

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
Special City Council Meeting Minutes
June 9, 2009**

A special meeting of the Fayetteville City Council was held on June 9, 2009 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Rhoads

Pledge of Allegiance

New Business:

Hyland Park Phase II – Water Storage Tank: A resolution to accept and approve the City Council Sewer Committee's decision to begin construction plans for a 500,000 gallon water storage tower on Lot 22 of Hyland Park Phase II.

David Jurgens, Utilities Department Director: This water storage tank affects the Mount Sequoyah Water Pressure Plane. This pressure plane affects the largest hills. It is not simply the Mount Sequoyah area it is a larger territory than that. I will go through an overview of what that system includes, what the problems are that we face, what the requirements are that we have to meet, the regulatory requirements, what the alternative tank sites are and what the alternative tank construction techniques are.

This pressure plane affects the highest area of the City, the hilltops, Mount Sequoyah and Hyland Park hilltops. Those are the two biggest areas and the highest areas of the City. As a result they require that the water be elevated above the ground level in order to provide that pressure. Many

of our other water storage tanks are actually on these hilltops but at a lower level but they provide pressure to the entire rest of the City. The specific area that we are looking at has approximately 1,817 connections, almost all of those are homes, 162 fire hydrants and two water pump stations that lift the water up to the 250,000 gallon tank on Skyline Drive. The water is at an elevation of 1,815 feet, compared to our normal tank elevation for the rest of the City which is at 1,575 feet. Most of the pipelines are over 35 years old in the Hyland Park Subdivision on the top of Mount Sequoyah and some of the oldest pipes were built in the 1920's. By my standards and by normal water system standards the pipelines are generally very small 4" to 8". To me a 4" to 8" diameter line is a line that you find in a subdivision. When you have 12" lines it is something we space every quarter to half mile to provide some kind of transmission capabilities.

David pointed out the pump stations and pressure plane on a map and where the service area is. He also showed where other storage tanks are located in the city.

The Hyland Park hilltop does not have water storage on it which results in very irregular pressure during high usage and very weak flow during any kind of high usage period. The problems are grossly inadequate fire flow. In the higher summer use 98% of our fire hydrants in this area have less than 500 gallons per minutes. Inadequate house pressure and sprinkler system pressure also exists in this area in summer use. We do not have enough flow to provide for all the demands during the peak summer season. During an average day 65% of our fire hydrants have less than 500 gallons per minute. Generally the standard for fire fighting for residential areas is 1,500 gallons per minutes. That is the requirement that we place on new subdivisions, additionally, one main break can shut down the entire system. We had that happen last summer. We had a main break that was close to the Mount Sequoyah tank and the tank was isolated from the entire system and at that point we had zero storage available. That is one of the risk factors. It is a major risk issue. We need to have some sort of backup for all the houses that we have in this area. Our entire city's insurance rating is at risk.

There are areas on a hot summer day where the fire flow is less than 250 gallons per minute. When a fire truck hooks up to a hydrant the water does not flow by itself out of the hydrant it hooks up to a pump that pumps out of the water system. What would happen is when they hook up the pumps to the fire hydrant it is going to pump the water system dry where the fire truck is located. Every elevation above that fire truck is not going to have water and we will have no water in the pipe line which would create a vacuum inside those pipelines. That could then easily create multiple pipeline failures.

Tony Johnson, Fire Chief: Currently our protection service rating is a number four. As we look at the surrounding communities they are a three or two rating. The lower the number the greater is the fire departments ability to combat any type of blaze that we may have. As David pointed out if we were to hook to any hydrant on that grid system and place a demand greater than 250 gallons per minute we run the risk of collapsing the grid system at the worse possible time. It would be very time consuming to put that grid back in service. I talked to one of the assessors and showed him the overlay and he said this is what you need to get the better rating. I would feel a lot better about being able to fight any fire along this grid. This is an improvement for a large portion of the water grid that is supported by our utility and is something that is greatly needed for fire protection. Forty percent of the rating comes on the ability to deliver the water.

It is desperately needed. As for right now in those areas when we respond in the area we automatically place a call to the water utility because we know we will have issues in moving water if we have a fire there.

David Jurgens: These results were based off a model that was ran and confirmed by McGoodwin, Williams, and Yates on this pressure plane. The second tank makes all the difference. If there is an issue on one side most of the water will come out of the other tank but in the center the water will come from both tanks therefore you have very good balance in the system and multiple sources of supply. Every pipe is providing to that fire demand or peak demand but it is also capable of maintaining water pressure and volume for all of the other uses so the pipes never go dry. That is the balance and the risk.

The regulatory requirements are storage requirements by the ten state standards, which is the standard that Arkansas falls under, is the average daily consumption plus fire protection and as of 2005 that was 970,000 gallons. I am recommending in this case a 500,000 gallon tank and we have an existing 250,000 gallon tank that adds to 750,000 gallons which does not meet what they state our requirements are but it makes us a whole lot better than where we are. The plan is when the tank on Skyline Drive is replaced we will build there a 500,000 gallon tank which would put us to where our requirements would be. The tank is fifty years old and maintenance wise it is doing very well but at some point we will have to replace that tank.

David read the following quotes from Health Department letters "the Mount Sequoyah area does not have adequate storage for the water demand and we need to address the situation" and "the Hyland Park Hilltop area appears to be the best because of the risk factors and because of the balance factors providing balanced flow throughout the system".

The hydraulic requirements that are required in a new subdivision are 1,500 gallons per minute. That meets all ISO requirements and all residential fire code requirements.

The new tank has to be elevated at 1,815 feet above sea level in order to meet the need. Pipe lines have to be sized because water moving through a pipe has friction and so the larger the pipe the less the friction. You can push a lot more water through a 12" pipe than you can through a 2" pipe. You can push twice as much water through a 12" pipe than you can through a 10" pipe because the area is the key not the diameter.

We have evaluated all the possible alternatives out there. We went through a 1990 study to address this situation 19 years ago. We looked at every single alternative that was identified within that study. These present the conclusions from the analysis we did this time, out of what we have run in the model and the analysis we have done in the past as well as the analysis I did when I went over it at the health department. Adding pumps will not do the job. When you look at a system that is several miles wide, when there is a fire or a break and there is loss in pressure, it takes a while for that to show up at the tank and then it takes a while for that tank level to show up at the pump station so even if you had the largest pump in the world you have a lag time before that pump knows to turn on. Then when that pump turns on suddenly you have a 1,500 gallons per minute fire pump kicking on and it is blowing as much water as it can through that system. That whole system has lost pressure and you now have vacuum in the lines at the higher

elevations and then you have this rush of water come slamming back to it, which is the perfect recipe for breaking the pipes and breaking the system. Not only do you have a vacuum that can cause the problem but you then have the water hammer which causes as many leaks as about anything else in the system. If a pump station would work I would recommend it but a pump station simply will not do it. The pump station solution was the one that was put in place in 1992 when this issue rose before the City Council. That is the system that is not working right now.

Ground storage was addressed. The problem with ground storage is it still requires pushing the water uphill in order to provide the flow and the volume. It still requires the pump station so that scenario is exactly the same. You still have that lag time. It would have to be a pressurized tank and you simply can not get that volume of water in a pressurized tank that can move out and provide water to the system. The ground storage tanks, which we evaluated, simply can not do the job. The water in a large tank like that at ground storage you can not flow enough water through that to do it. An elevated tank will be providing continuous water to the area whereas what would happen hydraulically with the ground tank is it would sit until a water demand was put on.

There needs to be balance to minimize the risk. Separation is a much less risky alternative. Also if we have a break or maintenance in the area that has to be done then separation provides a much safer operation.

It is desirable to have the tank height break point at 150 feet. So the most desirable height is to be less than 150 feet. That was the criteria that we used to identify this. Most tanks that are on hilltops are usually about 100 feet to 110 feet that is because they provide just enough pressure at the bottom of the tank. They have a lot of flow because they have the whole tank right there but in terms of pressure a 100 foot to 110 foot tall tank provides just the right amount of pressure at the bottom of the tank. Less than that will not quite do it.

David reviewed the possible tank sites, their location, and the pros and cons of building a water storage tank on the possible sites.

Alderman Thiel: David said the best site ascetically would be the one that was owned by Gary Combs what is the status as far as discussion with Gary? We could buy that and then sell the other lot.

City Attorney Kit Williams: The other lot was dedicated to the City for use as a water tower not as property that you can do whatever you want with.

Alderman Thiel: If we found other property it seems to me we could do that.

City Attorney Kit Williams: If there was an agreement between the property owners association, the City and Mr. Combs then that certainly could be a land swap but without a specific agreement I don't think the City would have the power to sell that lot.

David Jurgens: When we left the last meeting the property owners and the home owners association agreed at that time that they would try to arrange for a land swap between lot 22 and

another site on the hilltop being anywhere in that alternate 4 area. That is really where we stand right now. It was not the City taking the lead because we have a lot designated for the tower. It was a homeowner lead as opposed to a city lead.

City Attorney Kit Williams: I have included in the agenda on the second item my letter of September 15, 2008 that was written to them that had the map from David Jurgens outlining the lots that would be acceptable. This was also mentioned again in the Mayor's letter dated April 15th and the home owners association responded back that they were not interested.

Sarah Lewis: The model that you are using to judge the need for the tower as far as average daily use plus fire protection is there an effort to add conservation into the model as a variable? In this particular case it may be something that needs to be thought about. Was that considered in this?

David Jurgens: In the overall we used actual day flows and then we projected out future flows based off projected growth in the Northwest Arkansas Regional Planning area. That was before we had our current water rates in place which in effect are a conservation type of rate because you pay a higher rate as you use a greater volume. In this we still have some developable land so I really don't think it would impact it very much. If we are talking about a 150,000 or 250,000 gallon difference at this point we will still be 250,000 gallons short of the most desired storage. If we had a significant movement and ability to conserve the water demand then it would simply mean that the next tank would be smaller.

Sarah Lewis: You still need the pressure.

David Jurgens: Yes.

Alderman Cook: I noticed on your map there are peak usages. You showed the hydrants that were at less than 250 gallons per minute. When a fire truck hooks up to that what kind of pull does it have on the system?

Tony Johnson, Fire Chief: We initially try to establish 450 gallons per minute from the first truck arriving and then upwards from there. It is based upon what is involved.

Alderman Cook: You listed the basic requirement was 1,500 gallons per minute. Was that a State standard that you showed?

David Jurgens: Yes. The desired and our standard is 1,500 gallons per minute. There are some residential areas that have specifically the 1,500 gallons per minute. 1,000 gallons per minute meets many but 1,500 gallons per minute meets all of the fire fighting requirements.

Alderman Cook: You get below that and hook a fire truck up and start pulling you are creating a negative situation.

David Jurgens: Yes.

Alderman Cook: We talked about this at the Water and Sewer Committee meeting last year. A big part of the discussion was the fire flows and the safety there, not just on that hillside but for a fairly large area of the City. It has been a very long conversation in the City. The need just grows. It is not any easy decision. We all agreed that we had to have a water tower and we thought that was the best location for it. We hoped that we could find a better resolution.

Sarah Lewis: How would our insurance ranking change?

Tony Johnson, Fire Chief: It depends on the insurance underwriter. Our rating going from a four to a two for a property owner it averages any where from \$12 to \$17 savings on fire insurance along. For business and industry that savings is greater.

Faune Conner: I agree with Mr. Cooks comments that this has been too long in coming. This has been needed for years. I have Stone Mountain subdivision on Crossover Road. It joins Hyland Park to the north. The subdivision was started in 2004 and I was told at the time that there were plans for a water tank to go on top of Hyland Park. I paid to have a water pressure study completed. I also paid \$75,142.75 to the City of Fayetteville for the water tank that is not there. I donated a \$40,000 lot for a pumping station if it was needed and gave the city 8.19 acres for a park. I spent \$68,000 in extra construction cost to upsize the water system in the subdivision. I put in 12 inch water lines in anticipation of this water tank. This is a no brainer because of the fire protection alone much less the water pressure and higher insurance rates. It is time to act. Let's do the right thing for the majority of the people, consider that versus the wants of a few.

Brent Smith, resident of Hyland Park 2: I have been asked to make a few comments on behalf of the homeowners association there. Our neighborhood is somewhat stunned by efforts to build a half a million gallon water tower as the centerpiece of an established neighborhood. It is my understanding that lot 22 was left vacant for a small storage facility in the event that the pump on Highway 265 faltered and water pressure was insufficient for the homes that were being built on that mountain. It was never intended as a city water source but to help maintain water pressure for that development.

We encourage you to seek an alternative site. We urge you to seek an alternate method of water storage. Tank storage technology based solely on gravity and capillary action is no longer the only option for cities. Other options while they may be more expensive are feasible. We ask that you make the wisest choice regardless of cost but for the betterment of all who live in Fayetteville.

The issue of a land swap for lot 22 with another land owner has been mentioned to our association, our association has chosen not to pursue that option. We did not feel it was right to perhaps subject another of our neighbors to devaluation to improve the plight of a different neighbor. We implore the City to pursue an option that respects the rights of all property owners in Fayetteville.

Alderman Ferrell: If an alternate site was chosen at a higher cost do you think there might be some rate payers in the rest of the City that might take exception to them subsidizing moving to an alternate site?

Brent Smith: I am sure there will be people that will be opposed to moving it to another site if it was going to cost more. I think to be fair and equitable the entire city and recipients of the water should bear the burden evenly and equally and it not be placed solely on a neighborhood that really had not expected this to happen. This was originally not in the design or plan to have a water tower on that site.

Jim Waselues: We are probably going to be the most affected by this water tower. It is directly in our front yard. We have one neighbor that is going to be affected by it also. I appreciate everyone that has come up and looked at the site to see how close it comes to our home. It is within 100 feet of my daughter's bedroom. It will destroy almost all the trees that are there. I have worked with our home owners associations and talked to Gary Combs. I presented a proposal to the home owners meeting and it was decided not to do it.

I think I have a solution that might work that will not affect lot 22. I ask you to let me put this together.

Alderman Cook: Kit can you comment on us waiting?

City Attorney Kit Williams: How much time are you talking about?

Jim Waselues: Until your next regular meeting.

Bill Clark: Most of my neighbors are the kind of people who work, we have been called wealthy. We work hard, do what is best, pay our bills and try to be good citizens in Fayetteville. I love this place. My love is being tested. I understand there are certain issues in this city relating to fire and protection. I want this city to be safe. I have met with engineers who say that a storage facility that is not 140 feet tall with a variable speed smart pump can solve the issues.

Mr. Jurgens stated this appears to be the best solution. Where is the guarantee? The fire chief said we may get a better insurance rating. Where is the guarantee? My neighbor and friend will have a water tower placed between his home and the street. The abstract has on it the language Kit Williams referenced. It was so hidden that it indicates to me an intention of that City Council in the 1970's to hide that from the citizens of the neighborhood. When I bought my property I did not know there was going to be a water tower.

I have not heard Mr. Jurgens say the water pressure problems will be solved by this water tower. He said it will get better but will it be solved? How in the world are you going to guarantee the citizens that this is going to make any difference in this situation? Do I respect you, absolutely. Do I believe you have a hard job, absolutely.

The Stone Mountain owner offered you her property. Why won't that work? Why won't an underground storage facility on the top of our mountain with a pump work? This is a wonderful

place to live. I hope you consider the impact on our neighborhood and those surrounding our neighborhood.

Alderman Lucas: If you are concerned about the water tower in this gentlemen's front yard and he worked out something with Mr. Combs why are the property owners not willing to go along with that?

Bill Clark: I was not there last night.

Chip Wright: We had a meeting to discuss the issue of whether or not we would agree to swap lot 22 for the corner of Mr. Combs property. The decision was negative. We did not want to do that. The reason is that location would directly impact three additional home owners who would have a water tower located in the immediate vicinity of their back yards. What we decided as a home owners association is that we can not swap the comfort and the devaluation of one home and one good neighbor for three other good neighbors.

Alderman Ferrell: Mr. Waselues has asked for some time to try to work some things out which I think is a fair request. In light of the opinion of the property owners association do you think it is possible for Mr. Waselues to work something out?

Chip Wright: I would sure hope so. We would love to see a solution with a minimum distaste in their mouth.

City Attorney Kit Williams: If that possible solution included building the water tower on Gary Combs land it is your position that the home owners association would still be opposed to that?

Chip Wright: My position basically is that the only thing presented to the home owners association was the swap of the corner of land that belongs to Gary Combs for lot 22 in the home owners association. I would assume that any solution that Jim is working on would recognize that this is not something that the home owners would be willing to do if it exposes additional neighbors to the same problem. Jim has not discussed his plans with us.

Martin Redfern: It seems to be all the arguments that have been made except for the lot 22 legal issue can be equally made for Skyline Drive. The aesthetics will be damaged if another large water tower is put up there. We already have one 250 gallon water tower there along with some other public and private utilities. We also have the historical Mount Sequoyah Assembly Center. I gladly use the argument advanced by the previous speakers in arguing that you do not put another water tank at the Mount Sequoyah site.

Alderman Lewis: How far away is the existing water tank from you?

Martin Redfern: From my house it is about 300 yards. It would be closer to several other neighbors.

Alderman Petty: Is the solution you are working on a solution that does not involve placing a water tower near residences? Based on the comments of members of the home owners association it does not sound like they will support any solution if it affects additional residences.

Jim Waselues: I took it upon myself to try to solve this. I just need to put a written agreement together to decide if this will work. How it affects other people that is not what I am looking at. I am looking at a water tower in my front yard and within 100 feet of my house.

Alderman Petty asked for more detail.

Jim Waselues: I can not disclose names tonight.

A discussion followed on voting on the issue or waiting.

Alderman Ferrell moved to table the resolution to the June 16, 2009 City Council meeting. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

This resolution was tabled to the June 16, 2009 City Council meeting.

Hyland Park Phase II – Declaratory Judgment Action: A resolution to authorize the Fayetteville City Attorney to file a declaratory judgment action or other appropriate request for judicial relief concerning the ownership of Lot 22 of Hyland Park Phase II and the City's right to construct a water tower thereon.

Alderman Petty: One of the gentlemen asked where the guarantee was from city staff. Almost everything we do and decisions that we make we do not have any guarantees. The best we can do is manage the risk and assess the risk and try to bring that down. I think our staff has done a fine job of doing that. They have been working on this for years and have looked at all the options.

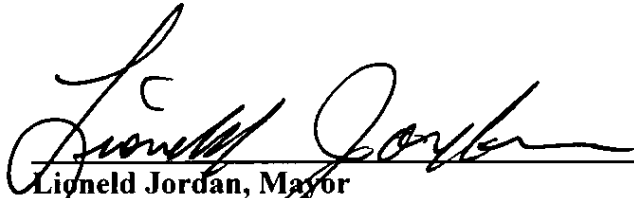
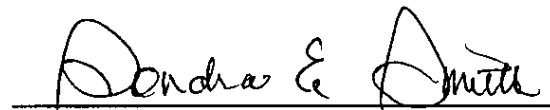
Alderman Thiel moved to table the resolution to the June 16, 2009 City Council meeting. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

This resolution was tabled to the June 16, 2009 City Council meeting.

Agenda Additions:

Announcements:

The meeting adjourned at 6:55 PM


Lioneld Jordan, Mayor
Sondra E. Smith, City Clerk/Treasurer

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.

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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.