

- The next Committee Meeting will be held on Monday, May 2nd, 2022 in the Tiered Training Room.
- Committee agendas will be available on the Friday before the meeting.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF NEW CRIMINAL JUSTICE BUILDING
Tuesday, April 26th, 2022**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Amelia Williams

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/Treasurer

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. ***Quarterly Economic Development Report.*** Presented by Scott Edmondson, VP of Economic Development.

7. Approval of Minutes – April 12th, 2022: **Minutes located at the back of Agenda.**

8. 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) **10A-10I, and 12A-12B.** Motion must be approved by two-thirds (2/3) of the council members).*

9. **A Resolution** endorsing participation in the Sales and Use Tax Refund Program authorized by the Consolidated Incentive Act of 2003 and Ark. Code Ann. §15-4-2706(d). Presented by Ernest Cate, City Attorney. **Pg. 57**

10. 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 the intersection of Robins Road and W. Graham Road from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1) 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 8674-8632 W. Gibbs Road from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1) 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 5573 Elm Springs Road from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1) 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 2013 N. Old Missouri Road from Light Industrial District (I-1) to Large Product Retail Sales District (C-6) and declaring an emergency. **Pgs. 11-14**
- 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 the SE corner of George Anderson Road and Don Tyson Parkway from Institutional District (P-1) to High Density Single Family Residential District (SF-3) and declaring an emergency. **Pgs. 15-18**
- 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 on the West side of S. Missouri Road, directly west of Electric Avenue, from General Commercial District (C-2) to Medium/High Density Multi-Family Residential District (MF-16) and declaring an emergency. **Pgs. 19-22**
- G. **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 2022 N. 48th Street from Agricultural District (A-1) to High Density Multi-Family Residential District (MF-24) and declaring an emergency. **Pgs. 23-25**
- H. **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 1948 N. 48th Street from Agricultural District (A-1) to High Density Multi-Family Residential District (MF-24) and declaring an emergency. **Pgs. 26-29**
- I. **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 on 12.09 acres West of N. 48th Street and North of Bob Mills Road from Agricultural District (A-1) to High Density Multi-Family Residential District (MF-24) and declaring an emergency. **Pgs. 30-32**
- J. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to A-Tech in connection with L22-08 a Large Scale Development. **Pgs. 33-34**
- K. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in ordinance no. 3725 to Martin's Plastering & Stucco in connection with L22-20 a Large Scale Development. **Pgs. 35-36**

11. Finance Committee by Chairman

- A. **A Resolution** authorizing the execution of a construction contract and a change order for Har-Ber Avenue from 40th Street to Gutensohn Road Project No. 18BPS12. Forwarded from Committee with recommendation for approval. Presented by Ryan Carr, Engineering. Pgs. 37-46
- B. **A Resolution** authorizing the Mayor and City Clerk to renew a contract with the Downtown Springdale Alliance to promote, preserve, and enhance Downtown Springdale, and to facilitate the implementation of the Downtown Master Plan. Forwarded from Committee with recommendation for approval. Presented by Jill Dabbs, Downtown Springdale Alliance. Pgs. 47-53
- C. **A Resolution** authorizing the execution of a construction contract, a construction management contract, and accepting a grant for the Razorback Greenway Trail Realignment and Public Space (Emma Avenue) Project, and waiving competitive bidding. Forwarded from Committee with recommendation for approval. Presented by Patsy Christie, Director of Planning. Pg. 54

12. Police and Fire Committee by Chairman Brian Powell

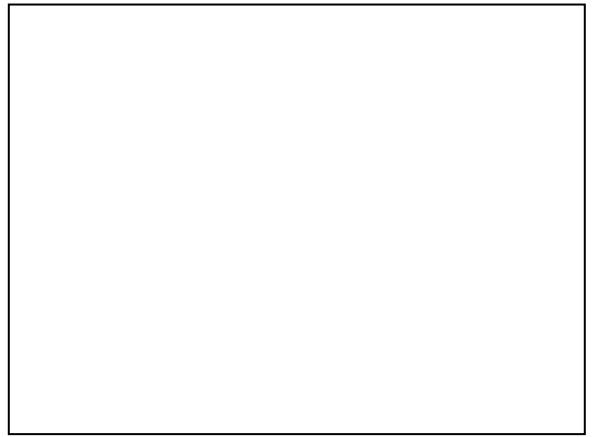
- A. **An Ordinance** adopting provisions for the employment or advancement of Civil Service Employees, pursuant to Ark. Code Ann. §14-49-304(b)(6)(B); and declaring an emergency. Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pg. 55
- B. **An Ordinance** authorizing the creation of a new position and appropriating funds for the new position. Forwarded from Committee with recommendation for approval. Presented by Frank Gamble, Chief of Police. Pg. 56

13. Comments from Council Members.

14. Comments from City Attorney.

15. Comments from Mayor

16. 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 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) 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 April 5, 2022 for hearing the matter of a petition of De La Garza Properties, Inc. requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1).

Layman's Description: Parcels 21-00138-030, 21-00138-010, 21-00138-045

Legal Description:

A PART OF THE SW1/4 OF THE SE1/4 AND PART OF THE SE1/4 OF THE SW1/4 OF SECTION 14, TOWNSHIP 18 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE SE1/4 OF THE SW1/4; THENCE N86°20'44"W 165.00' TO A FOUND COTTON PICKER SPINDLE; THENCE S02°18'32"W 264.12' TO THE POINT OF BEGINNING; THENCE S86°19'53"E 837.90' TO A FOUND 5/8" IRON REBAR; THENCE S03°23'16"W 654.25' TO A FOUND 5/8" IRON REBAR; THENCE N86°37'48"W 825.48' TO A POINT; THENCE N02°18'32"E 129.95' TO A POINT; THENCE S86°37'08"E 412.54' TO A FOUND 5/8" IRON REBAR; THENCE N02°17'23"E 158.44' TO A FOUND 5/8" IRON REBAR; THENCE N86°37'12"W 412.49' TO A POINT; THENCE N02°18'32"E 370.34' TO THE POINT OF BEGINNING, CONTAINING 480,582 SQ. FEET, 11.03 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS AND/OR RIGHT-OF-WAYS 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 Density Single Family Residential District (SF-1) 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 Density Single Family Residential District (SF-1) .

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 _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 03/25/2022

Public Hearing Sign Posted By: RB

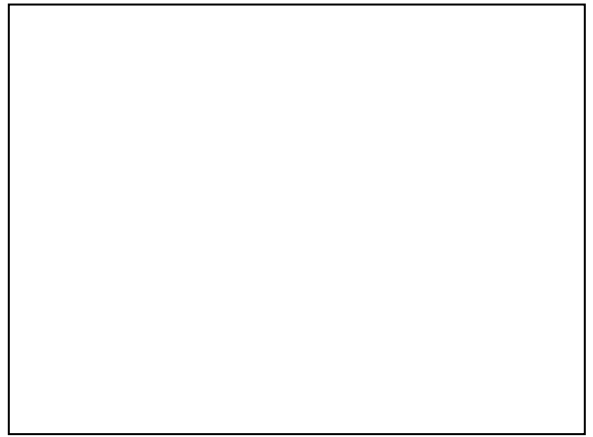
Public Hearing Sign Location



0 50 100 200 300 400
Feet
For Location Reference Only

FILE NO. R22-05
APPLICANT: Octavio de la Garza
REQUEST: Rezone from A-1 to SF-1

PLANNING COMMISSION MEETING
April 5, 2022



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 DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) 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 April 5, 2022 for hearing the matter of a petition of Elmdale Lake, LLC, Charles and Carl George requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1) .

Layman's Description: 8674 W. Gibbs Road

Legal Description: THE WEST HALF (W1/2) OF THE NORTHWEST QUARTER (NW1/4) AND THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, LESS AND EXCEPT THE FOLOWING TWO TRACTS OF LAND SOLD TO THE ARKANSAS GAME AND FISH COMMISSION, WHICH ARE DESCRIBED AS FOLLOWS:ÛEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, AND RUNNING THENCE SOUTH 915 FEET; THENCE SOUTH 64 DEGREES WEST 102 FEET; THENCE NORTH 201 FEET; THENCE NORTH 41 DEGREES WEST 1,002 FEET; THENCE EAST TO THE PLACE OF BEGINNING, CONTAINING 6.83 ACRES, MORE OR LESS ÛNDÜOMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY(30) WEST, THENCE NORTH 88 DEGREES 45 MINUTES 55 SECONDS WEST FOR DISTANCE OF 790.01 FEET ALONG THE NORTH LINE OF SAID SECTION THIRTY-ONE (31) OF THE

NORTHWEST CORNER OF THE ARKANSAS GAME & FISH COMMISSION'S PROPERTY LYING IN THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION THIRTY-ONE (31), SAID POINT BEING THE POINT OF BEGINNING: THENCE SOUTH 23 DEGREES 51 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 333.11 FEET TO A POINT; THENCE SOUTH 48 DEGREES 53 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 715.90 FEET TO A CORNER OF THE SAID ARKANSAS GAME AND FISH COMMISSION PROPERTY IN SAID SECTION THIRTY-ONE (31); THENCE NORTH 41 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 1027.44 FEET ALONG THE WEST LINE IF THE SAID ARKANSAS GAME & FISH COMMISSION'S PROPERTY TO THE POINT OF BEGINNING, CONTAINING 1.16 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RIGHT-OF-WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY. SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES, IF ANY.

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 Density Single Family Residential District (SF-1) 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 Density Single Family Residential District (SF-1).

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 _____, 2022.

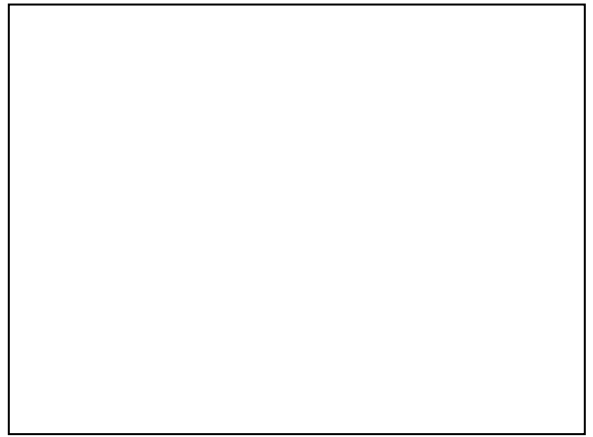
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



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 DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) 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 April 5, 2022 for hearing the matter of a petition of Joseph & Corinne Hart, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1).

Layman's Description: SE corner of Elm Springs Road and Gene George Blvd.

Legal Description:

PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 33; THENCE ALONG THE WEST LINE OF SAID SW 1/4 OF THE NW 1/4, S02°16'33" W A DISTANCE OF 327.56 FEET; THENCE LEAVING SAID WEST LINE, S87°16'38" E A DISTANCE OF 14.13 FEET TO THE POINT OF BEGINNING LOCATED ON THE EASTERLY RIGHT OF WAY LINE OF 56TH STREET; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, N11°46'21" E A DISTANCE OF 162.04 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 122.50 FEET, AN ARC LENGTH OF 142.84 FEET AND A CHORD BEARING & DISTANCE OF N45°10'38" E – 134.88 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF ELM SPRINGS ROAD; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, N78°34'55"

E A DISTANCE OF 8.94 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, S02°43'22w A DISTANCE OF 261.73 FEET; THENCE n87°16'38"W A DISTANCE OF 125.20 FEET TO THE POINT OF BEGINNING. CONTAINING 25,251 SQ. FT. – 0.58 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENT, RIGHTS OF WAY AND RESTRICTIVE COVENANTS 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 Low Density Single Family Residential District (SF-1) 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.

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Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

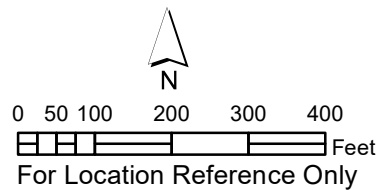
Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 03/25/2022

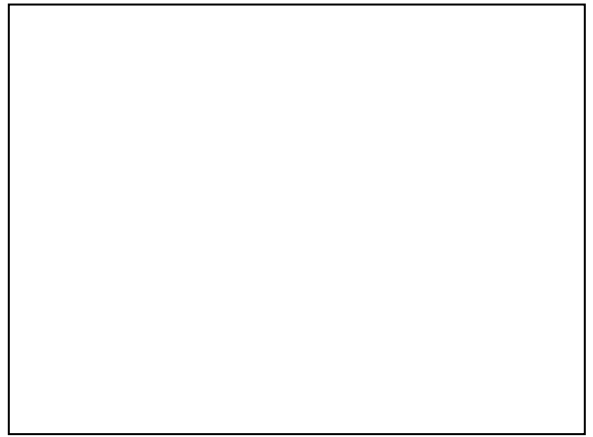
Public Hearing Sign Posted By: RB

Public Hearing Sign Location



FILE NO. R22-16
APPLICANT: Joseph & Corinne Hart
REQUEST: Rezone from A-1 to SF-1

PLANNING COMMISSION MEETING
April 5, 2022



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 LIGHT INDUSTRIAL DISTRICT (I-1) TO LARGE PRODUCT RETAIL SALES DISTRICT (C-6) 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 April 5, 2022, for hearing the matter of a petition of 264 Trailers, LLC, requesting that the following described tract of real estate to be zoned from Light Industrial District (I-1) to Large Product Retail Sales District (C-6).

Layman's Description: 2013 Old Missouri Road

Legal Description: A PART OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) AND A PART OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) ALL IN SECTION THIRTY (30), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30, SAID POINT BEING A FOUND 4 INCH ALUMINUM STATE MONUMENT; THENCE ALONG THE SOUTH LINE OF SAID SECTION 30, S87°39'20"E A DISTANCE OF 1089.15 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE, N00°00'00"E A DISTANCE OF 2180.04 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 265 (NORTH OLD MISSOURI ROAD) AT A FOUND IRON PIN WITH CAP "ALAN REID PLS 1005"; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, N03°20'47"E A DISTANCE OF 209.21 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE N14°23'46"E A DISTANCE OF 152.10 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156" AND THE POINT

OF BEGINNING; THENCE N03°09'02"E A DISTANCE OF 292.27 FEET TO A FOUND 5/8 INCH REBAR; THENCE N18°57'33"E A DISTANCE OF 171.43 FEET TO A FOUND 5/8 INCH REBAR; THENCE N32°43'06"E A DISTANCE OF 26.99 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID RIGHT OF WAY LINE, S16°58'35"E A DISTANCE OF 115.96 FEET TO A FOUND 1 INCH PIPE; THENCE S88°42'07"E A DISTANCE OF 355.35 FEET TO A FOUND CHISELED "X" IN A CONCRETE WALL; THENCE S01°51'57"W A DISTANCE OF 370.76 FEET TO A FOUND IRON PIN WITH CAP, "PLS 1156"; THENCE N88°24'37"W A DISTANCE OF 463.66 FEET TO THE POINT OF BEGINNING, CONTAINING 3.98 ACRES, MORE OR LESS. THE ABOVE DESCRIBED PROPERTY BEING "TRACT 1" ON THE INFORMAL PLAT FILED FOR RECORD AS PLAT RECORD 24-348, RECORDS OF WASHINGTON COUNTY, ARKANSAS. BEING SUBJECT TO ANY EASEMENT, COVENANT, RIGHT-OF-WAY OR RESTRICTION 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 Light Industrial District (I-1) to Large Product Retail Sales District (C-6) 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.

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From Light Industrial District (I-1) to Large Product Retail Sales District (C-6) .

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

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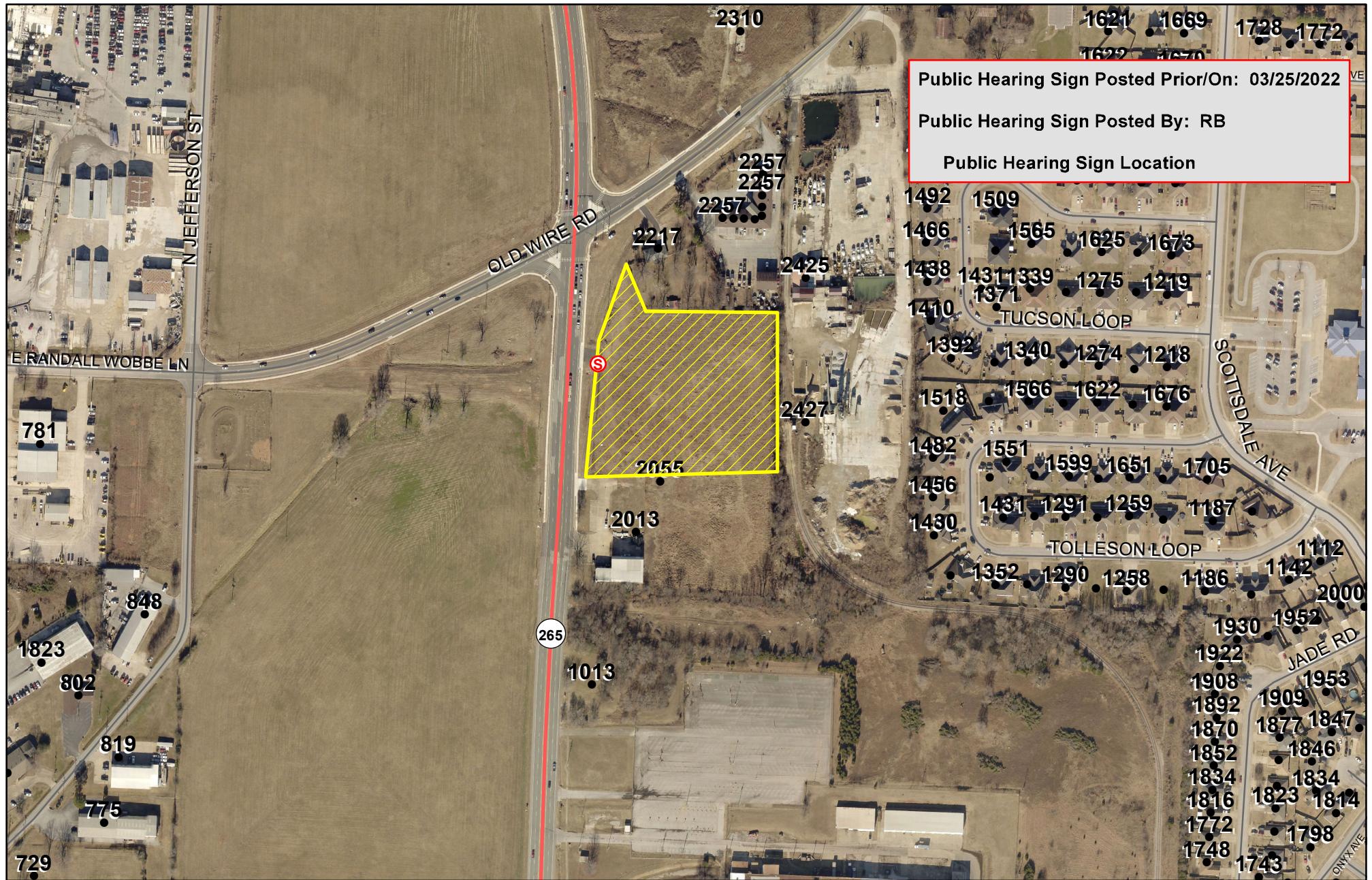
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

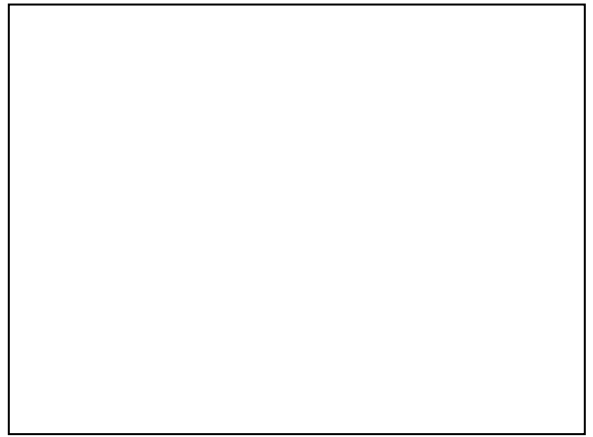
Ernest Cate, City Attorney



0 70 140 280 420 560
 Feet
 For Location Reference Only

FILE NO. R22-20
APPLICANT: 264 Trailers, LLC
REQUEST: Rezone from I-1 to C-6

PLANNING COMMISSION MEETING
 April 5, 2022



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 INSTITUTIONAL DISTRICT (P-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 April 5, 2022 for hearing the matter of a petition of Youth Bridge Properties, Inc., requesting that the following described tract of real estate to be zoned from Institutional District (P-1) to High Density Single Family Residential District (SF-).

Layman's Description: Southeast corner of the intersection of Don Tyson Parkway and George Anderson Road.

Legal Description: PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-NINE (29) WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW 1/4 OF THE NW 1/4 OF SECTION 17; THENCE ALONG THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4, N02°24'52"E A DISTANCE OF 395.09 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A SET "MAG" NAIL WITH WASHER "PLS 1156"; THENCE CONTINUING N02°24'52"E A DISTANCE OF 925.45 FEET TO A FOUND MONUMENT AT THE NORTHWEST CORNER OF SAID NW 1/4 OF THE NW 1/4; THENCE LEAVING SAID WEST LINE AND ALONG THE NORTH LINE

OF SAID NW 1/4 OF THE NW 1/4, S87°10'01"E A DISTANCE OF 1332.13 FEET TO THE NORTHEAST CORNER OF SAID NW 1/4 OF THE NW 1/4; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID NW 1/4 OF THE NW 1/4, S02°22'37"W A DISTANCE OF 1320.78 FEET TO A FOUND 5/8 INCH REBAR AT THE SOUTHEAST CORNER OF SAID NW 1/4 OF THE NW 1/4; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE NW 1/4, N87°09'26"W A DISTANCE OF 948.99 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID SOUTH LINE, N02°24'52"E A DISTANCE OF 395.09 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N87°09'26"W A DISTANCE OF 384.01 FEET TO THE **POINT OF BEGINNING**, CONTAINING 36.92 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT-OF-WAY OF DON TYSON PARKWAY ON THE NORTH SIDE THEREOF, THE RIGHT-OF-WAY OF GEORGE ANDERSON ROAD ON THE WEST SIDE THEREOF, AND ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND 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 Institutional District (P-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 Institutional District (P-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 _____, 2022.

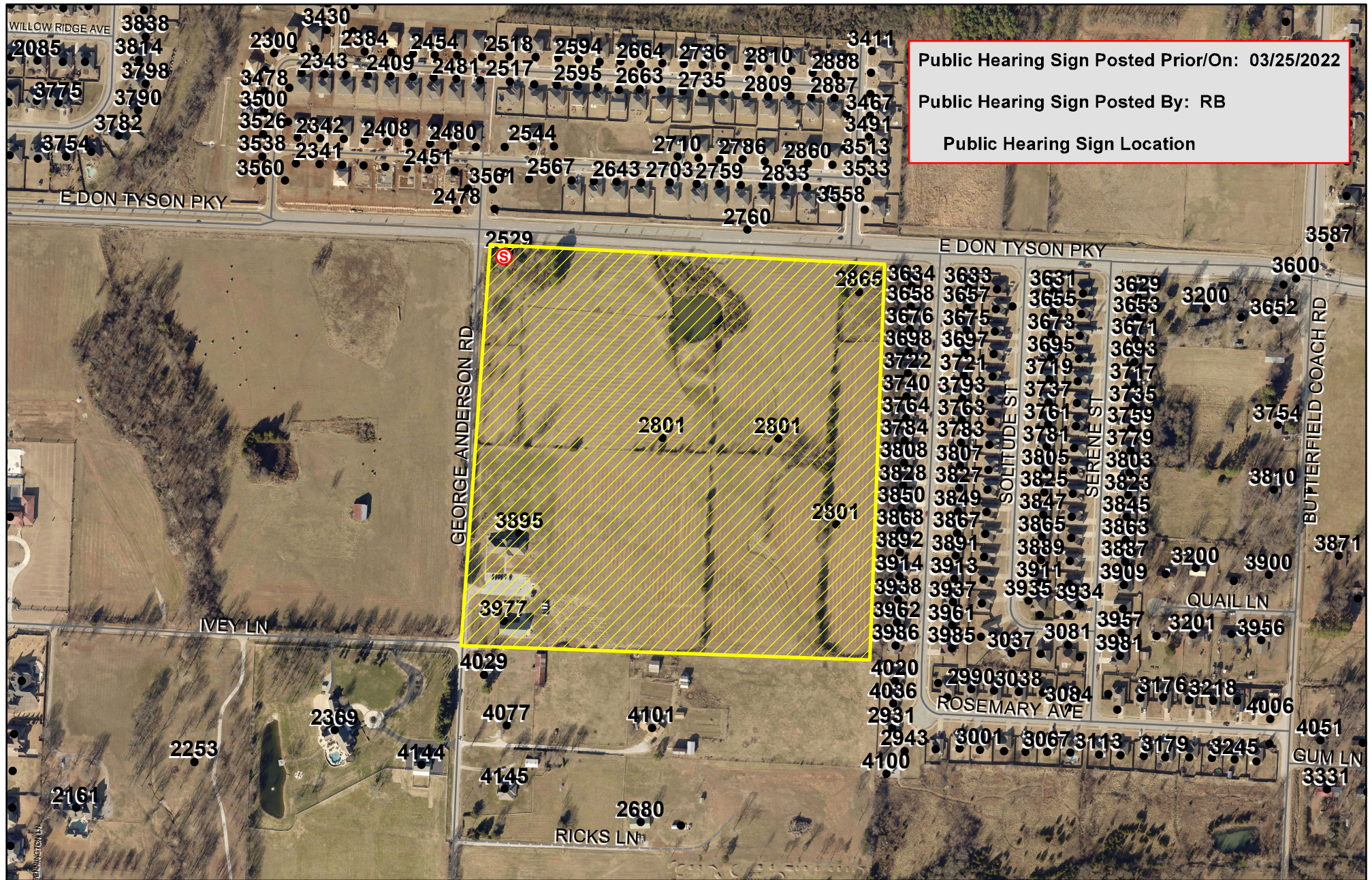
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

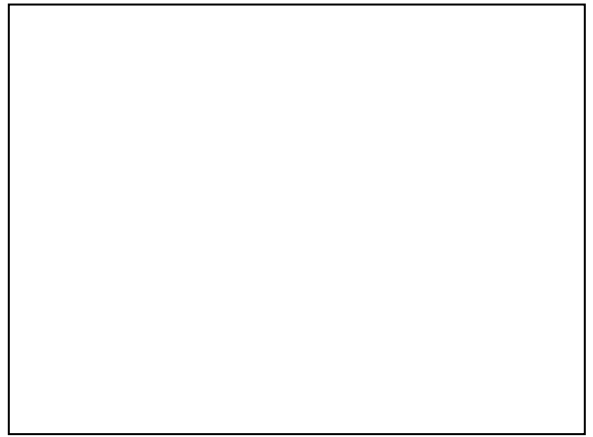
Ernest Cate, City Attorney



0 87.5175 350 525 700
 Feet
 For Location Reference Only

FILE NO. R22-21
APPLICANT: Youth Bridge Properties, Inc
REQUEST: Rezone from P-1 to SF-3

PLANNING COMMISSION MEETING
 April 5, 2022



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 MEDIUM/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-16) 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 April 5, 2022 for hearing the matter of a petition of Signature Bank of Arkansas, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Medium/High Density Multi-family Residential District (MF-16).

Layman's Description: West side of S. Old Missouri road, directly west of Electric Avenue

Legal Description: A part of the Southwest Quarter (SW 1/4) of the fractional Section Seven (7), Township Seventeen (17) North, Range Twenty-nine (29) West, more particularly described as commencing at the West quarter 1/4) corner of said Section Seven (7) and continuing thence N88°25'16"E 500.27 feet and S01°34'44"E 607.27 feet to an AHTD right of way monument established for AHTD job number 040490, on the Westerly right of way of Arkansas Highway 265, said point being on the north property line of parcel 815-28649-220 and the: true point of beginning; thence, along said Westerly right of way S07°10'38"E 143.59 feet to a point on the Southern boundary of said parcel, thence along said boundary S88°14'58"W 445.52 feet to the northeast corner of Lot 35 of Palisades Subdivision; thence N02°02'19"E 120.18 feet to the Southeast corner of Lot 34 of said Palisades Subdivision; thence along North boundary of said parcel; N87°59'50"E 258.07 feet; thence N01°26'59"W 21.03 feet; thence N87°57'04"E 165.82 feet to the point of beginning; containing 1.290 acres, more or less, Springdale, Washington County, Arkansas.

AND

Part of the NW 1/4 of the SW 1/4 of Section 7, Township 17 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows: Beginning at a concrete monument found marking the Southwest corner of Tract 1 and the Northwest corner of Lot 76A of the Palisades Subdivision as recorded in Book 23, Page 38, Washington County, Arkansas; thence N 02° 27' 17" W, 193.36 feet along the West line of Tracts 1 & 3, same being the east line of Lots 36 & 35 of said Palisades Subdivision, to a found concrete monument; thence N 88° 14' 58" E, 468.15 feet to a found iron pin on the West line of HWY 265; thence Southerly along said West line following Two courses and distances; 1) S 03° 16' 50" E, 91.82 feet to a found 5/8" iron pin; 2) S 03° 09' 50" E, 104.11 feet to a set iron pin, set on the South line of Tract 2, same being the North line of said Palisades Subdivision; thence S 88° 33' 22" W along said North line 470.67 feet to the Point of Beginning, containing 2.10 acres more or less. Subject to easements, rights-of-way, and/or restrictions of record, if any.

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 Medium/High Density Multi-family Residential District (MF-16) 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 Medium/High Density Multi-family Residential District (MF-16).

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 _____, 2022.

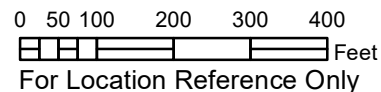
Doug Sprouse, Mayor

ATTEST:

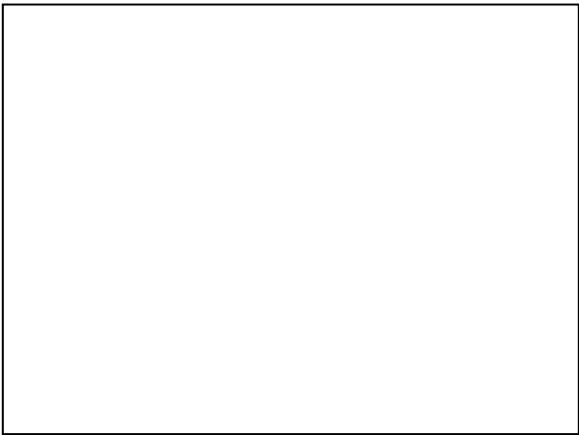
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



PLANNING COMMISSION MEETING
April 5, 2022



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 AGRICULTUAL DISTRICT (A-1) 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 April 5, 2022 for hearing the matter of a petition of Rowland E. and Judith K. Davis, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to High Density Multi-family Residential District (MF-24).

Layman's Description: 2022 N. 48th Street

Legal Description: Davis: 815-29790-018
Part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 18 North, Range 30 West, Washington County, Springdale, Arkansas, being more particularly described as follows: Beginning at the NW Corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence S 2 degrees 26' 55" West 431.64 feet, thence S 87 degrees 34' 25" East 909.04 feet, thence N 2 degrees 25' 34" East 208.71 feet, thence S 87 degrees 34' 25" East 417.42 feet, thence N 2 degrees 25' 35" East 223.83 feet to the NE Corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence North 87 degrees 36' 45" West 1326.30 feet to the Point of Beginning, containing 11.16 acres and subject to the Right-of-Way of 48th Street along the East side of the property and subject to any other easements of record.

Davis: 815-29790-013
Part of the Northeast Quarter of the Southwest Quarter of Section 28, Township 18 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southeast corner of said of the SW of Section 28; thence North 02°25'35" East 899.00 feet to the POINT OF BEGINNING; thence North 02°25'35"

East 208.71 feet; thence North 87°34'25" West 417.42 feet; thence South 02°25'35" West 208.71 feet; thence South 87°34'25" East 417.42 feet to the POINT OF BEGINNING, containing 2.00 acres, more or less and subject to the right-of-way of North 48th Street along the East side of the subject lands.

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 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 Agricultural District (A-1) to High Density Multi-family Residential District (MF-24).

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 _____, 2022.

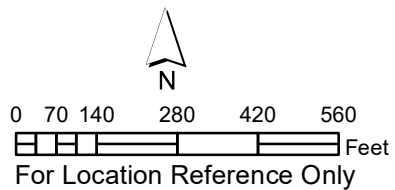
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

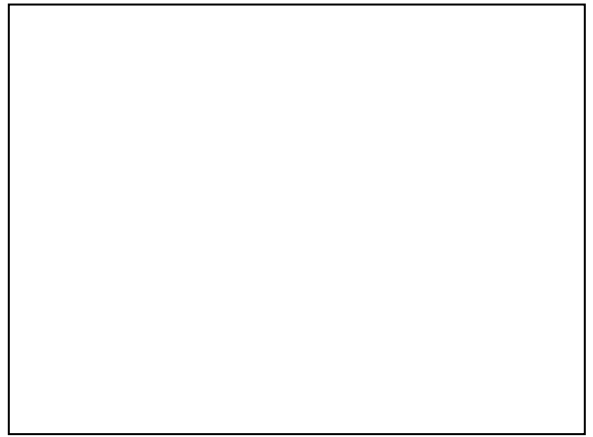
APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R22-23
APPLICANT: Rowland E. & Judith K. Davis
REQUEST: Rezone from A-1 to MF-24

PLANNING COMMISSION MEETING
 April 5, 2022



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 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 April 5, 2022 for hearing the matter of a petition of John M. and Bethany Starks, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to High Density Multi-family Residential District (MF-24).

Layman's Description: 1948 N. 48th Street

Legal Description: Part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 18 North, Range 30 West, Washington County, Springdale, Arkansas, being more particularly described as follows: Commencing at the NW Corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence S 2 degrees 26' 55" West 431.64 feet, thence S 87 degrees 34' 26" East 724.22 feet to the Point of Beginning, thence S 87 degrees 34' 26" East 393.54 feet, thence S 2 degrees 25' 35" West 221.70 feet, thence N 87 degrees 34' 25" West 393.54 feet, thence N 2 degrees 25' 34" East 221.70 feet to the Point of Beginning, containing 2.00 acres.

Starks: 815-29790-015 and 815-29790-014

Part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 28, Township 18 North, Range 30 West,

Washington County, Arkansas, being more particularly described as follows: Commencing at the Southeast Corner of said NE $\frac{1}{4}$ of said SW $\frac{1}{4}$, thence North 02 degrees 25' 35" East 677.30 feet to the point of beginning, thence North 02 degrees 25' 35" East 208.70 feet; thence North 87 degrees 34' 25" West 208.70 feet; thence South 02 degrees 25' 35" West 208.70 feet; thence South 87 degrees 34' 25" East 208.70 feet to the point of beginning, containing 1.00 acres, more or less.

AND ALSO, part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 28, Township 18 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southeast corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence North 02 degrees 25' 36" East 886.00 feet to point of beginning, thence North 87 degrees 34' 25" West 208.70 feet; thence North 02 degrees 25' 35" East 13.00 feet; thence South 87 degrees 34' 25" East 208.70 feet; thence South 02 degrees 25' 35" West 13.00 feet to the point of beginning, containing 0.06 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 Agricultural District (A-1) 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 Agricultural District (A-1) to High Density Multi-family Residential District (MF-24).

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 _____, 2022.

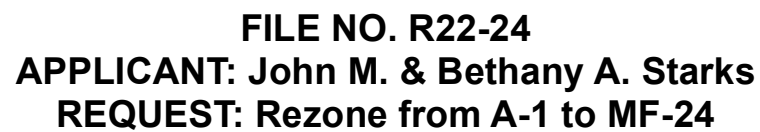
Doug Sprouse, Mayor

ATTEST:

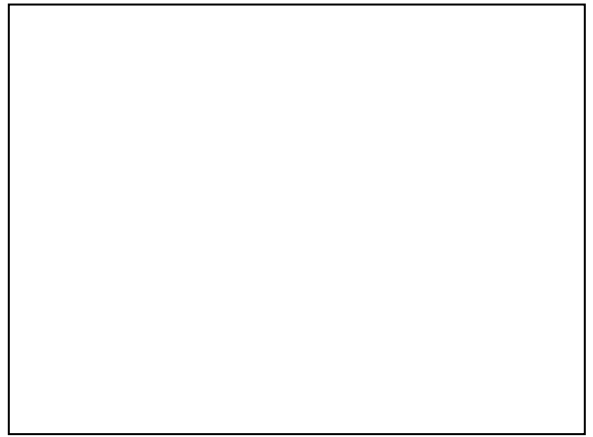
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Page 29



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 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 April 5, 2022 for hearing the matter of a petition of BJM Rentals, Inc. (Brian Moore), requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to High Density Multi-family Residential District (MF-24).

Layman's Description: West side of N. 48th Street, north of Bob Mills Road

Legal Description: Tract 3, as shown in a Lot Split recorded **January 12, 2017** us Instrument # 2017- **00001062**, and further described as: Part of the NE 1/4 of the SW 1/4 of Section 28, **Township** 18 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the SW corner of said NE 1/4 of the SW **1/4**, Thence North 2 degrees, 27 minutes, 01 seconds East 374.b1 feet to the Point of Beginning, thence North 2 degrees 27 minutes 01 seconds East **515.29 feet** to a found iron pin, thence South 87 degrees, 34 minutes, 08 seconds East 724.24 feet to a found iron pin, thence South 2 degrees, 27 minutes 35 seconds West 221.66 feet to a found **iron pin**, thence South 117 degrees, 33 minutes, 31 seconds East **602.33** feet to the West side of North 48th Street, thence along said road, South 2 degrees, 25 minutes, 35 seconds West 99.72 feet, thence leaving said road, North 85 degrees, 35 minutes, 11 seconds **295.00** feet, to a found iron pin, thence South 2 degrees, 25 minutes, 35 seconds West **295.00** feet to a found **iron pin**, thence North 85 degrees, 24 minutes, 59 seconds **West 207.13** feet to a found iron pin, thence North 85 degrees, 40 minutes, 02 seconds **West 221.25** feet to n found iron pin thence North 13 degrees, 42 minutes, 55 seconds East

77.28 feet to a set iron pin, thence North 87 degrees, 33 minutes, 40 seconds **618.85** feet to the point of beginning (containing **12.09** acres, more or less) AND SUBJECT TO the Right of Way of North 48th Street along the East side of the property and subject to all other 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 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 Agricultural District (A-1) to High Density Multi-family Residential District (MF-24).

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 _____, 2022.

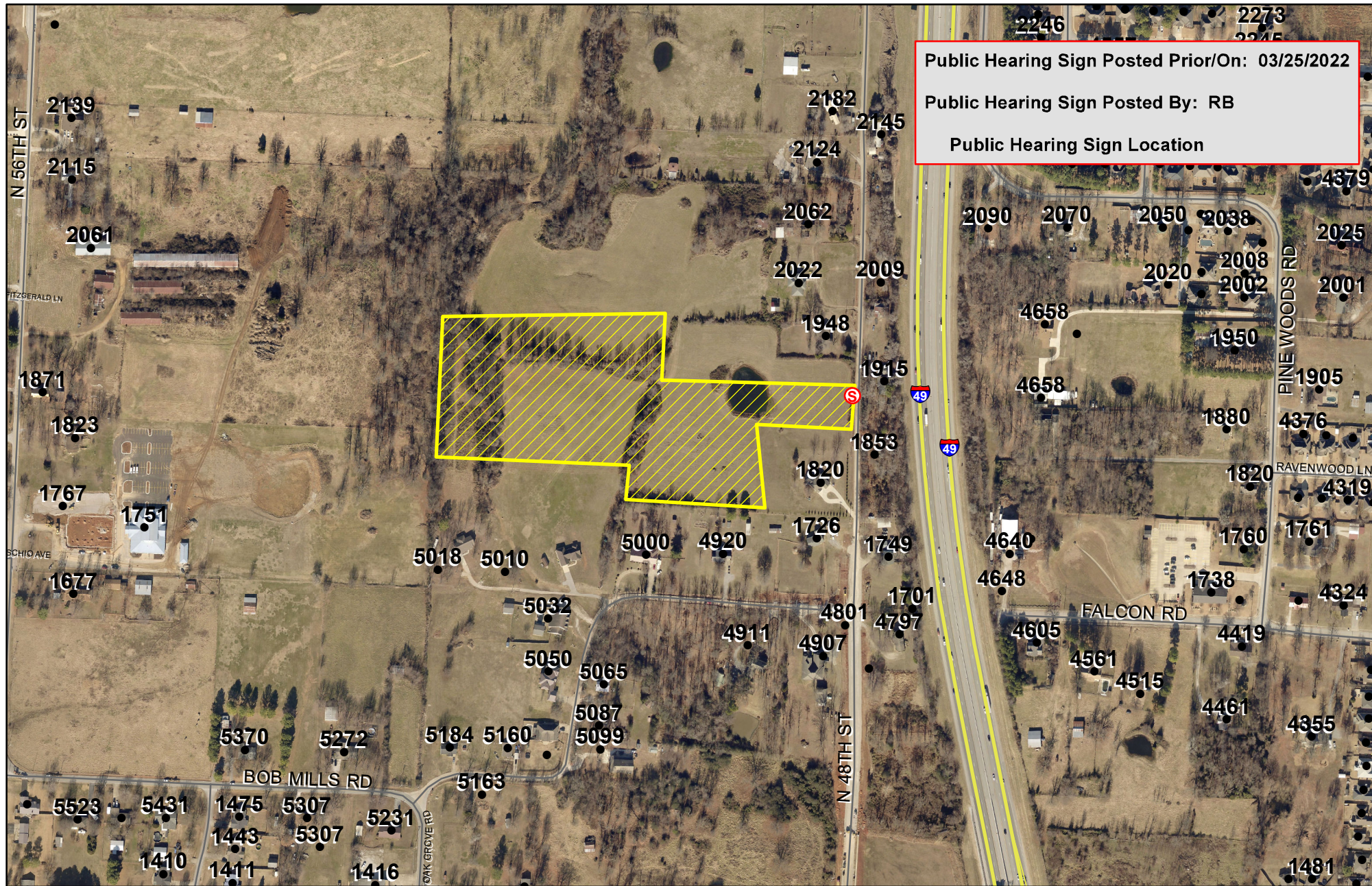
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 87.5175 350 525 700
 Feet
 For Location Reference Only

FILE NO. R22-25
APPLICANT: BJM Rentals, LLC
REQUEST: Rezone from A-1 to MF-24

PLANNING COMMISSION MEETING
 April 5, 2022

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO A-TECH IN CONNECTION WITH L22-08 A LARGE SCALE DEVELOPMENT

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, curbs, gutters, sidewalks and street lights in connection with L22-08 a Large Scale Development for A-Tech 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 2901 Chapman Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-08 a Large Scale Development for A-Tech.

Option 2: Denies a waiver of street improvements to Chapman Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-08, a Large Scale Development for A-Tech

Option 3: Approves payment in lieu of improvements to Chapman Avenue in connection with L22-08, a Large Scale Development for A-Tech 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 Chapman Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L22-08, a Large Scale Development for A-Tech.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

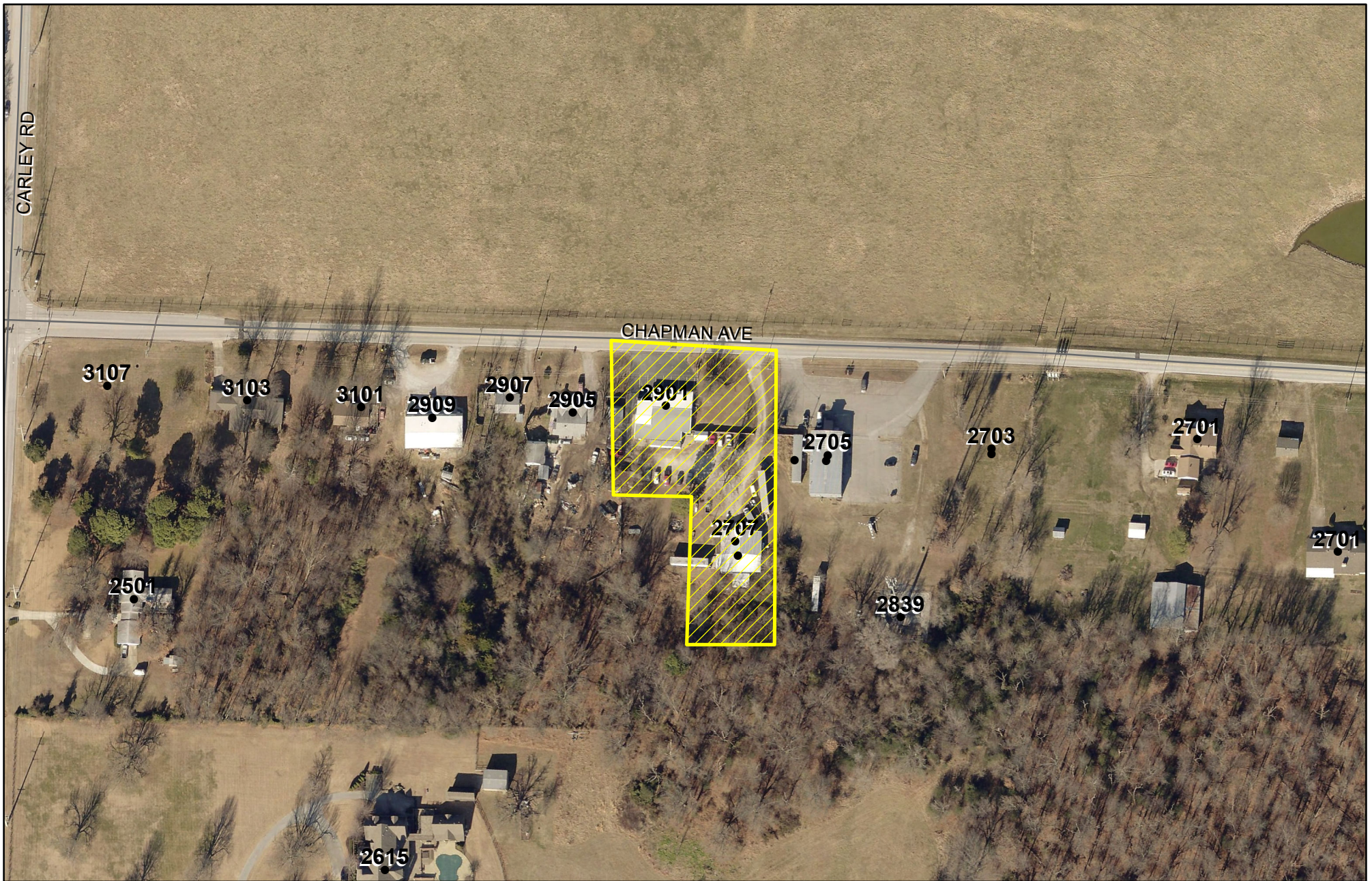
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 30 60 120 180 240
Feet
For Location Reference Only

FILE NO. W22-02
APPLICANT: A-Tech Building Expansion
REQUEST: Waiver of Street Improvements on Chapman Ave

PLANNING COMMISSION MEETING
April 5, 2022

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO MARTIN'S PLASTERING & STUCCO IN CONNECTION WITH L22-20 A LARGE SCALE DEVELOPMENT

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, curbs, gutters, sidewalks and street lights in connection with L22-20, a Large Scale Development for Martin's Plastering & Stucco 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 W. County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-20 a Large Scale Development for Martin's Plastering & Stucco.

Option 2: Denies a waiver of street improvements to W. County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-20 a Large Scale Development for Martin's Plastering & Stucco.

Option 3: Approves payment in lieu of improvements to W. County Line Road in connection with L22-20 a Large Scale Development for Martin's Plastering and Stucco 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 W. County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L22-20 a Large Scale Development for Martin's Plastering & Stucco.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



RESOLUTION NO. XX-22

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT AND A CHANGE ORDER FOR HAR-BER AVENUE FROM 40th STREET TO GUTENSOHN ROAD PROJECT NO 18BPS12

WHEREAS, sealed bids were received on March 8, 2022 at 2:00 p.m. for the Har-Ber Avenue Extension from 40th Street to Gutensohn Road, and

WHEREAS, Crossland Heavy Contractors was the low bidder for this project at \$11,386,350.15, and

WHEREAS, the low bid exceeded our expectations, and negotiations with the contractor resulted in a proposed cost reduction of \$1,400,655.30.

**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 Crossland Heavy Contractors for the construction of Har-Ber Avenue from 40th Street to Gutensohn Road for \$11,386,350.15 from the 2018 Street Bond Fund.

Section 2. The Mayor is hereby authorized to execute change order number #1 to this contract.

Section 3. The Mayor is authorized to approve additional construction change orders as long as the cumulative total of the additional change orders does not exceed 10% of the original contract price.

PASSED AND APPROVED this 26th day of April, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



2049 E. Joyce Blvd.
Suite 400
Fayetteville, AR 72703
TEL 479.527.9100
FAX 479.527.9101
www.GarverUSA.com

April 13, 2022

Ryan Carr, PE
City of Springdale
201 Spring Street
Springdale, AR 72764

Re: City of Springdale
Har-Ber Ave. Phase 1 – 40th to Gutensohn
Recommendation of Award

Dear Ryan:

Bids were received virtually for the "Har-Ber Ave. Phase 1 – 40th to Gutensohn" project at 2:00 p.m. on Tuesday, March 8, 2022. The bids have been checked for accuracy and for compliance with the contract documents. A tabulation of the bids received is enclosed with this letter.

A total of one bid was received on the project. Crossland Heavy Contractors submitted a bid for the project in the amount of \$11,386,350.15. The Engineer's Opinion of Probable Cost was \$9,252,980.00.

Contingent upon the approval of changes in scope presented in the attached Change Order No. 1, we recommend that the construction contract for the "Har-Ber Ave. Phase 1 – 40th to Gutensohn" be awarded to Crossland Heavy Contractors.

Please call me if you have any questions.

Sincerely,

GARVER, LLC

D. Jeffrey Webb, P.E.
Project Manager

Attachments: Bid Tabulation, Change Order No. 1

L:\2018\18047150 - Harber Avenue Extension\Bidding\40th to Gutensohn\Recommendation of Award\Har-Ber Phase 1 Recommendation of Award Letter 2022-04-13.docm

CITY OF SPRINGDALE
HAR-BER AVENUE EXTENSION - 40th Street to Gutensohn Rd.
BID TABULATION - SCHEDULE 1 (Sta. 38+50 to Gutensohn)
March 8, 2022 - 2:00 p.m.

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Crossland Heavy Contractors	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	111	Roadway Construction Control	LS	1	\$90,000.00	\$90,000.00	\$269,000.00	\$269,000.00
2	112	Trench and Excavation Safety Systems	LS	1	\$25,000.00	\$25,000.00	\$62,000.00	\$62,000.00
3	201	Clearing and Grubbing	LS	1	\$230,000.00	\$230,000.00	\$238,000.00	\$238,000.00
4	202, SP-7	Undercut and Backfill	CY	12,900	\$33.00	\$425,700.00	\$37.00	\$477,300.00
5	202, SP-7	Rock Excavation	CY	500	\$200.00	\$100,000.00	\$175.00	\$87,500.00
6	202, SP-7	Unclassified Excavation (Plan Quantity)	CY	21,417	\$15.00	\$321,255.00	\$15.00	\$321,255.00
7	202, SP-7	Embankment (Plan Quantity)	CY	7,344	\$10.00	\$73,440.00	\$18.75	\$137,700.00
8	203	Subgrade Preparation (Plan Quantity)	SY	15,996	\$3.00	\$47,988.00	\$5.00	\$79,980.00
9	204	Curb Backfill and Grading	Sta.	42	\$1,500.00	\$63,000.00	\$3,900.00	\$163,800.00
10	204, SP-8	4" Topsoil Placement (Yard Areas)	SY	36,667	\$4.00	\$146,668.00	\$5.00	\$183,335.00
11	205	Undercut and Stone Backfill	TON	1,000	\$65.00	\$65,000.00	\$55.00	\$55,000.00
12	301	18" Class III R.C. Pipe	LF	724	\$100.00	\$72,400.00	\$181.00	\$131,044.00
13	301	24" Class III R.C. Pipe	LF	1,107	\$110.00	\$121,770.00	\$182.00	\$201,474.00
14	301	30" Class III R.C. Pipe	LF	465	\$160.00	\$74,400.00	\$205.00	\$95,325.00
15	301	30"x19" Class III Elliptical R.C. Pipe	LF	68	\$125.00	\$8,500.00	\$260.00	\$17,680.00
16	301	53"x34" Class III Elliptical R.C. Pipe	LF	93	\$300.00	\$27,900.00	\$401.00	\$37,293.00
17	301	18" R.C. FES	EA	4	\$1,200.00	\$4,800.00	\$925.00	\$3,700.00
18	301	30" R.C. FES	EA	1	\$1,900.00	\$1,900.00	\$1,225.00	\$1,225.00
19	301	30"x19" Elliptical R.C. FES	EA	1	\$2,200.00	\$2,200.00	\$1,450.00	\$1,450.00
20	301	53"x34" Elliptical R.C. FES	EA	1	\$4,500.00	\$4,500.00	\$4,425.00	\$4,425.00
21	302	4' Drop Inlet (Type MO)	EA	17	\$6,800.00	\$115,600.00	\$9,850.00	\$167,450.00
22	302	5' Drop Inlet (Type MO)	EA	4	\$8,500.00	\$34,000.00	\$10,900.00	\$43,600.00
23	302	6' Drop Inlet (Type MO)	EA	1	\$10,000.00	\$10,000.00	\$11,300.00	\$11,300.00
24	302	5' Junction Box (Type MO)	EA	1	\$8,250.00	\$8,250.00	\$9,900.00	\$9,900.00
25	302	4'x4' Area Inlet	EA	4	\$8,500.00	\$34,000.00	\$9,875.00	\$39,500.00
26	302	9'x4' Area Inlet	EA	1	\$12,500.00	\$12,500.00	\$12,800.00	\$12,800.00
27	302	4'x4.5' Drop Inlet (Type Special Reverse Throat)	EA	1	\$9,500.00	\$9,500.00	\$10,525.00	\$10,525.00
28	302	7'x4' Drop Inlet (Type Special)	EA	1	\$12,000.00	\$12,000.00	\$12,800.00	\$12,800.00
29	302	4' Drop Inlet Extension	EA	15	\$1,975.00	\$29,625.00	\$1,950.00	\$29,250.00
30	302	8' Drop Inlet Extension	EA	1	\$3,135.00	\$3,135.00	\$3,500.00	\$3,500.00
31	302	16' Drop Inlet Extension	EA	2	\$5,000.00	\$10,000.00	\$5,500.00	\$11,000.00
32	302, SP-52	Drop Inlet Back Opening	EA	1	\$2,500.00	\$2,500.00	\$8,900.00	\$8,900.00
33	303	12'x7' Precast Concrete Box Culvert	LF	618	\$2,000.00	\$1,236,000.00	\$2,525.00	\$1,560,450.00
34	303	Wingwalls & Appurtenances (6 Barrel 12'x7')	LS	1	\$100,000.00	\$100,000.00	\$262,000.00	\$262,000.00
35	305	Channel Excavation (Plan Quantity)	CY	3,202	\$30.00	\$96,060.00	\$30.50	\$97,661.00
36	305	Erosion Control Fabric	SY	949	\$30.00	\$28,470.00	\$33.00	\$31,317.00
37	306	Rip Rap (18" Thick) (D50=5")	SY	11	\$60.00	\$660.00	\$50.00	\$550.00
38	306	Rip Rap (20" Thick) (D50=6")	SY	18	\$70.00	\$1,260.00	\$55.00	\$990.00
39	306	Rip Rap (27" Thick) (D50=12")	SY	1,190	\$100.00	\$119,000.00	\$65.00	\$77,350.00
40	306	Rip Rap (30" Thick) (D50=14")	SY	105	\$120.00	\$12,600.00	\$75.00	\$7,875.00
41	401, SP-9	6" Aggregate Base Course (Class 7)	SY	15,996	\$15.00	\$239,940.00	\$16.00	\$255,936.00
42	403, SP-10	Asphalt Concrete Hot Mix Surface Course	TON	1,835	\$150.00	\$275,250.00	\$157.00	\$288,095.00
43	403, SP-10	Asphalt Concrete Hot Mix Binder Course	TON	3,154	\$130.00	\$410,020.00	\$129.00	\$406,866.00
44	405	Asphalt Concrete Patching for Maintenance of Traffic	TON	25	\$300.00	\$7,500.00	\$500.00	\$12,500.00
45	SP-60	ACHM Pavement Permanent Repair	SY	100	\$200.00	\$20,000.00	\$250.00	\$25,000.00
46	501, SP-11	Concrete Curb and Gutter	LF	8,450	\$25.00	\$211,250.00	\$29.00	\$245,050.00
47	502	4" Thick Concrete Sidewalk	SY	2,051	\$74.00	\$151,774.00	\$79.00	\$162,029.00
48	502, SP-4	6" Thick Concrete Trail	SY	4,832	\$86.00	\$415,552.00	\$82.00	\$396,224.00
49	503	Concrete Aprons	SY	805	\$85.00	\$68,425.00	\$102.00	\$82,110.00
50	503	Concrete Driveway	SY	900	\$75.00	\$67,500.00	\$105.00	\$94,500.00
51	505, SP-16	Seeding	AC	5	\$3,100.00	\$15,500.00	\$6,000.00	\$30,000.00
52	505, SP-16	Sodding	SY	12,467	\$5.00	\$62,335.00	\$6.50	\$81,035.50
53	505, SP-16	Additional Watering	MG	157	\$80.00	\$12,560.00	\$95.00	\$14,915.00
54	SS&507	6" Striping (Thermoplastic)	LF	11,823	\$1.85	\$21,872.55	\$1.50	\$17,734.50
55	SS&507	12" Striping (Thermoplastic)	LF	480	\$15.00	\$7,200.00	\$15.00	\$7,200.00
56	SS&507	Pavement Symbols (Thermoplastic)	EA	31	\$525.00	\$16,275.00	\$600.00	\$18,600.00
57	SS&507	Yield Lines (Thermoplastic)	LF	17	\$30.00	\$510.00	\$38.00	\$646.00
58	508, SP-12	Permanent Regulatory Signs	SF	81	\$55.00	\$4,455.00	\$90.00	\$7,290.00
59	509	Erosion Control	LS	1	\$140,000.00	\$140,000.00	\$119,610.00	\$119,610.00
60	510, SP-14	Traffic Control	LS	1	\$50,000.00	\$50,000.00	\$39,200.00	\$39,200.00
61	511	Mobilization (not to exceed 5% of contract price)	LS	1	\$359,000.00	\$359,000.00	\$479,540.00	\$479,540.00
62	512	4' Chain Link Fence	LF	416	\$35.00	\$14,560.00	\$36.50	\$15,184.00
63	512	4' Chain Link Gates	LF	22	\$300.00	\$6,600.00	\$75.00	\$1,650.00



CITY OF SPRINGDALE
HAR-BER AVENUE EXTENSION - 40th Street to Gutensohn Rd.
BID TABULATION - SCHEDULE 1 (Sta. 38+50 to Gutensohn)
March 8, 2022 - 2:00 p.m.

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Crossland Heavy Contractors	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
64	512	8' Wood Privacy Shadow Box Fence	LF	814	\$100.00	\$81,400.00	\$36.50	\$29,711.00
65	512	8' Wood Privacy Shadow Box Gate	LF	50	\$500.00	\$25,000.00	\$140.00	\$7,000.00
66	512	Barbed Wire Fence	LF	3,378	\$15.00	\$50,670.00	\$14.00	\$47,292.00
67	SP-54	4' Decorative Fence	LF	405	\$140.00	\$56,700.00	\$59.00	\$23,895.00
68	512, SP-53	15' Steel Gate	EA	4	\$1,500.00	\$6,000.00	\$2,100.00	\$8,400.00
69	512, SP-53	Double 15' Steel Gate and Knox Padlock	EA	1	\$25,000.00	\$25,000.00	\$2,600.00	\$2,600.00
70	513	Cast-in-Place Tactile Panel	SF	334	\$35.00	\$11,690.00	\$40.00	\$13,360.00
71	513	Handicap Ramp Concrete	SY	171	\$120.00	\$20,520.00	\$85.00	\$14,535.00
72	516	Cold Milling Asphalt Pavement	SY	2,126	\$11.00	\$23,386.00	\$9.25	\$19,665.50
73	SP-13	Building Demolition and Disposal	LS	1	\$100,000.00	\$100,000.00	\$65,100.00	\$65,100.00
74	SP-61	Remove, Salvage, and Relocate Existing Carport	LS	1	\$5,000.00	\$5,000.00	\$17,500.00	\$17,500.00
75	SP-48 & 701	System Local Controller TS 2-Type, E-Net (8 Phases)	EA	1	\$40,500.00	\$40,500.00	\$58,000.00	\$58,000.00
76	SP-48	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$3,375.00	\$3,375.00	\$4,500.00	\$4,500.00
77	702	Traffic Signal Head, LED, (3 Section, 1 Way)	EA	8	\$1,350.00	\$10,800.00	\$1,650.00	\$13,200.00
78	702	Traffic Signal Head, LED, (4 Section, 1 Way)	EA	4	\$1,620.00	\$6,480.00	\$1,800.00	\$7,200.00
79	704	Countdown Pedestrian Signal Head, Led	EA	8	\$2,160.00	\$17,280.00	\$2,100.00	\$16,800.00
80	705	Traffic Signal Cable (5c/14 A.W.G.)	LF	1,831	\$2.70	\$4,943.70	\$3.50	\$6,408.50
81	705	Traffic Signal Cable (7c/14 A.W.G.)	LF	264	\$3.00	\$792.00	\$4.25	\$1,122.00
82	705	Traffic Signal Cable (20c/14 A.W.G.)	LF	489	\$5.40	\$2,640.60	\$5.50	\$2,689.50
83	707	Non-Metallic Conduit (2")	LF	148	\$18.90	\$2,797.20	\$31.00	\$4,588.00
84	707	Non-Metallic Conduit (3")	LF	407	\$36.45	\$14,835.15	\$54.00	\$21,978.00
85	708	Concrete Pull Box (Type 2)	EA	0	\$729.00	\$0.00	\$0.00	\$0.00
86	708	Concrete Pull Box (Type 1 HD)	EA	0	\$1,093.50	\$0.00	\$0.00	\$0.00
87	708	Concrete Pull Box (Type 2 HD)	EA	11	\$1,113.75	\$12,251.25	\$1,950.00	\$21,450.00
88	709	24' Traffic Signal Mast Arm and Pole With Foundation	EA	2	\$19,500.00	\$39,000.00	\$36,000.00	\$72,000.00
89	709	28' Traffic Signal Mast Arm and Pole With Foundation	EA	0	\$25,500.00	\$0.00	\$0.00	\$0.00
90	709	40' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$43,500.00	\$43,500.00	\$42,000.00	\$42,000.00
91	709	48' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$55,500.00	\$55,500.00	\$43,500.00	\$43,500.00
92	710	Traffic Signal Pedestal Pole with Foundation	EA	4	\$5,250.00	\$21,000.00	\$5,500.00	\$22,000.00
93	SP-48&713	Local Radio (E-Net 5.8) With Antenna	EA	1	\$7,425.00	\$7,425.00	\$4,000.00	\$4,000.00
94	SP-48&713	E-Net Cable (Exterior Cat 5e)	LF	69	\$2.50	\$172.50	\$6.25	\$431.25
95	714	Electrical Conductors-In-Conduit (1c/8 A.W.G., E.G.C.)	LF	701	\$2.00	\$1,402.00	\$2.75	\$1,927.75
96	714	Electrical Conductors-In-Conduit (2c/6 A.W.G.)	LF	35	\$3.50	\$122.50	\$5.45	\$190.75
97	SP-44	Battery Backup System	EA	1	\$20,250.00	\$20,250.00	\$17,000.00	\$17,000.00
98	SP-46	Service Point Assembly (2 Circuits)	EA	1	\$3,510.00	\$3,510.00	\$4,500.00	\$4,500.00
99	SP-47	18" Street Name Sign	EA	4	\$877.50	\$3,510.00	\$1,500.00	\$6,000.00
100	SP-45	Iteris Vantage Next Video Detector System	EA	1	\$67,500.00	\$67,500.00	\$75,800.00	\$75,800.00
101	SP-41	Rectangular Rapid Flashing Beacon	EA	2	\$7,500.00	\$15,000.00	\$19,500.00	\$39,000.00
102	SP-42	Standard Mid-Block Crossing	EA	1	\$20,000.00	\$20,000.00	\$41,100.00	\$41,100.00
103	SP-3	2" Non-Metallic Conduit	LF	4,667	\$17.50	\$81,672.50	\$24.00	\$112,008.00
104	SP-3	Composite Junction Box, Installed	EA	2	\$1,500.00	\$3,000.00	\$1,950.00	\$3,900.00
105	SP-3	Lighting Assembly Type A, Pole, Foundation, Junction Box, and Associated Hardware, Installed	EA	14	\$15,000.00	\$210,000.00	\$14,620.00	\$204,680.00
106	SP-3	Electrical Service Pedestal	EA	2	\$15,000.00	\$30,000.00	\$11,660.00	\$23,320.00
107	SP-3	No. 6 Copper Conductor, Installed in Conduit	LF	14,004	\$3.00	\$42,012.00	\$3.90	\$54,615.60
108	SP-3	No. 10 Copper Conductor, Installed	LF	1,925	\$1.80	\$3,465.00	\$2.75	\$5,293.75
109	SP-3	Utility Meter Rack	EA	2	\$3,000.00	\$6,000.00	\$2,340.00	\$4,680.00
110	SP-2	Utility Mobilization	LS	1	\$20,000.00	\$20,000.00	\$31,940.00	\$31,940.00
111	SP-2	Utility Trench Excavation Safety Systems	LS	1	\$25,000.00	\$25,000.00	\$16,260.00	\$16,260.00
112	SP-2	Spot Dig and Verify Exiting Utility Locations, Hydro-Excavation, Per Location	EA	20	\$500.00	\$10,000.00	\$1,175.00	\$23,500.00
113	SP-2	Sewer Bypass Pumping	LS	1	\$25,000.00	\$25,000.00	\$27,820.00	\$27,820.00



CITY OF SPRINGDALE
HAR-BER AVENUE EXTENSION - 40th Street to Gutensohn Rd.
BID TABULATION - SCHEDULE 1 (Sta. 38+50 to Gutensohn)
March 8, 2022 - 2:00 p.m.

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Crossland Heavy Contractors	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
114	SP-2	8" Class 50 DI Water Line	LF	157	\$95.00	\$14,915.00	\$164.00	\$25,748.00
115	SP-2	3" DR-9 HDPE Water Line	LF	1,117	\$30.00	\$33,510.00	\$90.00	\$100,530.00
116	SP-2	21" PS115 PVC Sanitary Sewer Line	LF	40	\$200.00	\$8,000.00	\$502.00	\$20,080.00
117	SP-2	8" SDR-26 PVC Sanitary Sewer Line	LF	800	\$90.00	\$72,000.00	\$151.00	\$120,800.00
118	SP-2	6" SDR-26 PVC Sanitary Sewer Line	LF	20	\$80.00	\$1,600.00	\$146.00	\$2,920.00
119	SP-2	4" Sch. 40 PVC Sanitary Sewer Service Line	LF	70	\$60.00	\$4,200.00	\$99.00	\$6,930.00
120	SP-2	Ductile Iron Fittings for Water Line	LBS	750	\$13.00	\$9,750.00	\$39.00	\$29,250.00
121	SP-2	6"x6" Tapping Sleeve and Valve	EA	3	\$6,000.00	\$18,000.00	\$7,760.00	\$23,280.00
122	SP-2	8"x3" Tapping Saddle and 3" Gate Valve	EA	1	\$3,000.00	\$3,000.00	\$7,620.00	\$7,620.00
123	SP-2	Connect to Ex. 2-1/2" Galvanized Steel Water Line	EA	1	\$1,000.00	\$1,000.00	\$3,500.00	\$3,500.00
124	SP-2	Cut and Cap Existing 6" A.C. Water Line	EA	3	\$3,000.00	\$9,000.00	\$3,970.00	\$11,910.00
125	SP-2	Fire Hydrant Assembly	EA	2	\$6,500.00	\$13,000.00	\$8,800.00	\$17,600.00
126	SP-2	Salvage Fire Hydrant	EA	1	\$1,000.00	\$1,000.00	\$2,720.00	\$2,720.00
127	SP-2	Relocate and Reconnect Water Service and Meter Set	EA	8	\$3,500.00	\$28,000.00	\$4,280.00	\$34,240.00
128	SP-2	New Water Service and Meter Set (Paradise Lane)	EA	6	\$5,000.00	\$30,000.00	\$5,210.00	\$31,260.00
129	SP-2	Temporary Blowoff Assembly	EA	1	\$3,000.00	\$3,000.00	\$2,590.00	\$2,590.00
130	SP-2	Permanent Blowoff Assembly	EA	1	\$5,000.00	\$5,000.00	\$2,960.00	\$2,960.00
131	SP-2	Concrete Anchor Collar	EA	1	\$2,000.00	\$2,000.00	\$5,200.00	\$5,200.00
132	SP-2	4' I.D. Sanitary Sewer Manhole, Cast-in-Place, 0' to 6' Depth	EA	9	\$4,500.00	\$40,500.00	\$6,700.00	\$60,300.00
133	SP-2	6' I.D. Sanitary Sewer Manhole, Cast-in-Place, 0' to 6' Depth	EA	2	\$6,000.00	\$12,000.00	\$9,200.00	\$18,400.00
134	SP-2	4' I.D. Sanitary Sewer Manhole Additional Depth, Over 6'	VF	18	\$250.00	\$4,500.00	\$350.00	\$6,300.00
135	SP-2	6' I.D. Sanitary Sewer Manhole Additional Depth, Over 6'	VF	10	\$500.00	\$5,000.00	\$498.00	\$4,980.00
136	SP-2	Adjust Existing Manhole to Grade	EA	1	\$1,000.00	\$1,000.00	\$4,750.00	\$4,750.00
137	SP-2	Adjust Sewer Cleanout to Grade	EA	1	\$1,000.00	\$1,000.00	\$1,210.00	\$1,210.00
138	SP-2	Demolish Existing Manhole	EA	6	\$1,200.00	\$7,200.00	\$1,650.00	\$9,900.00
139	SP-2	Collapse and Fill Existing Septic Tank	EA	1	\$2,000.00	\$2,000.00	\$7,450.00	\$7,450.00
140	SP-2	Sewer Service Connection	EA	1	\$1,000.00	\$1,000.00	\$1,610.00	\$1,610.00
141	SP-2	Flowable Fill for Abandoned 8" Pipe	LF	480	\$30.00	\$14,400.00	\$37.00	\$17,760.00
142	SP-2	Flowable Fill for Abandoned 6" Pipe	LF	155	\$10.00	\$1,550.00	\$36.50	\$5,657.50
143	SP-2	Trench Undercut and Backfill	CY	200	\$80.00	\$16,000.00	\$55.00	\$11,000.00
144	SP-2	Rock Excavation for Utilities	CY	100	\$200.00	\$20,000.00	\$300.00	\$30,000.00
TOTALS						<u>\$8,018,886.95</u>		<u>\$9,681,036.10</u>



CITY OF SPRINGDALE
HAR-BER AVENUE EXTENSION - 40th Street to Gutensohn Rd.
BID TABULATION - SCHEDULE 2 (40th St. Improvements)
March 8, 2022 - 2:00 p.m.

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Crossland Heavy Contractors	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
145	111	Roadway Construction Control	LS	1	\$10,000.00	\$10,000.00	\$36,800.00	\$36,800.00
146	112	Trench and Excavation Safety Systems	LS	1	\$1,000.00	\$1,000.00	\$14,370.00	\$14,370.00
147	201	Clearing and Grubbing	LS	1	\$20,000.00	\$20,000.00	\$44,500.00	\$44,500.00
148	202, SP-7	Undercut and Backfill	CY	1,500	\$33.00	\$49,500.00	\$37.00	\$55,500.00
149	202, SP-7	Unclassified Excavation (Plan Quantity)	CY	577	\$15.00	\$8,655.00	\$19.00	\$10,963.00
150	202, SP-7	Embankment (Plan Quantity)	CY	929	\$10.00	\$9,290.00	\$29.00	\$26,941.00
151	203	Subgrade Preparation (Plan Quantity)	SY	1,088	\$3.00	\$3,264.00	\$8.00	\$8,704.00
152	204	Curb Backfill and Grading	Sta.	7	\$1,500.00	\$10,500.00	\$3,900.00	\$27,300.00
153	204, SP-8	4" Topsoil Placement (Yard Areas)	SY	5,283	\$4.00	\$21,132.00	\$6.00	\$31,698.00
154	301	18" Class III R.C. Pipe	LF	43	\$100.00	\$4,300.00	\$205.00	\$8,815.00
155	302	6" Drop Inlet (Type MO)	EA	1	\$10,000.00	\$10,000.00	\$11,300.00	\$11,300.00
156	302	4'x5' Drop Inlet (Type Special Reverse Throat)	EA	3	\$9,500.00	\$28,500.00	\$10,900.00	\$32,700.00
157	302	6'x6' Drop Inlet (Type Special Reverse Throat)	EA	1	\$11,500.00	\$11,500.00	\$11,600.00	\$11,600.00
158	302	8' Drop Inlet Extension	EA	4	\$3,135.00	\$12,540.00	\$3,500.00	\$14,000.00
159	302, SP-51	Drop Inlets Adjusted to Grade	EA	1	\$2,500.00	\$2,500.00	\$8,400.00	\$8,400.00
160	401, SP-9	6" Aggregate Base Course (Class 7)	SY	1,088	\$15.00	\$16,320.00	\$18.00	\$19,584.00
161	403, SP-10	Asphalt Concrete Hot Mix Surface Course	TON	380	\$150.00	\$57,000.00	\$172.00	\$65,360.00
162	403, SP-10	Asphalt Concrete Hot Mix Binder Course	TON	204	\$130.00	\$26,520.00	\$149.00	\$30,396.00
163	405	Asphalt Concrete Patching for Maintenance of Traffic	TON	25	\$300.00	\$7,500.00	\$500.00	\$12,500.00
164	SP-60	ACHM Pavement Permanent Repair	SY	40	\$200.00	\$8,000.00	\$201.00	\$8,040.00
165	501, SP-11	Concrete Curb and Gutter	LF	731	\$25.00	\$18,275.00	\$27.00	\$19,737.00
166	502	4" Thick Concrete Sidewalk	SY	154	\$74.00	\$11,396.00	\$84.00	\$12,936.00
167	502, SP-4	6" Thick Concrete Trail	SY	523	\$86.00	\$44,978.00	\$88.00	\$46,024.00
168	503	Concrete Aprons	SY	90	\$85.00	\$7,650.00	\$125.00	\$11,250.00
169	503	Concrete Driveway	SY	104	\$75.00	\$7,800.00	\$95.00	\$9,880.00
170	505, SP-16	Seeding	AC	1	\$3,100.00	\$3,100.00	\$5,750.00	\$5,750.00
171	505, SP-16	Sodding	SY	443	\$5.00	\$2,215.00	\$6.00	\$2,658.00
172	505, SP-16	Additional Watering	MG	5	\$80.00	\$400.00	\$5.50	\$27.50
173	SS&507	6" Striping (Thermoplastic)	LF	2,377	\$1.85	\$4,397.45	\$1.50	\$3,565.50
174	SS&507	12" Striping (Thermoplastic)	LF	502	\$15.00	\$7,530.00	\$15.00	\$7,530.00
175	SS&507	Pavement Symbols (Thermoplastic)	EA	16	\$525.00	\$8,400.00	\$600.00	\$9,600.00
176	508, SP-12	Permanent Regulatory Signs	SF	42	\$55.00	\$2,310.00	\$85.00	\$3,570.00
177	509	Erosion Control	LS	1	\$10,000.00	\$10,000.00	\$14,220.00	\$14,220.00
178	510, SP-14	Traffic Control	LS	1	\$7,500.00	\$7,500.00	\$23,560.00	\$23,560.00
179	511	Mobilization (not to exceed 5% of contract price)	LS	1	\$58,000.00	\$58,000.00	\$79,000.00	\$79,000.00
180	512	4' Chain Link Fence	LF	172	\$35.00	\$6,020.00	\$35.00	\$6,020.00
181	512	4' Chain Link Gates	LF	24	\$300.00	\$7,200.00	\$74.00	\$1,776.00
182	513	Cast-in-Place Tactile Panel	SF	181	\$35.00	\$6,335.00	\$40.00	\$7,240.00
183	513	Handicap Ramp Concrete	SY	92	\$120.00	\$11,040.00	\$82.00	\$7,544.00
184	516	Cold Milling Asphalt Pavement	SY	2,291	\$11.00	\$25,201.00	\$9.20	\$21,077.20
185	SP-48 & 701	System Local Controller TS 2-Type, E-Net (8 Phases)	EA	1	\$40,500.00	\$40,500.00	\$58,000.00	\$58,000.00
186	SP-48	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$3,375.00	\$3,375.00	\$4,300.00	\$4,300.00
187	702	Traffic Signal Head, LED, (3 Section, 1 Way)	EA	9	\$1,350.00	\$12,150.00	\$1,600.00	\$14,400.00
188	702	Traffic Signal Head, LED, (4 Section, 1 Way)	EA	4	\$1,620.00	\$6,480.00	\$1,800.00	\$7,200.00
189	704	Countdown Pedestrian Signal Head, Led	EA	8	\$2,160.00	\$17,280.00	\$2,100.00	\$16,800.00
190	705	Traffic Signal Cable (5c/14 A.W.G.)	LF	1,920	\$2.70	\$5,184.00	\$3.50	\$6,720.00
191	705	Traffic Signal Cable (7c/14 A.W.G.)	LF	254	\$3.00	\$762.00	\$4.25	\$1,079.50
192	705	Traffic Signal Cable (20c/14 A.W.G.)	LF	528	\$5.40	\$2,851.20	\$5.30	\$2,798.40
193	707	Non-Metallic Conduit (2")	LF	140	\$18.90	\$2,646.00	\$31.00	\$4,340.00
194	707	Non-Metallic Conduit (3")	LF	446	\$36.45	\$16,256.70	\$54.00	\$24,084.00
195	708	Concrete Pull Box (Type 2)	EA	0	\$729.00	\$0.00	\$0.00	\$0.00
196	708	Concrete Pull Box (Type 1 HD)	EA	0	\$1,093.50	\$0.00	\$0.00	\$0.00
197	708	Concrete Pull Box (Type 2 HD)	EA	10	\$1,113.75	\$11,137.50	\$1,950.00	\$19,500.00
198	709	26' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$22,500.00	\$22,500.00	\$37,000.00	\$37,000.00
199	709	30' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$28,500.00	\$28,500.00	\$44,000.00	\$44,000.00
200	709	32' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$31,500.00	\$31,500.00	\$41,000.00	\$41,000.00



CITY OF SPRINGDALE
HAR-BER AVENUE EXTENSION - 40th Street to Gutensohn Rd.
BID TABULATION - SCHEDULE 2 (40th St. Improvements)
March 8, 2022 - 2:00 p.m.

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Crossland Heavy Contractors	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
201	709	42' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$46,500.00	\$46,500.00	\$45,000.00	\$45,000.00
202	710	Traffic Signal Pedestal Pole with Foundation	EA	4	\$5,250.00	\$21,000.00	\$5,500.00	\$22,000.00
203	SP-48&713	Local Radio (E-Net 5.8) With Antenna	EA	1	\$7,425.00	\$7,425.00	\$4,000.00	\$4,000.00
204	SP-48&713	E-Net Cable (Exterior Cat 5e)	LF	78	\$2.50	\$195.00	\$6.25	\$487.50
205	714	Electrical Conductors-In-Conduit (1c/8 A.W.G., E.G.C.)	LF	683	\$2.00	\$1,366.00	\$2.75	\$1,878.25
206	714	Electrical Conductors-In-Conduit (1c/12 A.W.G., E.G.C.)	LF	220	\$1.35	\$297.00	\$1.95	\$429.00
207	714	Electrical Conductors-In-Conduit (2c/6 A.W.G.)	LF	36	\$3.50	\$126.00	\$5.45	\$196.20
208	716	Electrical Conductors for Luminaires	LF	748	\$2.50	\$1,870.00	\$3.85	\$2,879.80
209	715	LED Luminaire Assembly	EA	4	\$1,080.00	\$4,320.00	\$1,500.00	\$6,000.00
210	SP-44	Battery Backup System	EA	1	\$20,250.00	\$20,250.00	\$17,000.00	\$17,000.00
211	SP-46	Service Point Assembly (2 Circuits)	EA	1	\$3,510.00	\$3,510.00	\$4,500.00	\$4,500.00
212	SP-47	18" Street Name Sign	EA	4	\$877.50	\$3,510.00	\$1,500.00	\$6,000.00
213	SP-45	Grid Smart Video Detector System	EA	1	\$67,500.00	\$67,500.00	\$105,000.00	\$105,000.00
214	SP-20	Bridge Construction Control	LS	1	\$10,000.00	\$10,000.00	\$25,000.00	\$25,000.00
215	SP-20	Class 2 Protective Surface Treatment	SY	191	\$9.00	\$1,717.20	\$19.00	\$3,625.20
216	SP-20	Class 3 Protective Surface Treatment	LF	62	\$18.00	\$1,116.00	\$305.00	\$18,910.00
217	SP-20, SS	Transitional Approach Railing	EA	2	\$7,500.00	\$15,000.00	\$8,800.00	\$17,600.00
218	SP-20	Modification of Existing Bridge Structure	LS	1	\$100,000.00	\$100,000.00	\$185,000.00	\$185,000.00
219	SP-26	31' Precast Concrete Curb Units	EA	2	\$10,800.00	\$21,600.00	\$14,700.00	\$29,400.00
220	SP-26	31' Precast Concrete Interior Units	EA	8	\$12,200.00	\$97,600.00	\$14,500.00	\$116,000.00
221	SP-26	31' Precast Parapet Rail Units	EA	2	\$11,900.00	\$23,800.00	\$16,500.00	\$33,000.00
222	SP-56	Latex Modified Concrete Overlay (1-1/2" Thick)	SY	62	\$250.00	\$15,500.00	\$125.00	\$7,750.00
TOTALS						<u>\$1,233,093.05</u>		<u>\$1,705,314.05</u>



Construction Contract Change Order

Project: Har-Ber Ave. Extension - 40th to Gutensohn Springdale, AR Garver Job No. 18047150					Change Order No. 1					
Owner: City of Springdale 201 Spring Street Springdale, AR 72764					Date Prepared: April 04, 2022 Prepared by: Jeff Webb, PE					
Description of Work Included in Contract scope of work, paraphrased					Contractor: Crossland Heavy Contractors 501 S. East Ave. Columbus, KS 66725					
Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.) A. Reduction in scope of work per discussions between City and Contractor. B. Addition of conduit and pull boxes for future City fiber. Attachments: None.										
Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Estimated Quantity	Revised Unit Price	Original Estimated Cost	Revised Estimated Cost	Change in Cost
A.	58	Permanent Regulatory Signs	SF	81	\$90.00	90	\$90.00	\$7,290.00	\$8,100.00	\$810.00
A.	75	System Local Controller TS 2-Type, E-Net (8 Phases)	EA	1	\$58,000.00	0	\$58,000.00	\$58,000.00	\$0.00	(\$58,000.00)
A.	76	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$4,500.00	0	\$4,500.00	\$4,500.00	\$0.00	(\$4,500.00)
A.	77	Traffic Signal Head, LED, (3 Section, 1 Way)	EA	8	\$1,650.00	0	\$1,650.00	\$13,200.00	\$0.00	(\$13,200.00)
A.	78	Traffic Signal Head, LED, (4 Section, 1 Way)	EA	4	\$1,800.00	0	\$1,800.00	\$7,200.00	\$0.00	(\$7,200.00)
A.	79	Countdown Pedestrian Signal Head, Led	EA	8	\$2,100.00	0	\$2,100.00	\$16,800.00	\$0.00	(\$16,800.00)
A.	80	Traffic Signal Cable (5c/14 A.W.G.)	LF	1,831	\$3.50	0	\$3.50	\$6,408.50	\$0.00	(\$6,408.50)
A.	81	Traffic Signal Cable (7c/14 A.W.G.)	LF	264	\$4.25	0	\$4.25	\$1,122.00	\$0.00	(\$1,122.00)
A.	82	Traffic Signal Cable (20c/14 A.W.G.)	LF	489	\$5.50	0	\$5.50	\$2,689.50	\$0.00	(\$2,689.50)
A.	83	Non-Metallic Conduit (2")	LF	148	\$31.00	148	\$31.00	\$4,588.00	\$4,588.00	\$0.00
A.	84	Non-Metallic Conduit (3")	LF	407	\$54.00	407	\$54.00	\$21,978.00	\$21,978.00	\$0.00
A.	85	Concrete Pull Box (Type 2)	EA	0	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00
A.	86	Concrete Pull Box (Type 1 HD)	EA	0	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00
A.	87	Concrete Pull Box (Type 2 HD)	EA	11	\$1,950.00	11	\$1,950.00	\$21,450.00	\$21,450.00	\$0.00
A.	88	24' Traffic Signal Mast Arm and Pole With Foundation	EA	2	\$36,000.00	0	\$36,000.00	\$72,000.00	\$0.00	(\$72,000.00)
A.	89	28' Traffic Signal Mast Arm and Pole With Foundation	EA	0	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00
A.	90	40' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$42,000.00	0	\$42,000.00	\$42,000.00	\$0.00	(\$42,000.00)
A.	91	48' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$43,500.00	0	\$43,500.00	\$43,500.00	\$0.00	(\$43,500.00)
A.	92	Traffic Signal Pedestal Pole with Foundation	EA	4	\$5,500.00	0	\$5,500.00	\$22,000.00	\$0.00	(\$22,000.00)
A.	93	Local Radio (E-Net 5.8) With Antenna	EA	1	\$4,000.00	0	\$4,000.00	\$4,000.00	\$0.00	(\$4,000.00)
A.	94	E-Net Cable (Exterior Cat 5e)	LF	69	\$6.25	0	\$6.25	\$431.25	\$0.00	(\$431.25)
A.	95	Electrical Conductors-In-Conduit (1c/8 A.W.G., E.G.C.)	LF	701	\$2.75	0	\$2.75	\$1,927.75	\$0.00	(\$1,927.75)
A.	96	Electrical Conductors-In-Conduit (2c/6 A.W.G.)	LF	35	\$5.45	0	\$5.45	\$190.75	\$0.00	(\$190.75)
A.	97	Battery Backup System	EA	1	\$17,000.00	0	\$17,000.00	\$17,000.00	\$0.00	(\$17,000.00)
A.	98	Service Point Assembly (2 Circuits)	EA	1	\$4,500.00	0	\$4,500.00	\$4,500.00	\$0.00	(\$4,500.00)
A.	99	18" Street Name Sign	EA	4	\$1,500.00	0	\$1,500.00	\$6,000.00	\$0.00	(\$6,000.00)
A.	100	Iteris Vantage Next Video Detector System	EA	1	\$75,800.00	0	\$75,800.00	\$75,800.00	\$0.00	(\$75,800.00)
A.	145	Roadway Construction Control	LS	1	\$36,800.00	1	\$29,550.00	\$36,800.00	\$29,550.00	(\$7,250.00)
A.	146	Trench and Excavation Safety Systems	LS	1	\$14,370.00	1	\$5,570.00	\$14,370.00	\$5,570.00	(\$8,800.00)
A.	147	Clearing and Grubbing	LS	1	\$44,500.00	1	\$31,200.00	\$44,500.00	\$31,200.00	(\$13,300.00)
A.	148	Undercut and Backfill	CY	1,500	\$37.00	419	\$37.00	\$55,500.00	\$15,503.00	(\$39,997.00)
A.	149	Unclassified Excavation (Plan Quantity)	CY	577	\$19.00	382	\$19.00	\$10,963.00	\$7,258.00	(\$3,705.00)
A.	150	Embankment (Plan Quantity)	CY	929	\$29.00	49	\$29.00	\$26,941.00	\$1,421.00	(\$25,520.00)
A.	151	Subgrade Preparation (Plan Quantity)	SY	1,088	\$8.00	526	\$8.00	\$8,704.00	\$4,208.00	(\$4,496.00)
A.	152	Curb Backfill and Grading	Sta.	7	\$3,900.00	4	\$3,900.00	\$27,300.00	\$15,600.00	(\$11,700.00)
A.	153	4" Topsoil Placement (Yard Areas)	SY	5,283	\$6.00	5,021	\$6.00	\$31,698.00	\$30,126.00	(\$1,572.00)
A.	154	18" Class III R.C. Pipe	LF	43	\$205.00	43	\$205.00	\$8,815.00	\$8,815.00	\$0.00
A.	155	6" Drop Inlet (Type MO)	EA	1	\$11,300.00	1	\$11,300.00	\$11,300.00	\$11,300.00	\$0.00

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Estimated Quantity	Revised Unit Price	Original Estimated Cost	Revised Estimated Cost	Change in Cost
A.	156	4'x5' Drop Inlet (Type Special Reverse Throat)	EA	3	\$10,900.00	1	\$10,900.00	\$32,700.00	\$10,900.00	(\$21,800.00)
A.	157	6'x6' Drop Inlet (Type Special Reverse Throat)	EA	1	\$11,600.00	0	\$11,600.00	\$11,600.00	\$0.00	(\$11,600.00)
A.	158	8' Drop Inlet Extension	EA	4	\$3,500.00	1	\$3,500.00	\$14,000.00	\$3,500.00	(\$10,500.00)
A.	159	Drop Inlets Adjusted to Grade	EA	1	\$8,400.00	0	\$8,400.00	\$8,400.00	\$0.00	(\$8,400.00)
A.	160	6" Aggregate Base Course (Class 7)	SY	1,088	\$18.00	526	\$18.00	\$19,584.00	\$9,468.00	(\$10,116.00)
A.	161	Asphalt Concrete Hot Mix Surface Course	TON	380	\$172.00	50	\$172.00	\$65,360.00	\$8,600.00	(\$56,760.00)
A.	162	Asphalt Concrete Hot Mix Binder Course	TON	204	\$149.00	98	\$149.00	\$30,396.00	\$14,602.00	(\$15,794.00)
A.	163	Asphalt Concrete Patching for Maintenance of Traffic	TON	25	\$500.00	25	\$500.00	\$12,500.00	\$12,500.00	\$0.00
A.	164	ACHM Pavement Permanent Repair	SY	40	\$201.00	40	\$201.00	\$8,040.00	\$8,040.00	\$0.00
A.	165	Concrete Curb and Gutter	LF	731	\$27.00	368	\$27.00	\$19,737.00	\$9,936.00	(\$9,801.00)
A.	166	4" Thick Concrete Sidewalk	SY	154	\$84.00	137	\$84.00	\$12,936.00	\$11,508.00	(\$1,428.00)
A.	167	6" Thick Concrete Trail	SY	523	\$88.00	23	\$88.00	\$46,024.00	\$2,024.00	(\$44,000.00)
A.	168	Concrete Aprons	SY	90	\$125.00	90	\$125.00	\$11,250.00	\$11,250.00	\$0.00
A.	169	Concrete Driveway	SY	104	\$95.00	104	\$95.00	\$9,880.00	\$9,880.00	\$0.00
A.	170	Seeding	AC	1	\$5,750.00	1	\$5,750.00	\$5,750.00	\$5,750.00	\$0.00
A.	171	Sodding	SY	443	\$6.00	181	\$6.00	\$2,658.00	\$1,086.00	(\$1,572.00)
A.	172	Additional Watering	MG	5	\$5.50	5	\$5.50	\$27.50	\$27.50	\$0.00
A.	173	6" Striping (Thermoplastic)	LF	2,377	\$1.50	150	\$1.50	\$3,565.50	\$225.00	(\$3,340.50)
A.	174	12" Striping (Thermoplastic)	LF	502	\$15.00	117	\$15.00	\$7,530.00	\$1,755.00	(\$5,775.00)
A.	175	Pavement Symbols (Thermoplastic)	EA	16	\$600.00	3	\$600.00	\$9,600.00	\$1,800.00	(\$7,800.00)
A.	176	Permanent Regulatory Signs	SF	42	\$85.00	26	\$85.00	\$3,570.00	\$2,210.00	(\$1,360.00)
A.	177	Erosion Control	LS	1	\$14,220.00	1	\$8,810.00	\$14,220.00	\$8,810.00	(\$5,410.00)
A.	178	Traffic Control	LS	1	\$23,560.00	1	\$9,280.00	\$23,560.00	\$9,280.00	(\$14,280.00)
A.	179	Mobilization (not to exceed 5% of contract price)	LS	1	\$79,000.00	1	\$57,890.00	\$79,000.00	\$57,890.00	(\$21,110.00)
A.	180	4' Chain Link Fence	LF	172	\$35.00	78	\$35.00	\$6,020.00	\$2,730.00	(\$3,290.00)
A.	181	4' Chain Link Gates	LF	24	\$74.00	24	\$74.00	\$1,776.00	\$1,776.00	\$0.00
A.	182	Cast-in-Place Tactile Panel	SF	181	\$40.00	54	\$40.00	\$7,240.00	\$2,160.00	(\$5,080.00)
A.	183	Handicap Ramp Concrete	SY	92	\$82.00	38	\$82.00	\$7,544.00	\$3,116.00	(\$4,428.00)
A.	184	Cold Milling Asphalt Pavement	SY	2,291	\$9.20	0	\$9.20	\$21,077.20	\$0.00	(\$21,077.20)
A.	185	System Local Controller TS 2-Type, E-Net (8 Phases)	EA	1	\$58,000.00	0	\$58,000.00	\$58,000.00	\$0.00	(\$58,000.00)
A.	186	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$4,300.00	0	\$4,300.00	\$4,300.00	\$0.00	(\$4,300.00)
A.	187	Traffic Signal Head, LED, (3 Section, 1 Way)	EA	9	\$1,600.00	0	\$1,600.00	\$14,400.00	\$0.00	(\$14,400.00)
A.	188	Traffic Signal Head, LED, (4 Section, 1 Way)	EA	4	\$1,800.00	0	\$1,800.00	\$7,200.00	\$0.00	(\$7,200.00)
A.	189	Countdown Pedestrian Signal Head, Led	EA	8	\$2,100.00	0	\$2,100.00	\$16,800.00	\$0.00	(\$16,800.00)
A.	190	Traffic Signal Cable (5c/14 A.W.G.)	LF	1,920	\$3.50	0	\$3.50	\$6,720.00	\$0.00	(\$6,720.00)
A.	191	Traffic Signal Cable (7c/14 A.W.G.)	LF	254	\$4.25	0	\$4.25	\$1,079.50	\$0.00	(\$1,079.50)
A.	192	Traffic Signal Cable (20c/14 A.W.G.)	LF	528	\$5.30	0	\$5.30	\$2,798.40	\$0.00	(\$2,798.40)
A.	193	Non-Metallic Conduit (2")	LF	140	\$31.00	140	\$31.00	\$4,340.00	\$4,340.00	\$0.00
A.	194	Non-Metallic Conduit (3")	LF	446	\$54.00	446	\$54.00	\$24,084.00	\$24,084.00	\$0.00
A.	195	Concrete Pull Box (Type 2)	EA	0	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00
A.	196	Concrete Pull Box (Type 1 HD)	EA	0	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00
A.	197	Concrete Pull Box (Type 2 HD)	EA	10	\$1,950.00	10	\$1,950.00	\$19,500.00	\$19,500.00	\$0.00
A.	198	26' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$37,000.00	0	\$37,000.00	\$37,000.00	\$0.00	(\$37,000.00)
A.	199	30' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$44,000.00	0	\$44,000.00	\$44,000.00	\$0.00	(\$44,000.00)
A.	200	32' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$41,000.00	0	\$41,000.00	\$41,000.00	\$0.00	(\$41,000.00)
A.	201	42' Traffic Signal Mast Arm and Pole With Foundation	EA	1	\$45,000.00	0	\$45,000.00	\$45,000.00	\$0.00	(\$45,000.00)
A.	202	Traffic Signal Pedestal Pole with Foundation	EA	4	\$5,500.00	0	\$5,500.00	\$22,000.00	\$0.00	(\$22,000.00)
A.	203	Local Radio (E-Net 5.8) With Antenna	EA	1	\$4,000.00	0	\$4,000.00	\$4,000.00	\$0.00	(\$4,000.00)
A.	204	E-Net Cable (Exterior Cat 5e)	LF	78	\$6.25	0	\$6.25	\$487.50	\$0.00	(\$487.50)
A.	205	Electrical Conductors-In-Conduit (1c/8 A.W.G., E.G.C.)	LF	683	\$2.75	0	\$2.75	\$1,878.25	\$0.00	(\$1,878.25)
A.	206	Electrical Conductors-In-Conduit (1c/12 A.W.G., E.G.C.)	LF	220	\$1.95	0	\$1.95	\$429.00	\$0.00	(\$429.00)
A.	207	Electrical Conductors-In-Conduit (2c/6 A.W.G.)	LF	36	\$5.45	0	\$5.45	\$196.20	\$0.00	(\$196.20)
A.	208	Electrical Conductors for Luminaires	LF	748	\$3.85	0	\$3.85	\$2,879.80	\$0.00	(\$2,879.80)
A.	209	LED Luminaire Assembly	EA	4	\$1,500.00	0	\$1,500.00	\$6,000.00	\$0.00	(\$6,000.00)
A.	210	Battery Backup System	EA	1	\$17,000.00	0	\$17,000.00	\$17,000.00	\$0.00	(\$17,000.00)
A.	211	Service Point Assembly (2 Circuits)	EA	1	\$4,500.00	0	\$4,500.00	\$4,500.00	\$0.00	(\$4,500.00)
A.	212	18" Street Name Sign	EA	4	\$1,500.00	0	\$1,500.00	\$6,000.00	\$0.00	(\$6,000.00)
A.	213	Grid Smart Video Detector System	EA	1	\$105,000.00	0	\$105,000.00	\$105,000.00	\$0.00	(\$105,000.00)
A.	214	Bridge Construction Control	LS	1	\$25,000.00	0	\$25,000.00	\$25,000.00	\$0.00	(\$25,000.00)
A.	215	Class 2 Protective Surface Treatment	SY	190.8	\$19.00	0	\$19.00	\$3,625.20	\$0.00	(\$3,625.20)
A.	216	Class 3 Protective Surface Treatment	LF	62	\$305.00	0	\$305.00	\$18,910.00	\$0.00	(\$18,910.00)
A.	217	Transitional Approach Railing	EA	2	\$8,800.00	0	\$8,800.00	\$17,600.00	\$0.00	(\$17,600.00)
A.	218	Modification of Existing Bridge Structure	LS	1	\$185,000.00	0	\$185,000.00	\$185,000.00	\$0.00	(\$185,000.00)

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Estimated Quantity	Revised Unit Price	Original Estimated Cost	Revised Estimated Cost	Change in Cost	
A.	219	31' Precast Concrete Curb Units	EA	2	\$14,700.00	0	\$14,700.00	\$29,400.00	\$0.00	(\$29,400.00)	
A.	220	31' Precast Concrete Interior Units	EA	8	\$14,500.00	0	\$14,500.00	\$116,000.00	\$0.00	(\$116,000.00)	
A.	221	31' Precast Parapet Rail Units	EA	2	\$16,500.00	0	\$16,500.00	\$33,000.00	\$0.00	(\$33,000.00)	
A.	222	Latex Modified Concrete Overlay (1-1/2" Thick)	SY	62	\$125.00	0	\$125.00	\$7,750.00	\$0.00	(\$7,750.00)	
A.	CO-1.1	Foundation and Anchor Bolts for 24' Traffic Signal Mast Arm	EA	0	\$0.00	2	\$23,200.00	\$0.00	\$46,400.00	\$46,400.00	
A.	CO-1.5	Foundation and Anchor Bolts for 26' Traffic Signal Mast Arm	EA	0	\$0.00	1	\$23,200.00	\$0.00	\$23,200.00	\$23,200.00	
A.	CO-1.6	Foundation and Anchor Bolts for 30' Traffic Signal Mast Arm	EA	0	\$0.00	1	\$23,200.00	\$0.00	\$23,200.00	\$23,200.00	
A.	CO-1.7	Foundation and Anchor Bolts for 32' Traffic Signal Mast Arm	EA	0	\$0.00	1	\$23,200.00	\$0.00	\$23,200.00	\$23,200.00	
A.	CO-1.3	Foundation and Anchor Bolts for 40' Traffic Signal Mast Arm	EA	0	\$0.00	1	\$23,600.00	\$0.00	\$23,600.00	\$23,600.00	
A.	CO-1.8	Foundation and Anchor Bolts for 42' Traffic Signal Mast Arm	EA	0	\$0.00	1	\$23,600.00	\$0.00	\$23,600.00	\$23,600.00	
A.	CO-1.4	Foundation and Anchor Bolts for 48' Traffic Signal Mast Arm	EA	0	\$0.00	1	\$23,600.00	\$0.00	\$23,600.00	\$23,600.00	
A.	CO-1.9	Foundation for Pedestrian Signal Pole	EA	0	\$0.00	8	\$3,800.00	\$0.00	\$30,400.00	\$30,400.00	
A.	CO-1.10	Replace Flowable Fill in Trenches with #57 Clean Rock and Compacted Class 7 Aggregate Base Course (Savings)	LS	0	\$0.00	1	(\$108,880.00)	\$0.00	(\$108,880.00)	(\$108,880.00)	
B.	CO-1.11	2" Non-Metallic Conduit with Pull String for Future City Fiber	LF	0	\$0.00	8,000	\$19.50	\$0.00	\$156,000.00	\$156,000.00	
B.	CO-1.12	Concrete Pull Box (Type 2 HD for Future Fiber)	EA	0	\$0.00	10	\$1,950.00	\$0.00	\$19,500.00	\$19,500.00	
Summation of Cost								\$2,159,889.80	\$759,234.50		
Net Cost for this Change Order									(\$1,400,655.30)		
Estimated Project Cost				Estimated Project Cost		Time Change					
Original Contract Amount				\$11,386,350.15		Original Contract Start Date					TBD
This Change Order				(\$1,400,655.30)		Original Contract Time (calendar days)					360
New Contract Amount				\$9,985,694.85		Additional Calendar Days granted by this Change Order					0
						New Contract Time (calendar days)					360
						Suspended Time					
						New Construction Completion Date					TBD
THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS											
ISSUED FOR REASONS INDICATED ABOVE											
Engineer: Garver						Project Manager		4/4/2022			
Engineer's Signature						Title		Date			
ACCEPTED BY CONTRACTOR											
Contractor's Signature						Vice President		4/5/2022			
Contractor's Signature						Title		Date			
APPROVED BY OWNER											
Owner's Signature						Title		Date			

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO RENEW A CONTRACT WITH THE DOWNTOWN SPRINGDALE ALLIANCE TO PROMOTE, PRESERVE, AND ENHANCE DOWNTOWN SPRINGDALE, AND TO FACILITATE THE IMPLEMENTATION OF THE DOWNTOWN MASTER PLAN.

WHEREAS, in 2015, the City Council for the City of Springdale, Arkansas, passed an Ordinance establishing the Downtown Master Plan for downtown Springdale;

WHEREAS, the intent of the Downtown Master Plan is to promote, preserve, and enhance the development, preservation, and beautification of Downtown Springdale, which benefits all the residents of the City of Springdale;

WHEREAS, on March 23, 2021, the City Council of the City of Springdale, Arkansas, passed Ordinance No. 5579, authorizing a contract between the City of Springdale and the Downtown Springdale Alliance ("the DSA"), allowing for the DSA to perform certain services for the City of Springdale related to the Downtown Master Plan;

WHEREAS, the City of Springdale desires to renew the existing contract with the DSA for a period of one (1) year on the same terms and conditions;

WHEREAS, incorporated herein by reference and attached hereto as Exhibit "A" is a contract between the City of Springdale and the DSA, allowing for the DSA to perform certain services for the City of Springdale related to the Downtown Master Plan, as set out in the contract, for the total sum of \$100,000.00;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to renew a contract, which is incorporated herein by reference, with the Downtown Springdale Alliance, and to pay the sum not to exceed \$100,000.00 to the Downtown Springdale Alliance, as set out in the Contract, said money to be paid from general fund.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

CONTRACT FOR SERVICES

This Contract for Services entered into this _____ day of _____, 2022, by and between the City of Springdale, Arkansas, (hereafter “City”) and Downtown Springdale Alliance (hereafter “DSA”) pursuant to the following terms and conditions:

WHEREAS, DSA is a not-for-profit entity organized exclusively to promote, encourage, develop, engage participation in and support the beautification and preservation of the City of Springdale downtown core and surrounding areas; and

WHEREAS, a downtown area has been identified by the City consisting of approximately 675 acres from U.S. Highway 71-B on the west to Arkansas Highway 265 on the east and Huntsville Avenue on the north and Quandt Avenue/Caudle Avenue on the south (hereafter sometimes referred to as “Downtown”); and

WHEREAS, DSA has specifically designated Downtown as that part of Springdale to devote its attention to the promotion, preservation, enhancement, engagement, business development, and marketing; and

WHEREAS, DSA has previously engaged in a contract for the City, and through this agreement, seeks to continue those services in a defined manner by proving services relevant to City projects in Downtown; and

WHEREAS, the promotion, development, enhancement, engagement, marketing and business development of Downtown is vital to City in that a vibrant, diverse, healthy, active, commercial and inhabited Downtown is necessary for the future growth and continued sustainability of City; and

WHEREAS, City has undertaken to construct public facilities Downtown consisting of a revitalization of Shiloh Square, Realignment of Razorback Regional Greenway across Emma Avenue, and connecting Downtown to Mt. Fitzgerald via protected bike lanes; and

WHEREAS, in order to fund and maintain such public facilities and to enact the Downtown Master Plan, it is vital to have a vibrant Downtown with an infrastructure that promotes the Downtown and to have a tax base both in terms of ad valorem tax and sales taxes that will not only fund and promote City, but the Downtown and general services available to City to promote the general safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the City and its inhabitants; and

WHEREAS, private entities including Tyson Foods, Inc., have moved offices Downtown, which requires an expansion of infrastructure provided by the public sector, as well as services provided by private investment, including but not limited to retail, entertainment, restaurants, offices, medical services, and the like to serve those persons who are, and will be, inhabiting Downtown, as well as working therein; and

WHEREAS, there were numerous vacant buildings in the Downtown which are now occupied by the private sector and now provide a growing tax base both in terms of ad valorem taxes and sales taxes and otherwise. Downtown blight has been deterred for decades to come. A blight upon a portion of the City would have a negative impact both in terms of safety and the health and welfare of its inhabitants; and

WHEREAS, City does not have the ability to provide the services to be rendered as outlined herein below and has no staff or office in the City devoted to such services; and

WHEREAS, no other entity, public or private, is providing the services to the inhabitants and citizens of the City or to the City that are to be provided herein; and

WHEREAS, City has the inherent authority to enter into this Contract pursuant to A.C.A. § 14-54-101 and §14-55-102; and

WHEREAS, services provided herein by DSA are unique and City finds it impractical and unfeasible to obtain the services provided herein through a formal competitive bidding and has, by appropriate action of its City Council, waived such requirement of bidding; and

WHEREAS, pursuant to Arkansas law, it is required that a contract be developed between City and DSA to establish that City is not merely making a contribution to DSA, but that City will and shall receive unique benefits from this contractual agreement;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties as follows:

1. CONSIDERATION: City shall pay and DSA agrees to accept a sum in the amount of \$100,000.00 as consideration for the services to be rendered as set

forth in this Contract to be paid bi-annually during the First business Monday of Second Quarter and the First business Monday of the Fourth Quarter.

2. TERM: The term of this Contract shall be from March 1, 2022, to February 28, 2023.
3. SERVICES TO BE PROVIDED: DSA's primary purpose, which is aligned with the City's goals, is "To Promote a Vibrant Downtown Springdale". In consideration of the funds paid by the City, DSA will provide the following specific services:
 - a. Public Space, Community Events Calendar, Social Media, Website
 - i. Organize, and advertise public events through operation, updating, and maintenance of the Downtown Public Events Calendar, Social Media, and Website, Press Releases, etc.
 - ii. Accept, review, and approve or disapprove all requests to reserve Shiloh Square and Turnbow Park.
 - iii. Accept, review, and approve or disapprove requests for public and private events that result in the closing of Emma Avenue to vehicular traffic.
 - iv. Through the Public Events Committee, coordinate and approve applications for public events wishing to use public spaces within the Downtown area. City staff from Police, Planning, Parks, Public Works, and Public Relations comprise the Public Events Committee.
 - v. Provide liaison services to property owners and interested parties for the development, implementation, and revision of shared public space use by assisting with development and ongoing revision of rules and regulations for Downtown public space use.
 - vi. DSA will provide acceptance, review, and approval or disapproval for all requests to reserve Luther George Park and the Greenway Market, following planned revitalization and renovation.
 - vii. Develop and maintain a website that provides a virtual gateway to downtown, aligns with our mission, and is reflective of all that is happening in Downtown Springdale.
 - b. Contact point for Downtown Development:
 - i. Assist owners and interested parties in answering questions related to Downtown Master Plan.

reflected on Public Events Calendar; meetings by DSA personnel with residents, Downtown businesses and businesses outside of Downtown related to development in Downtown; and business retention and expansion data when available.

5. STATUS OF DSA: The parties agree that DSA shall be deemed an independent contractor in every respect and shall take all steps at its expense and pursuant to the use of its materials and its method of operations, including those tasks requested by City. City does not, and will not, assume any responsibility for services provided by DSA. Furthermore, the parties mutually agree and understand that City has no financial interest in DSA and is not deemed to be or construed to be a partner, joint venture or investor in DSA.
6. NON-ASSIGNMENT: DSA understands and agrees that the services to be rendered are to be rendered by DSA and shall not be subcontracted or assigned to any other party or person without the express written consent of City.
7. COMPLIANCE WITH LAW: DSA agrees that in the performance of this Contract, it shall comply with all local, state and federal laws and regulations, including but not limited to bans on discrimination on the basis of race, sex, color, national origin, gender or disability. DSA further recognizes that, as it relates to the specific funds provided herein by the City, some of its activities are likely subjected to the Freedom of Information Act ("FOIA"), and accordingly, it will comply with the FOIA as it relates to requests for information pertaining to the use of such funds. The funds given in consideration of the serviced by DSA in the agreement are exclusive to the implementation of the consideration by DSA. Funds provided herein are separate from DSA other non-FOIA revenues, donations, and compensation. DSA is not a public entity, is not primarily funded by public funds, and is otherwise a private independent entity separate and apart from City.
8. DISCLAIMER: The parties hereto acknowledge that this Contract is for the providing of the services listed herein and this Agreement in no way suggests the City endorses or agrees with any position taken by DSA or any groups affiliated with it.
9. NON-APPROPRIATION: DSA recognizes that the funding provided for in this Contract is contingent upon the appropriation of public funds by the City. If City does not appropriate monies for this Contract, there shall be no

penalty assessed against City and this Contract shall be null, void and of no effect.

10. COMPLETE AGREEMENT: It is agreed that neither party hereto is relying upon any oral or written information or representations made by the other prior to the signing of this Contract unless expressly provided herein, and that this Contract constitutes the entire agreement between the parties and same shall not be hereafter amended or modified unless reduced to writing and signed by the parties hereto.

11. SEVERABILITY: If any provision of this Contract is declared to be invalid or unenforceable, the remainder of this Contract and the application of such provision to the other party of circumstances shall not be affected thereby, the provisions of this Contract being severable in any such instance. If any sentence or portion shall be adjudged to be invalid or unenforceable, then that article shall be deemed to be amended to delete therefrom the portion adjudicated to be invalid or unenforceable.

12. AUTHORITY: The parties hereto agree that by the execution of this Contract, the persons signing this Contract herein below have been authorized by the respective bodies to lawfully enter into this Contract and bind each of the parties hereto.

IN WITNESS WHEREOF, the parties have set their hands the date first above written.

CITY OF SPRINGDALE

By: _____
Mayor

WITNESS:

City Clerk

City Seal:

DOWNTOWN SPRINGDALE ALLIANCE

By: _____
Jill Dabbs, Executive Director

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONSTRUCTION CONTRACT, A CONSTRUCTION
MANAGEMENT CONTRACT, AND ACCEPTING A
GRANT FOR THE RAZORBACK GREENWAY TRAIL
REALIGNMENT & PUBLIC SPACE (EMMA AVENUE)
PROJECT, AND WAIVING COMPETITIVE BIDDING.**

WHEREAS, the City of Springdale wishes to undertake a project involving a public open space, Razorback Greenway Trail realignment, and streetscape improvements to Emma Avenue ("the Project");

WHEREAS, the City of Springdale has received a grant from the Walton Family Foundation, Inc., in the amount of \$3,119,121.00 to be applied to the Project;

WHEREAS, the City wishes to retain Milestone Construction Company, LLC, for the construction of the Project, in an amount not to exceed \$4,200,751.06;

WHEREAS, using the procurement procedures required by State Law, the City wishes to utilize the services of McClelland Consulting Engineers, Inc., to continue construction management services for the Project, in an amount not to exceed \$135,000.00; and

WHEREAS, because Milestone Construction has been involved in the planning and design of the Project, they are in a unique position to provide the construction services to the City of Springdale for the Project, and therefore, the requirement of competitive bidding should be waived as it is not deemed feasible or practical in this case;

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

Section 1: The Mayor and City Clerk are hereby authorized to execute a Grant Agreement with the Walton Family Foundation, Inc., for a grant of \$3,119,121.00 for the Project;

Section 2: For the reasons set out herein, the City Council for the City of Springdale, Arkansas, deems it unfeasible and/or impractical to submit this matter for competitive bidding and deems it in the best interest of the citizens and residents of the City of Springdale, Arkansas, to forego such competitive bidding requirements; and therefore, the Mayor and City Clerk are hereby authorized to execute a construction contract with Milestone Construction Company, LLC, for the construction of the Project, in an amount not to exceed \$4,200,751.06;

Section 3: The Mayor and City Clerk are hereby authorized to execute all documents associated with McClelland Consulting Engineers, Inc., for the continuance of construction management services for the Project in an amount not to exceed \$135,000.00;

Section 4: The total amount appropriated from the General Fund for the Project shall not exceed \$1,216,630.06.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING PROVISIONS FOR THE
EMPLOYMENT OR ADVANCEMENT OF CIVIL SERVICE
EMPLOYEES, PURSUANT TO ARK. CODE ANN. §14-49-
304(b)(6)(B); AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Springdale has established a Civil Service Commission which prescribes, amends, and enforces rules and regulations governing the fire and police departments of the City of Springdale, pursuant to Ark. Code Ann. §14-51-301, *et seq.*;

WHEREAS, Ark. Code Ann. §14-49-102 provides that certain Civil Service rules and regulations may be utilized when a city attains a population of at least seventy-five thousand (75,000);

WHEREAS, the 2020 federal census determined that the population of the City of Springdale exceeds seventy-five thousand (75,000);

WHEREAS, Ark. Code Ann. §14-49-304 provides that the governing body may adopt by ordinance certain provisions for the employment or advancement of civil service employees;

WHEREAS, it is the wish of the Police Department, the Fire Department, and the Civil Service Commission, that the City Council adopt an ordinance implementing the provisions of Ark. Code Ann. §14-49-304(b)(6)(B), which allows for the "rule of 5" in lieu of the "rule of 3", as it pertains to the eligibility list for hiring for the police and fire departments;

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

Section 1: The City of Springdale hereby adopts the following provisions for employment or advancement of civil service employees, pursuant to Ark. Code Ann. §14-49-304(b)(6)(B)(i) and (ii):

-Certification to the department head of the five (5) standing highest on the eligibility list for appointment for that rank of service and the department head to select for appointment one (1) of the five (5) certified to him or her and notify the commission thereof; and

-The promotion or advancement of one (1) of the three (3) standing highest on the eligibility list for that rank of service.

Section 2: 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 _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CREATION OF A
NEW POSITION AND APPROPRIATING FUNDS FOR THE
NEW POSITION**

WHEREAS, there is a need for an additional Captain position in the police department, and

WHEREAS, it is important to the structural leadership of the police department, and

WHEREAS, it is in the best interest and welfare of our residents, and

WHEREAS, after careful consideration the Mayor is recommending the creation of the additional position of Police Captain;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the position of Police Captain is hereby created at a pay scale grade 55, therefore, \$107,393 is hereby appropriated for salary and \$55,717 is hereby appropriated for benefits for this position.

PASSED AND APPROVED this 26th day of April, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION ENDORSING PARTICIPATION IN
THE SALES AND USE TAX REFUND PROGRAM
AUTHORIZED BY THE CONSOLIDATED INCENTIVE
ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d).**

WHEREAS, in order for a business to be eligible for the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), the governing body of the municipality in which the business is located must pass a resolution endorsing the participation of the business in the tax refund program;

WHEREAS, Ark. Code Ann. §15-4-2706(d) provides that the governing body of the municipality must specify that the Department of Finance and Administration is authorized to refund local sales taxes to a business participating in the tax refund program;

WHEREAS, United Parcel Service, Inc., 371 N. Monitor Road, wishes to participate in, and be eligible for, the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), due to the location of its facility in the City of Springdale, Arkansas;

WHEREAS, United Parcel Service, Inc., has agreed to furnish the City of Springdale all information necessary for its participation in the tax refund program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the participation of United Parcel Service, Inc., in the tax refund program contained in Ark. Code Ann. §15-4-2706(d) is hereby endorsed, and the Department of Finance and Administration is authorized to refund local sales taxes to United Parcel Service, Inc., and this resolution shall take effect immediately.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

The City Council of the City of Springdale met in regular session on Tuesday, April 12, 2022, 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
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougrousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Blake Holte	Fire Chief
Frank Gamble	Police Chief
Ron Findley	Neighborhood Services
Brad Baldwin	Engineering Director
Colby Fulfer	Chief of Staff

APPROVAL OF MINUTES

Council Member Harriman moved the minutes of the March 29, 2022 City Council meeting be approved as presented. Council Member Williams made the second.

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

PUBLIC HEARING – SPRINGDALE WATER UTILITIES REVENUE BONDS

City Attorney Ernest Cate opened up the Public Hearing on the Springdale Water Utilities Revenue Bonds. The City proposes to issue its Water and Sewer Revenue Bonds, Series 2022 (the "bonds"), in the maximum aggregate principal amount of \$48,500,000 for the purpose of financing costs of extensions, betterments and improvements to the sewer facilities of the City's water and sewer system (the "Improvements"), expenses of issuing the bonds and, if necessary, a debt service reserve. The Improvements to the sewer facilities include particularly, without limitation, wastewater treatment plant improvements.

No comments were made at the Public Hearing.

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 Fougrousse made the second.

The vote:

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

No: None

ORDINANCE NO. 5697 – ACCEPTING THE REPLAT OF LOTS 6 THROUGH 10, PART OF LOTS 1 THROUGH 5 AND PLATTED ALLEY RIGHT-OF-WAY, BLOCK 17, RAILROAD ADDITION, TO THE CITY OF SPRINGALE, ARKANSAS AND DECLARING AN EMERGENCY

Assistant Planning Director Rick Barry presented an Ordinance accepting the Replat of Lots 6 through 10, part of Lots 1 through 5 and platted alley right-of-way, Block 17, Railroad Addition, to the City of Springdale, Arkansas and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

The Ordinance was numbered 5697.

ORDINANCE NO. 5698 – ACCEPTING THE REPLAT OF LOT 61 OF PARKER'S PLACE SUBDIVISION, PHASE II, A SUBDIVISION DEVELOPMENT IN THE CITY OF SPRINGALE, ARKANSAS; AND DECLARING AN EMERGENCY

Assistant Planning Director Rick Barry presented an Ordinance accepting the Replat of Lot 61 of Parker's Place Subdivision, Phase II, a subdivision development in the City of Springdale, Arkansas; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5698.

RESOLUTION NO. 26-22 – AUTHORIZING THE GRANT OF A UTILITY
EASEMENT TO COXCOM LLC ACROSS PROPERTY OWNED BY THE CITY OF
SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

Engineer Ryan Carr presented a Resolution authorizing the grant of a utility easement to CoxCom LLC across property owned by the City of Springdale, Washington County, Arkansas, for fiber line improvements. This property is located by I-49, just north of Watkins Avenue.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE GRANT OF UTILITY
EASEMENT ACROSS PROPERTY OWNED BY THE CITY OF
SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.**

WHEREAS, the City of Springdale, Arkansas, owns property known as Parcel No. 815-29107-101, Washington County, Arkansas ("the Property");

WHEREAS, the CoxCom, LLC, is in need of a utility easement across the Property for fiber line improvements, as shown on the attached Exhibit "A";

WHEREAS, the easement is necessary for the construction and improvement of utility facilities to enhance capacity in the area of the Property, and will be beneficial to future growth and development of the area;

WHEREAS, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached easement document (Exhibit "B") when authorized to do so by Resolution approved by the City Council.

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 execute the attached easement document granting a utility easement across the Property to CoxCom, LLC.

PASSED AND APPROVED this ____ day of April, 2022.

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 Powell made the second.

The vote:

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

No: None

The Resolution was numbered 26-22.

RESOLUTION NO. 27-22 – AUTHORIZING THE EXECUTION OF A DESIGN CONTRACT WITH CLEMENTS & ASSOCIATES ARCHITECTURE INC. FOR ARCHITECT SERVICES FOR SHILOH MUSEUM

Council Member Jeff Watson presented a Resolution authorizing the execution of a design contract with Clements & Associates Architecture, Inc. for Shiloh Museum. The Shiloh Museum Board has agreed to pay for the design services.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A DESIGN CONTRACT FOR ARCHITECT SERVICES

WHEREAS, the Shiloh Museum Board desires to make repairs and alterations to the Shiloh Museum lobby, bathrooms, front/south entry, and side/east entry, all located on Museum property;

WHEREAS, using the procurement procedures required by State Law, the program management team has selected Clements & Associates Architecture, Inc., as the most qualified firm for design services associated with the project;

WHEREAS, the design contract proposes a fee of 11.00% of the construction cost, and

WHEREAS, the Shiloh Museum Board has agreed to pay for the design services.

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

Section 1. Expenditures for the design of this project will be paid by the Shiloh Museum Board.

Section 2. The Mayor and City Clerk are hereby authorized to execute an architecture design services contract with Clements & Associates Architecture for the design of the repairs and alterations to the Shiloh Museum lobby, bathrooms, front/south entry, and side/east entry, all located on Museum property.

PASSED AND APPROVED this ____ day of April, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 27-22.

ORDINANCE NO. 5699 – ORDERING THE RAZING (DEMOLITION) AND
REMOVAL OF A STRUCTURE LOCATED AT 983 W. SUNSET (FORMER LONG
JOHN SILVER BUILDING); AND DECLARING AN EMERGENCY

Council Member Amelia Williams presented an Ordinance ordering the razing (demolition) and removal of a structure located at 983 W. Sunset (former Long John's Silver Building); and declaring an emergency.

Chief Building Inspector Tom Evers said a letter was sent May 2020 to the owner. There has been some correspondence but no improvements have been made.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5699.

ORDINANCE NO. 5700 – REDISTRICTING CITY WARDS IN THE CITY OF
SPRINGALE, ARKANSAS, PURSUANT TO ARKANSAS CODE ANNOTATED
§14-43-311

Council Member Mike Overton presented an Ordinance redistricting city wards in the City of Springdale, Arkansas, pursuant to Arkansas Code Annotated §14-43-311.

City Council in cities of the first class in Arkansas have the authority to redistrict the wards in their city when they determine that the people can best be served by changing ward boundary lines to equalize the population in the various wards. A population analysis of each city ward in the City of Springdale, which utilized 2020 Census block data, indicates the need for ward redistricting.

A statistical evaluation of city wards, utilizing 2020 census (Public Law 94-171) Apportionment and Redistricting Data, has been completed to determine if redistricting is necessary. The figures, which include areas annexed after 1/1/2020, are as follows:

Ward 1	24,577
Ward 2	21,439
Ward 3	19,266
Ward 4	<u>22,050</u>
	87,332

Four redistricting maps were prepared by the Northwest Arkansas Regional Planning Commission for review and consideration that equalizes ward population and ensures compliance with state statutes and equal protection requirements. Each would equalize population among wards to an acceptable level, and each plan would have two current council members per ward. Plans 1 and 2 keep current council members in their respective ward, while Plans 3 and 4 would require three (3) incumbents, if they seek re-

election in 2022, to file under a different ward number. That situation also occurred as a result of ward redistricting 10 years ago. The principal differences in the plans are that the latter two attempt to readjust and mitigate current ward shapes and geography that some may view as somewhat unusual. Most importantly, each plan has a population deviation under 10% (Plan 1 – 7.5%; Plan 2 – 9.1%; Plan 3 – 3%; and Plan 4 – 8%).

With the city’s population being 87,332, the target population for each ward is 21,833, with an acceptable population range being 20,741 – 22,924. The ward totals for each plan are as follows:

Plan	#1	#2	#3	#4
Ward 1	22,582	22,582	22,075	20,827
Ward 2	21,417	21,417	21,417	22,564
Ward 3	20,947	20,670	21,891	21,992
Ward 4	22,386	22,663	21,949	21,949

Map three has the smallest population deviation of the four plans.

After reading the title of the Ordinance, Council Member Williams made the motion to adopt the Ordinance with Ward Map Plan Three. Council Member Lawson made the second.

Council Members had different comments on each ward map proposed and why or why not they should be used.

The vote:

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

No: Flores, Powell

The Ordinance was numbered 5700.

City Attorney Ernest Cate said this can be challenged within 90 days of tonight's action if 100 or more qualified electors in the City of Springdale are dissatisfied with the redistricting, electors may petition the Circuit Court.

ORDINANCE NO. 5701 – AUTHORIZING THE ISSUANCE AND SALES OF WATER AND SEWER REVENUE BONDS TO FINANCE EXTENSIONS, BETTERMENTS, AND IMPROVEMENTS TO THE SEWER FACILITIES OF THE CITY'S WATER AND SEWER SYSTEM; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

J. Shepherd Russell, III, Attorney with Friday, Eldredge & Clark, presented the following Ordinance authorizing the issuance and sale of water and sewer revenue bonds to finance extensions, betterments and improvements to the sewer facilities of the city's water and sewer system; providing for the payment of the principal of and interest on the bonds; prescribing other matters relating thereto; and declaring an emergency.

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER REVENUE BONDS TO FINANCE EXTENSIONS, BETTERMENTS AND IMPROVEMENTS TO THE SEWER FACILITIES OF THE CITY'S WATER AND SEWER SYSTEM; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER

MATTERS RELATING THERETO; AND DECLARING AN
EMERGENCY.

WHEREAS, the City of Springdale, Arkansas (the "City") owns a water and sewer system (the "System") that is operated by the Springdale Water and Sewer Commission (the "Commission"); and

WHEREAS, the Commission has determined that extensions, betterments and improvements to the sewer facilities of the System (the "Improvements") are necessary in order to make the services thereof adequate for the needs of the City; and

WHEREAS, the Improvements include particularly, without limitation, the Springdale Water Utilities Wastewater Treatment Facility Phase I Improvements; and

WHEREAS, the City can obtain funds to pay all or a portion of the costs of the Improvements by the issuance of Water and Sewer Revenue Bonds, Series 2022A in the aggregate principal amount of \$43,080,000 (the "bonds"); and

WHEREAS, the City has made arrangements for the sale of the bonds to Stephens Inc. and Crews & Associates, Inc. (collectively, the "Purchaser") at a price of \$45,149,564.40 (principal amount plus original issue premium of \$2,435,744.40 and less underwriters' discount of \$366,180) (the "Purchase Price"), pursuant to a Bond Purchase Agreement (the "Purchase Agreement") which has been presented to and is before this meeting; and

WHEREAS, the Continuing Disclosure Agreement between the City and Bank OZK, Little Rock, Arkansas, as Dissemination Agent (the "Disclosure Agreement"), providing for the ongoing disclosure obligations of the City with respect to the bonds, has been presented to and is before this meeting; and

WHEREAS, the Preliminary Official Statement, dated April 5, 2022, offering the bonds for sale (the "Preliminary Official Statement") has been presented to and is before this meeting; and

WHEREAS, the City has outstanding its Water and Sewer Revenue Bond, Series 2006 (the "Parity Bond"), authorized by Ordinance No. 3912, adopted on June 27, 2006 (the "Parity Bond Ordinance"); and

WHEREAS, the parity provisions of the Parity Bond Ordinance have been or will be met so that the bonds can be issued on a parity of security with the Parity Bond;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Springdale, Arkansas:

Section 1. The Improvements are hereby authorized and shall be accomplished. The Improvements shall be accomplished and shall be a part of the System. The accomplishment of the Improvements shall be under the control and supervision of, and all details in connection therewith shall be handled by, the Commission, and the Commission shall make all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers. The Commission shall let all construction contracts pursuant to and in accordance with existing laws and shall require such performance bonds and insurance from the contractors as, in the judgment of the Commission, will fully insure the completion of the Improvements in accordance with the plans and specifications therefor.

Section 2. The Preliminary Official Statement, in substantially the form submitted to this meeting, is hereby approved and the use of the Preliminary Official Statement in connection with the sale of the bonds is hereby authorized, and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute the Preliminary

Official Statement and the final Official Statement in the name of the City for use in connection with the sale of the bonds.

Section 3. The City Council hereby finds and declares that the period of usefulness of the System will be more than twenty (20) years, which is longer than the term of the bonds.

Section 4. The offer of the Purchaser for the purchase of the bonds from the City at the Purchase Price is hereby accepted and the Purchase Agreement, in substantially the form submitted to this meeting, is approved and the bonds are hereby sold to the Purchaser. The Mayor is authorized to execute and deliver the Purchase Agreement for and on behalf of the City and to take all action required on the part of the City to fulfill its obligations under the Purchase Agreement.

Section 5. The Disclosure Agreement, in substantially the form submitted to this meeting, is approved, and the Mayor is hereby authorized and directed to execute and deliver the Disclosure Agreement for and on behalf of the City. The Mayor is authorized and directed to take all action required on the part of the City to fulfill the City's obligations under the Disclosure Agreement.

Section 6. It is understood and agreed that the Commission, acting for and on behalf of the City, has custody of and control over the System, operates, maintains and repairs the System and collects and handles revenues of the System. Therefore, it is understood and agreed that even though there are some express references to the Commission, all references herein to the City shall, when appropriate in view of the authority and responsibility of the Commission, be construed to mean and include the Commission.

Section 7. Under the authority of the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 234, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Arkansas Code"), Title 14, Chapter 235, Subchapter 2 of the Arkansas Code, and Title 14, Chapter 164, Subchapter 4 of the Arkansas Code and applicable decisions of the Supreme Court of the State, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W.2d 12 (1946), City of Springdale, Arkansas Water and Sewer Revenue Bonds, Series 2022A are hereby authorized and ordered issued in the aggregate principal amount of \$43,080,000 for the purpose of financing all or a portion of the costs of the Improvements and paying expenses of issuing the bonds. The bonds shall bear interest at the rates and shall mature on September 1 in the years and in the amounts as follows:

<u>Year</u> <u>(September 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2023	\$1,650,000	5.000%
2024	2,195,000	5.000
2025	2,300,000	5.000
2026	2,415,000	5.000
2027	2,540,000	5.000
2028	2,665,000	4.000
2029	2,770,000	4.000
2030	2,885,000	4.000
2031	3,000,000	4.000
2032	3,120,000	4.000
2033	3,245,000	4.000
2035*	6,875,000	4.000
2036	3,645,000	3.500
2037	3,775,000	4.000

*Term Bonds.

The bonds shall be issuable only as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. Unless the City shall otherwise direct, the bonds shall be numbered from 1 upward in order of issuance. Each bond shall have a CUSIP number.

The bonds shall be registered initially in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), which shall be considered to be the registered owner of the bonds for all purposes under this Ordinance, including, without limitation, payment by the City of principal of, redemption price, premium, if any, and interest on the bonds, and receipt of notices and exercise of rights of registered owners. There shall be one certificated, typewritten bond for each stated maturity date which shall be immobilized in the custody of or on behalf of DTC with the beneficial owners having no right to receive the bonds in the form of physical securities or certificates. DTC and its participants shall be responsible for maintenance of records of the ownership of beneficial interests in the bonds by book-entry on the system maintained and operated by DTC and its participants, and transfers of ownership of beneficial interests shall be made only by DTC and its participants, by book-entry, the City having no responsibility therefor. DTC is expected to maintain records of the positions of participants in the bonds, and the participants and persons acting through participants are expected to maintain records of the purchasers of beneficial interests in the bonds. The bonds as such shall not be transferable or exchangeable, except for transfer to another securities depository or to another nominee of a securities depository, without further action by the City.

If any securities depository determines not to continue to act as a securities depository for the bonds for use in a book-entry system, the City may establish a securities depository/ book-entry system relationship with another securities depository. If the City does not or is unable to do so, or upon request of the beneficial owners of all outstanding bonds, the City and the Trustee (hereinafter identified), after the Trustee has made provision for notification of the beneficial owners by the then securities depository, shall permit withdrawal of the bonds from the securities depository, and authenticate and deliver bond certificates in fully registered form (in denominations of \$5,000 or integral multiples thereof) to the assigns of the securities depository or its nominee, all at the cost and expense (including costs of printing definitive bonds) of the City, if the City fails to maintain a securities depository/book-entry system, or of the beneficial owners, if they request termination of the system.

Prior to issuance of the bonds, the City shall have executed and delivered to DTC a written agreement (the "Representation Letter") setting forth (or incorporating therein by reference) certain undertakings and responsibilities of the City with respect to the bonds so long as the bonds or a portion thereof are registered in the name of Cede & Co. (or a substitute nominee) and held by DTC. Notwithstanding such execution and delivery of the Representation Letter, the terms thereof shall not in any way limit the provisions of this Section or in any other way impose upon the City any obligation whatsoever with respect to persons having interests in the bonds other than the registered owners, as shown on the registration books kept by the Trustee. The Trustee shall take all action necessary for all representations of the City in the Representation Letter with respect to the Trustee to at all times be complied with.

The authorized officers of the Trustee and the City shall do or perform such acts and execute all such certificates, documents and other instruments as they or any of them deem necessary or advisable to facilitate the efficient use of a securities depository for all or any portion of the bonds; provided that neither the Trustee nor the City may assume any obligations to such securities depository or beneficial owners of bonds that are inconsistent with their obligations to any registered owner under this Ordinance.

Each bond shall be dated the date of delivery to the Purchaser. Interest on the bonds shall be payable on March 1, 2023, and semiannually thereafter on March 1 and September 1 of each year. Payment of each installment of interest shall be made to the person in whose name the bond is registered on the registration books of the City maintained by Bank OZK, Little Rock, Arkansas, as Trustee and Paying Agent (the

"Trustee"), at the close of business on the fifteenth day of the month (whether or not a business day) next preceding each interest payment date (the "Record Date"), irrespective of any transfer or exchange of any such bond subsequent to such Record Date and prior to such interest payment date.

Each bond shall bear interest from the payment date next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which event it shall bear interest from such date, or unless it is authenticated prior to the first interest payment date, in which event it shall bear interest from its dated date, or unless it is authenticated during the period from the Record Date to the next interest payment date, in which case it shall bear interest from such interest payment date, or unless at the time of authentication thereof interest is in default thereon, in which event it shall bear interest from the date to which interest has been paid.

Only such bonds as shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Section 9 hereof (the "Certificate") duly executed by the Trustee shall be entitled to any right or benefit under this Ordinance. No bond shall be valid and obligatory for any purpose unless and until the Certificate shall have been duly executed by the Trustee, and the Certificate upon any such bond shall be conclusive evidence that such bond has been authenticated and delivered under this Ordinance. The Certificate on any bond shall be deemed to have been executed if signed by an authorized officer of the Trustee, but it shall not be necessary that the same officer sign the Certificate on all of the bonds.

In case any bond shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and the Trustee may authenticate and deliver a new bond of like date, maturity, interest rate and tenor in exchange and substitution for and upon cancellation of such mutilated bond, or in lieu of and in substitution for such bond destroyed or lost, upon the owner paying the reasonable expenses and charges of the City and the Trustee in connection therewith, and, in the case of a bond destroyed or lost, his filing with the Trustee evidence satisfactory to it that such bond was destroyed or lost, and of his ownership thereof, and furnishing the City and the Trustee with indemnity satisfactory to them. The Trustee is hereby authorized to authenticate any such new bond. In the event any such bond shall have matured, instead of issuing a new bond, the City may pay the same without the surrender thereof. Upon the issuance of a new bond under this Section, the City may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Trustee) connected therewith.

The City shall cause books to be maintained for the registration and for the transfer of the bonds as provided herein and in the bonds. The Trustee shall act as the bond registrar. Each bond is transferable by the registered owner thereof or by his attorney duly authorized in writing at the principal corporate office of the Trustee. Upon such transfer a new fully registered bond or bonds of the same maturity, of authorized denomination or denominations, for the same aggregate principal amount will be issued to the transferee in exchange therefor.

No charge shall be made to any owner of any bond for the privilege of transfer or exchange, but any owner of any bond requesting any such transfer or exchange shall pay any tax or other governmental charge required to be paid with respect thereto. Except as otherwise provided in the immediately preceding sentence, the cost of preparing each new bond upon each exchange or transfer and any other expenses of the City or the Trustee incurred in connection therewith shall be paid by the City. The City shall not be required to transfer or exchange any bonds selected for redemption in whole or in part.

The person in whose name any bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or premium, if any, or interest on any bond shall be made only to or upon the order of the registered owner thereof or his legal representative, but such registration may

be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid.

In any case where the date of maturity of interest on or principal of the bonds or the date fixed for redemption of any bonds shall be a Saturday or Sunday or shall be in the State a legal holiday or a day on which banking institutions are authorized by law to close, then payment of interest or principal (and premium, if any) need not be made on such date but may be made on the next succeeding business day with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after the date of maturity or date fixed for redemption.

Section 8. The bonds shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk and shall have impressed or imprinted thereon the seal of the City. The bonds, together with interest thereon, are secured by and are payable solely from revenues derived from the System ("Revenues"), which are hereby pledged and mortgaged for the equal and ratable payment of the bonds. The pledge of Revenues is on a parity with the pledge in favor of the Parity Bond. The term "Revenues" includes all receipts and revenues of the System, including all receipts from rates and charges, all investment earnings from revenues of the System, and all other receipts, revenues and moneys derived by, or on behalf of, the City, in any manner, from any source, from or arising in connection with the ownership or operation of the System. The bonds and interest thereon shall not constitute an indebtedness of the City within any constitutional or statutory limitation.

Section 9. The bonds and the Certificate shall be in substantially the following form and the Mayor and City Clerk are hereby expressly authorized and directed to make all recitals contained therein:

(Form of Bond)

REGISTERED	REGISTERED
No. _____	\$ _____

UNITED STATES OF AMERICA
STATE OF ARKANSAS
COUNTY OF WASHINGTON
CITY OF SPRINGDALE
WATER AND SEWER REVENUE BOND,
SERIES 2022A

Interest Rate: _____%	
Maturity Date: September 1, _____	Dated Date: _____, 2022
Registered Owner: Cede & Co.	
Principal Amount: _____	
Dollars	
CUSIP No.: _____	

KNOW ALL MEN BY THESE PRESENTS:

That the City of Springdale, County of Washington, State of Arkansas (the "City"), for value received, hereby promises to pay, but solely from the source as hereinafter provided and not otherwise, to the Registered Owner shown above upon the presentation and surrender hereof at the principal corporate office of Bank OZK, Little Rock, Arkansas, or its successor or successors, as Trustee and Paying Agent (the "Trustee"), on the Maturity Date shown above, the Principal Amount shown above, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts and to pay by check or draft interest thereon, but solely from the source as hereinafter provided and not otherwise, in

like coin or currency from the interest commencement date specified below at the Interest Rate per annum shown above, payable March 1, 2023 and semiannually thereafter on March 1 and September 1 of each year, until payment of such Principal Amount or, if this bond or a portion hereof shall be duly called for redemption, until the date fixed for redemption, and to pay interest on overdue principal and interest (to the extent legally enforceable) at the rate borne by this bond. Payment of each installment of interest shall be made to the person in whose name this bond is registered on the registration books of the City maintained by the Trustee at the close of business on the fifteenth day of the month (whether or not a business day) next preceding each interest payment date (the "Record Date"), irrespective of any transfer or exchange of this bond subsequent to such Record Date and prior to such interest payment date.

This bond shall bear interest from the payment date next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which event it shall bear interest from such date, or unless it is authenticated prior to the first interest payment date, in which event it shall bear interest from the Dated Date shown above, or unless it is authenticated during the period from the Record Date to the next interest payment date, in which case it shall bear interest from such interest payment date, or unless at the time of authentication hereof interest is in default hereon, in which event it shall bear interest from the date to which interest has been paid.

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC") to the Trustee for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

This bond is one of an issue of City of Springdale, Arkansas Water and Sewer Revenue Bonds, Series 2022A, aggregating Forty-Three Million Eighty Thousand Dollars (\$43,080,000) in principal amount (the "bonds"), and is issued for the purpose of financing all or a portion of the costs of extensions, betterments and improvements to the sewer facilities of the City's water and sewer system (the "System"), and paying necessary expenses incidental thereto and to the authorization and issuance of the bonds.

The bonds are issued pursuant to and in full compliance with the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 234, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Code"), Title 14, Chapter 164, Subchapter 4 of the Code and Title 14, Chapter 235, Subchapter 2 of the Code and applicable decisions of the Supreme Court of Arkansas, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W.2d 12 (1946), and pursuant to Ordinance No. 5701 of the City, duly adopted on April 12, 2022 (the "Authorizing Ordinance"), and do not constitute an indebtedness of the City within any constitutional or statutory limitation. The bonds are not general obligations of the City, but are special obligations payable solely from the revenues derived from the operation of the System. In this regard, the pledge in favor of the bonds is on a parity with the pledge in favor of the City's Water and Sewer Revenue Bond, Series 2006. An amount of System revenues sufficient to pay the principal of and interest on the bonds has been duly pledged and set aside into the 2022A Water and Sewer Revenue Bond Fund created by the Authorizing Ordinance. Reference is hereby made to the Authorizing Ordinance for a detailed statement of the terms and conditions upon which the bonds are issued, of the nature and extent of the security for the bonds, and the rights and obligations of the City, the Trustee and the owners of the bonds.

The bonds shall be subject to extraordinary, optional and mandatory sinking fund redemption as follows:

1. The bonds shall be redeemed from proceeds of the bonds which are not needed for the purposes intended, in whole or in part, on any interest payment date, in inverse order of maturity (and by lot within a maturity in such manner as the Trustee shall determine), at a price equal to the principal amount being redeemed plus accrued interest to the redemption date.
2. The bonds are subject to redemption at the option of the City from funds from any source, in whole or in part at any time, on and after September 1, 2027, at a redemption price equal to the principal amount being redeemed plus accrued interest to the redemption date. If fewer than all of the bonds shall be called for redemption, the particular maturities of the bonds to be redeemed shall be selected by the City in its discretion. If fewer than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portion thereof to be redeemed from such maturity shall be selected by lot by the Trustee.
3. To the extent not previously redeemed, the bonds maturing on September 1 in the year 2035, are subject to mandatory sinking fund redemption by lot in such manner as the Trustee shall determine, on September 1 in the years and in the amounts set forth below, at a redemption price equal to the principal amount being redeemed plus accrued interest to the date of redemption:

Bonds Maturing September 1, 2035

Year (<u>September 1</u>)	Principal <u>Amount</u>
2034	\$3,370,000
2035 (maturity)	3,505,000

In case any outstanding bond is in a denomination greater than \$5,000, each \$5,000 of face value of such bond shall be treated as a separate bond of the denomination of \$5,000.

Notice of redemption identifying the bonds or portions thereof (which shall be \$5,000 or a multiple thereof) to be redeemed shall be given by the Trustee, not less than 30 nor more than 60 days prior to the date fixed for redemption, by mailing a copy of the redemption notice by first class mail, postage prepaid, or other standard means, including facsimile or electronic communication, to all registered owners of bonds to be redeemed. Failure to mail or send an appropriate notice or any such notice to one or more registered owners of bonds to be redeemed shall not affect the validity of the proceedings for redemption of other bonds as to which notice of redemption is duly given in proper and timely fashion. All such bonds or portions thereof thus called for redemption and for the retirement of which funds are duly provided in accordance with the Authorizing Ordinance prior to the date fixed for redemption will cease to bear interest on such redemption date.

This bond is transferable by the registered owner hereof in person or by his attorney-in-fact duly authorized in writing at the principal corporate office of the Trustee, but only in the manner, subject to the limitations and upon payment of the charges provided in the Authorizing Ordinance, and upon surrender and cancellation of this bond. Upon such transfer a new fully registered bond or bonds of the same maturity, of authorized denomination or denominations, for the same aggregate principal amount, will be issued to the transferee in exchange therefor. This bond is issued with the intent that the laws of the State shall govern its construction.

The City and the Trustee may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and premium, if any, hereon and interest due hereon and for all other purposes, and neither the City nor the Trustee shall be affected by any notice to the contrary.

The bonds are issuable only as fully registered bonds in the denomination of \$5,000, and any integral multiple thereof. Subject to the limitations and upon payment of

the charges provided in the Authorizing Ordinance, fully registered bonds may be exchanged for a like aggregate principal amount of fully registered bonds of the same maturity of other authorized denominations.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds do exist, have happened and have been performed in due time, form and manner as required by law; that the indebtedness represented by the bonds, together with all obligations of the City, does not exceed any constitutional or statutory limitation; and that the above referred to revenues pledged to the payment of the principal of and premium, if any, and interest on the bonds as the same become due and payable will be sufficient in amount for that purpose.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Authorizing Ordinance until the Certificate of Authentication hereon shall have been signed by the Trustee.

IN WITNESS WHEREOF, the City of Springdale, Arkansas has caused this bond to be executed by its Mayor and City Clerk and its corporate seal to be impressed or imprinted on this bond, all as of the Dated Date shown above.

CITY OF SPRINGDALE, ARKANSAS

ATTEST:

By _____
Mayor

City Clerk

(SEAL)

(Form of Trustee's Certificate)

TRUSTEE'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds designated Series 2022A in and issued under the provisions of the within mentioned Authorizing Ordinance.

Date of Authentication: _____

BANK OZK
TRUSTEE

By _____
Authorized Signature

(A Form of Assignment shall be attached to the bonds.)

Section 10. The City has heretofore fixed water and sewer rates by Ordinances of the City. Reference is hereby made to such Ordinances fixing the rates for the details thereof and other provisions pertaining thereto, which water and sewer rates are hereby confirmed and continued.

The City covenants that the rates shall never be reduced while any of the bonds are outstanding unless there is obtained from an independent certified public accountant ("Accountant") a certificate that the Net Revenues of the System ("Net Revenues" being defined as gross Revenues less the expenses of operation and maintenance of the System, including all expense items properly attributable to the operation and maintenance of the System under generally accepted government accounting standards applicable to

municipal water and sewer facilities other than depreciation, interest and amortization of deferred bond discount expenses), with the reduced rates, will always be equal to the amount required to be set aside for the Depreciation Fund and leave a balance equal to at least 110% of maximum annual principal and interest requirements on all outstanding bonds to which Revenues are pledged ("System Bonds"). The City further covenants that the rates shall, if and when necessary from time to time, be increased in such manner as will produce Net Revenues at least equal to 110% of the maximum annual principal and interest requirements on all System Bonds, to make the required deposit into the Depreciation Fund, and to otherwise comply with the provisions of this Ordinance and all ordinances authorizing System Bonds.

Section 11. The City covenants that it will continuously operate the System as a revenue-producing undertaking in compliance with all federal, state and local laws. The City further covenants that it will not sell or lease the same, or any substantial portion thereof, provided, however, that nothing herein shall be construed to prohibit the City from making such dispositions of properties of the System and such replacements and substitutions for properties of the System as shall be necessary or incidental to the efficient operation of the System as a revenue-producing undertaking.

Section 12. The Treasurer of the City shall be statutory custodian of the Revenues. However, the Revenues shall be collected, held and disbursed by the Executive Director of the System (the "Executive Director"). Each employee of the City or the Commission handling Revenues shall give bond for the faithful discharge of his or her duties. The bonds required by the preceding sentence shall be approved by the City Council or the Commission, as appropriate. All Revenues shall be accounted for at all times separately and distinctly from other moneys of the City. All Revenues shall be used and applied only as provided herein. Except as hereinafter provided, all Revenues shall be deposited in such depository or depositories for the City as may have been heretofore designated or as may be lawfully designated from time to time by this Ordinance or by resolution of the Commission; subject, however, to the giving of security as now or as hereafter may be required by law and provided that such depository or depositories shall hold membership in the Federal Deposit Insurance Corporation ("FDIC"). Unless otherwise expressly provided herein, all payments from the funds hereinafter created shall be made by check signed by the person or persons designated by Commission.

Section 13. All Revenues shall be paid into a special fund heretofore created and designated "Water and Sewer Revenue Fund" (the "Revenue Fund"). Moneys in the Revenue Fund are hereby pledged and shall be applied to the payment of the reasonable and necessary expenses of operation and maintenance of the System, to the payment of the principal of and interest on the bonds and other System Bonds, to the maintenance of any debt service reserves at the required levels, and to the providing of an adequate depreciation fund and otherwise as described herein and in the Parity Bond Ordinance, in the order of priority hereinafter set forth.

Section 14. There shall be paid from the Revenue Fund into a fund heretofore created and designated "Water and Sewer Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), on the first business day of each month, an amount sufficient to pay the reasonable and necessary monthly expenses of operation, repair and maintenance of the System for such month and from which disbursements shall be made only for those purposes. Fixed annual charges such as insurance premiums and the cost of major repair and maintenance expenses may be computed and set up on an annual basis, and one-twelfth (1/12) of the amount thereof may be paid into the Operation and Maintenance Fund each month.

If in any month for any reason there shall be a failure to transfer and pay the required amount into the Operation and Maintenance Fund, the amount of any deficiency shall be added to the amount otherwise required to be transferred and paid therein during the next succeeding month. If in any fiscal year a surplus shall be accumulated in the Operation and Maintenance Fund over and above the amount which shall be necessary to

meet the requirements thereof during the next twelve (12) months, such surplus may be transferred to the Revenue Fund.

Section 15. After making the required monthly deposits into the Operation and Maintenance Fund, there shall next be transferred and paid from the Revenue Fund, pro rata, into the bond funds (and any debt service reserves therein) being maintained in connection with the Parity Bond and any additional parity bonds (the "Parity Bond Funds") and into a special fund in the Trustee hereby created and designated "2022A Water and Sewer Revenue Bond Fund" (the "Bond Fund") the sums in the amounts and at the times described below. The obligation to make the required monthly deposits into the Bond Fund and the Parity Bond Funds shall rank on a parity of security.

There shall be paid into the Parity Bond Funds the required monthly deposits pursuant to the Parity Bond Ordinance and each ordinance securing additional parity bonds.

There shall be paid into the Bond Fund on the first business day of each month, commencing in September 2022, until all outstanding bonds, with interest thereon, have been paid in full or provision made for such payment, a sum equal to 1/6 of the next installment of interest on the bonds plus 1/12 of the next installment of principal of the bonds.

The City shall also pay into the Bond Fund such additional sums as necessary to provide for the Trustee's fees and expenses (including reasonable legal fees) plus any arbitrage rebate due to be paid to the United States Treasury under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The City shall receive a credit against monthly deposits into the Bond Fund from all interest earnings on moneys in the Bond Fund.

If Revenues are insufficient to make the required payment on the first business day of the following month from the Revenue Fund into the Bond Fund, the amount of any such deficiency in the payment made shall be added to the amount otherwise required to be paid into the Bond Fund on the first business day of the next month.

If a surplus shall exist in the Bond Fund over and above the amount required for making all principal and interest payments during the next succeeding twelve month period, such surplus shall, at the option of the City, either be applied to the redemption of the bonds that may be called for redemption prior to maturity, paid to the City for deposit into the Revenue Fund or used to pay any arbitrage rebate due under Section 148(f) of the Code.

When the moneys held in the Bond Fund shall be and remain sufficient to pay the principal of and interest on all of the bonds then outstanding plus Trustee's fees and any arbitrage rebate due under Section 148(f) of the Code, the City shall not be obligated to make any further payments into the Bond Fund.

The Trustee shall withdraw from the Bond Fund on the due date for the principal and/or interest on any bond, at maturity or redemption prior to maturity, an amount equal to the amount of such bond and interest due thereon for the sole purpose of paying the same, together with the Trustee's fee and expenses. There shall also be withdrawn and paid to the United States Treasury any arbitrage rebate due at the times and in the amounts required by Section 148(f) of the Code. No withdrawal of funds from the Bond Fund shall be made for any other purpose except as otherwise authorized in this Ordinance.

The bonds shall be specifically secured by a pledge of all Revenues to be deposited into the Bond Fund. This pledge in favor of the bonds is hereby irrevocably made according to the terms of this Ordinance, and the City and its officers and employees shall execute, perform and carry out the terms thereof in strict conformity with the provisions of this Ordinance.

Section 16. After making the required deposits into the Operation and Maintenance Fund, the Bond Fund and the Parity Bond Funds, there shall next be paid from the Revenue Fund into a fund heretofore created and designated "Water and Sewer Depreciation Fund" (the "Depreciation Fund"), on the first business day of each month an amount equal to 3% of the gross Revenues for the preceding month. The moneys in the Depreciation Fund shall be used solely for the purpose of paying the cost of repairs or replacements made necessary by the depreciation of the System or for the purpose of paying the costs of damage caused by unforeseen catastrophes.

If in any month for any reason there shall be a failure to transfer and pay the required amount into the Depreciation Fund, the amount of the deficiency shall be added to the amount otherwise required to be paid therein during the next succeeding month. If in any fiscal year a surplus shall be accumulated in the Depreciation Fund over and above the amount necessary to defray the costs of the probable repairs and replacements during the then fiscal year and the next ensuing fiscal year, such surplus may be transferred and paid into the Revenue Fund.

Section 17. Any moneys remaining in the Revenue Fund after making all payments required by Sections 14, 15 and 16 of this Ordinance may be used for payment of debt service on bonds secured by a pledge of Revenues subordinate to the pledge in favor of the bonds or for any lawful purpose in connection with the System.

Section 18. So long as any of the bonds are outstanding, the City shall not issue or attempt to issue any bonds claimed to be entitled to a priority of lien on Revenues over the lien securing the bonds. The City reserves the right to issue additional bonds to finance or pay the cost of constructing any future extensions, betterments or improvements to the System or to refund System Bonds, but the City shall not authorize or issue any such additional bonds ranking on a parity with the bonds unless and until there have been procured and filed with the City Clerk and the Trustee a statement by an Accountant not in the regular employ of the City or the Commission reciting, based upon necessary investigation, that (1) Net Revenues (as defined in Section 10 hereof) of the System for the fiscal year immediately preceding the fiscal year in which it is proposed to issue such additional bonds shall equal not less than 110% of the maximum annual principal and interest requirements on all of the then outstanding System Bonds and the additional bonds then proposed to be issued or (2) Net Revenues of the System for the fiscal year next succeeding the fiscal year in which it is proposed to issue such additional bonds, including net revenues to be derived from any extensions, betterments and improvements to be constructed out of the proceeds of the additional bonds then proposed to be issued, as reflected by a statement by an independent consulting engineer not in the regular employ of the City or the Commission ("Engineer"), and taking into account any rate increase effective before the issuance of the additional bonds, will equal not less than 110% of the maximum annual principal and interest requirements on all then outstanding System Bonds and the additional bonds then proposed to be issued. In making the computation set forth in (1) above, the City, and the Accountant on behalf of the City, may, based on the opinion or report of an Engineer, treat any increase in rates for the System effective subsequent to the first day of such preceding fiscal year as having been in effect throughout such fiscal year and may include in Net Revenues for such fiscal year the amount that would have been received, based upon such opinion or report, had the increase been in effect throughout such fiscal year.

The additional bonds, the issuance of which is restricted and conditioned by this Section, shall be understood to mean System Bonds ranking on a parity of security with the bonds and not System Bonds subordinate in security to the bonds.

Section 19. The bonds shall be subject to redemption prior to maturity in accordance with the terms set out in the bond form. The City covenants and agrees to cause to be paid into the Bond Fund sufficient funds to redeem the bonds in the amounts and on the dates set forth in the bonds. Therefore, in calculating the monthly payments to be deposited into the Bond Fund, the term "next installment of principal" shall include the

principal of the bonds maturing on the next principal payment date and the principal of the bonds which will be redeemed in accordance with the mandatory sinking fund redemption provisions of the bonds on the next interest payment date scheduled for such redemption.

Section 20. The City shall cause proper books of accounts and records to be kept (separate from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the operation of the System, and such books shall be available for inspection by the registered owner of any of the bonds at reasonable times and under reasonable circumstances. The City agrees to have these records audited by an Accountant at least once each year, and a copy of the audit shall be delivered to the Trustee and made available to the registered owners of the bonds requesting the same in writing. In the event that the City fails or refuses to make the audit, the Trustee or any registered owner of the bonds, may have the audit made, and the cost thereof shall be charged against the Operation and Maintenance Fund.

Section 21. The City covenants and agrees that it will maintain the System in good condition and operate the same in an efficient manner and at reasonable cost. While any of the bonds are outstanding, the City agrees that to the extent comparable protection is not otherwise provided to the satisfaction of the Trustee, that it will insure and at all times keep insured, in the amount of the actual value thereof, in a responsible insurance company or companies selected by the Commission authorized and qualified under the laws of the State to assume the risk thereof, properties of the System, to the extent that such properties would be covered by insurance by private companies engaged in similar types of businesses against loss or damage thereto from fire and other perils included in extended coverage insurance in effect in the State. The insurance policies are to carry a clause making them payable to the Trustee as its interest may appear, and satisfactory evidence of said insurance shall be filed with the Trustee. In the event of loss, the proceeds of such insurance shall be applied solely toward the reconstruction, replacement or repair of the System, and in such event the City will, with reasonable promptness, cause to be commenced and completed the reconstruction, replacement and repair work. If such proceeds are more than sufficient for such purposes, the balance remaining shall be deposited to the credit of the Revenue Fund and if such proceeds shall be insufficient for such purposes the deficiency shall be supplied first from moneys in the Depreciation Fund and second from moneys in the Operation and Maintenance Fund and third from surplus moneys in the Revenue Fund. Nothing shall be construed as requiring the City to expend any moneys for operation and maintenance of the System or for premiums on its insurance which are derived from sources other than the operation of the System, but nothing shall be construed as preventing the City from doing so.

Section 22. Any bond shall be deemed to be paid within the meaning of this Ordinance when payment of the principal of and interest on such bond (whether at maturity or upon redemption as provided herein, or otherwise), either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with the Trustee, in trust and irrevocably set aside exclusively for such payment (1) cash sufficient to make such payment and/or (2) noncallable direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America ("Investment Securities") (provided that such deposit will not affect the tax exempt status of the interest on any of the bonds or cause any of the bonds to be classified as "arbitrage bonds" within the meaning of Section 148 of the Code), maturing as to principal and interest in such amounts and at such times as will provide sufficient moneys to make such payment, and all necessary and proper fees, compensation and expenses of the Trustee shall have been paid or the payment thereof provided for to the satisfaction of the Trustee.

On the payment of any bonds within the meaning of this Ordinance, the Trustee shall hold in trust, for the benefit of the owners of such bonds, all such moneys and/or Investment Securities.

When all the bonds shall have been paid within the meaning of this Ordinance, if the Trustee has been paid its fees and expenses and if any arbitrage rebate due the United States Treasury has been paid or provided for to the satisfaction of the Trustee, the Trustee shall take all appropriate action to cause (i) the pledge and lien of this Ordinance to be discharged and cancelled, and (ii) all moneys held by it pursuant to this Ordinance and which are not required for the payment of such bonds to be paid over or delivered to or at the direction of the City. In determining the sufficiency of the deposit of Investment Securities there shall be considered the principal amount of such Investment Securities and interest to be earned thereon until the maturity of such Investment Securities.

Section 23. (a) If there be any default in the payment of the principal of or interest on any of the bonds, or if the City defaults in any Bond Fund requirement or in the performance of any of the other covenants contained in this Ordinance, the Trustee may, and upon the written request of the registered owners of not less than 10% in principal amount of the then outstanding bonds, shall, by proper suit, compel the performance of the duties of the officials of the City under the laws of the State. And in the case of a default in the payment of the principal of and interest on any of the bonds, the Trustee may and upon written request of the registered owners of not less than 10% in principal amount of the then outstanding bonds, shall apply in a proper action to a court of competent jurisdiction for the appointment of a receiver to administer the System on behalf of the City and the registered owners of the bonds with power to charge and collect (or by mandatory injunction or otherwise to cause to be charged and collected) rates sufficient to provide for the payment of the expenses of operation, maintenance and repair and to pay any bonds and interest outstanding and to apply Revenues in conformity with the laws of the State and with this Ordinance. When all defaults in principal and interest payments have been cured, the custody and operation of the System shall revert to the City.

(b) No registered owner of any of the outstanding bonds shall have any right to institute any suit, action, mandamus or other proceeding in equity or at law for the protection or enforcement of any power or right unless such owner previously shall have given to the Trustee written notice of the default on account of which such suit, action or proceeding is to be taken, and unless the registered owners of not less than 10% in principal amount of the bonds then outstanding shall have made written request of the Trustee after the right to exercise such power or right of action, as the case may be, shall have accrued, and shall have afforded the Trustee a reasonable opportunity either to proceed to exercise the powers granted to the Trustee, or to institute such action, suit or proceeding in its name, and unless, also, there shall have been offered to the Trustee reasonable security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby and the Trustee shall have refused or neglected to comply with such request within a reasonable time. Such notification, request and offer of indemnity are, at the option of the Trustee, conditions precedent to the execution of any remedy. No one or more registered owners of the bonds shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security of this Ordinance, or to enforce any right thereunder except in the manner herein described. All proceedings at law or in equity shall be instituted, had and maintained in the manner herein described and for the benefit of all registered owners of the outstanding bonds.

(c) No remedy conferred upon or reserved to the Trustee or to the registered owners of the bonds is intended to be exclusive of any other remedy or remedies, and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Ordinance or by law.

(d) The Trustee may, and upon the written request of the registered owners of not less than 50% in principal amount of the bonds then outstanding shall, waive any default which shall have been remedied before the entry of final judgment or decree in any suit, action or proceeding instituted under the provisions of this Ordinance or before the completion of the enforcement of any other remedy, but no such waiver shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon.

(e) All rights of action under this Ordinance or under any of the bonds enforceable by the Trustee, may be enforced by it without the possession of any of the bonds, and any such suit, action or proceeding instituted by the Trustee shall be brought in its name for the benefit of all the registered owners of such bonds, subject to the provisions of this Ordinance.

(f) No delay or omission of the Trustee or of any registered owners of the bonds to exercise any right or power accrued upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Ordinance to the Trustee and to the registered owners of the bonds, respectively, may be exercised from time to time and as often as may be deemed expedient.

(g) In any proceeding to enforce the provisions of this Ordinance any plaintiff bondholder shall be entitled to recover from the City all costs of such proceeding, including reasonable attorneys' fees.

Section 24. (a) The terms of this Ordinance shall constitute a contract between the City and the registered owners of the bonds. No variation or change in the undertaking herein set forth shall be made while any of the bonds are outstanding, except as hereinafter set forth in subsections (b) and (c).

(b) The Trustee may consent to any variation or change in this Ordinance to cure any ambiguity, defect or omission in this Ordinance or any amendment hereto, or any other change which in the opinion of the Trustee is not materially adverse to the interests of the owners of the bonds, without the consent of the owners of the outstanding bonds.

(c) The owners of not less than 75% in aggregate principal amount of the bonds then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance supplemental hereto as shall be necessary or desirable for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Ordinance or in any supplemental ordinance; provided, however, that nothing contained in this Section shall permit or be construed as permitting (a) an extension of the maturity of the principal of or the interest on any bond, or (b) a reduction in the principal amount of any bond or the rate of interest thereon, or (c) the creation of a lien or pledge superior to the lien and pledge created by this Ordinance, or (d) a privilege or priority of any bond or bonds over any other bond or bonds, or (e) a reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

Section 25. When the bonds have been executed, they shall be authenticated by the Trustee and the Trustee shall deliver the bonds to or at the direction of the Purchaser upon payment of the Purchase Price. The expenses of issuing the bonds as set forth in the delivery instructions to the Trustee signed by the Mayor and City Clerk shall be paid from the Purchase Price. The remainder of the Purchase Price shall be remitted to the City for deposit into a special account in the name of the City established with the Trustee and designated "2022A Sewer Construction Fund" (the "Construction Fund"). The moneys in the Construction Fund shall be disbursed solely in payment of the costs of accomplishing the Improvements, paying necessary expenses incidental thereto and paying expenses of issuing the bonds. Disbursements shall be on the basis of requisitions which shall contain at least the following information: the person to whom payment is being made; the amount of the payment; and the purpose by general classification of the payment. Each requisition must be signed by the Executive Director or by another person designated by the Commission for such purposes. The Trustee shall keep accurate records of all payments made by requisition from the Construction Fund.

When the Improvements have been completed and all required expenses paid and expenditures made from the Construction Fund for and in connection with the accomplishment of the Improvements and the financing thereof, this fact shall, if there are moneys remaining in the Construction Fund, be evidenced by a certificate signed by the Mayor and the Executive Director, which certificate shall state, among other things, the date of the completion and that all obligations payable from the Construction Fund have been discharged. A copy of the certificate shall be filed with the Trustee, and upon receipt thereof the Trustee shall transfer any remaining balance to the Bond Fund for the purpose of redeeming the bonds.

Section 26. (a) The City covenants that it shall not take any action or suffer or permit any action to be taken or conditions to exist which causes or may cause the interest payable on the bonds to be included in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the City covenants that the proceeds of the sale of the bonds and Revenues will not be used directly or indirectly in such manner as to cause the bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Code.

(b) The City shall assure that (i) not in excess of 10% of the Net Proceeds of the bonds is used for Private Business Use if, in addition, the payment of more than 10% of the principal or 10% of the interest due on the bonds during the term thereof is, under the terms of the bonds or any underlying arrangement, directly or indirectly secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed moneys used or to be used for a Private Business Use; and (ii) that, in the event that both (A) in excess of 5% of the Net Proceeds of the bonds are used for a Private Business Use, and (B) an amount in excess of 5% of the principal or 5% of the interest due on the bonds during the term thereof is, under the terms of the bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said 5% of Net Proceeds of the bonds used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the Improvements.

The City shall assure that not in excess of 5% of the Net Proceeds of the bonds are used, directly or indirectly, to make or finance a loan to persons other than state or local governmental units.

As used in this subsection (b), the following terms shall have the following meanings:

"Net Proceeds" means the face amount of the bonds, plus accrued interest and original issue premium, if any, less original issue discount, if any, less the amount of bond proceeds, if any, deposited into a debt service reserve.

"Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and use as a member of the general public.

(c) The City covenants that it will take no action which would cause the bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

(d) The City covenants that it will submit to the Secretary of the Treasury of the United States, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the bonds are issued, a statement required by Section 149(e) of the Code.

(e) The City covenants that it will, in compliance with the requirements of Section 148(f) of the Code, pay to the United States Government in accordance with the requirements of Section 148(f) of the Code, from time to time, from moneys in the Bond Fund deposited therein for such purpose, an amount equal to the sum of (1) the excess of (A) the amount earned on all Non-purpose Investments (as therein defined) attributable to the bonds, other than investments attributable to such excess over (B) the amount which would have been earned if such Non-purpose Investments attributable to the bonds were invested at a rate equal to the Yield (as defined in the Code) on the bonds, plus (2) any income attributable to the excess described in (1), subject to the exceptions set forth in Section 148 of the Code. The City further covenants that in order to assure compliance with its covenants herein, it will employ a qualified consultant to advise the City in making the determination required to comply with this subsection.

(f) The City covenants that it will not reimburse itself from proceeds of the bonds for costs paid by the City prior to the date the bonds are issued except in compliance with U.S. Treasury Regulation §1.150-2 (the "Regulation"). This Ordinance shall constitute an "official intent" for purposes of the Regulation.

(g) The City covenants that it shall retain all records and documents pertaining to the bonds and the Improvements for the life of the bonds plus an additional three (3) years.

Section 27. The Trustee shall only be responsible for the exercise of good faith and reasonable prudence in the execution of its trust. The recitals in this Ordinance and in the face of the bonds are the recitals of the City and not of the Trustee. The Trustee shall not be required to take any action as Trustee unless it shall have been requested to do so in writing by the registered owners of not less than 10% in principal amount of the bonds then outstanding and shall have been offered reasonable security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby. The Trustee may resign at any time by 60 days' notice in writing to the City Clerk and to the registered owners of the bonds. The majority in value of the registered owners of the outstanding bonds or the City, so long as the City is not in default under this Ordinance at any time, with or without cause, may remove the Trustee. In the event of a vacancy in the office of Trustee, either by resignation or by removal, the City shall forthwith designate a new Trustee by a written instrument filed in the office of the City Clerk. Every successor Trustee shall be a trust company or bank in good standing; duly authorized to exercise trust powers and subject to examination by federal or state authority, having a reported capital and surplus of not less than \$50,000,000. The original Trustee and any successor Trustee shall file a written acceptance and agreement to execute the trust imposed upon it or them by this Ordinance, but only upon the terms and conditions set forth in this Ordinance and subject to the provisions of this Ordinance, to all of which the respective registered owners of the bonds agree. Such written acceptance shall be filed with the City Clerk and a copy thereof shall be placed in the bond transcript. Any successor Trustee shall have all the powers herein granted to the original Trustee. Notwithstanding the above, neither the removal of the Trustee nor the resignation by the Trustee shall be effective until a successor Trustee shall have been appointed.

Section 28. (a) Moneys held for the credit of the Bond Fund may be invested and reinvested pursuant to the direction of the City in Permitted Investments defined in (e) below or other investments as may, from time to time, be permitted by State law, all of which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than the payment date for interest or principal and interest on the bonds.

(b) Moneys held for the credit of the Construction Fund may be invested and reinvested at the direction of the City in Permitted Investments as defined in (e) below or other investments as may, from time to time, be permitted by State law, which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than the date or dates when such money will be required for the purposes intended.

(c) Moneys held for the credit of any other fund may be continuously invested and reinvested pursuant to the direction of the City in Permitted Investments as defined in (e) below or other investments as may, from time to time, be permitted by State law, which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than the date or dates when the moneys held for the credit of the particular fund will be required for purposes intended.

(d) Obligations so purchased as an investment of moneys in any fund shall be deemed at all times to be a part of such fund and the interest accruing thereon and any profit realized from such investments shall be credited to such fund, and any loss resulting from such investment shall be charged to such fund.

(e) "Permitted Investments" are defined as (i) direct or fully guaranteed obligations of the United States of America (including any such securities issued or held in book-entry form on the books of the Department of the Treasury of the United States of America) ("Government Securities"), (ii) direct obligations of an agency, instrumentality or government-sponsored enterprise created by act of the United States Congress and authorized to issue securities or evidences of indebtedness, regardless of whether the securities or evidences of indebtedness are guaranteed for repayment by the United States Government, (iii) demand deposits or certificates of deposit of banks, including the Trustee, which are insured by the FDIC, or, if in excess of insurance coverage, collateralized by Government Securities or other securities authorized by State law to secure public funds or (iv) money market funds, including funds managed by the Trustee, invested exclusively in Government Securities or investments described in (ii) above.

(f) All investments and reinvestments made shall be subject to the provisions of Section 148 of the Code pertaining to "arbitrage bonds," including particularly, the provisions requiring that certain investment earnings be rebated to the United States Treasury.

Section 29. In the event the office of Mayor, City Clerk, City Treasurer, City Council or Commission shall be abolished, or any two or more of such offices shall be merged or consolidated, or in the event the duties of a particular office shall be transferred to another office or officer, or in the event of a vacancy in any such office by reason of death, resignation, removal from office or otherwise, or in the event any such officer shall become incapable of performing the duties of his office by reason of sickness, absence from the City or otherwise, all powers conferred and all obligations and duties imposed upon such office or officer shall be performed by the office or officer succeeding to the principal functions thereof, or by the office or officer upon whom such powers, obligations and duties shall be imposed by law.

Section 30. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City, the Trustee and the registered owners of the bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the Trustee and the registered owners of the bonds.

Section 31. The Mayor, and other officers of the City in accordance with their offices, are authorized to execute such writings and take such action as may be appropriate to cause the bonds to be issued and to carry out the purposes of this Ordinance.

Section 32. Notice of the adoption of this Ordinance shall be posted at Springdale City Hall, Springdale Public Library, Springdale Senior Center, Springdale Chamber of Commerce and Springdale Animal Services, being five of the most public places in the City.

Section 33. All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 34. It is hereby ascertained and declared that the Improvements must be accomplished as soon as possible in order to make the System adequate for the needs of the City and its inhabitants, without which the life, health, safety and welfare thereof are jeopardized. The Improvements cannot be accomplished without the issuance of the bonds. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage.

PASSED: April 12, 2022.

APPROVED:

ATTEST:

Mayor

City Clerk

Council Member Overton questioned Springdale Utilities Director Heath Ward on what projects are proposed using this money and how the Springdale Water Department General Reserves will be used.

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

The vote:

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

No: Overton

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

The vote:

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

No: None

The Ordinance was numbered 5701.

ORDINANCE NO. 5702 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 2608 POWELL STREET, SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 2608 Powell Street, Springdale, Arkansas; and declaring an emergency.

The owners are Willard and Yolanda Shepherd.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5702.

RESOLUTION NO. 28-22 – AMENDING THE 2022 BUDGET OF THE CITY OF SPRINGDALE, ARKANSAS TO FUND A TEMPORARY IMPACT ROUTE FOR OZARK REGIONAL TRANSIT, AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING

Chief of Staff Colby Fulfer presented a Resolution amending the 2022 Budget of the City of Springdale, Arkansas to fund a temporary impact route for Ozark Regional Transit, and authorizing the Mayor to execute a Memorandum of Understanding.

There was a tornado that went through the City of Springdale on March 30th. This caused a lot of damage. As part of the coordinated response to the natural disaster, Ozark Regional Transit is proposing to add a temporary impact route in order to assist those most affected by the natural disaster by adding a temporary route to help people get around the city.

RESOLUTION NO. ____

A RESOLUTION AMENDING THE 2022 BUDGET OF THE CITY OF SPRINGDALE, ARKANSAS, TO FUND A TEMPORARY IMPACT ROUTE FOR OZARK REGIONAL TRANSIT, AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING.

WHEREAS, in the early morning hours of Wednesday, March 30, 2022, a severe weather event, including thunderstorms, straight-line winds, and tornados impacted the City of Springdale, Arkansas, resulting in significant property damage, both private and public, and bodily injury;

WHEREAS, on March 30, 2022, pursuant Ark. Code Ann. §12-75-108 and Section 2-61 of the Code of Ordinances of the City of Springdale, Arkansas, the Mayor issued a Disaster Emergency Proclamation, declaring the City of Springdale, Arkansas, to be a disaster area;

WHEREAS, as part of the coordinated response to the natural disaster, Ozark Regional Transit is proposing to add a temporary impact route in order to assist those most affected by the natural disaster, said temporary impact route being shown the attached Exhibit, which is incorporated herein by reference;

WHEREAS, it is necessary to amend the 2022 Budget of the City of Springdale, Arkansas, in order to fund this temporary impact route; and

WHEREAS, the City and Ozark Regional Transit wish to enter into a Memorandum of Understanding pertaining to the temporary impact route.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2022 Budget of the City of Springdale, Arkansas, is hereby amended to fund an Ozark Regional Transit temporary impact route as described herein, and as shown on the attached Exhibit, for a period of up to thirty (30) days, and in an amount not to exceed \$4,000.00 per week; and the Mayor is hereby authorized to execute a Memorandum of Understanding with Ozark Regional Transit pertaining to the temporary impact route.

PASSED AND APPROVED this ____ day of April, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Flores moved the Resolution be adopted. Council Member Watson made the second.

The vote:

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

No: None

The Resolution was numbered 28-22.

RESOLUTION NO. 29-22 – AUTHORIZING THE TEMPORARY OPERATION OF A CARNIVAL AT THE PARSONS STADIUM ARENA

Mayor Doug Sprouse presented a Resolution authorizing the temporary operation of a carnival at the Parsons Stadium Arena for two events. Pride Amusements carnival dates will be Thursday, May 25th, 2022 thru Sunday, May 29th, 2022; and Friday, September 30th, 2022 thru Sunday, October 9th, 2022.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE TEMPORARY
OPERATION OF A CARNIVAL**

WHEREAS, Rick Culver, Executive Director from the Rodeo of the Ozarks has requested permission to conduct two Carnival entertainment events at the Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, put on by James Burlingame DBA Pride Amusements; and

WHEREAS, Pride Amusements carnival dates will be *Thursday, May 25th, 2022 thru Sunday, May 29th, 2022; and Friday, September 30th, 2022 thru Sunday, October 9th, 2022; and*

WHEREAS, the carnival's hours of operation will be Thursday, May 25st thru Sunday, May 29th, 2022, from 4:00 p.m. – Midnight and Sunday, May 30th, 2022 from noon to 8:00 p.m.; and Friday, September 30th thru Saturday, October 9th, 2022, from 4:00 p.m. – Midnight and Sunday, October 10th, 2022 from noon to 8:00 p.m., Monday, October 4th thru Saturday, October 9th, from 4:00 p.m. - Midnight; and

WHEREAS, Sec. 26-43 of the Springdale Code of Ordinances provides that the operation of a carnival, sideshow or other similar amusement facility within the city must be approved by resolution adopted by the city council,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Rick Culver, Executive Director with the Rodeo of the Ozarks and James Burlingame DBA Pride Amusements is hereby authorized to conduct two carnival entertainment events in Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, *May 25th thru May 29th, 2022, and September 30th thru October 9th, 2022*, with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

PASSED AND APPROVED this ____ day of April, 2022.

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 Lawson made the second.

The vote:

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

No: None

The Resolution was numbered 29-22.

RESOLUTION NO. 30-22 – SETTING A PUBLIC HEARING DATE ON A PETITION BY TO ABANDON A PORTION OF A UTILITY EASEMENT IN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

City Attorney Ernest Cate presented a Resolution setting a public hearing date for May 10, 2022 on a petition by John Backus and Jerilynn Backus to abandon a portion of a utility easement at 2310 Willow Bend Circle.

RESOLUTION NO. ____

A RESOLUTION SETTING A HEARING DATE ON A PETITION TO ABANDON A PORTION OF A UTILITY EASEMENT IN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

WHEREAS, John Backus and Jerilynn Backus have petitioned for the abandonment of a portion of a utility easement on Lot 32, Willow Bend Subdivision to the City of Springdale, Washington County, Arkansas, as shown on Plat Record Book 17 at Page 41, records of Washington County, Arkansas, and being more particularly described as follows:

A part of an existing easement as depicted on Lot 32, Willow Bend Subdivision as recorded at Book 17 Page 41, Washington County, Arkansas and more particularly described as follows: Commencing at a found five-eighths inch rebar accepted as the Southeast Corner of Lot 32, Willow Bend Subdivision: thence South 76°16'29" West along the south

line of Lot 32, a distance of 133.60 feet; thence departing said south line, North 00°20'26" East a distance of 5.15 feet to the Point of Beginning; thence North 00°20'26" East a distance of 101.52 feet; thence North 45°32'18" East a distance of 4.16 feet; thence North 37°56'44" East a distance of 12.14 feet; thence North 20°55'01" East a distance of 28.02 feet; thence South 59°40'44" East a distance of 0.64 feet to an existing utility easement as shown on the record plat of Willow Bend Subdivision; thence South 00°13'41" West a distance of 134.71 feet; thence South 76°16'29" West a distance of 21.68 feet to the Point of Beginning.

Tax Parcel No.: 815-35259-000

Address: 2310 Willow Bend Circle

WHEREAS, the City Council finds that a hearing date should be set on the request to abandon the portion of the utility easement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that May 10, 2022, at 6:00 p.m. is set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time of said hearing as required by law.

PASSED AND APPROVED this ____ day of April, 2022.

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 Lawson made the second.

The vote:

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

No: None

The Resolution was numbered 30-22.

RESOLUTION NO. 31-22 – AUTHORIZING THE FORMATION OF AN ACTIVE TRANSPORTATION COMMITTEE

Mayor Doug Sprouse presented a Resolution authorizing the formation of an active Transportation Committee. Mike Peters has been hired by the City of Springdale Planning Department and will serve as Chairman of this committee.

The existing Trails Committee will be reorganized by the Mayor to an Active Transportation Committee. The Active Transportation Committee will be composed of individuals living or working in the City of Springdale, representing a wide variety of viewpoints from different professions, personal backgrounds, experiences, and interest that mirror the makeup of local bicyclists and pedestrians – men, women, recreational and commuter cyclists, senior citizens, students, business owners, mobility challenged

groups, environmental and social justice advocates. City staff from various departments will serve in an ex-officio capacity to the Committee to advance Springdale's efforts to continue improving active transportation facilities and opportunities.

Council Member Mark Fougrousse volunteered to serve as an ex-officio member on this committee.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE FORMATION OF AN
ACTIVE TRANSPORTATION COMMITTEE**

WHEREAS, active transportation is any self-propelled, human-powered mode of transportation, such as walking or bicycling, that will encourage the citizens of Springdale to increase physical activity through the continued investment in bicycle and pedestrian facilities creating opportunities for people to walk and cycle to work, school, shopping or for recreation; and

WHEREAS, the reorganization of the Trails Committee to an Active Transportation Committee will provide an opportunity for the City to publicly show leadership on active transportation issues including pedestrian and bicycle facility development, making a statement that the City needs and wants outside input on active transportation issues

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE that the existing Trails Committee will be reorganized by the Mayor to an Active Transportation Committee. The Active Transportation Committee will be composed of individuals living or working in the City of Springdale, representing a wide variety of viewpoints from different professions, personal backgrounds, experiences, and interest that mirror the makeup of local bicyclists and pedestrians – men, women, recreational and commuter cyclists, senior citizens, students, business owners, mobility challenged groups, environmental and social justice advocates. City staff from various departments will serve in an ex-officio capacity to the Committee to advance Springdale's efforts to continue improving active transportation facilities and opportunities.

PASSED AND APPROVED THIS ____ DAY OF APRIL, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 31-22.

TORNADO RELIEF UPDATE

Mayor Sprouse reported an assessment was done today with city officials and the Arkansas Division of Emergency Management. Data will be submitted to the State to see what qualifies for help to property owners. We do know that the damage did not qualify for help by FEMA.

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 7:09 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer