

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 16, 2010

A meeting of the Fayetteville City Council will be held on February 16, 2010 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:

1. Recognition of Students in Free Enterprise (SIFE) from the Walton College for their volunteer services in 2009 and into this year. SIFE projects include Project LIGHTS, GreenWAY, 15th Street Recycling Center, and Happy Hollow Education Project among other things.

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk
2. Presentation of the 2010 City of Fayetteville Martin Luther King Brotherhood Award by City Attorney Kit Williams

Agenda Additions:

1. **Ice and Snow Removal Materials:** A resolution approving a budget adjustment for the Transportation Services Division in the amount of \$115,000.00 to increase funding to provide additional ice and snow removal materials.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 28-10

2. **Cargill Inc., Amend Resolution No. 21-10:** A resolution amending Resolution No. 21-10, awarding Bid #10-14 and approving the purchase of crushed rock salt from Cargill, Inc. in the amount of \$98.02 per ton as needed through the end of calendar year 2010.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 29-10

A. Consent:

1. Approval of the January 19, 2010 and February 2, 2010 City Council meeting minutes.
APPROVED
2. **U.S. Marshals Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$75,000.00 to recognize reimbursement from the U.S. Marshals Service for detective overtime expenses related to investigative operations.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 30-10

3. **Old Wire Road Traffic Signal:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid monies for a traffic signal at the intersection of Old Wire Road and State Highway 45.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 31-10

4. **Crossover Road Right-of-Way:** A resolution authorizing the sale of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100 for a total of \$1,750.00 and two temporary construction easements on part of Parcel No. 764-13277-000 for \$1,050.00, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership and easements on the properties to the Arkansas State Highway Commission.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 32-10

5. **Bid #10-15 IAMS Dog Park at Bryce Davis Park:** A resolution awarding Bid #10-15 and approving a contract with Sweetser Construction, Inc. in the amount of \$122,027.00 for construction of IAMS Dog Park at Bryce Davis Park, and approving a 10% project contingency.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 33-10

B. Unfinished Business: None

C. New Business:

1. **Regional Urban Stormwater Education Program:** An ordinance waiving the requirements of formal competitive bidding and approving a memorandum of understanding with the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$43,191.55 for the Regional Urban Stormwater Education Program to be

provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5306

Announcements:

- 1. City Council Tour: None**

Adjournment: 6:35 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			
<i>Alderman Gray was absent</i>	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	absent			
	Thiel	✓			
	Mayor Jordan	✓			

70

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

Agenda Additions:

Subject:	Ice & Snow Removal Materials & Crushed Rock Salt				
Motion To:		Add both items to the Agenda			
Motion By:		Cook			
Seconded:		Rhoads			
Add to the Agenda	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	Absent			
	Thiel	✓			
	Mayor Jordan				

7-0

Subject:	Ice & Snow Removal Materials				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Ferrell			
Passed 28-10	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	Absent			
	Thiel	✓			
	Mayor Jordan				

7-0

Subject:		Crushed Rock Salt - Amend Res. 21-10			
Motion To:		Amend Res. Dollar Amount to \$98.02		Approve Resolution	
Motion By:		Ferrell		Ferrell	
Seconded:		Petty		Petty	
<u>Passed</u> 29-10	Cook	✓		✓	
	Petty	✓		✓	
	Rhoads	✓		✓	
	Ferrell	✓		✓	
	Lucas	✓		✓	
	Lewis	✓		✓	
	Gray	Absent		Absent	
	Thiel	✓		✓	
	Mayor Jordan				

7-0

7-0

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

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Cook</i>			
Seconded:		<i>Thiel</i>			
<i>Minutes Approved <u>Passed</u> 30-10 thru 33-10</i>	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	<i>Absent</i>			
	Thiel	✓			
	Mayor Jordan				

70

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

Subject:	Regional Urban Stormwater Education Program				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Thiel		
Seconded:		Lewis	Petty		
C. 1 New Business passed 5306	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	Absent	Absent	Absent	
	Thiel	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

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

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

DATE: **February 17, 2010**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of February 16, 2010**

1. **U.S. Marshals Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$75,000.00 to recognize reimbursement from the U.S. Marshals Service for detective overtime expenses related to investigative operations.
2. **Old Wire Road Traffic Signal:** A resolution expressing the willingness of the City to Fayetteville to utilize Federal-Aid monies for a traffic signal at the intersection of Old Wire Road and State Highway 45.
3. **Crossover Road Right-of-Way:** A resolution authorizing the sale of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100 for a total of \$1,750.00 and two temporary construction easements on part of Parcel No. 764-13277-000 for \$1,050.00 and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership and easements on the properties to the Arkansas State Highway Commission.
4. **Bid #10-15 Iams Dog Park at Bryce Davis Park:** A resolution awarding Bid #10-15 and approving a contract with Sweetser Construction, Inc. in the amount of \$122,027.00 for construction of Iams Dog Park at Bryce Davis Park, and approving a 10% project contingency.
5. **Regional Urban Stormwater Education Program:** An Ordinance waiving the requirements of formal competitive bidding and approving a Memorandum Of Understanding with the Municipal Separate Storm Sewer Systems jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$43,191.55 for the regional urban stormwater education program to be provided by the University Of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements

6. **Ice & Snow Removal Materials:** A resolution approving a budget adjustment for the Transportation Services Division in the amount of \$115,000.00 to increase funding to provide additional ice and snow removal materials.

7. **Crushed Rock Salt:** A resolution amending Resolution No. 21-10, awarding Bid #10-14 and approving the purchase of crushed rock salt from Cargill, Inc. in the amount of \$98.02 per ton as needed through the end of calendar year 2010.

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 16, 2010

A meeting of the Fayetteville City Council will be held on February 16, 2010 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:

1. Recognition of Students in Free Enterprise (SIFE) from the Walton College for their volunteer services in 2009 and into this year. SIFE projects include Project LIGHTS, GreenNWay, 15th Street Recycling Center, and Happy Hollow Education Project among other things.

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk
2. Presentation of the 2010 City of Fayetteville Martin Luther King Brotherhood Award by City Attorney Kit Williams

Agenda Additions:

A. Consent:

1. Approval of the January 19, 2010 and February 2, 2010 City Council meeting minutes.

2. **U.S. Marshals Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$75,000.00 to recognize reimbursement from the U.S. Marshals Service for detective overtime expenses related to investigative operations.
3. **Old Wire Road Traffic Signal:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid monies for a traffic signal at the intersection of Old Wire Road and State Highway 45.
4. **Crossover Road Right-of-Way:** A resolution authorizing the sale of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100 for a total of \$1,750.00 and two temporary construction easements on part of Parcel No. 764-13277-000 for \$1,050.00, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership and easements on the properties to the Arkansas State Highway Commission.
5. **Bid #10-15 IAMS Dog Park at Bryce Davis Park:** A resolution awarding Bid #10-15 and approving a contract with Sweetser Construction, Inc. in the amount of \$122,027.00 for construction of IAMS Dog Park at Bryce Davis Park, and approving a 10% project contingency.

B. Unfinished Business: None

C. New Business:

1. **Regional Urban Stormwater Education Program:** An ordinance waiving the requirements of formal competitive bidding and approving a memorandum of understanding with the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$43,191.55 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

Announcements:

1. **City Council Tour: None**

Adjournment:

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.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SALE OF RIGHT-OF-WAY ALONG CROSSOVER ROAD (STATE HIGHWAY 265) CONTAINING 1,301 SQUARE FEET AND BEING A PART OF PARCEL No. 765-13279-100 FOR A TOTAL OF \$1,750.00 AND TWO TEMPORARY CONSTRUCTION EASEMENTS ON PART OF PARCEL No. 764-13277-000 FOR \$1,050.00, AND AUTHORIZING THE MAYOR TO EXECUTE DEEDS AND ALL OTHER NECESSARY PAPERS TO TRANSFER OWNERSHIP AND EASEMENTS ON THE PROPERTIES TO THE ARKANSAS STATE HIGHWAY COMMISSION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the sale of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100 for a total of \$1,750.00 to the Arkansas State Highway Commission.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the sale of temporary construction easements along Crossover Road (State Highway 265) on part of Parcel No. 764-13277-000 for \$1,050.00 to the Arkansas State Highway Commission.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute deeds and all other necessary papers to transfer ownership and easements on the properties to the Arkansas State Highway Commission.

PASSED and APPROVED this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

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

2/16/2010

**City Council Meeting Date
 Agenda Items Only**

Alison Jumper

Submitted By

Park Planning

Division

Parks and Recreation

Department

Action Required:

A resolution awarding Bid #10-15 and approval of a contract with Sweetser Construction, Inc. in the amount of \$122,027 with a 10% project contingency of \$12,203 for a total project cost of \$134,230 for the construction of Iams Dog Park at Bryce Davis.

\$ 134,230.00

Cost of this request

\$ 475,000.00

Category / Project Budget

Neighborhood Park Development
 Neighborhood Park Development

Program Category / Project Name

Parks Development

Parks Development

2250.9255.5806.00

Account Number

02013.0902

02013.0802

Project Number

\$ 183,424.00

Funds Used to Date

\$ 291,576.00

Remaining Balance

Program / Project Category Name

Donations

Parks Development/PLDO (NW)

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Connie Emerson
 Department Director

2-8-10
 Date

Previous Ordinance or Resolution # 141-09, 06-10

Joe Kelly
 City Attorney

2-8-10
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Baker

Finance and Internal Services Director

2-9-2010
 Date

Received in City
 Clerk's Office

ENTERED
2-8-10

Kim G.

Am. Man
 Chief of Staff

2-9-10
 Date

Received in
 Mayor's Office

ENTERED
2/9/10

Joseph Jordan
 Mayor

2/9/10
 Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *CE*

From: Alison Jumper, Park Planning Superintendent *AJ*

Date: February 4, 2010

Subject: Bid # 10-15 Construction of Iams Dog Park at Bryce Davis

PROPOSAL:

Bryce Davis Park is located at 1595 N. Dartmouth Dr. Approximately 17 acres were added to the existing 9.2 acre park in 2008. The park will now serve as a community park for the northwest quadrant of the City. A master plan for the park has been developed and is being constructed in phases. Phase one includes the addition of a restroom which is currently under construction. Future phases include the construction of a dog park, walking path, fishing pier, pavilion and picnic areas.

On June 16, 2009, the City Council passed Resolution Number 141-09 authorizing City Council to accept a donation from Procter and Gamble in the amount of \$30,000 to contribute to the development of a dog park (see attached resolution).

On January 5, 2010 the City Council passed Resolution Number 06-10 authorizing the Mayor to apply to the Arkansas Department of Parks and Tourism for a General Improvements Fund Grant in the amount of \$160,000 for improvements to Bryce Davis Park. If this grant is received it will help fund subsequent phases of the master plan development.

The bid for the construction of the dog park advertised on January 18th and 25th and opened on February 3rd. Six vendors including Alpha Building Corporation, Danny Robinson Construction, LLC, Fochtman Enterprises, Inc., Kim Hoadley Construction Company, Inc., Midland Construction, Inc. and Sweetser Construction, Inc. submitted bids with Sweetser Construction, Inc. being the low bid in the amount of \$122,027.

If approved, the construction of the dog park is anticipated to begin in late February and be completed in April 2010.

RECOMMENDATION:

A resolution awarding BID #10-15 and approval of a contract with Sweetser Construction, Inc. in the amount of \$122,027 with a 10% project contingency of \$12,203 for a total project cost of \$134,230 for the Construction of Iams Dog Park at Bryce Davis.

BUDGET IMPACT:

The project is funded with Park Development funds. The contract with Alpha Building Corporation for the restroom encumbered \$175,534 leaving approximately \$291,576 for the remaining phases. The project cost for the dog park including a 10 % contingency is \$134,230.

Attachments:

Iams Dog Park Location Map
Resolution No. 141-09
Resolution No. 06-10
Bid Tab
Contract Agreement Signed by Contractor
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-15 AND APPROVING A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$122,027.00 FOR CONSTRUCTION OF IAMS DOG PARK AT BRYCE DAVIS PARK, AND APPROVING A 10% PROJECT CONTENGENCY

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 #10-15 and approves a contract, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein, with Sweetser Construction, Inc. in the amount of \$122,027.00 for construction of Iams Dog Park at Bryce Davis Park, and approves a ten percent (10%) project contingency.

PASSED and APPROVED this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-15
DATE: 02/03/10
TIME: 3:00 PM
CITY OF FAYETTEVILLE

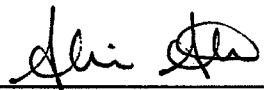
Bid 10-15, Construction of Iams Park at Bryce Davis

BIDDER	DEDUCTIVE ALTERNATE #1	DEDUCTIVE ALTERNATE #2	DEDUCTIVE ALTERNATE #3	TOTAL BASE BID
1 Alpha Building Corporation	\$7,466.00	\$12,390.00	\$3,847.00	\$132,708.00
2 Danny Robinson Construction, LLC	\$5,890.00	\$13,120.00	\$7,000.00	\$131,352.00
3 Fochtman Enterprises, Inc.	\$7,790.00	\$16,640.00	\$3,720.00	\$131,594.00
4 Kim Hoadley Construction Co., Inc.	\$5,200.00	\$11,200.00	\$5,035.00	\$144,526.00
5 Midland Construction, Inc.	\$7,980.00	\$15,168.00	\$4,500.00	\$183,968.00
6 Sweetser Construction, Inc.	\$7,600.00	\$16,000.00	\$5,000.00	\$122,027.00

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

CERTIFIED:


P. VICE, PURCH MGR


WITNESS

02/03/10
DATE

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 #: 56870	Vendor Name: Sweetser Construction, Inc.	Requisition No.:	Date: 2/4/2010
Address: 590 West Poplar		P.O Number:	Expected Delivery Date:
City: Fayetteville	State: AR	Mail Yes: No:	Quotes Attached Yes: x No:
Requester: Alison Jumper	Zip Code: 72703	Ship to code:	Divison Head Approval:
Requester's Employee #: 2369		Extension: 469	

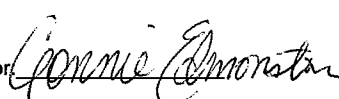
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Construction of Iams Park at Bryce Davis Per Bid # 10-15	1	ls	122,027.00	\$122,027.00	2250.9255.5806.00	02013.0802		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$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: \$122,027.00
 Tax: _____
 Total: \$122,027.00

Approvals:

Mayor: _____

Department Director: 

Purchasing Manager: _____

Finance & Internal Services Director: _____

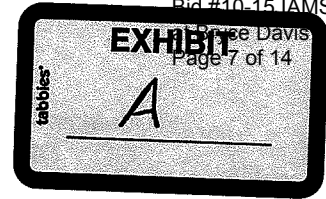
Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



Section 00 52 13

AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2010 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and Sweetser Construction, Inc. (herein after called CONTRACTOR).

CITY OF FAYETTEVILLE and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of the construction of This project includes constructing a water line extension, electric line extension, installing a pavilion (provided by others), fencing, picnic tables, sidewalks, benches, tree plantings and associated concrete paving at **Bryce Davis Park** and all items indicated in the Drawings and Specifications.

Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Parks and Recreation Division
1455 South Happy Hollow Road
Fayetteville, Arkansas 72701

will be hereinafter called PARKS AND RECREATION DIVISION PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work for the Construction of IAMS Park at Bryce Davis shall be substantially completed within **60 consecutive calendar days** after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within **75 consecutive calendar days** after the date when the Contract Time commences to run.

3.2. *Liquidated Damages.* CITY OF FAYETTEVILLE and CONTRACTOR recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the

delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, City of Fayetteville and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. For all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

PAYMENT ITEMS

ITEM	DESCRIPTION	UNITS	QUAN.	Sweetser Construction, Inc.	
				UNIT PRICE	TOTAL
1	MOBILIZATION (1)	L.S.	1	\$3,500.00	\$3,500.00
2	BID BONDS AND INSURANCE	LS.	1	\$1,500.00	\$1,500.00
3	EXCAVATION SAFETY	L.S.	1	\$100.00	\$100.00
4	SITE PREPARATION	LS.	1	\$5,500.00	\$5,500.00
5	WATER LINE EXTENSION-APPROX. 1038 L.F. (5)	LS.	1	\$15,000.00	\$15,000.00
6	ELECTRIC LINE EXTENSION-APPROX. 1130 L.F. (5)	L.S.	1	\$6,780.00	\$6,780.00
7	FILL COMPLETE IN PLACE (5)	CY	469	\$10.00	\$4,690.00
8	UNCLASSIFIED EXCAVATION (5)	CY	612	\$10.00	\$6,120.00
9	POST AND 3 RAIL FENCE W/ BLACK VINYL CHAIN LIN	L.F.	1125	\$12.00	\$13,500.00
10	4' CHAIN LINK GATES (5)	EA.	3	\$195.00	\$585.00
11	6' CHAIN LINK MAINTENANCE GATES (5)	EA.	2	\$290.00	\$580.00
13	PAVILION FOOTINGS (5)(6)	LS.	1	\$2,400.00	\$2,400.00
12	SILVA CELLS- INSTALLED (5)	EA.	64	\$250.00	\$16,000.00
14	CONCRETE MOW STRIP 4" x 18" (5)	S.Y.	190	\$40.00	\$7,600.00
15	CONCRETE - 4" THICK W/ INTEGRAL COLOR (5)	S.Y.	106	\$44.00	\$4,664.00
16	CONCRETE - 4" THICK, NO COLOR (5)	S.Y.	114	\$32.00	\$3,648.00
17	CONCRETE - 5" THICK SHELTER SLAB (5)	S.Y.	145	\$48.00	\$6,960.00
18	SANDBLAST AND PAINT PAVILION (7)	L.S.	1	\$3,000.00	\$3,000.00
19	PICNIC TABLES-COMPLETE IN PLACE (11)	EA.	2	\$1,500.00	\$3,000.00
20	BIKE RACK-COMPLETE IN PLACE (11)	EA.	2	\$300.00	\$600.00
21	6' BENCHES-COMPLETE IN PLACE (11)	EA.	2	\$1,000.00	\$2,000.00
22	DRINKING FOUNTAIN WITH DOG BOWL- COMPLETE	EA.	1	\$6,300.00	\$6,300.00
23	QUERCUS PHELLOS-WILLOW OAK (9), ACER SACCHARUM (4), ACER RUBRUM (8), CARYA	LS.	1	\$5,000.00	\$5,000.00
24	SITE RESTORATION	LS.	1	\$3,000.00	\$3,000.00
TOTAL					\$122,027.00

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in the General Conditions.

5.1. Progress Payments. CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the

aggregate of payments previously made and less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the PARKS AND RECREATION DIVISION PROJECT MANAGER, and if the character and progress of the Work have been satisfactory to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, CITY OF FAYETTEVILLE, on recommendation of PARKS AND RECREATION DIVISION PROJECT MANAGER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to CITY OF FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the Work.

6.3. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. CONTRACTOR is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

6.7. CONTRACTOR has given PARKS AND RECREATION DIVISION PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DIVISION PROJECT MANAGER is acceptable to CONTRACTOR and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and CONTRACTOR concerning the Work consist of the following:

- 7.1. This Agreement (pages 1 to 8, inclusive).
- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.7. Specifications consisting of Divisions 1 through 31 as listed in table of contents thereof.
- 7.8. Addenda numbers 1-2, inclusive.
- 7.9. One set of drawings (not attached hereto) consisting of: a cover sheet and additional sheets numbered two through eleven with each sheet bearing the following general title: Construction of Iams Park at Bryce Davis.
- 7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
 - 7.10.1. Notice to Proceed
 - 7.10.2. All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

- 8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.
- 8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may

become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. CITY OF FAYETTEVILLE and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

8.6. Freedom of Information Act. City contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, CONTRACTOR will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and CONTRACTOR have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and CONTRACTOR or identified by PARKS AND RECREATION DIVISION PROJECT MANAGER on their behalf.

This Agreement will be effective on _____, 2010 (which is the Effective Date of The Agreement).

CITY OF FAYETTEVILLE:

SWEETSER CONSTRUCTION, INC.

By: _____
Mayor

By: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

*Attest _____

Secretary.

* If a Corporation, attest by the

Address for giving notices

Address for giving notices

(If CITY OF FAYETTEVILLE is a public body, attach License No. _____ evidence of authority to sign and resolution or other documents Agent for service of process: authorizing execution of Agreement.)

(If CONTRACTOR is a corporation, attach evidence of authority to sign.)

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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
January 19, 2010**

A meeting of the Fayetteville City Council was held on January 19, 2010 at 6:00 p.m. 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, Assistant City Attorney Jason Kelley, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan presented Employee Awards to Aaron Watkins and Warren Edwards for assuring lost money that was found and returned which saved many people a great amount of pain and financial struggle. He stated their service was above self and is honored and appreciated and has done much to make our community stronger and to enrich it for many years to come. He also stated personal integrity reflects well upon the caliber of city employees in our community. The City of Fayetteville is blessed to have you on the City team and we commend you for your service.

Presentations, Reports and Discussion Items:

State of the City Address – Mayor Lioneld Jordan:

Mayor Jordan gave the State of the City Address. A copy of the State of the City Address is attached.

A Public Discussion on the Permitting and Funding Procedures for Events – Alderman Matthew Petty

Alderman Petty stated this started last year when the A & P Commission voted to fund two more events with motorcycles, one of them called Bikes, Babes, and Bling to occur on July 4th weekend. He also stated when people found out about the event he started to hear from a lot of citizens asking that something be done about this and complaining they hadn't had a chance for public input in the distribution of their tax dollars.

Mayor Jordan: Do you want to discuss the future criteria of how we do permits?

Alderman Petty: Yes and the procedures going on with the A & P Commission and the way events are funded and permitted.

Assistant City Attorney Jason Kelley stated the agenda does address permitting and funding procedures. As far as the A & P aspect of it that may be getting far field from what was on the agenda. That may be a topic for another day. Jason explained the procedure for obtaining a permit.

Alderman Petty stated on the subject of whether or not we should talk about the funding everybody understands City Hall is not in the business of funding events, that all happens with the A & P Commission. He stated there are legitimate concerns with prolonged noise, traffic, and other disruptions.

Alderman Rhoads: Exactly what side are you on?

Alderman Petty stated as I said to begin with I wanted to stop the event from happening. The discussion now is about are there appropriate changes that should be made to the permitting and funding procedures. Alderman Petty spoke about the procedures that could be changed.

Alderman Rhoads: So you're not really on any side you just wanted to have a discussion to go forward with some sort of a procedure.

Alderman Petty: That is correct.

Alderman Thiel asked Assistant City Attorney Jason Kelley is the City Council and the City fairly limited on how we can direct the A & P Commission other than the members that sit on the board.

Assistant City Attorney Jason Kelley stated their commission controls their activity. They have city representatives on the board but they run their business and we run ours.

Alderman Thiel: That's right and that is state law. That is the make up of the commission because we have had this discussion over the years about frustration some times with what is done. Once the voters set an A & P Commission into action it's basically set up by statute.

Alderman Petty: You're right, there are limits and I've talked to the City Attorney about that and poured over the state statutes. The members of the commission serve at the will of the City Council and I was also advised that while we can't change the make up of the commission or things that are in the state statute what we can do is require them to do things like publish the agenda in advance.

Assistant City Attorney Jason Kelley: I will have to reserve comment on that since I was not part of that discussion.

Alderman Petty: No, I don't think we are going to come out with language after this discussion to consider at the next council meeting. I feel like the Council is going to hear ideas and sentiments and hopefully out of that we will see some actions that can be taken.

Mayor Jordan asked Assistant City Attorney Jason Kelley if he recommended discussing the A & P Commission. Is there anything we can do about that?

Assistant City Attorney Jason Kelley stated he was going to base his answer on what the agenda states. The agenda states a discussion about permitting and funding procedures for events and that would be limited to what the city participation would be and that is not necessarily the A & P Commission. He stated that was a discussion for the A & P Commission.

Alderman Ferrell: It is my understanding the A & P Commission is created by state statute?

Assistant City Attorney Jason Kelley: That's correct.

Alderman Ferrell: The state statute trumps the city statute doesn't it?

Assistant City Attorney Jason Kelley: Yes, state law is supreme to any city provision.

Alderman Ferrell: Thank you.

Alderman Gray stated if we are going to discuss funding and citizens have concerns I would like for the citizens to be able to express their concerns.

Mayor Jordan: Would we have any affect on trying to change them?

Assistant City Attorney Jason Kelley stated we can't limit what a member of the public would want to tell us in the broadest sense of falling under the agenda item. He also stated as long as people understand that there is not a lot that can be done about it.

Alderman Petty: There are two members of the A & P Commission sitting up here and they sit on the commission to represent the public and the Council. He stated I feel it is appropriate that this is a forum for that discussion.

Don Marr, Chief of Staff: As a point of this discussion I feel it would be appropriate so the citizen will know as well as the Council what special event permit process the city currently follows. He asked Sharon Crosson to speak on the event process.

Sharon Crosson, Parking and Telecommunications Manager presented a slide show that summarized the event process.

Don Marr stated the newspaper has talked about processes in other cities. The City of Fayetteville also has ordinances that require conditional use permits. He asked Jeremy Pate to speak on the process.

Jeremy Pate, Development Services Director gave a brief explanation of conditional use permits.

Alderman Petty asked Sharon what happens when you get two events requesting the same resources on the same dates.

Sharon Crosson: Typically we give preference to an event that is established that's been on going for multiple years, otherwise it is first come first serve.

Alderman Petty: Ok.

Sharon Crosson stated anything that happens in the entertainment district we also check with the Walton Arts Center first before anybody else. She stated if a big event is going on we always give them preference to the parking lots in that area.

Alderman Petty: Is that an internal policy?

Sharon Crosson: Yes.

Alderman Lewis: Do all applicants provide a site map? Is that part of the requirements?

Sharon Crosson: Yes.

Alderman Lewis: Do they have an application form to fill out?

Sharon Crosson: Yes, the application has a list of things they are suppose to check if they are going to have portable toilets, a beer garden, parade etc. That way we can make sure that each one of those items are marked on the site map.

Steve Frankenberger, resident of 414 West Prospect: It is my understanding at least historically that Bikes, Blues and BBQ is a sales tax neutral event. Do we experience an increase in sales tax revenue that week?

Paul Becker, Finance Director stated he has seen no major spikes but he is sure it does have some positive effect. He stated it's very difficult to calculate exactly what type of effect it has.

Steve Frankenger: We can't put a financial number on?

Paul Becker: It's very difficult to do because the event is traditionally in September. It's normally at the time we have football games in town so there is no way that I can definitely calculate what the effect is.

Steve Frankenger: The sales tax revenue growth is debatable. He stated exceptions need to be addressed to the noise ordinance for the event.

Alderman Ferrell stated there has to be revenue generated. It maybe that there is a slow part of the month it is taking up the slack for but one can deduce that there is money being spent.

Steve Frankenger: Then it should show up.

Dwain Cromwell thanked the Mayor and Council for providing an opportunity to discuss this. He spoke against the event.

Don Marr stated the original request was denied because the Walton Arts Center had an event that day and they get first priority. He stated the new event date is July 1st through July 3rd.

Cindy Arsaga, a business owner stated this has a negative impact on my business. She went on to speak against the event.

Scott Gardner, resident of 105 Southwest Avenue spoke against the event. He thanked the Council members and Mayor for allowing public comment. He stated I approve of Bikes, Blues, and BBQ. I think it makes Fayetteville unique. Keep Fayetteville funky and not make Fayetteville trashy.

Roland McKinney, Executive Director of 540 Film Fest thanked the Council for supporting the film festival this past year. We went through the process in a very expeditious fashion and was supported in a manner I didn't expect. If you follow the process and go through the procedures that have set out I believe you can get what you need from the City of Fayetteville.

Bill Reagan, Resident of Fayetteville spoke in favor of the event.

David Orr, resident of West Cedar Street expressed his concerns with the event. He stated I think that having a diverse range of festivals and events is important. At the very least I think we should have a conditional use permitting process. I would like to see accountability built into the permitting process. He questioned if there is any knowledge about whether sales taxes are being collected on the vendors.

Paul Becker: Enforcing the collection of the sales tax by the vendors has been put in place.

David Orr: I would like more public involvement in this process. I am disappointed that something like this has such a positive and negative impact that we find ourselves trying to

figure out how to have any public involvement. I support moving forward and trying to deal with this in a fair manner.

Hope Bradberry, resident of Fayetteville expressed her concerns with the festival. She voiced her concern about the level of disruption.

Al Vick, resident of 514 East Rock stated there needs to be a permitting process before the A & P Commission where the public will know ahead of time for any major disruptive events.

Kristin Manning, 4520 Franciscan Trail: Stated she was against Bikes Babes and Bling and stated her reasons. She voiced her concern about the traffic this would create.

TJ Angeleno, General Manger of Courtyard by Marriott spoke on behalf of the hospitality community. He stated the more difficult we make it for festivals to come into the area the more difficult we make it for businesses to survive. He spoke in favor of the event.

Steve Butler, owner of a radio station in the area spoke in favor of the event.

Caleb Clark, resident of 1649 Vandeventer Street stated I love festivals but when we are deciding what to permit we should also ask what the stress level is for citizens. If the citizens are becoming too stressed out then that is a negative impact to the City. He spoke against this type of festival due to other similar festivals already occurring.

Lisa Sharp, business owner and on the Board of Directors of the Fayetteville Independent Business Alliance spoke against the event and expressed her concerns.

Alderman Rhoads asked Ms. Sharp is she was speaking on her behalf or on behalf of the independent businesses.

Lisa Sharp: Both, I am a small business owner who is a member of Independent Business Alliance. I own Nightbird Books on Dickson Street.

Alderman Rhoads: Did you all meet and vote and that is your position.

Lisa Sharp: No, I have discussed it with other board members but we have not had an official meeting.

Alderman Rhoads: Just curious, thank you.

Jerry Patton, resident of 524 Shady Avenue spoke in favor of the event.

Julie Sill, owner of Hog Haus and Common Grounds stated both locations generate revenue during this time.

Dede Peters, downtown business owner and Ward 2 resident spoke in favor of the festival.

Rachael Holder spoke in favor of the event.

Stephanie Danielson stated I have not heard whether or not changing the permitting would actually increase the amount of time that it took to get a permit and if it would create a problem for the A & P. I hear they have quit a bit of events in this area and it sounds like that is an issue that you would want to address. Is it going to increase the amount of time? Is it going to increase the difficulty when you have to have public hearings for every event?

Mayor Jordan: It would depend on what is brought forward to the Council.

Stephanie Danielson: That is certainly something you would want to keep in consideration.

Tom Baca with BKD Hospitality spoke in favor of the event.

Steve Clark, President of the Fayetteville Chamber of Commerce thanked the Mayor and Council members for giving all stake holders a chance to be heard. He asked the Council as you debate this discussion will you continue to do the two things that I feel are most important. Continue to listen to every stake holder and value their opinion whether it's in agreement or not. Second thing is apply only objective standards. He stated if you do that our city will thrive and our festivals will thrive.

Alderman Rhoads: Are you saying that you believe that the festival will live or die based on its own value to the citizens of Fayetteville and the surrounding towns?

Steve Clark: Yes sir.

Craig Honchell, resident of 4555 Wedge Drive stated I feel the permit process that is currently in place is fantastic. It's what represents the City.

Brian Crown, Owner and Operator of Georges Majestic Lounge stated we have a process that works right now, let's not reinvent the wheel. He spoke in favor of the event.

Leann Vanwinkle Geesler, business owner stated we have a permitting process that works. She spoke against changing the process.

Paula Marinoni, resident of Lafayette Street expressed her concerns with another event coming to Fayetteville. She gave past examples of problems that have occurred at her property due to previous events taking place.

Alderman Ferrell: How many of the Ward 2 business people leave town in the entertainment district?

Paula Marinoni: Nobody, they have to guard their businesses. She went on to clarify that she meant the residents would leave town.

Jeff Bishop, Property Manager of the Northwest Arkansas Mall also representing 100 businesses stated we like festivals. He stated we are not in favor of changing the permitting process.

Nelson Driver, Executive Director of Bikes Blues and BBQ stated I have a board member that serves as a member of the A&P Commission; he recused himself from the discussion or vote on the funding for Bikes, Babes, and Bling. There is no conflict of interest with the A & P Commission. He spoke on the economic impact that festivals have on our City. He went on to speak on the current permit process and stated if it is not broke don't fix it.

Alderman Petty addressed the conflict of interest with the A & P Commission. He stated we want to stay objective and that does not mean that we need to send everything to the Planning Commission. Changing the process does not mean we will make it go to a governing body it could be as simple as updating the legislation. He pointed out that there is more to this community than money. People deserve to have a voice and for those reasons it is worth considering these things.

Alderman Thiel: We need to look at the tax collection on this new event as well as any other events.

Mayor Jordan: That is something that we have been working on.

Don Marr, Chief of Staff stated we add events and lose events all the time and yet we haven't had a record of what occurs when, what changes from year to year etc. We are going to try to take a calendar year and track every single event to see if we can create patterns by looking at something over multiple years.

Paul Becker: When we get data from the State that is a month and we can't break it down by days. It is very difficult to do when you do not have daily information.

Alderman Lewis: For me what is important is I want this to be across the board. Maybe the process is perfect the way it is but we haven't looked at it really. There are some factors that we may need to look at.

Alderman Gray: This has been a great discussion and we definitely need to allow our citizenry to tell us what they think. We know lots of dollars are spent and it is incumbent upon us as a city to do everything we can to help us realize what we are actually making.

Alderman Cook: Obviously there is an economic impact with that many people in town spending money. It is a burden for the people in Ward 2 that live close to that and if there is anything that we can do to help alleviate issues it would be appreciated by those residents. The permitting process has worked for years and I don't see that it needs a lot of changes to it.

Alderman Ferrell: The process has worked very well. Unfortunately we can not have a plebiscite on every issue. If there are things that need to be tuned you can use the current process that we have and citizens can contact their elected representatives if there is something about a festival and go through them.

Alderman Rhoads stated it is amazing that 41 people have to look at each permit. He suggested cutting that number down. He went on to speak on the importance of festivals.

Mayor Jordan thanked everyone for coming and letting their voice be heard on this issue.

Agenda Additions:

Green Job Training Programs Grant: A resolution authorizing the Mayor of the City of Fayetteville to apply for a grant on behalf of the students who will benefit from the Northwest Arkansas Community College's Green Job Training Programs:

Alderman Cook moved to add the Green Job Training Programs Grant to the agenda. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Thiel and Ferrell were absent during the vote.

Don Marr spoke on behalf of Karen Minkel, Strategic Planning and Internal Consulting and gave a brief description of the grant. He stated this is just seeking your authorization to apply for the grant. There is no matching fund requirement.

Assistant City Attorney Jason Kelley read the resolution.

Don Marr: This particular grant was to assist cities and or counties involved in regional economic development needs. Some of the requirements were that it had to have economic impact. It required participation in more than one county and it had to have alignment with Governor Beebe's goals for economic development and ability to leverage other funding sources and a readiness to proceed. We meet the two county requirement of working with both Benton and Washington County and that is why we are requesting this.

Alderman Petty: Is this on the Consent Agenda or is it being considered as a separate item?

Don Marr: It's a separate item.

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

Resolution 10-10 as recorded in the office of the City Clerk.

Consent:

Fayetteville MSA Partnership D/B/A Verizon Wireless: A resolution approving the first amendment to the lease agreement between the City and Fayetteville MSA Partnership D/B/A Verizon Wireless (formerly Alltel Communications) for transmission tower space on the Gulley Water Tank.

Resolution 11-10 as recorded in the office of the City Clerk.

Overlay/Sidewalk Projects For 2010: A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2010.

Resolution 12-10 as recorded in the office of the City Clerk.

Bid #10-01 Time Striping, Inc.: A resolution awarding Bid #10-01 and approving the purchase of thermal striping from Time Striping, Inc. in the amount of \$74,900.00.

Resolution 13-10 as recorded in the office of the City Clerk.

Bid #10-02 Asphalt Striping Service: A resolution awarding Bid #10-02 and approving the purchase of reflectorized paint markings from Asphalt Striping Service in the amount of \$55,518.00.

Resolution 14-10 as recorded in the office of the City Clerk.

Bid #10-03 Sweetser Construction, Inc.: A resolution awarding Bid #10-03 and approving the purchase of curb and gutter from Sweetser Construction, Inc. in the amount of \$196,050.00.

Resolution 15-10 as recorded in the office of the City Clerk.

Bid #10-04 Les Rogers, Inc.: A resolution awarding Bid #10-04 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of \$23,625.00.

Resolution 16-10 as recorded in the office of the City Clerk.

Bid #10-05 Les Rogers, Inc. & SSK Investments, LLC: A resolution awarding Bid #10-05 and approving the purchase of hillside gravel from Les Rogers, Inc. for material picked up by city staff in the amount of \$20,850.00 and from SSK Investments, LLC for delivered material in the amount of \$30,000.00.

Resolution 17-10 as recorded in the office of the City Clerk.

Bid #10-06 Beaver Lake Concrete, Inc.: A resolution awarding Bid #10-06 and approving the purchase of concrete from Beaver Lake Concrete, Inc. in the amount of \$446,025.00 and authorizing the use of APAC-Central, Inc. as a secondary supplier.

Resolution 18-10 as recorded in the office of the City Clerk.

Bid #10-07 Stone Gardens, LLC: A resolution awarding Bid #10-07 and approving the purchase of bricks from Stone Gardens, LLC in the amount of \$14,750.00.

Resolution 19-10 as recorded in the office of the City Clerk.

Bid #10-08 Mackey Trucking, LLC: A resolution awarding Bid #10-08 and approving the purchase of truck hauling services from Mackey Trucking, LLC in the amount of \$53,000.00 and authorizing the optional use of other bidders based on price and availability.

Resolution 20-10 as recorded in the office of the City Clerk.

Bid #10-14: A resolution awarding Bid #10-14 and approving the purchase of crushed rock salt from Cargill, Inc. in the amount of \$24,505.00.

Resolution 21-10 as recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

R-PZD 09-3439 (Oakbrooke Phase III): An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 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 15, 2009 City Council meeting. This ordinance was left on the Second Reading at the January 5, 2010 City Council meeting.*

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

Assistant City Attorney Jason Kelley read the ordinance.

Jeremy Pate gave a brief description of the item and stated the amendments that you made at the last meeting have been made to the conditions of approval. I have also passed out a revised map that indicates in green the lots that were discussed. We do have some language for your consideration regarding the cottage homes which would potentially permit attached units.

Alderman Lucas: Where are the lots that are not going to be built on? You said there were six.

Jeremy Pate: They are scattered throughout the development. Jeremy pointed them out on the map.

Alderman Lucas: There were originally 109 units and if we look at those 17 in this whole project it goes to 197 but with the six that will not be built it was 191.

Jeremy Pate: Right.

Alderman Lucas: So we went from 109 to 191.

Jeremy Pate: Yes Ma'am.

Alderman Lewis: Can you give an example of 191 units. Do we have that in Fayetteville?

Jeremy Pate: 200 units could be shown at the apartment complex near Persimmon and Ruppel and there is also a single family subdivision with about 200 units directly adjacent to it. In terms of the density the Lakewood Subdivision west of Fayetteville Athletic Club is around seven units per acre. That is the development style you might see in this area.

Alderman Petty spoke on the greenspace for the development and compared it to the Wilson Park Neighborhood and the Washington Willow Historic District. He stated this density is proven and it is the best part of our community as what we hold up as an example. The density is not anything new or abnormal.

Jim Ramsey, Architect and Designer for Paradigm Development speaking on behalf of Tracy Hoskins the developer stated we are very excited about Oakbrooke because it is a step toward the City Plan 2025 which we are committed to as a design group. We would like the opportunity to show you what we can do. He stated the density is similar to other densities around.

Alderman Lewis: One thing I am seeing that is missing is water conservation. I am wondering how we can get each house to attenuate the flow to those detention ponds and create an opportunity for water conservation for the home owners. We have to think about the reality that you might not be the developers for this project because this is a zoning situation. I am wondering as a condition of approval I would like to talk about cisterns or rain gardens.

Jim Ramsey: We developed the detention ponds to act like a large rain garden rather than a traditional detention pond. Cisterns are something that we are looking toward and we want the right technology. As far as the rain garden areas we are hoping to use each of the little pocket park type areas with the landscaping.

Alderman Lucas: I spoke with Tracy this morning and told him I was concerned about the density. It has to be compatible with the neighborhood and also that the infrastructure supports it. I looked back at the minutes and when we talked about 109 we were concerned about Ruppel Road and the intersection at Mount Comfort and nothing has been done so far for that so I worry. I am concerned about adding this much density until we get that infrastructure. I talked to Tracy about leaving one of the Planning Areas the way it is and take some of the density out. I am also concerned about the 31 apartments. He said that area was not going to be built out for five years so I was just wondering why you were going for such density now.

Jim Ramsey: We thought it a more direct design approach to design the whole area including longer term future areas. We think that Ruppel will easily be built out by the time Oakbrooke grows to that point.

Alderman Lucas: That is what we said five years ago.

Jim Ramsey: It has been built out a lot.

Alderman Lucas: I thought we might get together and talk about reducing some of this density but if you want to go forward with it tonight then you can. The increase of even 51 units is going to cause 500 trips on that road. Not counting the 31 that is in the commercial area.

Jim Ramsey: Oakbrooke was designed to have immediately five access points to its community and one more in the future to head out north. The density is important to the success of Oakbrooke because that is what makes a community work.

Jeremy Pate: I just want to make one clarification that we do not have street impact fees however we do have a system in place to assess developers and either make them make improvements to streets or if we have potential for delayed impact our ordinances allow for assessments to be made. Oakbrooke was charged based on its number of units the last time. With this increase it will have a similar increase in fees to be paid in. Those will have to be utilized on Ruppel Road for that impact within the next five years.

Alderman Lucas: Jeremy how much was paid the first time?

Jim Ramsey: The Fire Department said there was little to no impact in that area.

Alderman Thiel: You were saying earlier that this project is being held up because of this discussion. My question is can't they move forward with the project they already have? I think you were encouraging us to move on with our decision. You are talking about all these water issues and how you are going to deal with them. Is all that new to this PZD?

Jim Ramsey: In our office we have been a little more converted. You learn new things that become more important to you as you move along. This looks different from the one before even though we were trying to be environmental then.

Alderman Thiel: I guess my question is if we don't approve this are you not going to do things that way with this project?

Jim Ramsey: I would say those things become unattainable.

Alderman Thiel: Because of the reduced density?

Jim Ramsey: Yes.

Alderman Gray: Does staff support this as it is?

Jeremy Pate: We do. Staff recommended approval of this project. There are obviously differences in conditions that the Planning Commission and staff had but ultimately it was recommended in favor to you.

Alderman Gray: Is the density of this development not in agreement with the 2025 Plan?

Jeremy Pate: We feel this is consistent with that plan.

Alderman Lewis: Chris, I am looking at the landscaping and they are talking about rain gardens but you can't just put them in randomly. They have to be a part of the drainage system and I am not seeing that language in here. I want to see that language in this before it goes to drainage review. Where is the best place to put that?

Chris Brown, City Engineer: You are exactly right. To say that these parts will function as rain gardens I just don't know the answer to that. As far as how to include it in the conditions of approval Jeremy might be able to answer that a little better.

Jeremy Pate: This has no development rights associated with it. They would still have to go back through our preliminary plat process and basically from scratch redesign the subdivision with the drainage calculations. In terms of adding it in the conditions of approval we have to be careful about what we can add. It really has to be in our code to be able to require something of a developer. We currently do not have anything that requires rain gardens or cisterns. If this applicant says it's okay then by all means you can add that because they have essentially offered that up as a part of their project. I don't feel it is appropriate to add conditions of approval that are not in our existing code.

Mayor Jordan: I know we can't ask developers for bills of assurance, are we treading on any of that kind of turf when we start to ask for certain things to be done. I know we do conditions of approval sometimes. I want to be sure we stay within the confines of the law.

Assistant City Attorney Jason Kelley stated I think what Jeremy said was correct. We can't be adding requirements that the code does not permit us to add. So to that extent, I would extend a word of caution if we try to do something like this.

Mayor Jordan: I just want to be sure that we stay within the legal parameters.

Jim Ramsey: We would love to as we bring each piece back through. This is just zoning tonight. As each one comes back through and is designed to what it will be, we would like to work with you personally in developing that. We can commit to working with the City and whoever is on staff and make this happen so these gardens and different technology's work and you're involved.

Alderman Lewis: I appreciate that and I do think that you are going to be working on those systems. The problem is this is zoning and there is no guarantee that you will be the people involved with it. So it has to be written in the project or there's no guarantee that will be considered as part of the systems.

Jim Ramsey: We hope to be here.

Alderman Petty: Jeremy, how many phases is Bridgeport?

Jeremy Pate: I believe they have gone through eight phases now.

Alderman Petty: How many of that is built out?

Jeremy Pate: Most of them. Seven and eight are about 50% built out. They were much smaller than some of the initial phases which had hundreds of lots.

Alderman Petty: That's fifteen years? So that's a pretty normal time frame, five years, fifteen years, it seems like five years is on the short end of getting the project finished. I have tried to spend some time looking at what is in the surrounding area because compatibility was talked about so much last time. I don't think that Oakbrooke is in danger of destroying any neighborhoods. Bridgeport I think is totally safe. It's reasonable to be afraid of what could happen to a neighborhood, I can understand that. I guess I don't understand why Oakbrooke inspires such fear because we see so many things around town that are similar to it. I went back and looked at the minutes for The Links and there is almost no public comment at all, almost none. It passed the Council 6-2. I look at The Links and that is a very bad way to do density. The project that was proposed before it was The Links was a great way to do density but for one reason or another it didn't happen. But nobody showed up to oppose The Links and it got me wondering why people were trying to take what had happened with The Links out on Oakbrooke. If The Links was next to my neighborhood I'd be scared by just about anything moving in. But it seems to me The Links is what is putting that area in danger, not Oakbrooke. I guess I am just trying to rectify in my mind why that passed so easily but Oakbrooke, we are trying to obstruct it in anyway we can.

Mayor Jordan: Matthew, I was on the Council at that time and there are some other Alderman that that was here during that time and I remember a house full of people. We spent literally hours on this thing at one City Council meeting discussing whether to approve it or not. There were lots and lots of public comment because I ran one of those meetings.

They further discussed the amount of public comment for The Links.

Alderman Lucas: One of the things we talked about even with The Links is that The Links is east of Ruppel. Here in Fayetteville, we use roads as kind of cut offs. West of Ruppel is residential. So I think we looked at The Links as in-between residential, The Links, then Ruppel and then residential again. I know there are other areas, like Lewis Street that we have tried to keep residential on one side and apartments on the other. I look at this that way which made me question Jeremy when he said The Links influenced this project to have more density when on three sides of this property is residential. What's the smallest width of a lot in this unit?

Jeremy Pate: 30-35, somewhere in that range.

Alderman Lucas: I thought 24, but anyway, it's not compatible in those areas. Clabber Creek is there and several developments that are north of Mount Comfort. I was looking at Ruppel Road as maybe the cut off. I didn't see how The Links could affect it, but that's what Jeremy said was figured in to the Planning Department approving this density.

Jeremy Pate: That's certainly one criteria but, it's not the ending criteria.

Alderman Lucas: The last time at 109 units you said this was compatible with the neighborhood so what happened.

Alderman Petty: Jeremy correct me if I'm wrong, but in the 2025 Plan and all Neighborhood Master Plans we have made an effort to not use roads as hard boundaries so that we could facilitate transitions between what we were planning for and what existed outside of the planning area.

Jeremy Pate: I don't think we went to that detail in the city plan, but certainly within the Downtown Master Plan and other master plan boundaries, that's something we have tried to consider, simply because one use is very different from another use across the street. It does tend to change the appearance of the block. Sometimes it's inevitable. As Council Member Lucas mentioned, Lewis Street is a very good example of an existing development. It's very different on one side than the other. Garland is also an example of that in certain areas. Multi-family on one side, that's already been developed. Single family on the other side, those are old more well establish boundaries that simply pre-date the type of planning we do today.

Alderman Petty: So it's an old way of thinking that we are trying to get past?

Jeremy Pate: Yes, in some ways. There are always going to be major boundaries, like a major arterial that runs through a neighborhood. I don't know if we will ever get away from that, but we are trying to break that down as much as possible. The City Plan and 2025 Plan certainly encourages a variety of uses whether you're on one side or the other. You see Walker Park Neighborhood really wanting to access the downtown boundary, their physical boundary is Archibald Yell. So trying to break down those boundaries is certainly something that we're trying to do in all cases.

Alderman Petty: I'm still struggling with what makes this proposal incompatible. It's been said a couple of different times by multiple people, it sounds good but I don't see how it works and how it is incompatible. I'd really like for that to articulated so I can understand it.

Alderman Lucas: I guess we just have a different opinion. I think that we have discussed this in Ward 1 when we were talking about putting apartments just south of Archibald Yell. Actually, I think we were sued over it and then it dropped, but that was one of the considerations we made there. I think one thing we should look at it as a Council is compatibility. So that's what I am looking at. I have been out in that neighborhood a lot and I am concerned about that. I'm also concerned about the traffic. The density is going to increase the flow of traffic so much. What we approved is in writing, it's established, and this is a big piece of property.

Alderman Lewis: In regard to traffic and the fees assessed, where can we apply those fees in regard to address the traffic issue on Ruppel? Can it be touching the property or can it be at either end?

Jeremy Pate: Once those fees are utilized the property in front of that project much be improved to what ever we charge the fees for. He further gave examples of how the fees would be used.

Alderman Thiel: Shirley's point about this being incompatible and comparing it to apartments, I don't think there is really apartments in this except down at the front where the commercial part is, right?

Jeremy Pate: Yes.

Alderman Thiel: These are all basically attached and detached single family homes?

Jim Ramsey: Correct.

Alderman Thiel: I guess that's Matthews point about it being compatible. It's the same type of residential as what's adjacent to it. It's single family residential, right?

Jeremy Pate: Yes.

Alderman Thiel: Okay, it's denser but it's still the same type of zoning basically.

Jeremy Pate: Within the different planning areas with the exception out by Ruppel, these are single family attached, which would be a townhome, and we have very specific restrictions on those or its single family detached.

Alderman Lucas moved to amend Planning Area I to the existing plan. Alderman Lewis seconded the motion.

Jeremy Pate gave a description as to what Planning Area I consists of.

Alderman Petty: I'm voting against this because I don't think two more units per acre, when it's all the same housing types, is incompatible. I know you might disagree, but I don't think. I do think we need to pay attention to what is across Ruppel as well as what is west, north, and south of this project. To make it as identical as possible to Bridgeport is just going to make that transition to commercial and RMF-24 across the street or on Ruppel even more harsh. We don't want it to be harsh, but a smooth and appropriate transition. I like what's been brought forward. I think it makes the transition between those uses better. I hope we keep it the same, keep it as proposed.

Alderman Ferrell asked the developer what impact this would have.

Jim Ramsey: If this amendment passes, we will no longer be developing Oakbrooke. It will kill the deal. It's to that serious level.

Alderman Lewis: This change was discussed with citizens in Ward 4 and around there. Again, I've said this at the last meeting, they have worked closely with the developer and spoken with

him and tried to be workable. This was something that they have asked if it could be a compromise. This is an attempt to do that.

Alderman Petty: It is not much of a compromise if it kills the project, seems more like extortion. I'm glad we didn't send this back to the Planning Commission, because they sent it to us with these recommendations. One of those was to keep Planning Area I like it was proposed. We have overturned a couple of their decisions. I voted to over turn one of those decisions but I think the Planning Commission got it right in this instance. They heard from the public and heard from the applicant and they made a decision.

Jim Ramsey: We have not heard from anybody to the south about the Oakbrooke project. People we have talked to are from the west in the Bridgeport area. A large portion of where we are abutting to the south is a detention pond and it doesn't really care about our density. It's fully okay with it. The issue about us building out is that banks will not loan on larger lots anymore. The big lots are leaving us. They are going away. There will still be people who can buy those but for the most part most people will not be able to. Banks will not loan on it. We will not be able to get the financing to build any of Oakbrook, if the lots stay as large as lots around it.

Alderman Ferrell: Matthew, I'm not going to support this but I think the use of the word extortion when we are talking about some of our Councilmen that are doing what they think that the citizens in their ward want is out of place. I understand the feeling behind it, but I think the exact use of that word is not conducive to good relationships when getting something compromised and worked out. I mean that in a constructive critical way.

Upon roll call the motion failed 3-5. Alderman Cook, Lucas, and Lewis voting yes. Alderman Gray, Thiel, Petty, Rhoads, and Ferrell voting no.

Jeremy Pate: I have an amendment and the applicant is okay with adding this condition. It would state the property owner that submits each planning area for developmental review shall technically evaluate the feasibility of rain gardens and other measures for water quality and attenuation where appropriate, and shall submit the associated analyses to the City for construction. So, that's something that they are willing to at least evaluate. We will look at that and if it's not the appropriate place, then it shouldn't be there any ways.

Alderman Lewis moved to amend the Bill of Assurance. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Alderman Cook: We are voting based on what was handed out at Agenda Session with the corrected conditions of approval?

Assistant City Attorney Jason Kelley: As amended tonight.

Jeremy Pate: There are now 37 conditions of approval.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Lucas voting no.

Ordinance 5303 as Recorded in the office of the City Clerk.

Amend Chapters 151 & 172: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

Alderman Lewis moved to suspend the rules and go to the second reading. There was no second to the motion. Upon roll call the motion passed unanimously.

Assistant City Attorney Jason Kelley read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Thiel: I've had several calls about this largely because people don't seem to realize that we have something in place already. Why do you see this as an improvement?

Jeremy Pate: I defer this to the Council members that sponsored this ordinance. They are the ones that brought it to staff.

Alderman Thiel: Does staff recommend this?

Jeremy Pate: I think it will certainly help in certain instances.

Alderman Lewis moved to amend the ordinance to allow an exemption for special events and to add carport criteria. Alderman Lucas seconded the motion.

A citizen expressed his concerns against the amendments.

Alderman Lewis stated in regard to the amendment, this is an attempt by City Attorney Kit Williams to address special events.

Upon roll call the motion passed unanimously.

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

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Lewis stated this discussion has been going on since before her campaign. She states this topic has continually come up. It's an attempt to facilitate a way to identify a nuisance. It seems like that's what we are talking about is a nuisance and also to provide a way for the Code Enforcement to identify the problem. She stated I was really careful to make sure this addresses the nuisance not the individual. This is about the cars and to find a way for there to be a metric to

identify when there is a problem. Designating the driveway is one tool and also expanding it to the whole yard and not just the front yard for the number of cars. This is mostly when it becomes a nuisance for neighbors and it's habitual and does affect the quality of life of the residents in the areas. This is an attempt to address that.

Alderman Petty stated I like how this is written. This has no affect with on-street parking right?

Jeremy Pate stated that is correct. This is on private property.

Alderman Petty gave an example of if a house with a large family and every kid has a car; they will never hit the limit if they park some of them on the street?

Jeremy Pate stated as long as parking is allowed on the street that is adjacent or near by. That is certainly one issue that we are addressing. We have a lot of narrow streets that don't allow parking. This ordinance is affecting the parking on private property. Those streets that allow parallel parking and the numbers do not count against those.

Alderman Petty: In your estimation, what percentage of our residential streets do allow on street parking.

Jeremy Pate stated if it is developed within the last 20 to 25 years it allows parallel parking because our standards have been such that our streets are wide enough to allow parallel parking with the exception of areas where visibility is low, terrain, and things of that nature. He gave examples of streets for parallel parking.

Alderman Rhoads asked for clarification on a neighborhood that has covenants but is still city streets and the covenants prohibit on-street parking, this is not going to change that?

Jeremy Pate stated that is correct. He went on to give an example of how that would affect it.

Alderman Gray stated she wants to point out that this is complaint driven. I think that is very important and it's not just when people are visiting. It's habitual day in day out everyday, everyplace. That's the complaint.

Alderman Cook states my problem is when I look at my neighborhood I can think of three houses that students live in that break the ordinance regularly. I can think of three families that are unintentionally going to break this ordinance. It may be complaint driven but as soon as someone calls about the students, they are going to look around their neighborhood and start calling on neighbors and it's just going to spiral. It is a problem there is no question about it. I see it in my neighborhood all the time. They park on my land most of the time. It's frustrating to me, but I don't know if legislating it this way is the right way to go.

DeDe Peters, a resident of Ward 2 stated one aspect to be considered is the economic time, especially homeowners who have taken in roommates. I don't think this is the proper way to handle an aesthetic issue. This law could possibly affect those who bring a company car home.

Alderman Lucas stated what Sarah said went for both of us. Also, this is not just a Ward 4 problem. I was at a gathering this afternoon and the people there were aware of what was being voted on tonight. They took a survey and noted a number of houses that had cars parked in the yard, not in a designated driveway and in their opinion it brought down the value of the adjoining property. I think something we need to think about is the rights of the other people that live in the neighborhood and their property. She stated if we chronically parked in the grass they would have a legitimate reason to complain because it does tear down a neighborhood. I think that's why the people asked us to bring this forward. There have also been issues of several people over the limit of three living in the house. On the narrow streets, even though there are no signs up saying no parking on the street, when we have company that's where they have to park. But when they park there continuously on the street and block the emergency vehicles then we need to address it.

Alderman Lewis asked Jeremy if this is similar to other city's codes.

Jeremy Pate: Yes it is. He briefly described what type of cities they looked at.

Alderman Lewis: In regards to the designated driveway other towns in Northwest Arkansas have that and we don't?

Jeremy Pate: The existing language refers to your front yard.

Mayor Jordan asked shall the ordinance pass. **Upon roll call the ordinance passed 5-4. Alderman Gray, Thiel, Lucas and Lewis voting yes. Alderman Cook, Petty, Rhoads and Ferrell voting no. Mayor Jordan voted yes to break the tie.**

Ordinance 5304 as Recorded in the office of the City Clerk.

Parks HMR Tax Revenues Special Election: An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

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

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Cook moved to amend the date of the Special Election to May 18, 2010. **Alderman Ferrell** seconded the motion. **Upon roll call the motion passed unanimously.**

Alderman Ferrell 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.**

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Petty stated at the Agenda Session I brought up the idea of putting a limit on this just for politically expediency. Since doing that I haven't really heard from anybody with any suggestions which leads me to believe that they are okay with how it is. I'm prepared to pass this tonight but I want to point out that each one of us should be prepared to do a little bit of campaigning between now and May to make sure this happens.

Mayor Jordan: Before we vote I would like to thank the Council for their efforts on this. I fully support this. I think it's a good idea.

Don Marr, Chief of Staff: I think when City Attorney Kit Williams read this ordinance the first time his request was that you go through all three readings at a separate meeting rather than passing them early simply because of the challenges in tax implications as well as making sure the public has full rights to make multiple meetings. I would encourage you to leave it on this reading.

Alderman Petty moved to table the ordinance to the February 2, 2010 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was left on the Third Reading and Tabled to the February 2, 2010 meeting.

New Business:

Bid #10-09 Northwest Arkansas Quarries, LLC: A resolution awarding Bid #10-09 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of \$207,775.00.

Terry Gulley, Transportation Services Director, gave a brief description on this item. In the past we have bid this as the cost of the material and not consider where it is coming from because of where are projects are located each year.

Gary Web, Rogers Group: We have a rock quarry just outside the city limits. I called Alderman Ferrell and requested this be taken off Consent so I could speak on it. The issue I have with the process is this price is based at the plant and the material has to go from the plant to the City yard or to a project and there is no trucking factor involved at all. Your low bid is a quarry north of Sonora as opposed to our quarry that is within a mile of the City limits. You are driving a substantial difference if you are coming to south Fayetteville or southwest Fayetteville. With projects in the northeast corner of the City this bid would make sense. I ask that you table this until you get a better idea of what your true cost are.

Alderman Petty: Terry, I would like to hear what you have to say.

Terry Gulley briefly described his process of getting the bid together. If we are going to re-bid this we should re-bid it with everyone knowing the parameters when they are bidding it.

Alderman Ferrell: The next time you bid this, would it be burdensome to bid it that way?

Terry Gulley: I would like to think about it exactly and look through it further. I guess we could bid it based on delivery points. This is the first thing we bid every year. We can certainly look at that before next year. I'm all about saving money but it's just difficult to take in all the variables.

Alderman Ferrell: If we re-bid this are we going to spend more by going through this process.

Terry Gulley stated that I don't expect them to go up in the bids. I don't think it will affect us that much. It's not going to slow us down because we'll work off last years bid until this one goes in effect. It's pretty much the same price every year. There are not a lot of variations.

Alderman Thiel stated she would leave it up to Terry. We have already spent a lot of time and money just checking it out. I certainly think we all want the best price.

Terry Gulley stated based on delivery it's going to be easier.

Alderman Thiel stated there are so many variables to where you're delivering through out the year.

Terry Gulley also stated when we put these out we are still in the process of determining exactly where all our projects are. What we will do in the future is look at it closer.

Alderman Ferrell moved to re-bid this item. Alderman Rhoads seconded the motion.

Terry Gulley stated next year we will estimate quantities based on areas.

Don Marr clarified that would be re-bidding this particular product for 2010.

Mayor Jordan: That is correct

Assistant City Attorney Jason Kelley stated procedurally we need to table indefinitely so the matter can be re-bid. Then we can amend this resolution to have the new bid information.

Alderman Ferrell withdrew his previous motion. Alderman Rhoads withdrew his second.

Alderman Ferrell moved to table the resolution indefinitely. Alderman Rhoads seconded the motion. Upon roll call the motion passed 5-4. Alderman Gray, Petty, Rhoads and Ferrell voting yes. Alderman Thiel, Cook, Lucas and Lewis voting no. Mayor Jordan voted yes to break the tie.

This resolution was tabled indefinitely.

Announcements:

Mayor Jordan announced that on behalf of the Citizens of Fayetteville, the City of Fayetteville was presented the 2009 Volunteer Community of the Year award at Arkansas Municipal League.

Meeting adjourned at 10:56 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

DRAFT

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 02, 2010**

A meeting of the Fayetteville City Council was held on February 2, 2010 at 6:00 p.m. 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 Thiel, Cook, Petty, Rhoads, Ferrell, Lewis, Gray, Mayor Jordan, Assistant City Attorney Jason Kelley, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Lucas.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Alderman Cook announced the current board and committee vacancies. He stated we are now accepting applications for these positions.

Mayor Jordan wished City Attorney Kit Williams the best during his recovery.

Presentations, Reports and Discussion Items:

Agenda Additions:

Consent:

Approval of the January 5, 2010 City Council meeting minutes.

Approved.

Animal Shelter Donation: A resolution amending the 2010 city budget by approving a budget adjustment to recognize animal services donation revenue through the end of 2009 in the amount of \$20,595.00.

Resolution 22-10 as Recorded in the office of the City Clerk

Seamless Systems: A resolution approving a contract in the amount of \$34,859.00 with Seamless Systems for installation of white membrane energy efficient roof and insulation with CDBG funding for 818 Sang Avenue (Arts Live Theater).

Resolution 23-10 as Recorded in the office of the City Clerk

Kim Hoadley Construction Co. Inc.: A resolution approving a contract in the amount of \$23,060.00 with Kim Hoadley Construction Co. Inc. for new storage shed construction with CDBG funding for the Yvonne Richardson Community Center.

Resolution 24-10 as Recorded in the office of the City Clerk

Joe Perme Construction: A resolution approving a contract in the amount of \$50,195.00 with Joe Perme Construction for an energy efficiency rehabilitation with CDBG funding for 2052 S. Garland (Head Start).

Resolution 25-10 as Recorded in the office of the City Clerk

2010 Underage Drinking Prevention Conference: A resolution authorizing acceptance of a grant from the Arkansas Department of Finance and Administration to host the 2010 Underage Drinking Prevention Conference and approving a budget adjustment in the amount of \$35,115.00 to recognize the revenue.

Resolution 26-10 as Recorded in the office of the City Clerk

IRS Task Force: A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$9,800.00 to recognize reimbursement from the Internal Revenue Service to cover expenses related to the local IRS Task Force.

Resolution 27-10 as Recorded in the office of the City Clerk

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

Unfinished Business:

Parks HMR Tax Revenues Special Election: An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development,

construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on May 18, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting. This ordinance was left on the Third Reading at the January 5, 2010 City Council Meeting and Tabled to the February 2, 2010 City Council Meeting.*

Assistant City Attorney Jason Kelley: After some discussions between our office and the Board of Election Commissioners Kit went back and changed some language as to the for and against language in Section 2. For further consideration of the document as presented there will need to be a motion to amend to coincide with the document as presented in the agenda.

Alderman Thiel moved to amend Section 2 of the ordinance as recommended by Assistant City Attorney Jason Kelley. Alderman Ferrell seconded the motion.

Don Marr, Chief of Staff asked the Assistant City Attorney to read the language change for the public.

Assistant City Attorney Jason Kelley read the amended ordinance.

Alderman Thiel: This will not change what we have in place now if it fails.

Assistant City Attorney Jason Kelley: Right, the tax is still valid and will continue to be collected. Our previous enacting ordinance which was voted on contained some language in the for and against portion which did not include the word maintenance even though the ordinance did address maintenance. The Board of Election Commissioners printed the ballot as we told them to print it. We felt it would be safe to go through this process to make sure that it is clear that we can use those funds for maintenance. It will not impact the collection or the amount of the tax.

Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Alderman Petty: I heard from an FNHA Board member that asked if we might consider doing this next year. I still want to do it this year, but I want to use this as an opportunity to say we better be prepared to do some campaigning come May. Farmer's Market will be started up then and we might have some other opportunities to take advantage of. I don't think this is going to be quite the slam dunk that we had thought a few weeks ago so we might want to prepare ourselves for that.

Alderman Lewis: We talked about it at Ward 4 meeting and it was a good discussion and it was primarily supported. There were concerns that have been heard before at our other meetings about whether or not this would take away from new parks being developed. The intent of this is to add maintenance as an optional use of the HMR funds. The important thing is all the HMR funds stay the same amount. This just adds another option for the use of those funds.

Alderman Ferrell: I would add to Sarah's comment as was intended by the Council. To me it is very plain if you read the minutes of the meeting the intent was for the construction, building,

and maintenance. To me there is no radical or material change from the intent of what the Council wanted on this. That is evident by the beautiful network of parks that we have in this town. I certainly don't think that is going to change.

Alderman Cook: From my time on the Parks Board that was one thing I struggled with. We had plenty of capital money but slowly and surely the maintenance was getting squeezed because we were spreading out our parks system. This gives staff a little more option with that money. If we can't maintain to a level that our citizens deserve then we should not be building new ones. This gives us an opportunity to at least keep the ones we have now at a certain level.

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

Ordinance 5305 as Recorded in the office of the City Clerk

New Business:

None

Meeting adjourned at 6:13 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

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

City Council Meeting Date
Agenda Items Only

**Transportation Services
Department**

Approval of a budget adjustment in the amount of \$115,000 to increase funding for the purchase of additional snow and ice removal materials.

Materials & Supplies
Program Category / Project Name
Street Maintenance
Program / Project Category Name
Street
Fund Name

Budget Adjustment Attached	X
-----------------------------------	----------

Original Contract Number:

Received in
Mayor's Office

ENTERED
2/12/10
P/K

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Service Director *tg*

Date: February 16, 2010

Subject: Approval of a budget adjustment in the amount of \$115,000 to increase funding for additional ice and snow removal materials

PROPOSAL:

Transportation Division staff requests additional funding for ice and snow removal materials due to the significant increase in winter storms experienced during this season.

RECOMMENDATION:

Due to the severity of the ice and snow storms and the duration that road conditions remained snow packed, the stock pile of materials has been quickly depleted. In order to be better prepared, the Transportation Division has increased the storage capacity for salt and sand materials used for ice and snow removal. The increased capacity would allow adequate materials to be stored and on-hand for a severe inclement weather event lasting up to two weeks in duration. Staff recommends approval of a budget adjustment in the amount of \$115,000 to increase funding for additional ice and snow removal materials.

BUDGET IMPACT:

Approval of the attached budget adjustment would increase the Chemicals account by \$85,000 and the Hot Mix, Asphalt, Gravel account by \$30,000 by decreasing Use of Fund Balance (Street Fund Reserves) for a total amount of \$115,000.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE
TRANSPORTATION SERVICES DIVISION IN THE AMOUNT OF
\$115,000.00 TO INCREASE FUNDING TO PROVIDE ADDITIONAL
ICE AND SNOW REMOVAL MATERIALS**

**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 Transportation Services Division in the amount of \$115,000.00, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein, to increase funding to provide additional ice and snow removal materials.

PASSED and APPROVED this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

Budget Year 2010	Department: Transportation Services Division: Transportation Services Program: Street Maintenance	Request Date 2/16/2010	Adjustment Number
--------------------------------	--	--------------------------------------	--------------------------

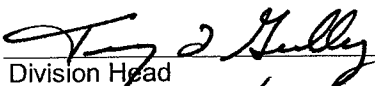
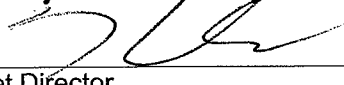
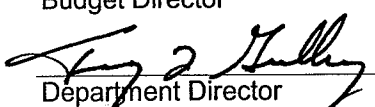
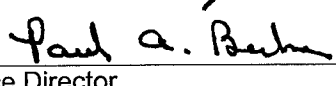
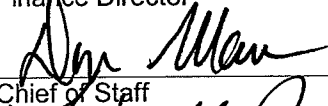
JUSTIFICATION TO INCREASE PROJECT / ITEM:

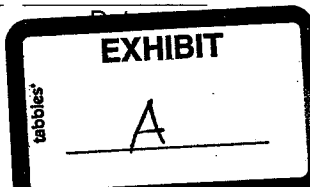
\$115,000 is requested in the Street Maintenance program for the purchase of snow and ice removal materials. Due to unusual winter storm patterns which have taken place, budgeted funds for snow and ice removal materials have been exhausted.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

Additional funding is being requested from Street Fund reserves.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Chemicals	2100.4120.5204.00	85,000		.
Hot Mix, Asphalt, Gravel	2100.4120.5215.00	30,000		.
Use of Fund Balance	2100.0910.4999.99		115,000	.
				.
				.
				.
TOTAL		<u>115,000</u>	<u>115,000</u>	

 Division Head  Budget Director  Department Director  Finance Director  Chief of Staff  Mayor	2-12-10 Date 2-13-10 Date 2-12-10 Date 2-12-2010 Date 2-16-10 Date 2/16/10 Date	Requested By <u>John Nelson</u> <i>jnelson</i> Budget & Research Use Only Type: A B C <u>D</u> E Description: _____ General Ledger Date _____ Posted to General Ledger Initial _____ Date _____ Posted to Project Accounting Initial _____ Date _____
--	---	--



City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

2/16/2010

City Council Meeting Date
Agenda Items Only

Terry Gulley

Submitted By

Transportation

Division

Transportation Services

Department

Action Required:

A resolution approving Bid 10-14 with Cargill, Inc. for crushed rock salt used for de-icing purposes in the amount of \$98.02 per ton on an as needed basis through 12/31/2010.

\$ 49,010.00

Cost of this request

\$ 195,177.00

Category / Project Budget

Materials & Supplies

Program Category / Project Name

2100.4120.5204.00

Account Number

\$ 28,588.00

Funds Used to Date

Street Maintenance

Program / Project Category Name

\$ 166,589.00

Remaining Balance

Street

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

Terry Gulley
Department Director

2-12-10

Date

Previous Ordinance or Resolution # 21-10

Original Contract Date: _____

Paul A. Bahr
City Attorney

2-12-10

Date

Original Contract Number: _____

Paul A. Bahr
Finance and Internal Services Director

2-16-2010

Date

Received in City
Clerk's Office



Don Man
Chief of Staff

2-16-10

Date

Received in
Mayor's Office



Don Man
Mayor

2/16/10

Date

Comments:



Bid # 10-14 Consent

BID: 10-14
DATE: 01/08/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-14, Crushed Rock Salt Re-Bid

BIDDER	Estimated Quantity	UNIT PRICE (per ton)	TOTAL
1 Cargill, Inc.	250	\$98.02	\$24,505.00
2 Memco, Inc.	250	\$99.90	\$24,975.00
3 North American Salt Company	250	\$105.09	\$26,272.50
4 NWA Chemical Specialists	250	\$180.00	\$45,000.00
5 Sweetser Construction, Inc.	250	\$130.00	\$32,500.00
6 TETRA Technologies, Inc.	250	\$208.00	\$52,000.00

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

CERTIFIED:

P. Vice

P. VICE, PURCH MGR

Ali

WITNESS

01/08/10

DATE

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 16, 2010

A meeting of the Fayetteville City Council will be held on February 16, 2010 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:

Mayor's Announcements, Proclamations and Recognitions:

1. Recognition of Students in Free Enterprise (SIFE) from the Walton College for their volunteer services in 2009 and into this year. SIFE projects include Project LIGHTS, GreenNWay, 15th Street Recycling Center, and Happy Hollow Education Project among other things.

Presentations, Reports and Discussion Items:

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

Agenda Additions:

A. Consent:

1. Approval of the January 19, 2010 and February 2, 2010 City Council meeting minutes.

2. **U.S. Marshals Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$75,000.00 to recognize reimbursement from the U.S. Marshals Service for detective overtime expenses related to investigative operations.
3. **Old Wire Road Traffic Signal:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid monies for a traffic signal at the intersection of Old Wire Road and State Highway 45.
4. **Crossover Road Right-of-Way Donation:** A resolution authorizing the donation of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.
5. **Bid #10-15 Iams Dog Park at Bryce Davis:** A resolution awarding Bid #10-15 and approving a contract with _____ in the amount of \$_____ for construction of Iams Dog Park at Bryce Davis Park, and approving a 10% project contingency of _____.

B. Unfinished Business: None

C. New Business:

1. **Regional Urban Stormwater Education Program:** An ordinance waiving the requirements of formal competitive bidding and approving a memorandum of understanding with the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$43,191.55 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

Announcements:

1. **City Council Tour: February 15, 2010 – Walton Arts Center Tour – 4:30 p.m.**

Adjournment:

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.

City of Fayetteville Staff Review Form

A. 2
U.S. Marshals
Service Reimbursement
Page 1 of 6

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

2/16/2010

City Council Meeting Date
Agenda Items Only

G Tabor
Submitted By

Patrol
Division

Police
Department

Action Required:

Approval of a budget adjustment to accept reimbursement of detective overtime expenses from the U. S. Marshal Service for investigative operations in the amount of \$75,000.00.

\$ -
Cost of this request

\$ -
Category / Project Budget

Police - US Marshal Service
Program Category / Project Name

1010-2920-5120.00
Account Number

\$ -
Funds Used to Date

Reimbursement
Program / Project Category Name

09020-2010
Project Number

\$ -
Remaining Balance

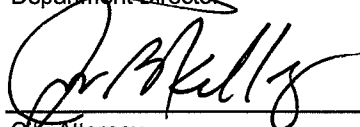
General
Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒


Department Director

1-27-10
Date

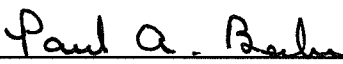
Previous Ordinance or Resolution # _____


City Attorney

2-1-10
Date

Original Contract Date: _____

Original Contract Number: _____


Finance and Internal Services Director

2-1-2010
Date

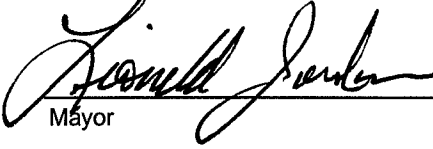
Received in City
Clerk's Office




Chief of Staff

2-1-2010
Date

Received in
Mayor's Office


Mayor

2/2/10
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: January 27, 2010

Subject: Approval of a Budget Adjustment for Reimbursement of Expenses from the U. S. Marshal Service

PROPOSAL:

To establish a 2010 project budget for the Fayetteville Police Department to seek reimbursement from the U. S. Marshal Service for detectives' overtime spent investigating criminal activity in an amount of \$75,000.00.

RECOMMENDATION:

Approval of a budget adjustment to accept reimbursement of detective overtime expenses from the U. S. Marshal Service for investigative operations in the amount of \$75,000.00.

BUDGET IMPACT:

None. This is a reimbursement of expenses.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE
FAYETTEVILLE POLICE DEPARTMENT IN THE AMOUNT OF \$75,000.00
TO RECOGNIZE REIMBURSEMENT FROM THE U.S. MARSHALS
SERVICE FOR DETECTIVE OVERTIME EXPENSES RELATED TO
INVESTIGATIVE OPERATIONS

**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 Police Department in the amount of \$75,000.00 to recognize reimbursement from the U.S. Marshals Service for detective overtime expenses related to investigative operations. A copy of the budget adjustment, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 2
U.S. Marshals
Service Reimbursement
Page 1 of 6

Budget Year 2010	Department: Police Division: Police Program: Police Projects	Request Date 2/16/2010	Adjustment Number
--------------------------------	--	--------------------------------------	--------------------------

JUSTIFICATION TO INCREASE PROJECT / ITEM:

Investigative operations in support of the U. S. Marshal Service.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

Reimbursement of detective overtime expenses from the U. S. Marshal Service for investigative operations.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Personnel Services - Contra	1010-2920-5120.00	75,000		09020-2010
Miscellaneous Revenue - Police Department	1010-0001-4996.00	(75,000)		09020-2010
				.
				.
				.
				.
TOTAL		-	-	

Division Head	Date
	2-1-10
Budget Director	Date
	1-27-10
Department Director	Date
Finance Director	Date
	2-1-2010
Chief of Staff	Date
	2-1-2010
Mayor	Date
	2/3/10

Requested By W. Newman kspringer

Budget & Research Use Only

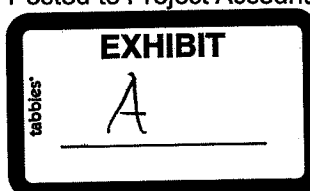
Type: A B C D E

Description: _____ 0

General Ledger Date _____

Posted to General Ledger
Initial _____ Date _____

Posted to Project Accounting
Initial _____ Date _____



From: Jamie Fields
To: kyates
CC: wnewman
Date: 1/26/2010 2:20 PM
Subject: Fwd: USMS Overtime Money

>>> "Allen, Dewaine (USMS)" <Dewaine.Allen@usdoj.gov> 1/26/2010 2:15 PM >>>
Lieutenant/Sergeant,

I wanted to pass along some great news...the Marshal may have already informed you all. Fayetteville PD has been awarded \$75,000 in overtime monies. This overtime money should be spent on overtime worked by your CID personnel. The USMS then captures the statistics for worked/closed cases to justify further requests for monies. A JDIS form should be completed to capture those stats...

You have until the end of October 2010 to use the money, and you can begin billing for January's overtime within the first 10 days of February...each month (within the first 10 days of the month), you can bill for the prior months overtime. Just as you did last year, your invoice should be on letterhead from you agency and list the overtime amounts (in money) and the name of each officer for whom you're billing for. A separate amount should be listed for each officer, then a total invoice amount.

Please send these invoices to:

US Marshals Service

Steve Moody, Administrative Officer

30 South 6th Street, Room 243

Fort Smith, Arkansas 72901

You can drop off the JDIS forms to our Fayetteville office. Since our grant dissolves at the end of March, you may consider setting aside some overtime money for TFO Graves and Malachi.

If you have any questions, please feel free to give me a call or email.

Thanks again for your support.

B. Dewaine Allen

Deputy U. S. Marshal, W/AR

35 E. Mountain Street, Suite 101

Fayetteville, Arkansas 72701

(D): 479-695-7015

(F): 479-695-7002

(C): 479-466-4992

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

A. 3
Old Wire Road Traffic Signal
Page 1 of 6

February 16, 2010
City Council Meeting Date

Chris Brown
Submitted By

Engineering
Division

Development Services
Department

Action Required:

Resolution Expressing the Willingness of the City to Utilize Federal-Aid Monies for a Traffic Signal at Old Wire Road and Highway 45.

\$ 13,000.00
Cost of this request

\$ 300,000.00
Category / Project Budget

Old Wire Road-Mission to Crossover
Program Category / Project Name

4470.9470.5809.00
Account Number

\$ -
Funds Used to Date

Street Improvements
Program / Project Category Name

10011
Project Number

\$ 300,000.00
Remaining Balance

Sales Tax Capital Improvement
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

William C. Pote
Department Director 01-28-2010
Date

Previous Ordinance or Resolution # _____

Jeff Kelly
City Attorney 2-1-10
Date

Original Contract Date: _____

Original Contract Number: _____

Paula A. Bush
Finance and Internal Service Director 2-1-2010
Date

Received in City Clerk's Office
ENTERED
1/28/10 *KD*

Ann Man
Chief of Staff 2-1-10
Date

Received in Mayor's Office
ENTERED
2/1/10 *TH*

Freddie Parker
Mayor 2/2/10
Date

Comments:

CITY COUNCIL AGENDA MEMO

Council Meeting of February 16, 2010

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*

From: Chris Brown, City Engineer *CB*

Date: January 27, 2010

Subject: A Resolution Expressing the Willingness of the City to Utilize Federal-Aid Monies for a Traffic Signal at Old Wire Road and Highway 45.

PROPOSAL:

City staff made a request for a traffic operations study at the Old Wire Road/Highway 45 intersection to the Arkansas Highway and Transportation Department (AHTD). AHTD conducted the study and determined that the intersection meets the warrants for installation of a signal. Further, the signal installation is eligible for Federal (80%) and State (10%) funding. The City's portion is 10% of the estimated \$130,000 cost. A resolution from the City expressing willingness to utilize this funding and to provide the City's share of the cost is needed before AHTD will begin design on the project.

Funding for the project through AHTD is available immediately; the project can proceed to construction as soon as the design is completed and any necessary right of way is acquired. Construction could begin as early as 2011 if AHTD prepares the design, or sooner if prepared by the City. In addition to the signal, some realignment of the intersection may be needed. If this resolution is approved, staff will work with AHTD to coordinate design and construction of the realignment with the signal installation.

RECOMMENDATION:

Staff recommends Council approval of the resolution. In addition, the Street Committee discussed this opportunity at their January 26th, 2010 meeting, and voted to recommend approval to the full City Council.

BUDGET IMPACT:

Funding for improvements to Old Wire Road, from Mission to Crossover, is included in the 2010 Capital Improvement Program. Funding available is \$300,000; estimated funding for the City's portion of the signal is \$13,000. Funding for the realignment may be eligible for federal funding if it is determined that realignment is necessary for proper signal operation.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE
CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID
MONIES FOR A TRAFFIC SIGNAL AT THE INTERSECTION
OF OLD WIRE ROAD AND STATE HIGHWAY 45

WHEREAS, the City of Fayetteville understands Federal-Aid Surface Transportation funds are available for state roadway projects at the following federal participating ratios:

Type Work	Work Phase	Federal Share	State Share	City Match
Traffic Signals/Intersection Improvements State Highway 45 & Old Wire Road	Construction & Engineering	80%	10%	10%
	Right-of-way & Utilities	0%	0%	100%
Projects programmed but not let to contract	All Phases	0%	0%	100%

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

Section 1. That the City of Fayetteville will participate in accordance with its designated responsibility in this project, which includes providing electrical service and maintenance of the traffic signal and associated control equipment.

Section 2. That the Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

Section 3. That the City of Fayetteville pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action and construct this project.

PASSED and **APPROVED** this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

RECEIVED
AUG 05 2009
ENGINEERING DIV.

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400



P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

August 5, 2009

Chris Brown, P.E.
City Engineer
125 West Mountain Street
Fayetteville, AR 72701

Dear Mr. Brown:

Reference is made to your request for a traffic operations study to be conducted at the intersection of Highway 45 and Old Wire Road in Fayetteville.

A study has been completed which included a 24-hour turning movement count, a review of accident history and an on-site investigation. The results of the study indicate that a traffic signal for this intersection is warranted as outlined in the Manual on Uniform Traffic Control Devices.

A project to signalize this intersection is eligible for 80% Federal-aid, 10% State and 10% City funding for construction and engineering costs. The City will be responsible for 100% of the cost of any additional right of way acquisition or utility adjustments as required. The construction and engineering cost estimate for this project is \$130,000.

A copy of a sample Resolution is enclosed for the City to pass should you desire to pursue this project. After the Resolution is passed and signed, please return the Resolution to the Department and a project will be programmed.

If the City decides to proceed with this traffic signal project by utilizing City funding, we will issue a Permit to the City to make the improvements using 100% City funds.

Sincerely,

for Frank Vozel
Deputy Director and
Chief Engineer

Enclosure

c: Director
Assistant Chief Engineer – Operations
Maintenance
District 4

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS
OF THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Traffic Signal Installation:
Hwy. 45 & Old Wire Rd.

WHEREAS, The City of Fayetteville understands Federal-Aid Surface Transportation funds are available for State roadway projects at the following Federal participating ratios:

Type Work	Work Phase	Federal Share	State Share	City Match
Traffic Signals/ Intersection Improvements State Highway System & City Street: Hwy 45 and Old Wire Rd.	Construction & Engineering	80%	10%	10%
	Right-of-Way & Utilities	0%	0%	100%
Projects programmed but not let to contract	All Phases	0%	0%	100%

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

SECTION I: The CITY will participate in accordance with its designated responsibility in this project, which includes providing electrical service and maintenance of the traffic signal and associated control equipment.

SECTION II: The CITY is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this CITY project.

SECTION III: The CITY pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to construct this project.

THIS RESOLUTION adopted this ____ day of _____, 20__.

MAYOR: _____

ATTEST: _____

City of Fayetteville Staff Review Form

A. 4
Crossover Road
Right-of-Way Donation
Page 1 of 28

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

2/16/2010

City Council Meeting Date
Agenda Items Only

Chris Brown

Engineering

Development Services

Submitted By

Division

Department

Action Required:

A resolution authorizing the dedication of right-of-way along Highway 265 (Crossover Road) containing a total 1,301 square feet and being a part of Parcel No. 765-13279-100 and authorizing the granting of two temporary construction easements across part of Parcel No. 765-13277-000, and to authorize the Mayor to execute deeds and any other necessary papers to effect a transfer of ownership of this property to the Arkansas State Highway Commission.

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

Budgeted Item

☐

Budget Adjustment Attached

☐

James C. Pate 01-28-2010
Department Director Date

Previous Ordinance or Resolution # _____

Joe Kelly 2-1-10
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bueh 2-1-2010
Finance and Internal Services Director Date

Received in City
Clerk's Office



Don Man 2-1-10
Chief of Staff Date

Received in
Mayor's Office



Leonard Jordan 2/2/10
Mayor Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

Council Meeting of February 16, 2010

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director 
Chris Brown, City Engineer

From: Jill Goddard, Land Agent

Date: January 25, 2010

Subject: A resolution authorizing the dedication of right-of-way along Highway 265 (Crossover Road) containing a total of 1301 square feet and being a part of Parcel No. 765-13279-100 and authorizing the granting of two small temporary construction easements across part of Parcel No. 765-13277-000, and to authorize the Mayor to execute deeds and any other necessary papers to effect a transfer of ownership of this property to the Arkansas State Highway Commission.

PROPOSAL:

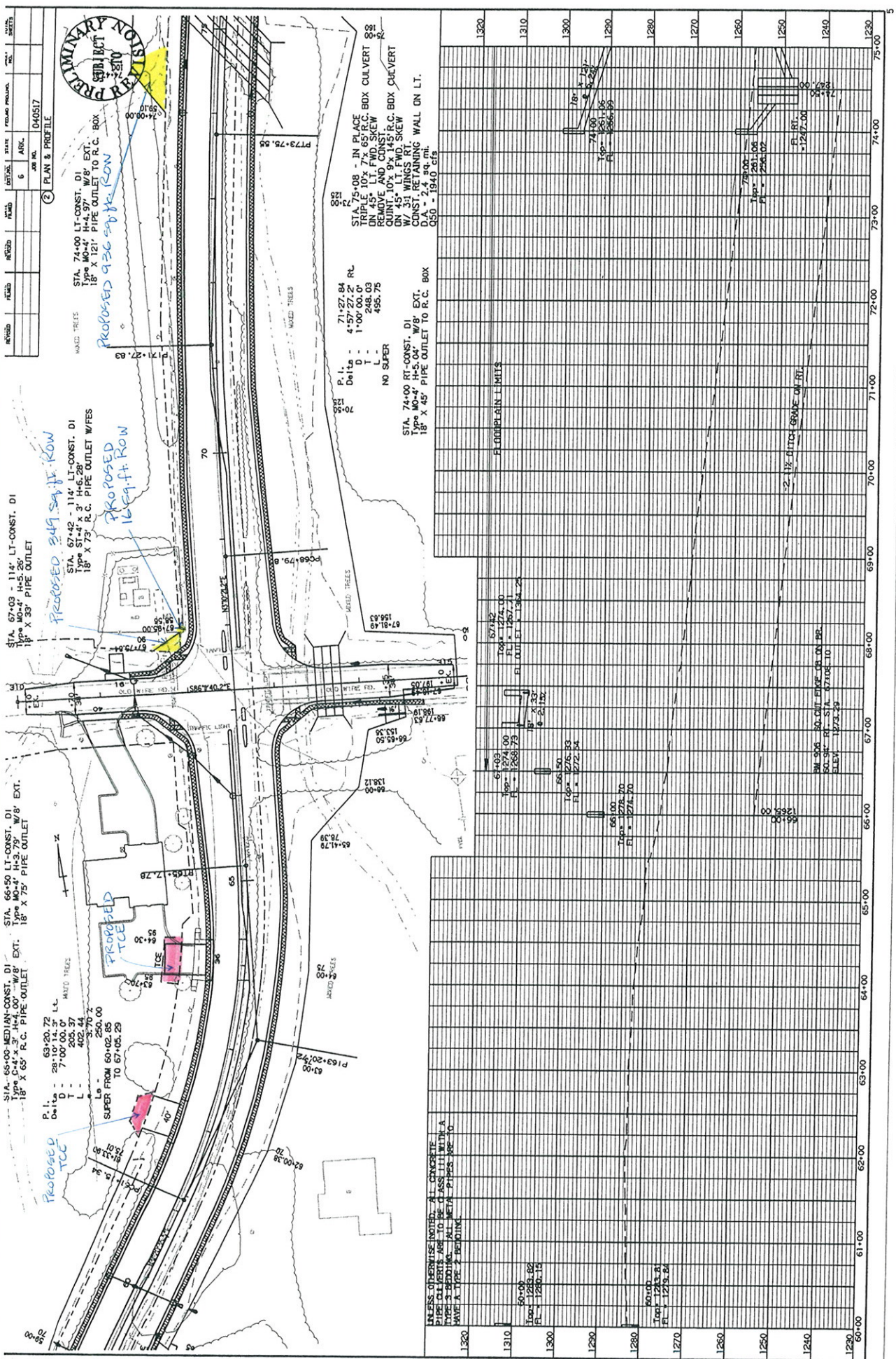
The Arkansas State Highway Department (AHTD) has a current construction project (Job 040517) for improvements along Highway 265 (Crossover Road) from Highway 45 to Joyce Boulevard. For the purposes of constructing the proposed project, AHTD is requesting the dedication of right-of-way from part of Parcel No. 765-13279-000 (located at the northwest corner of the intersection of Crossover Road and Old Wire Road). AHTD is also requesting two small temporary construction easements from part of Parcel No. 765-13277-000 (across the southern driveway to Fire Station No. 5 and just south of the driveway in part of Routh Park, located at the southwest corner of the intersection of Crossover Road and Old Wire Road).

RECOMMENDATION:

Staff recommends Council approval of the dedication of right-of-way and granting of the temporary construction easements to the Arkansas State Highway Commission.

BUDGET IMPACT:

AHTD is offering \$700.00 (Tract 45) and \$1,050.00 (Tract 44) as compensation for the right-of-way from Parcel No. 765-13279-100 and \$1,050.00 as compensation for the temporary construction easements from Parcel No. 765-13277-000.



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE DONATION OF RIGHT-OF-WAY ALONG CROSSOVER ROAD (STATE HIGHWAY 265) CONTAINING 1,301 SQUARE FEET AND BEING A PART OF PARCEL No. 765-13279-100, AND AUTHORIZING THE MAYOR TO EXECUTE DEEDS AND ALL OTHER NECESSARY PAPERS TO TRANSFER OWNERSHIP OF THE PROPERTY TO THE ARKANSAS STATE HIGHWAY COMMISSION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the donation of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100 to the Arkansas State Highway Commission.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.

PASSED and **APPROVED** this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Job 040517
STP-9142 (24)
Hwy. 45 – Joyce Blvd. (Fayetteville)
Washington County
Tract 45

Dear Property Owner(s):

A negotiator for the Arkansas State Highway Commission presented to you a Contract to Sell offering to purchase the fee simple title to your property needed for highway purposes. A description of the property needed is attached hereto. The negotiator will contact you within 10 business days for your response that should include all issues or concerns you may have regarding the offer. It is anticipated that negotiations should be concluded within 30 calendar days from the date of the initial contact.

The offer of \$700.00 is based on the opinion of a qualified real estate appraiser. The offered amount is based on the market value concept and is broken down as follows: \$700.00 as just compensation for the realty to be acquired and \$-0- for damage to the remaining lands.

Should you elect to accept this offer, the State will determine if you can convey a merchantable title, and if so, a proper deed conveying the land to the Arkansas State Highway Commission will be prepared and you will be paid the amount contained in the written offer.

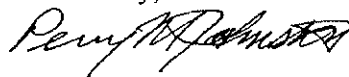
If you make a final rejection of this offer, and if the Arkansas State Highway Commission elects to do so, a condemnation suit will be filed and the amount that the Arkansas State Highway Commission has determined to be estimated just compensation for your property will be deposited into the registry of the Circuit Court of this County. You may at this time elect to accept the amount deposited as just compensation for your property. If you elect to do so, the Circuit Court will be asked to enter Judgment in the sum of the estimated just compensation and this amount will be paid to you thereby disposing of the condemnation suit.

Page 2
City of Fayetteville

If you do not elect to accept the amount deposited as estimated just compensation, then you may withdraw the amount placed on deposit as estimated just compensation without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury by the Circuit Court of the County in which your lands are situated to determine just compensation for your lands condemned.

In either event, payment of the estimated just compensation will be made available to you prior to vacating your property.

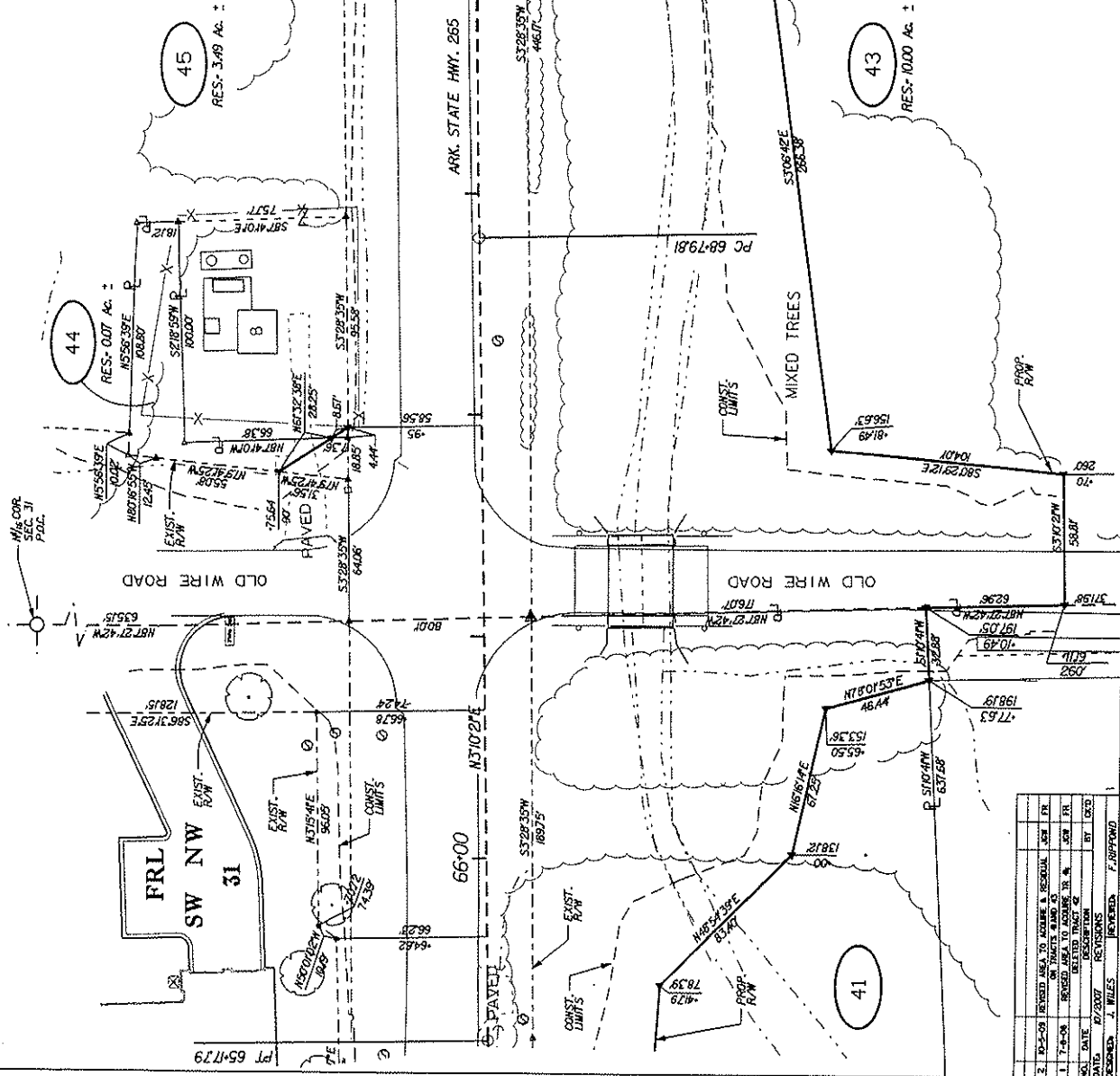
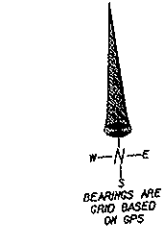
Yours truly,



Perry M. Johnston
Division Head
Right of Way Division

PMJ:dac

T-17-N; R-29-W



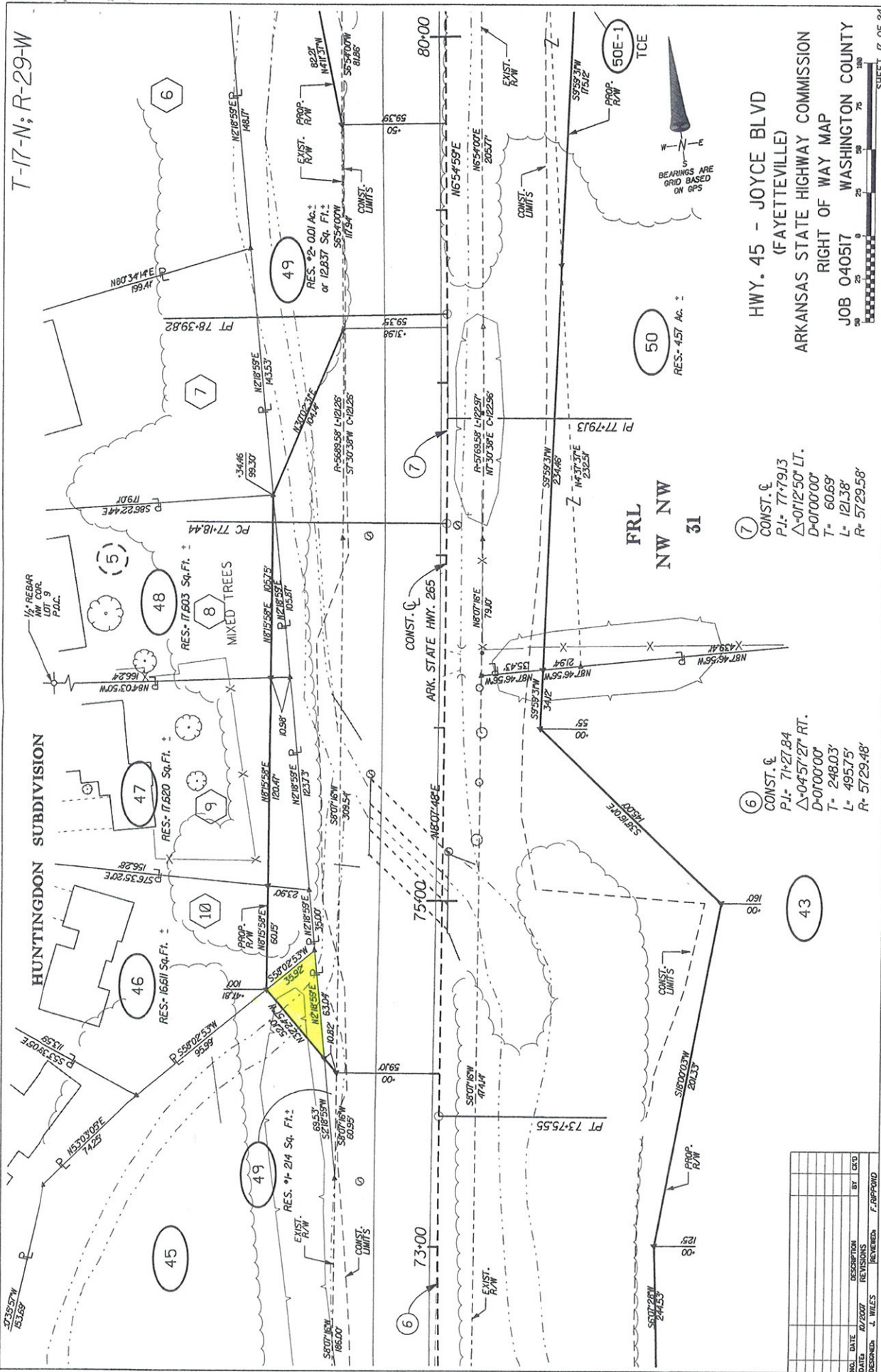
⑥
CONST. &
P.L. 71-27.84
Δ-04°57'27" RT.
D-0700'00"
T- 248.03'
L- 495.75'
R- 5729.48'

HWY. 45 - JOYCE BLVD
(FAYETTEVILLE)
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP

JOB 040517 WASHINGTON COUNTY
SHEET 16 OF 24

NO.	DATE	DESCRIPTION	BY	CHKD
1	10/20/20	REVISIONS	J. WILES	F. J. JORDAN
2	10-25-20	REVISED AREA TO REMOVE A RESIDUAL LOT	JW	FJ
3	11-10-20	REVISED AREA TO REMOVE TR. &	JW	FJ
4	11-10-20	REVISED TRACT &	JW	FJ
5	11-10-20	REVISED TRACT &	JW	FJ

T-17-N; R-29-W



HWY. 45 - JOYCE BLVD
(FAYETTEVILLE)

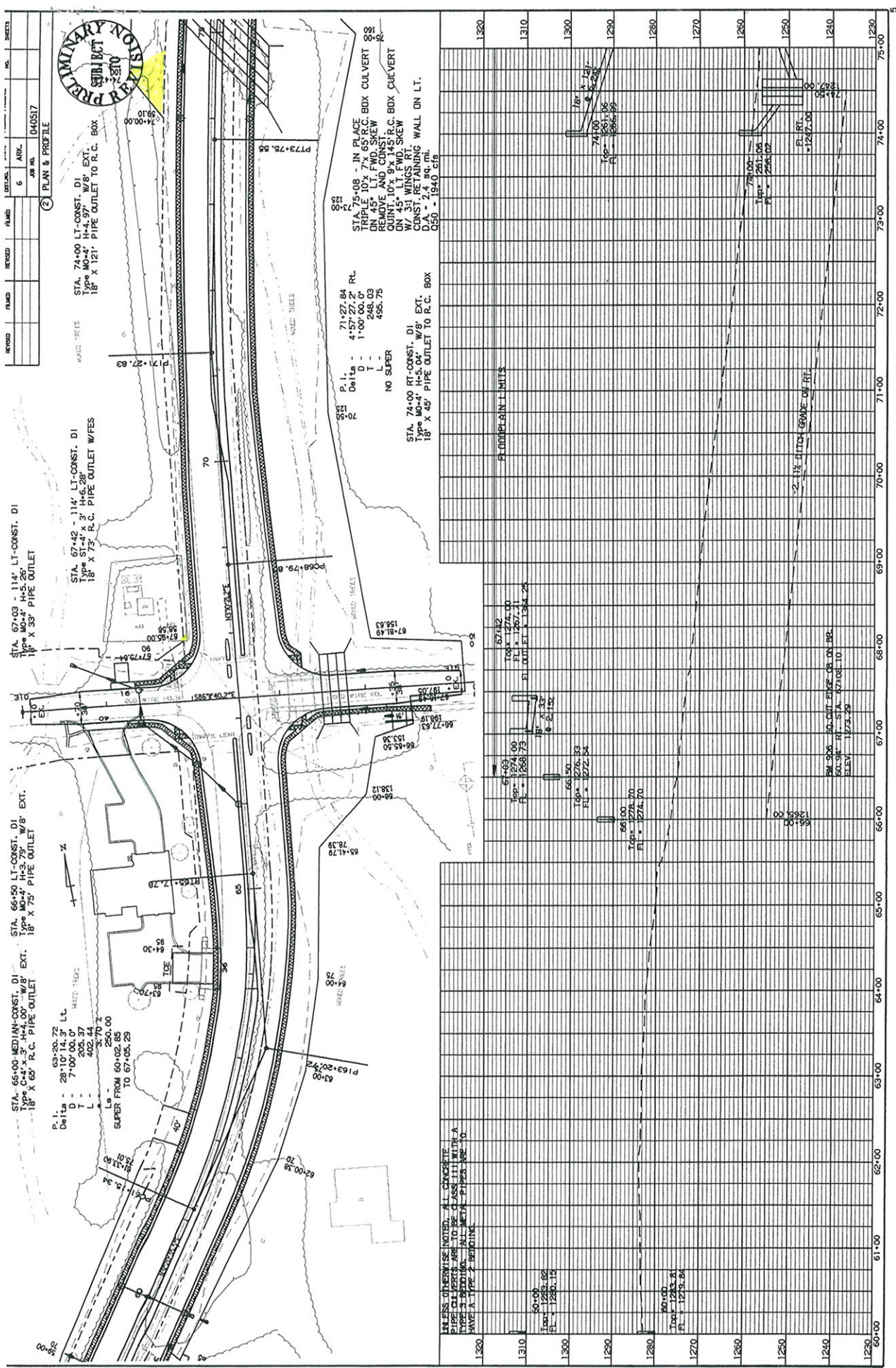
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP

JOB 040517 WASHINGTON COUNTY

SHEET 17 OF 24

- ⑦ CONST. &
P.L. 77-79.13
Δ-01°12'50" LT.
D-01°00'00"
T= 60.69'
L= 121.38'
R= 5729.58'
- ⑥ CONST. &
P.L. 71-27.84
Δ-04°51'27" RT.
D-01°00'00"
T= 248.03'
L= 495.75'
R= 5729.48'

NO.	DATE	DESCRIPTION	BY	CHK



CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: 113 W. Mountain Street, Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Fractional Northwest Quarter of the Northwest Quarter of Section 31, Township 17 North, Range 29 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the North Sixteenth corner of Section 31; thence South 87° 27' 42" East along the South line of the Fractional Northwest Quarter of the Northwest Quarter of Section 31 a distance of 635.15 feet to a point; thence North 03° 28' 35" East a distance of 64.06 feet to a point on the Westerly right of way of Arkansas State Highway 265 as established by AHTD Job 4704; thence continuing North 03° 28' 35" East along said right of way line a distance of 18.85 feet to the POINT OF BEGINNING; thence North 87° 41' 01" West a distance of 7.36 feet to a point on the Westerly right of way line of Arkansas State Highway 265 as established by AHTD Job 040517; thence North 61° 32' 38" East along said right of way line a distance of 8.67 feet to a point on the Westerly right of way of Arkansas State Highway 265 as established by AHTD Job 4704; thence South 03° 28' 35" West along said right of way line a distance of 4.44 feet to the POINT OF BEGINNING and containing 16 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040517.

AND ALSO:

Commencing at a point being used as the North Sixteenth corner of Section 31; thence South 87° 27' 42" East along the South line of the Fractional Northwest Quarter of the Northwest Quarter of Section 31 a distance of 635.15 feet to a point; thence North 03° 28' 35" East a distance of 64.06 feet to a point on the Westerly right of way of Arkansas State Highway 265 as established by AHTD Job 4704; thence continuing North 03° 28' 35" East along said right of way line a distance of 386.66 feet to a point; thence North 08° 07' 16" East along said right of way line a distance of 186.00 feet to a point; thence North 02° 18' 59" East a distance of 69.53 feet to a point on the Westerly right of way line of Arkansas State Highway 265 as established by AHTD Job 040517 to the POINT OF BEGINNING; thence North 32° 24' 57" West along said right of way line a distance of 52.10 feet to a point on the South line of Lot 10, Block 5, Huntington Subdivision; thence North 58° 02' 53" East along said South line a distance of 35.92 feet to a point; thence South 02° 18' 59" West a distance of 63.04 feet to the POINT OF BEGINNING and containing 0.02 acres or 936 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040517.

Total area to acquire containing 0.02 acres or 952 square feet more or less.

JGW
12-12-07

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

NOTARY PUBLIC

Request for Taxpayer Identification Number and Certification

**Give form to the
requestor. Do not
send to the IRS.**

Print or type
See Specific Instructions on page 2

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/ Sole proprietor ☐ Corporation ☐ Partnership ☐ Limited liability company. ☐ Exempt payee
Enter tax classification (D=disregarded entity, C=corporation, P=partnership) ☐ Other

Address (number, street, and apt. or suite no.)

City, state, and Zip code

List account number(s) here (optional)

Requester's name and address (optional)
**Arkansas State Highway and Transportation
Department
Right of Way Division
P. O. Box 2261
Little Rock, AR 72203**

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

____ - ____ - ____
or

Employer identification number

____ - ____ - ____ - ____ - ____ - ____

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U. S. citizen or other U. S. person (defined below)

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payment other than interest or dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

**Sign
Here**

Signature of

U. S. Person

Date

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U. S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
 - Certify that you are not subject to backup withholding, or
 - Claim exemption from backup withholding if you are a U. S. exempt payee.
- In 3 above, if applicable, you are also certifying that as a U. S. person, your allocable share of any partnership income from a U. S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9

Definition of a U.S. person. For federal tax purposes, you are considered a U. S. person if you are:

- An individual who is a U. S. citizen or U. S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under laws of the United States, or
- An estate (other than a foreign estate) or
- A domestic trust (as defined in Regulation section 301.7701-7)

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U. S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U. S. status and to avoid withholding on your share of the partnership income.

The person who is gives Form W-9 to the partnership for purposes of establishing its U. S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U. S. owner of a disregarded entity and not the entity,

MORTGAGE AUTHORIZATION

Form must be filled out completely, signed and submitted to the
Right of Way Division/Administrative Section immediately following first contact.

Job #: _040517_____	Tract#: __45_____
Property Owner:	_____
Address:	_____

Telephone #:	_____
Social Security #/Federal I.D.#:	_____

Mortgage Company:	_____
Address:	_____

Telephone #:	_____
Loan #:	_____
Contact Person:	_____

Due to the construction of the above-mentioned project, we are acquiring property from your mortgagor. It will be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principal balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage exists, write "NONE and sign below where indicated."

This form must be completed and signed by the property owner, whether a mortgage exists or not.

By our signatures we are authorizing the Arkansas State Highway and Transportation Department to enter into the process necessary to obtain a Partial Release.

Property Owner / Mortgagor's Signature: _____ Date: _____

_____ Date: _____

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

A. 4
Crossover Road
Right-of-Way Donation
Page 15 of 28

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Job 040517
STP-9142 (24)
Hwy. 45 – Joyce Blvd. (Fayetteville)
Washington County
Tract 44

Dear Property Owner(s):

A negotiator for the Arkansas State Highway Commission presented to you a Contract to Sell offering to purchase the fee simple title to your property needed for highway purposes. A description of the property needed is attached hereto. The negotiator will contact you within 10 business days for your response that should include all issues or concerns you may have regarding the offer. It is anticipated that negotiations should be concluded within 30 calendar days from the date of the initial contact.

The offer of \$1,050.00 is based on the opinion of a qualified real estate appraiser. The offered amount is based on the market value concept and is broken down as follows: \$1,050.00 as just compensation for the realty to be acquired and \$-0- for damage to the remaining lands.

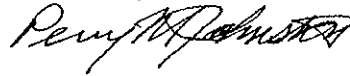
Should you elect to accept this offer, the State will determine if you can convey a merchantable title, and if so, a proper deed conveying the land to the Arkansas State Highway Commission will be prepared and you will be paid the amount contained in the written offer.

If you make a final rejection of this offer, and if the Arkansas State Highway Commission elects to do so, a condemnation suit will be filed and the amount that the Arkansas State Highway Commission has determined to be estimated just compensation for your property will be deposited into the registry of the Circuit Court of this County. You may at this time elect to accept the amount deposited as just compensation for your property. If you elect to do so, the Circuit Court will be asked to enter Judgment in the sum of the estimated just compensation and this amount will be paid to you thereby disposing of the condemnation suit.

If you do not elect to accept the amount deposited as estimated just compensation, then you may withdraw the amount placed on deposit as estimated just compensation without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury by the Circuit Court of the County in which your lands are situated to determine just compensation for your lands condemned.

In either event, payment of the estimated just compensation will be made available to you prior to vacating your property.

Yours truly,

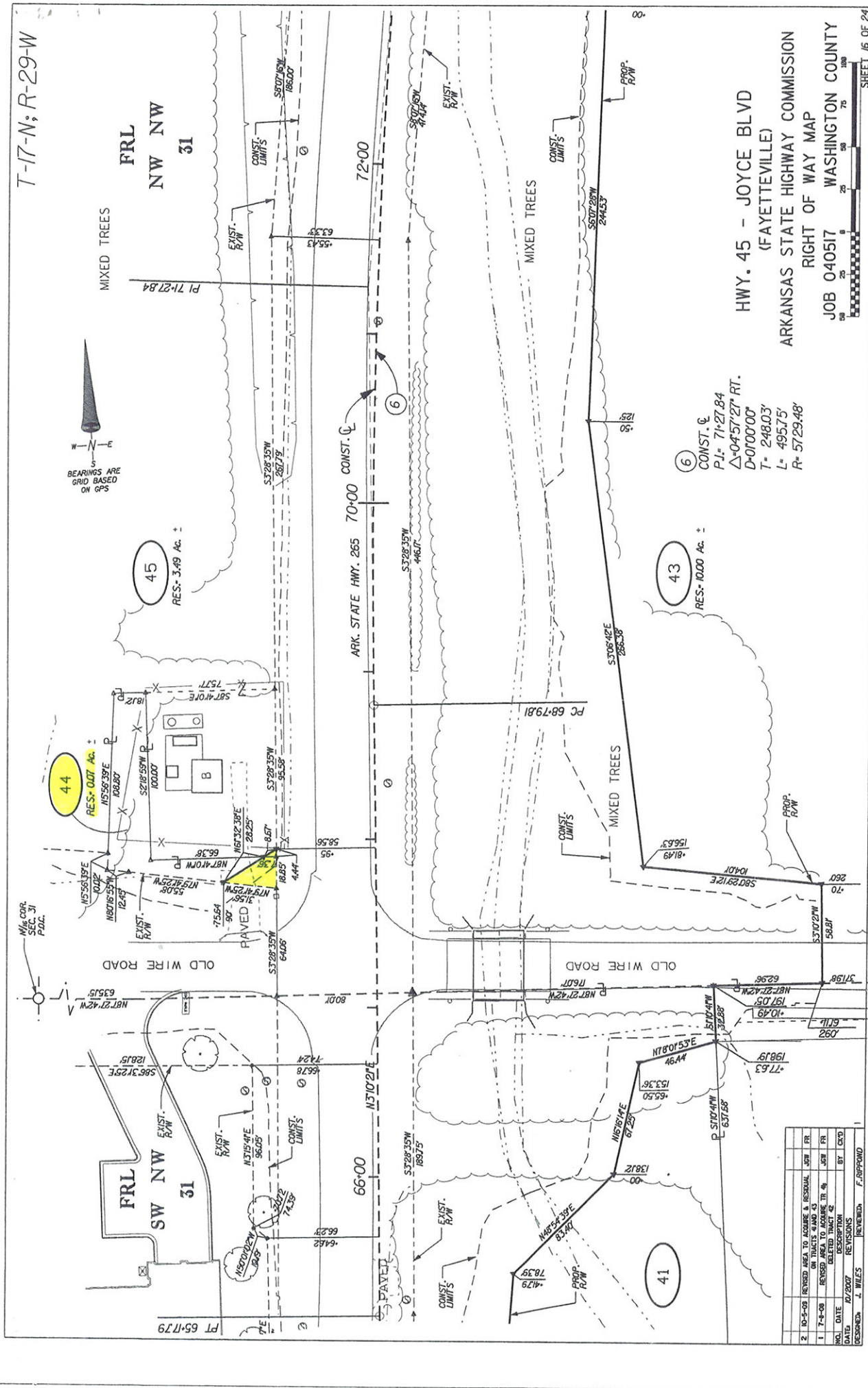


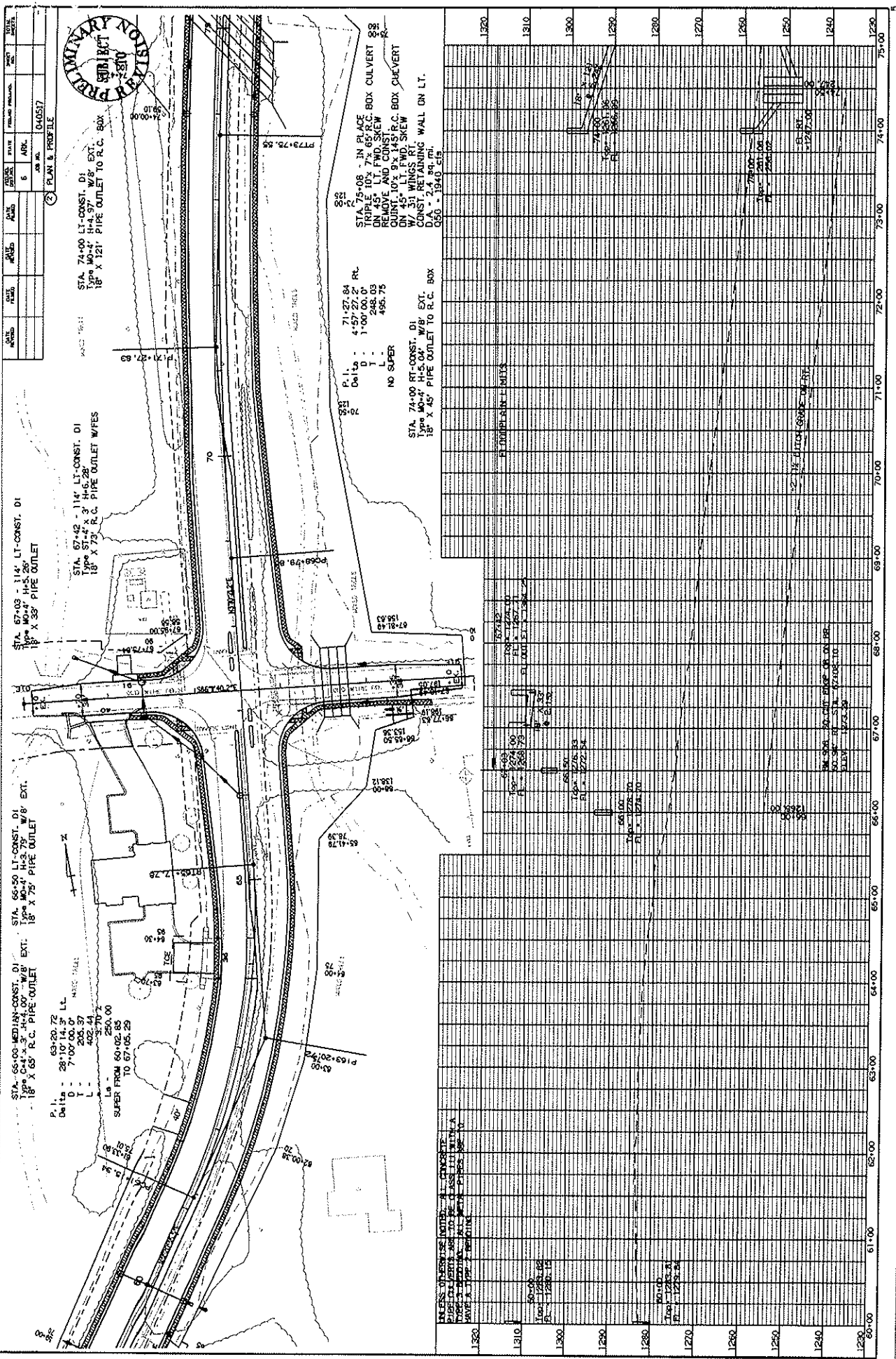
Perry M. Johnston
Division Head
Right of Way Division

PMJ:dac

T-17-N; R-29-W

A. 4
Crossover Road
Right-of-Way Donation
Page 17 of 28





JOB NAME: Hwy. 45 – Joyce Blvd. (Fayetteville) (S)

ORIGINAL

A. 4
Crossover Road
JOB 040517
Right-of-Way Donation
TRACT Page 19 of 28
STP-9142 (24)

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: 113 W. Mountain St., Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Fractional Northwest Quarter of the Northwest Quarter of Section 31, Township 17 North, Range 29 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the North Sixteenth corner of Section 31; thence South 87° 27' 42" East along the South line of the Fractional Northwest Quarter of the Northwest Quarter of Section 31 a distance of 635.15 feet to a point; thence North 03° 28' 35" East a distance of 64.06 feet to a point on the Northerly right of way of Old Wire Road as established by AHTD Job 4936 to the POINT OF BEGINNING; thence North 79° 41' 25" West along said right of way line a distance of 31.56 feet to a point on the Westerly right of way line of Arkansas State Highway 265 as established by AHTD Job 040517; thence North 61° 32' 38" East along said right of way line a distance of 28.25 feet to a point; thence South 87° 41' 01" East a distance of 7.36 feet to a point on the Westerly right of way line of Arkansas State Highway 265 as established by AHTD Job 4704; thence South 03° 28' 35" West along said right of way line a distance of 18.85 feet to the POINT OF BEGINNING and containing 0.01 acres or 349 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040517.

JGW
12-12-07

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

NOTARY PUBLIC

Request for Taxpayer Identification Number and Certification

**Give form to the
requestor. Do not
send to the IRS.**

Print or type
See Specific Instructions on page 2

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/ Sole proprietor ☐ Corporation ☐ Partnership ☐ Limited liability company. ☐ Exempt payee
Enter tax classification (D=disregarded entity, C=corporation, P=partnership) ☐ Other

Address (number, street, and apt. or suite no.)

City, state, and Zip code

List account number(s) here (optional)

Requester's name and address (optional)
**Arkansas State Highway and Transportation
Department
Right of Way Division
P. O. Box 2261
Little Rock, AR 72203**

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see Part 1 instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

____ - ____ - ____
or

Employer identification number

____ - ____ - ____ - ____ - ____ - ____

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U. S. citizen or other U. S. person (defined below)

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payment other than interest or dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

**Sign
Here**

Signature of
U. S. Person

Date

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U. S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
 - Certify that you are not subject to backup withholding, or
 - Claim exemption from backup withholding if you are a U. S. exempt payee.
- In 3 above, if applicable, you are also certifying that as a U. S. person, your allocable share of any partnership income from a U. S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9

Definition of a U.S. person. For federal tax purposes, you are considered a U. S. person if you are:

- An individual who is a U. S. citizen or U. S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under laws of the United States, or
- An estate (other than a foreign estate) or
- A domestic trust (as defined in Regulation section 301.7701-7)

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U. S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U. S. status and to avoid withholding on your share of the partnership income.

The person who is gives Form W-9 to the partnership for purposes of establishing its U. S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U. S. owner of a disregarded entity and not the entity,

MORTGAGE AUTHORIZATION

Form must be filled out completely, signed and submitted to the
Right of Way Division/Administrative Section immediately following first contact.

Job #:	_040517_____	Tract#:	_____
Property Owner:	_____		
Address:	_____		

Telephone #:	_____		
Social Security #/Federal I.D.#:	_____		

Mortgage Company:	_____
Address:	_____

Telephone #:	_____
Loan #:	_____
Contact Person:	_____

Due to the construction of the above-mentioned project, we are acquiring property from your mortgagor. It will be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principal balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage exists, write "NONE and sign below where indicated."

This form must be completed and signed by the property owner, whether a mortgage exists or not.



By our signatures we are authorizing the Arkansas State Highway and Transportation Department to enter into the process necessary to obtain a Partial Release.

Property Owner / Mortgagor's Signature: _____ Date: _____

_____ Date: _____

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Faxed 1-25-10

Re: Job 040517
STP-9142 (24)
Hwy. 45 – Joyce Blvd. (Fayetteville)
Washington County
Tract 40E-1, 40E-2

Dear Property Owners:

The negotiator for the Arkansas State Highway Commission has presented you with a Temporary Construction Easements to be granted to the Arkansas State Highway Commission for the construction of the above project. Our appraisal estimates that the value of the use of Two (2) Temporary Construction Easements is \$1,050.00. Should you elect to convey the Temporary Construction Easements, please execute the easement form and return to us. If you make a final rejection of conveying this easement, and if the Arkansas State Highway Commission elects to do so, a condemnation suit will be filed for the needed easement in the Registry of the Circuit Court of this county.

If you do not elect to convey the easement, you will be entitled to trial by jury by the Circuit Court of the county in which your lands are situated to determine just compensation for the easement on the lands condemned by the Circuit Court as in any other civil matter.

Yours truly,

Perry M. Johnston
Division Head
Right of Way Division

PMJ:dac

T-17-N; R-29

⑤

CONST. C

P.I. = 63+20.72

 $\Delta = 28^{\circ}10'14''$ LT.

D = 07'00'00"

T = 205.37'

L = 402.44'

R = 818.51'

FRL
SW NW

31

BEARINGS ARE
GRID BASED
ON

MIXED TREES

N23°18'E
487.13'

ROUTH PARK

40E-2
TCE40E-1
TCER=763.87' L=284.40'
N19°04'18"E C=282.76'EXIST.
R/WN50°23'E
7.35'

PT 65+17.39

N50°00'02"W
10.15'N23°00'E
99.37'CONST. C/L
65+00

ARK. STATE HWY. 265

CONST.
LIMITSEXIST.
R/W

⑤

R=858.51' L=346.28'
N15°01'53"E C=343.94'CONST.
LIMITSS75°45'59"W
152.66'

41

RES. = 160 AC. ±

MIXED

HWY. 45 - JOYCE BLVD
(FAYETTEVILLE)ARKANSAS STATE HIGHWAY COMMISS
RIGHT OF WAY MAP

JOB 040517 WASHINGTON CO

50 20 0 20 50 75 100

SHEET

ORIGINAL

A. 4
Crossover Road
JOB: Right-of-Way Donation
TRACT: 40E
Page 25 of 28

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT **City of Fayetteville** for and in consideration of **Six Hundred Fifty Dollars, (\$650.00)**, and other valuable considerations, to us cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040517, and designated as Tract No. 40E situated in the County of Washington, State of Arkansas.

This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this _____ day of _____, 20_____.

Signature

Signature

Fed. I.D.# /SS# _____

Fed. I.D.# /SS# _____

ACKNOWLEDGMENT

STATE OF)
COUNTY) SS
)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public _____ day of _____, 20_____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

Property Owners Initial _____

MORTGAGE AUTHORIZATION

Form must be filled out completely, signed and submitted to the
Right of Way Division/Administrative Section immediately following first contact.

Job #:	_040517_____	Tract#:	_____
Property Owner:	_____		
Address:	_____ _____ _____		
Telephone #:	_____		
Social Security #/Federal I.D.#:	_____		

Mortgage Company:	_____
Address:	_____ _____ _____
Telephone #:	_____
Loan #:	_____
Contact Person:	_____

Due to the construction of the above-mentioned project, we are acquiring property from your mortgagor. It will be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principal balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage exists, write "NONE and sign below where indicated."

This form must be completed and signed by the property owner, whether a mortgage exists or not.



By our signatures we are authorizing the Arkansas State Highway and Transportation Department to enter into the process necessary to obtain a Partial Release.

Property Owner / Mortgagor's Signature: _____ Date: _____

_____ Date: _____

ORIGINAL

 JOB: 040517
 TRACT: 40E-2

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT City of Fayetteville for and in consideration of Four Hundred Fifty Dollars, (\$400.00), and other valuable considerations, to us cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040517, and designated as Tract No. 40E-2 situated in the County of Washington, State of Arkansas.

This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this _____ day of _____, 20_____.

 Signature

 Signature

ACKNOWLEDGMENT

STATE OF)

) SS

COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public _____ day of _____, 20_____.

 MY COMMISSION EXPIRES:

 NOTARY PUBLIC

 Property Owners Initial

City of Fayetteville Staff Review Form

A. 5
 Bid #10-15 Iams Dog Park
 at Bryce Davis
 Page 1 of 8

City Council Agenda Items
 and
 Contracts, Leases or Agreements

2/16/2010

City Council Meeting Date
 Agenda Items Only

Alison Jumper
 Submitted By

Park Planning
 Division

Parks and Recreation
 Department

Action Required:

A resolution awarding Bid #10-15 and approval of a contract with XXXXXXXXXXXX, Inc. in the amount of \$XX,XXX with a 10% project contingency of \$XXXX for a total project cost of \$XXXXXX for the construction of Iams Dog Park at Bryce Davis.

	\$ 475,000.00	Neighborhood Park Development
Cost of this request	Category / Project Budget	Neighborhood Park Development
		Program Category / Project Name
2250.9255.5806.00	\$ 183,424.00	Parks Development
Account Number	Funds Used to Date	Parks Development
02013.0902		Program / Project Category Name
02013.0802	\$ 291,576.00	Donations
Project Number	Remaining Balance	Parks Development/PLDO (NW)
		Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Connie Edmonston 1-26-10
 Department Director Date

Previous Ordinance or Resolution # 141-09, 06-10

[Signature] 1-27-10
 City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beecher 1-27-2010
 Finance and Internal Services Director Date

Received in City
 Clerk's Office



[Signature] 1-27-10
 Chief of Staff Date

Received in
 Mayor's Office



[Signature] 1/27/10
 Mayor Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *CE*

From: Alison Jumper, Park Planner *AJ*

Date: January 19, 2010

Subject: Bid # 10-15 Construction of Iams Dog Park at Bryce Davis

This bid will open on February 1. An updated memo, staff review and purchase requisition will be provided at Agenda Session.

PROPOSAL:

Bryce Davis Park is located at 1595 N. Dartmouth Dr. Approximately 17 acres were added to the existing 9.2 acre park in 2008. The park will now serve as a community park for the northwest quadrant of the City. A master plan for the park has been developed and is being constructed in phases. Phase one includes the addition of a restroom which is currently under construction. Future phases include the construction of a dog park, walking path, fishing pier, pavilion and picnic areas.

On June 16, 2009, the City Council passed Resolution Number 141-09 authorizing City Council to accept a donation from Procter and Gamble in the amount of \$30,000 to contribute to the development of a dog park (see attached resolution).

On January 5, 2010 the City Council passed Resolution Number 06-10 authorizing the Mayor to apply to the Arkansas Department of Parks and Tourism for a General Improvements Fund Grant in the amount of \$160,000 for improvements to Bryce Davis Park. If this grant is received it will help fund subsequent phases of the master plan development.

The bid for the construction of the dog park advertised on January 18th and 25th and opened on February 1st. XXX vendors including XXXXXXXXXX submitted bids with XXXXXX being the low bid in the amount of \$XXX,XXX.

If approved, the construction of the dog park is anticipated to begin in late February and be completed in April 2010.

RECOMMENDATION:

A resolution awarding BID #10-15 and approval of a contract with XXXXXXXXXX. in the amount of \$XXXXXXX, with a XX% project contingency of \$XXXXXXX for a total project cost of \$XXX,XX for the Construction of Iams Dog Park at Bryce Davis.

BUDGET IMPACT:

The project is funded with Park Development funds. The contract with Alpha Building Corporation encumbered \$175,534 leaving approximately \$XXX,XXX for the remaining phases. The project cost for the dog park including a XX % contingency is \$XXX,XXX.

Attachments:

Iams Dog Park Location Map
Resolution No. 141-09
Resolution No. 06-10
Bid Tab
Contract Agreement Signed by Contractor
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-15 AND APPROVING A
CONTRACT WITH _____ IN THE
AMOUNT OF \$_____ FOR CONSTRUCTION OF
IAMS DOG PARK AT BRYCE DAVIS PARK, AND APPROVING
A 10% PROJECT CONTINGENCY OF _____

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid
#10-15 and approves a contract, a copy of which is attached to this Resolution as Exhibit "A"
and incorporated herein, with _____ in the amount of
\$_____ for construction of Iams Dog Park at Bryce Davis Park, and approves
a ten percent (10%) project contingency of _____.

PASSED and APPROVED this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 06-10

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM FOR A GENERAL IMPROVEMENT FUND GRANT IN THE AMOUNT OF \$160,000.00 FOR IMPROVEMENTS TO BRYCE DAVIS PARK

WHEREAS, the City of Fayetteville recognizes the need to provide public recreation facilities for its citizens and visitors; and

WHEREAS, the City wishes to apply for general improvement funds through the Arkansas Department of Parks and Tourism to provide programs, maintain, or fund improvements at Bryce Davis Park; and

WHEREAS, the Mayor and City Council understand that if granted funds for park development, the City must account for fund expenditures and complete the project prior to June 30, 2011; and

WHEREAS, the City of Fayetteville will sign a contract agreeing to provide necessary resources to maintain Bryce Davis Park and its facilities for a period of fifteen (15) years;

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

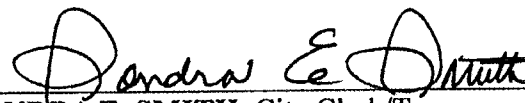
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to submit an application for a general improvement fund grant in the amount of \$160,000.00 to the Arkansas Department of Parks and Tourism for improvements Bryce Davis Park.

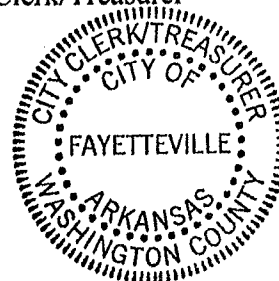
PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



RESOLUTION NO. 141-09

A RESOLUTION ACCEPTING A DONATION FROM PROCTER & GAMBLE IN THE AMOUNT OF \$30,000.00 TO FUND A PORTION OF THE DEVELOPMENT COSTS FOR A DOG PARK AT BRYCE DAVIS PARK; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE REVENUE

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

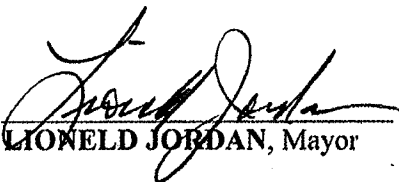
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts a donation from Procter & Gamble in the amount of \$30,000.00 to fund a portion of the development costs for a dog park at Bryce Davis Park.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the revenue.

PASSED and APPROVED this 16th day of June, 2009.

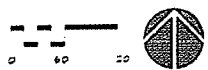
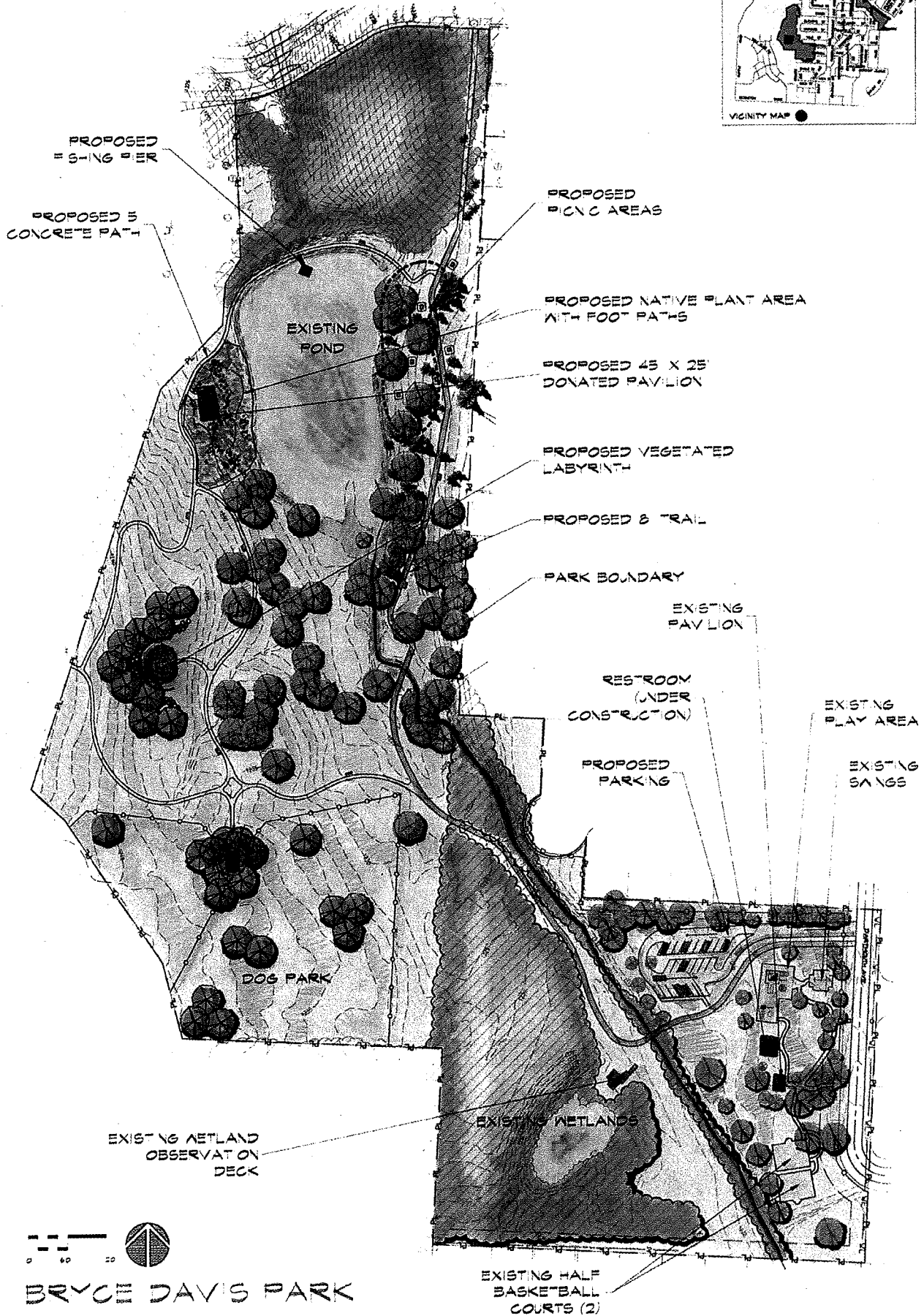
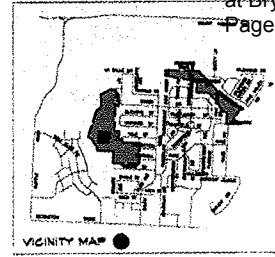
APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





BRYCE DAVIS PARK

City of Fayetteville Staff Review Form

C. 1
Regional Urban Stormwater
Education Program
Page 1 of 14

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

2/16/2010

City Council Meeting Date
Agenda Items Only

Sarah Wrede

Submitted By

Engineering

Division

Development Services

Department**Action Required:**

Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$43,191.55 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

\$ 43,191.55
Cost of this request

\$ 665,460.11
Category / Project Budget

Stormwater Quality Mgmt/Nutrient Reduct
Program Category / Project Name

4470.9470.5817.00
Account Number

\$ -
Funds Used to Date

Bridge & Drainage Improvements
Program / Project Category Name

02097
Project Number

\$ 665,460.11
Remaining Balance

Sales Tax Capital Improvement
Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

William C. Bae 01-28-2010
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 2-1-10
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker 2-1-2010
Finance and Internal Services Director Date

Received in City
Clerk's Office

ENTERED
1/28/10 King

[Signature] 2-1-2010
Chief of Staff Date

Received in
Mayor's Office

ENTERED
2/1/10 [Signature]

[Signature] 2/2/10
Mayor Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director &
Chris Brown, City Engineer

From: Sarah Wrede, Staff Engineer

Date: January 19, 2010

Subject: Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$43,191.55 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

PROPOSAL: Since 2003, the cities of Bentonville, Bethel Heights, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Little Flock, Lowell, Springdale and Rogers along with Benton and Washington Counties and the University of Arkansas have been operating under EPA's federally mandated Phase II Stormwater regulations as Municipal Separate Storm Sewer Systems (MS4s). While these jurisdictions obtained separate NPDES permits, they jointly contracted with Cooperative Extension Service (CES) through the NWA Regional Planning Commission as a successful and cost-effective means of implementing the following minimum control measures required in their Phase II permits:

- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 6) Pollution Prevention and Good Housekeeping (training for municipal employees)

Positive feedback from ADEQ and participating MS4s has led to the CES and the NWARPC partnering for an additional urban stormwater education program in support of the MS4s' new 2009-2013 stormwater management permits. This contract is for participation in Year 2 of the attached 3-Year Regional Stormwater Education and Coordination Program.

RECOMMENDATION: Staff recommends approval of an ordinance to waive the requirements of competitive bidding and to authorize the Mayor to execute a Memorandum of Understanding with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service.

BUDGET IMPACT: Currently, there is \$665,460.11 in the Stormwater Quality Mgmt/Nutrient Reduct account that has been designated for use to fund projects that improve stormwater quality in the City of Fayetteville. This project will be paid for from these funds.

ATTACHMENTS

Memorandum of Understanding
3-Year NWA Regional Urban Stormwater Education Program Summary
Cost Allocation Summary

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MS4 JURISDICTIONS AND THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$43,191.55 FOR THE REGIONAL URBAN STORMWATER EDUCATION PROGRAM TO BE PROVIDED BY THE UNIVERSITY OF ARKANSAS COOPERATIVE EXTENSION SERVICE TO SATISFY PORTIONS OF THE NPDES PHASE II STORMWATER PERMIT REQUIREMENTS

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for Stormwater Education and Outreach as part of its Stormwater Phase II permit requirements; and

WHEREAS, the University of Arkansas Cooperative Extension Service can efficiently and effectively provide this service at a significant savings to the citizens of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$43,191.55 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

PASSED and **APPROVED** this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**MEMORANDUM OF UNDERSTANDING FOR THE
MS4 JURISDICTIONS OF NORTHWEST
ARKANSAS AND THE NORTHWEST ARKANSAS
REGIONAL PLANNING COMMISSION**

WHEREAS, twelve cities in Benton and Washington Counties, the counties themselves, and the University of Arkansas meet the U.S. Environmental Protection Agency's "small" urbanized area municipal separate storm sewer (MS4) criteria, and must comply with national Phase II Stormwater Regulations; and

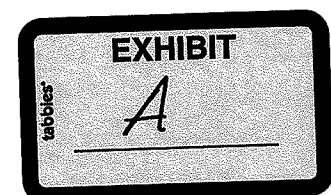
WHEREAS, the Arkansas Department of Environmental Quality (ADEQ), the state agency authorized by EPA to issue National Pollutant Discharge Elimination System (NPDES) permits requiring and ensuring compliance, has established February 1, 2009 as the latest date for affected entities to be covered under Arkansas' general permit for MS4s; and

WHEREAS, said permit requires development, implementation, and evaluation of a stormwater management plan, that addresses each of the six minimum control measures identified in the Phase II Storm Water Regulations contained in 40 CFR 122.26 and outlined in Part I.B.; and

WHEREAS, the Northwest Arkansas Regional Planning Commission (NWARPC) has coordinated meetings between representatives of affected jurisdictions in an effort to determine, in the interest of economy and efficiency, whether certain stormwater permit components could be addressed collectively, rather than individually; and

WHEREAS, it has been determined that a cost effective, regional approach to certain minimum control measures required as part of the permit – namely Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical and appropriate; and

WHEREAS, the NWARPC requested and received statements of qualifications from interested institutions and firms with demonstrated water quality educational expertise, and has, in cooperation with representatives of affected MS4 jurisdictions, endorsed the attached proposal from the University of Arkansas Cooperative Extension Service; and



WHEREAS, the ADEQ has subsequently endorsed the regional concept and proposal for addressing said minimum control measures; and

WHEREAS, said representatives of affected MS4s have also endorsed the distribution of costs associated with the proposal as shown on the attached cost allocation plan; and

WHEREAS, the Board of Directors of the NWARPC have authorized the Commission to act as the financial clearinghouse and primary contractor, on behalf of said MS4s, in connection with said proposal.

**NOW, THEREFORE BE IT RESOLVED THAT WE,
THE UNDERSIGNED MS4 JURISDICTION, AGREE AS
FOLLOWS:**

SECTION 1. To participate in Year 2 of the attached 3-Year Regional Stormwater Education and Coordination Program, to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, it being understood that said services to be provided shall satisfy requirements for the federally mandated minimum control measures identified above. Commitments for participation in said program in future years will require City Council approval on a year-to-year basis.

SECTION 2. To participate financially in accordance with the attached cost allocation plan. Any increases in the costs allocated to the undersigned MS4 due to the failure of other MS4 jurisdictions to participate shall be subject to the approval of the undersigned MS4.

SECTION. 3. That all funds received by NWARPC from MS4s for this specific project shall be utilized in their entirety for services in connection with the 3-Year Regional Stormwater Education and Coordination Program, and shall be accounted for separately from all other Commission funds.

Dated this _____ day of _____, 2010.

MS4 Jurisdiction

NWARPC

3-Year NWA Regional Urban Stormwater Education Program University of Arkansas Cooperative Extension Service

Introduction

As the public education branch of the University of Arkansas, the mission of the Cooperative Extension Service (CES) is to provide research-based information through non-formal education to help Arkansans improve their economic well-being and the quality of their lives. Since 1990, CES has established a reputation for effective agricultural and urban nonpoint pollution prevention programs through USDA- and EPA-funded water quality education grants totaling more than \$2,789,000 for 12 projects in Benton, Carroll, Madison, and Washington Counties.

Since 2003, the cities of Bentonville, Bethel Heights, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Little Flock, Lowell, Springdale and Rogers along with Benton and Washington Counties and the University of Arkansas have been operating under EPA's federally mandated Phase II Stormwater regulations as "small" municipal separate storm sewer systems (MS4s) that meet "urbanized area" criteria based on 2000 U.S. Census population data. While these jurisdictions obtained separate NPDES permits, they jointly contracted with CES through the NWA Regional Planning Commission as a successful and cost-effective means of implementing the following minimum control measures required in their Phase II permits:

- #1) Public Education and Outreach
- #2) Public Involvement and Participation
- #6) Pollution Prevention and Good Housekeeping (training for municipal employees)

Program accomplishments to date are summarized in the attached file, 'NWA Stormwater Ed Overview.pdf'. Positive feedback from ADEQ and participating MS4s has led to CES and the NWARPC partnering for an additional urban stormwater education program in support of the MS4s' new 2009-2013 stormwater management permits.

As before, an urban stormwater education steering committee and the MS4 Focus Team will be utilized to plan and assess regional urban stormwater outreach and education efforts. County Extension Agents in Benton and Washington Counties will continue to collaborate with CES Environmental and Natural Resource, Horticulture, Pest Management, and Public Policy state faculty on educational materials development, civic programs, construction workshops and municipal employee training. CES' Communication faculty will produce professional press releases, radio PSAs, displays, brochures and fact sheets and local program Para-professionals will be hired and trained to conduct school and outreach programs at fairs and community events. Measurable program accomplishments will continue to be tracked and reported through quarterly and annual reports that will be presented to the NWA Regional Planning Commission, education steering committee, and MS4 focus group along with annual reports for each participating MS4 prior to the ADEQ annual reporting deadline.

It is understood that the MS4s may be restricted to one-year contracts to be renewed upon annual budget approval from city councils, Quorum Courts, and the University. However, the following plan of work and budget is based on a 3-year schedule.

Tasks and Objectives

Task 1: Input and Planning

Objective: Utilize a stormwater outreach/education steering committee and MS4 Focus Team to identify informational needs and plan stormwater outreach, education and public participation programs in urbanized areas of participating MS4s

Subtask 1.1 A geographically-based 23-member stormwater education steering committee consists of membership weighted according to % urbanized area population:

<u>MS4</u>	<u>Representatives</u>	<u>% UA</u>	<u>MS4</u>	<u>Representatives</u>	<u>% UA</u>
Fayetteville	4	30.4	Rogers	3	21.0
Springdale	3	25.7	Bentonville	2	10.8
U of A	1	2.1	Lowell	1	2.8
Farmington	1	1.9	Benton County	1	1.1
Johnson	1	1.3	Little Flock	1	0.9
Washington County	1	0.8	Bethel Heights	1	0.4
Elkins	1	0.4	Elm Springs	1	0.1
Greenland	1	0.3			

Steering committee members represent diverse backgrounds/interests and include, but are not limited to those affiliated with schools and/or youth programs, regional businesses, civic organizations, Property Owner Associations (POAs), public officials (City Council, Planning Commission and Quorum Court members), etc.. Committee member representatives will be suggested by MS4s.

Subtask 1.2 Committee input will be used to identify and plan 1) critical stormwater issues, 2) target audiences, 3) program methods and 4) public relations strategies.

Subtask 1.3 The committee will be convened at least once each year to review and evaluate program accomplishments and plan next steps.

Projected Accomplishments and Measurable Goals:

- Stormwater education steering committee will be updated with 23 total members that include representatives from all participating MS4s
- Committee will meet at least once each year
- # of potential audiences and stormwater education programs identified by committees
- # of public outreach, education and participation programs implemented based on education committee input

Task 2: Educational Materials Development

Objective: Gather, adapt and/or develop stormwater fact sheets, brochures, posters and displays for distribution in conjunction with public outreach campaigns and education programs

- Subtask 2.1** Input from both the MS4 Focus Team and steering committee will guide the emphases of printed educational materials. Once topics have been identified, fact sheets will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays.
- Subtask 2.2** Committee input will also be used to identify storm water topics to be developed into press releases, radio PSAs and utility billing inserts to city residents.
- Subtask 2.3** Displays highlighting these topics of emphasis will be created for libraries, banks, schools, local festivals and county fairs.
- Subtask 2.4** A regional stormwater webpage will explain urban stormwater runoff dynamics, describe pollution prevention techniques, and list stormwater resource and contact information. The website will be hosted by CES but linked to participating MS4 sites.

Projected Accomplishments and Measurable Goals:

- A minimum of 4 fact sheets, brochures and posters will be created
- A minimum of 3 utility billing inserts will be developed
- A minimum of 6 press releases and PSAs created and submitted to media outlets
- A minimum of 3 stormwater displays will be created
- A stormwater website will be maintained

Task 3: Public Outreach

Objective: Increase public awareness of stormwater dynamics, potential pollutant sources, pathways to regional water resources and pollution prevention techniques

- Subtask 3.1** Upcoming events, program successes and contact information will be promoted through mass media sources.
- Subtask 3.2** Stormwater displays will be set up at regional libraries, schools, banks and public events as planned.
- Subtask 3.3** Stormwater management and pollution prevention messages will be provided to participating MS4s for inclusion in municipal utility bill mailings to their residents.
- Subtask 3.4** CES will include fertilization and nutrient management fact sheets or other applicable information in with lawn and garden soil test result mailings for residents of participating MS4s.
- Subtask 3.5** Education committees will help determine potential locations (at parks and along roads that cross urban streams) to install signs identifying waterways and their watershed. Where available, CES will work through city and county sign shops to create and install these outdoor, heavy-gauge aluminum signs. If a

participating MS4 does not have internal sign-making capabilities, CES will work with local businesses to create the creek signs, but the MS4 will be financially responsible for paying for them.

Projected Accomplishments and Measurable Goals:

- Partnerships will be pursued with *The Morning News*, the *Northwest Arkansas Times* and the *Arkansas Democrat-Gazette*, KFSM-5 News, KHOG Channel 29, KPOM/KFAA-TV, KUAF 91.3 FM and Cumulus Broadcasting and Clear Channel radio stations
- At least 12 stormwater-related articles will be published
- At least 6 different public service announcements will be repeated on radio and TV
- Displays will be used at a minimum of 12 locations and/or events
- # of people at an event who visited the display or took a pamphlet/booklet
- # of educational materials distributed
- # of stormwater inserts distributed with utility bills
- # of landscaping and lawn care educational materials distributed with soil test results
- # of creek signs installed

Task 4: Public Education

Objective: Increase urban resident's knowledge and understanding of stormwater dynamics and incite individual BMP implementation to reduce stormwater pollution

- Subtask 4.1** Educational programs for school youth will focus on the water cycle, watersheds, stormwater dynamics, water quality and pollution prevention using the EnviroScape surface runoff model, groundwater simulator, hands-on exercises from Project WET, Project WILD, and Project Learning Tree and creekside classrooms. Programs conducted in schools will support the Arkansas State Framework required science curriculum. Para-professionals will be hired and trained to conduct stormwater education programs for schools in Bentonville, Elkins, Farmington, Fayetteville, Greenland, Springdale and Rogers.
- Subtask 4.2** Educational presentations will be given at civic meetings, POAs, annual Master Gardener Training sessions, public libraries, etc. to illustrate stormwater dynamics, identify potential pollutants and pathways, describe techniques to reduce stormwater pollution and encourage voluntary BMP implementation (including reduced homesite stormwater runoff, improved lawn and garden management, automotive maintenance, and the proper use, handling and disposal of household hazardous products).
- Subtask 4.3** The Urban Home*A*Syst environmental risk self-assessment tool will be promoted in conjunction with civic presentations, Master Gardener training, fact sheets, displays, and the stormwater website.

Projected Accomplishments and Measurable Goals:

- At least 1,500 students will be reached through stormwater education programs
- A minimum of 6 educational presentations will be given each year to adult audiences
- # of classes and schools that participate in stormwater programs

- # of educational materials distributed to schools
- # of certificates given out for participation in stormwater education
- # of participants who indicate a change in attitude/behavior following presentations
- # of Urban Home*A*Syst environmental risk self-assessments conducted

Task 5: Public Participation

Objective: Multiply efforts to educate the public about the link between storm drain systems and regional water quality, instill a sense of public ownership of watershed resources and provide permanence for stormwater education programs

- Subtask 5.1** Using a "Train-the-Trainer" process, stormwater and pollution prevention will be included in the 40 hours of training for 45-50 new Benton and Washington County Master Gardener. In turn, these Master Gardener volunteers will help educate area residents about soil testing, matching fertilizer applications to plant needs, integrated pest management, composting, native plants and rain gardens.
- Subtask 5.2** Education committee members, Master Gardeners and other potential volunteers will be utilized to staff stormwater displays at festivals, fairs and other events.
- Subtask 5.3** Organizations including POAs, civic clubs, local Stream Teams, Extension Homemakers, Master Gardeners and youth groups will be approached to stencil storm drains with messages like "Do Not Dump, Drains Directly to River/Lake" as community service projects.
- Subtask 5.4** Similar citizen and youth groups will be encouraged to clean up/adopt local creeks in conjunction with the Arkansas Game and Fish Commission's Stream Team program.

Projected Accomplishments and Measurable Goals:

- A minimum of 60 Master Gardener volunteer hours will be spent on educating area residents about proper fertilization, integrated pest management and backyard composting
- # of volunteer hours staffing displays at local fairs and festivals
- # of storm drain stenciling volunteers
- # of storm drains stenciled
- # of participants in Stream Team programs

Task 6: Municipal Employee Training

Objective: Equip municipal employees with a knowledge and understanding of how to reduce the potential impact of their activities on stormwater quality

- Subtask 6.1** Conduct training sessions for municipal employees on EPA's Phase II stormwater management regulations for small MS4 jurisdictions.

Subtask 6.2 Conduct training sessions for municipal employees on Good Housekeeping BMPs (including vehicle maintenance and washing, spill response, stream maintenance, materials storage, and landscaping/turf management) as well as illicit discharge detection and elimination.

Subtask 6.3 Conduct training sessions for municipal employees on construction site regulations, SWPPPs, erosion and sediment control BMP selection, installation, maintenance and inspections.

Projected Accomplishments and Measurable Goals:

- At least 60 municipal employees trained
- # of educational materials distributed to municipal employees

Task 7: Evaluation and Reporting

Objective: Evaluate program efforts, track measurable results and annually report the progress of each subtask.

Subtask 7.1 Evaluation tools will be used to assess the impact of stormwater outreach and education efforts including youth educational programs, public presentations, Master Gardener trainings and the Urban Home*A*Syst self-assessment guide.

Subtask 7.2 Results of measurable goals will be tracked quarterly and submitted to NWARPC and committee members.

Subtask 7.3 Annual reports will be compiled and submitted to each participating MS4 one month prior to the ADEQ Phase II annual reporting deadline.

NWA Urban Storm Water Budget 2009-2011

Category	2009	2010	2011
Personnel Salaries/Wages			
<i>County Agent</i> <i>Two ½-time Para-Professionals</i> <i>Secretary</i> <i>FTE</i> <i>Salary</i> 1.0 \$35,000 1.0 18,725 0.9 19,500	\$71,238	*\$73,375	*\$75,576
Fringe Benefits Note: CSRES fringe rate is 27.60%	19,662	20,859	22,129
Travel			
<i>In-State</i>	3,300	3,300	3,300
<i>Out-of State</i>	1,000	1,000	1,000
Materials and Supplies			
<i>Display board</i>	1,000		
<i>Educational materials</i>	800	800	200
<i>Training</i>	250	250	250
Printing	2,100	2,100	2,100
Other Costs			
<i>Postage</i>	500	500	500
<i>Cell phone / phone card</i>	600	600	600
<i>Delivering educational message via mass media distribution methods</i>	2,000	2,000	2,000
Total Direct Charges	102,450	104,784	108,255
Indirect Charges (0.29)	29,711	30,387	31,394
Total Annual Costs	\$132,161	\$135,171	\$139,649

*Allows for 1.03% annual increase

**Cost Allocation* of U of A Cooperative Extension Service Stormwater Regional Stormwater Education Program
and NWA Regional Planning Commission Stormwater Coordination for NWA MS4 Jurisdictions
based on the Urbanized Area Population of the 15 NWA MS4 Jurisdictions in the 2000 US Census**

Jurisdiction	County	Population In Urbanized Area by Jurisdiction	Percent Urbanized Area Population	2009	2010	2011	3-Year Total
Bentonville	B	18,597	10.77%	\$14,987.64	\$15,311.82	\$15,794.10	\$46,093.55
Bethel Heights	B	650	0.38%	\$528.81	\$540.25	\$557.27	\$1,626.33
Elkins	W	722	0.42%	\$584.48	\$597.12	\$615.93	\$1,797.52
Elm Springs	W	34	0.02%	\$27.83	\$28.43	\$29.33	\$85.60
Farmington	W	3,271	1.89%	\$2,630.14	\$2,687.03	\$2,771.67	\$8,088.84
Fayetteville	W	52,439	30.38%	\$42,272.20	\$43,191.55	\$44,551.97	\$130,015.72
Greenland	W	552	0.32%	\$445.32	\$454.95	\$469.28	\$1,369.54
Johnson	W	1,908	1.11%	\$1,544.69	\$1,578.10	\$1,627.80	\$4,750.59
Little Flock	B	1,743	1.01%	\$1,405.53	\$1,435.93	\$1,481.15	\$4,322.61
Lowell	B	4,631	2.68%	\$3,729.51	\$3,810.18	\$3,930.19	\$11,469.89
Rogers	B	35,913	20.80%	\$28,945.49	\$29,571.57	\$30,502.99	\$89,020.05
Springdale	W	44,397	25.72%	\$35,792.21	\$36,566.38	\$37,718.12	\$110,076.71
Benton County	B	1,889	1.09%	\$1,516.85	\$1,549.66	\$1,598.47	\$4,664.99
Univ. of Arkansas	W	3,694	2.14%	\$2,982.96	\$3,042.46	\$3,138.29	\$9,163.71
Washington County	W	2,190	1.27%	\$1,767.34	\$1,805.57	\$1,862.44	\$5,435.35
Totals		172,630	100.00%	\$139,161.00	\$142,171.00	\$146,649.00	\$427,981.00

Note: Budget year runs from January 1 through December 31 of each calendar year

* These dollar breakouts assume all jurisdictions participate.

Pre. Agenda Meeting

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 16, 2010

A meeting of the Fayetteville City Council will be held on February 16, 2010 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:

Mayor's Announcements, Proclamations and Recognitions:

1. Recognition of Students in Free Enterprise (SIFE) from the Walton College for their volunteer services in 2009 and into this year. SIFE projects include Project LIGHTS, GreenWay, 15th Street Recycling Center, and Happy Hollow Education Project among other things.

Presentations, Reports and Discussion Items:

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

Agenda Additions:

A. Consent:

1. Approval of the January 19, 2010 and February 2, 2010 City Council meeting minutes.

2. **U.S. Marshals Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$75,000.00 to recognize reimbursement from the U.S. Marshals Service for detective overtime expenses related to investigative operations.
3. **Old Wire Road Traffic Signal:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid monies for a traffic signal at the intersection of Old Wire Road and State Highway 45.
4. **Crossover Road Right-of-Way Donation:** A resolution authorizing the donation of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.
5. **Bid #10-15 Iams Dog Park at Bryce Davis:** A resolution awarding Bid #10-15 and approving a contract with _____ in the amount of \$ _____ for construction of Iams Dog Park at Bryce Davis Park, and approving a 10% project contingency of _____.

B. Unfinished Business: None

C. New Business:

1. **Regional Urban Stormwater Education Program:** An ordinance waiving the requirements of formal competitive bidding and approving a memorandum of understanding with the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$43,191.55 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

Announcements:

1. **City Council Tour: February 15, 2010 – Walton Arts Center Tour – 4:30 p.m.**

Adjournment:

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.

Agenda Session 2/9/10

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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 16, 2010**

A meeting of the Fayetteville City Council will be held on February 16, 2010 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:

Mayor's Announcements, Proclamations and Recognitions:

- ✓ 1. Recognition of Students in Free Enterprise (SIFE) from the Walton College for their volunteer services in 2009 and into this year. SIFE projects include Project LIGHTS, GreeNWay, 15th Street Recycling Center, and Happy Hollow Education Project among other things.

Presentations, Reports and Discussion Items:

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

Agenda Additions:

A. Consent:

1. Approval of the January 19, 2010 and February 2, 2010 City Council meeting minutes.

2. **U.S. Marshals Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$75,000.00 to recognize reimbursement from the U.S. Marshals Service for detective overtime expenses related to investigative operations.

3. **Old Wire Road Traffic Signal:** A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid monies for a traffic signal at the intersection of Old Wire Road and State Highway 45.

4. **Crossover Road Right-of-Way Donation:** A resolution authorizing the donation of right-of-way along Crossover Road (State Highway 265) containing 1,301 square feet and being a part of Parcel No. 765-13279-100, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.

5. **Bid #10-15 Iams Dog Park at Bryce Davis:** A resolution awarding Bid #10-15 and approving a contract with _____ in the amount of \$ _____ for construction of Iams Dog Park at Bryce Davis Park, and approving a 10% project contingency of _____.

B. **Unfinished Business:** None

C. **New Business:**

1. **Regional Urban Stormwater Education Program:** An ordinance waiving the requirements of formal competitive bidding and approving a memorandum of understanding with the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$43,191.55 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

Announcements:

1. City Council Tour: ~~February 15, 2018~~

NONE

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

113 West Mountain 72701 (479) 521-7700 (479) 575-8257 (Fax)
accessfayetteville.org

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.

