Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

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

City of Fayetteville Arkansas
Special City Council Meeting Minutes
February 13, 2007

SCANNED

A meeting of the Fayetteville City Council was held on February 13, 2007 at 4:30 PM in Room 326 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, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney, Kit Williams; City Clerk, Sondra Smith; Staff, Press, and Audience.

ABSENT: Alderman Rhoads

Pledge of Allegiance

NEW BUSINESS:

Barbara J. Heyliger Revocable Trust Settlement Agreement: A resolution to approve the Settlement Agreement with the property owner in City of Fayetteville v. Barbara J. Heyliger Revocable Trust, Washington County Circuit Court Civil Case No. 06-990-4.

City Attorney Kit Williams: This is a settlement that is being recommended by me and Assistant City Attorney David Whitaker.

Assistant City Attorney David Whitaker: I sent you a memo briefly describing what the request was and our recommendation. This is as good of a deal as you are likely to get. I will repeat my concern that with this as well as many other things, once you go to trial in Arkansas the only remaining issue is price. The price would be set by a Washington County jury who after hearing testimony would then determine what they thought was the best price. To be very honest it is a bit like the wheel of fortune, where it stops nobody knows. The price is obviously higher than we started out at and considerably lower than what they countered. One of the chief benefits is that the amount is known and it is manageable on this project.

City Attorney Kit Williams: We believe this is a fair settlement. David Jurgens has reviewed this.

David Jurgens, Water & Wastewater Director: I have reviewed it and absolutely recommend approval.

Mayor Coody: The staff has done a really good job on this.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 25-07 as Recorded in the Office of the City Clerk.

Meeting adjourned at 4:35 PM

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer