

- The next Committee Meeting will be held on Monday, August 1st, 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 CRIMINAL JUSTICE BUILDING
Tuesday, July 26th, 2022**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance

Invocation – Randall Harriman

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

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk/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. Approval of Minutes – **Tuesday, June 28th, 2022 & Tuesday, July 12th, 2022. Pgs. 31-56**
7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **12A-12B and 14.** Motion must be approved by two-thirds (2/3) of the council members).*
8. **Economic Quarterly Report.** Presented by Scott Edmondson, VP of Economic Development for the Springdale Chamber of Commerce.
9. **Employee Recognition.** Presented by Mayor Doug Sprouse
10. **Retirement Recognition.** Presented by Blake Holte, Fire Chief.
11. Appointments

A Resolution making an appointment to the Advertising and Promotion Commission of the City of Springdale. Pgs. 1-3

12. 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 2476 E. Robinson Avenue from General Commercial District (C-2) to Large Product Retail Sales District (C-6) and declaring an emergency.

Pgs. 4-6

- 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 NE corner of Robins and Wagon Wheel Road from Low Density Single Family Residential District (SF-1) and General Commercial District (C-2) to General Commercial District (C-2) and declaring an emergency.

Pgs. 7-9

- C. **A Resolution** approving a Conditional Use at the West side of 56th Street at the intersection of 56th Street and Parkway Circle for Developing Equity, LLC as set forth in Ordinance No. 4030. Pgs. 10-11

- D. **A Resolution** approving a Conditional Use at East Wagon Wheel Road 0.3 miles North from the 612 overpass for Ryan and Sarah McClain as set forth in Ordinance No. 4030. Pgs. 12-13

- E. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Beaver Water District located at 7931 Miller Road in connection with L22-42 a large-scale development. Pgs. 14-15

13. Committee of the Whole

A Resolution authorizing the refund of building permit fees associated with the disaster declaration of March 30, 2022, in Springdale, Arkansas. Presented by Councilman Jeff Watson. Pg. 16

14. **An Ordinance** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas and declaring an emergency. Presented by Ernest Cate, City Attorney. Pgs. 17-25

15. **A Resolution** setting a hearing date on a petition to abandon a drainage easement in the City of Springdale, Washington County, Arkansas. Presented by Ernest Cate, City Attorney. Pgs. 26-30

16. Comments from Council Members.

17. Comments from City Attorney.

18. Comments from Mayor

19. Adjournment.

RESOLUTION NO._____

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

WHEREAS, Alex Bohn who serves on Seat #1 resigned on July 19, 2022;
and

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

WHEREAS, The Mayor, and President and CEO of the Springdale
Chamber of Commerce, have recommended the appointment of Brian
Stanley to the Advertising and Promotion Commission to fulfill the vacated
term of Alex Bohn; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Brian Stanley is
hereby appointed as a commissioner to Seat #1, to fulfill the vacated term
that is set to expire on May 31, 2024.

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

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



SPRINGDALE
Chamber of Commerce
WE'RE MAKING IT HAPPEN

July 19, 2022

Mayor Doug Sprouse
City of Springdale
201 Spring Street
Springdale, AR 72764

Mayor Sprouse,

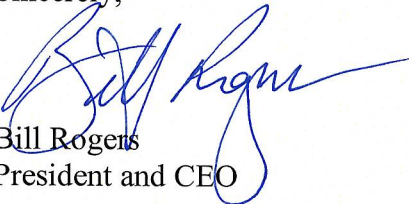
On behalf of the Springdale Advertising & Promotion Commission, I would like to recommend Mr. Brian Stanley to fill the hospitality position recently vacated by the resignation of Mr. Alex Bohn.

Mr. Stanley is the manager of Springdale's Chick-Fil-A restaurant. As I know you are aware, Brian and his family have quickly embraced our community since moving here. Supporting public education and our community are top priorities of his.

His restaurant has quickly become a popular dining option for our region and his dining management perspective will be a valuable addition to the Commission. He and his family own a home in Springdale and Mr. Stanley can immediately be available to serve.

Thank you for your consideration.

Sincerely,



Bill Rogers
President and CEO

Anna McKinney

To: Anna McKinney
Subject: RE: Brian Stanley

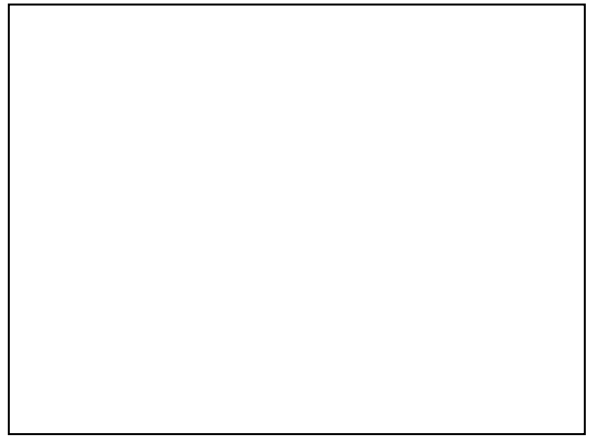
From: Bill Rogers [<mailto:bill@chamber.springdale.com>]
Sent: Wednesday, July 20, 2022 9:50 AM
To: Anna McKinney
Subject: Brian Stanley

Brian Stanley is the local owner/operator for Chick-Fil-A Springdale on Sunset Avenue. Mr. Stanley was a high school teacher and coach for many years and has enjoyed transferring those leadership skills to that of an owner/operator for one of the nation's most popular restaurant brands. His wife, Randi, grew up in Northwest Arkansas. The couple have four children and together, are eager to give back to the local community.



BILL ROGERS, IOM
President / CEO

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



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 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 July 5, 2022 for hearing the matter of a petition of Juan and Maria Silva, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Large Product Retail Sales District (C-6).

Layman's Description: 2476 E. Robinson

Legal Description: Lot 028, Oaks Addition, Phase III, Springdale, Washington County, Arkansas

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 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.

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 Large Product Retail Sales District (C-6).

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.

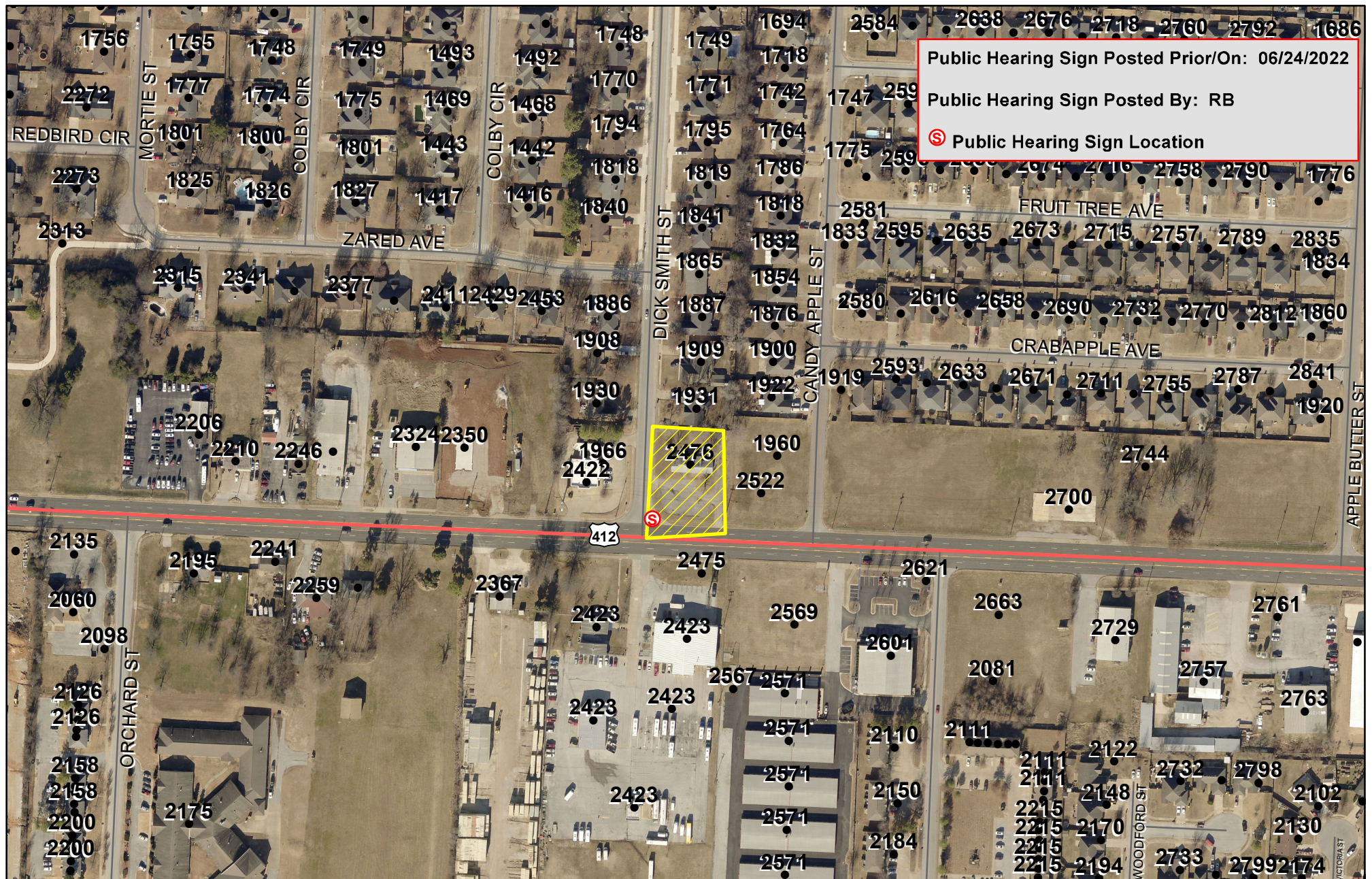
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

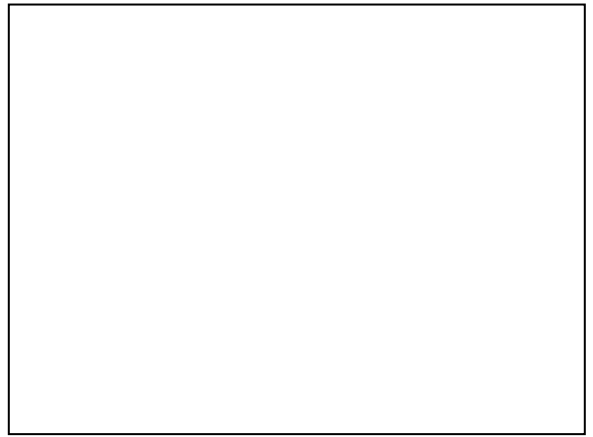
Ernest Cate, City Attorney



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 Feet
 For Location Reference Only

FILE NO. R22-42
APPLICANT: Juan & Maria Silva
REQUEST: Rezoning from C-2 to C-6

PLANNING COMMISSION MEETING
 July 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 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) AND GENERAL COMMERCIAL DISTRICT (C-2) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of July 5, , 2022 for hearing the matter of a petition of Iglesia Pentecostes Nueva Jerusalem, requesting that the following described tract of real estate to be zoned from Low Density Single Family Residential District **and** General Commercial District d(C-2) to General Commercial District (C-2).

Layman's Description: NE corner of the intersection of Wagon Wheel Road and Robins Road.

Legal Description: Part of the SE 1/4 of the SW 1/4 and part of the SW 1/4 of the SE 1/4 of Section 14, Township 18 North, Range 30 West, Benton County, Bethel Heights, Arkansas, being more particularly described as follows:

Beginning at a point which is North 86°34'34" West 130.00 feet from the Southeast corner of said SE/4 of the SW/4 and running thence North 86°34'34" West 35.00 feet; thence North 02°18'35" East 397.98 feet; thence South 86°37'21" East 825.50 feet to an existing rebar; thence South 03°23'38" West 345.43 feet to the North right of way of Wagon Wheel Road, thence along said right of way the following: North 89°01'05" West 258.83 feet, North 86°58'48" West 509.75 feet; North 85°53'01" West 15.51 feet; thence leaving said right of way South 02°05'32" West 38. 72 feet to the point of beginning, containing 6.74 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 Low Density Single Family Residential District (SF-2) **and** General Commercial District (C-2) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Low Density Single Family Residential District (SF-2) **and** General Commercial District (C-2) to General Commercial District (C-2).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

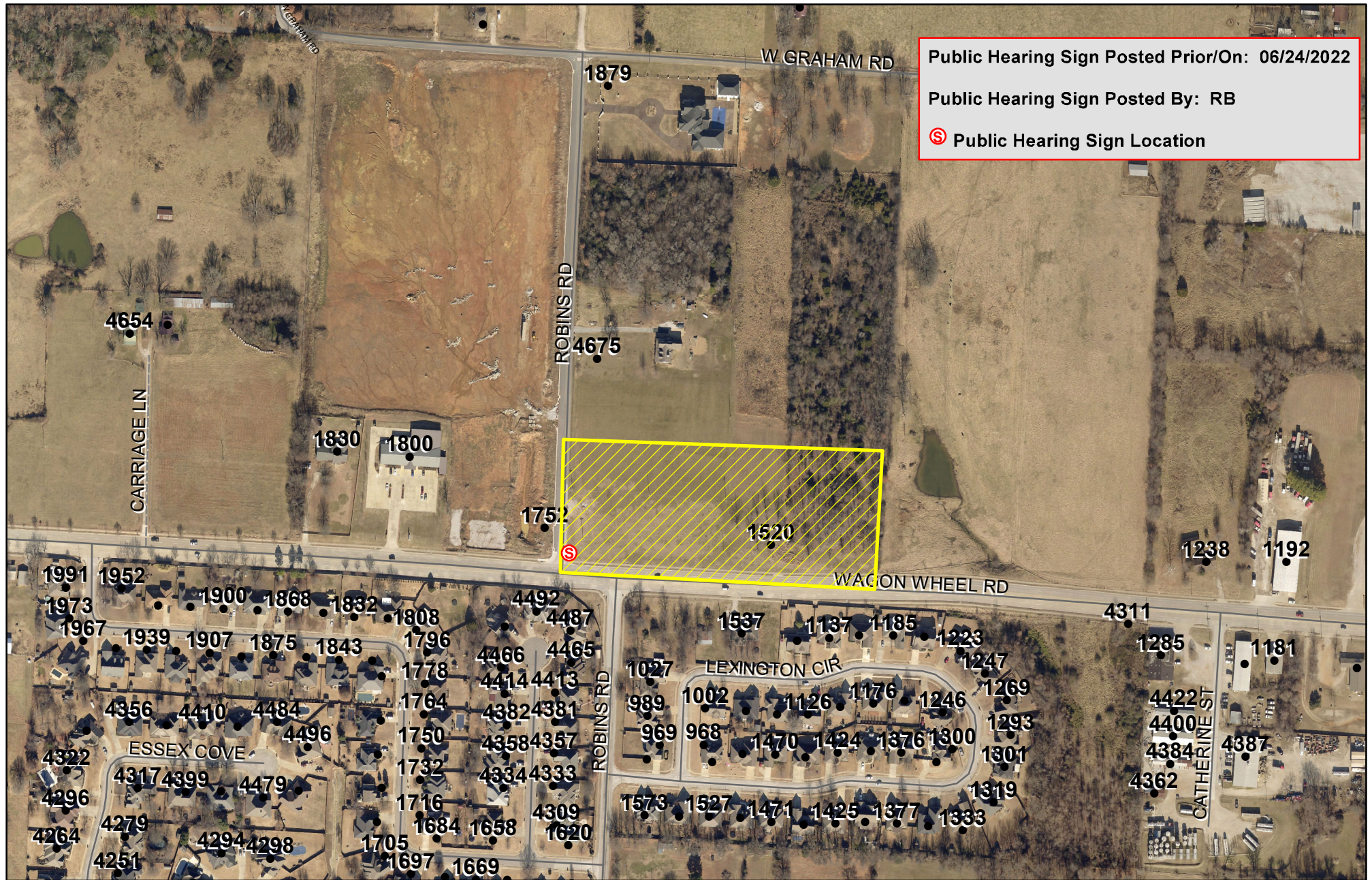
Doug Sprouse, Mayor

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. R22-43
APPLICANT: Iglesia Pentecostes Nueva Jerusalem
REQUEST: Rezoning from SF-1 & C-2 to C-2

PLANNING COMMISSION MEETING
 July 5, 2022

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
THE WEST SIDE OF 56TH STREET AT THE
INTERSECTION OF 56TH STREET AND PARKWAY
CIRCLE FOR DEVELOPING EQUITY, LLC AS SET
FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on July 5, 2022 on a request by Developing Equity, LLC for a conditional use for a Tandem Lot Split in a High Density Multi-family Residential District (MF-24) at the West Side of 56th Street at the intersection of 56th Street and Parkway Circle; and

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a conditional use be granted to the Developing Equity, LLC for a Tandem Lot Split in a High Density Multi-family Residential District (MF-24) at the west side of 56th Street at the intersection of 56th Street and Parkway Circle with the following conditions – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Developing Equity, LLC for a tandem lot split in a High Density Multi-family Residential District (MF-24) at the west side of 56th Street at the intersection of 56th Street and Parkway Circle with the following conditions – No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

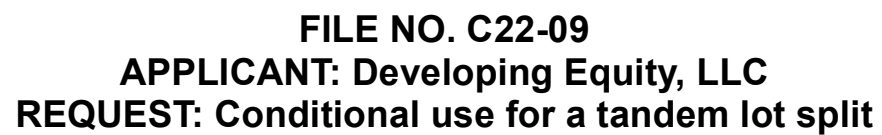
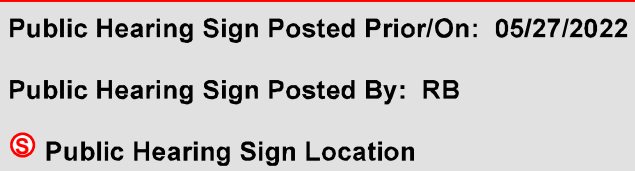
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Page 11

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
EAST WAGON WHEEL ROAD 0.3 MILES NORTH FROM
THE 612 OVERPASS FOR RYAN AND SARAH MCCLAIN
AS SET FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on July 5, 2022 on a request by Ryan and Sarah McClain for a conditional use for a Tandem Lot Split in an Agricultural District (A-1) at East Wagon Wheel Road 0.3 miles north from the 612 overpass on Wagon Wheel Road; and

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a conditional use be granted to Ryan and Sarah McClain for a Tandem Lot Split in an Agricultural District (A-1) at East Wagon Wheel Road 0.3 miles north from the 612 overpass on Wagon Wheel Road; with the following conditions – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Ryan and Sarah McClain for a Tandem Lot Split in an Agricultural District (A-1) at ____ East Wagon Wheel Road 0.3 miles north from the 612 overpass on Wagon Wheel Road; with the following conditions – No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

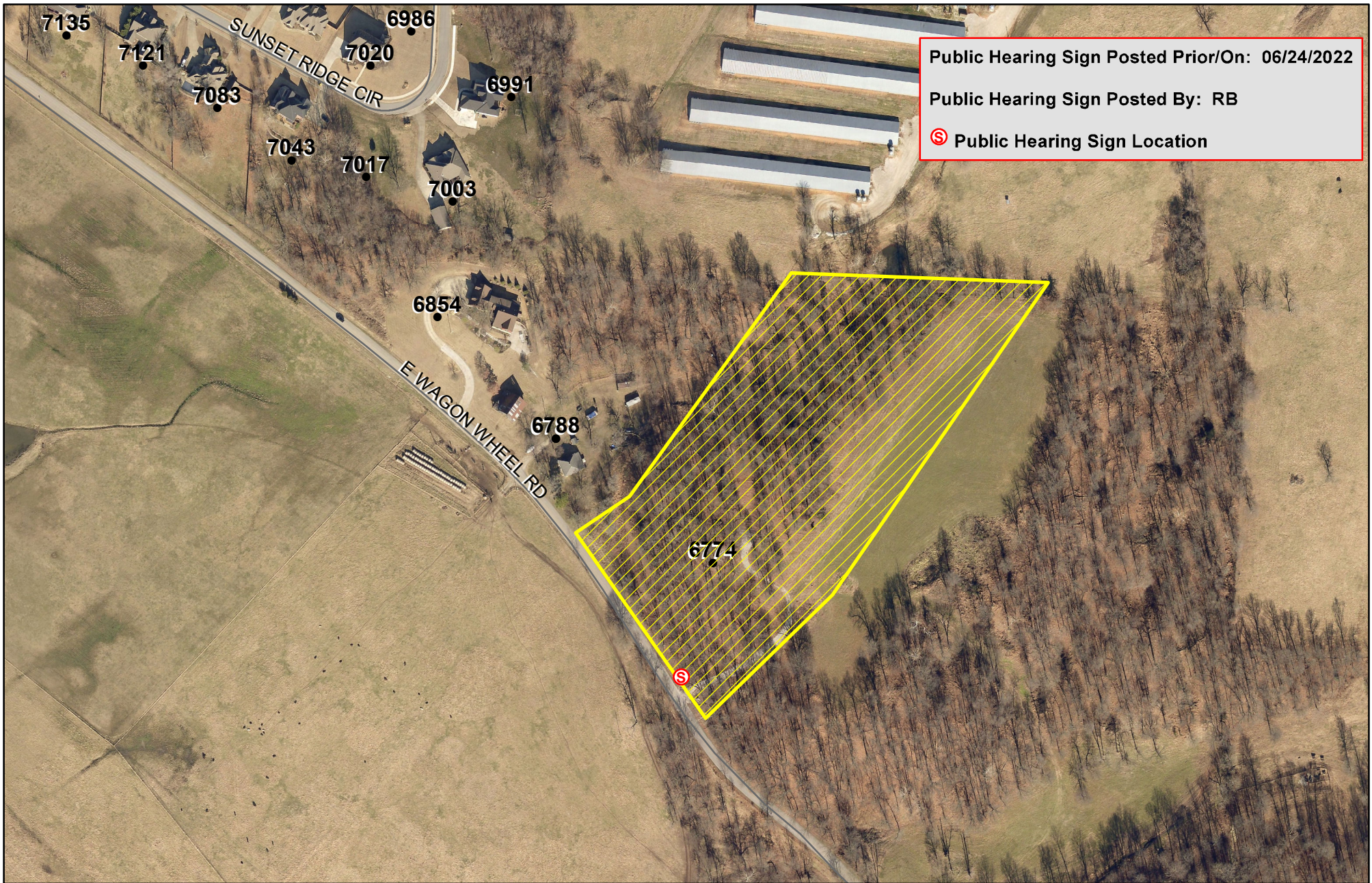
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 06/24/2022

Public Hearing Sign Posted By: RB

S Public Hearing Sign Location



0 50 100 200 300 400
Feet
For Location Reference Only

FILE NO. C22-11
APPLICANT: Ryan & Sarah McClain
REQUEST: Conditional use for a tandem lot split in an A-1

PLANNING COMMISSION MEETING
July 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 BEAVER WATER DISTRICT IN CONNECTION WITH L22-42 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 L22-42 a Large Scale Development for Beaver Water District 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 North Miller Road on the northern side including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-42, a Large Scale Development for Beaver Water District.

Option 2: Denies a waiver of street improvements to North Miller Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-42 a Large Scale Development for Beaver Water District.

Option 3: Approves payment in lieu of improvements to North Miller Road in connection with L22-42 a Large Scale Development for Beaver Water District 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 North Miller Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L22-42 a Large Scale Development for Beaver Water District.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

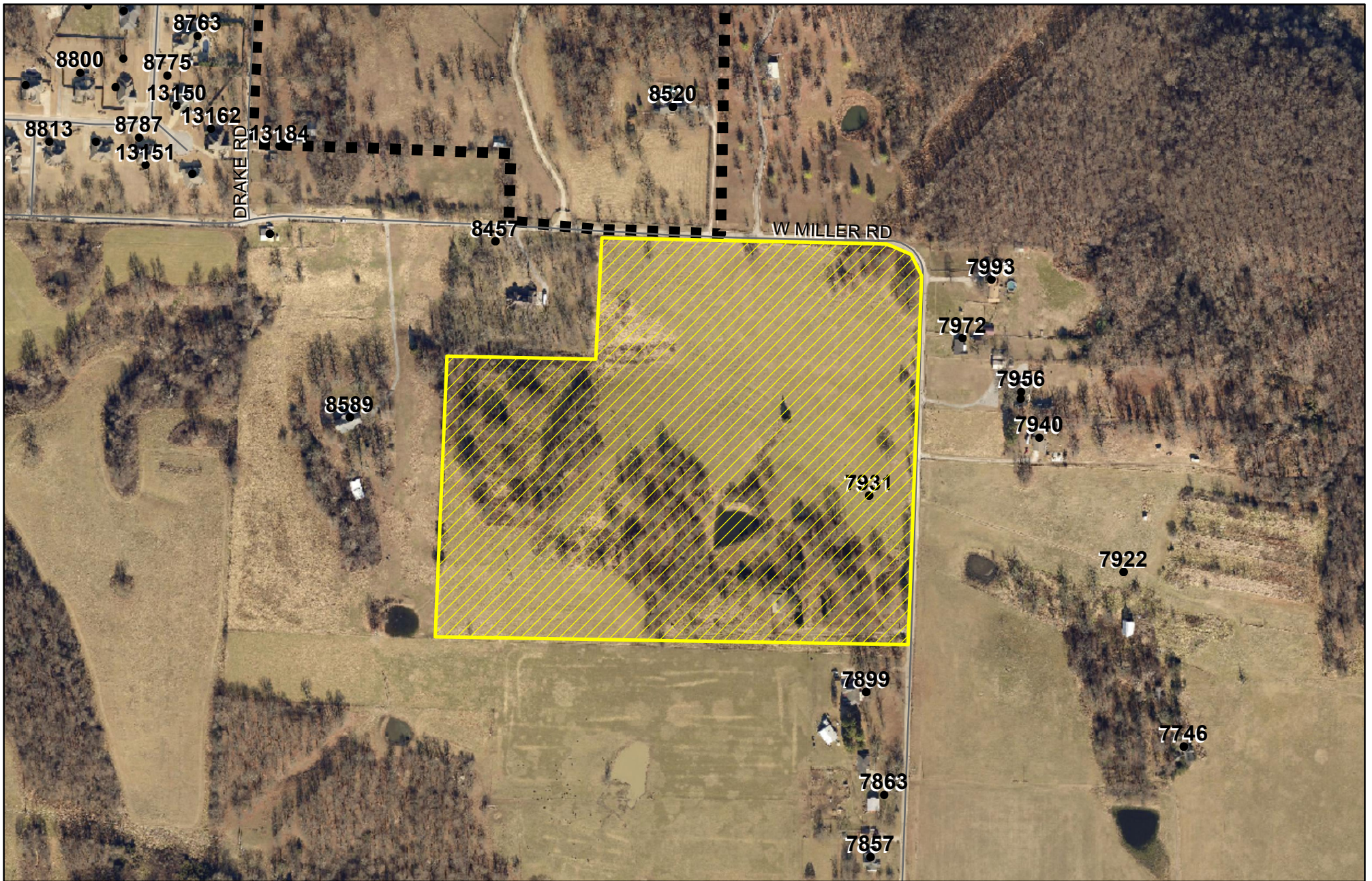
Doug Sprouse, Mayor

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. W22-11
APPLICANT: Beaver Water District
REQUEST: Waiver of street improvements on Miller Rd

PLANNING COMMISSION MEETING
July 5, 2022

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE REFUND OF
BUILDING PERMIT FEES ASSOCIATED WITH THE
DISASTER DECLARATION OF MARCH 30, 2022, IN
SPRINGDALE, ARKANSAS.**

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, bodily injury, and otherwise meeting the definition of "Disaster" as that term is defined in Ark. Code Ann. §12-75-103;

WHEREAS, in order to activate the response to, as well as the recovery from, this disaster, the Mayor issued a Disaster Emergency Proclamation on March 30, 2022, pursuant to Ark. Code Ann. §12-75-108 and Section 2-61 of the Code of Ordinances of the City of Springdale, Arkansas;

WHEREAS, the Disaster resulted in unanticipated costs to certain residents of the City of Springdale, including the necessity of purchasing permits from the City for necessary repairs to structures, pursuant to Section 22-32 of the Code of Ordinances of the City of Springdale, Arkansas;

WHEREAS, the City of Springdale wishes to grant relief to those citizens who were forced by the Disaster to expend funds to obtain a building permit to repair damage to property caused by the Disaster; and

WHEREAS, no hardship will result to the City, or to any of its residents, by providing the relief provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Chief Building Official is hereby authorized to grant and issue a refund to those citizens who have paid for and obtained a building permit to repair damage to property caused by the Disaster, said refund being in the amount of _____% of the permit fee paid to the City pursuant to Section 22-32 of the Code of Ordinances of the City of Springdale, Arkansas.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

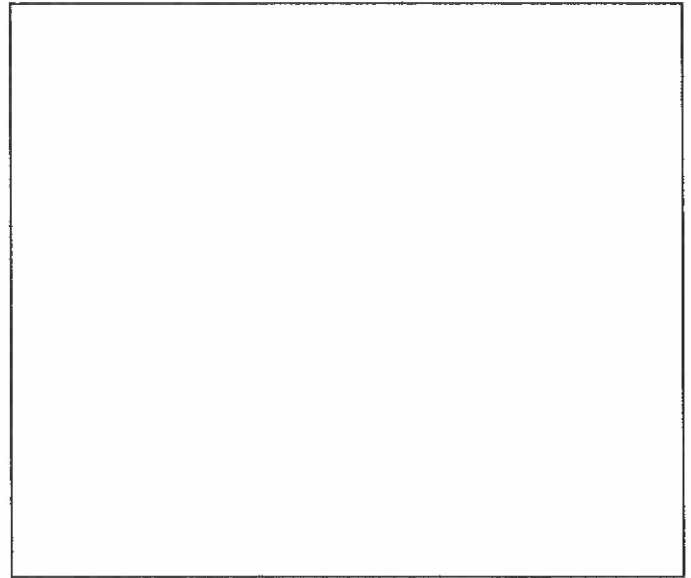
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____



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

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

PROPERTY OWNER: LJs Restaurant

LEGAL DESCRIPTION: Part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section 2, Township 17 North, Range 30 West, beginning at a point 190 feet West and 23.9 feet South of the Northeast corner of said Forty Acre Tract, thence West 162.4 feet, then South 0 degrees, 21' 01" West, 188.1 feet, thence East 162.4 feet, thence North 0 degrees 21' 01" East, 188.1 feet to a point of beginning, containing 0.70 acres more or less, and being part of Lot 11 of the C.F. Noel Addition to the City of Springdale, Washington County, Arkansas. Subject to easements and restrictions of record, if any.

LAYMAN'S DESCRIPTION: 983 W. Sunset

PARCEL NO.: 815-23987-000

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

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

\$376.16 clean-up costs and \$22.53 administrative costs – 983 W. Sunset (Parcel No. 815-23987-000)

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

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

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

\$398.69, plus 10% for collection – 983 W. Sunset (Parcel No. 815-23987-000)

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

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

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



CITY ABATEMENT-2022 - Tuesday, May 17, 2022 8:07:14 AM (Ricardo)

User Name	Ricardo
User #	4792634217
Form Started	5/17/2022 8:07:14 AM
Form Submitted	5/17/2022 8:38:27 AM
Property Address	983 w sunset
Before Picture	Attached Data



Before Picture

Attached Data



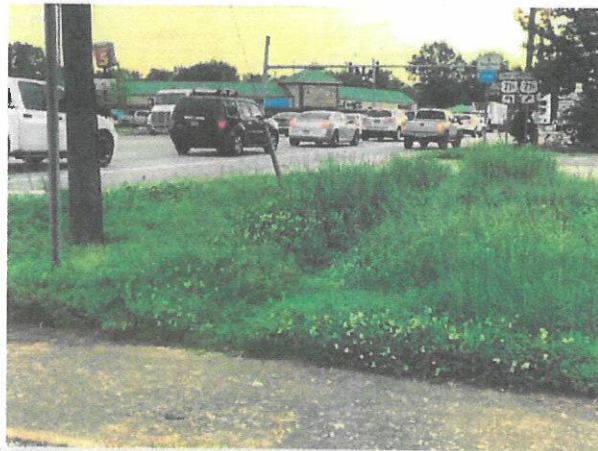
Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Tuesday, May 17, 2022 8:07:00 AM
Officer on Site-	R. Calderon
Labor Rate Recovery	
Employee	Henry Hernandez
HH Benefit Rate	\$54.84
Method of Compliance	
1 Method of Compliance	Mowing
Equipment Used	
Equipment	755 Grasshopper,743 Kubota,6021 Service Truck-Landscaping
755 Grasshopper	\$55.00
743 Kubota	\$65.00
6024 4x4 Service Truck	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	2
Temporary Labor Rate Recovery	48.00
Employee labor recovery per hour	54.84
Total Employee Cost	54.84
Equipment Cost per hour	155.00

Total Equipment Cost	155.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	376.16
Items Removed from Property	None
Final Photos	

Attached Data



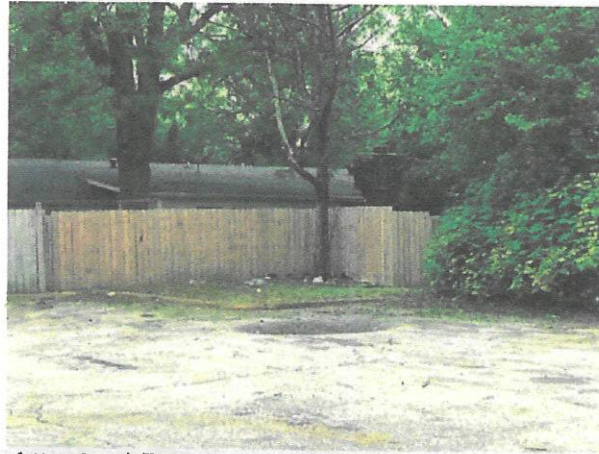
Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Garrett Harlan
Deputy City Attorney
gharlan@springdalear.gov



SPRINGDALETM
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.SpringdaleAR.gov

Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynda Belvedersi
Administrative Legal Assistant
lbelvedersi@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

June 21, 2022

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

LJs Restaurant Inc.
4911 Towson Avenue
Fort Smith, AR 72901

RE: Notice of clean-up lien on property located at 983 W. Sunset, Springdale,
Washington County, Arkansas, Tax Parcel No. 815-23987-000

Dear Property Owner/Lienholder:

On 4/27/2022, notice was posted on property located at 983 West Sunset, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on 4/27/2022, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the above-referenced violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about May 17, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$376.16. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$7.53 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before July 26, 2022 a hearing confirming the amount of the lien will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing confirming the amount of the lien will be held Tuesday, July 26, at 6:00 p.m. in the City Council Chambers

at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$383.69, which includes \$376.16 for cleaning up the property and \$7.53 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Dixie Putt, Springdale City Attorney's Office, 206 Blair Street, Springdale, AR 72764. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. .

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to state your case before the District Court Judge.

This letter is also being mailed by regular mail to LJs Restaurant Inc. at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,



Ernest Cate
City Attorney

Enclosures
EC:dp

USPS TRACKING#



NW ARKANSAS AR 727

23 JUL 2022 PM 2 L

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5688 9346 5854 81

United States
Postal Service

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

City Attorney
206 Blair
Springdale, AR
72764



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

LJs Restaurant Inc.
4911 Towson Avenue
Fort Smith, AR 72901



9590 9402 5688 9346 5854 81

2. Article Number (Transfer from service label)

7020 0640 0002 3174 8639

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Gabrielle Cristee*
☒ Agent
☐ Addressee

B. Received by (Printed Name)

Gabrielle Cristee

C. Date of Delivery

6/23/22

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

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

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

Domestic Return Receipt

RESOLUTION NO. _____

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

WHEREAS, Bridgers Crossing, LLC., has petitioned for the abandonment of a drainage easement on property located at 3064 S. Old Missouri Road, Springdale, Washington County, Arkansas (Parcel No. 815-28649-220, Parcel No. 815-28649-240, and Parcel No. 815-28649-251), and previously filed on January 10, 2006, as File No. 2006-00001124, more particularly described as follows, and as shown on the attached map as Exhibit "A":

**LEGAL DESCRIPTION OF
DRAINAGE EASEMENT TO BE VACATED**

A part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section Seven (7), Township Seventeen (17) North, Range Twenty-nine (29) West, Springdale, Washington County, Arkansas, being more particularly described as follows:

From the Northwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section Seven (7); thence South – 752.26 feet; thence South 89°56'49" East – 307.09 feet; thence North 88°14'58" East – 104.59 feet; said point being the Northeast corner of Lot 35, Palisades Subdivision in Springdale, Arkansas; thence South 02°27'17" East – 193.36 feet, said point being the Northwest corner of Lot 76A, Palisades Subdivision in Springdale, Arkansas, thence North 88°33'22" East – 320.37 feet to the POINT OF BEGINNING; thence North 01°37'00" West – 11.93 feet; thence South 88°00'47" West – 202.80 feet; thence North 01°59'07" West – 191.42 feet; thence North 25°10'41" East – 56.91 feet; thence South 64°49'19" East – 20.00 feet; thence South 25°10'41" West – 52.07 feet; thence South 01°59'07" East – 166.58 feet; thence North 88°00'47" East – 202.93 feet; thence South 01°37'00" East – 32.12 feet; thence South 88°33'22" West – 20.00 feet to the POINT OF BEGINNING, and containing 0.21 acres, more or less.

WHEREAS, the petitioner has, or will, obtain the written consent of all property owners abutting the drainage easement proposed to be vacated;

WHEREAS, the City Council finds that a hearing date should be set on the request to abandon the drainage easement described herein;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that August 23, 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 by publishing notice of said hearing once a week for (2) consecutive weeks, as required by law.

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

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

DRAINAGE EASEMENT

PROJECT NO. _____
PARCEL NO. _____
TRACT NO. _____

STATE OF ARKANSAS
COUNTY OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of **One Dollar (\$1.00)** and other valuable consideration to the undersigned, Landside Acquisitions, LLC, an Arkansas limited liability company ("Grantor"), paid, the receipt of which is hereby acknowledged, the said Grantor does hereby GRANT, SELL AND CONVEY unto the City of Springdale, Arkansas, a municipal corporation ("Grantee"), its successors and assigns, the right of way and easement to construct, lay, remove, relay and enlarge and operate a storm sewer pipe line or lines, culverts, drainage channels, manholes, and appurtenances thereto, on, over, across and under the following described real estate, to-wit:

PERMANENT EASEMENT DESCRIPTION

A part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section Seven (7), Township Seventeen (17) North, Range Twenty-nine (29) West, Springdale, Washington County, Arkansas, being more particularly described as follows, to wit:

From the Northwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section Seven (7); thence South - 752.26 feet; thence South 89°56'49" East - 307.09 feet; thence North 88°14'58" East - 104.59 feet, said point being the Northeast corner of Lot 35, Palisades Subdivision in Springdale, Arkansas; thence South 02°27'17" East - 193.36 feet, said point being the Northwest corner of Lot 76A, Palisades Subdivision in Springdale, Arkansas; thence North 88°33'22" East - 320.37 feet to the POINT OF BEGINNING; thence North 01°37'00" West - 11.93 feet; thence South 88°00'47" West - 202.80 feet; thence North 01°59'07" West - 191.42 feet; thence North 25°10'41" East - 56.91 feet; thence South 64°49'19" East - 20.00 feet; thence South 25°10'41" West - 52.07 feet; thence South 01°59'07" East - 166.58 feet; thence North 88°00'47" East - 202.93 feet; thence South 01°37'00" East - 32.12 feet; thence South 88°33'22" West - 20.00 feet to the POINT OF BEGINNING, and containing 0.21 acres, more or less.

(Description prepared by Engineering Services, Inc.)

CITY OF SPRINGDALE
201 SPRING ST., ROOM 203
SPRINGDALE, AR 72764

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such line or lines, manholes and/or appurtenances thereto shall be maintained, with ingress to and egress from the real estate first hereinabove described for the purpose of constructing, inspecting, maintaining and repairing said lines, manholes and appurtenances of Grantee above described, and the removal, renewal and enlargement of such at will, in whole or in part.

The Grantor agrees not to erect any building or structures in said right of way other than fences and said fences shall not exceed six (6) feet in height.

The Grantee shall have the right to construct additional lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this grant in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, this the 1ST day of SEPTEMBER, 2005.

LANDSIDE ACQUISITIONS, LLC
An Arkansas Limited Liability Company

By: _____

Gary Combs, Member

[ACKNOWLEDGMENT ON FOLLOWING PAGE]

CITY OF SPRINGDALE
201 SPRING ST., ROOM 203
SPRINGDALE, AR 72764

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss
COUNTY OF WASHINGTON)

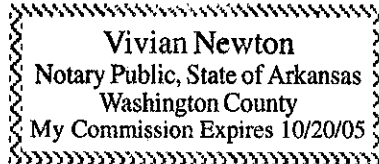
On this the 1st day of Sept., 2005, before me, the undersigned officer, personally appeared Gary Combs, who acknowledged himself to be a Member of Landside Acquisitions, LLC, a limited liability company, and that he, as such Member, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Member.

In witness whereof I hereunto set my hand and official seal.

Vivian Newton
Notary Public

My Commission Expires:

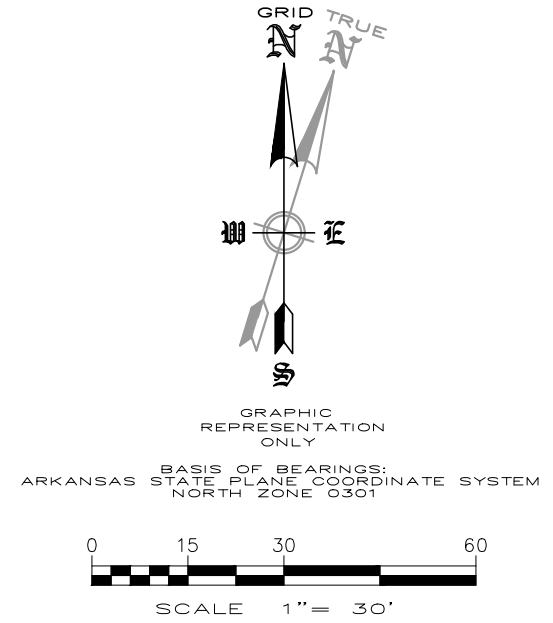
10/20/05



This instrument was prepared by:

Cypert, Crouch, Clark & Harwell
Attorneys at Law
P.O. Box 1400
Springdale, Arkansas 72765

CITY OF SPRINGDALE
201 SPRING ST., ROOM 203
SPRINGDALE, AR 72764



SURVEYOR'S NOTES:
THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR. THE ORIGINAL SIGNATURE, IF NOT BLUE IN COLOR, IS NOT VALID.

PLAT CLOSURE DECLARATION:
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 258,615 FEET.

FEMA FLOOD PLAIN ZONE:
THIS PROPERTY IS WITHIN THE FLOOD PLAIN ZONE 'X' (NO SHADING) DESIGNATED AS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE F.I.R.M. MAP # 05143C0090F, PANEL 90 OF 575 WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: MAY 16, 2008.

UTILITIES:
THE UTILITY INFORMATION, IF ANY SHOWN HEREON, IS PROVIDED BY THE SURVEYOR AND IS BASED ON ABOVE GROUND UTILITY FEATURES AND CITY OF SPRINGDALE O.I.S. ONLY. THE DESIGNATIONS AND LOCATIONS OF THESE UTILITY FEATURES SHOWN HEREON ARE NOT TO BE CONSTRUED AS ALL INCLUSIVE OR ABSOLUTE AND ARE PROVIDED WITHOUT WARRANTY.

REFERENCES:
EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED BELOW. THE SURVEYOR RESEARCHED OR WAS PROVIDED NECESSARY DEEDS, RIGHT-OF-WAY MAPS, AND OTHER PERTINENT INFORMATION AS SHOWN BELOW. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR COURT CASE DECISIONS, ADVERSE POSSESSION CLAIMS, SUBSURFACE RIGHTS OR OWNERSHIP, ENCUMBRANCES, OR RESTRICTIVE COVENANTS.

ALL RECORDS LISTED BELOW ARE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS UNLESS OTHERWISE NOTED.

A. **SPECIAL WARRANTY DEED:** SIGNATURE BANK OF ARKANSAS, RECORDED NOVEMBER 18, 2016, FILE NO. 2016-34349.
B. **FINAL PLAT OF PALISADES SUBDIVISION:** BY LANDTECH ENGINEERING, INC., L.F. GABBARD, AR PLS NO. 1204, RECORDED JANUARY 26, 2001, PLAT BOOK 17 AT PAGE 4.
C. **REPLAT OF LOT 76, PALISADES SUBDIVISION:** BY ENGINEERING SERVICES, INC., PHILIP C. HUMBARD, AR PLS NO. 1429, RECORDED JANUARY 16, 2003, FILE NO. 23-38.
D. **LOT SPLIT:** BY MILHOLLAND COMPANY, MELVIN L. MILHOLLAND, AR PLS NO. 648, RECORDED AUGUST 6, 2014, FILE NO. 2014-19851.
E. **AHTD JOB NO. 040490:** RIGHT OF WAY ACQUISITION, STATE FILE 20107230001.
F. **ALTA/CMS LAND TITLE SURVEY:** BY ENGINEERING SERVICES, INC., S. CRAIG DAVIS, AR PLS NO. 1156, WORK ORDER NO. 20234, DATED MAY 26, 2020.

SURVEYOR'S DECLARATION:
I HEREBY DECLARE THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. I FURTHER DECLARE THAT THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" PER THE STATE OF ARKANSAS.

S. CRAIG DAVIS, L.P.S. NO. 1156, AR. DATE _____



OWNER'S CERTIFICATION:
AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED TO BE SURVEYED, COMBINED, PLATTED, DEDICATED AND/OR ACCESS RIGHTS RESERVED AS REPRESENTED ON THIS PLAT.

OWNER/AUTHORIZED REPRESENTATIVE _____ DATE _____

CITY OF SPRINGDALE
APPROVAL FOR RECORDING _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2022.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

DATE _____ SIGNATURE _____

CITY OF SPRINGDALE
APPROVAL FOR RECORDING _____

DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DIVISION

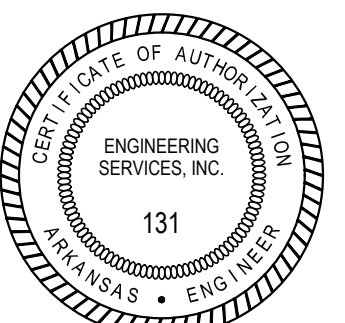
LEGEND	
	PROPERTY LINE
	REMOVED PARCEL LINE
	SECTION 1/40' LINE
	ADJACENT OWNER
	EASEMENT (AS NOTED)
	RIGHT-OF-WAY
	BUILDING SETBACK LINE (B.S.L.)
	CHAIN LINK FENCE LINE
	WOOD FENCE LINE
	OVERHEAD UTILITIES
	WATER LINE
	P.O.C. POINT OF COMMENCEMENT
	P.O.B. POINT OF BEGINNING
	IRON PIN FOUND (AS NOTED)
	IRON PIN SET W/ CAP "PLS 1156"
	COMPUTED POINT
	MANHOLE (AS NOTED)
	POWER POLE (PP)

LEGAL DESCRIPTION PER W.D. 2016-34349:
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 300.27 FEET AND S01°34'44"E 807.27 FEET TO AN AHTD RIGHT OF WAY MONUMENT ESTABLISHED FOR AHTD JOB NUMBER 040490, ON THE WESTERLY RIGHT OF WAY OF ARKANSAS HIGHWAY 266, 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"E 445.52 FEET TO THE NORTHEAST CORNER OF LOT 38 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°28'59"W 21.03 FEET; THENCE N87°57'04"E 165.82 FEET TO THE POINT OF BEGINNING; CONTAINING 1.280 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, 193.38 FEET ALONG THE WEST LINE OF TRACT 1 & 3, SAME BEING THE EAST LINE OF LOTS 36 & 38 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 266; THENCE SOUTHERLY ALONG SAID WEST LINE FOLLOWING TWO COURSES AND DISTANCES: 1) S 03° 16' 30" E, 91.82 FEET TO A FOUND 5/8" IRON PIN; 2) S 03° 19' 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 80° 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.

SURVEY DESCRIPTION COMBINED TRACT (PARCEL NO.'S 815-28649-220, 815-28649-240, 815-28649-251, 815-28649-280):
PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION SEVEN (7), 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 NORTHWEST CORNER OF SAID NW 1/4 OF THE SW 1/4 OF SECTION 7, SAID POINT BEING A FOUND 1 INCH PIPE; THENCE ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SW 1/4, S87°27'51"E A DISTANCE OF 652.79 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 266 (OLD MISSOURI ROAD); THENCE LEAVING SAID NORTH LINE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S84°32'34"E A DISTANCE OF 71.55 FEET; THENCE S09°53'58"E A DISTANCE OF 286.04 FEET; THENCE S09°59'00"E A DISTANCE OF 303.90 FEET TO THE **POINT OF BEGINNING**; SAID POINT BEING A FOUND AHTD MONUMENT; THENCE S07°10'38"E A DISTANCE OF 143.59 FEET TO A FOUND AHTD MONUMENT; THENCE CONTINUING S03°03'09"E A DISTANCE OF 53.04 FEET TO A FOUND AHTD MONUMENT; THENCE S04°00'08"E A DISTANCE OF 143.23 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N87°25'10"W A DISTANCE OF 463.71 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N01°39'27"E A DISTANCE OF 193.38 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N06°11'13"E A DISTANCE OF 120.08 FEET TO A FOUND IRON PIN WITH CAP "MCO AR PLS 648"; THENCE S87°50'23"E A DISTANCE OF 257.49 FEET TO A FOUND 5/8 INCH REBAR; THENCE N03°16'17"E A DISTANCE OF 21.13 FEET TO A FOUND 1 INCH PINCHED PIPE; THENCE S87°56'26"E A DISTANCE OF 165.82 FEET TO THE **POINT OF BEGINNING**, CONTAINING 3.31 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.



REVISION	DATE	DESCRIPTION

INFORMAL PLAT
FOR SIGNATURE BANK OF ARKANSAS
SPRINGDALE, WASHINGTON COUNTY, ARKANSAS
SCALE: 1"=30' DATE: May 3, 2022 DRAWN BY: KND
ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS
© COPYRIGHT 2015, ENGINEERING SERVICES, INC. 5-0333 3.03 PM W.O.# 22921 SHEET **01**
PLAT CODE: 500-17N-29W-0-07-340-Page 1 of 56

The City Council of the City of Springdale met in regular session on Tuesday, June 28, 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 (Absent)
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 4
Kevin Flores	Ward 2
Randall Harriman	Ward 1 (Absent)
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Blake Holte	Fire Chief
Frank Gamble	Police Chief
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Ron Findley	Neighborhood Servs. Director
Ryan Carr	Engineering Department
Colby Fulfer	Chief of Staff
Angie Albright	Museum Director
Mark Gutte	IT Director
Angie Albright	Museum Director

CITIZEN COMMENTS

Residents on E. Lakeview Drive were present at Council asking that speed cushions be installed along the street. People are racing up and down the street causing a dangerous situation.

APPROVAL OF MINUTES

Council Member Fougerousse moved the minutes of the June 14, 2022 City Council meeting be approved as presented. Council Member Lawson made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Powell 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 Fougerousse made the second.

The vote:

Yes: Powell, Watson, Overton, Lawson, Flores, Fougerousse

No: None

CITY OF SPRINGDALE EMPLOYEE RECOGNITION

Mayor Sprouse recognized City of Springdale employee Elizabeth Glass for her over 16 years of service as food service manager at the Senior Citizens Center in the City of Springdale.

Director Lori Proud stated she has cooked a lot of meals over that time.

LYNDA BELVEDRISI RETIREMENT

Judge Jeff Harper and City Attorney Ernest Cate recognized Lynda Belvedresi who is retiring from the City Attorney’s Office after 23 years with the City of Springdale.

WASTE MANAGEMENT QUARTERLY REPORT

James Vernon and Casey Russell, Waste Management, gave a quarterly report on Waste Management services in the City of Springdale.

RESOLUTION NO. 61-22 – APROVING THE APPOINTMENT OF SHANE ACOSTA TO FILL A VACANCY ON THE SPRINGDALE WATER & SEWER COMMISSION

Mayor Doug Sprouse presented a Resolution approving the appointment of Shane Acosta to fill a vacancy on the Springdale Water and Sewer Commission.

RESOLUTION NO. ____

A RESOLUTION APPROVING THE APPOINTMENT OF SHANE ACOSTA TO FILL A VACANCY ON THE SPRINGDALE WATER & SEWER COMMISSION

WHEREAS, the Springdale City Council adopted Ordinance No. 3592, thereby establishing a five-member board of Water and Sewer Commissioners;

WHEREAS, due to the death of Paul Lawrence, the remaining Commissioners desire that Shane Acosta be appointed to fulfill the remainder of the term on the Springdale Water & Sewer Commission which will expire on July 13, 2028; and

WHEREAS, pursuant to Ark. Code Ann. §14-234-304(d), in the event of a vacancy on the Commission, the vacancy shall be filled by the remaining Commissioners appointing a member, subject to the approval of two-thirds (⅔) of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of Shane Acosta to fulfill the remainder of the term on the Springdale Water & Sewer Commission, with a term expiration date of July 13, 2028, is hereby approved.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 61-22.

ORDINANCE NO. 5729 – REZONING PROPERTY OWNED BY JUAN GARCIA
LOCATED AT 2805 E. EMMA AVENUE, FROM A-1 TO SF-2 AND C-2; AND
DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Juan Garcia located at 2805 E. Emma Avenue, from A-1 to SF-2 and C-2; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5729.

ORDINANCE NO. 5730 – ACCEPTING THE RE-PLAT OF THE TOM CARREL
SUBDIVISION LOTS 6 & 7 TO THE CITY OF SPRINGDALE, ARKANSAS, AND
DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Re-Plat of the Tom Carrel Subdivision Lots 6 & 7 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 Overton moved the Ordinance “Do Pass”. Council Member Powell made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5730.

ORDINANCE NO. 5731 – REZONING PROPERTY OWNED BY COLLINS COVE LLC (BRIAN MOORE/KEVIN RIGGINS) LOCATED ON THE WEST SIDE OF N. 56TH STREET AND SOUTH OF W. COUNTY LINE ROAD, PARCEL 815-30919-000, FROM SF-1 TO SF-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Collins Cove LLC (Brian Moore/Kevin Riggins) located on the west side of N. 56th Street and south of W. County Line Road, Parcel 815-30919-000, from SF-1 to SF-2.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5731.

ORDINANCE NO. 5732 – REZONING PROPERTY OWNED BY MICHAEL A. LEWIS LOCATED ON THE WEST SIDE OF HIGHWAY 112, PARCEL 21-01521-000, FROM A-1 TO SF-1; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Michael A. Lewis located on the west side of Highway 112, Parcel 21-01521-000, from A-1 to SF-1; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5732.

ORDINANCE NO. 5733 – REZONING 120 ACRES OWNED BY MRKJM HOLDING INC. LOCATED ¾ MILES SOUTH OF DON TYSON PARKWAY, AT THE END OF HYLTON ROAD, FROM SF-2 TO SF-3; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 120 acres owned by MRKJM Holding Inc. located ¾ miles south of Don Tyson Parkway, at the end of Hylton Road, from SF-2 to SF-3; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

Yes: Flores, Fougrousse, Powell, Lawson

No: Watson, Overton

Mayor Sprouse voted yes. Motion carried.

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

The vote:

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

No: None

The Ordinance was numbered 5733.

ORDINANCE NO. 5734 – REZONING 1.36 ACRES OWNED BY NORA TAYLOR LOCATED AT 5119 ELM SPRINGS ROAD, FROM A-1 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 1.36 acres owned by Nora Taylor located at 5119 Elm Springs Road, from A-1 to C-5; 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 Fougrousse made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5734.

ORDINANCE NO. 5735 – REZONING 1.91 ACRES OWNED BY ANTHONY PEROLLI AND LABINOT DEDUSHAJ LOCATED AT 5776 ELM SPRINGS ROAD, FROM A-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 1.91 acres owned by Anthony Perolli and Labinot Dedushaj located at 5776 Elm Springs Road, from A-1 to C-2; 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 Fougrousse made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5735.

ORDINANCE NO. 5736 – REZONING .19 ACRES OWNED BY KEVIN AND LUCIA WANG LOCATED AT 1201 HENRYETTA STREET, FROM MF-12 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .19 acres owned by Kevin and Lucia Wang located at 1201 Henryetta Street, from MF-12 to C-2; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5736.

ORDINANCE NO. 5737 – REZONING 7.96 ACRES OWNED BY LONG-LYKINS LLC LOCATED AT 3939 S. 48TH STREET, FROM A-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 7.96 acres owned by Long-Lykins LLC located at 3939 S. 48th Street, from A-1 to C-2; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5737.

ORDINANCE NO. 5738 – AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, THE DOWNTOWN DISTRICT FORM BASED CODE; REVISING SECTION 2.0 THE REGULATING PLAN; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

Planning Director Patsy Christie presented an Ordinance amending Chapter 32 of the Code of Ordinances of the City of Springdale, The Downtown District Form Based Code; revising Section 2.-0 – The Regulating Plan; and declaring an emergency.

Section 2 will be revised by removing parcels 815-27640-000; 815-20924-000; 815-20924-010; 815-20933-000 and, 815-20934-000 from Neighborhood Residential Type 1 District (single family, carriage type houses) and making said parcels Neighborhood Center Type 2 District (higher density houses).

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5738.

ORDINANCE NO. 5739 – REZONING PROPERTY OWNED BY ELEMENTAL PROPERTIES LLC LOCATED AT 2553 N. THOMPSON STREET, FROM C-2 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Elemental Properties LLC located at 2553 N. Thompson Street, from C-2 to C-5; 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 Flores made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5739.

RESOLUTION NO. 62-22 – APPROVING A CONDITIONAL USE APPEAL BY
ELEMENTAL PROPERTIES LLC FOR USE UNIT 25 (LIMITED MANUFACTURING)
AT 2553 N. THOMPSON

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Elemental Properties LLC for Use Unit 25 (Limited Manufacturing) at 2553 N. Thompson.

Planning Commission recommended approval at their meeting.

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
ELEMENTAL PROPERTIES, LLC AT 2553 NORTH THOMPSON
AS SET FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on June 7, 2022, on a request by Elemental Properties, LLC for a Use Unit 25 (Limited Manufacturing) at 2553 N. Thompson

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) nays recommends that a Conditional Use be granted to Elemental Properties, LLC with the following conditions: No conditions set.

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

PASSED AND APPROVED THIS ____ DAY OF JUNE, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 62-22.

RESOLUTION NO. 63-33 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO OCEANFRONT ESTATES IN CONNECTION WITH PP22-06, A PRELIMINARY PLAT

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Oceanfront Estates in connection with PP22-06, a preliminary plat.

Council Member Overton moved the Resolution be adopted with Option 3. Council Member Lawson made the second.

Option 3 approves payment in lieu of improvements to East County Line Road in connection with PP22-06, a Preliminary Plat for Oceanfront Estates with estimated cost to be submitted by the developer’s engineer for confirmation by the Planning Department.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO OCEANFRONT ESTATES IN CONNECTION WITH PP22-06 A PRELIMINARY PLAT

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 PP22-06 a Preliminary Plat for Oceanfront Estates 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 3: Approves payment in lieu of improvements to East County Line Road in connection with PP22-06, a Preliminary Plat for Oceanfront Estates with estimated cost to be submitted by the developer’s engineer for confirmation by the Planning Department.

PASSED AND APPROVED THIS ____ DAY OF JUNE, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

Yes: Watson, Overton, Lawson, Fougrousse

No: Flores, Powell

Mayor Sprouse voted yes. The motion carried.

The Resolution was numbered 63-22.

RESOLUTION NO. 64-22 – ADOPTING AND APPROVING THE 2022 ACTION
PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND
THE REALLOCATION OF THE CARES ACT FUNDS

Dean Allen, Community Development Block Grant Manager, presented a Resolution adopting and approving the 2022 Action Plan for the Community Development Block Grant Program and the relocation of the Cares Act Funds.

Discussion was held on the amount to be given to non-profits. Mr. Allen gave the amounts that would be distributed using three different percentages to non-profits.

10%	-	\$ 85,759
13.6%	-	\$117,031
15%	-	\$128,638

Council Member Flores asked different non-profits to speak and explain how the money helps their organizations and how a reduction in funds would affect them.

The following Resolution was presented and includes 13.6 % for non-profits.

RESOLUTION NO. ____

**A RESOLUTION ADOPTING AND APPROVING THE 2022
ACTION PLAN FOR THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM AND THE REALLOCATION OF
THE CARES ACT FUNDS**

WHEREAS, in accordance with the guidelines established by the Department of Housing & Urban Development for the Community Development Block Grant Program, a 2022 Program Year Action Plan was developed, a copy of which is attached and made a part of the resolution; and

WHEREAS, a final public hearing was held before the City Council on July 28, 2022

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

1. That the 2022 Program Year Action Plan for use of Community Development Block Grant Program Funds, and the CARES ACT reallocation funds a copy of which is attached and made a part as though set out herein word or word, is approved and authorized for submission to the United States Department of Housing and Urban Development on July 28, 2022.

2. That Mayor Doug Sprouse is hereby designated as the authorized official to execute all documents pertaining to the Community Development Block Grant Program.

PASSED AND APPROVED this ____ day of July, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

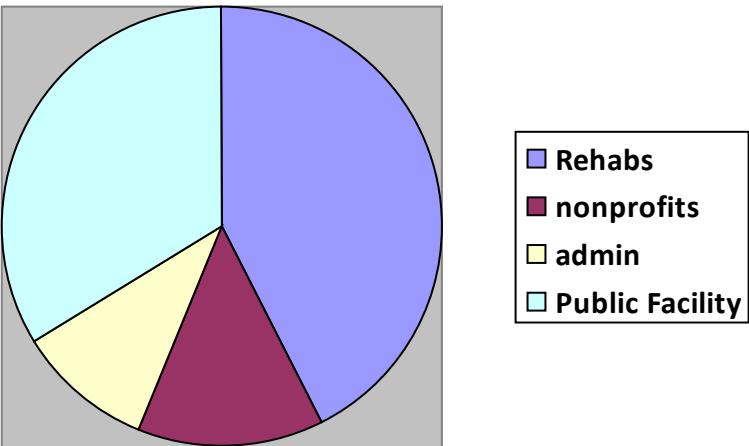
APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

CDBG FY2022 Program Summary

The City of Springdale is anticipating the \$857,593 for the PY22. The funds will be dispersed with the approval through City Council. This is the last year in the Con Plan 18-22 (5 year plan).

The Program year starts July 1, 2022 and ends June 31, 2023



The City of Springdale is an entitlement city in the Department of Housing & Urban Development's (HUD) Community Development Block Grant (CDBG) Program and receives a formula grant annually. The primary objective of the CDBG Program is the preservation and development of viable communities by providing decent housing, a suitable living environment, economic development opportunities, public services and public facilities principally for low and moderate income persons.

The activities contained in the City's work program are as follows:

- Rehabilitation of owner occupied single family dwellings from 1978 or older, including emergency repairs-- \$365,562 - 42%
- Direct grant to Nonprofit organizations -- \$117,031 – 13.6%
- Program administration -- \$75,000 - 8%
- Public Facility- Miracle League Field Replacement- \$300,000- 34%

The nonprofit organizations that turned in applications to be approved by City Council:

- o VFW- \$9,000
- o Bread of Life- \$24,000
- o Community Clinic- \$12,000
- o Hydration for Life- \$7,300
- o CASA of NWA- \$10,000
- o Compassion House- \$20,731
- o VFW Aux- \$10,000
- o Feed the 479- \$24,000

Our focus and the accomplishments from the FY20 and FY21:

- 100% dedicated funding for the low income families
- Last fiscal year we rehabilitated 38 homes affected at least 121 family members.
- The average amount of CDBG program spent on a single family dwelling is \$19,417.22, for the 2020 program year CDBG Funding. Thirty eight dwelling received rehabilitation assistance. In FY21 we have spent \$75,000 on single family dwellings or 5 homes.
- We have around \$620,000 left over in the FY2021 Funds. We are in the process of spending these funds now.
- Qualifying conditions for homeowner assistance is; the structure was built on or before 1978 -and the home owner can meet established income qualified. The qualified application must have occupied the home for more than a year. Guidelines provided by HUD are used to ensure accuracy.
- Anticipated completion time for rehabilitation project is approximately 60- 90 days.

US Department of Housing and Urban Development has announced reallocation funds for certain cities. The grantees eligible for this reallocation are limited to those that expended 99% or more of their CDBG-CV funds. We are the only city in Arkansas to receive such a reallocation amount. This amount is; \$178,632. These funds are available to prevent, prepare for, and respond to coronavirus (CDBG-CV). We have received the initial letter to accept the funding; we are now in the process in accepting the reallocation.

After discussion, Council Member Flores moved the Resolution be adopted. Council Member Powell made the second.

The vote:

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

No: None

The Resolution was numbered 64-22.

RESOLUTION NO. 65-22 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR A TRANSPORTATION STUDY AND OTHER PURPOSES

Chief of Staff Colby Fulfer presented a Resolution authorizing the execution of a professional service agreement with Garver Engineering for a transportation study with the price not to exceed \$359,850.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR A TRANSPORTATION STUDY AND OTHER PURPOSES

WHEREAS, the City of Springdale is in need of a transportation study for future projects and updated information for our master street plan;

WHEREAS, a transportation study is beneficial to our residents for planning purposes and efficiency of future projects;

WHEREAS, a proposal has been submitted for obtaining traffic & safety data, creating a recommended priority list of identified intersections with individual cost estimates, identifying roadway corridors/segments and other purposes; and

WHEREAS, the price not to exceed amount for professional engineering services shall be \$359,850.

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 enter into a professional services agreement with Garver Engineering for a transportation study to be paid from the Street Fund.

PASSED AND APPROVED this ____ of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Lawson, Flores, Fougerousse, Powell, Watson, Overton

No: None

The Resolution was numbered 65-22.

RESOLUTION NO. 66-22 – AMENDING THE 2022 BUDGET OF THE SPRINGDALE POLICE DEPARTMENT TO IMPLEMENT THE “ARKANSAS FULL-TIME LAW ENFORCEMENT OFFICER SALARY STIPEND ACT OF 2022”

Police Chief Frank Gamble presented a Resolution amending the 2022 Budget of the Springdale Police Department to implement the “Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022”.

RESOLUTION NO. ____

A RESOLUTION AMENDING THE 2022 BUDGET OF THE SPRINGDALE POLICE DEPARTMENT TO IMPLEMENT THE

**"ARKANSAS FULL-TIME LAW ENFORCEMENT OFFICER
SALARY STIPEND ACT OF 2022".**

WHEREAS, the Arkansas General Assembly recently passed the "Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022", Act 224 of the 2022 Fiscal Session ("the Act");

WHEREAS, the Act appropriated funds for a one-time stipend of \$5,000.00 for full time law enforcement officers throughout the State of Arkansas, said funds being paid by the State of Arkansas to the eligible law enforcement agency to disburse to eligible recipients;

WHEREAS, the Act requires, among other things, that the budget of the eligible local law enforcement agency be adjusted to permit the disbursement of the salary stipends as provided in the Act;

WHEREAS, it has been determined that 153 full-time law enforcement officers of the Springdale Police Department are eligible to receive the one-time stipend provided by the Act; and

WHEREAS, the Police Department wishes to comply with the provisions of the Act by adjusting its 2022 Budget to allow for the disbursement of the stipend funds received from the State of Arkansas to the eligible full-time law enforcement officers of the Springdale Police Department, said amount not to exceed amount \$823,522.50.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2022 Budget of the Springdale Police Department is hereby amended in an amount not to exceed \$823,522.50 to ensure compliance with the Act, and to allow for the disbursement of the stipend funds received from the State of Arkansas to the eligible full-time law enforcement officers of the Springdale Police Department.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 66-22.

RESOLUTION NO. 67-22 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A
CONDEMNATION LAWSUIT WHEREIN FIRST PRESBYTERIAN CHURCH OF
SPRINGDALE IS DEFENDANT (PROJECT NO. 18BPS12, TRACT 2)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein First Presbyterian Church of Springdale is defendant. A lawsuit was filed to condemn property owned by the Church for the Har-Ber Avenue Extension Project (48th Street to Gutensohn St.) (Project No. 18BPS12, Tract 2).

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN FIRST PRESBYTERIAN CHURCH OF SPRINGDALE IS DEFENDANT (PROJECT NO. 18BPS12, TRACT 2).

WHEREAS, the City of Springdale has filed a lawsuit against First Presbyterian Church of Springdale to condemn property owned by the Church for the Har-Ber Avenue Extension Project (48th St. to Gutensohn St.)(Project No. 18BPS12, Tract 2);

WHEREAS, the City of Springdale deposited the sum of \$51,800.00 into the Registry of the Court as estimated just compensation for the full taking of the property;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$91,800.00 to acquire the lands needed for the project, said amount being based on, but less than, an appraisal conducted on behalf of the Church;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$40,000.00 to acquire the property needed from the Church, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the First Presbyterian Church condemnation lawsuit for the total sum of \$91,800.00, with the additional \$40,000.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 67-22.

RESOLUTION NO. 68-22 – AUTHORIZING FUNDING FOR REPAIRS/IMPROVEMENTS TO THE HUNTSVILLE AVENUE RAILROAD CROSSING, PURSUANT TO AN ADDENDUM TO A RAILROAD CROSSING

EASEMENT AGREEMENT WITH THE ARKANSAS & MISSOURI RAILROAD
COMPANY (AMRR)

City Attorney Ernest Cate presented a Resolution authorizing funding for repairs/improvements to the Huntsville Avenue Railroad Crossing, pursuant to an addendum to a railroad crossing easement agreement with the Arkansas & Missouri Railroad Company (AMRR).

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING FUNDING FOR
REPAIRS/IMPROVEMENTS TO THE HUNTSVILLE AVENUE
RAILROAD CROSSING, PURSUANT TO AN ADDENDUM TO A
RAILROAD CROSSING EASEMENT AGREEMENT WITH THE
ARKANSAS & MISSOURI RAILROAD COMPANY (AMRR).**

WHEREAS, on October 27, 2021, the City Council for the City of Springdale, Arkansas, passed Resolution No. 135-21, authorizing the Mayor and City Clerk to enter into an Addendum ('the Addendum") to a Railroad Crossing Easement Agreement with the Arkansas & Missouri Railroad Company (AMRR);

WHEREAS, the Addendum provides that the City will fund certain improvements/repairs to existing railroad crossings, and authorizes the Mayor to recommend the contemplated improvements/repairs, and to seek funding approval for the same from the Springdale City Council;

WHEREAS, the City and AMRR have agreed, pursuant to the Addendum, to the scope and estimated costs of improvements/repairs to the Huntsville Avenue AMRR crossing, a copy of which is attached hereto and incorporated by reference;

WHEREAS, the amounts expended by the City associated with the improvements/repairs to the Huntsville Avenue AMRR crossing will be applied towards the City's obligations under the Addendum;

WHEREAS, the City finds that it is in the best interests of the citizens of the City of Springdale to undertake the improvements/repairs to the Huntsville Avenue AMRR crossing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that an amount not to exceed \$290,167.71 is hereby appropriated for the improvements/repairs to the Huntsville Avenue AMRR crossing, and that the amounts expended by the City associated with the improvements/repairs to the Huntsville Avenue AMRR crossing be applied towards the City's obligations under the Addendum.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 68-22.

CITY COUNCIL COMMITTEE MEETING

The next committee meeting will be held on Wednesday, July 6, 2022 due to the normal date falling on the holiday July 4th.

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 7:42 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

The City Council of the City of Springdale met in regular session on Tuesday, July 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
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Ryan Carr	Engineering Department
Colby Fulfer	Chief of Staff
Angie Albright	Museum Director

JUNE 28, 2022 MINUTES

The June 28, 2022 City Council minutes will be presented for approval at the next council meeting.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Williams 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 Harriman made the second.

The vote:

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

No: None

ORDINANCE NO. 5740 – ACCEPTING THE REPLAT OF THE REPLAT OF LOT 3B AND LOT 3C OF LAKE ROAD ESTATES, CREATING LOT 3D TO THE CITY OF SPRINGDALE AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of the Replat of Lot 3B and Lot 3C of Lake Road Estates, creating Lot 3D to the City of Springdale and declaring an emergency.

A public hearing was held before the Springdale Planning Commission.

After reading the title of the Ordinance, Council Member Overton 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 5740.

RESOLUTION NO. 69-22 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GARVER LLC FOR CONSTRUCTION PHASE SERVICES ON HAR-BER AVENUE EXTENSION AND 64TH STREET

Council Member Jeff Watson presented a Resolution authorizing the execution of a professional services agreement with Garver Engineering for construction phase services on Har-Ber Avenue extension and 64th Street, amount not to exceed \$268,300.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION PHASE SERVICES ON HAR-BER AVENUE EXTENSION AND 64th STREET

WHEREAS, the City of Springdale is in need of construction phase services for the Har-Ber Extension project and 64th Street;

WHEREAS, Garver, LLC was selected as the most qualified engineering firm for these projects;

WHEREAS, the price not to exceed amount for professional construction services shall be \$268,300.00.

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 enter into a professional services agreement with Garver Engineering for construction phase services to be paid from the 2018 Street Bond Fund.

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

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 69-22

RESOLUTION NO. 70-22 – AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM THE DEWEY E. JOHNSON REVOCABLE TRUST FOR THE DEAN’S TRAIL, PHASE IIIA PROJECT (PROJECT NO. ST1802)

Council Member Jeff Watson presented a Resolution authorizing the expenditure of funds to acquire a portion of land from the Dewey E. Johnson Revocable Trust for the Dean’s Trail, Phase IIIA Project (Project No. ST1802).

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM THE DEWEY E. JOHNSON REVOCABLE TRUST FOR THE DEAN'S TRAIL, PHASE IIIA PROJECT (PROJECT NO. ST1802).

WHEREAS, the City of Springdale is in need of acquiring a portion of a tract of land for the Dean's Trail, Phase IIIA Project, Project No. ST1802, Tract 14R2, said land being owned by the Dewey E. Johnson Revocable Trust;

WHEREAS, the City of Springdale has determined by appraisal that the sum of \$18,600.00 is the estimated just compensation for the property needed from the Dewey E. Johnson Revocable Trust;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$23,000.00 to acquire the land needed for the project, said amount being based on an increase in compensation due to the unique nature and terrain of this property;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$4,400.00 to acquire the property needed from the Dewey E. Johnson Revocable Trust, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire a portion of a tract of land for the Dean's Trail, Phase IIIA Project, Project No. ST1801, Tract 14R2, said land being owned by the Dewey E. Johnson Revocable Trust for the total sum of \$23,000.00.

PASSED AND APPROVED this ____ day of July, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK
APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 70-22.

RESOLUTION NO. 71-22 – WAIVING COMPETITIVE BIDDING AND
AUTHORIZING THE PURCHASE OF FITNESS EQUIPMENT FROM YOUR TOTAL
FITNESS SHOP (PHASE 2 OF THE CRIMINAL JUSTICE COMPLEX)

Council Member Jeff Watson presented a Resolution waiving competitive bidding and authorizing the purchase of fitness equipment from Your Total Fitness Shop for \$46,781.62. This will be used in Phase II of the Criminal Justice Complex.

RESOLUTION NO. ____

**A RESOLUTION WAIVING COMPETITIVE BIDDING AND
AUTHORIZING THE PURCHASE OF FITNESS EQUIPMENT**

WHEREAS, in 2020 the City of Springdale approved an additional expansion of Phase 2 of the Criminal Justice Complex to include a fitness center, and

WHEREAS, the City of Springdale provides a workout facility that is used by many city employees as a benefit and is using equipment that needs to be updated, and

WHEREAS, the City of Springdale would like to use the same vendor and brand for fitness equipment as used in Phase 1 of the Criminal Justice Complex, and

WHEREAS, other vendors were not able to offer package pricing with similar equipment,

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that competitive bidding is hereby waived for the purchase of the fitness equipment for Phase 2 of the Criminal Justice Complex and the Mayor is hereby authorized to execute an agreement with Your Total Fitness Shop for \$46,781.62.

PASSED AND APPROVED this ____ day of July, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 71-22.

RESOLUTION NO. 72-22 – AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A DEVELOPMENT AGREEMENT WITH HYLTON ROAD REAL ESTATE, LLC, FOR IMPROVEMENTS TO HYLTON ROAD; AND TO WAIVE COMPETITIVE BIDDING

Council Member Jeff Watson presented a Resolution authorizing the Mayor and City Clerk to enter into a development agreement with Hylton Road Real Estate, LLC, for improvements to Hylton Road; and to waive competitive bidding.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A DEVELOPMENT AGREEMENT WITH HYLTON ROAD REAL ESTATE, LLC, FOR IMPROVEMENTS TO HYLTON ROAD; AND TO WAIVE COMPETITIVE BIDDING

WHEREAS, the City of Springdale has approved several residential subdivision developments on Hylton Road, which will require the developer(s) of these subdivision to dedicate right-of-way, and to make certain street and storm drainage improvements to Hylton Road, pursuant to the City of Springdale's development ordinances, and to ensure that Hylton Road is designed and constructed according to Springdale Master Street Plan standards;

WHEREAS, a portion of Hylton Road is located between the recently approved residential subdivision developments, and the City wishes to make street and storm drainage improvements to Hylton Road consistent with those required to be made the developers of the nearby subdivisions, and to ensure that entirety of Hylton Road is designed and constructed according to Springdale Master Street Plan standards;

WHEREAS, it is beneficial that the City's improvements to Hylton Road be made in conjunction with those being made on Hylton Road by the developers of the nearby subdivisions, as the City's costs of the improvements to Hylton Road will be much less if included therein;

WHEREAS, the City wishes to enter into a Development Agreement with Hylton Road Real Estate, LLC, so that the entirety of Hylton Road is designed and constructed according to Springdale Master Street Plan standards, including that portion located between the recently approved residential subdivision developments;

WHEREAS, Ark. Code Ann. §14-58-303 states that “[t]he governing body, by resolution, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical”;

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

Section 1: That the Mayor and City Clerk are hereby authorized to execute a Development Agreement with Hylton Road Real Estate, LLC, for the improvements to Hylton Road.

Section 2: Due to the costs related to such improvements being made by Hylton Road Real Estate, LLC, and other exceptional circumstances involved, competitive bidding is not feasible or practical and is hereby waived for the improvements to Hylton Road as set forth in the Development Agreement, and that payment for costs associated with the Hylton Road improvements be paid from the Street Fund, in an amount not to exceed \$433,595.56.

PASSED AND APPROVED this ____ day of July, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 72-22.

ORDINANCE NO. 5741 – AMENDING SECTION 22-221 OF THE CODE OF ORDINANCES (MECHANICAL CODE) OF THE CITY OF SPRINGDALE, ARKANSAS

Council Member Jeff Watson presented an Ordinance amending Section 22-221 of the Code of Ordinances (Mechanical Code) of the City of Springdale, Arkansas, adopting the ICC 2021 Mechanical Code.

Section 22-221 of the Code of Ordinances of the City of Springdale, Arkansas, contains the Arkansas Mechanical Code for the City of Springdale. The City of Springdale, previously adopted the 2010 Arkansas Mechanical Code by way of Ordinance No. 4471 on November 23, 2010.

The Arkansas Department of Labor and Licensing have updated their rules and have adopted the International Mechanical Code, 2021 edition of the International Code Council, Inc. ("the ICC 2021 Mechanical Code").

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

The vote:

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

No: None

The Ordinance was numbered 5741.

RESOLUTION NO. 73-22 – AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES AGREEMENT WITH SPACKMAN MOSSOP
MICHAELS LLC FOR CONSTRUCTION ADMINISTRATION SERVICES FOR
LUTHER GEORGE PARK

Council Member Mike Lawson presented a Resolution authorizing the execution of a professional services agreement with Spackman Mossop Michaels LLC for construction administration services for Luther George Park, the price not to exceed \$248,650.00.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES AGREEMENT FOR
CONSTRUCTION ADMINISTRATION SERVICES FOR LUTHER
GEORGE PARK**

WHEREAS, the City of Springdale is in need of construction administration services associated with the planned improvements to Luther George Park;

WHEREAS, Spackman Mossop Michaels, LLC, was selected as the most qualified firm to provide construction administration services for this project;

WHEREAS, the price not to exceed amount for professional services shall be \$248,650.00.

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 enter into a professional services agreement with Spackman Mossop Michaels, LLC, for construction administration services associated with the planned improvements to Luther George Park, in an amount not to exceed \$248,650.00, which shall be paid from funds raised in the Luther George Park Capital Campaign and currently held by the City.

PASSED AND APPROVED this ____ day of July, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell 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 73-22.

COUNCIL COMMITTEE COMMENTS

Council Member Williams said she would like to discuss fireworks, specifically mortars, at the committee meeting on Monday.

Council Member Powell said Engineer Ryan Carr will be giving a report on the street bond projects at the meeting also.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:12 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer