

Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Final Agenda City of Fayetteville Arkansas City Council Meeting February 17, 2009

A meeting of the Fayetteville City Council will be held on February 17, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk

Agenda Additions:

A. Consent:

1. Approval of the February 3, 2009 City Council meeting minutes. **APPROVED.**
2. **Bid # 08-16 Kinco Constructors, LLC:** A resolution approving Change Order # 10 under Bid # 08-16 with Kinco Constructors, LLC in the amount of \$123,051.00 for the construction of Wilson Park Bridge and Trail Connection; and approving a 10% project contingency in the amount of \$12,305.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 36-09.

3. **Fire Department Donations:** A resolution approving a budget adjustment for the Fayetteville Fire Department in the amount of \$950.00 to recognize donation revenues from local businesses to fund fire employee service awards.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 37-09.

4. **McGoodwin, Williams & Yates, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with McGoodwin, Williams & Yates, Inc. in the amount of \$63,800.00 to update the Water Transmission and Distribution System Model and Master Plan; approving a contingency in the amount of \$5,347.00; and approving a budget adjustment in the amount of \$50,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 38-09.

5. **McGoodwin, Williams & Yates, Inc. Amendment No. 3:** A resolution approving Amendment No. 3 to the contract with McGoodwin, Williams & Yates, Inc. reducing the contract amount by \$947,298.00 for design and construction phase services of the West Side Wastewater Treatment Plant, Broyles Road and the Mitigation Wetlands of the Wastewater System Improvement Project (WSIP).

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 39-09.

6. **RJN Group Amendment No. 5:** A resolution approving Amendment No. 5 to the engineering contract with RJN Group in the amount of \$597,704.00 for WSIP West Side Collection System design and construction phase services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 40-09.

7. **Amend City Council Rules of Order and Procedure:** A resolution to amend the City Council Rules of Order and Procedure to add a new section concerning orientation of new alderman.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 41-09.

B. Unfinished Business:

1. **Villas at Stonebridge Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2170, Villas at Stonebridge, located south of Highway 16 East and east of Goff Farm Road; containing approximately 53.03 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was left on the First Reading at the December 2, 2008 City Council meeting. This ordinance was left on the Second Reading at the December 16, 2008 City Council meeting. This ordinance was left on the Second Reading at the January 6, 2009 City Council meeting and then tabled to the February 3, 2009 City Council Meeting.)*

This ordinance was left on the Second Reading at the February 3, 2009 City Council meeting and then tabled to the February 17, 2009 City Council Meeting.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5220.

C. New Business:

1. **CUP 08-3158 Wilkins Appeal:** A resolution to affirm the Planning Commission's granting of Conditional Use Permit (CUP 08-3158).

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 42-09.

2. **Bid # 09-12 LaRue Contractor, Inc.:** A resolution awarding Bid # 09-12 and approving a contract with LaRue Contractor, Inc. in the amount of \$947,628.99 for construction of Mount Sequoyah water and sewer improvements; and approving a project contingency in the amount of \$50,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 43-09.

3. **Pending State Legislation:** A resolution to express the City Council's opposition to any proposed state law that would constitute an unfunded mandate upon city taxpayers or would remove discretionary power of the City Council to control its budgetary expenses.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 44-09.

Announcements:

1. **City Council Tour:** None

Adjournment: Meeting adjourned at 8:50 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

Subject:	Roll				
Motion To:					
Motion By:					
Seconded:					
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	Atwood ✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan	✓			

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Lucas</i>			
<i>Minutes Approved</i> <i>Passed Res. 36-09 to 41-09</i>	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:	Villas at Stonebridge Appeal				
Motion To:		3rd Read	Pass		
Motion By:		Thiel			
Seconded:		Lucas			
B. 1 Unfinished Business <u>Passed</u> 5220	Lewis	✓	N		
	Gray	✓	✓		
	Thiel	✓	✓		
	Cook	✓	N		
	Petty	✓	N		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Mayor Jordan				

8-0

5-3

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:		CUP 08-3158 Wilkins Appeal			
Motion To:		<i>Deny appeal</i>			
Motion By:					
Seconded:					
C. 1 New Business	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
<i>Appeal denied Affirm DC decision 42-09</i>	Rhoads	✓			
	Ferrell	✓			
	Lucas	N			
	Mayor Jordan				

7-1

Subject:		Bid # 09-12 LaRue Contractor, Inc.			
Motion To:		<i>Pass</i>			
Motion By:		<i>Cook</i>			
Seconded:		<i>Gray</i>			
C. 2 New Business	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
<i>Passed</i> <i>43-09</i>	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

Subject:		Pending State Legislation			
Motion To:			Approve ✓		
Motion By:			Lucas		
Seconded:			Thiel		
C. 3 New Business <i>passed</i> 44-09	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
C. 4 New Business	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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3. **Pending State Legislation:** A resolution to express the City Council's opposition to any proposed state law that would constitute an unfunded mandate upon city taxpayers or would remove discretionary power of the City Council to control its budgetary expenses.

Announcements:

1. **City Council Tour:** None

Adjournment:

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE FIRE DEPARTMENT IN THE AMOUNT OF \$950.00 TO RECOGNIZE DONATION REVENUES FROM LOCAL BUSINESSES TO FUND FIRE EMPLOYEE SERVICE AWARDS.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for the Fayetteville Fire Department in the amount of \$950.00 to recognize donation revenues from local businesses to fund Fire Employee Service Awards.

PASSED and APPROVED this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE CONTRACT WITH McGOODWIN, WILLIAMS & YATES, INC. IN THE AMOUNT OF \$63,800.00 TO UPDATE THE WATER TRANSMISSION AND DISTRIBUTION SYSTEM MODEL AND MASTER PLAN; APPROVING A CONTINGENCY IN THE AMOUNT OF \$5,347.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$50,000.00.

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 Amendment No. 1 to the contract with McGoodwin, Williams & Yates, Inc. in the amount of \$63,800.00 to update the Water Transmission and Distribution System Model and Master Plan. A copy of the Amendment, 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 contingency in the amount of \$5,347.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of \$50,000.00.

PASSED and APPROVED this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 4
McGoodwin, Williams & Yates, Inc.
Amendment No. 1

Budget Year 2009	Department: Operations Division: Water & Sewer Maintenance Program: Capital Water Mains	Date Requested 2/4/2009	Adjustment Number 2 of 2
--------------------------------	---	---------------------------------------	--

Project or Item Added/Increased: Water System Master Plan Study.	Project or Item Deleted/Reduced: Water/Sewer Operations Study.
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Justification of this Increase: The Water Master Plan and system model needs to be completed. Investigations were done and the plan was initially developed and published in draft in 2004. This work will bring it up to date for 2009 both with respect to current field conditions and future plans.	Justification of this Decrease: The Water/Sewer Operations Study is no longer required to meet bond requirements, and the same information is evaluated and presented in the City's periodic rate studies. The last rate study was published earlier in 2008.
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Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Professional services	5400	1840	5314	00	50,000	02128	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Professional services	5400	1840	5314	00	50,000	02064	1

Approval Signatures		Budget Office Use Only	
Requested By	Date	Type:	A B C <u>D</u> E
Budget Manager	2/4/09	Posted to General Ledger	Initial Date
Department Director	4 Feb 09	Posted to Project Accounting	Initial Date
Finance & Internal Services Director	4 Feb. 09	Entered in Category Log	Initial Date
Mayor	2/4/09		

City of Fayetteville Staff Review Form

C. 3
Pending State Legislation
Page 1 of 20

City Council Agenda Items
and
Contracts, Leases or Agreements

2/17/2009

City Council Meeting Date
Agenda Items Only

Paul Becker, Finance Director

Finance

Submitted By

Division

Department

Action Required:

Approval of a City Council Resolution of Intent Regarding Pending Legislation.

\$ N/A -
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

2-3-09
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

2-6-09
Date

Original Contract Date:

Original Contract Number:

Paul a. Becker
Finance and Internal Services Director

2-9-09
Date

Received in City
Clerk's Office

ENTERED
2-3-09
Wan

[Signature]
Chief of Staff

2/9/09
Date

Received in
Mayor's Office

ENTERED
2/9/09
PK.

[Signature]
Mayor

2/9/09
Date

Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Lioneld Jordan, Don Marr, Chief of Staff and City Council Members

FROM: Paul A. Becker, Finance Director **PAB**

DATE: February 3, 2009

SUBJECT: **Pending State Legislation**

There have been numerous bills introduced in the state legislature that relate to Policemen's and Firemen's Pension and Relief Funds (the City's old pension plans). Many of these bills have no specific detail included as of yet. The city should oppose any pension bill with no specific details attached. The city should also oppose any bill which would require a municipality to consolidate local pension systems with the State LOPFI pension plan. Currently the municipality has the authority to send a local plan to LOPFI for consolidation. This should be a decision left to the discretion of the local Pension Board and City Council.

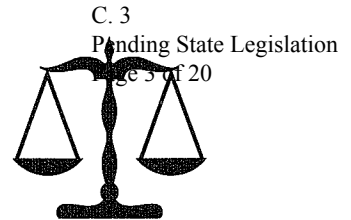
Finally, I recommend that in view of the current economic situation, the City oppose any legislation which would require additional local funding, because that in essence results in an unfunded mandate to cities already under financial stress.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor
City Council
Don Marr, Chief of Staff
Paul Becker, Finance Director
Missy Leflar, Human Resources Division Manager
Marsha Hertweck, Accounting Director

FROM: **Kit Williams**, City Attorney

DATE: **February 6, 2009**

RE: **"Shell" bills for pension law changes (SB 146, SB 222)**
SB 234 – extending health insurance for retired city officials, police and fire
HB 1199 – COLA for Fire and Police Pension

The Arkansas Legislature always tries to help our police and fire pensioners which is laudable except where such help will adversely affect our taxpayers and the power of our City Council to determine budgetary issues. Two "shell" bills (title and subtitle only – no actual wording for what the bill will actually say) have been filed that could severely impact Fayetteville's finances, direct money from working employees to pay retired employees, require tax increases, and remove the City Council's power to control this multimillion dollar budget issues.

Senate Bill 146 (attached) looks like it may try to do what House Bill 1099 proposed to do in 2007: **require** merger or consolidation of the old closed fire and police pension funds with LOPFI. Current law (A.C.A. §24-11-406 and §24-11-804) gives the **city councils** the right to determine whether or not to consolidate these old plans. This is important for plans such as those administered by our local pensioners for themselves. The pension boards have so increased their own benefits (payable immediately upon retirement regardless of age and now at 100% of their ending salary) that the pensions have so depleted their funds that they are not actuarially sound (with a \$20 million deficit anticipated). **Present law does not make a city responsible for these pensioner run funds.** If their fund gets depleted, the pensioners will statutorily have their benefits cut to only what the state turnback and continuing millage will pay.

However, **if consolidated or merged with LOPFI, this \$20 million deficit becomes the City of Fayetteville taxpayers' responsibility.** Fayetteville taxpayers "shall remit such actuarially computed amounts as are necessary to pay full benefits to current and future recipients." A.C.A. §24-11-804(b)(3)(E). This multimillion dollar city taxpayers' commitment should not be mandated by the State Legislature, but left to the judgment of the Fayetteville City Council.

House Bill 1099 of 2007 was withdrawn after we brought this problem to the attention of its sponsor, Representative Eric Harris. (See Attached memo of 2-2-07) Hopefully Senator Jeffress will ensure his SB 146 will also not require such merger or consolidation without City Council approval.

Senate Bill 222 by Senator Laverty (attached) may not be adverse at all to our citizens. However, as a shell bill, we should be wary of any amendment "regarding funding local retirement liabilities for local police and fire personnel." My primary concern remains that we should not be **forced** to merge or consolidate our old plans with LOPFI nor to add **further** taxpayer support for these closed plans which remain supported by millage. Shell bills dealing with "retirement liabilities" just make me nervous.

Senate Bill 234 by Senator Elliott makes some confusing changes to A.C.A. §24-12-129 to provide health insurance coverage to retired city officials (mayors, etc.) and retired police and fire uniformed officers. Currently, such retirees who reach 55 years of age and pay for the city's portion and employee's portion of the health insurance premium can keep our city's group health insurance. (A.C.A. §24-12-129) This law currently has a small adverse affect (because of the age of participants) on our premiums, but provides a good benefit for retired city officials, police and fire (but no civilian employees).

Unfortunately Bill 234 could be "very expensive" as explained by Missy Leflar's e-mail, Accounting Director Marsha Hertweck's memo of February 2, 2009 and Paul Becker's memo of February 4, 2009 (all attached). This bill changes the law to state that these retirees "may continue to participate in the municipality's health care plan, receiving the same medical benefits and paying the same premium as active employees."

Struck from the current law was the ending clause that makes a giant financial impact on taxpayer revenues: "as long as the retired official or employee pays both employer and employee contributions to the health care plan." Striking

those words could mean that those retirees would only pay “the same premium as active employees,” and not need to pay the City’s portion of the premium.

This would be an immediate annual cost to our taxpayers of \$43,899.00 for current retirees. However, this major subsidy of retiree health insurance premium would certainly substantially increase the number of retired police and fire seeking this benefit so the annual cost would likely escalate dramatically in the future.

I do not think Senator Elliott actually intends to force municipalities to pay this unfunded mandate. Subsection (b) says cities “may choose to pay any portion of the employer and employee contributions” Unfortunately, the striking of the earlier clause requiring an employee to pay “both employer and employee contributions” makes it likely that a Court would interpret the language “paying the same premium as active employees” to mean retirees could never be forced to pay the City’s portion of the health insurance premium as required by current law.

If SB 234 did not delete that last clause and still added subsection (b) as Senator Elliott proposes, a city council could **voluntarily choose** to pay some or all of all city officials’, police officers’ and firefighters’ health insurance premium. That would not be an unfunded mandate (like it probably is as currently proposed).

House Bill 1199 by Representative Hoyt apparently seeks to push 3% COLAs on the old police pension boards as if the pension boards cannot think about doing it themselves. (Both of our old pension boards have granted themselves 3% Five-year COLAs). What this bill will do is to require an actuarial study done every year for every closed police pension plan in Arkansas (even if the plans, like ours, are clearly not “actuarially sound”). Every year, our plan would have to pay for a needless actuarial study to conform that a 3% COLA would still not be “actuarially appropriate.”

Of course this bill would be worse if it did not require the COLA to be “actuarially appropriate” and so deplete the pension fund to zero that much faster. Attached is Paul Becker’s memo of February 5, 2009 about this bill.

Senate Bill 237 by Senator Elliott would “provide that police officers and firefighters with certain diseases (as yet not listed) will be presumed to have been injured in the line of duty for disability retirement benefits.” I am not sure why the present system requiring medical evidence and the pension board’s decision should be replaced by the State Legislature’s decision. The list of such “certain diseases” will be interesting (and of course can be added to by later legislative action).

Every officer retired for a disease requiring a presumed disability will have to be supported by the taxpayers just as his or her replacement officer. An officer actually injured in the line of duty should certainly receive the pension rights as currently authorized by state law. But citizen support for disability pensions might erode if the legislature grants "in the line of duty ... disability retirement benefits" for officers who do not appear disabled, have fully recovered, or who cannot link their disease to their work. I guess I do not know what problem Senator Elliott is attempting to solve.

CONCLUSION

Several filed House or Senate bills (especially SB 146) may have serious financial ramifications for Fayetteville taxpayers or remove the City Council's power over major budget issues.

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S OPPOSITION TO ANY PROPOSED STATE LAW THAT WOULD CONSTITUTE AN UNFUNDED MANDATE UPON CITY TAXPAYERS OR WOULD REMOVE DISCRETIONARY POWER OF THE CITY COUNCIL TO CONTROL ITS BUDGETARY EXPENSES

WHEREAS, the City of Fayetteville has a outstanding cadre of dedicated and highly competent employees; and

WHEREAS, the Mayor and City Council are committed to assuring that all city employees receive the compensation and benefits that they deserve; and

WHEREAS, the Mayor and City Council appreciate the concerns expressed in pending legislation before the 87th Arkansas General Assembly to assure adequate benefits for local government employees and retirees; and

WHEREAS, municipal governments have limited powers and avenues for securing revenues and can utilize only such means as are specifically granted by state legislation; and

WHEREAS, several "shell" bills (title only) have been filed in the 87th Arkansas General Assembly that could severely impact the finances of the City of Fayetteville and its taxpayers; and

WHEREAS, pending legislation would "require pension plans under local police and fire pension and relief funds to merge with (LOPFI)"; and

WHEREAS, current state law gives the City Council the discretion of whether or not such merger should occur because such merger would require Fayetteville and its taxpayers to be liable for the multimillion dollar unsoundness of the pension plans; and

WHEREAS, any other bills which could impose an unfunded mandate or reduce the City Council's power or discretion over budgetary matters should not be enacted.

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 requests that the 87th Arkansas General Assembly ensure that any bills it considers will not place an unfunded mandate on cities and their taxpayers nor remove a city council's authority to determine whether or not old police and fire pension plans should be consolidated with LOPFI (with the substantial resulting expense for the city and its taxpayers).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby requests that the 87th Arkansas General Assembly provide full state funding for any mandated changes in benefits for employees and retirees of local governments.

PASSED and **APPROVED** this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 146

4
5 By: Senator J. Jeffress
6
7

For An Act To Be Entitled

8
9 AN ACT TO REQUIRE PENSION PLANS UNDER THE LOCAL
10 POLICE AND FIRE PENSION AND RELIEF FUNDS TO MERGE
11 WITH THE LOCAL POLICE AND FIRE RETIREMENT SYSTEM
12 WHEN CERTAIN REQUIREMENTS ARE MET; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 TO REQUIRE PENSIONS PLANS UNDER THE
17 LOCAL POLICE AND FIRE PENSION AND RELIEF
18 FUNDS TO MERGE WITH THE LOCAL POLICE AND
19 FIRE RETIREMENT SYSTEM WHEN CERTAIN
20 REQUIREMENTS ARE MET.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. The purpose of this act is to require pensions plans under
26 the Local Police and Fire Pension and Relief Funds to merge with the Local
27 Police and Fire Retirement System when certain requirements are met.
28
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36



Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 222

By: Senator Lavery

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS CODE REGARDING
FUNDING LOCAL RETIREMENT LIABILITIES FOR LOCAL
POLICE AND FIRE PERSONNEL; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE ARKANSAS CODE REGARDING
FUNDING LOCAL RETIREMENT LIABILITIES FOR
LOCAL POLICE AND FIRE PERSONNEL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. The purpose of this act is to amend the Arkansas Code
regarding funding local retirement liabilities for local police and fire
personnel.



Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas

2 87th General Assembly

3 Regular Session, 2009

A Bill

SENATE BILL 234

4
5 By: Senator Elliott
6
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING HEALTH CARE BENEFITS FOR
10 MUNICIPAL OFFICIALS AND EMPLOYEES WHO ARE
11 ELIGIBLE FOR UNREDUCED RETIREMENT WITH ANY STATE
12 OR LOCAL PENSION AND RELIEF FUND; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT CONCERNING HEALTH CARE BENEFITS
17 FOR MUNICIPAL OFFICIALS AND EMPLOYEES
18 WHO ARE ELIGIBLE FOR UNREDUCED
19 RETIREMENT WITH ANY STATE OR LOCAL
20 PENSION AND RELIEF FUND.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 24-12-129 is amended to read as follows:
26 24-12-129. Municipal officials and employees.

27 (a) When any municipal official or municipal employee ~~age fifty-five~~
28 ~~(55) or over who has completed twenty (20) years of service to the~~
29 ~~municipality and who is vested in the retirement system~~ who is eligible for
30 an un-reduced retirement with any state-supported or government-based local
31 pension and relief fund retires, the official or employee may continue to
32 participate in the municipality's health care plan, receiving the same
33 medical benefits and paying the same premium as active employees ~~as long as~~
34 ~~the retired official or employee pays both employer and employee~~
35 ~~contributions to the health care plan.~~

36 (b) Each municipality may choose to pay any portion of the employer



SB234

1 and employee contributions to the municipality's health care plan so long as
2 all retired municipal officials and municipal employees within each
3 municipality are treated equally with regard to the dollar amounts that are
4 paid by the municipality toward health care coverage of each retiree.

5 (c) The retired municipal official or retired municipal employee shall
6 pay the amount of the health care premium that is not paid by the employer.

From: Missy Leflar
To: Don Marr; Kit Williams; Lana Broyles; Lioneld Jordan; Paul Becker
Date: 1/27/09 11:15AM
Subject: ALERT: This legislation would be very expensive

Lana spotted this proposed legislation change.

It would be very expensive for the City and, as I read it, would reduce a benefit for merit employees. It might also indirectly hurt all existing employees.

At present, if any municipal employee aged 55 or older who has served 20 years with the City retires, they can stay on the City's health insurance as long as they want, provided they pay both their part and the employer part.

People like this. They can hold on to their Blue Cross if they prefer it over Medicare.

The proposed change would, first, limit the legislation to uniformed employees who are on LOPFI (or "old LOPFI") and would force the City to continue to pay its portion of their Blue Cross for as long as the employee lives. So it hurts merit employees and hurts the City financially.

To give you an idea, the City presently pays around \$210 a month for an employee's individual coverage and around \$520 a month for an employee's family coverage. That obligation stops when the employee leaves the City.

Where this indirectly hurts all existing employees is that this amendment says "whatever you pay for existing employees, you have to pay for pension retirees". This means that the City's only recourse to offset the increased expense would be to reduce the portion of what it pays FOR ALL EMPLOYEES.

This is very bad proposed legislation. I don't know who y'all go to on these things (Lindsley Smith?) but someone in a position to lobby against it should be consulted, in my opinion.

Missy Leflar
Human Resources Division Manager
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
PH: 479-575-8298
Fax: 479-718-7698
E-mail: mleflar@ci.fayetteville.ar.us

CC: Krista Laningham; Marsha Hertweck



THE CITY OF FAYETTEVILLE, ARKANSAS

To: Paul Becker, Finance Director

From: Marsha Hertweck, Accounting Director 

Date: February 2, 2009

Subject: Pending Senate Bill 234

I have read Senate Bill 234 amending Arkansas Code 24-12-129. My interpretation of the bill is that this amendment would require municipalities with vested retired officials and employees in a state supported fund or a local based pension and relief fund to pay the same premiums of the City's health insurance cost for retirees as it pays for active employees. As worded it appears to exclude employees in a defined contribution plan such as our general employee plan. The current law allows employees that retire at 55 or older and have 20 years of service to remain in the City's health insurance plan and they pay the entire cost of the insurance premium.

The City presently has five retired employees on the traditional Blue Cross family plan, three on the traditional single plan and one on the HSA family plan. If the City was required to pay the same benefit for these retired employees as active employees, the cost to the City would be \$529 for those on traditional family plan, \$217 for those on the traditional single plan and \$354 for those on the family HSA for a total cost of \$43,800 annually. It is likely that many more retirees would stay in the City's health care program if the City is required to pay this benefit and these current costs would probably multiply.

The present law allowing retired employees to stay in the health care plan has a slight cost to the City in that older participants increase the overall cost of the plan. In accounting terms this increased cost is called an implicit cost and the City is required to have an actuarial study performed every two years to determine this cost and to accrue the liability in the government-wide financial statements. The current liability for the City is \$2,733,600 and the annual required contribution to fund this liability for the end of 2008 was \$354,059 per the latest actuarial study. The City does not fund this liability but uses a pay as you go approach.

If the City is required to pay a portion of the premium for retired employees the annual required contribution to fund the liability will greatly increase and the City will have to look at some funding mechanism other than pay as you go. So aside from the \$43,800 of increased current costs, the City will also need to fund the liability of future costs of this benefit program.

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Lioneld Jordan and City Council Members

FROM: Paul A. Becker, Finance Director **PAB**

DATE: February 4, 2009

SUBJECT: **SB-234---Changes in the Ability for Retired Employees to Obtain Insurance through the Employers' Plan**

Attached is an analysis I asked Marsha Hertweck to do. This bill has several major problems:

- In its present form, the bill would exclude any employees except uniformed employees, which would affect other municipal workers currently on the Employers' plan.
- If I read the bill correctly, the City would be required to pay for the City portion of costs which, if the current employees continued to carry our insurance, would be an immediate cost of \$43,800 (assuming the same individuals currently covered are eligible).
- A bigger problem would be that since the cost would be much less than that for private coverage, more retired employees would select coverage.
- The biggest problem would be the implicit cost to the City (an actuarially derived number required by current accounting principles) would go up dramatically and have a significant impact on our financial statements.



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Lioneld Jordan and City Council Members

CC: Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director

DATE: February 5, 2009

SUBJECT: **HB-1199 – An Act to Allow a Cost-of-Living Adjustment for All Police Officers Retired Under The Old Police Pension Plans That are Managed By The Local Fire Police And Fire Pension System**

If my understanding of this bill is correct, police and fire retirees under old pension plans would receive an automatic 3% cost-of-living increase each year if actuarially appropriate. Currently this is an issue decided by the local pension oversight boards (if allowed by the Arkansas Pension Review Board). This legislation would take away local control of this issue and would force increased costs on the old local pension funds. This decision should be left to the local pension oversight boards.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas

2 87th General Assembly

3 Regular Session, 2009

A Bill

HOUSE BILL 1199

4
5 By: Representative Hoyt

For An Act To Be Entitled

9 AN ACT TO ALLOW A COST-OF-LIVING ADJUSTMENT FOR
10 ALL POLICE OFFICERS RETIRED UNDER THE OLD POLICE
11 PENSION RETIREMENT PLANS THAT ARE MANAGED BY THE
12 ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM;
13 AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO ALLOW A COST-OF-LIVING
17 ADJUSTMENT FOR ALL POLICE OFFICERS
18 RETIRED UNDER THE OLD POLICE PENSION
19 RETIREMENT PLANS THAT ARE MANAGED BY THE
20 LOCAL POLICE AND FIRE RETIREMENT SYSTEM;
21 AND FOR OTHER PURPOSES.

22
23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. Arkansas Code Title 24, Chapter 11, Subchapter 4 is amended
27 to add an additional section to read as follows:

28 24-11-439. Compounded cost-of-living adjustments.

29 (a) Beginning July 1, 2009, and each July 1 thereafter which is at
30 least twelve (12) months after the effective date of a monthly benefit, each
31 city or town having a policemen's pension and relief fund that is organized
32 under any existing statute of this state and each city or town that covers
33 its police department under the Arkansas Local Police and Fire Retirement
34 System shall redetermine the benefit amount effective each July 1, and the
35 redetermined amount shall be payable for the ensuing year.

36 (b) The redetermined amount shall be the amount of the benefit payable



HB1199

1 as of the immediately preceding June 30 plus a three percent (3%) cost-of-
2 living increase.

3 (c)(1) The benefit provisions provided in subsections (a) and (b) of
4 this section shall be:

5 (A) Implemented according to rules of the board of
6 trustees of the policemen's pension and relief fund; and

7 (B) Actuarially appropriate for the policemen's pension
8 and relief fund.

9 (2) Before increasing a benefit under this section, the board of
10 trustees of the policemen's pension and relief fund shall file relevant
11 information concerning the actuarial appropriateness of the action with the
12 Arkansas Fire and Police Pension Review Board.

13
14 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that retired police officers are
16 not receiving a cost-of-living increase in their retirement benefits; that
17 the cost of living has increased substantially; and that a cost-of-living
18 increase is necessary to ensure the health and well-being of our retired
19 police officers. Therefore, an emergency is declared to exist and this act
20 being necessary for the preservation of the public peace, health, and safety
21 shall become effective on July 1, 2009.

Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.

1 State of Arkansas

2 87th General Assembly

3 Regular Session, 2009

A Bill

SENATE BILL 237

4
5 By: Senator Elliott

For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT POLICE OFFICERS AND
10 FIREFIGHTERS WITH CERTAIN DISEASES WILL BE
11 PRESUMED TO HAVE BEEN INJURED IN THE LINE OF DUTY
12 FOR DISABILITY RETIREMENT BENEFITS UNDER THE
13 LOCAL POLICE AND FIRE RETIREMENT SYSTEM AND UNDER
14 FIRE PENSION FUNDS; AND FOR OTHER PURPOSES.

Subtitle

17 TO PROVIDE THAT POLICE OFFICERS AND
18 FIREFIGHTERS WITH CERTAIN DISEASES WILL
19 BE PRESUMED TO HAVE BEEN INJURED IN THE
20 LINE OF DUTY FOR DISABILITY RETIREMENT
21 BENEFITS.

22
23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. The purpose of this act is to amend Arkansas Code, Title
27 24, Chapter 10 to provide that police officers and firefighters with certain
28 diseases will be presumed to have been injured in the line of duty for
29 disability retirement benefits.



Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
February 03, 2009**

A meeting of the Fayetteville City Council was held on February 03, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Petty, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Special Business:

Niokaska Creek: A resolution to name the creek that begins on Mt. Sequoyah near Root Elementary School “Niokaska Creek.”

City Attorney Kit Williams read the resolution.

Cathy VonHatten, Art Teacher at Root Elementary thanked the Council for their hospitality. She gave an explanation of the school’s project and how naming the stream came about.

Megan Olson, a student of Root Elementary School gave an explanation of the research conducted by her class.

Taylor Powell, a student of Root Elementary School listed the findings of her class.

Ruby Ericson, a student of Root Elementary School read a research paper prepared by her class.

Cathy VonHatten asked the members of Root Elementary School if they supported the proposal.

The members of Root Elementary School responded by saying yes.

Fay Jones, Principal at Root Elementary School summarized their resolution. She asked the Council to approve the Resolution.

Mayor Jordan: On behalf of myself and the Council that was one of the most entertaining presentations I have had since I have been on this Council. Thank you all for coming. Well done.

Kyle Krugger with Ecological Engineering Group at the University expressed his concerns and stated I would like you to focus on just the tributary that flows into Mud Creek and having just that named Niokaska Creek because Mud Creek starts above that. From a scientific standpoint data has been collected and stored as Mud Creek and if you change the name of the creek that could cause confusion as well as all the signage that is already along the trail and stream.

Alderman Thiel: I have had some calls of concern about changing the name of all of Mud Creek. I wondered if someone from the Parks Board was here to comment on this and I would like to ask what staff thinks about the cost that is going to be incurred from changing the entire area.

Connie Edmonston, Parks and Recreation Director: The Parks Board did approve for just the unnamed tributary to be named Niokaska. As far as Mud Creek goes there is a lot that would have to be renamed. We have signage and mileage on the trails and all our brochures would have to be redone. There are other departments that have some connection to that. Water and Sewer have concerns that they might like to address with you.

David Jurgens, Water and Wastewater Director: I love the renaming but I would echo the request that if you just do the unnamed tributary portion that is really easy but when we actually change the name that complicates data basis all the way up to Federal EPA level.

Alderman Thiel: Who is the main representative from the school? It was my understanding that the students were supporting the unnamed tributary and that is all they wanted to rename.

Fay Jones: That is correct.

Alderman Thiel: So they would be satisfied and happy with just renaming that portion and not the entire Mud Creek.

Fay Jones: Yes. Our research was just on the tributary that runs down beside the schools and drops right behind the school and runs through Jackson Farm.

Alderman Petty moved to amend the resolution to remove Section 2. Alderman Lewis seconded the motion.

Alderman Ferrell: I think this is wonderful. I certainly feel our future is secure and great when we have students, teachers, and staff that come to the City Council and give the presentation like they gave tonight. Thank you very much!

Alderman Lewis clarified the reference to the Illinois River in the resolution.

Upon roll call the motion passed unanimously.

Alderman Petty: Two years ago I was involved with the School District Administration to form the Green Teams at each of the schools. We worked out that we wanted to involve the students in our communities. I am very glad and proud of what you are doing with your Green Team so please keep up the good work next year.

Alderman Lucas moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 17-09 as Recorded in the office of the City Clerk.

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items:

False Alarm Ordinance 5083 Discussion

Police Chief Greg Tabor gave an explanation of the ordinance. He stated this has been a painful process and we hope to get this started by March 1st. I would suggest that you table it for some period of time.

James Butch Coker who works in the alarm business stated when this ordinance was written we had no notification of it and I was not involved at that point. False alarms are a problem and need to be dealt with. He brought up conflicts between various sections of the Code regarding alarms. He stated there are several things that can be done to make this ordinance more user friendly and fair to the citizens of Fayetteville. He expressed his concerns with the current ordinance. He stated I would be happy to work with the Police Department to redefine this before we put it in order and try to get a good clean ordinance to begin with.

Barbara Fraley, with Secure Us, Inc. expressed her concerns with the letter that is going out to their customers from Cry Wolf. She stated I would also like to offer my services to the Fayetteville Police Department to reword this letter. I would like to see this program work but I think we need to make it a little more friendly.

Alderman Ferrell: Where this has been invoked in other places does it lower the number of false alarm reports?

Barbara Fraley: From what little reading I have seen yes that is true. We also have our heavy hitters in this area that are the major offenders. I do agree that it is more commercial than residential issues.

Police Chief Greg Tabor: I did not ask for this to be tabled to change it. I am not making any proposals at this time to change the ordinance. I think the ordinance is as good as it can be for right now. Until we get into it and see what the issues are I am not proposing any changes at this time. The domestics that we are called out on are crimes, false alarms are not crimes. When we show up at a domestic there is a serious crime going on. Alarms are a high priority at the Police Department, we send two officers when they are available. We do not divert officers going to alarms. He also explained how the fees were determined by the City. He stated this is not about making money but about better utilization of our resources and cutting down on the number of false alarms.

Alderman Lewis: I have a question about tabling it; does that mean it will then go to Ordinance Review?

City Attorney Kit Williams: The only thing they are talking about is not tabling the ordinance but tabling the first review of how the ordinance is working.

Alderman Thiel: The Ordinance Review Committee worked very hard and long on this ordinance. I agree with Chief Tabor, we need to see how it works before we start tweaking it.

City Attorney Kit Williams: I think you should at least give it 90 days so that you would have a chance with the Police to work out some figures.

Police Chief Greg Tabor: The purpose of tonight's meeting was to look at a years worth of data that we had collected.

Alderman Thiel: The letter that Cry Wolf has prepared has not been sent out to everyone yet right?

Police Chief Greg Tabor: I do remember seeing some letter that Cry Wolf asked for my approval on but I do not remember it being in all bold and red. I would be surprised if I would approve anything that was that pushy.

Captain William Brown: The part in red is to alert people that they will be affected by this ordinance if they live in the City limits.

Alderman Gray suggested scheduling the discussion for the June 2, 2009 City Council Meeting.

Mayor Jordan: That is what we will do.

Agenda Additions:

Alderman Cook announced the Board and Committee vacancies and stated the deadline for applications is February 27, 2009.

City Attorney Kit Williams: We will need to suspend the rules to place these items on the agenda.

Alderman Ferrell moved to suspend the rules and place 3 additional resolutions on the agenda. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

Dead Horse Mountain Bridge Replacement Project: A resolution approving a payment in the amount of \$395,111.00 to the Arkansas Highway & Transportation Department (AHTD) for the City's portion of the construction costs associated with the Dead Horse Mountain Bridge Replacement Project.

Alderman Ferrell: For a long time we talked about the Dead Horse Mountain Bridge and yesterday Ron said the State was waiting on our check to move forward. We have sufficient funds in the bridge fund to pay for it so the quicker we get this check to them the quicker they will start on it.

City Attorney Kit Williams read the resolution.

Ron Petrie gave a brief description of the project. He stated we are pleased with the bids the Highway Department got. The bridge itself will be replaced in its current location so this portion of the street will be closed during the duration of this construction and there will be detours in the area.

Alderman Thiel: This is considerably less money than if we would have done this project several years ago right?

Ron Petrie: Yes.

Alderman Thiel: I certainly support this.

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

Resolution 18-09 as Recorded in the office of the City Clerk.

City Employees Recognition: A resolution to thank City employees for their dedicated and efficient, around-the-clock efforts to clear City streets under harsh and difficult conditions.

City Attorney Kit Williams read the resolution.

Alderman Petty: I think this resolution speaks for itself that our City staff and administration did a job that is nothing short of amazing during this event. I just wanted to bring this forward to recognize them.

Mayor Jordan: I too want to echo that. I think we have the finest staff in the State of Arkansas. He described the efforts of various departments during and after the storm. He thanked them for a tremendous job.

Alderman Rhoads moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 19-09 as Recorded in the office of the City Clerk.

AEP/Swepco and Ozarks Electric Cooperative Recognition: A resolution to thank AEP/SWEPCO, Ozarks Electric Cooperative and their employees for their quick response and hard work to restore power to Fayetteville citizens.

Alderman Thiel moved to amend the resolution to add Ozarks Electric Cooperative. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Alderman Petty: I knew that honoring the utilities might be controversial but I think they did excellent work and we should recognize them for the work that they have done and try to establish an honest relationship with them.

Alderman Lewis: I agree that the workers and the people that arrived on scene have been phenomenal. There are a lot of concerns being directed my way on the corporate side of these companies so I have a lot of concerns about the business itself and not necessarily the workers. I like this idea but there needs to be a review of how we are working as a city with the electric companies. Maybe that can be part of the emergency plan that has been mentioned by the Mayor.

City Attorney Kit Williams: Perhaps the Mayor can respond about the corporate side of SWPECO. Did they work with you Mayor?

Mayor Jordan: They did. I called Mr. Deweese several times and Mitchell Johnson from Ozarks Electric. I was in a lot of contact with them. I felt they were working as quickly as they possibly could to restore the power. I thought they were very workable and easy to get a hold of.

Don Marr, Chief of Staff: As early as 8:20 a.m. on Tuesday morning we received a call from SWEPCO representatives communicating to us that they were bringing in 500 people into the area. They had people out that afternoon. We got updates from not only each of the companies but also through our State Legislative Representatives. Sometimes the challenge was getting the

information that was going into a central operations center out to the individual cities. Not that the utility companies were not communicating.

Mayor Jordan: It wasn't just SWEPCO and Ozarks Electric; it was also the Governor's office, the County Emergency office, etc. It was quite a week and they worked well with us.

Alderman Gray: I would suggest that in our disaster plan we put some calculated schedule of when they are going to be reporting to the City. They would call and not be able to get through and that would help if they could get through.

Mayor Jordan: We had a 24 hour hotline and it certainly was hot.

Alderman Petty: With my experience of dealing with SWEPCO during this outage I received three updates a day from Mr. Cox. I was extremely thankful for that and I think they were about as responsive and did as good of job as possible in an emergency like this.

Alderman Ferrell: I think we should leave the resolution as an atta boy rather than attaching anything to it. He went on to give past experiences while working for a utility company.

Alderman Lucas: I know the frustration but in the emergency plan maybe we can have several lines and get the word out that in that case people can call and find out what is going on.

Mayor Jordan: The first day we asked the staff for the emergency plan and we did not have a very good one. I want the Council and citizens to know that the next time we will have an emergency plan in place.

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

Resolution 20-09 as Recorded in the office of the City Clerk.

Consent:

Approval of the January 20, 2009 City Council meeting minutes.

Approved

Bids for Bulk Construction Materials: A resolution awarding Bids # 09-02, # 09-03, # 09-05, # 09-06, # 09-07 and Bid # 09-10 and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,156,126.75.

Resolution 21-09 as Recorded in the office of the City Clerk.

Bid # 09-08 Asphalt & Aggregate Materials: A resolution awarding Bid # 09-08 and approving the purchase of asphalt and aggregate materials utilized by various divisions of the City of Fayetteville in the estimated amount of \$250,000.00 for the first quarter of 2009.

Resolution 22-09 as Recorded in the office of the City Clerk.

Bid # 09-11 Southern Tire Mart, LLC: A resolution awarding Bid # 09-11 and accepting a proposal from Southern Tire Mart, LLC to supply recap tires per specifications outlined in the bid for a period of one year with four automatic one-year renewals.

Resolution 23-09 as Recorded in the office of the City Clerk.

Bid # 09-13 Neenah Foundry Company: A resolution awarding Bid # 09-13 and approving the purchase of 126 cast iron tree grates from Neenah Foundry Company in the amount of \$101,049.70; and approving a 5% project contingency in the amount of \$5,052.49.

Resolution 24-09 as Recorded in the office of the City Clerk.

Bid # 09-15 North Point Ford: A resolution awarding Bid # 09-15 and approving the purchase of nine (9) Ford Crown Victoria Police Interceptors from North Point Ford of North Little Rock in the amount of \$197,091.00 plus approximately \$7,000.00 per unit for up-fit items.

Resolution 25-09 as Recorded in the office of the City Clerk.

Bid # 09-16 Honda of Fayetteville: A resolution awarding Bid # 09-16 and approving the purchase of two (2) Honda Elements from Honda of Fayetteville in the amount of \$37,574.00 for use by the Parks & Recreation and Community Resources/Code Compliance Divisions.

Resolution 26-09 as Recorded in the office of the City Clerk.

Environmental Consulting Operations, Inc. Amendment No. 3: A resolution approving Amendment No. 3 to the contract with Environmental Consulting Operations, Inc. (ECO) in the amount of \$79,067.00 for final, post-construction and monitoring phase services for remaining WSIP work relating to regulatory and environmental issues.

Resolution 27-09 as Recorded in the office of the City Clerk.

Municipal Court Lab Fines: A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$11,043.00 to recognize revenue from Municipal Court Lab fines for the purchase of alcohol testing equipment and supplies.

Resolution 28-09 as Recorded in the office of the City Clerk.

Cherokee Nation Reimbursement: A resolution approving a budget adjustment in the amount of \$675,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the transfer station for 2009.

Resolution 29-09 as Recorded in the office of the City Clerk.

Mark Grant Concession Stands: A resolution to approve a contract with Mark Grant D/B/A Porky Chicks BBQ & Catering to operate the concession stands at Wilson Park Swimming Pool, Gary Hampton Softball Complex, Lewis Street Soccer Complex and Lake Fayetteville Softball Complex.

Resolution 30-09 as Recorded in the office of the City Clerk.

ADM 08-3201 (The Culls II Tree Preservation Variance): A resolution to grant a variance of Chapter 167 Tree Preservation and Protection, in accordance with §156.03(C)(5) of the Unified Development Code to allow approval of off-site tree preservation in-lieu of on-site mitigation.

Resolution 31-09 as Recorded in the office of the City Clerk.

Alderman Gray moved to approve the consent agenda. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

Unfinished Business:

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 ordinance was tabled at the September 16, 2008 City Council meeting to the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading at the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled to the December 2, 2008 City Council Meeting. This ordinance failed at the December 2, 2008 City Council meeting.)*

This ordinance was Re-considered at the December 16, 2008 City Council meeting and then Tabled to the February 3, 2009 City Council meeting.

Jeremy Pate: The applicant requested to table this item to the March 3, 2009 meeting. Hopefully by that point we will have reviewed the revised documents and you will have a copy of those to review as well.

Alderman Lucas moved to table the resolution to the March 3, 2009 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was Tabled to the March 3, 2009 City Council meeting.

Villas at Stonebridge Appeal: An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2170, Villas at Stonebridge, located south of Highway 16 East and east of Goff Farm Road; containing approximately 53.03 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was left on the First Reading at the December 2, 2008 City Council meeting. This ordinance was left on the Second Reading at the December 16, 2008 City Council meeting.)*

This ordinance was left on the Second Reading at the January 6, 2009 City Council meeting and then tabled to the February 3, 2009 City Council Meeting.

Jeremy Pate: I also heard from the applicant of this item this afternoon and they have requested that it be tabled to the next meeting which is February 17, 2009.

Alderman Thiel moved to table the resolution to the February 17, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was Tabled to the February 17, 2009 City Council meeting.

Arkansas Democrat-Gazette Agreement: A resolution approving agreements with the Arkansas Democrat-Gazette – Northwest Edition for display and legal advertising.

This resolution was tabled at the January 20, 2009 City Council meeting to the February 3, 2009 City Council meeting.

Alderman Cook: As I stated the last time I will recuse from this conversation.

Alderman Ferrell: When this came through Agenda Session I had been thinking of the number of no bid contracts that we talked about. I find no code, statute, or ordinance that prohibits a bid for legal advertising from a second source in this area. I think it is fiscally more prudent to bid for services where we can resulting in competition for business. There is a representative here from the Morning News if you have questions.

Kent Eikenberry with the Morning News: We contend that we are a newspaper of general distribution and therefore meet all the requirements for legal advertising.

Alderman Ferrell: My question was what do you consider a local paper and you are saying that you have coverage and general circulation in the area?

Kent Eikenberry: That is correct.

Alderman Ferrell: Do you print legal notices for other cities or municipalities that do not have a newspaper published in their town?

Kent Eikenberry: I think it is a fairly common practice. He listed all the cities that run legal notices in their paper.

Alderman Petty: We have data from the Times and the Morning News that is current as of early November 2007. I am wondering if you could elaborate on any trends and subscriptions and readership that you have seen over the past year since that study was completed.

Kent Eikenberry: I think metro newspapers are losing circulation at a much faster rate than community newspapers are. The only way folks can learn about what is happening here is either in their newspaper or our newspaper. There is still a service and most newspapers are incorporating an online version. As far as legal notices we publish them all online and I am sure the Democrat Gazette does also.

Alderman Petty: If we vote to enter a bidding process I would just like to urge the rest of the Council to consider online readership figures as well in the discussion.

Alderman Thiel: Is there any way to ascertain the subscribers that each newspaper has in Fayetteville?

Alderman Petty: It was placed in our boxes earlier but not in this packet.

Kent Eikenberry: I know what my subscriber base is in Fayetteville and it is significantly less than what theirs is. We have about 6,728 which is a daily number. Our contention is you don't have to reach the most people you just have to have general distribution within the community.

Alderman Lewis: So it comes down to the definition of a word as it is written in the ordinance.

City Attorney Kit Williams: Yes. Arkansas Code Annotated 14-55-206 is entitled Publishing or Posting Requirements of all Ordinances. The statute use to read that it had to be published in a newspaper of general circulation in the City and certainly you would qualify with that. It was amended in 1993 and now it says that it must be published in some newspaper published in the municipality. He went on to explain how he determined the definition of "published." He also gave examples of legal liability issues that could occur if items were not published in the Northwest Arkansas Times. He stated the safest route would be to stay with the newspaper that is more likely to be considered to be published in Fayetteville and that is the Northwest Arkansas Times.

Kent Eikenberry: My attorney disagrees with your attorney. I don't know how you define published. Neither of the papers are actually published or printed by that definition in the City of Fayetteville. Each community no longer has a newspaper of their own.

Alderman Lewis: The fact that it is organized and put together and finalized before it is sent to press in Fayetteville is publishing. It would be supporting our local paper to put announcements from the City in the local paper.

Alderman Rhoads: I don't think I am too hung up on published but what makes my vote is I believe the statutes are meant to give as many people as possible notice of what is going on. Therefore I am always going to vote for the paper that has the largest distribution and circulation unless the price goes sky high.

Kent Eikenberry: That is what we want you to do. We want you to put this to bid and look at their proposal based on their circulation and online readership. Look at ours and look at the numbers and do what is right for the City of Fayetteville.

Alderman Petty: I wonder if we could seek an opinion from the Attorney General.

Alderman Rhoads: I don't think that is necessary.

Alderman Ferrell: Kit when you talked about Fort Smith in the newspaper, did the newspaper or the City do something wrong?

City Attorney Kit Williams: Certainly the City did something wrong by not publishing it in the paper as required by the statute that I read.

Alderman Ferrell: What is the nexus then between the City and the newspaper doing something wrong and the liability?

City Attorney Kit Williams: The liability would be that if they determine that this is not a newspaper published in Fayetteville then we have done something wrong. It would not be the newspaper.

Alderman Rhoads: Is the case that the City never published in the first place or they published in the wrong paper?

City Attorney Kit Williams: They did not publish period.

Alderman Ferrell: This is a chance for a bid contract and I would respectfully move that we amend the resolution to bid this.

Alderman Ferrell moved to send this item out to bid. Alderman Petty seconded the motion.

Alderman Lucas: This law that you are talking about, is it a city of a certain size that is required to do this or how do these other cities that do not have a newspaper published in their city do it?

City Attorney Kit Williams: I am only talking about First Class Cities. Unless someone challenges an ordinance and claims that it was not published properly then you can rock along for many years. The only time you would find out the bad news is when you would get sued by someone over a major bond ordinance or some other ordinance that required a lot of money. Under the law if you do not have a newspaper you can just post it five places in town. We do not

have that option. He went on to read the definition of “publish.” He also pointed out where each newspaper was published.

Alderman Thiel: I recall that we did have all the bid information from both newspapers and it was getting confusing to everyone as to what they wanted to base their vote on. I agree with Robert. I am going to go with who I feel like has the largest circulation and gets the word to most of the people in Fayetteville.

Alderman Lewis: The thing about going to bid, it seems like we have all the information that we would get during a bid process so it seems redundant to take this to a bid process.

Alderman Ferrell: I would say that it is ambiguous on the interpretation of “published.” Although it is very prudent to us to have Counsel and seek advice from the Counsel, sometimes we can be too passive.

Mayor Jordan: Is there a representative from the Arkansas Democrat Gazette/NWA Times?

Jim Blankenship with the Democrat Gazette/NWA Times stated you are looking at the newspaper with the most circulation. All of the time when it comes to who is most expensive doesn't necessarily mean they are not the most cost effective in the advertising business. Words are words but we publish a physical newspaper and this market is extremely lucky to have two very good newspapers.

Don Marr: The City of Fayetteville actually publishes more than is required by law. If you are going to go to bid I think it is important that the Council give staff some direction on whether you want to continue the policy of advertising everything that we do. You can make a decision to split your advertising where you have advertising for your ordinance requirements and things that you want to ensure the largest readership and do meeting notices in a lower cost perspective.

Alderman Ferrell: Do you know who made the decision to do more than what was necessary in the advertising?

David Jurgens: There are certain notices that we are required to publish by the State on EPA, ADEQ, and the Health Department that have to go out in a newspaper of statewide distribution. That is a decision that is sometimes forced upon us. That is one of the flexibilities we have with the Democrat Gazette.

Paul Becker: I wanted to reiterate that circulation of the Arkansas Democrat Gazette is approximately 2 ½ times the circulation.

City Attorney Kit Williams: You are talking about only in Fayetteville?

Paul Becker: That is correct.

After discussion Alderman Petty withdrew his second to the previous motion to send this item out to bid.

Alderman Lucas: Usually I would agree with going out for bids but there are just too many other things that we have to consider on this.

Alderman Ferrell: I was just trying to save us money.

Alderman Petty: If we accept this contract are we locked into still publishing all the non required material or can we revisit that ongoing.

Paul Becker: Under this particular contract it is a cost per column inch however we would be locked into publishing for a one year period.

Don Marr: Typically pricing is based on the volume of advertising.

Alderman Lucas: It is per inch so we can publish anything we want.

Don Marr: We have a representative from the Democrat Gazette here tonight so you might ask them that if you reduce the volume of printing will it affect the per column inch price.

Jim Blankenship: We have different contract levels based on different commitments so I would need to know what we were talking about. If we are close we could hold pricing.

City Attorney Kit Williams: The way I look at the contract it looks like we are committed to 4,500 inches. Evidently we could cut out a lot and still meet these 4,500 inches.

Alderman Ferrell: I appreciate both representatives from the papers being here and we had a good dialogue about this.

Alderman Petty: If we have quite a bit of wiggle room in the contract already then I would like to suggest we just go ahead and move forward. I want to let Don know I have intentions of working with staff to start publishing summaries for the unrequired information and utilizing more online resources.

Alderman Rhoads moved to approve the resolution. Alderman Lewis seconded the motion. Upon roll call the resolution passed 7-0. Alderman Cook recused.

Resolution 32-09 as Recorded in the office of the City Clerk.

Public Hearings:

Mayor Jordan opened the Public Hearing

Down Under Taxi: A resolution granting a Certificate of Public Convenience and Necessity to Down Under Taxi for the operation of up to ten (10) taxicabs in the City of Fayetteville, Arkansas.

Captain William Brown gave a description of the taxi service. As of right now he wants to test the market with one cab.

Alderman Lewis: I am curious about mileage. I am looking at the type of cars that you are interested in using. We would like to be a sustainable city and so I am looking at what type of car you are interested in having.

Jason Campbell, owner of Down Under Taxi: I just purchased a 2008 Chevy Outlander. It has a capacity of seating seven people.

Alderman Lewis: It says in your application you are looking to have ten eventually.

Jason Campbell: Yes ma'am and I am probably going to stick with the same type of vehicle all the way through.

Alderman Petty: Do you educate your drivers with best practices for fuel efficiency?

Jason Campbell: Absolutely. I also own a small trucking company and this is just a branch out from the company.

Alderman Petty: Could you elaborate on some of the best practices you train your driver with?

Jason Campbell: Not hot rodding around the area.

Alderman Ferrell moved to approve the resolution. Alderman Thiel seconded the motion.

Alderman Lewis: I would like to see the City begin to require that any new businesses coming in use sustainable practices. Do we have any options on that?

City Attorney Kit Williams: On this particular hearing we do not. This is just a hearing to grant a Certificate of Public Convenience and Necessity so basically you all are to determine whether or not a taxi cab is needed in Fayetteville, not what kind of cab. You can go back and look at your taxi cab ordinance and put in different requirements but I would want to research that a little bit.

Alderman Lewis: I agree that there is a need for taxis but I am looking to do that kind of thing.

Alderman Thiel: I appreciate where you are coming from but this is not the time to discuss that. I think those are issues that Kit would have to review as whether or not we can start all over with a new ordinance.

Alderman Rhoads commented on Alderman Petty's and Lewis's efforts to create sustainability. The writing is on the wall that if you want to do business in Fayetteville that will probably come up in the course of trying to do business in Fayetteville.

Alderman Ferrell: I think we ought to start at home on that. We have Solid Waste trucks that get two miles to the gallon. I would like to see us set an example for the public.

Upon roll call the resolution passed unanimously.

Resolution 33-09 as Recorded in the office of the City Clerk.

Mayor Jordan closed the Public Hearing

New Business:

R-PZD 08-3170 (The Coves at Walnut Crossing Phase III): An ordinance establishing a Residential Planned Zoning District Titled R-PZD 08-3170, The Coves at Walnut Crossing Phase III, located at the western edge of the City of Fayetteville city limits and north of Highway 62; containing approximately 10.51 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

City Attorney Kit Williams read the ordinance.

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

Alderman Lewis: You mentioned there was a 1,000 foot grassy ditch being used as the stormwater transport. Is that the only stormwater mechanism in place aside from the curbs and gutters?

Ron Petrie, City Engineer: In underground drainage along the street there are several areas where we have pipes. But to transport it from the subdivision, the development itself is discharging directly into the City of Farmington. There is about a 1,000 foot distance between it and the Farmington Branch Creek. From the subdivision itself to the creek the proposal is now an open grass swell.

Alderman Lewis: In Fayetteville there is not a lot of area to deal with the stormwater from this subdivision?

Ron Petrie: Not the way it is presented to you no.

Alderman Lewis: Is there any way to create some conditions of approval? It's like we just pipe our stormwater into the creek. When you have a direct shoot it just blows into the Farmington Branch and causes erosion and increases sedimentation and goes into the Illinois River watershed. What are the options as far as engineering that could be done for that?

Ron Petrie: Some of the items we could do are on the discharge. Instead of having this specifically on swells to handle flows, you widen it out and slow down the water. In most instances we use detention ponds and in some instances they are not required such as this. This

is something that we are discussing a lot as far as changing our drainage manual in the next one or two years. We will be looking heavily at those sorts of items.

Alderman Lewis: The reason I am concerned is because only a part of it is in Fayetteville and so when it gets into Farmington are they going to be as concerned about that stormwater as what we would be?

Kim Hesse with Rausch Coleman Homes gave a brief demonstration and displayed drawings to the Council which explained the overall plan. She stated I do not think you are going to have erosion. We own the property and this will all be a drainage easement so we defer to maintain it and the flood levels. Since this does go through Farmington they have to approve it.

Aubrey Shepherd, a citizen stated I hope they are able to follow through on this and that it becomes a model for a lot of other things in similar areas.

Alderman Lewis: I would like to say thank you Kim. I really appreciate your efforts.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty: I like the way that stormwater is being managed here and I understand that it is subject to Farmington's approval. I would like to point out to the Administration that this could be an opportunity to better our relationship with Farmington if we pursue something proactively with them.

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

Ordinance 5216 as Recorded in the office of the City Clerk

MediaStar, Inc: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of a broadcast video server, production system and training from Mediastar, Inc. in the amount of \$27,375.87.

City Attorney Kit Williams read the ordinance.

Neal Bilbe, Production Technician gave a brief description of the video server and production system.

Alderman Cook: If you filled up your server, how long is it going to take to fill this one up?

Neal Bilbe: Our current server now holds 110 hours. The Media Star Company states that this is 150 hours. Cox Communications encodes our channel at half that rate so we are able to double that to 300 hours. This should do us quite well for sometime.

Alderman Petty: Whenever you have to pull off an old program does that get archived anywhere?

Neal Bilbe: All meetings are archived on DVD's as normal course. Programs that we produce, a majority of them are saved on DVD's and are archived. Some programs that have no useful purpose beyond the date such as library promos or construction updates will never be played again and will never be saved.

Alderman Petty: If there is one thing the PEG Center needs it is more updated equipment and integrated systems.

Neal Bilbe: Thank you. If at any point you would like to see the system or any other detail please call and I will be happy to set aside some time for you.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5217 as Recorded in the office of the City Clerk

Access Management Plan Agreement: A resolution adopting the Access Management Plan Agreement as prepared by the Arkansas Highway & Transportation Department (AHTD) for Highway 265 between Township Street and Ivey Lane.

Ron Petrie gave a brief description of the agreement.

Alderman Cook: This was at the Street Committee and I thought that Ron and staff did a great job on it. It certainly mirrors our current Access Management Policy and we are going to use this as we move forward on Highway 265 in the future.

Alderman Ferrell: This passed unanimously at the Street Committee. I just wanted to point out that this required an amendment to the Master Street Plan which is a tool. We changed the Master Street Plan for Highway 265 so that does come about and we do have to do it.

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

Alderman Ferrell: I just want to applaud the staff again for meeting with the businesses and citizens and getting the State together and coming out with the best deal we could there. They came up with something we could live with.

Resolution 34-09 as Recorded in the office of the City Clerk.

Asphalt Materials: An ordinance waiving the requirements of formal competitive bidding during the second, third, and fourth quarters of 2009 for the purchase of asphalt materials for use by the Transportation Division.

Terry Gulley, Transportation Manager gave a brief description of the item. He stated we will take bids at each quarter. This is just to forgo the formal bid procedure so that we can streamline the process. We are trying to stabilize the bids through a longer period of time of 90 days each time.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5218 as Recorded in the office of the City Clerk

Amend 2009 Budget: A resolution to amend the 2009 adopted budget by rebudgeting \$72,664,652.00 in bonded or ongoing capital projects and \$1,594,558.00 in outstanding obligations and grant funded items.

Paul Becker gave a brief description of the item. He stated this is to re-budget most capital programs from the 2008 Budget to the 2009 Budget.

Alderman Ferrell: Was there any budget money carried forward that was budgeted last year for personnel that was not spent?

Paul Becker: No.

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

Resolution 35-09 as Recorded in the office of the City Clerk.

Amend Chapter 51, Water and Sewers: An ordinance to amend Chapter 51 Water and Sewers of the Fayetteville Code by amending § 51.140 (B) *Termination* by adding a definition of "Customer."

City Attorney Kit Williams read the ordinance.

Paul Becker gave a brief description of the amendment. He stated currently we have a situation where we could have customers with multiple accounts. There could be certain accounts past due on other accounts and all we can do is try to collect on the accounts which are past due. This would allow us with the Mayor's authorization to cut off an account which may be current if that particular customer has multiple accounts which are past due. It would ensure collection and solve some problems for us.

Alderman Cook: I just want to make sure everyone understands. This ties back to the person that has the water service. This does not fall back on the landlord. It falls back on the person who originally started the service.

City Attorney Kit Williams: What this does is links them to any other accounts that they might have and right now we have no linkage and have no way to enforce it if they stop paying one but are still getting water service in another location.

Alderman Petty: I want to thank the Administration for acting so quickly on this. I think this is definitely a step in the right direction.

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 Jordan: I want to thank you all very much.

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

Ordinance 5219 as Recorded in the office of the City Clerk

The meeting adjourned at 8:45 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer



Tony Wagner and Concordia Charrette Schedules

Date	Event/Audience	Location	Time
Monday, 2/16/09	Tony Wagner – FPS Teachers	Fayetteville Town Center	8:30-11:30 am
	Tony Wagner – UA and Business leaders	UA Reynolds Ctr.	1:30-3:30 pm
	Tony Wagner – Community	Fayetteville Town Center	6:30-8:30 pm
Tuesday, 2/17/09	Concordia, Charrette Firm	Meetings with UA and City	
Wednesday, 2/18/09	Civic Groups/Key Communicators	TBD	
Thursday, 2/19/09	FHS and Jr. High Principals	TBD	
	FHS and Jr. High Teachers	Judy Mackey Center	
	FHS Department Heads	Judy Mackey Center	
Wednesday, 2/25/09	Public Visioning Meeting	6:00-7:30 TBD	
Thursday, 2/26/09	Community Congress	Judy Mackey Center	5:30-8:30

City of Fayetteville, Arkansas
Financial Statements
December 31, 2008

The following are preliminary, unaudited financial statements and are subject to adjustment.

The Comprehensive Annual Financial Report for the year ended December 31, 2008 will present final, audited financial statements for the City of Fayetteville

CITY OF FAYETTEVILLE, ARKANSAS
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City of Fayetteville, Arkansas
General Fund
Balance Sheet

December 31, 2008

* * * * *		A S S E T S	* * * * *	
Assets				
Cash		1,522,254.17		
Investments		11,421,044.74		
Receivables		831,073.91		
Accrued interest		70,895.48		
Due from others		4,729,181.94		
Inventory		.00		
Prepays		119,959.65		
Other assets		.00		
Total Assets		18,694,409.89	=====	
* * *		L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *	
Liabilities				
Accounts payable		1,113,851.08-		
Accrued expenses		1,524,207.80-		
Due to others		60,500.47-		
Escrow		4,396,982.99-		
Total Liability		7,095,542.34-		
Equity				
Unreserved fund balance		9,195,573.96-		
Designated Unres Fund Bal		1,072,790.66-		
Reserved fund balance		1,330,502.93-		
Current year revenue and expense		.00		
Total Equity		11,598,867.55-		
Total Liabilities and Fund Equity		18,694,409.89-	=====	

City of Fayetteville, Arkansas
General Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes **	2,192,440.88	27,353,800	27,628,827.45	275,027.45-	101%
Licenses & Permits	31,067.90	1,316,300	1,344,052.56	27,752.56-	102%
Intergovernmental	302,894.44	2,542,415	2,482,796.87	59,618.13	98%
Charges For Services	85,408.48	1,601,400	1,245,939.25	355,460.75	78%
Fines & Forfeitures	102,036.48	1,644,733	1,658,996.77	14,263.77-	101%
Interest	17,132.27	584,000	303,716.44	280,283.56	52%
Gain/Loss on Investments	54,070.58	0	54,070.58	54,070.58-	%
Contributions	11,273.32	147,310	70,339.55	76,970.45	48%
Gain/Loss on sale of assets	220,000.00	0	319,548.63	319,548.63-	%
Miscellaneous	37,689.31	103,200	390,567.84	287,367.84-	378%
Operating Transfers	155,500.00	311,000	311,000.00	.00	100%
Non-Operating Misc	.80	0	10.80	10.80-	%
Total Revenues:	3,005,441.50	35,604,158	35,809,866.74	205,708.74-	101%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Mayor's Administration	19,178.71	348,039	344,257.11	.00	3,781.89	99%
City Council	6,449.56	80,844	76,353.95	.00	4,490.05	94%
City Attorney	30,739.63	311,503	309,268.21	.00	2,234.79	99%
City Prosecutor	42,435.35	540,512	540,503.84	.00	8.16	100%
District Judge	13,675.97	163,778	163,086.48	.00	691.52	100%
Economic Development	5,038.05	73,168	59,808.35	.00	13,359.65	82%
Public Information	17,554.65	161,221	161,217.24	.00	3.76	100%
Cable Administration	12,837.30	213,308	206,591.57	.00	6,716.43	%
Operations Director	7,222.88	75,164	75,160.45	.00	3.55	100%
Finance/Internal Serv Dir	12,165.52	142,746	137,558.31	.00	5,187.69	96%
Human Resources	35,908.74	401,683	396,109.46	.00	5,573.54	99%
Employee Development	72,930.71	748,226	703,721.41	554.00	43,950.59	94%
Accounting and Audit	58,053.29	705,988	700,800.34	.00	5,187.66	99%
Budget and Research	28,003.52	309,863	307,470.60	.00	2,392.40	99%
Internal Audit	9,365.82	87,081	87,030.70	.00	50.30	100%
Utilities Management	39,648.25	385,351	327,068.30	.00	58,282.70	85%
General Maintenance	43,704.53	493,928	492,581.23	.00	1,346.77	100%
Janitorial	18,141.99	229,170	226,939.62	.00	2,230.38	99%
City Clerk/Treasurer	81,240.37	381,076	375,759.48	.00	5,316.52	99%
Purchasing	19,956.26	229,927	229,921.05	.00	5.95	100%
Information Technology	110,641.10	1,307,524	1,286,039.54	.00	21,484.46	98%
Criminal Cases	30,850.43	307,712	307,559.41	.00	152.59	100%
Probation/Fine Collection	5,046.28	52,655	52,650.61	.00	4.39	100%
Small Claims/Civil Cases	16,339.42	179,624	178,960.61	.00	663.39	100%
Central Dispatch	122,780.69	1,292,834	1,292,814.41	.00	19.59	100%
Animal-Patrol/Emergency	30,196.87	346,341	345,911.80	.00	429.20	100%
Animal Shelter	30,376.15	390,688	390,478.99	.00	209.01	100%
Veterinarian and Clinic	37,781.56	137,662	137,653.04	.00	8.96	100%
Police Support Services	299,209.80	3,070,249	3,034,180.08	103.73	35,965.19	99%
Police/Animal Projects	169,132.53	784,949	381,399.54	.00	403,549.46	49%
Police Patrol/Warrant Ser	569,755.83	7,740,793	7,729,105.48	191.35	11,496.17	100%
Fire Prevention	38,747.04	412,520	412,508.11	.00	11.89	100%
Fire Operations	670,664.43	7,819,410	7,803,359.94	121.05	15,929.01	100%
Fire Training	22,358.83	223,929	223,922.73	.00	6.27	100%
Swimming Pool	6,768.22	120,910	120,510.70	.00	399.30	100%
Athletics & Rec Transfers	14,153.38	382,278	377,818.08	.00	4,459.92	99%
Library	132,949.25	1,587,901	1,586,528.08	.00	1,372.92	100%
Lake Maintenance	9,400.80	83,102	82,572.97	.00	529.03	99%
Park Maintenance	126,623.57	1,256,118	1,241,096.44	.00	15,021.56	99%
Yvonne Richardson Center	9,670.55	125,328	124,767.05	.00	560.95	100%
Parking Management	16,800.63	199,743	195,739.01	.00	4,003.99	98%
Planning Development Man	4,571.81	86,738	85,172.15	.00	1,565.85	%
Engineering Design Servic	32,601.75	284,977	284,751.17	.00	225.83	100%
Engr Oper & Admin	50,775.08	554,579	554,569.97	.00	9.03	100%

** This Revenue Class Includes Franchise Fees

City of Fayetteville, Arkansas
General Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Engr Right of Way	9,884.67	97,167	97,161.15	.00	5.85	100%
Engr Public Construction	26,990.71	313,210	313,201.68	.00	8.32	100%
Current Planning	45,020.88	492,118	470,132.84	1,947.00	20,038.16	96%
Planning Commission	4,254.21	45,328	44,845.09	.00	482.91	99%
Long Range Planning	23,105.78	233,023	224,828.73	.00	8,194.27	96%
Building Safety	57,476.97	678,543	678,029.08	.00	513.92	100%
Community Code Enforcemen	26,490.45	330,142	324,953.47	.00	5,188.53	98%
Miscellaneous	123,987.20-	903,466-	1,079,282.49-	.00	175,816.49	119%
	-----	-----	-----	-----	-----	
Total Expenditures:	3,116,976.83	36,117,205	35,225,147.16	2,917.13	889,140.71	98%
	-----	-----	-----	-----	-----	
Fund Net Gain/Loss	111,535.33-		584,719.58			
	=====		=====			

City of Fayetteville, Arkansas
Street Fund
Balance Sheet

December 31, 2008

* * * * *									
A S S E T S									
* * * * *									
Assets									
Cash									.00
Investments								2,409,667.73	
Receivables								8,750.04	
Accrued interest								21,594.36	
Due from others								490,487.84	
Inventory								.00	
Prepays								1,405.75	

Total Assets								2,931,905.72	
								=====	
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
Accounts payable								51,297.30-	
Accrued expenses								163,116.73-	
Due to others								230,672.79-	
Escrow								.00	

Total Liability								445,086.82-	
Equity									
Unreserved fund balance								2,486,818.90-	
Reserved fund balance								.00	
Current year revenue and expense								.00	

Total Equity								2,486,818.90-	

Total Liabilities and Fund Equity								2,931,905.72-	
								=====	

City of Fayetteville, Arkansas
Street Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	283,149.08	4,062,000	4,046,497.86	15,502.14	100%
Charges For Services	11,687.64	117,000	93,275.34	23,724.66	80%
Interest	7,035.78	108,000	88,166.61	19,833.39	82%
Gain/Loss on Investments	17,017.71	0	17,017.71	17,017.71-	%
Gain/Loss on sale of assets	.00	0	4,100.00	4,100.00-	%
Miscellaneous	1,030.69	33,000	48,579.16	15,579.16-	147%
Operating Transfers	.00	0	.00	.00	%
Total Revenues:	319,920.90	4,320,000	4,297,636.68	22,363.32	99%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Street Operations & Admin	166,082.74	1,356,162	1,242,422.29	.00	113,739.71	92%
Right of Way Maintenance	20,788.14	290,682	270,041.13	.00	20,640.87	93%
Street Maintenance	119,399.73	1,254,434	1,214,667.38	.00	39,766.62	97%
Drainage Maintenance	34,648.13	549,480	422,019.51	.00	127,460.49	77%
Traffic Eng/Planning	34,688.40	495,995	472,418.21	.00	23,576.79	95%
Trail Construction	50.40	505,380	478,217.80	.00	27,162.20	95%
Sidewalk Maintenance	38,416.47	366,356	309,342.54	.00	57,013.46	84%
Total Expenditures:	414,074.01	4,818,489	4,409,128.86	.00	409,360.14	92%
Fund Net Gain/Loss	94,153.11-		111,492.18-			

City of Fayetteville, Arkansas
Off Street Parking Fund
Balance Sheet

December 31, 2008

* * * * *		A S S E T S	* * * * *	
Assets				
Cash		18,544.09		
Investments		582,210.86		
Receivables		14,175.00		
Accrued interest		5,217.51		
Due from others		18,351.96		
Prepays		1,704.00		

Total Assets		640,203.42		
		=====		
* * *		L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *	
Liabilities				
Accounts payable		4,678.75-		
Accrued expenses		3,101.06-		
Due to others		17,026.24-		
Escrow		106,787.87-		

Total Liability		131,593.92-		
Equity				
Unreserved fund balance		508,609.50-		
Reserved fund balance		.00		
Current year revenue and expense		.00		

Total Equity		508,609.50-		

Total Liabilities and Fund Equity		640,203.42-		
		=====		

City of Fayetteville, Arkansas
Off Street Parking Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Charges For Services	7,443.96	345,400	326,124.21	19,275.79	94%
Interest	1,454.09	15,300	17,593.61	2,293.61-	115%
Gain/Loss on Investments	4,182.86	0	4,182.86	4,182.86-	%
Miscellaneous	.00	0	154.74	154.74-	%
Total Revenues:	13,080.91	360,700	348,055.42	12,644.58	96%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Off Street Parking Exp	48,334.96	353,208	248,210.56	.00	104,997.44	70%
Total Expenditures:	48,334.96	353,208	248,210.56	.00	104,997.44	70%
Fund Net Gain/Loss	35,254.05-		99,844.86			

City of Fayetteville, Arkansas
Community Development Fund
Balance Sheet

December 31, 2008

* * * * *									
A S S E T S									
* * * * *									
Assets									
Cash								234.00	
Receivables								.00	
Due from others								6,600.00	
Prepays								.00	
Property, plant, and equipment								.00	

Total Assets								6,834.00	
								=====	
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
Accounts payable								3,856.99-	
Accrued expenses								10,951.14-	
Due to others								682.00-	
Escrow								200.00-	

Total Liability								15,690.13-	
Equity									
Unreserved fund balance								.00	
Reserved fund balance								8,856.13	
Current year revenue and expense								.00	

Total Equity								8,856.13	

Total Liabilities and Fund Equity								6,834.00-	
								=====	

City of Fayetteville, Arkansas
Community Development Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	67,009.05	1,163,360	703,661.65	459,698.35	60%
Miscellaneous	.00	12,813	12,813.08	.08-	100%
Operating Transfers	.00	0	.00	.00	%
Total Revenues:	67,009.05	1,176,173	716,474.73	459,698.27	61%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Comm Devel Admin/Planning	9,534.03	221,471	108,724.87	.00	112,746.13	49%
Housing Services	37,347.42	555,539	320,022.94	.00	235,516.06	58%
Redevelopment	7,131.57	112,119	50,797.39	.00	61,321.61	45%
Public Services	4,564.41	107,044	82,744.62	980.00	23,319.38	78%
Public Facilities/Improve	.00	180,000	163,041.04	.00	16,958.96	91%
Total Expenditures:	58,577.43	1,176,173	725,330.86	980.00	449,862.14	62%
Fund Net Gain/Loss	8,431.62		8,856.13-			

City of Fayetteville, Arkansas
 EDI Attain Housing Grant Fund
 Balance Sheet

December 31, 2008

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Due from others	.00

Total Assets	.00
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	.00

Total Liability	.00
Equity	
Unreserved fund balance	.00
Current year revenue and expense	.00

Total Equity	.00

Total Liabilities and Fund Equity	.00
	=====

City of Fayetteville, Arkansas
 EDI Attain Housing Grant Fund
 Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	.00	656,600	.00	656,600.00	%
Total Revenues:	.00	656,600	.00	656,600.00	%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
EDI Grant Expense	.00	656,600	.00	.00	656,600.00	%
Total Expenditures:	.00	656,600	.00	.00	656,600.00	%
Fund Net Gain/Loss	.00		.00			

City of Fayetteville, Arkansas
Parks Development Fund
Balance Sheet

December 31, 2008

* * * * *									
A S S E T S									
* * * * *									
Assets									
Cash									.00
Investments									3,774,807.47
Receivables									.00
Accrued interest									33,828.13
Due from others									60,958.27
Prepays									.00

Total Assets									3,869,593.87
=====									
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
Accounts payable									107,829.55-
Accrued expenses									54,613.45-
Due to others									80,454.73-
Escrow									.00

Total Liability									242,897.73-
Equity									
Unreserved fund balance									3,626,696.14-
Reserved fund balance									.00
Current year revenue and expense									.00

Total Equity									3,626,696.14-

Total Liabilities and Fund Equity									3,869,593.87-
=====									

City of Fayetteville, Arkansas
Parks Development Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	174,682.13	2,127,000	2,171,452.31	44,452.31-	102%
Intergovernmental	.00	216,825	106,825.00	110,000.00	49%
Charges For Services	94,930.75	1,064,731	465,017.01	599,713.99	44%
Interest	10,588.99	135,000	126,162.68	8,837.32	93%
Gain/Loss on Investments	27,216.84	0	27,216.84	27,216.84-	%
Contributions	.00	17,950	17,650.00	300.00	98%
Miscellaneous	.00	0	4,628.16	4,628.16-	%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 307,418.71	 3,561,506	 2,918,952.00	 642,554.00	 82%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Parks Development Exp	133,704.52	1,608,898	1,544,432.82	.00	64,465.18	96%
Parks Development Capital	187,715.98	4,621,456	934,656.97	33,016.66-	3,719,815.69	20%
 Total Expenditures:	 321,420.50	 6,230,354	 2,479,089.79	 33,016.66-	 3,784,280.87	 39%
 Fund Net Gain/Loss	 14,001.79-		 439,862.21			

City of Fayetteville, Arkansas
Impact Fee Fund
Balance Sheet

December 31, 2008

* * * * *	A S S E T S	* * * * *	
Assets			
Cash			.00
Investments			6,797,693.49
Receivables			.00
Accrued interest			60,917.88
Due from others			308.00

Total Assets			6,858,919.37
			=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *			
Liabilities			
Accounts payable			.00
Due to others			.00

Total Liability			.00
Equity			
Unreserved fund balance			6,858,919.37-
Reserved fund balance			.00
Current year revenue and expense			.00

Total Equity			6,858,919.37-

Total Liabilities and Fund Equity			6,858,919.37-
			=====

City of Fayetteville, Arkansas
Impact Fee Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Charges For Services	47,540.90	2,389,600	1,617,668.56	771,931.44	68%
Interest	19,689.65	126,000	215,123.18	89,123.18	171%
Gain/Loss on Investments	49,712.52	0	49,712.52	49,712.52	%
Total Revenues:	116,943.07	2,515,600	1,882,504.26	633,095.74	75%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Impact Fee Expense	.00	7,408,634	40,504.49	.00	7,368,129.51	1%
Total Expenditures:	.00	7,408,634	40,504.49	.00	7,368,129.51	1%
Fund Net Gain/Loss	116,943.07		1,841,999.77			

City of Fayetteville, Arkansas
 Pol & Fire Pension Rev Fund
 Balance Sheet

December 31, 2008

* * * * * A S S E T S * * * * *									
Assets									
Investments									.00
Due from others									.00

Total Assets									.00
=====									
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
Due to others									.00
Escrow									.00

Total Liability									.00
Equity									
Unreserved fund balance									.00
Current year revenue and expense									.00

Total Equity									.00

Total Liabilities and Fund Equity									.00
=====									

City of Fayetteville, Arkansas
 Pol & Fire Pension Rev Fund
 Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	441,696.50	0	441,696.50	441,696.50-	%
Intergovernmental	177,364.76	0	177,364.76	177,364.76-	%
Total Revenues:	619,061.26	0	619,061.26	619,061.26-	%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Pol & Fire Pension Exp	619,061.26	0	619,061.26	.00	619,061.26-	%
Total Expenditures:	619,061.26	0	619,061.26	.00	619,061.26-	%
Fund Net Gain/Loss	.00		.00			

City of Fayetteville, Arkansas
Drug Law Enforcement Fund
Balance Sheet

December 31, 2008

* * * * *		A S S E T S	* * * * *	
Assets				
	Cash	80,015.56		
	Receivables	15,647.04		
	Due from others	40,207.04		
	Prepays	1,348.30		

Total Assets		137,217.94		
		=====		
* * *		L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *	
Liabilities				
	Accounts payable	11,164.27-		
	Accrued expenses	11,591.48-		
	Due to others	3.47-		
	Escrow	47,496.54-		

Total Liability		70,255.76-		
Equity				
	Unreserved fund balance	.00		
	Reserved fund balance	66,962.18-		
	Current year revenue and expense	.00		

Total Equity		66,962.18-		

Total Liabilities and Fund Equity		137,217.94-		
		=====		

City of Fayetteville, Arkansas
Drug Law Enforcement Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	47,423.32	272,619	271,169.05	1,449.95	99%
Charges For Services	.00	0	9,598.12	9,598.12-	%
Fines & Forfeitures	.00	5,296	10,080.35	4,784.35-	190%
Interest	79.19	1,000	2,379.79	1,379.79-	238%
Miscellaneous	.00	0	446.58	446.58-	%
Operating Transfers	45,734.29	233,000	217,014.27	15,985.73	93%
	-----	-----	-----	-----	
Total Revenues:	93,236.80	511,915	510,688.16	1,226.84	100%
	-----	-----	-----	-----	

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Drug Law Enforcement	60,556.77	541,915	536,344.59	.00	5,570.41	99%
	-----	-----	-----	-----	-----	
Total Expenditures:	60,556.77	541,915	536,344.59	.00	5,570.41	99%
	-----	-----	-----	-----	-----	
Fund Net Gain/Loss	32,680.03		25,656.43-			
	=====		=====			

City of Fayetteville, Arkansas
Fire Bond Fund
Balance Sheet

December 31, 2008

* * * * *									
A S S E T S									
* * * * *									
Assets									
Cash									.00
Accrued interest									10.39
Restricted assets									
Investments									790,650.52

Total Assets									790,660.91
									=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
Restricted liabilities									
Accrued interest payable									.00

Total Liability									.00
Equity									
Unreserved fund balance									790,660.91-
Reserved fund balance									.00
Current year revenue and expense									.00

Total Equity									790,660.91-

Total Liabilities and Fund Equity									790,660.91-
									=====

City of Fayetteville, Arkansas
Fire Bond Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Interest	22.78	0	416.90	416.90-	%
Operating Transfers	427,686.20	853,479	1,214,165.02	360,686.02-	142%
Non Operating Interest	220.43-	15,900	5,487.05	10,412.95	35%
 Total Revenues:	 427,488.55	 869,379	 1,220,068.97	 350,689.97-	 140%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Fire Bonds Expenses	44,500.00	801,400	789,700.00	.00	11,700.00	99%
 Total Expenditures:	 44,500.00	 801,400	 789,700.00	 .00	 11,700.00	 99%
 Fund Net Gain/Loss	 382,988.55		 430,368.97			

December 31, 2008

22

City of Fayetteville, Arkansas
TIF Bond Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	.00	0	.00	.00	%
Operating Transfers	.00	2,138	2,137.39	.61	100%
Non Operating Interest	2.86	1,362	472.11-	1,834.11	35%
	-----	-----	-----	-----	
Total Revenues:	2.86	3,500	1,665.28	1,834.72	48%
	-----	-----	-----	-----	

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
TIF Bonds Expenses	.00	3,500	3,500.00	.00	.00	100%
	-----	-----	-----	-----	-----	
Total Expenditures:	.00	3,500	3,500.00	.00	.00	100%
	-----	-----	-----	-----	-----	
Fund Net Gain/Loss	2.86		1,834.72-			
	=====		=====			

City of Fayetteville, Arkansas
Wastewater Impr SlsTx Bnd Fund
Balance Sheet

December 31, 2008

* * * * * A S S E T S * * * * *	
Assets	
Cash	.00
Investments	.00
Receivables	.00
Accrued interest	.17
Due from others	1,306,612.40
Restricted assets	
Investments	3,626,658.03

Total Assets	4,933,270.60
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	.00
Due to others	.00
Restricted liabilities	
Accrued interest payable	.00

Total Liability	.00
Equity	
Unreserved fund balance	.00
Reserved fund balance	4,933,270.60-
Current year revenue and expense	.00

Total Equity	4,933,270.60-

Total Liabilities and Fund Equity	4,933,270.60-
	=====

City of Fayetteville, Arkansas
Wastewater Impr SlsTx Bnd Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	1,306,612.39	15,632,000	16,501,242.50	869,242.50-	106%
Transfers	.00	0	.00	.00	%
Interest	198.49	160,500	71,444.69	89,055.31	45%
Operating Transfers	.00	0	.00	.00	%
Contributions/Grants	.00	0	.00	.00	%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 1,306,810.88	 15,792,500	 16,572,687.19	 780,187.19-	 105%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Sewer Bonds - Expenses	8,230,170.62	15,294,718	15,294,717.95	.00	.05	100%
 Total Expenditures:	 8,230,170.62	 15,294,718	 15,294,717.95	 .00	 .05	 100%
 Fund Net Gain/Loss	 6,923,359.74-		 1,277,969.24			
	=====		=====			

City of Fayetteville, Arkansas
Replacement & DisasterRec Fund
Balance Sheet

December 31, 2008

* * * * *				A S S E T S		* * * * *			
Assets									
Cash							.00		
Investments						3,306,138.72			
Receivables							.00		
Accrued interest						29,628.13			
Due from others							.00		

Total Assets							3,335,766.85	=====	
* * *				L I A B I L I T I E S A N D F U N D E Q U I T Y				* * *	
Liabilities									
Accounts payable							.00		
Due to others							.00		

Total Liability							.00		
Equity									
Unreserved fund balance						335,766.85-			
Reserved fund balance						3,000,000.00-			
Current year revenue and expense							.00		

Total Equity							3,335,766.85-	-----	
Total Liabilities and Fund Equity							3,335,766.85-	=====	

City of Fayetteville, Arkansas
Replacement & Disaster Rec Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	.00	86,700	.00	86,700.00	%
Charges For Services	.00	60,000	.00	60,000.00	%
Interest	9,606.51	144,700	123,412.80	21,287.20	85%
Gain/Loss on Investments	23,411.77	0	23,411.77	23,411.77-	%
Miscellaneous	.00	0	.00	.00	%
Operating Transfers	.00	0	.00	.00	%
 Total Revenues:	 33,018.28	 291,400	 146,824.57	 144,575.43	 50%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Replacement Fund Exp	9,800.00	475,901	176,736.74	.00	299,164.26	37%
 Total Expenditures:	 9,800.00	 475,901	 176,736.74	 .00	 299,164.26	 37%
 Fund Net Gain/Loss	 23,218.28 =====		 29,912.17- =====			

City of Fayetteville, Arkansas
Sales Tax Cap Imp Fund
Balance Sheet

December 31, 2008

* * * * *		A S S E T S		* * * * *	
Assets					
Cash					.00
Investments			12,379,934.34		
Receivables					.00
Accrued interest			110,943.44		
Due from others			552,263.40		
Restricted assets					
Investments			13,154.31		
Other assets					.00
Total Assets			13,056,295.49	=====	
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *					
Liabilities					
Accounts payable			110,823.94-		
Due to others			307,296.82-		
Escrow			411,971.10-	-----	
Total Liability			830,091.86-		
Equity					
Unreserved fund balance			12,213,049.32-		
Designated Unres Fund Bal			.00		
Reserved fund balance			13,154.31-		
Current year revenue and expense			.00	-----	
Total Equity			12,226,203.63-	-----	
Total Liabilities and Fund Equity			13,056,295.49-	=====	

City of Fayetteville, Arkansas
Sales Tax Cap Imp Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	522,646.19	6,253,000	6,601,311.03	348,311.03-	106%
Intergovernmental	10,000.00	1,083,806	20,000.00	1,063,806.00	2%
Charges For Services	1,340.00	508,177	255,146.84	253,030.16	50%
Interest	34,803.59	605,000	423,904.73	181,095.27	70%
Gain/Loss on Investments	89,197.67	0	89,197.67	89,197.67-	%
Contributions	200.00	3,300	3,500.00	200.00-	106%
Gain/Loss on sale of assets	.00	0	.00	.00	%
Miscellaneous	.00	10,000	33,725.32	23,725.32-	337%
Operating Transfers	15,845.00	153,641	123,645.00	29,996.00	80%
Non Operating Interest	4,450.68	184,967	31,375.77	153,591.23	17%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 678,483.13	 8,801,891	 7,581,806.36	 1,220,084.64	 86%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Cap Improv Const Fund Exp	1,089,026.57	21,697,687	8,633,330.53	17,830.10	13,046,526.37	40%
 Total Expenditures:	 1,089,026.57	 21,697,687	 8,633,330.53	 17,830.10	 13,046,526.37	 40%
 Fund Net Gain/Loss	 410,543.44-		 1,051,524.17-			

City of Fayetteville, Arkansas
Wastewater Impr Const Fund
Balance Sheet

December 31, 2008

		* * * * *	A S S E T S	* * * * *		
Assets						
Cash					2,000.00	
Investments					3,156,294.52	
Receivables					33,252.79	
Accrued interest					28,285.30	
Due from others					.00	
Prepays					.00	
Restricted assets						
Investments					2,831,813.28	
Accrued interest					.12	
Total Assets						-----
						6,051,646.01
						=====
		* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *		
Liabilities						
Accounts payable					400,938.44-	
Due to others					20,765.03-	
Long term liabilities					.00	
Total Liability						-----
						421,703.47-
Equity						
Unreserved fund balance					5,629,942.54-	
Reserved fund balance					.00	
Current year revenue and expense					.00	
Total Equity						-----
						5,629,942.54-
Total Liabilities and Fund Equity						-----
						6,051,646.01-
						=====

City of Fayetteville, Arkansas
Wastewater Impr Const Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	.00	0	.00	.00	%
Interest	9,339.85	150,900	303,071.51	152,171.51-	201%
Gain/Loss on Investments	22,519.42	0	22,519.42	22,519.42-	%
Operating Transfers	.00	0	.00	.00	%
Non-Operating Misc	.00	3,737,104	3,737,104.00	.00	100%
 Total Revenues:	 31,859.27	 3,888,004	 4,062,694.93	 174,690.93-	 104%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Sewer Plant Const Expense	1,045,235.96	18,077,796	12,989,568.55	.00	5,088,227.45	72%
 Total Expenditures:	 1,045,235.96	 18,077,796	 12,989,568.55	 .00	 5,088,227.45	 72%
 Fund Net Gain/Loss	 1,013,376.69-		 8,926,873.62-			

City of Fayetteville, Arkansas
TIF Capital Imp Fund
Balance Sheet

December 31, 2008

* * * * * A S S E T S * * * * *									
Assets									
Accrued interest									.00
Due from others									.00
Restricted assets									
Investments									.00
Total Assets									.00
=====									
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
Accounts payable									.00
Due to others									.00
Total Liability									.00
Equity									
Unreserved fund balance									.00
Current year revenue and expense									.00
Total Equity									.00
Total Liabilities and Fund Equity									.00
=====									

City of Fayetteville, Arkansas
TIF Capital Imp Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Interest	.00	0	1,838.70-	1,838.70	%
Miscellaneous	.00	0	.00	.00	%
Contributions/Grants	.00	0	.00	.00	%
Non-Operating Misc	.00	0	.00	.00	%
	-----	-----	-----	-----	
Total Revenues:	.00	0	1,838.70-	1,838.70	%
	-----	-----	-----	-----	

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
TIF Imp Fund Expense	.00	68,570	68,569.21	.00	.79	100%
	-----	-----	-----	-----	-----	
Total Expenditures:	.00	68,570	68,569.21	.00	.79	100%
	-----	-----	-----	-----	-----	
Fund Net Gain/Loss	.00		70,407.91-			
	=====		=====			

City of Fayetteville, Arkansas
2006A Sales Tax Construct Fund
Balance Sheet

December 31, 2008

* * * * *		A S S E T S		* * * * *	
Assets					
Cash					.00
Investments					.00
Receivables					.00
Accrued interest					1.11
Due from others					.00
Restricted assets					
Investments				37,311,395.71	

Total Assets				37,311,396.82	
					=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *					
Liabilities					
Accounts payable				368,973.51-	
Due to others				29,906.31-	

Total Liability				398,879.82-	
Equity					
Unreserved fund balance				36,912,517.00-	
Reserved fund balance				.00	
Current year revenue and expense				.00	

Total Equity				36,912,517.00-	

Total Liabilities and Fund Equity				37,311,396.82-	
					=====

City of Fayetteville, Arkansas
2006A Sales Tax Construct Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Interest	1,404.78	3,000	735,233.73	732,233.73-	508%
Miscellaneous	.00	0	.00	.00	%
Non-Operating Misc	.00	0	.00	.00	%
 Total Revenues:	 1,404.78	 3,000	 735,233.73	 732,233.73-	 508%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Sales Tax Constr Fnd 2006	2,054,982.93	41,370,509	18,150,827.95	10,335.16	23,209,345.89	44%
WSIP Sales Tax Const 2007	1,050,265.71	14,212,358	1,251,755.71	.00	12,960,602.29	9%
 Total Expenditures:	 3,105,248.64	 55,582,867	 19,402,583.66	 10,335.16	 36,169,948.18	 35%
 Fund Net Gain/Loss	 3,103,843.86-		 18,667,349.93-			

City of Fayetteville, Arkansas
Water & Sewer Fund
Balance Sheet

December 31, 2008

* * * * * A S S E T S * * * * *	
Assets	
Cash	557,531.65
Investments	8,163,914.85
Receivables	2,418,381.35
Accrued interest	73,161.34
Due from others	219,244.69
Inventory	846,689.06
Prepays	69,799.50
Restricted assets	
Investments	1,724,618.94
Accrued interest	13.02
Property, plant, and equipment	165,225,372.00
Unamortized bond issuance costs	71,504.33

Total Assets	179,370,230.73
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	847,907.25-
Accrued expenses	559,435.11-
Due to others	429,963.21-
Escrow	801,859.40-
Restricted liabilities	
Accrued interest payable	146,072.84-
Current portion-LTD	1,190,000.00-
Long term liabilities	8,242,210.82-
Unamortized bond discount	73,361.87

Total Liability	12,144,086.76-
Equity	
Unreserved fund balance	.00
Reserved fund balance	.00
Retained earnings	
Inv-CapAssets-Net of Debt	155,940,372.00-
Unreserved retained earn	9,685,047.01-
Reserved retained earn	1,600,724.96-
Contributed capital	.00
Current year revenue and expense	.00

Total Equity	167,226,143.97-

Total Liabilities and Fund Equity	179,370,230.73-
	=====
* Budgeted Capital items capitalized	

City of Fayetteville, Arkansas
Water & Sewer Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Intergovernmental	249,342.14	286,000	1,772,109.60	1,486,109.60-	620%
Charges For Services	1,897,214.03	26,607,200	24,427,130.08	2,180,069.92	92%
Transfers	.00	0	.00	.00	%
Contributions	3,525.00	125,500	103,939.42	21,560.58	83%
Operating Transfers	57,982.30	193,494	57,982.30	135,511.70	30%
Non Operating Interest	82,961.21	520,600	411,186.19	109,413.81	79%
Contributions/Grants	.00	0	139,327.13	139,327.13-	%
Non-Operating Misc	44,431.87	223,300	579,811.40	356,511.40-	260%
Total Revenues:	2,335,456.55	27,956,094	27,491,486.12	464,607.88	98%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Water & Wastewater Direct	14,845.19	433,388	397,550.05	.00	35,837.95	92%
Billing and Collections	138,696.84	1,199,761	1,122,079.80	.00	77,681.20	94%
Meter Operations	81,190.97	1,159,276	1,032,306.35	.00	126,969.65	89%
Meter Maintenance	40,613.38	445,118	358,635.93	.00	86,482.07	81%
Meter-Capital Expenditure *	.00	271,242	16,264.15	.00	254,977.85	6%
Water Purchased	294,132.08	6,500,000	5,619,226.08	.00	880,773.92	86%
Water/Sewer Maint Admin	328,171.55	3,586,319	3,307,653.14	.00	278,665.86	92%
WSIP Project Management	10,371.77-	147,900	.00	.00	147,900.00	%
Water Distribution	296,679.65	3,944,113	3,726,210.98	1,018.64	216,883.38	95%
Water Storage/Pump Maint	22,977.67	219,936	173,564.38	.00	46,371.62	79%
Sewer Main Maintenance *	223,783.90	3,129,070	2,929,742.23	.00	199,327.77	94%
WWTP Admin & SCADA	100,895.16	1,111,057	940,900.43	.00	170,156.57	85%
WWTP Eastside Operations	422,176.95	5,677,725	5,391,384.84	.00	286,340.16	95%
WWTP West Side Operations	147,006.47	3,654,411	2,071,423.53	19,101.25	1,563,886.22	57%
WWTP Lab & IPP	29,569.39	372,575	354,832.68	.00	17,742.32	95%
WWTP Lift Station Maint	87,750.37	1,467,890	902,256.47	20,000.00	545,633.53	63%
Capital Water Mains *	.00	0	.00	.00	.00	%
Water & Sewer Capital *	.00	0	.00	.00	.00	%
Water & Sewer Connections *	.00	0	.00	.00	.00	%
Sewer Mains Construction *	.00	0	.00	.00	.00	%
East WW Treatment-Capital *	22,904.51	149,854	37,217.43	.00	112,636.57	25%
Water And Sewer Bonds	33,203.09	592,337	534,726.57	.00	57,610.43	90%
Total Expenditures:	2,274,225.40	34,061,972	28,915,975.04	40,119.89	5,105,877.07	85%

Fund Net Gain/Loss	61,231.15	1,424,488.92-
	=====	=====

* Budgeted Capital items capitalized

City of Fayetteville, Arkansas
Solid Waste Fund
Balance Sheet

December 31, 2008

* * * * * A S S E T S * * * * *	
Assets	
Cash	150.00
Investments	7,062,102.27
Receivables	1,284,458.73
Accrued interest	63,287.39
Due from others	148,502.03
Inventory	117,301.64
Prepays	81,743.13
Property, plant, and equipment	2,087,298.48

Total Assets	10,844,843.67
	=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *	
Liabilities	
Accounts payable	212,259.59-
Accrued expenses	289,083.80-
Due to others	708,736.78-
Escrow	44,980.98-
Restricted liabilities	
Accrued interest payable	.00
Current portion-LTD	.00
Long term liabilities	189,773.36-

Total Liability	1,444,834.51-
Equity	
Unreserved fund balance	.00
Reserved fund balance	.00
Retained earnings	
Inv-CapAssets-Net of Debt	2,087,298.48-
Unreserved retained earn	7,312,710.68-
Contributed capital	.00
Current year revenue and expense	.00

Total Equity	9,400,009.16-

Total Liabilities and Fund Equity	10,844,843.67-
	=====

* Budgeted Capital items capitalized

City of Fayetteville, Arkansas
Solid Waste Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes *	6,746.89	178,000	105,724.47	72,275.53	59%
Intergovernmental	.00	0	.00	.00	%
Charges For Services	963,919.18	9,347,400	9,280,740.23	66,659.77	99%
Operating Transfers	.00	0	.00	.00	%
Non Operating Interest	71,048.38	229,000	285,052.33	56,052.33-	124%
Contributions/Grants	.00	0	.00	.00	%
Non-Operating Misc	51,900.65-	11,600	103,980.04	92,380.04-	896%
Total Revenues:	989,813.80	9,766,000	9,775,497.07	9,497.07-	100%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Solid Waste Oper & Admin	273,680.14	2,455,642	2,206,149.82	.00	249,492.18	90%
Commercial Collection	176,990.79	2,468,896	2,008,448.64	460.00	459,987.36	81%
Residential Collection	273,743.51	1,921,210	1,700,907.35	.00	220,302.65	89%
Commercial Drop Collect *	26,941.24	776,812	441,625.89	.00	335,186.11	57%
Recycling *	302,337.87	1,947,265	1,762,200.16	.00	185,064.84	90%
Composting *	167,466.22	789,575	717,706.70	.00	71,868.30	91%
Total Expenditures:	1,221,159.77	10,359,400	8,837,038.56	460.00	1,521,901.44	85%
Fund Net Gain/Loss	231,345.97-		938,458.51			

* Budgeted Capital items capitalized

** This Revenue Class Includes Franchise Fees

City of Fayetteville, Arkansas
Airport Fund
Balance Sheet

December 31, 2008

* * * * *		A S S E T S		* * * * *	
Assets					
Cash					.00
Investments				774,856.97	
Receivables				25,358.89	
Accrued interest				6,943.92	
Due from others				76,051.88	
Inventory				3,516.87	
Prepays				9,812.08	
Property, plant, and equipment		*		13,920,770.59	

Total Assets				14,817,311.20	
					=====
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *					
Liabilities					
Accounts payable				80,778.09-	
Accrued expenses				47,952.13-	
Due to others				669,369.76-	
Escrow				2,350.00-	
Long term liabilities				24,851.27-	

Total Liability				825,301.25-	
Equity					
Unreserved fund balance				.00	
Reserved fund balance				.00	
Retained earnings					
Inv-CapAssets-Net of Debt				13,920,770.59-	
Unreserved retained earn				71,239.36-	
Contributed capital				.00	
Current year revenue and expense				.00	

Total Equity				13,992,009.95-	

Total Liabilities and Fund Equity				14,817,311.20-	
					=====
* Budgeted Capital items capitalized					

City of Fayetteville, Arkansas
Airport Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	.00	0	.00	.00	%
Intergovernmental	.00	220,350	28,809.70	191,540.30	13%
Charges For Services	13,129.02	748,000	703,245.40	44,754.60	94%
Miscellaneous	.00	3,000	16,669.48	13,669.48-	556%
Operating Transfers	.00	0	.00	.00	%
Non Operating Interest	7,729.99	22,000	31,806.12	9,806.12-	145%
Contributions/Grants	63,714.00	124,170	203,301.30	79,131.30-	164%
Non-Operating Misc	.00	0	.00	.00	%
Total Revenues:	84,573.01	1,117,520	983,832.00	133,688.00	88%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Airport Administration	168,193.05	1,923,645	2,013,039.54	.00	89,394.54-	105%
Airport Maintenance	21,553.85	251,244	231,595.50	.00	19,648.50	92%
Airport Capital Exp *	4,820.00	225,430	47,049.33	.00	178,380.67	21%
Total Expenditures:	194,566.90	2,400,319	2,291,684.37	.00	108,634.63	95%
Fund Net Gain/Loss	109,993.89-		1,307,852.37-			

* Budgeted Capital items capitalized

City of Fayetteville, Arkansas
Town Center Fund
Balance Sheet

December 31, 2008

		* * * * *	A S S E T S	* * * * *		
Assets						
Cash						.00
Investments						.00
Receivables						.00
Accrued interest						.00
Due from others						.00
Prepays						.00
Restricted assets						
Investments					172,630.01	
Accrued interest					1.18	
Property, plant, and equipment					6,586,954.91	
Unamortized bond issuance costs					62,335.47	

Total Assets					6,821,921.57	
					=====	
		* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *		
Liabilities						
Accounts payable						.00
Due to others						.00
Restricted liabilities						
Accrued interest payable					32,693.18-	
Current portion-LTD					540,000.00-	
Long term liabilities					3,541,636.55-	
Unamortized bond discount					35,137.67	

Total Liability					4,079,192.06-	
Equity						
Unreserved fund balance						.00
Reserved fund balance						.00
Retained earnings						
Inv-CapAssets-Net of Debt					2,441,954.91-	
Unreserved retained earn					152,152.02-	
Reserved retained earn					148,622.58-	
Contributed capital					.00	
Current year revenue and expense					.00	

Total Equity					2,742,729.51-	

Total Liabilities and Fund Equity					6,821,921.57-	
					=====	

City of Fayetteville, Arkansas
Town Center Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Contributions	56,538.35	610,100	667,687.10	57,587.10-	109%
Operating Transfers	.00	0	.00	.00	%
Non Operating Interest	1.45	14,200	5,457.37	8,742.63	38%
Total Revenues:	56,539.80	624,300	673,144.47	48,844.47-	108%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Town Center Expense	44,655.01	542,066	538,416.56	.00	3,649.44	99%
Total Expenditures:	44,655.01	542,066	538,416.56	.00	3,649.44	99%
Fund Net Gain/Loss	11,884.79		134,727.91			

City of Fayetteville, Arkansas
Police Pension Fund
Balance Sheet

December 31, 2008

* * * * *		A S S E T S	* * * * *	
Assets				
Cash		1,817.90		
Investments		7,988,523.05		
Receivables		.00		
Accrued interest		37,455.27		
Due from others		33,559.30		

Total Assets		8,061,355.52		
		=====		
* * *		L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *	
Liabilities				
Accounts payable		.00		
Due to others		.00		
Escrow		15,000.00-		

Total Liability		15,000.00-		
Equity				
Unreserved fund balance		.00		
Reserved fund balance		8,046,355.52-		
Current year revenue and expense		.00		

Total Equity		8,046,355.52-		

Total Liabilities and Fund Equity		8,061,355.52-		
		=====		

City of Fayetteville, Arkansas
Police Pension Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	22,968.98	442,000	441,696.50	303.50	100%
Intergovernmental	15,000.00-	321,000	257,799.42	63,200.58	80%
Fines & Forfeitures	10,605.08	105,300	131,583.83	26,283.83-	125%
Interest	32,725.24	266,200	277,243.51	11,043.51-	104%
Gain/Loss on Investments	1,467,096.78-	0	2,176,492.53-	2,176,492.53	%
Contributions	.00	0	.00	.00	%
Gain/Loss on sale of assets	.00	0	7,715.61	7,715.61-	%
Miscellaneous	.00	0	161.46	161.46-	%
Operating Transfers	.00	0	.00	.00	%
Total Revenues:	1,415,797.48-	1,134,500	1,060,292.20-	2,194,792.20	93%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Police Pension Expense	139,003.74	1,761,757	1,713,140.97	.00	48,616.03	97%
Total Expenditures:	139,003.74	1,761,757	1,713,140.97	.00	48,616.03	97%
Fund Net Gain/Loss	1,554,801.22-		2,773,433.17-			

City of Fayetteville, Arkansas
Fire Pension Fund
Balance Sheet

December 31, 2008

		* * * * *	A S S E T S	* * * * *
Assets				
Cash			5,456.87	
Investments			5,760,792.49	
Receivables			.00	
Accrued interest			33,982.14	
Due from others			22,968.98	

Total Assets			5,823,200.48	=====
		* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *
Liabilities				
Accounts payable			.00	
Due to others			16.74-	

Total Liability			16.74-	
Equity				
Unreserved fund balance			.00	
Reserved fund balance			5,823,183.74-	
Current year revenue and expense			.00	

Total Equity			5,823,183.74-	

Total Liabilities and Fund Equity			5,823,200.48-	=====

City of Fayetteville, Arkansas
Fire Pension Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Taxes	418,727.52-	442,000	.00	442,000.00	%
Intergovernmental	177,364.76-	188,900	.00	188,900.00	%
Interest	23,800.79	214,700	197,946.14	16,753.86	92%
Gain/Loss on Investments	1,098,941.09-	0	1,695,776.15-	1,695,776.15	%
Contributions	.00	21,800	4,069.28	17,730.72	19%
Miscellaneous	.00	0	.96	.96-	%
Operating Transfers	619,061.26	0	619,061.26	619,061.26-	%
 Total Revenues:	 1,052,171.32-	 867,400	 874,698.51-	 1,742,098.51	 101%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Fire Pension Expense	119,557.35	1,542,283	1,517,661.04	.00	24,621.96	98%
 Total Expenditures:	 119,557.35	 1,542,283	 1,517,661.04	 .00	 24,621.96	 98%
 Fund Net Gain/Loss	 1,171,728.67- =====		 2,392,359.55- =====			

City of Fayetteville, Arkansas
Shop Fund
Balance Sheet

December 31, 2008

		* * * * *	A S S E T S	* * * * *	
Assets					
Cash					.00
Investments					5,120,816.03
Receivables					5,299.64
Accrued interest					45,890.46
Due from others					818,130.52
Inventory					253,656.42
Prepays					79,464.59
Property, plant, and equipment			*		11,042,465.00
Total Assets					17,365,722.66
					=====
		* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *	
Liabilities					
Accounts payable					47,404.30-
Accrued expenses					143,251.92-
Due to others					57,831.83-
Escrow					80,633.88-
Long term liabilities					55,491.91-
Total Liability					384,613.84-
Equity					
Unreserved fund balance					.00
Reserved fund balance					.00
Retained earnings					
Inv-CapAssets-Net of Debt					11,042,465.00-
Retained earnings-FA					.00
Unreserved retained earn					5,938,643.82-
Contributed capital					.00
Current year revenue and expense					.00
Total Equity					16,981,108.82-
Total Liabilities and Fund Equity					17,365,722.66-
					=====
* Budgeted Capital items capitalized					

City of Fayetteville, Arkansas
Shop Fund
Statement of Revenue and Expenditures

For the Period Ended December 31, 2008

C O M P A R A T I V E R E V E N U E S

Description	Revenue This Month	Annual Budget	Revenue Year to Date	Budget Less Revenue	% Budg Rec'd
Charges For Services	470,546.01	6,496,000	6,192,185.92	303,814.08	95%
Operating Transfers	453,919.38	455,396	453,919.38	1,476.62	100%
Non Operating Interest	50,917.35	310,000	255,949.02	54,050.98	83%
Contributions/Grants	.00	15,036	298,989.82	283,953.82	988%
Non-Operating Misc	8,316.74	0	39,404.54	39,404.54	%
Total Revenues:	983,699.48	7,276,432	7,240,448.68	35,983.32	100%

C O M P A R A T I V E E X P E N D I T U R E S

Description	Expenditures This Month	Annual Budget	Expenditures Year to Date	Encumbrances	Budget Less Exp & Enc	Budget Used %
Vehicle Maintenance *	441,136.18	6,795,974	6,433,687.56	.00	362,286.44	95%
Fleet Operations Capital *	.00	930	645.83	.00	284.17	69%
Total Expenditures:	441,136.18	6,796,904	6,434,333.39	.00	362,570.61	95%
Fund Net Gain/Loss	542,563.30		806,115.29			

* Budgeted Capital items capitalized

City of Fayetteville, Arkansas
General Long Term Debt Fund
Balance Sheet

December 31, 2008

* * * * *	A S S E T S	* * * * *
Assets		
Cash		.00
Receivables		.00
Amount available in debt service		.00
Amount to be provided for LT debt		137,518,396.42

Total Assets		137,518,396.42
		=====
* * *	L I A B I L I T I E S A N D F U N D E Q U I T Y	* * *
Liabilities		
Accounts payable		.00
Accrued expenses		2,229,075.37-
Restricted liabilities		
Current portion-LTD		7,725,000.00-
Long term liabilities		127,564,321.05-

Total Liability		137,518,396.42-
Equity		
Unreserved fund balance		.00
Reserved fund balance		.00
Current year revenue and expense		.00

Total Equity		.00

Total Liabilities and Fund Equity		137,518,396.42-
		=====

City of Fayetteville, Arkansas
General Fixed Assets Fund
Balance Sheet

December 31, 2008

* * * * * A S S E T S * * * * *									
Assets									
Cash								.00	
Receivables								.00	
Property, plant, and equipment								265,487,502.17	

Total Assets								265,487,502.17	
								=====	
* * * L I A B I L I T I E S A N D F U N D E Q U I T Y * * *									
Liabilities									
Accounts payable								.00	
Fund investments								341,583,931.49-	

Total Liability								341,583,931.49-	
Equity									
Unreserved fund balance								76,096,429.32	
Reserved fund balance								.00	
Current year revenue and expense								.00	

Total Equity								76,096,429.32	

Total Liabilities and Fund Equity								265,487,502.17-	
								=====	

City of Fayetteville, Arkansas
Summary of Revenues and Expenditures as compared to Budget
December 31, 2008

The following are preliminary, budget statements and
are subject to adjustment.

City of Fayetteville Major Revenues Report

December 2008 Compared to December 2007

2/11/2009 v.08.01

Major Fund Revenues	2008 Annual Budget	DEC 2008 Y-T-D	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D	DEC 2008 % Increase/ (Decrease) from DEC 2007
1010 - General					
County Sales Tax	11,175,000.00	11,008,153.48	98.51 %	11,055,463.15	(0.43) %
Court Fines and Fees	1,502,300.00	1,523,187.79	101.39 %	1,509,093.02	0.93 %
Property Tax	1,437,900.00	1,416,107.47	98.48 %	1,252,489.04	13.06 %
State Turnback	1,141,500.00	1,158,999.15	101.53 %	1,622,371.77	(28.56) %
Building Permits	1,137,700.00	1,162,893.01	102.21 %	1,166,757.64	(0.33) %
1010 - General Fund/4470 - Sales Tax Capital Improvement Fund					
City Sales Tax	15,632,000.00	16,503,203.33	105.57 %	15,564,173.70	6.03 %
2100 - Street					
State Turnback	3,089,000.00	3,078,219.81	99.65 %	3,175,819.51	(3.07) %
County Road Turnback	973,000.00	968,278.05	99.51 %	857,865.05	12.87 %
2120 - City Adv & Promotion					
HMR - Parks and A&P	0.00	2,171,452.31	0.00 %	2,030,912.63	6.92 %
2200 - Parks Development					
HMR - Parks and A&P	2,127,000.00	2,171,452.31	102.09 %	2,030,912.63	6.92 %
2300 - Impact Fee					
Impact Fees	2,389,600.00	1,617,668.56	67.70 %	2,355,445.07	(31.32) %
2400 - Pol & Fire Pension Rev					
Property Tax	0.00	441,696.50	0.00 %	777,754.46	(43.21) %
3440 - Wastewater Impr SlsTx Bnd					
Sales Tax Bonding	15,632,000.00	16,501,242.50	105.56 %	15,139,647.00	8.99 %
5400 - Water & Sewer					
Water Sales	12,961,400.00	11,274,159.00	86.98 %	12,017,514.19	(6.19) %
Sewer Sales	12,873,600.00	11,872,200.87	92.22 %	12,550,240.40	(5.40) %
5500 - Solid Waste					
Solid Waste Fees	8,026,000.00	7,960,150.57	99.18 %	8,041,447.63	(1.01) %
6800 - Police Pension					
Property Tax	442,000.00	441,696.50	99.93 %	0.00	0.00 %
Court Fines and Fees	105,300.00	131,583.83	124.96 %	106,384.63	23.69 %
6810 - Fire Pension					
Property Tax	442,000.00	0.00	0.00 %	0.00	0.00 %

Budget to Actual Report
December 2008 Compared to December 2007
2/12/2009 v. 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
1010 - General Fund					
General Government					
0150 Mayor's Administration					
Personnel Services	270,224	270,221.85	100.00 %	230,823.45	99.83 %
Materials and Supplies	4,980	3,514.31	70.57 %	6,698.29	89.51 %
Services and Charges	71,935	70,095.65	97.44 %	92,889.38	98.41 %
Maintenance	900	425.30	47.26 %	276.46	74.72 %
	<u>348,039</u>	<u>344,257.11</u>	<u>98.91 %</u>	<u>330,687.58</u>	<u>99.17 %</u>
0160 City Council					
Personnel Services	73,044	73,000.80	99.94 %	73,000.80	100.00 %
Materials and Supplies	2,200	1,740.33	79.11 %	983.91	47.30 %
Services and Charges	5,600	1,612.82	28.80 %	2,470.55	53.71 %
	<u>80,844</u>	<u>76,353.95</u>	<u>94.45 %</u>	<u>76,455.26</u>	<u>95.95 %</u>
0210 City Attorney					
Personnel Services	287,084	287,082.87	100.00 %	264,721.75	99.98 %
Materials and Supplies	2,864	2,858.98	99.82 %	1,987.35	52.74 %
Services and Charges	21,555	19,326.36	89.66 %	24,852.38	96.14 %
	<u>311,503</u>	<u>309,268.21</u>	<u>99.28 %</u>	<u>291,561.48</u>	<u>99.04 %</u>
0310 City Prosecutor					
Personnel Services	514,826	514,821.86	100.00 %	565,987.41	99.94 %
Materials and Supplies	12,271	12,268.81	99.98 %	15,266.01	99.59 %
Services and Charges	5,823	5,822.12	99.98 %	15,613.90	98.77 %
Maintenance	7,592	7,591.05	99.99 %	6,969.30	92.81 %
	<u>540,512</u>	<u>540,503.84</u>	<u>100.00 %</u>	<u>603,836.62</u>	<u>99.82 %</u>
0400, 2010-2030 District Court					
Personnel Services	672,494	672,015.46	99.93 %	647,878.60	99.95 %
Materials and Supplies	11,287	11,138.87	98.69 %	11,014.85	99.99 %
Services and Charges	9,997	9,111.86	91.15 %	10,006.80	93.97 %
Maintenance	9,991	9,990.92	100.00 %	9,917.76	99.56 %
	<u>703,769</u>	<u>702,257.11</u>	<u>99.79 %</u>	<u>678,818.01</u>	<u>99.85 %</u>
0500 Economic Development					
Personnel Services	53,696	53,695.71	100.00 %	52,095.97	99.87 %
Materials and Supplies	1,550	472.26	30.47 %	457.87	26.34 %
Services and Charges	17,922	5,640.38	31.47 %	9,596.71	45.67 %
	<u>73,168</u>	<u>59,808.35</u>	<u>81.74 %</u>	<u>62,150.55</u>	<u>82.96 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
2/12/2009 v 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
General Government - continued					
0550 Public Information					
Personnel Services	147,966	147,964.56	100.00 %	137,391.92	99.94 %
Materials and Supplies	3,211	3,210.05	99.97 %	1,578.18	72.56 %
Services and Charges	10,044	10,042.63	99.99 %	1,634.44	18.18 %
Maintenance	0	0.00	0.00 %	27.65	13.83 %
	<u>161,221</u>	<u>161,217.24</u>	<u>100.00 %</u>	<u>140,632.19</u>	<u>94.49 %</u>
0600 Cable Administration					
Personnel Services	183,032	183,028.20	100.00 %	194,489.54	99.86 %
Materials and Supplies	4,640	3,383.25	72.91 %	5,818.78	96.53 %
Services and Charges	15,271	12,308.66	80.60 %	12,967.51	80.75 %
Maintenance	10,365	7,871.46	75.94 %	3,686.76	48.87 %
	<u>213,308</u>	<u>206,591.57</u>	<u>96.85 %</u>	<u>216,962.59</u>	<u>96.69 %</u>
1360 Internal Audit					
Personnel Services	83,545	83,544.61	100.00 %	79,741.32	99.96 %
Materials and Supplies	460	444.90	96.72 %	553.82	98.90 %
Services and Charges	3,076	3,041.19	98.87 %	3,624.88	92.42 %
	<u>87,081</u>	<u>87,030.70</u>	<u>99.94 %</u>	<u>83,920.02</u>	<u>99.60</u>
1510 City Clerk/Treasurer					
Personnel Services	280,710	280,705.49	100.00 %	265,159.99	99.95 %
Materials and Supplies	17,350	13,927.61	80.27 %	19,125.55	71.83 %
Services and Charges	81,816	79,964.38	97.74 %	47,707.14	73.81 %
Maintenance	1,200	1,162.00	96.83 %	0.00	0.00 %
	<u>381,076</u>	<u>375,759.48</u>	<u>98.60 %</u>	<u>331,992.68</u>	<u>92.85 %</u>
5240 Library					
Services and Charges	21,755	20,382.08	93.69 %	22,563.27	93.82 %
Transfers to Outside Entities	1,566,146	1,566,146.00	100.00 %	1,613,145.96	100.00 %
	<u>1,587,901</u>	<u>1,586,528.08</u>	<u>99.91 %</u>	<u>1,635,709.23</u>	<u>99.91 %</u>
6600 Miscellaneous					
Materials and Supplies	1,487	819.70	55.12 %	94,781.70	62.64 %
Services and Charges	465,640	346,516.08	74.42 %	260,422.89	61.33 %
Cost Allocation/Reimbursements	(2,178,432)	(2,178,432.00)	100.00 %	(2,178,432.00)	99.05 %
Maintenance	14,505	13,874.66	95.65 %	7,570.66	65.83 %
Transfers to Outside Entities	773,796	773,594.30	99.97 %	832,947.81	93.67 %
Capital	13,343	13,342.10	99.99 %	337,833.77	98.28 %
Miscellaneous	150	150.00	100.00 %	1,428.56	17.86 %
	<u>(909,511)</u>	<u>(1,030,135.16)</u>	<u>(113.26) %</u>	<u>(643,446.61)</u>	<u>-278.58 %</u>
General Government Total	<u>3,578,911</u>	<u>3,419,440.48</u>	<u>95.54 %</u>	<u>3,809,279.60</u>	<u>88.83</u>

Budget to Actual Report
December 2008 Compared to December 2007
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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
Operations					
0700 Operations Director					
Personnel Services	69,636	69,635.68	100.00 %	67,361.82	99.97 %
Materials and Supplies	1,793	1,791.25	99.90 %	2,339.25	75.46 %
Services and Charges	3,735	3,733.52	99.96 %	2,017.00	41.63 %
	<u>75,164</u>	<u>75,160.45</u>	<u>100.00 %</u>	<u>71,718.07</u>	<u>95.21 %</u>
1210-1220 Human Resources					
Personnel Services	905,639	905,632.64	100.00 %	885,420.69	99.99 %
Materials and Supplies	12,015	6,079.45	50.60 %	18,252.39	99.99 %
Services and Charges	216,485	173,522.28	80.15 %	199,368.41	85.41 %
Maintenance	15,770	14,596.50	92.56 %	0.00	0.00 %
	<u>1,149,909</u>	<u>1,099,830.87</u>	<u>95.65 %</u>	<u>1,103,041.49</u>	<u>96.98 %</u>
1380, 5300 Parking & Telecommunications					
Personnel Services	298,438	298,428.70	100.00 %	275,075.29	93.19 %
Materials and Supplies	18,640	15,064.70	80.82 %	15,229.73	70.22 %
Services and Charges	263,092	204,914.97	77.89 %	234,363.53	89.89 %
Maintenance	4,924	4,398.94	89.34 %	3,523.73	59.47 %
	<u>585,094</u>	<u>522,807.31</u>	<u>89.35 %</u>	<u>528,192.28</u>	<u>90.52 %</u>
1410-1420 Building Services					
Personnel Services	637,795	637,785.29	100.00 %	601,673.18	97.65 %
Materials and Supplies	19,394	17,396.48	89.70 %	21,207.82	98.78 %
Services and Charges	40,778	39,627.08	97.18 %	37,387.82	86.94 %
Maintenance	25,131	24,712.00	98.33 %	27,255.06	98.08 %
	<u>723,098</u>	<u>719,520.85</u>	<u>99.51 %</u>	<u>687,523.88</u>	<u>97.05 %</u>
5200-5280 Parks & Recreation					
Personnel Services	1,153,950	1,153,802.52	99.99 %	1,298,231.34	99.37 %
Materials and Supplies	136,869	130,075.27	95.04 %	141,497.71	95.60 %
Services and Charges	557,623	547,642.44	98.21 %	517,760.22	92.16 %
Cost Allocation/Reimbursements	(6,319)	(6,318.84)	100.00 %	0.00	0.00 %
Maintenance	117,873	113,824.55	96.57 %	109,593.75	98.87 %
Capital	7,740	7,739.30	99.99 %	0.00	0.00 %
	<u>1,967,736</u>	<u>1,946,765.24</u>	<u>98.93 %</u>	<u>2,067,083.02</u>	<u>97.18 %</u>
6200, 6310 Planning & Development Management					
Personnel Services	295,822	295,818.64	100.00 %	330,848.33	99.86 %
Materials and Supplies	4,569	2,992.54	65.50 %	2,926.63	65.74 %
Services and Charges	15,770	7,856.70	49.82 %	13,824.33	73.81 %
Maintenance	3,600	3,333.00	92.58 %	3,330.50	92.51 %
	<u>319,761</u>	<u>310,000.88</u>	<u>96.95 %</u>	<u>350,929.79</u>	<u>98.00 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
Operations - continued					
6210-6240 Engineering					
Personnel Services	1,172,039	1,172,020.79	100.00 %	1,062,245.57	96.06 %
Materials and Supplies	31,041	30,817.27	99.28 %	33,540.26	97.90 %
Services and Charges	45,929	45,923.50	99.99 %	49,319.54	92.33 %
Maintenance	924	922.41	99.83 %	1,327.26	94.94 %
	<u>1,249,933</u>	<u>1,249,683.97</u>	<u>99.98 %</u>	<u>1,146,432.63</u>	<u>95.94 %</u>
6300 Current Planning					
Personnel Services	435,859	435,858.55	100.00 %	414,774.39	86.79 %
Materials and Supplies	17,972	10,764.59	59.90 %	20,042.44	80.20 %
Services and Charges	37,937	23,509.70	61.97 %	23,002.69	58.58 %
Maintenance	350	0.00	0.00 %	0.00	0.00 %
	<u>492,118</u>	<u>470,132.84</u>	<u>95.53 %</u>	<u>457,819.52</u>	<u>84.39 %</u>
6305 Planning Commission					
Personnel Services	44,003	44,002.21	100.00 %	39,561.62	90.75 %
Services and Charges	1,325	842.88	63.61 %	1,141.20	86.13 %
	<u>45,328</u>	<u>44,845.09</u>	<u>98.93 %</u>	<u>40,702.82</u>	<u>90.61 %</u>
6400 Building Safety					
Personnel Services	607,509	607,507.69	100.00 %	589,846.87	99.94 %
Materials and Supplies	20,126	19,617.70	97.47 %	27,809.09	94.87 %
Services and Charges	43,698	43,693.69	99.99 %	48,550.03	95.58 %
Maintenance	7,210	7,210.00	100.00 %	7,000.00	100.00 %
	<u>678,543</u>	<u>678,029.08</u>	<u>99.92 %</u>	<u>673,205.99</u>	<u>99.40 %</u>
6420 Community Resources & Code Compliance					
Personnel Services	260,926	260,920.66	100.00 %	257,706.40	98.48 %
Materials and Supplies	12,832	12,689.16	98.89 %	10,049.13	95.77 %
Services and Charges	55,494	50,454.06	90.92 %	57,174.62	90.91 %
Maintenance	890	889.59	99.95 %	695.55	57.01 %
	<u>330,142</u>	<u>324,953.47</u>	<u>98.43 %</u>	<u>325,625.70</u>	<u>96.83 %</u>
Operations Total	<u>7,616,826</u>	<u>7,441,730.05</u>	<u>97.70 %</u>	<u>7,452,275.19</u>	<u>95.72 %</u>
Police Department					
2600 Central Dispatch					
Personnel Services	1,179,688	1,179,684.39	100.00 %	1,102,469.67	98.14 %
Materials and Supplies	12,450	12,448.22	99.99 %	14,054.27	92.43 %
Services and Charges	47,663	47,655.76	99.98 %	53,293.25	95.88 %
Maintenance	53,033	53,026.04	99.99 %	51,909.72	100.00 %
	<u>1,292,834</u>	<u>1,292,814.41</u>	<u>100.00 %</u>	<u>1,221,726.91</u>	<u>98.05 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
Police Department - continued					
2710-2730 Animal Services					
Personnel Services	731,489	731,478.40	100.00 %	740,011.60	99.86 %
Materials and Supplies	44,887	44,262.75	98.61 %	124,645.98	98.49 %
Services and Charges	87,182	87,172.29	99.99 %	87,437.62	98.83 %
Maintenance	11,133	11,130.39	99.98 %	15,279.96	99.43 %
	<u>874,691</u>	<u>874,043.83</u>	<u>99.93 %</u>	<u>967,375.16</u>	<u>99.58 %</u>
2900-2940 Police					
Personnel Services	9,007,922	9,006,453.90	99.98 %	8,752,160.87	99.81 %
Materials and Supplies	394,561	380,900.62	96.54 %	424,790.23	94.77 %
Services and Charges	1,018,074	1,003,376.43	98.56 %	1,176,831.01	90.55 %
Maintenance	157,485	155,540.34	98.77 %	165,534.99	94.57 %
Capital	0	0.00	0.00 %	5,310.00	19.77 %
	<u>10,578,042</u>	<u>10,546,271.29</u>	<u>99.70 %</u>	<u>10,524,627.10</u>	<u>98.19 %</u>
2920 Police/Animal Projects					
Personnel Services	234,568	99,829.73	42.56 %	0.00	0.00 %
Materials and Supplies	209,215	133,082.84	63.61 %	0.00	0.00 %
Services and Charges	163,704	94,259.81	57.58 %	0.00	0.00 %
Maintenance	6,179	3,177.23	51.42 %	0.00	0.00 %
Transfers to Outside Entities	64,654	51,049.93	78.96 %	0.00	0.00 %
Capital	106,629	0.00	0.00 %	0.00	0.00 %
	<u>784,949</u>	<u>381,399.54</u>	<u>48.59 %</u>	<u>0.00</u>	<u>0.00 %</u>
Police Department Total	<u>13,530,516</u>	<u>13,094,529.07</u>	<u>96.78 %</u>	<u>12,713,729.17</u>	<u>98.28 %</u>
Fire Department					
3010-3030 Fire					
Personnel Services	7,569,667	7,569,653.28	100.00 %	7,041,762.61	99.84 %
Materials and Supplies	243,619	227,583.58	93.42 %	219,576.12	91.89 %
Services and Charges	444,630	444,620.26	100.00 %	511,813.90	98.37 %
Maintenance	197,943	197,933.66	100.00 %	134,281.45	97.48 %
Capital	0	0.00	0.00 %	46,478.01	100.00 %
	<u>8,455,859</u>	<u>8,439,790.78</u>	<u>99.81 %</u>	<u>7,953,912.09</u>	<u>99.47 %</u>
Fire Department Total	<u>8,455,859</u>	<u>8,439,790.78</u>	<u>99.81 %</u>	<u>7,953,912.09</u>	<u>99.47 %</u>

Finance

Budget to Actual Report
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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
Finance - continued					
1100 Finance Director					
Personnel Services	134,354	134,353.82	100.00 %	121,674.93	99.97 %
Materials and Supplies	550	504.52	91.73 %	1,226.31	57.04 %
Services and Charges	7,842	2,699.97	34.43 %	3,111.36	33.39 %
	<u>142,746</u>	<u>137,558.31</u>	<u>96.37 %</u>	<u>126,012.60</u>	<u>94.61 %</u>
1310 Accounting and Audit					
Personnel Services	675,803	675,744.19	99.99 %	659,378.19	99.94 %
Materials and Supplies	12,700	7,827.04	61.63 %	11,880.04	89.06 %
Services and Charges	16,605	16,349.11	98.46 %	17,233.59	92.05 %
Maintenance	880	880.00	100.00 %	645.00	78.18 %
	<u>705,988</u>	<u>700,800.34</u>	<u>99.27 %</u>	<u>689,136.82</u>	<u>99.49 %</u>
1330 Budget and Research					
Personnel Services	299,773	299,768.90	100.00 %	284,471.79	99.96 %
Materials and Supplies	7,400	5,012.34	67.73 %	6,042.12	99.97 %
Services and Charges	990	989.36	99.94 %	3,906.45	85.82 %
Maintenance	1,700	1,700.00	100.00 %	1,650.00	100.00 %
	<u>309,863</u>	<u>307,470.60</u>	<u>99.23 %</u>	<u>296,070.36</u>	<u>99.74 %</u>
1610 Purchasing					
Personnel Services	209,967	209,964.56	100.00 %	198,398.34	99.94 %
Materials and Supplies	1,182	1,180.16	99.84 %	5,183.86	99.98 %
Services and Charges	18,778	18,776.33	99.99 %	21,260.36	100.00 %
	<u>229,927</u>	<u>229,921.05</u>	<u>100.00 %</u>	<u>224,842.56</u>	<u>99.94 %</u>
1710 Information Technology					
Personnel Services	921,340	921,336.81	100.00 %	895,713.72	97.42 %
Materials and Supplies	26,662	26,238.99	98.41 %	32,904.87	95.65 %
Services and Charges	66,598	46,424.02	69.71 %	61,010.41	99.36 %
Maintenance	292,924	292,039.72	99.70 %	290,329.48	99.91 %
	<u>1,307,524</u>	<u>1,286,039.54</u>	<u>98.36 %</u>	<u>1,279,958.48</u>	<u>98.02 %</u>
Finance Total	<u>2,696,048</u>	<u>2,661,789.84</u>	<u>98.73 %</u>	<u>2,616,020.82</u>	<u>98.59 %</u>
1010 Fund Total	<u>35,878,160</u>	<u>35,057,280.22</u>	<u>97.71 %</u>	<u>34,545,216.87</u>	<u>96.87 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
2100 - Street Fund					
Operations					
4100-4130, 5315, 5500, 5520, 5530 Transportation					
Personnel Services	2,538,799	2,280,821.57	89.84 %	2,322,514.34	97.67 %
Materials and Supplies	434,140	394,093.41	90.78 %	440,853.88	93.74 %
Services and Charges	1,870,219	1,840,366.14	98.40 %	1,282,133.69	94.58 %
Cost Allocation/Reimbursements	(609,326)	(649,826.91)	106.65 %	0.00	0.00 %
Maintenance	584,657	543,674.65	92.99 %	63,075.30	78.03 %
Capital	0	0.00	0.00 %	7,988.00	100.00 %
	<u>4,818,489</u>	<u>4,409,128.86</u>	<u>91.50 %</u>	<u>4,116,565.21</u>	<u>95.90 %</u>
Operations Total	<u>4,818,489</u>	<u>4,409,128.86</u>	<u>91.50 %</u>	<u>4,116,565.21</u>	<u>95.90 %</u>
2100 Fund Total	<u>4,818,489</u>	<u>4,409,128.86</u>	<u>91.50 %</u>	<u>4,116,565.21</u>	<u>95.90 %</u>

Budget to Actual Report

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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
2130 - Off Street Parking Fund					
Operations					
9130 Off Street Parking Exp					
Personnel Services	53,272	51,583.62	96.83 %	43,219.40	94.86 %
Materials and Supplies	26,142	7,950.76	30.41 %	15,371.90	76.48 %
Services and Charges	106,521	96,346.92	90.45 %	107,260.64	88.85 %
Maintenance	36,773	25,880.80	70.38 %	9,226.63	31.69 %
Transfers to Outside Entities	105,500	50,700.76	48.06 %	66,955.72	53.35 %
Capital	25,000	15,747.70	62.99 %	0.00	0.00 %
	<u>353,208</u>	<u>248,210.56</u>	<u>70.27 %</u>	<u>242,034.29</u>	<u>65.89 %</u>
Operations Total	<u>353,208</u>	<u>248,210.56</u>	<u>70.27 %</u>	<u>242,034.29</u>	<u>65.89 %</u>
2130 Fund Total	<u>353,208</u>	<u>248,210.56</u>	<u>70.27 %</u>	<u>242,034.29</u>	<u>65.89 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

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	<u>2008 Annual Budget</u>	<u>DEC 2008 Y-T-D Expenses</u>	<u>DEC 2008 % of Annual Budget</u>	<u>DEC 2007 Y-T-D Expenses</u>	<u>DEC 2007 % of Total 2007 Budget</u>
2180 - Community Development Fund					
Operations					
4930-4990 Community Resources & Code Compliance					
Personnel Services	271,382	208,800.19	76.94 %	207,454.37	91.39 %
Materials and Supplies	24,441	14,407.57	58.95 %	12,402.72	50.32 %
Services and Charges	880,350	502,123.10	57.04 %	493,630.00	49.77 %
	<u>1,176,173</u>	<u>725,330.86</u>	<u>61.67 %</u>	<u>713,487.09</u>	<u>57.38 %</u>
Operations Total	<u>1,176,173</u>	<u>725,330.86</u>	<u>61.67 %</u>	<u>713,487.09</u>	<u>57.38 %</u>
2180 Fund Total	<u>1,176,173</u>	<u>725,330.86</u>	<u>61.67 %</u>	<u>713,487.09</u>	<u>57.38 %</u>

Budget to Actual Report

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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
2185 - EDI Attain Housing Grant Fund					
Other					
4985 EDI Grant Expense					
Services and Charges	656,600	0.00	0.00 %	0.00	0.00 %
	656,600	0.00	0.00 %	0.00	0.00 %
Other Total	656,600	0.00	0.00 %	0.00	100.00 %
2185 Fund Total	656,600	0.00	0.00 %	0.00	100.00 %

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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
2250 - Parks Development Fund					
Operations					
9250-9255 Parks & Recreation					
Personnel Services	1,102,782	1,043,170.39	94.59 %	943,949.15	90.25 %
Materials and Supplies	194,506	154,552.46	79.46 %	110,032.23	68.57 %
Services and Charges	234,499	146,586.68	62.51 %	234,322.71	68.19 %
Cost Allocation/Reimbursements	84,168	84,168.00	100.00 %	84,168.00	100.00 %
Maintenance	55,274	28,580.43	51.71 %	19,312.35	89.77 %
Debt Service	78,000	77,866.02	99.83 %	0.00	0.00 %
Transfers to Outside Entities	177,750	177,750.00	100.00 %	304,188.35	100.00 %
Capital	4,294,375	757,999.17	17.65 %	256,988.91	8.16 %
	<u>6,221,354</u>	<u>2,470,673.15</u>	<u>39.71 %</u>	<u>1,952,961.70</u>	<u>38.22 %</u>
Operations Total	<u>6,221,354</u>	<u>2,470,673.15</u>	<u>39.71 %</u>	<u>1,952,961.70</u>	<u>38.22 %</u>
2250 Fund Total	<u>6,221,354</u>	<u>2,470,673.15</u>	<u>39.71 %</u>	<u>1,952,961.70</u>	<u>38.22 %</u>

Budget to Actual Report

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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
2300 - Impact Fee Fund					
Other					
9300 Impact Fee Expense					
Materials and Supplies	42,000	40,504.49	96.44 %	0.00	0.00 %
Capital	7,315,540	0.00	0.00 %	0.00	0.00 %
	<u>7,357,540</u>	<u>40,504.49</u>	<u>0.55 %</u>	<u>0.00</u>	<u>0.00 %</u>
Other Total	<u>7,357,540</u>	<u>40,504.49</u>	<u>0.55 %</u>	<u>0.00</u>	<u>0.00 %</u>
2300 Fund Total	<u>7,357,540</u>	<u>40,504.49</u>	<u>0.55 %</u>	<u>0.00</u>	<u>0.00 %</u>

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	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
2930 - Drug Law Enforcement Fund					
Police Department					
2960 Police					
Personnel Services	265,308	265,297.39	100.00 %	240,933.24	100.00 %
Materials and Supplies	3,096	3,095.96	100.00 %	0.00	0.00 %
Services and Charges	237,921	232,361.24	97.66 %	287,240.50	98.48 %
Capital	35,590	35,590.00	100.00 %	0.00	0.00 %
	<u>541,915</u>	<u>536,344.59</u>	<u>98.97 %</u>	<u>528,173.74</u>	<u>99.17 %</u>
Police Department Total	<u>541,915</u>	<u>536,344.59</u>	<u>98.97 %</u>	<u>528,173.74</u>	<u>99.17 %</u>
2930 Fund Total	<u>541,915</u>	<u>536,344.59</u>	<u>98.97 %</u>	<u>528,173.74</u>	<u>99.17 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
3360 - Fire Bond Fund					
Other					
9360 Fire Bonds Expenses					
Debt Service	801,400	789,700.00	98.54 %	790,775.00	98.70 %
	801,400	789,700.00	98.54 %	790,775.00	98.70 %
Other Total	801,400	789,700.00	98.54 %	790,775.00	98.70 %
3360 Fund Total	801,400	789,700.00	98.54 %	790,775.00	98.70 %

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
3370 - TIF Bond Fund					
Other					
9370 TIF Bonds Expenses					
Debt Service	3,500	3,500.00	100.00 %	171,646.40	100.00 %
	<u>3,500</u>	<u>3,500.00</u>	<u>100.00 %</u>	<u>171,646.40</u>	<u>100.00 %</u>
Other Total	<u>3,500</u>	<u>3,500.00</u>	<u>100.00 %</u>	<u>171,646.40</u>	<u>100.00 %</u>
3370 Fund Total	<u>3,500</u>	<u>3,500.00</u>	<u>100.00 %</u>	<u>171,646.40</u>	<u>100.00 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v. 08.06

	<u>2008 Annual Budget</u>	<u>DEC 2008 Y-T-D Expenses</u>	<u>DEC 2008 % of Annual Budget</u>	<u>DEC 2007 Y-T-D Expenses</u>	<u>DEC 2007 % of Total 2007 Budget</u>
3440 - Wastewater Improvements Sales Tax Bond Fund					
Other					
9440 Sewer Bonds - Expenses					
Debt Service	15,294,718	15,294,717.95	100.00 %	17,018,314.45	100.00 %
	<u>15,294,718</u>	<u>15,294,717.95</u>	<u>100.00 %</u>	<u>17,018,314.45</u>	<u>100.00 %</u>
Other Total	<u>15,294,718</u>	<u>15,294,717.95</u>	<u>100.00 %</u>	<u>17,018,314.45</u>	<u>100.00 %</u>
3440 Fund Total	<u>15,294,718</u>	<u>15,294,717.95</u>	<u>100.00 %</u>	<u>17,018,314.45</u>	<u>100.00 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v 08.06

	<u>2008 Annual Budget</u>	<u>DEC 2008 Y-T-D Expenses</u>	<u>DEC 2008 % of Annual Budget</u>	<u>DEC 2007 Y-T-D Expenses</u>	<u>DEC 2007 % of Total 2007 Budget</u>
4270 - Replacement & Disaster Recovery Fund					
Other					
9270 Replacement Fund Exp					
Services and Charges	101,148	72,477.96	71.66 %	10,150.00	12.35 %
Capital	257,153	13,538.91	5.26 %	32,345.05	13.80 %
	<u>358,301</u>	<u>86,016.87</u>	<u>24.01 %</u>	<u>42,495.05</u>	<u>13.42 %</u>
Other Total	<u>358,301</u>	<u>86,016.87</u>	<u>24.01 %</u>	<u>42,495.05</u>	<u>13.42 %</u>
4270 Fund Total	<u>358,301</u>	<u>86,016.87</u>	<u>24.01 %</u>	<u>42,495.05</u>	<u>13.42 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
4470 - Sales Tax Capital Improvements Fund					
Other					
9470 Cap Improv Const Fund Exp					
Materials and Supplies	1,778,411	820,561.66	46.14 %	883,805.35	67.39 %
Services and Charges	1,873,013	619,232.63	33.06 %	724,149.26	48.41 %
Maintenance	2,414,158	1,809,885.46	74.97 %	2,394,617.95	90.79 %
Debt Service	384,556	373,312.26	97.08 %	643,326.08	98.42 %
Transfers to Outside Entities	325,000	325,000.00	100.00 %	318,000.00	100.00 %
Capital	13,397,384	3,177,098.44	23.71 %	10,311,972.55	47.17 %
	<u>20,172,522</u>	<u>7,125,090.45</u>	<u>35.32 %</u>	<u>15,275,871.19</u>	<u>54.02 %</u>
Other Total	<u>20,172,522</u>	<u>7,125,090.45</u>	<u>35.32 %</u>	<u>15,275,871.19</u>	<u>54.02 %</u>
4470 Fund Total	<u>20,172,522</u>	<u>7,125,090.45</u>	<u>35.32 %</u>	<u>15,275,871.19</u>	<u>54.02 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
4480 - Wastewater System Improvements Project Fund					
Other					
9480 Sewer Plant Const Expense					
Materials and Supplies	69	67.82	98.29 %	127,257.03	89.45 %
Services and Charges	15,976,210	12,830,324.93	80.31 %	50,700,229.52	78.29 %
Capital	159,176	159,175.80	100.00 %	3,478,766.32	84.71 %
	<u>16,135,455</u>	<u>12,989,568.55</u>	<u>80.50 %</u>	<u>54,306,252.87</u>	<u>78.70 %</u>
Other Total	<u>16,135,455</u>	<u>12,989,568.55</u>	<u>80.50 %</u>	<u>54,306,252.87</u>	<u>78.70 %</u>
4480 Fund Total	<u>16,135,455</u>	<u>12,989,568.55</u>	<u>80.50 %</u>	<u>54,306,252.87</u>	<u>78.70 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
4490 - TIF Capital Improvements Fund					
Other					
9490 TIF Imp Fund Expense					
Services and Charges	2,270	2,270.00	100.00 %	2,200.00	100.00 %
Capital	64,162	64,161.82	100.00 %	157,548.16	76.59 %
	<u>66,432</u>	<u>66,431.82</u>	<u>100.00 %</u>	<u>159,748.16</u>	<u>76.84 %</u>
Other Total	<u>66,432</u>	<u>66,431.82</u>	<u>100.00 %</u>	<u>159,748.16</u>	<u>76.84 %</u>
4490 Fund Total	<u>66,432</u>	<u>66,431.82</u>	<u>100.00 %</u>	<u>159,748.16</u>	<u>76.84 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
4520 - Sales Tax Construction Bonds Fund					
Other					
9520 Sales Tax Constr Fnd 2006					
Materials and Supplies	705,201	327,563.54	46.45 %	69,558.83	34.78 %
Services and Charges	11,243,778	10,490,153.22	93.30 %	6,425,917.93	39.63 %
Capital	29,302,165	7,321,475.11	24.99 %	5,252,702.91	15.24 %
	<u>41,251,144</u>	<u>18,139,191.87</u>	<u>43.97 %</u>	<u>11,748,179.67</u>	<u>23.09 %</u>
9530 WSIP Sales Tax Const 2007					
Services and Charges	5,092,835	383,784.71	7.54 %	0.00	0.00 %
Debt Service	0	0.00	0.00 %	324,831.31	100.00 %
Capital	9,119,523	867,971.00	9.52 %	0.00	0.00 %
	<u>14,212,358</u>	<u>1,251,755.71</u>	<u>8.81 %</u>	<u>324,831.31</u>	<u>2.28 %</u>
Other Total	<u>55,463,502</u>	<u>19,390,947.58</u>	<u>34.96 %</u>	<u>12,073,010.98</u>	<u>18.54 %</u>
4520 Fund Total	<u>55,463,502</u>	<u>19,390,947.58</u>	<u>34.96 %</u>	<u>12,073,010.98</u>	<u>18.54 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
5400 - Water & Sewer Fund					
Operations					
1800 Water & Wastewater Director					
Personnel Services	165,348	152,536.25	92.25 %	151,600.02	94.45 %
Materials and Supplies	4,500	2,006.10	44.58 %	3,279.27	99.95 %
Services and Charges	238,580	218,047.70	91.39 %	37,165.02	52.77 %
Cost Allocation/Reimbursements	24,960	24,960.00	100.00 %	24,960.00	100.00 %
	<u>433,388</u>	<u>397,550.05</u>	<u>91.73 %</u>	<u>217,004.31</u>	<u>83.73 %</u>
1820-1830 Meter Operations					
Personnel Services	1,133,424	971,695.00	85.73 %	1,034,367.41	95.29 %
Materials and Supplies	111,356	88,789.69	79.73 %	69,981.28	90.93 %
Services and Charges	117,155	91,863.15	78.41 %	104,932.19	99.40 %
Cost Allocation/Reimbursements	98,976	98,976.00	100.00 %	98,976.00	100.00 %
Maintenance	9,983	7,819.63	78.33 %	7,181.23	99.98 %
	<u>1,470,894</u>	<u>1,259,143.47</u>	<u>85.60 %</u>	<u>1,315,438.11</u>	<u>95.72 %</u>
1840, 5600, 5700 Water & Sewer Maintenance (Capital Projects)					
Materials and Supplies	59,665	2,546.95	4.27 %	27,652.06	36.71 %
Services and Charges	1,059,044	13,717.20	1.30 %	638,583.27	48.51
Capital	9,325,882	0.00	0.00 %	3,465,485.85	29.28 %
Miscellaneous	0	0.00	0.00 %	254,467.83	100.00 %
	<u>10,444,591</u>	<u>16,264.15</u>	<u>0.16 %</u>	<u>4,386,189.01</u>	<u>32.53 %</u>
3800 Water Purchased					
Services and Charges	6,500,000	5,619,226.08	86.45 %	6,003,750.52	92.37 %
	<u>6,500,000</u>	<u>5,619,226.08</u>	<u>86.45 %</u>	<u>6,003,750.52</u>	<u>92.37 %</u>
4000-4440, 5610-5620 Water & Sewer Maintenance					
Personnel Services	3,082,119	2,538,023.33	82.35 %	2,589,521.04	90.22 %
Materials and Supplies	1,327,958	1,015,432.49	76.47 %	1,144,700.23	96.19 %
Services and Charges	2,322,640	2,026,206.75	87.24 %	2,460,454.43	98.87 %
Cost Allocation/Reimbursements	1,013,544	987,732.00	97.45 %	990,636.00	98.71 %
Maintenance	89,783	79,275.87	88.30 %	71,598.74	98.07 %
Debt Service	20,918	20,917.46	100.00 %	17,798.18	100.00 %
Capital	19,822	0.00	0.00 %	0.00	0.00 %
	<u>7,876,784</u>	<u>6,667,587.90</u>	<u>84.65 %</u>	<u>7,274,708.62</u>	<u>94.69 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
Operations - continued					
5100-5140, 5800 Wastewater Treatment					
Materials and Supplies	357,800	132,235.50	36.96 %	157,492.96	81.95 %
Services and Charges	8,105,082	7,345,954.63	90.63 %	5,795,157.12	98.52 %
Cost Allocation/Reimbursements	93,702	46,032.00	49.13 %	37,068.00	87.28 %
Maintenance	117,890	22,745.75	19.29 %	143,213.09	65.07 %
Debt Service	10,401	1,497.72	14.40 %	7,824.36	87.88 %
Capital	273,914	55,050.00	20.10 %	361,144.20	68.87 %
	<u>8,958,789</u>	<u>7,603,515.60</u>	<u>84.87 %</u>	<u>6,501,899.73</u>	<u>94.64 %</u>
6800 Water And Sewer Bonds					
Debt Service	592,337	534,726.57	90.27 %	272,108.12	44.29 %
	<u>592,337</u>	<u>534,726.57</u>	<u>90.27 %</u>	<u>272,108.12</u>	<u>44.29 %</u>
Operations Total	<u>36,276,783</u>	<u>22,098,013.82</u>	<u>60.92 %</u>	<u>25,971,098.42</u>	<u>70.61 %</u>
Finance					
1810 Billing and Collections					
Personnel Services	799,391	797,134.94	99.72 %	740,122.84	98.25 %
Materials and Supplies	71,500	42,827.40	59.90 %	61,596.87	98.87 %
Services and Charges	411,218	366,404.86	89.10 %	321,659.58	79.92 %
Cost Allocation/Reimbursements	(85,848)	(85,848.00)	100.00 %	(85,848.00)	100.00 %
Maintenance	3,500	1,560.60	44.59 %	6,169.79	69.47 %
	<u>1,199,761</u>	<u>1,122,079.80</u>	<u>93.53 %</u>	<u>1,043,701.08</u>	<u>91.46 %</u>
Finance Total	<u>1,199,761</u>	<u>1,122,079.80</u>	<u>93.53 %</u>	<u>1,043,701.08</u>	<u>91.46 %</u>
5400 Fund Total	<u>37,476,544</u>	<u>23,220,093.62</u>	<u>61.96 %</u>	<u>27,014,799.50</u>	<u>71.24 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
5500 - Solid Waste Fund					
Operations					
5000-5070 Solid Waste					
Personnel Services	3,166,924	2,928,898.38	92.48 %	2,710,254.37	86.22 %
Materials and Supplies	1,248,075	722,460.25	57.89 %	639,201.44	74.03 %
Services and Charges	4,571,833	3,944,249.42	86.27 %	3,497,279.86	94.45 %
Cost Allocation/Reimbursements	627,420	625,620.00	99.71 %	613,092.00	100.00 %
Maintenance	166,540	67,119.25	40.30 %	39,975.40	69.72 %
Debt Service	16,708	815.78	4.88 %	5,777.62	35.00 %
Capital	190,367	141,574.54	74.37 %	262,268.16	49.16 %
	<u>9,987,867</u>	<u>8,430,737.62</u>	<u>84.41 %</u>	<u>7,767,848.85</u>	<u>86.99 %</u>
Operations Total	<u>9,987,867</u>	<u>8,430,737.62</u>	<u>84.41 %</u>	<u>7,767,848.85</u>	<u>86.99 %</u>
5500 Fund Total	<u>9,987,867</u>	<u>8,430,737.62</u>	<u>84.41 %</u>	<u>7,767,848.85</u>	<u>86.99 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
5550 - Airport Fund					
General Government					
3940-3960 Aviation & Economic Development					
Personnel Services	314,262	313,186.84	99.66 %	301,426.15	92.68 %
Materials and Supplies	145,246	98,903.89	68.09 %	106,459.43	61.39 %
Services and Charges	383,750	209,767.69	54.66 %	332,651.39	59.18 %
Cost Allocation/Reimbursements	65,976	65,976.00	100.00 %	115,908.00	100.00 %
Maintenance	56,085	43,190.18	77.01 %	67,445.56	93.39 %
Debt Service	35,000	35,000.00	100.00 %	0.00	0.00 %
Capital	232,562	135,639.70	58.32 %	1,299,238.01	92.41 %
	<u>1,232,881</u>	<u>901,664.30</u>	<u>73.13 %</u>	<u>2,223,128.54</u>	<u>83.74 %</u>
General Government Total	<u>1,232,881</u>	<u>901,664.30</u>	<u>73.13 %</u>	<u>2,223,128.54</u>	<u>83.74 %</u>
5550 Fund Total	<u>1,232,881</u>	<u>901,664.30</u>	<u>73.13 %</u>	<u>2,223,128.54</u>	<u>83.74 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
2/12/2009 Y 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
5600 - Town Center Fund					
Other					
9600 Town Center Expense					
Services and Charges	5,976	2,327.66	38.95 %	3,596.94	63.36 %
Debt Service	168,330	168,329.10	100.00 %	179,205.30	100.00 %
	<u>174,306</u>	<u>170,656.76</u>	<u>97.91 %</u>	<u>182,802.24</u>	<u>98.87 %</u>
Other Total	<u>174,306</u>	<u>170,656.76</u>	<u>97.91 %</u>	<u>182,802.24</u>	<u>98.87 %</u>
5600 Fund Total	<u>174,306</u>	<u>170,656.76</u>	<u>97.91 %</u>	<u>182,802.24</u>	<u>98.87 %</u>

Budget to Actual Report
December 2008 Compared to December 2007
2/12/2009 v. 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
6800 - Police Pension Fund					
Other					
9800 Police Pension Expense					
Materials and Supplies	139	0.00	0.00 %	0.00	0.00 %
Services and Charges	1,761,618	1,713,140.97	97.25 %	1,701,054.59	99.92 %
	<u>1,761,757</u>	<u>1,713,140.97</u>	<u>97.24 %</u>	<u>1,701,054.59</u>	<u>99.92 %</u>
Other Total	<u>1,761,757</u>	<u>1,713,140.97</u>	<u>97.24 %</u>	<u>1,701,054.59</u>	<u>99.92 %</u>
6800 Fund Total	<u>1,761,757</u>	<u>1,713,140.97</u>	<u>97.24 %</u>	<u>1,701,054.59</u>	<u>99.92 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v 08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
6810 - Fire Pension Fund					
Other					
9810 Fire Pension Expense					
Materials and Supplies	39	0.00	0.00 %	0.00	0.00 %
Services and Charges	1,542,244	1,517,661.04	98.41 %	1,598,686.63	99.48 %
	<u>1,542,283</u>	<u>1,517,661.04</u>	<u>98.40 %</u>	<u>1,598,686.63</u>	<u>99.48 %</u>
Other Total	<u>1,542,283</u>	<u>1,517,661.04</u>	<u>98.40 %</u>	<u>1,598,686.63</u>	<u>99.48 %</u>
6810 Fund Total	<u>1,542,283</u>	<u>1,517,661.04</u>	<u>98.40 %</u>	<u>1,598,686.63</u>	<u>99.48 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v.08.06

	2008 Annual Budget	DEC 2008 Y-T-D Expenses	DEC 2008 % of Annual Budget	DEC 2007 Y-T-D Expenses	DEC 2007 % of Total 2007 Budget
9700 - Shop Fund					
Operations					
1910-1920 Fleet Operations					
Personnel Services	1,146,090	1,107,174.22	96.60 %	1,084,187.17	100.00 %
Materials and Supplies	2,457,875	2,290,132.56	93.18 %	2,036,013.07	98.90 %
Services and Charges	595,540	587,496.92	98.65 %	527,221.89	99.65 %
Cost Allocation/Reimbursements	304,756	304,056.00	99.77 %	299,472.00	99.77 %
Maintenance	31,781	30,263.63	95.23 %	24,825.69	92.21 %
Capital	4,392,455	3,288,889.96	74.88 %	3,304,316.46	68.15 %
	<u>8,928,497</u>	<u>7,608,013.29</u>	<u>85.21 %</u>	<u>7,276,036.28</u>	<u>82.24 %</u>
Operations Total	<u>8,928,497</u>	<u>7,608,013.29</u>	<u>85.21 %</u>	<u>7,276,036.28</u>	<u>82.24 %</u>
9700 Fund Total	<u>8,928,497</u>	<u>7,608,013.29</u>	<u>85.21 %</u>	<u>7,276,036.28</u>	<u>82.24 %</u>

Budget to Actual Report

December 2008 Compared to December 2007

2/12/2009 v 08.06

	<u>2008 Annual Budget</u>	<u>DEC 2008 Y-T-D Expenses</u>	<u>DEC 2008 % of Annual Budget</u>	<u>DEC 2007 Y-T-D Expenses</u>	<u>DEC 2007 % of Total 2007 Budget</u>
Total All Funds	<u>226,403,404</u>	<u>142,795,413.55</u>	<u>63.07 %</u>	<u>189,700,909.63</u>	<u>64.88 %</u>

Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda City of Fayetteville Arkansas City Council Meeting February 17, 2009

A meeting of the Fayetteville City Council will be held on February 17, 2009 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. Fayetteville School District's Project 21C - The Global Achievement Gap Presentation by Susan Norton
2. Economic Development Activities of the Green Valley Network by Steve Rust
3. Courthouse Progress Report given by Lynn Hyke

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk

Agenda Additions:

A. Consent:

1. Approval of the February 3, 2009 City Council meeting minutes.
2. **Bid # 08-16 Kinco Constructors, LLC:** A resolution approving Change Order # 10 under Bid # 08-16 with Kinco Constructors, LLC in the amount of \$123,051.00 for the construction of Wilson Park Bridge and Trail Connection; and approving a 10% project contingency in the amount of \$12,305.00.
3. **Fire Department Donations:** A resolution approving a budget adjustment for the Fayetteville Fire Department in the amount of \$450.00 to recognize donation revenues from local businesses to fund fire employee service awards.
4. **McGoodwin, Williams & Yates, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with McGoodwin, Williams & Yates, Inc. in the amount of \$63,800.00 to update the Water Transmission and Distribution System Model and Master Plan; approving a contingency in the amount of \$5,347.00; and approving a budget adjustment in the amount of \$50,000.00.
5. **McGoodwin, Williams & Yates, Inc. Amendment No. 3:** A resolution approving Amendment No. 3 to the contract with McGoodwin, Williams & Yates, Inc. reducing the contract amount by \$947,298.00 for design and construction phase services of the West Side Wastewater Treatment Plant, Broyles Road and the Mitigation Wetlands of the Wastewater System Improvement Project (WSIP).
6. **RJN Group Amendment No. 5:** A resolution approving Amendment No. 5 to the engineering contract with RJN Group in the amount of \$597,704.00 for WSIP West Side Collection System design and construction phase services.

B. Unfinished Business:

1. **Villas at Stonebridge Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2170, Villas at Stonebridge, located south of Highway 16 East and east of Goff Farm Road; containing approximately 53.03 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was left on the First Reading at the December 2, 2008 City Council meeting. This ordinance was left on the Second Reading at the December 16, 2008 City Council meeting. This ordinance was left on the Second Reading at the January 6, 2009 City Council meeting and then tabled to the February 3, 2009 City Council Meeting.)*

This ordinance was left on the Second Reading at the February 3, 2009 City Council meeting and then tabled to the February 17, 2009 City Council Meeting.

C. New Business:

1. **CUP 08-3158 Wilkins Appeal:** An appeal of Conditional Use Permit 08-3158 (Wilkins) which was granted at the January 12, 2009 Planning Commission meeting.

2. **Bid # 09-12 LaRue Contractor, Inc.:** A resolution awarding Bid # 09-12 and approving a contract with LaRue Contractor, Inc. in the amount of \$947,628.99 for construction of Mount Sequoyah water and sewer improvements; and approving a project contingency in the amount of \$50,000.00.
3. **Amend City Council Rules of Order and Procedure:** A resolution to amend the City Council Rules of Order and Procedure to add a new section concerning orientation of new alderman.

Announcements:

1. **City Council Tour: February 16, 2009**

Adjournment:

City of Fayetteville Staff Review Form

A. 2
 Bid # 08-16
 Kinco Constructors, LLC
 Page 1 of 8

City Council Agenda Items

2/17/2009

City Council Meeting Date

Carole Jones
 Submitted By

Parks & Recreation
 Division

Operations
 Department

Action Required:

Staff requests a resolution approving change order #10 to Resolution 28-08 for Bid # 08-16 with Kinco Constructors, LLC. in the amount of \$123,051 for the construction of the Wilson Park Bridge and Trail Connection and approving a 10% project contingency in the amount of \$12,305 for a total cost of \$135,356.

\$ 135,356.00

Cost of this request

\$ 20,917.79
 \$ 488,850.49

Category / Project Budget

Other Park & Safety
 Neighborhood Park Development

Program Category / Project Name

4470.9470.5806.00
 2250.9255.5806.00

Account Number

\$ -
 \$ 73,478.16

Funds Used to Date

Sales Tax Capital
 Parks Development

Program / Project Category Name

02014.2
 08002.0801

Project Numbers

\$ 20,917.79
 \$ 415,372.33

Remaining Balance

Sales Tax
 Parks Dev/PLDO (SW)

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Don Miller
 Department Director

Date

Previous Ordinance or Resolution # 28-08

D. F. Whit
 City Attorney

Date

Original Contract Date:

Original Contract Number:

Paul A. Becker
 Finance and Internal Service Director

Date

Received in City
 Clerk's Office

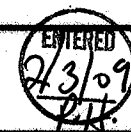


1-30-09

Don Miller
 Mayor

Date

Received in
 Mayor's Office



Comments: Of the \$488,850.49 allotted for parks development, \$118,850.49 was previously approved in the 2008 CIP budget and \$370,000 has been approved in the 2009 CIP budget.

City Council Meeting of February 17, 2009

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council
Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
From: Carole Jones, Park Planner
Date: January 30, 2009
RE: **Scull Creek Trail Bridge Installation - Kinco Constructors, LLC**
Change Order #10

RECOMMENDATION

Staff requests a resolution approving change order #10 to Resolution 28-08 for Bid # 08-16 with Kinco Constructors, LLC. in the amount of \$123,051 for the construction of the Wilson Park Trail Connection; and approving a 10% project contingency in the amount of \$12,305 for a total cost of \$135,356.

BACKGROUND

Wilson Park contains 22.75 acres and is located at 675 North Park Avenue. The park is situated in the southwest quadrant of town west of College Avenue (U.S. Highway 71B) and south of North Street. The park is one of the citizen's oldest and most popular park in the center of our City serving all residents.

In February of 2008 the City competitively bid the installation and abutment construction of six trail bridges for Scull Creek Trail as Bid 08-16. The low bidder was Kinco Constructors, LLC. In October of 2008 the City Council approved change order #6 with Kinco Constructors, LLC to provide the installation of the Wilson Park Trail Bridge and construct a new concrete crosswalk with connection to the new bridge and the existing trail on the south side of the parking lot off Park Avenue.

In order to complete the project, staff proposes utilizing Bid 08-16 and adding the construction of the Wilson Park Trail Connection to the scope of work through change order #10. Kinco Constructors, LLC will be responsible for the construction of the trail connection from the newly installed bridge north to the existing trail west of the castle area. These improvements include a new 6-foot wide and approximately 370 feet long concrete trail, replacement of an approximately 65-foot section of the existing trail and drainage improvements to the swale located south of Prospect Street. The improvements will complete the new trail connection which will greatly improve the safety of the trail users.

DISCUSSION

The installation of the Scull Creek Trail bridges was advertised on January 18th and 25th, 2008 as bid number 08-16 and bids were opened on February 8th, 2008. The low bidder was Kinco Constructors, LLC. Kinco has successfully completed the installation of six bridges on Scull Creek Trail, one bridge in Wilson Park and one bridge on Mud Creek Trail.

City Council Meeting of February 17, 2009

Agenda Item Number

BUDGET IMPACT

This project is funded with Park Land Dedication funds from the Southwest Park District and sales tax funds. Total project cost including a 10% contingency is \$135,356. The annual maintenance cost for the new trial connection is anticipated to be negligible.

Attachments:

Kinco Constructors, LLC Change Order #10 Cost Estimate
Purchase Requisition
Resolution 28-08

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER #10 UNDER BID #08-16 WITH KINCO CONSTRUCTORS, LLC IN THE AMOUNT OF \$123,051.00 FOR THE CONSTRUCTION OF WILSON PARK BRIDGE AND TRAIL CONNECTION; AND APPROVING A 10% PROJECT CONTINGENCY IN THE AMOUNT OF \$12,305.00.

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 Change Order #10 under Bid #08-16 with Kinco Constructors, LLC in the amount of \$123,051.00 for the construction of Wilson Park Bridge and Trail Connection. A copy of the Change Order, 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 10% project contingency in the amount of \$12,305.00.

PASSED and APPROVED this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Fayetteville Wilson Park Trail Bridge
Trail Connection Construction Cost Estimate

I. The following items are related to the completion of the current trail bridge installation project:

ITEM	DESCRIPTION	UNITS	QUAN.	UNIT \$	ESTIMATE
1	REMOVAL, DISPOSAL AND REPLACEMENT OF THREE EXISTING SIDEWALK SECTIONS (APPROX. 90 SF) ON EAST SIDE OF SOUTH BRIDGE ABUTMENT REQUIRED TO MAINTAIN HANDICAP ACCESSIBILITY ALONG SIDEWALK	L.S.	1	\$2,200.00	\$2,200.00
2	INSTALLATION OF EROSION CONTROL MATTING AND HAY BALES PER ADEQ INSPECTIONS	L.S.	1	\$2,650.00	\$2,650.00
3	INSTALLATION OF CONDUIT FOR FUTURE ELECTRICAL AND LIGHTING UNDER DRIVEWAY AND TRAIL ACROSS PARKING LOT OFF PARK AVENUE	L.S.	1	\$510.00	\$510.00
4	CORRECTION FOR COLORED CONCRETE DYE FOR DRIVEWAY/CROSSWALK (APPLE RED BY SOLOMON COLORS, INC.; TERRA COTTA COLOR MATERIAL SHALL BE GIVEN TO OWNER FOR FUTURE USE)	L.S.	1	\$350.00	\$350.00
5	DELETION OF NATIVE STONE RIP RAP FROM ORIGINAL BID	S.Y.	200	-\$45.00	-\$9,000.00

(\$3,290.00)

SUBTOTAL SECTION I

II. The following items are related to the trail connection project:

ITEM	DESCRIPTION	UNITS	QUAN.	UNIT \$	ESTIMATE
1	ACT 291, 1993 TRENCH & EXCAVATION SAFETY SYSTEM	L.S.	1	\$5,800.00	\$5,800.00
2	CONSTRUCTION CONTROL LAYOUT & STAKING	L.S.	1	\$15,760.00	\$15,760.00
3	SITE PREPARATION (INCL TREE PROTECTION FENCE, CONSTRUCTION FENCE, PLYWOOD, SILT FENCE & STRAW WHATTLES)	L.S.	1	\$17,200.00	\$17,200.00
4	INSTALLATION OF CURB INLET ROCK BARRIER AT CURB INLET ON CORNER OF PARK AVENUE AND PROSPECT STREET (4)	L.S.	1	\$255.00	\$255.00
5	REMOVAL OF EXISTING LANDSCAPING FENCE (APPROX. 180 LF)	L.S.	1	\$2,840.00	\$2,840.00
6	REMOVAL, CAPPING AND STUB OUT OF EXISTING IRRIGATION (APPROX. 100 LF)	L.S.	1	\$3,940.00	\$3,940.00
7	RELOCATION OF TWO EXISTING IRRIGATION VALVE BOXES (3)	L.S.	1	\$560.00	\$560.00
8	CONSTRUCTION OF TWO 8-FOOT LONG X 6-FOOT DEEP WINGWALLS ON NORTH END OF BRIDGE PER DESIGN BY MCCLELLAND ENGRS	L.S.	1	\$16,500.00	\$16,500.00
9	SAWCUT, REMOVAL AND DISPOSAL OF EXISTING ASPHALT TRAIL (APPROX. 400 SF) AND EXISTING EXPOSED AGGREGATE SIDEWALK (APPROX. 50 SF) (1)	L.S.	1	\$9,900.00	\$9,900.00
10	UNCLASSIFIED EXCAVATION (1)	C.Y.	210	\$20.00	\$4,200.00
11	18-INCH SELECT FILL, COMPACTED	C.Y.	271	\$24.00	\$6,504.00
12	6-FOOT WIDE NEW CONCRETE TRAIL (4 INCHES THICK), COMPLETE IN PLACE (3) (4) (5)	S.Y.	290	\$88.00	\$25,520.00
13	INSTALLATION OF 1-1/4-INCH SCH. 80 GRAY ELECTRICAL CONDUIT FOR SEVEN FUTURE LIGHT POLES (3) (4)	L.F.	70	\$15.00	\$1,050.00
14	INSTALLATION OF 6-INCH SCH. 40 PVC DRAINAGE PIPES UNDER TRAIL (3) (4)	L.F.	30	\$10.00	\$300.00
15	INSTALLATION OF NATIVE STONE RIPRAP AND FILTER FABRIC AROUND ENDS OF DRAINAGE PIPES (APPROX. 50 SF) (3) (4)	L.S.	1	\$3,900.00	\$3,900.00
16	INSTALLATION OF 4-INCH SCH. 40 PVC CONDUIT FOR FUTURE IRRIGATION (3) (4)	L.F.	20	\$8.00	\$160.00
17	EXCAVATION OF DRAINAGE DITCH AND CONSTRUCTION OF BERM ON SOUTH SIDE OF PROSPECT STREET (1) (3) (4)	L.S.	1	\$5,600.00	\$5,600.00
18	CONSTRUCTION OF SWALE ON NORTH SIDE OF CREEK AND WEST SIDE OF BRIDGE ABUTMENT (3) (4)	L.S.	1	\$6,780.00	\$6,780.00

Fayetteville Wilson Park Trail Bridge
Trail Connection Construction Cost Estimate

19	5-STAR FESCUE SOD FOR DRAINAGE DITCH ALONG PROSPECT STREET AND SWALE ON NORTH SIDE OF CREEK	S.Y.	400	\$16.00	\$6,400.00
20	TOPSOIL, SEED AND STRAW FOR RESTORING AREAS AROUND NEW TRAIL AS INDICATED ON PLANS (2) (6)	AC.	0.13	\$8,800.00	\$1,144.00

SUBTOTAL SECTION II **\$134,313.00**

TOTAL SECTIONS I & II **\$131,023.00**

LESS REMAINDER OF CURRENT CONTRACT CONTINGENCY **(\$7,972.40)**

TOTAL ESTIMATE FOR CHANGE ORDER NO. 10 **\$123,050.60**

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding process. Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name: Kinco Constructors LLC

By: Andrew Henry

Address: 3803 Kelley Ave

City: Fayetteville State: AR 72762

** Arkansas State Contractor's License Number

0090280409

City Of Fayetteville (Not a Purchase Order)										Requisition No.:		Date: 1/30/2009																																																																																																															
Vendor #: 17497										P.O. Number:		Expected Delivery Date:																																																																																																															
Vendor Name: Kinco Constructors, LLC										Mail Yes: ☐ No: ☐		Quotes Attached Yes: ☐ No: ☐																																																																																																															
Address: 3803 Kelley Avenue										Taxable Yes: ☒ No: ☐		No: ☐ x																																																																																																															
City: Springdale										Zip Code: 72764		Ship to code:																																																																																																															
State: AR										Requester's Employee #:		Extension:																																																																																																															
Requester: Carole Jones										3003		472																																																																																																															
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Item</th> <th>Description</th> <th>Quantity</th> <th>Unit of Issue</th> <th>Unit Cost</th> <th>Extended Cost</th> <th>Account Numbers</th> <th>Project/Subproject #</th> <th>Inventory #</th> <th>Fixed Asset #</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Wilson Park Trail Connection</td> <td>1</td> <td>lot</td> <td>102,133.00</td> <td>102,133.00</td> <td>2250.9255.5806.00</td> <td>08002.0801</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td>Wilson Park Trail Connection</td> <td>1</td> <td>lot</td> <td>20,918.00</td> <td>20,918.00</td> <td>4470.9470.5806.00</td> <td>02014.2</td> <td></td> <td></td> </tr> <tr><td>4</td><td></td><td></td><td></td><td></td><td>\$0.00</td><td></td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td><td></td><td>\$0.00</td><td></td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td><td></td><td>\$0.00</td><td></td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td><td></td><td>\$0.00</td><td></td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td><td></td><td>\$0.00</td><td></td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td><td></td><td>\$0.00</td><td></td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td><td></td><td>\$0.00</td><td></td><td></td><td></td><td></td></tr> <tr> <td colspan="2">Shipping/Handling</td> <td></td> <td>Lot</td> <td></td> <td>\$0.00</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>										Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #	1	Wilson Park Trail Connection	1	lot	102,133.00	102,133.00	2250.9255.5806.00	08002.0801			3	Wilson Park Trail Connection	1	lot	20,918.00	20,918.00	4470.9470.5806.00	02014.2			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					Subtotal: \$123,051.00			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #																																																																																																																		
1	Wilson Park Trail Connection	1	lot	102,133.00	102,133.00	2250.9255.5806.00	08002.0801																																																																																																																				
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Shipping/Handling			Lot		\$0.00																																																																																																																						
Special Instructions:										Tax: \$123,051.00																																																																																																																	
Tax is included per cost estimate.										Total: \$123,051.00																																																																																																																	
Approvals: Mayor: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Department Director: _____ Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Manager: _____ Other: _____																																																																																																																											

RESOLUTION NO. 28-08

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

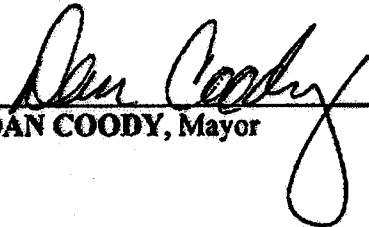
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

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

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

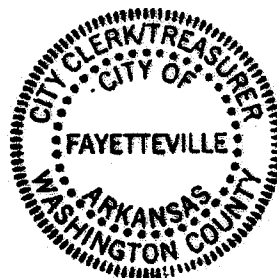
PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

A. 3
Fire Department Donations
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

¹⁷
February 8, 2009

City Council Meeting Date
Agenda Items Only

Tony Johnson

Submitted By

FIRE

Division

FIRE

Department

Action Required:

A resolution to approve a budget adjustment in the amount of \$450.00 to reflect the donations of some Fayetteville businesses in support of firefighter service awards.

\$ 450.00

Cost of this request

1010.3020.5329.00

1010.0001.4809.00

Account Number

06029.1

Project Number

\$ -

Category / Project Budget

\$ -

Funds Used to Date

\$ -

Remaining Balance

DONATIONS - FIRE

Program Category / Project Name

MISC REVENUE

Program / Project Category Name

GENERAL

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X

Department Director

1-23-09

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

1/26/09
Date

Received in City
Clerk's Office

ENTERED

1-23-09

Finance and Internal Service Director

1-26-09

Date

Received in
Mayor's Office

ENTERED

1/26/09

Mayor

1/28/09
Date

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

January 16, 2009

To: Mayor Jordan
Fayetteville City Council

From: Tony Johnson, Fire Chief T.J.

Subject: Fire Department Donations

Background

From time to time, the fire department receives donations from businesses and other private donors to support our employee recognition program, special and high-tech equipment purchases and for the good and well being of the department.

Discussion

This year we have received donations totaling \$ 450.00 for the aforementioned causes. The donations have been deposited into the City's General Fund and will be audited through the City's Project Accounting System to assure proper usage by the department.

Recommendation

The fire department staff recommends the acceptance and approval of these donations to the department for the use in the employee recognition program.

Budget Impact

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE FIRE DEPARTMENT IN THE AMOUNT OF \$450.00 TO RECOGNIZE DONATION REVENUES FROM LOCAL BUSINESSES TO FUND FIRE EMPLOYEE SERVICE AWARDS.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for the Fayetteville Fire Department in the amount of \$450.00 to recognize donation revenues from local businesses to fund Fire Employee Service Awards.

PASSED and APPROVED this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

Budget Year 2009	Department: Fire Division: Fire Program: Operations	Date Requested 1/16/2009	Adjustment Number A-3 Fire Department Donations Page 4 of 4
--------------------------------	--	--	---

Project or Item Added/Increased: \$450 in donations and employee recognition.	Project or Item Deleted/Reduced:
---	----------------------------------

Justification of this Increase: Through donations to the department, this will fund our employee recognition event for service awards.	Justification of this Decrease:
--	---------------------------------

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Employee recognition	1010	3020	5329	00	450	06029	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Donations	1010	0001	4809	00	450	06029	1

Approval Signatures Requested By Budget Manager Department Director Finance & Internal Services Director Mayor	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
---	---

City of Fayetteville Staff Review Form

A. 4
McGoodwin, Williams & Yates, Inc.
Amendment No. 1
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

2/17/2009

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

WW System Improvement Project
Division

Water and Wastewater
Department

Action Required:

Amendment 1 to the Engineering Services Agreement with McGoodwin, Williams & Yates in the amount of \$63,800 and approval of a \$20,000 contingency to update Water Transmission and Distribution System Model and Master Plan.

\$ 83,800.00
Cost of this request

\$ 36,841
Category / Project Budget

Water System Master Plan
Program Category / Project Name

4470-9470-5808.00
Account Number

\$ 17,694
Funds Used to Date

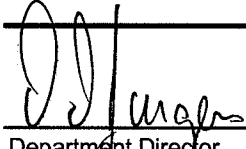
Water & Wastewater
Program / Project Category Name

02128
Project Number

\$ 19,147
Remaining Balance

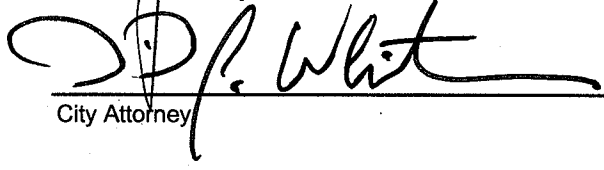
Water / Sewer
Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒


Department Director

30 JAN 09
Date

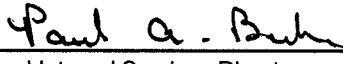
Previous Ordinance or Resolution # 120-02


City Attorney

2/3/09
Date

Original Contract Date: 7/16/2002

Original Contract Number: 859


Finance and Internal Services Director

2-3-09
Date

Received in City
Clerk's Office

CD
ENTERED
1-30-09


Chief of Staff

2/4/09
Date

Received in
Mayor's Office

ENTERED
2/3/09


Mayor

Date

Comments:

City Council Meeting of February 17, 2009

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Fayetteville Sewer Committee

From: David Jurgens, P.E., Water and Wastewater Director



Date: 30 January 2009

Subject: Approval of Amendment 1 to the Engineering Services Agreement with McGoodwin, Williams & Yates in the amount of \$63,800 and approval of a \$20,000 contingency to update Water Transmission and Distribution System Model and Master Plan

RECOMMENDATION

Staff recommends approval of Amendment 1 to the Engineering Services Agreement with McGoodwin, Williams & Yates in the amount of \$63,800 and approval of a \$20,000 contingency to update Water Transmission and Distribution System Model and Master Plan

BACKGROUND

This engineering contract was awarded in 2002 to develop the City's updated water master plan and computer model. A draft of the plan was delivered in 2004; the model software was delivered in 2007. Due to staff's focus on the WSIP, neither the plan nor the model were completed. Individual evaluations were accomplished on a case by case basis by McGoodwin. The model proves a detailed fire flow and pressure analysis for the present and in the future, and provides a prioritized project list based on system needs.

DISCUSSION

This Amendment is to update the plan and the model to the 2009 conditions. Essentially, it is becoming a new 5 year plan. There have been many system upgrades, to include 18" water lines on Wedington and Gregg that significantly change the system flow characteristics. The model will allow City staff to evaluate specific development impacts and detailed flow evaluations.

This model is calibrated by a system-wide evaluation of actual flows from hydrants, pump stations, and other system assets. This field calibration assures an accurate product, and requires close coordination between the Engineer and City staff.

BUDGET IMPACT

This change order increases the contract price by \$63,800, and establishes a \$20,000 contingency due to the uncertainties of field calibration.

**AMENDMENT NO. 1
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
AND
McGOODWIN, WILLIAMS AND YATES, INC.**

WHEREAS, on August 6, 2002, the City of Fayetteville, Arkansas (CITY OF FAYETTEVILLE) and McGoodwin, Williams and Yates, Inc. of Fayetteville, Arkansas (MWY) entered into an Agreement for engineering services in connection with a Water Transmission and Distribution System Master Plan Study, and

WHEREAS, MWY has proceeded with these services in accordance with the scope set forth in the Agreement, and

WHEREAS, MWY submitted an engineering report to CITY OF FAYETTEVILLE on June 28, 2004, and

WHEREAS, CITY OF FAYETTEVILLE has experienced extraordinary growth in its water distribution system since the submission of the report, and

WHEREAS, CITY OF FAYETTEVILLE requests that the scope of MWY's services be amended to provide an Update of the Water Transmission and Distribution System Model and perform analyses as directed to respond to the needs created by recent significant growth and demands in the water system.

NOW THEREFORE, in consideration of the mutual covenants and Agreements herein contained, CITY OF FAYETTEVILLE and MWY, the parties hereto, stipulate and agree that the Agreement for Engineering Services dated August 6, 2002, is hereby amended in the following particulars.

SECTION 2.0.A1 – DESCRIPTION OF THE PROJECT UNDER AMENDMENT NO. 1

MWY shall perform the necessary engineering studies to create an Updated Water Transmission and Distribution System Model to be furnished to CITY OF FAYETTEVILLE. MWY will perform system analyses as directed by CITY OF FAYETTEVILLE.

SECTION 3.0.A1 – SERVICES TO BE FURNISHED BY McGOODWIN, WILLIAMS AND YATES UNDER AMENDMENT NO. 1

3.7 The model developed in the Master Plan will be updated in the following particulars:

3.7.1 The digital map base for the model will be updated using the latest digital mapping available for the CITY OF FAYETTEVILLE.

- 3.7.2 New pipes, nodes, pump stations and tanks will be added to the model based on data submitted to MWY by CITY OF FAYETTEVILLE. This data will consist of revised mapping and newly-developed infrastructure created by developers.
- 3.7.3 The model will be updated using current usage data from CITY OF FAYETTEVILLE's billing system.
- 3.7.4 The usage data will be geo-coded and placed into the model at the geographic location that the usage occurs based on the most recent street centerline file created by CITY OF FAYETTEVILLE.
- 3.7.5 The model will be calibrated with the assistance of CITY OF FAYETTEVILLE personnel performing pressure tests in the field and supplying said data from the tests to MWY. MWY will perform limited field assistance as required by CITY OF FAYETTEVILLE.
- 3.7.6 MWY shall provide water system analyses of problem areas identified by the updated model as directed in writing by CITY OF FAYETTEVILLE.
- 3.7.7 MWY will provide a written report to CITY OF FAYETTEVILLE setting out the changes to the updated model.

SECTION 7.0.A1 – MASTER PLAN UPDATE FINAL REPORT UNDER AMENDMENT NO. 1

MWY shall submit the following documents to CITY OF FAYETTEVILLE for their review and use:

- 7.1.A1 Four copies of the engineering report setting out the findings of the Master Plan Update.
- 7.2.A1 One set of the digital Water Model Update on a CD or DVD media.
- 7.3 (Not Amended.)
- 7.4.A1 An electronic copy of the report including charts, data and graphs. The files will be delivered in one of the following electronic formats: Microsoft Word; Microsoft Excel; Microsoft Access; Microsoft Visio; or AutoCad 2002.

SECTION 10.1.A1 – FEES AND PAYMENTS FOR THE MASTER PLAN UPDATE UNDER AMENDMENT NO. 1

In consideration of the performance of the foregoing services, CITY OF FAYETTEVILLE shall compensate MWY as follows:

- 10.1.A1 For Engineering Services set out under Section 3.0.A1, payment shall be based on actual time required to perform the work by the various classifications of employees at the hourly rates set out in Attachment 1.A1, plus reimbursable expenses.

10.2.A1 MWY agrees to keep an accurate record of the hours of the personnel working on the project. The schedule of Hourly Rates shown in Attachment 1.A1 will be revised on January 1 of each calendar year.

10.3.A1 MWY shall be reimbursed for expenses as hereinafter set out when the expense to be incurred is approved in advance by CITY OF FAYETTEVILLE's representative. Reimbursable expenses shall include: 1) travel costs when traveling outside of Northwest Arkansas in connection with the project, 2) rental expenses for special equipment needed for completion of the work, 3) purchase of material, and 4) other expenses directly attributable to the project, including any work performed by subcontractors. MWY shall charge CITY OF FAYETTEVILLE for reimbursable expenses at actual cost plus ten percent (10%).

10.4.A1 The estimated total compensation for the services set out under Section 3.0.A1 is \$63,800. The basis of this cost estimate is shown in Attachment 2.A1. This total compensation will not be exceeded without prior authorization from CITY OF FAYETTEVILLE. Subject to the City Council of CITY OF FAYETTEVILLE's prior approval, adjustment of this upper limit may be made should MWY and CITY OF FAYETTEVILLE agree that there has been a significant change in scope, character or complexity of the services to be performed. It is understood and agreed that the total compensation cost ceiling does not cover unforeseen contingencies such as litigation or other events not normally anticipated.

10.5.A1 The breakdown of costs between the various work tasks as given in Attachment 2.A1 is a convenience and is not intended to set a maximum cost for any of the work tasks. Costs may be transferred from one work task to another so long as the maximum cost as given above is not exceeded.

Billing shall be submitted monthly and shall include all costs accrued plus reimbursable expenses. The City of Fayetteville will make every effort to approve and pay such invoices within 30 days of the date of the invoice.

SECTION 19.0.A1 – LIST OF ATTACHMENTS FOR MASTER PLAN UPDATE UNDER AMENDMENT NO. 1

The following attachments are hereby made a part of this contract:

Attachment 1.A1 - MWY 2009 Schedule of Classification and Rates

Attachment 2.A1 - Estimate of Engineering Costs

SECTION 20.0 – ORIGINAL AGREEMENT PROVISIONS

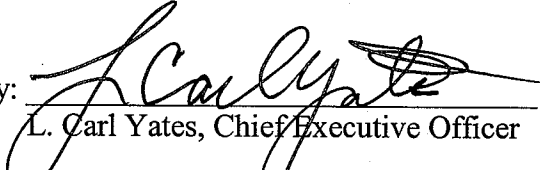
All other provisions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed this _____ day of _____, 2009.

CITY OF FAYETTEVILLE, ARKANSAS

McGOODWIN, WILLIAMS AND YATES,
INC.

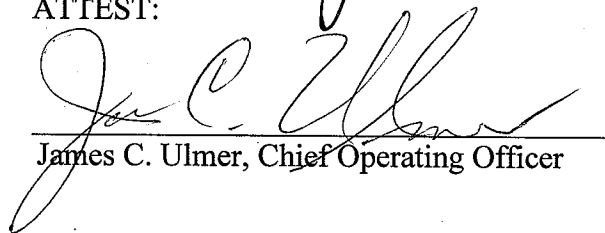
By: _____
Lioneld Jordan, Mayor

By: 
L. Carl Yates, Chief Executive Officer

ATTEST:

ATTEST:

Sondra Smith, City Clerk


James C. Ulmer, Chief Operating Officer

END OF AMENDMENT NO. 1 TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

**ATTACHMENT 1.A1
TO AGREEMENT FOR ENGINEERING SERVICES**

SCHEDULE OF CLASSIFICATIONS AND RATES FOR 2009

<u>Classification</u>	<u>Hourly Rate</u>
Engineer 7.....	\$202.00
Engineer 6.....	163.00
Engineer 5.....	143.00
Engineer 4.....	128.00
Engineer 3.....	109.00
Engineer 2.....	96.00
Engineer 1.....	84.00
Architect 3.....	\$ 121.00
Architect 2.....	112.00
Architect 1.....	84.00
Technician 6.....	\$ 106.00
Technician 5.....	90.00
Technician 4.....	81.00
Technician 3.....	65.00
Technician 2.....	55.00
Technician 1.....	44.00
Admin 5.....	\$ 88.00
Admin 4.....	78.00
Admin 3.....	63.00
Admin 2.....	44.00
Admin 1.....	35.00
GPS Surveying Equipment (when utilized).....	\$ 71.00

Hourly rate schedules will be adjusted annually each January 1.

McGoodwin, Williams and Yates, Inc.
Consulting Engineers
Fayetteville, Arkansas

January 1, 2009

ATTACHMENT 2.A1
 ESTIMATE of ENGINEERING COSTS

23-Jan-09
 1:31 PM

SCOPE of WORK		Engineering Costs McGoodwin Williams and Yates														Total	Total Engineering Fees						
	ITEM	ENGR7	ENGR6	ENGR5	ENGR4	ENGR3	ENGR2	ENGR1	ARCH3	ARCH2	ARCH1	TECH 6	TECH5	TECH4	TECH3	TECH2	TECH1	ADMIN 5	ADMIN4	ADMIN3	ADMIN2		
	Model Development																						
	1. Update Digital Map					8.00									8.00								16
	2. Research and add new pipes, nodes, pump stations and tanks					80.00																	80
	3. Obtain current usage data from City					8.00																	8
	4. Geocode current usage data to model					16.00									32.00								48
	5. Calibrate Model					40.00																	40
	6. Interim Presentations	4.00				4.00																	8
	System Analysis																						
	7. Identify current problem areas and run fire flows	5.00				32.00																	37
	8. Obtain, analyze growth maps and develop growth zones	4.00				24.00																	28
	9. Apply future usage to growth zones					24.00																	24
	10. Develop solutions to current problem areas	16.00				40.00																	56
	11. Analysis as Directed by City	10.00				48.00																	58
	Project Quality Control																						
	12. Review Draft Report, Present to Client	8.00				30.00									32.00								102
	13. Modify Draft Report, Create Final Report	4.00				24.00									16.00								60
	14. Training					24.00																	24
	TOTALS	51				402									88				48				589
																							\$63,888.50

City of Fayetteville Staff Review Form

A. 5
 McGoodwin, Williams & Yates, Inc.
 Amendment No. 3
 Page 1 of 6

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

2/17/2009

City Council Meeting Date
 Agenda Items Only

David Jurgens
 Submitted By

Wastewater System Imprv Project
 Division

Water/Wastewater
 Department

Action Required:

Approval of Contract Amendment Number 3 to the engineering contract with McGoodwin, Williams and Yates, Inc., reducing the contract amount by \$947,298, for Design and Construction Phase Services of the West Side Wastewater Treatment Plant, Broyles Road, and the Mitigation Wetlands of the Wastewater System Improvement Project

\$ (947,298)
 Cost of this request

\$ 8,767,970.00
 Category / Project Budget

Wastewater System Imp Project
 Program Category / Project Name

4480.9480.5314.00
 Account Number

\$ 56,395.00
 Funds Used to Date

Water and Wastewater
 Program / Project Category Name

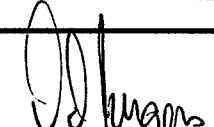
02133.0001
 Project Number

\$ 8,711,575.00
 Remaining Balance

Water/Sewer
 Fund Name

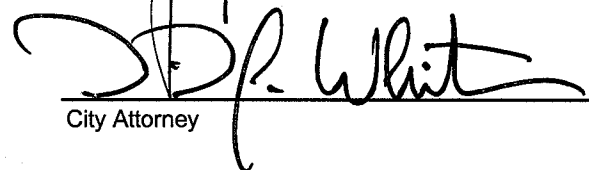
Budgeted Item ☒ XX

Budget Adjustment Attached ☐


 Department Director

30 JAN 09
 Date

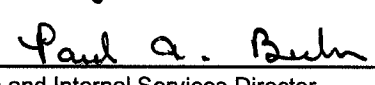
Previous Ordinance or Resolution # 111-03/121-05


 City Attorney

2/3/09
 Date

Original Contract Date: 7/15/03;6/21/05

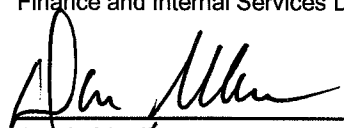
Original Contract Number: 915


 Finance and Internal Services Director

2-3-09
 Date

Received in City
 Clerk's Office

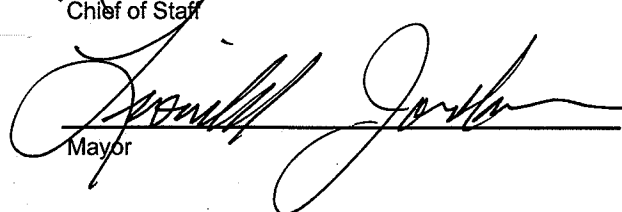
ENTERED
 2-3-09


 Chief of Staff

2/4/09
 Date

Received in
 Mayor's Office

ENTERED
 2/3/09


 Mayor

2/4/09
 Date

Comments:

City Council Meeting of February 17, 2009

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Fayetteville Sewer Committee

From: David Jurgens, Water and Wastewater Director



Date: 30 January 2009

Subject: Approval of Contract Amendment Number 3 to the engineering contract with McGoodwin, Williams and Yates, Inc., **reducing** the contract amount by \$947,298, for Design and Construction Phase Services of the West Side Wastewater Treatment Plant, Broyles Road, and the Mitigation Wetlands of the Wastewater System Improvement Project

RECOMMENDATION

Staff recommends approval of Contract Amendment Number 3 to the engineering contract with McGoodwin, Williams and Yates, Inc., **reducing** the contract amount by \$947,298, for Design and Construction Phase Services of the West Side Wastewater Treatment Plant, Broyles Road, and the Mitigation Wetlands of the Wastewater System Improvement Project, WSIP Subproject WP-1 through WP-3.

BACKGROUND

This project involves design, construction phase, and post-construction evaluation services for the new West Side Wastewater Treatment Plant, Broyles Road, the Broyles Road water line, and the wetlands mitigation site. The original design contract was awarded in July, 2003; the construction and post construction phase services Amendment 1 was approved in June, 2006; Amendment 2, reducing the contract by \$56,395, was approved in June, 2007.

DISCUSSION

This amendment is required to reflect the significant cost savings the City has realized due to the excellent execution of the West Side WWTP construction by all parties involved, and to release the encumbered funds saved as a result thereof.

Work on the West Side Wastewater Treatment Facility and Broyles Road was substantially complete in May, 2008. The contract is billed on the actual work performed; sufficient funds remain in the contract to allow for unexpected circumstances that may arise through the remainder of the post construction warranty period and the development of the operations manual.

BUDGET IMPACT

No change. Funds shall be retained in the WSIP contingency.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE CONTRACT WITH McGOODWIN, WILLIAMS & YATES, INC. REDUCING THE CONTRACT AMOUNT BY \$947,298.00 FOR DESIGN AND CONSTRUCTION PHASE SERVICES OF THE WEST SIDE WASTEWATER TREATMENT PLANT, BROYLES ROAD AND THE MITIGATION WETLANDS OF THE WASTEWATER SYSTEM IMPROVEMENT PROJECT (WSIP).

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. 3 to the contract with McGoodwin, Williams & Yates, Inc. reducing the contract amount by \$947,298.00 for design and construction phase services of the West Side Wastewater Treatment Plant, Broyles Road and the Mitigation Wetlands of the Wastewater System Improvement Project (WSIP). A copy of the Amendment, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



McGoodwin Williams & Yates
Engineering Confidence

Page

January 29, 2009

Mr. David Jurgens, P. E.
Water and Wastewater Director
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Re: Amendment No. 3 to Agreement for Professional Engineering Services
Wastewater System Improvement Project
Fayetteville, Arkansas
MWY Projects No. Fy-315, Fy-316, Fy-317

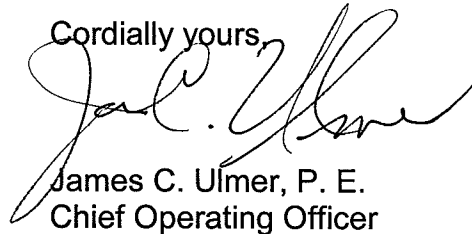
Dear Mr. Jurgens:

Reference is made to our previous conversations regarding the level of effort required to complete the Construction Phase services of our contract dated July 15, 2003 as amended. Due to the coordinated efforts of our firm and your WSIP project team, it has been possible for us to complete the majority of our services during construction at a significant cost savings to the city. We therefore offer Contract Amendment No. 3 for reducing the not-to-exceed amount of our contract by \$947,298.

While there was a reduction of effort prior to the issuance of Certificates of Substantial Completion, there remains additional engineering effort consistent with our scope of services in Post-Construction Phase services. Approximately half of the warranty period remains on both the Wastewater Treatment Plant and the Broyles Road projects. We do anticipate additional effort during this phase of the project. In addition, with the remaining funds available and our scope of services, we will complete Plans of Record for the Wastewater Treatment Plant, the Wetlands Mitigation Site, and Broyles Road. We will also complete the development of an Operation and Maintenance Manual for the WWTP and two Project Performance reports with the remaining funds in our contract.

We trust this contract amendment meets with your approval and can be forwarded to the City Council for their approval. If you have any questions, please feel free to give me a call.

Cordially yours,



James C. Ulmer, P. E.
Chief Operating Officer

JCU:sc

Enclosure

903 Rolling Hills Drive • Fayetteville, AR 72703 P 479-443-3404 F 479-443-4340 • WWW.MWYUSA.COM

AMENDMENT NO. 3
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
AND
McGOODWIN, WILLIAMS AND YATES, INC.

WHEREAS, on July 15, 2003, the City of Fayetteville, Arkansas (CITY OF FAYETTEVILLE) and McGoodwin, Williams and Yates, Inc. of Fayetteville, Arkansas (MWY) entered into an Agreement for engineering services in connection with the Wastewater System Improvement Project; and in particular the Westside Wastewater Treatment Plant, Broyles Road Improvements, Effluent Line, and Wetlands Mitigation Site on the wastewater treatment plant property (the "Project"). The scope of these services included the final design and bidding services; and

WHEREAS, MWY has proceeded with and successfully completed these services in accordance with the scope set forth in the Agreement; and

WHEREAS, the contract provided for three separate construction contract sections consisting of the Westside Wastewater Treatment Plant, Broyles Road Improvements, and Wetlands Mitigation Site; and

WHEREAS, on the 21st day of June, 2005, the CITY OF FAYETTEVILLE and MWY entered into Amendment No. 1 providing for Construction and Post-Construction Services for the Project; and

WHEREAS, under the authority of Act No. 1989 passed by the Arkansas Legislature in 2005 (Ark. Code Ann. § 14-58-1001) the CITY OF FAYETTEVILLE determined to negotiate a contract for the construction of the Westside Wastewater Treatment Plant and the earthwork for Wetlands Mitigation Site; and

WHEREAS, MWY provided assistance in this negotiation process and a construction contractor was selected and placed under contract; and

WHEREAS, the CITY OF FAYETTEVILLE eliminated the involvement of a Program Manager and decided not to utilize RLF funds for the project, thereby eliminating oversight by the Arkansas Natural Resources Commission (formerly Arkansas Soil and Water Conservation Commission); and

WHEREAS, on the 19th day of June, 2007, the CITY OF FAYETTEVILLE and MWY entered into Amendment No. 2 providing for the reduction of scope concerning certain project elements and adding the scope of other project elements; and

WHEREAS, the CITY OF FAYETTEVILLE has provided additional staff to assist in the project administration; and

WHEREAS, the services of additional administrative city staff has resulted in the reduction of effort required by MWY;

NOW THEREFORE, in consideration of the mutual covenants and Agreements herein contained, CITY OF FAYETTEVILLE and MWY, the parties hereto, stipulate and agree that the Agreement for Engineering Services dated July 15, 2003, amended on June 21, 2005, and amended on June 19, 2007, is hereby further amended in the following particulars:

SECTION 6 – PAYMENTS TO MWY

6.1 Compensation

Replace the text of Section 6.1 of Amendment No. 2 with the following text:

For the scope of services as set forth in the Final Design and Bidding Phase as amended by Amendments No. 1 and No. 2, plus the Basic Services and Additional Services set forth in this Amendment No. 3, CITY OF FAYETTEVILLE agrees to pay MWY the amounts indicated for each phase of the Work. The total payment for the work set out in Amendments No. 1, No. 2, and this Amendment No. 3 to MWY shall not exceed Three Million Six Hundred Seventy-Six Thousand Nine Hundred Forty-Four Dollars (\$3,676,944), except as provided for in Section 3 of the Agreement. This reduced total payment is based on anticipated reduced costs of engineering due to services provided by CITY OF FAYETTEVILLE staff.

Delete the text of Section 6.1.3.1 in Amendment No. 2 and insert the following in its place:

6.1.3.1 The cost for the scope of services during the Construction Phase for the Westside Wastewater Treatment Plant, Broyles Road Improvements, and the Wetlands Mitigation Site described herein as amended by this Amendment No. 3, is estimated to be Three Million Two Hundred Eight Thousand Five Hundred Seventy-Two Dollars (\$3,208,572). This reduced total payment is based on anticipated reduced costs of engineering due to services provided by CITY OF FAYETTEVILLE staff.

Delete the text of Section 6.1.4.1 of Amendment No. 2 and insert the following in its place:

6.1.4.1 The scope of services during the Post-Construction Phase for the Westside Wastewater Treatment Plant, Broyles Road Improvements, and the Wetlands Mitigation Site described herein as amended by this Amendment No. 3, is estimated to be Four Hundred Sixty-Eight Thousand Three Hundred Seventy-Two Dollars (\$468,372).

All other provisions of the original Agreement and Amendments No. 1 and No. 2 remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed this _____ day of _____, 20____.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lionel Jordan, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

McGOODWIN, WILLIAMS AND YATES, INC.

By: _____
L. Carl Yates, Chief Executive Officer

ATTEST:

By: _____
James C. Ulmer, Chief Operating Officer

END OF AMENDMENT NO. 3 TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

City of Fayetteville Staff Review Form

A. 6
 RJN Group Amendment No. 5
 Page 1 of 16

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

2/17/2009

City Council Meeting Date
 Agenda Items Only

David Jurgens
 Submitted By

WW System Improvement Project
 Division

Water and Wastewater
 Department

Action Required:

Approval of contract amendment 5 to the Engineering contract with RJN Group in the amount of \$597,704, for WSIP West Side Collection System Design and Construction Phase Services.

\$ 892,592
 Cost of this request

\$ 46,262,358
 Category / Project Budget

Wastewater System Imp Project
 Program Category / Project Name

4480.9480.5315.00
 Account Number

\$ 35,616,539
 Funds Used to Date

Water and Wastewater
 Program / Project Category Name

02133/0302
 Project Number

\$ 10,645,819
 Remaining Balance

Water / Sewer
 Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
 Department Director

30 JAN 09
 Date

Previous Ordinance or Resolution # 112-03

[Signature]
 City Attorney

2/3/09
 Date

Original Contract Date: 7/15/2003

Original Contract Number: 916

Paul A. Burch
 Finance and Internal Services Director

2-3-09
 Date

Received in City
 Clerk's Office



[Signature]
 Chief of Staff

2/4/09
 Date

Received in
 Mayor's Office



[Signature]
 Mayor

2/4/09
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Fayetteville Sewer Committee

From: David Jurgens, Water and Wastewater Director



Date: 30 January 2009

Subject: Approval of contract amendment 5 to the Engineering contract with RJN Group in the amount of \$597,704, for WSIP West Side Collection System Design and Construction Phase Services

RECOMMENDATION

Approval of contract amendment 5 to the Engineering contract with RJN Group in the amount of \$597,704, for WSIP West Side Collection System Design and Construction Phase Services, using \$597,704 of WSIP project funding and a savings of \$294,888 within the existing scope of work.

BACKGROUND

RJN Group has developed all engineering design and on site inspection for all WSIP West Line projects. Under their design and supervision, contractors working for the City have completed over \$37.4 million in work. All west line work required to bring the West Side WWTP on line attained substantial completion in time. The pipes and pump station performed excellently during the real world test of Hurricane Ike.

DISCUSSION

This amendment covers three primary work tasks:

- Full-time inspection of WSIP Subproject WL-10a in the amount of \$218,651. The original Scope of Services anticipated that WL-10, WL-11, and WL-12 would all be bid and constructed in the same time frame. During the final design, it was determined that the cost of constructing a portion of the WL-10 interceptor could be substantially reduced by delaying construction until the new lift station was in operation and the old force main was no longer in use. WL-10 and WL-11 are now substantially complete.
- Full-time inspection of the WL-9 construction contract includes tasks associated with the cutover of the gravity system from the East Side Wastewater Treatment Plant (WWTP) to the new Westside WWTP in the amount of \$143,010. This project was not included in the original scope of services.
- Engineering design, bidding and full-time inspection for the Broyles Road Lift Station and Owl Creek Lift Station Force Main in the amount of \$530,931.

BUDGET IMPACT

This change order increases the contract amount by \$597,704. The scope of work will cost \$892,592, with \$294,888 from savings in the actual cost of work already completed.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 5 TO THE
ENGINEERING CONTRACT WITH RJN GROUP IN THE
AMOUNT OF \$597,704.00 FOR WSIP WEST SIDE COLLECTION
SYSTEM DESIGN AND CONSTRUCTION PHASE SERVICES.

**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. 5 to the engineering contract with RJN Group
in the amount of \$597,704.00 for WSIP West Side Collection System design and
construction phase services. A copy of the Amendment, marked Exhibit "A," is
attached hereto and made a part hereof.

PASSED and APPROVED this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AMENDMENT NO. 5
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
RJN GROUP INC.

WHEREAS, On July 15, 2003, the **City of Fayetteville, Arkansas (City of Fayetteville)** and **RJN Group, Inc.** of Dallas, Texas entered into an Agreement for engineering services in connection with the Wastewater System Improvement Project, and in particular the Westside Collection System Improvements (**the "Project"**). The scope of these services included the final design and bidding services, and

WHEREAS, **RJN Group, Inc.** has proceeded with these services in accordance with the scope set forth in the Agreement, and

WHEREAS, **City of Fayetteville** requests that the scope of **RJN Group, Inc.**'s services to be amended to accommodate additional design and construction phase services requested by the **City of Fayetteville**; and

WHEREAS, **RJN Group Inc.** agrees to provide the amended scope of services for a lump sum fee increase of \$892,592. A total of \$294,888 is remaining in the July 15, 2003 Agreement leaving \$597,704 to be included in this Amendment No. 5.

NOW THEREFORE, in consideration of the mutual covenants and Agreements herein contained, **City of Fayetteville** and **RJN Group Inc.**, the parties hereto, stipulate and agree that the Agreement for Engineering Services dated July 15, 2003, is hereby amended in the following particulars:

SECTION 3 - ADDITIONAL SERVICES OF ENGINEER

SECTION 3, 3.2.2 – Revisions to drawings, specifications or other documents made necessary by adjustments in the **City of Fayetteville's** program, more specifically as defined in Attachment A attached hereto and made part of this Agreement.

SECTION 6 - PAYMENTS TO RJN GROUP INC

For the scope of additional services set forth in this Amendment No. 5 **Fayetteville** shall pay **RJN** the amended lump sum amount of **EIGHT HUNDRED NINETY-TWO THOUSAND FIVE HUNDRED NINETY-TWO DOLLARS (US \$892,592)**. The total amount of the Agreement including final design, bidding phase services, and construction phase services shall not exceed **FIVE MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED NINETY-TWO DOLLARS (\$5,883,592.00)**.

All other provisions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed
this ____ day of _____, 2009.

City of Fayetteville, Arkansas

RJN Group, Inc.

By: _____
Lioneld Jordan
Mayor

By: _____
Hugh Kelso
Vice President

ATTEST:

ATTEST:

Sondra Smith
City Clerk

Attachments:

Attachment A: Scope of Services

Attachment B: Cost Estimate

**City OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES**

APPENDIX A – SCOPE OF SERVICES FOR FINAL DESIGN PHASE

This is **Appendix A**, consisting of 6 pages, referred to in and part of the **Agreement For Professional Engineering Services** between **City of Fayetteville, Arkansas** hereinafter referred to as **City**, and **RJN Group, Inc.** hereinafter referred to as **RJN Group, Inc.** dated _____.

The following contains additional Scope of Services tasks for the Final Design Phase.

Generally, the project will include the final design of sewer improvements including an interceptor sewer, pump station, and force main necessary to reroute a portion of the area tributary to the Owl Creek Lift Station to the Westside Wastewater Treatment Plant. The project will also include the design of replacement of a portion of the Owl Creek Lift Station Force Main. A summary of the sewer improvements is presented in Table A-1. Construction Phase services are also provided for WL-9 and WL-10A.

PHASE I

PART A - PROJECT ADMINISTRATION AND MANAGEMENT

1. **Project Administration**
 - a) Perform Project Initiation activities
 - b) Perform general administration and project management activities.
 - c) Finalize agreements with subconsultants.
 - d) Perform RJN's internal project control including budgeting, scheduling, and quality control activities.
 - e) Prepare and submit monthly work progress reports to the **City** and confirm compliance with final design schedule.
 - f) Develop and maintain project Completion schedule throughout project.
 - g) Incorporate and maintain City's design standards and CADD standards throughout project.
2. **Coordination Meetings**
 - a) Attend project kickoff meeting with City staff involved in project.
 - b) Meet with ANRC, AHTD, and ADHHS as necessary to obtain permits for construction of project.
 - c) Prepare for and attend one City Council meeting with **City of Fayetteville** to provide update on the progress of the final design as requested by the Water and Wastewater Director.

PART B – DESIGN SURVEY

1. **Surveys for Design**
 - a) **RJN Group, Inc.** will perform field surveys to collect horizontal and vertical elevations and other information which will be needed for use by **RJN Group, Inc.** in design and preparation of plans for the project. Information gathered during the survey shall include topographic data, elevations of all sanitary and adjacent storm sewers, rim/invert elevations of existing sewers, location of buried utilities where possible, structures, and other features relevant to the final plan sheets. The location of buried utilities will be based on information provided by utility companies and/or utility locates by Arkansas Call-One. **RJN Group, Inc.** will not be responsible for actual location of buried utilities and contract documents will require the Contractor to locate utilities prior to construction. The location of trees will be in accordance with the City's current specifications.
 - b) **RJN Group, Inc.** will provide all plans, field notes, plats, maps, legal descriptions, or other specified documents prepared in conjunction with the requested services in a digital format.

All text data such as plan and profile, coordinate files, cut sheets, etc., shall be provided in the American Standard Code for Information Interchange (ASCII) format; all drawing files shall be provided in AutoCad (DWG or DXF) format.

The minimum information to be provided in the plans shall include:

- 1) A Project Control Sheet showing ALL Control Points used or set while gathering data, generally on a scale of not less than 1"=40'.
- 2) Coordinates on all P.C.'s P.T.'s, P.I.'s, manholes, valves, etc., in the same coordinate system as the Control.

2. Public Notification

Prior to conducting design survey, **RJN Group, Inc.** or its **Subconsultant** will notify affected residents of the project in writing. The notification letter shall be on company letterhead and shall include the following: project name, limits, Consultant's project manager and phone no., scope of survey work, and design survey schedule.

PART C – PERMITS AND EASEMENTS

1. Permits

During the design phase, **RJN Group, Inc.** shall coordinate with all utilities and other agencies affected by the Project. These entities shall also be contacted, if applicable, to determine plans for any proposed facilities or adjustment to existing facilities within the project limits. The information obtained shall be shown on the plan sheets. **RJN Group, Inc.** shall show the location of the proposed utility lines, and existing utility lines within the project limits. **City** shall be responsible for forwarding the forms to the affected agencies for execution. A total of one (1) permit is anticipated.

2. Right-of-Way/Easement Preparation and Submittal

- a) **RJN Group, Inc.** will conduct research for availability of existing easements where construction is probable. Temporary and permanent easements will be prepared based on available information. The **City** will negotiate and obtain the necessary easements. A total of 30 temporary and 4 permanent easements are anticipated.
- b) Revise easements as required to obtain approval from property owners. A total of 9 revisions are anticipated.

3. 404/Phase II Stormwater Permitting

All required 404 permits (Wetland delineation and mitigation) and Phase II Stormwater permits will be prepared by a Consultant to the **City**. The **City** will coordinate permitting activities with Consultant and **RJN Group, Inc.** will incorporate all requirements into project specifications. Consultant shall provide Technical Specifications to address environmental, archeological, and other environmental permitting requirements as necessary. These specifications will be incorporated into the Construction Documents.

3. City Construction Permits

RJN Group, Inc. will collect information and prepare and submit applications for City Construction permits.

PART D – CONSTRUCTION PLANS AND SPECIFICATIONS

It is anticipated that the project will be bid as one construction project containing three separate units or contracts.

1. Final Engineering Pipelining Design

Sewers WL-13 (Interceptor and WL-14 (Force Main) – **RJN Group, Inc.** will conduct final engineering as follows:

- a) Conduct geotechnical investigations as necessary to design the project. The extent of the geotechnical investigation is summarized in Table A-2.
- b) Prepare overall sanitary sewer layout sheets and overall easement layout sheet(s).
- c) Prepare preliminary project plans and profile sheets which show the following: Proposed sanitary sewer plan/profile and recommended pipe size, water service lines and meter boxes, gate valves, and all pertinent information needed to construct the project. The plan and profile sheets will be prepared on a 1"=40' scale horizontally and 1"=4' vertically.
- d) Existing utilities and utility easements will be shown on the plan and profile sheets based on information obtained during the design survey or from information provided by Utility companies. **RJN Group, Inc.** will coordinate with utility companies and the **City** to determine if any future improvements are planned that may impact the project.
- e) **RJN Group, Inc.** will prepare standard and special detail sheets for sewer line construction. These may include connection details between various parts of the project, tunneling details, boring and jacking details, waterline relocations, and details unique to the construction of the project.
- f) **RJN Group, Inc.** will consult with the **City** and OMI to develop a cut-over and startup plan to bring the new sewer system on line.

2. Lift Station Design- WL-15 Broyles Road Lift Station

RJN Group, Inc. will conduct engineering design as follows:

- a) Lift Station
 - 1) Prepare detailed Basis of Design for Lift Station force main hydraulics, basic pump/wet well layout, alarms and instrumentation plan, hoist, flow meter/vault, and standby power requirements.
 - 2) Conduct Mechanical design including pump and piping configuration. Prepare Mechanical Drawings including lower level plan and section drawings, odor control equipment, plumbing, and miscellaneous Mechanical details.
 - 3) Conduct Structural design. Prepare Structural drawings including foundation plan, lower level plan and sections, and typical structural details.
 - 4) Conduct Electrical design including selection/sizing of Motor Control equipment, lift station standby generator and switchgear. Prepare Electrical drawings including site plan, MCC and switchgear one-line diagrams, lower level plan, generator details, and odor control equipment.
 - 5) Conduct Instrumentation design. Prepare Instrumentation drawings including Control system functionality, control narrative schematics for power, HVAC, fault monitors, pump controllers, liquid levels, gas (hydrogen sulfide) monitors, and general instrumentation details.
 - 6) Prepare Lift Station specifications including site work, concrete, masonry, metals, wood, thermal and moisture protection, doors and windows, finishes, specialties, equipment, conveying systems, mechanical, electrical, and control end devices.
- b) It is anticipated that instrumentation design including SCADA, Human Machine Interface (HMI), telemetry and Programmable Logic Control (PLC) controls will be provided by others for all lift stations.

3. Specifications

Using **RJN Group, Inc.**'s basic technical and **City**'s General Conditions Project Manual specifications, prepare project specifications which shall include, but not be limited to: 1) bidding documents, 2) contractual documents, 3) conditions of the contract, 4) standard project forms, and 5) technical specifications. Project Manual shall be based on Construction Specifications Institute (CSI) Master Format and Section Format and shall incorporate **City of Fayetteville**'s standard general conditions and forms. Bid documents shall include required forms for State Revolving Fund funding.

4. Preliminary Construction Document Submittal

- a) **RJN Group, Inc.** shall deliver five (5) sets of conceptual design plans (30% complete) for design review. Plan sets shall include alignment plans, survey data, existing utility

information, and available environmental data. Opinions of probable cost and major component material selections will also be provided as part of the submittal.

- b) **RJN Group, Inc.** shall meet with **City** to discuss review comments for preliminary submittal. Two review meetings each plan set submittal is anticipated.

5. Final Construction Document Submittal

- a) Following **City** approval of the preliminary documents, **RJN Group, Inc.** shall prepare final plans and specifications and contract documents (each sheet shall be stamped, dated, and signed by **RJN Group, Inc.**) and submit five (5) sets of plans and construction contract documents for **City's** final approval.

PHASE II – BIDDING SERVICES

The following is the Scope of Services for the Bidding Phase.

1. Arrange for bidding notices to be sent to contractors publishing services and direct mailing to contractors of record. Notices shall comply with requirements of **City** and Revolving Loan Fund (RLF) administered by the Arkansas Natural Resources Commission, and the Arkansas Development Finance Authority (ADFA). The legal notice to be placed in legal notices section of a local newspaper shall be coordinated with **City** purchasing agent and an affidavit of publication secured.
2. Prepare addenda for drawings and Bid Documents as required and submit to **City** in timely manner such that addenda can be issued in accordance with Construction Contract General Conditions.
3. Secure updated state and federal wage rate decisions and incorporate by addenda into the Bid Documents.
4. Assist **City** in issuing and tracking Bid Documents, addenda and communications during bidding and maintain list of plan holders. Provide additional copies of plans and specifications for prospective bidders. **RJN Group, Inc.** shall be responsible for costs of additional copies.
5. **RJN Group, Inc.** shall organize, convene, and conduct a Pre-Bid Conference. **RJN Group, Inc.** shall explain the project requirements and receive questions from prospective bidders. **RJN Group, Inc.** shall consider the questions received and issue necessary clarifications and changes to the Bid Documents through the use of addenda.
6. Assist **City** in obtaining and evaluating bids and preparing construction contracts. Provide four (4) copies of the bid tabulation for the project.
7. Consult with and advise **City** as to the acceptability of subcontractors and other persons and organizations proposed by the prime construction contractor(s), hereinafter called "Contractor(s)", for those portions of the work as to which such acceptability is required by the Bid Documents.
8. Make recommendations regarding award of construction contracts.
9. Attend Water and Sewer Committee meeting and the ensuing City Council meeting to recommend action by the respective bodies. Prepare and present a recommendation complete with such supporting information as necessary for the bodies to make an informed decision on the action recommended.

PHASE III – CONSTRUCTION PHASE

1. Consult with and advise **City of Fayetteville** and act as **City of Fayetteville's** Engineer as provided in **City of Fayetteville's** General Conditions of the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of **RJN Group Inc.** as assigned in said General Conditions shall not be modified without **RJN Group Inc.'s** written consent.
2. Conduct Construction Phase Services in accordance with the Arkansas Natural Resources Commission Rules Governing the Arkansas Clean Water Revolving Loan Fund Program and as directed by the **City of Fayetteville**.
3. Review and accept Submittals of Contractor(s) for conformance with the design concept and intent of the Contract Documents.
4. Resident Services During Construction
 - a. A Resident Project Inspector(s) and assistants shall be furnished and shall act as directed by RJN Group Inc. in order to provide more extensive representation at the **Project** site during the Construction Phase. The cost estimate is based on the assumption that each resident Project **Inspector/Assistant** will be responsible for overseeing the construction of the two pipe line and one lift station projects. A total of 1,400 hours of resident inspector hours are included in the cost estimate attached hereto as Attachment A.
 - b. The Resident Project Inspector, through more extensive on-site observations of the work in progress, field checks of materials and equipment, and maintenance of jobsite records on conditions and activities, shall assist **RJN Group Inc** in determining that the **Project** is proceeding in accordance with the Contract Documents, but the furnishing of such resident project representation shall not make **RJN Group Inc.** responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions or programs, or for Contractor(s)' failure to perform the construction work in accordance with the Contract Documents.
5. Issue all instructions of **City of Fayetteville** to Contractor(s); prepare routine Change Orders as required; act as initial interpreter of the terms and conditions of the Contract Documents and judge of the performance there under by the parties thereto, and make recommendations to **City of Fayetteville** on claims of **City of Fayetteville** and Contractor(s) relating to the execution and progress of the Work and other matters and questions related thereto; but **RJN Group Inc.** shall not be liable for the results of any such recommendations, interpretations, or decisions rendered by **RJN Group Inc.** in good faith.
6. Review Contractor(s)' applications for payment and supporting data, determine the amounts owing to Contractor(s), and recommend approval in writing to **City of Fayetteville** of all payments to Contractor(s) in accordance with the Contract Documents.
7. Conduct an inspection to determine if the **Project** is substantially complete and a final inspection to determine if the **Project** has been completed in accordance with the Contract Documents, and if each Contractor has fulfilled all of his obligations there under so that **RJN Group, Inc.** may recommend approval, in writing to **City of Fayetteville**, of final payment to each Contractor.
8. Prepare a reproducible Record Set of drawings revised to show significant changes made during construction of the **Project** in accordance with records provided by Contractor and **RJN Group Inc.'s** Resident Project Inspector.

Table A-1
 LIMITS OF DESIGN

Sewer Pipeline	Diameter (in)	Length (lf)
WL-13 Broyles Road Interceptor Sewer	10-12	4,610
WL-14 Force Main from Broyles Road LS to WS WWTP	12	2,290
Owl Creek Force Main	12	<u>6,200</u>
Total		13,100

Lift Stations	Extent of Improvements
WL-15 Broyles Road Lift Station	New Station

January 20, 2009

Mr. David Jurgens, P.E.
Water and Wastewater Director
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Subject: Broyles Road Lift Station, Force main, Interceptor, and
Additional Construction Engineering

Dear Mr. Jurgens:

Please find enclosed the requested Amendment No. 5 for engineering services in connection with the Westside Collection System Improvements. A summary of the additional services requested in this amendment are as follows:

1. **Additional Resident Engineering for Farmington Sewer Improvements.** The original Scope of Services anticipated that WL-10, WL-11, and WL-12 would all be bid and constructed in the same time frame. During the final design, it was determined that the cost of constructing a portion of the WL-10 interceptor could be substantially reduced by delaying construction until the new lift station was in operation and the old force main was no longer in use. This portion of the interceptor referred to as WL-10A was recently bid and the low bid was over \$1,000,000 lower than the anticipated cost. The additional cost to provide full-time inspection of this project is estimated at \$218,651.
2. **Resident Engineering services for WL-9.** The WL-9 construction contract includes tasks associated with the cutover of the gravity system from the East Side Wastewater Treatment Plant (WWTP) to the new Westside WWTP. It also includes upgrades to the Old Wire Road Lift Station to allow it to be used as a flow control station. WL-9 was not included in the original scope of services. The estimated cost to provide construction inspection services is \$143,010.
3. **Engineering Design, Bidding, and Construction Inspection for the Broyles Road Lift Station and Owl Creek Lift Station Force Main.** This includes the design of a new lift station at Broyles Road and Persimmon Place, a force main from the station to the Westside WWTP, upgrading the gravity sewer between Broyles Road and Ruppel Road, and replacement of a portion of the Owl Creek Lift Station force main. The additional cost to complete these services is \$530,931.

Mr. David Jurgens, P.E.
January 20, 2009
Page Two

A summary of the increased cost and amount requested in Amendment 5 is provided below.

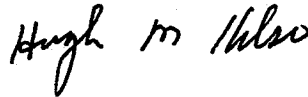
1. WL-10A Resident Engineering	\$218,651
2. WL-9 Resident Engineering	\$143,010
3. Broyles Road / Owl Creek Improvements	<u>\$530,931</u>
Total	\$892,592

Existing Contract Amount	\$5,285,888
Amount Expended Through December 2008	<u>\$4,991,000</u>
Amount Remaining	\$ 294,888

Additional Amount Requested	\$597,704
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The Scope of Services and fee schedule is included in the attached Amendment. We look forward to providing these services to the City of Fayetteville. If you should have any questions, please call.

RJN GROUP, INC.

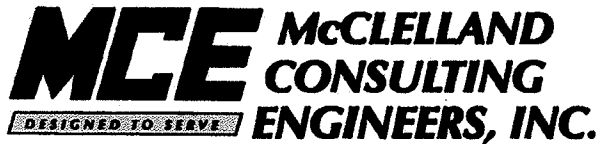


Hugh M. Kelso
Vice President

HMK/kb/1875
Enclosure

Fayetteville - Broyles Rd/Owl Creek

Item	Quantity	Unit	\$/Unit	Total
Mobilization	1	LS	\$95,000.00	\$95,000.00
Site Preparation, Clearing & Grubbing	13100	LF	\$6.00	\$78,600.00
Construction Staking	13100	LF	\$2.00	\$26,200.00
Construct 48" Diameter Manhole	20	EA	\$3,500.00	\$70,000.00
12" Sewer Pipe and embedment	4610	LF	\$80.00	\$368,800.00
15" Sewer Pipe and embedment		LF		\$0.00
12" Ductile Iron FM and embedment	8465	LF	\$95.00	\$804,175.00
16" Ductile Iron FM and embedment		LF	\$110.50	\$0.00
Ductile Iron Fittings	16	TON	\$9,445.00	\$151,120.00
Trench Excavation and Backfill (0-8 ft)	13100	LF	\$13.50	\$176,850.00
Filter Air/Vacuum Valve & Vault Assembly	4	EA	\$12,000.00	\$48,000.00
Epoxy Coating of Air Valve Vault	28	VF	\$250.00	\$7,000.00
Rock Excavation	1950	CY	\$150.00	\$292,500.00
30" Steel Encasement By Open Cut	50	LF	\$200.00	\$10,000.00
Trench Compaction Test	44	EA	\$250.00	\$11,000.00
Seeding and Mulching	7280	SY	\$2.00	\$14,560.00
Erosion Control	1	LS	\$35,000.00	\$35,000.00
Trench Safety	13100	LF	\$2.00	\$26,200.00
Surface Video Documentation	13100	LF	\$1.25	\$16,375.00
Broyles Road Lift Station	1	LS	\$650,000	\$650,000.00
			Total	\$2,881,380.00



MATERIALS LABORATORY

P.O. Box 1229
 Fayetteville, Arkansas 72702-1229
 479-587-1303
 FAX: 479-443-9241

**GEOTECHNICAL INVESTIGATION SCOPE AND FEE SCHEDULE
 WEST SIDE SEWER IMPROVEMENTS (Broyles Road)
 FAYETTEVILLE, ARKANSAS
 for
 RJN, INC.
 DALLAS, TEXAS
 January 19, 2009**

Item No.	Item Description / ASTM Designation	Quantity	Units	Unit Price	Extended
1	Equipment Mobilization and Demobilization (\$2.10/mi each way)	1	LS	\$200.00	\$200.00
	Technician Time (ARKNASAS ONE-CALL LOCATES)	3	HR	\$45.00	\$135.00
	Subtotal				\$335.00
2	Boring Setup Charges	10	EA	\$35.00	\$350.00
	Boring Layout	2	HR	\$60.00	\$120.00
	Subtotal				\$470.00
3	Soil Drilling and Sampling, ASTM D-1586 & ASTM D-1587				
	Soil Drilling (2 Borings - 20 feet max.)	30	LF	\$8.50	\$255.00
	Soil Drilling (8 Borings - 10 feet max.)	80	LF	\$8.50	\$680.00
	Setting Casing through Overburden, as required	20	LF	\$8.00	\$160.00
	Rock Drilling	2	LF	\$12.00	\$24.00
	Diamond Core Drilling	15	LF	\$35.00	\$525.00
	Subtotal				\$1,644.00
4	Soil and Rock Laboratory Testing				
	ASTM D-2216, Moisture Content Determination	30	EA	\$12.00	\$360.00
	ASTM D-4318, Liquid and Plastic Limit of Soils	6	EA	\$50.00	\$300.00
	ASTM D-422, Gradation Analysis of Soils (6 Sieves)	6	EA	\$50.00	\$300.00
	ASTM D-2166, Unconfined Compressive Strength of Soils	6	EA	\$40.00	\$240.00
	ASTM D-2166, Dry Unit Weight of Soil Specimens	6	EA	\$12.00	\$72.00
	Subtotal				\$1,272.00
5	Geotechnical Engineering Report and Recommendations				
	Engineering Supervision (Project Manager)	2	HR	\$145.00	\$290.00
	Engineering Analysis & Recommendations (Project Engr.)	8	HR	\$100.00	\$800.00
	Boring Plot Log Preparation (Senior Draftsman)	6	HR	\$70.00	\$420.00
	Boring Plot Plan Preparation (Draftsman)	2	HR	\$60.00	\$120.00
	Report Preparation (Clerical)	1	HR	\$45.00	\$45.00
	Subtotal				\$1,675.00

ESTIMATED GEOTECHNICAL INVESTIGATION AND ENGINEERING \$5,396.00

SUBMITTED BY:

R. WAYNE JONES, P.E.
 Vice President

RECEIVED

OCT 01 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



September 30, 2008

Jeremy Pate
Director of Current Planning
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Villas at Stonebridge - Appeal of Planning Commission denial

Mr. Pate:

On behalf of our client, we wish to appeal the September 22, 2008 City of Fayetteville Planning Commissions decision to deny R-PZD 06-2170. We request that this item be place on the December 02, 2008 City Council meeting.

Respectfully,

A handwritten signature in cursive script that reads 'Todd Jacobs'.

Todd Jacobs
Director of Design
Appian Centre for Design
217 East Dickson Street, Suite 104
Fayetteville, Arkansas 72701
Office: 479-442-1444

Tabled to 2/17/09 mtg 2/3/09
Tabled to 2/3/09 mtg 1/6/09
Left on the second reading 12/16/08
Left on the first reading 12/2/08

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: November 13, 2008

Subject: Appeal for The Villas at Stonebridge Residential Planned Zoning District (R-PZD 06-2170)

RECOMMENDATION

Staff and the Planning Commission recommends denial of an ordinance to create a Residential Planned Zoning District for The Villas at Stonebridge (R-PZD 06-2170) as proposed in its current form. Staff finds the rezoning and land use proposal is inconsistent with the adopted goals and policies of City Plan 2025, due to the density, land use incompatibilities and relatively isolated development proposal in an area that is under-served by infrastructure to a level that is acceptable for neighborhoods at such a density.

If this ordinance is approved, the action would establish a unique zoning district for a multiple-use project with a maximum of 350 dwelling units (166 single family and 184 multi-family) and approximately 45,000 square feet of nonresidential space (live-work and clubhouse) on a 53.03-acre tract. The density proposed over the site is 6.60 units per acre. The Planning Commission voted to deny the application; the applicant has appealed the Planning Commission decision to the City Council in the time period required by ordinance.

BACKGROUND

The subject property contains approximately 53 acres located east of Dead Horse Mountain Road approximately 1/3 mile south of Goff Farm Road, and adjacent to Stonebridge Meadows Golf Course. Additional land on the golf course (approximately 4 acres) is being utilized for stormwater retention, but is not included in the PZD proposal. The site was annexed into the City of Fayetteville in April 2005, is primarily zoned R-A, and is currently undeveloped rural land. Zoning of the property was not pursued at the time of annexation. Property directly to the west and south is partially within the County, and consists of rural residential land owned by four separate property owners. Property to the east and north is under common ownership, and is utilized for the Stonebridge Meadows Golf Course, which was developed prior to its annexation into the City. While the golf course offers "greenspace" to users that golf, it is not considered public open space to be used for all citizens and multiple forms of recreation. To the far south, the property adjoins Falling Waters PZD, a 255-lot single family residential subdivision on 137 acres (density of 1.8 units per acre) approved in 2005, which incorporates tree preservation and hillside development best management practices.

The request is for rezoning, land use and partial development approval for a Master Development Plan of a Residential Planned Zoning District. Should the PZD be approved as proposed, it would result in immediate development approval of a preliminary plat with 91

single-family lots and several large lots for future development review. The remaining residential lots and multi-family buildings would require preliminary plat or large scale development approval in the future.

On September 22, 2008, the Planning Commission voted 3-4-0 on a motion to approve this request with Commissioners Cabe, Bryant, Anthes and Myres voting 'No', Commissioners Lack, Winston and Kennedy voting 'Yes', and Commissioners Trumbo and Graves absent. The motion to approve failed and the applicant has appealed this decision to the City Council. The main concerns with the project are centered on the location of the R-PZD at the edge of the City limits, without close access to improved roads or transportation corridors, the lack of support services to serve the residents of the development, and an overall lack of compatibility with surrounding rural properties.

DISCUSSION

This project is designed to be a Traditional Neighborhood Development (TND) including a variety of housing types and land uses positioned on small blocks with meaningful open spaces. While the development plan contains many design aspects interior to the project that are supported by the City's adopted City Plan 2025, the location of the development in context with the lack of urban services in this area and the impact this will have on the surrounding area is largely ignored. The project is at the edge of the City limits on property that is surrounded by large lot, agricultural land, some of which is still within the County. In addition, the site is not situated in a location such that infrastructure and connectivity could be sufficiently improved to manage the increase in daily vehicle trips generated by this development. Due to the lack of common support services currently available to residents in this area, it is likely that the residents will continue to be auto-dependent, thereby placing a greater burden on the surrounding unimproved streets and intersections. The closest commercial center, at Crossover and Mission, is approximately 4 miles to the north. The development proposed, even with a well-designed interior plan, thereby contributes to suburban sprawl, which is inconsistent with adopted city policy. Typical characteristics of sprawl that are evident in this project include:

- A "leap frog" development pattern, in which a more dense development occurs beyond other underdeveloped tracts closer in to the city, thereby creating burdens on the infrastructure in those gaps;
- Development that fails to locate in areas where existing public facilities are located, "beyond the edge of services and employment" and locating in an area that is poorly connected to other land uses in the immediate area. Development that is being proposed is not concurrent with needed infrastructure improvements, as City policy dictates; rather, we are seeing the project and anticipating for potential future relief;
- A primarily single-use project, residential, requires all residents to travel to work, obtain basic necessities and staples.
- The development pattern, which includes multiple-story, multi-family structures in direct adjacency to rural land uses, provides largely incompatible land uses and development patterns with the surrounding large, rural lots and agricultural lands.

Staff finds this rezoning proposal to be inconsistent with the City's adopted goals and policies, and the policy decision to rezone the area may lead to future issues in the area. Currently, staff finds the project is proposed too soon for this particular area and promotes a development pattern more like the density of downtown Fayetteville, without the schools,

commercial and community services and infrastructure to support it. In the larger picture, both the Planning Commission and applicant raised the policy question of how the City wants to develop, recognizing in this project good things relative to the plan design, but negative things relative to where a project this dense is located at the edge of the city.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 06-2170, VILLAS AT STONEBRIDGE, LOCATED SOUTH OF HIGHWAY 16 EAST AND EAST OF GOFF FARM ROAD; CONTAINING APPROXIMATELY 53.03 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 06-2170
Villas at Stonebridge 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 E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

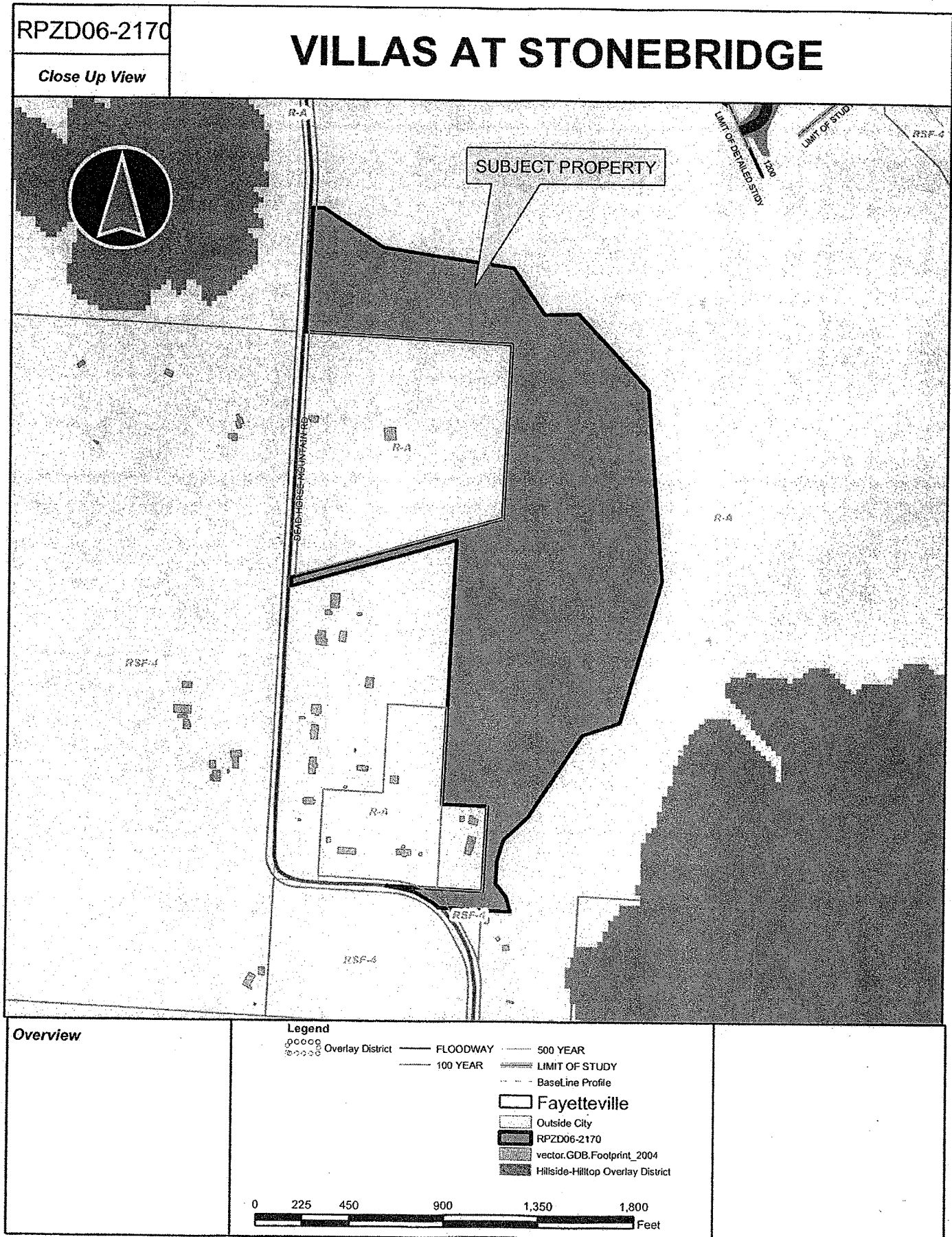


EXHIBIT "B"
R-PZD 06-2170

A PART OF SECTION 24, AND A PART OF SECTION 25 ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF NORTHEAST QUARTER OF SECTION 25 AND RUNNING THENCE N 87°01'16" W 987.33 FEET TO THE CENTERLINE OF DEAD HORSE MOUNTAIN ROAD; THENCE ALONG SAID CENTERLINE N 03°03'00" E 600.87 FEET; THENCE LEAVING SAID ROAD CENTERLINE S 87°01'16" E 52.27 FEET; THENCE S 56°35'20" E 339.81 FEET; THENCE S 81°27'33" E 631.08 FEET; THENCE S 33°49'31" E 271.57 FEET; N 88°15'23" E 161.27 FEET; THENCE S 42°11'39" E 488.91 FEET; THENCE S 04°36'52" E 928.17 FEET; THENCE S 15°59'30" W 713.53 FEET; THENCE S 70°37'32" W 185.48 FEET; THENCE S 32°39'52" W 467.30 FEET; THENCE S 46°59'22" W 162.84 FEET; THENCE S 16°02'22" W 109.30 FEET; THENCE S 02°33'46" W 105.25 FEET; THENCE S 38°49'44" E 79.65 FEET; THENCE S 16°12'04" E 74.82 FEET; THENCE N 86°55'06" W 339.76 FEET TO THE CENTERLINE OF DEAD HORSE MOUNTAIN ROAD; THENCE ALONG SAID ROAD CENTERLINE N 49°07'24" W 36.69 FEET; THENCE N 60°12'41" W 100.88 FEET; THENCE N 77°29'04" W 137.15 FEET; THENCE LEAVING SAID CENTERLINE S 86°55'06" E 456.61 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE N 02°33'46" E 407.00 FEET; THENCE N 87°26'15" W 213.99 FEET; THENCE N 02°33'46" E 1276.27 FEET; THENCE S 73°50'46" W 819.41 FEET TO A POINT IN THE COUNTY ROAD; THENCE N 02°33'46" E 42.23 FEET; THENCE N 73°50'46" E 1045.35 FEET; THENCE N 02°33'46" E 843.38 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 53.03 ACRES MORE OR LESS. SUBJECT TO AND EASEMENTS AND OR RIGHT OF WAYS OF RECORD

CONDITIONS OF APPROVAL:

R-PZD 06-2170

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The Planning Commission and staff recommend the following conditions of approval associated with R-PZD 06-2170 (Villas at Stonebridge).

Conditions of Approval Adopted by the City Council:

Streets and Right-of-Way

1. **Planning Commission determination of street improvements.** Based on the condition of the immediate surrounding street system, the status of the intersection of Huntsville Road and Stonebridge Road and the impact of the amount of traffic generated by 45,000 square feet of non-residential space and 350 dwelling units from this project, staff recommends the following street improvements as being proportional to the development:
 - a. Prior to final plat of Phase I, the applicant shall construct a traffic signal at the Stonebridge Road and Huntsville Road intersection to City standards. Should the AHTD not approve the traffic signal installation, staff recommends the applicant contribute an assessment in the amount of \$125,000 for the full cost of the signal prior to recording a final plat for Phase I.
 - b. Prior to final plat of Phase I, the applicant shall construct a 3-lane street section for Dead Horse Mountain Road along the project frontage, including pavement, curb and gutter, storm drainage, a 5' sidewalk and street lights at each intersection and with a maximum spacing of 300'.
 - c. Prior to final plat of Phase III, the applicant shall overlay and widen Dead Horse Road from the north property line to the south property line (including the road frontage between), to a minimum width of 24' of pavement with shoulders, pursuant to City engineering criteria. *This results in a total of 143 lots constructed before improvements are made to Dead Horse Mountain Road.*
 - d. The applicant shall contribute an assessment for the replacement of the Dead Horse Mountain Road bridge on a lot by lot basis, based on the most recent bridge cost estimate and the percentage of traffic to cross the bridge. The current estimated total for the entire development is \$216,000.00. Fees for Phase I, due prior to recording of a final plat, equal \$55,525 for 91 single family lots. Staff recommends that once the bridge is fully constructed (anticipated in 2009-2010) no further fees shall be contributed by this development. *To clarify staff's recommendation, based on the phasing plan presented, it is likely this development will not contribute any fees to the bridge replacement, based on current replacement schedules.*
 - e. Prior to final plat of Phase I, if the Falling Waters entry road has not been constructed to provide access to this property, the developer of the Villas shall be responsible for securing all agreements, dedication of public right-of-way, and coordination to construct the public street entrance as approved with Falling Waters PZD to provide the necessary second point of ingress/egress.
2. **Planning Commission determination of a waiver of minimum street design standards:**
 - a. The applicant requests a waiver to allow a 20' curb return radius (CRR) at all interior street intersections and alleys when City Code requires a 30' CRR for minor streets (UDC Section 171.02(C)). *Engineering staff has reviewed this request and is in favor of the CRR waiver requests, finding that adverse impacts to traffic and pedestrian safety would not occur.*

CONDITIONS OF APPROVAL:

R-PZD 06-2170

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- b. The applicant requests a waiver to allow different street cross sections than required by the current Master Street Plan standard (UDC Section 166.06 (k)(10)(a) and 166.08(C)(14)). The applicant proposes the following:
- I. (Street Sections 1, 2, 3, 6 and 7) Request to provide 7' of greenspace between the back of curb and sidewalk where 6' is required. *Staff does not support this request, finding that the additional 1' of greenspace does not significantly increase aesthetics, pedestrian safety, or area for tree growth, to a degree at which the City's street standards that were adopted in an effort to standardize street sections should be altered.*
 - ii. (Street Section 3 and 6) Request to allow an urban streetscape design with an 8' sidewalk on one side and a standard 5' sidewalk on the other side. *Staff supports the requested waiver based on the location adjacent to a dense multi-family development and single-family residences, respectively, with the condition that the greenspace along the single family section be reduced from 7 feet to 6 feet (see above) to provide for both sides of the street cross-section in compliance with its respective cross-section.*
 - iii. (Street Section 7) Request to allow alternative street section (two-ten foot travel lanes with on-street parking on both sides of street). *Staff supports the requested waiver, finding that the proposed street section provides additional parking for the multi-family units and clubhouse along this section of street. The street section combines aspects of several approved street sections, including standard travel lane, parking and sidewalk widths. As noted in the above variance request (i), staff is recommending that the greenspace be reduced to 6'.*
 - iv. (Street Section 5) Request to allow street cross section not permitted (one-lane blvd). *Staff supports the construction of a median in Street Section 5. The Fire Department has reviewed and approved the street design with the designated fire pull-off lanes, which is consistent with a cross-section staff proposed to the Planning Commission during review of the Master Street Plan amendments, but removed at the request of the Fire Department. Staff recommends in favor of the request, finding that the public welfare will not be negatively affected by the requested road section.*
 - v. (Street Section 1) Request to construct a 5' sidewalk on only one side of the street, south of the southern roundabout. Based on Page 15 of the plats, it appears that construction of a 5' sidewalk on both sides of the street is feasible and provides sufficient room for utility easements. Although, a waiver to allow the sidewalks adjacent to the back of curb appear to be necessary. *Staff recommends in favor of a waiver to allow sidewalk construction adjacent to the street as shown on the plats, but does not recommend in favor of allowing sidewalk construction on only one side of the street.*
3. Planning Commission determination of zoning criteria: building area. *In all of the residential planning areas, the applicant is proposing a high intensity of building area (the area on a lot occupied by buildings), much more intense than is permitted within any other residential districts*

CONDITIONS OF APPROVAL:

R-PZD 06-2170

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within the City. These range, as proposed, from 65-95%, which leaves very little unoccupied greenspace. Staff recommends these buildable area maximum levels be reduced, finding the proposal to be inconsistent for the proposed development pattern, as follows:

- a. Page 4. PA-1, Reduce maximum building area from 65% to 50%.
 - b. Page 5. PA-2, Reduce maximum building area from 70% to 60%.
 - c. Page 6. PA-3, Reduce maximum building area from 85% to 75%.
 - d. Page 7. PA-4, Reduce maximum building area from 95% to 75%.
4. Planning Commission determination of a waiver to allow Accessory Dwelling Units (ADU's) on lots with less than 5,000 sq. ft. of lot area. *Staff does not recommend in favor of this request, finding that the minimum lot size requirements were discussed at length with input provided from the public, Planning Commission and City Council, and at this time there are no reasons to deviate from the minimum adopted standards.*
 5. Planning Commission determination of Planning Area 6. As previously proposed, PA-6 was designed to provide limited commercial services; however, since the previous review by the Planning Commission, this area has been removed and is proposed to remain as Residential Agricultural zoning district, but with an R-PZD designation. *Staff finds that if the project is approved, the ability to provide commercial services for area residents is appropriate and should be incorporated into the project. These services, once developed, could lead to decreased vehicle trips on the surrounding street system and provide employment opportunities for area residents. Staff recommends that the limited commercial uses be incorporated into Planning Area 6 as previously reviewed.*
 6. All private drives and alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the easement plat and/or final plat prior to recordation.
 7. Right-of-way dedication. 42.5' from centerline along Dead Horse Mountain Road shall be dedicated with Phase I of the project; variable right-of-way dedication along the internal streets as depicted on the site plan by easement and/or final plat; private alleys and streets shall be located within an access easement, owned and maintained by the property owner's association, and dedicated by easement and/or final plat, as applicable.
 8. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provided adequate room for a trash truck and arm to pick up residential trash carts.
 9. Signs indicating future street extension shall be installed at all street stub-outs prior to recording a final plat for the subject phase.
 10. Construction of nonresidential facilities. The developer shall guarantee to the City completion of nonresidential facilities (Club House) in the amount no less than 150% of the estimate cost of said facilities, pursuant to the Unified Development Code PZD requirements. Said guarantee shall be provided to the City prior to final plat approval of Phase I.

CONDITIONS OF APPROVAL:

R-PZD 06-2170

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General

11. 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.
12. A final plat shall be required to subdivide the property, with Phase I of the project. A preliminary and final plat approval is required prior to development of any additional single family portions of this project. A large scale development is required for any nonresidential and/or multi-family development. Development shall be subject to the regulations in place at the time of review and approval, including grading, drainage, tree preservation, landscaping, residential design standards, etc., unless varied herein.
13. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
14. Signs shall be permitted in accordance with those standards outlined within the project booklet for each Planning Area.
15. The owner of the adjacent land, which contains several of the detention facilities, may be required to sign the final plat for each phase of the development. Additionally documentation may be requested by staff to ensure full compliance with all applicable regulations, for Phase I and future phases that direct stormwater to the off-site retention ponds.
16. The storm sewer discharge point at Lots 65 and 66 shall be evaluated at the time of construction submittal. Off-site drainage improvements may be required.
17. Any nonresidential uses in Planning Area 5 shall be contained within the club house building and not constructed as stand alone businesses.

Phasing

18. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed below. A one-year extension may be approved by the Planning Commission for each phase, subject to the criteria in UDC Chapter 166 for extensions.

Phase No.	All Permits obtained (years) from CC approval	Timeframe for Construction (years)
Phase 1:	2-year to obtain all required permits	3-years from issuance of permit to complete phase*
Phase 2:	3-year to obtain all required permits	4-years from issuance of permit to complete phase
Phase 3:	4-year to obtain all required permits	5-years from issuance of permit to complete phase
Phase 4:	5-year to obtain all required permits	6-years from issuance of permit to complete phase
Phase 5:	6-year to obtain all required permits	7-years from issuance of permit to complete phase

** Single family lots are required to obtain final plat approval by the completion dates; all single family homes are not required to be actually constructed.*

CONDITIONS OF APPROVAL:

R-PZD 06-2170

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Parks/Trails:

19. The applicant shall contribute money in-lieu for Phase I and provide a deed for the two-acre park prior to filing the final plat for Phase I. All other fees shall be due prior to final plat approval for single-family lots and prior to building permit issuance for other units.
20. Grading for St. Paul Trail within the abandoned railroad corridor shall be completed by the developer to accommodate the 12' trail, including all drainage structures situated to allow for construction. This land shall be dedicated as a public access easement with Phase III (or sooner) of the development.
21. A future trail corridor is also planned through lot 196 adjacent to the golf course. This will allow St. Paul trail to extend through the golf course to meet Eagle Park. The trail will be on-street through the development. The entirety of lot 196 shall be within a public access easement, dedicated at the time of final plat of phase I.

Landscape and Tree Preservation Plan Conditions

22. Mitigation will be required on the site. The applicant shall mitigate for the removal of 35,283 SF of tree canopy in Phase I with on-site mitigation to consist of a minimum of (122) 2-inch caliper trees. If all trees cannot be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Urban Forester. Mitigation trees cannot be located within utility easements or street ROW. Please submit a tree mitigation form for approval.
23. All mitigation trees must be planted prior to the issuance of a final certificate of occupancy. These trees cannot be located within any utility easement or street ROW. A 3-year bond, letter of credit, or check in the amount of \$30,500 shall be deposited with the City of Fayetteville before issuance of a certificate of occupancy. All mitigation trees shall be located on a site owned by the applicant.
24. Each lot not reviewed for development approval at this time will be evaluated at the time of development. A minimum canopy cover of at least 25% will be required for the PZD zoning. Additionally, all applicable landscape requirements shall be met at the time of future development for each lot.
25. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.
26. Under Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.
27. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot.
28. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.

CONDITIONS OF APPROVAL:

R-PZD 06-2170

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Plat and Booklet Revisions

29. The following revisions shall be completed prior to staff forwarding this item:
- a. Page 2. All phases of the development that will be constructed as large scale development should have two time frames; one to obtain construction permits and one to receive final inspection approval. If a phase contains both types of construction, then there should be a time frame to obtain permits, a time frame to obtain final plat approval and a time frame to obtain final inspection approval. Change each phasing statement to read as follows:
 - i. Phase IV: All permits necessary to complete construction shall be obtained within "x" years from the date of City Council approval of the Planned Zoning District. Final inspection shall be obtained within "x" years from the date of City Council approval of the PZD.
 - ii. Phase V: All permits necessary to complete construction shall be obtained within "x" years from the date of City Council approval of the Planned Zoning District. Final inspection shall be obtained within "x" years from the date of City Council approval of the PZD.

Standard Conditions of Approval

30. 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).
31. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Elevations shall be submitted to Planning staff for review and approval prior to building permit.
32. All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. Add this note to the site plan and all construction documents.
33. 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.
34. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
35. Impact fees for police, fire, water, and sewer shall be paid in accordance with City Ordinance.
36. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning

CONDITIONS OF APPROVAL:

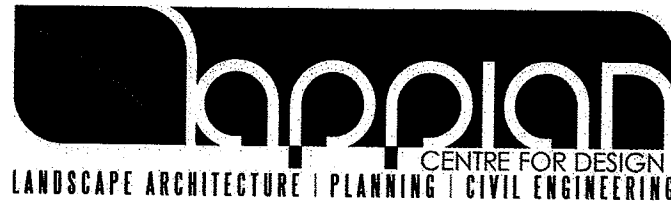
R-PZD 06-2170

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Staff prior to building permit. Only single-family and two-family structures are exempt from the lighting ordinance. Street lights, townhouses, condominiums, live/work units are subject to compliance with the lighting ordinance.

37. 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.
- b. Final plat for this project that shall include all easements and the tree preservation area.
- c. Project Disk with all final revisions
- d. 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.



September 30, 2008

Jeremy Pate
Director of Current Planning
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Villas at Stonebridge - Appeal of Planning Commission denial

Mr. Pate:

On behalf of our client, we wish to appeal the September 22, 2008 City of Fayetteville Planning Commissions decision to deny R-PZD 06-2170. We request that this item be place on the December 02, 2008 City Council meeting.

Respectfully,

A handwritten signature in black ink that reads "Todd Jacobs". The signature is written in a cursive, flowing style.

Todd Jacobs
Director of Design
Appian Centre for Design
217 East Dickson Street, Suite 104
Fayetteville, Arkansas 72701
Office: 479-442-1444



Planning Commission Meeting
September 22, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: September 12, 2008 Updated October 3, 2008 (DENIED)

R-PZD 06-2170: Planned Zoning District (VILLAS AT STONEBRIDGE, 645/646): Submitted by APPIAN CENTRE FOR DESIGN for property located S OF HWY. 16E AND E OF GOFF FARM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 53.03 acres. The request is for zoning, land use and preliminary plat approval for a Residential Planned Zoning District with a maximum of 350 dwelling units and 45,000 s.f. of non-residential space all with associated parking. Phase I development approval consists of 91 single family lots.
Planner: Jesse Fulcher

BACKGROUND:

Property Description and History: The subject property consists of approximately 53.03 acres located east of Dead Horse Mountain Road, and adjacent to Stonebridge Meadows Golf Course. Additional land on the golf course (approximately 4 acres) is being utilized for stormwater retention, but is not included in the PZD proposal. The site was annexed into the City of Fayetteville in April 2005, is primarily zoned R-A, and is currently undeveloped rural land. Zoning of the property was not pursued at the time of annexation. Property directly to the west and south is partially within the County, and consists of rural residential land owned by four separate property owners. Property to the east and north is under common ownership, and is utilized for the Stonebridge Meadows Golf Course, which was developed prior to its annexation into the City. To the far south, the property adjoins Falling Waters PZD, a 255-lot single family residential subdivision on 137 acres (density of 1.8 units per acre) approved in 2005, which incorporates tree preservation and hillside development best management practices. The surrounding zoning and land uses are listed in *Table 1*.

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Residential/Agricultural/Golf course	R-A
South	Residential/Agricultural	R-PZD – Falling Waters
East	Golf course	R-A
West	Residential/Agricultural	R-A, County

Proposal and Project Description: The request is for rezoning and partial development approval for a Master Development Plan of a Residential Planned Zoning District with a maximum of 350

attached and detached dwellings as well as 45,000 square feet of non-residential/commercial space. The proposed density overall is approximately 6.60 dwelling units per acre (see each Planning Area in table below). Should the PZD be approved as proposed, it would result in immediate development approval of a preliminary plat with 91 single-family lots and several large lots for future development review. The remaining residential lots and multi-family buildings would require preliminary plat or large scale development approval in the future.

Changes to Master Development Plan: Since the project was reviewed by the Planning Commission on April 28, 2008, several changes have been made to the plans. These changes include: 1) reducing the number of single-family units from 175 to 166; 2) increasing the number of multi-family units from 179 to 384; 3) relocating the townhouse units from the western property to the interior of the development, resulting in the west property line being developed with single-family units; 4) removing the commercial uses from Planning Area 6; and 5) increasing the side setbacks between detached units from 0' to 4'.

Master Development Plan: The proposed uses planned for the site are listed in *Table 2*.

Table 2
Villas at Stonebridge PZD 06-2170
Land Use Summary

USE	PLANNING AREA	DENSITY (UNITS/ ACRE)	DWELL -ING UNITS	NON- RESIDENTIAL INTENSITY (SQ.FT./ACRE)	NON- RESIDENTIAL SQUARE FEET	ACRES	% OF SITE
Single-Family	PA-1/PA-2	6.47	166	N/A	N/A	25.64	48.35%
Multi-Family	PA-3	11.20	70	2,400	15,000	6.25	11.79%
Multi-Family	PA-4	16.54	114	2,177	15,000	6.89	12.99%
Club House	PA-5	N/A	N/A	8,108	15,000	1.85	3.49%
Greenspace	PA-6	N/A	N/A	N/A	N/A	8.94	16.86%
R-A	PA-7	0.5	N/A	N/A	N/A	3.46	6.52%
TOTAL		6.60	350	848	45,000	53.03	100%

Parks and Recreation Advisory Board (PRAB): The Parks and Recreation Advisory Board reviewed this project on September 8, 2008 and made a recommendation of accepting a combination of parkland and money in-lieu of land. A deed for a 2-acre park and the remaining fees are required prior to signing the final plat.

Solid Waste Service: The multi-family, mixed use and non-residential portions of this development will require dumpsters and/or compactors. Locations shall be reviewed at the time of large scale development. Detached, single-family residences will be serviced by standard residential trash pick-up.

Phasing: Six phases are planned for Villas at Stonebridge over the next several years, as listed below. Development approval with the first phase includes the primary street connecting to Dead

Horse Mountain Road in two locations, the two off-site detention ponds and 91 single family lots, along with several larger lots that will require future development review and approval. The zoning action, however, gives all zoning entitlement rights with this PZD request. All permits required for development within these phases are required to be obtained and constructed within the specified timeframe. Extensions for each phase as permitted by Chapter 166.20 and subject to Planning Commission approval are available.

Phase No.	Timeframe for Permits (years) from CC approval	Timeframe for Construction (years)
Phase 1:	1-year to obtain all required permits	3-years from issuance of permit to complete phase*
Phase 2:	2-year to obtain all required permits	4-years from issuance of permit to complete phase
Phase 3:	4-year to obtain all required permits	5-years from issuance of permit to complete phase
Phase 4:	5-year to obtain all required permits	6-years from issuance of permit to complete phase
Phase 5:	6-year to obtain all required permits	7-years from issuance of permit to complete phase

** Single family lots are required to obtain final plat approval by the completion dates; all single family homes are not required to be actually constructed.*

Water & Sewer: Sanitary sewer and water is available to the site. There are both water and sewer improvements being made as part of the Southeast Fayetteville Regional Water and Sewer Improvements project that will bring an additional capacity under the White River to provide adequate service in this area. This extension was a private agreement, between developers, to serve anticipated demands for future development in the area, and was neither participated in nor required by the City. Water and sewer lines shall be extended to serve the development, if it is approved.

Adjacent Master Street Plan Streets: Dead Horse Mountain Road, a Minor Arterial street.

Right-of-way Dedication: 42.5' from centerline along Dead Horse Mountain Road is required; variable right-of-way dedication for the internal streets as depicted on the site plan; private drives would be within an access easement owned and maintained by the property owner's association.

Access and Connectivity: Access to this site is limited to Dead Horse Mountain Road, a road annexed into the City from the County in 2005. Dead Horse Mountain Road is currently an unimproved, primarily chip and seal, 2-lane road that intersects Black Oak Road to the south (also an unimproved 2-lane road) and Huntsville Road to the north. Two points of access into the site are required to meet Fire Codes; these are provided at the north end of the site with a direct connection to Dead Horse Mountain Rd and provided at the south end through an approved street that is planned to be constructed as part of the Falling Waters R-PZD. The applicant has indicated a meeting has taken place with the property owner to the south, and the developer of the Villas will construct this street, with a private cost share agreement between the two parties to follow in the future. The development has a number of well-connected interior streets and alleys, utilizing a variety of street cross-sections to calm traffic and encourage pedestrian comfort and activity throughout the development. There are three (3) proposed stub-outs to undeveloped property to the west and the availability of adjacent right-of-way to connect into along the southwest portion of the site; however, the applicant has not proposed any stub-outs to the north or east due to the location of the golf course.

Street Improvements: This project lies within two established off-site street improvement areas established in 2005 that the Planning Commission utilizes when reviewing projects and their associated impact. The two areas are the Dead Horse Mountain Road Bridge Assessment Area and the Stonebridge Road/Huntsville Road Traffic Signal Assessment Area. Both of these improvements

have been deemed critical in the area to support growth at any density. These assessments areas originated out of Planning Commission and City Council discussion of projected development when the subject property and the Hall property were annexed in 2005.

The proposed addition from Villas at Stonebridge of approximately 45,000 SF of non-residential space and 350 dwelling units will have a significant impact on surrounding infrastructure, all of which is substandard. Dead Horse Mountain Road is the only street access to the property, and 100% of the traffic from the development will have to travel upon it. Black Oak Road to the south (also an unimproved 2-lane county road) and Huntsville Road to the north are the two roads to which Dead Horse Mountain Road lead. Dead Horse Mountain Road Bridge, which is located between the subject property and Huntsville Road, is slated to be reconstructed in its current location as it is in poor condition. Based on the applicant's submitted traffic study from 2006, which accounted for 326 residential units and no commercial space, approximately 2,500 vehicles trips per day are projected. An updated traffic study was requested for the new project proposal, but was not provided. Based on the original traffic study and the traffic engineer's supplemental letter dated April 2, 2008, the study confirms that the traffic signal at Huntsville Road and Dead Horse Mountain Road will be warranted with the development of only 14 more residential units based on the applicant's submittal information. The traffic engineer recommends that a traffic signal be installed coincident with the development of the first phase of this development. Based on the projected impact of the subject development, staff has consistently recommended the following improvements, should this rezoning be approved:

- Construction of or a full assessment for a traffic signal at Stonebridge and Huntsville Roads in the amount of \$125,000 prior to filing of a final plat for phase I of the development;
- Construct a 3-lane street section for Dead Horse Mountain Road along the project frontage as proposed by the applicant, including pavement, curb and gutter, storm drainage, a 5' sidewalk and street lights at each intersection and with a maximum spacing of 300';
- Overlay and widen Dead Horse Road from the north property line to the south property line, to include 24' of pavement with appropriate shoulders;
- Proportionate share of an assessment for the replacement of the bridge, based on the same calculation utilized with previous development in the area. Staff is recommending these particular fees be paid on a lot by lot basis, based on the most recent bridge cost estimate and the percentage of traffic to cross the bridge, and the fact that the development itself does not attribute to the immediate replacement of the bridge as recommended in the traffic study. The current estimated total for this development, based on the applicant's previous proposals and traffic breakdown, is \$216,000.00. Phase I of the development proposes 91 dwelling units, which would require an assessment in the amount of \$55,525.00 ($\$216,000/354(91)$). Staff recommends that once the bridge is fully constructed, no further fees shall be contributed.

The applicant does not agree with staff's recommendation for street improvements. On four separate occasions, proposals have been submitted to staff for review, all based on the same general net traffic generation from the 2006 traffic study. The first through third submittals assumed 40% of all traffic from the development would travel south on Dead Horse Mountain Road, while 60% would travel north, towards Huntsville. The applicant proposed a contribution of \$22,500.00 for the traffic signal assessment and \$216,000.00 for the bridge assessment, for a total of \$238,500.00, based on a detailed break-out of the percent of traffic anticipated to utilize these areas. These same numbers were presented for review in October 2006, November 2006 and December 2007. A proposal provided in

March 2008, proposed a contribution of \$75,000.00 for the traffic signal assessment and \$100,000.00 towards improvements to Dead Horse Mountain Road, with no funds proposed towards the replacement of the bridge. The most recent proposal is to pay \$75,000 towards the future traffic signal, \$100,000 for Dead Horse Mountain Road improvements and \$216,000.00 towards replacement of the bridge (see Page 15 of the project booklet). As staff has noted in condition of approval #1, based on the phasing plan presented, it is likely this development will not contribute any fees to the bridge replacement, based on current replacement schedules. No rationale or traffic generation numbers have been provided by the applicant, however, to substantiate the proposed contributions.

The applicants have stated in their application that the full burden of a traffic signal should not be borne by one development, given the substantial growth in the general vicinity of the signal. Rather, they are proposing a contribution for a portion of the traffic signal cost. The applicants have proposed a contribution for street improvements to Dead Horse Mountain Road due to the fact that the recommended overlay and widening could be removed with future street improvements provided by further development along Dead Horse Mountain Road. The applicants state the \$100,000 could be used in combination with other funds for the full improvement of this street. Staff's concerns, however, lie with the traffic generated by this development, which will lead to a level of service "F" at the Stonebridge/Huntsville Road intersection, and with only one road to travel to and from the development, Dead Horse Mountain Road, this sub-standard road will take the full burden of traffic from this development. Staff finds improvements are warranted as recommended.

Public Comment/Review Process:

The subject proposal was originally submitted to the City Planning Department on July 06, 2006 with comments provided to the applicant at the Technical Plat Review meeting on July 19, 2006. The applicant requested that the item be tabled on July 18, 2006. The project was again submitted on November 02, 2006 with comments provided to the applicant at the Technical Plat Review meeting on November 15, 2006. Staff recommended that the request be reviewed again at the Technical Plat meeting, due to the fact the submittal plans did not meet the PZD requirements. The plans were not submitted again for review until December 20, 2007 with comments provided to the applicant at the Technical Plat Review meeting on January 2, 2008. Staff again recommended that the request be reviewed at the Technical Plat meeting based on the comments received. Revisions were submitted on January 17, 2008 with comments provided to the applicant at the Technical Plat Review meeting on January 30, 2008. Revisions were submitted on March 26, 2008 for the April 03, 2008 Subdivision Committee meeting. Staff has noted issues of concern regarding the compatibility, concurrency of infrastructure and the rezoning of this site as proposed at each meeting.

The Subdivision Committee reviewed the project on April 03, 2008 and forwarded the request to the full Planning Commission with no recommendation. The primary points of discussion during the meeting were the location and density of the development, and staff's recommended street improvements. The Subdivision Committee asked staff to evaluate a manner in which the costs for street improvements could be phased throughout the development of the project, but in general, found in favor of staff's recommended street improvements.

The Planning Commission reviewed the project on April 28, 2008 and after discussing the location and density of the project, the applicant requested that the item be tabled. Revisions were submitted on July 21, 2008 for the July 28, 2008 Planning Commission meeting; however, the project was tabled by the applicant with no discussion occurring at the meeting.

Several notification forms that were mailed to the surrounding property owners have been returned to the Planning Office, with one response citing concerns with traffic congestion, street infrastructure and urban sprawl. An adjacent property owner stated at the Subdivision Committee meeting that he was concerned with the amount of development in the area and the lack of infrastructure. Additionally, he was concerned with the existing condition of Dead Horse Mountain Bridge. A citizen stated at the Planning Commission meeting that the project was not in keeping with the goals of City Plan 2025 and that the project was urban sprawl.

<i>Tree Preservation:</i>	Existing Canopy 57 acres:	5.24% (includes off-site disturbed areas)
	Existing Canopy 53 acres:	4.26%
	Preserved Canopy:	2.84%
	Required Canopy:	4.26% - Mitigation required.

*All large lots not approved for development with this PZD shall be required to submit tree preservation plans for review and approval at the time of development, with a minimum 25% canopy.

City Plan 2025: This project is designed to be a Traditional Neighborhood Development (TND) including a variety of housing types and land uses positioned on small blocks with meaningful open spaces. While the development proposes many design aspects interior to the project that are supported by the City's adopted Future Land Use Plan, the location of the development is at the edge of the City limits on property that is surrounded by large lot, agricultural land, some of which is still within the County. Due to the lack of support services currently available to residents in this area, even potentially after development of the live/work units, it is likely that the residents will continue to be auto-dependent, thereby placing a greater burden on the surrounding unimproved streets. The closest commercial center, at Crossover and Mission, is approximately 4 miles to the north. The development pattern, thus, encourages suburban sprawl, in that it is "a spreading of urban development into areas adjoining the edge of a city...over rural land." Ultimately, this development pattern has consistently been supported by staff in areas closer to the basic goods and services, schools, improved streets and other components of a neighborhood that support the City Council's adopted policies.

City Plan 2025 Future Land Use Designation:

Residential Neighborhood Area: These areas encourage traditional neighborhood development that incorporates low-intensity nonresidential uses. Staff is concerned that this development, while attempting to meet this goal, is being located in an area that severely lacks infrastructure and services at a sufficient level to serve the future residents. The project proposed is at a density that is more consistent with that of downtown Fayetteville, with infrastructure consistent with large-lot rural areas. There are no nearby services that can serve the planned neighborhood, thus requiring a greater number of residents to drive on area roads for common, daily needs. Furthermore, staff finds the development pattern, which includes multiple-story, multi-family structures, to be completely incompatible with the surrounding large, rural lots and agricultural lands. While the general concept of the development and design is favorable, it would be supported by staff in a relative proximity to City services and adequate infrastructure. A primary guiding policy of Residential Neighborhood Areas is to "Site new residential areas accessible to roadways, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services." Staff finds this rezoning proposal to be inconsistent with this adopted goal, and the policy decision to rezone the area may lead to future issues. Currently, staff finds the project is proposed too soon for this particular area and promotes a development pattern more like the density of downtown

Fayetteville, without the schools, commercial and community services and infrastructure to support it.

Recommendation: Staff recommends denial of R-PZD 06-2170 Villas at Stonebridge, based on the above stated concerns and the findings within this report.

Should the Planning Commission or City Council disagree with the findings herein and determine the rezoning request is appropriate, compatible and meets the City's approval criteria for Planned Zoning Districts, the Future Land Use Plan, and the required findings for a rezoning request, staff recommends the following conditions be incorporated:

Conditions of Approval:

Streets and Right-of-Way

1. **Planning Commission determination of street improvements.** Based on the condition of the immediate surrounding street system, the status of the intersection of Huntsville Road and Stonebridge Road and the impact of the amount of traffic generated by 45,000 square feet of non-residential space and 350 dwelling units from this project, staff recommends the following street improvements as being proportional to the development:
 - a. Prior to final plat of Phase I, the applicant shall construct a traffic signal at the Stonebridge Road and Huntsville Road intersection to City standards. Should the AHTD not approve the traffic signal installation, staff recommends the applicant contribute an assessment in the amount of \$125,000 for the full cost of the signal prior to recording a final plat for Phase I.
 - b. Prior to final plat of Phase I, the applicant shall construct a 3-lane street section for Dead Horse Mountain Road along the project frontage, including pavement, curb and gutter, storm drainage, a 5' sidewalk and street lights at each intersection and with a maximum spacing of 300'.
 - c. Prior to final plat of Phase III, the applicant shall overlay and widen Dead Horse Road from the north property line to the south property line (including the road frontage between), to a minimum width of 24' of pavement with shoulders, pursuant to City engineering criteria. *This results in a total of 143 lots constructed before improvements are made to Dead Horse Mountain Road.*
 - d. The applicant shall contribute an assessment for the replacement of the Dead Horse Mountain Road bridge on a lot by lot basis, based on the most recent bridge cost estimate and the percentage of traffic to cross the bridge. The current estimated total for the entire development is \$216,000.00. Fees for Phase I, due prior to recording of a final plat, equal \$55,525 for 91 single family lots. Staff recommends that once the bridge is fully constructed (anticipated in 2009-2010) no further fees shall be contributed by this development. *To clarify staff's recommendation, based on the phasing plan presented, it is likely this development will not contribute any fees to the bridge replacement, based on current replacement schedules.*
 - e. Prior to final plat of Phase I, if the Falling Waters entry road has not been constructed to provide access to this property, the developer of the Villas shall be responsible for securing all agreements, dedication of public right-of-way, and coordination to construct the public street entrance as approved with Falling Waters PZD to provide the necessary second point of ingress/egress.

2. Planning Commission determination of a waiver of minimum street design standards:

- a. The applicant requests a waiver to allow a 20' curb return radius (CRR) at all interior street intersections and alleys when City Code requires a 30' CRR for minor streets (UDC Section 171.02(C)). *Engineering staff has reviewed this request and is in favor of the CRR waiver requests, finding that adverse impacts to traffic and pedestrian safety would not occur.*
- b. The applicant requests a waiver to allow different street cross sections than required by the current Master Street Plan standard (UDC Section 166.06 (k)(10)(a) and 166.08(C)(14)). The applicant proposes the following:
 - i. (Street Sections 1, 2, 3, 6 and 7) Request to provide 7' of greenspace between the back of curb and sidewalk where 6' is required. *Staff does not support this request, finding that the additional 1' of greenspace does not significantly increase aesthetics, pedestrian safety, or area for tree growth, to a degree at which the City's street standards that were adopted in an effort to standardize street sections should be altered.*
 - ii. (Street Section 3 and 6) Request to allow an urban streetscape design with an 8' sidewalk on one side and a standard 5' sidewalk on the other side. *Staff supports the requested waiver based on the location adjacent to a dense multi-family development and single-family residences, respectively, with the condition that the greenspace along the single family section be reduced from 7 feet to 6 feet (see above) to provide for both sides of the street cross-section in compliance with its respective cross-section.*
 - iii. (Street Section 7) Request to allow alternative street section (two-ten foot travel lanes with on-street parking on both sides of street). *Staff supports the requested waiver, finding that the proposed street section provides additional parking for the multi-family units and clubhouse along this section of street. The street section combines aspects of several approved street sections, including standard travel lane, parking and sidewalk widths. As noted in the above variance request (i), staff is recommending that the greenspace be reduced to 6'.*
 - iv. (Street Section 5) Request to allow street cross section not permitted (one-lane blvd). *Staff supports the construction of a median in Street Section 5. The Fire Department has reviewed and approved the street design with the designated fire pull-off lanes, which is consistent with a cross-section staff proposed to the Planning Commission during review of the Master Street Plan amendments, but removed at the request of the Fire Department. Staff recommends in favor of the request, finding that the public welfare will not be negatively affected by the requested road section.*
 - v. (Street Section 1) Request to construct a 5' sidewalk on only one side of the street, south of the southern roundabout. Based on Page 15 of the plats, it appears that construction of a 5' sidewalk on both sides of the street is

feasible and provides sufficient room for utility easements. Although, a waiver to allow the sidewalks adjacent to the back of curb appear to be necessary. *Staff recommends in favor of a waiver to allow sidewalk construction adjacent to the street as shown on the plats, but does not recommend in favor of allowing sidewalk construction on only one side of the street.*

3. Planning Commission determination of zoning criteria: building area. *In all of the residential planning areas, the applicant is proposing a high intensity of building area (the area on a lot occupied by buildings), much more intense than is permitted within any other residential districts within the City. These range, as proposed, from 65-95%, which leaves very little unoccupied greenspace. Staff recommends these buildable area maximum levels be reduced, finding the proposal to be inconsistent for the proposed development pattern, as follows:*
 - a. Page 4. PA-1, Reduce maximum building area from 65% to 50%.
 - b. Page 5. PA-2, Reduce maximum building area from 70% to 60%.
 - c. Page 6. PA-3, Reduce maximum building area from 85% to 75%.
 - d. Page 7. PA-4, Reduce maximum building area from 95% to 75%.
4. Planning Commission determination of a waiver to allow Accessory Dwelling Units (ADU's) on lots with less than 5,000 sq. ft. of lot area. *Staff does not recommend in favor of this request, finding that the minimum lot size requirements were discussed at length with input provided from the public, Planning Commission and City Council, and at this time there are no reasons to deviate from the minimum adopted standards.*
5. Planning Commission determination of Planning Area 6. As previously proposed, PA-6 was designed to provide limited commercial services; however, since the previous review by the Planning Commission, this area has been removed and is proposed to remain as Residential Agricultural zoning district, but with an R-PZD designation. *Staff finds that if the project is approved, the ability to provide commercial services for area residents is appropriate and should be incorporated into the project. These services, once developed, could lead to decreased vehicle trips on the surrounding street system and provide employment opportunities for area residents. Staff recommends that the limited commercial uses be incorporated into Planning Area 6 as previously reviewed.*
6. All private drives and alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the easement plat and/or final plat prior to recordation.
7. Right-of-way dedication. 42.5' from centerline along Dead Horse Mountain Road shall be dedicated with Phase I of the project; variable right-of-way dedication along the internal streets as depicted on the site plan by easement and/or final plat; private alleys and streets shall be located within an access easement, owned and maintained by the property owner's association, and dedicated by easement and/or final plat, as applicable.
8. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provided adequate room for a trash truck and arm to pick up residential trash carts.

9. Signs indicating future street extension shall be installed at all street stub-outs prior to recording a final plat for the subject phase.
10. Construction of nonresidential facilities. The developer shall guarantee to the City completion of nonresidential facilities (Club House) in the amount no less than 150% of the estimate cost of said facilities, pursuant to the Unified Development Code PZD requirements. Said guarantee shall be provided to the City prior to final plat approval of Phase I.

General

11. 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.
12. A final plat shall be required to subdivide the property, with Phase I of the project. A preliminary and final plat approval is required prior to development of any additional single family portions of this project. A large scale development is required for any nonresidential and/or multi-family development. Development shall be subject to the regulations in place at the time of review and approval, including grading, drainage, tree preservation, landscaping, residential design standards, etc., unless varied herein.
13. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
14. Signs shall be permitted in accordance with those standards outlined within the project booklet for each Planning Area.
15. The owner of the adjacent land, which contains several of the detention facilities, may be required to sign the final plat for each phase of the development. Additionally documentation may be requested by staff to ensure full compliance with all applicable regulations, for Phase I and future phases that direct stormwater to the off-site retention ponds.
16. The storm sewer discharge point at Lots 65 and 66 shall be evaluated at the time of construction submittal. Off-site drainage improvements may be required.
17. Any nonresidential uses in Planning Area 5 shall be contained within the club house building and not constructed as stand alone businesses.

Phasing

18. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed below. A one-year

extension may be approved by the Planning Commission for each phase, subject to the criteria in UDC Chapter 166 for extensions.

Phase No.	All Permits obtained (years) from CC approval	Timeframe for Construction (years)
Phase 1:	1-year to obtain all required permits	3-years from issuance of permit to complete phase*
Phase 2:	2-year to obtain all required permits	4-years from issuance of permit to complete phase
Phase 3:	4-year to obtain all required permits	5-years from issuance of permit to complete phase
Phase 4:	5-year to obtain all required permits	6-years from issuance of permit to complete phase
Phase 5:	6-year to obtain all required permits	7-years from issuance of permit to complete phase

** Single family lots are required to obtain final plat approval by the completion dates; all single family homes are not required to be actually constructed.*

Parks/Trails:

19. The applicant shall contribute money in-lieu for Phase I and provide a deed for the two-acre park prior to filing the final plat for Phase I. All other fees shall be due prior to final plat approval for single-family lots and prior to building permit issuance for other units.
20. Grading for St. Paul Trail within the abandoned railroad corridor shall be completed by the developer to accommodate the 12' trail, including all drainage structures situated to allow for construction. This land shall be dedicated as a public access easement with Phase III (or sooner) of the development.
21. A future trail corridor is also planned through lot 196 adjacent to the golf course. This will allow St. Paul trail to extend through the golf course to meet Eagle Park. The trail will be on-street through the development. The entirety of lot 196 shall be within a public access easement, dedicated at the time of final plat of phase I.

Landscape and Tree Preservation Plan Conditions

22. Mitigation will be required on the site. The applicant shall mitigate for the removal of 35,283 SF of tree canopy in Phase I with on-site mitigation to consist of a minimum of (122) 2-inch caliper trees. If all trees cannot be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Urban Forester. Mitigation trees cannot be located within utility easements or street ROW. Please submit a tree mitigation form for approval.
23. All mitigation trees must be planted prior to the issuance of a final certificate of occupancy. These trees cannot be located within any utility easement or street ROW. A 3-year bond, letter of credit, or check in the amount of \$30,500 shall be deposited with the City of Fayetteville before issuance of a certificate of occupancy. All mitigation trees shall be located on a site owned by the applicant.
24. Each lot not reviewed for development approval at this time will be evaluated at the time of development. A minimum canopy cover of at least 25% will be required for the PZD zoning. Additionally, all applicable landscape requirements shall be met at the time of future development for each lot.

25. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.
26. Under Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.
27. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot.
28. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.

Plat and Booklet Revisions

29. The following revisions shall be completed prior to staff forwarding this item:
 - a. Page 2.—All phases of the development that will be constructed as large scale development should have two time frames; one to obtain construction permits and one to receive final inspection approval. If a phase contains both types of construction, then there should be a time frame to obtain permits, a time frame to obtain final plat approval and a time frame to obtain final inspection approval. Change each phasing statement to read as follows:
 - i. Phase IV: All permits necessary to complete construction shall be obtained within "x" years from the date of City Council approval of the Planned Zoning District. Final inspection shall be obtained within "x" years from the date of City Council approval of the PZD.
 - ii. Phase V: All permits necessary to complete construction shall be obtained within "x" years from the date of City Council approval of the Planned Zoning District. Final inspection shall be obtained within "x" years from the date of City Council approval of the PZD.

Standard Conditions of Approval

30. 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).
31. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Elevations shall be submitted to Planning staff for review and approval prior to building permit.
32. All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. Add this note to the site plan and all construction documents.

33. 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.
34. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
35. Impact fees for police, fire, water, and sewer shall be paid in accordance with City Ordinance.
36. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only single-family and two-family structures are exempt from the lighting ordinance. Street lights, townhouses, condominiums, live/work units are subject to compliance with the lighting ordinance.
37. 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.
 - b. Final plat for this project that shall include all easements and the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☐ Forwarded to City Council ☒ Denied ☐ Tabled

Motion: **Lack**

Second: **Kennedy**

Vote: **3-4-0 (motion to approve failed)**

Meeting Date: **September 22, 2008**

Comments:

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with R-PZD 06-2170 (Villas at Stonebridge)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application is largely inconsistent with the Master Development Plan Planned Zoning District criteria established by the City Council, and particularly with the goals and policies adopted with the Future Land Use Plan, City Plan 2025.

Goal 1 of City Plan 2025 is to “...*make appropriate infill and revitalization our highest priorities.*” This site is a greenfield development, and is surrounded by similar undeveloped rural residential or golf course property. The density and development pattern proposed would certainly be supported in an area more suitably located, with adequate infrastructure, services, schools, jobs and other basic goods and necessities that create a viable neighborhood. In contrast, staff finds this site to be lacking these basic goods and services necessary to provide a contributing neighborhood density and intensity.

Goal 2 states “we will discourage suburban sprawl.” Suburban (or urban) sprawl has been defined as “a spreading of urban development into areas adjoining the edge of a city...over rural land.” Staff finds the proposal asks for a rezoning of the property, currently zoned for rural residential and agricultural use, to facilitate a development pattern that is not appropriate for this time and in this place. While phasing of the development will help, as infrastructure improvements are made in the area, the City is reviewing the appropriateness of the development today, and entitling the property owner to certain zoning rights. Staff finds the proposal is inconsistent with this goal, and instead provides a “leap-frog” type of development pattern that adds density at the rural fringe of the City limits.

Goal 3 states “We will make traditional town form the standard.” Internal to the project, staff finds the applicant has achieved a high level of compact development, providing denser housing, meaningful open spaces and small blocks; a complete development pattern, providing varied housing, a mixture of uses; and a connected development pattern, with street-oriented buildings, interconnected streets and greenspaces. However, the development does little to reference or transition to the surrounding rural residential property, and proposes 3-story condominium buildings adjacent to these properties. Very little transition is achieved in the project, and connectivity is relatively low, with only one road to access the site.

Goal 4 states “we will grow a livable transportation network.” Internal streets, again, have provided more walkable, pedestrian and cyclist-friendly opportunities as part of the street function. However, all future residents, at the higher density proposed, will be forced to access

one road and travel approximately four miles to the nearest commercial center for basic goods and services.

Goal 5 states “we will assemble an enduring green network.” The proposal to continue the trail corridor will provide a neighborhood and regional benefit to the community. In addition, the applicant is proposing meaningful, useful open greenspaces within the neighborhood for use by residents.

Goal 6 states “we will create attainable housing.” While the project proposal does not specifically address this goal, staff finds that a mixture and variety of housing types and sizes typically create a wider variety of opportunity for the homebuyer, in differing price points. However, as noted in many studies, the proximity to a variety of transportation modes is often directly correlated to the affordability of housing, as transportation costs are a high percentage of a resident’s overall cost of living. The project as proposed will require longer transportation times, by virtue of the fact that it is located in an isolated area, without proximity to goods and services to which one could easily walk or bike.

The Future Land Use Map adopted as part of City Plan 2025 designates this site Residential Neighborhood Area. These areas are intended to be almost exclusively residential in nature, recognizing conventional subdivision development, but encouraging traditional neighborhood development that incorporates low-intensity non-residential uses and a strong sense of connectivity where appropriate. The Villas at Stonebridge provides a traditional urban design with a block and street layout that is complete, compact, walkable and cyclist-friendly internal to the project boundaries, as noted above. However, contrary to the guiding policies, the development is not sited with access to major improved roadways, alternative transportation modes, community amenities, schools, infrastructure, or retail and commercial goods and services. The location of the development is at the edge of the City limits on property that is surrounded by large lot, agricultural land some of which is still within the County. Due to the lack of support services currently available to residents in this area, it is likely that the residents will continue to be auto-dependent, thereby placing a greater burden on the surrounding unimproved streets. Ultimately, this development may be appropriate at a later date when there are adequate levels of infrastructure in place and additional services made available to area residents.

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: The application has been reviewed and found to be compliant with applicable 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 as 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 without improvements to Huntsville Road. At this time, the applicant does not propose improvements to Huntsville Road. Staff has similar concerns and has recommended a full assessment for the installation of a traffic signal at the intersection of Huntsville Road and Stonebridge Road. Additionally, staff is recommending the widening of Dead Horse Mountain Road from the north property line to the south property line of the development, in order to alleviate some of the traffic issues that will occur as a result of the development. 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; this is ultimately 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: The rezoning request, combined with the Master Development Plan, would allow a mix of housing types and densities over the site. While staff is supportive of the traditional neighborhood development pattern requested by the applicant, staff can not state that these uses and densities are compatible with surrounding land uses to a degree that a rezoning application is justified. Development on surrounding properties in the future could provide a level of compatibility with the subject development. However, staff can not justify the requested development pattern based on an assumption of future land uses.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The 53-acre property is a generally level, undeveloped pasture with minimum tree canopy. The intended land use, while incompatible with surrounding properties, could be suitable on the subject property at some time. However, higher priority needs to be placed on tree preservation with future phases than is currently indicated. The proposed preserved canopy areas are in conflict with the land uses and densities/intensities proposed with future development.

- (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 approximately 45,000 SF of non-residential space and 350 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 and the one access road on which 100% of the traffic must travel, a burden on the existing road network would be created. Without replacement of Dead Horse Mountain Bridge and installation of a traffic signal at Huntsville Road, traffic danger and congestion could be greatly increased.

- (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 Villas at Stonebridge PZD provides for a different form of development than surrounding rural residential land uses. This development is a traditional town form of development that provides a variety of housing types and non-residential uses on a greenfield site near the fringes of the City. While this development pattern is consistent with many of the goals of Chapter 161, including flexibility in the distribution of land use, variety of housing types, and providing usable and suitably located open space and recreation areas, the development lacks any level of compatibility with the surrounding rural properties. In staff's opinion the positive features of the internal development pattern do not supersede the need to provide a project that is compatible and in scale with surrounding properties.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening between residential and nonresidential land uses shall be required pursuant to ordinance and shall be reviewed at the time of large scale development.

- (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 a system of public streets and alleys, and private drives as described in the booklet and plats. The single-family and multi-family structures will face onto streets, and are generally accessed off of internal alleys, providing a hierarchy of circulation that encourage an efficient flow of traffic. External street systems, in contrast, consist of a single access road, Dead Horse Mountain Road, 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: Multi-family buildings will face onto public streets, with surface parking in the rear of these buildings. Parking is provided on the public streets and along private drives, and garage parking is provided for the townhouses and single family residences. Parking proposed is in compliance with City code.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Public sidewalks shall be constructed adjacent to all public streets. Sidewalks will also be provided around the park areas.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided adjacent to all public and private streets at a separation of no greater than 300 feet and at all intersections.

- (8) *Water.* As required by §166.03.

FINDING: Public water lines are being extended in accordance with city codes.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer lines are being extended in accordance with city codes.

- (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: A variety of waivers of the minimum street design standards are requested as the proposed street cross sections do not meet the current Master Street Plan standards. The proposed cross-sections are designed to calm traffic and encourage pedestrian comfort and activity throughout the site. See conditions of approval regarding staff's recommendations.

- (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. Nonresidential facilities are proposed to be constructed with Phase II of the development and therefore the developer shall guarantee to the City of Fayetteville completion of the nonresidential facilities in the amount no less than 150% of the estimated cost of said facilities.

- (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 has been submitted with Phase I, which includes Lots 1-91, and the Urban Forester is recommending approval with a requirement for on-site mitigation. A tree preservation plan shall be submitted at the time of development with each future phase.

- (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: Conceptual elevations have been submitted for all structures. Detailed building elevations and material sample boards will be reviewed at the time of large scale development to ensure compliance with urban residential design standards.

- (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: The applicants have stated in their application that the houses located along the golf course shall be limited to one-story in height to protect views of the golf course. Staff does not find these are specifically scenic views to be protected for the public.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- (a) *Building permit.* If no building permit has been issued within the time allowed.
- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city

clerk's office and the public zoning record duly noted.

- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
- (2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
 - (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 - (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) No negative impact. Does not have a negative effect upon the future development of the area;
- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposed Villas at Stonebridge PZD is a traditional town form of development that provides a variety of housing types and live/work units. This development pattern is consistent with many of the goals of Chapter 161, including flexibility in the distribution of land use, providing a variety of housing types, and providing usable and suitably located open space and recreation areas. However, an average density of 6.6 units/acre, which includes multi-story multi-family buildings is not compatible with the surrounding rural residential 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 Villas at Stonebridge, 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. 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 submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *R – PZD, Residential Planned Zoning District.*

(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

- (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed PZD provides a primarily residential use, with some space allowing live-work units. A typical rezoning request would not result in the development pattern as proposed. Staff finds that the relationship of different land uses and activities within the development do not consider abutting parcels of land, with the exception of views to the golf course. 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.

- (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 primarily zoned R-A, Residential Agricultural, which would permit one dwelling unit per two acres, resulting in a maximum of 26 dwelling units on 53 acres. The applicants are requesting 350 dwelling units and 45,000 sq. ft. of nonresidential space, a density of approximately 6.60 units per acre. While this is not a normally high density in much of the City, and in general the City's development goals and policies do support the development pattern proposed by the Villas at Stonebridge, the density and intensity of the development is not appropriate in the rural landscape that it is proposed. Staff has communicated to the applicant that this project would be very appropriate in those areas identified as Intended Growth Sectors on the CityPlan 2025 Sector Map, or 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 and setbacks are varied on this project with structures oriented to the street and minimal front setbacks. This project provides for a variety of building footprints, with a mixed unit type and mixed density. Due to the unique nature of this traditional neighborhood development, it is not possible to conform to existing standards for lot area minimums and setback requirements. Staff has recommended some changes to building setbacks, which have been addressed by the applicant, to create zoning criteria that is more consistent with zoning districts within the City.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of single-family development, although the proposed heights of the multi-family structures are not compatible with the rural surroundings. With this development the character of the surrounding area would change from undeveloped, rural agricultural to a dense city neighborhood. This change in land use may be appropriate in the future once

infrastructure and core services expand to the area.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area for this project is relatively high, with some planning areas allowing up to 95% of the lot to be covered by structures. The high percentages are congruent with dense/intense development patterns commonly found in downtown developments, or infill projects near core City services. However, the proposed development pattern, on the edge of the City limits, is likely not appropriate. Should the Commission and Council find the project does meet stated goals and policies, staff has recommended some changes to the maximum building area, to create zoning criteria that is more consistent with zoning districts within the City.

***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. The development is designed as a traditional neighborhood development with meaningful and usable open space. However, even a planned development can be characterized as urban sprawl if 1) it 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 currently 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 properties. Rezoning the property for 350 residential dwellings and 45,000 sq. ft. of nonresidential space is not justifiable or needed at this time. The development will "leap frog" over many acres of undeveloped farmland and will exacerbate the traffic congestion in the area around Huntsville Road. Reconstruction of Dead Horse Mountain Bridge, improvements to Dead Horse Mountain Road, widening Huntsville Road, and installation of a traffic signal at Stonebridge Road will all facilitate future development in the area, including agricultural lands miles south of Huntsville Road. 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 improvements to Huntsville Road are necessary due to current traffic conditions. Additionally, the traffic study conducted for the development states that a traffic signal is warranted with Phase I of the subject development. Overall, the area has a lack of infrastructure to serve such a dense development pattern. With the minimum of improvements recommended by staff, an appreciable increase in traffic danger would not likely occur. However, a great deal of additional improvements is needed in the area to provide adequate levels of service typical to projects with urban densities of this nature.

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 uses 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, as well as future developments in the area. Therefore, an undesirable load on water and sewer services is not expected.

Engineering: Public water is located adjacent to the site. There are water improvements being made as part of the Southeast Fayetteville Regional Water and Sewer Improvements project that will bring an additional source of water under the White River to provide adequate service in this area.

Sanitary sewer is available to the site. There are sewer improvements being made as part of the Southeast Fayetteville Regional Water and Sewer Improvements project that will bring an additional capacity under the White River to provide adequate service in this area.

The site has access to Dead Horse Mountain Road. Dead Horse Mountain Road is currently an un-improved two-lane, chip and seal, paved roadway. Street improvements will be required with development.

Standard improvements and requirements for drainage will be required for the development.

Police: It is the opinion of the Fayetteville Police Department that this C-PZD will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This R-PZD will possibly create an appreciable increase in traffic danger and congestion without improvements to the already overloaded Huntsville Road.

Fire: This property will be covered by Ladder 3 located at 1050 S. Happy Hollow Rd. It is 2.2 miles from the station with an anticipated response time of 5 minutes. The Fire Department anticipates 56 (36 EMS-20 Fire/other) calls for service once the development is completed and maximum build out has occurred. There are no measured hydrant flows in this area.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



PC Meeting of September 22, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Greg Howe, Urban Forester

Date: September 16, 2008

ITEM #: R-PZD 08-2170: Residential PZD (Villas at Stonebridge, Phase I)

Requirements Submitted:

	Initial Review with the Urban Forester
Y	Site Analysis Map Submitted
Y	Site Analysis Written Report Submitted
N	Complete Tree Preservation and Protection Plan Submitted

Canopy Measurements:

Total Site Area	
acres	57.31
square feet	2,496,424
Existing Tree Canopy	
acres	2.44
square feet	106,286
percent of total site area	4.26%
Existing Tree Canopy Preserved	
acres	1.63
square feet	71,003
percent of total site area	2.84%
Percent Minimum Canopy Required	4.26%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **The overall site has approximately 4.26% canopy with the majority of species consisting of post oaks in good condition. An inventory of the site revealed that there are 85 trees. Fifty-two are significant trees as defined by the City of Fayetteville's Landscape Manual.**

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Environmental degradation should not occur on this site as the amount of existing canopy is somewhat low and a large grouping of trees in the northwest corner will not be removed during the construction of Phase I.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **The greatest impact in tree cover reduction from the development of Phase I would be to the properties to the north and east. Some existing canopy will remain along the eastern side of the site.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **N/A**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The size and/or shape of the lot does not reduce flexibility. Additionally, one of the goals of a Planned Zoning District is maximum enhancement and minimal disruption of existing natural features and amenities.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of trees on this site is good. Some of the significant trees that are proposed for removal in Phase I are in good condition.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **The removed canopy in Phase I is due to placement of roadway.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **Some of the trees shown as removed along the east side of the property are located in a utility easement.**

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- **The majority of the roads, proposed lots and utilities have been designed to avoid canopy. On the north side of the site, the proposed utility easement was relocated to the south of lots 50 through 62 to save more significant canopy.**

Construction requirements for On-Site and Off-Site Alternatives.

- **N/A**

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- **Mitigation will be required on this site for Phase I. On-site mitigation will increase the canopy on the subject property, and is shown in detention and green space areas.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **This is a Planned Zoning District project.**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **N/A**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following conditions.**

Conditions of Approval:

1. Please revise the canopy measurement table on the tree preservation plans to reflect the numbers shown on page one of this report.
2. Please label all streets on the tree preservation plans.
3. Please include a mitigation table and/or calculations on the tree preservation plan.
4. The applicant shall mitigate for the removal of 35,283 SF of tree canopy in Phase I with on-site mitigation to consist of a minimum of (122) 2-inch caliper trees. If all trees cannot be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Urban Forester. Mitigation trees cannot be located within utility easements or street ROW. Please submit a tree mitigation form for approval.
5. All mitigation trees must be planted prior to the issuance of a final certificate of occupancy. These trees cannot be located within any utility easement or street ROW. A 3-year bond, letter of credit, or check in the amount of \$30,500 shall be deposited with the City of Fayetteville before issuance of a certificate of occupancy.
6. Each lot not reviewed at this time will be assessed at the time of development. A minimum canopy cover of at least 25% will be required.



PC Meeting of September 22, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

LANDSCAPE REVIEW FORM

To: Appian Centre for Design
From: Jesse Fulcher, Current Planner
Date: September 16, 2008

ITEM #: R-PZD 07-2170: Planned Zoning District (Villas at Stonebridge)

Applicable Requirements:

Y	Site Development & Parking Lot Standards
NA	I-540 Design Overlay
Y	Street Tree Planting Standards
Y	Stormwater Facilities

Plan Checklist:

Y= submitted by applicant
N=requested by City of Fayetteville
NA= not applicable

Preliminary Submittal	Final Submittal	
		All Landscape Plans
Y	Y	Irrigation notes either automatic or hose bib
Y	Y	Species of plant material identified
Y	Y	Size of plant material at time of installation indicated
Y	Y	Soil amendments notes include that soil is amended and sod removed
Y	Y	Mulch notes indicate organic mulching around trees and within landscape beds
N	N	Plans stamped by a licensed Landscape Architect
Y	Y	Planting details according to Fayetteville's Landscape Manual
		Site Development & Parking Lot Standards
Y	Y	Wheel stops/ curbs
NA	NA	Interior landscaping Narrow tree lawn (8' min width, 17' min length/ 1 tree per 12 spaces) Tree island (8' min. width/1 tree per 12 spaces)

Preliminary Submitted	Final Submitted	
NA	NA	Perimeter landscaping <i>Side and rear property lines (5' landscaped)</i> <i>Shade trees as described in street tree planting standards,</i> <i>Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least</i> <i>8 per tree- and ground cover -50% evergreen)</i>
		Overlay District Requirements
NA	NA	Greenspace adjacent to street R.O.W. (25' wide)
NA	NA	Large street trees planted every 30' L.F. along R.O.W.
NA	NA	25% of total site area left in greenspace (80% landscape)
NA	NA	Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards (none of P.P. or permit)
N	Y	Residential Subdivisions- 1 large species shade tree/ lot tree <i>planted within R.O.W. if possible</i>
N	N	Nonresidential Subdivision- 1 large species shade tree/30 L.F. <i>tree planted within 15-25' greenspace</i>
N	Y	Urban Tree Wells-urban streetscape only-8 foot sidewalk
N	Y	Structural Soil-if urban wells are used, a note or detail of structural <i>soil must be indicated on the landscape plan</i>
NA	N	Timing of planting indicated on plans (subdivisions only)
NA	N	Written description of the method for tracking plantings
		Stormwater Facilities
N	Y	1 deciduous or evergreen tree/ 3000 square feet
N	Y	4 large shrubs (3 gal) or small trees / 3000 square feet
N	Y	6 shrubs or grasses (1 gal) / 3000 square feet
N	Y	Ground cover unless seed or sod is specified
N	Y	50% of facility planted with grass or grass like plants

Conditions of Approval:

1. **Street trees** are required every 30 feet, except for the single-family lots where one tree is required per lot. Additional street trees are required along the south side of Public Street 1.
2. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured.
3. Mitigation trees can not be planted within any type of utility easement and must be planted on a site owned by the applicant.
4. Any parking lot of 5 or more spaces must meet the landscape parking lot standards. Trees and screening shrubs should be added anywhere applicable.
5. Utilities visible from the right of way must be screened. At the time of C of O, additional plantings may be warranted per request of staff.

- 6. Prior to building permit, a cost estimate for all required landscape is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.**
- 11. At the time of construction drawings the landscape plan must be stamped by a licensed landscape architect.**
- 12. Under the Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before signature of Final Plat.**

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Andrew Garner, Planner
FROM: Alison Jumper, Park Planner
DATE: April 1, 2008
SUBJECT: Parks & Recreation Planning Commission Comments

Meeting Date: April 3, 2008
Item: (Villas at Stonebridge, 645-646)
Park District: SE
Zoned: R-A
Billing Name & Address: Nock Investments, LLC P.O. Box 8783 Fayetteville, AR 72703

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	<u>175</u> @ \$960 per unit = \$ <u>168,000</u>
Multi Family	_____ @ .017 acre per unit = _____ acres	<u>179</u> @ \$680 per unit = \$ <u>121,720</u>

COMMENTS:

- PRAB recommended accepting 2 acres of parkland excluding the utility easements at the September 8th 2008.
- Please submit a deed for the park land to the City land agents for review. Once the deed is reviewed, file at the Washington County Courthouse and submit a copy of the filed deed to Park Staff.
- Deed for parkland is due prior to signing final plat.
- Please coordinate with Park Staff to install park boundary signs.

ENGINEERING
DIVISION COMMENTS

R-PZD 08-2170: Planned Zoning District (VILLAS AT STONEBRIDGE, 645/646): Submitted by APPIAN CENTER FOR DESIGN for property located S OF HWY. 16E AND E OF GOFF FARM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 53.03 acres. The request is for a Master Development Plan for a Residential Planned Zoning District with 322 dwelling units and 30,000 s.f. of commercial space all with associated parking. Planner: Jesse Fulcher

Public water is located adjacent to the site along Dead Horse Mountain Road. There are water improvements being made as part of the Southeast Fayetteville Regional Water and Sewer Improvements project that will bring an additional source of water from under the White River to provide adequate service to this area.

Sanitary sewer is available to the site. There are sewer improvements being made as part of the Southeast Fayetteville Regional Water and Sewer Improvements project that will bring additional capacity under the White River to provide adequate service to this area.

The site has access to Dead Horse Mountain Road. Dead Horse Mountain Road is currently an un-improved two lane partially paved roadway. 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.

PZD 08-2904: Planned Zoning District (BRIDGEDALE PLAZA, 569): Submitted by DAVE JORGENSEN for property located at THE SE CORNER OF HWY 16E AND RIVER MEADOWS DRIVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 15.95 acres. The request is for 6.8 acres of self storage, 5.23 acres of single family residential, 1.96 acres of Residential Office, and 1.96 acres of C-1. Planner: Dara Sanders

Public water is located adjacent to the site. There is an 8" water main along River Meadows Drive.

Sanitary sewer is available to the site. There is a 6" sewer main along Huntsville Road. 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 Road is currently an improved two lane paved state highway. 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.



Fayetteville Fire Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Assistant Chief Bud Thompson
From: Captain Dale Riggins
Date: February 6, 2008
Re: February 6, 2008 Zoning Review

R-PZD 08-2170:

Planned Zoning District (VILLAS AT STONEBRIDGE, 645/646): Submitted by APPIAN CENTER FOR DESIGN for property located S OF HWY. 16E AND E OF GOFF FARM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 53.03 acres. The request is for a Master Development Plan for a Residential Planned Zoning District with 322 dwelling units and 30,000 s.f. of commercial space all with associated parking.

This property will be covered by Ladder 3 located at 1050 S Happy Hollow Rd.

It is 2.2 miles from the station with an anticipated response time of 5 minutes.

The Fire Department anticipates 56 (36 EMS-20 Fire/other) calls for service once the development is completed and maximum build out has occurred. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times. There is no measured hydrant flow in this area.

I-PZD 08-2904:

Planned Zoning District (BRIDGEDALE PLAZA, 569): Submitted by DAVE JORGENSEN for property located at THE SE CORNER OF HWY 16E AND RIVER MEADOWS DRIVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 15.95 acres. The request is for 6.8 acres of self storage, 5.23 acres of single family residential, 1.96 acres of Residential Office, and 1.96 acres of C-1.

This property will be covered by Ladder 3 located at 1050 S Happy Hollow Rd.

It is 2 miles from the station with an anticipated response time of 4 minutes.

The Fire Department anticipates 4 (3 EMS-2 Fire/other) calls for service once the development is completed and maximum build out has occurred. We do not figure calls for service on Commercial developments, although this type of development typically does not affect our calls for service.

Measured hydrant flow is 1560 gallon per minute in this area.



Villas at
Stonebridge

Date 1/31/08

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 **R-PZD 08-2170: (Villas at Stonebridge, 645/646): Submitted by Appian Center for Design for property located S of HWY 16E and E of Goff Farm 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 53.03 acres.

It is the opinion of the Fayetteville Police Department that this **R-PZD will not** substantially alter the population density, and **will not** create an appreciable or undesirable increase in the load on police services. This **R-PZD will possibly** create an appreciable increase in traffic danger and congestion without improvements to the already overloaded Huntsville Road. Huntsville Road appears to be the main point of access and egress to the planned area.

Sincerely,

Captain William Brown
Fayetteville Police Department



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3416
mmihalevich@ci.fayetteville.ar.us

ENGINEERING DIVISION CORRESPONDENCE

To: Appian Center for Design
From: Matt Mihalevich, Trails Coordinator
Date: March 31, 2008
Subject: Subdivision Committee Review Comments

ITEM #: R-PZD: 08-2170: Villas at Stonebridge

TRAIL COMMENTS

1. St. Paul trail is identified on the Fayetteville Alternative Transportation and Trail Master Plan through this project. As shown on the plat, this 12' wide asphalt trail will be constructed by the City of Fayetteville within the abandoned railroad corridor.
2. Grading shall be completed by the developer to accommodate the 12' trail including all drainage structures situated to allow for the future trail.
3. At the east end of the trail where it meets public street 11, shift the trail so it aligns with the crosswalk on the north side of public street 5. The detention pond will need to be modified to accommodate the trail ending at this location. This was a request by the Parks and Recreation Advisory Board to make a better connection to the 1.8 acre park area.
4. A future trail corridor is also planned through lot 196. This will allow St. Paul trail to extend through the golf course to meet Eagle Park. The trail will be on-street through the development.

From: Brian Pugh
To: Fulcher, Jesse; Garner, Andrew; Sanders, Dara
Date: 3/31/08 2:28PM
Subject: Subdivision committee 4-3-08

LSD 08-2903 (Shoppes at Wedington) Please contact Solid Waste about enclosure location. Curb in front of enclosure will not allow for straight collection on southern most dumpster. Cannot sign off on current design.

LSD 08-2933 (Springwoods Behavioral Health) Please contact Solid Waste about enclosure size. Old plans had correct size of 30' x 12'. New plans show 15' x 20'. Cannot service this size and cannot sign off if this size remains.

LSD 08-2854 (Emeritus Assisted Living) Please show enclosure with 15' clear opening on architectural plans.

R-PZD (Hill Place) Dumpster enclosure must be 15' x 12'. Locations previously approved. Spoke with Austin Rowser about possibility of adding city recycling drop off to plans.

R-PZD (Villas at Stonebridge) Please contact Solid Waste to discuss trash collection. Single family to receive residential carts. Townhomes and multifamily must be collected with commercial dumpster service along with commercial businesses. No dumpster enclosures identified on plans. Cannot sign off until enclosures identified.

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax



April 7, 2008

City of Fayetteville
Jeremy Pate
125 West Mountain
Fayetteville AR 72701

RE: Villas at Stonebridge Comment Response 4-7-08

Dear Mr. Pate:

Streets and Right of Way Planning Division Comment 2 – Street section waiver

- ii.) It is the belief of Appian that variety within a design standard is positive. We are willing to go to the effort of adapting our street sections per development through the Planned Zoned District entitlement process, which was created to allow greater flexibility, to make them adaptable and allow a little more green space for each tree. We know that the Planning and Engineering Departments worked hard and created a very good set of street sections, but no one can hope to create street sections for every situation. This extra foot of green space will add 17% additional green area which is substantial when considering the water infiltration. Furthermore, an extra foot of green space does not create an undesirable, negative, or hazardous condition.
- iii.) After meeting with the Fayetteville Fire Department, they have approved this street section and found that it does not negatively affect their ability to respond.

Plat and Booklet revisions

- 30)
 - a. Please clarify “a”. Provide a street section detail for Public Street 1. There are several street sections provided for Public Street 1
 - d. Streets are named and shown to be either public or private but numbered with no regard to public or private. We feel it would confuse issues during construction and remaining planning process to have several public and private streets with the same number.
 - g. Construction lot numbers have been given to separate lots for future platting.

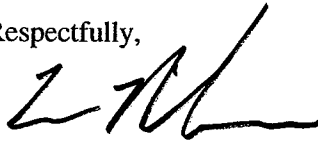
Booklet revisions

- i – m. Appian took the buildable area for each lot from lot line to setback to setback and found that percentages were higher than requested. We lowered the building area percentages from this number, but for us to lower the building area to city-

- requested numbers the area between setbacks would essentially make negligible the setbacks and zero lot lines we are establishing.
- p. The are several corners of fences and outbuildings that would set slightly into a 10 feet building setback. The primary building and the mass portion of the clubhouse planning area is kept at leas ten feet back.
 - x. The mixed-use portion of this site is proposed to be built seven years from now and will go through a large scale approval prior to construction document submittal. The street section shown will most likely be modified in the future to have on-street parking. The buildings and parking lots shown are merely a representation of the concept for this mixed-use portion of the site.
 - w. Appian will coordinate this at the time of large scale development.
 - bb. The mixed-use buildings along Dead Horse Mtn. Rd. will most likely be three stories. Estimating 14' for the first floor and 12' and 12' for the next two floors that makes 38'. We need to allow for the buildings to be built as planned.
 - kk. Appian would like to allow flexibility for the developers and builders. If the city feels there are specific lots that should have larger setbacks perhaps we could consider it.

Your consideration is appreciated.

Respectfully,



Evan Niehues
Appian Centre For Design
442-1441
lstewart@appiancentrefordesign.com



APPIAN CENTRE FOR DESIGN

PLANNING
URBAN DESIGN
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING

January 17, 2008

Jeremy Pate
Director of Current Planning
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Villas at Stonebridge update waiver request letter
CC: Matt Casey P.E. Assistant City Engineer

Mr. Pate,

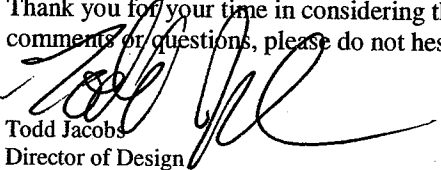
Appian Centre for Design is writing to request waivers granting permission to:

1. To design curb return radii (CRR) of 20' on all streets and 15' at alley intersections
2. Increase greenspace between the sidewalk and the curb
3. To construct a sidewalk on one side of the street due to physical property constraints

Please consider the following as grounds for granting the waivers:

1. The request is to allow a 20' curb return radius (CRR) at all street intersections and 15' (CRR) at alley intersections. Large CRR of 25' or 30' allows traffic to take turns quickly and without stopping, raising the design speed of streets to levels that are uncomfortable and unsafe to pedestrians. A 20' CRR will create a safer pedestrian environment that promotes walkability and pedestrian safety. No above ground obstructions, such as fire hydrants, street lights, trees or traffic signs will be permitted within fifteen feet (15') of a street intersection.
2. This request is for a waiver granting permission to allow additional greenspace between the curb and the sidewalk. Seven feet of greenspace creates a better opportunity for proper tree growth and increases the desired aesthetic quality along public streets within the Villas at Stonebridge and distancing the pedestrian from the street.
3. This is a request to build a sidewalk on one side of the street south of the southern roundabout. Due to physical property line constraints and utility companies' request for easements allows only enough room for a sidewalk on one side of the street. With the amount of pedestrian activity expected along the southern exit from the Villas, ACD feels one sidewalk would be adequate for the walking traffic volume at any given time. With this connection nestled tightly between two properties, one R-A, reducing the impact zone on this hillside by just five feet would create a more logical and environmentally sensitive exit.

Thank you for your time in considering this matter. I look forward to hearing from you. If you have any comments or questions, please do not hesitate to contact me.



Todd Jacobs
Director of Design
Appian Centre for Design
217 East Dickson Street, Suite 104
Fayetteville, Arkansas 72701
Office: 479-442-1444
Fax: 479-442-1450

TRAFFIC STUDY MATERIALS

Traffic Study

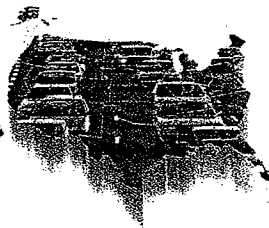
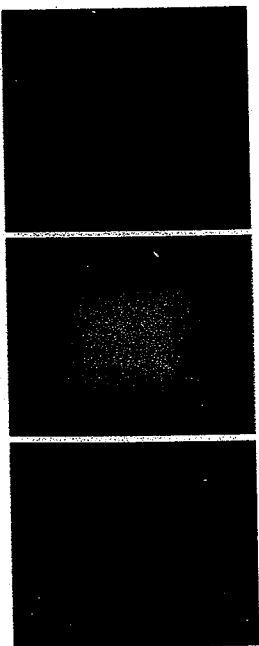
Villas at Stonebridge

prepared for:



Dead Horse Mountain Road

Fayetteville, Arkansas



Project No.: P-1224

November 9, 2006



PETERS & ASSOCIATES
ENGINEERS, INC

• **CIVIL & TRAFFIC ENGINEERING** •
P.O. BOX 21638 (501) 225-0500
LITTLE ROCK, ARKANSAS 72221

Traffic Study

THE SITE

The location of the proposed development is in Fayetteville, Arkansas and is located on the east side of Dead Horse Mountain Road, approximately 1.1 miles south of Highway 16 (Huntsville Road). The proposed development site location and vicinity are shown on Figures 1 and 2, which follow.

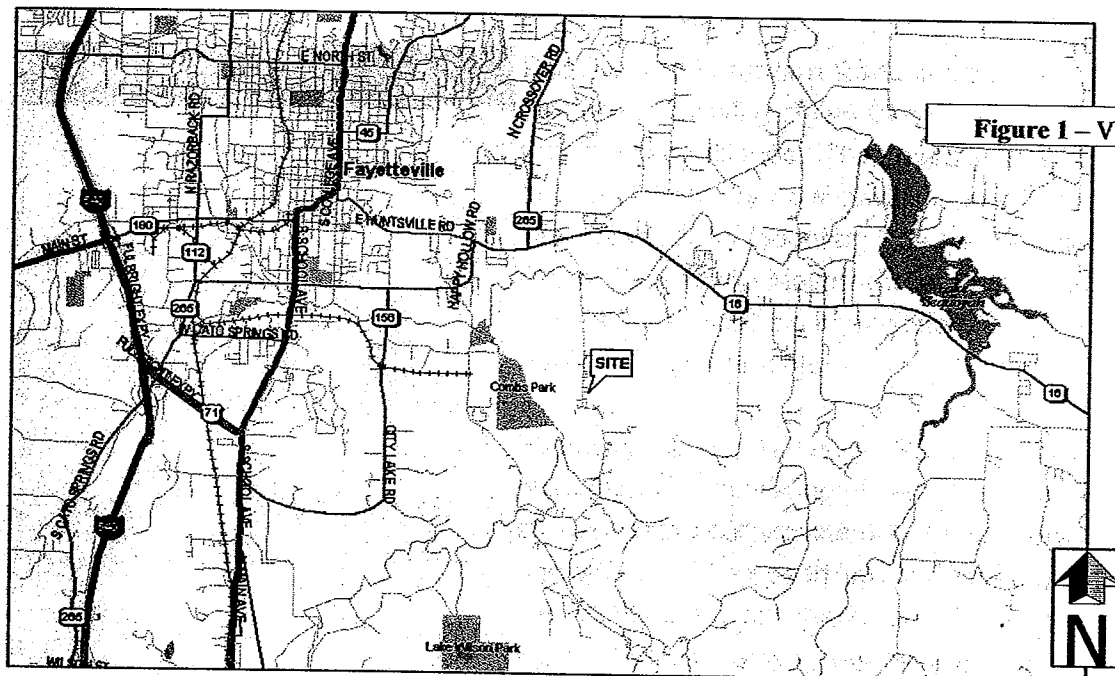


Figure 1 - Vicinity Map

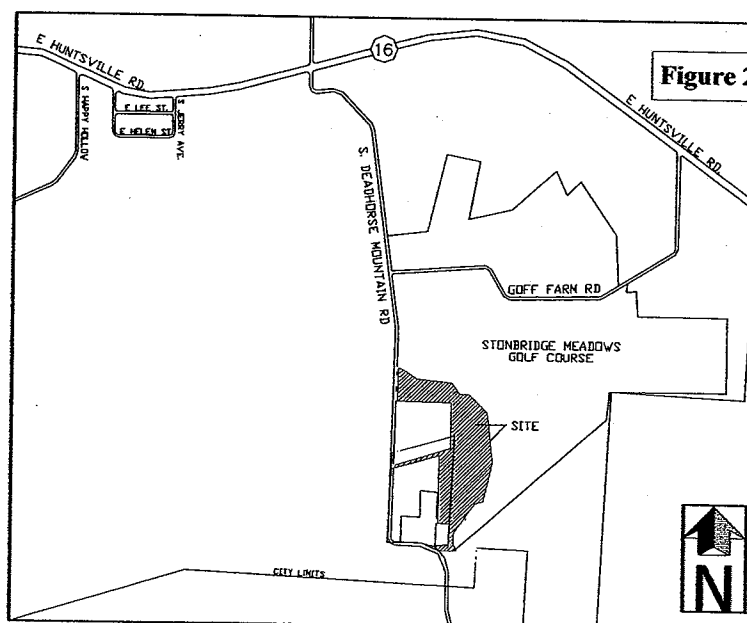


Figure 2 - Site Location Map



PETERS & ASSOCIATES
 ENGINEERS, INC.

Traffic Study

Access to the site, as shown on the site plat, is from Dead Horse Mountain Road at Drive A.

The subdivision plat calls for the construction of a variety of residential uses. The preliminary subdivision plat shows the proposed lots and the approximate location of the proposed internal street network.

STREET SYSTEM

Dead Horse Mountain Road is a two-lane asphalt roadway consisting of two 11-foot lanes constructed with drainage ditches. The speed limit is 35 miles per hour and there are no sidewalks. In the vicinity of the site, Dead Horse Mountain Road is classified on the City of Fayetteville Master Street Plan as a Minor Arterial, but there are no immediate plans or funding for roadway improvements.

Highway 16, also Huntsville Road, is a two-lane asphalt highway consisting of two 11-foot lanes constructed with approximate 6-foot shoulders and drainage ditches. The speed limit is 45 miles per hour in the vicinity of the study area and there are no sidewalks. Future roadway improvements to Highway 16 in the vicinity of the study area by the City of Fayetteville have been proposed but have not yet been approved. Roadway improvements proposed by the City are expected to be constructed in two stages of improvements which are described as follows:

- o *Stage 1 Improvements*- Highway widened to a four-lane roadway with additional left-turn lanes at major intersections from Happy Hollow Road to Stone Bridge Road. Included in Stage 1 are improvements to the intersection of Highway 16 and Stone Bridge Road to construct an eastbound and a westbound left-turn lane on Highway 16 and a northbound and a southbound left-turn lane on Stone Bridge Road plus the possible installation of traffic signal at this intersection. The City has

Traffic Study

given consideration to obtaining partial funding for the cost of the left-turn lanes and the traffic signal at this intersection from developers in the immediate vicinity.

- o *Stage 2 Improvements* - Highway 16 widened to a four-lane roadway with additional left-turn lanes at major intersection from just east of Stone Bridge Road to Falcon Drive.

The site is an undeveloped tract. The photos following show the general layout of Dead Horse Mountain Road, Highway 16 and surrounding land uses in the vicinity of the site.



Looking north on Stone Bridge Road (Dead Horse Mountain Road) toward Highway 16.

Highway 16



Stone Bridge Road
(Dead Horse Mountain Road)

Looking east on Highway 16
toward Stone Bridge Road
(Dead Horse Mountain Road).

Traffic Study

EXISTING TRAFFIC CONDITIONS

Hourly, 24-hour traffic counts were made at the following locations in the vicinity of the site by this consultant as a part of this study:

STREET	24-HOUR TWO-WAY VOLUME	TABLE & CHART
Highway 16 Approaches to Stone Bridge/Dead Horse Mt. Rd.	14,772	Table 1/Chart 1
Dead Horse Mountain Road, Just South of Hwy 16	1,293	Table 2/Chart 2
Dead Horse Mountain Road, Just South of Stone Farm Road	938	Table 3/Chart 3

Hourly traffic count data for these locations are summarized on the following Tables and Charts 1, 2 and 3.

Existing AM and PM peak hours vehicle turning movement count data was gathered by this consultant in the vicinity of the site for the intersection of Highway 16 and Stone Bridge Road / Dead Horse Mountain Road.

The AM and PM peak hour vehicle turning movement counts made as part of this study are shown on the following peak hour turning movements Charts 4 and 5 and are presented in more detail in the Appendix of this report.

AM and PM peak hour turning movement counts and the 24-hour counts made as a part of this study are shown on Figure 3, "Existing Traffic Volumes."

Traffic Study

TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report (7th Edition), 2004, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Software (Version 5 by Microtrans), were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed residential land uses of this development. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with the development as proposed. Applying the appropriate trip-generation rates to the land uses proposed for development makes these calculations. Results of these calculations are summarized on Table 4, "Trip-Generation Summary," following.

These data have not been adjusted for "pass-by" trips (i.e. that portion of the site destined traffic that could come from the existing adjacent street traffic stream) due to the land-uses and location of the site. The majority of the vehicle trips to and from the site are not expected to be in the existing traffic volumes.

Full Build-Out			24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE		ENTER	EXIT	ENTER	EXIT
Single Family Residential (Phase 1)	89 Lots	210	852	17	50	57	33
Single Family Residential (Phase 2)	33 Lots	210	316	6	18	21	12
Single Family Residential (Phase 3)	41 Lots	210	392	8	23	26	15
Single Family Residential (Phase 4)	6 Lots	210	57	1	3	4	2
Residential Townhomes (Phase 4)	39 Units	230	229	3	14	14	7
Residential Condominiums (Phase 5)	50 Units	230	293	4	19	18	9
Residential Condominiums (Phase 6)	64 Units	230	375	4	24	22	11
TOTALS:			2,514	43	151	162	89
TOTAL ENTERING + EXITING				194		251	

Table 4 – Trip Generation Summary



Traffic Study

CAPACITY ANALYSIS

Results and Level of Service Analysis

Existing Traffic Conditions

Capacity and level of service analysis was performed for existing traffic conditions (existing traffic volumes, lane geometry and traffic control) for the adjacent street AM and PM peak hours for the intersection of Highway 16 and Stone Bridge Road / Dead Horse Mountain Road.

As indicated in Table 5, "Level of Service Summary – Existing Traffic Conditions," for the intersection of Highway 16 and Stone Bridge Road / Dead Horse Mountain Road all of the existing vehicle movements for existing traffic conditions presently operate at what calculates as an acceptable LOS "D" or better for the AM and PM peak hours except for the northbound vehicle movements on Stone Bridge Road (Horse Mountain Road) at Highway 16 with "Stop" sign control during the AM peak hour (LOS "E") and PM peak hour (LOS "F").

Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes."

EXISTING TRAFFIC CONDITIONS		Traffic Control											Overall Intersection
INTERSECTION													
PEAK HR	PEAK HOUR - LEVEL OF SERVICE												
AM	Highway 16 and Stone Bridge Road	SIGN	A	A	E	B	n/a						
PM			A	A	F	D	n/a						

Table 5 - Level of Service Summary - Existing Traffic Conditions

Traffic Study

Results and Level of Service Analysis

Projected Traffic Conditions

Capacity and LOS analysis was performed for the projected traffic conditions with the full-build of the residential development (includes Phases 1 thru 6) for the following intersections:

- o Highway 16 and Stone Bridge Road (Dead Horse Mountain Road)
- o Dead Horse Mountain Road and Drive A.

This analysis was performed for AM and PM peak hours projected traffic.

Traffic volumes used for this analysis are shown on Figure 8, "Site-Generated Traffic Plus Existing Traffic Volumes – AM and PM Peak Hours." The operating conditions projected to exist at these intersections are summarized in Table 6, "Level of Service Summary - Projected Traffic Conditions."

As indicated in Table 6, "Level of Service Summary - Projected Traffic Conditions - Phase 1," all of the vehicle movements at the two intersections analyzed are projected to operate at an acceptable LOS "C" or better during the AM and PM peak hours except for the following:

- o The northbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "F") with "Stop" sign control for the AM and PM peak hours. This vehicle movements is expected to improve to an acceptable LOS "C" with traffic signal control plus the addition of an eastbound right-turn lane on Highway 16 at Stone Bridge Road.
- o The southbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "E") with "Stop" sign control for the PM peak hour. This vehicle movements is expected to improve to an acceptable LOS "C" with traffic signal control plus the ad-



Traffic Study

PROJECTED TRAFFIC CONDITIONS		Traffic Control											Overall Intersection
INTERSECTION			PEAK HOUR - LEVEL OF SERVICE										
PEAK HR					WB LT	WB TH	WB RT						
AM	Highway 16 and Stone Bridge Road	SIGN	A	A	A			F		C		n/a	
		SIGNAL	A	A	B			C		B		B	
PM		SIGN	A	A	A			F		E		n/a	
		SIGNAL	B	A	A			C		C		B	
AM	Dead Horse Mountain Road and Drive A	SIGN			A		A		A	A		n/a	
PM					A		A		A	A		n/a	

Table 6 - Level of Service Summary - Projected Traffic Conditions

dition of an eastbound right-turn lane on Highway 16 at Stone Bridge Road.

Projected traffic conditions, analysis was conducted with the following roadway conditions assumed:

- With and without traffic signal control at the intersection of Highway 16 and Stone Bridge Road.
- Highway 16 widened at Stone Bridge Road to accommodate the addition of an eastbound right-turn lane.
- Drive A constructed as a two-lane roadway consisting of an inbound lane and an outbound lane.

There is expected to be reserve capacity and better LOS results once the future City-proposed roadway improvements to include Highway 16 widened to a four-lane roadway with additional left-turn lanes at Stone Bridge Road. Those improvements also include the construction of an eastbound and a westbound left-turn lane on Highway 16 at Stone Bridge Road and a northbound and a southbound left-turn lane on Stone Bridge at Highway 16.

Traffic Study

TRAFFIC SIGNAL WARRANTS ANALYSIS

In evaluating the need for a traffic signal, certain established warrants must be examined by a comprehensive investigation of traffic conditions and physical characteristics of the location. The decision to install a traffic signal at a particular location must be evaluated quantitatively relative to these warrants. Satisfaction of conditions for only one of the warrants, as specified, is required for signalization. These warrants, as specified in the Manual on Uniform Traffic Control Devices (MUTCD), are described in detail in the appendix of this report. They are summarized as follows:

- ◆ **Warrant One: Eight-Hour Vehicular Volume**
- ◆ **Warrant Two: Four-Hour Vehicular Volume**
- ◆ **Warrant Three: Peak Hour**
- ◆ **Warrant Four: Pedestrian Volume**
- ◆ **Warrant Five: School Crossing**
- ◆ **Warrant Six: Coordinated Signal System**
- ◆ **Warrant Seven: Crash Experience**
- ◆ **Warrant Eight: Roadway Network**

Traffic signal warrants analysis was made for existing and for projected traffic conditions (includes Phases 1 through 6 development of Villas at Stonebridge) for the intersection of Highway 16 and Stone Bridge Road.

Signal Warrants Results

It was found that traffic signal warrants are not currently met for the intersection of Highway 16 and Stone Bridge Road with existing traffic volumes. Volumes are currently not sufficient at this intersection to satisfy any warrants. The traffic signal warrants analysis results for the intersection of Highway 16 and Stone Bridge Road is summarized in Table 7, "Traffic Signal Warrants Results - Highway 16 and Stone Bridge Road - Existing Conditions."

Traffic Study

It was found that traffic signal warrants are projected to be met for the intersection of Highway 16 and Stone Bridge Road at full build-out of this development as proposed (includes Phases 1 through 6 development of Villas at Stonebridge). Volumes are projected to be sufficient at this intersection to satisfy Warrants 1B, 2 and 3. The traffic signal warrants analysis results for the intersection of Highway 16 and Stone Bridge Road for this condition is summarized in Table 8, "Traffic Signal Warrants Results - Highway 16 and Stone Bridge Road - Projected Conditions - Full Build-Out." It was further found that traffic signal warrants are projected to be met for the intersection of Highway 16 and Stone Bridge Road once traffic associated with Phase 1 of the Villas at Stonebridge development as proposed is included. Signal warrants continue to be met as subsequent development occurs.



Traffic Study

FINDINGS AND RECOMMENDATIONS

Findings of this study are summarized as follows:

- Analysis for existing traffic conditions (existing traffic volumes, lane geometry and traffic control) were conducted for the adjacent street AM and PM peak hours. For the intersection of Highway 16 and Stone Bridge Road / Dead Horse Mountain Road all of the existing vehicle movements for existing traffic conditions presently operate at what calculates as an acceptable LOS "D" or better for the AM and PM peak hours except for the northbound vehicle movements on Stone Bridge Road (Horse Mountain Road) at Highway 16 with "Stop" sign control during the AM peak hour (LOS "E") and PM peak hour (LOS "F").
- Capacity and LOS analysis was performed for the projected traffic conditions with the full-build of the residential development (includes Phases 1 thru 6) for the adjacent street AM and PM peak hours. All of the vehicle movements at the two intersections analyzed are projected to operate at an acceptable LOS "C" or better during the AM and PM peak hours except for the following:
 - The northbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "F") with "Stop" sign control for the AM and PM peak hours. This vehicle movements is expected to improve to an acceptable LOS "C" with traffic signal control plus the addition of an eastbound right-turn lane on Highway 16 at Stone Bridge Road.
 - The southbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "E") with "Stop" sign control for the PM peak hour. This vehicle movements is expected to improve to an acceptable LOS "C" with traffic signal control plus the addition of an eastbound right-turn lane on Highway 16 at Stone Bridge Road.



Traffic Study

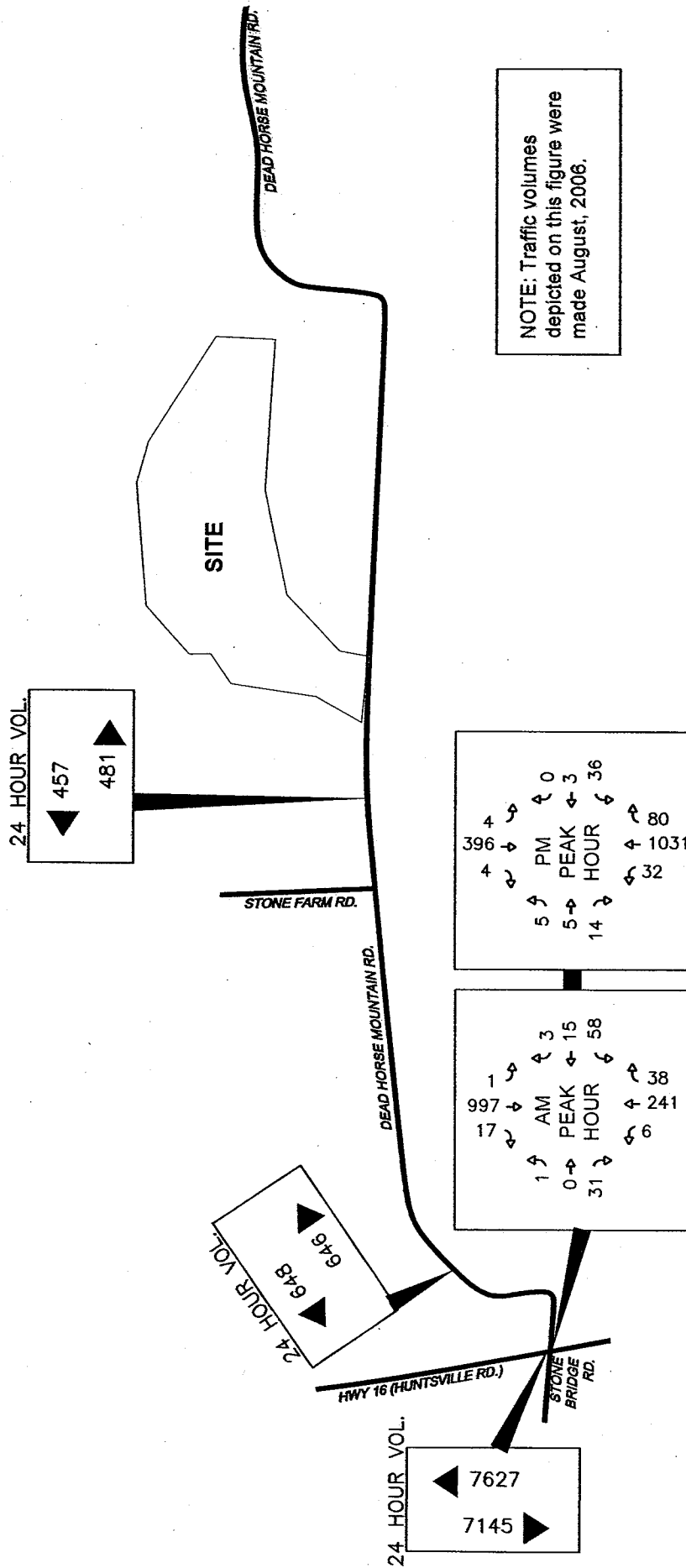
- Projected traffic conditions, analysis was conducted with the following roadway conditions assumed:
 - With traffic signal control at the intersection of Highway 16 and Stone Bridge Road.
 - Highway 16 widened at Stone Bridge Road to accommodate the addition of an east-bound right-turn lane.
 - Drive A constructed as a two-lane roadway consisting of an inbound lane and an out-bound lane.
- There is expected to be reserve capacity and better LOS results once the future City-proposed roadway improvements to include Highway 16 widened to a four-lane roadway with additional left-turn lanes at Stone Bridge Road. Those improvements also include the construction of an eastbound and a westbound left-turn lane on Highway 16 at Stone Bridge Road and a northbound and a southbound left-turn lane on Stone Bridge at Highway 16.
- It was found that traffic signal warrants are not currently met for the intersection of Highway 16 and Stone Bridge Road with existing traffic volumes.
- It was found that traffic signal warrants are projected to be met for the intersection of Highway 16 and Stone Bridge Road at full build-out of this development as proposed (includes Phases 1 through 6 development of Villas at Stonebridge). It was further found that traffic signal warrants are projected to be met for the intersection of Highway 16 and Stone Bridge Road once traffic associated with Phase 1 of the Villas at Stonebridge development as proposed is included. Signal warrants continue to be met as subsequent development occurs.

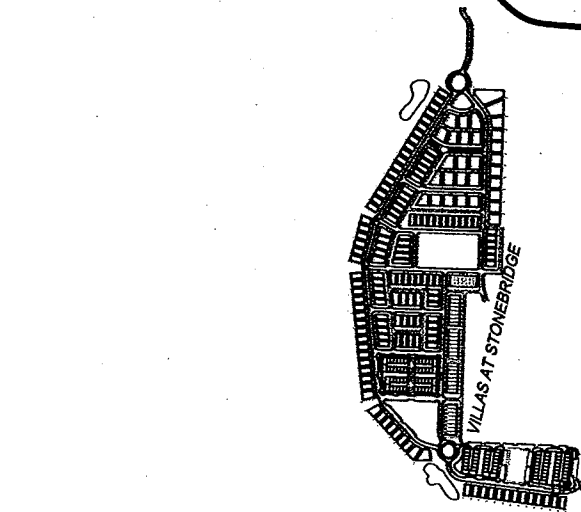
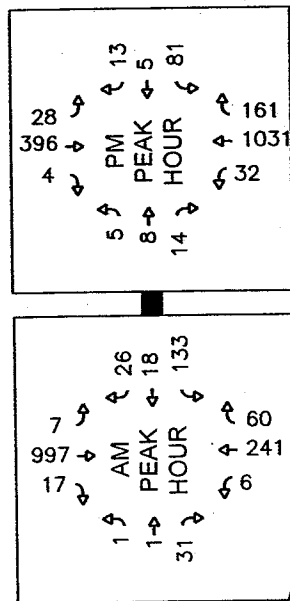
Traffic Study

- The subdivision internal street network proposed to serve this site will serve the ingress and egress needs of the site well if constructed as two-lane roadway sections.
- The sight distance was examined and found to be satisfactory for traffic entering and exiting the site via the intersection of Drive A and Dead Horse Mountain Road.

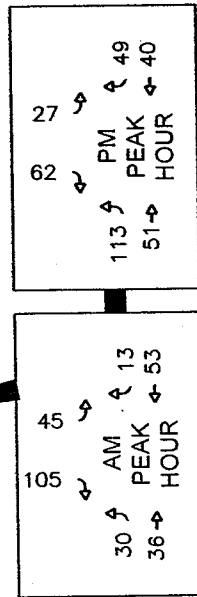
Recommendations of this study are summarized as follows:

- It is recommended that an interim design span-wire mounted traffic signal be constructed at the intersection of Highway 16 and Stone Bridge Road coincident with the development of Phase 1. Traffic signal control at this intersection is appropriate. The opportunity of cost sharing with other beneficiaries should be explored. This traffic signal could serve traffic control needs until Highway 16 improvements are completed.
- It is recommended that a minimum 120-foot (plus taper) eastbound right-turn lane be constructed on Highway 16 at Stone Bridge Road in order to ease the potential queuing of eastbound traffic. This should be constructed at which time the recommended traffic signal is constructed. This should be considered an interim improvement to serve until Highway 16 improvements are completed.
- Intersection improvements (eastbound right-turn lane on Highway 16 at Stone Bridge Road and traffic signal at the intersection of Highway 16 and Stone Bridge Road) must conform to design standards of the City of Fayetteville and AHTD and will require approval by both the City and AHTD.
- It is recommended that the new streets be constructed as a part of this development to conform to the City of Fayetteville design standards which will also require approval by the City of Fayetteville.





NOTE: These volumes include Phases 1 through 6 of the site plus existing traffic volumes.



PROJECT No. P-1224
DATE: 11-7-06

PETERS & ASSOCIATES
ENGINEERS, INC.



VILLAS AT STONEBRIDGE
DEAD HORSE MOUNTAIN ROAD
FAYETTEVILLE, ARKANSAS

SITE-GENERATED TRAFFIC PLUS
EXISTING TRAFFIC VOLUMES
AM AND PM PEAK HOURS
FIGURE No. 8

Appeal



PETERS & ASSOCIATES
ENGINEERS, INC.

April 2, 2008

Mr. Todd Jacobs
Appian Centre for Design
217 E. Dickson St.
Suite 104
Fayetteville, Arkansas 72701

Re: P1224
ADDENDUM to Traffic Study (Dated November 9, 2006)
Villas at Stonebridge
Fayetteville, Arkansas

Dear Jacobs:

As requested, Peters and Associates Engineers, Inc. has prepared this Addendum to our traffic study report dated November 9, 2006. This Addendum addresses traffic signal warrants analysis for projected traffic conditions with the construction of Phase 1 only (Phase 1 includes 91 single-family residential lots) for the intersection of Highway 16 and Stone Bridge Road in Fayetteville, Arkansas. The development of Phase 1 is now different than that which was included in the traffic study dated November 9, 2006.

Traffic signal warrants analysis was conducted for projected traffic volumes that include site-generated traffic associated with the Phase 1 development of the site plus existing traffic volumes for the intersection of Highway 16 and Stone Bridge Road. It was found that traffic signal warrants are projected to be met for this intersection coincident with the development of Phase 1 of the site. Volumes are projected to be sufficient to satisfy Warrant 3. The traffic signal warrants analysis results for the intersection of Highway 16 and Stone Bridge Road are summarized on Table A, "Traffic Signal Warrants Results – Highway 16 and Stone Bridge Road - Projected Traffic Conditions – Phase 1 Development Only."

Mr. Todd Jacobs
April 2, 2008
Page 2

FINAL RESULTS:			Traffic Signal Warrants Analysis						
Projected Conditions									
Phase 1			Hour warrant was met:						
Major St.: Hwy 16 (Huntsville Rd.)			VOLUME		COMB.		4 Hr.	Peak	
Minor St.: Stone Bridge Road			350	525	280	420			
			105	52	84	41			
HOUR	SUM MAJOR	MAX. MINOR	1A	1B	1AB		2	3	
7:00	1331	99	0	1	1	1	1	1	1
8:00	993	89	0	1	1	1	1	1	1
9:00	728	50	0	0	0	0	1	0	0
10:00	758	43	0	0	0	0	1	0	0
11:00	821	30	0	0	0	0	0	0	0
12:00	992	42	0	0	0	0	1	0	0
13:00	934	40	0	0	0	0	0	0	0
14:00	823	42	0	0	0	0	1	0	0
15:00	961	43	0	0	0	0	1	0	0
16:00	1348	66	0	1	0	0	1	1	0
17:00	1571	55	0	1	0	0	1	0	0
18:00	999	46	0	0	0	0	1	0	0
19:00	618	50	0	0	0	0	1	0	0
20:00	538	34	0	0	0	0	0	0	0
21:00	448	27	0	0	0	0	0	0	0
			0	4	2		3	2	
This intersection SATISFIES the warrants for signalization as outlined in the "M.U.T.C.D."									

*Table A – Traffic Signal Warrants Results – Highway 16 and Stone Bridge Road
Projected Traffic Conditions – Phase 1 Development Only*

Findings and recommendations of this Addendum are summarized as follows:

- It was found that traffic signal warrants are projected to be met for the intersection of Highway 16 and Stone Bridge Road coincident with the proposed Phase 1 development of the Villas at Stonebridge site.
- It is recommended (as stated in the traffic study report dated November 9, 2006) that a fully-actuated traffic signal be installed at the intersection of Highway 16 and Stone Bridge Road coincident with proposed Phase 1 development of the Villas at Stonebridge site.
- Traffic signal warrants are very close to being met with existing traffic volumes at the intersection of Highway 16 and Stone Bridge Road. It is estimated that additional traffic associated with approximately 14 single-family homes will be sufficient, in combination with existing traffic volumes to satisfy traffic signal warrants at the study intersection.
- Findings and recommendations in the traffic study dated November 9, 2006 are still appropriate for this development.

Mr. Todd Jacobs
April 2, 2008
Page 3

If you have any questions or need additional information, please contact us.

Sincerely,
PETERS & ASSOCIATES ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "E. Peters", written in a cursive style.

Ernest J. Peters, P.E.
President



March 25, 2008

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: Villas at Stonebridge - Traffic Signal and Street Improvements on Dead Horse Mountain Road

The following is a proposal to the City of Fayetteville for a traffic signal at the intersection of Dead Horse Mountain Road and Arkansas State Hwy 16, and improvements to Dead Horse Mountain Road.

In the absence of an assessment of the surrounding areas, current and future developments should be treated equally and fairly, such that, current and future development projects each pay a reasonable share for improvements. A reasonable share should take into consideration the increased traffic generation from developments in the vicinity that impact Arkansas State Hwy 16.

Intersection of Dead Horse Mountain Road and Arkansas State Hwy 16 Traffic Light: Villas at Stonebridge project proposes to pay \$75,000 towards the cost of constructing a new traffic signal to be located at the aforementioned intersection. Given this area's substantial growth over the past ten years and predicted future growth, we argue that the full burden of a traffic signal should not be borne according to the most current project presented to the City of Fayetteville for development approval. Instead, the Villas at Stonebridge project should contribute a portion of the total cost. We are requesting that the associated money be paid proportionally per phases of the Villas at Stonebridge project.

Dead Horse Mountain Road Street Improvements: The Villas at Stonebridge project proposes to give \$100,000 to the City of Fayetteville for the improvements to Dead Horse Mountain Road. The City has requested that an overlay be constructed on Dead Horse Mountain Road. However, any constructed overlay will be replaced when the adjacent properties are developed. In addition, growth along Dead Horse Mountain Road is expected because of the recent addition of water and sewer. So, while we do acknowledge that the Villas at Stonebridge will have an impact on Dead Horse Mountain Road, we would rather see the proposed \$100,000 go towards something that will benefit the City long-term than a temporary overlay that will be removed in the coming years. Therefore, we are requesting that the associated money be paid proportionally per phase of the Villas at Stonebridge project.

Sincerely,

Todd Jacobs
Appian Centre for Design, Inc.
Director of Design
217 East Dickson Street Ste. 104
Fayetteville, AR 72701
Phone: 442-1444
Fax: 442-1450



December 19, 2007

Mr. Ron Petri and Mr. Jeremy Pate
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: Villas @ Stonebridge Traffic Signal and Bridge Assessment

The following is the Appian Centre for Design's proposal to the City of Fayetteville for traffic signal and bridge assessments associated with the Villas at Stonebridge.

The Appian Centre for Design proposes that the Villas at Stonebridge project be assessed for a percentage of the construction costs proportional to the traffic generated from this development to construct a new traffic signal to be located at the intersection of Dead Horse Mountain Road and Arkansas State Hwy 16 as well as a new bridge along Dead Horse Mountain Road over the West Fork of the White River. The following is a rational nexus calculation for this assessment:

Projected Traffic for Full Build Out = 2,514 vpd

- Assume 40% will go south on Dead Horse Mountain Road = 1006 vpd
- Assume 60% will go north on Dead Horse Mountain Road = 1508 vpd

TRAFFIC SIGNAL ASSESSMENT

Probable Costs of Traffic Signal Plus Intersection Improvements	= \$225,000
Projected traffic from Full Build-Out of Phase 1 using Signal	= 1508 vpd
Minor Arterial traffic capacity	= 14,800 vpd
% traffic from Phase 1	= 10%
Villas at Stonebridge Phase 1 Signal Assessment Costs	= \$22,500

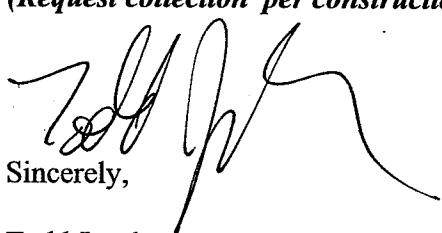
BRIDGE ASSESSMENT

City of Fayetteville's Construction Costs Estimate for Bridge	= \$2,160,000
Projected traffic from Full Build-Out using Bridge	= 1508 vpd
Minor Arterial traffic capacity	= 14,800 vpd
% traffic from Phase 1	= 10%
Villas at Stonebridge Bridge Assessment Costs	= \$216,000

This development is planned to take approximately 3 to 8 years for full buildout. As the phases will occur over time, we are requesting that the collection of the associated assessment be paid per construction phase. The following payment schedule is being requested:

169 Single Family Dwellings at a rate of \$820.00	= \$138,580
153 Multifamily Townhomes at a rate of \$653.25	= \$99,947
Villas at Stonebridge Total Assessment	<u>= \$238,527</u>

(Request collection per construction phase at time of building permits)



Sincerely,

Todd Jacobs
Director of Design
Appian Centre for Design
217 East Dickson Street, Suite 104
Fayetteville, Arkansas 72701
Office: 479-442-1444
Fax: 479-442-1450
Mobile: 479-466-1717

appian centre for design
land planning environmental engineering

November 2, 2006

Mr. Ron Petri and
Mr. Jeremy Pate
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: Villas @ Stonebridge Traffic Signal and Bridge Assessment

The following is the Appian Centre for Design's proposal to the City of Fayetteville for traffic signal and bridge assessments associated with the Villas at Stonebridge.

The Appian Centre for Design proposes that the Villas at Stonebridge project be assessed for a percentage of the construction costs proportional to the traffic generated from this development to construct a new traffic signal to be located at the intersection of Dead Horse Mountain Road and Arkansas State Hwy 16 as well as a new bridge along Dead Horse Mountain Road over the West Fork of the White River. The following is a rational nexus calculation for this assessment:

Projected Traffic for Full Build Out	= 2,514 vpd
• Assume 40% will go south on Dead Horse Mountain Road	= 1006 vpd
• Assume 60% will go north on Dead Horse Mountain Road	= 1508 vpd

TRAFFIC SIGNAL ASSESSMENT

Probable Costs of Traffic Signal Plus Intersection Improvements	= \$225,000
Projected traffic from Full Build-Out of Phase 1 using Signal	= 1508 vpd
Minor Arterial traffic capacity	= 14,800 vpd
% traffic from Phase 1	= 10%
Villas at Stonebridge Phase 1 Signal Assessment Costs	= \$22,500

BRIDGE ASSESSMENT

City of Fayetteville's Construction Costs Estimate for Bridge	= \$2,160,000
Projected traffic from Full Build-Out using Bridge	= 1508 vpd
Minor Arterial traffic capacity	= 14,800 vpd
% traffic from Phase 1	= 10%
Villas at Stonebridge Bridge Assessment Costs	= \$216,000

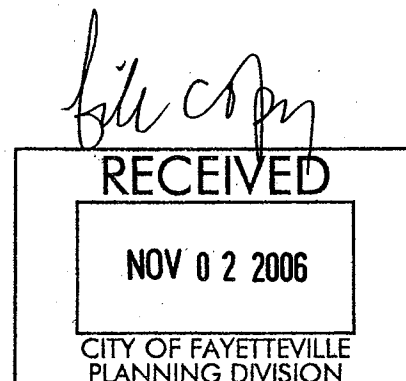
The improvements planned for the area are expected to take approximately 3 to 6 years. As the improvements will occur over time, we are requesting that the collection of the associated assessment fees be staggered to better account for the true time of impact rather than at the time of final plat. The following payment schedule is being requested:

169 Single Family Dwellings at a rate of \$820.00	= \$138,580
153 Multifamily Townhomes at a rate of \$653.25	= \$99,947
Villas at Stonebridge Total Assessment (requested collection at time of building permits)	= \$238,527

Sincerely,

Todd Jacobs

Todd Jacobs
Project Manager
Appian Centre for Design
479.466.8115



DRAFT COPY

October 2, 2006

Mr. Matt Casey, P.E.
City of Fayetteville - Engineering Division
125 West Mountain Street
Fayetteville, Arkansas 72701

Meeting Oct 6
- J. Nock, Steve Aust,
Todd Jacobs, Hank & Lex Boyles
- Ron P., Jeremy P., Jim Canklin

RE: Villas @ Stonebridge Traffic Signal and Bridge Assessment

The following is Critical Path's proposal to the City of Fayetteville for traffic signal assessments associated with the first phase of Villas @ Stonebridge

Critical Path proposes that the Villas @ Stonebridge project be assessed for a percentage of the construction costs proportional to the traffic generated from phase 1 of this development to construct a new traffic signal at the intersection of Dead Horse Mountain Road and Arkansas State Hwy 16 and a new bridge over the West Fork of the White River. The following is a rational nexus calculation for this assessment:

Projected Traffic for Full Build Out	= 2,514 vpd
• Assume 40% will go south on Dead Horse Mountain Road	= 1006 vpd
• Assume 60% will go north on Dead Horse Mountain Road	= 1508 vpd

TRAFFIC SIGNAL ASSESSMENT

Probable Const. Costs Traffic Signal Plus Intersection Improvements	= \$225,000
Projected traffic from Full Build-Out of development using Bridge	= 1508 vpd
Minor Arterial traffic capacity	= 14,800 vpd
% traffic from development	= 10%
Villas @ Stonebridge for Full Build out Percentage of Costs	= \$22,500

BRIDGE ASSESSMENT

City's Construction Costs Estimate for Bridge	= \$2,160,000
Projected traffic from Full Build-Out of development using Bridge	= 1508 vpd
Minor Arterial traffic capacity	= 14,800 vpd
% traffic from development	= 10%
Villas @ Stonebridge for Full Build Out Percentage of Costs	= \$216,000

Sincerely,

Todd Jacobs
Critical Path Design
Phone - 466-8115

**Villas at Stonebridge
Planning Commission Minutes
September 22, 2008**

Unfinished Business:

R-PZD 06-2170: (VILLAS AT STONEBRIDGE, 645/646): Submitted by APPIAN CENTRE FOR DESIGN for property located S OF HWY. 16E AND E OF GOFF FARM ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 53.03 acres. The request is for zoning, land use and preliminary plat approval for a Residential Planned Zoning District with a maximum of 350 dwelling units and 45,000 s.f. of non-residential space. Phase I development approval consists of 91 single family lots.

Jesse Fulcher, Current Planner, gave the staff report, describing the project, including changes from the last review: 354 to 350 dwelling units, removal of commercial uses up front, etc. He discussed the findings in the staff report, concerns with density and incompatible land use patterns, lack of adequate infrastructure to serve this development, etc. Staff recommends denial, based on findings within the staff report. Should the Planning Commission recommend approval, conditions have been included.

Commissioner Lack reminded the applicant that there are a few members missing tonight and it takes five votes to forward a PZD request.

Todd Jacobs, applicant, described changes, including moving townhouses to interior of project, so single-family is adjacent to exterior, removing the mixed use area for the time being, making the park public. We looked at the Villas as a TND development vs. a conventional subdivision. This is an opportunity to provide a neighborhood that is designed, sustainable, and has a sense of place. We tried to create a neighborhood that is different, making great public places. Jacobs discussed bus service in the area, in the long term future. After the last discussion, we looked at comments and tried to look at the best use on this property. He discussed sprawl and the lack of usable/developable area in this area. Is it appropriate to gobble up this land with conventional subdivisions? We don't think so. Services will follow rooftops. We are trying to set up a standard for other developers to follow, in using/developing another flat area out here. This is an 8-year phased project, giving this area of town the opportunity to grow. With planning, this allows the services and infrastructure to grow with the development of the project. There are five phases over seven years. Jacobs discussed St. Paul Park and trailhead. A park wouldn't exist in a conventional neighborhood. We do have to do a higher density to make the TND work. We hope to have support and look forward to Planning Commission comments.

No public comment was received.

Commissioner Lack stated he would like to hear some dialogue from the applicant about why the commercial was removed.

Jacobs stated that he looked at the phasing over 8 years, and didn't believe it was the most key element to support the project. We did try to include live-work component within the residential, to provide that opportunity. We will leave that area zoned R-A for now, and flush it out better at a later

Commissioner Lack stated that he thinks the services are part of what is shaky about the location of the project. To remove the commitment of providing the services may hurt the idea of the project.

Commissioner Anthes asked if PA-7 (R-A zoning) was the area originally planned for commercial. If so, is that sufficient acreage for a commercial node?

Jacobs stated he has looked at some conceptual design, and there is room for light office/retail.

Commissioner Anthes asked if the applicant was aware of staff's recommendation on condition #5, wherein staff recommends that the limited commercial uses be incorporated as previously reviewed if this goes forward.

Jacobs stated that he believes that's a catch-22, where staff doesn't support it, but then does. He discussed the concern with number of rooftops and use being proposed.

Commissioner Anthes disagreed, stating she doesn't feel staff is double-speaking, or saying two different things. Staff has made its determination and a recommendation that is not in favor of this project at this time, but with the knowledge that Planning Commission and City Council may disagree. If these bodies do disagree, staff has provided recommended conditions of approval.

Jacobs stated that if the Planning Commission feels it appropriate to put it back, that we will be more than happy to put it in, where we thought it was best to take it out at the time from our last meetings and meetings with the staff.

Commissioner Winston read from the project booklet about services and amenities being provided along Dead Horse Mountain Rd. This must be a mis-print? He stated he did like commercial services in the first plan, reducing vehicle trips by providing small services, etc. Winston referred to the buildable area in this area of the city.

Jacobs stated he had looked at buildable area south of Hwy 16, and discussed surrounding development and properties.

Commissioner Winston stated that the first four goals of City Plan 2025 were not really being addressed. This area's services seem rather limited, and this is kind of far out there.

Jacobs stated that 6-8 dwelling units/acre would support bus service – they are not looking at providing this project with that service.

Commissioner Anthes asked if the bridge improvements were funded.

Pate stated that the project is currently under design, to the best of his knowledge. We don't know the construction schedule; initially was planned to begin at the end of this year/beginning of next

Commissioner Anthes wondered if staff would support RSF-4 at this location.

Pate stated that staff may or may not support RSF-4; development patterns and previous future land use plans certainly supported those types of policy decisions. That's not been tested too much under CityPlan 2025. The RSF-4 development pattern isn't necessarily consistent with those goals and identified policies within the current plan. Whether officials agree if it's a rational means of developing the city... the challenge here in looking at a standard RSF-4 zoning and a PZD, you still have the same rezoning findings, the same CityPlan 2025 goals and objectives. Without giving a recommendation, it could be difficult to support. South of this, the Falling Waters subdivision is probably more of a conventional subdivision approved through a PZD process. However, it did establish much tighter, stricter development standards, Tree Preservation requirements, hilltop/hillside requirements when there weren't any in existence. So, for instance, in this land with a traditional neighborhood development form, it's not really preserving any land on the property. Instead, it's anticipating everyone else outside the boundaries is going to do that for this project without trying to address it within the boundaries. That's a concern in these developments on the outskirts of the city. There are still a lot of property that could potentially be developed between here and the center of the city.

Commissioner Anthes asked what infrastructure would need to be in place for staff to recommend approval.

Pate stated that one of the primary goals of the Residential Neighborhood Area is to site new residential neighborhoods adjacent to infrastructure, roadways, alternative transportation and other business services that would support the density that is whatever is being proposed. Based on the density, we have a rational nexus approach – this many units, this much infrastructure – on a development-by-right project. I don't believe staff could recommend the improvements necessary at this point in time and still be within that rational nexus. It would be above and beyond what this project could legally be imposed upon to do. I think the bridge improvements are necessary. I think Goff Farm Rd. and Dead Horse Mountain Road are both substandard streets that need to be improved. There are questions about the intersection at Stonebridge and Hwy 16. Slowly, improvements do occur. One of the other goals with City Plan 2025 is to have concurrent infrastructure with development. That's the challenge here, because development is getting ahead of the infrastructure, which is unfortunately a typical scenario in fast-growing communities. The idea of impact fees would potentially help that, but obviously we don't have that in place now. So, it's a difficult question to answer specifically without looking at everything to get to this site. It's not adjacent to a major roadway network. It's three miles away from major infrastructure. Potentially, if improvements were made to Hwy 16 to get to Goff Farm Rd, or Stonebridge, that would certainly help.

Commissioner Anthes stated that in one of staff's findings it reads that, "staff does not find that the developer should bear the burden of all these expenses," yet those expenses are necessary to make the project viable in staff's recommendation. That's why staff has ultimately recommended denial. I

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think that's a huge statement in the findings that says we want our findings and assessments to meet the rational nexus calculations, but to make them work for this plan, it's going to blow the project budget completely beyond what would be required if this development was happening in an already populated area. What are the possibilities for east-west connections other than Hwy 16?

Pate stated that fortunately, our Master Street Plan really looked at that with a lot more detail than we ever have before when we passed that last year. It's not evident necessarily on the maps that we have in front of us, but just south of this project at Falling Waters we actually proposed a residential collector street sort of along the base of the hill far enough up in the floodplain so we wouldn't require major bridges to get east and west, but down far enough on the hill so it's not going over all the hills. That's an east-west connection. There are several more south stub-outs we could potentially tie into. That's one that appears now in our Master Street Plan that will certainly help if those properties are ever developed. The golf course being at its southern boundary here, it skirts around that. I think that will help in this area if Falling Waters is ever constructed and can make those connections.

Commissioner Anthes asked how many houses were planned for the Falling Waters PZD at the time it was approved.

Pate stated he believes it was 255.

Commissioner Anthes asked how many rooftops were in the area.

Pate stated he did not know.

Commissioner Anthes was curious if this development would be doubling the amount of development in the area.

Pate stated that at one point staff did an analysis on how many approved subdivisions that were either under construction or had development rights vested, and it was roughly 600 lots that had approval. This was in 2006 or 2007. We didn't count existing rooftops.

Commissioner Anthes asked if when staff made the recommendation about how much this project would burden the already insufficient infrastructure in the area, were they also taking into account the development rights already vested in the area? If the market turned around and those projects came online right away, would that make this problem worse?

Pate stated that we don't know which projects are going to happen for certain. We don't know what improvements may be accomplished. We don't know if any of the assessments required will be paid because we don't know if those projects are going to happen. So, bridge assessments really haven't come into consideration because in 2005, 2006 those projects stopped construction. The majority of improvements we've seen with subdivisions in this area have been along Goff Farm Road. Goff Farm Road is almost entirely improved along all of those areas, except for a few places.

Commissioner Anthes discussed her concerns with the burden of the project on infrastructure, along with the concern that it could be blanket RSF-4 zoning.

Commissioner Winston stated that if a developer were to put a commercial node nearer to here, at Dead Horse Mountain and Hwy 16, where the project would benefit from that, we probably wouldn't be discussing how the project is so isolated. We can't look at this project in terms of what's not there that nobody has proposed, but I think it would make a real difference, since we're talking about how this project is so far away from services, and how there is a lack of services between Elkins and downtown Fayetteville. This would be my recommendation to the applicant that there are other opportunities out there.

Commissioner Lack asked staff to confirm that there existed just such a commercial node already approved at this location, at the corner of Stonebridge and Hwy 16.

Pate confirmed that this was correct.

Commissioner Lack stated that there was a fairly substantial commercial development with rights approved at that corner currently. I will assume that the reason it's not there is because the numbers haven't gotten there to drive the investment of the commercial yet. Should commercial wait on the houses? One aspect of this project that is characteristically different than other places I would see this far from the center of the city is the golf course. There is a tremendous amount of development around the golf course already and also proposed. There's no way that I can see that the areas around the golf course won't develop fully and be a node of the City of Fayetteville. The street infrastructure is definitely something we have to respond to. The golf course definitely plays a role in that decision for me. I would support the commercial, even if it were just a zoning or the potential for lot sell-off at the entrance to the development at Dead Horse Mountain Rd., as opposed to just leaving it R-A. I am leaning toward the idea of appreciating the better environment of the mixed-use and mixed-density environment enough to be in favor of it.

Commissioner Kennedy stated he tends to agree with Commissioner Lack regarding the golf course. This makes it more accessible to those who can't afford an estate lot. I don't think placing the commercial out there and waiting for houses to pop up will happen. I am in support.

Commissioner Lack asked to go through the conditions. Are commissioners in favor of staff's recommendation? If we do send this forward, we need to ensure it is planned appropriately.

Commissioner Anthes stated that she believes the necessary improvements are going to be costly.

Commissioner Winston stated that it is a lot of money, but he believes the improvements will help this area and be beneficial to current residents in the area.

Commissioner Anthes stated that she understands that staff makes their recommendation based on the rational nexus calculation of what improvements this project should bear. What percentage of the total required improvements does this represent? If staff thinks there are improvements that

would provide the correct amount infrastructure to be able to approve this project, how does that compare with what we're able to assess for this project?

Commissioner Pate stated that it would be difficult to answer. One thing staff does is look at the access points for the project. These access points are separated by a great distance. The street in between is not improved, it is a chip-and-seal road. The increase in density and traffic will begin to deteriorate the road. We also looked at the improvements there. Specifically, the off-site improvements like traffic signals mentioned would help.

Commissioner Lack asked about condition #2, PC determination of a waiver of minimum street design standards, including staff's recommendation, most of which supports the waiver.

Anthes asked staff to clarify the recommendation regarding the landscape spacing waiver.

Pate stated it was simply to provide a standard we had established. It's not a make-or-break issue, but continuing the established standard is something we recommend; there does not seem to be any justification provided to vary from that standard.

Lack asked about condition #3, zoning criteria.

Myres stated she agreed with staff's recommendation on condition #3.

Commissioner Lack asked Pate to comment on condition #3, regarding building area for lots.

Pate stated that when staff looks at a PZD, one of the findings is to compare existing zoning with what's being proposed. What we will do is look at comparative zoning districts and try to establish a development pattern that is consistent and can be expected within the city and in these planning areas as well. Some of those range from 40-60%. We felt a lot of them were too high; the building area would encompass most of the lot, leaving that much less greenspace within the interior of the project. Granted, there is a golf course nearby but it is not owned by these property owners and may not even be accessed by these property owners. We're attempting to ensure that interior to the development plan there will be greenspace areas that will be active for the users.

Commissioner Anthes stated she agreed with staff's recommendation on condition #4.

Commissioner Lack discussed condition #5, regarding PA-6, commercial development.

Commissioner Anthes stated she agreed with staff's recommendation.

Motion:

Commissioner Lack made a motion to forward the request to City Council with a recommendation of approval, in favor of conditions #1, 2 with the exception of B(i) in which I would support staff's recommendation in favor of denial of the waiver, modify condition #3 to modify the development

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density, finding against the waiver for the ADU's in condition #4, and finding in favor of staff's recommendation for the determination on condition #5, and all other conditions. **Commissioner Kennedy** seconded the motion.

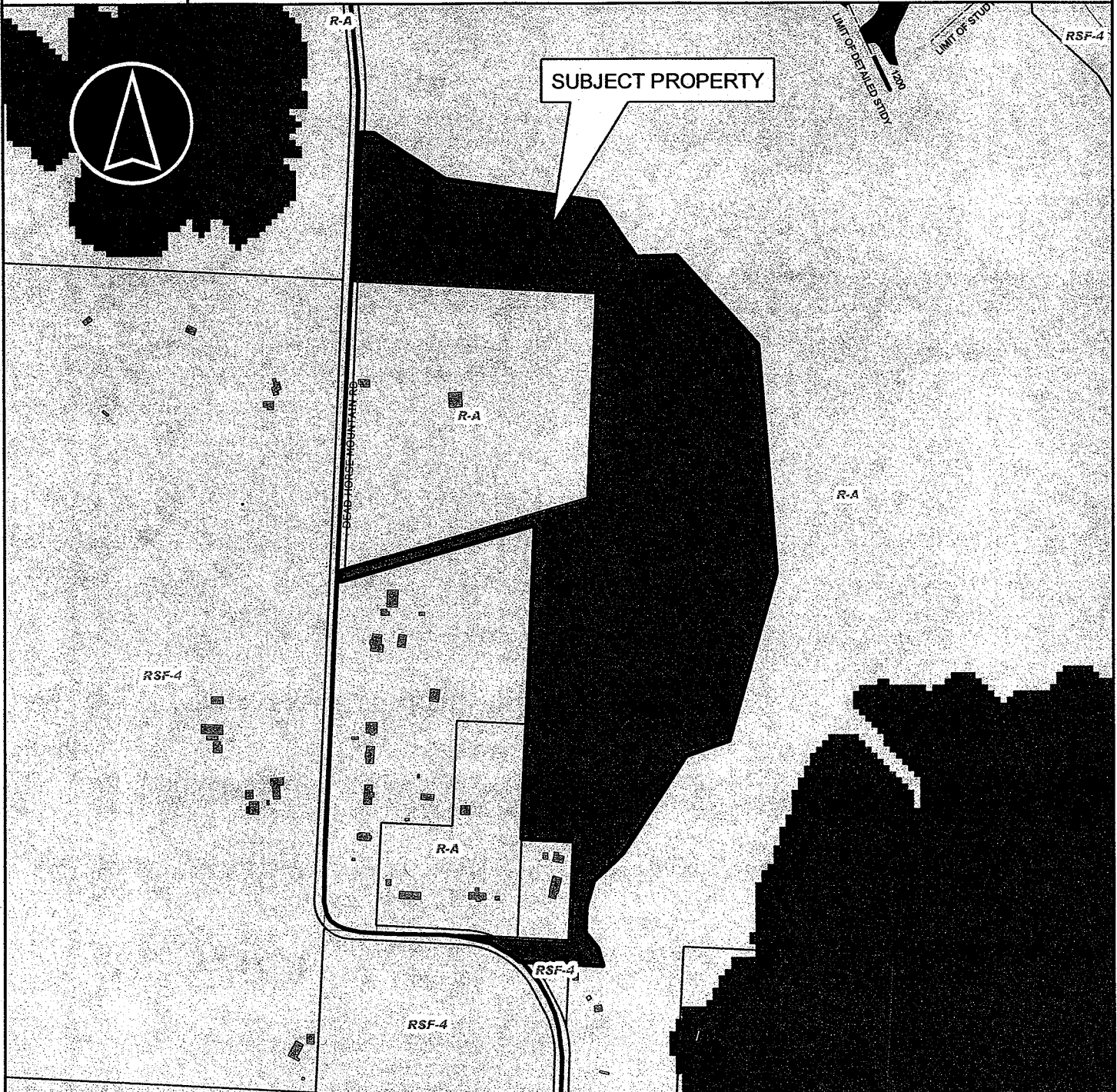
Commissioner Myres stated that she does not support the project. I agree with many of the things discussed about the proposed density being preferable to RSF-2 or RSF-1, but I still don't think the infrastructure can support this amount of development and have to agree with staff that it is not the right time.

Upon roll call the motion to forward the item to the City Council with a recommendation of approval was denied by a vote of 3-4-0, with Commissioners Bryant, Anthes, Myres and Cabe voting "no."

RPZD06-2170

VILLAS AT STONEBRIDGE

Close Up View



Overview

Legend

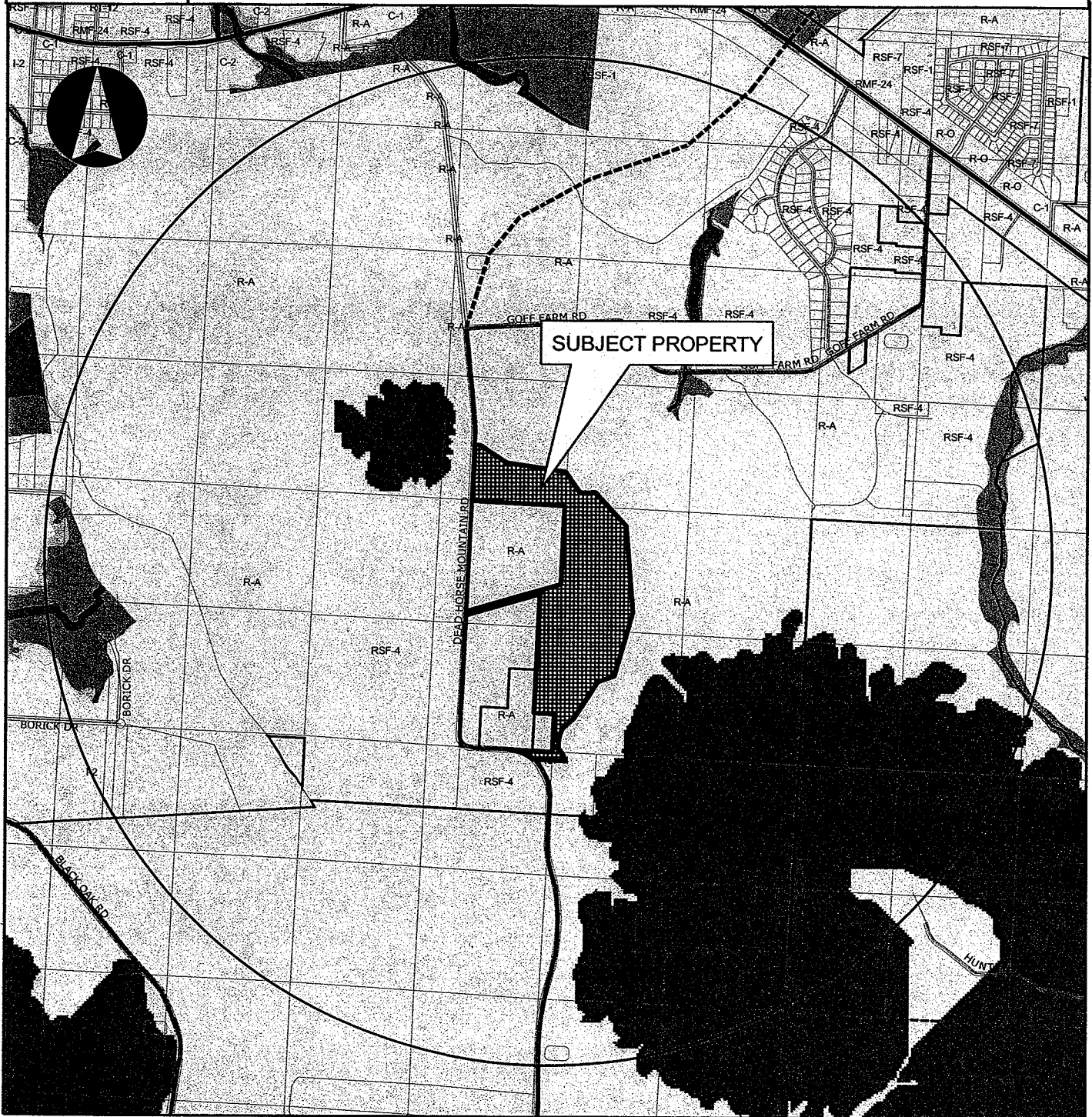
- ○ ○ ○ ○ Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- RPZD06-2170
- vector.GDB.Footprint_2004
- Hillside-Hilltop Overlay District

0 225 450 900 1,350 1,800
 Feet

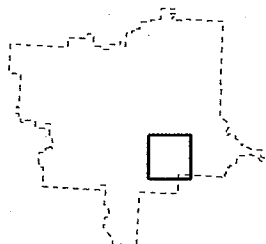
RPZD06-2170

One Mile View

VILLAS AT STONEBRIDGE



Overview



Legend

Subject Property

RPZD06-2170

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD06-2170

Future Land Use

VILLAS AT STONEBRIDGE

SUBJECT PROPERTY

Legend

Building (2004)

Future Land Use 2025

CLASS

Industrial

Non-Municipal Government

Complete Neighborhood Plan

Natural Area

Rural Area

Residential Neighborhood Area

General Urban/City Neighborhood Area

Urban Center Area

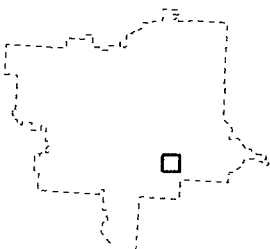
Civic and Private Open Space/Parks

Civic Institutional

Unclassified

ROW

Overview



Legend

Subject Property

RPZD06-2170

Streets

Existing

Planned

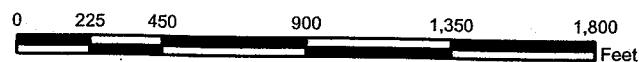
Boundary

Planning Area

Overlay District

Outside City

Legend



City Council Meeting of February 17, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: January 26, 2009

Subject: Appeal for Wilkins (CUP 08-3158)

RECOMMENDATION

The Planning Commission voted to approve the subject Conditional Use Permit request, CUP 08-3158 (Wilkins), with a vote of 7-1-0 (Commissioner Graves voting "no"). Minutes from the meeting are included in this packet. The President of the Jennings-Plus Neighborhood Association has requested three members of the City Council to appeal the Planning Commission decision (see attached letter).

Planning Staff recommended approval of the requested Conditional Use Permit, finding that granting the Conditional Use to operate a small-scale tattoo business (Use Unit 17) adjacent to Archibald Yell Boulevard, a 5-lane highway and major north/south corridor in an existing commercial center, will not adversely affect the public interest and is compatible with the surrounding properties and businesses.

BACKGROUND

In an attempt to resolve a use and sign violation, the applicant submitted an application to the Planning Division for a Conditional Use Permit to operate a Tattoo Business (Use Unit 17) on the subject property. In part, because the City does not have a Business License, the applicant was not aware of the requirements for locating his business at this address. Staff discovered the use violation on the subject property in August 2008 while investigating a sign violation on the site.

Prior to the rezoning of the property for the Downtown Master Plan in 2005, the subject property was zoned C-2, which allowed Use Unit 17 as a permitted use. Due to the high intensity associated with specific uses included in the C-2 zoning district and the mixture of existing uses in the area that range from civic to residential, the property was rezoned as part of the Downtown Master Plan rezoning to the Downtown General zoning district, which allows uses classified under Use Unit 17 only with Planning Commission approval of a conditional use permit. Use Unit 17 contains a variety of uses that range from high intensity uses, such as "Retail Trade Establishments" (car sales/service/repair, used car lots, farm supplies/equipment/repair, and manufactured home sales), to low intensity uses, such as "Personal Help" (bindery, rug cleaning/repair, radio/television repair, tattoo services, taxidermist).

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DISCUSSION

This item was heard at the regular Planning Commission meeting on December 08, 2008. The Planning Commission voted to table the request to the next meeting. The item was heard again at the Planning Commission meeting on January 12, 2009 and was approved. Minutes from both meetings are attached to this report.

Staff finds that the requested use is a low intensity use identified as "Personal Help", as it does not produce noise, odor, glare, smoke, dust, debris, large amounts of waste, vehicular/large truck traffic, vibrations, or any other adverse impacts on adjacent and surrounding properties. Staff finds that the proposed use will have less impact on the adjacent properties and surrounding neighborhood than many uses permitted by-right in the Downtown General zoning district. After a discussion with staff regarding the operation of the proposed use, an inspector of tattoo establishments from the Arkansas Department of Health has verified that the applicant's establishment produces significantly less infectious and contaminated waste than a dental clinic or medical clinic. Upon staff's request, the Fayetteville Police Department has provided information (included in this staff report) regarding the use located on the subject property, as well as similar uses in the city limits, finding there are no specific concerns with similar or larger operations of a similar nature in the City.

Staff finds that the use is a professional use, requiring apprenticeships, testing, certification, and licensing by the Arkansas Department of Health. Staff finds that the business is comparable to a small beauty salon or barber shop, providing a personal service. Staff has found through additional research that many cities consider and classify tattoo businesses as a similar use to a beauty salon or barber shop and zone for them accordingly, recognizing that the tattoo industry has changed considerably in the past few decades and is not associated with the same negative impact to the community such as vagrancy, fighting, drinking issues, or criminal activity. Staff does not find it appropriate to categorize this use with other adult uses, such as bars or other adult establishments, finding that the use merely provides a personal service for the means of personal expression. While minors are prohibited by State law from occupying adult live entertainment, bar, lounge, and sexually oriented establishments, a minor is allowed by State law to occupy a tattoo establishment and to be tattooed by a certified tattoo artist with parental or guardian consent provided on a State approved consent form.

Residents have expressed concern with dangerous traffic conditions specific to Archibald Yell Boulevard. Currently, the site is existing nonconforming, as the property has open access to Archibald Yell Boulevard and Block Avenue, which does not comply with the City's current access management policy; however, staff finds that the request to operate Use Unit 17 in an existing structure does not constitute redevelopment of the site that would enable the City to require site improvements. Chapter 166.08, regulating access to properties, only requires improvements to access upon expansion or improvements greater than 50% of the property value or gross floor area or volume.

Staff finds that the permitted uses in the Downtown General zoning district, including restaurants, dry cleaners, supermarkets, retail, medical clinics, multi-family dwellings, and social and welfare agencies, would likely generate a substantially higher traffic volume than

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Agenda Item Number

the proposed use. Furthermore, should any of these permitted uses operate in any of the existing structures on the site, it is likely that the permitted use would not meet the threshold established by the Unified Development Code to constitute site improvements and would further contribute to the high traffic volume carried by Archibald Yell Boulevard unless a major expansion or major improvements to the building were to occur. Staff finds that the low traffic volume generated by the use (3 to 5 customers per day) will not create or exacerbate a dangerous traffic situation in the area.

The proposed use is compatible with adjacent properties and uses given the mixture of uses in the surrounding area, which include retail, office, personal services (barber shops and beauty salons), a drug store, restaurants, multi-family dwellings, single-family dwellings, a child care center, professional offices, civic uses, and home occupations. Staff finds that the requested use and the operation associated with the use do not pose a threat to the properties, businesses, and residents in the district; however, conditions of approval have been included to ensure that the requested use continues to remain compatible with the other uses in the district. Additionally, staff finds that the State Department of Health strictly regulates the requested use to further ensure the safety of the public.

Staff finds that the hours of operation, as proposed by the applicant, are similar to the hours of operation for an eating place, Use Unit 13, a permitted use in the Downtown General zoning district, which would produce a greater amount of traffic and noise than the requested use. Staff finds that the hours of operation are compatible with the surrounding area and will not have an adverse impact. Outdoor music is not proposed for this property, and staff finds that the operation of the requested use would not produce noise that would affect adjacent or nearby properties. However, the noise ordinance would apply to the subject property and the Downtown General district is classified as a residential zone for the purposes of Chapter 96, Noise Control.

Staff finds that the requested use is lower in intensity and impact than many other permitted uses in the district, as well as other uses allowed by conditional use permits that have been approved in the vicinity. As a point of comparison, in April 2008, the Planning Commission approved a conditional use permit (CUP 08-2942 Natural State) to operate a message therapy and acupuncture (a therapeutic practice involving needles) business for property located at 534 Huntsville Road (approximately one-half mile from the subject property) surrounded by single-family residences. The request was submitted after staff received a report of a code violation at the subject property for operating a home occupation without a conditional use permit. The property owners applied for the home occupation in an effort to remedy the use violation. The property owners were also required to resolve a sign violation associated with the use violation on the subject property. With the hours of operation approved by the Planning Commission and the operation described by the applicant, a maximum of 10 patients/clients can be treated at the subject property each day, which far exceeds the number of customers anticipated by the proposed tattoo shop. The applicant anticipates 3 to 5 customers per day, based on current business.

STAFF RECOMMENDATION

Based on the findings in the staff report, staff recommends in favor of the Conditional Use Permit, with several conditions. First, the applicant shall comply with the Arkansas State Department of Health Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo

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Establishments. The applicant shall maintain the necessary Certification required by the Department of Health for a tattoo and piercing establishment and shall provide proof of said certification upon request by the Planning Commission. As proposed by the applicant, hours of operation for the tattoo establishment shall be limited to Sunday through Thursday, 12:00 PM – 9:00 PM, and Friday and Saturday, 12:00 PM to 11:00 PM. Expansion or modification of the business will require a new conditional use request. Existing and proposed signage shall be wall mounted and approved by a separate sign permit application. All signage associated with the requested use shall comply with Chapter 174, Signs, of the UDC. Any required trash enclosure shall be screened with access not visible from the street and shall comply with the requirements of Chapter 166.14(D)(4)(b) of the Unified Development Code. Pursuant to the requirements of the Arkansas Department of Health, all parts of the shop and its premises shall be kept clean, neat, and free of litter and rubbish by the applicant. Violation of these conditions of approval shall be considered grounds for revocation of the conditional use permit.

BUDGET IMPACT

None.

RECEIVED

JAN 22 2009

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

To: Fayetteville City Clerk
From: Brenda Thiel- Ward 1, position 2 Council Person
Adella Gray- Ward 1, position 1 Council Person
Shirley Lucas- Ward 4, position 1 Council Person
Alan Ostner- President, Jennings- Plus Neighborhood Association
Re: Appeal of Conditional Use 08-3158 for Lowlife Tattoo Parlor
Cc: City Attorney Kit Williams
Date: Friday January 23, 2009

To Whom It May Concern:

We would like to present the Conditional Use 08-3158 granted for Lowlife Tattoo Parlor at the January 12, 2009 Planning Commission meeting for Appeal to the Fayetteville City Council. We believe the Conditional Use was granted without Lowlife complying with several requirements of a Conditional Use as proscribed by Fayetteville Unified Development Code. Some, but not all, of those UDC sections are:

Sect. 163.02 C 3 (b) "That the granting of the Conditional Use will not adversely affect the public interest"

Sect. 163.02 C 3 (c) 2 (a) and (b) "That satisfactory provisions have been made....concerning ingress and egress....pedestrian and automotive safety.....and off street parking....and economic effects on adjoining properties within the district"

Sect. 163.02 C 3 (c) 2 (h) "General compatibility with adjacent properties and other property within the district."

The property for Lowlife Tattoo is located at 275-2 South Archibald Yell Blvd., which is located in Ward 1. As proscribed in the Fayetteville UDC, both the Ward 1 Alderpersons and a third must agree to the appeal before the Fayetteville City Council will hear the appeal. Both the Ward 1 Alderpersons Brenda Thiel and Adella Gray have agreed to the Appeal, as witnessed below, and a third Alderperson as well, Shirley Lucas.

Thank You.

Brenda Thiel

*Brenda Thiel by Dondra Amitt per telephone
conversation on January 22, 2009.*

Adella Gray

Adella Gray 1-22-09

Shirley Lucas

Shirley Lucas



Planning Commission Minutes
January 12, 2009

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CUP 08-3158: (WILKINS / S. ARCHIBALD YELL, 523): Submitted by COLLIN WILKINS for property located at 275-2 SOUTH ARCHIBALD YELL BLVD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.33 acres. The request is for a Tattoo Shop in the DG, DOWNTOWN GENERAL zoning district.

Dara Sanders, Current Planner, gave the staff report, discussing findings of economic impact and compatibility that have been expanded since the previous planning commission meeting. Based on the application and review of the request, staff recommends approval of the project request, with conditions as listed in the staff report.

Collin Wilkins, applicant, discussed traffic issues brought up at the previous meeting. At the last meeting it was said that this intersection is a deathtrap. I strongly disagree. The approach is 50' wide between the curb cuts, there is plenty of room to pull in and out. Visibility is not an issue. I only have on average 3-5 customers per day, so I don't understand the traffic issue. Regarding property values, as discussed in the staff report property values surrounding Knight Times tattoo have gone up since that business has been there. That tattoo shop did not drive down the surrounding property value, so that's not an issue. Regarding the contamination issue, the only way you are going to get contaminated is if I use dirty needles. He discussed State health regulations, inspections, licensing equipment. He discussed disposal of needles; used needles go in a sharps container and are disposed of at a medical store. The contamination factor is not a factor. He discussed the name, and originally wanted Southside Tattoo, but it was used elsewhere. He has spent \$900 on the name of business and sign, and can't afford to change it. He is not happy with the look of the temporary signage on the side of the building and will be removing that regardless of tonight's decision. Regarding character, he is not sure if they're talking about the name of the business or the clientele. Going rate for a tattoo is \$100/hour, so trouble-makers aren't going to be flocking to my shop because it's a tattoo shop. I feel this is a form of discrimination on my business, and the comments don't hold water. In the staff report there is evidence to contradict every complaint made. He discussed signatures on a petition in the neighborhood that approve of his being there. The facts disprove these complaints.

Public comment:

Alan Ostner, President of Jennings Plus Neighborhood Association, the neighborhood area is across the street from Lowlife Tattoo. I was here last time. I won't reiterate everything I said. I had a petition last time of property owners who don't think this establishment is compatible. I don't know Mr. Wilkins. I don't have a problem with the establishment, I have a problem with the location. The Fayetteville Unified Development Code allows Use Unit #17 as a Conditional Use; so it's not a form of discrimination. Conditional Use Permits get denied all the time. The staff report says there are all sorts of businesses around it, including restaurants, and auto parts stores, but they're all a quarter-mile away. I can't see any of that from here. He discussed Bungalow Babies (daycare) one house up the street. I have concern with Lowlife Tattoo being next door. I have conflicting opinions about part of the staff report. I appreciate the research on other cities allowing this use as a use by right, but we don't. Why didn't the City Council and the people of Fayetteville say this use should be allowed by right in this zoning district? I don't feel it is compatible next to upscale retail establishment that will be coming in with Mr. Ball. I don't feel this tattoo parlor is a touchstone for future development in

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this site. I think this is an incompatible use and I wish for you to turn it down it tonight.

Rebecca Latourette, citizen, owns property at 205 W. South St., half-block from this business. This business has demonstrated a lack of regard for compliance by starting this business and continuing to operate without a permit. A person is entitled to call their business whatever they want, but the fact of the matter is this business is not permitted by zoning. I don't know if this person is the owner of the building or renting, but it might have made a difference. I understand this business is open until 11:00 PM, which may impact people that live nearby. Whether the signatures on the applicant's petition are owners or renters makes a difference. I cannot compare this business to Knight Times, because that's surrounded by businesses. It is not the same with this piece of property, which is surrounded by residential housing. I am asking you to turn down this request for Conditional Use Permit.

J.R. Ball, citizen, stated he owns building to the southwest at 118 W. South St. I bought the building in 2008. I have mixed emotions about this. I am opposed to it because of what I'm trying to do with this building. On the surface the business seems clean, and I've seen no problems while we've been under construction. However, the perception of the public moves me to be opposed to this. We have 5,000 square feet we are turning into retail/fashion design and art studio, art shows, etc. The renovations are costing a lot of money. I have to be in opposition.

Dede Peters, citizen, owns an art gallery on Mountain Street. She quoted a study from 2006 showing that 36% of Americans aged 18-25 have a tattoo, and 40% of Americans between 26-40 have a tattoo. So tattoos are mainstream and no longer underground. If the City required a business license, this could have been avoided. I believe tattoo shops, currently considered as Use Unit 17, should be Use Unit 15, like the barber shop. There are some salons in town that offer cosmetic tattoos and are allowed under their use unit. Tattooing requires skill, it is entrepreneurial, provides income tax, is a local business contributing to the local economy. The tattoo industry falls in the creative sector, the 3rd largest economy in the State. As a person doing business downtown, I feel it's vital to have retail on the street level, and continue to be hospitable to the entrepreneurial spirit. With the amount of people that have tattoos today, I feel some of the opinions expressed are prejudiced, uneducated, and elitist.

Richard Russell, citizen, stated he lives at 401 S. College and has seen a lot of changes in the neighborhood since 2001. I was encouraged when planning got involved in the area. I was a beneficiary of the rezoning, and the fresh look at the area. During these years, I've seen quite a few cases of people leaving and coming in, improving the area. I believe we should take some time and let the planning take shape into reality. I haven't had long enough to see the good that can come from that careful and extended effort. For some reason, this use is not allowed, so let's be considerate of that and work with some things that are allowed.

Christy Zweig, neighbor, stated she lives directly behind the building Mr. Ball bought. I have two tattoos, but still don't think it's appropriate. I have invested a lot of money in my nearby property. The owner of this business has said he doesn't have enough money to even change the name, so obviously it's not a thriving business. Regardless of what it is, we don't need a business that's not thriving. It won't be compatible with Mr. Ball's development, with the retail going in there.

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Susan Pocrivnak, citizen, lives on West Fourth Street, discussed earrings coming into style in the 1960's. It was an anomaly then, but now quite common. Things change. She discussed tattoos and the neighborhood area. The tattoo shop looks the nicest in the area. I think "Lowlife" is tongue-in-cheek and supposed to be funny. It's an art form. She stated that she is in support of the request.

Bob Stack, citizen, stated he was a retired real estate agent. I would like to see this approved. Mr. Ball is doing a great job with what used to be next door. Tattoo is an art and conforms to the neighborhood. As for the previous comment about having invested lots of money in nearby property; when that money was invested, there was an adult novelty shop next door. This didn't just happen. I think it's compatible. I don't see a big difference between this shop and a barber shop across the lot.

Laverne Cooper, citizen, stated she uses the corridor a lot. I noticed this portion of town was looking better. A few days later, we see "Lowlife" on the building. We thought it was graffiti. I don't think it's compatible with the neighborhood.

No more public comment was received.

Commissioner Kennedy asked if the needles don't mix with the regular trash.

Wilkins described the needle disposal process. Needles go into the sharps container and never touch the trash; never go near it.

Commissioner Cabe asked if we can hold the fact that he opened a business without a permit against him.

Kit Williams, City Attorney, stated it is not one of the specific conditions. The major consideration is compatibility. Once we began the Conditional Use Permit process, enforcement of the violations were suspended.

Jeremy Pate, Director of Current Planning, discussed business licenses, Certificates of Zoning Compliance. If businesses apply for a sign permit, building permit, etc., staff requires a Certificate of Zoning Compliance. It's the best mechanism we've found for catching businesses that are operating without a Certificate of Zoning Compliance.

Commissioner Cabe asked for clarification about Conditional Use Permits and whether the use is technically "allowed."

Williams stated that it is not a use by right, where you would automatically have a right to put in the use. It's certainly not illegal as long as the Planning Commission would grant the use. It's a use that's questionable, where City Council feels it should sometimes be allowed and sometimes not be allowed. That's why they make it a Conditional Use, to let the Planning Commission review the situations. The real issue is general compatibility with adjacent properties and other properties within the district. It's not defined very precisely because I don't think it can be. It's something where you have to listen to the neighbors and use your own judgment on.

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Commissioner Winston asked if this is in the Fayetteville Arts District boundary.

Pate stated that for the most part it follows the downtown district boundary.

Commissioner Anthes described boundaries of the Fayetteville Arts District as being the downtown district, plus a finger that includes the Mill District and down 6th Street to incorporate some studios there.

Commissioner Winston asked if the boundary runs down Archibald Yell Blvd.

Commissioner Anthes said she does not recall, specifically.

Commissioner Winston asked about the boundary of the Walker Park neighborhood.

Pate stated that the northern boundary of that neighborhood was along Archibald Yell.

Commissioner Anthes asked about space currently used on the site as storage. Is storage a use allowed in downtown zoning right now?

Pate stated that it was, as long as it was ancillary to another use.

Commissioner Anthes asked if staff has looked into that property.

Sanders stated that they have, and it is an ancillary use.

Commissioner Anthes stated that although Mr. Wilkins may not have done himself any favors with his neighbors by selecting the business name he did, that the name of the business is a First Amendment right protected by the U.S. Constitution and is not something we can talk about here in this room. There's a convenience store around here called the Kum-and-Go, and I would think that might be more offensive to others than Lowlife Tattoo. I thank Mr. Wilkins for knowing how to spell. The other thing that has been distressing me from the general discussion is the implication that a tattoo artist is an undesirable that will make neighborhoods lose their value and corrupt their children. Given that these tattoo artists are licensed professionals, they have apprenticeships, take written exams, pay license fees, subject to regular inspections by the State Health Department, I feel we need to take them on that professional level and not ascribe some other perception on them that may not be correct. There have also been comments made tonight about how the investment in this small business in this property is somehow unequal to or less than other investments made in the area. I don't think that is correct, either. We see many Conditional Use Permits come through after the fact, but I find it's mainly because of not knowing the City procedures, and not a blatant disrespect for the law. I'd like staff to tell us what all is included in Use Unit 17 besides tattoo shops, because individual uses aren't called out for as permissible or impermissible, they are together in a group, and the flavor of that group is what makes it a use by right or a conditional use.

Pate read the uses included in Use Unit 17 from the Unified Development Code. You will often see

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some of the included uses in other Use Units, which often poses a challenge in similar situations.

Commissioner Anthes stated that it solidifies her point. I was one of the Commissioners here who evaluated the Downtown Master Plan zoning districts, and we went use unit by use unit through this and made recommendations to City Council about what we thought should be allowed by right and what should not be allowed. I believe my vote would have been that this was a use unit that provided an intensity of use that shouldn't be automatically approved in the Downtown General zoning district, and that intensity of use is tied to things like the car lots and things like the cabinet shop and car repair and things that would make a lot of noise and may be intrusive to the neighborhood. I don't think this particular shop with two employees and 3-5 customers per day meets the kind of intensity that would be too much to handle in Downtown General which is a very eclectic and mixed-use type of area. To not approve this just because you don't like this type of business—some people don't like lawyers either, but it's not a reason you don't allow them in your neighborhood. Regarding the findings on compatibility, under our charge here tonight with this Conditional Use Permit, mostly the Planning Commission, while we do evaluate use, a lot of that use is tied to building form, issues of traffic and access and development. In this particular case, it's a business occupying an existing building that's not being renovated over 50% of its value, and for a lot of the things that we have a lot of leeway with, they don't kick in for this particular project. Can staff reiterate what the specific findings under compatibility are?

Pate discussed the findings listed in the staff report.

Commissioner Anthes stated she agreed with staff's findings, and as far as general compatibility, since the building is not being altered but is being cleaned up. For me it comes down to whether a licensed business subject to regular inspections by the State Health Department can be in this location, and for myself I find that is yes, and I will be voting to support this application.

Commissioner Lack stated he finds in favor of compatibility with this establishment. The discussion about the Cultural Arts District enforces that. This use is an enhancement of that district.

Motion:

Commissioner Myres made a motion to approve the request with conditions as listed in the staff report. **Commissioner Anthes** seconded the motion. **Upon roll call the motion passed with a vote of 7-1-0, with Commissioner Graves voting no.**

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CUP 08-3158: (WILKINS / S. ARCHIBALD YELL, 523): Submitted by COLLIN WILKINS for property located at 275-2 SOUTH ARCHIBALD YELL BLVD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.33 acres. The request is for a Tattoo Shop in the DG, DOWNTOWN GENERAL zoning district.

Dara Sanders, Current Planner, gave the staff report, detailing the background of the site and previous uses. The business has been in operation since January 2008. A sign violation brought this use to staff's attention. Finding that the low-intensity use compatible with surrounding uses and zoning, staff is recommending approval with conditions as listed in the staff report.

Collin Wilkins, applicant, stated that the business actually opened in July 2008, not January. He apologized for not getting permits, as he is not experienced in the process.

Public Comment:

Alan Ostner, neighbor, president of Jennings Plus Neighborhood Association. When the Neighborhood Association saw the public notice sign, we took a vote. The results were 14-2 that we wanted the CUP denied. There would have been more votes within the Neighborhood Association if there had been more time. The staff report findings state that there are no substantial economic, noise, glare or odor effects. I disagree absolutely. If there are going to be no economic effects, why isn't a tattoo parlor allowed by right? It is because there are special circumstances that would allow a tattoo parlor in a neighborhood. Off-Street parking and loading was not thoroughly discussed in the staff report. Everyone who lives there knows that intersection is a deathtrap. It's a good thing that businesses have not done well there, because there would be a lot more vehicular and pedestrian problems. If these issues had been discussed more thoroughly in the staff report, I don't think the determination would be to let this business continue. The other item (C)(3)(c)(2)(h), last paragraph of staff report, discusses general compatibility with adjacent properties. The finding is that the proposed use is compatible with adjacent properties, low intensity use, and the business has been there since January. We have just learned that it has not been in operation since January, only for a month or two. This business is not compatible at all. If it were, it would be allowed by right. In the applicant's letter to Mr. Garner in the staff report, he states there would be nobody in the area to bother. Many of us are offended by this, we live around the business, we drive by on a daily basis, and Mr. Wilkins is saying that none of us count. This is not the case. We would like to see businesses that are part of our neighborhood, not ones that go against us. This is not an appropriate use. It would be a great use in another part of town, where there are grown-up activities going on, a mile or two north or south on College where there are gentlemen's clubs, bars, bail bondsmen. I do not have a problem with tattoo parlors, I have a problem with inappropriate zoning that destroys neighborhood character, a neighborhood that is struggling to improve itself. This summer, 'This Old House Magazine' published the Walker Park neighborhood as one of the best places in the south to buy an old home. The article mentioned that the character is still in place and there had been a Walker Park Master Plan that was supposed to "tidy up" the zoning. The economic impact is real. Appraisers will lower the price of homes because they are near to a tattoo parlor. Families are raising children in this neighborhood. My eight-year-old saw the Lowlife Tattoo sign and asked me what a "lowlife" is, and I had to tell him. It's a funny name for a business, but

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not in this neighborhood. Not against the business, against the location. It's an incompatible use and destroys things that staff helped us build for the neighborhood. The Walker Park Master Plan was a big step forward, so please don't move the neighborhood backwards and vote for this.

Rob Sharp, neighbor, stated he had several comments. Staff report notes that the zoning used to be C-2, but I am not sure what the point of that is, whether it is saying that had the request been submitted years ago it wouldn't have been an issue, or if they are trying to track the trend from what used to be allowed to what is now allowed under DG zoning. I participated in many of the charrettes and don't recall anyone saying that what we need in the neighborhood is more tattoo parlors. It's hard to see from Archibald Yell, but this neighborhood is going the right way. So when the staff report says when the use would have been OK a few years ago in C-2, it is more important to acknowledge that is not OK now. My second point is that to grant a CUP, there needs to be a compelling reason for the business. I do not have a problem with tattoo parlors in general, but what we have here is a business that does not meet the sign ordinance, access management ordinance, landscape ordinance, architectural standards, is not doing anything above the bare minimum, and does not even meet the bare minimum of the Code. Please deny the conditional use request for this business.

Richard Russell, neighbor, lives at 401 S. College, asked about the conditions in the staff report, and whether any of those addressed the medical waste generated by a tattoo parlor. Where do gloves and needles go? He shared concerns about access covered with gravel. The building is stark white with black stenciled sign. It is not welcoming.

Commissioner Graves asked if there are City ordinances that deal with waste, and whether its distance from residential properties is regulated.

Kit Williams, City Attorney, stated that the UDC doesn't regulate those two issues, but that the State health department may regulate it.

Commissioner Graves stated he agrees with the comments by all members of public regarding where we see this area of town going. This is surrounded on three sides by residential property. He is concerned with the waste and type of use with residential nearby. The hours of operation are too late.

Commissioner Myres asked if tattoo parlors are regulated by the state.

Wilkins stated that they are, and that he and the other employee at the business are both licensed tattoo artists. He has been inspected and approved by the state health department. He would like to address issues raised by public comment. When I wrote that, "there was no one to bother", I didn't mean it as an insult, I was thinking about my immediate surroundings, including what used to be an adult novelty shop, and currently a barber shop, and a restaurant. I wasn't thinking I would bother anyone with noise and traffic. As far as bringing the neighborhood value down, 'lowlife' was intended as satire. Tattoo shops don't always belong in bar districts, since we don't tattoo people who are intoxicated. Tattoo shops are quiet, easygoing places, they are not rambunctious. I own a restaurant here in town and I can tell you the state health department will

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be harder on me at the tattoo shop then they will at the restaurant. Tattoo shops are not the way they used to be. They are clean. He stated that he understands the neighborhood concerns, as these neighborhoods have been planned and are on the upswing in the future.

Commissioner Myres stated she has been ambivalent about this from the beginning. She stated that she thinks this business has been run as cleanly as possible, but also understands the concern of the neighborhood, the care and trouble that has been taken over the last five years to study and encourage redevelopment in the area. She knows the neighborhood takes pride in what they are now and promise to become in the future. She cannot support this request because she thinks it goes against the intent of the Downtown Master Plan and the vision for that part of town. She doesn't like the idea of telling someone they can't have a business but doesn't think it's the right place for it.

Commissioner Winston asked if this Conditional Use Permit had to have a compelling need, and whether that is a requirement for approval.

Andrew Garner, Senior Planner, stated that in the staff report and UDC, there are specific conditions and specific findings that the planning commission has to make in order to approve a CUP. None of those findings mention a specific need, or an overwhelming argument that it is needed to have a CUP. There are certain applications that do require similar findings, for instance a rezoning application. For a CUP there is not that particular finding made and there is nothing a CUP has to do as far as offering things to the public.

Commissioner Winston stated that he felt the main issue was the image. It is not quantifiable, but the "Lowlife" image is not appropriate. The use itself may be appropriate, but not the business as presented.

Commissioner Graves stated that he was opposed to this use in this residential location. He finds that the generation of medical waste is hazardous to the neighborhood.

Commissioner Lack stated that he believes Archibald Yell Blvd does have a business atmosphere, and in Downtown General zoning a tattoo parlor is allowed by CUP because it may be appropriate. As far as who sets the conditions, it's his opinion that the conditions are established primarily by the findings. The findings are the conditions to determine whether or not it is appropriate. If it meets these conditions, then it is appropriate to pass a CUP for that use in that zoning. He agrees with staff's findings. Image-wise, he would have no opinion about that. He works across the street from a tattoo parlor and it is one of the quietest businesses on the street and least impactful for that square footage. Whether or not he personally agrees with the tattoo "culture" is irrelevant. He finds in favor of granting the conditional use permit. He would like to revisit the hours of operation to be more compatible with the neighborhood.

Wilkins stated that if needed, he is willing to peel the letters off the shop and change the name if it is bothering people. He would like to table the request if needed.

Commissioner Trumbo stated he is not opposed to the use. He is not crazy about the image of the

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building and the name, but is not looking at that. He sees Archibald Yell as a street that allows such uses and would be supportive of the request, though he would certainly welcome a new name and a re-imaging of the building.

Motion:

Commissioner Winston made a motion to table the request until January 12 to give the applicant time to work on image issues with the building, and to allow the public more time to comment. **Commissioner Myres** seconded the motion.

Commissioner Graves expressed his lack of comfort with this body having anything to do with what the business names itself, or what signs it has with that name on it. I am opposed to tabling because I don't see the reason for it, but I would be uncomfortable with this body inserting itself into what a citizen decides to name their business.

Commissioner Trumbo asked the City Attorney if he had any comments or concerns regarding the name of the business.

Kit Williams, City Attorney stated that he had no comment.

Upon roll call the motion passed with a vote of 5-2-0, with Commissioners Graves and Myres voting no.

All business concluded, the meeting was adjourned at 6:35 PM.



PC Meeting of January 12, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~December 19, 2008~~ Updated January 13, 2009

CUP 00-3158: (WILKINS / S. ARCHIBALD YELL, 523): Submitted by COLLIN WILKINS for property located at 275-2 SOUTH ARCHIBALD YELL BOULEVARD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.33 acres. The request is for Use Unit 17 in the DG, DOWNTOWN GENERAL, zoning district. Planner: Dara Sanders

BACKGROUND:

December 8, 2008 Planning Commission Meeting: This item was heard at the December 8, 2008 Planning Commission meeting. There were three members of the public at that meeting that spoke in opposition to the project. Some of the issues discussed by members of the public included traffic safety accessing the site, adverse impacts to the neighborhood and community character, and other concerns with the image of the proposed business. After much discussion the Planning Commission tabled the item. The December 8th meeting minutes have been attached to this report. In response to some of the public and Planning Commission comments brought up at that meeting, supplemental information has been provided by the applicant and several of the findings of fact in the report have been revised with additional discussion.

Property Description and History: The subject property is located at the northwest corner of the South Archibald Yell Boulevard and Block Avenue intersection. The 0.33-acre site is zoned Downtown General and contains two existing structures that include small residential units, a barber shop, a tattoo shop, and a space currently utilized as storage. In 2005, the property was rezoned from C-2, Thoroughfare Commercial, to DG, Downtown General as part of the Downtown Master Plan. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Office, Residential, Civic	DG, Downtown General
South	Residential	DG, Downtown General
East	Vacant lot, Restaurant	DG, Downtown General
West	Residential, Office, Retail	DG, Downtown General

Historically, the site has been utilized for a variety of uses that included a small motel, an artist studio, and the Fayetteville Free Weekly. A tattoo shop has operated at the subject property since July 2008. Staff discovered the use violation in August 2008 while investigating a sign violation on the site. Further proceedings on the sign violation have been suspended to await the Planning Commission discussion on the CUP request.

Request: In an effort to resolve the use violation, the applicant requests approval of a conditional use permit to operate a Tattoo Shop (Use Unit 17) with a maximum of 2 employees in an existing 1,200 sq. ft. structure in the Downtown General zoning district. Approval of the Conditional Use Permit would bring the business into compliance and allow the use to continue utilizing the current location for the existing business. The applicant proposes to limit the hours of operation to Tuesday through Thursday, 12:00 PM to 9:00 PM, and Friday and Saturday, 12:00 PM to 11:00 PM. Staff finds that the hours of operation, as proposed by the applicant, are similar to the hours of operation for an eating place, Use Unit 13, a permitted use in the Downtown General zoning district, which would produce a greater amount of traffic and noise than the requested use. Staff finds that the hours of operation are compatible with the surrounding area and will not have an adverse impact. Outdoor music is not proposed for this property, and staff finds that the operation of the requested use would not produce noise that would affect adjacent or nearby properties. However, the noise ordinance, listed in Table 1, would apply to the subject property.

TABLE 1

Use Districts	Maximum Time	Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

For the purposes of Chapter 96 Noise Control, of the City Code, the Downtown General district operates under residential zone levels.

Sidewalk: There is an existing sidewalk on the subject property located at the right-of-way line.

Public Comment: Staff has received public comment in both support and objection of this request. Written comments have been included in the staff report. Three members of the public spoke against

the request at the December 8th Planning Commission meeting.

Discussion: Prior to the rezoning of the property for the Downtown Master Plan in 2005, the subject property was zoned C-2, which allowed Use Unit 17 as a permitted use. Due to the high intensity associated with specific uses included in the C-2 zoning district and the mixture of existing uses in the area that range from civic to residential, the property was rezoned as part of the Downtown Master Plan rezoning to the Downtown General zoning district, which allows uses classified under Use Unit 17 only with Planning Commission approval of a conditional use permit. Use Unit 17 contains a variety of uses that range from high intensity uses, such as "Retail Trade Establishments" (car sales/service/repair, used car lots, farm supplies/equipment/repair, and manufactured home sales), to low intensity uses, such as "Personal Help" (bindery, rug cleaning/repair, radio/television repair, tattoo services, taxidermist). Staff finds that the requested use is a low intensity use identified as "Personal Help", as it does not produce noise, odor, glare, smoke, dust, debris, large amounts of waste, vehicular/large truck traffic, vibrations, or any other adverse impacts on adjacent and surrounding properties.

Based on the application and the findings for a Conditional Use Permit, staff is in support of the request, finding that the subject property, adjacent to a 5-lane highway and primary north/west thoroughfare in the City, is an appropriate location for the business. Additionally, staff finds that the use will not adversely affect the public interest in this mixed-use neighborhood and zoning district, as the operation of the requested use will have a minimal impact on adjacent and surrounding businesses and residents. Uses in the vicinity include retail, professional office, personal services (barber shops and beauty salons), a drug store, restaurants, multi-family dwellings, single-family dwellings, a child care center, medical offices, civic uses, a used car dealership, art studios, repair shops, and home occupations.

Staff finds that the business is comparable to a small beauty salon or barber shop, providing a personal service. Staff has found through additional research that many cities consider and classify tattoo businesses as a similar use to a beauty salon or barber shop and zone for them accordingly, recognizing that the tattoo industry has changed considerably in the past few decades and is not associated with the same negative impact to the community such as vagrancy, fighting, drinking issues, or criminal activity. Upon staff's request, the Fayetteville Police Department has provided information (included in this staff report) regarding the use located on the subject property, as well as similar uses in the city limits, finding there are no specific concerns with similar or larger operations of a similar nature in the City.

Staff does not find it appropriate to categorize this use with other adult uses, such as bars or other adult establishments, finding that the use merely provides a personal service for the means of personal expression. While minors are prohibited by State law from occupying adult live entertainment, bar, lounge, and sexually oriented establishments, a minor is allowed by State law to occupy a tattoo establishment and to be tattooed by a certified tattoo artist with parental or guardian consent provided on a State approved consent form.

Staff finds that the requested use does not pose a health or contamination threat to the surrounding

area. This use and the premises on which the use operates is strictly regulated and monitored by the Arkansas Department of Health in order to promote a healthy and safe environment for the employees, customers, and surrounding businesses and residents. The applicant has obtained all required certification from the Arkansas Department of Health. The Department's Rules and Regulations for tattoo establishments are included in this staff report.

The Department of Health has access to and is empowered to enter any and all parts of the premises of a tattoo establishment for the purpose of making inspections to determine compliance with the rules and regulations. Regulation of equipment, specifically needles, is also monitored by the State Department of Health (see page 9 of the Department's Rules and Regulations). The disposal procedure of infectious waste (in this case, needles) is similar to that of a medical or dental clinic, which are permitted uses in the Downtown General zoning district. However, after a discussion with staff regarding the operation of the proposed use, an inspector of tattoo establishments from the Arkansas Department of Health has verified that the applicant's establishment produces significantly less infectious and contaminated waste than a dental clinic or medical clinic.

RECOMMENDED MOTION:

Based on the findings of the Conditional Use Permit included in this report, staff recommends approval of CUP 08-3158 with the following condition(s):

- 1. The applicant shall comply with the Arkansas State Department of Health Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments. The applicant shall maintain the necessary Certification required by the Arkansas State Department of Health for a tattoo and piercing establishment and shall provide proof of said certification upon request by the Planning Division.**
- 2. As proposed by the applicant, hours of operation for the tattoo establishment shall be limited to Sunday through Thursday, 12:00 PM – 9:00 PM, and Friday and Saturday, 12:00 PM to 11:00 PM.**
- 3. Expansion or modification of the business will require a new conditional use request.**
- 4. Existing and proposed signage shall be wall mounted and approved by a separate sign permit application. All signage associated with the requested use shall comply with the Chapter 174, Signs, of the UDC.**
- 5. Any required trash enclosure shall be screened with access not visible from the street and shall comply with the requirements of Chapter 166014(D)(4)(b) of the Unified Development Code.**
- 6. Pursuant to the requirements of the Arkansas Department of Health, all parts of the shop and its premises shall be kept clean, neat, and free of litter and rubbish by the applicant.**

7. Violation of these conditions of approval shall be considered grounds for revocation of the conditional use permit.

PLANNING COMMISSION ACTION: Required YES
x Approved ☐ Denied ☐ Tabled

Motion: Myres

Second: Anthes

Vote: 7-1-0, with Commissioner Graves voting "no"

Date: January 12, 2009

Section 163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a letter requesting conditional use permit approval to allow Use Unit 17 within the Downtown General zoning district.

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in

the application to grant the conditional use; and

Finding: The Planning Commission is empowered under §161.22 to grant a conditional use permit to allow for Use Unit 17 in the Downtown General zoning district.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Prior to the rezoning of the property for the Downtown Master Plan, the subject property was zoned C-2, which allowed a tattoo shop (Use Unit 17) as a permitted use. Due to the mixed use and residential nature of the existing neighborhood and the high intensity associated with specific uses included in this use unit, the Downtown General zoning district allows uses classified under Use Unit 17 only with Planning Commission approval of a conditional use permit. Use Unit 17 contains a variety of uses that range from high intensity uses, such as "Retail Trade Establishments" (car sales/service/repair, used car lots, farm supplies/equipment/repair, and manufactured home sales), to low intensity uses, such as "Personal Help" (bindery, rug cleaning/repair, radio/television repair, tattoo services, taxidermist). A complete list of the uses in Unit 17 is included in this staff report. Staff finds that the requested use is a low intensity uses identified as "Personal Help", as it does not produce noise, odor, glare, smoke, dust, debris, large amounts of waste, significant vehicular traffic, large truck traffic, vibrations, or any other adverse impact on adjacent and surrounding properties.

A tattoo business has been in operation at this location since July 2008. The Fayetteville Police Department has provided information (included in this staff report) regarding the use located on the subject property, as well as similar uses in the city limits, finding there are no specific concerns with similar or larger operations of a similar nature in the City.

Staff finds that the subject property, located adjacent to Archibald Yell Boulevard – a Principal Arterial and primary north/south corridor – is an appropriate location for a tattoo business, as the site is small with limited parking capacity and an existing structure that accommodates a variety of uses. Staff finds that the use will not adversely affect the public interest in this mixed use neighborhood and zoning district. Uses in the vicinity include retail, office, personal services (barber shops and beauty salons), a drug store, restaurants, multi-family dwellings, single-family dwellings, a child care center, professional offices, civic uses, and home occupations.

The tattoo business currently operates in a 1,200 sq. ft. structure adjacent to Archibald Yell Boulevard (a Principal Arterial), employs a maximum of two people, with the ability to serve two customers at a time and approximately 3 to

5 customers per day. Staff finds that the business is a low intensity use, comparable to a small beauty salon or barber shop, providing a personal service. Staff has found through additional research that many cities consider and zone tattoo businesses as a similar use to a beauty salon or barber shop, recognizing that the tattoo industry has changed considerable in the last 10 years and is not associated with the same negative impact to the community such as vagrancy, fighting, drinking issues, or criminal activity. The tattoo industry has shifted to a business that provides a personal service for a variety of interest groups and is now perceived as a 'permanent cosmetic' business, as it is classified by the Arkansas Department of Health.

The requested use is not subject to special use conditions. Additionally, staff does not find that this use is an appropriate use to be categorized with other adult uses, such as bars or other adult establishments, finding that the use merely provides a personal service for the means of personal expression. While minors are prohibited by State law from occupying adult live entertainment, bar, lounge, and sexually oriented establishments, a minor is allowed by State law to occupy a tattoo establishment and to be tattooed by a certified tattoo artist with parental or guardian consent provided on a State approved consent form (see page 6 of the Department of Health's Rules and Regulations included in this staff report).

Residents and the Commission have cited safety concerns regarding waste and contamination associated with the requested use. Staff finds that the requested use does not pose a health or contamination threat to the surrounding area. Staff finds that the type of use is strictly regulated and monitored by the Arkansas Department of Health in order to promote a healthy and safe environment for the employees, customers, and surrounding businesses and residents. The Department's Rules and Regulations are included in this staff report. The Department has access to and is empowered to enter any and all parts of the premises of a tattoo establishment for the purpose of making inspections to determine compliances with the rules and regulations (see page 11 of the Department's Rules and Regulations).

The applicant has obtained certification from the Arkansas Department of Health, which required successful completion of an examination to verify that the applicant has knowledge of bacteriology and property technique to assure that infection and contagious disease are not spread (see page 3 of the Department's Rules and Regulations). Certification expires on December 31st of each year and is renewable when the applicant meets all the current applicable requirements of the Rules and Regulations Pertaining to the Control of Communicable Diseases.

The Arkansas Department of Health also requires Establishment Sanitation

Certification for the operation of tattoo establishments, which is issued by a Health Officer (see pages 3 and 4 of the Department's Rules and Regulations). Establishment Sanitation Certification expires on December 31st of each year and is renewable only upon completion of an inspection conducted by the Department of Health.

Furthermore, the Arkansas Department of Health strictly monitors the condition of the physical environment (see page 4 of the Department's Rules and Regulations). As a certified tattoo artist by the Arkansas Department of Health, the applicant is required to maintain the building and equipment in good repair at all times. All parts of the shop and its premises are required to be kept clean, neat, and free of litter and rubbish.

Staff finds that the requested use does not pose a threat to children or adults in or passing through the neighborhood. Contamination and public health/safety threats have been addressed in the information listed above. Additionally, the State prohibits the application of a tattoo to any person less than 18 years of age without written consent of the parent or guardian (see page 6 of the Department's Rules and Regulations). Parental or guardian consent is recorded on forms approved by the Health Officer and presented to the tattoo establishment officer by the parent or guardian. Records of the written consents are to be kept on file for no less than two (2) years by the operator and are to be available at the time of inspection by the Health Officer.

Regulation of equipment, specifically needles, is also monitored by the State Department of Health (see page 9 of the Department's Rules and Regulations). The disposal procedure of infectious waste (including needles) is similar to that of a medical or dental clinic, which are permitted uses in the Downtown General zoning district under Use Unit 12. However, after a discussion with staff regarding the operation of the proposed use, an inspector of tattoo establishments from the Arkansas Department of Health has verified that the requested use produces significantly less infectious and contaminated waste than a dental clinic and as much or less infectious and contaminated waste than a medical clinic. Staff has included in this staff report the Arkansas Department of Health rules and regulations pertaining to tattoo establishments, and the applicant has provided a description of the waste management and disposal procedures practiced at the subject property.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are no further specific rules governing this conditional use request in the

UDC.

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: Currently, the site is existing nonconforming, as the property has open access to Archibald Yell Boulevard and Block Avenue, which does not comply with the City's current access management policy; however, staff finds that the request to operate Use Unit 17 in an existing structure does not constitute redevelopment of the site that would require site improvements. Chapter 166.08, regulating access to properties, only requires improvements to access upon expansion or improvements greater than 50% of the property value or gross floor area or volume.

Residents have expressed concern with dangerous traffic conditions specific to Archibald Yell Boulevard. Staff finds that the permitted uses in the Downtown General zoning district, including restaurants, dry cleaners, supermarkets, retail, medical clinics, multi-family dwellings, and social and welfare agencies, would likely generate a substantially higher traffic volume than the proposed use. Furthermore, should any of these permitted uses operate in any of the existing structures on the site, it is likely that the permitted use would not meet the threshold established by the Unified Development Code to constitute site improvements and would further contribute to the high traffic volume carried by Archibald Yell Boulevard unless a major expansion or major improvements to the building were to occur. Staff finds that the low traffic volume generated by the use (3 to 5 customers per day) will not create or exacerbate a dangerous traffic situation in the area.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: This property, located within the Downtown General zoning district, is exempt from the parking requirements, Chapter 172.05(A)(2); however, staff finds that sufficient parking for the use does exist on the site.

Staff finds that no substantial noise, glare or odor effects of the special exception on adjoining properties are anticipated. All activity is proposed to take place inside the structure. The proposed use does not require designated loading areas, as large truck traffic and delivery services are not necessary for the proposed operation, nor is mechanical equipment, that would impose noise, glare, or odor effects on adjacent and surrounding properties.

Furthermore, staff finds no direct evidence to support any claim or to demonstrate that the requested use or off-street parking and loading areas associated with the use will have a substantial economic effect on adjoining properties or properties generally in the district. Staff finds that a vacant structure is more likely have a detrimental economic and safety effect than a low intensity use that provides a personal service to approximately 3-5 customers a day.

Additionally, staff has included a spread sheet listing the taxable property value as recorded by Washington County of properties located adjacent to or near Knight Times Tattoo, a tattoo shop located at 3014 North College. Similar to the subject property, Knight Times Tattoo is surrounded by a variety of land uses and zoning districts, as shown in the attached map in this staff report. The information shows that the taxable property value of every surrounding property has increased steadily every year that the tattoo business has been at this location. Staff does not directly attribute the increase to the tattoo business. However, the information does suggest that the tattoo business has not caused an adverse economic affect on nearby residential or commercial property.

- (c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: Additional refuse and service areas are not planned for the site; however, any required trash enclosure shall be screened with access not visible from the street and shall comply with the requirements of Chapter 166014(D)(4)(b) of the Unified Development Code.

As discussed on Page 6 of this staff report, the applicant is required by the Arkansas Department of Health to dispose of needles and similar waste in designated receptacles similar to the disposal of medical waste at a doctor's office or dentist's office, uses permitted by right in the Downtown General zoning district.

- (d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Utilities are currently available to the subject property.

- (e.) Screening and buffering with reference to type, dimensions, and character;

Finding: The existing parking lot is an existing nonconforming parking lot that does not comply with the screening and buffering requirements of Chapter 177.04 Site and Parking Lot Landscape Standards. Should rehabilitation of the existing structure on the property exceed 50% of the replacement cost, 50% of the existing parking lot use area shall be required to be brought into compliance with the landscaping and parking lot requirements of the UDC. Should an enlargement or reconstruction of the existing structure exceed 10% of the gross floor area, 10% of the existing parking lot shall be brought into compliance with the landscaping and parking requirements of the UDC.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Further action regarding the pending signage violation associated with the subject property has been suspended, awaiting the outcome of the CUP decision by the Planning Commission. All signs shall be permitted in conformance with the applicable zoning district by a separate sign permit application.

- (g.) Required setbacks and other open space; and

Finding: The subject property is zoned Downtown General, and contains two existing nonconforming structures that do not meet the minimum buildable street frontage requirement. The nonconformity is a result of a rezoning action initiated by the City in 2005 as part of the Downtown Master Plan to rezone the subject property from C-2, Thoroughfare Commercial to DG, Downtown General. Pursuant to Chapter 164.12, the nonconforming structures may continue to occupy the property and be utilized in their existing state. Future construction or redevelopment of the subject property shall comply with the bulk and area requirements of the Downtown General zoning district or obtain variance approval from the Board of Adjustment, as bulk and area requirements of properties within the city limits are not under the authority of the Planning Commission.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds that it is the responsibility of the Planning Commission when considering a conditional use request to evaluate the proposed use for a property in order to determine compatibility with the surrounding

neighborhood and to impose certain conditions on the request use that will promote and protect the health, safety, and welfare of the general public. Furthermore, staff finds that issues such as image and choice in business name are protected by the applicant's freedom of speech rights under the First Amendment to the United States Constitution and, not being associated with the way in which the property will be used, are not issues that can be considered by the Planning Commission in its deliberations either for or against the application.

The proposed use is compatible with adjacent properties and uses given the mixture of uses in the surrounding area (see the list of surrounding uses on page 5). Staff finds that the requested use and the operation associated with the use do not pose a threat to the properties, businesses, and residents in the district; however, conditions of approval have been included to ensure that the requested use continues to remain compatible with the other uses in the district. Additionally, staff finds that the State Department of Health strictly regulates the requested use to further ensure the safety of the public.

Staff finds that the hours of operation, as proposed by the applicant, are similar to the hours of operation for an eating place, Use Unit 13, a permitted use in the Downtown General zoning district, which would produce a greater amount of traffic and noise than the requested use. Staff finds that the hours of operation are compatible with the surrounding area and will not have an adverse impact. Outdoor music is not proposed for this property, and staff finds that the operation of the requested use would not produce noise that would affect adjacent or nearby properties. However, the noise ordinance, listed in Table 1, would apply to the subject property and the Downtown General district is classified as a residential zone for the purposes of Chapter 96, Noise Control.

TABLE 1

Use Districts	Maximum Time	Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

Staff finds that the requested use is lower in intensity and impact than many other permitted uses in the district, as well as other uses allowed by conditional use permits that have been approved in the vicinity. As a point of comparison, in April 2008, the Planning Commission approved a conditional use permit (CUP 08-2942 Natural State) to operate a message therapy and acupuncture (a therapeutic practice involving needles) business for property located at 534 Huntsville Road (approximately one-half mile from the subject property) surrounded by single-family residences. The request was submitted after staff received a report of a code violation at the subject property for operating a home occupation without a conditional use permit. The property owners applied for the home occupation in an effort to remedy the use violation. The property owners were also required to resolve a sign violation associated with the use violation on the subject property. With the hours of operation approved by the Planning Commission and the operation described by the applicant, a maximum of 10 patients/clients can be treated at the subject property each day, which far exceeds the number of customers anticipated by the proposed tattoo shop. The applicant anticipates 3 to 5 customers per day, based on current business.

From: Andrew Garner
To: Sanders, Dara
Date: 12/2/2008 10:39 AM
Subject: Lowlife Tattoo Applicant Description

Andrew M. Garner
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

>>> LOWLIFE TATTOO <lowlifetattoo@live.com> 12/02/08 10:00 AM >>>

Thanks Andrew,

I am writing this letter to obtain a conditional use permit for my tattoo shop here in Fayetteville. I think my location is perfect for several reasons. Its close to the University, Dickson St., and from a business point of view a ton a people drive by every day. I don't think I will bother anybody at this location. There isn't really anyone to bother. Tattoo shops are not loud and rambunctious. Actually it's quite the opposite. I will make people leave if they can't act like an adult while I am trying to work on somebody. After all it is permanent.

Fayetteville is a college town where people are known to express them selves in many ways. Tattoo and body piercing are good examples of this. There are several shops in town already. They all do very well for them selves. This tells me there is a big demand in this area.

At Lowlife tattoo we will be doing tattoo and body piercing. We are approved by the state health department and have met all requirements. I have one person that works with me. We are both licensed by the state as well.

I hope this letter has covered everything. If not I am always available at 479-790-6667. You can call me at anytime.

Thank you for your time, Collin Wilkins

> Date: Tue, 2 Dec 2008 09:52:29 -0600> From: agarner@ci.fayetteville.ar.us> To: lowlifetattoo@live.com> Subject: City Planning
Email> > > > Andrew M. Garner> Senior Planner> City of Fayetteville> 125 West Mountain Street> Fayetteville, Arkansas
72701> > Tel.479.575.8262> Fax.479.575.8202> agarner@ci.fayetteville.ar.us> www.accessfayetteville.org> > >

You live life online. So we put Windows on the web.
<http://clk.atdmt.com/MRT/go/127032869/direct/01/>

Checklist

3) a. proposal - I wish to open a Tattoo & Piercing shop.

b. building size - approx. 1200 sq ft.

c. parking spaces - 8

d. hours - Tuesday - Thursday 12:00 P.M. - 9:00 P.M.
Friday - Saturday 12:00 P.M. - 11:00 P.M.

e. employees - 1

f. anticipated clients - 3-5 per day

g. Outdoor lighting - neon + street lamp

Date 12/02/08

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 information on tattoo businesses in Fayetteville, specifically, Low Life Tattoo Shop at 275 S. Archibald Yell. A query of our records indicates the following:

275 S. Archibald Yell (Lowlife Tattoo)

1 contact which was a business check and nothing initiated by the business.

2597 N. College (Bee Line Tattoo)

6 contacts: 2 threats (1/15/08 & 4/12/08) / 1 traffic stop / 1 extra patrol / 1 lost & found and 1 hit and run accident.

2183 N. College (Black Dragon Tattoo)

10 contacts: 2 extra patrols / 1 business check / 2 alarms / 1 assist / 1 criminal mischief / 1 threat / 1 disturbance.

46 E. Township (Brainstorm Tattoo) – 0 Contacts

3014 N. College (Knight Times Tattoo)

6 contacts: 3 traffic stops / 1 code 6 accident / 1 animal control call / 1 suspicious activity

Most of the activity seems to be self-initiated activity and traffic calls. I don't see anything that seems to pose a problem with any of the businesses.

Sincerely,

Captain William Brown
Fayetteville Police Department

**RULES AND REGULATIONS PERTAINING TO PERMANENT COSMETIC
AND TATTOO ESTABLISHMENTS**

Arkansas Department of Health
4815 West Markham
Little Rock, Arkansas 72205

**RULES AND REGULATIONS PERTAINING TO PERMANENT COSMETIC
AND TATTOO ESTABLISHMENTS**

SECTION I. AUTHORITY. The following Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Act 96 of 1913 as amended, the same being A.C.A. 20-7-109.

SECTION II. PURPOSE. To protect the health of the citizens of Arkansas by establishing criteria for the application of permanent cosmetics and tattooing, to require certification of artists and establishments and require inspections of such establishments.

SECTION III. DEFINITIONS. For the purposes of these Regulations, the following words and phrases when used herein shall be construed as follows:

- A. **Apprentice** shall mean any person who is training under the supervision of a certified permanent cosmetic or tattoo artist or physician but cannot independently perform the work of permanent cosmetic application or tattooing.
- B. **Aseptic Technique** shall mean the practice which prevents or hinders the transmission of disease-producing microorganisms from one person or place to another person or place.
- C. **Artist** shall mean any person who actually performs the work of the application of permanent cosmetics or tattooing, except a duly licensed physician.
- D. **Department** shall mean the Arkansas Department of Health or its authorized agent.
- E. **Establishment** shall mean any place or facility where the application of permanent cosmetics or the art of tattooing is performed.
- F. **Health Officer** shall mean the Director of the Arkansas Department of Health or his/her duly authorized representative.
- G. **Permanent Cosmetics** shall mean the application of permanent or semi-permanent pigmentation to the face for cosmetic purposes or to any part of the body for scar coverage or other corrective purposes by the penetration of the skin with a needle or other instrument.
- H. **Procedure(s)** shall mean the act of applying permanent cosmetics or tattooing.

- I. **Single service** shall mean articles intended for one-time, one-person use and then discarded.
- J. **Tattoo** shall mean any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by introducing pigments, or by the production of scars to form indelible marks with the aid of needles or other instruments.
- K. **Operator** shall mean any person who owns, controls, operates, conducts or manages any permanent cosmetic or tattoo establishment, whether actually performing the work of tattooing or not.

SECTION IV. ARTIST CERTIFICATION.

- A. No person except a duly licensed physician shall engage in the practice of the application of permanent cosmetics or tattooing or act as a permanent cosmetic or tattoo artist unless he or she holds a permanent cosmetic or tattoo artist certification issued by the Health Officer.
- B. These Rules and Regulations are not applicable to any establishment under the control or direction of a duly licensed physician nor do they apply to licensed medical hospitals and similarly licensed medical institutions.
- C. The following requirements must be completed before any individual shall receive a tattoo artist certification:
 - 1. An application for a tattoo artist certification shall be filed with the Department.
 - ★ 2. Successful completion of a written examination given by the Department of Health. This examination shall be based on the Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments. It shall insure the applicant has knowledge of bacteriology and proper technique, to assure that infection and contagious disease shall not be spread.
 - 3. The applicant shall meet all the current applicable requirements of the Rules and Regulations Pertaining to the Control of Communicable Diseases.
 - 4. Completion of no less than six (6) months apprenticeship. Apprentices for tattooing shall train in a certified shop under a currently certified tattoo artist who has been certified and operating in compliance with the Regulations in the State of Arkansas for a period of not less than three (3) years.

D. The following requirements must be completed before any individual shall receive a permanent cosmetic artist certification:

1. An application for a permanent cosmetic artist certification shall be filed with the Department.
2. The applicant must be a high school graduate or equivalent.
3. The applicant must successfully complete a written and practical examination designed by the Department. This examination shall be based on the Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments. It shall insure the applicant has sufficient knowledge of bacteriology, anatomy of the face and proper technique to assure that infection and contagious disease shall not be spread.
4. The applicant shall have a health evaluation that includes:
 - (a) Establishing that he or she is not suffering from hepatitis, or other communicable diseases designated by the Department;
 - (b) Adequate vision;
 - (c) Adequate color vision.
5. Completion of no less than six (6) months apprenticeship. Apprentices for permanent cosmetics shall train in a certified shop under a currently certified permanent cosmetic or tattoo artist who has been certified and operating in compliance with the Regulations in the State of Arkansas for a period of not less than three (3) years.

E. No reciprocity will be granted to artists certified or licensed in other states.

ARTIST RENEWAL REQUIREMENTS

Any artist certified by the Arkansas Department of Health at the time of the effective date of this regulation will be exempt from the requirements for apprenticeship.

Artist's certifications shall expire on December 31st of each year and are renewable when the applicant meets all the current applicable requirements of the Rules and Regulations Pertaining to the Control of Communicable Diseases.

SECTION V. ESTABLISHMENT SANITATION CERTIFICATION.

- ★
- A. No person shall operate a permanent cosmetic or tattoo establishment unless the shop has received a Certificate of Sanitation from the Health Officer. No certificate shall be issued or renewed unless the shop has been inspected and found to be in compliance with the provisions of these Rules and Regulations.

- B. The certificate shall expire on December 31 of each year. Renewal inspections shall be conducted by the Department.
- C. No holder of any certificate of sanitation shall allow a permanent cosmetic or tattoo artist to perform in his/her tattoo shop unless the artist is the holder of a valid permanent cosmetic or tattoo artist certification issued under Section IV of these Rules and Regulations.
- D. It shall be the duty of the operator or owner of the establishment to post the current certifications in a conspicuous place where it may be readily observed by the public.

SECTION VI. GENERAL PHYSICAL ENVIRONMENT.

- A. Each establishment shall have a work room which is separate and apart from a waiting room or area. This room shall not be used as a corridor for access to other rooms. Patrons shall be tattooed or have permanent cosmetics applied only in the work room.
- ★ B. The floor of the work room shall be constructed of impervious materials and shall be, at all times, maintained in a clean condition. Floors shall be swept and wet-mopped daily. The walls and ceilings shall be of light color and be maintained in good repair and shall be of such materials to be easily cleanable. Floors, walls or ceilings shall not be swept or cleaned while permanent cosmetics are being applied or anyone is being tattooed.
- C. The establishment shall have adequate light and ventilation.
- D. Light fixtures, decorative materials and similar equipment attached to the walls or ceilings shall be kept clean.
- ★ E. The building and equipment shall be maintained in good repair at all times. All parts of the shop and its premises shall be kept clean, neat, and free of litter and rubbish.
- F. A lavatory with hot and cold running water shall be located in the work room. The lavatory shall be for the exclusive use of the artists for washing their hands and preparing the customer. It shall be equipped with controls which provide for wrist action, soap, approved germicidal solution, individual hand brushes and fingernail files for each artist.
- G. A toilet and lavatory shall be located in the establishment and be accessible to patrons. All plumbing shall meet the requirements of the Arkansas State Plumbing Code. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair.
- H. Single service paper towels or mechanical means for hand drying shall be provided.

- I. Adequate cabinets for the storage of instruments, dyes and pigments, carbon, stencils and other materials used in the procedures shall be provided.
- J. An adequate number of work tables shall be provided for each artist. The surface of all work tables shall be constructed of metal or other material which is easily cleanable, smooth, light colored, non-absorbent, corrosive-resistant, and easily sanitized.
- K. The shop shall have sufficient covered waste receptacles for the disposal of waste materials.

SECTION VII. SANITARY FACILITIES.

- A. **Water supply.** The water supply shall be adequate, of a safe sanitary quality and meet the current requirements of the Department's Rules and Regulations Pertaining to Public Water Supplies.
- B. **Sewage.** All water carried sewage shall be disposed of by means of:
 - 1) A public sewerage system; or
 - 2) An approved individual sewage disposal system which is constructed and operated in conformance with the standards established by the Arkansas State Board of Health.

SECTION VIII. OPERATION STANDARDS.

- A. **Record Keeping.** The operator shall maintain proper records on each patron. These records shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by the Health Officer. The records shall be preserved for at least two (2) years from the date of the last entry. The records shall contain the following information:
 1. The date the procedure was performed.
 2. The name, address, date of birth and age of the patron.
 3. The branch of service, rate or rank and serial number of the patron if in the armed services.
 4. The design and location of the tattoo, or the cosmetic procedure applied.
 5. The name of the artist.
 6. The signature of the patron.

In the event of a change of ownership or closing of the establishment, all records shall be made available to the Health Officer.

★
B. **Consent Required for Minors.** No application of permanent cosmetics or tattoo shall be administered to any person less than 18 years of age without written consent of the parent or guardian. The consent shall be on such forms approved by the Health Officer and shall be presented to the operator by the parent or guardian. The records of the written consents shall be kept on file for two (2) years by the operator and shall be available at the time of inspection. Whenever there is doubt about age, the operator shall obtain proof of age verification by driver's license or other adequate record.

C. **Patron Information.** Before applying permanent cosmetics or administering a tattoo, a discussion of the risks involved and possible complications shall be conducted by the artist or operator. The patron must be advised that the procedure should be considered permanent and that it can be removed only by a surgical procedure and that any effective removal may leave permanent scarring. A written cautionary notice to that effect shall be furnished to and signed by the patron and retained on file at the establishment.

After the procedure is complete, written (printed or photocopied) instructions, approved by the Health Officer, on the care of the skin to prevent infection, shall be given to each patron. A copy of these instructions shall also be posted in a conspicuous place in the establishment.

D. **Patch Test for Sensitivity.** The patch test shall be administered upon request by the patron or whenever the artist determines through discussion with the patron that a patch test for sensitivity to the pigments to be used is warranted).

E. **Suspected Infections To be Reported.** All infections suspected from the application of permanent cosmetics or tattooing which become known to the artist/operator shall be reported to the Health Officer within 24 hours and the infected patron shall be referred to a physician.

SECTION IX. RESTRICTIONS CONCERNING APPLICATION OF PERMANENT COSMETICS OR TATTOOING. Application of permanent cosmetics or tattooing shall be prohibited under the following circumstances:

A. No application of permanent cosmetics or tattooing shall be done on the person of anyone having a history of jaundice or similar disease, and each patron shall be questioned.

B. No application of permanent cosmetics or tattooing shall be done on the person of any individual who is obviously under the influence of drugs or intoxicating liquor.

- C. No person suffering from any rash, skin lesion or any skin disease or possible communicable disease shall be applied with permanent cosmetics or tattooed. The skin surface shall be free from rash, pimples, infection or recent scar tissue.
- D. No person with any disease in a communicable form or suspected of having such a disease shall perform the application of permanent cosmetics or tattooing. Such disease may include but shall not be limited to the common cold, influenza, tuberculosis, scabies, impetigo, syphilis, chickenpox, measles (rubella), mumps, whooping cough, hepatitis, infection on the hands or arms, sore throat or jaundice of the skin or sclera. The Health Officer may require a certificate signed by a duly licensed physician stating the person is free from communicable diseases before permission to resume operation is granted.
- E. No existing tattoo or permanent cosmetic shall be abraded or treated with chemicals for the purpose of removing except by a licensed physician. Any attempt by an artist to perform a removal procedure shall result in the immediate suspension of the artist's or the establishment's sanitation certificate. This section does not intend to prohibit the coverup of existing tattoos with additional design pattern or application of permanent cosmetics.
- F. No pigment disapproved by the Food and Drug Administration shall be used for permanent cosmetics or tattooing. Ingredients contained in the pigments must be provided by the manufacturer to the Department upon request.
- G. The use of a straight razor is prohibited. Only single service disposable razors shall be used for shaving purposes.
- H. No rusty, faulty or non-sterile needles shall be used.
- I. No person shall allow or perform the tattooing of animals in a shop certified and used for applying permanent cosmetics or tattooing human beings.

SECTION X. ASEPTIC PROCEDURES.

- A. The artist shall wear a clean outer garment.
- B. Before working on each patron, the artist shall clean his/her fingernails with his/her individual nail file and shall thoroughly wash and scrub his/her hands with hot running water, an approved soap and his/her individual hand brush. He/she shall not allow his/her hands to dry without the use of a single service use hand towel or approved mechanical means:

The area of the patron's skin to which pigment is to be applied shall be prepared by washing with hot water and approved germicidal soap. When it is necessary to shave the area, single service disposable razors shall be used. Following shaving, the skin must be gently scrubbed with 70% isopropyl alcohol or other approved germicidal solution, using a disposal sterile gauze pad or sponge.

- C. Following the cleaning and the shaving of the patron's skin, the artist shall again wash and scrub his/her hands and put on disposable gloves.

During any phase of the procedure, should the artist be interrupted for other duties, i.e., answering the phone, etc., the artist shall wash his/her hands as required in Section VIII B. before resuming the procedure. A new pair of gloves shall be used.

- D. Only petroleum jelly as listed in the United States Pharmacopeia or National Formulary shall be applied to the area to be tattooed and it shall be in a collapsible metal or plastic tube. The application may be spread by the use of sterile gauze or sterile tongue depressors but not directly with the fingers.

- E. When acetate stencils are used for transferring the design to the skin, stencils shall be thoroughly cleaned and rinsed in an approved germicidal solution for at least twenty (20) minutes and then they shall be dried with sterile gauze or air dried before each use.

When stencils are not used and the design is transferred using hectograph and tracing paper or duplicating carbon methods, the paper or duplicating master shall not be reused.

- F. In preparing nontoxic dyes or pigments, only nontoxic or sterile material shall be used. Single service or individual portions of pigments in clean sterilized containers or single service containers shall be used for each patron. Upon completion, the remaining unused pigments shall be discarded. Any pigment in which the needles were dipped shall not be used on any person. Where pigment mixing is necessary to achieve the correct color and follow-up touch-ups may be required (permanent cosmetics), the original container of mixed pigment may be kept but only single service individual portions of the mixture used during the procedure.

- G. Excess pigment shall be removed from the skin with an individual sterile gauze or sponge which shall be used only on one patron and then discarded.

- H. The completed tattoo shall be washed with a piece of sterile material saturated with an approved germicidal solution. It shall be allowed to dry. After drying, antibacterial ointment shall be applied from a collapsible metal or plastic tube or single use packet and the entire area covered with a piece of nonstick sterile bandage which may in turn be covered with a piece of tissue and fastened to the site with an approved type of adhesive.

The area of permanent cosmetic application shall be washed with an approved germicidal solution and allowed to dry. Antibacterial ointment and where feasible, a nonstick sterile bandage shall be applied.

- I. A new pair of disposable gloves shall be used by the artist for each patron.
- J. All work tables and chairs used in the procedure shall be constructed of a material allowing easy and thorough cleaning. All surfaces, work tables, and patron chairs must be disinfected before each new patron is seated. Appropriate solutions are a 1:10 dilution of household bleach and water or other approved surface sanitizer.

SECTION XI. EQUIPMENT.

- 
- A. A set of individual wrapped sterilized needles shall be used by the artist for each new patron. Not less than 24 sets of sterilized needles and tubes or tips must be on hand for the entire day or night operation.
 - B. All needles shall be cleaned thoroughly before autoclaving. The use of an ultrasonic cleaner is recommended to remove blood, pigments and other foreign matter from the needles and tubes. The tubes and needles shall be run in the heated solution for a period of not less than 15 minutes and then thoroughly rinsed prior to autoclaving.
 - C. Sterilization of needles and tubes shall be accomplished by:
 1. Holding in an approved autoclave for thirty (30) minutes at fifteen (15) pounds pressure at a temperature of 248 degrees F. or 120 degrees C. The use of approved autoclave packaging is required. The date the procedure is performed shall be written on the packaging. Indicator tapes or strips for checking temperature shall be provided each time the autoclave is used.
 2. Culture testing of sterilization equipment, using appropriate microbial spore strips, shall be required when deemed necessary by the Health Officer.
 3. Approved closed cabinets for the storage of instruments, dyes, pigments, stencils, duplicating masters and other paraphernalia used in the shop shall be provided. All needles and instruments shall be stored in autoclave packaging and handled in such a manner as to prevent recontamination.
 - D. The open end of the needle tube of the machine shall be cleaned and sanitized with an approved germicidal before each use.

SECTION XII. TEMPORARY OR MOBILE ESTABLISHMENTS.

- A. No person shall be certified to apply permanent cosmetics or tattoo in any temporary place of business, such as carnivals, mass gatherings or similar public gatherings of a temporary nature without an approved mobile facility.
- B. Mobile units shall meet all the requirements of these Rules and Regulations with the following additional requirements:
 - 1. Liquid waste shall be stored in a permanently installed retention tank that is at least 15 percent larger capacity than the water tank. Liquid waste shall not be discharged from the tank when the mobile unit is in motion. All liquid waste shall be discharged to an approved sanitary sewage disposal system.
 - 2. A potable water system under pressure shall be provided. Enough potable water shall be available in the unit for cleaning and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the unit. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for other service. The water inlet shall be coated so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.
- C. The Health Officer may impose additional requirements to protect against health hazards related to a mobile permanent cosmetic or tattoo unit.

SECTION XIII. TREATMENT AND DISPOSAL OF INFECTIOUS WASTE. Treatment and disposal of infectious waste including sharps shall conform to Act 96 of 1913 as amended and Act 41 of 1992, The Management of Regulated Medical Waste from Health Care Related Facilities.

SECTION XIV. SUBMISSION OF PLANS. Before any permanent cosmetic or tattoo establishment is constructed or an existing structure is converted to use as said establishment, plans shall be submitted to the Arkansas Department of Health for review and approval. The plans and specifications shall include the work room layout, plumbing plans, construction materials and the type and model of proposed equipment. No permanent cosmetic or tattoo establishment shall be constructed, remodeled or converted except in accordance with approved plans.

SECTION XV. INSPECTIONS. Inspection of a permanent cosmetic or tattoo establishment shall be performed as often as necessary for the enforcement of these Regulations.

SECTION XVI. ACCESS TO ESTABLISHMENT; CLOSURE FOR VIOLATION; SUSPENSION OR REVOCATION OF ARTIST OR ESTABLISHMENT CERTIFICATION

- ★ A. The Department at all reasonable times shall have access to and is hereby empowered to enter any and all parts of the premises of any permanent cosmetic or tattoo establishment for the purpose of making inspections to determine compliance with these regulations. The Department shall also be permitted access to all required records.
- B. If it is determined upon inspection that any permanent cosmetic or tattoo establishment is being maintained contrary to the provisions of these regulations, such establishment shall be closed until provision is made to comply with the regulations and permission is given by the Health Officer to reopen.
- C. After written notice, the Health Officer may suspend or revoke any artist certification or certificate of sanitation issued in accordance with these Rules and Regulations for violation of the provisions of these Rules and Regulations. The artist or operator may appeal such suspension or revocation as provided for by the Administrative Procedures of the State Board of Health.

SECTION XVII. RELATED REGULATIONS. All permanent cosmetic and tattoo establishments shall comply with all appropriate state laws, rules and regulations, including but not limited to the following:

- A. Arkansas Department of Health Rules and Regulations Pertaining to General Sanitation.
- B. Act 402 of 1977, as amended, and Rules and Regulations Pertaining to Sewage Disposal Systems and Installers.
- C. Arkansas Department of Health Rules and Regulations Pertaining to Public Water Systems and The Safe Drinking Water Act.
- D. Arkansas State Plumbing Code.
- E. Act 41 of 1992 - The Management of Regulated Medical Waste from Health Care Related Facilities.
- F. The Rules and Regulations Pertaining to the Control of Communicable Diseases.

SECTION XVIII. PENALTY. Every firm, person, or corporation violating any of the provisions of these Rules and Regulations shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense (A.C.A. § 20-7-101.) Any penalty will be in addition to other remedies available to the Department, including suspension or revocation of certification, and civil penalties.

From: "Mark Zweig" <mzweig@zweigwhite.com>
To: <dasanders@ci.fayetteville.ar.us>
CC: <jpate@ci.fayetteville.ar.us>, <dcoody@ci.fayetteville.ar.us>
Date: 11/24/2008 11:49 AM
Subject: Lowlife Tattoo

Dara—I know there is a hearing on this on December 8th but I teach that night at The U of A. As someone with a couple properties near here (238 S. Church and 204 W. South), both of which we have done extensive rehabs to, greatly increasing their value (both were near or at teardown quality when we bought them), I am vehemently opposed to this tattoo parlor. It sucks down the value of the neighborhood and my properties. It is not the kind of business we need here at all. I also object to the way they started this business without proper permits, have continued to use illegal signage, etc. I even object to the name—"lowlife" is not what we need here. I want this on the record, please.

Thank you,

Mark C. Zweig

From: <jewlzmccq@cox.net>
To: <planning@ci.fayetteville.ar.us>, <dasanders@ci.fayetteville.ar.us>
Date: 12/22/2008 9:48 AM
Subject: Lowlife Tattoo

Dear Planning Commissioners,

I was shocked by some of the comments at the Planning Commission regarding Lowlife Tattoo. The implication that only undesirables and criminals get tattoos was extremely small-minded and offensive. I happen to have 2 tattoos and 1 body piercing and I think I'm considered a fairly respectable Fayetteville citizen. I know I am not the only person in Fayetteville that has been offended by your discussion and actions regarding this business and issue.

I find the business name "Lowlife Tattoo" very clever, especially considering the ridiculous reaction of your commission. Tattoo parlors are far more respectable than many other businesses and they are closely regulated for age, health and safety.

I encourage you to bring your thinking into this century and approve this conditional use without further delay.

Sincerely,

Julie McQuade

Taxable Value For Properties Located Adjacent To Or Near Knight Times Tattoo*

Year	Commercial Adjacent	Commercial West of College	Residential 553 feet away	Residential 621 feet away	Residential 715 feet away	Residential 838 feet away
2007	NA	\$188,540.00	\$21,107.00	\$23,430.00	\$15,640.00	\$21,847.00
2006	NA	\$171,400.00	\$20,102.00	\$21,300.00	\$15,640.00	\$19,860.00
2005	\$211,343.00	\$171,400.00	\$19,228.00	\$21,300.00	\$15,640.00	\$18,206.00
2004	\$186,420.00	\$166,767.00	\$18,354.00	\$19,580.00	\$15,640.00	\$17,378.00
2003	\$168,623.00	\$151,606.00	\$17,480.00	\$17,800.00	\$15,640.00	\$16,550.00
2002	\$155,652.00	\$139,944.00	\$17,480.00	\$17,800.00	\$15,640.00	\$16,550.00
2001	\$142,681.00	\$128,282.00	\$17,480.00	\$17,800.00	\$15,640.00	\$16,411.00
2000	\$129,710.00	\$116,620.00	\$17,390.00	\$17,523.00	\$15,640.00	\$15,630.00
1999	\$129,710.00	\$116,620.00	\$17,390.00	\$15,930.00	\$15,640.00	\$15,630.00
1998	\$129,710.00	\$116,620.00	\$17,390.00	\$15,930.00	\$15,640.00	\$15,630.00
1997	\$128,720.00	\$114,860.00	\$17,390.00	\$15,930.00	\$15,640.00	\$15,630.00

* Information obtained from the Washington County Real Estate Parcel Information

Zoning Districts Surrounding Knight Times Tattoos



★ Subject Property

CUP 08-3158 (Wilkins):

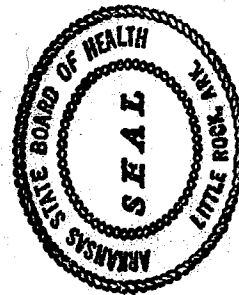
Arkansas State Department of Health Certification

ARKANSAS DEPARTMENT OF HEALTH
BODY ART ESTABLISHMENT
SANITATION CERTIFICATE

LOW LIFE TATTOO
275-2 ARCHIBALD YELL
FAYETTEVILLE, ARKANSAS 72701

This certificate expires on December 31, 2008 and is subject to cancellation at any time for non-compliance with Rules and Regulations Pertaining to Permanent Cosmetic and Tattoo Establishments under Authority of Act 96 of 1913, as amended, Act 414 of 2001, Act 266 of 2003, Act 897 of 2005 and Act 230 of 2007.

Note: This certificate is valid only when application of a tattoo is performed in an establishment approved by the Arkansas Department of Health. This certificate must be posted in conspicuous place.



72-21

CERTIFICATE NUMBER

July 9, 2008

Date

ENVIRONMENTAL HEALTH INSPECTOR



ARKANSAS DEPARTMENT OF HEALTH
Body Art Establishments
4815 W Markham St, Slot H-29
Little Rock, AR 72205



Fiscal Year
*N/A

ESTABLISHMENT Body Art EXPIRES 12/31/2008

County: Washington
THIS SHALL NOT BE DEEMED A PROPERTY OR VESTED RIGHT, IS NOT TRANSFERABLE
OR ASSIGNABLE, AND MAY BE REVOKED AT ANY TIME PURSUANT TO THE LAW.

Permit No. 7221
Receipt No. 15042722
Date 07/14/2008
Amount \$150.00
Check No. Cash

Low Life Tattoo	Low Life Tattoo
275-2 Archibald Yell	275-2 Archibald Yell
Fayetteville	Fayetteville
AR	AR
72701	72701

Certificate of Completion

is hereby granted to:

Collin Wilkins

to certify that they have completed to satisfaction the necessary requirements for
Blood Borne Pathogen Prevention Training

Granted: April 18, 2006



Granted by: **Chryst Young**
Chryst Young RN MSO
Executive Director

Course meets all OSHA requirements and includes material for infection Control and Sterilization. Records are maintained for 4 years per OSHA.

BBPTI P.O. Box 289 Morro Bay, Ca. 93443 805-708-5165

Blood Borne Pathogen Prevention Training	
The Individual has completed the training for prevention of blood borne pathogen transmission, infection control and sterilization methods.	
Name: Collin Wilkins	
Instructor: Chryst Young RN	
Blood Borne Pathogen Prevention Training Institute of America Morro Bay, Calif. 93442	BBPEducation.com (805) 708-5165
Date of Completion: 4/18/06	

The smaller card is for your convenience to laminate and carry with you.

Your certificate is good for one year. OSHA requires all person who's job requires the possible exposure to blood borne pathogens have this training on a yearly basis.

Renewals can be done online.

Provider approved by the
California Board of Registered Nursing,
Provider # _CEP 14501_
for 4 Contact Hours.

Licensee must retain this document as proof of completion for a period of four (4) years

ARKANSAS DEPARTMENT OF HEALTH BODY ART ARTIST CERTIFICATE

COLLIN WILKINS

FOR USE ONLY AT: LOW LIFE TATTOO - FAYETTEVILLE, ARKANSAS

CERTIFIED FOR:

TATTOO

X

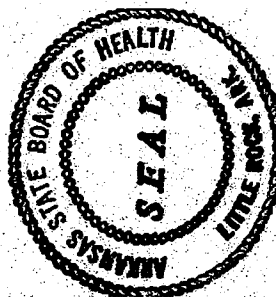
BODY PIERCING

X

PERMANENT COSMETICS

This certificate expires on December 31, 2008 and is subject to cancellation at any time for non-compliance with Regulations to Permanent Cosmetic and Tattoo Establishments under Authority of Act 96 of 1913, as amended, Act 414 of 2001, Act 266 of 2003, Act 897 of 2005 and Act 230 of 2007.

Note: This certificate is valid only when body art is performed in an establishment approved by the Arkansas Department of Health. This certificate must be posted in conspicuous place.



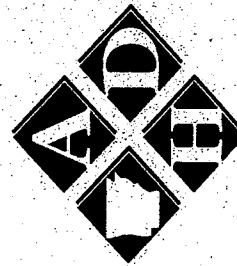
72-50

CERTIFICATE NUMBER

[Signature]
ENVIRONMENTAL HEALTH INSPECTOR

January 1, 2008

Date



ARKANSAS DEPARTMENT OF HEALTH
BODY ART ARTIST CERTIFICATE

CHRIS SEATON

FOR USE ONLY AT: LOW LIFE TATTOO — FAYETTEVILLE, ARKANSAS

CERTIFIED FOR:

TATTOO

X

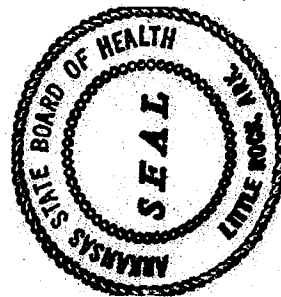
BODY PIERCING

X

PERMANENT COSMETICS

This certificate expires on December 31, 2008 and is subject to cancellation at any time for non-compliance with Regulations to Permanent Cosmetic and Tattoo Establishments under Authority of Act 96 of 1913, as amended, Act 414 of 2001, Act 266 of 2003, Act 897 of 2005 and Act 230 of 2007.

Note: This certificate is valid only when body art is performed in an establishment approved by the Arkansas Department of Health. This certificate must be posted in conspicuous place.



72-45

CERTIFICATE NUMBER

Becky S. Bunch, M.S.
ENVIRONMENTAL HEALTH INSPECTOR

January 1, 2008

Date



ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES

BODY ART ARTIST CERTIFICATE

CERTIFIED FOR:

TATTOO

X

BODY PIERCING

—

PERMANENT COSMETICS

X

TA-72-50

CERTIFICATE NUMBER

FOR USE ONLY AT: CLUB TATTOO -- SPRINGDALE, ARKANSAS

This certificate expires on December 31, 2007 and is subject to cancellation at any time for non-compliance with Regulations to Permanent Cosmetic and Tattoo Establishments under Authority of Act 96 of 1913, as amended, Act 414 of 2001, Act 266 of 2003 and Act 897 of 2005.

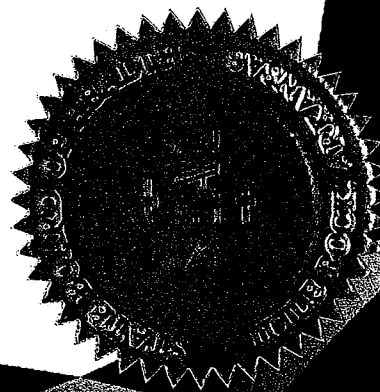
NOTE: This certificate is valid only when body art is performed in an establishment approved by the Arkansas Department of Health and Human Services. This certificate must be posted in a conspicuous place.

JANUARY 1, 2007

DATE

Betty L. Benz TS

ENVIRONMENTAL HEALTH INSPECTOR



From: LOWLIFE TATTOO <lowlifetattoo@live.com>
To: Dara Sanders <dasanders@ci.fayetteville.ar.us>
Date: 1/7/2009 3:14 PM
Subject: C.U.P. Time revision for Lowlife Tattoo

I am writing this letter to request a revision of my operating hours at Lowlife Tattoo. Our current hours are Teusday-Thursday 12 P.M. till 9 P.M. and 12 P.M. until 11 P.M. on Fridays and Saturdays. I would like to have the ability to open for a few hours on Sunday (noon untill 4ish) and Monday (noon until 9) if need be. The reasons why are as follows. My daytime artist is moving to Arizona. I have a full time day job at my restaruant. Now that I am the only artist working at Lowlife Tattoo the shop will not be open until around 5:30 in the afternoon after I get off work. My shop is loosing around 33 hours a week because of this. I would like to be able to open on these days if I need to. I allready work 13 hours a day 5 days a week and only 8 on the 6th day. I have no desires to open 7 days a week full time, but I don't want to cause an uproar if I do. There are several shops that do this through the slow season allready to make up for lost money. I hope you take this into consideration. Thank you for your time Collin Wilkins

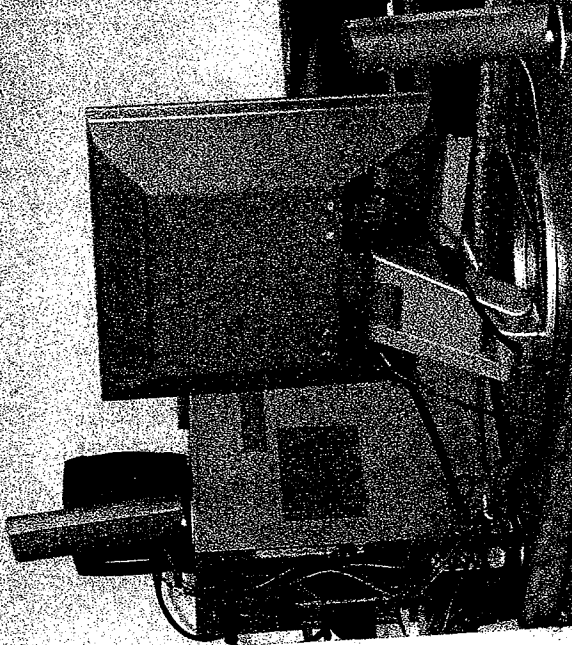
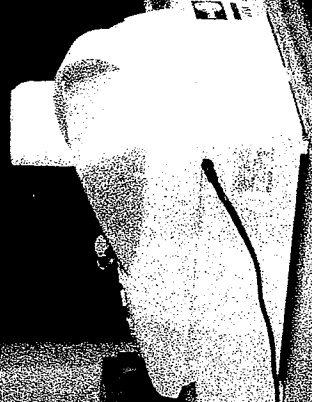
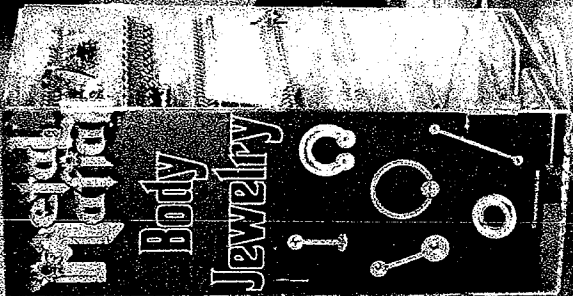
Windows LiveTM: Keep your life in sync.

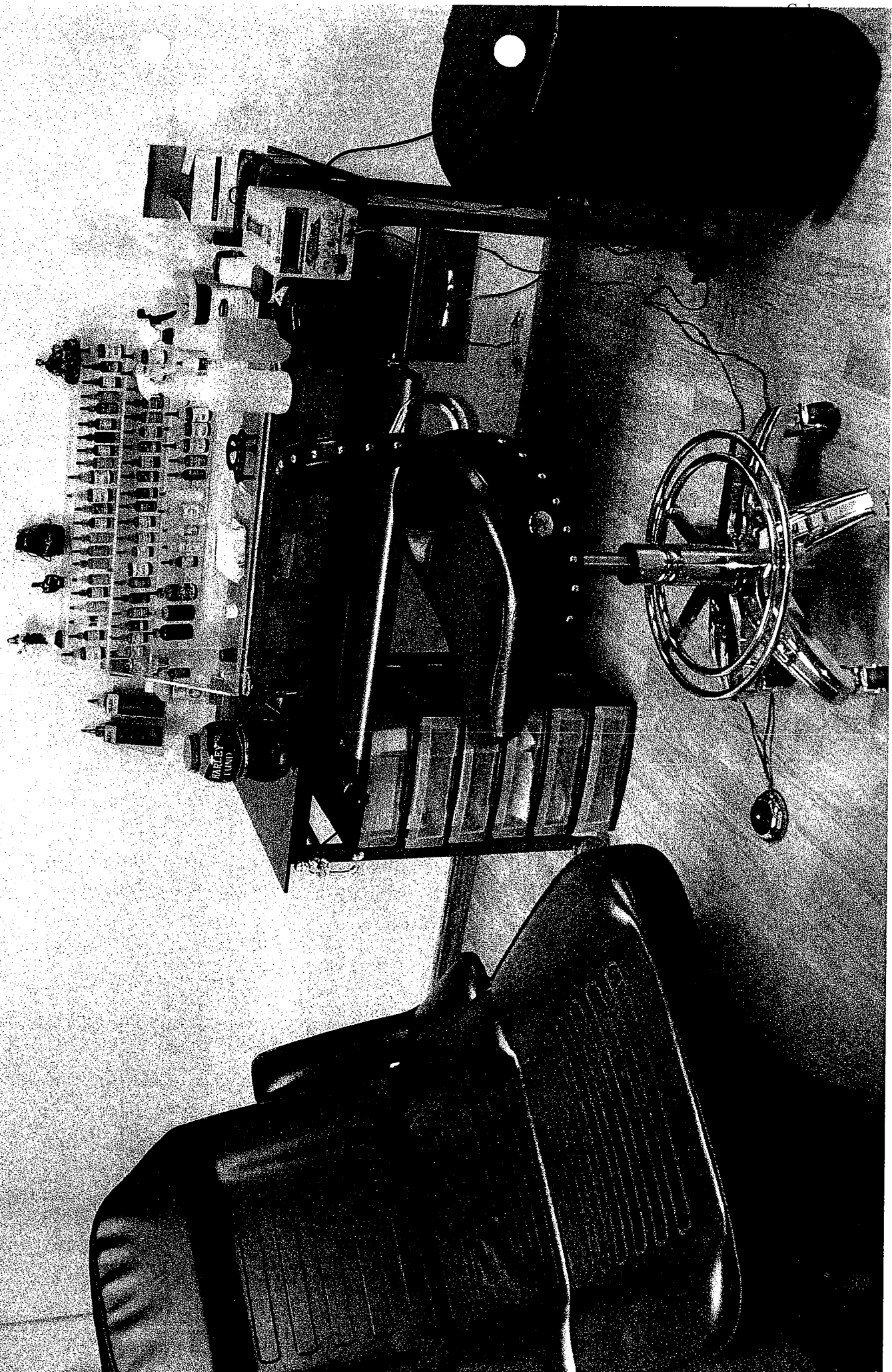
http://windowslive.com/explore?ocid=TXT_TAGLM_WL_t1_allup_explore_012009

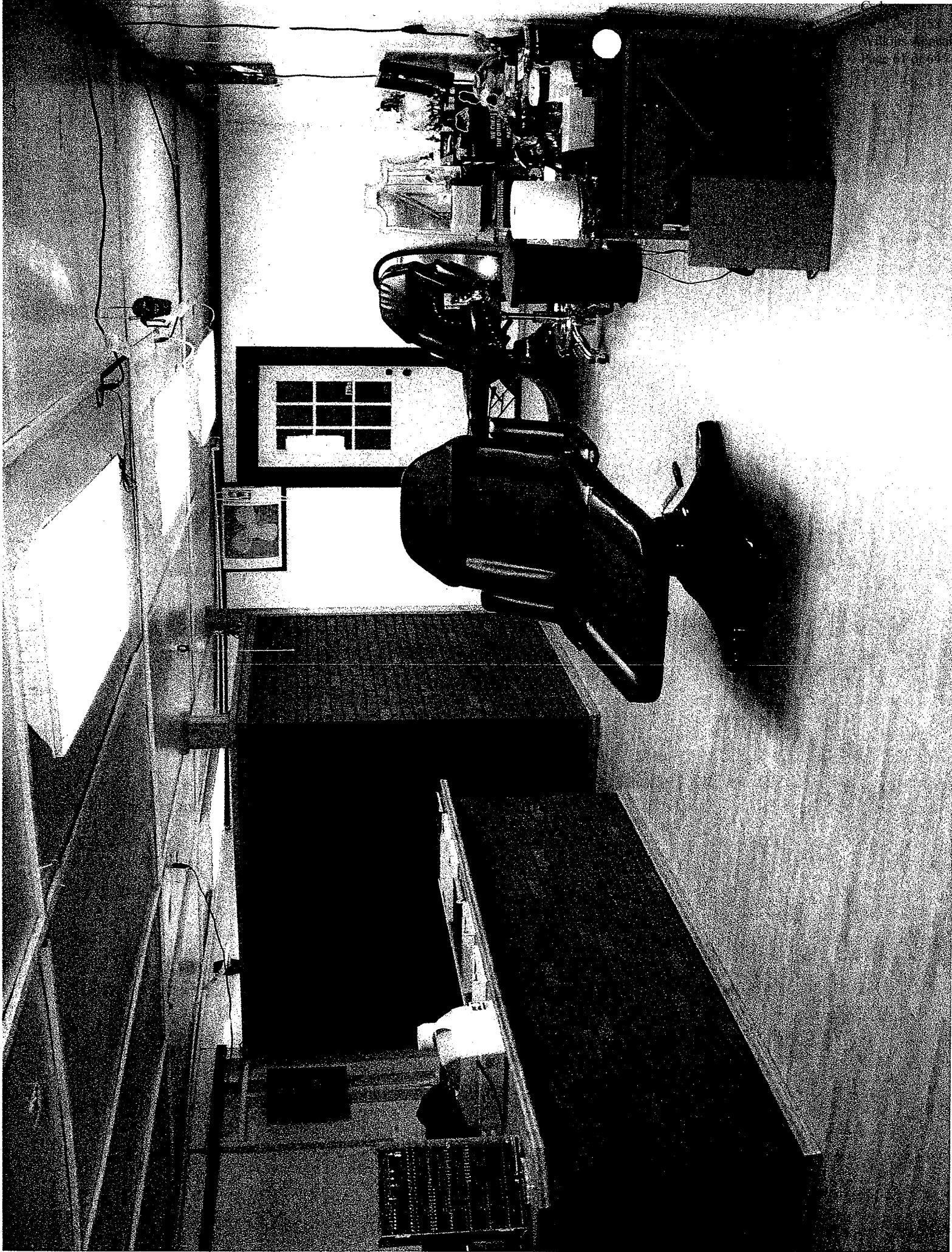
CUP 08-3158 (Wilkins):

**Interior Images of the Business
(provided by the applicant)**

Interior
(64)



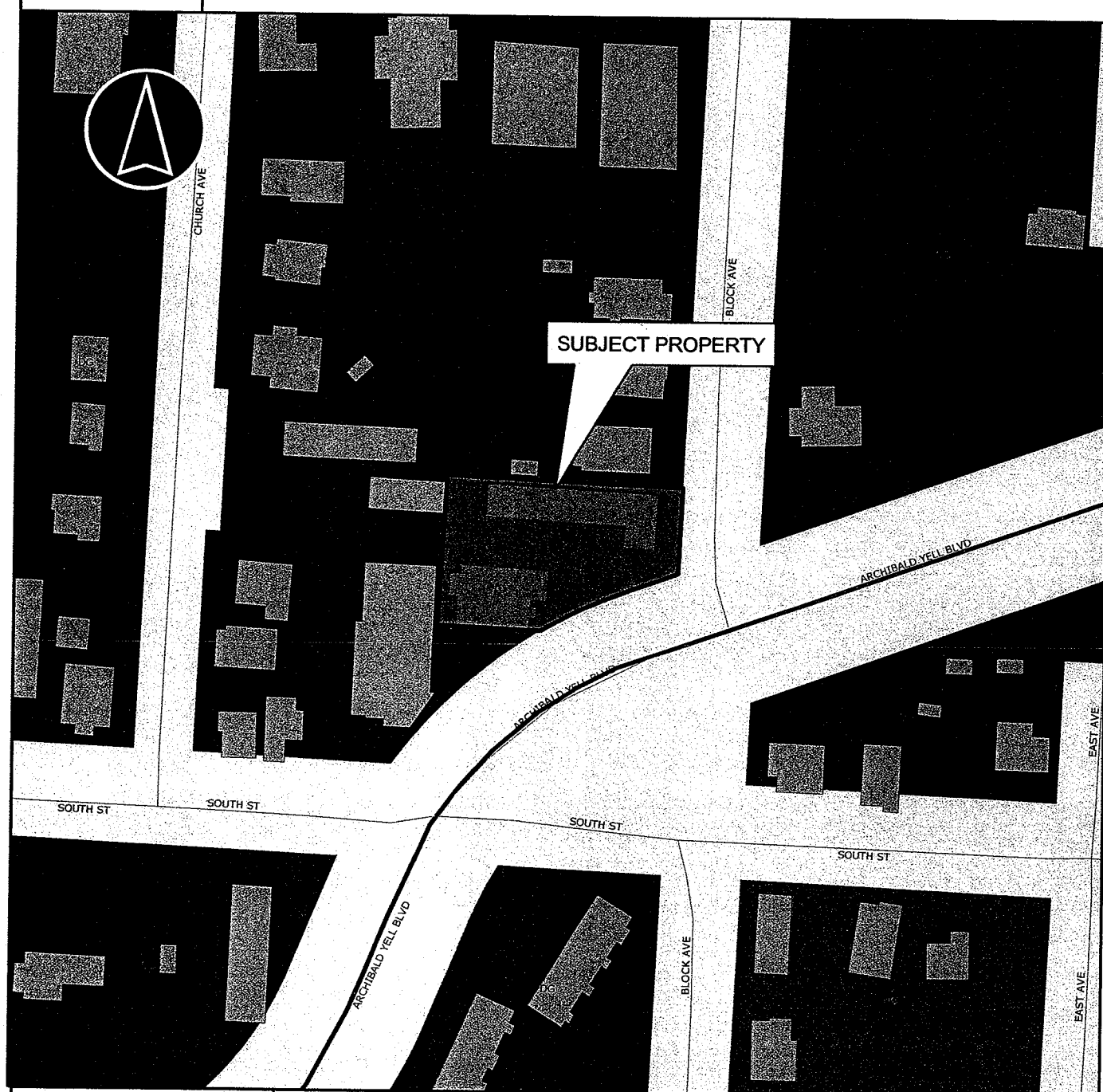




CUP08-3158

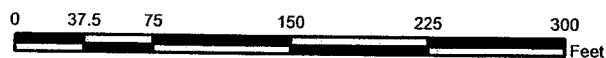
Close Up View

WILKINS/S. ARCHIBALD YELL



Overview

- [illegible]



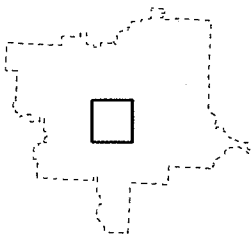
CUP08-3158

WILKINS/S. ARCHIBALD YELL

One Mile View



Overview



Legend

Subject Property

CUP08-3158

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
 Bid # 09-12
 LaRue Contractor, Inc.
 Page 1 of 48

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

2/17/2009

**City Council Meeting Date
 Agenda Items Only**

Shannon Jones
Submitted By

Engineering
Division

Water and Wastewater
Department

Action Required:

Approval of Bid #09-12 for a construction contract with LaRue Contractor, Inc. in the amount of \$947,628.99 with a contingency of \$50,000.00 for construction of Mount Sequoyah Water and Sewer Improvements.

\$ 997,628.99
 Cost of this request

\$ 1,633,175
 Category / Project Budget

Mt. Sequoyah W&S Improvements
 Program Category / Project Name

5400.5700.5815.00
 Account Number

\$ 147,097
 Funds Used to Date

Water & Wastewater
 Program / Project Category Name

01023.20
 Project Number

\$ 1,486,078
 Remaining Balance

Water / Sewer
 Fund Name

Budgeted Item ☒ **XX**

Budget Adjustment Attached ☐

[Signature]
 Department Director

30 JAN 09
 Date

Previous Ordinance or Resolution # _____

[Signature]
 City Attorney

2/2/09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beebe
 Finance and Internal Services Director

2-2-09
 Date

[Signature]
 Chief of Staff

2/3/09
 Date

Received in City Clerk's Office

[Signature]
 Mayor

 Date

Received in Mayor's Office

Comments:

Fayetteville

ARKANSAS

CITY COUNCIL AGENDA

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
 Fayetteville Sewer Committee
 David Jurgens, Water and Wastewater Director

From: Shannon Jones, Water and Wastewater Engineer

Date: 30 January 2009

Subject: Approval of a construction contract with LaRue Contractor, Inc. for \$947,628.99 for Mount Sequoyah Water and Sewer Improvements, Bid #09-12, and a \$50,000 contingency

RECOMMENDATION

Staff recommends approval of Bid #09-12 for a construction contract with LaRue Contractor, Inc. for \$947,628.99 for Mount Sequoyah Water and Sewer Improvements, Bid #09-12, and a \$50,000 contingency.

BACKGROUND

The project includes installation of approximately 7,420 feet of new 8" water line and approximately 1,200 feet of new 8" gravity sewer line, and relocation of water services. This difficult contact is in the area around the hilltop of Mount Sequoyah, with most of the work taking place in the street rights of way.

DISCUSSION

The City received ten bids on January 13, 2009.

	Total Bid Amount (all work)	Deductive Alternate No. 1	Deductive Alternate No. 2	Deductive Alternate No 3
Tri-Built Construction	\$787,417.90	\$35,868.60	\$72,506.98	\$150,808.70
Total Site Development	\$898,912.78	\$30,700.03	\$54,056.17	\$121,700.97
LaRue Contractor Inc.	\$947,628.99	\$42,204.72	\$97,004.23	\$170,582.08
Seven Valleys Const. Co	\$1,376,775.00	\$59,580.00	\$90,950.00	\$166,310.00
Arco Excavation	\$1,439,080.00	\$57,900.00	\$ 105,220.00	\$264,870.00
Fayette Tree & Trench	\$1,525,628.40	\$73,539.00	\$126,524.00	\$255,487.00
Sweetser	\$1,535,690.00	\$66,845.00	\$136,850.00	\$292,860.00
Fochtman Construction	\$1,602,130.00	\$86,500.00	\$148,580.00	\$285,470.00
N.E.C.	\$2,035,223.50	\$61,904.00	\$189,344.00	\$404,128.50
Goodwin & Goodwin Inc	\$2,166,470.00	\$89,520.00	\$201,120.00	\$376,630.00

Garver Engineers' opinion of materials cost to complete the project is \$420,000. While it is possible that any of the three lowest bidders can complete the work for their bid amount, Garver Engineers found no evidence that Tri-Built Construction or Total Site Development has any work experience similar to the Mount Sequoyah Water and Sewer Improvement Project. The third lowest bidder, LaRue Contractor, Inc., has been a General Contractor and performed work similar to this project for 37 years. In addition, they provided similar work experience for the Cities of Mountain View, Mountain Home, and Marshall, Arkansas, and they have worked with McClelland Engineers, ESI, and Garver Engineers. As a result, Staff recommends awarding the contract to LaRue Contractor, the third lowest bidder.

BUDGET IMPACT

Funds are available within the Mount Sequoyah Water and Sewer Improvement Project budget.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-12 AND APPROVING A CONTRACT WITH LARUE CONTRACTOR, INC. IN THE AMOUNT OF \$947,628.99 FOR CONSTRUCTION OF MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS; AND APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF \$50,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #09-12 and approves a contract with LaRue Contractor, Inc. in the amount of \$947,628.99 for construction of Mount Sequoyah Water and Sewer Improvements. A copy of the contract, 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 Project Contingency in the amount of \$50,000.00.

PASSED and APPROVED this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Garver Engineers, LLC

1088 East Millsap Road
 Fayetteville, Arkansas 72703

479-527-9100
 FAX 479-527-9101

www.garverengineers.com

GARVER ENGINEERS

MEMORANDUM

To: City of Fayetteville
Attn: David Jurgens
From: Chris Buntin *CB*
RE: Mount Sequoyah Water and Sewer Improvements
 Bid Number 09-12

Date: January 26, 2009

Copies To: Project File 0396-1000

A total of 10 bids were received by the City of Fayetteville for the referenced project at City Hall, 113 West Mountain Street, Fayetteville, Arkansas, 72701, at 10:00 a.m. Tuesday, January 13, 2009. The amount that was certified by the City of Fayetteville was \$1,040,000. Our opinion of probable construction cost was \$1,511,725. The majority of the bid amounts were close to our estimate of probable construction cost. However, three bid amounts were significantly low and two bid amounts were significantly high. The low bid was submitted by TriBuilt Construction Group, LLC of Fort Smith, Arkansas in the amount of \$787,417.90, the second lowest bid amount was submitted by Total Site Development, LLC of Prairie Grove, Arkansas in the amount of \$898,912.78, and the third lowest bid amount was submitted by LaRue Contractor, Inc. of Harrison, Arkansas in the amount of \$947,628.99. The following table summarizes all bids opened which included three deductive alternates, and enclosed is a detailed tabulation of all the bids received.

	Total Bid Amount (all work)	Deductive Alternate No. 1	Deductive Alternate No. 2	Deductive Alternate No 3
ENGINEERS ESTIMATE	\$1,511,725.00	\$66,050.00	\$147,075.00	\$252,550.00
TRI-BUILT CONSTRUCTION	\$787,417.90	\$35,868.60	\$72,506.98	\$150,808.70
TOTAL SITE DEVELOPMENT	\$898,912.78	\$30,700.03	\$54,056.17	\$121,700.97
LARUE CONTRACTOR, INC.	\$947,628.99	\$42,204.72	\$97,004.23	\$170,582.08
SEVEN VALLEYS CONSTRUCTION CO.	\$1,376,775.00	\$59,580.00	\$90,950.00	\$166,310.00
ARCO EXCAVATION	\$1,439,080.00	\$57,900.00	\$ 105,220.00	\$264,870.00
FAYETTE TREE & TRENCH	\$1,525,628.40	\$73,539.00	\$126,524.00	\$255,487.00
SWEETSER	\$1,535,690.00	\$66,845.00	\$136,850.00	\$292,860.00
FOCHTMAN CONSTRUCTION	\$1,602,130.00	\$86,500.00	\$148,580.00	\$285,470.00
N.E.C.	\$2,035,223.50	\$61,904.00	\$189,344.00	\$404,128.50
GOODWIN & GOODWIN, INC.	\$2,166,470.00	\$89,520.00	\$201,120.00	\$376,630.00

Mr. Jurgens
January 26, 2009
Page 2 of 2

Based upon our cost opinion of materials cost to complete the project of \$420,000, it is possible that any of the three lowest bidders can complete the work for their bid amount. According to the bid documents provided by the three lowest bidders, each is able to bond the project, each is a licensed contractor in Arkansas, and each has never failed to complete any project. According to the Arkansas Contractors Licensing Board, no complaints have been filed against any of the three lowest bidders. Bidders were required to list at least 3 similar, completed projects on their experience statement.

According to TriBuilt Construction Group, they have been a General Contractor and performed work similar to this project for 3 years, and they have been in business under their present name for 1.5 years. TriBuilt Construction Group submitted the following to represent their similar projects: the Microtel Inn and Suites, Covenant Mobile Home Park, Colony West Apartment Development, Summit Court Duplex Development, South Z Street Apartment Development, and the Mason Street Water Line and Sewer Improvement. No evidence was provided or found while checking references that TriBuilt Construction Group has any work experience similar to the Mount Sequoyah Water and Sewer Project. However, all references contacted said they have had good experiences working with them.

According to Total Site Development, they have been a General Contractor, performed work similar to this project, and have been in business under their present name for 3 years. Total Site Development submitted the following to represent their similar projects: Ranch at Pinnacle Point, Westside Village Project, and Lot #28 Huntington Heights. No evidence was provided or found while checking references that Total Site Development has any work experience similar to the Mount Sequoyah Water and Sewer Project. However, all references contacted said they have had good experiences working with them, including Garver Engineers for their work at the Underwood Plaza on Dickson Street in Fayetteville, Arkansas.

According to LaRue Contractor, they have been a General Contractor and performed work similar to this project for 37 years, and they have been in business under their present name for 27 years. In addition, they provided similar work experience for the City of Mountain View, Arkansas, City of Mountain Home, Arkansas, and City of Marshall, Arkansas, and they have worked with McClelland Engineers, ESI, and Garver Engineers. All references checked said they have had good experiences working with them, including Tom Hubbard with the City of Fayetteville. However, according to the City of Mountain View and Tom Hubbard, they have had problems competing work on schedule when they have too many ongoing projects.

We respectfully request insight from the City of Fayetteville regarding its preferences for weighing the criteria used to evaluate these bids and recommend award. We are available at your convenience to discuss this issue in further detail.

Attachments:	Detailed Bid Tabulation	
	Financial Report for 3 lowest bidders as requested	
Email Copies to:	Attn:	Email:
City of Fayetteville	David Jurgens	djurgens@ci.fayetteville.ar.us

Copy to File: 0396-1000 (1)

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

C. 2
Bid # 09-12
LaRue Contractor, Inc.
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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		TRI-BUILT CONSTRUCTION		TOTAL SITE DEVELOPMENT	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Erosion Control	1	LS	\$25,000.00	\$ 25,000.00	\$ 5,060.00	\$ 5,060.00	\$ 3,150.00	\$ 3,150.00
2	Traffic Control	1	LS	\$30,000.00	\$ 30,000.00	\$ 2,224.00	\$ 2,224.00	\$ 30,324.00	\$ 30,324.00
3	Mobilization	1	LS	\$65,000.00	\$ 65,000.00	\$ 7,448.00	\$ 7,448.00	\$ 29,000.00	\$ 29,000.00
4	Trench Excavation Safety	1	LS	\$25,000.00	\$ 25,000.00	\$ 3,224.00	\$ 3,224.00	\$ 10,500.00	\$ 10,500.00
5	8" PVC C-900 DR-14 Water Line	6020	LF	\$80.00	\$ 481,600.00	\$ 30.90	\$ 186,018.00	\$ 56.26	\$ 338,685.20
6	6" PVC C-900 DR-14 Water Line	60	LF	\$70.00	\$ 4,200.00	\$ 28.16	\$ 1,689.60	\$ 30.89	\$ 1,853.40
7	4" PVC C-900 DR-14 Water Line	20	LF	\$60.00	\$ 1,200.00	\$ 26.34	\$ 526.80	\$ 29.12	\$ 582.40
8	2" Polyethylene Water Line	20	LF	\$30.00	\$ 600.00	\$ 27.94	\$ 558.80	\$ 37.20	\$ 744.00
9	16" Steel Encasement by Open Cut	100	LF	\$250.00	\$ 25,000.00	\$ 66.07	\$ 6,607.00	\$ 56.93	\$ 5,693.00
10	8"x8" Tapping Sleeve and Valve	7	EA	\$4,500.00	\$ 31,500.00	\$ 3,037.95	\$ 21,265.65	\$ 2,716.02	\$ 19,012.14
11	6"x6" Tapping Sleeve and Valve	3	EA	\$3,500.00	\$ 10,500.00	\$ 2,176.71	\$ 6,530.13	\$ 2,217.59	\$ 6,652.77
12	4"x4" Tapping Sleeve and Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,915.66	\$ 1,915.66	\$ 2,014.07	\$ 2,014.07
13	8" Gate Valve	10	EA	\$2,500.00	\$ 25,000.00	\$ 1,263.96	\$ 12,639.60	\$ 1,261.65	\$ 12,616.50
14	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 656.49	\$ 656.49	\$ 214.74	\$ 214.74
15	Fire Hydrant Assembly	13	EA	\$4,000.00	\$ 52,000.00	\$ 3,857.30	\$ 50,144.90	\$ 2,911.25	\$ 37,846.25
16	Cut and Plug Existing 8" Water Line	1	EA	\$1,250.00	\$ 1,250.00	\$ 209.95	\$ 209.95	\$ 324.92	\$ 324.92
17	Cut and Plug Existing 6" Water Line	4	EA	\$1,250.00	\$ 5,000.00	\$ 313.14	\$ 1,252.56	\$ 281.96	\$ 1,127.84
18	Cut and Plug Existing 4" Water Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 157.60	\$ 315.20	\$ 241.05	\$ 482.10
19	Water Service Line	2900	LF	\$20.00	\$ 58,000.00	\$ 24.94	\$ 72,326.00	\$ 13.51	\$ 39,179.00
20	Water Meter Setting	50	EA	\$1,200.00	\$ 60,000.00	\$ 490.32	\$ 24,516.00	\$ 360.43	\$ 18,021.50
21	Undercut and Backfill for Water Line	200	CY	\$20.00	\$ 4,000.00	\$ 39.34	\$ 7,868.00	\$ 12.97	\$ 2,594.00
22	Ductile Iron Fittings for Water Line	5300	LB	\$9.00	\$ 47,700.00	\$ 10.22	\$ 54,166.00	\$ 9.54	\$ 50,562.00
23	Abandon Existing Water Valve	8	EA	\$500.00	\$ 4,000.00	\$ 30.64	\$ 245.12	\$ 126.00	\$ 1,008.00
24	Abandon Existing Fire Hydrant Assembly	2	EA	\$750.00	\$ 1,500.00	\$ 61.20	\$ 122.40	\$ 252.00	\$ 504.00
25	Rock Excavation for Water Line	500	CY	\$150.00	\$ 75,000.00	\$ 117.50	\$ 58,750.00	\$ 152.25	\$ 76,125.00
26	Water Mitigation Dam and Drain	1	LS	\$5,000.00	\$ 5,000.00	\$ 281.82	\$ 281.82	\$ 1,210.08	\$ 1,210.08
27	Blow-Off Assembly	2	EA	\$1,500.00	\$ 3,000.00	\$ 835.97	\$ 1,671.94	\$ 1,214.35	\$ 2,428.70
28	8" PVC SDR-26 Gravity Sewer Pipe	300	LF	\$90.00	\$ 27,000.00	\$ 27.55	\$ 8,265.00	\$ 19.65	\$ 5,895.00
29	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	3	EA	\$3,500.00	\$ 10,500.00	\$ 2,747.48	\$ 8,242.44	\$ 1,712.16	\$ 5,136.48
30	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 373.56	\$ 7,471.20	\$ 210.00	\$ 4,200.00
31	Concrete Anchor for Gravity Sewer Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 177.48	\$ 354.96	\$ 388.50	\$ 777.00
32	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 39.34	\$ 393.40	\$ 12.97	\$ 129.70
33	4" Sanitary Sewer Service Line	100	LF	\$35.00	\$ 3,500.00	\$ 25.28	\$ 2,528.00	\$ 17.61	\$ 1,761.00
34	4" Sewer Service Tap	5	EA	\$1,000.00	\$ 5,000.00	\$ 209.16	\$ 1,045.80	\$ 926.44	\$ 4,632.20
35	Connect to Existing Sanitary Sewer Manhole	1	EA	\$1,500.00	\$ 1,500.00	\$ 239.94	\$ 239.94	\$ 532.04	\$ 532.04
36	Demolish Existing Manhole	2	EA	\$750.00	\$ 1,500.00	\$ 61.20	\$ 122.40	\$ 262.50	\$ 525.00
37	Rock Excavation for Sewer Line	25	CY	\$150.00	\$ 3,750.00	\$ 117.50	\$ 2,937.50	\$ 152.25	\$ 3,806.25
38	Water Service Line	130	LF	\$20.00	\$ 2,600.00	\$ 24.94	\$ 3,242.20	\$ 19.81	\$ 2,575.30
39	Water Meter Setting	2	EA	\$1,250.00	\$ 2,500.00	\$ 512.88	\$ 1,025.76	\$ 365.03	\$ 730.06
40	8" PVC SDR-26 Gravity Sewer Pipe	900	LF	\$90.00	\$ 81,000.00	\$ 27.50	\$ 24,750.00	\$ 19.92	\$ 17,928.00
41	4" Sanitary Sewer Service Line	25	LF	\$35.00	\$ 875.00	\$ 25.28	\$ 632.00	\$ 17.64	\$ 441.00

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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Bid # 09-12
LaRue Contractor, Inc.
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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		TRI-BUILT CONSTRUCTION		TOTAL SITE DEVELOPMENT	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
42	16" Steel Encasement By Open Cut	53	LF	\$250.00	\$ 13,250.00	\$ 114.95	\$ 6,092.35	\$ 65.36	\$ 3,464.08
43	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	9	EA	\$3,500.00	\$ 31,500.00	\$ 2,652.85	\$ 23,875.65	\$ 1,712.16	\$ 15,409.44
44	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 373.56	\$ 7,471.20	\$ 210.00	\$ 4,200.00
45	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 39.34	\$ 393.40	\$ 12.97	\$ 129.70
46	Connect to Existing Sanitary Sewer Manhole	2	EA	\$1,500.00	\$ 3,000.00	\$ 239.94	\$ 479.88	\$ 532.60	\$ 1,065.20
47	Rock Excavation for Sewer Line	75	CY	\$150.00	\$ 11,250.00	\$ 117.50	\$ 8,812.50	\$ 152.25	\$ 11,418.75
48	8" PVC C-900 DR-14 Water Line	1400	LF	\$80.00	\$ 112,000.00	\$ 30.91	\$ 43,274.00	\$ 22.89	\$ 32,046.00
49	2" Polyethylene Water Line	5	LF	\$30.00	\$ 150.00	\$ 27.94	\$ 139.70	\$ 20.90	\$ 104.50
50	16" Steel Encasement by Open Cut	20	LF	\$250.00	\$ 5,000.00	\$ 92.64	\$ 1,852.80	\$ 63.80	\$ 1,276.00
51	8"x8" Tapping Sleeve and Valve	3	EA	\$4,500.00	\$ 13,500.00	\$ 3,037.95	\$ 9,113.85	\$ 2,681.02	\$ 8,043.06
52	2"x2" Service Saddle	1	EA	\$500.00	\$ 500.00	\$ 263.83	\$ 263.83	\$ 348.78	\$ 348.78
53	8" Gate Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,263.96	\$ 1,263.96	\$ 1,256.40	\$ 1,256.40
54	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 656.49	\$ 656.49	\$ 209.49	\$ 209.49
55	Fire Hydrant Assembly	2	EA	\$4,000.00	\$ 8,000.00	\$ 3,819.65	\$ 7,639.30	\$ 3,037.25	\$ 6,074.50
56	Cut and Plug Existing 12" Water Line	3	EA	\$1,500.00	\$ 4,500.00	\$ 465.36	\$ 1,396.08	\$ 506.84	\$ 1,520.52
57	Cut and Plug Existing 8" Water Line	3	EA	\$1,250.00	\$ 3,750.00	\$ 362.95	\$ 1,088.85	\$ 368.14	\$ 1,104.42
58	Water Service Line	1300	LF	\$20.00	\$ 26,000.00	\$ 24.94	\$ 32,422.00	\$ 20.01	\$ 26,013.00
59	Water Meter Setting	20	EA	\$1,200.00	\$ 24,000.00	\$ 497.69	\$ 9,953.80	\$ 389.87	\$ 7,797.40
60	Undercut and Backfill for Water Line	40	CY	\$20.00	\$ 800.00	\$ 39.34	\$ 1,573.60	\$ 12.97	\$ 518.80
61	Ductile Iron Fittings for Water Line	900	LB	\$9.00	\$ 8,100.00	\$ 10.07	\$ 9,063.00	\$ 8.19	\$ 7,371.00
62	Abandon Existing Water Valve	6	EA	\$500.00	\$ 3,000.00	\$ 30.60	\$ 183.60	\$ 126.00	\$ 756.00
63	Abandon Existing Fire Hydrant Assembly	1	EA	\$750.00	\$ 750.00	\$ 61.20	\$ 61.20	\$ 252.00	\$ 252.00
64	Rock Excavation for Water Line	150	CY	\$150.00	\$ 22,500.00	\$ 117.50	\$ 17,625.00	\$ 152.25	\$ 22,837.50
65	Remove and Dispose of Existing Building	1	LS	\$10,000.00	\$ 10,000.00	\$ 8,939.55	\$ 8,939.55	\$ 525.00	\$ 525.00
66	Demolish Existing Manhole	1	EA	\$750.00	\$ 750.00	\$ 183.60	\$ 183.60	\$ 126.00	\$ 126.00
67	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	1	EA	\$3,500.00	\$ 3,500.00	\$ 2,641.33	\$ 2,641.33	\$ 1,712.16	\$ 1,712.16
68	4" Sanitary Sewer Service Line	50	LF	\$35.00	\$ 1,750.00	\$ 25.28	\$ 1,264.00	\$ 17.64	\$ 882.00
69	4" Sewer Service Tap	1	EA	\$1,000.00	\$ 1,000.00	\$ 209.16	\$ 209.16	\$ 926.44	\$ 926.44
Total Base Bid Price					\$ 1,511,725.00	Total Amount Bid	\$ 787,417.90	Total Amount Bid	\$ 898,912.78
Deductive Alternate No. 1 (28 to 39)					\$ 66,050.00	Deductive Alternate No. 1 (28 to 39)	\$ 35,868.60	Deductive Alternate No. 1 (28 to 39)	\$ 30,700.03
Deductive Alternate No. 2 (40 to 47)					\$ 147,075.00	Deductive Alternate No. 2 (40 to 47)	\$ 72,506.98	Deductive Alternate No. 2 (40 to 47)	\$ 54,056.17
Deductive Alternate No. 3 (48 to 69)					\$ 252,550.00	Deductive Alternate No. 3 (48 to 69)	\$ 150,808.70	Deductive Alternate No. 3 (48 to 69)	\$ 121,700.97

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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Bid # 09-12
LaRue Contractor, Inc.
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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		LARUE CONTRACTOR, INC.		SEVEN VALLEYS CONSTRUCTION CO.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Erosion Control	1	LS	\$25,000.00	\$ 25,000.00	\$ 3,355.00	\$ 3,355.00	\$ 4,000.00	\$ 4,000.00
2	Traffic Control	1	LS	\$30,000.00	\$ 30,000.00	\$ 3,763.00	\$ 3,763.00	\$ 12,000.00	\$ 12,000.00
3	Mobilization	1	LS	\$65,000.00	\$ 65,000.00	\$ 10,360.00	\$ 10,360.00	\$ 500,000.00	\$ 500,000.00
4	Trench Excavation Safety	1	LS	\$25,000.00	\$ 25,000.00	\$ 3,545.00	\$ 3,545.00	\$ 2,000.00	\$ 2,000.00
5	8" PVC C-900 DR-14 Water Line	6020	LF	\$80.00	\$ 481,600.00	\$ 42.75	\$ 257,355.00	\$ 36.00	\$ 216,720.00
6	6" PVC C-900 DR-14 Water Line	60	LF	\$70.00	\$ 4,200.00	\$ 40.30	\$ 2,418.00	\$ 33.00	\$ 1,980.00
7	4" PVC C-900 DR-14 Water Line	20	LF	\$60.00	\$ 1,200.00	\$ 38.72	\$ 774.40	\$ 33.00	\$ 660.00
8	2" Polyethylene Water Line	20	LF	\$30.00	\$ 600.00	\$ 38.31	\$ 766.20	\$ 35.00	\$ 700.00
9	16" Steel Encasement by Open Cut	100	LF	\$250.00	\$ 25,000.00	\$ 60.91	\$ 6,091.00	\$ 75.00	\$ 7,500.00
10	8"x6" Tapping Sleeve and Valve	7	EA	\$4,500.00	\$ 31,500.00	\$ 2,341.96	\$ 16,393.72	\$ 2,800.00	\$ 19,600.00
11	6"x6" Tapping Sleeve and Valve	3	EA	\$3,500.00	\$ 10,500.00	\$ 2,156.66	\$ 6,469.98	\$ 2,400.00	\$ 7,200.00
12	4"x4" Tapping Sleeve and Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,455.79	\$ 1,455.79	\$ 2,200.00	\$ 2,200.00
13	8" Gate Valve	10	EA	\$2,500.00	\$ 25,000.00	\$ 985.89	\$ 9,858.90	\$ 1,300.00	\$ 13,000.00
14	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 395.46	\$ 395.46	\$ 400.00	\$ 400.00
15	Fire Hydrant Assembly	13	EA	\$4,000.00	\$ 52,000.00	\$ 2,980.17	\$ 38,742.21	\$ 3,150.00	\$ 40,950.00
16	Cut and Plug Existing 8" Water Line	1	EA	\$1,250.00	\$ 1,250.00	\$ 239.11	\$ 239.11	\$ 1,200.00	\$ 1,200.00
17	Cut and Plug Existing 6" Water Line	4	EA	\$1,250.00	\$ 5,000.00	\$ 312.90	\$ 1,251.60	\$ 1,150.00	\$ 4,600.00
18	Cut and Plug Existing 4" Water Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 170.93	\$ 341.86	\$ 1,150.00	\$ 2,300.00
19	Water Service Line	2900	LF	\$20.00	\$ 58,000.00	\$ 30.98	\$ 89,842.00	\$ 35.00	\$ 101,500.00
20	Water Meter Setting	50	EA	\$1,200.00	\$ 60,000.00	\$ 429.56	\$ 21,478.00	\$ 700.00	\$ 35,000.00
21	Undercut and Backfill for Water Line	200	CY	\$20.00	\$ 4,000.00	\$ 22.44	\$ 4,488.00	\$ 32.00	\$ 6,400.00
22	Ductile Iron Fittings for Water Line	5300	LB	\$9.00	\$ 47,700.00	\$ 9.10	\$ 48,230.00	\$ 7.25	\$ 38,425.00
23	Abandon Existing Water Valve	8	EA	\$500.00	\$ 4,000.00	\$ 47.25	\$ 378.00	\$ 150.00	\$ 1,200.00
24	Abandon Existing Fire Hydrant Assembly	2	EA	\$750.00	\$ 1,500.00	\$ 156.75	\$ 313.50	\$ 1,200.00	\$ 2,400.00
25	Rock Excavation for Water Line	500	CY	\$150.00	\$ 75,000.00	\$ 190.85	\$ 95,425.00	\$ 60.00	\$ 30,000.00
26	Water Mitigation Dam and Drain	1	LS	\$5,000.00	\$ 5,000.00	\$ 12,373.87	\$ 12,373.87	\$ 6,000.00	\$ 6,000.00
27	Blow-Off Assembly	2	EA	\$1,500.00	\$ 3,000.00	\$ 866.68	\$ 1,733.36	\$ 1,000.00	\$ 2,000.00
28	8" PVC SDR-26 Gravity Sewer Pipe	300	LF	\$90.00	\$ 27,000.00	\$ 57.16	\$ 17,148.00	\$ 90.00	\$ 27,000.00
29	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	3	EA	\$3,500.00	\$ 10,500.00	\$ 1,321.05	\$ 3,963.15	\$ 2,800.00	\$ 8,400.00
30	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 185.02	\$ 3,700.40	\$ 220.00	\$ 4,400.00
31	Concrete Anchor for Gravity Sewer Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 1,086.25	\$ 2,172.50	\$ 500.00	\$ 1,000.00
32	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 22.44	\$ 224.40	\$ 40.00	\$ 400.00
33	4" Sanitary Sewer Service Line	100	LF	\$35.00	\$ 3,500.00	\$ 31.80	\$ 3,180.00	\$ 35.00	\$ 3,500.00
34	4" Sewer Service Tap	5	EA	\$1,000.00	\$ 5,000.00	\$ 159.00	\$ 795.00	\$ 200.00	\$ 1,000.00
35	Connect to Existing Sanitary Sewer Manhole	1	EA	\$1,500.00	\$ 1,500.00	\$ 454.50	\$ 454.50	\$ 1,800.00	\$ 1,800.00
36	Demolish Existing Manhole	2	EA	\$750.00	\$ 1,500.00	\$ 204.50	\$ 409.00	\$ 1,000.00	\$ 2,000.00
37	Rock Excavation for Sewer Line	25	CY	\$150.00	\$ 3,750.00	\$ 210.85	\$ 5,271.25	\$ 150.00	\$ 3,750.00
38	Water Service Line	130	LF	\$20.00	\$ 2,600.00	\$ 30.98	\$ 4,027.40	\$ 35.00	\$ 4,550.00
39	Water Meter Setting	2	EA	\$1,250.00	\$ 2,500.00	\$ 429.56	\$ 859.12	\$ 890.00	\$ 1,780.00
40	8" PVC SDR-26 Gravity Sewer Pipe	900	LF	\$90.00	\$ 81,000.00	\$ 67.16	\$ 60,444.00	\$ 50.00	\$ 45,000.00
41	4" Sanitary Sewer Service Line	25	LF	\$35.00	\$ 875.00	\$ 31.80	\$ 795.00	\$ 35.00	\$ 875.00

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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LaRue Contractor, Inc.
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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		LARUE CONTRACTOR, INC.		SEVEN VALLEYS CONSTRUCTION CO.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
42	16" Steel Encasement By Open Cut	53	LF	\$250.00	\$ 13,250.00	\$ 60.91	\$ 3,228.23	\$ 75.00	\$ 3,975.00
43	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	9	EA	\$3,500.00	\$ 31,500.00	\$ 1,321.05	\$ 11,889.45	\$ 2,800.00	\$ 25,200.00
44	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 185.02	\$ 3,700.40	\$ 220.00	\$ 4,400.00
45	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 22.44	\$ 224.40	\$ 40.00	\$ 400.00
46	Connect to Existing Sanitary Sewer Manhole	2	EA	\$1,500.00	\$ 3,000.00	\$ 454.50	\$ 909.00	\$ 1,800.00	\$ 3,600.00
47	Rock Excavation for Sewer Line	75	CY	\$150.00	\$ 11,250.00	\$ 210.85	\$ 15,813.75	\$ 100.00	\$ 7,500.00
48	8" PVC C-900 DR-14 Water Line	1400	LF	\$80.00	\$ 112,000.00	\$ 42.73	\$ 59,822.00	\$ 36.00	\$ 50,400.00
49	2" Polyethylene Water Line	5	LF	\$30.00	\$ 150.00	\$ 38.31	\$ 191.55	\$ 35.00	\$ 175.00
50	16" Steel Encasement by Open Cut	20	LF	\$250.00	\$ 5,000.00	\$ 60.91	\$ 1,218.20	\$ 75.00	\$ 1,500.00
51	8"x8" Tapping Sleeve and Valve	3	EA	\$4,500.00	\$ 13,500.00	\$ 2,341.96	\$ 7,025.88	\$ 2,800.00	\$ 8,400.00
52	2"X2" Service Saddle	1	EA	\$500.00	\$ 500.00	\$ 760.94	\$ 760.94	\$ 730.00	\$ 730.00
53	8" Gate Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 985.89	\$ 985.89	\$ 1,300.00	\$ 1,300.00
54	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 395.46	\$ 395.46	\$ 400.00	\$ 400.00
55	Fire Hydrant Assembly	2	EA	\$4,000.00	\$ 8,000.00	\$ 2,980.17	\$ 5,960.34	\$ 3,150.00	\$ 6,300.00
56	Cut and Plug Existing 12" Water Line	3	EA	\$1,500.00	\$ 4,500.00	\$ 479.13	\$ 1,437.39	\$ 1,450.00	\$ 4,350.00
57	Cut and Plug Existing 8" Water Line	3	EA	\$1,250.00	\$ 3,750.00	\$ 239.11	\$ 717.33	\$ 1,200.00	\$ 3,600.00
58	Water Service Line	1300	LF	\$20.00	\$ 26,000.00	\$ 30.98	\$ 40,274.00	\$ 35.00	\$ 45,500.00
59	Water Meter Setting	20	EA	\$1,200.00	\$ 24,000.00	\$ 429.56	\$ 8,591.20	\$ 700.00	\$ 14,000.00
60	Undercut and Backfill for Water Line	40	CY	\$20.00	\$ 800.00	\$ 22.44	\$ 897.60	\$ 32.00	\$ 1,280.00
61	Ductile Iron Fittings for Water Line	900	LB	\$9.00	\$ 8,100.00	\$ 9.10	\$ 8,190.00	\$ 7.25	\$ 6,525.00
62	Abandon Existing Water Valve	6	EA	\$500.00	\$ 3,000.00	\$ 47.25	\$ 283.50	\$ 150.00	\$ 900.00
63	Abandon Existing Fire Hydrant Assembly	1	EA	\$750.00	\$ 750.00	\$ 156.75	\$ 156.75	\$ 1,200.00	\$ 1,200.00
64	Rock Excavation for Water Line	150	CY	\$150.00	\$ 22,500.00	\$ 190.85	\$ 28,627.50	\$ 60.00	\$ 9,000.00
65	Remove and Dispose of Existing Building	1	LS	\$10,000.00	\$ 10,000.00	\$ 1,772.00	\$ 1,772.00	\$ 5,000.00	\$ 5,000.00
66	Demolish Existing Manhole	1	EA	\$750.00	\$ 750.00	\$ 204.50	\$ 204.50	\$ 1,000.00	\$ 1,000.00
67	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	1	EA	\$3,500.00	\$ 3,500.00	\$ 1,321.05	\$ 1,321.05	\$ 2,800.00	\$ 2,800.00
68	4" Sanitary Sewer Service Line	50	LF	\$35.00	\$ 1,750.00	\$ 31.80	\$ 1,590.00	\$ 35.00	\$ 1,750.00
69	4" Sewer Service Tap	1	EA	\$1,000.00	\$ 1,000.00	\$ 159.00	\$ 159.00	\$ 200.00	\$ 200.00
Total Base Bid Price					\$ 1,511,725.00	Total Amount Bid	\$ 947,628.99	Total Amount Bid	\$ 1,376,775.00
Deductive Alternate No. 1 (28 to 39)					\$ 66,050.00	Deductive Alternate No. 1 (28 to 39)	\$ 42,204.72	Deductive Alternate No. 1 (28 to 39)	\$ 59,580.00
Deductive Alternate No. 2 (40 to 47)					\$ 147,075.00	Deductive Alternate No. 2 (40 to 47)	\$ 97,004.23	Deductive Alternate No. 2 (40 to 47)	\$ 90,950.00
Deductive Alternate No. 3 (48 to 69)					\$ 252,550.00	Deductive Alternate No. 3 (48 to 69)	\$ 170,582.08	Deductive Alternate No. 3 (48 to 69)	\$ 166,310.00

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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Bid # 09-12
LaRue Contractor, Inc.
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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		ARCO EXCAVATION	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Erosion Control	1	LS	\$25,000.00	\$ 25,000.00	\$ 10,000.00	\$ 10,000.00
2	Traffic Control	1	LS	\$30,000.00	\$ 30,000.00	\$ 58,000.00	\$ 58,000.00
3	Mobilization	1	LS	\$65,000.00	\$ 65,000.00	\$ 50,000.00	\$ 50,000.00
4	Trench Excavation Safety	1	LS	\$25,000.00	\$ 25,000.00	\$ 7,000.00	\$ 7,000.00
5	8" PVC C-900 DR-14 Water Line	6020	LF	\$80.00	\$ 481,600.00	\$ 72.00	\$ 433,440.00
6	6" PVC C-900 DR-14 Water Line	60	LF	\$70.00	\$ 4,200.00	\$ 70.00	\$ 4,200.00
7	4" PVC C-900 DR-14 Water Line	20	LF	\$60.00	\$ 1,200.00	\$ 50.00	\$ 1,000.00
8	2" Polyethylene Water Line	20	LF	\$30.00	\$ 600.00	\$ 30.00	\$ 600.00
9	16" Steel Encasement by Open Cut	100	LF	\$250.00	\$ 25,000.00	\$ 90.00	\$ 9,000.00
10	8"x8" Tapping Sleeve and Valve	7	EA	\$4,500.00	\$ 31,500.00	\$ 2,500.00	\$ 17,500.00
11	6"x6" Tapping Sleeve and Valve	3	EA	\$3,500.00	\$ 10,500.00	\$ 2,200.00	\$ 6,600.00
12	4"x4" Tapping Sleeve and Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,700.00	\$ 1,700.00
13	8" Gate Valve	10	EA	\$2,500.00	\$ 25,000.00	\$ 1,400.00	\$ 14,000.00
14	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 600.00	\$ 600.00
15	Fire Hydrant Assembly	13	EA	\$4,000.00	\$ 52,000.00	\$ 3,200.00	\$ 41,600.00
16	Cut and Plug Existing 8" Water Line	1	EA	\$1,250.00	\$ 1,250.00	\$ 450.00	\$ 450.00
17	Cut and Plug Existing 6" Water Line	4	EA	\$1,250.00	\$ 5,000.00	\$ 450.00	\$ 1,800.00
18	Cut and Plug Existing 4" Water Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 400.00	\$ 800.00
19	Water Service Line	2900	LF	\$20.00	\$ 58,000.00	\$ 60.00	\$ 174,000.00
20	Water Meter Setting	50	EA	\$1,200.00	\$ 60,000.00	\$ 650.00	\$ 32,500.00
21	Undercut and Backfill for Water Line	200	CY	\$20.00	\$ 4,000.00	\$ 18.00	\$ 3,600.00
22	Ductile Iron Fittings for Water Line	5300	LB	\$9.00	\$ 47,700.00	\$ 7.00	\$ 37,100.00
23	Abandon Existing Water Valve	8	EA	\$500.00	\$ 4,000.00	\$ 1,000.00	\$ 8,000.00
24	Abandon Existing Fire Hydrant Assembly	2	EA	\$750.00	\$ 1,500.00	\$ 1,000.00	\$ 2,000.00
25	Rock Excavation for Water Line	500	CY	\$150.00	\$ 75,000.00	\$ 180.00	\$ 90,000.00
26	Water Mitigation Dam and Drain	1	LS	\$5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00
27	Blow-Off Assembly	2	EA	\$1,500.00	\$ 3,000.00	\$ 800.00	\$ 1,600.00
28	8" PVC SDR-26 Gravity Sewer Pipe	300	LF	\$90.00	\$ 27,000.00	\$ 72.00	\$ 21,600.00
29	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	3	EA	\$3,500.00	\$ 10,500.00	\$ 1,600.00	\$ 4,800.00
30	4' ID Sanitary Sewer Manhole Additional Dept.	20	VF	\$300.00	\$ 6,000.00	\$ 170.00	\$ 3,400.00
31	Concrete Anchor for Gravity Sewer Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 1,500.00	\$ 3,000.00
32	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 50.00	\$ 500.00
33	4" Sanitary Sewer Service Line	100	LF	\$35.00	\$ 3,500.00	\$ 50.00	\$ 5,000.00
34	4" Sewer Service Tap	5	EA	\$1,000.00	\$ 5,000.00	\$ 500.00	\$ 2,500.00
35	Connect to Existing Sanitary Sewer Manhole	1	EA	\$1,500.00	\$ 1,500.00	\$ 1,400.00	\$ 1,400.00
36	Demolish Existing Manhole	2	EA	\$750.00	\$ 1,500.00	\$ 800.00	\$ 1,600.00
37	Rock Excavation for Sewer Line	25	CY	\$150.00	\$ 3,750.00	\$ 200.00	\$ 5,000.00
38	Water Service Line	130	LF	\$20.00	\$ 2,600.00	\$ 60.00	\$ 7,800.00
39	Water Meter Setting	2	EA	\$1,250.00	\$ 2,500.00	\$ 650.00	\$ 1,300.00
40	8" PVC SDR-26 Gravity Sewer Pipe	900	LF	\$90.00	\$ 81,000.00	\$ 72.00	\$ 64,800.00
41	4" Sanitary Sewer Service Line	25	LF	\$35.00	\$ 875.00	\$ 50.00	\$ 1,250.00

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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LaRue Contractor, Inc.
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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		ARCO EXCAVATION	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
42	16" Steel Encasement By Open Cut	53	LF	\$250.00	\$ 13,250.00	\$ 90.00	\$ 4,770.00
43	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	9	EA	\$3,500.00	\$ 31,500.00	\$ 1,600.00	\$ 14,400.00
44	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 170.00	\$ 3,400.00
45	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 50.00	\$ 500.00
46	Connect to Existing Sanitary Sewer Manhole	2	EA	\$1,500.00	\$ 3,000.00	\$ 1,300.00	\$ 2,600.00
47	Rock Excavation for Sewer Line	75	CY	\$150.00	\$ 11,250.00	\$ 180.00	\$ 13,500.00
48	8" PVC C-900 DR-14 Water Line	1400	LF	\$80.00	\$ 112,000.00	\$ 72.00	\$ 100,800.00
49	2" Polyethylene Water Line	5	LF	\$30.00	\$ 150.00	\$ 100.00	\$ 500.00
50	16" Steel Encasement by Open Cut	20	LF	\$250.00	\$ 5,000.00	\$ 90.00	\$ 1,800.00
51	8"x8" Tapping Sleeve and Valve	3	EA	\$4,500.00	\$ 13,500.00	\$ 2,500.00	\$ 7,500.00
52	2"x2" Service Saddle	1	EA	\$500.00	\$ 500.00	\$ 200.00	\$ 200.00
53	8" Gate Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,400.00	\$ 1,400.00
54	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 600.00	\$ 600.00
55	Fire Hydrant Assembly	2	EA	\$4,000.00	\$ 8,000.00	\$ 3,200.00	\$ 6,400.00
56	Cut and Plug Existing 12" Water Line	3	EA	\$1,500.00	\$ 4,500.00	\$ 650.00	\$ 1,950.00
57	Cut and Plug Existing 8" Water Line	3	EA	\$1,250.00	\$ 3,750.00	\$ 450.00	\$ 1,350.00
58	Water Service Line	1300	LF	\$20.00	\$ 26,000.00	\$ 60.00	\$ 78,000.00
59	Water Meter Setting	20	EA	\$1,200.00	\$ 24,000.00	\$ 650.00	\$ 13,000.00
60	Undercut and Backfill for Water Line	40	CY	\$20.00	\$ 800.00	\$ 18.00	\$ 720.00
61	Ductile Iron Fittings for Water Line	900	LB	\$9.00	\$ 8,100.00	\$ 7.00	\$ 6,300.00
62	Abandon Existing Water Valve	6	EA	\$500.00	\$ 3,000.00	\$ 1,000.00	\$ 6,000.00
63	Abandon Existing Fire Hydrant Assembly	1	EA	\$750.00	\$ 750.00	\$ 1,000.00	\$ 1,000.00
64	Rock Excavation for Water Line	150	CY	\$150.00	\$ 22,500.00	\$ 185.00	\$ 27,750.00
65	Remove and Dispose of Existing Building	1	LS	\$10,000.00	\$ 10,000.00	\$ 2,000.00	\$ 2,000.00
66	Demolish Existing Manhole	1	EA	\$750.00	\$ 750.00	\$ 3,000.00	\$ 3,000.00
67	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	1	EA	\$3,500.00	\$ 3,500.00	\$ 1,600.00	\$ 1,600.00
68	4" Sanitary Sewer Service Line	50	LF	\$35.00	\$ 1,750.00	\$ 50.00	\$ 2,500.00
69	4" Sewer Service Tap	1	EA	\$1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00
Total Base Bid Price				\$ 1,511,725.00	Total Amount Bid	\$ 1,439,080.00	
Deductive Alternate No. 1 (28 to 39)				\$ 66,050.00	Deductive Alternate No. 1 (28 to 39)	\$ 57,900.00	
Deductive Alternate No. 2 (40 to 47)				\$ 147,075.00	Deductive Alternate No. 2 (40 to 47)	\$ 105,220.00	
Deductive Alternate No. 3 (48 to 69)				\$ 252,550.00	Deductive Alternate No. 3 (48 to 69)	\$ 264,870.00	

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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LaRue Contractor, Inc.
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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		FAYETTE TREE & TRENCH		SWEETSER	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Erosion Control	1	LS	\$25,000.00	\$ 25,000.00	\$ 9,000.00	\$ 9,000.00	\$ 26,000.00	\$ 26,000.00
2	Traffic Control	1	LS	\$30,000.00	\$ 30,000.00	\$ 36,500.00	\$ 36,500.00	\$ 15,500.00	\$ 15,500.00
3	Mobilization	1	LS	\$65,000.00	\$ 65,000.00	\$ 18,750.00	\$ 18,750.00	\$ 30,200.00	\$ 30,200.00
4	Trench Excavation Safety	1	LS	\$25,000.00	\$ 25,000.00	\$ 27,500.00	\$ 27,500.00	\$ 2,500.00	\$ 2,500.00
5	8" PVC C-900 DR-14 Water Line	6020	LF	\$80.00	\$ 481,600.00	\$ 92.92	\$ 559,378.40	\$ 75.00	\$ 451,500.00
6	6" PVC C-900 DR-14 Water Line	60	LF	\$70.00	\$ 4,200.00	\$ 15.00	\$ 900.00	\$ 70.00	\$ 4,200.00
7	4" PVC C-900 DR-14 Water Line	20	LF	\$60.00	\$ 1,200.00	\$ 15.00	\$ 300.00	\$ 70.00	\$ 1,400.00
8	2" Polyethylene Water Line	20	LF	\$30.00	\$ 600.00	\$ 15.00	\$ 300.00	\$ 73.00	\$ 1,460.00
9	16" Steel Encasement by Open Cut	100	LF	\$250.00	\$ 25,000.00	\$ 95.00	\$ 9,500.00	\$ 145.00	\$ 14,500.00
10	8"x8" Tapping Sleeve and Valve	7	EA	\$4,500.00	\$ 31,500.00	\$ 3,800.00	\$ 26,600.00	\$ 3,850.00	\$ 26,950.00
11	6"x6" Tapping Sleeve and Valve	3	EA	\$3,500.00	\$ 10,500.00	\$ 2,900.00	\$ 8,700.00	\$ 3,000.00	\$ 9,000.00
12	4"x4" Tapping Sleeve and Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 2,100.00	\$ 2,100.00	\$ 2,575.00	\$ 2,575.00
13	8" Gate Valve	10	EA	\$2,500.00	\$ 25,000.00	\$ 1,850.00	\$ 18,500.00	\$ 2,125.00	\$ 21,250.00
14	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 250.00	\$ 250.00	\$ 550.00	\$ 550.00
15	Fire Hydrant Assembly	13	EA	\$4,000.00	\$ 52,000.00	\$ 5,010.00	\$ 65,130.00	\$ 5,225.00	\$ 67,925.00
16	Cut and Plug Existing 8" Water Line	1	EA	\$1,250.00	\$ 1,250.00	\$ 600.00	\$ 600.00	\$ 625.00	\$ 625.00
17	Cut and Plug Existing 6" Water Line	4	EA	\$1,250.00	\$ 5,000.00	\$ 560.00	\$ 2,240.00	\$ 500.00	\$ 2,000.00
18	Cut and Plug Existing 4" Water Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 350.00	\$ 700.00
19	Water Service Line	2900	LF	\$20.00	\$ 58,000.00	\$ 21.55	\$ 62,495.00	\$ 57.50	\$ 166,750.00
20	Water Meter Setting	50	EA	\$1,200.00	\$ 60,000.00	\$ 2,990.00	\$ 149,500.00	\$ 550.00	\$ 27,500.00
21	Undercut and Backfill for Water Line	200	CY	\$20.00	\$ 4,000.00	\$ 45.00	\$ 9,000.00	\$ 14.00	\$ 2,800.00
22	Ductile Iron Fittings for Water Line	5300	LB	\$9.00	\$ 47,700.00	\$ 7.75	\$ 41,075.00	\$ 12.50	\$ 66,250.00
23	Abandon Existing Water Valve	8	EA	\$500.00	\$ 4,000.00	\$ 175.00	\$ 1,400.00	\$ 500.00	\$ 4,000.00
24	Abandon Existing Fire Hydrant Assembly	2	EA	\$750.00	\$ 1,500.00	\$ 500.00	\$ 1,000.00	\$ 550.00	\$ 1,100.00
25	Rock Excavation for Water Line	500	CY	\$150.00	\$ 75,000.00	\$ 1.00	\$ 500.00	\$ 175.00	\$ 87,500.00
26	Water Mitigation Dam and Drain	1	LS	\$5,000.00	\$ 5,000.00	\$ 14,960.00	\$ 14,960.00	\$ 1,200.00	\$ 1,200.00
27	Blow-Off Assembly	2	EA	\$1,500.00	\$ 3,000.00	\$ 1,450.00	\$ 2,900.00	\$ 1,600.00	\$ 3,200.00
28	8" PVC SDR-26 Gravity Sewer Pipe	300	LF	\$90.00	\$ 27,000.00	\$ 126.43	\$ 37,929.00	\$ 85.00	\$ 25,500.00
29	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	3	EA	\$3,500.00	\$ 10,500.00	\$ 3,025.00	\$ 9,075.00	\$ 3,600.00	\$ 10,800.00
30	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 395.00	\$ 7,900.00	\$ 200.00	\$ 4,000.00
31	Concrete Anchor for Gravity Sewer Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00
32	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 50.00	\$ 500.00	\$ 14.00	\$ 140.00
33	4" Sanitary Sewer Service Line	100	LF	\$35.00	\$ 3,500.00	\$ 10.00	\$ 1,000.00	\$ 80.00	\$ 8,000.00
34	4" Sewer Service Tap	5	EA	\$1,000.00	\$ 5,000.00	\$ 300.00	\$ 1,500.00	\$ 350.00	\$ 1,750.00
35	Connect to Existing Sanitary Sewer Manhole	1	EA	\$1,500.00	\$ 1,500.00	\$ 1,750.00	\$ 1,750.00	\$ 500.00	\$ 500.00
36	Demolish Existing Manhole	2	EA	\$750.00	\$ 1,500.00	\$ 650.00	\$ 1,300.00	\$ 350.00	\$ 700.00
37	Rock Excavation for Sewer Line	25	CY	\$150.00	\$ 3,750.00	\$ 175.00	\$ 4,375.00	\$ 175.00	\$ 4,375.00
38	Water Service Line	130	LF	\$20.00	\$ 2,600.00	\$ 27.00	\$ 3,510.00	\$ 56.00	\$ 7,280.00
39	Water Meter Setting	2	EA	\$1,250.00	\$ 2,500.00	\$ 1,350.00	\$ 2,700.00	\$ 900.00	\$ 1,800.00
40	8" PVC SDR-26 Gravity Sewer Pipe	900	LF	\$90.00	\$ 81,000.00	\$ 88.46	\$ 79,614.00	\$ 85.00	\$ 76,500.00
41	4" Sanitary Sewer Service Line	25	LF	\$35.00	\$ 875.00	\$ 30.00	\$ 750.00	\$ 80.00	\$ 2,000.00

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		FAYETTE TREE & TRENCH		SWEETSER	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
42	16" Steel Encasement By Open Cut	53	LF	\$250.00	\$ 13,250.00	\$ 120.00	\$ 6,360.00	\$ 145.00	\$ 7,685.00
43	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	9	EA	\$3,500.00	\$ 31,500.00	\$ 2,750.00	\$ 24,750.00	\$ 3,600.00	\$ 32,400.00
44	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 400.00	\$ 8,000.00	\$ 200.00	\$ 4,000.00
45	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 55.00	\$ 550.00	\$ 14.00	\$ 140.00
46	Connect to Existing Sanitary Sewer Manhole	2	EA	\$1,500.00	\$ 3,000.00	\$ 2,500.00	\$ 5,000.00	\$ 500.00	\$ 1,000.00
47	Rock Excavation for Sewer Line	75	CY	\$150.00	\$ 11,250.00	\$ 20.00	\$ 1,500.00	\$ 175.00	\$ 13,125.00
48	8" PVC C-900 DR-14 Water Line	1400	LF	\$80.00	\$ 112,000.00	\$ 92.88	\$ 130,032.00	\$ 85.00	\$ 119,000.00
49	2" Polyethylene Water Line	5	LF	\$30.00	\$ 150.00	\$ 30.00	\$ 150.00	\$ 175.00	\$ 875.00
50	16" Steel Encasement by Open Cut	20	LF	\$250.00	\$ 5,000.00	\$ 95.00	\$ 1,900.00	\$ 145.00	\$ 2,900.00
51	8"x8" Tapping Sleeve and Valve	3	EA	\$4,500.00	\$ 13,500.00	\$ 2,850.00	\$ 8,550.00	\$ 3,850.00	\$ 11,550.00
52	2"x2" Service Saddle	1	EA	\$500.00	\$ 500.00	\$ 590.00	\$ 590.00	\$ 280.00	\$ 280.00
53	8" Gate Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,400.00	\$ 1,400.00	\$ 1,825.00	\$ 1,825.00
54	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 250.00	\$ 250.00	\$ 850.00	\$ 850.00
55	Fire Hydrant Assembly	2	EA	\$4,000.00	\$ 8,000.00	\$ 4,975.00	\$ 9,950.00	\$ 4,800.00	\$ 9,600.00
56	Cut and Plug Existing 12" Water Line	3	EA	\$1,500.00	\$ 4,500.00	\$ 775.00	\$ 2,325.00	\$ 800.00	\$ 2,400.00
57	Cut and Plug Existing 8" Water Line	3	EA	\$1,250.00	\$ 3,750.00	\$ 600.00	\$ 1,800.00	\$ 650.00	\$ 1,950.00
58	Water Service Line	1300	LF	\$20.00	\$ 26,000.00	\$ 21.55	\$ 28,015.00	\$ 60.50	\$ 78,650.00
59	Water Meter Setting	20	EA	\$1,200.00	\$ 24,000.00	\$ 2,550.00	\$ 51,000.00	\$ 625.00	\$ 12,500.00
60	Undercut and Backfill for Water Line	40	CY	\$20.00	\$ 800.00	\$ 50.00	\$ 2,000.00	\$ 14.00	\$ 560.00
61	Ductile Iron Fittings for Water Line	900	LB	\$9.00	\$ 8,100.00	\$ 8.25	\$ 7,425.00	\$ 12.00	\$ 10,800.00
62	Abandon Existing Water Valve	6	EA	\$500.00	\$ 3,000.00	\$ 175.00	\$ 1,050.00	\$ 500.00	\$ 3,000.00
63	Abandon Existing Fire Hydrant Assembly	1	EA	\$750.00	\$ 750.00	\$ 500.00	\$ 500.00	\$ 600.00	\$ 600.00
64	Rock Excavation for Water Line	150	CY	\$150.00	\$ 22,500.00	\$ 1.00	\$ 150.00	\$ 175.00	\$ 26,250.00
65	Remove and Dispose of Existing Building	1	LS	\$10,000.00	\$ 10,000.00	\$ 2,650.00	\$ 2,650.00	\$ 1,620.00	\$ 1,620.00
66	Demolish Existing Manhole	1	EA	\$750.00	\$ 750.00	\$ 1,300.00	\$ 1,300.00	\$ 500.00	\$ 500.00
67	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	1	EA	\$3,500.00	\$ 3,500.00	\$ 2,950.00	\$ 2,950.00	\$ 3,600.00	\$ 3,600.00
68	4" Sanitary Sewer Service Line	50	LF	\$35.00	\$ 1,750.00	\$ 20.00	\$ 1,000.00	\$ 65.00	\$ 3,250.00
69	4" Sewer Service Tap	1	EA	\$1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 300.00	\$ 300.00
Total Base Bid Price				\$	1,511,725.00	Total Amount Bid	\$ 1,525,628.40	Total Amount Bid	\$ 1,535,690.00
Deductive Alternate No. 1 (28 to 39)				\$	66,050.00	Deductive Alternate No. 1 (28 to 39)	\$ 73,539.00	Deductive Alternate No. 1 (28 to 39)	\$ 66,845.00
Deductive Alternate No. 2 (40 to 47)				\$	147,075.00	Deductive Alternate No. 2 (40 to 47)	\$ 126,524.00	Deductive Alternate No. 2 (40 to 47)	\$ 136,850.00
Deductive Alternate No. 3 (48 to 69)				\$	252,550.00	Deductive Alternate No. 3 (48 to 69)	\$ 255,487.00	Deductive Alternate No. 3 (48 to 69)	\$ 292,860.00

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

Bid Tabulation - Bids Opened 10:00 AM Tuesday, January 13, 2009

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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		FOCHTMAN CONSTRUCTION		N.E.C.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Erosion Control	1	LS	\$25,000.00	\$ 25,000.00	\$ 19,000.00	\$ 19,000.00	\$ 36,323.00	\$ 36,323.00
2	Traffic Control	1	LS	\$30,000.00	\$ 30,000.00	\$ 71,000.00	\$ 71,000.00	\$ 28,776.00	\$ 28,776.00
3	Mobilization	1	LS	\$65,000.00	\$ 65,000.00	\$ 42,000.00	\$ 42,000.00	\$ 17,126.00	\$ 17,126.00
4	Trench Excavation Safety	1	LS	\$25,000.00	\$ 25,000.00	\$ 21,000.00	\$ 21,000.00	\$ 12,027.00	\$ 12,027.00
5	8" PVC C-900 DR-14 Water Line	6020	LF	\$80.00	\$ 481,600.00	\$ 77.00	\$ 463,540.00	\$ 137.00	\$ 824,740.00
6	6" PVC C-900 DR-14 Water Line	60	LF	\$70.00	\$ 4,200.00	\$ 76.00	\$ 4,560.00	\$ 129.00	\$ 7,740.00
7	4" PVC C-900 DR-14 Water Line	20	LF	\$60.00	\$ 1,200.00	\$ 75.00	\$ 1,500.00	\$ 73.50	\$ 1,470.00
8	2" Polyethylene Water Line	20	LF	\$30.00	\$ 600.00	\$ 74.00	\$ 1,480.00	\$ 62.50	\$ 1,250.00
9	16" Steel Encasement by Open Cut	100	LF	\$250.00	\$ 25,000.00	\$ 140.00	\$ 14,000.00	\$ 110.00	\$ 11,000.00
10	8"x8" Tapping Sleeve and Valve	7	EA	\$4,500.00	\$ 31,500.00	\$ 3,000.00	\$ 21,000.00	\$ 3,491.00	\$ 24,437.00
11	6"x6" Tapping Sleeve and Valve	3	EA	\$3,500.00	\$ 10,500.00	\$ 2,700.00	\$ 8,100.00	\$ 2,966.00	\$ 8,898.00
12	4"x4" Tapping Sleeve and Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 2,400.00	\$ 2,400.00	\$ 2,703.00	\$ 2,703.00
13	8" Gate Valve	10	EA	\$2,500.00	\$ 25,000.00	\$ 1,100.00	\$ 11,000.00	\$ 1,393.00	\$ 13,930.00
14	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 335.00	\$ 335.00
15	Fire Hydrant Assembly	13	EA	\$4,000.00	\$ 52,000.00	\$ 3,700.00	\$ 48,100.00	\$ 4,420.00	\$ 57,460.00
16	Cut and Plug Existing 8" Water Line	1	EA	\$1,250.00	\$ 1,250.00	\$ 1,100.00	\$ 1,100.00	\$ 1,450.00	\$ 1,450.00
17	Cut and Plug Existing 6" Water Line	4	EA	\$1,250.00	\$ 5,000.00	\$ 900.00	\$ 3,600.00	\$ 1,661.00	\$ 6,644.00
18	Cut and Plug Existing 4" Water Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 700.00	\$ 1,400.00	\$ 1,346.00	\$ 2,692.00
19	Water Service Line	2900	LF	\$20.00	\$ 58,000.00	\$ 50.00	\$ 145,000.00	\$ 23.00	\$ 66,700.00
20	Water Meter Setting	50	EA	\$1,200.00	\$ 60,000.00	\$ 2,000.00	\$ 100,000.00	\$ 892.00	\$ 44,600.00
21	Undercut and Backfill for Water Line	200	CY	\$20.00	\$ 4,000.00	\$ 20.00	\$ 4,000.00	\$ 41.00	\$ 8,200.00
22	Ductile Iron Fittings for Water Line	5300	LB	\$9.00	\$ 47,700.00	\$ 5.00	\$ 26,500.00	\$ 10.50	\$ 55,650.00
23	Abandon Existing Water Valve	8	EA	\$500.00	\$ 4,000.00	\$ 400.00	\$ 3,200.00	\$ 180.00	\$ 1,440.00
24	Abandon Existing Fire Hydrant Assembly	2	EA	\$750.00	\$ 1,500.00	\$ 700.00	\$ 1,400.00	\$ 601.00	\$ 1,202.00
25	Rock Excavation for Water Line	500	CY	\$150.00	\$ 75,000.00	\$ 110.00	\$ 55,000.00	\$ 271.00	\$ 135,500.00
26	Water Mitigation Dam and Drain	1	LS	\$5,000.00	\$ 5,000.00	\$ 9,000.00	\$ 9,000.00	\$ 3,652.00	\$ 3,652.00
27	Blow-Off Assembly	2	EA	\$1,500.00	\$ 3,000.00	\$ 1,100.00	\$ 2,200.00	\$ 1,951.00	\$ 3,902.00
28	8" PVC SDR-26 Gravity Sewer Pipe	300	LF	\$90.00	\$ 27,000.00	\$ 110.00	\$ 33,000.00	\$ 84.50	\$ 25,350.00
29	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	3	EA	\$3,500.00	\$ 10,500.00	\$ 3,600.00	\$ 10,800.00	\$ 2,672.00	\$ 8,016.00
30	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 300.00	\$ 6,000.00	\$ 133.00	\$ 2,660.00
31	Concrete Anchor for Gravity Sewer Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,203.00	\$ 4,406.00
32	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 40.00	\$ 400.00	\$ 41.00	\$ 410.00
33	4" Sanitary Sewer Service Line	100	LF	\$35.00	\$ 3,500.00	\$ 110.00	\$ 11,000.00	\$ 33.50	\$ 3,350.00
34	4" Sewer Service Tap	5	EA	\$1,000.00	\$ 5,000.00	\$ 500.00	\$ 2,500.00	\$ 601.00	\$ 3,005.00
35	Connect to Existing Sanitary Sewer Manhole	1	EA	\$1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,094.00	\$ 1,094.00
36	Demolish Existing Manhole	2	EA	\$750.00	\$ 1,500.00	\$ 900.00	\$ 1,800.00	\$ 902.00	\$ 1,804.00
37	Rock Excavation for Sewer Line	25	CY	\$150.00	\$ 3,750.00	\$ 300.00	\$ 7,500.00	\$ 301.00	\$ 7,525.00
38	Water Service Line	130	LF	\$20.00	\$ 2,600.00	\$ 50.00	\$ 6,500.00	\$ 24.00	\$ 3,120.00
39	Water Meter Setting	2	EA	\$1,250.00	\$ 2,500.00	\$ 2,000.00	\$ 4,000.00	\$ 582.00	\$ 1,164.00
40	6" PVC SDR-26 Gravity Sewer Pipe	900	LF	\$90.00	\$ 81,000.00	\$ 95.00	\$ 85,500.00	\$ 149.00	\$ 134,100.00
41	4" Sanitary Sewer Service Line	25	LF	\$35.00	\$ 875.00	\$ 120.00	\$ 3,000.00	\$ 23.50	\$ 587.50

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		FOCHTMAN CONSTRUCTION		N.E.C.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
42	16" Steel Encasement By Open Cut	53	LF	\$250.00	\$ 13,250.00	\$ 160.00	\$ 8,480.00	\$ 98.50	\$ 5,220.50
43	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	9	EA	\$3,500.00	\$ 31,500.00	\$ 3,300.00	\$ 29,700.00	\$ 2,665.00	\$ 23,985.00
44	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 200.00	\$ 4,000.00	\$ 133.00	\$ 2,660.00
45	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 70.00	\$ 700.00	\$ 41.00	\$ 410.00
46	Connect to Existing Sanitary Sewer Manhole	2	EA	\$1,500.00	\$ 3,000.00	\$ 1,100.00	\$ 2,200.00	\$ 1,028.00	\$ 2,056.00
47	Rock Excavation for Sewer Line	75	CY	\$150.00	\$ 11,250.00	\$ 200.00	\$ 15,000.00	\$ 271.00	\$ 20,325.00
48	8" PVC C-900 DR-14 Water Line	1400	LF	\$80.00	\$ 112,000.00	\$ 77.00	\$ 107,800.00	\$ 144.00	\$ 201,600.00
49	2" Polyethylene Water Line	5	LF	\$30.00	\$ 150.00	\$ 74.00	\$ 370.00	\$ 14.50	\$ 72.50
50	16" Steel Encasement by Open Cut	20	LF	\$250.00	\$ 5,000.00	\$ 140.00	\$ 2,800.00	\$ 67.00	\$ 1,340.00
51	8"x8" Tapping Sleeve and Valve	3	EA	\$4,500.00	\$ 13,500.00	\$ 3,000.00	\$ 9,000.00	\$ 3,500.00	\$ 10,500.00
52	2"X2" Service Saddle	1	EA	\$500.00	\$ 500.00	\$ 300.00	\$ 300.00	\$ 723.00	\$ 723.00
53	8" Gate Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,100.00	\$ 1,100.00	\$ 1,413.00	\$ 1,413.00
54	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 447.00	\$ 447.00
55	Fire Hydrant Assembly	2	EA	\$4,000.00	\$ 8,000.00	\$ 3,700.00	\$ 7,400.00	\$ 4,289.00	\$ 8,578.00
56	Cut and Plug Existing 12" Water Line	3	EA	\$1,500.00	\$ 4,500.00	\$ 1,900.00	\$ 5,700.00	\$ 1,652.00	\$ 4,956.00
57	Cut and Plug Existing 8" Water Line	3	EA	\$1,250.00	\$ 3,750.00	\$ 1,100.00	\$ 3,300.00	\$ 1,163.00	\$ 3,489.00
58	Water Service Line	1300	LF	\$20.00	\$ 26,000.00	\$ 50.00	\$ 65,000.00	\$ 23.50	\$ 30,550.00
59	Water Meter Setting	20	EA	\$1,200.00	\$ 24,000.00	\$ 2,000.00	\$ 40,000.00	\$ 905.00	\$ 18,100.00
60	Undercut and Backfill for Water Line	40	CY	\$20.00	\$ 800.00	\$ 70.00	\$ 2,800.00	\$ 41.00	\$ 1,640.00
61	Ductile Iron Fittings for Water Line	900	LB	\$9.00	\$ 8,100.00	\$ 5.00	\$ 4,500.00	\$ 10.50	\$ 9,450.00
62	Abandon Existing Water Valve	6	EA	\$500.00	\$ 3,000.00	\$ 400.00	\$ 2,400.00	\$ 180.00	\$ 1,080.00
63	Abandon Existing Fire Hydrant Assembly	1	EA	\$750.00	\$ 750.00	\$ 700.00	\$ 700.00	\$ 601.00	\$ 601.00
64	Rock Excavation for Water Line	150	CY	\$150.00	\$ 22,500.00	\$ 110.00	\$ 16,500.00	\$ 271.00	\$ 40,650.00
65	Remove and Dispose of Existing Building	1	LS	\$10,000.00	\$ 10,000.00	\$ 4,000.00	\$ 4,000.00	\$ 6,014.00	\$ 6,014.00
66	Demolish Existing Manhole	1	EA	\$750.00	\$ 750.00	\$ 900.00	\$ 900.00	\$ 902.00	\$ 902.00
67	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	1	EA	\$3,500.00	\$ 3,500.00	\$ 4,000.00	\$ 4,000.00	\$ 2,672.00	\$ 2,672.00
68	4" Sanitary Sewer Service Line	50	LF	\$35.00	\$ 1,750.00	\$ 120.00	\$ 6,000.00	\$ 1,175.00	\$ 58,750.00
69	4" Sewer Service Tap	1	EA	\$1,000.00	\$ 1,000.00	\$ 400.00	\$ 400.00	\$ 601.00	\$ 601.00
Total Base Bid Price					\$ 1,511,725.00	Total Amount Bid	\$ 1,602,130.00	Total Amount Bid	\$ 2,035,223.50
Deductive Alternate No. 1 (28 to 39)					\$ 66,050.00	Deductive Alternate No. 1 (28 to 39)	\$ 86,500.00	Deductive Alternate No. 1 (28 to 39)	\$ 61,904.00
Deductive Alternate No. 2 (40 to 47)					\$ 147,075.00	Deductive Alternate No. 2 (40 to 47)	\$ 148,580.00	Deductive Alternate No. 2 (40 to 47)	\$ 189,344.00
Deductive Alternate No. 3 (48 to 69)					\$ 252,550.00	Deductive Alternate No. 3 (48 to 69)	\$ 285,470.00	Deductive Alternate No. 3 (48 to 69)	\$ 404,128.50

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		GOODWIN & GOODWIN, INC.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Erosion Control	1	LS	\$25,000.00	\$ 25,000.00	\$ 8,000.00	\$ 8,000.00
2	Traffic Control	1	LS	\$30,000.00	\$ 30,000.00	\$ 35,000.00	\$ 35,000.00
3	Mobilization	1	LS	\$65,000.00	\$ 65,000.00	\$ 20,000.00	\$ 20,000.00
4	Trench Excavation Safety	1	LS	\$25,000.00	\$ 25,000.00	\$ 30,000.00	\$ 30,000.00
5	8" PVC C-900 DR-14 Water Line	6020	LF	\$80.00	\$ 481,600.00	\$ 165.00	\$ 993,300.00
6	6" PVC C-900 DR-14 Water Line	60	LF	\$70.00	\$ 4,200.00	\$ 160.00	\$ 9,600.00
7	4" PVC C-900 DR-14 Water Line	20	LF	\$60.00	\$ 1,200.00	\$ 150.00	\$ 3,000.00
8	2" Polyethylene Water Line	20	LF	\$30.00	\$ 600.00	\$ 150.00	\$ 3,000.00
9	16" Steel Encasement by Open Cut	100	LF	\$250.00	\$ 25,000.00	\$ 125.00	\$ 12,500.00
10	8"x8" Tapping Sleeve and Valve	7	EA	\$4,500.00	\$ 31,500.00	\$ 3,700.00	\$ 25,900.00
11	6"x6" Tapping Sleeve and Valve	3	EA	\$3,500.00	\$ 10,500.00	\$ 3,000.00	\$ 9,000.00
12	4"x4" Tapping Sleeve and Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 2,800.00	\$ 2,800.00
13	8" Gate Valve	10	EA	\$2,500.00	\$ 25,000.00	\$ 1,800.00	\$ 18,000.00
14	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
15	Fire Hydrant Assembly	13	EA	\$4,000.00	\$ 52,000.00	\$ 3,800.00	\$ 49,400.00
16	Cut and Plug Existing 8" Water Line	1	EA	\$1,250.00	\$ 1,250.00	\$ 2,000.00	\$ 2,000.00
17	Cut and Plug Existing 6" Water Line	4	EA	\$1,250.00	\$ 5,000.00	\$ 1,500.00	\$ 6,000.00
18	Cut and Plug Existing 4" Water Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 1,250.00	\$ 2,500.00
19	Water Service Line	2900	LF	\$20.00	\$ 58,000.00	\$ 45.00	\$ 130,500.00
20	Water Meter Setting	50	EA	\$1,200.00	\$ 60,000.00	\$ 700.00	\$ 35,000.00
21	Undercut and Backfill for Water Line	200	CY	\$20.00	\$ 4,000.00	\$ 12.00	\$ 2,400.00
22	Ductile Iron Fittings for Water Line	5300	LB	\$9.00	\$ 47,700.00	\$ 6.00	\$ 31,800.00
23	Abandon Existing Water Valve	8	EA	\$500.00	\$ 4,000.00	\$ 150.00	\$ 1,200.00
24	Abandon Existing Fire Hydrant Assembly	2	EA	\$750.00	\$ 1,500.00	\$ 500.00	\$ 1,000.00
25	Rock Excavation for Water Line	500	CY	\$150.00	\$ 75,000.00	\$ 125.00	\$ 62,500.00
26	Water Mitigation Dam and Drain	1	LS	\$5,000.00	\$ 5,000.00	\$ 1,800.00	\$ 1,800.00
27	Blow-Off Assembly	2	EA	\$1,500.00	\$ 3,000.00	\$ 1,000.00	\$ 2,000.00
28	8" PVC SDR-26 Gravity Sewer Pipe	300	LF	\$90.00	\$ 27,000.00	\$ 165.00	\$ 49,500.00
29	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	3	EA	\$3,500.00	\$ 10,500.00	\$ 2,000.00	\$ 6,000.00
30	4' ID Sanitary Sewer Manhole Additional Dept.	20	VF	\$300.00	\$ 6,000.00	\$ 250.00	\$ 5,000.00
31	Concrete Anchor for Gravity Sewer Line	2	EA	\$1,000.00	\$ 2,000.00	\$ 1,500.00	\$ 3,000.00
32	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 12.00	\$ 120.00
33	4" Sanitary Sewer Service Line	100	LF	\$35.00	\$ 3,500.00	\$ 45.00	\$ 4,500.00
34	4" Sewer Service Tap	5	EA	\$1,000.00	\$ 5,000.00	\$ 1,000.00	\$ 5,000.00
35	Connect to Existing Sanitary Sewer Manhole	1	EA	\$1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
36	Demolish Existing Manhole	2	EA	\$750.00	\$ 1,500.00	\$ 700.00	\$ 1,400.00
37	Rock Excavation for Sewer Line	25	CY	\$150.00	\$ 3,750.00	\$ 250.00	\$ 6,250.00
38	Water Service Line	130	LF	\$20.00	\$ 2,600.00	\$ 45.00	\$ 5,850.00
39	Water Meter Setting	2	EA	\$1,250.00	\$ 2,500.00	\$ 700.00	\$ 1,400.00
40	8" PVC SDR-26 Gravity Sewer Pipe	900	LF	\$90.00	\$ 81,000.00	\$ 165.00	\$ 148,500.00
41	4" Sanitary Sewer Service Line	25	LF	\$35.00	\$ 875.00	\$ 45.00	\$ 1,125.00

**CITY OF FAYETTEVILLE
MOUNT SEQUOYAH WATER AND SEWER IMPROVEMENTS**

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ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEERS ESTIMATE		GOODWIN & GOODWIN, INC.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
42	16" Steel Encasement By Open Cut	53	LF	\$250.00	\$ 13,250.00	\$ 125.00	\$ 6,625.00
43	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	9	EA	\$3,500.00	\$ 31,500.00	\$ 2,000.00	\$ 18,000.00
44	4' ID Sanitary Sewer Manhole Additional Dept	20	VF	\$300.00	\$ 6,000.00	\$ 250.00	\$ 5,000.00
45	Undercut and Backfill for Sanitary Sewer	10	CY	\$20.00	\$ 200.00	\$ 12.00	\$ 120.00
46	Connect to Existing Sanitary Sewer Manhole	2	EA	\$1,500.00	\$ 3,000.00	\$ 1,500.00	\$ 3,000.00
47	Rock Excavation for Sewer Line	75	CY	\$150.00	\$ 11,250.00	\$ 250.00	\$ 18,750.00
48	8" PVC C-900 DR-14 Water Line	1400	LF	\$80.00	\$ 112,000.00	\$ 165.00	\$ 231,000.00
49	2" Polyethylene Water Line	5	LF	\$30.00	\$ 150.00	\$ 150.00	\$ 750.00
50	16" Steel Encasement by Open Cut	20	LF	\$250.00	\$ 5,000.00	\$ 125.00	\$ 2,500.00
51	8"x8" Tapping Sleeve and Valve	3	EA	\$4,500.00	\$ 13,500.00	\$ 3,700.00	\$ 11,100.00
52	2"X2" Service Saddle	1	EA	\$500.00	\$ 500.00	\$ 600.00	\$ 600.00
53	8" Gate Valve	1	EA	\$2,500.00	\$ 2,500.00	\$ 1,800.00	\$ 1,800.00
54	2" Ball Valve	1	EA	\$500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
55	Fire Hydrant Assembly	2	EA	\$4,000.00	\$ 8,000.00	\$ 3,800.00	\$ 7,600.00
56	Cut and Plug Existing 12" Water Line	3	EA	\$1,500.00	\$ 4,500.00	\$ 2,500.00	\$ 7,500.00
57	Cut and Plug Existing 8" Water Line	3	EA	\$1,250.00	\$ 3,750.00	\$ 2,000.00	\$ 6,000.00
58	Water Service Line	1300	LF	\$20.00	\$ 26,000.00	\$ 45.00	\$ 58,500.00
59	Water Meter Setting	20	EA	\$1,200.00	\$ 24,000.00	\$ 700.00	\$ 14,000.00
60	Undercut and Backfill for Water Line	40	CY	\$20.00	\$ 800.00	\$ 12.00	\$ 480.00
61	Ductile Iron Fittings for Water Line	900	LB	\$9.00	\$ 8,100.00	\$ 6.00	\$ 5,400.00
62	Abandon Existing Water Valve	6	EA	\$500.00	\$ 3,000.00	\$ 150.00	\$ 900.00
63	Abandon Existing Fire Hydrant Assembly	1	EA	\$750.00	\$ 750.00	\$ 500.00	\$ 500.00
64	Rock Excavation for Water Line	150	CY	\$150.00	\$ 22,500.00	\$ 125.00	\$ 18,750.00
65	Remove and Dispose of Existing Building	1	LS	\$10,000.00	\$ 10,000.00	\$ 2,500.00	\$ 2,500.00
66	Demolish Existing Manhole	1	EA	\$750.00	\$ 750.00	\$ 500.00	\$ 500.00
67	4' ID Sanitary Sewer Manhole, 0' to 6' Depth	1	EA	\$3,500.00	\$ 3,500.00	\$ 2,000.00	\$ 2,000.00
68	4" Sanitary Sewer Service Line	50	LF	\$35.00	\$ 1,750.00	\$ 45.00	\$ 2,250.00
69	4" Sewer Service Tap	1	EA	\$1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Total Base Bid Price				\$ 1,511,725.00	Total Amount Bid	\$ 2,166,470.00	
Deductive Alternate No. 1 (28 to 39)				\$ 66,050.00	Deductive Alternate No. 1 (28 to 39)	\$ 89,520.00	
Deductive Alternate No. 2 (40 to 47)				\$ 147,075.00	Deductive Alternate No. 2 (40 to 47)	\$ 201,120.00	
Deductive Alternate No. 3 (48 to 69)				\$ 252,550.00	Deductive Alternate No. 3 (48 to 69)	\$ 376,630.00	

LARUE CONTRACTOR, INC.
Harrison, Arkansas
FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION
For the Year Ended September 30, 2008
And
ACCOUNTANT'S REPORT

LARUE CONTRACTOR, INC.
Harrison, Arkansas
FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION
For The Year Ended September 30, 2008

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FERGUSON, COBB & ASSOCIATES, PLLC
CERTIFIED PUBLIC ACCOUNTANTS

#10 CORPORATE HILL, SUITE 330
LITTLE ROCK, ARKANSAS 72205
Phone: 501-221-3800 • Fax: 501-221-7058

To The Stockholders
LARUE CONTRACTOR, INC.
1385 Tennyson Loop East
Harrison, Arkansas 72601

INDEPENDENT ACCOUNTANT'S REVIEW REPORT

We have reviewed the accompanying balance sheet of LaRue Contractor, Inc., as of September 30, 2008, and the related statements of income, retained earnings, and cash flows for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. All information included in these financial statements is the representation of the management of LaRue Contractor, Inc.

A review consists principally of inquiries of company personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

Ferguson, Cobb & Associates

Ferguson, Cobb & Associates, PLLC

Little Rock, Arkansas
December 8, 2008

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

Current maturities of long-term debt (Note 4)	\$ 112,000	
Line of credit (Note 7)	100,000	
Accounts payable	128,204	
Payroll taxes withheld	1,696	
Excess billings (Note 5)	17,843	
Current deferred income taxes (Note 6)	<u>7,500</u>	
Total Current Liabilities		\$ 367,243

LONG-TERM LIABILITIES

Long-term debt, net of current maturities (Note 4)	\$ 333,468	
Deferred income taxes accrued (Note 6)	<u>134,600</u>	
Total Long-Term Liabilities		<u>468,068</u>

TOTAL LIABILITIES

\$ 835,311

STOCKHOLDERS' EQUITY

Common stock - no par value, 500 shares authorized, 100 shares issued and outstanding	\$ 300	
Additional paid-in capital	50,000	
Retained earnings	<u>662,933</u>	
TOTAL STOCKHOLDERS' EQUITY		<u>713,233</u>

TOTAL LIABILITIES AND STOCKHOLDERS' EQUITY

\$ 1,548,544

SEE ACCOMPANYING NOTES

LARUE CONTRACTOR, INC.
STATEMENT OF INCOME AND RETAINED EARNINGS
FOR THE YEAR ENDED SEPTEMBER 30, 2008

Page 2

NOT AUDITED - SEE ACCOUNTANT'S REVIEW REPORT

		Percent of Revenues
CONSTRUCTION REVENUES EARNED	\$ 1,549,219	100.0 %
COST OF REVENUES EARNED	<u>1,473,771</u>	<u>95.1</u>
GROSS PROFIT	75,448	4.9 %
OPERATING EXPENSES		
Officer salaries	\$ 82,545	
Insurance	29,761	
Professional fees	13,920	
Utilities and telephone	9,961	
Other taxes and licenses	8,703	
Payroll taxes	6,964	
Office supplies and expense	6,717	
Miscellaneous	<u>1,699</u>	
Total Operating Expenses	<u>160,270</u>	<u>10.3</u>
NET LOSS FROM OPERATIONS	\$ (84,822)	(5.4) %
OTHER INCOME (EXPENSE)		
Interest expense	<u>(44,497)</u>	<u>(2.9)</u>
NET LOSS BEFORE INCOME TAX EXPENSE	\$ (129,319)	(8.3) %
INCOME TAX EXPENSE (Note 6)	<u>--</u>	<u>--</u>
NET LOSS	\$ (129,319)	<u>(8.3) %</u>
RETAINED EARNINGS - Beginning of Year	787,252	
PLUS: Stockholders' Contributions	<u>5,000</u>	
RETAINED EARNINGS - End of Year	<u><u>\$ 662,933</u></u>	

SEE ACCOMPANYING NOTES

**LARUE CONTRACTOR, INC.
 STATEMENT OF CASH FLOWS
 FOR THE YEAR ENDED SEPTEMBER 30, 2008**

Page 3

NOT AUDITED - SEE ACCOUNTANT'S REVIEW REPORT

INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS:

Cash Flows from Operating Activities:

Cash received from customers	\$ 1,611,124	
Cash paid to suppliers and employees	(1,443,282)	
Interest paid	(44,497)	
Net Cash Provided by Operating Activities		\$ 123,345

Cash Flows from Investing Activities:

Principal payments on long-term debt	(33,734)
--------------------------------------	----------

Cash Flows from financing Activities:

Proceeds from issuance of long term debt	\$ 481,326	
Net borrowings under line of credit	100,000	
Contributions from stockholders	5,000	
Principal payments on long-term debt	(600,132)	
Net Cash Used In Financing Activities		(13,806)

NET INCREASE IN CASH AND CASH EQUIVALENTS	\$ 75,805
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	14,754
CASH AND CASH EQUIVALENTS AT END OF YEAR	<u>\$ 90,559</u>

**RECONCILIATION OF NET LOSS TO NET CASH
 PROVIDED BY OPERATING ACTIVITIES:**

Net Loss	\$ (129,319)
----------	--------------

Adjustments to Reconcile Net Income to Net Cash

Provided by Operating Activities:

Depreciation	\$ 89,675	
Changes in Assets and Liabilities:		
Decrease in retainage receivable and deficit billings	127,987	
Increase in accounts receivable	(11,022)	
Increase in accounts payable and excess billings	47,788	
Decrease in payroll taxes withheld and income taxes payable	(1,764)	
Total Adjustments		252,664

NET CASH PROVIDED BY OPERATING ACTIVITIES	<u>\$ 123,345</u>
--	--------------------------

SEE ACCOMPANYING NOTES

**LARUE CONTRACTOR, INC.
NOTES TO FINANCIAL STATEMENTS
SEPTEMBER 30, 2008**

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NOT AUDITED – SEE ACCOUNTANT’S REVIEW REPORT

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

Company’s Activities

LaRue Contractor, Inc., (the Company) was incorporated in Arkansas on August 18, 1983. The fixed assets (construction equipment) were acquired from Russell LaRue (a sole proprietor) by means of a tax-free reorganization.

The Company is engaged in underground utility construction. The work is performed primarily under fixed-price and unit-price contracts. The length of the Company’s contracts varies but is typically less than one year. The Company operates primarily in North Central Arkansas.

Revenue and Cost Recognition

Revenues and earnings on significant construction contracts are recognized on the percentage-of-completion method, measured by the cost-to-cost method.

A contract is considered complete when all costs except insignificant items have been incurred and the installation is operating according to specifications and has been accepted by the customer. The asset, deficit billings, represents revenues recognized in excess of amounts billed. The liability, excess billings, represents billings in excess of revenues recognized.

Provisions for estimated losses on uncompleted contracts are made in the period in which such losses are determined. Provision for bad debts is determined using the specific write-off method. This method is not in accordance with generally accepted accounting principles, but use of this method is not considered a material misstatement of the financial statements.

Cash Equivalents

Cash equivalents consist of investments that are readily convertible into cash and generally have original maturities of three months or less.

Fixed Assets

Fixed assets are recorded at cost. Depreciation is primarily provided by using the straight-line method over the estimated useful lives of the assets for financial statement purposes. For income tax purposes the accelerated method over the estimated useful lives of the assets is used. Depreciation expense for the year ended September 30, 2008 was \$89,675.

Income Taxes

Construction contracts are reported for tax purposes on the completed contract method and for financial statement purposes on the percentage-of-completion method. The Company has elected to be taxed as an S-Corporation for income tax purposes for tax years beginning on and after October 1, 2006.

LARUE CONTRACTOR, INC.
NOTES TO FINANCIAL STATEMENTS
SEPTEMBER 30, 2008

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NOT AUDITED – SEE ACCOUNTANT’S REVIEW REPORT

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED:

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Deferred Income Tax Accounts

Deferred tax provisions/benefits are calculated for certain transactions and events because of differing treatments under generally accepted accounting principles and the currently enacted tax laws of the federal and state governments. The results of these differences on a cumulative basis, known as temporary differences, result in the recognition and measurement of deferred tax assets and liabilities in the accompanying balance sheet. See Note 7 below for further details.

NOTE 2 – CONTRACT RECEIVABLES:

A summary of contract receivables is as follows:

	<u>Total</u>	<u>Current</u>	<u>30-59 Days</u>	<u>60-89 Days</u>	<u>90 + Days</u>
Contract receivables					
-completed contracts	\$ 54,850	\$ 54,850	\$ --	\$ --	\$ --
Contract receivables					
-contracts in progress	<u>141,293</u>	<u>141,293</u>	<u>--</u>	<u>--</u>	<u>--</u>
Total Contract	<u>\$ 196,143</u>	<u>\$ 196,143</u>	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>
Receivables					

NOTE 3 – RELATED PARTY TRANSACTIONS:

During the year ended September 30, 2008 the Company paid \$146,696 in rent to a related party for the Company’s use of the equipment owned by the related party. This amount is reorganized in equipment rent and other indirect costs of construction.

LARUE CONTRACTOR, INC.
NOTES TO FINANCIAL STATEMENTS
SEPTEMBER 30, 2008

Page 6

NOT AUDITED – SEE ACCOUNTANT’S REVIEW REPORT

NOTE 4 – LONG-TERM DEBT:

A summary of long-term debt is as follows:

	<u>Total</u>	<u>Current</u>	<u>Long-Term</u>
6.00% FCC Equipment Financing, Inc., due \$11,303/mo., including interest, secured by equipment, matures 2012	\$ 445,468	\$ 112,000	\$ 333,468
Total Long-Term Debt	<u>\$ 445,468</u>	<u>\$ 112,000</u>	<u>\$ 333,468</u>

Maturities of long-term debt for the years subsequent to September 30, 2008 are approximately:
 2008/09 - \$112,000; 2009/10 - \$118,900; 2010/11 - \$126,200, 2011/12 - \$88,368 and \$-0- thereafter.

NOTE 5 – INCOME RECOGNITION:

The Company maintains job cost records on significant construction contracts. Revenues and earnings are recognized on the percentage-of-completion method, measured by the cost-to-cost method. When progress reaches a point where experience is believed to be sufficient to establish reasonable estimates of the ultimate economic results, profit or loss is recognized.

A schedule of contracts in progress is included.

Costs incurred on uncompleted contracts	\$2,741,191
Estimated earnings	<u>214,300</u>
	\$2,955,491
Less: Billings to date	<u>(2,903,463)</u>
	<u>\$ 52,028</u>

Included in accompanying balance sheet under the following captions:

Deficit billings	\$ 69,871
Excess billings	<u>(17,843)</u>
	<u>\$ 52,028</u>

LARUE CONTRACTOR, INC.
NOTES TO FINANCIAL STATEMENTS
SEPTEMBER 30, 2008

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NOT AUDITED – SEE ACCOUNTANT’S REVIEW REPORT

NOTE 6 – INCOME TAXES:

As noted in footnote 1, the Company has elected to be taxed as an S-Corporation under the Internal Revenue Code. Under this tax method, no income tax accrual or expenses or deferred tax asset or liability is included in the balance sheet or the results of operations. Estimated income tax distributions to the members consist of the following:

	<u>Federal</u>	<u>State</u>
Approximate current year taxable income	\$ 46,100	\$ 47,400
Estimated tax rule	<u>20%</u>	<u>5%</u>
Estimated Tax Distribution to the Member	<u>\$ 9,200</u>	<u>\$ 2,400</u>

The net current and non-current deferred tax amounts included in the accompanying balance sheet, remaining from C-Corp differences which will be used to offset built-in gains tax, include the following amounts of deferred tax assets and deferred tax liabilities:

Deferred tax asset – current	\$ 42,900
Deferred tax liability – current	<u>(50,400)</u>
Net Deferred Income Tax – Current	<u>\$ (7,500)</u>
Deferred tax asset – non-current	\$ --
Deferred tax liability – non-current	<u>(134,600)</u>
Net Deferred Income Tax – Non-Current	<u>\$ (134,600)</u>

The Company elected S-Corporation status effective October 1, 2006. At this date, the Company had built-in gains in the amount of \$726,019 and \$750,193 for federal and state purposes, respectively.

NOTE 7 – LINE OF CREDIT:

The Company has a bank line of credit totaling \$100,000 available. At September 30, 2008, \$100,000 was being used. The line of credit is secured by accounts receivable and equipment and has the personal guaranty of the stockholders. The line of credit bears interest at a rate of 6.25%. The line of credit agreement expires March 19, 2010.

SUPPLEMENTARY INFORMATION

FERGUSON, COBB & ASSOCIATES, PLLC
CERTIFIED PUBLIC ACCOUNTANTS

#10 CORPORATE HILL, SUITE 330
LITTLE ROCK, ARKANSAS 72205
Phone: 501-221-3800 • Fax: 501-221-7058

To The Stockholders
LARUE CONTRACTOR, INC.
1385 Tennyson Loop East
Harrison, Arkansas 72601

**INDEPENDENT ACCOUNTANT'S REPORT
ON SUPPLEMENTARY INFORMATION**

Our review was made for the purpose of expressing limited assurance that there are no material modifications that should be made to the financial statements in order for them to be in conformity with generally accepted accounting principles. The information included in the accompanying schedules is presented only for supplementary analysis purposes. Such information has been subjected to the inquiry and analytical procedures applied in the review of the basic financial statements, and we are not aware of any material modifications that should be made to it.

Ferguson, Cobb & Associates

Ferguson, Cobb & Associates, PLLC

Little Rock, Arkansas
December 8, 2008

LARUE CONTRACTOR, INC.
SCHEDULE OF REVENUES AND COST OF REVENUES EARNED
FOR THE YEAR ENDED SEPTEMBER 30, 2008

Page 8

		Percent of <u>Revenues</u>
CONSTRUCTION REVENUES EARNED	<u>\$ 1,549,219</u>	<u>100.0 %</u>
DIRECT COST OF REVENUES EARNED		
Materials	\$ 477,783	
Labor	270,057	
Subcontractors	127,230	
Equipment rent	44,853	
Other direct costs of construction	<u>11,195</u>	
Total Direct Cost of Revenues Earned	\$ 931,118	60.1 %
INDIRECT COST OF REVENUES EARNED		
Other indirect costs of construction	\$ 156,622	
Fuel	139,757	
Depreciation	89,675	
Insurance	87,150	
Repairs and maintenance	38,438	
Payroll taxes	27,747	
Shop expenses	<u>3,264</u>	
Total Indirect Cost of Revenues Earned	<u>542,653</u>	<u>35.0</u>
TOTAL COST OF REVENUES EARNED	<u>\$ 1,473,771</u>	<u>95.1 %</u>
GROSS PROFIT	<u><u>\$ 75,448</u></u>	<u><u>4.9 %</u></u>

**SEE ACCOMPANYING NOTES AND ACCOUNTANT'S
 REPORT ON SUPPLEMENTARY INFORMATION**

LARUE CONTRACTOR, INC.
SCHEDULE 2
EARNINGS FROM CONTRACTS
SEPTEMBER 30, 2008

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	<u>For the Year Ended September 30, 2008</u>		
	<u>Revenues Earned</u>	<u>Cost of Revenues Earned</u>	<u>Gross Profit/(Loss) Recognized</u>
Contracts completed during the year	\$ 665,894	\$ 555,046	\$ 110,848
Contracts in progress at end of year	<u>883,325</u>	<u>918,725</u>	<u>(35,400)</u>
	<u>\$ 1,549,219</u>	<u>\$ 1,473,771</u>	<u>\$ 75,448</u>

**SEE ACCOMPANYING NOTES AND ACCOUNTANT'S
 REPORT ON SUPPLEMENTARY INFORMATION**

<u>Before October 1, 2007</u>			<u>During the Year Ended September 30, 2008</u>		
<u>Revenues Earned</u>	<u>Cost of Revenues</u>	<u>Gross Profit</u>	<u>Revenues Earned</u>	<u>Cost of Revenues</u>	<u>Gross Profit/(Loss)</u>
\$ 298,016	\$ 204,516	\$ 93,500	\$ 57,211	\$ 26,302	\$ 30,909
79,853	66,653	13,200	54,144	57,689	(3,545)
--	--	--	108,641	106,640	2,001
--	--	--	94,127	74,530	19,597
--	--	--	84,859	66,420	18,439
--	--	--	68,929	61,976	6,953
--	--	--	197,983	161,489	36,494
<u>\$ 377,869</u>	<u>\$ 271,169</u>	<u>\$ 106,700</u>	<u>\$ 665,894</u>	<u>\$ 555,046</u>	<u>\$ 110,848</u>

SEE ACCOMPANYING NOTES AND ACCOUNTANT'S
 REPORT ON SUPPLEMENTARY INFORMATION

At September 30, 2008

<u>Deficit</u> <u>Billings</u>	<u>Excess</u> <u>Billings</u>
\$ 8,428	\$ --
38,580	--
--	17,843
22,863	--
<u>\$ 69,871</u>	<u>\$ 17,843</u>

For the Year Ended September 30, 2008

<u>Revenues</u> <u>Earned</u>	<u>Cost of</u> <u>Revenues</u>	<u>Gross</u> <u>Profit/(Loss)</u>
\$ 488,624	\$ 548,224	\$ (59,600)
187,163	204,363	(17,200)
184,676	146,976	37,700
22,862	19,162	3,700
<u>\$ 883,325</u>	<u>\$ 918,725</u>	<u>\$ (35,400)</u>

**SEE ACCOMPANYING NOTES AND ACCOUNTANT'S
 REPORT ON SUPPLEMENTARY INFORMATION**

**TOTAL SITE DEVELOPMENT, LLC
AUDITOR'S REPORT
AS OF DECEMBER 31, 2007**

INDEPENDENT AUDITOR'S REPORT

Members

Total Site Development, LLC
Prairie Grove, Arkansas

We have audited the accompanying balance sheet of Total Site Development, LLC as of December 31, 2007, and the related statements of income and retained earnings, and cash flows for the year then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides reasonable basis for our opinion.

In our opinion, the financial statements referred to above presents fairly, in all material respects, the financial position of Total Site Development, LLC as of December 31, 2007, and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

 CPA, PA
Robert P. Christiansen, CPA, PA
Certified Public Accountant

Fayetteville, Arkansas
November 10, 2008

Total Site Development, LLC
Balance Sheet
As of December 31, 2007

ASSETS

Current Assets		
Cash and Cash Equivalents	\$	439,887.56
Accounts Receivable		1,431,600.07
Allowance for Doubtful Accounts		<u>(608,075.90)</u>
Total Current Assets	\$	1,263,411.73
Fixed Assets		
Computer & Office Equipment		1,268.69
Equipment		217,471.15
Accumulated Depreciation		<u>(8,763.16)</u>
Total Fixed Assets		209,976.68
Other Assets		
Organizational Costs		484.88
Accumulated Amortization		<u>(145.47)</u>
Total Other Assets		<u>339.41</u>
Total Assets	\$	<u><u>1,473,727.82</u></u>

LIABILITIES AND MEMBERS' EQUITY

Current Liabilities		
Accounts Payable	\$	49,390.85
Payroll Liabilities		12,890.89
Current Portion of Long-Term Debt		<u>48,913.30</u>
Total Current Liabilities	\$	111,195.04
Long-Term Debt		
Notes Payable: Long-Term		199,189.02
Less: Current Portion of Long-Term Debt		<u>(48,913.30)</u>
Total Long-Term Liabilities		<u>150,275.72</u>
Total Liabilities		261,470.76
Members' Equity		
Member Investments		30,000.00
Member Distributions		(95,752.75)
Retained Earnings		(48.49)
Net Income		<u>1,278,058.30</u>
Total Members' Equity		<u>1,212,257.06</u>
Total Liabilities & Members' Equity	\$	<u><u>1,473,727.82</u></u>

Total Site Development, LLC
Statement of Income and Retained Earnings
for the Year Ended December 31, 2007

Revenue		
Construction Income		\$ 4,234,431.54
Job Costs		
Contract Labor	\$ 77,470.50	
Equipment Rental	189,931.40	
Fuel	67,858.52	
Hauling	568,707.39	
Materials	397,541.12	
Subcontractors	404,380.77	
Supplies	44,871.92	
Total Job Costs		<u>1,750,761.62</u>
Gross Profit		2,483,669.92
General & Administrative Expenses		
Accounting	3,103.00	
Advertising	3,180.59	
Amortization Expense	96.98	
Bad Debts	608,075.90	
Bank Service Charges	280.56	
Car/Truck Expense	702.59	
Contributions	3,550.00	
Depreciation Expense	8,763.16	
Dues and Subscriptions	1,186.73	
Employee Truck Allowance	4,106.00	
Fees	15.00	
Guaranteed Payments	56,519.74	
Insurance	29,984.40	
Interest Expense	4,335.41	
Legal Fees	2,144.41	
Licenses and Permits	2,175.00	
Meals	667.28	
Medical	1,187.00	
Miscellaneous	12,031.43	
Office Repairs	125.00	
Office Supplies	4,123.62	
Payroll Expenses	396,535.74	
Postage and Delivery	144.96	
Rent	12,250.00	
Repairs	6,760.85	
Taxes	36,737.22	
Tires	1,900.24	
Tools	403.20	
Trash Removal	705.67	
Utilities	3,819.94	
Total General & Administrative Expenses		<u>1,205,611.62</u>
Net Income before Income Taxes		1,278,058.30
Retained Earnings - December 31, 2006		29,951.51
Member Distributions		<u>(95,752.75)</u>
Retained Earnings - December 31, 2007		<u>\$ 1,212,257.06</u>

Total Site Development, LLC
Statement of Cash Flows
for the Year Ended December 31, 2007

Cash Flows from Operating Activities

Net Income (Loss) \$ 1,278,058.30

Adjustments to reconcile net income/(loss) to net cash provided by operating activities:

Amortization Expense	96.98	
Depreciation: G & A	8,763.16	

Total Amortization & Depreciation:		8,860.14
------------------------------------	--	----------

(Increase) decrease in:

Accounts Receivable	(1,431,600.07)	
Allowance for Doubtful Accounts	608,075.90	

Total Change in Current Assets:		(823,524.17)
---------------------------------	--	--------------

Increase (decrease) in:

Accounts Payable	49,390.85	
Payroll Liabilities	12,890.89	

Total Change in Current Liabilities:		62,281.74
--------------------------------------	--	-----------

Net Cash Provided (Used) by Operations		525,676.01
--	--	------------

Cash Flows from Investing Activities

(Used For) Provided by:

Computer and Office Equipmennt	(1,268.69)	
Equipment	(217,471.15)	

Net Cash used by Investing Activities		(217,471.15)
---------------------------------------	--	--------------

Cash Flows from Financing Activities

Provided by (Used for):

Notes Payable: Long-Term	199,189.02	
Member Distributions	(95,752.75)	

Net Cash used by Financing Activities		103,436.27
---------------------------------------	--	------------

Net Increase/(decrease) in Cash		411,641.13
---------------------------------	--	------------

Cash, Beginning of Period		\$ 28,246.43
---------------------------	--	--------------

Cash, End of Period		\$ 439,887.56
---------------------	--	---------------

TOTAL SITE DEVELOPMENT, LLC
NOTES TO FINANCIAL STATEMENTS
December 31, 2007

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Business Activity

The Company is a contractor engaged primarily in site preparation for residential and commercial construction projects in the Northwest Arkansas market.

Use of Estimates

Management uses estimates and assumptions in preparing the financial statements in accordance with generally accepted accounting principles. Those estimates and assumptions affect the reported amount of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could vary from the estimates that were used in preparing the financial statements.

Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash in banks, and all highly liquid investments with a maturity of three months or less at the time of purchase.

Revenue and Cost Recognition

The Company recognizes revenues on the completed-contract method. That method is used because the typical contract is completed in less than six months, and the financial position and results of operations do not vary significantly from those that would result using the percentage-of-completion method. A contract is considered complete when the customer accepts the work.

Contract costs include all direct material and labor costs and those indirect costs related to contract performance, such as indirect labor, supplies, tools, repairs, and depreciation costs. General and administrative costs are charged to expense as incurred. Provisions for estimated losses on uncompleted contracts are made in the period in which such losses are determined.

Costs in excess of amounts billed are classified as current assets under costs in excess of billings on uncompleted contracts. Billings in excess of costs are classified under current liabilities as billings in excess of costs on uncompleted contracts. Contract retentions are included in contract receivables.

Contract Receivables

Contract receivables are recorded when invoices are issued and are presented in the balance sheet net of the allowance for doubtful accounts. Contract receivables are written off when they are determined to be uncollectible. The allowance for doubtful accounts is estimated based on the Company's historical losses, the existing economic conditions in the construction industry, and the financial stability of customers. The Company believes an allowance for doubtful accounts is necessary at December 31, 2007.

Fixed Assets and Depreciation

Fixed assets are valued at cost and are depreciated over the life of the asset by the straight-line method.

Income Taxes

The Company has elected to be taxed as a subchapter "S" Corporation under the provisions of the Internal Revenue Code for federal and state income tax purposes. Under those provisions, the Company does not pay income tax on its taxable income. Instead, the income passes to the individual member's income tax return.

NOTE B – CONCENTRATION OF CREDIT RISK

Financial instruments, which potentially subject the Company to concentrations of credit risk, consist principally of temporary cash investments and trade accounts receivable.

The company maintains its cash deposits with financial institutions that insure its depositors through the FDIC up to \$100,000. At December 31, 2007, the Company's bank balances were \$439,887.56.

The majority of the Company activity is with customers in Northwest Arkansas.

NOTE C – INVENTORY

The Company did not maintain an inventory.

NOTE D – ACCOUNTS RECEIVABLE AND ALLOWANCE FOR DOUBTFUL ACCOUNTS

The Company had an accounts receivable at December 31, 2007 from two customers that totaled \$1,431,600.07. The Company determined on November 10, 2008 that the allowance for doubtful accounts for this account should be \$608,075.90.

NOTE E – FIXED ASSETS

Office Equipment

The office equipment owned includes a computer and other office equipment and was purchased on May 3, 2007 for \$1,269.00. The life of the office equipment for depreciation purposes is 10 years.

Equipment

The equipment owned includes the following:

<u>Item</u>	<u>Date Acquired</u>	<u>Acquisition Cost</u>	<u>Depreciation Life (Yrs)</u>
Fuel Tanks	05/24/2007	\$ 1,416.00	10
2006 Ford F250 Truck	07/23/2007	48,991.00	10
2006 Ford F150 Truck	07/23/2007	36,200.00	10
2007 Cat D5GFL Dozer	09/24/2007	126,364.00	10
Utility Trailer	10/19/2007	4,500.00	10

NOTE F – ACCOUNTS PAYABLE, CURRENT AND LONG TERM NOTES PAYABLE

Payroll Liabilities

The Company had accrued payroll taxes due at December 31, 2007 in the amount of \$12,890.89.

Notes Payable

The Company had three loans as of December 31, 2007. The monthly payments, interest rates and balances are as follows:

<u>Lender</u>	<u>Ford Motor Credit</u>	<u>Bank of America</u>	<u>Caterpillar Finance</u>
Monthly Payment	\$817.04	\$1,243.90	\$2,960.62
Interest Rate	3.9%	9.94%	5.84%
Maturity Date	07/23/2011	07/23/2011	09/24/2011
Collateral	2006 Ford F150 Truck	2006 Ford F250 Truck	2007 Cat D5GFL Dozer
2008 Balance Due	\$8,667.96	\$10,935.20	\$29,310.14
2009 Balance Due	\$9,012.28	\$12,073.05	\$31,068.39
2010 Balance Due	\$9,369.72	\$13,329.33	\$32,932.16
2011 Balance Due	\$5,636.62	\$8,407.06	\$25,989.20

NOTE G – UNCOMPLETED CONTRACTS

The Company had one contract that was substantially completed as of December 31, 2007, but was not accepted by the customer until January 3, 2008. This contract was treated as having been completed as of December 31, 2007.

NOTE H – CONTINGENCIES

The Company is involved in no ongoing litigation at December 31, 2007.

NOTE I – MEMBER EQUITY

The Company is owned 100% by Jay Lawson and his member equity account is as follows:

Member Investment (December 22, 2006)	\$ 30,000.00
Retained Earnings (December 31, 2006)	48.49
Net Income (December 31, 2007)	1,266,838.30
Member Distributions (2007)	<u>(95,752.75)</u>
Member Equity (December 31, 2007)	\$1,201,037.06

Financial Statements
of
TRIBUILT CONSTRUCTION GROUP, L.L.C.

As of
November 30, 2008

TRIBUILT CONSTRUCTION GROUP, L.L.C.

Table of Contents

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Accountant's compilation report	1
Balance sheet	2
Statement of income	3
Statement of changes in members' equity	4

TRIBUILT CONSTRUCTION GROUP, L.L.C.
BALANCE SHEET
NOVEMBER 30, 2008

ASSETS

CURRENT ASSETS

Cash	\$ 17,124
Accounts receivable, net of allowance of \$none	591,470
Prepaid expenses	<u>3,150</u>

TOTAL CURRENT ASSETS \$ 611,744

PROPERTY AND EQUIPMENT

Land	26,122
Equipment, at cost	25,113
Less: accumulated depreciation	<u>(8,926)</u>

NET PROPERTY AND EQUIPMENT 42,309

ADVANCES TO MEMBERS 41,534

TOTAL ASSETS \$ 695,587

LIABILITIES AND MEMBERS' EQUITY

CURRENT LIABILITIES

Accounts payable	\$ 427,222
Operating line of credit	50,000
Other accrued expenses	422
Current maturities of long-term debt	<u>4,243</u>

TOTAL CURRENT LIABILITIES \$ 481,887

LONG-TERM DEBT, net of current maturities 11,920

ADVANCES FROM RELATED PARTY 34,850

MEMBERS' EQUITY 166,930

TOTAL LIABILITIES AND MEMBERS' EQUITY \$ 695,587

TRIBUILT CONSTRUCTION GROUP, L.L.C.
STATEMENT OF INCOME
ELEVEN MONTHS ENDED NOVEMBER 30, 2008

CONTRACT REVENUE	\$	4,669,852	
CONTRACT COSTS		<u>4,051,580</u>	
GROSS PROFIT			\$ 618,272
OPERATING EXPENSES:			
Advertising	\$	1,387	
Contributions		2,270	
Administrative costs		13,350	
Planning		6,142	
Repairs and maintenance		32,105	
Travel, meals and entertainment		4,200	
Permits, license and fees		2,050	
Real estate and storage rent		10,021	
Insurance		23,411	
Depreciation		200	
Office supplies and expense		11,243	
Utilities and internet		1,009	
Payroll and related costs		46,481	
Professional fees		5,374	
Telephone		11,136	
TOTAL OPERATING EXPENSES			<u>170,379</u>
INCOME FROM OPERATIONS			447,893
OTHER INCOME (EXPENSE)			
Interest expense			<u>(1,279)</u>
NET INCOME			<u><u>\$ 446,614</u></u>

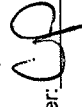
**TRIBUILT CONSTRUCTION GROUP, L.L.C.
STATEMENT OF CHANGES IN MEMBERS' EQUITY
ELEVEN MONTHS ENDED NOVEMBER 30, 2008**

BALANCE, beginning of the period	\$ 3,792
NET INCOME, for the eleven months ended November 30, 2008	446,614
DISTRIBUTIONS	<u>(283,476)</u>
BALANCE, end of the period	<u><u>\$ 166,930</u></u>

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)
All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor #:		Vendor Name:		LaRue Contractor, Inc.		Requisition No.:		Date:	
Address:		1385 Tennyson Loop East		Fob Point:		P.O Number:		Expected Delivery Date:	
City:		State:		Zip Code:		Ship to code:		ASAP	
Harrison		AR		72601		113 W Mountain; Fayetteville, AR		No: X	
Requester:		Requester's Employee #:		2689		Division Head Approval:		No: X	
Shannon Jones		Account Numbers		5400.5700.5815.00		Extension:		452	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Project/Subproject #	Inventory #	Fixed Asset #	
1	Mount Sequoyah Water and Sewer Improvements	1	ea	997,628.99	\$997,628.99	01023.20			
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: \$997,628.99			
Bid 09-12						Tax: \$92,280.68			
						Total: \$1,089,909.67			

Approvals:	Purchasing Manager:
Mayor:	IT Manager:
Finance & Internal Services Director:	Other: 
Dispatch Manager:	
Department Director:	
Budget Manager:	
Utilities Manager:	

AGENDA REQUEST

FOR: COUNCIL MEETING OF FEBRUARY 17, 2009

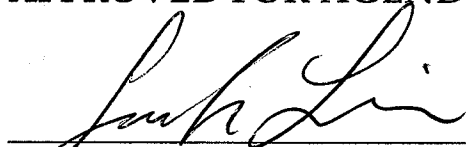
FROM:

ALDERMAN SARAH LEWIS
ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Amend The City Council Rules Of Order And Procedure To Add A New
Section Concerning Orientation Of New Aldermen

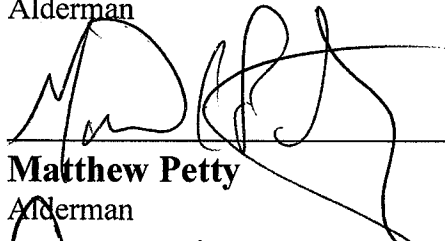
APPROVED FOR AGENDA:



Sarah Lewis
Alderman

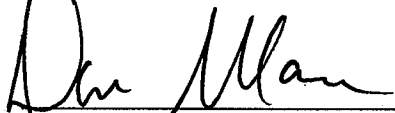
2-3-09
Date

ENTERED
2-3-09 4:07



Matthew Petty
Alderman

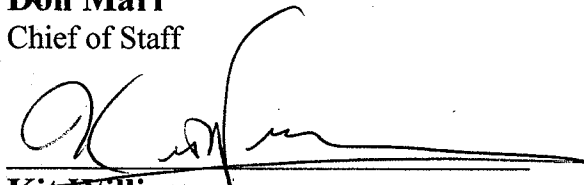
2-2-2009
Date



Don Marr
Chief of Staff

2-4-09
Date

ENTERED
2/3/09
P.H.



Kit Williams
City Attorney (as to form)

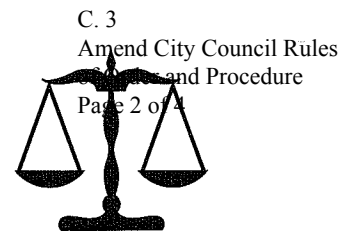
1-22-09
Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

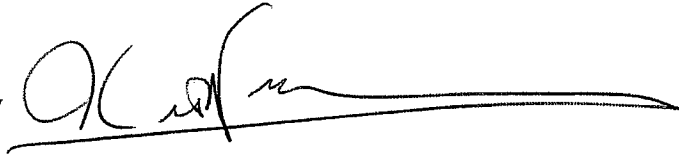
DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor
City Council
Don Marr, Chief of Staff

FROM: **Kit Williams**, City Attorney



DATE: **January 22, 2009**

RE: **Newly elected aldermen orientation**

Aldermen Matthew Petty and Sarah Lewis have requested that we formalize a newly elected alderman orientation procedure to ensure timely and comprehensive orientation. Chief of Staff Don Marr and I have worked with Matthew and Sarah to create a new final section of the City Council Rules of Order and Procedure to establish such a comprehensive orientation for all new aldermen. This request is sponsored by Alderman Petty and Alderman Lewis.

Please note that the first and primary orientation session will require that the veteran City Council members attend and provide their input and guidance for the new aldermen. I believe you veteran aldermen can be most helpful to incoming aldermen while also getting a chance to meet with them more informally than at the City Council Meeting or the Agenda Session. You will not need to participate in the later orientation sessions, tours, budget overviews, etc. that will be handled by the appropriate City staff.

RESOLUTION NO. _____

**A RESOLUTION TO AMEND THE CITY COUNCIL RULES
OF ORDER AND PROCEDURE TO ADD A NEW SECTION
CONCERNING ORIENTATION OF NEW ALDERMEN**

WHEREAS, timely and comprehensive orientation of newly elected aldermen will help the smooth and efficient functioning of the City Council, City Council Committees, and government as a whole; and

WHEREAS, placing a basic structure for such orientation within the City Council Rules of Order and Procedure will help to formalize new aldermen orientation procedures and content.

**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 amends the City Council Rules of Order and Procedure by enacting a new section **J. Orientation of New Aldermen** as shown below:

“J. Orientation of New Aldermen

“1. *Orientation Meeting scheduled.* The City Council, Mayor, City Attorney, City Clerk/Treasurer and appropriate City Staff shall meet with and conduct one or more orientation sessions with newly elected Aldermen in December after each General Election or within one month after a Special Election in which a new alderman is elected. Each newly elected alderman shall attend the orientation session(s).

“2. *Content of Orientation.* The City Council, Mayor and other members of the orientation group shall explain:

- “(a) Rights and duties of aldermen;
- “(b) Organizational structure of city government;
- “(c) Role of the Aldermen Committees;
- “(d) How to initiate Resolutions and Ordinances;
- “(e) The purpose and procedure for the City Council Agenda session;

- “(f) Reasons to approve or disapprove land use and development issues;
- “(g) Council tours to view and discuss land proposed for rezoning or development;
- “(h) City Council Rules of Order and Procedure;
- “(i) Freedom of Information Act requirements.

“3. *Ongoing Orientation.*

- “(a) Within the first week of an alderman’s term, the administration should provide an administrative and human resources orientation to include issuing parking permits, fobs, and other necessary equipment for the aldermen, as well as assistance for the completion of all necessary state and federal documents.
- “(b) Within the first quarter of an alderman’s term, the administration should arrange for a budget overview and tours of all major city facilities and functional areas.”

PASSED and **APPROVED** this 17th day of February, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Agenda Session
2/10/09

Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 17, 2009**

A meeting of the Fayetteville City Council will be held on February 17, 2009 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. Fayetteville School District's Project 21C - The Global Achievement Gap Presentation by Susan Norton
2. Economic Development Activities of the Green Valley Network by Steve Rust
3. Courthouse Progress Report given by Lynn Hyke

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk

Agenda Additions:

A. Consent:

1. Approval of the February 3, 2009 City Council meeting minutes.
2. **Bid # 08-16 Kinco Constructors, LLC:** A resolution approving Change Order # 10 under Bid # 08-16 with Kinco Constructors, LLC in the amount of \$123,051.00 for the construction of Wilson Park Bridge and Trail Connection; and approving a 10% project contingency in the amount of \$12,305.00.
- Check for new Res. 3. **Fire Department Donations:** A resolution approving a budget adjustment for the Fayetteville Fire Department in the amount of ~~\$450.00~~ to recognize donation revenues from local businesses to fund fire employee service awards. ~~\$450.00~~ **\$950.00**
- Check for new Res. 4. **McGoodwin, Williams & Yates, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with McGoodwin, Williams & Yates, Inc. in the amount of \$63,800.00 to update the Water Transmission and Distribution System Model and Master Plan; approving a contingency in the amount of \$5,347.00; and approving a budget adjustment in the amount of \$50,000.00.
5. **McGoodwin, Williams & Yates, Inc. Amendment No. 3:** A resolution approving Amendment No. 3 to the contract with McGoodwin, Williams & Yates, Inc. reducing the contract amount by \$947,298.00 for design and construction phase services of the West Side Wastewater Treatment Plant, Broyles Road and the Mitigation Wetlands of the Wastewater System Improvement Project (WSIP).
6. **RJN Group Amendment No. 5:** A resolution approving Amendment No. 5 to the engineering contract with RJN Group in the amount of \$597,704.00 for WSIP West Side Collection System design and construction phase services.

B. Unfinished Business:

1. **Villas at Stonebridge Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2170, Villas at Stonebridge, located south of Highway 16 East and east of Goff Farm Road; containing approximately 53.03 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was left on the First Reading at the December 2, 2008 City Council meeting. This ordinance was left on the Second Reading at the December 16, 2008 City Council meeting. This ordinance was left on the Second Reading at the January 6, 2009 City Council meeting and then tabled to the February 3, 2009 City Council Meeting.)*

This ordinance was left on the Second Reading at the February 3, 2009 City Council meeting and then tabled to the February 17, 2009 City Council Meeting.

C. New Business:

1. **CUP 08-3158 Wilkins Appeal:** An appeal of Conditional Use Permit 08-3158 (Wilkins) which was granted at the January 12, 2009 Planning Commission meeting.

2. **Bid # 09-12 LaRue Contractor, Inc.:** A resolution awarding Bid # 09-12 and approving a contract with LaRue Contractor, Inc. in the amount of \$947,628.99 for construction of Mount Sequoyah water and sewer improvements; and approving a project contingency in the amount of \$50,000.00.

3. **Amend City Council Rules of Order and Procedure:** A resolution to amend the City Council Rules of Order and Procedure to add a new section concerning orientation of new alderman.

4. Pending State Legislation

Announcements:

1. **City Council Tour: February 16, 2009**

Adjournment:

Pre-Agenda Meeting
2/4/09

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 17, 2009

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Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk

 **Agenda Additions:**

A. Consent:

- 1/ Approval of the February 3, 2009 City Council meeting minutes.

NB #2
#3
2/ **Bid # 09-12 Larue Contractor, Inc.:** A resolution awarding Bid # 09-12 and approving a contract with Larue Contractor, Inc. in the amount of \$947,628.99 for construction of Mount Sequoyah water and sewer improvements; and approving a project contingency in the amount of \$50,000.00.

- 3/ **Bid # 08-16 Kinco Constructors, LLC:** A resolution approving Change Order # 10 under Bid # 08-16 with Kinco Constructors, LLC in the amount of \$123,051.00 for the construction of Wilson Park Bridge and Trail Connection; and approving a 10% project contingency in the amount of \$12,305.00.

4/ ~~Washington County Animal Sheltering Services: A resolution approving an Inter-Local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2009.~~

- 5/ ~~2009 Overlay/Sidewalk Projects: A resolution approving the Transportation Division overlay/sidewalk projects list for 2009.~~

- 6/ **Fire Department Donations:** A resolution approving a budget adjustment for the Fayetteville Fire Department in the amount of \$450.00 to recognize donation revenues from local businesses to fund fire employee service awards.

Inc.?
New Resolution
7/ **McGoodwin, Williams & Yates Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with McGoodwin, Williams & Yates in the amount of \$63,800.00 to update the Water Transmission and Distribution System Model and Master Plan; approving a contingency in the amount of ~~\$20,000.00~~; and approving a budget adjustment in the amount of ~~\$64,659.00~~.
\$50,000.00 5,347.00

8/ **McGoodwin, Williams & Yates Amendment No. 3:** A resolution approving Amendment No. 3 to the contract with McGoodwin, Williams & Yates, Inc. reducing the contract amount by \$947,298.00 for design and construction phase services of the West Side Wastewater Treatment Plant, Broyles Road and the Mitigation Wetlands of the Wastewater System Improvement Project (WSIP).

- 9/ **RJN Group Amendment No. 5:** A resolution approving Amendment No. 5 to the engineering contract with RJN Group in the amount of \$597,704.00 for WSIP West Side Collection System design and construction phase services.

NB #4
#3
10. **Amend City Council Rules of Order and Procedure:** A resolution to amend the City Council Rules of Order and Procedure to add a new section concerning orientation of new alderman.

B. Unfinished Business:

- ✓ 1. **Villas at Stonebridge Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2170, Villas at Stonebridge, located south of Highway 16 East and east of Goff Farm Road; containing approximately 53.03 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was left on the First Reading at the December 2, 2008 City Council meeting. This ordinance was left on the Second Reading at the December 16, 2008 City Council meeting. This ordinance was left on the Second Reading at the January 6, 2009 City Council meeting and then tabled to the February 3, 2009 City Council Meeting.)*

This ordinance was left on the Second Reading at the February 3, 2009 City Council meeting and then tabled to the February 17, 2009 City Council Meeting.

C. New Business:

- ✓ 1. **CUP 08-3158 Lowlife Tattoo Appeal:** An appeal of conditional use 08-3158 granted for Lowlife Tattoo Parlor at the January 12, 2009 Planning Commission meeting.

~~2. Pending Legislation: Intentional Prohibition of Beaker~~

Announcements:

1. **City Council Tour: February 16, 2009**

Adjournment:

From: Paul Becker
To: Branson, Lisa
Date: 2/4/2009 1:16 PM
Subject: Courthouse Progress Report

CC: Hyke, Lynn

Lisa

Could you put me on the 2/10/08 agenda for a report on the Courthouse Progress. This will be done by Lynn Hyke.

Thanks

Paul

Agenda Session Only

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, 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 flourish extending to the right.

DATE: **February 18, 2009**

RE: **Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of February 17, 2009**

1. **Bid #08-16 Kinco Constructors, LLC:** A resolution approving Change Order #10 under Bid #08-16 with Kinco Constructors, LLC in the amount of \$123,051.00 for the construction of Wilson Park Bridge and Trail Connection, and approving a 10% project contingency in the amount of \$12,305.00;
2. **Fire Department Donations:** A resolution approving a budget adjustment for the Fayetteville Fire Department in the amount of \$950.00 to recognize donation revenues from local businesses to fund fire employee service awards;
3. **McGoodwin, Williams & Yates, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with McGoodwin, Williams & Yates, Inc. in the amount of \$63,800.00 to update the Water Transmission and Distribution System Model and Master Plan, approving a contingency in the amount of \$5,347.00 and approving a budget adjustment in the amount of \$50,000.00;
4. **McGoodwin, Williams & Yates, Inc. Amendment No. ³~~1~~:** A resolution approving Amendment No. 3 to the contract with McGoodwin, Williams & Yates, Inc. reducing the contract amount by \$947,298.00 for design and construction phase services of the West Side Wastewater Treatment Plan, Broyles Road and the Mitigation Wetlands of the Wastewater System Improvement Project (WSIP);

- 5. RJN Group Amendment No. 5:** A resolution approving Amendment No. 5 to the engineering contract with RJN Group in the amount of \$597,704.00 for WSIP West Side Collection System design and construction phase services;
- 6. Amend City Council Rules of Order and Procedure:** A resolution to amend the City Council Rules of Order and Procedure to add a new section concerning Orientation of new aldermen;
- 7. CUP 08-3158 Wilkins Appeal:** A resolution to affirm the Planning Commission's granting of a Conditional Use Permit (CUP 08-3158);
- 8. Bid #09-12 LaRue Contractor, Inc.:** A resolution awarding Bid #09-12 and approving a contract with LaRue Contractor, Inc. in the amount of \$947,628.99 for construction of Mount Sequoyah Water and Sewer Improvements; and approving a project contingency in the amount of \$50,000.00;
- 9. Pending State Legislation:** A resolution to express the City Council's opposition to any proposed state law that would constitute an unfunded mandate upon city taxpayers or would remove discretionary power of the City Council to control its budgetary expenses.

RECEIVED

FEB 20 2009

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville Final Agenda

February 16, 2009

Publication Charge : \$145.26

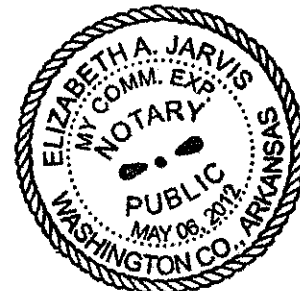
Signed: Cathy Wiles

Subscribed and sworn to before me
This 17 day of February, 2009.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent



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FEB 20 2009

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
FEBRUARY 17, 2009**



A meeting of the Fayetteville City Council will be held on February 17, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City - City Clerk

Agenda Additions:

A. Consent:

1. Approval of the February 3, 2009 City Council meeting minutes.
2. **Bid # 08-16 Kinco Constructors, LLC:** A resolution approving Change Order # 10 under Bid # 08-16 with Kinco Constructors, LLC in the amount of \$123,051.00 for the construction of Wilson Park Bridge and Trail Connection; and approving a 10% project contingency in the amount of \$12,305.00.
3. **Fire Department Donations:** A resolution approving a budget adjustment for the Fayetteville Fire Department in the amount of \$950.00 to recognize donation revenues from local businesses to fund fire employee service awards.
4. **McGoodwin, Williams & Yates, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with McGoodwin, Williams & Yates, Inc. in the amount of \$63,800.00 to update the Water Transmission and Distribution System Model and Master Plan; approving a contingency in the amount of \$5,347.00; and approving a budget adjustment in the amount of \$50,000.00.
5. **McGoodwin, Williams & Yates, Inc. Amendment No. 3:** A resolution approving Amendment No. 3 to the contract with McGoodwin, Williams & Yates, Inc. reducing the contract amount by \$947,298.00 for design and construction phase services of the West Side Wastewater Treatment Plant, Broyles Road and the Mitigation Wetlands of the Wastewater System Improvement Project (WSIP).
6. **RJN Group Amendment No. 5:** A resolution approving Amendment No. 5 to the engineering contract with RJN Group in the amount of \$597,704.00 for WSIP West Side Collection System design and construction phase services.
7. **Amend City Council Rules of Order and Procedure:** A resolution to amend the City Council Rules of Order and Procedure to add a new section concerning orientation of new alderman.

B. Unfinished Business:

1. **Villas at Stonebridge Appeal:** An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-2170, Villas at Stonebridge, located south of Highway 16 East and east of Goff Farm Road; containing approximately 53.03 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was left on the First Reading at the December 2, 2008 City Council meeting. This ordinance was left on the Second Reading at the December 16, 2008 City Council meeting. This ordinance was left on the Second Reading at the January 6, 2009 City Council meeting and then tabled to the February 3, 2009 City Council Meeting.) This ordinance was left on the Second Reading at the February 3, 2009 City Council meeting and then tabled to the February 17, 2009 City Council Meeting.*

C. New Business:

1. **CUP 08-3158 Wilkins Appeals:** An appeal of Conditional Use Permit 08-3158 (Wilkins) which was granted at the January 12, 2009 Planning Commission meeting.
2. **Bid # 09-12 LaRue Contractor, Inc.:** A resolution awarding Bid # 09-12 and approving a contract with LaRue Contractor, Inc. in the amount of \$947,628.99 for construction of Mount Sequoyah water and sewer improvements; and approving a project contingency in the amount of \$50,000.00.
3. **Pending State Legislation:** A resolution to express the City Council's opposition to any proposed state law that would constitute an unfunded mandate upon city taxpayers or would remove discretionary power of the City Council to control its budgetary expenses.

Announcements:

1. **City Council Tour: None**

Adjournment: