SCHEDULED COMMITTEE MEETINGS to be held in the Multi-Purpose Room #236, second floor of the City Administration Building, 201 Spring Street:

- **Monday, May 24th, 5:30 p.m. is the next Committee meetings.**
  - **Committee agendas will be available on Friday, May 18th, 2015.**

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, May 12th, 2015

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **Eric Ford**

6:00 p.m. OFFICIAL AGENDA

1. *Large Print* agendas are available at the back of the room, next to the main entrance.

2. Call to Order - Mayor Doug Sprouse

3. Roll Call – City Clerk Denise Pearce

   Recognition of a Quorum.

4. Recognition of retirement- Trudy Hill-Bell. Thirteen years of service as the Children's Services Coordinator at Springdale Public Library. Presented by: Marcia Ransom, Library Director

5. Comments from Citizens

   The Council will hear brief comments from citizens during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.

6. Reports: Shiloh Museum 1st Quarter Report 2015. Presented by: Allyn Lord, Shiloh Museum Director

7. Approval of Minutes

   a) April 28th, 2015 (2-14)

8. Procedural Motions

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

   B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers….**9a-; 10a-c; 12a-b; 13; and 14*** (Motion must be approved by two-thirds (2/3) of the council members).

9. Ordinance Committee Report and Recommendations by Chairman Mike Overton:

   A. ***An Ordinance*** amending Chapter 114-57 of the code of ordinances of the City of Springdale, Arkansas; and for other purposes (concerning trailers, utility trailers, and commercial vehicles on commercially zoned property). (15-17)

10. Planning Commission Committee Report and Recommendations by Patsy Christie, Planning Director:

    A. ***An Ordinance*** amending Chapter 110, Article VI. Street names and address number; to transfer the name of a street to a new location and to change the name of an existing street; to declare an emergency for other purposes. (Name change for the new Springdale Municipal Airport access road). (Committee Recommended Approval) (18-19)

B. ***An Ordinance***. Amending Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas and for other purposes. (concerning screening walls) (Committee Recommended Approval) (20-22)

C. ***An Ordinance*** amending Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. (Use Unit 51 airport hangar with living quarters) (Committee Recommended Approval) (23-24)

11. Committee of the Whole.

A. ***A Resolution*** amending the 2015 budget of the City of Springdale Street Department. (Funding for Ozark Regional Transit Route 63). (Committee Recommended Approval) (25)

12. Heath, Sanitation, & Property Maintenance Report and Recommendations by Chairman Jim Reed.

A. ***An Ordinance*** ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 513 Caudle Ave; to declare an emergency and for other purposes. (Committee Recommended Approval) (26-34)

B. ***An Ordinance*** ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 1321 S. Turner St; to declare an emergency and for other purposes (Committee Recommended Approval) (35-43)

C. ***A Resolution*** approving and authorizing the Mayor and City Clerk to execute an inter-municipal sewer agreement between the City of Springdale, Arkansas, and the City of Elm Springs, Arkansas. (Committee Recommended Approval) (44-54)

13. Finance Committee Report and Recommendations by Chairperson Eric Ford:

A. ***An Ordinance*** amending the 2015 budget of the City of Springdale Police Department. (Committee Recommended Approval) (55)

14. ***An Ordinance*** authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Washington County, Arkansas. (2403 Toni Ave) Presented by: Ernest Cate, City Attorney (56-64)

15. Comments from Department Heads.

16. Comments from Council Members.

17. Comments from City Attorney.

18. Comments from Mayor Sprouse.

19. Adjournment.

SPRINGDALE CITY COUNCIL
APRIL 28, 2015

The City Council of the City of Springdale met in regular session on April 28, 2015, in the City Council Chambers, City Administration Building. Mayor Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Rick Culver	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Eric Ford	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Kathy O'Kelley	Police Chief
Patsy Christie	Planning Director
Mike Irwin	Fire Chief
Mike Chamlee	Buildings Director
Sam Goade	Public Works Director
Brad Baldwin	Engineering Director
Bill Mock	Parks & Recreation Director
Mark Gutte	IT Director

PRESENTATION BY THE ANIMAL CARE EDUCATORS GROUP

Kathy Short and Donna Hardcastle gave a presentation about the Animal Care Educators Group and the goals of the program.

REPORT ON ECONOMIC DEVELOPMENT

Scott Edmondson, Director of Business Development with the Springdale Chamber of Commerce, gave a report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

APPROVAL OF MINUTES

Alderman Jaycox moved the minutes of the April 14, 2015 City Council meeting be approved as presented. Alderman Reed made the second.

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

AGENDA ITEM ADDED

Alderman Reed made the motion to add a Resolution regarding the Arts Center parking lot to the agenda as item 17. Alderman Jaycox made the second.

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed Jaycox

No: None

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Alderman Evans 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. Alderman Jaycox made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

PROPOSED ORDINANCE – AMENDING CHAPTER 114-56(A) AND 114-57(B) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES (PERTAINING TO COMMERCIAL VEHICLES NOT BEING PARKED OR STORED ON CERTAIN PROPERTIES/ADDING BOX TRUCK TO THE DEFINITION OF A COMMERCIAL VEHICLE)

Alderman Overton presented a proposed Ordinance amending Chapter 114-56(a) and 114-57(b) of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency and for other purposes; pertaining to commercial vehicles not being parked or stored on certain properties/adding box truck to the definition of a commercial vehicle.

After the reading the title of the Ordinance, Alderman Jaycox moved the Ordinance "Do Pass". Alderman Evans made the second.

Alderman Reed said he is not for this change. He would like to see it tied to home offices.

The vote:

Yes: Overton, Lawson, Evans, Jaycox

No: Ford, Reed, Culver, Watson

Motion failed by 4-4 vote.

RESOLUTION NO. 46-15 – ESTABLISHING A PROCEDURE FOR THE SELECTION AND APPOINTMENT TO A BOARD OR COMMISSION IN THE CITY OF SPRINGDALE, ARKANSAS

Mayor Sprouse presented a Resolution establishing a procedure for the selection and appointment to a Board or Commission in the City of Springdale, Arkansas.

Alderman Jaycox said this will let people know who would like to serve when there are openings on various boards and commissions.

RESOLUTION NO. ____

A RESOLUTION ESTABLISHING A PROCEDURE FOR THE SELECTION AND APPOINTMENT TO A BOARD OR COMMISSION IN THE CITY OF SPRINGDALE, ARKANSAS

WHEREAS, the City of Springdale has various boards and commissions, to which appointments are made pursuant to Arkansas law and/or City ordinance;

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, that the most qualified individuals be selected to serve on City boards and commissions;

WHEREAS, in order to attract well-qualified candidates, it would be beneficial to advertise any openings on City boards and commissions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby requested to advertise, in a local newspaper for two consecutive weeks, and to post on the City of Springdale's website and Facebook page, the open position on any City board or commission, and providing a deadline by which to apply for such opening, and that no appointment to any City board or commission shall be made until such deadline has passed.

PASSED AND APPROVED this ____ day of April, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED:

_____
Ernest B. Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

The Resolution was numbered 46-15.

RESOLUTION NO. 47-15 – ENDORSING CITIZEN INVOLVEMENT PROGRAMS TO PROMOTE SAFE, RESPONSIBLE AND ENJOYABLE USE OF THE TRAILS IN SPRINGDALE

Alderman Lawson presented a Resolution endorsing citizen involvement programs to promote safe, responsible and enjoyable use of the trails in Springdale.

Planning Director Patsy Christie explained there are two citizen involvement programs, "Adopt-a-Trail Program and Springdale Ambassador Program".

RESOLUTION NO. ____

A RESOLUTION ENDORSING CITIZEN INVOLVEMENT PROGRAMS TO PROMOTE SAFE, RESONSIBLE AND ENJOYABLE USE OF THE TRAILS IN SPRINGDALE

WHEREAS, the Springdale Trail System will be greatly enhanced with the opening of the Razorback Greenway and the commitment and continued planning efforts of the Trails Committee will result in an expanded commitment to provide alternative transportation and recreation opportunities in Springdale; and

WHEREAS, in order to promote safe, responsible and enjoyable use of the trails the Trails Committee has recommended two citizen involvement programs, "Adopt-a-Trail Program and Springdale Ambassador Program (copies of which are attached and made a part of this resolution), which will allow groups, corporations; non-profit organizations; neighborhood associations, community service organizations and citizens of Springdale to become involved and take ownership of the trail system as it continues to grow and expand by keeping the trail system clean and safe for all to use and enjoy.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, hereby endorses the Springdale Adopt-a-Trail and Springdale Ambassador Program, and encourages groups, corporations; non-profit organizations; neighborhood associations, community service organizations and citizens of Springdale to become involved and take ownership of the trail system as it continues to grow and expand by keeping the trail system clean and safe for all to use and enjoy.

PASSED AND APPROVED this ____ day of April, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Culver made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Resolution was numbered 47-15.

ORDINANCE NO. 4903 – AMENDING CHAPTER 102-5 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; PERTAINING TO SOLID WASTE, TRASH AND BULKY WASTE

Alderman Reed presented an Ordinance amending Chapter 102-5 of the Code of Ordinances of the City of Springdale, Arkansas, pertaining to solid waste, trash and bulky waste.

One of the changes to the ordinance states: "Except when placed at the curbside collection point, all trash or garbage containers shall be stored in such a manner so as to not be visible from the front of the dwelling, but may be stored on the side of the dwelling, not projecting beyond the front roof line".

After the reading of the title of the Ordinance, Alderman Jaycox moved the Ordinance "Do Pass". Alderman Culver made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

The Ordinance was numbered 4903.

ORDINANCE NO. 4904 – ALLOWING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE SPRINGDALE CHAMBER OF COMMERCE TO PROMOTE BUSINESS DEVELOPMENT AND ECONOMIC GROWTH; TO WAIVE COMPETITIVE BIDDING AND FOR OTHER PURPOSES

Alderman Ford presented an Ordinance allowing the Mayor and the City Clerk to enter into an agreement with the Springdale Chamber of Commerce to promote business development and economic growth and to pay the sum not to exceed $150,000.00 per year to the Springdale Chamber of Commerce, as set out in the Agreement, with money to be paid from general fund.

After the reading of the title of the Ordinance, Alderman Jaycox moved the Ordinance "Do Pass". Alderman Culver made the second.

The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans, Reed

No: None

The Ordinance was numbered 4904.

ORDINANCE NO. 4905 – REZONING PROPERTY OWNED BY ELM SPRINGS CENTER LLC LOCATED AT THE NORTHWEST CORNER OF ELM SPRINGS ROAD AND NORTH 40TH STREET, FROM C-2 TO C-5

Planning Director Patsy Christie presented an Ordinance rezoning 1.12 acres owned by Elm Springs Center LLC located at the northwest corner of Elm Springs Road and North 40th Street, from C-2 to C-5.

Planning Commission recommended approval at their April 7, 2015 meeting.

After the reading of the title of the Ordinance, Alderman Jaycox moved the Ordinance "Do Pass". Alderman Reed made the second.

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Reed made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

The Ordinance was numbered 4905.

ORDINANCE NO. 4906 – REZONING .4 ACRES OWNED BY RANDALL C. EVANS REVOCABLE TRUST LOCATED AT 1123 CRUTCHER, FROM MF-12 TO C-2

Planning Director Patsy Christie presented an Ordinance rezoning .4 acres owned by Randall C. Evans Revocable Trust located at 1123 Crutcher, from MF-12 to C-2.

Planning Commission recommended approval at their April 7, 2015 meeting.

After the reading of the title of the Ordinance, Alderman Evans moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

Alderman Reed moved the Emergency Clause be adopted. Alderman Evans made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

The Ordinance was numbered 4906.

ORDINANCE NO. 4907 – REZONING .57 ACRES OWNED BY GLEN FENTER LOCATED ON A VACANT LOT LOCATED DIRECTLY EAST OF 607 JAMES, FROM MF-12 TO C-2

Planning Director Patsy Christie presented an Ordinance rezoning .57 acres owned by Glen Fenter for property located on a vacant lot located directly east of 607 James, from MF-12 to C-2.

Planning Commission recommended approval at their April 7, 2015 meeting.

After the reading of the title of the Ordinance, Alderman Evans moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Reed made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

The Ordinance was numbered 4907.

ORDINANCE NO. 4908 – REZONING .22 ACRES OWNED BY STORM BREWERY LOCATED AT 321 AND 323 E. EMMA AVENUE, FROM C-2 TO I-1

Planning Director Patsy Christie presented an Ordinance rezoning .22 acres owned by Storm Brewery located at 321 and 323 E. Emma Avenue, from C-2 to I-1.

Planning Commission recommended approval at their April 7, 2015 meeting.

After the reading of the title of the Ordinance, Alderman Evans moved the Ordinance "Do Pass". Alderman Lawson made the second.

The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

Alderman Reed moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans, Reed

No: None

The Ordinance was numbered 4908.

RESOLUTION NO. 48-15 – AMENDING THE 2015 BUDGET OF THE SPRINGDALE POLICE DEPARTMENT FOR REPLACEMENT OF RADIOS

Alderman Ford presented a Resolution amending the 2015 Budget of the Springdale Police Department for replacement of radios.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2015 BUDGET OF THE CITY OF SPRINGDALE POLICE DEPARTMENT

WHEREAS, the Police Department has received drug seizure funds that have not been appropriated; and

WHEREAS, the Police Chief has requested that some of these funds be appropriated for replacement of radios;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2015 budget of the City of Springdale Police Department is hereby amended as follows:

Department	Account No.	Description	Present Budget	Increase	Decrease	Proposed Budget
Police	10105014217021	Drug Seizure Expenses	60,200	44,000		104,200

PASSED AND APPROVED this ____ day of April, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

No: None

The Resolution was numbered 48-15.

RESOLUTION NO. 49-15 – AUTHORIZING EXECUTION OF A CONTRACT FOR ENGINEERING SERVICES FOR THE STUDY OF HUNTSVILLE ROAD

Alderman Evans presented a Resolution authorizing execution of a contract for engineering services with USI Consulting Engineers Inc. for design services for the study of Huntsville Road in the amount of $55,000.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR ENGINEERING SERVICES FOR THE STUDY OF HUNTSVILLE ROAD

WHEREAS, the existing Huntsville Road pavement is exhibiting signs of subgrade/pavement failure in several areas,

WHEREAS, a geotechnical evaluation is needed to determine the cause of the failure and requires engineering design consulting services, and,

WHEREAS, USI Consulting Engineers, Inc., has submitted a contract for engineering consulting services in the amount of $55,000, a copy of which is attached to this resolution, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk/Treasurer are hereby authorized to execute a contract with USI Consulting

Engineers, Inc., for design services for the study of Huntsville Road in the amount of $55,000.

PASSED AND APPROVED this ____ day of April, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

No: None

The Resolution was numbered 49-15.

ORDINANCE NO. 4909 – 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, WASHINGTON COUNTY, ARKANSAS

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 3203 S. Turner Street, Washington County, Arkansas.

After the reading of the title of the Ordinance, Alderman Reed moved the Ordinance "Do Pass". Alderman Lawson made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

Alderman Ford moved the Emergency Clause be adopted. Alderman Lawson made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

The Ordinance was numbered 4909.

SPRINGDALE CITY COUNCIL
APRIL 28, 2015

RESOLUTION NO. 50-15 - AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT FOR A PUBLIC PARKING LOT ADJACENT TO THE ARTS CENTER OF THE OZARKS

City Attorney Ernest Cate presented a Resolution authorizing the Mayor and City Clerk to enter into a lease agreement for a public parking lot adjacent to the Arts Center of the Ozarks.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT FOR A PUBLIC PARKING LOT ADJACENT TO THE ARTS CENTER OF THE OZARKS.

WHEREAS, the Arts Center of the Ozarks (the "ACO") is a facility that serves families, strengthens the community, and benefits the citizens of the City of Springdale, Arkansas;

WHEREAS, the ACO is strategically located near many properties of interest to the citizens of the City of Springdale, Arkansas, is near the Downtown District, and will be near the Razorback Regional Greenway Trail;

WHEREAS, there is a need for a public parking lot located adjacent to the ACO;

WHEREAS, the ACO wishes to lease to the City of Springdale the property needed for a public parking lot, in exchange for the City providing funds for the construction and surfacing of the public parking lot adjacent to the ACO, in an amount not to exceed $150,000.00;

WHEREAS, the ACO and the City wish to enter into a Lease agreement attached hereto as Exhibit "A" and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are authorized to execute a lease agreement, attached as Exhibit "A" hereto, with the ACO, for the purpose of providing a public parking lot, and providing for the construction and surfacing of the parking lot in an amount not to exceed $150,000.00.

PASSED AND APPROVED this ____ day of April, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

_____
Ernest B. Cate, CITY ATTORNEY

LEASE AGREEMENT

This lease agreement is entered into by and between Arts Center of the Ozarks, Inc., hereinafter referred to as "Lessor" and the City of Springdale, Arkansas, hereinafter referred to as "Lessee".

WITNESSETH:

1. **LEASE OF LAND**: The Lessor, in consideration of the covenants and agreements to be performed by the Lessee, does hereby let, lease, and demise unto the Lessee the following described premises, situate in Washington County, Arkansas, to-wit:

The property as depicted on Exhibit "A" attached hereto and made a part hereof.
(hereafter the "Premises")

2. **TERM:** To have and to hold the above described Premises unto the Lessee for a term beginning on the ____ day of May, 2015, and ending on the _____ day of May, 2035.

3. **RENT:** In consideration of this lease of the Premises for the entire term, Lessee agrees to pay the actual cost for the construction of a parking lot on the property and any other improvements upon the Premises required by the City of Springdale, not to exceed $150,000.00 for said improvements and surfacing, said payment to begin after Lessor has contributed $50,000.00 toward the cost of said improvements. In order that the parties hereto will know in advance what the cost of such work will be, such work shall be contracted in advance under a contract not to exceed the agreed amount of contribution by both parties. If the amount of such work exceeds the amounts to be contributed by both parties hereto, then this Lease shall be null, void and of no effect. The Lessee shall have the option to complete the parking lot surfacing and maintenance with its own forces or contract the work with an independent contractor of its choosing. Such work shall be performed in accordance with the plans and specifications attached hereto as Exhibit B to be completed within 150 days from the date of this Lease. The parties hereto acknowledge that if such plans call for the installation of lighting upon the Premises and the expense of such lighting is not within the budget set forth above, then to the extent allowed by City of Springdale Ordinances, such lighting shall be deleted from the construction to be performed by Lessee; provided, however, Lessee shall make, in the future, reasonable efforts to budget for the installation of the lighting called for in the plans and shall install them when its budget allows.

4. **TAXES:** Lessor shall pay for all real estate taxes, and all other taxes of every kind and nature assessed against the above described real property before same become delinquent.

5. **MAINTENANCE AND USE OF LEASED PREMISES:** Lessor agrees that the above described property may be used by Lessee for the purpose of a parking lot for the use and benefit of the inhabitants and visitors of the City of Springdale. Lessee shall be obligated to do any and all work necessary to build such parking lot to substantially comply with the plans attached hereto and may add such other improvements as it deems, in its sole discretion, necessary so long as it continues to be a parking lot with at least the number of spaces as set forth in the plans. Lessee shall further be responsible for any and all routine maintenance necessary to maintain the Premises, and for payment of utilities, if any, for lights upon the Premises. Lessee hereby covenants and agrees to maintain the Premises in a proper and reasonable manner befitting a public parking lot and in substantially the same condition as it is in when completed, normal wear and tear excepted. During the term of the lease, the Lessor shall have the benefit of the shared use of the parking lot for its employees, patrons and visitors during all hours of business. In the event either party desires to host or allow activities, such as special events or festivals, on the premises, it shall first obtain the other party's consent, which will not be unreasonably withheld, not less than thirty (30) days in advance. Lessor shall be entitled to install, at its expense, permanent signage upon the Premises, the purpose of which shall be to advertise or promote Lessor and its business. Such signage shall be subject to the approval of Lessee, which approval shall not be unreasonably withheld.

6. **INDEMNITY:** It is agreed and understood between the parties that whereas this is a shared parking lot, neither party shall be liable to indemnify the other for damage to personal property or injury to persons upon the leased premises during the term of this lease. Lessor acknowledges Lessee's sovereign immunity but nevertheless covenants and agrees that Lessor will continue to carry public liability insurance upon the Premises under the same terms as it now carries.

7. **COVENANT AGAINST LIENS:** Lessee shall not, by its acts, permit to exist any lien upon the leased premises, unless such lien or claim of lien is contested by Lessee, and in such event such contest shall be prosecuted to a final conclusion as quickly as possible, and the Lessee shall save and hold harmless Lessor against any and all losses and costs which may be incurred by Lessor by reason of such lien, and after final determination of such contest, the Lessee shall fully pay and discharge any judgment resulting from such contest.

8. **QUIET ENJOYMENT:** Lessor covenants with Lessee that Lessor is the lawful owner of and is seized in fee of the premises and improvements thereon, subject to roadways and easements of record, if any. Lessor covenants to defend the title to the leased premises against the claims of all persons whomsoever except roadways and easements as mentioned herein.

9. **DEFAULT:** In the event that the Lessor complies with the terms and provisions hereof and should the Lessee fail, refuse and neglect to comply with the terms and provisions of this lease agreement, then the Lessor shall have the right to use any and all remedies at law or equity against the Lessee for damages and/or for possession of the leased premises.

10. **NOTIFICATION OF PARTIES:** If either party needs to notify the other party in writing concerning this agreement, the parties' mailing addresses are as follows:

LESSOR:	Arts Center of the Ozarks ATTENTION: Harry and Kathi Blundell 214 S. Main St. Springdale, Ar. 72764
LESSEE:	City of Springdale, Arkansas ATTENTION: Mayor 201 Spring Street Springdale, AR 72764

11. **NUMBER AND GENDER:** Whenever necessary in this lease agreement and where the context admits, the singular term and the related pronoun shall include the plural and the appropriate gender.

12. **BINDING EFFECT:** This agreement shall be binding upon and shall inure to the benefits of the parties hereto, their heirs, personal representatives, successors and assigns.

13. **RIGHT TO TERMINATE:** After completion of the construction as required hereinabove and after 12 months from the beginning of this Lease, either party shall have the right to terminate the agreement by notifying the other party of their intent not less than 60 days in advance, which must be followed by a certified vote of a majority of the City Council Members of the Lessee and the Board of Directors of the Lessor.

IN WITNESS WHEREOF, the parties have hereunto set their hands this ____ day of _____, 2015.

LESSOR: ARTS CENTER OF THE OZARKS, INC.

By _____
Tareneh Manning, Chairman of the Board

LESSEE: CITY OF SPRINGDALE, ARKANSAS

By _____
Doug Sprouse, Mayor

By _____
Denise Pearce, City Clerk

Alderman Jaycox moved the Resolution be adopted. Alderman Evans made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Resolution was numbered 50-15.

CARLEY ROAD REPAIRS

Public Works Director Sam Goade said he has been contacted by the City of Johnson with a proposal to share the cost of paving 1,100 linear feet of Carley Road, from the city limits sign of Johnson located south of Don Tyson down to Magnolia Avenue. This portion of the road has deteriorated over the years. The cost to include this section of Carley Road in the existing contract with APAC is $30,000, so each city would be paying $15,000 for the repairs. He will proceed with this proposal.

ADJOURNMENT

Alderman Jaycox made the motion to adjourn. Alderman Reed made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:45 p.m.

_____
Doug Sprouse, Mayor

_____
Denise Pearce, City Clerk/Treasurer

That which is underlined is added.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 114-57 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 114-57 contains the regulations pertaining to the parking of trailers, utility trailers, and commercial vehicles on residentially zoned property in the City of Springdale, Arkansas;

WHEREAS, Chapter 114-57 needs to be amended to address the storage of inoperative/unlicensed vehicles and unsightly/unsanitary conditions on trailers and utility trailers;

WHEREAS, Chapter 114-57 needs to be amended to address trailers and utility trailers used in connection with an off-site business being parked or stored on residentially zoned property in the City of Springdale, Arkansas;

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, that Section 114-57 of the Code of Ordinances of the City of Springdale, Arkansas, be amended to make these changes.

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

Section 1: Section 114-57 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

(a) In residentially zoned areas of the city, as shown on the official zoning map, it shall be unlawful to park or leave a boat, recreational vehicle, utility trailer, or trailer or any kind, on any residential lot, except as specifically provided below:

(1) A recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer may be parked or left in the rear yard, not closer than eight feet to the rear lot line or in a side yard not projecting beyond the front roof line.

(2) No recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer may be parked in the front yard between the paved edge of any street and a dwelling or garage (whichever is closer to the paved edge of the street), unless it is parked or left on a garage driveway or other paved surface area which is immediately adjacent to and an expansion of the garage driveway. Further, no recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer shall be parked closer than ten feet to the paved edge of any street.

(3) The total number of recreational vehicles, all-terrain vehicles, boats, trailers, or utility trailers (other than passenger vehicles) which may be parked, as permitted in subsection (1) or (2) above, shall be limited to two, not including those kept in a garage. Further, only one recreational vehicle, boat, trailer, or utility trailer may be parked or stored between the paved edge of any street and a dwelling or garage (whichever is closer to the paved edge of the street).

(4) A recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer shall not be parked or stored where such parking or storage shall constitute a clear and demonstrable vehicular traffic hazard, or be a threat to public health or safety.

(5) It shall be unlawful to park a recreational vehicle, all-terrain vehicle, boat, utility trailer, or trailer of any kind, upon a public street, except when it is actually being loaded, readied for use, or unloaded, but in no event longer than 24 hours.

(6) It shall be unlawful to use a recreational vehicle or trailer, which otherwise complies with the provisions above, for temporary on premises dwelling purposes for more than seven days total in any continuous 12-month period.

(7) The parking of a recreational vehicle, boat, trailer, or utility trailer as described in subsection (2) above shall effect a violation of this section if it results in the parking of other vehicles upon a public street.

(8) A trailer, or utility trailer shall not be used to park or store any inoperative or unlicensed vehicle, as defined in Chapter 42.

(9) A trailer, or utility trailer shall not be used to park or store any unsightly or unsanitary condition, as defined in Chapter 42.

(10) A trailer, or utility trailer shall not be used to park or store any materials, supplies, equipment, or property used in connection with the conducting of a business not located on the property.

(b) For purposes of sections 114-56, 114-57, and 114-58~~, and 114-59~~ the following definitions shall apply:

All-terrain vehicle shall mean every three-wheeled, four-wheeled, or six-wheeled vehicle 75 inches or less in width, equipped with low pressure tires designed primarily for off-road recreational use, and having an engine displacement of no more than 1,000 cubic centimeters. The term "all-terrain vehicle" shall not include any golf cart, riding lawnmower, or lawn or garden tractor.

Boat shall mean all types of watercraft, whether registered, unregistered, licensed or unlicensed. The term boat shall include any wheeled trailer or other device on which such boat is or may be kept, stored, or transported, whether registered or unregistered, licensed or unlicensed.

Commercial vehicle means a vehicle that has any of the following characteristics: (1) has a gross vehicle weight, gross vehicle weight rating, gross combination weight, or gross combination weight rating of 20,001 pounds or more or (2) backhoes, bulldozers or other wheeled or tracked vehicles used in construction or (3) regardless of weight, is used in the transportation of waste or hazardous or noxious materials such as but not limited to a garbage truck, pump-out truck, chemical truck, gasoline truck or fuel oil truck. However, commercial vehicle does not include a recreational vehicle as defined herein.

Front yard area shall mean the area between the plane of the front elevation of the main portion of a dwelling unit extending to the side property lines and the front property line abutting the street, including the driveway.

Motor vehicle means a self-propelled device that is required under the laws of the State of Arkansas to be licensed in order to be operated upon the public roadways, but does not include recreational vehicles as defined herein.

Park, when prohibited, means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of or actually engaged in loading or unloading.

Paved shall mean a surface paved or covered with a constructed surface of concrete, asphalt, or similar materials, but excluding debris, to establish a

permanent surface for the parking storage, or placement of any boat, recreational vehicle, or utility trailer.

Recreational vehicle shall mean any unit primarily designed as a living quarters for recreation, camping, or travel use which either contains its own motive power as in the case of, but not limited to, motor homes, motor coaches, mini-motor homes, or recreational vans or is permanently mounted on a vehicle such as a truck camper or pickup camper.

Residential lot shall mean a parcel of land located in a residentially zoned district, as established on the official zoning map, of at least sufficient size to meet minimum requirements of the district in which it is located. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

(1) A single lot of record.

(2) A portion of a lot or record.

(3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

(4) A parcel of land described by metes and bounds.

Store shall mean to place for the purpose of preserving, protecting and securing it for a period in excess of 24 hours.

Trailer shall mean, but is not limited to, any vehicle designed or utilized for the transportation of a boat, automobile, snowmobile, livestock, cargo or similar items or as living quarters for recreation, camping or travel use as in the case of a travel, tent, camp, popup or 5th wheel trailer, which do not have motive power of its own, but is designed to be drawn by vehicle.

Utility trailer shall mean a vehicular structure or device with or without its own motive power, licensed or unlicensed, designed and/or used for the transportation of goods or materials.

Section 2: All other provisions of Chapter 114 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically modified herein shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 110, ARTICLE VI. STREET NAMES AND ADDRESS NUMBER; TO TRANSFER THE NAME OF A STREET TO A NEW LOCATION AND TO CHANGE THE NAME OF AN EXISTING STREET; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, a public hearing was held by the Springdale Planning Commission on May 5, 2015, to consider the naming of the newly completed access to the Springdale Municipal Airport as Airport Avenue and renaming the existing Airport Avenue to Charles Avenue ; and

WHEREAS, the Springdale Planning Commission, after hearing the request, voted to recommend to the City Council that the requested name change be made.

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

Section 1. That the street address map is hereby amended to rename Airport Avenue to Charles Avenue to and transfer the name of Airport Avenue to the newly completed airport access as shown on the attached Exhibit A.

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.

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 _____day of _____, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED:

_____
Jeff C. Harper, City Attorney

That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 6, SECTION 3.3 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS AND FOR OTHER PURPOSES.

WHEREAS, Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, currently contains regulations pertaining to Use Unit 22 (automotive services) and Use Unit 41 (automobile sales);

WHEREAS, Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, needs to be amended to allow long-established businesses to be exempt from the screening requirements contained in Article 6, Section 3.3(4) of the Zoning Ordinance of the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas; and

WHEREAS, a public hearing was held before the Springdale Planning Commission on _____ ___, 2015, after notice was given of said hearing as required by law.

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

Section 1: Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

3.3 Use Unit 22 (Automotive Services) and Use Unit 41 (Automobile Sales). In any zoning district where permitted, a Use Unit 22 (Automotive Services) and Use Unit 41 (Automobile Sales) shall be subject to:

1. The regulations set forth in subsection 3.6 of this article for drive-in facilities;

2. All of the lot used for the parking of vehicles, or for the storage and display of merchandise, shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;

3. All servicing of vehicles and assembly of equipment carried on as an incidental part of these use units shall be conducted within a completely enclosed building or in a service bay that is located at least twenty-five (25) feet from a street right-of-way

line and fifty (50) feet from any lot line of an agricultural or residential district~~.~~;

4. No automobile, article, or material stored or offered for sale in connection with these use units shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:

   a. Except as provided in use unit 43: Automobile sale—Damaged vehicles, any automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.

   b. No permanent open display will be permitted on sidewalks, or public right-of-way.

   c. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front setback.

5. All property must be designed and at all times maintained to allow emergency vehicles to respond and to navigate the property;

6. Parked vehicles must be able to egress from a parked position without impediment; and

7. Vehicles parked in designated services lanes are exempt from supplemental regulation #6 above during normal business hours.

Except for regulation #2, the provisions herein shall be applicable to all existing Use Unit 22 and Use Unit 41 uses in the City of Springdale as of the date of passage of this amendment, regardless of zoning district~~, with full compliance of these regulations by December 31, 2014~~. The screening requirements of regulation #4 shall not apply to a business that has had a business license with the City of Springdale for at least ten (10) continuous years prior to the passage of this amendment at the same location. Provided, however, that the requirements of Chapter 56 would still apply.

Section 2: All other provisions of Article 6 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

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 effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest B. Cate, City Attorney

EmestCa/2015Misc/Ord130.6.3.3

That which is underlined is added.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 5 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, contains the various use units which are allowed in the various zoning districts in Springdale, Arkansas;

WHEREAS, there currently is no use unit for airport hangar with living quarters;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Article 5, of the Zoning Ordinance of the City of Springdale, Arkansas, to create a use unit for Airport Hangar with Living Quarters; and

WHEREAS, a public hearing was held before the Springdale Planning Commission on May 5, 2015, after notice was given of said hearing as required by law.

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

Section 1: Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to add a new Use Unit, Use Unit 51, to read as follows:

Sec. 54. – Unit 51: Airport Hanger with Living Quarters

A building designed and used for aeronautical purposes which provides space for aircraft storage and service activities. Living quarters provided in the facility shall be for non-permanent or short-term use only. All living quarters will be required to obtain a separate certificate of occupancy upon inspection by building and fire officials and a determination that all adopted building and fire code requirements have been addressed.

Conditional use in I-1 District only.

Section 2: All other provisions of Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

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 _____, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2015 BUDGET OF THE CITY OF SPRINGDALE STREET DEPARTMENT

WHEREAS, Ozark Regional Transit operates Route 63 during early morning and late afternoon hours, and;

WHEREAS, there has been demonstrated a need to operate Route 63 during the entire day, and;

WHEREAS, the City Council desires to fund the additional hours of operation for Route 63;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2015 budget of the City of Springdale Street Department is hereby amended as follows:

Department	Account No.	Description	Present Budget	Increase	Decrease	Proposed Budget
Street	20102014317803	Ozark Transit	240,000	25,000		265,000

PASSED AND APPROVED this 12th day of May, 2015.

_____

Doug Sprouse, Mayor

ATTEST:

_____

Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 513 CAUDLE AVE.; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, , is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lots numbered 8 and 9 in Block 4 of the R.L. Hayes Addition to the City of Springdale, Arkansas
Commonly known as 513 Caudle Ave., Springdale, Washington County, Arkansas
Tax Parcel No. 815-22475-000

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

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

WHEREAS, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

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

Section 1. That the structure located at 513 Caudle Ave., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Doug Sprouse, MAYOR

ATTEST:

_____
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

_____
Ernest B. Cate, CITY ATTORNEY

Office Of The City Attorney
201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:

ssparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

April 7, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ina V. Bell
20052 Natural Walk
Springdale, AR 72764

RE: Property located at 513 Caudle Ave., Springdale, Washington County, Arkansas,
Tax Parcel No. 815-22475-000

Dear Ms. Bell:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 513 Caudle Ave. and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 513 Caudle Ave., Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be discussing the enclosed ordinance at a committee meeting that will take place in the Multi-Purpose Room on the second floor of the City Administration Building at 5:30 p.m. on Monday, May 4, 2015. This ordinance will be presented to the full Council to be considered at the their meeting on Tuesday, May 12, 2015, at 6:00 p.m. in the council chambers located at 201 N. Spring Street, Springdale, Arkansas. I strongly encourage you to attend this meeting.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,

Sarah Sparkman
Deputy City Attorney

enclosure
SS:ch

cc: Mike Chamlee, Chief Building Official
Tom Evers, Chief Building Inspector

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ina V. Bell
20052 Natural Walk
Springdale, AR
72764

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Ina Bell ☐ Agent ☒ Addressee

B. Received by (Printed Name): Ina Bell
C. Date of Delivery: 4-15-15

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

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 1570 0000 8221 4766

PS Form 3811, July 2013 Domestic Return Receipt

P30

Buildings Department:
Code Enforcement & Building Safety
Michael Chamlee, Chief Building Official

201 Spring Street
Springdale, Arkansas 72764
(479) 750.8154
(479) 756.7701 fax
www.SpringdaleAR.gov

May 21, 2014

Ina Bell
20052 Natural Walk Rd.
Springdale, Ar. 72764-8899

Miranda Bell
601-3353

RE: 513 Caudle Ave. Springdale Ar.

To Whom It May Concern:
The Code of Ordinances for the City of Springdale provides that:

> buildings or structures which are unsafe, unsanitary or not provided with adequate egress; or which are substandard, constitute a fire hazard or are otherwise dangerous to human life; or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are severally…., unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition…

Please be advised that the referenced property has been deemed an "unsafe building." We have posted notice on the property that the property is unsafe and unfit for human habitation. As such, you are required within thirty (30) days of receipt of this letter, to purchase a building permit and to begin repairs/improvements within ten (10) days of that, or to obtain a demolition permit and demolish/remove the unsafe structure within the same time frame.

Should you fail to comply with this notice to repair or remove such unsafe building, we shall ask that this matter be referred to the city council. If the city council deems the structure unsafe and that it is in the best interest of the city to proceed with the removal of the unsafe structure, it will enact an ordinance ordering you to raze and remove the unsafe structure. If you fail to do so, the City is authorized by law to raze and remove the unsafe structure and charge the costs of such removal as a lien in the property.

I wanted to make you aware of the seriousness of this situation. If you should have any questions, please feel free to contact me.

Tom Evers
Chief Building Inspector
Tom Evers

May 21, 2014

Buildings Department:
Code Enforcement & Building Safety
Michael Chamlee, Chief Building Official

201 Spring Street
Springdale, Arkansas 72764
(479) 750.8154
(479) 756.7701 fax
www.SpringdaleAR.gov

Ina Bell
20052 Natural Walk Rd.
Springdale, Ar. 72764-8899

RE: 513 Caudle Ave. Springdale, Washington County, AR.

This is a list of items that I noticed while doing an inspection of the above referenced property. These items need your immediate attention so that they can be completed with 30 days. When completed please contact me for a follow up inspection.

1. The address is to be contrasting color.
2. Home has not been occupied for many years.
3. Home has not had electric service since July of 2008.
4. Wiring has been cut and remains on the roof.
5. Exposed romex noted in several locations.
6. Sheds appear to have been wired at some point.
7. The home has not had gas service since 2009.
8. HVAC code requires 68 degree thermostatically controlled source of heat capable of heating the habitable areas of the structure.
9. Did not locate a furnace at time of inspection.
10. Home has not had water service since December of 2006.
11. Noticed vents running up the outside of the home not connected.
12. Water heaters are required to be elevated to a height of 18" above ignition source.
13. A pan is required under all water heaters.
14. A 3/4" drain line is required to run to the outside of the structure.
15. Proper installation would also require a T&P drain line be run to the exterior of the structure.
16. Gas fueled water heaters can't be installed in bedrooms.
17. The entire roof appears to need replacing.
18. The decking will most likely need to be replaced as well.
19. Fascia is in need of repair or replacement.
20. Soffits need to be repainted if not replaced due to decay.
21. Need to install a proper crawl space cover.
22. Siding needs to be replaced in several locations on the home.
23. If you decide to keep the home the siding is to be painted as well.\
24. Siding on west side of home is bowing, could be possible structural issue with the wall.
25. Wooden trim work is falling apart at back porch.

26. One of the back doors was not secure at the time of this inspection.
27. All wood siding would need to be painted.
28. All wood framed windows would need to be painted.
29. Most windows appear that they need to be replaced.
30. Trees that are alive should be limbed up to allow for the property to be cut a maintained regularly.
31. Cut and remove all dead trees on the property.
32. Remove all saplings impacting the fencing on your property.
33. Remove all saplings or trees impacting the footings.
34. Remove or repair fencing that is falling apart on the property.
35. Cut the grass and maintain it as needed.
36. Cut and maintain vegetation around the property.
37. Remove all piles of limbs from the property.
38. All doors from buildings or homes should have a proper landing.
39. Both sheds are unsecured at time of inspection.
40. They may have been built without a permit.
41. They appear to be built in the side setbacks.
42. Both sheds are less that 10' from each other.
43. Roof on sheds are completely rotted.
44. Most material used on the sheds are not intended for exterior use.
45. Remove all junk and trash from the yard.
46. This is not a complete list of all repairs needed. If you would like we can tour the property together if you wish to repair opposed to removing the house.
47. All work performed must be by a licensed Electrical, Plumbing and HVAC contractor.
48. All rentals should be listed on the landlord registry.
49. All rentals are to have smoke alarms in all bedrooms and halls. (Co/smoke alarm in hall)

Tom Evers
Chief Building Inspector
Phone 479-750-8154 Ext 212

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

... all
20052 Natural Walk Rd.
Springdale, Ar. 72764-8899

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Ina Bell ☐ Agent ☐ Address

B. Received by (Printed Name) C. Date of Delive
5-22-14

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7010 2780 0001 9216 6101

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1

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Ina Bell
20052 Natural Walk Rd.
Springdale, Ar. 72764-8899

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 1321 S. TURNER STREET; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, , is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section One (1) in Township Seventeen (17) North, Range Thirty (30) West described as follows: Beginning at a point 23 rods and 10 feet North of the Southwest corner of said forty acre tract, and thence running East to a point 678 feet West of the East line of said forty acre tract; thence North 332 feet and 4 1/2 inches; thence West to the West line of said forty acre tract; thence South 332 feet and 4 1/2 inches to the place of beginning, containing four acres more or less.
Commonly known as 1321 S. Turner St., Springdale, Washington County, Arkansas
Tax Parcel No. 815-27765-000

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

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

WHEREAS, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

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

Section 1. That the structure located at 1321 S. Turner St., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the

passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Doug Sprouse, MAYOR

ATTEST:

_____
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

_____
Ernest B. Cate, CITY ATTORNEY

Office Of The City Attorney
201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:

ssparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

March 11, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julia Edna Warmack
Trustee, Julia Edna Warmack Revocable Trust
348 Pinkley Rd.
Springdale, AR 72762

RE: Property located at 1321 S. Turner St., Springdale, Washington County, Arkansas,
Tax Parcel No. 815-27765-000

Dear Ms. Warmack:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 1321 S. Turner St. and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 1321 S. Turner St., Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be considering the enclosed ordinance at a meeting that will take place at 6:00 p.m. on Tuesday, April 28, 2015, in the council chambers located at 201 N. Spring Street, Springdale, Arkansas. I strongly encourage you to attend this meeting.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The

amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,

Sarah Sparkman
Deputy City Attorney

enclosure
SS:ch

cc: Mike Chamlee, Chief Building Official
Tom Evers, Chief Building Inspector

SENDER: COMPLETE THIS SECTION

- ☑ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☑ Print your name and address on the reverse so that we can return the card to you.
- ☑ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Julia Edna Warmack
Trustee, Julia Edna Warmack Revocable Trust
348 Pinkley Rd.
Springdale, AR 72762

COMPLETE THIS SECTION ON DELIVERY

A. Signature
Melinda Warmack ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

SPRINGDALE AR
MAR 16 2015

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

3. Service Type
☑ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 1570 0000 8221 4643

PS Form 3811, July 2013 Domestic Return Receipt

Buildings Department:
Code Enforcement & Building Safety
Michael Chamlee, Chief Building Official

201 Spring Street
Springdale, Arkansas 72764
(479) 750.8154
(479) 756.7701 fax
www.SpringdaleAR.gov

October 28, 2013

Edna Julia Warmack
C/O Bill or Melinda Warmack
348 Pinkley Rd.
Springdale, Ar. 72762-9197

RE: 1321 Turner St.

To Whom It May Concern:
The Code of Ordinances for the City of Springdale provides that:

> buildings or structures which are unsafe, unsanitary or not provided with adequate egress; or which are substandard, constitute a fire hazard or are otherwise dangerous to human life; or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are severally…., unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition…

Please be advised that the referenced property has been deemed an "unsafe building." We have posted notice on the property that the property is unsafe and unfit for human habitation. As such, you are required within thirty (30) days of receipt of this letter, to purchase a building permit and to begin repairs/improvements within ten (10) days of that, or to obtain a demolition permit and demolish/remove the unsafe structure within the same time frame.

Should you fail to comply with this notice to repair or remove such unsafe building, we shall ask that this matter be referred to the city council. If the city council deems the structure unsafe and that it is in the best interest of the city to proceed with the removal of the unsafe structure, it will enact an ordinance ordering you to raze and remove the unsafe structure. If you fail to do so, the City is authorized by law to raze and remove the unsafe structure and charge the costs of such removal as a lien in the property.

I wanted to make you aware of the seriousness of this situation. If you should have any questions, please feel free to contact me.

Tom Evers
Chief Building Inspector

Buildings Department:
Code Enforcement & Building Safety
Michael Chamlee, Chief Building Official

201 Spring Street
Springdale, Arkansas 72764
(479) 750.8154
(479) 756.7701 fax
www.SpringdaleAR.gov

October 3, 2012

Edna Julia Warmack
C/O Bill or Melinda Warmack
348 Pinkley Rd.
Springdale, Ar. 72762-9197

RE: 1321 Turner St., Springdale, Washington County, AR

1. Home has not had electric service since 12-17-2012. (Fire)
2. At this time this office will require 100% rewire to 2011 NEC.
3. This would include all exterior electrical.
4. If electrical is not needed for shed than please have it removed.
5. This home has not had gas service since 12-17-2012. (Fire)
6. Not knowing the extent of damage to the home we would require 100% replacement to 2006 Arkansas Gas Code.
7. Homes are to have a thermostatically controlled source of heat in all habitual spaces. (68 degree)
8. Water service has been off since 12-17-2012 (Fire)
9. Not knowing the extent of damage to the home we would require 100% new plumbing to 2006 Arkansas Plumbing Code.
10. Several doors and windows are boarded up at this time.
11. Several other doors remain unsecured at time of inspection.
12. If you intend to repair the home the exterior needs to be painted or sided.
13. Several windows are broken on the home and the outbuilding.
14. If A/C is not provided then all windows need screens.
15. Cellar access door is broken allowing entry to the structure.
16. Sunroom to the south is open to allow entry to the home.
17. Sunroom is also full of junk and trash.
18. Opening from sunroom to house reveals more junk and trash.
19. Burning of trash is not allowed as this home would be on trash service.
20. Roof appears to be leaking. (soffit looks to be rotten)
21. And shingles at southwest corner are lifted allowing possible water entrance.
22. Neither chimney appears to have a spark arrester.
23. In fact lower chimney has a stone over the flue.
24. Remove all dead trees from the property.
25. Also the tree debris already on the ground.
26. Field is overgrown and needs to be brush hogged.
27. Car is untagged and parked on the grass.
28. All construction material blocks, wood, metal etc should be stored in the shed.

29. Equipment should also be stored in shed.
30. Well abandonment is needed for the old well in backyard.
31. Old septic system if still present needs to be pumped crushed and filled per State of Arkansas regulations.
32. This is not a complete list of all repairs needed. If you would like we can tour the property together if you wish to repair opposed to removal of the house.
33. All work performed must be by a licensed Electrical, Plumber and HVAC contractor.
34. If this is to be a rental it should be listed on the landlord registry at the City Of Springdale Clerks' office.

Tom Evers
Chief Building Inspector
Phone 479-750-8154 Ext 212

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Edna Julia Warmack
C/O Bill or Melinda Warmack
348 Pinkley Rd.
Springdale, Ar. 72762-9197

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Edna Julia Warmack
C/O Bill or Melinda Warmack
348 Pinkley Rd.
Springdale, Ar. 72762-9197

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X M. Warmack ☑ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Melinda Warmack

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

Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7010 2780 0001 9216

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTER-MUNICIPAL SEWER AGREEMENT BETWEEN THE CITY OF SPRINGDALE, ARKANSAS, AND THE CITY OF ELM SPRINGS, ARKANSAS.

WHEREAS, the terms and provisions of a water purchase contact dated May 20, 1975, between the City of Springdale, Arkansas, and the City of Elm Springs, Arkansas, provides the residents of Elm Springs with a supply of treated water which shall be purchased from the water distribution system owned and operated by the City of Springdale;

WHEREAS, the City of Springdale owns and operates a municipal sewer system providing sanitary sewer service to users located within the corporate limits of the City of Springdale, Arkansas, certain parts of the City of Lowell, Arkansas, and certain parts of the City of Johnson, Arkansas;

WHEREAS, Springdale's sanitary sewer system includes a wastewater treatment facility that has sufficient capacity to treat current and foreseeable wastewater flows generated within the corporate limits of the cities it now serves;

WHEREAS, the City of Elm Springs, Arkansas, has a municipal S.T.E.P. sewer system, and the lack of adequate sanitary facilities is placing a hardship on property owners located within the corporate limits of Elm Springs;

WHEREAS, the City of Elm Springs, Arkansas, needs time to develop a permanent solution in order to provide sanitary sewer service to users within the corporate limits of Elm Springs;

WHEREAS, the City of Elm Springs, Arkansas, has expressed its desire for Springdale to provide temporary assistance in the form of wastewater treatment services for sewer users to be connected to the Elm Springs sewer system; and

WHEREAS, it is mutually understood and mutually agreed by both parties that this is a temporary sewer agreement and that Elm Springs is currently working toward the development of a permanent source of wastewater disposal; and

WHEREAS, the Springdale Water & Sewer Commission, and the City of Elm Springs, Arkansas, have both adopted Resolutions approving an inter-municipal sewer agreement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute an inter-municipal sewer agreement (attached hereto as Exhibit "A") between the City of Springdale, Arkansas, and the City of Elm Springs, Arkansas, regarding temporary sewer services to the City of Elm Springs, Arkansas, and said agreement is hereby approved.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED:

_____
Ernest B. Cate, City Attorney

ErnestCa/2015Misc/RESOElmSewer

INTER-MUNICIPAL SEWER AGREEMENT

THIS AGREEMENT is made this 30th day of APRIL, 2015, by and between the City of Springdale, Arkansas, a municipal corporation, acting through its Water and Sewer Commission, hereinafter called Springdale, and the City of Elm Springs, Arkansas, a municipal corporation, hereinafter called Elm Springs;

WITNESSETH:

WHEREAS, terms and provisions of a water purchase contract dated May 20, 1975 between Springdale and Elm Springs provides Elm Springs residents a supply of treated water which shall be purchased from the Springdale owned and operated water distribution system;

WHEREAS, Springdale owns and operates a municipal sewer system providing sanitary service to users located within the corporate limits of Springdale, certain parts of Lowell, and certain parts of Johnson, Arkansas; and

WHEREAS, said sewer system includes a wastewater treatment facility that has sufficient capacity to treat current and foreseeable wastewater flows generated within the corporate limits of the cities it now serves; and

WHEREAS, Elm Springs has a municipal S.T.E.P. sewer system, and the lack of adequate sanitary facilities is placing a hardship on property owners located within the corporate limits of Elm Springs; and

WHEREAS, Elm Springs needs time to develop a permanent solution in order to provide sanitary service to users within the corporate limits of Elm Springs; and

WHEREAS, Elm Springs has expressed its desire for Springdale to provide temporary assistance in the form of wastewater treatment services for sewer users to be connected to the Elm Springs Sewer System; and

WHEREAS, it is specifically understood and mutually agreed by both parties that this is a temporary sewer agreement and that Elm Springs is currently working toward the development of a permanent source of wastewater disposal.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Springdale and Elm Springs hereto mutually agree as follows:

1. COOPERATION: Elm Springs and Springdale shall cooperate and communicate in all the dealings contemplated herein.

2. FACILITIES: Elm Springs agrees to construct the following sewer system, metering, and sampling improvements, hereinafter referred to as "Facilities":

a. Extend Elm Springs pressure sewer system to a point near the Ball Lift Station,

b. Construct a sampling and metering weather proof enclosure to house and protect wastewater flow metering, sampling equipment, and electrical equipment,

c. Construct a Metering Vault with suitable meter, restriction/regulating devise and ancillary valving and equipment sufficient to accurately measure wastewater flows from Elm Springs,

d. Provide suitable sampling equipment sufficient to provide continuous sampling of wastewater flows from Elm Springs.

All of the above Facilities are to be designed, constructed, operated, and maintained by Elm Springs at its expense. Elm Springs hereby agrees to secure at its expense all property rights and easements needed to construct said facilities. Upon completion by Elm Springs, the sewage metering and sampling station shall be owned and operated by Springdale near the Ball Lift Station, hereinafter referred to as the Point of Delivery.

3. QUANTITY: During the term of this agreement, Springdale agrees to receive from Elm Springs at the Point of Delivery, wastewater pumped from Elm Springs at a maximum flow rate of fifty (50) gallons per minute. In order to control the rate of flow within the maximum rate of flow specified herein, Springdale reserves the right to require the installation of a flow restriction device to regulate the volume of wastewater pumped from Elm Springs. Wastewater pumped from Elm Springs to Springdale shall be in accordance with standards hereinafter specified.

4. POINT OF DELIVERY: The Point of Delivery for wastewater pumped from Elm Springs to Springdale shall be at a sewage metering and sampling station located near the Ball Lift Station. Elm Springs shall be responsible for design and construction of the metering and sampling station. Plans and specifications for said station shall be prepared by a professional engineer licensed to practice in the State of Arkansas. Design of the metering and sampling station, including equipment and materials to be used in construction, shall be approved in writing by Springdale before the plans and specifications are submitted to the Arkansas Department of Health for review and approval. The metering and sampling station shall become the property of Springdale at such time construction is satisfactorily completed and the metering equipment is certified by the manufacturer to be within accuracy limits specified by Springdale. Elm Springs shall be responsible for paying any costs associated with connecting the metering and sampling station near the Ball Lift Station. Said connection to the manhole shall be made with a gravity sewer line to be owned and maintained by Springdale.

5. METERING EQUIPMENT: The sewage metering and sampling station shall be designed and equipped to accurately measure the volume of wastewater being pumped through the

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Facilities based upon: 1.) The actual flow rate stated in gallons per minute, and 2.) the total flow passing through the meter stated in hundred gallons. The rate of flow and total flow shall be remotely transmitted to the Point of Delivery. Elm Springs agrees to operate and maintain the necessary metering equipment for properly measuring the quantity of wastewater received from Elm Springs and to calibrate such metering equipment whenever requested by Springdale but not more frequently than once every six (6) months. A meter not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the four (4) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If the meter should fail to register for any period, the amount of wastewater received at the Point of Delivery during such period shall be deemed to be the amount of wastewater received in the corresponding period immediately prior to the failure unless Elm Springs and Springdale shall agree upon a different amount. The metering equipment shall be read monthly by Springdale. An appropriate official of Elm Springs shall have access to the meter equipment at reasonable times for the purpose of verifying readings.

6. PRICE: It is hereby stipulated and agreed by Elm Springs that the following sewer charges and fees shall be paid for sewer services provided by Springdale in this agreement:

A.) The following rate schedule shall be used to calculate monthly payments for the volume of wastewater being pumped to the Point of Delivery for treatment by Springdale:

First	1,500 gallons.....	$600.00 Minimum Monthly Charge
Next	23,500 gallons.....	$ 3.23 per thousand gallons
Next	225,000 gallons.....	$ 3.15 per thousand gallons
Next	350,000 gallons.....	$ 3.02 per thousand gallons
Next	400,000 gallons.....	$ 2.99 per thousand gallons
Over	1,000,000 gallons.....	$ 2.61 per thousand gallons

The above monthly minimum charge shall remain constant throughout the term of this agreement; however, in the event the City of Springdale adopts an ordinance increasing the sewer rates being charged to outside city users, the above rates charged for each thousand gallons in excess of 1,500 gallons shall be adjusted to reflect the new sewer rate schedule applied to outside city users.

B.) Elm Springs will be considered as an industrial user connected to the Springdale Municipal Sewer System, and therefore subject to the following surcharges for wastestreams containing excessive Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). Said surcharge shall be based on the following formula:

$$S = Vww \times 8.34\ [Y\ (TSS - 300) + Z\ (BOD - 289)]$$

Where:

S = Surcharge in Dollars (monthly)
Vww = Volume wastewater in million gallons (monthly)
8.34 = Pounds per gallons of water
Y = Unit charge for Total Suspended Solids in dollars per pound
T.S.S. = Total Suspended Solids index in milligrams per liter by weight (300 mg/L or more)
300 = Maximum TSS in milligrams per liters by weight
Z = Unit charge for BOD in dollars per pound
BOD = Five day BOD index in milligrams per liter by weight (289 mg/L or more)
Y & Z = Derived from annual plant expenses

Current charge for Y = $0.440 Current charge for Z = $0.407

The current unit charges for TSS and BOD shall remain effective for sewer service billed in calendar year 2015. The Springdale Sewer Commission shall review annually on a fiscal year basis the actual cost of treating excessive wastestreams and shall increase or decrease the unit charges for TSS (Y) and BOD (Z) based upon the finding of such review. The increase or decrease shall become effective January 1 of each calendar year. In the event surcharges are established for industrial users with excessive concentrations of phosphorus, or any other element, compound, substance or any other basis, Elm Springs hereby agrees to pay the stipulated surcharge as enacted by ordinance of the City of Springdale, Arkansas.

C.) As a provision of its NPDES Permit, Springdale is required to administer an Industrial Pretreatment Program. If any Categorical Industrial Users or Significant Industrial Users are connected to Elm Springs' sanitary sewer system, said users will be subject to and regulated by Springdale through its Industrial Pretreatment Program administered by the Springdale Water and Sewer Commission. Elm Springs agrees to pay Springdale a reasonable fee to cover Springdale's costs for sampling, inspection, and administration of permits issued to each categorical or significant user. These fees shall be paid within thirty (30) days of invoice by Springdale. The fees paid to Springdale related to the Industrial Pretreatment Program will be evaluated annually by the Springdale Sewer Commission and will be subject to change based upon the determination of costs to meet this regulatory requirement. Categorical Industrial Users are defined in EPA regulations. Springdale retains the sole right to determine which users in Elm Springs will be classified as Categorical Industrial Users or as Significant Industrial Users. Permits issued to said users shall be administered in the same manner as those issued to users in Springdale.

D.) Elm Springs agrees to pay Springdale a one-time connection fee for incurred legal, engineering, and administrative expenditures to establish temporary service as set forth in this agreement. This amount shall not exceed $5,000.00 and will be paid by Elm Springs when the actual costs have been determined. Payment shall be made within thirty (30) days of the billing issued by Springdale for its expenditures.

7. BILLING AND PAYMENT: Springdale agrees to furnish Elm Springs with an itemized statement of the volume of wastewater that was received during the preceding month. Elm Springs agrees to pay Springdale for wastewater services provided according to the schedule of rates set forth herein and monthly payments shall be made in a timely manner pursuant to the ordinances of the City of Springdale presently in effect and hereafter adopted. In the event Elm Springs fails to make timely payment as provided herein, then Springdale, at its discretion, shall give notice to Elm Springs that water service being provided to Elm Springs shall be terminated within five (5) days unless payment is made.

8. WASTEWATER STANDARDS: Elm Springs agrees not to discharge wastewater containing any of the following substances at the Point of Delivery:

A. General Prohibitions: Any pollutant which will pass through Springdale's Publicly Owned Treatment Works (POTW), inadequately treated, into receiving waters or otherwise be incompatible with the POTW.

B. Specific Prohibitions: Elm Springs agrees to regulate users within its collection system so that no person shall introduce into Springdale's POTW the following pollutants, substances, or wastewater:

- Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the methods specified in 40 C.F.R. 261.21;
- Wastestreams having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
- Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentrations which, either singly or by interaction with other pollutants, will cause interferences with the POTW;
- Wastewater having a temperature greater than 150° F (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the wastewater plant to exceed 104° F (40° C);
- Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- Pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- Trucked or hauled pollutants;
- Any liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to like, or to prevent entry into the sewers for maintenance or repair;

- Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the POTW's NPDES permit;
- Wastewater containing any radioactive wastes or isotopes except in compliance with applicable Federal or State regulations and approved by Springdale;
- Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, or unpolluted water;
- Water from any source other than that supplied by Springdale
- Sludges, screening, or other residues from the pretreatment of industrial wastes;
- Medical wastes which are deemed to have the potential to cause acute worker or safety problems;
- Wastewater causing, alone or in conjunction with other sources, the POTW to violate its NPDES permit or the treatment plant's effluent to fail a toxicity test;
- Any substance which may cause the POTW's effluent or other product of POTW such as residues, biosolids (sludges) or scums to be unsuitable for normal landfill/land application, reclamation or reuse, or to interfere with the reclamation process;
- Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- Phosphorus levels that will cause the POTW to exceed NPDES permit limits or in sufficient concentrations to exceed the design capacity of the wastewater treatment facility to remove phosphorus biologically;
- Any material into a manhole through its top unless specifically authorized by Springdale;
- Water or wastewater into which anhydrous ammonia has been leaked or "bled off," or any other discharge from an anhydrous ammonia coolant source;
- Any other substance, material, water, or waste, if it appears likely in the opinion of the Executive Director of Springdale Water Utilities that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance;
- Septic wastewater determined by Springdale Water Utilities to contain elevated levels of hydrogen sulfide or other substances which could cause corrosion or odors at the Point of Delivery.

C. Pollutants, substances, or wastewater processed or stored in such a manner they could be discharged to the POTW:

- Toxic or hazardous industrial materials being processed or stored without secondary containment, which could potentially leak into floor drains and other points of entry into the sanitary sewer system.

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9. SPECIAL COVENANTS: Elm Springs hereby agrees to adopt a sewer use code identical to that established by Springdale in Ordinance No. 2842, a copy of said code is attached hereto and incorporated herein by this reference. Every regulation established in the Sewer Use Code in its current format, or as subsequently amended, shall be effective when Elm Springs delivers wastewater to the Point of Delivery. Any entity found to be violating any provision of the Elm Springs Sewer Use Code shall be subject to same administrative and judicial enforcement remedies as entities located in Springdale.

Elm Springs shall, on a monthly basis, provide a list of all commercial and industrial users that are connected to its sanitary sewer system in the preceding month. In addition, Elm Springs shall notify Springdale's Water Utilities' Industrial Pretreatment Manager and obtain approval in advance of any Categorical Industrial User or Significant Industrial User connecting to its sanitary sewer system. If Elm Springs is unsure whether an Industrial or Commercial User is to be considered as a Categorical or Significant User, it is the responsibility of Elm Springs to contact the Springdale's Industrial Pretreatment Manager for a determination.

Elm Springs agrees to install, maintain, and operate chemical feeders at its delivery point that will prevent the formation of hydrogen sulfide, corrosive gases, and noxious odors in the sewage force main between Elm Springs and the Point of Delivery.

This agreement shall not be used by Elm Springs to prevent a property from being detached from Elm Springs and annexed into Springdale, pursuant to Ark. Code Ann. §14-40-2002 (Act 779 of 1999), when a demand for sewer services has been made by the owner of property located in Elm Springs. It is further agreed by the parties that this Agreement shall not be used by Elm Springs as a basis to make a commitment to provide sewer services when a demand for such services has been made by the owner of property located in Elm Springs pursuant to Ark. Code Ann. §14-40-2002 (Act 779 of 1999).

10. TERM: Springdale, for a period of eighteen (18) months from and after the execution of this agreement, shall agree to accept and treat wastewater generated in Elm Springs and discharged into the defined Point of Delivery. At the conclusion of the eighteen month term, this agreement shall be terminated and Elm Springs shall have made suitable arrangements for other means of acceptable sewage treatment. **It is hereby agreed by the parties that this is a temporary arrangement for the treatment of wastewater generated in Elm Springs and this agreement will not be renewed or extended for any additional periods of time.**

Elm Springs shall, no less than once every six months, provide Springdale with a written outline of measures being taken to insure that suitable arrangements for other means of acceptable sewage treatment will be made before the term or this agreement has expired. Included shall be a detailed timeline of what specific actions are and will be taken, concluding on or before the expiration of this agreement. Failure to make reasonable progress toward these arrangements may result in notifications by Springdale to Elm Springs and the Arkansas Department of Health of Springdale's intent to discontinue sewage service regardless of the availability of other service. At the end of the term of this Agreement, Springdale shall have the absolute right to

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terminate its service under this temporary agreement and Elm Springs shall be responsible for the consequences of such termination. Elm Springs shall indemnify Springdale for any and all costs, damages, including any attorney's fees, incurred by Springdale as a result of the failure by Elm Springs to make suitable arrangements as required by this Agreement. Nothing contained in this Agreement is intended to waive any tort immunity that either party has under Arkansas law. If suitable arrangements have not been made at the end of the 18 month contract term and the sewer connection from Elm Springs to Springdale remains for any reason, then Elm Springs shall pay a monthly penalty of $10,000 for as long as the inter-municipal sewer connection remains, in addition to all rates outlined in this Inter-Municipal Sewer Agreement.

11. TERRITORY: Elm Springs agrees to limit sanitary sewer service to users located within its current city limits. Elm Springs agrees to prohibit the discharge of any trucked or hauled waste streams into its Sanitary Sewer Facilities. Trucked or hauled waste streams shall include, but shall not be limited to, water and waste materials pumped from septic tanks and leachate collection systems.

12. CONNECTIONS: All new connections to Elm Springs shall be made in accordance with rules and regulations of the Arkansas State Board of Health and the Arkansas Department of Environmental Quality. Each residential or commercial structure being provided a new sewer connection shall be inspected by a licensed plumbing inspector to certify that the service line and plumbing were installed in accordance with local and state codes in effect at the time such plumbing is installed. Commercial and institutional facilities providing food preparation shall, prior to connection to the sewer, install grease traps that are appropriately sized and adequately maintained.

13. COMPLIANCE WITH RULES: Elm Springs and all sewer customers in the corporate limits of Elm Springs shall comply with, at all times, the health ordinances, Sewer Use Code of Elm Springs, the Arkansas State Board of Health, and the Arkansas Department of Environmental Quality governing sewer connections, operations, and usage which may now exist or may hereinafter be promulgated. Failure or refusal of any customer to comply with such ordinances, rules, or regulations will subject the customer to immediate discontinuance of water and sewer service.

14. ORDINANCES AND REGULATIONS TO FACILITATE PERFORMANCE OF CONTRACT: Elm Springs will enact and adopt any ordinances, codes, resolutions, rules, or regulations which may be deemed necessary to carry out the terms of this contract. This includes a sewer use code or ordinance acceptable to Springdale, the U.S. Environmental Protection Agency, and the Arkansas Department of Environmental Quality, and to control the quality and quantity of sewage that may be discharged to the sewer system owned, operated, and maintained by Elm Springs.

15. NOTICES: The written notices provided for herein shall be sufficient if sent by certified mail, return receipt requested, postage prepaid, to the respective parties hereto.

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16. FURTHER INSTRUMENTS: Springdale and Elm Springs will, whenever and as often as it shall be requested to do so by the other, cause to be executed, acknowledged, or delivered any and all such further instruments and documents as may be necessary or proper in order to carry out the intent and purpose of this agreement.

IN WITNESS WHEREOF, Springdale and Elm Springs have executed these presents by their respective authorized representatives, having been authorized to do so by appropriate resolutions of their respective governing bodies.

SPRINGDALE WATER AND SEWER COMMISSION

BY: _____
Chris G. Weiser, Chair

ATTEST:

_____
Paul E. Lawrence, Secretary

CITY OF SPRINGDALE, ARKANSAS

BY: _____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

ELM SPRINGS SEWER COMMISSION

BY: _____
Derl Howerton, Chairman

ATTEST:

_____
Maranda Taylor, Secretary

CITY OF ELM SPRINGS, ARKANSAS

BY: _____
Harold Douthit, Mayor

ATTEST:

_____
Glenda Pettus, City Recorder/Treasurer

RESOLUTION NO. 6-15

A RESOLUTION OF THE SPRINGDALE WATER AND SEWER COMMISSION APPROVING A TEMPORARY SEWER TREATMENT AGREEMENT WITH THE CITY OF ELM SPRINGS, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, the Springdale Water and Sewer Commission approved Resolution No. 1-15 on February 18, 2015 which set forth terms and provisions of a sewer treatment agreement between the City of Springdale, Arkansas and the City of Elm Springs, Arkansas; and

WHEREAS, said inter-municipal agreement requires the approval of the Springdale City Council; and

WHEREAS, the Health, Sanitation & Property Maintenance Committee and the City Attorney of the City of Springdale added certain language to said agreement; and

WHEREAS, the Health, Sanitation & Property Maintenance Committee referred the amended agreement back to the Springdale Water and Sewer Commission for their consideration; and

WHEREAS, all parties remain desirous of reaching an inter-municipal sewer agreement;

NOW THEREFORE BE IT RESOLVED that the Springdale Water and Sewer Commission hereby rescinds Resolution No. 1-15 concerning the previously approved Sewer Treatment Agreement with the City of Elm Springs, Arkansas.

BE IT FURTHER RESOLVED that the Springdale Water and Sewer Commission hereby approves the amended Sewer Treatment Agreement with the City of Elm Springs, Arkansas as proposed by the Health, Sanitation & Property Maintenance Committee; and the Chair and Secretary are hereby authorized and directed to execute said amended contract, a copy of which is attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that execution of said agreement shall be contingent upon the agreement being approved by the City Council of the City of Springdale, Arkansas.

PASSED AND APPROVED this 18th day of March, 2015.

Chris G. Weiser, Chair

Attest:

Paul E. Lawrence, Secretary

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2015 BUDGET OF THE CITY OF SPRINGDALE POLICE DEPARTMENT

WHEREAS, the City the Police Chief has requested additional police officers; and

WHEREAS, the Mayor and City Council would like to add three additional officers to the 2015 budget and authorized staff;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2015 budget of the City of Springdale Police Department is hereby amended as follows and the authorized staff is increased by three patrol officers:

Department	Account No.	Description	Present Budget	Increase	Decrease	Proposed Budget
Police	10105014213001	Regular Salaries	8,389,080	54,900		8,443,980
Police	10105014212008	Holiday Pay	332,960	2,400		335,360
Police	10105014213501	FICA/Medicare	702,630	4,400		707,030
Police	10105014213502	Insurance	1,533,520	13,670		1,547,190
Police	10105014213503	Pensions	1,762,650	12,600		1,775,250
Police	10105014213504	Worker's Compensation	130,180	760		130,940

PASSED AND APPROVED this 12th day of May, 2015.

_____

Doug Sprouse, Mayor

ATTEST:

_____

Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

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

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

PROPERTY OWNER: Elizabeth Doyel
LEGAL DESCRIPTION: Lot 11, Block 3 in the Neff Subdivision, Phase I, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.
LAYMAN'S DESCRIPTION: 2403 Toni Ave.
Springdale, Arkansas
PARCEL NO.: 815-23741-000

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

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

$701.62 clean-up costs and $21.48 administrative costs – 2403 Toni Ave.

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

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

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

$723.10, plus 10% for collection – 2403 Toni Ave. (Parcel #815-23741-000)

CindyHorlick/2015 Files/2015 Ordinances/Lien Ordinances/5-12-15.LienOrd

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 May, 2015.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

_____
Ernest B. Cate, CITY ATTORNEY

CindyHorlick/2015 Files/2015 Ordinances/Lien Ordinances/5-12-15.LienOrd

Office Of The City Attorney
201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:
ssparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

April 9, 2015

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
and REGULAR MAIL

Ms. Elizabeth Doyel
821 N. Main St.
#10
Stillwater, OK 74075

RE: Notice of clean-up lien on property located at 2403 Toni Ave., Springdale, Washington County, Arkansas, Tax Parcel No. 815-23741-000

Dear Ms. Doyel:

On January 14, 2015, notice was posted on property located at 2403 Toni Ave., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on January 15, 2015, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about February 11, 2015. As of this date, the total costs incurred by the City of Springdale to clean this property are $701.64. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of $6.48 per letter and a filing fee in the amount of $15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before May 12, 2015, a hearing will be held before the

Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, May 12, 2015, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of $708.10, which includes $701.62 for cleaning up the property and $6.48 for service by process server to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional $15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

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

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

Sincerely,

Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch

City of Springdale
Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Wednesday, February 11, 2015 10:30:45 AM (646 CITY ABATEMENT)

User Name	646 CITY ABATEMENT
User #	4797993582
Form Started	2/11/2015 10:30:45 AM
Property Address	2403 Toni
Before Picture	Attached Data

Before Picture	Attached Data

Before Picture	**Attached Data**

Type of Abatement	**Violation Notice / Lien**
Date of Abatement	**Wednesday, February 11, 2015 10:30:00 AM**
Officer on Site	**Bobby Nivens**
Supervior on Job	**Mike Hicklin**
Employee	
Employee	**Mike Hicklin**
MH Benefit Rate	**$41.48**
Method of Compliance	
1 Method of Compliance	**Property Clean Up - Junk and Trash**
Equipment Used	
Equipment	**6030 Service Truck-Landscaping,6031 Service Truck-Landscaping**
6030 Service Truck-Landscaping	**$35.00**
6031 Service Truck-Landscaping	**$35.00**
Time of Abatement in Hours	**3**
Number of Temporary Laborers	**3**
Temporary Labor Cost	**$108.00**
Employee Cost per hour	**$41.48**
Total Employee Cost	**$124.44**
Equipment Cost per hour	**$70.00**
Total Equpment Cost	**$210.00**
Mobilization Fee	**$200.00**
Extra materials cost	**$59.20**
Total Cost of Abatement	**$701.64**
Extra Materials &/or Notes	**Plywood and screws**

Final Photos

Attached Data

Final Photos

Attached Data

Final Photos

Attached Data

Final Photos

Attached Data

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Elizabeth Doyel
821 N. Main St.
#10
Stillwater, OK 74075

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [illegible] ☐ Agent ☒ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 4-21-15

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

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 1570 0000 8221 4889

PS Form 3811, July 2013 Domestic Return Receipt