

**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  
September 16, 2008**

A meeting of the Fayetteville City Council will be held on September 16, 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: None**

**Presentations, Reports and Discussion Items: Agenda Session Only**

- 1. Nominating Committee Report: Approved**
- 2. Update on the Renaissance Tower Project: Handouts**

**Agenda Additions: Added Item B.1. Parks & Recreation Division Hiring Freeze Appeal.**

**A. Consent:**

- 1. Approval of the September 2, 2008 City Council meeting minutes. APPROVED.**
- 2. Bid # 08-56 Hugg and Hall Equipment:** A resolution to award Bid # 08-56 to Hugg and Hall Equipment in the amount of \$48,300.00, plus tax of \$2,979.25 for a total amount of \$51,279.25 for a trailer mounted six-inch water pump.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 170-08.**

3. **Bid # 08-62 Zachary & Associates, Inc:** A resolution to award Bid # 08-62 and approve the contract with Zachary and Associates to build the Gulley Park and Finger Park Pavilions at a cost of \$76,337.29 with a contingency of \$11,450.59.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 171-08.**

4. **David's Fire Equipment:** A resolution to approve a quote from David's Fire Equipment for fire hose in the amount of \$11,646.05 (including tax) and a budget adjustment in the amount of \$11,700.00.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 172-08.**

5. **2008-2009 Selective Traffic Enforcement Program (STEP) Grant:** A resolution accepting the 2008-2009 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$106,700.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 173-08.**

6. **Fayetteville Animal Shelter:** A resolution approving budget adjustments totaling \$23,110.00 from Animal Services miscellaneous donations to meet increased supply and operational costs at the Fayetteville Animal Shelter for the remainder of 2008.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 174-08.**

7. **Carter & Burgess Inc. Amendment No. 2:** A resolution approving contract Amendment No. 2 to the engineering contract with Carter & Burgess, Inc. in an amount not to exceed \$28,800.00 for additional engineering services associated with the Lake Wilson Spillway Rehabilitation Project; and approving a budget adjustment.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 175-08.**

8. **FY 2008 HUD EDI – Special Project Grant Agreement:** A resolution approving FY 2008 HUD EDI – Special Project Grant Agreement in the amount of \$656,600.00 to fund the Fayetteville Housing Partnership; approving a developers grant agreement with Rausch Coleman Homes, LLC; and approving a budget adjustment in the amount of \$656,600.00.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 176-08.**

**B. Unfinished Business:**

1. **Hiring Freeze: Hiring Freeze Appeals:** A resolution to approve the hiring of one Yvonne Richardson Center Program Coordinator for the Parks and Recreation Division.

**THIS ITEM WAS ADDED AT THE CITY COUNCIL MEETING, PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 177-08.**

2. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting.*

**THIS ITEM WAS TABLED TO THE OCTOBER 7, 2008 CITY COUNCIL MEETING.**

**C. New Business:**

1. **RZN 08-3065 (Hedge):** An ordinance rezoning that property described in rezoning petition RZN 08-3065, for approximately 1.0 acre, located at 1201 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to RMF-6, Residential Multi-Family, 6 units per acre.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5176.**

2. **Amend Chapter 33, Departments, Boards, Commissions, and Authorities:** An ordinance to amend the Code of Fayetteville by enacting §33.228 through §33.337 in Article X, Historic District Commission.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5177.**

3. **2008 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2008 fixing the rate thereof at 1.3 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.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5178.**

4. **Southpass Development Company, LLC:** A resolution approving a 50/50 cost-share agreement with Southpass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 178-08.**

5. **Bid # 08-61 SJ Louis Construction, Inc:** A resolution to approve Bid # 08-61 in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 179-08.**

6. **ADM 08-3093 (Hill Place Culvert Removal):** A resolution to approve a request to modify and replant a portion of the tree preservation area associated with Hill Place PZD, in order to remove a culvert within College Branch Creek and to install a vehicular bridge, as described herein.

**THIS ITEM WAS TABLED TO THE OCTOBER 7, 2008 CITY COUNCIL MEETING.**

- 7. Vantage Center R-PZD Vacation (VAC 08-3099):** An ordinance approving VAC 08-3099 submitted by Crafton, Tull, Sparks & Associates for property located in The Vantage Center (R-PZD 05-1543) to vacate a water easement, a total of 0.248 acres, in order to develop the Vantage Center R-PZD.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5179.**

**Announcements:**

- 1. City Council Tour: None**

**Adjournment: Meeting adjourned at 8:55 p.m.**



| Subject: | Roll        |        |  |  |  |
|----------|-------------|--------|--|--|--|
|          | Rhoads      | Absent |  |  |  |
|          | Ferrell     | ✓      |  |  |  |
|          | Lucas       | ✓      |  |  |  |
|          | Jordan      | ✓      |  |  |  |
|          | Gray        | ✓      |  |  |  |
|          | Thiel       | ✓      |  |  |  |
|          | Cook        | ✓      |  |  |  |
|          | Allen       | ✓      |  |  |  |
|          | Mayor Coody | ✓      |  |  |  |

8-0

| Subject:   | Nominating Committee Report |         |  |  |  |
|------------|-----------------------------|---------|--|--|--|
| Motion To: |                             | Approve |  |  |  |
| Motion By: |                             | Allen   |  |  |  |
| Seconded:  |                             | Gray    |  |  |  |
| Approved   | Rhoads                      | Absent  |  |  |  |
|            | Ferrell                     | ✓       |  |  |  |
|            | Lucas                       | ✓       |  |  |  |
|            | Jordan                      | ✓       |  |  |  |
|            | Gray                        | ✓       |  |  |  |
|            | Thiel                       | ✓       |  |  |  |
|            | Cook                        | ✓       |  |  |  |
|            | Allen                       | ✓       |  |  |  |
|            | Mayor Coody                 |         |  |  |  |

7-0

|                                                                       |             |                            |  |  |  |
|-----------------------------------------------------------------------|-------------|----------------------------|--|--|--|
| Subject:                                                              |             | Consent                    |  |  |  |
| Motion To:                                                            |             |                            |  |  |  |
| Motion By:                                                            |             |                            |  |  |  |
| Seconded:                                                             |             |                            |  |  |  |
| Minutes<br>Approved<br><hr/> passed<br>Res.<br>170-08<br>to<br>176-08 | Rhoads      | <del>_____</del>           |  |  |  |
|                                                                       | Ferrell     | Absent during<br>the vote. |  |  |  |
|                                                                       | Lucas       | ✓                          |  |  |  |
|                                                                       | Jordan      | ✓                          |  |  |  |
|                                                                       | Gray        | ✓                          |  |  |  |
|                                                                       | Thiel       | ✓                          |  |  |  |
|                                                                       | Cook        | ✓                          |  |  |  |
|                                                                       | Allen       | ✓                          |  |  |  |
|                                                                       | Mayor Coody |                            |  |  |  |

6-0

|            |             |  |  |  |  |
|------------|-------------|--|--|--|--|
| Subject:   |             |  |  |  |  |
| Motion To: |             |  |  |  |  |
| Motion By: |             |  |  |  |  |
| Seconded:  |             |  |  |  |  |
|            | Rhoads      |  |  |  |  |
|            | Ferrell     |  |  |  |  |
|            | Lucas       |  |  |  |  |
|            | Jordan      |  |  |  |  |
|            | Gray        |  |  |  |  |
|            | Thiel       |  |  |  |  |
|            | Cook        |  |  |  |  |
|            | Allen       |  |  |  |  |
|            | Mayor Coody |  |  |  |  |

|                                                                   |             |                                                      |  |  |  |
|-------------------------------------------------------------------|-------------|------------------------------------------------------|--|--|--|
| Subject:                                                          |             | Hiring Freeze Appeals:      YRCC Program Coordinator |  |  |  |
| Motion To:                                                        |             | Approve                                              |  |  |  |
| Motion By:                                                        |             | Thiel                                                |  |  |  |
| Seconded:                                                         |             | Allen                                                |  |  |  |
| B. 1<br>Unfinished<br>Business<br><br><u>Passed</u><br><br>177-08 | Rhoads      | _____                                                |  |  |  |
|                                                                   | Ferrell     | ✓                                                    |  |  |  |
|                                                                   | Lucas       | ✓                                                    |  |  |  |
|                                                                   | Jordan      | ✓                                                    |  |  |  |
|                                                                   | Gray        | ✓                                                    |  |  |  |
|                                                                   | Thiel       | ✓                                                    |  |  |  |
|                                                                   | Cook        | ✓                                                    |  |  |  |
|                                                                   | Allen       | ✓                                                    |  |  |  |
|                                                                   | Mayor Coody |                                                      |  |  |  |

7-0

|                                |             |                        |  |  |  |
|--------------------------------|-------------|------------------------|--|--|--|
| Subject:                       |             | Hiring Freeze Appeals: |  |  |  |
| Motion To:                     |             |                        |  |  |  |
| Motion By:                     |             |                        |  |  |  |
| Seconded:                      |             |                        |  |  |  |
| B. 1<br>Unfinished<br>Business | Rhoads      |                        |  |  |  |
|                                | Ferrell     |                        |  |  |  |
|                                | Lucas       |                        |  |  |  |
|                                | Jordan      |                        |  |  |  |
|                                | Gray        |                        |  |  |  |
|                                | Thiel       |                        |  |  |  |
|                                | Cook        |                        |  |  |  |
|                                | Allen       |                        |  |  |  |
|                                | Mayor Coody |                        |  |  |  |

|                                                          |             |                             |  |  |  |
|----------------------------------------------------------|-------------|-----------------------------|--|--|--|
| Subject:                                                 |             | Amberwood Place Appeal      |  |  |  |
| Motion To:                                               |             | Table to<br>October 7, 2008 |  |  |  |
| Motion By:                                               |             | Jordan                      |  |  |  |
| Seconded:                                                |             | Lucas                       |  |  |  |
| B. 2<br>Unfinished<br>Business<br><br>Tabled<br>10/16/08 | Rhoads      | _____                       |  |  |  |
|                                                          | Ferrell     | ✓                           |  |  |  |
|                                                          | Lucas       | ✓                           |  |  |  |
|                                                          | Jordan      | ✓                           |  |  |  |
|                                                          | Gray        | ✓                           |  |  |  |
|                                                          | Thiel       | ✓                           |  |  |  |
|                                                          | Cook        | ✓                           |  |  |  |
|                                                          | Allen       | ✓                           |  |  |  |
|                                                          | Mayor Coody |                             |  |  |  |

7-0

|                        |             |  |  |  |  |
|------------------------|-------------|--|--|--|--|
| Subject:               |             |  |  |  |  |
| Motion To:             |             |  |  |  |  |
| Motion By:             |             |  |  |  |  |
| Seconded:              |             |  |  |  |  |
| Unfinished<br>Business | Rhoads      |  |  |  |  |
|                        | Ferrell     |  |  |  |  |
|                        | Lucas       |  |  |  |  |
|                        | Jordan      |  |  |  |  |
|                        | Gray        |  |  |  |  |
|                        | Thiel       |  |  |  |  |
|                        | Cook        |  |  |  |  |
|                        | Allen       |  |  |  |  |
|                        | Mayor Coody |  |  |  |  |

|                                                          |         |                     |                  |                  |  |
|----------------------------------------------------------|---------|---------------------|------------------|------------------|--|
| <b>Subject:</b>                                          |         | RZN 08-3065 (Hedge) |                  |                  |  |
| <b>Motion To:</b>                                        |         | 2nd<br>Read         | 3rd<br>Read      | Pass             |  |
| <b>Motion By:</b>                                        |         | Thiel               | Jordan           |                  |  |
| <b>Seconded:</b>                                         |         | Cook                | Thiel            |                  |  |
| C. 1<br>New<br>Business<br><br><u>Passed</u><br><br>5176 | Rhoads  | <del>_____</del>    | <del>_____</del> | <del>_____</del> |  |
|                                                          | Ferrell | ✓                   | ✓                | ✓                |  |
|                                                          | Lucas   | ✓                   | ✓                | ✓                |  |
|                                                          | Jordan  | ✓                   | ✓                | ✓                |  |
|                                                          | Gray    | ✓                   | ✓                | ✓                |  |
|                                                          | Thiel   | ✓                   | ✓                | ✓                |  |
|                                                          | Cook    | ✓                   | ✓                | ✓                |  |
|                                                          | Allen   | ✓                   | ✓                | ✓                |  |
| Mayor Coody                                              |         |                     |                  |                  |  |
|                                                          |         | 7-0                 | 7-0              | 7-0              |  |

|                                                          |         |                                                                     |                  |                  |  |
|----------------------------------------------------------|---------|---------------------------------------------------------------------|------------------|------------------|--|
| <b>Subject:</b>                                          |         | Amend Chapter 33, Departments, Boards, Commissions, and Authorities |                  |                  |  |
| <b>Motion To:</b>                                        |         | 2nd<br>Read                                                         | 3rd<br>Read      | Pass             |  |
| <b>Motion By:</b>                                        |         | Lucas                                                               | Jordan           |                  |  |
| <b>Seconded:</b>                                         |         | Thiel                                                               | Lucas            |                  |  |
| C. 2<br>New<br>Business<br><br><u>Passed</u><br><br>5177 | Rhoads  | <del>_____</del>                                                    | <del>_____</del> | <del>_____</del> |  |
|                                                          | Ferrell | ✓                                                                   | ✓                | ✓                |  |
|                                                          | Lucas   | ✓                                                                   | ✓                | ✓                |  |
|                                                          | Jordan  | ✓                                                                   | ✓                | ✓                |  |
|                                                          | Gray    | ✓                                                                   | ✓                | ✓                |  |
|                                                          | Thiel   | ✓                                                                   | ✓                | ✓                |  |
|                                                          | Cook    | ✓                                                                   | ✓                | ✓                |  |
|                                                          | Allen   | ✓                                                                   | ✓                | ✓                |  |
| Mayor Coody                                              |         |                                                                     |                  |                  |  |
|                                                          |         | 7-0                                                                 | 7-0              | 7-0              |  |



|                                                                                              |                    |                          |                  |                  |  |
|----------------------------------------------------------------------------------------------|--------------------|--------------------------|------------------|------------------|--|
| <b>Subject:</b>                                                                              |                    | <b>2008 Millage Levy</b> |                  |                  |  |
| <b>Motion To:</b>                                                                            |                    | <i>2nd Read</i>          | <i>3rd Read</i>  | <i>Pass</i>      |  |
| <b>Motion By:</b>                                                                            |                    | <i>Jordan</i>            | <i>Jordan</i>    |                  |  |
| <b>Seconded:</b>                                                                             |                    | <i>Ferrell</i>           | <i>Ferrell</i>   |                  |  |
| <b>C. 3</b><br><br><b>New</b><br><br><b>Business</b><br><br><i>Passed</i><br><br><i>5178</i> | <b>Rhoads</b>      | <del>_____</del>         | <del>_____</del> | <del>_____</del> |  |
|                                                                                              | <b>Ferrell</b>     | ✓                        | ✓                | ✓                |  |
|                                                                                              | <b>Lucas</b>       | ✓                        | ✓                | ✓                |  |
|                                                                                              | <b>Jordan</b>      | ✓                        | ✓                | ✓                |  |
|                                                                                              | <b>Gray</b>        | ✓                        | ✓                | ✓                |  |
|                                                                                              | <b>Thiel</b>       | ✓                        | ✓                | ✓                |  |
|                                                                                              | <b>Cook</b>        | ✓                        | ✓                | ✓                |  |
|                                                                                              | <b>Allen</b>       | ✓                        | ✓                | ✓                |  |
|                                                                                              | <b>Mayor Coody</b> |                          |                  |                  |  |
|                                                                                              |                    | <i>7-0</i>               | <i>7-0</i>       | <i>7-0</i>       |  |

|                                                                                                |                    |                                           |                  |                  |                         |
|------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------|------------------|------------------|-------------------------|
| <b>Subject:</b>                                                                                |                    | <b>Southpass Development Company, LLC</b> |                  |                  |                         |
| <b>Motion To:</b>                                                                              |                    | <i>Table</i>                              | <i>Approve</i>   |                  | <i>Barbara Moreland</i> |
| <b>Motion By:</b>                                                                              |                    | <i>Lucas</i>                              | <i>Ferrell</i>   |                  |                         |
| <b>Seconded:</b>                                                                               |                    | <i>Jordan</i>                             | <i>Gray</i>      |                  |                         |
| <b>C. 4</b><br><br><b>New</b><br><br><b>Business</b><br><br><i>passed</i><br><br><i>178-08</i> | <b>Rhoads</b>      | <del>_____</del>                          | <del>_____</del> | <del>_____</del> |                         |
|                                                                                                | <b>Ferrell</b>     | <i>Withdrawn</i>                          | ✓                |                  |                         |
|                                                                                                | <b>Lucas</b>       |                                           | ✓                |                  |                         |
|                                                                                                | <b>Jordan</b>      |                                           | ✓                |                  |                         |
|                                                                                                | <b>Gray</b>        |                                           | ✓                |                  |                         |
|                                                                                                | <b>Thiel</b>       |                                           | ✓                |                  |                         |
|                                                                                                | <b>Cook</b>        |                                           | ✓                |                  |                         |
|                                                                                                | <b>Allen</b>       |                                           | ✓                |                  |                         |
|                                                                                                | <b>Mayor Coody</b> |                                           |                  |                  |                         |
|                                                                                                |                    |                                           | <i>7-0</i>       |                  |                         |

|                                                            |             |                                                |  |  |  |
|------------------------------------------------------------|-------------|------------------------------------------------|--|--|--|
| <b>Subject:</b>                                            |             | <b>Bid # 08-61 SJ Louis Construction, Inc.</b> |  |  |  |
| <b>Motion To:</b>                                          |             | Approve                                        |  |  |  |
| <b>Motion By:</b>                                          |             | Gray                                           |  |  |  |
| <b>Seconded:</b>                                           |             | Thiel                                          |  |  |  |
| C. 5<br>New<br>Business<br><br><u>Passed</u><br><br>179-08 | Rhoads      | <del>_____</del>                               |  |  |  |
|                                                            | Ferrell     | ✓                                              |  |  |  |
|                                                            | Lucas       | ✓                                              |  |  |  |
|                                                            | Jordan      | N                                              |  |  |  |
|                                                            | Gray        | ✓                                              |  |  |  |
|                                                            | Thiel       | ✓                                              |  |  |  |
|                                                            | Cook        | ✓                                              |  |  |  |
|                                                            | Allen       | ✓                                              |  |  |  |
|                                                            | Mayor Coody |                                                |  |  |  |

6-1

|                                                                          |             |                                                 |  |  |  |
|--------------------------------------------------------------------------|-------------|-------------------------------------------------|--|--|--|
| <b>Subject:</b>                                                          |             | <b>ADM 08-3093 (Hill Place Culvert Removal)</b> |  |  |  |
| <b>Motion To:</b>                                                        |             | Table to<br>Oct. 7, 2008                        |  |  |  |
| <b>Motion By:</b>                                                        |             | Thiel                                           |  |  |  |
| <b>Seconded:</b>                                                         |             | Jordan                                          |  |  |  |
| C. 6<br>New<br>Business<br><br><u>Tabled</u><br>to<br>October<br>7, 2008 | Rhoads      | <del>_____</del>                                |  |  |  |
|                                                                          | Ferrell     | ✓                                               |  |  |  |
|                                                                          | Lucas       | ✓                                               |  |  |  |
|                                                                          | Jordan      | ✓                                               |  |  |  |
|                                                                          | Gray        | ✓                                               |  |  |  |
|                                                                          | Thiel       | ✓                                               |  |  |  |
|                                                                          | Cook        | ✓                                               |  |  |  |
|                                                                          | Allen       | ✓                                               |  |  |  |
|                                                                          | Mayor Coody |                                                 |  |  |  |

City Council  
Meeting

7-0

|                                                          |             |                                             |          |      |  |
|----------------------------------------------------------|-------------|---------------------------------------------|----------|------|--|
| Subject:                                                 |             | Vantage Center R-PZD Vacation (VAC 08-3099) |          |      |  |
| Motion To:                                               |             | 2nd Read                                    | 3rd Read | Pass |  |
| Motion By:                                               |             | Lucas                                       | Jordan   |      |  |
| Seconded:                                                |             | Ferrell                                     | Ferrell  |      |  |
| C. 7<br>New<br>Business<br><br><i>Passed</i><br><br>5179 | Rhoads      |                                             |          |      |  |
|                                                          | Ferrell     | ✓                                           | ✓        | ✓    |  |
|                                                          | Lucas       | ✓                                           | ✓        | ✓    |  |
|                                                          | Jordan      | ✓                                           | ✓        | ✓    |  |
|                                                          | Gray        | ✓                                           | ✓        | ✓    |  |
|                                                          | Thiel       | ✓                                           | ✓        | ✓    |  |
|                                                          | Cook        | ✓                                           | ✓        | ✓    |  |
|                                                          | Allen       | ✓                                           | ✓        | ✓    |  |
|                                                          | Mayor Coody |                                             |          |      |  |
|                                                          |             | 7-0                                         | 7-0      | 7-0  |  |
| Subject:                                                 |             |                                             |          |      |  |
| Motion To:                                               |             |                                             |          |      |  |
| Motion By:                                               |             |                                             |          |      |  |
| Seconded:                                                |             |                                             |          |      |  |
| New<br>Business                                          | Rhoads      |                                             |          |      |  |
|                                                          | Ferrell     |                                             |          |      |  |
|                                                          | Lucas       |                                             |          |      |  |
|                                                          | Jordan      |                                             |          |      |  |
|                                                          | Gray        |                                             |          |      |  |
|                                                          | Thiel       |                                             |          |      |  |
|                                                          | Cook        |                                             |          |      |  |
|                                                          | Allen       |                                             |          |      |  |
|                                                          | Mayor Coody |                                             |          |      |  |



**Aldermen**

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



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City of Fayetteville Arkansas  
City Council Meeting  
September 16, 2008**

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**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions:**

**Presentations, Reports and Discussion Items:**

- 1. Nominating Committee Report**
- 2. Update on the Renaissance Tower Project**

**Agenda Additions:**

**A. Consent:**

- 1. Approval of the September 2, 2008 City Council meeting minutes.**
- 2. Bid # 08-56 Hugg and Hall Equipment:** A resolution to award Bid # 08-56 to Hugg and Hall Equipment in the amount of \$48,300.00, plus tax of \$2,979.25 for a total amount of \$51,279.25 for a trailer mounted six-inch water pump.

3. **Bid # 08-62 Zachary & Associates, Inc:** A resolution to award Bid # 08-62 and approve the contract with Zachary and Associates to build the Gulley Park and Finger Park Pavilions at a cost of \$76,337.29 with a contingency of \$11,450.59.
4. **David's Fire Equipment:** A resolution to approve a quote from David's Fire Equipment for fire hose in the amount of \$11,646.05 (including tax) and a budget adjustment in the amount of \$11,700.00.
5. **2008-2009 Selective Traffic Enforcement Program (STEP) Grant:** A resolution accepting the 2008-2009 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$106,700.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws and other purposes; and approving a budget adjustment recognizing the grant revenue.
6. **Fayetteville Animal Shelter:** A resolution approving budget adjustments totaling \$23,110.00 from Animal Services miscellaneous donations to meet increased supply and operational costs at the Fayetteville Animal Shelter for the remainder of 2008.
7. **Carter & Burgess Inc. Amendment No. 2:** A resolution approving contract Amendment No. 2 to the engineering contract with Carter & Burgess, Inc. in an amount not to exceed \$28,800.00 for additional engineering services associated with the Lake Wilson Spillway Rehabilitation Project; and approving a budget adjustment.
8. **FY 2008 HUD EDI – Special Project Grant Agreement:** A resolution approving FY 2008 HUD EDI – Special Project Grant Agreement in the amount of \$656,600.00 to fund the Fayetteville Housing Partnership; approving a developers grant agreement with Rausch Coleman Homes, LLC; and approving a budget adjustment in the amount of \$656,600.00.

#### **B. Unfinished Business:**

1. **Hiring Freeze:** Hiring Freeze Appeals:
2. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting.*

#### **C. New Business:**

1. **RZN 08-3065 (Hedge):** An ordinance rezoning that property described in rezoning petition RZN 08-3065, for approximately 1.0 acre, located at 1201 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to RMF-6, Residential Multi-Family, 6 units per acre.
2. **Amend Chapter 33, Departments, Boards, Commissions, and Authorities:** An ordinance to amend the Code of Fayetteville by enacting §33.228 through §33.337 in Article X, Historic District Commission.

3. **2008 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2008 fixing the rate thereof at 1.3 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.
4. **Southpass Development Company, LLC:** A resolution approving a 50/50 cost-share agreement with Southpass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park.
5. **Bid # 08-61 SJ Louis Construction, Inc:** A resolution to approve Bid # 08-61 in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill.
6. **ADM 08-3093 (Hill Place Culvert Removal):** A resolution to approve a request to modify and replant a portion of the tree preservation area associated with Hill Place PZD, in order to remove a culvert within College Branch Creek and to install a vehicular bridge, as described herein.
7. **Vantage Center R-PZD Vacation (VAC 08-3099):** An ordinance approving VAC 08-3099 submitted by Crafton, Tull, Sparks & Associates for property located in The Vantage Center (R-PZD 05-1543) to vacate a water easement, a total of 0.248 acres, in order to develop the Vantage Center R-PZD.

**Announcements:**

1. **City Council Tour: None**

**Adjournment:**



Added at Agenda Session  
9-9-08  
City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
or  
Contracts

A. 5  
2008-2009 Selective Traffic  
Enforcement Program (STEP) Grant  
Page 1 of 10

September 16, 2008  
City Council Meeting Date

W Newman  
Submitted By

Patrol  
Division

Police  
Department

Action Required:

Approval of the 2008-2009 Selective Traffic Enforcement Program grant award in the amount of \$106,700.00.

\$ 106,700.00

Cost of this request  
1010-2940

5104.00 / 5210.00 / 5304.00

Account Number

08067-1

Project Number

\$ 106,700.00

Category / Project Budget

\$ -

Funds Used to Date

\$ 106,700.00

Remaining Balance

Police STEP Grant 2008-2009

Program Category / Project Name

Personnel Services

Program / Project Category Name

General

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

9-8-08 USD

ENTERED

Received in Mayor's Office

9/8/08  
PAH

Comments:



## Departmental Correspondence

---

**To:** Dan Coody, Mayor  
Fayetteville City Council

**Thru:** Greg Tabor, Police Chief *Mike Reynolds*

**From:** Willie Newman, Financial Coordinator

**Date:** September 5, 2008

**Re:** Approval of 2008-2009 Selective Traffic Enforcement Program Grant Award

---

### Background

The Fayetteville Police Department has participated in the Selective Traffic Enforcement Program (STEP) every year since its inception in 1988. For eleven (11) years now, we have partnered through grant funding with the Arkansas Highway Safety Office in an effort to reduce the total number of motor vehicle crashes, injuries and fatalities. The 2008-2009 STEP Grant Application is based on a fifty percent (50%) local match of in-kind expense and a request for \$106,700.00 in federal and state grant funding. In-kind expenses are defined as on-duty regular shift hours dedicated to STEP activity; furthermore, this grant will reimburse the City for on-duty overtime hours dedicated to STEP activity. The grant period for this application runs from October 1, 2008 to September 30, 2009.

### Discussion

Our primary strategy for reaching our mutual goal of reducing the total number of motor vehicle crashes, injuries and fatalities is through dedicated and diligent enforcement of occupant protection and DWI/DUI laws. This can only be accomplished by dedicating patrol officer(s) to monitor only STEP activity for a given period of time in a known problem area. In addition to increased law enforcement, this grant funding allows us to participate in directed DWI Checkpoints, Click It or Ticket protection mobilizations, purchase additional equipment, attend national training, provide child safety seat checkpoints, and a loaner safety seat for those in need.

STEP is a very important program and funding source for the Fayetteville Police Department. Through dedicated STEP activity during our shift overlap hours, our Department can meet the in-kind matching funds required of this grant award. Furthermore, the loss of this grant funding would have an adverse affect on community safety.

## **Recommendation**

Due to the many positive results, Staff recommends approval of the 2008-2009 Selective Traffic Enforcement Program Grant Award in the amount of \$106,700.00 along with the budget adjustment. If you should have any comments or question regarding this grant application, please contact Chief Tabor or Capt. Brown at extension 500 or myself at extension 579.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION ACCEPTING THE 2008-2009 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$106,700.00 FOR THE PURPOSE OF PAYING OVERTIME TO OFFICERS ENGAGED IN THE ENFORCEMENT OF DWI/DUI AND SEATBELT LAWS AND OTHER PURPOSES; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

**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 the 2008-2009 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$106,700.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and seatbelt laws.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing the grant revenue.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**



**City of Fayetteville, Arkansas  
Budget Adjustment Form**

A. 5  
2008-2009 Selective Traffic  
Enforcement Program (STEP) Grant  
Page 5 of 10

|                                |                                                           |                                       |                   |
|--------------------------------|-----------------------------------------------------------|---------------------------------------|-------------------|
| Budget Year<br><br><b>2008</b> | Department: Police<br>Division: Police<br>Program: Patrol | Date Requested<br><br><b>9/4/2008</b> | Adjustment Number |
|--------------------------------|-----------------------------------------------------------|---------------------------------------|-------------------|

|                                                                                                                                                                             |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Project or Item Added/Increased:<br>Increase expense budget for Overtime-uniformed, minor equipment, and travel & training to coincide with the 2008-2009 STEP grant award. | Project or Item Deleted/Reduced: |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

|                                                                                                                                                      |                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Justification of this Increase:<br>This increase is needed to recognize the acceptance of the 2008-2009 Selective Traffic Enforcement Program grant. | Justification of this Decrease: |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

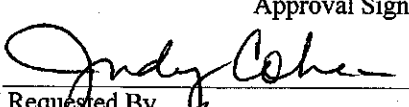
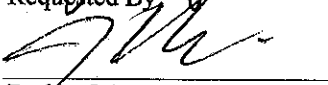
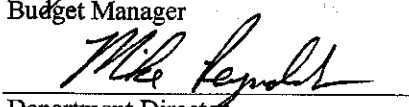
**Increase Expense Budget (Decrease Revenue Budget)**

| Account Name             | Account Number |      |      |    | Amount | Project Number |   |
|--------------------------|----------------|------|------|----|--------|----------------|---|
| Salaries/wages-uniformed | 1010           | 2940 | 5101 | 00 | 60,000 | 08067          | 1 |
| Overtime-uniformed       | 1010           | 2940 | 5104 | 00 | 30,000 | 08067          | 1 |
| Minor equipment          | 1010           | 2940 | 5210 | 00 | 15,200 | 08067          | 1 |
| Travel & training        | 1010           | 2940 | 5304 | 00 | 1,500  | 08067          | 1 |

**Decrease Expense Budget (Increase Revenue Budget)**

| Account Name              | Account Number |      |      |    | Amount | Project Number |   |
|---------------------------|----------------|------|------|----|--------|----------------|---|
| State Grants-Operational  | 1010           | 0001 | 4302 | 01 | 12,500 | 08067          | 1 |
| Federal Grant-Operational | 1010           | 0001 | 4309 | 01 | 94,200 | 08067          | 1 |

Approval Signatures

|                                                                                    |                   |
|------------------------------------------------------------------------------------|-------------------|
|  | <b>9/8/08</b>     |
| Requested By                                                                       | Date              |
|  | <b>9-8-08</b>     |
| Budget Manager                                                                     | Date              |
|  | <b>09/08/2008</b> |
| Department Director                                                                | Date              |
| Finance & Internal Services Director                                               | Date              |
| Mayor                                                                              | Date              |

Budget Office Use Only

Type:    A        B        C        D        E

Posted to General Ledger

|         |      |
|---------|------|
| Initial | Date |
|---------|------|

Posted to Project Accounting

|         |      |
|---------|------|
| Initial | Date |
|---------|------|

Entered in Category Log

|         |      |
|---------|------|
| Initial | Date |
|---------|------|



**Fiscal Year 2009 Proposal for  
Highway Safety Funding  
for Selective Traffic Enforcement Program**

**Administrative Information**

**Project Title:** Selective Traffic Enforcement Project

**Proposing Agency/Organization:** Fayetteville Police Department

**Mailing Address:** 100-A West Rock Street

Fayetteville, AR 72701

**Physical Address:** Same  
(if different)

**Contact Person:** Captain William K. Brown

**Title:** \_\_\_\_\_

**Phone Number:** 479-587-3500

**Fax Number:** 479-587-3522

**E-mail Address:** wbrown@ci.fayetteville.ar.us

**Goal and Strategy Addressed** (see draft FY 09 Goals and Strategies):

**Goal:** Reduce the total number of motor vehicle crashes, injuries and fatalities.

**Strategy:** Enforce DWI/Seatbelt laws; Increase training for the enforcement of these laws

**Project Period: From:** 10-1-2008 **To:** 9-30-2009

**Project Year:** 11  
(Year 1, 2, 3 etc.)

**Amount of Federal Funds Requested:**

**Local Match:**

FY2009:

**IMPORTANT: Documents to be submitted with Proposal:**

Required: Traffic Safety Project Budget  
Optional: Supporting Documentation

**Proposing Agency Authentication:**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**AHSO Use Only**

Received by: \_\_\_\_\_

Office: \_\_\_\_\_

Date Received: \_\_\_\_\_

**Date Stamp & Time**

AHSO

Arkansas  
Highway Safety  
Office  
(rev. 5/03/2007)

Project Title: **Error! Reference source not found.**  
 Proposing Agency/Organization: Fayetteville Police Department  
 Fayetteville, Arkansas

2008-2009 Selective Traffic  
 Enforcement Program (STEP) Grant  
 Page 7 of 10

### Proposed Project Description

**I. Problem Identification.** Complete the table below to identify the traffic safety issues for your community. Crash and citation data must be from the same year:

**Baseline Year:** 2004

| Baseline Measure                                                    | Baseline Number |
|---------------------------------------------------------------------|-----------------|
| A. Total number of crashes                                          | 4,310           |
| B. Number of alcohol-related crashes                                | 251             |
| C. Number of Driving While Intoxicated (DWI/DUI) arrests (non STEP) | 949             |
| D. Number of safety belt citations (non STEP)                       | N/A             |
| E. Number of child safety seat citations (non STEP)                 | N/A             |

The following measure was established by Subgrantee surveys:

| Measure                         | Percentage | Month/Year of Survey |
|---------------------------------|------------|----------------------|
| Percentage of safety belt usage | tbd        | May 2008             |

**Note:** Survey must be conducted after October 1, 2007.

**Data Source:** Static observation by uniformed officers

**Optional Comments Regarding Problem ID** (no more than 350 words; comments will not be scored but will assist in explaining the information identified above):

Click here to type.

## II. Project Plan

☒ Conduct a selective traffic enforcement project, including conducting public information and education efforts, concentrating on both of the following components for your proposed STEP:

- ☒ DWI Enforcement
- ☒ Occupant Protection Enforcement

### B. Project Objectives and Performance Measures.

OBJECTIVE: The objective of this project is to accomplish the following by September 30, 2009:

| Objectives/Performance Measures                                                                           | Target Number |
|-----------------------------------------------------------------------------------------------------------|---------------|
| A. Number and type citations/arrests to be <b>issued under STEP</b>                                       |               |
| 1. Increase DWI arrests by                                                                                | 30            |
| 2. Increase safety belt citations by                                                                      | 60            |
| 3. Increase child safety seat citations by                                                                | 10            |
| B. Number of STEP enforcement hours to be worked                                                          |               |
| 1. DWI/DUI Enforcement (yearlong/sustained)                                                               | 1,000         |
| 2. DWI/DUI Crackdown (YD&YDL)                                                                             | 3             |
| 3. Seat Belt/Occupant Protection Enforcement (yearlong & sustained)                                       | 2,000         |
| 4. Seat Belt/Occupant Protection Mobilization (CIOT)                                                      | 3             |
| C. Number of alcohol-related traffic crashes                                                              |               |
| 1. Reduce the number of alcohol-related crashes to                                                        | 175           |
| D. Increase the safety belt usage rate among drivers and front seat passengers to                         | 88%           |
| E. Administrative and general grant requirements                                                          |               |
| 1. Submit the following number of Monthly Activity Reports, including an Annual Project Activity Report   | 13            |
| 2. Submit the following number of Request for Reimbursement                                               | 13            |
| F. Support grant enforcement efforts with public information and education                                |               |
| 1. Conduct a minimum of two (2) presentations                                                             | 4             |
| 2. Conduct a minimum of four (4) media exposures (e.g., news conferences, news releases, and interviews). | 8             |
| 3. Conduct a minimum of two (2) community events (e.g., health fairs, booths)                             | 4             |
| 4. Produce the following number of public information and education materials if applicable.              | N/A           |

**Note:** Nothing in this proposal shall be interpreted as a requirement, formal or informal, that a peace officer issue a specific or predetermined number of citations in pursuance of the proposing organization's obligations hereunder. In addition to the STEP enforcement activities, the proposing organization agrees to maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

AHSO

Arkansas  
Highway Safety  
Office  
(rev. 5/03/2007)

Project Title: **Error! Reference source not found.**

Proposing Agency/Organization: Fayetteville Police Department  
Fayetteville, Arkansas

2008-2009 Selective Traffic

Interagency Program (STEP) Grant

Page 9 of 10

**BUDGET:**

| Budget Categories       | Amount Requested  |
|-------------------------|-------------------|
| Enforcement (DWI/DUI)   | 30,000.00         |
| Enforcement (Seat Belt) | 60,000.00         |
| Equipment               | 2,700.00          |
| Travel and Training     | 1,500.00          |
| Child Safety Seats      | 12,500.00         |
| <b>Total</b>            | <b>106,700.00</b> |

**JUSTIFICATION** (Please justify each budget category amount requested):

**DWI/DUI:** Our Enforcement budget request for GY08-09 is equal to our previous enforcement budget. Our desire is to maintain our current level of STEP patrols and maximize our effectiveness through increased training and equipment dedicated to our STEP.

**Seatbelt:** Our Enforcement budget request for GY08-09 is equal to our previous enforcement budget. Our desire is to maintain our current level of STEP patrols and maximize our effectiveness through increased training and equipment dedicated to our STEP.

**Equipment:** The amount requested is for the purchase of six (6) Preliminary Breath Test (PBT) devices to be issued to each patrol unit. The PBTs allow for quicker and more efficient screening of potential drunk drivers at a cost of \$450.00 per device for a total STEP commitment of \$2,700.00.

**Travel and Training:** In the eleven years that Fayetteville has participated in STEP, we have only been able to attend one conference/training outside the state of Arkansas. We feel that we have maximized all the local methods and techniques used in STEP and are in need of expanding our knowledge/associate base to a national level. It is our plan to alternate each year attending the National Lifesavers Conference and the National Drug Recognition Expert Conference at a cost to the STEP of \$1,500 annually. These training opportunities are an important component to increasing our overall effectiveness in STEP related enforcement.

**Child Safety Seats:** This program maintains an incredibly high demand for loaner child safety seats and far exceeds our current supply level. We are requesting an increase in this category from previous years, and it can be easily justified in the fact that we routinely run out of child safety seats early in every grant period.

**LOCAL MATCH:**

| Budget Categories | Amount    |
|-------------------|-----------|
| Personal Services | 57,500.00 |

AHSO

Arkansas  
Highway Safety  
Office  
(rev. 5/03/2007)

Project Title: **Error! Reference source not found.**  
Proposing Agency/Organization: Fayetteville Police Department, Fayetteville, Arkansas

A. 5  
2008-2009 Selective Traffic  
Enforcement Program (STEP) Grant  
Page 10 of 10

|                         |                   |
|-------------------------|-------------------|
| Maintenance & Operation | 4,200.00          |
| Vehicle Expense         | 32,500.00         |
| Child Safety Seats      | 12,500.00         |
| <b>Total</b>            | <b>106,700.00</b> |

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A 50/50 COST-SHARE AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY, LLC FOR THE UPGRADE OF THE WSIP PROJECT EL-3 TO SERVE THE SOUTHPASS DEVELOPMENT AND THE PROPOSED CITY OF FAYETTEVILLE COMMUNITY PARK..**

**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 50/50 cost-share with Southpass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**





**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO APPROVE BID #08-61 IN THE AMOUNT OF \$5,253,795.00 PLUS A CONTINGENCY OF \$420,000.00 WITH SJ LOUIS CONSTRUCTION, INC. FOR CONSTRUCTION OF A LARGE GRAVITY SEWER MAIN FROM HAPPY HOLLOW ROAD TO RAZORBACK ROAD AND A SEWER MAIN FROM COUNTRY CLUB HILL

**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 low bid #08-61 in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill and authorizes the Mayor to sign a construction contract based upon the approved bid.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**



Added at Agenda Session  
9-9-08  
**ALDERMAN AGENDA REQUEST FORM**

C. 7  
Vantage Center R-PZD  
Vacation (VAC 08-3099)  
Page 1 of 24

**FOR: COUNCIL MEETING OF September 16, 2008**

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**FROM: Bobby Ferrell**

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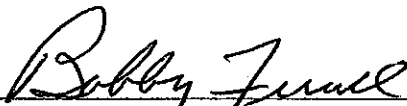
**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

VAC 08-3099 (Vantage Center)

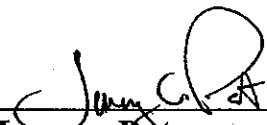
An ordinance to vacate a portion of a waterline easement associated with the R-PZD 05-1543 (Vantage Center) project.

---

**APPROVED FOR AGENDA:**

  
Alderman Bobby Ferrell

9-09-08  
Date

  
Jeremy Tate  
Director of Current Planning

09-09-08  
Date

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning

**Date:** September 9, 2008

**Subject:** Easement Vacation for Vantage Center (VAC 08-3099)

---

### **RECOMMENDATION**

Staff recommends approval of an ordinance vacating a portion of a water easement on the subject property.

### **BACKGROUND**

The subject property contains approximately 4.68 acres, located at the end of Shepard Lane between Frontage Road and Stearns Street. The City Council adopted an ordinance granting approval of a Planned Zoning District (R-PZD 05-1543) on the site on October 4, 2005. The combination zoning and development action allowed for the development of a mixed use development consisting of four buildings. Each of the proposed buildings would contain 6,733 SF of non-residential space, twelve two-bedroom units, and seven one-bedroom units, for a total of 26,932 SF of non-residential space and 76 residential units. The applicant is in the process of obtaining construction and building permits for the development. In accordance with City Council approval to waive the expiration of the project on November 20, 2007, all building permits must be obtained by October 4, 2008. There is a 16-inch water main and associated 35-foot wide water easement that bisects the subject property and the proposed Vantage Center buildings. This easement must be vacated and the waterline relocated as part of the Vantage Center development. The vacation is required to be approved prior to the City issuing building permits for the affected buildings. The applicant proposes to vacate the 308-foot section of easement that bisects the property (approximately 0.25 acre) and relocate the water line.

### **DISCUSSION**

Notification to adjacent property owners is not required as the waterline easement is located internal to the property boundaries. The City Water and Sewer Operations Division signed the utility approval form agreeing to vacate the easement. Staff recommends the following conditions of approval with the vacation:

- A City Inspector shall inspect all relocation activities of the 16-inch water main.
- Any relocation of existing utilities shall be at the owner/developer's expense.

### **BUDGET IMPACT**

None.

**ORDINANCE NO.**

AN ORDINANCE APPROVING VAC 08-3099 SUBMITTED BY CRAFTON, TULL, SPARKS & ASSOCIATES FOR PROPERTY LOCATED IN THE VANTAGE CENTER (R-PZD 05-1543) TO VACATE A WATER EASEMENT, A TOTAL OF 0.248 ACRES, IN ORDER TO DEVELOP THE VANTAGE CENTER R-PZD.

**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. A City Inspector shall inspect all relocation activities of the 16-inch water main.
2. Any relocation of existing utilities shall 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 E. SMITH, City Clerk/Treasurer**

765-20262-000  
NH VILLAGE, LLC  
C/O FLAKE & KELLY, INC  
P.O. BOX 990  
LITTLE ROCK, ARKANSAS 72202

CONFIDENTIAL

**LEGEND**

**- 2 ->**

FOUND ALUMINUM CAP  
FOUND IRON PIN  
FOUND NAIL  
SET IRON PIN  
PROPERTY LINE  
PROPOSED PROPERTY LINE

| CURVE TABLE |             |        |            |         |          |                 |              |
|-------------|-------------|--------|------------|---------|----------|-----------------|--------------|
| NUMBER      | DELTA ANGLE | RADIUS | ARC LENGTH | TANGENT | DEGREE   | CHORD DIRECTION | CHORD LENGTH |
| C1          | 1856.44°    | 125.00 | 41.41      | 20.89   | 4550.12° | N 16°22.56' E   | 41.22        |
| C2          | 1344.26°    | 115.00 | 27.58      | 13.86   | 4949.21° | N 09°40.02' E   | 27.51        |
| C3          | 0756.21°    | 750.00 | 103.92     | 52.05   | 0738.22° | S 86°44.36' W   | 101.84       |

365-1852-000  
MUNICO COMPANY, AN ARKANSAS  
GEN. PARTNERSHIP  
P.O. BOX 8007  
FAYETTEVILLE, ARKANSAS 72703  
Z D R E D C

EXISTING 20'D.E./G.E.

EXISTING 15' D.E. / 11' E.

765-18653-0000  
SHIPP, KEVIN L  
3857 EDGEWATER DR.  
FAYETTEVILLE, ARKANSAS 72704

755-18614-000  
BUELL, BRIAN W  
2232 W. HWY 45  
FAYETTEVILLE, ARKANSAS 72703

—S.E. COOPER  
SECTION 23  
T. 17 N. R. 9 W.

PLAT RECORD #02JA-138

BYE BOUTEVAS

**EXHIBIT "B"**  
**VAC 08-3099**

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ OF THE SE ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP SEVENTEEN NORTH (T-17-N), RANGE THIRTY WEST (R-30-W), WASHINGTON COUNTY, ARKANSAS.

AN EASEMENT OF THIRTY-FIVE (35) FEET EQUAL AND UNIFORM WIDTH, BEING 17.50 FEET ON EACH SIDE OF AN EXISTING WATER LINE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, T-17-N, R-30-W; THENCE N02°47'48"E 808.50 FEET; THENCE N87°17'11"W 148.40 FEET; THENCE SOUTH 26°27'43"W 21.85 FEET TO THE POINT OF BEGINNING AND RUN THENCE 308.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 3540.65 FEET AND A CHORD BEARING S23°33'55"W 308.31 FEET; THENCE S87°17'11"E 36.90 FEET; THENCE 308.87 FEET ALONG THE ARC OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS 3505.65 FEET AND A CHORD BEARING N23°47'02"E 308.77 FEET; THENCE N87°17'11"W 38.16 FEET TO THE POINT OF BEGINNING, CONTAINING 10802 SQUARE FEET OR 0.248 ACRES, MORE OR LESS.



## PETITION

### **PETITION TO VACATE A WATERLINE EASEMENT LOCATED IN VANTAGE CENTER MIXED USE DEVELOPMENT (R-PZD 05-1543) AND AS SHOWN ON EASEMENT DEDICATION PLAT FILED FOR RECORD #023A-00000308, CITY OF FAYETTEVILLE, ARKANSAS**

TO: 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, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ OF THE SE ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP SEVENTEEN NORTH (T-17-N), RANGE THIRTY WEST (R-30-W), WASHINGTON COUNTY, ARKANSAS.

AN EASEMENT OF THIRTY-FIVE (35) FEET EQUAL AND UNIFORM WIDTH, BEING 17.50 FEET ON EACH SIDE OF AN EXISTING WATER LINE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, T-17-N, R-30-W; THENCE N 02°47'48" EAST 808.50 FEET; THENCE N87°17'11"W 148.40 FEET; THENCE SOUTH 26°27'43" W 21.85 FEET TO THE POINT OF BEGINNING AND RUN THENCE 308.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 3540.65 FEET AND A CHORD BEARING S 23°33'55"W 308.31 FEET; THENCE S 87°17'11" E 36.90 FEET; THENCE 308.87 FEET ALONG THE ARC OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 3505.65 FEET AND A CHORD BEARING N 23°47'02" E 308.77 FEET; THENCE N 87°17'11"W 38.16 FEET TO THE POINT OF BEGINNING, CONTAINING 10802 SQUARE FEET OR 0.248 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the alley are VANTAGE CENTER MIXED USE DEVELOPMENT (R-PZD 05-1543) AND AS SHOWN ON EASEMENT DEDICATION PLAT FILED FOR RECORD #023A-00000308, 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 alley.

Dated this 9<sup>th</sup> day of SEPTEMBER, 2008.

Vantage Center, A Limited Partnership

By: Vantage-Stearns, LLC, Its

General Partner: James E. Lindsey, Manager

Printed Name

Signature

**UTILITY APPROVAL FORM**  
**FOR RIGHT- OF- WAY, ALLEY, AND**  
**UTILITY EASEMENT VACATIONS**

DATE: 9/3/08

UTILITY COMPANY: City of Fayetteville

APPLICANT NAME: Vantage Center, A Limited Partnership

APPLICANT PHONE: 479-521-6686

REQUESTED VACATION (*applicant must check all that apply*):

X 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 been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

**General location / Address** (referring to attached document- must be completed\*\*)

\*\* Waterline easement to be vacated as shown on the attached easement dedication plat and more particularly described below:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ OF THE SE ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP SEVENTEEN NORTH (T-17-N), RANGE THIRTY WEST (R-30-W), WASHINGTON COUNTY, ARKANSAS.

AN EASEMENT OF THIRTY-FIVE (35) FEET EQUAL AND UNIFORM WIDTH, BEING 17.50 FEET ON EACH SIDE OF AN EXISTING WATER LINE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, T-17-N, R-30-W; THENCE N 02°47'48" EAST 808.50 FEET; THENCE N 87°17'11"W 148.40 FEET; THENCE SOUTH 26°27'43" W 21.85 FEET TO THE POINT OF BEGINNING AND RUN THENCE 308.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 3540.65 FEET AND A CHORD BEARING S 23°33'55"W 308.31 FEET; THENCE S 87°17'11" E 36.90 FEET; THENCE 308.87 FEET ALONG THE ARC OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 3505.65 FEET AND A CHORD BEARING N 23°47'02" E 308.77 FEET; THENCE N 87°17'11"W 38.16 FEET TO THE POINT OF BEGINNING, CONTAINING 10802 SQUARE FEET OR 0.248 ACRES, MORE OR LESS.

**UTILITY COMPANY COMMENTS:**

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

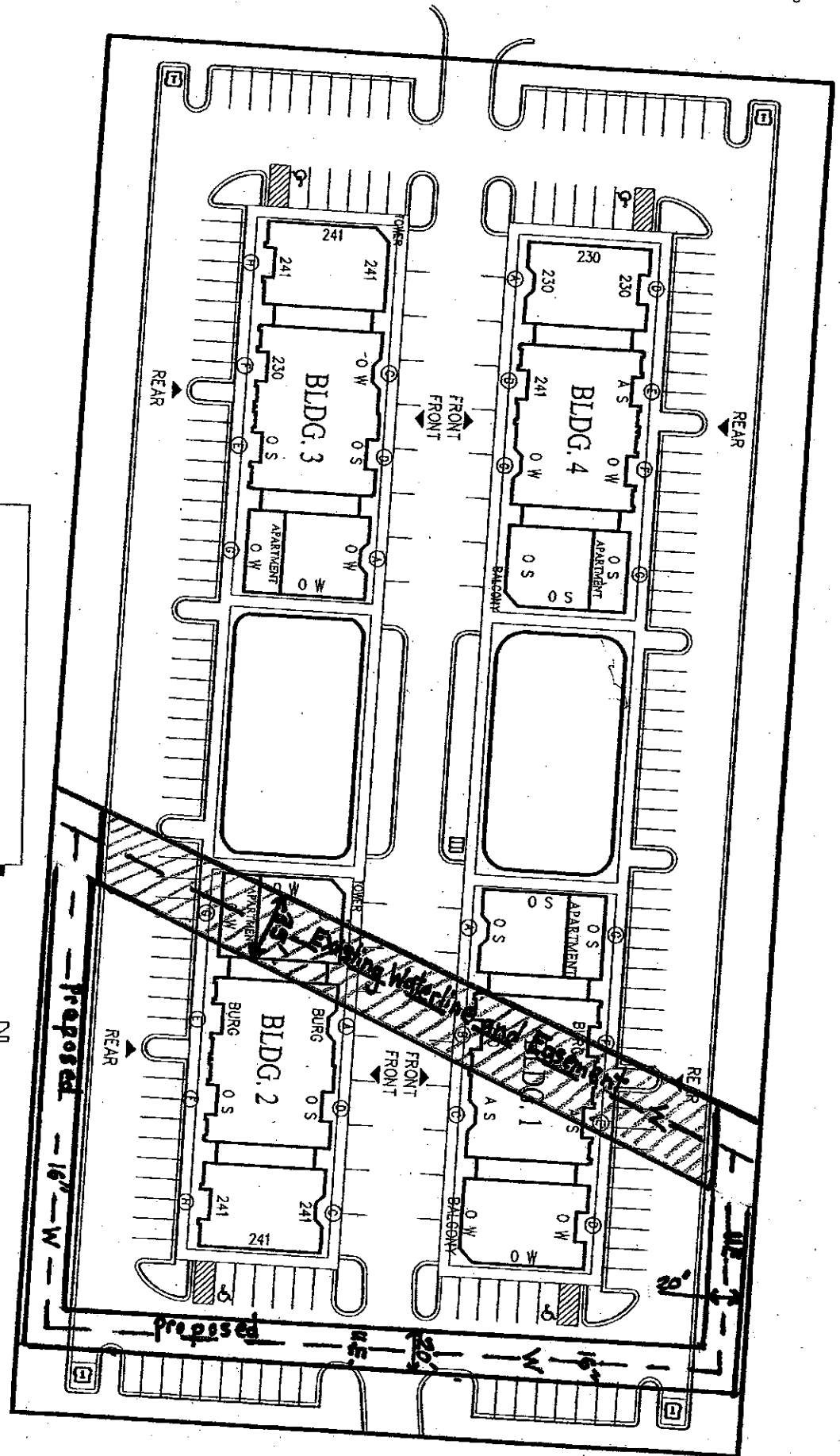
- No objections provided the following conditions are met:

The existing 16" waterline is relocated per plans prepare by Crafton, Tull & Associates, Inc. labeled Vantage Center Mixed-use and in accordance with City of Fayetteville Waterline Specifications.

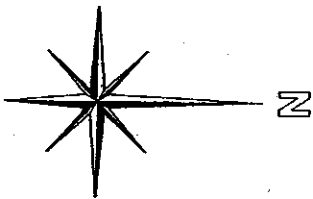
*City Inspector must be present when constructing block for 16" main*

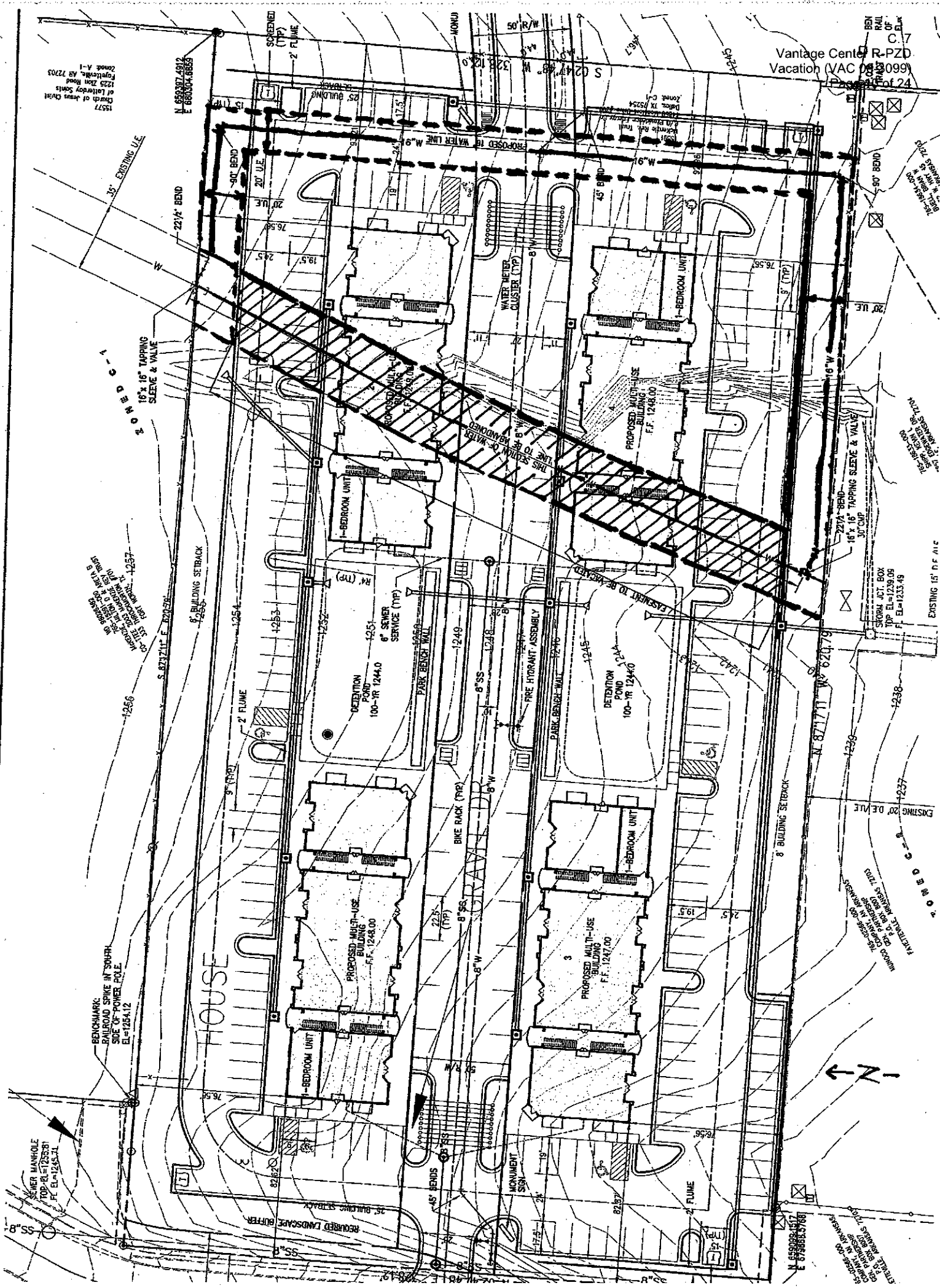
[Signature]  
Signature of Utility Company Representative

W + S ops Mgr.  
Title



# SITE LAYOUT





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

20-Nov-07

City Council Meeting Date

Jeremy Pate *JP*  
Submitted By

Planning  
Division

Operations  
Department

**Action Required:**

ADM 07-2807: Approval of a waiver from the Unified Development Code Ch. 166.20 Expiration of Approved Plans and Permits, to permit an extension for the Vantage Center Planned Zoning District until October 4, 2008.

\$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

☐

Previous Ordinance or Resolution # n/a

Department Director

Date

Original Contract Date: n/a

City Attorney

Original Contract Number: n/a

**CITY COUNCIL  
APPROVED**

Finance and Internal Service Director

Date

Received in City Clerk's Office

DATE: *11-10-07*

Mayor

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

**Date:** November 1, 2007

**Subject:** Vantage Center Planned Zoning District Expiration

### **RECOMMENDATION**

Planning staff recommends approval of a waiver for Vantage Center R-PZD from the Unified Development Code, §166.20 *Expiration of Approved Plans and Permits*, with the condition that all building permits shall be obtained by the applicant prior to October 4, 2008 or the project shall return through the Planned Zoning District review process, in accordance with the ordinances in place at the time of submittal.

### **BACKGROUND**

The subject property contains approximately 4.68 acres, located at the end of Shepard Lane between Frontage Road and Stearn Street. The City Council adopted an ordinance granting approval of a Planned Zoning District (R-PZD 05-1543) on the site on October 4, 2005. The combination zoning and development action allowed for the development of a mixed use development consisting of four buildings. Each of the proposed buildings would contain 6,733 SF of non-residential space, twelve two-bedroom units, and seven one-bedroom units, for a total of 26,932 SF of non-residential space and 76 residential units.

The subject Planned Zoning District was approved in October of 2005, prior to the adoption of the current Planned Zoning District Ordinance amendments that allow for larger and more complex projects to request a more reasonable period of time in which to obtain building permits. When this project was approved, there was in place a blanket one-year time period in which to obtain all building permits associated with the project.

The Vantage Center project is very similar to the Southern View Phase II PZD in southwest Fayetteville, which has just been completed. The applicant has chosen to wait and see how the market would react to a mixed-use produce of this type, before the substantial investments were made to move forward with the project. Now that the Southern View Phase II project is complete, the applicant has made the decision to move forward with the project and has applied for grading and building permits.

A one-year approval extension was granted by the Planning Commission on October of 2006, extending the approval to October 4, 2007. While processing the building permits

for this development the one-year extension expired and the City can not continue processing building permits for the subject property. Given the unique nature of the project being very similar to the Southern View phase II project that was recently completed, as well as the additional submittal requirements under the new PZD ordinance, staff would support a waiver from the Unified Development Code to allow for this project to continue in the process of obtaining building permits without having to process a new Planned Zoning District application through the development review process, also meeting all new submittal requirements. We feel it is evident the applicant/developer is actively pursuing the development of this project, which was the intent of the ordinance adoption. Staff proposes a time limit on the extension of the approval of approximately one year, to expire on October 4, 2008. Building permits will be able to be pulled for the buildings that can be permitted immediately; however, an existing waterline has to be relocated before permits can be pulled on two of the buildings, which is another delay in pulling permits. All building permits for Vantage Center PZD would have to be obtained for this project by October 4, 2008, or the approvals would expire without the ability to request renewal by the Planning Commission.

**DISCUSSION**

None.

**BUDGET IMPACT**

None.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE EXTENDING THE  
EXPIRATION DATE FOR R-PZD 05-1543  
(VANTAGE CENTER) TO OCTOBER 4, 2008.**

**WHEREAS**, after the Vantage Center R-PZD was approved in 2005 the City Council amended the Planned Zoning District ordinance to allow a greater period of time for large and/or complex projects to obtain building permits; and

**WHEREAS**, the Vantage Center PZD is very similar to the Southern View phase II project that was recently completed on the west side of Fayetteville, and the applicant chose to wait and see how the market would react to a mixed-use produce of this type in this area, before substantial investments were made to move forward; and

**WHEREAS**, the applicant has decided to move forward with the Vantage Center PZD project based on the feasibility of the Southern View phase II project; and

**WHEREAS**, the developer of Vantage Center has shown progress in recent months in application for construction and building permits which are expected to be issued within the next year;

**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 extends the expiration date of R-PZD 05-1543 (Vantage Center) adopted on October 4, 2005, for the applicant to obtain all building permits by October 4, 2008.

**PASSED and APPROVED** this \_\_\_\_ day of \_\_\_, 2007.

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**



**Crafton Tull Sparks**

architecture | engineering

Birmingham  
Conway  
Little Rock  
Oklahoma City  
Rogers  
Russellville  
Tulsa  
Wichita

September 28, 2007

Mr. Jeremy Pate  
Senior Planner  
City of Fayetteville  
125 West Mountain Street  
Fayetteville, AR 72701

RE: PZD Expiration  
Vantage Center  
CTA Job No. 021131-01

Dear Mr. Pate:

On behalf of Mr. Jim Lindsey (a.k.a. Vantage Center LLP), we request the city council's consideration to allow a one year extension of the Vantage Center Mixed use project to secure building permits. The approval for this project was conditioned on the PZD receiving all its building permits within one calander year. An extension for an additional year was granted by the planning commission, however the current ordinance does not allow the planning commission to approve any more time above one year.

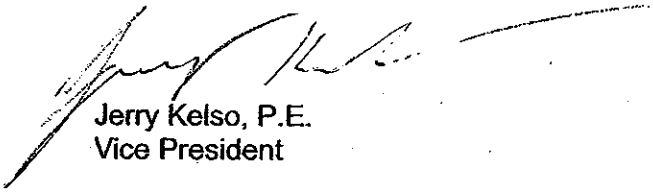
This project if very similar to "Southern View phase II", which has just been completed. It was the intent to see how the market would react to a mixed-use product of this type, before the big investments were made to move forward. Now that that Southern View phase II is complete, we should be able to determine the feasibility of this product within the next few months. Therefore, we have delayed starting construction and pulling building permits until that determination can be made. Southern View phase II took longer to construct than was anticipated.

Engineering has approved the current plans, and a pre-construction meeting has been held by City of Fayetteville staff for site work. Building permits are being pulled for the buildings that can be permitted at this time, however an existing waterline has to be relocated before permits can be pulled on 2 of the buildings, which is another delay in pulling permits before the deadline date.

We appreciate your assistance with this project and ask that the city council look favorably on this request. When completed, we believe Vantage Center will be another true mixed use product the city has been trying develop.

Sincerely,

Crafton, Tull, Sparks &amp; Associates, Inc.



Jerry Kelso, P.E.  
Vice President

**ORDINANCE NO. 4776**

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 05-1543, VANTAGE CENTER, LOCATED AT THE END OF SHEPARD LANE ADJACENT TO FRONTAGE ROAD, CONTAINING APPROXIMATELY 4.7 ACRES, MORE OR LESS; 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 C-1, Neighborhood Commercial and R-A, Residential Agricultural, to R-PZD 05-1543 as shown in Exhibit "A" attached hereto and made a part hereof.

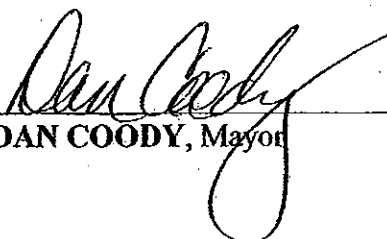
Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, and conditions of approval as submitted, determined appropriate and approved by the City Council.

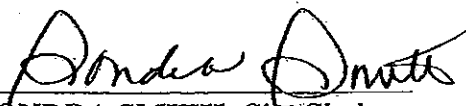
Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

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 4<sup>th</sup> day of October, 2005.

APPROVED:

By:   
DAN COODY, Mayor

By:   
SONDRA SMITH, City Clerk

**EXHIBIT "A"**  
**R-PZD 05-1543**

**TRACT 1 SURVEY DESCRIPTION:**

**PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 23, T-17-N, R-30-W,  
WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED  
AS:**

**COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23, THENCE  
N02°47'48"E 480.38 FEET TO THE POINT OF BEGINNING; THENCE N87°17'11"W  
620.79 FEET; THENCE N02°47'48"E 328.12 FEET; THENCE S87°17'11"E 620.79 FEET;  
THENCE S02°47'48"W 328.12 FEET TO THE POINT OF BEGINNING, CONTAINING  
4.68 ACRES, MORE OR LESS.**

**SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.**



PC Meeting of September 12, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS  
PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission  
FROM: Andrew Garner, Current Planner  
Brent O'Neal, Staff Engineer  
THRU: Jeremy Pate, Director of Current Planning  
DATE: ~~August 30, 2005~~ September 14, 2005

**R-PZD 05-1543: Residential Planned Zoning District (VANTAGE CENTER,):** Submitted by JERRY KELSO for property located at THE END OF SHEPARD LANE ADJACENT TO FRONTAGE ROAD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 4.68 acres. The request is to approve a Residential Planned Zoning District with 26,932 square feet retail space, 124 bedrooms, and 187 parking spaces.

Property Owner: VANTAGE CENTER, LLC

Planner: ANDREW GARNER

**Findings:**

**Background:** This proposal was first heard at Technical Plat Review on June 1, 2005 and was tabled by staff due to concerns with site development plans. The revisions produced following subsequent meetings with staff are those presented before the Subdivision Committee.

**Property and Setting:** The site is located at the end of Shepard Lane in northern Fayetteville between Frontage Road and Stearn Street. The site is largely undeveloped with the existing Lindsey Communications residential-office building and a gravel drive located in the western portion of the site. The some stands of mature trees trending north-south through some of the eastern portions of the site. As depicted in *Table 1*, the site is surrounded by a mix of commercial and residential uses.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction from Site | Land Use                    | Zoning                       |
|---------------------|-----------------------------|------------------------------|
| North               | Large-lot residential       | C-1, Neighborhood Commercial |
| South               | Undeveloped commercial lots | C-2, Thoroughfare Commercial |
| East                | Stearn Street Apartments    | R-O, Residential Office      |
| West                | Mixed-use commercial        | C-2, Thoroughfare Commercial |

**Water and Sewer:** Water and sewer lines are available to the site.

**Adjacent Master Street Plan Streets:** Frontage Drive (a Collector Street)

**Proposal:** The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a mixed use development consisting of four buildings. Each of the proposed buildings will contain 6,733 square feet of retail space, twelve 2-bedroom units, and seven 1-bedroom units. The proposed uses and parking are detailed in *Table 2*.

**Table 2**  
**Proposed Vantage Center Residential Planned Zoning District**

| Land Use                                                | Square Feet   | No. of Units | No. of Bedrooms | Parking Required |
|---------------------------------------------------------|---------------|--------------|-----------------|------------------|
| <b>Proposal Per Building</b>                            |               |              |                 |                  |
| Commercial Retail                                       | 6,733         | NA           | NA              | 27               |
| Multi-Family Residential 2-Bedroom                      | NA            | 12           | 24              | 24               |
| Multi-Family Residential 1-Bedroom                      | NA            | 7            | 7               | 7                |
| <b>Total</b>                                            | <b>6,733</b>  | <b>19</b>    | <b>31</b>       | <b>58</b>        |
| <b>Proposal for Entire Development (Four Buildings)</b> |               |              |                 |                  |
| <b>Total</b>                                            | <b>26,932</b> | <b>76</b>    | <b>124</b>      | <b>232*</b>      |

\* The development proposes 187 parking spaces, which is within the +/-30% allowed by ordinance.

The development is proposed to have two means of access with Shepard Lane extending east-west through the development in a "Main Street" streetscape, linking Frontage Road to the west with Stearn Street to the east. Shepard Lane would incorporate parallel parking and widened sidewalks, with the majority of parking located to the rear of the four structures. Additionally, two greenspace areas in the center of the development would be utilized for as park/gathering areas and stormwater detention. The development is intended to create a true mixed-use development consisting where residential and commercial uses can co-exist using the same building, parking areas, and surrounding amenities. The existing residential community to the east of the site as well as the proposed residential uses on the site will help support the commercial businesses planned in this development. The development is proposed to be under single ownership, with dwelling units rented and retail space leased. All interior streets, landscaping, common areas and buildings would be maintained by the developer. Zoning criteria for the proposed zoning district is depicted in *Table 3*.

**Street Improvements Proposed:** Improvements to Frontage Drive along the project frontage of 14' from centerline including pavement, curb and gutter, and six-foot sidewalks.

**Tree Preservation:**

Existing Canopy: 21%  
Preserved Canopy: 5%  
Mitigation Required: 88 onsite trees

**Table 3**  
**Vantage Center Zoning Criteria**

| <b>Use Units Allowed</b>          |                                          |
|-----------------------------------|------------------------------------------|
| <b>Use Unit No.</b>               | <b>Permitted Uses</b>                    |
| 1                                 | City-wide uses by right                  |
| 2                                 | City-wide uses by conditional use permit |
| 3                                 | Public protection and utility facilities |
| 4                                 | Cultural and recreational facilities     |
| 5                                 | Government facilities                    |
| 12                                | Offices, studios and related services    |
| 13                                | Eating places                            |
| 15                                | Neighborhood shopping goods              |
| 25                                | Professional offices                     |
| 26                                | Multi-family dwellings                   |
| <b>Use Unit No.</b>               | <b>Conditional Uses</b>                  |
| 16                                | Shopping Goods                           |
| 17                                | Trades and services                      |
| <b>Setback Regulations</b>        |                                          |
| Front (Along Frontage)            | 25'                                      |
| Front (Along Shepard)             | 0'                                       |
| Sides                             | 8'                                       |
| Rear                              | 25'                                      |
| <b>Building Area</b>              |                                          |
| Maximum 16% or 32,022 sq. ft. 20% |                                          |
| <b>Height Regulations</b>         |                                          |
| Maximum 42'                       |                                          |

**Recommendation:** Staff recommends forwarding R-PZD 05-1543 with a recommendation of approval to the full Planning Commission with the following conditions:

**Conditions of Approval:**

1. Planning Commission determination of commercial design standards. *Staff finds that the building elevations meet the City's commercial design standards by minimizing or avoiding: unarticulated wall surfaces, square "boxlike" structures, metal siding that dominates the main facades, and large out of scale signs. Additionally, the development provides a unifying and identifiable theme and is compatible with adjacent development.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION

2. Planning Commission determination of a waiver request for the requirement of 40' from an intersection to a curb cut, for the westernmost curb cut along Shepard Lane that is approximately 35' from Frontage Road. *Staff is in support of the request for the proposed curb cut along Shepard Lane as the entrance fulfills the intent of providing an enhanced "Main Street" streetscape, along with providing needed parking in the "rear" to meet ordinance requirements.*

#### PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION

3. All zoning criteria such as setbacks, protective easements, and designated lot uses (depicted in *Table 3* and elsewhere described in this report) are binding with the approval of the R-PZD. Submitted covenants and building elevations are likewise binding to the project.
4. Submit a lighting plan in conformance with the City's lighting ordinance.
5. Street improvements to Frontage Road shall include 14 feet from centerline including curb, gutter, pavement and 6-foot sidewalks through the driveway entrance. The sidewalks on Frontage Road shall connect with existing sidewalk to the north and south of the driveway. Six-foot sidewalks shall be constructed through the project to connect Stearn Street with Frontage Road.
6. No fences shall be allowed within utility easements.
7. All monument signage must comply with the sign ordinance.
8. Include the 14 notes that coordinate with the Tree Protection Fencing detail. These can be found in the Landscape Manual and should be located on the Tree Preservation sheet.
9. Mitigation will be required to replace 15,863 square feet of canopy. Using the mid-level density factor, 55 2-inch caliper trees or \$13,750 will be required. If not all trees can be located on-site then a combination of plantings and money in lieu may be approved by the Urban Forester.
10. Before approval of building permit a tree and maintenance plan must be submitted for approval to the Urban Forester.
11. All trash enclosures shall be screened from view with materials that are compatible with and complementary to the proposed buildings.
12. All utilities shall be screened with materials complementary to the proposed buildings.
13. Please modify all sheets of the drawings for consistency regarding the number of parking spaces: the cover sheet says 187 spaces, the landscape plan says 289 spaces, and the tree preservation plan says 173 spaces.
14. Dimension the size and location of proposed sidewalks on the site plan and landscape

plan.

15. Add a note to the plat that all utilities shall be installed underground and that any existing utilities over 12 kV shall be relocated underground.
16. All trash enclosures shall be screened from view with materials that are compatible with and complementary to the proposed buildings.

**Standard Conditions of Approval:**

17. 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).
18. 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 the City's current requirements.
19. Payment of parks fees in the amount of \$29,868 shall be required prior to building permit. Prior to R-PZD approval, this amount shall be considered and approved by the Parks and Recreation Advisory Board and City Council to meet ordinance requirements for over 100 residential units.

**Additional Conditions:**

a. \_\_\_\_\_

Planning Commission Action: Required YES

Recommendation to be: X Approved \_\_\_ Denied

Meeting Date: September 12, 2005 Clark, Myres and 7-0-0

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 \_\_\_\_\_

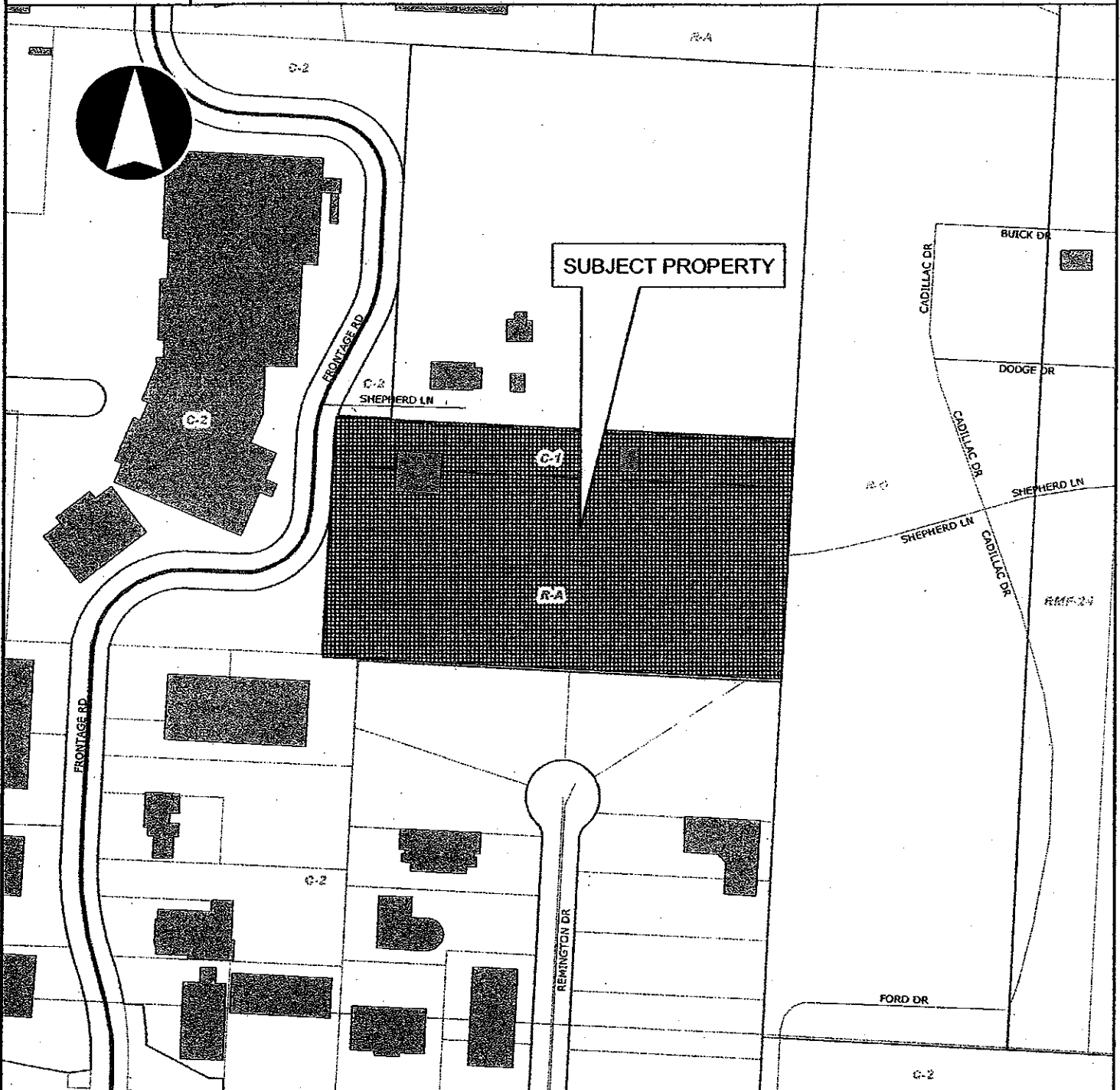
Date \_\_\_\_\_



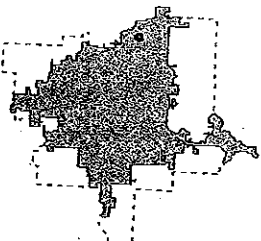
RPZD05-1543

# VANTAGE CENTER

Close Up View



Overview



Legend

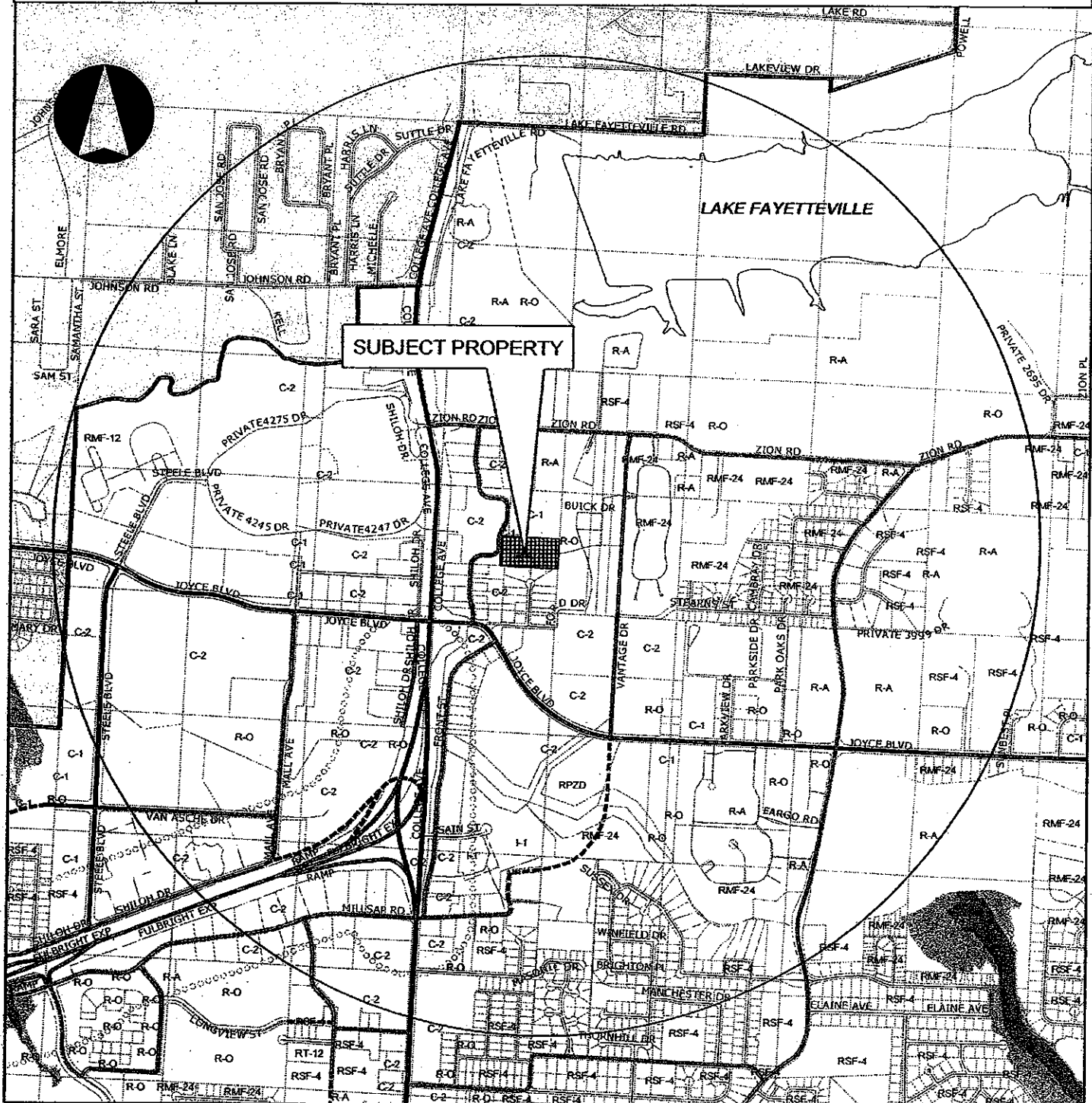
- RPZD05-1543
- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City

0 75 150 300 450 600 Feet

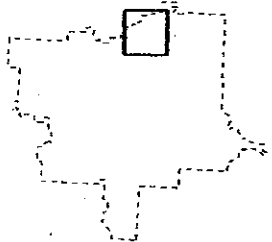
RPZD05-1543

### One Mile View

# VANTAGE CENTER



## Overview



### Legend

Subject Property



### Boundary

-  Planning Area  
 Overlay District  
 Outside City

### Legend

0 0.125 0.25 0.5 0.75 1 Miles

Miles

**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  
August 19, 2008**

A meeting of the Fayetteville City Council was held on August 19, 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, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.**

**Pledge of Allegiance.**

**Mayor's Announcements, Proclamations and Recognitions:**

**Presentations, Reports and Discussion Items:**

**Walton Arts Center's Yearly Report given by Terri Trotter, Interim President/CEO and City of Fayetteville Appointee Curt Rom**

**Curt Rom**, Walton Arts Center Council member and Secretary, Treasurer gave the annual report on last years success and the upcoming season at the Walton Arts Center.

**Terri Trotter**, Interim President/CEO gave a report on the organizational five year goals of the Walton Arts Center. The goals were audience participation, maximizing the earned revenue potential, and to see that every child attends the arts center at least one time each year. She explained the highlights and accomplishments of the Walton Arts Center during the past year.

**Curt Rom** spoke on the additional upgrades that have been made to the facility as a result of operating reserves in the bank which were created by strong ticket sales last year.

**Mayor Coody** thanked them both for coming and giving a great presentation. He also congratulated them and thanked them for all the work they do for the Walton Arts Center.

**Alderman Rhoads:** The feasibility study came up with a number. Was that number based on it being built ten years from now?

**Curt Rom:** I believe that projection was to start construction within five years.

**Terri Trotter:** The actual number was based on the fourth quarter of 2009.

### **Quarterly Report of Financial Condition of the City – City Clerk/Treasurer**

**City Clerk/Treasurer Sondra Smith:** According to State Law I have to present to you the Financial Report of the City in open session. A copy has been put in your boxes.

**Alderman Cook** gave a list of the current board and committee openings.

**Agenda Additions: None**

### **Consent:**

Approval of the August 5, 2008 City Council meeting minutes.

**Bid # 08-59 Thompson Culvert Company:** A resolution awarding Bid # 08-59 to Thompson Culvert Company in the amount of \$26,489.40 for the purchase of a pedestrian bridge for the Wilson Park Trail; and approving a project contingency in the amount of \$1,986.70.

### ***Resolution 158-08 as Recorded in the office of the City Clerk***

**Southern Disposal, Inc:** A resolution authorizing the Mayor to execute a contract with Southern Disposal, Inc. to haul and dispose of solid waste in the City limits of Fayetteville.

### ***Resolution 159-08 as Recorded in the office of the City Clerk***

**Nelson Engineering:** A resolution to approve a contract with Nelson Engineering in the amount of \$36,100.00 to provide engineering services for the West Fork Water Quality Monitoring Project.

### ***Resolution 160-08 as Recorded in the office of the City Clerk***

**Don Taylor Representation:** A resolution to authorize the continuation of the representation by Don Taylor of the defense of the Romine case.

***Resolution 161-08 as Recorded in the office of the City Clerk***

**Alderman Jordan moved to approve the Consent Agenda as read. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.**

**Unfinished Business:**

**Hiring Freeze: Hiring Freeze Appeals: None**

**Amend Chapter 174 Signs:** An ordinance to amend Unified Development Code Ch. 174.08, Prohibited Signs, to allow "A" frame sandwich/menu board signs under certain conditions. ***This ordinance was left on the First Reading at the August 5, 2008 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 unanimously.**

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate,** Director of Current Planning gave a brief description of the ordinance. He stated I submitted in your packets some final amendments that I would ask you to adopt Exhibit "A."

**Alderman Thiel moved to amend the ordinance. Alderman Ferrell seconded the motion. Upon roll call the motion to amend passed unanimously.**

**Alderman Thiel:** I appreciate the changes that have been made that make it more restrictive because I have concerns about obstructing sidewalks. I think this can benefit a few businesses but I don't see that many businesses being able to utilize this.

**City Attorney Kit Williams:** In the downtown area, where the businesses are, the sidewalks are very wide. I think that they would be able to do it. That is where a lot of the pedestrian traffic is that they want to attract with these signs. Hopefully this will be of some help to those businesses. I agree with all the changes that Jeremy is suggesting and would like to thank him for changing Exhibit "A" accordingly.

**Alderman Thiel:** This will be a permitted sign. People can't just start putting up a sign of this size.

**Jeremy Pate:** That is correct just like any sign that is established on the wall or a free standing sign, it is a very simple drawing but they would simply show us where the sign would be located. That way we would know, we would have a permit and be able to show someone if they put the sign in the wrong place.

**Alderman Thiel:** I have had a call from at least one constituent that is concerned about adding more signs. Because of the restrictions that we have provided in the ordinance I think we are

going to be fairly limited in how many we are going to see. I will support it since we made the changes.

**Alderman Allen:** I hope this will be received in the spirit in which it was intended. I intend it to help businesses thrive that are not visible and I feel sure that it won't be abused.

**Alderman Ferrell:** Although it is restrictive it is certainly enabling in being responsive to the areas downtown and we can help them in their endeavors to stay in business.

**Alderman Ferrell 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.*

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

*Ordinance 5166 as Recorded in the office of the City Clerk*

**R-PZD 08-2980, Markham Hill Cottage Courts:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2980, Markham Hill Cottage Courts, located north of Maine Street, between Sang and Cross Avenue; containing approximately 2.54 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 August 5, 2008 City Council meeting.*

**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:** We haven't received any calls.

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

*Ordinance 5167 as Recorded in the office of the City Clerk*

**Amend § 161.23, Neighborhood Conservation:** An ordinance to amend § 161.23 Neighborhood Conservation to add Use Unit 26, Multi-family dwellings as conditional use. *This ordinance was left on the Second Reading at the August 5, 2008 City Council meeting.*

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

***City Attorney Kit Williams read the ordinance.***

**Rob Sharp:** I think it's a major erosion of the Neighborhood Conservation zoning to allow multi-family zoning as a conditional use. We have a procedure where if someone feels that the land is improperly zoned they can get it rezoned or do a PZD. I think this is an inappropriate zoning.

**Alderman Ferrell:** I was just trying to provide an option. Since that time we had some legal correspondence on this.

**City Attorney Kit Williams:** We have been sued by the owner of land that we did not zone his property Downtown General, we zoned it Neighborhood Conservation, if that is what you mean by correspondence.

**Alderman Ferrell:** Yes, that is exactly what I mean.

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-6. Alderman Allen and Ferrell voting yes. Alderman Cook, Rhoads, Lucas, Jordan, Gray and Thiel voting no.**

**This ordinance Failed.**

**Public Hearing:**

**Mayor Coody Opened the Public Hearing.**

**Raze and Removal at 402 E. Center Street:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Tiffany R. Major located at 402 E. Center Street in the City of Fayetteville, Arkansas; and approving a budget adjustment in the amount of \$4,945.00.

**Yolanda Fields, Community Resources Director:** We sent notice to the property owners on June 14<sup>th</sup> and they had until July 14<sup>th</sup> to bring this structure down. It has not happened so I am bringing forward to you a raze and removal and a budget adjustment.

**City Attorney Kit Williams:** I read your memo on this but if we are in fact going to raze and remove this structure we need to have some more facts that the City Council would be able to use. A lot of times your pictures are enough to show that a building is about to collapse and needs to be razed.

**Yolanda Fields:** We also have a determination from the Building Official. If we need an additional determination from another entity I would be happy to get that from someone else.

**City Attorney Kit Williams:** In reading our ordinance there are several things the City Council can determine, but they need some evidence as to why you or Building Safety thinks this is an

unsafe or dangerous structure. This is one the City may have to raze so I want a little bit more on record that the City Council has heard.

**Yolanda Fields:** Whatever you need me to get from Building Safety. They have done their structural inspection and they have determined that this particular structure needs to be brought down. Would you like something additional in writing?

**City Attorney Kit Williams:** It doesn't have to be in writing but it needs to be something that you can present to the City Council that talks about how the building is structurally unsound. Do you know about that or are you just relying on Building Safety?

**Yolanda Fields:** We have building officials that do the inspection and make the determination. They provide us a form where they sign off and say this structure needs to be removed. So if you all would like a written report from the building official I can request that on this one or on any in the future.

**City Attorney Kit Williams:** In the past we have always seen structures that are falling down and you can see that from the pictures. This one is hidden amongst the trees and it sure doesn't look like a very good house but when I look at our ordinances and I look at the State Law you all need to make factual findings.

**Yolanda Fields:** Let me pass these pictures around, this may help you see the problem

Yolanda passed around additional pictures.

**Alderman Lucas:** Is the foundation unsafe?

**Yolanda Fields:** The foundation is rotted, the roof is rotted and falling in. We have worked with the owners for at least four months. We need to see some repairs done to the facility because it is near Head Start and it is across from a church. We have high traffic in this area with families and children. We are looking at any possible injuries that could happen at this location.

**City Attorney Kit Williams:** So have our officials been inside the structure to see the floor and stuff?

**Yolanda Fields:** Of course.

**City Attorney Kit Williams:** Those are the kind of facts that the City Council needs to hear.

**Yolanda Fields:** The memo also states that a determination has been made by the building official.

**City Attorney Kit Williams:** But that is just the conclusions, you need to give the facts that you are giving right now.



**Yolanda Fields:** I will require a report from Building Safety that will give you the structural details that you are asking for in the future.

**Mayor Coody** asked if the Council wanted to table this for two weeks or are these pictures good enough for you.

**Alderman Thiel:** When I see the pictures of the roof though I don't know.

**City Attorney Kit Williams:** The reason I was a little concerned was because just looking at it from the street I couldn't see anything like that. That is why I asked those questions.

**Yolanda Fields:** I can provide a report from Building Safety and ask them to document their findings.

**City Attorney Kit Williams:** I would be more comfortable if we waited to get that because I think we might have to knock this building down. We haven't had any cooperation from the owners and if we knock it down we will need to go to court to try to get our lien paid. I want good clear evidence if I have to go to court.

**Alderman Allen:** Have the owners made any effort to improve the property?

**Yolanda Fields:** No.

**Alderman Rhoads:** Have the owners argued with the facts that your people are presenting that the roof is falling in and so forth? Have they protested?

**Yolanda Fields:** No, the only action that was taken was just a transfer of ownership.

**Alderman Rhoads:** Have they agreed that it's in disrepair?

**Yolanda Fields:** They have not argued it.

**Alderman Thiel:** Sometimes people actually take care of them when the City is going to go in and do it. Do you think that might happen in this case?

**Yolanda Fields:** I would hope that it would happen but they have not indicated that they are going to do that.

**Alderman Gray** moved to table the resolution to the September 2, 2008 City Council meeting. **Alderman Cook** seconded the motion. Upon roll call the motion passed unanimously.

**This resolution was tabled to the September 2, 2008 City Council meeting.**

**Mayor Coody Closed the Public Hearing.**

**New Business:**

**Fayetteville Municipal Property Owners' Improvement District No. 31 – Edgewater Park Subdivision Infrastructure Project:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 31 – Edgewater Park Subdivision Infrastructure Project.

*City Attorney Kit Williams read the ordinance.*

**City Attorney Kit Williams:** I think the Attorneys are here that proposed this too.

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

*City Attorney Kit Williams read the ordinance.*

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

*City Attorney Kit Williams read the ordinance.*

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

*Ordinance 5168 as Recorded in the office of the City Clerk*

**Economic Development Strategic Plan:** A resolution authorizing the Mayor to execute a letter of agreement with the University of Arkansas Technology Development Foundation (UATDF) to cost-share the preparation of an Economic Development Strategic Plan in an amount not to exceed \$75,000.00.

**Phil Stafford:** A selection committee comprised of members and representatives from the City of Fayetteville and the University have selected Eva Cline and Associates as the most qualified economic development consultant firm to work with us the City and the University to prepare and economic development strategic plan. The strategic plan will be prepared in two phases.

He went on to describe the phases of the strategic plan. He stated the matter before you tonight involves only Phase 1. The consultant team has defined a task outline that consists of collecting, organizing, and analyzing background statistical data including the strategic plans of other key stakeholder groups that relate to current and future economic development in Fayetteville. He stated the Phase 1 activities will take approximately three and one half months.

**Alderman Ferrell:** I noticed that it says the final version of Phase 1 is close to the ULI Model. What is that?

**Phil Stafford:** An Urban Land Institute.

**Alderman Ferrell:** The exposure I have had to Economic Development training looks at two facets of it; existing industry and attraction of new industry. We are going to approach that the same way aren't we? We have to keep what we have.

**Phil Stafford:** Absolutely, that is part of the statistical analysis to look at business trends in the community historically.

**Alderman Allen:** I don't understand why we need to spend \$75,000 to have someone come in to tell us about ourselves when we have the FEDC, Chamber of Commerce, and the A&P. That is just my continued concern.

**Phil Stafford:** I think we would gain from the objectivity and the experience of a consulting group, especially one of the background and experience of Eva Cline. She will be joined by other consulting groups that will bring considerable experience to this project. That objectivity will be important to the outcome.

**Mayor Coody:** One of the things I am concerned about is the FEDC has a very external view of the world and they try to look at the outside world trying to bring in businesses. The Chamber of Commerce has a very internal view of the world and they try to work with the businesses that are existing. Fayetteville has been doing a lot as far as trying to attract the appropriate businesses. I think this is one of the things that Fayetteville needs to do because this is not a strong economic time in the world. This is a step in the right direction for all of Fayetteville.

**Alderman Jordan:** I hoped that we could have done this without going to an outside consultant but since we do not seem to have that ability to do that I will probably support this. Although I hope in the future we will get the experience and gain the knowledge to where we don't have to hire outside consultants.

**Mayor Coody:** I think we all can agree with that.

**Alderman Cook:** I was the one that sat on the selection committee and I can say that Eva Cline was impressive and she is well qualified for this task. Some members are squeamish about supporting this but I believe that an outside view of where we are and what we have is what this boils down to. That sets a baseline of where we are at and that gives us an idea of how people outside the City view us. I believe there is a lot of value in going through this analysis.

**Alderman Rhoads:** I don't agree with Alderman Jordan's comments. I believe that periodically you have to have yourself examined by someone who is in the business of doing those types of surveys and reviews. Our job after all this takes place is to make sure that we listen and implement the good things that we get from it.

**Alderman Cook:** This is not a silver bullet. This is just looking back at ourselves. There will be many difficult decisions to make as we move forward because economic development decisions are never easy. This is just one step in the whole process.

**Alderman Rhoads moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 7-1. Alderman Allen voting no.**

***Resolution 162-08 as Recorded in the office of the City Clerk***

**VAC 08-3042 (U of A Research Center):** An ordinance approving VAC 08-3042 submitted by Allen Jay Young Development Consultants, Inc. for property located north of Research Center Boulevard and west of South School Avenue to vacate a portion of a water and sewer easement and a portion of a drainage easement.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate** gave a brief description of the item. He stated staff and the Planning Commission recommended approval with no objections.

**Alderman Thiel:** I am very pleased that they are adding onto the facility and I am very excited about it. It's a good project and I support whatever we can do to help it move along.

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

***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 unanimously.**

***City Attorney Kit Williams read the ordinance.***

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

***Ordinance 5169 as Recorded in the office of the City Clerk***

**ANX 08-3036 (Fayetteville Farmington Land Swap):** An ordinance simultaneously detaching territory from the City of Farmington and annexing said territory into the City of Fayetteville, pursuant to A.C.A §14-40-2101.

***City Attorney Kit Williams read the ordinance.***

**Karen Minkel,** Director of Long Range Planning gave a brief description of the item. She stated Planning Commission voted 6-0 in favor of this annexation. If this annexation is approved by the City Council then the City of Farmington City Council is required to hold a public hearing on the detachment and annexation within 60 days of the effective date of this ordinance. The City

of Farmington is currently on the second reading of the detachment and annexation of their property and their third reading is scheduled for September 8<sup>th</sup>.

**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.*

**City Attorney Kit Williams:** We might want to leave this on the second reading so that we will be approving it near the same time that Farmington approves theirs.

**This ordinance was left on the Second Reading**

**ANX 08-2899 (Frank Sharp):** An ordinance annexing that property described in annexation petition ANX 08-2899 (CC2008-38), for property located 0.5 mile south of Highway 62 West and east of Holland Drive, containing approximately 53.53 acres.

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate** gave a brief description of the item. He stated the Planning Commission voted unanimously in favor of this recommendation and staff recommends approval.

**Alderman Lucas:** Mr. Sherman came to a Ward 4 meeting and talked about it. Everyone was in favor of it and it was well received.

**Keith Cooper**, land owner west of Sharp's property spoke in favor of the annexation.

**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 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.*

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

*Ordinance 5170 as Recorded in the office of the City Clerk*

**Sharp Property Rezoning Appeal:** An ordinance rezoning that property described in rezoning petition RZN 08-2900, for approximately 53.53 acres, located 0.5 mile south of Highway 62

West and east of Holland Drive from R-A, Residential Agricultural, to RSF-1, Residential Single-Family, 1 unit per acre.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate** stated this is an appeal because the five votes needed were not obtained. Three members were absent that night. Staff did recommended approval of the RSF-1 finding that it is compatible with adjacent properties at one unit per acre.

**Todd Jacobs** with Appian Center for Design representing Mr. Sharp stated RSF-1 is what he is entitled to in the County and we just felt like that was appropriate for zoning it into the City of Fayetteville.

**Aubrey Shepherd**, a citizen stated Mr. Sharp has preserved this property for decades but I think what he wants is to keep it what it is. It would be safer if it were zoned so that you could not build one on an acre but you could build one on two acres.

**Alderman Jordan:** Mr. Sharp would you tell us exactly what you do want? Do you want R-1 or what?

**Frank Sharp, owner:** That is essentially what I have now. I just prefer to have the whole piece of property in the City of Fayetteville and leave the zoning the way it is now.

**Alderman Jordan:** I just wanted to be sure that you were okay with an RSF-1 then.

**Frank Sharp:** Yes.

**Mayor Coody:** Frank the whole City owes you because of your contribution and all the things that you have done for this town. You have been a real icon for this town and Fayetteville wouldn't be the same if you had not lived here for all these years. I just want to say thanks.

**Frank Sharp:** Thank you. There have been a lot of people involved. I think it has really been great to work with the City on having them handle this 20 acres at the land trust.

**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 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.***

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

***Ordinance 5171 as Recorded in the office of the City Clerk***

**ANX 08-2897 (Southpass Development):** An ordinance annexing that property described in annexation petition ANX 08-2897 (CC2008-38), for property located west of I-540 and Cato Springs Road, containing approximately 855.97 acres.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate** gave a brief description of the item. He stated my recommendation instead of leaving this on readings is to go ahead and table it until the PZD comes forward. It is on the agenda for the Planning Commission next Monday night but I would recommend looking at all this package together the annexation and PZD so we understand all the ramifications and all the decisions can be made with that one package.

**Marian Kunetka**, a citizen stated I don't think that having a two hundred acre park is a reason to annex this property. My main concern is this is going to raise our taxes and I doubt if any low income housing will be included in that. She went on to express her concerns regarding the development.

**Aubrey Shepherd:** This might be a time when you say we will bring in a certain amount. Authorizing all this and committing to a 25 year project, this is far sighted and a narrow view that it won't be like the big hole or Aspen Ridge. I am not sure that the whole mass should be brought into the city much less a PZD approved in one blow.

**Mayor Coody:** Jeremy do you have a time certain on this?

**Jeremy Pate:** When the Planned Zoning District comes forward I can get with Sondra and put it on the agenda again.

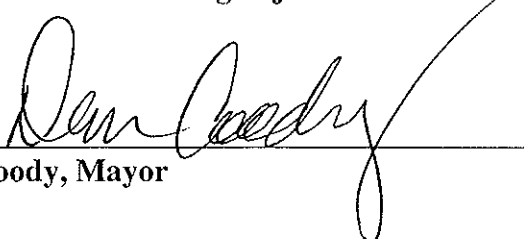
**Mayor Coody:** So we will table it until you bring it forward again.

**City Attorney Kit Williams:** I would suggest indefinitely then.

**Alderman Thiel moved to table the ordinance indefinitely. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.**

**This ordinance was left on the First Reading and Tabled Indefinitely.**

**Adjournment:** Meeting adjourned at 7:25 PM

  
\_\_\_\_\_  
Dan Coody, Mayor

  
\_\_\_\_\_  
Sondra E. Smith, City Clerk/Treasurer

Approved 9-16-08

**Nominating Committee Report**  
**Meeting: Monday, September 8, 2008**  
**Room 111, City Hall 5:00 p.m.**  
**Members Present – Kyle Cook and Adella Gray**  
**Also Present – Bobby Ferrell**

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The following is being submitted to the entire City Council for consideration.

**Civil Service Commission**

The committee recommends the following candidates for appointment:

- *David Button* – One unexpired term ending 3/31/13
- *Jeff Hagers* – One unexpired term ending 3/31/11.

**Environmental Concerns Committee**

The Committee recommends the following candidate for appointment:

- *Susan Drouilhet* – One unexpired citizen-at-large term ending 6/30/09.

**Northwest Arkansas Regional Airport Authority**

The Committee recommends the following candidate for appointment:

- *Mike Johnson* – One unexpired term ending 12/31/08.

**Parks and Recreation Advisory Board**

The committee recommends the following candidates for appointment:

- *Darby Benson* – One unexpired term ending 12/31/09
- *Steve Meldrum* – One unexpired term ending 12/31/08.

**Telecommunications Board**

The Committee recommends the following candidate for appointment:

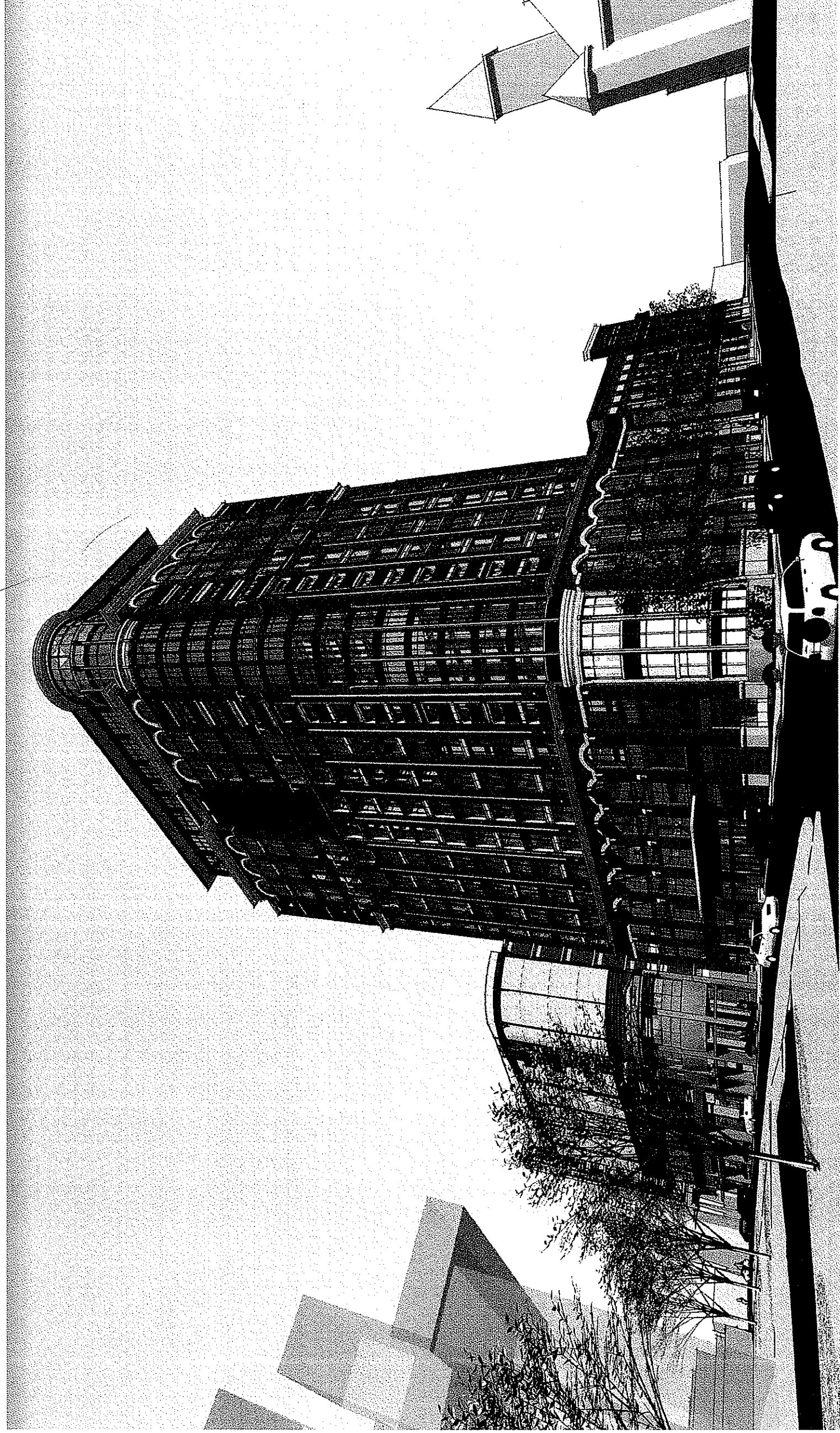
- *Marvin Hilton* – One unexpired term ending 6/30/10.

There were no applications for Construction Board of Adjustments and Appeals, and Tree and Landscape Advisory Committee.



Handed out at  
the City Council meeting 9/16/08

# The Renaissance Tower



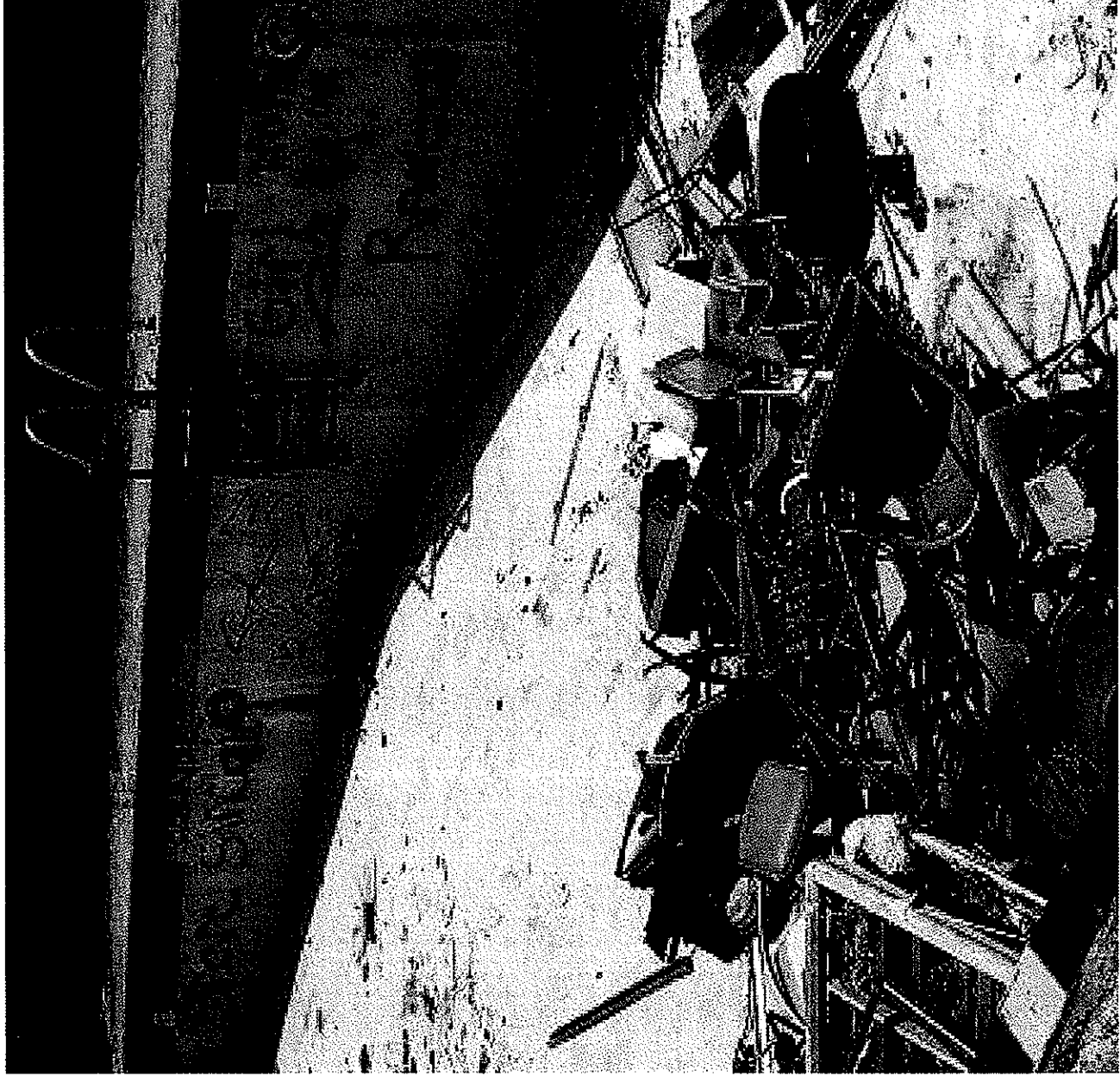
What Used To Be...



The Mountain Inn

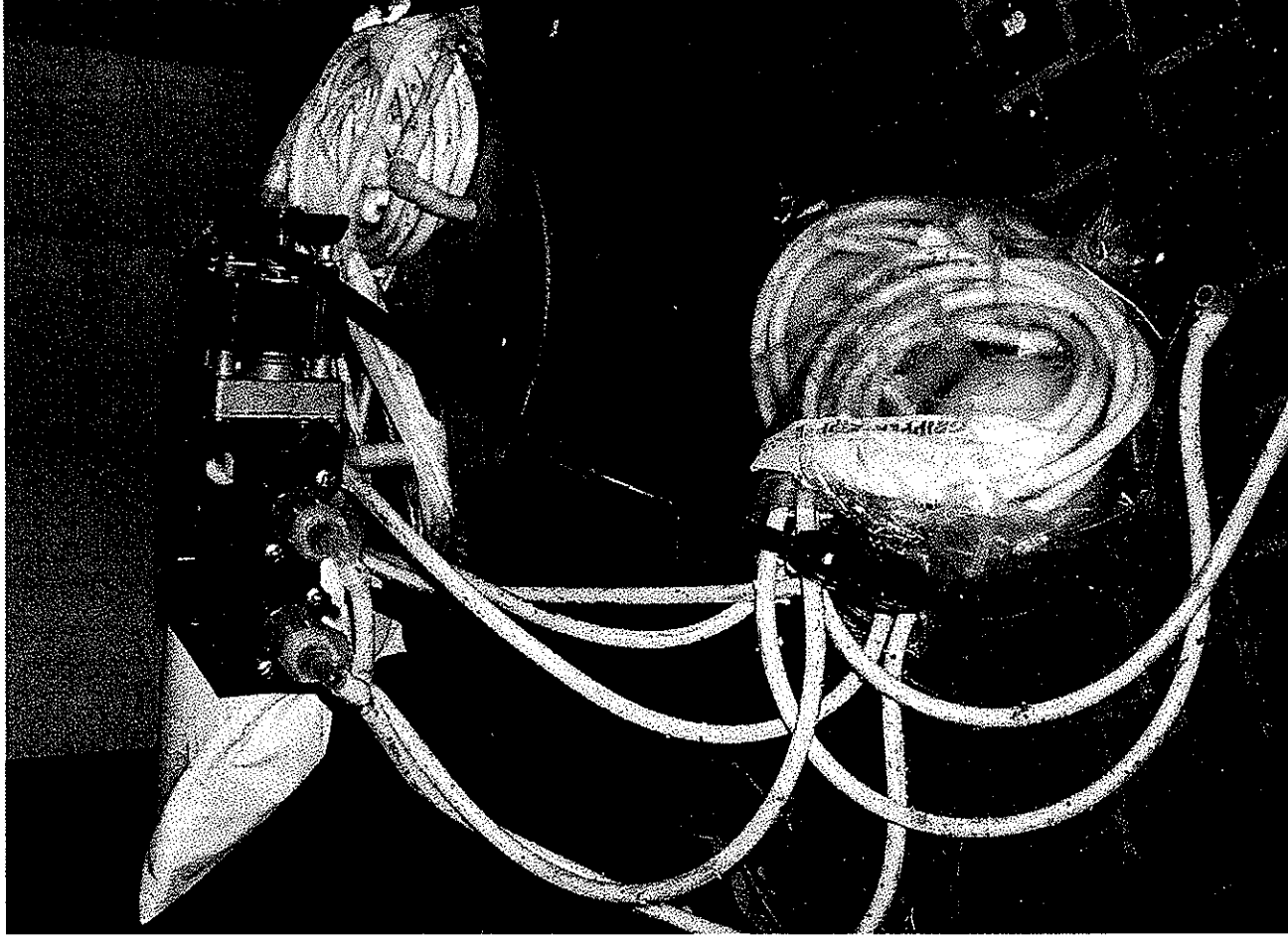


# What Used To Be...



# The Mountain Inn

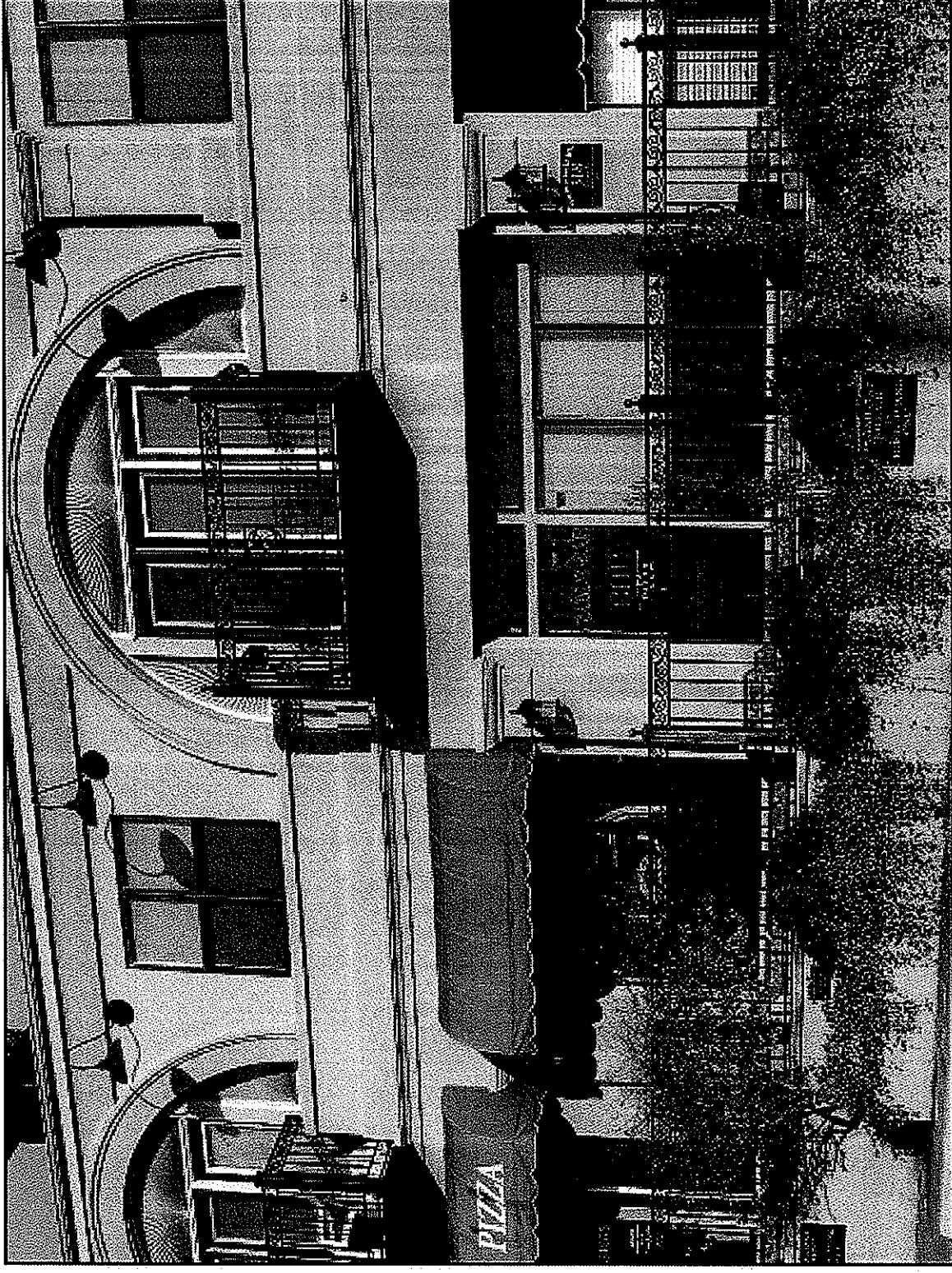
What Used To Be...



The Mountain Inn

# Completed Projects

# COMPLETED PROJECTS



The Building was one of the first mixed-use buildings in downtown Fayetteville. It was a one story warehouse that was converted into an all stucco building now housing two restaurants on the bottom floor with six luxury apartments on the second floor.

## The Rollston Building



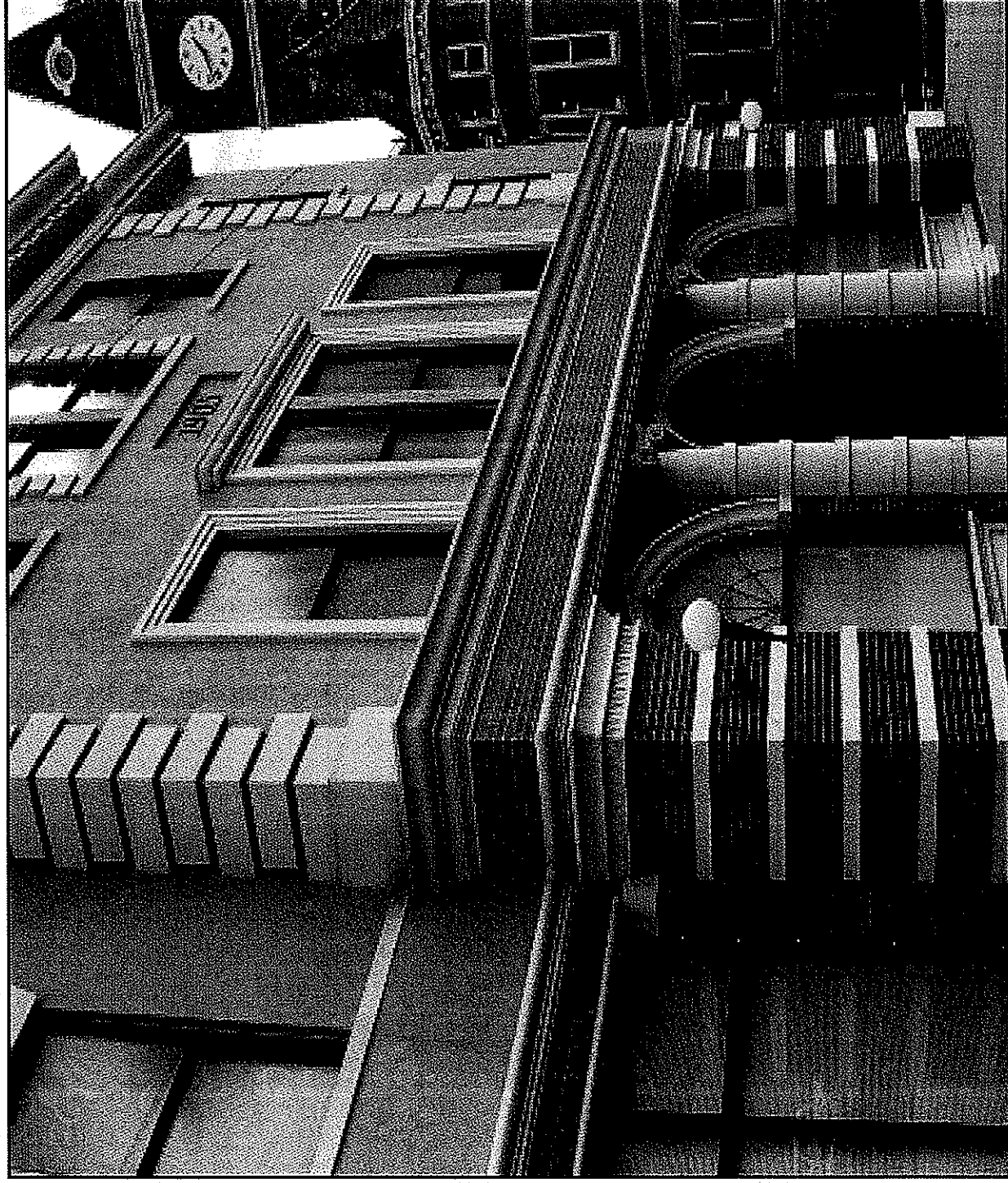
# COMPLETED PROJECTS



This all brick structure sprung from an old burned out house. It now houses two restaurants on the lower level and high end condominiums on the second floor.

## Campbell Avenue Terrace

# COMPLETED PROJECTS



This building was built as a theater in 1904. Over time it became run down and dilapidated. In the 1990s, local preservationists implored that it be spared the wrecking ball. Alexander & Merry-ship purchased it from the city in 1996 and after a \$1.6 million renovation, turned it into an office building, which reopened in August of 1998. It was sold in 2002 for \$2.1 million.

## The Ozark Building



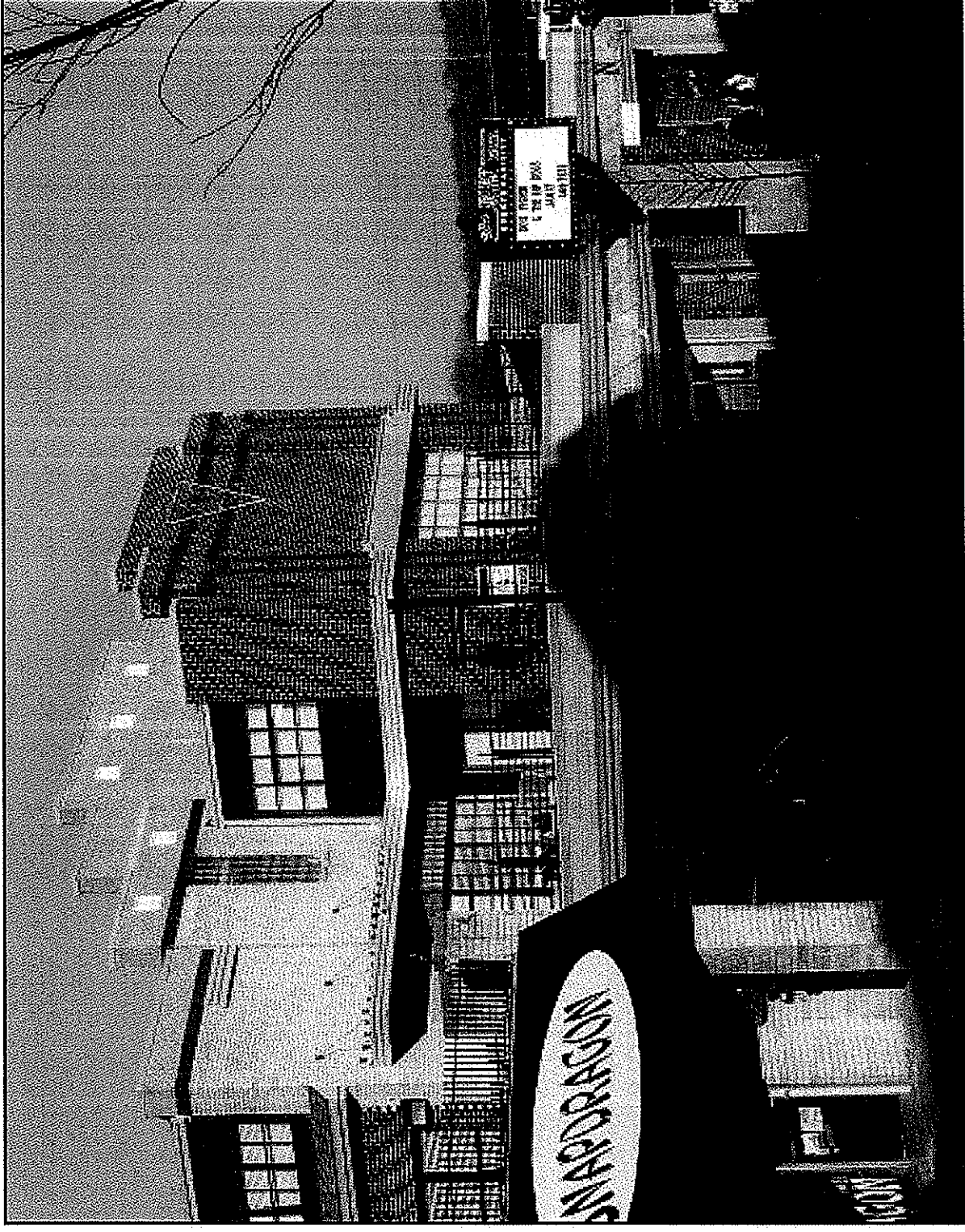
# COMPLETED PROJECTS



This building was for years one of the region's most popular clothing stores. After closing in the mid 1990s, the building sat empty for several years, before being purchased in 1998. The two story structure was restored and converted into office/retail lease space on the first floor with four luxurious condos on the second floor.

## The Campbell-Bell Building

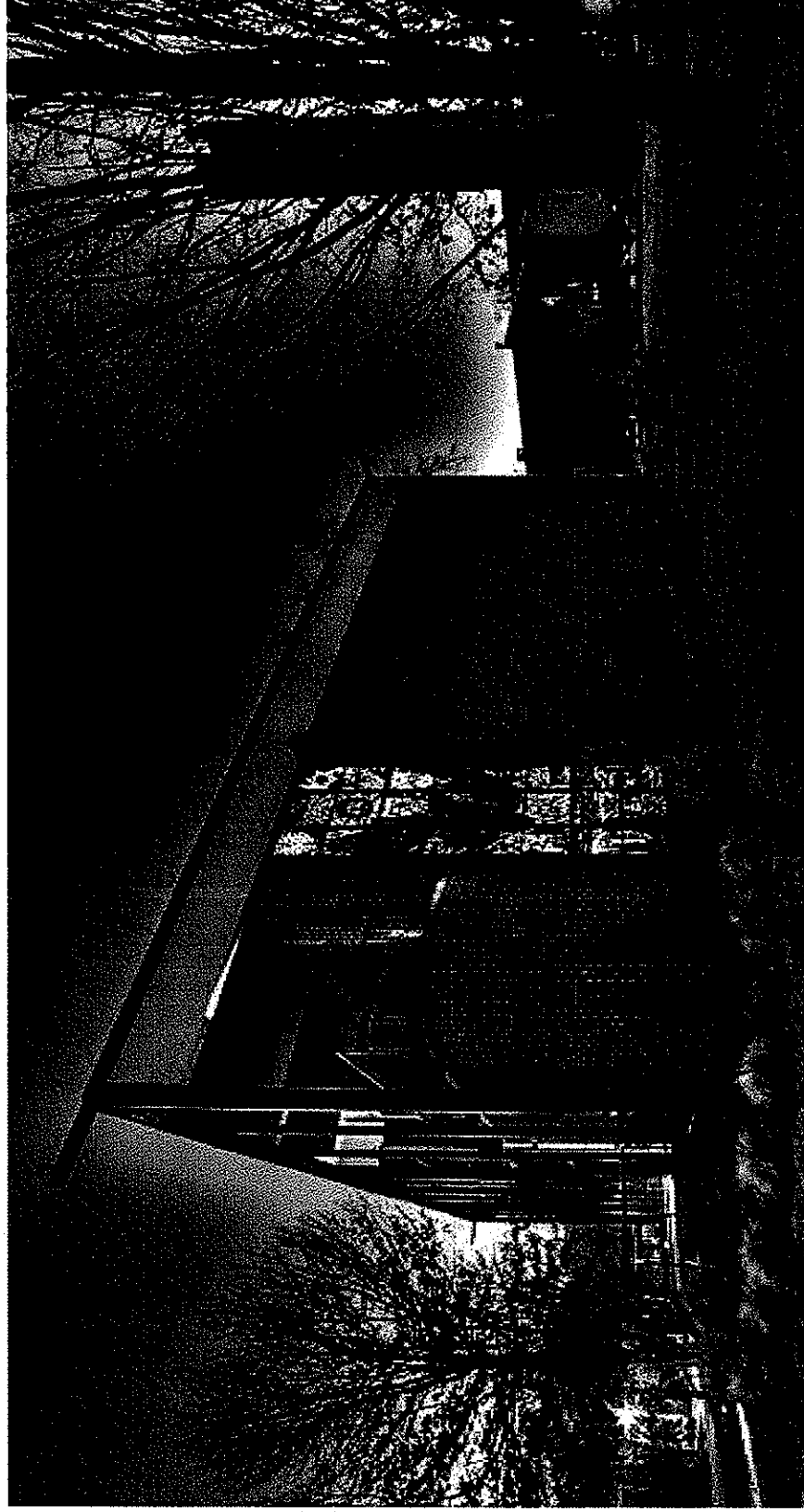
# COMPLETED PROJECTS



This building was built in 1947 as a bowling alley. Alexander and Merry-ship purchased the building in 2000 and converted it into a meeting space/event facility on the first floor with 5,600 square feet of space. Also on the first floor is retail space, while 14 luxury condominiums, ranging in size from 1,250 to 2,000 sq. ft., are on the second level. All available condos were quickly sold.

## The U-Ark Building

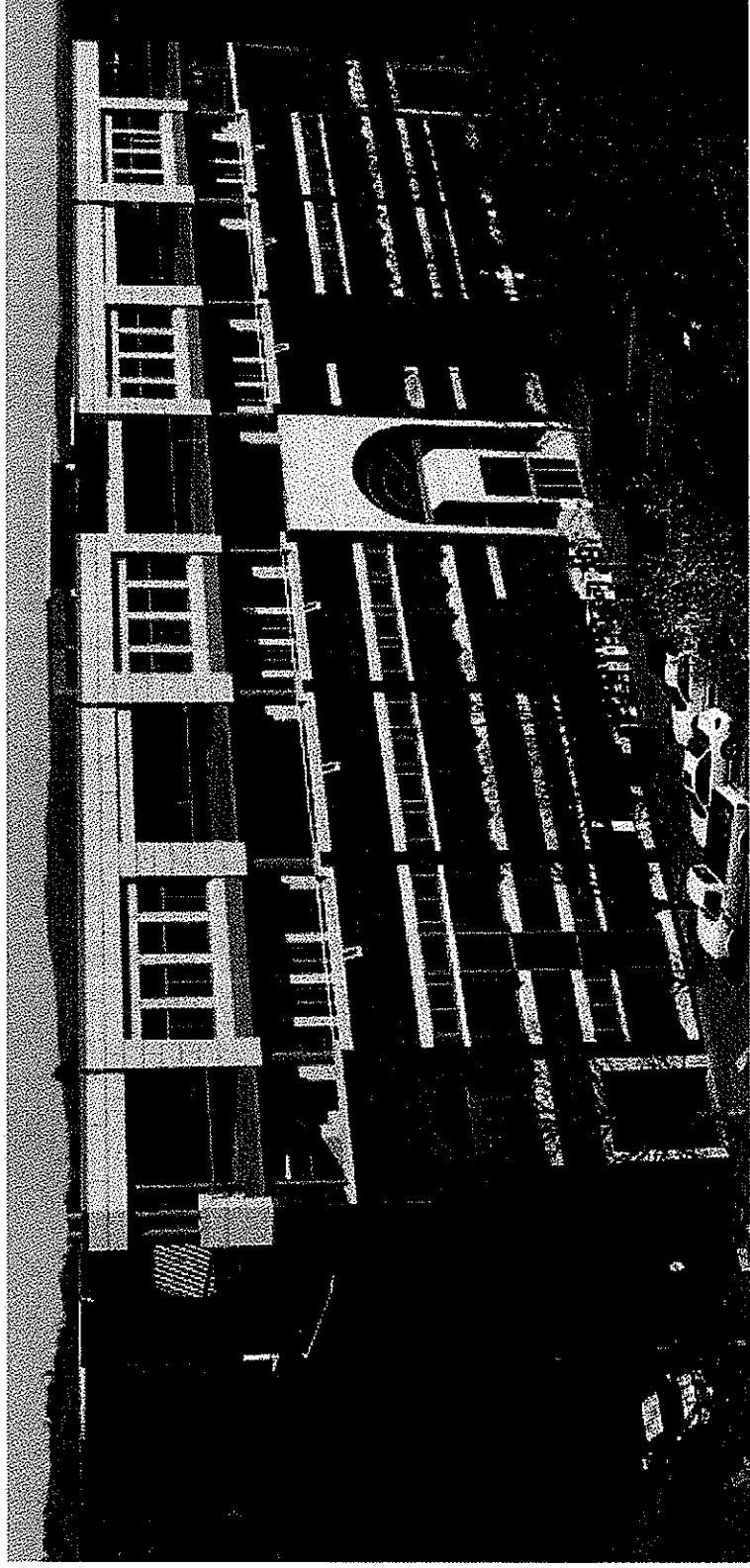
# COMPLETED PROJECTS



The developers purchased the 2.18 acres, practically an entire city block, alongside Lafayette Street in the Washington-Willow Historic District in 2003 with plans to convert the former sanctuary, schoolhouse and rectory of St. Joseph's Catholic Church campus into luxury condominiums. The spring of 2005 led to the unveiling of 33 units among the three renovated structures, now known as Segraves Condominiums, Lafayette Loft Condominiums and Willow Avenue Condominiums

## The Lafayette Lofts

# COMPLETED PROJECTS



The project consists of 6 luxury condominiums built onto the top of the Building and 22,000 square feet of commercial space on the Main floor. Located on the East side of the historic Fayetteville Downtown Square. The was recently completed and was over 50% sold within 6 weeks of becoming available to the public. The condos offer unparalleled views of the downtown Fayetteville and the surrounding areas

## The East Square Plaza

# COMPLETED PROJECTS

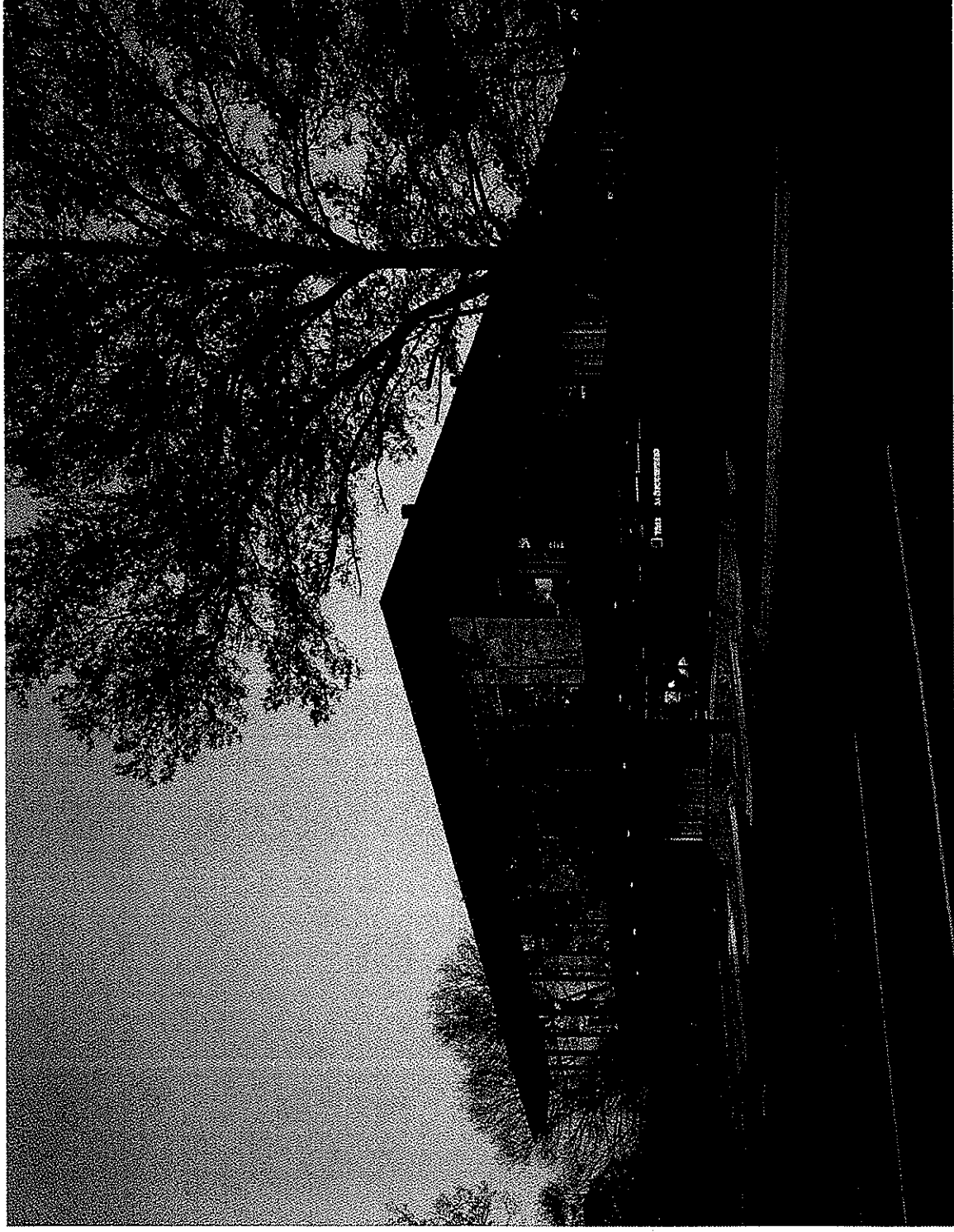


The Inn at Carnall Hall is the second oldest building on the campus of the University of Arkansas. It was built in 1906 as a women's dormitory and was much later used as office space and classrooms. The building was vacated in 1991 and languished in disrepair for a decade. After being chosen by the University in 2002, the development team began a \$6.9 million renovation project. Carnall Hall is now a boutique upscale hotel and four-star restaurant. It also serves as a working classroom for the University's burgeoning hospitality program.

## The Inn at Carnall Hall



# COMPLETED PROJECTS



This project is the redevelopment of the historic former public library in Fayetteville. This project was intended to revitalize and preserve the civic quality of a historically and architecturally significant Fayetteville building, while inserting a modern and dynamic office atmosphere; extending the fundamental dignity of the building and providing the past with a future.

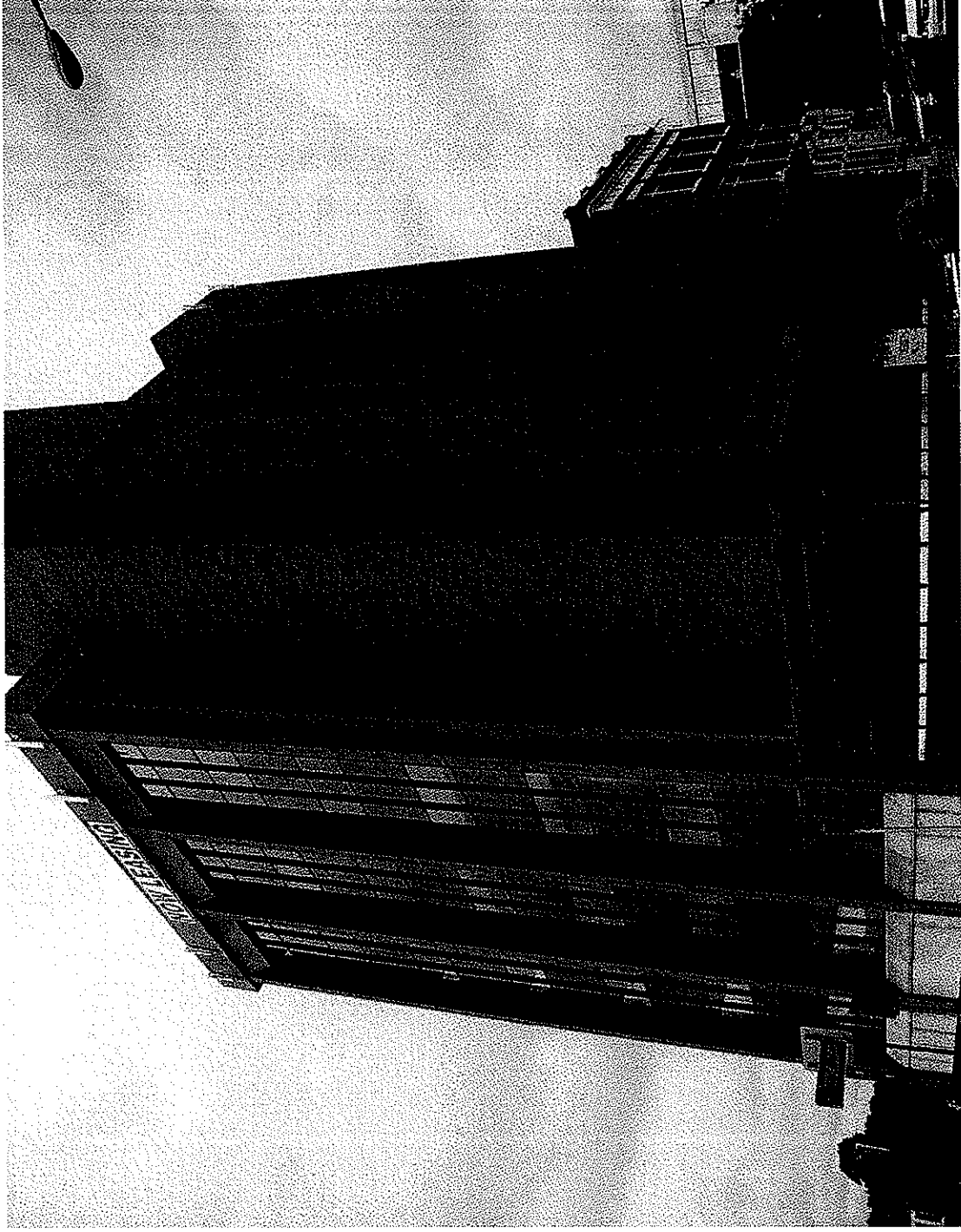
## The Fulbright Building

# The Cravens Building



Cravens was a dilapidated commercial building adjacent to the Cosmopolitan, but has been elegantly redeveloped as a mixed use residential / commercial property with 6 residences and 2 commercial spaces.

# COMPLETED PROJECTS

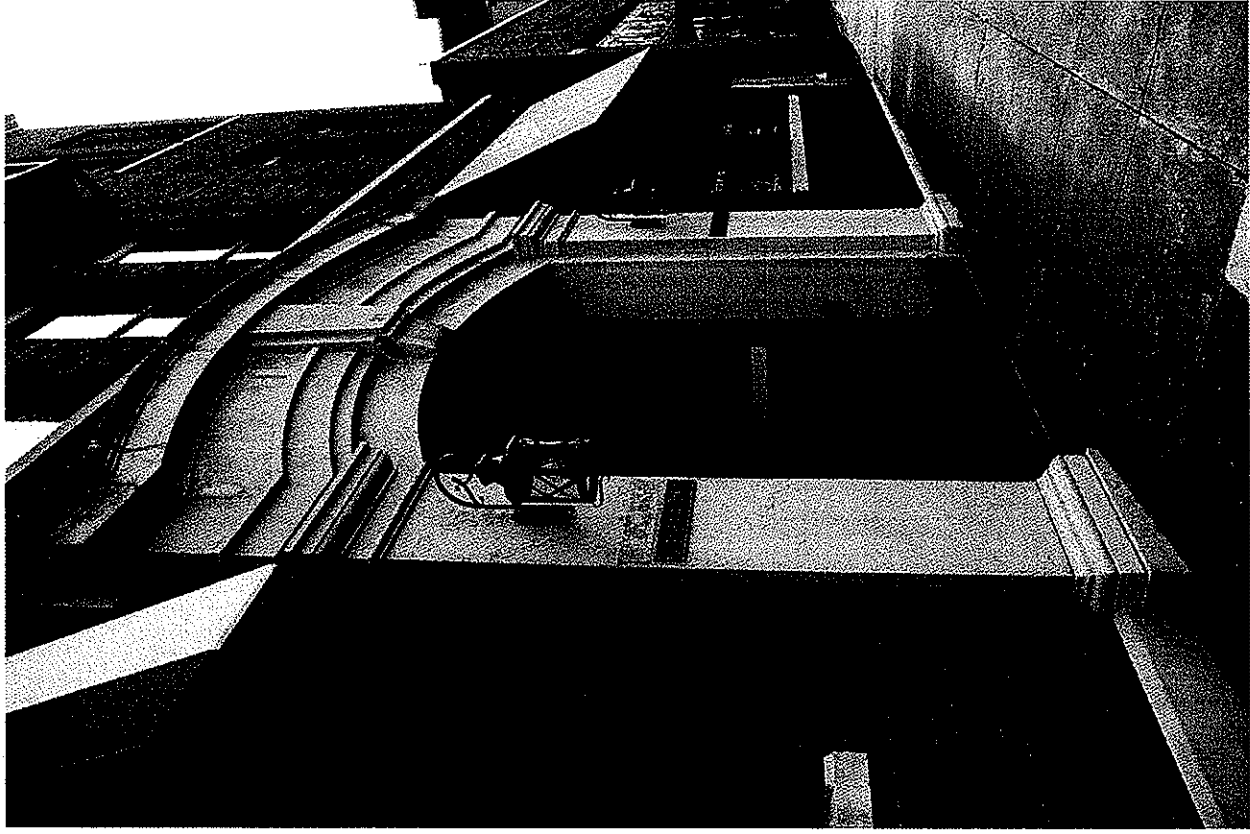


EJ Ball is a 7 story commercial office building on the Northwest corner of the Fayetteville downtown square. The developers bought the aging property and updated the building with modern materials and a more urban feel. All exterior glass was completely replaced and all public spaces were slate tiled. The exterior eating area was added as a part of the renovation.

## The EJ Ball Building



# COMPLETED PROJECTS



This is a mixed use building that currently houses two restaurants on the ground floor and has space for a 3rd, has office space on the second floor and has 10 residential units on the third floor. The redevelopment preserved the historic façade on the property, while modernizing the interior to include marble flooring in the foyer and urban residential units.

## The Center Court Square

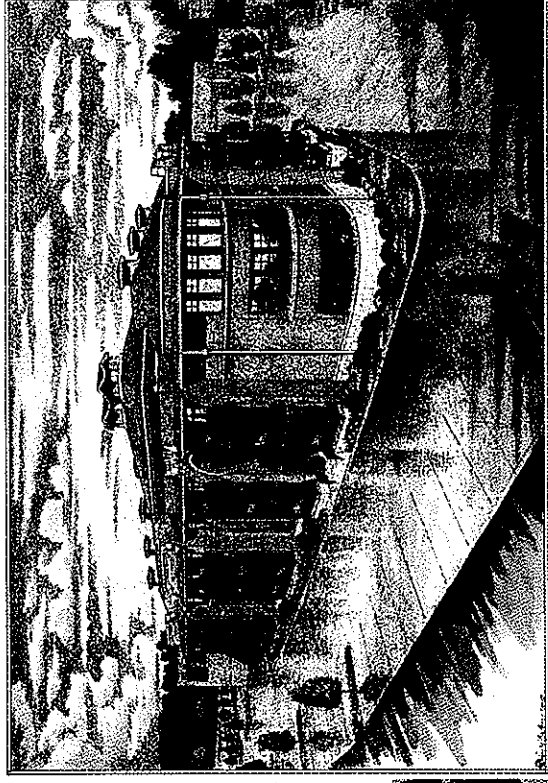
# COMPLETED PROJECTS



This building is the third of the triumvirate of historic buildings that the developers own on Center Street. The redevelopment updated the interior of the space and preserved the historic façade that fronts Center Street. The building currently houses Mariachis, a Mexican Cantina.

## Smokey Row

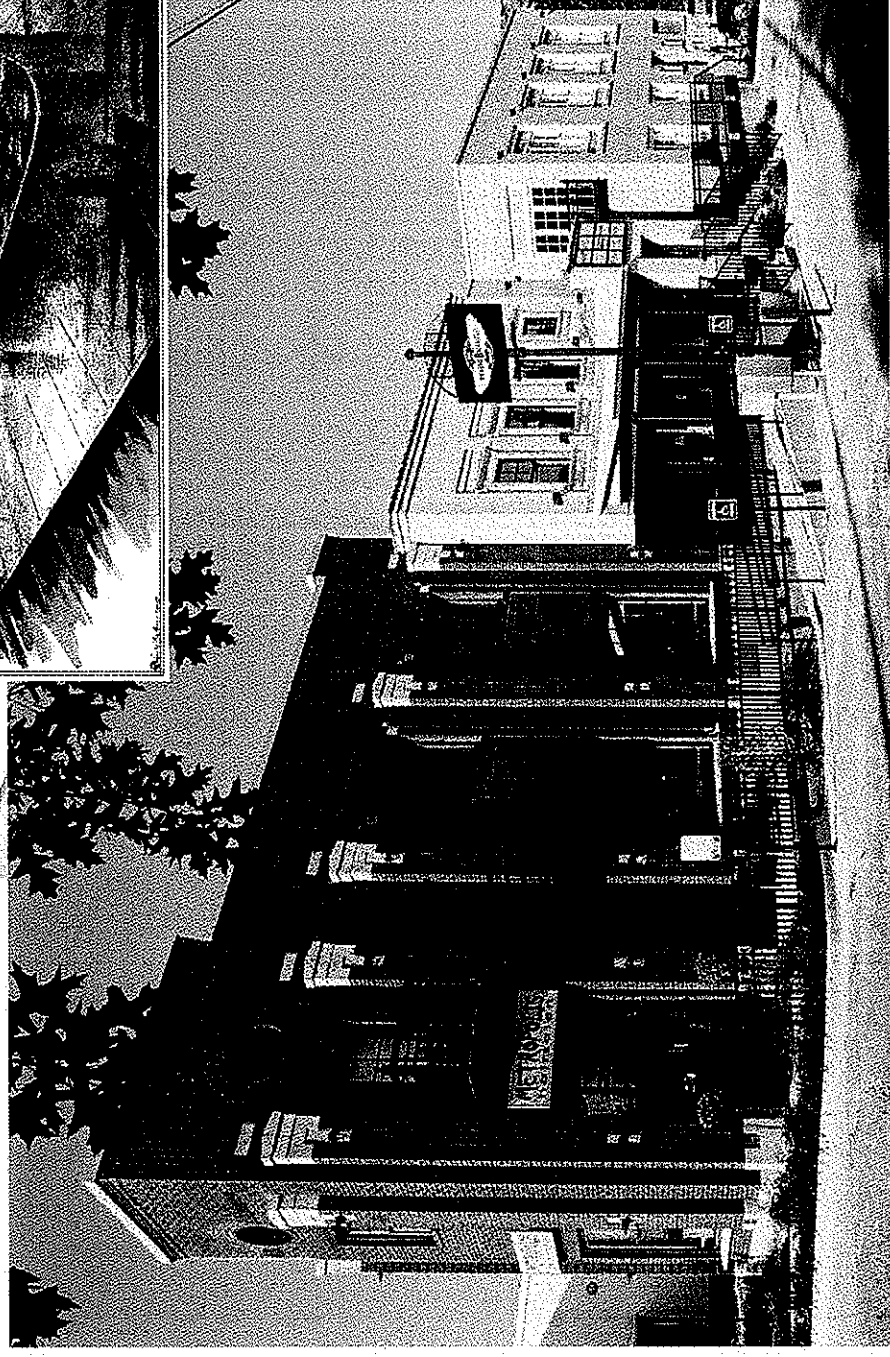
# COMPLETED PROJECTS



The Metro District consists of two separate buildings immediately south of the Dickson Street entertainment district. The first building, the Metro Lofts, is 35,000 square feet, 30 unit condominium/apartment development located on 2 acres.

The Metro District building is approximately 57,000 square feet of commercial and retail space adjacent to the Spring Street Lofts.

The Metro District is the redevelopment of a former historic industrial warehouse into modern office and retail space.



## The Metro District

# CURRENT PROJECTS



**The Cosmopolitan Hotel** – The Cosmopolitan is a redevelopment of the former downtown Radisson / Hilton. The project is a 235 room full service hotel with public meeting space, a full service restaurant, a swimming pool, and fitness facilities. The redevelopment will transform the hotel into a sleek modern motif with upscale amenities, trendy rooms and a top notch service facility.

## The Cosmopolitan

# CURRENT PROJECTS



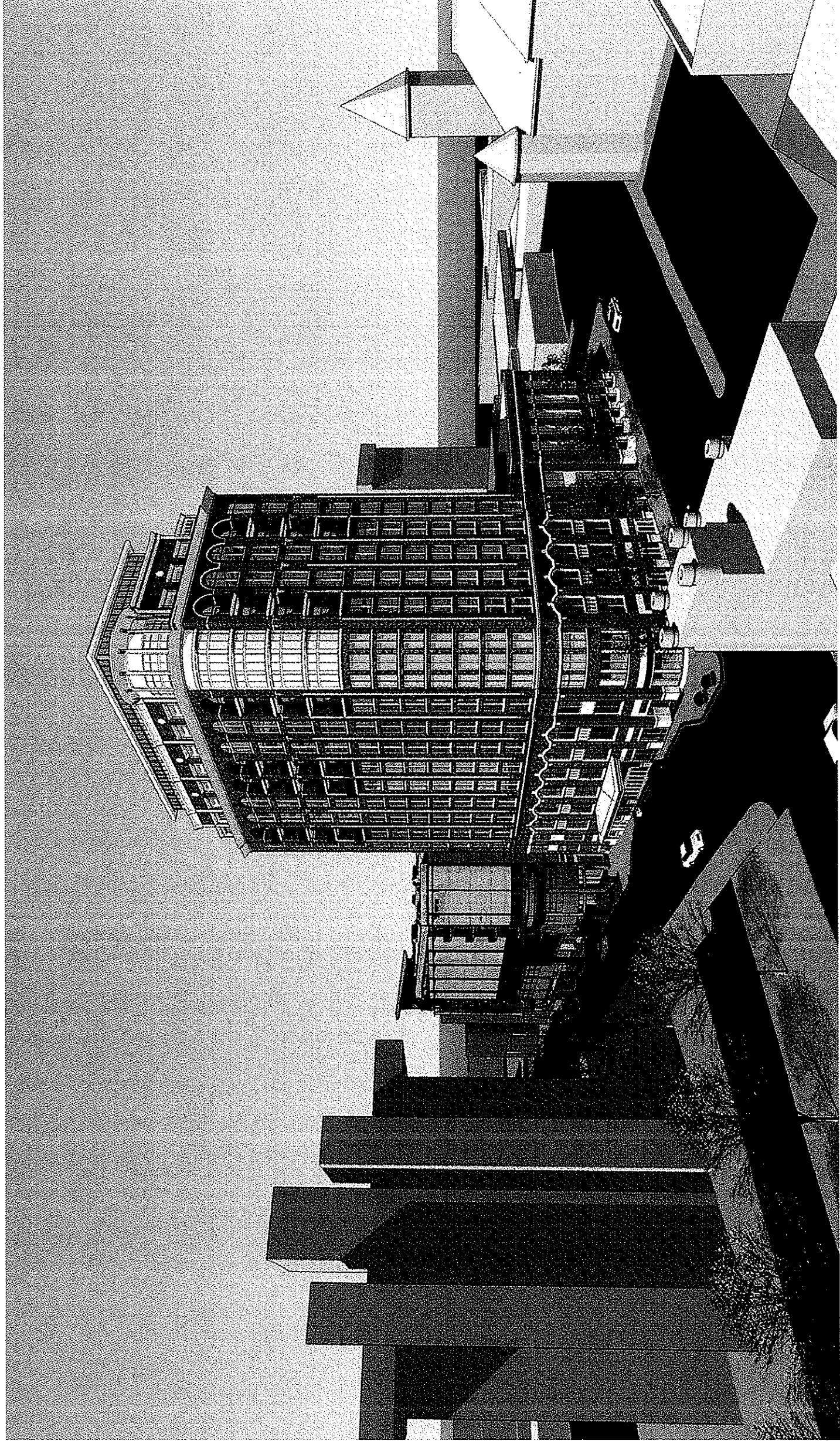
## **The Lofts at Underwood Plaza**

– An upscale, 9-story, 71 unit condominium building located immediately east of the University of Arkansas campus. The project features retail frontage on Dickson Street, adjacent to Underwoods Jewelers and boasts a 335 unit parking deck that will help eliminate the persistent parking problems on Dickson Street.

## Underwood Lofts



# The Renaissance Tower



# Camarillo hotel plan placed on hold

T.O. developer cites sluggish tourism trade plus downturn in the economy

By Jenni Mintz (Contact)

Wednesday, September 3, 2008

A local developer has put plans indefinitely on hold to build a Marriott hotel in Camarillo, citing the economic downturn and a sluggish tourism industry.

"Basically, the economic downturn is putting everyone in a position of stepping back and looking at their projects," said Valerie Draeger, president of Triliad Development Inc. in Thousand Oaks.

The company, which shelved plans for the hotel last week, is still going ahead with other projects, including Commonwealth Studio, a proposed \$125 million, 600,000-square-foot, 14-stage filming studio complex on a 37-acre site in Moorpark.

That project is slated to break ground in April and should be completed in 2011.

"That has a different dynamic," Draeger said. "It's catering to a business community and an industry that is local that has been here for many years."

The hotel industry has been hit harder by the economy, as people scale back trips because of high gas prices, she said. While she is expecting a decrease in hotel stays for some time, Draeger doesn't expect the downturn to last forever.

"Once we see a turnaround in the economy, a project like that would be totally viable again," Draeger said. "We also want to make sure the project is viable from a physical standpoint. The site has some storm-water drainage issues."

# College Square Hotel On Hold

by Paul Bass | August 21, 2008 8:09 AM | [Permalink](#) | [Comments \(10\)](#)

The would-be builder of a \$100 million 225-room downtown luxury hotel has delayed the project for at least six months after the terms of his financing changed.

Developer Robert Landino (pictured) broke the news about the delay to Mayor John DeStefano in a City Hall meeting Wednesday.

It was the latest market-driven setback to an ambitious plan to remake the block of George and College streets directly across from the new Co-op High School. The project was originally planned as a 19-story condo tower until the housing market bottomed out. It evolved into a seven- or eight-story hotel with ground floor retail. Then the capital markets tanked.

“We’re in an environment where financing is a challenge” in general for builders, DeStefano said. “Right now my sense of it is it is a hotel.”

That’s Landino’s sense too.

Landino said later on Wednesday that the project isn’t completely on hold. His Hartford-based Centerplan Development firm will proceed with designing the hotel; the architect is Yale architecture dean Robert A.M. Stern’s firm. Centerplan will also renew its permits and draw up estimates for demolishing the retail building remaining on the block, Landino said.

What it won’t do is proceed with its plan to break ground this year. Landino said his firm had reached an agreement with Amalgamated Bank to finance the project. Then Amalgamated changed the terms, making it too expensive to proceed.

“My partner and I looked at each other and decided we should wait two or three quarters to see if the capital markets settle down,” Landino said. “It’s a tough climate. We’re going to return to our current lender [after that point] and possibly [approach] other lenders, in February or March. Hopefully the economy will settle down and banks will lend money more readily.”

Landino, a former state legislator, said he doesn’t have “a bad word to say” about Amalgamated for revising the loan terms. “Money tightened up,” he said. The bank’s capital comes from union pension funds.

Plans to include residences in the project are out for now, Landino said. “Do you know anybody who wants to buy a condo these days? But plans for street-level retail remain.

He said the unidentified hotel-builder he lined up to do his project — “a major company, one of the large boutique companies in the country” — is “still in the game.”

*[A faint, large, stylized watermark or signature is visible across the bottom of the page, possibly reading "BASS" or similar.]*



# Downtown Seattle hotel-condo project put on hold

**By Eric Pryne**  
*Seattle Times business reporter*

Construction of the luxury 1 Hotel & Residences is on hold until at least late summer while the \$200 million downtown Seattle project undergoes a redesign to become more appealing to lenders, its developer says.

The project — first in Seattle to offer "condo-hotel" units — has been stung by slow sales and the national credit crisis, Paul Brenneke said Thursday. "It's obviously a difficult credit environment out there," he said, "and we're trying to position this project in the best possible light."

Work on the 23-story building stopped six months ago, leaving a deep, empty hole on Second Avenue between Pine and Stewart streets and sparking a host of rumors about the project's status.

The proposed redesign will eliminate 132 of the project's 176 individually owned condo-hotel suites, Brenneke said. They will be replaced with 192 smaller, conventional hotel rooms.

Only 20 or 21 of the condo-hotel units have sold, he said.

The makeover won't affect the 51 traditional, residential condominiums on the building's top floors. Buyers have made commitments on 20 of them, Brenneke said.

The new strategy seems sound, said Seattle land-use economist Matthew Gardner. "The term 'pioneering' is not something that lenders want to be hearing right now," he said.

The redesign would spread risk across three "product types" — conventional hotel rooms, condo-hotel suites and residential condos — "and that certainly bodes well for them," Gardner said.

While the condo-hotel concept is well-established in places like Florida and Las Vegas, the 1 was the first to market it in Seattle. Individual buyers purchase hotel units, then let hotel management rent them to overnight guests when the owners aren't using the rooms themselves.

"We had more reservations than units at one point," Brenneke said. But that changed late last year, he added, as credit tightened, prices for the suites increased to reflect rising construction costs and prospective buyers were asked to make nonrefundable deposits.

The 1's problems aren't unique. The credit crunch has hit condo-hotel projects hard nationwide.

"Many of the projects we've watched have just come to a standstill," said Bob Waun, president of a second-home lending firm in Detroit and a board member of the National Association of Condo Hotel Owners.

A year ago, lenders were asking condo-hotel developers to presell 30 percent of their units to qualify for construction financing, he said.

Now they have upped that requirement to 50 or 60 percent — difficult to achieve because prospective buyers also are having more trouble getting financing.

Hawaii builder and Seattle native Dan McEvoy said he backed out of his reservation at the 1, even though "I still think they have a good product."

When the time came to commit cash in November, McEvoy said, he learned lenders would require a much larger down payment than he had anticipated.

The 1's developer, AvStar Seattle, is a partnership of Brenneke's Portland-based Avalon Holdings and Starwood Capital Group of Greenwich, Conn., which will operate the hotel.

The project's retail space is 100 percent filled, Brenneke said. Tenants include a restaurant, grocery, 40,000-square-foot fitness center and day spa.

The 1 probably could have obtained construction financing with its original design, he said, but not under favorable terms: "It doesn't do you any good to buck the national trend and try to convince lenders you're unique."

After the redesign, he said, less than 40 percent of the project will be residential.

Both Brenneke and Gardner noted that no major condo project has broken ground in downtown Seattle since the credit crisis erupted last summer. "We're witnessing natural selection in real estate — only the best projects will get built," Brenneke said.

There's widespread evidence that the overall downtown Seattle new-condo market has cooled.

Earlier this month, in a bid to jump-start sluggish sales, the developer of the Olive 8 project offered new buyers an unprecedented price guarantee.

And Murray Franklyn, which was to develop the condos in the mixed-use, office/residential Seventh at Westlake Building, pulled out of that project last year. Clise Properties, the remaining partner, says the project is on hold unless a big office tenant signs.

Brenneke said the 1's construction hinges on city approval of the redesign. That includes permission to build a skybridge across an alley to connect the building with the Macy's parking garage, which AvStar also owns and is redeveloping.

A new "flagship" retail tenant for the garage's ground floor at Third Avenue and Pine Street has been signed and will be announced soon, he said.

AvStar has paid cash for all work so far on the 1 project and owns the site debt-free, Brenneke said. Condo-hotel suites in the project start at \$500,000, residential condos at \$1 million.

# Trump Hotel on hold for now, but Trump Hole coming soon

By Lincoln Anderson

The Trump Hotel on the western edge of Soho isn't being built yet — but the Trump Hole is.

To be more precise, last Wednesday, hard hats started installing construction fencing around the former parking lot at Varick and Spring Sts. where Trump and a team of developers plan to build a 42-story condo-hotel.

A young man at the site wearing a suit and holding an attaché case identified himself as the construction project manager, from Bovis Lend Lease, LMB Inc. He said they would start ripping up the asphalt and digging soon.

“We'll break ground in about a week,” he said, asking that his name not be printed.

The embattled project has met fierce resistance from community groups and local elected officials. Yet, he said, it has all the required permits to build.

He said the project's rooms will be hotel rooms, and that it will likely operate as a “time share,” giving the example of summerhouses in the Hamptons. For instance, someone might want to rent a unit in the condo-hotel the same time each year, such as one month in the summer, while someone else will actually own the unit, he explained.

The main development partners are Bayrock and Sapir, with Trump in a lesser role, he said.

A construction worker at the site, who was putting up plywood fencing with two other workers, added that he and his men were there to build the foundation, which he said would be 15 feet deep.

“That's deep enough for a basement,” he said. Nearby, another worker was jackhammering holes into the sidewalk for posts for the fencing.



*Villager photo by Lincoln Anderson*

The project manager walking out of the construction site last Wednesday, the day workers started fencing in the site.

Asked if there would be pile driving as part of the foundation work, the project manager said there would be. Asked how many piles would be pounded into the ground, he said, "It's a large site. There's a lot of them — couple hundred. Yeah, it's going to be noisy, no doubt about it."

A couple of days later, a large excavating machine could be seen demolishing a cinderblock structure — formerly a small diner — that had stood on the edge of the parking lot, and toppling two large wooden poles.

This Monday, construction machines started ripping up the asphalt — officially breaking ground.

Jennifer Givner, a Department of Buildings spokesperson, said that the project was issued an excavation permit on Sept. 21 and a foundation permit on Sept. 25, so they can dig down and then construct the foundation. But, she said, the building permit allowing construction of the condo-hotel is still in a state of disapproval; D.O.B. denied the permit months ago on grounds of "noncompliance with zoning and the building code," she said.

"This is in their hands," said Givner. "They have to comply — it's still in disapproval status."

At issue is the fact that the area, known as Hudson Square, is zoned for manufacturing, which doesn't allow residential use. Although hotels are allowed, opponents charge the Spring St. condo-hotel is a "Trojan horse," in that it will effectively be used residentially. If the city approves this project, it will open the floodgates to these sort of luxury residential projects posing as condo-hotels in manufacturing districts throughout the city, the opponents say.

The Soho Alliance community group is fighting the project tooth and nail.

“Yes, they have a permit to dig a hole — and at the end of the day, they might have to fill the hole with dirt and put back the parking lot,” said Sean Sweeney, the alliance’s director. “It’s like an anagram,” he said. “He needs a ‘T’ for a hotel, but it’s just a hole.”

The Greenwich Village Society for Historic Preservation has been leading the charge against the project. Condo-hotels do exist in commercially zoned districts. But, this condo-hotel’s approval, they warn, would threaten the character of various manufacturing-zoned neighborhoods, such as western Chelsea, Clinton, north Tribeca and the Meatpacking District, whether by blocking opportunities for new affordable housing or displacing art galleries.

“Right now, all he can do is dig a hole in the ground,” said Andrew Berman, G.V.S.H.P.’s director. “We’re pushing against this with everything we have.”

Buildings has taken six months, yet still not decided on the Spring St. condo-hotel permit. Word is, however, a decision is now expected within the week.

“I think they were being strongly pulled by us and other advocates and more or less common sense, and on the other hand, the powerful forces of real estate that have been salivating to slip this kind of development into manufacturing zones for years,” Berman said of Buildings’ drawn-out decision. “It’s a battle royal.”

If built to its full height, the condo-hotel would be the largest building between Midtown and the Financial District, according to Berman.

As for why the project is digging the hole without a permit for a condo-hotel, Sweeney said, “Maybe they know something that we don’t.”

This Tuesday, a man wearing a hard hat was penciling a red mark on the sidewalk on the south side of Dominick St. Asked what it was for, he said it was for something involving the massing of the new condo-hotel building. But the new building doesn’t even have a permit allowing it to be built, he was told.

“I don’t know what’s going on,” he said with a puzzled grin.



## **PLAZA HOTEL GROUNDBREAKING ON HOLD UNTIL 2009**

*August 18, 2008*

Joining several other Las Vegas construction projects recently put on hold, the \$5 billion construction of a Plaza-brand hotel on the Las Vegas Strip has been postponed.

The WallStreet Journal is reporting that the plans to build the Las Vegas version of New York's Plaza Hotel, which was scheduled to break ground later this year on the site of the former New Frontier casino, has been moved to 2009. The El-Ad Group, owners of New York's Plaza Hotel, said that the project will now begin "sometime in 2009."

The Journal story also reported that The Plaza partners have deferred payment of a \$625 million loan used to buy the project site. El-Ad paid \$1.25 billion for 35 acres last year. Despite the loan deferral and the postponement, an El-Ad spokesperson said the owners plan to go forward with the project.

The Las Vegas Plaza when completed will include a luxury hotel, private residences and restaurants, as well as retail, convention and gaming space. At the time of the initial announcement in May 2007, construction of the Las Vegas Plaza was expected to take three years, with an official opening targeted for 2011.

# Bern's hotel project on hold

St Petersburg, Florida, Published February 26, 2008

The Epicurean Hotel will be a luxury, condominium hotel which will include 24-hour room service, bar service at the rooftop swimming pool, workout facilities, full-service day spa, and business meeting space.



TAMPA - Last year, Bern's Steak House owner David Laxer stood in an air conditioned tent before his Winefest VIPs to unveil a sexy plan: a luxury condo-hotel focused on food, just across the street from the legendary restaurant. The Epicurean Hotel would house a new restaurant, upscale wine and cooking demonstrations, a culinary school, rooftop pool, bar and a spa, he said. It would be the first of its kind, Laxer touted. All on what had long been the restaurant's unassuming main parking lot.

But Laxer's timing couldn't have been worse.

Bern's has been unable to secure financing for the project, and it is on hold indefinitely, said Heather Sherer-Berkoff, the restaurant's public relations director. The project is the latest victim of a sagging real estate market and credit crunch. Although initial interest was high, only a few buyers signed contracts, said Rick Scherer, the real estate agent handling sales of the proposed hotel's 75 rooms and suites, offered for \$200,000 and up.

"The whole idea of the condo-hotel was to help with financing," Sherer-Berkoff said. Under the condo hotel concept, owners buy units, get access to them for 45 days a year and then get a percentage of room rental profits. Some in the industry say the concept is either too new to Tampa or just a bad fit for the SoHo area. Others say it could work with better timing.

"During times when there's somewhat of an insecurity in the market, buyers flee for tried and true products and locations," said Joel A. Cantor, who is developing the Signature condo tower in downtown St. Petersburg. For instance, condo buyers may not be as likely to invest in a unique concept like the Epicurean, or up-and-coming areas like the Channel District or downtown, as they would on Bayshore Boulevard or St. Pete Beach. The plan was to have the Epicurean completed by February 2009, in time for Super Bowl XLIII in Tampa.

Friday, September 12, 2008

## Roseville boutique hotel stalled

Marriott's Renaissance ClubSport has had building permits since April

Sacramento Business Journal - by Mark Anderson Staff writer

Construction of a big boutique hotel and health club to be developed by **Marriott International Inc.** in Roseville appears to be on hold.

Although building permits have been available to be pulled since April, the hotel giant hasn't made any moves.

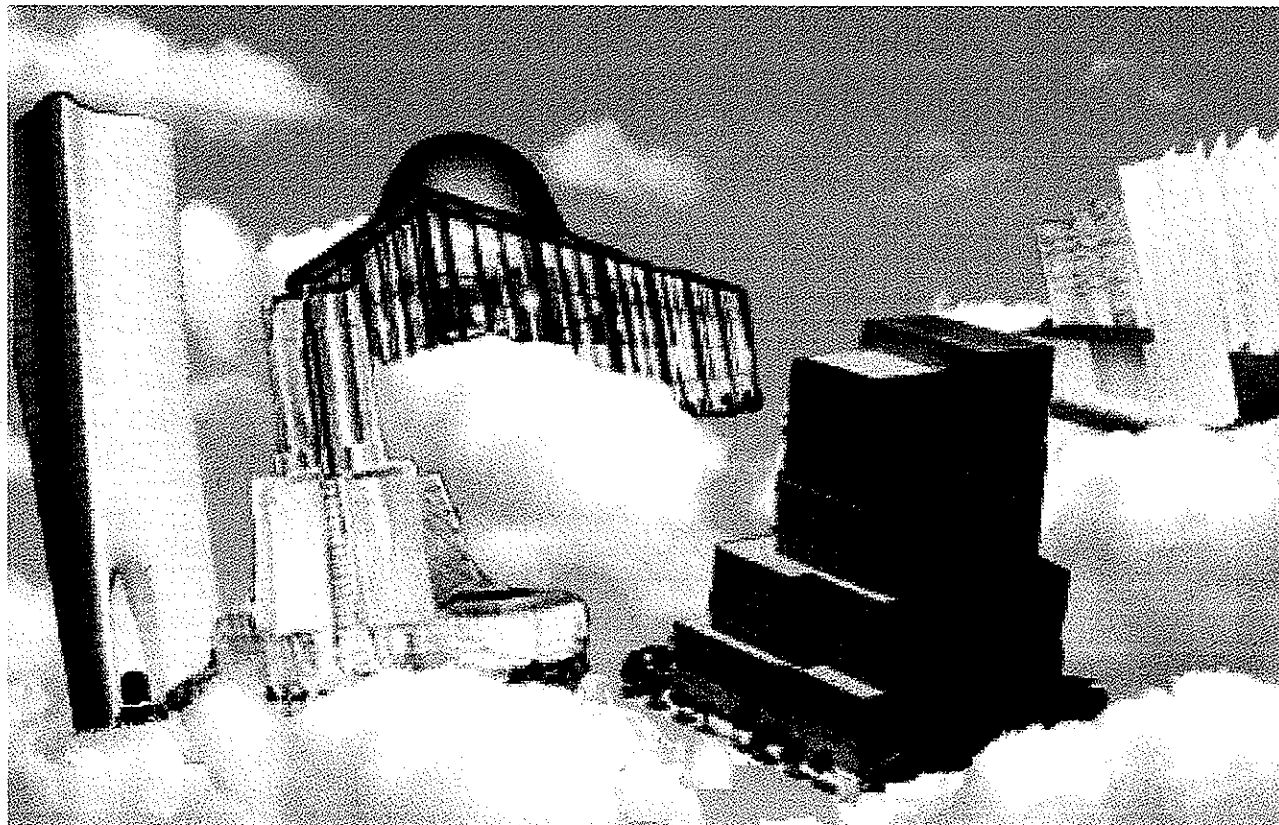
The permits remain active until April 2010, so Marriott doesn't have to act immediately, a city official said.

The plans for a 174-room, full-service **Renaissance ClubSport hotel** on Stone Pointe Drive just east of Douglas Boulevard were pushed through the city last year with corporate Marriott as the developer.



# Real Estate Slump Hits New York

by Steven Josselson  
April 28, 2008



*Several high-profile construction projects are now up in the air.*

In recent years, few issues have divided residents of downtown Brooklyn more than the \$4 billion, 22-acre Atlantic Yards project being developed by New Jersey Nets' owner Bruce Ratner. Ratner's company, Forest City Ratner, reached a deal with the city and state to develop a high-rise commercial office tower, affordable housing units and a basketball stadium, the Barclays Center, in the heart of Downtown Brooklyn in just a few years.

Local community groups and residents, concerned that such a large-scale development in a partially residential area could harm their quality of life and change the neighborhood's character forever, have tried to stop the project through litigation, as well as seeking to influence public opinion and pressure decision-makers in City Hall and Albany to reconsider the project's risks.

While these concerted efforts have proved largely unsuccessful, key components of the development are now on hold -- not because of public outrage, but rather due to increasing construction costs, a slowing economy sliding toward recession and a tightening credit market.

To different degrees, the very same economic challenges facing Atlantic Yards confront real estate projects both big and small throughout the five boroughs. As the Metropolitan Transportation Authority faces a budget crisis, long-planned developments, such as the Fulton Street Transit Center, face delays and revisions. The original plans for Hudson Yards have been thrown into disarray, while individual apartment buildings in Queens and Brooklyn have been put on hold due to a lack of available financing.

As the economy turns toward recession, developers, community groups and city officials alike are questioning whether these projects will go through at all -- or at least in the way many had previously imagined.

### **Rising Costs, Slumping Funding**

While much of Atlantic Yards project is sliding to the back burner, the \$950 million arena is moving forward and slated for completion in 2010 for one main reason: The financing for it is already in place. Unlike the private financing needed for the commercial and residential buildings, Forest City Ratner already has secured \$670 million in tax-free bonds to cover the costs of the arena's construction beyond the \$200 million in subsidies already in place (\$100 million from both the Empire State Development Corporation and the city). Additionally, unlike the commercial tower centerpiece known as Miss Brooklyn, the stadium already has its anchor tenant lined up (the Nets) and Barclays has ponied up a reported \$400 million specifically for the stadium's naming rights.

But many projects, including other components of Atlantic Yards, do not have such secure financing. The credit crunch facing financial institutions that typically lend money for real estate deals is making it extremely difficult for many developers to secure financing. There is unusual volatility in the financial markets, the result of banks having taken on enormous amounts of debt and engaged in risky and complex financing activities. Economists are unsure when the situation will stabilize.

James Parrott of the Fiscal Policy Institute said, "There are significant financing challenges facing New York real estate developers including difficulty rolling over debt and manifesting in a general reluctance to lend money on projects, because of the necessity of conserving capital to cover losses from previous loans."

Additionally, the outlook remains gloomy for employment in the financial services sector where a recession scenario estimates job losses at 30,000 to 50,000, not including the massive layoffs already in effect from JPMorgan Chase's acquisition of Bear Stearns. The loss of these high paying jobs erodes tax revenues for the city and significantly lowers the demand for the expensive housing and commercial space.

At the same time, construction costs, including the price of concrete and oil, continue to rise -- a result of increasing global demand and decreasing supply. Turner Construction's Fourth Quarter 2007 Building Cost Index shows that costs rose 10.6 percent nationally in 2006 compared with the previous year. This is a significant increase for builders attempting to hammer out large projects, according to the city comptroller's chief economist Frank Braconi.

Increasing labor costs also could contribute to the possible demise of the city's major projects. Many of the relatively few unionized, talented workers with experience in building large-scale projects are already booked for the next few years. According to Harry Chernoff, a professor at New York University's Stern School of Business and a real estate developer, it is unlikely that we will see an increase in this labor supply in the near future because of the practical difficulties of bringing in workers from outside the city. "If you are a builder from another city or region, it

is difficult to come here and do this type of work without having the prior experience of working in New York market," said Chernoff.

All of this has taken its toll on some of New York's high profile projects.

### **An Alternate Atlantic Yards**

Such problems threaten the very aspects of Atlantic Yards -- affordable housing and expanded office space -- that were its chief selling points, according to a report in the New York Times.

Ratner has publicly stated that until he secure an anchor tenant for Miss Brooklyn, construction will remain on hold. The bond market is being blamed for slowing down the pace of the residential buildings.

New York City Councilmember Letitia James, who represents the area and is an outspoken opponent of the project, is concerned that affordable housing, which was integral to pitching the project, has taken a back seat. "What do I think about this arrangement?" she asked. "I think it is totally unacceptable." James said she, along with New York State Sen. Velmanette Montgomery, hoped to meet with Gov. David Paterson to encourage the state to take closer look at the project and possibly renegotiate the original contract.

Opponents to the project are also pushing for the U.S. Supreme Court to take up the case after several appeals lost in .

### **Fulton Street Transit Center**

Another high-profile project affected by the precarious economy is the Fulton Street Transit Center. When plans for the transportation hub on Broadway between Fulton and John streets in Lower Manhattan were first announced in 2004 it was envisioned as a central element in the recovery of the area after of the Sept. 11, 2001, attacks.

The project, which the Metropolitan Transportation Authority now estimates will end up costing approximately \$1.2 billion, had included a 110-story glass dome as well as a hub for several different subway lines and PATH trains to New Jersey. It was originally scheduled for completion last year. Now it's expected to be done by September 2010, and its price tag has swollen by more than \$400 million from the original \$700 million cost estimate projected back in 2004.

As part of the project, 148 businesses were razed or relocated under the city's use of eminent domain to build the hub. Now, though, the dome they had been forced to make room for had been deemed too expensive and was permanently scrapped back in January. Ironically, one reason blamed for the cost overrun was the expense of completing these relocations. The authority recently announced that it would indeed build some sort of structure above the subway connection, but details about its size, cost and usage have not been publicly revealed.

But the key challenge remains the MTA's capital budget. At \$29.5 billion, it has a projected \$14 billion shortfall for this operating year. In addition, the city had planned to use \$500 million in congestion tax fees to sell bonds to finance the capital budget. Because the congestion pricing plan failed, the estimated \$4 billion to \$5 billion these bonds would have raised for the capital budget for the next four or five years is lost, representing an even larger than expected hole in the agency's coffers.

Currently, the transit hub is undergoing a 30-day "review period." It is unknown how much — if any — additional money could be provided by the federal government and the Lower Manhattan Development Corp. and how much of a role public opinion and state leaders, such as Assembly Speaker Sheldon Silver, could end up playing. The idea of bringing in additional funds by turning the Fulton Street terminal into a public-private partnership is reportedly being floated.

Rising costs may also adversely affect other proposed transportation projects such as the Second Avenue subway line, the westward extension of the 7 train into the West Side and a Long Island Rail Road link to Grand Central Station in Midtown.

### **Javits Convention Center Expansion**

The Jacob K. Javits Convention Center, located at 11th Avenue between 34th and 39th Streets, was supposed to expand to become one of the largest convention centers in the country. By November 2007 the plan had been scaled down. Now the focus has turned to renovating the convention center, which will cost about \$800 million, compared to about \$3.1 billion for the original plan.

At one point, former Gov. Eliot Spitzer had intended to sell off a parcel slated for the convention center's expansion, further jeopardizing the project. Spitzer put that plan on hold after protests by city officials earlier this year. Now, under the Paterson administration, it is unclear what could occur.

Economic conditions are partly to blame for the uncertainty. New York City simply unable to afford the original project, forcing the scaleback. The Empire State Development Corp. spent more than \$30 million to determine whether the project was feasible under the current budget, with the state agency ruling after more than a year of study that it was not.

Also, local economic strains have created some friction between two of the center's largest revenue sources: exhibitors and hotel owners. Both groups are arguing over what redesign might produce the most revenues. With a slowing economy, there are concerns among observers that the Javits Center might be unable to hold on to its current slate of conventions, let alone pick up additional ones.

But the economy is not solely responsible for the Javits Center missteps. Poor oversight also is to blame. Directors of the center have complained the project was poorly planned and that they were asked to approve "millions of dollars" of expenses — after they had already been incurred. Further, the chairman of the center's board reportedly held most of its meetings behind closed doors.

Now, city planners are looking to a 61-acre site at Willits Field in Queens as a possible site for a satellite convention center for New York, but officials are not in agreement about this option or whether the possible Queens site would complement or replace the Javits Center. Last week that proposal started its formal Uniform Land Use Review Procedure, much to the chagrin of a majority of the City Council.

With Paterson now in Albany and a new head of the corporation to be named, it is unclear what the future holds for New York's convention center on the West Side.

### **Hudson Rail Yards**

At the end of March, the MTA signed a tentative deal with real estate operator Tishman Speyer Properties to work on the Hudson Rail Yards, a 26-acre site on the Far West Side. The plans are to develop the former rail yards into a number of both residential and commercial buildings as well as some green spaces. But much remains uncertain

The deal is still tentative because an agreement must be worked out between the city and developer to ensure public access to parks and the Hudson River. According to a report by the New York Times, land-use and environmental studies are still forthcoming, and City Council will have to rezone half of the site.

Current plans call for construction to start at the beginning of 2009.

### **Moving Forward**

While the stock market bobs and weaves, and city officials continue to warn of the recession's impact on the city's revenues, developers and potential commercial and residential real estate buyers are likely to move forward cautiously.

The fate of these monumental projects -- many of which were meant to be the signature accomplishments of the Bloomberg and Spitzer administrations -- will not only affect some political legacies, but our streetscapes for decades to come.

*Steven Josselson is a New York City-based freelance journalist and a recent graduate of New York University's Robert F. Wagner Graduate School of Public Service.*



## **baltimoresun.com**

### **Project stall**

**Housing woes, economy put \$1 billion in city development on hold amid rethinking of plans, hopes for better market**

By Lorraine Mirabella

Sun reporter

April 27, 2008

More than \$1 billion in development projects - offices, residences, stores and hotels that would change Baltimore's skyline and help to revitalize the city - have stalled in the face of the nationwide housing slump and faltering economy.

The projects, including towers that would be Baltimore's tallest, would swell the tax base and potentially attract new - and well-heeled - city dwellers. But the housing slump has dulled the market for new condominiums and houses, and the subsequent credit crunch has made financing difficult to obtain.

As a result, at least 11 major projects have been recast or are in limbo, waiting out the market. At the Inner Harbor, two sites planned for condominium and hotel skyscrapers are still parking lots. In Charles Village, the neighborhood's first proposed luxury condo building is on hold and likely to switch to apartments. And in Greektown, plans for 1,000 new residences on a gritty lot have been drastically scaled back.

"Some of the big developments are clearly going to be put on hold" from a year or two to a couple of decades, depending on the economy, said Richard Clinch, director of economic development at the University of Baltimore's Jacob France Institute. "I think we're stuck where we are in terms of renewing neighborhoods."

Developer Richard W. Naing had ambitious plans for property he bought in the 300 block of Guilford Ave. and along Holliday, Saratoga and Gay streets, just north of City Hall. He envisioned as many as three 50-story towers filled with apartments, condos and shops, and his RWN Development expected to start razing buildings this year, including the former Hammerjacks nightclub.

But now his plans are on hold.

"We have definitely postponed our development and are feeling out the market until the market comes back," said John Ginnever, executive vice president at RWN in Baltimore. "It would be too hard to get financing and break ground now."

Meanwhile, the company will operate an existing garage on Guilford and has leased the nightclub to a club operator.

The market downturn has already slowed the momentum that would bring new life to decaying or underused areas such as the Guilford Avenue corridor. But experts aren't sure how much it will affect downtown's transformation. Clinch said he believes that Baltimore will likely suffer less than some other cities because of the underlying strength of the state economy, bolstered by anticipated job growth in government contracting and the biotechnology and health sectors. Development should benefit, too, from an influx of new residents expected from federal base realignment. And in the longer term, urban redevelopment is inevitable as the suburbs, with their restrictive building policies, fill up - as long as city officials make progress in reducing crime and improving schools, he said.

"It doesn't mean development stops tomorrow like it does in other cities," Clinch said.

"Baltimore still deserves its reputation as a comeback city."

M.J. "Jay" Brodie, president of the Baltimore Development Corp., said the city is better equipped to weather the downturn than it was during the early 1990s recession. Most projects proposed now are based on sound economic deals rather than on tax breaks, he said. He added that no BDC-involved projects - such as the superblock redevelopment on downtown's west side - have been halted because of a lack of financing.

Still, even during the boom he doubted the viability of some big condominium projects.

"I have never been a big believer in condos in Baltimore," Brodie said. "There's little evidence of successful condos."

It's inevitable that more commercial projects will face delays because of financing, said Martin Luskin, a senior partner at Blank Rome LLP in New York, who heads the law firm's real estate and financial services department.

"Some projects will be stalled either because there is a credit crunch right now or ... the sellout at the end is not as predictable as it might have been in people's minds six months ago," Luskin said. "It makes people nervous about putting up debt dollars or equity dollars."

Some big, long-term projects are continuing on their scheduled timetable, including the mixed-use redevelopment of the Westport waterfront, with the first buildings to get under way next year, and Gateway South, a \$200 million office park planned south of M&T Bank Stadium on the Middle Branch waterfront.



Developer Hekemian & Co., which bought the Rotunda retail and office complex on West 40th Street, said it is applying for permits to start building shops, apartments, condominiums, townhouses and a 140-room hotel.

And development driven by universities and hospitals remains strong, including the University of Maryland, Baltimore's biotechnology park on the west side and a Johns Hopkins Hospital-affiliated project on the east side to transform 88 acres into a research park, new businesses and housing.

But other plans have ground to a near halt.

Little is known about the future of a \$250 million, 50-story condominium and hotel skyscraper proposed for the former News American newspaper site at 300 E. Pratt St., now a parking lot. Developers UrbanAmerica LP and Doracon LLC purchased the block in mid-2006 and originally planned 300 condos, a 250-room hotel and 40,000 square feet of shops and restaurants. City officials say they haven't heard updates on the project's status, and a representative of UrbanAmerica did not return repeated phone calls.

In downtown's HarborView community, the Pinnacle, a 17-story residential tower expected to be under way last year, is delayed as well. Faced with slow pre-construction sales, HarborView Properties is holding off on building but is actively marketing the 46 condos, priced from \$650,000 to \$2 million.

"Obviously in the last eight months or so, financing for both developers and the homeowners has become much more difficult," said Frank Wise, vice president of HarborView. "Things are a little slow. ... [But] as soon as the market says go, we're going to pull the trigger."

Development is also braking in neighborhoods outside of downtown.

In Greektown, a developer that had planned more than 1,000 upscale condos, apartments and townhouses on 15 industrial acres is considering scaling back to 234 townhouses over the next couple of years, some on a site originally planned for condominium towers. Another parcel on the property that could accommodate two condo towers is on indefinite hold.

"The market for high-rise condominiums has receded quite a bit, and our thought is that the opportunities to take advantage of the Greektown neighborhood still are there if we revise the format of the housing," said Edward Byrne, senior vice president for planning for the Virginia-based developer, Kettler. The condo site is "a longer-term hold for us than the rest of it. ... From a market standpoint, it will be many years away."



Such circumstances are common in most big cities as financing has dried up, said Stephen R. Blank, a senior fellow for finance with the Washington-based Urban Land Institute.

Developers with stalled projects are "circling the airport, waiting for landing instructions," Blank said. "There's a squeeze going on, and big projects that are more complex are just that much more difficult to do."

Developers are shifting the mix of offices, residences, hotel rooms and shops, said Scott MacIntosh, a senior economist for commercial investment and real estate with the National Association of Realtors in Washington.

Whether a project will ultimately move forward "depends on the liquidity of the developer and what other projects are in the pipeline," he said. "Some are opting to sell the land, and some are opting to sit on it and hope the market turns around, or are looking for a joint-venture partner who has some other purpose for the land."

In Baltimore, developers are not abandoning plans as much as rethinking them.

A project proposed three years ago as a luxury apartment tower at Calvert and Lombard streets was stalled in the slowdown and is now slated to move ahead this year in a new form: two hotels and a smaller residential component.

"The reason it changed was really the market," said developer Mark Sapperstein. "It worked better as mixed use."

Developer ARCWheeler purchased a Light Street parking lot at the Inner Harbor with plans to start site work by mid-2007 on a 59-story glass skyscraper stacked with luxury and loft condos, a boutique hotel, shops and a restaurant. Now, city officials say, the developer is re-evaluating the mix of uses and looking at potential office users to anchor the project. John Voneiff, a partner with ARCWheeler, would say only, "We're doing something."

Farther north, developer Struever Bros. Eccles & Rouse planned the Olmsted in Charles Village as a 12-floor building of luxury condominiums but switched to smaller, more affordable apartments as the market began to slow. Now, a Struever official said, the project is on hold until the developer can secure construction financing and work out additional city financial aid.

The delay has disappointed area merchants.

"I've been really looking forward to the Olmsted opening," said Ryan Berger, who opened a Cold Stone Creamery across the street in June. "We're doing what we can to get by, doing a lot of promotion and not just waiting" for customers.

A 2005 proposal for a 34-story residential tower atop a Metro station at President and East Baltimore streets was revised last summer, with the Cordish Co., the developer, planning to build only half as much. The original proposal, for up to 250 residences, entertainment-oriented retailers and parking, had a completion goal of late 2007.

David S. Cordish, chairman of the Cordish Co., said in an e-mail that the project, on the city-owned, former Port Discovery HiFlyer balloon site, "is a definite go but still [in] process with the city." He said it would be residential, with a boutique hotel possible and a small retail component, but he gave no timetable.

Sanket Patel, managing partner with Front Street Development, said the company still plans to open two hotels at Fallsway and Front Street in about three years. He added, "There's not that rush to get that project done now. If we open now, we'll struggle. It's better to take our time."

City Councilman Edward L. Reisinger, who has headed the council's land use committee for the past two years, said he had been encouraged by the many proposals to rezone industrial areas for homes. But in his South Baltimore district, he's heard several developers say that they're abandoning or delaying plans.

"It's a concern," Reisinger said. "A number of developments are on the radar screen, but we don't know what will happen because of the market."

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*Added at the  
City Council Meeting  
9-16-08*

## MEMORANDUM

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**Date:** September 16, 2008

**To:** Mayor Dan Coody and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Connie Edmonston, Parks & Recreation Director *C.E.*

**Subject:** Replacement of YRCC Program Coordinator

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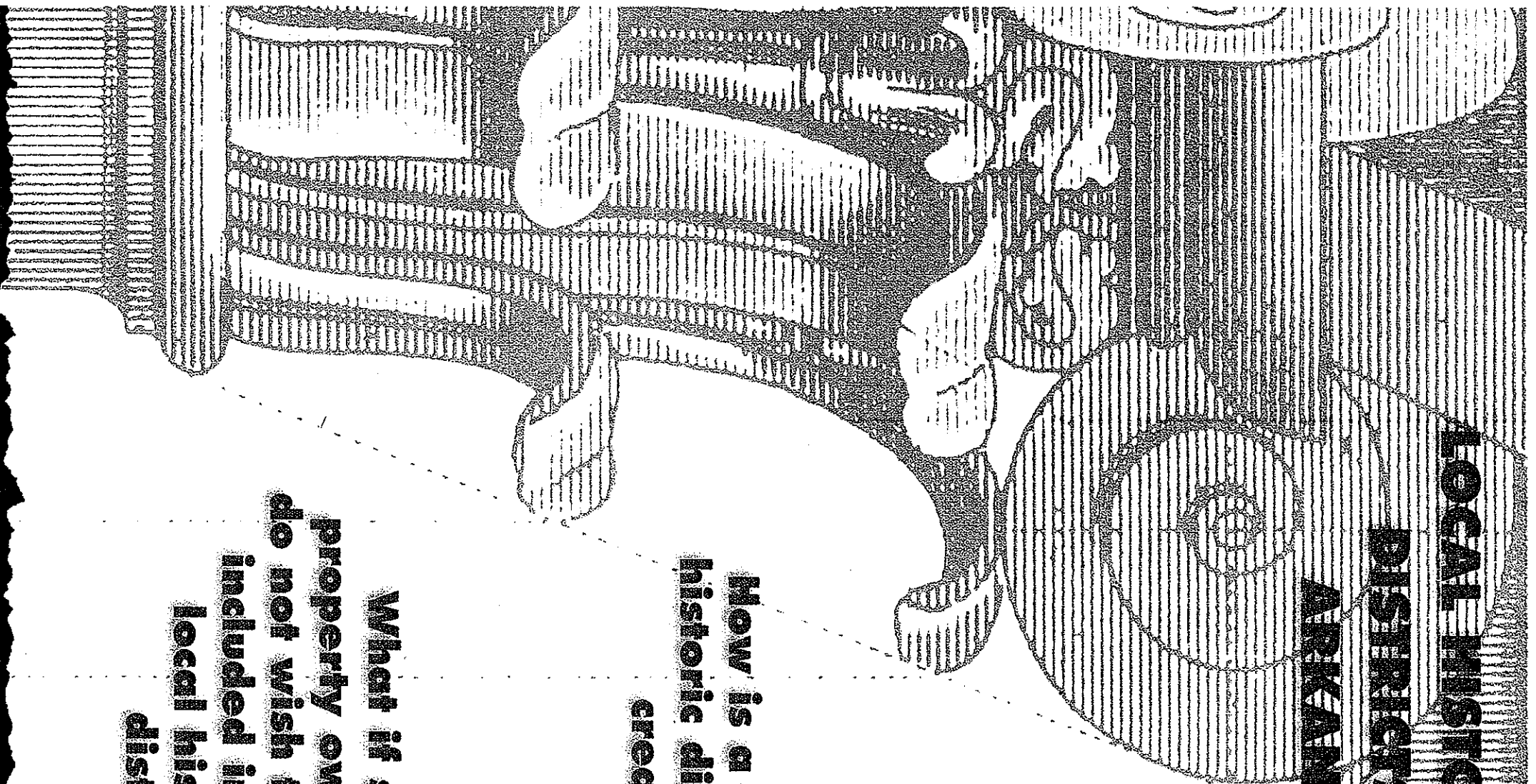
**Recommendation:** City Council approves the hiring of the Yvonne Richardson Center Program Coordinator for the Parks and Recreation Division.

**Background:** On September 15, 2008, YRCC Program Coordinator Jean Genereau submitted her resignation to her supervisor to be effective this Friday, September 19.

**Discussion:** The YRCC Program Coordinator coordinates and supervises daily activities and special events at the Yvonne Richardson Community Center. Approximately 80 children and adults participate in daily activities such as tutoring / homework assistance, art classes, a computer lab, basketball, open play and special field trips. With the YRCC being open seven days per week and only one other full time staff member, along with one Vista Volunteer, being assigned to the Center, it is essential that this person be replaced as soon as possible.

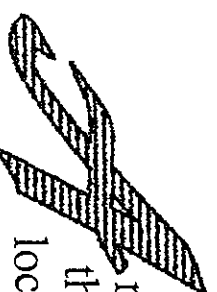
**Budget Impact:** This position salary is funded by the General Fund, in the Yvonne Richardson Community Center Program. In 2008, there is \$39,573 budgeted for this position. This figure includes salary, taxes and benefits.

# LOCAL HISTORIC DISTRICTS IN ARKANSAS



## How is a local historic district created?

## What if some property owners do not wish to be included in the local historic district?



Arkansas cities and counties are authorized by the Arkansas Historic Districts Act to enact local laws for the "preservation and protection of buildings, sites, places, and districts of historic interest." (*Arkansas Code Annotated, Sec. 14-172-201, et seq.*) A **local preservation ordinance** can preserve the visual quality of a historic downtown or neighborhood and allow for future development compatible with the area's historic character. There are three main components of a local preservation ordinance:

- It creates a local historic district commission (HDC) to carry out the provisions of the ordinance.
- It allows the local governing body (*City Council, Board of Directors, or Quorum Court*) to designate local historic districts.
- It protects a community's historic and architecturally significant properties by requiring HDC approval before property owners can build, demolish, or alter the exteriors of properties within the designated historic district(s).

*Local* historic districts can only be created by a *local* ordinance passed by the *local* governing body. Before consideration by the governing body, the local planning commission, and the Arkansas Historic Preservation Program (AHP) are afforded the opportunity to comment on the proposed historic district. Additionally, the local historic district commission must hold one or more public hearings on the formation of the district. After the public hearing, the HDC will propose an ordinance to the governing body designating the local historic district. The district is created when the governing body enacts the ordinance.

An important part of Arkansas's culture is a proud tradition of private property rights. This aspect of our culture is valid and must be respected. However, many of the benefits of a local historic district, like enhanced property values or an aesthetically pleasing neighborhood, only arise en masse, when everyone participates.

The Arkansas Historic Districts Act does allow for local historic districts to be designated without the consent of every property owner, but it remains the responsibility of the preservation community to build public support for a proposed historic district and to be available to answer any questions regarding private property rights.

## How are boundaries of a local historic district determined?

There are two ways to determine the boundaries of a local historic district:

- The boundaries of a local historic district can be overlaid on the exact boundaries of a historic district listed on the National Register of Historic Places; OR
- A majority of property owners within a proposed local historic district may sign a petition agreeing that their property should be included in the district.



*Texarkana's Original City Historic District was created when property owners petitioned city hall to protect their downtown's character with a preservation ordinance.  
Photo courtesy of Main Street Texarkana.*

## What is the difference between a National Register Historic District and local historic district?

The National Register of Historic Places is maintained by the National Park Service. As the official list of places in America worthy of preservation, properties on the National Register *may* be eligible for grants or tax incentives. More than 2,000 Arkansas sites, districts, structures, and objects are listed on the National Register of Historic Places. The National Register is primarily an honorary designation, however. It provides little or no protection from demolition, alteration, or neglect.

A local historic district, on the other hand, *can* protect a community's historic and architectural treasures from demolition, inappropriate alterations, severe deterioration, or new construction that is not in keeping with an area's historic character. In Arkansas, locally designated historic districts often share the same boundaries as a National Register Historic District, affording property owners protection from inappropriate development, as well as possible incentives to rehabilitate existing buildings.



*The Robinson Historic District is protected by Conway's preservation ordinance and shares the same boundaries as a National Register Historic District.  
Photo by Steve Hurd*

## How does a local preservation ordinance protect the character of a historic district?

In a locally designated historic district, most exterior work must first receive a **Certificate of Appropriateness (COA)** before any changes are made to a property. The local historic district commission will review all additions, demolitions, new construction, signage, streetscape features, and rehabilitation and restoration projects. Some local preservation ordinances also call for the HDC to review changes in color. Several HDCs in Arkansas are also charged by ordinance with reviewing cases of severe deterioration or "demolition by neglect."

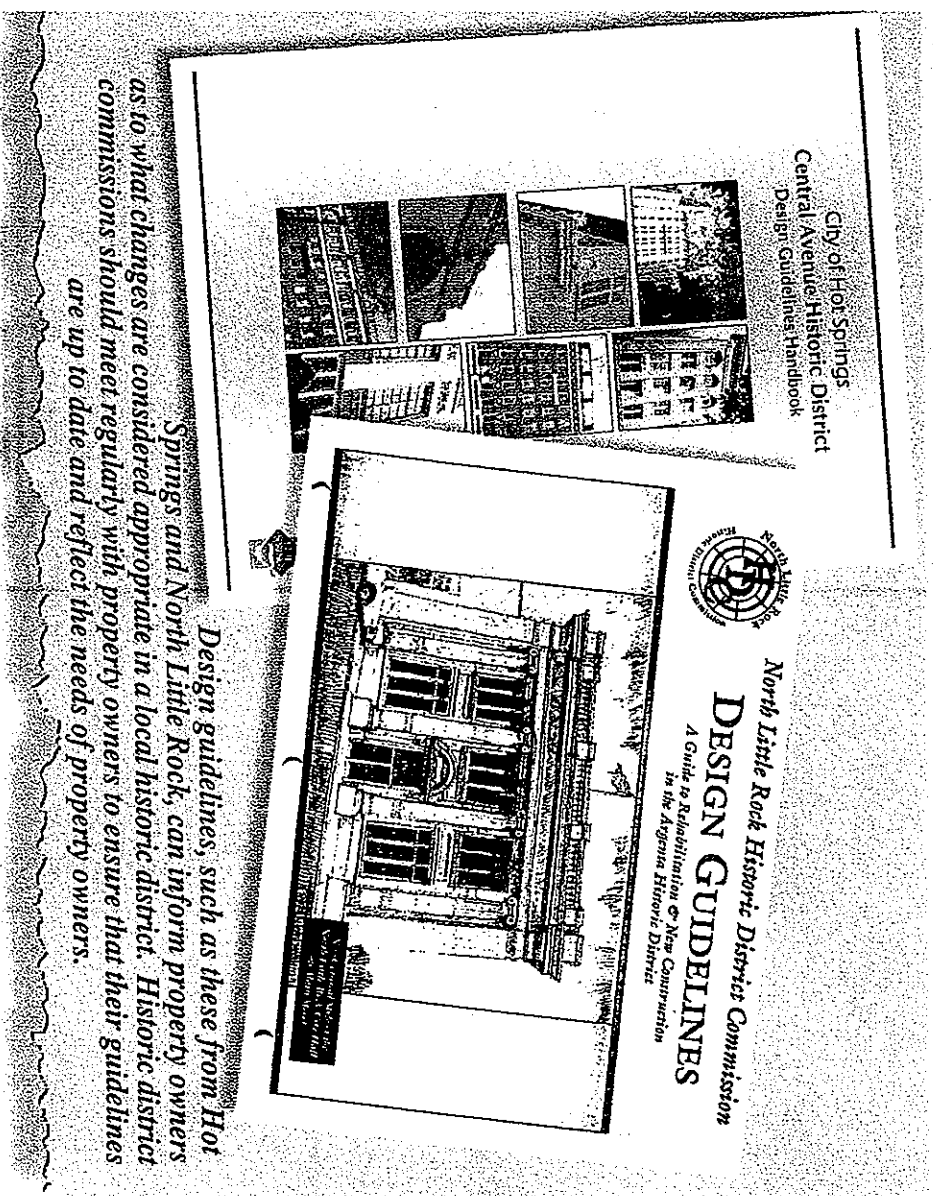
Certificates of Appropriateness allow an HDC to ensure that changes maintain the historic integrity of the area. Work done without a COA can result in fines and/or the removal or elimination of the unauthorized changes. Before beginning work on any site in a locally designated historic district, a property owner should first



obtain an application for a COA from the local HDC. Applications are placed on the agenda of an upcoming HDC meeting. The city or county will not issue a work permit in the historic district until the proposed work has been approved by the HDC.

## **What standards or guidelines does a Historic District Commission use to determine whether a proposed change is appropriate?**

Upon the designation of a new local historic district, the HDC should work closely with property owners, residents, and merchants within the historic districts to develop a set of **design guidelines** customized especially for the needs of that particular district. An HDC should review its guidelines each year to ensure they remain relevant and sensitive to the needs of each historic district.



Any design guidelines adopted by an HDC should be, at a minimum, consistent with the **Secretary of the Interior's Standards for Rehabilitation** (see page 15). These 10 broad principles of preservation are widely recognized throughout the United States as a model for considering changes in historic districts.

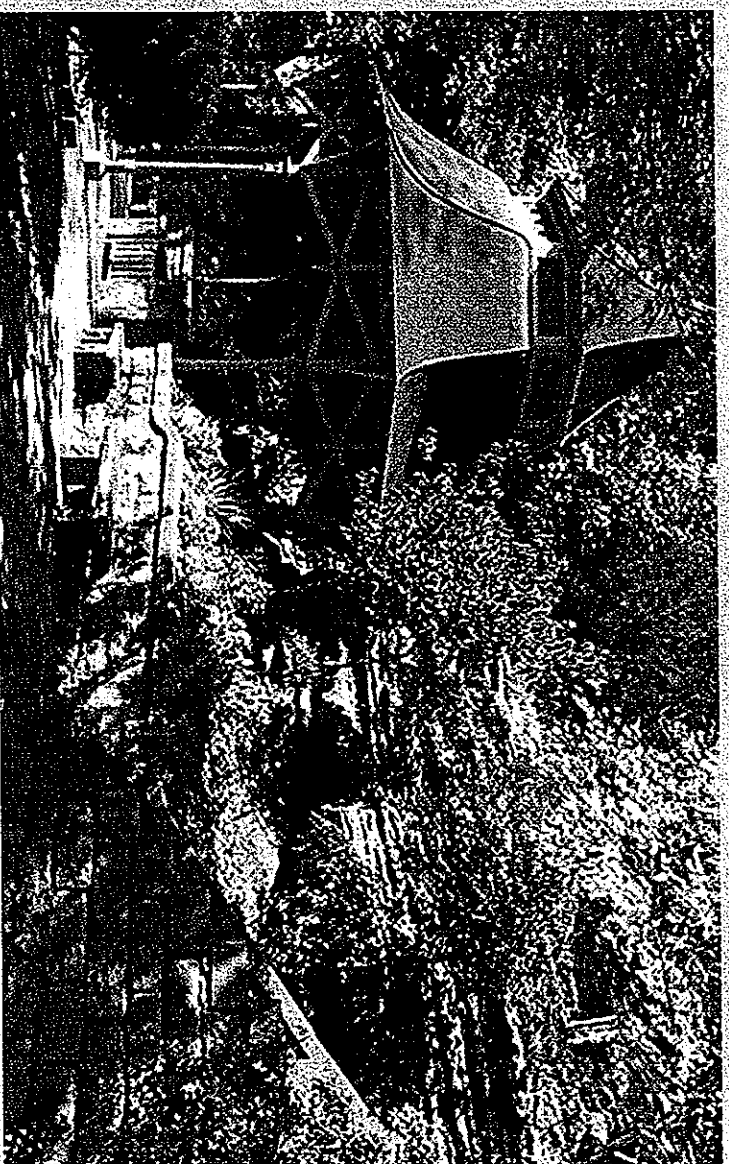
## **What if a property owner disagrees with the HDC's decision?**

Initial disagreements about how best to treat a historic building or area are not uncommon, particularly with large projects. Historic district commissions are used to working with property owners to find creative alternatives agreeable to everyone. Such compromises are usually reached amicably at the staff level or in the HDC meeting.

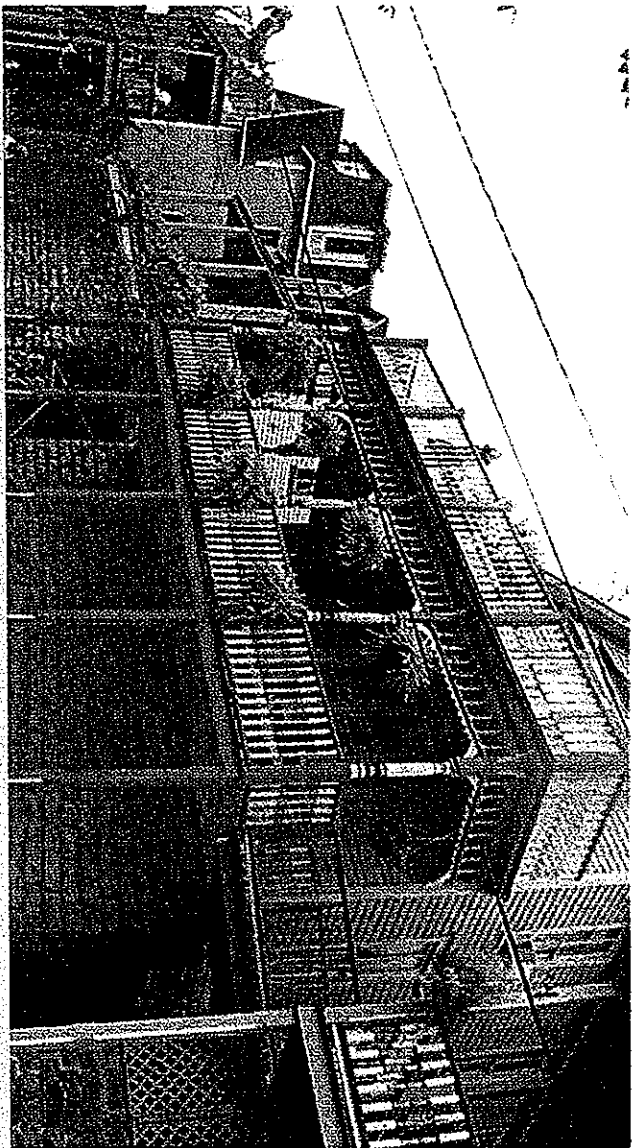
However, if no mutually agreeable solution can be found, an aggrieved property owner may appeal a decision by the HDC to Circuit Court within 30 days of the decision.

## **Are all local historic districts as restrictive as those found in places like New Orleans, Savannah, Charleston, Eureka Springs, etc.?**

No. These cities have adopted restrictive guidelines because their economies depend heavily on tourists coming to see their historic



*The livelihood of many Eureka Springs citizens depends on visitors that come to experience the Ozark town's unique charm.  
Photo courtesy of City of Eureka Springs*



*The Eureka Springs Historic District Commission relies on a set of detailed guidelines to ensure that changes to the town's appearance will not be out of character.*  
Photo courtesy of City of Eureka Springs

buildings. The level of historic accuracy required of owners is something that each community decides. Most local historic districts adopt guidelines with more flexibility than those found in heritage-tourism destination cities.

## **Do local historic districts require property owners to make their buildings look more historic?**

No. When a local historic district is designated, property owners can continue to maintain a building's current appearance for as long as they like. Local historic districts only require that subsequent changes be compatible with the historic surroundings and not destroy any historic materials.

Sometimes property owners will request to return a building to an older appearance based on historic photos. With adequate documentation of the former appearance, historic district commissions will usually allow for such restoration projects.

## **Do local historic districts require property owners to fix up their buildings?**

Cities and counties adopt various building codes to ensure the safety and livability of all structures, regardless of historic

significance, but preservation ordinances rarely require property owners to make routine repairs. Some preservation ordinances, however, feature a "demolition-by-neglect" provision that allows the local government to intervene if a property owner is intentionally letting a building deteriorate so it can be demolished.

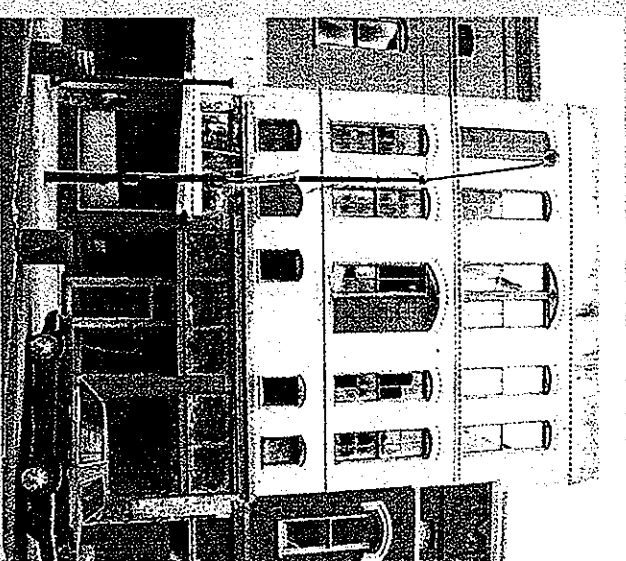
## **Can any buildings be demolished in local historic districts?**

A building that poses a threat to public safety may be torn down, regardless of its historic significance, but local historic district can delay or prevent the demolition of structurally sound building.

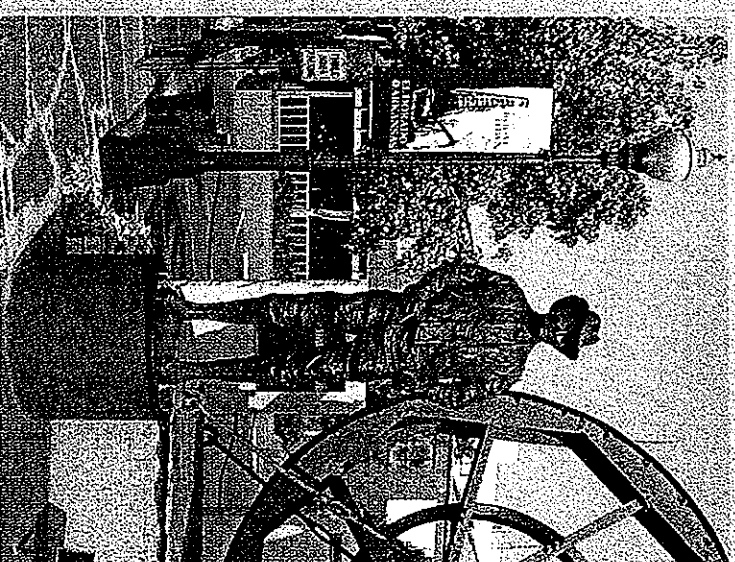
## **Can new buildings be constructed in local historic districts?**

Yes. Local historic districts can ensure that new buildings, as well as additions to existing buildings, will not overwhelm or detract from the district's historic character. New buildings do not need to be imitations of historic buildings or styles.

In addition to new buildings, local historic district

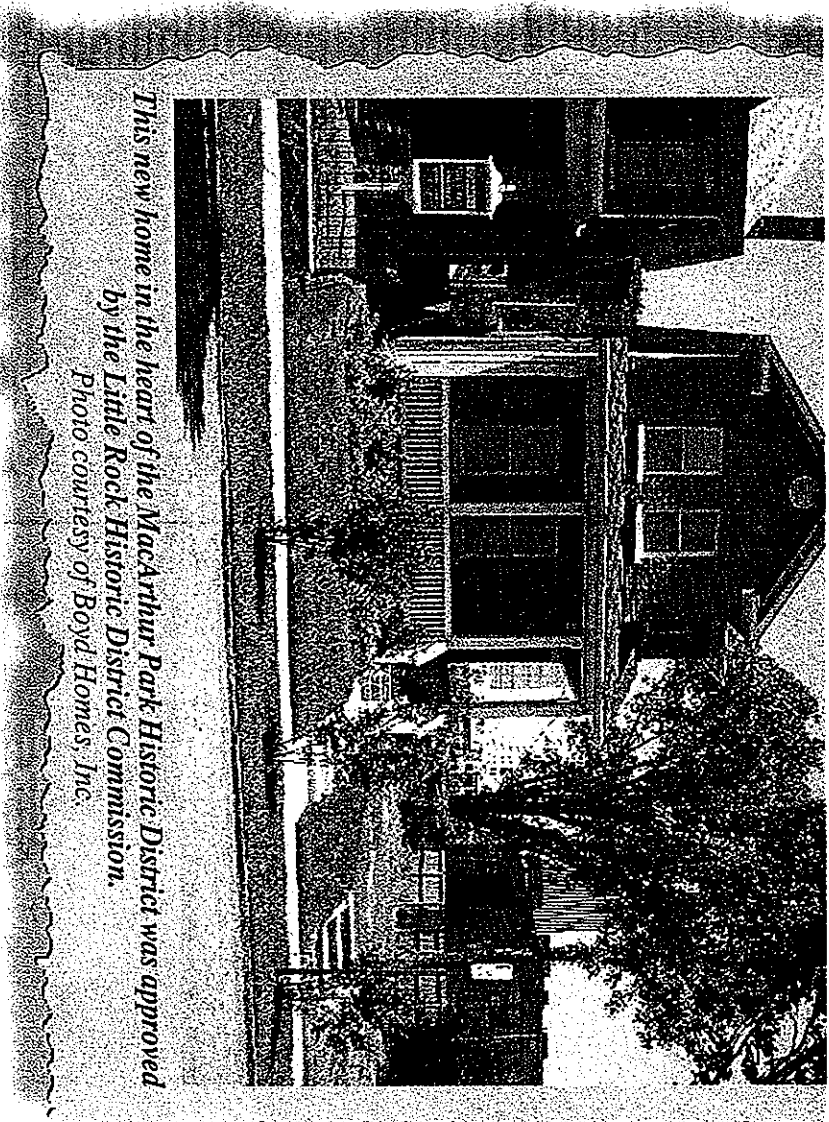


*The Helena-West Helena Historic District Commission allowed for the demolition of this building in the Cherry Street Historic District after a fire threatened its structural integrity.*  
Photo courtesy of Main Street Helena



*The design and layout of this "pocket park" in downtown El Dorado was approved by the city's historic district commission.*  
Photo courtesy of El Dorado HDC





*This new home in the heart of the MacArthur Park Historic District was approved by the Little Rock Historic District Commission.  
Photo courtesy of Boyd Homes, Inc.*

commissions also review the installation of new streetscape features like planters, benches, and monuments.

## Do local historic districts control paint colors?

Some Arkansas preservation ordinances require review of new paint colors, but others do not. Each community decides whether paint colors will be included in the review process. Most preservation ordinances **do** require approval to paint a building that has never been painted before.

*The Van Buren Historic District Commission, which regulates paint colors, approved a unique palette for this downtown restaurant.  
Photo courtesy of City of Van Buren.*



## Is any work exempted from review within local historic districts?

Yes. In most cities, "ordinary maintenance" (*work that does not involve a change in color, materials, or appearance*) does not usually require commission review. In some cities, work that is not visible from the public right-of-way is also exempted from review. Additionally, all HDCs are prohibited from considering any interior arrangements or how a property is used.

Your city may have other regulations relating to work in a historic district (*permits, zoning, codes, etc.*) Always be sure to check with your local planning department or building official before beginning work.

## How will a local historic district affect property values?

A number of studies have indicated that local preservation ordinances are likely to enhance property values within designated local historic districts. The research shows that property values almost always



*In 1974 the City of Fort Smith passed the first local preservation ordinance in Arkansas to protect the Belle Grove Historic District's distinctive architecture.*

*Over time, these protective measures attracted preservation-minded homeowners who were able to invest confidently in rehabilitation projects.  
Photos courtesy of City of Fort Smith*



appreciate faster in local historic districts than in comparable non-designated areas. In the worst cases, property values in the local historic district kept pace with the surrounding real estate market.

## **Who may serve on a historic district commission?**

A mayor or county judge may appoint five to nine members to serve on a historic district commission, subject to approval by the governing body. Commissioners must be residents of the city or county they will be serving and may not be elected officials or employees of that city or county. Commissioners serve staggered three-year terms.

All commissioners should have demonstrated a positive interest in preservation. To the extent available in the community, commissioners should represent preservation-related professions like history, architecture, real estate, landscape architecture, archeology, etc.

Some preservation ordinances assign specific criteria for each seat on the commission, such as property owner, resident, merchant, architect, or historian. Some commissions also feature non-voting *ex-officio* representation from the planning commission, historical society, realtors association, or other interested parties.

Often a city or county employee (*usually a planner*) or consultant will provide administrative support to a historic district commission and serve as the commission's liaison to the public. These staff members can provide guidance and expertise to property owners, but do not have a vote on the commission.

## **CERTIFIED LOCAL GOVERNMENTS**

The National Historic Preservation Act calls for all states to establish and maintain a State Historic Preservation Office (SHPO) to implement a state preservation program. The Act also instructs SHPOs to assist local governments' preservation efforts within their state. Counties and municipalities that have partnered with their SHPO to promote preservation are called Certified Local Governments (CLGs) and play an essential role in America's historic preservation movement.

An Arkansas city or county is eligible to participate in the CLG program if it has appointed a Historic District Commission (HDC)

and has passed a local preservation ordinance designating one or more local historic districts, according to applicable state law. By joining the CLG program, an eligible city or county gains access to an enhanced partnership with the Arkansas Historic Preservation Program and the National Park Service, including training, technical support, and grant assistance.

## **What are the advantages of becoming a Certified Local Government?**

By law, at least 10 percent of the AHP's annual federal appropriation must be distributed in the form of grants to CLG communities. These CLG grants have often been used as seed money to attract funding from other sources. Also, in many cases, the products generated by CLG grants have provided credibility to a fledgling local historic preservation program.

Beyond being funding source, the CLG program has helped institutionalize historic preservation and integrate historic preservation as a function of local government. The CLG program provides a means for planning and considering historic preservation in land use, public improvement and development decisions. CLG status is a tool for educating citizens, government officials, and community groups about the advantages of historic preservation.

As a member of the CLG program, the city or county's Historic District Commission also gains access to training opportunities designed especially for local preservation commissions. The AHP typically offers three or four of these training workshops each year. Additionally, CLG communities are afforded a special role in the process of nominating properties to the National Register of Historic Places.

## **How does a city or county become a Certified Local Government?**

After designating a local historic district, the mayor or county judge may apply to the AHP to join the CLG program. The AHP will respond to the request for certification within 60 days of receipt of an adequately documented request for certification. The AHP will then forward the application to the Secretary of the Interior,

who has 15 working days to respond. If no comment is received, the local government will be considered certified.

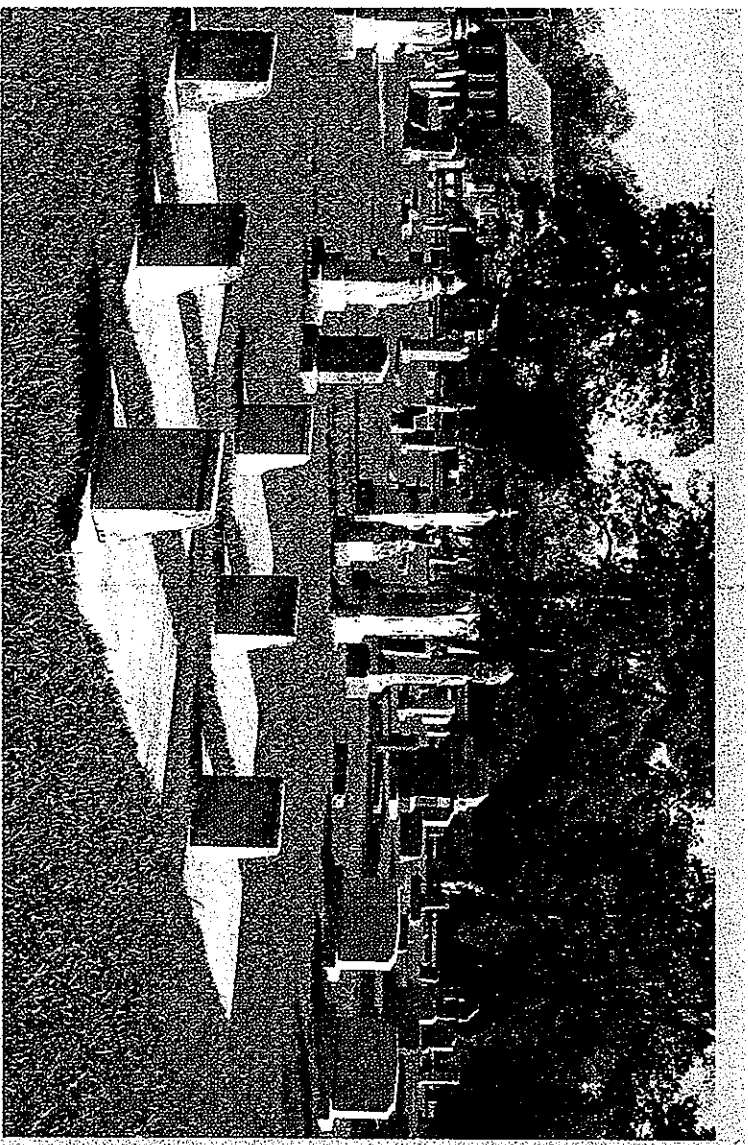
For application materials, please call the AHPP at (501) 324-9880.

## **What kinds of activities may be funded with CLG grants?**

CLG pass-through grants can be used for a wide variety of local historic preservation projects. CLG grants can also be used to assist cities and counties that want to join the program. Only cities and counties can apply for CLG grants.

Examples of CLG grant projects in Arkansas include:

- Training and staff support for historic district commissions
- Architectural surveys of historic areas
- Nominations to the National Register of Historic Places
- Development of design guidelines
- Archeological surveys and excavations
- Preservation plans for the protection of local historic resources
- Interpretive signage for historic sites
- Educational materials for property owners on preservation practices
- Brick-and-mortar restoration work on historic properties.



*The Osceola Historic District Commission used a CLG grant to nominate Violet Cemetery to the National Register of Historic Places.  
Photo courtesy of Osceola HDC*

## **How often are CLG grants awarded?**

Generally, grant applications are distributed to participating communities in mid-February. Grant applications are usually due in mid-April with the distribution of funds coming in late June or July. CLG grant projects must be completed within one year.

## **Can a city or county that is not a CLG apply for funding?**

Yes. A city or county interested in joining the CLG program may apply for funding to assist with certain projects that will further their pursuit of CLG status. A city or county interested in this "pre-CLG" funding should have appointed a historic district commission, but does not need to have designated any local historic districts. A city or county that has not yet joined the CLG program is not typically awarded funds for more than two consecutive years.

## **Do CLG grants require a matching contribution?**

No. CLG grants have frequently been awarded without a match. However, because CLG grants are competitive, grants that have a match show a greater commitment from the community and therefore stand a better chance of being awarded.

## FOR MORE INFORMATION

If you would like more information on local historic districts, the Certified Local Government program or CLG grants, please contact the AHPP or one of our partners:

### Arkansas Historic Preservation Program

323 Center Street, 1600 Tower Building  
Little Rock, Arkansas 72201  
(501) 324-9880; (501) 324-9184 fax  
[www.arkansaspreservation.org](http://www.arkansaspreservation.org)  
[info@arkansaspreservation.org](mailto:info@arkansaspreservation.org)

### National Park Service, CLG Program

1849 C Street, NW (2256)  
Washington, DC 20240  
[www.nps.gov/history/hps/clg](http://www.nps.gov/history/hps/clg)

### National Alliance of Preservation Commissions

325 South Lumpkin Street  
Athens, GA 30602  
(706) 542-4731  
[www.uga.edu/nacp](http://www.uga.edu/nacp)

### Historic Preservation Alliance of Arkansas

P.O. Box 305  
Little Rock, AR 72203  
(501) 372-4757  
[www.preservearkansas.org](http://www.preservearkansas.org)

### National Trust for Historic Preservation,

*Southwest Regional Office*  
500 Main Street, Suite 1030  
Fort Worth, TX 76102  
(817) 332-4398  
[www.nationaltrust.org/southwest](http://www.nationaltrust.org/southwest)

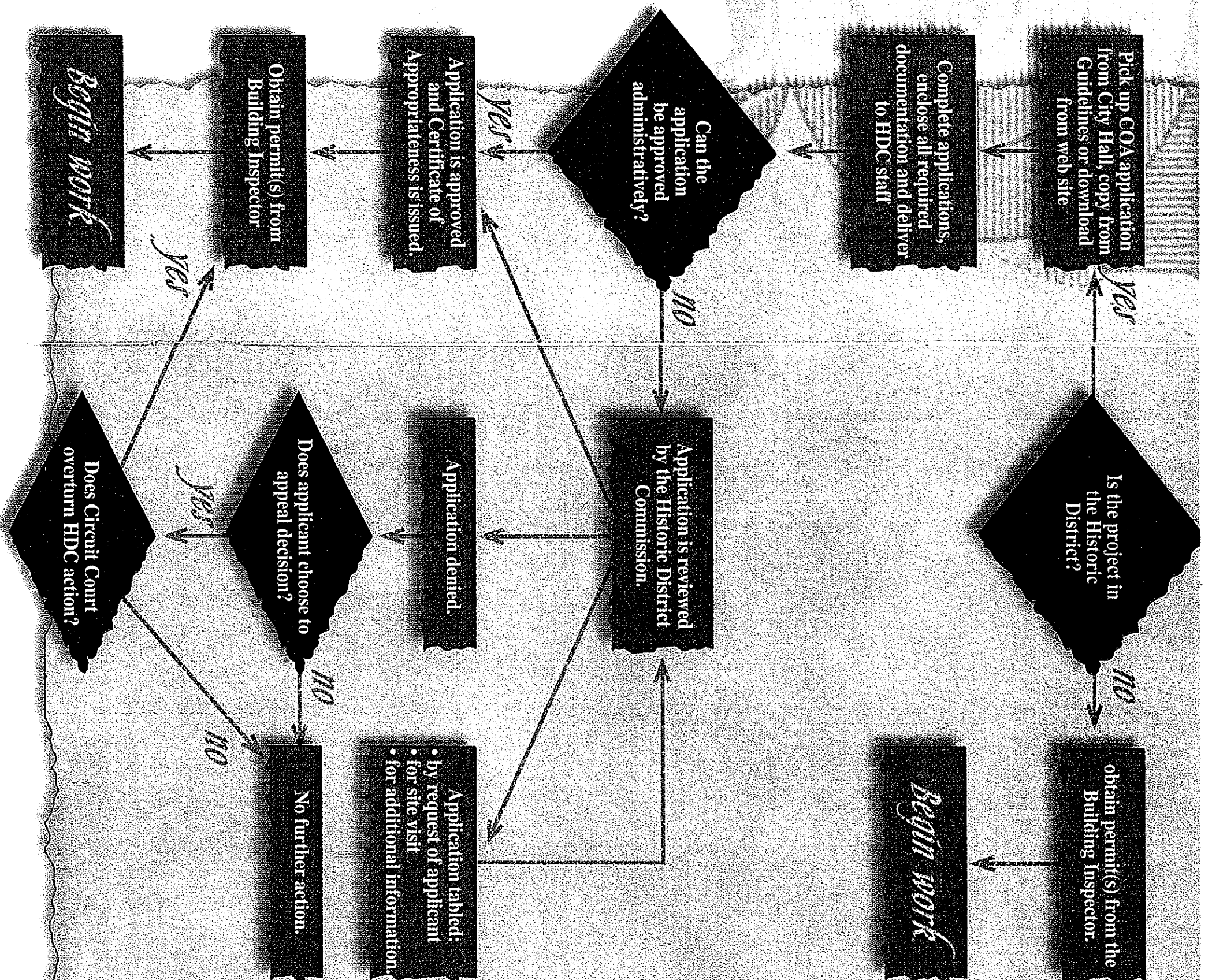
## The Secretary of the Interior's Standards for the Rehabilitation of Historic Properties

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

*Design guidelines for local historic districts should be based upon these 10 Standards.*



# Certificate of Appropriateness Approval Process



**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  
September 16, 2008**

A meeting of the Fayetteville City Council will be held on September 16, 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. General Fund Budget Discussion**
- 2. Current Issues Concerning Towing of Vehicles in the Entertainment District**

**Mayor's Announcements, Proclamations and Recognitions:**

**Presentations, Reports and Discussion Items:**

**Agenda Additions:**

**A. Consent:**

- 1. Approval of the September 2, 2008 City Council meeting minutes.**

2. **Bid # 08-56 Hugg and Hall Equipment:** A resolution to award Bid # 08-56 to Hugg and Hall Equipment in the amount of \$48,300.00, plus tax of \$2,979.25 for a total amount of \$51,279.25 for a trailer mounted six-inch water pump.
3. **Bid # 08-62 Zachary & Associates, Inc:** A resolution to award Bid # 08-62 and approve the contract with Zachary and Associates to build the Gulley Park and Finger Park Pavilions at a cost of \$76,337.29 with a contingency of \$11,450.59.
4. **David's Fire Equipment:** A resolution to approve a quote from David's Fire Equipment for fire hose in the amount of \$11,646.05 (including tax) and a budget adjustment in the amount of \$11,700.00.
5. **ADM 08-3093 (Hill Place Culvert Removal):** A resolution to approve a request to modify and replant a portion of the tree preservation area associated with Hill Place PZD, in order to remove a culvert within College Branch Creek and to install a vehicular bridge, as described herein.
6. **Fayetteville Animal Shelter:** A resolution approving budget adjustments totaling \$23,110.00 from Animal Services miscellaneous donations to meet increased supply and operational costs at the Fayetteville Animal Shelter for the remainder of 2008.
7. **Carter & Burgess Inc. Amendment No. 2:** A resolution approving contract Amendment No. 2 to the engineering contract with Carter & Burgess, Inc. in an amount not to exceed \$28,800.00 for additional engineering services associated with the Lake Wilson Spillway Rehabilitation Project; and approving a budget adjustment.
8. **FY 2008 HUD EDI – Special Project Grant Agreement:** A resolution approving FY 2008 HUD EDI – Special Project Grant Agreement in the amount of \$656,600.00 to fund the Fayetteville Housing Partnership; approving a developers grant agreement with Rausch Coleman Homes, LLC; and approving a budget adjustment in the amount of \$656,600.00.

## **B. Unfinished Business:**

1. **Hiring Freeze:** Hiring Freeze Appeals:
2. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting.*

## **C. New Business:**

1. **RZN 08-3065 (Hedge):** An ordinance rezoning that property described in rezoning petition RZN 08-3065, for approximately 1.0 acre, located at 1201 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to RMF-6, Residential Multi-Family, 6 units per acre.

2. **Amend Chapter 33, Departments, Boards, Commissions, and Authorities:** An ordinance to amend the Code of Fayetteville by enacting §33.228 through §33.337 in Article X, Historic District Commission.
3. **2008 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2008 fixing the rate thereof at 1.3 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.
4. **Southpass Development Company, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a 50/50 cost-share agreement with Southpass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park.
5. **SJ Louis Construction, Inc:** A resolution to approve a bid in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill.

**Announcements:**

1. **City Council Tour: September 15, 2008**

**Adjournment:**





## **DEPARTMENTAL CORRESPONDENCE**

TO: Mayor Dan Coody  
FROM: Gary Dumas, Operation Director   
DATE: September 2, 2008  
SUBJECT: Current Issues with Privately Owned Pay Parking and Towing, Their Only Method of Enforcement

---

### ***History***

During 2005 the availability of parking for the Dickson Street area was a significant concern.

Many discussions were held with the residential neighborhoods surrounding the Dickson Street area. The streets in these neighborhoods had historically and continued to be utilized for overflow parking for weekend activities on Dickson Street and for special events within the area. The desire was to create a parking program which would minimize these neighborhood concerns.

Additionally, the creation of more parking for the area remains a high priority. A third priority was how private property was being utilized for free parking and the litter and other logistics that unregulated parking on private property created for the land owners.

In October of 2005 City staff brought forth to the Council a resolution entering into a lease agreement with a private parking lot owner for the City to provide Parking Management and Enforcement Services. The proposed lease was with Greg House and Steve Mansfield to provide parking services at the Fayetteville Depot, LLC Lot. Administrators of University Baptist Church and the University of Arkansas West Annex properties were also interested in such services and were awaiting the outcome of this lease to consider having the City manage their lots as well. Coincident with this lease discussion was a residential parking program that would help to keep the itinerate Dickson street parkers out of the neighborhoods.

Staff recommended approval of the lease and felt the City would benefit in many ways:

- Continuity of enforcement practices for all downtown parking lots whether publicly or privately owned
- Consistency in the rate structure
- Centralization of customer service and citizen information
- Illegal and overtime parking enforced by written citation rather than the towing of vehicles
- A lease on the property allowing City staff to clean the property on a regular basis along with other public lots in the Dickson Street area.

- Revenue from the enforcement actions would pay for all staff and equipment expenses and additional revenue would be generated for the City of Fayetteville to apply toward the construction of a much needed parking deck

After City Council discussion, the proposed Lease on the Fayetteville Depot Lot failed.

Since then, there have been four privately owned parking lots in the Dickson Street area that have installed pay machines and are now enforcing their own parking rules and rates. The only method of enforcement for private property owners is to have overtime or illegally parked vehicles towed and removed to an off-site storage facility.

All illegal and/or overtime parked vehicles in these lots results in the vehicle being towed away to off-site storage locations, some which may not be located in Fayetteville. This not only causes major frustration and inconvenience for visitors of our Entertainment District, but many times causes a very unsafe situation for those trying to locate their vehicle late at night.

Unfortunately, anytime a vehicle is towed in our Entertainment District, it makes our City look unfriendly and unwelcoming. It does not matter to the vehicle owner that it is a private lot, it still happened in the City of Fayetteville.

### ***The Current Situation***

The four private lots that have begun their own pay parking with private enforcement in the Dickson Street area:

1. Fayetteville Depot, LLC Lot  
Northwest corner of West Ave. and Dickson St.
2. University Baptist Church Lot  
Between Watson, Campbell and Lafayette
3. The Bakery Building, LLC Lot  
Behind old Bakery Building, just off Locust St.
4. University of Arkansas Annex West Lot  
Southeast corner of West Ave. and Lafayette

**The Fayetteville Depot, LLC Lot and University Baptist Church Lot employ the following enforcement practices:**

- The property owner purchased the pay machines.
- The pay machine monitors numbered spaces.
- Towing company has a code they enter into the machine that tells them what spaces have been paid for and those that have expired.
- There is no remote access but the pay machine will send an email in case of a machine malfunction or jam.
- Illegally parked and overtime parked vehicles are removed/towed.
- Towing service is provided by Towing Plus.

- Towing Plus gives a 30 to 40 minute grace period before towing overtime parkers.
- If the vehicle owner comes out while the driver is hooking up, they will set the car down for ½ the fee.
- Vehicles blatantly outside the lines of the numbered spaces are also in violation.
- All vehicles in violation are then towed to the Towing Plus yard located on South School Avenue.
- The cost to retrieve the vehicle ranges from \$87.40 to \$120.20, depending on the equipment needed to transport the vehicle, most fees will likely be \$120.20.
- UBC requested Towing Plus to charge a flat rate of \$100.00 per vehicle towed from their property.
- Storage fee is \$35.00 per day, which is regulated by the Towing Board.
- There is not profit sharing; the property owner keeps the parking revenues and the towing company keeps all the towing fees (it is illegal to share the towing costs with the property owner).

#### **University of Arkansas Annex West Lot**

- 7 am - 5 pm Student and Staff Parking Only
- Flat rate of \$2.00 per hour
- After 5 pm, violators will be towed.

#### **The Bakery Building, LLC Lot**

- It is unknown at this time how the property owner of this lot operates as we have been unsuccessful in contacting them. We do know that they use Ed's Towing Service and assume that their procedures are very similar.

### ***Discussion***

Parking in the Dickson Street area remains at a premium. Overflow parking continues in the neighborhoods bringing with it late night noise, litter, and traffic. Additionally, many of our visitors are now having their vehicles towed and finding it difficult late at night to retrieve them from the off-site storage facilities.

Certainly property owners have the right to construct pay parking facilities and to enforce their parking rules. It is after all private property.

If the property owners have any remaining interest, it may be appropriate to reconsider the earlier decision and renew the discussion concerning the City providing parking management for the private pay lots. This would likely result in differentials in cost per hour at the different private lots and the need to at least consider a minimal parking fee for the City's currently free parking lots. Also likely, would be the creation of special parking rules for the Dickson Street area, with different fines for parking violations in this area as opposed to the Square. The resulting enforcement actions; i.e. fines would be substantially less problematic for our visitors than having to find their vehicle at an offsite location after breakfast, dinner, or a show at the Walton Art Center.

Staff will re-initiate discussion with the private lot owners and attempt to reach a jointly satisfactory agreement which will not require towing as a means of enforcing parking rules on the privately owned lots.

Attachment for reference

### Current Parking Rates

#### Fayetteville Depot, LLC Lot

|                                                                  | 2:00am – 4:59pm | 5:00pm – 1:59am |
|------------------------------------------------------------------|-----------------|-----------------|
| Monday/Tuesday/Wednesday                                         | \$0.50/hr       | \$0.75/hr       |
| Thursday                                                         | \$0.50/hr       | \$2.00/hr       |
| Friday/Saturday                                                  | \$0.75/hr       | \$2.00/hr       |
| Sunday                                                           | \$0.75/hr       | \$0.75/hr       |
| Rates are subject to change on holiday and during special events |                 |                 |

#### University Baptist Church Lot

|                                                                  | 2:00am – 4:59pm  | 5:00pm – 1:59am |
|------------------------------------------------------------------|------------------|-----------------|
| Monday/Tuesday/Wednesday                                         | \$0.25/hr        | \$0.75/hr       |
| Thursday/Friday                                                  | \$0.25/hr        | \$2.00/hr       |
| Saturday                                                         | \$1.00/hr        | \$2.00/hr       |
| Sunday                                                           | UBC Parking Only | \$0.75/hr       |
| Rates are subject to change on holiday and during special events |                  |                 |

#### Bakery Building Lot

|                                                                  | 6:00pm – 6:00am |  |
|------------------------------------------------------------------|-----------------|--|
| Flat rate every day                                              | \$2.00/hr       |  |
| Rates are subject to change on holiday and during special events |                 |  |

#### U/A Parking Meters on Maple Street

|            | 24/7/365 | 20 minute limit |
|------------|----------|-----------------|
| 4 minutes  | \$0.05   |                 |
| 8 minutes  | \$0.10   |                 |
| 20 minutes | \$0.25   |                 |

#### U/A Parking Lot on West Avenue

|                 |                           |  |
|-----------------|---------------------------|--|
| 7 am to 5 pm    | Staff and Student Parking |  |
| All other times | \$2.00/hr                 |  |

#### U/A Parking Meters on Arkansas Avenue

|                    | 24/7/365  | 2 hour limit |
|--------------------|-----------|--------------|
| Flat rate per hour | \$1.25/hr |              |

#### City of Fayetteville Parking Meters (current downtown square rates)

|                                  | 8:00am – 6:00pm |  |
|----------------------------------|-----------------|--|
| Short-term meters (2 hour limit) | \$0.25/hr       |  |
| Long-term meters (10 hour limit) | \$0.15/hr       |  |

## City of Fayetteville Staff Review Form

A. 2  
 Bid # 08-56 Hugg and Hall Equipment  
 Page 1 of 6

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

9/16/2008

City Council Meeting Date  
 Agenda Items Only

Dennis Pratt

Submitted By

Fleet Operations

Division

Operations

Department

**Action Required:**

A resolution awarding Bid #08-56 to Hugg & Hall Equipment in the amount of \$48,300 (plus tax of \$2979.25) for the purchase of a trailer mounted 6" water pump for use by the East side Waste water Treatment Plant.

\$ 51,279.00

Cost of this request

\$ 270,396.00

Category / Project Budget

Other Vehicles and Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 215,779.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02080.2007

Project Number

\$ 54,617.00

Remaining Balance

Shop

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Hayden  
 Department Director

8-28-08

Date

Previous Ordinance or Resolution #

Original Contract Date:

K. R. Smith  
 City Attorney

8-28-08

Date

Original Contract Number:

Paul A. Beach  
 Finance and Internal Service Director

8-29-08

Date

Received in City  
 Clerk's Office

AO. 8-28-08

Don Hardy  
 Mayor

8/29/08

Date

Received in  
 Mayor's Office

ENTERED  
8/29/08 BER

Comments:



**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701  
(479) 444-3495 FAX (479) 444-3425



A. 2  
Equipment  
Page 2 of 6

## **Interdepartmental Correspondence**

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**TO: MAYOR/CITY COUNCIL**

**THRU: GARY DUMAS, DIRECTOR OF OPERATIONS**

**FROM: DENNIS PRATT, FLEET OPERATIONS SUPT.** 

**DATE: AUGUST 27, 2008**

**SUBJECT: Purchase of one trailer mounted water pump**

**RECOMMENDATION:** That City Council approve the purchase of one trailer mounted 6" water pump for assignment to the East side Waste Water Treatment Plant in the amount of \$48,300, plus tax.

**BACKGROUND:** Bid #08-56 was opened on August 8, 2008 for one trailer mounted diesel water pump for assignment to the Waste Water Treatment Plant. Two bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Hugg & Hall Equipment meets specifications.

Fleet recommends acceptance of the bid from Hugg & Hall Equipment in the amount of \$48,300 plus tax.

This unit is a replacement for unit #82, a 1995 Sykes pump that was budgeted for replacement in 2006.

Funds are available for this purchase in Fleet Replacement Special Project 02080 – Other Equipment.

This purchase was approved by the Equipment Committee on August 26<sup>th</sup>, 2008.

CC: Gary Dumas

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO AWARD BID #08-56 TO HUGG AND  
HALL EQUIPMENT IN THE AMOUNT OF \$48,300.00, PLUS  
TAX OF \$2,979.25 FOR A TOTAL AMOUNT OF \$51,279.25  
FOR A TRAILER MOUNTED SIX-INCH WATER PUMP

**NOW, 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  
and awards Bid #08-56 to Hugg and Hall Equipment in the amount of \$48,300.00, plus tax of  
\$2,979.25 for a total amount of \$51,279.25 for a trailer mounted six-inch water pump.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

\_\_\_\_\_  
**DAN COODY**, Mayor

\_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

BID: 08-56

8/8/2008

2:00 PM

CITY OF FAYETTEVILLE

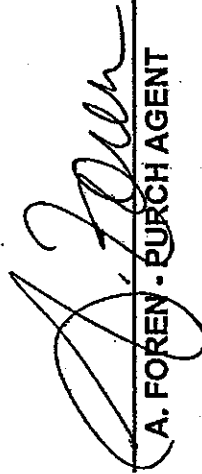


**Bid 08-56, Trailer Mounted Diesel Water Pump**

| BIDDER                    | Manufacturer     | Model              | Total Price |
|---------------------------|------------------|--------------------|-------------|
| 1 Hugg & Hall Equipment   | Thompson Pump    | 6ISCE-DJDST-45T-MC | \$48,300.00 |
| 2 J. Richard Wolf Company | Primax Pumps USA | SYKES CP150i-QS    | \$55,600.00 |

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

CERTIFIED:

  
A. FOREN - PURCH AGENT

  
WITNESS

  
DATE





## FLEET OPERATIONS

1525 S. Happy Hollow Road  
Fayetteville, AR 72701

A. 2  
Bid #08-56 Hugg & Hall Equipment  
Page 5 of 6

### Equipment Committee Correspondence

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**TO:** City of Fayetteville, Equipment Committee  
Bobby Ferrell, Chairman  
Kyle Cook  
Adella Gray *absent*  
Lioneld Jordan

**FROM:** Barbara Olsen, Fleet Operations Support Manager

**DATE:** August 19, 2008

**SUBJECT:** Award of Bid 08-56

Bid #08-56 was opened on August 8, 2008 for one trailer mounted diesel water pump for assignment to the Waste Water Treatment Plant. Two bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Hugg & Hall Equipment meets specifications.

Fleet recommends acceptance of the bid from Hugg & Hall Equipment in the amount of \$48,300.

This unit is a replacement for unit #82, a 1995 Sykes pump that was budgeted for replacement in 2006.

Funds are available for this purchase in Fleet Replacement Special Project 02080 – Other Equipment

Cc:  
Gary Dumas

*approved*

8-26-8

*B. Olsen*

# City Of Fayetteville

(Not a Purchase Order)

|                                                                                                                                                                                                                            |  |          |  |                                                  |  |                      |  |                                    |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------|--|--------------------------------------------------|--|----------------------|--|------------------------------------|--|
| Vendor #                                                                                                                                                                                                                   |  | 5571     |  | Vendor Name:<br><b>HUGG &amp; HALL EQUIPMENT</b> |  | Requisition No.      |  | Date:<br>8/27/2008                 |  |
| Address:                                                                                                                                                                                                                   |  |          |  | Fob Point:                                       |  | P.O Number           |  | Expected Delivery Date:            |  |
| City:                                                                                                                                                                                                                      |  |          |  | State:                                           |  | Mail<br>Yes: No: XX  |  |                                    |  |
| Requester<br><b>Barbara Olsen</b>                                                                                                                                                                                          |  |          |  | Zip Code                                         |  | Ship to code:<br>050 |  | Division Head Approval<br>Yes: No: |  |
| Description                                                                                                                                                                                                                |  | Quantity |  | Unit of Issue                                    |  | Unit Cost            |  | Extended Cost                      |  |
| 1 6ISCE THOMPSON PUMP, 6"                                                                                                                                                                                                  |  | 1        |  | EA                                               |  | \$48,300.00          |  | \$48,300.00                        |  |
| 2 TRAILER MOUNTED. TO BE UNIT                                                                                                                                                                                              |  |          |  | EA                                               |  |                      |  | \$0.00                             |  |
| 3 #9124, FIXED ASSET #709124                                                                                                                                                                                               |  |          |  | EA                                               |  |                      |  | \$0.00                             |  |
| 4 Bid 08-56                                                                                                                                                                                                                |  |          |  | 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:<br>Subtotal: 48,300.00<br>Tax: 2,979.25<br>Total: 51,279.25                                                                                                                                          |  |          |  |                                                  |  |                      |  |                                    |  |
| Approvals:<br>Mayor: _____ Department Director: _____ Purchasing Manager: _____<br>Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____<br>Dispatch Manager: _____ Utilities Manager: _____ |  |          |  |                                                  |  |                      |  |                                    |  |

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

16-Sep-08

City Council Meeting Date

  
 Carole Jones/Connie Edmonston  
 Submitted By

Parks and Recreation  
 Division

Operations  
 Department

**Action Required:**

A resolution awarding Bid #08-62 and approval of a contract with Zachary & Associates, Inc. in the amount of \$76,337.29 with a 15.0% project contingency of \$11,450.59 for a total project cost of \$87,787.88 for the construction of Gulley Park and Finger Park Pavilions.

|                      |
|----------------------|
|                      |
| \$87,788             |
| Cost of this request |
|                      |
| 2250.9255.5806.00    |
| Account Number       |
| 05001.0801 (Gulley)  |
| 02013.0805 (Finger)  |
| Project Number       |

|                         |
|-------------------------|
|                         |
| \$137,000               |
| Category/Project Budget |
| \$ -                    |
| \$ -                    |
| Funds Used to Date      |
|                         |
| \$137,000               |
| Remaining Balance       |

|                                 |
|---------------------------------|
|                                 |
| Neighborhood Park Development   |
| Program Category / Project Name |
|                                 |
| Park Improvements               |
| Program / Project Category Name |
|                                 |
| Parks Development               |
| Fund Name                       |

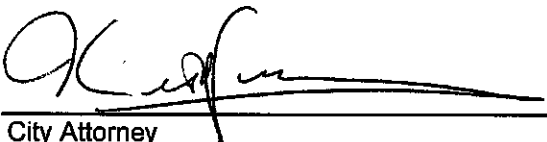
Budgeted Item ☒

Budget Adjustment Attached ☐

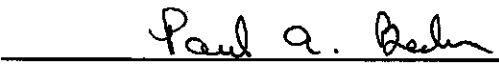
  
 Department Director 8-29-08  
 Date

Previous Ordinance or Resolution # \_\_\_\_\_

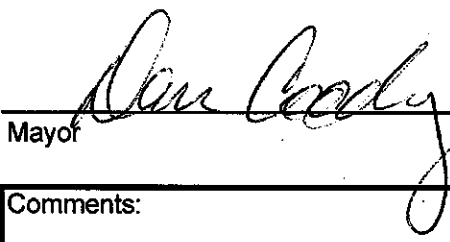
Original Contract Date: \_\_\_\_\_

  
 City Attorney 8-29-08  
 Date

Original Contract Number: \_\_\_\_\_

  
 Finance and Internal Service Director 9-2-08  
 Date

Received in City Clerk's Office  
 8-29-08 

  
 Mayor 9/2/08  
 Date

Received in Mayor's Office  
 9/2/08 

Comments:

**CITY COUNCIL AGENDA MEMO**

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**To:** Mayor Dan Coody and City Council  
**Thru:** Gary Dumas, Operations Director  
Connie Edmonston, Parks and Recreation Director *C.E.*  
**From:** Carole Jones, Park Planner *CJ*  
**Date:** August 29, 2008  
**RE:** Construction of Gulley Park and Finger Park Pavilions

---

**RECOMMENDATION**

A resolution awarding Bid #08-62 and approval of a contract with Zachary & Associates, Inc. in the amount of \$76,337.29, with a 15.0% project contingency of \$11,450.59 for a total project cost of \$87,787.88 for the construction of Gulley Park and Finger Park Pavilions.

**BACKGROUND**

Citizens are requesting large pavilions similar to Walker Park's pavilion to hold social events such as birthday parties, family/friend gatherings and such. A new pavilion at Gulley Park for \$67,000 is in the 2008 budget. Staff felt a better bid would be received by requesting two pavilions on the same bid. The existing pavilion at Finger Park will be replaced with a new, larger pavilion.

On June 2, 2008, the PRAB approved a budget adjustment of \$70,000 for the Finger Park Pavilion project from the SW Park Land Dedication Fund in 2008. The reallocation of funds was approved by the City Council on June 17, 2008.

**DISCUSSION**

The project was advertised on August 8 and 22, and bids were opened on August 29, 2008. Six vendors including Zachary & Associates, Inc., Arkoma Playgrounds & Supply, Noland Construction, Pick-It Construction, Inc., Tomlinson Asphalt Co., Inc. and Perme Excavating submitted bids. Zachary & Associates, Inc. was the low bid in the amount of \$76,337.29. If approved, the construction of the project will begin in October 2008 and will be completed in January 2009.

**BUDGET IMPACT**

This project is funded with Park Land Dedication Funds from the Southwest Park District (\$70,000) and the Northeast Park District (\$67,000). Total project cost including a 15.0% contingency is \$87,787.88. The annual maintenance cost for the project is anticipated to be negligible.

**Attachments:**

PRAB Minutes June 2, 2008  
Bid Tabulation Sheet  
Contract Signed by Contractor  
Purchase Requisition

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO AWARD BID # 08-62 AND APPROVE THE CONTRACT WITH ZACHARY AND ASSOCIATES TO BUILD THE GULLEY PARK AND FINGER PARK PAVILIONS AT A COST OF \$76,337.29 WITH A CONTINGENCY OF \$11,450.59

**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 #08-62 and approves the contract with Zachary and Associates to build the Gulley Park and Finger Park Pavilions at a cost of \$76,337.29 with a contingency of \$11,450.59.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

Davidson said after voting on item six, PRAB now needed to vote on the \$31,000 from the Mountain Ranch Trail Construction.

Bitler wanted to know the footage and width of the trail.

Jumper said it was 1,791 feet long and 12 feet wide.

P. Jones said he was going to recuse from the vote, because he works with the contractor.

**PRAB Motion:** Hatfield motioned to accept the staff recommendation on item five. Biendara seconded the motion. Motion passed 5-0-0 by voice vote.

**6. SW Park Land Dedication Budget Adjustment Request: Connie Edmonston, Parks & Recreation Director**

The Southwest Park Land Dedication Fund is required to expend \$126,634 by the end of 2008. The Park Planners have been very busy in addition to their Park projects, working on the plans of the Downtown Square project, as well as serving as the Urban Forester during the vacancy of this position. These duties were not known when the budget was created in August of 2007 for 2008 expenditures.

The current Wilson Park trail renovation project, which includes the addition of lights, has a dedicated budget of \$217,000 in 2008. It would be difficult to spend \$126,634 by the end of 2008 as complete plans and specifications are necessary to bid the project. A topographical survey of Wilson Park is in the process of being completed and an Electrical Engineer will be hired to design the trail lights. Since this project began, it has become apparent the \$217,000 will not be enough to renovate the trail and provide lights.

The \$69,000 attributed to redirecting the trail across the swimming pool parking lot and installing a bridge that would move the trail around the perimeter of the softball field to the Castle area will be combined with the trail renovation/lighting project. Staff suggests to proceed with the planning documents for Wilson trail/light project, but move \$75,000 from this project to projects that could be completed by December 2008. In the 2009 capital projects, we would make it a high priority to provide enough funds to complete the Wilson Trail/light project. In addition, Staff will have a better estimate of how much it will cost to complete this project.

Staff is also requesting other adjustments to the Southwest Fund due to projects having contingency funds left and the addition of the Mountain Ranch Project request above.

1. Harmony Pointe Park will cost \$2,904 less than proposed. The remaining \$4,000 will complete a park entry sign.

2. Wilson Pool Rock Wall will cost \$15,000 with the Parks Maintenance Staff demolishing the existing structure which is a savings of \$15,000.
3. Citizens are requesting large pavilions similar to Walker Park's pavilion to hold social events such as birthday parties, family/friend gathers and such. A new pavilion at Gulley Park is in the budget for 2008 and staff believes a better bid will be received by requesting two pavilions on the same bid. Finger Park needs a new, larger pavilion and is a project that could be completed this year. The budget for the Finger Park pavilion would be \$70,000.

In summary, Staff is requesting the following projects to be approved for the SW Park Land Dedication Fund in 2008. If this is approved by PRAB, it will need to go before City Council for final approval.

| Projects                        | Complete in 2008                             | Continue into 2009 |
|---------------------------------|----------------------------------------------|--------------------|
| Harmony Pointe Park Entry Sign: | \$ 4,000                                     |                    |
| Wilson Park Trail/Lights        | \$13,000                                     | \$129,000          |
| Wilson Park Trail/Walk Bridge   |                                              | \$ 69,000          |
| Wilson Pool Rock Wall           | \$15,000                                     |                    |
| Mountain Ranch Trail            | \$31,000                                     |                    |
| Finger Park Pavilion            | \$70,000                                     |                    |
|                                 | \$133,000                                    |                    |
|                                 | (\$126,634 required to be completed in 2008) |                    |

See Park Land Dedication Budget Adjustment forms.

**Staff Recommendation: Approval of proposed SW Park Land Adjustment.**

Bitler asked if the Wilson Park Trail and Bridge would be done before the pool opening next year in 2009.

Edmonston said yes, and it will be high priority.

Bitler wanted to know the anticipated total cost amount that will be required to complete the project.

Edmonston said that Parks will have that figure after the electrical contractor is hired.

C. Jones said it would be over \$100,000.

Bitler wanted to know how much money is in the developmental fund.

Edmonston said that each year it is a little over a million dollars.

Davidson asked what would happen if Parks doesn't spend it. Would it go back to the developers?

Edmonston said yes, but that's never happened.

Bitler asked if Finger Park was used much by citizens.

Edmonston said that some citizens use it, and it's getting more usage.

Wright said that we need to have bigger pavilions available for people to use.

Bitler wanted to know how many pavilions are available in Fayetteville Parks.

Edmonston said there are ten pavilions, both large and small.

Davidson asked if PRAB needed to recommend this budget adjustment to the City Council.

Edmonston said yes, because Parks is trying to plan the budget.

Bitler said that this is fine, but he is still concerned about not knowing what the Wilson Park project and bridge will cost.

C. Jones said she will work on the cost.

Bitler wanted to know if that, even if we can't complete the whole project, will Parks consider still doing it.

C. Jones said yes, but hopefully the whole project will be done in 2009.

Waite commented that he is anxious to get a concrete schedule and get the project done, because he lives in the neighborhood.

C. Jones said that it needs to meet ADA standards, if feasible financially.

Biendara asked if Parks has any more projects to do.

Edmonston said that there is a huge list.

Bitler asked how the projects are prioritized.

Edmonston replied that they are decided in a staff meeting.

C. Jones said that the SW part of town needs a good pavilion.

Bitler again asked if the Wilson Park bridge would get done next year.

Edmonston said it would be high priority.

Hatfield wondered if Parks had considered hiring someone to help.

Jumper said that the budget doesn't allow it.

Hatfield said that the cost of the project increases every year that it is put off.

Edmonston said that Parks doesn't have adequate staff.



**PRAB Motion:** Bitler motioned to make the recommendation to the City Council to adjust the budget for the SW Park land and to accept the Staff recommendation. P. Jones seconded it. Motion passed 6-0-0 by voice vote.

**7. Regional Park Update: Connie Edmonston, Park & Recreation Director**  
Edmonston said she hasn't heard anything.

Bitler said he was nervous. He's not sure the regional park will happen.

Edmonston said that Southpass is tying us up. She will forward the information to Southpass that PRAB is getting anxious.

Davidson suggested that we wait until next month to give them a little more time.

Edmonston said that the only recourse is to go before the City Council.

Davidson said that we need a plan B for Southpass.

Edmonston said that the City has made a commitment.

Davidson said that PRAB's responsibility is not to have all the eggs in one basket, but to have options.

Edmonston said she shared his concerns, and would inform Southpass of all these concerns.

**8. Other Business:**

Edmonston told PRAB that Jeff Coles is leaving Parks in order to accept a promotion as the Assistant Transportation Manager for the City.

Wright announced the public meeting for the future park on Fairlane. The meeting is June 18, 2008 at 5:30.

C. Jones discussed the Gulley Park Stream Restoration (319 grant). There is a section in the park that is much worse than Red Oak. City Engineering is heading the project. Elk Construction is a specialist in this type of project. They won't remove too many trees. The purpose of this project is to reduce the erosion to improve water quality.

Bitler asked if the work would just be in the park boundaries.

C. Jones said yes.

Davidson wanted to know what PRAB was being asked to do.

**Bid 08-62, Guley Park and Finger Park Pavilions**  
**Detailed Bid Tab: 08/29/08 - 10:00 AM, Central Standard Time**

| ITEM                    | DESCRIPTION                                                                                                                                         | UNIT | QUANTITY | ESTIMATE           | Automa              | Notland Construction, Inc. | Pick-it Construction, Inc. | Zachary & Associates, Inc. | Tonkinson Asphalt Co., Inc. | People Excavating   | Average Unit Price |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|------|----------|--------------------|---------------------|----------------------------|----------------------------|----------------------------|-----------------------------|---------------------|--------------------|
| 1                       | Mod. Excavation                                                                                                                                     | L.S. | 1.00     | \$1,985.00         | \$1,985.00          | \$3,200.00                 | \$3,900.00                 | \$2,000.00                 | \$2,500.00                  | \$500.00            | \$516              |
| 2                       | Site Preparation - including erosion control, concrete washout, tree protection fencing, construction materials and protection of existing sidewalk | L.S. | 1.00     | \$1,975.00         | \$1,975.00          | \$3,150.00                 | \$3,875.00                 | \$2,000.00                 | \$2,500.00                  | \$500.00            | \$516              |
| 3                       | Demolition and Removal of Existing Pavement and Slab at Finger Park including sawcut of existing 4" sidewalk                                        | L.S. | 1.00     | \$4,454.00         | \$4,454.00          | \$19,655.25                | \$2,250.00                 | \$2,500.00                 | \$4,000.00                  | \$4,140.00          | \$175              |
| 4                       | Excavation                                                                                                                                          | L.S. | 1.00     | \$1,500.00         | \$1,500.00          | \$6,241.25                 | \$2,250.00                 | \$1,000.00                 | \$1,500.00                  | \$920.00            | \$225              |
| 5                       | Install existing 4" Wide ADA Accessible Concrete Sidewalk (4" Thickness) to match Pavement Slab, concrete in place                                  | L.S. | 1.00     | \$450.00           | \$450.00            | \$1,100.00                 | \$750.00                   | \$193.70                   | \$500.00                    | \$345.00            | \$550              |
| 6                       | Site Restoration                                                                                                                                    | L.S. | 1.00     | \$3,412.00         | \$3,412.00          | \$16,822.00                | \$2,194.00                 | \$1,000.00                 | \$3,800.00                  | \$2,875.00          | \$484              |
| 7                       | Unclassified Excavation                                                                                                                             | C.Y. | 160.00   | \$13.78            | \$2,205.00          | \$33.00                    | \$14.84                    | \$2,375.00                 | \$25.00                     | \$4,000.00          | \$21               |
| 8                       | Imported HMA Material - complete in place                                                                                                           | C.Y. | 110.00   | \$48.82            | \$4,970.00          | \$32.00                    | \$20.50                    | \$1,650.00                 | \$32.00                     | \$2,700.00          | \$28               |
| 9                       | Class 2 Base - compacted in place                                                                                                                   | C.Y. | 48.00    | \$91.88            | \$3,975.00          | \$51.50                    | \$20.00                    | \$1,800.00                 | \$90.25                     | \$3,810.00          | \$60               |
| 10                      | Concrete Sidewalk (4" Thickness)                                                                                                                    | S.Y. | 47.00    | \$22.13            | \$2,450.00          | \$87.50                    | \$53.19                    | \$2,500.00                 | \$39.00                     | \$1,692.00          | \$44               |
| 11                      | Concrete Pavement Slab (6" Thickness)                                                                                                               | S.Y. | 210.00   | \$46.24            | \$9,550.00          | \$122.50                   | \$58.46                    | \$3,400.00                 | \$44.00                     | \$9,240.00          | \$80               |
| 12                      | 20' x 24' Rectangular Cable Pavilion, 4.5" sandwich panel roof deck with T-11 on bottom base                                                        | E.A. | 2.00     | \$15,627.75        | \$31,255.50         | \$15,950.75                | \$16,687.50                | \$31,375.00                | \$16,550.00                 | \$32,054.00         | \$17516            |
| 13                      | Installation of Pavements at Guley Park and Finger Park per manufacturer's instructions                                                             | L.S. | 1.00     | \$12,450.00        | \$12,450.00         | \$17,689.00                | \$18,375.00                | \$9,000.00                 | \$12,700.00                 | \$8,900.00          | \$12352            |
| 14                      | 7' x 7' tables, complete in place                                                                                                                   | E.A. | 1.00     | \$1,277.00         | \$1,277.00          | \$17,122.00                | \$1,650.00                 | \$11,952.00                | \$1,700.00                  | \$1,285.00          | \$711              |
| 15                      | 6' Benches, complete in place                                                                                                                       | E.A. | 2.00     | \$567.75           | \$1,135.50          | \$513.25                   | \$1,232.00                 | \$635.25                   | \$800.00                    | \$412.50            | \$259              |
| 16                      | Grass, complete in place                                                                                                                            | E.A. | 3.00     | \$70.00            | \$2,100.00          | \$393.00                   | \$1,271.00                 | \$635.50                   | \$800.00                    | \$412.50            | \$259              |
| <b>TOTAL BID AMOUNT</b> |                                                                                                                                                     |      |          | <b>\$96,897.51</b> | <b>\$164,000.00</b> | <b>\$17,160.11</b>         | <b>\$124,672.00</b>        | <b>\$76,337.29</b>         | <b>\$101,682.00</b>         | <b>\$100,348.00</b> | <b>19650</b>       |

**Deductible Alternates:**

|                                    |                                   |      |      |                    |                   |                   |                   |                   |                   |            |       |
|------------------------------------|-----------------------------------|------|------|--------------------|-------------------|-------------------|-------------------|-------------------|-------------------|------------|-------|
| D1                                 | Grass, complete in place          | E.A. | 1.00 | \$2,125.25         | \$2,125.25        | \$393.00          | \$1,271.00        | \$635.50          | \$800.00          | \$412.50   | \$259 |
| D2                                 | 6' Benches, complete in place     | E.A. | 2.00 | \$567.75           | \$1,135.50        | \$513.25          | \$1,232.00        | \$635.25          | \$800.00          | \$412.50   | \$259 |
| D3                                 | 7' x 7' tables, complete in place | E.A. | 2.00 | \$1,277.00         | \$2,554.00        | \$17,122.00       | \$1,650.00        | \$11,952.00       | \$1,700.00        | \$1,285.00 | \$711 |
| <b>DEDUCTIBLE ALTERNATES TOTAL</b> |                                   |      |      | <b>\$17,160.11</b> | <b>\$3,598.68</b> | <b>\$7,142.00</b> | <b>\$3,323.03</b> | <b>\$4,200.00</b> | <b>\$4,033.00</b> |            |       |

**CERTIFIED:** *P. Price*  
Peggy Price, Purchasing Manager

**WITNESS:** *J. Main*  
DATE: 08-29-08

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

## Section 00 52 13

### Agreement

#### BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

**THIS AGREEMENT** is dated as of the \_\_\_\_ day of \_\_\_\_\_ in the year 2008 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and Zachary & Associates, Inc. (herein after called CONTRACTOR).

CITY OF FAYETTEVILLE and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

#### Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of the construction of pavilions and associated site work at **Gulley Park and Finger Park** and all items indicated in the Drawings and Specifications.

#### Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Parks and Recreation Division  
1455 South Happy Hollow Road  
Fayetteville, Arkansas 72701

will be hereinafter called PARKS AND RECREATION DIVISION PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

#### Article 3. CONTRACT TIME.

3.1. The Work for Gulley Park and Finger Park Pavilion Construction shall be substantially completed within 75 consecutive calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within 95 consecutive calendar days after the date when the Contract Time commences to run.

3.2. *Liquidated Damages.* CITY OF FAYETTEVILLE and CONTRACTOR recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, City of Fayetteville and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty)

CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

#### Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. For all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

#### PAYMENT ITEMS

| Zachary & Associates, Inc. |                                                                                                                                                    |      |           |             |                    |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------|-----------|-------------|--------------------|
| ITEM#                      | DESCRIPTION                                                                                                                                        | UNIT | EST. QTY. | UNIT PRICE  | Total              |
| 1                          | Mobilization                                                                                                                                       | L.S. | 1.00      | \$2,000.00  | \$2,000.00         |
| 2                          | Bid Bonds & Insurance                                                                                                                              | L.S. | 1.00      | \$2,200.00  | \$2,200.00         |
| 3                          | Site Preparation - including erosion control, concrete washout, tree protection fencing, construction entrance and protection of existing sidewalk | L.S. | 1.00      | \$2,500.00  | \$2,500.00         |
| 4                          | Demolition and Removal of Existing Pavilion and Slab at Finger Park including sawcut of existing 4' sidewalk                                       | L.S. | 1.00      | \$1,000.00  | \$1,000.00         |
| 5                          | Extend existing 4' Wide ADA Accessible Concrete Sidewalk (4" Thickness) to match Pavilion Slab, complete in place                                  | L.S. | 1.00      | \$193.70    | \$193.70           |
| 6                          | Site Restoration                                                                                                                                   | L.S. | 1.00      | \$1,000.00  | \$1,000.00         |
| 7                          | Unclassified Excavation                                                                                                                            | C.Y. | 160.00    | \$15.00     | \$2,400.00         |
| 8                          | Imported Hillside Material - complete in place                                                                                                     | C.Y. | 110.00    | \$15.00     | \$1,650.00         |
| 9                          | Class 7 Base - compacted in place                                                                                                                  | C.Y. | 40.00     | \$40.00     | \$1,600.00         |
| 10                         | Concrete Sidewalk (4" Thickness)                                                                                                                   | S.Y. | 47.00     | \$40.00     | \$1,880.00         |
| 11                         | Concrete Pavilion Slab (5" Thickness)                                                                                                              | S.Y. | 210.00    | \$40.00     | \$8,400.00         |
| 12                         | 20' x 24' Rectangular Gable Pavilion, 4.5" sandwich panel roof deck with T-11 on bottom face                                                       | E.A. | 2.00      | \$15,993.75 | \$31,987.50        |
| 13                         | Installation of Pavilions at Guiley Park and Finger Park per manufacturer's instructions                                                           | L.S. | 1.00      | \$6,000.00  | \$6,000.00         |
| 14                         | 7' Picnic tables, complete in place                                                                                                                | E.A. | 11.00     | \$1,082.00  | \$11,902.00        |
| 15                         | 6' Benches, complete in place                                                                                                                      | E.A. | 2.00      | \$463.25    | \$926.50           |
| 16                         | Grills, complete in place                                                                                                                          | E.A. | 3.00      | \$232.53    | \$697.59           |
| <b>TOTAL BID AMOUNT</b>    |                                                                                                                                                    |      |           |             | <b>\$76,337.29</b> |

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

## **Article 5. PAYMENT PROCEDURES**

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in the General Conditions.

**5.1. Progress Payments.** CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

**5.1.1.** Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the PARKS AND RECREATION DIVISION PROJECT MANAGER, and if the character and progress of the Work have been satisfactory to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, CITY OF FAYETTEVILLE, on recommendation of PARKS AND RECREATION DIVISION PROJECT MANAGER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to CITY OF FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

**5.1.2.** Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

**5.3 Final Payment.** Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay

the remainder of the Contract Price as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

#### **Article 6. CONTRACTOR'S REPRESENTATIONS.**

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. CONTRACTOR 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, or furnishing of the Work.

6.3. CONTRACTOR 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.

6.4. CONTRACTOR has carefully studied all 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 which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional 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 CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. CONTRACTOR is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. CONTRACTOR has correlated the information known to CONTRACTOR, 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.

- 6.7. CONTRACTOR has given PARKS AND RECREATION DIVISION PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DIVISION PROJECT MANAGER is acceptable to CONTRACTOR and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

## **Article 7. CONTRACT DOCUMENTS**

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and CONTRACTOR concerning the Work consist of the following:

- 7.1. This Agreement (pages 1 to 7, inclusive).
- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.7. Specifications consisting of Divisions 1 through 31 as listed in table of contents thereof.
- 7.8. Addendum number 1, inclusive.
- 7.9. One set of drawings (not attached hereto) consisting of: a cover sheet and additional sheets numbered two through eight with each sheet bearing the following general title: **Gulley Park and Finger Park Pavilions.**
- 7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
  - 7.10.1. Notice to Proceed
  - 7.10.2 All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

#### **Article 8. MISCELLANEOUS.**

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. CITY OF FAYETTEVILLE and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. 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.

8.6. Freedom of Information Act. City contract 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, 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 photocopying costs pursuant to the FOIA may be assessed for this compliance.



**IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and CONTRACTOR** have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and CONTRACTOR or identified by PARKS AND RECREATION DIVISION PROJECT MANAGER on their behalf.

This Agreement will be effective on \_\_\_\_\_, 2008 (which is the Effective Date of The Agreement).

CITY OF FAYETTEVILLE:

CONTRACTOR

By: \_\_\_\_\_  
Mayor

[CORPORATE SEAL]

By: [Signature] PRESIDENT  
[CORPORATE SEAL]

Attest \_\_\_\_\_

\*Attest [Signature]

\* If a Corporation, attest by the Secretary.

Address for giving notices

Address for giving notices

320 N. BLOOMINGTON ST., STE. "E"  
LOWELL, AR 72745

(If CITY OF FAYETTEVILLE is a public body, attach License No. \_\_\_\_\_ evidence of authority to sign and resolution or other documents Agent for service of process: authorizing execution of Agreement.)

(If CONTRACTOR is a corporation, attach evidence of authority to sign.)



*Sharon Priest*  
SECRETARY OF STATE

*To All to Whom These Presents Shall Come, Greetings:*

*I, Sharon Priest, Secretary of State of Arkansas, do hereby  
certify that the following and hereto attached instrument of writing is  
a true and perfect copy of*

**Articles of Incorporation**

OF

**ZACHARY & ASSOCIATES, INC.**

ORIGINAL ARTICLES FILED:

May 13, 2002



*In Testimony Whereof, I have hereunto  
set my hand and affixed my official Seal  
Done at my office in the City of Little Rock,  
this 13th day of May 2002.*

*Sharon Priest*  
Secretary of State

SHARON FINEST

State Capitol, Little Rock, Arkansas 72201-1094, 501-682-3409

02 MAY 13 PM 4:06

Instructions: File in DUPLICATE with the Arkansas Secretary of State, State Capitol, Little Rock, Arkansas 72201-1094, with payment of fees. Duplicate copy will be returned to the Corporation at the listed address.

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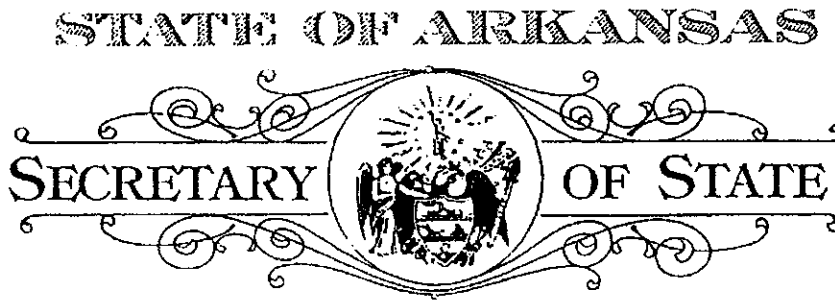
**ARTICLES OF INCORPORATION  
OF  
ZACHARY & ASSOCIATES, INC.**

---

We, the undersigned, natural persons of the age twenty-one (21) years or more, acting as incorporators of a corporation pursuant to the provisions of the Arkansas Business Corporation Act of 1987, do hereby adopt the following Articles of Incorporation:

1. The name of the corporation is ZACHARY & ASSOCIATES, INC.
2. The period of its duration is perpetual.
3. The purposes for which the corporation is organized are:
  - (a) To engage in the business of contracting, sales, design, construction, maintenance and repair of commercial, industrial and residential real estate and personal property, and to do every other act and thing commonly done by persons in such business.
  - (b) To acquire, own, mortgage, pledge, sell or assign or to transfer, dispose of, invest, deal in and with, real and personal property and services of every class and description; and
  - (c) To carry on any other trade or business not contrary to law and to exercise all of the powers enumerated in Section 4-27-302 of the Arkansas Business Corporation Act.
4. The total number of authorized shares of the corporate stock of the corporation is two thousand (2,000) shares of common stock of no par value.
5. The address of the initial registered office of this corporation is 911 S 23<sup>rd</sup>, Rogers, AR 72758, and the name of its registered agent at such address is Matthew T. Zachary.
6. The name and address of the incorporator is:

Matthew T. Zachary, 911 S 23<sup>rd</sup>, Rogers, Arkansas 72758.
7. The initial number of directors of the corporation shall be two (2).



*Sharon Priest*  
SECRETARY OF STATE

*To All to Whom These Presents Shall Come, Greetings:*

*I, Sharon Priest, Secretary of State of Arkansas, do hereby  
certify that the following and hereto attached instrument of writing is  
a true and perfect copy of*

REGISTERED FICTITIOUS NAME

OF

ZACHARY CONSTRUCTION

FOR

ZACHARY & ASSOCIATES, INC.

Filed in This Office

May 13, 2002



*In Testimony Whereof, I have hereunto  
set my hand and affixed my official Seal.  
Done at my office in the City of Little Rock,  
this 13th day of May 2002.*

*Sharon Priest*  
Secretary of State

State Capitol, Little Rock, Arkansas 72201-1094 . 501-682-3409

210101  
02 MAY 13 PM 4:06

### APPLICATION FOR FICTITIOUS NAME

Pursuant to the provisions of the Arkansas Business Corporation Act, the undersigned corporation hereby applies for the use of a fictitious name and submits herewith the following statement:

1. The fictitious name under which the business is being, or will be conducted by this corporation is: ZACHARY CONSTRUCTION.
2. The character of the business being or to be conducted under such fictitious name is: RESIDENTIAL AND COMMERCIAL CONTRACTING, CONSTRUCTION, AND REPAIR.
3. a) The corporation name of the applicant and it's date of qualification in Arkansas are: ZACHARY & ASSOCIATES, INC. MAY, 2002.  
b) The State of incorporation is: ARKANSAS.  
c) The location (city and street) of the registered office of the applicant corporation in Arkansas is: 911 S 23rd, ROGERS AR 72758.

Signature:   
(President or other officers) Chairman of the Board)

Address: 911 S 23rd, Rogers AR 72758.

#### INSTRUCTIONS:

Prepare this form in duplicate, send to Secretary of State's Office, State Capitol, Little Rock, Arkansas. Duplicate copy will be returned to the corporation and must be filed with the County Clerk in the county in which the corporation's registered office is located.

Fee \$25.00

# City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 8/29/2008

P.O. Number:

Expected Delivery Date:

Vendor #:

Vendor Name:

Zachary & Associates, Inc.

Address:

320 North Bloomington Street, Suite 'E'

Fob Point:

City:

State:

Zip Code:

Ship to code:

Requester:

Requester's Employee #:

Division Head Approval:

Extension:

472

*Amiee Cadmon*

Item:

Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1

Construction of Guley Park Pavilion

1

lot

38,168.64

\$38,168.64

2250.9255,5806.00

05001.0801

2

Construction of Finger Park Pavilion

1

lot

38,168.65

\$38,168.65

2250.9255,5806.00

02013.0805

3

\$0.00

4

\$0.00

5

\$0.00

6

\$0.00

7

\$0.00

8

\$0.00

9

\$0.00

10

\$0.00

Special Instructions:

Shipping/Handling

Lot

\$0.00

Subtotal:

Tax:

Total:

Tax is included per Bid # 08-62.

\$76,337.29

\$0.00

\$76,337.29

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

A. 4  
David's Fire Equipment  
Page 1 of 10City Council Agenda Items  
and  
Contracts, Leases or Agreements

September 16, 2008

City Council Meeting Date  
Agenda Items Only

Tony Johnson

Fire

Fire

Submitted By

Division

Department

## Action Required:

This request is for council approval to increase the expense budget for firefighting supplies and a related increase to the Act 833 revenue budget for the purchase of large diameter hose. Act 833 funds are received every quarter and are not included in the normal operating budget. The requested amount of the increase to both accounts is \$11,700.

\$ 11,700.00

Cost of this request

1010.0001.4308.00

1010.3020.5218.00

Account Number

03047.1

Project Number

\$ -

Category / Project Budget

\$ -

Funds Used to Date

\$ -

Remaining Balance

Firefighting Supplies / Act 833

Program Category / Project Name

Materials &amp; Supplies

Program / Project Category Name

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

8-26-08  
Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

8-26-08  
Date

Original Contract Number:

Finance and Internal Service Director

8-27-08  
DateReceived in City  
Clerk's Office

8-26-08

ENTERED

Mayor

8/28/08  
DateReceived in  
Mayor's OfficeENTERED  
8/27/08

Comments:



**The City of Fayetteville Fire Department**  
**303 W. Center St. Fayetteville, AR. 72701**

Phone (479) 575-8365 Fax (479) 575-0471  
[www.accessfayetteville.org](http://www.accessfayetteville.org)

August 26, 2008

To: Mayor Coody  
Paul Becker, Finance Director

From: Tony Johnson, Fire Chief *Tony*

Subject: Fire Hose Purchase

---

**Recommendation:**

I am recommending the purchase of 2,000 feet of five inch diameter fire hose from David's Fire Equipment of Cabot, AR. We received four quotations for the fire hose, and we believe the quotation from the aforementioned vendor at \$5.33 per foot (not including sales tax) to be the most responsive and responsible quotation.

**Background:**

The new hose is needed in order to meet the minimum requirements of the National Fire Protection Association's and Insurance Service Office's standards for municipal fire apparatus equipment standards.

**Budget Impact:**

This request is for Council approval to increase the expense budget for firefighting supplies and a relative increase to the Act #833 revenue budget for the purchase of fire hose. The requested amount of the increase to both accounts is \$11,700. Act #833 funds are to be used for training, fire fighting equipment, and initial capital construction or improvements.



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO APPROVE A QUOTE FROM DAVID'S FIRE EQUIPMENT FOR FIRE HOSE IN THE AMOUNT OF \$11,646.05 (INCLUDING TAX) AND A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,700.00**

**WHEREAS**, the Fire Department sought several quotes for twenty 100 foot long, 5 inch diameter supply hoses; and

**WHEREAS**, David Fire Equipment submitted the low quote.

**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 low quote of David's Fire Equipment of \$11,646.05 for twenty supply hoses (100 feet long and five inches in diameter) as well as the budget adjustment in the amount of \$11,700.00 (attached).

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**DAN COODY, Mayor**

\_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**

|                                                                                                                                                                                                                                              |                                          |                                     |               |                 |               |                                                                            |  |                                                                            |  |                  |  |                         |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------|---------------|-----------------|---------------|----------------------------------------------------------------------------|--|----------------------------------------------------------------------------|--|------------------|--|-------------------------|--|
| <b>City Of Fayetteville - Purchase Order (PO) Request</b><br><small>(Not a Purchase Order)</small>                                                                                                                                           |                                          |                                     |               |                 |               |                                                                            |  |                                                                            |  | Requisition No.: |  | Date:                   |  |
| <p><i>All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x266 with questions)</i><br/> <i>All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us</i></p> |                                          |                                     |               |                 |               |                                                                            |  |                                                                            |  | P.O. Number:     |  | Expected Delivery Date: |  |
|                                                                                                                                                                                                                                              |                                          |                                     |               |                 |               |                                                                            |  |                                                                            |  |                  |  |                         |  |
| Vendor #: 16987                                                                                                                                                                                                                              |                                          | Vendor Name: DAVID'S FIRE EQUIPMENT |               | Fob Point:      |               | Mail Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> |  | Quotes Attached Yes: <input type="checkbox"/> No: <input type="checkbox"/> |  |                  |  |                         |  |
| Address:                                                                                                                                                                                                                                     |                                          | State:                              |               | Zip Code:       |               | Ship to code:                                                              |  | Division Head Approval:                                                    |  |                  |  |                         |  |
| City:                                                                                                                                                                                                                                        |                                          |                                     |               |                 |               |                                                                            |  |                                                                            |  |                  |  |                         |  |
| Requester: ELIZABETH MANN                                                                                                                                                                                                                    |                                          | Requester's Employee #: 2251        |               | Account Numbers |               | Project/Subproject #: 03047.1                                              |  | Fixed Asset #                                                              |  |                  |  |                         |  |
| Item                                                                                                                                                                                                                                         | Description                              | Quantity                            | Unit of Issue | Unit Cost       | Extended Cost |                                                                            |  |                                                                            |  |                  |  |                         |  |
| 1                                                                                                                                                                                                                                            | 100' of 5" Supply Hose, Coupled 5" Storz | 20                                  | EA            | 533.00          | \$10,660.00   |                                                                            |  |                                                                            |  |                  |  |                         |  |
| 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: \$10,660.00<br>Tax: \$986.05<br>Total: \$11,646.05               |  |                                                                            |  |                  |  |                         |  |
| QUOTES ATTACHED                                                                                                                                                                                                                              |                                          |                                     |               |                 |               |                                                                            |  |                                                                            |  |                  |  |                         |  |
| Approvals:                                                                                                                                                                                                                                   |                                          |                                     |               |                 |               |                                                                            |  |                                                                            |  |                  |  |                         |  |
| Mayor: _____                                                                                                                                                                                                                                 |                                          |                                     |               |                 |               | Purchasing Manager: _____                                                  |  |                                                                            |  |                  |  |                         |  |
| Finance & Internal Services Director: _____                                                                                                                                                                                                  |                                          |                                     |               |                 |               | IT Manager: _____                                                          |  |                                                                            |  |                  |  |                         |  |
| Dispatch Manager: _____                                                                                                                                                                                                                      |                                          |                                     |               |                 |               | Other: _____                                                               |  |                                                                            |  |                  |  |                         |  |

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

A. 4  
David's Fire Equipment  
Page 5 of 10

|                                |                                                                                |                                        |                   |
|--------------------------------|--------------------------------------------------------------------------------|----------------------------------------|-------------------|
| Budget Year<br><br><b>2008</b> | Department: <b>Fire</b><br>Division: <b>Fire</b><br>Program: <b>Operations</b> | Date Requested<br><br><b>8/26/2008</b> | Adjustment Number |
|--------------------------------|--------------------------------------------------------------------------------|----------------------------------------|-------------------|

|                                                                                           |                                                                                     |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Project or Item Added/Increased:<br><b>\$11,700 is requested in firefighting supplies</b> | Project or Item Deleted/Reduced:<br><b>\$11,700 is requested in Act 833 revenue</b> |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

|                                                                                                                                                                 |                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Justification of this Increase:<br><b>This request is for funding for large diameter supply hose.<br/>The revenue source for this is from Act 833 revenues.</b> | Justification of this Decrease: |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

**Increase Expense Budget (Decrease Revenue Budget)**

| Account Name           | Account Number    | Amount | Project Number |
|------------------------|-------------------|--------|----------------|
| Fire fighting supplies | 1010 3020 5218 00 | 11,700 | 03047 1        |

**Decrease Expense Budget (Increase Revenue Budget)**

| Account Name | Account Number    | Amount | Project Number |
|--------------|-------------------|--------|----------------|
| Fire Act 833 | 1010 0001 4308 00 | 11,700 | 03047 1        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |      |         |      |         |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------|---------|------|---------|------|
| <p align="center"><b>Approval Signatures</b></p> <div style="display: flex; justify-content: space-between;"> <div> <p><i>[Signature]</i><br/>Requested By</p> <p><i>[Signature]</i><br/>Budget Manager</p> <p><i>[Signature]</i><br/>Department Director</p> <p><i>Paul a. Buhn</i><br/>Finance &amp; Internal Services Director</p> <p><i>[Signature]</i><br/>Mayor</p> </div> <div> <p><i>8/26/08</i><br/>Date</p> <p><i>8-26-08</i><br/>Date</p> <p><i>8-27-08</i><br/>Date</p> <p><i>8-28-08</i><br/>Date</p> </div> </div> | <p align="center"><b>Budget Office Use Only</b></p> <p>Type:      A          B          C          <u>D</u>          E</p> <div style="display: flex; justify-content: space-between;"> <div> <p>Posted to General Ledger</p> <p>Posted to Project Accounting</p> <p>Entered in Category Log</p> </div> <div> <table border="0" style="width:100%;"> <tr> <td style="width:50%; text-align: center;">Initial</td> <td style="width:50%; text-align: center;">Date</td> </tr> <tr> <td style="width:50%; text-align: center;">Initial</td> <td style="width:50%; text-align: center;">Date</td> </tr> <tr> <td style="width:50%; text-align: center;">Initial</td> <td style="width:50%; text-align: center;">Date</td> </tr> </table> </div> </div> | Initial | Date | Initial | Date | Initial | Date |
| Initial                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |      |         |      |         |      |
| Initial                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |      |         |      |         |      |
| Initial                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |      |         |      |         |      |

**From:** "J. R. Ford" <jr@davidsfire.com>  
**To:** <clynch@ci.fayetteville.ar.us>  
**Date:** 8/12/2008 1:11 PM  
**Subject:** 5" Hose Pricing

Dear Chris,

The warranty on 5" LDH with Key is 5 years. The price below is for a minimum order of 2000' in 100' sections, coupled 5" Storz.

20 Each, 5" x 100' relay hose, coupled 5" Storz \$533.00 Each

The order will be drop shipped directly from the factory. This price includes freight.

If you have any questions or required additional information, please contact us at 800-264-0017.

Respectfully submitted,  
J.R. Ford

\*\*\*\*\*

David's Fire Equipment  
8783 John Harden  
Cabot, AR 72023  
(Voice) 501-941-3313  
(Fax) 501-941-3315



1355 Thomas G. Wilson Drive, Conway, AR 72032

**SALES OFFICE**  
Phone: 501-327-3200  
Fax: 501-327-3208  
Toll Free: 800-233-5053

**SERVICE & PA**  
Phone: 901-948-1625  
Toll Free: 800-458-8748

**BILL TO:** Fayetteville Fire Department

**SHIP TO:**

**Email:**

**Chris Lynch**

Best Means

| <b>QTY.</b>                                 | <b>PART NUMBER / DESCRIPTION</b>                       | <b>UNIT \$</b>         | <b>TOTAL \$</b>     |
|---------------------------------------------|--------------------------------------------------------|------------------------|---------------------|
| 20                                          | Kochek RC5078 5" x 100' Rubber Covered LDH Supply Hose | \$ 574.65 ✓            | \$ 11,493.00        |
|                                             | Coupled 5" Stroz                                       | \$ -                   | \$ -                |
|                                             | Yellow - Two week lead time                            | \$ -                   | \$ -                |
|                                             | Red - Four to Six lead time                            | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
|                                             |                                                        | \$ -                   | \$ -                |
| <b>FREIGHT IS INCLUDED IN ABOVE PRICE</b> ✓ |                                                        | <b>FREIGHT:</b>        | <b>FREE</b>         |
|                                             |                                                        | <b>FUEL SURCHARGE:</b> | <b>\$ 10.00</b>     |
|                                             |                                                        | <b>TAX:</b>            |                     |
|                                             |                                                        | <b>TOTAL:</b>          | <b>\$ 11,503.00</b> |

SIGNATURE: Jessica Collums



21941 I-30, SUITE 1  
BRYANT, AR 72002  
Phone: 800-648-5808  
Phone: 501-653-2970  
Fax: 501-653-2935

August 14, 2008

Fayetteville Fire Department  
Att: Chris Lynch

Chris,

Casco is pleased to quote the following:

(20) KEY-RC50-400Y-100-storz @ \$569 ea Total \$11,380  
Key 5" x 100' nitrile hose, cpld. Storz

-or

(20) NAF-HF5x100YRS @ \$543 ea Total \$10,860  
North American 5" x 100' nitrile hose, cpld. Storz

This quantity ships freight allowed.

Sincerely,

Robin Tittle  
Casco of Arkansas

**From:** "Matt Weaver" <mweaver@sunbeltfire.com>  
**To:** "Chris Lynch" <clynch@ci.fayetteville.ar.us>  
**Date:** 8/13/2008 9:12 PM  
**Subject:** RE: Supply Hose

Chris,

As much as I hate to do this we are going to decline the opportunity to quote you on this. Our equipment manager said that we are not even in the ball park with Key hose with regard to price. Our line is Angus which is a great hose but generally speaking about the highest out there.

*Sunbelt*

I appreciate you thinking of us on this.

By the way is anyone going to FRI in Denver?

-----Original Message-----

From: Chris Lynch [mailto:clynch@ci.fayetteville.ar.us]  
Sent: Tuesday, August 12, 2008 11:56 AM  
To: Matt Weaver  
Subject: RE: Supply Hose

formal - 100' lengths, stortz couplings, yellow or red color.

Thanks!

>>> "Matt Weaver" <mweaver@sunbeltfire.com> 8/12/2008 11:47 AM >>>  
Will do. Do you want something formal or can I email you a price per section with shipping and tax?

-----Original Message-----

From: Chris Lynch [mailto:clynch@ci.fayetteville.ar.us]  
Sent: Tuesday, August 12, 2008 11:34 AM  
To: Matt Weaver  
Subject: Supply Hose

Good Morning Matt,

Can you give me a bid on 5" rubber supply hose? I want good quality, I really like Key brand and their warranty, but you're welcome to bid a few different brands if you would like. I'm looking to buy at least two thousand feet and possibly more.

If you have any questions, let me know.

Thanks,  
Chris





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

9/16/2008

City Council Meeting Date  
Agenda Items Only

Jeremy Pate <sup>8</sup>  
Submitted By

Planning  
Division

Operations  
Department

**Action Required:**

ADM 08-3093: (Hill Place Culvert Removal): Submitted by Appian Centre for Design, requesting modification and replanting of a portion of the Tree Preservation Area associated with Hill Place PZD, in order to remove an existing culvert located within College Branch Creek to reduce flood levels and to install the required vehicular bridge spanning the creek.

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 #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Service Director

Date

Received in City  
Clerk's Office

Mayor

Date

Received in  
Mayor's Office

ENTERED  
8/29/08 BREP

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:** August 26, 2008

**Subject:** Hill Place Culvert Removal from College Branch Creek (ADM 08-3093)

---

### **RECOMMENDATION**

In accordance with the recommendations by the Engineering Staff and the City's Urban Forester (see attached memos), staff recommends approval of a resolution to permit the removal an existing, unpermitted 10-foot diameter culvert from College Branch Creek within the limits of the Hill Place project. This action will also permit the property owner to remove unhealthy and invasive species of shrubs and trees within the identified construction area, restore the health of several trees in decline, replant this area with new trees, and add erosion control measures to prevent future and continued erosion in conjunction with the culvert removal and vehicular bridge installation.

### **BACKGROUND**

A 10-foot diameter culvert was placed within College Branch Creek in the late 1980s, near the railroad. In discussions with Engineering staff and the Urban Forester, the applicant has proposed to remove this culvert, at the developer's cost, in order to reduce the current flood levels along the creek. The culvert removal is not required by the City, yet will aid in reducing erosion potential and flood levels along the creek. The culvert currently creates "headwater flooding" due to a lack of capacity in size for storm events larger than a five-year flood. According to the Engineering Division, the culvert is a restriction to the existing creek and could not be permitted in accordance with today's Corps of Engineers regulations. A HEC-RAS hydraulic model was provided to staff, which indicates that removal of the 10 ft culvert and embankment will reduce the depth of flooding upstream, and will have no detrimental impact downstream. Rather, as the attached photos indicate, the existing culvert is beginning to structurally fail, as it was not designed for its intended use. In the event the culvert fails, or is overtopped, the embankment will be eroded and washed downstream which could cause detrimental environmental impact to property owners. Removal with the development of Hill Place PZD, by the developer, will eliminate this potential altogether. In addition, as required with the Hill Place PZD, a vehicular bridge will cross the creek in place of the existing pedestrian bridge, to provide a second means of access. As anticipated when the PZD was submitted and approved, this bridge will span the creek's floodplain, but will also likely result in the removal of some small trees in this area that are required to be mitigated.

Because the culvert and bridge crossing are within the established Tree Preservation Area, and a small amount of clearing will need to occur to access and remove the culvert and install the bridge, City Council approval is required. The Tree Preservation and Protection Code, Chapter 167(L)(2) of the UDC states: *The geographic extent and location of tree preservation areas, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the landscape administrator [urban forester], who shall ask the city clerk to place it on the agenda of the next regularly scheduled City Council meeting.*

While the request will not modify or abolish the extent and location of the tree preservation area, some tree removal will be required to accomplish the two objectives stated herein. A property owner is permitted to remove dead or diseased trees within a Tree Preservation Area without Council approval, but not live or healthy trees.

The Urban Forester has reviewed the request and a proposed mitigation plan. Approximately 13,634 ft<sup>2</sup> of canopy within the Tree Preservation Area will be affected by the culvert removal and re-grading of the bank, and 2,100 ft<sup>2</sup> with the installation of the vehicular bridge. The trees in this area are mostly volunteers which germinated at some point after the culvert was installed. No significant trees and only one larger tree will be removed, with an additional large invasive tree that will be removed. This area also has less desirable species, vines and underbrush. Staff recommends City Council approval of this modification of an existing Tree Preservation Area to accommodate the bridge enlargement and the culvert removal as no net loss of Tree Preservation Area will occur once mitigation trees are planted. This is due to the higher replacement rate used to calculate tree mitigation. Based on this calculation, the applicant will be required to replant 55 2-inch caliper trees within the riparian corridor. In addition, staff has recommended conditions, based on the applicant's request, to plant back native species in this area and to re-establish a healthy riparian corridor.

### **DISCUSSION**

This request would result in the removal and mitigation for 15,734 sq. ft. of canopy removed. All mitigation trees are required to be bonded for a three-year period.

### **BUDGET IMPACT**

None.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO APPROVE A REQUEST TO MODIFY AND REPLANT A PORTION OF THE TREE PRESERVATION AREA ASSOCIATED WITH HILL PLACE PZD, IN ORDER TO REMOVE A CULVERT WITHIN COLLEGE BRANCH CREEK AND TO INSTALL A VEHICULAR BRIDGE, AS DESCRIBED HEREIN.

**WHEREAS**, the applicant has studied an existing, un-permitted 10-foot diameter culvert located within College Branch Creek, which contributes to erosion and increased flooding; and

**WHEREAS**, removal of the structurally failing culvert would reduce flooding potential upstream and reduce the likelihood of detrimental erosion impacts downstream; and

**WHEREAS**, as required with the approved Hill Place Planned Zoning District, a vehicular bridge is to be constructed across the creek and established Tree Preservation Area; and

**WHEREAS**, to accomplish the described culvert removal and bridge installation, a portion of the Tree Preservation Area will be impacted and subsequently the riparian corridor replanted;

**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, pursuant to UDC Chapter 167 (L)(2), hereby approves a resolution to permit the described construction within the Tree Preservation Area associated with the bridge installation and culvert removal, with the following conditions:

- 1) All construction activities, including installation of erosion control and tree protection fencing, shall be permitted and inspected by both the City Engineering office and the Urban Forester prior to commencement.
- 2) Where feasible, native species that are to be removed shall be tree spaded, healed in and watered, and transplanted back to the site after construction.
- 3) On-site mitigation will be required to replace the 15,734 square feet of canopy lost. Mitigation will require 55 (2) inch caliper large species trees to be located in the reclamation area.
- 4) All mitigation trees shall be native and represent species currently established and appropriate within the creek riparian area. The exact species will be determined at the time of planting and approved by the Urban Forester.

- 5) Planting shall occur with completion of the culvert removal and bridge installation, and bank grading to assist in erosion control and re-establishing the creek bank.
- 6) All mitigation trees shall be guaranteed by bond, letter of credit or cash deposit with the City for three years. The bond shall cover plant material, installation and three years of maintenance.

**PASSED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

**APPROVED:**

\_\_\_\_\_



THE CITY OF FAYETTEVILLE, ARKANSAS

PARKS AND RECREATION DIVISION CORRESPONDENCE

113 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 444-3470

To: Mayor Dan Coody and City Council

From: Greg Howe, Urban Forester

Date: August 28, 2008

Subject: Modification and Replanting of the Tree Preservation Area for  
Hill Place

---

## **STAFF REPORT**

### **DEVELOPMENT REQUEST/BACKGROUND**

The engineering agent, Appian Center for Design (ACD) for the Hill Place Development has presented information to the City's Engineering Department which indicates that an un-permitted culvert in College Branch Creek is undersized and raises the flooding potential along 6<sup>th</sup> St. The City Engineering Department agrees that removing this culvert could improve flow in the creek during periods of heavy rainfall or snow melt. ACD has requested to remove this culvert as part of the Hill Place Development construction. The culvert, creek and it's riparian buffer are within an area already established as a Tree Presevation Area. To accomplish the culvert removal small trees and brush in the Tree Preservation Area will need to be removed and the bank graded back to the natural grade of the creek.

In addition to the culvert removal, to meet transportation and engineering requirements, ACD proposes to enlarge the vehicular bridge spanning the creek and the Tree Protection Area. They also will have to install a drainage spillway from the bridge into the creek.

In order to gain approval of this request, ACD, on behalf of the developers, has agreed to mitigate the tree loss at a higher rate than required based on the condition of trees being removed.

### **FINDINGS**

-The Tree Preservation Area (TPA) encompasses 162,478.8 ft<sup>2</sup> and is located on either side of College Branch Creek for the entire length of this development.

Approximately 13,634 ft<sup>2</sup> or 8.4% of the TPA will be affected by the culvert removal and re-grading of the bank. The trees in this area are mostly volunteers which germinated at some point after the culvert was installed. No significant trees and only one larger tree will be removed. This area also has some less desirable species, vines and underbrush.

-The Tree Preservation Area to be affected by the expansion of the vehicular bridge and drainage spillway is 2,100 ft<sup>2</sup> or 1.3% of the TPA. Only a few smaller trees and one large invasive species tree will need to be removed.

## **RECOMMENDATION**

Staff recommends City Council approval of this modification of an existing Tree Preservation Area to accommodate the bridge enlargement, drainage spillway and the culvert removal as no net loss of Tree Preservation Area will occur once mitigation trees are planted. This is due to the higher replacement rate used to calculate tree mitigation.

The following conditions must be met:

1. The Urban Forester encourages where economically feasible to tree spade existing trees, especially some of the cedars, heel in and water, then transplant back to the site after construction
2. On-site mitigation will be required to replace the 15,734 square feet of canopy lost. Mitigation will require 55 (2) inch caliper large species trees be located in the culvert reclamation area.
3. All mitigation trees shall be native and represent species currently established within the creek riparian area. The exact species will be determined at time of planting and approved by the Urban Forester.
4. Planting shall occur with completion of the culvert removal and bank grading to assist in erosion control and re-establishing the creek bank. Supplemental irrigation shall be provided as needed to guarantee survival.
5. All mitigation trees shall be guaranteed by bond, letter of credit or cash deposit with the City for 3 years. The bond shall cover plant material and 3 years of maintenance.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Telephone: 479-575-8206

## ENGINEERING DIVISION CORRESPONDENCE

---

TO: City Council Members  
FROM: Glenn E. Newman, Jr., P.E., Staff Engineer  
DATE: August 27, 2008  
SUBJECT: Hill Place – Culvert Removal from College Branch Creek

---

Place Properties has proposed the removal of the existing 10 ft diameter culvert and embankment crossing College Branch Creek within the limits of the Hill Place project.

The existing culvert is a restriction to the natural creek and, if placed today, would not meet the Corp of Engineers "No Rise" requirement. The 100 yr storm event water surface elevation increase due to the existing culvert is over 11 ft.

The existing culvert is not required for the proposed development, nor was it included in the design. A pedestrian bridge as part of the Tsa-La-Gi Trail System will be constructed by the City (at a later date) and a two way vehicular bridge with a sidewalk one side is proposed by the development.

Based on the HEC-RAS hydraulic model provided, removal of the existing 10 ft culvert and embankment has no adverse affect on the downstream property owners and will reduce the depth of flooding upstream. (Approximately 9 inches at 6<sup>th</sup> street) See the attached spreadsheet for specifics.

Photographs provided also indicate the culvert is beginning to structurally fail. In the event the culvert fails, or is overtopped, the embankment will be eroded and washed downstream which could cause adverse environmental affects.

The Engineering Department recommends approving the removal of the existing culvert and associated embankment for the reasons stated above.



Hill Place – Final Drainage Report (Rev-3)

**COMPARISON OF HILL PLACE PROJECT WITH AND WITHOUT 10' CULVERT**

|                      | STATION     | BRIDGE, NO CULVERT<br>100-YEAR WSE | BRIDGE, CULVERT<br>100-YEAR WSE | CHANGE      |            |
|----------------------|-------------|------------------------------------|---------------------------------|-------------|------------|
| <b>6TH ST</b>        | <b>2819</b> | <b>1256.71</b>                     | <b>1257.48</b>                  | <b>0.77</b> |            |
|                      | 1900        | 1243.11                            | 1250                            | 6.89        |            |
|                      | 1800        | 1240.29                            | 1249.94                         | 9.65        | upstream   |
|                      | 1700        | 1238.64                            | 1249.95                         | 11.31       |            |
| <b>10' CULVERT</b>   | <b>1600</b> | <b>1236.2</b>                      | <b>1236.2</b>                   | <b>0</b>    | _____      |
|                      | 1550        | 1236.66                            | 1236.66                         | 0           |            |
|                      | 1500        | 1236.26                            | 1236.26                         | 0           | Downstream |
|                      | 1450        | 1235.65                            | 1235.65                         | 0           |            |
|                      | 1400        | 1235.72                            | 1235.72                         | 0           |            |
|                      | 1300        | 1235.52                            | 1235.52                         | 0           |            |
|                      | 1250        | 1234.92                            | 1234.92                         | 0           |            |
|                      | 1200        | 1235.92                            | 1234.92                         | -1          |            |
|                      | 1150        | 1234.49                            | 1234.49                         | 0           |            |
|                      | 1100        | 1234.05                            | 1234.05                         | 0           |            |
|                      | 1061        | 1234.32                            | 1234.32                         | 0           |            |
| <b>NEW BRIDGE</b>    | <b>1028</b> | <b>1233.31</b>                     | <b>1233.31</b>                  | <b>0</b>    |            |
|                      | 1000        | 1233.34                            | 1233.34                         | 0           |            |
|                      | 950         | 1233.45                            | 1233.45                         | 0           |            |
|                      | 900         | 1232.12                            | 1232.12                         | 0           |            |
|                      | 850         | 1232.05                            | 1232.05                         | 0           |            |
|                      | 800         | 1232.12                            | 1232.12                         | 0           |            |
| <b>DS PROP. LINE</b> | <b>750</b>  | <b>1230.74</b>                     | <b>1230.74</b>                  | <b>0</b>    |            |
|                      | 700         | 1230.17                            | 1230.17                         | 0           |            |
|                      | 650         | 1230.18                            | 1230.18                         | 0           |            |
|                      | 600         | 1230.27                            | 1230.27                         | 0           |            |
|                      | 500         | 1229.06                            | 1229.06                         | 0           |            |
|                      | 400         | 1228.48                            | 1228.48                         | 0           |            |
|                      | 300         | 1228.18                            | 1228.18                         | 0           |            |
| <b>11TH ST</b>       | <b>256</b>  | <b>1228.1</b>                      | <b>1228.1</b>                   | <b>0</b>    |            |
|                      | 200         | 1226.2                             | 1226.2                          | 0           |            |
|                      | 100         | 1225.99                            | 1225.99                         | 0           |            |

## DESIGN CONCEPT

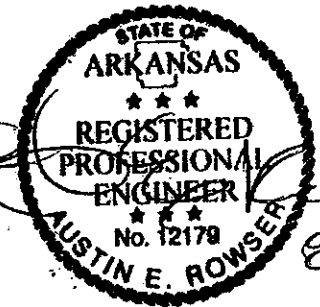
LID techniques will be utilized to disconnect impervious surfaces and slow the velocity of urban runoff from the project by utilizing small-scale features such as bioswales, raingardens, and depressed parking lot islands to maximize capture of stormwater runoff and impede flow. Existing retention ponds will be utilized with some modifications.

|  |       |
|--|-------|
|  | GN 08 |
|  | GN 09 |
|  | GN 10 |
|  | GN 11 |
|  | GN 12 |
|  | GN 13 |
|  | GN 14 |
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|  | GN 16 |
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|  | GN 24 |
|  | GN 25 |
|  | GN 26 |
|  | GN 27 |
|  | GN 28 |
|  | GN 29 |
|  | GN 30 |

## GRADING

- GN 70 CONVERT CURB INLET TO SECTION; POUR NEW TOP ELEVATION SHOWN.
- GN 71 CONVERT GRATE INLET TO GRATE; POUR NEW TOP W/ SHOWN.
- GN 73 CUT 6" X 24" OPENING IN
- GN 74 EXISTING INLET IS PARTIAL NOT YET BEEN CONSTRUCTED
- GN 75 EXISTING INLET IS PARTIAL NOT YET BEEN CONSTRUCTED

1" = 30'  
Scale



8/25/08

|                                                 |                        |                  |
|-------------------------------------------------|------------------------|------------------|
| <b>ACD</b>                                      |                        | P<br>U<br>L<br>C |
| <b>APPIAN CENT</b>                              |                        |                  |
| 217 E. DICKSON ST. SUITE 1<br>PH# (479) 442-144 |                        |                  |
| DATE: 8/25/08                                   | CONSTRUCTION DOCUMENTS |                  |
| GRADING PLAN SHEET B                            | FA                     |                  |
| SCALE: 1"=30'                                   |                        |                  |
| PAGE 19 OF 63                                   |                        |                  |
| CD REVISION 5                                   |                        |                  |

## City of Fayetteville Staff Review Form

A. 6  
Fayetteville Animal Shelter  
Page 1 of 6City Council Agenda Items  
and  
Contracts, Leases or Agreements

9/16/2008

City Council Meeting Date  
Agenda Items Only

Jill Hatfield

Submitted By

Animal Services

Division

Police

Department

## Action Required:

Request approval to recognize miscellaneous donations for expense accounts Dog Food and Supplies, Minor Equipment, Cleaning Supplies, Chemicals, Fixed Assets, and Building Maintenance. Funds needed due to rising supply costs and insufficient operational funds.

\$ 23,110.00

Cost of this request

Category / Project Budget

Program Category / Project Name

1010.0001.4808.00

Account Number

\$ -

Funds Used to Date

Program / Project Category Name

03048.1

Project Number

\$ -

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

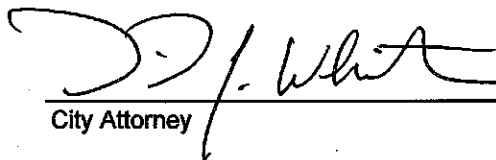
Department Director

8-28-08

Date

Previous Ordinance or Resolution #

Original Contract Date:



City Attorney

9/3/08

Date

Original Contract Number:



9-3-08

Finance and Internal Service Director

Date

Received in City  
Clerk's Office

8/29/08

Received in  
Mayor's Office

Mayor

9/3/08

Date

Comments:

## Departmental Correspondence

---

**To:** Mayor Dan Coody and Fayetteville City Council

**Thru:** Greg Tabor, Chief of Police

**From:** Jill Hatfield, Animal Services Superintendent 

**Date:** August 29, 2008

**Re:** Request approval to recognize miscellaneous donations for expense accounts

---

### Recommendation

Staff requests approval to recognize miscellaneous donations for the following expense accounts: Dog Food and Supplies, Minor Equipment, Cleaning Supplies, Chemicals, Fixed Assets, and Building Maintenance.

### Background

Due to the rising costs of needed supplies, the Animal Services Division is requesting recognizing \$23,110 from the Miscellaneous Donations revenue account to cover expenses in the above listed accounts to the end of 2008. As in 2007, the 2008 operating budget for the five listed accounts is \$25,250; actual expenses for 2007 were \$35,479.

### Discussion

Due to the increase in costs this year, additional funds are needed to cover supply, equipment and repair expenses.

### Budget Impact

The Miscellaneous Donations received are given for the proper care and needs of the shelter animals.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING BUDGET ADJUSTMENTS  
TOTALING \$23,110.00 FROM ANIMAL SERVICES  
MISCELLANEOUS DONATIONS TO MEET INCREASED SUPPLY  
AND OPERATIONAL COSTS AT THE FAYETTEVILLE ANIMAL  
SHELTER FOR THE REMAINDER OF 2008.**

**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 budget adjustments totaling \$23,110.00 from Animal Services  
Miscellaneous Donations to meet increased supply and operational costs at the  
Fayetteville Animal Shelter for the remainder of 2008.

**PASSED and APPROVED this 16<sup>th</sup> day of September, 2008.**

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

A. 6  
Fayetteville Animal Shelter  
Page 4 of 6

|                    |                                                                                                 |                       |                          |
|--------------------|-------------------------------------------------------------------------------------------------|-----------------------|--------------------------|
| <b>Budget Year</b> | <b>Department:</b> Police<br><b>Division:</b> Animal Services<br><b>Program:</b> Animal Shelter | <b>Date Requested</b> | <b>Adjustment Number</b> |
| 2008               |                                                                                                 | 9/16/2008             |                          |

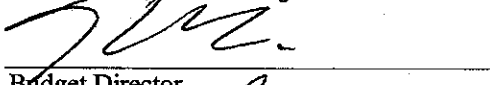
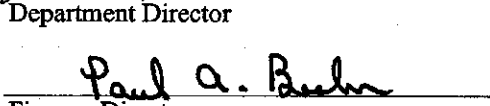
|                                                                                                                                                                                               |                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Project or Item Added/Increased:</b><br>Additional funds needed to purchase dog and cat food, cleaning supplies, chemicals, minor equipment, fixed assets, and building maintenance items. | <b>Project or Item Deleted/Reduced:</b><br>Recognize Miscellaneous Donations to cover expenses. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                 |                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification of this Increase:</b><br>Supply costs have increased. Accounts did not have sufficient funds to purchase needed supplies and equipment to the end of the year. | <b>Justification of this Decrease:</b><br>Collected miscellaneous donations are for the humane treatment and care of the shelter animals. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

| Increase Budget |                |                   |                |
|-----------------|----------------|-------------------|----------------|
| Account Name    | Account Number | Amount            | Project Number |
|                 |                | See Attached Page |                |
|                 |                |                   |                |
|                 |                |                   |                |

| Decrease Budget |                |                   |                |
|-----------------|----------------|-------------------|----------------|
| Account Name    | Account Number | Amount            | Project Number |
|                 |                | See Attached Page |                |
|                 |                |                   |                |
|                 |                |                   |                |

| Approval Signatures                                                                                       |                 | Budget & Research Use Only   |   |   |   |         |      |
|-----------------------------------------------------------------------------------------------------------|-----------------|------------------------------|---|---|---|---------|------|
| <br>Requested By        | 8/29/08<br>Date | Type:                        | A | B | C | (D)     | E    |
| <br>Budget Director     | 8-29-08<br>Date | General Ledger Date          |   |   |   |         |      |
| <br>Department Director | 8-28-08<br>Date | Approval Date                |   |   |   |         |      |
|                                                                                                           |                 |                              |   |   |   | Initial | Date |
| <br>Finance Director    | 9-3-08<br>Date  | Posted to General Ledger     |   |   |   |         |      |
|                                                                                                           |                 |                              |   |   |   | Initial | Date |
| Mayor                                                                                                     | Date            | Posted to Project Accounting |   |   |   |         |      |
|                                                                                                           |                 |                              |   |   |   | Initial | Date |

### Budget Adjustment Detail Backup

A. 6  
Fayetteville Animal Shelter  
Page 5 of 6





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

9/16/2008

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

A resolution approving Contract Amendment No. 2 with Carter & Burgess, Inc. in an amount not to exceed \$28,800 for engineering services associated with the rehabilitation of the Wilson Lake spillway.

\$ 28,800.00

Cost of this request

\$ 72,048.00

Category / Project Budget

Lake Wilson Spillway Repair

Program Category / Project Name

4270.9270.5314.00

Account Number

\$ 64,738.17

Funds Used to Date

Flood Damage Repair

Program / Project Category Name

04030

Project Number

\$ 7,309.93

Remaining Balance

Replacement

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒



Department Director

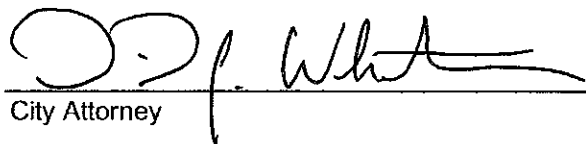
8-29-08

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:



City Attorney

9/3/08

Date

Received in City Clerk's Office

8-29-08 ED



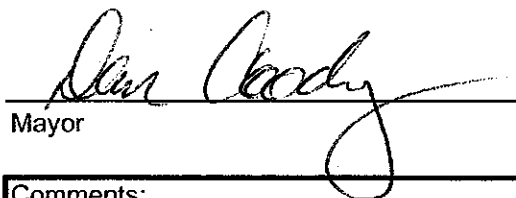
Finance and Internal Service Director

9-3-08

Date

Received in Mayor's Office

ENTER  
9/3/08  
PK



Mayor

9/3/08

Date

Comments:

City Council Meeting of September 16, 2008

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Ron Petrie, City Engineer *RP*

**Date:** August 29, 2008

**Subject:** A resolution approving Contract Amendment No. 2 with Carter & Burgess, Inc. in an amount not to exceed \$28,800 for engineering services associated with the rehabilitation of the Wilson Lake spillway.

### **RECOMMENDATION:**

Staff recommends approval of Contract Amendment No. 2 to the contract with Carter & Burgess, Inc. for professional engineering services associated with the Wilson Lake spillway rehabilitation.

### **BACKGROUND:**

On December 4, 2007, City Council approved a resolution for Contract Amendment No. 1 with Carter and Burgess, Inc. to perform a dam classification and dam breach analysis in order to determine if Arkansas Natural Resources Commission's criteria can be met and if the spillway can be rebuilt in the original configuration. The memo for the December 4, 2007 City Council meeting is included in this packet.

### **DISCUSSION:**

Certain pieces of information, specified in Amendment No. 1, were unavailable for distribution. They include:

- Effective FEMA Hydraulic Model for the West Fork of the White River;
- FEMA, or City-provided, hydrologic model for the West Fork of the White River;
- Aerial topography at 2-foot contour intervals

The Hydraulic Model is necessary to determine the dam breach inundation limits. By adoption of Contract Amendment No. 2, Carter & Burgess, Inc will develop a Hydraulic Model of the West Fork of the White River from its confluence with the Wilson Lake tributary to its confluence with the White River.

Therefore, at this time we are requesting an Amendment to the Carter & Burgess contract to develop this hydraulic model.

The contract amendment amount will not exceed \$28,800. Payment will be made to Carter & Burgess based on their hourly rates for the hours spent on the project.

**BUDGET IMPACT:**

According to the July 3, 2007 letter from the Arkansas Department of Emergency Management, the Dam Breach Analysis is an eligible expense for reimbursement.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION APPROVING CONTRACT AMENDMENT NO. 2 TO THE ENGINEERING CONTRACT WITH CARTER & BURGESS, INC. IN AN AMOUNT NOT TO EXCEED \$28,800.00 FOR ADDITIONAL ENGINEERING SERVICES ASSOCIATED WITH THE LAKE WILSON SPILLWAY REHABILITATION PROJECT; AND APPROVING A BUDGET ADJUSTMENT.

**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 Amendment No. 2 to the Engineering Contract with Carter & Burgess Inc. in an amount not to exceed \$28,800.00 for additional engineering services associated with the Lake Wilson Spillway Rehabilitation Project. A copy of Amendment No. 2, marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$28,800.00 recognizing cost reimbursement from FEMA.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
DAN COODY, Mayor

By: \_\_\_\_\_  
SONDRA E. SMITH, City Clerk/Treasurer

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

A. 7  
Carter & Burgess Inc. Amendment No. 2  
Page 5 of 16

|                                |                                                           |                                        |                          |
|--------------------------------|-----------------------------------------------------------|----------------------------------------|--------------------------|
| <b>Budget Year</b><br><br>2008 | <b>Department:</b><br><b>Division:</b><br><b>Program:</b> | <b>Date Requested</b><br><br>9/16/2008 | <b>Adjustment Number</b> |
|--------------------------------|-----------------------------------------------------------|----------------------------------------|--------------------------|

|                                                                                                                       |                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>Project or Item Added/Increased:</b><br>\$28,800 recognized in the project to be reimbursed by FEMA in the future. | <b>Project or Item Deleted/Reduced:</b><br>None. To recognize \$28,800 in cost reimbursement revenue from FEMA. |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|

|                                                                                                                            |                                        |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>Justification of this Increase:</b><br>Additional Engineering necessary to meet State regulations regarding dam safety. | <b>Justification of this Decrease:</b> |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------|

**Increase Expense Budget (Decrease Revenue Budget)**

| Account Name          | Account Number |      |      |    | Amount | Project Number |   |
|-----------------------|----------------|------|------|----|--------|----------------|---|
| Professional services | 4270           | 9270 | 5314 | 00 | 28,800 | 04030          | 1 |

**Decrease Expense Budget (Increase Revenue Budget)**

| Account Name           | Account Number |      |      |    | Amount | Project Number |   |
|------------------------|----------------|------|------|----|--------|----------------|---|
| Federal grants-Capital | 4270           | 0927 | 4309 | 00 | 28,800 | 04030          | 1 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Approval Signatures</b></p> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>Requested By</span> <span>8/29/08<br/>Date</span> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>Budget Manager</span> <span>8-29-08<br/>Date</span> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>Department Director</span> <span>8-29-08<br/>Date</span> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>Finance &amp; Internal Services Director</span> <span>9-3-08<br/>Date</span> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>Mayor</span> <span><br/>Date</span> </div> </div> | <p align="center"><b>Budget Office Use Only</b></p> <div style="margin-bottom: 20px;"> <b>Type:</b>    A       B       C       <u>D</u>       E     </div> <div style="margin-bottom: 20px;"> <b>Posted to General Ledger</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Initial</div> <div>Date</div> </div> </div> <div style="margin-bottom: 20px;"> <b>Posted to Project Accounting</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Initial</div> <div>Date</div> </div> </div> <div> <b>Entered in Category Log</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Initial</div> <div>Date</div> </div> </div> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

City Council Meeting of December 4, 2007

## **CITY COUNCIL AGENDA MEMO**

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**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Ron Petrie, City Engineer

**Date:** November 16, 2007

**Subject:** A resolution approving Contract Amendment No. 1 with Carter & Burgess, Inc. in an amount not to exceed \$57,900 for engineering services associated with the rehabilitation of the Wilson Lake spillway.

### **RECOMMENDATION:**

Staff recommends approval of Contract Amendment No. 1 to the contract with Carter & Burgess, Inc. for professional engineering services associated with the Wilson Lake spillway rehabilitation.

### **BACKGROUND:**

In 2004, severe storms and flooding caused damage throughout the City. This resulted in the City hiring Terracon, Inc. to perform a preliminary analysis for Lake Fayetteville, Lake Sequoyah, and Lake Wilson and other areas within the City to determine the extent of this damage. The findings in this report state that only superficial damages were observed for both Lake Fayetteville and Lake Sequoyah. However, the partial collapse of a portion of the Lake Wilson spillway was identified which would require correction to prevent future damage.

The City applied for and received disaster relief funds from FEMA in order to "bring the dam structure back to its original structural integrity and comply with the historical preservation requirements and to bring it back to its original aesthetic appearance." In order to proceed with this project, the City hired Carter & Burgess in 2005 to perform the preliminary engineering for the project which consisted of providing preliminary plans and cost estimates to perform the repair.

### **DISCUSSION:**

During the preliminary engineering stage of the project, Carter & Burgess informed the City that the work to be performed on the spillway will be required to be permitted through the Arkansas Natural Resources Commission (formerly Arkansas Soil & Water) and that the work should conform to the "Rules Governing Design and Operation of Dams" as administered by the ANRC.

These rules specify certain design criteria that is based on the size of the lake, height of the dam, and the hazard classification of the facility. There are three hazard

City Council Meeting of December 4, 2007

classifications: low, significant, and high. The classification is determined by the potential loss of human life and the potential economic loss in case of a dam failure. Depending on these factors, a requirement of the spillway size is given in the regulations that range from 0.25 to 0.75 of the Probable Maximum Flood (PMF) which equates to approximately a 500 year flood event.

At this time, Lake Wilson is currently not permitted by the ANRC and this classification is unknown. If the spillway is required to be built at even a 0.25 PMF, the existing structure could not be replaced in the original configuration as required by FEMA. However, there is an allowance that states: *The minimum hydrologic criteria may be reduced if properly prepared dam breach analyses show that dam failure during the SDF (spillway dam failure) would cause an increase in flood level of one foot or less at, and downstream of, the first habitable structure or financially significant development.*

Therefore, at this time we are requesting an Amendment to the Carter & Burgess contract to perform this classification and dam breach analysis in order to determine if this criteria can be met and if the spillway can be rebuilt in the original configuration.

The contract amount will not exceed \$57,900. Payment will be made to Carter & Burgess based on their hourly rates for the hours spent on the project.

**BUDGET IMPACT:**

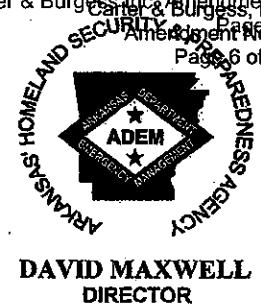
According to the July 3, 2007 letter from the Arkansas Department of Emergency Management, the Dam Breach Analysis is an eligible expense for reimbursement.



MIKE BEEBE  
GOVERNOR

**STATE OF ARKANSAS  
DEPARTMENT OF EMERGENCY MANAGEMENT**

A. 8 A. 7  
Carter & Burgess Inc. Amendment No. 2  
Carter & Burgess, Inc.  
Amendment No. 8 of 16  
Page 6 of 16



July 3, 2007

**RECEIVED**  
JUL 06 2007  
**ENGINEERING DIV.**

Mr. Ronald Petrie, P.E.  
City Engineer  
113 W. Mountain Street  
Fayetteville, AR 72701

**RE: Project Worksheet (PW) 388  
FEMA 1516-DR-AR  
PA ID # 143-23290-00**

Dear Mr. Petrie:

This letter is in response to your request for an extension of time to complete the Lake Wilson Dam Repairs. As the grantee, the Arkansas Department of Emergency Management can approve an extension to a maximum of 30 months beyond the initial (18 months) time allowed. Your request for an extension has been approved through May 7, 2008. Any additional extension request beyond this date would need to be approved by this office and FEMA.

The Dam Breach Analysis is an eligible expense if required to rebuild the dam to its pre-disaster condition. If for any reason, changes to the original scope of work or additional funding (Cost Overrun) are discovered, you must notify this office in writing and gain approval prior to any work being started. All cost overruns must be associated with an approved scope of work.

We encourage you to complete this project as soon as possible. Please continue with the submittal of quarterly progress reports and send copies of all engineering studies and contracts. If you have any questions or need further assistance please contact the Scott Bass by emailing [Scott.Bass@adem.state.ar.us](mailto:Scott.Bass@adem.state.ar.us) or by calling 501-683-6700.

Sincerely,

*Richard G. Griffin*  
Richard G. Griffin  
State Coordinating Officer

RGG:sb



**AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL ENGINEERING SERVICES  
CITY OF FAYETTEVILLE  
FAYETTEVILLE, ARKANSAS**

**CONTRACT AMENDMENT NO. 2**

**Wilson Lake Spillway Bridge Project**

This Contract Amendment No. 2, dated \_\_\_\_\_, 2008 shall amend the original contract between the CITY OF FAYETTEVILLE, ARKANSAS (CITY) and CARTER & BURGESS, INC. (C&B) dated November 15, 2005 as amended by Contract Amendment No. 1 dated December 4, 2007 for professional engineering services in connection with the Wilson Lake Spillway Bridge Project (the "Project").

Certain pieces of information, specified in Amendment No. 1, to be delivered to C&B by the CITY were unavailable for distribution. They include:

- Effective FEMA Hydraulic Model for the West Fork of the White River;
- FEMA, or City-provided, hydrologic model for the West Fork of the White River;
- Aerial topography at 2-foot contour intervals

The Hydraulic Model is necessary to determine the dam breach inundation limits. While desirable to have, the lack of the hydrologic model can be worked around by performing an unsteady flow analysis as described later. Contours for the Northwest Quarter of Section 2, Township 15 North, Range 30 West were not available; 5-foot interval contours were provided by the CITY and merged into the CITY provided 2-foot interval contours.

By adoption of this Contract Amendment No. 2 by the City, the following additional work is to be performed by C&B:

**Develop a Hydraulic Model of the West Fork of the White River from its confluence with the Wilson Lake tributary to its confluence with the White River, as described herein.**

Except as described herein, the terms of the original Contract and preceding amendments shall remain in full force and effect. The contract is hereby modified as follows:

## **SECTION 2 -BASIC SERVICES OF CARTER & BURGESS, INC**

The following Sections shall be inserted into the original contract.

### **2.1 General**

- 2.1.1.1-C The Scope of Services to be furnished by C&B during the Development of a Hydraulic Model of the West Fork of the White River is included in Appendix A attached hereto and made part of this Agreement.

## **SECTION 5 – PERIOD OF SERVICE**

5.4 Schedule of Services - Amendment No. 2 - The Engineer will begin work within 10 working days of receiving the Notice to Proceed from the City. Except for delays beyond the control of the Engineer, such as delays in receipt of requested information or delays in reviews, the hydraulic model shall be completed within 75 calendar days of beginning the work.

## **SECTION 6 - PAYMENTS TO CARTER & BURGESS, INC.**

### **6.1 Compensation**

#### **6.1.1-D Development of Hydraulic Model of the West Fork of the White River**

For the Development of the Hydraulic Model of the West Fork of the White River as described herein, CITY OF FAYETTEVILLE shall pay C&B for the time spent on the project at the rates shown in Appendix B for each classification of C&B's personnel. In addition, reimbursable expenses, including but not limited to printing, courier service, reproduction, and travel will be billed. The total amount paid to C&B under this agreement for this phase shall not exceed \$28,800.00. The previous Contract amount was \$71,056.83. This amendment increases the total not-to-exceed Contract amount to \$99,856.83. For informational purposes, a breakdown of C&B's estimated costs is included in Appendix C.

The rates as shown in Attachment B will be increased annually with the first increase effective on or about January 1, 2009.

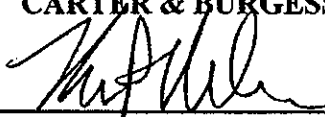
IN TESTIMONY OF WHICH, this instrument has been executed on behalf of CARTER & BURGESS, INC. and has been executed on behalf of the CITY OF FAYETTEVILLE, in three (3) counterparts, each of equal force, on the day and year first above written.

**CITY OF FAYETTEVILLE**

**CARTER & BURGESS, INC.**

By: \_\_\_\_\_

By: \_\_\_\_\_



Kevin P. Nelson

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Vice President

ATTEST: \_\_\_\_\_

ATTEST: \_\_\_\_\_

**APPENDIX A  
SCOPE OF SERVICES  
Amendment No. 2  
Development of Hydraulic Model of the West Fork of the White River**

**2.2 Conceptual Layout and Report Phase**

**2.2.3 Development of Hydraulic Model of the West Fork of the White River**

**Scope of Services**

The Basic Services are defined as follows:

- Attend Startup Meeting with the City
- Provide project Administration
- Acquire Aerial Topo from City in AutoCAD format
- Acquire Aerial photos from City in electronic format
- Adjust Aerial Topo file for use with HEC-RAS
- Develop cross-sections at approximately 1,000-foot intervals
- Using aerial photos determine "n" values for the cross-sections
- Perform field investigations to verify "n" values acquired from aerial photos and to acquire necessary bridge data for up to four bridges.
- Using the 100-year peak flows from the May 16, 2008 Flood Insurance Study (FIS) of Washington County, Arkansas and the compiled data develop a HEC-RAS model for the West Fork of the White River from the confluence with the Wilson Lake confluence to the confluence with the White River (approximately 8.5 miles.
- Run the HEC-RAS model to determine the 100-year water surface elevations
- Adding the peak flows given in the FIS and the flows previously acquired from development of the Wilson Lake Dam Breach model, perform an unsteady flow analysis to determine the limit of the effect of the dam breach (i.e. - until water surface elevations are within 2-feet of the existing 100-year Water Surface elevation or until limits of model is reached)
- Perform Quality Administration and Quality Control reviews
- Prepare exhibits
- Meet with the City to discuss modeling results

### **Design Criteria**

- Use the 100-year flows from the May 16, 2008 Flood Insurance Study (FIS) of Washington County, Arkansas to develop HEC-RAS model
- Since this model is not to be used for a LOMR submittal or as a regulatory model, calibration of the model to match the 100-year water surface profile of the FIS is not necessary for the purposes of this comparison.
- Adjustment of the aerial topo file will include adding vertical values to all necessary contours to aid in development of cross-sections
- Since the reported flows for the West Fork of the White River from the FIS are peak flows (not hydrographs) and the flows from the Wilson Lake Dam Breach model are in hydrograph form the approximation of the modified downstream flows (due to routing forces) will be accomplished by utilizing the unsteady flow analysis feature of HEC-RAS

### **ADDITIONAL SERVICES**

Additional services, in addition to those listed in the original Contract, shall consist of, but not be limited to, the following items:

- Hydrologic or hydraulic modeling after completion of defined task

The City of Fayetteville shall approve all changes to the contract and authorize all additional services.

### **SUBMITTALS**

- One paper copy showing the extent of the modeled 100-year Water Surface Elevations on the topo map;
- One electronic copy of the hydraulic model.

**APPENDIX B  
RATE SCHEDULE  
Amendment No. 1**

**Assessment of the City's Responsibilities and Performance of Dam Breach Analysis Phase**

| <b>Description</b>        | <b>PCL</b> | <b>Rate</b> |
|---------------------------|------------|-------------|
| PROJECT DIRECTOR          | P420       | \$192.00    |
| UNIT MANAGER              | U110       | \$155.00    |
| PROJECT MANAGER           | S560       | \$142.00    |
| SR. TRAFFIC ENGINEER      | S635       | \$135.00    |
| SR. STRUCTURAL ENGINEER   | S600       | \$135.00    |
| SR. PROJECT ENGINEER      | S555       | \$130.00    |
| SR. ROADWAY ENGINEER      | S585       | \$130.00    |
| SENIOR SURVEYOR           | S384       | \$125.00    |
| PROJECT ENGINEER          | P450       | \$120.00    |
| 2-PERSON SURVEY CREW      | S790       | \$115.00    |
| SENIOR CIVIL ENGINEER     | S250       | \$111.00    |
| SURVEY CREW 1 MAN GPS MAN | S795       | \$105.00    |
| ENV. MANAGER              | E425       | \$105.00    |
| SR. PROJECT COORDINATOR   | S552       | \$100.00    |
| ENV. SPECIALIST           | E410       | \$100.00    |
| STRUCTURAL ENGINEER I     | S681       | \$97.50     |
| PROJECT COORDINATOR       | P400       | \$95.00     |
| ENV. SCIENTIST            | E390       | \$95.00     |
| CIVIL ENGINEER            | C310       | \$90.00     |
| SENIOR TECHNICIAN         | S630       | \$90.00     |
| BIOLOGIST                 | B120       | \$90.00     |
| STRUCTURAL ENGINEER II    | S682       | \$87.50     |
| CIVIL - EI                | C322       | \$85.00     |
| ENV. INSPECTOR            | E380       | \$85.00     |
| SENIOR CONSTR ENGINEER    | S290       | \$80.00     |
| SURVEYOR                  | S852       | \$80.00     |
| CIVIL DRAFTER             | C275       | \$75.00     |
| SR. CADD/DESIGNER         | S638       | \$75.00     |
| TECHNICIAN I              | T160       | \$71.00     |
| CONSTRUCTION INSPECTOR    | C510       | \$70.00     |
| CONSTRUCTION OBSERVER     | C540       | \$60.00     |
| ADMINISTRATIVE ASSISTANT  | A140       | \$50.00     |
| SURVEY DRAFTER            | S820       | \$45.00     |
| TECHNICIAN II             | T170       | \$43.00     |
| ADMINISTRATIVE SUPPORT    | A170       | \$42.00     |

**APPENDIX C**  
**ESTIMATE OF COST PER TASK**  
**Amendment No. 2**  
**Development of Hydraulic Model of the West Fork of the White River**

|                                                                      |                    |
|----------------------------------------------------------------------|--------------------|
| Development of Hydraulic Model of the West Fork of the White River - | \$28,234.00        |
| <u>Direct Cost -</u>                                                 | <u>\$566.00</u>    |
| <b>TOTAL – AMENDMENT NO. 2</b>                                       | <b>\$28,800.00</b> |





**City of Fayetteville Staff Review Form**

A. 8  
FY 2008 HUD EDI - Special  
Project Grant Agreement  
Page 1 of 48

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

9/16/2008

**City Council Meeting Date  
Agenda Items Only**

Yolanda Fields

**Submitted By**

Community Resources

**Division**

Operations

**Department**

**Action Required:**

Approval of the FY 2008 EDI - Special Project No. B-08-SP-AR-0524 Grant Agreement and Developer Grant Agreement.

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**

☐

 8-29-08  
Department Director Date

Previous Ordinance or Resolution #                     

 9/3/08  
City Attorney Date

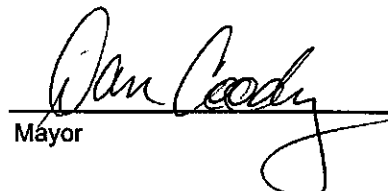
Original Contract Date:                     

Original Contract Number:                     

 9-3-08  
Finance and Internal Service Director Date

Received in City  
Clerk's Office



 9/3/08  
Mayor Date

Received in  
Mayor's Office

Comments: Staff recommends approval of the FY 2008 EDI - Special Project No. B-08-SP-AR-0524 Grant Agreement and Developer Grant Agreement.

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council  
**Thru:** Gary Dumas, Director of Operations  
**From:** Yolanda Fields, CR Director   
**Date:** August 25, 2008  
**Subject:** Approving FY2008 HUD (EDI-Special Project) Grant Agreements

---

### **RECOMMENDATION**

Staff recommends approval of FY2008 HUD (EDI-Special Project) Grant Agreements .

### **BACKGROUND**

In 2007 the City of Fayetteville submitted a white paper requesting funds to be earmarked for the Fayetteville Housing Partnership: An effort to provide attainable/affordable housing. This partnership will have an impact on the challenge of meeting the housing needs for teachers, nurses, firefighters, police officers and others in a similar income range. Funds were earmarked for the project for the 2008 grant year. An application for the earmarked funds of \$656,600 was submitted to the Department of Housing and Urban Development on June 30, 2008. Award letter was received the first week of August.

### **DISCUSSION**

The 2008 HUD EDI – Special Project Grant Agreement and the Developers Grant Agreement are being submitted for approval.

### **BUDGET IMPACT**

2008 grant revenue - \$656,600.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING FY 2008 HUD EDI – SPECIAL PROJECT GRANT AGREEMENT IN THE AMOUNT OF \$656,600.00 TO FUND THE FAYETTEVILLE HOUSING PARTNERSHIP; APPROVING A DEVELOPERS GRANT AGREEMENT WITH RAUSCH COLEMAN HOMES, LLC; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$656,600.00.**

**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 FY 2008 HUD EDI – Special Project Grant Agreement In the amount of \$656,600.00 to fund the Fayetteville Housing Partnership.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Developers Grant Agreement with Rausch Coleman Homes, LLC Budget Adjustment in the amount of \$46,560.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$656,600.00 to recognize the Grant revenue.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk/Treasurer**

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

A. 8  
FY 2008 HUD EDI - Special  
Project Grant Agreement  
Adjustment Number 4 of 48

|                            |                                                                                                    |                                    |
|----------------------------|----------------------------------------------------------------------------------------------------|------------------------------------|
| Budget Year<br><b>2008</b> | Department: Operations<br>Division: Community Resources<br>Program: HUD EDI Special Projects Grant | Date Requested<br><b>9/16/2008</b> |
|----------------------------|----------------------------------------------------------------------------------------------------|------------------------------------|

**Project or Item Added/Increased:**

\$656,600 is being requested for the expense related to the acceptance of the HUD EDI Special Projects Grant.

**Project or Item Deleted/Reduced:**

None. \$656,600 in Grant Funding from HUD.

**Justification of this Increase:**

**Justification of this Decrease:**

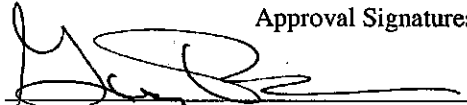
**Increase Expense Budget (Decrease Revenue Budget)**

| Account Name      | Account Number |      |      |    | Amount  | Project Number |
|-------------------|----------------|------|------|----|---------|----------------|
| Contract Services | 2185           | 4985 | 5315 | 00 | 656,600 |                |

**Decrease Expense Budget (Increase Revenue Budget)**

| Account Name                       | Account Number |      |      |    | Amount  | Project Number |
|------------------------------------|----------------|------|------|----|---------|----------------|
| Grant Funding EDI Special Projects | 2185           | 0985 | 4320 | 01 | 656,600 |                |

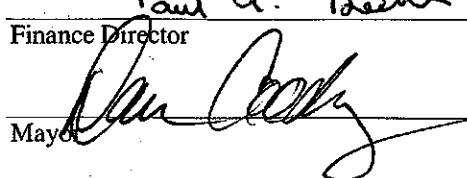
**Approval Signatures**

Requested By  Date 9-3-08

Budget Director  Date 9-3-08

Department Director \_\_\_\_\_ Date \_\_\_\_\_

Finance Director Paul A. Beehn Date 9-3-08

Mayor  Date 9/3/08

**Budget & Research Use Only**

Type:      A      B      C      D      E

General Ledger Date \_\_\_\_\_

Approval Date \_\_\_\_\_

Posted to General Ledger \_\_\_\_\_

Posted to Project Accounting \_\_\_\_\_

|         |      |
|---------|------|
| Initial | Date |
| Initial | Date |
| Initial | Date |

**HUD NOTIFICATION**  
**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
**WASHINGTON, DC 20410**

**FIELD OFFICE:** Headquarters

**ACTION:** Announce FY 2008 Special Project Grant B-08-SP-AR-0524.

**DESCRIPTION:** A funding approval letter has been approved for an EDI Special Project Grant to City of Fayetteville, AR as identified in the 110-161 (Consolidated Appropriations Act, 2008) and a listing of specific Economic Development and a listing of certain specific Economic Development Initiative Special Projects specified in the Congressional Record of December 17, 2007.

| <b>RECIPIENT</b>     | <b>CONGRESSIONAL<br/>DISTRICT</b> | <b>AMOUNT</b> |
|----------------------|-----------------------------------|---------------|
| City of Fayetteville | 3                                 | \$656,600     |

**PROJECT HIGHLIGHTS:**

This FY 2008 Special Project grant will be used City of Fayetteville, Fayetteville Attainable Housing Partnership, Fayetteville, Arkansas, To support the Fayetteville Attainable Housing Partnership.

**RECIPIENT CONTACT:** Dan Coody 479-575-8290

**HUD - HQ CONTACT:** Theresa Slye 202-708-3773, ext. 4421

| <b>CONGRESSIONAL DELEGATION</b> | <b>PARTY</b> |
|---------------------------------|--------------|
| Senator Mark Pryor              | D            |
| Senator Blanche L Lincoln       | D            |
| Congressman John Boozman        | R            |

**Assistance Award/Amendment**

**U.S. Department of Housing  
and Urban Development**  
Office of Administration

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                             |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|--------------|------------------|--------------|------------------|--|-------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------|--|---------------------------|--------------|------------------|--------------|
| <b>1. Assistance Instrument</b><br><input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Grant                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                             | <b>2. Type of Action</b><br><input checked="" type="checkbox"/> Award <input type="checkbox"/> Amendment                            |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| <b>3. Instrument Number</b><br>B-08-SP-AR-0524                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>4. Amendment Number</b>                                                                                                                                                                  | <b>5. Effective Date of this Action</b>                                                                                             | <b>6. Control Number</b> |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| <b>7. Name and Address of Recipient</b><br>City of Fayetteville<br>113 West Mountain Street<br>Fayetteville, AR 72701<br><br>EIN: 71-6018462                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                             | <b>8. HUD Administering Office</b><br>CPD, EDI Special Project Division<br>451 7th Street, SW, Rm 7146<br>Washington, DC 20410-7000 |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| <b>10. Recipient Project Manager</b><br>Dan Coody                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             | <b>9. HUD Government Technical Representative</b><br>Theresa Slye                      202-708-3773, Extension: 4421                |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| <b>11. Assistance Arrangement</b><br><input type="checkbox"/> Cost Reimbursement<br><input type="checkbox"/> Cost Sharing<br><input checked="" type="checkbox"/> Fixed Price                                                                                                                                                                                                                                                                                                                                    | <b>12. Payment Method</b><br><input type="checkbox"/> Treasury Check Reimbursement<br><input type="checkbox"/> Advance Check<br><input checked="" type="checkbox"/> Automated Clearinghouse | <b>13. HUD Payment Office</b><br>Chief Financial Officer                                                                            |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| <b>14. Assistance Amount</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Previous HUD Amount</td> <td></td> </tr> <tr> <td>HUD Amount this Action</td> <td style="text-align: right;">\$656,600.00</td> </tr> <tr> <td>Total HUD Amount</td> <td style="text-align: right;">\$656,600.00</td> </tr> <tr> <td>Recipient Amount</td> <td></td> </tr> <tr> <td>Total Instrument Amount</td> <td style="text-align: right;">\$656,600.00</td> </tr> </table> |                                                                                                                                                                                             | Previous HUD Amount                                                                                                                 |                          | HUD Amount this Action    | \$656,600.00 | Total HUD Amount | \$656,600.00 | Recipient Amount |  | Total Instrument Amount | \$656,600.00 | <b>15. HUD Accounting and Appropriation Data</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>15a. Appropriation Number</b></td> <td style="width: 40%;"><b>15b. Reservation Number</b><br/>EID 08</td> </tr> <tr> <td colspan="2"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Amount Previously Obligated</td> <td></td> </tr> <tr> <td>Obligation by this Action</td> <td style="text-align: right;">\$656,600.00</td> </tr> <tr> <td>Total Obligation</td> <td style="text-align: right;">\$656,600.00</td> </tr> </table> </td> </tr> </table> |  | <b>15a. Appropriation Number</b> | <b>15b. Reservation Number</b><br>EID 08 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Amount Previously Obligated</td> <td></td> </tr> <tr> <td>Obligation by this Action</td> <td style="text-align: right;">\$656,600.00</td> </tr> <tr> <td>Total Obligation</td> <td style="text-align: right;">\$656,600.00</td> </tr> </table> |  | Amount Previously Obligated |  | Obligation by this Action | \$656,600.00 | Total Obligation | \$656,600.00 |
| Previous HUD Amount                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                             |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| HUD Amount this Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$656,600.00                                                                                                                                                                                |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| Total HUD Amount                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$656,600.00                                                                                                                                                                                |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| Recipient Amount                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                             |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| Total Instrument Amount                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$656,600.00                                                                                                                                                                                |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| <b>15a. Appropriation Number</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>15b. Reservation Number</b><br>EID 08                                                                                                                                                    |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
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| Amount Previously Obligated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                             |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| Obligation by this Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$656,600.00                                                                                                                                                                                |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |
| Total Obligation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$656,600.00                                                                                                                                                                                |                                                                                                                                     |                          |                           |              |                  |              |                  |  |                         |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                  |                                          |                                                                                                                                                                                                                                                                                                                                                |  |                             |  |                           |              |                  |              |

**16. Description**  
 City of Fayetteville, Fayetteville Attainable Housing Partnership, Fayetteville, Arkansas, To support the Fayetteville Attainable Housing Partnership

This Award consists of the following items which are appended to and hereby made part of this Award:

- (A) Cover Page - HUD 1044  
 (B) Grant Agreement

**Special Conditions:**

**Please contact Shelia Gilmore - HUD Area Environmental Officer at 504-589-7212, Tina.Powell@hud.gov concerning environmental review. NO FUNDS may be committed to the project or drawn down prior to environmental release of funds approval.**

|                                                                                                                                                            |                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>17.</b> <input checked="" type="checkbox"/> Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office. | <b>18.</b> <input type="checkbox"/> Recipient is not required to sign this document. |
| <b>19. Recipient (By Name):</b><br>The Honorable Dan Coody                                                                                                 | <b>20. HUD (By Name):</b><br>Otto V. Banks                                           |
| <b>Signature &amp; Title:</b><br>Mayor of Fayetteville                                                                                                     | <b>Signature and Title:</b><br>DAS for Economic Development                          |
| <b>Date:</b>                                                                                                                                               | <b>Date:</b>                                                                         |

**FY 2008 EDI-SPECIAL PROJECT NO. B-08-SP-AR-0524**

**GRANT AGREEMENT**

This Grant Agreement between the Department of Housing and Urban Development (HUD) and City of Fayetteville (the Grantee) is made pursuant to the authority of Public Law 110-161 (Consolidated Appropriations Act, 2008) and a listing of certain specific Economic Development Initiative Special Projects specified in the Congressional Record of December 17, 2007. The amount shown below is 98.00% of the amount specified in the Congressional Record of December 17, 2007, because of a 2.00% reduction mandated by the Act. The Grantee's application, as may be amended by the provisions of this Grant Agreement, is hereby incorporated into this Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, HUD and the Grantee agree as follows:

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of \$656,600 available to the Grantee.

The Grantee agrees to abide by the following:

**ARTICLE I. HUD Requirements.**

The Grantee agrees to comply with the following requirements for which HUD has enforcement responsibility.

A. The grant funds will only be used for activities described in the application, which is incorporated by reference and made part of this Agreement as may be modified by Article VII (A) of this Grant Agreement.

**B. EQUAL OPPORTUNITY REQUIREMENTS**

The grant funds must be made available in accordance with the following:

1. For projects involving housing, the requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100; Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107.
2. The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1.
3. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR Part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8.

4. The requirements of 24 CFR 5.105(a) regarding equal opportunity as well as the requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations issued at 41 CFR Chapter 60.
5. For those grants funding construction covered by 24 CFR 135, the requirements of section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) which requires that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons and to businesses that provide economic opportunities for these persons.
6. The requirements of Executive Orders 11625 and 12432 (concerning Minority Business Enterprise), and 12138 concerning Women's Business Enterprise). Consistent with HUD's responsibilities under these Orders, the Grantee must make efforts to encourage the use of minority and women's business enterprises in connection with grant funded activities. See 24 CFR Part 85.36(e), which describes actions to be taken by the Grantee to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.
7. Where applicable, Grantee shall maintain records of its efforts to comply with the requirements cited in Paragraphs 5 and 6 above.

#### C. ENVIRONMENTAL REVIEW REQUIREMENTS.

1. If the Grantee is a unit of general local government, a State, an Indian Tribe, or an Alaskan Native Village, the Grantee agrees to assume all of the responsibilities for environmental review and decision- making and actions, as specified and required in regulations issued by the Secretary pursuant to the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR Part 58.
2. If the Grantee is a housing authority, redevelopment agency, academic institution, hospital, or other non-profit organization, the Grantee shall request the unit of general local government, Indian Tribe, or Alaskan Native Village, within which the project is located and which exercises land use responsibility, to assume all of the responsibilities for environmental review and decision-making as specified in paragraph C.1 above, and the Grantee shall carry out all of the responsibilities of a recipient under 24 CFR Part 58.



- D. Administrative requirements of OMB Circular A-133 “Audits of States, Local governments and Non-Profit Organizations.”
- E. For State and Local Governments, the Administrative requirements of 24 CFR Part 85, including the procurement requirements of 24 CFR Part 85.36, and the requirements of OMB Circular A-87 regarding Cost Principles for State and Local Governments. For Non-Profits, the Administrative requirements of 24 CFR Part 84, including the procurement requirements of 24 CFR Part 84.40, and OMB Circular A-122 regarding Cost Principles for Non-Profit Institutions. For Institutions of Higher Education the applicable OMB Circular regarding Cost Principles is A-21.
- F. The regulations at 24 CFR Part 87, related to lobbying, including the requirement that the Grantee obtain certifications and disclosures from all covered persons.
- G. The regulations at 24 CFR Part 21, regarding requirements for Drug- Free Workplace.
- H. The Uniform Relocation Act as implemented by regulations at 49 CFR Part 24.
- I. The Grantee will comply with all accessibility requirements under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8, where applicable.
- J. The regulations at 24 CFR Part 35, where applicable, regarding Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
- K. The regulations at 24 CFR Part 5.109, where applicable, regarding Equal Participation of Religious Organizations in HUD Programs and Activities.

#### ARTICLE II. Conditions Precedent to Draw Down.

The Grantee may not draw down grant funds until the following actions have taken place:

- A. The Grantee has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying.
- B. Any other conditions listed in Article VII (C) of this Grant Agreement.

#### ARTICLE III. Draw Downs.

- A. A request by the Grantee to draw down grant funds under the Voice Response Access system or any other payment system constitutes a representation by the Grantee that it and all participating parties are complying with the terms of this Grant Agreement.
- B. The Grantee will be paid on an advance basis provided that the Grantee minimizes the time elapsing between transfer of the grant funds and disbursement for project

- C. Before the Grant Agreement is signed, the Grantee may incur cost for activities which are exempt from environmental review under 24 CFR Part 58 and may charge the costs to the grant.

#### ARTICLE IV. Progress Reports.

- A. The Grantee shall submit to the Grant Officer a progress report every six months after the effective date of the Grant Agreement. Progress reports shall consist of (1) a narrative of work accomplished during the reporting period and (2) a completed Financial Status Report - Form 269 A.

HUD may require additional information or increased frequency of reporting as described in Article VII ( C ).

- B. The performance reports must contain the information required under 24 CFR Part 85.40(b) (2) or 24 CFR Part 84.51(a), as applicable including a comparison of actual accomplishment to the objectives indicated in the approved application, the reasons for slippage if established objectives were not met, and additional pertinent information including explanation of significant cost overruns.
- C. No grant drawdowns will be approved for projects with overdue progress reports.

#### ARTICLE V. Project Close-out.

- A. The grantee shall submit to the Grant Officer a written request to close-out the grant 30 days after the grantee has drawn down all funds and completed the activities described in the application, as may be amended. The final report shall consist of (1) a narrative of all work accomplished during the project period and (2) a completed Financial Status Report - Form 269 A covering the entire project period.

HUD will then send the Close-out Agreement and Close-out Certification to the Grantee. At HUD's option, the Grantee may delay initiation of project close-out until the resolution of any HUD monitoring findings. If HUD exercises this option the Grantee must promptly resolve the findings.

- B. The Grantee recognizes that the close-out process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any review in any way possible, including making available records requested by HUD and the project for on-site HUD inspection.

C. The Grantee shall provide to HUD the following documentation:

1. A Certification of Project Completion.
  2. A Grant Close-out Agreement.
  3. A final financial report giving the amount and types of project costs charged to the grant (that meet the allowability and allocability requirements of OMB Circular A-122, A-87 or A-21 as applicable, including the “necessary and reasonable” standard); a certification of the costs; and the amounts and sources of other project funds.
  4. A final performance report providing a comparison of actual accomplishments with each of the project commitments and objectives in the approved application, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.
- D. The Grantee agrees that the grant funds are allowable only to the extent that the project costs, meeting the standard of OMB Circular A-122, A-87 or A-21 as applicable, equal the grant amount plus other sources of project funds provided.
- E. When HUD has determined that the grant funds are allowable, the activities were completed as described by the Grant Agreement, and all Federal requirements were satisfied, HUD and the Grantee will sign the Close-out Agreement and Close-out Certificate.
- F. The Close-out Agreement will include the Grantee’s Agreement to abide by any continuing federal requirements.

ARTICLE VI. Default.

A default under this Grant Agreement shall consist of using grant funds for a purpose other than as authorized by this Agreement, any noncompliance with legislative, regulatory, or other requirements applicable to the Agreement, any other material breach of this Agreement, or any material misrepresentation in the application submissions.

ARTICLE VII. Additional Provisions.

- A. Project Description. The project is as described in the application with the following changes:
- B. Changes or Clarification to the Application Related to Participating Parties:  
The Administrative Agent if any:
- C. Special Conditions:  
The Consolidated Appropriations Act, 2008 provides that no funds made available under the Act may be used to support any Federal, State or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For purposes of this provision, public use shall not be construed to include economic development that primarily benefits private entities.

U.S. Department of Housing  
and Urban Development

City of Fayetteville  
The Honorable Dan Coody

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

Otto V. Banks  
\_\_\_\_\_  
Deputy Assistant Secretary  
for Economic Development

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

## GRANT YEAR 2008 | DEVELOPER GRANT AGREEMENT

**This Agreement** is entered into on this day, \_\_\_\_\_, 2008, between the **City of Fayetteville**, hereinafter known as *the City*, and Rausch Coleman, LLC Homes hereinafter known as the *Developer*.

**WHEREAS** the City has received funding made pursuant to the authority of Pubic Law 110-161 (Consolidated Appropriations Act, 2008) and a listing of certain specific Economic Development Initiative (EDI) Special Projects specified in Congressional Record of December 17, 2007 and,

**WHEREAS** the Act contains certain requirements regarding the use of EDI funds to fulfill the activities described in the application, which is incorporated by reference and made part of this Agreement (**Attachment A and B**); and,

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the City and the Developer agree as follows:

1. **TERM OF AGREEMENT:** The funding for this Agreement shall begin on the date first written above and expire on September 30, 2011; any funds not obligated prior to this date will revert back to the City.
2. **LIMITATION ON FUNDING:** It is expressly agreed and understood that upon execution of the Agreement, the City agrees to allocate no more than the amount of **Five hundred eighty-six thousand six hundred dollars (\$586,600)** for the full and complete satisfactory performance of this Agreement. Drawdowns for the payment of eligible expenses shall be made against the actual contract line costs as specified in estimated costs shown in **Attachment B** and in accordance with performance.
3. **AMENDMENTS:** Any revision to this Agreement, including Attachments, shall only be made by a written amendment, approved by the City.
4. **SCOPE OF PROJECT:** The Developer shall perform all services according to the Project Description as indicated in **Attachment A**. Any deviation from the provisions detailed in the Project Description shall be prohibited unless approved by the City and made as an amendment to the Agreement.
5. **FISCAL AND ADMINISTRATIVE RESPONSIBILITIES:** The Sub-recipient agrees to comply with the provisions of 24 CFR 570.502 (a) or (b), as applicable, and all requirements and standards which include but are not limited to the following:
  - A. **Allowable and Allocable Costs:** Costs must be necessary, reasonable and directly related to the scope of the project in this agreement. In addition, costs must be legal and proper. The budget included in **Attachment B (Project Budget)** is an estimate, actual contract quantities and unit prices shall control amounts of allowable expenditures within budget categories.
  - B. **Disbursement of Funds:** The Sub-recipient shall render to the City a request for reimbursement of project expenditures. Drawdowns shall be requested monthly based on the actual work completed on the project.
  - C. **Procurement:** All contracts for services and procurement for materials shall be carried out in



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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

compliance with **24 CFR Part 85.36 Administrative Requirements for Grants** and all other applicable federal, state, and local rules and regulations, including regulations and policies from the City's Purchasing Division.

- D. **Documentation of Costs:** The Developer shall maintain records on materials and purchased services performed. All costs shall be supported by evidencing in proper detail the nature and propriety of charges. All checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible.
- E. **Records and Reports:** The Developer shall, at a minimum, submit the following reports to the City:
- 1) **Monthly progress reports** due fifteen days after month ends shall be submitted to the City on projects and its particulars. Monthly progress reports shall outline activities undertaken during each month toward completion of the subject program and the progress in meeting the prescribed **Attachment A**. Failure to provide the required documentation and information will affect the funding in this agreement and future requests for funding.
  - 2) **Monthly financial statements** due fifteen days after month ends shall be submitted to the City on projects and its particulars. Monthly financial statements shall outline all expenses applicable to the EDI project.
  - 3) **A Final Summary Report** due within fifteen (15) days after the term of this agreement shall include a summary of all complied information described in paragraphs 5(F) (1) and (2) above.
  - 4) The Developer agrees to maintain records and reports related to the project for a period of no less than **five years** following the term of this Agreement.
6. **ACCESS TO RECORDS:** At any time during normal business hours and as often as the City deem necessary, the Developer shall make available to the City for examination of all its records with respect to all matters covered by this Agreement. Further, the Developer shall permit the City to make excerpts of transcripts from such records, make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.
7. **MONITORING AND AUDITS:** The City is required by the federal Office of Management and Budget Circular A-133 to ensure that federal EDI program requirements are met, that the funds are used for the purpose of the program, and the Developer complies with reporting and auditing requirements. The City will monitor and audit the Developer to assure the compliance of project progress as stated in **Attachment A**.
- A. **Remedies for Non-Compliance:** If the Developer fails to comply with any term in this Agreement, the City may take one or more of the following actions as indicated in **24 CFR Part 85.43 (Enforcement)**.



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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

**8. PROGRAM CLOSE-OUT:**

**A. Termination of Agreement:**

- 1) **Termination by City:** Notification shall be provided in the form of a written notice specifying the effective date of termination. The City may terminate this Agreement in whole or in part for cause, which shall include:
    - Failure, for any reason, of the Developer to fulfill in a timely and proper manner its obligations under this Agreement, including compliance with approved program and Agreement conditions, and such statutes, executive orders, and HUD directives as may become applicable at any time,
    - Submission by the Developer to the City of reports that are incorrect or incomplete in any material respect,
    - Ineffective or improper use of funds provided under this Agreement;
    - Failure of the Developer to supply the City with monthly reports and audits as required by the City herein;
    - Failure of the Developer to comply with the City's corrective action plan respective to audits required by the City herein;
  - 2) **Termination by the Developer :** The Developer may propose to terminate this Agreement in whole or in part, for good cause only by giving at least thirty (30) days written notice specifically stating the cause for such requested termination. Any such request for termination shall be subject to the written approval of the City, acted upon by the City within ten (10) days of the receipt of the notice of request to terminate. The decision of the City shall be final and conclusive, provided that such approval shall not be unreasonably withheld.
  - 3) **Mutual Termination:** This Agreement may also be terminated by either the City or the Developer in whole or in part, by mutual agreement setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, in the case of partial termination, if the City determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the City may terminate the award in its entirety.
  - 4) If this agreement is terminated or canceled in accordance with the terms, conditions, and procedures of this Agreement, thirty (30) days after termination of this agreement the Developer shall provide and turn over to the City all materials, books, accounts, records, files and other papers, or items pertaining to the project.
  - 5) In the event the Developer does not expend the amount allocated under this Agreement or the project is canceled, expired, assigned or terminated for any reason, any funds not claimed by the Developer and approved by the City for allowable costs by the end of the term or by the date of cancellation, expiration, or termination of this Agreement, as the case may be, shall no longer be payable to the Developer under this Agreement.
9. **COMPLIANCE WITH FEDERAL RULES AND REGULATIONS:** The Developer agrees to comply with all applicable rules and regulations, as amended from time to time, including but not limited to those federal rules and regulations referred to in this Agreement.



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**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**A. EQUAL OPPORTUNITY REQUIREMENTS**

1. For projects involving housing, the requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100; Executive order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107.
2. The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d) (Nondiscrimination in Federally Assisted Programs) and implementing regulation issued at 24 CFR Part 1.
3. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR Part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8.
4. The requirements of 24 CFR 5.105(a) regarding equal opportunity as well as the requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations issued at 41 CFR Chapter 60.
5. For those grants funding construction covered by 24 CFR 135, the requirements of section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) which requires that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low-and very low-income persons and to businesses that provide economic opportunities for these persons.
6. The requirements of Executive Orders 11652 and 12432 (concerning Minority Business Enterprise), and 12138 concerning ( Women's Business Enterprises). Consistent with HUD's responsibilities under these Orders, the Grantee must make efforts to encourage the use of minority and women's business enterprises in connection with grant funded activities. See 24 CFR Part 85.36(e), which describes actions to be taken by the Grantee to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.
7. Where applicable, Developer shall maintain records of its efforts to comply with the requirements cited in Paragraphs 5 and 6 above.

**B. Administrative requirements of OMB Circular A-133 "Audits of States, Local governments and Non-Profit Organizations"**

C. For State and Local Governments, the Administrative requirements of 24 CFR Part 85, including the procurement requirements of 24 CFR Part 85.36, and the requirements of OMB Circular A-87 regarding Cost Principles for State and Local Governments. For Non-Profits, the Administrative requirements of 24 CFR Part 84, including the procurement requirements of 24 CFR Part 84.40, and OMB Circular A-122 regarding Cost Principles for Non-Profit Institutions. For Institutions for Higher Education the applicable OMB Circular regarding Cost Principles is A-21.

D. The regulations at 24 CFR Part 87, related to lobbying, including the requirement that the Developer obtain certifications and disclosures from all covered persons.

E. The regulations at 24 CFR Part 21, regarding requirements for Drug-Free Workplace.

F. The Uniform Relocation Act as implemented by regulations at 49 CFR Part 24.

G. The Developer will comply with all accessibility requirements under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8, where





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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
applicable.

H. The regulations at 24 CFR Part 35, where applicable, regarding Lead-Based Paint Poisoning Prevention in Certain Residential Structures.

I. The regulations at 24 CFR Part 5.109, where applicable, regarding Equal Participation of Religious Organizations in HUD Programs and Activities.

Unearned payments under this Agreement may be suspended or terminated upon refusal to accept any additional conditions that may be imposed by HUD at any time or if the grant to the City pursuant to the authority of Pubic Law 110-161 (Consolidated Appropriations Act, 2008) and a listing of certain specific Economic Development Initiative (EDI) Special Projects specified in Congressional Record of December 17, 2007, is suspended or terminated.

10. **CLAIMS AGAINST THE CITY:** The Developer agrees to defend, indemnify and save harmless the City from any and all claims of any nature whatsoever which may arise from the Developer's performance of this Agreement; provided, however, that nothing contained in this Agreement shall be construed as rendering the Developer liable for acts of the City, its officers, agents or employees.

11. **CONFLICTS OF INTEREST:** The Developer represents that none of its employees, officers, or directors presently have any interest, either directly or indirectly, which would conflict in any manner with the Developer's performance or procurement under this Agreement, and that no person having such interest will be appointed or employed by the Developer.

12. **NOTICES:** Communication and details concerning the Agreement shall be directed to the following contract representatives:

City of Fayetteville  
Yolanda Fields  
Community Resources Director  
113 W. Mountain St.  
Fayetteville, AR 72701

Rausch Coleman Homes, LLC  
Kim J. Hesse, Director of Land Dev.  
308 East Main  
Farmington, AR 72730  
(479) 267-6008 p (479) 267-5241 f  
[Khesse@rauschcoleman.com](mailto:Khesse@rauschcoleman.com)

13. **BINDING AFFECT:** This Agreement shall be binding upon and shall ensure to the benefit of the parties hereto and their respective heirs and assigns; provided, however, that no assignment shall be effective to relieve a party of any liability under this Agreement unless the other party has consented in writing to the assignment and agreed to the release of such liability. The City and the Sub-recipient hereby acknowledges receipt of a duly executed copy of this Agreement complete with all Exhibits attached hereto.

***EXECUTION/SIGNATORIES TO AGREEMENT PROVIDED ON SUCCEEDING PAGE***



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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

City of Fayetteville

Rausch Coleman Homes LLC

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Dan Coody, Mayor

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David Frye, Manager

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Attested By:

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Attested By:



## Grant Application Package

|                         |                                                         |
|-------------------------|---------------------------------------------------------|
| Opportunity Title:      | Economic Development Initiative-Special Project, Neighb |
| Offering Agency:        | US Department of Housing and Urban Development          |
| CFDA Number:            | 14.251                                                  |
| CFDA Description:       | Economic Development Initiative-Special Project, Neighb |
| Opportunity Number:     | FR-0000-N-01                                            |
| Competition ID:         | EDI-SP                                                  |
| Opportunity Open Date:  | 04/10/2008                                              |
| Opportunity Close Date: | 09/30/2011                                              |
| Agency Contact:         | Holly Kelly<br>202.708-3773                             |

This electronic grants application is intended to be used to apply for the specific federal funding opportunity identified here.

If the Federal funding opportunity listed is not the opportunity for which you want to apply, close this application package by clicking on the "Cancel" button at the top of this screen. You will then need to locate the correct Federal funding opportunity, download its application and then apply.

This opportunity is only open to organizations, applicants who are submitting grant applications on behalf of a company, state, local or tribal government, academia, or other type of organization.

\* Application Filing Name: City of Fayetteville

## Mandatory Documents

Disclosure of Lobbying Activities (SF-LLL)

Move Form to  
Complete

## Mandatory Documents for Submission

Application for Federal Assistance (SF-424)

Move Form to  
Delete

## Optional Documents

Move Form to  
Submission List

## Optional Documents for Submission

Attachments

Move Form to  
Delete

## Instructions

- 1 Enter a name for the application in the Application Filing Name field.
  - This application can be completed in its entirety offline; however, you will need to login to the Grants.gov website during the submission process.
  - You can save your application at any time by clicking the "Save" button at the top of your screen.
  - The "Save & Submit" button will not be functional until all required data fields in the application are completed and you clicked on the "Check Package for Errors" button and confirmed all data required data fields are completed.
- 2 Open and complete all of the documents listed in the "Mandatory Documents" box. Complete the SF-424 form first.
  - It is recommended that the SF-424 form be the first form completed for the application package. Data entered on the SF-424 will populate data fields in other mandatory and optional forms and the user cannot enter data in these fields.
  - The forms listed in the "Mandatory Documents" box and "Optional Documents" may be predefined forms, such as SF-424, forms where a document needs to be attached, such as the Project Narrative or a combination of both. "Mandatory Documents" are required for this application. "Optional Documents" can be used to provide additional support for this application or may be required for specific types of grant activity. Reference the application package instructions for more information regarding "Optional Documents".
  - To open and complete a form, simply click on the form's name to select the item and then click on the => button. This will move the document to the appropriate "Documents for Submission" box and the form will be automatically added to your application package. To view the form, scroll down the screen or select the form name and click on the "Open Form" button to begin completing the required data fields. To remove a form/document from the "Documents for Submission" box, click the document name to select it, and then click the <= button. This will return the form/document to the "Mandatory Documents" or "Optional Documents" box.
  - All documents listed in the "Mandatory Documents" box must be moved to the "Mandatory Documents for Submission" box. When you open a required form, the fields which must be completed are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message.
- 3 Click the "Save & Submit" button to submit your application to Grants.gov.
  - Once you have properly completed all required documents and attached any required or optional documentation, save the completed application by clicking on the "Save" button.
  - Click on the "Check Package for Errors" button to ensure that you have completed all required data fields. Correct any errors or if none are found, save the application package.
  - The "Save & Submit" button will become active; click on the "Save & Submit" button to begin the application submission process.
  - You will be taken to the applicant login page to enter your Grants.gov username and password. Follow all onscreen instructions for submission.

OMB Number: 4040-0004  
Expiration Date: 01/31/2009

| Application for Federal Assistance SF-424                                                                                                                                               |  | Version 02                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>* 1. Type of Submission:</b><br><input type="checkbox"/> Preapplication<br><input checked="" type="checkbox"/> Application<br><input type="checkbox"/> Changed/Corrected Application |  | <b>* 2. Type of Application:</b><br><input checked="" type="checkbox"/> New<br><input type="checkbox"/> Continuation<br><input type="checkbox"/> Revision |
|                                                                                                                                                                                         |  | <b>* If Revision, select appropriate letter(s):</b><br><input type="text"/><br><b>* Other (Specify):</b><br><input type="text"/>                          |
| <b>* 3. Date Received:</b><br>Completed by Grants.gov upon submission.                                                                                                                  |  | <b>4. Applicant Identifier:</b><br><input type="text"/>                                                                                                   |
| <b>5a. Federal Entity Identifier:</b><br><input type="text"/>                                                                                                                           |  | <b>* 5b. Federal Award Identifier:</b><br><input type="text"/>                                                                                            |
| <b>State Use Only:</b>                                                                                                                                                                  |  |                                                                                                                                                           |
| <b>6. Data Received by State:</b> <input type="text"/>                                                                                                                                  |  | <b>7. State Application Identifier:</b> <input type="text"/>                                                                                              |
| <b>8. APPLICANT INFORMATION:</b>                                                                                                                                                        |  |                                                                                                                                                           |
| <b>* a. Legal Name:</b> <input type="text" value="City of Fayetteville"/>                                                                                                               |  |                                                                                                                                                           |
| <b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b><br><input type="text" value="71-6018462"/>                                                                               |  | <b>* c. Organizational DUNS:</b><br><input type="text" value="141310578"/>                                                                                |
| <b>d. Address:</b>                                                                                                                                                                      |  |                                                                                                                                                           |
| <b>* Street1:</b> <input type="text" value="113 W. Mountain Street"/>                                                                                                                   |  |                                                                                                                                                           |
| <b>Street2:</b> <input type="text"/>                                                                                                                                                    |  |                                                                                                                                                           |
| <b>* City:</b> <input type="text" value="Fayetteville"/>                                                                                                                                |  |                                                                                                                                                           |
| <b>County:</b> <input type="text" value="Washington"/>                                                                                                                                  |  |                                                                                                                                                           |
| <b>* State:</b> <input type="text" value="AR: Arkansas"/>                                                                                                                               |  |                                                                                                                                                           |
| <b>Province:</b> <input type="text"/>                                                                                                                                                   |  |                                                                                                                                                           |
| <b>* Country:</b> <input type="text" value="USA: UNITED STATES"/>                                                                                                                       |  |                                                                                                                                                           |
| <b>* Zip / Postal Code:</b> <input type="text" value="72701"/>                                                                                                                          |  |                                                                                                                                                           |
| <b>e. Organizational Unit:</b>                                                                                                                                                          |  |                                                                                                                                                           |
| <b>Department Name:</b><br><input type="text"/>                                                                                                                                         |  | <b>Division Name:</b><br><input type="text"/>                                                                                                             |
| <b>f. Name and contact information of person to be contacted on matters involving this application:</b>                                                                                 |  |                                                                                                                                                           |
| <b>Prefix:</b> <input type="text" value="Ms."/>                                                                                                                                         |  | <b>* First Name:</b> <input type="text" value="Yolanda"/>                                                                                                 |
| <b>Middle Name:</b> <input type="text"/>                                                                                                                                                |  |                                                                                                                                                           |
| <b>* Last Name:</b> <input type="text" value="Fields"/>                                                                                                                                 |  |                                                                                                                                                           |
| <b>Suffix:</b> <input type="text"/>                                                                                                                                                     |  |                                                                                                                                                           |
| <b>Title:</b> <input type="text" value="Community Resources Director"/>                                                                                                                 |  |                                                                                                                                                           |
| <b>Organizational Affiliation:</b><br><input type="text"/>                                                                                                                              |  |                                                                                                                                                           |
| <b>* Telephone Number:</b> <input type="text" value="479 575-8290"/>                                                                                                                    |  | <b>Fax Number:</b> <input type="text" value="479 444-3445"/>                                                                                              |
| <b>* Email:</b> <input type="text" value="yfields@ci.fayetteville.ar.us"/>                                                                                                              |  |                                                                                                                                                           |

OMB Number: 4040-0004  
Expiration Date: 01/31/2009

| Application for Federal Assistance SF-424                                                                                                                                                                      | Version 02 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>9. Type of Applicant 1: Select Applicant Type:</b><br>C: City or Township Government                                                                                                                        |            |
| <b>Type of Applicant 2: Select Applicant Type:</b><br>                                                                                                                                                         |            |
| <b>Type of Applicant 3: Select Applicant Type:</b><br>                                                                                                                                                         |            |
| <b>* Other (specify):</b><br>                                                                                                                                                                                  |            |
| <b>* 10. Name of Federal Agency:</b><br>US Department of Housing and Urban Development                                                                                                                         |            |
| <b>11. Catalog of Federal Domestic Assistance Number:</b><br>14.251                                                                                                                                            |            |
| <b>CFDA Title:</b><br>Economic Development Initiative-Special Project, Neighborhood Initiative and Miscellaneous Grants                                                                                        |            |
| <b>* 12. Funding Opportunity Number:</b><br>ER-0000-N-01                                                                                                                                                       |            |
| <b>* Title:</b><br>Economic Development Initiative-Special Project, Neighborhood Initiative and Miscellaneous Grants                                                                                           |            |
| <b>13. Competition Identification Number:</b><br>EDI-SP                                                                                                                                                        |            |
| <b>Title:</b><br>                                                                                                                                                                                              |            |
| <b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b><br>                                                                                                                                     |            |
| <b>* 15. Descriptive Title of Applicant's Project:</b><br>Housing Partnership: An effort to provide attainable/affordable housing for families with an annual income from 80% to 100% of annual median income. |            |
| Attach supporting documents as specified in agency instructions.<br><a href="#">Add Attachments</a> <a href="#">Delete Attachments</a> <a href="#">View Attachments</a>                                        |            |

OMB Number: 4040-0004  
Expiration Date: 01/31/2009

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------|
| <b>Application for Federal Assistance SF-424</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                          | <b>Version 02</b> |
| <b>16. Congressional Districts Of:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                          |                   |
| * a. Applicant <span style="border: 1px solid black; padding: 0 20px;">AR-3</span>                                                                                                                                                                                                                                                                                                                                                                                                                            | * b. Program/Project <span style="border: 1px solid black; padding: 0 20px;">AR-3</span> |                   |
| Attach an additional list of Program/Project Congressional Districts if needed.                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          |                   |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="text-align: center; margin-top: 5px;"><span style="border: 1px solid black; padding: 2px 10px;">Add Attachment</span> <span style="border: 1px solid black; padding: 2px 10px;">Delete Attachment</span> <span style="border: 1px solid black; padding: 2px 10px;">View Attachment</span></div>                                                                                                                           |                                                                                          |                   |
| <b>17. Proposed Project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          |                   |
| * a. Start Date: <span style="border: 1px solid black; padding: 0 20px;">01/18/2009</span>                                                                                                                                                                                                                                                                                                                                                                                                                    | * b. End Date: <span style="border: 1px solid black; padding: 0 20px;">01/18/2011</span> |                   |
| <b>18. Estimated Funding (\$):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                          |                   |
| * a. Federal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <span style="border: 1px solid black; padding: 0 20px;">656,600.00</span>                |                   |
| * b. Applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <span style="border: 1px solid black; padding: 0 20px;">0.00</span>                      |                   |
| * c. State                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <span style="border: 1px solid black; padding: 0 20px;">0.00</span>                      |                   |
| * d. Local                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <span style="border: 1px solid black; padding: 0 20px;">0.00</span>                      |                   |
| * e. Other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <span style="border: 1px solid black; padding: 0 20px;">1,259,128.00</span>              |                   |
| * f. Program Income                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <span style="border: 1px solid black; padding: 0 20px;">0.00</span>                      |                   |
| * g. TOTAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <span style="border: 1px solid black; padding: 0 20px;">1,915,728.00</span>              |                   |
| <b>* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b>                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                          |                   |
| <input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <span style="border: 1px solid black; padding: 0 20px;"></span>                                                                                                                                                                                                                                                                                                            |                                                                                          |                   |
| <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          |                   |
| <input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          |                   |
| <b>* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                          |                   |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <span style="border: 1px solid black; padding: 0 20px;">Explanation</span>                                                                                                                                                                                                                                                                                                                                                                |                                                                                          |                   |
| <b>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)</b> |                                                                                          |                   |
| <input checked="" type="checkbox"/> ** I AGREE                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                          |                   |
| ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                   |
| <b>Authorized Representative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                          |                   |
| Prefix: <span style="border: 1px solid black; padding: 0 20px;">Mr.</span>                                                                                                                                                                                                                                                                                                                                                                                                                                    | * First Name: <span style="border: 1px solid black; padding: 0 20px;">Dan</span>         |                   |
| Middle Name: <span style="border: 1px solid black; padding: 0 20px;"></span>                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          |                   |
| * Last Name: <span style="border: 1px solid black; padding: 0 20px;">Coody</span>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                          |                   |
| Suffix: <span style="border: 1px solid black; padding: 0 20px;"></span>                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                          |                   |
| * Title: <span style="border: 1px solid black; padding: 0 20px;">Mayor</span>                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          |                   |
| * Telephone Number: <span style="border: 1px solid black; padding: 0 20px;">479 575-8331</span> Fax Number: <span style="border: 1px solid black; padding: 0 20px;"></span>                                                                                                                                                                                                                                                                                                                                   |                                                                                          |                   |
| * Email: <span style="border: 1px solid black; padding: 0 20px;">dcoody@ci.fayetteville.ar.us</span>                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                          |                   |
| * Signature of Authorized Representative: <span style="border: 1px solid black; padding: 0 20px;">Completed by Grants.gov upon submission.</span> * Date Signed: <span style="border: 1px solid black; padding: 0 20px;">Completed by Grants.gov upon submission.</span>                                                                                                                                                                                                                                      |                                                                                          |                   |

Authorized for Local Reproduction

Standard Form 424 (Revised 10/2005)  
Prescribed by OMB Circular A-102

OMB Number: 4040-0004  
Expiration Date: 01/31/2009

**Application for Federal Assistance SF-424**

**Version 02**

**\* Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

## ATTACHMENTS FORM

**Instructions:** On this form, you will attach the various files that make up your grant application. Please consult with the appropriate Agency Guidelines for more information about each needed file. Please remember that any files you attach must be in the document format and named as specified in the Guidelines.

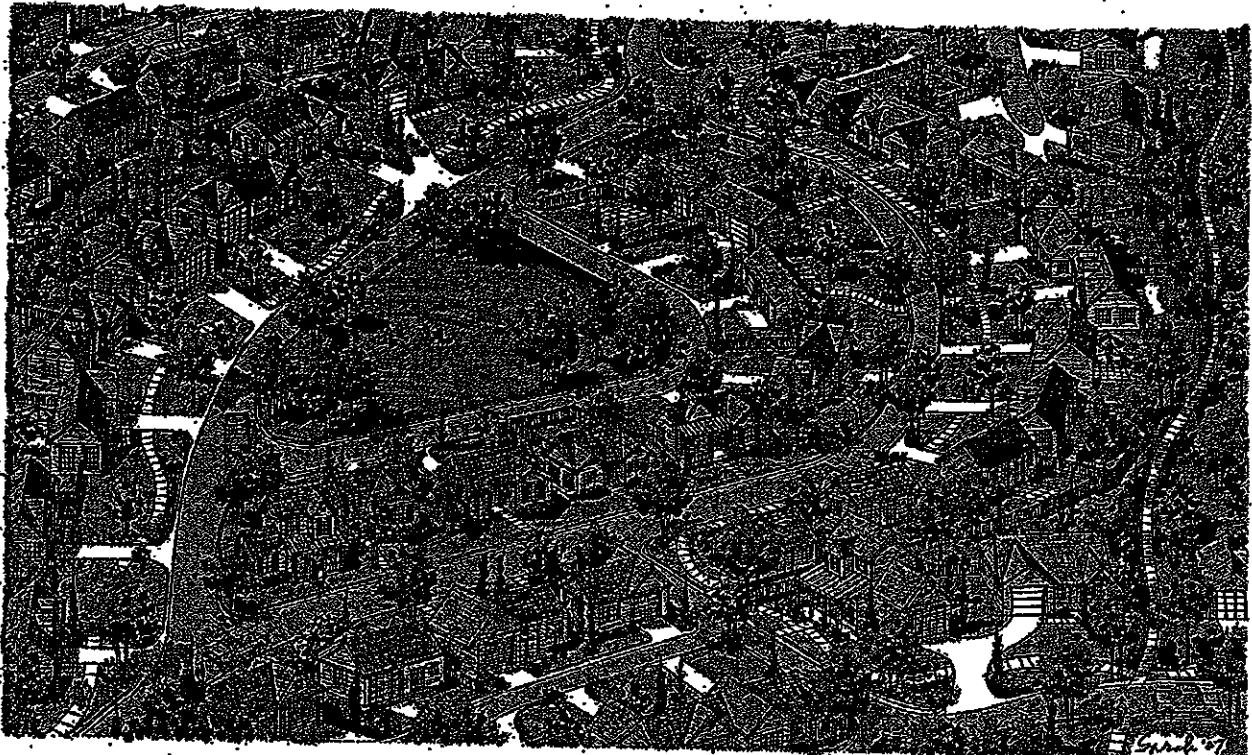
**Important:** Please attach your files in the proper sequence. See the appropriate Agency Guidelines for details.

|                                 |                      |                |                   |                 |
|---------------------------------|----------------------|----------------|-------------------|-----------------|
| 1) Please attach Attachment 1   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 2) Please attach Attachment 2   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 3) Please attach Attachment 3   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 4) Please attach Attachment 4   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 5) Please attach Attachment 5   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 6) Please attach Attachment 6   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 7) Please attach Attachment 7   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 8) Please attach Attachment 8   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 9) Please attach Attachment 9   | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 10) Please attach Attachment 10 | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 11) Please attach Attachment 11 | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 12) Please attach Attachment 12 | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 13) Please attach Attachment 13 | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 14) Please attach Attachment 14 | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 15) Please attach Attachment 15 | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |



**The Coves at Walnut Crossing  
Economic Development Initiative Project  
Fayetteville Attainable Housing Partnership**

**June 2008**



**Owner / Developer/ Builder**  
**Rausch Coleman Homes**  
**300 E. Main**  
**Farmington, AR 72730**

## **The Coves at Walnut Crossing Scope of Project**

The Coves is located at the western edge of Fayetteville just north of Hwy 62 and is accessed from Holland Street. This master planned development is a single family residential subdivision utilizing the coving concept of subdivision design. The coving concept is a site planning method that creates coves of green space in the front and rear of houses through varied setbacks and winding streets. While housing density is generally similar with that of a conventional lot layout, the coved development is designed with considerably less street length which translates into less linear footage of water and sewer and storm drainage producing a more sustainable, cost efficient development. The land area saved from paved streets is placed in the lot or set aside for green space or preservation of natural features. With the varied front setbacks, sidewalks are encouraged to follow a curvilinear route separate from the street which results in an appealing streetscape and safer sidewalks. The Coves development consists of attainable single family housing accessed from either the public streets to the front of the lot or by public alley at the rear of the lots.

Coving has been around for over a decade and tested in several markets predominately in the Midwestern portion of the United States. Coving is appealing for a variety of reasons. It increases lot size without sacrificing the density of lots per acre. In effect, the extra land that is spared from roads is placed into front yards and commonly owned green spaces. Coving cuts development costs significantly by reducing the amount of infrastructure needed to provide for housing. City maintenance costs are also reduced and less streets translate into reduced runoff and erosion which will help water quality. Safety is improved with reduced traffic speeds due to the curvilinear streets and since the circulation is designed to loop versus being designed in a grid, there are few intersections where studies prove most accidents occur. Homes are positioned individually on lots creating a unique look and feel from the street as well as from within the home. Not only does this enhance individuality among home sites, it enhances the appeal of the overall neighborhood by providing spacious front yards and open views that is often sacrificed in attainable housing developments.

**Combining the Coving design concept with experienced construction management will help Rausch Coleman produce affordable residential lots to supplement the housing goals of the Fayetteville Attainable Housing Partnership.**

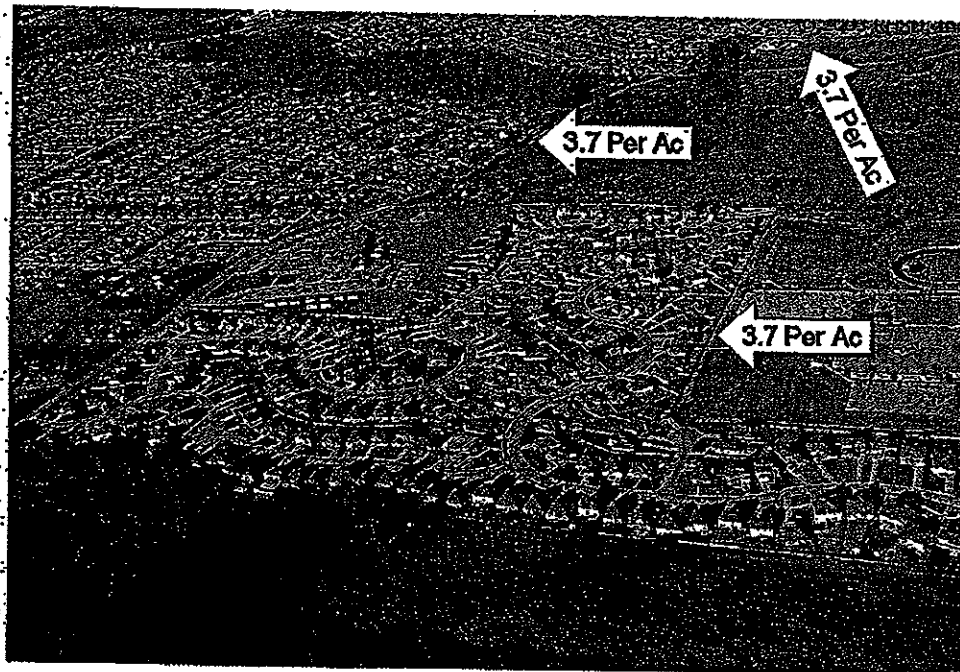
## General Project Concept

### Street and Lot Layout:

The proposed layout consists of curvilinear streets with pie shaped lots of varying depth and width. Coving relies on a new pattern of street design that significantly reduces street length when compared to conventional subdivision design. With reductions in impervious surfaces, construction and maintenance costs are saved and storm water runoff is minimized. The streets become safer as the number of intersections are reduced and as travelers drive slower along curving streets. Public residential class streets are proposed on 50' right of ways with a 28' street section as well as public alleys on 20' right of ways with a 16' street section.

The premise of Coving is to enlarge the streetscape by placing homes to form meandering curves that are independent of the curve of the street. Most of the lots are pie shaped and with varied front setback length, fewer homes are parallel to each other thus improving views and creating a sense of space within the neighborhood. Since deep pie shaped lots will produce narrow lot widths at the public street, lots are measured at the front setback which varies in depth from lot to lot.

*The end result is fewer streets, larger lots, more open space and a more cost efficient subdivision as shown in the photograph of Cantura Coves in Dallas, Texas below.*



**Site Plan:**

The development is a mix of two main housing options; The Residences are single family homes with garages facing and accessed from the city street and The Villas which are single family homes fronting a public street but accessed by a public alley with the garages serving the rear of the home. All homes will have two car garages with room for parking outside of the garage. Commonly owned property defined as green space is interspersed with the lots and will be maintained by the Property Owners Association, (POA). An 80' wide gas easement runs diagonally across the site. This easement is included in the green space property and will be utilized for a future public trail.

**Buffer Areas:**

Natural narrow buffers of trees exist along the property's fence rows. Used agriculturally in the past, the land is divided into fields separated by fence row vegetation. Where ever possible fence row vegetation will be preserved. Areas of green space are dispersed among the lots and provide pockets of commonly owned open areas throughout the development which will be used for tree mitigation. A 5.6 acre area along the banks of Goose Creek is to be set aside for tree and wetland preservation.

Larger areas of tree preservation are provided with the Walnut Crossing subdivision and a natural riparian buffer exists along the banks of the North Fork of Farmington Branch Creek which is a part of the 168.5 acres Rausch Coleman owns. As we continue to develop the remaining acreage, this riparian buffer will be preserved.

**Storm Water Detention Areas and Drainage:**

The majority of the site drains to the north and northwest towards Goose Creek which is along the north boundary of the site. A portion of the Goose Creek floodway and floodplain exist in the northern portion of the land as shown on the plat. The drainage design captures the storm water from the lots and streets into a subsurface drainage system that will disperse the water in various points along the preserved floodplain to recharge wetlands along Goose Creek. It is also our intent to incorporate Low Impact Development methods where possible to reduce the amount of storm drainage infrastructure needed and to provide filtration of the water.

**Undisturbed Natural Areas:**

The Coves is a phase of a 168.5 acre parcel of land purchased for development by Rausch Coleman Homes in 2004. The land includes acreage along the banks of the Farmington Branch and Goose Creek within both Fayetteville and Farmington. As portions of the master plan are developed, areas of riparian buffer and floodplain are to be preserved in its current state. Over 9 acres was preserved during the development of Walnut Crossing and as future phases are developed another 5 acres of riparian buffer and 4 acres in flood plain will be preserved. The Coves will consist of 10.5 acres of open space where tree mitigation and low impact development practices will enhance the area.

**Existing and Proposed Utility Connections:**

Public water is located along Alberta Street and sanitary sewer is located off site to the south of the proposed development. The south portion of the site will gravity flow to a line existing along the Farmington Branch where it flows to the Farmington lift station further west. The majority of the sanitary sewer will gravity flow to the North West corner of the site where a proposed pump station will carry waste water to Phase One improvements.

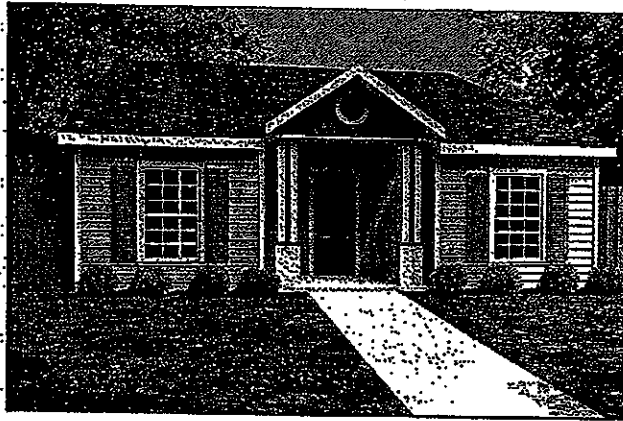
6/26/2008

**Home Construction:**

As with all of Walnut Crossing, Rausch Coleman Homes LLC will not only develop the subdivision but also build and sell each home ensuring affordability, quality and continuity throughout the development. The style of the architecture proposed includes a variety of house plans with characteristics similar to the craftsman style. Currently Rausch Coleman Homes has nine floor plans with a variety of options for roof configuration, window styles, siding, and porch design all ranging from 1100 to 1700 square feet of living space. As we develop this unique subdivision, Rausch Coleman will further their relationship with the Arkansas Development Finance Authority, our banking partners utilizing Affordable Housing Program funds, and the City of Fayetteville to produce unequalled affordable housing options.

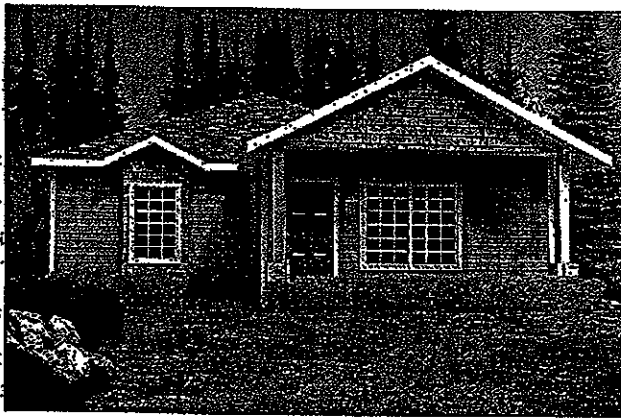
As a builder of affordable homes, Rausch Coleman strives to do what is right as we continue to grow and add to our list of new homeowners. Due to our commitment to quality, Rausch Coleman has recently been named one of the largest homebuilders in Oklahoma and Arkansas (*listed in Builder Magazine® as the 89th largest homebuilder in the nation*). Our continuing success is greatly owed to our people who care about building a community that each of our homeowner's will be proud to share with family and friends for years to come. Our customers continue to tell us how much owning a home has changed their lives and we are proud to help them realize their dreams.

*At Rausch Coleman Homes we believe that every individual and family should have the opportunity to realize the dream of home ownership and experience the sense of pride that comes along with it. At Rausch Coleman we are committed to building homes that cost less than renting and offering the freedom of home ownership to the widest possible range of buyers.*



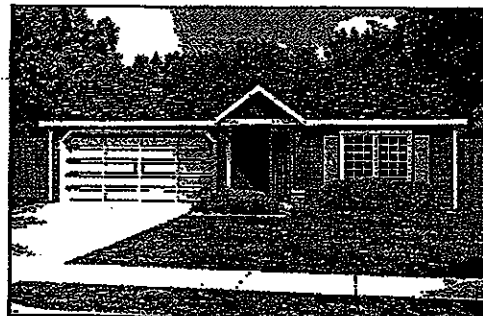
**Building Elevations:**  
The following renderings of  
Rausch Coleman Homes  
depict the exterior  
architectural elements  
proposed for the house plans

**The Villas – Rear garage  
homes accessed from alleys.**



*As we develop this unique subdivision,  
Rausch Coleman will further their  
relationship with the Arkansas  
Development Finance Authority, our  
banking partners utilizing Affordable  
Housing Program funds, and the City  
of Fayetteville to produce unequaled  
affordable housing options.*

**The Residences – Standard single  
family homes with garages accessed  
from the front of the home.**

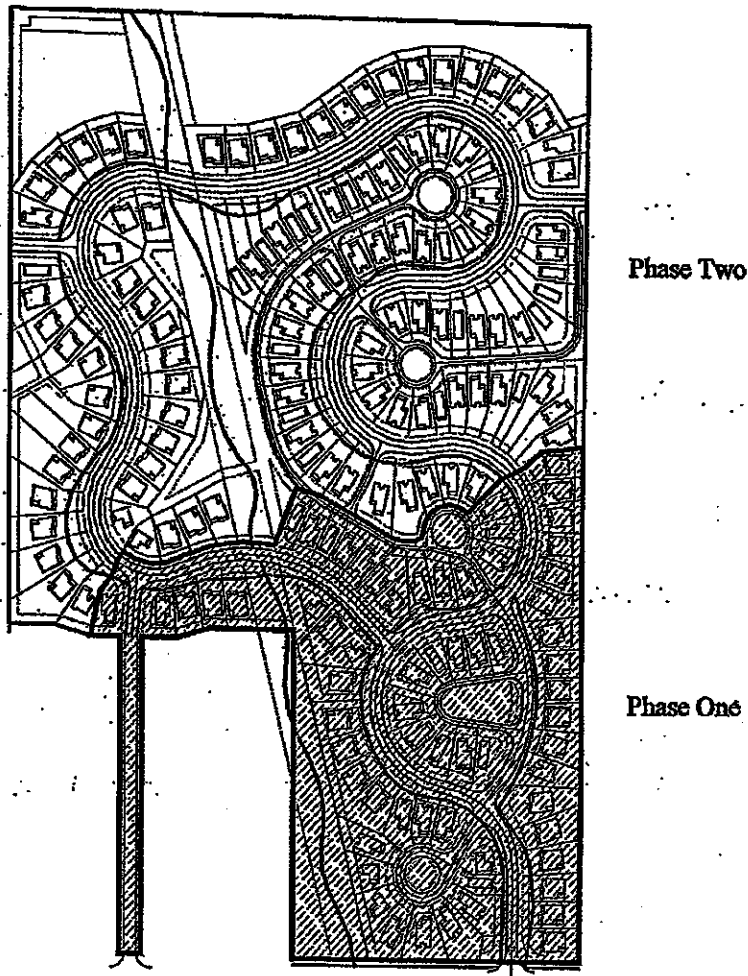


6/26/2008

6

**Phasing and Time Frame:**

The Coves is proposed to be developed in two phases. The first phase of construction is to include approximately 53 lots and both street connections to Alberta Street. Sanitary Sewer for phase one shall flow south and will include off site improvements to tie to the city's existing infrastructure. Storm sewer for phase one will flow south toward the Farmington Branch water shed. Phase One construction is proposed to begin in 2008. Construction for the second phase is to begin no later than 2010 or as the market for housing allow the development of the additional lots.



6/26/2008

## **Project Bidding and Construction**

### **Bidding Process:**

Per the requirements set for the Department of Housing and Urban Development, all bidding and construction contract documents will fall within the Code of Federal Regulations. All aspects of bidding for materials and labor will be processed through the CFR standards and will be tailored for the project. Following in line with the affordability goals of The Coves project, Rausch Coleman Homes would prefer to bid and purchase water, storm sewer and sanitary sewer materials needed for the construction of the development and supply those materials to the selected contractor for installation. This option taken by the project owner can save as much as 15 to 20% on material costs and can reduce the overall project costs significantly. With our goal of providing affordable housing options for the community as our driving force, any opportunity to reduce costs and stay within the guidance of CFR will be utilized.

### **Project Estimate:**

The project will be phased into a minimum of two phases. The off site sanitary sewer that will connect to the city's sewer system needed for entire project will be installed during phase one construction. We show in the estimate that a portion of those off site sewer costs are to be allocated to future phases. All of the allocations within the estimate are to keep lot costs lower on all phases so that we can offer homes at a lesser cost to future homeowners. With rising fuel prices, our estimates are difficult to target as actual costs of asphalt, pipe costs and fuel charges vary greatly depending on the actual time of bid. All city, state and federal fees are included in the estimate along with engineering and project management costs.

### **Construction:**

Per the requirements set for the Department of Housing and Urban Development, all construction management and payment procedures will fall within the Code of Federal Regulations. The project owner, project engineer and construction management team will work closely with the City of Fayetteville representative to ensure smooth processing of the federal funds granted to the project. The Rausch Coleman Land Development team will have day to day involvement with the construction process with the primary goal of keeping project costs in line and scheduling on track. The project time for Phase One is estimate to take nine to twelve months depending on site conditions. Future phases of the development will occur as the market for housing allows.



**CITY OF FAYETTEVILLE**  
**Coves at Walnut Crossing**  
**Housing Partnership Program**

|                              | <u>Total<br/>Budget</u> |
|------------------------------|-------------------------|
| <u>Program Expenditures</u>  |                         |
| The Coves at Walnut Crossing | \$ 526,600              |
| Construction Admin           | 60,000                  |
| Grant Admin                  | 70,000                  |
|                              |                         |
|                              | <u>\$ 656,600</u>       |

# The Coves at Walnut Crossing ESTIMATE - PHASE ONE Jun-08

OWNER: Rausch Coleman Homes, LLC  
ENGINEER: EDA

Following in line with the affordability goals of The Coves project, this estimate takes into account reduced installation costs anticipated if materials are provided to the Contractor. Rausch Coleman Homes proposes to provide water, storm sewer and sanitary sewer materials needed for the construction of the development in order to reduce overall construction costs.

| Water       |                                               |      |             |          |               |
|-------------|-----------------------------------------------|------|-------------|----------|---------------|
| Item No.    | Description                                   | Unit | Unit Price  | Phase 1  |               |
|             |                                               |      |             | Quantity | Extension PH1 |
| 1           | 8" PVC CI200 Water Main                       | LF   | \$ 25.63    | 3907     | \$ 100,136.41 |
| 2           | 8"x8" Tee                                     | EA   | \$ 421.29   | 5        | \$ 2,106.45   |
| 3           | 8" 45 deg Bend                                | EA   | \$ 164.06   | 6        | \$ 984.36     |
| 4           | 8" 22 deg Bend                                | EA   | \$ 165.06   | 3        | \$ 495.18     |
| 5           | 8" MJ Plug                                    | EA   | \$ 151.06   | 1        | \$ 151.06     |
| 6           | 8"x6" Reducer                                 | EA   | \$ 154.02   | 1        | \$ 154.02     |
| 7           | 8"x8" Tapping Sleeve & Valve                  | EA   | \$ 2,640.00 | 1        | \$ 2,640.00   |
| 8           | 8" Gate Valve w/3pc Valve Box                 | EA   | \$ 1,157.42 | 14       | \$ 16,203.88  |
| 9           | Fire Hydrant w/6" Gate Valve & 3 pc Valve Box | EA   | \$ 3,173.73 | 4        | \$ 12,694.92  |
| 10          | 8"x6" Anchor Tee                              | EA   | \$ 421.29   | 3        | \$ 1,263.87   |
| 11          | Tie Into Existing Gate Valve                  | EA   | \$ 450.00   | 0        | \$ -          |
| 12          | Steel Encasement 16" w/Skids                  | LF   | \$ 78.15    | 0        | \$ -          |
| 13          | Water Meter Single Service                    | EA   | \$ 324.87   | 5        | \$ 1,624.35   |
| 14          | Water Meter Double Service                    | EA   | \$ 456.49   | 28       | \$ 12,781.72  |
| 15          | 1" P.E. Water Service Line                    | LF   | \$ 11.03    | 280      | \$ 3,088.40   |
| 16          | 2" P.E. water Service Line w/ SB2             | LF   | \$ 13.65    | 1200     | \$ 16,380.00  |
| 17          | Standard Perform & Payment Bond               | LS   | 1.5%        | 1        | \$ 2,314.87   |
| 18          | 1 yr Maintenance Bond                         | LS   | 0.5%        | 1        | \$ 771.62     |
| Total Water |                                               |      |             |          | \$ 173,791.11 |

| Street        |                                         |         |             |          |               |
|---------------|-----------------------------------------|---------|-------------|----------|---------------|
| Item No.      | Description                             | Phase 1 |             |          |               |
|               |                                         | Unit    | Unit Price  | Quantity | Extension PH1 |
| 1             | Site Preparation / Clearing & Grubbing  | AC      | \$ 4,250.00 | 4.86     | \$ 20,655.00  |
| 2             | Drain and Muck Pond                     | LS      | \$ 8,500.00 | 1.00     | \$ 8,500.00   |
| 3             | Excavation & Grading                    | CY      | \$ 3.54     | 17,423   | \$ 61,677.42  |
| 4             | Off Site Embankment                     | CY      | \$ 9.75     | 18,686   | \$ 182,188.50 |
| 5             | Concrete Curb & Gutter                  | LF      | \$ 11.25    | 7,871    | \$ 88,548.75  |
| 6             | Class 7 Base (6" Thick)                 | SY      | \$ 6.40     | 11,591   | \$ 74,182.40  |
| 7             | Bituminous Prime Coat                   | Gal     | \$ 4.05     | 1,874    | \$ 7,589.70   |
| 8             | Asphalt Conc. Surface Course (2" thick) | SY      | \$ 12.43    | 7,493    | \$ 93,137.99  |
| 9             | Concrete 3500 PSI (6" Thick) Alley      | SF      | \$ 5.77     | 26,468   | \$ 152,720.36 |
| 10            | Class 7 Base (2" Thick) Alley           | SY      | \$ 2.85     | 3,823    | \$ 10,895.55  |
| 11            | Access Road SB2 Gravel                  | SY      | \$ 6.40     | 1,129    | \$ 7,225.60   |
| 12            | Access Road Offsite Embankment          | CY      | \$ 9.75     | 2,152    | \$ 20,977.13  |
| 13            | Access Road Excavation & Grading        | CY      | \$ 3.54     | 1,721    | \$ 6,090.57   |
| 14            | Standard Perform & Payment Bond         | LS      | 1.5%        | 1        | \$ 11,015.83  |
| 15            | 1 yr Maintenance Bond                   | LS      | 0.5%        | 1        | \$ 3,671.94   |
| Total Streets |                                         |         |             |          | \$ 749,076.74 |

| General Utilities       |                        |         |             |          |               |
|-------------------------|------------------------|---------|-------------|----------|---------------|
| Item No.                | Description            | Phase 1 |             |          |               |
|                         |                        | Unit    | Unit Price  | Quantity | Extension PH1 |
| 1                       | Encasement (Gas Main)  | LF      | \$ 113.10   | 0        | \$ -          |
| 2                       | 6-4" Quad Utility Duct | LF      | \$ 27.47    | 720      | \$ 19,778.40  |
| 3                       | Electrical service     | EA      | \$ 875.00   | 53       | \$ 46,375.00  |
| 4                       | Street light           | EA      | \$ 1,650.00 | 11       | \$ 18,150.00  |
| Total General Utilities |                        |         |             |          | \$ 84,303.40  |

| Ammenities      |                                                |         |              |          |               |
|-----------------|------------------------------------------------|---------|--------------|----------|---------------|
| Item No.        | Description                                    | Phase 1 |              |          |               |
|                 |                                                | Unit    | Unit Price   | Quantity | Extension PH1 |
| 1               | Entrance Signage                               | LS      | \$ 15,000.00 | 0.3      | \$ 4,500.00   |
| 2               | Landscaping                                    | LS      | \$ 12,000.00 | 0.3      | \$ 3,600.00   |
| 3               | Concrete Walking Trail 12' wide                | LF      | \$ 69.24     | 330      | \$ 22,849.20  |
| 4               | Trail Head Bollards w/ Concrete apron HC Domes | EA      | \$ 3,744.00  | 0        | \$ -          |
| Total Amenities |                                                |         |              |          | \$ 30,949.20  |

| Storm Drainage |                                        |      |             |             |               |  |
|----------------|----------------------------------------|------|-------------|-------------|---------------|--|
| Item No.       | Description                            | Unit | Unit Price  | Phase 1     |               |  |
|                |                                        |      |             | Quantity    | Extension PH1 |  |
| 118"           | CSP Storm Sewer                        | LF   | \$ 33.44    | 380         | \$ 12,707.20  |  |
| 218"           | RCP Storm Sewer                        | LF   | \$ 49.28    | 85          | \$ 4,188.80   |  |
| 324"           | CSP Storm Sewer                        | LF   | \$ 38.69    | 420         | \$ 16,249.80  |  |
| 424"           | RCP Storm Sewer                        | LF   | \$ 57.85    | 430         | \$ 24,875.50  |  |
| 530"           | CSP Storm Sewer                        | LF   | \$ 72.96    | 82          | \$ 5,982.72   |  |
| 630"           | RCP Storm Sewer                        | LF   | \$ 88.25    | 0           | \$ -          |  |
| 736"           | CSP Storm Sewer                        | LF   | \$ 99.00    | 0           | \$ -          |  |
| 838"x24"       | ERCP Storm Sewer                       | LF   | \$ 125.00   | 0           | \$ -          |  |
| 930"x19"       | ERCP Storm Sewer                       | LF   | \$ 83.35    | 52          | \$ 4,334.20   |  |
| 1018"          | CSP Flared End Section                 | EA   | \$ 425.00   | 1           | \$ 425.00     |  |
| 1124"          | CSP Flared End Section                 | EA   | \$ 625.00   | 1           | \$ 625.00     |  |
| 1236"          | CSP Flared End Section                 | EA   | \$ 925.00   | 0           | \$ -          |  |
| 1330"x19"      | ERCP Flared End Section                | EA   | \$ 1,350.00 | 0           | \$ -          |  |
| 14             | Rock Extraction                        | CY   | \$ 325.00   | 8           | \$ 2,437.50   |  |
| 15             | Junction Box 4' x16'                   | EA   | \$ 7,216.77 | 1           | \$ 7,216.77   |  |
| 16             | Junction Box 4' x4'                    | EA   | \$ 2,405.59 | 2           | \$ 4,811.18   |  |
| 17             | Drop Inlet 4' x 4'                     | EA   | \$ 2,378.16 | 8           | \$ 19,025.28  |  |
| 18             | Drop Inlet 4'x10'                      | EA   | \$ 5,350.86 | 2           | \$ 10,701.72  |  |
| 19             | Drop Inlet 10'x10'                     | EA   | \$ 7,216.77 | 0           | \$ -          |  |
| 20             | Class 7 Backfill for Streets Compacted | CY   | \$ 33.60    | 45          | \$ 1,512.00   |  |
| 21             | Drop Inlet Extra Throat Extension      | LF   | \$ 171.79   | 80          | \$ 13,743.20  |  |
| 22             | Headwall A                             | EA   | \$ 875.00   | 1           | \$ 875.00     |  |
| 23             | Headwall B                             | EA   | \$ 1,350.00 | 1           | \$ 1,350.00   |  |
| 26             | Grass Lined Swale Phase I              | SF   | \$ 0.75     | 2,640       | \$ 1,980.00   |  |
| 27             | Swale w/ concrete Flume                | SF   | \$ 0.53     | 8,400       | \$ 4,452.00   |  |
| 28             | Concrete Flume                         | SF   | \$ 5.77     | 0           | \$ -          |  |
| 28             | Standard Perform & Payment Bond        | LS   | 1.5%        | 1           | \$ 1,965.91   |  |
| 29             | 1 Yr Maintenance Bond                  | LS   | 0.5%        | 1           | \$ 655.30     |  |
|                |                                        |      |             | Total Storm | \$ 140,114.09 |  |

| Sanitary Sewer       |                                              |         |               |          |               |
|----------------------|----------------------------------------------|---------|---------------|----------|---------------|
| Item No.             | Description                                  | Phase 1 |               |          | Extension PH1 |
|                      |                                              | Unit    | Unit Price    | Quantity |               |
| 1                    | 18" PVC Sewer Main w/bedding                 | LF      | \$ 23.05      | 3,350    | \$ 77,217.50  |
| 2                    | 28" PVC Sewer Main 8-10'                     | LF      | \$ 3.25       | 0        | \$ -          |
| 3                    | 38" PVC Sewer Main 10-12'                    | LF      | \$ 4.25       | 0        | \$ -          |
| 4                    | 48" Sanitary Sewer Manhole w/ CI Frame & Lid | EA      | \$ 1,907.77   | 21       | \$ 40,063.17  |
| 5                    | Extra Depth for Sanitary Sewer               | VF      | \$ 76.99      | 4        | \$ 337.22     |
| 6                    | Core Existing Manhole & Tie-in               | EA      | \$ 750.00     | 1        | \$ 750.00     |
| 7                    | PVC Sewer Wyes 6"x4"                         | EA      | \$ 114.10     | 53       | \$ 6,047.30   |
| 8                    | 4" SDR26 Sewer Service w/SB2 Backfill        | LF      | \$ 15.51      | 2,314    | \$ 35,890.14  |
| 9                    | Street Bore 16" w/Skids                      | LF      | \$ 125.00     | 60       | \$ 7,500.00   |
| 10                   | Steel Encasement                             | LF      | \$ 95.00      | 20       | \$ 1,900.00   |
| 11                   | OSHA Trench & Excavation                     | LS      | \$ 2,000.00   | 1        | \$ 2,000.00   |
| 12                   | Rock Extraction                              | CY      | \$ 325.00     | 80       | \$ 25,902.50  |
| 13                   | 4" Foremain                                  | LF      | \$ 9.50       | 0        | \$ -          |
| 14                   | Lift Station                                 | LS      | \$ 125,000.00 | 0        | \$ 1,900.00   |
| 15                   | Standard Perform & Payment Bond              | LS      | 1.5%          | 1        | \$ 2,992.62   |
| 16                   | 1 yr Maintenance Bond                        | LS      | 0.5%          | 1        | \$ 997.54     |
| Total Street & Storm |                                              |         |               |          | \$ 203,497.98 |

| Erosion Control       |                                           |         |            |          |               |
|-----------------------|-------------------------------------------|---------|------------|----------|---------------|
| Item No.              | Description                               | Phase 1 |            |          | Extension PH1 |
|                       |                                           | Unit    | Unit Price | Quantity |               |
| 1                     | Silt Fence                                | LF      | \$ 3.03    | 3,008    | \$ 9,114.24   |
| 2                     | Concrete Washout                          | LS      | \$ 750.00  | 1        | \$ 750.00     |
| 3                     | Inlet Protection                          | EA      | \$ 131.25  | 15       | \$ 1,968.75   |
| 4                     | Straw Bale Dikes                          | EA      | \$ 135.00  | 30       | \$ 4,050.00   |
| 5                     | Construction Entrance                     | EA      | \$ 903.27  | 2        | \$ 1,806.54   |
| 6                     | Tree Protection                           | LF      | \$ 3.03    | 588      | \$ 1,781.64   |
| 7                     | Rock Check Dam Large                      | EA      | \$ 350.00  | 0        | \$ -          |
| 8                     | Rock Check Dam Small                      | EA      | \$ 250.00  | 2        | \$ 500.00     |
| 9                     | Post Erosion Sod 3ft. Behind Curb         | SF      | \$ 0.22    | 25,059   | \$ 5,512.98   |
| 10                    | Temporary Seeding & Fertilizer w/no Mulch | AC      | \$ 831.50  | 12       | \$ 9,978.00   |
| 11                    | Fuel Storage area Containment             | EA      | \$ 150.00  | 1        | \$ 150.00     |
| 12                    | Trash Dumpster                            | MO      | \$ 478.00  | 10       | \$ 4,780.00   |
| 13                    | Porta Potty                               | MO      | \$ 75.00   | 10       | \$ 750.00     |
| Total Erosion Control |                                           |         |            |          | \$ 41,142.15  |

| Fees       |                                         |      |             |          | Phase 1       |  |
|------------|-----------------------------------------|------|-------------|----------|---------------|--|
| Item No.   | Description                             | Unit | Unit Price  | Quantity | Extension PH1 |  |
| 1          | City Fees (prelim and final)            | LS   | \$ 1,100.00 | 1        | \$ 1,100.00   |  |
| 2          | Park Fees                               | EA   | \$ 960.00   | 53       | \$ 50,880.00  |  |
| 3          | Health Department                       | EA   | \$ 2.78     | 53       | \$ 147.34     |  |
| 4          | Engineering Topo                        | LS   |             |          |               |  |
| 5          | Engineering fees                        | EA   | \$ 950.00   | 53       | \$ 50,350.00  |  |
| 6          | Goose Creek LOMR                        | EA   | \$ 150.00   | 0        | \$ -          |  |
| 7          | 404 Permit                              | EA   | \$ 35.00    | 0        | \$ -          |  |
| 8          | Easement Fees                           | LS   |             |          |               |  |
| 9          | Construction staking (engineer)         | EA   | \$ 90.00    | 53       | \$ 4,770.00   |  |
| 10         | Geo Technical Testing                   | LS   | \$ 100.00   | 53       | \$ 5,300.00   |  |
| 11         | Lot Pinning                             | EA   | \$ 75.00    | 53       | \$ 3,975.00   |  |
| 12         | ADEQ fees                               | LS   | \$ 550.00   | 1        | \$ 550.00     |  |
| 13         | Construction Management (7.5% of Const) | LS   | 7.5%        | 1        | \$ 106,715.60 |  |
| 14         | <i>Rausch Coleman Land Development</i>  |      |             |          |               |  |
| Total Fees |                                         |      |             |          | \$ 223,787.94 |  |

|                   |                 |
|-------------------|-----------------|
| Water             | \$ 173,791.11   |
| Streets           | \$ 749,076.74   |
| General Utilities | \$ 84,303.40    |
| Amenities         | \$ 30,949.20    |
| Storm Drainage    | \$ 140,114.09   |
| Sanitary Sewer    | \$ 203,497.98   |
| Erosion Control   | \$ 41,142.15    |
| Fees              | \$ 223,787.94   |
| Sub-Total         | \$ 1,846,862.62 |
| Allocations       | \$ (38,515.88)  |
| *Land Cost        | 237,580.98      |

\*Land Cost / 50.43 acres @ 16,000.00 per acre = \$806,880.00 / \$4,482.66 per lot

\*Adjusted total reflects the shared cost of the offsite sanitary sewer gravity main. Estimated hard costs per lot

\*Total for Phase One \$1,845,727.72

53 lots \$ 34,825.05

\*Adjusted Total \$1,259,127.72  
Per Lot Cost \$23,757.13

\*Adjusted Total Including Housing Partnership Grant of \$586,600.00



community resources  
CITY OF FAYETTEVILLE

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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

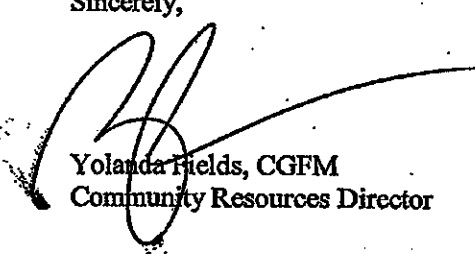
July 1, 2008

Processing and Control Branch, Room 7251  
Attn: FY 2008 EDI – Special Projects  
Congressional Grants, CPD  
US Dept. Housing and Urban Development  
451 Seventh St., SW  
Washington, DC 20410

Dear Sir or Madam:

The City of Fayetteville is proud to submit our EDI – Special Project grant for the fiscal year 2008. The City's participation as an Entitlement City in HUD/CDBG program for over 30 years has proven to be a great benefit to the community. Enclosed is the original application and two copies of the FY 2008 EDI – Special Projects grant for the City of Fayetteville. If you have any questions, please feel free to contact me at [yfields@ci.fayetteville.ar.us](mailto:yfields@ci.fayetteville.ar.us) or at (479) 575-8290.

Sincerely,



Yolanda Fields, CGFM  
Community Resources Director



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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

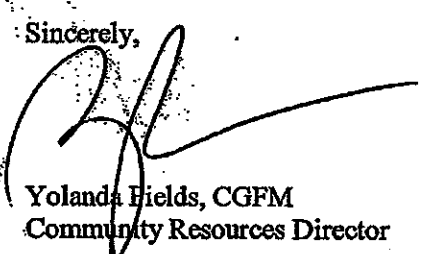
July 1, 2008

Ms. Shelia Gilmore  
Field Environmental Officer  
HUD – New Orleans Office  
500 Poydras Street, 9<sup>th</sup> Floor  
New Orleans, LA 70130

Dear Ms. Gilmore:

The City of Fayetteville is proud to submit our EDI – Special Project grant for the fiscal year 2008. The City's participation as an Entitlement City in HUD/CDBG program for over 30 years has proven to be a great benefit to the community. Enclosed is the FY 2008 EDI – Special Project grant for the City of Fayetteville. If you have any questions, please feel free to contact me at [yfields@ci.fayetteville.ar.us](mailto:yfields@ci.fayetteville.ar.us) or at (479) 575-8290.

Sincerely,



Yolanda Fields, CGFM  
Community Resources Director



**Acknowledgment of Receipt  
of Application for A  
FY 2008 EDI – SPECIAL PROJECT Grant**

U.S. Department of Housing  
and Urban Development  
Washington, DC 20410

Type or clearly print your name and return address in the space below.

City of Fayetteville

113 W. Mountain

Fayetteville, AR 72701

fold line

To Be Signed/Dated Below by HUD Processing and Control Branch, Room 7251, 451  
Seventh Street, SW, Washington, DC 20410:

We have received your application for a FY 2008 grant. The Congressional Grants Division  
will review your application and contact you if any more information is needed.

Processor's Name: \_\_\_\_\_

Date of Receipt: \_\_\_\_\_

# The Coves at Walnut Crossing

## PRELIMINARY ESTIMATE

Jun-08

OWNER: Rausch Coleman Homes, LLC  
ENGINEER: EDA

Following in line with the affordability goals of The Coves project, this estimate takes into account reduced installation costs anticipated if materials are provided to the Contractor. Rausch Coleman Homes proposes to provide water, storm sewer and sanitary sewer materials needed for the construction of the development in order to reduce overall construction costs.

Items with bold text signify items to be paid for with Economic Development Initiative Project funds

| Water       |                                             |      |             |          |               |                 |
|-------------|---------------------------------------------|------|-------------|----------|---------------|-----------------|
| Item No.    | Description                                 | Unit | Unit Price  | Phase 1  |               |                 |
|             |                                             |      |             | Quantity | Extension PH1 | EDI Grant funds |
| 1           | 18" PVC C1200 Water Main                    | LF   | \$ 25.63    | 3907     | \$ 100,136.41 | \$ 100,136.44   |
| 2           | 28"x8" Tee                                  | EA   | \$ 421.29   | 5        | \$ 2,106.45   | \$ 2,106.45     |
| 3           | 38" 45 deg Bend                             | EA   | \$ 164.06   | 6        | \$ 984.36     | \$ 984.36       |
| 4           | 48" 22 deg Bend                             | EA   | \$ 165.06   | 3        | \$ 495.18     | \$ 495.18       |
| 5           | 58" MJ Plug                                 | EA   | \$ 151.06   | 1        | \$ 151.06     | \$ 151.06       |
| 6           | 68"x6" Reducer                              | EA   | \$ 154.02   | 1        | \$ 154.02     | \$ 154.02       |
| 7           | 78"x8" Tapping Sleeve & Valve               | EA   | \$ 2,640.00 | 1        | \$ 2,640.00   | \$ 2,640.00     |
| 8           | 8" Gate Valve w/3pc Valve Box               | EA   | \$ 1,157.42 | 14       | \$ 16,203.88  | \$ 16,203.88    |
| 9           | 9 Fire Hydrant w/6" Gate Valve & 3 pc Valve | EA   | \$ 3,173.73 | 4        | \$ 12,694.92  | \$ 12,694.92    |
| 10          | 108"x6" Anchor Tee                          | EA   | \$ 421.29   | 3        | \$ 1,263.87   | \$ 1,263.87     |
| 11          | Tie into Existing Gate Valve                | EA   | \$ 450.00   | 0        | \$ -          |                 |
| 12          | Steel Encasement 16" w/Skids                | LF   | \$ 78.15    | 0        | \$ -          |                 |
| 13          | Water Meter Single Service                  | EA   | \$ 324.87   | 5        | \$ 1,624.35   |                 |
| 14          | Water Meter Double Service                  | EA   | \$ 456.49   | 28       | \$ 12,781.72  |                 |
| 15          | 1" P.E. Water Service Line                  | LF   | \$ 11.03    | 280      | \$ 3,088.40   |                 |
| 16          | 2" P.E. water Service Line w/ SB2           | LF   | \$ 13.65    | 1200     | \$ 16,380.00  |                 |
| 17          | Standard Perform & Payment Bond             | LS   | 1.5%        | 1        | \$ 812.82     |                 |
| 18          | 1 yr Maintenance Bond                       | LS   | 0.5%        | 1        | \$ 270.94     |                 |
| Total Water |                                             |      |             |          | \$ 71,651.97  | \$ 136,830.18   |

| Street        |                                         |      |             |          |               |
|---------------|-----------------------------------------|------|-------------|----------|---------------|
| Item No.      | Description                             | Unit | Unit Price  | Phase 1  |               |
|               |                                         |      |             | Quantity | Extension PH1 |
| 1             | Site Preparation / Clearing & Grubbing  | AC   | \$ 4,250.00 | 4.86     | \$ 20,655.00  |
| 2             | Drain and Muck Pond                     | LS   | \$ 8,500.00 | 1.00     | \$ 8,500.00   |
| 3             | Excavation & Grading                    | CY   | \$ 3.54     | 8,712    | \$ 30,838.71  |
| 3.5           | Excavation & Grading                    | CY   | \$ 3.54     | 8,711    | \$ 30,836.94  |
| 4             | Off Site Embankment                     | CY   | \$ 9.75     | 9,343    | \$ 91,094.25  |
| 4.5           | Off Site Embankment                     | CY   | \$ 9.75     | 9,343    | \$ 91,094.25  |
| 5             | Concrete Curb & Gutter                  | LF   | \$ 11.25    | 7,871    | \$ 88,548.75  |
| 6             | Class 7 Base (6" Thick)                 | SY   | \$ 6.40     | 11,591   | \$ 74,182.40  |
| 7             | Bituminous Prime Coat                   | Gal  | \$ 4.05     | 1,874    | \$ 7,589.70   |
| 8             | Asphalt Conc. Surface Course (2" thick) | SY   | \$ 12.43    | 7,493    | \$ 93,137.99  |
| 9             | Concrete 3500 PSI (6" Thick) Alley      | SF   | \$ 5.77     | 26,468   | \$ 152,720.36 |
| 10            | Class 7 Base (2" Thick) Alley           | SY   | \$ 2.85     | 3,823    | \$ 10,895.55  |
| 11            | Access Road SB2 Gravel                  | SY   | \$ 6.40     | 1,129    | \$ 7,225.60   |
| 12            | Access Road Offsite Embankment          | CY   | \$ 9.75     | 2,152    | \$ 20,977.13  |
| 13            | Access Road Excavation & Grading        | CY   | \$ 3.54     | 1,721    | \$ 6,090.57   |
| 14            | Standard Perform & Payment Bond         | LS   | 1.5%        | 1        | \$ 11,015.81  |
| 15            | 1 yr Maintenance Bond                   | LS   | 0.5%        | 1        | \$ 3,671.94   |
| Total Streets |                                         |      |             |          | \$ 749,074.94 |
|               |                                         |      |             |          | \$ 151,087.96 |

| General Utilities       |                        |      |             |          |               |
|-------------------------|------------------------|------|-------------|----------|---------------|
| Item No.                | Description            | Unit | Unit Price  | Phase 1  |               |
|                         |                        |      |             | Quantity | Extension PH1 |
| 1                       | Encasement (Gas Main)  | LF   | \$ 113.10   | 0        | \$ -          |
| 2                       | 6-4" Quad Utility Duct | LF   | \$ 27.47    | 720      | \$ 19,778.40  |
| 3                       | Electrical service     | EA   | \$ 875.00   | 53       | \$ 46,375.00  |
| 4                       | Street light           | EA   | \$ 1,650.00 | 11       | \$ 18,150.00  |
| Total General Utilities |                        |      |             |          | \$ 84,303.40  |

| Ammenities |                  |      |              |          |               |
|------------|------------------|------|--------------|----------|---------------|
| Item No.   | Description      | Unit | Unit Price   | Phase 1  |               |
|            |                  |      |              | Quantity | Extension PH1 |
| 1          | Entrance Signage | LS   | \$ 15,000.00 | 0.3      | \$ 4,500.00   |
| 2          | Landscaping      | LS   | \$ 12,000.00 | 0.3      | \$ 3,600.00   |

|                 |                                                |    |             |     |              |  |
|-----------------|------------------------------------------------|----|-------------|-----|--------------|--|
| 3               | Concrete Walking Trail 12' wide                | LF | \$ 69.24    | 330 | \$ 22,849.20 |  |
| 4               | Trail Head Bollards w/ Concrete apron HC Domes | EA | \$ 3,744.00 | 0   | \$ -         |  |
| Total Amenities |                                                |    |             |     | \$ 30,949.20 |  |

| Storm Drainage |                                        |      |             |          |               |              |
|----------------|----------------------------------------|------|-------------|----------|---------------|--------------|
| Item No.       | Description                            | Unit | Unit Price  | Phase 1  |               |              |
|                |                                        |      |             | Quantity | Extension PH1 |              |
| 1              | 18" CSP Storm Sewer                    | LF   | \$ 33.44    | 380      | \$ 12,707.20  | \$ 12,707.00 |
| 2              | 18" RCP Storm Sewer                    | LF   | \$ 49.28    | 85       | \$ 4,188.80   | \$ 4,188.80  |
| 3              | 24" CSP Storm Sewer                    | LF   | \$ 38.69    | 420      | \$ 16,249.80  | \$ 16,249.80 |
| 4              | 24" RCP Storm Sewer                    | LF   | \$ 57.85    | 430      | \$ 24,875.50  | \$ 24,875.50 |
| 5              | 30" CSP Storm Sewer                    | LF   | \$ 72.96    | 82       | \$ 5,982.72   | \$ 5,982.72  |
| 6              | 30" RCP Storm Sewer                    | LF   | \$ 88.25    | 0        | \$ -          |              |
| 7              | 36" CSP Storm Sewer                    | LF   | \$ 99.00    | 0        | \$ -          |              |
| 8              | 38"x24" ERCP Storm Sewer               | LF   | \$ 125.00   | 0        | \$ -          |              |
| 9              | 30"x19" ERCP Storm Sewer               | LF   | \$ 83.35    | 52       | \$ 4,334.20   | \$ 4,334.20  |
| 10             | 18" CSP Flared End Section             | EA   | \$ 425.00   | 1        | \$ 425.00     |              |
| 11             | 24" CSP Flared End Section             | EA   | \$ 625.00   | 1        | \$ 625.00     | \$ 625.00    |
| 12             | 36" CSP Flared End Section             | EA   | \$ 925.00   | 0        | \$ -          |              |
| 13             | 30"x19" ERCP Flared End Section        | EA   | \$ 1,350.00 | 0        | \$ -          |              |
| 14             | Rock Extraction                        | CY   | \$ 325.00   | 8        | \$ 2,437.50   |              |
| 15             | Junction Box 4' x16'                   | EA   | \$ 7,216.77 | 1        | \$ 7,216.77   |              |
| 16             | Junction Box 4'x4'                     | EA   | \$ 2,405.59 | 2        | \$ 4,811.18   |              |
| 17             | Drop Inlet 4' x 4'                     | EA   | \$ 2,378.16 | 8        | \$ 19,025.28  |              |
| 18             | Drop Inlet 4'x10'                      | EA   | \$ 5,350.86 | 2        | \$ 10,701.72  |              |
| 19             | Drop Inlet 10'x10'                     | EA   | \$ 7,216.77 | 0        | \$ -          |              |
| 20             | Class 7 Backfill for Streets Compacted | CY   | \$ 33.60    | 45       | \$ 1,512.00   |              |
| 21             | Drop inlet Extra Throat Extension      | LF   | \$ 171.79   | 80       | \$ 13,743.20  |              |
| 22             | Headwall A                             | EA   | \$ 875.00   | 1        | \$ 875.00     |              |
| 23             | Headwall B                             | EA   | \$ 1,350.00 | 1        | \$ 1,350.00   |              |
| 26             | Grass Lined Swale Phase I              | SF   | \$ 0.75     | 2,640    | \$ 1,980.00   |              |
| 27             | Swale w/ concrete Flume                | SF   | \$ 0.53     | 8,400    | \$ 4,452.00   |              |
| 28             | Concrete Flume                         | SF   | \$ 5.77     | 0        | \$ -          |              |
| 28             | Standard Perform & Payment Bond        | LS   | 1.5%        | 1        | \$ 1,965.91   |              |
| 29             | 1 Yr Maintenance Bond                  | LS   | 0.5%        | 1        | \$ 655.30     |              |
| Total Storm    |                                        |      |             |          | \$ 140,114.09 | \$ 68,963.02 |

| Sanitary Sewer       |                                              |      |               |               |               |
|----------------------|----------------------------------------------|------|---------------|---------------|---------------|
| Item No.             | Description                                  | Unit | Unit Price    | Phase 1       |               |
|                      |                                              |      |               | Quantity      | Extension PH1 |
| 1                    | 18" PVC Sewer Main w/bedding                 | LF   | \$ 23.05      | 3,350         | \$ 77,217.50  |
| 2                    | 8" PVC Sewer Main 8-10'                      | LF   | \$ 3.25       | 0             | \$ -          |
| 3                    | 8" PVC Sewer Main 10-12'                     | LF   | \$ 4.25       | 0             | \$ -          |
| 4                    | 48" Sanitary Sewer Manhole w/ CI Frame & Lid | EA   | \$ 1,907.77   | 21            | \$ 40,063.17  |
| 5                    | Extra Depth for Sanitary Sewer               | VF   | \$ 76.99      | 4             | \$ 337.22     |
| 6                    | Core Existing Manhole & Tie-in               | EA   | \$ 750.00     | 1             | \$ 750.00     |
| 7                    | PVC Sewer Wyes 8"x4"                         | EA   | \$ 114.10     | 53            | \$ 6,047.30   |
| 8                    | 4" SDR26 Sewer Service w/SB2 Backfill        | LF   | \$ 15.51      | 2,314         | \$ 35,890.14  |
| 9                    | Street Bore 16" w/Skids                      | LF   | \$ 125.00     | 60            | \$ 7,500.00   |
| 10                   | Steel Encasement                             | LF   | \$ 95.00      | 20            | \$ 1,900.00   |
| 11                   | OSHA Trench & Excavation                     | LS   | \$ 2,000.00   | 1             | \$ 2,000.00   |
| 12                   | Rock Extraction                              | CY   | \$ 325.00     | 80            | \$ 25,902.50  |
| 13                   | 4" Forcemain                                 | LF   | \$ 9.50       | 0             | \$ -          |
| 14                   | Lift Station                                 | LS   | \$ 125,000.00 | 0             | \$ 1,900.00   |
| 15                   | Standard Perform & Payment Bond              | LS   | 1.5%          | 1             | \$ 2,992.62   |
| 16                   | 1 yr Maintenance Bond                        | LS   | 0.5%          | 1             | \$ 997.54     |
| Total Street & Storm |                                              |      |               | \$ 203,497.98 | \$ 169,705.33 |

| Erosion Control |                                           |      |            |          |               |
|-----------------|-------------------------------------------|------|------------|----------|---------------|
| Item No.        | Description                               | Unit | Unit Price | Phase 1  |               |
|                 |                                           |      |            | Quantity | Extension PH1 |
| 1               | Silt Fence                                | LF   | \$ 3.03    | 3,008    | \$ 9,114.24   |
| 2               | Concrete Washout                          | LS   | \$ 750.00  | 1        | \$ 750.00     |
| 3               | Inlet Protection                          | EA   | \$ 131.25  | 15       | \$ 1,968.75   |
| 4               | Straw Bale Dikes                          | EA   | \$ 135.00  | 30       | \$ 4,050.00   |
| 5               | Construction Entrance                     | EA   | \$ 903.27  | 2        | \$ 1,806.54   |
| 6               | Tree Protection                           | LF   | \$ 3.03    | 588      | \$ 1,781.64   |
| 7               | Rock Check Dam Large                      | EA   | \$ 350.00  | 0        | \$ -          |
| 8               | Rock Check Dam Small                      | EA   | \$ 250.00  | 2        | \$ 500.00     |
| 9               | Post Erosion Sod 3ft. Behind Curb         | SF   | \$ 0.22    | 25,059   | \$ 5,512.98   |
| 10              | Temporary Seeding & Fertilizer w/no Mulch | AC   | \$ 831.50  | 12       | \$ 9,978.00   |
| 11              | Fuel Storage area Containment             | EA   | \$ 150.00  | 1        | \$ 150.00     |

|                       |                |    |           |    |              |  |
|-----------------------|----------------|----|-----------|----|--------------|--|
| 12                    | Trash Dumpster | MO | \$ 478.00 | 10 | \$ 4,780.00  |  |
| 13                    | Porta Potty    | MO | \$ 75.00  | 10 | \$ 750.00    |  |
| Total Erosion Control |                |    |           |    | \$ 41,142.15 |  |

| Fees       |                                         |      |             |          |               |         |
|------------|-----------------------------------------|------|-------------|----------|---------------|---------|
| Item No    | Description                             | Unit | Unit Price  | Quantity | Extension PH1 |         |
| 1          |                                         |      |             |          |               | Phase 1 |
| 2          |                                         |      |             |          |               |         |
| 3          |                                         |      |             |          |               |         |
| 4          | City Fees (prelim and final)            | LS   | \$ 1,100.00 | 1        | \$ 1,100.00   |         |
| 5          | Park Fees                               | EA   | \$ 960.00   | 53       | \$ 50,880.00  |         |
| 6          | Health Department                       | EA   | \$ 2.78     | 53       | \$ 147.34     |         |
| 7          | Engineering Topo                        | LS   |             |          | \$ -          |         |
| 8          | Engineering fees                        | EA   | \$ 950.00   | 53       | \$ 50,350.00  |         |
| 9          | Goose Creek LOMR                        | EA   | \$ 150.00   | 0        | \$ -          |         |
| 10         | 404 Permit                              | EA   | \$ 35.00    | 0        | \$ -          |         |
| 11         | Easement Fees                           | LS   |             |          | \$ -          |         |
| 12         | Construction staking (engineer)         | EA   | \$ 90.00    | 53       | \$ 4,770.00   |         |
| 13         | Geo Technical Testing                   | LS   | \$ 100.00   | 53       | \$ 5,300.00   |         |
| 14         | Lot Pinning                             | EA   | \$ 75.00    | 53       | \$ 3,975.00   |         |
|            | ADEQ fees                               | LS   | \$ 550.00   | 1        | \$ 550.00     |         |
|            | Construction Management (7.5% of Const) | LS   | 7.5%        | 1        | \$ 99,055.03  |         |
|            | Rausch Coleman Land Development         |      |             |          | \$ -          |         |
| Total Fees |                                         |      |             |          | \$ 216,127.37 |         |

|                   |                 |               |
|-------------------|-----------------|---------------|
| Water             | \$ 71,651.97    | \$ 136,830.18 |
| Streets           | \$ 749,074.94   | \$ 151,087.96 |
| General Utilities | \$ 84,303.40    | \$ -          |
| Ammenities        | \$ 30,949.20    | \$ -          |
| Storm Drainage    | \$ 140,114.09   | \$ 68,963.02  |
| Sanitary Sewer    | \$ 203,497.98   | \$ 169,705.33 |
| Erosion Control   | \$ 41,142.15    | \$ -          |
| Fees              | \$ 216,127.37   | \$ -          |
| Sub-Total         | \$ 1,536,861.10 | \$ 526,586.49 |
| Allocations       | \$ (38,515.88)  |               |
| *Land Cost        | 237,580.98      |               |

\*Total for Phase One \$1,735,926.20

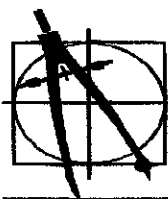
53 lots \$ 32,753.32

\*Adjusted Total \$1,210,926.20  
Per Lot Cost \$22,847.66

\*Land Cost / 50.43 acres @ 16,000.00 per acre = \$806,880.00 / \$4,482.66 per lot







# JORGENSEN & ASSOCIATES

## CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

July 17, 2008

City of Fayetteville – City Council  
113 W. Mountain Street  
Fayetteville, AR 72701

**RECEIVED**

**JUL 17 2008**

CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE

**RE: AMBERWOOD PLACE PZD**

Dear Council Members,

On behalf of our client, JRJBCS, LLC, we would like to appeal the July 14, 2008 Planning Commission decision to deny R-PZD 08-2965. We are requesting that this item be put on the August 5, 2008 City Council Agenda.

Amberwood Place is being presented as a land use and zoning conceptual PZD. This project is located just south of Dot Tipton Road, east of Double Springs and west of 54<sup>th</sup> Street. This property was annexed into the city of Fayetteville last year, by the developer, with the encouragement of some the ward alderman who also had concerns and showed strong interest in the need for affordable housing in this area. This project has three planning areas as follows;

Planning Area #1: Single family, 102 units, 19.87 acres, 5.13 units/acre,  
Planning Area #2: Single family, 41 units, 9.12 acres, 4.50 units/ acre  
Planning Area #3: Single family, 39 units, 10.99 acres, 3.55 units/ acre  
Total single family = 182 units on 39.98 acres; 4.55 units/acre

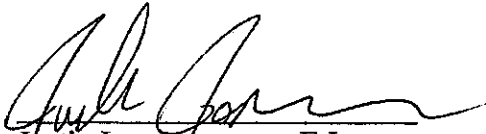
The current zoning is R-A and the surrounding zoning is RSF-1 and RSF-2 to the south with RSF-4 and RMF-6 due north..

This project was presented at the July 14, 2008 Planning Commission meeting and denied with only one vote for it. It seemed the Planning Commission in general liked the project layout and idea but were a little uneasy about the density and timing of the project. The general comments from the surrounding property owners that spoke at the meeting were about the side setbacks in planning area 3, which was simply a misprint in the PZD booklet, and the size of some of the homes in planning area 3. The developers are more than willing to work with the property owners on these issues and plan to be in contact with them before the August 5<sup>th</sup> meeting. The planning staff recommended denial of this project sighting that it doesn't meet all the goals of the City 2025 Plan. We however, feel that it does meet many of the goals and could be a very desirable and valuable project for this area now and in the future. We would like to stress that the developers build out date for this project could be up to 8 years with the first Planning Area being completed in the next 2-3 years. The driving force behind this project is creating attainable housing

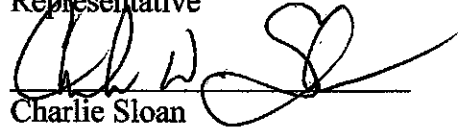
without losing focus on the City 2025 Plan and creating an isolated pocket of smaller homes.

Please contact us if you have any questions or would like more information regarding this project.

Sincerely,

  
Justin Lee Jorgensen, E.I.

Representative



Charlie Sloan

Developer/Owner



City Council Meeting of August 5, 2008  
Agenda Item Number

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning *JP*

**Date:** July 16, 2008

**Subject:** Residential Planned Zoning District for Amberwood Place (R-PZD 08-2965)

---

### **RECOMMENDATION**

Planning Staff and Planning Commission recommend denial of an ordinance creating a Residential Planned Zoning District (R-PZD) for Amberwood Place, based on the findings that the proposed zoning is not consistent with the land use planning objectives, principles, and policies established by the City Council with the adoption of City Plan 2025 to make infill and revitalization our highest priority, and to discourage suburban sprawl; and finding that the proposed zoning is not compatible with surrounding existing agricultural and rural residential land uses and zoning.

### **BACKGROUND**

The subject property, zoned R-A, Residential Agricultural, is located south and east of Double Springs Road on the south side of Dot Tipton Road. If City Council overturns the Planning Commission decision to deny, this action will establish a unique zoning district for a single-use project on approximately 39.98 acres. The proposal consists of 182 single family dwelling units and an overall density of 4.55 units/acre. The property is undeveloped agricultural pasture land, surrounded by rural residential and agricultural land uses. Dot Tipton Road, currently a partially paved/gravel road, provides access to the residences in this area, from Double Springs Road to 54<sup>th</sup> Avenue. Some infrastructure for the now-abandoned Windsor/Dunnerstock subdivision adjacent to the south has been installed, although this development has been abandoned for some time and the application is considered voided. Rezoning applications for this adjacent site to RSF-4 have been previously denied by the Planning Commission.

### **DISCUSSION**

The Planning Commission voted 6-1-0 (Commissioner Kennedy voting 'No') to deny this request on July 14, 2008. The Planning Commission stated agreement with staff findings that the project does not comply with main goals and policies of City Plan 2025 to discourage suburban sprawl, and that the relatively high density proposed is not compatible with surrounding rural residential and agricultural land uses.

### **BUDGET IMPACT**

None.

**ORDINANCE NO.**

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 08-2965, AMBERWOOD PLACE, LOCATED SOUTH AND EAST OF DOUBLE SPRINGS AND DOT TIPTON ROAD; CONTAINING APPROXIMATELY 39.98 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 R-A, Residential Agricultural to R-PZD 08-2965 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    , 2008.

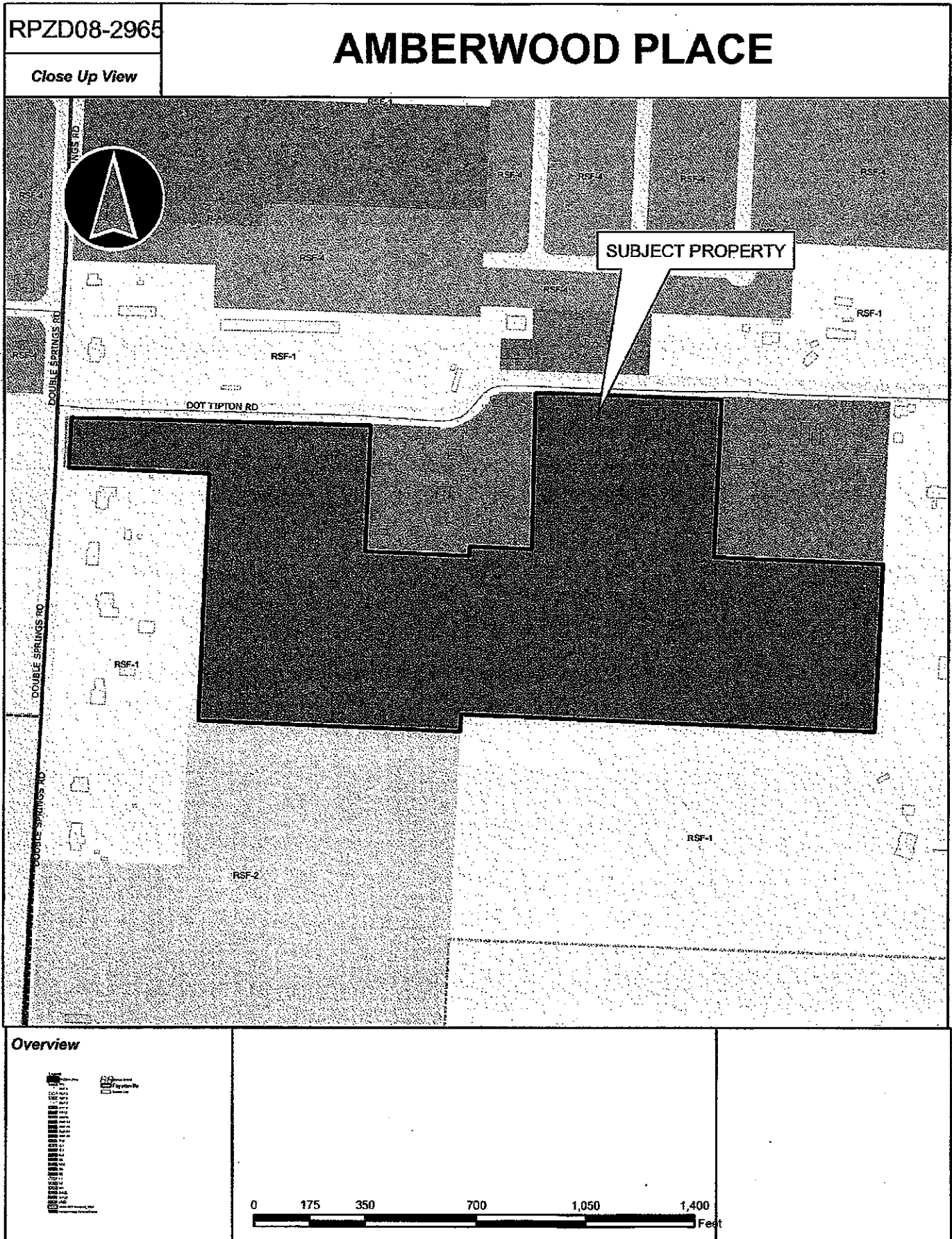
APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY**, Mayor

By: \_\_\_\_\_  
**SONDRA SMITH**, City Clerk/Treasurer

# EXHIBIT "A"



**EXHIBIT "B"**  
**R-PZD 08-2965**

PART OF THE SE1/4 OF THE NE1/4 OF SECTION 15 AND PART OF THE SW1/4 OF THE NW1/4 OF SECTION 14 ALL IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SE1/4, NE1/4 THENCE S89°46'03"W 825.57 FEET, THENCE N00°01'18"W 788.63 FEET, THENCE S89°52'44"W 448.54 FEET, THENCE N00°29'58"E 159.86 FEET, THENCE N88°55'29"E 947.20 FEET, THENCE S00°02'16"E 401.26 FEET, THENCE N89°57'44"E 328.25 FEET, THENCE N00°15'06"E 30.31 FEET, THENCE N89°56'37"E 196.61 FEET, THENCE N01°15'52"W 496.68 FEET, THENCE N87°12'01"E 84.38 FEET, THENCE N89°42'27"E 514.78 FEET, THENCE S00°07'57"W 502.35 FEET, THENCE N89°53'47"E 537.01 FEET, THENCE S00°11'49"W 536.03 FEET, THENCE S89°54'10"W 1320.92 FEET, THENCE S00°28'05"W 55.08 FEET TO THE P.O.B.; CONTAINING 39.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

## CONDITIONS OF APPROVAL:

### R-PZD 08-2965

Page 1 of 4

#### Conditions of Approval for R-PZD 08-2965 (Amberwood Place)

1. The applicant shall be responsible for the following street improvements. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed. Staff will recommend street improvements warranted with development of the subject property. *Based on an initial review of the conceptual development plan, staff will likely recommend, at a minimum, the following street improvements:*
  - a. *Pavement, curb and gutter, storm drainage, and sidewalks to be constructed along the project frontage for Double Springs Road and Dot Tipton Road including the gap of project frontage in the middle of the project along Dot Tipton Road.*
  - b. *Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20' wide pavement plus the appropriate shoulders from the project boundary east approximately 0.34 mile to 54<sup>th</sup> Street.*
2. Determination of adequate connectivity. Three points of access are provided to the north on Dot Tipton Road. Street stub-outs are provided in the southwest corner, the south-central, and the eastern borders of the site. No street connection is currently being provided to the existing rural residential land uses to the west that border Double Springs Road. The project proposes internal pedestrian connectivity in approximately 3.5 acres of dedicated greenspace with several pedestrian trails to be constructed by the developer. This project also proposes a north-south greenbelt from the northern property line connecting south across the two major internal east-west streets and roundabouts, but ends one lot south of the southern property line.
  - a. *To improve pedestrian connectivity and provide a more meaningful linkage of greenspace, staff recommends that the greenbelt be extended all the way to the southern property line to provide the opportunity for the greenbelt to be connected to the south.*
  - b. *Staff recommends an additional street stub-out be provided to the west in the vicinity of lots 12/13, to break up the approximately 1,000-foot block length between the north and south property lines on the westernmost street and another in the vicinity of lots 78/79 to provide a neighborhood connection to the tract or Dot Tipton Road surrounded on three sides by the proposed development.*
3. This project is required to go through preliminary plat review and approval prior to construction.
4. The applicant shall dedicate right-of-way a minimum of 42.5' from centerline right-of-way along the project's Double Springs Road frontage and 25' from centerline along the project's Dot Tipton Road frontage. Dedication of 50' right-of-way width for interior streets and stub-outs.
5. The project is subject to the project phasing noted below. Final plat approval is required to be obtained for the various Planning Areas in this project within the specified timeframe. Extensions may be permitted, pursuant to City ordinance.

## CONDITIONS OF APPROVAL:

R-PZD 08-2965

Page 2 of 4

### Project Phasing Amberwood Place R-PZD

| Phase | Planning Area                 | Milestone                 | Deadline                        |
|-------|-------------------------------|---------------------------|---------------------------------|
| 1     | Planning Area 1 (first half)  | Preliminary Plat Approval | within 1 year from CC approval  |
| 2     | Planning Area 1 (second half) | Preliminary Plat Approval | within 3 years from CC approval |
| 3     | Planning Area 2               | Preliminary Plat Approval | within 4 years from CC approval |
| 4     | Planning Area 3               | Preliminary Plat Approval | within 6 years from CC approval |

*Construction permits shall be obtained within 1 year of preliminary plat approval, and construction shall be completed with a final plat recorded within 3 years of permit issuance, in accordance with City ordinance.*

6. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
7. 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 building permit.
8. The project will be required to go through the Parks and Recreation Advisory Board prior to preliminary plat submittal.
11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for single family subdivisions.
12. 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.
13. 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, with a percent minimum canopy of 25%.
14. Street trees shall be provided along public streets pursuant to city codes at the time of development.
15. As indicated in the PZD plats and booklets all lot owners will be required to plant two trees on their lot along the perimeter of the property.
16. The pedestrian trails and dedicated greenspace indicated in the PZD plats and booklets shall be constructed and landscaped by the developer and inspected prior to Final Plat approval for the lots surrounding the greenspace.
17. A landscape plan showing street tree plantings (including plantings in the traffic circles), the proposed perimeter plantings, landscaped greenspace and pedestrian trails will be required at the time of preliminary plat.



## **CONDITIONS OF APPROVAL:**

**R-PZD 08-2965**

Page 3 of 4

**18. Plat/booklet revisions:**

- a. Pg. 9. Remove reference to Lot 16 from (D).
- b. Pg. 9. Section D and E. Reduce to 7,000 sq. ft.
- c. Planning Areas 1-3. Staff recommends consistent maximum building area of 30% for all planning areas.
- d. Pg. 21. Item 17. PA #2. Change '100 SF' to '1,700 SF'

**19. A full Tree Preservation Plan will be required when the development comes through the planning process. This should include but will not be limited to:**

- A full tree inventory of all significant trees;
- Canopy calculations including existing canopy, preserved canopy and removed canopy;
- A site analysis report; and
- A survey of the location of significant trees and those directly affected by the development.

**20. The site has little existing tree canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.**

**21. Significant trees and canopy found within floodway are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.**

**22. 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, adequate greenspace, etc.**

**Standard Conditions of Approval:**

**23. 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).**

**24. 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.**

**25. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.**

**26. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.**

## **CONDITIONS OF APPROVAL:**

**R-PZD 08-2965**

Page 4 of 4

27. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

28. 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 Meeting  
July 14, 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: July 7, 2008 Updated July 16, 2008

**R-PZD 08-2965: (AMBERWOOD PLACE, 474/475):** Submitted by DAVE JORGENSEN for property located S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units.  
Planner: Andrew Garner

**Findings:**

*Property:* The subject property contains 39.98 acres, located southeast of the intersection of Double Springs/Dot Tipton Roads. The property is undeveloped agricultural pasture land, surrounded by rural residential and agricultural land uses. Dot Tipton Road, currently a partially paved/gravel road, provides access to the residences in this area, from Double Springs Road to 54<sup>th</sup> Avenue. Some infrastructure for the now-abandoned Windsor/Dunnerstock subdivision adjacent to the south has been installed, although this development has been abandoned for some time and the application is considered voided. Rezoning applications for this adjacent site to RSF-4 have been previously denied by the Planning Commission. The immediately adjacent surrounding land use and zoning are listed in *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction | Land Use                                                     | Zoning                                           |
|-----------|--------------------------------------------------------------|--------------------------------------------------|
| North     | Agricultural/rural residential                               | RSF-1; R-A                                       |
| South     | Agricultural/Dunnerstock Windsor Subdivision (not developed) | RSF-1; RSF-2                                     |
| East      | Agricultural/rural residential                               | RSF-1                                            |
| West      | Single family residential                                    | Washington County<br>Planning Area (1 unit/acre) |

*Proposal:* The request is for rezoning and land use approval only for a Master Development Plan of a Residential Planned Zoning District with 182 detached single family dwellings in three planning areas. Planning Area 1 is on the east side of the property and has 102 lots that are approximately 45' x 100' with a density of 5.13 units/acre. Planning Area 2 is in the middle of the property and has 41 lots that are approximately 60' x 100' with a density of 4.50 units/acre.

Planning Area 3 is on the west side of the property and will have 39 lots that are approximately 70' wide with a density of 3.55 units/acre. The development proposes 3.5 acres of public pedestrian trails and greenspace throughout the development to be built by the developer. The overall proposed density for the project is 4.55 units/acre.

If the PZD is approved as proposed the project would be required to go through subdivision/preliminary plat approval prior to development.

*Access:* Three access points to the site are provided from Dot Tipton Road to the north. Two street stub-outs are provided to the south and a street stub-out is also provided to the east. Vehicular access to the 182 single family residences is provided as follows:

- 84 lots - front loaded individual curb cuts
- 54 lots - front loaded shared driveways
- 44 lots - rear loaded off of alleys

*Adjacent Master Street Plan Streets:* Double Springs Road (Minor Arterial), Dot Tipton Road (Local).

*Right-of-way to be dedicated:* 42.5' from centerline right-of-way along the project's Double Springs Road frontage and 25' from centerline along the project's Dot Tipton Road frontage. Dedication of 50' right-of-way width for interior streets and stub-outs.

*Connectivity:* Three points of access are provided to the north on Dot Tipton Road. Street stub-outs are provided in the southwest corner, the south-central, and the eastern borders of the site. No street connection is proposed to the existing rural residential lots to the west. These lots are approximately two acre in size. The project proposes internal pedestrian connectivity with sidewalks on both sides of the streets and pedestrian trails in approximately 3.5 acres of dedicated greenspace. This project also proposes a north-south greenbelt from the northern property line connecting south across the two major internal east-west streets and roundabouts, but ends one lot south of the southern property line. *A potential improvement for future pedestrian connectivity would be to extend the greenbelt all the way to the southern property line to provide the opportunity for a greenbelt linkage to the south. Potential improvements to street connectivity include additional street stub-outs to the west in the vicinity of lots 12-14, to break up the block length between the north and south property lines and allow connectivity for future infill to the west, and to the 'out-parcel' along Dot Tipton Road that is surrounded on three sides by the proposed development, near lots 78/79.*

*Parking:* Parking is provided in attached and detached garages for all of the single family homes. 138 homes will have front-loaded garages, and 44 of the homes will have alley-loaded garages. 98 homes will have garages in the rear of the homes, and 84 homes will have garages in the front of the homes.

*Phasing:* Four phases are planned for Amberwood Place over the next several years as listed below and provided in the PZD Booklet. Final plat approval is required to be obtained for the various Planning Areas in this project within the specified timeframe. A one-year extension may be permitted, subject to Planning Commission approval.

**Project Phasing  
Amberwood Place R-PZD**

| Phase | Planning Area                 | Milestone                 | Deadline                        |
|-------|-------------------------------|---------------------------|---------------------------------|
| 1     | Planning Area 1 (first half)  | Preliminary Plat Approval | within 1 year from CC approval  |
| 2     | Planning Area 1 (second half) | Preliminary Plat Approval | within 3 years from CC approval |
| 3     | Planning Area 2               | Preliminary Plat Approval | within 4 years from CC approval |
| 4     | Planning Area 3               | Preliminary Plat Approval | within 6 years from CC approval |

*Construction permits shall be obtained within 1 year of preliminary plat approval, and construction shall be completed with a final plat recorded within 3 years of permit issuance, in accordance with City ordinance.*

**Water & Sewer:** Water and sewer lines would be extended to serve the development.

**Parks:** The developer has met with City Parks staff and anticipates donating off-site land in lieu of payment of parks fees. This project will be required to go through Park Recreation Advisory Board prior to preliminary plat submittal.

**Solid Waste Service:** Solid waste service will be provided with standard curbside carts for each home as typical of single family residential 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. Tree canopy minimum of 25% shall be required.

**Public Comment:** City staff has received a phone call from an adjacent property owner opposed to the project citing concerns that the proposed density is too high and is not compatible with surrounding farms and rural-residential uses. He also discussed concerns with runoff issues. Staff also received several public comments opposed to other RSF-4 rezoning in this immediate vicinity. The applicant has also presented the project at a Street Committee and Ward 4 meeting to area residents, most specifically to discuss cost-sharing the improvements to Dot Tipton Road.

**Recommendation:** Finding that the proposed rezoning and development approval does not meet most of the primary goals of the Planned Zoning District ordinance and policies adopted within the City Plan 2025 as noted herein, and primarily based on the compatibility/density of the development pattern in an area under-served by adequate infrastructure and service to support such a density, staff recommends denial of **R-PZD 08-2965**.

Should the Planning Commission forward this project to the City Council with a recommendation for approval, staff recommends the following conditions of approval:

**Conditions of Approval:**

1. Planning Commission determination of street improvements. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed. Staff will recommend street

improvements warranted with development of the subject property. *Based on an initial review of the conceptual development plan, staff will likely recommend, at a minimum, the following street improvements:*

- a. *Pavement, curb and gutter, storm drainage, and sidewalks to be constructed along the project frontage for Double Springs Road and Dot Tipton Road including the gap of project frontage in the middle of the project along Dot Tipton Road.*
  - b. *Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20' wide pavement plus the appropriate shoulders from the project boundary east approximately 0.34 mile to 54<sup>th</sup> Street.*
2. Planning Commission determination of adequate connectivity. Three points of access are provided to the north on Dot Tipton Road. Street stub-outs are provided in the southwest corner, the south-central, and the eastern borders of the site. No street connection is currently being provided to the existing rural residential land uses to the west that border Double Springs Road. The project proposes internal pedestrian connectivity in approximately 3.5 acres of dedicated greenspace with several pedestrian trails to be constructed by the developer. This project also proposes a north-south greenbelt from the northern property line connecting south across the two major internal east-west streets and roundabouts, but ends one lot south of the southern property line.
  - a. *To improve pedestrian connectivity and provide a more meaningful linkage of greenspace, staff recommends that the greenbelt be extended all the way to the southern property line to provide the opportunity for the greenbelt to be connected to the south.*
  - b. *Staff recommends an additional street stub-out be provided to the west in the vicinity of lots 12/13, to break up the approximately 1,000-foot block length between the north and south property lines on the westernmost street and another in the vicinity of lots 78/79 to provide a neighborhood connection to the tract or Dot Tipton Road surrounded on three sides by the proposed development.*
3. This project is required to go through preliminary plat review and approval prior to construction.
4. The applicant shall dedicate right-of-way a minimum of 42.5' from centerline right-of-way along the project's Double Springs Road frontage and 25' from centerline along the project's Dot Tipton Road frontage. Dedication of 50' right-of-way width for interior streets and stub-outs.
5. The project is subject to the project phasing noted below. Final plat approval is required to be obtained for the various Planning Areas in this project within the specified timeframe. Extensions may be permitted, pursuant to City ordinance.

**Project Phasing  
Amberwood Place R-PZD**

| Phase | Planning Area                 | Milestone                 | Deadline                        |
|-------|-------------------------------|---------------------------|---------------------------------|
| 1     | Planning Area 1 (first half)  | Preliminary Plat Approval | within 1 year from CC approval  |
| 2     | Planning Area 1 (second half) | Preliminary Plat Approval | within 3 years from CC approval |
| 3     | Planning Area 2               | Preliminary Plat Approval | within 4 years from CC approval |
| 4     | Planning Area 3               | Preliminary Plat Approval | within 6 years from CC approval |

*Construction permits shall be obtained within 1 year of preliminary plat approval, and construction shall be completed with a final plat recorded within 3 years of permit issuance, in accordance with City ordinance.*

6. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
7. 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 building permit.
8. The project will be required to go through the Parks and Recreation Advisory Board prior to preliminary plat submittal.
11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for single family subdivisions.
12. 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.
13. 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, with a percent minimum canopy of 25%.
14. Street trees shall be provided along public streets pursuant to city codes at the time of development.
15. As indicated in the PZD plats and booklets all lot owners will be required to plant two trees on their lot along the perimeter of the property.
16. The pedestrian trails and dedicated greenspace indicated in the PZD plats and booklets shall be constructed and landscaped by the developer and inspected prior to Final Plat approval for the lots surrounding the greenspace.
17. A landscape plan showing street tree plantings (including plantings in the traffic circles), the proposed perimeter plantings, landscaped greenspace and pedestrian trails will be required at the time of preliminary plat.

18. Plat/booklet revisions:

- a. Pg. 9. Remove reference to Lot 16 from (D).
- b. Pg. 9. Section D and E. Reduce to 7,000 sq. ft.
- c. Planning Areas 1-3. Staff recommends consistent maximum building area of 30% for all planning areas.
- d. Pg. 21. Item 17. PA #2. Change '100 SF' to '1,700 SF'

19. A full Tree Preservation Plan will be required when the development comes through the planning process. This should include but will not be limited to:

- A full tree inventory of all significant trees;
- Canopy calculations including existing canopy, preserved canopy and removed canopy;
- A site analysis report; and
- A survey of the location of significant trees and those directly affected by the development.

20. The site has little existing tree canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.

21. Significant trees and canopy found within floodway are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.

22. 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, adequate greenspace, etc.

**Standard Conditions of Approval:**

23. 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).

24. 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.

25. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

26. Street lights shall be installed adjacent to all public and private streets (not alleys), with a



separation of no greater than 300 feet.

27. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.

28. 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.

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**Planning Commission Action:**

☐ Tabled                      ☐ Forwarded to C.C. (recommendation for approval) ☒ Denied

**Motion:** Myres

**Second:** Graves

**Vote:** 6-1-0 (Kennedy voting 'No')

**Meeting Date:** July 14, 2008

**Comments:**

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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 08-2965 (Amberwood Place at Fayetteville)

### 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 that much of this application is in conflict with the criterion and policies established in City Plan 2025. The applicant conducted pre-application meetings with City Planning staff, who advised the applicant against a development of this type of density in this area at this time. Some of the issues discussed with the applicant in pre-application and at the technical plat review meetings included concerns that this development with a density 4.55 units/acre is not compatible with surrounding rural-residential/low density land uses. Staff also advised the applicant of the relatively recent zoning denial by the Planning Commission of adjacent property, to RSF-4. Staff has also discussed that this type of subdivision encourages suburban sprawl in an area without adequate infrastructure or non-residential services or employment centers in the vicinity. Traffic concerns already being discussed on surrounding roads, particularly Wedington, will likely be exacerbated, and the attainable housing element of the project is jeopardized due to the requirement of every resident to drive miles for any good or service.

Staff has concerns that this development does not meet several of the primary Goals of City Plan 2025, is incompatible with surrounding land uses as a re-zoning request, and is not served by adequate public services as discussed in the bulleted points below:

- **Goal 1: Infill and revitalization highest priority:** This site is a green field development on the west side of Fayetteville, surrounded by large rural residential lots and agricultural land. The project is not considered infill or revitalization.
- **Goal 2: Discourage suburban sprawl:** As discussed in City Plan 2025, sprawl makes people solely dependent upon the automobile to get from here to there, increasing traffic congestion. Based on the input from the community throughout the planning process, it is apparent Fayetteville residents want to maintain a high quality of life and support increased growth in the center of the city, or assess where services are provided, and limit growth on the edges of the city. The proposed development, while using a higher density development pattern, is not near urban service centers, and is solely auto-dependent, thereby placing a greater burden on not only adjacent streets, but others in the area. Development at the proposed density in this area may be appropriate at a later date; however, at this time, it is not supported by adequate levels of infrastructure or services. Examples of density and lot size of this nature currently in the city are the Washington/Willow, Wilson Park, and Ruppel Row neighborhoods, which contain high levels of connectivity and close proximity to

high-capacity streets, commercial services and goods.

- **Goal 3: Make traditional town form the standard:** This goal encourages a variety of uses, not just houses, to make a neighborhood. This goal encourages development with the provision of places to live and work in the same area with less daily vehicle trips on surrounding streets. While this development varies the size of lot/house, it does not contribute to or gain from a surrounding neighborhood of mixed uses at this time.
- **Goal 6: Creating attainable housing:** This plan aspires to this goal, which is a very positive aspect of this plan. However, attainable houses should not exist in isolation. Traditional, mixed-income neighborhoods should result in pedestrian-friendly environments, enabling households to save on transportation costs, which can affect their ability to obtain housing. By locating this project far from goods and services and the potential for jobs, additional burden, time, and expense is created for a future homebuyer to supply travel to and from the development for daily needs. Many case studies have proved that a mixed-use environment with these amenities is the only desirable and successful way to create attainable housing, as opposed to many failed projects that aspired to do so in single-use areas.
- **This area is planned for Residential Neighborhood Areas on City Plan 2025.** These areas are predominantly residential in land use, which is consistent with the uses proposed with Amberwood Place. This zone encourages traditional neighborhood development; developments should have a strong sense of connectivity where appropriate. New residential areas should be sited where they are accessible to roadways, alternative transportation nodes, community amenities, schools and infrastructure and retail goods and services. Staff has concerns that this development, while attempting to meet one of the City's goals to provide "attainable housing", is being located in an area that severely lacks infrastructure and services at a sufficient level to serve the future residents. There are no nearby services that can serve the planned neighborhood, thus requiring a greater density of residents to drive for common, daily needs.
- **Harmonious relationship/degree of compatibility with adjacent land uses.** Staff finds the surrounding land uses to be large, rural lots and agricultural land, at very low densities. The density and land development pattern proposed in this location, while perhaps desirable nearer to higher density areas with services and adequate infrastructure, is very much out of place with the surrounding rural character of the area.
- **Demands on public facilities.** The proposed density, at this time, will create a greater burden on existing infrastructure in the area; currently the site is accessed by way of gravel roads or recently paved county roads. Future residents will likely demand improvement of streets in the area by the City, at a level that is not viable at this time.
- **Permitted/Conditional Uses.** Staff finds the proposed single family residential land use is appropriate.

In summary, staff finds the proposal does not meet the goals of the City's adopted Future Land Use Plan to a degree that is appropriate for a rezoning approval as proposed.

- (2) Whether the application is in compliance with all applicable statutory provisions;

**FINDING:** As discussed in Finding No. 1 above, the application has been reviewed and found to be inconsistent with several of the applicable City policies. The application has been submitted in accordance with all statutory provisions.

- (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, in order to function at acceptable levels. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. The Fayetteville Police Department has stated that the development could increase traffic danger and congestion and would place an undesirable load on police services. As discussed in Finding No. 1 this site is accessed by way of gravel roads or recently paved county roads. This development proposes to contribute \$150,000 for the City to pave Dot Tipton Road. In order for staff to find that the project would not adversely impact public facilities in the area, many more improvements than are recommended here would have to occur. However, staff does not find that this particular developer should bear the burden of all of those expenses, based on typical rational nexus calculations. This is ultimately one reason why staff has recommended denial of the application, finding that at this time, the project is not appropriate for the area.

- (4) Whether the rezoning is compatible with the surrounding land uses;

**FINDING:** As discussed in Finding No. 1, the surrounding land uses are large, rural lots and agricultural land, at very low densities. The density and land development pattern proposed in this location, while perhaps desirable nearer to higher density areas with services and adequate infrastructure, is very much out of place and thus incompatible with the surrounding rural character of the area.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

**FINDING:** The 39.98-acre property is a generally level, undeveloped pasture with minimum tree canopy. The intended land use, while incompatible with surrounding land uses, could be suitable on the subject property at some time in the future, when adequate services have been extended and are available to this area.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

**FINDING:** The proposed development, which will allow for the construction of 182

dwelling units, will have a significant impact on surrounding infrastructure, all of which is substandard. With the incorporation of the recommended street improvements listed in the conditions of approval, staff finds that while the surrounding roads would likely still be congested and inconvenient, the proposed development would not create a traffic danger. Staff does find that due to the number of units proposed in a low density agricultural/rural residential area, a burden on the existing road network would be created.

- (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 proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. The Master Development Plan sets out the basic guidelines, development and zoning criteria, commitments and design standards offered by the applicant. As discussed under Findings No. 1 and No. 4, staff finds that the proposal will not achieve a high level of compatibility with adjacent properties. Staff finds that the overall density of 4.55 units/acre is not appropriate when surrounded by rural-residential/agricultural land uses. Density within a project under a PZD is to be determined on the basis of the density of surrounding development, urban development goals, and the impact of a given density on the site and adjacent property. The City's urban development goals encourage a variety and mixture of densities within neighborhoods. However, the density of development must be supported with adequate infrastructure and services in order to create a viable, functioning neighborhood that contributes to the City as opposed to a separate "island" of development that is auto-

dependent for all goods and services. Staff finds this proposal to be located well away from supporting goods and services, and may adversely impact the character of surrounding low density residential and agricultural uses.

The site does not have any significant natural features to be incorporated into the subdivision, although approximately 3.5 acres of greenspace and pedestrian trails are provided. The developer also proposes to have all perimeter lots plant two trees in the backyard to help provide some vegetative screening around this subdivision.

- (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:** No screening is proposed or required for this single family subdivision. Approximately 54% of the proposed lots (98 out of 182 lots) have garages at the rear of the homes to help create a pedestrian oriented streetscape and an attractive public realm. This development proposes 3.5 acres of landscaped greenspace and pedestrian trails and two trees planted in the backyard of each perimeter lot. A landscape plan showing street tree plantings, the proposed perimeter plantings, landscaped greenspace and pedestrian trails will be required at the time of preliminary plat.

- (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:** The vehicular circulation system is comprised of two main public streets leading into the central portion of the project where the streets are slowed down by traffic circles and a north-south greenbelt crossing the streets. The lots in Planning Area 1 are accessed off of alleys or shared driveways with the garages in the rear of the homes. The lots in Planning Areas 2 and 3 are accessed directly off of the street with individual curb cuts and garages in the front of the homes. The street system provides a hierarchy of circulation that encourages an efficient flow of traffic. The external street system consists of two access roads, Double Springs Road, a minor arterial, and Dot Tipton Road, a local street, that is substandard and in need of improvements.

- (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:** Standard parking ratios for the single family residential uses shall apply. Two garage parking spaces are provided for each home.

- (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:** The applicant proposes that each lot on the perimeter of the project plant two trees in the backyard of the homes. The project will comply with all open space requirements.

- (6) *Sidewalks.* As required by §166.03.

**FINDING:** Sidewalks and other pedestrian connections will be evaluated at the time of preliminary plat to ensure compliance. In general the Master Development Plan provides for sidewalks along public streets, and interior pedestrian trails in the designated greenspace lots.

- (7) *Street Lights.* As required by §166.03.

**FINDING:** Street lights are to be provided adjacent to all public streets at a separation of no greater than 300 feet.

- (8) *Water.* As required by §166.03.

**FINDING:** Public water will be provided to the project site, pursuant to city code.

(9) *Sewer.* As required by §166.03.

**FINDING: Public sewer will be provided to the project site, pursuant to city code.**

(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:** The proposed project proposes public streets and alleys that comply with the adopted development standards.

- (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.

- (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 to comply with Chapter 167 of the UDC. The site has little existing tree canopy which should be incorporated into the design as much as possible.

- (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:** Not applicable. All proposed structures are single-family residential.

- (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**

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(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 does not meet some of the primary goals of the City Plan 2025, and the overall urban development goals of the City as discussed in Staff Finding No. 1. The proposed PZD provides a mix of lot and house sizes, rather than the typical RSF-4 single family lot size. The proposed development pattern is consistent with several of the goals of the PZD ordinance, Chapter 161, including providing a variety of housing types and providing usable and suitably located open space areas. However, an average density of 4.5 units/acre is not compatible with the surrounding rural residential/agricultural properties, with the lack of goods and services, schools or other amenities typically associated with urban development form. Development of surrounding properties, which could provide a higher level of compatibility with the Amberwood Place PZD, may require several years or even decades to occur. Furthermore, core public services, including schools, jobs and commercial services are not readily available to this area and are at least two miles away. Ultimately, the residents of the development will continue to be auto-dependent due to the current isolated location of the property.

(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 subject described real property is proposed to be rezoned to R-PZD 08-2965, with three (3) unique Planning Areas. The development standards, statement of commitments and Master Development Plan approved shall be adopted with the rezoning.

(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 denial of this application, finding the proposed PZD does not meet the intent of the PZD ordinance and City Plan 2025 as noted above. Staff finds that the higher density single family land uses within the development do not consider abutting parcels of land. A harmonious relationship with surrounding properties does not exist, and will result in land use incompatibility, traffic congestion and inconvenience for existing and future residents, and encourage suburban sprawl and leap-frog development.

- (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 at least fifty-one 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:** The subject property is adjacent to large undeveloped agricultural lands with sparsely located single-family homes. The property is zoned R-A, Residential Agricultural, which would permit one dwelling unit per two acres, resulting in a maximum of 20 dwelling units on 39.98 acres. The applicants are requesting 182 dwelling units, a density of approximately 4.5 units per acre. While this is not a normally high density in much of the developed City, and in general the City's development goals and policies do support the development pattern proposed by Amberwood Place in a designated Residential Neighborhood Area, the density of the development is not appropriate in the rural landscape that it is proposed. Staff has communicated to the applicant that this project may be appropriate in other Residential Neighborhood Areas that have an adequate level of services and infrastructure for development.

- (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 vary from 4,500 – 7,700 square feet, a little smaller than standard single family zoning districts; setbacks are not varied and are consistent with the RSF-8 zoning district setbacks. This project would provide for some variety in the size and mass of residential homes over this 39.98 acre subdivision with homes varying from 1,000 – 1,700 square feet. The structures are generally oriented to the street with 15-foot front setbacks, with the smaller lots in Planning Area 1 accessed off of either shared drives or alleys.

- (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 a maximum of 45-feet, consistent with the height requirements of the surrounding zoning.

- (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 proposed lot coverage varies from 25-30% compared with 40-50% lot coverage allowed under typical single family zoning. This indicates more greenspace on the lots than in a typical subdivision.

**\*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:** Please reference findings under compliance with Planned Zoning District ordinance and Future Land Use Plan. As discussed in these previous findings, this project can be characterized as suburban sprawl as it: 1) is located on the fringe of an urbanized area; 2) "leap frogs" over large, undeveloped properties; 3) is auto-dependent due to isolation from core public services; 4) and is developed before necessary infrastructure improvements are made. Ultimately, the development is inconsistent with land use planning principles and policies to a degree that would not support the rezoning.

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

**Finding:** The subject property is just within the limits of the City and is adjacent to large agricultural and rural residential properties. Rezoning the property for 182 residential dwellings is not justifiable or needed at this time. The development will "leap frog" over and around many acres of undeveloped farmland and low density rural residential land uses, and will exacerbate the traffic congestion in the area. Improvements to Dot Tipton and Double Springs roads will facilitate future development in the area, including agricultural and rural residential land in the vicinity. Currently though, the development is too early based on existing infrastructure and inconsistent with the goals and policies adopted by the City Council for rezoning applications.

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

**Finding:** Staff finds this proposal will likely increase traffic congestion and inconvenience, without several improvements to surrounding infrastructure. The Fayetteville



Police Department has commented that this project may create an appreciable increase in traffic danger and congestion, although a traffic study has not been completed. Overall, the area has a lack of infrastructure or services to serve a high density suburban development pattern, as proposed. With the minimum of improvements recommended by staff, an appreciable increase in traffic danger would not likely occur. This project is several miles away from public services and employment centers, and would therefore contribute to congestion on main arterials, particularly to Wedington Drive.

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 finds that in evaluating this proposal, the population density would undoubtedly increase from that which currently exists to a great extent, and that the 182 residential units proposed would create additional demand on public services. The applicants have noted in the project booklet that water and sewer services are being constructed to serve the subject development. Therefore, an undesirable load on water and sewer services is not expected.

**Engineering:** Public water is located adjacent to the site. There is an 8-inch water main along Double Springs Road and one located through this site.

Sanitary sewer is available to the site. There is an 8-inch sewer main through the site as well as a newly installed lift station. 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.

The site has access to Dot Tipton Road and Double Springs Road. Dot Tipton is an unimproved two lane gravel city street, with pavement near the intersection of Double Springs Road. Street improvements including pavement, curb and gutter, storm sewer and sidewalks will be required along the project frontage including the gap of project frontage in the middle of the project along Dot Tipton. Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20-foot wide pavement width plus the appropriate shoulders from the project boundary east to 54<sup>th</sup> Street.

Standard improvements and requirements for drainage will be required for the development.

**Police:** It is the opinion of the Fayetteville Police Department that this R-PZD would substantially alter the population density, and would create an appreciable or undesirable increase in the load on police services. This R-PZD will possibly create an appreciable increase in traffic danger and congestion.

**Fire:** This property will be covered by Engine 7 located at 835 North Ruppel Road. It is 2.3 miles from the station with an anticipated response time of 7 minutes. The Fire Department anticipates 32 (20 EMS-12 Fire/other) calls for service each year once the development is completed and maximum build out has occurred. The Fire Department does not feel this development will affect calls for service or response time.

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:** As discussed in the findings throughout this report, staff recommends denial of the requested R-PZD 08-2965, finding the proposal inconsistent with several adopted goals and policies of the City Plan 2025; finding the project encourages suburban sprawl in an area without adequate public services and infrastructure and incompatible with surrounding agricultural and rural residential land uses.



The City of Fayetteville Fire Department  
303 W. Center St. Fayetteville, AR. 72701  
Phone (479) 575-8365 Fax (479) 575-0471

**To:** Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher  
**Thru:** Chief Tony Johnson  
Assistant Chief Bud Thompson  
**From:** Captain Dale Riggins  
**Date:** June 3, 2008  
**Re:** April 9, 2008 Zoning Review

**PZD 08-2965: Planned Zoning District (AMBERWOOD PLACE, 474/475):** Submitted by DAVE JORGENSEN for property located at S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units.

It is 2.3 miles from the station with an anticipated response time of 6.0 minutes to the beginning of the development and 7.0 minutes to the western edge.

The Fire Department anticipates 32 (20 EMS – 12 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

**RZN 08-2968: Rezoning (LAZENBY, 557):** Submitted by DAVE JORGENSEN for property located at 3390 W. 6TH ST., NE CORNER OF HWY 62W & OLD FARMINGTON RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.49 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

It is 1.3 miles from the station with an anticipated response time of 4.0 minutes to the beginning of the development. We do not figure calls for service on this type of development but typically this will not affect our response times.

**RZN 08-2971: Rezoning (WALKER PARK NEIGHBORHOOD):** Submitted by THE CITY OF FAYETTEVILLE. THE SUBJECT PROPERTIES ARE ROUGHLY BOUNDED BY ARCHIBALD YELL BLVD., HUNTSVILLE RD., 15TH STREET AND S. SCHOOL AVE. The properties are zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE, C-2, THOROUGHFARE COMMERCIAL AND P-1, INSTITUTIONAL and contain approximately 303.45 acres. The request is to rezone the various properties within the boundaries of the Walker Park Neighborhood to NC, Neighborhood Commercial (128.19 acres), DG, Downtown General (107.41 acres), MSC, Main Street Center (19.94 acres) and P-1, Institutional (47.91 acres).

The fire department does not anticipate any additional calls for service or reduced response times on rezoning these properties to the proposed re-zonings.

If you have any questions please feel free to contact me.

## **ENGINEERING COMMENTS**

**PZD 08-2965: Planned Zoning District (AMBERWOOD PLACE, 474/475): Submitted by DAVE JORGENSEN for property located at S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units. Planner: Andrew Garner**

Public water is available to the property. There is an 8" water main along Double Springs Rd; and one located running through this site.

Sanitary sewer is available to the site. There is an 8" sewer main through the site as well as a newly installed lift station. 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.

The site has access to Dot Tipton Rd. and Double Springs Rd.. Dot Tipton is currently an unimproved two lane gravel city street. Double Springs Rd. is currently an unimproved two lane paved city street. Street improvements including pavement, curb and gutter, storm sewer and sidewalks will be required along the project frontage for Double Springs Road and Dot Tipton Road including the gap of project frontage in the middle of the project along Dot Tipton. Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20' wide pavement width plus the appropriate shoulders from the project boundary east to 54<sup>th</sup> Street.

Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

**RZN 08-2968: Rezoning (LAZENBY, 557): Submitted by DAVE JORGENSEN for property located at 3390 W. 6TH ST., NE CORNER OF HWY 62W & OLD FARMINGTON RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.49 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial. Planner: Dara Sanders**

Public water is available to the property. There is an 8" water main along across Old Farmington Road on the west side of this property.

Sanitary sewer is available to the site. There is an 8" sewer main along the north property line of this parcel. 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

The site has access to Old Farmington Rd. and Sixth Street. Sixth Street is currently an improved five lane paved state highway. Old Farmington Rd. is an unimproved two lane city street. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Date 4/7/08

Jeremy Pate  
Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed **PZD 08-2965: (Amberwood Place 474 / 475): Submitted by Dave Jorgensen** for property located at S & E of Double Springs Road and Dot Tipton Road, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property contains approximately 39.98 acres.

It is the opinion of the Fayetteville Police Department that this PZD will substantially alter the population density, and will possibly create an appreciable or undesirable increase in the load on police services. This PZD will possibly create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown  
Fayetteville Police Department



**PC Meeting of June 9, 2008**

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 444-3472

**PARKS AND RECREATION DIVISION CORRESPONDENCE**

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To: Fayetteville Planning Commission

From: Carole Jones, Interim Urban Forester

Date: June 3, 2008

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**ITEM #: C-PZD 08-2965-: Planned Zoning District (Amberwood Place)**

**TREE PRESERVATION PLAN**

1. A full Tree Preservation Plan will be required when the development comes through the planning process. This should include but will not be limited to:
  - A full tree inventory of all significant trees;
  - Canopy calculations including existing canopy, preserved canopy and removed canopy;
  - A site analysis report; and
  - A survey of the location of significant trees and those directly affected by the development.
2. The site has little existing canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.
3. Significant trees and canopy found within floodway are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.

**LANDSCAPE REGULATIONS**

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, adequate greenspace, etc.



PC Meeting of July 14, 2008

113 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 444-3472

THE CITY OF FAYETTEVILLE, ARKANSAS

**PARKS AND RECREATION DIVISION CORRESPONDENCE**

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To: Fayetteville Planning Commission

From: Carole Jones, Interim Urban Forester

Date: July 8, 2008

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**ITEM #: R-PZD 08-2965-: Planned Zoning District (Amberwood Place)**

**TREE PRESERVATION PLAN**

1. A full Tree Preservation Plan will be required when the development comes through the planning process. This should include but will not be limited to:
  - A full tree inventory of all significant trees;
  - Canopy calculations including existing canopy, preserved canopy and removed canopy;
  - A site analysis report; and
  - A survey of the location of significant trees and those directly affected by the development.
2. The site has little existing canopy. The development should be designed to work around as many existing trees as possible, particularly trees that are not located in existing or proposed utility easements. Mitigation will not likely be supported by staff without detailed supportive information such as an arborist report.
3. Significant trees and canopy found within floodway are a high priority for preservation. Groupings of quality trees are also a high priority for preservation.

**LANDSCAPE REGULATIONS**

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, adequate greenspace, etc.

**PLANNING COMMISSION MEETING MINUTES  
JULY 14, 2008**

**AMBERWOOD PLACE R-PZD 08-2965**



**R-PZD 08-2965: (AMBERWOOD PLACE, 474/475):** Submitted by DAVE JORGENSEN for property located S & E OF DOUBLE SPRINGS RD. AND DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 39.98 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 182 single-family dwelling units.

**Andrew Garner**, Senior Planner, gave the staff report, describing surrounding properties, which is surrounded by rural, residential, and agricultural land uses. Dot Tipton along northern border of site is a partially paved and gravel road. Infrastructure for a now-abandoned subdivision to the south has been installed, but the development has been abandoned for some time. There have been rezoning applications for an adjacent site to RSF-4, which have been previously denied by the Planning Commission. The applicant is proposing rezoning and land use approval for a RPZD with 182 SF dwellings, overall density is 4.55 du/acre, 3 planning areas consist of different densities. PA 1 on east side with 102 lots that are 45'x100', PA 2 in the middle with 60'x100' ft lots, PA 3 has 39 lots, 79 feet wide. Access proposed is at three points from Dot Tipton to the north, two street stub-outs are provided to the south, and a street stub-out is provided to the east. Staff recommends additional connectivity to the west. Staff has received public comment from adjacent property owners opposed to the project, citing concerns with density and property not being compatible with surrounding rural residential uses. Staff finds that much of the application is in conflict with the goals and policies established with City Plan 2025. In addition, staff finds that the proposed density of 4.55 units/acre is not compatible with surrounding rural residential and low-density zoning. Staff has concern that this subdivision encourages suburban sprawl in an area without adequate infrastructure. City Plan 2025 discourages growth on the edges of the City. Development may be appropriate at a later date, when infrastructure is available. Staff does not recommend the rezoning as proposed, but instead recommends denial of the application.

**Justin Jorgensen**, applicant, described project. In 2006, when this was annexed, developer Charlie Sloan was encouraged by City Council to build attainable housing in the area. The applicant has worked with Water and Sewer Department to install a new pump station west of the detention pond, along with new water line, so there is already water and sewer within the subdivision. Goal of project was attainable housing. The applicant also wanted to create a traditional town form by focusing on goals of City Plan 2025. He cannot say this is the best example of infill, but it is within 1.6 miles of school and Boys and Girls Club, ½ mile from RSF-4. In time, the development will fit in to where it is at. Probably is not the ideal project for City Plan 2025, but in time it will fit in.

**Public Comment:**

**Dave Yeomans**, neighbor, stated he lives in corner house, affected in two sides by the subdivision. Built home in 1991. Many nearby homeowners, including owners of two-acre tracts adjacent to Double Springs Rd., are frustrated by the notification procedures. There is a lot of opposition to this. Homeowners will not accept anything less than what is built in Silverthorne Subdivision – 100x100' lots, big houses. Have worked hard for a nice home, find

myself fighting for that value. He does not have a problem with attainable housing, but this is not the area for it. He discussed concerns adjacent to property and a more ideal land-use arrangement for the area.

**Maurice Rankin**, neighbor, lives at 105 N. Double Springs Rd, directly across road from proposed development. She is concerned with Planning Area 3 on the property (west side). Cherishes the area for its view, but the proposal for 5' side setback allowances will destroy view of area – they will be looking at nothing but roofs and walls. City has received a number of awards, don't think any of them had to do with looking at roofs and houses, but instead involved the presence of greenspace.

**No more public comment was received.**

**Commissioner Myres** stated that a lot of what she likes about the site is the way it is laid out, but this density is not appropriate at this time and place. Stretching it a bit to consider it infill. Do not agree with this development and therefore will not support approval.

**Commissioner Graves** stated he will have to agree with Commissioner Myres. Typically he is supportive of development, voted in support of a number of the projects these developers have done on this side of the town, but I don't think I've seen any of them where it was proposed to drop something so dense in the middle of agricultural, one-acre, and two-acre property. May just be a matter of time when this is a typical zoning request, but it is not infill at this time since it is at the edge of the City, and surrounded by lower density property. Cannot support.

**Commissioner Kennedy** asked about building minimum differences throughout the phases of the development.

**Jorgensen** stated that PA 1 will be a 1200-1300 SF home, then moving up into PA 3 into 1700 SF homes

**Commissioner Kennedy** asked if 2400-2500 SF homes were completely out of the question.

**Jorgensen** stated that they were.

**Commissioner Trumbo** stated that the Planning Commission is seeing dense developments come through on the outskirts of town and are bringing up the word "sprawl" quite a bit, certainly wouldn't consider this project infill, but if we let it develop as RSF-4 or RSF-2, it will in turn down the road be all sprawl. I agree that at this time it is possibly too soon for this project, but I'm getting to the point where I need a better definition of sprawl just to clarify, if we are going to approve RSF-4 in 25 years it will be sprawl. Another issue is the traffic coming back east and west, other than Wedington, you're going to have to go to Farmington. There is Persimmon, but it is not developed all the way, it's a very small street. To have a lot more traffic on that road going to the school and the Boys and Girls club might be considered dangerous, and it might be too much traffic, so I would imagine most of these folks are going to come down Persimmon instead of going to Wedington. If Persimmon were built out to a wider degree I

*Planning Commission*

*July 14, 2008*

*Page 11 of 12*

might be more in support of this project.

**Commissioner Winston** stated he would encourage more mixed use. One of the problems we're seeing is that it's all housing, with no infrastructure to support daily needs. There is a lot of potential for the site, and something creative can happen. Would like to see something with more mixed use.

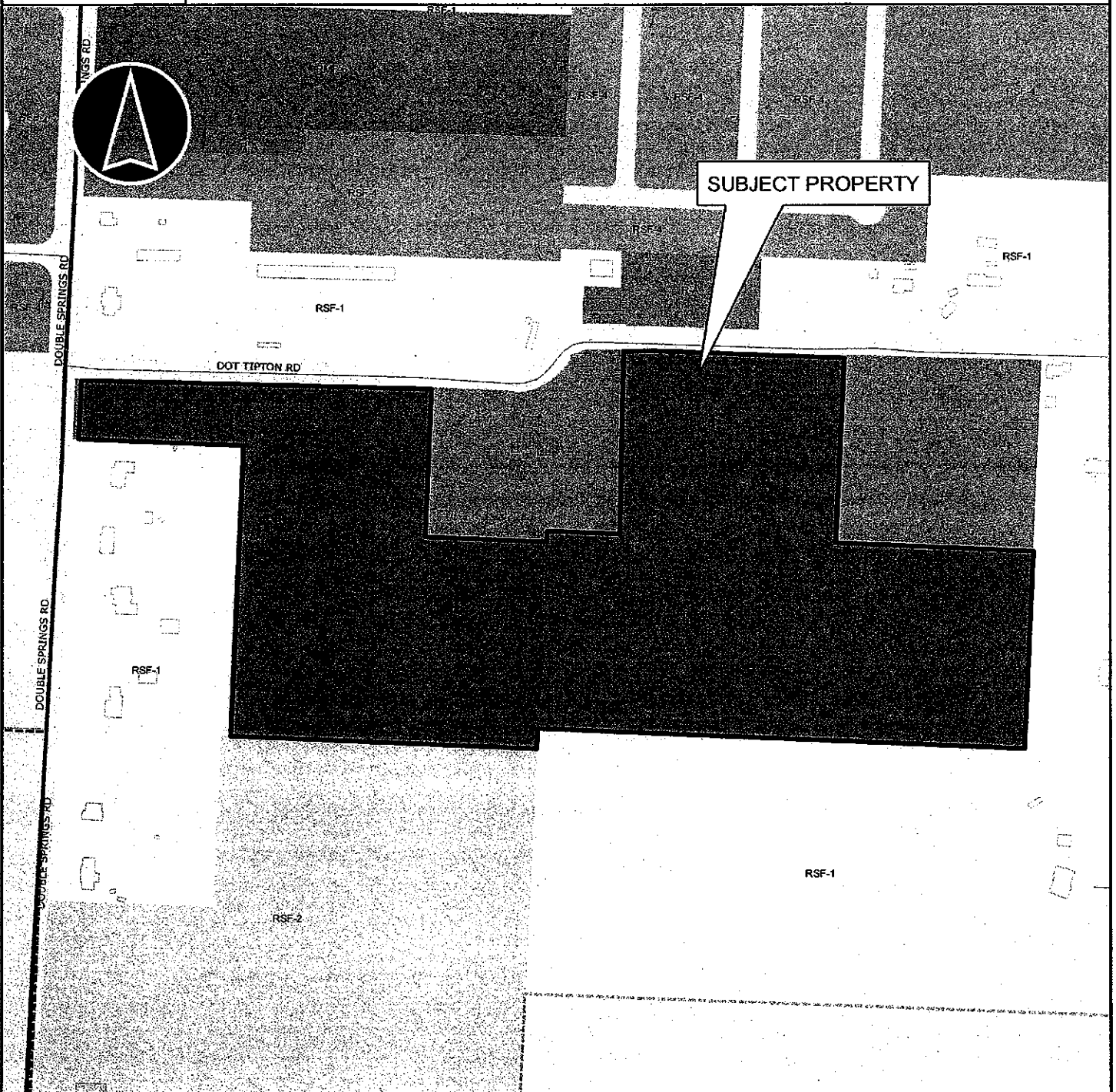
**Motion:**

**Commissioner Myres** made a motion to deny the request. **Commissioner Graves** seconded the motion. **Upon roll call the motion passed with a vote of 6-1-0, with Commissioner Kennedy voting no.**

RPZD08-2965

# AMBERWOOD PLACE

Close Up View



## Overview

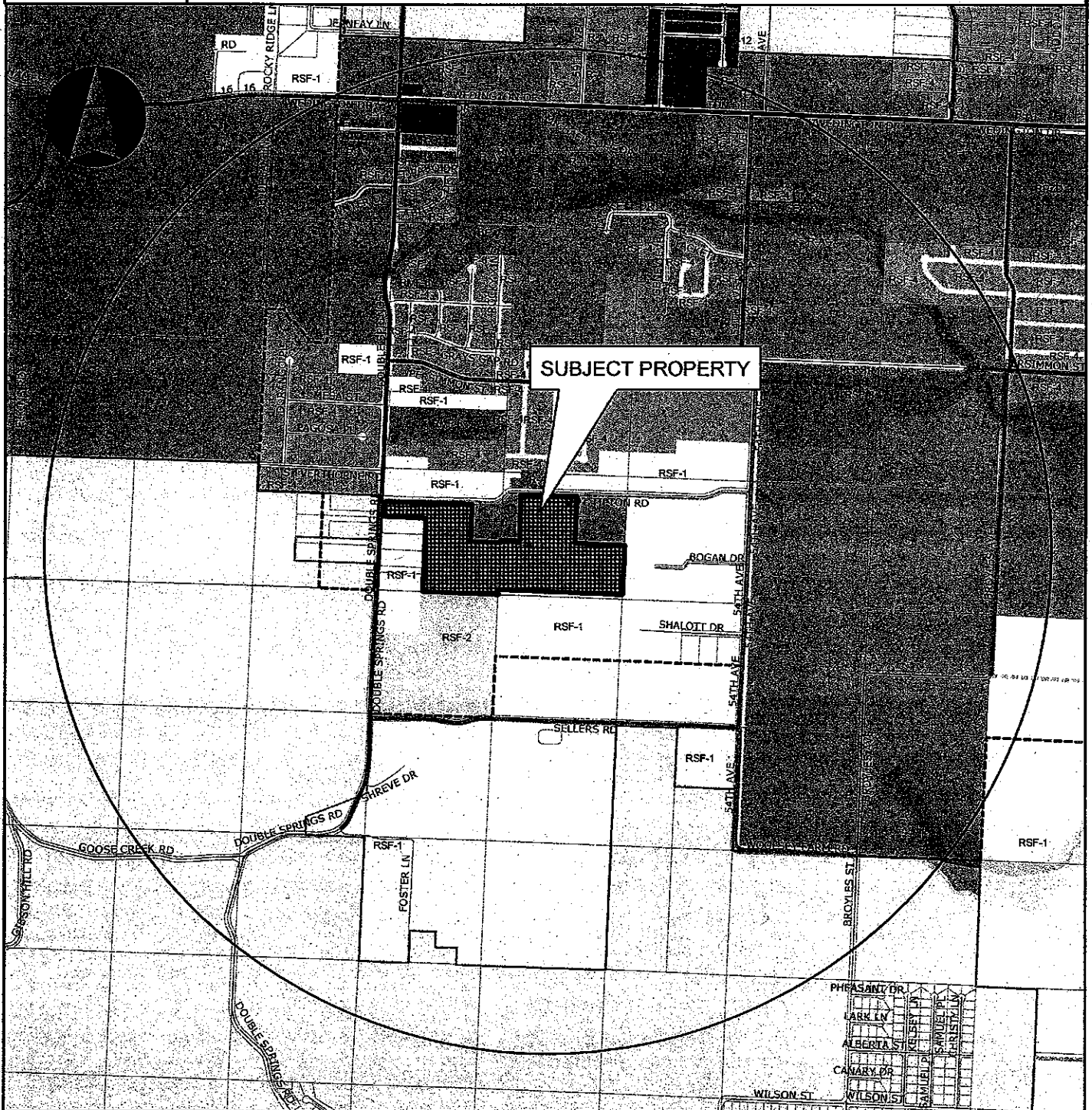


0 175 350 700 1,050 1,400 Feet

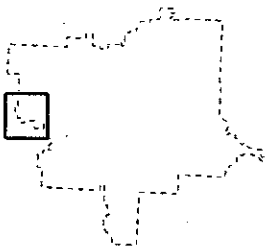
RPZD08-2965

# AMBERWOOD PLACE

One Mile View



Overview



Legend

Subject Property

RPZD08-2965

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

9/16/2008

City Council Meeting Date  
Agenda Items OnlyJeremy Pate <sup>JP</sup>  
Submitted ByPlanning  
DivisionOperations  
Department

## Action Required:

RZN 08-3065: (Hedge, 564): Submitted by Richard Hedge for property located at 1201 East Huntsville Road. The property is zoned RSF-4, Residential Single-Family, 4 units per acre, and contains approximately 1.0 acres. The request is to rezone the subject property to RMF-6, Residential Multi-Family, 6 units per acre.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

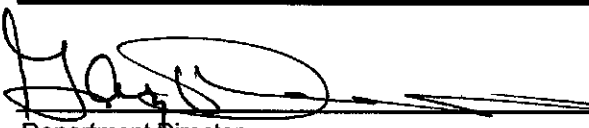
Program / Project Category Name

Project Number

\$

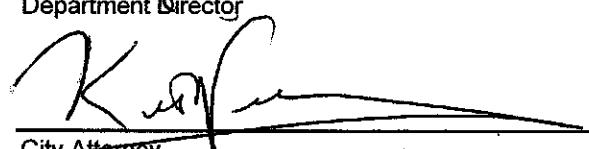
Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐
  
Department Director
8-29-08  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

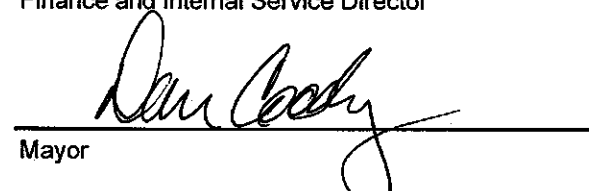
Original Contract Date: \_\_\_\_\_

  
City Attorney
8-28-08  
Date

Original Contract Number: \_\_\_\_\_

  
Finance and Internal Service Director
8-29-08  
DateReceived in City  
Clerk's Office

8-28-08

  
Mayor
8/29/08  
DateReceived in  
Mayor's Office


Comments:

City Council Meeting of September 16, 2008  
Agenda Item Number

## **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 26, 2008

**Subject:** Rezoning for Hedge (RZN 08-3065)

---

### **RECOMMENDATION**

Staff and the Planning Commission recommend approval of the subject rezoning request for approximately 1.0 acre of property located at 1201 Huntsville Road. The Planning Commission voted 8-0-0 in favor of the requested rezoning.

### **BACKGROUND**

The subject property contains 1.0 acre and is located on the south side of Huntsville Road just west of Erika Avenue and the Cedarpoint duplex neighborhood. The existing structure on the property was used as a church for the past approximately 40 years. Within the past year the applicant purchased the property and converted the church into a two-family residence, as approved by the Planning Commission on May 14, 2007 (CUP 07-2562 Hedge). The existing building is located on the northern portion of the property adjacent to Huntsville Road and is currently being utilized for a two-family residence. The southern portion of the lot (approximately 400'x 80') is undeveloped.

The land uses immediately adjacent to the subject property are duplexes and single family homes. Other land uses in the vicinity include the Seven Hills Shelter property two parcels to the west, zoned RMF-12, and the recently approved Porchscapes/Heritage Meadows PZD with a density of 4.88 units/acre located adjacent to the Seven Hills Shelter property.

### **DISCUSSION**

This item was heard at the regular Planning Commission meeting on August 25, 2008. The Planning Commission voted 8-0-0 to forward 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 08-3065, FOR APPROXIMATELY 1.0 ACRE, LOCATED AT 1201 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO RMF-6, RESIDENTIAL MULTI-FAMILY, 6 UNITS PER ACRE

**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 RMF-6, Residential Multi-Family, 6 units per acre, 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 E. SMITH, City Clerk/Treasurer**

### Close Up View



**SUBJECT PROPERTY**

NUNTSVILLE RD

## HUNTSVILLE RO

HUNTSVILLE RD

RSP-4

**ERIK AYE**

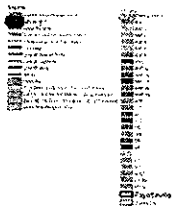
CLINTON AVE

FAIRLANE ST

FAIRLANE ST.

**WRT**

## Overview



0 75 150 300 450 600 Feet

**EXHIBIT "B"**  
**RZN 08-3065**

PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 22, TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING 731.1 FEET WEST OF THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE SOUTH 544.5 FEET; THENCE WEST 80 FEET; THENCE NORTH 544.5 FEET; THENCE EAST 80 FEET TO THE PLACE OF BEGINNING, CONTAINING ONE (1) ACRE, MORE OR LESS. LESS AND EXCEPT THAT PART TAKEN UP BY HWY. 16.



PC Meeting of August 25, 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  
THRU: Jeremy Pate, Director of Current Planning  
DATE: ~~August 20, 2008~~ Updated August 26, 2008

**RZN 08-3065: (HEDGE, 481):** Submitted by RICHARD HEDGE for property located at 1201 E. HUNTSVILLE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.0 acres. The request is to rezone the subject property to RMF-6, Residential Multi-family, 6 units per acre.  
Planner: Andrew Garner

**BACKGROUND:**

*Property Description and Background:* The subject property is located at 1201 Huntsville Road, on the south side of the road, just to the west of Erika Avenue and the Cedarpoint duplex neighborhood. The existing structure on the property was used as a church for the past approximately 40 years. On May 7, 2007 the Board of Adjustment granted approval of a variance to make the existing building conforming, with regard to setbacks. Within the past year the applicant purchased the property and converted the church into a two-family residence, as approved by the Planning Commission on May 14, 2007 (CUP 07-2562 Hedge).

The existing building is located on the northern portion of the property adjacent to Huntsville Road and is currently being utilized for a two-family residence. The southern portion of the lot (approximately 400'x 80') is undeveloped. Surrounding zoning and land use is depicted in *Table 1*. Photos of the subject and adjacent properties have been included in the Planning Commission packets.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction      | Land Use                                         | Zoning |
|----------------|--------------------------------------------------|--------|
| North and West | Single-family residential                        | RSF-4  |
| East and South | Duplexes (Cedarpoint neighborhood on Erika Ave.) | RMF-24 |

Other land uses in the vicinity include the Seven Hills Shelter property two parcels to the west, zoned RMF-12, and the recently approved Porchscapes/Heritage Meadows PZD with a density of 4.88 units/acre located adjacent to the Seven Hills Shelter property.

*Proposal:* The applicant proposes to rezone the property from RSF-4, Residential Single Family 4 Units per Acre to RMF-6, Residential Multi-Family, 6 Units per Acre. The letter request from the applicant and discussion with staff indicates that the applicant desires to allow a third residential unit in the existing building (the old church), and the potential for additional development on the property

K:\Reports\2008\PC Reports\16-August 25\RZN 08-3065 (Hedge).doc

at some point in the future. It should be noted that the minimum lot width for a three-family unit in the RMF-6 zoning is 90 feet, and a variance from the Board of Adjustment would be required prior to the addition of a third unit to this 80-foot wide lot.

### RECOMMENDATION:

Staff recommends forwarding the rezoning request to the City Council with a recommendation of approval based on findings stated herein. The proposed zoning would be compatible with adjacent zoning and land uses, as well as the future land use plan for denser primarily residential urban fabric.

|                                    |                                                                   |                                   |                                               |
|------------------------------------|-------------------------------------------------------------------|-----------------------------------|-----------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                                                   | <u>Required</u>                   | <u>YES</u>                                    |
| Date:                              | <u>August 25, 2008</u>                                            | <input type="checkbox"/> Approved | <input checked="" type="checkbox"/> Forwarded |
| Motion:                            | <u>Anthes</u>                                                     | <input type="checkbox"/> Denied   |                                               |
| Second:                            | <u>Winston</u>                                                    |                                   |                                               |
| Vote:                              | <u>3-0-0</u>                                                      |                                   |                                               |
| <b>CITY COUNCIL ACTION:</b>        |                                                                   | <u>Required</u>                   | <u>YES</u>                                    |
|                                    |                                                                   | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied               |
| Date:                              | <u>September 16, 2008 (1<sup>st</sup> reading if recommended)</u> |                                   |                                               |

### INFRASTRUCTURE:

- Streets:** The site has access to Huntsville Road. Huntsville is currently an un-improved two lane paved city street. Street improvements will be evaluated with the proposed development.
- Water:** Public water is available to the property. There is an 8" water main along Huntsville on the north side of the roadway.
- Sewer:** Sanitary sewer is available to the site. There is a 6" sewer main along Huntsville on the south side of the roadway. 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 0.7 mile from Station 3 located at 1050 South Happy Hollow Road with a projected response time of 1 minute. The Fire Department does not feel this development will affect calls for service or response time.
- 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 and appreciable increase in traffic danger and congestion in

the area.

**CITY PLAN 2025 FUTURE LAND USE PLAN:** *City Plan 2025 Future Land Use Plan designates this site as a City Neighborhood Area, which are areas with a denser and primarily residential urban fabric. These areas have a wide range of residential building types.*

## **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 property is designated as a City Neighborhood Area in the City Plan 2025 Future Land Use Plan. This designation includes areas with a denser and primarily residential urban fabric. This area is intended to have a wide range of residential building types. The proposed RMF-6 zoning would allow for a maximum of 6 residential units on this 1-acre property. There are single family residences adjacent to the west and north, however there is a mix of higher density and intensity in the immediate vicinity further to the west, to the south, and east. The adjacent Cedarpoint Neighborhood to the east contains two-family residences and the Seven Hills Shelter is located approximately 350 feet to the west. In addition, Heritage Meadows/Porchscapes PZD has been recently approved adjacent to the Seven Hills property with an overall density of 4.88 units and a variety of residential dwelling types. The proposed RMF-6 zoning is consistent with the Future Land Use Plan designation of the property to allow for higher density residential uses and compatible with the mix of residential uses and density in this area.

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

**Finding:** Staff finds that the rezoning is justified at this time. If the existing old church building that has been converted into two condominiums is to be further redeveloped with another residential unit, it is not permitted under the current zoning. The RMF-6 classification would allow for a three-family unit, and the potential for additional development on the southern portion of the property. The property currently has a density of 0.5 units/acre and a higher density zoning is needed in order to encourage further infill and revitalization of this property, consistent with Goal 1 of City Plan 2025, *"We will make appropriate infill and revitalization our highest priorities."* As discussed in Finding No. 1, staff finds that the proposed rezoning would encourage compatible infill and would help add to the variety of residential housing types in the area.

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

**Finding:** A rezoning to RMF-6 would result in a slight increase in potential traffic by allowing two more residential units on the site than would be allowed under the current RSF-4 zoning. However the property is located adjacent to Huntsville Road which is identified as a Collector Street in the Master Street plan and provides a major east-west connection through the City and close proximity to downtown. Street improvements would be evaluated if the property is ever proposed for development and improvements to the driveway and or parking may be warranted. The proposed rezoning would not appreciably increase traffic danger or 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:** A zoning classification of RMF-6 will allow two more housing units to be permitted than under the RSF-4 zoning district. This density increase would not create an undesirable increase in the loads on public services as discussed in the recommendations from Engineering, Fire, and Police Departments included in this report.

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;

**Finding:** N/A

- 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



**The City of Fayetteville Fire Department**  
**303 W. Center St. Fayetteville, AR. 72701**  
Phone (479) 575-8365 Fax (479) 575-0471

**To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher**  
**From: David Williams, Battalion Chief**  
**Date: August 19, 2008**  
**Re: RZN 08-3065: (HEDGE, 481):**

Submitted by RICHARD HEDGE for property located at 1201 E. HUNTSVILLE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.0 acre. The request is to rezone the subject property to NC, Neighborhood Conservation.

This development will be protected by Station 3 located at 1050 S. Happy Hollow Rd. It is .7 miles from the station with an anticipated response time of 1 minute to the beginning of the development.

The Fire Department anticipates 1(1 EMS – 0 Fire/Other) call for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out occurs.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Measured hydrant flow in this area is "unknown" gallons per minute.

If you have any questions please me.

***David Williams***

David Williams  
Fire Marshal  
Fayetteville Fire Department



Date 8/4/08

Jeremy Pate  
Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed RZN 08-3065: (Hedge, 481): Submitted by Richard Hedge for property located at 1201 E. Huntsville Road would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property contains approximately 1.0 acre.

It is the opinion of the Fayetteville Police Department that this RZN would not substantially alter the population density, and would not create an appreciable or undesirable increase in the load on police services. This RZN will not create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown  
Fayetteville Police Department

## Engineering Division Comments

**C-PZD 08-3062: (WESTSIDE STORAGE, 400):** Submitted by STEVE CLARK for property located at 1192 N. RUPPLE ROAD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 5.05 acres. The request is for an additional climate controlled storage building, a new entrance from Wedington Drive with new management buildings at that entrance. Planner: Jesse Fulcher

Public water service is only available to the site along Ruppel Road. Service will need to be extended through the site to serve the proposed building.

Sanitary sewer service is available to the site along both Ruppel Road and Wedington. A sewer tap will need to be purchased from the City of Fayetteville at the time of building permit.

The site has access to Wedington and Ruppel. Wedington is a fully improved five lane state highway. Ruppel Road is planned to be a four lane boulevard in this area. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

**RZN 08-3065: (HEDGE, 481):** Submitted by RICHARD HEDGE for property located at 1201 E. HUNTSVILLE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.0 acre. The request is to rezone the subject property to NC, Neighborhood Conservation. Planner: Andrew Garner

Public water is available to the property. There is an 8" water main along Huntsville on the north side of the roadway.

Sanitary sewer is available to the site. There is a 6" sewer main along Huntsville on the south side of the roadway. 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

The site has access to Huntsville Road. Huntsville is currently an un-improved two lane paved city street. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Site and Surrounding Land Use Photos Photo Date: 08/19/08 Hedge (RZN 08-3065)



Cedarpoint Duplex Subdivision on Erica Avenue. Adjacent to the east of Hedge RZN 08-3065.

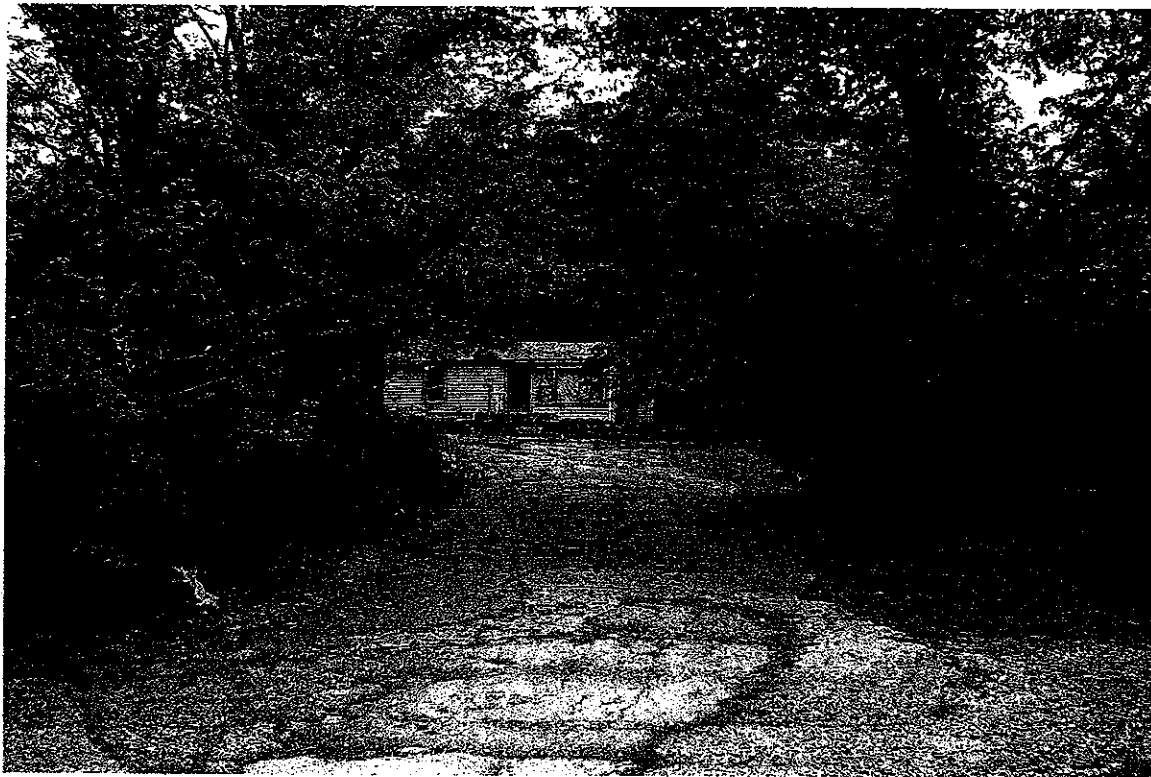


View from Huntsville Road looking south. Subject property on left, adjacent property with red garage on right.

Site and Surrounding Land Use Photos Photo Date: 08/19/08 Hedge (RZN 08-3065)



View from Huntsville Road looking south. Garage and single family residence adjacent to west of Hedge RZN 08-3065.



View from Huntsville Road looking north. Single family residence adjacent to north of Hedge RZN 08-3065.

Site and Surrounding Land Use Photos Photo Date: 08/19/08 Hedge (RZN 08-3065)



West side of existing two-family residence on Hedge RZN 08-3065 property.

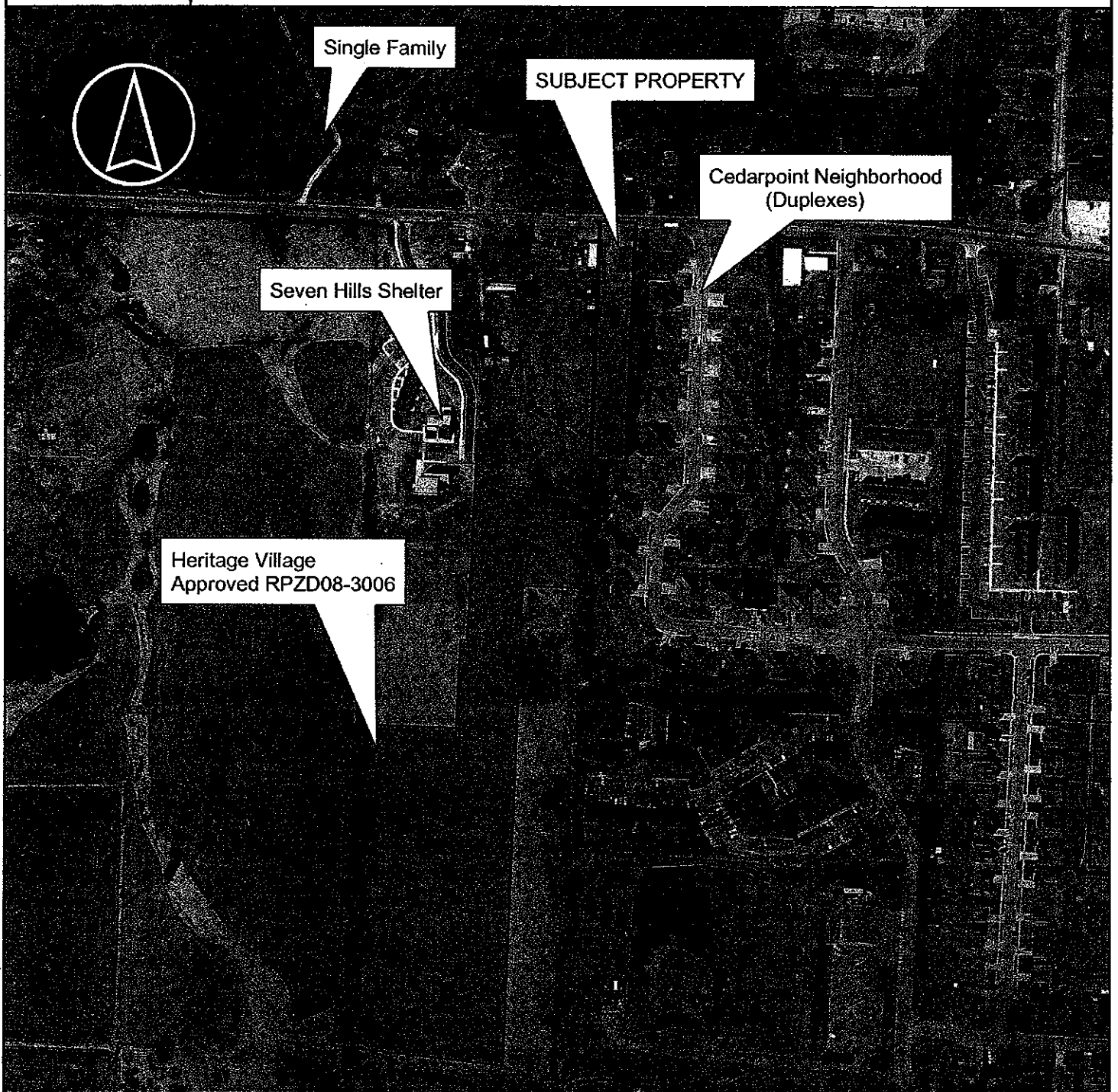


View from the south portion of the Hedge RZN 08-3065 property looking north at the two-family residence.

RZN08-3065

*aerial*

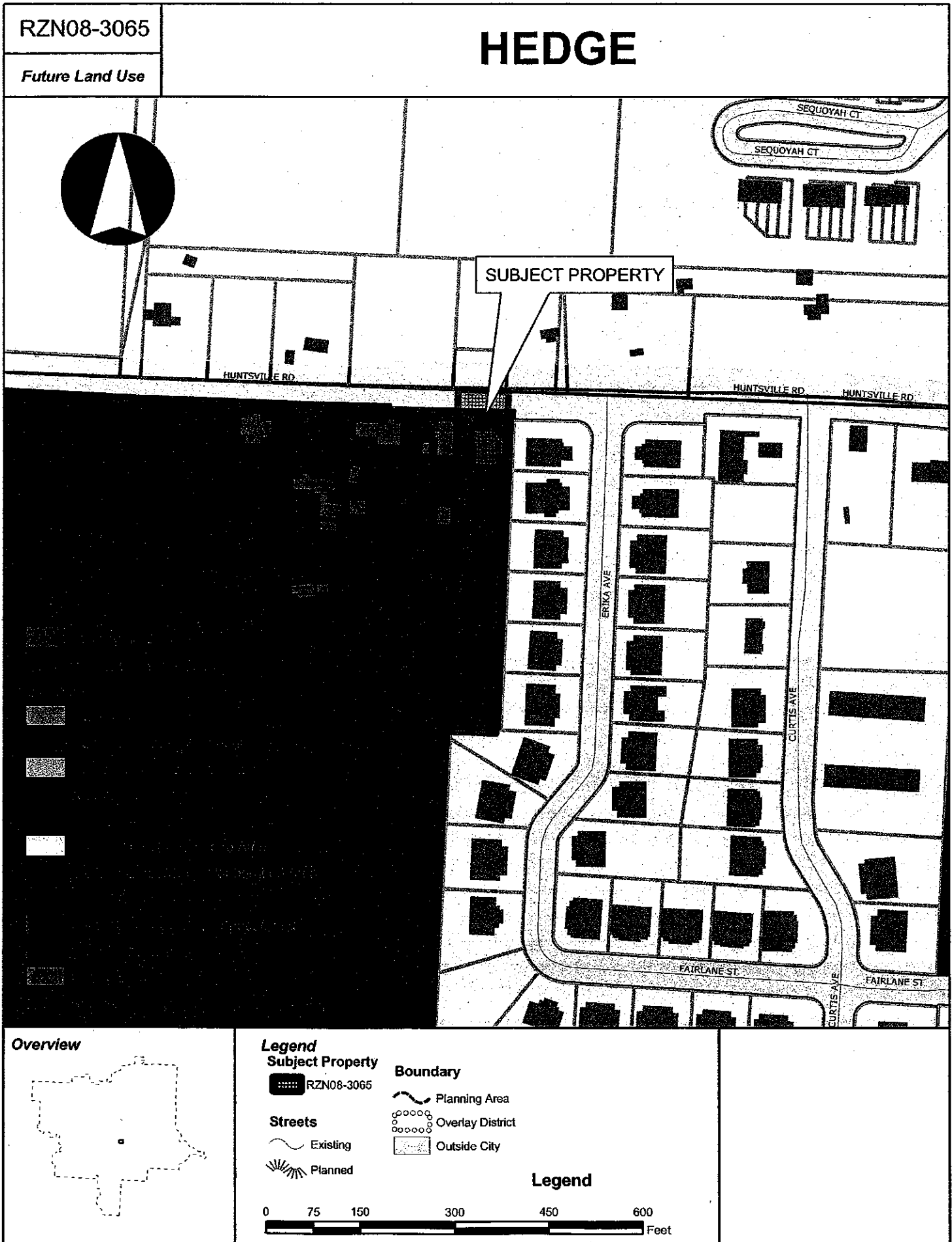
# HEDGE



Overview



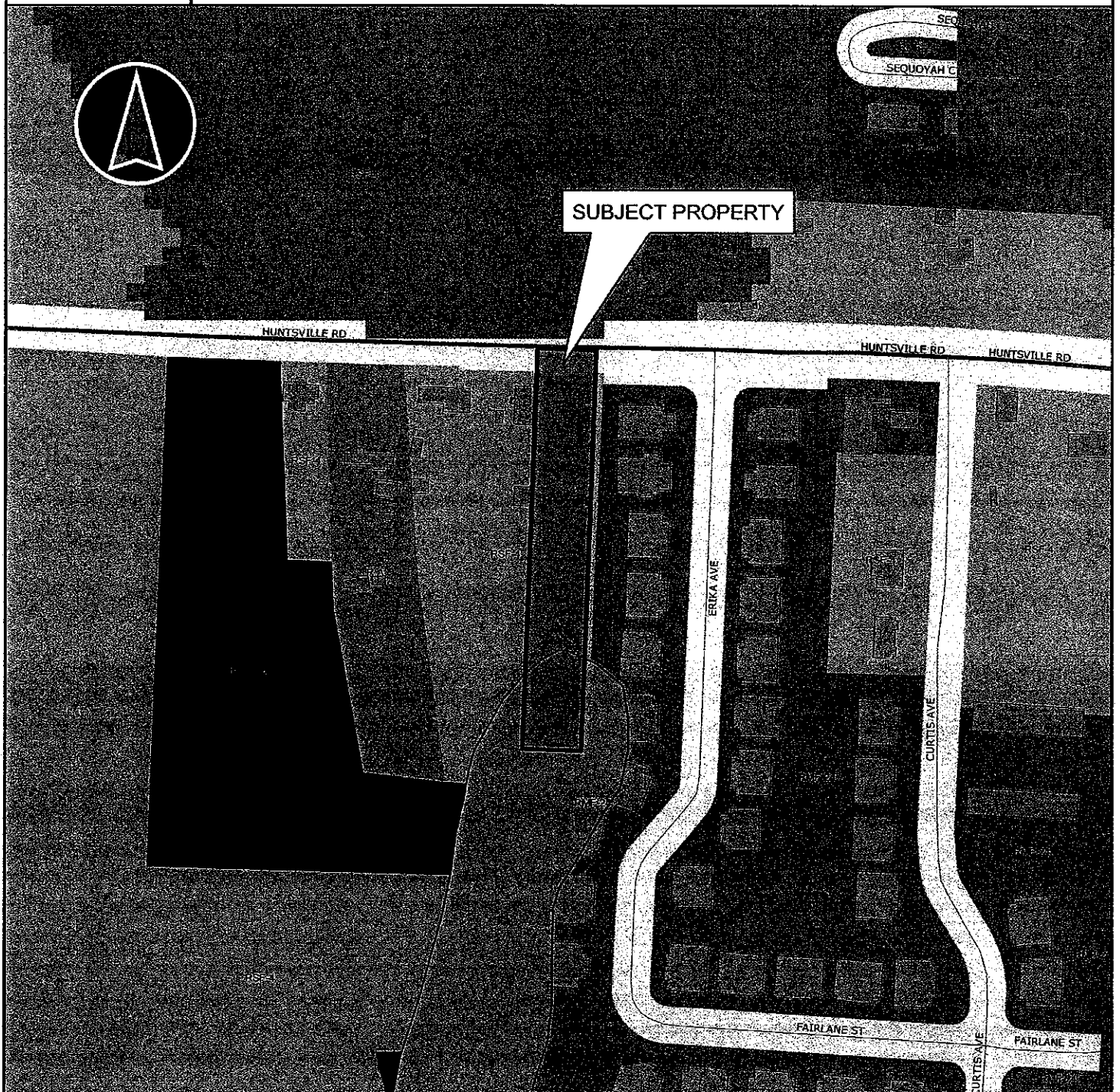
0 125 250 500 750 1,000 Feet



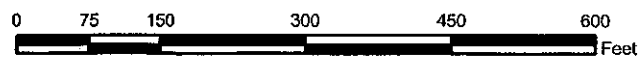
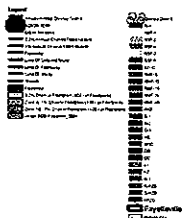
RZN08-3065

### Close Up View

# HEDGE



## Overview

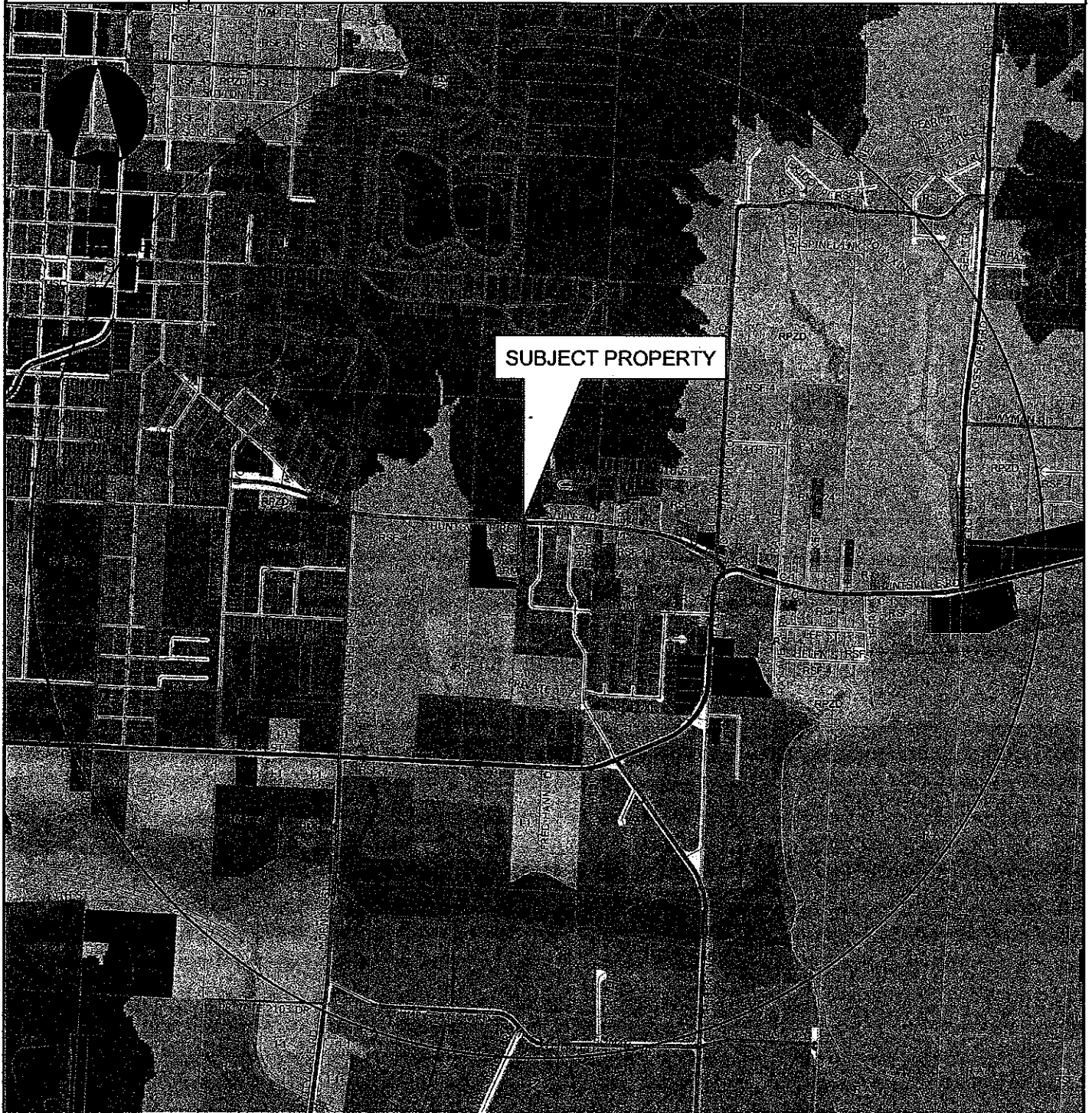




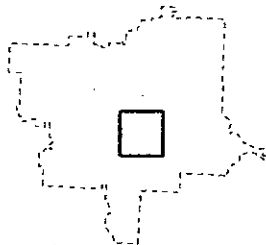
RZN08-3065

# HEDGE

One Mile View



Overview



Legend

Subject Property

RZN08-3065

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

C. 2  
Amend Chapter 33, Departments,  
Boards, Commissions, and Authorities  
Page 1 of 10

City Council Agenda Items  
and  
Contracts, Leases or Agreements

9/16/2008

City Council Meeting Date  
Agenda Items Only

Karen Minkel  
Submitted By

Planning  
Division

Operations  
Department

Action Required:

ADM 08-3056: (Certified Local Government Ordinance): Planning staff recommends approval of a certified local government ordinance establishing the powers and duties of the Historic District Commission.

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

8-29-08  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

  
City Attorney

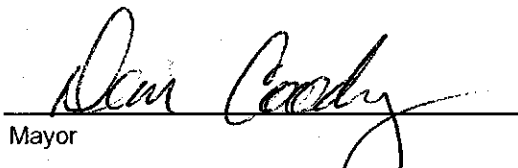
8-29-08  
Date

Paul A. Bach  
Finance and Internal Service Director

9-2-08  
Date

Received in City  
Clerk's Office



  
Mayor

9/2/08  
Date

Received in  
Mayor's Office



Comments:

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Karen Minkel, Interim Director of Long Range Planning

**Date:** August 28, 2008

**Subject:** ADM 08-3056 (Certified Local Government Ordinance) Approval of a certified local government ordinance establishing the powers and duties of the Historic District Commission.

---

### **RECOMMENDATION**

Staff recommends approval of a certified local government ordinance establishing the powers and duties of the Historic District Commission.

### **BACKGROUND**

In order to become a Certified Local Government, the City Council must approve an ordinance that outlines the powers and procedures of the Historic District Commission. The State Historic Preservation Program Office provided a model ordinance, which Staff has adapted for Fayetteville. The Historic District Commission forwarded this ordinance to the Ordinance Review Committee on July 10, 2008 with a vote of 4-0-0. The ordinance was then reviewed by the Assistant City Attorney whose comments are attached. Staff amended the ordinance to incorporate Mr. Whitaker's suggestions.

The Ordinance Review Committee unanimously voted to forward this ordinance to the City Council with a vote of 3-0-0 on August 20, 2008 with no amendments.

### **DISCUSSION**

The proposed ordinance outlines the following:

- **Purpose:** The purpose of the HDC includes protecting and enhancing districts that represent or reflect elements of the City's cultural, social, economic, political and architectural history, safeguarding the the City's historic, aesthetic and cultural heritage, fostering civic pride, strengthening the economy and promoting the use of the historic districts and landmarks for the education, pleasure and welfare of the people of Fayetteville.
- **Powers and Duties:** Powers and duties include adopting design guidelines to be used when considering Certificates of Appropriateness applications, nominating structures and districts to the National Register of Historic Places, recommending local ordinance districts to the City Council, advising and assisting owners of historic properties on the physical and financial aspects of preservation, holding

public hearings for certificates of appropriateness and cooperating with state, county and local historic preservation organizations.

- Proceedings: This section states that minutes of all public hearings shall be kept with the City Planning Division.
- Certificate of Appropriateness: This section states that certificates of appropriateness must be granted before work may begin on structures within local ordinance historic districts and that the HDC may not consider interior arrangement or use.
- Determination on an Application: Certificate of Appropriateness applicants must notify adjacent property owners thirty days prior to the public hearing. The HDC shall make a determination within 90 days. No changes shall be made within the scope of work before resubmitting to the HDC.
- Demolition: HDC may defer issuing a certificate of appropriateness for an inappropriate demolition until it considers sources of funding for preservation and restoration, adaptive use, and the feasibility of moving the building to an appropriate location.
- Economic Hardship: This section includes a definition of economic hardship and states that demonstrating economic hardship is incumbent upon the applicant. A suggested list of evidence that the applicant can provide to the HDC is included.
- Demolition by Neglect: This section prohibits property owners within a local ordinance historic district from letting property fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature that would produce a detrimental effect upon the character of the district or the property itself. The section further outlines the protocol to be used upon receiving a complaint.
- Work Not Requiring a Certificate of Appropriateness: Work not requiring a certificate of appropriateness includes ordinary maintenance and repairs, work required for public safety and work not visible from the public right-of-way.
- Appeals: Appeals must be filed with the Circuit Court of Washington County within 30 days after the HDC makes a determination.
- Enforcement: Stop work orders and fines may be issued.

### **BUDGET IMPACT**

None

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF FAYETTEVILLE BY  
ENACTING §33.228 THROUGH §33.337 IN ARTICLE X, HISTORIC  
DISTRICT COMMISSION**

**WHEREAS**, the Historic District Commission was reestablished in 2006 “to promote the education, cultural, economic, and general welfare of the public through the preservation and the protection of buildings, sites, places and historic districts of interest”; and

**WHEREAS**, the City Council established White Hangar at Drake Field as a local ordinance district in February 2008; and

**WHEREAS**, to become a certified local government and join 14 other cities in the State of Arkansas, the City of Fayetteville must have an ordinance outlining the powers and duties of the Historic District Commission; and

**WHEREAS**, certified local governments gain access to an enhanced partnership with the Arkansas Historic Preservation Program and the National Park Service, including training, technical support, and grant assistance.

**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 amends the Code of Fayetteville by enacting §33.228 through §33.337 in Article X, **Historic District Commission** of the City Code as shown on Exhibit “A” and made a part hereof.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

### **33.228 Purpose**

- (A) The purpose of the Commission shall be as follows:
- (1) effect and accomplish the protection, enhancement, and perpetuation of such areas and improvement of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
  - (2) safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such areas;
  - (3) stabilize and improve property values in such districts;
  - (4) foster civic pride in the beauty and accomplishments of the past;
  - (5) protect and enhance the City's attractions to tourists and visitors as well as residents;
  - (6) strengthen the economy of the City; and
  - (7) promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

"historic district" and add these historic districts to the provisions of this Ordinance;

- (5) keep a register of all properties and structures that have been designated as historically significant including all information required for each designation;
- (6) obtain the services of qualified persons to direct, advise and assist the Historic District Commission;
- (7) advise and assist owners of historic properties within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (8) hold public hearings to review applications for certificates of appropriateness; and
- (9) cooperate with the Arkansas Historic Preservation Program, historical associations and other agencies and organizations devoted to the history of this city and state;

### **33.229 Powers and Duties**

- (A) The Commission shall:
- (1) adopt design review guidelines to be used when considering Certificate of Appropriateness applications. These guidelines will be based upon the Secretary of Interior's Standards for Rehabilitation and adapted specifically to Fayetteville's local ordinance historic districts;
  - (2) conduct surveys and studies of neighborhoods, areas, places, structures, objects and improvements within the City of Fayetteville for the purpose of determining those of distinctive historic, community, architectural, or archeological interest or value;
  - (3) nominate buildings, structures, objects and historic districts to the National Register of Historic Places;
  - (4) recommend to the City Council the adoption of ordinances designating areas as having special historic community or architectural value as

### **33.330 Proceedings of Historic District Commission**

- (A) The Historic District Commission shall adopt rules necessary to conduct its affairs, and in keeping with the provisions of the City Code of Ordinances. Meetings shall be held at the call of the chairperson and at such other times as the Historic District Commission may determine.
- (B) The Historic District Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the city planner.

### **33.330 Certificate of Appropriateness**

- (A) No qualifying building or structure, which may include but not be limited to masonry walls, fences, light fixtures, steps and paving, other appurtenant fixtures, or other elements set forth in design guidelines shall be erected, altered, restored, moved, or demolished within said local ordinance Historic District until after an application for a Certificate of Appropriateness as to the

## Exhibit "A"

### 33.228 Purpose

- (A) The purpose of the Commission shall be as follows:
- (1) effect and accomplish the protection, enhancement, and perpetuation of such areas and improvement of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
  - (2) safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such areas;
  - (3) stabilize and improve property values in such districts;
  - (4) foster civic pride in the beauty and accomplishments of the past;
  - (5) protect and enhance the City's attractions to tourists and visitors as well as residents;
  - (6) strengthen the economy of the City; and
  - (7) promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

### 33.229 Powers and Duties

- (A) The Commission shall:
- (1) adopt design review guidelines to be used when considering Certificate of Appropriateness applications. These guidelines will be based upon the Secretary of Interior's Standards for Rehabilitation and adapted specifically to Fayetteville's local ordinance historic districts;
  - (2) conduct surveys and studies of neighborhoods, areas, places, structures, objects and improvements within the City of Fayetteville for the purpose of determining those of distinctive historic, community, architectural, or archeological interest or value;
  - (3) nominate buildings, structures, objects and historic districts to the National Register of Historic Places;
  - (4) recommend to the City Council the adoption of ordinances designating areas as having special historic community or architectural value as

"historic district" and add these historic districts to the provisions of this Ordinance;

- (5) keep a register of all properties and structures that have been designated as historically significant including all information required for each designation;
- (6) obtain the services of qualified persons to direct, advise and assist the Historic District Commission;
- (7) advise and assist owners of historic properties within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (8) hold public hearings to review applications for certificates of appropriateness; and
- (9) cooperate with the Arkansas Historic Preservation Program, historical associations and other agencies and organizations devoted to the history of this city and state;

### 33.330 Proceedings of Historic District Commission

- (A) The Historic District Commission shall adopt rules necessary to conduct its affairs, and in keeping with the provisions of the City Code of Ordinances. Meetings shall be held at the call of the chairperson and at such other times as the Historic District Commission may determine.
- (B) The Historic District Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the city planner.

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- (A) No qualifying building or structure, which may include but not be limited to masonry walls, fences, light fixtures, steps and paving, other appurtenant fixtures, or other elements set forth in design guidelines shall be erected, altered, restored, moved, or demolished within said local ordinance Historic District until after an application for a Certificate of Appropriateness as to the



## Exhibit "A"

exterior architectural features has been submitted to and approved by the HDC.

- (1) No building permit or other permit shall be granted for purpose of constructing or altering structures until an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the HDC.
- (2) A Certificate of Appropriateness shall be required whether or not a building permit is required.
- (3) In its deliberations under this Ordinance, said HDC shall not consider interior arrangement or use.

### 33.331 Work Not Requiring A Certificate Of Appropriateness

- (A) *Ordinary Maintenance and Repairs.* Nothing in these regulations shall be construed to prevent ordinary maintenance and/or repair of any exterior architectural feature of a property within a historic district.
- (B) *Public Safety.* This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature that the City shall certify is required for the public safety. In emergency situations, threatening life, limb or significant property damage, work may be authorized without a Certificate of Appropriateness. Such work shall be done in accordance with the principles and specific criteria adopted under this Ordinance.
- (C) *Visibility from the Public Right-of-Way.* Work not visible from any public right-of-way shall not require a Certificate of Appropriateness.

### 33.332 Determination On An Application

- (A) Within a reasonable amount of time, not to exceed thirty (30) days after the filing of an application for a Certificate of Appropriateness, the applicant shall promptly send by mail, postage prepaid, to the applicant and to the owners of all adjoining properties, a notice of hearing to be held by the HDC on said application. A notice of the public hearing shall be published at least one (1) time in a newspaper having circulation throughout the City of Fayetteville a

minimum of fifteen (15) days prior to the hearing.

- (1) All persons desiring to present information regarding the application shall be heard at the hearing.
  - (2) The HDC shall determine whether the restoration, rehabilitation, renovation, preservation, alteration, construction, moving or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the Historic District within 90 days.
  - (3) If the HDC determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination. The HDC shall immediately notify the applicant of its determination.
- (B) In making its determination, the HDC shall consider without being limited to the following criteria:
- (1) The purpose of this Ordinance;
  - (2) The architectural or historic value or significance of a building and its relationship to the surrounding area;
  - (3) The general compatibility of proposed changes; and
  - (4) Any other factor, including visual and aesthetic, considered pertinent.
- (C) No change shall be made in the scope of work for any building permit after issuance of a Certificate of Appropriateness without resubmitting to the Commission and receiving approval in the same manner as provided above.

### 33.333 Demolition

- (A) *Inappropriate demolition.* If the application for a Certificate of Appropriateness involves the demolition of a building which the Commission initially determines to be an inappropriate demolition, then the Commission may defer the matter until such time as it has had an opportunity to consider the following alternatives to the demolition of subject property:
  - (1) Sources of funding for preservation and restoration activities if lack of such funds

## Exhibit "A"

is the reason for the request to demolish.

- (2) Adaptive use changes.
- (3) The feasibility of moving the building to another appropriate location.

### 33.334 Economic Hardship

(A) *Definition.* Economic hardship shall refer to an owner's inability to see a reasonable return for an investment that will comply with the ordinance's standards to preserve the property. Evidence of economic hardship is generally limited to instances when the cost of preservation exceeds the value of the building, or preservation will deprive the owner of reasonable use of the property. An owner's personal financial status is not an issue the commission may consider.

(B) *Application for economic hardship.* If a certificate of appropriateness is denied, the applicant may submit an application for a certificate of economic hardship within fifteen (15) calendar days from the date of the notice of denial by the Commission. The application for a certificate of economic hardship shall be subject to the hearing schedules and notice provisions applicable to applications for certificates of appropriateness.

- (1) It shall be the incumbent on the applicant to demonstrate economic hardship to the Commission. The applicant for a certificate of economic hardship should submit the following information before the commission makes a determination on the application:

- (a) Estimates of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations Commission;
- (b) A report from a licensed engineer or architect about structures on the property and their suitability for rehabilitation;
- (c) Estimated market value of the property;
- (d) An estimate from a licensed architect or contractor or appraiser,

as to the economic feasibility of rehabilitation or reuse of the existing structure;

- (e) Amount paid for the property, the date of purchase, and the party from whom purchased and any terms of financing between seller and buyer;
  - (f) If the property is income-producing, the annual gross income from the property for the previous two (2) years;
  - (g) All appraisals obtained within the previous two (2) years;
  - (h) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
  - (i) Assessed value of the property according to the two (2) most recent assessments;
  - (j) Real estate taxes for the previous (2) years;
  - (k) Form of ownership or operation of the property; and
  - (l) Information about plans prepared for the property if a building or structure is demolished.
- (2) The Commission may seek expert testimony on the foregoing and may request the submission of any other information reasonably considered necessary to make a determination as to whether the property does yield or may yield a reasonable economic return to the owner.
  - (3) The Commission shall review all the evidence and information submitted. The commission shall make a determination, within thirty-one (31) calendar days of the public hearing, whether a Certificate of Economic Hardship should be granted based on the information submitted. If the Commission makes a finding of economic hardship, it shall grant a Certificate of Economic Hardship and give its approval for the work as proposed by the applicant.

## Exhibit "A"

### 33.335 Demolition by Neglect

- (A) No owner or person with an interest in real property designated as an historic landmark or within an historic district shall permit said property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
- (B) *Complaints.* Upon any citizen's complaint or upon the City's own initiative and determination that demolition by neglect is occurring with respect to any property in one of the City's local ordinance historic districts, the City shall conduct a preliminary investigation and prepare a staff report. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.
- (1) If the City finds that the complaint has a basis in fact, it will notify the property owner that a complaint has been received. A staff report will be brought before the Historic District Commission (HDC) in no fewer than 30 days. If the preliminary investigation does not substantiate the complaint, the complaint is resolved and no further action will be taken. The first letter of notice to the property shall include:
- (a) A description of the process;
  - (b) How the property owner or others having legal possession, custody or control can resolve the issue immediately, and
  - (c) Reports documenting the violations.
- (2) The Director of Long Range Planning will forward the complaint and staff report to the HDC at its next regularly scheduled meeting after the 30 days have elapsed
- (a) The Commission will review complaints and staff reports and accept information from the owner and other interested persons. Based on the information received, the Commission may file a decision. If the HDC determines there are specific defects with the subject property it will notify the Director of Long Range Planning and Building Official to act under the procedures set out below to require the correction of deterioration or making of repairs to the historic structure;
- (1) The written finding shall identify the specific condition(s) of the property which have led to that determination, and shall contain a notice that a hearing will be held before the Historic District Commission not less than thirty (30) nor more than forty-five (45) days after the serving of such order;
- (2) The written finding shall also state that the owner and/or parties in interest shall be given a right to answer and to give testimony at the hearing; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Historic District Commission (HDC). The purpose of the hearing is to receive evidence concerning the charge of demolition by neglect;
- (3) If after such finding and hearing, the Commission determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration, the Director of Long Range Planning shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within a time to be specified in the written decision those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated.
- (b) Complaints or orders issued by the City shall be served upon persons either personally or by certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by reasonable diligence, City staff shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint

## **Exhibit "A"**

or order may be made by publishing the same once each week for two (2) successive weeks in a newspaper of general circulation within the City. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

### **33.336 Appeals**

- (A) Any applicant aggrieved by the determination of the Commission may appeal the determination of the Commission to the Circuit Court of Washington County, Arkansas, in accordance with Rule 9 of the Arkansas District Court Rules.

### **33.337 Enforcement**

- (A) In the event that work being performed is found not to be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Historic District Commission and/or City staff, the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop work orders and penalties for non-compliance with such will be enforced according to other applicable laws. A decision shall be made by the Commission concerning the stop work order within five (5) business days.
- (B) Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10) to five hundred dollars (\$500) per day after a 30-day period in which the person may correct the violation, in accordance with the Arkansas Historic Districts Act. Each day that a violation continues to exist constitutes a separate offense.

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

C. 3  
2008 Millage Levy  
Page 1 of 8

9/16/2008

City Council Meeting Date

Paul A. Becker

Submitted By

Finance

Division

Finance

Department

Action Required:

City Council is requested to adopt real and personal property tax rates for 2008 for the Policemen's Pension & Relief, the Firemen's Pension & Relief Funds, and the Fayetteville Public Library. The rate to be adopted for the Policemen's Pension & Relief Fund and the Firemen's Pension & Relief Fund is 0.4 mils for real property and 0.4 mils for personal property, the millage for the Fayetteville Public Library is 1.0 mil for real property and 1.0 mil for personal property. City Council is requested to adopt real and personal property tax rates for 2008 for the City's General Fund. The rate requested for the City's General Fund is 1.3 mils for real property and 1.3 mils for personal property.

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

☐

Paul A. Becker  
Department Director

8-29-08  
Date

Previous Ordinance or Resolution #

5071

Original Contract Date:

K. [Signature]  
City Attorney

8-29-08  
Date

Original Contract Number:

Paul A. Becker  
Finance Director

9-2-08  
Date

Received in City Clerk's Office

8/29/08 DED.

[Signature]  
Mayor

9/2/08  
Date

Received in Mayor's Office

ENTERED  
9/2/08  
PP

Comments:

## **DEPARTMENTAL CORRESPONDENCE**

---

TO: Mayor Dan Coody and Fayetteville City Council

FROM: Paul A. Becker, Director of Finance

DATE: August 29, 2008

SUBJECT: **2008 Millage Levy**

### **Recommendation:**

City staff recommends that City Council approve the millage levy ordinance approving the 0.4 mils for the Policemen's Pension and Relief Fund, 0.4 mils for the Firemen's Pension and Relief Fund, 1.0 mils for the Fayetteville Public Library, and 1.3 mils for 2009 General Fund operations.

### **Background:**

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2008.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of August 4, 2008, is approximately \$1.271 billion. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract. Based on the preliminary assessments, the growth in real estate assessments is approximately 7.88%. The change in assessed real estate value is due to newly discovered, newly constructed property 5.19%

### **Discussion:**

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property as was approved by referendum.

A millage levy ordinance must be approved for the operation of the Fayetteville Public Library and that was approved by the voters on October 1, 2002. The millage levy for the Fayetteville Public Library is 1.0 mils for real property and 1.0 mils on personal property.

Finally, City staff is requesting that City Council approve a millage levy ordinance for General Fund operations in the amount of 1.3 mils for both real and personal property.

The 2009 proposed property tax revenue amount based on the 1.3 mil levy is estimated to bring in \$1,570,000 in General Fund revenue. The 2009 Proposed General Fund Budget will be distributed to City Council on Tuesday, September 9 at the City Council agenda session. Additional meetings during the months of September and October to discuss the millage levy will be held as needed. A proposed calendar is shown below:

|                       |                                                       |
|-----------------------|-------------------------------------------------------|
| Tuesday, September 9  | Agenda Session / 2009 General Fund Budget Distributed |
| Tuesday, September 16 | City Council Meeting                                  |
| Tuesday, September 30 | Agenda Session                                        |
| Tuesday, October 7    | City Council Meeting                                  |
| Tuesday, October 14   | Agenda Session                                        |
| Tuesday, October 21   | City Council Meeting                                  |

**Budget Impact:**

The 0.4 mils Police and 0.4 mils Fire is needed to fund the Pension plans for both areas. The 1.0 mils is used to fund the operation of the Fayetteville Public Library. The 1.3 mils will be used to fund General Fund operations.

**Conclusion:**

The millage levy must be at Washington County in time to be included in their consolidated levy ordinance which will be approved at the November 13, Quorum Court meeting. The deadline for receipt is set by the County. Last year that deadline was October 31. The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2008.

The administration is requesting the same millage rate as was approved in 2007 as follows:

- 1.3 mils for General Fund Operations
- 1.0 mils for the Fayetteville Public Library
- 0.4 mils for the Police Pension Fund
- 0.4 mils for the Fire Pension Fund

If you have any questions concerning this agenda request please contact me at 575-8330.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2008 FIXING THE RATE THEREOF AT 1.3 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

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

Section 1: That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2008 to be collected in 2009 for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

| <u>Purpose</u>              | <u>Levy</u>      |
|-----------------------------|------------------|
| General Fund – Operations   | 1.3 mills        |
| Fayetteville Public Library | 1.0 mills        |
| Policemen's Pension Fund    | 0.4 mills        |
| Firemen's Pension Fund      | <u>0.4 mills</u> |
| TOTAL                       | 3.1 mills        |

Section 2: That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.



Section 3: The City Clerk is hereby authorized and directed to file certified copies of this ordinance in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector for Washington County, Arkansas.

**PASSED** and **APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**

**City of Fayetteville  
Property Tax Revenue per Mil  
August 4, 2008**

| <u>Millage</u> | <u>Approximate Revenue</u> |
|----------------|----------------------------|
| 0.10           | \$ 121,000                 |
| 0.20           | \$ 242,000                 |
| 0.30           | \$ 362,000                 |
| 0.40           | \$ 483,000                 |
| 0.50           | \$ 604,000                 |
| 0.60           | \$ 725,000                 |
| 0.70           | \$ 845,000                 |
| 0.80           | \$ 966,000                 |
| 0.90           | \$ 1,087,000               |
| 1.00           | \$ 1,208,000               |
| 1.20           | \$ 1,449,000               |
| 1.30           | \$ 1,570,000               |
| 2.00           | \$ 2,415,000               |
| 2.20           | \$ 2,657,000               |
| 2.70           | \$ 3,261,000               |
| 3.20           | \$ 3,865,000               |
| 3.70           | \$ 4,468,000               |
| 4.20           | \$ 5,072,000               |
| 4.70           | \$ 5,676,000               |

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2008 dated August 4, 2008 and excludes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2008 amount to approximately \$1,208 million excluding real estate and personal property for utilities.

**Property Tax Impact Illustration**

|                    | <u>Appraised Value</u> | <u>Assessed Value</u> | <u>1 Mil Tax / Year</u> |
|--------------------|------------------------|-----------------------|-------------------------|
| Single Family Home | \$ 75,000              | \$ 15,000             | \$ 15.00                |
| Single Family Home | \$ 100,000             | \$ 20,000             | \$ 20.00                |
| Single Family Home | \$ 150,000             | \$ 30,000             | \$ 30.00                |

## Property Tax Rates (Comparable Arkansas Cities)

| City         | City Millage Levy * |                        |         |                 |       | Annual Tax<br>Paid by<br>Homeowner<br>(\$150,000)** |
|--------------|---------------------|------------------------|---------|-----------------|-------|-----------------------------------------------------|
|              | General             | Police/Fire<br>Pension | Library | Bonds/<br>Other | Total |                                                     |
| Little Rock  | 5.0                 | 2.0                    | 3.3     | 5.3             | 15.6  | \$ 468.00                                           |
| Fort Smith   | 5.0                 | 2.0                    | 1.0     | -               | 8.0   | 240.00                                              |
| Springdale   | 4.6                 | 1.0                    | -       | -               | 5.6   | 168.00                                              |
| Bentonville  | 5.0                 | 0.5                    | -       | -               | 5.5   | 165.00                                              |
| Rogers       | 1.4                 | 1.0                    | 0.9     | 1.5             | 4.8   | 144.00                                              |
| Fayetteville | 1.3                 | 0.8                    | 1.0     | -               | 3.1   | 93.00                                               |

\* Source: State of Arkansas - Assessment Coordination Department: 2007 Millage Report (2008 Collections) / Published February 2008

\*\* Appraised Value

**ORDINANCE NO. 5071**

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 1.3 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

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

**Section 1:** That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2007 to be collected in 2008 for the following purposes at the following rates:

**REAL AND PERSONAL PROPERTY**

| <u>Purpose</u>              | <u>Levy</u>      |
|-----------------------------|------------------|
| General Fund – Operations   | 1.3 mills        |
| Fayetteville Public Library | 1.0 mills        |
| Policemen's Pension Fund    | 0.4 mills        |
| Firemen's Pension Fund      | <u>0.4 mills</u> |
| <b>TOTAL</b>                | <b>3.1 mills</b> |

**Section 2:** That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

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

16-Sep-08  
City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

A resolution approving an agreement with Southpass Development Company, LLC for the upgrade of the Wastewater System Improvement Project EL-3 to serve the Southpass Development and the future City of Fayetteville Community Park.

\$0.00

Cost of this request

5400.5600.5808.00

02067

Project Number

\$ 477,290.00

Category/Project Budget

\$ 836.68

Funds Used to Date

\$ 476,453.32

Remaining Balance

Water and Sewer

Cost Sharing

Program Category / Project Name

Water and Sewer Improvements

Program / Project Category Name

Sales Tax - Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

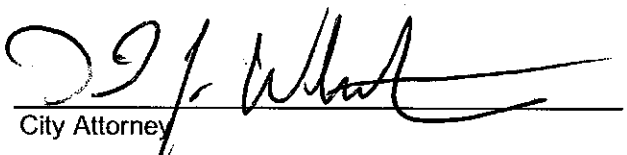
☐

 9-3-08  
Department Director Date

Previous Ordinance or Resolution # 138-04

Original Contract Date:

Original Contract Number:

 9/3/08  
City Attorney Date

 9-3-08  
Finance and Internal Service Director Date

Received in City Clerk's Office

 9/9/08  
Mayor Date

Received in Mayor's Office

Comments:

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Ron Petrie, City Engineer

**Date:** August 29, 2008

**Subject:** A resolution approving an agreement with Southpass Development Company, LLC for the upgrade of the Wastewater System Improvement Project EL-3 to serve the Southpass Development and the future City of Fayetteville Community Park.

---

### **RECOMMENDATION**

In accordance with Resolution 138-04, staff recommends that the City approve this agreement with Southpass Development Company, LLC, the developer, to upgrade EL-3 to serve the proposed Southpass Development as well as the future 200 acre City of Fayetteville Community Park.

### **BACKGROUND**

Southpass Development Company, LLC is currently in the process of gaining approval to construct an approximately 800 acre mixed use development located at the west of Cato Springs Road and south of I-540 that will contain 200 acres being donated to the City for use as a Community Park.

### **DISCUSSION**

It was agreed upon in Resolution 138-04 that the City of Fayetteville and SouthPass shall cost share (50/50) all costs of extending sewer to the Community Park site. The sewer basin that contains the proposed Southpass development was not included in the Wastewater System Improvement Project because the property was not in the City Limits at the time of the preliminary study. The City has recently opened bids to replace the large sewer main (EL-3) downstream of the site. It has been determined that the proposed pipe size should be increased 6" in diameter to accommodate the additional flow in the basin. The EL-3 project was bid with both pipe sizes and the actual difference in costs to upgrade this portion of the line is \$163,230.00 according to the low bid. The Southpass Development Company has agreed to pay 50% of this construction cost plus

50% of the engineering costs (\$7,500.00) in order for the City to proceed with this upgrade.

The following is a summary of the Engineering and Construction costs for this sewer upgrade:

|                          |                         |
|--------------------------|-------------------------|
| <b>Developer's Share</b> | <b>\$ 89,115</b>        |
| <b>City's Share</b>      | <b><u>\$ 89,115</u></b> |
| <b>Total</b>             | <b>\$178,230</b>        |

### **BUDGET IMPACT**

It is proposed that the additional funding necessary to upgrade this sewer line be paid from the Wastewater System Improvement Project. The EL-3 construction bid was opened on August 26, 2008 with a low bid that was approximately \$1.8 million below the engineer's estimate. The developer will reimburse the City upon completion of the project when all items of the agreement have been met by both the City and the developer. The City Council agenda item for the construction contract for EL-3 will contain these additional costs.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A 50/50 COST-SHARE AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY, LLC FOR THE UPGRADE OF THE WSIP PROJECT EL-3 TO SERVE THE SOUTHPASS DEVELOPMENT AND THE PROPOSED CITY OF FAYETTEVILLE COMMUNITY PARK..

**WHEREAS**, the City Council of the City of Fayetteville in passing Resolution No. 138-04, previously approved the *Agreement to Acquire and Develop the Community Park for Fayetteville*; and,

**WHEREAS**, the attached Sewer Agreement is necessary to implement the 50/50 cost share for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park, as called for in paragraph 7 of the *Agreement to Acquire and Develop the Community Park for 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 finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a 50/50 cost-share with Southpass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**



### **CONTRACTUAL AGREEMENT**

This Agreement, made and entered into this \_\_\_\_\_, by and between the City of Fayetteville, Arkansas and Southpass Development Company, LLC, Witnesseth:

**WHEREAS**, Southpass Development Company, LLC is constructing an approximately 800 acre mixed use development on the west side of I-540 adjacent to Cato Springs Road; and

**WHEREAS**, The City of Fayetteville is upgrading EL-3 as a part of the Wastewater System Improvement Project that would serve the Southpass Development and future Community Park that is proposed to be built within this development.

**WHEREAS**, the original design of the EL-3 upgrade did not include this portion of the sewer basin into the design calculations since the area was outside of the City limits.

**WHEREAS**, the *Agreement to Acquire and Develop the Community Park for Fayetteville* that was approved by the City Council on September 7, 2004 as Resolution No. 138-04 states, "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."

**NOW, THEREFORE**, the City of Fayetteville and Southpass Development Company, LLC agree as follows:

1. Upon the City Council and/or the Mayor approving the Sewer Agreement, the City of Fayetteville agrees to:
  - A. Upgrade the EL-3 sewer line being installed as a part of the Wastewater System Improvement Project by 6" in pipe diameter.
  - B. Pay 50% of the cost to upgrade EL-3 up to a maximum of \$89,115 to be paid from the Wastewater System Improvement Project funds.
2. Upon approval of the Southpass Planned Zoning District by the City Council, Southpass Development Company, LLC agrees to:
  - A. Pay for 50% of the cost to upgrade EL-3 up to a maximum-not-to-exceed cost in the amount of \$89,115.00 that is being installed as a part of the Wastewater System Improvement Project. Final payment shall be due upon completion of the EL-3 project.
  - B. SouthPass' obligation to pay is contingent upon SouthPass receiving approval from the Fayetteville City Council for it's proposed PZD and upon SouthPass receiving approval for financing of the Southpass development.

- C. Convey by warranty deed to the City at no cost the Ten (10) acre City of Fayetteville water tank site contained within the Southpass property at the time of Planned Zoning Development approval by the City Council in accordance with the *Agreement to Acquire and Develop the Community Park for Fayetteville* that was approved as Resolution No. 138-04 on September 7, 2004 and made a part of this agreement. A 50' wide street right-of-way shall be placed on this Ten (10) acre site at a location acceptable to both parties.
3. It is further understood that the contract for construction is between the City of Fayetteville and their Contractor and that Southpass Development Company, LLC has no contractual obligation with either the Contractor or the Engineer.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE  
SIGN BELOW:**

CITY OF FAYETTEVILLE

By: \_\_\_\_\_  
DAN COODY, Mayor

Southpass Development Company, LLC

By: \_\_\_\_\_

**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. *to be conducted by Critical Path*

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.

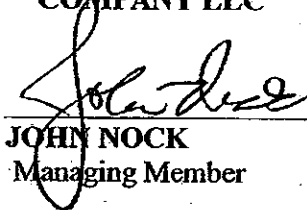
8. If all the contingencies listed in paragraph 1 have been accomplished and all the actions listed in paragraph 2 have been achieved, SouthPass Development Company LLC shall contribute One Million Dollars (\$1,000,000.00) when the City is ready to award the first construction contract utilizing the 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.

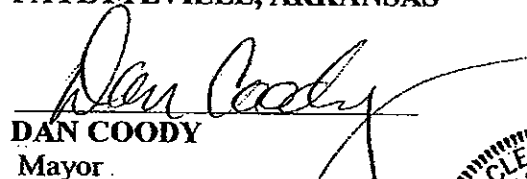
**SOUTHPASS DEVELOPMENT  
COMPANY LLC**

By:

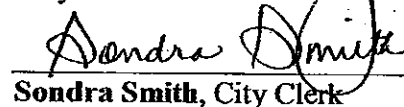
  
**JOHN NOCK**  
Managing Member

**CITY OF  
FAYETTEVILLE, ARKANSAS**

By:

  
**DAN COODY**  
Mayor

Attest:

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

C. 5  
SJ Louis Construction, Inc.  
Page 1 of 46

16-Sep-08  
City Council Meeting Date

David Jurgens  
Submitted By

Wastewater System Imprv Project  
Division

Water/Wastewater  
Department

Action Required:

Approval of a construction contract with SJ Louis Construction Inc. in the amount of \$5,253,795.00 or \$5,090,565.00, for the construction of gravity sewer from Happy Hollow Road to Razorback Road, WSIP Subproject EL-3, and approve an 8% contingency of \$420,000.

and 5

\$ 5,673,795

Cost of this request

\$ 46,262,358

Category / Project Budget

Wastewater System Imp Project

Program Category / Project Name

4520.9530.5315.00

Account Number

\$ 30,113,090

Funds Used to Date

Water and Wastewater

Program / Project Category Name

02133.0331

Project Number

\$ 16,149,268

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item ☒ XX

Budget Adjustment Attached ☐

Department Director

28 Aug 08  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

9-2-08  
Date

Received in City Clerk's Office

Finance and Internal Service Director

9-2-08  
Date

Received in Mayor's Office

Mayor

9/2/08  
Date

ENTERED  
9/2/08

Comments:

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO APPROVE A BID IN THE AMOUNT OF \$5,253,795.00 PLUS A CONTINGENCY OF \$420,000.00 WITH SJ LOUIS CONSTRUCTION, INC. FOR CONSTRUCTION OF A LARGE GRAVITY SEWER MAIN FROM HAPPY HOLLOW ROAD TO RAZORBACK ROAD AND A SEWER MAIN FROM COUNTRY CLUB HILL

**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 low bid in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill and authorizes the Mayor to sign a construction contract based upon the approved bid.

**PASSED and APPROVED** this 16<sup>th</sup> day of September, 2008.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**



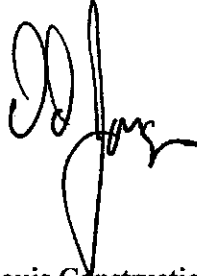
City Council Meeting of 16 September 2008

## **CITY COUNCIL AGENDA MEMO**

**To:** Fayetteville City Council

**Thru:** Mayor Dan Coody

**From:** David Jurgens, Water and Wastewater Director  
Fayetteville Sewer Committee



**Date:** 26 August 2008

**Subject:** Approval of a construction contract with SJ Louis Construction Inc. in the amount of \$5,253,795.00 or \$5,090,565.00, for the construction of gravity sewer from Happy Hollow Road to Razorback Road, WSIP Subproject EL-3, and approve an 8% contingency of \$420,000.

*and 5*

### **RECOMMENDATION**

City Administration recommend approval of a construction contract with SJ Louis Construction in the amount of \$5,253,795.00 or \$5,090,565.00, for the construction of gravity sewer from Happy Hollow Road to Razorback Road, WSIP Subproject EL-3, and approve an 8% contingency of \$420,000.

*and 5*

### **BACKGROUND**

This contract provides for construction and installation of approximately 18,000' of 8" – 42" gravity sewer line and 70 manholes. The EL-3 portion is parallel to 15<sup>th</sup> Street from Razorback Road to Happy Hollow Road; the EL-5 portion is from the South Mountain pump station on 29<sup>th</sup> Circle east to the Water/Sewer Operations site.

### **DISCUSSION**

The City received six bids on August 26, 2008 for this project.

| Contractor                                | Large Diameter Bid     | Small Diameter Bid     | Difference           |
|-------------------------------------------|------------------------|------------------------|----------------------|
| <b>SJ Louis Construction (Low Bidder)</b> | <b>\$ 5,253,795.00</b> | <b>\$ 5,090,565.00</b> | <b>\$ 163,230.00</b> |
| <b>Garney Companies</b>                   | <b>\$ 5,890,905.00</b> | <b>\$ 5,773,605.00</b> | <b>\$ 117,300.00</b> |
| <b>Rosetta Construction</b>               | <b>\$ 5,944,507.00</b> | <b>\$ 5,801,972.00</b> | <b>\$ 142,535.00</b> |
| <b>C-2 Projects</b>                       | <b>\$ 6,724,630.00</b> | <b>\$ 6,452,400.00</b> | <b>\$ 272,230.00</b> |
| <b>Redford Construction, Inc.</b>         | <b>\$ 7,250,360.00</b> | <b>\$ 7,157,010.00</b> | <b>\$ 93,350.00</b>  |
| <b>Kraus Construction</b>                 | <b>\$ 7,386,092.00</b> | <b>\$ 7,218,415.00</b> | <b>\$ 167,677.00</b> |
| <b>Engineer's Estimate</b>                | <b>\$ 7,066,865.00</b> | <b>\$ 6,764,915.00</b> | <b>\$ 301,950.00</b> |

In order to allow for increased pipe capacity to carry flows from the proposed South Pass development, the Contract contains two alternative construction bid schedules each containing the same length of pipe. Unit one contains larger diameter pipes for some sections, and unit two shall contain slightly smaller diameter pipelines for these sections. No matter which unit is awarded, the bid will be awarded on the basis of unit one, the larger diameter alternative. As of the date this memo was written, we have not received the signed agreement from South Pass for this cost share. Based on this bid, the full amount of the cost share, including Engineering costs of \$15,000, is \$178,230.00, 50% to be paid by the developer.

The bid has been reviewed by Garver Engineers; they recommend approval. SJ Louis Construction is a national contractor who has an excellent reputation.

### **BUDGET IMPACT**

Funds are available in the WSIP project budget.

**Garver Engineers, LLC**

1088 East Millsap Road  
Fayetteville, Arkansas 72703

479-527-9100  
FAX 479-527-9101

www.garverengineers.com

**GARVER ENGINEERS**

August 26, 2008

David Jurgens, P.E.  
Water and Wastewater Director  
City of Fayetteville  
113 West Mountain  
Fayetteville, AR 72701

Re: East Wastewater Collection System Improvements  
EL-3 and EL-5 Gravity Sewer Lines  
Recommendation to Award

Dear Mr. Jurgens:

Bids were received by the City of Fayetteville for the referenced project at City Hall, 113 West Mountain Street, Fayetteville, Arkansas, 72701, at 11:00 a.m., Tuesday, August 26, 2008.

A total of 6 bids were received for the EL-3 and 5 Gravity Sewer Lines contract. The contractor was required to bid upon two alternative bid schedules, and the low bid was based upon Unit Price Schedule 1. Both bid schedules had the same length of pipe. However, Unit Price Schedule 1 contained slightly larger pipe diameters in some sections than Unit Price Schedule 2. The low bid, based upon Unit Price Schedule 1, was submitted by S.J. Lewis Construction, Inc. of Rockville, Minnesota in the amount of \$5,253,795.00. In addition, their bid for Unit Price Schedule 2 was \$5,090,565.00, and the additional construction cost to choose the larger pipe diameter is \$163,230.00. A copy of the tabulation of bids received, including a summary and Engineer's estimate, is attached.

We recommend that the City of Fayetteville award the construction contract for the EL-3 and 5 Gravity Sewer Lines to S.J. Lewis Construction, Inc. of Rockville, Minnesota. In addition, we recommend that the City of Fayetteville construct the larger pipe diameter option. We believe this represents the best value for the City.

Please call me if you have any questions.

Sincerely,

GARVER ENGINEERS, LLC



Chris Buntin, P.E.  
Project Manager

Attachments: As Noted

**CITY OF FAYETTEVILLE  
 EAST WASTEWATER COLLECTION SYSTEM IMPROVEMENTS  
 EL-3 AND 5 GRAVITY SEWER LINES**

**Summary for Bid Number 08-61**

**Bid Tabulation - Bids Opened 11:00am Tuesday, August 26, 2008**

| <b>EL-3 and EL-5 Gravity Line</b>    | <b>Schedule 1<br/>Total Bid Amount</b> | <b>Schedule 2<br/>Total Bid Amount</b> | <b>Additional Cost<br/>to Upsize</b> |
|--------------------------------------|----------------------------------------|----------------------------------------|--------------------------------------|
| ENGINEERS ESTIMATE                   | \$ 7,066,865.00                        | \$ 6,764,915.00                        | \$ 301,950.00                        |
| <b>S.J. LEWIS CONSTRUCTION, INC.</b> | <b>\$ 5,253,795.00</b>                 | <b>\$ 5,090,565.00</b>                 | <b>\$ 163,230.00</b>                 |
| GARNEY COMPANIES, INC.               | \$ 5,890,905.00                        | \$ 5,773,605.00                        | \$ 117,300.00                        |
| ROSETTA CONSTRUCTION, LLC            | \$ 5,944,507.00                        | \$ 5,801,972.00                        | \$ 142,535.00                        |
| C-2 PROJECTS, LLC                    | \$ 6,714,130.00                        | \$ 6,406,860.00                        | \$ 307,270.00                        |
| REDFORD CONSTRUCTION, INC.           | \$ 7,250,360.00                        | \$ 7,157,010.00                        | \$ 93,350.00                         |
| KRAUS CONSTRUCTION CO., LLC          | \$ 7,386,045.00                        | \$ 7,218,415.00                        | \$ 167,630.00                        |

# EAST WASTEWATER COLLECTION SYSTEM IMPROVEMENTS

**BID SCHEDULE:**

INC.  GARNER COMPANIES, INC.  JOSEFFA CONSTRUCTION

2015

**BUS SCHEDULE 1**

## III. SCHEDULE 2

| ITEM                 | DESCRIPTION                                   | CONTRACT QUANTITY |              | UNIT PRICE |            | TOTAL AMOUNT |            | UNIT PRICE   |            | TOTAL AMOUNT |              | UNIT PRICE |              | TOTAL AMOUNT |              | UNIT PRICE |              | TOTAL AMOUNT |              |
|----------------------|-----------------------------------------------|-------------------|--------------|------------|------------|--------------|------------|--------------|------------|--------------|--------------|------------|--------------|--------------|--------------|------------|--------------|--------------|--------------|
|                      |                                               | QUANTITY          | UNIT PRICE   | QUANTITY   | UNIT PRICE | QUANTITY     | UNIT PRICE | QUANTITY     | UNIT PRICE | QUANTITY     | UNIT PRICE   | QUANTITY   | UNIT PRICE   | QUANTITY     | UNIT PRICE   | QUANTITY   | UNIT PRICE   | QUANTITY     | UNIT PRICE   |
| LAWRENCE & SON, INC. |                                               |                   |              |            |            |              |            |              |            |              |              |            |              |              |              |            |              |              |              |
| LAWRENCE & SON, INC. |                                               |                   |              |            |            |              |            |              |            |              |              |            |              |              |              |            |              |              |              |
| 1                    | Modular                                       | 1                 | \$200,000.00 |            |            | \$115,000.00 |            | \$175,000.00 |            |              | \$460,000.00 |            | \$400,000.00 |              | \$500,000.00 |            | \$500,000.00 |              | \$500,000.00 |
| 2                    | Site Work                                     | 1                 | \$200,000.00 |            |            | \$100,000.00 |            | \$100,000.00 |            |              | \$125,000.00 |            | \$125,000.00 |              | \$125,000.00 |            | \$125,000.00 |              | \$125,000.00 |
| 3                    | Truck and Equipment Daily                     | 1                 | \$15,000.00  |            |            | \$11,000.00  |            | \$11,000.00  |            |              | \$20,000.00  |            | \$20,000.00  |              | \$20,000.00  |            | \$20,000.00  |              | \$20,000.00  |
| 4                    | Erosion Control                               | 1                 | \$100,000.00 |            |            | \$30,000.00  |            | \$30,000.00  |            |              | \$30,000.00  |            | \$30,000.00  |              | \$30,000.00  |            | \$30,000.00  |              | \$30,000.00  |
| 5                    | Waste Removal                                 | 1                 | \$20,000.00  |            |            | \$5,000.00   |            | \$5,000.00   |            |              | \$5,000.00   |            | \$5,000.00   |              | \$5,000.00   |            | \$5,000.00   |              | \$5,000.00   |
| 6                    | Construction Staking                          | 1                 | \$100,000.00 |            |            | \$15,000.00  |            | \$15,000.00  |            |              | \$20,000.00  |            | \$20,000.00  |              | \$20,000.00  |            | \$20,000.00  |              | \$20,000.00  |
| 7                    | Maintenance of Traffic                        | 1                 | \$100,000.00 |            |            | \$15,000.00  |            | \$15,000.00  |            |              | \$20,000.00  |            | \$20,000.00  |              | \$20,000.00  |            | \$20,000.00  |              | \$20,000.00  |
| 8                    | Travel Construction Turning                   | 1                 | \$25,000.00  |            |            | \$4,000.00   |            | \$4,000.00   |            |              | \$10,000.00  |            | \$10,000.00  |              | \$10,000.00  |            | \$10,000.00  |              | \$10,000.00  |
| 9                    | Stationary Storage Tank Locates               | 1                 | \$25,000.00  |            |            | \$5,000.00   |            | \$5,000.00   |            |              | \$5,000.00   |            | \$5,000.00   |              | \$5,000.00   |            | \$5,000.00   |              | \$5,000.00   |
| 10                   | Removal and Replant Existing Gravel and Curbs | 1                 | \$15,000.00  |            |            | \$12,000.00  |            | \$12,000.00  |            |              | \$12,000.00  |            | \$12,000.00  |              | \$12,000.00  |            | \$12,000.00  |              | \$12,000.00  |
| 11                   | 18" Main Sewer Grate                          | 5                 | \$400.00     |            |            | \$400.00     |            | \$400.00     |            |              | \$400.00     |            | \$400.00     |              | \$400.00     |            | \$400.00     |              | \$400.00     |
| 12                   | 4" PVC Gravity Sewer Pipe                     | 140               | \$3.00       |            |            | \$1,200.00   |            | \$1,200.00   |            |              | \$1,200.00   |            | \$1,200.00   |              | \$1,200.00   |            | \$1,200.00   |              | \$1,200.00   |
| 13                   | 8" PVC Gravity Sewer Pipe                     | 40                | \$35.00      |            |            | \$1,400.00   |            | \$1,400.00   |            |              | \$800.00     |            | \$800.00     |              | \$800.00     |            | \$800.00     |              | \$800.00     |
| 14                   | 8" PVC Gravity Sewer Pipe                     | 2200              | \$35.00      |            |            | \$77,000.00  |            | \$77,000.00  |            |              | \$11,000.00  |            | \$11,000.00  |              | \$11,000.00  |            | \$11,000.00  |              | \$11,000.00  |
| 15                   | 10" PVC Gravity Sewer Pipe                    | 40                | \$40.00      |            |            | \$1,600.00   |            | \$1,600.00   |            |              | \$800.00     |            | \$800.00     |              | \$800.00     |            | \$800.00     |              | \$800.00     |
| 16                   | 12" PVC Gravity Sewer Pipe                    | 800               | \$45.00      |            |            | \$36,000.00  |            | \$36,000.00  |            |              | \$55.00      |            | \$55.00      |              | \$55.00      |            | \$55.00      |              | \$55.00      |
| 17                   | 8" Gravity Sewer Pipe with DCP or FFP         | 1500              | \$35.00      |            |            | \$52,500.00  |            | \$52,500.00  |            |              | \$70.00      |            | \$70.00      |              | \$70.00      |            | \$70.00      |              | \$70.00      |
| 18                   | 8" Gravity Sewer Pipe with DCP or FFP         | 300               | \$105.00     |            |            | \$31,500.00  |            | \$31,500.00  |            |              | \$70.00      |            | \$70.00      |              | \$70.00      |            | \$70.00      |              | \$70.00      |
| 19                   | 18" Gravity Sewer Pipe with DCP or FFP        | 40                | \$115.00     |            |            | \$4,600.00   |            | \$4,600.00   |            |              | \$75.00      |            | \$75.00      |              | \$75.00      |            | \$75.00      |              | \$75.00      |
| 20                   | 30" Gravity Sewer Pipe with DCP or FFP        | 800               | \$115.00     |            |            | \$92,000.00  |            | \$92,000.00  |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 21                   | 30" Gravity Sewer Pipe with DCP or FFP        | 800               | \$115.00     |            |            | \$92,000.00  |            | \$92,000.00  |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 22                   | 30" Gravity Sewer Pipe with DCP or FFP        | 800               | \$115.00     |            |            | \$92,000.00  |            | \$92,000.00  |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 23                   | 18" Gravity Sewer Pipe with DCP or FFP        | 40                | \$115.00     |            |            | \$4,600.00   |            | \$4,600.00   |            |              | \$75.00      |            | \$75.00      |              | \$75.00      |            | \$75.00      |              | \$75.00      |
| 24                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 25                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 26                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 27                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 28                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 29                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 30                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 31                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 32                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 33                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 34                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 35                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 36                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 37                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 38                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 39                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 40                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 41                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 42                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 43                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 44                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 45                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 46                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 47                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 48                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 49                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 50                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 51                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 52                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 53                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 54                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 55                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 56                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 57                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 58                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 59                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 60                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 61                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 62                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 63                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 64                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 65                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 66                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 67                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 68                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 69                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 70                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 71                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 72                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 73                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 74                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$25.00      |
| 75                   | 42" Gravity Sewer Pipe with DCP or FFP        | 60                | \$150.00     |            |            | \$9,000.00   |            | \$9,000.00   |            |              | \$25.00      |            | \$25.00      |              | \$25.00      |            | \$25.00      |              | \$2          |

### DISCUSSION

[illegible]

**DOCUMENT 00410 - BID BOND**

KNOW ALL MEN BY THESE PRESENTS: that we

S. J. LOUIS CONSTRUCTION, INC.

1351 BROADWAY STREET W., PO BOX 459

ROCKVILLE, MN 56369

as Principal, hereinafter called the Principal, and

LIBERTY MUTUAL INSURANCE COMPANY

450 PLYMOUTH ROAD

PLYMOUTH MEETING, PA 19462

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

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the sum of FIVE PERCENT OF AMOUNT BID Dollars  
(\$ 5% ), 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 the construction of Fayetteville Wastewater  
System Improvement Project, Construction Contract Numbers EL-3& EL-5, Contract No.: EL-3  
Gravity Line; EL-5 Gravity Line.

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



**DOCUMENT 00410 - BID BOND (continued)**

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 26TH day of AUGUST 2008.

PRINCIPAL

(CORPORATE SEAL)

S. J. LOUIS CONSTRUCTION, INC.

By [Signature]

SURETY

LIBERTY MUTUAL INSURANCE COMPANY

By [Signature]

Amy M. Burns

ATTORNEY-IN-FACT

(CORPORATE SEAL)

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

**END OF DOCUMENT 00410**

**DOCUMENT 00140 - BIDDER'S QUALIFICATION STATEMENT (CONTINUED)**

**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:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. **Current Judgments:** The following judgments are outstanding against Bidder:

|    | <u>Judgment Creditors</u> | <u>Where Docketed and Date</u> | <u>Amount</u> |
|----|---------------------------|--------------------------------|---------------|
| a. | <u>NONE</u>               | <u></u>                        | <u>\$</u>     |
| b. | <u></u>                   | <u></u>                        | <u>\$</u>     |

**DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (CONTINUED)**

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: August 26, 2008, 20

(OFFICIAL SEAL)

Name of Organization:

S.J. Louis Construction, Inc.

By [Signature]

Title Owner Partner - Vice 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.)

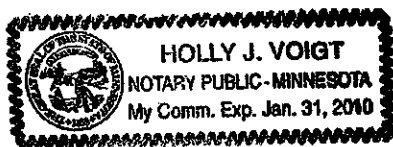
**END OF DOCUMENT 00140**

## CORPORATE ACKNOWLEDGMENT

STATE OF MINNESOTA

COUNTY OF STEARNS

On this 26TH day of AUGUST, 2008 before me personally appeared Gary Gartner  
to me known, who being by me duly sworn, that he/she is the Vice President  
of the S. J. LOUIS CONSTRUCTION, INC., the corporation described in and which executed the  
foregoing instrument; that he/she knows the seal of said corporation; that the seal  
affixed to said instrument is such corporate seal; that it was so affixed by order of the  
Board of Directors of said corporation; and that he/she signed his/her name thereto by  
like order.



Notary Public

[Signature]  
(Notary Seal)

## ACKNOWLEDGMENT OF CORPORATE SURETY

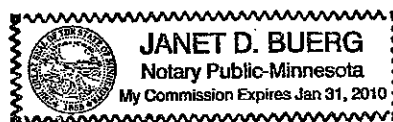
STATE OF MINNESOTA

COUNTY OF HENNEPIN

On this 26TH day of AUGUST, 2008 before me appeared AMY M. BURNS to be known,  
who being by me duly sworn, did say that s(he) is the aforesaid Attorney-in-Fact of the  
LIBERTY MUTUAL INSURANCE COMPANY, a corporation; that the seal affixed to the foregoing  
instrument is the corporate seal of said corporation, and that said instrument was signed  
and sealed on behalf of said corporation by the aforesaid officer, by authority of its  
Board of directors; and the aforesaid officer acknowledged said instrument to be the  
free act and deed of said corporation.

Notary Public,

[Signature]  
(Notary Seal)



2229933

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

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.

**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

**NATHAN P. HUGHES, STEVEN C. ARONSON, JANET D. BUERG, TERESA HAMMERS, LAURENT R. LAVENTURE, KATHLEEN SORENSON, JOHN D. MOORE, JAMES R. PERKINS, STANLEY L. PEARSON, TODD A. KELSEY, AMY M. BURNS, ALL OF THE CITY OF BLOOMINGTON, STATE OF MINNESOTA**

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding **FIFTY MILLION AND 00/100** DOLLARS (\$ 50,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

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 24th day of October, 2007.

**LIBERTY MUTUAL INSURANCE COMPANY**

By Garnet W. Elliott  
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 24th day of October, 2007, 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.



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 26th day of AUGUST, 2008.



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

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 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

**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: S.J. Louis Construction, Inc. (SEAL)

State of Incorporation: MN

Type (General Business, Professional, Service, Limited Liability): \_\_\_\_\_

General Business

By: \_\_\_\_\_

(Signature – attach evidence of authority to sign)

Name (type or printed): Gary Gartner

Title: Vice President

(CORPORATE SEAL)

Attest: \_\_\_\_\_

(Signature of Corporate Secretary)

Business address: 1351 Broadway St

Rockville, MN 56369

Phone No.: 320-253-9291 FAX No.: 320-253-3533

**END OF DOCUMENT 00400**

**DOCUMENT 00400 - BID FORM (continued)**

**ARTICLE 7 - COMMUNICATIONS**

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

Gary Gattner - Vice President  
S.J. Louis Construction, Inc  
Rockville, MN 56369  
Phone No. 320-253-9291  
FAX No. 320-253-3533

**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 August 26, 2008

Arkansas State Contractor License No. 0046760409

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)**

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 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 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.



**DOCUMENT 00400 - BID FORM (continued)**

**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>August 15, 2007</u>      |
| <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </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.
- 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,

**DOCUMENT 00400 - BID FORM**

Project Name: Wastewater System Improvement Project  
Contract Name: Construction Contract Numbers EL-3 & EL-5  
Contract No.: EL-3 Gravity Line & EL-5 Gravity line

**BID TO:**

Owner: The City of Fayetteville, Arkansas  
113 West Mountain Street  
Fayetteville, Arkansas 72701

**BID FROM:**

Bidder:

S.J. Louis Construction, Inc.  
1351 Broadway St. W.  
Rockville, MN 56369

**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**

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 to the Engineer prior the Owner's consideration to approve the Agreement. Within 15 days after the Owner's approval of the Agreement the Contractor shall deliver the required number of Bonds, insurances and other documents required by the Bidding Requirements.

**DOCUMENT 00400 - BID FORM (continued)**

- 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 price(s):

- A. Unit Price Schedules: The Contract contains two alternative construction bid schedules. Both units contain the same length of pipe. Unit Price Schedule I shall contain larger diameter pipes for some sections, and Unit Price Schedule II shall contain slightly smaller diameter pipelines for these sections. **THE BID WILL BE AWARDED ON THE BASIS OF UNIT PRICE SCHEDULE I, THE LARGER DIAMETER ALTERNATIVE, BUT BIDDERS ARE REQUIRED TO BID ON BOTH UNITS. ANY BIDDER SUBMITTING BIDS ON EITHER ONE UNIT PRICE SCHEDULE BUT NOT BOTH UNIT PRICE SCHEDULES SHALL BE CONSIDERED NONRESPONSIVE.** The construction drawings show the larger diameter pipelines and facilities. After award of the contract, the owner will decide which unit to construct. If unit 2 is chosen, the construction drawings will be reissued showing the smaller diameter pipelines and facilities. More specifically, if Unit Price Schedule II is chosen, the pipe size between proposed manholes 67 and 81 will be reduced from 42-inch to 36-inch, the pipe size between proposed manholes 81 and 85 will be reduced from 36-inch to 30-inch, and the pipe size between proposed manholes 85 and 88 will be reduced from 30-inch to 24-inch.
- B. The bidder acknowledges that quantities for both Schedule I and Schedule II are not guaranteed and final payment will be based upon actual quantities determined as provided in the Contract Documents.

| UNIT PRICE SCHEDULE I (Larger Diameter Option) |              |                    |      |                       |                       |
|------------------------------------------------|--------------|--------------------|------|-----------------------|-----------------------|
| Item                                           | Description  | Estimated Quantity | Unit | Unit Price            | Cost                  |
| 1                                              | Mobilization | 1                  | LS   | 175,000 <sup>00</sup> | 175,000 <sup>00</sup> |

**DOCUMENT 00400 - BID FORM (continued)**

|    |                                                         |      |    |                       |                       |
|----|---------------------------------------------------------|------|----|-----------------------|-----------------------|
| 2  | Site Work                                               | 1    | LS | 100,000 <sup>00</sup> | 100,000 <sup>00</sup> |
| 3  | Trench and Excavation Safety                            | 1    | LS | 11500 <sup>00</sup>   | 11500 <sup>00</sup>   |
| 4  | Erosion Control                                         | 1    | LS | 83,000 <sup>00</sup>  | 83,000 <sup>00</sup>  |
| 5  | Wetland Restoration                                     | 1    | LS | 6000 <sup>00</sup>    | 6000 <sup>00</sup>    |
| 6  | Construction Staking                                    | 1    | LS | 16,000 <sup>00</sup>  | 16,000 <sup>00</sup>  |
| 7  | Maintenance of Traffic                                  | 1    | LS | 30,000 <sup>00</sup>  | 30,000 <sup>00</sup>  |
| 8  | Trench Compaction Testing                               | 1    | LS | 40,000 <sup>00</sup>  | 40,000 <sup>00</sup>  |
| 9  | Sanitary Service Line Locates                           | 1    | LS | 25,000 <sup>00</sup>  | 25,000 <sup>00</sup>  |
| 10 | Remove and Replace Existing Fence and Gates             | 1420 | LF | 23 <sup>00</sup>      | 32660 <sup>00</sup>   |
| 11 | 16' Metal Field Gate                                    | 5    | EA | 450 <sup>00</sup>     | 2250 <sup>00</sup>    |
| 12 | 4" PVC Gravity Sewer Pipe                               | 140  | LF | 14 <sup>00</sup>      | 1960 <sup>00</sup>    |
| 13 | 6" PVC Gravity Sewer Pipe                               | 40   | LF | 20 <sup>00</sup>      | 800 <sup>00</sup>     |
| 14 | 8" PVC Gravity Sewer Pipe                               | 2200 | LF | 14 <sup>00</sup>      | 30,800 <sup>00</sup>  |
| 15 | 10" PVC Gravity Sewer Pipe                              | 40   | LF | 17 <sup>00</sup>      | 680 <sup>00</sup>     |
| 16 | 12" PVC Gravity Sewer Pipe                              | 680  | LF | 21 <sup>00</sup>      | 14280 <sup>00</sup>   |
| 17 | 20" Gravity Sewer Pipe either DIP, FRP, or PVC          | 1520 | LF | 81 <sup>00</sup>      | 123120 <sup>00</sup>  |
| 18 | 20" Gravity Sewer Pipe either DIP or FRP                | 300  | LF | 81 <sup>00</sup>      | 24300 <sup>00</sup>   |
| 19 | Pier Supported 20" Gravity Sewer Pipe either DIP or FRP | 40   | LF | 78 <sup>00</sup>      | 3120 <sup>00</sup>    |
| 20 | 30" Gravity Sewer Pipe either DIP, FRP, or PVC          | 920  | LF | 126 <sup>00</sup>     | 115920 <sup>00</sup>  |
| 21 | 36" Gravity Sewer Pipe either DIP, FRP, or PVC          | 860  | LF | 163 <sup>00</sup>     | 140180 <sup>00</sup>  |
| 22 | 36" Gravity Sewer Pipe either DIP or FRP                | 380  | LF | 163 <sup>00</sup>     | 61940 <sup>00</sup>   |
| 23 | Pier Supported 36" Gravity Sewer Pipe either DIP or FRP | 80   | LF | 171 <sup>00</sup>     | 13680 <sup>00</sup>   |
| 24 | 42" DIP Gravity Sewer Pipe                              | 520  | LF | 250 <sup>00</sup>     | 130,000 <sup>00</sup> |

**DOCUMENT 00400 - BID FORM (continued)**

|    |                                                                   |       |    |                    |                         |
|----|-------------------------------------------------------------------|-------|----|--------------------|-------------------------|
| 25 | 42" Gravity Sewer Pipe<br>either DIP, FRP, or PVC                 | 8700  | LF | 140 <sup>00</sup>  | 1,218,000 <sup>00</sup> |
| 26 | 42" Gravity Sewer Pipe<br>either DIP or FRP                       | 1580  | LF | 200 <sup>00</sup>  | 316,000 <sup>00</sup>   |
| 27 | Pier Supported 42" Gravity<br>Sewer Pipe either DIP or<br>FRP     | 260   | LF | 210 <sup>00</sup>  | 54600 <sup>00</sup>     |
| 28 | 4" and 6" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 180   | LF | 28 <sup>00</sup>   | 5040 <sup>00</sup>      |
| 29 | 8" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill        | 2200  | LF | 45 <sup>00</sup>   | 99000 <sup>00</sup>     |
| 30 | 10" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill       | 40    | LF | 40 <sup>00</sup>   | 1600 <sup>00</sup>      |
| 31 | 12" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill       | 680   | LF | 45 <sup>00</sup>   | 30,600 <sup>00</sup>    |
| 32 | 20" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill       | 1820  | LF | 35 <sup>00</sup>   | 63,700 <sup>00</sup>    |
| 33 | 30" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill       | 920   | LF | 40 <sup>00</sup>   | 36800 <sup>00</sup>     |
| 34 | 36" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill       | 1240  | LF | 45 <sup>00</sup>   | 55800 <sup>00</sup>     |
| 35 | 42" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill       | 10800 | LF | 30 <sup>00</sup>   | 324000 <sup>00</sup>    |
| 36 | 4' I.D. Sanitary Sewer<br>Manhole 0'-8' Depth                     | 25    | EA | 2000 <sup>00</sup> | 50,000 <sup>00</sup>    |
| 37 | 4' I.D. Sanitary Sewer<br>Manhole Additional Depth                | 15    | VF | 175 <sup>00</sup>  | 2625 <sup>00</sup>      |
| 38 | 6' I.D. Sanitary Sewer<br>Manhole 0'-8' Depth                     | 35    | EA | 6000 <sup>00</sup> | 210,000 <sup>00</sup>   |
| 39 | 6' I.D. Sanitary Sewer<br>Manhole Additional Depth                | 96    | VF | 350 <sup>00</sup>  | 33600 <sup>00</sup>     |
| 40 | 8' I.D. Sanitary Sewer<br>Manhole 0'-8' Depth                     | 10    | EA | 8000 <sup>00</sup> | 80,000 <sup>00</sup>    |
| 41 | 8' I.D. Sanitary Sewer<br>Manhole Additional Depth                | 17    | VF | 600 <sup>00</sup>  | 10,200 <sup>00</sup>    |
| 42 | Cut and Grout Existing Sewer<br>or Water Pipe                     | 135   | EA | 250 <sup>00</sup>  | 33750 <sup>00</sup>     |
| 43 | Connection to Existing<br>Manhole or Junction                     | 30    | EA | 1400 <sup>00</sup> | 42000 <sup>00</sup>     |
| 44 | Modify Existing Manhole or<br>Junction                            | 30    | EA | 750 <sup>00</sup>  | 22500 <sup>00</sup>     |
| 45 | Demolish Existing Manhole<br>or Junction                          | 50    | EA | 600 <sup>00</sup>  | 30,000 <sup>00</sup>    |

**DOCUMENT 00400 - BID FORM (continued)**

|    |                                                 |       |    |                                                                                   |                                                                 |
|----|-------------------------------------------------|-------|----|-----------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 46 | Remove and Dispose of Existing Manhole          | 30    | EA | 600 <sup>00</sup>                                                                 | 18,000 <sup>00</sup>                                            |
| 47 | Reinforced Concrete Pier 6' Height              | 15    | EA | 9000 <sup>00</sup>                                                                | 135000 <sup>00</sup>                                            |
| 48 | Reinforced Concrete Pier Greater Than 6' Height | 6     | EA | 10,000 <sup>00</sup>                                                              | 60,000 <sup>00</sup>                                            |
| 49 | Concrete Anchor                                 | 20    | EA | 2000 <sup>00</sup>                                                                | 40,000 <sup>00</sup>                                            |
| 50 | Concrete Encasement                             | 30    | CY | 500 <sup>00</sup>                                                                 | 15000 <sup>00</sup>                                             |
| 51 | 12" Steel Encasement by Open Cut                | 45    | LF | 115 <sup>00</sup>                                                                 | 5175 <sup>00</sup>                                              |
| 52 | 16" Steel Encasement by Open Cut                | 101   | LF | 125 <sup>00</sup>                                                                 | 12625 <sup>00</sup>                                             |
| 53 | 24" Steel Encasement by Open Cut                | 125   | LF | 130 <sup>00</sup>                                                                 | 16250 <sup>00</sup>                                             |
| 54 | 24" Bored Steel Encasement                      | 80    | LF | 675 <sup>00</sup>                                                                 | 54000 <sup>00</sup>                                             |
| 55 | 54" Steel Encasement by Open Cut                | 155   | LF | 500 <sup>00</sup>                                                                 | 77500 <sup>00</sup>                                             |
| 56 | 54" Bored Steel Encasement                      | 95    | LF | 1400 <sup>00</sup>                                                                | 133,000 <sup>00</sup>                                           |
| 57 | 6" Concrete Ditch Paving                        | 60    | SY | 65 <sup>00</sup>                                                                  | 3900 <sup>00</sup>                                              |
| 58 | Driveway, Street, and Sidewalk Repair           | 4700  | SY | 85 <sup>00</sup>                                                                  | 399500 <sup>00</sup>                                            |
| 59 | Pedestrian Barricade                            | 12    | EA | 500 <sup>00</sup>                                                                 | 6000 <sup>00</sup>                                              |
| 60 | Undercut and Granular Backfill                  | 900   | CY | 25 <sup>00</sup>                                                                  | 22500 <sup>00</sup>                                             |
| 61 | Rock Excavation                                 | 2800  | CY | <del>40<sup>00</sup></del> <del>700<sup>00</sup></del> <sup>40<sup>00</sup></sup> | <del>112,000<sup>00</sup></del> <sup>112,000<sup>00</sup></sup> |
| 62 | Interior Coating Existing Concrete Manholes     | 3000  | SF | 12 <sup>00</sup>                                                                  | 36000 <sup>00</sup>                                             |
| 63 | Interior Coating Proposed Concrete Manholes     | 9000  | SF | 11 <sup>00</sup>                                                                  | 99,000 <sup>00</sup>                                            |
| 64 | Exterior Coating Proposed Concrete Manholes     | 14000 | SF | 3 <sup>00</sup>                                                                   | 42000 <sup>00</sup>                                             |
| 65 | Water Service Line Relocation                   | 20    | EA | 600 <sup>00</sup>                                                                 | 12000 <sup>00</sup>                                             |
| 66 | 6" PVC Water Line                               | 240   | LF | 12 <sup>00</sup>                                                                  | 2880 <sup>00</sup>                                              |
| 67 | 8" PVC Water Line                               | 360   | LF | 16 <sup>00</sup>                                                                  | 5760 <sup>00</sup>                                              |
| 68 | 12" PVC Water Line                              | 420   | LF | 30 <sup>00</sup>                                                                  | 12600 <sup>00</sup>                                             |

**DOCUMENT 00400 - BID FORM (continued)**

|    |                                        |     |    |                    |                      |
|----|----------------------------------------|-----|----|--------------------|----------------------|
| 69 | 12" DIP Water Line                     | 60  | LF | 55 <sup>00</sup>   | 3300 <sup>00</sup>   |
| 70 | 6" Gate Valve with Valve Box           | 2   | EA | 1000 <sup>00</sup> | 2000 <sup>00</sup>   |
| 71 | 8" Gate Valve with Valve Box           | 4   | EA | 1300 <sup>00</sup> | 5200 <sup>00</sup>   |
| 72 | 12" Butterfly Valve with Valve Box     | 2   | EA | 2200 <sup>00</sup> | 4400 <sup>00</sup>   |
| 73 | Air Valve Assembly                     | 3   | EA | 3900 <sup>00</sup> | 11,700 <sup>00</sup> |
| 74 | Ductile Iron Mechanical Joint Fittings | 750 | LB | 6 <sup>00</sup>    | 4500 <sup>00</sup>   |

**SCHEDULE I - TOTAL BID PRICE**

Five million, two hundred & fifty-three thousand, seven hundred and ninety-five dollars and no cents  
*Words* *Numbers*  
 Five million, two hundred & fifty-three thousand, seven hundred and ninety-five dollars and no cents

| UNIT PRICE SCHEDULE II (Smaller Diameter Option) |                               |                    |      |                       |                       |
|--------------------------------------------------|-------------------------------|--------------------|------|-----------------------|-----------------------|
| Item                                             | Description                   | Estimated Quantity | Unit | Unit Price            | Cost                  |
| 1                                                | Mobilization                  | 1                  | LS   | 175,000 <sup>00</sup> | 175,000 <sup>00</sup> |
| 2                                                | Site Work                     | 1                  | LS   | 100,000 <sup>00</sup> | 100,000 <sup>00</sup> |
| 3                                                | Trench and Excavation Safety  | 1                  | LS   | 11,500 <sup>00</sup>  | 11,500 <sup>00</sup>  |
| 4                                                | Erosion Control               | 1                  | LS   | 83,000 <sup>00</sup>  | 83,000 <sup>00</sup>  |
| 5                                                | Wetland Restoration           | 1                  | LS   | 6,000 <sup>00</sup>   | 6,000 <sup>00</sup>   |
| 6                                                | Construction Staking          | 1                  | LS   | 16,000 <sup>00</sup>  | 16,000 <sup>00</sup>  |
| 7                                                | Maintenance of Traffic        | 1                  | LS   | 30,000 <sup>00</sup>  | 30,000 <sup>00</sup>  |
| 8                                                | Trench Compaction Testing     | 1                  | LS   | 40,000 <sup>00</sup>  | 40,000 <sup>00</sup>  |
| 9                                                | Sanitary Service Line Locates | 1                  | LS   | 25,000 <sup>00</sup>  | 25,000 <sup>00</sup>  |

**DOCUMENT 00400 - BID FORM (continued)**

|     |                                                             |      |    |                   |                       |
|-----|-------------------------------------------------------------|------|----|-------------------|-----------------------|
| 10  | Remove and Replace Existing Fence and Gates                 | 1420 | LF | 23 <sup>00</sup>  | 32660 <sup>00</sup>   |
| 11  | 16' Metal Field Gate                                        | 5    | EA | 450 <sup>00</sup> | 2250 <sup>00</sup>    |
| 12  | 4" PVC Gravity Sewer Pipe                                   | 140  | LF | 14 <sup>00</sup>  | 1960 <sup>00</sup>    |
| 13  | 6" PVC Gravity Sewer Pipe                                   | 40   | LF | 20 <sup>00</sup>  | 800 <sup>00</sup>     |
| 14  | 8" PVC Gravity Sewer Pipe                                   | 2200 | LF | 14 <sup>00</sup>  | 30800 <sup>00</sup>   |
| 15  | 10" PVC Gravity Sewer Pipe                                  | 40   | LF | 17 <sup>00</sup>  | 680 <sup>00</sup>     |
| 16  | 12" PVC Gravity Sewer Pipe                                  | 680  | LF | 21 <sup>00</sup>  | 14280 <sup>00</sup>   |
| 17  | 20" Gravity Sewer Pipe either DIP, FRP, or PVC              | 1520 | LF | 81 <sup>00</sup>  | 123,120 <sup>00</sup> |
| 18  | 20" Gravity Sewer Pipe either DIP or FRP                    | 300  | LF | 81 <sup>00</sup>  | 24300 <sup>00</sup>   |
| 19  | Pier Supported 20" Gravity Sewer Pipe either DIP or FRP     | 40   | LF | 78 <sup>00</sup>  | 3120 <sup>00</sup>    |
| 19A | 24" Gravity Sewer Pipe either DIP, FRP, or PVC              | 860  | LF | 100 <sup>00</sup> | 86000 <sup>00</sup>   |
| 20  | 30" Gravity Sewer Pipe either DIP, FRP, or PVC              | 800  | LF | 126 <sup>00</sup> | 100,800 <sup>00</sup> |
| 20A | 30" Gravity Sewer Pipe either DIP or FRP                    | 520  | LF | 126 <sup>00</sup> | 65520 <sup>00</sup>   |
| 21  | 36" Gravity Sewer Pipe either DIP, FRP, or PVC              | 2660 | LF | 163 <sup>00</sup> | 433,580 <sup>00</sup> |
| 22  | 36" Gravity Sewer Pipe either DIP or FRP                    | 620  | LF | 163 <sup>00</sup> | 101060 <sup>00</sup>  |
| 23  | Pier Supported 36" Gravity Sewer Pipe either DIP or FRP     | 80   | LF | 171 <sup>00</sup> | 13680 <sup>00</sup>   |
| 24  | 42" DIP Gravity Sewer Pipe                                  | 520  | LF | 250 <sup>00</sup> | 130,000 <sup>00</sup> |
| 25  | 42" Gravity Sewer Pipe either DIP, FRP, or PVC              | 6140 | LF | 140 <sup>00</sup> | 859600 <sup>00</sup>  |
| 26  | 42" Gravity Sewer Pipe either DIP or FRP                    | 840  | LF | 200 <sup>00</sup> | 168000 <sup>00</sup>  |
| 27  | Pier Supported 42" Gravity Sewer Pipe either DIP or FRP     | 260  | LF | 210 <sup>00</sup> | 54600 <sup>00</sup>   |
| 28  | 4" and 6" Gravity Sewer Pipe Trench Excavation and Backfill | 180  | LF | 28 <sup>00</sup>  | 5040 <sup>00</sup>    |
| 29  | 8" Gravity Sewer Pipe Trench Excavation and Backfill        | 2200 | LF | 45 <sup>00</sup>  | 99000 <sup>00</sup>   |



**DOCUMENT 00400 - BID FORM (continued)**

|     |                                                             |      |    |                      |                      |
|-----|-------------------------------------------------------------|------|----|----------------------|----------------------|
| 30  | 10" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 40   | LF | 40 <sup>00</sup>     | 1600 <sup>00</sup>   |
| 31  | 12" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 680  | LF | 45 <sup>00</sup>     | 30600 <sup>00</sup>  |
| 32  | 20" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 1820 | LF | 35 <sup>00</sup>     | 63700 <sup>00</sup>  |
| 32A | 24" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 860  | LF | 50 <sup>00</sup>     | 43000 <sup>00</sup>  |
| 33  | 30" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 1320 | LF | 40 <sup>00</sup>     | 52800 <sup>00</sup>  |
| 34  | 36" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 3280 | LF | 45 <sup>00</sup>     | 147600 <sup>00</sup> |
| 35  | 42" Gravity Sewer Pipe<br>Trench Excavation and<br>Backfill | 7500 | LF | 30 <sup>00</sup>     | 225000 <sup>00</sup> |
| 36  | 4' I.D. Sanitary Sewer<br>Manhole 0'-8' Depth               | 28   | EA | 2000 <sup>00</sup>   | 56000 <sup>00</sup>  |
| 37  | 4' I.D. Sanitary Sewer<br>Manhole Additional Depth          | 21   | VF | 175 <sup>00</sup>    | 3675 <sup>00</sup>   |
| 38  | 6' I.D. Sanitary Sewer<br>Manhole 0'-8' Depth               | 32   | EA | 6000 <sup>00</sup>   | 192000 <sup>00</sup> |
| 39  | 6' I.D. Sanitary Sewer<br>Manhole Additional Depth          | 90   | VF | 350 <sup>00</sup>    | 31500 <sup>00</sup>  |
| 40  | 8' I.D. Sanitary Sewer<br>Manhole 0'-8' Depth               | 10   | EA | 8000 <sup>00</sup>   | 80000 <sup>00</sup>  |
| 41  | 8' I.D. Sanitary Sewer<br>Manhole Additional Depth          | 17   | VF | 600 <sup>00</sup>    | 10,200 <sup>00</sup> |
| 42  | Cut and Grout Existing Sewer<br>or Water Pipe               | 135  | EA | 250 <sup>00</sup>    | 33750 <sup>00</sup>  |
| 43  | Connection to Existing<br>Manhole or Junction               | 30   | EA | 1400 <sup>00</sup>   | 42000 <sup>00</sup>  |
| 44  | Modify Existing Manhole or<br>Junction                      | 30   | EA | 750 <sup>00</sup>    | 22500 <sup>00</sup>  |
| 45  | Demolish Existing Manhole<br>or Junction                    | 50   | EA | 600 <sup>00</sup>    | 30,000 <sup>00</sup> |
| 46  | Remove and Dispose of<br>Existing Manhole                   | 30   | EA | 600 <sup>00</sup>    | 18000 <sup>00</sup>  |
| 47  | Reinforced Concrete Pier 6'<br>Height                       | 15   | EA | 9000 <sup>00</sup>   | 135000 <sup>00</sup> |
| 48  | Reinforced Concrete Pier<br>Greater Than 6' Height          | 6    | EA | 10,000 <sup>00</sup> | 60,000 <sup>00</sup> |
| 49  | Concrete Anchor                                             | 20   | EA | 2000 <sup>00</sup>   | 40000 <sup>00</sup>  |
| 50  | Concrete Encasement                                         | 30   | CY | 500 <sup>00</sup>    | 15000 <sup>00</sup>  |

**DOCUMENT 00400 - BID FORM (continued)**

|     |                                             |       |    |                                                  |                                 |
|-----|---------------------------------------------|-------|----|--------------------------------------------------|---------------------------------|
| 51  | 12" Steel Encasement by Open Cut            | 45    | LF | 115 <sup>00</sup>                                | 5175 <sup>00</sup>              |
| 52  | 16" Steel Encasement by Open Cut            | 101   | LF | 125 <sup>00</sup>                                | 12625 <sup>00</sup>             |
| 53  | 24" Steel Encasement by Open Cut            | 125   | LF | 130 <sup>00</sup>                                | 16250 <sup>00</sup>             |
| 54  | 24" Bored Steel Encasement                  | 80    | LF | 675 <sup>00</sup>                                | 54000 <sup>00</sup>             |
| 54A | 48" Bored Steel Encasement                  | 95    | LF | 1400 <sup>00</sup>                               | 133000 <sup>00</sup>            |
| 55  | 54" Steel Encasement by Open Cut            | 155   | LF | 500 <sup>00</sup>                                | 77500 <sup>00</sup>             |
| 57  | 6" Concrete Ditch Paving                    | 60    | SY | 65 <sup>00</sup>                                 | 3900 <sup>00</sup>              |
| 58  | Driveway, Street, and Sidewalk Repair       | 4700  | SY | 50 <sup>00</sup>                                 | 235000 <sup>00</sup>            |
| 59  | Pedestrian Barricade                        | 12    | EA | 500 <sup>00</sup>                                | 6000 <sup>00</sup>              |
| 60  | Undercut and Granular Backfill              | 900   | CY | 25 <sup>00</sup>                                 | 22500 <sup>00</sup>             |
| 61  | Rock Excavation                             | 2800  | CY | <del>40<sup>00</sup></del> 112,000 <sup>00</sup> | <del>112,000<sup>00</sup></del> |
| 62  | Interior Coating Existing Concrete Manholes | 3000  | SF | 12 <sup>00</sup>                                 | 36000 <sup>00</sup>             |
| 63  | Interior Coating Proposed Concrete Manholes | 9000  | SF | 11 <sup>00</sup>                                 | 99000 <sup>00</sup>             |
| 64  | Exterior Coating Proposed Concrete Manholes | 14000 | SF | 3 <sup>00</sup>                                  | 42000 <sup>00</sup>             |
| 65  | Water Service Line Relocation               | 20    | EA | 600 <sup>00</sup>                                | 12000 <sup>00</sup>             |
| 66  | 6" PVC Water Line                           | 240   | LF | 12 <sup>00</sup>                                 | 2880 <sup>00</sup>              |
| 67  | 8" PVC Water Line                           | 360   | LF | 16 <sup>00</sup>                                 | 5760 <sup>00</sup>              |
| 68  | 12" PVC Water Line                          | 420   | LF | 30 <sup>00</sup>                                 | 12600 <sup>00</sup>             |
| 69  | 12" DIP Water Line                          | 60    | LF | 55 <sup>00</sup>                                 | 3300 <sup>00</sup>              |
| 70  | 6" Gate Valve with Valve Box                | 2     | EA | 1000 <sup>00</sup>                               | 2000 <sup>00</sup>              |
| 71  | 8" Gate Valve with Valve Box                | 4     | EA | 1300 <sup>00</sup>                               | 5200 <sup>00</sup>              |
| 72  | 12" Butterfly Valve with Valve Box          | 2     | EA | 2200 <sup>00</sup>                               | 4400 <sup>00</sup>              |

**DOCUMENT 00400 - BID FORM (continued)**

|    |                                        |     |    |                    |                     |
|----|----------------------------------------|-----|----|--------------------|---------------------|
| 73 | Air Valve Assembly                     | 3   | EA | 3900 <sup>00</sup> | 11700 <sup>00</sup> |
| 74 | Ductile Iron Mechanical Joint Fittings | 750 | LB | 6 <sup>00</sup>    | 4500 <sup>00</sup>  |

**SCHEDULE II - TOTAL BID PRICE**

*Four hundred & twenty five thousand* Words *Four hundred & twenty five thousand* Numbers  
 (\$ ~~4,990,565<sup>00</sup>~~ *5,090,565<sup>00</sup>*)

**ARTICLE 5 - CONTRACT TIMES**

- 5.01 Bidder agrees that the Work will be substantially 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 in the form of a certified or bank cashier's check or a Bid Bond and in the amount of 5% Bid Bond Dollars (\$\_\_\_\_\_).
  - B. Required Bidder's Qualification Statement with supporting data (DOCUMENT 00140 - Bidder's Qualification Statement).
  - C. Manufacturer's data where called for in Specifications (DOCUMENT 00450 - Equipment Questionnaire).
  - D. DOCUMENT 00430 - List of Subcontractors.

License No. 0046760409

*State of Arkansas*  
**Contractors Licensing Board**

S.J. LOUIS CONSTRUCTION, INC.  
PO BOX 459  
ROCKVILLE, MN 56369

S.J. LOUIS CONSTRUCTION, INC.

**This is to Certify That** \_\_\_\_\_

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended  
and is entitled to practice Contracting in the State of Arkansas within the  
following classification:

MUNICIPAL & UTILITY  
CONSTRUCTION

with the following suggested bid limit UNLIMITED

from May 9, 2008 until April 30, 2009

when this Certificate expires.

*Witness our hands of the Board, dated at North Little Rock, Arkansas:*



*W. Dan Wright*

CHAIRMAN

*Michael T. A.*

SECRETARY

May 9, 2008

**DOCUMENT 00430 - LIST OF SUBCONTRACTORS**

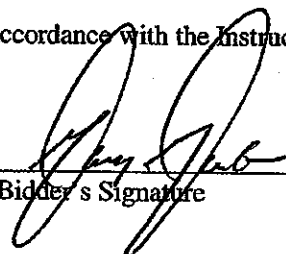
In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for Contract No. EL-3 Gravity Line and EL-5 Gravity Line.

Contract No.: E1-3 Gravity Line & EL-5 Gravity Line

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

| Subcontractor's Work | Subcontractor's Name | License No.  | Work. Comp. EMR | % of Contract Value |
|----------------------|----------------------|--------------|-----------------|---------------------|
| Pipelaying           | N/A                  | Self Perform |                 |                     |
| Excavation/Grading   | Self Perform         |              |                 |                     |
| Concrete             | Unknown              |              |                 |                     |
| Coating              | Acc Pipe Cleaning    |              |                 |                     |
| Instrumentation      | Self Perform         |              |                 |                     |
| Plumbing             | Self Perform         |              |                 |                     |
| Fencing              |                      |              |                 |                     |
| Blasting             |                      |              |                 |                     |
| Finishes             | Self Perform         |              |                 |                     |
|                      |                      |              |                 |                     |
|                      |                      |              |                 |                     |
|                      |                      |              |                 |                     |
|                      |                      |              |                 |                     |

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

  
Bidder's Signature

END OF DOCUMENT 00430

**DOCUMENT 00140 - BIDDER'S QUALIFICATION STATEMENT**

Project Name: Wastewater System Improvement Project

Contract Name: Construction Contract Numbers EL-3 & EL-5

Contract No.: EL-3 Gravity Line; EL- 5 Gravity Line

Date: August 26, 2000

**SUBMITTED TO:**

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

**SUBMITTED BY:**

Company S. J. Louis Construction, Inc

Name Gary Mathen

Address 1351 Broadway Street

Principal Office Rockville, MN 56369

Corporation, partnership, individual, joint

venture, other Corporation

Arkansas State General Contractor's License Number

004-676 0409

**EXPERIENCE STATEMENT**

1. Bidder has been engaged as a General Contractor in construction for 25 years and has performed work of the nature and magnitude of this Contract for 15 years. Bidder has been in business under its present name for 25 years.
2. 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 date.)
3. 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.)

**DOCUMENT 00140 - BIDDER'S QUALIFICATION STATEMENT (CONTINUED)**

4. Has Bidder ever failed to complete any project? If so, state when, where, and why.

NO-

5. Bidder normally performs the following work with his own forces:

Sewer & Watermain Construction

Tunnels

Site Work

6. Construction experience of key individuals in the organization is as follows  
(continued on attached sheets if needed):

Attch. 2

7. 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:

Liberty Insurance Company

Larry LaVenture

Wells Fargo Ins

4300 Market Point Drive, Suite 600

Bloomington, MN 55455

8. Bidder's Workmen's Compensation Experience Modifier Factor is: .70

**DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT**

Project Name: Wastewater System Improvement Project

Contract Name: Construction Contract Numbers EL-3 & EL-5

Contract No.: EL-3 Gravity Line; EL- 5 Gravity Line

Date: \_\_\_\_\_

**SUBMITTED TO:**

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

**SUBMITTED BY:**

Company \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Principal Office \_\_\_\_\_

Corporation, partnership, individual, joint  
venture, other \_\_\_\_\_

Arkansas State General Contractor's License Number  
\_\_\_\_\_

**EXPERIENCE STATEMENT**

1. Bidder has been engaged as a General Contractor in construction for \_\_\_\_\_ years and has performed work of the nature and magnitude of this Contract for \_\_\_\_\_ years. Bidder has been in business under its present name for \_\_\_\_\_ years.
2. 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 date.)
3. 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.)



## **John W Pennekamp**

Senior Estimator/Manager

### **Professional Experiences**

Mr. Pennekamp's construction management career includes over 37 years of continuous project experience in the construction industry. Construction experiences started with DOT works and evolved to predominately public works underground large diameter water and sanitary sewer facilities throughout the United States. This entailed comprehensive understanding of rock excavation, various soil types and compaction, dewatering methods, shoring systems, bridge and structure construction, street paving both asphalt and concrete, concrete curbs and sidewalks, project schedules and cash flows, critical path scheduling, shop drawing review, erosion control mitigation and permit requirements, OSHA standards and compliance, safety and quality control assurances. This also included subcontractor and supplier relationships, insurance, bonding and banking, partnering, value engineering, hard dollar and CM at risk projects with working relationships with the public, owners, engineers and private development along with various government agencies. The following projects are a sampling of Mr. Pennekamp's experience throughout the country:

#### **Education**

University of  
Wisconsin-Platteville

#### **Professional Licenses**

State of New Mexico  
Qualified Party for  
Classification GF09-  
Utility Lines - Cert #  
352291

Qualified Party for  
Classification GA01 -  
Streets, Roads and  
Highways - Cert #  
352292

City of Indianapolis, IN  
General Contractor  
License # C8248103

### **S.J. Louis Construction, Inc. Project Experience**

**Omaha, Nebraska, Platte West Well Field.** Mr. Pennekamp served as Senior Estimator and Senior Project Manager on the \$ 10.6 million dollar Project which involved 45,560 lf of 16 inch thru 54" Ductile Iron Pipe water collector mains and appurtenances (American Cast Iron Pipe). The project also involved construction of access roads to the various well sites.

**Lincoln, Nebraska, Stevens Creek Interceptor Sewer.** Mr. Pennekamp served as Senior Estimator and Senior Project Manager on the \$ 6.2 million dollar Sanitary Sewer to open up the development of Northeast Area of Lincoln, Nebraska to new development. The project consisted of 5,467 lf of 72" and 84" Fiberglass Sanitary Sewer with Structures and appurtenances (Hobas Pipe).

**Des Moines Metropolitan Wastewater Reclamation Authority, Des Moines, Iowa, East 20<sup>th</sup> Street; 4 mile Interceptor and Little 4 mile Interceptor Sewer.** Mr. Pennekamp served as the Senior Estimator and Senior Project Manager on the combined \$ 16.7 million dollar projects which involved 41,683 lineal feet of 36 inch to 66" inch Ductile Iron and RCP pipe in the WRA reclamation effort in Des Moines. Some of the project entailed 50 vertical deep excavations along with rock excavation, dewatering and bypass pumping.

**El Paso Water Utilities Public Service Board, El Paso, Texas.** Mr. Pennekamp served as Senior Estimator and Senior Project Manager in setting up the contracts for the combined \$ 18.2 million dollar projects which involved 33,000 lineal feet of 24 PVC Forcemain and 19,811 lf of 36 inch thru 60 inch Fiberglass Sanitary Sewer Pipe (Hobas Pipe). Some of the project had up to 45 vertical foot cuts to invert.

**Lewis and Clark Segments 1, 4, 5a, 3b, 6, and 7a, Sioux Falls, South Dakota.** Mr. Pennekamp served as a Senior Estimator for performing these contracts in excess of \$66 million requiring the installation of approximately 225,688-feet of cathodically impressed 36 to 54-inch CMCL/PC welded steel (Northwest and SpiralWeld Pipe) pipeline through multiple wetland, river, and creek crossings.

#### **ERS Constructors, Inc. Project Experience**

**East Cherry Creek Valley Water and Sanitation District, Arapahoe County, Colorado.** Mr. Pennekamp served as the Senior Estimator for this Design Build project that comprised of approximately 181,000-feet of 54 inch CMCL welded steel (Northwest Pipe) pipeline.

**Colorado Springs, Colorado.** Mr. Pennekamp served as the Senior Estimator for this \$ 10.1 million project that included 17,000-feet of 54-inch CMCL welded steel (Northwest Pipe) pipe.

#### **United States Army Project Experience**

Mr. Pennekamp served in the US Army as a Division Personnel Director during the Vietnam Conflict

**Education**  
Albany High  
School, Albany,  
MN

**Certifications**  
Confined Space  
Competent  
Person  
CPR/First Aid

**Industry  
Tenure**  
15 Years

## **Peter Schmitt**

General Superintendent

### **Professional Experience**

Mr. Schmitt's construction experience encompasses over fifteen years as a superintendent, a foreman, and a heavy equipment operator. He maintained a completion record from deep, gravity sewer projects to large diameter waterlines in the upper Midwest and southern states.

### **S.J. Louis Construction, Inc. Experience**

Mr. Schmitt's has worked growing continuously with the company since 1993. He has supervised and successfully completed projects in excess of \$25 million in revenues that have included miles and miles of WSP, PVC, DIP, Vylon, DIP, and RCP pipe, up to 54" in diameter over 40 feet deep through silty, sandy, and clayey soils through conditions requiring dewatering through the ways of wells, well points, sock-tiling, and traditional, box, rock, and pumping through poor soils crossing rivers, creeks, wetlands, and deserts. The following represent a sampling of Mr. Schmitt's last five year projects, please see attached for more project detail that pertain to this project.

**S. J. Louis Construction, Inc., Rockville, MN**

### **Projects:**

- 2007 The Preserve, Cottage Grove, MN  
2,200' sanitary sewer; 2,050' of less than 14" DIP; 3,000' storm sewer
  
- 2007 North Booster 2, El Paso, TX  
14,800' 36"
  
- 2007 Lewis & Clark Segment 1, Sioux Center, IA  
15,217' of less than 14"; 33,365' 16"-20"
  
- 2007 Lewis & Clark Segment 9, Sioux Falls, SD  
15,695' 30", 29,710' 36", poly coated steel
  
- 2006 Wastewater Collection, Viking, MN  
15,000' of less than 14" PVC
  
- 2006 Easy Way II Dual Force Main, El Paso, TX  
16,000' 24" dual force main (32,000' of 24" pressure pipe),
  
- 2005 Chester Heights, Rochester MN  
9,850' sanitary sewer; 14,900' force main; dewatering
  
- 2005 Underground Utility, Evansville, MN  
5,800' sanitary sewer; 2,750' of less than 14" DIP; 3,950' excavating
  
- 2004 Sterling Woods & J.R. Acres Area Impr., St Cloud MN  
15,000' sanitary sewer; 11,595' of less than 14" DIP; 3,005' 16"-20" DIP;  
dewatering; 18,000' excavating
  
- 2004 Morningside Acres 2<sup>nd</sup> Addition, Waite Park MN  
2,348' sanitary sewer; 2,850' of less than 14" DIP; 2,005' storm sewer;  
dewatering; 67,000' excavating
  
- 2003 2004 Pine View Plat 2, St. Augusta, MN  
25,092' sanitary sewer; 28,897' of less than 14" DIP; 1,001' 16"-20" DIP;  
5,059' force main; 1,983' storm sewer; 1,137' tunneling; 49,200' excavating.

**Denis J. Holthaus**  
General Superintendent

**Education**  
Albany High School, Albany,  
MN, 1962

**Certifications**  
Confined Space  
Competent Person  
CPR/First Aid

**Industry Tenure**  
40 Years

**Professional Experience**

Mr. Holthaus' construction experience encompasses over forty two years as a superintendent, a foreman, and a heavy equipment operator. He maintained a completion record from deep, gravity sewer projects to large diameter waterlines in the upper Midwest and southern states.

***S.J. Louis Construction, Inc. Experience***

Mr. Holthaus has worked growing continuously with the company since 1979. He has supervised and successfully completed projects in excess of \$20 million in revenues that have included miles and miles of WSP, PVC, DIP, PCCP, Vylon, DIP, and RCP pipe, up to 96" in diameter over 40 feet deep through silty, sandy, and clayey soils through conditions requiring dewatering through the ways of wells, well points, sock-tiling, and traditional, box, rock, and pumping through poor soils crossing rivers, creeks, wetlands, and deserts. The following represent a sampling of Mr. Holthaus's last year sanitary sewer projects, please see attached for more project detail:

Sioux Falls, SD - 13<sup>th</sup> and Kiwanis Avenue - 2007  
Sioux Falls, SD - East Side Sanitary Sewer 2 - 2007  
Sioux Falls, SD - East Side Sanitary Sewer Basin 26 - 2007

***North Central Underground Experience***

Mr. Holthaus was employed as a backhoe operator in 1976 and later was rehired and promoted to foreman from 1979 to 1983.

***DGB Construction Experience***

Mr. Holthaus owned and operated this utility construction company from 1976 to 1979.

***Hoffman Brothers Experience***

Mr. Holthaus was employed as a backhoe operator from 1970 to 1976.

***Three Way Construction Experience***

Mr. Holthaus owned and operated this utility construction company from 1965 to 1970.

***Army Experience***

Mr. Holthaus was an Active and Inactive member of the United States Army Reserves in 1963 - 1971.

### Personnel Data Sheet

Name: Dean Bahe

Address: 30984 County Road 13  
Belgrade, MN 56312

Telephone: (320) 267-2871

Education: Belgrade High School, Belgrade, MN

Experience: 1986 to Current  
**S. J. Louis Construction, Inc.**, Rockville, MN  
Job Title: Superintendent

2007 Southwest Corridor WM, Chesterfield, VA  
29,041' 16"-42" watermain

2006 Clearwater/Kimberlee, Baxter, MN  
7,700' sanitary sewer; 9,100' of less than 14" PVC; 640' force main;  
2,500' storm sewer; 8,800' excavating

2006 13<sup>th</sup> and Kiwanis Ave, Sioux Falls, SD  
24,787' sanitary sewer

2006 South Pipeline, West Jordan, UT  
15,500' 48" & 60" steel pipe

2006 Easy Way II Dual Force Main, El Paso, TX  
16,000' 24" dual force main (32,000' of 24" pressure pipe), 740' 84" tunnel  
liner plate (or 1,480' of 36" casing), one tie-in structure, corrosion  
monitoring and/or cathodic protection systems, dewatering, pavement  
restoration, 20-gate valves installed in concrete valve vaults, removal of  
approximately 1,070' of existing 36" waterline and all appurtenances

2005 Contract H, Brown Co., WI  
41,000' 48" steel watermain

2005 Platte West Well Field, Omaha, NE  
42,300' 16"-54" DIP watermain

2005 Lewis & Clark Rural Water System, Sioux Falls, SD  
47,660' steel watermain, 490' tunneling, dewatering

2005 Lewis & Clark 4, Sioux Falls, SD  
34,497' sanitary sewer

2005 East Side Sanitary Sewer 2, Sioux Falls, SD  
25,102' sanitary sewer; 33,319' force main

- 2004 Wastewater Collection, Clontarf, MN  
12,900' sanitary sewer, 5,000' force main, 445' tunneling
- 2004 Round Lake & Josephine Pipelines, Devils Lake, ND  
15,455' sanitary sewer
- 2004 Sanitary Sewer Improvements, Emmetsburg, IA  
10,520' sanitary sewer, 81' storm sewer, dewatering
- 2004 Development Improvement 2004, Little Falls, MN  
11,338' sanitary sewer; 7,110' of less than 14" DIP; 7,456' of 16"-20" DIP;  
4,257' storm sewer; 816' tunneling; 16,739' excavating
- 2004 Anoka Year 2004 Street Replacement Program, Anoka, MN  
13,835' DIP watermain; 5,650' force main; 6,383' storm sewer; 11,700'  
excavating; 2,700' paving
- 2003 South Loop Water, Carlsbad, NM  
71,565' 16"-30" concrete watermain
- 2002 Douglas Cty. Ida Township, Alexandria, MN  
133,947' sanitary sewer; 55,581' force main; 4,000' storm sewer; 3,905'  
tunneling; 20,000' excavating
- 2002 Duluth/North Shore Collection, Duluth, MN  
13,152' sanitary sewer; 133,371' force main; 3,480' storm sewer; 1,375'  
tunneling; 8,889' excavating

1980 to 1985

**Larson Waste Oil, Lake Crystal, MN**

Job Title: Driver

1978 to 1980

**Centennial Construction, Little America, MN**

Job Title: Foreman

1973 to 1978

**North Central Underground, Waite Park, MN**

Job Title: Laborer

1972 to 1973

**Hood Construction, Richmond, MN**

Job Title: Pipelayer

## SJ Louis Construction, Inc List of Project Experience

| Project Location | Description                                      | Contract       | Engineer                                                                    | Phone                          | Owner                                                             | Phone                           | Pipe                                                                                             |
|------------------|--------------------------------------------------|----------------|-----------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------|
| Des Moines, IA   | East 20th Street Collector Sewer                 | \$5,089,405.00 | Veenstra & Kimm Inc<br>3000 Westown Pkwy<br>West Des Moines, IA             | Bob Veenstra<br>515-225-8000   | City of Des Moines<br>400 First Street East<br>Des Moines, IA     | John F McKee<br>515-283-4920    | 2,450 If 42" San Sewer<br>6,700 If 66" San Sewer                                                 |
| Ida Twp MN       | Douglas County, MN                               | \$8,829,991.73 | Wildseth Smith Nolting<br>610 Fillmore St PO Box 102<br>Alexandria MN 56308 | Tim Bayer PE<br>320-762-8149   | Ida Township<br>c/o Bob Hildebrandt<br>3611 Betsy Ross Road NW    | Bob Hildebrandt<br>320-834-2604 | 197,433 If San Sewer                                                                             |
| El Paso, TX      | Eastside Interceptor Phase 4A- Part 1            | \$4,760,248.00 | Brown and Caldwell<br>1200 Golden Key Circle<br>El Paso, TX 79925           | Horacio Juarez<br>915-645-4400 | El Paso Water Utilities<br>1154 Hawkins Blvd<br>El Paso, TX 79925 |                                 | 6,459 If 48" San Sewer<br>2,966 If 60" San Sewer                                                 |
| Sioux Falls, SD  | East Side Sanitary Sewer                         | \$3,740,575.00 | HDR Engineering<br>6300 S Old Village PL<br>Sioux Falls, SD 57108           | Dan Graber<br>605-977-7740     | City of Sioux Falls<br>224 W 9th Street<br>Sioux Fall, SD 57104   |                                 | 26,433 If 15-24" San Sew<br>917 If 15-30" Stm Sew                                                |
| Lincoln, NE      | Stevens Creek Interceptor Sewer                  | \$6,228,713.00 | Carello Engineers<br>7007 Colledge Blvd-Site 550<br>Overland Park, KS 66211 | Brian Clow<br>816-942-5027     | City of Lincoln<br>K Street Complex<br>Lincoln, NE 68508          | Brian Kraemer<br>402-441-7987   | 2660 If 72" San Sewer<br>2807 If 84" San Sewer                                                   |
| Sioux Falls, SD  | East Side Sanitary Sewer 2                       | \$9,614,220.67 | HDR Engineering<br>6300 S Old Village PL<br>Sioux Falls, SD 57108           | Dan Graber<br>605-977-7740     | City of Sioux Falls<br>224 W 9th Street<br>Sioux Fall, SD 57104   |                                 | 33,494 If 16" San FMI<br>24,457 If 8-42" San Sew                                                 |
| Des Moines, IA   | WRA Little 4 Mile Interceptor Sewer South Branch | \$3,676,315.00 | Snyder & Associates<br>501 S W Orabator Road<br>Ankeny, IA 50021            | Al Munsterman<br>515-964-2020  | City of Des Moines<br>400 First Street East<br>Des Moines, IA     | John F McKee<br>515-283-4920    | 13,045 If 36" DI San Sew<br>44 If 42" DI San Sewer                                               |
| El Paso, TX      | Easy Way II Dual Forcemain                       | \$8,315,272.00 | Parkhill, Smith & Cooper<br>810 E Yandell<br>El Paso, TX 79902              | Pat Conover<br>915-533-6811    | El Paso Water Utilities<br>1154 Hawkins Blvd<br>El Paso, TX 79925 |                                 | 210 If 20" San Sewer<br>33,680 If 24" San Sewer                                                  |
| Sioux Falls, SD  | 13th and Kiwanis Ave Sewer 2                     | \$6,632,681.00 | HDR Engineering<br>6300 S Old Village PL<br>Sioux Falls, SD 57108           | Pat Dresen<br>605-977-7740     | City of Sioux Falls<br>224 W 9th Street<br>Sioux Fall, SD 57104   |                                 | 14,433 If 12-66" Stm Sew<br>5,926 If 8-24" San Sew<br>2,654 If 8-20" WMI                         |
| El Paso, TX      | Eastside Interceptor Phase 4A- Part 2            | \$5,221,000.00 | Brown and Caldwell<br>1200 Golden Key Circle<br>El Paso, TX 79925           | Horacio Juarez<br>915-645-4400 | El Paso Water Utilities<br>1154 Hawkins Blvd<br>El Paso, TX 79925 |                                 | 765 If 48" San Sewer<br>3,169 If 42" San Sewer<br>6,382 If 36" San Sewer<br>768 If 15" San Sewer |
| Yuma, AZ         | Avenue 9E Water & Sewer                          | \$3,190,696.00 | City of Yuma                                                                | Jay Simonton                   | City of Yuma                                                      | Jay Simonton                    | 2,630 If 12" Watermain                                                                           |

155 W 14th Street  
Yuma, AZ 85364

928-373-4500

155 W 14th Street  
Yuma, AZ 85364

928-373-4500

5,160 lf 42" DI WMM  
2,480 lf 6" San Sewer  
2,670 lf 15" San Sewer



**UNANIMOUS CONSENT TO ACTION  
OF THE SHAREHOLDERS AND DIRECTORS OF  
S.J. Louis Construction, Inc.  
May 1, 2008**

The following action is taken by the directors and shareholders of S.J. Louis Construction, Inc., by unanimous written consent, as if a meeting had been properly called pursuant to notice and all directors and shareholders entitled to vote on the matters presented herein had been present and voting in favor of such action.

RESOLVED, that James L. Schueller is the Sole Shareholder and Sole Director of this corporation.

RESOLVED, that the following persons are hereby appointed or re-appointed, as the case may be, to the offices of this corporation set opposite their respective names to hold office until their respective successors are chosen and qualify:

|                    |                                                                     |
|--------------------|---------------------------------------------------------------------|
| James L. Schueller | President                                                           |
| Les V. Whitman     | Executive Vice President                                            |
| Donald Meyer       | Chief Financial Officer, Vice President,<br>Secretary and Treasurer |
| Rustin Vogelgesang | Vice President                                                      |
| Gary Gartner, Jr.  | Vice President of Marketing/Estimating                              |

There are no other officers of S. J. Louis Construction, Inc.

RESOLVED, that the President or Chief Financial Officer are hereby authorized and empowered to sign all documents necessary for the performance of the business of S.J. Louis Construction, Inc.

RESOLVED FURTHER, the Executive Vice President, Vice Presidents, Mike Parsons, Michael Osmus, and Timothy Daniel are authorized to sign Construction Contracts, Construction Bids and Construction Bonds for S.J. Louis Construction, Inc.

RESOLVED FURTHER, that the President, Vice Presidents, and Trinity Houska are authorized to sign final pay estimates.

RESOLVED FURTHER, that Trinity Houska, Anita Mehle, and John Pennekamp are authorized to sign all documents necessary to construct and manage S. J. Louis Construction, Inc. projects, including construction bid submittals and interim pay estimates.

RESOLVED FURTHER, that Jeff Carlson, Jeremiah Monger, and Eric Malvin, are authorized to sign interim pay estimates, notices to proceed, and non-contractual documents of a routine nature related to the S. J. Louis Construction, Inc.'s construction projects.

RESOLVED FURTHER, that all prior signature authorizations are herein deleted, denied, and superseded by this Unanimous Consent to Action.

RESOLVED FURTHER, all acts pursuant thereto taken by members of the Board of Directors or by Officers of the Company since the last recorded meeting, are hereby ratified and approved in all respects.

IN WITNESS WHEREOF, the undersigned, constituting all of the shareholders and directors of the corporation entitled to vote on the matters presented herein, have executed this Unanimous Consent to Action In Lieu of Meeting, effective May 1st, 2008.

  
James Schueller, Director



BREMER BANK  
1100 WEST ST. GERMAIN STREET  
PO BOX 247  
ST. CLOUD, MINNESOTA 56302-0247  
(320) 251-3300 • FAX (320) 255-7149

April 28, 2008

S.J. Louis Construction  
Attn: Don Meyer  
1351 Broadway Street W.  
Rockville, MN. 56369

Re: Reference Letter

To Whom It May Concern:

S.J. Louis Construction, Inc., 1351 Broadway Street W., Rockville, MN and affiliates have been customers of Bremer Bank for the past 7 years, during which time they have handled both deposit and loan relationships satisfactorily. They currently have available a twenty million dollar (\$20,000,000) working capital line of credit, as well as, a two million (\$2,000,000) overline credit facility. Credit facilities extended to S.J. Louis Construction, Inc. are secured by business assets. All credit facilities are being handled satisfactorily.

Bremer Bank has favorable regard for management and we consider S.J. Louis Construction responsible for their financial commitments. If you have any questions, please feel free to contact me at (320) 255-7188.

Sincerely,

John D. Sertich  
Vice President  
Bremer Bank



Agenda Session 9/9/08

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  
September 16, 2008**

A meeting of the Fayetteville City Council will be held on September 16, 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**

**~~A~~genda Session Presentations:**

- ✓ 1. General Fund Budget Discussion
- ✓ 2. Current Issues Concerning Towing of Vehicles in the Entertainment District

**Mayor's Announcements, Proclamations and Recognitions:**

**Presentations, Reports and Discussion Items:**

**Agenda Additions:**

✓ **A. Consent:**

- 1. Approval of the September 2, 2008 City Council meeting minutes.

2. **Bid # 08-56 Hugg and Hall Equipment:** A resolution to award Bid # 08-56 to Hugg and Hall Equipment in the amount of \$48,300.00, plus tax of \$2,979.25 for a total amount of \$51,279.25 for a trailer mounted six-inch water pump.

3. **Bid # 08-62 Zachary & Associates, Inc:** A resolution to award Bid # 08-62 and approve the contract with Zachary and Associates to build the Gulley Park and Finger Park Pavilions at a cost of \$76,337.29 with a contingency of \$11,450.59.

4. **David's Fire Equipment:** A resolution to approve a quote from David's Fire Equipment for fire hose in the amount of \$11,646.05 (including tax) and a budget adjustment in the amount of \$11,700.00.

5. **ADM 08-3093 (Hill Place Culvert Removal):** A resolution to approve a request to modify and replant a portion of the tree preservation area associated with Hill Place PZD, in order to remove a culvert within College Branch Creek and to install a vehicular bridge, as described herein.

6. **Fayetteville Animal Shelter:** A resolution approving budget adjustments totaling \$23,110.00 from Animal Services miscellaneous donations to meet increased supply and operational costs at the Fayetteville Animal Shelter for the remainder of 2008.

7. **Carter & Burgess Inc. Amendment No. 2:** A resolution approving contract Amendment No. 2 to the engineering contract with Carter & Burgess, Inc. in an amount not to exceed \$28,800.00 for additional engineering services associated with the Lake Wilson Spillway Rehabilitation Project; and approving a budget adjustment.

8. **FY 2008 HUD EDI – Special Project Grant Agreement:** A resolution approving FY 2008 HUD EDI – Special Project Grant Agreement in the amount of \$656,600.00 to fund the Fayetteville Housing Partnership; approving a developers grant agreement with Rausch Coleman Homes, LLC; and approving a budget adjustment in the amount of \$656,600.00.

#### B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

2. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting.*

#### C. New Business:

1. **RZN 08-3065 (Hedge):** An ordinance rezoning that property described in rezoning petition RZN 08-3065, for approximately 1.0 acre, located at 1201 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to RMF-6, Residential Multi-Family, 6 units per acre.

Remove  
from  
Consent  
NB#6

2. **Amend Chapter 33, Departments, Boards, Commissions, and Authorities:** An ordinance to amend the Code of Fayetteville by enacting §33.228 through §33.337 in Article X, Historic District Commission.

3. **2008 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2008 fixing the rate thereof at 1.3 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.

*Change to a Resolution*  
*Get resolution from Kit, if we do not have it.*  
4. **Southpass Development Company, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a 50/50 cost-share agreement with Southpass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park.

5. **SJ Louis Construction, Inc:** A resolution to approve a bid in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill.

#### Announcements:

1. **City Council Tour: September 15, 2008**

#### Adjournment:

Add:

2008-2009 Selective Traffic Enforcement Program (STEP) Grant.

NB # 7 — Vantage Center R-PZD Vacation  
(VAC 08-3099)







*Pre Agenda Session*

**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  
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NB # 5  
5. **SJ Louis Construction, Inc:** A resolution to approve a bid in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill.

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#### B. Unfinished Business:

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2. **Amberwood Place Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting.*

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#4 3. **Southpass Development Company, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a 50/50 cost-share agreement with Southpass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the Southpass Development and the proposed City of Fayetteville Community Park.

#3 4. **2008 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2008 fixing the rate thereof at 1.3 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.

**Announcements:**

1. **City Council Tour: September 15, 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**

A handwritten signature in black ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **September 17, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of September 16, 2008**

1. **Bid #08-56 Hugg & Hall Equipment:** A resolution awarding Bid #08-56 to Hugg & Hall Equipment in the amount of \$48,300.00 plus tax of \$2,979.25 for a total amount of \$51,279.25 for a trailer mounted six-inch water pump;
2. **Bid #08-62 Zachary & Assoc., Inc.:** A resolution to award Bid #08-56 and approve the contract with Zachary & Associates to build the Gulley Park and Finger Park pavilions at a cost of \$76,337.29 with a contingency of \$11,450.59;
3. **David's Fire Equipment:** A resolution to approve a quote from David's Fire Equipment for fire hose in the amount of \$11,646.05 (including tax) and a budget adjustment in the amount of \$11,700.00;
4. **2008-2009 STEP Grant:** A resolution accepting the 2008-2009 Selective Traffic Enforcement Program grant in the amount of \$106,700.00 for the purpose of paying overtime to officers engaged in the enforcement of DWI/DUI and Seatbelt Laws and other purposes; and approving a budget adjustment recognizing the grant revenue;
5. **Fayetteville Animal Shelter:** A resolution approving budget adjustments totaling \$23,110.00 from Animal Services Miscellaneous Donations to meet increased supply and operations costs at the Fayetteville Animal Shelter for the remainder of 2008;



6. **Carter & Burgess, Inc. Amendment #2:** A resolution approving Contract Amendment #2 to the Engineering Contract with Carter & Burgess, Inc. in an amount not to exceed \$28,800.00 for additional engineering services associated with the Lake Wilson Spillway Rehabilitation project; and approving a budget adjustment;
7. **FY2008 HUD EDI – Special Project Grant Agreement:** A resolution approving FY2008 HUD EDI – Special Project Grant agreement in the amount of \$656,600.00 to fund the Fayetteville Housing Partnership; approving a developers grant agreement with Rausch Coleman Homes, LLC; and approving a budget adjustment in the amount of \$656,600.00;
8. **Hiring Freeze:** A resolution to approve the hiring of one Yvonne Richardson Center Program Coordinator for the Parks and Recreation Division;
9. **Amend Chapter 33, Departments, Boards, Commissions & Authorities:** An ordinance to amend the Code of Fayetteville by enacting §33.228 through §33.337 in Article X, **Historic District Commission**;
10. **2008 Millage Levy:** An ordinance levying a tax on the Real and Personal Property within the City of Fayetteville, Arkansas, for the year 2008 fixing the rate thereof at 1.3 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;
11. **SouthPass Development Company, LLC:** A resolution approving a 50/50 cost-share agreement with SouthPass Development Company, LLC for the upgrade of the WSIP Project EL-3 to serve the SouthPass Development and the proposed City of Fayetteville Community Park;
12. **Bid #08-61 SJ Louis Construction, Inc.:** A resolution to approve Bid #08-61 in the amount of \$5,253,795.00 plus a contingency of \$420,000.00 with SJ Louis Construction, Inc. for construction of a large gravity sewer main from Happy Hollow Road to Razorback Road and a sewer main from Country Club Hill.