

- The next Committee Meeting will be held on Monday, September 20th, 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 14th, 2021**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Randall Harriman

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 – August 24th, 2021: **Minutes located at the back of Agenda. Pgs. 24-33**
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) 12. Motion must be approved by two-thirds (2/3) of the council members*.
8. **A Discussion** regarding the enclosure of a swimming pool at 313 E. Apple Blossom. **Pgs. 1-2**

9. Appointments

A Resolution making an appointment to the Advertising and Promotion Commission of the City of Springdale, Arkansas. **Pgs. 3-4**

10. Finance Committee by Chairman Jeff Watson

A. **A Resolution** authorizing the City Attorney to settle a Condemnation Lawsuit wherein the Thomas G. & Marilyn Kilpatrick Trust is defendant (Project NO. 18BPS12, Tract 24). Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. **Pgs. 5-11**

B. **A Resolution** authorizing the City Attorney to settle a Condemnation Lawsuit wherein the David W. Watson and Donna K. Watson are defendants (Project NO. 18BPS1, Tract 53 & 54). Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. **Pgs. 12-18**

11. Parks and Recreation Committee by Chairman Mike Lawson

A Resolution waiving competitive bidding and authorizing improvements to the Recreation Center. Forwarded from Committee with recommendation for approval. Presented by Chad Wolf, Director of Springdale Parks and Recreation. **Pgs. 19-20**

12. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development

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 515 E. Hwy 264 from Low Density Single Family Residential District (SF-1) to General Commercial District (C-2) and declaring an emergency. **Pgs. 21-23**

13. Comments from Council Members.

14. Comments from City Attorney.

15. Comments from Mayor.

16. Adjournment.



****WARNING NOTICE** - 9/1/2021 12:06 PM (ISIDRO CODE 1)**

Form Started: 9/1/2021 12:10:16 PM
Form Submitted: 9/1/2021 12:10:16 PM
Status: **WARNING**/ 7 DAY REINSPECT
Order # CEAP 313

Form Fields:

City of Springdale Neighborhood Services Division

Officer I. Camacho (479-263-1144)

Date of **WARNING**

9/1/2021 11:06 AM

Address of Violation

313 E Apple Blossom

City Requirements

Requirements of city code include removing all tall grass, weeds, construction materials, junk, trash, brush and debris from the property. The property consists of the front, back and side yards (WHETHER FENCED OR UNFENCED), open porches, carports and patios along with any weeds in the flower beds and/or bordering the house and fence. City code also requires that all trash cans be kept in the side or back yard, behind the front corner of the structure. ITEMS ALLOWED OUTSIDE WOULD BE TOYS, LAWN EQUIPMENT (NO CHEMICALS), GRILLS, PET HOUSES/STRUCTURES AND OUTDOOR RECOGNIZED FURNITURE.

NARRATIVE - VIOLATIONS IDENTIFIED ON YOUR PROPERTY INCLUDE, BUT ARE NOT LIMITED TO...

Above ground pool requires fencing, City ordinance. Please call if you have any questions. Thanks

Code Violated

#91 Property Maintenance

Section / Title

*66,67 Swimming Pool Maintenance and Enclosures

THIS IS ONLY A NOTICE! Please remove the violation(s) from the property before the reinspect date, and NO further action will be necessary. If the violation(s) are not removed by the re-inspect date, a citation may be issued.
Re-inspect Date

9/9/2021

Pictures of Violations

Attached Data



Sec. 91-67. - Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing, self-latching, or be locked. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(Ord. No. 3691, 6-14-05; Ord. No. 4833, § 1, 9-23-14)

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 14th day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Anna McKinney

From: Bill Rogers <bill@chamber.springdale.com>
Sent: Thursday, August 26, 2021 4:33 PM
To: Anna McKinney
Subject: Torres bio

Anna

I believe you need Adriana's bio. Let me know if you need anything else.



BILL ROGERS, IOM
President

Springdale Chamber of Commerce
P.O. Box 166 Springdale, AR 72765
479.872.2222 | springdale.com

Adriana Torres is a Senior Vice President and Loan Servicing/Operations Manager for Legacy National Bank. A native of Mexico, Torres has lived in Springdale since the age of six. An avid trails user, she enjoys running and biking the region's trails and has been a member of the Columbus House Running Club since 2017. Torres, a graduate of the Springdale Leadership 2020 class, serves as the volunteer chair of the Kendrick Fincher Hydration Foundation 5k race and has volunteered at the Springdale Salvation Army and women's shelter. She is a member of the Springdale Chamber Board of Directors

Adriana Torres
104 W Bailey Ave Springdale AR
479-301-4003
Adriana.torres@legacyar.com



Adriana Torres
SVP Loan Servicing/Operations Manager
479.717.1967 (Office)
479.301.4003 (Cell)

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 _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Appraisal Report

**City of Springdale v Thomas G. & Marilyn J. Kilpatrick Trust
Washington County Circuit Court: Case #72-CV- 20-2269
4579 Rusty Ln., Springdale, AR 72762
December 18, 2020**

Presented To:

**Steve Lisle
Lisle Rutledge P.A.
1458 Plaza Place
Springdale, AR 72764**

Presented By:

**The Real Estate Consultants
118 N. East Avenue
Fayetteville, AR 72701**

Prepared By:

**Mark E. Risk, GAA
AR State Certified General Appraiser #CG0202**

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File # 20-0107

Transmittal Letter



Date: January 27, 2021

To: Mr. Steve Lisle
1458 Plaza Place
Springdale, AR 72764

Re: *City of Springdale, Arkansas vs. Thomas G. & Marilyn Kilpatrick Trust*
Washington County Circuit No. 72CV-20-2269

Dear Mr. Lisle:

Per your request, I hereby certify I conducted a survey of matters pertinent to developing an opinion of the **Market Value and Just Compensation** resulting from the proposed acquisition of the subject property takings by the City of Springdale. You are the client and intended user. This report is prepared for your exclusive benefit and may not be relied upon by any other party. Any other party relying on information contained in this document, without express permission, does so at their own risk.

I also certify this appraisal report conforms to Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. The following pages contain data gathered during my investigation, showing the appraisal process in detail with conclusions rendered. Please note this report is subject to stated Assumptions & Limiting Conditions, including any applied Extraordinary Assumptions &/or Hypothetical Conditions.

My primary emphasis was to determine the following:

- Estimate the market value of the subject property as of the effective date of the appraisal.

In the following sections, I analyze relevant facts and apply appropriate appraisal processes to the subject property. After a thorough analysis an opinion of value can be made. Therefore, it is my considered opinion that the Just Compensation due to the property owner as a result of the property taking by the City of Springdale, – **as of the Effective Date of December 18, 2020** and subject to referenced assumptions and conditions – is as follows:

Six Hundred Thousand Dollars
\$600,000

Respectfully submitted,

Mark E. Risk, GAA
AR State Certified General Appraiser #CG0202
The Real Estate Consultants, Inc.

Springdale v. Thomas and Marilyn Kilpatrick (Washington Co. 72CV-20-2269)

Property Address: 4579 Rusty Ln., Springdale

Project: #18BPS12

SETTLEMENT OFFER

The following information is provided for settlement purposes only.

Background:

Tom and Marilyn Kilpatrick bought their 3.36 wooded acres in 1976 and finished building their 4,362-sf home on the property in 1979. Their homesite also included a 1,800-sf utility building. They lived there for 42 years until the property was taken by the city for this road project. Tom is 77 years old, and Marilyn is 74. Like most people of their age, they are retired, living on a fixed income, and managing health-related issues. They were displaced from their home at a time of unprecedented rapid appreciation in the local real estate market.

At the time of the taking, there were very few residences listed for sale. This remains the state of the local market at the present time. The homes that were for sale would sell within days or hours of listing and often sold at above the seller's asking price and more than appraised value. The Kilpatricks were not able to find a similar-sized replacement house with property that they could afford for the \$445,000.00 tendered as just compensation by the city. In addition to losing their home and acreage, the Kilpatricks lost the 1,800-sf utility building that they used for many years. They spent many hours culling through their belongings and packing and moving the things that they could keep. They were forced to sell and give away much of their property because they did not have room to store it at the replacement house that they ultimately bought in a residential neighborhood. They have been paying nearly \$100.00 per month to store some of the property

that they kept in an off-site storage unit. One of Tom's hobbies was working on antique cars. He had to sell those cars because they could not find a property with sufficient area for him to keep them.

Unlike most eminent domain projects that result in the taking of a primary residence, this project does not qualify for any relocation assistance. Due to the hardship imposed on homeowners like the Kilpatricks in cases like this, all federal, and many state, projects require the condemning authority to provide the homeowner with relocation assistance. This requirement recognizes that a homeowner suffers financial damages from moving costs and the forced purchase of a replacement home within a short period of time. Displaced homeowners have no choice but to purchase a home that happens to be currently on the market, and they have little time to negotiate. The Kilpatricks did not have the opportunity to take advantage of the rising market by offering their home for sale. If not for the forced taking of their home, they would have been able to sell their property at above appraised value. Instead, they were paid a lower than market price and forced to enter the market as buyers when replacement homes were selling at rapidly increasing prices above appraised values.

Appraisals:

The Reed & Associates appraisers determined that the property was well-suited for future commercial development. They appraised the property at \$450,000.00. It is important to note that their appraisal was completed on May 21, 2020, before the taking and before the unprecedented appreciation in local real estate values had reached its highest levels. The exposure times of the comparable sales used, which occurred years prior to taking, were much longer than those seen in the current market.

Mark Risk was retained to prepare an appraisal report. Mr. Risk is a Certified General Appraiser and Licensed Principal Real Estate Broker. He is a principal at The Real Estate

Consultants, Inc. Mr. Risk has worked as an appraiser in Northwest Arkansas since 1979 and continues to instruct classes in appraisal courses at the University of Arkansas where he has taught since 1981. He has also served on the Arkansas Appraisers' Licensing and Certification Board. He has performed appraisal services for dozens of banks, mortgage companies, developers, and relocation services. He has also provided appraisal services for many municipalities and governmental agencies, including the City of Springdale.

Mr. Risk used both a cost approach and a market value approach to determine the value of the property. His reconciled valuation determined the just compensation to be **\$600,000.00**.

Homeowners' Testimony:

The Kilpatricks looked at many similar properties in their efforts to relocate. Their experience in the real estate market provides them with ample support to value their property. They could not find a home with acreage that was similar in size to theirs at any price close to the \$450,000.00 in compensation paid by the city. They will testify, based on genuine market conditions and their personal experiences, that their property was worth approximately **\$675,000.00** at the time of taking.

Potential Trial Outcome:

This is an unusual case in which a jury is likely to give substantial weight to the testimony of the landowners. Both appraisals were backward-looking, meaning they were based on historical data of prior sales. Those sales did not reflect the actual market conditions that faced the Kilpatricks. It is foreseeable that the jury will award the Kilpatricks **\$675,000.00**. In recent cases we have seen that juries are willing to consider an award higher than that offered by the landowners' appraiser, and this case will give the jury strong support for doing so. A judgment in that amount would result in an additional payment of \$225,000.00 plus pre-judgment interest and "the costs occasioned by the assessment" (under Ark. Code Ann. §18-15-303(c)) which would be

at least \$3,000.00 but could be more as determined by the court. The total judgment would be more than \$230,000.00.

If the jury is not persuaded by the Kilpatrick's testimony, it is more likely to award damages at the valuation provided by Mr. Risk than that offered to date by the city. A judgment of the full assessed damages provided by Mr. Risk of \$600,000.00 would result in an additional payment of \$150,000.00 plus pre-judgment interest and the cost of the appraisal. The total additional compensation owed would be around **\$160,000.00**.

For settlement purposes only, my clients have authorized me to accept settlement of their damages, including severance damages, pre-judgment interest, and the costs of assessment at \$590,000.00. The city has previously tendered \$450,000.00 of the \$590,000.00. The total additional compensation for settlement would be **\$140,000.00**.

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 _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Appraisal Report

**City of Springdale v. David W. & Donna K. Watson
Washington County Circuit Court: Case # 72CV-18-2775
5564 Elm Springs Rd, Springdale, AR
As of October 17, 2018**

Presented To:

**Steve Lisle
1458 Plaza Place
Springdale, AR 72764**

Presented By:

**The Real Estate Consultants
118 N. East Avenue
Fayetteville, AR 72701**

Prepared By:

**Mark E. Risk, GAA
AR State Certified General Appraiser #CG0202**

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File # 18-0126

Transmittal Letter



Date: May 14, 2019

To: Mr. Steve Lisle
1458 Plaza Place
Springdale, AR 72764

Re: *City of Springdale, Arkansas vs. David W. & Donna K. Watson*
Washington County Circuit No. 72CV-18-2775 Tract 53 & 54

Dear Mr. Lisle:

Per your request, I hereby certify I conducted a survey of matters pertinent to developing an opinion of the **Market Value and Just Compensation** resulting from the acquisition of the subject's partial property takings by the City of Springdale. You are the client and intended user. This report is prepared for your exclusive benefit and may not be relied upon by any other party. Any other party relying on information contained in this document, without express permission, does so at their own risk.

I also certify this appraisal report conforms to Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. The following pages contain data gathered during my investigation, showing the appraisal process in detail with conclusions rendered. Please note this report is subject to stated Assumptions & Limiting Conditions, including any applied Extraordinary Assumptions &/or Hypothetical Conditions.

My primary emphasis was to determine the following:

- Estimate the market value of the subject property before and after the taking
- Ascertain whether severance damages to the remaining property exist due to the taking
- If so, estimate market value loss to subject's remainder property

In the following sections, I analyze relevant facts and apply appropriate appraisal processes to the subject property. After a thorough analysis an opinion of value can be made. Therefore, it is my considered opinion that the **Just Compensation** due to the property owner as a result of the property taking by the City of Springdale, – **as of the Effective Date of October 17, 2018** and subject to referenced assumptions and conditions – is as follows:

Two Hundred Seven Thousand Dollars

\$207,000

Respectfully submitted,

Mark E. Risk, GAA

AR State Certified General Appraiser #CG0202

The Real Estate Consultants, Inc.

Springdale v. David W. Watson and Donna K. Watson (Washington Co. 72CV 18-2775)

Property Address: 5564 Elm Springs Rd., Springdale

Project: Gene George Boulevard Widening Bleaux Avenue to Elm Springs Road;
Project No. 18BPS1; Tracts 53 and 54

SETTLEMENT OFFER

The following information is provided for settlement purposes only.

Description of the Property:

Prior to the taking, the property was a 10.2-acre parcel. The property is on Elm Springs Road in close proximity to Highway 49, Har-Ber High School, and Har-Ber Meadows Development. All the appraisers agree that it is in a very desirable location and is well suited to mixed-use commercial and residential development. The City's appraisers have described the location as: "located on the north side of Elm Springs Road in Springdale. The location is convenient to major transportation linkages, and the Har-Ber Meadows / western Springdale area which has very good market appeal." The Watsons purposefully situated their existing home on the site well off Elm Springs Road to allow for future commercial development of the area of land with frontage and unrestricted access to Elm Springs Road.

The City took about .8 acres of the land for right-of-way, plus 8,139 s/f for a utility easement, and 1,242 sf for a temporary construction easement. The City also removed trees, fencing, and a gravel driveway.

The City's construction of a roundabout and median significantly reduced the access to the site. Access is now only available from the northbound lane of Gene George Boulevard. The prior unrestricted access to Elm Springs Road was completely eliminated. The frontage is

now adjacent to the curve radius of the roundabout. This change dramatically reduced the desirability of the land for commercial development.

One element of damage that was not considered by either appraiser is the effect of the new setbacks on Gene George Boulevard. The additional setbacks will further reduce the amount of developable land on the remaining tract for any purpose. It seems likely that the combination of reduced access, the limitation of travel from the roundabout construction, and the additional setbacks, will make it impossible, or much less likely, to develop the commercial frontage on Elm Springs Road for any use. This issue will need to be further evaluated by both appraisers prior to trial if settlement is not achieved.

Appraisals:

The Reed & Associates appraisers determined that the property was well-suited for mixed-use residential and commercial development. They appraised the Property at \$1.25 per square foot, averaged over the entire property. Based on their calculations, the City estimated damages to the property value at \$57,900.

The damages calculated by Reed & Associates includes damages to trees and improvements on the property, but they did not assess any severance damages the overall market value of the remaining property resulting from the loss of Elm Springs Road frontage and entire loss of access to that frontage.

Mark Risk was retained to prepare an appraisal report. Mr. Risk is a Certified General Appraiser and Licensed Principal Real Estate Broker. He is a principal at The Real Estate Consultants, Inc. Mr. Risk has worked as an appraiser in Northwest Arkansas since 1979 and continues to instruct classes in appraisal courses at the University of Arkansas where he has taught since 1981. He has also served on the Arkansas Appraisers' Licensing and Certification

Board. He has performed appraisal services for dozens of banks, mortgage companies, developers, and relocation services. He has also provided appraisal services for many municipalities and governmental agencies, including the City of Springdale.

Mr. Risk appraised the portion of the property that was taken as commercial property. This is supported by the fact that both appraisers determined that the property was well suited to mixed commercial and residential development. Mr. Risk was consistent in his evaluation because he did not include any severance damages to the home. The home was intended to be adjacent to a future commercial development on the frontage. In keeping with a commercial valuation, Mr. Risk appraised the property that was taken at \$4.00 per square foot.

Mr. Risk's determined that the property suffered severance damages for several reasons. First, it lost all access to Elm Springs Road. Second, due to the loss of access, and reduction in buildable area of the property, the remaining land will no longer be well-suited for commercial purposes. As discussed above, his evaluation of severance damages did not include the additional setbacks that will be applied. This factor will also be considered should the case proceed to trial. Based on the taking of almost an acre of commercial land, the damages to improvements, and the severance damages, Mr. Risk evaluated the just compensation to be \$200,000.

Potential Trial Outcome:

A jury is more likely to award damages at or near the valuation provided by Mr. Risk than that offered to date by the City. A judgment of the full assessed damages of \$200,000 would result in pre-judgment interest of approximately \$17,000 (as of this date), plus "the costs occasioned by the assessment" (under Ark. Code Ann. §18-15-303(c)) which would be at least \$3,000, but could be more as determined by the court. The total judgment would be \$220,000.

Of that amount, the City has previously tendered \$57,900. The total additional compensation owed would be at least **\$162,100**.

If the jury were to split the difference between the two appraisals, not considering the setback issue, the judgment, plus interest and costs would approximate \$150,000. We feel a jury is more likely to award damages at, or near, the landowners appraised amount. For settlement purposes only, my clients have authorized me to accept settlement of their damages, including severance damages, pre-judgment interest, and the costs of assessment at \$170,000. The City has previously tendered \$57,900 of the requested \$170,000. The total additional compensation for settlement would be rounded to **\$112,000**. This amount represents a reduction of \$51,200 from the exposure and only \$20,000 above a “splitting the difference” valuation.

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, and

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 youth 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 14th day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

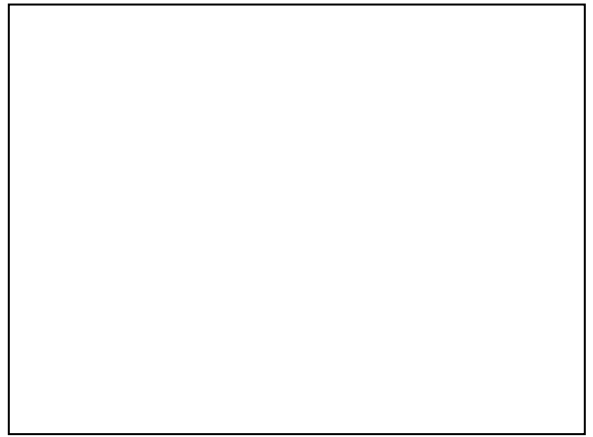
Ernest B. Cate, City Attorney



Springdale Rec Center Elevator and Vestibule

GMP Cost Breakdown 7.28.2021

Scope of Work	Cost
Demolition	\$ 5,110
Concrete	\$ 26,818
Masonry	\$ 21,150
Steel	\$ 6,875
Metal Wall Panels	\$ 54,023
Membrane Roofing & Downspout	\$ 4,000
Fluid Applied Vapor Barrier & Waterproofing	\$ 7,125
Aluminum Windows & Storefront	\$ 34,650
Drywall/Insulation/Ceilings	\$ 13,527
Painting	\$ 6,335
Walk-off Carpet & Rubber Base	\$ 4,133
Fire Sprinkler Modifications	\$ 2,500
Plumbing	\$ 17,500
HVAC	\$ 5,500
Electrical	\$ 29,900
Fire Alarm Modifications	\$ 3,750
Construction Contingency	\$ 30,000
Building Permit	\$ 1,650
Supervision	\$ 10,614
Insurance	\$ 2,412
General Conditions	\$ 52,868
Subtotal	<u>\$340,441</u>
Fee	<u>\$ 22,534</u>
Payment & Performance Bonds	<u>\$ 3,042</u>
Total	\$366,017



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 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) TO GENERAL COMMERCIAL DISTRICT (C-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 Mae Etta Matthews Revocable Trust, requesting that the following described tract of real estate to be zoned from Low Density Single Family Residential District (SF-1) to General Commercial District (C-2).

Layman's Description: 515 Hwy 264 East

Legal Description: PART OF THE NORTHWEST QUARTER (N/W 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2" ALLUMINUM MONUMENT BEING THE NORTHWEST (NW) CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 24; THENCE SOUTH 00°00'0" EAST A DISTANCE OF 46.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 86°53'38" EAST A DISTANCE OF 67.27 FEET TO A FOUND 2" ALUMINUM MONUMENT; THENCE SOUTH 02°34'37" WEST A DISTANCE OF 161.67 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 36°55'25" WEST A DISTANCE OF 211.12 FEET TO A FOUND 2" ALUMINUM MONUMENT; THENCE SOUTH 88°53'38" EAST A DISTANCE OF 67.03 FEET TO THE POINT OF BEGINNING CONTAINING 0.25 ACRES OR 10,855 SQUARE FEET

MORE OR LESS. SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY 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 Low Density Single Family Residential District (SF-1) to General Commercial District (C-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 Low Density Single Family Residential District (SF-1) to General Commercial District (C-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

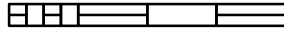


Public Hearing Sign Posted Prior/On: 08/27/2021

Public Hearing Sign Posted By: RB

 Public Hearing Sign Location



0 15 30 60 90 120
 Feet
For Location Reference Only

FILE NO. R21-51
APPLICANT: Mae Etta Mathews Revocable Trust
REQUEST: Rezoning from SF-1 to C-2

PLANNING COMMISSION MEETING
September 7, 2021

The City Council of the City of Springdale met in regular session on Tuesday, August 24, 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
Mike Overton	Ward 2
Mike Lawson	Ward 4 (Absent)
Kevin Flores	Ward 2
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 Fougerousse moved the minutes of the August 10, 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 Harriman 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 Flores made the second.

The vote:

Yes: Fougerousse, Powell, Williams, Watson, Overton, Flores, Harriman

No: None

PRESENTATION ON UPCOMING 9/11 REMEMBRANCE EVENT

Jannie Layne, President of Bo's Blessings, announced in commemoration of the 20th Anniversary of 9/11, the City of Springdale, Bo's Blessings and volunteers from local Springdale businesses will place 2,983 flags at the intersection of Emma Avenue and Highway 71 starting at 7:40 a.m. 2,983 women, men and children perished in the World Trade Center, the Pentagon, United flights 175 and 93, and American flights 11 and 77, on September 11, 2001. There will be an Honor and Remembrance Flag of Honor Ceremony at 9:30 a.m. at the Springdale Senior Center. Springdale is one of the many

cities across the United States that will be participating in the "100 Official Sites in America".

Beginning on September 10th, Bo's Blessings in partnership with local businesses, will host an activity of service by packing and delivering gift/food boxes to all police and fire department locations in Springdale.

ORDINANCE NO. 5637 – ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE LOCATED WITHIN THE CITY OF SPRINGDALE, LOCATED AT 1205 CRUTCHER STREET; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

Council Member Amelia Williams presented an Ordinance ordering the razing (demolition) and removal of a certain residential structure located within the City of Springdale at 1205 Crutcher Street; to declare an emergency and for other purposes.

The structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, *et seq.*);

City Attorney Ernest Cate reported the City of Springdale has been issuing violations on this property since 2015. There have been 50 calls for service from the Springdale Police Department. The total amount owed between liens and victim restitutions is \$7,869.80.

Dorothy Laird is the owner of the property and has been notified by the City of Springdale prior to the consideration of this ordinance that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale.

Ms. Laird has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building has been referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale.

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

Ms. Laird and her daughter spoke to council.

The vote was taken:

Yes: Powell, Williams, Watson, Overton, Flores, Harriman, Fougrousse

No: None

Council Member Overton moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

Yes: Williams, Watson, Overton, Flores, Harriman, Fougrousse, Powell

No: None

The Ordinance was numbered 5637.

ORDINANCE NO. 5638 – AMENDING CHAPTER 78, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES (REGULATIONS PERTAINING TO CITY PARKS, PARK PROPERTIES AND TRAILS)

Council Member Mike Overton presented an Ordinance amending Chapter 78, Article II, of the Code of Ordinances of the City of Springdale, Arkansas. Chapter 78 of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to City parks, park properties, and trails in the City of Springdale, Arkansas.

Deb Crawford, NWA Drug Free Coalition, expressed concern with tobacco in our city parks and highly recommends this amendment be adopted.

A proposal has been made to amend Chapter 78 to include a prohibition on smoking tobacco products in City owned or operated parks, recreational facilities, game or practice fields, or in the grand stands thereof, or on any designated City trail.

Section 1: Chapter 78, Article II, of the Code of Ordinances of the City of Springdale is hereby amended to add a new subsection, to be codified as Section 78-56, and to read as follows:

Sec. 78-56. Smoking and Use of Tobacco Products.

- (a) It shall be unlawful for any person to smoke or use tobacco products in any city owned or operated park or recreational facility, game or practice field, or in the grand stands thereof, or on any designated city trail.
- (b) Smoking and use of tobacco products includes a lighted pipe, cigar, or cigarette of any kind, including electronic cigarettes, vapor devices, or heated devices; or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind, including electronic cigarettes, vapor devices, or heated devices. It also includes the use of all smokeless tobacco products (including, but not limited to, chewing tobacco and snuff).
- (c) The city shall post signs in city owned or operated parks, trails, recreational facilities, and fields, at the discretion of the Director of Parks and Recreation, notifying the public that smoking and use of tobacco products is prohibited.
- (d) Any person who violates this subchapter shall be subject to the penalties set out in the general penalty provision of Section 1-9 of this Code.

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

The vote:

Yes: Watson, Overton, Flores, Harriman, Fougrousse, Powell, Williams

No: None

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

The vote:

Yes: Overton, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Ordinance was numbered 5638.

DENIED ORDINANCE AMENDING SECTION 46-51 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS (SPRINKLER SYSTEMS IN DUPLEXES/TOWNHOUSES)

Council Member Mike Overton presented an Ordinance amending Section 46-51 of the Code of Ordinances of the City of Springdale.

Fire Marshal Blake Holte gave an overview on the Fire Department's attempt to expand the sprinkler requirements in multi-family dwellings which already exist for everything except townhouses and two family dwellings. They would like to see Arkansas Volume III adopted by the City which includes the provisions of Section R313 requiring automatic residential fire sprinkler systems in townhouses and two-family dwellings.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance "Do Pass". Council Member Williams made the second.

Several people spoke in opposition to this proposed amendment. They feel like there are a lot of rules and regulations in place to protect the tenants and keep them safe.

After discussion the vote was taken:

Yes: None

No: Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton

The Ordinance failed by a vote of 0-7.

RESOLUTION NO. 102-21 – WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH OELKE CONSTRUCTION TO CONSTRUCT AN AIRPORT HANGAR

Wyman Morgan presented a Resolution waiving competitive bidding and authorizing the execution of a contract with Oelke Construction to construct an airport hangar for \$719,488.

RESOLUTION NO. ____

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTION OF A CONTRACT

WHEREAS, the Airport Commission requested funding up to \$700,000 for the construction of a hangar, and

WHEREAS, an advertisement for bids did not produce any proposals to construct the hangar, and

WHEREAS, through negotiation a proposed contract was received from Oelke Construction to construct the hangar for \$719,488, and

WHEREAS, the Airport Commission has agreed to pay the excess of \$19,488 above the amount approved by the City Council and requested that the City Council waive competitive bidding and approve this contract, and

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 construction of this hangar and the Mayor is authorized to execute a contract with Oelke Construction in the amount of \$719,488 for the hangar construction.

PASSED AND APPROVED this ____ day of August, 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 Watson made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Flores

No: None

The Resolution was numbered 102-21.

ORDINANCE NO. 5639 – REZONING .66 ACRES OWNED BY WEST HUNTSVILLE, LLC, LOCATED AT 316 AND 324 N. WEST END STREET, FROM C-1 TO MF-4; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .66 acres owned by West Huntsville LLC located at 316 and 324 N. West End Street, from C-1 to MF-4, and declaring an emergency.

A public hearing was held at the August 3, 2021 Planning Commission meeting.

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

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Flores

No: None

(Harriman out of room)

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

The vote:

Yes: Powell, Williams, Watson, Overton, Flores, Fougrousse

No: None

(Harriman out of room)

The Ordinance was numbered 5639.

ORDINANCE NO. 5640 – REZONING 6.19 ACRES OWNED BY JOHN W. HENDRICKS PROPERTIES LLC LOCATED AT 1790 EAST HIGHWAY 264, FROM A-1 TO C-2 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an ordinance rezoning 6.19 acres owned by John W. Hendricks Properties LLC located at 1790 East Highway 264, from A-1 to C-2 and declaring an emergency.

A public hearing was held at the August 3, 2021 Planning Commission meeting.

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

The vote:

Yes: Williams, Watson, Overton, Flores, Harriman, Fougrousse, Powell

No: None

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

The vote:

Yes: Watson, Overton, Flores, Harriman, Fougrousse, Powell, Williams

No: None

The Ordinance was numbered 5640.

RESOLUTION NO. 103-21 – APPROVING A CONDITIONAL USE APPEAL BY DANDY OIL COMPANY FOR A TANDEM LOT SPLIT AT 702 NORTH THOMPSON AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Dandy Oil Company for a tandem lot split at 702 N. Thompson as set forth in Ordinance No. 4030.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE FOR DANDY OIL COMPANY AT 702 NORTH THOMPSON 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 August 3, 2021, on a request by Dandy Oil Company for a Tandem Lot Split.

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) Yes and zero (0) No recommends that a Conditional Use be granted to with the following conditions: There will be no employees at this location.

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: There will be no employees at this location.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

Yes: Overton, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

The Resolution was numbered 103-21.

RESOLUTION NO. 104-21 – APPROVING A CONDITIONAL USE APPEAL BY NEBILLIE, INC. (THE PEAKS) FOR A TANDEM LOT SPLIT AT 1252 COOPER DRIVE AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Nebillie, Inc. (The Peaks) for a tandem lot split at 1252 Cooper Drive as set forth in Ordinance No. 4030.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE FOR NEBILLIE, INC. (THE PEAKS) AT 1252 COOPER 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 August 3, 2021, on a request by Nebillie, Inc. (The Peaks) 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 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 with the following conditions: No conditions set.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

Yes: Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

The Resolution was numbered 104-21.

RESOLUTION NO. 105-21 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO HOWARD ANDERSON AND BUTTERFIELD COACH ROAD TO COUNTY ROAD 92 IN CONNECTION WITH PP21-07, A PRELIMINARY PLAT FOR WHISPERING SPRINGS

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Howard Anderson and Butterfield Coach Road to County Road 92 in connection with PP21-07, a preliminary plat for Whispering Springs.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO HOWARD ANDERSON AND BUTTERFIELD COACH ROAD TO COUNTY ROAD 92 IN CONNECTION WITH PP21-07, A PRELIMINARY PLAT FOR WHISPERING SPRINGS

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 Howard Anderson and Butterfield Coach Roads to County Road 92 in connection with PP21-07 a Preliminary Plat for Whispering Springs and the Planning Commission recommends approval of the waiver request with the following conditions: Howard Anderson Road fully designed to Master Street Plan standards for a local street, and construction of two lanes at a minimum width of 27' with all drainage improvements

built to accommodate full build out of curb, gutter and sidewalk before the final plat can be approved.

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 Howard Anderson and Butterfield Coach Roads to County Road 92 including improvements related thereto, drainage, curbs, gutters and sidewalks in connection with PP21-07 a Preliminary Plat with the following conditions: Howard Anderson Road fully designed to Master Street Plan standards for a local street, and construction of two lanes at a minimum width of 27' with all drainage improvements built to accommodate full build out of curb, gutter and sidewalk before the final plat can be approved.

PASSED AND APPROVED THIS ____DAY OF AUGUST, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Overton moved the Resolution be adopted with Option 1. Council Member Harriman made the second.

The vote:

Yes: Harriman, Fougerousse, Powell, Williams, Watson, Overton, Flores

No: None

The Resolution was numbered 105-21.

ORDINANCE NO. 5641 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for removal of overgrown brush and debris on property located within the City of Springdale, Arkansas and declaring an emergency.

The property is located at 1274 Tolleson Loop (Parcel No.815-36712-000) and 700 Hinshaw (Parcel No. 815-21636-000).

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

The vote:

Yes: Fougerousse, Powell, Williams, Watson, Overton, Flores, Harriman

No: None

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

The vote:

Yes: Powell, Williams, Watson, Overton, Flores, Harriman, Fougrousse

No: None

The Ordinance was numbered 5641.

COUNCIL COMMITTEE MEETING

With the Labor Day holiday falling on Monday, September 6th, the next Council Committee meeting will be held on Monday, August 30th at 5:30 p.m.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 7:40 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer