

- The next Committee Meeting will be held on Monday, March 6th, 2023 at 5:30p.m.
- Agenda Packet will be available on the Friday before the meeting.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF CRIMINAL JUSTICE BUILDING
Tuesday, February 28th, 2023**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilman Brian Powell

1. Call to Order – Mayor Doug Sprouse
2. Roll Call – Denise Pearce, City Clerk/Treasurer
3. Recognition of a Quorum.

4. 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.

5. Approval of Minutes – **Tuesday, February 14th, 2023. Pgs. 89-102**

6. Procedural Motions

A. Entertain Motion to read all Ordinances and Resolutions by title only.

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **8A-8C, 9A, 11A-11B, and 12** (Motion must be approved by two-thirds (2/3) of the council members).*

7. **Employee Recognition.** Presented by Mayor Doug Sprouse.

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

A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-05) certain lands

located at 920 N. Thompson Street from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 1-3

B. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-06) certain lands located at 5776 N. Oak Street from Agricultural District (A-1) and General Commercial District (C-2) to General Commercial District (C-2) and Light Industrial District (I-1.) and declaring an emergency. Pgs. 4-6

C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-07) certain lands located at 2975 N. Jefferson Street from Low Density Single Family Residential District (SF-1) to Low/Medium Density Multi-family Residential District (MF-4) and declaring an emergency. Pgs. 7-10

D. **A Resolution** approving a Conditional Use (C23-02) for Roland and Jennifer Hutchins at 2101 Cambridge Street as set forth in Ordinance No. 4030. Pgs. 11-12

E. **A Resolution** approving a waiver (W23-05) of street improvements, drainage relating thereto, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Push Plastic in connection with L23-06, a Large-Scale Development. Pgs. 13-14

F. **A Resolution** approving a waiver (W23-06) of street improvements, drainage relating thereto, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Project Mayflower in connection with L23-12, a Large-Scale Development. Pgs. 15-16

G. **A Resolution** approving a waiver (W23-08) of street improvements, drainage relating thereto, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Project Mayflower in connection with L23-12, a Large-Scale Development. Pgs. 17-18

9. Finance Committee by Chairwoman Amelia Williams

A. **A Resolution** to waive competitive bidding and appropriate funding for the purchase of street lighting. Forwarded from Committee with recommendation for approval. Presented by James Smith, Public Works Director. Pgs. 19-24

10. Parks and Recreation Committee by Chairman Mike Lawson

A. **A Resolution** accepting a grant from the National Fitness Campaign and authorizing the mayor to sign the grant agreement. Forwarded from Committee with recommendation for approval. Presented by Mayor Doug Sprouse. Pgs. 25-55

11. Health, Sanitation, and Property Maintenance Committee by Chairman Jeff Watson

A. **An Ordinance** authorizing the City Clerk to file a lien for the razing and removal of a structure within the City of Springdale, Arkansas, located at 983 W. Sunset Avenue, Springdale, Arkansas; and declaring an emergency. Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 56-64

B. **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. Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 65-79

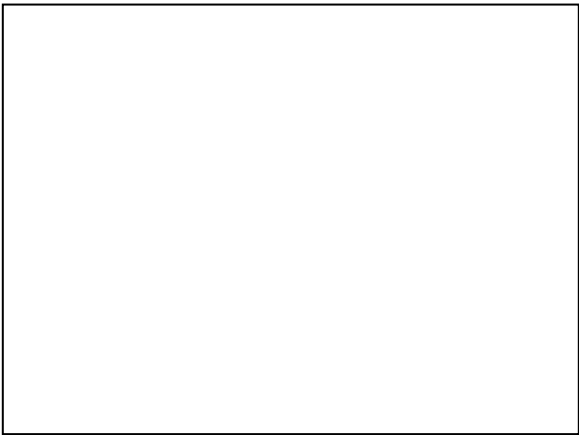
12. **An Ordinance** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Presented by Ernest Cate, City Attorney. Pgs. 80-88

13. Comments from Council Members.

14. Comments from City Attorney.

15. Comments from Mayor

16. Adjournment.



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R23-05) CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of February 7, 2023 for hearing the matter of a petition of Hector Orellana and Marta Mancia requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 920 S. Thompson Street

Legal Description: A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION THIRTY-FIVE (35), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST DESCRIBES AS: BEGINNING 748.70 FEET SOUTH OF THE NORTHEAST (NE) CORNER OF SAID FORTY (40) ACRE TRACT AND RUNNING THENCE WEST 340.00 FEET; THENCE NORTH 190.00 FEET; THENCE EAST 340.00 FEET; THENCE SOUTH 190.00 FEET TO THE PLACE OF BEGINNING, SAVE AND EXCEPT THAT POPRTION ALONG THE EAST SIDE OF THE SAID TRACT OF LAND NOW USED AS U.S. HIGHWAY 71.

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY 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 Thoroughfare Commercial District (C-5).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

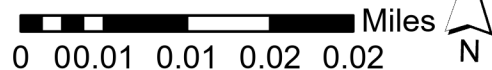
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

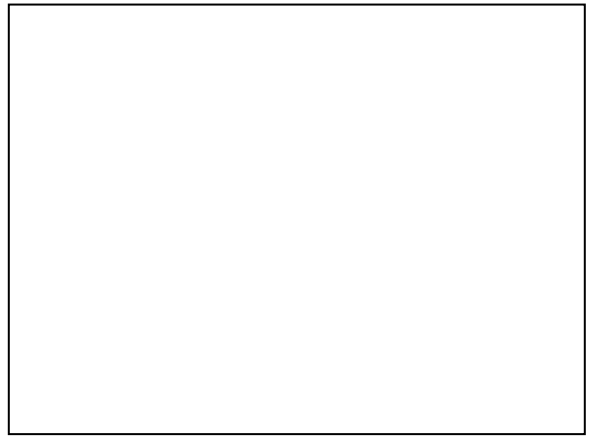


Planning Commission Meeting
February 7, 2023



PROJECT: R23-05
APPLICANT: Hector Orellana & Marta Mancía
REQUEST: Rezone from C-2 to C-5





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 (R23-06) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) AND GENERAL COMMERCIAL DISTRICT (C-2) TO GENERAL COMMERCIAL DISTRICT (C-2) AND LIGHT INDUSTRIAL DISTRICT (I-1) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of February 7, 2023 for hearing the matter of a petition of Guadalupe Masonry, LLC requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) and General Commercial District (C-2) to General Commercial District (C-2) and Light Industrial District (I-1).

Layman's Description: 5576 N. Oak Street

Legal Description: PART OF THE SW1/4 OF THE NE1/4 OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NE CORNER OF SAID SW1/4 OF THE NE1/4 THENCE S2°34'40" W 233.50 FEET TO THE POINT OF BEGINNING, THENCE S2°34'40" W 208.00 FEET, THENCE N85° 46' 37" W 849.74 FEET, THENCE ALONG THE EAST RIGHT-OF-WAY OF THE ARKANSAS AND MISSOURI RAILROAD N2° 00'21" E 553.50 FEET, THENCE S85° 36'54" E 1271.34 FEET TO THE POINT OF BEGINNING, CONTAINING 14.07 ACRES, AS SHOWN ON A PLAY OF SURVEY BY G.E. BUESCHER, REGISTERED PROFESSIONAL LAND SUREYOR, STATE OF ARKANSAS NO. 1181, DATED MAY 01, 2017. SUBJECT TO THE RIGHT-OF-WAY OF NORTH OAK STREET ALONG THE EAST SIDE OF THE PROPERTY AND SUBJECT TO ANY OTHER EASEMENTS OF RECORD.

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

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

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

From Agricultural District (A-1) and General Commercial District (C-2) to General Commercial District (C-2) and Light Industrial District (I-1).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted on or Prior to: 01/27/2023
Public Hearing Sign Posted By Planning Department Staff
S Public Hearing Sign Location

Planning Commission Meeting
February 7, 2023

0.0 0.1 0.2 0.3 0.4 Miles

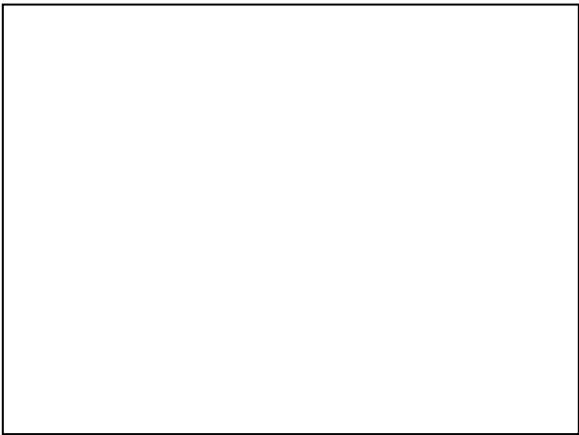


PROJECT: R23-06
APPLICANT: Guadalupe Masonry Homes, LLC
REQUEST: Rezone from A-1 and C-2 to I-1 and C-2



SPRINGDALE
WE'RE MAKING IT HAPPEN

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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 (R23-07) CERTAIN LANDS FROM LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) TO LOW/MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-4) 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 February 7, 2023 for hearing the matter of a petition of Jose Gonzales & Maria Perez requesting that the following described tract of real estate to be zoned from Low Density Single Family Residential District (SF-1) to Low/Medium Density Multi-family Residential District (MF-4).

Layman's Description: 2975 N. Jefferson Street

Legal Description:

PART OF THE SW1/4 OF THE SW1/4 OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING NORTH 210.05 FEET FROM A FOUND IRON PIN FOR THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE NORTH 99.64 FEET; THENCE TO AND ALONG AN EXISTING FENCE, SOUTH 89° 58' 08" EAST 235.97 FEET; THENCE ALONG SAID FENCE, SOUTH 01° 58' 57" WEST 101.34 FEET; THENCE ALONG SAID FENCE NORTH 89° 32' 24" WEST 232.47 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF NORTH JEFFERSON STREET ALONG THE WEST LINE, THEREOF.

LESS AND EXCEPT

PART OF THE SW1/4 OF THE SW1/4 OF SETION 19, TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, AND

MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT BEING USED AS THE SECTION CORNER OF SECTIONS 19 AND 30; THENCE SOUTH 87° 39' 22" EAST ALONG THE SOUTH LINE OF THE SW1/4 OF THE SW1/4 OF SECTION 19 A DISTANCE OF 18.49 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF JEFFERSON STREET AS ESTABLISHED BY EASEMENT DEED AS RECORDED IN DEED BOOK 696 AT PAGE 599; THENCE NORTH 02° 48' 10" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 104.02 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF JEFFERSON STREET AS ESTABLISHED BY EASEMENT DEED AS RECORDED IN DEED BOOK 696 AT PAGE 600; THENCE NORTH 02° 48' 12" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 107.08 FEET TO A POINT; THENCE SOUTH 87° 08' 26" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 9.80 FEET TO THE POINT OF BEGINNING; ;THENCE NORTH 02° 20' 28" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 99.65 FEET TO A POINT; THENCE SOUTH 87° 33'49" EAST DISTANCE OF 33.44 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF RELOCATED ARKANSAS STATE HIGHWAY 265, AS ESTABLISHED BY AHTD JOB 012007; THENCE SOUTH 19° 38' 32" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 75.41 FEET TO A POINT, THENCE SOUTH 28° 42' 20" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 35.41 FEET TO A POINT; THENCE NORTH 87° 10' 35" WEST A DISTANCE OF 79.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.13 ACRES, MORE OR LESS, AS SHOWN ON PLANS PREPARED BY THE AHTD REFERENCED AS JOB 012007.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Low Density Single Family Residential District (SF-1) to Low/Medium Density Multi-family Residential District (MF-4) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Low Density Single Family Residential District (SF-1) to Low/Medium Density Multi-family Residential District (MF-4).

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 _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE
(C23-02) FOR ROLAND AND JENNIFER HUTCHINS AT
2101 CAMBRIDGE STREET 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 February 7, 2023, on a request by Roland and Jennifer Hutchins for a Use Unit 36 (Horses kept in residential area) in a Low/Medium Single Family Residential District (SF-2).

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) nays recommends that a Conditional Use be granted to Roland and Jennifer Hutchins 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 Roland and Jennifer Hutchins with the following conditions: No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



TABLED - JANUARY 2023

Planning Commission Meeting
February 7, 2023

0.0 0.1 0.2 0.3 0.4 Miles



PROJECT: C23-02
APPLICANT: Roland and Jennifer Hutchins
REQUEST: Use Unit 36
(Horses Kept Residentially) in a SF-2



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RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W23-05) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO PUSH PLASTIC IN CONNECTION WITH L23-06 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, sidewalks in connection with L23-06 a Large Scale Development 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 1206 ESI Drive including drainage improvements related thereto, sidewalks in connection with L23-06, a Large Scale Development for Push Plastic.

Option 2: Denies a waiver of street improvements to 1206 ESI Drive including drainage improvements related thereto, sidewalks in connection with L23-06 a Large Scale Development for Push Plastics.

Option 3: Approves payment in lieu of improvements to 1206 ESI Drive in connection with L23-06 a Large Scale Development for Push Plastics 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 1206 ESI Drive including drainage improvements related thereto, sidewalks to be built in connection with L23-06, a Large Scale Development for Push Plastics.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

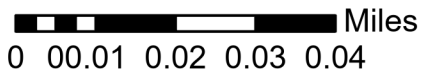
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Planning Commission Meeting
January 3, 2023



PROJECT: W23-05
APPLICANT: Push Plastic
REQUEST: Waiver of Sidewalk Requirements



RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W23-06) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO PROJECT MAYFLOWER. IN CONNECTION WITH L23-12 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 Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-12 a Large Scale Development for Project Mayflower 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 Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-12 a Large Scale Development for Project Mayflower.

Option 2: Denies a waiver of street improvements to Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-12 a Large Scale Development for Project Mayflower.

Option 3: Approves payment in lieu of improvements to Kendrick Avenue in connection with L23-12 a Large Scale Development for Project Mayflower 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 Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L23-12 a Large Scale Development for Project Mayflower.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

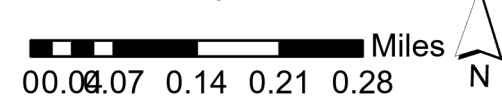
APPROVED AS TO FORM:

Ernest Cate, City Attorney



City of Springdale, Clayton Sedberry

Planning Commission Meeting
February 7, 2023



PROJECT: W23-06
APPLICANT: Springdale Public Facilities Board,
Project Mayflower
REQUEST: Waiver of Street Improvements
on Kendrick Avenue



RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W23-08) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO PROJECT MAYFLOWER. IN CONNECTION WITH L23-12 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 Old Wire Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-12 a Large Scale Development for Project Mayflower and the Planning Commission recommends approval of the waiver request subject to payment in-lieu of.

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 Old Wire Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-12 a Large Scale Development for Project Mayflower.

Option 2: Denies a waiver of street improvements to Old Wire Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L23-12 a Large Scale Development for Project Mayflower.

Option 3: Approves payment in lieu of improvements to Old Wire Road in connection with L23-12 a Large Scale Development for Project Mayflower 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 Old Wire Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L23-12 a Large Scale Development for Project Mayflower.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

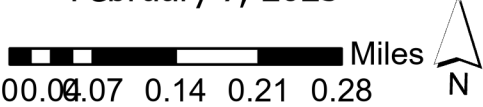
APPROVED AS TO FORM:

Ernest Cate, City Attorney



City of Springdale - Clayton Sedberry

Planning Commission Meeting
February 7, 2023



PROJECT: W23-08
APPLICANT: Springdale Public Facilities Board
REQUEST: Waiver of Street Improvements on
AR Hwy 265, Old Wire Road



RESOLUTION NO. _____

**A RESOLUTION TO WAIVE COMPETITIVE BIDDING &
APPROPRIATE FUNDING FOR THE PURCHASE OF
STREET LIGHTING.**

WHEREAS, the City of Springdale is in need of improving lighting on Park St; and

WHEREAS, the lighting improvements are for the benefit, health, safety and welfare of our residents; and

WHEREAS, the lighting and materials are part of a buy board; and

WHEREAS, the city council has determined that it is not feasible or practical to follow the procedures of taking competitive bids as described in Arkansas Code 14-58-303, and

WHEREAS, Arkansas Code 14-58-303 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:

Section 1. The Mayor is hereby authorized to execute any contracts related to the purchase of the aforementioned lighting and associated equipment from Graybar in an amount not to exceed \$130,000.00, to be paid from the 2018 Street Bond Fund Project #18BS13.

Section 2: That competitive bidding is not deemed feasible or practical because of the exceptional situation previously set out herein and therefore competitive bidding is hereby waived under Ark. Code Ann. §14-58-104.

PASSED AND APPROVED this _____ day of _____, 2023.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY



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DEPARTMENT FUNDING REQUEST

Department: <u>Public Works</u>		Date: <u>2-10-2023</u>
Point of Contact: <u>James Smith</u>	Amount Requested: <u>\$ 130,000.00</u>	
Date to be Presented to Committee: <u>02 / 21 / 2023</u>		
Brief Description of Funding Request: <u>Street Lights on Emma + Park + Caudle + Park St.</u>		
Funding Source: (General Fund, Special Fund, etc.) <u>Bond Fund</u>		
IS IT BUDGETED?		
YES ☐	NO ☒	
\$0 - \$34,999 No Council approval needed	☐ \$0 - \$4,999	
Request to waive bidding? ☐ Buy Board ☐ Sole Source	☐ \$5,000 - \$34,999 Requires 3 Quotes	
Signature: 	☐ \$35,000+ Requires Bid	
Please attach supplemental information	Request to waive bidding? ☒ Buy Board ☐ Sole Source	



516A EAST ROBINSON
SPRINGDALE AR 72764-7132
Phone: 479-725-4900
Fax: 479-872-6680

To: CITY OF SPRINGDALE - PUBLIC WORKS
269 E RANDALL WOBBE LN
SPRINGDALE AR 72764-1802
Attn: Kurt Reither
Phone: 479-750-8135-200
Email:
Fax:

Date: 01/26/2023
Project Name: **POLES AND SIDE SHIELDS**
GB Quote #: **0242553366**
Purchase Order Nbr:
Release Nbr:
Additional Ref#:
Revision Nbr:
Valid From: 01/26/2023
Valid To: 02/25/2023
Contact: JORDAN THOMPSON
Email: jordan.thompson@graybar.com

Proposal

We appreciate your request and take pleasure in responding as follows

Notes:

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		28	HOLOPHANE	PUCL2 P40 40K MVOLT FC5 BK BL PR3 AO PCL		\$4,106.67	1	\$114,986.76
GB Part#: NOF HOL LTFIXTURES ***Item Note:*** * FULL PN: PUCL2 P40 40K MVOLT FC5 BK BL PR3 AO PCLL CHA 14 SL4 16D C03 BK ABG RP162A FGIUS BK ASSY17821 DESC: Taft Utility Postop FCO LED, P40 performance package, 4000K, 120-277V, Full cutoff, type V, Black, Ball finial, painted cast aluminum, 3 pin NEMA photocontrol receptacle, Field adjustable lumen output, DTLphotocontrol, Charleston aluminum pole, 14FT, Shaft, Sitelink 4.50IN fluted, .156 wall (L4E), 16IN Base, Diamond * Pattern Bolt Circle, Tenon, 3.00 O.D. x 3IN tall, Black, Anchor bolt (galvanized steel), Receptacle with small, in-use wet location cover, Black								
300		28	HOLOPHANE	PUCL2HSS1		\$37.78	1	\$1,057.84

GB Part#:NOF HOL LTFIXTURES

Item Note: * House side shield, single pack

Total in USD (Tax not included): \$116,044.60

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf

To: CITY OF SPRINGDALE - PUBLIC WORKS
269 E RANDALL WOBBE LN
SPRINGDALE AR 72764-1802
Attn: Kurt Reither

Date: 01/26/2023
Project Name: POLES AND SIDE SHIELDS
GB Quote #: 0242553366

Proposal

We appreciate your request and take pleasure in responding as follows

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
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This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at
https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf



516A EAST ROBINSON
SPRINGDALE AR 72764-7132
Phone: 479-725-4900
Fax: 479-872-6680

To: CITY OF SPRINGDALE - PUBLIC WORKS
269 E RANDALL WOBBE LN
SPRINGDALE AR 72764-1802
Attn: Kurt Reither
Phone: 479-750-8135-200
Email:
Fax:

Date: 01/26/2023
Project Name: **PLANTER AND BANNER ARM**
GB Quote #: **0242553381**
Purchase Order Nbr:
Release Nbr:
Additional Ref#:
Revision Nbr:
Valid From: 01/26/2023
Valid To: 02/25/2023
Contact: JORDAN THOMPSON
Email: jordan.thompson@graybar.com

Proposal

We appreciate your request and take pleasure in responding as follows

Notes:

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		1	HOLOPHANE	BA 24IN 1A BO SL4 BL 100P BK		\$278.89	1	\$278.89
GB Part#:NOF HOL LTFIXTURES								
Item Note: * Banner arm, 24IN, Single arm, Bolt-on, Shaft, Sitelink 4.50IN fluted, .156 wall (L4E), Ball, 1.00 SCH pipe (1.315" actual), Black								
200		1	HOLOPHANE	PBA 24IN 1A BO SL4 BL 100P BK		\$407.78	1	\$407.78
GB Part#:NOF HOL LTFIXTURES								
Item Note: * Planter banner arm, 24IN, Single arm, Bolt-on, Shaft, Sitelink 4.50IN fluted, .156 wall (L4E), Ball, 1.00 SCH pipe (1.315" actual), Black								

Total in USD (Tax not included): \$686.67

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf

To: CITY OF SPRINGDALE - PUBLIC WORKS
269 E RANDALL WOBBE LN
SPRINGDALE AR 72764-1802
Attn: Kurt Reither

Date: 01/26/2023
Project Name: PLANTER AND BANNER ARM
GB Quote #: 0242553381

Proposal

We appreciate your request and take pleasure in responding as follows

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
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This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at
https://www.omniapartners.com/hubfs/PUBLIC%20SECTOR/Supplier%20Information/Graybar/EV2370_Graybar_MAD_2017_12_20.pdf

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A GRANT FROM THE
NATIONAL FITNESS CAMPAIGN AND AUTHORIZING THE
MAYOR TO SIGN THE GRANT AGREEMENT.**

WHEREAS, the City of Springdale desires to build an outdoor fitness court at Luther George Park, and

WHEREAS, the City of Springdale applied for a grant from the National Fitness Campaign, and

WHEREAS, the National Fitness Campaign has made a grant offer in the amount of \$30,000, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the mayor is hereby authorized to accept and sign the grant agreement for a grant of \$30,000 from the National Fitness Campaign to build an outdoor fitness court at Luther George Park.

PASSED AND APPROVED this 28th day of February, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



Congratulations!

City of Springdale, AR has been selected as a 2023 Healthy Cities Campaign Grant Recipient!

Dear Mayor Sprouse,

On behalf of the National Fitness Campaign Grant Committee, we are pleased to share that the City of Springdale, AR has been selected as a grant eligible partner in the 2023 Healthy Cities Campaign! This notification letter confirms eligibility for one (1) 2023 NFC Grant of \$30,000. The next step is to schedule your official Grant Eligibility Award Call within the next 10 days, where the qualifications submitted in your Grant Application will be confirmed by the NFC team, and your Grant Program Requirements (GPR) will be aligned for eligibility and participation in this year's campaign. A copy of your GPR Document is attached to this formal award letter for your review, and is based on dates submitted in your Grant Application.

The \$30,000 Grant Award will be confirmed pending 1) the submission of a Resolution of Adoption, endorsed by your local governing body or appropriate council, and a countersigned copy of the attached formal GPR document within 60 days of the Award Call, 2) authorization to proceed, documented by formal funding confirmation (commonly a purchase order) and 3) confirmation of a scheduled shipping date for the Fitness Court and appropriate storage plans. Once set, GPR milestones must be met in order to maintain funding eligibility in the campaign.

To support this partnership and align your GPR milestones with your community's local adoption and funding processes, we have assigned a Partnership Manager – Rudy Pottorff – as your dedicated partner and champion in support of this partnership. Over the coming months, Rudy will work with your team to support the path outlined in the GPR Document, assisting in the confirmation of required remaining funding, installation, and launch of your program.

The 2023 Healthy Cities Campaign is part of a national movement to make world-class fitness free and accessible in public spaces across the country, which is more important today than ever before – thank you for your commitment to supporting this goal.

Here is a sneak peak at what's ahead:

- Fitness Court® Launch – Cut the ribbon on your beautiful new outdoor gym & announce free fitness to the community!
- Classes & Challenges – Get residents moving & keep them engaged with ongoing group classes, individual training, and competitive events.
- Press & Promotions – Shine a spotlight on your community and local partners for joining this exciting and innovative wellness movement!

Once again, we are thrilled to invite you to join us as a partner in the 2023 Healthy Cities Campaign, and we look forward to making world-class fitness free in the City of Springdale, AR!

Best in Fitness,

Mitch Menaged, Founder



City of Springdale, AR - National Fitness Campaign 2023 Funding Cycle Grant Program Requirements (G.P.R.)

MILESTONE 1: ADOPTION

- **Summary:** Commit to project adoption and confirm matching funding
 - **Requirement A:** Countersigned Grant Program Requirements Document
 - **Deadline: 2/24/2023**
 - **Requirement B:** Resolution of Adoption or Letter of Support
 - **Deadline: 3/1/2023**
- *Purchase Order Will Satisfy Adoption Requirement if Submitted Within 60 Days of Grant Award

MILESTONE 2: AUTHORIZATION TO PROCEED - FUNDING CONFIRMED

- **Summary:** Execute budgeting and fundraising plan (as needed) and confirm total required funding
- **Requirement:** Funding confirmation document submitted to NFC for remaining program funding (typically P.O)*
- *Refer to Official Quote and Funding Requirements Summary for details
- **Deadline: 3/15/2023**

MILESTONE 3: SHIPMENT FOR STORAGE

- **Summary:** Identify Fitness Court® storage location and schedule Fitness Court® delivery
- **Requirement:** Accept Fitness Court® delivery and store at a secure location, prepare to be invoiced for program funds
- **Deadline: 3/16/2023 to 4/6/2023**

MILESTONE 4: INSTALL CONCRETE SLAB & ART APPROVAL

- **Summary:** Review slab drawings & schedule concrete installer, confirm Fitness Court orientation, Approve art print preview
- **Requirement:** Install concrete slab (*cure time of 28 days before Fitness Court® installation*)
- **Deadline: April-May 2023 - pending weather**

MILESTONE 5: FITNESS COURT® ASSEMBLY

- **Summary:** Select Fitness Court® Assembly Team - NFC'S Installation Network is recommended, (includes art install)
- **Requirement:** Confirm installation timeline with NFC, provide completed installation photos for NFC inspection
- **Deadline: May-June 2023 - pending weather**

MILESTONE 6: PRESS LAUNCH CEREMONY

- **Summary:** hold Fitness Court® press launch event & ribbon cutting
- **Requirement:** Promote press release, hold launch event within campaign year (weather permitting)
- **Deadline: June-July 2023 - pending weather**

Trent Matthias, Director
National Fitness Campaign

Doug Sprouse, Mayor
City of Springdale, AR

It is noted by the National Fitness Campaign and the municipality, school or organization listed above that this document in no way constitutes a binding agreement, or requirement to proceed with the NFC Program at any time. Formal commitment occurs upon receipt of complete local match funding by the program awardee, with submission of Funding Confirmation Documentation to National Fitness Campaign.



NATIONAL FITNESS CAMPAIGN

2023 HEALTHY CITY CAMPAIGN BRIEFING

NATIONAL FITNESS CAMPAIGN
BROUGHT TO YOU BY



WHO WE ARE

National Fitness Campaign is a San Francisco based wellness consulting firm.



WHAT WE DO

NFC develops partnerships with cities, schools and sponsors to build healthy communities.

40+ YEARS IN THE MAKING

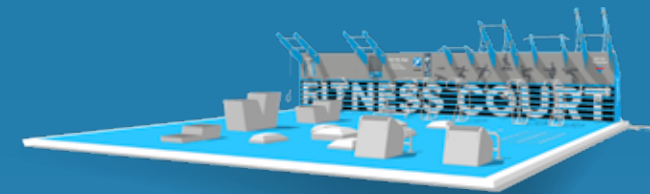
CAMPAIGN HISTORY



FITNESS COURT INVENTED
SAN FRANCISCO • STANFORD



FIRST NATIONAL SPONSOR
3 COUNTRIES • 10,000 FITNESS COURTS



REDESIGNED
FOR IMPACT IN 21ST CENTURY



WELCOMING 500TH
HEALTHY COMMUNITY ACROSS AMERICA



NFC EXPANDS TO 10,000
COMMUNITIES WITH PARTNERS

1979

1980's

2012

2023

2030's

CAMPAIGN IMPACT

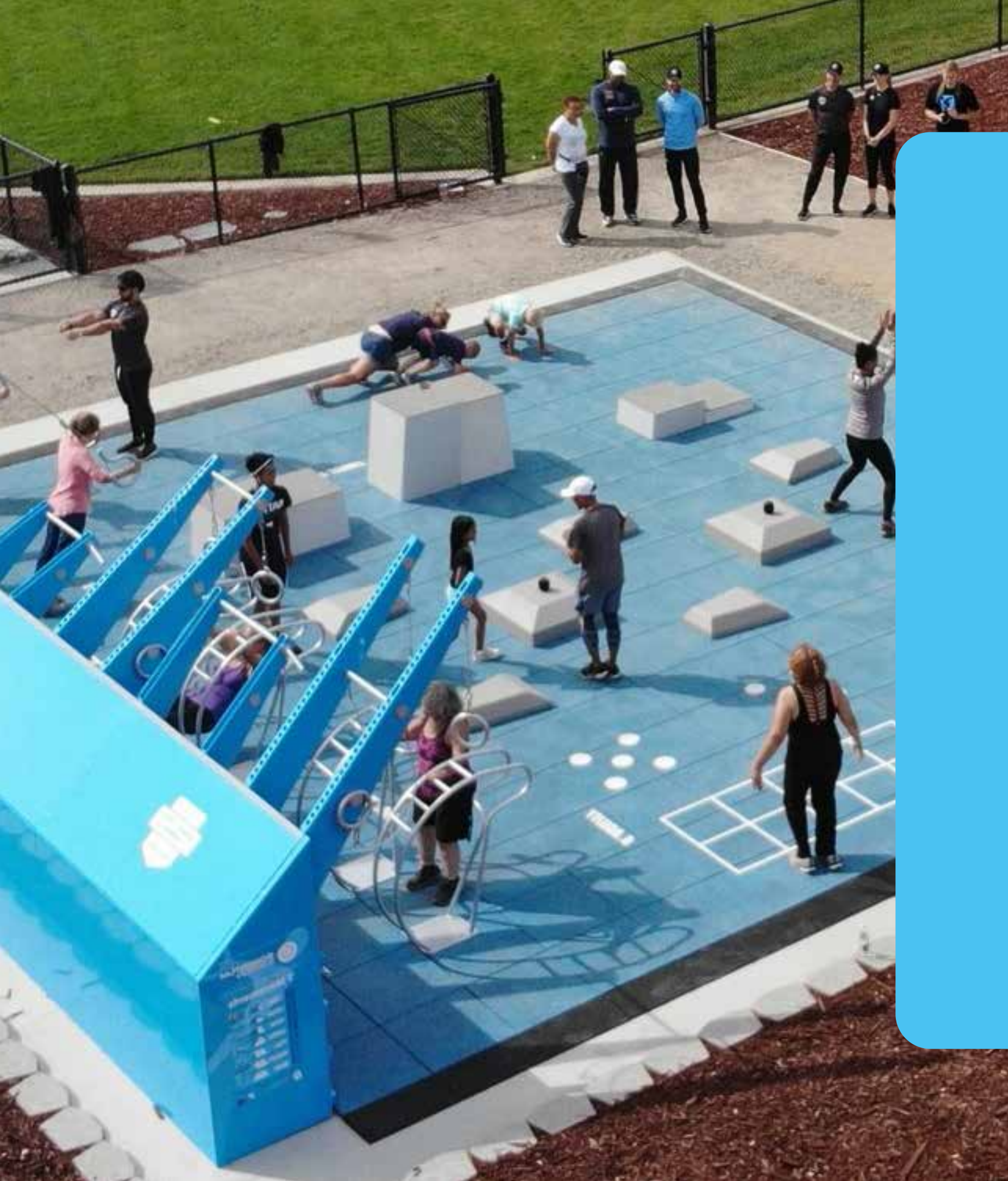
Cities designed for people have a tremendous impact on the health and happiness of their residents.



This is our work at the campaign, to improve the quality of life for people in every community.

LET'S BRING PEOPLE OUTDOORS AND BUILD A WELLNESS CULTURE TOGETHER!





OUR MISSION

BUILD HEALTHY COMMUNITIES



*WE MAKE WORLD CLASS
FITNESS FREE!*

NATIONAL FITNESS CAMPAIGN

CAMPAIGN OVERVIEW



A COMPREHENSIVE COMMUNITY WELLNESS PROGRAM



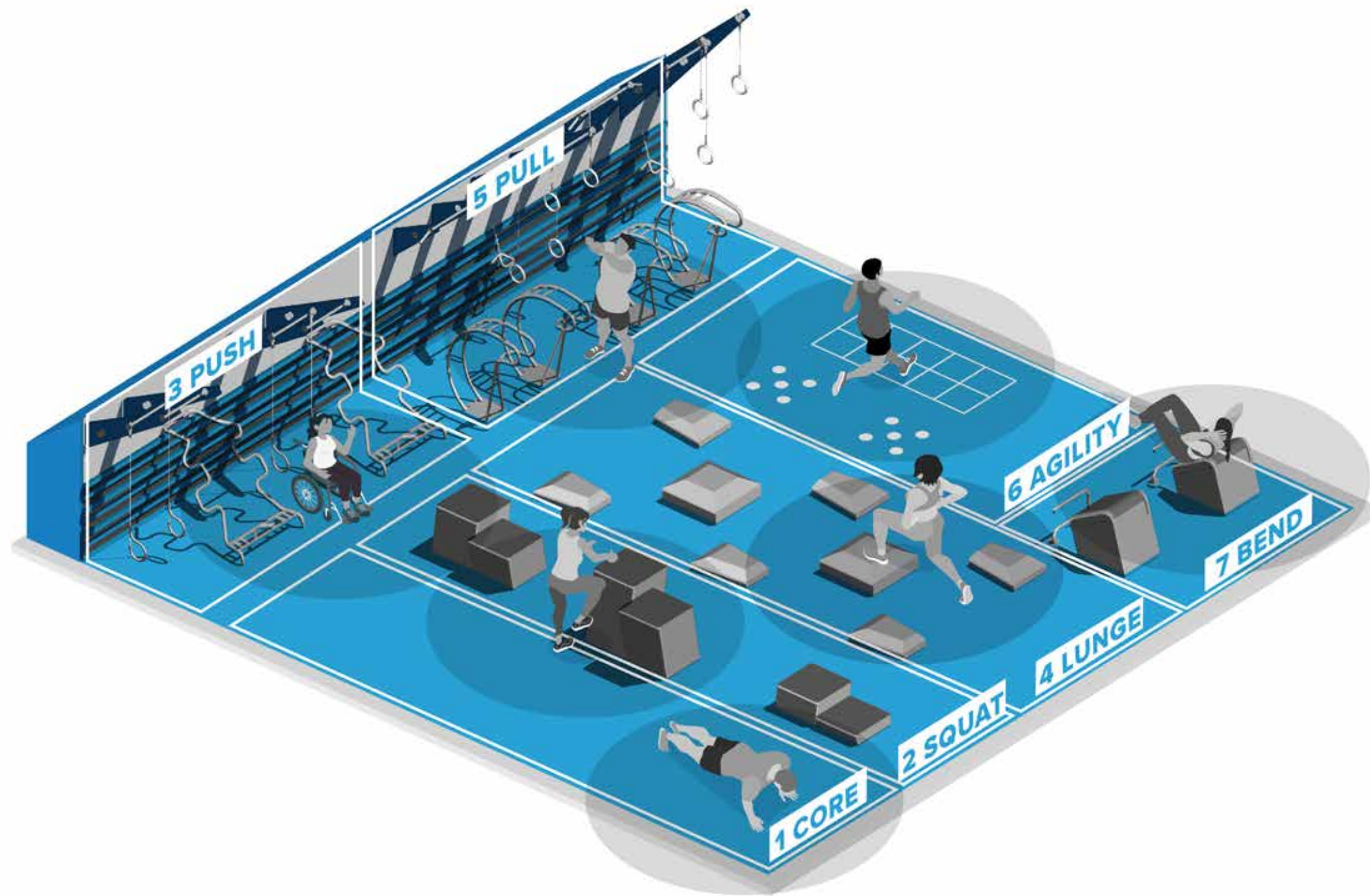


FITNESS COURT®



FITNESS COURT®
WORLDS BEST OUTDOOR GYM





FUNCTIONAL TRAINING SYSTEM
THOUSANDS OF EXERCISES

SCIENTIFICALLY DESIGNED

7 MOVEMENT FULL BODY WORKOUTS



CORE



SQUAT



PUSH



LUNGE



PULL



AGILITY



BEND



ADULTS OF ALL AGES AND ABILITIES



I am glad to see movements to improve balance.

- Carol Claybaker, Senior Resident of Janesville, WI



FITNESS COURT® APP
CAMPAIGN SERVICES



PRE LAUNCH
SUPPORT



AMBASSADOR
TRAINING



MEDIA & PRESS



LAUNCH!



FREE WORKOUTS
& GROUP CLASSES



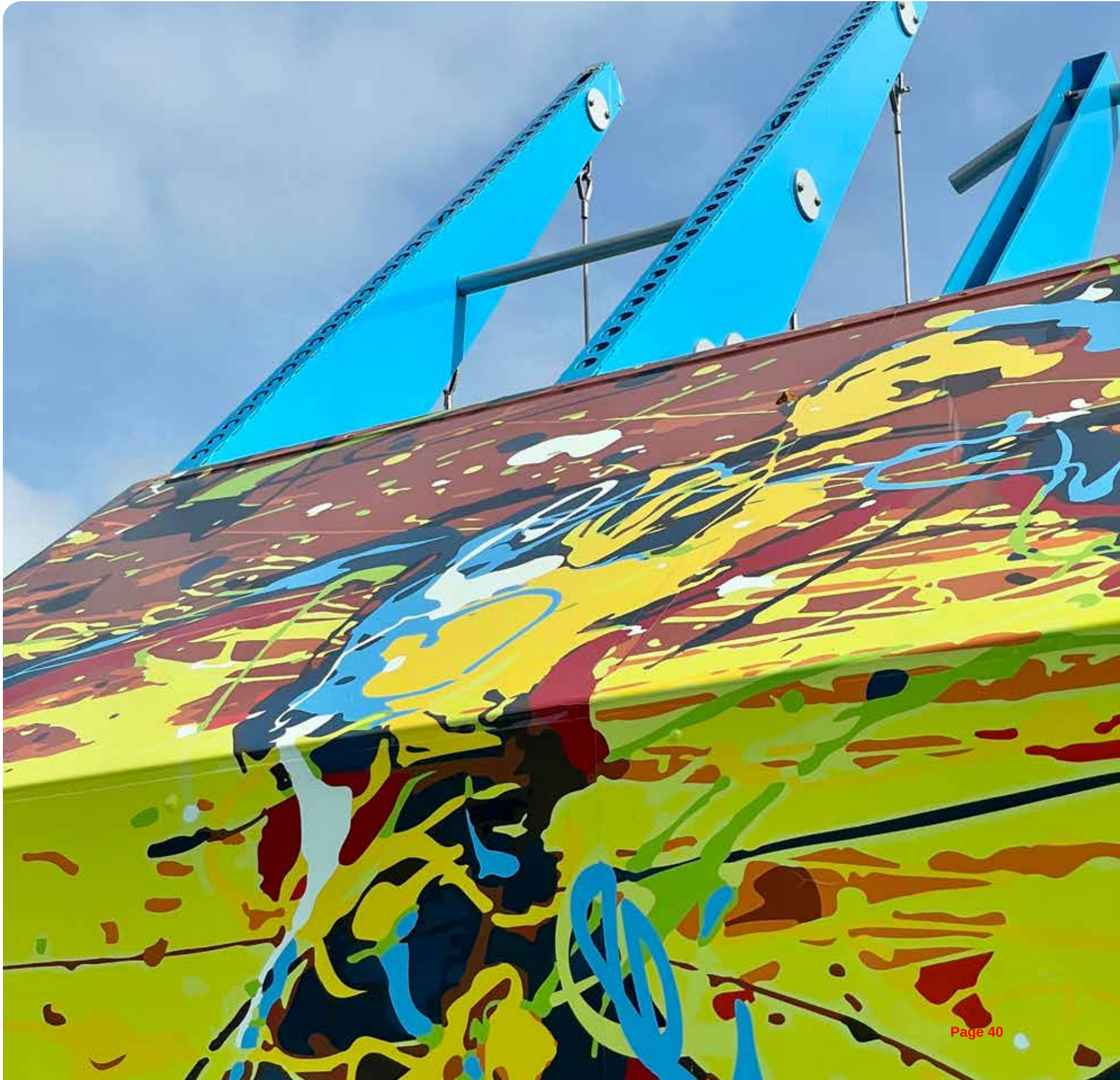
IMPACT

Build a wellness culture to engage people in healthy communities!

FITNESS COURT PUBLIC ART

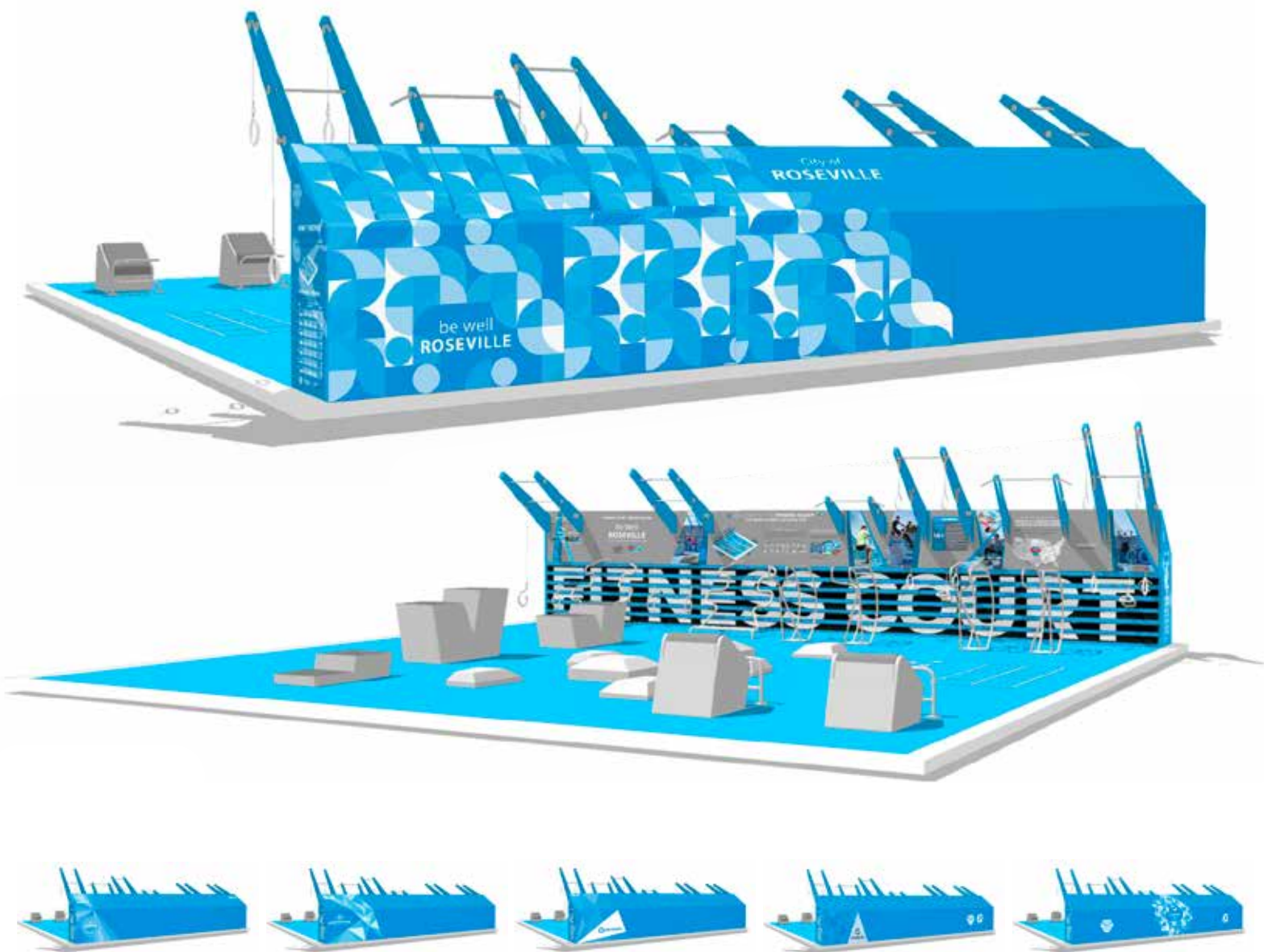


NATIONWIDE GALLERY



FITNESS COURT® PUBLIC ART

New for 2023: Nationwide Public Art Collection



2023 NFC Public Art Collection

No Additional Funding Required

Each Fitness Court® is a one-of-a-kind work of art.

NFC DESIGN STUDIO

Additional Funding Required:
\$10,000



LOCAL ARTIST

Additional Funding Required:
\$25,000



FEATURED ARTIST

Additional Funding Required:
\$100,000



2023 JEAN-MICHEL BASQUIAT

NATIONAL FITNESS CAMPAIGN

CAMPAIGN OVERVIEW

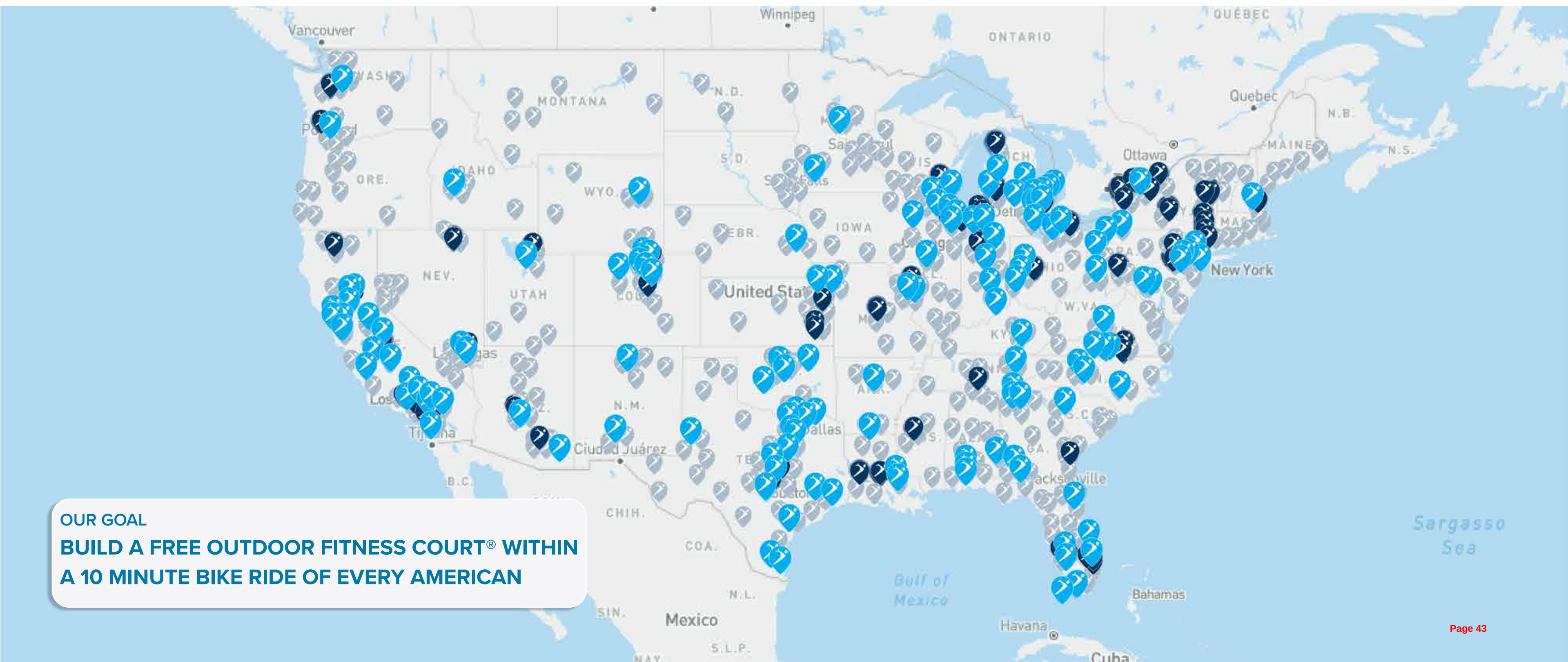


A COMPREHENSIVE COMMUNITY WELLNESS PROGRAM



10,000+ Fitness Courts® coming to America by 2030

We are building the largest public private partnership in support of community wellness in America!



OUR GOAL
BUILD A FREE OUTDOOR FITNESS COURT® WITHIN
A 10 MINUTE BIKE RIDE OF EVERY AMERICAN



NATIONAL FITNESS CAMPAIGN

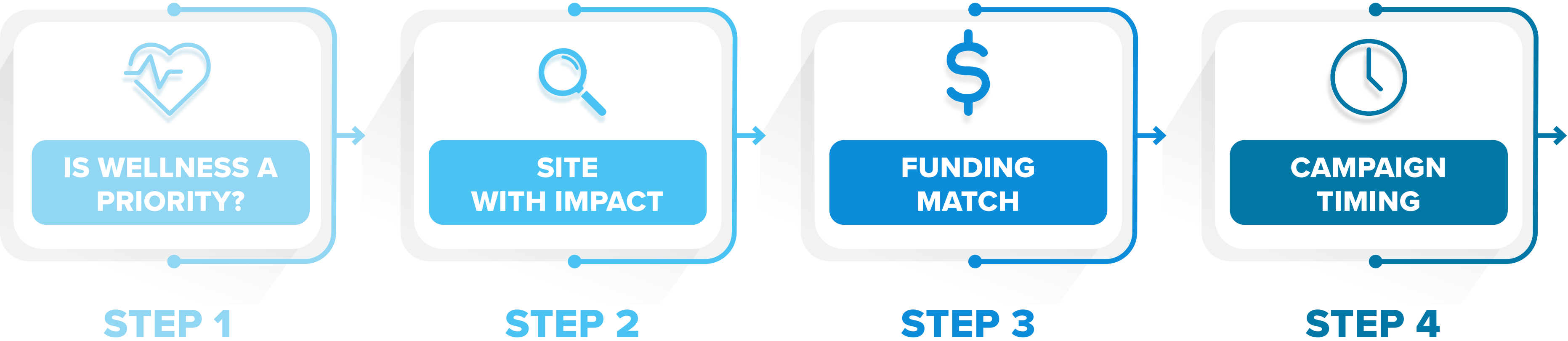
2023

225 NEW PARTNERS

WE'RE PLEASED TO ANNOUNCE THE 2023 CAMPAIGN



NFC GRANT PROGRAM

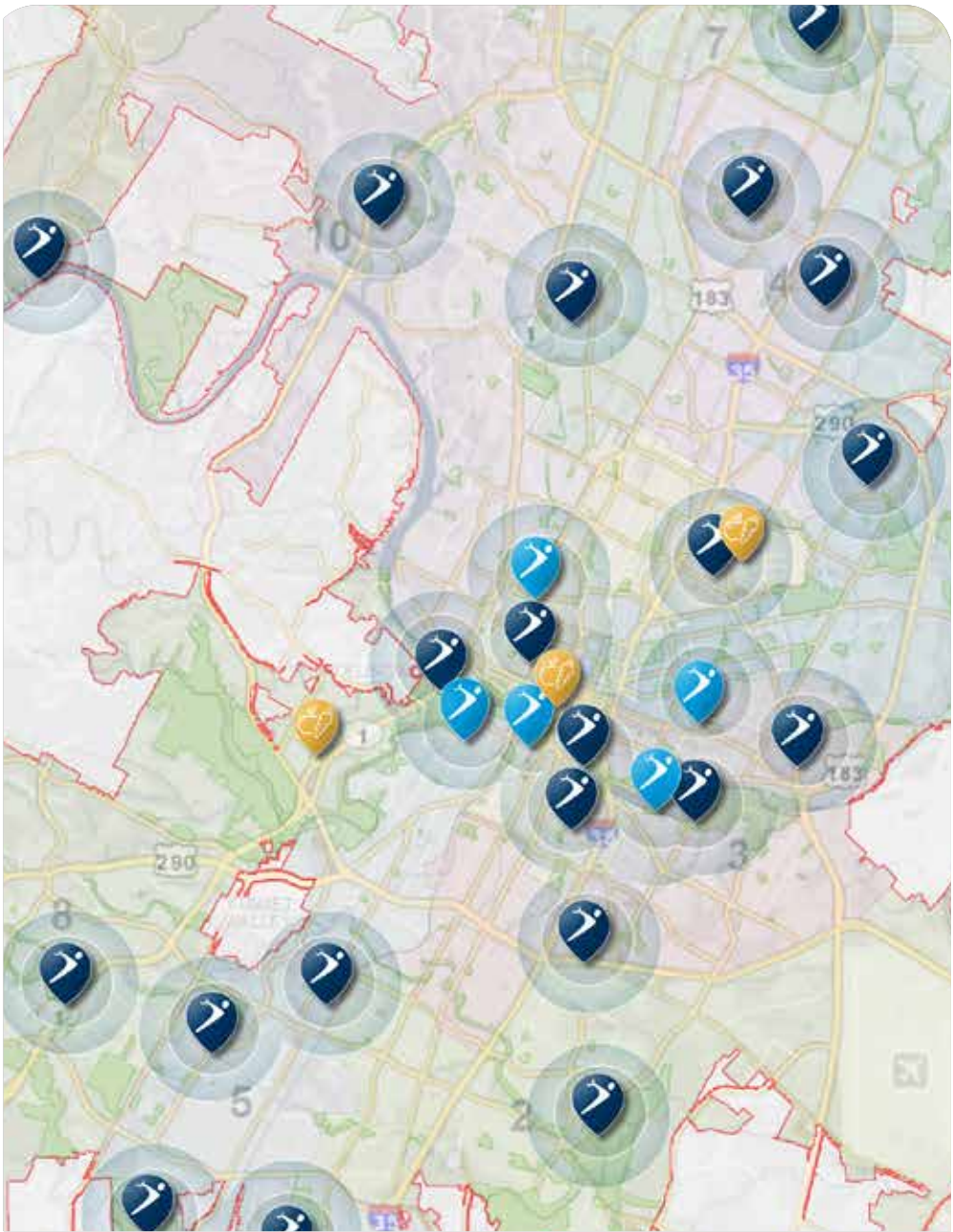


WELLNESS AS A PRIORITY

STEP 1



Feasibility Study for Fitness Court® Locations
Design & Planning Consulting



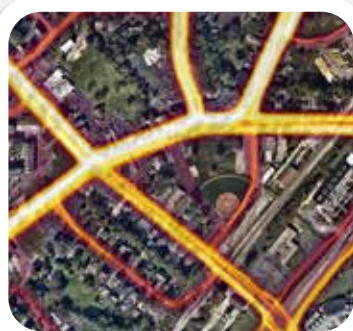
Funding support for a network of Fitness Courts to encourage pedestrian movement across the community



Walk, Bike, Run, Jog



Site Plan Integration



Pedestrian Movement Analysis

STEP 2

1

VISIBLE

Site locations must be recognizable with high visibility.



2

ACTIVE

Site locations must be heavily trafficked and centrally located.



3

CONNECTED

Site locations must be integrated with pedestrian infrastructure.



2023 CAMPAIGN FUNDING REQUIREMENT

NFC PROGRAM FUNDING

The Fitness Court® and National Campaign Services \$ 155,000

Public Art Options



NFC Standard
Included



NFC Design Studio
\$10,000



Local Artist
\$25,000

OPTIONAL

NFC NATIONAL GRANT FUNDING AWARD \$30,000

NFC PROGRAM TOTAL WITH \$30,000 GRANT AWARD \$ 125,000

CONCRETE SLAB est.\$ 0-20,000
Can be performed in-house or in-kind

EIS INSTALLATION



Turn Key Fitness Court Assembly \$ 25,000
Art & Graphic Installation With Prevailing Wage Rates: \$27,000
Installation Partner (separate contract)

**TOTAL FUNDING
REQUIREMENT**

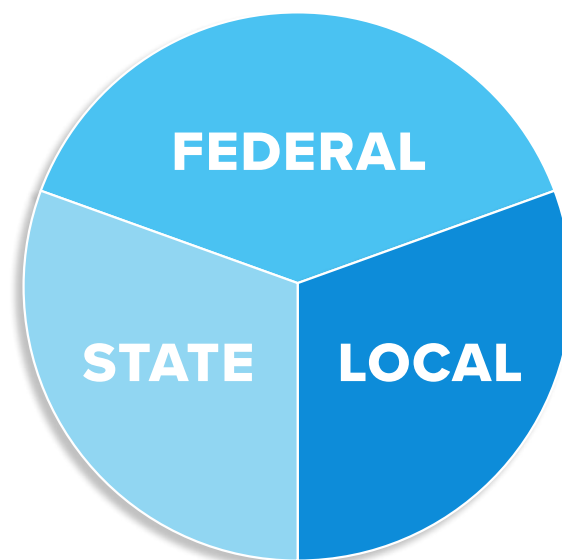


\$150,000
-\$170,000

Includes standard art collection

ALTERNATE FUNDING PATHWAYS

FEDERAL AND STATE FUNDING



Expert funding consulting
for eligible partners

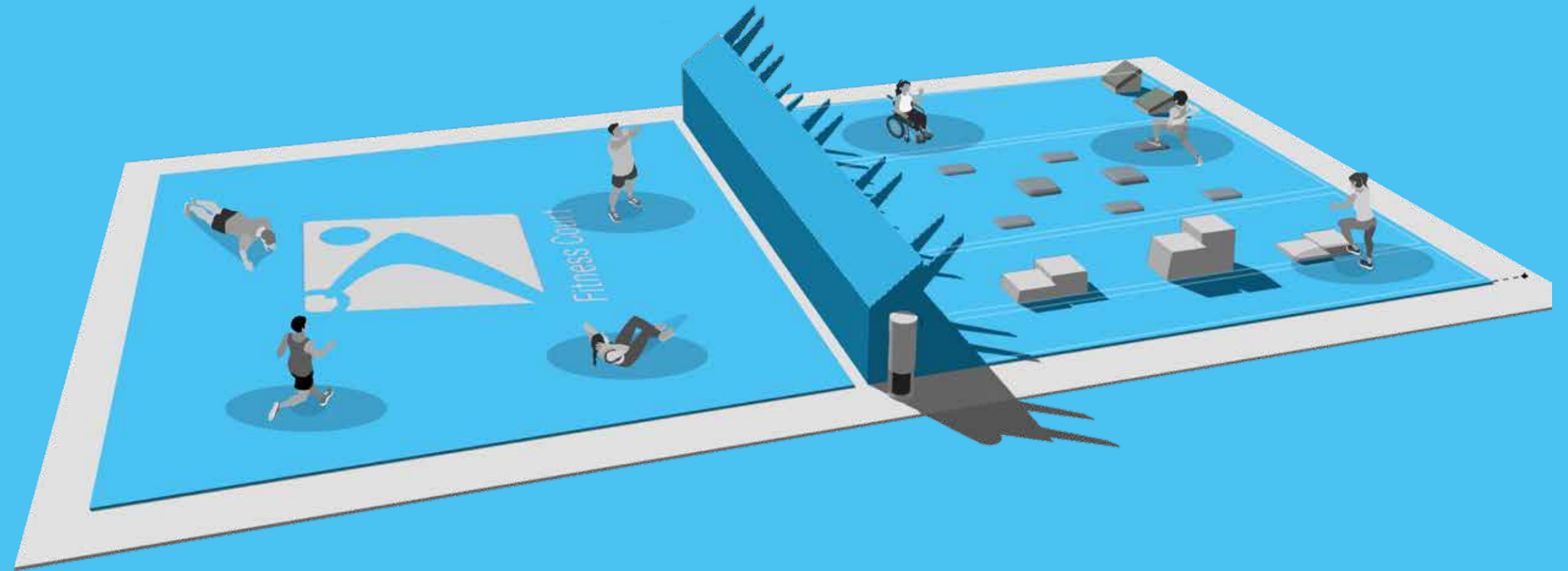
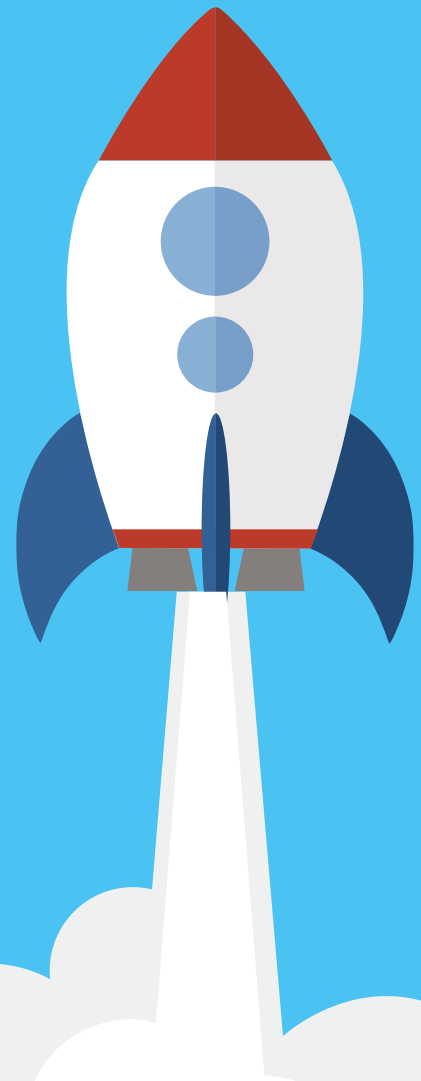


LOCAL AND REGIONAL SPONSORS



FITNESS COURT STUDIO[®]

LAUNCHING NATIONWIDE IN 2023

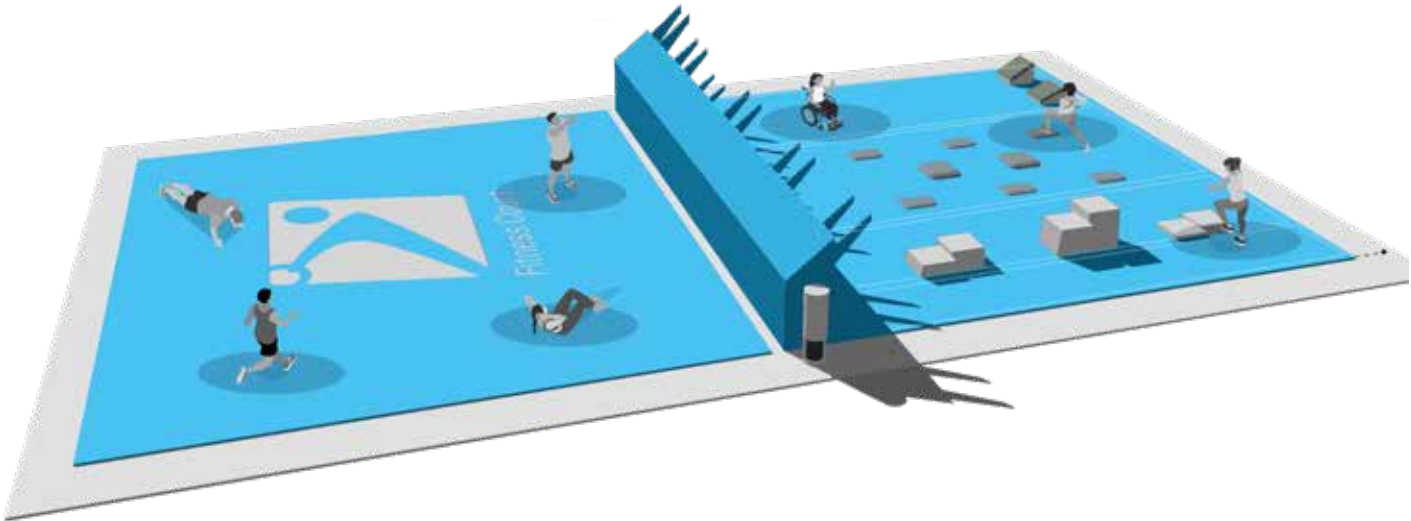




**FITNESS
ART
DANCE
YOGA
ZUMBA
PILATES
STRETCH**



FITNESS COURT STUDIO®



- World's first integrated outdoor gym experience with two programmable class rooms
- Over 2,000 square feet of wellness infrastructure
- Includes edge to edge art mural as studio classroom backdrop
- Compatible with existing Fitness Courts® and your Fitness Court® network

**ADDITIONAL
FUNDING REQUIRED**

\$35,000

***Limited Fitness Court Studio® programs available in each state in 2023*

CONCRETE SLAB ADDITION

Can be performed in-house or in-kind

est. \$0-15,000



2023 GRANT APPLICATION PERIOD NOW OPEN



Campaign seeking qualified applicants
able to meet the 2023 time frame for
adoption and local funding match.

PARTNERSHIP QUALIFICATION PROCESS

PRE APPLICATION PHASE

- 1 Feasibility Review
- 2 Evaluation Call
- 3 Non-Binding Grant Application

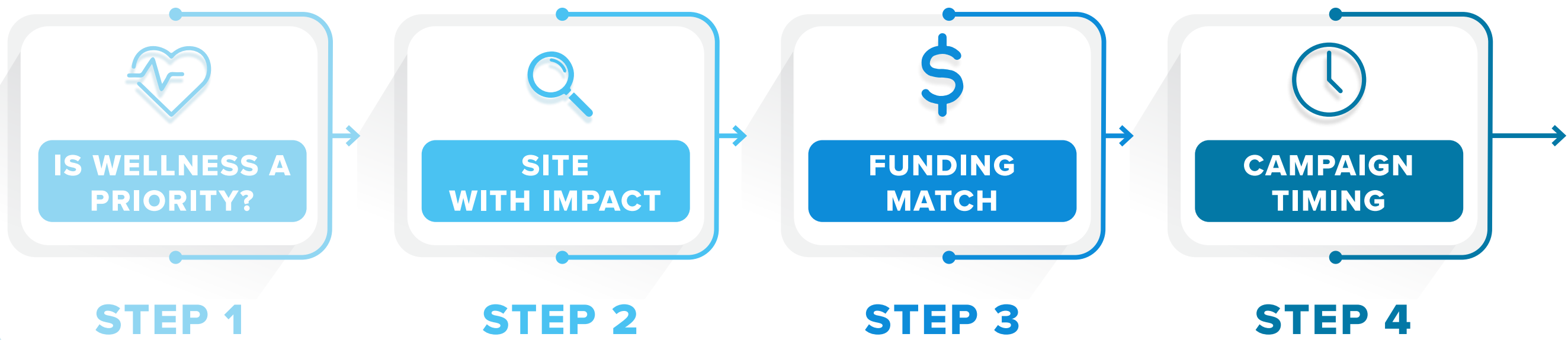
AWARD PHASE

- 4 Award of Grant Eligibility *(First Come, First Served for Qualified Applicants)*
- 5 Local Adoption by Governing Body
- 6 Develop and Confirm Funding Match

LAUNCH PHASE

- 7 Shipment for Storage
- 8 Install Concrete Slab and Art Approval
- 9 Fitness Court Assembly
- 10 Press Launch Ceremony





**SCHEDULE
EVALUATION
CALL IF
APPROPRIATE**

NEXT STEP

983 W. Sunset (Parcel No. 815-23987-000)

The City of Springdale has, since 2020, received several complaints and addressed numerous ordinance violations on the property located at 983 W. Sunset (the old Long John Silver's location). More specifically, the City has undertaken the abatement of ordinance violations on this property several times over the last couple of years, and also razed/removed the dilapidated building on the property. These abatements ranged from mowing, removing junk and trash, and other items that were dumped on the property, each of which were performed after notice was given/notice posted on the property, as required by law.

Ordinance Abatements

Before undertaking any abatements on this property, Neighborhood Services first provided notice of the violation to the property owner of record (County Assessor records, County Tax Collector records), advising the property owner of the violation(s) existing on the property, enclosing photographs of the violations, and providing the property owner at least seven (7) days to abate the violations on the property. If the property owner did not abate the violation, the City did so. Once the property was abated by the City, notice was again provided to the property owner (along with the abatement invoice), advising the property owner of the abatement and requesting payment. As is noted below, **of the seven (7) abatements performed by the City since 2020, four (4) of the abatement invoices were paid by the property owner to the City Clerk, most recently on 10/19/22.** Of the three (3) unpaid invoices, one resulted in a lien ordinance being passed by the Council (on 7/26/22 – again, after notice being provided to the property owner), and the other two (2) are included in the Ordinance now before the Council.

Raze and Removal

In addition, the City addressed the dilapidated/abandoned building on the property. More specifically, correspondence was sent to the property owner of record in February 2022 advising of the need to address the issues with the building, and that action would be taken by the Springdale City Council if the building was not addressed. More specifically, the correspondence advised that a raze/removal ordinance would be brought to the 4/04/22 Committee meeting, and then the 4/12/22 City Council meeting if the building was not addressed. The City received signed certified letter receipts, indicating that the correspondence had been received. The City received no response to the correspondence, and as such, an ordinance razing/removing the structure was brought to Committee and then City Council in April 2022. Once the raze/removal Ordinance (Ordinance No. 5699) was passed, a copy of the ordinance was sent to the property owner of record, advising of the passage of the ordinance, and that the City could raze/remove the building if the property owner took no action within the time stated in the ordinance. Again, the City received signed certified letter receipts, indicating that the correspondence had been received by the property owner. The property owner took no action, so in July 2022, the City razed/removed the unsafe structure on the property. Thereafter, notice was again provided to the property owner (along with the raze/removal invoice), advising the property owner of the abatement and requesting payment. As before, the City received signed certified letter receipts, indicating that the correspondence had been received by the property owner. No payment was made, so the City sent notice that the City would be seeking a lien for the costs incurred in the razing/removal of the unsafe structure on the property. Again, notice was provided to the property owner, and signed certified letter receipts were received by the City. No payment was made, which is the other Ordinance now before the Council.

Summary

To assist the Council, below is listed the date of each ordinance abatement undertaken at 983 W. Sunset (Parcel No. 815-23987-000) by the City, the amount of the costs incurred by the City associated with each of the abatements, and the current status of each:

4/30/20 – \$433.16, **payment received by City Clerk on 6/01/20**

5/01/20 – \$669.72, **payment received by City Clerk on 6/01/20**

4/30/21 – \$453.55, **payment received by City Clerk on 6/22/21**

5/17/22 – \$376.16, was not paid, so lien ordinance was passed on 7/26/22 (Ordinance 5744)

7/01/22 – \$400.16 not paid, lien ordinance currently before the City Council

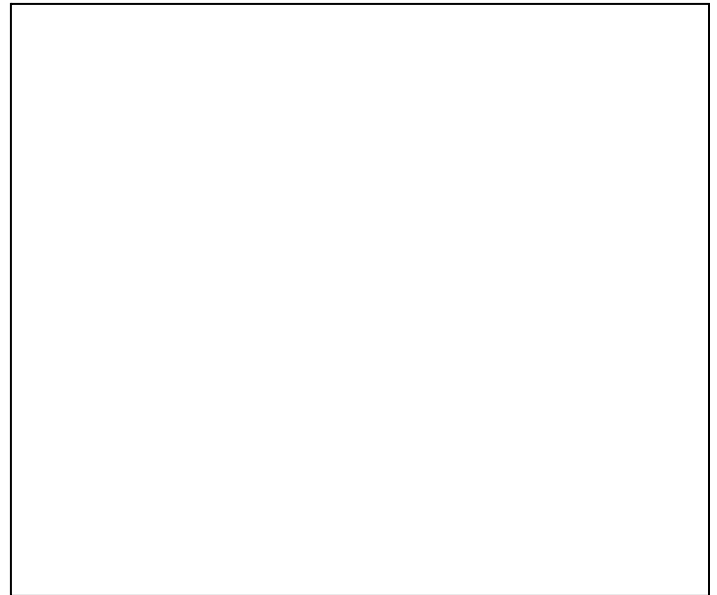
8/19/22 – \$210.91 not paid, lien ordinance currently before the City Council

9/16/22 – \$359.69, **payment received by City Clerk on 10/19/22**

There seems to be no rhyme or reason as to which of these invoices are paid, and which ones are not. However, Neighborhood Services and the City Attorney's Office have been consistent in the notifications for each of these, using the address(es) on file with the County Assessor's Office and the County Collector's Office, and received signed certified letter receipts for each notification/correspondence.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A LIEN FOR THE RAZING AND REMOVAL OF A STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 983 W. SUNSET AVE., SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY



WHEREAS, LJ'S Restaurant, Inc. is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

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, thence 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 West Sunset

PARCEL NO.: 815-23987-000

WHEREAS, on April 12, 2022, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 5699, ordering the owner of 983 W. Sunset Ave. to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and was further ordered to abate the unsightly conditions on the property;

WHEREAS, Ordinance No. 5699 provided that said work was to be commenced within ten (10) days and was to be completed within thirty (30) days from the passage of the ordinance, and that if the work was not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, were directed to cause the aforesaid structure to be razed (demolished) and removed and to abate the unsafe, unsanitary, and unsightly conditions on the property;

WHEREAS, LJ's Restaurant, Inc. after being given proper notice of Ordinance No. 5699, and after being given adequate time to abate the situation on the property, failed to remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and failed to abate the unsightly conditions on the property;

WHEREAS, pursuant to Ordinance No. 5699, the Mayor's authorized representative caused the aforesaid structure to be razed (demolished) and removed, and caused the unsafe, unsanitary, and unsightly conditions on the property to be abated;

WHEREAS, as shown on the attached Exhibits, the City expended the amount of Twenty Thousand Four Hundred Thirty One Dollars (\$20,431.00) to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and to abate the unsightly conditions located thereon;

WHEREAS, Ordinance No. 5699 provides that the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and for the cost of abating said aforementioned conditions, said costs to be determined at a hearing before the City Council; and

WHEREAS, the property owner has been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903;

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-56-203 and Ark. Code Ann. §14-54-904, the City Council certifies \$20,431.00, plus 10.00% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on the above-described property and collected accordingly.

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 10th day of January, 2023.

Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Red Line Contractors LLC
P.O. Box 600
Springdale, AR 72765
479-419-4100
www.redline.me

Invoice

Date 7/20/2022
Invoice # 42091

Bill To

City of Springdale, AR
201 Spring St.
Springdale, AR 72764

P.O. No. Terms Job

Due on receipt

Description	Qty	Rate	Amount
Demolition 938 W Sunset Ave	1	19,931.00	19,931.00

Transaction #
Date
Account # 101-0963-423-70-35
Project #
Invoice # 42091
Amount \$19,931.00
Description Billings
Rate & removal @ 938 W. Sunset
Approved By Michelle Allen 9/12/22

Total	\$19,931.00
Payments/Credits	\$0.00
Balance Due	\$19,931.00

Red Line Contractors LLC
P.O. Box 600
Springdale, AR 72765
479-419-4100
www.redline.me

Invoice

Date	Invoice #
6/14/2022	3167

Bill To
City of Springdale, AR 201 Spring St. Springdale, AR 72764

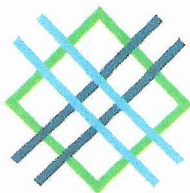
Description	P.O. No.	Terms	Job
	Due on receipt		
	Qty	Rate	Amount
Asbestos Survey		500.00	500.00
Transaction # _____ Date _____ Account # 101-0963-423, 70-35 Project # _____ Invoice # 3167 Amount \$500.00 Description Building Asbestos survey @ 958 W. 1st St. Approved By Michael D. Chynka 6/14/22			
Total			\$500.00
Payments/Credits			\$0.00
Balance Due			\$500.00

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

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Sasha Bennett
File/Discovery Clerk
sabennett@springdalear.gov

September 14, 2022

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

LJS Restaurants Inc.
P.O. Box 10656
Fort Smith, AR 72917

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

LJS Restaurants, Inc.
c/o CT Corporation System, Registered Agent
124 W. Capitol Ave., Suite 1900
Little Rock, AR 72201

RE: Property located at 983 W. Sunset, Springdale, Arkansas
Parcel #815-23987-000

Dear Property Owner/Lienholder:

On April 12, 2022, the Springdale City Council passed Ordinance No. 5699. This Ordinance ordered that the unsafe structure located at 983 W. Sunset, Springdale, Arkansas be razed (demolished) and removed and that the unsightly conditions on the property be abated. The Ordinance provided that this be done within thirty (30) days.

The structure on the property was not razed (demolished) and removed within thirty (30) days as required by Ordinance No. 5699. As a result, the City of Springdale caused the structure located at 983 W. Sunset, Springdale, Arkansas to be razed (demolished) and removed, and caused the unsafe, unsanitary and unsightly conditions on the property to be abated. Enclosed is the billing statement showing the City's cost of \$20,431.00 to clean up the property and remove the structure.

This is to notify you that in the event this amount is not paid on or before October 20, 2022, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. § 14-54-904 to determine the amount of the lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 25, 2022 at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas.

You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming. I have enclosed a copy of the proposed ordinance that will be presented at that meeting.

I am also forwarding a copy of this letter to you via first class mail as well as to the email address below. If you should have any questions, please let me know,

Sincerely,

A handwritten signature in blue ink, appearing to read 'EBC', is positioned above the printed name.

Ernest B. Cate
City Attorney

EBC:dp

Enclosures

cc: fpurritano@stnladvisors.com

ENDER: 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.

Article Addressed to:

LJS Restaurants Inc.
P.O. Box 10656
Fort Smith, AR 72917



9590 9402 7283 2028 6486 06

Article Number (Transfer from service label)

7020 0640 0001 3065 5922

S Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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
- ☐ Signature Confirmation™
- ☒ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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 Restaurants Inc.
c/o CT Corporation System, Registered Agent
124 W. Capitol Ave., Suite 1900
Little Rock, AR 72201



9590 9402 7283 2028 6485 69

2. Article Number (Transfer from service label)

7020 0640 0001 3065 7247

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent
☒ Addressee

B. Received by (Printed Name)

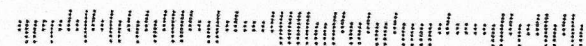
C. Date of Delivery

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
- ☐ Signature Confirmation™
- ☒ Signature Confirmation Restricted Delivery

Domestic Return Receipt



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



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

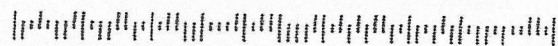
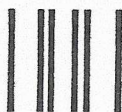
United States
Postal Service

9590 9402 7283 2028 6485 69



USPS TRACKING #

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



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



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

United States
Postal Service

9590 9402 7283 2028 6486 06



USPS TRACKING #

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



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:

\$611.07 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:

\$633.60, 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 10th day of January, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



CITY ABATEMENT-2022 - Friday, July 01, 2022 8:35:11 AM (Ricardo)

User Name	Ricardo
User #	4792634217
Form Started	7/1/2022 8:35:11 AM
Form Submitted	7/1/2022 8:51:25 AM
Property Address	983 w sunset
Before Picture	Attached Data



Before Picture

Attached Data



Before Picture

Attached Data

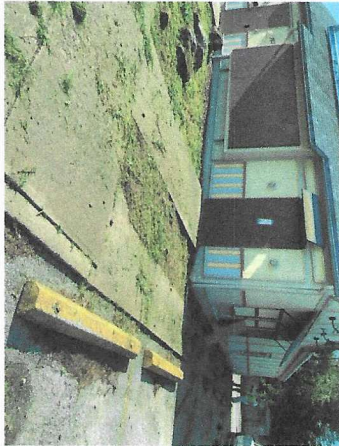


Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Friday, July 01, 2022 8:35:00 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,779 Grasshopper,778 Grasshopper,6021 Service Truck-Landscaping
755 Grasshopper	\$55.00
743 Kubota	\$65.00
779 Grasshopper	\$35.00
778 Grasshopper	\$35.00
6024 4x4 Service Truck	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	3
Temporary Labor Rate Recovery	72.00

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	400.16
Items Removed from Property	None
Final Photos	Attached Data
	
Final Photos	Attached Data
	

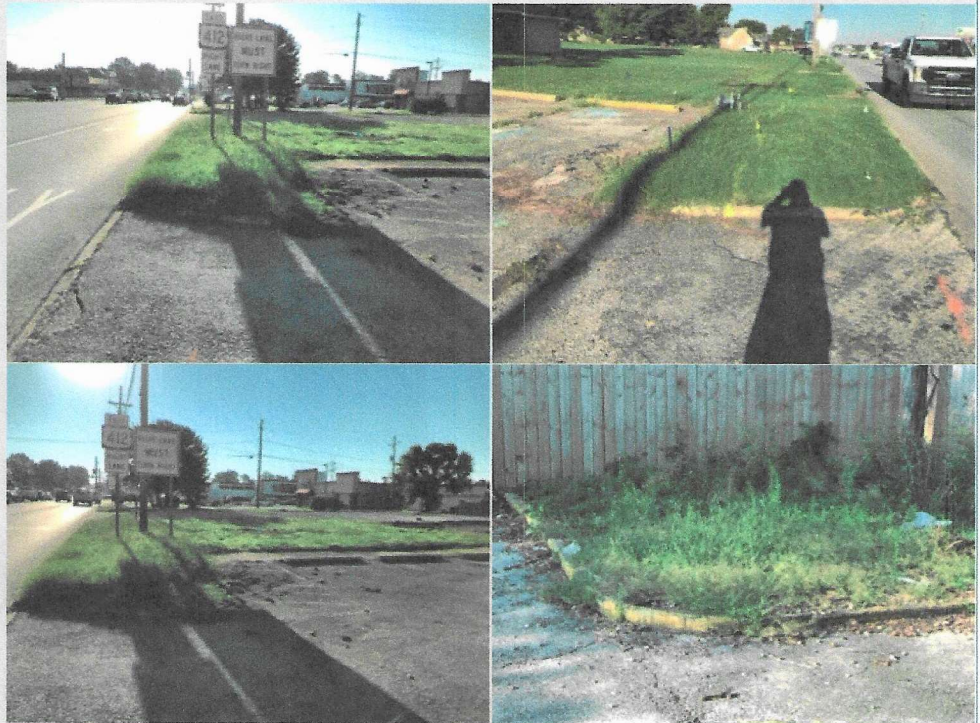
Final Photos

Attached Data



**CITY ABATEMENT-2022 - Friday, August 19, 2022 7:20:22 AM (SHANE PEGRAM)**

User Name SHANE PEGRAM
User # 4798416178
Form Started 8/19/2022 7:20:22 AM
Form Submitted 8/19/2022 7:53:19 AM
Property Address 983 W Sunset
Before Picture Attached Data



Type of Abatement Lien
Date of Abatement Friday, August 19, 2022 8:20:00 AM
Officer on Site- S. Pegram

Labor Rate Recovery

Employee Horatio Jose Mejia
JM Benefit Rate \$13.59

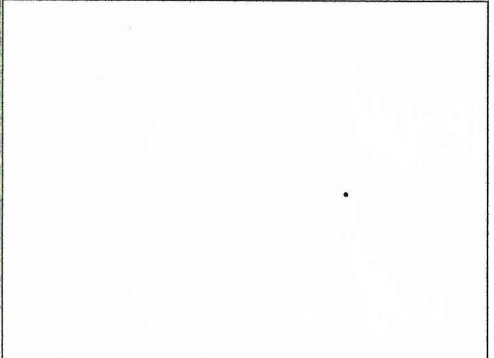
Method of Compliance

- 1 Method of Compliance Mowing
- 2 Method of Compliance Mowing

Equipment Used

Equipment 779 Grasshopper, 780 Tractor, 6014 Flat Bed Dump Truck
779 Grasshopper \$35.00
780 Tractor \$55.00
6014 Flat Bed Dump Truck \$55.00

Time of Abatement in Hours 1

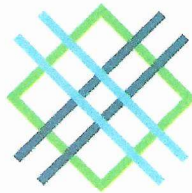
Number of Temporary Laborers	1
Temporary Labor Rate	24.00
Recovery	
Employee labor recovery per hour	13.59
Total Employee Cost	13.59
Equipment Cost per hour	55.00
Total Equipment Cost	55.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	210.91
Items Removed from Property	None
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



SPRINGDALE™
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

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Sasha Bennett
File/Discovery Clerk
sabennett@springdalear.gov

October 19, 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:

Beginning 4/27/2022, notices were 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 July 1, August 19, 2022 and September 16, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$963.23. 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 December 7, 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, December 13, 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 \$970.76, which includes \$963.23 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



CITY ABATEMENT-2022 - Friday, September 16, 2022 8:28:56 AM (Ricardo)

User Name	Ricardo
User #	4792634217
Form Started	9/16/2022 8:28:56 AM
Form Submitted	9/16/2022 9:02:05 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	Friday, September 16, 2022 8:28:00 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	748 Grasshopper,743 Kubota,6021 Service Truck-Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6024 4x4 Service Truck	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	1
Temporary Labor Rate Recovery	24.00
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	352.16
Items Removed from Property	None

Final Photos

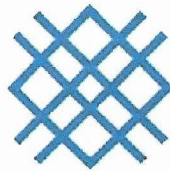
Attached Data



Final Photos

Attached Data





CITY OF SPRINGDALE

201 SPRING STREET
SPRINGDALE, AR 72764
479-750-8118

*** CUSTOMER RECEIPT ***

Batch ID: CITYCLERKS 10/19/22 01 Receipt no: 9009

Type	SvcCd	Description	Amount
45		PROPERTY CLEANUP REI	\$359.69

LJ'S RESTAURANT

OTHER SERVICES / PR 10101113471000
983 W SUNSET AVE

CK Ref#: 2777 \$359.69

Total payment: \$359.69

Trans date: 10/19/22 Time: 11:26:11

THANK YOU FOR YOUR PAYMENT

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**



9590 9402 7283 2028 6484 77

2. Article Number (Transfer from service label)

7020 0640 0001 3065 6004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Signature] 10/22/22

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

3. Service Type

- | | |
|--|--|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☒ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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: Campus Edge LLC

LEGAL DESCRIPTION: Lot 7, Block 1 of the final plat of Shaver Addition, Phase 1, to the City of Springdale, Washington County, Arkansas, as shown in plat record 7 at Page 103

LAYMAN'S DESCRIPTION: 305A Robert Circle

PARCEL NUMBER: 815-25734-000

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:

\$449.49 clean-up costs and \$22.53 administrative costs – \$472.02 (Parcel No. 815-25734-000)

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:

\$472.02 plus 10% for collection – 305A Robert Circle (Parcel No. 815-25734-000)

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

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

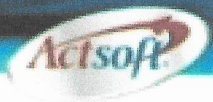
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



CITY ABATEMENT-2022 - Friday, December 16, 2022 8:25:51 AM (RANDY-CODE 4)

User Name	RANDY-CODE 4
User #	4792634221
Form Started	12/16/2022 8:25:51 AM
Form Submitted	12/16/2022 9:17:53 AM
Property Address	305A Robert Cir
Before Picture	Attached Data



Before Picture

Attached Data



Before Picture

Attached Data

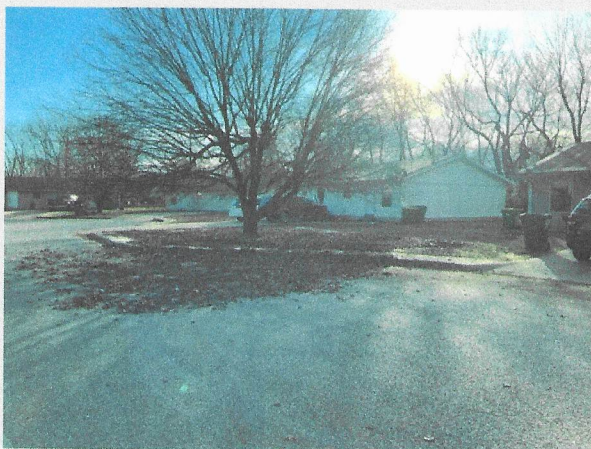


Type of Abatement	Lien
Date of Abatement	Friday, December 16, 2022 8:25:00 AM
Officer on Site-	R. Glenn
Labor Rate Recovery	
Employee	Randy Glenn, Travis Ambrose, Horatio Jose Mejia
RD Benefit Rate	\$14.58
JM Benefit Rate	\$13.59
Method of Compliance	
1 Method of Compliance	Junk and Trash Removal from Curb, Property Clean Up - Junk and Trash
Equipment Used	
Equipment	660/652 New Bulky Waste Truck, 6014 Flat Bed Dump Truck
660 New Bulky Waste Truck	\$200.00
6014 Flat Bed Dump Truck	\$55.00
Time of Abatement in Hours	1
Number of Temporary Laborers	2
Temporary Labor Rate Recovery	48.00
Employee labor recovery per hour	28.17
Total Employee Cost	28.17
Equipment Cost per hour	255.00
Total Equipment Cost	255.00
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	449.49

Items Removed from
Property
Final Photos

Household trash, tree limbs

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data

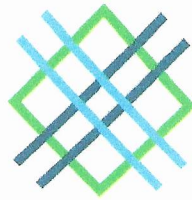


Ernest B. Cate
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ecate@springdalear.gov

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SPRINGDALE™
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
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Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Dixie Putt
Administrative Legal Assistant/Paralegal
dputt@springdalear.gov

Sasha Bennett
File/Discovery Clerk
sabennett@springdalear.gov

January 18, 2023

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

Campus Edge LLC
P. O. Box 8835
Fayetteville, AR 72702

RE: Notice of clean-up lien on property located at 305A Robert Circle, Springdale, Washington County, Arkansas, Tax Parcel No. 815-25734-000

Dear Property Owner/Lienholder:

On May 13, 2022, notice was posted on property located at 305A Robert Circle, 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 May 13, 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 December 16, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$449.49. 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 February 22, 2023, 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, February 28, 2023, 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 \$457.02 which includes \$449.49 for cleaning up the property and \$7.53 for certified mailing 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, 201 Spring 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 Campus Edge LLC 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,



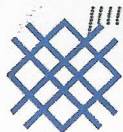
Ernest B. Cate
City Attorney

Enclosures
EBC:dp

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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: Campus Edge LLC P.O. Box 8835 Fayetteville, AR 72701 Barcode: 9590 9402 7283 2028 6483 30 2. Article Number (Transfer from service label) 7020 0640 0001 3065 6141		A. Signature X B. Received by (Printed Name) C. Date of Delivery 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 ☒ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery	

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



CITY OF SPRINGDALE
OFFICE OF CITY ATTORNEY
201 SPRING STREET
SPRINGDALE, AR 72764

CERTIFIED MAIL®



7020 0640 0001 3065 6141

US POSTAGE PAID PITNEY BOWES



ZIP 72701 \$ 008.06⁰
02 4W
0000345450 JAN 18 2023

Campus Edge LLC
P. O. Box 8835
Fayetteville, AR 72701

NOTIFIED	
1ST	DATE INITIAL
FINAL	1/20 1/26 nrc Box

NIXIE 722 DE 1 0002/10/20

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

Page 88

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BCI 72764455401 *1255-06500-10-2

The City Council of the City of Springdale met in regular session on Tuesday, February 14, 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 3
Amelia Williams	Ward 4
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 1
Rex Bailey	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Colby Fulfer	Chief of Staff
Frank Gamble	Police Chief
Blake Holte	Fire Chief
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Ron Findley	Neighborhood Services Director
James Smith	Public Works Director
Ben Peters	Engineering Director
Anne Gresham	Library Director
Mark Gutte	IT Director

APPROVAL OF MINUTES

Council Member Overton moved the minutes of the January 24, 2023 City Council meeting be approved as presented. Council Member Williams made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

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

The vote:

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

No: None

DOWNTOWN SPRINGDALE ALLIANCE REPORT

Jill Dabbs, Executive Director of Downtown Springdale Alliance, gave a presentation on events being held in Downtown Springdale and what DSA does for the City of Springdale.

RESOLUTION NO. 21-23 – AUTHORIZING THE SOUTHEAST CAL RIPKEN BALLFIELD AT TYSON PARK BE NAMED FOR JUSTIN HARP

Council Member Mike Lawson presented a Resolution authorizing the Southeast Cal Ripken Ballfield at Tyson Park be named for Justin Harp.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE SOUTHEAST CAL RIPKEN BALLFIELD AT TYSON PARK BE NAMED FOR JUSTIN HARP.

WHEREAS, Justin Harp was a long-time supporter of youth baseball in the City of Springdale, Arkansas, and his contributions have had a lasting impact on youth sports in the City of Springdale;

WHEREAS, the City of Springdale, Arkansas, recognizes the positive impact that Justin Harp made to youth sports in the City of Springdale, Arkansas; and,

WHEREAS, the City of Springdale, Arkansas, wishes to recognize Justin Harp by designating and naming the Southeast Cal Ripken Ballfield at Tyson Park as “Justin Harp Field”;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Southeast Cal Ripken Ballfield at Tyson Park will hereafter be known as Justin Harp Field.

PASSED AND APPROVED this ____day of February, 2023.

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 Bailey made the second.

The vote:

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

No: None

The Resolution was numbered 21-23.

ORDINANCE NO. 5806 – ACCEPTING THE REPLAT OF LOTS 5A AND 5B, ELM SPRINGS HEIGHTS SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lots 5A and 5B, Elm Springs Heights Subdivision to the City of Springdale, Arkansas; and declaring an emergency.

Planning Commission recommended approval.

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

The vote:

Yes: Watson, Overton, Lawson, Bailey, Harriman, Fougrousse, Powell

No: None

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

The vote:

Yes: Overton, Lawson, Bailey, Harriman, Fougrousse, Powell, Watson

No: None

The Ordinance was numbered 5806.

ORDINANCE NO. 5807 – CALLING A SPECIAL ELECTION IN THE CITY OF SPRINGDALE, ARKANSAS ON THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF REFINANCING AND FINANCING THE COST OF CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO

J. Shepherd Russell, Friday, Eldredge and Clark, Attorneys, presented an Ordinance calling a special election for May 9, 2023 in the City of Springdale, Arkansas on the questions of issuing bonds under Amendment No. 62 to the Constitution of the State of Arkansas for the purpose of refinancing and financing the cost of capital improvements; levying a one percent (1%) sales and use tax for the purpose of retiring such bonds; and prescribing other matters pertaining thereto.

Mayor Sprouse said Springdale residents will be taxed at the current 2% sales tax rate. Also, by paying and retiring the 2018 Bond, there will be over \$4,000,000 freed up in our general fund.

The Ordinance was presented as follows:

ORDINANCE NO. ____

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF SPRINGDALE, ARKANSAS ON THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF REFINANCING AND FINANCING THE COST OF CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Springdale, Arkansas (the "City") has determined that the City is greatly in need of the following capital improvements of a public nature:

- (a) new, and improvements to existing, streets, roads, trails, bridges and sidewalks including particularly, without limitation, any curb, gutter, drainage, flood control and other related improvements, equipment and land acquisition to accomplish such improvements, and street lighting, utility adjustments and traffic signals related thereto (the "Street Improvements");
- (b) park and recreational facilities and improvements including particularly, without limitation, upgrades to existing parks and a new recreation center, and any necessary land acquisition, equipment and parking, drainage, flood control, lighting, street and utility improvements therefor (the "Park and Recreational Improvements");
- (c) facilities, equipment and apparatus for the City's fire department, including particularly, without limitation, a new fire station and training facilities, and any necessary land acquisition and parking, drainage, flood control, street, lighting and utility improvements therefor (the "Fire Department Improvements"); and
- (d) a new senior center including necessary equipment, furniture, fixtures, land acquisition, drainage, flood control, street, utility and parking improvements therefor (the "Senior Center Improvements"); and

WHEREAS, the City has outstanding \$145,790,000 in principal amount of its Sales and Use Tax Refunding and Improvement Bonds, Series 2018 (the "Series 2018 Bonds") and \$43,685,000 in outstanding principal amount of its Sales and Use Tax Refunding Bonds, Taxable Series 2020 (the "Series 2020 Bonds"); and

WHEREAS, the Series 2018 Bonds, which financed and refinanced various capital improvements, are secured by and payable from collections of a 1% City-wide sales and use tax levied pursuant to Ordinance No. 5223 of the City adopted November 28, 2017 (the "2018 Tax"); and

WHEREAS, the 2018 Tax is levied and collected for the sole purpose of paying the Series 2018 Bonds; and

WHEREAS, the Series 2020 Bonds, which refinanced various capital improvements, are secured by and payable from the collections of a 1% City-wide sales and use tax levied pursuant to Ordinance No. 2082 of the City adopted March 13, 1992 (the "1992 Tax"); and

WHEREAS, the indebtedness represented by the Series 2020 Bonds can be paid and secured with collections of the 2023 Tax identified below; and

WHEREAS, the 1992 Tax was levied for general municipal purposes and will continue to be levied for general municipal purposes after the Series 2020 Bonds are retired; and

WHEREAS, the City Council has determined that it is essential that the Series 2018 Bonds be refunded to allow the Street Improvements, the Park and Recreational Improvements, the Fire Department Improvements and the Senior Center Improvements to be financed without a tax increase; and

WHEREAS, the City Council has further determined that the Series 2020 Bonds should be refunded in order that collections of the 1992 Tax be released from the pledge in favor of the Series 2020 Bonds and used entirely for general municipal purposes; and

WHEREAS, the City Council proposes to finance all or a portion of the costs of refunding the Series 2018 Bonds and the Series 2020 Bonds and accomplishing the Street Improvements, the Park and Recreational Improvements, the Fire Department Improvements and the Senior Center Improvements by the issuance of capital improvement bonds (the "Bonds") under the authority of Amendment No. 62 to the Constitution of the State of Arkansas ("Amendment 62") and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation"), allocated as follows: \$135,000,000 in maximum principal amount for the Street Improvements; \$16,250,000 in maximum principal amount for the Park and Recreational Improvements; \$7,750,000 in maximum principal amount for Fire Department Improvements; \$16,250,000 in maximum principal amount for Senior Center Improvements; \$140,000,000 in maximum principal amount for the refunding of the Series 2018 Bonds; and \$45,000,000 in maximum principal amount for the refunding of the Series 2020 Bonds; and

WHEREAS, the City can pay the principal of and interest on the Bonds from the proceeds of a 1% sales and use tax to be levied under the authority of the Authorizing Legislation that will replace the 2018 Tax; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the questions of issuing the Bonds under Amendment 62 and the Authorizing Legislation at a special election to be called for that purpose and to levy a replacement sales and use tax at the rate of 1% on the receipts from the sales at retail within the City of all items which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §§26-52-101, et seq.), and the receipts from storing, using, distributing or consuming within the City tangible personal property under the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §§26-53-101, et seq.) (collectively, the "2023 Tax" or the "Sales and Use Tax");

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

Section 1. There be, and there is hereby called, a special election to be held on May 9, 2023, at which election there shall be submitted to the electors of the City the questions of issuing the Bonds under Amendment 62 and the Authorizing Legislation to pay all or a portion of the costs of refunding the Series 2018 Bonds and the Series 2020 Bonds and accomplishing the Street Improvements, the Park and Recreational Improvements, the Fire Department Improvements and the Senior Center Improvements in the maximum principal amounts described above, to be payable from collections of the Sales and Use Tax remaining after the State of Arkansas deducts its administrative charges and required rebates.

Section 2. In order to provide for the payment of the principal of and interest on the Bonds and all obligations of the City in connection therewith, there is hereby levied the Sales and Use Tax. The levy of the Sales and Use Tax shall not become effective until the special election called in Section 1 above has been held and the issuance of the Bonds for one or more of the purposes is approved by the voters; provided, however, that no Bonds will be issued unless the issuance of the Bonds for the refunding of the Series 2018 Bonds is approved. The effective date of the 2023 Tax will be the day following the date the 2018 Tax expires. The Sales and Use Tax shall be levied and collected on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time under Arkansas law, subject to rebates and limitations as required for certain single transactions as from time to time required by Arkansas statutes.

Section 3. The questions of issuing the Bonds shall be placed on the ballot for the election in substantially the following form:

The bonds described below that are approved may be combined into a single issue or may be issued in series from time to time. If the bonds for one or more of the purposes are approved and one of such purposes is the Series 2018 Refunding Bonds, the City may cause to be levied a replacement 1% sales and use tax, the net collections of which remaining after the State of Arkansas deducts its administrative charges and required rebates, will be used solely to retire the bonds and obligations of the City with respect thereto. The tax will replace the City's existing 1% sales and use tax levied in 2018 for the sole purpose of retiring bonds. The effective date of the new tax will be the day following the date the existing tax expires. The rate of taxation will be 1% even if bonds for more than one purpose are approved. No bonds will be issued for any purpose unless the Series 2018 Refunding Bonds are also approved.

SERIES 2018 REFUNDING BONDS

An issue of bonds of the City of Springdale in the maximum aggregate principal amount of \$140,000,000 for the purpose of financing all or a portion of the costs of refunding the City's outstanding Sales and Use Tax Refunding and Improvement Bonds, Series 2018, professional fees related to the foregoing, the establishment of reserves, and bond issuance and any credit enhancement costs, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City that will expire after the bonds have been paid or provision is made therefor in accordance with Arkansas statutes.

FOR.....
AGAINST.....

SERIES 2020 REFUNDING BONDS

An issue of bonds of the City of Springdale in the maximum aggregate principal amount of \$45,000,000 for the purpose of financing all or a portion of the costs of refunding the City's outstanding Sales and Use Tax Refunding Bonds, Taxable Series 2020, professional fees related to the foregoing, the establishment of reserves, and bond issuance and any credit enhancement costs, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City that will expire after the bonds have been paid or provision is made therefor in accordance with Arkansas statutes.

FOR.....
AGAINST.....

STREET IMPROVEMENT BONDS

An issue of bonds of the City of Springdale in the maximum aggregate principal amount of \$135,000,000 for the purpose of financing all or a portion of the costs of new, and improvements to existing, streets, roads, trails, bridges and sidewalks including particularly, without limitation, any curb, gutter, drainage, flood control and other related improvements, equipment and land acquisition to accomplish such improvements, and street lighting, utility adjustments and traffic signals related thereto, professional fees related to any of the foregoing, the establishment of reserves, and bond issuance and any credit enhancement costs, and, in order to pay the bonds, the levy and pledge of a new 1% local sales and use tax within the City that will expire after the bonds have been paid or provision is made therefor in accordance with Arkansas statutes.

FOR.....
AGAINST.....

PARK AND RECREATIONAL IMPROVEMENT BONDS

An issue of bonds of the City of Springdale in the maximum aggregate principal amount of \$16,250,000 for the purpose of financing all or a portion of the costs of park and recreational facilities and improvements including particularly, without limitation, upgrades to existing parks and a new recreation center, and any necessary land acquisition, equipment and parking, drainage, flood control, lighting, street and utility improvements therefor, professional fees related to any of the foregoing, the establishment of reserves, and bond issuance and any credit enhancement costs, and, in order to pay the bonds, the levy and pledge of a new 1% local sales and use tax within the City that will expire after the bonds have been paid or provision is made therefor in accordance with Arkansas statutes.

FOR.....
AGAINST.....

FIRE DEPARTMENT IMPROVEMENT BONDS

An issue of bonds of the City of Springdale in the maximum aggregate principal amount of \$7,750,000 for the purpose of financing all or a portion of the costs of facilities, equipment and apparatus for the City's fire department, including particularly, without limitation, a new fire station and training facilities, and any necessary land acquisition and parking, drainage, flood control, street, lighting and utility improvements therefor, professional fees related to any of the foregoing, the establishment of reserves, and bond issuance and any credit enhancement costs, and, in order to pay the bonds, the levy and pledge of a new 1% local sales and use tax within the City that will expire after the bonds have been paid or provision is made therefor in accordance with Arkansas statutes.

FOR.....
AGAINST.....

SENIOR CENTER IMPROVEMENT BONDS

An issue of bonds of the City of Springdale in the maximum aggregate principal amount of \$16,250,000 for the purpose of financing all or a portion of the costs of a new senior center including necessary equipment, furniture, fixtures, land acquisition, drainage, flood control, street, utility and parking improvements therefor, professional fees related to any of the foregoing, the establishment of reserves, and bond issuance and any credit enhancement costs, and, in order to pay the bonds, the levy and pledge of a new 1% local sales and use tax within the City that will expire after the bonds have been paid or provision is made therefor in accordance with Arkansas statutes.

FOR.....
AGAINST.....

Section 4. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in the Authorizing Legislation and only qualified voters of the City shall have the right to vote at the election.

Section 5. The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 6. A copy of this Ordinance shall be (a) filed with the Benton and Washington County Clerks at least 70 days prior to the election date and (b) given to the Benton and Washington County Boards of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 7. The Mayor and City Clerk, for and on behalf of the City, be and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the issuance of the Bonds is approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Authorizing Legislation, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 8. If the Bonds for the refunding of the Series 2018 Bonds are approved by the voters and if such Bonds are issued, the 2018 Tax shall be abolished at the proper time so that the 2023 Tax and the 2018 Tax are not in effect at the same time. Collections of the 2018 Tax received after the Bonds are issued shall be used, if necessary or appropriate, to provide for the payment of the Bonds.

Section 9. If any Bonds are approved and issued, the City intends to negotiate with Crews & Associates, Inc. and Stephens Inc., which have assisted the City in preparation of the Bond size and repayment structure, for the sale of the Bonds that may be issued from time to time.

Section 10. The provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

Section 11. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: _____.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

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

The vote:

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

No: None

The Ordinance was numbered 5807.

RESOLUTION NO. 22-23 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR TESTING SERVICES ON DIXIELAND ROAD EXTENSION

Council Member Amelia Williams presented a Resolution authorizing the execution of a professional services agreement with Grubbs, Hoskyn, Barton, & Wyatt, Inc. for testing services on Dixieland Road Extension with the price not to exceed \$30,000.00.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR TESTING SERVICES ON DIXIELAND ROAD EXTENSION

WHEREAS, the City of Springdale is in need of testing services for the Dixieland Road Extension project;

WHEREAS, Grubbs, Hoskyn, Barton & Wyatt, Inc. performed the geotechnical engineering work for this project;

WHEREAS, the price not to exceed amount for professional testing services shall be \$30,000.00.

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 Grubbs, Hoskyn, Barton, & Wyatt, Inc. for testing 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 February, 2023.

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 Williams made the second.

The vote:

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

No: None

The Resolution was numbered 22-23.

RESOLUTION NO. 23-23 – TO APPROPRIATE FUNDS FOR THE PURCHASE OF A VEHICLE FOR USE ON THE TRAIL SYSTEM

Council Member Amelia Williams presented a Resolution to appropriate funds for the purchase of a vehicle for use on the trail system. The vehicle will be purchased from Golf Cars of NWA, a Springdale company, in an amount not to exceed \$10,097.00.

RESOLUTION NO. ____

**A RESOLUTION TO APPROPRIATE FUNDS FOR THE
PURCHASE OF A VEHICLE FOR USE ON THE TRAIL
SYSTEM.**

WHEREAS, the Springdale Planning Department is in need of purchasing a vehicle which can be used on the Springdale Trail System;

WHEREAS, the advantages of a vehicle dedicated to use on the Trail System are many, including the ability to access trails to check for graffiti, trash, damage; manage trail contours; manage the adopt-a-trail program; use in special events; and quick access to remote areas of the trail that otherwise can only be reached by bicycle or walking;

WHEREAS, the Planning Department has obtained quotes for such a vehicle, and wishes to purchase the vehicle from Golf Cars of NWA, a Springdale company, in an amount not to exceed \$10,097.00, as shown on the attached estimate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute any contracts related to the purchase of the aforementioned vehicle from Golf Cars of NWA in an amount not to exceed \$10,097.00, to be paid from the unrestricted General Fund.

PASSED AND APPROVED this 14th day of February, 2023.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 23-23.

RESOLUTION NO. 24-23 – EXPRESSING THE WILLINGNESS OF THE CITY OF
SPRINGDALE TO UTILIZE FEDERAL FUNDING FOR THE FOLLOWING PROJECT: DEAN’S
TRAIL PHASE IIIA

Council Member Amelia Williams presented a Resolution expressing the willingness of the City of Springdale to utilize federal funding for the following project: Dean’s Trail Phase IIIA

RESOLUTION NO. ____

**A RESOLUTION EXPRESSING THE WILLINGESS OF THE CITY OF
SPRINGDALE TO UTILIZE FEDERAL FUNDING FOR THE
FOLLOWING PROJECT: DEAN'S TRAIL PHASE IIIA.**

WHEREAS, the Northwest Arkansas Regional Planning Commission is accepting applications for Carbon Reduction Program (CRP) funds for projects at the following Federal and City participating ratios, up to the maximum Federal-aid available:

TYPE WORK	WORK PHASE	FEDERAL %	CITY %
Construction of City Project	Project Design	0	0
	Right-of-Way	0	0
	Utilities	0	0
	Construction	80	20
	Construction Engineering	0	0

WHEREAS, Construction of on-road and off-road trail facilities are eligible activities.

WHEREAS, a maximum \$100,000 city match is required with a maximum \$500,000 Carbon Reduction Program reimbursement, is currently budgeted in the Public Works 2023 budget.

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: The City pledges its full support and hereby authorizes the Northwest Arkansas Planning Commission to initiate action to implement this project.

PASSED AND APPROVED THIS ____ DAY OF FEBRUARY, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 24-23.

RESOLUTION NO. 25-23 – AUTHORIZING THE PURCHASE OF A SOFTWARE PROGRAM FOR PUBLIC WORKS, ENGINEERING, COMMUNITY ENGAGEMENT AND PLANNING; AND TO WAIVE COMPETITIVE BIDDING

Council Member Amelia Williams presented a Resolution authorizing the purchase of a software program from iWorQ Systems, Inc. for Public Works, Engineering, Community Engagement and Planning in an amount not to exceed \$56,500.00, to be paid from the 2023 Budget of the Information Technology Department; and to waive competitive bidding.

RESOLUTION NO. ____

AN RESOLUTION AUTHORIZING THE PURCHASE OF A SOFTWARE PROGRAM FOR PUBLIC WORKS, ENGINEERING, COMMUNITY ENGAGEMENT, AND PLANNING; AND TO WAIVE COMPETITIVE BIDDING.

WHEREAS, the City of Springdale, Arkansas, is in need of a software program for use by Public Works, Engineering, Community Engagement, and Planning, as the software previously used by these departments has been discontinued;

WHEREAS, the City has received a proposal from iWorQ Systems, Inc., for a software program which is suitable for the needs of the various departments in need of a software program, and also includes training and implementation costs;

WHEREAS, the iWorQ software is reasonably priced, is considered the state of the art in this type of software, and is the exclusive provider of this type of software; and

WHEREAS, the 2023 Budget of the City of Springdale contemplated the purchase and implementation of this software for these various City departments, and the costs thereof were included in the 2023 Budget of the Information Technology Department.

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

Section 1: That the Mayor is hereby authorized to enter into a service agreement with iWorQ Systems, Inc., described herein for the purchase and implementation of a software program for the Public Works, Engineering, Community Engagement, and Planning Departments, in an amount not to exceed \$56,500.00, to be paid from the 2023 Budget of the Information Technology Department.

Section 2: That competitive bidding is not deemed feasible or practical because of the exceptional situation previously set out herein and therefore competitive bidding is hereby waived under Ark. Code Ann. §14-58-104.

PASSED AND APPROVED this ____ day of February, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 25-23.

RESOLUTION NO. 26-23 – TO APPROPRIATE FUNDS FOR THE PURCHASE OF VEHICLES AND ASSOCIATED VEHICLE EQUIPMENT FOR THE SPRINGDALE FIRE DEPARTMENT; AND TO WAIVE COMPETITIVE BIDDING

Council Member Brian Powell presented a Resolution to appropriate funds for the purchase of vehicles and associated vehicle equipment from Superior Automotive Group for the Springdale Fire Department; and to waive competitive bidding.

RESOLUTION NO. ____

A RESOLUTION TO APPROPRIATE FUNDS FOR THE PURCHASE OF VEHICLES AND ASSOCIATED VEHICLE EQUIPMENT FOR THE SPRINGDALE FIRE DEPARTMENT; AND TO WAIVE COMPETITIVE BIDDING.

WHEREAS, the Springdale Fire Department is in need of purchasing 5 staff vehicles, as well as the necessary equipment needed in order to ready 3 of these vehicles for use;

WHEREAS, the 2023 Budget of the Springdale Fire Department contemplated and included the purchase of these vehicles in order to replace 5 staff vehicles that are over 10 years old;

WHEREAS, 3 of the vehicles (Chevy Tahoe SSV) are not available on state bid, so a quote was obtained from a sole source provider for these 3 vehicles (\$46,517.00 each), and the other 2 vehicles (Chevy Silverado 1500) are available at a price below the state bid price from the same sole source provider (\$38,110.00 each);

WHEREAS, it is necessary to purchase certain equipment to ready the 3 Tahoe vehicles for use by the Fire Department, and a quote has been obtained of \$7,950.78 for each of those 3 vehicles (total \$23,852.34 for equipment); and

WHEREAS, the Springdale Fire Department requests to purchase these 5 vehicles and associated equipment from Superior Automotive Group for a total not to exceed \$239,623.34;

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

Section 1. The Mayor is hereby authorized to execute any contracts related to the purchase of the aforementioned 5 vehicles and associated equipment from Superior Automotive Group in an amount not to exceed \$239,623.34, to be paid from the Fire Department Capital Vehicle Account - General Fund.

Section 2: That competitive bidding is not deemed feasible or practical because of the exceptional situation previously set out herein and therefore competitive bidding is hereby waived under Ark. Code Ann. §14-58-104.

PASSED AND APPROVED this ____ day of February, 2023.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 26-23.

AGENDA ITEMS TABLED

At the request of City Attorney Ernest Cate, Council Member Overton made the motion to table Items #12 and #13 on the agenda to the February 22, 2023 City Council committee meeting. Council Member Bailey made the second.

The vote:

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

No: None

ORDINANCE NO. 5808 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROERTY LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 600 Huckleberry Lane located within the City of Springdale, Arkansas; and declaring an emergency.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5808.

COMMITTEE MEETING DATE CHANGE

Council Member Lawson made the motion to move the next committee meeting to Wednesday, February 22, 2023. Council Member Harriman made the second.

The vote:

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

No: None

Abstain: Overton

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:36 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer