

- The next Committee Meeting will be held on Monday, October 4th, 2021 in the new Tiered Training Room located at 201 Spring Street, Springdale, Arkansas.
- Committee agendas will be available on the Friday before this meeting.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF NEW CRIMINAL JUSTICE BUILDING
TUESDAY, September 28th, 2021**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Brian Powell

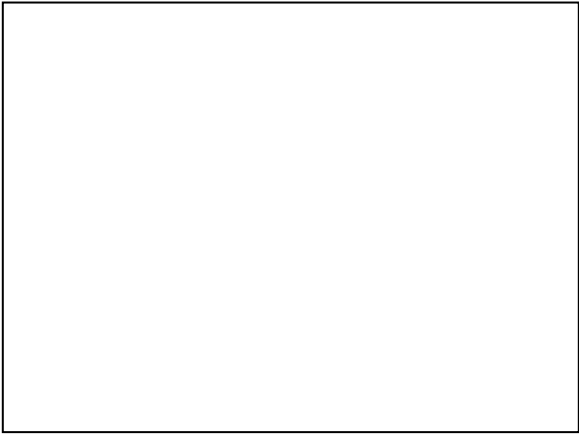
6:00 p.m. **OFFICIAL AGENDA**

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk
4. Recognition of a Quorum.
5. Comments from Citizens
The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
6. Approval of Minutes – September 14th, 2021: **Minutes located at the back of Agenda. Pgs. 55-61**
7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as item number(s) **8A-8F, and 10.** *Motion must be approved by two-thirds (2/3) of the council members).*
8. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development
 - A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 3357 Habberton Road from Agricultural District (A-1) to High Density Single Family Residential District (SF-3) and declaring an emergency. **Pgs. 1-3**
 - B. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 1790 E. Hwy 264 from Agricultural District (A-1) to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5) and declaring an emergency. **Pgs. 4-7**
 - C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto

by rezoning certain lands located at 1146 Cooper Drive from General Commercial District (C-2) to High Density Multi-Family Residential District (MF-24) and declaring an emergency. **Pgs. 8-10**

- D. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 1019 W. Sunset Avenue from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) and declaring an emergency. **Pgs. 11-13**
 - E. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 2284 E. Emma Avenue from Agricultural District (A-1) to Planned Industrial District (I-3) and declaring an emergency. **Pgs. 14-16**
 - F. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 4973 N. Graham Road from Agricultural District (A-1) to Low Density Single Family Residential District (SF-2) and declaring an emergency. **Pgs. 17-19**
 - G. **A Resolution** approving a Conditional Use for Mao Lee at 107 N. Old Missouri Road as set forth in Ordinance No. 4030. **Pgs. 20-22**
 - H. **A Resolution** approving a Conditional Use for Luis Alvarenga and Isabel Delgado at 2975 E. Robinson Avenue as set forth in Ordinance No. 4030. **Pgs. 23-25**
 - I. **A Resolution** approving a Conditional Use for QCF Investments, LLC at 909 Backus Avenue as set forth in Ordinance No. 4030. **Pgs. 26-28**
 - J. **A Resolution** approving a Conditional Use for Nanci Mabry at 1580 N. Monitor Road as set forth in Ordinance No. 4030. **Pgs. 29-31**
 - K. **A Resolution** approving a Conditional Use for Springdale Public Facilities Board at the Southwest corner of Angell Drive as set forth in Ordinance No. 4030. **Pgs. 32-33**
 - L. **A Resolution** approving a Conditional Use for Wayne and Brenda Lockard Living Trust at the end of Annie Laurie Avenue as set forth in Ordinance No. 4030. **Pgs. 34-35**
 - M. **A Resolution** approving a Waiver of Street Improvements, Drainage, Curbs, Gutters and Sidewalks as set forth in Ordinance No. 3725 to Randy and Andi Brown in connection with 2350 N. 48th Street a Single Family Dwelling. **Pgs. 36-37**
9. Finance Committee by Chairman Jeff Watson
- A. **A Resolution** authorizing payment of an invoice from the Northwest Arkansas Council. Forwarded from Committee with recommendation for approval. **Pg. 38**
 - B. **A Resolution** amending the 2021 Budget of the City of Springdale Library. Forwarded from Committee with recommendation for approval. **Pgs. 39-40**
 - C. **A Resolution** authorizing the execution of a construction contract for the extension of Gene George Boulevard South, Phase I. Forwarded from Committee with recommendation for approval. **Pgs. 41-48**

10. **An Ordinance** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Pgs 49-51
11. **A Resolution** to levy Washington County Ad Valorem Taxes of the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pgs. 52-53
12. **A Resolution** to levy Benton County Ad Valorem Taxes of the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pg. 54
13. **A Resolution** authorizing provisions to the Downtown Master Plan. Items to be presented by Patsy Christie, Director of Planning and Community Development.
14. Comments from Council Members.
15. Comments from City Attorney.
16. Comments from Mayor.
17. Adjournment.



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-3) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Adams Family Properties, LLC, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to High Density Single Family Residential District (SF-3).

Layman's Description: 3357 Habberton Road

Legal Description: Legal Description for Parcel #001-14800-02

PT SW SE 10.00 AC FURTHER DESCRIBED FROM 2017-7489 AS:
Part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Seventeen (17) North, Range Twenty-Nine (29) West of the Fifth Principal Meridian, in Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southeast Corner of the Southwest Quarter of the Southeast Quarter thence North 0°01'31" West 347.24 feet, thence North 89°04'56" West 502.11 feet to the point of beginning, thence North 0°01 '31" West 538.45 feet, thence North 89°04' 56" West 808.98 feet, thence South 0°01 '31" East 538.45 feet, thence South 89°04'56" East 808.98 feet, to the point of beginning.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to High Density Single Family Residential District (SF-3) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm

and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to High Density Single Family Residential District (SF-3)

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

Doug Sprouse, Mayor

ATTEST:

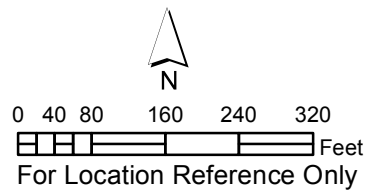
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

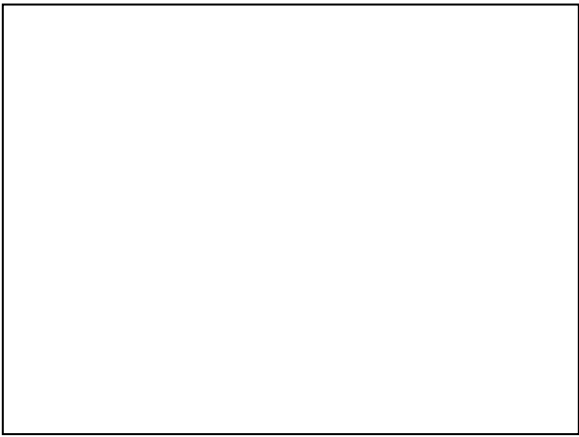


Public Hearing Sign Posted Prior/On: 08/27/2021
Public Hearing Sign Posted By: RB
Ⓢ Public Hearing Sign Location



FILE NO. R21-47
APPLICANT: Expedient Civil Engineering
REQUEST: Rezoning from A-1 to SF-3

PLANNING COMMISSION MEETING
September 7, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO PLANNED COMMERCIAL DISTRICT (C-4) AND THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Arnold and Lorene Hollingsworth, requesting that the following described tract of real estate to be zoned from Agricultural District A-1 to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5).

Layman's Description: 1790 E. Hwy 264

Legal Description: C-4 Legal Description

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 24;
THENCE N87°33'22"W 296.06 FEET TO THE POINT OF BEGINNING;
THENCE N87°33'22"W 179.00 FEET;
THENCE N02°46'32"E 908.76 FEET;
THENCE N87°33'19"W 37.39 FEET;
THENCE N02°46'32"E 46.24 FEET;
THENCE S87°33'19"E 216.39 FEET;
THENCE S02°46'32"W 955.00 FEET TO THE POINT OF BEGINNING,
CONTAINING 3.96 ACRES, MORE OR LESS AND SUBJECT TO A 12.0 FEET WATER EASEMENT NORTH AND PARALLEL TO AN EXISTING FENCE PER DEED RECORD 2010-54565 AND THE RIGHT-OF-WAY OF MARCHANT ROAD ALONG THE SOUTH AND SUBJECT TO ANY

AND ALL EASEMENTS OF RECORD OR FACT.

AND

C-5 Legal Description

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 24;
THENCE N87°33'22"W 296.06 FEET;
THENCE N02°46'32"E 955.00 FEET;
THENCE S87°33'19"E 296.06 FEET;
THENCE S02°46'32"W 955.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6.49 ACRES, MORE OR LESS AND SUBJECT TO A 12.0 FEET WATER EASEMENT NORTH AND PARALLEL TO AN EXISTING FENCE PER DEED RECORD 2010-54565, THE RIGHT-OF-WAY OF HIGHWAY 112 ALONG THE EAST, THE RIGHT-OF-WAY OF MARCHANT ROAD ALONG THE SOUTH AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5) .

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



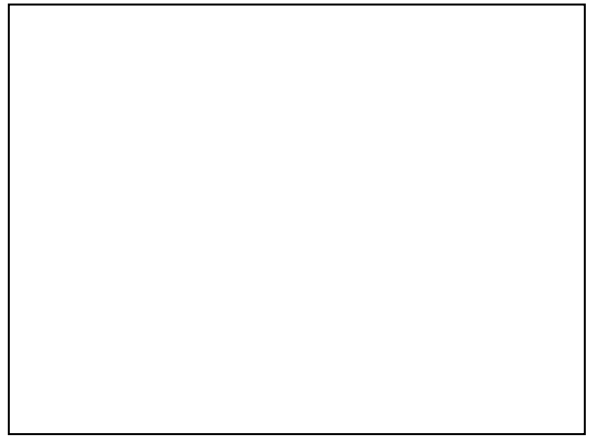
Public Hearing Sign Posted Prior/On: 07/23/2021
Public Hearing Sign Posted By: RB
Ⓢ Public Hearing Sign Location



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Feet
For Location Reference Only

FILE NO. R21-48
APPLICANT: Crafton Tull
REQUEST: Rezoning from A-1 to C-4 and C-5

PLANNING COMMISSION MEETING
September 7, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-24) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of John Hendricks Properties, LLC, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to High Density Multi-family Residential District (MF-24).

Layman's Description: 1146 Cooper Drive

Legal Description: A PART OF THE S 1/2 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 30 WEST, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID S 1/2 OF THE NE 1/4 OF THE NE 1/4, SAID POINT BEING A FOUND 1/2" REBAR; THENCE ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE 1/4 OF THE NE 1/4, S86°24'47" E, 375.20 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A SET 1/2" REBAR W/CAP, PLS NO. 1156; THENCE LEAVING SAID LOUT LINE, N02°27'42" E, 662.82 FEET TO A SET 1/2" REBAR W/CAP, PLS. NO. LL56 ON THE NORTH LINE OF SAID S 1/2 OF THE NE 1/4 OF THE NE 1/4; THENCE ALONG SAID NORTH LINE, S86°16'12" E, 375.33 FEET TO A FOUND REBAR W/CAP, PLS. NO. 1499; THENCE LEAVING SAID NORTH LINE, S02°25'31" W, 661.90 FEET TO A FOUND PK NAIL ON THE SOUT LINE OF SAID S 1/2 OF THE NE 1/4 OF THE NE 1/4; THENCE ALONG SAID SOUTH LINE, N86°24'47" W, 375.73 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2248,680.06 SQUARE FEET OR 5.7089 ACRES MORE OR LESS.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to High Density Multi-family Residential District (MF-24) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From General Commercial District (C-2) to High Density Multi-family Residential District (MF24).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 07/23/2021

Public Hearing Sign Posted By: RB

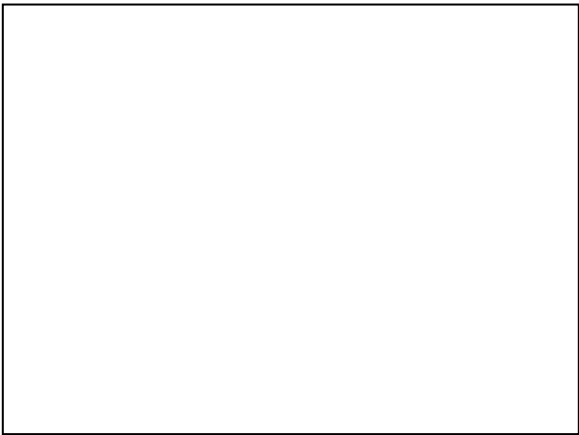
Ⓢ Public Hearing Sign Location



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For Location Reference Only

FILE NO. R21-49
APPLICANT: John Hendricks Properties, LLC
REQUEST: Rezoning from C-2 to MF-24

PLANNING COMMISSION MEETING
September 7, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Taqueria M. Guanajuato, LLC , requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 1019 W. Sunset Avenue

Legal Description:

Tract 1: Part of Lot 11 in the C.F. Noel Addition to the City of Springdale, Washington County, Arkansas, located in the NE ¼ of the SE ¼ of Section 2, Township 17 North, Range 30 West, Washington County, Arkansas, described as: Beginning at the Northwest corner of said Lot 11; thence S87°10'23"E 65.60 feet; thence S02°18'49"W 200.00 feet to a ½" rebar; thence N87°10'09"W 65.16 feet to a ½" rebar; thence N02°11'15"E 200.00 feet to the POINT OF BEGINNING, containing 0.300 acres, more or less.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From General Commercial District (C-2) to Thoroughfare Commercial District (C-5)

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

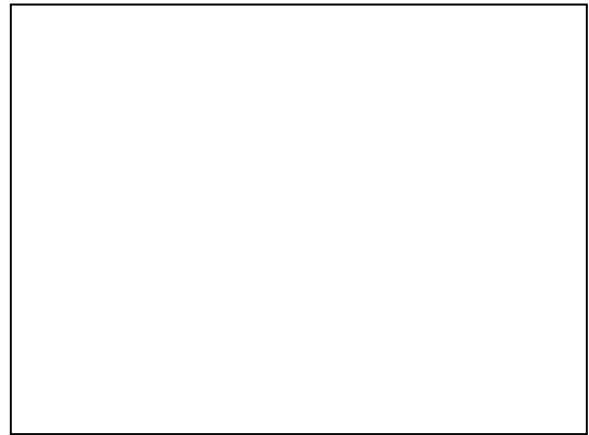
Ernest Cate, City Attorney



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For Location Reference Only

FILE NO. R21-50
APPLICANT: Taqueria M. Guanajuato, LLC & Benigno Morales
REQUEST: Rezoning from C-2 to C-5

PLANNING COMMISSION MEETING
September 7, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO PLANNED INDUSTRIAL DISTRICT (I-3) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Springdale Public Facilities Board, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Planned Industrial District (I-3).

Layman's Description: Part of parcel 8115-22505-172; includes 0.4 acres located along the north side of Emma Avenue. Property is located approx. 50 feet east of Reinert Drive approx. 100 feet south of Technology Way in Springdale, Washington County, Arkansas

Legal Description:

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, BEING A FOUND MAG NAIL; THENCE ALONG THE SOUTH LINE OF SAID FORTY ACRE TRACT, N87°32'59"W A DISTANCE OF 577.47 FEET; THENCE LEAVING SAID SOUTH LINE, N02°53'08"E A DISTANCE OF 38.10 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST EMMA AVENUE, AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH RIGHT-OF-WAY, N87°06'52"W A DISTANCE OF 120.53 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N02°42'36"E A DISTANCE OF 150.22 FEET; THENCE S86°52'33"E A DISTANCE OF 120.99 FEET; THENCE S02°53'08"W A DISTANCE OF 149.72 FEET TO THE POINT OF BEGINNING, CONTAINING 0.42 ACRES (18,111 SQ. FT.), MORE OR LESS.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Planned Industrial District (I-3) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From: Agricultural District (A-1) to Planned Industrial District (I-3)

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

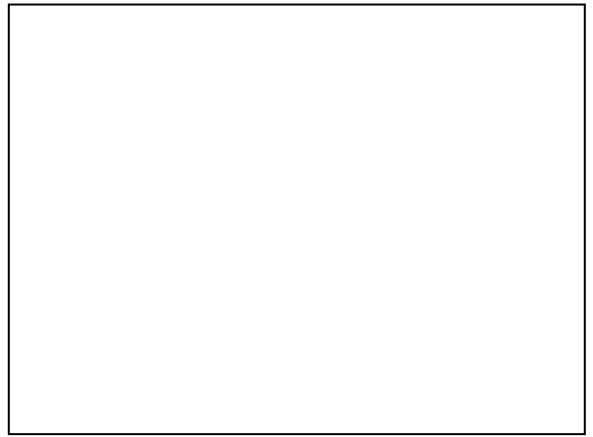
Ernest Cate, City Attorney



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 For Location Reference Only

FILE NO. R21-52
APPLICANT: Springdale Public Facilities Board
REQUEST: Rezoning from A-1 to I-3

PLANNING COMMISSION MEETING
 September 7, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW / MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Mustafa Obeidat, Kimberley Donnell & Gina and Lynn Roberts, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low / Medium Density Single Family Residential District (SF-2).

Layman's Description: 4973 N. Graham Road

Legal Description: A PART OF THE SW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SECTION 14, TOWNSHIP 18 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS; BEGINNING AT A SET 5/8" REBAR CAPPED "AR PLS 1826" WHICH IS SOUTH 86°30'50" E 387.39 FEET FROM A FOUND 5/8" REBAR CAPPED "1728" AT THE SOUTHWEST CORNER OF SAID NE 1/4 OF THE SW 1/4; THENCE SOUTH 86°30'50" EAST 180.27 FEET TO A SET MAG NAIL AND THE POINT OF BEGINNING; THENCE NORTH 02°34'57" EAST 435.60 FEET TO A SET 5/8" REBAR CAPPED "AR PLS 1826"; THENCE SOUTH 86°30'50" EAST 99.68 FEET TO A SET 5/8" REBAR CAPPED "AR PLS 1826"; THENCE SOUTH 02°32'24" WEST 435.61 FEET TO A SET 5/8" REBAR CAPPED "AR PLS 1826"; THENCE NORTH 86°30'50" WEST 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 43,485 SQUARE FEET OR 0.998 ACRES MORE OR LESS. SUBJECT TO ALL PUBLIC AND PRIVATE ROADS AND EASEMENTS OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Low / Medium Density Single Family Residential District (SF-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Low / Medium Density Single Family Residential District (SF-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

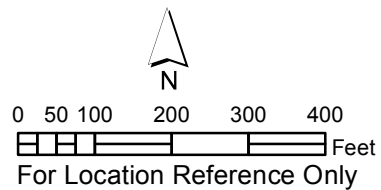
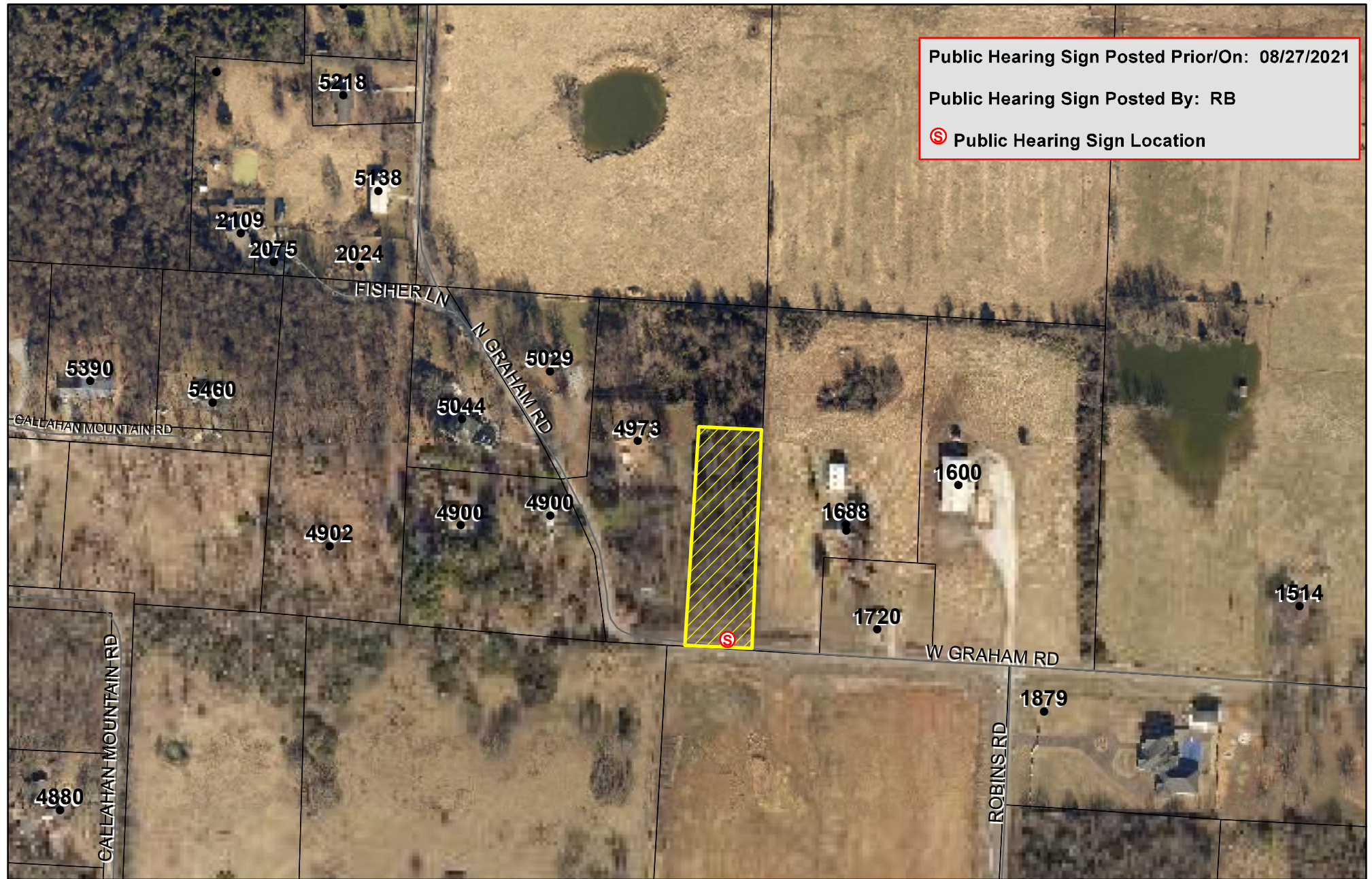
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R21-53

**APPLICANT: Mustafa Obeidat, Kimberly Donnell,
Gina and Lynn Roberts**

REQUEST: Rezoning from A-1 to SF-2

PLANNING COMMISSION MEETING
September 7, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
MAO LEE AT 107 N. OLD MISSOURI ROAD AS SET
FORTH IN ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Mao Lee for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2).

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a Conditional Use be granted to with the following conditions:

1. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of any other use on the site
3. Maintain on the site a minimum of three parking spaces designated for their use.
4. If a health certificate is required, display the health certificate in a manner visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. South any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.
9. Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to with the following conditions:

1. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of any other use on the site
3. Maintain on the site a minimum of three parking spaces designated for their use.
4. If a health certificate is required, display the health certificate in a manner visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. South any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.
9. Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

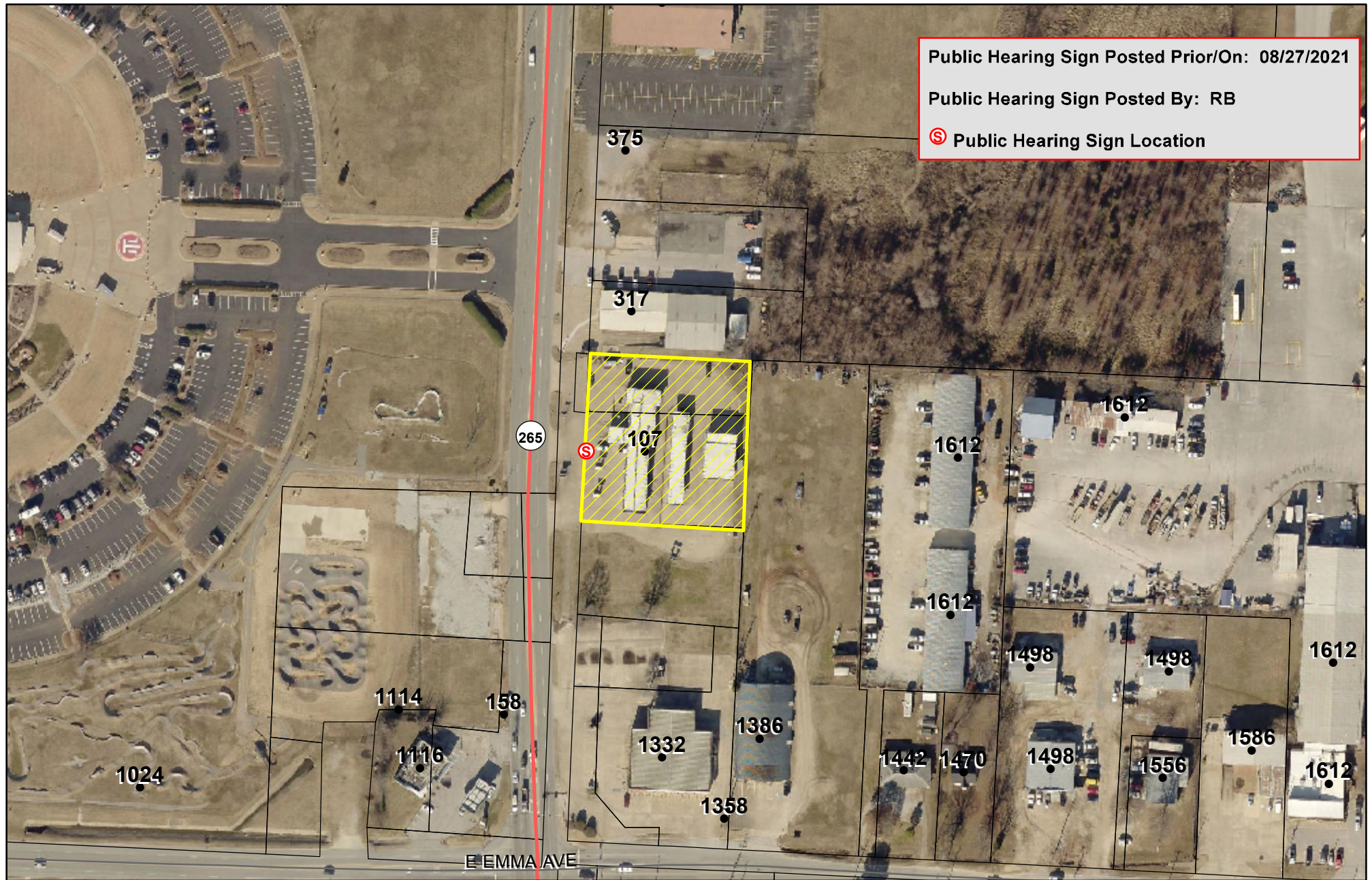
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 08/27/2021

Public Hearing Sign Posted By: RB

Ⓢ Public Hearing Sign Location



0 30 60 120 180 240
Feet
For Location Reference Only

FILE NO. C21-21
APPLICANT: Mao Lee
REQUEST: Use Unit 44 (mobile vending) in a C-2

PLANNING COMMISSION MEETING
September 7, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
LUIS ALVARENGA & ISABEL DELGADO AT 2975 E.
ROBINSON AVENUE AS SET FORTH IN ORDINANCE
NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Luis Alvarenga and Isabel Delgado for a Use Unit 44 (Mobile Vending) in a Large Product Retail Sales District (C-6).

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a Conditional Use be granted to Luis Alvarenga and Isabel Delgado with the following conditions:

1. **May not operate between the hours of 10:00 p.m. and 7:00 a.m.**
2. **No obstruction of parking spaces required for the operation of any other use on the site**
3. **Maintain on the site a minimum of three parking spaces designated for their use.**
4. **If a health certificate is required, display the health certificate in a manner visible to customers.**
5. **No obstruction of pedestrian or motor vehicle traffic flow.**
6. **No obstruction of traffic signals or regulatory signs.**
7. **No vending upon a public way.**
8. **South any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.**
9. **Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.**

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Luis Alvarenga & Isabel Delgado with the following conditions:

1. **May not operate between the hours of 10:00 p.m. and 7:00 a.m.**
2. **No obstruction of parking spaces required for the operation of any other use on the site**
3. **Maintain on the site a minimum of three parking spaces designated for their use.**
4. **If a health certificate is required, display the health certificate in a manner visible to customers.**
5. **No obstruction of pedestrian or motor vehicle traffic flow.**
6. **No obstruction of traffic signals or regulatory signs.**
7. **No vending upon a public way.**
8. **South any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.**
9. **Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.**

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 08/27/2021
Public Hearing Sign Posted By: RB
Ⓢ Public Hearing Sign Location



0 25 50 100 150 200
Feet
For Location Reference Only

FILE NO. C21-22
APPLICANT: Luis Alvarenga & Isabel Delgado
REQUEST: Use Unit 44 (mobile vending) in a C-6

PLANNING COMMISSION MEETING
September 7, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
QCF INVESTMENTS, LLC AT 909 BACKUS AVE AS SET
FORTH IN ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by QCF Investments, LLC for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2)

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a Conditional Use be granted to QCF Investments, LLC with the following conditions:

- 1. Cannot operate between the hours of 10:00 p.m. and 7:00 a.m.**
- 2. No obstruction of parking spaces required for the operation of any other use on the site.**
- 3. Maintain on the site a minimum of three parking spaces designated for their use.**
- 4. If a health certificate is required, display the health certificate in a manner visible to customers.**
- 5. No obstruction of pedestrian or motor vehicle traffic flow.**
- 6. No obstruction of traffic signals or regulatory signs.**
- 7. No vending upon a public way.**
- 8. Sound any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.**
- 9. Keep vending site clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.**

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to with the following conditions:

- 1. Cannot operate between the hours of 10:00 p.m. and 7:00 a.m.**
- 2. No obstruction of parking spaces required for the operation of any other use on the site.**
- 3. Maintain on the site a minimum of three parking spaces designated for their use.**
- 4. If a health certificate is required, display the health certificate in a manner visible to customers.**
- 5. No obstruction of pedestrian or motor vehicle traffic flow.**
- 6. No obstruction of traffic signals or regulatory signs.**
- 7. No vending upon a public way.**
- 8. Sound any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.**
- 9. Keep vending site clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.**

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 25 50 100 150 200
 Feet
 For Location Reference Only

FILE NO. C21-23
APPLICANT: QOF Investments, LLC
REQUEST: Use Unit 44 (mobile vending) in a C-2

PLANNING COMMISSION MEETING
 September 7, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
NANCI MABRY AT 1580 N. MONITOR ROAD AS SET
FORTH IN ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Nanci Mabry for a Use Unit 50 (Agricultural Occupation) in an Agricultural District (A-1).

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) and zero (0) no recommends that a Conditional Use be granted to Nanci Mabry with the following conditions:

1. Proposed residential structure and/or accessory structure must be contained on a lot, parcel or tract that meets the lot requirements for an agricultural zone.
2. No outside storage of materials required for the operation of the business.
3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.
4. Require the use of an area no greater than thirty (30) percent of the total heated living space of the residential structures or in an accessory structure an area to greater than the size of the residential structure.
5. Generates no traffic, parking, and sewage or water use in excess of what is normal for agricultural uses.
6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to agricultural activity.
7. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.
8. Will not require or cause the consumption of the premises of any food product produced thereon.
9. Will not provide medical treatment, therapeutic massage or similar activities.
10. No alteration of the outside appearance of the residential and/or accessory structure or provision of a separate outside entrance for the business areas of the residential structure.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Nanci Mabry with the following conditions:

1. Proposed residential structure and/or accessory structure must be contained on a lot, parcel or tract that meets the lot requirements for an agricultural zone.
2. No outside storage of materials required for the operation of the business.
3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.
4. Require the use of an area no greater than thirty (30) percent of the total heated living space of the residential structures or in an accessory structure an area to greater than the size of the residential structure.

- 5. Generates no traffic, parking, and sewage or water use in excess of what is normal for agricultural uses.
- 6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to agricultural activity.
- 7. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.
- 8. Will not require or cause the consumption of the premises of any food product produced thereon.
- 9. Will not provide medical treatment, therapeutic massage or similar activities.
- 10. No alteration of the outside appearance of the residential and/or accessory structure or provision of a separate outside entrance for the business areas of the residential structure.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

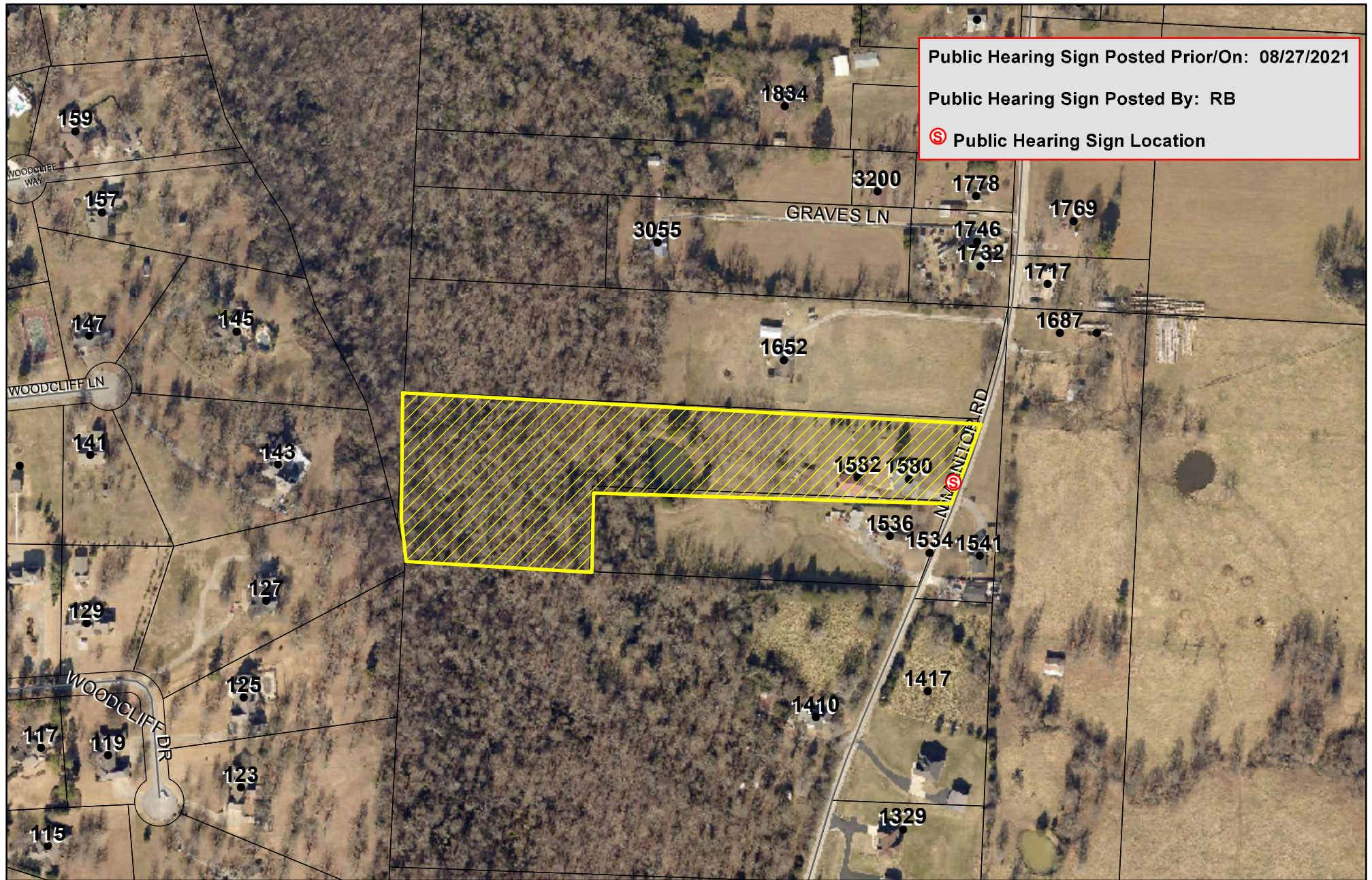
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 60 120 240 360 480
Feet
For Location Reference Only

FILE NO. C21-24
APPLICANT: Nanci & Mark Mabry
REQUEST: Use Unit 50 (agricultural occupation) in an A-1

PLANNING COMMISSION MEETING
September 7, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
SPRINGDALE PUBLIC FACILITIES BOARD AT THE
SOUTHWEST CORNER OF ANGELL DRIVE AS SET
FORTH IN ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Springdale Public Facilities Board for a Tandem Lot Split.

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a Conditional Use be granted to Springdale Public Facilities Board with the following conditions: No conditions set

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Springdale Public Facilities Board with the following conditions: No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 60 120 240 360 480
Feet
For Location Reference Only

FILE NO. C21-25
APPLICANT: Springdale Public Facilities Board
REQUEST: Tandem lot split in an I-1 zone

PLANNING COMMISSION MEETING
September 7, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
WAYNE AND BRENDA LOCKARD LIVING TRUST AT
THE END OF ANNIE LAURIE AVENUE AS SET FORTH IN
ORDINANCE NO. 4030**

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Wayne and Brenda Lockard Living Trust for a Tandem Lot Split.

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a Conditional Use be granted to Wayne and Brenda Lockard Living Trust with the following conditions: No conditions set

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Springdale Public Facilities Board with the following conditions: No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

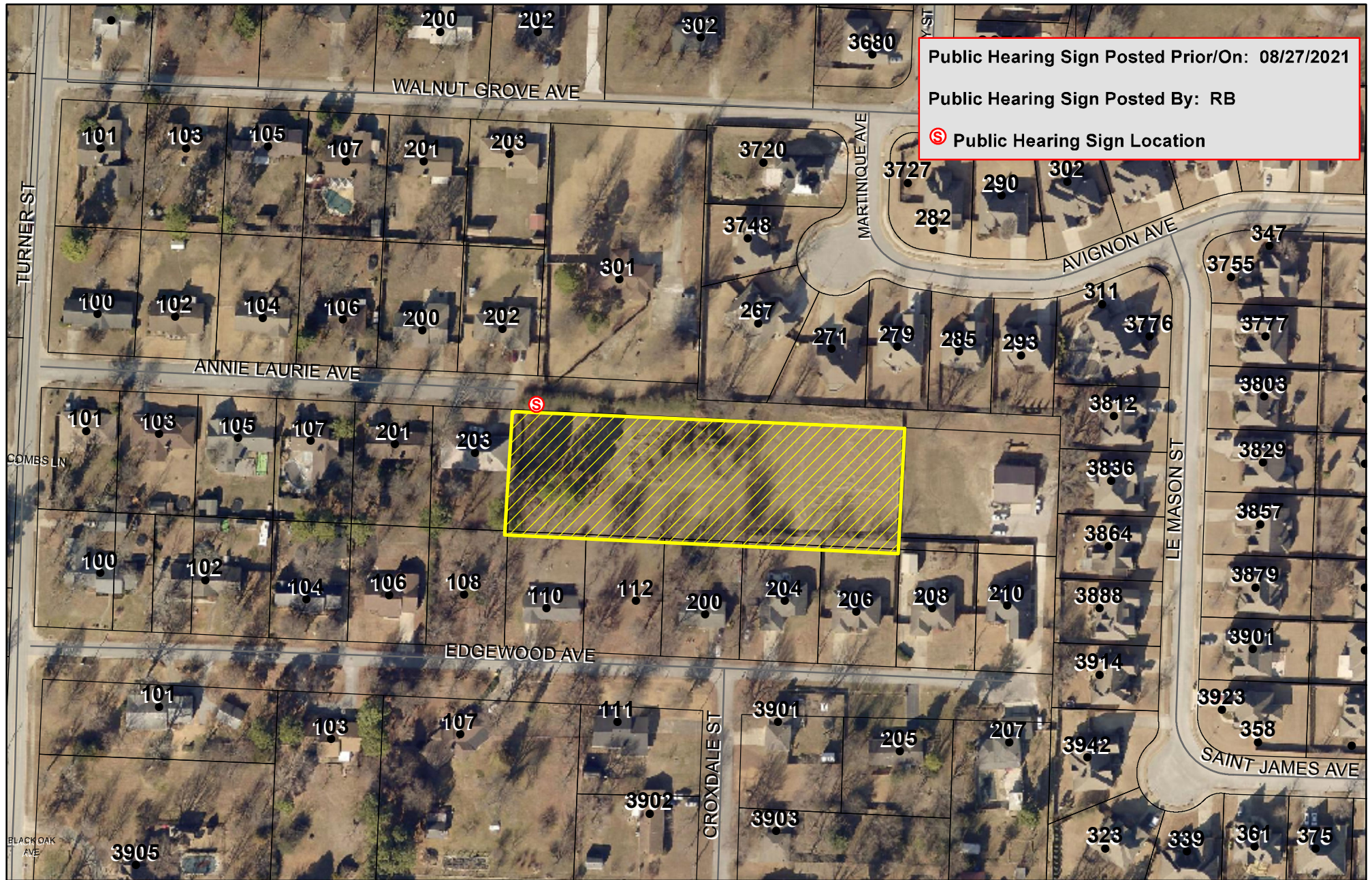
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 08/27/2021

Public Hearing Sign Posted By: RB

Ⓢ Public Hearing Sign Location



0 30 60 120 180 240
 Feet
 For Location Reference Only

FILE NO. C21-26
APPLICANT: Wayne & Brenda Lockard Living Trust
REQUEST: Tandem lot split in an SF-2 zone

PLANNING COMMISSION MEETING
 September 7, 2021

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO RANDY AND ANDI BROWN IN CONNECTION WITH 2350 N. 48TH STREET A SINGLE FAMILY DWELLING

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks in connection with 2350 N. 48TH Street, a single family dwelling for Randy and Andi Brown and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to N. 48TH Street including drainage improvements related thereto, sidewalks in connection with 2350 N. 48TH Street a single family dwelling.

Option 2: Denies a waiver of street improvements to N. 48TH Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with 2350 N. 48TH Street, a single family dwelling.

Option 3: Approves payment in lieu of improvements to N. 48TH Street in connection with 2350 N. 48TH Street, a single family dwelling with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to N. 48TH Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with 2350 N. 48TH Street, a single family dwelling.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

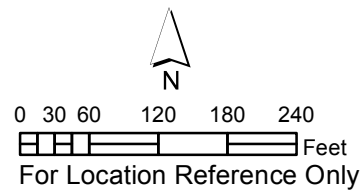
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. W21-14
APPLICANT: Andi & Randy Brown
REQUEST: Waiver of sidewalk improvements

PLANNING COMMISSION MEETING
September 7, 2021

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE FROM THE
NORTHWEST ARKANSAS COUNCIL**

WHEREAS, the City of Springdale wants to be part of a region-wide effort to protect its own residents and people across Northwest Arkansas from COVID-19 through vaccination and a region-wide communication plan; and

WHEREAS, the City of Springdale wants to partner with the Northwest Arkansas Council, Northwest Arkansas cities, Benton and Washington counties, Northwest Arkansas Chambers of Commerce, Walmart, the Walton Family Foundation and other partners to support community health and to ensure the protection of the region's health care systems; and

WHEREAS, the City has received an invoice for \$87,176 for the City's share of a 12-month media campaign and vaccination clinics.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay the Northwest Arkansas Council \$87,176 with funds from the American Rescue Plan Act.

PASSED AND APPROVED this 28th day of September, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

A RESOLUTION AMENDING THE
2021 BUDGET OF THE CITY OF
SPRINGDALE LIBRARY

WHEREAS, the Library has received insurance proceeds of \$26,981 for damage to the building; and

WHEREAS, the Library has also received a grant in the amount of \$56,000; and

WHEREAS, these funds have not been appropriated;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2021 budget of the City of Springdale Library is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Revenue	20201083970000	Insurance Recoveries	0	26,980		26,980
Revenue	20201083311000	Federal Grants	0	56,000		56,000
Expense	20201084565101	Buildings & Grounds	125,000	26,980		151,980
Expense	20201084565110	Computers Maintenance	66,000	56,000		122,000

PASSED AND APPROVED this 28th day of September, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



Springdale Public Library

Library in the Park

MEMO

TO: Wyman Morgan
Director of Administration & Finance

FR: Marcia Ransom 
Director, Springdale Public Library

RE: 2021 Budget Amendment

The Library has two situations which create the need for a 2021 Budget Amendment.

We sustained damage from the cold weather event in February when a pipe in the sprinkler system burst and damaged the facility and furnishings. The insurance company paid \$26,981.59 in damages.

We also received funds through the American Rescue Plan Act that were paid to public libraries through the Arkansas State Library. The funds are to be used to facilitate the Covid-19 relief process. We plan to use the \$56,000 received to upgrade our programming spaces to enable live streaming programming. The remaining funds will be used to upgrade computers and devices from 2020, when we spent our technology funds on Chromebooks and Hotspots for the publics' immediate use.

RESOLUTION NO. XX-XX

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR THE EXTENSION OF GENE GEORGE BOULEVARD SOUTH, PHASE I

WHEREAS, sealed bids were received for the extension of Gene George Boulevard South, Phase I, and

WHEREAS, Brothers Construction, Inc. was the low bidder for this project at \$4,797,830.50

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
FOR THE CITY OF SPRINGDALE, ARKANSAS, that**

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with Brothers Construction, Inc. for construction of an extension of Gene George Boulevard, Phase I, for \$4,797,830.50.

Section 2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders does not exceed 10% of the original contract price.

PASSED AND APPROVED this 28th day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Anna McKinney

From: Brad Baldwin <bbaldwin@springdalear.gov>
Sent: Friday, September 10, 2021 2:55 PM
To: Doug Sprouse
Cc: Colby Fulfer; Wyman Morgan; Anna McKinney; Ryan Carr
Subject: RE: Gene George, Phase I Resolution
Attachments: 040680aw.ltr.pdf; reso.docx

Mayor –

A Committee agenda item is needed for discussion of a resolution (attached) awarding the Gene George South, Phase I construction contract to Brothers Construction. We just received the bid award concurrence letter from ArDOT (attached). There is an obligation on the part of the City to award the contract within a specific number of days of the bid opening or the contractor can withdraw the bid. In the case of projects that have federal funding, ArDOT must review the bid documents and concur with award of the contract to the low bidder. The ArDOT review period has gotten rather long recently (assumed to be because of Covid) and it is has put us against the deadline for bid award and contract execution in this case.

The low bid was higher than the engineer's estimate in this case by a significant amount (\$1.6 MM). We were able to go back to the NWA Regional Planning Commission to request additional funding to make up the difference in what was bid and the estimated/expected cost. NWA Regional Planning Commission did approve approximately \$1.6 MM in additional funding to make up the project shortfall. This is will free up approximately \$1.6 MM in Bond funding that would have been required by this project.

Thank you,
Brad

ENGINEERING SERVICES INC.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72764 • (479) 751-8733 • Established 1971

June 8, 2021

Mr. Ryan Carr, PE, CFM
City of Springdale Engineering Department
269 E Randall/Wobbe Ln
Springdale, Arkansas 72764

RE: Recommendation of Award
Gene George Blvd South Extension (City 18BPS11)
Phase I – Don Tyson Pkwy to 56th Street, Springdale, AR

Mr. Carr:

Enclosed please find a tabulation of the bids received June 3, 2021 for the referenced project. Three bids were submitted; low bidder was Brother's Construction, Inc. with the total bid of \$4,797,830.50 summarized below.¹

<u>Schedule</u>		<u>Amount Bid</u>
Sch A (Street & Storm Drainage Improvements)	-	\$3,872,805.50
Sch B (Utility Improvements)	-	\$925,025.00
Total Bid	-	\$4,797,830.50

At the request of Springdale Water Utilities, some infrastructure within Schedule B represents system improvements beyond typical relocation efforts. The prorated responsibilities within Schedule B are summarized below and detailed on the following page.

<u>Schedule</u>		<u>Amount Bid</u>
Relocation (City Responsibility)	-	\$320,797.28
Improvements (Other Responsibility)	-	\$604,227.72
Total Schedule B	-	\$925,025.00

Therefore, the total City responsibility (not including grant) for the project is **\$4,193,602.78**. We recommend the City of Springdale award the contract to Brother's Construction, Inc.

Very truly yours,



Digitally signed by Brandon J.
Rush
Date: 2021.06.08 13:38:57-05'00'

Brandon J. Rush, PE

cc Brad Baldwin, PE, CFM, GISP; Wyman Morgan (City of Springdale)
Jason Appel, PE; J. Strain, PE; and Blake Murray, PE, CFM (ESI)

¹ Following correction of a math error in the submitted bid.



Brian J. Moore, P.E.
President

Tim J. Mays, P.E.
Vice President

Jason Appel, P.E.
Secretary / Treasurer

Jerry W. Martin
Chairman of the Board

Consulting Engineers & Surveyors

www.engineeringservices.com

Item No.	Description	Quantity	Unit	Unit Price	Total Amount
70	Springdale Water & Sewer Commission Maintenance Bond	0.5	LS	\$45,000.00	\$22,500.00
71	Trench Excavation & Safety	0.5	LS	\$41,000.00	\$20,500.00
72	Section G18 Compliance; Cut, Cap, & Abandon Existing Water Mains & Return Items to SWU	0.5	LS	\$40,000.00	\$20,000.00
73	Flowable Select Trench Backfill	252	LF	\$140.00	\$35,280.00
78	6" Special Class 50 Ductile Iron Water Main	1800	LF	\$55.00	\$99,000.00
79	Restrained Joint Cement Lined Compact Ductile Iron Fittings	2075	LB	\$7.50	\$15,562.78
80	12" x 6" Tapping Sleeve & Valve	1	EA	\$7,000.00	\$7,000.00
81	6" x 6" Tapping Sleeve & Valve	1	EA	\$3,500.00	\$3,500.00
-	6" Gate Valve	13	EA	\$1,500.00	\$19,500.00
82	1" Coated Copper Water Service Line	750	LF	\$40.00	\$30,000.00
83	2" Schedule 40 PVC Conduit for Water Service Line	500	LF	\$35.00	\$17,500.00
-	6" x 1" Service Saddle	7	EA	\$262.50	\$1,837.50
86	Single Service Water Meter Assembly	7	EA	\$675.00	\$4,725.00
87	Double Service Water Meter Assembly	1	EA	\$900.00	\$900.00
88	Irrigation Meter Assembly	1	EA	\$900.00	\$900.00
89	Pressure Reducing Assembly for Water Service	1	EA	\$900.00	\$900.00
90	Connect to Existing Water Service Line (Licensed Plumber)	7	EA	\$400.00	\$2,800.00
91	6" Fire Hydrant Assembly w/ 6" Gate Valve	2	EA	\$5,000.00	\$10,000.00
-	12" Steel Encasement	16	LF	\$87.00	\$1,392.00
110	Tracer Wire Port	10	EA	\$300.00	\$3,000.00
113	Abandon Existing Septic System and Connect to SWU Sewer	0.5	EA	\$4,000.00	\$2,000.00
114	Abandon Existing Domestic Water Well	0.5	EA	\$4,000.00	\$2,000.00

Water Relocation Cost (City Responsibility)

\$320,797.28

Z:\Engineers\00 - Engineer Projects\14959 56TH STREET\Correspondence\City\Carr 2021-06-08 Recommendation of Award.docx

BID TABULATION SUMMARY
June 3, 2021

Gene George Boulevard, South Extension
Phase I - Don Tyson Parkway to 56th Street
Street, Storm Drainage, Water, & Sewer Improvements
City of Springdale Project 18BPS11

Engineering Services, Inc.
PO Box 282
Springdale, Arkansas
(479) 751-8733

BIDDER	TOTAL BID AMOUNT
Brothers Construction, Inc. *	\$4,797,830.50
Crossland Heavy Contractors, Inc.	\$4,885,991.00
APAC-Central, Inc.	\$5,130,642.75

I hereby certify that this is a true and correct report of the bids received on June 3, 2021.



Digitally signed by Brandon J. Rush
Date: 2021.06.08 13:52:57-05'00'

Engineering Services, Inc.
Brandon J. Rush, P.E.

* Total Bid Amount was corrected for math error.





ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

September 3, 2021

The Honorable Doug Sprouse
Mayor of Springdale
201 Spring Street
Springdale, AR 72764

Re: Job 040680
F.A.P. STPU-9399(19)
56th St. Widening & Extension
(Springdale/Johnson) (S)
Washington County

Dear Mayor Sprouse:

We have received your request for concurrence in award, the bid tabulations, and the \$1,000 deposit for Department administration costs for the referenced project. The Department concurs in the award of the project in the amount of \$4,797,830.50 to the low bidder, Brother's Construction, Inc., of Van Buren, based on a review of the bid tabulations and the City's certification that the project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations. Please include the enclosed approved DBE participation forms in the contract for the project.

Once the contract is executed, you may issue a work order to begin construction. The LPA Report of Work Performed (Attachment I of the Agreement of Understanding) must be submitted with each request for reimbursement and the Final Acceptance Report (Attachment J of the Agreement of Understanding) must be submitted at the completion of the project. These are available from Bashar Qedan, the Department's Resident Engineer in Fayetteville, who can be contacted at (479) 251-9266. Also, Bashar must be invited to attend the pre-construction conference for this project. You must submit all change orders to the contract to Bashar for review and approval for program eligibility.

Sincerely,

Jared D. Wiley
Assistant Chief Engineer – Planning

Enclosures

c: Deputy Director and Chief Engineer
Construction
Program Management
Transportation Planning and Policy
District 4
Resident Engineer #43
Job 040680 'C' File
Mr. Jeff Hawkins, Executive Director, NWA Regional Planning Commission

ARKANSAS DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

JOB 040680

NOTE: PROPOSED PARTICIPATION BY DBEs MAY BE SHOWN BELOW AND SUBMITTED WITH BIDDER'S PROPOSAL, OR THE REQUIRED INFORMATION MAY BE SUBMITTED IN KEEPING WITH THE STANDARD SPECIFICATIONS AND THE SPECIAL PROVISIONS "GOALS FOR DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION" AND "DISADVANTAGED BUSINESS ENTERPRISE BIDDER'S RESPONSIBILITIES".

As provided in the Special Provision "Goals for Disadvantaged Business Enterprise Participation", the undersigned bidder proposes to use the certified DISADVANTAGED BUSINESS ENTERPRISE (DBE) subcontractors listed below to meet the goal of 10.0% of the total contract by DBEs. Only work or services that will actually be provided by the DBE firm(s) should be shown.

NAME & ADDRESS	LINE #	ITEM DESCRIPTION	AMOUNT
✓ Envirotrac Safety & Erosion Control Inc PO Box 985 Danville, Ar. 72833	44✓	Seeding (1000)✓	\$ 4,777.30
	45✓	Solid Sodding (1004)✓	73,600.00
	46✓	Additional Water (1000)✓	25.00
	53✓	Erosion Control (1000)✓	26,837.24
	56✓	3 Rail Wood Fence (1019)✓	7,730.00
	57✓	Barbed Wire Fence (1019)✓	8,928.00
	70✓	Gravity Block Retaining Wall Approve Per Dwayne Cole	374,022.50
			495,920.04✓

If any firm listed above is a regular dealer, but not a manufacturer, the total amount of the agreement and the amount to be credited (60%) should be recorded on this form.

Total for DBEs - \$ 539,010.04✓^{NH} or 11.23%✓^{NH} of bid.

✓ Brothers Construction Inc
(Contractor)

By: ✓ Dehl Mooney
Title: Sect

The named DBE subcontractors confirm their participation in the contract as provided in the commitment.

DBE Firm: DBE Owner or Authorized Representative's Signature:
1. ✓ Envirotrac Safety & Erosion Control Inc. ✓ TSL M. - PRESIDENT
2. _____
3. _____
4. _____

ARKANSAS DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

JOB 040680

NOTE: PROPOSED PARTICIPATION BY DBEs MAY BE SHOWN BELOW AND SUBMITTED WITH BIDDER'S PROPOSAL OR THE REQUIRED INFORMATION MAY BE SUBMITTED IN KEEPING WITH THE STANDARD SPECIFICATIONS AND THE SPECIAL PROVISIONS "GOALS FOR DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION" AND "DISADVANTAGED BUSINESS ENTERPRISE BIDDER'S RESPONSIBILITIES".

As provided in the Special Provision "Goals for Disadvantaged Business Enterprise Participation", the undersigned bidder proposes to use the certified DISADVANTAGED BUSINESS ENTERPRISE (DBE) subcontractors listed below to meet the goal of 10.0% of the total contract by DBEs. Only work or services that will actually be provided by the DBE firm(s) should be shown.

NAME & ADDRESS	LINE #	ITEM DESCRIPTION	AMOUNT
✓ Time Striping Inc	# 2	Roadway Constr. Control	\$ 10,475.00
Po Box 1236	47	Mailboxes (1637)✓	2,800.00
Van Buren, Ar.	48	4" Striping Thermo plastic (719)✓	2,940.00
72957	49	Pvmt Symbols (Thermoplastic) (719)✓	9,375.00
	50	Crosswalks (Thermoplastic) (719)✓	7,000.00
	51	24" Stop Bar (Thermoplastic) (719)✓	1,500.00
	52	Permanent Regulatory Signs (726)✓	7,500.00
	59	Project Signs (1604)✓	1,500.00
			\$ 43,090.00 ✓

If any firm listed above is a regular dealer, but not a manufacturer, the total amount of the agreement and the amount to be credited (60%) should be recorded on this form.

Total for DBEs - \$ _____ or _____ % of bid.

✓ Brothers Construction Inc
(Contractor)

By:

✓ David Mooney
Sect

Title:

The named DBE subcontractors confirm their participation in the contract as provided in the commitment.

DBE Firm:

DBE Owner or Authorized Representative Signature

1. ✓ Time Striping

✓ [Signature]

2. _____

3. _____

4. _____

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE CITY
CLERK TO FILE A CLEAN-UP LIEN FOR
THE REMOVAL OF OVERGROWN BRUSH
AND DEBRIS ON PROPERTY LOCATED
WITHIN THE CITY OF SPRINGDALE,
ARKANSAS AND DECLARING AN EMERGENCY**

WHEREAS, the following real property
located in Springdale, Washington County,
Arkansas, is owned as set out below:

PROPERTY OWNER: Emma Corner Funding LLC
LEGAL DESCRIPTION: Part of the NE1/4 of the NW1/4 of Section 5, Township 17 North, Range 29 West and part of the S1/2 of the SW1/4 of Section 32, Township 18 North, Range 29 West, Washington County Arkansas being more particularly described as follows: Commencing at an existing stone marking the NE corner of the NE1/4; thence N87°23'19" 270.59 to a set rebar with cap on the Southerly right-of-way line of Butterfield Coach Road and the Point of Beginning; thence leaving said right-of-way and continuing N87°23;19"W 191.65 feet to an existing rebar; thence S02°23'40" 200.00 feet; thence S87°23'18" E 326.16 to a set rebar with cap on the Southerly right-of-way of Butterfield Coach Road; thence along said right-of-way line, around a curve to the right having a radius of 980.48 feet, and subtended by a chord bearing and distance of S23°23'00" E 33.78 feet to a set rebar with cap; thence leaving said right-of-way line, N87°34'22"W 1200.36 feet to a set rebar with cap; thence N02°26'44"E 230.96 feet to set rebar with cap marking the NW corner of the NE1/4 of the NW1/4; thence N02°38'02"E 656.98 feet; thence S88°10'36"E 140.14 feet to a set rebar with cap on the Southerly right-of-way line of Butterfield Coach Road; thence along said right-of-way, the following bearings and distance: Around a curve to the left have a radius of 840.00 feet and subtended by a chord bearing and distance of S46°20'42"E 435.69 feet; S61°22'32"E 304.45 feet; around a curve to the right having a radius of 980.48 feet, and subtended by chord bearing a distance of S49°57'14"E 388.33 feet to the Point of Beginning.
LAYMAN'S DESCRIPTION: Emma Avenue Parcel 815-30757-000
PARCEL NO.: 815-30757-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the properties described above, and instructed to clean the properties in accordance with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result, the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and as shown in the attached Exhibits:

\$417.91 clean-up costs and \$22.16 administrative costs – Emma Avenue Parcel #815-30757-000

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these properties to collect the amounts expended by the City in cleaning up these properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Washington County Tax Collector as delinquent taxes and collected accordingly:

\$440.07, plus 10% for collection – Emma Avenue (Parcel No.815-30757-000)

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 20____.

Doug Sprouse, Mayor

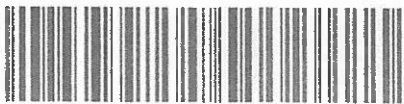
ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



9590 9402 5688 9346 5658 34

United States
Postal ServiceFirst-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

* Sender: Please print your name, address, and ZIP+4® in this box *

OFFICE OF THE
CITY ATTORNEY
204 NORTH SPRING STREET 204 Blair
SPRINGDALE, ARKANSAS 72764

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Emma Corner Funding LLC
4611 Rogers Ave., Suite 201
Ft. Smith, AR 72903

9590 9402 5688 9346 5658 34

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Kayla Madera-Keith*☐ Agent☐ Addressee

B. Received by (Printed Name)

Kayla Madera-Keith

C. Date of Delivery

*9.2.21*D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

2.

7019 2970 0000 7254 5684

Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

RESOLUTION NO. _____

A RESOLUTION TO LEVY WASHINGTON
COUNTY AD VALOREM TAXES OF THE CITY
OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes no later than October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes and voluntary taxes will be collected by the Tax Collector of Washington County.

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

SECTION 1: That the following levies be approved for collection in the year 2022 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2021 property tax levy to be collected by the Washington County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN’S PENSION	.0005	.0005
POLICEMEN’S PENSION	.0005	.0005
TOTAL	<u>.0057</u>	<u>.0057</u>

SECTION 2: The 2021 voluntary taxes to be collected by the Washington County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
CITY FIRE FUND	.0015	.0015
LIBRARY	.001	.001
TOTAL	<u>.0025</u>	<u>.0025</u>

SECTION 3: The voluntary taxes will be printed in the Washington County Tax Collector’s office and shall be billed and collected by the Washington County Tax Collector's office.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION TO LEVY BENTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes no later than October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes will be collected by the County Clerk and Tax Collector of Benton County.

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

SECTION 1: That the following levies be approved for collection in the year 2022 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2021 property tax levy to be collected by the Benton County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN’S PENSION	.0005	.0005
POLICEMEN’S PENSION	.0005	.0005
TOTAL	<u>.0057</u>	<u>.0057</u>

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

SPRINGDALE CITY COUNCIL
SEPTEMBER 14, 2021

The City Council of the City of Springdale met in regular session on Tuesday, September 14, 2021, in the tiered training room in the new Criminal Justice Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 1
Amelia Williams	Ward 3
Jeff Watson	Ward 3 (Absent)
Mike Overton	Ward 2
Mike Lawson	Ward 4
Kevin Flores	Ward 2 (Absent)
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Public Works & Eng. Director
Ron Findley	Community Engagement Director
Mike Chamlee	Chief Building Official
Chad Wolf	Parks & Recreation Director
Colby Fulfer	Chief of Staff

APPROVAL OF MINUTES

Council Member Overton moved the minutes of the August 24, 2021 City Council meeting be approved as presented. Council Member Williams made the second.

There was a voice vote of all ayes and no nays.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Overton made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Williams made the second.

The vote:

Yes: Williams, Overton, Lawson, Harriman, Fougerousse, Powell

No: None

DISCUSSION REGARDING THE ENCLOSURE OF A SWIMMING POOL LOCATED AT 313 E. APPLE BLOSSOM

City Attorney Ernest Cate said our City of Springdale Property Maintenance Code requires swimming pools that contain water more than 24 inches of water have to be surrounded by a fence or barrier at least 48 inches in height. There is a property located at 313 E. Apple Blossom that was brought into the City of Springdale with the Bethel Heights consolidation. Neighborhood Services discovered an above ground pool at that location without an enclosure. There have been some instances like this where they have

been grandfathered in. Neighborhood Services is looking for guidance on this particular item.

The Bowens who own this property said they never leave the ladder on the pool.

Council Member Overton made the motion to grandfather this swimming pool as is into the City of Springdale. Council Member Lawson made the second.

The vote:

Yes: Overton, Lawson, Harriman, Fougrousse, Powell, Williams

No: None

RESOLUTION NO. 106-21 – MAKING AN APPOINTMENT TO THE ADVERTISING AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE, ARKANSAS

Mayor Doug Sprouse presented a Resolution making the appointment of Adriana Torres to the Advertising and Promotion Commission of the City of Springdale, Arkansas.

RESOLUTION NO. ____

**A RESOLUTION MAKING AN APPOINTMENT TO THE
ADVERTISING AND PROMOTION COMMISSION OF THE CITY
OF SPRINGDALE, ARKANSAS**

WHEREAS, the Advertising and Promotion Commission is looking to appoint a new member to fill the At Large Position; and

WHEREAS, A.C.A. 26-75-605 and Ordinance No. 3293 provide that appointments for these positions will be made by the remaining members of the Commission subject to approval of the City Council, and

WHEREAS, the Advertising and Promotion Commission has recommended the appointment of Adriana Torres to fill the At Large Position, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that Adriana Torres is hereby appointed with a term set to expire September 14th, 2025 on the Advertising and Promotion Commission.

PASSED AND APPROVED this ____ day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Lawson, Harriman, Fougrousse, Powell, Williams, Overton

No: None

The Resolution was numbered 106-21.

RESOLUTION NO. 107-21 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THE THOMAS G. AND MARILYN J. KILPATRICK TRUST IS DEFENDANT (PROJECT NO. 18BPS12, TRACT 24)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein the Thomas G. and Marilyn J. Kilpatrick Trust is Defendant (Project No. 18BPS12, Tract 24).

The City of Springdale filed a lawsuit against the Thomas G. & Marilyn J. Kilpatrick Trust to condemn property owned by the Trust for the Har-Ber Avenue Extension Project (48th St. to Gutensohn St.). The sum of \$450,000.00 was deposited into the Registry of the Court as estimated just compensation for the full taking of the property. The property owner has extended a counter-offer that the City pay the total sum of \$590,000.00 to acquire the lands needed for the project, based on an appraisal conducted on behalf of the Trust.

It is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$140,000.00 to acquire the property needed from the Trust, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THE THOMAS G. & MARILYN J. KILPATRICK TRUST IS DEFENDANT (PROJECT NO. 18BPS12, TRACT 24).

WHEREAS, the City of Springdale has filed a lawsuit against the Thomas G. & Marilyn J. Kilpatrick Trust to condemn property owned by the Trust for the Har-Ber Avenue Extension Project (48th St. to Gutensohn St.)(Project No. 18BPS12, Tract 24);

WHEREAS, the City of Springdale deposited the sum of \$450,000.00 into the Registry of the Court as estimated just compensation for the full taking of the property;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$590,000.00 to acquire the lands needed for the project, said amount being based on an appraisal conducted on behalf of the Trust;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$140,000.00 to acquire the property needed from the Trust, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Kilpatrick Trust condemnation lawsuit for the total sum of \$590,000.00, with the additional \$140,000.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Overton moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Overton, Lawson

No: None

The Resolution was numbered 107-21.

RESOLUTION NO. 108-21 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN DAVID W. WATSON AND DONNA K. WATSON ARE DEFENDANTS (PROJECT NO. 18BPS1, TRACTS 53 & 54)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein David W. Watson and Donna K. Watson are defendants (Project No. 18BPS1, Tracts 53 & 54).

The City of Springdale filed a lawsuit against David W. Watson and Donna K. Watson to condemn property owned by the Watsons for the Gene George Boulevard Project (Bleaux Ave. to Elm Springs Rd.). The sum of \$57,900.00 was deposited into the Registry of the Court as estimated just compensation for the taking of the property needed for the Project. The property owner has extended a counter-offer that the City pay the total sum of \$170,000.00 to acquire the lands needed for the project, based on an appraisal conducted on behalf of the property owners.

It is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$112,100.00 to acquire the property needed from the property owners, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN DAVID W. WATSON AND DONNA K. WATSON ARE DEFENDANTS (PROJECT NO. 18BPS1, TRACTS 53 & 54).

WHEREAS, the City of Springdale has filed a lawsuit against David W. Watson and Donna K. Watson to condemn property owned by the Watsons for the Gene George Boulevard Project (Bleaux Ave. to Elm Springs Rd.)(Project No. 18BPS1, Tracts 53 & 54);

WHEREAS, the City of Springdale deposited the sum of \$57,900.00 into the Registry of the Court as estimated just compensation for the taking of the property needed for the Project;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$170,000.00 to acquire the lands needed for the project, said amount being based on an appraisal conducted on behalf of the property owners;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$112,100.00 to acquire the property needed from the property owners, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Watson condemnation lawsuit for the total sum of \$170,000.00, with the additional \$112,100.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Overton moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Overton, Lawson, Harriman

No: None

The Resolution was numbered 108-21.

RESOLUTION NO. 109-21 – WAIVING COMPETITIVE BIDDING AND AUTHORIZING IMPROVEMENTS TO THE RECREATION CENTER

Council Member Mike Lawson presented a Resolution waiving competitive bidding and authorizing improvements to the Recreation Center.

Parks and Recreation Director Chad Wolf said he had received two quotes for the installation of an elevator and improvements to the entry of the Recreation Center. The low quote came from Milestone Construction Company LLC in the amount of \$366,017.

Mayor Sprouse said this will be funded with the Parks set aside money.

RESOLUTION NO. ____

**A RESOLUTION WAIVING COMPETITIVE BIDDING AND
AUTHORIZING IMPROVEMENTS TO THE RECREATION
CENTER**

WHEREAS, the Parks & Recreation Director has obtained quotes for the installation of an elevator and improvements to the entry of the Recreation Center, and

WHEREAS, the low quote of \$366,017 was received from Milestone Construction Company, LLC,

WHEREAS, A.C.A. § 14-58-303 (b)(2)(B) states "The governing body by Resolution may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical".

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that competitive bidding is hereby waived for the remodeling of the Recreation Center front entrance including the installation of an elevator and the Mayor is hereby authorized to execute a contract with Milestone Construction Company to perform the work for \$366,017.

PASSED AND APPROVED this ____ day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Powell, Williams, Overton, Lawson, Harriman, Fougrousse

No: None

The Resolution was numbered 109-21.

ORDINANCE NO. 5642 – REZONING .25 ACRES OWNED BY MAE ETTA MATTHEWS REVOCABLE TRUST LOCATED AT 515 E. HWY 264, FROM SF-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .25 acres owned by Mae Etta Matthews Revocable Trust located at 515 E. Hwy. 264, from SF-1 to C-2 and declaring an emergency.

Planning Commission recommended approval at their September 7, 2021 meeting.

After reading the title of the Ordinance, Council Member Williams moved the Ordinance “Do Pass”. Council Member Powell made the second.

The vote:

Yes: Williams, Lawson, Harriman, Fougrousse, Powell

No: None

Abstain: Overton

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Overton, Lawson, Harriman, Fougrousse, Powell, Williams

No: None

The Ordinance was numbered 5642.

FIRE CHIEF RETIREMENT

Fire Chief Mike Irwin announced his retirement effective November 30, 2021.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Lawson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:14 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer