funds for a wide variety of projects for Education, Transportation, Infrastructure, Public Safety and Housing.

2007 GIF Infrastructure Grant

Name of Community: City of Fayetteville

Mayor/Judge's Name: Mayor Dan Coody

Address: 113 West Mountain St.

City: Fayetteville Zip Code: 72701

Phone: 479-575-8331 Cell Phone: 479-841-9900

Email: dcoody@ci.fayetteville.ar.us Fax: 479-575-8257

Contact Person/Reporting Agent: Ray M. Boudreaux

Phone: 479-718-7642 Cell Phone: 479-601-3520

Email: rboudreaux@ci.fayetteville.ar.us Fax: 479-718-7646

Grant Request + Cash Match + In-Kind Match = Total Project Cost

\$250,000.00 + (up to \$1,000,000.00) + -0- = \$250,000.00

GIF INFRASTRUCTURE GRANT APPLICATION COVER PAGE

1. Applicant: City of Fayetteville Address: 113 W. Mountain St. City/Zip Code: 72701 Phone: 479-575-8330 County: Washington	For Internal Use Only Control Number: _____ Funding Year: _____ Grants Manager: _____												
2. Application Preparer: Ray M. Boudreaux Address: 4500 S. School, Ste F. City/Zip Code: 72701 Phone: 479-718-7642 Contact: Ray M. Boudreaux	3. Applicable Type: (Check One) ☒ XXXX Economic Development Infrastructure ☐ _____ Transportation Infrastructure												
4. Project Summary (Briefly describes the activities to be undertaken for the project). This project will create an Aerospace Technology and Industrial Park in South Fayetteville adjacent to the Fayetteville Municipal Airport, Drake Field. The grant would allow for the City to tie up the property through options, conduct a land survey and appraisal and contract for Environmental, Archeological, and Geotechnical surveys and create a land use plan including Virtual Buildings on the property.													
5. Type of Applicant: (Check one) ☒ XXXX City ☐ _____ County ☐ _____ Joint* *List Minor Parties: _____ All joint applications must be accompanied by cooperative agreements between all jurisdictions applying for funds in the application. See Application Guidelines for appropriate procedures to follow for joint applications.													
6. State Senator(s)/District(s) Sue Madison 07 State Representative(s)/District(s) Marilyn Edwards 88 Lindsley Smith 92 U.S. Congressional District Third John Boozman	7. Total Project Budget: (List Sources of Funds) <table style="width: 100%;"> <tr> <td>a. GIF</td> <td style="text-align: right;">\$ 250,000.00</td> </tr> <tr> <td>b. Local</td> <td style="text-align: right;">UP TO \$1,000,000.00 available</td> </tr> <tr> <td>c. _____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>d. _____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>e. _____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>f. Total</td> <td style="text-align: right;">\$ 250,000.00</td> </tr> </table>	a. GIF	\$ 250,000.00	b. Local	UP TO \$1,000,000.00 available	c. _____	\$ _____	d. _____	\$ _____	e. _____	\$ _____	f. Total	\$ 250,000.00
a. GIF	\$ 250,000.00												
b. Local	UP TO \$1,000,000.00 available												
c. _____	\$ _____												
d. _____	\$ _____												
e. _____	\$ _____												
f. Total	\$ 250,000.00												
8. Project Information: a. Estimate the # of consecutive calendar days for construction <u>N/A</u> b. Enter the square footage of the proposed building: (if applicable) Renovation <u>N/A</u> New Construction <u>N/A</u> Total <u>N/A</u> c. List all parcels of land to be acquired for the project (donated and/or fee simple). Include size references for these parcels: 001-06663-000 and 001-06651-000 owned by Arthur Miller = 166.28 acres (potentially: 001-11338-000 @ 26.48 acres owned by Bleaux Barnes; 001-11339-000 @ 13.52 acres, 001-11342-000 @ 20.0 acres, 001-06649-000 @ 50.91 acres, & 765-15559-000 @ 16.73 acres owned by Dennis Crouse; 765-15560-000 @ 11.76 acres owned by Barnes; and 765-15560-001 @ 4.51 acres owned by George and George Land Company; 765-15550-000 @ 56.57, and 001-11341-000 @ 16.03 acres owned by Terry Morelock for a total additional of 216.51 acres.) d. Estimated number of easements (donated and/or acquired) needed for the project: None													
9. CERTIFICATION OF CHIEF ELECTED LOCAL OFFICIAL To the best of my knowledge and belief, all data contained in this application is true and correct and its submission has been duly authorized by the governing body. I understand that if the application is found to contain significant misinformation or deviates significantly from the application process, this application will be automatically eliminated from further consideration for funding. Signature: _____ Title: <u>Mayor</u> Typed Name: <u>Dan Coody</u> Date: _____													

Project Description

The Project for Fayetteville is to acquire land and develop an Aerospace Technology and Industrial Park adjacent to Fayetteville Municipal Airport, Drake Field. Drake Field was the commercial service airport serving all of Northwest Arkansas for many years until Northwest Arkansas Regional Airport was built to serve the area. Drake Field remains a viable airport with significant infrastructure capable of supporting aircraft of all sizes depending on weight and takeoff distance. All general aviation aircraft are supported by Fayetteville Drake Field as well as most commercial aircraft. Sports teams routinely employ Boeing 737 aircraft at Drake Field.

Initial conversation has been conducted with the owners of property adjacent to Drake Field with very favorable reception. The idea is to acquire or option at least 167 acres up to as much as 383 acres adjacent to the airport to serve as a manufacturing destination for aerospace industry and graduates of the University of Arkansas Research and Technology Park and Genesis Incubator and Innovation Center.

This grant would make it possible to procure the initial options on the property and to perform initial investigations and development layouts. Some of the property is in a 100 year flood plain and archeological investigations have not been done. This project would complete a property survey and appraisal as well as environmental, archeological, and geotechnical investigations. This work would allow for the development of a land use plan and several virtual buildings so that potential clients would be able to visualize their company on the site. With the comprehensive plan in place, the City would be able to market the property with expectations of a reasonable absorption rate.

Milestones

February 1, 2008	Submit agenda request to Fayetteville Council
February 19, 2008	City Council pass resolution
March 3, 2008	Submit Application to ADEC
April 4, 2008	Grant Award
April 15, 2008	Property survey and appraisal complete
May 1, 2008	Option Agreement for Land closed
June 1, 2008	Award Task Orders for: Environmental Phase I Archeological Survey Geotechnical Study
July 1, 2008	Complete evaluation of development potential of the property. Award Layout/Design Study
August 1, 2008	Select development plan/Award Virtual Building Design Project
August 15, 2008	Review Initial building designs
September 1, 2008	Submit Large scale Development to City Planning
October 15, 2008	Activate Marketing Program

Partnering and Strategic Planning

The Major Partner in this project will be the City of Fayetteville. The overall development of the property will be the responsibility of the City but the use of the property can take several forms. There will be several ways a client can locate in the Park. We will work to leverage the site to build a multi-tenant building and then develop lots that can be sold to clients for construction of buildings that comply with the Park development plan. The City would be in a position to assist clients depending on the number and quality of jobs created in the Park. Being adjacent to the Fayetteville Municipal Airport, Drake Field is an additional asset that would allow technology and industrial clients to have direct access to the airport runways and taxiways. This expands the target client for the Park to aviation related industry and aviation research and development businesses. Aviation industry R & D is expanding including new Very Light Jet (VLJ) development, miniaturized electronics and avionics development, and the new Light Sport Aircraft (LSA) manufacturing and research and development. Already, Northwest Arkansas is home to a Remos assembly operation at Drake Field with marketing at the Rogers Airport. Remos is a German LSA Company with major construction facilities in Pasewalk, Germany. Aircraft are shipped to the USA in ship containers, two aircraft per container, and assembled at Drake Field for sale in Rogers.

Our partnership through the FEDC will allow for a wide array of marketing and development opportunities. The City of Fayetteville partners with the Fayetteville Chamber of Commerce and the University of Arkansas for economic development activities. Inquiries are received at the City, at the Chamber at the U of A and at the FEDC offices. The team coordinates all activities through a small working group with representatives from each major stakeholder. Project Shining Star was our first effort concerning a major project. The team made a successful presentation and had won a position in the final selection process when the project was cancelled.

COST ESTIMATE BREAKDOWN

Please itemize the cost estimate for the project below as much as possible. You may add extra sheets if necessary. Backup documentation for each line, including in-kind materials and licensed professional labor, is required (professional estimates, catalog pages, letters of intent to donate, etc.)

<u>Item</u>	<u>Cost</u>
Option	\$ 124,000.00
Land Survey	\$ 8,000.00
Environmental Assessment	\$ 10,000.00
Archeological Study	\$ 15,000.00
Geotechnical Investigation	\$ 13,000.00
Land Use Design	\$ 45,000.00
Virtual Building Design	\$ 35,000.00
Purchase, roads, Utilities, infrastructure	Up to \$1,000,000.00
TOTAL PROJECT COST	<u>\$250,000.00</u>

FUNDING SOURCE BREAKDOWN

Must include back-up documentation that shows how the total project will be funded (*i.e. bank statements, letters of intent to donate, resolution with appropriation listed, etc.*). *This amount should be the same as the total project cost.*

Requested from Infrastructure Grant	\$ 250,000.00
In-kind professional labor	\$ _____
In-kind materials and/or equipment	\$ _____
Community Cash Matching Funds	Up to \$ 1,000,000.00 available
City or County Appropriation	\$ _____
Other Funding Sources (please list)	\$ _____
TOTAL FUNDING SOURCE BREAKDOWN	<u>\$250,000.00</u>

With my signature below, I do hereby certify that I have read, understand, and support the above application for grant funds through the 2007 General Improvement Fund Infrastructure Grant. I further certify that I have read, understand, and agree to abide by the rules and regulations governing the grant programs.

Signature of Mayor or Judge / Date Signed

Dan Coody, Mayor

Signature of Contact Person / Date Signed

Ray M. Boudreaux, Director Aviation and Economic Development

CERTIFICATION LETTER

Date _____

2007 General Improvement Fund Grant
c/o Arkansas Economic Development Commission
One Capitol Mall
Little Rock, AR 72201

Dear Members of the 2007 GIF Infrastructure Grant Review Committee:

On behalf of the city/community of Fayetteville, I am writing to request your assistance in securing a grant under the 2007 General Improvement Fund Grant. Proceeds from the \$250,000.00 grant, if awarded, will be used for the following project, as outlined in the enclosed application:

To create an Aerospace Technology Park adjacent to the Fayetteville Municipal Airport, Drake Field for the purpose of attracting and locating technology, industry, and manufacturing associated with business nurtured in the Arkansas Research and Technology Park of the University of Arkansas and business and industry looking for high quality/ low cost infrastructure in which to create jobs and wealth in the current environment.

I designate myself, Mayor of Fayetteville as the person ultimately responsible for the administration of the state grant, if awarded. Project funds from all sources will be expended through a fund established on the books of the City of Fayetteville. All project expenditures with invoices and cancelled checks attached, in addition to copies of all application materials, will remain on file in the Mayor's office for three years or until audited (whichever is later), to assure that funds were used for the purposes for which they were made available.

If additional information is needed concerning this project, please feel free to contact me or the project's primary contact person Ray M. Boudreaux at 479-718-7642.

Thank you for your consideration.

Sincerely,

Dan Coody, Mayor
City of Fayetteville, Washington, County
479-575-8330

Enclosures

RESOLUTION PASSED BY CITY COUNCIL

RESOLUTION # _____

Be it resolved by the City Council of Fayetteville, Arkansas that:

Whereas the City of Fayetteville desires to create an Aerospace Technology Park adjacent to Fayetteville Municipal Airport, Drake Field, and:

Whereas the City of Fayetteville has negotiated an agreement with the Arthur Miller Family to option or purchase the Miller Farmland and to advertise it for development, and:

Whereas the City of Fayetteville needs a new business/technology/industry park for the graduates of the University of Arkansas, Arkansas Research and Technology Park (ARTP), and:

Whereas the State of Arkansas Economic Development Commission has offered the General Improvement Fund Infrastructure Grant for just such purposes, and:

Whereas, the Fayetteville City Council has determined that the Aviation and Economic Development Department of the City of Fayetteville meets eligibility requirements necessary to apply for a grant under the 2007 General Improvement Fund Grant Program, and:

Whereas, the Aviation and Economic Development Department has presented plans to create the Aerospace Technology Park, and:

Whereas, the City Council of Fayetteville recognizes the need for the project, concurs with its importance, and supports the Aviation and Economic Development Department in its efforts to proceed with the same,

Now therefore, be it resolved that the City Council of Fayetteville may designate up to \$1,000,000.00 from the City of Fayetteville Economic Development Match Fund to be used in the development of the Aerospace Technology Park for the benefit of the Citizens and,

Be it further resolved, that the Mayor of Fayetteville is hereby authorized to submit an application of formal request to the Arkansas Economic Development Commission for purposes of securing state grant funds in the amount of \$250,000.00 to aid and assist the Aviation and Economic Development Department in executing the proposed project described herein and that the Mayor of Fayetteville is further authorized to administer the grant funds for the same project.

THIS RESOLUTION ADOPTED IN REGULAR SESSION

Date: _____

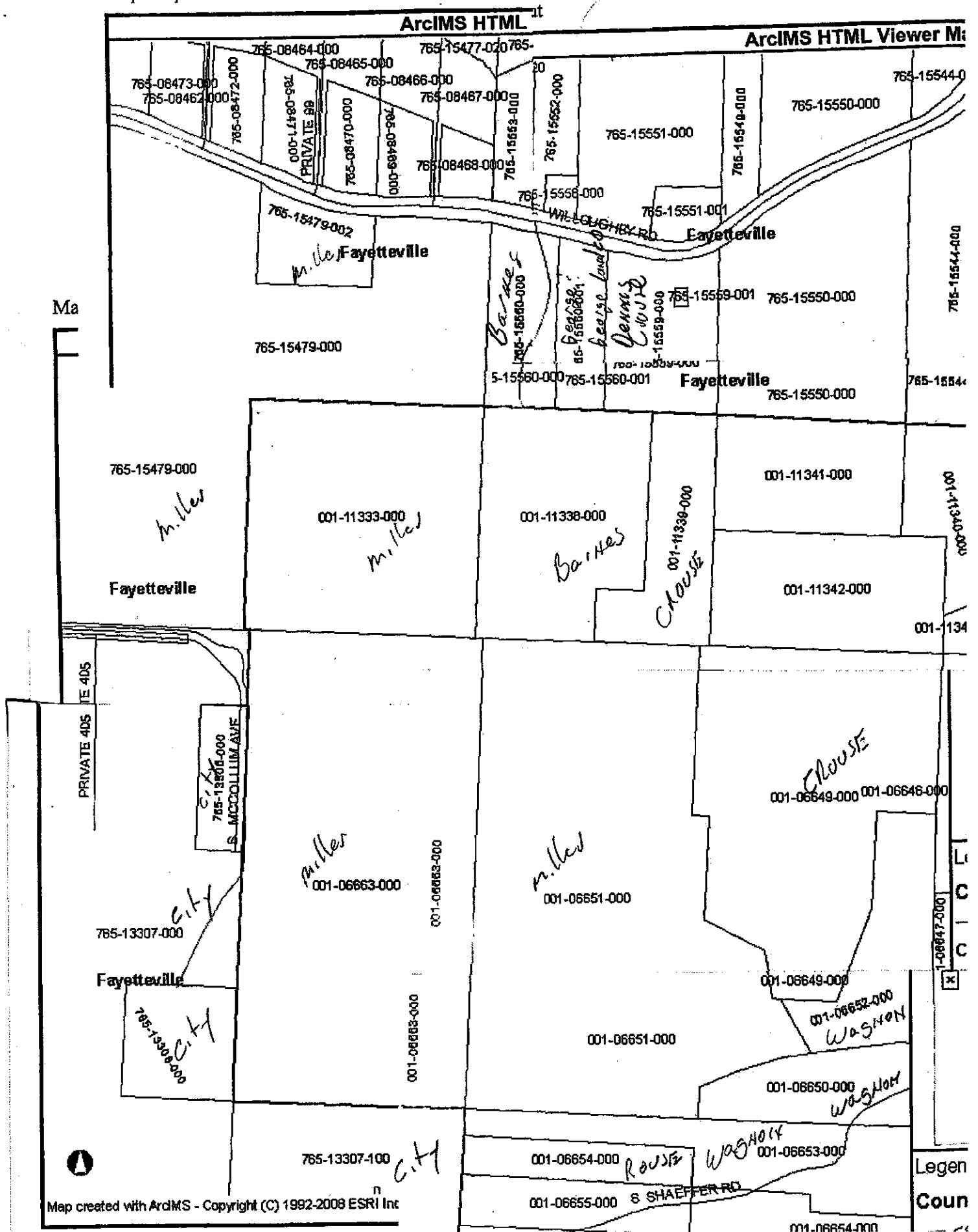
APPROVED:

Dan Coody, Mayor

ATTEST:

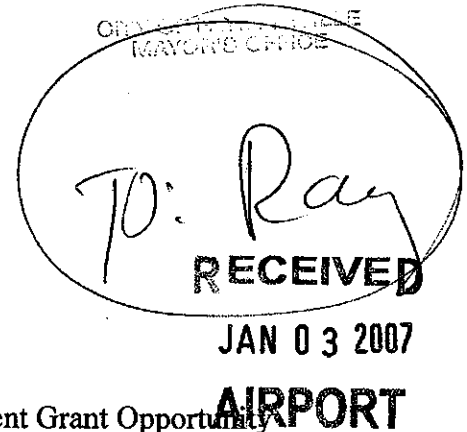
Sondra Smith, City Clerk





MEMORANDUM

TO: Mayors and County Judges
FROM: Maria Haley
DATE: December 21, 2007
SUBJECT: General Improvement Fund Economic Development Grant Opportunity



During the 2007 session of the Arkansas General Assembly, the Arkansas Senate appropriated \$1,794,714 for General Improvement Funds to be used either for economic development infrastructure projects or for transportation projects that enhance economic development.

Attached, you will find an application package that serves both categories of economic development projects. A total of \$1,394,715 is available for a broad range of projects under the economic development infrastructure projects and \$400,000 is available under the transportation infrastructure portion of this solicitation.

Only cities or counties that are a member of a regional economic development effort may apply. If those cities or counties that are not a member of a regional economic development effort either join or apply for membership before the due date for this solicitation (March 3, 2008), their applications will be accepted. Applicants may apply for any amount, out of either or both categories of grants. We anticipate the award of grants in April, 2008.

You may want to contact your economic developer to discuss any grant opportunities in your area.

2007 GENERAL IMPROVEMENT FUND ALLOCATIONS FOR ECONOMIC DEVELOPMENT APPLICATION PACKET

DEADLINE: MARCH 3, 2008



**STATE OF ARKANSAS
ARKANSAS ECONOMIC DEVELOPMENT COMMISSION**

THIS PACKET INCLUDES THE FOLLOWING:

- **GRANT PROGRAM GUIDELINES**
 - **APPLICATION FORM**
- **CERTIFICATION LETTER FORM**
 - **RESOLUTION FORM**

ARKANSAS ECONOMIC DEVELOPMENT COMMISSION

The Arkansas Economic Development Commission's (AEDC's) mission is to develop and diversify the state's economy to enhance the quality of life for current and future Arkansans. Additionally, the agency is a source of information for all communities throughout the state for economic and community development opportunities.

During his campaign, Governor Beebe outlined his five goals for economic development. As a part of this plan, Governor Beebe emphasized the need to develop a series of regional community partnerships. Specifically, he said, "Communities that demonstrate a proven track record and commitment to regionalism will receive particularly favorable consideration for discretionary incentives and infrastructure funding. A greater benefit warrants a greater investment."

The applicant should be cognizant of the five goals for economic development that were outlined by Governor Beebe during his campaign for the office. The five simple goals are as follows:

1. We will increase the incomes of Arkansans at a growth pace greater than the national average.
2. We will expand entrepreneurship and have a retention strategy to decrease plant closures.
3. We will compete more effectively with neighboring states for new businesses and new jobs.
4. Our economic development policy will meet the special needs and take advantage of the special assets of various areas of the state. It will not be a one size fits all.
5. We will increase the number of workers with post secondary training so they are ready for a job when they enter the job force and prepared for new jobs in the future.

During the 2007 Regular Session of the Arkansas General Assembly, the Senate appropriated \$1,794,714 for economic development projects subject to this competitive solicitation for General Improvement Funds to be used either for economic development infrastructure projects or for transportation projects that enhance economic development. Applications for these monies will be divided into two general categories, economic development infrastructure and transportation infrastructure.

General Information and Eligibility

The purpose of this solicitation is to assist cities or counties, involved in regional economic development organizations, with needs associated with either general economic development infrastructure or, more specifically, transportation infrastructure. Grants will be awarded based on a competitive process.

A Letter of Commitment will be provided to the community upon award of the grant. THE PROJECT MUST BE INITIATED WITHIN SIX (6) MONTHS FROM THE AWARDING OF THE GRANT LETTER OF COMMITMENT FROM THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, UNLESS THE APPLICANT REQUESTS A LONGER PERIOD THAT IS SUBSEQUENTLY APPROVED BY AEDC IN THE GRANT AGREEMENT.

What Type of Project is Eligible?

Projects eligible for funding consideration under this program includes:

1. **Economic Development Infrastructure** – Grant opportunities under this category may include, but are not limited to:
 - a. industrial parks;
 - b. water improvements;
 - c. sewer improvements; and/or
 - d. Other, non-transportation related economic development projects.
2. **Transportation Infrastructure** – Grant opportunities under this category may include, but are not limited to:
 - a. streets, roads, highways;
 - b. industrial access;
 - c. ports;
 - d. rail;
 - e. airports;
 - f. bridges; and/or
 - g. Intermodal facilities

What Type of Project is Ineligible?

- Projects in communities/counties that are not a member, or have not applied for membership, of a regional (more than one county) economic development group as of March 3, 2008.
- Projects judged to be outside of the two categories noted above.

Funding Availability

The Arkansas Economic Development Commission has designated a total \$1,394,715 available for the projects in Category 1 – Economic Development Infrastructure. Transportation Infrastructure projects, in Category 2, have been allocated \$400,000.

Allocation of Grant Funds

Grantees will be awarded grant funds upon project completion or upon completion of approved phases of the project if approved in advance by the Arkansas Economic Development Commission and following inspection by an Arkansas Economic Development Commission representative.

All invoices must be submitted, prior to inspection to:

Harold Sharp, Budget Director, Arkansas Economic Development Commission, One Capitol Mall – 4th Floor, Little Rock, AR 72201.

Is there a Matching Requirement?

No. There is no match requirement in applying for these funds. These funds are allocated to the Arkansas Economic Development Commission by state senators from the General Improvement Fund. In none of the appropriation bills was there any mention of a matching requirement. It should be noted that although a match is not required, the scoring system for award of grants gives points to those applicants that have included matching funds in their application.

Application Process

WHEN can we apply?

Applications will be accepted beginning Monday, January 7, 2008 and ending Monday, March 3, 2008.

SUBMITTING an Application

ALL APPLICATIONS MUST BE RECEIVED OR POSTMARKED BY 4:30 P.M. ON MARCH 3, 2008 or they will not be accepted. An original application with one copy of any additional information is required. Faxes or electronic submissions will not be accepted. An electronic version of the application is available for printing on the website at <http://www.arkansasedc.com>.

Applicants must gain the approval of their local governing official, who will be ultimately responsible for the grant should it be received. This process includes completion of the application form and the approval of the application by the local council or quorum court. The mayor or judge must affix his/her signature to the following attached documents for the application to be considered complete:

- Certification letter
- Resolution
- Application

FEB 1 Submit for FEB 19 mtg.

Application Review and Awards Presentation

Applications are numbered and inspected for completeness and eligibility in the order received by the Arkansas Economic Development Commission. Applicants are encouraged to submit applications well in advance of the cycle deadline to allow AEDC staff to thoroughly review the application and assist applicants in correcting any deficiencies prior to the deadline.

Applications received postmarked after the deadline date will not be eligible for consideration.

Following final review and approval, the awards will be announced and then awarded in early 2008.

Arkansas Economic Development Commission

GIF Infrastructure Grant Rating Criteria

100 total points possible

1. **Economic Impact (30 points possible)**
Points will be awarded to applicants who have clearly identified how this grant, if awarded, will impact the community economically and provide more opportunities for future economic development.
2. **Ability to Leverage Other Funding Sources (30 points possible)**
Points will be awarded based on the applicant's documentation of the extent to which other funds, either in-kind or cash, will be used to complete the proposed project.
3. **Readiness to proceed (15 points possible)**
Points will be awarded to those applicants who show a clear plan of action to complete the proposed project.
4. **Alignment with Governor's Goals (15 points possible)**
Points will be awarded based on the degree to which the proposed project addresses one or more of the five economic development goals of Governor Beebe, as noted on page 2 of this application.
5. **Past performance of the grantee (10 points possible)**
Points will be awarded for historical performance of the grantee on projects funded with state and/or federal funds. Please describe one or more successful completions of a project funded with state, federal or local grant funds.

Grant Reporting & Expenditures

THE PROJECT MUST BE INITIATED WITHIN SIX (6) MONTHS FROM THE DATE OF THE GRANT AGREEMENT WITH THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, UNLESS THE APPLICANT REQUESTS A LONGER PERIOD THAT IS SUBSEQUENTLY APPROVED BY AEDC IN THE GRANT AGREEMENT.

- Should the Grantee change any substantive part of the grant originally stated in the Grant Application, the Arkansas Economic Development Commission must be notified for approval.
- If the project takes more than one year to complete, an interim progress report will be required approximately six months from the date of the grant agreement with the Arkansas Economic Development Commission. If the project is to be completed within one year from the date of the signing of the grant agreement, only a final report will be required. In all reporting, the report should address progress on the project and list all expenditures to date.
- A final report is required of each project funded and should contain a statement that assures all grant expenditures were made in accordance with the scope of the grant project. This report will be sent to Harold Sharp, Budget Director, Arkansas Economic Development Commission, One Capitol Mall – 4th floor, Little Rock, AR 72201.
- Failure to comply with the terms of this agreement may result in ineligibility to receive future grant funds

Application Timelines

Deadline for Application Submission

March 3, 2008

Award Date (Proposed)

April 4, 2008

Documents needed for a Complete Grant

In addition to the grant application, with all questions answered fully, applicants must include the following for the application to be complete:

1. A signed Certification Letter, enclosed with application, from the governing official. (See attached example.)
2. A Resolution passed by the governing body enclosed with application. The Resolution must have the governing official's signature, and the signature of the city or county clerk. (See attached example.)
3. Backup documentation for ALL items listed in the project cost estimate.
4. Backup documentation for ALL items listed in the applicant's funding source breakdown (local match). This includes copies of bank statements for cash, letters indicating pledges of cash, and letters of intent to donate materials, equipment, land and/or professional labor being donated. Applicants must show they have raised their entire portion of the match in order to be eligible.
5. A deed, title, or other instrument showing proof of public ownership. This may include an "Intent to Donate" letter from a private individual or a lease that extends for more than ten (10) years.
6. Items of public input support. This could include support letters for the project from the local community's state senator, state representative, members of the community, collaborators involved with the project, etc. Also accepted are minutes from public meetings where the project is discussed and petitions with signatures of support. At least ONE letter is required, but a community may have as many as it chooses.

Questions about the grant program?
Not sure if your project is eligible?
Need to ask about the application process?

Give us a call toll-free at 1 (800) ARKANSAS (1-800-275-2672)

Or Email us at:
hsharp@arkansasedc.com

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
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
February 05, 2008**

A meeting of the Fayetteville City Council was held on February 5, 2008 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 Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

ABSENT: Alderman Lucas

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items:

Alderman Cook announced the Board and Committee Openings.

Mayor Coody: We received a letter from the Washington County Courthouse asking us to put the discussion about the ambulance service on the agenda, would there be a problem with adding this to the February 19, 2008 City Council meeting.

Alderman Jordan: We will have them a decision by the 11th.

Susan Thomas referenced the meeting that was held on June 7, 2007 at the Airport that outlined Council action priorities for the remainder of the year. Economic development was on that list. To address that particular priority we organized information and education sessions and provided you access to a fourth session. Due to the current fiscal condition of the city there is a growing sense of urgency to create a viable economic development strategy for our future and for the future of our economy. We have scheduled a meeting for next Wednesday, February 13, 2008 at 4:30 PM at the Airport to concentrate specifically on Economic Development.

Alderman Thiel: Do you want us to come with our ideas and concerns.

Susan Thomas: Absolutely.

Alderman Thiel: It's not going to be just a presentation; it's going to be more of a discussion?

Susan Thomas: It's not really about finding answers, it's more of a discussion dialogue on our current situation looking at projections over the next few years that relates to the budget and then talking about what we need to do to get the ball rolling and initiate the planning process.

Alderman Thiel: Who is going to be conducting it?

Susan Thomas: Gary and I.

Consent:

Approval of the December 18, 2007, December 27, 2007, January 3, 2008, January 8, 2008 and January 15, 2008 City Council meeting minutes.

Approved

Robinson Aviation (RVA), Inc: A resolution to approve an agreement with Robinson Aviation in cooperation with the FAA to fund a portion of air traffic control services for the Fayetteville Municipal Airport for a monthly cost of \$2,028.42 (subject to an adjustment in October 2008) and to approve a budget adjustment of \$1,111.00.

Resolution 17-08 as Recorded in the office of the City Clerk.

Arkansas Parks and Tourism Grant for Eagle Park: A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 matching grant in the amount of \$100,000.00 for the development of Eagle Park.

Resolution 18-08 as Recorded in the office of the City Clerk.

Walker Park Neighborhood Master Plan: A resolution to adopt the Walker Park Neighborhood Master Plan vision document and illustrative master plan.

Resolution 19-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lucas** was absent.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals:

Police Chief Greg Tabor gave a description of the current vacant positions.

Alderman Jordan: The Park Patrol position, how many do you have doing it now, did you have two people before?

Police Chief Greg Tabor: We had two and with one resignation that leaves us one.

Mayor Coody: We are not going to be bringing any new positions. These are all filling existing positions.

Alderman Ferrell asked Chief Tabor to further explain the Veterinary Assistant position.

Police Chief Greg Tabor: There is only one person at the Vet clinic that does this specific job and they resigned. The Animal Services Control Officer was trained in that job so he is doing it part time as he also does his other duties.

Alderman Ferrell: So is this going to be an additional part time job?

Police Chief Greg Tabor: This is not a part time job. This is replacing a full time Vet Assistant that left.

Alderman Allen: I just wondered what hours do the Park Patrol officers work?

Police Chief Greg Tabor: It depends on what is going on in the parks. Right now one works during the day and the other one works some in the evenings.

Alderman Thiel: Do you think it is necessary now or is this a position that could wait until there are more activities in the parks in the spring.

Police Chief Greg Tabor: You still have a lot of activity in Parks even in the coldest winter time. When you take 365 days a year seven days a week, 24 hours a day, covering those parks 40 hours a week is not very much.

Alderman Thiel: No, I know that.

Alderman Jordan: I would like to vote on the Parks Patrol separately.

Alderman Thiel: I don't mind voting on it separately.

Alderman Gray moved to approve the hiring of Two Police Officers, One Dispatcher, and One Veterinary Assistant. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Police Department – Three Positions

1. Police Officer - Approved
2. Police Officer - Approved
3. Dispatcher - Approved

Animal Services – One Position

1. Veterinary Assistant – Approved

Alderman Gray moved to approve the hiring of One Park Patrol Position. Alderman Jordan seconded the motion. Upon roll call the motion passed 5-3. Alderman Ferrell, Gray Thiel, Rhoads, and Mayor Coody voting yes. Alderman Jordan, Cook, and Allen voting no. Alderman Lucas was absent.

Police Department – One Position

1. Park Patrol Employee - Approved

Resolution 20-08 as Recorded in the office of the City Clerk.

Northwest Arkansas Community Creative Center Lease Agreement: A resolution to approve a lease agreement with the Northwest Arkansas Community Creative Center for a portion of the former Tyson Complex on Huntsville Road. ***This resolution was tabled at the January 3, 2008 City Council meeting to the February 5, 2008 City Council meeting.***

Mayor Coody: There is an on going discussion between these folks and the Walton Arts Center about the building that they have been using. It is my understanding that this may be coming to a close or to some kind of resolution where they would stay at the Nadine Baum Center. Do you know anything else Kit?

City Attorney Kit Williams: I would recommend that we table this indefinitely until something else comes about. Obviously we don't want to enter into any kind of lease anytime soon.

Alderman Thiel moved to table the resolution indefinitely. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Hobson, Inc. Appeal: An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. ***This ordinance was left on the First Reading***

at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I think this request might have been altered to some extent by the petitioners.

Jeremy Pate, Director of Current Planning: I passed out an amended version of this ordinance; the description still says 2.38 acres. The request before you now is an amended petition to reduce the south 1 acre of the property. It's a total of 2.38 acres for this property.

Jeremy described the current status of the property. He stated staff felt it was important to get this back on the agenda. We get calls from surrounding property owners wondering the status of this.

Alderman Jordan asked isn't there some issues about the water and sewer and the Fire Department.

Jeremy Pate: There is no sewer to this part of the City; it was just annexed a little over a year and a half ago so there is no sewer available. I am not sure about the water conditions. I doubt there are fire plugs.

Alderman Jordan: In your estimation this goes against our future land use plan.

Jeremy Pate: That is correct.

Alderman Jordan: Are you still staying by that?

Jeremy Pate: Yes Sir. Our Future Land Use Plan designates this site as a rural area. Much of the area in this part of town is rural at this point in time.

Alderman Jordan: Would you consider this sprawl in your estimation?

Jeremy Pate: Right now the property is not being requested to be developed. There is an existing commercial use on the property. There is something to be said for the applicant's use of the property, it has been utilized since the 1970's as a commercial venture. That is why staff has recommended the conditional use permit process.

Alderman Jordan: You have stated that it goes against the 2025 Plan for that area would that be a fair assessment?

Jeremy Pate: Yes sir.

Alderman Jordan: And it goes against staff and the recommendations of Planning Commission as well.

Jeremy Pate: Planning Commission voted 7-0 against the rezoning.

Alderman Ferrell: You said this has been used as commercial since the 1970's.

Jeremy Pate: That is what I believe the applicant stated at the last meeting.

Alderman Ferrell: My recollection is that it has. The Planning Commission in their denial, this most recent Bill of Assurance was not attached when they considered that is that correct?

Jeremy Pate: The Planning Commission didn't consider the 1.38 acres that was only changed after the Council recommended they look at something different.

Alderman Ferrell: So their vote was based on the whole plot being rezoned.

Jeremy Pate: That is correct. Did you have a comment Kit last time about the Bill of Assurance?

City Attorney Kit Williams: Initially they did not use the standard form for the Bill of Assurance but this latest one is in the form that makes it enforceable and so I don't have any further comment about that at this time.

Alderman Jordan: How can the Bill of Assurance be changed?

City Attorney Kit Williams: Bills of Assurance have to be offered by the developer, we can't recommend any changes to it. Let's assume the rezoning went through with this Bill of Assurance, the City Council and the petitioner could in fact change the future Bill of Assurance. It would have to come to this body again if a change was going to be made in the Bill of Assurance.

Alderman Jordan: If we change this to C-2 and the Bill of Assurance gets changed in the future it could revert back to what C-2 is now.

City Attorney Kit Williams: It could change in any number of ways if you wanted to change the Bill of Assurance in the future. The City Council in the future could rezone the property too.

Donald Wilson, representing Hobson Inc. gave the history of the property. He expressed his concerns with a conditional use permit.

Alderman Ferrell: How many people currently derive their livelihood from working there?

Donald Wilson: Six people.

Alderman Allen: How many properties around there are zoned commercial right now?

Jeremy Pate: There are other uses that were annexed that are commercial in nature that are up and down Highway 16 but everything is zoned residential agricultural. A lot of those uses are now considered existing non-conforming. They would also be non-conforming in the County because the County now has zoning. The County's zoning is more restrictive than our residential-agricultural, it's one residential unit per acre in agricultural uses and everything else is a conditional use.

Mayor Coody: They are grandfathered in when we annex, but if they want to change the use then they have to go through the Planning process.

Jeremy Pate: That is correct and that is why we are here, the use changed after the annexation.

Alderman Gray: What was it at the time of annexation?

Donald Wilson: It was a cabinet shop but there was a fire and it was renovated for a trades and services purpose. That is when the auto repair shop came in after that.

City Attorney Kit Williams: Can we formally amend the ordinance to conform to the new legal description and that is 1.3 acres instead of 2.38 acres?

Alderman Jordan moved to amend the ordinance to conform to the new legal description. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

This ordinance was left on the Second Reading.

New Business:

Van Scoyoc Associates Memorandum Agreement: A resolution approving renewal of the memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville for 2008.

Mayor Coody: How many years have we been doing this?

Susan Thomas: The first contract was in 2004. Since 2004 the City has received \$16.2 million based on our requests for Federal funding.

Susan gave an update on funding that has been requested. She went on to briefly describe the agreement. The sustainability paper will not be presented for a funding request this year but it will be on our list of requests for next year.

Alderman Rhoads: Would we have gotten anything more or less without this group?

Susan Thomas: I think that is a very difficult thing to measure. I certainly don't think we would have received anything more. It's very likely that we would have received less.

Alderman Rhoads: Do you remember what we received in 2003 before we employed these folks?

Susan Thomas: You signed the first contract in 2004. So the fiscal year 2005 funding was an EPA Stag Grant for Wastewater System Improvements and we used that money for sewer rehab.

Mayor Coody: It has been a pretty much an annual allotment for the Sewer Stag Grant and State and Tribal Assistance Grant and we have been pretty good at getting those year after year in the amount of \$450,000 to \$500,000.

Susan Thomas: I don't think there have been any significant Federal appropriations for the City before this process.

Mayor Coody: We have never seen this kind of money until we hired Van Scoyoc & Associates. We have teamed up with the University on this.

Alderman Rhoads: I am very much in favor of these guys; I think they do a good job. I think you have to constantly challenge it every year to make sure that you are getting something and that they are adding value that you wouldn't already get yourself.

Mayor Coody: I think for every \$1 we have invested in Van Scoyoc we have earned \$51 in return. How much we would have gotten without them we don't know. I feel certain it would have been considerably less than that. I think they are well worth the money.

Alderman Ferrell inquired about University of Arkansas and when they signed up with Van Scoyoc.

Mayor Coody confirmed that we hired them after the University of Arkansas hired them.

Alderman Ferrell: I noticed Susan spoke about the highway money and some people north of us do better than us on highway money but they are not paying \$84,000.

Susan Thomas: Van Scoyoc doesn't only work with the appropriations process. They also help us build those relationships with the major agencies to identify other grant opportunities and other sources of funds that don't function through the appropriations process. Those are critical relationships you have to build to get into the loop of those grant cycles.

Alderman Allen: Do we had any specific results from this sizable outlay of money, I don't feel like I know enough about what they have done to feel comfortable about that kind of money.

Susan Thomas: Specific results other than the money we've received? In the agenda packet you should have received a funding summary that shows the appropriations that we have received since we have been in agreement with them.

Mayor Coody: I go to Washington to talk to our delegation and I have spoken with the top staff, the Department of Justice, HUD, and EPA trying to develop that relationship. Van Scoyoc sets all that up. They work very well working through the staff's appropriation committees and they set us up to where we can go see our delegations very easily. I think it has been a very beneficial relationship.

Alderman Jordan asked a about the statement of work which is referred to on Page 7 of 8 in the agenda packet.

Susan Thomas: I think what that is talking about is that there are programmatic changes and things that happened in Congress, rules and laws that are passed that may affect the requests that we put together. I can't think of an example right now.

Mayor Coody: I get emails regularly from Van Scoyoc and I will be glad to forward those to you. These are updates on legislation, outlooks, and the political scene.

Susan Thomas: When Prior got a seat on the organization that the weigh of your request went through, Van Scoyoc called us and said he has been placed on that committee and we should have good luck with that next year. As it turns out we had good luck with it the next year. There are ways that you can navigate your request to be more likely to get funding.

Mayor Coody: They come to Fayetteville about once a year to make sure that they help us on white papers to so that when we present a white paper to our delegation they have fine tuned it and know exactly where the pot of money is that we are going after. They know where we have the most likelihood of success. They make sure we don't waste out time. That right there is worth a lot of money in itself. There is no way we could do what they do. We could not be this successful without them.

Alderman Jordan asked for clarification on a portion of the packet.

Susan Thomas: A best example of that is the way we do our joint projects with the University. Enabling that process to where if you have a request from the City and whoever is lobbying that request can say this is also a high priority for the University that puts it higher to the list because they can kill two birds with one stone.

Alderman Jordan: At \$84,000 a year that is about \$7,000 per month and that comes to about \$44 per hour. Do we have any way to track how much work they are doing?

Mayor Coody: No, they have more than one person that works for us. The way I would measure it would be in the results, not the hourly rate.

Alderman Rhoads: When we first interviewed them is we looked at what other folks were charging for the same type of services and my recollection is that they were right in the middle of the pack. If we do this next year and find out that they are incredibly high then it might be time to look for somebody else.

Alderman Jordan: I just didn't know if we had any way of tracking how many hours we are spending on them. If you are paying for something you want to know how many hours they are spending on it.

Susan Thomas: We haven't tracked it that way. We have always measure their success based on the appropriations that we have received.

Alderman Cook: Looking at this list of money that they have secured, there is some money that we were getting before them.

He questioned some of the funds on the list. Some of these funds it looks like the University would be securing more than the City of Fayetteville. Some of these items are items that if the City of Fayetteville did not contract with Van Scoyoc we would likely secure that money anyway most likely. I have had several citizens comment that for the \$84,000 why doesn't the City hire someone internally, a grant writer, or somebody internally to handle that service for us. Why do we have to pay someone in Washington to handle that service for us? I am not totally convinced that Van Scoyoc can be tagged with getting all this money for us.

Mayor Coody: Do you think they are getting half of it for us?

Alderman Cook: If this number is right, so that is still a little over \$4 million.

Susan Thomas: Just to address a couple of points that you brought up, I think that it would be very unrealistic to think that we can hire a staff member to do this work and to do it at \$84,000. The person would basically have to live in Washington D.C. and spend years developing the relationships. I don't think that is a realistic option.

Alderman Cook: The HUD money is that our typical CDBG money?

Mayor Coody: No, the CDBG money is a completely different fund. That comes in year after year.

Alderman Thiel: That's not what this is?

Susan Thomas: That is a direct appropriation based on our request. It is not CDBG Funds. We requested a million dollars to start our attainable housing project. It will be developing a new program to implement that.

Alderman Rhoads: I hope we continue the relationship with this group or some group like them. I think this group is doing a good job and I presume staff has done their job and they are competitive for the quality. I would challenge the Council members to figure out if there is something that you would like to see the City be able to do except for the fact that it doesn't have enough money and work directly with Susan and Van Scoyoc to see if you can get something that you are interested in. The minute you find success with them you will have a whole different notion if they are really valuable to us. It really doesn't matter what they are making per hour if they can return money on the investment that is what matters.

Alderman Ferrell: I think this organization is like a lot of others they shoot up in the air and whatever they can take credit for they take but they do have relationships. I think it is probably a fair expenditure.

Alderman Jordan moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 5-2. Alderman Ferrell, Jordan, Gray, Thiel and Rhoads voting yes. Alderman Cook and Allen voting no. Alderman Lucas was absent.

Mayor Coody expressed his concerns with the results of the vote and the lack of unanimous support on this issue.

Susan Thomas: We would be very open to any suggestions you have on particular projects, if you would like for us to sit down with Van Scoyoc and draft a white paper for the next ground to start pushing an idea, I would be more than happy to do that.

Alderman Cook: At some point I would like to see them to give an update. I can't remember the last time we saw them here.

Mayor Coody: They were here just a few months ago to go over our white paper with us.

Susan Thomas: They generally come once a year and they meet with us and the University as well. We can arrange an extra trip this year or we can arrange the next trip in January to fall on a Council meeting to have them make a presentation.

Alderman Kyle: I would like to see them and hear their comments and what they are doing. We owe that to the citizens so they can hear what they are doing too.

Susan Thomas: That came up in January but it was at a point where the timing didn't work with the renewal of the contract, but it did come up that they would like to come and visit with you.

Resolution 21-08 as Recorded in the office of the City Clerk.

RZN 07-2852 (Broyles/Woodstock): An ordinance rezoning that property described in rezoning petition RZN 07-2852, for approximately 1.88 acres, located at 845 North 46th Avenue from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated the Planning Commission voted 8-0 in favor and staff is recommending approval.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Lucas was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Lucas was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads was absent during the vote. Alderman Lucas was absent.

Ordinance 5106 as Recorded in the Office of the City Clerk.

VAC 07-2853 (First Christian Church): An ordinance approving VAC 07-2853 submitted by McGoodwin, Williams and Yates, Inc. for property located at 220 North College Avenue to vacate an alley, a total of 0.08 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated the Planning Commission voted to forward this to you with a vote of 8-0. Staff also recommended approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5107 as Recorded in the Office of the City Clerk.

ADM 08-2902 (Woodstock PZD Phasing Modification): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2576, Woodstock, located on the south side of Wedington Drive from 46th Street to Broyles Avenue, containing approximately 29.63 acres, to reflect revised construction phasing as described and depicted herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated essentially what this is doing is extending some of the utilities, which they were going to do anyway, have a turnaround instead of a temporary turnaround they would go ahead and build the roundabout turnaround to accommodate the fire trucks and all the emergency access and add the 30 town home units to that project.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Lucas** was absent.

Ordinance 5108 as Recorded in the Office of the City Clerk.

Drake Field Hangar Local Ordinance District: An ordinance to establish the Drake Field Hangar Local Ordinance District.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I appreciate that we changed it to Drake Field. That will make it more consistent and recognizable. I wonder if we shouldn't amend this to Drake Field White Hangar. I liked the white hangar that way you got all those words in there that everyone has used and everyone will know what this is.

Alderman Thiel moved to amend the ordinance to say Drake Field White Hangar. **Alderman Allen** seconded the motion. Upon roll call the ordinance passed 7-0. **Alderman Lucas** was absent.

Tim Conklin, Planning and Development Management Director: I checked with the Arkansas Historic Preservation Program and they indicated that it is possible to change the name since it has been nominated as on the Arkansas Register of Historic Places as long as it reflected the historic significance of the structure. I would like to thank the Council for considering passing this ordinance. This will allow us to become a certified local government and continue to apply for grant funding not only for the Historic District Commission but also to help individuals

nominate properties, look at other Historic Districts, and also Grant Funding for bricks and mortar projects.

He went on to speak on the significance of the wooden hangar.

Ethel Goodstein Murphree, Chair of the Fayetteville Historic District Commission stated this is an exciting moment. She pointed out that this building will become the first local Historic Ordinance District.

She spoke on the importance of the hangar name. She stated this is going to provide us access to certified local government funds and underscore for the folks up state that Fayetteville is serious about recognizing its local resources. The Historic District Commission that is unanimous in its recommendation to you that the Fayetteville White Hangar be approved as our first Historic District. She thanked the Council and stated we look forward to your support.

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

City Attorney Kit Williams read the ordinance.

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

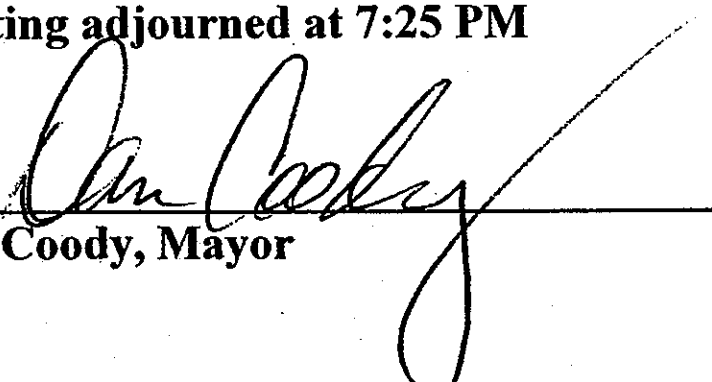
City Attorney Kit Williams read the ordinance.

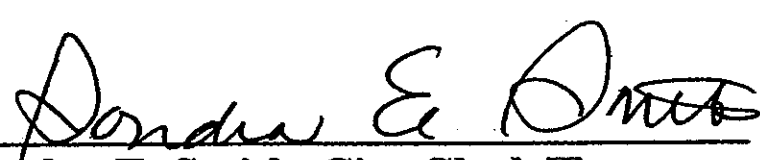
Alderman Ferrell shared a personal past story about the hangar.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Lucas** was absent.

Ordinance 5109 as Recorded in the office of the City Clerk.

Meeting adjourned at 7:25 PM


Dan Coody, Mayor


Sondra E. Smith, City Clerk/Treasurer



*Handed out at
the City Council
Meeting 2-19-08*

OPERATIONS DIRECTOR

To: Mayor and City Council

FROM: Gary Dumas

DATE: February 19, 2008

RE: Bid 08-11 Asphalt and Aggregate Materials

Background:

Staff has been approached by both McClinton-Anchor and Kiewit Southern concerning the proposed award for asphalt and aggregate. The following is a summary of concerns and the staff recommendation.

The bid documents requested unit pricing for materials at the quarry or asphalt plant. Additionally unit pricing for hauling services were also solicited from the material provider. This hauling service was to be utilized when internal hauling was not adequate and when hauling services from Bid 08-13 Truck Hauling Services were not adequate.

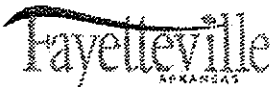
Bid 08-13 Truck Hauling Services is requested to be approved to the lowest cost provider, with the option to use other available services based upon lowest price and availability. The low bidder is Sweetster Construction, and then in order of price Patricks Trucking, Doss Construction/Trucking, Roll Off Services, Inc., Northwest AR Trucking, S & R Trucking, Les Rogers, Inc., and Central Group, LLC. Services would be requested from this list, in price order, based upon availability.

McClinton-Anchor proposed a zone hauling rate from their Sharps and Hindsville plant locations. Kiewit Southern proposed a flat hauling rate throughout the City. Neither of these rates would be utilized except when other less expensive options were not available.

Recommendation:

In order to avoid unnecessary complications with the asphalt and aggregate materials bid award, items 5 and 12 (hauling services from vendor) are rejected from bid. Items 1, 2, and 3 are recommended to be awarded to Kiewit Southern. Item 4 is recommended to be awarded to Hutchens Construction. Items 7, 8, and 10 are recommended to be awarded to McClinton-Anchor Division, Hindsville Quarry. Items 6, 9, and 11 are recommended to be awarded to Northwest Arkansas Quarries. Asphalt Millings delivered to vendor at convenience of City is recommended to be awarded to McClinton-Anchor Division Hindsville or Sharps Quarry.

BID: 08-11
DATE: 1/30/08
2:00 PM
CITY OF FAYETTEVILLE



Bid 08-11, Asphalt and Aggregate

SECTION A: BULK MATERIAL ITEMS FOR PURCHASE			Hutchens Construction		Kiewit Southern Company		McClinton-Anchor Division (Hindsville Quarry)		McClinton-Anchor Division (Sharps Quarry)		Northwest Arkansas Quarries		Rogers Group, Inc. (Lowell Location)		Rogers Group, Inc. (Fayetteville Location)		S & R Trucking	
Item	DESCRIPTION	Est. Tons	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE
1	Asphalt Concrete Hot Mix Surface Course Type 2 (3/4" max stone)	25,000	\$37.60	\$940,000.00	\$38.90	\$847,500.00	No Bid		\$34.90	\$872,500.00	No Bid		No Bid		No Bid		No Bid	
2	Asphalt Concrete Superpave Surface Course (12.5mm max stone)	5,000	\$37.80	\$189,000.00	\$37.50	\$187,500.00	No Bid		\$42.94	\$214,700.00	No Bid		No Bid		No Bid		No Bid	
3	Asphalt Concrete Hot Mix Binder (1.5" max stone)	1,000	\$34.30	\$34,300.00	\$32.00	\$32,000.00	No Bid		\$32.69	\$32,690.00	No Bid		No Bid		No Bid		No Bid	
4	Asphalt Concrete Cold Plant Mix (1/2" max stone)	250	\$57.00	\$14,250.00	No Bid		No Bid		\$64.00	\$16,000.00	No Bid		No Bid		No Bid		No Bid	
5	Delivery of Asphalt materials to job site (as needed within Fayetteville City Limits)	25,000	See attached		\$5.00	\$125,000.00	No Bid		See attached		No Bid		No Bid		No Bid		\$5.25	\$131,250.00
6	Class 7 Base (SB-2) -- includes wet and dry	30,000	No Bid		See NWA Quarries		\$5.95	\$178,500.00	\$5.95	\$178,500.00	\$5.80	\$175,500.00	\$6.25	\$187,500.00	\$7.00	\$210,000.00	No Bid	
7	Concrete Aggregate - 1.5"	500	No Bid		See NWA Quarries		\$7.50	\$3,750.00	No Bid		\$7.80	\$3,900.00	\$8.25	\$4,125.00	No Bid		No Bid	
8	Concrete Aggregate - 3/4"	500	No Bid		See NWA Quarries		\$8.00	\$4,000.00	No Bid		\$8.40	\$4,200.00	\$9.00	\$4,500.00	No Bid		No Bid	
9	"B" Stone	2,500	No Bid		See NWA Quarries		\$6.50	\$16,250.00	\$6.25	\$15,625.00	\$6.50	\$16,250.00	\$6.50	\$16,250.00	\$7.25	\$18,125.00	No Bid	
10	Abrasives / Grit (1/4" chips, washed)	500	No Bid		See NWA Quarries		\$5.75	\$2,875.00	No Bid		\$6.00	\$3,000.00	\$6.50	\$3,250.00	\$7.25	\$3,625.00	No Bid	
11	Shot Rock	500	No Bid		See NWA Quarries		\$5.75	\$2,875.00	\$5.50	\$2,750.00	\$5.70	\$2,850.00	\$6.00	\$3,000.00	\$6.50	\$3,250.00	No Bid	
12	Delivery of Aggregate materials to job site (as needed within Fayetteville City Limits)	2,500	No Bid		See NWA Quarries		See attached		See attached		\$3.65	\$9,125.00	\$3.50	\$8,750.00	\$2.75	\$6,875.00	\$5.25	\$13,125.00
Total Bid Based Section A:				\$1,177,550.00		\$1,192,000.00		\$208,250.00		\$1,332,765.00		\$214,825.00		\$227,375.00		\$241,875.00		\$144,375.00
SECTION B: ASPHALT MILLINGS FOR SALE																		
Item	DESCRIPTION		Price Per Ton		Price Per Ton		Price Per Ton		Price Per Ton		Price Per Ton		Price Per Ton		Price Per Ton		Price Per Ton	
1	Asphalt Millings (picked up by Vendor from City of Fayetteville)		\$4.00		\$2.00		No Bid		No Bid		No Bid		No Bid		No Bid		No Bid	
2	Asphalt Millings (delivered to Vendor at convenience of City Staff)		No Bid		\$5.00		\$7.50		\$7.50		No Bid		No Bid		No Bid		No Bid	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
P. VICE PURCH MGR

J. Foren
WITNESS

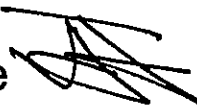
2/1/08
DATE



Added at the Feb. 19, 2008
City Council Mtg.

Fayetteville Police Department
100-A West Rock
Fayetteville, AR 72701
Telephone: (479) 587-3555
Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Dan Coody and members of the City Council
From: Greg Tabor, Chief of Police 
Date: February 19, 2008
Re: **Replacement of Dispatcher**

Recommendation: City Council approves the hiring of one (1) dispatcher to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Tuesday, February 19, 2008, 2008, Dispatcher Carman Higgins resigned effective immediately.

Discussion: The Fayetteville Police Department Central Dispatch currently has 18 authorized dispatch positions. We are currently training two dispatchers for the Night Shift and this vacancy is for that shift also. We have been covering this shift by using Shift Supervisors, Trainers and dispatchers from other shifts. It takes us six months to train a new dispatcher and any delay could cause a critical situation for this shift.

Budget Impact: This is a budgeted position.



*Handed out
at City Council
Meeting 2-19-08*

Fayetteville Police Department
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Fayetteville, AR 72701
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Fax: (479) 587-3563

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Recommendation: City Council approves the hiring of one (1) dispatcher to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Tuesday, February 19, 2008, 2008, Dispatcher Carman Higgins resigned effective immediately.

Discussion: The Fayetteville Police Department Central Dispatch currently has 18 authorized dispatch positions. We are currently training two dispatchers for the Night Shift and this vacancy is for that shift also. We have been covering this shift by using Shift Supervisors, Trainers and dispatchers from other shifts. It takes us six months to train a new dispatcher and any delay could cause a critical situation for this shift.

Budget Impact: This is a budgeted position.



*Handed out at the
City Council Meeting
2-19-08*

DEPARTMENTAL CORRESPONDENCE

TO: Mayor, Dan Coody, Alderman, Adella Gray, Alderman, Brenda Thiel, Alderman, Kyle Cook, Alderman, Nancy Allen, Alderman, Robert Rhoads, Alderman, Robert Ferrell, Alderman, Shirley Lucas, Alderman, Lioneld Jordan, City Clerk, Sondra Smith and City Attorney, Kit Williams

FROM: Paul A. Becker, Finance Director

DATE: February 19, 2008

SUBJECT: Executive Summary of General Improvement Fund Economic Development Infrastructure Grant. Item No. 1 of New Business on the City Council Agenda for 2/12/08

Subsequent to the introduction and inclusion of this item at the 2/12/08 Agenda Session, I made a few wording changes to the Executive Summary for this Grant. No substantive changes were made. The changes pertain to wording so as to clearly indicate to the Granting Agency that the City actions identified were not to be construed as commitments but were actions the City might do. I have highlighted changes for your information.

Executive Summary

GENERAL IMPROVEMENT FUND ECONOMIC DEVELOPMENT INFRASTRUCTURE GRANT

March 3, 2008

Fayetteville Aviation and Economic Development Arthur Miller Aerospace Technology/Industrial Park Development Project

The Fayetteville South Industrial park was developed by the Fayetteville Industrial Development Corporation more than 20 years ago. Most of the Industrial Park's property sites have been sold for industrial developments. Overall, the project was a successful venture for the City of Fayetteville, attracting 32 companies with a total work force of nearly 2000 employees.

Currently, Fayetteville has very little land to continue developing industrial, technological research, manufacturing or assembly but anticipates the opportunity to acquire the land for an Aerospace Technology Park adjacent to the Fayetteville Municipal Airport, Drake Field. This proposed development will be designed in cooperation with the University of Arkansas' Innovation Center as a place to center graduates of the Genesis Incubator. We foresee this project as essential to the continued growth of the Fayetteville economy and as part of the City's "Green Valley" sustainability initiative. We expect it to tap the potential and resources of U of A graduates and entrepreneurs' looking to remain in Fayetteville and near the University of Arkansas Research and Technology Park (ARTP).

167 acres up to potentially as much as 383 total acres adjacent to the Fayetteville Municipal Airport are being considered for this project. The City is currently in negotiation with the owners of the initial 167 acres for a 5-year purchase option while the City of Fayetteville pursues the design concepts for the development. The site concept features energy efficient LEED buildings and low-impact, environmentally sensitive infrastructure.

Further, the project incorporates "Virtual Development" designs which can be shepherded through the local development approval process on the front end, and thereby reduce an ED prospect's construction timeline by as much as 12 months. The Virtual Development designs are also a potent marketing tool for the site.

This proposal includes:

- A five year option on up to 383 acres adjacent to Drake Field.
- A Technology/Industrial Park Development Plan including layout and infrastructure design.
- A marketing plan with Virtual building designs and tour of existing facilities
- A Phase I Environmental Assessment of the ground
- An Archeological Study of the ground.
- A Land Survey and Appraisal

The City of Fayetteville excels in all of your rating criteria:

← OPENING SENTENCE LEFT OUT

1. Economic Impact: There is little doubt that the economic impact of this project far exceeds the investment. In the very recent past, several graduates of the U of A Genesis Incubator have located in other communities because there are no suitable properties for development or buildings to accommodate their business. This acute need was recently revealed when Fayetteville Economic Development Council (FEDC) entered the competition for an aviation manufacturing prospect, Project Lynx, that could bring 650 aviation related new jobs to the area. The company would be an ideal anchor tenant for this project. Without spade-ready industrial land it is difficult, if not impossible, to compete for opportunities like Project Lynx that require 75 to 100 acres. The economic impact of this type of project is very significant. Property taxes alone would yield \$1.3M with \$1.1M going to the public school. The selected site is 167 acres and negotiations are underway for purchase options or outright purchase. An additional 216 acres could be added to the development. The development plan would be for dense construction of LEED Certified facilities and sustainable land use where employee parking areas would be designed to eliminate adverse impact to the storm- water runoff stream.
2. Ability to Leverage other Funding Sources: The City of Fayetteville has up to \$1,000,000.00 of designated Economic Development Match funding available to invest in economic development projects creating jobs and wealth in the community.
3. Readiness to Proceed: The City of Fayetteville is ready to proceed.
4. Alignment with Governor's Goals: This project satisfies all of the Governor's Goals. The jobs we are targeting will require post secondary training in the several areas of research and technology currently centered in the University of Arkansas ARTP, Innovation Center and the Genesis Incubator. The City will not provide the training but there is substantial opportunity for training with the Northwest Arkansas Community College (NWACC) and the Northwest Technical Institute (NTI). Currently, the NWACC provides training in Aviation Airplane and Power Plant Maintenance Technician training as well as several other Industry specific courses. NTI specializes in computer repair, business principles, welding, electronics, automotive repair and diesel engine repair. The UA brings extensive research, training, and personnel to support an aviation related technology park. The UA understands that modern aerospace systems rely heavily on specialized electronic systems in navigation, communications, surveillance, control and scheduling to deal with the overcrowded airspace and airports. Advanced radar and global-positioning systems are vital for future avionics. The College of Engineering has the necessary expertise to assist in these areas. Strong research programs exist in Electrical Engineering and in Computer Science and Computer Engineering in the areas of wireless communications, data mining, embedded sensors for damage detection, acoustics, mixed signals processing and in electronics packaging to support the state-of-the-art avionics technology. Outstanding facilities exist for design and fabrication of electronic packages in the internationally renowned High Density Electronics Center which is administered by the College of Engineering. When fully integrated into the business community, the new Park could generate more than 1,000 jobs depending on the number and types of businesses locating in the Park.

5. The City of Fayetteville is well acquainted in the management and oversight of grant funds and the reporting requirements of the Federal Government and the State of Arkansas. The City has been the recipient of many Federal and State grant funds. In 2005 the Fayetteville Municipal Airport applied for and received \$1.2M in Federal funds and \$50,000 in State of Arkansas funds to construct the West General Aviation Apron on the Airport. In 2006/7 Arkansas Department of Aeronautics supported the Airport with \$600,000 for the construction of two corporate hangars for businesses on the Airport. In 2007/8 the airport received \$123,000 in Federal and State grant funds for new airfield striping and an updated Obstruction Survey. Additionally, since 2005, the City of Fayetteville has received \$16,216,500.00 in Federal Funds for a wide variety of projects for Education, Transportation, Infrastructure, Public Safety and Housing.

2007 GIF Infrastructure Grant

Name of Community: City of Fayetteville

Mayor/Judge's Name: Mayor Dan Coody

Address: 113 West Mountain St.

City: Fayetteville Zip Code: 72701

Phone: 479-575-8331 Cell Phone: 479-841-9900

Email: dcoody@ci.fayetteville.ar.us Fax: 479-575-8257

Contact Person/Reporting Agent: Ray M. Boudreaux

Phone: 479-718-7642 Cell Phone: 479-601-3520

Email: rboudreaux@ci.fayetteville.ar.us Fax: 479-718-7646

Grant Request + Cash Match + In-Kind Match = Total Project Cost

\$250,000.00 + (May appropriate up to \$1,000,000.00) + -0- = \$250,000.00

GIF INFRASTRUCTURE GRANT APPLICATION COVER PAGE	
1. Applicant: City of Fayetteville Address: 113 W. Mountain St. City/Zip Code: 72701 Phone: 479-575-8330 County: Washington	For Internal Use Only Control Number: _____ Funding Year: _____ Grants Manager: _____
2. Application Preparer: Ray M. Boudreaux Address: 4500 S. School, Ste F. City/Zip Code: 72701 Phone: 479-718-7642 Contact: Ray M. Boudreaux	3. Applicable Type: (Check One) ☒ XXXX Economic Development Infrastructure ☐ Transportation Infrastructure
4. Project Summary (Briefly describes the activities to be undertaken for the project). This purpose of the project is to create an Aerospace, Technology and Industrial Park in South Fayetteville adjacent to the Fayetteville Municipal Airport, Drake Field. The grant would allow for the City to tie up the property through options, conduct a land survey and appraisal and contract for Environmental, Archeological, and Geotechnical surveys and create a land use plan including Virtual Buildings on the property.	
5. Type of Applicant: (Check one) ☒ XXXX City ☐ County ☐ Joint* *List Minor Parties: _____ All joint applications must be accompanied by cooperative agreements between all jurisdictions applying for funds in the application. See Application Guidelines for appropriate procedures to follow for joint applications.	
6. State Senator(s)/District(s) Sue Madison 07 State Representative(s)/District(s) Marilyn Edwards 88 Lindsley Smith 92 U.S. Congressional District Third John Boozman	7. Total Project Budget: (List Sources of Funds) a. GIF \$ 250,000.00 b. Local MAY APPROPRIATE UP TO \$1,000,000.00 c. _____ \$ _____ d. _____ \$ _____ e. _____ \$ _____ f. Total \$ 250,000.00
8. Project Information: a. Estimate the # of consecutive calendar days for construction N/A b. Enter the square footage of the proposed building: (if applicable) Renovation ___ N/A ___ New Construction ___ N/A ___ Total ___ N/A ___ c. List all parcels of land to be acquired for the project (donated and/or fee simple). Include size references for these parcels: This project could include the following parcels-- 001-06663-000 and 001-06651-000 owned by Arthur Miller = 166.28 acres (potentially: 001-11338-000 @ 26.48 acres owned by Bleaux Barnes; 001-11339-000 @ 13.52 acres, 001-11342-000 @ 20.0 acres, 001-06649-000 @ 50.91 acres, & 765-15559-000 @ 16.73 acres owned by Dennis Crouse; 765-15560-000 @ 11.76 acres owned by Barnes; and 765-15560-001 @ 4.51 acres owned by George and George Land Company; 765-15550-000 @ 56.57, and 001-11341-000 @ 16.03 acres owned by Terry Morelock for a total additional of 216.51 acres.) d. Estimated number of easements (donated and/or acquired) needed for the project: Unknown	
9. CERTIFICATION OF CHIEF ELECTED LOCAL OFFICIAL To the best of my knowledge and belief, all data contained in this application is true and correct and its submission has been duly authorized by the governing body. I understand that if the application is found to contain significant misinformation or deviates significantly from the application process, this application will be automatically eliminated from further consideration for funding. Signature: _____ Title: Mayor _____ Typed Name: Dan Coody Date: _____	

Project Description

The Project for Fayetteville is to acquire land and develop an Aerospace Technology and Industrial Park adjacent to Fayetteville Municipal Airport, Drake Field. Drake Field was the commercial service airport serving all of Northwest Arkansas for many years until Northwest Arkansas Regional Airport was built to serve the area. Drake Field remains a viable airport with significant infrastructure capable of supporting aircraft of all sizes depending on weight and takeoff distance. All general aviation aircraft are supported by Fayetteville Drake Field as well as most commercial aircraft. Sports teams routinely employ Boeing 737 aircraft at Drake Field.

Initial conversation has been conducted with the owners of property adjacent to Drake Field with very favorable reception. The idea is to acquire an option on at least 167 acres up to as much as 383 acres adjacent to the airport to serve as a manufacturing destination for aerospace industry and graduates of the University of Arkansas Research and Technology Park and Genesis Incubator and Innovation Center.

This grant would make it possible to procure the initial options on the property and to perform initial investigations and development layouts. Some of the property is in a 100 year flood plain and archeological investigations have not been done. This project would complete a property survey and appraisal as well as environmental, archeological, and geotechnical investigations. This work would allow for the development of a land use plan and several virtual buildings so that potential clients would be able to visualize their company on the site. With the comprehensive plan in place, the City would be able to market the property with expectations of a reasonable absorption rate.

Proposed Milestones

February 1, 2008	Submit agenda request to Fayetteville Council
February 19, 2008	City Council pass resolution
March 3, 2008	Submit Application to ADEC
April 4, 2008	Grant Award
April 15, 2008	Property survey and appraisal complete
May 1, 2008	Option Agreement for Land closed
June 1, 2008	Award Task Orders for: Environmental Phase I Archeological Survey Geotechnical Study
July 1, 2008	Complete evaluation of development potential of the property. Award Layout/Design Study
August 1, 2008	Select development plan/Award Virtual Building Design Project
August 15, 2008	Review Initial building designs
September 1, 2008	Submit Large scale Development to City Planning
October 15, 2008	Initiate Marketing Program

Partnering and Strategic Planning

The Major Partner in this project will be the City of Fayetteville. The overall development of the property will be the responsibility of the City but the use of the property can take several forms. There will be several ways a client can locate in the Park. We will work to leverage the site to build a multi-tenant building and then develop lots that can be sold to clients for construction of buildings that comply with the Park development plan. The City would be in a position to assist clients depending on the number and quality of jobs created in the Park. Being adjacent to the Fayetteville Municipal Airport, Drake Field is an additional asset that would allow technology and industrial clients to have direct access to the airport runways and taxiways. This expands the target client for the Park to aviation related industry and aviation research and development businesses. Aviation industry R & D is expanding including new Very Light Jet (VLJ) development, miniaturized electronics and avionics development, and the new Light Sport Aircraft (LSA) manufacturing and research and development. Already, Northwest Arkansas is home to a Remos assembly operation at Drake Field with marketing at the Rogers Airport. Remos is a German LSA Company with major construction facilities in Pasewalk, Germany. Aircraft are shipped to the USA in ship containers, two aircraft per container, and assembled at Drake Field for sale in Rogers.

Our partnership through the FEDC will allow for a wide array of marketing and development opportunities. The City of Fayetteville partners with the Fayetteville Chamber of Commerce and the University of Arkansas for economic development activities. Inquiries are received at the City, at the Chamber at the U of A and at the FEDC offices. The team coordinates all activities through a small working group with representatives from each major stakeholder. Project Shining Star was our first effort concerning a major project. The team made a successful presentation and had won a position in the final selection process when the project was cancelled.

COST ESTIMATE BREAKDOWN

Please itemize the cost estimate for the project below as much as possible. You may add extra sheets if necessary. Backup documentation for each line, including in-kind materials and licensed professional labor, is required (professional estimates, catalog pages, letters of intent to donate, etc.)

<u>Item</u>	<u>Cost</u>
Option	\$ 124,000.00
Land Survey	\$ 8,000.00
Environmental Assessment	\$ 10,000.00
Archeological Study	\$ 15,000.00
Geotechnical Investigation	\$ 13,000.00
Land Use Design	\$ 45,000.00
Virtual Building Design	\$ 35,000.00
Purchase, roads, Utilities, infrastructure	Up to \$1,000,000.00
TOTAL PROJECT COST	\$250,000.00

FUNDING SOURCE BREAKDOWN

Must include back-up documentation that shows how the total project will be funded (*i.e. bank statements, letters of intent to donate, resolution with appropriation listed, etc.*). *This amount should be the same as the total project cost.*

Requested from Infrastructure Grant	\$ 250,000.00
In-kind professional labor	\$ _____
In-kind materials and /or equipment	\$ _____
Community Cash Matching Funds	Up to \$ 1,000,000.00 available
City or County Appropriation	\$ _____
Other Funding Sources (please list)	\$ _____
TOTAL FUNDING SOURCE BREAKDOWN	\$250,000.00

With my signature below, I do hereby certify that I have read, understand, and support the above application for grant funds through the 2007 General Improvement Fund Infrastructure Grant. I further certify that I have read, understand, and agree to abide by the rules and regulations governing the grant programs.

Signature of Mayor or Judge / Date Signed

Dan Coody, Mayor

Signature of Contact Person / Date Signed

Ray M. Boudreaux, Director Aviation and Economic Development

CERTIFICATION LETTER

Date _____

2007 General Improvement Fund Grant
c/o Arkansas Economic Development Commission
One Capitol Mall
Little Rock, AR 72201

Dear Members of the 2007 GIF Infrastructure Grant Review Committee:

On behalf of the city/community of Fayetteville, I am writing to request your assistance in securing a grant under the 2007 General Improvement Fund Grant. Proceeds from the \$250,000.00 grant, if awarded, will be used for the following project, as outlined in the enclosed application:

To create an Aerospace Technology Park adjacent to the Fayetteville Municipal Airport, Drake Field for the purpose of attracting and locating technology, industry, and manufacturing associated with business nurtured in the Arkansas Research and Technology Park of the University of Arkansas and business and industry looking for high quality/ low cost infrastructure in which to create jobs and wealth in the current environment.

I designate myself, Mayor of Fayetteville as the person ultimately responsible for the administration of the state grant, if awarded. Project funds from all sources will be expended through an account established on the books of the City of Fayetteville. All project expenditures with invoices and cancelled checks attached, in addition to copies of all application materials, will remain on file with the City of Fayetteville for three years or until audited (whichever is later), to assure that funds were used for the purposes for which they were made available.

If additional information is needed concerning this project, please feel free to contact me or the project's primary contact person Ray M. Boudreaux at 479-718-7642.

Thank you for your consideration.

Sincerely,

Dan Coody, Mayor
City of Fayetteville, Washington, County
479-575-8330

Enclosures

RESOLUTION PASSED BY CITY COUNCIL

RESOLUTION # _____

Be it resolved by the City Council of Fayetteville, Arkansas that:

Whereas the City of Fayetteville desires to create an Aerospace Technology Park adjacent to Fayetteville Municipal Airport, Drake Field, and:

Whereas the City of Fayetteville has negotiated an agreement with the Arthur Miller Family to option or purchase the Miller Farmland and to advertise it for development, and:

Whereas the City of Fayetteville needs a new business/technology/industry park for the graduates of the University of Arkansas, Arkansas Research and Technology Park (ARTP), and:

Whereas the State of Arkansas Economic Development Commission has offered the General Improvement Fund Infrastructure Grant for just such purposes, and:

Whereas, the Fayetteville City Council has determined that the Aviation and Economic Development Department of the City of Fayetteville meets eligibility requirements necessary to apply for a grant under the 2007 General Improvement Fund Grant Program, and:

Whereas, the Aviation and Economic Development Department has presented plans to create the Aerospace Technology Park, and:

Whereas, the City Council of Fayetteville recognizes the need for the project, concurs with its importance, and supports the Aviation and Economic Development Department in its efforts to proceed with the same,

Now therefore, be it resolved that the City Council of Fayetteville may designate up to \$1,000,000.00 from the City of Fayetteville Economic Development Match Fund to be used in the development of the Aerospace Technology Park for the benefit of the Citizens and,

Be it further resolved, that the Mayor of Fayetteville is hereby authorized to submit an application of formal request to the Arkansas Economic Development Commission for purposes of securing state grant funds in the amount of \$250,000.00 to aid and assist the Aviation and Economic Development Department in executing the proposed project described herein and that the Mayor of Fayetteville is further authorized to administer the grant funds for the same project.

THIS RESOLUTION ADOPTED IN REGULAR SESSION

Date: _____

APPROVED:

Dan Coody, Mayor

ATTEST:

Sondra Smith, City Clerk

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 19, 2008**

A meeting of the Fayetteville City Council will be held on February 19, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Telecommunications Board Annual Report by Richard Drake, Chair of the Telecommunications Board

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the February 5, 2008 City Council meeting minutes.
2. **Washington County Interlocal Agreement:** A resolution to approve an Interlocal Agreement with Washington County so that the county may continue to monitor and manage Community Sewer Systems that have been annexed into Fayetteville.

3. **Garney Companies Cost-Share:** A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$376,060.48 to contract with Garney Companies, Inc. as Fayetteville's share of construction of the Farmington Sewer Force Main, WSIP subproject WL-11, Bid # 08-01; and approving a 10% contingency in the amount of \$37,500.
4. **Redford Construction, Inc Cost-Share:** A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$66,296.34 to contract with Redford Construction, Inc. as Fayetteville's share of construction of the Farmington gravity sewer line, WSIP subproject WL-10, Bid # 08-01; and approving a 10% contingency in the amount of \$7,000.
5. **Bid # 08-03 Kim Construction Company, Inc:** A resolution awarding Bid # 08-03 and approving a contract with Kim Construction Company, Inc. in the amount of \$1,501,102.00 for construction of manhole rehabilitation, basins I-15, W-02, W-05, W-06 & W-13; and approving a contingency in the amount of \$75,000.
6. **Bids # 08-05 – # 08-13 and Bid # 08-29 Bulk Construction Materials:** A resolution awarding Bids # 08-05 - # 08-13 and Bid # 08-29 and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,516,486.00.
7. **Bid # 08-15 Six Pedestrian Bridges:** A resolution awarding Bid # 08-15 and approving the purchase of six (6) prefabricated weathering steel pedestrian bridges from _____ in the amount of \$ _____ for Scull Creek Trail.
8. **Bid # 08-16 Six Trail Bridges:** A resolution awarding Bid # 08-16 and approving a contract with _____ in the amount of \$ _____ for the installation of six (6) trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$ _____.
9. **Landers Ford, One Sedan:** A resolution approving the purchase of one (1) Ford Fusion from Landers Ford of Benton through the state vehicle purchase contract in the amount of \$14,195.00 for use by the Parks & Recreation Division.
10. **Landers Ford, Eight Trucks:** A resolution approving the purchase of eight (8) Ford Trucks from Landers Ford through the state vehicle purchase contract in the amount of \$113,471.00.
11. **Landers Chevrolet, Two Trucks:** A resolution approving the purchase of two (2) ½-ton extended cab 4WD pickup trucks from Landers Chevrolet of Benton through the state vehicle purchase contract in the amount of \$39,888.00.
12. **Bale Chevrolet, One Passenger Van:** A resolution approving the purchase of one (1) Chevrolet 15-passenger van from Bale Chevrolet of Little Rock through the state vehicle purchase contract in the amount of \$21,322.00.

- 13. Mobile Vision Inc:** A resolution approving the purchase of twenty-eight (28) digital in-car video systems pursuant to the bid waiver granted in Ordinance No. 4551, from Mobile Vision Inc. in the amount of \$148,592.15; and approving a budget adjustment in the amount of \$11,593.00.
- 14. Southpass Development LLC:** A resolution to grant approval to allow Southpass Development LLC to submit a Planned Zoning District (PZD) to the City of Fayetteville prior to annexation into the city pursuant to 166.06 (A) (1) of the Unified Development Code.
- 15. Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution to approve a budget adjustment in the amount of \$100,000.00 to recognize revenue from an Arkansas Parks and Tourism Outdoor Recreation Grant.

B. Unfinished Business:

- 1. Hiring Freeze:** Hiring Freeze Appeals:
- 2. Hobson, Inc. Appeal:** An ordinance rezoning a portion of property described in rezoning petition RZN 07-2667, for approximately 1.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2008 City Council meeting.*
- 3. R-PZD 07-2680 (Arcadian Court):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting. This ordinance was Tabled indefinitely at the October 2, 2007 City Council meeting.*

C. New Business:

- 1. RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General.
- 2. VAC 07-2743 (Advanced Auto Parts):** An ordinance approving VAC 07-2743 submitted by Freeland-Kauffman and Fredeen, Inc. for property located at South School Avenue, just south of O'Reilly's Automotive to vacate a portion of a utility easement, a total of 2,419.62 square feet.
- 3. VAC 07-2888 (Clabber Creek III Lot 103):** An ordinance approving VAC 07-2888 submitted by Northstar Engineering Consultants, Inc. for property located at Lot 103, Clabber Creek Phase III, to vacate a portion of a utility easement on the south side of the subject property, a total of 54 square feet.

- 4. King Electrical Contractors:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with King Electrical Contractors in the amount of \$165,000.00 for electrical work associated with the Fayetteville Square Improvements.
- 5. Beaver Watershed Management Plan:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving an agreement with the Northwest Arkansas Community Foundation (NWACF) in the amount of \$10,000.00 for development of the Beaver Watershed Management Plan.
- 6. 2007 Rebudgets:** A resolution approving a budget adjustment to reappropriate \$107,975,386.00 for on-going capital and grant funded projects and to approve reductions in this amount from year end finalization of the 2007 budget.

Agenda Additions:

Announcements:

- 1. City Council Tour: February 18, 2008**

Adjournment:

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

~~18 Dec-07~~ 19 February 2008
City Council Meeting Date

Karen Minkel
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

A resolution establishing an interlocal agreement between the City of Fayetteville and Washington County regarding community sewer systems.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

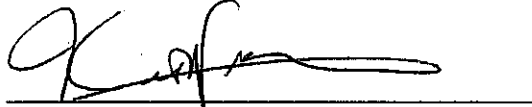
Budgeted Item ☐

Budget Adjustment Attached ☐

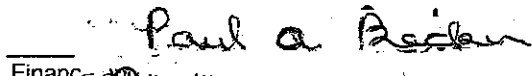
 11-30-07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

 11-30-07
City Attorney Date

Original Contract Number: n/a

 1-14-08
Finance and Information Services Date

Received in City Clerk's Office
ENTERED 11/30/07

 1/18/08
Mayor Date

Received in Mayor's Office
ENTERED 11/30/07 BRP

Comments:
WATER/SEWER COMMITTEE APPROVED 8 JAN 08, 9 JAN 08

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

Kit Williams, City Attorney

Tim Conklin, Planning and Development Management Director T.C.

David Jurgens, Water and Wastewater Director

Ron Petrie, City Engineer

WATER/SEWER Committee

From: Karen Minkel, Senior Long Rang Planner K.M.

Date: November 27, 2007

Subject: Resolution establishing an interlocal agreement between the City of Fayetteville and Washington County regarding community sewer systems

RECOMMENDATION

Planning, Engineering and Water and Wastewater staff recommend approving a resolution establishing an interlocal agreement between the City of Fayetteville and Washington County regarding community sewer systems.

BACKGROUND

City Council approved an ordinance to attach and incorporate 1,419.30 acres into the City of Fayetteville after a majority of citizens voted in favor of annexing the property during a special election held on October 10, 2006. Through this annexation, the City inherited two decentralized sewer systems, one that was already under construction and one that had yet to be constructed but had been approved by Washington County. This situation prompted City staff members to meet with County Planning staff and the Washington County Attorney, George Butler, in order to discuss an interlocal agreement regarding the management of decentralized sewer systems.

County personnel have substantial experience in managing community sewer systems, regulations and bonding requirements. On the occasions that community sewer systems are annexed into the City, this interlocal agreement would enable the County to continue managing the system at a cost of \$2.00 per customer per month. This fee would cover administrative costs and the City could pass along this cost to customers served by the community sewer system. Any cost beyond the stated \$2.00 would have to be approved by the City Council. In addition, a board would be created to oversee the cooperative effort, which would include the Mayor of Fayetteville, the County Judge and a third person whom both parties agreed upon.

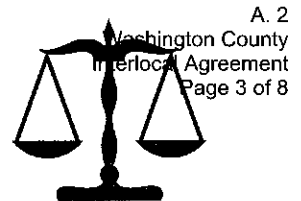
BUDGET IMPACT

None.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council

CC: **Karen Minkel, Long Range Planner**
Tim Conklin, Planning & Development Management Director

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read "Kit Williams", written over a horizontal line.

DATE: **November 30, 2007**

RE: **Interlocal Agreement with Washington County**

The Planning and Legal Departments of the City and Washington County met to discuss how best to monitor and manage Community Sewer Systems that have been or may in the future be brought into the City Limits. Washington County has already established working regulations for such systems (including bonding requirements) and has trained and experienced staff in place to monitor those Community Sewer Systems.

The City Staff concluded that it would be an inefficient and unnecessary duplication of effort for the City to try to educate and train city staff for the small number of these systems within the City. The County is willing to continue managing these systems for the same reasonable fee per household served (\$2.00 monthly) as it currently receives for systems outside the city.

Therefore, the County Attorney (George Butler) and I drafted the attached Interlocal Agreement authorizing the County to continue management of the community sewer systems for the \$2.00 monthly household fee. If this \$2.00 fee becomes insufficient, the City could have to pay its proportionate share of increased costs, but can pass this additional cost along to the households using the Community Sewer Systems. Thus, this agreement should not cost the City anything and will avoid the necessity of training City staff to do what the County staff already has the expertise to accomplish.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT
WITH WASHINGTON COUNTY SO THAT THE COUNTY MAY
CONTINUE TO MONITOR AND MANAGE COMMUNITY SEWER
SYSTEMS THAT HAVE BEEN ANNEXED INTO FAYETTEVILLE**

WHEREAS, Washington County has established ordinances, rules, regulations, and bonding requirements for Community Sewer Systems in the unincorporated areas of the County; and

WHEREAS, the City of Fayetteville has annexed one or more of these Community Sewer Systems and desires that the County and its trained personnel continue to monitor and manage these systems.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby approves the attached Interlocal Agreement with Washington County so the County can continue to monitor and manage any Community Sewer Systems which now or hereinafter may be located within Fayetteville's city limits for a fee to be charged the owners of the Community Sewer System for such management.

PASSED and APPROVED this 18th day of December, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

INTERLOCAL AGREEMENT

THIS AGREEMENT, is made pursuant to A.C.A. §14-14-910 and A.C.A. § 25-20-101 et. seq., by and between the County of Washington, Arkansas (County) and the City of Fayetteville, Arkansas (City).

WITNESSETH:

(1) **WHEREAS**, the City desires that the County exercise jurisdiction within the corporate boundaries of the City for purposes of regulating Community Sewer Systems; and

(2) **WHEREAS**, the County has already passed ordinances concerning Community Sewer Systems and rules and regulations have been promulgated concerning such; and

(3) **WHEREAS**, County personnel have gained substantial experience and expertise in administering Community Sewer Systems, regulations and bonding requirements.

NOW THEREFORE, BE IT KNOWN BY ALL PERSONS BY THESE PRESENTS, that for and in consideration of the above and for the mutual obligations hereby created and the mutual benefits so derived, the parties agree as follows:

(A) It is the intent of the parties to create a long-term relationship with regard to the matter discussed herein. Either party may, by majority vote of its respective governing body, elect to modify, or terminate this Agreement. In order for this Agreement to be modified, the governing bodies of both the City and the County must so indicate by a majority vote of their respective governing bodies. If the parties shall desire to terminate this Agreement, the party or parties so desiring to withdraw shall give the other parties six (6) months written notification for its intent to withdraw, which notice shall be mailed to the Chief Executive official of each party.

(B) In the event of the termination of this Agreement, the parties shall each receive their separate property (if any), whether leased, rented, purchased, or borrowed.

(C) The County shall be entitled to a \$2.00 monthly fee per customer of a Community Sewer System for its proportional administrative costs (as described below) including, but not limited to salaries and fringe benefits for any staff retained to assist in administering the county ordinances and regulations.

(D) Any reimbursement beyond the \$2.00 monthly fee per customer shall be calculated on a pro-rata basis to be determined by the number of households being served by a Community Sewer System in the City versus the number of households being so served outside the city limits of Fayetteville. The City may pass this cost along to customers served by a Community Sewer System. It is the intention of the parties that the \$2 per customer per month to be levied by the County and collected from the Responsible Managing Entity (RME) of the Community Sewer System will cover any administrative costs herein. In the event that such is not the case, the City cannot be further financially obligated without the consent of its governing body.

(E) The County will provide regulatory services to the City for any Community Sewer Systems within the incorporated City limits per the County ordinances and rules and regulations promulgated thereto.

(F) A Board is being created to oversee this joint co-operative effort and shall consist of the County Judge, the Mayor of Fayetteville and a third person mutually agreed upon. The Interlocal Board shall meet as needed. Meetings may be called as the need arises by any Board member.

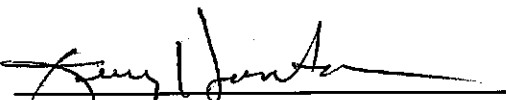
(G) This Agreement may be amended from time to time by the governing bodies of the parties. The party desiring to amend this Agreement shall draft their proposed amendment and, after passage by their governing body, submit the proposed amendment to the other parties, whereupon said parties governing body shall vote upon said proposed amendment. Should the amendment be accepted by all parties, it will thereafter become a part and parcel of this Agreement. Should any party fail to approve a proposed amendment, it will have no force or effect.

(H) The various provisions and parts of this Agreement are hereby declared to be severable and if any section or part of a section, provision or part of a provision herein, is held to be invalid such holding shall not invalidate or effect the remainder of this Agreement.

(I) In accordance with A.C.A. § 25-20-101 et. seq. this Agreement shall be submitted to the Attorney General.

IN WITNESS HERETO, Washington County, Arkansas and the City of Fayetteville, Arkansas, have executed this document by their duly elected officers who are authorized to represent the respective parties hereto in assuring the rights and obligations set forth herein this 3rd day of December, 2007.

WASHINGTON COUNTY,
ARKANSAS


JERRY HUNTON, County Judge

CITY OF FAYETTEVILLE,
ARKANSAS

DAN COODY, Mayor

ATTEST:

Sondra E. Smith, City Clerk/Treasurer

Handwritten: MY 11-29-07

ORDINANCE NO. 2007-63

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

KAR
O. J. HUNTON
WASHINGTON CO. ARK.

2007 NOV 13 PM 2:58

AN ORDINANCE APPROVING AN INTERLOCAL
AGREEMENT BETWEEN WASHINGTON COUNTY
AND THE CITY OF FAYETTEVILLE FOR
WASHINGTON COUNTY TO EXERCISE
JURISDICTION WITHIN THE CORPORATE
BOUNDARIES OF THE CITY FOR PURPOSES OF
REGULATING COMMUNITY SEWER SYSTEMS.

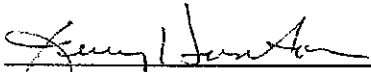
WHEREAS, A.C.A. § 14-14-910 authorizes cities and counties to enter into contracts to cooperate or join with each other to provide services; such to specify the responsibilities of all parties; and,

WHEREAS, the City of Fayetteville desires to enter into an interlocal agreement with Washington County for the County to exercise jurisdiction within the corporate boundaries of the City for purposes of regulating Community Sewer Systems; and

WHEREAS, the County has already passed ordinances concerning Community Sewer Systems and rules and regulations have been promulgated concerning such.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That said Interlocal Agreement is approved and the County Judge is authorized to sign such.


JERRY HUNTON, County Judge

11-9-07
DATE


KAREN COMBS PRITCHARD, County Clerk

Sponsor: David Daniel
Date of Passage: November 8, 2007
Votes For: 7 Votes Against: 6
Abstention: 0 Absent: 0

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

A. 3
Garney Companies Cost-Share
Page 1 of 26

19-Feb-08
City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a cost-share with Farmington in the amount of \$376,060.48 for a contract with Garney Companies for Fayetteville's share of construction of the Farmington Sewer Force Main, WSIP Subproject WL-11, Bid 08-01, and approve a 10% contingency of \$37,500.

\$ 413,560
Cost of this request

\$ 113,086,082
Category / Project Budget

Wastewater System Imp Project
Program Category / Project Name

4520-9520-5801.00
Account Number

\$ 89,150,585
Funds Used to Date

Water and Wastewater
Program / Project Category Name

02133.0411
Project Number

\$ 23,935,497
Remaining Balance

Water/Sewer
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐


Department Director 20 Jan 08
Date

Previous Ordinance or Resolution # _____

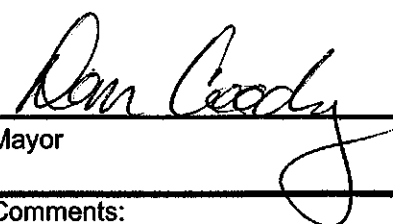
Original Contract Date: _____


City Attorney 1/28/08
Date

Original Contract Number: _____

Paul a. Buhn
Finance and Internal Service Director 1-28-08
Date

Received in City Clerk's Office

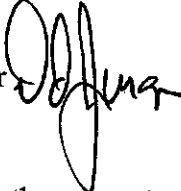


Mayor 1/30/08
Date

Received in Mayor's Office


Comments:

To: Fayetteville City Council

Thru: Mayor Dan Coody
Fayetteville Sewer Committee

From: David Jurgens, Water and Wastewater Director 

Date: 19 January 2008

Subject: Approval of a cost-share with Farmington in the amount of \$376,060.48 for a contract with Garney Companies for Fayetteville's share of construction of the Farmington Sewer Force Main, WSIP Subproject WL-11, Bid 08-01, and approve a 10% contingency of \$37,500.

RECOMMENDATION

City Administration recommends approval of a cost-share with Farmington in the amount of \$376,060.48 for a contract with Garney Companies for construction of the Farmington Gravity Sewer Line, WSIP Subproject WL-11, Bid 08-01, and approve a 10% contingency of \$37,500.

BACKGROUND

This project involves constructing approximately 10,500 feet of 16 inch sewer force main and related work in Farmington and Fayetteville between the future Lift Station 12 near the intersection of Double Springs Road and Goose Creek Road and the West Side Wastewater Treatment Plant.

This cost share and the percentage of the cost to be paid by Fayetteville was agreed to and established in the Fayetteville-Farmington Wastewater Agreement of April 3, 2007 which included the projected population in the basin served by this sewer line. Each city bears their portion of the cost based on their respective populations.

DISCUSSION

The Cities received bids on 16 January, 2008 for this project:

<u>Contractor</u>	<u>Total Bid</u>	<u>Fayetteville Cost</u>
Garney Companies	\$ 1,324,485.35 (low bid)	\$ 376,060.48
Construct & Engr Solutions	\$ 1,900,625.15	\$ 539,643.57
Edwards Design & Const	\$ 2,121,432.46	\$ 602,337.28
Redford Const	\$ 1,743,674.00	\$ 495,080.51
S&J Construction	\$ 1,718,552.52	\$ 487,947.78
Sweetser Construction	\$ 2,942,099.80	\$ 835,348.96
W. N. Couch	\$ 2,059,199.60	\$ 584,667.54
Engineer's Estimate	\$ 2,105,973	\$ 597,947.88

The bid has been reviewed by RJN, the Engineers and the Arkansas Natural Resources Commission who is providing Farmington RLF funding for the project. RJN's recommendation letter is attached.

Garney Companies has completed a number of projects for the City including WSIP subproject WL-5 (force mains). They are also in the process of constructing WSIP subproject EL-1.

BUDGET IMPACT

Funds are available in the WSIP project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A COST-SHARE WITH THE CITY OF FARMINGTON PURSUANT TO THE FAYETTEVILLE-FARMINGTON WASTEWATER AGREEMENT OF APRIL 3, 2007, IN THE AMOUNT OF \$376,060.48 TO CONTRACT WITH GARNEY COMPANIES, INC. AS FAYETTEVILLE'S SHARE OF CONSTRUCTION OF THE FARMINGTON SEWER FORCE MAIN, WSIP SUBPROJECT WL-11, BID #08-01; AND APPROVING A 10% CONTINGENCY IN THE AMOUNT OF \$37,500.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby approves a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$376,060.48 to contract with Garney Companies, Inc. as Fayetteville's share of construction of the Farmington Sewer Force Main, WSIP Subproject WL-11, Bid #08-01.

Section 2: That the City Council of the City of Fayetteville, Arkansas, hereby approves a 10% contingency in the amount of \$37,500.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



www.rjn.com

January 18, 2008

Mr. David Jurgens, P.E.
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Subject: Bid #08-01 Unit 1 WSIP WL-10 and Unit 2 WL-11
Cities of Farmington and Fayetteville, Arkansas

Dear Mr. Jurgens:

Five contractors submitted bids for Unit 1 (WL-10) and seven contractors submitted bids for Unit 2 (WL-111). Attached please find the bid tabulations for both units. Redford Construction, Inc. is the low bidder for Unit 1 for a total construction cost of \$335,967. Garney Companies, Inc. is the low bidder for Unit 2 for a total construction cost of \$1,324,485.35. We have checked their references and find that they have performed well in the past on similar projects.

We recommend the Cities of Farmington and Fayetteville enter into a contract with Redford Construction, Inc. and Garney Companies, Inc. for the construction of the above referenced projects.

Should you have any questions, please call me at (972) 437-4300.

Very truly yours,

RJN Group, Inc.

Peter Z. Lai, P.E.
Project Manager

Project File: 18-1875-02

CITY OF FAYETTEVILLE
BID # 08-01, WSIP WL-10 AND WL-11
FARMINGTON GRAVITY MAIN AND DOUBLE SPRINGS LIFT STATION FORCE MAIN
SUMMARY OF BIDS SUBMITTED 1-16-08

Contractor	Amount of Bid		Errors on Proposal
	Unit 1	Unit 2	
Construction & Engineering Solutions, LLC	No Bid	\$1,900,625.15	None
Edwards Design & Construction, Inc.	\$429,829.30	\$2,121,432.46	None
Garney Construction	No Bid	\$1,324,485.35	None
Redford Construction, Inc.	\$335,967.00	\$1,743,674.00	None
S & J Construction, Co., Inc.	\$614,874.03	\$1,718,552.52	None
Seven Valleys Construction	\$533,858.00	No Bid	Error on unit price for Unit 1 item 3. They treated it like a Lump Sum item instead of LF. They showed \$8,000 per LF which would have made it \$15,600,000.
Sweetser Construction, Inc.	No Bid	\$2,942,099.80	Added up to \$2,942,100.30 - \$0.50 off on total amount.
W.N. Couch, Inc.	\$558,798.00	\$2,059,199.60	Item 25 Unit 2 - written out amount shown as \$200 instead of \$2

All bidders acknowledged Addendums 1-5 and submitted bid bonds.

CITY OF FAYETTEVILLE
BID # 08-01, WSP WL-10 AND WL-11
FARMINGTON GRAVITY MAIN AND DOUBLE SPRINGS LIFT STATION FORCE MAIN

BID OPENING: JANUARY 15, 2008		R/J N	Garney Construction		S & J Construction Co, Inc.		Redford Construction, Inc.		Construction & Engineering Solutions, LLC	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM	ESTIMATE	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
UNIT 2 - WL-11										
1	1	LS	Mobilization	38,275	20,000.00	\$20,000.00	11,000.00	\$11,000.00	35,000.00	\$35,000.00
2	10,734	LF	Site Preparation, Clearing and Grubbing	53,670	1.00	\$10,734.00	2.00	\$21,468.00	3.00	\$32,202.00
3	10,734	LF	Construction Staking	42,936	1.00	\$10,734.00	0.50	\$5,367.00	2.50	\$26,335.00
4	3	EA	Construct 48" Dia. Manhole	13,200	1,675.00	\$5,025.00	3,570.94	\$10,712.82	3,000.00	\$9,000.00
5	23	VF	Construct 48" Dia. Manhole, Extra Depth	7,041	100.00	\$2,300.00	237.90	\$5,471.70	100.00	\$2,300.00
6	389	LF	15" Sewer Pipe and embedment	28,008	35.00	\$13,615.00	232.45	\$90,423.05	80.00	\$31,120.00
7	10,345	LF	16" Ductile Iron FIM and embedment	879,325	71.15	\$736,046.75	86.47	\$894,532.15	90.00	\$931,050.00
8	15	TON	Ductile Iron Fittings	66,758	1.00	\$15.00	2,000.00	\$30,000.00	2,000.00	\$30,000.00
9	9,624	LF	Trench Excavation and Backfill (0-8 feet)	202,104	8.00	\$76,992.00	3.00	\$28,872.00	5.00	\$46,120.00
10	439	LF	Trench Excavation and Backfill (9-12 feet)	14,048	11.00	\$4,829.00	35.00	\$15,365.00	7.00	\$3,073.00
11	437	LF	Trench Excavation and Backfill (12-16 feet)	22,267	16.00	\$6,992.00	70.00	\$30,590.00	11.00	\$4,807.00
12	10	EA	Filter Air/Vacuum Valve & Vailt Assembly	95,000	11,000.00	\$110,000.00	11,288.58	\$112,885.80	12,000.00	\$120,000.00
13	66	VF	Epoxy Coating of Air Valve Vault	8,580	250.00	\$16,500.00	192.00	\$12,672.00	200.00	\$13,200.00
14	643	CY	Rock Excavation	64,260	127.00	\$81,661.00	25.00	\$16,075.00	65.00	\$13,795.00
15	110	LF	30" Steel Encasement By Open Cut	22,000	106.00	\$11,660.00	219.70	\$24,167.00	120.00	\$13,200.00
16	465	EA	Concrete Anchors on Casings	279,000	300.00	\$139,500.00	610.00	\$263,650.00	580.00	\$269,700.00
17	14	EA	Concrete Encasement	28,000	550.00	\$7,700.00	600.00	\$8,400.00	800.00	\$11,200.00
18	195	LF	Tree Protection and Pruning	3,900	35.00	\$6,825.00	53.60	\$10,452.00	80.00	\$15,600.00
19	1	LS	Trench Foundation Material	10,000	6,000.00	\$6,000.00	7,000.00	\$7,000.00	2,000.00	\$2,000.00
20	120	CY	Trench Compaction Test	5,400	15.00	\$1,800.00	36.20	\$4,344.00	30.00	\$3,600.00
21	35	EA	Rock Rip-Rap	1,750	80.00	\$2,800.00	200.00	\$7,000.00	200.00	\$7,000.00
22	573	CY	Clay Dam	17,193	20.00	\$11,460.00	36.30	\$20,799.90	45.00	\$25,785.00
23	3	EA	Remove and Replace Asphalt Paving	300	200.00	\$600.00	750.00	\$2,250.00	1,000.00	\$3,000.00
24	40	SY	Seeding and Mulching	1,980	122.00	\$4,860.00	55.00	\$2,200.00	85.00	\$3,400.00
25	1,948	SY	Sod Replacement	15,581	0.50	\$974.00	0.70	\$1,363.60	2.00	\$3,896.00
26	1,298	SY	Erosion Control	14,283	1.70	\$2,206.60	14.00	\$18,172.00	6.00	\$7,788.00
27	1	LS	Trench Safety	15,000	15,000.00	\$15,000.00	20,000.00	\$20,000.00	25,000.00	\$25,000.00
28	10,269	LF	Traffic Control	41,076	1.00	\$10,269.00	1.00	\$10,269.00	1.00	\$10,269.00
29	1	LS	Surface Video Documentation	4,000	2,000.00	\$2,000.00	5,000.00	\$5,000.00	3,000.00	\$3,000.00
30	10,734	LF		10,734	0.50	\$5,367.00	0.75	\$8,050.50	1.00	\$10,734.00
5% Contingency				2,005,689						
Total				2,105,973		\$1,324,485.35		\$1,718,592.52		\$1,743,674.00
										\$1,900,625.15

CITY OF FAYETTEVILLE
BID # 08-01, WSP WL-10 AND WL-11
FARMINGTON GRAVITY MAIN AND DOUBLE SPRINGS LIFT STATION FORCE MAIN

BID OPENING: JANUARY 15, 2008			R/N	W. N. Couch, Inc.		Edwards Design & Construction, Inc.		Sweetser Construction, Inc.	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM		ESTIMATE	UNIT	TOTAL	UNIT	TOTAL
UNIT 2 - WL-11									
1	1	LS	Mobilization		36,275	41,169.00	\$41,169.00	40,000.00	\$40,000.00
2	10,734	LF	Site Preparation, Clearing and Grubbing		53,670	1.00	\$10,734.00	5.75	\$61,720.50
3	10,734	LF	Construction Staking		42,936	1.40	\$15,027.60	1.40	\$15,027.60
4	3	EA	Construct 48" Dia. Manhole		13,200	1,500.00	\$4,500.00	2,000.00	\$6,000.00
5	23	VF	Construct 48" Dia. Manhole, Extra Depth		7,041	200.00	\$4,600.00	250.00	\$5,750.00
6	389	LF	15" Sewer Pipe and embedment		28,008	45.00	\$17,505.00	32.50	\$12,642.50
7	10,345	LF	16" Ductile Iron FM and embedment		879,325	106.00	\$1,096,570.00	95.66	\$989,602.70
8	15	TON	Ductile Iron Fittings		66,758	10,000.00	\$150,000.00	10,835.00	\$162,525.00
9	9,624	LF	Trench Excavation and Backfill (0-8 feet)		202,104	3.00	\$28,872.00	3.00	\$28,872.00
10	439	LF	Trench Excavation and Backfill (8-12 feet)		14,048	4.00	\$2,185.00	5.00	\$2,195.00
11	437	LF	Trench Excavation and Backfill (12-16 feet)		22,287	5.00	\$2,185.00	12.00	\$5,244.00
12	10	EA	Filter Air/Vacuum Valve & Vault Assembly		95,000	13,000.00	\$130,000.00	10,500.00	\$105,000.00
13	66	VF	Epoxy Coating of Air Valve Vault		8,580	300.00	\$19,800.00	215.00	\$14,190.00
14	643	CY	Rock Excavation		64,260	80.00	\$51,440.00	150.00	\$96,450.00
15	110	LF	30" Steel Encasement By Open Cut		22,000	200.00	\$22,000.00	200.00	\$22,000.00
16	465	LF	30" Steel Encasement By Bore and Jack		279,000	650.00	\$302,250.00	764.38	\$355,436.70
17	14	EA	Concrete Anchors on Casings		28,000	1,500.00	\$21,000.00	850.00	\$11,900.00
18	195	LF	Concrete Encasement		3,900	150.00	\$29,250.00	30.00	\$5,850.00
19	1	LS	Tree Protection and Pruning		10,000	2,500.00	\$2,500.00	7,500.00	\$7,500.00
20	120	CY	Trench Foundation Material		5,400	35.00	\$4,200.00	20.00	\$2,400.00
21	35	EA	Trench Compaction Test		1,750	250.00	\$8,750.00	600.00	\$21,000.00
22	573	CY	Rock Rip-Rap		17,193	60.00	\$34,380.00	29.52	\$16,914.96
23	3	EA	Clay Dam		300	1,000.00	\$3,000.00	1,000.00	\$3,000.00
24	40	SY	Remove and Replace Asphalt Paving		1,980	65.00	\$2,600.00	225.00	\$9,000.00
25	1,948	SY	Seeding and Mulching		15,581	2.00 *	\$3,896.00	1.00	\$1,948.00
26	1,298	SY	Sod Replacement		14,283	4.00	\$5,192.00	5.00	\$6,480.00
27	1	LS	Erosion Control		15,000	20,000.00	\$20,000.00	61,000.00	\$61,000.00
28	10,269	LF	Trench Safety		41,076	1.00	\$10,269.00	2.50	\$25,672.50
29	1	LS	Traffic Control		4,000	5,000.00	\$5,000.00	10,000.00	\$10,000.00
30	10,734	LF	Surface Video Documentation		10,734	1.00	\$10,734.00	1.50	\$16,101.00
5% Contingency					2,005,689				
					100,284				
Total					2,105,973		\$2,059,199.60		\$2,121,432.46
									\$2,942,100.30

City Of Fayetteville

(Not a Purchase Order)

Vendor Number: 3112 Vendor Name: City of Farmington, Arkansas

Address: P O Box 150 Fayetteville, AR 72730-0150

City: Fayetteville State: AR Zip Code: 72730-0150 Ship to code: 2065 N Sunshine Rd Fayetteville, AR

Requester: David Jurgens Requester's Employee #: 490 Extension: 330

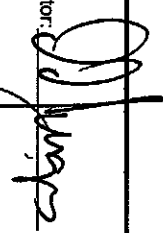
Item Description: WSIP, WL-11, Farmington Force Main Quantity: 1 Unit of Issue: EA Unit Cost: \$376,060.48 Extended Cost: \$376,060.48 Account Numbers: 4520-9520-5801-00 Project/Subproject #: 02133-0411 Inventory #: Fixed Asset #:

1	WSIP, WL-11, Farmington Force Main	1	EA	\$376,060.48	\$376,060.48	4520-9520-5801-00	02133-0411		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$376,060.48
Tax: \$0.00
Total: \$376,060.48

Approvals:

Mayor: Department Director: 

Finance & Internal Services Director: Budget Manager: IT Manager:

Dispatch Manager: Utilities Manager: Other:

KNOW ALL MEN BY THESE PRESENTS: that we

1333 NW Vivion Road

Kansas City MO 64118

Western Surety Company 800/331-6053 A South Dakota Corporation

and Liberty Mutual Insurance Company 610/832-8240 a Massachusetts Corporation

Plymouth Meeting, PA 19462

City of Farmington, Arkansas

Farmington, Arkansas 72730

WHEREAS, Principal has submitted a Bid for construction of approximately 13,531 linear feet of gravity sewer main, 8 through 21-inch diameter (3,898 feet of 21", 3,623 feet of 18", 2,851 feet of 15", 2,756 feet of 12", and 403 feet of 8"), and 47 new 4-foot diameter manholes for Unit 1. Unit 2 of the project provides for the construction of approximately 10,078 linear feet of 16-diameter force main. Each project will be mostly installed by open cut, with some areas of rock excavation, other methods of pipe installation include 75 linear feet of 36-inch encasement (Unit 1), 462 linear feet of 30-inch encasement (125 lf - Unit 1, 337 lf - Unit 2), 53 linear feet of 24-inch encasement (Unit 1), all by bore, and 265 linear feet of 36-inch encasement (Unit 1), and 110 linear feet of 30-inch encasement (Unit 2) by open cut. Additional items include erosion control, bypass pumping, tree removal/protection, creek, road, and highway crossings and related work, along Goose Creek and Farmington Branch Creek in Farmington, Arkansas.

DOCUMENT 00410 - BID BOND (continued)

NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 8 day of January 2008.

PRINCIPAL

(CORPORATE SEAL)

Garney Companies, Inc.

By J.W. Youngblood
J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

SURETY
Western Surety Company and
Liberty Mutual Insurance Company

By Linda L. Nutt
Linda L. Nutt, Attorney-in-Fact

ATTORNEY-IN-FACT

(CORPORATE SEAL)

please see above

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Linda L. Nutt

of Kansas City, MO, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

Surety Bond Number: Bid Bond / Bid Bond
Principal: Garney Companies, Inc.
Obligee: City of Farmington
Amount of Bond: See Bond Form

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 19th day of September, 2006

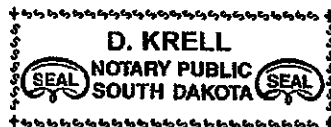


WESTERN SURETY COMPANY
Paul T. Bruflatt
Paul T. Bruflatt, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 19th day of September, 2006, before me personally came Paul T. Bruflatt, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires
November 30, 2012



D. Krell
D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 8th day of January, 2008



WESTERN SURETY COMPANY
L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint, Linda L. Nutt, its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any location within the United States, the following surety bond:

Principal Name: Garney Companies, Inc.

Obligee Name: City of Farmington

LMS Surety Bond Number: Bid Bond / Bid Bond

Bond Amount: See Bond Form

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 23rd day of MAY, 2006.



LIBERTY MUTUAL INSURANCE COMPANY

Garnet W. Elliott

By _____
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 23rd day of MAY, 2006, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires Mar. 28, 2009
Member, Pennsylvania Association of Notaries

By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 8th day of January, 2008.



By David M. Carey
David M. Carey, Assistant Secretary

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main
Contract No.: UNIT 1, WL-10
RLF Project No.: 00584-CWRLF-L

BID TO:

Owner: The City of Farmington, Arkansas
324 West Main Street
Farmington, Arkansas 72730

BID FROM:

Bidder: GARNEY COMPANIES, INC.
1333 N.W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

DOCUMENT 00400 - BID FORM

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
<u>One</u>	<u>December 21, 2007</u>
<u>Two</u>	<u>December 31, 2007</u>
<u>Three</u>	<u>January 3, 2008</u>
<u>Four</u>	<u>January 4, 2008</u>
<u>Five</u>	<u>January 9, 2008</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a hazardous environmental condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

DOCUMENT 00400 – BID FORM (continued)

UNIT 1 (WL-10) FARMINGTON GRAVITY MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
32.	330	LF	2-Inch PVC D2241 Water Line by Open Cut, 4' Deep, Complete in Place	(\$_____)	(\$_____)
			_____ Dollars/LF Words		
33.	1	EA	Sewer Backflow Prevention Device	(\$_____)	(\$_____)
			_____ Dollars/EA Words		

TOTAL PRICE - UNIT 1: No Bid

Dollars (\$_____).

1. Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.
2. Bidder must indicate, by checking a box below, the type of pipe material to be used for this project. Pipe material must be the same for all pipe, unless specifically indicated in the contract documents.

☐ Polyvinylchloride 8"-15" ☐ Polyvinylchloride 18"-36"
☐ Fiberglas Reinforced Polymer 18"-36"

ARTICLE 5- CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

DOCUMENT 00400 - BID FORM (continued)

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

- A. Required Bid security, not less than 5% of the Bid total, in the form of a certified or bank cashier's check or a Bid Bond and in the amount of Five Percent of bid amount Dollars (\$ 5% bid amount).
- B. Required Bidder's Qualification Statement with supporting data (DOCUMENT 00140).
- C. List of Subcontractors (DOCUMENT 00430)
- D. Contractor's Act of Assurance Form, RLF-52.
- E. MBE / WBE Compliance Evaluation Form, RLF-96.

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

GARNEY COMPANIES, INC.
1333 N. W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No. (816) 746-7223

FAX No. (816) 746-7288

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on January 16, 2008

Arkansas State Contractor License No. 0032110308

DOCUMENT 00400 –BID FORM (continued)

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

DOCUMENT 00400 - BID FORM (continued)

A Corporation

Corporation Name: GARNEY COMPANIES, INC. (SEAL)

State of Incorporation: Missouri

Type (General Business, Professional, Service, Limited Liability): _____

General Business

By: J.W. Youngblood

(Signature – attach evidence of authority to sign)

Name (type or printed): J.W. YOUNGBLOOD
EXECUTIVE VICE PRESIDENT

Title: _____

(CORPORATE SEAL)
Attest: Stephen M. McCandless Stephen M. McCandless
Corp. Secretary
(Signature of Corporate Secretary)

Business address: GARNEY COMPANIES, INC.
1333 N.W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

Phone No.: (816) 746-7223 FAX No.: (816) 746-7288

END OF DOCUMENT 00400 – UNIT 1

DOCUMENT 00400 -BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main
Contract No.: UNIT 2, W-11
RLF Project No.: 00584-CWRLF-L

BID TO:

Owner: The City of Farmington, Arkansas
324 West Main Street
Farmington, Arkansas 72730

BID FROM:

Bidder: GARNEY COMPANIES, INC.
1333 N.W. VIVION ROAD
KANSAS CITY, MISSOURI 64118

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

DOCUMENT 00400 - BID FORM

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
<u>One</u>	<u>December 21, 2007</u>
<u>TWO</u>	<u>December 31, 2007</u>
<u>Three</u>	<u>JANUARY 3, 2008</u>
<u>Four</u>	<u>JANUARY 4, 2008</u>
<u>Five</u>	<u>JANUARY 9, 2008</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a hazardous environmental condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

DOCUMENT 00400 – BID FORM (continued)

- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.
- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by the Engineer is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any

DOCUMENT 00400 - BID FORM (continued)

other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

ARTICLE 4 - BID PRICE

4.01 Bidder will complete the Work in accordance with the Contract Documents for the following prices:

Unit 2 Price Schedule:

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1.	1	LS	Mobilization (Not to Exceed 2% of All Other Contract Items) <i>Twenty Thousand</i> Dollars/LS Words	(\$ <u>20,000.00</u>)	(\$ <u>20,000.00</u>)
2.	10,734	LF	Site Preparation, Clearing and Grubbing <i>One</i> Dollars/LF Words	(\$ <u>1.00</u>)	(\$ <u>10,734.00</u>)
3.	10,734	LF	Construction Staking <i>One</i> Dollars/LF Words	(\$ <u>1.00</u>)	(\$ <u>10,734.00</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
4.	3	EA	48-Inch Dia. Std. Manhole, 0-6 Ft. Deep <i>Sixteen hundred seventy-five</i> Dollars/EA Words	(\$ <u>1,675.00</u>)	(\$ <u>5,025.00</u>)
5.	23	VF	48-Inch Dia. Manhole Extra Depth, Over 6 Ft. Deep <i>One hundred</i> Dollars/VF Words	(\$ <u>100.00</u>)	(\$ <u>2,300.00</u>)
6.	389	LF	15-Inch Gravity Sewer and Embedment <i>thirty-five</i> Dollars/LF Words	(\$ <u>35.00</u>)	(\$ <u>13,615.00</u>)
7.	10,345	LF	16-Inch Ductile Iron FM and Embedment <i>seventy-one & 15/100</i> Dollars/LF Words	(\$ <u>71.15</u>)	(\$ <u>736,046.75</u>)
8.	15	TON	Ductile Iron Fittings <i>ONE</i> Dollars/TON Words	(\$ <u>1.00</u>)	(\$ <u>15.00</u>)
9.	9,624	LF	Trench Excavation and Backfill, 0-8 Ft. Depth <i>eight</i> Dollars/LF Words	(\$ <u>8.00</u>)	(\$ <u>76,992.00</u>)
10.	439	LF	Trench Excavation and Backfill, 8-12 Ft. Depth <i>eleven</i> Dollars/LF Words	(\$ <u>11.00</u>)	(\$ <u>4,829.00</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
11.	437	LF	Trench Excavation and Backfill, 12-16 Ft. Depth <u>Sixteen</u> Dollars/LF Words	(\$ <u>16.00</u>)	(\$ <u>6,992.00</u>)
12.	10	EA	Air/Vacuum Valve & Vault Assembly, Carbon Filter, Complete <u>eleven thousand</u> Dollars/EA Words	(\$ <u>11,000.00</u>)	(\$ <u>110,000.00</u>)
13.	66	VF	Epoxy Coating of Air Valve Vault <u>two hundred fifty</u> Dollars/VF Words	(\$ <u>250.00</u>)	(\$ <u>16,500.00</u>)
14.	643	CY	Rock Excavation <u>one hundred twenty seven</u> Dollars/CY Words	(\$ <u>127.00</u>)	(\$ <u>91,661.00</u>)
15.	110	LF	30-Inch Steel Encasement by Open Cut <u>one hundred six</u> Dollars/LF Words	(\$ <u>106.00</u>)	(\$ <u>11,660.00</u>)
16.	465	LF	30-Inch Steel Encasement by Bore and Jack <u>three hundred</u> Dollars/LF Words	(\$ <u>300.00</u>)	(\$ <u>139,500.00</u>)
17.	14	EA	Concrete Anchors on Casings <u>five hundred fifty</u> Dollars/EA Words	(\$ <u>550.00</u>)	(\$ <u>7,700.00</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
18.	195	LF	Concrete Encasement, Per Detail <i>Thirty five</i> Dollars/EA Words	(\$ <i>35.00</i>)	(\$ <i>6,825.00</i>)
19.	1	LS	Tree Protection and Pruning <i>Six thousand</i> Dollars/LS Words	(\$ <i>6,000.00</i>)	(\$ <i>6,000.00</i>)
20.	120	CY	Trench Foundation Material <i>fifteen</i> Dollars/CY Words	(\$ <i>15.00</i>)	(\$ <i>1,800.00</i>)
21.	35	EA	Trench Compaction Test <i>eighty</i> Dollars/EA Words	(\$ <i>80.00</i>)	(\$ <i>2,800.00</i>)
22.	573	CY	Rock Riprap <i>twenty</i> Dollars/CY Words	(\$ <i>20.00</i>)	(\$ <i>11,460.00</i>)
23.	3	EA	Clay Dam <i>two hundred</i> Dollars/EA Words	(\$ <i>200.00</i>)	(\$ <i>600.00</i>)
24.	40	SY	Remove and Replace Asphalt Paving <i>One hundred twenty two</i> Dollars/SY Words	(\$ <i>122.00</i>)	(\$ <i>4,880.00</i>)

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

A. 4
Redford Construction, Inc.
Cost-Share
Page 1 of 56

19-Feb-08
City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a cost-share with Farmington in the amount of \$66,296.34 for a contract with Redford Construction, Inc. for Fayetteville's share of construction of the Farmington Gravity Sewer Line, WSIP Subproject WL-10, Bid 08-01, and approve a 10% contingency of \$7,000.

\$ 73,296
Cost of this request

\$ 113,086,082
Category / Project Budget

Wastewater System Imp Project
Program Category / Project Name

4520-9520-5801.00
Account Number

\$ 89,150,585
Funds Used to Date

Water and Wastewater
Program / Project Category Name

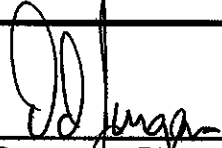
02133.0410
Project Number

\$ 23,935,497
Remaining Balance

Water/Sewer
Fund Name

Budgeted Item ☒ XX

Budget Adjustment Attached ☐


Department Director

20 JAN 08
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____


City Attorney

1/28/08
Date

Received in City Clerk's Office

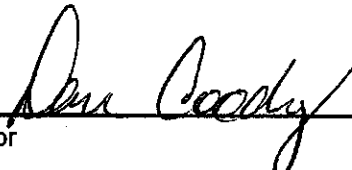
ENTERED
1/22/08
JLF

Paul a. Belen
Finance and Internal Service Director

1-28-08
Date

Received in Mayor's Office

ENTERED
1/28/08
JLF


Mayor

1/30/08
Date

Comments:

Fayetteville

ARKANSAS

CITY COUNCIL AGENDA MEMO

A. 4
Redford Construction, Inc.
City Council Meeting of 19 February 2008
Cost-Share
Page 2 of 56

To: Fayetteville City Council

Thru: Mayor Dan Coody
Fayetteville Sewer Committee

From: David Jurgens, Water and Wastewater Director



Date: 19 January 2008

Subject: Approval of a cost-share with Farmington in the amount of \$66,296.34 for a contract with Redford Construction, Inc. for Fayetteville's share of construction of the Farmington Gravity Sewer Line, WSIP Subproject WL-10, Bid 08-01, and approve a 10% contingency of \$7,000.

RECOMMENDATION

City Administration recommends approval of a cost-share with Farmington in the amount of \$66,296.34 for a contract with Redford Construction, Inc for construction of the Farmington Gravity Sewer Line, WSIP Subproject WL-10, Bid 08-01, and approve a 10% contingency of \$7,000.

BACKGROUND

This project involves constructing roughly 2,000 feet of 21 inch gravity sewer main and eight manholes in Farmington between the existing Lift Station 12 on Double Springs Rd and the future Lift Station 12 near the intersection of Double Springs and Goose Creek Rd. This project excludes the upper section of the Farmington transmission line, which will be installed when the other portions of the Farmington system are placed in service. Splitting this construction significantly reduces costs and the potential for sewer overflows caused by the construction.

This cost share and the percentage of the cost to be paid by Fayetteville was agreed to and established in the Fayetteville-Farmington Wastewater Agreement of April 3, 2007 which included the projected population in the basin served by this sewer line. Each city bears their portion of the cost based on their respective populations.

DISCUSSION

The Cities received bids on 16 January, 2008 for this project:

Contractor	Total Bid	Fayetteville Share
Redford Const (low bid)	\$335,967.00	\$66,296.34
Edwards Design & Const	\$429,829.30	\$84,818.18
S&J Construction	\$614,874.03	\$121,333.05
Seven Valleys Construction	\$533,858.00	\$105,346.16
W. N. Couch	\$558,798.00	\$110,267.57
Engineer's Estimate	\$594,193.00	\$117,252.06

The bid has been reviewed by RJN, the Engineers and the Arkansas Natural Resources Commission who is providing Farmington RLF funding for the project; both recommend award. RJN thoroughly checked Redford Construction references; all were positive. RJN's letter of recommendation is attached.

BUDGET IMPACT

Funds are available in the WSIP project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A COST-SHARE WITH THE CITY OF FARMINGTON PURSUANT TO THE FAYETTEVILLE-FARMINGTON WASTEWATER AGREEMENT OF APRIL 3, 2007, IN THE AMOUNT OF \$66,296.34 TO CONTRACT WITH REDFORD CONSTRUCTION, INC. AS FAYETTEVILLE'S SHARE OF CONSTRUCTION OF THE FARMINGTON GRAVITY SEWER LINE, WSIP SUBPROJECT WL-10, BID #08-01; AND APPROVING A 10% CONTINGENCY IN THE AMOUNT OF \$7,000.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby approves a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$66,296.34 to contract with Redford Construction, Inc. as Fayetteville's share of construction of the Farmington Gravity Sewer Line, WSIP Subproject WL-10, Bid #08-01.

Section 2: That the City Council of the City of Fayetteville, Arkansas, hereby approves a 10% contingency in the amount of \$7,000.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

January 18, 2008

Mr. David Jurgens, P.E.
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Subject: Bid #08-01 Unit 1 WSIP WL-10 and Unit 2 WL-11
Cities of Farmington and Fayetteville, Arkansas

Dear Mr. Jurgens:

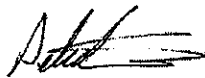
Five contractors submitted bids for Unit 1 (WL-10) and seven contractors submitted bids for Unit 2 (WL-11). Attached please find the bid tabulations for both units. Redford Construction, Inc. is the low bidder for Unit 1 for a total construction cost of \$335,967. Garney Companies, Inc. is the low bidder for Unit 2 for a total construction cost of \$1,324,485.35. We have checked their references and find that they have performed well in the past on similar projects.

We recommend the Cities of Farmington and Fayetteville enter into a contract with Redford Construction, Inc. and Garney Companies, Inc. for the construction of the above referenced projects.

Should you have any questions, please call me at (972) 437-4300.

Very truly yours,

RJN Group, Inc.



Peter Z. Lai, P.E.
Project Manager

Project File: 18-1875-02

CITY OF FAYETTEVILLE
BID # 08-01, WSIP WL-10 AND WL-11
FARMINGTON GRAVITY MAIN AND DOUBLE SPRINGS LIFT STATION FORCE MAIN
SUMMARY OF BIDS SUBMITTED 1-16-08

Contractor	Amount of Bid		Errors on Proposal
	Unit 1	Unit 2	
Construction & Engineering Solutions, LLC	No Bid	\$1,900,625.15	None
Edwards Design & Construction, Inc.	\$429,829.30	\$2,121,432.46	None
Garney Construction	No Bid	\$1,324,485.35	None
Redford Construction, Inc.	\$335,967.00	\$1,743,674.00	None
S & J Construction, Co., Inc.	\$614,874.03	\$1,718,552.52	None
Seven Valleys Construction	\$533,858.00	No Bid	Error on unit price for Unit 1 item 3. They treated it like a Lump Sum item instead of LF. They showed \$8,000 per LF which would have made it \$15,600,000.
Sweetser Construction, Inc.	No Bid	\$2,942,099.80	Added up to \$2,942,100.30 - \$0.50 off on total amount.
W.N. Couch, Inc.	\$558,798.00	\$2,059,199.60	Item 25 Unit 2 - written out amount shown as \$200 instead of \$2

All bidders acknowledged Addendums 1-5 and submitted bid bonds.

CITY OF FAYETTEVILLE
BID # 08-01, WSP WL-10 AND WL-11
FARMINGTON GRAVITY MAIN AND DOUBLE SPRINGS LIFT STATION FORCE MAIN

BID OPENING: JANUARY 15, 2008		ESTIMATE		Redford Construction, Inc.		Edwards Design & Construction, Inc.		Seven Valleys Construction		W. M. Couch, Inc.		S & J Construction Co. Inc.	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
1	1	LS	Mobilization	6,500.00	\$6,500.00	8,500.00	\$8,500.00	10,000.00	\$10,000.00	11,176.00	\$11,176.00	9,000.00	\$9,000.00
2	1,950	LF	Site Preparation, Clearing and Grubbing	16.00	\$31,200.00	6.50	\$12,675.00	2.00	\$8,900.00	2.00	\$3,900.00	6.00	\$11,700.00
3	1,950	LF	Construction Staking	2.00	\$3,900.00	2.75	\$5,362.50	3,500.00	\$8,900.00	1,500.00	\$3,900.00	1.50	\$2,925.00
4	7	EA	Construct 48" Dia. Manhole	2,500.00	\$17,500.00	250.00	\$8,000.00	3,500.00	\$24,500.00	1,500.00	\$10,500.00	3,570.94	\$24,996.58
5	32	VF	Construct 48" Dia. Manhole, Extra Depth	250.00	\$9,000.00	250.00	\$8,000.00	3,500.00	\$24,500.00	2,000.00	\$10,000.00	2,000.00	\$16,128.00
6	1	EA	Construct 48" Dia. Drop Manhole	4,500.00	\$4,500.00	60.00	\$3,500.00	8,500.00	\$8,500.00	181.58	\$354,081.00	132.26	\$4,888.00
7	1,950	LF	21" Sewer Pipe and embedment	53.50	\$104,325.00	35.00	\$117,000.00	50.00	\$224,250.00	100.00	\$354,081.00	300.61	\$257,907.00
8	25	LF	8" Sewer Pipe and embedment	52.00	\$1,300.00	3.00	\$875.00	8.00	\$1,250.00	5.00	\$2,500.00	38.00	\$7,515.25
9	78	LF	Trench Excavation and Backfill (0-8 feet)	4.00	\$312.00	3.00	\$234.00	8.00	\$624.00	5.00	\$390.00	38.00	\$2,964.00
10	1,307	LF	Trench Excavation and Backfill (8-12 feet)	6.00	\$7,842.00	5.00	\$6,535.00	12.00	\$15,684.00	8.00	\$10,456.00	51.00	\$86,657.00
11	500	LF	Trench Excavation and Backfill (12-16 feet)	8.00	\$4,000.00	12.00	\$6,000.00	28.00	\$14,000.00	10.00	\$5,000.00	76.00	\$38,000.00
12	426	CY	Rock Excavation	70.00	\$29,820.00	150.00	\$59,900.00	175.00	\$74,550.00	50.00	\$21,300.00	1.00	\$426.00
13	95	LF	36" Steel Encasement By Open Cut	160.00	\$15,200.00	195.00	\$18,525.00	300.00	\$28,500.00	250.00	\$23,750.00	462.12	\$43,901.40
14	75	LF	36" Steel Encasement by Bore and Jack	690.00	\$51,750.00	1,000.00	\$75,000.00	600.00	\$45,000.00	650.00	\$48,750.00	850.00	\$63,750.00
15	2	EA	Concrete Anchors on Castings	1,200.00	\$2,400.00	850.00	\$1,700.00	1,000.00	\$2,000.00	1,200.00	\$2,400.00	1,100.00	\$2,200.00
16	1	LS	Tree Protection and Pruning	750.00	\$750.00	6,000.00	\$6,000.00	5,000.00	\$5,000.00	2,000.00	\$2,000.00	1,500.00	\$1,500.00
17	2	EA	Connected Service Lateral	50.00	\$100.00	30.00	\$1,500.00	25.00	\$1,250.00	10.00	\$500.00	74.00	\$3,700.00
18	50	LF	Extension of Service Lateral	45.00	\$2,250.00	400.00	\$800.00	250.00	\$500.00	100.00	\$200.00	829.50	\$1,659.00
19	2	EA	Service Lateral Cleanout	200.00	\$400.00	350.00	\$1,050.00	800.00	\$2,400.00	500.00	\$1,500.00	1,500.00	\$4,500.00
20	3	EA	Temporary Plug in New Sewer	200.00	\$600.00	25.00	\$1,250.00	60.00	\$3,000.00	35.00	\$1,750.00	53.50	\$2,675.00
21	50	CY	Trench Foundation Material	80.00	\$4,000.00	600.00	\$4,200.00	250.00	\$1,750.00	300.00	\$2,100.00	250.00	\$1,750.00
22	7	EA	Trench Compaction Test	250.00	\$1,750.00	29.52	\$6,346.80	70.00	\$15,050.00	60.00	\$12,900.00	58.50	\$12,577.50
23	215	CY	Rock Rip-Rap	70.00	\$15,050.00	1,000.00	\$2,000.00	2,000.00	\$4,000.00	200.00	\$400.00	1,250.00	\$2,500.00
24	2	EA	Clay Dam	400.00	\$800.00	15.00	\$6,000.00	9.00	\$3,600.00	5.00	\$2,000.00	18.50	\$7,400.00
25	400	SY	Replace Gravel Surfaces	10.00	\$4,000.00	1.00	\$456.00	4.00	\$1,824.00	6.00	\$2,760.00	15.00	\$6,800.00
26	456	SY	Seeding and Mulching	6.00	\$1,824.00	5.00	\$1,500.00	2.50	\$4,750.00	2.00	\$1,000.00	2.00	\$3,800.00
27	304	SY	Sod Replacement	6.00	\$1,824.00	5.00	\$1,500.00	2.50	\$4,750.00	2.00	\$1,000.00	2.00	\$3,800.00
28	1	LS	Erosion Control	5,000.00	\$5,000.00	18,500.00	\$18,500.00	6,000.00	\$6,000.00	3.00	\$5,700.00	2.00	\$3,800.00
29	1,900	LF	Trench Safety	7.600	\$1,900.00	2.50	\$4,750.00	1,000.00	\$1,000.00	2.00	\$3,900.00	0.75	\$1,462.50
30	1	LS	Traffic Control	1,500.00	\$1,500.00	3.50	\$6,625.00	20.00	\$6,600.00	10.00	\$3,300.00	25.00	\$8,250.00
31	1,950	LF	Surface Video Documentation	0.50	\$975.00	20.00	\$6,600.00	800.00	\$800.00	200.00	\$200.00	750.00	\$750.00
32	330	LF	2" PVC D2241 Water line by open cut, 4'	14.00	\$4,620.00	725.00	\$725.00	800.00	\$800.00	200.00	\$200.00	750.00	\$750.00
33	1	EA	Sewer Backflow Prevention Device	400	\$75.00	725.00	\$725.00	800.00	\$800.00	200.00	\$200.00	750.00	\$750.00
5% Contingency				28,295									
Total				594,193	\$335,967.00	\$429,829.30	\$533,858.00		\$558,798.00		\$614,874.03		

City Of Fayetteville
(Not a Purchase Order)

Vendor Number: 3112 Vendor Name:

City of Farmington, Arkansas

Address:

P O Box 150

City:

State: AR

Farmington

Requester:

David Jurgens

Requester's Employee #:

490

Item Description

1 WSIP, WL-10, Farmington
Grav Line

Quantity

1

Unit of Issue

EA

Unit Cost

\$66,293.34

Extended Cost

\$66,293.34

Account Numbers

4520-9520-5801-00

Project/Subproject #

02133-0410

Inventory #

Fixed Asset #

2

3

4

5

6

7

8

9

10

Shipping/Handling

Lot

Special Instructions:

Subtotal: \$66,293.34

Tax: \$0.00

Total: \$66,293.34

Approvals:

Mayor:

Finance & Internal Services Director:

Dispatch Manager:

Department Director:

Budget Manager:

Utilities Manager:

Purchasing Manager:

IT Manager:

Other:

Requisition No.:

P.O. Number:

Expected Delivery Date:

1/20/2008

Mail Yes: No: X

Taxable Yes: No: X

Quotes Attached Yes: No: X

Division Head/Approval:

Extension: 330

Requester's Signature:

Requester's Title:

Requester's Department:

Requester's Phone:

Requester's Email:

Requester's Address:

Requester's City:

Requester's State:

Requester's Zip:

Requester's Fax:

Requester's Email:

Requester's Phone:

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Requester's State:

Requester's Zip:

Requester's Fax:

Requester's Email:

Requester's Phone:

Requester's Address:

Requester's City:

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main
Contract No.: UNIT 1, WL-10
RLF Project No.: 00584-CWRLF-L

BID TO:

Owner: The City of Farmington, Arkansas
324 West Main Street
Farmington, Arkansas 72730

BID FROM:

Bidder:

Redford Construction Inc.
P.O. Box 1065
Raymore, MO 64083

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

DOCUMENT 00400 - BID FORM

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
<u>#1</u>	<u>DECEMBER 21, 2007</u>
<u>#2</u>	<u>DECEMBER 31, 2007</u>
<u>#3</u>	<u>JANUARY 3, 2008</u>
<u>#4</u>	<u>JANUARY 4, 2008</u>
<u>#5</u>	<u>JANUARY 9, 2008</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a hazardous environmental condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

DOCUMENT 00400 – BID FORM (continued)

- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.
- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by the Engineer is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any

DOCUMENT 00400 – BID FORM (continued)

other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

ARTICLE 4 – BID PRICE

- 4.01 Bidder will complete the Work in accordance with the Contract Documents for the following prices:

Unit 1 Price Schedule:

UNIT 1 (WL-10) FARMINGTON GRAVITY MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1.	1	LS	Mobilization (Not to Exceed 2% of All Other Contract Items) <i>Sixty-Five Hundred: 1/100</i> Dollars/LS Words	(\$ <u>6,500.⁰⁰</u>)	(\$ <u>6,500.⁰⁰</u>)
2.	1,950	LF	Site Preparation, Clearing and Grubbing <i>Sixteen: 1/100</i> Dollars/LF Words	(\$ <u>16.⁰⁰</u>)	(\$ <u>31,200.⁰⁰</u>)
3.	1,950	LF	Construction Staking <i>Two: 1/100</i> Dollars/LF Words	(\$ <u>2.⁰⁰</u>)	(\$ <u>3,900.⁰⁰</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 1 (WL-10) FARMINGTON GRAVITY MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
4.	7	EA	48-Inch Dia. Std. Manhole, 0-6 Ft. Deep <i>Twenty-Five Hundred: 1st 1/2</i> Dollars/EA Words	(\$ <u>2,500.⁰⁰</u>)	(\$ <u>17,500.⁰⁰</u>)
5.	32	VF	48-Inch Dia. Manhole Extra Depth, Over 6 Ft. Deep <i>Two Hundred Fifty: 1st 1/2</i> Dollars/VF Words	(\$ <u>250.⁰⁰</u>)	(\$ <u>8,000.⁰⁰</u>)
6.	1	EA	48-Inch Dia. Drop Manhole, 0-6 Ft. Deep <i>Forty-Five Hundred: 1st 1/2</i> Dollars/EA Words	(\$ <u>4,500.⁰⁰</u>)	(\$ <u>4,500.⁰⁰</u>)
7.	1,950	LF	21-Inch Gravity Sewer and Embedment <i>Fifty-Three: 50⁰⁰ / 100</i> Dollars/LF Words	(\$ <u>53.⁵⁰</u>)	(\$ <u>104,325.⁰⁰</u>)
8.	25	LF	8-Inch Gravity Sewer and Embedment <i>Fifty-Two: 1st 1/2</i> Dollars/LF Words	(\$ <u>52.⁰⁰</u>)	(\$ <u>1,300.⁰⁰</u>)
9.	78	LF	Trench Excavation and Backfill, 0-8 Ft. Depth <i>Four: 1st 1/2</i> Dollars/LF Words	(\$ <u>4.⁰⁰</u>)	(\$ <u>312.⁰⁰</u>)
10.	1,307	LF	Trench Excavation and Backfill, 8-12 Ft. Depth <i>Six: 1st 1/2</i> Dollars/LF Words	(\$ <u>6.⁰⁰</u>)	(\$ <u>7,842.⁰⁰</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 1 (W1-10) FARMINGTON GRAVITY MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
11.	500	LF	Trench Excavation and Backfill, 12-16 Ft. Deep <i>Eight 1 1/2</i> Dollars/LF Words	(\$ <u>8.⁰⁰</u>)	(\$ <u>4,000.⁰⁰</u>)
12.	426	CY	Rock Excavation <i>Sixty 1 1/2</i> Dollars/CY Words	(\$ <u>70.⁰⁰</u>)	(\$ <u>29,820.⁰⁰</u>)
13.	95	LF	36-Inch Steel Encasement by Open Cut <i>One Hundred Sixty 1 1/2</i> Dollars/LF Words	(\$ <u>160.⁰⁰</u>)	(\$ <u>15,200.⁰⁰</u>)
14.	75	LF	36-Inch Steel Encasement by Bore and Jack <i>Sixty Seven Ninety 1 1/2</i> Dollars/LF Words	(\$ <u>690.⁰⁰</u>)	(\$ <u>51,750.⁰⁰</u>)
15.	2	EA	Concrete Anchors on Casings <i>Two Hundred 1 1/2</i> Dollars/EA Words	(\$ <u>1200.⁰⁰</u>)	(\$ <u>2,400.⁰⁰</u>)
16.	1	LS	Tree Protection and Pruning <i>Seven Hundred Ninety 1 1/2</i> Dollars/LS Words	(\$ <u>750.⁰⁰</u>)	(\$ <u>750.⁰⁰</u>)
17.	2	EA	Connect Service Lateral <i>Fifty 1 1/2</i> Dollars/EA Words	(\$ <u>50.⁰⁰</u>)	(\$ <u>100.⁰⁰</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 1 (WL-10) FARMINGTON GRAVITY MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
18.	50	LF	Extension of Service Lateral <i>Forty Five & 1/2</i> Dollars/LF Words	(\$ <u>45.00</u>)	(\$ <u>2,250.00</u>)
19.	2	EA	Installation of Service Lateral Cleanout <i>Two Hundred & 1/2</i> Dollars/EA Words	(\$ <u>200.00</u>)	(\$ <u>400.00</u>)
20.	3	EA	Temporary Plug in New Sewer <i>Two Hundred & 1/2</i> Dollars/EA Words	(\$ <u>200.00</u>)	(\$ <u>600.00</u>)
21.	50	CY	Trench Foundation Material <i>Eighty & 1/2</i> Dollars/CY Words	(\$ <u>80.00</u>)	(\$ <u>4,000.00</u>)
22.	7	EA	Trench Compaction Test <i>Two Hundred Fifty & 1/2</i> Dollars/EA Words	(\$ <u>250.00</u>)	(\$ <u>1,750.00</u>)
23.	215	CY	Rock Riprap <i>Seventy & 1/2</i> Dollars/CY Words	(\$ <u>70.00</u>)	(\$ <u>15,050.00</u>)
24.	2	EA	Clay Dam <i>Four Hundred & 1/2</i> Dollars/EA Words	(\$ <u>400.00</u>)	(\$ <u>800.00</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 1 (OWL-10) FARMINGTON GRAVITY MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
25.	400	SY	Replace Gravel Surfaces <i>Ten : 10/100</i> Dollars/SY Words	(\$ <i>10.00</i>)	(\$ <i>4,000.00</i>)
26.	456	SY	Seeding and Mulching <i>Four : 10/100</i> Dollars/SY Words	(\$ <i>4.00</i>)	(\$ <i>1,824.00</i>)
27.	304	SY	Sod Replacement <i>Six : 10/100</i> Dollars/SY Words	(\$ <i>6.00</i>)	(\$ <i>1,824.00</i>)
28.	1	LS	Erosion Control <i>Five Thousand : 10/100</i> Dollars/LS Words	(\$ <i>5,000.00</i>)	(\$ <i>5,000.00</i>)
29.	1,900	LF	Trench Excavation and Safety System <i>One : 10/100</i> Dollars/LF Words	(\$ <i>1.00</i>)	(\$ <i>1,900.00</i>)
30.	1	LS	Traffic Control <i>Fifteen Hundred : 10/100</i> Dollars/LS Words	(\$ <i>1,500.00</i>)	(\$ <i>1,500.00</i>)
31.	1,950	LF	Surface Video Documentation <i>Zero : 50/100</i> Dollars/LF Words	(\$ <i>0.50</i>)	(\$ <i>975.00</i>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 1 (WL-10) FARMINGTON GRAVITY MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
32.	330	LF	2-Inch PVC D2241 Water Line by Open Cut, 4' Deep, Complete in Place <i>Fourteen : 11/100</i> Dollars/LF Words	(\$ <i>14.00</i>)	(\$ <i>4620.00</i>)
33.	1	EA	Sewer Backflow Prevention Device <i>Seventy-five : 11/100</i> Dollars/EA Words	(\$ <i>75.00</i>)	(\$ <i>75.00</i>)

TOTAL PRICE - UNIT 1: *THREE HUNDRED THIRTY-FIVE THOUSAND NINE HUNDRED
SIXTY-SEVEN : 11/100* Dollars (\$ *335,967.00*).

- Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.
- Bidder must indicate, by checking a box below, the type of pipe material to be used for this project. Pipe material must be the same for all pipe, unless specifically indicated in the contract documents.

☒ Polyvinylchloride 8"-15"

☒ Polyvinylchloride 18"-36"

☐ Fiberglass Reinforced Polymer 18"-36"

ARTICLE 5 - CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

DOCUMENT 00400 - BID FORM (continued)

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

- A. Required Bid security, not less than 5% of the Bid total, in the form of a certified or bank cashier's check or a Bid Bond and in the amount of FIVE PERCENT Dollars (\$ 5%).
- B. Required Bidder's Qualification Statement with supporting data (DOCUMENT 00140).
- C. List of Subcontractors (DOCUMENT 00430)
- D. Contractor's Act of Assurance Form, RLF-52.
- E. MBE / WBE Compliance Evaluation Form, RLF-96.

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Redford Construction Inc.
P.O. Box 1065
Raymore, MO 64083
Phone No. 816-331-9556
FAX No. 816-331-9427

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on 11/16/ 2008.

Arkansas State Contractor License No. CB0270208.

DOCUMENT 00400 – BID FORM (continued)

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

DOCUMENT 00400 - BID FORM (continued)

A Corporation

Corporation Name: Redford Construction, Inc. (SEAL)

State of Incorporation: MISSOURI

Type (General Business, Professional, Service, Limited Liability): _____

By: STR

(Signature – attach evidence of authority to sign)

Name (type or printed): STAN REDFORD

Title: PRESIDENT

Attest: TR (CORPORATE SEAL)
ASSISTANT SECRETARY

(Signature of Corporate Secretary)

Business address: P.O. Box 1065

RAYMORE, MO 64083

Phone No.: 816-331-9556 FAX No.: 816-331-9427

END OF DOCUMENT 00400 – UNIT 1

DOCUMENT 00410 - BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we

Redford Construction, Inc.

PO Box 1065

Raymore, MO 64083

as Principal, hereinafter called the Principal, and

Employers Mutual Casualty Company

PO Box 8550

Kansas City, MO 64114

a corporation duly organized under the laws of the State of Arkansas as Surety, hereinafter called Surety, are held and firmly bound unto

City of Farmington, Arkansas

354 West Main

Farmington, Arkansas 72730

as Oblige, hereinafter called Owner, in the sum of Five Percent Of Bid Amount Only
_____ Dollars (\$5%) Of Bid On for the payment of which sum,
well and truly to be made, Principal and said Surety, bind ourselves, our heirs, executors, administrators,
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted a Bid for construction of approximately 13,531 linear feet of gravity sewer main, 8 through 21-inch diameter (3,898 feet of 21", 3,623 feet of 18", 2,851 feet of 15", 2,756 feet of 12", and 403 feet of 8"), and 47 new 4-foot diameter manholes for Unit 1. Unit 2 of the project provides for the construction of approximately 10,078 linear feet of 16-diameter force main. Each project will be mostly installed by open cut, with some areas of rock excavation, other methods of pipe installation include 75 linear feet of 36-inch encasement (Unit 1), 462 linear feet of 30-inch encasement (125 lf - Unit 1, 337 lf - Unit 2), 53 linear feet of 24-inch encasement (Unit 1), all by bore, and 265 linear feet of 36-inch encasement (Unit 1), and 110 linear feet of 30-inch encasement (Unit 2) by open cut. Additional items include erosion control, bypass pumping, tree removal/protection, creek, road, and highway crossings and related work, along Goose Creek and Farmington Branch Creek in Farmington, Arkansas.

DOCUMENT 00410 - BID BOND (continued)

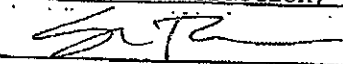
NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 8th day of January 2008.

PRINCIPAL

(CORPORATE SEAL)

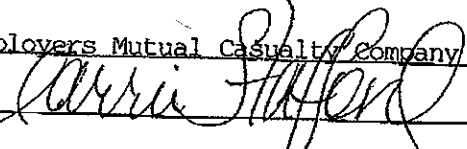
Redford Construction, Inc.

By 

Stan Redford, President

SURETY

Employers Mutual Casualty Company

By 

Carrie Stafford, Attorney In-Fact

ATTORNEY-IN-FACT

(CORPORATE SEAL)

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER - BACK OF THIS DOCUMENT HAS A SIMULATED WATERMARK - HOLD AT AN ANGLE TO VIEW.

EMC Insurance Companies

P.O. Box 712 • Des Moines, IA 50306-0712

No. 759269

CERTIFICATE OF AUTHORITY INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

1. Employers Mutual Casualty Company, an Iowa Corporation
2. EMCASCO Insurance Company, an Iowa Corporation
3. Union Insurance Company of Providence, an Iowa Corporation
4. Illinois EMCASCO Insurance Company, an Iowa Corporation

5. Dakota Fire Insurance Company, a North Dakota Corporation
6. EMC Property & Casualty Company, an Iowa Corporation
7. Hamilton Mutual Insurance Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint:

**BECKY EIDSON, DARRIN STAFFORD, CARRIE STAFFORD, CAROL STAFFORD, MEGAN STAFFORD, INDIVIDUALLY,
HARRISONVILLE, MISSOURI**

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute its lawful bonds, undertakings, and other obligatory instruments of a similar nature as follows:

IN AN AMOUNT NOT EXCEEDING TEN MILLION DOLLARS (\$ 10,000,000.00)
and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

The authority hereby granted shall expire APRIL 1, 2009 unless sooner revoked.

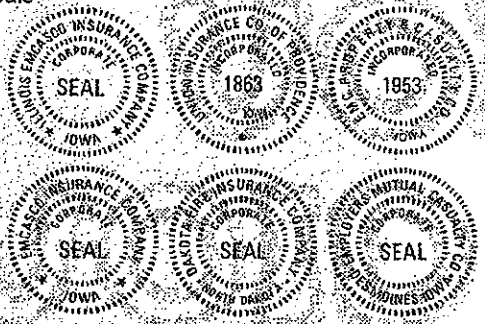
AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at a regularly scheduled meeting of each company duly called and held in 1999:

RESOLVED: The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 3RD day of JANUARY, 2007.

Seals



Bruce G. Kelley
Bruce G. Kelley, Chairman
of Companies 2, 3, 4, 5 & 6; President
of Company 1; Vice Chairman and
CEO of Company 7

Jeffrey S. Birdsley
Jeffrey S. Birdsley,
Assistant Secretary

On this 3RD day of JANUARY, AD 2007, before me a Notary Public in and for the State of Iowa, personally appeared Bruce G. Kelley and Jeffrey S. Birdsley, who, being by me duly sworn, did say that they are, and are known to me, to be the Chairman, President, Vice Chairman and CEO, and/or Assistant Secretary, respectively, of each of the Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Bruce G. Kelley and Jeffrey S. Birdsley, as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of each of the Companies.
My Commission Expires November 1, 2008.

Patricia A. Wright
Notary Public in and for the State of Iowa

CERTIFICATE

I, David L. Hixenbaugh, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on JANUARY 3, 2007

on behalf of BECKY EIDSON, DARRIN STAFFORD, CARRIE STAFFORD, CAROL STAFFORD, MEGAN STAFFORD
are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 08 day of JANUARY, 2008.

David L. Hixenbaugh
Vice-President

MINUTES OF ANNUAL MEETING
OF BOARD OF DIRECTORS
OF
REDFORD CONSTRUCTION, INC.

The annual meeting of the Board of Directors of REDFORD CONSTRUCTION, INC., a Missouri Corporation, was held at the offices of the Corporation located at 17235 Bel-Ray Place, Suite B, Belton, Missouri, on the 16th day of January, 2007, at 2:30 p.m., pursuant to Call and Waiver of Notice of the meeting.

The Director present in person at the meeting was:

Stanley W. Redford

Larry Hudgens and Tim Cutcliff were also present in person at the meeting.

Stanley W. Redford presided over the meeting as Chairman, and Stanley W. Redford served as Secretary of the meeting.

The one (1) Director being present, there was a quorum for the transaction of business by virtue of the Bylaws of the Corporation, and the Chairman announced that the meeting was open for the transaction of business.

The Chairman then presented, and read the Call and Waiver of Notice signed by the Director, and ordered it filed upon the minutes of the last meeting of the Board of Directors. The Secretary then read the minutes of the last meeting of the Board of Directors. The Chairman then called for additions or corrections to the minutes. There being none, the minutes were approved as read, and ordered to be filed in the Corporate minute book.

The Chairman stated that the first order of business to come before the meeting was the election of officers of the Corporation for the ensuing year. The Chairman then announced that the floor was open for nominations for officers of the Corporation, to serve for the term provided in the Bylaws or until their successors are elected and shall have qualified. The following nominations were received for the office set opposite their respective names:

President	Stanley W. Redford
Secretary	Stanley W. Redford
Asst. Secretary	Larry Hudgens
Asst. Secretary	Tim Cutcliff
Treasurer	Stanley W. Redford

DOCUMENT 00900 - ADDENDUM NO. 1:

Issued to All Bid Document Holders of Record

Date: December 21, 2007
Project Name: WL-10 and WL-11
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main, Unit 1
and Unit 2
RLF Project No.: 00584-CWRLF-L

This Addendum forms a part of the Contract described above. The original Contract Documents and any prior Addenda remain in full force and effect except as modified by the following which shall take precedence over any contrary provisions in the prior documents.

Bidders must acknowledge the receipt of this addendum by signing page 00400-2 for the Unit(s) they are bidding and include the addendum in the envelope with the bid form. Plan holders must sign and date the last page of this addendum to fax it to RJN Group, Inc. at 972 437 2707 to acknowledge the receipt of this addendum.

ADDENDUM NO. 1.

SPECIFICATIONS:

DOCUMENT 00120 – INVITATION TO BID

1. Page 00120-1 - change the last paragraph to read:

Separate sealed bids for Unit 1 (WL-10) and Unit 2 (WL-11) will be received by the Cities of Farmington (the owner), and Fayetteville, Arkansas until 11:00 am, local time, January 8, 2008. Bids....

DOCUMENT 00200 – INSTRUCTIONS TO BIDDERS

1. Page 00200-4 - change paragraph 1.06 to read:

A non-mandatory prebid conference...

DOCUMENT 00400 – BID FORM

1. Replace the bid form in its entirety with the attached new form.

DOCUMENT 00500 – AGREEMENT

1. Page 00500-2 - change paragraph 3.02.A, second last line to read:

CONDITIONS within three hundred and sixty (360) consecutive calendar day

DOCUMENT 02318 – BACKFILL

1. Page 02318-1 – change paragraph 2.02.A. to read:

DOCUMENT 00900 - ADDENDUM NO. 1: (continued)

- A. Embedment material shall be ¾-inch minus crushed gravel or crushed rock, free

DOCUMENT 02504 – FIBERGLASS REINFORCED POLYMER (FRP) PIPE

1. Page 02504-1 delete paragraphs 1.02.C.

DOCUMENT 02506 – POLYVINYL CHLORIDE PIPE

1. Page 02506-3, paragraph 2.02 A
- a. Change the Diameter Size Range for D3034 SDR26/PS115 to 6"-15"
 - b. Delete Diameter Size Range 12" & 15" in the second row of the table.

CLARIFICATIONS:

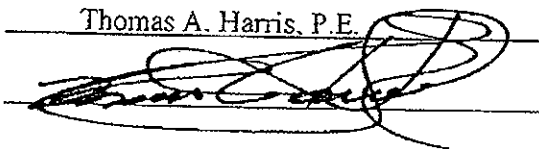
1. The pipe material for each of the sanitary sewer pipeline shall be the same material (i.e. WL-10 must all be of the same material, unless specified otherwise in the plans).
2. Pipe material (including fittings and restraint joints) for WL-11 shall be 16" Ductile Iron, Class 53 with 350 psi pressure class.
3. Any sewer laterals connecting to 15" or larger sewer mains shall have a pop-up cleanout installed at the property line. A backflow prevention device (such as Model 4963P as distributed by backwater-valves.com or approved equal) will also be installed in the service lateral on the private property just behind the cleanout if the home owner chooses to do so.

CONTRACT DRAWINGS:

1. Replace the following Sheets with the attached revised sheets:
WL-10 Sheet 3 of 19, WL-11 Sheets 3 and 11 of 15.
2. Contractor shall provide erosion control according to the attached Sediment Control Plans for both WL-10 and WL-11.
3. Delete the north temporary construction easement line for WL 11 (Force Main) along the entire alignment. Since there is a 35' permanent easement on the north side of the proposed force main, the extra temporary easement is not required. The 10' temporary construction easement to the south of the force main will be obtained.

DOCUMENT 00900 - ADDENDUM NO. 1: (continued)

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form, and by attaching this Addendum to his Bid.

Thomas A. Harris, P.E. (Engineer)

12/21/2007

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

Bidder: Redford Construction
By: SR
Date: 1/16/08
STAN REDFORD, PRESIDENT

END OF DOCUMENT 00900

DOCUMENT 00900 - ADDENDUM NO. 2:

Issued to All Bid Document Holders of Record

Date: December 31, 2007
Project Name: WL-10 and WL-11
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main, Unit 1
and Unit 2 - Bid 08-01
RLF Project No.: 00584-CWRLF-L

This Addendum forms a part of the Contract described above. The original Contract Documents and any prior Addenda remain in full force and effect except as modified by the following which shall take precedence over any contrary provisions in the prior documents.

ADDENDUM NO. 2.

SPECIFICATIONS:

DOCUMENT 00140 - BIDDER'S QUALIFICATION STATEMENT

1. Page 00140-2 - Delete Paragraph 1.b and replace with following:

b. Each Bidder shall submit with his Bid the executed Bidder's "Statement of Experience" form contained in this document. Each bidder on the WL-10 project shall also submit documented evidence that he has, with his own forces, completed a minimum of three pipeline projects similar to this one with a construction cost of \$2,000,000 each during the past three years and one with a construction cost of at least \$3,500,000 in the past five years. Each bidder on the WL-11 project shall also submit documented evidence that he has, with his own forces, completed a minimum of two pipeline projects similar to this one with a construction cost of \$1,000,000 each during the past three years and one with a construction cost of at least \$1,500,000 in the past five years.

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form and by attaching this Addendum to his Bid.

Thomas A. Harris, P.E. (Engineer)

12/31/2007

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

DOCUMENT 00900 - ADDENDUM NO. 2: (continued)

Bidder: Redford Construction Inc.
By: [Signature]
Date: 1/16/08

END OF DOCUMENT 00900

DOCUMENT 00900 - ADDENDUM NO. 3:

Issued to All Bid Document Holders of Record

Date: January 3, 2008
Project Name: WL-10 and WL-11
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main, Unit 1
and Unit 2
RLF Project No.: 00584-CWRLF-L

This Addendum forms a part of the Contract described above. The original Contract Documents and any prior Addenda remain in full force and effect except as modified by the following which shall take precedence over any contrary provisions in the prior documents.

ADDENDUM NO. 3.

CLARIFICATIONS FOR WL-11 (FORCE MAIN):

Ductile pipe joints shall be restrained using Flex-Ring Joints as manufactured by American Ductile Iron Pipe or approved equal for the distance based on the bend angle as listed below:

0-22.5° including the 22.5°: minimum 13' past the fitting on both sides.

22.5° to 45° including the 45°: minimum 27' past the fitting on both sides

45° to 67.5° including the 67.5°: minimum 36' past the fitting on both sides

67.5° and up: minimum 65' past the fitting on both sides.

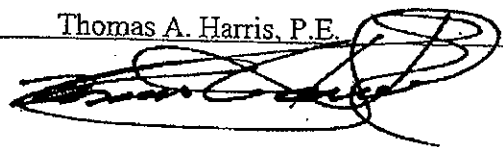
All fittings shall be restrained with Mega-lug or approved equal. Contractor shall also use concrete thrust blocking as indicated on Sheet 15 of 15 of WL-11

CLARIFICATIONS FOR WL-10 (UNIT 1) AND WL-11 (UNIT 2):

1. Delete Bid items WL-10 Number 42 and WL-11 Number 26: Wetland Topsoil Excavation/Wetland Restoration Measures.
2. Construction Drawings WL-10 Sheet 16 of 19 and WL-11 Sheet 12 of 15: "Typical Section of Repair For Utility Cut Outside of Pavement Area" – The cover above the ductile pipe should be 6" and the 80% compaction only applies to unpaved area in undeveloped areas. Contractor shall refer to Section 02318-Backfill for more details.

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form and by attaching this Addendum to his Bid.

Thomas A. Harris, P.E. (Engineer)



DOCUMENT 00900 - ADDENDUM NO. 3: (continued)

1/3/2008

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

Bidder: Redford Construction, Inc.
By: Stan Redford, President
Date: 1/16/08

END OF DOCUMENT 00900

DOCUMENT 00900 - ADDENDUM NO. 4:

Issued to All Bid Document Holders of Record

Date: January 4, 2008
Project Name: WL-10 and WL-11
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main, Unit 1
and Unit 2
RLF Project No.: 00584-CWRLF-L

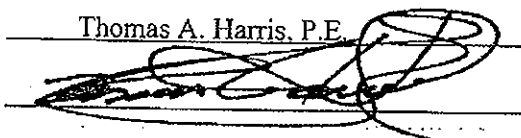
This Addendum forms a part of the Contract described above. The original Contract Documents and any prior Addenda remain in full force and effect except as modified by the following which shall take precedence over any contrary provisions in the prior documents.

ADDENDUM NO. 4.

The bid opening for both Unit 1 and Unit 2 is postponed to 11:00 AM local time, January 15, 2008. Additional information will be provided next week.

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form and by attaching this Addendum to his Bid.

Thomas A. Harris, P.E. (Engineer)



1/4/2008

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

Bidder: Redford Construction Inc.

By: Stan Redford, President

Date: 1/16/08

END OF DOCUMENT 00900

DOCUMENT 00900 - ADDENDUM NO. 5:

Issued to All Bid Document Holders of Record

Date: January 9, 2008
Project Name: WL-10 and WL-11
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main, Unit 1 and Unit 2
RLF Project No.: 00584-CWRLF-L

This Addendum forms a part of the Contract described above. The original Contract Documents and any prior Addenda remain in full force and effect except as modified by the following which shall take precedence over any contrary provisions in the prior documents.

Bidders must acknowledge the receipt of this addendum by signing page 00400-2 for the Unit(s) they are bidding and include the addendum in the envelope with the bid form. Plan holders must sign and date the last page of this addendum to fax it to RJN Group, Inc. at 972 437 2707 to acknowledge the receipt of this addendum.

ADDENDUM NO. 5.

SPECIFICATIONS:

DOCUMENT 00140 – BIDDER’S QUALIFICATION STATEMENT.

1. Page 00140-2 – Delete Paragraph 1.b and replace with following:
 - b. Each Bidder shall submit with his Bid the executed Bidder’s “Statement of Experience” form contained in this document. Each bidder on the WL-10 project shall also submit documented evidence that he has, with his own forces, completed a minimum of three pipeline projects similar to this one with a construction cost of \$500,000 each during the past three years and one with a construction cost of at least \$1,000,000 in the past five years.

DOCUMENT 00400 – BID FORM

1. Replace the bid form in its entirety with the attached new form (second revision).

CLARIFICATIONS:

1. Class 51 with 350 pressure class is sufficient for the ductile iron pipe for WL-11.
2. Construction time for WL-10 has been reduced to 120 consecutive calendar days for substantial completion and 150 days for final acceptance. Construction time for WL-11 remains the same and both projects will start at the same time.

DOCUMENT 00900 - ADDENDUM NO. 5: (continued)

3. Bid opening for both Unit 1 and Unit 2 has been postponed until 2:00 p.m., Central Standard Time, January 16, 2008.

CONTRACT DRAWINGS:

1. Replace the following Sheets with the attached revised sheets (second revision dated 1/9/08):
WL-10 Sheet 3 of 19, WL-11 Sheets 3 and 11 of 15.
2. Delete Sheets 5-14 of WL-10 from Unit 1 (WL-10).
3. WL-10, Sheet 4 of 19, Station 31+00, add this note to the manhole call out box: Install 21" stub out with temporary plug (S) and 8" stub out with temporary plug (SE). Delete proposed 21" pipe from Station 31+00 to 33+00. Delete Line A.

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form, and by attaching this Addendum to his Bid.

Thomas A. Harris, P.E.

(Engineer)

1/9/08

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein.

Bidder: Redford Construction Inc.

By: Sam Redford, President

Date: 1/16/08

END OF DOCUMENT 00900

RLF-96
(R-7/01)

MBE/WBE COMPLIANCE EVALUATION FORM
SUPPLEMENTAL CONDITIONS OF THE REVOLVING LOAN FUND
(Bid Package Documentation)

Bidders are to complete this form and submit with the bid proposal. A condition for remaining in competition for award is the satisfactory completion of this form. The undersigned submits the following data with respect to the firm's efforts to meet the Arkansas Natural Resources Conservation Commission's goal for MBE/WBE participation.

1. Name of Project: Fayetteville Wastewater System Improvement Project, Hamestring to Gregg Avenue Interceptor and Force Main, Contract No.: WL-4 RLF Project No. CS-050803-03
2. Name of General Contractor: REDFORD CONSTRUCTION CO
3. MBE/WBE Firm: REDFORD CONSTRUCTION CO
(Name) (Complete a separate form for each MBE/WBE to be used as a subcontractor)
P.O. Box 1065 Raymore Mo 64083
(Address) (City, State, Zip Code)
816-331-9556 816-331-9427
(Phone Number) (Fax Number)
4. Describe Work to be performed by the MBE/WBE, provide dollar amount of the subcontract.
Installation of Sanitary Sewer and Force Main

DOCUMENTATION OF AFFIRMATIVE STEPS TAKEN TO OBTAIN MBE/WBE PARTICIPATION
(TO BE COMPLETED IF THE MBE/WBW GOALS ARE NOT OBTAINED)

5. Documentation that MBE/WBE quotes were solicited through direct mail and other advertising sources, documentation of follow-up action for firms not responding; and documentation of responses received (both positive and negative responses).
See Attach
6. What sources were used to identify potential MBE/WBE firms. (Arkansas Highway and Transportation Department; Arkansas Industrial Development Commission's Minority Business Development Division; U.S. Small Business Administration; other sources, please specify and provide documentation)
See Attach
7. Describe steps taken to divide work items into small tasks in an effort to maximize MBE/WBE participation.
8. List reasons for rejecting a MBE/WBE that indicated a desire to participate and/or submitted bids.

The undersigned hereby certified, having provided responses or documentation to the questions in the foregoing affirmative steps taken to obtain MBE/WBE participation, that they are true and correct to the best of her/her knowledge, information and belief.

Name of General Contractor: REDFORD CONSTRUCTION CO
Signature: X SK
Title/Date: STAN Redford President 1-15-08

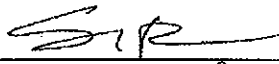
DOCUMENT 00430 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for the Old LS#11 to Double Springs Lift Station Gravity Main/Double Springs Lift Station to Westside WWTP Force Main, Contract No. WL-10/11, with associated piping, equipment, yard piping, bores, demolition and other restoration work throughout the site.

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

<u>Subcontractor Work</u>	<u>Subcontractor's Name</u>	Subcontractor's	
		<u>License No.</u>	<u>Percent of Contract</u>
Excavation	_____	_____	_____
Manholes	_____	_____	_____
Bores	_____	_____	_____
Pavement Restoration	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

NOTE: This form must be submitted with the bid in accordance with the Instructions to Bidders.


 Bidder's Signature Redford Const. Co.
Stan Re. Ford.

END OF DOCUMENT 00430

DOCUMENT 00400 - BID FORM

Project Name: Wastewater System Improvement Project
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main
Contract No.: UNIT 2, W-11
RLF Project No.: 00584-CWRLF-L

BID TO:

Owner: The City of Farmington, Arkansas
324 West Main Street
Farmington, Arkansas 72730

BID FROM:

Bidder:

REDFORD CONSTRUCTION
P.O. Box 1065
Raymore, MO 64083

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

DOCUMENT 00400 - BID FORM

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
<u>#1</u>	<u>December 21, 2007</u>
<u>#2</u>	<u>December 31, 2007</u>
<u>#3</u>	<u>JANUARY 3, 2008</u>
<u>#4</u>	<u>JANUARY 4, 2008</u>
<u>#5</u>	<u>JANUARY 9, 2008</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a hazardous environmental condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

DOCUMENT 00400 – BID FORM (continued)

- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.
- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by the Engineer is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any

DOCUMENT 00400 - BID FORM (continued)

other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 -- Subpart P -- Excavations.

ARTICLE 4 - BID PRICE

4.01 Bidder will complete the Work in accordance with the Contract Documents for the following prices:

Unit 2 Price Schedule:

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1.	1	LS	Mobilization (Not to Exceed 2% of All Other Contract Items) <u>Thirty Five Thousand</u> Dollars/LS Words	(\$ <u>35,000</u>)	(\$ <u>35,000</u>)
2.	10,734	LF	Site Preparation, Clearing and Grubbing <u>Three</u> Dollars/LF Words	(\$ <u>3</u>)	(\$ <u>32,202</u>)
3.	10,734	LF	Construction Staking <u>Two Dollar & Fifty Cents</u> Dollars/LF Words	(\$ <u>2⁵⁰</u>)	(\$ <u>26,835</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
4.	3	EA	48-Inch Dia. Std. Manhole, 0-6 Ft. Deep <u>Three thousand</u> Dollars/EA Words	(\$ <u>3,000</u>)	(\$ <u>9,000</u>)
5.	23	VF	48-Inch Dia. Manhole Extra Depth, Over 6 Ft. Deep <u>ONE Hundred</u> Dollars/VF Words	(\$ <u>100</u>)	(\$ <u>2300</u>)
6.	389	LF	15-Inch Gravity Sewer and Embedment <u>Eighty</u> Dollars/LF Words	(\$ <u>80</u>)	(\$ <u>31,120</u>)
7.	10,345	LF	16-Inch Ductile Iron FM and Embedment <u>Ninety</u> Dollars/LF Words	(\$ <u>90</u>)	(\$ <u>931,050</u>)
8.	15	TON	Ductile Iron Fittings <u>Two thousand</u> Dollars/TON Words	(\$ <u>2000</u>)	(\$ <u>30,000</u>)
9.	9,624	LF	Trench Excavation and Backfill, 0-8 Ft. Depth <u>FIVE</u> Dollars/LF Words	(\$ <u>5</u>)	(\$ <u>48,120</u>)
10.	439	LF	Trench Excavation and Backfill, 8-12 Ft. Depth <u>SEVEN</u> Dollars/LF Words	(\$ <u>7</u>)	(\$ <u>3073</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
11.	437	LF	Trench Excavation and Backfill, 12-16 Ft. Depth <u>Eleven</u> Dollars/LF Words	(\$ <u>11</u>)	(\$ <u>4807</u>)
12.	10	EA	Air/Vacuum Valve & Vault Assembly, Carbon Filter, Complete <u>Twelve thousand</u> Dollars/EA Words	(\$ <u>12,000</u>)	(\$ <u>120,000</u>)
13.	66	VF	Epoxy Coating of Air Valve Vault <u>Two hundred</u> Dollars/VF Words	(\$ <u>200</u>)	(\$ <u>13,200</u>)
14.	643	CY	Rock Excavation <u>Sixty Five</u> Dollars/CY Words	(\$ <u>65</u>)	(\$ <u>41,795</u>)
15.	110	LF	30-Inch Steel Encasement by Open Cut <u>One Hundred twenty</u> Dollars/LF Words	(\$ <u>120</u>)	(\$ <u>13,200</u>)
16.	465	LF	30-Inch Steel Encasement by Bore and Jack <u>Five hundred eighty</u> Dollars/LF Words	(\$ <u>580</u>)	(\$ <u>269,700</u>)
17.	14	EA	Concrete Anchors on Casings <u>Eight hundred</u> Dollars/EA Words	(\$ <u>800</u>)	(\$ <u>11,200</u>)

DOCUMENT 00400 - BID FORM (continued)

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
18.	195	LF	Concrete Encasement, Per Detail <u>Eighty</u> Dollars/EA (\$ <u>80</u>) Words		(\$15,600)
19.	1	LS	Tree Protection and Pruning <u>two thousand</u> Dollars/LS (\$ <u>2,000</u>) Words		(\$2,000)
20.	120	CY	Trench Foundation Material <u>Thirty</u> Dollars/CY (\$ <u>30</u>) Words		(\$3600)
21.	35	EA	Trench Compaction Test <u>two hundred</u> Dollars/EA (\$ <u>200</u>) Words		(\$7000)
22.	573	CY	Rock Riprap <u>Forty Five</u> Dollars/CY (\$ <u>45</u>) Words		(\$25,785)
23.	3	EA	Clay Dam <u>Three thousand</u> Dollars/EA (\$ <u>1,000</u>) Words		(\$3,000)
24.	40	SY	Remove and Replace Asphalt Paving <u>Eighty Five</u> Dollars/SY (\$ <u>85</u>) Words		(\$3400)

DOCUMENT 00400 - BID FORM (continued)

UNIT 2 (WL-11) DOUBLE SPRINGS LIFT STATION FORCE MAIN BID SCHEDULE					
ITEM NUMBER	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
25.	1,948	SY	Seeding and Mulching <u>two</u> Dollars/SY Words	(\$ <u>2⁰⁰</u>)	(\$ <u>3896</u>)
26	1,298	SY	Sod Replacement <u>six</u> Dollars/SY Words	(\$ <u>6⁰⁰</u>)	(\$ <u>7788</u>)
27.	1	LS	Erosion Control <u>Twenty Five thousand</u> Dollars/LS Words	(\$ <u>25,000</u>)	(\$ <u>25,000</u>)
28.	10,269	LF	Trench Excavation and Safety System <u>ONE</u> Dollars/LF Words	(\$ <u>1⁰⁰</u>)	(\$ <u>10,269</u>)
29.	1	LS	Traffic Control <u>Three thousand</u> Dollars/LS Words	(\$ <u>3000</u>)	(\$ <u>3000</u>)
30.	10,734	LF	Surface Video Documentation <u>ONE</u> Dollars/LF Words	(\$ <u>1⁰⁰</u>)	(\$ <u>10,734</u>)

TOTAL PRICE - UNIT 2: ONE million seven hundred Forty three thousand six hundred Seventy Four Dollars (\$ 1,743,674).

DOCUMENT 00400 – BID FORM (continued)

1. Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents.
2. Bidder must indicate, by checking a box below, the type of pipe material to be used for this project. Pipe material must be the same for all pipe, unless specifically indicated in the contract documents.

☐ Polyvinylchloride 8"-15" ☐ Polyvinylchloride 18"-36"

☐ Fiberglas Reinforced Polymer 18"-36"

ARTICLE 5 - CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security, not less than 5% of the Bid total, in the form of a certified or bank cashier's check or a Bid Bond and in the amount of Five Percent Dollars (\$ 5%).
 - B. Required Bidder's Qualification Statement with supporting data (DOCUMENT 00140).
 - C. List of Subcontractors (DOCUMENT 00430)
 - D. Contractor's Act of Assurance Form, RLF-52.
 - E. MBE / WBE Compliance Evaluation Form, RLF-96.

DOCUMENT 00400 - BID FORM (continued)

ARTICLE 7- COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Redford Construction
P.O. Box 1065
Raymore, MO 64083
Phone No. 816-331-9556
FAX No. 816-331-9427

ARTICLE 8- TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on 4/16/, 2008.

Arkansas State Contractor License No. 0180270208

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

DOCUMENT 00400 - BID FORM (continued)

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Corporation

Corporation Name: Redford Construction Inc (SEAL)

State of Incorporation: Missouri

Type (General Business, Professional, Service, Limited Liability): _____

By: [Signature]
(Signature – attach evidence of authority to sign)

Name (type or printed): STAN REDFORD

Title: PRESIDENT

Attest: [Signature] ASSISTANT SECRETARY
(CORPORATE SEAL)
(Signature of Corporate Secretary)

Business address: P.O. BOX 1065

RAYMORE, MO 64083

Phone No.: 816-331-9556 FAX No.: 816-331-9427

END OF DOCUMENT 00400 – UNIT 2

DOCUMENT 00410 - BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we

Redford Construction, Inc.

PO Box 1065

Raymore, MO 64083

as Principal, hereinafter called the Principal, and

Employers Mutual Casualty Company

PO Box 8550

Kansas City, MO 64114

a corporation duly organized under the laws of the State of Arkansas as Surety, hereinafter called Surety, are held and firmly bound unto

City of Farmington, Arkansas

354 West Main

Farmington, Arkansas 72730

as Oblige, hereinafter called Owner, in the sum of Five Percent Of Bid Amount Only Dollars (\$5%) Of Bid On for the payment of which sum, well and truly to be made, Principal and said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted a Bid for construction of approximately 13,531 linear feet of gravity sewer main, 8 through 21-inch diameter (3,898 feet of 21", 3,623 feet of 18", 2,851 feet of 15", 2,756 feet of 12", and 403 feet of 8"), and 47 new 4-foot diameter manholes for Unit 1. Unit 2 of the project provides for the construction of approximately 10,078 linear feet of 16-diameter force main. Each project will be mostly installed by open cut, with some areas of rock excavation, other methods of pipe installation include 75 linear feet of 36-inch encasement (Unit 1), 462 linear feet of 30-inch encasement (125 lf - Unit 1, 337 lf - Unit 2), 53 linear feet of 24-inch encasement (Unit 1), all by bore, and 265 linear feet of 36-inch encasement (Unit 1), and 110 linear feet of 30-inch encasement (Unit 2) by open cut. Additional items include erosion control, bypass pumping, tree removal/protection, creek, road, and highway crossings and related work, along Goose Creek and Farmington Branch Creek in Farmington, Arkansas.

DOCUMENT 00410 - BID BOND (continued)

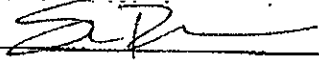
NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 8th day of January 2008.

PRINCIPAL

(CORPORATE SEAL)

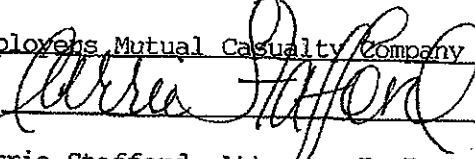
Redford Construction, Inc.

By 

Stan Redford, President

SURETY

Employers Mutual Casualty Company

By 

Carrie Stafford, Attorney In-Fact

ATTORNEY-IN-FACT

(CORPORATE SEAL)

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER • BACK OF THIS DOCUMENT HAS A SIMULATED WATERMARK • HOLD AT AN ANGLE TO VIEW.

EMC Insurance Companies

P.O. Box 712 • Des Moines, IA 50306-0712

No. 759268

CERTIFICATE OF AUTHORITY INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

1. Employers Mutual Casualty Company, an Iowa Corporation
2. EMCASCO Insurance Company, an Iowa Corporation
3. Union Insurance Company of Providence, an Iowa Corporation
4. Illinois EMCASCO Insurance Company, an Iowa Corporation

5. Dakota Fire Insurance Company, a North Dakota Corporation
6. EMC Property & Casualty Company, an Iowa Corporation
7. Hamilton Mutual Insurance Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint:

**BECKY EIDSON, DARRIN STAFFORD, CARRIE STAFFORD, CAROL STAFFORD, MEGAN STAFFORD, INDIVIDUALLY,
HARRISONVILLE, MISSOURI**

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute its lawful bonds, undertakings, and other obligatory instruments of a similar nature as follows:

IN AN AMOUNT NOT EXCEEDING TEN MILLION DOLLARS (\$10,000,000.00)
and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company; and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

The authority hereby granted shall expire APRIL 1, 2008 unless sooner revoked.

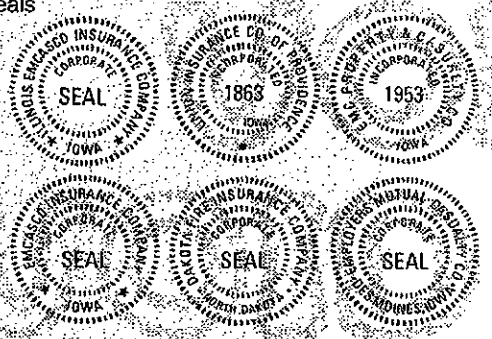
AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at a regularly scheduled meeting of each company duly called and held in 1999:

RESOLVED: The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 3RD day of JANUARY, 2007.

Seals



Bruce G. Kelley
Bruce G. Kelley, Chairman
of Companies 2, 3, 4, 5 & 6; President
of Company 1; Vice Chairman and
CEO of Company 7

Jeffrey S. Birdsley
Jeffrey S. Birdsley
Assistant Secretary

On this 3RD day of JANUARY, AD 2007 before me a Notary Public in and for the State of Iowa, personally appeared Bruce G. Kelley and Jeffrey S. Birdsley, who, being by me duly sworn, did say that they are, and are known to me to be the Chairman, President, Vice Chairman and CEO, and/or Assistant Secretary, respectively, of each of the Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Bruce G. Kelley and Jeffrey S. Birdsley, as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of each of the Companies.
My Commission Expires November 1, 2008.

Patricia A. Wright
Notary Public in and for the State of Iowa

CERTIFICATE

I, David L. Hixenbaugh, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on JANUARY 3, 2007

on behalf of BECKY EIDSON, DARRIN STAFFORD, CARRIE STAFFORD, CAROL STAFFORD, MEGAN STAFFORD
are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 3th day of January, 2007.

David L. Hixenbaugh
Vice-President

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for the Old LS#11 to Double Springs Lift Station Gravity Main/Double Springs Lift Station to Westside WWTP Force Main, Contract No. WL-10/11, with associated piping, equipment, yard piping, bores, demolition and other restoration work throughout the site.

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

			Subcontractor's
			Percent of
<u>Subcontractor Work</u>	<u>Subcontractor's Name</u>	<u>License No.</u>	<u>Contract</u>
Excavation	Redford Const		
Manholes	Redford Const		
Bores	MAIN CONST INC		
Pavement Restoration	TBD		

NOTE: This form must be submitted with the bid in accordance with the Instructions to Bidders.


 Bidder's Signature Redford Const. Co.
 STAN Redford.

END OF DOCUMENT 00430

RLF-96
(R-7/01)

MBE/WBE COMPLIANCE EVALUATION FORM
SUPPLEMENTAL CONDITIONS OF THE REVOLVING LOAN FUND
(Bid Package Documentation)

Bidders are to complete this form and submit with the bid proposal. A condition for remaining in competition for award is the satisfactory completion of this form. The undersigned submits the following data with respect to the firm's efforts to meet the Arkansas Natural Resources Conservation Commission's goal for MBE/WBE participation.

1. Name of Project: Fayetteville Wastewater System Improvement Project, Hamestring to Gregg Avenue
Interceptor and Force Main, Contract No.: WL-4 RLF Project No. CS-050803-03
2. Name of General Contractor: REDFORD CONSTRUCTION CO
3. MBE/WBE Firm: REDford CONSTRUCTION Co
(Name) (Complete a separate form for each MBE/WBE to be used as a subcontractor)
P.O. Box 1065 Raymore, Mo 64083
(Address) (City, State, Zip Code)
816-331-9556 816-331-9427
(Phone Number) (Fax Number)
4. Describe Work to be performed by the MBE/WBE, provide dollar amount of the subcontract.
Installation of Sawtooth Sewer and Force Main

DOCUMENTATION OF AFFIRMATIVE STEPS TAKEN TO OBTAIN MBE/WBE PARTICIPATION
(TO BE COMPLETED IF THE MBE/WBW GOALS ARE NOT OBTAINED)

5. Documentation that MBE/WBE quotes were solicited through direct mail and other advertising sources, documentation of follow-up action for firms not responding; and documentation of responses received (both positive and negative responses).
See Attach
6. What sources were used to identify potential MBE/WBE firms. (Arkansas Highway and Transportation Department; Arkansas Industrial Development Commission's Minority Business Development Division; U.S. Small Business Administration; other sources, please specify and provide documentation)
See Attach
7. Describe steps taken to divide work items into small tasks in an effort to maximize MBE/WBE participation.

8. List reasons for rejecting a MBE/WBE that indicated a desire to participate and/or submitted bids.

The undersigned hereby certified, having provided responses or documentation to the questions in the foregoing affirmative steps taken to obtain MBE/WBE participation, that they are true and correct to the best of her/her knowledge, information and belief.

Name of General Contractor: REDFORD CONSTRUCTION CO
Signature: X [Signature]
Title/Date: STAN Redford President 1-15-08

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT:

Project Name: Wastewater System Improvement Project
Contract Name: Farmington Gravity Main and Double Springs Lift Station Force Main
Contract No.: UNIT 1 WSIP WL-10 AND UNIT 2 W-11
RLF Project No.: 00584-CWRLF-L
Date: JAN 8 2008

SUBMITTED TO:

The City of Farmington, Arkansas
354 West Main
Farmington, Arkansas 72730

SUBMITTED BY:

Company REDFORD CONST. Co.
Name _____
Address P.O. Box 1065 Raymore Mo
641083
Principal Office 17235 Bel Rd, PL Bld 100 Mo
64012
Corporation, partnership, individual, joint
venture, other CORP
Arkansas State General Contractor's License Number
0180270208

EXPERIENCE STATEMENT

1. Qualification of Bidders
 - a. It is the intention of the City of Farmington to award a Contract only to a Bidder who furnishes satisfactory evidence that he has the requisite experience and ability and that he has sufficient capital, facilities, and plant to enable him to prosecute the work successfully and promptly, and to complete the work within the time specified in the Contract Documents.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

- b. Each Bidder shall submit with his Bid the executed Bidder's "Statement of Experience" form contained in this document. Each bidder shall also submit documented evidence that he has, with his own forces, completed a minimum of three pipeline projects similar to this one with a construction cost of at least \$2,000,000 each during the past three years and one with a construction cost of at least \$4,000,000 in the past five years.
 - c. The City of Farmington reserves the right to require the three lowest Bidders to file proof within seven (7) calendar days of the Bid opening of their ability to finance and execute the project. This proof shall include, but not be limited to, a financial statement certified by a CPA for the last three years, a list of equipment owned by Bidder, a backlog of jobs under contract and amounts, and a record of successful completion of similar projects.
 - d. The successful Bidder shall conform to the Rules and Regulations of Arkansas Department of Finance and Administration concerning nonresident contractor's notice and bond requirements.
 - e. The successful Bidder must meet the statutorily prescribed requirements before Award of Contract by the City of Farmington.
 - f. In order to perform public work, the successful Bidder shall, as applicable, hold or obtain such Contractor's and Business Licenses as required by State statutes and the Rules and Regulations of the Arkansas Contractor's Licensing Board.
 - g. All contracts shall be interpreted under Arkansas Law.
2. Bidder has been engaged as a General Contractor in construction for 11 years and has performed work of the nature and magnitude of this Contract for 11 years. Bidder has been in business under its present name for 11 years.
3. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

date.) This sheet shall be inserted directly after this page or otherwise securely fastened to the back of this page.

4. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)
5. Has Bidder ever failed to complete any project? If so, state when, where, and why.

NONE

6. Bidder normally performs the following work with his own forces:

EXCAVATION & BACKFILL, PIPE LAYING
ROCK EXCAVATION (BLASTING, HOT RAM)
CONCRETE, SEEDING,

7. Construction experience of key individuals in the organization is as follows
(continued on attached sheets if needed):

SEE ATTACH

DOCUMENT 00140 - BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

8. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent (NOTE: all insurance and bonding must be through a company whose agents are licensed to do business in the State of Arkansas):

EMC - EMPLOYERS MUTUAL CASUALTY CO
STAFFORD & STAFFORD INS CO INC
801 South COMMERCIAL ST HARRISONVILLE MO
64701
816-884-4800 FAX 816-884-4833

9. Bidder's Workmen's Compensation Experience Modifier Factor is: .85

FINANCIAL STATEMENT

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:
 - a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
 - b. Net fixed assets.
 - c. Other assets.
 - d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).
 - e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).
 - f. Name of firm preparing financial statement and date thereof:

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgements are outstanding against Bidder:

	<u>Judgment Creditors</u>	<u>Where Docketed and Date</u>	<u>Amount</u>
a.	<u>NONE</u>	<u>NONE</u>	<u>\$ NONE</u>
b.	<u>NONE</u>	<u>NONE</u>	<u>\$ NONE</u>

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: JAN 8, 2008

(OFFICIAL SEAL)

Name of Organization:

REDFORD CONSTRUCTION CO

By [Signature]

Title SON REDFORD PRESIDENT

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

END OF DOCUMENT 00140

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

A. 5
Bid # 08-03 Kim Construction
Company, Inc.
Cost-Share
Page 1 of 30

19-Feb-08

City Council Meeting Date

Shannon Jones
Submitted By

Engineering
Division

Water and Wastewater
Department

Action Required:

Approval of Bid #08-03 for a construction contract with Kim Construction Company in the amount of \$1,501,102.00 with a contingency of \$75,000.00 for construction of Manhole Rehabilitation, Basins I-15, W-02, W-05, W-06, & W-13.

\$1,501,102.00

Cost of this request

\$ 7,498,907.00

Category/Project Budget

Sanitary Sewer Rehabilitation

Program Category / Project Name

5400.5700.5815.00

Account Number

\$ 2,531,492.46

Funds Used to Date

Water and Wastewater

Program / Project Category Name

02017.0601

Project Number

\$ 4,967,414.54

Remaining Balance

Water and Sewer

Fund Name

Budgeted/Item

XX

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in Mayor's Office

Chief Administrative Officer

Date

Received in City Clerk's Office

Mayor

Date

Comments:

CITY COUNCIL AGENDA

To: Fayetteville City Council

Thru: Mayor Dan Coody
David Jurgens, Water & Wastewater Director
Fayetteville Sewer Committee

From: Shannon Jones, Water & Wastewater Engineer SJ

Date: January 25, 2008

Subject: Approval of Bid #08-03 for a construction contract with Kim Construction Company in the amount of \$1,501,102.00 with a contingency of \$75,000.00 for construction of Manhole Rehabilitation, Basins I-15, W-02, W-05, W-06, & W-13.

RECOMMENDATION

Staff recommends approval of Bid #08-03 for a construction contract with Kim Construction Company in the amount of \$1,501,102.00 with a contingency of \$75,000.00 for construction of Manhole Rehabilitation, Basins I-15, W-02, W-05, W-06, & W-13.

BACKGROUND

The project includes rehabilitation of 276 manhole covers and frames, re-sealing of 525 manhole frames and grade adjustments, 200 vertical feet of grade height adjustments, 18 wall joints to be pressure grouted, 275 benches, troughs, and lower 18" of manholes to be pressure grouted, 650 manhole inserts, cementitious coating of 243 manholes, 48 vertical feet of partial manhole replacement, and 36 complete manhole replacements.

The City received three responsive bids on January 23, 2008.

<u>Contractor</u>	<u>Total</u>
Kim Construction Company	\$ 1,501,102.00 (low bid)
Ace Pipe Cleaning	\$ 1,532,380.00
T-G Excavating	\$ 1,555,555.00

DISCUSSION

RJN Group, the Engineer, recommends award; their letter so stating is attached, as is the bid tab. Arkansas Natural Resources Commission (ANRC) will also complete their review prior to City Council consideration.

Kim Construction Company has completed similar manhole rehabilitation projects in Fayetteville. They are excellent contractors who have completed all jobs to the City's satisfaction.

BUDGET IMPACT

Funds are available within the Fiscal Year 2008 Sanitary Sewer Rehabilitation Project. This contract will be funded by a combination of Water/Sewer funding, and EPA STAG grant funds administered by the ANRC. Fayetteville received a STAG grant for 2006 in the amount of \$477,900.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-03 AND APPROVING A CONTRACT WITH KIM CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$1,501,102.00 FOR CONSTRUCTION OF MANHOLE REHABILITATION, BASINS I-15, W-02, W-05, W-06 & W-13; AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$75,000.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #08-03 and approves a contract with Kim Construction Company, Inc. IN the amount of \$1,501,102.00 for construction of Manhole Rehabilitation, Basins I-15, W-02, W-05, W-06 & W-13.

Section 2: That the City Council of the City of Fayetteville, Arkansas, hereby approves a contingency in the amount of \$75,000.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

January 24, 2008

Mr. Shannon Jones, P.E.
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Bid 08-03
Manhole Rehabilitation Basins I-15, W-02, W-06, & W-13A
RJN# 18-2034-01

Dear Mr. Jones:

RJN Group, Inc. has reviewed and processed the Contractor Bids for the above referenced project. Attached is the bid tabulation for each of the bidders. The low bidder is Kim Construction Company, Inc. with a bid amount of \$1,501,102.00.

Kim Construction has completed multiple projects for the City of Fayetteville and RJN. Their work has been excellent and completed on time. We therefore recommend award of the contract to Kim Construction Company, Inc.

Should you have any further questions, please call me at (972) 437-4300.

Very truly yours,

RJN GROUP, INC.



Hugh M. Kelso
Vice President

HMK/kb/18-2034-01
Enclosure

CITY OF FAYETTEVILLE
MANHOLE REHABILITATION
ILLINOIS RIVER AND WHITE RIVER WATERSHED BASINS
I-(15), W-(02), W-(05) W-(06) AND W-(13A)

BID OPENING: JANUARY 23, 2008				Kim Construction		Ace Pipe Cleaning		T-G Excavating	
ITEM	QUANT	UNIT	DESCRIPTION OF ITEM	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
			CONSTRUCTION						
1	256	EA	Replace MH Frame/Cover	270.00	\$69,120.00	130.00	\$33,280.00	170.00	\$43,520.00
2	12	EA	Install Bolts	1.00	\$12.00	100.00	\$1,200.00	50.00	\$600.00
3	263	EA	Seal Frame & Grade Adj (Paved)	1,350.00	\$355,050.00	850.00	\$223,550.00	1,230.00	\$323,490.00
4	262	EA	Seal Frame & Grade Adj (Non-Paved)	775.00	\$203,050.00	550.00	\$144,100.00	680.00	\$178,160.00
5	200	VF	Concrete Grade Adjustment Rings	20.00	\$4,000.00	100.00	\$20,000.00	1.00	\$200.00
6	30	EA	Flattop for Grade Adj	650.00	\$19,500.00	1,250.00	\$37,500.00	1.00	\$30.00
7	18	EA	Pressure Grout MH Walls	800.00	\$14,400.00	350.00	\$6,300.00	500.00	\$9,000.00
8	298	EA	Pressure Grout Lower 18"	500.00	\$149,000.00	500.00	\$149,000.00	700.00	\$208,600.00
9	2	EA	Replace Bench & Trough	800.00	\$1,600.00	1,000.00	\$2,000.00	500.00	\$1,000.00
10	3	EA	Repair Pipe Seal	600.00	\$1,800.00	500.00	\$1,500.00	350.00	\$1,050.00
11	650	EA	Furnish & Install Insert	45.00	\$29,250.00	60.00	\$39,000.00	100.00	\$65,000.00
12	243	EA	Apply Cementitious Coating	880.00	\$213,840.00	800.00	\$194,400.00	1,900.00	\$461,700.00
13	1	EA	Apply Epoxy Coating	2,000.00	\$2,000.00	2,500.00	\$2,500.00	3,000.00	\$3,000.00
14	48	VF	MH Replacement Partial (VF)	700.00	\$33,600.00	375.00	\$18,000.00	600.00	\$28,800.00
15	36	EA	MH Replacement Complete	7,600.00	\$273,600.00	15,500.00	\$558,000.00	5,000.00	\$180,000.00
16	76	VF	Additional VF of MH Replace >6'	780.00	\$59,280.00	175.00	\$13,300.00 *	300.00	\$22,800.00
17	300	LF	Additional pipe, Complete in Place	160.00	\$48,000.00	125.00	\$37,500.00	20.00	\$6,000.00
18	1	LS	Photo Documentation	1,500.00	\$1,500.00	17,500.00	\$17,500.00	15,605.00	\$15,605.00
19	1	LS	Trench Safety	15,000.00	\$15,000.00	25,000.00	\$25,000.00	2,000.00	\$2,000.00
20	50	CY	Rock Excavation	150.00	\$7,500.00	175.00	\$8,750.00	100.00	\$5,000.00
			TOTAL		\$1,501,102.00		\$1,532,380.00 *		\$1,555,555.00

*corrected total

City Of Fayetteville (Not a Purchase Order) Requisition No.: P.O. Number: Date: 1/25/2008 Expected Delivery Date:									
Vendor #: 3956 Vendor Name: Kim Construction Company, Inc.		Fob Point: Ship to code:		No: XX No: XX		No: XX No:			
Address: PO Box 276 City: Steger State: IL		Zip Code: 60475 Requester's Employee #: 2689		Division Head Approval:		Quoted Attached Yes: XX No:			
Requester: Shannon Jones		Extension: 452		Project/Subproject #: 2017.0601		Inventory # Fixed Asset #			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers			
1	Manhole Rehabilitation, Basins I-15, W-02, W-05, W-06, & W-13	1	EA	1,501,102.00	\$1,501,102.00	5400.5700.5815.00			
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
Shipping/Handling			Lot		\$0.00				
Special Instructions:									
Subtotal:					\$1,501,102.00				
Tax:					\$0.00				
Total:					\$1,501,102.00				
Bid # 08-03 Kim Construction Company, Inc. Cost-Sharing Page 6 of 6 Purchasing Manager: _____ IT Manager: _____ Other: _____									
Department Director: _____ Budget Manager: _____ Utilities Manager: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____									

December 2007

KIM
CONSTRUCTION
CO
INC.

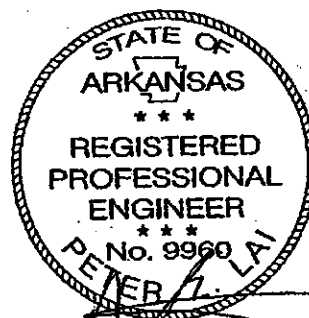
Contract Documents

**Manhole Rehabilitation
Illinois River and White River Watershed Basins
Basins I-(15), W-(02), W-(05), W-(06) & W-(13A)**

Prepared for the
**City of Fayetteville
Fayetteville, Arkansas**

prepared by

**RJN Group, Inc.
Consulting Engineers
Dallas, Texas**



12/20/07

BID BOND

KNOW ALL MEN BY THESE PRESENTS, That we Kim Construction Company, Inc.
3142 Holeman, Steger, IL 60475

(hereinafter called the Principal) and Western Surety Company
101 S. Phillips Drive, Sioux Falls, SD 57104

(hereinafter called the Surety), a corporation chartered and existing under the laws of the State of
South Dakota with its principal office in the City of Sioux Falls

and authorized to do business in the State of Arkansas are held and firmly bound unto the City of
Fayetteville, AR, in the full and just sum of Five Percent of Amount Bid

Dollars (\$ 5%) good and lawful money of the United States of
America, to be paid upon demand of the City of Fayetteville, to which payment well and truly to
be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, and
assigns, jointly and severally and firmly by the presents.

WHEREAS, the Principal is about to submit, or has submitted to the City of Fayetteville, a Bid
for furnishing all labor, materials, equipment and incidentals necessary to perform, as described
in these Contract Documents,

WHEREAS, the Contractor desires to file this bond in accordance with law, in lieu of a certified
bidder's check otherwise required to accompany this Bid.

NOW, THEREFORE: The conditions of this obligation are such that if the Bid is accepted, the
Principal shall, within ten (10) days after the date of receipt of a written notice of award of
contract, execute a contract in accordance with the Bid and upon the terms, conditions and
price(s) set forth therein, of form and manner required by the City of Fayetteville, and execute a
sufficient and satisfactory contract Performance Bond, Labor and Material Bond, and
Maintenance Bond, each payable to the City of Fayetteville, in an amount of One Hundred
Percent (100%) of the total Contract price in form and with security satisfactory to said City of
Fayetteville, then this obligation to be void; otherwise to be and remain in full force and virtue in
law; and the Surety shall, upon failure of the Principal to comply with any or all of the foregoing
requirements within the time specified above, immediately pay to the aforesaid City of
Fayetteville, upon demand, the amount hereof in good and lawful money of the United States of
America not as a penalty but as liquidated damages.

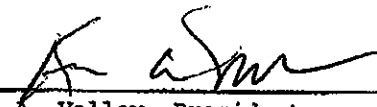
Surety companies executing Bonds must hold Certificates of Authority as Acceptable Sureties,
must appear on the Treasury Department's most current list "AA" Rating or better) (Circular 570
as amended), and be authorized to transact business in the State of Arkansas.

Bid Bond
City of Fayetteville
Sanitary Sewer Improvements

IN TESTIMONY THEREOF, the Principal and Surety have caused these presents to be duly signed and sealed this 23rd day of January, 2008.

Kim Construction Company, Inc.

Principal

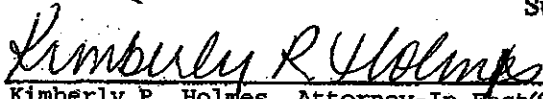
By 

Kim A. Vallow, President

(Seal)

Western Surety Company

Surety



Kimberly R. Holmes, Attorney-In-Fact (Seal)

Countersigned 

Local Resident Producing Agent for White River Insurance Agency

400 Harrison Street, Suite 210, Batesville, AR 72501

*Sharon C Couch
my commission
expires 9-19-14*

ss

STATE OF ILLINOIS

COUNTY OF DuPage

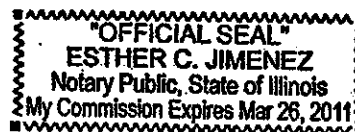
I, Esther C. Jimenez Notary Public of Kane County, in the State of
Illinois, do hereby certify that Kimberly R. Holmes Attorney-in-Fact, of the
Western Surety Company who is personally known to me to
be the same person whose name is subscribed to the foregoing instrument,
appeared before me this day in person, and acknowledged that she signed,
sealed and delivered said instrument, for and on behalf of the
Western Surety Company for the used and purposes
therein set forth.

Given under my hand and notarial seal at my office in the City of Lisle in
said County, this 23rd day of January A.D., 2008


(Notary Public) Esther C. Jimenez

My Commission expires: 03/26/2011

Notary Seal:



Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Karen A Ryan, William P Weible, Esther C Jimenez, Deborah Buss, William Cahill, Kimberly Sawicki, Molly M Moran, Melissa Newman, Kimberly R Holmes, Individually

of Lisle, IL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 19th day of April, 2007.



WESTERN SURETY COMPANY

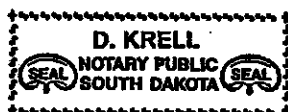
Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 19th day of April, 2007, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 23rd day of January, 2008.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

POWER OF ATTORNEY

(Irrevocable)

BOND No. R- 25684040

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired. That Western Surety Company, a corporation, does hereby make, constitute and appoint the following

FIVE 5 authorized individuals:

AUTHORIZED INDIVIDUALS	AUTHORIZED INDIVIDUALS
AMANDA HUGHES DICKEY RICHARD D BERNARD VERNON FRANKLIN VINSON JR	JOHN RAYMOND COOKE SHARON C COUGH

in the City of BATESVILLE State of ARKANSAS, with limited authority, its true and lawful Attorney(s) in fact with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, one of the following bonds.

An ORIGINAL bond required by Statute, Decree of Court or Ordinance for:	MAXIMUM PENALTY
(A) ADMINISTRATOR EXECUTOR PERSONAL REPRESENTATIVE GUARDIAN OF INCOMPETENT CONSERVATOR OF INCOMPETENT/CONSERVATEE COMMITTEE OF INCOMPETENT SALE OF REAL OR PERSONAL PROPERTY - When this company has qualifying bond or when it is a separate bond for accounting of proceeds of sale only.	\$ 500,000
(B) GUARDIAN OF MINOR OR CONSERVATOR OF MINOR	\$ 10,000
(C) NOTARY PUBLIC PUBLIC OFFICIAL AND DEPUTIES	\$ 50,000
(D) PLAINTIFF'S COURT BOND - Banks, Savings & Loan, and Trust Companies (Except Restraining Order and Injunction) - All Others, except bonds prohibited by "NOTE" below	\$ 100,000 \$ 20,000
(E) COST ON APPEAL (EXCLUDING OPEN PENALTY, STAY, SUPERSEDEAS OR GUARANTEE OF A JUDGMENT)	\$ 2,000
(F) LICENSE AND PERMIT EXCEPT BONDS WHERE THE UNITED STATES OF AMERICA, A FEDERAL AGENCY, OR A STATE IS THE OBLIGEE	\$ 25,000
(G) STATE LICENSE AND PERMIT - The following <u>THREE</u> <u>3</u> bonds are authorized where the state of <u>ARKANSAS</u> <u>AR</u> is the obligee (other state required bonds not authorized). MOTOR VEHICLE CERTIFICATE OF TITLE ***** POLYGRAPH EXAMINER ***** HIGHWAY PERMIT ***** ***** ***** ***** SPECIAL FUEL USERS	\$ 25,000 \$ 2,000
(H) ANY BOND OR INDEMNITY provided there is attached to this Power of Attorney, written authority in the form of an endorsement, letter or telegram, signed by the Underwriting Manager, Underwriting Consultant, Underwriting Specialist, Underwriter, President, Vice President, Assistant Vice President, Secretary, Treasurer or Assistant Secretary of Western Surety Company specifically authorizing its execution. For confirmation of the necessary written authority, please contact our Underwriting Department at 1-800-331-6053	

NOTE: OPEN PENALTY OR STAY BONDS ON APPEAL OR GUARANTEE OF JUDGMENT OR RAIL BONDS OR CONSTRUCTION BID OR CONTRACT BONDS, OR BONDS FOR DEFENDANTS OR UTILITY DEPOSIT BONDS OR SITE IMPROVEMENT BONDS ARE NOT AUTHORIZED BY THIS POWER OF ATTORNEY.

WESTERN SURETY COMPANY further certifies that the following is a true and exact copy of Section 7 of the By-Laws of Western Surety Company, duly adopted and amended in 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025. Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

Dated this 1st day of July, 2005.
Assistant Secretary
STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA } SS
By Paul T. Bitt
Senior Vice President
WESTERN SURETY COMPANY

On this 1st day of July, 2005, before me, S. Petrik, the undersigned officer, personally appeared PAUL T. BRUFAT and A. VIETOR who acknowledged themselves to be the Senior Vice President and Assistant Secretary, respectively, of Western Surety Company, a corporation, and that they, as such officers being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such officers.

In witness whereof I have hereunto set my hand and official seal.

S. PETRIK
Notary Public, South Dakota

By Commission Expires August 14, 2010

I, the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that Section 7 of the By-Laws of the company as set forth in the Power of Attorney, is now in force.

In testimony whereof, I have hereunto set my hand and the seal of the Western Surety Company this _____ day of _____

WESTERN SURETY COMPANY

*IMPORTANT: This date must be filled in before it is attached to the bond and it must be the same date as the bond.

By Paul T. Bitt
SENIOR VICE PRESIDENT

CITY OF FAYETTEVILLE, AR

BID PROPOSAL

MANHOLE REHABILITATION

Basins I-(15), W-(02), W-(05), W-(06) & W-(13A)

Name of Bidder KIM CONSTRUCTION COMPANY INC

Business Address 3142 HOLEMAN, P.O. Box 276

STEGER, IL 60475

Date JAN. 23, 2008

To: The City of Fayetteville, AR

The undersigned, as Bidder, declares that the only person or parties interested in this Bid as principals are those named herein; that this Bid is made without collusion with any person, firm or corporation; that he has carefully examined the location of the proposed work, the proposed forms of Agreement and Bonds, and the Contract Drawings and Specifications for the above designated work, all other documents referred to or mentioned in the Contract Documents, the Contract Drawings and Specifications, including Addenda Nos. _____, _____, _____, and issued thereto; and he proposes and agrees if this bid is accepted that he will contract with the City of Fayetteville, AR, in the form of the copy of the Agreement included in these Contract Documents, to provide all necessary machinery, tools, apparatus, and other means of construction, including utility and transportation services necessary to do all the work and furnish all materials and equipment specified or referred to in the Contract Documents, in the manner and time therein prescribed and according to the requirements of the City of Fayetteville, AR as therein set forth to furnish the Contractor's Bonds and Insurance, and to do all other things required of the Contractor by the Contract Documents, and that he will take in full payment therefor the sums set forth in the following Bid Schedule.

I. BID SCHEDULE

Bidder agrees to perform all the work described in the Contract Document for the following unit prices.

Bids shall include sales tax and all other applicable taxes.

MANHOLE REHABILITATION

PAY ITEM	APPROXIMATE QUANTITY	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
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(Furnish and install, including all appurtenant work, complete in place, the following items:)

1	256 EA	Replace Manhole Frame and cover per Section D2-2 (material only) <u>Two hundred & seventy</u> — Dollars & <u>No</u> — Cents per EA	<u>\$ 270⁰⁰</u>	<u>\$ 69,120⁰⁰</u>
2	12 EA	Install Bolts <u>One</u> — Dollars & <u>No</u> — Cents per EA	<u>\$ 1.00</u>	<u>\$ 12.00</u>
3	263 EA	Paved Frame & Grade Adjustment Sealing per Section D2-4 <u>One thousand three hundred & fifty</u> — Dollars & <u>No</u> — Cents per EA	<u>\$ 1,350⁰⁰</u>	<u>\$ 355,050⁰⁰</u>
4	262 EA	Non-Paved Frame & Grade Adjustment Sealing per Section D2-4 <u>Seven hundred & seventy-five</u> — Dollars & <u>No</u> — Cents per EA	<u>\$ 775⁰⁰</u>	<u>\$ 203,050</u>

PAY ITEM	APPROXIMATE QUANTITY	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
5	200 VF	Concrete Grade Adjustment Rings (Material Only) <u>Twenty</u> Dollars & <u>No</u> Cents per VF	\$ <u>20⁰⁰</u>	\$ <u>4,000⁰⁰</u>
6	30 EA	Manhole Flattop for Grade Adjustment per Section D2-2 (Material Only) <u>Six hundred & fifty</u> Dollars & <u>No</u> Cents per EA	\$ <u>650⁰⁰</u>	\$ <u>19,500⁰⁰</u>
7	18 EA	Pressure Grout Manhole Walls per Section D2-7 <u>Eight hundred</u> Dollars & <u>No</u> Cents per EA	\$ <u>800⁰⁰</u>	\$ <u>14,400⁰⁰</u>
8	298 EA	Pressure Grout Pipe Seals, Bench and Trough, and lower 18" of Manhole per Section D2-7 <u>Five hundred</u> Dollars & <u>No</u> Cents per EA	\$ <u>500⁰⁰</u>	\$ <u>149,000⁰⁰</u>

PAY ITEM	APPROXIMATE QUANTITY	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
9	2 EA	Replace Bench and Trough per Section D2-6 <u>Eight hundred</u> ____ Dollars & <u>No</u> Cents per EA	\$ <u>800</u> ⁰⁰	\$ <u>1600</u> ⁰⁰
10	3 EA	Repair Pipe Seals per Section D2-7A <u>Six hundred</u> ____ Dollars & <u>No</u> Cents per EA	\$ <u>600</u> ⁰⁰	\$ <u>1800</u> ⁰⁰
11	650 EA	Furnish and Install Watertight Inserts per Section D2-2 <u>Forty-five</u> ____ Dollars & <u>No</u> Cents per EA	\$ <u>45</u> ⁰⁰	\$ <u>29,250</u> ⁰⁰
12	243 EA	Apply Cementitious Coating per Section D2-8 or D2-8A <u>Eight hundred & eighty</u> ____ Dollars & <u>No</u> Cents per EA	\$ <u>880</u> ⁰⁰	\$ <u>213,840</u> ⁰⁰

PAY ITEM	APPROXIMATE QUANTITY	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
13	1 EA	Apply Epoxy Coating per Section D2-8B <u>Two thousand</u> Dollars & Cents per EA	\$ <u>2,000⁰⁰</u>	\$ <u>2,000⁰⁰</u>
14	48 VF	Partial Manhole Replacement per Section D2-5 <u>Seven hundred</u> Dollars & <u>NO</u> Cents per VF	\$ <u>700⁰⁰</u>	\$ <u>33,600⁰⁰</u>
15	36 EA	48" Diameter Sanitary Sewer Manhole, 0'-6' Deep, per Section D2-5 <u>Seven thousand six hundred</u> Dollars & <u>NO</u> Cents per EA	\$ <u>7,600⁰⁰</u>	\$ <u>273,600⁰⁰</u>
16	76 VF	48" Diameter Sanitary Sewer Manhole, Additional Depth, per Section D2-5 <u>Seven hundred & eighty</u> Dollars & <u>NO</u> Cents per VF	\$ <u>780⁰⁰</u>	\$ <u>59,280⁰⁰</u>

PAY ITEM	APPROXIMATE QUANTITY	DESCRIPTION OF ITEMS WITH BID PRICES WRITTEN IN WORDS	UNIT PRICE	AMOUNT BID
17	300 LF	Additional Pipe, Complete in Place, All Sizes, per Section D2-5 <u>One hundred & sixty</u> Dollars & <u>NO</u> Cents per LF	\$ <u>160⁰⁰</u>	\$ <u>48,000⁰⁰</u>
18	1 LS	Photo Documentation per Section D1-3 <u>One thousand five hundred</u> Dollars & <u>NO</u> Cents per LS	\$ <u>1,500⁰⁰</u>	\$ <u>1,500⁰⁰</u>
19	1 LS	Trench Safety per Section D1-8 <u>Fifteen thousand</u> Dollars & <u>NO</u> Cents per LS	\$ <u>15,000⁰⁰</u>	\$ <u>15,000⁰⁰</u>
20	50 CY	Rock Excavation <u>One hundred & fifty</u> Dollars & <u>NO</u> Cents per CY	\$ <u>150⁰⁰</u>	\$ <u>7,500⁰⁰</u>

TOTAL MANHOLE REHABILITATION \$ 1,501,102.⁰⁰

ONE MILLION FIVE HUNDRED ONE ~~DOLLARS~~ THOUSAND ONE
 (in writing) ^{KV}

HUNDRED - TWO DOLLARS
 AND NO CENTS Bid
 City of Fayetteville
 Sanitary Sewer Improvements

- D. He is the person in the Bidder's organization responsible within that organization for the decision as to the prices being bid and shall also certify that he has not participated, and will not participate in any action contrary to Paragraphs A through C above.
- E. He is not the person in the Bidder's organization responsible within that organization for the decision as to the prices being bid but that he has been authorized to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to Paragraphs A through C above, and as their agent shall so certify; and shall also certify that he has not participated, and will not participate in any action contrary to Paragraphs A through C above.

III. BID SECURITY

Accompanying this Bid is a BID BOND in the amount of 5%
Dollars. (\$ _____)

Note: The total amount of Bid security shall be based on the Total Bid of this Contract.

IV. BIDDER'S SIGNATURE

A. An Individual

By _____ (SEAL)
(Individual's Name)

doing business as _____

Business address: _____

Phone No.: _____

B. A Partnership

By _____ (SEAL)
(Firm Name)

(General Partner)

Business address: _____

Phone No.: _____

C. A Corporation

By KIM CONSTRUCTION COMPANY INC.
(Corporation Name)

ILL.

(State of Incorporation)

By [Signature]

(Name of Person Authorized to Sign)

PRES.

(Title)

(Corporate Seal)

Attest [Signature]

(Secretary)

Business address: 3142 HOLEMAN, P.O. Box 276,
STEGER, IL 60475

Phone No.: 708 754-1181

D. A Joint Venture

By _____
(Name)

(Address)

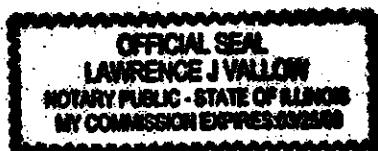
By _____
(Name)

(Address)

(Each joint venturer must sign. The manner of signing for each individual, partnership and corporation that is a party to the joint venture should be in the manner indicated above).

Subscribed and sworn to before me this 23rd day of JAN., 2008.

[Signature]
Notary Public



BONDING COMPANY INFORMATION

The following person, firm, or corporation has agreed to execute the required payment and performance bonds in the event this contract is awarded to the bidder.

Name of Surety: WESTERN SURETY COMPANY

Mailing Address: 101 S. PHILLIPS DR.

City, State, Zip: SIOUX FALLS, S.D. 57104

Telephone Number: 630-245-4600

Date: JAN. 23, 2008

Is surety authorized to operate in Arkansas? YES

Is surety aware of size of project? YES

Does surety have adequate authorization and resources to cover bonds for the amount of this contract? YES

Rating from U.S. Treasury List \$ 34,212,000 LIMITATION
A.M. BEST FINANCIAL RATING A 1X

Project: City of Fayetteville
Manhole Rehabilitation
Basins I-(15), W-(02), W-(05), W-(06) & W-(13A)

Owner: City of Fayetteville, Arkansas

KIM CONSTRUCTION COMPANY INC
Name of Bidder

Bonding Company Information
City of Fayetteville
Sanitary Sewer Improvements

STATEMENT OF EXPERIENCE OF BIDDER

The Bidder shall state below the work of similar magnitude or character which he has done, and shall give reference to his experience, skill and business standing and of his ability to conduct the work as completely and as rapidly as required under the terms of the contract. References shall include the name and telephone number of the project representative to be contacted.

[illegible]

KIM CONSTRUCTION COMPANY INCORPORATED

3142 HOLEMAN • P.O. BOX 276 • STEGER, ILLINOIS 60475
 Telephone: 708/754-1181 Fax: 708/754-1183

KIM Construction Co., Inc. has been in the sanitary sewer/manhole rehabilitation business since 1982 and has bonding capabilities of ten million in any state. We are a Womens Business Enterprise (WBE) certified in Illinois, Missouri and Oklahoma. We have rehabilitated in excess of fifteen thousand (15,000) manholes for projects throughout Illinois, Kansas, Michigan, Wisconsin, Arkansas, Missouri, Wisconsin, and Texas. All projects have been completed successfully and within contract limits. Below is a list of some of the completed projects.

PROJECT & TYPE OF WORK	CONTRACT AMT.	CONTACT	OWNER	DATE COMPLETED
Turkey Creek Phase 2 & 3 San. sewer rehab.	1.2 & 2.5 million	Mr. Chris Burns Johnson County Wastewater Dist. 913 681-3200 ex 2108 7311 W. 130th Street Overland Park, KS 66213	Johnson County Waste- water District of Kansas	94 & 95
Topeka San. Sewer Project MH rehab. & San. sewer rehab.	400,000	City of Topeka Mr. Dallas Freeborn 913 296-3842 515 S. Kansas Ave. Suite 301 Topeka, KS 66603	City of Topeka, Kansas	96
City of Chicago Heights San. Sewer Project- manhole rehab./san. sewer	400,000	Robinson Engineering Mr. Aaron Fundich 708 331-6700 357 E. 170th Street South Holland, IL 60473	City of Chicago Heights Illinois	96
City of Springfield, MO San. Sewer Project san. sewer rehab.	500,000	City of Springfield Mr. Wayne Latimer 417 864-1925 840 Boonville Ave. Springfield, MO 65801	City of Springfield, MO	97
City of Fayetteville Sanitary Sewer/Manhole Rehab. Project san. sewer/manhole rehab. 2 projects	800,000 and 1.2 million	City of Fayetteville Mr. Dave Jurgens 501 575-8386 Fayetteville, AR 72701	City of Fayetteville, AR	96 and 97

KIM CONSTRUCTION COMPANY INCORPORATED

City of New Berlin san. sewer/manhole rehab. phase II	1 million	Mr. J.P. Walker City of New Berlin New Berlin, WI	City of New Berlin	2002
City of Rochester Hills Manhole rehab.	640,000	Mr. David Potter Spalding DeDecker Assoc. 248 844-5400 905 South Boulevard East Rochester Hills, MI 48307	City of Rochester Hills, MI	2002
City of Naperville, IL Manhole Rehab.	503,000	Mr. Mark Straughn 1200 W. Ogden Ave. Naperville, IL 60566 630 420-8682	City of Naperville, IL	2003
MMSD C96032C01	1,096,000	MMSD 260 W. Seeborn St. Milwaukee, WI 53201 Mr. Richard Schluge 414 225-2127	Milwaukee Metropolitan Sewerage District Milwaukee, WI	2003
City of Fraser, MI	330,000	2003 San. Manhole Rehab. Mr. B.J. VanFleteren City of Fraser, Dept. of Public Works 33000 Garfield Road Fraser, MI 48026 586 293 1977	City of Fraser, MI	2003
City of Geneva, IL Sanitary Sewer Rehab.	278,000	Walter E. Deuchler Assoc. Mr. John French 230 Woodlawn Ave. Aurora, IL 60506 630 897-4651	City of Geneva, IL	2004
City of Lansing, MI Manhole Rehab. project	129,376	City of Lansing Ms. Ann Parry 732 City Hall-Public Service Dept. 124 W. Michigan Ave. Lansing, MI 48933	City of Lansing, MI	2004
Charter Township of Clinton Manhole Rehab. Phase II	620,000	Spalding DeDecker Assoc. Mr. George Nichols 220 W. Congress, Suite 400 Detroit, MI 48226	Charter Township of Clinton	2004

KIM CONSTRUCTION COMPANY INCORPORATED

MWRDGC #98-268-2S
Kimberly Hts. Sewer Rehab.

78,200

MWRDGC
100 East Erie Street
Chicago, IL 60611
Mr. Denny Getthaus
312 657-0168

MWRDGC

2004

MMSD
Boyiston Street-Mason Street
#C07016C01

179,120

MMSD
260 W. Seeboth St.
Milwaukee, WI 53201
Mr. Richard Schluge 414 226-2127

MMSD

2004

MWRDGC # 01-003-2S
North Shore 8 & Golf Glenview 2

98,225

MWRDGC
100 E. Erie Street
Chicago, IL 60611
Husain Hyder 312-751-6600

MWRDGC

2005

City of Coruna, MI
2005 Sanitary Sewer Rehab.

120,260

Instituform
Mr. Ken Cuhlen
Detroit, MI 48227

City of Coruna, MI

2005

City of Center Line, MI
San. Sewer & Manhole Rehab.

103,196

AEW Engineers,
Mr. Frank Varicalli
51301 Schoenherr Road
Shelby Township, MI 48315

City of Center Line, MI

2005

Village of Lindenhurst, IL
Manhole Rehab.

64,800

Strand & Assoc.
Mr. Steve Arnold
910 W. Wingra Dr.
Madison, WI 53715
608 251-4843

Village of Lindenhurst, IL

2006

Village of Threinsville
Sanitary Sewer Rehab.

47,025

Ruekert-Mielke
W233 N2080 Ridgeview Parkway
Waukesha, WI 53188
Mr. David Buechl
262 542-6733

Village of Threinsville, WI

2005

Village of Romeoville
Manhole Rehabilitation

65,702

Robinson Engineering
20645 LaGrange Rd., Suite 1267
Frankfort, IL 60423
Ms. Adra Breclaw-Csanyi
815 806-0300

Village of Romeoville, IL

2005

Montgomery County, Ohio
Montgomery County Sanitary Dist
Manhole Rehab. Project

554,700

Montgomery County San. Engineering Montgomery Co. San. Dist
937 781-2617
Mr. Randolph Fries
1850 Spaulding Rd, Dayton, OH

2005

KIM CONSTRUCTION COMPANY

Citizen Utilities Manhole Rehab. manhole rehab.	295,000	Citizen Utilities Co., of Illinois Mr. Andrew Pizze 630 739-8800 1000 International Parkway Woodridge, IL 60517	Citizen Utilities Co., of Ill.	97
City of Trenton San. Sewer san. sewer rehab.	1.2 million	City of Trenton Mr. William Hogan 734 876-8251 2800 Third Street Trenton, MI 48183	City of Trenton, MI	99
City of Troy MH & Catch Basin manhole & catch basin rehab.	140,000	City of Troy Ms. Marina Basia Farouk 248 524-3370 500 W. Big Beaver Troy, MI 48084	City of Troy, MI	2001
City of New Berlin Sewer Project manhole/san. sewer rehab. phase I	1million	City of New Berlin Mr. J.P. Walker 414 797-2450 3805 S. Casper Dr. New Berlin, WI 53151	City of New Berlin, WI	2000
City of Kansas City Citywide MH manhole rehab.	535,000	City of Kansas City Mr. Allen Muehler 816 513-2199 324 E. 11th Street Suite 900 Oak Tower Kansas City, MO 64106	City of Kansas City, MO	2000
City of St. Clair Shores Clean Water Initiative I/ Removal san sewer rehab.	1.1 million	AEW Engineers Mr. Frank Varticelli 810 728-1234 51301 Schoenherr Road Shelby Township, MI 48315	Macomb County Public Works	2001
Village of South Holland san. sewer rehab. project.	420,000	Robinson Engineers Mr. Aaron Fundich 708 331-6700 17000 South Park South Holland, IL 60473	Village of South Holland	99

KIM CONSTRUCTION COMPANY
INCORPORATED

City of Indianapolis Manhole Rehab. SS24-001-3S	1,114,000	USI Consulting, Inc. 317 327-8988 Mr. Scott Dick Indianapolis, IN	City of Indianapolis	2006
City of Little Rock Manhole Rehabilitation	242,713	Little Rock Wastewater District 501 688-1412 Mr. Clint Bell 11 Clearwater Dr. Little Rock, AR 72204	City of Little Rock	2007
Milwaukee County Parks North, South & Grounds Manhole Rehab.	788,803	Milwaukee County 414 278-5138 Mr. Mark Sifuentes 2711 W. Wells St. Milwaukee, WI 53208	Milwaukee County	2007

STATEMENT OF COMMITMENT

The Bidder shall state below the projects which he is currently under contract, dollar value of contracts, and estimated time of completion.

Project and Location	Dollar Value	Estimated Date of Completion	Percent Currently Complete
(1) <u>MMSD - Basin F16</u> <u>Milwaukee, WI</u>	<u>500,000 -</u>	<u>4/08</u>	<u>70 %</u>
(2) _____	_____	_____	_____
(3) <u>WAQUA WASTOSA, WI</u> <u>MH Rehab.</u>	<u>500,000 -</u>	<u>7/08</u>	<u>0 %</u>
(4) _____	_____	_____	_____
(5) _____	_____	_____	_____
(6) _____	_____	_____	_____
(7) _____	_____	_____	_____
(8) _____	_____	_____	_____
(9) _____	_____	_____	_____
(10) _____	_____	_____	_____

City of Fayetteville Staff Review Form

A. 6
Bids # 08-05 - # 08-13 and
Bid # 08-29 Bulk Construction Materials
Page 1 of 16

**City Council Agenda Items
and
Contracts, Leases or Agreements**

February 19, 2008
City Council Meeting Date
Agenda Items Only

Perry Franklin / Ginny Apperson
Submitted By

Transportation
Division

Operations
Department

Action Required:

A resolution awarding Bid #08-05 - Bid #08-13 and Bid #08-29 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,516,486.00.

\$	499,584.00
\$	1,566,396.00
\$	685,759.00
\$	90,000.00
\$	674,747.00
\$	3,516,486.00

Cost of this request

\$	1,094,745.00
\$	2,286,916.00
\$	969,127.00
\$	97,620.00
\$	22,864,086.00
\$	27,312,494.00

Category/Project Budget

Trail Development
In-House Pavement Improvements
Sidewalk Improvements
Scull Creek Trail Corridor
Transportation Bond Street Improvements
Multiple

Program Category / Project Name

4470.9470.5814.05
4470.9470.5417.00
4470.9470.5814.00
4470.9470.5814.05
4520.9520.5809.00
Multiple

Account Number

\$	205,622.00
\$	141,135.00
\$	81,029.00
\$	6,964.00
\$	3,070,122.00
\$	3,504,872.00

Funds Used to Date

Trail Improvements
Transportation Improvements
Transportation Improvements
Trail Improvements
Transportation Improvements
Transportation Improvements

Program / Project Category Name

02016 / 1
02052 / 1
02053 / 1
05039 / 1
06035 / 0609
Multiple

Project Number

\$	889,123.00
\$	2,145,781.00
\$	962,163.00
\$	90,656.00
\$	19,793,964.00
\$	23,807,622.00

Remaining Balance

Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax 2006A Construction Fund
Sales Tax Capital Improvements

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City
Clerk's Office

Finance and Internal Service Director

Date

Received in
Mayor's Office

Mayor

Date

Comments:



City Council Agenda Item

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Perry Franklin, Transportation Superintendent
Ginny Apperson, Financial Coordinator

Date: February 19, 2008

Subject: A resolution awarding Bids #08-05 - #08-13 and Bid #08-29 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

Recommendation: Staff recommends a resolution awarding Bid #08-05 – Bid #08-13 and Bid #08-29 for and approving the purchase of bulk construction materials and services, utilized by various divisions of the City of Fayetteville, in the estimated amount of \$3,516,486.00.

Background: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2008 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Discussion: Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, asphalt and aggregate materials, bricks, and truck hauling services were publicly read and the results are attached to this memo. Staff recommends awarding the thermal striping bid to Time Striping, Inc., the reflectorized paint marking bid to Asphalt Striping Service, the curb and gutter bid to Sweetser Construction, Inc., the topsoil bid to S & R Trucking, the hillside gravel bid to McClinton-Anchor for materials picked up by City staff and S & R Trucking for delivered materials. Staff recommends awarding the concrete bid to Tune Concrete Company, as the primary supplier, and Beaver Lake Concrete as a secondary supplier, for use on an "as needed" basis, in the event that Tune Concrete Company cannot supply the necessary materials within the time frame required to complete a project. Staff recommends awarding the asphalt and aggregate materials bid to Kiewit Southern Co. (asphalt material purchases), McClinton-Anchor (asphalt milling sales) and Northwest Arkansas Quarries, LLC. (aggregate material purchases) as primary suppliers, with McClinton-Anchor as the secondary supplier for asphalt and aggregate purchases, for use on an "as needed" basis, in the event that Kiewit Southern Co. cannot supply the necessary materials in the time frame required to complete a project. Staff recommends awarding the bricks bid to _____. Staff recommends awarding the Truck Hauling Services to Sweetser Construction, Inc. as the primary supplier with the option to utilize other bidders

based on price and availability, in the order as follows: Patricks Trucking, Doss Construction / Trucking, Roll Off Service, Inc., Northwest AR Trucking, S & R Trucking, Les Rogers, Inc., and Central Group, LLC.

Budget Impact: Funds for the acquisition of these materials and services have been budgeted in the Trail Development, In-House Pavement Improvements, Sidewalk Improvements, and Scull Creek Trail Corridor, and Transportation Bond Street Improvements Capital Projects. Sufficient funding is available for the 2008 purchases.

Attached: Bid 08-05 Thermal Striping
 Bid 08-06 Reflectorized Paint Markings
 Bid 08-07 Curb and Gutter
 Bid 08-08 Topsoil
 Bid 08-09 Hillside Gravel
 Bid 08-10 Concrete
 Bid 08-11 Asphalt and Aggregate
 Bid 08-13 Truck Hauling Services
 Bid 08-29 Bricks

RESOLUTION NO. _____

A RESOLUTION AWARDDING BIDS #08-05 - #08-13 and BID #08-29 AND APPROVING THE PURCHASE OF BULK CONSTRUCTION MATERIALS AND SERVICES UTILIZED BY VARIOUS DIVISIONS OF THE CITY OF FAYETTEVILLE IN THE ESTIMATED AMOUNT OF \$3,516,486.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bids #08-05 - #08-13 and Bid #08-29 and approves the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,516,486.00.

PASSED and APPROVED this 19th day of February, 2008.

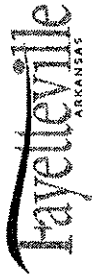
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

BID: 08-05
 DATE: 1/30/08
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 08-05, Thermal Striping

Item #	Description	Estimated Qty	Time Striping, Inc.	
			Unit Price	TOTAL
1	Hot Truck Applied Thermoplastic White Or Yellow (4") - Per Linear Foot	15,000 LF	\$0.51	\$7,650.00
2	Hot Applied Thermoplastic Arrows - Each	6 EA	\$175.00	\$1,050.00
3	Hot Applied Thermoplastic Words - Each	6 EA	\$200.00	\$1,200.00
4	Hot Applied Thermoplastic Railroad Emblems - Each	1 EA	\$800.00	\$800.00
5	Hot Applied Thermoplastic Handicap Emblems - Each (Blue Background With White Emblem)	2 EA	\$150.00	\$300.00
6	Hot 4" Hand Applied Thermoplastic For Parking Spaces - Per Linear Foot	100 LF	\$1.00	\$100.00
7	Hot 12" Hand Applied Thermoplastic Stop Bars - Per Linear Foot	100 LF	\$10.00	\$1,000.00
Total Bid Based on Estimates =				\$12,100.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
 WITNESS: J. Fran DATE: 2/1/08

BID: 08-06
 DATE: 1/30/08
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



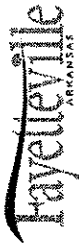
Bid 08-06, Reflectorized Paint Markings

Item	Description	Est Qty (linear foot)	Anderson Striping		Asphalt Striping Service		Time Striping, Inc.	
			Per Item	Extended	Per Item	Extended	Per Item	Extended
1	Reflectorized Paint Marking White (4")	44,000	\$0.05	\$2,200.00	\$0.049	\$2,156.00	\$0.10	\$4,400.00
2	Reflectorized Paint Marking Yellow (4")	501,000	\$0.05	\$25,050.00	\$0.049	\$24,549.00	\$0.10	\$50,100.00
3	Reflectorized Paint Marking Arrows	Per each	\$50.00	\$8,500.00	\$40.00	\$6,800.00	\$125.00	\$21,250.00
4	Reflectorized Paint Marking (Words only: Lane, etc.)	170	\$70.00	\$11,900.00	\$60.00	\$10,200.00	\$150.00	\$25,500.00
5	Reflectorized Paint Marking (Symbols only: Bike, ADA, etc.)	25	\$55.00	\$1,375.00	\$30.00	\$750.00	\$125.00	\$3,125.00
6	Reflectorized Paint Marking Yellow (4" Walk-Behind Trail)	30	\$0.07	\$2,100.00	\$0.09	\$2,700.00	\$0.30	\$8,100.00
		21,120		\$1,478.40		\$1,900.80		\$6,336.00
			TOTAL BID	\$40,628.40	TOTAL BID	\$37,805.80	TOTAL BID	\$89,586.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
 WITNESS: [Signature]
 DATE: 2/1/08

BID: 08-07
DATE: 1/30/08
2:00 PM
CITY OF FAYETTEVILLE



Bid 08-07, Curb and Gutter

Item #	Description	Estimated Qty	Sweetser Construction		Tomlinson Asphalt Company, Inc.	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per specifications)	3,000 estimated qty	\$9.25 Per linear foot	\$27,750.00	\$13.50 Per linear foot	\$40,500.00
2	Hand Formed "Type A" Curb and Gutter (per specifications)	500 estimated qty	\$8.25 Per linear foot	\$4,125.00	\$15.50 Per linear foot	\$7,750.00
3	Hand Formed "Type A" Curb and Gutter (per specifications)	500 estimated qty	\$5.75 Per linear foot	\$2,875.00	\$10.50 Per linear foot	\$5,250.00
4	Hand Formed "Type D" Curb and Gutter (per specifications)	1,000 estimated qty	\$12.50 Per linear foot	\$12,500.00	\$13.50 Per linear foot	\$13,500.00
5	Hand Formed "Type D" Curb and Gutter (per specifications)	500 estimated qty	\$11.50 Per linear foot	\$5,750.00	\$15.50 Per linear foot	\$7,750.00
6	Hand Formed "Type D" Curb and Gutter (per attached specifications)	500 estimated qty	\$9.00 Per linear foot	\$4,500.00	\$10.50 Per linear foot	\$5,250.00
7	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps)	10,000 estimated qty	\$4.35 Per square foot	\$43,500.00	\$3.75 Per square foot	\$37,500.00
8	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps)	3,000 estimated qty	\$4.10 Per square foot	\$12,300.00	\$4.50 Per square foot	\$13,500.00
9	Flatwork - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps)	10,000 estimated qty	\$5.30 Per square foot	\$53,000.00	\$5.65 Per square foot	\$56,500.00
10	Flatwork - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps)	3,000 estimated qty	\$5.05 Per square foot	\$15,150.00	\$4.75 Per square foot	\$14,250.00
11	Flatwork 4" - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps)	3,000 estimated qty	\$4.05 Per square foot	\$12,150.00	\$2.50 Per square foot	\$7,500.00
12	Street Repair - 8" Thick	2,000 estimated qty	\$6.45 Per square foot	\$12,900.00	\$10.00 Per square foot	\$20,000.00
Total Bid Based on Estimates				\$206,500.00		\$229,250.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: *P. Vice*

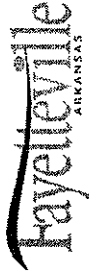
P. VICE PURCH MGR

A. Zouren
WITNESS

DATE

2/1/08

BID: 08-08
DATE: 1/30/08
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 08-08, Topsoil

BIDDER	UNIT PRICE	TOTAL
1 Central Group, LLC	\$11.57	\$28,925.00
2 Les Rogers	\$10.20	\$25,500.00
3 S & R Trucking	\$9.00	\$22,500.00
4 Sweetser Construction	\$12.00	\$30,000.00
5 Wiles, Sherman	\$9.25	\$23,125.00
6 Wiles Construction	\$10.00	\$25,000.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

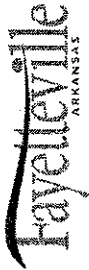
CERTIFIED: P. Vice P. VICE PURCH MGR
WITNESS: A. Fourn DATE: 2/1/08

BID: 08-09

DATE: 1/30/08

TIME: 2:00 PM

CITY OF FAYETTEVILLE



Bid 08-09, Hillside Gravel

BIDDER	Red Hillside Gravel (Pickup)		Red Hillside Gravel (Delivery Price)		Total Bid Based on Estimates
	Price/Cubic Yd	TOTAL	Price/Cubic Yd	TOTAL	
1 Les Rogers Inc.	\$1.45	\$21,750.00	\$3.74	\$37,400.00	\$59,150.00
2 McClinton-Anchor	\$1.00	\$15,000.00	No Bid		\$15,000.00
3 Roll Off Services, Inc.	\$1.80	\$27,000.00	\$4.00	\$40,000.00	\$67,000.00
4 S & R Trucking	\$1.75	\$26,250.00	\$2.85	\$28,500.00	\$54,750.00
5 Stephens Red Dirt	\$1.40	\$21,000.00	\$3.25	\$32,500.00	\$53,500.00
6 Sweetser Construction	\$1.75	\$26,250.00	\$3.75	\$37,500.00	\$63,750.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

P. Vice

CERTIFIED:

P. VICE PURCH MGR

J. Fleen

WITNESS

2/1/08

DATE

BID: 08-13
DATE: 1/30/08
2:00 PM
CITY OF FAYETTEVILLE

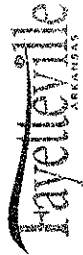
Bid 08-13, Truck Hauling Services

BIDDER	UNIT PRICE (price per hour)	TOTAL
1 Central Group, LLC	\$64.98	\$32,490.00
2 Doss Construction/Trucking	\$59.00	\$29,500.00
3 Les Rogers, Inc.	\$62.50	\$31,250.00
4 Northwest Arkansas Truck	\$60.00	\$30,000.00
5 Patrick's Trucking	\$58.50	\$29,250.00
6 Roll Off Service, Inc.	\$59.95	\$29,975.00
7 S & R Trucking	\$62.00	\$31,000.00
8 Sweetser Construction	\$55.00	\$27,500.00

NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City official

CERTIFIED: P. Vice P. VICE PURCH MGR A. Zoren WITNESS 2/1/08 DATE

BID: 08-10
 DATE: 1/30/08
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 08-10, Concrete

Item #	Description	Est Qty (cubic yards)	Arkholia Sand and Gravel Company		Beaver Lake Concrete, Inc.		Mid-Continent Concrete Company		Tune Concrete Company	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	3500 PSI 1 1/4" Max. Aggregate Size, 4" Slump	500	\$87.00	\$43,500.00	\$67.50	\$33,750.00	\$70.00	\$35,000.00	\$66.95	\$33,475.00
2	4000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	2,500	\$91.00	\$227,500.00	\$69.50	\$173,750.00	\$72.00	\$180,000.00	\$68.95	\$172,375.00
3	4000 PSI 1 1/4" Max. Aggregate Size With Fiber Reinforcement, 4" Slump	1,000	\$97.00	\$97,000.00	\$74.50	\$74,500.00	\$77.75	\$77,750.00	\$73.95	\$73,950.00
4	5000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	100	\$96.00	\$9,600.00	\$78.50	\$7,850.00	\$76.50	\$7,650.00	\$77.95	\$7,795.00
5	1% Calcium Chloride Admixture	100	\$2.50	\$250.00	\$2.50	\$250.00	\$2.80	\$280.00	\$3.00	\$300.00
6	2% Calcium Chloride Admixture	60	\$5.00	\$300.00	\$5.00	\$300.00	\$5.55	\$333.00	\$6.00	\$360.00
7	Air Entraining Admixture	2,500	Included		Included		\$0.00	\$0.00	\$0.00	\$0.00
8	Hot Water	500	\$3.00	\$1,500.00	\$3.00	\$1,500.00	\$3.75	\$1,875.00	\$4.00	\$2,000.00
9	3/4" Rock	3,000	\$3.00	\$9,000.00	\$1.50	\$4,500.00	\$1.75	\$5,250.00	\$1.00	\$3,000.00
10	Exposed Aggregate	50	\$90.00	\$4,500.00	\$83.50	\$4,175.00	\$94.50	\$4,725.00	\$74.95	\$3,747.50
11	Flowable Fill	50	\$85.00	\$4,250.00	\$63.00	\$3,150.00	\$66.00	\$3,300.00	\$56.95	\$2,847.50
12	Lightweight Concrete	50	\$130.00	\$6,500.00	\$94.00	\$4,700.00	\$92.00	\$4,600.00	\$89.95	\$4,497.50
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
13	Type I Portland Cement	100	No Bid		No Bid		No Bid		\$125.00	\$12,500.00
14	Concrete Sand	100	\$29.00	\$2,900.00	\$21.00	\$2,100.00			\$20.00	\$2,000.00
15	Masonry Sand	50	\$25.00	\$1,250.00	\$24.00	\$1,200.00			\$20.00	\$1,000.00
			TOTAL BID	\$408,050.00	TOTAL BID	\$311,725.00	TOTAL BID	\$320,763.00	TOTAL BID	\$319,847.50

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
 P. VICE PURCH MGR

WITNESS: [Signature]
 DATE: 2/1/08

BID: 08-11
DATE: 1/30/08
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville

Bid 08-11, Asphalt and Aggregate

SECTION A: BULK MATERIAL ITEMS FOR PURCHASE											
Item	DESCRIPTION	Est. Tons	Hutchens Construction	Kiewit Southern Company	McClinton-Anchor Division (Hindsville Quarry)	McClinton-Anchor Division (Sharps Quarry)	Northwest Arkansas Quarries	Rogers Group, Inc. (Lowell Location)	Rogers Group, Inc. (Fayetteville Location)	S & R Trucking	
			PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	
1	Asphalt Concrete Hot Mix Surface Course Type 2 (3/4" max stone)	25,000	\$37.60	\$940,000.00	No Bid	\$34.90	\$872,500.00	No Bid	No Bid	No Bid	
2	Asphalt Concrete Superpave Surface Course (12.5mm max stone)	5,000	\$37.80	\$189,000.00	No Bid	\$42.94	\$214,700.00	No Bid	No Bid	No Bid	
3	Asphalt Concrete Hot Mix Binder (1.5" max stone)	1,000	\$34.30	\$34,300.00	No Bid	\$32.69	\$32,690.00	No Bid	No Bid	No Bid	
4	Asphalt Concrete Cold Plant Mix (1 1/2" max stone)	250	\$57.00	\$14,250.00	No Bid	\$64.00	\$16,000.00	No Bid	No Bid	No Bid	
5	Delivery of Asphalt materials to job site (as needed within Fayetteville City Limits)	25,000	See attached		No Bid	See attached		No Bid	No Bid	No Bid	
6	Class 7 Base (3/8" - 1 1/2" - includes wet and dry)	30,000	No Bid		\$5.95	\$178,500.00	\$5.85	\$175,500.00	No Bid	\$5.25	
7	Concrete Aggregate - 1 1/2"	500	No Bid		\$7.50	\$3,750.00	\$7.80	\$3,900.00	\$8.25	\$4,125.00	
8	Concrete Aggregate - 3/4"	500	No Bid		\$8.00	\$4,000.00	\$8.40	\$4,200.00	\$9.00	\$4,500.00	
9	"B" Stone	2,500	No Bid		\$6.50	\$16,250.00	\$6.50	\$16,250.00	\$7.25	\$18,125.00	
10	Abbrass / Grit (1/4" chips, washed)	500	No Bid		\$5.75	\$2,875.00	\$6.00	\$3,000.00	\$6.50	\$3,250.00	
11	Shot Rock	500	No Bid		\$5.75	\$2,875.00	\$5.70	\$2,850.00	\$6.50	\$3,250.00	
12	Delivery of Aggregate materials to job site (as needed within Fayetteville City Limits)	2,500	No Bid		See attached	See attached	\$3.65	\$9,125.00	\$8,750.00	\$5.25	
Total Bid Based Section A:				\$1,177,550.00		\$1,332,765.00		\$227,375.00		\$13,125.00	
				\$1,192,000.00						\$144,375.00	
SECTION B: ASPHALT MILLINGS FOR SALE											
Item	DESCRIPTION		PRICE PER TON	EXTENDED PRICE	PRICE PER TON	EXTENDED PRICE	PRICE PER TON	EXTENDED PRICE	PRICE PER TON	EXTENDED PRICE	
1	Asphalt Millings (picked up by Vendor from City of Fayetteville)	No Bid	\$4.00		No Bid		No Bid		No Bid		
2	Asphalt Millings (delivered to Vendor at convenience of City Staff)	No Bid	No Bid		\$7.50		No Bid		No Bid		

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
P. VICE PURCH MGR

[Signature]
WITNESS

2/1/08
DATE

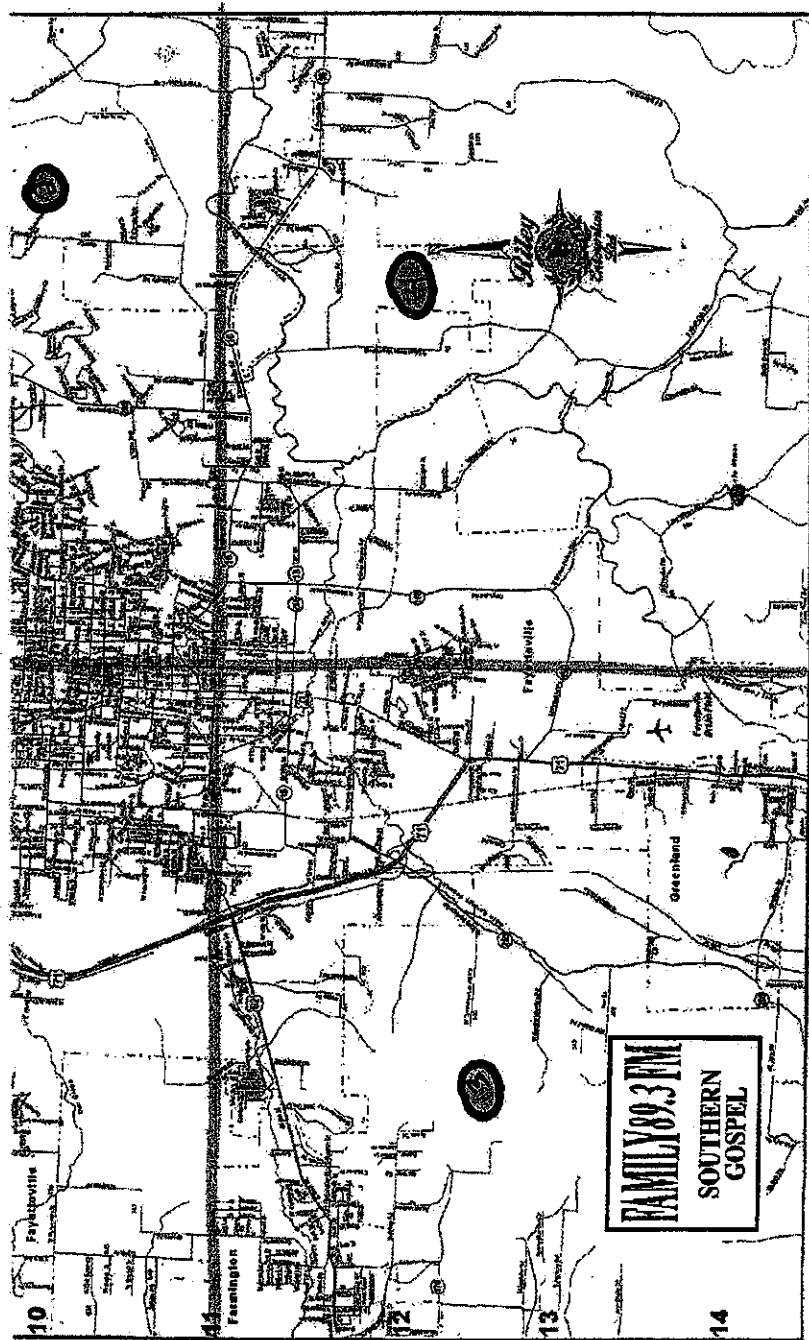
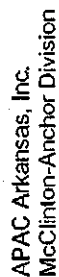
Hutchens Construction Company City of Fayetteville 2008 Delivery Rates

Bid for the period from January 1, 2008 thru December 31, 2008

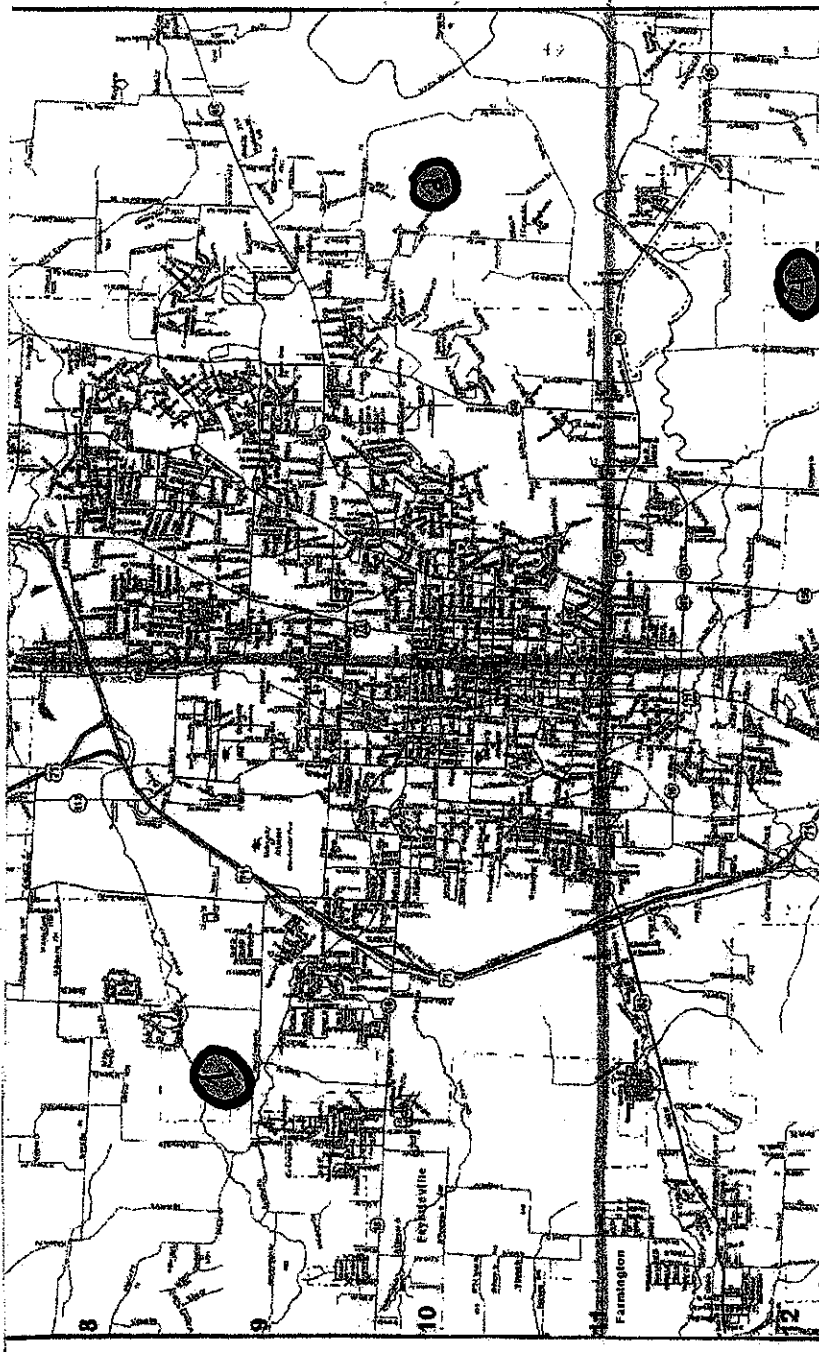
Rates good up to fuel price of \$3.50. If fuel price is more than \$3.50 an additional surcharge will be added.

Miles	Haul Rate	Miles	Haul Rate	Miles	Haul Rate	Miles	Haul Rate
1	1.67	17	5.01	33	8.35	49	11.69
2	1.88	18	5.22	34	8.55	50	11.89
3	2.09	19	5.43	35	8.78	51	12.11
4	2.30	20	5.64	36	8.98	52	12.32
5	2.50	21	5.84	37	9.18	53	12.52
6	2.71	22	6.05	38	9.39	54	12.73
7	2.93	23	6.27	39	9.61	55	12.95
8	3.13	24	6.47	40	9.81	56	13.15
9	3.34	25	6.68	41	10.02	57	13.36
10	3.55	26	6.88	42	10.22	58	13.56
11	3.76	27	7.10	43	10.44	59	13.78
12	3.97	28	7.31	44	10.65	60	13.99
13	4.17	29	7.51	45	10.85	61	14.19
14	4.38	30	7.72	46	11.06	62	14.40
15	4.60	31	7.94	47	11.28	63	14.62
16	4.80	32	8.14	48	11.48	64	14.82

<u>APAC Haul Pricing</u>				
<u>Plant Location</u>	<u>Zone #</u>	<u>Asphalt Haul</u>	<u>Aggregate Haul</u>	<u>Shot Rock Haul</u>
Hindsville	1		\$5.65	\$6.65
	2		\$3.95	\$4.95
	3		\$5.60	\$6.60
	4		\$5.65	\$6.65
Sharps	1	\$3.00	\$2.70	\$3.70
	2	\$3.70	\$3.40	\$4.40
	3	\$3.15	\$2.85	\$3.85
	4	\$4.80	\$4.50	\$5.50



APAC Arkansas, Inc.
McClinton-Anchor Division



City Council Agenda Items
and
Contracts, Leases or Agreements

2/19/2008

City Council Meeting Date
Agenda Items OnlyMatt Mihalevich
Submitted ByEngineering
DivisionOperations
Department

Action Required:

Approval of the purchase of 6 prefabricated weathering steel pedestrian bridges under Bid #08-15 from
in the amount of \$ for Scull Creek Trail.

Cost of this request

\$ 790,547.75

Category / Project Budget

Transportation Bond Trail Improvements

Program Category / Project Name

4520-9520-5814.05

Account Number

\$ 52,972.75

Funds Used to Date

Trail Improvements

Program / Project Category Name

06036 / 1

Project Number

\$ 737,575.00

Remaining Balance

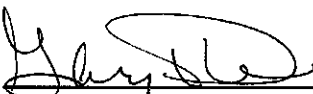
Sales Tax 2006A Construction Fund

Fund Name

Budgeted Item

☒

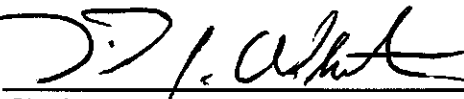
Budget Adjustment Attached

☐
Department Director

1-31-08

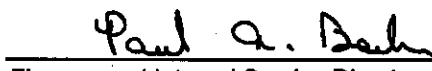
Date

Previous Ordinance or Resolution #


City Attorney2/1/08
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Service Director

2-4-08

Date

Received in City
Clerk's OfficeENTERED
1/31/08
Mayor2/5/08
DateReceived in
Mayor's OfficeENTERED
2/4/08

Comments:



City Council Meeting of February 19, 2008
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, City Engineer

From: Matt Mihalevich, Trails Coordinator

Date: February 1, 2008

Subject: Scull Creek Trail Bridges – Equipment Only, Bid #08-15

RECOMMENDATION

Approval of the purchase of 6 prefabricated weathering steel pedestrian bridges under Bid #08-15 from _____ in the amount of \$ _____ for Scull Creek Trail.

BACKGROUND

As construction of Scull Creek Trail continues to progress, a total of 6 pedestrian trail bridges are necessary to complete the trail from Mud Creek Trail south to Frisco Trail. In an effort to reduce cost, the fabrication and delivery of the bridges was bid directly by the City as Bid #08-15 and will be delivered to the individual bridge sites to be installed by a contractor of Bid #08-16 (Scull Creek Trail Bridges – Installation). The individual bridges and lengths are listed below.

<u>Bridge Name</u>	<u>Span Length</u>
CMN Bridge	62 feet
Ash St. Bridge	64 feet
Sycamore St. Bridge	38 feet

<u>Bridge Name</u>	<u>Span Length</u>
Bernice Dr. Bridge	50 feet
Cleveland St. Bridge	50 feet
Frisco St. Bridge	80 feet

DISCUSSION

The style of bridges will match the recently installed Town Branch Trail Bridge (see photo below). The bridges will be fabricated from Weathering Steel (also known as COR-TIN Steel). This type of steel alloy will rust on the outside while forming a protective layer that will never require painting or any maintenance.

The fabrication of the bridges was advertised on January 17th, 2008 as bid number 08-15 with official bids on February 8th, 2007. The official bid tab will be attached.

BUDGET IMPACT

Funds for the manufacture of the bridges outlined above have been budgeted as part of the Transportation Trail Improvements Program. Sufficient funding is available for these purchases.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-15 AND APPROVING
THE PURCHASE OF SIX (6) PREFABRICATED WEATHERING
STEEL PEDESTRIAN BRIDGES FROM _____
IN THE AMOUNT OF \$ _____ FOR SCULL CREEK
TRAIL.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #08-15 and approves the purchase of six (6) prefabricated
weathering steel pedestrian bridges from _____ in the amount of
\$ _____ for Scull Creek Trail.

PASSED and APPROVED this 19th day of February, 2008.

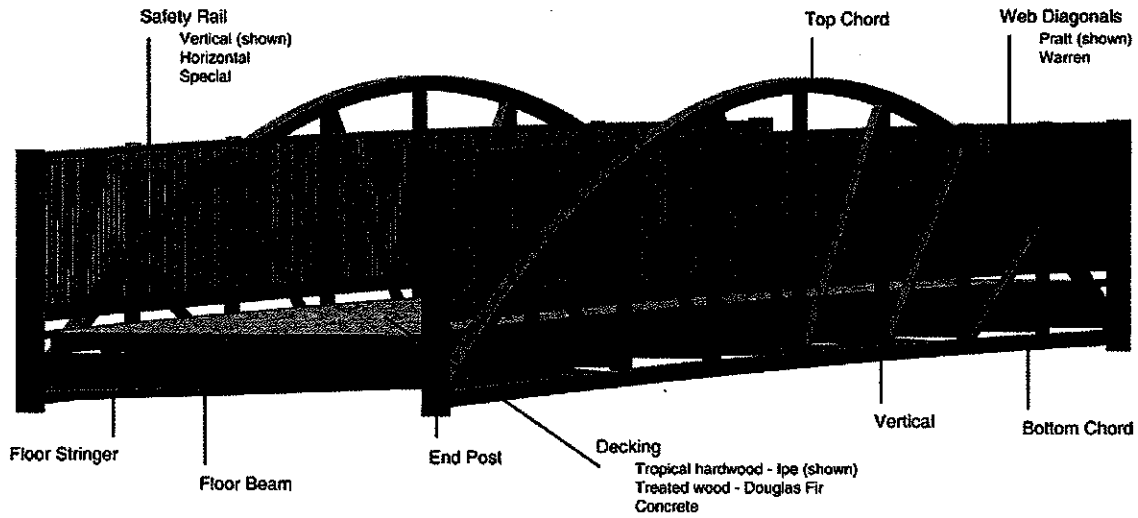
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

BRIDGE STYLE



Example of the bowstring style bridge proposed



50' long Town Branch Creek Bridge near the intersection of Razorback and 15th.

City Of Fayetteville

Vendor #:		Vendor Name:		Requisition No.:		Date:	
						2/19/2008	
Address:		Fob Point:		P.O Number:		Expected Delivery Date:	
						ASAP	
City:		State:		Mail Yes: ☒ No: ☐		Quotes Attached Yes: ☒ No: ☐	
		Zip Code:		Ship to code:		Division Head Approval:	
		104					
Requester:		Requester's Employee #:		Extension:			
Ginny Apperson		2283		489			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #
1	CMN Bridge for Scull Creek Trail Development	1	Ea		\$0.00	4520-9520-5814.05	06036 / 1
2	Ash St Bridge for Scull Creek Trail Development	1	Ea		\$0.00	4520-9520-5814.05	06036 / 1
3	Sycamore Bridge for Scull Creek Trail Development	1	Ea		\$0.00	4520-9520-5814.05	06036 / 1
4	Bernice Dr Bridge for Scull Creek Trail Development	1	Ea		\$0.00	4520-9520-5814.05	06036 / 1
5	Cleveland St Bridge for Scull Creek Trail Development	1	Ea		\$0.00	4520-9520-5814.05	06036 / 1
6	Frisco St Bridge for Scull Creek Trail Development	1	Ea		\$0.00	4520-9520-5814.05	06036 / 1
7					\$0.00		
8					\$0.00		
9					\$0.00		
10					\$0.00		
	Shipping/Handling		Lot		\$0.00		
Special Instructions:							
Per Bid #08-15 and Res # _____							
Subtotal:						\$0.00	
Tax:						\$0.00	
Total:						\$0.00	

Approvals:	Department Director:	Purchasing Manager:
Mayor:	Budget Manager:	IT Manager:
Finance & Internal Services Director:	Utilities Manager:	Other:
Dispatch Manager:		

City of Fayetteville Staff Review Form

A. 8
Bid # 08-16 Six Trail Bridges
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

2/19/2008

City Council Meeting Date
Agenda Items OnlyMatt Mihalevich
Submitted ByEngineering
DivisionOperations
Department

Action Required:

Approval of a resolution awarding Bid # 08-16 and approving a contract with _____ in the amount of \$ _____ for the complete installation of the 6 trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$ _____.

Cost of this request

\$ 790,547.75

Category / Project Budget

Transportation Bond Trail Improvements

Program Category / Project Name

4520-9520-5814.05

\$ 52,972.75

Account Number

Funds Used to Date

Trail Improvements

Program / Project Category Name

06036 / 1

\$ 737,575.00

Project Number

Remaining Balance

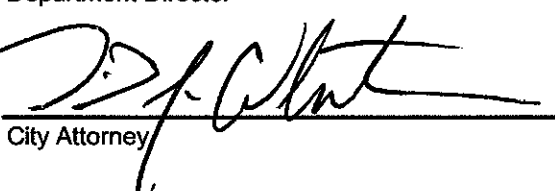
Sales Tax 2006A Construction Fund

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

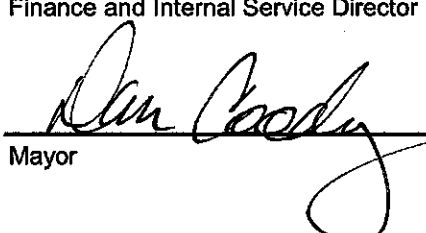
Department Director
1-31-08
Date

Previous Ordinance or Resolution # _____


City Attorney
2/1/08
Date

Original Contract Date: _____

Original Contract Number: _____


Paul A. Bach
Finance and Internal Service Director
2-4-08
DateReceived in City
Clerk's OfficeENTERED
1/31/08

Mayor
2/15/08
DateReceived in
Mayor's OfficeENTERED
2/4/08

Comments:



City Council Meeting of February 19, 2008
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, City Engineer

From: Matt Mihalevich, Trails Coordinator

Date: January 31, 2008

Subject: Scull Creek Trail Bridges – Installation Only, Bid #08-16

RECOMMENDATION

Approval of a resolution awarding Bid # 08-16 and approving a contract with _____ in the amount of \$ _____ for the complete installation of the 6 trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$ _____.

BACKGROUND

As construction of Scull Creek Trail continues to progress, a total of 6 pedestrian trail bridges are necessary to complete the trail from Mud Creek Trail south to Frisco Trail. In an effort to reduce cost, the fabrication and delivery of the bridges was bid directly by the City as Bid #08-15 (Scull Creek Trail Bridges – Equipment Only) and will be delivered to the individual bridge sites to be installed by the contractor of Bid #08-16.

Under Bid #08-16 the contractor will be responsible for the excavation and construction of concrete bridge abutments at each of the 6 bridge locations along with stream bank stabilization work to protect the abutments from flood events. Once the abutments are complete, the contractor will install the prefabricated bridges (provided by the City) and pour a concrete deck with 15 foot approach slabs on each side. The City trails crew will then complete the trail by paving up to the approach slabs on each side. The individual bridges and lengths are listed below along with a map of the bridge locations on page 2.

<u>Bridge Name</u>	<u>Span Length</u>
CMN Bridge	62 feet
Ash St. Bridge	64 feet
Sycamore St. Bridge	38 feet

<u>Bridge Name</u>	<u>Span Length</u>
Bernice Dr. Bridge	50 feet
Cleveland St. Bridge	50 feet
Frisco St. Bridge	80 feet

DISCUSSION

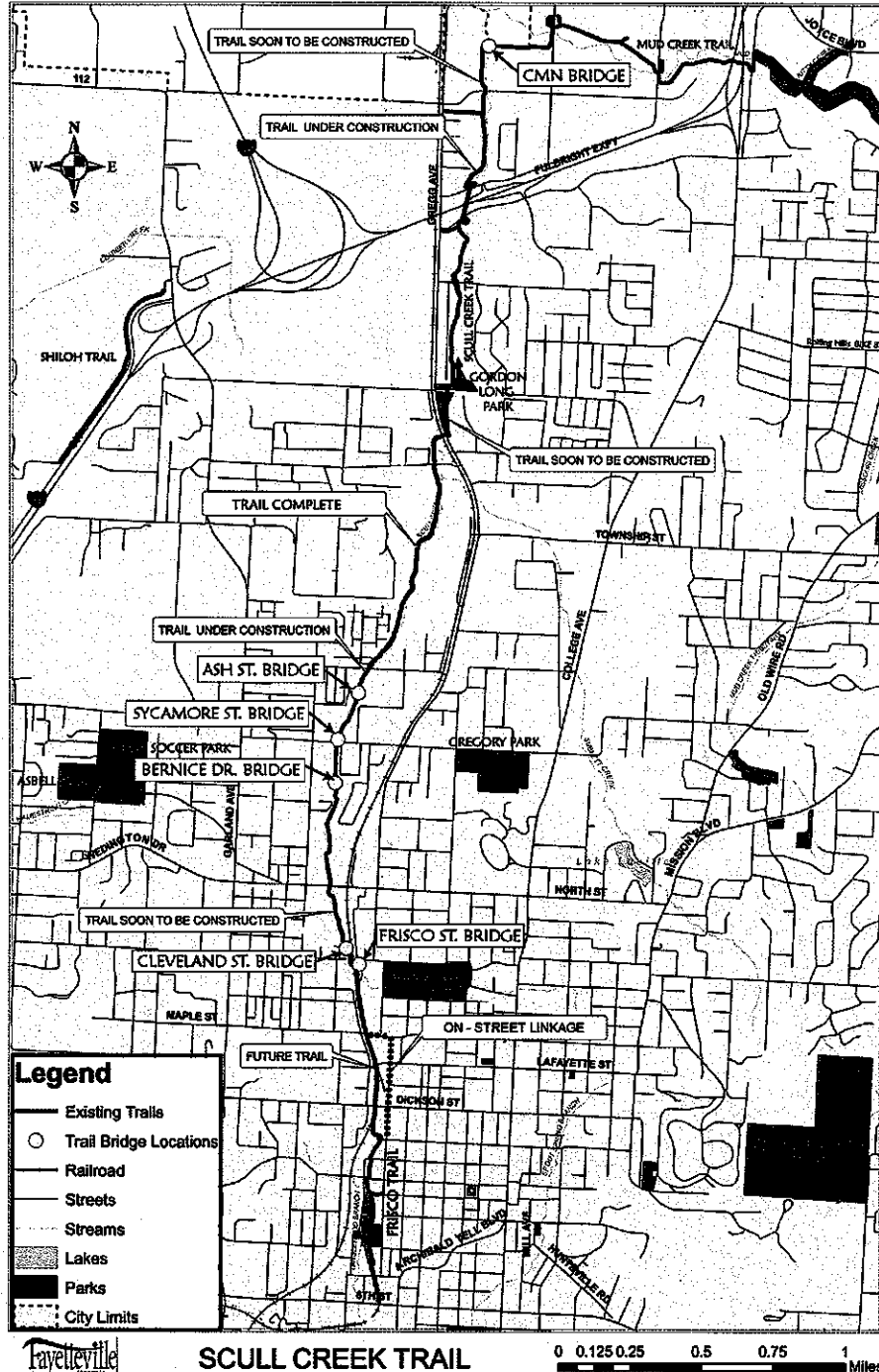
The style of bridges will match the recently installed Town Branch Bridge and will be fabricated from Weathering Steel which will never require painting or any maintenance.

The installation of the bridges was advertised on January 18th and 25th, 2008 as bid number 08-16 with official bids on February 8th, 2007. The official bid tab will be attached.

BUDGET IMPACT

Funds for the installation of the bridges outlined above has been budgeted as part of the trails portion of the Transportation Bond Program. Sufficient funding is available for this contract.

BRIDGE LOCATIONS MAP



RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #08-16 AND APPROVING A CONTRACT WITH _____ IN THE AMOUNT OF \$_____ FOR THE INSTALLATION OF SIX (6) TRAIL BRIDGES FOR SCULL CREEK TRAIL; AND APPROVING A 15% PROJECT CONTINGENCY IN THE AMOUNT OF \$_____.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #08-16 and approves a contract with _____ in the amount of \$_____ for the installation of six (6) trail bridges for Scull Creek Trail.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 15% project contingency in the amount of \$_____.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City Of Fayetteville

Requestion No.:										Date: 2/19/2008	
P.O Number:										Expected Delivery Date: ASAP	
Vendor #:					Vendor Name:					Mail Yes: ☒ No: ☐	
Address:					Fob Point:					Quotes Attached Yes: ☒ No: ☐	
City:					State:					Divison Head Approval: No: ☐ Yes: ☐	
Requester: Ginny Apperson					Requester's Employee #: 2283					Extension: 489	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #		
1	Bridge Installation for Scull Creek Trail Development	1	LOT		\$0.00	4520-9520-5814.05	06036 / 1				
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
Shipping/Handling											
Special Instructions:											
Per Bid #08-16 and Res # _____											
Subtotal:										\$0.00	
Tax:										\$0.00	
Total:										\$0.00	

Approvals: _____
 Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____
 Department Director: _____
 Budget Manager: _____
 Utilities Manager: _____
 Purchasing Manager: _____
 IT Manager: _____
 Other: _____

Bid # 08-16 Six Trail B
 Page 6 of 6
 Revised 6/2003

City of Fayetteville Staff Review Form

A. 9
Landers Ford, One Sedan
Page 1 of 6

**City Council Agenda Items
and
Contracts, Leases or Agreements**

2/18/2008

City Council Meeting Date
Agenda Items Only

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution for the purchase of one mid size sedan from Lander's Ford from the State Vehicle Purchase Contract for use by Parks Division.

\$ 14,195.00

Cost of this request

\$ 493,000.00

Category / Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 21,322.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.1

Project Number

\$ 471,678.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature] 1-31-08
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 1/31/08
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker 1-31-08
Finance and Internal Service Director Date

Received in City
Clerk's Office

ENTERED
1/30/08

[Signature] 1/31/08
Mayor Date

Received in
Mayor's Office

ENTERED
1/31/08

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



A. 9
One Sedan
Page 2 of 6

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT *2/2/08*

DATE: JANUARY 30, 2008

SUBJECT: PURCHASE OF MID SIZE SEDAN FROM STATE CONTRACT

RECOMMENDATION: That City Council approve the purchase of one mid size sedan from Landers Ford from the State Vehicle Purchase contract.

BACKGROUND: Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Landers Ford of Benton.

Mid Size Sedan	- each	\$14,194.60
----------------	--------	-------------

I recommend purchase of the above Ford Fusion sedan from Landers Ford in the amount of \$14,194.60 to replace Parks Unit 1036, a 1999 Ford Crown Victoria.

This replacement was approved in the 2008 CIP budget and funds are available in Project 02081 – Police/Passenger Vehicles.

The purchase of this sedan was approved by the Equipment Committee on January 29th, 2008.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) FORD FUSION FROM LANDERS FORD OF BENTON THROUGH THE STATE VEHICLE PURCHASE CONTRACT IN THE AMOUNT OF \$14,195.00 FOR USE BY THE PARKS & RECREATION DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) Ford Fusion from Landers Ford of Benton through the state vehicle purchase contract in the amount of \$14,195.00 for use by the Parks & Recreation Division.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 9
Landers Ford, One Sedan
Page 4 of 6

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman
Kyle Cook
Adella Gray A
Lioneld Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: January 22, 2008

SUBJECT: Purchase of Ford Sedan from State Contract – Landers Ford

At the meeting of July 10, 2007, the Equipment Committee approved to budget replacement of:

1 – Mid Size Sedan – Parks

Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Landers Ford of Benton.

Mid Size Sedan	- each	\$14,194.60
----------------	--------	-------------

recommend purchase of the above Ford Fusion sedan from Landers Ford in the amount of \$14,194.60

Replacing:
Parks Unit 1036 1999 Ford Crown Victoria

This replacement was approved in the 2008 CIP budget and funds are available in Project 02081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

APPROVED

3 FOR

1 DBSGAR

1/29/08

2013

City Of Fayetteville

(Not a Purchase Order)

Vendor #		7582		Vendor Name:		LANDER'S FORD		Requisition No.		Date:	
Address:				Fob Point:				P.O Number		Expected Delivery Date:	
City:				State:				Mail Yes: No: XX			
Requester		Barbara Olsen		Ship to code:		050		Taxable Yes: No: XX			
Item Description		Quantity		Unit of Issue		Unit Cost		Extended Cost		Ship to code:	
1 FORD FUSION MID SIZE SEDAN		1		EA		\$14,194.60		\$14,194.60		9700.1920.5802.00	
2 TO BE UNIT #1189, FIXED ASSET				EA				\$0.00			
3 #701189				EA				\$0.00			
4				EA				\$0.00			
5				EA				\$0.00			
6				EA				\$0.00			
7				EA				\$0.00			
8				EA				\$0.00			
9				EA				\$0.00			
10				EA				\$0.00			
Shipping/Handling				Lot				\$0.00			
Special Instructions:											
Subtotal: 14,194.60											
Tax: EXEMPT											
Total: 14,194.60											

STATE VEHICLE PURCHASE CONTRACT

Approvals: _____

Mayor: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Department Director: _____

Budget Manager: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Manager: _____

City of Fayetteville Staff Review Form

A. 10
Landers Ford, Eight Trucks
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

2/18/2008

City Council Meeting Date
Agenda Items Only

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution for the purchase of eight Ford trucks from Landers Ford from the State Vehicle Purchase Contract: two for Meter Division, two for Animal Services Division, one for Parks Division, two for Community Resources and Code Enforcement, and one for Building Safety.

\$ 113,471

Cost of this request

\$ 462,000.00

Category / Project Budget

Light/Medium Trucks-Replacements

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.1

Project Number

\$ 462,000.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

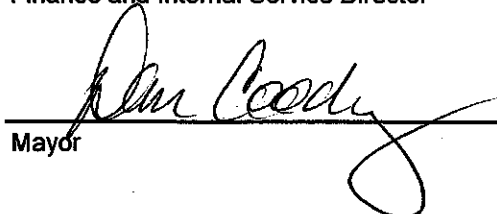
 Department Director
1-31-08
Date

Previous Ordinance or Resolution #


 City Attorney
1/31/08
Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Service Director
1-31-08
DateReceived in City
Clerk's Office

 Mayor
1/31/08
DateReceived in
Mayor's Office

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



A. 10
ght Trucks
Page 2 of 6

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT *28B*

DATE: JANUARY 30, 2008

SUBJECT: PURCHASE OF FORD TRUCKS FROM STATE CONTRACT

RECOMMENDATION: That City Council approve the purchase of eight Ford trucks from Lander's Ford from the State Vehicle Purchase contract.

BACKGROUND: Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Lander's Ford.

Compact extended cab two wheel drive pickups	- each	\$11,892.10	5
½ ton regular cab two wheel drive pickups	- each	\$12,830.10	1
½ ton extended cab two wheel drive pickups	- each	\$17,470.60	1
¾ ton extended cab two wheel drive cab - chassis	- each	\$23,710.30	1

No suitable compact regular cab pickup is available from the State contract. Local quotes for compact regular cabs were \$1,204.90 more than recommended State contract extended cabs.

I recommend purchase of the above 8 Ford pickup trucks from Landers Ford in the amount of \$113,471.50 to replace the following trucks:

Meter	Unit 2038	2002	Ford Ranger 4x4
Meter	Unit 2039	2002	Ford Ranger 4x4
Animal Svc	Unit 2041	2002	Ford Ranger 4x4
Parks	Unit 240	1995	Ford Ranger 4x4
Com Resources	Unit 215	1995	Ford Ranger 4x2
Com Resources	Unit 256	1995	Ford Ranger 4x2
Building Safety	Unit 2018	1999	Ford Ranger 4x4
Animal Service	Unit 1091	2002	Ford Explorer 4x4

These eight replacements were approved in the 2008 CIP budget and funds are available in Project 02078 – Light/Medium Trucks.

The purchase of these trucks was approved by the Equipment Committee on January 29th, 2008.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF EIGHT (8) FORD TRUCKS FROM LANDERS FORD THROUGH THE STATE VEHICLE PURCHASE CONTRACT IN THE AMOUNT OF \$113,471.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of eight (8) Ford Trucks from Landers Ford through the State Vehicle Purchase Contract in the amount of \$113,471.00.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 10
Landers Ford, Eight Trucks
Page 4 of 6

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman
Kyle Cook
Adella Gray A
Lioneld Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: January 29, 2008

SUBJECT: Purchase of Ford Trucks from State Contract – Landers Ford - REVISED

At the meeting of July 10, 2007, the Equipment Committee approved to budget replacement of:

- 2 – Compact regular cab two wheel drive pickups – Meter
- 1 – Compact extended cab two wheel drive pickup - PD Animal Services
- 1 - 1/2 ton regular cab two wheel drive pickups – 1 Parks, 2 Community Resources, Code Enf.
- 1 - 1/2 ton extended cab two wheel drive pickup – Building Safety
- 1 - 3/4 ton extended cab two wheel drive cab - chassis – PD Animal Services

During recent Staff review Mayor Coody requested that 2 Community Resources units be changed to compact two wheel drive.

Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Landers Ford of Benton.

Compact extended cab two wheel drive pickups	- each	\$11,892.10	3 5
1/2 ton regular cab two wheel drive pickups	- each	\$12,830.10	3 1
1/2 ton extended cab two wheel drive pickups	- each	\$17,470.60	1
3/4 ton extended cab two wheel drive cab - chassis	- each	\$23,710.30	1

No suitable compact regular cab pickup is available from the State contract. Local quotes for compact regular cabs were \$1,204.90 more than recommended State contract compact extended cabs.

I recommend purchase of the above 8 Ford pickup trucks from Landers Ford in the amount of \$415,347.50 \$113,471.50

Replacing:

Meter	Unit 2038	2002	Ford Ranger 4x4	(Reassign to maintenance loaner pool)
Meter	Unit 2039	2002	Ford Ranger 4x4	
Animal Svc	Unit 2041	2002	Ford Ranger 4x4	
Parks	Unit 240	1995	Ford Ranger 4x4	
Com Res	Unit 215	1995	Ford Ranger 4x2	
Com Res	Unit 256	1995	Ford Ranger 4x2	
Blg Safety	Unit 2018	1999	Ford Ranger 4x4	
Animal Svc	Unit 1091	2002	Ford Explorer 4x4	

APPROVED
3 FOR
1 ABSENT
1/29/08
JEB

These eight replacements were approved in the 2008 CIP budget and funds are available in Project 02078 – Light/Medium Trucks.

Cc: Gary Dumas

City Of Fayetteville

(Not a Purchase Order)

Vendor #		7582		Vendor Name: LANDER'S FORD		Requisition No.		Date: 1/30/2008	
Address:				Fob Point:		P.O Number		Expected Delivery Date:	
City:		State:		Zip Code		Ship to code: 050		Quoted Attached Yes: No:	
Requester Barbara Olsen		Requester's Employee # 1940		Account Numbers		Project/Subproject # 02078.1		Inventory # Fixed Asset #	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	COMPACT EXTENDED CAB TWO	5	EA	\$11,892.10	\$59,460.50	9700.1920.5802.00	02078.1		
	WHEEL DRIVE PICKUPS, TO BE		EA		\$0.00				
	UNITS 2117, 2118, 2119, 2121, AND		EA		\$0.00				
	2122, AND FIXED ASSET #'S 702117,		EA		\$0.00				
	702118, 702119, 702121 AND 702122		EA		\$0.00				
2	1/2 TON REG CAB 2 X 4 PICKUPS	1	EA	\$12,830.10	\$12,830.10	9700.1920.5802.00	02078.1		
	TO BE UNIT #2120, F.A.# 702120		EA		\$0.00				
3	1/2 TON EXT.CAB 2 X 4 PICKUP, TO	1	EA	\$17,470.60	\$17,470.60	9700.1920.5802.00	02078.1		
	BE #2123, F.A. 702123								
4	3/4 TON EXT CAB 2 X 4 CAB-CHASSIS	1	EA	\$23,710.30	\$23,710.30	9700.1920.5802.00	02078.1		
			EA		\$0.00				
			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: 113,471.50

Tax: EXEMPT

Total: 113,471.50

STATE VEHICLE PURCHASE CONTRACT

Approvals:

Mayor: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Department Director: _____

Budget Manager: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Manager: _____

City of Fayetteville Staff Review Form

A. 11
Landers Chevrolet, Two Trucks
Page 1 of 6

**City Council Agenda Items
and
Contracts, Leases or Agreements**

2/18/2008

City Council Meeting Date
Agenda Items Only

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution for the purchase of two Chevrolet trucks from Landers Chevrolet from the State Vehicle Purchase Contract: one for Transportation and one for Water & Sewer.

\$ 39,888.00

Cost of this request

\$ 462,000.00

Category / Project Budget

Light/Medium Trucks-Replacements

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 115,348.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.1

Project Number

\$ 346,652.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

[Signature]
Department Director

1-31-08
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney

1/31/08
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Buehn
Finance and Internal Service Director

1-31-08
Date

Received in City
Clerk's Office

ENTERED
1/30/08

[Signature]
Mayor

1/31/08
Date

Received in
Mayor's Office

ENTERED
1/31/08
PA

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



A. 11
Two Trucks
Page 2 of 6

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT *DBB*

DATE: JANUARY 30, 2008

SUBJECT: PURCHASE OF CHEVROLET TRUCKS FROM STATE CONTRACT

RECOMMENDATION: That City Council approve the purchase of two Chevrolet trucks from Lander's Chevrolet from the State Vehicle Purchase contract.

BACKGROUND: Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Landers Chevrolet of Benton.

½ ton extended cab four wheel drive pickup	- each	\$19,944.00	2
--	--------	-------------	---

I recommend purchase of the above Chevrolet pickup trucks from Landers Chevrolet in the amount of \$39,888.00 to replace:

Transportation	Unit 2022	1999 Ford Ranger 4x4
Water/Sewer	Unit 2055	2002 Ford F-150 4x4

These replacements were approved in the 2008 CIP budget and funds are available in Project 02078 – Light/Medium Trucks.

The purchase of these trucks was approved by the Equipment Committee on January 29th, 2008.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF TWO (2) ½-TON EXTENDED CAB 4WD PICKUP TRUCKS FROM LANDERS CHEVROLET OF BENTON THROUGH THE STATE VEHICLE PURCHASE CONTRACT IN THE AMOUNT OF \$39,888.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of two (2) ½-ton extended cab 4WD pickup trucks from Landers Chevrolet of Benton through the state vehicle purchase contract in the amount of \$39,888.00.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 11
Landers Chevrolet, Two Trucks
Page 4 of 6

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman
Kyle Cook
Adella Gray A
Lionel Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: January 22, 2008

SUBJECT: Purchase of Chevrolet Trucks from State Contract – Landers Chevrolet

At the meeting of July 10, 2007, the Equipment Committee approved to budget replacement of:

2 - ½ ton extended cab four wheel drive pickups – 1 Transportation, 1 Water/Sewer

Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Landers Chevrolet of Benton.

½ ton extended cab four wheel drive pickup	- each	\$19,944.00	2
--	--------	-------------	---

I recommend purchase of the above Chevrolet pickup trucks from Landers Chevrolet in the amount of \$39,888.00

Replacing:

Transportation	Unit 2022	1999 Ford Ranger 4x4	(Reassign to maintenance loaner pool)
Water/Sewer	Unit 2055	2002 Ford F-150 4x4	(Reassign to maintenance loaner pool)

These replacements were approved in the 2008 CIP budget and funds are available in Project 02078 – Light/Medium Trucks.

Cc:
Gary Dumas

APPROVED

3 FOR

1 ABSENT

2 RB

1/29/08

City Of Fayetteville

(Not a Purchase Order)

Vendor #		6482		Vendor Name: LANDER'S CHEVROLET		Requisition No.		Date: 1/30/2008	
Address:				Fob Point:		P.O Number		Expected Delivery Date:	
City:		State:		Zip Code		Ship to code: 050		Division Head Approval Yes: No: XX	
Requester Barbara Olsen		Requester's Employee # 1940		Account Numbers		Project/Subproject # 02078.1		Fixed Asset #	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Inventory #	Fixed Asset #		
1	1/2 TON EXTENDED CAB 4 X 4	2	EA	\$19,944.00	\$39,888.00				
2	PICKUP TRUCKS, TO BE #2125 AND		EA		\$0.00				
3	2126, FIXED ASSETS 702125 AND		EA		\$0.00				
4	702126		EA		\$0.00				
5			EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
Shipping/Handling			Lot		\$0.00				
Special Instructions:						Subtotal: 39,888.00			
STATE VEHICLE PURCHASE CONTRACT						Tax: EXEMPT			
Approvals:						Total: 39,888.00			

Mayor: _____ Department Director: _____
 Finance & Internal Services Director: _____ Budget Manager: _____
 Dispatch Manager: _____ Utilities Manager: _____
 Purchasing Manager: _____
 IT Manager: _____

City of Fayetteville Staff Review Form

A. 12
Bale Chevrolet,
One Passenger Van
Page 1 of 6

City Council Agenda Items and Contracts, Leases or Agreements

2/18/2008

City Council Meeting Date
Agenda Items Only

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution for the purchase of one Chevrolet 15 passenger van from Bale Chevrolet from the State Vehicle Purchase Contract for use in the Fleet Rental Pool.

\$ 21,322.00

Cost of this request

\$ 493,000.00

Category / Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.1

Project Number

\$ 493,000.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

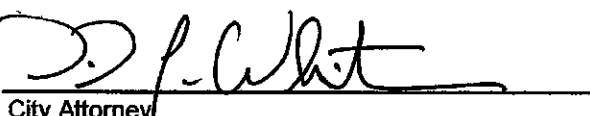
Budget Adjustment Attached

☐


Department Director

1-31-08
Date

Previous Ordinance or Resolution #


City Attorney

1/31/08
Date

Original Contract Date:

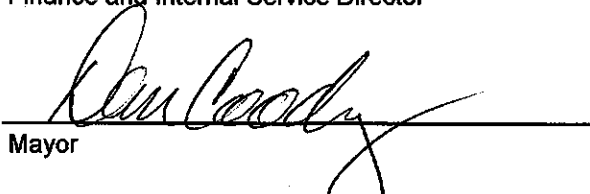
Original Contract Number:


Finance and Internal Service Director

1-31-08
Date

Received in City
Clerk's Office

ENTERED
1/30/08


Mayor

1/31/08
Date

Received in
Mayor's Office

ENTERED
1/31/08

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



A. 12
Chevrolet,
Passenger Van
Page 2 of 6

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT *2008*

DATE: JANUARY 30, 2008

SUBJECT: PURCHASE OF 12 PASSENGER VAN FROM STATE CONTRACT

RECOMMENDATION: That City Council approve the purchase of one 15 passenger van from Bale Chevrolet from the State Vehicle Purchase contract.

BACKGROUND: Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Bale Chevrolet of Little Rock.

15 Passenger 1 ton van	- each	\$21,321.80
------------------------	--------	-------------

I recommend purchase of the above Chevrolet van from Bale Chevrolet in the amount of \$21,321.80 to replace Fleet Rental Pool Unit 229, a 1995 Ford E-250 Club Wagon.

This replacement was approved in the 2008 CIP budget and funds are available in Project 02081 – Police/Passenger Vehicles.

The purchase of this van was approved by the Equipment Committee on January 29th, 2008.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) CHEVROLET 15-PASSENGER VAN FROM BALE CHEVROLET OF LITTLE ROCK THROUGH THE STATE VEHICLE PURCHASE CONTRACT IN THE AMOUNT OF \$21,322.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) Chevrolet 15-passenger van from Bale Chevrolet of Little Rock through the state vehicle purchase contract in the amount of \$21,322.00.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 12
Bale Chevrolet,
One Passenger Van
Page 4 of 6

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman
Kyle Cook
Adella Gray
Lioneld Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: January 22, 2008

SUBJECT: Purchase of Chevrolet Van from State Contract – Bale Chevrolet

At the meeting of July 10, 2007, the Equipment Committee approved to budget replacement of:

1 – 12-15 Passenger Van – Fleet Rental Pool

Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from Bale Chevrolet of Little Rock.

15 Passenger 1 ton van - each \$21,321.80

recommend purchase of the above Chevrolet van from Bale Chevrolet in the amount of \$21,321.80

Replacing:
Fleet Rental Pool Unit 229 1995 Ford E-250 Club Wagon

This replacement was approved in the 2008 CIP budget and funds are available in Project 02081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

APPROVED
3 FOR
1 ABSENT
1/29/08
2RB

City Of Fayetteville (Not a Purchase Order)										Requisition No.	Date:
										P.O Number	Expected Delivery Date:
Vendor # 13292										Mail Yes: <u> </u> No: <u>XX</u>	
Address: Vendor Name: BALE CHEVROLET										Taxable Yes: <u> </u> No: <u>XX</u>	
City: State:										Zip Code	Ship to code: 050
Requester: Barbara Olsen										Requester's Employee # 1940	Extension: 485
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #		
1	12 - 15 PASSENGER VAN	1	EA	\$21,321.80	\$21,321.80	9700.1920.5802.00	02081.1				
2	TO BE UNIT #1188, FIXED ASSET		EA		\$0.00						
3	#701188		EA		\$0.00						
4			EA		\$0.00						
5			EA		\$0.00						
6			EA		\$0.00						
7			EA		\$0.00						
8			EA		\$0.00						
9			EA		\$0.00						
10			EA		\$0.00						
	Shipping/Handling		Lot		\$0.00						
Special Instructions:										Subtotal: 21,321.80	
STATE VEHICLE PURCHASE CONTRACT										Tax: EXEMPT	
Approvals:										Total: 21,321.80	
Mayor: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Department Director: _____ Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Manager: _____											

City of Fayetteville Staff Review Form

A. 13
Mobile Vision Inc.
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

2/19/2008

City Council Meeting Date
Agenda Items Only

Greg Tabor

Submitted By

Police

Division

Police

Department

Action Required:

City Council approve the purchase of 28 Digital In-Car Video Systems from Mobile Vision Inc.

\$ 148,592.15

Cost of this request

4470-9470-5801.00

Account Number
8009

Project Number

\$ 148,593.00

Category / Project Budget

\$ -

Funds Used to Date

\$ 148,593.00

Remaining Balance

Police Mobile Video Recorders
Program Category / Project Name

Fixed Assets

Program / Project Category Name

Capital Improvement
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Received in City
Clerk's Office

ENTERED

Received in
Mayor's Office

ENTERED

Mayor

Date

Comments:



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

TO: Mayor Dan Coody and Members of the City Council

FROM: Greg Tabor, Chief of Police 

DATE: January 29, 2007

RE: Bid waiver to purchase Mobile Vision digital in-car video systems

Recommendation:

It is recommended City Council adopt a resolution approving the purchase of twenty-eight (28) Mobile Vision Digital Recording (DVR) Systems from Mobile Vision\3 Communications utilizing a bid waiver ordinance #4551.

Background:

The Police Department deployed analog (VHS) video recording systems in its patrol cars in 2003. VHS systems had been around for many years and the digital technology was expensive, fairly new and advancing rapidly at the time. In July, 2006 the City Council approved the purchase of three (3) digital MVR systems for motorcycle installation. This purchase included the server and infrastructure to eventually transition ALL video recording systems to digital storage in the future. In 2007 one (1) Digital unit was installed in the first fleet car.

Discussion:

With the current project, the Police Department will complete its transition to digital video. Bid Waiver Ordinance #4551 waives the requirement of formal competitive bidding for as long as the Fayetteville Police Department uses Mobile Vision in-car video systems.

Budget Impact:

We are requesting that twenty-eight (28) of these systems be funded from the approved 2008 CIP project. A budget adjustment is attached to move \$6093.00 from the Police Technology Project and transfer \$5,500.00 from Police Impact Fees for one complete unit.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF TWENTY-EIGHT (28) DIGITAL IN-CAR VIDEO SYSTEMS PURSUANT TO THE BID WAIVER GRANTED IN ORDINANCE No. 4551, FROM MOBILE VISION INC. IN THE AMOUNT OF \$148,592.15; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,593.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of twenty-eight (28) Digital In-Car Video Systems pursuant to the bid waiver granted in Ordinance No. 4551, from Mobile Vision Inc. in the amount of \$148,592.15.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$11,593.00.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

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

A. 13
Mobile Vision Inc.
Page 4 of 8

Budget Year	Department: Citywide Division: Citywide Program: Sales Tax Capital Improvements	Date Requested	Adjustment Number
2008		2/19/2008	

Project or Item Added/Increased: Transfer funds to purchase one digital in-car video unit from Police Impact fees.	Project or Item Deleted/Reduced: None
--	---

Justification of this Increase: This is an expansion unit and is required due to increase acreage within the City of Fayetteville.	Justification of this Decrease:
--	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Fixed Assets	4470	9470	5801	00	5,500	08009	1
Fixed Assets	4470	9470	5801	00	6,093	08009	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Transfer from Impact Fee	4470	0947	6602	30	5,500	08009	1
Minor Equipment	4470	9470	5210	00	6,093	06002	1

Approval Signatures <table style="width:100%;"> <tr> <td style="width:35%;">Requested By</td> <td style="width:35%; text-align: center;">Date</td> </tr> <tr> <td></td> <td align="center">2-4-08</td> </tr> <tr> <td>Budget Director</td> <td style="text-align: center;">Date</td> </tr> <tr> <td></td> <td align="center">2-1-08</td> </tr> <tr> <td>Department Director</td> <td style="text-align: center;">Date</td> </tr> <tr> <td>Finance Director</td> <td style="text-align: center;">Date</td> </tr> <tr> <td>Mayor</td> <td style="text-align: center;">Date</td> </tr> </table>	Requested By	Date		2-4-08	Budget Director	Date		2-1-08	Department Director	Date	Finance Director	Date	Mayor	Date	Budget & Research Use Only Type: A B C <u>D</u> E General Ledger Date _____ Posted to General Ledger _____ Posted to Project Accounting _____ Entered in Category Log _____
Requested By	Date														
	2-4-08														
Budget Director	Date														
	2-1-08														
Department Director	Date														
Finance Director	Date														
Mayor	Date														

City Of Fayetteville (Not a Purchase Order)										Requisition No.: Date: 1/31/2008 Expected Delivery Date:	
Vendor #: 12850 Address:		Vendor Name: 90 Fanny Rd State: NJ		Mobile Vision Inc. Zip Code: 7005 Ship to code: 21 Requester's Employee #: 75		Mail Yes: No: Taxable Yes: No: Division Head Approval: 		Quotes Attached Yes: No:			
City: Boonton Requester: Judy Cohea		Extension: 581		Project/Subproject #: 08009/1		Inventory #		Fixed Asset #			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers					
1	In-car digital video system	28	EA	4,857.54	\$136,011.12	4470-9470-5801.00					
2				\$0.00							
3				\$0.00							
4				\$0.00							
5				\$0.00							
6				\$0.00							
7				\$0.00							
8				\$0.00							
9				\$0.00							
10				\$0.00							
	Shipping/Handling	1	700		\$0.00						
Special Instructions:						Subtotal: \$136,011.12 Tax: \$12,581.03 Total: \$148,592.15					
Approvals:											
Mayor:		Department Director:		Purchasing Manager:							
Finance & Internal Services Director:		Budget Manager:		IT Manager:							
Dispatch Manager:		Utilities Manager:		Other:							



communications

Mobile-Vision, Inc.

90 Fanny Road
Boonton, NJ 07005
(800) 336-8475

QUOTATION

QUOTATION NUMBER: 0056759
QUOTATION DATE: 1/11/2008

SALESPERSON: XX
CUSTOMER NO: ARFAYET

QUOTED TO:
Fayetteville Police Dept.
100 - A West Rock St
Fayetteville, AR 72701

SHIP TO:
Fayetteville Police Dept.
Attn: Cpt. Brown
100-A West Rock Street
Fayetteville, AR 72701

CONFIRM TO:
Capt W. Brown

Bill-To Phone: (479) 587-3555
Bill-To Fax: (479) 587-3570

Page: 1

CUSTOMER P.O.		SHIP VIA	F.O.B.		TERMS
		UPS GROUND	BOONTON, NJ		Net 30 Days
ITEM NUMBER	UNIT	QUANTITY	RETAIL PRICE	NET PRICE	AMOUNT
MVD-FBDVS	EACH	28.00	5,295.00	4,795.00	134,260.00
System, Flashback Flashback Digital Video System Assembly					
Understanding that FPD would like to keep a limited stock of spare parts, L-3 Mobile Vision is offering a one-time discounted equipment deal. FPD can purchase a complete DVR at the above special price, with no trade in required. You will retain all of your VHS units for parts useage.					
MVD-G/L-EXT-C18	EACH	28.00	6.99		195.72
Cable, Grill Light, Ext. 18ft					
W-FB-GRL-ADPTR	EACH	28.00	30.55		855.40
In-Car Grill Light Adapter Cable					
*****Optional items*****					
MVD-CRASH-BAT	EACH	0.00	150.00		0.00
CrashBatt Assy Assy, crash sensor, battery backup					
/INSTALLATION	EACH	0.00	245.00		0.00
***Installation By Radiophone* Customer to arrange for own installation.					

Need car type and DVR location information



communications
Mobile-Vision, Inc.

90 Fanny Road
Boonton, NJ 07005
(800) 336-8475

QUOTATION

QUOTATION NUMBER: 0056759
QUOTATION DATE: 1/11/2008

SALESPERSON: XX
CUSTOMER NO: ARFAYET

QUOTED TO:
Fayetteville Police Dept.
100 - A West Rock St
Fayetteville, AR 72701

SHIP TO:
Fayetteville Police Dept.
Attn: Cpt. Brown
100-A West Rock Street
Fayetteville, AR 72701

CONFIRM TO:
Capt W. Brown

Bill-To Phone: (479) 587-3555
Bill-To Fax: (479) 587-3570

Page: 2

CUSTOMER P.O.		SHIP VIA	F.O.B.	TERMS
		UPS GROUND		Net 30 Days
ITEM NUMBER	UNIT	QUANTITY	AMOUNT	

Signing below is in lieu of a formal P.O. Your signature will authorize acceptance of both pricing and product:

Signed

Date

Subtotal: 135,311.12
Shipping & Handling: 700.00
Sales Tax: 8,241.92
Order Total: 144,253.04

**** QUOTATION IS VALID FOR 60 DAYS ****

ORDINANCE NO. 4551

MICROFILMED

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF FOUR (4) ADDITIONAL IN-CAR VIDEO SYSTEMS FROM MOBILE-VISION, INC. IN THE AMOUNT OF FIFTEEN THOUSAND NINE HUNDRED FORTY DOLLARS AND NINETY CENTS (\$15,940.90).

WHEREAS, the Fayetteville Police Department has placed Mobile Vision in-car video systems in seventeen (17) police units; and,

WHEREAS, the four (4) units used by the School Resource Officers (SRO's) are used as extra patrol vehicles on weekends and are not presently equipped with in-car video systems; and,

WHEREAS, our police officers and Fleet maintenance personnel are already trained and proficient with the Mobile Vision systems.

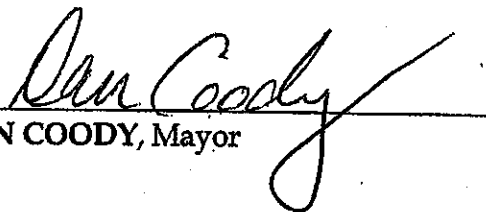
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

→ Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding for as long as the Fayetteville Police Department uses Mobile Vision in-car video systems, and approves the purchase of four (4) additional in-car video systems from Mobile-Vision, Inc. in the amount of Fifteen Thousand Nine Hundred Forty Dollars and Ninety Cents (\$15,940.90).

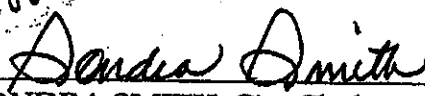
PASSED and APPROVED this 6th day of April 2004.

APPROVED:

By:


DAN COODY, Mayor

By:


SONDRA SMITH, City Clerk



City Council Agenda Items
and
Contracts, Leases or Agreements

2/19/2008

City Council Meeting Date
Agenda Items Only

Tim Conklin

Submitted By

Planning and Development Mgt.

Division

Operations

Department

Action Required:

A RESOLUTION TO GRANT APPROVAL TO ALLOW SOUTHPASS DEVELOPMENT LLC TO SUBMIT A PLANNED ZONING DISTRICT (PZD) TO THE CITY OF FAYETTEVILLE PRIOR TO ANNEXATION INTO THE CITY PURSUANT TO 166.06 (A)(1) OF THE UNIFIED DEVELOPMENT CODE

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Received in City
Clerk's OfficeENTERED
1/18/08
BEP

Mayor

Date

Received in
Mayor's OfficeENTERED
1/24/08
BEP

Comments:

City Council Meeting of February 19, 2008
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Through: Gary Dumas, Director of Operations
From: Tim Conklin, Planning and Development Management Director
Date: January 18, 2008

Subject: A RESOLUTION TO GRANT APPROVAL TO ALLOW SOUTHPASS DEVELOPMENT LLC TO SUBMIT A PLANNED ZONING DISTRICT (PZD) TO THE CITY OF FAYETTEVILLE PRIOR TO ANNEXATION INTO THE CITY PURSUANT TO 166.06 (A)(1) OF THE UNIFIED DEVELOPMENT CODE

RECOMMENDATION

Planning Staff recommends approval to allow SouthPass Development LLC to apply for a Planned Zoning District prior to annexation.

BACKGROUND

The City of Fayetteville passed Resolution No. 138-04 on September 7, 2004, that authorized the Mayor to enter into an agreement to acquire and develop a community park with SouthPass Development, LLC (please see attached Res. No. 138-04).

The agreement between the City and SouthPass Development LLC is summarized below:

- A. A Master Plan is approved by the City and SouthPass Development LLC
- B. The City has annexed or has committed to annex the property
- C. The City has zoned or has committed to zone the property
- D. The entire site is brought into the Fayetteville School District
- E. The City and Southpass Development LLC shall not be responsible for corrective actions for the landfill

This public/private partnership will result the following:

- A. SouthPass Development LLC shall deed to the City a 200 acre parcel for a Community Park
- B. SouthPass Development LLC shall deed to the City a 10 acre parcel for the water tank site
- C. The City shall assist facilitating the planning, zoning and other development approval processes
- D. SouthPass Development LLC and the City shall cost share (50/50) all cost of extending sewer to the Community Park Site

E. SouthPass Development LLC shall contribute One Million Dollars (\$1,000,000.00) towards the City's Community Park

Chapter 166.06 (A)(1), as amended states "Any property located within the city limits is eligible for a planned zoning district. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a planned zoning district application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville."

The request is to allow SouthPass Development LLC to process the annexation, Zoning and Land Use only PZD, and infrastructure cost-shares simultaneously as outlined in Resolution No. 138-04.

BUDGET IMPACT

None

RESOLUTION NO. _____

A RESOLUTION TO GRANT APPROVAL TO ALLOW SOUTHPASS DEVELOPMENT LLC TO SUBMIT A PLANNED ZONING DISTRICT (PZD) TO THE CITY OF FAYETTEVILLE PRIOR TO ANNEXATION INTO THE CITY PURSUANT TO 166.06 (A)(1) OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, the City Council passed Resolution No. 138-04 that authorized the Mayor to enter into an agreement to acquire and develop a community park with SouthPass Development, LLC; and

WHEREAS, the City shall assist facilitating the planning, zoning and other development approval processes; and

WHEREAS, a Master Plan for the approximately 800 acres has been prepared for the Community Park and Development; and

WHEREAS, upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a planned zoning district application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, determines that allowing SouthPass Development LLC to process the annexation, Zoning and Land Use only PZD, and infrastructure cost-shares simultaneously as outlined in Resolution No. 138-04 serves the public interest and is beneficial to the City as a whole, and grants its approval of same.

PASSED and APPROVED this 19th day of February.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

RESOLUTION NO. 138-04

MICROFILMED

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY TO ACCEPT 200 ACRES OF PARK LAND, A 10 ACRE WATER TANK SITE, ONE MILLION DOLLARS FOR PARK LAND DEVELOPMENT AND OTHER CONSIDERATION FOR THE CITY'S ACCEPTANCE OF OWNERSHIP OF A 33 ACRE LANDFILL.

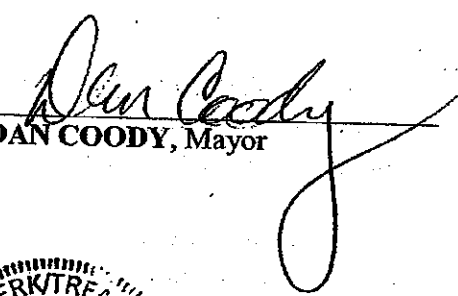
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts and approves the Contract with SouthPass Development Company (attached as Exhibit "A") to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of a 33 acre landfill and its agreement to spend the money currently identified in its Parks Capital Improvement Plan for the community park development.

PASSED and APPROVED this 7th day of September, 2004.

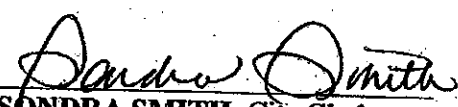
APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



AGREEMENT TO ACQUIRE AND DEVELOP THE COMMUNITY PARK FOR FAYETTEVILLE

This contract and agreement is entered into by the City of Fayetteville and SouthPass Development Company, LLC (hereinafter "SouthPass");

Whereas, the City of Fayetteville desires to obtain a 200 acre Community Park for its citizens and tourists; and

Whereas, the Parks and Recreation Advisory Board has carefully studied available sites and determined that the Cummings' property is the most desirable site for the Community Park; and

Whereas, The City of Fayetteville does not have the current resources to both purchase the necessary acreage and develop such acreage into a functioning, attractive Community Park and so publicly requested proposals from developers for a public/private partnership to facilitate the acquisition and development of the Community Park; and

Whereas, SouthPass Development Company, LLC submitted a workable, attractive proposal which was selected by the City's selection committee as the recommended proposal.

NOW, THEREFORE, pursuant to the terms and conditions of the City's Request for Proposals and SouthPass Development Company, LLC's recommended Proposal, the City and SouthPass agree as follows:

1. Upon approval of this contract by the Fayetteville City Council and SouthPass Development Company, LLC and the accomplishment of all contingencies listed below, SouthPass shall tender to the trustee/owners of the Eight Hundred Acre (more or less) Cummings property an unconditional offer to purchase all said property for the sum of Six Million Nine Hundred Thousand Dollars (\$6,900,000.00). The obligation of SouthPass Development Company, LLC shall not become binding or enforceable until all the below contingencies have been fully accomplished:

(A) A Master Plan for the development of the approximately 800 acre site has been prepared and approved by SouthPass Development Company LLC and the City of Fayetteville;

(B) The City Council has annexed or committed itself to annex the entire 800 acre site;

(C) The zoning of the portion of the 800 acre site to be owned by SouthPass has been accomplished or the City Council has committed itself to rezone that portion in conformance with the approved Master Plan;

(D) The Greenland School District and Fayetteville School District have agreed that this entire site shall be within the Fayetteville School District;

(E) The Arkansas Department of Environmental Quality has agreed with the present owners of the Cummings landfill and assured the City of Fayetteville that the costs of the necessary corrective actions for the landfill shall not be borne by, recovered from, assessed to, or collected from the City of Fayetteville or SouthPass Development Company, LLC.

2. If this Offer is accepted by the Trustee and the Court, and all others necessary to accept the offer and legally deed the entire tract of 800 acres, more or less, SouthPass Development company, LLC shall pay the agreed price to the trustee/owners and the land shall be conveyed by warranty deed free from all encumbrances to the following parties:

(A) SouthPass Development Company, LLC shall be deeded the entire Eight Hundred (800) acre tract, more or less, except the 33 acre landfill;

(B) The City of Fayetteville shall be deeded (free and clear of any obligation to pay, repay, or otherwise fund the necessary corrective actions for the landfill: partial or full recapping of the landfill and restoration of the stream corridor) the Thirty-Three (33) acre abandoned and closed landfill located within the 800 acre property;

(C) South Pass Development Company LLC shall convey by warranty deed to the City of Fayetteville a Two Hundred (200) acre parcel for the Community Park which location shall be determined by the City;

(D) SouthPass Development Company LLC shall convey by warranty deed the Ten (10) acre City of Fayetteville water tank site to the City of Fayetteville.

3. To facilitate the preparation of the Master Plan, the City shall immediately pay for the perimeter survey of the property and the 200 acre Community Park site.

4. SouthPass shall fund up to \$10,000.00 and retain a mutually acceptable community master planning consultant for recommendations for a Master Plan for this entire 800 acre area (including the 200 acre Community Park area).

5. The City of Fayetteville shall assist in facilitating the planning, zoning and other development approval processes which are in accordance with the mutually acceptable master plan.

6. The City of Fayetteville shall recommend to the Fayetteville School Board and Greenland School Board that this property should be within the Fayetteville School District.

7. The City of Fayetteville and SouthPass shall cost share (50/50) all costs of extending sewer to the Community Park site and neither shall charge for the acquisition of necessary water or sewer easements across their property to serve their land within this 800 acre area.

8. If all the contingencies listed in paragraph 1 have been accomplished and all the actions listed in paragraph 2 have been achieved, SouthPass Development Company LLC shall contribute One Million Dollars (\$1,000,000.00) when the City is ready to award the first construction contract utilizing the 2004 and 2005 budgeted CIP allocation as shown in Exhibits A and B*.

Signed this 31 day of August, 2004.

Signed this 7th day of September, 2004.

**SOUTHPASS DEVELOPMENT
COMPANY LLC**

By:

John Nock
JOHN NOCK
Managing Member

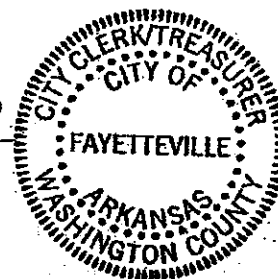
**CITY OF
FAYETTEVILLE, ARKANSAS**

By:

Dan Coody
DAN COODY
Mayor

Attest:

Sondra Smith
Sondra Smith, City Clerk



*Attached as Exhibit A are copies of the current Capital Improvement Program adopted last December by the City Council showing 2004-2008 Parks Development Fund allocations for Community Park Development (total about \$2.4 million) and Sales Tax CIP funds allocated to Community Park Development (total about \$1.2 million).

Attached as Exhibit B is the amount of funds that have been allocated by the City Council that will be available on January 1, 2005 for development of the Community Park (about \$1.6 million).

CITY ATTORNEY AGENDA REQUEST

FOR: COUNCIL MEETING OF FEBRUARY 19, 2008

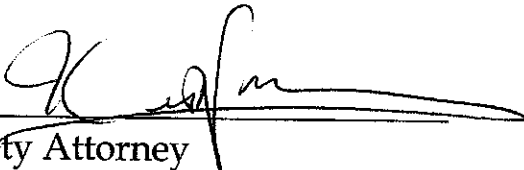
FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Approve A Budget Adjustment In The Amount Of \$100,000.00 To Recognize Revenue From An Arkansas Parks And Tourism Outdoor Recreation Grant

APPROVED FOR AGENDA:


City Attorney

2-6-08
Date

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
IN THE AMOUNT OF \$100,000.00 TO RECOGNIZE REVENUE
FROM AN ARKANSAS PARKS AND TOURISM OUTDOOR
RECREATION GRANT**

WHEREAS, the City of Fayetteville has accepted an Arkansas Parks and Tourism
Outdoor Recreation grant in the amount of \$100,000.00 for Eagle Park.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves
the attached budget adjustment in the amount of \$100,000.00 to recognize the revenue from the
Eagle Park Grant.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

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

A. 15
Arkansas Parks and Tourism
Outdoor Recreation Grant
Adjustment Number 3 of 4

Budget Year 2008	Department: Operations Division: Parks & Recreation Program: Parks Development Revenue	Date Requested 2/15/2008	
--------------------------------	--	--	--

Project or Item Added/Increased: None. To recognize \$100,000 in State Grant Revenue from the Arkansas Parks & Tourism Outdoor Recreation 50/50 Matching Grant.	Project or Item Deleted/Reduced: \$100,000 from the Use of Fund Balance.
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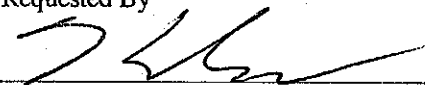
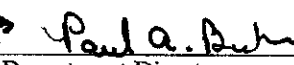
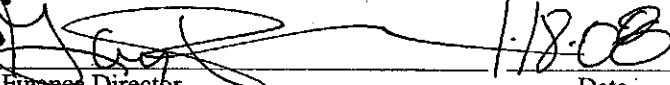
Justification of this Increase: Eagle Park Development was original budgeted to receive its funding from Fund Balance (\$100,000) and Greenspace SE (\$100,000). This adjustment will replace the Fund Balance reserves with State grant revenue.	Justification of this Decrease:
--	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of Fund Balance	2250	0925	4999	99	100,000		

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
State Grants - Capital	2250	0925	4302	00	100,000	02013	0801

Approval Signatures		Budget & Research Use Only	
Requested By	Date	Type:	
	1-18-08	A	B
Budget Director	Date	C	☒ D
	1-18-08	E	
Department Director	Date	General Ledger Date	
	1-18-08	Posted to General Ledger	Initial Date
Finance Director	Date	Posted to Project Accounting	Initial Date
Mayor	Date	Entered in Category Log	Initial Date

RECEIVED

DEC 26 2007

CITY OF FAYETTEVILLE
MAYOR'S OFFICE



STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

December 21, 2007

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

Dear Mayor Coody:

It is my pleasure to inform you that the Outdoor Recreation Grants Advisory Committee of the Department of Parks and Tourism has recommended that the City of Fayetteville be awarded a grant based on their FY 2008 application for matching-grant funds.

It am pleased to award the City of Fayetteville a matching grant in the amount of \$100,000.00 to assist in the construction of playground, ball-field, pavilion, walkways, and ADA parking at Eagle Park.

The Department of Parks and Tourism will contact you in the near future to explain our procedure for the awards. Best wishes for much success with your endeavor.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mike Beebe".

Mike Beebe

MB:jb

cc: Senator Sue Madison
Representative Jim House
Richard W. Davies, Executive Director
Department of Parks and Tourism



THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning *J*
Date: 30 January 2008
Subject: Hobson, Inc. Rezoning Request

Please find the attached, amended ordinance and exhibits for the Hobson, Inc. rezoning request, RZN 07-2667, located at 7613 Wedington Road. The request is rezone the property from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. The amendment reflects a reduction of 1 acre from the total property requested to be rezoned. The original request that was denied by the Planning Commission and the decision of which was appealed to the City Council was for 2.38 acres. As you can see in the attached Exhibit "A," one acre from the back portion of the property has been removed.

I have also attached the minutes associated with this request. Planning Staff and the Planning Commission recommended denial of the rezoning request, based on the findings within the staff report and the Future Land Use Plan for this area.

Left on Second Reading 2/5/08

ORDINANCE NO.

AN ORDINANCE REZONING A PORTION OF PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2667, FOR APPROXIMATELY 1.38 ACRES, LOCATED AT 7613 WEDINGTON FROM R-A, RESIDENTIAL AGRICULTURAL, TO C-2, THOROUGHFARE COMMERCIAL.

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-A, Residential Agricultural to C-2, Thoroughfare Commercial, as shown and described on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in exhibit "C" attached hereto and made a part hereof.

Section 3: 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 , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

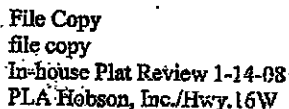


EXHIBIT "B"
RZN 07-2667

A PART OF THE SW ¼, OF THE SE ¼, SECTION 9, T-16-N, R-31-W BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S02°45'20"W 39.12 FEET FROM THE NORTHEAST CORNER OF THE SW 1/4 OF THE SE ¼ OF SAID SECTION 9, SAID POINT BEING A ½" REBAR LOCATED ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 16 (W. WEDINGTON DR.), AND RUNNING THENCE S02°45'20" W 353.62 FEET TO A ½" REBAR; THENCE N88°04'35" W 250.00 FEET TO A ½" REBAR; THENCE N02°45'20" E 199.51 FEET, TO A 1/2" REBAR; THENCE S89°50'55" E 188.33 FEET TO A ½" REBAR; THENCE N02°08'16" E 148.25 FEET TO A SAID HIGHWAY RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S88°05'54" E 63.34 FEET TO THE POINT OF BEGINNING, CONTAINING 1.38 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO AN 18.00 FOOT WIDE ROAD EASEMENT ALONG THE EAST SIDE AND ANY OTHER EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD

EXHIBIT "C" **RZN 07-2667**

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner of this property (hereinafter "Petitioner") Hobson, Inc., an Arkansas Corporation, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

Petitioner holds title to, and seeks a rezoning classification for, the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW1/4 of the SE1/4, Section 9, T-16-N, R-31-W being more particularly described as follows:

Beginning at a point located S02°45'20"W 39.12 feet from the Northeast corner of the SW1/4 of the SE1/4 of said Section 9, said point being a 1/2" rebar located on the South Right-of-Way of Arkansas State Highway No. 16 (W. Weddington Dr.), and running: thence S02°45'20"W 353.62 feet to a 1/2" rebar; thence N88°04'35"W 250.00 feet to a 1/2" rebar; thence N02°45'20"E 199.51 feet to a 1/2" rebar; thence S89°50'55"E 188.33 feet to a 1/2" rebar; thence N02°08'16"E 148.25 feet to said Highway Right-of-Way; thence along said Right-of-Way S88°05'54"E 63.34 feet to the point of beginning, containing 1.38 acres, more or less, City of Fayetteville, Washington County, Arkansas.

Subject to an 18.0' foot wide road easement along the East side thereof and any other easements and/or Right-of-Way of record.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonably rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning requests.

EXHIBIT "C" RZN 07-2667

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Use Unit 12, Use Unit 17, and Use Unit 25 as described and set forth in Chapter 162, Title XV, of the Unified Development Code for the City of Fayetteville, Arkansas.
2. Other restrictions including number and type of structures upon the property are limited to _____
3. Specific activities will not be allowed upon petitioner's property include any uses not included in Use Units 12, 17, and 25 described above; and any activities related to: (a) body piercing and tattoo services; (b) manufactured homes; and (c) the sale and repair of large commercial type vehicles otherwise allowed under Use Unit 17, to include buses, trucks, trailers, and farm equipment
4. (Any other terms or conditions) An area consisting of no less than twenty (20) feet in width and running adjacent and along the south property line of the subject property shall serve as a buffer zone between the subject property and the neighbors to the south of the subject property. The buffer area shall be maintained in conformity with the remainder of the subject property, but shall not be used for any purpose other than landscaping and/or natural vegetation growth. If requested by the City of Fayetteville at any time, a privacy fence or a natural vegetation barrier (such as hedge), shall be constructed along the said boundary line to the rear (south) of the subject property.
5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the

EXHIBIT "C" RZN 07-2667

Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above,, Hobson, Inc., as owner (Petitioner) voluntarily offer all such assurances and sign my name below.

Hobson, Inc.

Date

By: _____

David Pearce, President

Rt. 6, Box 269-1
Fayetteville, AR 72701

By: _____

Patricia Pearce, Secretary

NOTARY OATH

STATE OF ARKANSAS

COUNTY OF WASHINGTON

} ss\

And now on this the _____ day of _____, 2007, appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, after being placed upon their oath swore or affirmed that they agreed with the terms of the above Bill of Assurance in their aforesaid capacities of said corporation and on behalf of said corporation, and signed their names above for the consideration, uses and purposes therein mentioned and set forth.

My Commission Expires: _____

NOTARY PUBLIC

City Council Meeting Minutes
September 18, 2007
Page 36 of 43

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5062 as Recorded in the Office of the City Clerk.

Hobson, Inc. Appeal: An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning: This is an appeal by an applicant of the decision made by the Planning Commission to deny a rezoning request. This property contains approximately 2.4 acres that's currently zoned R-A, residential agricultural. It is located at 7613 Wedington and was part of the recently annexed areas. The property is currently being utilized for Bud's Auto Repair Shop. Planning staff received complaints of an auto repair shop being operated at this location and they asked if that was allowed in an R-A zoning district. We replied no it's not a use that's allowed to be established by our permitted uses within an R-A, Residential Agricultural Zoning District. The closest zoning district that could allow that is the C-2, Thoroughfare Commercial Zoning District. We informed the applicant that we could not support a C-2 in this area. It is not on our future land use map to support commercial anywhere close to this area. Staff recommended denial and it was denied unanimously.

Staff and Planning Commission publicly recommended that the applicant pursue another avenue to potentially allow this use that would be a conditional use permit. That can be issued by the Planning Commission and we can look at the appropriateness of uses of what has been there before. I certainly agree with the applicant that this has been used historically as a nonresidential use and I think we would take that into consideration when reviewing a conditional use permit. I can't speak for the Planning Commission but my impression was that many of the commissioners would much rather see that as an application as opposed to a rezoning. I can't speak to whether they would support it or not but I received favorable remarks from that meeting. The negative about that for the applicant is that it doesn't guarantee that, if they sold the property and wanted to utilize it for something else, that another use would be appropriate or approved there. It would still be eligible for a conditional use permit so long as it hadn't been occupied for a greater period of 180 days is the code requirement. I feel from a Planning perspective rezoning this to C-2 is a spot zoning. It is surrounded by R-A in all directions and is not appropriate at this point in time. We felt a more appropriate way to hopefully achieve the same result for this particular business would be to look at a conditional use request. The applicants submitted a bill of assurance after the agenda session and that's included on the first

couple of pages with your final agenda. They are proposing a bill of assurance to limit it to three uses within the C-2 zoning district; Use Unit 12 which is office, studios and related services; Use Unit 17, trades and services which allows the auto repair; and Use Unit 25, commercial offices. I think Use Unit 17 primarily is our concern.

Alderman Cook: What was the first one Jeremy?

Jeremy Pate: Use Unit 12, office, studios and related services that includes items such as artist studios, drafting services, dentists, funeral homes, financial banks, sale of equipment, things like that. Use Unit 17 which is where auto repair is found you would find automobile sales, service, and repair including body shops, manufactured home sales, motorcycle sales, large truck sales, trailer sales, used car lots, farm supplies, boat and accessories. There's a long list in that particular use unit. It's probably one of our most intense commercial use designations that we have. Following that is Use Unit 25. The applicants are offering those three uses be allowed. Use Unit 25 is professional offices, much like 12 only a little higher intensity in terms of those uses. Staff recommended denial of this request and the Planning Commission recommended denial as well. It has been appealed in accordance with our code and the City Council is requested to make the final decision.

Mayor Coody: So basically if the City Council votes yes the appeal is granted.

City Attorney Kit Williams: What we've always done in the past with appeals of rezonings is that we have automatically heard them. It's a right of the applicant to appeal to you. So we've read the ordinance three times either the ordinance is passed or denied.

Mayor Coody: I see.

City Attorney Kit Williams: It takes five votes to in fact pass the ordinance. If we pass the ordinance we would grant the appeal.

Don Wilson, on behalf of Hobson, Inc.: Hobson, Inc. is owned by two people a husband and wife, Patricia Pearce and David Pearce. They have owned this property since approximately 1976. This is a significant piece of property and is very important to Mr. & Mrs. Pearce. The property has always been use as a trades and services type of establishment. It's been rented and at one time was used by them.

Mr. Wilson gave a list of the things that it has been operated under.

For the past 30 years this business has been located at this property. The City only came into play when they did the massive substantial annexation into the city. Mr. & Mrs. Pearce never asked to be annexed into the city. They're trying to comply right now with your city code of ordinances. It was brought in as R-A which is typical when you rezone something you bring it in as some form like R-A. The applicant can then come in and submit what they would like to use it for. The City Council and Planning Commission has a chance to view it that way and see what it is they want to put in there, that's pretty standard. It's my understanding that's the way it works. There's no conditional use under R-A for trades and services. There's no permitted use

under R-A for trades and services. The closest we have for a trades and services which is historically what that property has been used for is C-2. There is an exception under some particular use where we can apply to use it as an auto repair shop. The problem with that is it limits us to that auto repair shop. As I already told you it's had numerous trades and services establishments there. They're not really asking anything extra tonight. They're asking to let us continue to use it for what we have used it for. That's all they're asking for, don't restrict us, don't limit it, all we want to do is use it that way. The planning staff was concerned about the impact of C-2 on the environment in that area. That's where the trades and services have been for 30 years, that's where it is located. The Planning Commission did not just flat out deny it there was discussion at the Planning Commission meeting. One of the things we brought up was that you are going to limit this to being leased to Bud's Auto Repair. We may not want to lease to Bud's Auto Repair, in fact their lease expires at the end of December. So if a cabinet shop wants to come in we've got to come back to this commission to get a cabinet shop. Every time we get a new lease we've got to come back no matter what it is.

So what we tried to do is offer a bill of assurance. We didn't bring up a bill of assurance, the Planning Commission brought up the bill of assurance and we proposed it after that. The Planning Commission said you have ten days to appeal to the City Council which is what we did. We also brought forward to you the bill of assurance. What does the bill of assurance accomplish? It accomplishes exactly what the planning staff has recommended but without all of the restrictions that says you can only have Bud's Auto Repair Shop there. If we want to change it to a drapery shop we have to come back to the Planning Commission and request an exception for a drapery shop. That is going to substantially devalue the property value on that piece of property because if we have Bud's Auto Repair there then we have no one else to lease to without coming back to the Planning Commission for an auto repair business. All we're asking for is to let us use it historically as we have used it for last the 30 years, the way it was when you annexed it into the City. We're offering a bill of assurance to assure you that's what we're going to do. C-2 has many classifications; we only want to use it for those trades and services like we used it for historically. I've got the bill of assurance here tonight. It's been signed and notarized and we're prepared to get this filed for the records.

Mayor Coody: Has this been submitted to the city clerk?

Mr. Wilson: We just got this and I'll submit it. It was my understanding from the planning staff that their primary concern at the Planning Commission meeting was the impact that C-2 would have on the area. According to their findings a C-2 zoning allows several intense uses that are more appropriate in urban centers and at designated commercial nodes and may be objectionable to surrounding rural residential uses. We've not had any neighbors complain to us. Staff said they have received some complaints but I don't know who they came from. Staff was concerned about the higher impact uses into the area without adequate services to support urban development. The property out there is already urban. You annexed it into the City and in this particular area there's already residential areas and numerous commercial places up and down the road that are going to be grandfathered in. When they change their zoning, when they change their use, they're going to have a problem. I don't know if you've been out to see the business or not but the business is small in comparison. It's deeper in the back and there's a side road that goes beside the building. There's a small parking area in the front that holds maybe six

to eight cars. The rest of it goes behind the building and all the work is done internal. There are trees on both sides so the impact is not going to be substantial at all by rezoning this to C-2 with a bill of assurance in place. I'd be happy to answer any questions.

Mayor Coody: Any questions for the petitioner?

Alderman Thiel: You said staff received complaints about the parking of cars?

Jeremy Pate: The entire reason this came up is because we received a complaint that an auto salvage dealership or something of that nature was operating out of the property. We investigated in conjunction with Code Compliance. We did a site visit and logged what we saw by photographs and that's when we established the use was not allowed in R-A and that started this process.

Alderman Thiel: But there is actually an auto salvage business out there. Not there, on past there. How is that being allowed?

Jeremy Pate: That's grandfathered in. It was established before we ever annexed the property into this particular use.

Alderman Thiel: Hasn't this been grandfathered in then?

Jeremy Pate: Bud's Auto Repair was not established before we annexed the property. We annexed it October and this was established in January based on the records that we have.

Alderman Ferrell: I just wanted to make sure I understand. I know this business. It's been a business ever since I can remember. We've got pictures here that show twelve vehicles.

Mrs. Pearce: That's in the rear.

Alderman Ferrell: Are those rigs waiting to be worked on?

Mr. Wilson: The one that's in the picture?

Mrs. Pearce: I've seen this picture I think the Planning Commission took it and those were cars waiting to be worked on going in and out. We certainly wouldn't have a problem with building a fence if that was objectionable. The only person who really sees stuff is the person that is behind that shop and we've been there far longer than they have been there.

Alderman Ferrell: I've heard the man representing you say that you visited with the neighbors? I read where you visited with the neighbors but Jeremy there hasn't been any communication or correspondence from neighbors has there.

Jeremy Pate: No sir not that I'm aware of in the rezoning application.

Alderman Ferrell: Kit on the bill of assurance what is he saying in the bill of assurance. What uses?

City Attorney Kit Williams: It's not our standard bill of assurance. I've created a form that made sure that the bill of assurance would in fact be enforceable and has a lot of language that this does not have. Even though it's entitled a bill of assurance I can't tell you it's necessarily enforceable but if it was enforceable it would be limiting the uses to Unit 12 which is office, studios and related services, Unit 17 which is trade and services which Jeremy told you about all the different things that were in there, and Unit 25, commercial offices. So if it is in fact enforceable then it would be limited to those three use units.

Mr. Wilson: We'd certainly be able to stipulate that it is enforceable. We don't have a problem with it being enforceable. I haven't seen Mr. Williams' forms.

City Attorney Kit Williams: I have a form that I supply to the Planning Department.

Mr. Wilson: I did not see that, I am sorry.

Alderman Thiel: If we were going to consider this we have to wait until we get the right form wouldn't we?

City Attorney Kit Williams: It would probably be preferable to do that. It doesn't have some of the language that mine has to make sure that it runs with the land and other things. It would allow the city a much better and stronger position to enforce it should something ever happen.

Alderman Allen: If it is enforceable it doesn't seem problematic to me.

City Attorney Kit Williams: You can just leave it on the first reading.

Alderman Thiel: I think it is worth considering because there are other businesses out there. One advantage to a conditional use though is we could require screening and so forth and we cannot do that if it is just rezoned. So that's a problem.

Alderman Allen: He volunteered that though.

Alderman Thiel: Did they volunteer screening?

Mayor Coody: Yes verbally just a minute ago.

Alderman Thiel: If that's something they want to offer.

Mr. Wilson: We're willing to work with you. All they want to do is keep using it as trades and services. What we've been using it for and that's it.

Mayor Coody: Why don't you visit with Kit and get the form and fill it out. I think the City Council just wants to leave it on this reading and then get all the details worked out and then bring it back for further consideration at the next meeting.

Mr. Wilson: I'd be happy to.

Alderman Jordan: I would like to see you at the Ward 4 meeting at the end of the month. So you can show the people what you are proposing to do and the people in that area if they want to can come and make comments. There will be some other folks in the area that will help critique.

Mayor Coody: Thank you.

A discussion followed on an auto salvage yard that is located on Highway 62.

Mayor Coody: What you are afraid of is a spot zone where you would allow a use and then eventually around it there might develop incompatible uses.

Alderman Lucas: That's right.

Alderman Jordan: That's a fact.

Alderman Thiel: But this is not a salvage yard.

Jeremy Pate: That's correct.

Alderman Thiel: Are they excluding that in the bill of assurance?

Jeremy Pate: It's no longer allowed in C-2 zoning away. So it wouldn't be allowed regardless.

This ordinance was left on the First Reading.

The following item was added to the City Council agenda at the City Council meeting:

Cultural Arts District Boundary Amendment: A resolution to amend the boundaries of the Cultural Arts District and specify its revised borders.

Alderman Allen: This is a resolution to remove some areas from the Cultural Arts District, one being the West Lafayette Historical Neighborhood and one being the Evergreen National Cemetery. I don't know whether anybody had time to get the map but here's the original map. I have letters from members of the neighborhood association and from the cemetery asking for removal.

City Attorney Kit Williams: Mayor even though we don't usually read the resolution you might want to go ahead and do that so that everybody is aware.

City Council Meeting Minutes
October 2, 2007
Page 9 of 22

established neighborhoods we are going to have another Leverett School situation. Families want a little space around their home for their children and so they are having to move out. That really bothers me and worries me. I would like to see this as RSF-4.

Alderman Jordan: My thoughts echo Shirley's. I have had several contacts with residents in the area. There were concerns at the Ward 4 meeting about people buying and putting students in them which there is nothing we can do about that. This neighborhood has for years fought different developments. I think the R-6 is a little too dense. I also have problems with access. It is just not compatible with the neighborhood. I will not be able to support it.

Mayor Coody: If this fails it will be a year before you can come back without some substantial changes. It looks like you have a good chance of having your project turned down tonight. So do you want to go ahead and move forward with that or do you want us to table it and you come back with a different plan and maybe visit with the Ward 4 folks some more?

Tim Brisiel: I prefer to table it.

Alderman Jordan moved to table the ordinance indefinitely. **Alderman Lucas** seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

Hobson, Inc. Appeal: An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: A signed copy of the bill of assurance in the acceptable format by the City Attorney has been submitted. This is an appeal of the Planning Commission's decision to deny this project unanimously. Staff also recommended denial. I can not speak for the Planning Commission but from our perspective and findings in the rezoning request, the bill of assurance does not alleviate those concerns. Staff still has concerns with this.

Alderman Ferrell: What was your concern about the bill of assurance?

Jeremy Pate: Any bill of assurance is hard to track. They can be amended to the Council without notification to the property owners and without the Planning Commission making a recommendation.

City Council Meeting Minutes
October 2, 2007
Page 10 of 22

Alderman Ferrell: Are bills of assurance recorded?

Jeremy Pate: Yes.

City Attorney Kit Williams: Regardless of what you are going to do I think you should add a subsection three to the ordinance to acknowledge the bill of assurance.

Alderman Rhoads moved to amend the ordinance to add a Bill of Assurance. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel: Initially when I saw this I felt that this is a business that has been there and the owner should have the right to continue that business as it is. After listening to Jeremy and our staff recommendation I think there are still other ways they can achieve this that might be more acceptable to the Council and to the Planning staff. I probably will not support this rezoning. C-2 is a pretty strong zoning.

Alderman Allen: I would like to explore what those options might be. These peoples livelihood, their whole life, is put into this piece of land. I do not want to take away their way to make a living, their retirement, and their future.

Jeremy Pate: A conditional use permit is another option.

Alderman Allen: Would that limit it to one thing.

Jeremy Pate: Yes. It is usually aligned with a very specific use in mind. Rezoning the property is a policy decision that affects other property around it as well. The conditional use process may be a little more cumbersome. If it changes uses the applicant can come back before the Planning Commission and request a similar type of application.

Alderman Allen: I certainly am not an advocate of spot zoning. I feel like this is a situation that was created through no fault of the applicant and that is a real concern to me. Does the applicant intend to use the building in the same way as they are now indefinitely?

Donald Wilson, representing the applicants: Absolutely. Until they sale it or whatever happens to the property. Mr. Wilson gave a revised copy of the bill of assurance to the Council. He stated they have tried to limit this to the type of activity that the building has historically been used for.

Mr. Wilson explained what the bill of assurance and the use limits are that they are limiting the use of the property too. In the bill of assurance we have offered a 20 foot buffer zone to the south end of the property. We have had no neighbors complain to us. We tried to address all the concerns. All we want to do is use the property like we have always used it. If we can have only one conditional use on the property we have probably substantially devalued our property, because no one is going to buy the property if all they can use the property for is the conditional use. We are asking that you let us keep the value where it is and use it for what we have been using it for. This is nothing new for this area. There are a lot of businesses in the area that have

City Council Meeting Minutes
October 2, 2007
Page 11 of 22

been grandfathered in. The city says we are not grandfathered in because it was not an auto repair store when it was annexed into the city. I would say we are grandfathered in as a trade services business because that is what we have been using it for. That is all we are asking for.

Alderman Allen: What does our City Attorney think about the bill of assurance?

City Attorney Kit Williams: He has followed the form that I prepared for the bill of assurance. It meets the requirements that I have and I think it is an enforceable bill of assurance. It is up to you to decide if it has the right terms in it. From a legal point of view it is certainly an adequate bill of assurance.

Alderman Allen: A conditional use runs with the property. When does it end if it is left open?

Alderman Jordan: I think it is six months.

Alderman Thiel: Is the entire piece of property being used for this business?

Patricia Pearce, owner: No. The building fronts Highway 16 that is what is being used. The area behind the building is being used for a parking lot for the cars. The building has been used for many different uses during the years. It will be difficult to lease the building with a conditional use permit. I think it is unfair for the city to tell me that my building will be relatively worthless.

Alderman Thiel: I think what concerns me is the entire parcel behind being considered. You are not utilizing all of that. We are rezoning a substantial piece of property behind this. That troubles me. I could almost consider rezoning the front of the property because of in a sense the hardship. To rezone the entire property troubles me. You might want to come back with a PZD.

Alderman Ferrell: Ms. Pearce did you consider asking for the front part to be C-2 or was it your intent to do the entire piece.

Patricia Pearce: It has always been a single piece of property so I guess we did not consider it. I would hate to think that I would have a long term tenant or someone who wanted to buy that property from me if they just had an ability to add on to the back of that building. Every limitation the city does to me decreases the value of that property to me.

Alderman Ferrell: Plus you have been paying commercial taxes on it for 30 years. Approximately what year did the printing business start out there?

Person from the Audience: 1984.

Alderman Ferrell: What was it before it was a printing company?

Patricia Pearce: It was a drapery shop and a TV repair business before that.

Alderman Ferrell: I know it has always been a business. I will support this. You have been there for years and paying taxes. Public law does not intend I don't think to take something.

Mayor Coody: The use that is happening on the property at the time it is annexed is essentially grandfathered in. When the use changes after it has been annexed they have to conform to a zoning, they lose the grandfather capability. The reason the staff is concerned about it is we have had instances where someone got something rezoned really different than everything else around it and the rezoning stays permanent. That can really create an incompatibility.

Alderman Ferrell: I appreciate the second effort on the bill of assurance.

Alderman Lucas: When a piece of property is grandfathered in can they get a conditional use later on if it changes business.

Jeremy Pate: Yes.

Alderman Lucas: So we are not penalizing these people particularly. It is the same for all.

Jeremy Pate: I would say 99% of the businesses that were annexed in that election are now nonconforming uses because they are now in the City of Fayetteville. If they were still in the county they would be nonconforming because the county has zoning now as well. They are only allowed one unit per acre in those particular cases. They are nonconforming regardless if they are in the city or the county at this point in time.

Alderman Lucas: One of the things that really encourages people to come into the city is you can kind of control what you will have built next to you. This kind of concerns me because if we go to the C-2 even with the bill of assurance they do not have to contact the neighbors around them if they want to change the bill of assurance. By having a conditional use it protects the neighbors around them because then they have to be notified if there is going to be a change. They can then give their views if they want that change or not. The business can go on with this conditional use. One of the things I thought we were going to work toward with the 2025 Plan is planning areas.

Jeremy Pate: Our City Plan 2025 looks at areas not only within the city but also areas outside the city. When looking at that annexation we actually included that in our long term plans. I think this area will over time change but the timing of that change is critical. I think from a planning perspective rezoning C-2 that far out at this point in time is a timing issue. We normally look at C-2 for corner or major intersections.

Alderman Lucas: I really consider this a spot zoning so I can't support it.

Mayor Coody: If the Planning Commission can grant a conditional approval for a business is there a way to do a conditional use for a range of activities like they are asking for in the bill of assurance?

City Council Meeting Minutes
October 2, 2007
Page 13 of 22

Jeremy Pate: That question was asked at the Planning Commission meeting also. In my reading of the code it is limited to a specific use. It is changing from one nonconforming use to another nonconforming use and I am not comfortable interpreting that to be just this range of uses. That could be just about anything within that use unit.

Alderman Allen: I did not know they could come back and change the bill of assurance without notifying the neighbors.

Alderman Jordan: The bill of assurance is between the city and the property owners but if the city and property owners agree they do not have to notify anybody to change it. It has to go through the City Council.

Jeremy Pate: It does not go through our notification process like it does at Planning Commission.

City Attorney Kit Williams: Since it is accepted by an ordinance it has to be changed by ordinance.

Alderman Allen: I don't like the spot zoning at all and I understand the concerns that everyone is expressing. Maybe sometimes we need to add a human factor into things. I really have a lot of trouble with the fact that people have put their livelihood into something and through no fault of their own that is going to be taken away. That is a problem to me.

Alderman Thiel: I tend to agree with Nancy but they are rezoning more. The bulk of this that is being requested as C-2 is off the highway. For C-2 zoning that seems backwards. I would feel more comfortable about this if they were just asking for the portion that would serve for the parking and the business itself. I feel like they can come back with something that we will be happier with.

Donald Wilson: C-2 was chosen because it had Unit 17 in it.

City Attorney Kit Williams: The City Council has a lot of discretion in this. They have asked to have all the acreage rezoned to C-2. The Planning Commission voted against it and they appealed it to you. It is your decision. You can look at it as an entire unit or you can look at approving only part of it as C-2.

Alderman Thiel: I would be open to amending this to include the top portion of Exhibit B.

Patricia Pearce: I am not sure if the building sits entirely on that portion.

Alderman Thiel: Maybe we should rethink this a little bit.

City Attorney Kit Williams: The applicant can apply for an administrative lot line adjustment from the Planning Division and they could reconfigure their lot to make sure they have their building totally on the front lot.

Alderman Thiel: I would be more supportive of rezoning just that top portion. You might also consider other ideas like a PZD that might work and may make the property more saleable in the future. Can they operate their business if we table this?

Jeremy Pate: Yes. Any code violations that we have are suspended pending the decision on the rezoning.

Alderman Jordan: At the end of the day we will make a decision that we think is best for the ward.

Alderman Lucas: It is not a done deal that I will agree to it if you were to come back. We have to protect the property owners around this property too. They have rights also.

Alderman Jordan: I believe the property is too large and I think it is somewhat of a spot zoning.

Alderman Thiel moved to table the ordinance indefinitely. Alderman Gray seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

NEW BUSINESS:

2007 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director: This is a request for 4 mills for the city. This would represent a .9 mill increase for General Fund operations, from 1.3 mills to 2.2 mills. This would generate approximately \$1 million in additional revenue to fund the General Fund. We will have answers to the questions that were asked at our meeting on Thursday.

Alderman Ferrell: I would like to invite a representative from the public schools to come and give us a brief overview of what they are looking at as far as the financial impact that is coming up for the school district.

This Ordinance was Left on the First Reading.

Illinois River Watershed Partnership: An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances

From: "Don Wilson" <don@dewilsonlaw.com>
To: <city_clerk@ci.fayetteville.ar.us>
CC: "Tricia Pearce" <tpearce@coldwellbanker.com>
Date: 8/17/2007 11:59 AM
Subject: RZN 07-2667 (Hobson, Inc.) Appeal to City Council

RECEIVED

AUG 17 2007

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Ms. Smith, per our telephone conversation this morning, please accept this communication as my request for an appeal of the decision of the Planning Commission held on August 13, 2007, on the rezoning for the property located at 7613 Wedington (12611 Hwy 16W), RZN 07-2667 (Hobson Inc., 433).

The property in question is located within the newly annexed area brought into the city limits in 2006 as R-A Zoning. The request for rezoning to C-2 was made so that the property could be used for its historical use for commercial trades, as a permitted use under C-2. The Planning Commission acted on recommendation of city planning staff that the broad impact of a C-2 rezoning had the potential to bring other impact uses into the area without adequate services to support urban development. The potential to bring other impact uses can be resolved by limiting the use to its historical use through the use of a bill of assurance. The subject property has been commercial property for more than 30 years for various trades, and is not compatible with the current R-A zoning. This is an important issue to the owners of the property, and denial of the use of the property for use as has existed for 30 years would subject the owners to economic hardship.

The appeal to the City Council is requested for the above-stated reasons. I would request this matter be placed on the agenda of the September 18, 2007 meeting of the City Council.

I appreciate your assistance, and would also appreciate your confirmation of this email. Please do not hesitate to call if you have any questions. Thanks.

Donald E. Wilson

Attorney at Law

P.O. Box 1285

Fayetteville, AR 72702-1285

(479) 443-2249

(479) 443-8016 (fax)

*Left on second reading 2/5/08
Tabled Indefinitely 10/2/07
9-18-07 Left on the First Reading*

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning 

Date: August 24, 2007

Subject: Rezoning for Hobson, Inc. (RZN 07-2667)

RECOMMENDATION

Planning staff recommended and the Planning Commission voted to deny rezoning the subject property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial for approximately 2.38 acres located at 7613 Wedington in west Fayetteville. The applicant has appealed the Planning Commission's decision to the City Council.

BACKGROUND

The subject property contains two parcels of property containing 2.38 acres. The property is located at 7613 Wedington Road. There are two buildings on the property, an office and a shop. The property is currently being used for Bud's Auto Repair shop. The backyard is currently being used to park cars that are being repaired in the shop. This property was annexed into the City as part of the general election in October 2006. The property has been used for various non-residential uses for several decades, and was most recently used as a custom cabinet shop starting in 2005. The building sustained fire damage in June 2006 and was completely remodeled. In approximately January 2007 the property was converted and opened as Bud's Auto Repair shop. The property is surrounded by rural residential properties all zoned R-A. Staff advised the owner and applicant that since the car repair shop is a change in non-conforming use a conditional use permit could be issued by the Planning Commission to allow the car repair shop to continue, or the property would have to be rezoned to C-2. Staff and the Planning Commission both recommended the applicant pursue a conditional use for the use of the property, as opposed to rezoning this property to C-2, which would constitute spot zoning and could lead to incompatible uses.

DISCUSSION

This item was heard at the regular Planning Commission meeting on August 13, 2007. The Planning Commission voted 7-0-0 to recommend denial of this rezoning request. The main issues discussed included the historic nature of non-residential use at this property and the potential for incompatible uses under the proposed C-2 zoning. Minutes from this meeting are included in the report.

BUDGET IMPACT

None.

EXHIBIT "A"

RZN07-2667

Close Up View

HOBSON INC.



Overview

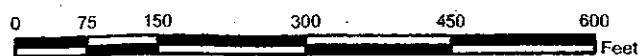


EXHIBIT "B"
RZN 07-2667

A PART OF THE SW ¼, OF THE SE ¼, SECTION 9, T-16-N, R-31-W DESCRIBED AS BEGINNING AT A POINT S1°17'49"W 39.12 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 16; THENCE S1°17'49" W 146.88 FEET; THENCE ALONG A FENCE S89°10'35" W 61.88 FEET; THENCE N0°40'45" E 148.25 FEET, TO THE SAID HIGHWAY RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S89°33'25" E 63.44 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO A 18.00 FOOT ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

-AND-

A PART OF THE SW ¼, OF THE SE ¼, SECTION 9, T-16-N, R-31-W DESCRIBED AS BEGINNING AT A POINT S1°17'49" W 186.00 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S1°17'49" W 381.00 FEET; THENCE N89°32'06" W 250.00 FEET; THENCE N1°17'49" E 373.33 FEET; THENCE ALONG A FENCE N88°41'34" E 188.33 FEET, N89°10'35" E 61.88 FEET, TO THE POINT OF BEGINNING, CONTAINING 2.17 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO: AN 18.00 FOOT ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

RZN 07-2667: (HOBSON INC., 433): Submitted by DONALD E. WILSON for property located at 7613 WEDINGTON (12611 HWY 16W). The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.38 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Andrew Garner, Senior Planner, gave the staff report. Garner discussed that the property has been used for non-residential uses since the structures on the property were first constructed. The property had been used for a cabinet shop prior to the current use as Bud's Auto Repair Shop. The cabinet shop was damaged by fire, remodeled and occupied by Bud's Auto Shop in approximately January 2007. Concerned property owners have contacted staff regarding the use of the property for auto salvage uses. Garner discussed with the applicant the option to allow for the business by a Conditional Use Permit (CUP) as a change in the nonconforming use, instead of rezoning. Staff finds that C-2 zoning would be incompatible and would not be consistent with the City's land use planning objectives and policies.

Donald Wilson (representative for the applicant) discussed that the property has been used by Hobson, Inc. since 1976. The property has been commercially used for years, and the owner has been paying commercial taxes. The current use is not auto salvage but auto repair. The owner has not received any complaints from neighbors. This property is part of an already urban area. The business in this location has always been used as a trade-type of business. Trade-type businesses are not allowed in the R-A zoning. The CUP would tie us to the Bud's Auto Repair Shop, which would limit the ability for future tenants. The proposed C-2 zoning fits this site for what has been used since 1976.

No public comment was presented.

Commissioner Winston asked if certain use units can be removed from the requested zoning.

Jeremy Pate, Director of Current Planning, responded that only the applicant can offer that use units be removed through a Bill of Assurance.

Kit Williams, City Attorney, explained what a Bill of Assurance is, and gave the example of Pop's Barbeque on 15th Street, discussing that the Planning Commission denied the request for C-2, and that the applicant subsequently appealed the decision to the City Council and offered a Bill of Assurance limiting some of the potentially objectionable uses, and that the City Council approved the request with the Bill of Assurance.

Commissioner Anthes asked when the Bud's Auto Repair Shop started operation on the property.

Pate stated January 2007.

Commissioner Myres asked if a CUP in the R-A zoning district would allow for trades and services.

Pate responded that trades and services are not allowed under the R-A zoning regulations. However

an existing nonconforming use may be changed to another nonconforming use by CUP permit. He discussed that staff tries to facilitate the use of the property. Pate discussed that a proposed C-1 zoning was debated extensively at the corner of Harmon Road and Hwy 16; this is a request for a much more intense use than that zoning, and is not located a corner.

Commissioner Myres stated agreement with staff's findings and that she cannot support the request as the C-2 zoning is too intense for this area, and that she hopes the applicant can bring forward a CUP application.

Commissioner Anthes asked if the property is two parcels.

Wilson stated that yes, the property is two parcels and that both parcels are needed to allow for the operation of a business.

Commissioner Winston asked if a CUP may be approved to allow for general trades and services, and not be specific.

Pate responded that in general, a CUP needs to be requested for specific uses to allow for staff to make a recommendation on that specific use. Pate read all of the uses allowed in the UDC under Use Unit 17, Trades and Services.

Commissioner Winston asked if the Planning Commission could approve a CUP to allow for Use Unit 17.

Pate responded that he had never seen a CUP of that nature, but that he supposed it was possible for the Planning Commission to approve such a request. It would be hard to make individual findings, though.

Commissioner Cabe asked if the rezoning request were denied, could the applicant return to the Planning Commission for a CUP request.

Pate replied yes.

Motion:

Commissioner Cabe made a motion to deny the request. **Commissioner Myres** seconded the motion.

Commissioner Ostner discussed that if the rezoning request were denied, the applicant may appeal the decision to City Council, and that they may offer a Bill of Assurance at that time if they wish.

Pate stated that it must be appealed to the City Council within 10 days from the Planning Commission's decision.

Commissioner Anthes stated that the Planning Commission would rather see a CUP than a rezoning to C-2 in this area.

Upon roll call, the motion to deny passed 7-0-0.



PC Meeting of August 13, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 7, 2007 Updated August 21, 2007

RZN 07-2667: (HOBSON INC., 433): Submitted by DONALD E. WILSON for property located at 7613 WEDINGTON (12611 HWY 16W). The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.38 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Property Owner: Hobson, Inc.
Planner: Andrew Garner

RECOMMENDATION:

Staff recommends denial of the requested rezoning request from R-A to C-2 based on the findings herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
☐ Forward to City Council (recommend approval)			<u>X</u> Denied
Date: <u>August 13, 2007</u>			
Motion: <u>Cabe</u>			
Second: <u>Myres</u>			
Vote: <u>7-0-0</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>
☐ Approved			☐ Denied
Date: <u>September 4, 2007 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property contains two parcels of property containing 2.38 acres. The property is located at 7613 Wedington Road. There are two buildings on the property, an office and a shop. The backyard is currently being used to park cars that are being repaired in the shop. The property is currently being used for Bud's Auto Repair shop. This property was annexed into the City as part of the general election in October 2006. The property has been used for various non-residential uses for several decades, and was most recently used as a custom cabinet shop starting in 2005. The building sustained fire damage in June 2006 and was completely remodeled. In approximately January 2007 the property was converted and opened as Bud's Auto Repair shop. Photos of the property are attached to this report. Staff advised the owner and applicant that since the car repair shop is a change in non-conforming use a conditional use permit is required to be issued by the Planning Commission to allow the car repair shop to continue, or the property would have to be re-zoned to C-2. It should be noted that per UDC Section 164.12(E)(5), when a nonconforming use of a structure is discontinued for six consecutive months, the structure shall not thereafter be used except in conformity with the regulations of the district in which it is located.

Public Comment: Staff has received several complaints from neighbors about the auto repair shop, stating that it should not be allowed, and that the property is being used as an auto salvage yard and not an auto repair shop.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North, South, East, and West	Rural Residential	R-A

Proposal: The applicant proposes to rezone the 2.38 acre property from R-A to C-2 to bring the historic non-residential uses, and current nonconforming auto repair use into compliance. The applicant discussed with staff that they do not want to apply for a conditional use permit for the auto repair shop, though it would be permitted by conditional use permit as a change in nonconforming use. The zoning criteria for R-A and C-2 are attached to this report.

INFRASTRUCTURE:

Streets: The site has access to Wedington Road/State Highway 16. Wedington Road is currently being widened by the Arkansas Highway Transportation Department to be a five-lane state highway up to Double Springs Road. The improvements do not extend west as far as the subject property. Wedington at this site is a two-lane state highway.

Water: Public water is located adjacent to the site. However this property is served by the Washington Water Authority instead of the City of Fayetteville.

Sewer: Sanitary sewer is not available on the site. The nearest public sewer main is at the intersection of Wedington/Double Springs Road, which is approximately 6,000 feet to the east of this site.

Fire: These 2.38 acres are covered by Engine 7 located at 835 Ruppel Road. It is 3.4 miles from the station with an anticipated response time of 5.75 minutes. There are no recorded hydrant flows in this area. The Fire Department does not figure calls for service for developments rezoning to C-2, Thoroughfare Commercial, but typically this type of development does not result in any increase in calls for service.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: The Future Land Use Plan adopted as part of the City Plan 2025 designates this site **Rural Area**. Rezoning this one specific property to C-2 would not encourage conservation and preservation, and could encourage suburban sprawl, in contrast to the currently adopted land use plan policies. While staff generally supports bringing non-conforming uses into compliance, a rezoning to C-2 has the potential to bring other higher impact uses into the area without adequate services to support urban development. Additionally, being that non-residential uses have been a historic use on this property for almost 30 years, the current auto repair use may become conforming with a conditional use permit. Rezoning the property to C-2 is not consistent with the land use plan, and long-range planning objectives for this area of the City.

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 rezoning is not consistent with future land use planning objectives, principles, and policies for Rural Areas. The Future Land Use plan identifies these areas to:

“...encourage conservation and preservation in any development pattern.”

“If developed, encourage alternative development patterns to achieve compatibility with surrounding rural areas.”

It is acknowledged that commercial uses as allowed in the proposed C-2 zoning district have been used on this property for several decades, prior to this property being annexed into the City. However, rezoning the property to C-2 does not assure the City that this property would be integrated into a compatible development pattern with the surrounding rural-residential uses.

The proposed C-2 zoning does not provide the City the assurance that the development would be compatible with the surrounding rural residential uses. In fact, staff has received several phone calls and in-person visits from neighbors in the vicinity complaining that the new auto shop on the property is not compatible, and is conducting auto salvage operations on the property. Staff has concerns with the compatibility of the existing auto shop and other commercial uses that would be allowed under the proposed C-2 zoning at this location. There are several non-conforming uses along this area of Wedington as a result of general election annexation into the City in 2006. Staff finds the potential to support a change in some of the nonconforming non-residential uses along Wedington Road through the conditional use process to ensure compatibility of those uses. However allowing a C-2, Thoroughfare Commercial zoning district adjacent to rural residential uses on the outskirts of the City is not consistent with the Future Land Use Plan guiding policies and strategies. As the City Plan 2025, indicates this vicinity is designated as a Rural Area.

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 not justified. The applicant's stated intent is to rezone the property to bring the non-conforming use into compliance and to recognize the historic commercial use on the property. While staff recognizes that this property has been historically used for non-residential uses, staff would recommend a Conditional Use Permit to allow for a change in the non-conforming use if desired. A C-2 zoning allows several intense uses that are more appropriate in urban centers and at designated commercial nodes, and may be objectionable to surrounding rural residential uses.

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

Finding: The size of the subject property will limit a great increase in traffic danger and congestion, due to the size of development generated by 2.38 acres. Planning of any future commercial development on this site must address safe access concerns. At the time of development, improvement to this street may be required; and ingress/egress evaluated carefully.

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 would not increase population density.

Increased load on public services was taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. The site does not have access to City water or sewer, and the property is located on an unimproved two-lane highway. The existing infrastructure is a concern with the urban uses that would be allowed under the proposed C-2 zoning.

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

FAYETTEVILLE UNIFIED DEVELOPMENT CODE

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District,

provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.18 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 & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

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
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *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.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07)

Fayetteville Unified Development Code Chapter 162

(C) Unit 17. Trades and services

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing household and automotive maintenance and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage.

(2) *Included uses.*

Retail trade establishments, general:	•Automotive sales, service and repair, including body shop * •Buses •Manufactured home sales •Motorcycle sales, including service and repair •Truck sales, including service and repair •Trailer sales, camping, hauling, travel •Used car lots •Farm supplies and equipment and repair
General merchandise establishment:	•Direct selling
Merchandise vending machine operations	
Institutional furniture and furnishings	
Marine craft, sales & service:	•Boats and accessories
Medical and orthopedic appliances	
Personal help:	•Animal hospital •Auctioneer •Bindery •Body piercing •Cabinetmaker •Frozen food locker •Drapery service •Linen supply and industrial laundry •Packing and crating •Rug cleaning •Tattoo services •Taxidermist •Tool sharpening repair service •Armature rewinding •Auto wash •Electrical repair service •Furniture repair •Motor repair •Radio and television repair •Reupholstery •Rug repair

The subject property is part of 1,419.30 acres in the Highway 16 corridor annexed into the City in 2006, and zoned Residential Agricultural (R-A) upon annexation.

The subject property is located along and adjacent to Highway 16 West, approximately four miles west of the Interstate 540/Highway 62 intersection. There is one commercial building on the real property, which is believed to have been built in or about 1976. The present owners purchased the property in 1984. Prior to 1984, the building had been used as a television repair shop, a custom drapery shop, and a used furniture store. From 1984 until 2001, the present owners operated a printing business at the location. In 2002, the building was used as a cheerleading training school. In 2003 and part of 2004, the building was used as warehouse for a moving and storage operation. In 2005, it was the location of a custom cabinet shop. The building sustained fire damage in June 2006 and was completely remodeled. The property has now been leased to Bud's Foreign Car Repair. The present owners do not anticipate there will be any significant change or adverse affect on surrounding properties.

The reason for requesting the zoning change is to conform the property to its most compatible historical use following annexation into the Fayetteville city limits.

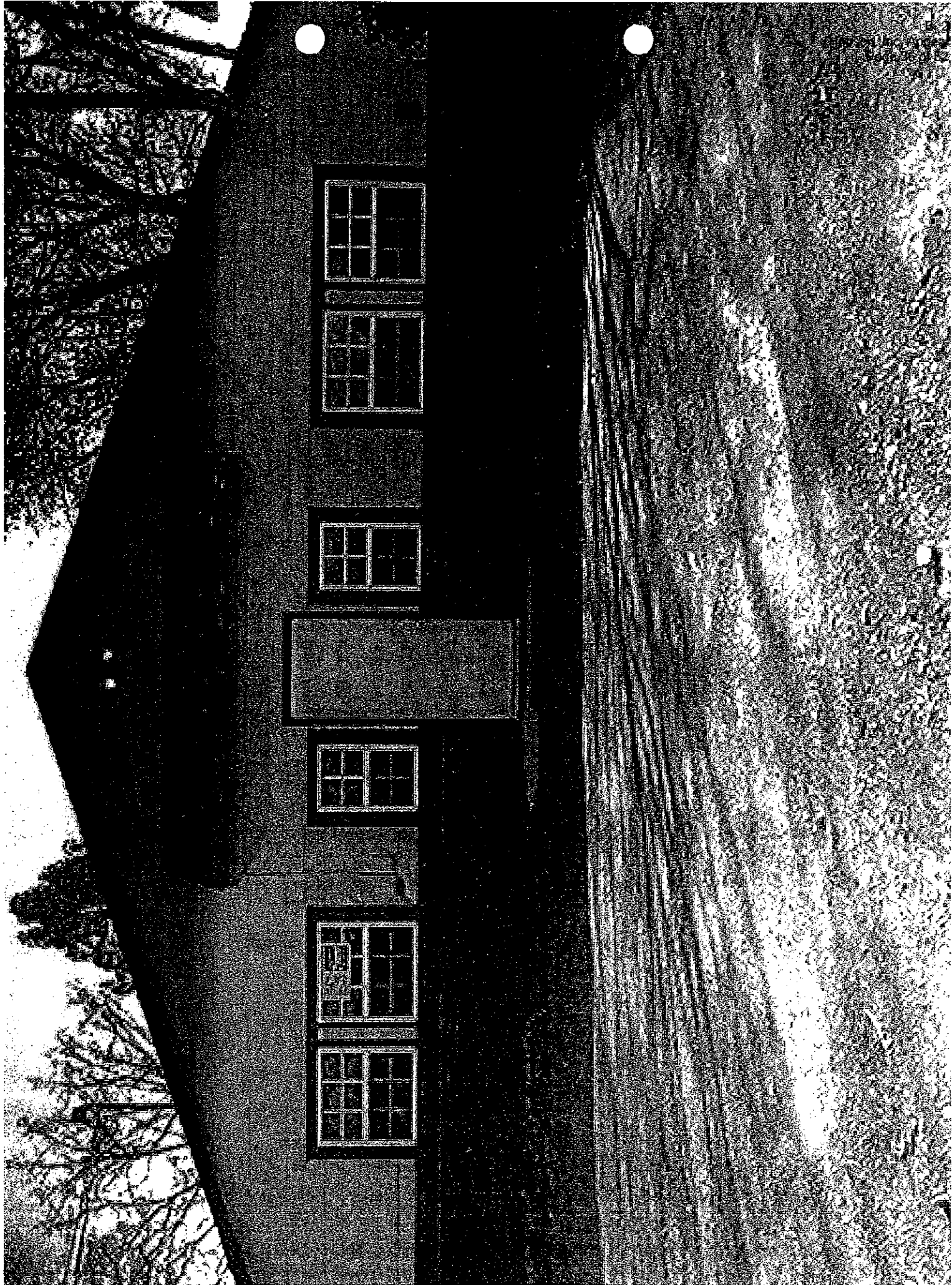
The present owners believe that under the Zoning Districts Code adopted by the City of Fayetteville, a C-2 classification would be the most compatible to the pre-annexation and historical uses of the property, and the classification that is most consistent with its pre-annexation and present use. A zoning classification is also compatible with the surrounding area and other businesses in the area along the Highway 16 corridor. The property is adjacent to and contains highway frontage along Highway 16. Highway 16 is a major highway access artery to Fayetteville on the Fayetteville Master Street Plan, and the subject property caters to the highway traveler. Numerous businesses are located along Highway 16 on both sides of the subject property, including a used auto sales business, an automobile service business, a machine shop business, and a heavy equipment sales business.

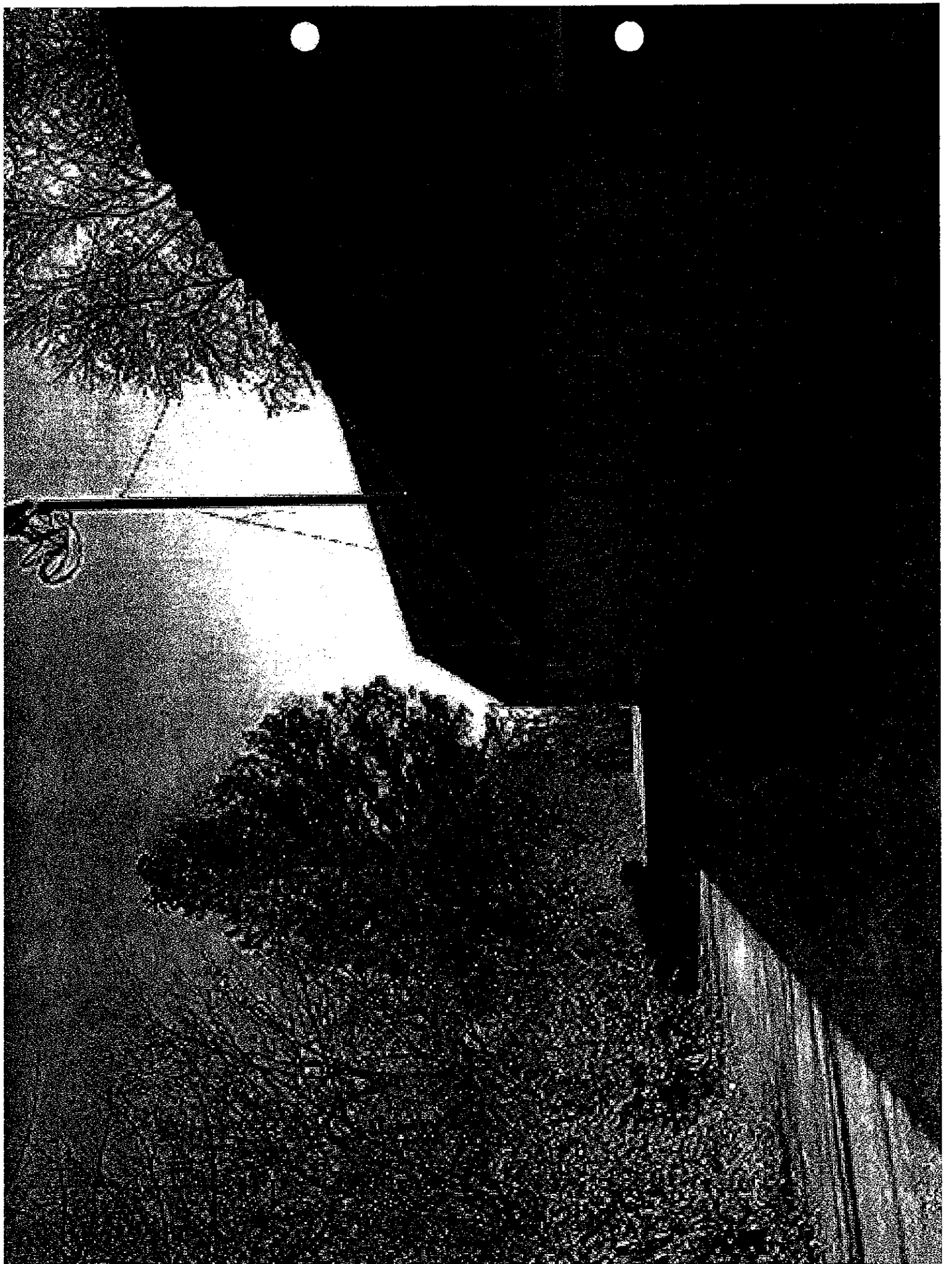
At the time of the City's annexation of the property in 2006, water was provided to the subject property through the ~~through the~~ Washington County Water Authority. As of the date of this application, the City of Fayetteville has not taken over responsibility for providing water, nor is sewer service~~d~~ provided by the City of Fayetteville.

Attached hereto are two photographs, the first being a view of the front of the building with highway frontage along Highway 16, and the second being a view along the east side of said building. Both photographs are viewed from the perspective of Highway 16.

There are no pending sales for the property, and it is anticipated there will be no change or adverse affect upon surrounding properties.

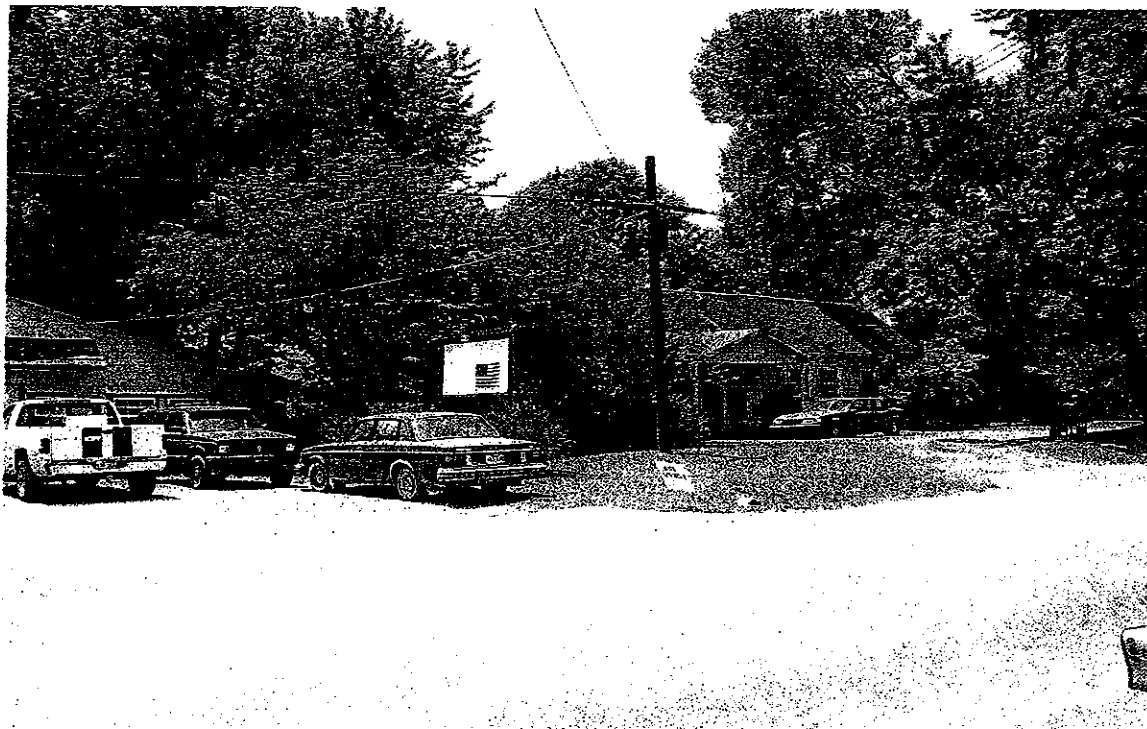
Accordingly, the present owners request re-zoning of the subject property from its present annexed zoning classification to its more compatible use of C-2.



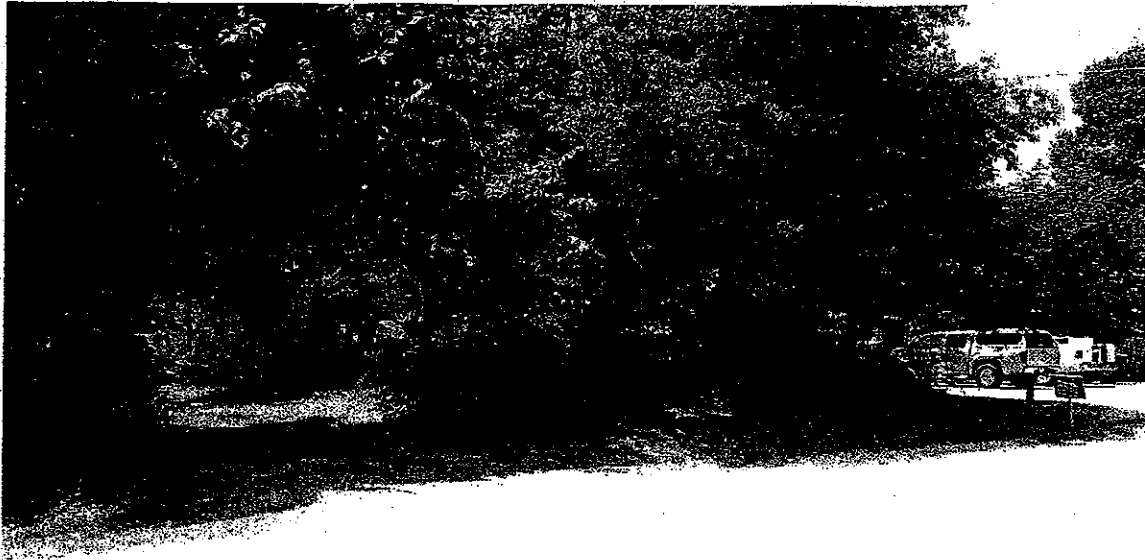




1. View from Wedington looking south at the subject property.



2. View from Wedington looking southwest at the subject property and the adjacent single family residence to the west.



3. View from Wedington looking south at the entrance into the rural residential property adjacent to the east of the subject property.



4. View from Wedington looking north at the adjacent rural residential use across Wedington from the subject property.



5. View of the backyard on the subject property.



6. View looking north at the rear of the shop on the subject property.

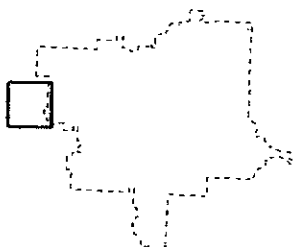
RZN07-2667

HOBSON INC.

One Mile View

SUBJECT PROPERTY

Overview



Legend

Subject Property

 RZN07-2667

Boundary

Legend

0 0.25 0.5 1
 Miles

RZN07-2667

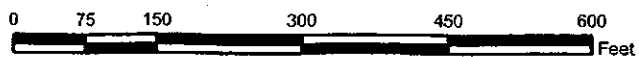
HOBSON INC.

Close Up View



SUBJECT PROPERTY

Overview



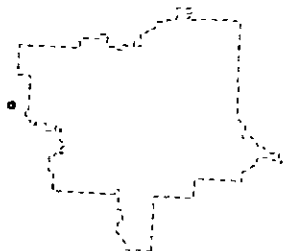
RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

Overview



Legend

Subject Property

 RZN07-2667

Streets

 Existing

 Planned

Boundary

 Planning Area

 Overlay District

Legend

0 75 150 300 450 600
 Feet

Hobson, Inc. Appeal Handed out at
the City Council
Meeting 10/2/07

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner of this property (hereinafter "Petitioner") Hobson, Inc., an Arkansas Corporation, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

Petitioner holds title to, and seeks a rezoning classification for, the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the

terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning requests.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Use Unit 12, Use Unit 17, and Use Unit 25 as described and set forth in Chapter 162, Title XV, of the Unified Development Code for the City of Fayetteville, Arkansas.

2. Other restrictions including number and type of structures upon the property are limited to _____

3. Specific activities will not be allowed upon petitioner's property include any uses not included in Use Units 12, 17, and 25 described above; and any activities related to: (a) body piercing and tattoo services; (b) manufactured homes; and (c) the sale and repair of large commercial type vehicles otherwise allowed under Use Unit 17, to include buses, trucks, trailers, and farm equipment

4. (Any other terms or conditions) An area consisting of no less than twenty (20) feet in width and running adjacent and along the south property line of the subject property shall serve as a buffer zone between the subject property and the neighbors to the south of the subject property. The buffer area shall be maintained in conformity with the remainder of the subject property, but shall not be used for any purpose other than landscaping and/or natural vegetation growth. If requested by the City of Fayetteville at any time, a privacy fence or a natural vegetation barrier (such as hedge), shall be constructed along the said boundary line to the rear (south) of the subject property.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above,, Hobson, Inc.,, as owner (Petitioner) **voluntarily offer** all such assurances and sign my name below.

Hobson, Inc.

October 2, 2007
Date

By: David Pearce, President
David Pearce, President

Rt. 6, Box 269-1
Fayetteville, AR 72701

By: Patricia Pearce, Secretary
Patricia Pearce, Secretary

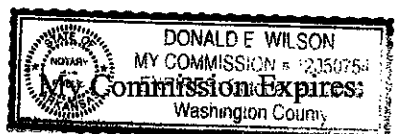
NOTARY OATH

STATE OF ARKANSAS

COUNTY OF WASHINGTON

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And now on this the 2d day of October, 2007, appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, after being placed upon their oath swore or affirmed that they agreed with the terms of the above Bill of Assurance in their aforesaid capacities of said corporation and on behalf of said corporation, and signed their names above for the consideration, uses and purposes therein mentioned and set forth.



[Signature]
NOTARY PUBLIC

*Hobson, Inc. Appeal
Handed out at
the City Council
Meeting 9/18/07*

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW ¼, of the SE ¼, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this 18 day of September, 2007.

Hobson, Inc.

By: David Pearce, President
David Pearce, President

By: Patricia Pearce
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this 18 day of September, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

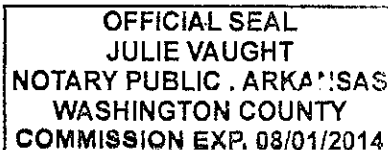
My Commission Expires:

8-1-2014

(Note: Legal Description is
not scrivener's description)



Notary Public



*Add to Final
Hobson, Inc. Appeal
9/18/07 Agenda.*

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

Left on the first reading 9/18/07

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this _____ day of _____, 2007.

Hobson, Inc.

By: _____
David Pearce, President

By: _____
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this _____ day of _____, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

(Note: Legal Description is
not scrivener's description)

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: January 31, 2008

Subject: Residential Planned Zoning District for Arcadian Court (R-PZD 07-2680)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Arcadian Court, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 1.69 acres located on Deane Street, just east of Lewis Avenue. The proposal is for a residential development consisting of 11 single-family residential dwelling units, with a density of 6.50 units/acre.

BACKGROUND

The subject development was discussed by the City Council on September 17 and October 2, 2007. The proposal was tabled at the request of the applicant due to concerns voiced by council members, including the project density, 0' side setbacks and the lack of specific architectural standards. The project is still proposed at 6.50 units/acre, but the applicant has refined the project layout to incorporate varying side setbacks. Additionally, the actual floor plans proposed for each lot have been included in the project booklet along with supporting building elevations and photographs of existing structures from the surrounding neighborhood to describe the relationship of planned homes to those existing in the area.

The subject property is located on Deane Street, just east of Lewis Avenue and is zoned RSF-4. The property contains approximately 1.69 acres and was originally developed with one single-family home. The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 11 single-family lots. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

DISCUSSION

On August 27, 2007 the Planning Commission voted 7-0-0 in favor of forwarding this request to the City Council. On October 2, 2007 the project was tabled on the second reading by the City Council.

BUDGET IMPACT

None.

ARCADIAN COURT

Project Revisions:

Changes to Arcadian Court consist of slight changes to the setbacks to allow usable outdoor spaces and privacy. Appendix A was added which provides conceptual layouts and plats of the neighborhood. Careful consideration and thought was given to the overall layout of the neighborhood, as well as, the selection of home plans which allow for pergolas, patios, and lush landscaping.

Some neighbors expressed a concern of how well the neighborhood would fit in or match the surrounding properties. We responded to these comments with our objective to blur the lines between new and old and create a community offering modern construction materials while at the same time preserving the historic heritage of the area. Our inspiration for the design and architectural style of the homes was derived from existing homes in close proximity to the site. We added Appendix C which illustrates the style of the homes as well as the homes that we used for inspiration.

Other revisions worth noting consist of the following:

- Minor verbiage changes in sections A. Representative/Current Ownership of the Property and B. Summary (Scope, Nature, and Intent)
- We have designed the street according to the Residential Street Design 2A this results in a 21 foot wide street with a 43 foot ROW. This is discussed briefly in Section 1. Street and Lot Layout.
- An Appendix has been added that provides great visuals to help convey our vision for the neighborhood.
 - Appendix A – Conceptual Plat and Technical Plats
 - Appendix B – Actual Floor Plans which will be used in Arcadian Court
 - Appendix C – Architectural Renderings and Elevations
- Section 3. Buffer Areas and Section 4. Tree Preservation has significant changes and corresponds to the landscaping shown on the conceptual plat. We are planning on heavily landscaping this project with at a minimum of what is shown on the conceptual plat. Highlights of the landscaping include a front sidewalk which meanders through landscaping and garden areas, a tree lined street where the canopy will ultimately stretch over the top of the street, a landscaped "island," a focal point upon entering where the alleys intersect with Arcadian Court, and then another focal point at the end of the street with a flagstone path which invites residents to use the open green space and soccer fields to the east of Arcadian Court. All homes will be fully landscaped and totally sodded. We will make the detention pond an attractive space with lush landscaping and public spaces.
- Section 8. Development and Architectural Design Standards contains the actual floor plans that will be built in Arcadian Court and the lots that correspond with these floor plans. Appendix B shows the foot print of the floor plan.
- Section 9. Building Elevations discuss our idea for the form and theme of the neighborhood. We spent a significant amount of time researching the adjoining neighborhoods and attempting to select home exteriors that combined the new building materials but also fit into the adjoining neighborhoods. Appendix C shows the exterior elevations and the corresponding homes where we drew inspiration.
- Section D. Proposed Development Phasing and Timeframe was updated.
- Under Section F Part E. Setback Requirements we made some changes. The Setback Requirements Table at the bottom of page 9 details out the setbacks for each lot in the project.

Arcadian Court accomplishes infill and revitalization of an existing neighborhood while at the same time offering residents an affordable, quality constructed home in a great location. This will be a very desirable place to call home.

Thank you for giving this project your time and consideration.

Tim Brisiel
Legacy Ventures, LLC

City Council Meeting Minutes

City Council Meeting Minutes
September 18, 2007
Page 29 of 43

~~Alderman Jordan moved to table the ordinance to the October 2, 2007 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion to table passed unanimously.~~

~~This ordinance was tabled to the October 2, 2007 City Council meeting.~~

✓ **R-PZD 07-2680 Arcadian Court:** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the project.

This item is for concept level approval only so it's not a full development plan, if it is approved we would review this through our preliminary plat process which includes the preliminary drainage plans, streets and everything that is associated with a preliminary plat. This project has been in front of the Planning Commission many times. In previous considerations of this property's development cycle it has been primarily a multi-family project. This is a single family detached dwelling unit project. It is proposing 11 single family residential dwelling units with a density of approximately 6.5 dwelling units per acre. The multi-family project's that have come before and previous considerations have all been either tabled or denied by the Planning Commission. Most of the concerns that were cited at that point in time by neighbors were that the single family product is more appropriate within the area especially east of Lewis Avenue. West of Lewis Avenue is RMF-40 and RMF-24 primarily, east of Lewis Avenue is either agriculture which is the University Farms and the Lewis Soccer Complex or it is RSF-4. The Planning Commission voted in favor of this project unanimously and recommended it to Council with no public comment voiced at that meeting. Staff is also recommending approval finding that the rezoning in this area is still a single family project. It's from RSF-4 to this PZD. It increases the density by 2.5 unites per acre however it is an appropriate use in that it is single family, residential, and it is within town close to Deane and Lewis Street which provides at least two points of ingress and egress out of this area. A stub out would be provided to the south for this project. Staff is recommending approval. As I mentioned this is for concept level approval and would have to go back through a full development review process by the Planning Commission should you approve it.

Alderman Lucas: This is just pictures. This is not what the houses will look like.

Jeremy Pate: It very well could be, with single family we never have elevations. We don't require them at all. These are examples of the lots that are shown in your site plans. The floor plans I believe are right out of those floor plans.

Alderman Lucas: The lot widths? I thought they were 48 feet wide.

City Council Meeting Minutes
September 18, 2007
Page 30 of 43

Jeremy Pate: Their proposal is to have one side be a zero lot line. So on one side of the property you could build to the property line and the other side of the property would have a larger lot area. The lot minimum width as you mentioned is 48 feet. The side setbacks are zero feet on one side and five feet on the other.

Alderman Lucas: Five feet on the other.

Jeremy Pate: Correct.

Alderman Lucas: So there will be five feet between the houses.

Jeremy Pate: Right. If they're all built at the dimension that you mentioned.

Mayor Coody: Is this a rear loading neighborhood? Rear loading garages.

Jeremy Pate: Some of the houses will have to be accessed from the front. The houses that face onto Deane Street we recommended that they face out onto Deane Street and have rear loading. Four of the homes would be off the private shared alley drive from the back and the remainder of them would have separate driveways for those homes.

Alderman Jordan: I want to hold this on the second reading.

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 Lucas: Houses 1, 2, 11 and 12 are they going to face Deane Street?

Tim Brisiel, Builder & Developer: This neighborhood is unique in that we have four lots across the front that will be face Deane Street. They will all have front porches and they will face and cater to Deane Street. They have rear access garages coming off the alley. There are two clusters there and six lots that will be served off of those two alleys.

Alderman Lucas: Six lots?

Mr. Brisiel: Six lots, there are four lots across the front that are facing Deane Street and those will be rear load garages. The two to the south of that on either side of the new street that is proposed will be side load garages.

Alderman Lucas: Three and ten?

Mr. Brisiel: Yes ma'am, three and ten. The garage will be in the back and it will be a side load garage. The intent was on a 48 or a 50 foot wide lot, I don't want to drive down the street and just see garages. As you move further to the south and deeper into the subdivision they are front

City Council Meeting Minutes
September 18, 2007
Page 31 of 43

load garages. We designed it so that as you drive down the street you're seeing the front door, the entry, a courtyard and the garage is second. We could have reversed it so that you would just see garages. It should look very nice.

Alderman Jordan: Can you provide us some pictures of the modern marvels that you're building over there please. I would really feel a whole lot better if I knew what they were going to look like.

Mr. Brisiel: The elevations and the floor plans are in the packet. The focus was more on the form of the subdivision and the lay out of the subdivision overall. My goal is to put an affordable, obtainable house, with three bedrooms and two baths on this property. I didn't say new urbanism necessarily. It's still a ranch-style home with the front porch and with the rear load garage.

Alderman Jordan: Okay.

Mr. Brisiel: It's new urbanism in that it is a traditional neighborhood where the setbacks are a little less of a setback. So you have a little more of a front porch and the home sits closer to the street.

Alderman Jordan: Okay. I would like to see what they're going to look like.

Alderman Lucas: I think what we're looking for is what the house is going to look like.

Mr. Brisiel: It will be brick and rock and if there is siding it will be hardie backer siding.

Mayor Coody: I think the question they are asking is the French Country style that's depicted here in your drawings, is it going to be roughly along that line too?

Mr. Brisiel: Yes. I use ranch as a single story traditional brick.

This ordinance was left on the Second Reading.

VAC 07-2688 Walgreens: An ordinance approving VAC 07-2688 submitted by Springfield Holding Group, LLC for property located at the northeast corner of 6th Street (HWY 62W) and One Mile Road to vacate a utility easement on the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a description of this item.

One of the conditions of approval for this project was requiring them to proceed with a request to vacate a 15 foot utility easement. The reason they need to vacate that utility easement is to count some of the existing trees that are within the utility easement as preserved trees. With the utility easement in place utility companies have the right to come and remove any of that tree canopy

City Council Meeting Minutes
October 2, 2007
Page 7 of 22

Mayor Coody: Thank you very much for your presentation.

R-PZD 07-2649 (College Avenue Townhomes): An ordinance establishing a residential planned zoning district titled R-PZD 07-2649, College Avenue Townhomes, located southeast of College Avenue and Golden Eagle Drive; containing approximately 2.34 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Third Reading at the September 18, 2007 City Council meeting and Tabled to the October 2, 2007 City Council meeting.*

Jeremy Pate: I wanted to remind the Council that you amended and added a condition about structural foundations at the last meeting.

Alderman Cook: The retaining walls are still a concern of mine but we have passed a hillside ordinance that allows development in certain areas of town that we typically would not allow. While I struggle with how this development is going to be built I will adhere to that policy that we did put in place. I am not convinced that it is the right thing to do.

Jeff Bates, Engineer on the project shared with the Council some pictures of retaining walls that have been built in Fayetteville.

A discussion followed on the retaining wall structure.

Alderman Thiel: My comments is about the elevation of the building and I realize we do not have design standards for multifamily so we can not really dictate that.

Lex Broyles, Developer: The buildings will not be identical. This will be something that we are very proud to put our name on.

Alderman Jordan asked questions about the foundation.

Alderman Ferrell: We have had no comments regarding this from citizens.

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

Ordinance 5064 as Recorded in the Office of the City Clerk

R-PZD 07-2680 (Arcadian Court): An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting.*

City Council Meeting Minutes
October 2, 2007
Page 8 of 22

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 unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Jordan: This was shown at the Ward 4 meeting. There were some mixed reviews about the density of the project.

Ron Chioldi, resident of Heafly Street: I think the project looks good. I am all for density and infill in Fayetteville. I think there are two types of density and infill. One type of density is young professionals and families and the other kind is students. I think we need to make this project as enticing as we can to those young professionals and families to move into the neighborhood. I am not convinced this project does that. I don't think it is connected to the neighborhood at all. It is an entity unto itself. There are no sidewalks, trails or roads that connect it to the neighborhood. While I appreciate the density I think these may be a little too close, they are ten feet apart from each other. The history of these types of projects in our neighborhood is not very good. I would urge you to vote against this.

Alderman Thiel: The more I look at this project the less I like it.

Tim Brisiel, Developer & Builder: We feel this is the best use for this land. The direction that we received from the Planning Commission was that a higher density would be suitable for that location as long as it is detached single family homes. We did the zero lot line orientation so that we could maximize the useable space on one side of that property due to the narrow lot. We are trying to appeal to the young professional group. We are trying to put an attainable housing on the market in Fayetteville which is difficult to find. We laid it out with the intentions of a community feel.

Tim gave a brief description of the project.

Alderman Allen: The Council has made attainable housing a number one priority. Nothing is going to be perfect about it. I think it has been balanced out to waylay the fears of the neighbors that it would be snatched up by students. I don't think the distance between the houses is a big deal. I don't see this as being a detriment to the neighborhood.

Tim Brisiel: If you look at similar subdivisions they may not be the zero line orientation but density and zero lot lines is not always a bad think. There are many subdivisions where on either side of the homes there is less space than we have right here. We have more usable space on one side of the home.

Alderman Lucas: This looks real good on paper. This neighborhood is one of those neighborhoods that is not fancy, the homes around there are very modest and it is one of those neighborhoods that we have tried to protect. We have a lot of apartments between Lewis and Porter Road. This is an old neighborhood and they have had to fight everything. It needs to be RSF-4 to preserve compatibility with the rest of the neighborhood. To me infill can create sprawl sometimes. It forces families with children to move farther out. If we don't protect these

City Council Meeting Minutes
October 2, 2007
Page 9 of 22

established neighborhoods we are going to have another Leverett School situation. Families want a little space around their home for their children and so they are having to move out. That really bothers me and worries me. I would like to see this as RSF-4.

Alderman Jordan: My thoughts echo Shirley's. I have had several contacts with residents in the area. There were concerns at the Ward 4 meeting about people buying and putting students in them which there is nothing we can do about that. This neighborhood has for years fought different developments. I think the R-6 is a little too dense. I also have problems with access. It is just not compatible with the neighborhood. I will not be able to support it.

Mayor Coody: If this fails it will be a year before you can come back without some substantial changes. It looks like you have a good chance of having your project turned down tonight. So do you want to go ahead and move forward with that or do you want us to table it and you come back with a different plan and maybe visit with the Ward 4 folks some more?

Tim Brisiel: I prefer to table it.

Alderman Jordan moved to table the ordinance indefinitely. Alderman Lucas seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

Hobson, Inc. Appeal: An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: A signed copy of the bill of assurance in the acceptable format by the City Attorney has been submitted. This is an appeal of the Planning Commission's decision to deny this project unanimously. Staff also recommended denial. I can not speak for the Planning Commission but from our perspective and findings in the rezoning request, the bill of assurance does not alleviate those concerns. Staff still has concerns with this.

Alderman Ferrell: What was your concern about the bill of assurance?

Jeremy Pate: Any bill of assurance is hard to track. They can be amended to the Council without notification to the property owners and without the Planning Commission making a recommendation.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

18-Sep-07

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 07-2680: Arcadian Court, 365: Submitted by Dave Jorgensen for property located at 1631 West Deane Street containing approximately 1.69 acres. The request is for zoning and land use approval only for a Residential Planned Zoning District with 11 single-family units.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached


Department Director

9-6-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

8-31-07

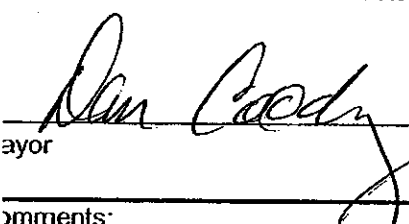
Original Contract Number: n/a

Paul A. Beech
Finance and Internal Service Director

9-4-07
Date

Received in City Clerk's Office

ENTERED
8-31-07


Mayor

9/4/07
Date

Received in Mayor's Office

ENTERED
9/4/07

Comments:

Tabled Indefinitely 10/2/07
9-18-07 Left on the Second Reading

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: August 30, 2007

Subject: Residential Planned Zoning District for Arcadian Court (R-PZD 07-2680)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Arcadian Court, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 1.69 acres located on Deane Street, just east of Lewis Avenue. The proposal is for a residential development consisting of 11 single-family residential dwelling units, with a density of 6.5 units/acre.

BACKGROUND

The subject property is located on Deane Street, just east of Lewis Avenue and is zoned RSF-4. The property contains approximately 1.69 acres and was originally developed with one single-family home. The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 11 single-family lots. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

As noted in the staff report, there have been several rezoning and development requests for the subject property dating back to 2003. None of the previous requests were forwarded by the Planning Commission to the City Council. The most recent application, requesting 16 units in single-family and multi-family buildings, was recommended for denial by staff, and denied by the Planning Commission.

DISCUSSION

On August 27, 2007 the Planning Commission voted 7-0-0 in favor of forwarding this request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2680, ARCADIAN COURT, LOCATED AT 1631 WEST DEANE STREET; CONTAINING APPROXIMATELY 1.69 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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 RSF-4, Residential Single Family, 4 units per acre to R-PZD 07-2680, Arcadian Court, as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: 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 , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

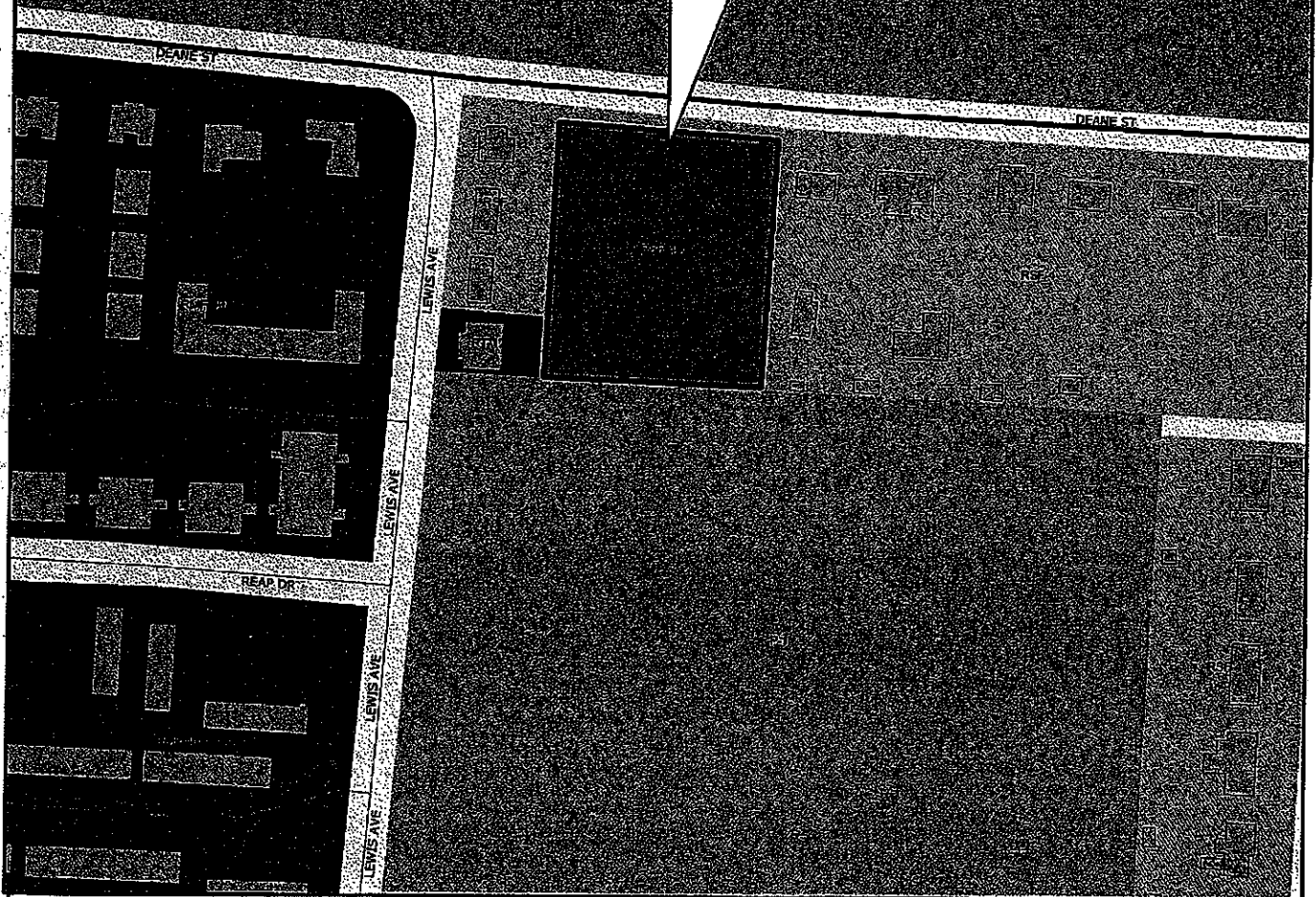
RPZD07-2680

Close Up View

ARCADIAN COURT



SUBJECT PROPERTY



Overview



0 75 150 300 450 600
Feet

EXHIBIT "B"
R-PZD 07-2680

A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 5, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SW1/4, SE1/4 THENCE S86°56'57"E 184.08 FEET TO THE P.O.B., THENCE N03°15'08"E 296.95 FEET, THENCE S84°56'54"E 253.42 FEET, THENCE S03°57'22"W 288.13 FEET, THENCE N86°56'57"W 249.76 FEET TO THE P.O.B.; CONTAINING 1.69 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

CONDITIONS OF APPROVAL:

R-PZD 07-2680

Page 1 of 3

The Planning Commission and Staff recommend the following conditions of approval associated with R-PZD 07-2680 (Arcadian Court).

Conditions of Approval:

1. Planning Commission determination of street improvements. The Planning Commission will make final determinations of street improvements at the time of development. At minimum, *staff will recommend that Deane Street be improved 14' from centerline including pavement, curb, gutter, storm drains, and a 6' sidewalk.*
2. Planning Commission determination of adequate connectivity. A single street stub-out is proposed to a large undeveloped property to the south, currently utilized for athletic fields by the City. *Staff recommends in favor of the proposed connectivity finding that the proposed stub-out will allow for a future connection in a logical location.*
3. Curb-cuts shall be limited to a maximum width of 16' at the right-of-way and shall be at least 5' from the property line. Shared driveways may be increased to 24' at the right-of-way and may be located on the property line. Lots with rear alley access shall be prohibited from having curb-cuts onto the street.
4. This project is required to go through preliminary plat and final plat review and approval prior to construction.
5. The applicant shall dedicate right-of-way for streets pursuant to the Master Street Plan at the time of final plat approval.
6. The project is subject to the project phasing listed in the project booklet. The applicant shall have one year from City Council approval of the Planned Zoning District to obtain all permits necessary, including preliminary plat approval and construction plan approval, to begin construction and three years to obtain final plat approval. A one-time, one year time extension is available for each specific time limit subject to Chapter 166.20 of the Unified Development Code.
7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
8. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present, and to have varied facades to provide variety within the overall development.
9. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which would not allow a sign for the subject development.

CONDITIONS OF APPROVAL:

R-PZD 07-2680

Page 2 of 3

10. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
11. This development shall be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development, subject to approval by the Urban Forester.
12. Prior to preliminary plat submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.
13. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.
14. If required, the two existing utility easements on the property shall be vacated and any existing utility lines relocated at the owner/developers expense prior to construction approval.
15. The following revision(s) shall be made prior to submittal for City Council review:
 - a. Change the building area on the plats from 1,400-1,500 to a maximum of 42%.

Standard Conditions of Approval:

16. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
19. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
20. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.

CONDITIONS OF APPROVAL:

R-PZD 07-2680

Page 3 of 3

21. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
22. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions



Planning Commission Meeting
August 27, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 8, 2007 Updated August 30, 2007

R-PZD 07-2680: Residential Planned Zoning District (ARCADIAN COURT, 365): Submitted by DAVE JORGENSEN for property located at 1631 W. DEANE STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.69 acres. The request is for Zoning and Land Use approval only for a Residential Planned Zoning District with 11 single family units.

Planner: Jesse Fulcher

Findings:

Property Description: The subject property is located on Deane Street, just east of Lewis Avenue and contains an existing single-family structure. Surrounding land use and zoning are listed in *Table 1*.

(Table 1) Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Vacant-University Farm	R-A, Residential Agriculture
South	Soccer Fields	P-1, Institutional
East	Single-family homes	RSF-4
West	Single-family dwellings/two-family dwelling	RSF-4/RT-12

Proposal: The request is rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 11 single-family lots and 1 lot for detention. If the PZD is approved as proposed the project would be required to go through preliminary and final plat approval prior to development.

Adjacent Master Street Plan Streets: Deane Street (Minor Arterial)

Right-of-way to be dedicated: Right-of-way in the amount of 45' from centerline for Deane Street shall be dedicated with approval of the final plat.

Connectivity: Property to the east and west is currently developed for single-family residences, and property to the south is currently undeveloped property owned by the University of Arkansas. Accordingly, a street stub-out is proposed to the south to connect to any future development.

Phasing: The applicant is proposing to develop the property in one phase. The applicant shall have one year from City Council approval to obtain all necessary permits for development and three years to obtain final plat approval with a one year extension available for each time limit pursuant to Chapter 166.20 of the Unified Development Code.

Water & Sewer: Water and sewer lines would be extended to serve the development.

Tree Preservation: This development will be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development, requiring a 25% tree preservation percentage as a baseline.

Public Comment: Staff has received several letters from adjacent property owners who are opposed to the subject development, citing such concerns as density, small lot sizes, reduction in property values, an overabundance of un-sold and rental properties in the area, and the architectural compatibility of the development with the surrounding neighborhood.

In 2003, planning staff recommended denial of a rezoning request to R-1.5 (Residential Two and Three Family) for the subject property and the request failed for lack of a motion by the Planning Commission. Both staff and the Planning Commission recommended the most appropriate action to take for development other than single-family homes at four units per acre was to utilize the PZD process.

In January of 2006, an applicant again requested a rezoning of the subject property to RT-12, Residential Two and Three Family (same designation as previous R-1.5, with a different name) with a Bill of Assurance limiting the development to eight (8) two-family homes (16 units). Staff recommended denial of the rezoning; however the applicant withdrew the rezoning request prior to the Planning Commission meeting.

In June of 2006, an applicant requested a Residential Planned Zoning District on the subject property for a maximum of 16 dwelling units (8 multi-family dwelling units, 4 two-family units and 4 single-family dwelling units). Staff again recommended denial of the request finding that proposed density and land use was not compatible with surrounding properties, which are predominantly single-family. The Planning Commission denied the request 5-1-0 on June 12, 2006.

The property to the southwest was rezoned RT-12 in 1993. The applicant requested the rezoning on the subject property in order to meet the zoning requirements for development of a single duplex. Under the RSF-4 (R-1) zoning, the lot did not meet the lot width and lot area requirements for the construction of a duplex. However, under the RT-12 (R-1.5), a duplex could be constructed on the property, but the size of the lot would prohibit the construction of three or more units. The Planning Commission voted 6-2-0 to recommend approval of the rezoning request to the City Council. The City Council approved the rezoning request 8-0 on May 4, 1993, allowing for single two-family structure to be located on the property.

Recommendation: Finding that the proposed rezoning and development approval meets many of the primary goals of the Planned Zoning District ordinance and policies adopted within the City Plan 2025 as noted herein, staff recommends forwarding **R-PZD 07-2680** to the City Council with a recommendation for approval.

Conditions of Approval:

1. Planning Commission determination of street improvements. The Planning Commission will make final determinations of street improvements at the time of development. At minimum, *staff will recommend that Deane Street be improved 14' from centerline including pavement, curb, gutter, storm drains, and a 6' sidewalk.*
2. Planning Commission determination of adequate connectivity. A single street stub-out is proposed to a large undeveloped property to the south, currently utilized for athletic fields by the City. *Staff recommends in favor of the proposed connectivity finding that the proposed stub-out will allow for a future connection in a logical location.*

8-27-07 PLANNING COMMISSION: THE PLANNING COMMISSION FOUND IN FAVOR OF THE PROPOSED CONNECTIVITY.

3. Curb-cuts shall be limited to a maximum width of 16' at the right-of-way and shall be at least 5' from the property line. Shared driveways may be increased to 24' at the right-of-way and may be located on the property line. Lots with rear alley access shall be prohibited from having curb-cuts onto the street.
4. This project is required to go through preliminary plat and final plat review and approval prior to construction.
5. The applicant shall dedicate right-of-way for streets pursuant to the Master Street Plan at the time of final plat approval.
6. The project is subject to the project phasing listed in the project booklet. The applicant shall have one year from City Council approval of the Planned Zoning District to obtain all permits necessary, including preliminary plat approval and construction plan approval, to begin construction and three years to obtain final plat approval. A one-time, one year time extension is available for each specific time limit subject to Chapter 166.20 of the Unified Development Code.
7. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
8. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present, and to have varied facades to provide variety within the overall development.

9. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which would not allow a sign for the subject development.
10. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
11. This development shall be required to comply with the Tree Preservation requirements as set forth in the Unified Development Code at the time of development, subject to approval by the Urban Forester.
12. Prior to preliminary plat submittal, the applicant shall submit the development plans to the Parks Recreation and Advisory Board for review and recommendations regarding parkland dedication.
13. Landscape requirements as outlined in Chapter 177 shall be required with development plat approval.
14. If required, the two existing utility easements on the property shall be vacated and any existing utility lines relocated at the owner/developers expense prior to construction approval.
15. The following revision(s) shall be made prior to submittal for City Council review:
 - a. Change the building area on the plats from 1,400-1,500 to a maximum of 42%.

Standard Conditions of Approval:

16. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
18. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
19. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
20. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.

21. Prior to the issuance of a building permit the following is required:

- a. Grading and drainage permits
- b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
- c. Separate easement plat for this project that shall include the tree preservation area.
- d. Project Disk with all final revisions
- e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☐ Tabled ☒ Forwarded to C.C. ☐ Denied

Motion: Myers

Second: Cabe

Vote: 7-0-0

Meeting Date: August 27, 2007

Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with R-PZD 07-2680 (Arcadian Court)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The City Plan 2025 designates this site as a Residential Neighborhood Area. Rezoning this property to R-PZD 07-2680 with single-family dwelling units at a density of 6.50 units per acre is consistent with the land use plan and the surrounding land use. Although the proposed lot sizes are smaller than the lot sizes found within the standard RSF-4 developments in the area, staff finds the development to be relatively compatible with these developments. The development will support the goal of providing density (6.50 units/acre) nearby to public services, i.e. schools, sports complexes, retail and commercial goods, etc., while protecting the integrity of the predominantly single-family residential neighborhood to the east and further south.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions, or the applicant has submitted requests for waivers thereof.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The proposed development will yield a higher density than the surrounding developed neighborhood, with the exception of the zoning and development west of Lewis Avenue, which is zoned RMF-40. However, an overall density of 6.50 units/acre is compatible with surrounding developments, especially given the fact that the proposal incorporates only single-family detached homes. A harmonious relationship with surrounding development is achieved by utilizing detached single-family dwelling units throughout the development and providing building setbacks that are comparable to the RSF-4 zoning district.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The property was originally developed with one single-family home that has since been removed. The majority of the tree canopy is found along the edges of the property, which should allow for a high percentage of preservation if proper planning is used in the placement and installation of required utilities.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will certainly increase the amount of traffic on surrounding streets; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area. Improvements to Deane Street are anticipated to be recommended with preliminary plat approval.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The subject infill development should be compatible with surrounding developments as single-family residences will be the only use permitted. Although located on smaller lots the buildings will have similar building setbacks as those on surrounding properties. Since the proposal is not for development rights a tree preservation plan has not been reviewed. However, the majority of the existing canopy is located along the property lines and with proper planning could be preserved.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening is not required for the residential uses proposed.

- (3) *Traffic circulation.* The following traffic circulation guidelines shall apply:
- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
 - (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
 - (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
 - (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
 - (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
 - (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Four of the properties will front onto Deane Street and will be served by rear access driveways. The remaining lots will be accessed directly from the public street, although a condition of approval has been included in the staff report restricting the width of the curb-cuts to 16' at the right-of-way line unless shared drives are proposed.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Parking is to be provided on-site for each residential lot.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met.

- (6) *Sidewalks.* As required by §166.03.

FINDING: A 6' public sidewalk is to be constructed along Deane Street and two 4' sidewalks are to be constructed along either side of the interior street. This requirement will be evaluated fully, in conjunction with the ordinance requirements in place at the time of development submittal.

(7) *Street Lights*. As required by §166.03.

FINDING: Street lights are to be provided at all intersections and with a maximum separation of 300 feet.

(8) *Water*. As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code. Improvements to water services may be required and shall be reviewed at the time of preliminary plat submittal.

(9) *Sewer*. As required by §166.03.

FINDING: Public sewer will be provided to the project site, pursuant to city code. Improvements to sewer services may be required and shall be reviewed at the time of preliminary plat submittal.

(10) *Streets and Drainage*. Streets within a residential PZD may be either public or private.

- (a) *Public Streets*. Public streets shall be constructed according to the adopted standards of the City.
- (b) *Private Streets*. Private streets within a residential PZD shall be permitted subject to the following conditions:
 - (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
 - (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
 - (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
 - (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
 - (v) The plat of the planned development shall designate each private street as a "private street."
 - (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third

party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width

(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public and private streets/drives shall conform to city standards, which have been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein. There are no nonresidential facilities proposed.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: A tree preservation plan shall be submitted at the time of development. Canopy calculations shall be based upon a minimum 25% canopy preservation required.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The applicant has proposed design standards for residential structures; no commercial uses are proposed.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:
- (a) *Building permit.* If no building permit has been issued within the time allowed.
 - (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
 - (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding

phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
- (2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
 - (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) No negative impact. Does not have a negative effect upon the future development of the area;
- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above criteria, including flexibility in density, compatibility with surrounding land uses and integration of a varied housing type and lot size in an infill situation. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering detached single-family housing types, a variety of lot arrangements, lot dimensions and building setbacks.

The following guiding policies within Residential Neighborhood Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Neighborhood Areas:

- a. *Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.*
- b. *Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*
- c. *Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc.*
- d. *Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.*
- e. *Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.*

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *R – PZD, Residential Planned Zoning District.*

- (1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:
 - (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.

- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: Staff is recommending approval of this application, finding the proposed R-PZD meets the intent of the PZD ordinance as noted above. The requested R-PZD provides variety and flexibility in land development while also providing a compatible relationship with surrounding land uses.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be 100 percent of the gross floor area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and

(e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is mixed in density with large lot residential properties and platted subdivisions consistent with the RSF-4 zoning district along with multi-family residential to the west of Lewis Avenue. A density of 6.50 units/acre is appropriate given that the project is an infill development that is located near schools, retail and commercial establishments, recreational facilities, meets the urban development goal of the City's City Plan 2025, and will not have a detrimental impact on the site and adjoining properties.

(2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums and setbacks are varied on this project with structures oriented to the street. Due to the unique nature of this development, it is not possible to conform to existing standards for lot area minimums and setback requirements in a typical single-family district.

(3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of single-family development in the surrounding area, and shall not exceed 45'.

(4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is very similar to a RSF-4 zoning district, with a maximum of 42% buildable area permitted.

***Required Findings for Rezoning Request.**

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: Staff finds the proposal is consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Residential Neighborhood Areas this proposal meets. Rezoning the property will

accommodate both the future land use plan for residential uses in this area and also allow for a variety of housing types, sizes and development pattern, thus providing more choice for more citizens.

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

Finding: The rezoning is needed to allow for an infill development that is somewhat unique in comparison to the residential development pattern in the surrounding neighborhood, while also maintaining a level of compatibility and sensitivity to surrounding properties.

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

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion.

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: Staff does not find that an undesirable increase in load on public services would be created.

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



PC Meeting of August 27, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: City of Fayetteville Planning Commission
From: Sarah K. Patterson, Urban Forester
Date: August 21, 2007

ITEM #: R-PZD 07-2680: Residential Planned Zoning District (Arcadian Court)

TREE PRESERVATION PLAN

1. A full Tree Preservation Plan will be required once this development comes through the preliminary plat process.
2. Staff will assess the plans with a minimum canopy cover of at least 25%.
3. Significant trees, canopy within floodway or along riparian areas is found to be a high priority for preservation.

LANDSCAPE REGULATION

1. Landscape Regulations, as defined in Chapter 177, will be required with development plan approval. This shall include but not be limited to street trees, detention facility plantings, etc.

August 1, 2007

Mr. Jeremy Pate
Director of Current Planning
125 W. Mountain Street
Fayetteville, AR 72702

Dear Mr. Pate,

This document is the response to the request for determination of whether the proposed **PZD 07-2680: Planned Zoning District (ARCADIAN COURT, 365)** submitted by **Dave Jorgensen** for property located at **1631 West Deane Street**, would substantially alter the population density and thereby undesirable increase the load in public services or create an appreciable increase in traffic danger and congestion. **The property is zoned RSF-4 and contains approximately 1.69 acres. The request is for zoning and land use approval only for a Residential Planned Zoning District with 11 single-family units.**

It is the opinion of the Fayetteville Police Department that this R-PZD **will not** substantially alter the population density, and **will not create** an appreciable or undesirable increase in the load on police services. This R-PZD **will not create** an appreciable increase in traffic danger or congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Chief Bud Thompson
From: Captain Dale Riggins
Date: August 31, 2007
Re: Zoning Review – Fire Department Comments

PZD07-2680 (Arcadian Court)

These 1.69 acres is covered by Engine 2 at 700 N Garland.

It is 1.2 miles from the station with an expected response time of 3.75 minutes.

The Fire Department anticipates 4 (2 EMS – 1 Fire/Other) calls for service per year once the development is completed and maximum build-out has occurred.

Measured Hydrant Flow in this area is 1565 gallons/minute.

The service impact of this development will typically take eighteen months after the development is started, and the units begin to be occupied, to occur. There should be no adverse effects on our call volume or response time to this development.

If you have any questions concerning these comments please don't hesitate to call me

Captain Dale Riggins
Fayetteville Fire Department

August 21, 2007

RE: Proposed rezoning of 1631 Deane St.

Dear Planning Staff and Planning Commission,

First, I want to express appreciation for your past concern and attention to this neighborhood (roughly defined as that area between Lewis, Mt. Comfort, Garland, and Deane). You saw its potential to persist as a single-family neighborhood and resisted efforts to rezone this lot for high-density development. That paid off. Since the last rezoning request, 1716 Lewis and 1501 Deane have undergone renovation. Additionally, I purchased 1589 Deane and am in the process of renovating it.

Tim Brisiel is now proposing a development of 11 single-family houses on the subject property. While this is certainly an improvement over the last proposal, it's still problematic. Why? It is completely out of character with the neighborhood on two grounds: density and design.

Density: Brisiel is proposing 11 units on a parcel that could currently subdivide into 7 units and fit well with surrounding uses. This represents a 57% increase over what's allowable by right. It represents an even larger increase over the density of surrounding acreage and the immediate neighborhood (1400 and 1500 block of Deane) to the east.

Design: 1) Brisiel is proposing lots of 5,040 square feet. The 4 lots to the west of the subject property are 15,180 square feet each. The lots to the east of the subject property are 12,445 and 22,139 square feet. Lots in the 1400 and 1500 block of Deane start at 15,000 square feet. 2) To accomplish high-density, Brisiel wants a zero-lot line development, which does not exist in the neighborhood. 3) His proposal involves large houses on small lots, whereas the neighborhood is predominately small houses on large lots. 4) Finally, the proposal is for a homogenous development of dun-colored brick houses with a vertical orientation. In contrast, housing in the neighborhood is eclectic with a horizontal orientation, mostly wood siding and a few--red brick--ranch-style homes.

My concern is that Brisiel's development—in its current form—will represent a virus in the neighborhood, leading slowly to deterioration until it becomes an extension of the hodge-podge development found west of Lewis toward I-540.

Does the subject property have unusual characteristics that render it undevelopable under RSF-4? Absolutely not. Infill can happen here in a way that fits the character of the neighborhood.

Is there a need for higher than usual density? Well, given the inventory of unsold houses on the market and the number of houses that have been temporarily converted into rentals due to poor market conditions, the answer to this appears to be "no."

What would be ideal? I'd like to see the Planning Commission table the request and send Mr. Brisiel to the Community Design Center for consultation. Surely there's a creative way to develop the property so that it fits with the neighborhood while turning a modest profit.

If you are unwilling to do this and want to give Mr. Brisiel a density bonus for some reason, please consider a bonus of only 2 units rather than 4. And please make it contingent on a design that is compatible with surrounding properties via Bill of Assurance. I would also request another item in the Bill of Assurance: retention of all perimeter trees and bushes for screening purposes and replacement of any live screening that is killed by construction.

Most sincerely,

Rebecca Bryant

From: Lisa McClure <lehbus@att.net>
To: <planning@ci.fayetteville.ar.us>
Date: 8/20/2007 11:40 AM
Subject: Rezoning of 1.91 acre lot at Deane/ Lewis - Brisiel

Dear Planning Commission:

I would like to express my concern with the proposed re-zoning of the 1.91 acres at Deane and Lewis from 7 single family dwellings to 11 dwellings. I do not see that there is a reason for the rezoning, as this property can be developed with the current zoning of 7 houses, with no loss in the neighborhood's value. While I'm sure these houses would be more affordable than many of the houses available in Fayetteville, on lots as small as are proposed, they will end up in a few years as low end rentals. This would drop property value for all the neighborhoods around the area, as well as add to the overabundance of rental properties that are prevalent in Fayetteville.

I know that in the 18 years I have been in my neighborhood, we have seen the decline of the area due to houses being torn down and either apartments or duplexes being built. While rentals are needed in our town, it appears that we have plenty at this time, as there are numerous signs for vacancies in the area.

We need to add neighborhoods with affordable homes that have yards for children to play in, yards large enough to have swing sets, outdoor toys, and room to run and play. Houses on such small lots as proposed will not fit this need, as the lot would be filled with the house.

Please deny this request for rezoning and encourage this builder to look for other property to build the other 4 houses on if he wishes to build affordable houses. Fayetteville needs more family neighborhoods where children can grow and have a yard to play in - not the small plot of grass that seem to be the trend in current building practices.

Sincerely,

Lisa McClure
1218 North Maxwell
Fayetteville, AR

From: "T. L. Phelan" <tlphelan@arkansasusa.com>
To: <planning@ci.fayetteville.ar.us>
Date: 8/22/2007 11:17 PM
Subject: objection to rezoning request from Arcadian Court

CC: <joycerichards@hotmail.com>
TO: Jessie Fulcher, Fayetteville planning office
REF: Arcadian Court request (proposal by Tim Brisiel); rezone for 11 single-family houses (or 50% more than currently allowable)

Mr. Fulcher,

This is to follow-up our phone conversation from today and provide you my written **OBJECTION TO ANY REZONING EFFORTS WITHIN THE STEPHENS-HENRIX-MAXWELL NEIGHBORHOOD ASSOCIATION**. Changing the current low density single-family homes to a higher density classification weakens the integrity of our neighborhood.

As I mentioned in our conversation, you are well aware of the zoning fiascos that the residents in my neighborhood have been saddled with opposing over the last several years. It started with the City making a zoning mistake that opened the door to "spot rezoning" with the objections of the long-term residents of our neighborhood being ignored in favor of those making the request -- NON-residents of our neighborhood -- so that they can make extra profit at the expense of our property values and the character of our neighborhood. Mr. Brisiel/Arcadian can still make a profit with the current zoning and stay within the historical character of the current overall low density zoning. Nothing has changed in our area to justify this kind of incremental destruction of our neighborhood.

I could continue on for several pages, but I believe this is a sufficient voicing of my opinion.

I request that the planning commission and City Council members respect the integrity of our neighborhood and wishes of the residents and keep our zoning as a low density single-family zone.

--- Terri L. Phelan
1171 N. Maxwell Dr.
Fayetteville, AR 72703
tlphelan@arkansasusa.com

From: Michelle Snyder <snydercreativem@sbcglobal.net>
To: <planning@ci.fayetteville.ar.us>
Date: 8/20/2007 4:20 PM
Subject: Proposed development on Deane St.

Mr. Fulcher - please do NOT allow the the developer to add units to be built on the 1.91 acres. I own 1505 Deane St. and feel this will detrimentally affect the neighborhood.

Michelle Snyder
10124 Natural Trail
Maumelle, AR 72113

From: robert barrett <rmb0112382000@yahoo.com>
To: <planning@ci.fayetteville.ar.us>
Date: 8/21/2007 7:25 PM
Subject: 1.91 Acre Lot on Deane St.

Jessie, I oppose rezoning the subject lot to permit 11 units to be built on it. It is presently zoned for 7. Eleven units will change the neighborhood character. There are numerous unsold units. I don't see the reason to build even more than the lot is presently zoned. They will just sit and be unsightly. Please do not rezone the subject lot. Thank you! Bob and Margaret Barrett, 1541 Deane St

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http://autos.yahoo.com/green_center/

Planning Commission
June 12, 2006
Page 44

R-PZD 06-2035: Planned Zoning District (THE MAPLES, 365): Submitted by PROJECT DESIGN CONSULTANTS, INC. for property located SE OF DEANE STREET AND LEWIS AVENUE. The property is zoned RSF-4, SINGLE FAMILY – 4 UNITS/ACRE and contains approximately 1.91 acres. The request is for a Residential Planned Zoning District with 16 dwelling units.

Graves: Six items, are all items that they're either rezonings or conditional uses proposed. They all would require 5 votes to pass and we only have 6 commissioners here tonight so before I take each item up, and we'll do it as they come up in the order of the agenda. What I would like to do is have the applicant, without making the presentation or anything, advise us of whether they would prefer that we table their item to the next meeting when we have the full commission here. Because as it stands right now it would either have to be a unanimous vote to approve or it would have to be a 5 to 1 vote. If one commissioner opposed an item or wanted to deny an item then it would fail because of the numbers that we have here tonight. And so I will give that option to request a tabling of the item before we hear a staff report or anything on each of those items. And so right now we are on item 8 which is our PZD 06-2035 The Maples. If I could have, first of all the applicant come up, first of all introduce yourself for the record and then let us know if you would prefer that this be taken up by a fuller commission then what we have available tonight or whether you would rather us go ahead and take this up knowing that you would either have to have a unanimous or five one vote approve it.

Kemmet: Good evening. I am Bruce Kemmet with Project Design Consultants representing the developer. We already ran this option pass the developer and he would like to move forward and get a vote tonight.

Graves: Ok. Thank you. If we could have the staff report on this item.

Fulcher: Good evening. This PZD request is for approximately 1.6 acres located southeast of Lewis Avenue and Deane Street. Surrounding properties consist of a single duplex, single family homes, the University Farm to the north, and to the south the are soccer fields leased to the city by the University. The applicant is proposing a development for 16 dwelling units, 8 of which will be multi-family, 4 will be single family and 4 will be 2 family units. This item has a great deal of history, I should say the property has a great deal of history, which is outlined in the staff report. There have been numerous rezoning requests as well as some variations of this PZD request. This one was heard at subdivision committee approximately a month ago at which time the applicant requested the item be tabled so they could reword some of the density and street layouts of the project as well as green space and building location. Since that time to the previous subdivision committee we did a month ago they did work out

Planning Commission
June 12, 2006
Page 45

some of those items staff had concerns with and now are here before the Planning Commission after they were forwarded from the subdivision committee without a recommendation. The density proposed is approximately 9.5 units per regular which is a little over 2 times above the allowance for which it is currently zoned. Staff has stated many times that we are opposed to densities higher than 4 units per acre. Given the location of this property in relation to some major roadways, park plans, schools, the university, provides an opportunity to have something higher than 4 units per acre. However, in looking at the divided line that Lewis Avenue has been historically between multi-family developments to the west, single-family developments to the east there is a line that we're trying to find there and we just felt that 9.5 units per acre with a good deal of multi-family units was not compatible with the single-family units located immediately around it. Staff would recommend that possibly removing some of the multi-family units along the frontage of this property would not only reduce the density thus making it more compatible with the surrounding land uses but also change the building uses to a use that is more compatible to the surrounding land uses. Staff has consistently recommended denial of a density request of 16 units or more per acre or 16 units total on this property in the past. Again tonight we are recommending denial of this request. Should the Planning Commission decide to forward this item to the city council we have included conditions of approval. I think that covers all of staff's comments and findings tonight if you have any questions please ask.

Graves: Thank you. Do we have any member of the public who would like address R-PZD 06-2035 The Maples. If you would come forward and introduce yourself and make your comments.

Bryant: My name is Rebecca Bryant. I'm an adjacent property owner. I know there are other owners here I don't know if they will stand up and speak or not. I am really impressed by the quality and the depth of the discussion tonight. So, I feel like we are in good hands with this commission. As you know, as Jesse said, they are requesting almost 2 and a half times the density that's allowable in our properties, residential, I'm getting a little confused. RSF-4 ok, and all the properties adjacent, all the residential properties adjacent to this are single family homes at this time and some of those are unoccupied. What I ask myself is why should the Planning Commission grant this, I can't really come up with a good reason. I mean they are not doing anything at all here it's not like the great presentation we saw earlier for someone who was really trying to do something special with traditional neighborhood development. They are, the city is against it, the neighborhood is against, you know I just hope you deny it. Thank you.

Planning Commission
June 12, 2006
Page 46

Graves: Thank you. Would any other member of the public like to make, I want to stress non-cumulative comments, if you have something additional that hasn't already been stated by other members of the public then please come forward.

Richards: Joyce Richards and I live to the east of the property, a couple blocks I guess down the fifth row. And I've written you a couple of e-mails and I just wanted to get up and say that I'm with Rebecca, please deny it. There is enough there with the zoning as it is for them to put a dwelling and I don't think it needs to be anymore. We don't need more built than what's already allowed. Thank you.

Graves: Thank you. Would any other member of the public like to address this item? Seeing none I will hear the applicant's presentation at this point.

Kemmet: Good evening. Bruce Kemmet, Project Design Consultants. We've been through several other arrangements with this residential plan development in attempt to go along with staff and satisfy the goals of the PZD. We've reduced to what was 17 units to 16 units. As stated earlier it was 4 family homes. We've removed those and we now have 8 single family homes and 8 town homes. The town homes are fronted along Deane Street, if you will look to the colored building elevations you will see that it is a very nice building. Probably the nicest building in the neighborhood or proposed building. I would like to point out that this neighborhood isn't primarily single family. Just to the west is primarily multi-family. Immediately to the west is a duplex which is zoned RT-12 and immediately to the west are 3 homes of which 2 of them are rented out. Immediately to the east are 2 single family homes, one of which is rented out and one of which is owned by the lady that was speaking earlier. We are proposing to maintain 16% of the tree canopy. We are proposing screening in the means of the existing trees as well as a privacy fence along the property line. The houses that you see are very nice craftsmanship construction. The town homes are upscale town homes, 15 hundred square feet or more. The town homes are proposing rear access from an alley so that you have a community, sense of community along Deane Street with not having the driveways facing the street that you can see fronting the street. And we are proposing an open space that will have an area for the community to use for functions, for neighborhood functions which will also have a gazebo that can be used for those functions. This property, although it's zoned RSF-4, is not marketed as RSF-4, as you know the price of property is very high and you'd probably never receive that zone in that area. In order to have this feasible this count, this number, this density is what is going to be required to make it worthwhile. I'm sure that Miss Bryant would prefer to just not have it developed but we actually want it developed. I would like to point out that this property is just under 2 acres, however we

Planning Commission
June 12, 2006
Page 47

need more right-of-way for a minor arterial of Deane Street, a 25' strip of property is required to be donated to street right-of-way as part of the Master Street Plan requirements. So, that significantly reduces the total acreage which gives you a density number that's actually higher than what is actually spaced out there in existing property. Other than that I'm subject to your questions.

Graves: Thank you. Then I'll bring it to the commission. Commissioners this is a rezoning request. That's what it boils down to. Although it is a request to rezone a PZD it is a rezoning request. I would ask staff or legal, just briefly remind us what we are reviewing on a rezoning request.

Pate: As you mentioned this is a rezoning and development request. As a residential planned zoning district therefore the applicant has provided you both their version of findings of fact as well as staff's version. If you agree with staff's you would recommend denial of this project. If you agree with the applicant's, obviously you would forward this to the city council. The findings that you make for a general rezoning begin on page 18 of 82 of the staff report. They include in this proposed rezoning consistent with the land use, planning objective principles policies land use zoning plans? Is it justified and needed at the time it is proposed? Does it create or appreciably increase traffic danger and congestion or alter population density thereby undesirably increase load on public services? Those are the essentials for findings the Planning Commission reviews with regard to zoning. A planned zoning district however has many more findings that you'll see on page 82 of the staff report. The findings that begin on page 7 of 82 and go through page 18. Those include does this application in compliance with the requirements of Unified Development Code and the general plan 2020, the overall stated use? Is it compatible with adjacent property? That's one of the primary findings that rezonings take a look at typically by state law and by our own ordinances whether the zoning is compatible with the surrounding land uses. Is it suitable for intended use and compatible with the natural environment? I could read all of those for you a lot of those just go into more detailed development questions, but those are the essential ingredients of a zoning request and in this case a planned zoning district request. Making those findings the staff could not support this particular request.

Graves: Commissioners?

Clark: Mister Chair?

Graves: Commissioner Clark.

Planning Commission
June 12, 2006
Page 48

Clark: I would be happy to start off. Since I've been with commission 2 years I think I've seen this before and it does have a lot of history with our 82 pages of staff report. A lot of reiteration of the times this property has been denied rezoning and as I look back at this material I don't find that a lot has changed in the conditions. I do believe that as said in subdivision this property is too dense. This proposal is too dense for the property. I don't think it's compatible with surrounding development. I don't think the neighborhood is in favor of it. I see traffic issues, there is only one way in and one way out and that concerns me greatly. I don't think that the multi-family in front of the property, I agree with staff's finding that if it was single family or maybe even duplexes that might sway my opinion. I had hoped maybe for some modifications before it got to Planning Commission but seeing none I will restate my objection and lack of support for this project.

Graves: Thank you Commissioner Clark and perhaps a sort of summary of what happened at subdivision on the side maybe appropriate at this point. If you don't mind giving us that. I think we've heard what you've said at subdivision but if anyone else would like to chime in or if you would like to report on it.

Clark: We have had an indication that the property owner association in that area was in favor and I didn't have a problem with it but that turned out to be a little overstated according to what is in the packet today. I think there were concerns about density and any of you try and jump in because I'm not as clear on this one. I know we had concerns about emergency traffic, emergency vehicle access and entrance and exit because there is no way out. The way in is the way out. So, there were safety issues we talked about, compatibility, density issues. What else did we talk about?

Harris: Commissioner Clark I'm not helping you because I think that pretty much sums it up. We were concerned about density issues. My understanding from the packet and also Mr. Pate as I listened to you before, would you mind reviewing what you said to me about the number of units now is really where we started a few months ago. Do you mind just reviewing that for me now?

Pate: In brief there was a request in 2003 for RT-12 or 1.5 for this property which is an RT-12 now. The request was again proposed before the Planning Commission though the applicant withdrew earlier this year, January or February of this year for RT-12. Staff did not support that request finding that the density was not appropriate in this area although there was bullet of assurance for duplexes I believe. In the, looking at the minutes and the report of the minutes to the applicant from the previous Planning Commission meetings there was discussion of a planned zoning

Planning Commission
June 12, 2006
Page 49

district and perhaps the density and the concerns voiced by neighbors could be accommodated by a zoning district request. However, it does not mean that this was staff stated at subdivision committee that any planned zoning district proposed would come with staff recommendation. The initial request that we received had 22 units per acre which again, January there was a request for 16, so it jumped up a good 6 units with the original request. Staff did not support that. It came down to 19 I believe and now 16 that was proposed at subdivision committee of the Planning Commission. So, that's kind of the history of where it came from 22 down to 16 so we are essentially back at where we were in January, February with our recommendation of density. We do have a benefit, obviously, to the applicant's credit, a plan to review. The Planning Commission does have something to look at to see where the 16 units are located and I think that's part of the role of the planned zoning district is to allow neighborhoods, Commissioners, and those concerned to review an actual plan. It does not meet all of our concerns however and staff felt that, I'll just reiterate what I said in subdivision committee in our recommendation, the applicant stated that there is a lot of multi-family in this area. It was our finding that Lewis Street has historically been that dividing line. Scholar Place is a typical example of that multi-family development in this area just west of Lewis Street. To the east of Lewis Street is you look at your city maps, to a larger degree almost all the property east to Garland and south to Mt. Comfort is primarily RSF-4 developed single family residential neighborhoods. That's the case with the property adjacent to this with the exception of course to the northeast agricultural park. South is the agricultural farm and to the south is the soccer fields in that area. So, we felt that this is not necessarily a transition area in terms of land use. As primarily single-family, transition really is on this street between multi-family to west and single-family to the east.

Harris: Thank you.

Graves: Any other discussion in regard to this item?

Lack: Mr. Chair?

Graves: Commissioner Lack.

Lack: I think that in looking at this project and what it first, I think even the first time that we saw the request in a previous forum I think that there were, there is an idea that this area is largely multi-family and there are a lot of parts along Deane Street. But in reviewing the actual site, going to see the site and understanding the nature of the neighborhood, I think that that Lewis Street division Mr. Pate talks about is very real. I think that there is a transition to single-family residential which along Deane Street could be

Planning Commission
June 12, 2006
Page 50

subject to change or not depending on the investment in current residents there. But I think that with that division this area is well recognized as a RSF-4 type area and to change the zoning this dramatically would be nestling in a very, very different use. I would encourage that if mixed-use makes density, I don't know that adding less than 2 acres in this case 1.6 acres a higher density into the middle of an existing RSF-4 neighborhood would achieve that goal. And with that I would not be in support of this item.

Graves: Thank you Commissioner Lack. Any other comments?

Harris: Mr. Chair?

Graves: Commissioner Harris.

Harris: It's all coming back to me all of a sudden. It came like a flood it happened. I remember asking at that time in subdivision committee, Mr. Pate, this notion of infill and density and again going back to that process that the city has just been through in terms of the kind of neighborhoods we are going to develop and so forth. I'm also, I'll come to that in a moment, I'm very aware, as is the developer I'm sure, that dirt is very expensive. I'm not exactly sure what density will be profitable at this site. And density does have to happen somewhere in someone's backyard including my own. At the same time I am not convinced at this point that this is appropriate density infill for this particular neighborhood for the reasons that have already been stated and then some I will restate them. I am also concerned with the actual layout of this particular proposal. The eastern stub out among my concerns so at this point I will not be able to support this particular proposal.

Graves: Thank you Commission Harris. Any other comments? Motions? And we'll add just for clarification if there is a motion to deny is that a motion to recommend denial to the city council or is it just a denial at this point?

Williams: You would still recommend, a recommendation to the city council for denial.

Graves: Ok. So, if we had a motion and it's for denial then that would be the way to state the motion.

Clark: Commissioner Chair. I would like to recommend denial of R-PZD 06-2035.

Planning Commission
June 12, 2006
Page 51

Graves: Thank you. There has been a motion by Commissioner Clark to deny of R-PZD 06-2035 or actually to recommend denial to the city council is there a second?

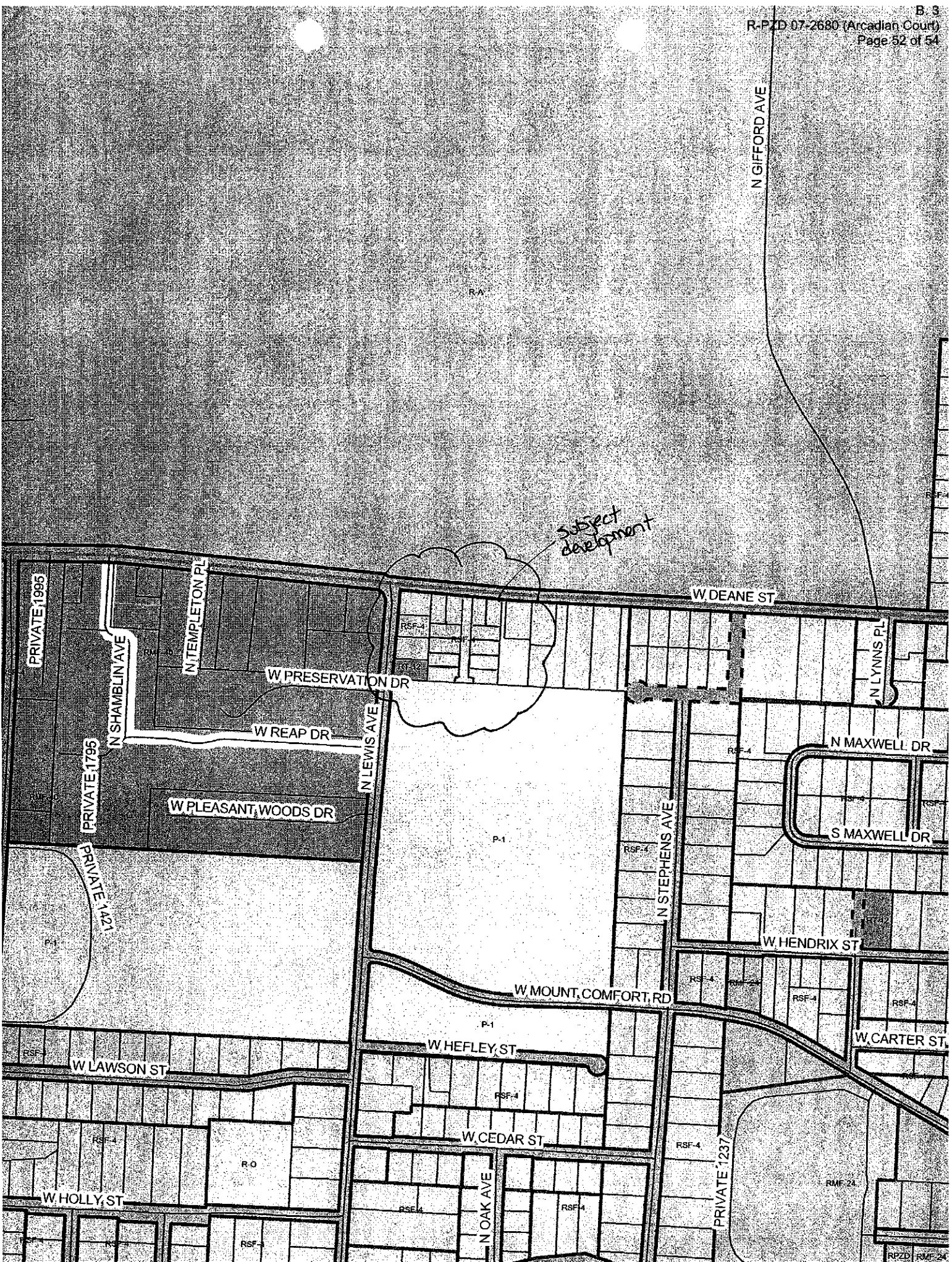
Lack: I'll second that.

Graves: Second by Commissioner Lack. Is there any further discussion of the motion? Take the vote.

Roll Call: The motion to deny R-PZD 06-2035 carries with a vote of 5-1-0.

Williams: I should note for the developer that this doesn't automatically go to the City Council at this level. You would have to file a written appeal to the City Clerk within ten business days.

Kemmet: Thank you.



RPZD07-2680

ARCADIAN COURT

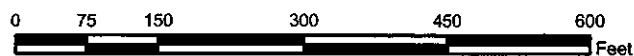
Close Up View



SUBJECT PROPERTY



Overview



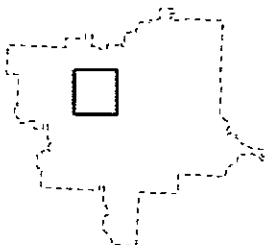
RPZD07-2680

ARCADIAN COURT

One Mile View



Overview



Legend

Subject Property

RPZD07-2680

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Feb-08

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 07-2889: (Cooper, 445/446): Submitted by Tim Cooper for property located at the southwest corner of North College Avenue and East Cleburn Street. The property is zoned R-PZD, Residential Planned Zoning District, and contains approximately 0.69 acres. The request is to rezone the subject property to DG, Downtown General.

Action Required:	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Gay Pate
Department Director

1-31-08
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

K. W. Pate
City Attorney

2-1-08
Date

Received in City Clerk's Office

ENTERED

1/31/08

Paul A. Beckman
Finance and Internal Service Director

2-1-08
Date

Received in Mayor's Office

ENTERED

2/1/08

Dan Coody
Mayor

2/5/08
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning &

Date: January 31, 2008

Subject: Rezoning for Cooper (RZN 07-2889)

RECOMMENDATION

Planning staff and the Planning Commission recommended to approve rezoning the subject property from Residential Planned Zoning District 04-1159 (Beacon Flats) to DG, Downtown General for approximately 0.69 acres located at the southwest corner of N. College Avenue and Cleburn Street.

BACKGROUND

The subject property is located at the southwest corner of College Avenue and Cleburn Street and is zoned R-PZD 04-1159 (Beacon Flats). The City Council approved the Beacon Flats project on September 21, 2004 to allow for a mixed use redevelopment consisting of three buildings on the former Nick's Auto Lube property. The development would have incorporated a mixture of residential, office and commercial uses.

An extension to obtain all necessary permits to begin construction was approved by the City Council in November 2005 and all permits were granted by the City in November 2006. However, 6 months passed with no construction activity associated with the approved permits, thus resulting in the permits expiring. As a result, the development rights associated with Beacon Flats expired, although the property remains zoned R-PZD 04-1159. Rather than the City proceeding with the revocation process identified in the Unified Development Code, the applicant has requested to rezone the property.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 28, 2008. The Planning Commission voted 9-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2889, FOR APPROXIMATELY 0.69 ACRES, LOCATED AT THE SOUTHWEST CORNER OF NORTH COLLEGE AVENUE AND EAST CLEBURN STREET FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT, TO DG, DOWNTOWN GENERAL.

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-PZD, Residential-Planned Zoning District to DG, Downtown General, as shown on Exhibits "A" and "B" 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 , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

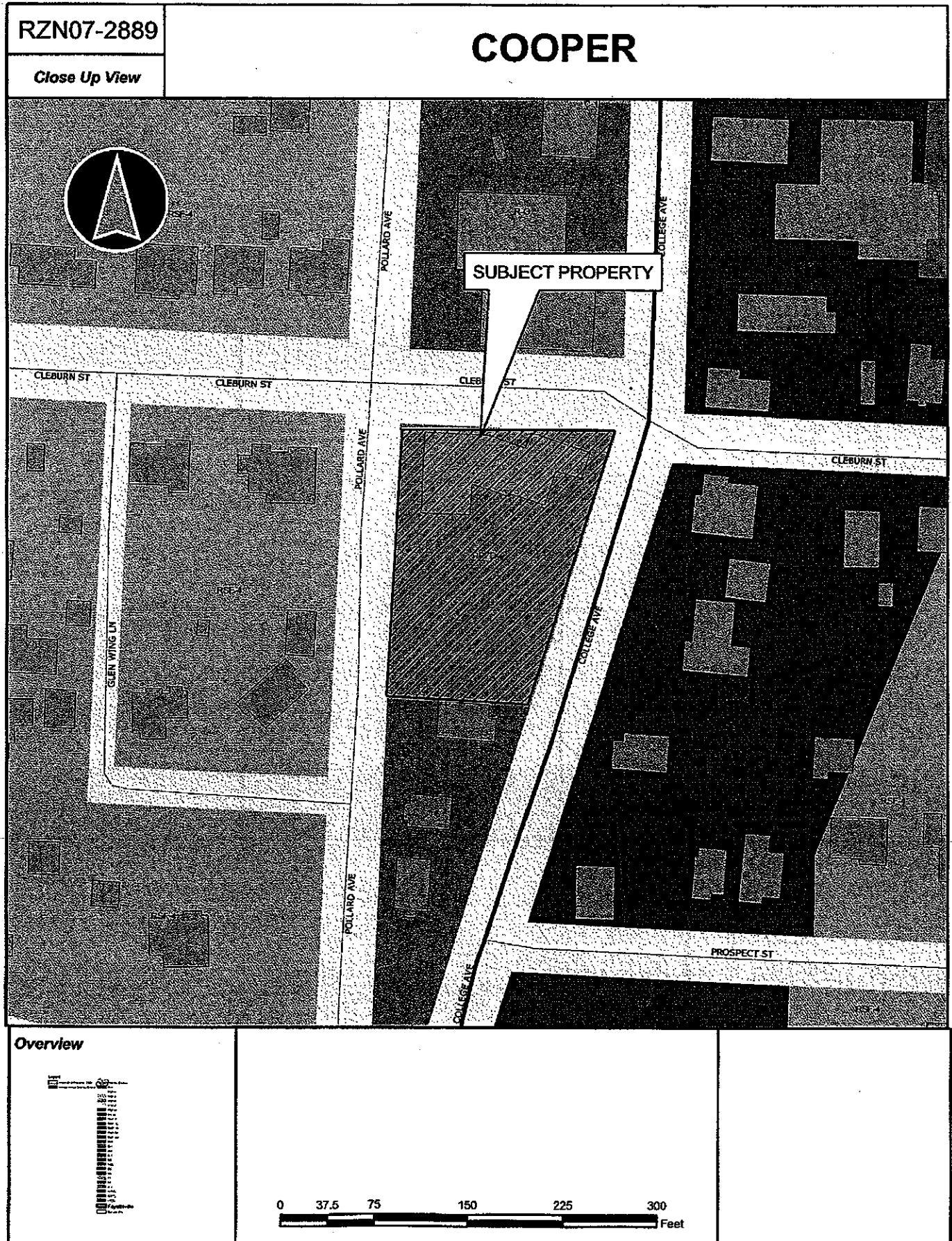


EXHIBIT "B"
RZN 07-2889

A PART OF LOT NUMBERED ONE (1), A PART OF LOT NUMBERED TWO (2), AND A PART OF LOT NUMBERED THREE (3), ALL IN BLOCK NUMBERED TWELVE (12) OF A.L. TRENT'S REVISED PLAT OF CITY PARK ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ADJUSTED NORTHWEST CORNER OF SAID LOT ONE (1), SAID POINT BEING N 89°55'47" W 5.00 FEET FROM THE ORIGINAL NORTHWEST CORNER OF SAID LOT ONE (1); THENCE S 89°55'47" E ALONG THE NORTH LINE OF SAID LOT ONE (1) 165.25 FEET TO A CHISELED "X" IN CONCRETE ON THE WESTERLY RIGHT OF WAY OF COLLEGE AVENUE, SAID POINT BEING ON A 252.36 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 26.50 FEET, THE CHORD FOR WHICH BEING S 61°52'49" W 26.48 FEET, TO A CHISELED "X" IN CONCRETE AT THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUING ALONG SAID RIGHT OF WAY THE FOLLOWING BEARINGS AND DISTANCES: S 14°53'16" W 50.77 FEET TO A SET IRON; S 89°55'47" E 4.14 FEET TO A CHISELED "X"; S 14°53'16" W 41.61 FEET TO A CHISELED "X"; N 75°06'44" W 6.00 FEET TO A CHISELED "X"; S 14°53'16" W 109.96 FEET TO A SET IRON AT A POINT WHICH IS 5.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3); THENCE LEAVING SAID RIGHT OF WAY N 89°55'47" W 106.47 FEET TO A SET IRON AT THE ADJUSTED WEST LINE OF SAID LOT THREE (3), SAID POINT BEING 5.00 FEET WEST OF THE ORIGINAL WEST LINE OF SAID LOT THREE (3); THENCE N 00°05'06" E 220.00 FEET TO THE POINT OF BEGINNING.



PC Meeting of January 28, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~January 24, 2008~~ Updated January 31, 2008

RZN 07-2889: Rezoning (COOPER, 445/446): Submitted by TIM COOPER for property located at the SW CORNER OF N. COLLEGE AVE AND E. CLEBURN ST. The property is zoned R-PZD, RESIDENT. PLANNED ZONING DIST. and contains approximately 0.69 acres. The request is to rezone the subject property to DG, Downtown General.

Planner: Jesse Fulcher

BACKGROUND:

Property description and background: The subject property is located at the southwest corner of College Avenue and Cleburn Street and is zoned R-PZD 04-1159 (Beacon Flats). The City Council approved the Beacon Flats project on September 21, 2004 to allow for a mixed use redevelopment consisting of three buildings on the former Nick's Auto Lube property. The development would have incorporated a mixture of residential, office and commercial uses.

An extension to obtain all necessary permits to begin construction was approved by the City Council in November 2005 and all permits were granted by the City in November 2006. However, 6 months passed with no construction activity associated with the approved permits, thus resulting in the permits expiring. As a result, the development rights associated with Beacon Flats expired, although the property remains zoned R-PZD 04-1159. Rather than the City proceeding with the revocation process identified in the Unified Development Code, the applicant has requested to rezone the property.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Commercial	R-O, Residential Office
South	Office	R-O, Residential Office
East	Commerical/College Ave.	IC-2, Thoroughfare Commercial
West	Single-family residential	RSF-4, Residential Single-family

Proposal: The applicant proposes a rezoning of the subject property from R-PZD 04-1159 to DG, Downtown General.

INFRASTRUCTURE:

- Streets:** The site has access to Cleburn Street, Pollard Avenue and College Avenue. Street improvements will be evaluated at the time of development.
- Water:** A 2" waterline is located adjacent to three sides of the property. Water may need to be extended through the site at the time of development.
- Sewer:** There is an 8" main along College Ave. Sewer service may need to be extended through the site at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development.
- Fire:** The subject property is located approximately 1.2 miles from Fire Station #1. Response time to the property is approximately 3.5 minutes, which is acceptable, and above the City's goal of having the first unit on the scene within 6 minutes, 90% of the time, and the City's goal of assembling all responding units to the scene of a moderate risk assignment within 10 minutes, 90% of the time. There should be no adverse effects on call volume.
- Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. The rezoning will not create an appreciable increase in traffic danger and congestion.

RECOMMENDATION:

Staff recommends approval of the requested rezoning to DG, Downtown General, based on the findings included as part of this report.

PLANNING COMMISSION ACTION:		
Required	☒ YES	☐ Denied
✓ Forward to City Council (recommend approval)		
Date: <u>January 28, 2008</u>		
Motion: <u>Ostner</u>		
Second: <u>Trumbo</u>		
Vote: <u>9-0-0</u>		
CITY COUNCIL ACTION:		
Required	☒ YES	☐ Denied
☐ Approved		
Date: <u>February 19, 2008 (1st reading if recommended)</u>		

LAND USE PLAN: The Future Land Use Plan adopted as part of the City Plan 2025 designates this site **Urban Center Area**. Rezoning this property to Downtown General would be consistent with the future land use plan designation of the property for a main street development pattern, which may include retail, offices, and several types of residential dwellings. The proposed Downtown General would be compatible with the surrounding commercial and office zoning districts, as well as provide a transition between College Ave. and the single-family homes located on the west side of Pollard Ave.

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 Downtown General zoning district is very consistent with land use planning objectives and policies, especially in those areas designated as Urban Center Areas within the Future Land Use Plan. City Plan 2025 designates the stretch of properties on the west side of College Ave., between Trenton St. and North St., as an Urban Center Area. These areas accommodate several types of land uses including retail, office and residential. While Urban Center Areas recognize conventional strip development as an existing condition, redevelopment of existing properties for a more efficient use of the land is encouraged. The Downtown General zoning district will allow for office, retail, light commercial and residential uses, but equally important, this zoning district will allow buildings to be situated close to the street rights-of-way, which will permit a more efficient use of the property. Conventional zoning districts such as C-1, Neighborhood Commercial and R-O, Residential Office may allow some of the same types of uses, but prohibit a desired development pattern due to the large setbacks from the right-of-way (between 25'-50'), which on a property with three street frontages could be highly prohibitive.

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

Finding: A rezoning of the property is very justified at this time, due to the fact that all development rights associated with current zoning of R-PZD 04-1159 have expired. Rezoning the property to Downtown General would be consistent with policy decision to approve the Beacon Flats development, as the permitted uses for each zoning district are very similar (see attached table).

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

Finding: Based on staff findings and the Fayetteville Police Department report, the proposed rezoning would not create or appreciably increase traffic danger and

congestion in the area. The property is served by College Ave., a Principal Arterial, along with two other Local Streets, Cleburn and Pollard. Access to the site will be reviewed 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 rezoning will allow for the development of residential units, as did the previous zoning of R-O, Residential Office and R-PZD 04-1159. It is unlikely that the development of residential units on the 0.69 acre property would undesirably increase the load on public services. While density within the Downtown General zoning district is not limited, building heights, parking requirements and the size of the parcel will govern the feasibility of projects on the property.

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

Permitted Uses

161.22 Downtown General.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Permitted Uses

R-PZD 04-1159 Beacon Flats

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

17 December 2007
826 N Highland Ave.
Fayetteville, AR 72701

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

RE: Rezoning Request, Beacon Flats
Parcels #765-03830-000, 765-03829-000, 765-03828-000

I, Tim Cooper, president of W-One Investments, LLC and the owner of record, respectfully request to rezone the three above-referenced parcels from PZD to Downtown General. The combined ~~0.64~~ ^{0.64} acre tract was zoned PZD in 2005 for the benefit of a mixed-use commercial and residential development that I have so far been unable to realize. The construction permits for the project have expired and the PZD zoning will soon follow. While it is currently for sale, it is not listed and no sale is pending.

The property is bordered to the east by N College Ave, a Principal Arterial in the Master Street Plan, and adjoins C-1, C-2, R-O and RSF-4 parcels. It is served by 2" water lines on the east, north & west sides, and by an 8" sanitary sewer along the east side only.

In the City Plan 2025, the property is shown as an Urban Center Area, presumably to encourage intense, day and night mixed-use development along public transit routes, while at the same time providing neighborhood commercial services for the surrounding areas designated as City Neighborhood. It is my opinion that the uses, forms and setbacks both allowed and required by the Downtown General zoning are more conducive to these goals than any of the current, surrounding zoning designations.

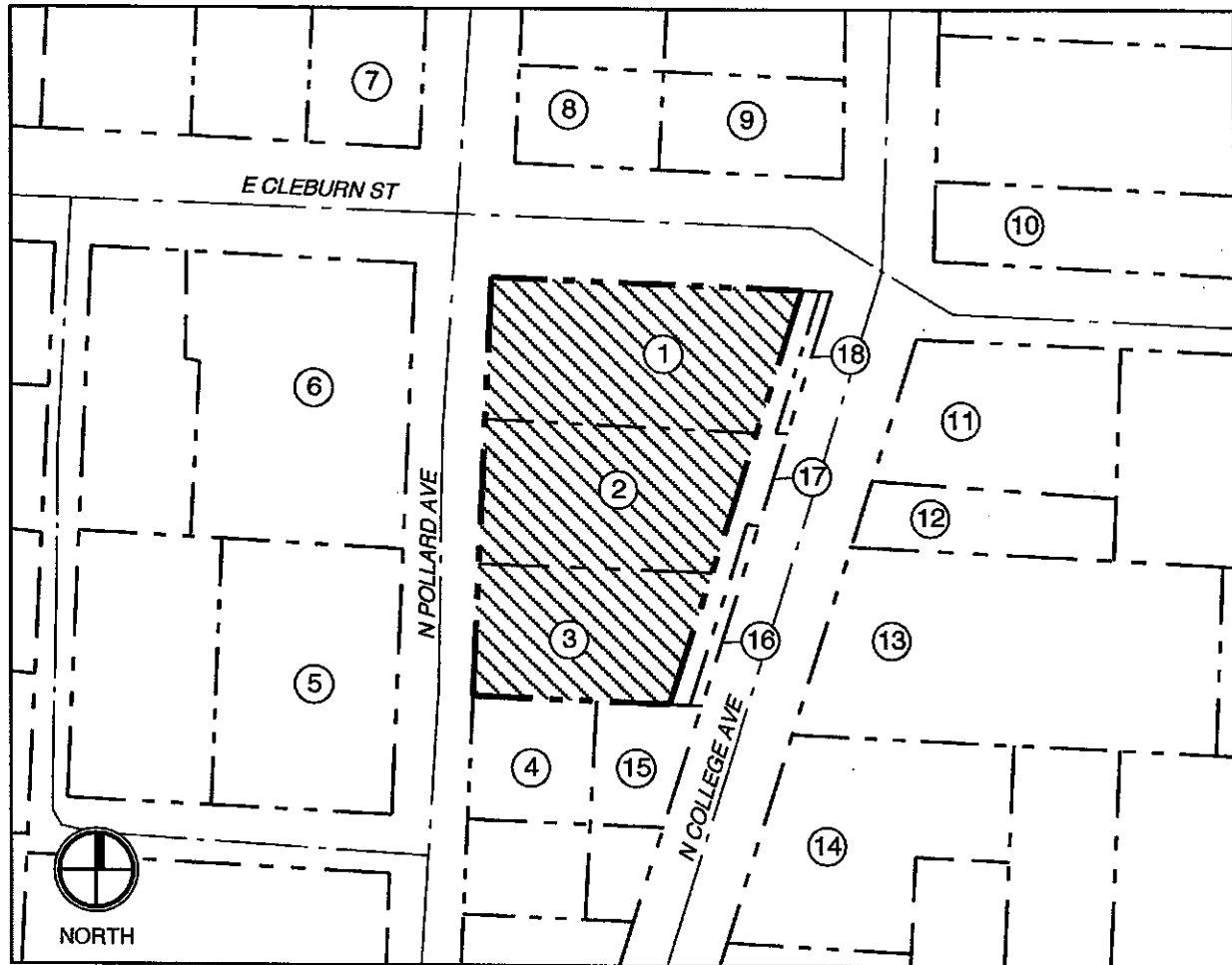
Thank you for your consideration.

Sincerely,

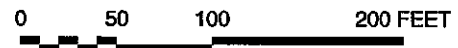
Timothy W. Cooper
President
W-One Investments, LLC

Date

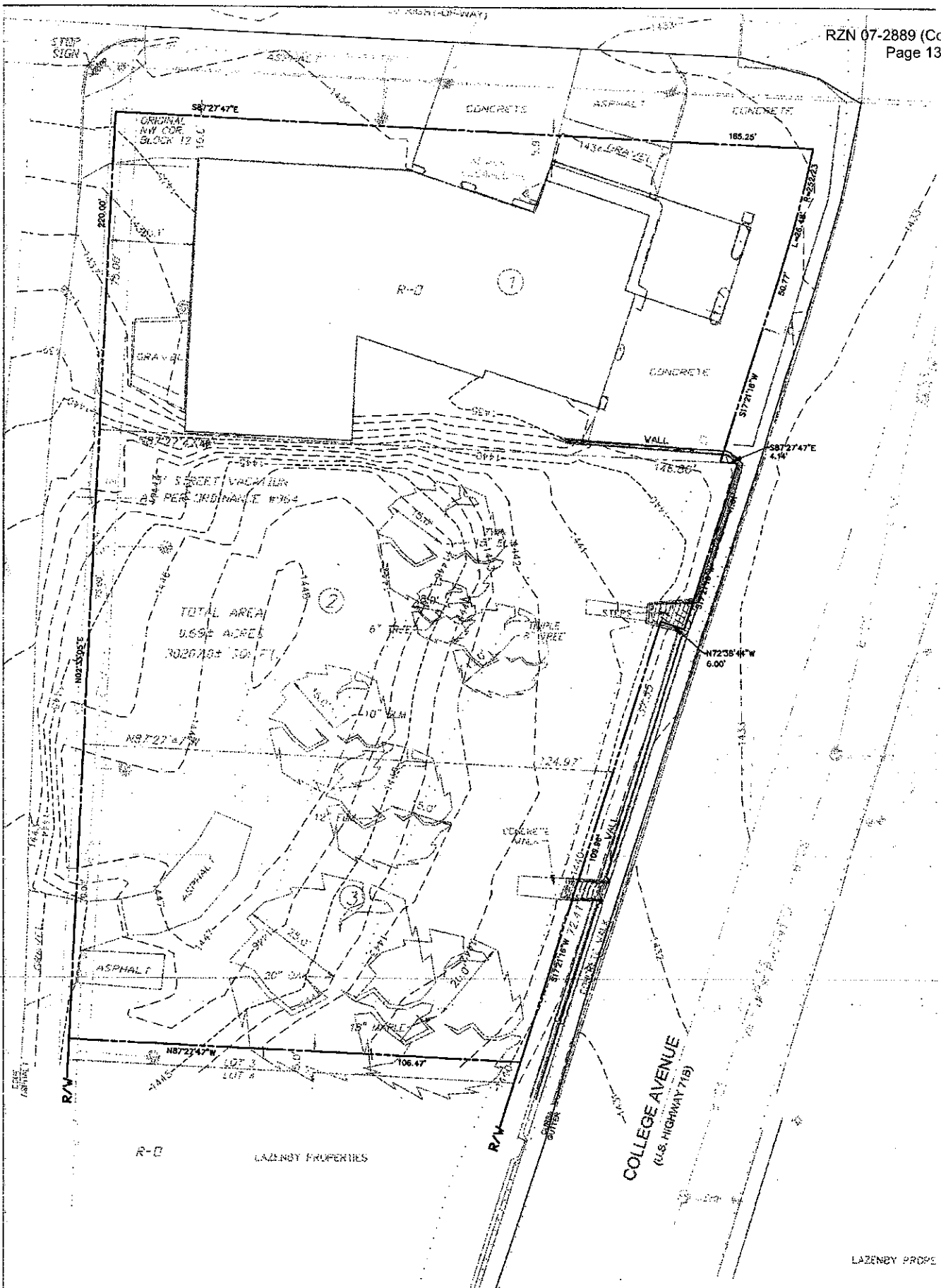
PLAT
RZN REQUEST, BEACON FLATS
17 DEC 2007



SCALE: 1" = 100'



MARK	PARCEL	OWNER OF RECORD	CURRENT ZONING
1	765-03828-000	W-One Investments, LLC	PZD
2	765-03829-000	W-One Investments, LLC	PZD
3	765-03830-000	W-One Investments, LLC	PZD
4	765-03831-000	Lazenby Properties	R-O
5	765-03820-000	Michael & Mary A Kulish	RSF-4
6	765-03822-000	Karen L Ball	RSF-4
7	765-03807-000	Dorothy J Reddig, Andrew Reddig, Abigail Moser	RSF-4
8	???		C-1
9	765-03843-000	Lazenby Properties	C-1
10	765-04701-000	Mark A January	C-2
11	765-04697-000	Clement O Dufrene	C-2
12	765-04699-000	Clement O Dufrene	C-2
13	765-04691-000	Lazenby Properties	C-2
14	765-04692-000	Lazenby Properties	C-2
15	765-03831-001	Arkansas State Highway Commission	R-0
16	765-03829-001	Arkansas State Highway Commission	--
17	765-03829-002	City of Fayetteville	--
18	765-03827-000	Arkansas State Highway Commission	--



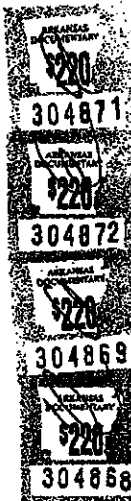
LAZENBY PROPS

Doc ID: 008154040003 Type: REC
Recorded: 02/10/2006 at 08:48:00 AM
Fee Amt: \$14.00 Page 1 of 3
Washington County, AR
Metts & Sons Circuit Clerk
File # 2005-00006186

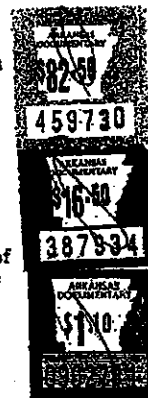
WARRANTY DEED
(By Trustees)

KNOW ALL MEN BY THESE PRESENTS:

J. C. Nickell, Jr., being the duly appointed, qualified and acting Trustee of The J. C. Nickell, Jr. Revocable Trust under date of (U/D) January 19, 1998, as amended, and Alma L. Nickell, being the duly appointed, qualified and acting Trustee of The Alma L. Nickell Revocable Trust under date of (U/D) January 19, 1998, hereinafter called "Grantors", pursuant to the power and authority granted therein, and for Ten Dollars (\$10.00) and other valuable consideration paid by Beacon Flats, LLC, an Arkansas limited liability company, hereinafter called "Grantee", the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, and unto Grantee's successors and assigns forever, the following-described lands situated in Washington County, Arkansas:



A part of Lot Numbered One (1), a part of Lot Numbered Two (2) and a part of Lot Numbered Three (3), all in Block Numbered Twelve (12) of A.L. Trent's Revised Plat of City Park Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described as follows: Beginning at the adjusted Northwest corner of said Lot One (1), said point being N 89°55'47" W 5.00 feet from the original Northwest corner of said Lot One (1); thence S89°55'47" E along the North line of said Lot One (1) 165.25 feet to a chiseled "X" in concrete on the Westerly right of way of College Avenue, said point being on a 252.36 foot radius curve concave to the West; thence Southwesterly along said curve and right of way 26.50 feet, the chord for which being S 61°52'49" W 26.48 feet, to a chiseled "X" in concrete at the point of tangency of said curve; thence continuing along said right of way the following bearings and distances: S14°53'16"W 50.77 feet to a set iron; S89°55'47"E 4.14 feet to a chiseled "X"; S14°53'16"W 41.61 feet to a chiseled "X"; N75°06'44" W 6.00 feet to a chiseled "X"; S14°53'16"W 109.96 feet to a set iron at a point which is 5.00 feet North of the South line of said Lot Three (3); thence leaving said right of way N89°55'47"W 106.47 feet to a set iron at the adjusted West line of said Lot Three (3), said point being 5.00 feet West of the original West line of said Lot Three (3); thence N00°05'06" E 220.00 feet to the Point of Beginning.



TO HAVE AND TO HOLD the same unto the said Grantee, and unto Grantee's successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

AND Grantors hereby covenant with said Grantee, and Grantee's successors and assigns, that Grantors are lawfully seized of said lands, that Grantors have the right to sell and convey the same, that said lands are unencumbered, and that Grantors will forever warrant and defend the title to said lands against all lawful claims and demands whatsoever.

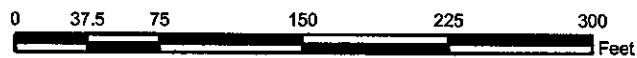
RZN07-2889

Close Up View

COOPER



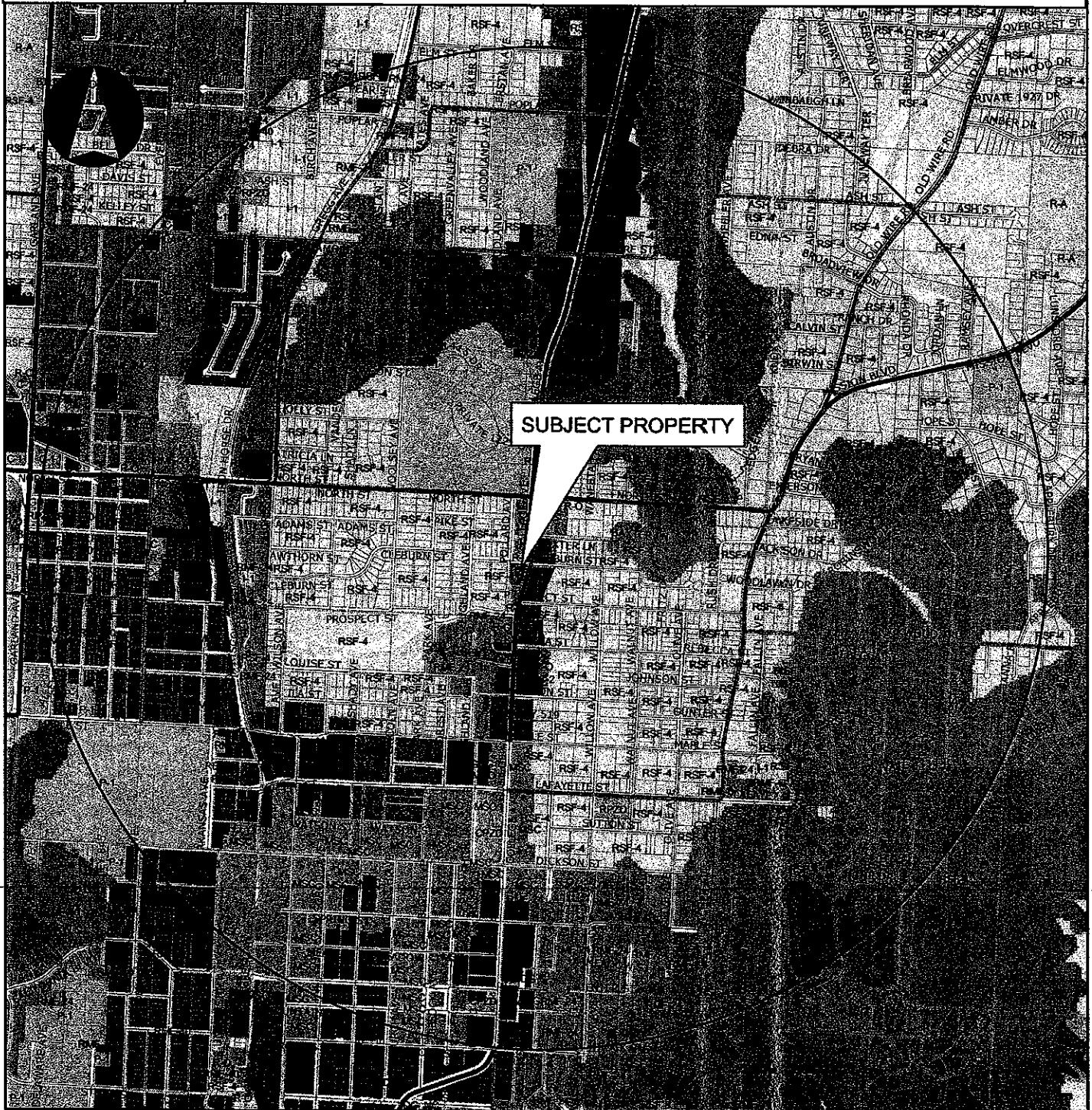
Overview



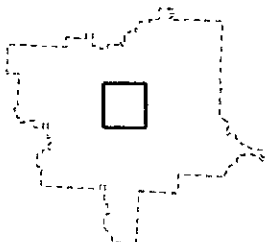
RZN07-2889

One Mile View

COOPER



Overview



Legend

Subject Property

RZN07-2889

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

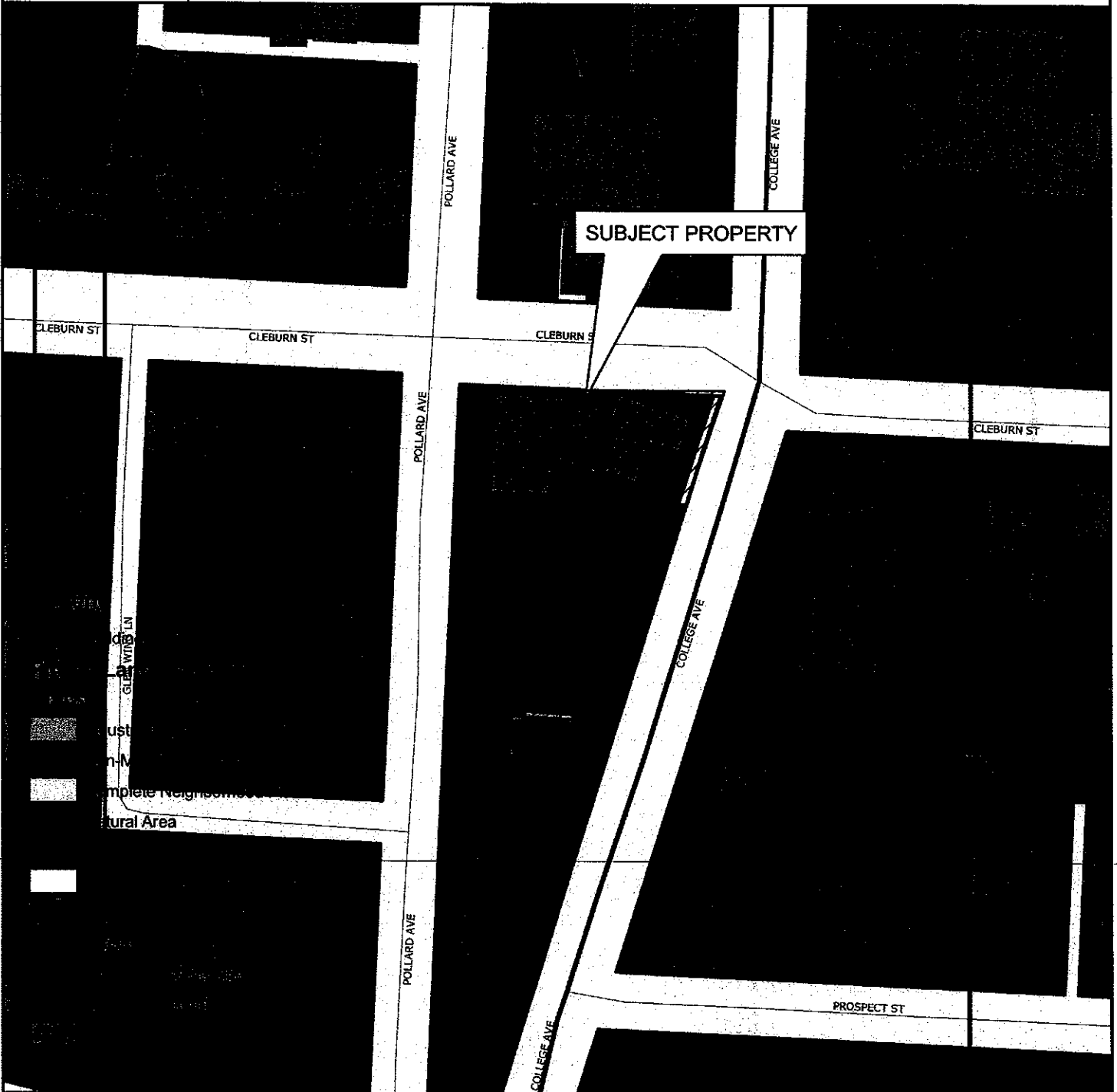
0 0.25 0.5 1 Miles

RZN07-2889

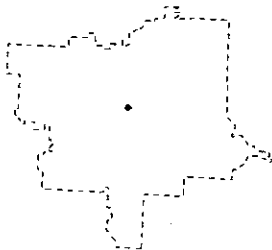
Future Land Use

COOPER

SUBJECT PROPERTY



Overview



Legend

Subject Property

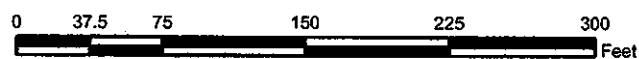
Streets

Existing
Planned

Boundary

Planning Area
Overlay District
Outside City

Legend



**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

19-Feb-08

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2743: (Advance Auto Parts, 562): Submitted by Freeland-Kauffman & Fredeen, Inc. for property located at South School Avenue, south of O'Reilly's Automotive. The request is to vacate a portion of the utility easement that bisects the subject property.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

[Signature]
Department Director

1-31-08
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

2-1-08

Original Contract Number: n/a

Paul A. Becker
Finance and Internal Service Director

2-1-08
Date

Received in City Clerk's Office

ENTERED

1/31/08

[Signature]
Mayor

2/5/08
Date

Received in Mayor's Office

ENTERED

2/1/08

PH

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning ✂

Date: January 31, 2008

Subject: Utility Easement Vacation for Advance Auto Parts (VAC 07-2743)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of a utility easement on the subject property containing approximately 2,419.62 square feet.

BACKGROUND

The subject property is located at 786 South School Avenue (71B), on the east side of the road. The property contains three single family detached homes. The overall site is bounded by Locust Avenue on the east. The property is zoned C-2, Thoroughfare Commercial. The applicant is proposing to construct a new 6,776 square foot Advance Auto Parts retail store on the property.

There is an existing sewer line and associated 20-foot wide easement that bisects the subject property. In order to construct the Advanced Auto Parts store the applicant proposes to abandon the existing sewer line and construct a new sewer line outside of the footprint of the new store, vacate the easement and dedicate a new easement over the new sewer line.

The applicant requests to vacate 2,419.62 square feet of the utility easement that bisects the subject property. The applicant has submitted the required notification forms to the utility companies and to the City with the results summarized below.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City with no objections to the requested easement vacation. This item was heard at the regular Planning Commission meeting on January 28, 2008 and forwarded by vote of 8-0-0 on the consent agenda to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2743 SUBMITTED BY FREELAND-KAUFFMAN AND FREDEEN, INC. FOR PROPERTY LOCATED AT SOUTH SCHOOL AVENUE, JUST SOUTH OF O'REILLY'S AUTOMOTIVE TO VACATE A PORTION OF A UTILITY EASEMENT, A TOTAL OF 2,419.62 SQUARE FEET.

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

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement:

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

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

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. The easement shall not be vacated until the new sewer main is constructed, inspected, and approved, and a new easement dedicated prior to issuance of a building permit for the large scale development.
2. Solid waste dumpsters shall maintain a straight approach and access to service dumpster during sewer re-location.
3. Relocation of any existing facilities will be at the owner/developer's expense.

Page 2
Ord.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



EXHIBIT "B"
VAC 07-2743

COMMENCING AT THE SOUTHWEST CORNER OF LOT SEVEN (7) OF SAID BLOCK EIGHT (8), SAID POINT BEING A FOUND REBAR, THENCE S89°29'03"E 144.07 FEET, THENCE N89°18'18"E 11.78 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHEAST CORNER OF LOT SEVEN (7) OF SAID BLOCK EIGHT (8) AND ON THE WEST LINE OF SAID 20' WATER AND SEWER EASEMENT, THENCE ALONG SAID WEST LINE N00°02'54"E 121.42 FEET, THENCE S87°08'32"E 20.02 FEET TO A POINT ON THE EAST LINE OF SAID 20' WATER AND SEWER EASEMENT, THENCE ALONG SAID EAST LINE S00°02'54"W 120.54 FEET, THENCE N89°39'38"W 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,419.62 S.F. OR 0.056 ACRES, MORE OR LESS.



PC Meeting of January 28, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~January 23, 2008~~ Updated January 31, 2008

VAC 07-2743: (ADVANCE AUTO PARTS, 523): Submitted by FREELAND-KAUFFMAN & FREDEEN, INC. for property located at S. SCHOOL AVENUE, JUST S OF O'REILLY'S AUTOMOTIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.20 acres. The request is to vacate a portion of a utility easement on the subject property.

Planner: Andrew Garner

Property Description & Background: The subject property is located at 786 South School Avenue (71B), on the east side of the road. The property contains three single family detached homes. The overall site is bounded by Locust Avenue on the east. The property is zoned C-2, Thoroughfare Commercial. The applicant is proposing to construct a new 6,776 square foot Advance Auto Parts retail store on the property. Surrounding land use and zoning is listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North, South, West	Mixed Commercial/Retail	C-2
East	Single Family Residential	RMF-24

There is an existing sewer line and associated 20-foot wide easement that bisects the subject property. In order to construct the Advanced Auto Parts store the applicant proposes to abandon the existing sewer line and construct a new sewer line outside of the footprint of the new store, vacate the easement and dedicate a new easement over the new sewer line.

Request: The applicant requests to vacate 2,419.62 square feet of the utility easement that bisects the subject property. The applicant has submitted the required notification forms to the utility companies and to the City with the results summarized below.

UTILITIES

Cox Communications

RESPONSE

No Objections

Ozark Electric

No Objections

AEP/SWEPCO

No Objections

Arkansas Western Gas

No Objections

AT&T

No Objections -- provided that relocation of any existing facilities will be at the owner/developer's expense.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer and Engineering

No Objections - provided that the easement shall not be vacated until the new sewer main is constructed, inspected, and approved, and a new easement dedicated prior to issuance of a building permit for the large scale development.

Solid Waste

No Objections -- provided that solid waste dumpsters are allowed straight approach and access to service dumpster during sewer re-location.

Transportation

No Objections

Findings: Staff finds that vacating the requested portion of easement would not adversely affect access to the utilities serving the property or any other adjacent property given the applicant's proposal to relocate the existing sewer line and dedicate a new easement over the relocated sewer line.

Public Comment: Staff has not received public opposition to this vacation request.

Recommendation: Staff recommends forwarding this request to the City Council with a recommendation of approval to vacate the utility easement VAC 07-2743 with the following conditions of approval.

1. The easement shall not be vacated until the new sewer main is constructed, inspected, and approved, and a new easement dedicated prior to issuance of a building permit for the large scale development.

2. Solid waste dumpsters shall maintain a straight approach and access to service dumpster during sewer re-location.
3. Relocation of any existing facilities will be at the owner/developer's expense.

PLANNING COMMISSION ACTION:

Recommendation to be: ☒ **Forwarded for approval** ☐ **Denied** ☐ **Tabled**

Motion: Graves

Second: Myers

Vote: 8-0-0

Date: January 28, 2008

Comments: _____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By

Title

Date

PETITION TO VACATE A EASEMENT LOCATED IN LOTS 4, 5, & 6, BLOCK 8 OF FERGUSON'S ADDITION, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lots 4, 5, & 6, Block 8 of Ferguson's Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

A PART OF THE NW ¼ OF THE NE ¼ OF SECTION 31, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND A PART OF A 30" WATER AND SEWER EASEMENT DESCRIBED IN WASHINGTON COUNTY WARRANTY DEED BOOK 2002, PAGE 72730, SAID EASEMENT BEING A PART OF LOTS NUMBERED 4, 5, & 6, ALL IN BLOCK 8 OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF LOT 7 OF SAID BLOCK 8, SAID POINT BEING A FOUND REBAR, THENCE S89°29'03"E 144.07 FEET; THENCE N89°18'18"E 11.78 FEET; THENCE N00°02'54"E 17.30 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SE CORNER OF LOT 7 OF SAID BLOCK 8 AND ON THE WEST LINE OF SAID 20" WATER AND SEWER EASEMENT; THENCE ALONG SAID WEST LINE N00°02'54"E 104.12 FEET; THENCE S87°08'32"E 28.05 FEET TO A POINT ON THE EAST LINE OF SAID 20" WATER AND SEWER EASEMENT; THENCE ALONG SAID EAST LINE S00°03'44"W 103.02 FEET; THENCE S89°42'25"W 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,072.67 SQUARE FEET OR 0.048 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the easement are lots 4, 5, & 6 of Ferguson's Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estates, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.
The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

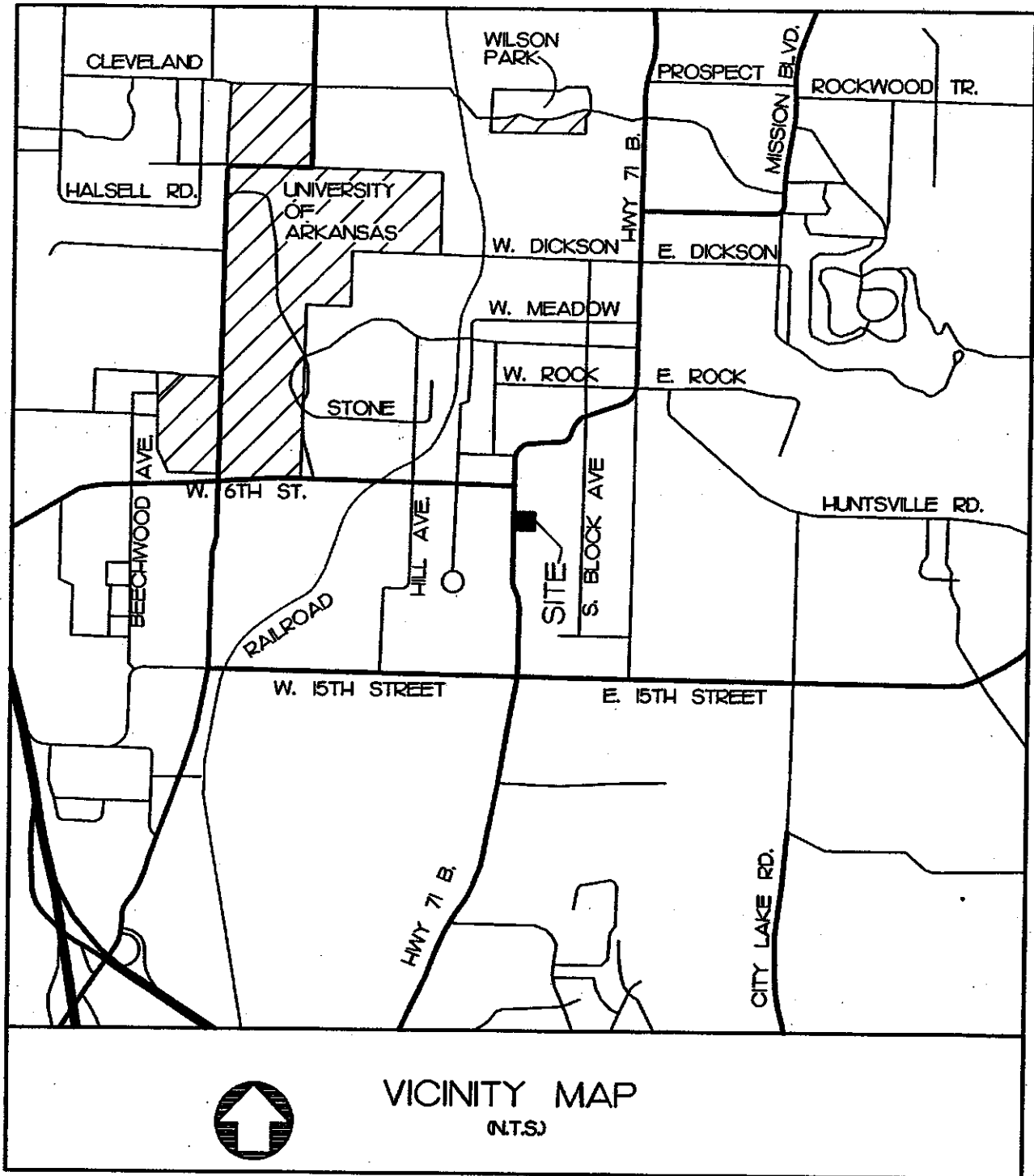
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and a to that particular land the owners be free from the easements of the public for the use of said alley.

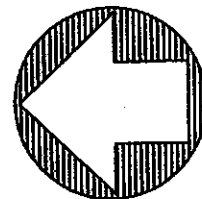
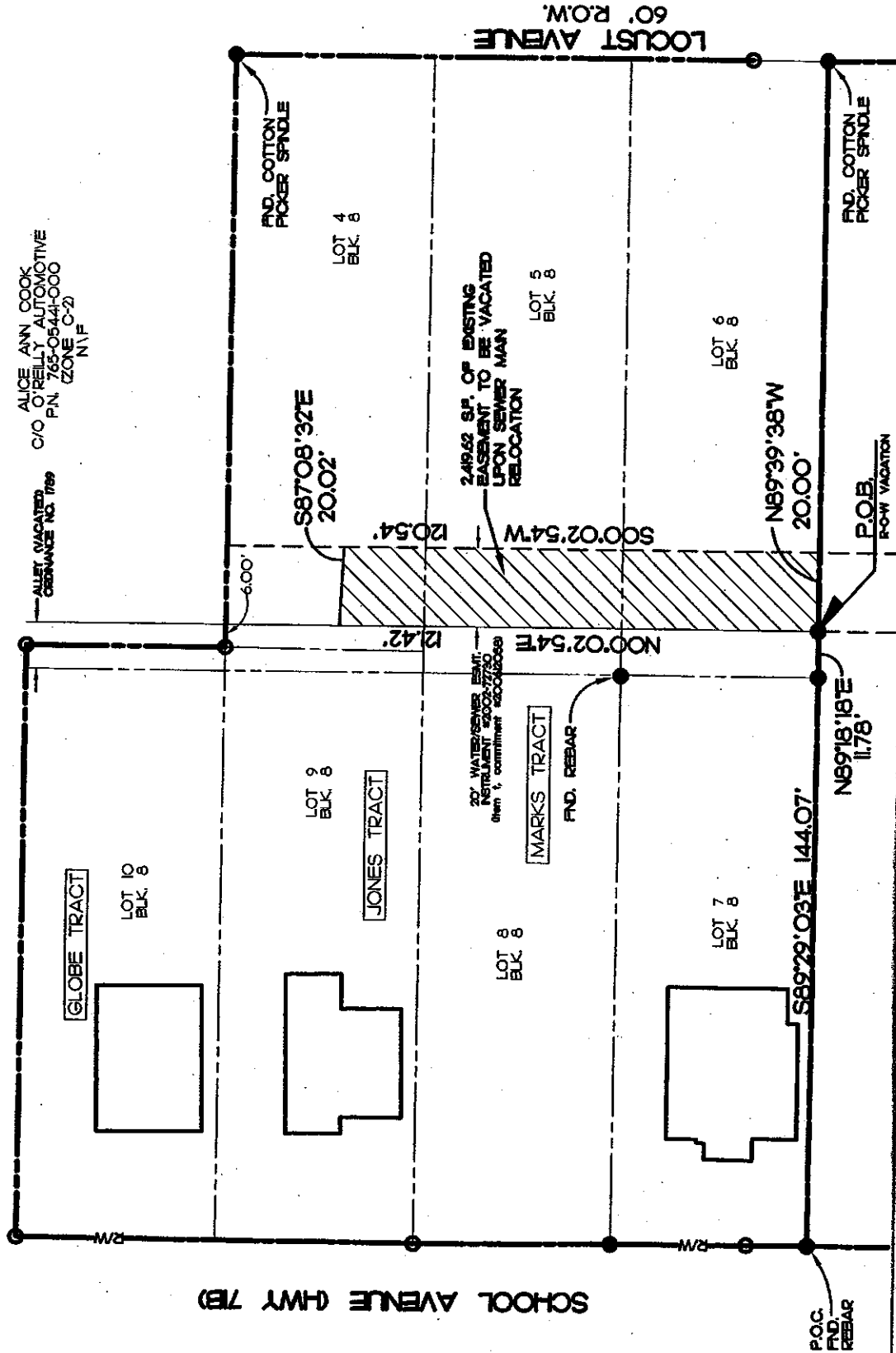
Dated this 7th day of September, 2007.

Mike Driver, Sansone Group

Printed Name

Signature

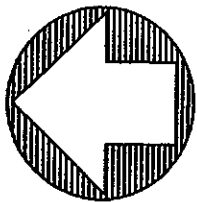




SCHOOL AVENUE (HWY 7B)

70' R.O.W.
ASPHALT (GOOD COND)

PHYSICAL CENTERLINE



EXISTING SEWER MAIN TO BE
REMOVED UPON COMPLETION,
APPROVAL, AND CONNECTION OF
PROPOSED SEWER MAIN

PROPOSED 20'
UTILITY EASEMENT

PROPOSED
SEWER MAIN

Advanced
Auto Parts

BAOT

PROPOSED 20'
UTILITY EASEMENT
BY SEPARATE
DOCUMENT

PROPOSED SEWER MAIN
POINT OF CONNECTION
AT EXISTING MAIN

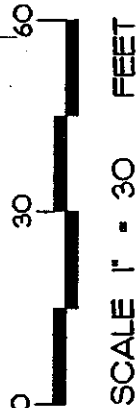


EXHIBIT B: SEWER RELOCATION

PRELIMINARY

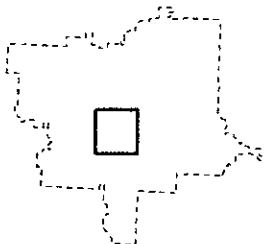
VAC07-2743

ADVANCE AUTO PARTS

One Mile View



Overview



Legend

Subject Property

VAC07-2743

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Feb-08
City Council Meeting Date

Jeremy Pate *[Signature]*
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2888: (Clabber Creek III Lot 103, 283): Submitted by Northstar Engineering Consultants, Inc. for property located at Lot 103, Clabber Creek Ph. III. The request is to vacate a portion of a utility easement on the south side of the subject property.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

1-31-08
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

2-1-08

Original Contract Number: n/a

Paul A. Beck
Finance and Internal Service Director

2-1-08
Date

Received in City Clerk's Office

[Signature]
Mayor

2/5/08
Date

Received in Mayor's Office

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JCP*

Date: January 31, 2008

Subject: Utility Easement Vacation for Clabber Creek III Lot 103 (VAC 07-2888)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of a utility easement on the subject property containing approximately 54 square feet.

BACKGROUND

The project site is located at 3922 Brightwater Place at Lot 103 in the Clabber Creek Phase III Subdivision north of Mount Comfort Road and west of Ruppel Road. There is an existing utility line located within the subject utility easement, though sufficient easement will be retained for access and maintenance, with approximately 10' of separation between the line and the structure, based on the submitted survey. The single-family structure was approved for construction in September 2006 with an approximately 15' setback from the south property line; however, a survey shows that the house encroaches approximately 5' into the platted utility easement.

The applicant requests to vacate approximately 54 square feet of the utility easement that is located on the south side of the subject property, under the existing single-family residence. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City with no objections to the requested easement vacation. This item was heard at the regular Planning Commission meeting on January 28, 2008 and forwarded by vote of 8-0-0 on the consent agenda to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2888 SUBMITTED BY NORTHSTAR ENGINEERING CONSULTANTS, INC. FOR PROPERTY LOCATED AT LOT 103, CLABBER CREEK PHASE III, TO VACATE A PORTION OF A UTILITY EASEMENT ON THE SOUTH SIDE OF THE SUBJECT PROPERTY, A TOTAL OF 54 SQUARE FEET.

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

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement:

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

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

PASSED and APPROVED this day of , 2008.

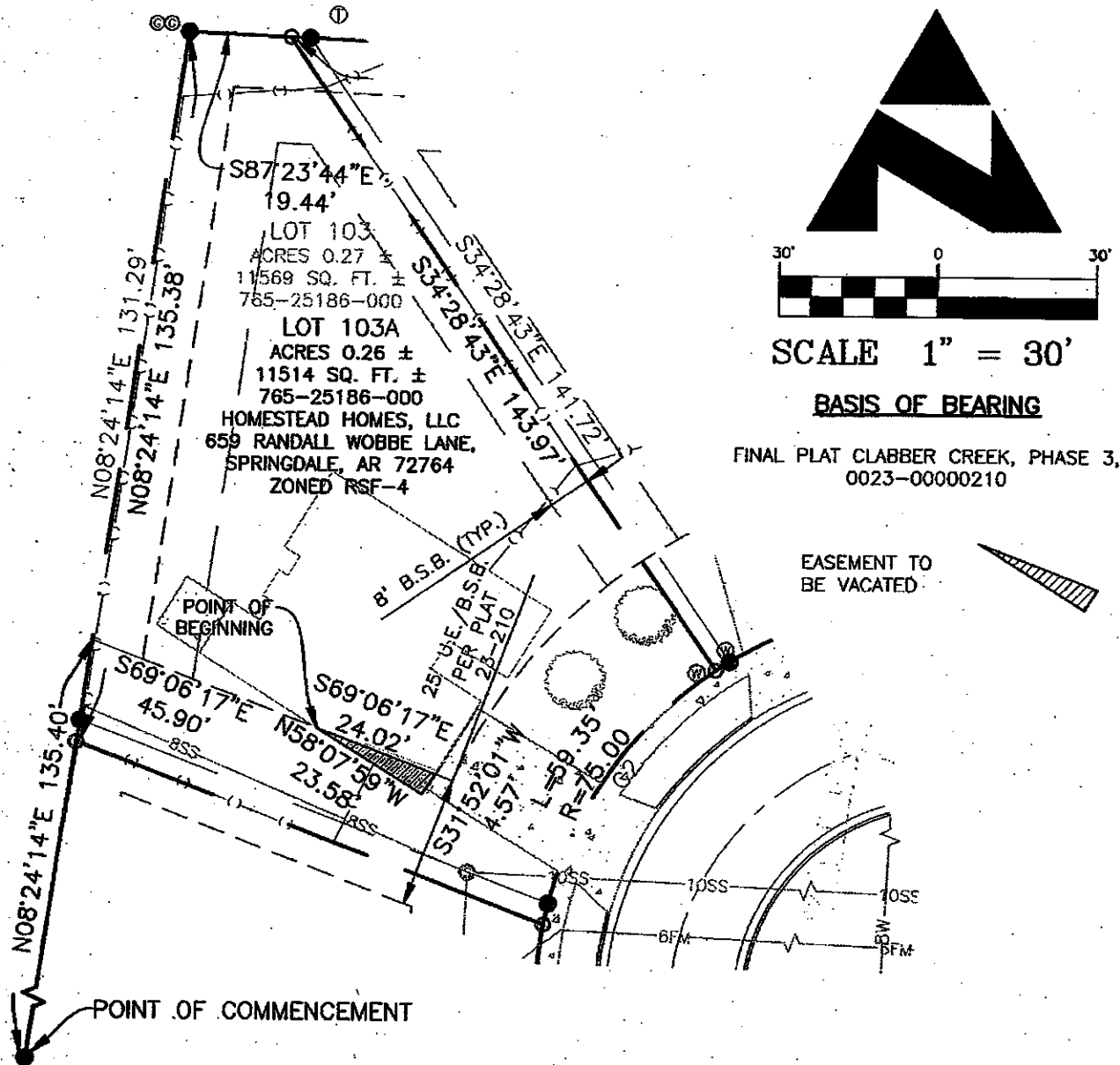
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"



LEGAL DESCRIPTION: (EASEMENT TO BE VACATED)

PART OF LOT 103 OF CLABBER CREEK, PHASE 3, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN FOR THE SOUTHWEST CORNER OF LOT 102 OF CLABBER CREEK, PHASE 3, THENCE N08°24'14"E 135.40 FEET, THENCE S69°06'17"E 45.90 FEET TO THE POINT OF BEGINNING, THENCE S69°06'17"E 24.02 FEET, THENCE S31°52'01"W 4.57 FEET, THENCE N58°07'59"W 23.58 FEET TO THE POINT OF BEGINNING, CONTAINING 54.0 SQUARE FEET, MORE OR LESS.

EXHIBIT "B"
VAC 07-2888

PART OF LOT 103 OF CLABBER CREEK, PHASE 3, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN FOR THE SOUTHWEST CORNER OF LOT 102 OF CLABBER CREEK, PHASE 3, THENCE N08°24'14"E 135.40 FEET, THENCE S69°06'17"E 45.90 FEET TO THE POINT OF BEGINNING, THENCE S69°06'17"E 24.02 FEET, THENCE S31°52'01"W 4.57 FEET, THENCE N58°07'59"W 23.58 FEET TO THE POINT OF BEGINNING, CONTAINING 54.0 SQUARE FEET, MORE OR LESS.



PC Meeting of January 28, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~January 22, 2008~~ Updated January 31, 2008

VAC 07-2888: (CLABBER CREEK III LOT 103, 283): Submitted by NORTHSTAR ENGINEERING CONSULTANTS, INC for property located at LOT 103, CLABBER CREEK III. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.30 acres. The request is to vacate a portion of an easement.

Planner: Jesse Fulcher

Background/Property: The project site is located at 3922 Brightwater Place at Lot 103 in the Clabber Creek Phase III Subdivision north of Mount Comfort Road and west of Ruppel Road. There is an existing utility line located within the subject utility easement, though sufficient easement will be retained for access and maintenance, with approximately 10' of separation between the line and the structure, based on the submitted survey. The single-family structure was approved for construction in September 2006 with an approximately 15' setback from the south property line; however, a survey shows that the house encroaches approximately 5' into the platted utility easement.

Request: The applicant requests to vacate approximately 54 square feet of the utility easement that is located on the south side of the subject property, under the existing single-family residence. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Cox Communications

No Objections

AEP/SWEPCO

No Objections

Arkansas Western Gas

No Objections

AT&T/ Southwestern Bell Telephone

No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No Objections.

Engineering

No Objections

Solid Waste

No Objections

Transportation

No Objections

Findings: Staff finds that vacating the requested portion of easement would not adversely affect access to the utilities serving the property, or any other adjacent property. All necessary utility representatives have stated no objection to the requested vacation.

Public Comment: Staff has not received public opposition to this vacation request.

Recommendation: Staff recommends forwarding to the City Council with a recommendation for approval of **VAC 07-2888** with no conditions.

PLANNING COMMISSION ACTION: yes Required

Recommendation to be: ☒ Forwarded for approval ☐ Denied ☐ Tabled

Motion: Graves

Second: Myers

Vote: 8-0-0

Date: January 28, 2008

Comments: _____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By

Title

Date

December 7, 2007

Mr. Jeremy Pate
City Planner
City of Fayetteville
126 West Mountain Street
Fayetteville, Arkansas 72701

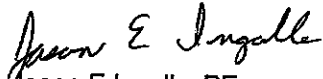
Re: Easement Vacation Request – Lot 103
Clabber Creek Subdivision, Phase 3, Fayetteville, Arkansas
NEC Project No. 571-001

Dear Mr. Pate:

On behalf of Homestead Homes, LLC, I respectfully request your consideration of the easement vacation described below regarding Lot 103, Clabber Creek Subdivision, Phase 3, Fayetteville, Arkansas. A house has been constructed which encroaches onto an existing platted utility easement. We are requesting a portion of the easement to be vacated to allow the constructed home to encroach into the easement (See attached exhibit). We would appreciate your consideration of the above request.

Please call me at 479-271-0906 if you have any questions or need additional information.

Best Regards,



Jason E Ingalls, PE
Project Manager

Cc: Homestead Homes, LLC, Owner
File

**PETITION TO VACATE A PORTION OF AN EASEMENT LOCATED IN LOT 103, CLABBER CREEK
SUBDIVISION, PHASE 3, CITY OF FAYETTEVILLE, ARKANSAS**

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

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 103, Clabber Creek Subdivision, Phase 3, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of an easement which is described as follows:

Part of Lot 103 of Clabber Creek, Phase 3, being a part of the Northeast Quarter of the Southeast Quarter of Section 31, Township 17 North, Range 30 West in Washington County, Arkansas, being more particularly described as follows:

Beginning at a found iron pin for the Southwest corner of Lot 102 of Clabber Creek, Phase 3, thence N08°24'14"E 135.40 feet, thence S69°06'17"E 45.90 feet to the point of beginning, thence S69°06'17"E 24.02 feet, thence S31°52'01"W 4.57 feet, thence N58°07'59"W 23.58 feet to the point of beginning, containing 54.0 square feet, more or less.

That the abutting real estate affected by said abandonment of the easement are Lots 10, 102, and 104 of Clabber Creek Subdivision, Phase 3, Lots 128, 129, 130, & 131, Clabber Creek Subdivision, Phase 4, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

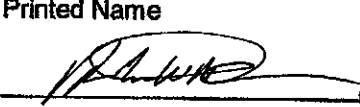
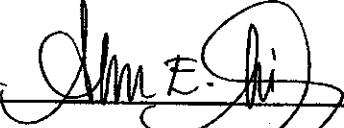
The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

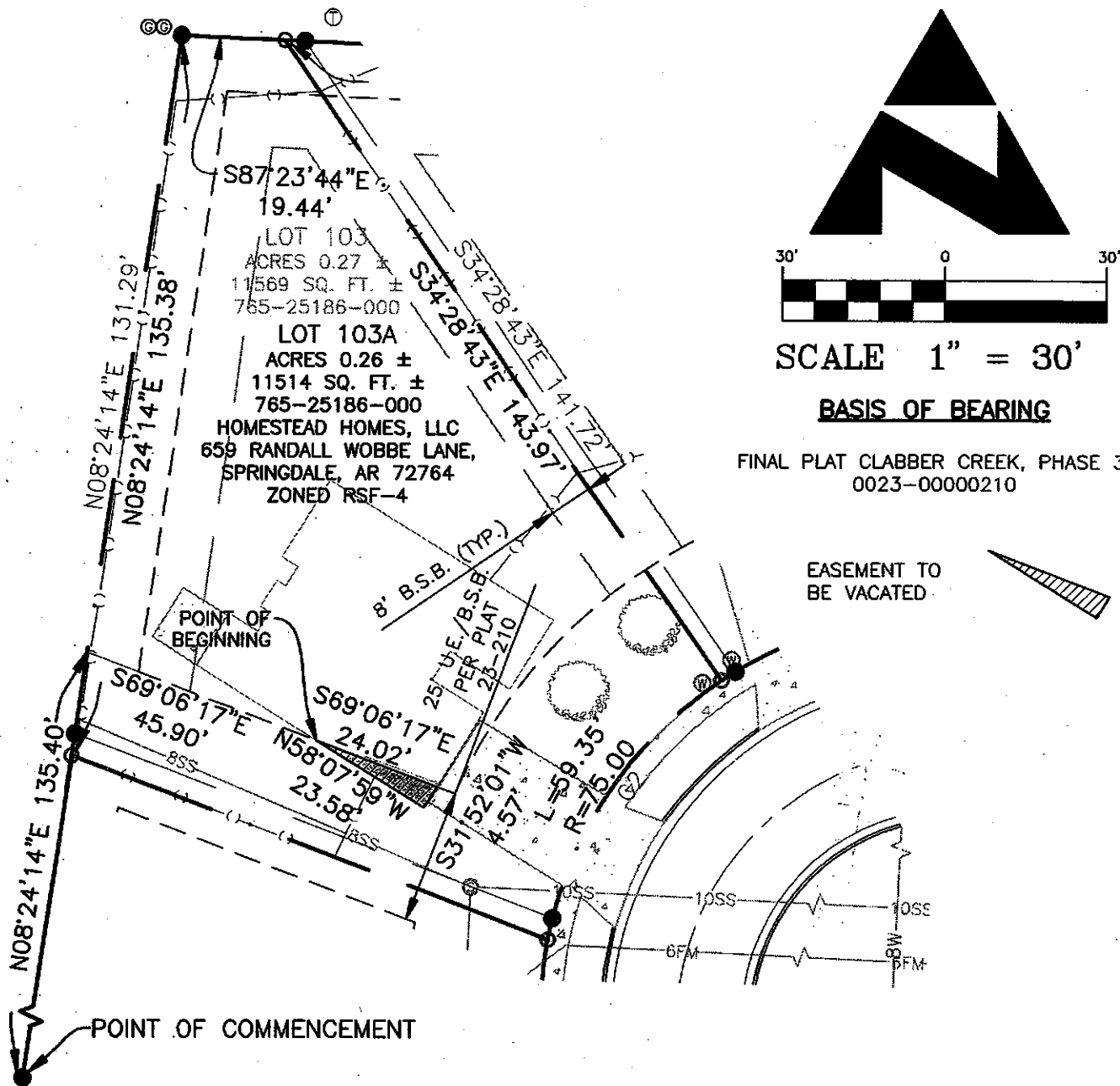
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said easement.

Dated this 19 day of December, 2007.

Andrew W. Miller + Alison E. Miller
Printed Name

 
Signature



LEGAL DESCRIPTION: (EASEMENT TO BE VACATED)

PART OF LOT 103 OF CLABBER CREEK, PHASE 3, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN FOR THE SOUTHWEST CORNER OF LOT 102 OF CLABBER CREEK, PHASE 3, THENCE N08°24'14"E 135.40 FEET, THENCE S69°06'17"E 45.90 FEET TO THE POINT OF BEGINNING, THENCE S69°06'17"E 24.02 FEET, THENCE S31°52'01"W 4.57 FEET, THENCE N58°07'59"W 23.58 FEET TO THE POINT OF BEGINNING, CONTAINING 54.0 SQUARE FEET, MORE OR LESS.

Approved building permit

Building Permit Review Form

Check List

Site Address: 3922 Brightwater Date: 8/29/06 A/P: 25724

Permits qualify for the One-Stop Permitting Process When All Apply:

- | | |
|---|---|
| ☐ Final Plat approved on or after Jan. 1, 05 | ☐ The Property is NOT in the Flood Zone |
| ☐ The Permit is for a 1 or 2 Family Residence | ☐ Does NOT have a slope greater than 15% |
| ☐ The Zoning is NOT R-PZD | ☐ The property will not have a retaining wall over 4' high |
| ☐ Bldg does NOT exceed 40% of the lot. | ☐ Plat does NOT have tree mitigation requirements |
| ☐ Does NOT fall within the Hillside-Hilltop Overlay District | |

Retrieve the following info from Arc Map:

Zoning R-F-4 Plat Page: 283 Parcel# 15-21245-000 S/T/R: 31-17-30
Subdvsn: Clabber Creek 3 Lot/Block: 103 Taz Zone: 5036

Pull Plat - Look for utility easements, setbacks and sidewalks:

Setbacks: N: 8 S: 15 E: 25 W: 20

Match final plat? Y ☒ N ☐	Measure Site plan-does it scale? Y ☒ N ☐
Greenspace & curb? Y ☒ N ☐	Setbacks and easements marked? Y ☒ N ☐
Setbacks meet min.? Y ☒ N ☐	Msred from property line/overhang Y ☒ N ☐
Sidewalk shown? Y ☒ N ☐	Centerline of street shown per MSP Y ☒ N ☐

SW measurements: Lgth: _____ Along: _____
Lgth: _____ Along: _____

Sidewalk Notes: When sidewalk is located on a corner lot, allow 20' for each radius on each sidewalk length. (Each radius=40' total)

Collectors or Arterials streets wider than 50' right of way (ROW) requires a 6' wide sidewalk.

Check Height Limit: (45' height limit in all single family zoning)

Zoned single family? Y ☒ N ☐ Height at historic grade 22'
Zoned multi family? Y ☐ N ☐ Height at historic grade _____

1280 16%
11,413

If zoned multi family and over 20' in height, additional side setbacks will apply

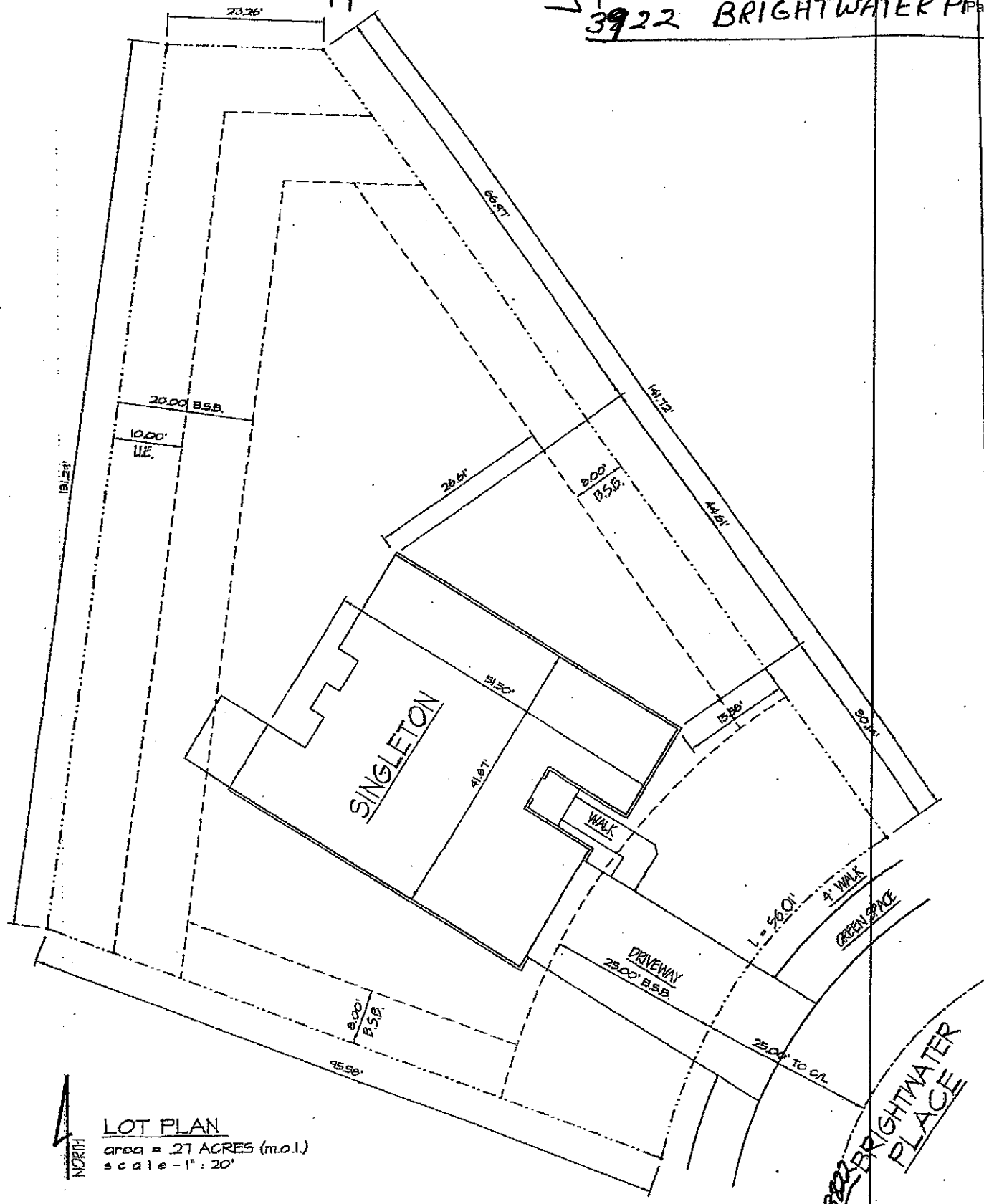
Curb Cuts/Access Restrictions:

Minimum of 5' off side property line Y ☒ N ☐
Minimum of 40' from intersections. Y ☐ N ☐
Min. of 60' from intersections Y ☐ N ☐
on streets w/over 50' ROW

Approved building permit

3922

BRIGHTWATER PLACE



LOT PLAN
area = 27 ACRES (m.o.l.)
scale - 1" = 20'

3922 BRIGHTWATER PLACE

Contractor Information: Homestead Homes 479.927.3388	Project Information: Lot #103 - Phase 3 Clabber Creek S/D NOTES: 1. DIMENSIONS TO FRAME CONSTRUCTION. 2. POSITIONING OF HOUSE ON LOT SHOWN FOR REFERENCE ONLY. ACTUAL POSITIONING TO BE VERIFIED BY OTHERS. 3. REFER TO SURVEY ON FILE FOR ADDITIONAL INFORMATION.	CADesign  Drafting Service, Inc. 2049 Reed Avenue Springdale, Arkansas 72764 Phone (479) 756-2738 Fax (479) 718-4411 FAX (479) 927-0018	CAD-1798/103 7/31/06 Sheet Number 1 of 1
--	--	--	--

NORTHSTAR ENGINEERING

Received By JO Date 12/7/07

Project No 571-601 CC: File

Jason I.

**UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION**

Date: 12-7-07

Utility Company: Cox Communications- Michael Moore

Applicant Name: Homestead Homes, LLC Applicant Phone: (479) 927-9925

REQUESTED VACATION:

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

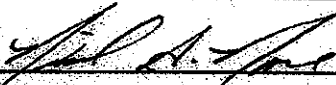
I have notified of the petition to vacate the following portion of an easement, described as follows:

Lot 103, Clabber Creek Subdivision, Phase 3 / 3922 Brightwater Place (See attached exhibit and legal description)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation described above.
- ☐ No objections to the vacation described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Project Coordinator Cox Communications

Title

**UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION**Date: 12-7-07Utility Company: Ozarks Electric - Greg McGeeApplicant Name: Homestead Homes, LLC Applicant Phone: (479) 927-9925**REQUESTED VACATION:**

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have notified of the petition to vacate the following portion of an easement, described as follows:

Lot 103, Clabber Creek Subdivision, Phase 3 / 3922 Brightwater Place (See attached exhibit and legal description)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation described above.
- ☐ No objections to the vacation described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
- ☐ No objections provided the following conditions are met:


Signature of Utility Company RepresentativeLead Staking Tech

Title

**UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION**

Date: 12-11-07

Utility Company: Arkansas Western Gas - James Boyd

Applicant Name: Homestead Homes, LLC Applicant Phone: (479) 927-9925

REQUESTED VACATION:

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

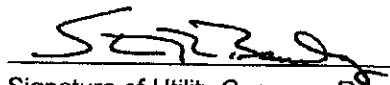
I have notified of the petition to vacate the following portion of an easement, described as follows:

Lot 103, Clabber Creek Subdivision, Phase 3 / 3922 Brightwater Place (See attached exhibit and legal description)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation described above.
- ☐ No objections to the vacation described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

FAYETTEVILLE Assistant Operations Manager

Title



Lynda Palmer
Manager-Engineering (ROW)
Right-of-Way & Joint Use Poles

AT&T Arkansas
1111 West Capitol
Room 941
Little Rock, AR 72201

C. 3
VAC 07-2888
(Clabber Creek III Lot 103)
T: 501.373.5255 Page 16 of 24
F: 501.373.0229
lynda.palmer@att.com

NORTHSTAR ENGINEERING
Received By JP Date 12-12-07
Project No. 271-00100 Loc. F. 1E
Jason I.

December 10, 2007

Northstar Engineering Consultants, Inc.
Attn: Jason Ingalls, PE
207 South Main Street
Bentonville, AR 72712

Dear Mr. Ingalls:

RE: Easement vacation – Clabber Creek S/D - Fayetteville, AR

Please find enclosed AT&T's concurrence in your request to the above mentioned vacation.

This concurrence must be recorded at the Washington County Courthouse in the office of the circuit clerk to be complete and legal. I would appreciate you returning a copy of the document to me at the above address for my files.

If you have any questions or comments, please call me at 501-373-5255.

Sincerely,

Lynda Palmer

attachments



CONCURRENCE TO CLOSE A DEDICATED EASEMENT

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone Company, d.b.a. AT&T Arkansas, hereby concurs in the vacation of a portion of a dedicated utility easement in part of Lot 103 of the Clabber Creek Phase III Subdivision, being a part of the NE ¼ of the SE ¼ of Section, 31, T-17-N, R-30-W, in Washington County, Arkansas, being more particularly described as follows:

Beginning at found pin for the SW corner of Lot 102 of the Clabber Creek, Phase III, thence N08°24'14"E, 135.40 feet; thence S69°06'17"E 45.90 feet to the point of beginning; thence S69°06'17"E 24.02 feet; thence S31°52'01"W 4.57 feet; thence N58°07'59"W 23.58 feet to the point of beginning, containing 54.0 square feet, more or less.

Signed and executed this 10th day of December, 2007.

By: _____

F. Jean Davis

Director-Engineering/Construction

CORPORATE ACKNOWLEDGEMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

On this the 10th day of December, 2007, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Engineering/Construction for Southwestern Bell Telephone Company, d.b.a. AT&T Arkansas, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official seal.



This instrument prepared by AT&T
1141 W. Capitol, Room 941
Little Rock, AR 72201 (501-373-5255)

Linda E. Sommerfeldt Palmer
Linda E. Sommerfeldt Palmer
Notary Public in & for Faulkner Co., AR
My commission expires August 10, 2011

UTILITY APPROVAL FORM FOR RIGHT-OF-WAY, ALLEY AND UTILITY EASEMENT VACATIONS

DATE: 12/10/07

UTILITY COMPANY: Southwestern Bell Telephone Company d.b.a. AT&T Arkansas

REQUESTED VACATION:

UTILITY EASEMENT

I have been notified of the petition to vacate the following right-of-way.

Described as follows – 3922 Brightwater Place:

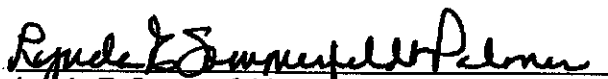
Part of Lot 103 of the Clabber Creek Phase III Subdivision, being a part of the NE ¼ of the SE ¼ of Section, 31, T-17-N, R-30-W, in Washington County, Arkansas, being more particularly described as follows: Beginning at found pin for the SW corner of Lot 102 of the Clabber Creek, Phase III, thence N08°24'14"E, 135.40 feet; thence S69°06'17"E 45.90 feet to the point of beginning; thence S69°06'17"E 24.02 feet; thence S31°52'01"W 4.57 feet; thence N58°07'59"W 23.58 feet to the point of beginning, containing 54.0 square feet, more or less.

UTILITY COMPANY COMMENTS:

No objections to the vacation described above.

Signature of this form does not constitute a release of easement. The attached Concurrence must be recorded at the Washington County courthouse in order for this release to be complete and legal.

Signature of AT&T Company Representative:


Lynda E. Sommerfeldt Palmer, Mgr.-Engr. (ROW)

UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATIONDate: 12-7-07Utility Company: Fayetteville Water and Sewer - Matt CaseyApplicant Name: Homestead Homes, LLCApplicant Phone: (479) 927-9925

REQUESTED VACATION:

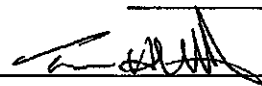
- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have notified of the petition to vacate the following portion of an easement, described as follows:

Lot 103, Clabber Creek Subdivision, Phase 3 / 3922 Brightwater Place (See attached exhibit and legal description)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation described above.
- ☐ No objections to the vacation described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
- ☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Title

Water & Sewer Operations Mgr

**UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION**

Date: 12-7-07

Utility Company: Fayetteville Solid Waste - Brian Pugh

Applicant Name: Homestead Homes, LLC Applicant Phone: (479) 927-9925

REQUESTED VACATION:

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have notified of the petition to vacate the following portion of an easement, described as follows:

Lot 103, Clabber Creek Subdivision, Phase 3 / 3922 Brightwater Place (See attached exhibit and legal description)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation described above.
- ☐ No objections to the vacation described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
- _____
- _____
- ☐ No objections provided the following conditions are met:
- _____
- _____
- _____

Brian Pugh

Signature of Utility Company Representative

Waste Reduction Coordinator

Title

**UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION**

Date: 12-7-07

Utility Company: Transportation - Mr. Perry Franklin

Applicant Name: Homestead Homes, LLC Applicant Phone: (479) 927-9925

REQUESTED VACATION:

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have notified of the petition to vacate the following portion of an easement, described as follows:

Lot 103, Clabber Creek Subdivision, Phase 3 / 3922 Brightwater Place (See attached exhibit and legal description)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation described above.
- ☐ No objections to the vacation described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Perry Franklin 12/10/07
Signature of Utility Company Representative

Transportation Supt
Title Transportation Division
Operations Dept
City of Fayetteville

515 8227

VAC07-2888

CLABBER CREEK III LOT 103

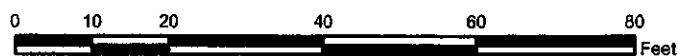
Close Up View



SUBJECT PROPERTY



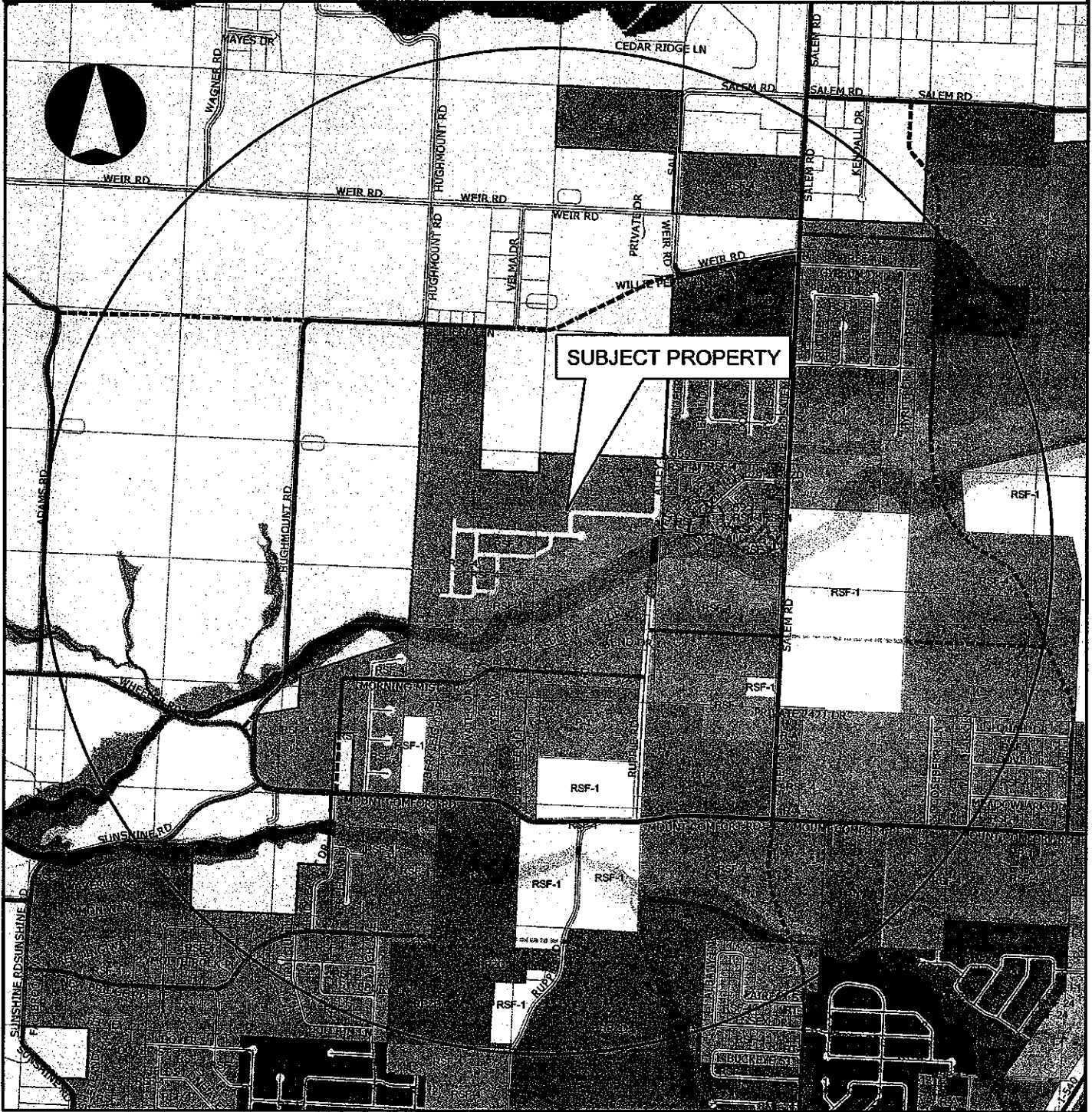
Overview



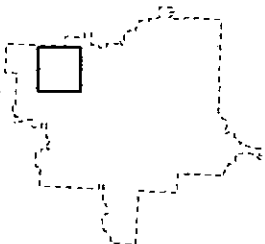
VAC07-2888

One Mile View

CLABBER CREEK III LOT 103



Overview



Legend

Subject Property

■ VAC07-2888

Boundary

○ Planning Area

○ Overlay District

□ Outside City

Legend

■ Hillside-Hilltop Overlay District

0 0.25 0.5 1
Miles

**City Council Agenda Items
and
Contracts, Leases or Agreements**

2/19/2008

City Council Meeting Date
Agenda Items Only

Alison Jumper

Submitted By

Parks and Recreation

Division

Operations

Department

Action Required:

City Council approval of a resolution to authorize the City to waive formal bidding requirements for the electrical work needed for the Square area improvements and to approve the attached contract with King Electric.

\$ 165,000.00

Cost of this request

\$ 757,000.00

Category / Project Budget

Sidewalk Improvements

Program Category / Project Name

4470-9470-5315.00

Account Number

\$ 71,746.37

Funds Used to Date

Transportation Improvements

Program / Project Category Name

02053 / 4

Project Number

\$ 685,253.63

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

[Signature] 2/3/08
Department Director Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

[Signature] 2/5/08
City Attorney Date

Original Contract Number: _____

Paul A. Beebe 2-5-08
Finance and Internal Service Director Date

Received in City
Clerk's Office

ENTERED
2/11/08

[Signature] 2/4/08
Mayor Date

Received in
Mayor's Office

ENTERED
2/5/08

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.3
Fayetteville, AR 72701
Telephone: (479) 444-3469

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody

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

From: Alison Jumper, Park Planner

Date: January 31, 2008

Subject: Bid Waiver for Electrical Contractor

Background

The City of Fayetteville and the Advertising and Promotion Commission are partnering to renovate and improve the downtown Square area. The A & P Commission has agreed to contribute \$460,000 towards the improvements which include replacing street lights, benches, brick planters and plantings, upgrading the water feature, adding tree grates, sidewalk replacement, improved lighting and electrical distribution, curb and gutter replacement, and street overlay. The City has agreed to match funding from the A & P Commission to contribute to the improvements. Several surrounding property owners including Arvest, the University of Arkansas and East Square Development have also contributed improvements. Participation from additional property owners is anticipated.

Current Status

Improvements to the downtown Square area began in April of 2007 with the renovation of the water feature on the northwest corner and the installation of new benches and trash cans. Sidewalk improvements have been made adjacent to the Continuing Education building on the northeast corner. Additional improvements to be made include adding path lighting along the interior of the Square, replacing sidewalks around the exterior of the Square as well as around the Old Post Office, replacing the wooden wall around the west and south sides of the Old Post Office with native stone and repairing the brick paths in the gardens.

Upgrades to the electrical system around the Square are also needed. Electrical upgrades include relocating unsightly electrical panels and boxes, adding path lighting and replacing outdated equipment.

King Electric has the City's contract for electrical work and has worked on much of the existing electrical system on the Square in the past and has a vast knowledge of the current conditions. Their familiarity of the systems is key to the timeliness and efficiency of the work. Improvements to the interior of the Square are scheduled to be complete by the opening of the Farmer's Market.

Budget Impact

Electrical improvements are anticipated to cost \$165,000 for the necessary upgrades and replacements. This will be part of the City's matching funds for the Square area improvements.

Recommendation

Parks and Recreation requests City Council approval of a resolution to authorize the City to waive formal bidding requirements for the electrical work needed for the Square area improvements and to approve the attached contract with King Electric.

Attachments:

Contract with King Electric

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$165,000.00 FOR ELECTRICAL WORK ASSOCIATED WITH THE FAYETTEVILLE SQUARE IMPROVEMENTS.

WHEREAS, King Electrical Contractors has the City Contract for electrical work, and as a result has become very familiar with the existing electrical system at the Fayetteville Square; and

WHEREAS, such familiarity is indispensable to completing the Project before the Spring opening of the Fayetteville Farmers Market.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, waives the requirements of formal competitive bidding and approves a contract with King Electrical Contractors in the amount of \$165,000.00 for electrical work associated with the Fayetteville Square Improvements.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

KING ELECTRICAL CONTRACTORS
2145 W MOORE LANE
FAYETTEVILLE AR 72701

479-443-0006 FAX 479-443-1719

PROPOSAL

TO: City of Fayetteville Attn: Allison	PHONE	DATE 1-23-08
	JOB NAME Square Lighting Project	
JOB DESCRIPTION: Furnish and install conduit, wire, gear, time clocks, contactors, junction boxes, set poles, wire poles and bollards, make safe existing wiring, move 4 existing panels to new location, install 2 new panels. City to furnish ditching, boring, pole bases, light poles, bollard poles, transformers.		
PROPOSAL GOOD FOR 30 DAYS		DOLLARS: \$165,000.00
TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE A FINANCE CHARGE WILL BE CHARGED ON ALL PAST DUE ACCOUNTS OF .0833% PER MONTH. ALL ATTORNEY FEES WILL BE COLLECTED ON PAST DUE ACCOUNTS.		AUTHORIZED SIGNATURE  ACCEPTANCE SIGNATURE
THE ABOVE PRICES SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.		

City of Fayetteville

CONTRACT

This contract executed this ____ day of _____, 2008, between the City of Fayetteville, Arkansas, and King Electric In consideration of the mutual covenants contained herein, the parties agree as follows:

1. King Electric at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete the electrical upgrades and systems as outlined in the construction drawings and specifications attached hereto.
2. The City of Fayetteville shall pay King Electric based on their bid proposal in an amount not to exceed \$165,000. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and King Electric consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Construction Drawings
 - B. King Electric's proposal.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and King Electric and may be modified only by a duly executed written instrument signed by the City of Fayetteville and King Electric.
5. King Electric shall not assign its duties under the terms of this agreement.
6. King Electric agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from King Electric's performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. King Electric shall furnish a certificate of insurance addressed to the City of Fayetteville, as an additional insured, showing that he or she carries the required insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance.

In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, King Electric shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

The premiums for all insurance and the bond required herein shall be paid by King Electric.

8. King Electric is to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or King Electric with 10 days written notice.
10. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs

pursuant to the FOIA may be assessed for this compliance.

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

WITNESS OUR HANDS THIS _____ DAY OF _____, 2008.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

Attest:

Sondra Smith, City Clerk

CONTRACTOR
BY Chris King President
NAME AND TITLE

ATTEST: COMPANY SECRETARY

BUSINESS ADDRESS

2145 W Moore Lane
Fayetteville AR 72704

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

2/19/2008

City Council Meeting Date

Susan B. Thomas

Submitted By

Public Information

Division

Administration

Department

Action Required:

An ordinance to waive quotation bidding for services costing less than \$20,000 and to approve a contract for \$10,000 with the Northwest Arkansas Community Foundation to assist in the improvement of water quality in the Beaver Lake Watershed and development of a Beaver Lake Watershed Management Plan.

\$ 10,000.00

Cost of this request

\$ 460,426.00

Category / Project Budget

Drainage Study/Phase II Storm

Program Category / Project Name

44701-9470-5314-00

Account Number

\$ 248,893.00

Funds Used to Date

Bridge & Drainage Improvements

Program / Project Category Name

02097.1

Project Number

\$ 211,533.00

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Department Director

2/1/2008

Date

Original Contract Date:

City Attorney

2/5/08

Date

Original Contract Number:

Finance and Internal Service Director

2-5-08

Date

Received in City Clerk's Office

ENTERED
2/1/08

Mayor

2/4/08

Date

Received in Mayor's Office

ENTERED
2/5/08

Comments:

City Council Memo

TO: Mayor Coody and City Council

FROM: Susan B. Thomas, Public Information and Policy Advisor *SBT*

DATE: February 1, 2008

SUBJECT: Beaver Lake Watershed Management Plan

RECOMMENDATION

An ordinance to waive quotation bidding for services costing less than \$20,000 and to approve a contract for \$10,000 with the Northwest Arkansas Community Foundation to assist in the improvement of water quality in the Beaver Lake Watershed and development of a Beaver Lake Watershed Management Plan.

BACKGROUND

The Northwest Arkansas Council has initiated a watershed management planning process for the Beaver Lake watershed with Tetra Tech Inc., a national watershed consulting firm. Tetra Tech also has a contract with the Illinois River Watershed Partnership to develop the Illinois River Watershed Management Plan. Through the planning process, consensus driven policies that are agreed to by stakeholders will emerge. Those policies will guide stakeholders on the best methods and practices for watershed conservation and restoration.

DISCUSSION

Because Beaver Lake is the primary source of drinking water for more than 250,000 people (more than 9 percent of Arkansas' population) and because of the other benefits the lake provides to the region, many citizens, businesses, and city/county governments are concerned about protecting the water quality in the lake. Our region has experienced tremendous growth over the last several years, and while it may be at a slower rate, that growth is expected to continue. High growth rates and future urbanization can produce a negative impact on water quality.

There are various local, regional, state and federal projects currently underway working to preserve and protect the water quality at Beaver Lake. The Watershed Management planning process can help coordinate these efforts and build consensus among various stakeholders including technical experts who gather data and conduct scientific research on water quality as well as levels of sediments, nutrients, and bacteria.

The Tetra Tech Agreement is attached and includes a Scope of Services which itemizes tasks, schedules, and deliverables for the Watershed Management Plan. The deliverables for this

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF §34.23, (PURCHASES AND CONTRACTS NOT IN EXCESS OF \$20,000.00), OF THE FAYETTEVILLE CODE OF ORDINANCES AND APPROVING AN AGREEMENT WITH THE NORTHWEST ARKANSAS COMMUNITY FOUNDATION (NWACF) IN THE AMOUNT OF \$10,000.00 FOR DEVELOPMENT OF THE BEAVER WATERSHED MANAGEMENT PLAN.

WHEREAS, the Northwest Arkansas Community Foundation possesses unique expertise and resources ideally suited to meet the City of Fayetteville's need for developing the Beaver Watershed Management Plan as part of the Stormwater Management Program, Phase II; and

WHEREAS, the Northwest Arkansas Community Foundation (NWACF) can perform this work at a significant savings to the citizens of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby waives the requirements of §34.23, (Purchases and Contracts Not in Excess of \$20,000.00), of the Fayetteville Code of Ordinances and approves a Contract with the Northwest Arkansas Community Foundation (NWACF) in the amount of \$10,000.00 for development of the Beaver Watershed Management Plan, and authorizes Mayor Coody to execute this Agreement. A copy of the Agreement, marked Exhibit A, is attached hereto and made a part hereof.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

agreement include all written documents produced by Tetra Tech.

BUDGET IMPACT

This contract would be funded from the Phase II Stormwater funds and will be counted toward the City's \$200,000 annual obligation under its March 2006 agreement with Beaver Water District (email attached).

CONTRACT BETWEEN CITY OF FAYETTEVILLE, ARKANSAS
AND
NORTHWEST ARKANSAS COMMUNITY FOUNDATION

AGREEMENT

On this ____ day of _____, 2008, this agreement is made by and between City of Fayetteville and Northwest Arkansas Community Foundation ("NWACF") upon the terms and conditions set forth herein.

RECITALS:

WHEREAS, the City of Fayetteville as a customer city of Beaver Water District is one of the primary purchasers of drinking water from Beaver Lake; and

WHEREAS, Beaver Lake, the source of drinking water for more than 300,000 Arkansans, is a critical piece of Northwest Arkansas' infrastructure that must be maintained in order to ensure we continue to have a readily available supply of sufficient and affordable drinking water; and

WHEREAS, NWACF is a nonprofit corporation and community foundation whose mission is to improve the quality of life for people living in Benton, Carroll, Madison, and Washington Counties; and

WHEREAS, the Northwest Arkansas Council, in recognition of the importance of maintaining the water quality of Beaver Lake, has entered into a "NWA Watershed Resource" Field of Interest Fund Agreement with NWACF; and

WHEREAS, it is mutually beneficial for the City of Fayetteville and NWACF to agree and memorialize their commitments to each other.

NOW THEREFORE, in consideration of the mutual promises of the parties hereto and other good and valuable consideration, the City of Fayetteville and NWACF covenant and agree as follows:

1. **Cooperation.** The City of Fayetteville and NWACF will cooperate and communicate in all the dealings contemplated herein.

2. **Beaver Lake Watershed Planning.** The professional management and administrative staff of NWACF will facilitate the administration of the Professional Services Agreement between the Northwest Arkansas Council and Tetra Tech, Inc., for Beaver Lake Watershed Planning Consultant Services, which is dated August 2007 (hereinafter referred to as the "Tetra Tech Agreement.") A copy of the Tetra Tech Agreement is attached hereto and incorporated by reference herein. The Tetra Tech Agreement includes a Scope of Services, which itemizes the tasks, schedules, and deliverables. The compensation to Tetra Tech for these services under the Tetra Tech Agreement is not to exceed \$515,606.

3. **Services and Deliverables.** NWACF, through its agreement with the Northwest Arkansas Council, agrees to diligently facilitate the administration of the Tetra Tech Agreement. NWACF will promptly provide to the City of Fayetteville a copy of any and all written documents produced by Tetra Tech pursuant to the Tetra Tech Agreement. NWACF also will promptly provide to the City of Fayetteville a copy of any documents submitted to NWACF by the Northwest Arkansas Council in relation to the Tetra Tech Agreement.

4. **Payment.** The City of Fayetteville agrees to pay NWACF for services and deliverables in accordance with this Services Agreement and based upon approved requests for payment. Said payment will be \$10,000.

5. **Billing.** The City of Fayetteville will pay the amounts agreed to herein based upon receipt of invoices sent by NWACF.

6. **Independent Contractor.** NWACF is an independent contractor and neither NWACF nor NWACF's staff is or shall be deemed to be employed by the City of Fayetteville. This Services Agreement does not create a partnership or joint venture agreement between the City of Fayetteville and NWACF.

7. **Termination.** This Services Agreement may be terminated at any time by either party upon thirty (30) days written notice.

8. **Amendment.** Any amendments to this Services Agreement shall be in writing and signed by authorized representatives of the City of Fayetteville and NWACF.

9. **Applicable Law.** This Services Agreement shall be construed in accordance with the laws of Arkansas.

10. **Assignment.** This Services Agreement may not be assigned by either party without the prior written consent of the other party.

IN WITNESS WHEREOF, the parties hereto have signed this Services Agreement as of the date first above written.

Northwest Arkansas Community Foundation City of Fayetteville

Suzanne M. Ward, Executive Director

Dan Coody, Mayor

Sondra Smith, City Clerk

January 14, 2008

MEMORANDUM FOR SUSAN THOMAS

FROM: Mike Malone
Executive Director
Northwest Arkansas Council

SUBJECT: Request for Funding for Beaver Lake Watershed Planning

As a regional leader, you are certainly well aware of the importance of Beaver Lake to the long-term success of our region. It was one of the earliest examples of regional cooperation and key to our continued success as a region.

The purpose of this memorandum is to ask you to fund a portion of the cost of the Beaver Lake Watershed Planning effort. We need to demonstrate broad support for this important project. Preserving the various uses of Beaver Lake can not be the work of a few and must be the work of the region.

The Northwest Arkansas Council has decided to lead an effort to develop a watershed plan for the Beaver Lake watershed. Our focus as a Council has always been on finding solutions to regional challenges and we now want to be the catalyst for bringing all stakeholders together to identify the best ways to maintain the various uses of the lake.

The Council conducted a nationwide search for a watershed consultant that has worked in regions similar to ours. We identified a preferred consultant and have been in discussions with the firm regarding scope of services and budget for the project. It is expected that the full consensus-driven planning effort will cost approximately \$500,000 over a two-year period.

We are asking for a two year commitment of up to \$10,000 per year from you and other funding partners, if possible. At the end of the two year project, a watershed management plan and related educational materials will be delivered to you and other funding partners.

We welcome the opportunity to visit with you about this effort if you are interested in discussing it further. You may contact me at 582-2100, if you have any questions about the project or the information presented in this memo.

Additional background about the project and instructions for funding partners are attached to this memo.

Thank you again for your continued support for protecting Northwest Arkansas' water resources.

Background on the Beaver Lake Watershed Planning Project

- **Need to Act Now to Protect the Lake** - Beaver Lake has provided great benefits to the region over the past half century. If we can protect the quality of the water in the lake, the quantity of water available is going to be enough to serve the region for another fifty years.

Some scientific studies indicate that the levels of sediment, nutrients and bacteria are growing in parts of Beaver Lake although most experts also agree that the water quality of the lake is still relatively good. Of course, some of the data does indicate some level of decline in the quality of the water.

Even though conditions remain generally good in the lake at this time, research from other areas experiencing rapid growth clearly documents the impact that urbanization and development can have on water quality. Finally, technical experts now have modeling tools at their disposal that can be used to predict the negative impact of increased nutrients, bacteria and sediment on Beaver Lake water quality.

The bottom line is that as a region, **WE CANNOT AFFORD TO LOSE THE QUALITY OF BEAVER LAKE.**

- **Convening Stakeholders** - The idea behind the concept is to build consensus driven policies that are agreed to by a group of stakeholders with interest in the region. This idea is similar to the collaborative model used by the Illinois River Watershed Partnership in that watershed.

Stakeholders would include (and not be limited to) representatives from environmental groups, local businesses, property owners, recreational users of the lake, water providers, as well as related State and Federal agencies.

Through this model, no one stakeholder will be able to get everything they want out of the watershed protection policies. But, without a consensus driven process, we will not have any region-wide policies and little coordination of the various conservation efforts.

- **Coordinating Efforts** - Many are concerned about the quality of water in the Beaver Lake watershed. At this time, various conservation efforts are currently being pursued by Beaver Water District, the University of Arkansas' Cooperative Extension Service, the Audubon Society, the Nature Conservancy and State and Federal agencies.

We fear that until we have a unified regional consensus on the level of water quality desired among key stakeholders, the various efforts will be disjointed and less effective. The recommendation from our Committee to hire a watershed policy consultant would help coordinate these various efforts.

The consultant will also serve as a liaison between the technical experts who have conducted research in the watershed. The consultant will be able to translate existing data for use by the stakeholders in developing watershed protection policies and help us work together to establishing reasonable standards. This consultant will also identify areas in which additional data is needed to respond to stakeholder questions and priorities.

- **Educational Materials** - Finally, the consultant will help develop educational materials based on the policies developed by the stakeholders. These materials could be used to transmit the scientific data behind the need to protect the watershed. They could also be used to disseminate information about what individuals can do on their own to protect the watershed.

Instructions for Watershed Planning Project Funding Partners

A fund has been established at the Northwest Arkansas Community Foundation, a 501(c)(3) non-profit organization, for the purpose of collecting funds for the watershed planning project.

These funds will be combined with funds from other funding partners and used by the Northwest Arkansas Council to pay Tetra Tech, Inc., a national watershed consulting firm with significant watershed planning experience, for services they provide.

Deliverables will include a nine-point watershed plan for the Beaver Lake Watershed and a series of educational materials that relate to recommendations in the plan.

To provide funding for the project:

1. Notify Mike Malone at the Northwest Arkansas Council (479-582-2100 or at mikemalone@nwacouncil.org) of the amount and schedule under which your funds will be provided
2. Checks should be made payable to the Northwest Arkansas Community Foundation
3. The "memo" or "for" line of the check should include a notation that the funds are to be deposited in the "NWA Watershed Resource Fund"
4. Checks should be mailed to:

Northwest Arkansas Community Foundation
800 Founders Park Drive
Springdale, AR 72762

Public agencies providing funding may choose to sign services agreements that set forth the deliverables to be provided. Please contact Mike Malone for more information.

Thank you for providing funding for this important project.

From: "Colene Gaston" <cgaston@bwdh2o.org>
To: <sthomas@ci.fayetteville.ar.us>
Date: 10/9/2007 1:53 PM
Subject: City and BWD Agreement; Tetra Tech Watershed Effort

CC: "Larry Lloyd" <LLloyd@bwdh2o.org>, "Robert Morgan" <rmorgan@bwdh2o.org>, ...
Dear Susan,

Under the March 2006 agreement between the Beaver Water District (BWD) and the City of Fayetteville, the City is to spend \$200,000 per year implementing nonpoint source reduction projects in the Beaver Lake watershed. This is to confirm that any payments made by the City to the Northwest Arkansas Community Foundation specifically for the Beaver Lake watershed planning effort being conducted by Tetra Tech pursuant to its contract with the Northwest Arkansas Council may be counted towards the City's \$200,000 annual obligation under its agreement with BWD.

Please let me know if you have any questions.

Best regards,

Colene

Colene Gaston

Staff Attorney

Beaver Water District

P.O. Box 400

Lowell, AR 72745

Ph. 479-756-3651

Fx. 479-751-4356

Proposed Scope of Work for Watershed Planning Consultant Services

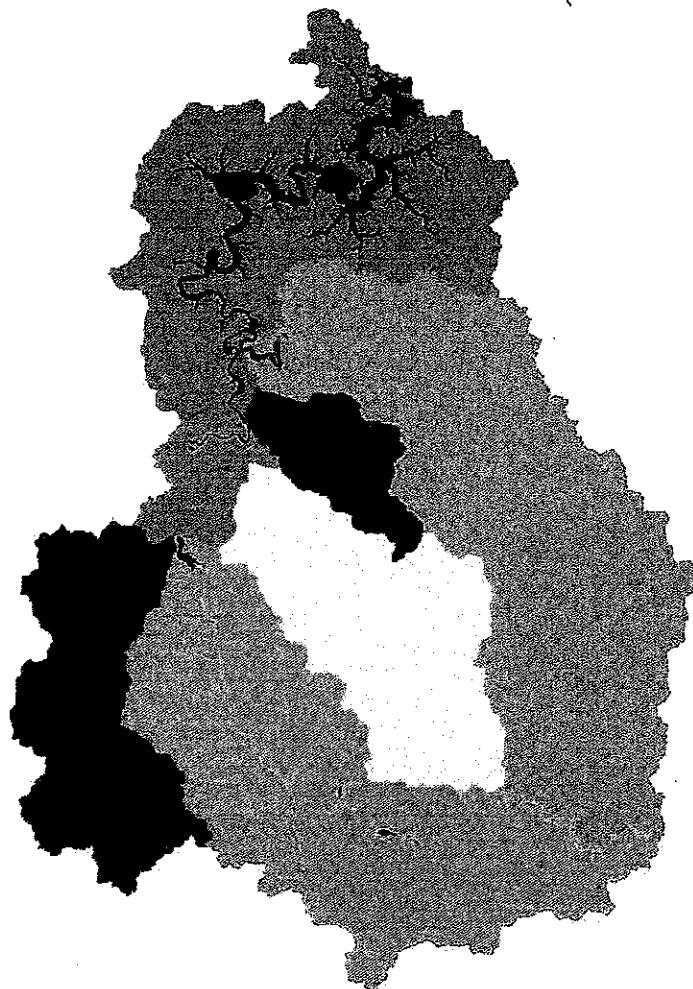
Submitted to:

**Northwest Arkansas Council
100 West Center, Suite 300
Fayetteville, AR 72701**

Submitted by:

**Tetra Tech, Inc.
3200 Chapel Hill – Nelson Highway
Cape Fear Building, Suite 105
P.O. Box 14409
Research Triangle Park, NC 27709**

Revised March 26, 2007



TETRA TECH, INC.

Tetra Tech, Inc. Scope of Work

Revised March 26, 2007

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TASK 1 – Program Scoping:

The purpose of program scoping is to set the stage for a focused and effective management strategy development phase. Scoping involves developing a collective understanding of land use and management, stakeholder concerns, existing watershed conditions, potential future conditions, key threats to water quality, and the expected effectiveness of existing management measures. This information provides the basis for establishing goals and objectives for the watershed management strategy, and the appropriate assessment process to support the strategy development. Tetra Tech will work with the Technical Advisory Group to establish indicators for the key objectives and targets that reflect the threshold values of the indicators when the objectives are met. Stakeholders should be involved in developing and adopting goals and objectives and the corresponding management targets, so this scoping step also involves recruiting and engaging representative stakeholders. Therefore, specific subtasks that Tetra Tech will perform for the Program Scoping step are as follows:

1. Inventory and Review Existing Information and Planning Tools

Tetra Tech will coordinate with the NW Arkansas Council (Council) members and partners, as well as the Technical Advisory Group (TAG), to compile and review available data, models, and assessments of the reservoir, its tributaries and its watershed, along with information regarding land use and management and stakeholder concerns and current practices. Under this subtask scope, it is assumed that Council members and partners will provide data and reports to Tetra Tech for review. Tetra Tech will focus its efforts on interpretation and communication of the information. Tetra Tech will set-up and manage a project database and project GIS to support scoping as well as later planning tasks. These systems will allow for storage of data provided to Tetra Tech, spatial interpretation of information, and display of information for communicating with stakeholders.

Conditions and trends will be noted along with the causes and sources of pollution that need to be controlled where existing problems are evident (one of the minimum elements required under Section 319 Guidelines for the Development of Watershed Plans for Impaired Waters). This will involve a comprehensive review (to the extent that resources allow) of information including:

- Spatial relationships regarding water quality conditions and trends in Beaver Lake.
- Population and land use/land cover patterns in the watershed.
- Interpretation of soils and slopes throughout the watershed.
- Relative pollutant load contributions delivered to the lake from tributaries, including total loads and areal loading rates (i.e., mass/area/time such as lb/ac/yr).
- Interpretation of agricultural loadings and current best management practices.
- Interpretation of urban and suburban loadings and current management practices.
- Interpretation of riparian condition, and erosion and sedimentation threats.
- Interpretation of relative point source contributions.
- Comparison of point source and nonpoint sources by tributary.

Additionally, Tetra Tech will build off of Beaver Water District's inventory of existing regulations (undergoing development at the time of this Scope preparation), noting both regulations and programs available as tools of watershed protection to help establish a baseline for future strategy development. Management gaps will be highlighted for consideration in the next planning stages.

A critical part of subtask 1.1 will be to review the status of the watershed and lake response models. The models must meet demonstrated levels of accuracy and be linked effectively to support baseline analysis and predictive modeling for proposed management scenarios. Since the Management Strategy ultimately produced by the project will use the modeling results as the technical foundation for what is needed to achieve water quality targets, it is very important that modeling framework be technically sound and defensible. Tetra Tech modeling experts will review the setup and calibration for the current SWAT and CE-QUAL-W2 models, and evaluate their suitability to meet project objectives. Findings will be submitted in a brief memo, including any recommendations for addressing needed refinement or enhancements to support the Implementation Strategy development process.

Throughout the scoping process, Tetra Tech will work with the project partners to identify information gaps that are critical to completing next steps in the planning process. Based on some preliminary discussion with Council members and technical partners, it is anticipated that some areas of the watershed will not have sufficient assessment information available to fully identify degraded and impaired areas that are in need of management. For example, staff from one Council member estimated that about two-thirds of the watershed has not been evaluated for stream channel stability (unstable stream segments may provide significant sources of sediment load to downstream tributary and lake locations). To the extent possible and practical, the Council will work with technical partners to fill those gaps during the planning process. For gaps that cannot reasonably be filled in time for strategy development, Tetra Tech will plan to incorporate with the management strategy recommended next steps for assessing those areas to guide possible future management actions.

Deliverables and Schedule:

- a) Memo on Status of Modeling Tools (within 30 days of receipt of modeling files and reports)
- b) Bibliography of data and information sources (provide at end of Scoping Phase)
- c) Project GIS (file index provided at end of Scoping Phase and at end of project)
- d) Analysis results to be incorporated with Program Scoping Results documentation under subtask 1.4.

2. Coordinate a Baseline Analysis

Tetra Tech will work with the Council and its technical partners to translate the area's Regional Growth Strategy (Collins, University of Arkansas) future (50-year) population and land use projections for the watershed into a modeling future scenario that can be compared to existing conditions. Tetra Tech's watershed assessment and modeling experts will advise the Council and its technical partners on watershed and lake model setup and will provide review of model input and output. Tetra Tech will interpret the Council's technical team modeling results, and inform stakeholders regarding the magnitude of threat to water quality from existing and future sources of pollution, which will provide the basis for drafting goals, objectives, and water quality-based management targets, and establish a basis or need for additional management measures.



Deliverables and Schedule:

- a) Correspondence on recommended future scenario to guide model setup (within 30 days of completion of subtask 1.1 Status of Modeling Tools memo)
- b) Correspondence on model setup QA and review (provided within 5 to 10 days of receiving data and information from technical team)
- c) Correspondence on model output interpretation (shared with technical team prior to incorporating with Program Scoping Results documentation under subtask 1.4.)

3. Develop Stakeholder Involvement Process

Tetra Tech will work with the Council to design a collaborative stakeholder education and involvement process, commensurate with available resources, aimed at generating support for an effective watershed management strategy. Tetra Tech will draw on its extensive expertise and experience in stakeholder involvement to outline initial recommendations and options for consideration by the Council, and collaborate to refine the process based on Council feedback. The process will describe how the Council, TAG, public stakeholder forums and Tetra Tech will interact, identifying key methods and milestones for the process. Tetra Tech will ensure that the process is designed to be consistent with the Section 319 Guidelines for Watershed Plans for Impaired Waters, which include developing an information and education component as one of the required minimum elements. Based on conversations to date with selected Council staff and members, Tetra Tech would propose the following process (Tetra Tech will work with the Council to finalize a stakeholder process commensurate with available resources).

The Walton Foundation-sponsored public survey (scheduled to be performed in the next 3 to 4 months) will provide a very important building block for developing the stakeholder involvement process. That survey should seek to obtain input from a wide range of stakeholders regarding their perceptions, concerns, issues, and willingness to support change in current practices. Tetra Tech will review the draft survey instrument as well as help develop target audiences to survey. Follow up with some of the stakeholder groups, as resources allow, may be necessary to clarify some points. The results of this Survey will be incorporated into the Program Scoping Report (subtask 1.4).

As noted in subtask 2.1 below, while the Program Scoping Analysis is underway, Tetra Tech will assist in the formation of a Policy Advisory Group. This Group, comprised of approximately 12 to 15 stakeholders and community leaders representing diverse interests, will meet at strategic milestones in the process to guide development of the management plan. It is assumed that there will be approximately seven Policy Advisory Group Meetings. Between meetings, Tetra Tech will share project updates through emails and a newsletter.

Tetra Tech will also work with the TAG that has been established to develop water quality standards for lakes in Arkansas. The Group will assist in selecting appropriate indicators and management targets, screening management alternatives, and recommending implementation provisions. Tetra Tech will work with the Group on an as needed basis.

After the Scoping Analysis is completed, Tetra Tech will begin identifying promising management alternatives to address the existing and future sources of pollution. To support the Policy Advisory Group's deliberation of alternatives and to reach out to key groups that will need to implement the plan, Tetra Tech will hold an informal focus group meeting with up to ten different sectors. Many of these sectors will have been surveyed at the beginning of the project to determine their



perceptions and concerns. The purpose of these focus group meetings is to share the findings of the scoping analysis as it relates to a particular group or sector (i.e., holding a meeting with cooperative extension and some farmers to share the current and predicted contribution from agriculture, holding a meeting with developers and contractors to share the current and predicted contribution from development and construction activities, etc.) and to solicit from each group what it considers to be promising solutions or management alternatives. Each of the participating groups will receive project updates and newsletters similar to the Policy Advisory Group.

Tetra Tech will use input from the Policy Advisory Group and focus groups to identify promising management alternatives and management scenarios to model. These group discussions will also be used to develop criteria for evaluating the scenarios.

After the focus group meetings have been held, the stakeholder process will center on the Policy Advisory Group during development of the Watershed Management Strategy. Once a draft Strategy has been developed, Tetra Tech will conduct an extensive public outreach process to obtain feedback. It is envisioned that the members of the Policy Advisory Group will assist in this effort. Outreach will target those groups who participated in the survey, focus groups, and the general public. Tetra Tech will revise the draft Strategy based on the public meetings, and will provide a summary of the comments along with a proposed Watershed Management Strategy to the Council.

Tetra Tech anticipates that the Watershed Management Strategy will include a number of watershed management measures. Clearly, to be successful, public information and education will need to be part of the Strategy.

Deliverables and Schedule:

- a) Draft memo recommending Stakeholder Involvement Process (within 60 days of notice to proceed)
- b) Final memo outlining recommended Stakeholder Involvement Process (within one to two weeks of receiving comments on the draft memo from Council representatives)

4. Document Program Scoping Results

Key information generated in the Program Scoping step will be documented in concise formats (i.e., brief memo or newsletter) suitable for communication with the public (including good graphics). The information from the program scoping should be summarized to help stakeholders understand key starting point information such as:

- What are the current conditions and issues in the watershed?
- How are those conditions expected to change in the future if no additional management actions are taken?
- What are the biggest gaps in current management programs to protect reservoir water quality?
- What quantitative indicators are most appropriate to track the status of water quality in Beaver Lake and what management targets should be considered?
- What is the proposed approach for developing a management strategy?

Deliverables and Schedule:

- a) Draft memo or newsletter (within four months of notice to proceed)
- b) Final memo or newsletter (within one to two weeks of receiving comments on the draft memo from Council representatives)

Task 2 – Policy Advisory Group Support

1. Assist in Formation of the Policy Advisory Group

Simultaneous to the baseline analysis task, Tetra Tech will work with the Council to identify key stakeholders to recruit to a Policy Advisory Group that best implements the stakeholder involvement strategy developed under subtask 1.3. Tetra Tech will advise the Council on group composition, prepare descriptions of group member roles and commitments, provide recommended protocols for the group operations, and assist in early communication with selected members. It is assumed that Council members will make initial contact, and that Tetra Tech will follow up with formal invitation letters.

Deliverables and Schedule:

- a) Consultation on Policy Advisory Group membership (within 60 to 90 days of notice to proceed, after survey information reviewed and Stakeholder Involvement Process developed under subtask 1.3)
- b) Orientation materials on roles, commitments, protocols (within 60 to 90 days of notice to proceed)
- c) Invitation letters (within 90 days of notice to proceed)

2. Facilitate Policy Advisory Group Meetings

Throughout the project, Tetra Tech will provide facilitation services to guide and involve stakeholders in the planning process. Such services will include agenda planning, development of PowerPoint presentations and talking points, preparation of meeting handouts and displays, solicitation of input from stakeholders, and mediation of issues. Following meetings, services will include preparation of meeting summaries, and input as needed and resources allow to help the Council in working with the media to ensure accurate information is presented to the public.

Because of the relatively high cost for preparing for, conducting, and following up on Policy Advisory Group meetings, Tetra Tech will limit the number of meetings – focusing on important milestone periods in the process where sharing of important results and obtaining input on critical matters need to occur. Meeting agendas will be set to guide the Group through the process including input on key policy decisions. Key milestones are expected to include:

- Group Orientation
- Review of Baseline Analysis Results and Initial Discussion of Goals and Objectives
- Adoption of Goals and Objectives; Initial Discussion of Targets for Selected Indicators
- Adoption of Management Targets for Selected Indicators
- Identification of Most Promising Management Alternatives



- Determination of Preferences in Light of Management Scenario Evaluation
- Recommendations for the Watershed Management Strategy

Tetra Tech will support up to 7 meetings of the Policy Advisory Group aligned with these milestones. Communication will be maintained in between meetings using newsletters and email correspondence.

Deliverables and Schedule:

- a) Facilitation of up to 7 Policy Advisory Group meetings (timing to be determined; the first orientation meeting anticipated around month four in the process)
- b) Up to twelve emails/newsletters (between meetings)

Task 3 – Watershed Management Strategy Development

The watershed management strategy development process will be built upon the foundation established through Tasks 1 and 2 above (i.e., the information base and stakeholder involvement process established through Program Scoping, the formation of the Policy Advisory Group, and information and support from the TAG).

1. Provide for Stakeholder Outreach and Education

The Policy Advisory Group and TAG will provide the forums for more in-depth discussions and evaluations of proposed management strategies. However, the plan's success will ultimately depend on the general buy-in from the multitude of watershed property owners, land managers, agricultural producers, construction contractors, Beaver Water District customers and more. Therefore, Tetra Tech recommends incorporating a stakeholder outreach campaign into the process. Keys to the campaign would be:

- Communicating the watershed strategy development process up front
- Allowing for inclusion of key stakeholders
- Summarizing results of the baseline analysis (answering why the strategy is needed)
- Obtaining input on management options
- Communicating recommended strategy provisions

As noted for subtask 1.3, Tetra Tech will ensure that the process is designed to be consistent with the Section 319 Guidelines for Watershed Plans for Impaired Waters, which include developing an information and education component as one of the required minimum elements.

Under this subtask, Tetra Tech will conduct up to ten (10) 3-hr focus group meetings with specific sectors (e.g., developers, agricultural producers, land managers, etc.). Other outreach and education will involve preparation of specific information on watershed threats and proposed management strategies, including up to 3 fact sheets, articles for stakeholder newsletters, and up to 4 posters/maps for public, PAG, and other meetings.

Deliverables and Schedule:

- a) Up to ten (10) 3-hr focus group meetings (timing to be determined)
- b) Up to 3 fact sheets, articles for newsletters (timing to be determined)



- c) Up to 4 posters/maps for public viewing (timing to be determined)

2. Review Program Scoping Results

As part of the orientation process for the Policy Advisory Group and focus groups, Tetra Tech will help communicate the results of the Baseline Analysis performed under Task 1. Prior to meeting with these groups, Tetra Tech would coordinate with appropriate Council members and the TAG to review the interpretation of the technical information and prepare a clear and accurate message. The key points to convey are:

- **WHERE ARE WE NOW?** What are the current conditions and issues in the watershed?
- **WHAT'S EXPECTED FOR THE FUTURE?** How are existing conditions expected to change in the future if no additional management actions are taken to protect watershed and reservoir water quality?
- **WHY IS A WATERSHED MANAGEMENT STRATEGY NEEDED?** What is it about existing and predicted future conditions that requires a management strategy?
- **WHAT SHOULD THE STRATEGY FOCUS ON?** What are the biggest gaps in current management programs to protect watershed and reservoir water quality?
- **HOW WILL WE DEVELOP THE STRATEGY?** What is the proposed approach for developing a management strategy that will be publicly supported and implemented successfully?

Deliverables and Schedule:

- a) Correspondence with selected TAG and Council members (Approximately month four in the process)

3. Adopt Goals and Objectives

Tetra Tech will work with the Council and Policy Advisory Group to establish overarching goals and specific objectives to guide management strategy development. Drafting the goals and objectives up front not only helps to guide the strategy development, but also sends a clear message to stakeholders that their issues will be addressed in the strategy (thereby providing a foundation to resolve conflicts that arise during the strategy development process). Based on input received and knowledge gained during the Task 1 Scoping, Tetra Tech will propose a draft set for thorough discussion and refinement by the Policy Advisory Group.

Where restoration of impaired waters is involved for some of the Beaver Lake tributary stream segments, goals will need to be more specific to meet Section 319 Guidelines for Watershed Plans for Impaired Waters. One of the nine minimum elements is to determine load reductions needed. Thus, the goals and objectives will need to have quantitative targets where impaired waters and total maximum daily loads (TMDLs) are involved. Additionally, establishing quantitative targets for proactive protection measures is also part of Tetra Tech's recommended approach because it provides a basis for evaluating how well specific management options and the overall strategy will work (see subtask 4 below for more detail). Proactive protection measures include strategies for

addressing upward-trending total organic carbon loading and associated taste and odor problems, among other objectives.

Deliverables and Schedule:

- a) Draft list of goals and objectives for Policy Advisory Council (to coincide with meeting with PAG; sent at least one week in advance)
- b) Final list of goals and objectives for Policy Advisory Council (to coincide with follow up meeting with PAG; sent at least one week in advance)

4. Adopt Targets for Selected Indicators

“Indicators” are measurable or predictable quantities that can be used to measure the current health of the watershed and to track progress toward meeting watershed goals and objectives. “Targets” are values of indicators that correspond to meeting an objective (for example, the value of a water quality standard).

Tetra Tech proposes to select key indicators for the major objectives to use as a means for evaluating whether proposed management options are capable of achieving the objectives. For example, chlorophyll *a* could be selected as an indicator for lake quality for an objective to protect against filter clogging and/or taste and odor events and harmful algal bloom (HAB) events. Tetra Tech would then work with the Council’s technical partners to use the SWAT watershed model and CE-QUAL-W2 lake model to quantitatively predict how watershed nutrient loading and lake chlorophyll *a* concentrations will respond to different management options proposed for the watershed.

Tetra Tech will consult with the TAG, and others as appropriate and resources allow, to obtain additional input regarding selection of the appropriate suite of watershed and water quality indicators that include environmental measures and community measures (e.g., cost) using results from the baseline analysis and supplemental efforts. Tetra Tech will develop a draft set of indicators and targets based upon the Program Scoping, adopted goals and objectives, and discussion with the TAG. Tetra Tech will then bring recommendations to the Policy Advisory Group for review, discussion, refinement as needed, and approval.

Deliverables and Schedule:

- a) Draft memo for TAG review (to coincide with meeting with PAG around approximately month 6; sent at least one week in advance)
- b) Refined memo for PAG review (to coincide with follow-up meeting with PAG; sent at least one week in advance)

5. Develop Load Allocations

Once quantitative tributary and lake water quality targets have been established where appropriate, Tetra Tech will work with the Council and its technical partners to establish load allocations that meet the targets. Per subtask 3.3, load allocations establish specific objectives for the watershed strategy (for example, reduce sediment in the White River by X tons/yr or phosphorus by X lbs/yr). The load allocations will reflect both protection targets (i.e., where future increases in loading are of concern) and reduction targets where impaired waters are concerned (recall that one of the Section 319 nine minimum elements is to determine load reductions needed).

In most water supply protection projects there are multiple combinations of load allocations that can be used to meet a specific water quality target; further, there are usually multiple strategies with varying degrees of assurance that can be used to meet needed load reductions. As a result, the potential set of load allocations is not a single set of numbers; rather, the final load allocations will be determined by an interactive process that considers the administrative, regulatory, financial, and technical feasibility of different control options along with the degree of uncertainty that is acceptable. Load Allocations must therefore be developed in an iterative process that interacts with the development and screening of management options. Tetra Tech will work with stakeholders and the TAG, to the extent the project resources allow, to identify plausible scenarios (sets of reasonably achievable management options which achieve load allocations that meet management goals) for management of Beaver Lake and its watershed in Steps 6 and 7 of Task 3. Final Load Allocations will be the combination of loads that attain management targets and are consistent with the preferred management strategy.

Deliverables and Schedule:

- a) Load allocations will be documented for inclusion with the Management Strategy (approximately month 7 in the process)

6. Develop Management Scenarios

Note that “developing management measures to achieve goals” is one of the minimum elements of the Section 319 Guidelines. The first step in developing management scenarios is to evaluate/screen for promising management opportunities/options and strategies. Existing problems need to be screened for potential pollutant reduction and restoration solutions, and future threats will be evaluated for potential prevention measures.

One of the keys to linking management strategies to management goals lies in understanding what environmental processes (hydrological, chemical, physical) need to be managed to address the stressors of concern. For example, if sediment is a stressor of concern, do you need to limit development, or set requirements for controlling stormwater runoff volume and peak flow to limit streambank erosion sources, or upland disturbance (e.g., timbering, construction), or post-construction runoff, or some combination of the above. Tetra Tech is generally a proponent of source control and low impact development measures which have some ability to minimize changes to the natural hydrograph. Tetra Tech will incorporate findings gleaned from the Baseline Analysis watershed assessment (see Task 1 subtasks) and any supplemental assessment (e.g., GIS and remote sensing analysis; geomorphic or other field survey), and compare this information to watershed indicator targets established to restore and protect inflows to Beaver Lake. This process will provide context for analyses of land use/cover/management conditions and practices, as well as assessments of stream geomorphology, conducted via rapid and detailed (where necessary) study, to determine how stream degradation might be affecting lake water quality. Tetra Tech will then synthesize current conditions data with information on desired targets to generate options for management approaches and practices that address conditions believed to impair, degrade, or threaten water quality. Tetra Tech will help the focus groups, TAG, and Policy Advisory Group identify the most promising management measures to group and evaluate more thoroughly including, where appropriate, performance design criteria.

It is important to note that Tetra Tech will identify the most promising measures not only based on environmental indicators, but also based on local government plans, preferences, and capabilities. Clearly, the diverse nature of the watershed—with urban and rural areas and multiple county and



municipal governments, requires diverse and tailored management approaches that fit the local conditions.

To narrow options to those that are feasible and workable, Tetra Tech will draw on a comprehensive in-house library of information and staff expertise. Importantly, technical assistance agencies—such as the Arkansas Soil and Water Commission, the Natural Resource Commission, NRCS, and similar organizations—will be relied upon to help project staff screen for the best options to combine into scenarios to test further for their comprehensive effectiveness. The TAG provides a ready basis for coordinating with the Council's technical partners to integrate information and recommendations in this regard.

Deliverables and Schedule:

- a) Draft management scenarios (working on draft in months 5 through 8)
- b) Finalize management scenarios (approximately month 8)

7. Evaluate Management Scenarios and Select Most Promising Solutions

Next, management scenarios will be evaluated at the site scale and/or the watershed scale. Tetra Tech will work with the Council and stakeholders as resources allow to evaluate the measures and scenarios for: (1) technical feasibility, (2) environmental protection/restoration benefits, (3) cost and relative cost-effectiveness, and (4) political feasibility. Tetra Tech will help the Council evaluate options across multiple objectives by formally developing evaluation criteria and ranking alternatives as needed.

The evaluation of candidate management strategies will involve interactive runs of the watershed (SWAT) and lake (CE-QUAL-W2) models. Tetra Tech will work with the Council's technical partners that are conducting the modeling, helping to translate management concepts into model input. Tetra Tech will provide review of model input and output, and interpret modeling results for communication with stakeholders.

The performance of candidate management strategies will be evaluated using the target metrics established in subtask 3.4. Candidate management scenarios will be developed based on a level of management intensity (e.g., level of adoption of agricultural BMPs or degree of zoning restrictions) sufficient to achieve targets. Sets of management options that achieve, on average, project goals, may differ in terms of reliability (assurance that goals will be met) and temporal variability (frequency at which unusual conditions may cause goals to be exceeded). Tetra Tech will work with the Council's technical partners to design model runs of candidate scenarios that address both reliability and temporal variability. This information (typically balanced by cost and political feasibility) will be important to the evaluation of promising solutions.

Tetra Tech will work with local resource experts as resources allow to tailor and adapt candidate BMPs to meet the unique conditions of Northwest Arkansas, and work with the Council and local stakeholders to build awareness of the problems and how selected management strategies can help address them. Our approach to watershed strategy development—involving stakeholders early and often—helps to ensure that BMP screening, selection, and implementation evolves through a consensus process that focuses on scientific validity, technical applicability, and stakeholder understanding and acceptance.

Deliverables and Schedule:

- a) Draft management scenarios (approximately month 9)



- b) Summary of initial management scenario evaluations (approximately months 12 - 13)
- c) Summary of final management scenario evaluations (approximately month 15)

8. Draft and refine Final Report including the Watershed Management Strategy

Once the priority management measures have been selected, Tetra Tech will work with the Council and its partners and stakeholders to weave the results into a Final Project Report including a written Watershed Management Strategy. To the extent that resources allow, the Management Strategy will outline key roles and responsibilities for implementing the suite of recommended management options. Tetra Tech will design the Strategy to include recommended steps for building/implementing the basic elements needed for effective management, including the remaining minimum elements to include per Clean Water Act Section 319 Guidelines which are:

- Develop an implementation schedule
- Develop interim milestones to track implementation of management measures
- Develop criteria to measure progress toward meeting watershed goals
- Develop a monitoring component
- Develop an information/education component
- Identify technical and financial assistance needed to implement the strategy

Tetra Tech also recommends incorporating recommendations for other basic elements including:

- Develop an evaluation process
- Assign responsibility for reviewing and revising the management strategy

Tetra Tech will work with the Council and its partners to review and refine the strategy documentation, incorporating input from stakeholders as appropriate as defined by the public involvement process developed under subtask 1.3.

Deliverables and Schedule:

- a) Draft Watershed Management Report (drafting in months 16 - 19)
- b) Final Watershed Management Report in pdf and internet accessible formats (within 30 days receipt of comments from Council on Draft Project Report)

9. Develop Brochure for Public Distribution

Not everyone will be interested in reviewing the full Watershed Management Report. Therefore, it will be important to communicate key elements of the plan in a simple, easy to understand manner. Tetra Tech will prepare a uniquely designed brochure on the key elements of the watershed management strategy that can be distributed at events, District offices, and other locations throughout the counties and their municipalities. The brochure will be designed after consultation with the Council and its partners, but could include information such as the water quality/quantity issues facing stakeholders, the reasons citizens need to be involved, outline steps that they can take to help maintain the high quality drinking water they currently enjoy, and why they should participate in the watershed management strategy development process. Tetra Tech will develop messages to directly engage the reader and make the connection that the availability of high

Tetra Tech, Inc. Scope of Work

Revised March 26, 2007

quality drinking water is something they cannot take for granted. Based on the messages to convey, Tetra Tech will recommend the size and design to match (e.g., tri-fold, multifold, etc.).

Deliverables and Schedule:

- a) Draft Brochure (approximately months 20 - 21)
- b) Final Brochure with special print files and instructions for the printing vendor (within 30 days receipt of comments from Council on Draft Project Report)



City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

2/19/2008

City Council Meeting Date

Kevin Springer

Submitted By

Budget & Research

Division

Finance

Department

Action Required:

Approve a resolution reappropriating 2007 uncompleted capital project budgets, capital project funds, and outstanding purchase commitments as referenced in the attached schedules the 2008 Budget.

Cost of this request	\$ -	Various
Account Number	\$ -	Various
Project Number	\$ -	Various
	Category / Project Budget	Program Category / Project Name
	Funds Used to Date	Program / Project Category Name
	Remaining Balance	Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Paul A. Behn 2-1-08
Department Director Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. P. White 2/5/08
City Attorney Date

Paul A. Behn 2-5-08
Finance Director Date

Received in City Clerk's Office

Des 2/1/08

Don Cook 2/6/08
Mayor Date

Received in Mayor's Office

ENTERED
2/5/08
JH

Comments:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Paul A. Becker, Director of Finance **PAB.**

FROM: Kevin Springer, Budget Director *KS*

DATE: January 29, 2008

SUBJECT: **2007 Re-Budgeting Request**

Recommendation

Because of the need for project continuation, staff recommends approval of the attached rebudget request at the February 19, 2008 City Council meeting. In addition, staff is recommending approval of any changes to this request that may arise due to finalizing the 2007 year end which would result in a decrease in the total authorized budget. Any administrative changes will not increase the use of fund balance for 2007 and 2008. City Council is requested to amend the 2008 Adopted Budget by re-authorizing up to \$107,975,386 for purchase commitments and capital improvements as follows.

Bonded Capital Projects	\$	74,444,590
Operational / Grant Funded Items		1,044,480
Capital Projects (Commitments Outstanding)		4,598,865
Capital Projects (Uncompleted Items)		27,887,451
Total Re-Authorizations	\$	107,975,386

A finalized listing of the capital project re-budgets will be submitted to City Council as an informational item during the First Quarter of 2008.

Background

In the past at the close of each budget year, City Staff requests re-authorization of on-going capital projects and re-authorization of some operational funding that was not committed during the prior budget year as well as outstanding purchase commitments.

Discussion

This request re-authorizes project funding for identified and scheduled capital improvements in the current fiscal year. Currently, all uncommitted capital projects are placed on hold until City Council re-authorizes the unexpended funds into 2008.

Please find attached a schedule of capital projects by Improvement Type which were included in the 2007 Budget but did not incur a financial obligation during the 2007 fiscal year. The 2007 estimated unreserved fund balance/retained earnings for the respective funds reflected the cost of the requested re-budgets. These re-budgeted items, therefore, do not impact the estimated fund balance amounts which were forecasted in the 2008 budget.

The re-authorization of prior year's appropriated projects and items are normal budget operating procedures and are generally for one-time expenses. Approval of this request will allow the 2008 Budget to be increased to reflect the attached information. Several of the requested re-authorizations include revenue offset in the form of grant revenues.

Total requested re-budgets for all funds are \$107,975,386 as reflected in the following worksheet. These amounts will require City Council action. For your information, a summary by Funding Source and Improvement Type is included following this memo. The re-budget amounts are broken out into two separate categories:

- Obligated: These items have Contracts/Purchase Orders already issued on them during 2007 and the City will not receive the item and/or service until 2008.
- Unobligated: These items did not have any Contracts/Purchase Orders issued on them as of 2007.

Budget Impact & Closing

All of the funds requested in this re-authorization come from unexpended funds. They do not increase the use of operating reserves over what was estimated in the 2008 Annual Budget. This request simply retains project funding for identified and scheduled capital improvements for the current fiscal year.

If you have any questions concerning the attachment or the procedure, please feel free to contact either Paul A. Becker (575-8330) or Kevin Springer (575-8226). Thank you for your attention to this request.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT TO REAPPROPRIATE \$107,975,386.00 FOR ONGOING CAPITAL AND GRANT FUNDED PROJECTS AND TO APPROVE REDUCTIONS IN THIS AMOUNT FROM YEAR END FINALIZATION OF THE 2007 BUDGET

WHEREAS, bonded capital projects totaling about \$74.4 million, operational/grant funded items totaling about \$1 million, and capital projects (committed or uncompleted) totaling about \$32.5 million need to be reappropriated into the 2008 budget so projects can be completed; and

WHEREAS, the precise numbers for this reappropriation may be reduced when the 2007 budget is finalized and such reductions should be approved.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$107,975,386.00 for bonded capital projects (\$74.4 million), operational/grant funded items (\$1 million); capital projects (commitments outstanding) (\$4.6 million); and capital projects (uncompleted items) (\$27.9 million).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Budget and Research Division to reduce any of the above rebudgeted amounts if the finalized 2007 budget shows a reduction in the available rebudgeted amount.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

SUMMARY LISTING

2007 REBUDGETS

BY FUNDING SOURCE / TYPE

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total Obligated	Total NonObligated	Total Rebudgets
BONDED CAPITAL PROJECTS (Summary)			
Wastewater System Improvements Fund:			
Wastewater System Improvements Project	13,866,337	4,632,206	18,498,543
	<u>13,866,337</u>	<u>4,632,206</u>	<u>18,498,543</u>
Sales Tax Construction Bond Fund:			
Transportation Bond Street Improvements	2,960,267	21,032,032	23,992,299
Transportation Bond Trail Improvements	52,973	773,002	825,975
Wastewater System Improvements Project	11,110,765	5,804,650	16,915,415
Wastewater System Improvements Project	-	14,212,358	14,212,358
	<u>14,124,005</u>	<u>41,822,042</u>	<u>55,946,047</u>
	<u>27,990,342</u>	<u>46,454,248</u>	
TOTAL BONDED CAPITAL PROJECTS			<u>74,444,590</u>

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total		Total	
	Obligated	NonObligated	Rebudgets	
OPERATIONAL / GRANT ITEMS (Summary)				
General Fund:				
Other Capital Improvements	-	18,367	18,367	
Grants	-	216,169	216,169	
Operational Items	89,334	-	89,334	
Donations	8,090	131,182	139,272	
Police Improvements	-	2,312	2,312	
	97,424	368,030	465,454	
Street Fund:				
Operational Items	4,800	-	4,800	
	4,800	-	4,800	
Off-Street Parking Fund:				
Operational Items	7,973	-	7,973	
	7,973	-	7,973	
Community Development Block Grant:				
CDBG Grant Funding	-	529,995	529,995	
	-	529,995	529,995	
Water & Sewer Fund:				
Operational Items	36,258	-	36,258	
	36,258	-	36,258	
TOTAL OPERATIONAL / GRANT ITEMS	146,455	898,025	1,044,480	

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total Obligated	Total NonObligated	Total Rebudgets
CAPITAL PROJECTS (Summary)			
Parks Development Fund:			
Parks & Recreation Improvements	341,633	2,626,612	2,968,245
Trail Improvements	5,310	81,329	86,639
	<u>346,943</u>	<u>2,707,941</u>	<u>3,054,884</u>
Impact Fee Fund:			
Fire Improvements	-	723,026	723,026
Police Improvements	-	826,614	826,614
Wastewater Treatment Improvements	-	1,466,614	1,466,614
Water & Sewer Improvements	-	1,876,780	1,876,780
	<u>-</u>	<u>4,893,034</u>	<u>4,893,034</u>
Replacement & Disaster Recovery Fund:			
Other Capital Improvements	64,738	148,424	213,162
Vehicles & Equipment Improvements	-	56,039	56,039
	<u>64,738</u>	<u>204,463</u>	<u>269,201</u>
TIF Capital Improvements Fund:			
Other Capital Improvements	-	48,161	48,161
	<u>-</u>	<u>48,161</u>	<u>48,161</u>

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total Obligated	Total NonObligated	Total Rebudgets
Sales Tax Capital Improvements Fund:			
Bridge & Drainage Improvements	248,893	1,700,865	1,949,758
Debt Service Payments	-	21,207	21,207
District Court & Prosecutor Facility	359,615	3,202,706	3,562,321
Fire Improvements	644,326	384,353	1,028,679
Information Technology Improvements	38,173	188,694	226,867
In-House Pavement Improvements	-	258,575	258,575
In-House Sidewalk Improvements	-	183,144	183,144
Other Capital Improvements	121,392	189,168	310,560
Parks & Recreation Improvements	44,412	320,866	365,278
Police Improvements	10,381	53,011	63,392
Street Improvements	141,861	3,631,533	3,773,394
Trail Improvements	42,895	860,473	903,368
Transportation Improvements	-	38,081	38,081
Water & Sewer Improvements	17,694	111,215	128,909
	<u>1,669,642</u>	<u>11,143,891</u>	<u>12,813,533</u>
Water & Sewer Fund:			
Wastewater Treatment Improvements	-	233,768	233,768
Water & Sewer Improvements	1,613,077	7,156,597	8,769,674
Water & Sewer Services Improvements	29,644	81,488	111,132
	<u>1,642,721</u>	<u>7,471,853</u>	<u>9,114,574</u>
Solid Waste Fund:			
Solid Waste Improvements	-	606,867	606,867
	<u>-</u>	<u>606,867</u>	<u>606,867</u>
Airport Fund:			
Aviation Improvements	227,431	48,566	275,997
	<u>227,431</u>	<u>48,566</u>	<u>275,997</u>
Shop Fund:			
Other Capital Improvements	-	35,360	35,360
Vehicles & Equipment Improvements	647,390	727,315	1,374,705
	<u>647,390</u>	<u>762,675</u>	<u>1,410,065</u>
TOTAL COMMITMENTS OUTSTANDING	<u>4,598,865</u>		
TOTAL UNCOMPLETED ITEMS/CAPITAL PROJECTS		<u>27,887,451</u>	<u>32,486,316</u>

DETAIL LISTING

2007 REBUDGETS

BY FUNDING SOURCE / TYPE

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total		Total		Total
	Obligated	NonObligated	Obligated	NonObligated	Rebudgets
BONDED CAPITAL PROJECTS (Detail)					
Wastewater System Improvements Project Fund:					
Wastewater System Improvements	13,866,337	4,632,206	13,866,337	4,632,206	18,498,543
Wastewater System Improvements Project	13,866,337	4,632,206	13,866,337	4,632,206	18,498,543
Sales Tax Construction Bond Fund:					
Street Improvements	2,960,267	21,032,032	2,960,267	21,032,032	23,992,299
Trail Improvements	52,973	773,002	52,973	773,002	825,975
Wastewater System Improvements	11,110,765	5,804,650	11,110,765	5,804,650	16,915,415
Wastewater System Improvements Project	-	14,212,358	-	14,212,358	14,212,358
Wastewater System Improvements Project	14,124,005	41,822,042	14,124,005	41,822,042	55,946,047
	27,990,342	46,454,248	27,990,342	46,454,248	74,444,590

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description		Total Obligated	Total NonObligated	Total Rebudgets
OPERATIONAL / GRANT ITEMS (Detail)				
General Fund:				
Donations	Animal Low Cost Spay/Neuter Donations	-	17,698	17,698
Donations	Animal Services Miscellaneous Donations	-	35,408	35,408
Donations	Fire Department Act 833/46/Misc Revenue	8,090	-	8,090
Donations	PD Law Enforcement Federal Forfeitures	-	41,422	41,422
Donations	PD Law Enforcement State Forfeitures	-	21,554	21,554
Donations	Police Department Donations	-	15,100	15,100
Grants	Historic Preservation Travel & Training	-	1,189	1,189
Grants	Justice Assistance Grant - 2007	-	1,620	1,620
Grants	Justice Assistance Grant - 2007	-	43,444	43,444
Grants	Police ABC Grant 2007-2008	-	5,400	5,400
Grants	Police STEP Grant	-	30,000	30,000
Grants	Police Step Grant 07-08	-	103,000	103,000
Grants	Underage Drinking Prevention Conference	-	31,516	31,516
Operational Items	Building Safety/Monitors	907	-	907
Operational Items	LOPFI Actuarial Report	5,000	-	5,000
Operational Items	Parks/Bac Vac Bagger	2,349	-	2,349
Operational Items	Police Dept/223 Rifle	1,577	-	1,577
Operational Items	Police/Shirts & Pants	59,178	-	59,178
Operational Items	UA Sales Tax Study	5,018	-	5,018
Operational Items	Van Scoyoc Associates	15,305	-	15,305
Other Capital Improvements	Annexation Numbering	-	6,571	6,571
Other Capital Improvements	Building Audit - Sustainability Coord.	-	11,000	11,000
Other Capital Improvements	Cityplan 2025 Study	-	796	796
Police Improvements	Police Building Improvements	-	2,312	2,312
		97,424	368,030	465,454
Street Fund:				
Operational Items	Traffic/Traffic Pole	4,800	-	4,800
		4,800	-	4,800

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description		Total Obligated	Total NonObligated	Total Rebudgets
Off-Street Parking Fund:				
Operational Items	Parking Gate Battery Back	7,973	-	7,973
		<u>7,973</u>	<u>-</u>	<u>7,973</u>
Community Development Block Grant Fund:				
Operational Items	CDBG Grant Rebudgets	-	98,102	98,102
Operational Items	CDBG Grant Rebudgets	-	235,852	235,852
Operational Items	CDBG Grant Rebudgets	-	68,702	68,702
Operational Items	CDBG Grant Rebudgets	-	37,339	37,339
Operational Items	CDBG Grant Rebudgets	-	90,000	90,000
		<u>-</u>	<u>529,995</u>	<u>529,995</u>
Water & Sewer Fund:				
Operational Items	Cell Phone Antenna Specs	3,000	-	3,000
Operational Items	WSIP Legal Services	33,258	-	33,258
		<u>36,258</u>	<u>-</u>	<u>36,258</u>
	TOTAL OPERATIONAL / GRANT ITEMS	<u>146,455</u>	<u>898,025</u>	<u>1,044,480</u>

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total		Total	
	Obligated	NonObligated	Obligated	Rebudgets
CAPITAL PROJECTS (Detail)				
Parks Development Fund:				
Parks & Recreation Improvements	-	2,281,154	-	2,281,154
Parks & Recreation Improvements	-	19,500	-	19,500
Parks & Recreation Improvements	-	20,476	-	20,476
Parks & Recreation Improvements	7,181	-	7,181	7,181
Parks & Recreation Improvements	-	23,335	-	23,335
Parks & Recreation Improvements	122,869	110,610	122,869	233,479
Parks & Recreation Improvements	14,220	127,200	14,220	141,420
Parks & Recreation Improvements	11,363	-	11,363	11,363
Parks & Recreation Improvements	186,000	39,804	186,000	225,804
Parks & Recreation Improvements	-	4,533	-	4,533
Trail Improvements	5,310	44,991	5,310	50,301
Trail Improvements	-	36,338	-	36,338
	346,943	2,707,941		3,054,884
Impact Fee Fund:				
Fire Improvements	-	723,026	-	723,026
Police Improvements	-	826,614	-	826,614
Wastewater Treatment Improvements	-	1,466,614	-	1,466,614
Water & Sewer Improvements	-	850,000	-	850,000
Water & Sewer Improvements	-	1,026,780	-	1,026,780
	-	4,893,034	-	4,893,034
Replacement & Disaster Recovery Fund:				
Other Capital Improvements	64,738	7,310	64,738	72,048
Other Capital Improvements	-	141,114	-	141,114
Vehicles & Equipment Improvements	-	56,039	-	56,039
	64,738	204,463	64,738	269,201

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description		Total Obligated	Total NonObligated	Total Rebudgets
TIF Capital Improvements Fund:				
Other Capital Improvements	Hwy 71 East Square Redevelop Dist. No. 1	-	48,161	48,161
		-	48,161	48,161
Sales Tax Capital Improvements Fund:				
Bridge & Drainage Improvements	Drainage Study/Phase II Stormwater Mgt	248,893	309,838	558,731
Bridge & Drainage Improvements	Other Drainage Improvements	-	575,010	575,010
Bridge & Drainage Improvements	State Bridge Cost Sharing Program	-	816,017	816,017
Debt Service Payments	Fire Apparatus Lease Payments - BoA	-	10,356	10,356
Debt Service Payments	Fire Station #3/#5 - Lease Payment	-	10,851	10,851
District Court & Prosecutor Facility	District Court/Prosecutor Facility Exp	359,615	3,202,706	3,562,321
Fire Improvements	Fire Apparatus - 100' Aerial Truck	-	21,841	21,841
Fire Improvements	Fire Apparatus Purchases	-	13,795	13,795
Fire Improvements	Fire Facility Maintenance	17,787	19,796	37,583
Fire Improvements	Fire Station #3 - Expansion	614,511	104,854	719,365
Fire Improvements	Fire Station #5 - Relocation	12,028	224,067	236,095
Information Technology Improvements	AccessFayetteville Technical Improvement	-	1,306	1,306
Information Technology Improvements	AS/400 Computer Upgrades	-	95,392	95,392
Information Technology Improvements	Document Management	-	7,648	7,648
Information Technology Improvements	Geographic Information System (GIS)	21,815	5,451	27,266
Information Technology Improvements	Microcomputer Replacements	-	1,599	1,599
Information Technology Improvements	Municipal Management System	-	23,345	23,345
Information Technology Improvements	New World Systems Supplemental Software	-	4,279	4,279
Information Technology Improvements	Printer Replacements	-	16,762	16,762
Information Technology Improvements	Software Upgrades - City Wide	16,358	32,912	49,270
In-House Pavement Improvements	In-House Pavement Improvements	-	258,575	258,575
In-House Sidewalk Improvements	Sidewalk Improvements	-	183,144	183,144
Other Capital Improvements	Budgeting & Planning Software System	-	50,000	50,000
Other Capital Improvements	Building Improvements	121,392	10,078	131,470
Other Capital Improvements	District Court Software Improvements	-	20,769	20,769
Other Capital Improvements	Economic Development Matches	-	48,835	48,835
Other Capital Improvements	P.E.G. Television Center - Equipment	-	54,239	54,239
Other Capital Improvements	Telecommunication Systems Upgrades	-	5,247	5,247

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total Obligated	Total NonObligated	Total Rebudgets
Parks & Recreation Improvements	10,000	111,958	121,958
Parks & Recreation Improvements	-	135,478	135,478
Parks & Recreation Improvements	10,595	6,825	17,420
Parks & Recreation Improvements	-	1,010	1,010
Parks & Recreation Improvements	2,417	-	2,417
Parks & Recreation Improvements	20,000	7,833	27,833
Parks & Recreation Improvements	-	21,172	21,172
Parks & Recreation Improvements	1,400	22,590	23,990
Parks & Recreation Improvements	-	14,000	14,000
Police Improvements	2,809	8,893	11,702
Police Improvements	7,572	41,728	49,300
Police Improvements	-	2,390	2,390
Street Improvements	-	80,000	80,000
Street Improvements	-	24,708	24,708
Street Improvements	-	167,803	167,803
Street Improvements	-	200,000	200,000
Street Improvements	-	83,789	83,789
Street Improvements	-	400,000	400,000
Street Improvements	3,655	228,889	232,544
Street Improvements	-	500,000	500,000
Street Improvements	51,866	15,750	67,616
Street Improvements	-	1,894,331	1,894,331
Street Improvements	86,340	36,263	122,603
Trail Improvements	6,919	90,702	97,621
Trail Improvements	35,976	769,771	805,747
Transportation Improvements	-	19,781	19,781
Transportation Improvements	-	18,300	18,300
Water & Sewer Improvements	-	92,068	92,068
Water & Sewer Improvements	17,694	19,147	36,841
	1,669,642	11,143,891	12,813,533

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total		Total	Total
	Obligated	NonObligated	Rebudgets	
Water & Sewer Fund:				
Wastewater Treatment Improvements	-	6,320	6,320	
Wastewater Treatment Improvements	-	105,243	105,243	
Wastewater Treatment Improvements	-	3,136	3,136	
Wastewater Treatment Improvements	-	96,934	96,934	
Wastewater Treatment Improvements	-	22,135	22,135	
Water & Sewer Services Improvements	-	7,381	7,381	
Water & Sewer Services Improvements	-	40,284	40,284	
Water & Sewer Services Improvements	9,301	33,823	43,124	
Water & Sewer Services Improvements	20,343	-	20,343	
Water & Sewer Improvements	-	116,046	116,046	
Water & Sewer Improvements	489,171	43,290	532,461	
Water & Sewer Improvements	-	18,829	18,829	
Water & Sewer Improvements	1,802	11,962	13,764	
Water & Sewer Improvements	6,506	364,426	370,932	
Water & Sewer Improvements	-	25,319	25,319	
Water & Sewer Improvements	-	115,760	115,760	
Water & Sewer Improvements	-	42,014	42,014	
Water & Sewer Improvements	6,554	-	6,554	
Water & Sewer Improvements	-	18,822	18,822	
Water & Sewer Improvements	116,632	128,549	245,181	
Water & Sewer Improvements	143,990	1,489,185	1,633,175	
Water & Sewer Improvements	801,991	4,262,942	5,064,933	
Water & Sewer Improvements	837	326,453	327,290	
Water & Sewer Cost Sharing	45,594	-	45,594	
Water Impact Fee Cost Sharing Projects	-	143,000	143,000	
Water Line Projects As Needed	-	50,000	50,000	
Wedington Utility W/S Relocations	1,642,721	7,471,853	9,114,574	

City of Fayetteville, Arkansas
2007 Schedule of Rebudgeted Items:

Funding Source / Project Description	Total		Total	Total
	Obligated	NonObligated	Rebudgets	Rebudgets
Solid Waste Fund:				
Solid Waste Improvements	-	125,000		125,000
Solid Waste Improvements	-	161,000		161,000
Solid Waste Improvements	-	99,000		99,000
Solid Waste Improvements	-	93,527		93,527
Solid Waste Improvements	-	5,720		5,720
Solid Waste Improvements	-	100,000		100,000
Solid Waste Improvements	-	22,620		22,620
	-	606,867		606,867
Airport Fund:				
Aviation Improvements	-	46,566		46,566
Aviation Improvements	-	2,000		2,000
Aviation Improvements	10,950	-		10,950
Aviation Improvements	32,781	-		32,781
Aviation Improvements	183,700	-		183,700
	227,431	48,566		275,997
Shop Fund:				
Other Capital Improvements	-	35,360		35,360
Vehicles & Equipment Improvements	-	169,776		169,776
Vehicles & Equipment Improvements	16,500	4,657		21,157
Vehicles & Equipment Improvements	96,314	20,048		116,362
Vehicles & Equipment Improvements	-	84,618		84,618
Vehicles & Equipment Improvements	-	209,000		209,000
Vehicles & Equipment Improvements	151,430	117,362		268,792
Vehicles & Equipment Improvements	383,146	1,854		385,000
Vehicles & Equipment Improvements	-	60,000		60,000
Vehicles & Equipment Improvements	-	60,000		60,000
	647,390	762,675		1,410,065
TOTAL - ALL FUNDING SOURCES	4,598,865	27,887,451		32,486,316

Agenda Session

2/12/08

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 19, 2008**

A meeting of the Fayetteville City Council will be held on February 19, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

✓ Agenda Session Presentations:

1. Telecommunications Board Annual Report by Richard Drake, Chair of the Telecommunications Board

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

A. Consent:

- ✓ 1. Approval of the February 5, 2008 City Council meeting minutes.
- ✓ 2. **Washington County Interlocal Agreement:** A resolution to approve an Interlocal Agreement with Washington County so that the county may continue to monitor and manage Community Sewer Systems that have been annexed into Fayetteville.

3. **Garney Companies Cost-Share:** A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$376,060.48 to contract with Garney Companies, Inc. as Fayetteville's share of construction of the Farmington Sewer Force Main, WSIP subproject WL-11, Bid # 08-01; and approving a 10% contingency in the amount of \$37,500.
4. **Redford Construction, Inc Cost-Share:** A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$66,296.34 to contract with Redford Construction, Inc. as Fayetteville's share of construction of the Farmington gravity sewer line, WSIP subproject WL-10, Bid # 08-01; and approving a 10% contingency in the amount of \$7,000.
5. **Bid # 08-03 Kim Construction Company, Inc:** A resolution awarding Bid # 08-03 and approving a contract with Kim Construction Company, Inc. in the amount of \$1,501,102.00 for construction of manhole rehabilitation, basins I-15, W-02, W-05, W-06 & W-13; and approving a contingency in the amount of \$75,000.
6. **Bids # 08-05 – # 08-13 and Bid # 08-29 Bulk Construction Materials:** A resolution awarding Bids # 08-05 - # 08-13 and Bid # 08-29 and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,516,486.00.
7. **Bid # 08-15 Six Pedestrian Bridges:** A resolution awarding Bid # 08-15 and approving the purchase of six (6) prefabricated weathering steel pedestrian bridges from _____ in the amount of \$ _____ for Scull Creek Trail.
8. **Bid # 08-16 Six Trail Bridges:** A resolution awarding Bid # 08-16 and approving a contract with _____ in the amount of \$ _____ for the installation of six (6) trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$ _____.
9. **Landers Ford, One Sedan:** A resolution approving the purchase of one (1) Ford Fusion from Landers Ford of Benton through the state vehicle purchase contract in the amount of \$14,195.00 for use by the Parks & Recreation Division.
10. **Landers Ford, Eight Trucks:** A resolution approving the purchase of eight (8) Ford Trucks from Landers Ford through the state vehicle purchase contract in the amount of \$113,471.00.
11. **Landers Chevrolet, Two Trucks:** A resolution approving the purchase of two (2) ½-ton extended cab 4WD pickup trucks from Landers Chevrolet of Benton through the state vehicle purchase contract in the amount of \$39,888.00.
12. **Bale Chevrolet, One Passenger Van:** A resolution approving the purchase of one (1) Chevrolet 15-passenger van from Bale Chevrolet of Little Rock through the state vehicle purchase contract in the amount of \$21,322.00.

- ✓ 13. **Mobile Vision Inc:** A resolution approving the purchase of twenty-eight (28) digital in-car video systems pursuant to the bid waiver granted in Ordinance No. 4551, from Mobile Vision Inc. in the amount of \$148,592.15; and approving a budget adjustment in the amount of \$11,593.00.

14. **Southpass Development LLC:** A resolution to grant approval to allow Southpass Development LLC to submit a Planned Zoning District (PZD) to the City of Fayetteville prior to annexation into the city pursuant to 166.06 (A) (1) of the Unified Development Code.

- ✓ 15. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution to approve a budget adjustment in the amount of \$100,000.00 to recognize revenue from an Arkansas Parks and Tourism Outdoor Recreation Grant.

B. Unfinished Business:

- ✓ 1. **Hiring Freeze:** Hiring Freeze Appeals:

- ✓ 2. **Hobson, Inc. Appeal:** An ordinance rezoning a portion of property described in rezoning petition RZN 07-2667, for approximately 1.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2008 City Council meeting.*

- ✓ 3. **R-PZD 07-2680 (Arcadian Court):** An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting. This ordinance was Tabled indefinitely at the October 2, 2007 City Council meeting.*

C. New Business:

- ✓ 1. **RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General.

- ✓ 2. **VAC 07-2743 (Advanced Auto Parts):** An ordinance approving VAC 07-2743 submitted by Freeland-Kauffman and Fredeen, Inc. for property located at South School Avenue, just south of O'Reilly's Automotive to vacate a portion of a utility easement, a total of 2,419.62 square feet.

- ✓ 3. **VAC 07-2888 (Clabber Creek III Lot 103):** An ordinance approving VAC 07-2888 submitted by Northstar Engineering Consultants, Inc. for property located at Lot 103, Clabber Creek Phase III, to vacate a portion of a utility easement on the south side of the subject property, a total of 54 square feet.

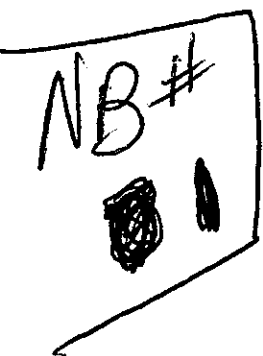
- ✓ **4. King Electrical Contractors:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with King Electrical Contractors in the amount of \$165,000.00 for electrical work associated with the Fayetteville Square Improvements.
- ✓ **5. Beaver Watershed Management Plan:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving an agreement with the Northwest Arkansas Community Foundation (NWACF) in the amount of \$10,000.00 for development of the Beaver Watershed Management Plan.
- ✓ **6. 2007 Rebudgets:** A resolution approving a budget adjustment to reappropriate \$107,975,386.00 for on-going capital and grant funded projects and to approve reductions in this amount from year end finalization of the 2007 budget.

Agenda Additions:

Announcements:

- 1. City Council Tour: February 18, 2008**

Adjournment:



Add: Aviation & Economic Development
Dept. Grant

Pre Agenda Session Meeting
2-6-08

Aldermen

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
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Ward 4 Position 2 – Lioneld Jordan

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City Council Meeting
February 19, 2008**

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4. **Redford Construction, Inc Cost-Share:** A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$66,296.34 to contract with Redford Construction, Inc. as Fayetteville's share of construction of the Farmington gravity sewer line, WSIP subproject WL-10, Bid # 08-01; and approving a 10% contingency in the amount of \$7,000.
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8. **Bid # 08-16 Six Trail Bridges:** A resolution awarding Bid # 08-16 and approving a contract with _____ in the amount of \$ _____ for the installation of six (6) trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$ _____.
9. **Bid # 07-70 Ark-O Petroleum:** A resolution awarding Bid #07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division.
10. **Landers Ford, One Sedan:** A resolution approving the purchase of one (1) Ford Fusion from Landers Ford of Benton through the state vehicle purchase contract in the amount of \$14,195.00 for use by the Parks & Recreation Division.
11. **Landers Ford, Eight Trucks:** A resolution approving the purchase of eight (8) Ford Trucks from Landers Ford through the state vehicle purchase contract in the amount of \$113,471.00.
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Next
Agenda

Remove
Hold

14. **Economic Development Infrastructure Grant:** A resolution authorizing the Aviation & Economic Development Division to apply for a General Improvement Fund Economic Development Infrastructure Grant in the amount of \$250,000.00 for the creation of an Aerospace Technology Park east of Drake Field.

15. **Mobile Vision Inc:** A resolution approving the purchase of twenty-eight (28) digital in-car video systems pursuant to the bid waiver granted in Ordinance No. 4551, from Mobile Vision Inc. in the amount of \$148,592.15; and approving a budget adjustment in the amount of \$11,593.00.

16. **Southpass Development LLC:** A resolution to grant approval to allow Southpass Development LLC to submit a Planned Zoning District (PZD) to the City of Fayetteville prior to annexation into the city pursuant to 166.06 (A) (1) of the Unified Development Code.

Add *Per Parks & Tourism Grant per Kit*

B. **Unfinished Business:**

1. **Hiring Freeze:** Hiring Freeze Appeals:

Change description to match new resolution
Kit wants old ordinance removed.

2. **Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2008 City Council meeting.*

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C. **New Business:**

1. **RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General.

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*Remove
Next Agenda*

4. ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163, and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon planning staff administrative approval. Sent back to Lief.

5. **King Electrical Contractors:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with King Electrical Contractors in the amount of \$165,000.00 for electrical work associated with the Fayetteville Square Improvements.

6. **Beaver Watershed Management Plan:** An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving an agreement with the Northwest Arkansas Community Foundation (NWACF) in the amount of \$10,000.00 for development of the Beaver Watershed Management Plan.

*Need
resolution*

7. *Re budgets*
2007 ~~Capital Project Budgets~~: A resolution approving a budget adjustment to reappropriate \$ _____ in order to retain current fiscal year project funding for identified, scheduled and on-going capital improvements; and authorizing the Budget & Research Division to make any needed reductions.

Agenda Additions:

Announcements:

- 1. **City Council Tour: February 18, 2008**

Adjournment:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **February 20, 2008**

A handwritten signature in black ink, appearing to be 'Kit Williams', written over a horizontal line.

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of February 19, 2008**

1. **Washington County Interlocal Agreement:** A Resolution to approve an Interlocal Agreement with Washington County so that the County may continue to monitor and manage Community Sewer Systems that have been annexed into Fayetteville;
2. **Garney Companies Cost-Share:** A Resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$376,060.48 to contract with Garney Companies, Inc. as Fayetteville's share of the construction of the Farmington Sewer Force Main, WSIP Subproject WL-11, Bid #08-01; and approving a 10% contingency in the amount of \$37,500.00;
3. **Redford Construction, Inc. Cost-Share:** A Resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$66,296.34 to contract with Redford Construction, Inc. as Fayetteville's share of construction of the Farmington Gravity Sewer Line, WSIP Subproject WL-10, Bid #08-01; and approving a 10% contingency in the amount of \$7,000.00;
4. **Bid #08-03 Kim Construction Company, Inc.:** A Resolution awarding Bid #08-03 and approving a contract with Kim Construction Company, Inc. in the amount of \$1,501,102.00 for construction of Manhole Rehabilitation, Basins I-15, W-02, W-05, W-06 and W-13; and approving a contingency in the amount of \$75,000.00;

5. **Bids #08-05 through #08-13 and Bid #08-29 Bulk Construction Materials:** A Resolution awarding Bids #08-05 through #08-13 and Bid #08-29 and approving the purchase of Bulk Construction Materials and services utilized by various divisions of the Cit of Fayetteville in the estimated amount of \$3,516,486.00;
6. **Bid #08-15 Six Pedestrian Bridges:** A Resolution awarding Bid #08-15 and approving the purchase of six Prefabricated Weathering Steel Pedestrian Bridges from Thompson Culvert Company in the amount of \$189,520.00 plus all applicable taxes for Scull Creek Trail;
7. **Bid #08-16 Six Trail Bridges:** A Resolution awarding Bid #08-16 and approving a contract with KINCO Contractors, LLC in the amount of \$240,784.72 for the installation of six Trail Bridges for Scull Creek Trail and approving a 15% project contingency in the amount of \$36,117.71;
8. **Landers Ford, One Sedan:** A Resolution approving the purchase of one Ford Fusion from Landers Ford of Benton through the State Vehicle Purchase Contract in the amount of \$14,195.00 for use by the Parks & Recreation Division;
9. **Landers Ford, Eight Trucks:** A Resolution approving the purchase of eight Ford Trucks from Landers Ford through the State Vehicle Purchase Contract in the amount of \$113,471.00;
10. **Landers Chevrolet, Two Trucks:** A Resolution approving the purchase of two ½-ton Extended Cab 4WD Pickup Trucks from Landers Chevrolet of Benton through the State Vehicle Purchase Contract in the amount of \$39,888.00;
11. **Bale Chevrolet, One Passenger Van:** A Resolution approving the purchase of one Chevrolet 15-Passenger Van from Bale Chevrolet of Little Rock through the State Vehicle Purchase Contract in the amount of \$21,322.00;
12. **Mobile Vision Inc.:** A Resolution approving the purchase of twenty-eight Digital In-Car Video Systems pursuant to the Bid Waiver granted in Ordinance No. 4551, from Mobile Vision Inc. in the amount of \$148,592.15; and approving a budget adjustment in the amount of \$11,593.00;
13. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A Resolution to approve a Budget Adjustment in the amount of \$100,000.00 to recognize revenue from an Arkansas Parks and Tourism Outdoor Recreation Grant;

14. Hiring Freeze: A Resolution to amend Resolution No. 20-08 to remove the approval to hire a replacement Part-Time Park Patrol Officer;

15. General Improvement Fund Grant: A Resolution authorizing the Aviation & Economic Development Department to apply for a General Improvement Fund Economic Development Infrastructure grant in the amount of \$250,000.00 for the creation of an Aerospace & Technology Park east of Drake Field;

16. King Electrical Contractors: An Ordinance waiving the requirements of formal competitive bidding and approving a contract with King Electrical Contractors in the amount of \$165,000.00 for electrical work associated with the Fayetteville Square improvements;

17. Beaver Watershed Management Plan: An Ordinance waiving the requirements of §34.23, (Purchases and Contracts Not In Excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving an agreement with the Northwest Arkansas Community Foundation (NWACF) in the amount of \$10,000.00 for development of the Beaver Watershed Management Plan;

18. 2007 Rebudgets: A Resolution approving a budget adjustment to reappropriate \$107,975,386.00 for ongoing Capital and Grant Funded Projects and to approve reductions in the amount from year-end finalization of the 2007 budget;

19. SouthPass Development LLC: A Resolution to grant approval to allow SouthPass Development LLC to submit a Planned Zoning District (PZD) to the City of Fayetteville prior to annexation into the City pursuant to 166.06 (A)(1) of the Unified Development Code.

From: Sondra Smith
To: Branson, Lisa
Date: 1/30/2008 5:14 PM
Subject: Fwd: Telecom Board Annual Report
Attachments: Sondra Smith.vcf

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>>> Susan Thomas 1/30/2008 3:54 PM >>>

Sondra - please move the Annual Telecom Board Report to the agenda session on February 12. I've copied Mr. drake here so he is aware of the new date.

Thanks,

Susan

Susan B. Thomas, Ph.D.
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