

- The next Committee Meeting will be held on Monday, April 3rd 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, March 28th, 2023**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilwoman Amelia Williams

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. **A Public Hearing** on an Ordinance to change the name of an existing city street. Presented by Ernest Cate, City Attorney.

6. Approval of Minutes – **Tuesday, March 14th, 2023.** Pgs. 85-90

7. Procedural Motions

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

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **10A – 10F and 14*** (Motion must be approved by two-thirds (2/3) of the council members).

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

9. **A Resolution** authorizing the temporary operation of a carnival. Pgs. 1-5

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

- A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-08) certain lands located at West of S. 48th Street, north of W. Don Tyson Parkway and east of exit 70 on I-49 from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. Pgs. 6-9
- 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 (R23-09) certain lands located at 2204 S. Turner Street from General Industrial District (I-2) to General Commercial District (C-2) and declaring an emergency. Pgs. 10-12
- 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 (R23-10) certain lands located at West of Old Wire Road and south of Bobwhite Avenue from Agricultural District (A-1) to Low Density Single Family Residential District (SF-2) and declaring an emergency. Pgs. 13-15
- D. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-12) certain lands located at 4500 W. Seaton Drive from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 16-18
- E. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-13) certain lands located west of Old Wire Road and south of June Self Drive from Agricultural District (A-1) to Large Product Retail Sales District (C-6) and General Industrial District (I-2) and declaring an emergency. Pgs. 19-24

- F. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R23-14) certain lands located west of Old Wire Road and south of June Self Drive from Agricultural District (A-1) to Large Product Retail Sales District (C-6) and General Industrial District (I-2) and declaring an emergency.

Pgs. 25-29

11. Community Development Block Grant Program by Chairman Rex Bailey

- A. **A Resolution** authorizing the execution of a contract for the renovation of the Miracle League Facilities at Tyson Park. Forwarded from Committee with recommendation for approval. Presented by Dean Allen, CDBG Program Manager. Pgs. 30-31

12. Finance Committee by Chairwoman Amelia Williams

- A. **A Resolution** to authorize the provision of government services for the citizens of Springdale, Arkansas from the American Recover Plan Act (ARPA) funds. Forwarded from Committee with recommendation for approval. Presented by Colby Fulfer, Chief of Staff. Pgs. 32-40
- B. **A Resolution** authorizing the Mayor and City Clerk to approve Change Order #1 to the construction contract with Emery Sapp & Sons, INC for the Detention Pond Project at Springdale Airport. Forwarded from Committee with recommendation for approval. Presented by Ben Peters, Engineering Director. Pgs. 41-44
- C. **A Resolution** expressing the willingness of the City of Springdale to partner with the Arkansas Department of Transportation for the following project: *Job 040894, Hwy. 412 Impvts. (Springdale) (S)*. Forwarded from Committee with recommendation for approval. Presented by Ben Peters, Engineering Director. Pgs. 45-46
- D. **A Resolution** authorizing the execution of a professional services agreement for acquisition services for Don Tyson Parkway Extension and Gene George South, Phases 2 & 3. Forwarded from Committee with recommendation for approval. Presented by Ben Peters, Engineering Director. Pgs. 47-70
- E. **A Resolution** authorizing the execution of a Contract Change Order for the rehabilitation of the Ritter-McDonald Log Cabin at

the Shiloh Museum. Forwarded from Committee with recommendation for approval. Presented by Angie Albright, Shiloh Museum Director. Pgs. 71-75

13. Parks and Recreation Committee by Chairman Mike Lawson

A. **A Resolution** to appropriate matching grant funds and additional funds for Murphy Park Playground Project; and to waive competitive bidding. Forwarded from Committee with recommendation for approval. Presented by Chad Wolf, Director of Springdale Parks and Recreation. Pgs. 76-81

14. **An Ordinance** amending Chapter 110, Article VI Street Names and Address Numbers, to change the name of an existing city street. Presented by Ernest Cate, City Attorney. Pgs. 82-84

15. Comments from Council Members.

16. Comments from City Attorney.

17. Comments from Mayor

18. Adjournment.

RESOLUTION NO. _____

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

WHEREAS, Rick Culver, Executive Director from the Rodeo of the Ozarks has requested permission to conduct two Carnival entertainment events at the Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, put on by Clint Payne DBA BIG C's Enterprises, LLC; and

WHEREAS, Pride Amusements carnival dates will be *Wednesday, May 17th, 2023 thru Monday, May 29th, 2023*; and *Wednesday, October 4th, 2023 thru Sunday, October 15th, 2023*; and

WHEREAS, the carnival's hours of operation will be *Wednesday, May 17th, 2023 thru Monday, May 29th, 2023* from 5:00 p.m. – 10:00 p.m. Monday thru Thursday, 5:00 p.m. – 11:00 p.m. on Fridays, and Saturday thru Sunday, from 12:00 p.m. to 11:00 p.m.; and *Wednesday, October 4th, 2023 thru Sunday, October 15th, 2023*, from 5:00 p.m. – 10:00 p.m. Monday thru Thursday, 5:00 p.m. – 11:00 p.m. on Fridays, and Saturday thru Sunday, from 12:00 p.m. to 11:00 p.m.; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Rick Culver, Executive Director with the Rodeo of the Ozarks and Clint Payne DBA BIG C's Enterprises, LLC is hereby authorized to conduct two carnival entertainment events in Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, *Wednesday, May 17th, 2023 thru Monday, May 29th, 2023*, and *Wednesday, October 4th, 2023 thru Sunday, October 15th, 2023* with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

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

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

**CITY OF SPRINGDALE
APPLICATION FOR CARNIVAL/CIRCUS PERMITS**

DATE OF APPLICATION: March 7, 2023

EVENT SPONSOR:

BUSINESS NAME / OWNER: Rodeo of the Ozarks for Clint Payne DBA BIG C's ENTERPRISES, LLC

BUSINESS ADDRESS: PO Box 86 Doniphan, MO 63935

BUSINESS PHONE: 479-756-0464

EMERGENCY PHONE: 479-790-7425 Rick Culver

LOCATION OF EVENT: Parsons Stadium 1423 E Emma Ave Springdale, AR 72765

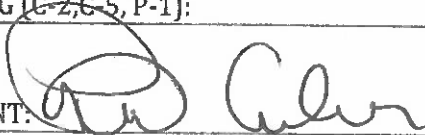
DATES OF EVENT (7 DAY MAXIMUM): Wed May 17th - Mon May 29th, 2023

HOURS OF OPERATION (LIMITED TO 10:00 A.M. TO MIDNIGHT): weekdays 5pm-10pm, Fridays till 11PM Sat-Sun 12pm-11Pm

ARKANSAS SALES & USE TAX NUMBER: 00190912-SLS

VERIFICATION OF ZONING (C-2, C-5, P-1):

SIGNATURE OF APPLICANT:



DATE:

3/14/23

OFFICE USE ONLY

\$100 APPLICATION FEE:

☐

PROOF OF \$1 MILLION PUBLIC LIABILITY INSURANCE (NON-PROFITS EXEMPT):

☐

COPY OF WRITTEN PERMISSION FROM PROPERTY OWNER:

☐

TO BE COMPLETED AFTER CITY COUNCIL APPROVAL

FIRE MARSHAL'S SIGNATURE (479-751-4510):

BUILDING OFFICIAL'S SIGNATURE (479-750-8154):



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/02/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Windham Insurance Agency, LLC P.O Box 131517 Houston TX 77219-		CONTACT NAME: Madge Blurton PHONE (A/C, No, Ext): (832)771-4366 FAX (A/C, No): (000)000-0000 E-MAIL: madge@windhaminsuranceagency.com ADDRESS:		
INSURED Big C's Enterprises,, LLC dba Fun Time Shows P O Box 86 Doniphan MO 63935-		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A: Everest National Insurance Co.		10120
		INSURER B:		
		INSURER C:		
		INSURER D:		
		INSURER E:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:		SI8ML01723231	03/02/2023	03/02/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☐ UMBRELLA LIAB ☒ EXCESS LIAB ☐ DED ☐ RETENTION S ☐ OCCUR ☐ CLAIMS-MADE		SI8EX01825231	03/02/2023	03/02/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y ☒ N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below					PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

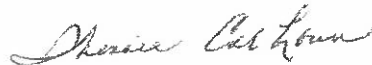
The following are additional insured with respects to operations of the named insured:
Springdale Benevolent Foundation and Parson Stadium

Location: Parson Stadium, 1423 E Emma, springdale AR

CERTIFICATE HOLDER

CANCELLATION

AI 000971

Springdale Benevolent Foundation Attn: Rick Culver 1423 East Emma Springdale AR 72765-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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**CITY OF SPRINGDALE
APPLICATION FOR CARNIVAL/CIRCUS PERMITS**

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EVENT SPONSOR:

BUSINESS NAME / OWNER: Rodeo of the Ozarks for Clint Payne DBA BIG C's ENTERPRISES, LLC

BUSINESS ADDRESS: PO Box 86 Doniphan, MO 63935

BUSINESS PHONE: 479-756-0464

EMERGENCY PHONE: 479-790-7425 Rick Culver

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DATES OF EVENT (7 DAY MAXIMUM): Wed October 4th- Sunday Oct 15th, 2023

HOURS OF OPERATION (LIMITED TO 10:00 A.M. TO MIDNIGHT): weekdays 5pm-10pm, Fridays till 11PM Sat-Sun 12pm-11Pm

ARKANSAS SALES & USE TAX NUMBER: 00190912-SLS

VERIFICATION OF ZONING (C-2, C-5, P-1):

SIGNATURE OF APPLICANT: 

DATE: 3/14/23

OFFICE USE ONLY

\$100 APPLICATION FEE:

PROOF OF \$1 MILLION PUBLIC LIABILITY INSURANCE (NON-PROFITS EXEMPT):

COPY OF WRITTEN PERMISSION FROM PROPERTY OWNER:

TO BE COMPLETED AFTER CITY COUNCIL APPROVAL

FIRE MARSHAL'S SIGNATURE (479-751-4510):

BUILDING OFFICIAL'S SIGNATURE (479-750-8154):



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/02/2023

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	PHONE (A/C No., Ext.): (832)771-4366	E-MAIL ADDRESS: madge@windhaminsuranceagency.com	
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	INSURER A: Everest National Insurance Co.		10120
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COVERAGES

CERTIFICATE NUMBER:

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	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☐ UMBRELLA LIAB ☒ EXCESS LIAB ☐ DED ☐ RETENTION \$	☒ OCCUR ☐ CLAIMS-MADE	SI8EX01825231	03/02/2023	03/02/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y/N ☐ N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The following are additional insured with respects to operations of the named insured:
Springdale Benevolent Foundation and Parson Stadium

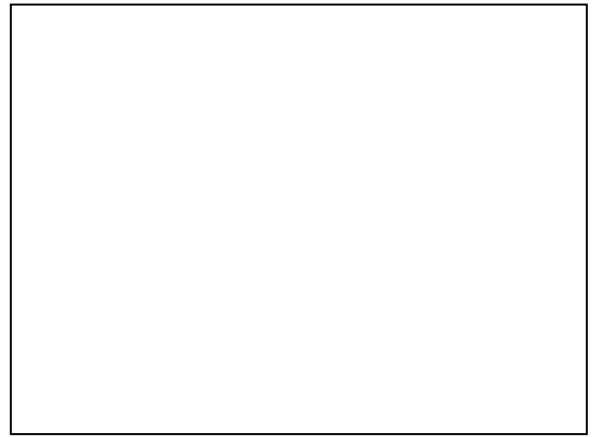
Location: Parson Stadium, 1423 E Emma, springdale AR

CERTIFICATE HOLDER

CANCELLATION

AI 000971

Springdale Benevolent Foundation Attn: Rick Culver 1423 East Emma Springdale AR 72765-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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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 (R23-08) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) 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 March 7, 2023 for hearing the matter of a petition of Charlotte, Inc. (R23-08) requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: West of S. 48th Street, north of W. Don Tyson Parkway and east of exit 70 on I-49.

Legal Description: Part of the Southwest Quarter of the Southeast Quarter and part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 17 North, Range 30 West, Washington County, Arkansas being more particularly described as follows:

Commencing at an existing right of way marker marking the Southeast Corner of the Southeast Quarter of the Southwest Quarter. Thence along the East line of said Forty, North 02 degrees 19 minutes 31 seconds East, 209.19 feet to an existing right of way marker on the Easterly right of way line of Interstate 49 and the Point of Beginning. Thence leaving said East line and along said right of way line the following bearings and distances: North 74 degrees 49 minutes 26 seconds West, 26.61 feet to an existing right of way marker. North 01 degrees 15 minutes 09 seconds East, 230.57 feet to an existing right of way marker.

North 15 degrees 19 minutes 49 seconds West, 131.39 feet to an existing right of way marker. Thence leaving said right of way line,

South 86 degrees 58 minutes 19 seconds East, 238.51 feet to a set rebar with cap on the West right of way line of South 48th Street. Thence along said right of way line, South 14 degrees 04 minutes 13 seconds East, 324.51 feet to an existing right of way marker at the intersection of the West right of way line of South 48th Street and the Easterly right of way line of Interstate 49. Thence along the Easterly right of way line of said Interstate 49 the following bearings and distances: South 13 degrees 59 minutes 03 seconds West, 79.87 feet to an existing right of way marker. North 85 degrees 08 minutes 25 seconds West, 135.09 feet to an existing right of way marker. North 74 degrees 49 minutes 26 seconds West, 111.68 feet to the Point of Beginning, containing 2.23 acres and subject to any Easements of Record.

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

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

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

From Agricultural District (A-1) to General Commercial District (C-2).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 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: 02/24/2023

Public Hearing Sign Posted By Planning Department Staff

S Public Hearing Sign Location



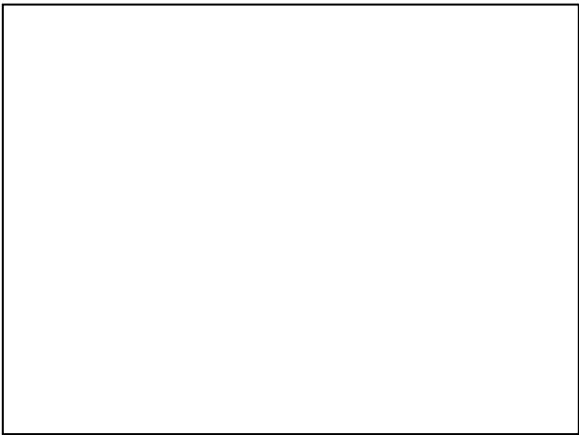
Planning Commission Meeting
March 7, 2023

00.00 0.01 0.02 0.03 0.04 Miles



PROJECT: R23-08
APPLICANT: Charlotte, Inc.
REQUEST: Rezone from A-1 to C-2





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 (R23-09) CERTAIN LANDS FROM GENERAL INDUSTRIAL DISTRICT (I-2) TO GENERAL COMMERCIAL DISTRICT (C-2) 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 March 7, 2023 for hearing the matter of a petition of Maria Yanez (R23-09) requesting that the following described tract of real estate to be zoned from General Industrial District (I-2) to General Commercial District (C-2).

Layman's Description: 2204 S. Turner Street

Legal Description:
PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT PER PLAT BOOK DR1, PAGE 115; THENCE N02° 20' 13" E 353.19 FEET TO THE CENTERLINE OF TURNER STREET, BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID CENTERLINE N87° 35' 55" W 251.32 FEET TO A FOUND 5/8" REBAR; THENCE N02° 16' 38" E 173.89 FEET TO A FOUND 5/8" REBAR; THENCE S87° 35' 55" 251.50 FEET TO THE CENTERLINE OF TURNER STREET; THENCE ALONG SAID CENTERLINE S02° 20' 13" W 173.89 FEET TO THE POINT OF BEGINNING, CONTAINING 1.004 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY 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 General Industrial District (I-2) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From General Industrial District (I-2) to General Commercial District (C-2).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

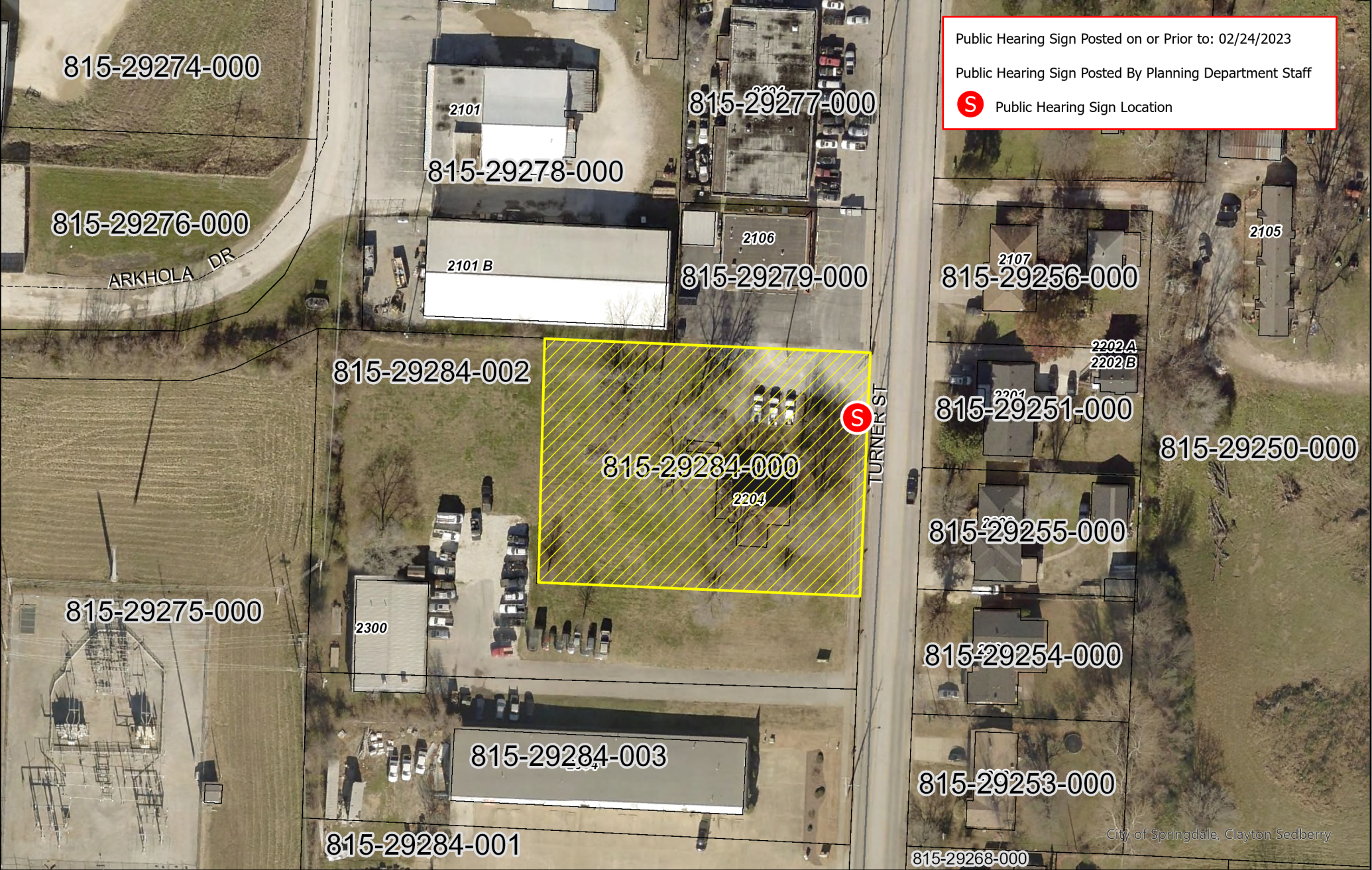
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Public Hearing Sign Posted on or Prior to: 02/24/2023
Public Hearing Sign Posted By Planning Department Staff
 Public Hearing Sign Location



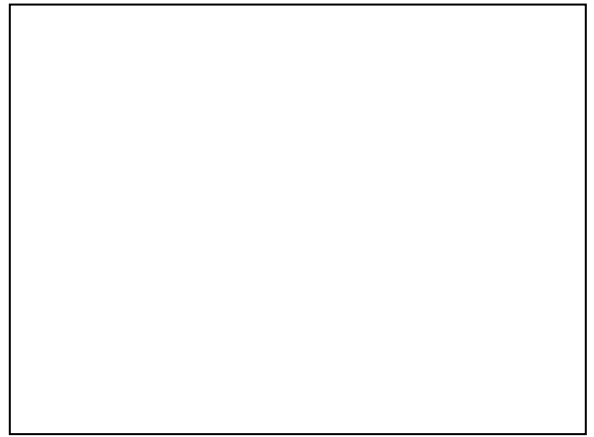
Planning Commission Meeting
March 7, 2023

0 00.01 0.01 0.02 0.03 Miles



PROJECT: R23-09
APPLICANT: Maria Guadalupe Rios Yanez
REQUEST: Rezone from I-1 to C-2





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 (R23-10) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of March 7, 2023 for hearing the matter of a petition of Betty Lott (R23-10) requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low Density Single Family Residential District (SF-2).

Layman's Description: West of Old Wire Road & S. of Bobwhite Avenue

Legal Description: PARCEL #21-00005-010 SURVEY DESCRIPTION:
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET #4 REBAR ON MARKING THE NORTHWEST CORNER OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$ ALSO BEING ON THE SOUTH LINE OF QUAIL MEADOWS SUBDIVISION AND RUNNING THENCE ALONG THE NORTH LINE OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE SOUTH LINE OF QUAIL MEADOWS SUBDIVISION S89°00'29"E 251.34 FEET TO A SET #4 REBAR AT THE INTERSECTION OF SAID NORTH LINE OF NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE SOUTH LINE OF QUAIL MEADOWS SUBDIVISION AND THE WEST RIGHT-OF-WAY OF OLD WIRE ROAD, THENCE LEAVING THE NORTH LINE OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE SOUTH LINE OF QUAIL MEADOWS SUBDIVISION AND ALONG SAID RIGHT-OF-WAY S08°36'31"E 376.85 FEET TO AN EXISTING RIGHT-OF-WAY MONUMENT, THENCE LEAVING SAID RIGHT-OF-WAY N89°46'27"W 307.67 FEET TO AN EXISTING #4 REBAR, THENCE N00°00'22"W 375.74 FEET TO THE POINT OF BEGINNING. CONTAINING 2.40 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON-RECORDED

EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.
THE ABOVE DESCRIPTION BEING THE SAME LAND AS DESCRIBED IN BENEFICIARY DEED FILED IN BOOK L2021 AT PAGE 88608.

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

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

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

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

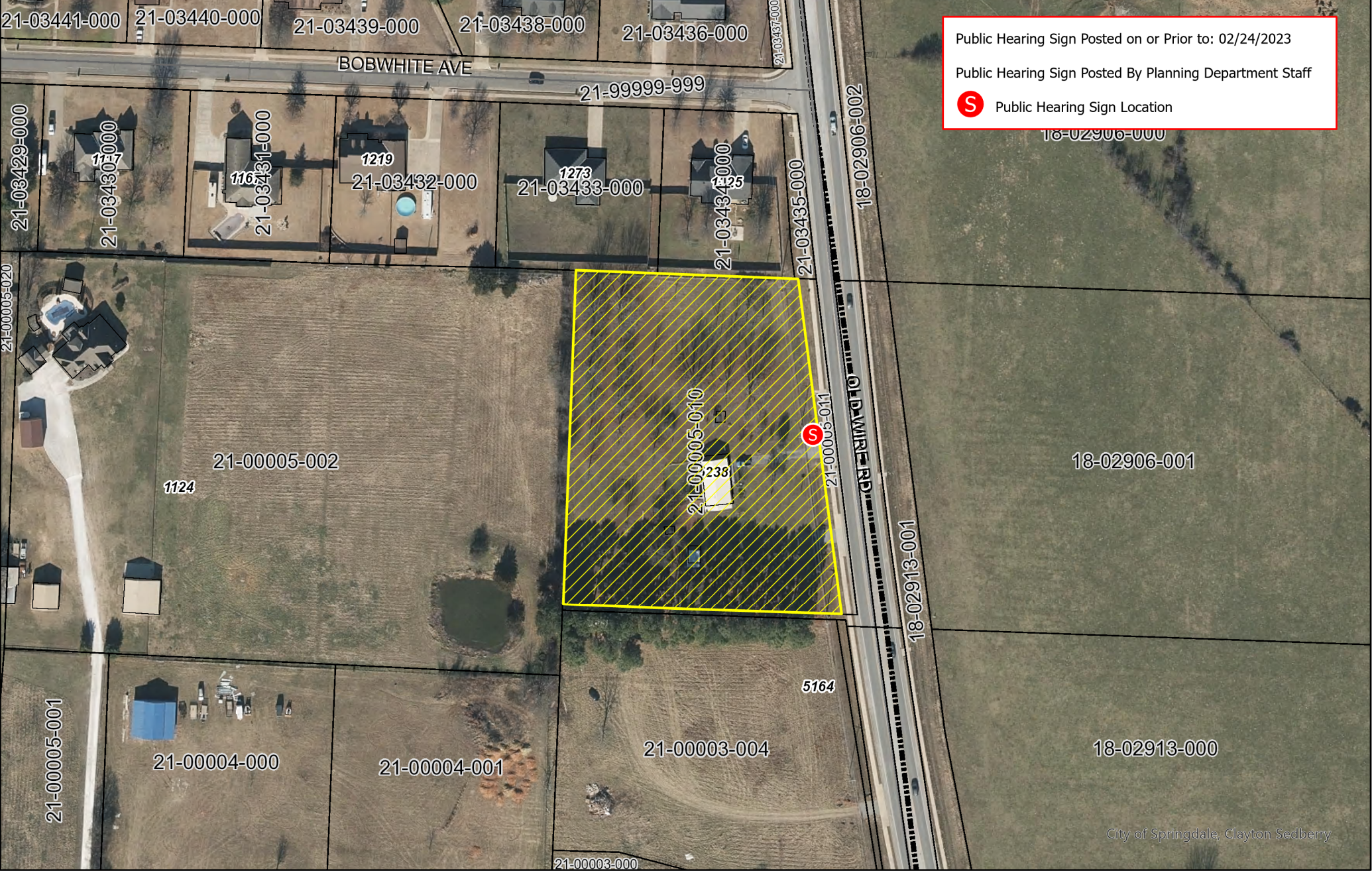
Doug Sprouse, Mayor

ATTEST:

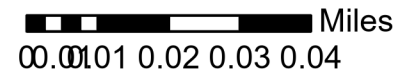
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

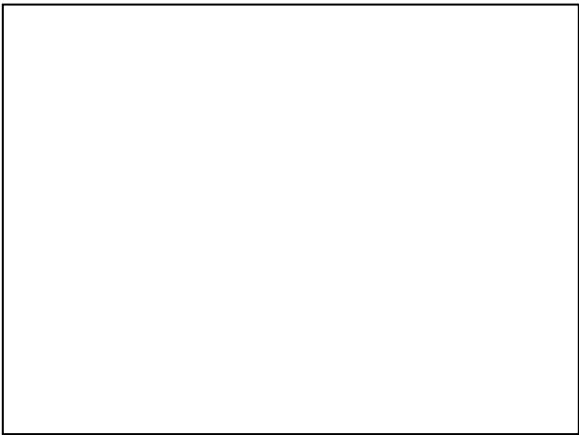


Planning Commission Meeting
March 7, 2023



PROJECT: R23-10
APPLICANT: Betty Louise Lott
REQUEST: Rezone from A-1 to SF-1





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 (R23-12) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) 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 March 7, 2023 for hearing the matter of a petition of Helen Garrison (R23-12) requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5).

Layman's Description: 4500 W. Seaton Drive

Legal Description: A PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT 755.77 FEET NORTH OF THE SOUTHEAST CORNER OF SAID 40-ACRE TRACT, THENCE NORTH 88° 35' 52" WEST 464.93 FEET, THENCE NORTH 234.23 FEET, THENCE SOUTH 88° 35' 52" EAST 464.93 FEET, THENCE SOUTH 234.23 FEET TO THE POINT OF BEGINNING, CONTAINING 2.5 ACRES, MORE OR LESS. ALSO KNOW AS 3900 SEATON DRIVE, SPRINGDALE, ARKANSAS.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) 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 Agricultural District (A-1) 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

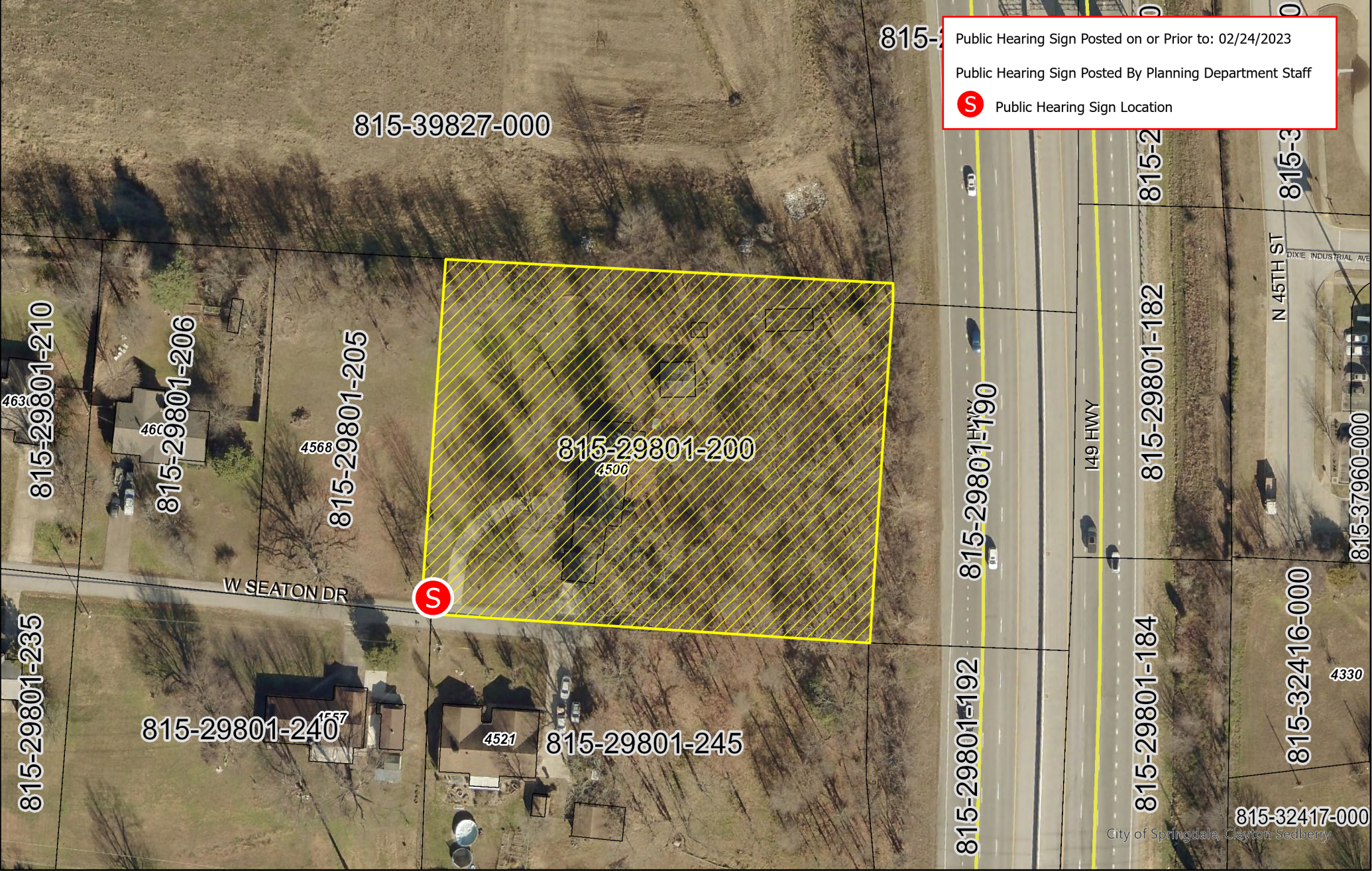
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

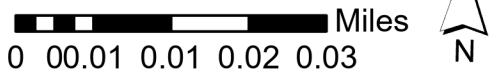
Ernest Cate, City Attorney

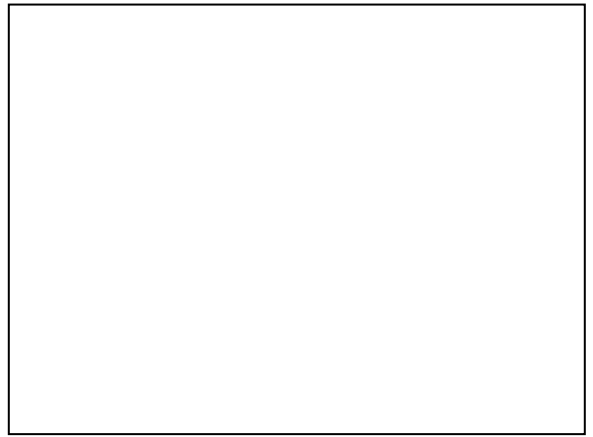
Public Hearing Sign Posted on or Prior to: 02/24/2023
Public Hearing Sign Posted By Planning Department Staff
 Public Hearing Sign Location



Planning Commission Meeting
March 7, 2023

PROJECT: R23-12
APPLICANT: Helen Garrison
REQUEST: Rezone from A-1 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 (R23-13) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LARGE PRODUCT RETAIL SALES DISTRICT (C-6) AND GENERAL INDUSTRIAL DISTRICT (I-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of March 7, 2023 for hearing the matter of a petition of Cornelia Williamson Revocable Trust (R23-13) requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Large Product Retail Sales District (C-6) and General Industrial District (I-2).

Layman's Description: East of N. Old Missouri Road

Legal Description: PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND IRON PIN WITH CAP "BUESCHER RLS 1181"; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°30'35"W A DISTANCE OF 547.53 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE CONTINUING ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE NW 1/4, N87°30'35"W A DISTANCE OF

870.62 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE LEAVING SAID SOUTH LINE, N02°30'32"E A DISTANCE OF 189.32 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 265 AND A FOUND AHTD MONUMENT; THENCE ALONG SAID RIGHT-OF-WAY LINE, N42°28'06"E A DISTANCE OF 150.69 FEET TO A FOUND AHTD MONUMENT; THENCE N42°28'06"E A DISTANCE OF 93.40 FEET TO A FOUND AHTD MONUMENT; THENCE N37°26'50"E A DISTANCE OF 209.46 FEET; THENCE N28°31'10"E A DISTANCE OF 201.58 FEET TO A FOUND AHTD MONUMENT; THENCE LEAVING SAID RIGHT-OF-WAY LINE, S87°52'20"E A DISTANCE OF 304.88 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S02°07'56"W A DISTANCE OF 394.67 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S87°52'04"E A DISTANCE OF 195.82 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S02°07'56"W A DISTANCE OF 337.66 FEET TO THE **POINT OF BEGINNING**, CONTAINING 10.25 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

AND ALSO

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND IRON PIN WITH CAP "BUESCHER RLS 1181"; THENCE ALONG THE SOUTH LINES OF SAID NE 1/4 OF THE NW 1/4 AND SAID NW 1/4 OF THE NW 1/4, N87°30'35"W A DISTANCE OF 1418.15 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE LEAVING SAID SOUTH LINE, N02°30'32"E A DISTANCE OF 446.99 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A FOUND AHTD MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 265; THENCE N02°30'32"E A DISTANCE OF 279.87 FEET TO A FOUND 1/2 INCH PIPE; THENCE S87°52'20"E A DISTANCE OF 233.77 FEET A FOUND AHTD MONUMENT ON THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 265; THENCE ALONG SAID RIGHT-OF-WAY LINE, S31°24'27"W A DISTANCE OF 128.88 FEET TO A FOUND AHTD MONUMENT; THENCE S47°59'49"W A DISTANCE OF 240.48 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.85 ACRES (37,135 SQUARE FEET), MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT. TOTAL ACRES CONTAINED WITHIN PARCEL NO. 21-00020-064 IS 11.10 ACRES.

REZONING DESCRIPTION – NORTH TRACT OF PARCEL NO. 21-00020-064 (to be rezoned C-6):

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND IRON PIN WITH CAP “BUESCHER RLS 1181”; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°30’35”W A DISTANCE OF 297.08 FEET TO A FOUND IRON PIN WITH CAP “BATES PLS 1642”; THENCE LEAVING SAID SOUTH LINE, N00°06’05”E A DISTANCE OF 356.31 FEET; THENCE N87°30’35”W A DISTANCE OF 433.65 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING N87°30’35”W A DISTANCE OF 532.76 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 265; THENCE ALONG SAID RIGHT-OF-WAY LINE, N42°28’06”E A DISTANCE OF 26.57 FEET TO A FOUND AHTD MONUMENT; THENCE N37°26’50”E A DISTANCE OF 209.46 FEET; THENCE N28°31’10”E A DISTANCE OF 201.58 FEET TO A FOUND AHTD MONUMENT; THENCE LEAVING SAID RIGHT-OF-WAY LINE, S87°52’20”E A DISTANCE OF 304.88 FEET TO A SET 1/2 INCH REBAR WITH CAP “PS 1559”; THENCE S02°07’56”W A DISTANCE OF 375.10 FEET TO THE **POINT OF BEGINNING**, CONTAINING 3.50 ACRES, MORE OR LESS.

REZONING DESCRIPTION – SOUTH TRACT OF PARCEL NO. 21-00020-064 (to be rezoned I-2):

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND PART OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND IRON PIN WITH CAP “BUESCHER RLS 1181”; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°30’35”W A DISTANCE OF 547.53 FEET TO THE **POINT OF BEGINNING**, SAID

POINT BEING A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE CONTINUING ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE NW 1/4, N87°30'35"W A DISTANCE OF 870.62 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE LEAVING SAID SOUTH LINE, N02°30'32"E A DISTANCE OF 189.32 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 265 AND A FOUND AHTD MONUMENT; THENCE ALONG SAID RIGHT-OF-WAY LINE, N42°28'06"E A DISTANCE OF 150.69 FEET TO A FOUND AHTD MONUMENT; THENCE CONTINUING N42°28'06"E A DISTANCE OF 66.83 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, S87°30'35"E A DISTANCE OF 532.76 FEET; THENCE S02°07'56"W A DISTANCE OF 19.57 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S87°52'04"E A DISTANCE OF 195.82 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S02°07'56"W A DISTANCE OF 337.66 FEET TO THE **POINT OF BEGINNING**, CONTAINING 6.75 ACRES, MORE OR LESS.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Large Product Retail Sales District (C-6) **and** General Industrial District (I-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Agricultural District (A-1) to Large Product Retail Sales District (C-6) and General Industrial District (I-2).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

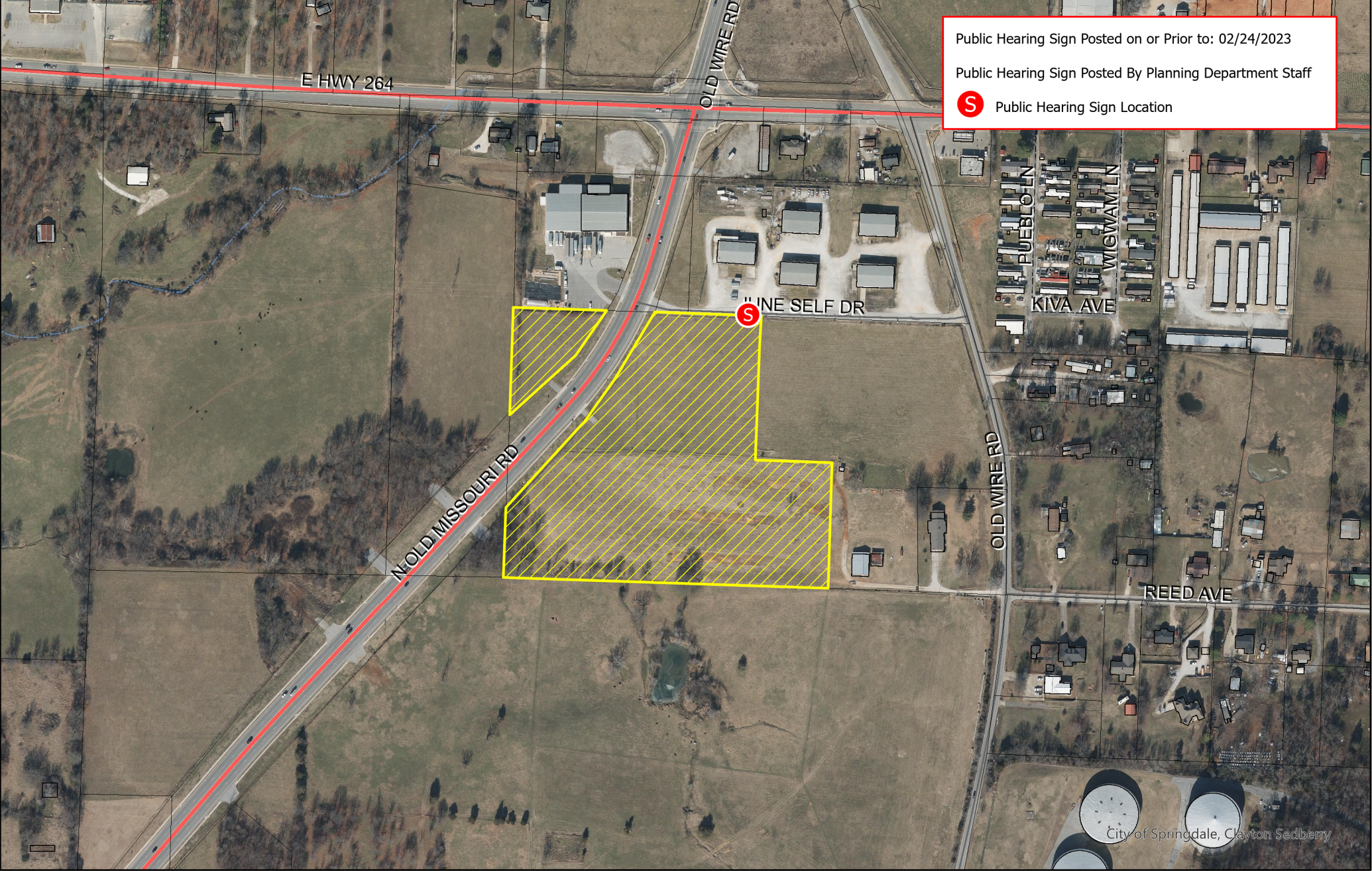
Ernest Cate, City Attorney

Public Hearing Sign Posted on or Prior to: 02/24/2023

Public Hearing Sign Posted By Planning Department Staff



Public Hearing Sign Location



Planning Commission Meeting
March 7, 2023

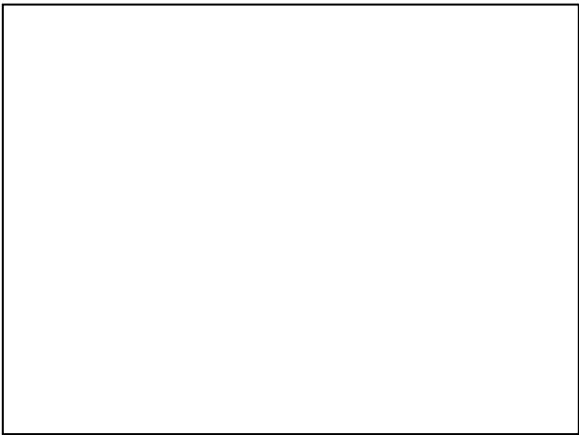
0.00 0.01 0.03 0.05 0.08 0.1 Miles



PROJECT: R23-13
APPLICANT: Cornelia Williamson Trust
REQUEST: Rezone from A-1 to C-6 and I-2



SPRINGDALE
Page 24
WE'RE MAKING IT HAPPEN



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 (R23-14) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LARGE PRODUCT RETAILS SALES DISTRICT (C-6) AND GENERAL INDUSTRIAL DISTRICT (I-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of March 7, 2023 for hearing the matter of a petition of Arlis D. Williamson Revocable Trust (R23-14) requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Large Product Retail Sales District (C-6) and General Industrial District (I-2).

Layman's Description: West of Old Wire Road and south of June Self Drive

Legal Description: PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND IRON PIN WITH CAP "BUESCHER RLS 1181"; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°30'35"W A DISTANCE OF 297.08 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A FOUND IRON PIN WITH CAP "BATES PLS 1642"; THENCE CONTINUING ALONG SAID SOUTH LINE, N87°30'35"W A DISTANCE OF 250.45 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE LEAVING SAID SOUTH LINE, N02°07'56"E A

DISTANCE OF 337.66 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE N87°52'04"W A DISTANCE OF 195.82 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE N02°07'56"E A DISTANCE OF 394.67 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S87°52'20"E A DISTANCE OF 565.88 FEET TO A POINT IN OLD WIRE ROAD; THENCE ALONG SAID OLD WIRE ROAD, S15°42'21"E A DISTANCE OF 207.86 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 781.54 FEET, AN ARC LENGTH OF 223.55 FEET AND A CHORD BEARING AND DISTANCE OF S10°33'19"E – 222.79 FEET; THENCE S00°37'02"E A DISTANCE OF 33.39 FEET; THENCE LEAVING SAID OLD WIRE ROAD, N87°56'40"W A DISTANCE OF 243.92 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S00°06'05"W A DISTANCE OF 285.23 FEET TO THE **POINT OF BEGINNING**, CONTAINING 7.89 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY 265 (OLD WIRE ROAD) ON THE EAST SIDE THEREOF AND ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

REZONING DESCRIPTION – NORTH TRACT OF PARCEL NO. 21-00020-074 (to be rezoned C-6):

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND IRON PIN WITH CAP "BUESCHER RLS 1181"; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°30'35"W A DISTANCE OF 297.08 FEET TO A FOUND IRON PIN WITH CAP "BATES PLS 1642"; THENCE LEAVING SAID SOUTH LINE, N00°06'05"E A DISTANCE OF 285.23 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE CONTINUING N00°06'05"E A DISTANCE OF 71.08 FEET; THENCE N87°30'35"W A DISTANCE OF 433.65 FEET; THENCE N02°07'56"E A DISTANCE OF 375.10 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE S87°52'20"E A DISTANCE OF 565.88 FEET TO A POINT IN OLD WIRE ROAD; THENCE ALONG SAID OLD WIRE ROAD, S15°42'21"E A DISTANCE OF 207.86 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 781.54 FEET,

AN ARC LENGTH OF 223.55 FEET AND A CHORD BEARING AND DISTANCE OF S10°33'19"E – 222.79 FEET; THENCE S00°37'02"E A DISTANCE OF 33.39 FEET; THENCE LEAVING SAID OLD WIRE ROAD, N87°56'40"W A DISTANCE OF 243.92 FEET TO THE **POINT OF BEGINNING**, CONTAINING 5.81 ACRES, MORE OR LESS.

REZONING DESCRIPTION – SOUTH TRACT OF PARCEL NO. 21-00020-074 (to be rezoned I-2):

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND IRON PIN WITH CAP "BUESCHER RLS 1181"; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°30'35"W A DISTANCE OF 297.08 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A FOUND IRON PIN WITH CAP "BATES PLS 1642"; THENCE CONTINUING ALONG SAID SOUTH LINE, N87°30'35"W A DISTANCE OF 250.45 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE LEAVING SAID SOUTH LINE, N02°07'56"E A DISTANCE OF 337.66 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE N87°52'04"W A DISTANCE OF 195.82 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE N02°07'56"E A DISTANCE OF 19.57 FEET; THENCE S87°30'35"E A DISTANCE OF 433.65 FEET; THENCE S00°06'05"W A DISTANCE OF 356.31 FEET TO THE **POINT OF BEGINNING**, CONTAINING 2.08 ACRES, MORE OR LESS.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Large Product Retail Sales District (C-6) and General Industrial District (I-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning

Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Large Product Retail Sales District (C-6) and General Industrial District (I-2).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

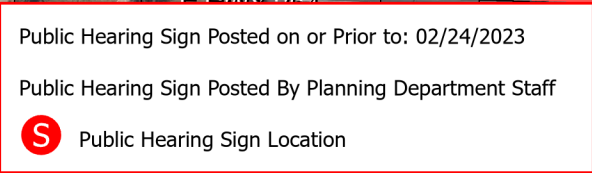
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT FOR THE RENOVATION OF THE MIRACLE
LEAGUE FACILITIES AT TYSON PARK**

WHEREAS, the City of Springdale desires to make renovations to the Miracle League facilities at Tyson Park (“the Project”);

WHEREAS, the competitive bidding process provided by Arkansas law was utilized by the Community Development Block Grant Program to obtain bids for the Project; and

WHEREAS, the lowest responsible bidder for the Project was ForeverLawn Tulsa, in the amount of \$273,617.38, and is recommended for approval by the City.

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

Section 1. The Mayor and City Clerk/Treasurer are hereby authorized to execute a contract with ForeverLawn Tulsa, for the renovation of the Miracle League facilities at Tyson Park, to be paid for by Community Development Block Grant Program funds in the amount of \$273,617.38.

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

PASSED AND APPROVED this _____ day of _____, 2023.

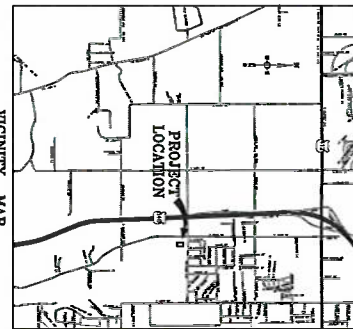
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney



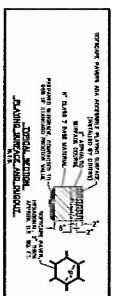
VICINITY MAP

LEGEND

—	EXISTING GRADE
- - -	PROPOSED GRADE
—	EXISTING ELEC. COOP. CASING
- - -	PROPOSED ELEC. COOP. CASING
—	EXISTING 12\"/>

NOTES

1. NO EXISTING UTILITIES ARE SHOWN TO CROSS PROPOSED FIELD #1 OR FIELD #2.
2. ALL EXISTING UTILITIES ARE TO BE DELETED.
3. ALL EXISTING UTILITIES ARE TO BE DELETED.
4. ALL EXISTING UTILITIES ARE TO BE DELETED.



GRADING PLAN **MIRACLE LEAGUE FIELD AT TYSON PARK** **SPRINGDALE, ARKANSAS**

ENGINEERING SERVICES
 INCORPORATED
 1207 SOUTH OLD MISSOURI RD.
 SPRINGDALE, ARKANSAS 72764

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE PROVISION OF
GOVERNMENT SERVICES FOR THE CITIZENS OF
SPRINGDALE, ARKANSAS FROM THE AMERICAN
RECOVER PLAN ACT (ARPA) FUNDS

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID- 19 global pandemic;

WHEREAS, the City of Springdale, Arkansas has experienced a reduction in revenues as a result of the COVID-19 global pandemic;

WHEREAS, the City of Springdale, Arkansas continued to provide essential services to its residents throughout the COVID-19 pandemic;

WHEREAS, the City of Springdale, Arkansas will continue to provide essential services to its residents; and

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the \$11,854,861 American Rescue Plan Act (ARPA) funds designated as lost revenue toward the use of the Public Facilities Board regularly funded maintenance & improvements at the Arvest Ballpark

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS authorizes the obligation of \$450,411.00 to the City of Springdale Public Facilities Board, for the purpose of regularly funded maintenance and improvements of the Arvest Ballpark in accordance with eligible use of funds as defined by ARPA.

PASSED AND APPROVED this _____ day of _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Memorandum of Eligibility 018, City of Springdale

February 9, 2023

Purpose

The purpose of the memo is to define the conditions under which the obligation and expenditure of federal funds awarded to the City of Springdale, AR (the City) are eligible for use under the terms and conditions of the Local Fiscal Recovery Funds (LFRF) established by the American Rescue Plan Act (ARPA).

Background

The SLFRF were established in Section 9901 of ARPA (Public Law No. 117-2) signed into law on March 11, 2021. The SLFRF is administered by the United States Department of Treasury (Treasury) to provide metropolitan cities, non-entitlement units of local government, and counties with funds to mitigate the effects from the COVID-19 public health emergency. The City has received an SLFRF award totaling \$21,351,596 to be used to aid in the recovery of the public health and economic impacts of the COVID-19 pandemic on the City and its residents.

Intended Uses of Funds

The City owns the land and facility for the Arvest Ballpark, a baseball stadium in the City and home to the Northwest Arkansas Naturals. The stadium is operated by the Naturals through the team's owner Rich Entertainment Group. The City and the Naturals have an agreement whereby the Naturals pay a use fee for the stadium. The City allocates monies collected from the use fee to a fund designated for Public Facilities, which provides for the repair, maintenance, and improvements of the ballpark facilities and grounds.

During 2020 and 2021, the Naturals experienced a reduction in revenue due to the COVID pandemic, thus the City collected less use fees and Public Facilities funding for the facilities at Arvest Ballpark was reduced. Therefore, the City intends to obligate and expend a portion of their allocated SLFRF to the provision of repairs, maintenance, and improvement of the ballpark facilities and grounds. The City intends to obligate a total of \$450,411 in SLFRF pursuant to the Revenue Loss eligible use for the provision of government services.

Statute and Guidance

Eligible Use Category: Revenue Loss

Section 9901 of ARPA provides the statutory basis for the SLFRF by creating an amendment to Title VI of the Social Security Act (42 U.S.C. 801 et seq.) that added "Sec. 603. Coronavirus Local Fiscal Recovery Fund." Sec. 603(c)(1)(c) provides that cities can use LFRF awards to cover costs incurred by December 31, 2024, for certain eligible uses, including Revenue Loss:



for the provision of government services to the extent of the reduction in revenue of such [recipient] due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the [recipient] prior to the emergency

On January 27, 2022, Treasury issued in the Federal Register the Coronavirus State and Local Fiscal Recovery Funds Final Rule (31 CFR Part 35) (the Final Rule). The Final Rule encompasses the administrative rules for the SLFRF and includes several provisions for the Revenue Loss eligible use category. The Final Rule states:

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act provide that SLFRF funds may be used “for the provision of government services to the extent of the reduction in revenue of such...government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the...government prior to the emergency.” This provision allows recipients experiencing budget shortfalls to use payments from the SLFRF funds to avoid cuts to government services and, thus, enables state, local, and Tribal governments to continue to provide valuable services and ensures that fiscal austerity measures do not hamper the broader economic recovery.

General Revenue

The Final Rule identifies general revenue:

money that is received from tax revenue, current charges, and miscellaneous general revenue, excluding refunds and other correcting transactions and proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and intergovernmental transfers from the Federal Government, including transfers made pursuant to section 9901 of the American Rescue Plan Act. General revenue also includes revenue from liquor stores that are owned and operated by state and local governments. General revenue does not include revenues from utilities, except recipients may choose to include revenue from utilities that are part of their own government as general revenue provided the recipient does so consistently over the remainder of the period of performance. Revenue from Tribal business enterprises must be included in general revenue.

Calculation of Loss

The Final Rule states, “Treasury is largely maintaining the revenue loss formulas as set forth in the Interim Final Rule (issues by Treasury on May 27, 2021). The Interim Final Rule formula approach to calculating loss revenue due to COVID-19:

In general, recipients will compute the extent of the reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have been expected to occur in the absence of the pandemic. This approach measures losses in revenue relative to the most recent fiscal year prior to the COVID–19 public health emergency by using the most recent pre-pandemic fiscal year as the starting point for estimates of revenue growth absent the pandemic. In other words, the counterfactual trend starts with the last full fiscal year prior to the COVID–19 public health emergency and then assumes growth at a constant rate in the subsequent years.

Furthermore:

to minimize the administrative burden on recipients and taking into consideration the devastating effects of the COVID–19 public health emergency, any diminution in actual



revenues relative to the counterfactual pre-pandemic trend would be presumed to have been due to the COVID–19 public health emergency.

An estimate for revenue growth was also provided in the Interim Final Rule (note that the Final Rule increased the growth adjustment factor from 4.1 percent to 5.2 percent):

For purposes of measuring revenue growth in the counterfactual trend, recipients may use a growth adjustment of either 4.1 percent per year or the recipient’s average annual revenue growth over the three full fiscal years prior to the COVID–19 public health emergency, whichever is higher.

Finally, the Interim Final Rule requires recipients to measure revenue loss at certain points in time:

Recipients should calculate the extent of the reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023.

In addition, the provisions of the Interim Final Rule, the Final Rule also provides the options for recipients to utilize a standard allowance of ten million dollars for the term of SLFRF in lieu of the calculating actual annual revenue loss.

If a recipient elects the calculation of revenue loss approach, multiple steps are involved:

1. Identify the revenues collected in the most recent fiscal year that ended prior to January 27, 2020 to determine the *base year revenue*.
2. Calculate the average annual growth rate of the recipient over the three full fiscal years prior to January 27, 2020 and take the greater of the calculated growth rate or the standard growth rate (5.2 percent) as the *growth adjustment*.
3. Determine *counterfactual revenue* using the following formula:

$$\text{BYR} * [(1 + \text{GA})^{(n/12)}]$$

Where

BYR = *base year revenue*

GA = *growth adjustment*

n = the number of months elapsed since the end of the base year and the calculation date

4. Determine the *actual revenue* collected for the twelve months that end on the calculation date.
5. If counterfactual revenue is greater than actual revenue, the difference is the *revenue loss* for the year, otherwise the revenue loss is zero.

Use of Funds: Government Services

The Final Rule permits SLFRF funds to be used for eligible costs incurred beginning March 3, 2021 which are obligated no later than December 31, 2024 and expended no later than December 31, 2026.

The Interim Final Rule recognizes there is a “broad latitude” to use SLFRF for the provision of government services, and includes some examples:

Government services include, but are not limited to, maintenance or pay-go funding building of infrastructure, including roads; modernization of cybersecurity, including



hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

But the Interim Final Rule also excludes some expenditures (emphasis added):

*expenses associated with obligations under instruments evidencing financial indebtedness for borrowed money would not be considered the provision of government services, as these financing expenses **do not directly provide services or aid to citizens**. Specifically, government services would not include interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or fees or issuance costs associated with the issuance of new debt. For the same reasons, government services would not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding, except if the judgment or settlement required the provision of government services. That is, satisfaction of a settlement or judgment itself is not a government service, unless the settlement required the provision of government services. In addition, replenishing financial reserves (e.g., rainy day or other reserve funds) would not be considered provision of a government service, since such expenses do not directly relate to the provision of government services.*

Further, the Final Rule states:

Treasury continues to believe that the lists of activities that either are or are not providing government services are accurate but is clarifying here that, generally speaking, services provided by the recipient governments are “government services” under the interim final rule and final rule, unless Treasury has stated otherwise.

While provision of government services includes a “broad latitude” of expenditures, when assessing an expenditure not specifically enumerated in the Final Rule, recipients should assess whether the expenditure would *directly provide services or aid to citizens* in their state, local, or territory.

Other restrictions on the use of SLFRF are included in the Final Rule, including limitations on using SLFRF for matching requirements and the application of provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200) (the Uniform Guidance), including the cost principles and restrictions on general provision for selected items of cost.

Uniform Guidance Cost Principles

Uniform Guidance cost principles enumerate factors affecting allowability of costs:

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

- (a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.*
- (b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.*
- (c) Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.*



(d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.

(e) Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.

(f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.

(g) Be adequately documented.

(h) Cost must be incurred during the approved budget period.

Eligibility Assessment of City Use of Funds as Revenue Loss

General Revenue and Calculation of Loss

The City has a fiscal year end of December 31. The City has reviewed its financial records and identified general revenue for the three full fiscal years prior to January 27, 2020 as well as the for the twelve month periods ending December 31, 2020 and December 31, 2021. The base rate general revenue was calculated as \$85,854,822 and the actual general revenue is \$84,869,527 for 2020 and \$99,210,450 for 2021. At this time, the City has not calculated the 2022 revenue loss.

General Revenue Calculations						
	12/31/2016	12/31/2017	12/31/2018	12/31/2019	12/31/2020	12/31/2021
Actual Revenue	\$ 82,584,019	\$ 87,872,816	\$ 301,758,203	\$ 104,769,584	\$ 158,803,852	\$ 114,973,582
Intergovernmental Revenue From the Federal Government	3,141,635	2,818,484	4,838,251	1,860,243	4,812,641	12,826,411
Intergovernmental Revenue From the State from Federal Grants						
Issuance of Debt			196,885,646		50,730,000	
Sales of Investments						
Proceeds From Agency or Private Trust Transactions						
Refunds and Other Correcting Transactions						
Utility Revenue						
Social Insurance Trust Revenue						
Transfers in from other funds	11,149,592	10,239,032	18,940,566	16,054,519	18,391,684	2,936,721
Total Exclusions	14,291,227	13,057,516	220,664,463	17,914,762	73,934,325	15,763,132
General Revenue	\$ 68,292,792	\$ 74,815,300	\$ 81,093,740	\$ 86,854,822	\$ 84,869,527	\$ 99,210,450

The City has used the general revenue as calculated above to determine its average growth rate over the three full fiscal years proceeding January 27, 2020 as 8.3 percent.



Growth Rate Calculation		
	General Revenue	Growth
FY 2016	68,292,792	
FY 2017	74,815,300	9.6%
FY 2018	81,093,740	8.4%
FY 2019	86,854,822	7.1%
Average Growth Rate		8.3%
Standard Growth Rate		5.2%
Applied Growth Rate		8.3%

The City applied the growth rate of 8.3 percent to the base rate general revenue to calculate a 2020 counterfactual revenue of \$94,063,772 and a 2021 counterfactual revenue of \$101,871,065.

Counterfactual Revenue Calculation	
Base Rate General Revenue	\$ 86,854,822
Growth Rate	8.3%
2020 Counterfactual Revenue	94,063,772
2021 Counterfactual Revenue	101,871,065
Total Counterfactual Revenue	\$ 195,934,838

The City determined the counterfactual revenue for both 2020 and 2021 to be greater than the actual general revenue for those respective years, resulting in a total revenue loss of \$11,854,861.

Revenue Loss Calculation				
	Months Elapsed	Counterfactual Revenue	General Revenue	Revenue Loss
December 31, 2020	12	\$ 94,063,772	\$ 84,869,527	\$ 9,194,245
December 31, 2021	24	101,871,065	99,210,450	2,660,615
Total Revenue		<u>\$ 195,934,838</u>	<u>\$ 184,079,977</u>	<u>\$ 11,854,861</u>

The City has previously obligated a total of \$1,977,847.84 of Revenue Loss to other eligible expenditures.



Revenue Loss Use of Funds as of December 23, 2022	
Calculated Revenue Loss through December 31, 2021	\$ 11,854,860.55
Obligated Uses of Funds	
Provision of police department salaries and benefits	1,020,000.00
Provision of marked and outfitted police dept. vehicles	100,247.84
Provision of IT equipment	250,000.00
Provision of IT equipment	607,600.00
Total Use of Funds	<u>1,977,847.84</u>
Balance of Revenue Loss	<u><u>\$ 9,877,012.71</u></u>

Therefore, the City has determined there is sufficient Revenue Loss to allow for \$450,411 to replace the lost revenue from the Arvest Ballpark, and thereby, allow the Public Facilities Board to fulfill its responsibilities to maintain the land and facilities at the minor league baseball park.

Use of Revenue Loss

The cost incurred for replacing the City's lost revenue from Arvest Ballpark during the COVID-19 pandemic directly impacts the ability of the City of Springdale Public Facilities Board to meet its duty to maintain the ballpark facility. As maintenance of the ballpark land and facilities is a government service provided by the City of Springdale through its Public Facilities Board, the eligible use definitions pursuant to Treasury's Final Rule have been met.

The City has reviewed the proposed request to utilize SLFRF for the purpose of repair, maintenance, and improvement of the Arvest Ballpark and determined the cost meets the requirements for the allowability of costs as enumerated in Uniform Guidance, to wit:

- The repair, maintenance, and improvement of Arvest Ballpark is a necessary government service provided by the City.
- The costs conform to limitation or exclusions set forth in Uniform Guidance and in the statutory and administrative rules governing the SLFRF;
- The costs are consistent with the City's established policies and procedures;
- The costs will be treated as direct costs and any similar costs would have been and would be treated in the same manner;
- The costs have been estimated in accordance with generally accepted accounting principles (GAAP);
- The costs have not and will not be used to meet cost sharing or matching requirements for any other federally financed program in the current or prior period;
- The costs will be adequately documented; and
- The costs will be incurred during the approved period of performance for SLFRF.



Conclusion

An obligation and expenditure of SLFRF funds from the Revenue Loss incurred by the City to Public Facilities Board for the repair, maintenance, and improvement of Arvest Ballpark is likely to be allowable, reasonable, and allocable based on the provisions of ARPA, the Treasury Final Rule, and Uniform Guidance.

Robert Hogan, CFE
Disaster Recovery Services

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH EMERY SAPP & SONS, INC FOR THE DETENTION POND PROJECT AT SPRINGDALE AIRPORT

WHEREAS, The City of Springdale desires to construct a detention pond in the northwest corner of Springdale Airport property; and

WHEREAS, a contract was entered with Emery Sapp & Sons, Inc in May of 2021;

WHEREAS, the project was delayed by permitting through no fault of Emery Sapp & Sons, Inc or the City of Springdale:

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

Section 1. The Mayor and City Clerk are authorized to execute Change Order #1 for an additional \$319,450 due to permitting delays and to be paid out of the general fund.

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

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

City of Springdale Engineering

To: City Council
From: Ben Peters
cc: Mayor Doug Sprouse
Date: March 2, 2023
Re: Airport Detention Project

In May of 2021 sealed bids were opened for the construction of Springdale Municipal Airport Regional Detention. Eight bids were received ranging in price from \$793,820 to \$1,689,635. Emery Sapp & Sons, Inc (ESS, Inc.). submitted the low bid. A contract was signed on May 27th, 2021 to perform the construction. Before a Notice to Proceed was issued the United States Army Corp of Engineers determined that the project could not be permitted under a nationwide permit but would instead need an individual permit.

The individual permit was proffered in January 2023. The permit required the purchase of stream credits and wetland credits which have been purchased and submitted per Resolution 17-23.

ESS, Inc. was contacted to let them know that the project was getting close to beginning construction after a nearly two-year break. ESS, Inc. notified the City that they could not hold their prices from May of 2021. They submitted revised pricing on February 13, 2023 that increased the price from \$793,820 to \$1,113,270.

We are left with two choices to complete the project. The first option is to accept the revised price as a change order to the signed contract. The second option is to reject the revised price and rebid the project to get a competitive bid at market value for the proposed work.

There are circumstances that make this situation unique. The following items need to be considered:

The project will keep the floodway generally contained within the banks of Spring Creek (See Figure 4. Scenario 2 results)

The project will reduce the area of inundation and make more downtown land available for development.

The Engineers estimate at the time of bid was \$1,086,050.

The City received a grant from Arkansas Department of Emergency Management for \$300,000. The grant would expire, and would have to be reapplied for, if the project is rebid. It is possible but not guaranteed that another grant would be available.

The increase price submitted by Emery Sapp & Sons, Inc. is generally in line with the increases seen in construction bids for the last two years.

It is likely that Springdale would need to reimburse ESS, Inc. for the bid bond, payment and performance bonds that were obtained in compliance with the project award if the bid is rejected.

For the reasons stated above, it is my recommendation that the City execute a change order in the amount of \$319,450 to get the Springdale Municipal Airport Regional Detention project moving forward during the upcoming construction season.

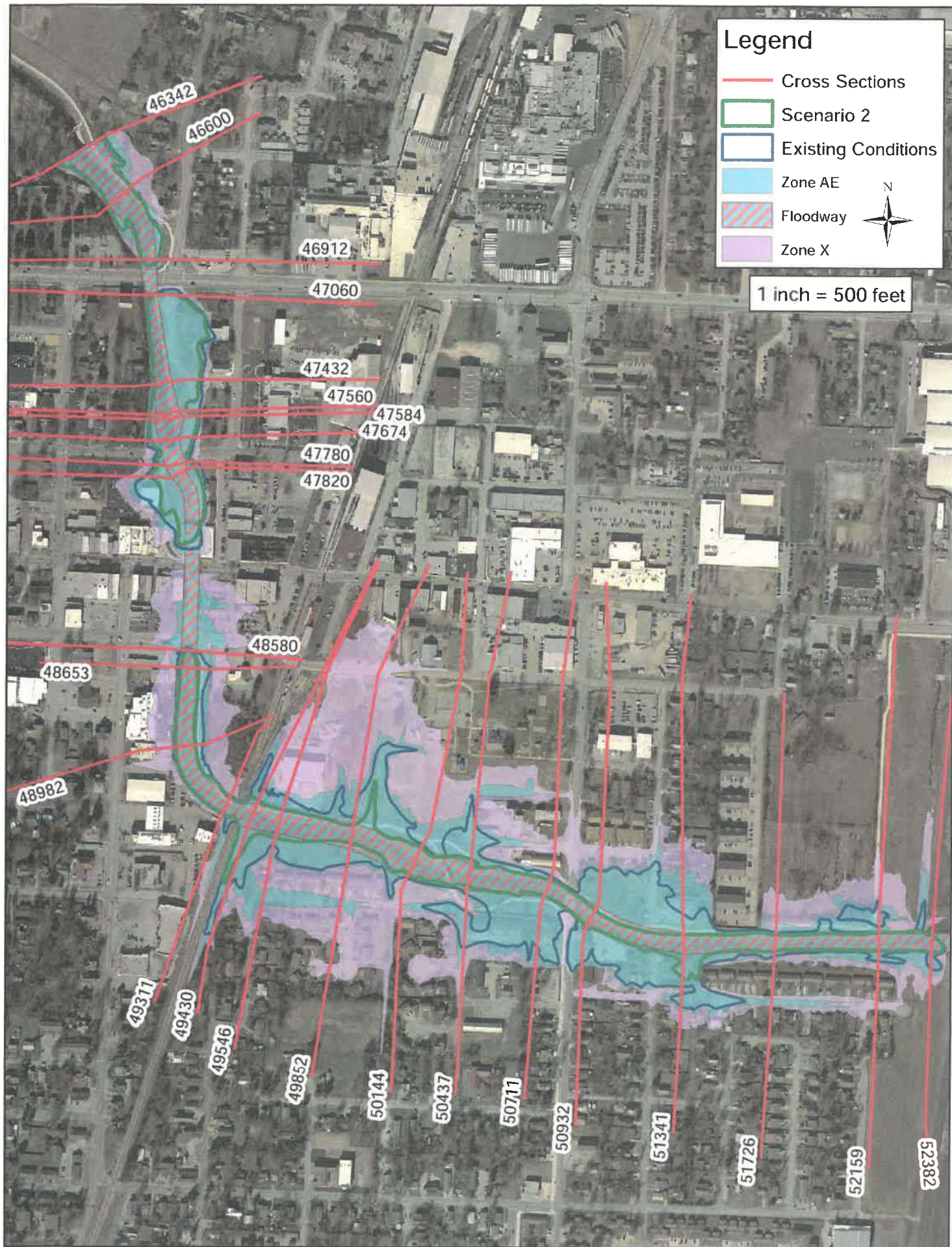


Figure 4. Scenario 2 results.

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF SPRINGDALE
TO PARTNER WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION
FOR THE FOLLOWING PROJECT:**

Job 040894, Hwy. 412 Impvts. (Springdale) (S)

WHEREAS, the Arkansas Department of Transportation (Department) has scheduled a project to improve the Interstate 49 interchange with Highway 412, and provide improvements along Highway 412 in the vicinity of the interchange in Springdale; and

WHEREAS, the City of Springdale (City) has requested that the project include a 12-foot wide sidepath with a 6-foot green space buffer on the north side of Highway 412 and on the west side of South 48th Street, west of Interstate 49 within the project limits; and

WHEREAS, the City agrees to provide all funding necessary to incorporate these sidepaths into the project; and

WHEREAS, the City further agrees to provide all future maintenance for these sidepaths; and

WHEREAS, the Department has agreed to the request for modification with the understanding that all costs associated with the sidepaths will be the responsibility of the City; and

WHEREAS, the Department will oversee all phases of the project.

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

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

SECTION II: The Mayor, or their designated representative, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite implementation of this project.

SECTION III: The City pledges its full support and hereby requests that the Arkansas Department of Transportation initiate action to implement these improvements.

THIS RESOLUTION adopted this _____ day of _____, 20____.

Doug Sprouse
Mayor

ATTEST: _____
(SEAL)

ARKANSAS STATE HIGHWAY COMMISSION

DALTON A. "ALEC" FARMER, JR.
CHAIRMAN
JONESBORO



MARIE HOLDER
LITTLE ROCK

PHILIP TALDO
VICE CHAIRMAN
SPRINGDALE

DAVID M. HAAK
TEXARKANA

KEITH GIBSON
FORT SMITH

P.O. Box 2261 • Little Rock, Arkansas 72203-2261
Phone (501) 569-2000 • Voice/TTY 711 • Fax (501) 569-2400
www.ARDOT.gov • www.IDriveArkansas.com

LORIE H. TUDOR, P.E.
DIRECTOR

February 24, 2023

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

Re: Job 040894
Hwy. 412 Impvts. (Springdale) (S)
Washington County
Hwy. 412, Sec. 2

Dear Mayor Sprouse:

Reference is made to your request for a 12-foot sidepath with 6-foot buffer on both the north side of Highway 412 and the west side of South 48th Street within the limits of the subject project.

The Department has evaluated the City's request and is agreeable to incorporating the requested sidepaths with the understanding that the City will provide all costs associated with the sidepaths. In order for the Department to proceed with this arrangement, your City Council must adopt a resolution (sample enclosed) authorizing you to enter into any necessary agreements with the Department for this project. An original signed and sealed resolution should be returned to the Department. Upon receipt of the resolution, a project agreement will be sent to you for consideration.

We appreciate your meeting with our staff on February 15th regarding potential improvements at the Highway 412 and Interstate 49 interchange. Our staff will evaluate additional alternatives as requested by the City. Based on the available traffic forecast, the proposed improvements included in Job 040894 should address the capacity needs in the interim. Due to upcoming major construction projects, such as the Springdale Northern Bypass and Highway 112 corridor improvements, traffic patterns are expected to shift. The Department will continue to monitor traffic conditions in this area and additional improvements will be developed as needs arise and funds become available.

Thank you for your interest in and support of Arkansas' transportation system. If you have any questions, please contact Jessie Jones, Division Engineer – Program Management, at (501) 569-2262.

Sincerely,

A handwritten signature in blue ink that reads "Lorie H. Tudor".

Lorie H. Tudor, P.E.
Director

Enclosure

c: Highway Commission
Deputy Director and Chief Engineer
Assistant Chief Engineers
Program Management
Roadway Design

Transportation Planning and Policy
District 4
Job 040894 'C' File
Tim Conklin, NWARPC

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A PROFESSIONAL SERVICES AGREEMENT
FOR ACQUISITION SERVICES FOR DON TYSON
PARKWAY EXTENSION AND GENE GEORGE
SOUTH, PHASES 2 & 3**

WHEREAS, the City of Springdale is in need of acquisition services for the Don Tyson Parkway Extension West and Gene George South Phases 2 &3 projects;

WHEREAS, O.R. Colan Associates was selected as the most qualified firm for these projects;

WHEREAS, the price not to exceed for professional acquisition services shall be \$258,600.00.

**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 O.R. Colan Associates for acquisition services in the amount of \$258,600.00 to be paid from the General Fund.

Section 2. The Mayor is authorized to approve change orders up to 10% of the original agreement price.

PASSED AND APPROVED this_____day of March, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

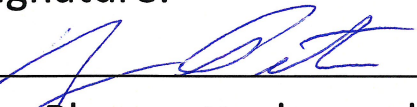
APPROVED:

Ernest B. Cate, CITY ATTORNEY



SPRINGDALE™
WE'RE MAKING IT HAPPEN

DEPARTMENT FUNDING REQUEST

Department: Engineering		Date: 3/14/23
Point of Contact: Ben Peters	Amount Requested: \$ 258,600	
Date to be Presented to Committee: <u>3</u> / <u>20</u> / 20 <u>23</u>		
Brief Description of Funding Request: <i>Request for professional acquisition services on Don Tyson Parkway and Gene George South, Phases 2 and 3. Since this is a professional service, state law does not require bidding.</i>		
Funding Source: (General Fund, Special Fund, etc.) General Fund		
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	

PROPOSED WORK PLAN

Purpose: The general scope for this contract includes, but is not limited to one or more of the following services:

1. Administrative Services
2. Title Services and Closing
3. Negotiations
4. Relocation Assistance Services

Consultant Responsibilities: The Consultant agrees to administer professional services, as needed, for right of way acquisition responsibilities for following areas:

1. **Administrative Services:** The Consultant shall provide administrative services as described below in conjunction with any of the individual phase services as assigned in the task order. Costs associated with these services shall be included in the Unit Price per Tract for the individual phases as outlined in Attachment B - Cost Proposal.
 - 1.1. Provide bi-monthly, or as required, coordination reports to the City.
 - 1.2. Conduct coordination meetings on an as needed basis. These meetings shall include the Consultant, the City and others, as appropriate. The Consultant shall schedule these meetings with the City's concurrence, and compile and distribute meeting minutes, as required.
 - 1.3. Maintain project records including, but not limited to, correspondence and documentation of contacts with property owners.
 - 1.4. Prepare invoices for payment utilizing the City's standard invoicing procedures.
2. **Title and Closing Services:**
 - 2.1. *Title Services* includes:
 - 2.1.1. Provide title commitments including thirty (30) year title searches in accordance with the ARDOT's Right of Way Operations Manual.
 - 2.1.2. Be responsible for furnishing updates or revised information to the City when change of ownership occurs subsequent to the certificates obtained during right of way plan preparation.

2.1.3. Prepare proper instruments of conveyance and releases upon determination of title status.

2.1.4. Prior to closing or condemnation filing, provide updated title commitments as necessary to include a certification date not older than 120 days.

2.2. Closing Services includes:

2.2.1. Obtain title opinion identifying legal ownership and necessary parties for execution of conveyance and releases required to obtain clear title.

2.2.2. Obtain required partial releases of mortgages and other encumbrances.

2.2.3. Deliver state warrants on negotiated settlements after obtaining proper execution of instruments of conveyance and satisfaction of liens.

2.2.4. Record conveyance documents in appropriate county offices.

3. Negotiation Services, Waiver Valuation Services, and Waiver Valuation Review:

3.1. Negotiation Services includes:

3.1.1. Prior to the initiation of the negotiation process, perform a review of the project and appraisal reports.

3.1.2. Review offer letter with the property owner, discuss the offer amount and rationale for compensation and address any concerns. Advise the property owner of their full rights under the laws of eminent domain if no agreement can be reached and condemnation action is necessary.

3.1.3. Maintain a project log indicating, at a minimum, the dates of the following: waiver valuation or appraisal approved, initiation of negotiations, contract signed and recommendations for condemnation.

3.1.4. Maintain detailed records of all information pertinent to the job: ownership addresses, encumbrances, dated and signed negotiator notes, offer letters, and contracts. Negotiator notes should include a record of each contact, explanation of the plans, offers and counteroffers, property owner requests, opinions, proposed solutions and recommendations for condemnation.

- 3.1.5. Collect supporting documents from the property owner necessary to complete the transaction including but not limited to trusts, corporate resolutions, partnership agreements, et al.
- 3.1.6. As negotiations are completed, review tract packets for completeness, prepare acceptance letters for the City's execution, and distribute tract packets for further handling.
- 3.1.7. Submit proposed changes in right of way or construction design features arising through negotiations to the City using ARDOT's "Request for Plan Change" form.
- 3.1.8. Submit counteroffers from the property owners to the City with recommendations for acceptance or rejection.
- 3.1.9. Recommend tracts for condemnation to the City when negotiations prove to no longer be beneficial or when the property owner states they wish to discontinue negotiations.
- 3.1.10. Execute Rights of Entry Agreements with property owners as directed by the City.

4. Relocation Assistance Services:

- 4.1. Contact property owners to discuss relocation program and benefits, deliver the relocation brochure, and complete the Displacee Needs Questionnaire, Relocation Coordinator's Report, and Decent, Safe and Sanitary Report.
- 4.2. Prepare relocation studies and determine replacement housing payments as appropriate.
- 4.3. Advise eligible owner-displacees of their monetary payments and how they were determined showing the comparable housing used and provide a ninety (90) day written notice.
- 4.4. Contact the eligible tenant displacees and present comparable housing and relocation payment calculations.
- 4.5. Provide displacees (residential tenants, businesses, etc.), a ninety (90) day written notice within seven (7) working days of executed contract with City.

- 4.6. Provide displacee a thirty (30) day written notice specifying the exact date by which the property must be vacated and/or personal property removed as needed.
- 4.7. Notify the City immediately if displacee does not move after the thirty (30) day written notice expires.
- 4.8. Offer advisory services to and conduct personal interviews of nonresidential and residential displacements. Determine the relocation needs and preferences of each business (farm and non-profit organization) or person to be displaced and explain the relocation payments and other assistance for which the business/person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance.
- 4.9. Provide, for nonresidential relocatees, current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation in obtaining and establishing a suitable replacement location.
- 4.10. Minimize hardships to persons in adjusting to relocation by providing counseling, advise regarding other sources of assistance that may be available, and such other help as may be appropriate.
- 4.11. Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.
- 4.12. Maintain relocation contact logs.
- 4.13. Prepare any necessary bid documents, forms and claims for displacees' moving and related expenses.
- 4.14. Determine the eligibility of and amount of replacement housing payments for owner occupants.
- 4.15. Compute increased interest payments, rental subsidy payments, and down payment assistance payments as needed.
- 4.16. Determine the eligibility of mobile homes for replacement housing payment.

CITY OF SPRINGDALE

DON TYSON PARKWAY

- 4.17. Deliver relocation payments.
- 4.18. Handle any property owner request for appeal hearing and appear as needed.
- 4.19. Appear and testify as an Expert Witness in eminent domain proceedings and be
available for pre-hearing or pre-trial meetings as directed by the City.

Deliverables:

1. **Administrative Services:** The Consultant shall provide administrative services as described below in conjunction with any of the individual phase services as assigned in the task order.

- 1.1. Coordination Reports
- 1.2. Coordination Meeting Minutes
- 1.3. Monthly Invoices
- 1.4. Project Records upon Project Closeout

2. **Title and Closing Services:**

- 2.1. Title Commitments
- 2.2. Source Documents for Title Research
- 2.3. Proper Instruments of Conveyance and Releases
- 2.4. Signed Closing Statements
- 2.5. Copies of Recorded Executed Deeds, Affidavits of No Liens, Partial Releases, and Notices of Tax Exemption

3. **Negotiation Services:**

- 3.1. Requests for Plan Changes
- 3.2. Tract Packets including but not limited to Negotiator's Checklist, Negotiator Notes, Negotiator Certification, Contracts to Sell, Supporting Documents, and Condemnation or Administrative Adjustment Recommendation Memos.
- 3.3. Rights of Entry Agreements as needed.

4. **Relocation Services:**

- 4.1. Relocation Tract Packets including but not limited to Contact Logs, Eligibility Determinations, Letters, Bids, Forms, Computations, Claims, Receipts, and Records of Payment.

City Responsibilities: The City agrees to administer professional services for the right of way acquisition of properties as follows:

1. Upon completion of right of way plans and environmental handling, prepare a request for authority to appraise and acquire for submission to ARDOT.
2. Provide right of way and construction plans.

3. Provide legal descriptions of the property to be acquired and current ownership title certificates.
4. Provide timely reviews and approval of submissions.
5. Provide examples of standard forms and brochures to be used in the acquisition process.
6. Process and issue all warrants for payments.
7. Provide final approval for all payments including, but not limited to, relocation assistance.
8. Initiate, coordinate, and administer environmental investigation surveys.
9. Process condemnation actions including legal document preparation, filing, settlement or trial actions.
10. Prepare exhibits used in court cases on condemned tracts as needed.
11. Provide legal opinions or recommendations that arise during the acquisition process, as needed. Consultant must notify the City if legal advice is needed.

Project Conditions of the Work: The Consultant agrees to administer professional services for the right of way acquisition of properties as follows:

1. Professional services shall be provided in accordance with the current edition of the Department's Right of Way Division Operations Manual.
2. All right of way functions will comply with the Uniform Act, 23 Code of Federal Regulations (CFR), 49 CFR and pertinent Federal regulations.
3. Consistent with this policy, all programs and activities administered by the Right of Way Division shall comply with Title VI of the Civil Rights Act of 1964 and related statutes and regulations to include the Civil Rights Restoration Act of 1987 and the Americans with Disabilities Act of 1990.
4. The relocation assistance advisory program shall satisfy the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and 49 CFR Part 24.

CITY OF SPRINGDALE

DON TYSON PARKWAY PROJECT

RIGHT OF WAY - ACQUISITION (UNIT PRICE) RATES

Service	No.	Cost Per Tract	Total Cost
Title & Closing Services			
Title Commitment - 30 Year Title Search	1	\$ 900	\$ 900
Closing Services	1	\$ 1,000	\$ 1,000
Recording Services (Easements Only)	28	\$ 500	\$ 14,000
Negotiation Services			
Negotiation Services	29	\$ 3,600	\$ 104,400
Relocation Assistance Services			
Business Relocation		\$ 7,000	
Partial Business Relocation		\$ 5,500	
Landlord Business Relocation	2	\$ 3,400	\$ 6,800
Residential Relocation	4	\$ 5,600	\$ 22,400
Personal Property Move	3	\$ 2,100	\$ 6,300
Eminent Domain/Relocation Appeal Hearings			
Pre-Trial Conference (1/2 day)	1	\$ 1,000	\$ 1,000
Pre-Trial Conference (full day)	1	\$ 2,000	\$ 2,000
Expert Witness at Trial/Hearing (1/2 day)		\$ 1,000	
Expert Witness at Trial/Hearing (full day)	6	\$ 2,000	\$ 12,000
TOTAL			\$ 170,800

PROPOSED WORK PLAN

Purpose: The general scope for this contract includes, but is not limited to one or more of the following services:

1. Administrative Services
2. Recording Services
3. Negotiations
4. Relocation Assistance Services

Consultant Responsibilities: The Consultant agrees to administer professional services, as needed, for right of way acquisition responsibilities for following areas:

1. **Administrative Services:** The Consultant shall provide administrative services as described below in conjunction with any of the individual phase services as assigned in the task order. Costs associated with these services shall be included in the Unit Price per Tract for the individual phases as outlined in Attachment B - Cost Proposal.
 - 1.1. Provide bi-monthly, or as required, coordination reports to the City.
 - 1.2. Conduct coordination meetings on an as needed basis. These meetings shall include the Consultant, the City and others, as appropriate. The Consultant shall schedule these meetings with the City's concurrence, and compile and distribute meeting minutes, as required.
 - 1.3. Maintain project records including, but not limited to, correspondence and documentation of contacts with property owners.
 - 1.4. Prepare invoices for payment utilizing the City's standard invoicing procedures.
2. **Recording Services:**
 - 2.1. Deliver state warrants on negotiated settlements after obtaining proper execution of instruments of conveyance and satisfaction of liens.
 - 2.2. Record conveyance documents in appropriate county offices.

3. Negotiation Services:

3.1. Negotiation Services includes:

- 3.1.1. Prior to the initiation of the negotiation process, perform a review of the project and appraisal reports.
- 3.1.2. Review offer letter with the property owner, discuss the offer amount and rationale for compensation and address any concerns. Advise the property owner of their full rights under the laws of eminent domain if no agreement can be reached and condemnation action is necessary.
- 3.1.3. Maintain a project log indicating, at a minimum, the dates of the following: waiver valuation or appraisal approved, initiation of negotiations, contract signed and recommendations for condemnation.
- 3.1.4. Maintain detailed records of all information pertinent to the job: ownership addresses, encumbrances, dated and signed negotiator notes, offer letters, and contracts. Negotiator notes should include a record of each contact, explanation of the plans, offers and counteroffers, property owner requests, opinions, proposed solutions and recommendations for condemnation.
- 3.1.5. Collect supporting documents from the property owner necessary to complete the transaction including but not limited to trusts, corporate resolutions, partnership agreements, et al.
- 3.1.6. As negotiations are completed, review tract packets for completeness, prepare acceptance letters for the City's execution, and distribute tract packets for further handling.
- 3.1.7. Submit proposed changes in right of way or construction design features arising through negotiations to the City using ARDOT's "Request for Plan Change" form.
- 3.1.8. Submit counteroffers from the property owners to the City with recommendations for acceptance or rejection.
- 3.1.9. Recommend tracts for condemnation to the City when negotiations prove to no longer be beneficial or when the property owner states they wish to discontinue negotiations.

3.1.10. Execute Rights of Entry Agreements with property owners as directed by the City.

4. Relocation Assistance Services:

- 4.1. Contact property owners to discuss relocation program and benefits, deliver the relocation brochure, and complete the Displacee Needs Questionnaire, Relocation Coordinator's Report, and Decent, Safe and Sanitary Report.
- 4.2. Prepare relocation studies and determine replacement housing payments as appropriate.
- 4.3. Advise eligible owner-displacees of their monetary payments and how they were determined showing the comparable housing used and provide a ninety (90) day written notice.
- 4.4. Contact the eligible tenant displacees and present comparable housing and relocation payment calculations.
- 4.5. Provide displacees (residential tenants, businesses, etc.), a ninety (90) day written notice within seven (7) working days of executed contract with City.
- 4.6. Provide displacee a thirty (30) day written notice specifying the exact date by which the property must be vacated and/or personal property removed as needed.
- 4.7. Notify the City immediately if displacee does not move after the thirty (30) day written notice expires.
- 4.8. Offer advisory services to and conduct personal interviews of nonresidential and residential displacements. Determine the relocation needs and preferences of each business (farm and non-profit organization) or person to be displaced and explain the relocation payments and other assistance for which the business/person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance.
- 4.9. Provide, for nonresidential relocatees, current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation in obtaining and establishing a suitable replacement location.

- 4.10. Minimize hardships to persons in adjusting to relocation by providing counseling, advise regarding other sources of assistance that may be available, and such other help as may be appropriate.
- 4.11. Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.
- 4.12. Maintain relocation contact logs.
- 4.13. Prepare any necessary bid documents, forms and claims for displacees' moving and related expenses.
- 4.14. Determine the eligibility of and amount of replacement housing payments for owner occupants.
- 4.15. Compute increased interest payments, rental subsidy payments, and down payment assistance payments as needed.
- 4.16. Determine the eligibility of mobile homes for replacement housing payment.
- 4.17. Deliver relocation payments.
- 4.18. Handle any property owner request for appeal hearing and appear as needed.
- 4.19. Appear and testify as an Expert Witness in eminent domain proceedings and be available for pre-hearing or pre-trial meetings as directed by the City.

Deliverables:

1. **Administrative Services:** The Consultant shall provide administrative services as described below in conjunction with any of the individual phase services as assigned in the task order.

- 1.1. Coordination Reports
- 1.2. Coordination Meeting Minutes
- 1.3. Monthly Invoices
- 1.4. Project Records upon Project Closeout

2. Title and Closing Services:

- 2.1. Title Commitments
- 2.2. Source Documents for Title Research
- 2.3. Proper Instruments of Conveyance and Releases
- 2.4. Signed Closing Statements
- 2.5. Copies of Recorded Executed Deeds, Affidavits of No Liens, Partial Releases, and Notices of Tax Exemption

3. Negotiation Services:

- 3.1. Requests for Plan Changes
- 3.2. Tract Packets including but not limited to Negotiator's Checklist, Negotiator Notes, Negotiator Certification, Contracts to Sell, Supporting Documents, and Condemnation or Administrative Adjustment Recommendation Memos.
- 3.3. Rights of Entry Agreements as needed.

4. Relocation Services:

- 4.1. Relocation Tract Packets including but not limited to Contact Logs, Eligibility Determinations, Letters, Bids, Forms, Computations, Claims, Receipts, and Records of Payment.

City Responsibilities: The City agrees to administer professional services for the right of way acquisition of properties as follows:

1. Upon completion of right of way plans and environmental handling, prepare a request for authority to appraise and acquire for submission to ARDOT.
2. Provide right of way and construction plans.

3. Provide documentation of current ownership.
4. Provide legal descriptions of the property to be acquired and current ownership title certificates.
5. Provide timely reviews and approval of submissions.
6. Provide examples of standard forms and brochures to be used in the acquisition process.
7. Process and issue all warrants for payments.
8. Provide final approval for all payments including, but not limited to, relocation assistance.
9. Initiate, coordinate, and administer environmental investigation surveys.
10. Process condemnation actions including legal document preparation, filing, settlement or trial actions.
11. Prepare exhibits used in court cases on condemned tracts as needed.
12. Provide legal opinions or recommendations that arise during the acquisition process, as needed. Consultant must notify the City if legal advice is needed.

Project Conditions of the Work: The Consultant agrees to administer professional services for the right of way acquisition of properties as follows:

1. Professional services shall be provided in accordance with the current edition of the
Department's Right of Way Division Operations Manual.
2. All right of way functions will comply with the Uniform Act, 23 Code of Federal Regulations
(CFR), 49 CFR and pertinent Federal regulations.
3. Consistent with this policy, all programs and activities administered by the Right of Way Division shall comply with Title VI of the Civil Rights Act of 1964 and related statutes and regulations to include the Civil Rights Restoration Act of 1987 and the Americans with Disabilities Act of 1990.
4. The relocation assistance advisory program shall satisfy the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and 49 CFR Part 24.

CITY OF SPRINGDALE
GENE GEORGE PHASE 2

RIGHT OF WAY - ACQUISITION (UNIT PRICE) RATES

Service	No.	Cost Per Tract	Total Cost
Title & Closing Services			
Title Commitment - 30 Year Title Search		\$ 900	\$ -
Closing Services		\$ 1,000	\$ -
Recording Services	9	\$ 500	\$ 4,500
Negotiation & Waiver Valuation Services			
Negotiation Services	9	\$ 4,500	\$ 40,500
Relocation Assistance Services			
Business Relocation		\$ 7,000	
Partial Business Relocation		\$ 5,500	
Landlord Business Relocation		\$ 3,400	
Residential Relocation		\$ 5,600	
Personal Property Move	1	\$ 2,100	\$ 2,100
Eminent Domain/Relocation Appeal Hearings			
Pre-Trial Conference (1/2 day)	1	\$ 1,000	\$ 1,000
Pre-Trial Conference (full day)		\$ 2,000	\$ -
Expert Witness at Trial/Hearing (1/2 day)		\$ 1,000	
Expert Witness at Trial/Hearing (full day)	1	\$ 2,000	\$ 2,000
TOTAL			\$ 50,100

PROPOSED WORK PLAN

Purpose: The general scope for this contract includes, but is not limited to one or more of the following services:

1. Administrative Services
2. Recording Services
3. Negotiations
4. Relocation Assistance Services

Consultant Responsibilities: The Consultant agrees to administer professional services, as needed, for right of way acquisition responsibilities for following areas:

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 - 1.3. Maintain project records including, but not limited to, correspondence and documentation of contacts with property owners.
 - 1.4. Prepare invoices for payment utilizing the City's standard invoicing procedures.
2. **Recording Services:**
 - 2.1. Deliver state warrants on negotiated settlements after obtaining proper execution of instruments of conveyance and satisfaction of liens.
 - 2.2. Record conveyance documents in appropriate county offices.

3. Negotiation Services:

3.1. Negotiation Services includes:

- 3.1.1. Prior to the initiation of the negotiation process, perform a review of the project and appraisal reports.
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8. Provide final approval for all payments including, but not limited to, relocation assistance.
9. Initiate, coordinate, and administer environmental investigation surveys.
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CITY OF SPRINGDALE
GENE GEORGE PHASE 2

RIGHT OF WAY - ACQUISITION (UNIT PRICE) RATES

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Recording Services	4	\$ 500	\$ 2,000
Negotiation & Waiver Valuation Services			
Negotiation Services	4	\$ 4,500	\$ 18,000
Relocation Assistance Services			
Business Relocation	1	\$ 7,000	\$ 7,000
Partial Business Relocation		\$ 5,500	\$ -
Landlord Business Relocation		\$ 3,400	\$ -
Residential Relocation	1	\$ 5,600	\$ 5,600
Personal Property Move	1	\$ 2,100	\$ 2,100
Eminent Domain/Relocation Appeal Hearings			
Pre-Trial Conference (1/2 day)	1	\$ 1,000	\$ 1,000
Pre-Trial Conference (full day)		\$ 2,000	\$ -
Expert Witness at Trial/Hearing (1/2 day)		\$ 1,000	
Expert Witness at Trial/Hearing (full day)	1	\$ 2,000	\$ 2,000
TOTAL			\$ 37,700

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT CHANGE ORDER FOR THE
REHABILITATION OF THE RITTER-MCDONALD LOG
CABIN AT THE SHILOH MUSEUM**

WHEREAS, on October 25, 2022, the Springdale City Council passed Resolution No. 124-22, which authorized a contract with River Ridge Builders, Inc., for the rehabilitation of the Ritter-McDonald Log Cabin at the Shiloh Museum (“the Project”) in an amount not to exceed \$140,000.00 to be paid by the Shiloh Museum Board;

WHEREAS, during the course of the Project, other issues have been identified with the Project, thereby necessitating a contract change order in the amount of \$25,050.00;

WHEREAS, the Shiloh Museum Board has agreed to pay for the costs associated with the proposed contract change order for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS THAT the Mayor and City Clerk/Treasurer are hereby authorized to execute a contract change order with River Ridge Builders, Inc., for the rehabilitation of the Ritter-McDonald Log Cabin at the Shiloh Museum in an amount not to exceed \$25,050.00, to be paid by the Shiloh Museum Board.

PASSED AND APPROVED this _____ day of _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

RIVER RIDGE BUILDERS, INC.
dba River Ridge Log Home Restoration
P. O. Box 242776
Little Rock, Arkansas 72223
501-416-3464

DATE: February 23, 2023

JOB NAME: Ritter-McDonald Log Cabin
Proposed work: Install synthetic
chinking instead of mortar

TO: City of Springdale, AR

JOB LOCATION: 118 W. Johnson Ave.
Springdale, AR

CONCERN:

After removing the existing mortar daubing, we found a lot of deterioration from rot in the chink joints. Since mortar daubing dries solid and is not flexible, it breaks with natural log movement, which allows moisture to enter the log joints and cause decay. I propose replacing the existing mortar daubing with textured synthetic chinking, which has many advantages over mortar daubing. Textured synthetic chinking was created to look like old-time mortar daubing while providing much greater protection to log structures with greatly reduced maintenance costs. Synthetic chinking has superior adhesion to properly cleaned wood, which allows it to maintain its watertight seal for years. It also has outstanding elasticity properties that allow it to stretch over twice its normal width with natural log movement. While the maintenance cost savings of synthetic chinking are significant, to me, the main advantage of synthetic chinking over mortar daubing is the much greater protection and preservation of the log structure itself—which is even more important with historic structures.

PROPOSED WORK:

Install new textured synthetic chinking in all of the log joints where mortar daubing had been used before. In addition to the synthetic chinking, we would also install Grip Strip backer in the log joint behind the chinking. Backer is important because it acts as a bond breaker, a surface to which neither chinking nor caulk will adhere. Using backer in the rear of a chink joint ensures that the chinking will only adhere to two surfaces—the logs on each side of the chink joint, which allows the chinking to stretch to its maximum capability.

COST OF THIS PROPOSAL: This cost represents the additional material costs of textured synthetic chinking and Grip Strip backer over the material costs of mortar daubing. \$3,900

PAYMENT TERMS: Due upon completion of the above work \$3,900

Respectfully submitted,

Matt McCraw
President
River Ridge Builders, Inc.

RIVER RIDGE BUILDERS, INC.
dba River Ridge Log Home Restoration
P. O. Box 242776
Little Rock, Arkansas 72223
501-416-3464

DATE: February 23, 2023

JOB NAME: Ritter-McDonald Log Cabin
Proposed work: Grind/Reshape
Shape/Sand all wall log joints

TO: City of Springdale, AR

JOB LOCATION: 118 W. Johnson Ave.
Springdale, AR

CONCERN:

After removing daubing and chinking from all of the chink joints, we found that in a substantial amount of the top and bottom surfaces of the wall logs lying along the chink joints, rot has caused deterioration that needs to be removed prior to installing new daubing or chinking. Some of the deteriorated areas are soft while others are brittle enough that you can break them off with your fingers. I estimate that approximately 60% of the total linear feet of both the exterior and interior wall log surfaces along the chink joints have deteriorated. While this rot deterioration along the chink joints is significant, the wall logs that are not planned to be replaced are in good enough condition to keep. The problem is two-fold. First, any rot needs to be removed to protect the logs from further rot. Secondly, applying daubing or chinking to soft and/or rotted wood surfaces would fail prematurely, causing (1) separation or cracks in the daubing or chinking that would allow moisture to enter the joints, (2) additional log decay, and (3) the process and expense of removing and replacing the daubing or chinking prematurely.

PROPOSED WORK:

In order to remove the existing rot and provide solid wood surfaces needed for daubing or chinking to adhere properly, I propose grinding/reshaping/sanding, as needed, the tops and bottoms of all of the exterior and interior wall log surfaces along the chink joints to get down to solid wood.

COST OF THIS PROPOSAL:

\$6,300

PAYMENT TERMS: Due upon completion of above work

\$6,300

Respectfully submitted,

Matt McCraw
President
River Ridge Builders, Inc.

RIVER RIDGE BUILDERS, INC.
dba River Ridge Log Home Restoration
P. O. Box 242776
Little Rock, Arkansas 72223
501-416-3464

DATE: February 23, 2023

JOB NAME: Ritter-McDonald Log Cabin
Proposed work: Replace the
West Bottom Beam

TO: City of Springdale, AR

JOB LOCATION: 118 W. Johnson Ave.
Springdale, AR

CONCERN:

The bottom beam on the front (west) of the cabin, which supports all of the sleeper/log floor joists and the west end of the north and south walls of the cabin, is in worse shape than originally thought. The beam has significant rot, mainly in the middle, which has been caused by years of splashback from the entrance steps onto the beam. The rot damage has dropped the middle section of the log beam 2 to 3 inches below the ends of the beam, which has caused the entire floor to drop. Because this beam is one of the primary supports for the weight of the entire cabin, it needs to be replaced.

PROPOSED WORK:

1. Using jacks, support the sleepers/log floor joists to get the west side of the cabin floor as close as possible to level.
2. Build a temporary support wall under the west ends of the sleepers/log floor joists to support the floor while the west bottom beam is being replaced.
3. Build temporary supports near the west ends of the bottom logs of the north and south walls to support these walls while the west bottom beam is being replaced.
4. Remove the entry door and door frame on the west side of the cabin.
5. Remove the top rock step at the west entrance of the cabin.
6. Remove the existing decayed bottom beam under the west wall.
7. Supply a historic, old-growth, reclaimed log beam as close as possible to the size of the existing beam.
8. Cut the replacement beam to the proper length, notch each end of the beam, and make the needed adjustments where each end of the sleepers/log floor joists connect with the beam to keep the floor level.
9. Install the replacement log beam.
10. Remove the temporary supports under the sleepers/log floor joists and the corners.
11. Re-install the top rock step at the west entrance to its original position.
12. Re-install the existing entry door frame and door that had been removed prior to replacing the bottom beam.

Proposed additional work on Ritter-McDonald Log Cabin
Work to replace the decayed west bottom log beam
February 23, 2023

Cost of this proposed work, including the cost of the reclaimed replacement log and delivery to the job site	<u>\$14,850</u>
Payment Terms: Due upon completion of the above work	<u>\$14,850</u>

Respectfully submitted,

Matt McCraw
President
River Ridge Builders, Inc.

RESOLUTION NO. _____

A RESOLUTION TO APPROPRIATE MATCHING GRANT FUNDS AND ADDITIONAL FUNDS FOR MURPHY PARK PLAYGROUND PROJECT; AND TO WAIVE COMPETITIVE BIDDING

WHEREAS, the Springdale Parks and Recreation Department was awarded an Outdoor Recreation grant from the Arkansas Department of Parks, Heritage, and Tourism in the amount of \$220,000 to be used to build an all-inclusive playground at Murphy Park; and

WHEREAS, the City of Springdale has agreed to match the grant in the amount of \$220,000 to be taken out of Park Set Aside;

WHEREAS, the Springdale Parks and Recreation Department has received a quote from Game Time – Cunningham Recreation in the amount of \$447,826.16 to build an all-inclusive playground at Murphy Park; and

WHEREAS, Game Time – Cunningham Recreation is on the State Buy Board program; and

WHEREAS, the Springdale Parks and Recreation Department has requested to waive competitive bidding and accept the quote from Game Time – Cunningham Recreation in the amount of \$447,826.16;

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

Section 1. Funds in the amount of \$220,000 be appropriated out of Park Set Aside for the city’s match plus additional funds in the amount of \$7,826.16 to complete the project; and

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



GameTime c/o Cunningham Recreation
 PO Box 240981
 Charlotte, NC 28224
 800.438.2780
 704.525.7356 FAX

03/14/2023
 Quote #
 159052-01-05

Murphy Park Inclusive Playground (Updated 3/14/2023)

Springdale Parks and Recreation
 Attn: Chad Wolf
 P.O. Box 42
 Springdale, AR 72765
 Phone: 479-750-8185
 Fax: 479-750-8595
 cwolf@springdalear.gov

Ship to Zip 72765

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - Powerscape Ramped Structure for Ages 5-12 (per drawing) [2 Color HDPE: _____] [Accent: _____] [Roto Plastic: _____] [RotoPlastic2: _____] [Basic: _____] [Deck:Pvc: _____] [Metal Roof: _____] [Accent 2: _____] [HDPE: _____] [Tube: _____]	\$182,754.00	\$182,754.00
		(1) 3900 -- Spin Chimes 20" 2S		
		(1) 3905 -- Bells 12" 1S		
		(1) 4958 -- Hypno Wheel		
		(1) 4959 -- Maze Wheel		
		(2) 6293 -- Trillium Climber 6'-0"		
		(2) 16465 -- Slide Transfer (Ada)		
		(2) 16700 -- Ada49"Sq Punch Steel Deck		
		(2) 16717 -- 147" Ada Ramp Link		
		(10) 80167 -- Roof Ext 24" W/Rivet		
		(1) 80203 -- Tin Roof Gable		
		(3) 80206 -- Tin Roof Hex		
		(2) 80687 -- Handhold/Kick Plate Pkg		
		(1) 81669 -- Hand Cyclor		
		(2) 81680 -- Single Seat		
		(1) 81688 -- Therapeutic Rings Attch		
		(1) 90004 -- Two Piece Hex Deck		
		(2) 90005 -- Two Piece Hex Deck, Ada Ramp Access		
		(1) 90021 -- 2'-0" Transfer System W/ Barrier		
		(1) 90176 -- Ada Crow'S Nest W/ Gizmo		
		(1) 90211 -- Rung Encl Telescope & Barrier,Above Dk		
		(1) 90252 -- 4' Leaning Wall Climber		
		(1) 90266 -- 8' Upright, Alum		
		(7) 90268 -- 10' Upright, Alum		



GameTime c/o Cunningham Recreation
PO Box 240981
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800.438.2780
704.525.7356 FAX

03/14/2023
Quote #
159052-01-05

Murphy Park Inclusive Playground (Updated 3/14/2023)

Quantity	Part #	Description	Unit Price	Amount
		(2) 90272 -- 14' Upright, Alum		
		(8) 90273 -- 15' Upright, Alum		
		(1) 90409 -- Ada Punched Steelway -Guardrail (3 Dk)		
		(1) 90573 -- Scramble Up (3'-6" To 5'-0")		
		(1) 90700 -- Single Entrance Wilderslide li		
		(1) 90703 -- Straight Section Wilderslide li		
		(2) 90705 -- Right Curve Section Wilderslide li		
		(1) 90709 -- Support Wilderslide li		
		(1) 90762 -- Long Exit (Use On 7' & 8' Slides)		
		(1) 90774 -- 8' Wildertube Quick 'S' Reverse		
		(1) 90887 -- 360 Spiral Slide 5' w/metal enc		
		(1) 91139 -- Entryway - Barrier		
		(3) 91208 -- Climber Entryway - Guardrail		
		(3) 91209 -- Climber Entryway - Barrier		
		(1) 91334 -- Climber Offset Entryway (Barrier)		
		(1) 91364 -- Sensory Wave Panel w/ chimes		
		(1) 91365 -- Sensory Wave Panel w/ stained glass		
		(1) 91487 -- Vertical Wiggle Climber 5'-5'-6"		
		(1) 91501 -- Olympus Climber - 7'0 thru 8'0 attac		
		(1) 91523 -- Ripple Pass		
		(1) 91528 -- Twisted Rail Climber 4'/5'		
		(1) 91546 -- Metallophone Panel		
		(1) 91566 -- Face Creator Half Panel		
		(1) 91572 -- Answer Ball Half Panel		
		(1) 91595 -- Composer		
		(1) 91669 -- Trillium Climber 6'-0"		
		(4) G90262 -- 4' Upright, Galv		
		(2) G90268 -- 10' Upright, Galv		
		(8) G90272 -- 14' Upright, Galv		
		(4) G90273 -- 15' Upright, Galv		
		(1) 4444RP -- Threshold Pkg		
1	6262	GameTime - Inclusive Whirl - Basic [2 Color HDPE:_____] [Basic:_____] [HDPE:_____]	\$17,779.00	\$17,779.00
1	4676	GameTime - Harmonic Chimes (set of 3)	\$4,211.00	\$4,211.00
1	6258	GameTime - Sensory Cove Climber - Triangle [Basic:_____] [Roof:_____] [Roof 2:_____]	\$3,202.00	\$3,202.00



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03/14/2023
Quote #
159052-01-05

Murphy Park Inclusive Playground (Updated 3/14/2023)

Quantity	Part #	Description	Unit Price	Amount
1	3274	GameTime - Sensory Wave Seat [Accent: _____] [Basic: _____] [Roto Plastic: _____]	\$2,539.00	\$2,539.00
1	10847	GameTime - Ada Two-Place Swing F/S, 5" Od [Basic: _____]	\$2,861.00	\$2,861.00
1	10848	GameTime - Ada Two-Place Swing Add-A-Bay, 5" Od [Basic: _____]	\$1,720.00	\$1,720.00
1	81752	GameTime - 5" Zero-G Chair (2-5)-Galv Chain [Roto Plastic: _____]	\$724.00	\$724.00
1	5145	GameTime - Expression Swing 5" X 8' [Basic: _____]	\$1,859.00	\$1,859.00
2	8918	GameTime - Belt Seat Pkg 5"Od(8918)	\$370.00	\$740.00
1	INSTALL	MISC - Installation of the Above Equipment	\$58,160.00	\$58,160.00
1	CUSTOM	Superior Recreational Products - 32' x 22' x 15' Rectangular Hip Shade- Columns: (4) Surface Mount Elbow: Glide	\$12,482.00	\$12,482.00
1	ENGINEERING	Superior Recreational Products - Sealed Drawings and Fees	\$1,335.00	\$1,335.00
1	INSTALL	MISC - Installation of Shade and Footings	\$11,605.00	\$11,605.00
1	INSTALL	MISC - Removal and Disposal of Existing Equipment	\$24,692.00	\$24,692.00
1	INSTALL	MISC - Removal and Disposal of Existing PIP Surfacing	\$16,000.00	\$16,000.00
1	INSTALL	MISC - Removal, Relocation, and Reinstallation of Existing Swings	\$3,705.00	\$3,705.00
1	INSTALL	MISC - Excavation, Grading, Dirt Work to Add to Area	\$4,445.00	\$4,445.00
1	INSTALL	MISC - Provision and Installation of Drainage System	\$4,482.00	\$4,482.00
1	INSTALL	MISC - Provision and Installation of Drainage Swale	\$2,135.00	\$2,135.00
1	INSTALL	MISC - Sire Restoration, Top Soil/Sod	\$5,556.00	\$5,556.00
1	INSTALL	MISC - Provision and Installation of Concrete Sidewalk	\$8,862.00	\$8,862.00
4800	POURED	GT-Impax - Poured in Place Safety Surfacing (per square foot)- Pricing includes: - Provision and installation of 4,800 s.f. of poured in place safety surfacing, 3.5" thick for an 8' critical fall height. - Provision and installation of a 4" thick crushed stone subbase. - Freight, provision of dumpster, and site security.	\$25.06	\$120,288.00
1	178749	GameTime - Owner's Kit	\$84.00	\$84.00
Contract: OMNIA #2017001134			Sub Total	\$492,220.00
			Discount	(\$64,609.21)
			Freight	\$3,523.00
			Tax	\$16,692.37
			Total	\$447,826.16

Comments

* Site must be clear, level, free of obstructions, and accessible. Site should permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional costs.



GameTime c/o Cunningham Recreation
PO Box 240981
Charlotte, NC 28224
800.438.2780
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03/14/2023
Quote #
159052-01-05

Murphy Park Inclusive Playground (Updated 3/14/2023)

GAMETIME - TERMS & CONDITIONS:

- **PRICING:** Due to volatile economic demand, pricing is valid for 30 days. Pricing is subject to change. Request updated pricing when purchasing from quotes more than 30 days old.
- **TERMS OF SALE:** For equipment & material purchases, Net 30 days from date of invoice for governmental agencies and those with approved credit. All others, full payment for equipment, taxes and freight up front. Balance for services & materials due upon completion or as otherwise negotiated upon credit application review. Pre-payment may be required for equipment orders totaling less than \$5,000. Payment by VISA, MasterCard, or AMEX is accepted (**If you elect to pay by credit card, GameTime charges a 2.50% processing fee that is assessed on the amount of your payment. This fee is shown as a separate line item and included in the total amount charged to your credit card. You have the option to pay by check, ACH or Wire without any additional fees.**). Checks should be made payable to Playcore Wisconsin, Inc. d/b/a GameTime unless otherwise directed.
- **CREDIT APPLICATION:** Required for all non-governmental agencies and those entities who have not purchased from GameTime within the previous twelve calendar months.
- **FINANCE CHARGE:** A 1.5% monthly finance charge (or maximum permitted by law) will be added to all invoices over 30 days past due.
- **CASH WITH ORDER DISCOUNT:** Orders for GameTime equipment paid in full at time of order via check or electronic funds transfer (EFT) are eligible for a 3% cash-with-order (CWO) discount.
- **ORDERS:** All orders shall be in writing by purchase order, signed quotation or similar documentation. Purchase orders must be made out to Playcore Wisconsin, Inc. d/b/a GameTime.
- **FREIGHT CHARGES:** Shipments shall be F.O.B. destination. Freight charges prepaid and added separately.
- **SHIPMENT:** Standard Lead time is **12-14 weeks** (some items may take longer) after receipt and acceptance of purchase order, credit application, color selections and approved drawings or submittals.
- **PACKAGING:** All goods shall be packaged in accordance with acceptable commercial practices and marked to preclude confusion during unloading and handling.
- **RECEIPT OF GOODS:** Customer shall coordinate, receive, unload, inspect and provide written acceptance of shipment. Any damage to packaging or equipment must be noted when signing delivery ticket. If damages are noted, receiver must submit a claim to Cunningham Recreation within 15 Days. Receiver is also responsible for taking inventory of the shipment and reporting any concealed damage or discrepancy in quantities received within 60 days of receipt.
- **RETURNS:** Returns are only available on shipments delivered within the last 60 days. A 25% (min.) restocking fee will be deducted from any credit due. Customer is responsible for all packaging & shipping charges. Credit is based on condition of items upon return. All returns must be in unused and merchantable condition. GameTime reserves the right to deduct costs associated with restoring returned goods to merchantable condition. Uprights & custom products cannot be returned.
- **TAXES:** Sales tax is shown as a separate line item when included. A copy of your tax exemption certificate must be submitted at time of order or taxes will be added to your invoice.

INSTALLATION CONDITIONS:

- **ACCESS:** Site should be clear, level and allow for unrestricted access of trucks and machinery.
- **STORAGE:** Customer is responsible for providing a secure location to off-load and store the equipment during the installation process. Once equipment has delivered to the site, the owner is responsible should theft or vandalism occur unless other arrangements are made and noted on the quotation.
- **FOOTER EXCAVATION:** Installation pricing is based on footer excavation through earth/soil only. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost.
- **UTILITIES:** Installer will contact 811 to locate all public utilities prior to layout and excavation of any footer holes. Owner is responsible for locating any private utilities.
- **ADDITIONAL COSTS:** Pricing is based on a single mobilization for installation unless otherwise noted. Price includes ONLY what is stated in this quotation. If additional site work or specialized equipment is required, pricing is subject to change.



GameTime c/o Cunningham Recreation
PO Box 240981
Charlotte, NC 28224
800.438.2780
704.525.7356 FAX

03/14/2023
Quote #
159052-01-05

Murphy Park Inclusive Playground (Updated 3/14/2023)

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): _____ Title: _____

Telephone: _____ Fax: _____

P.O. Number: _____ Date: _____

Purchase Amount: **\$447,826.16**

SALES TAX EXEMPTION CERTIFICATE #: _____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

Salesperson's Signature

Customer Signature

BILLING INFORMATION:

Bill to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

SHIPPING INFORMATION:

Ship to: _____

Contact: _____

Address: _____

Address: _____

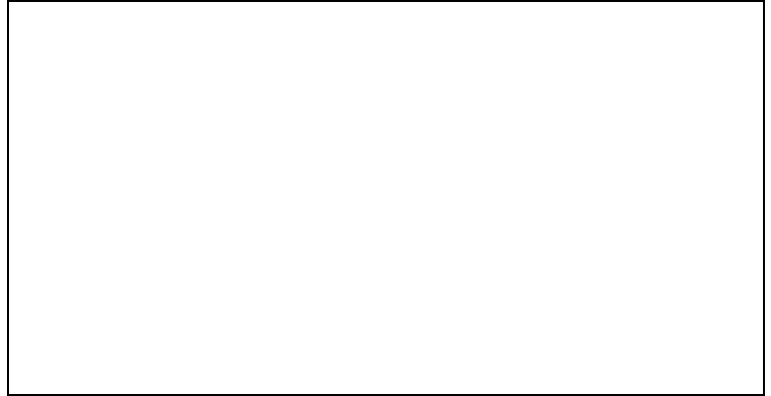
City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER
110, ARTICLE VI. STREET NAMES AND
ADDRESS NUMBERS, TO CHANGE THE
NAME OF AN EXISTING CITY STREET**



WHEREAS, the City of Springdale has received a request to rename a public street; more specifically renaming Metroplex Drive to Animal Emergency Dr.; and

WHEREAS, on March 28, 2023, a public hearing was held by the City Council for the City of Springdale, Arkansas, pursuant to Sec. 110-138 of the Code of Ordinances of the City of Springdale, Arkansas, to consider the request to rename Metroplex Drive to Animal Emergency Dr.;

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

Section 1. That the street address map is hereby amended to rename Metroplex Drive to Animal Emergency Drive.

Section 2. Chapter 110, Article VI, the same being the Street Addressing and Numbering Ordinance is hereby amended as set forth above and any and all parts in conflict herewith are hereby repealed and that the change in name will be in effect upon the signing and filing of this ordinance for all existing streets.

Section 3. A copy of this ordinance, duly certified by the City Clerk, shall be filed in the office of the Recorder of Washington County, Arkansas.

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

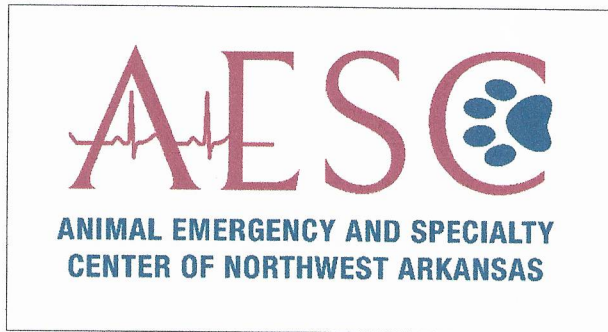
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



Dear Springdale City Council,

My name is Chris Stretz and I am employed by the Animal Emergency and Specialty Ctr. Of NWA. We are currently building a new facility at 881 Metroplex Dr. and would like to change the street name.

Current Address:

881 Metroplex Dr.

Springdale, AR 72762

Requested Change:

881 Animal Emergency Dr.

Springdale, AR 72762

Thank you in advance for your consideration and please let me know if you have any questions or concerns.

Sincerely,

Chris Stretz, CVT



The City Council of the City of Springdale met in regular session on Tuesday, March 14, 2023 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 (Absent)
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
Jimmy Vaughan	Asst. Fire Chief
Rick Barry	Asst. Planning Director
Mike Chamlee	Building Official
James Smith	Public Works Director
Ben Peters	Engineering Dept.
Anne Gresham	Library Director
Mark Gutte	IT Director
Chad Wolf	Parks & Recreation Director

CITIZENS COMMENTS

Angie Albright, Museum Director, introduced Danielle Hatch who will be the new program manager at the Shiloh Museum.

Beck Campbell, 4411 Bogey Drive, presented a plan she had prepared for street lighting in her neighborhood in Emerald Point Subdivision in Springdale. With the lack of lighting, there are issues that arise in neighborhoods. She is asking that the city consider installing street lights in older neighborhoods at the city’s expense and also research the possibility of developing a program that could fund the installation of street lights in areas where the community needs street lights.

Curtis Leister, 6537 Apple Shed, talked to council about a Missouri buyback program for Bradford Pear Trees.

Mike Lamaster thanked the Springdale Parks and Recreation Department for their forward thinking in installing all the pickleball courts in Springdale.

APPROVAL OF MINUTES

Council Member Bailey moved the minutes of the February 28, 2023 City Council meeting be approved as presented. Council Member Harriman 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 Williams made the second.

The vote:

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

No: None

SPRINGDALE LIBRARY PRESENTATION

Anne Gresham, Library Director, gave a presentation on what the Library has to offer for the public and invited everyone to come visit.

RESOLUTION NO. – MAKING A REAPPOINTMENT TO THE SHILOH MUSEUM BOARD OF TRUSTEES FOR THE CITY OF SPRINGDALE

Mayor Doug Sprouse presented a Resolution making a reappointment to the Shiloh Museum Board of Trustees for the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION MAKING REAPPOINTMENTS TO THE SHILOH MUSEUM BOARD OF TRUSTEES FOR THE CITY OF SPRINGDALE

WHEREAS, upon recommendation of the Shiloh Museum Board of Trustees for the City of Springdale, the Mayor has recommended that the reappointments listed below be made to the Shiloh Museum Board of Trustees with the terms and expirations dates noted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the following individuals are hereby appointed to the Shiloh Museum Board of Trustees with the terms indicated:

<u>Name</u>	<u>Term</u>
Jose Echegoyen	1/1/23 to 12/2026
Seth Rahmoeller	1/1/23 to 12/2026
Delene McCoy	1/1/23 to 12/2026
Hank Taylor	1/1/23 to 12/2023

PASSED AND APPROVED this ____ day of March, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 33-23.

ORDINANCE NO. 5815 – ACCEPTING THE REPLAT (RP23-01) OF LOTS 4 AND 5, BLACK OAKS PLAZA SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat (RP23-01) of Lots 4 and 5, Black Oaks Plaza Subdivision to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval.

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

The vote:

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

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

No: None

The Ordinance was numbered 5815.

RESOLUTION NO. 34-23 – TO WAIVING COMPETITIVE BIDDING AND TO APPROPRIATE FUNDS FOR BUILDING SECURITY

Council Member Brian Powell presented a Resolution to waive competitive bidding and to appropriate funds for building security in the new administration complex being built. Bag screening and x-ray technology are necessary for appropriate building security. This will be purchased from Point Security Inc. in the amount of \$64,905.87.

The cost to include years 2-5 for warranty is an additional \$23,708. This could be paid up front to have some cost savings or the warranty could be included each year in the yearly budget.

RESOLUTION NO.____

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND TO APPROPRIATE FUNDS FOR BUILDING SECURITY

WHEREAS, the City of Springdale will complete Phase 2 of the Criminal Justice Complex this year, and

WHEREAS, the City of Springdale will provide adequate building security for the new complex, and

WHEREAS, bag screening and x-ray technology are necessary for appropriate building security, and

WHEREAS, the City of Springdale has identified a specific solution from Point Security Inc. that would meet our security needs, therefore 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. This Council finds that due to the specific needs of city departments moving into Phase 2 of the Criminal Justice Complex, it is not feasible or practical to use competitive bidding and competitive bidding on bag screening and x-ray technology are here by waived in the amount of \$64,905.87.

Section 2. There is hereby appropriated \$88,613.87 of funds from the General Fund Reserve for this project.

PASSED AND APPROVED this ____ day of March, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 34-23.

ORDINANCE NO. 5816 – AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE TO ADOPT THE 2021 ARKANSAS FIRE PREVENTION CODE

Council Member Amelia Williams presented an Ordinance amending the Code of Ordinance of the City of Springdale to adopt the 2021 Arkansas Fire Prevention Code.

The 2021 Arkansas Fire Prevention Code officially went into effect on January 1, 2023, in the State of Arkansas, thereby replacing and superseding the 2012 Arkansas Fire Prevention Code. Chapter 22 and Chapter 46 of the Code of Ordinances of the City of Springdale, Arkansas, need to be amended to adopt the provisions of the 2021 Arkansas Fire Prevention Code.

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

The vote:

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

No: None

The Ordinance was numbered 5816.

RESOLUTION NO. 35-23 – AUTHORIZING THE PURCHASE OF A FITNESS COURT FOR MURPHY PARK; AND TO WAIVE COMPETITIVE BIDDING

Council Member Mike Lawson presented a Resolution authorizing the purchase of a fitness court for Murphy Park; and to waive competitive bidding. At the February 28, 2023 City Council meeting, Resolution No. 32-23 was adopted where the City applied for and received a National Fitness Campaign grant award in the amount of \$30,000.00 to be applied towards the cost of a fitness court at Murphy Park.

The following Resolution authorizes the city to enter into an agreement with National Fitness Campaign, LP, for the purchase of the fitness court and national campaign resources for Murphy Park, in an amount not to exceed \$125,000.00, to be paid from Park Set Aside funds

RESOLUTION NO. ____

AN RESOLUTION AUTHORIZING THE PURCHASE OF A FITNESS COURT FOR MURPHY PARK; AND TO WAIVE COMPETITIVE BIDDING.

WHEREAS, the City of Springdale, Arkansas, desires to build an outdoor fitness court at Murphy Park;

WHEREAS, on February 28, 2023, the City Council of the City of Springdale passed Resolution No. 32-23, wherein the City applied for and received a National Fitness Campaign grant award in the amount of \$30,000.00 to be applied towards the cost of the fitness court at Murphy Park;

WHEREAS, the National Fitness Campaign is considered the state of the art in this type of equipment and program, and is the exclusive provider of this type of equipment and program; and

WHEREAS, the City of Springdale wishes to purchase the fitness court and national campaign resources package from National Fitness Campaign, LP.

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 an agreement with National Fitness Campaign, LP, for the purchase of a fitness court and national campaign resources for Murphy Park, in an amount not to exceed \$125,000.00, to be paid from Park Set Aside funds.

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 March, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 35-23.

ORDINANCE NO. 5817 – 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

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 407 South Cleveland, Parcel No.815-28480-000, Springdale, Washington County, Arkansas.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5817.

STATE OF THE CITY ADDRESS

Mayor Doug Sprouse gave his "State of the City" address following City Council business. (On file in City Clerk's Office)

CITY COUNCIL COMMENTS

Council Member Watson asked that the city follow up on the request received earlier in the meeting regarding city street lights.

A discussion on this will be brought up in a future committee meeting.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 7:00 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer