

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

- Monday, October 7<sup>th</sup>, 5:30 p.m. is the next Committee meetings.
  - Committee agendas will be available on Friday, Oct 4<sup>th</sup>, 2012.

**SPRINGDALE CITY COUNCIL  
REGULAR MEETING  
TUESDAY, SEPTEMBER 24<sup>TH</sup>, 2013**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance  
Invocation – **ERIC FORD**

**6:00 p.m. OFFICIAL AGENDA Pg's 1-2**

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. Proclamation – ***Elizabeth Richardson Center Day Pg's 3-4***

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

a) Building Inspection Activity Report for August. Pg. 5

7. Approval of Minutes

a) August 27<sup>th</sup>, 2013 **Pg's 6-20**  
b) September 10<sup>th</sup>, 2013 **Pg's 21-31**

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....12A...13A...18...* (Motion must be approved by two-thirds (2/3) of the council members).

10. An Appeal of the Planning Commissions' decision to deny rezoning on property located at 987 S. Gutensohn by Dow Worsham, Owner Dow Building Services. **Pg's 32-43**

11. Tabled from August 27<sup>th</sup> Council meeting.

A Resolution authorizing the Fire Chief to enter into an agreement to purchase a new ladder fire truck and a new fire engine. (This was forwarded to Council from CIP Committee with recommendations for approval). **Pg's 44-47**

12. Planning Commission Recommendations by Planning Director Patsy Christie:

A. An Ordinance rezoning .24 acres owned by Raul & Reynalda Lemus, located at 721 Turner from Medium Density Multi-Family Residential District (MF-12) to Neighborhood Commercial District (C-1) and declaring an emergency. **Pg's 48-50**

B. A Resolution approving a Conditional Use at 5392 Highway 112 as set forth in Ordinance No. 4030. **Pg's 51-52**

13. Street and CIP Report and Recommendations by Chairman Rick Evans:
  - A. An Ordinance to waive competitive bidding to rehab the remaining nine (9) Christmas Scenes for City displays. (This was forwarded to council with recommendation for approval.) **Pg. 53**
  - B. A Resolution appropriating Capital Improvement Funds for the Springdale Public Library. (This was forwarded to council with recommendation for approval.) **Pg's 54-66**
14. Finance Committee Report and Recommendations by Chairman Brad Bruns:
  - A Resolution authorizing the engagement of BKD, LLP for the 2013 audit. (This was forwarded to council with recommendation for approval.) **Pg's 67-86**
15. A Resolution to levy Washington County Ad Valorem Taxes of the City of Springdale, Arkansas, presented by Ernest Cate, City Attorney. **Pg's 87-88**
16. A Resolution to levy Benton County Ad Valorem Taxes of the City of Springdale, Arkansas, presented by Ernest Cate, City Attorney. **Pg's 89-90**
17. A Resolution setting a hearing date on a petition to abandon a portion of a utility easement in the City of Springdale, Arkansas presented by Ernest Cate, City Attorney. **Pg's 91-100**
18. An Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, presented by Ernest Cate, City Attorney. (307 Cleveland St., 2911 Falcon Rd., 3331 Glenbrook Loop, 1893 Tuscan Ave., & 4102 Watkins Ave.) **Pg's 101-135**
19. Comments from Department Heads.
20. Comments from Council Members.
21. Comments from City Attorney.
22. Comments from Mayor Sprouse.
23. Adjournment.

# P roclamation

Office of the Mayor

City of Springdale

**Whereas:** a group of concerned citizens, led by Dr. Wade Burnside, saw a need for services for children with developmental delays or disabilities who were not being served by the public schools;

**Whereas:** on September 29, 1963, the school - that would eventually become the Elizabeth Richardson Center - opened its doors in the basement of Fayetteville's First United Presbyterian Church with four students in attendance. Mrs. Elizabeth Richardson was the first teacher and she went on to become the first Executive Director of this Northwest Arkansas non-profit, and

**Whereas:** in 1973, due to an increasing need for services, a school in Fayetteville opened on Woodland Avenue with sixty one children (ages 2 to 18) being served. Today, this building serves as one of the Elizabeth Richardson Center's (ERC) Child Development Centers where seventy seven children from six weeks to five years of age attend classes each day, and

**Whereas:** in 1987, A building on Ford Avenue in Springdale opened as a vocational training facility for adults with disabilities. Today, this building is known as the ERC Life Skills Building and it houses classrooms, the leisure activities program, and special activities, and

**Whereas:** in 1988, in Springdale, three group homes opened to provide adults with disabilities with residential options. Each is home to ten adult clients and provides 24/7 staffing and medical oversight. These homes were funded by a donation from Bernice Jones and are named in honour of the Jones family, Elizabeth Richardson, and the John O. Norman family who were all very supportive of the Center; and

**Whereas:** in 2001, the Richardson Industries building was purchased on Old Missouri Road in Springdale for an integrated work training center where contract piece work for local companies is completed by adults and high school students with disabilities; and

**Whereas:** in 2003, a home in Springdale was purchased and named in honour of Leon and Virginia Burdick and used for adults participating in the community residential program until its most recent use as a temporary training facility; and

**Whereas:** in 2005, five acres adjoining Richardson Industries site were purchased to create a ten acre campus on Highway 265 in Springdale for present and future expansion of services in Northwest Arkansas; and

**Whereas:** in 2006, a second preschool serving twenty-two children opened in Springdale. The total number of children and adults receiving services from all programs exceeded 300; and

**Whereas:** in 2007, the Center completes a five year Strategic Plan. A 1.3 acre site was purchased in Siloam Springs to build a new Child Development Center; and

**Whereas:** in 2008, the new Child Development Center located in Siloam Springs opened in July to serve western Benton County. The Elizabeth Richardson Center achieved a three year accreditation from the Commission for the Accreditation of Rehabilitation Facilities.; and

**Whereas:** in 2010, the Center opened a Child Development Center in Farmington to serve families who live west of Fayetteville on the Highway 62 corridor. This facility can serve up to 36 children. By this time, over 500 children and adults were receiving services throughout Northwest Arkansas at ERC programs; and

**Whereas:** in 2012, the newest Child Development Center opened in Huntsville making it the only disability services provider with facilities in Madison County. The Huntsville CDC can serve up to thirty children from six weeks to five years of age.

**Now, Therefore,** be it resolved that I, Doug Sprouse, Mayor of the City of Springdale, Arkansas, do hereby proclaim September 27<sup>th</sup>, 2013 as the

**“Elizabeth Richardson Center Day”**

and urge all residents throughout Northwest Arkansas to give support to the Elizabeth Richardson Center in recognition of its 50 years of service to children and adults with developmental delays or disabilities.

**In Testimony Whereof,** I have hereunto set my hand and affixed the Great Seal of the City of Springdale on the 24<sup>th</sup>, day of September, 2013.



*Doug Sprouse*  
\_\_\_\_\_  
Mayor Doug Sprouse



**City of Springdale's**  
**Mayor Doug Sprouse and City Council**  
**Members**  
**Month of August, 2013**

	<b>Permits Issued</b>	<b>Total Inspections</b>	<b>Total SF</b>	<b>Total Value</b>	<b>Total Fees</b>
Accessory Structure	9	14	0.00	\$0.00	\$299.00
Banner & Temporary Sign Permit	11	0	0.00	\$0.00	\$0.00
Business License	0	27	0.00	\$0.00	\$0.00
Commercial Addition Permit	0	17	0.00	\$0.00	\$0.00
Commercial Alteration Permit	9	69	0.00	\$0.00	\$2,239.00
Commercial Building Permit	2	12	29,691.00	\$4,459,924.00	\$16,328.13
Demolition Permit	2	0	0.00	\$0.00	\$120.00
Electrical Permit	15	28	0.00	\$84,700.00	\$697.85
Garage Sale Permits	421	0	0.00	\$0.00	\$4,210.00
Mechanical Permit	21	15	0.00	\$257,126.70	\$1,689.98
Plumbing Permit	23	44	0.00	\$28,550.00	\$485.60
Residential Addition Permit	3	39	2,836.00	\$133,775.00	\$720.00
Residential Alteration Permit	3	25	0.00	\$0.00	\$173.00
Residential Pool Permit	0	10	0.00	\$0.00	\$0.00
Residential Single Family Permit	9	307	29,989.00	\$3,130,301.00	\$10,760.00
Sign Permit	12	0	0.00	\$0.00	\$192.72
<b>Totals</b>	<b>540</b>	<b>607</b>	<b>62,516.00</b>	<b>\$8,094,376.70</b>	<b>\$37,915.28</b>
<b>Average</b>		<b>38</b>	<b>3,907.25</b>	<b>\$505,898.54</b>	<b>\$2,369.71</b>

SPRINGDALE CITY COUNCIL  
AUGUST 27, 2013

The City Council of the City of Springdale met in regular session on August 27, 2013, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brad Bruns	Ward 3
Jeff Watson	Ward 3 (Arrived Late)
Mike Overton	Ward 2
Eric Ford	Ward 1
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Clayton Sedberry	Planning/GIS Coordinator
Sam Goade	Public Works Director
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Mike Chamlee	Building Inspector
Mark Gutte	Information Services Director
Courtney Kremer	Animal Services Director

APPROVAL OF MINUTES

Alderman Reed moved the minutes of the August 13, 2013 City Council meeting be approved as presented. Alderman Evans made the second.

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

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: Overton, Ford, Evans, Reed, Jaycox, Bruns

No: None

RESOLUTION NO. 125-13 -- TO HONOR FORMER SPRINGDALE DISTRICT JUDGE STANLEY W. LUDWIG FOR HIS LONG AND DISTINGUISHED SERVICE TO OUR CITY AND OUR CITIZENS AND TO HONOR JUDGE LUDWIG BY NAMING THE SPRINGDALE DISTRICT COURTROOM THE "JUDGE STANLEY W. LUDWIG COURTROOM"

District Judge Jeff Harper and Charles Harwell, Attorney, presented a Resolution to honor former Springdale District Judge Stanley W. Ludwig for his long and distinguished service to our City and our citizens and to honor Judge Ludwig by naming the Springdale District Courtroom the "Judge Stanley W. Ludwig Courtroom".

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO HONOR FORMER SPRINGDALE DISTRICT JUDGE STANLEY W. LUDWIG FOR HIS LONG AND DISTINGUISHED SERVICE TO OUR CITY AND OUR CITIZENS AND TO HONOR JUDGE LUDWIG BY NAMING THE SPRINGDALE DISTRICT COURTROOM THE JUDGE STANLEY W. LUDWIG COURTROOM.**

**WHEREAS**, Stanley W. Ludwig, a graduate of Springdale High School and the University of Arkansas, a veteran who served in the U.S. Army and upon graduating from the University of Arkansas School of Law became a lawyer who practiced law with honor and distinction in Springdale for thirty seven years; and

**WHEREAS**, Stanley W. Ludwig was selected by his peers to be recommended to the Governor to be appointed to the then vacant seat of Springdale Municipal Judge, and thus, Governor Frank White appointed Stanley W. Ludwig to be Municipal Judge for the Springdale Municipal Court and he took office on December 16, 1982; and

**WHEREAS**, Judge Stanley W. Ludwig stood for election seven times, each one without opposition; was re-elected to serve as the Springdale Municipal Judge, which position later became the office of Springdale District Judge; served without fanfare or publicity, but nobly and honorably for over 28 years, until his retirement on December 31, 2010; and

**WHEREAS**, the Springdale City Council wishes to express its appreciation, admiration, and deep respect for Judge Ludwig's service to the citizens of Springdale and for his long and distinguished career as Springdale District Court Judge.

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

Section 1: That the City Council of the City of Springdale, Arkansas hereby applauds and recognizes Judge Stanley W. Ludwig for his over 28 years of distinguished service to the citizens and City of Springdale.

Section 2: That, in honor of the exemplary service of Judge Stanley W. Ludwig and in his memory, the City Council of the City of Springdale hereby names the Springdale District Court Courtroom as the "Judge Stanley W. Ludwig Courtroom."

Section 3: That the citizenry of the City of Springdale and surrounding areas shall hereafter hold fast to the memory of Judge Stanley W. Ludwig and forever honor his name as exemplifying an outstanding public servant, as well as a fair minded jurist who humbly and nobly served our justice system well.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

Yes: Ford, Evans, Reed, Jaycox, Bruns, Overton

No: None

The Resolution was numbered 125-13.

RESOLUTION NO. 126 – 13 – APPROVING THE DONATION OF VACATION TIME  
FOR POLICE DEPARTMENT EMPLOYEE STEVE PARKER

Police Chief Kathy O’Kelley presented a Resolution approving the donation of vacation time for Police Department employee Steven Parker.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE DONATION OF  
VACATION TIME**

**WHEREAS**, Steven Parker has been a dedicated employee of the Springdale Police Department as an Evidence Technician; and

**WHEREAS**, due to two on duty accidents he was involved in as an officer he will have exhausted all of his sick and vacation hours; and

**WHEREAS**, the Police Chief has requested authorization for employees to donate accumulated vacation to this employee;

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

**Section 1:** Employees are hereby authorized to donate accumulated vacation time to Steven Parker, making it possible for the payment of his salary to continue during his recovery. Donated vacation time will be adjusted for hourly pay differentials, and donations not needed will be prorated back to all employees that donated vacation time.

**Section 2:** The utilization of donated vacation time will be discontinued if the employee’s retirement benefits commence.

**PASSED AND APPROVED** this \_\_\_\_ day of August, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

SPRINGDALE CITY COUNCIL  
AUGUST 27, 2013

Yes: Evans, Reed, Jaycox, Bruns, Overton, Ford

No: None

The Resolution was numbered 126-13.

PROPOSED ORDINANCE AMENDING SECTION 74-4 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE (OFFENSES AND MISCELLANEOUS PROVISIONS)

Alderman Reed made the motion to pull this item from the council agenda indefinitely. Alderman Overton made the second.

The vote:

Yes: Reed, Jaycox, Bruns, Overton, Ford, Evans

No: None

ORDINANCE NO. 4729 – AUTHORIZING THE DISTRICT COURT TO ENTER INTO A CONTRACT WITH ADVANCED INFORMATION MANAGEMENT FOR IMAGING (ARCHIVING) OF COURT RECORDS; TO WAIVE COMPETITIVE BIDDING AND FOR OTHER PURPOSES

Alderman Bruns, Finance Committee Chairman, presented an Ordinance authorizing the District Court to enter into a contract with Advanced Information Management for the total amount not to exceed \$35,000 for imaging (archiving) of court records; to waive competitive bidding and for other purposes.

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

The vote:

Yes: Jaycox, Bruns, Overton, Ford, Evans, Reed

No: None

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

The vote:

Yes: Bruns, Overton, Ford, Evans, Reed, Jaycox

No: None

The Ordinance was numbered 4729.

RESOLUTION NO. 127-13 – AMENDING THE 2013 BUDGET OF THE SPRINGDALE DISTRICT COURT

Alderman Bruns, Finance Committee Chairman, presented a Resolution amending the 2013 Budget of the Springdale District Court to allow imaging of court records for 2013.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING THE 2013 BUDGET OF THE  
SPRINGDALE DISTRICT COURT**

**WHEREAS**, the District Judge desires to increase the budget of the Springdale District Court to allow the imaging (archiving) of a greater number of court records during year 2013;

**WHEREAS**, the city's plan has been to archive these records in future years but by authorizing the additional expenditures this year, the records can be archived this year, which will increase the efficiency of the District Court;

**WHEREAS**, the District Judge is also requesting an additional \$2500 from the Court Automation Fund to cover additional expenses related to computer equipment as well as costs associated with conducting video arraignments;

**WHEREAS**, these expenditures qualify for payment from funds in the Court Automation Fund;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the 2013 budget of the Springdale District Court is hereby amended as follows with the increases to be paid from funds in the Court Automation Fund:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
District Court	205-0103-413.40-10	Professional Serv.	18000	35,000		53000
District Court	205-0103-413.51-10	Maint/Computers	10500	2,500		13000

**PASSED AND APPROVED THIS** \_\_\_\_\_ **day of August, 2013.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

Yes: Overton, Ford, Evans, Reed, Jaycox, Bruns

No: None

The Resolution was numbered 127-13.

**RESOLUTION NO. 128-13 – AMENDING THE 2013 BUDGET OF THE  
SPRINGDALE DISTRICT COURT**

Alderman Bruns, Finance Committee Chairman, presented a Resolution amending the 2013 Budget of the Springdale District Court to increase budget amounts for office supplies, overtime pay and communications and decreasing amounts to travel and

training, judges substitute pay, rental equipment, books/periodicals and civil small claims judge salary.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING THE 2013 BUDGET OF THE  
SPRINGDALE DISTRICT COURT**

**WHEREAS**, the Springdale District Court is in need of increasing the 2013 budget amounts authorized for office supplies, overtime pay, and communications;

**WHEREAS**, the Springdale District Court will decrease the 2013 budget amounts to travel and training, judges substitute pay, rental equipment, books/periodicals, and civil small claims judge salary;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the 2013 budget of the Springdale District Court is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
District Court	205-0103-413.30-02	Salaries/Overtime	25000	5500		30500
District Court	205-0103-413.52-02	Rent/Equipment	7000		3250	3750
District Court	205-0103-413.30-18	Sal.-Civil/SC Judge	7500		3000	4500
District Court	205-0103-413.60-01	Office Supplies	40186	4250		44436
District Court	205-0103-413.70-05	Travel/Training	7600		3500	4100
District Court	205-0103-413.30-17	Judge's Substitute	3750		750	3000
District Court	205-0103-413.60-04	Books/Periodicals	1000		750	250
District Court	205-0103-413.70-03	Communications	3500	1500		5000

**PASSED AND APPROVED THIS** \_\_\_\_ day of August, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

Yes: Overton, Ford, Evans, Reed, Jaycox, Bruns

No: None

The Resolution was numbered 128-13.

ORDINANCE NO. 4730 – CONFIRMING AN AMENDMENT TO THE INTER-MUNICIPAL SEWER AGREEMENT TO BE SIGNED BY THE MAYOR AND CITY CLERK; AND FOR OTHER PURPOSES

Alderman Bruns, Finance Committee Chairman, presented an Ordinance confirming an amendment to the Inter-Municipal Sewer Agreement dated October 11, 2005.

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

The vote:

Yes: Ford, Evans, Reed, Jaycox, Bruns, Overton

No: None

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

The vote:

Yes: Evans, Reed, Jaycox, Bruns, Overton, Ford

No: None

The Ordinance was numbered 4730.

PROPOSED RESOLUTION AUTHORIZING THE FIRE CHIEF TO ENTER INTO AN AGREEMENT TO PURCHASE A NEW LADDER FIRE TRUCK AND A NEW FIRE ENGINE

This item was tabled to allow time for the City Attorney and Fire Chief to look over the contract.

(Alderman Watson arrived at this time)

RESOLUTION NO. 129-13 – AUTHORIZING THE PURCHASING OF PROPERTY LOCATED AT 100 E. EMMA AVENUE, SPRINGDALE, ARKANSAS

Mayor Sprouse presented a Resolution authorizing the purchase of property located at 100 E. Emma Avenue (Old Wilson Building), needed for the Downtown Springdale Revitalization Project in the amount of \$195,000.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 100 E EMMA AVENUE, SPRINGDALE, ARKANSAS**

**WHEREAS**, the acquisition of this property, consisting of approximately 0.15 acres, is needed for the Downtown Springdale Revitalization Projects, and

**WHEREAS**, the property is located at 100 E. Emma Avenue, Parcel # 815-22945-000 as listed in the Washington County Assessor's Office, , and

**WHEREAS**, the property has been appraised by CBRE Inc., for \$250,000, and

**WHEREAS**, the owner has agreed sell this property for \$195,000;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS** that the Mayor is hereby authorized to execute all documents necessary for the acquisition of and tender payment from the Capital Improvement Fund for approximately 0.15 acres located at 100 East Emma Avenue in Springdale, with a total purchase price of \$195,000.

**PASSED AND APPROVED** this \_\_\_\_ day of August, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

Yes: Reed, Jaycox, Bruns, Watson, Overton, Ford, Evans

No: None

The Resolution was numbered 129-13.

ORDINANCE NO. 4731 – REZONING 6.39 ACRES OWNED BY MCGAUGH PROPERTIES LLC, LOCATED AT 4024 WAGON WHEEL ROAD, FROM C-5 TO C-6 AND DECLARING AN EMERGENCY

Clayton Sedberry, Planning/GIS Coordinator, presented an Ordinance rezoning 6.39 acres owned by McGaugh Properties LLC, located at 4024 Wagon Wheel Road, from C-5 to C-6 and declaring an emergency.

Planning Commission recommended approval at their August 6, 2013 meeting.

After reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Evans made the second.

The vote:

Yes: Jaycox, Bruns, Watson, Overton, Ford, Evans, Reed

No: None

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Evans, Reed, Jaycox

No: None

The Ordinance was numbered 4731.

ORDINANCE NO. 4732 – REZONING .08 ACRES OWNED BY VICK ENTERPRISES LLC, LOCATED AT 5233 HAR-BER AVENUE, FROM A-1 TO SF-2 AND DECLARING AN EMERGENCY

Clayton Sedberry, Planning/GIS Coordinator, presented an Ordinance rezoning .08 acres owned by Vick Enterprises LLC, located at 5233 Har-Ber Avenue, from A-1 to SF-2 and declaring an emergency.

Planning Commission recommended approval at their August 6, 2013 meeting.

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

The vote:

Yes: Watson, Overton, Ford, Evans, Reed, Jaycox, Bruns

No: None

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

The vote:

Yes: Overton, Ford, Evans, Reed, Jaycox, Bruns, Watson

No: None

The Ordinance was numbered 4732.

ORDINANCE NO. 4733 – REZONING 2.35 ACRES OWNED BY MANCIA PROPERTIES LLC LOCATED AT 707 N. THOMPSON, FROM C-6 TO C-2 AND DECLARING AN EMERGENCY

Clayton Sedberry, Planning/GIS Coordinator, presented an Ordinance rezoning 2.35 acres owned by Mancía Properties LLC, located at 707 N. Thompson, from C-6 to C-2 and declaring an emergency.

Planning Commission recommended approval at their August 6, 2013 meeting.

After reading the title of the Ordinance, Alderman Evans moved the Ordinance “Do Pass”. Alderman Reed made the second.

The vote:

Yes: Ford, Evans, Reed, Jaycox, Bruns, Watson, Overton,

No: None

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

The vote:

Yes: Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford

No: None

The Ordinance was numbered 4733.

ORDINANCE NO. 4734 – REZONING 6.39 ACRES OWNED BY J & J FARMS,  
LOCATED AT 1807 S. OLD MISSOURI ROAD, FROM I-1 TO C-5 AND  
DECLARING AN EMERGENCY

Clayton Sedberry, Planning/GIS Coordinator, presented an Ordinance rezoning 6.39 acres owned by J & J Farms, located at 1807 S. Old Missouri Road, from I-1 to C-5 and declaring an emergency.

Planning Commission recommended approval at their August 6, 2013 meeting.

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

The vote:

Yes: Reed, Jaycox, Bruns, Watson, Overton, Ford, Evans

No: None

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

The vote:

Yes: Jaycox, Bruns, Watson, Overton, Ford, Evans, Reed

No: None

The Ordinance was numbered 4734.

RESOLUTION NO. 130-13 – APPROVING A CONDITIONAL USE REQUEST BY  
JACQUELINE HOOGLIUTER/INTERNATIONAL CENTER OF INTEGRAL  
THERAPY FOR A CHURCH TO BE LOCATED AT 1304 NORTH THOMPSON,  
SUITE A, AS SET FORTH IN ORDINANCE NO. 4030

Clayton Sedberry, Planning/GIS Coordinator, presented a conditional use request by Jacqueline Hoogliuter/International Center of Integral Therapy for a Church (Use Unit 42) to be located at 1304 North Thompson, Suite A, as set forth in Ordinance No. 4030.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A CONDITIONAL  
USE AT 1304 NORTH THOMPSON SUITE “A” AS  
SET FORTH IN ORDINANCE NO. 4030**

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

**WHEREAS**, the Planning Commission held a public hearing on August 6, 2013, on a request by Jacqueline Hoogliuter/International Center of Integral Therapy for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2).

**WHEREAS**, following the public hearing the Planning Commission by a vote of seven (7) yeas and no (0) nays recommends that a conditional use be granted to

SPRINGDALE CITY COUNCIL  
AUGUST 27, 2013

Jacqueline Hoogliuter/International Center of Integral Therapy for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) with the following conditions – Office Hours: 8:00 a.m. to 5:00 p.m. Monday through Saturday and meetings from 6:00 p.m. to 10:00 p.m. Monday through Saturday.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE,** that the City Council hereby grants a conditional use to Jacqueline Hoogliuter/International Center of Integral Therapy for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) with the following conditions – Office Hours: 8:00 a.m. to 5:00 p.m. Monday through Saturday and meetings from 6:00 p.m. to 10:00 p.m. Monday through Saturday.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Evans, Reed, Jaycox

No: None

The Resolution was numbered 130-13.

RESOLUTION NO. 131-13 – APPROVING A CONDITIONAL USE REQUEST BY MORGAN PROPERTY MANAGEMENT FOR A SINGLE FAMILY DWELLING TO BE LOCATED AT 3561 MCRAV AVENUE AS SET FORTH IN ORDINANCE NO. 4030

Clayton Sedberry, Planning/GIS Coordinator, presented a conditional use request by Morgan Property Management for a single family dwelling (Use Unit 8) to be located at 3561 McRay Avenue as set forth in Ordinance No. 4030.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A CONDITIONAL  
USE AT 3561 MCRAV AS SET FORTH IN  
ORDINANCE NO. 4030**

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

**WHEREAS,** the Planning Commission held a public hearing on August 6, 2013, on a request by Morgan Property Management for a Use Unit 8 (Single Family Dwelling) in a Neighborhood Commercial District (C-1).

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yeas and no (0) recommends that a conditional use be granted to Morgan Property Management for a Use Unit 8 (Single Family Dwelling) in a Neighborhood Commercial Zone (C-1) with the following conditions – No conditions stated.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Morgan Property Management for a Use Unit 8 (Single Family Dwelling) in a Neighborhood Commercial District (C-1) with the following conditions – No conditions stated.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney

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

The vote:

Yes: Watson, Overton, Ford, Evans, Reed, Jaycox, Bruns

No: None

The Resolution was numbered 131-13.

RESOLUTION NO. 132-13 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO DAVID AND JANICE WHITMIRE’S PROPERTY LOCATED AT 100 RANCHWOOD DRIVE, IN CONNECTION WITH W13-12

Clayton Sedberry, Planning/GIS Coordinator, presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to David and Janice Whitmire’s property located at 100 Ranchwood Drive, in connection with W13-12.

Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only.

The proposed Resolution provides for four options to consider, either Option 1 to grant waiver, Option 2 to deny waiver, Option 3 to approve payment in lieu of improvements or Option 4 to deny waiver and allow Bill of Assurance.

Alderman Overton moved the Resolution be adopted with Option 1. Alderman Reed made the second.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO DAVID AND JANICE WHITMIRE IN CONNECTION WITH W13-12**

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to 100 Ranchwood Drive in connection with W13-12 a waiver and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

**Option 1: Grants** a waiver of street improvements to David & Janice Whitmire at 100 Ranchwood Drive including improvements related thereto, sidewalks in connection with W13-12 a waiver.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney

The vote:

Yes: Overton, Ford, Evans, Reed, Jaycox, Bruns, Watson

No: None

The Resolution was numbered 132-13.

RESOLUTION NO. 133-13 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO BRANDON RINNERT’S PROPERTY LOCATED AT 4973 ARKANSHIRE CIRCLE, IN CONNECTION WITH W13-11

Clayton Sedberry, Planning/GIS Coordinator, presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Brandon Rinnert’s property located at 4973 Arkanshire Circle, in connection with W13-11.

Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a

recommendation made to the City Council, with any waivers to be granted by the City Council only.

The proposed Resolution provides for four options to consider, either Option 1 to grant waiver, Option 2 to deny waiver, Option 3 to approve payment in lieu of improvements or Option 4 to deny waiver and allow Bill of Assurance.

Alderman Reed moved the Resolution be adopted with Option 1. Alderman Evans made the second.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO BRANDON RINNERT IN CONNECTION WITH W13-11**

**WHEREAS**, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

**WHEREAS**, the Planning Commission reviewed a request for waiver of street improvements to Brandon Rinnert at 4973 Arkanshire Circle in connection with a waiver and the Planning Commission recommends approval of the waiver request.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE**, that the City Council hereby:

**Option 1: Grants** a waiver of street improvements to Brandon Rinnert at 4973 Arkanshire Circle including improvements related thereto, sidewalks in connection with W13-11 a waiver.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney

The vote:

Yes: Ford, Evans, Reed, Jaycox, Bruns, Watson, Overton

No: None

The Resolution was numbered 133-13.

PROPOSED ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 2786 KENTON AVENUE

This item was pulled from the City Council agenda.

SPRINGDALE NAMED HIGH PERFORMANCE GOVERNMENT

Mayor Sprouse announced according to the just released *High Performance Governments 2013*, Springdale City has become a high performance government. With a score of 76, it is in the top 10 percent of governments in effectively using its financial resources. This is an accomplishment. Of the 6314 cities and counties studied in 2013, only those with a score over 61 achieved high performance status.

A high performance government is a stable and efficient one due to:

1. diversified revenues,
2. high employee productivity,
3. controlled expenses department-by-department,
4. carefully using federal and state aid, and
5. using and controlling debt.

Mayor Sprouse expressed his thanks to the City Council and City Employees for this achievement.

COMMITTEE MEETING – I-540/DON TYSON PARKWAY CONDEMNATION CASES

A committee meeting will be held Thursday, August 29, 2013, at 5:30 p.m. to discuss the I-540/Don Tyson Parkway condemnation cases.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:38 p.m.

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Doug Sprouse, Mayor

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Denise Pearce, City Clerk/Treasurer

SPRINGDALE CITY COUNCIL  
SEPTEMBER 10, 2013

The City Council of the City of Springdale met in regular session on September 10, 2013, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brad Bruns	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Eric Ford	Ward 1
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.
Patsy Christie	Planning Director
Alan Pugh	Engineering Director
Sam Goade	Public Works Director
Mike Peters	Police Captain
Mike Irwin	Fire Chief
Rick McWhorter	Parks and Recreation Director
Mike Chamlee	Building Inspector
Mark Gutte	Information Services Director
Courtney Kremer	Animal Services Director

SHARON CHRISTIAN RECOGNIZED

Library employee Sharon Christian is retiring and was recognized for 30 years of service with the City of Springdale Library.

APPROVAL OF MINUTES

Alderman Jaycox moved the minutes of the August 23, 2013 Special 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 Ford made the motion to add an item regarding professional services to tonight's agenda, making it item 13B. Alderman Overton made the second.

The vote:

Yes: Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford

No: None

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Alderman Reed 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: Reed, Jaycox, Bruns, Watson, Overton, Ford, Evans

No: None

ORDINANCE NO. 4735 – ACCEPTING A REPLAT TO THE CITY OF SPRINGDALE, ARKANSAS, TO BE KNOWN AS LOTS 39, 40, 41 & 42, REPLAT OF SILENT KNOLL SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance accepting a replat to the City of Springdale, Arkansas, to be known as Lots 39, 40, 41 & 42, Replat of Silent Knoll Subdivision to the City of Springdale, Arkansas and declaring an emergency.

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

The vote:

Yes: Jaycox, Bruns, Watson, Overton, Ford, Evans, Reed

No: None

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Evans, Reed, Jaycox

No: None

The Ordinance was numbered 4735.

RESOLUTION NO. 134-13 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN REBECCA D. MAGEE AND DAVID GULLIVER ARE DEFENDENTS (HYLTON ROAD PROJECT, TRACT NO. 441HR-9)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein Rebecca D. Magee and David Gulliver are defendants on the Hylton Road Project.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN REBECCA D. MAGEE AND DAVID GULLIVER ARE DEFENDANTS**

**WHEREAS**, the City of Springdale filed a lawsuit against Rebecca D. Magee and David Gulliver to condemn a tract of land for the Hylton Road Project, Tract No. 441HR-9;

**WHEREAS**, the City of Springdale deposited the sum of \$7,900 into the Registry of the Court as estimated just compensation for the property;

**WHEREAS**, the Ms. Magee and Mr. Gulliver have extended an offer to settle the condemnation lawsuit for the total sum of \$27,782;

**WHEREAS**, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$19,882 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the City Attorney is hereby authorized to settle the Magee/Gulliver condemnation lawsuit for the total sum of \$27,782.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Watson, Overton, Evans, Reed, Jaycox, Bruns

No: Ford

The Resolution was numbered 134-13.

RESOLUTION NO. 135-13 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN EDWARD GAY JR AND GAYLE L. GAY, HUSBAND AND WIFE, ARE DEFENDANTS (HYLTON ROAD PROJECT, TRACT NO. 441HR-2)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein Edward Gay Jr. and Gayle L. Gay, husband and wife, are defendants, Hylton Road Project, Tract No. 441HR-2.

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN EDWARD GAY, JR. AND GAYLE L. GAY, HUSBAND AND WIFE, ARE DEFENDANTS.**

**WHEREAS**, the City of Springdale filed a lawsuit against Edward Gay, Jr. and Gayle L. Gay, Husband and Wife, to condemn a tract of land for the Hylton Road Project, Tract No. 441HR-2;

**WHEREAS**, the City of Springdale deposited the sum of \$22,200 into the Registry of the Court as estimated just compensation for the Gays' property;

**WHEREAS**, the Gays have extended an offer to settle the condemnation lawsuit for the total sum of \$37,000;

**WHEREAS**, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$14,800 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the City Attorney is hereby authorized to settle the Gay condemnation lawsuit for the total sum of \$37,000.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Overton, Evans, Reed, Jaycox, Bruns, Watson

No: Ford

The Resolution was numbered 135-13.

RESOLUTION NO. 136-13 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN JOHN A. SISEMORE AND LAURA ELIZABETH SIZEMORE, HUSBAND AND WIFE, ARE DEFENDANTS, I-540/DON TYSON PARKWAY INTERCHANGE PROJECT, AHTD PROJECT NO. 040527, TRACT 7X

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein John A. Sisemore and Laura Elizabeth Sizemore, husband and wife, are defendants, I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tract 7X.

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN JOHN A. SISEMORE AND LAURA ELIZABETH SISEMORE, HISBAND AND WIFE, ARE DEFENDANTS**

**WHEREAS**, the City of Springdale filed a lawsuit against John A. Sisemore and Laura Elizabeth Sisemore, husband and Wife, to condemn a tract of land for the I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tract 7X;

**WHEREAS**, the City of Springdale deposited the sum of \$165,000 into the Registry of the Court as estimated just compensation for the Sisemores' property;

**WHEREAS**, the Sisemores have extended an offer to settle the condemnation lawsuit for the total sum of \$564,000;

**WHEREAS**, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$399,000 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the City Attorney is hereby authorized to settle the Sisemore condemnation lawsuit for the total sum of \$564,000.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Evans, Reed, Bruns, Watson, Overton

No: Ford, Jaycox

The Resolution was numbered 136-13.

PROPOSED RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN VICTORY CHURCH NWA INC. ARE DEFENDANTS, I-540/DON TYSON PARKWAY INTERCHANGE PROJECT, AHTD PROJECT NO. 040527, TRACTS 17 AND 17E-1

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein Victory Church NWA Inc. are defendants, I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tract 17 and 17E-1.

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN VICTORY CHURCH NWA, INC. ARE DEFENDANTS.**

**WHEREAS**, the City of Springdale filed a lawsuit against Victory Church NWA, Inc., to condemn a tract of land for the I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tracts 17 and 17E-1;

**WHEREAS**, the City of Springdale deposited the sum of \$74,700 into the Registry of the Court as estimated just compensation for Victory Church's property;

**WHEREAS**, Victory Church has extended an offer to settle the condemnation lawsuit for the total sum of \$325,000;

**WHEREAS**, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$250,300 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the City Attorney is hereby authorized to settle the Victory Church (West) condemnation lawsuit for the total sum of \$325,000.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

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

The City of Springdale deposited the sum of \$74,700 into the Registry of the Court as estimated just compensation for Victory Church's property. Victory Church has extended an offer to settle the condemnation lawsuit for the total sum of \$325,000;

Steve Lisle, Attorney representing Victory Church, explained his reasoning for the settlement amount and felt like it was a fair settlement.

Mayor Sprouse feels like we are way early in the game to pay such a huge amount over what our appraisal shows.

After considerable discussion the vote was taken:

Yes: Reed, Watson, Overton

No: Evans, Jaycox, Bruns, Ford

The Resolution failed.

RESOLUTION NO. 137-13 - AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN 4 & P LLC ARE DEFENDANTS, I-540/DON TYSON PARKWAY INTERCHANGE PROJECT, AHTD PROJECT NO. 040527, TRACT 3

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein 4 & P LLC are defendants, I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tract 3.

Attorney Cate said this property was listed for sale June 23, 2013 for \$3.67 square foot. At the time he did the math on it he recommended in the Resolution that it should be settled for \$560,000. With the new information he received after last Thursday night, he is recommending that this be settled for no more than \$354,645. He can not justify recommending that the city pay more than what someone has listed the property for.

Steve Lisle, Attorney representing 4 & P LLC, explained his reasoning for the settlement amount and felt like it was a fair settlement. He said they are just asking for the fair market value for the property, not what the distressed value was because of the project.

There was a lot of discussion regarding whether or not it is better to try and settle or take the condemnation case to court.

After discussion, Alderman Watson made the motion to amend the Resolution for a total amount of \$354,645, less the \$93,500 already paid to the court. Alderman Bruns made the second.

Attorney Steve Lisle said he asked the property owners where they were on the case, and in the interest of settling this case, the clients have authorized him to accept a total of \$460,000, with \$93,500 already being paid.

The vote on the amendment:

Yes: Reed, Jaycox, Bruns, Watson, Overton, Evans

No: Ford

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN 4&P LLC ARE DEFENDANTS.**

**WHEREAS**, the City of Springdale filed a lawsuit against 4&P LLC to condemn a tract of land for the I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tract 3;

**WHEREAS**, the City of Springdale deposited the sum of \$93,500 into the Registry of the Court as estimated just compensation for 4&P LLC's property;

**WHEREAS**, 4&P LLC has extended an offer to settle the condemnation lawsuit for the total sum of \$354,645;

**WHEREAS**, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$261,145 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the City Attorney is hereby authorized to settle the 4&P LLC condemnation lawsuit for the total sum of \$354,645.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

Alderman Watson moved the Resolution be adopted. Alderman Bruns made the second.

The vote:

Yes: Bruns, Watson, Overton, Evans, Reed

No: Jaycox, Ford

The Resolution was numbered 137-13.

ORDINANCE NO. 4736 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 1511 BACKUS AVENUE, 1009 MAYES AVENUE, 517 MOUNTAIN VIEW AVENUE, 3003 NAPA LANE, 901 SHIPLEY STREET WITHIN THE CITY OF SPRINGDALE, 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 1511 Backus Avenue, 1009 Mayes Avenue, 517 Mountain View Avenue, 3003 Napa Lane, 901 Shipley Street within the City of Springdale, Arkansas.

After reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Evans made the second.

The vote:

Yes: Bruns, Watson, Overton, Ford, Evans, Reed, Jaycox

No: None

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

The vote:

Yes: Watson, Overton, Ford, Evans, Reed, Jaycox, Bruns

No: None

The Ordinance was numbered 4736.

RESOLUTION NO. 138-13 – AUTHORIZING THE PURCHASE OF PROPERTY IDENTIFIED AS TRACTS 1 & 2 NORTH OF COOPER DRIVE AND WEST OF THOMPSON STREET, SPRINGDALE, ARKANSAS (FIRE STATION NO. 3 PROPERTY)

Alderman Ford, Police and Fire Committee Chairman, presented a Resolution authorizing the purchase of property identified as Tracts 1 & 2 North of Cooper Drive and West of Thompson Street, Springdale, Arkansas (Fire Station No. 3 property).

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY IDENTIFIED AS TRACTS 1 & 2 NORTH OF COOPER DRIVE AND WEST OF THOMPSON STREET, SPRINGDALE, ARKANSAS**

**WHEREAS**, the acquisition of this property, consisting of approximately 3.44 acres, is needed for construction of fire station number 3, and

**WHEREAS**, the property includes Tracts 1 and 2 north of Cooper Drive and west of Thompson Street as described by the attached legal description and site plan, and

**WHEREAS**, the property has been appraised for \$384,000, and

**WHEREAS**, the owners have agreed to sell this property for \$180,000, and

**WHEREAS**, a comprehensive study of calls for service and response times indicated a fire station number 3 should be relocated in this area to maintain the level of quality service expected by the citizens of Springdale;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS** that the purchase price of \$180,000 is approved and the Mayor is hereby authorized to execute all documents necessary for the acquisition of and tender payment from the Fire Improvements Construction Fund established from proceeds of the 2012 bond issue for approximately 3.44 acres identified as tract 1 & 2 and described by the attached legal description and site plan upon the successful completion of the required lot split.

**PASSED AND APPROVED** this \_\_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

Yes: Overton, Ford, Evans, Reed, Jaycox, Bruns, Watson

No: None

The Resolution was numbered 138-13.

RESOLUTION NO. 139-13 – AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A CONTRACT WITH ENGINEERING SERVICES INC. FOR PROFESSIONAL SERVICES FOR THE CONSTRUCTION OF FIRE STATION NO. 3

Alderman Ford, Police and Fire Committee Chairman, presented a Resolution authorizing the execution of an amendment to a contract with Engineering Services Inc. for professional services for the construction of Fire Station No. 3.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN  
AMENDMENT TO A CONTRACT FOR PROFESSIONAL  
SERVICES**

WHEREAS, the City of Springdale entered into a contract with Engineering Services, Inc. (ESI) relating to the development of a Fire Station near Cooper Lane and Thompson referred to as Fire Station #3, and

WHEREAS, the City has investigated several locations for the station, and

WHEREAS, the ESI has aided the city in this investigation by providing survey information, conceptual site plans and other pertinent information, and

WHEREAS, the compensation included in the contract will be increased by \$27,500 for the additional work of geotechnical investigation, conceptual site plan development, survey work and other pertinent information for selecting a development location;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Mayor is hereby authorized to execute amendment no. 1 to Engineering Services, Inc. contract for the design and construction of Springdale Fire Station #3.

**PASSED AND APPROVED** this \_\_\_ day of September, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

Yes: Ford, Evans, Reed, Jaycox, Bruns, Watson, Overton

No: None

The Resolution was numbered 139-13.

RESOLUTION NO. 140-13 – AUTHORIZING THE TEMPORARY OPERATION OF  
A CARNIVAL AT PARSONS STADIUM RODEO ARENA ON OCTOBER 2-6, 2013

Wyman Morgan presented a Resolution authorizing the temporary operation of a carnival at Parsons Stadium Rodeo Arena on October 2-6, 2013.

RESOLUTION NO. \_\_\_\_\_

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

SPRINGDALE CITY COUNCIL  
SEPTEMBER 10, 2013

**WHEREAS**, Janet Edwards, Special Events Program Director from the Rodeo of the Ozarks has requested permission to conduct a Carnival entertainment event at the Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, put on by Pride of Texas; and

**WHEREAS**, Pride of Texas Carnival dates will be Wednesday, October 2<sup>nd</sup> thru Sunday, October 6<sup>th</sup>, 2013, and

**WHEREAS**, the carnival's hours of operation will be Wednesday, October 2<sup>nd</sup> thru Sunday, October 6<sup>th</sup>, 2013 from noon – Midnight; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Janet Edwards, Special Events Program Director with the Rodeo of the Ozarks and the Pride of Texas, is hereby authorized to conduct a carnival entertainment event in Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, October 2<sup>nd</sup> through October 6<sup>th</sup>, 2013, with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

**PASSED AND APPROVED** this \_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

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

The vote:

Yes: Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford

No: None

The Resolution was numbered 140-13.

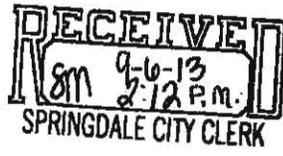
ADJOURNMENT

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

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

\_\_\_\_\_  
Doug Sprouse, Mayor

\_\_\_\_\_  
Denise Pearce, City Clerk/Treasurer



2201 South Thompson  
Suite C6  
Springdale, AR 72764  
Phone: 479-770-4949  
Fax: 479-756-5700  
[www.dowservices.com](http://www.dowservices.com)

Springdale City Council

Dow Building Services was on the Planning Commission agenda on September 3<sup>rd</sup> , For rezoning of property located at 987 S Gutensohn

In Springdale . The request for rezoning was denied and Dow Building Services would like to request reconsideration at the city council meeting on September the 24<sup>th</sup> .

Sincerely; Dow Worsham Owner Dow Building Services

Ramona Meeker Area Manager

*Higher Standards . . . Higher Performance*

File No. R13-26

## PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by Richard D. Mattman

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

LOT 7, Block 1 WESTERN OAKS PL. III

Layman's Description: 987 Gutensohn

The **Petitioner** hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a **Warranty Deed** as Exhibit A.
2. A **scaled drawing** showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property **certified by a licensed abstractor or licensed land surveyor** within the past sixty (60) days are attached as evidenced by Exhibit C.

The **Petitioner** requests the following zoning classification:

**FROM** (current zoning) O-1

**TO** (proposed zoning) C-2

The **Petitioner's** immediate intentions are to:

1. **Sell** the property yes (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title yes (Yes or No).
2. **Develop** the property yes (Yes or No), and if so, the proposed use is Parking area in back yard.
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: Parking of business trucks in the back yard.

The **Petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the **Petitioner**.

The **Petitioner** understands that he/she should be present at the meeting in order to answer questions. If the **Petitioner** is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: JASON BENJAM AND RAMONA MEEKER

Address: 4225 E OAKMONT DR. FAYETTEVILLE, AR 72701

PETITIONER/OWNER SIGNATURE Richard D. Maltman  
MAILING ADDRESS: 987 S. Gutensohn Rd. Springdale, AR 72762  
TELEPHONE: 479-426-7745 DATE: 8-7-13

## VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

**SIGNATURE**  
(Property Owner)

*Richard D. Malone*  
(Property Owner)

State of Arkansas            )  
  ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 9<sup>th</sup> day of  
Aug, 20 13.



*Connie James*  
Notary Public



Feet  
0 50 100  
[Scale bar]

**APPLICANT: RICHARD MALTMAN**  
**FILE #: R13-26**  
**REZONING REQUEST:**  
**O-1 TO C-2**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**9/3/2013**

owner of the hay and asked if he could move them away from the fence. As of this meeting nothing has happened. She also spoke with her neighbor and was met with animosity.

Mr. Szmyd moved to recommend to Council for approval. Mr. Bob Arthur seconded the motion.

**VOTE:**

**YES:** Arthur, Covert, Haney, Kelsey, Miller, Parsley, Powell, Szmyd  
**NO:** None

The motion was approved by a unanimous vote.

Public Hearing - Rezoning

The following portion of the minutes will be verbatim as the rezoning request was denied and is being appealed to City Council.

- A. R13-26 Richard D. Maltman  
987 Gutensohn Road  
**From O-1 to C-2**  
 Presented by Jason Benham or Ramona Meeker

Mr. Kelsey: The next section is public hearing, rezoning, R13-26 Richard D. Maltman 987 Gutensohn Road from O-1 to C-2, presented by Jason Benham or Ramona Meeker. Just state you name and address please for the record.

Mr. Benham: Jason Benham, 4225 East Oakmont Drive. Actually we are asking the commission, and correct me if I am wrong, but as far as on this first page is this the rezoning because we are going to ask for a variance as well. This is the rezoning portion. O.K. good enough, good enough. Thank you very much. But anyway, I'm working instead for Richard Maltman. He is the seller. Currently we have this property under contract. We are just awaiting its contingent on the rezoning and the variance. What I would like to do is have Ms. Meeker explain her business at this point and I'm going to give it to her.

Mr. Kelsey: O.K.

Ms. Meeker: My name is Ramona Meeker, I live at 3600 East Friendship Road in Springdale. I am the area manager for Dow Building Services and we are purchasing that property for commercial business. We run a commercial company. What our intentions were is to put parking for our company trucks in the back.

Mr. Kelsey: O.K., it that it?

Ms. Meeker: That's pretty much it.

Mr. Kelsey: Alright, staff comments.

Mr. Sedberry: Obviously I'm filling in for Patsy and these are her comments regarding this. The rezoning request is not in keeping with the Comprehensive Land Use Plan and is not recommended for approval. The current zoning district in use provide a buffer between the residential and commercial districts and uses in the area.

Mr. Kelsey: O.K., let me ask you this. Is this the only way they can get this business in there was to go to a C-2?

Mr. Sedberry: Yes.

Mr. Kelsey: O.K. just so everyone might want to know to refresh what is allowed in a C-2.

Mr. Sedberry: A C-2 is general commercial district allows Use Unit 4, cultural, recreational and health facilities, 16-offices, studios and related services, eating places, neighborhood shopping goods, shopping goods, trades and services which is the category they fall in, automotive services, parking lot, temporary buildings and transportation services. By conditional use, recycling, utility facilities, automobile sales, church/synagogue, mobile vending site.

Mr. Kelsey: O.K., is there anybody else in the audience that would like to comment on this? Yes sir, if you will come up here and state your name and address please sir.

Mr. Ronald Wright: First off, is the property they are trying to rezone on Gutensohn?

Mr. Kelsey: Yes, sir.

Mr. Wright: My name is Ronald Wright and I own the property just north of it, the white Spanish house. You know, I have no objections to this being rezoned. I have been here all my life, and that is 70 years of it and I do not understand why them three pieces of property have not been rezoned. I remember when this town was 2,500 and its what, 80M now? You got commercial all around it. Now I don't know whose fight it is to keep it from going that way. I'm not bringing in down here right now, but I sure would later. I have no objections to this whatsoever. In fact is I'm for it.

Mr. Kelsey: O.K., thank you sir. Appreciate it. Anyone else? I don't suppose it could be done as a conditional use is the reason it is trying to go from O-1 to C-2.

Mr. Szmyd: Can we go ahead and talk about the variance too?

Mr. Kelsey: Yeah, but if the rezoning doesn't pass does the variance get heard?

Mr. Sedberry: The variance can still be heard, but they need both of them to do what they want to do.

Mr. Kelsey: Alright, then he also has a variance which is B13-41, variance for reduction of driveway width. And I am assuming that is to keep the present driveway?

Mr. Sedberry: No they want to be able to store their vehicles in the backyard. Width of a two-way drive is 24 feet, they don't have 24 feet. But my understanding is that it is for just their vehicles, not customers.

Mr. Benham: Yes, we are planning on putting some signs back there for employees only, back in the back. I don't think, of course this goes with the property, but there is not going to be any kind of back and forth traffic. They are all going to come in at one time and they will all leave at one time out there. Now let me just corroborate with the gentleman did say, that everything around there to the best of my knowledge is C-2. I think as far as if we go in there we get this taken care of it is going to be very nice. Everything is going to be parked in the back.

Another thing as why we need to that is that just as far as someplace to store the vehicles. They have some very expensive equipment in there as well. So parking in the back would be a necessity at this point for them, to create some more parking as well.

Mr. Arthur: Do you intend to pave that in the back as well for the parking in the back?

Mr. Benham: I'm sorry, sir?

Mr. Arthur: Do you intend to pave that, concrete or asphalt?

Mr. Benham: Yes, sir. Hard surface.

Mr. Kelsey: What's Harp's corporate there? What's that zoning class?

Mr. Sedberry: C-2

Mr. Kelsey: O.K.

Ms. Haney: But, you know, behind it is residential and I just wonder how is that going to affect, I mean think that is the reason for the residential office or the O-1 because the office is a little quieter of the type of business and it would have some effect especially if you drive around the back. I know having driven around to the house directly behind it, if I owned that house I would not be real happy, if there were people starting trucks in that back yard adjacent to my back yard.

Mr. Covert: I think we just heard from the last folks that were up here what it's like to sit in your backyard and have something that's not really what it was designed to be right behind you. I share the same concerns, I mean I certainly the wants of the business and I am not against that, but if we have trucks going in and out of there and you are sitting in that house behind it, what does that mean to you. The other opportunity posed question was, if this is C-2 and we read off what those uses are and this business decides to leave one day will the community be o.k. with a car lot there? Or one of the other high intense uses that comes with a C-2. I throw that out just as thought.

Mr. Szmyd: The folks on Dorman Street, were they notified or they had to be notified right? The property owners.

Mr. Sedberry: Yes the property owners.

Mr. Powell: So if you are going to be storing vehicles and expensive equipment back there, what are you planning on using to store them in? What kind of fence?

Mr. Benham: Well, there is already a privacy fence back that. And that's definitely legitimate concern, which you have there as far as a buffer. Now one of the features of this particular property, is that it goes back a long, long ways. So the idea is that the parking lot is going to be very, very close to the house, obviously so you can make it into the home with having to walk a long distance. I think that if you looked at it, is that is, you know it could create a problem, but I think that it is going to be far enough away that I don't see it being problematic.

Mr. Powell: There is an existing fence back there is that property on Dorman or is that property you are wanting to rezone?

Mr. Benham: It is actually Dorman, which is the street right behind.

Mr. Powell: So what's the plan to secure your vehicles and your equipment back there?

Mr. Benham: Well, as it is right now, with the privacy fence and then you know the variance going back there on the side of the house and then create the parking lot back in the back and then just to shut that off at night. So we are going to have a gate.

Mr. Kelsey: How many vehicles are we talking about?

Ms. Meeker: Approximately 8 and these are not huge like semi-tractors, the largest vehicle, well, there are small trucks with hoppers and we have one large van.

Ms. Haney: But once again you can't directly go by what they are going to put in there because next year or five years from now they could move to another location and that is now a C-2 so anything else, I mean it could be come a restaurant, or I mean there all kinds of things it could become with outdoor patio or parking going to all hours of the night.

Mr. Kelsey: If they leave, like I said that is the reason I had him read the list for C-2, because one of those things is automotive and right now, they might like the cleaning place, but if y'all expand and decide to leave and everything, they may not want an automotive next to them.

Mr. Covert: Have you looked at other locations that are open currently in the city for your business that have the parking available.

Mr. Benhem: Yes sir, we have.

Mr. Covert: And there is nothing that you found that fits your needs?

Mr. Parsley: Now, I could be wrong, but as far as the building to the south right there, is that zoned C-2 as well.

Mr. Sedberry: Yes.

Mr. Parsley: It still has the home that is back in the back and far as Dorman.

Mr. Kelsey: Yes, it has "Doggone Cute" grooming, but they are not parking trucks back there.

Ms. Haney: Well, there is also a need to have a little buffer between that C-2 and getting to the residential portion. That's the reason we had that on our land use plan to provide some protection between those residential homes and the C-2.

Mr. Kelsey: Is all that even to the south of those row of houses, Clayton, is that C-2 as well?

Mr. Sedberry: Are you talking 900 Dorman? Yes, it is.

Mr. Kelsey: So is 2576, and 901 Dorman next to Pults?

Mr. Sedberry: Yes.

Mr. Kelsey: Anyone else? Yes sir, you can come back up and speak again sir.

Mr. Wright: That property over there is 245 feet deep, I know cause I owned the property at one time. I was the one that built the house. I'll be very honest with you on why the house got built there is because there was a certain man on the city council wouldn't let it get rezoned and he made me mad and I said I'll build the house and that's what I done. But there is enough space left there for him to put his parking lot. I don't know this gentleman and he don't know me, but with 245 feet I know there is green space left. You talk about the buildings adjacent there to it. You go out there and tell me how clean that ally is. You're speaking real highly of that but you go up there and tell me how clean that is up there, cause you are going to find out it looks like a rat's nest back there. You are beating the bush around here trying to keep somebody from making progress. You need the city taxes and he needs a place to park his vehicles. If you'll get back, cause I was the one that got it R-O. That's the only thing that I finally got it. It stipulates in there that there has to be an eight foot privacy fence back there if you want it. Most privacy fences is six foot. You know, I hate to say this, but I'm 70 years old and if I didn't own what I own in Springdale Arkansas, I'd leave here because you all messing up the whole works.

Mr. Kelsey: Appreciate your comments, sir. Anyone else?

Mr. Benham: I'm just throwing this out there, but if we and whoever drew that map is fantastic, cause it is a whole lot of help. If we constructed the parking lot, you know, back there just as close to the house as possible and maybe keep it an agreed upon distance from the privacy fence at the end of the 245 feet, would that help out our case if we did something like that?

Ms. Haney: You know, for it is not so much your business but it is what that opens it up to the day that you leave. So if your business does really well and you have to move a bigger place in one year or two years or three years, someone could now come in and put anything that qualifies for a C-2 in there and the things that are permitted in a C-2 would very likely be a big disruption to what is behind it. So it is the zoning that we worked real hard on our land use plan to not keep going down the streets and allowing people to turn in to business after business, because then it starts to encroach on those residences and brings down the value of the homes behind you and down the street that bought those homes as residential homes.

Mr. Kelsey: Alright, anyone else? O.K., sir at some point, I understand your position we're going to have to limit our....

Mr. Wright: I've just got to tell about what you did recently. O.K. go to the house that north of Calvary Freewill Baptist Church. It is in a residential area on the north end of Gutensohn. You double check me and see if I'm not right on it. It got zoned C-2, who knows what they are going to have there in ten years. That's the question you are asking. They put a big metal building back there.

Mr. Sedberry: No, that's not zoned commercial, it is zoned residential.

Mr. Wright: What is it zoned?

Mr. Sedberry: It is zone SF-2, which is single family residential.

Mr. Wright: Well, how come you got the big metal building and a business running out of it?

Mr. Sedberry: Well, if there is a business running out of it then we will have to send code enforcement by there to stop the business, because they are not allowed to operate a business in single family.

Mr. Wright: I am a trustee with Calvary Freewill Baptist Church. I got the letter that it is going to be rezoned at the time this came up. We did not go protest it. Now I believe if you check the records, you are going to find out, cause I owned that piece of property at one time.

Mr. Sedberry: I assure that it is zoned residential. If they are running a business out of that building, then they are doing it illegally.

Mr. Wright: Well, you better do some checking on it.

Mr. Sedberry: We will send someone to check on it.

Mr. Kelsey: Alright, thank you sir. Mike did you make a note on that? If there are no other comments, it is to the commission. This will be a call for the vote.

Mr. Szmyd: Call for the vote.

Mr. Kelsey: Call for the vote by Mr. Szmyd. Roll call.

Ms. Ponders: Covert-no, Haney-no, Kelsey-yes ma'am, Miller-no, Parsley-no, Powell-yes, Szmyd-yes, Arthur-yes.

Mr. Kelsey: It is tied 4 to 4. It doesn't pass on a tie vote.

Mr. Sedberry: You have the right to appeal to the city council. Your appeal needs to be filed to the City Clerk's office in writing within 15 days. Do you want us to hear the variance? For your purposes they are tied together but there is nothing that says we can't hear the variance if you want us to hear the variance.

Mr. Benham: I think that we will pass

**B. R 13-27 Raul & Reynalda Lemus  
721 Turner  
From MF-12 to C-1  
Presented by Raul Lemus**

Mr. Lemus was present to answer any questions or comments.

Mr. Kelsey asked for Staff comments.

Mr. Sedberry read the Staff comments.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Encourage the development of small-scale neighborhood retail and service uses at intersections of collector and arterial streets and at the edge of logical neighborhood areas or within neighborhoods where suitable sites exist and conditions are appropriate to balance compatibility with convenience.

Mr. Kelsey asked if there was anyone in the audience with questions or comments.

There were none.

Mr. Szmyd called for the vote.

**VOTE:**

**YES:** Haney, Kelsey, Miller, Parsley, Powell, Szmyd, Arthur, Covert

**NO:** None

The rezoning was approved by a unanimous vote.

Mr. Sedberry stated for the record Staff would prepare the ordinance to go to council on Tuesday, September 24, 2013 at 6:00 p.m.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO ENTER INTO AN AGREEMENT TO PURCHASE A NEW LADDER FIRE TRUCK AND A NEW FIRE ENGINE.**

**WHEREAS**, funds have been appropriated from the Capital Improvement Program (CIP) for the purchase of a new ladder fire truck and a new fire engine;

**WHEREAS**, the Sutphen Corporation has agreed to furnish the following fire apparatus to the Fire Department of the City of Springdale, Arkansas:

- 1) One Sutphen Custom Heavy Duty Rescue Pumper, complete and delivered;
- 2) One Sutphen SL-75 Quint, complete and delivered.

**WHEREAS**, the purchase price for the fire apparatus referred to herein are \$1,412,695.40, with a discounted price of \$1,372,706.91 for upfront payment in full.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Fire Chief is hereby authorized to enter into a an agreement for the purchase of the fire apparatus referred to herein, and the purchase of said apparatus is hereby authorized in the amount of \$1,372,706.91.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, MAYOR

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED:

  
\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY



FAMILY OWNED  
SINCE 1890

To The:

Date: August 1, 2013

City of Springdale, Arkansas  
C/O Fire Chief Michael Irwin

**2013-14 Sutphen CAFS Monarch Rescue Pumper and SL-75  
CAFS Quint Proposal**

**FOR YOUR REVIEW:**

We hereby propose and agree to furnish the following fire fighting apparatus upon your acceptance of this proposal:

**One Sutphen Custom Heavy Duty Rescue Pumper, Complete and Delivered for the Total Sum of: .....\$576,678.65\***

**One Sutphen SL-75 Quint, complete and Delivered for the total sum of :.....\$836,016.75\***

1,412,695.40

\* The fee for the BuyBoard is included.

Which will be manufactured completely in accordance to the following proposal and delivered approximately 10-13 months for the pumper; 11-14 months for the aerial after approval of contract, subject to delays from all causes beyond our control. Prices are firm for thirty (30) days.

Respectfully submitted by:

**J. Dean Shumaker**  
Sales Representative

**Sutphen Corporation**  
7000 Columbus-Marysville Road Amlin, OH 43002  
Tel 614 889-1005 Toll Free 800 848-5860 Fax 614 889-0874  
Web www.sutphen.com Email sutphen@sutphencorp.com



FAMILY OWNED  
SINCE 1890

**DOWN PAYMENT DISCOUNTS  
FOR THE  
SPRINGDALE FIRE DEPT., AR**

Current Bid Price . . . . . **\$576,678.65**

- Option 1 For a down payment in the amount of **\$144,169.66** the discount would be **\$5,427.51** for a total selling price of . . . **\$571,251.14**
  
- Option 2 For a down payment in the amount of **\$288,339.33** the discount would be **\$9,061.79** for a total selling price of . . . **\$567,616.86**
  
- Option 3 For a down payment in the amount of **\$432,508.99** the discount would be **\$12,696.06** for a total selling price of . . . **\$563,982.59**
  
- Option 4 For a full prepayment, we offer a discount of **\$16,330.34** for a final selling price of . . . . . **\$560,348.31**

**NOTE:** For any option above, the down payment would be due within 30 days of contract signing in order to receive the discounts listed. Any remaining balance would be due at the time of delivery.

**Sutphen Corporation**  
PO Box 158 • Amlin, OH 43002-0158  
6450 Eiterman Road • Dublin, OH 43016-8711  
Tel 614 889-1005 • Toll Free 800 848-5860 • Fax 614 889-0874

Example of BuyBoard Purchase Order:

**NOTICE OF AWARD**

**DATE:**

The City of Springdale Arkansas has accepted the Sutphen Corporation proposal dated August 1, 2013 for fire apparatus contract #399-12.

The purchase order number is \_\_\_\_\_.

**Description:**

One (1) Sutphen Heavy Duty Monarch CAFS Rescue Pumper complete for \$576,678.65.

One (1) Sutphen SL-75 CAFS Quint complete for \$836,016.75

Construction time: 10-13 months pumper, 11-14 months aerial

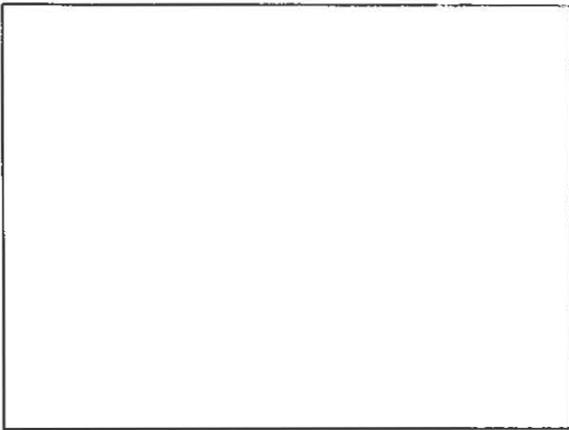
Fire Chief & staff shall perform a final inspection and both apparatus shall be delivered under their own power. Both apparatus shall conform to all NFPA requirements in effect at time of award and the detailed proposal/specifications as accepted from the Sutphen Corporation.

**SIGNED:**

\_\_\_\_\_

**FIRE CHIEF**

This notice of award document and/or the city's purchase order need to be faxed to "The BuyBoard" : 800-695-2919, attention Mr. Steve Fisher



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-12) TO NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) AND DECLARING AN EMERGENCY:**

**WHEREAS**, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 3, 2013 for hearing the matter of a petition of Raul and Reynalda Lemus requesting that the following described tract of real estate be zoned from Medium Density Multi-family Residential District (MF-12) to Neighborhood Commercial District (C-1).

Layman's Description: 721 Turner

Legal description: Part of lots 12, 13, 14 and 15 Block 1 in R. L. Hayes Addition to the City of Springdale and being 100 feet taken of equal width off the South end of said Lots 12, 13, 14 and 100 feet off the South end of the West Half of Lot 15, all in said block 1, which is located in the Southeast Quarter (SE ¼) of the North west Quarter (NW ¼) of Section 1, Township 17 North, Range 30 West in Washington County, Arkansas.

**AND WHEREAS**, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Medium Density Multi-family Residential District (MF-12) to Neighborhood Commercial District (C-1) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Medium Density Multi-family Residential District (MF-12) to Neighborhood Commercial District (C-1).

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

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ernest Cate, City Attorney



**APPLICANT: RAUL & REYNALDA LEMUS**  
**FILE #: R13-27**  
**REZONING REQUEST:**  
**MF-12 TO C-1**

*CITY OF SPRINGDALE*  
*PLANNING OFFICE*  
**PLANNING COMMISSION MEETING**  
**9/3/2013**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A CONDITIONAL USE AT  
5392 HIGHWAY 112 AS SET FORTH IN ORDINANCE NO.  
4030**

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

**WHEREAS**, the Planning Commission held a public hearing on September 3, 2013, on a request by Jim Cash for a Use Unit 4 (Cultural, Recreational and Health facility) in an Agricultural District (A-1)

**WHEREAS**, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a conditional use be granted to Jim Cash for a Use Unit 4 (Cultural, Recreational and Health facility) in an Agricultural District (A-1) with the following conditions – All Building and Fire Codes must be met.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE** that the City Council hereby grants a conditional use to Jim Cash for a Use Unit 4 (Cultural, Recreational and Health facility) in an Agricultural District (A-1) with the following conditions – All Building and Fire Codes must be met.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ernest Cate, City Attorney



**APPLICANT: JIM CASH**  
**FILE #: C13-16**  
**CONDITIONAL USE REQUEST:**  
**USE UNIT 4 - CULTURAL, RECREATION, HEALTH FACILITY**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**9/3/2013**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING  
TO REHAB THE REMAINING NINE (9)  
CHRISTMAS SCENES FOR CITY DISPLAYS**

**WHEREAS**, the City of Springdale desires to rehab the remaining nine (9) Christmas scenes to extend the life of the frames for many years of enjoyment to the citizens; and

**WHEREAS**, last year the City of Springdale utilized Get Lit, LLC to rehab the snowflakes on Emma Avenue; they were powder coated and restrung with LED lights, which reduces electrical consumption and we found their work to be of good quality and performed in a timely manner; and

**WHEREAS**, Get Lit, LLC has proposed to have the nine (9) remaining Christmas scenes powder coated and restrung with LED lights with the amount not to exceed \$32,000.00; and

**WHEREAS**, the City Council previously appropriated \$290,000 for a Christmas light drive thru display project that has not been used; and

**WHEREAS**, Arkansas Code 14-58-303 states, "The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical";

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

**Section 1.** This Council finds that due to the limited time of getting the displays ready for the Christmas season and to have the same company that is already familiar with our lighting system, we feel competitive bidding is not feasible or practical in the rehabbing of the nine (9) Christmas scenes. Therefore, competitive bidding on the rehabbing and lighting of the Christmas scenes from Get Lit, LLC is here by waived with the amount not to exceed \$32,000.00.

**Section 2.** That \$32,000.00 of the \$290,000.00 of CIP funds previously appropriated for a Christmas light drive thru display is hereby appropriated for rehabbing and lighting of Christmas scenes and the balance of \$258,000.00 is returned from appropriation for park land acquisition.

**Section 3. Emergency Clause.** It is hereby declared that an emergency exists, and this ordinance being necessary for the immediate preservation of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon passage and approval.

**PASSED AND APPROVED** this \_\_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Ernest B. Cate, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROPRIATING CAPITAL  
IMPROVEMENT FUNDS FOR THE  
SPRINGDALE PUBLIC LIBRARY**

**WHEREAS**, the Library Director has requested funds for metal shelving, display units, bookcarts and audio visual improvements for the Springdale Public Library, and

**WHEREAS**, these improvements are supported and recommended by the Springdale Public Library Foundation Board, and

**WHEREAS**, the Springdale Public Library is important to the quality of life for our citizens;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that \$100,425.00 of capital improvement funds is hereby appropriated for the capital improvements in the Springdale Public Library.

**PASSED AND APPROVED** this 24<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ernest Cate, City Attorney



**Springdale  
Public  
Library  
Foundation**

Board of Directors

Todd Wood  
*President*

Ginny Owen  
*Vice President*

Joy Drummonds  
Ann Applegate  
Robin Wages

Executive Director

Marcia Ransom

405 S. Pleasant  
Springdale, AR 72764  
Tel 479-750-8180  
Fax 479-750-8182  
[www.springdalclibrary.org](http://www.springdalclibrary.org)

August 13, 2013

Members of the CIP Committee  
Springdale City Council  
City of Springdale  
201 Spring Street  
Springdale, AR 72764

Dear Members of the Committee:

The Springdale Public Library Foundation Board supports the Library proposal which is before the Committee for acquiring library furnishings and for support in improving the use of technology in the Library's public meeting rooms.

The Library is currently undergoing a refurbishing , the first major work that has been done since the 1999/2000 renovation and expansion. Since that time, use of the Library has grown phenomenally.

The Foundation has invested a significant portion of its resources on this project. While we strongly support the Library, our resources are limited . Accordingly, we urge the Committee to support the Library proposal.

Sincerely,

Todd Wood, President

MEMO

September 10, 2013

To: Wyman Morgan  
Director, Finance & Administration

Fr: Marcia Ransom  
Director, Springdale Public Library

Re: CIP Proposal

The Springdale Public Library Foundation Board has been concentrating its resources on improving the condition and appearance of the Library. About half of the floor coverings throughout have been replaced, all interior spaces will be painted in September, numerous lighting fixtures will be replaced and all furnishings will be reupholstered. The Foundation, along with the Friends of the Library, is planning for the installation of a coffee bar in an interior space that will open up to the current Gallery.

The Board has asked that I take our request for metal shelving and display furnishings, all standard items that will be used for decades and are critical to the function of a library, to the CIP Committee. We are also submitting a plan for upgrading the audio visual technology in our public meeting rooms which is critically needed and will be an investment in our future and a benefit to community groups using the rooms.

The following is an explanation for the items requested:

**Metal Shelving**

In 1999, when we expanded the facility we had an odd assortment of metal shelving, most of which was ill suited for the new building. We were very budget conscious, however, and determined to purchase about half of what was needed and for the remainder a local shop modified 160 of the old units for \$20 each. That was a tremendous savings for us and was a good plan given the circumstances at the time. There are problems, however, nearly 15 years along. The shelving was old to begin with and many units have lost their leveling devices. There are at least five different brands and though they look similar, parts are not interchangeable. Our plan is to replace the 160 units that were modified and to add six units for growth in areas where space allows. We'll gain more shelving space by purchasing an additional shelf for the units in this order and for some of our existing shelving.

Replacement of these units would bring the entire shelving collection up to the same standard that we determined in 1999, and it would all be the same brand and style so as to be interchangeable. The quote of \$54,314.32 for this shelving is from Missco Contract Sales, LLC, an Arkansas company that sells predominantly to libraries and has a State of Arkansas TAG contract for this product. Shipping charges will be added once the shipping date is established.

**Mar-Line Display Units**

These are specialized display units that fit on shelving end-panels and will hold the Teen DVD collection. These are available from major library supply vendors for about \$1,000 each. With tax and shipping the amount for three units is \$3,198.47.

**Two-sided Bookcarts**

During the 1999/2000 project, we moved the entire collection of 100,000 items numerous times. We used the services of professional movers who provided specially designed carts. In the upcoming move during the installation of the new shelving, we'll be off-loading 50,000 books at once in order for the installers to tear down the old shelving and install the new. We have a plan to move and store these books without the expense of hiring movers but we will need a minimum number of heavy-duty carts. These carts are designed to hold 32 linear feet and 900 lbs. each. We are proposing having six bookcarts built for \$825 each, total cost with tax would be \$5,408. We have room to store these carts and will have them for future use.

**Browsing Display Units**

Browsing bins for holding children's books and audio/visual materials have become standard fixtures in libraries the past several decades. They present items at a child's level in browsing order. Various models are available from library vendors, ranging in price from \$400 - \$1,000 each. We have a quote for the construction of 30 units at \$588 ea. for a total of \$19,272.

**Public Meeting Room Audio Visual Improvements**

The Library has three public meeting rooms that are used for library programs and can be booked by members of the public for group use. Several thousand people attend meetings in these rooms annually. The technology in the rooms is limited to what we determined we could afford in 1999. The Shiloh Room has a screen for viewing and the Board Room has a grease board. Those are the only installed products. We currently use projectors on carts parked in the middle of the audience and have electrical cords taped to the floors. The proposed products and installation would allow us a seamless approach in using audio visual resources.

**Total Funds Requested**

The total amount the Library is requesting in this proposal is \$100,421.16.

<b>SPRINGDALE PUBLIC LIBRARY</b>	
<b>CIP PROPOSAL</b>	
<b>August 19, 2013</b>	
Metal Shelving	\$54,314.32
5% Contingency	\$2,715.72
Freight - estimate	\$2,000.00
Mar-Line Display Units	\$3,199.00
Two-sided Bookcart	\$5,432.00
Browser Display Units	\$19,360.00
Meeting Room Audio Visual Upgrades	\$13,400.12
TOTAL	\$100,421.16

**PRICING ESTIMATE**

**MISSCO Contract Sales, LLC**  
**Mack Skeen, Sales Representative**  
 2116 Rannoch Trace  
 Fort Smith, AR 72908  
 479.957.2914 (cell)  
 479.648.0469 (fax)

Date: July 2, 2013

To: Marcia  
 Springdale Public Library

From: Mack Skeen

Re: Shelving Estimates

The following pricing estimates are as requested. I believe that the revisions have all been included. Please let me know if you see otherwise. Pricing includes the quantity of book supports that you requested. I estimated 1285 for the first 3 items. Only the items in red include installation. Pricing is good for 45 days.

TAG	QTY	STOCK	DESCRIPTION	Unit	Total
Lg. Prnt	38	WF62082	8"/20" DF Shelving Unit - 5 levels	\$ 195.41	\$ 7,425.57
Fiction	107	WF62082	8"/20" DF Shelving Unit - 5 levels	\$ 195.41	\$ 20,908.85
add	125	BL3608A	Adjustable Shelf, 8"	\$ 10.81	\$ 1,350.86
	725	WBSW7	7" "W" book supports	\$ 3.50	\$ 2,537.50
YA	13	WBDF62100	10"/20" DF Divider Shelf Unit - 5 levels	\$ 308.41	\$ 4,009.33
Non-fict	3	WBDA62102	10"/24" DF Divider Shelf Unit, Adjustable Base - 5 levels	\$ 314.12	\$ 942.35
paperbk	3	W6636	Weld Frame, 36x66	\$ 35.47	\$ 106.42
paperbk	3	TBDF3620	20x36 DF Divider Base Shelf (flat)	\$ 54.18	\$ 162.54
paperbk	36	VCS3608A	36" x 7" x 7.5" Video Cassette/Paperback Shelf	\$ 21.36	\$ 769.14
add	80	VCS3608A	36" x 7" x 7.5" Video Cassette/Paperback Shelf (includes dividers)	\$ 21.36	\$ 1,709.20
add-YA	50	BDA3610A	10" x 36", Adjustable Divider Shelf	\$ 22.79	\$ 1,139.59
add-Span	130	BDA3612A	12" x 36", Adjustable Divider Shelf	\$ 24.50	\$ 3,185.50
Children's	14	TBDF3624	Fixed Base Divider Shelf, 24 x 36	\$ 59.00	\$ 826.00
Children's	48	BDA3612A	Adjustable Divider Shelf, 12 x 36	\$ 24.50	\$ 1,176.00
Speciality	5	ZZ3608A	ZigZag Shelf	\$ 28.00	\$ 140.00
Speciality	6	SDS3612A	Sloped Display Shelf	\$ 20.00	\$ 120.00
	18	PBBRB3615A	Picture Book Browser Box, 36"w x 15"d x 7"h	\$ 95.11	\$ 1,711.99
	15	HDBRB3611A	Media Browser Box, 36"w x 12"d x 6"h	\$ 84.55	\$ 1,268.29
			Sub-total		\$ 49,489.13
			Taxes (9.75%)		\$ 4,825.19
			Total		\$ 54,314.32



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  - ▶ Classroom Supplies
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  - ▶ Library Promotion
  - ▶ Library Supplies
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  - ▶ Office & Facility Supplies
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## MAR-LINE® Modular Rotor Frame Displays - Plastic Towers



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- Solid oak frame

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Shelves :



Image	Description	Item No	Options	Price	Qty
	MAR-LINE® Modular Rotor Frame Display, Starter 2-Tower (5-Tier)	88-0140	Wood Frame Finish: - Choose Option - ▾  Shelf Color: - Choose Option - ▾	\$892.95	0
	MAR-LINE® Modular Rotor Frame Display, Starter 2-Tower (6-Tier)	88-0141	Wood Frame Finish: - Choose Option - ▾  Shelf Color: - Choose Option - ▾	\$905.95 <i>tax shipping \$319?</i>	0
	MAR-LINE® Modular Rotor Frame Display- 2-Tower 8 Tier Starter	89-0220	Wood Frame Finish: - Choose Option - ▾  Shelf Color:	\$967.95	0

www.thelibrarystore.com/product/ad88-0140/s

# Millworx Inc.

COMMERCIAL INTERIORS & CASEWORK

3885 Elm Springs Rd.  
Springdale, AR 72762  
Phone: 479-750-4989  
Fax: 479-750-3327

## Proposal for Springdale Public Library

Roll around cart similar to 3600 two-sided book cart drawing as provided. Constructed from 1" fir plywood with 5" hard rubber casters.

Price each  
\$825.00

Quantities

$$\begin{array}{l} \$825 \times 6 = \$5432 \\ \text{with tax} \end{array}$$

# Millworx Inc.

COMMERCIAL INTERIORS & CASEWORK

3885 Elm Springs Rd.  
Springdale, AR 72762  
Phone: 479-750-4989  
Fax: 479-750-3327

## Proposal for Springdale Public Library

Scope of work is as follows: 27-30 roll-around units per submitted drawing. 1 contrasting color for interior (either white or almond) and 4 different Wilsonart standard colors. Roll-arounds would have locking casters pre-installed. Edge banding would be 3mm depending on color choices. If no 3mm edge banding is available for given color choices a contrasting color would have to be selected.

Price each, installed  
\$588.00

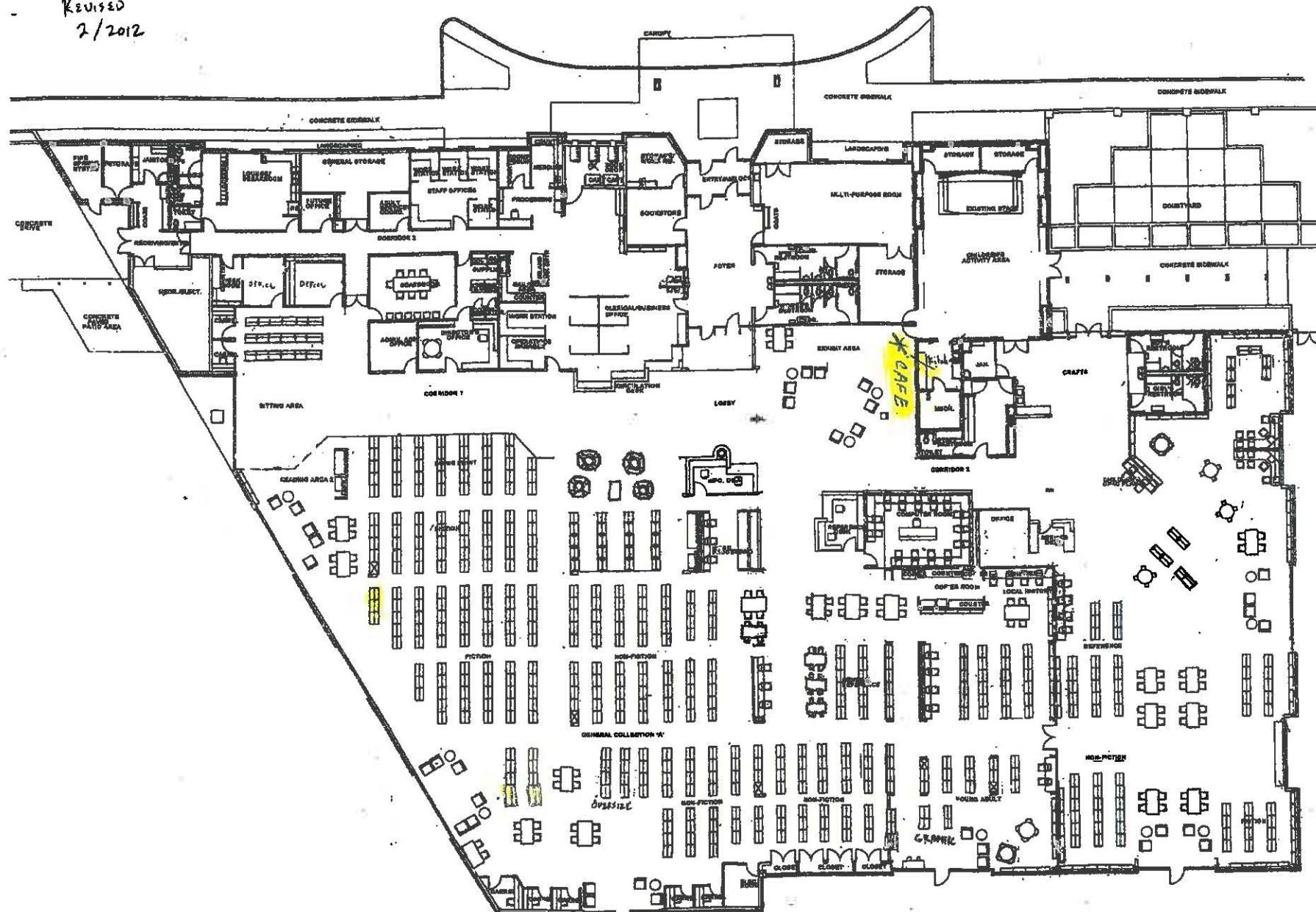
*Quantities*

\$19,360  
with tax 30 total

18 PB  
12 AV

Public Meeting Room Audio Visual Improvements					
	<b>SHILOH ROOM</b>		<b>Price Ea.</b>	<b>Price All</b>	
1	Projector		\$1,338.31	\$1,338.31	Ceiling Mounted, 4,000 Lumen, XGA Projector
1	Amplifier / In-ceiling Speakers		\$480.70	\$480.70	2-channel amplifier & 4 In-ceiling speakers
1	Apple iPad Adapter		\$38.24	\$38.24	
1	Projector Ceiling Mount Assembly		\$338.68	\$338.68	Projector ceiling mount assembly & cabling, wall plate
1	Installation		\$491.63	\$491.63	
1	Electrical Work		\$218.50	\$218.50	
			<b>Total</b>	<b>\$2,906.05</b>	
	<b>CHILDREN'S AUDITORIUM</b>				
1	Screen		\$540.79	\$540.79	10 foot manual pulldown screen, includes mounts
1	Projector		\$1,338.31	\$1,338.31	Ceiling Mounted, 4,000 Lumen, XGA Projector
1	Amplifier / In-ceiling Speakers		\$480.70	\$480.70	2-channel amplifier & 4 In-ceiling speakers
1	Apple iPad Adapter		\$38.24	\$38.24	
1	Projector Ceiling Mount Assembly		\$338.68	\$338.68	Projector ceiling mount assembly & cabling, wall plate
1	Large Screen Television with mount		\$1,300.00	\$1,300.00	
1	Installation		\$491.63	\$491.63	
1	Electrical Work		\$218.50	\$218.50	
			<b>Total</b>	<b>\$4,746.84</b>	
	<b>BOARD ROOM</b>				
1	Starboard		\$1,906.41	\$1,906.41	Hitachi 77 in. Starboard
1	Installation		\$163.88	\$163.88	
1	Projector		\$1,338.31	\$1,338.31	Ceiling Mounted, 4,000 Lumen, XGA Projector
1	Projector Ceiling Mount Assembly		\$338.68	\$338.68	Projector ceiling mount assembly & cabling, wall plate
1	Apple iPad Adapter		\$38.24	\$38.24	
1	Electrical Work		\$218.50	\$218.50	
1	Grease Board Removal		\$552.77	\$552.77	Remove board panel, patch wall, paint wall
			<b>Total</b>	<b>\$4,556.78</b>	
			<b>Sub-Total</b>	<b>\$12,209.67</b>	
			<b>Sales Tax</b>	<b>9.75%</b>	<b>\$1,190.44</b>
			<b>Total Project Cost</b>		<b>\$13,400.12</b>

REVISED  
2/2012







**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE  
ENGAGEMENT OF BKD, LLP FOR THE 2013 AUDIT**

**WHEREAS**, the City of Springdale is required to have an annual audit performed of its financial statements; and

**WHEREAS**, the City of Springdale's 2006 Series and 2012 Series Bond Ordinances require that the audit be performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States and applicable state law; and

**WHEREAS**, the firm of Frost, PLLC performed the 2008 through 2012 audits of the City of Springdale, and

**WHEREAS**, it is the desire of the City of Springdale to have the 2013 audit conducted by BKD, LLP, and

**WHEREAS**, negotiations with this firm resulted in a proposed fee of \$70,000 for the 2013 audit, and

**WHEREAS**, accounting and auditing services have been declared to be professional services in Sec. 2-201 of the Springdale Code of Ordinances,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the audit of the financial statements of the City of Springdale be performed in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States and that the City retain the firm of BKD, LLP to perform the 2013 audit of the City of Springdale, including the Springdale Water and Waste Water Department, for a fee of \$70,000.

**PASSED AND APPROVED** this 24<sup>th</sup> day of September, 2013.

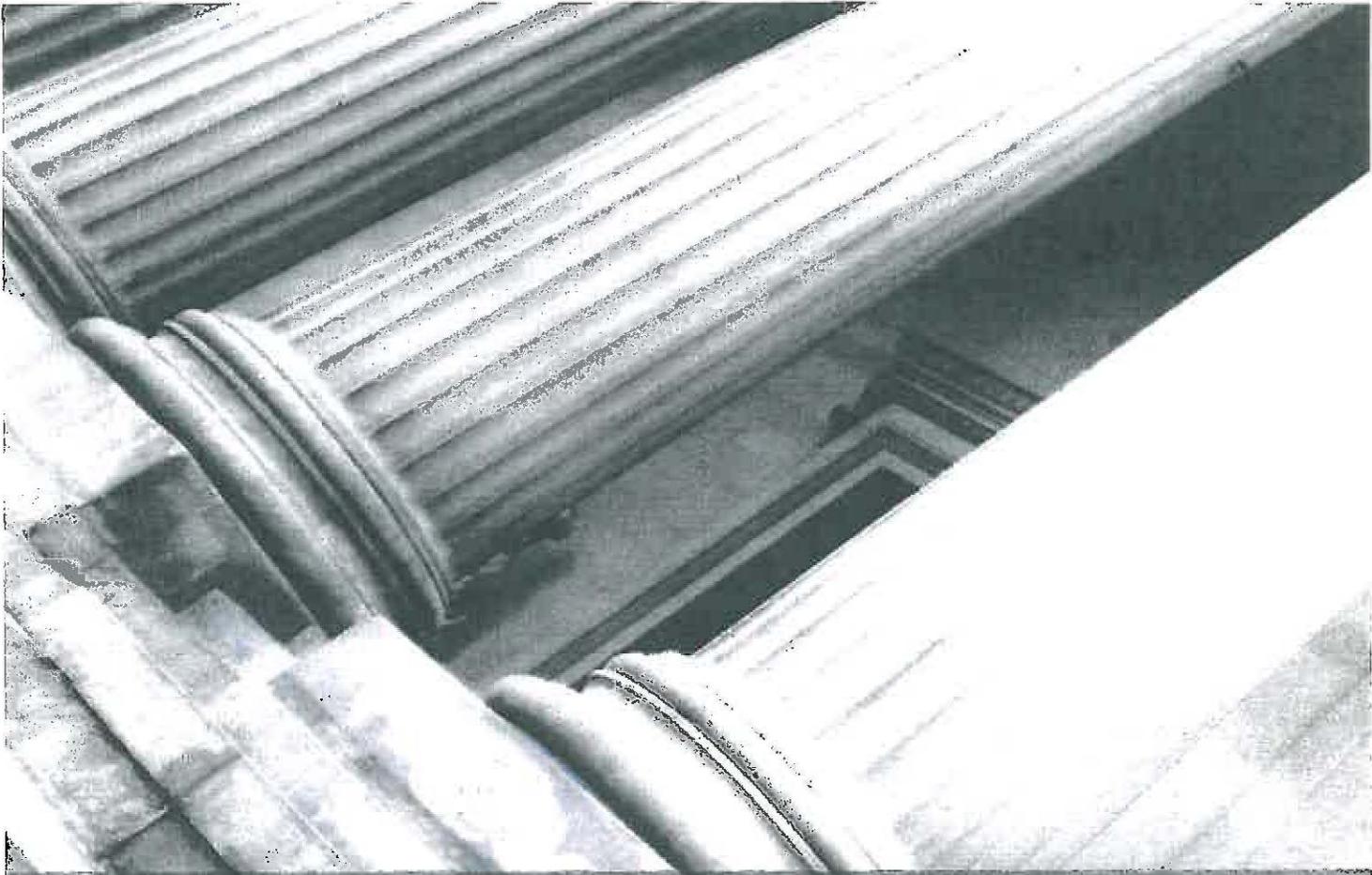
\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ernest B. Cate, City Attorney



CITY OF SPRINGDALE, ARKANSAS  
COST PROPOSAL

[bkd.com](http://bkd.com)



# Your Investment

BKD, LLP knows our clients do not like fee surprises. Neither do we. Our goal is to be candid and timely, and we want to answer the City of Springdale, Arkansas' questions about fees upfront. We determine our fees by evaluating a number of variables: the complexity of the work, the project's scope, the time we will spend and the level of professional staff needed.

## Proposed Fees

City of Springdale, Arkansas	
	2013
Financial Statement Audit under <i>Government Auditing Standards</i> for the City of Springdale, Arkansas, for the Year-Ending December 31	\$47,500
Single Audit under OMB Circular A-133 for Community Development Block Grant Program for the Year-Ending December 31	\$4,500
Financial Statement Audit under <i>Government Auditing Standards</i> for the Springdale Wastewater Department for the Year-Ending September 30	\$18,000
<b>Total Fees</b>	<b>\$70,000</b>

Our fees may increase if our duties or responsibilities change because of new rules, regulations and accounting or auditing standards. In addition, our estimate of fees does not include any time that may be required to address a restatement of the previously audited financial statements. We will consult with you should this happen.

*Our acceptance of this engagement is subject to completion of our normal client acceptance procedures. Upon acceptance, the actual terms of our engagement will be documented in a separate letter to be signed by you and us. All information contained within this proposal is proprietary and confidential. The information provided in this proposal is intended for informational purposes only and may not be copied, used or modified, in whole or in part, without BKD's prior written approval. All statistics, numbers and representative clients presented in this proposal are as of May 31, 2012.*



## CITY OF SPRINGDALE, ARKANSAS

RECEIVING QUALITY & TIMELY AUDIT SERVICES FROM ADVISORS  
WITH GOVERNMENT EXPERTISE

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August 16, 2013

Ms. Denise Pearce  
City Clerk/Treasurer  
City of Springdale  
City Administration Building  
201 Spring Street  
Room 203  
Springdale, AR 72764

Dear Ms. Pearce:

The City of Springdale, Arkansas (the City) is mindful of those you serve—the thousands of residents who live, work and raise families in Springdale. However, amid a rebounding economy, many cities still face a number of unprecedented challenges—from delivering effective services with limited resources, to engaging citizens and keeping up with rapidly evolving technologies and socioeconomic demographics. As pressures from working with decreased state aid, falling property values and lower sales tax collections pose additional concerns, you recognize the importance of demonstrating your fiscal responsibility through accountability of funds. You need the resources, guidance and expertise of a national CPA and advisory firm that can help you have confidence in your financial statements and demonstrate your effectiveness at providing public services. We believe **BKD, LLP** is that firm.

BKD National Governmental Group works with hundreds of governmental clients nationwide, including cities and municipalities. This industry experience, as well as our involvement with national and state trade associations, including Government Finance Officers Association, National League of Cities and Association of Government Accountants, allows us to understand the specific issues facing the public sector. In addition to providing quality audit services, we can leverage our industry experience to share best practices and provide practical solutions to help the City with fiscal accountability, legislative changes, funding shortages, compliance responsibilities and risk management duties. That way, you can stay focused on what matters most—being accountable to the citizens of Springdale.

We believe our proposal will help you select our firm for timely, efficient and objective services delivered by experienced professionals. We will call you soon to answer questions you may have about this proposal, or you may reach us by phone or by email, as provided below.

Sincerely,



Andrew M. Richards, CPA  
Partner  
501.372.1040  
arichards@bkd.com



J. Mark Lundy, CPA  
Partner  
479.845.0270  
mlundy@bkd.com



Cynthia R. Burns, CPA  
Manager  
479.845.0270  
cburns@bkd.com

# Table of Contents



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<b>Response to Request for Qualifications.....</b>	<b>1</b>
Experience & Availability of Staff.....	1
Efficient & Effective Audit Services .....	7
Continuing Professional Education.....	8
Peer Review .....	8
<b>Appendix .....</b>	<b>9</b>
AICPA Peer Review Letter.....	10
BKD Peer Review Report .....	11
Additional Service Ideas .....	12
BKD at a Glance.....	13
BKD PRIDE Values .....	14

*Our acceptance of this engagement is subject to completion of our normal client acceptance procedures. Upon acceptance, the actual terms of our engagement will be documented in a separate letter to be signed by you and us. All information contained within this proposal is proprietary and confidential. The information provided in this proposal is intended for informational purposes only and may not be copied, used or modified, in whole or in part, without BKD's prior written approval. All statistics, numbers and representative clients presented in this proposal are as of May 31, 2012.*



# Response to Request for Qualifications

For your convenience, we have structured our proposal according to the questions in your Request for Qualifications (RFQ). We believe our proposal will demonstrate our qualifications to serve the City of Springdale, Arkansas (the City).

## Experience & Availability of Staff

*Other factors that will be considered include the Company's experience in auditing governmental units and Federal financial assistance programs, and the availability of staff with professional qualifications and technical abilities.*

### Firm Profile

BKD, LLP is one of the largest national CPA and advisory firms in the United States. Our approximately 2,000 CPAs, advisors and dedicated staff offer solutions to clients in all 50 states and internationally. BKD and its subsidiaries offer clients a variety of services in accounting, audit and assurance, tax, risk management, technology, corporate finance, forensic and valuation services and wealth management. We combine the insight and ideas of multiple disciplines to provide solutions to a wide range of industries, including not-for-profit, government, financial services, manufacturing, distribution, health care, construction and real estate.

### BKD Delivers Value

It is important to monitor expenditures and receive exceptional value for your investments. However, informed consumers understand value is about more than just price. Value from a professional CPA and advisory firm is about the quality of the work and the merit of the advice. Expect BKD's work to be accurate and insightful. We stand behind it. Our Public Company Accounting Oversight Board (PCAOB) inspections and American Institute of Certified Public Accountants (AICPA) peer reviews demonstrate the firm's record of excellence.

As evidenced by our inclusion in **INSIDE Public Accounting's** 2011 and 2012 Best of the Best Firms lists, we also offer long-term consistency, exceptional performance and a national network of support and resources. BKD is large enough to help the City meet your goals. At the same time, we pride ourselves on hard work and low overhead, which keep our fees competitive. With our reputation, size, service and experience, you can consider us a good value.

### Government Experience

#### National Government Expertise

BKD National Governmental Group works with more than 400 governmental clients nationwide, including approximately 150 cities and municipalities. We can leverage best practices learned from working with other government entities to help the City identify areas that may require attention, help increase operational efficiencies and **experience a clear point of view.**

In addition, our commitment to governmental entities includes being a leader in national and state associations, as well as in the development of governmental accounting and auditing standards. Our experience also has enabled us to establish connections with the following:

- ▲ Governmental Accounting Standards Board
- ▲ Office of Management and Budget
- ▲ U.S. Government Accountability Office
- ▲ AICPA Governmental Audit Quality Center member

# BKD



**Experience a clear point of view**  
*with a national firm that works with more than 400 government entities.*

## Local Government Expertise

Because of our work with governmental entities in Arkansas and nationwide, we believe BKD is well suited to meet your needs. Our industry experience and involvement with national trade associations, including the Government Finance Officers Association, Association of Government Accountants and National League of Cities, mean we have the expertise needed to help your organization demonstrate fiscal accountability, resource management and budgeting and debt administration.

Professionals in BKD's Arkansas offices provide services to multiple cities and their component units. We understand and have experience with Arkansas laws and other regulations that govern our government clients, including those required by Arkansas Code Section 14-58-101 (Municipal Accounting Law). Our Arkansas offices have professionals with significant government audit experience, offering the availability and responsiveness the City deserves.

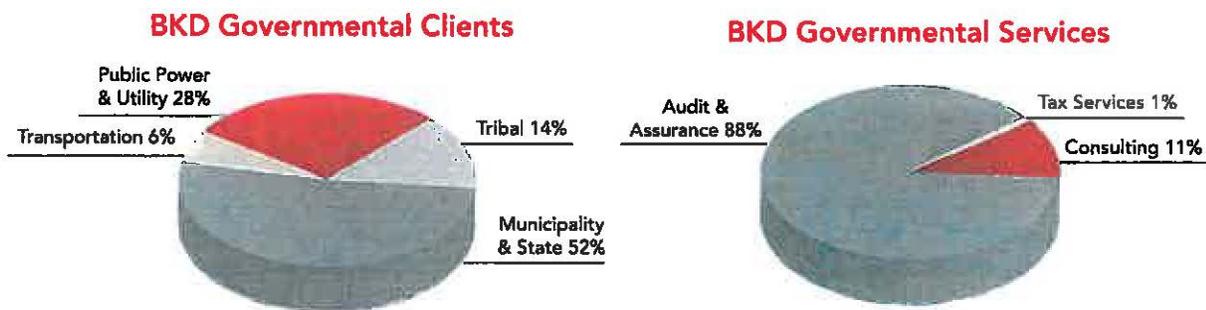
## Significant OMB Circular A-133 Experience

BKD performs more than 350 Single Audits annually. As such, each year we perform audits in accordance with each of the OMB Cost Circulars and are familiar with their requirements for allowability of both direct and indirect costs, as well as the ability for the recipient to charge an administrative cost allowance under many federal programs. Our extensive experience providing compliance testing in accordance with OMB Circular A-133 can help properly perform and submit the City's Single Audit timely. Programs we commonly work with on municipal government audits include:

- ▲ Community Development Block Grant Programs
- ▲ U.S. Department of Transportation Grants
- ▲ U.S. Department of Energy Grants

## Our Clients & Services

Geographically spread throughout the United States, our significant client base reflects the diversity of governmental entities, both in size and type of organization. The following graphs demonstrate the clients we serve and the services we provide.



## Specialized Skills & Expertise

Our advisors offer specialized skills and expertise necessary to help you achieve your objectives. Our advisors include:

- ▲ Auditors and internal auditors
- ▲ OMB Circular A-133 audit professionals
- ▲ Payroll tax advisors
- ▲ Human resources and fringe benefit advisors
- ▲ Internal controls and risk assessment advisors
- ▲ Employee benefit plan professionals
- ▲ Finance advisors
- ▲ Litigation and support professionals
- ▲ Forensic advisors
- ▲ Strategic planners
- ▲ Information technology professionals

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## Our Commitment to Government

Our commitment to the industry accounting profession expands to involvement on national industry committees, such as the Governmental Accounting Standards Board (GASB) and AICPA.

Andy Richards, partner in our Little Rock office, was recently named to the GASB's Comprehensive Implementation Guide Advisory Committee. The 11-member committee advises the GASB on its Comprehensive Implementation Guide, which helps financial statement preparers apply a number of GASB pronouncements. Andy also was involved with the governmental accounting standards-setting process as a Practice Fellow with the GASB in Norwalk, Connecticut. He is a member of the AICPA State & Local Government Expert Panel, which identifies state and local government financial reporting and auditing issues and works to achieve resolutions benefiting the public interest.

Jim Brown, retired BKD partner, was selected January 12, 2012, to the seven-member GASB. He is serving a five-year term on the board that commenced on July 1, 2012. In this capacity, Jim is helping develop and improve the financial accounting and reporting standards used by state and local governments across the country. He has specialized in government accounting and auditing for nearly 40 years and served as a BKD partner for more than 25 years before retiring in May 2011. He was responsible for quality control and training for BKD's government and not-for-profit practice and acted as the firm's principal contact with GASB.

## Essential Communication of Issues & Trends

**BKD Thoughtware**, our award-winning emails, video insights and webinars provide industry-specific information to keep you informed of changes in regulations and accounting and tax methods and provide complimentary training opportunities, which may be eligible for continuing professional education credit, on a variety of important topics. We encourage you to discover the wide array of resources available to governmental organizations on our website, [bkd.com](http://bkd.com).

## Representative Lists of Clients

BKD is proud to work with governmental clients in Arkansas, including:

Arkansas Department of Workforce Services	City of Little Rock
Arkansas Development Finance Authority	City of Pine Bluff
Central Arkansas Library System	City of Siloam Springs
City of Bentonville	City of Texarkana
City of Eureka Springs	Little Rock Port Authority
City of Fort Smith	

BKD also is proud to work with municipalities nationwide, including:

City of Aurora, Colorado	City of Lincoln, Nebraska
City of Bellevue, Nebraska	City of Lubbock, Texas
City of Boulder, Colorado	City of Nebraska City, Nebraska
City of Brookings, South Dakota	City of Oklahoma City, Oklahoma
City & County of Denver, Colorado	City of Ralston, Nebraska
City of El Paso, Texas	City of Seward, Nebraska
City of Indianapolis & Marion County, Indiana	City of Shreveport, Louisiana
City of Kansas City, Missouri	City of Springfield, Missouri
City of Kerrville, Texas	City of The Colony, Texas
City of Lancaster, Texas	City of Westminster, Colorado



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## Municipality Success Stories

- ▲ A large municipality with limited internal audit department resources wanted to perform franchise fee audits. The municipality selected BKD National Governmental Group to perform the agreed-upon procedures and report its findings to the city manager and city council. As a result of the initial engagement and subsequent audits, BKD helped identify approximately \$1.5 million in additional franchise fee revenue. In addition, a potential loophole in a franchise fee agreement, which has cost the city over \$300,000 in estimated revenue, was identified and brought to the city's attention.
- ▲ A mid-sized municipality that had recently hired a new director of finance wanted to issue its comprehensive annual financial report (CAFR) within six months of the year-end, which had not been accomplished in several years. The municipality selected BKD National Governmental Group, because of its expertise, local presence and commitment to provide unmatched client service, to issue the financial statements within their desired timeline. Despite getting a late start, being a new engagement and having several accounting issues, the deadline was met and management received much-deserved accolades from the city council. During the audit, BKD also identified several internal control issues and corresponding ideas for improvement, which the municipality is currently implementing.
- ▲ A small municipality that had been underserved wanted a fresh start from a CPA and advisory firm with industry expertise and breadth of talent. The municipality hired BKD National Governmental Group, which possessed all the attributes they desired. Although the first year of the engagement included restatements, audit adjustments, weaknesses in internal control and other accounting processes for the city, they were pleased with the level of attention they received from BKD and our willingness to help them understand the audit process, while delivering the audited financial statements more timely. The city was able to implement controls during the audit because of BKD's proactive and frequent communication.

## Availability of Qualified Professionals

### Year-Round Availability

Being available to our clients is a priority and at BKD, unmatched client service is a team effort. One of the first things you will notice about BKD is our industry professionals are in communication with you frequently. We pay careful attention to the challenges you face to offer timely, proactive advice resulting in a better client relationship. This knowledge sharing between your team and ours can be beneficial in identifying effective and proactive solutions.

You will be supported by a team of individuals with a mix of skills and expertise who are well informed and readily accessible to discuss the ideas and issues that are important to you. Your services will be provided under the direction of Partner Andy Richards of BKD National Governmental Group. With more than 120 personnel located in BKD's three offices in Little Rock, Fort Smith and Rogers, Arkansas, and other resources throughout the firm, the City can be confident we have the right people with the right specialized training and experience assigned to your engagement available to assist you throughout the year.

**Qualifications & Technical Abilities of Assigned Professionals**

The most critical factor in providing high-quality service is choosing your engagement team. We take team selection seriously and have the appropriate team of advisors to meet your needs.

**Engagement Team Organizational Chart**



**Engagement Team Experience**



**Andrew M. Richards, CPA**  
*Partner*

Andy is a member of BKD National Governmental Group. With more than 15 years of experience at BKD, he provides audit and advisory services to not-for-profit and governmental entities. He also assists the BKD National Office in providing technical support to BKD auditors, developing firm guidance on governmental accounting standards, reviewing governmental audit engagements, developing professional education on government-related topics and performing internal office inspections.

From December 2007 through January 2010, Andy participated in the governmental accounting standards-setting process as a Practice Fellow with the Governmental Accounting Standards Board (GASB) in Norwalk, Connecticut. During that time, he acted as a GASB project manager working on the Codification of Pre-November 30, 1989, Financial Accounting Standards Board Pronouncements project, GASB Statement No. 14, *The Financial Reporting Entity*, Reexamination project, as well as the GASB Comprehensive Implementation Guide update.

He also assisted the GASB technical research staff in responding to technical inquiries submitted by their constituency and performed several speaking engagements on behalf of GASB. He is currently a member of the GASB Comprehensive Implementation Guide Advisory Committee.

Andy is a member of the American Institute of Certified Public Accountants, where he serves on the State and Local Government Expert Panel, and Arkansas Society of Certified Public Accountants. He serves on the board of directors of Arkansas Literacy Councils, Inc. and has served as a local board member of the BKD Foundation.

He is a 1996 graduate of University of Arkansas, Fayetteville, with a B.S. degree in business administration and accounting.



**Kevin Kemp, CPA**  
*Partner*

Kevin is a regional industry leader for BKD National Governmental Group and is a member of the firm's Not-for-Profit & Government Committee.

He has more than 19 years of experience providing audit and management consulting services to a client base that includes counties, municipalities and their component units, private colleges, utilities, state agencies and numerous service-related entities receiving government assistance. His team performs more than 75 Single Audits annually.

Kevin serves clients in obtaining tax-exempt financing, analyzing expansion opportunities and improving internal controls. He has served as primary contact for numerous clients, provided review services for audits subject to OMB Circular A-133 and maintained contacts with regulatory agencies. In addition, he has staff recruitment and training responsibilities.

His professional affiliations include membership in the Government Finance Officers Association (GFOA), Government Finance Officers Association of Texas, American Institute of Certified Public Accountants and Texas Society of Certified Public Accountants. He is a licensed CPA in Arkansas and Texas and serves on the Special Review Committee of the GFOA.

Kevin is a graduate of University of Central Arkansas, Conway, with a B.B.A. degree.



**Cynthia R. Burns, CPA**  
*Manager*

Cynthia has more than nine years of experience providing audit services to not-for-profit and governmental entities, primarily municipalities. Her primary responsibilities are to oversee the day-to-day operations of the audit, including OMB Circular A-133 audits. Her experience has enabled her to become knowledgeable in organizations that must comply with OMB Circular A-133 standards, including municipalities and not-for-profit organizations.

She has significant experience auditing a variety of Single Audit major programs, including Community Development Block Grant, U.S. Department of Transportation grants, U.S. Department of Energy grants and Department of Health and Human Services programs. She has served a key role in the audits of the cities of Bentonville and Texarkana, Arkansas.

She has met the CPE requirements established by *Government Auditing Standards*.

Cynthia's professional memberships include the American Institute of Certified Public Accountants, the Arkansas Society of Certified Public Accountants, and the Governmental Finance Officers Association.

She is a 1984 graduate of Harding University in Searcy, Arkansas with a B.B.A. degree in accounting.

## Additional Resource



**Jeremy R. Clopton, CPA, ACDA, CFE**  
*Managing Consultant*

Jeremy is a member of BKD Forensics & Valuation Services division and specializes in providing fraud investigation and forensic data mining services. He assists with fraud investigations through a variety of tasks, including interviewing employees, obtaining evidence, examining documents, analysis of large data sets, estimating losses and presenting findings. He has investigated allegations of impropriety in a variety of companies and organizations, including privately held companies, financial institutions, cooperatives, governmental entities and not-for-profit organizations.

Jeremy has experience in using both ACL and IDEA data analysis software for forensic data mining and continuous auditing. His ability to speak the language of data management with his clients' staff, including management and information service professionals, helps facilitate a smooth and efficient process of identifying and extracting relevant data. His forensic data mining experiences include all major industries in both investigation and prevention projects. He also has helped design and implement continuous auditing solutions for organizations in a variety of industries, including Fortune 500 companies.

He is a frequent speaker on the topics of data analytics, continuous auditing and forensic accounting, appearing before local organizations, at national conferences and in international webinars. As a firmwide instructor, Jeremy provides training related to fraud awareness in the external audit function and use of ACL data analysis software to users of all levels.

Jeremy is a Certified Fraud Examiner (CFE), ACL Certified Data Analyst (ACDA) and member of the American Institute of Certified Public Accountants, Missouri Society of Certified Public Accountants and Association of Certified Fraud Examiners.

He is a 2005 *summa cum laude* graduate of Drury University, Springfield, Missouri, with a B.A. degree in accounting.

## Efficient & Effective Audit Services

*The audits of the City must be completed and audit reports delivered by June 15th following the years ending as stated above. The audits of the Springdale Water and Wastewater Department must be completed and audit reports delivered within two months after the fiscal years ending as stated above. Audit adjusting journal entries for the Springdale Water and Wastewater Department must be received within one month after the fiscal years ending as stated above.*

## Timely Delivery of Audit Reports

Performing your audit according to your timeline and providing timely delivery of drafts and audit reports are essential to your operations and among the expectations you have of your auditor. When these key items are delivered, confidence is established in the technical ability and professionalism of your service team. We are committed to a process that addresses issues quickly, evaluates the effects of new standards and establishes a plan to avoid unwanted surprises. Responsive Reliability is one of our client service standards, and meeting your timeline is something you can expect from BKD.

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## Timeline

We typically perform interim fieldwork for Arkansas municipal audits with a December 31 year-end between October and January, with final fieldwork performed between March and June of each year. We will work with management of the City to coordinate a mutually agreeable timetable for the completion of the City of Springdale and Springdale Water and Wastewater Department audits by the deadlines outlined in your RFQ.

## Continuing Professional Education

*Statements of qualifications must also include a statement that the Company has met the qualification standards and continuing education requirements of government auditing standards issued and prescribed by the Comptroller General of the United States.*

BKD affirms the firm and all assigned key professional staff tracking the yellow book regulator are in compliance with governmental qualification standards, including governmental continuing professional education (CPE) requirements.

Our audit staff members are required to receive at least 120 hours of CPE every three years. For auditors involved with audits performed under *Government Auditing Standards*, this education includes the hours required to comply with *Government Auditing Standards Yellow Book* guidance. All individuals, including specialists, involved in performing fieldwork on *Government Auditing Standards* audits are required to obtain at least 24 hours of CPE every two years in subjects directly related to government auditing or the government environment. In addition, engagement team members responsible for planning, directing or reporting on *Government Auditing Standards* audits, e.g., partners, managers, in-charges and concurring reviewers, who spend more than 20 percent of their time performing *Government Auditing Standards* audits also are required to complete a minimum of 80 hours of CPE every two years that directly enhances their professional proficiency to perform audits.

BKD offers an internal, industry update seminar for supervisors through partners, as well as a seminar for our in-charge level employees. These seminars include auditing and accounting issues that are specific to governmental and not-for-profit clients, including *Government Auditing Standards*, Single Audits under OMB Circular A-133 and accounting standards for government financial reporting. BKD professionals also receive additional training from external sources.

## Peer Review

*A copy of the Company's latest quality review or peer review results must be included with the RFQ.*

BKD is committed to providing quality audit services to our clients. We submit our work to external reviewers who challenge our approach and findings. We are proud of the findings from these reviews, which indicate our process works. A copy of our most recent AICPA peer review report is included in the Appendix.

# Appendix

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## AICPA Peer Review Letter



American Institute of CPAs  
220 Leigh Farm Road  
Durham, NC 27707-6110

December 12, 2011

Neal Spencer, CPA  
BKD, LLP  
910 E Saint Louis St Ste 400  
Springfield, MO 65808-2570

Dear Mr. Spencer:

It is my pleasure to notify you that on December 8, 2011, the National Peer Review Committee accepted the report on the most recent system peer review of your firm. The due date for your next review is November 30, 2014. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report has a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Sincerely,

A handwritten signature in black ink that reads "Betty Jo Charles".

Betty Jo Charles  
Chair—National Peer Review Committee

Firm Number: 10002800

Review Number: 322773

*Administered by the  
National Peer Review Committee*

T: 919.402.4502 | F: 919.402.4876 | [aicpa.org](http://aicpa.org)



**System Review Report**

To the Partners of BKD, LLP  
and the AICPA National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of BKD, LLP (the Firm) applicable to non-SEC issuers in effect for the year ended May 31, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The Firm is responsible for designing a system of quality control and complying with it to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the Firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*; audits of employee benefit plans, audits of carrying broker dealers and audits performed under FDICIA.

In our opinion, the system of quality control for the accounting and auditing practice applicable to non-SEC issuers of BKD, LLP in effect for the year ended May 31, 2011, has been suitably designed and complied with to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. BKD, LLP has received a peer review rating of *pass*.

*Clifton Gunderson LLP*

August 17, 2011

10700 Research Dr., Suite 200  
Milwaukee, Wisconsin 53226  
tel: 414.476.1880  
fax: 414.476.7286

[www.cliftoncpa.com](http://www.cliftoncpa.com)



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## Additional Service Ideas

In addition to the service you have requested, we have included a hand-picked sample of additional service ideas for your consideration. These services could help you improve your compliance efficiency or bottom line. Examples of such services include:

### Data Mining – Accounts Payable & Payroll

BKD's proprietary forensic data mining service is designed to use cutting-edge data analysis and mathematical algorithms to assist in identifying questionable relationships, *e.g.*, vendor/employee and other patterns indicative of fraud or questionable transactions. Forensic data mining may result in findings requiring additional follow-up or investigation. BKD can provide this service at your request or you can perform it internally. At the conclusion of the forensic data mining engagement, the findings are presented either orally or through a written report.

### IntegraReport

Studies indicate that a typical organization loses 5 percent of its annual revenue to fraud and that the most common method of detecting fraud is through tips from employees. BKD offers a confidential way for the City's employees to report suspicious activity to help strengthen your antifraud program. BKD's **IntegraReport** hotline is accessed via an anonymous phone hotline or web-based portal and is monitored by BKD fraud professionals. The service includes providing management with full transcriptions of tips reported to the hotline. Assistance with hotline implementation, annual fraud training for employees, investigative services and forensic data mining also are available.



experience ideas

# experience **BKD** LLP CPAs & Advisors

**Clients** – Private and publicly traded companies, governmental entities, not-for-profit organizations and individuals

**Total Personnel** – Approximately 2,000

**Partners & Principals** – Approximately 250

**Net Revenues** – Approximately \$402 million

**Fiscal Year-End** – May 31

**Founded** – 1923

**Locations** – 31 offices serving clients in all 50 states and internationally

Service Mix



**Client Service** – The **BKD Experience** is a promise of unmatched client service brought to you by approximately 2,000 CPAs, advisors and dedicated staff who take your business personally.

**International Solutions** – The firm is one of the largest members of Praxity, AISBL, a global alliance of independent firms serving clients in more than 80 countries. We offer multinational clients a gateway to the global marketplace with services delivered by alliance firms committed to the highest standards required in international business.

**Professional Affiliations** – BKD is a member of the American Institute of Certified Public Accountants (AICPA) and its three quality centers: Center for Audit Quality, Employee Benefit Plan Audit Quality Center and Governmental Audit Quality Center.

BKD is registered with the Public Company Accounting Oversight Board (PCAOB), which is required to serve as an independent auditor of public companies. BKD audits approximately 80 U.S. Securities and Exchange Commission registrants, including more than 30 benefit plans.

**Mission Statement** – The mission of BKD is to always strive for excellence in providing services to clients, create rewarding career opportunities and maintain sound professional, business and financial standards.



*The **BKD Experience** is a promise of unmatched client service brought to you by approximately 2,000 CPAs, advisors and dedicated staff who take your business personally.*

## BKD PRIDE Values



# experience



Our Values

**What's important to you?** A commitment to excellence? Independence and objectivity? A broad skill set? Exceeding expectations? At BKD, these are all essential. That's why every day you can see our partners and employees "living the PRIDE." These values – passion, respect, integrity, discipline and excellence – are the hallmarks of BKD and guide us as we provide solutions for your business and financial needs. Experience what BKD PRIDE values can mean for you.

P

### PASSION

- Passion for service to others
- Passion for making tomorrow better than today

*Experience how our dedication and enthusiasm for making tomorrow better than today can help you make informed decisions to improve business and financial outcomes.*

R

### RESPECT

- Respect for the differences that make our team strong
- Respect for our legacy and the benefits of change

*Experience how our respect for diversity can provide a variety of skills and talents to meet your needs. Respecting the lessons of our legacy and yours, we can help you capitalize on the opportunities change inevitably offers.*

I

### INTEGRITY

- Integrity to do the right thing
- Integrity to be objective and independent

*Experience how our integrity and objectivity can help you make smart business decisions. You want an advisor to tell you what you need to know, not just what you want to hear.*

D

### DISCIPLINE

- Discipline in process and innovation
- Discipline to balance professional and personal commitments

*Experience how our well-established protocols and low-risk approaches can help resolve issues and advance your goals.*

E

### EXCELLENCE

- Excellence in skills and competencies
- Excellence in our quest to be the best

*Experience how our ambition and knowledge, commitment to lifelong learning and drive to improve technical and analytical skills can work to consistently surpass your expectations.*

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO LEVY WASHINGTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.**

**WHEREAS**, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

**WHEREAS**, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

**WHEREAS**, all property taxes and voluntary taxes will be collected by the Tax Collector of Washington County.

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

**SECTION 1:** That the following levies be approved for collection in the year 2014 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2013 property tax levy to be collected by the Washington County Tax Collector are as follows:

	<b>REAL ESTATE</b>	<b>PERSONAL PROPERTY</b>
<b>GENERAL FUND</b>	.0047	.0047
<b>FIREMEN'S PENSION</b>	.0005	.0005
<b>POLICEMEN'S PENSION</b>	.0005	.0005
<b>TOTAL</b>	<u>.0057</u>	<u>.0057</u>

**SECTION 2:** The 2013 voluntary taxes to be collected by the City Clerk are as follows:

	<b>REAL ESTATE</b>	<b>PERSONAL PROPERTY</b>
<b>CITY FIRE FUND</b>	.0015	.0015
<b>LIBRARY</b>	.001	.001
<b>TOTAL</b>	<u>.0025</u>	<u>.0025</u>

**SECTION 3:** The voluntary taxes will be printed in the Washington County Tax Collector's office and shall be billed and collected by the Washington County Tax Collector's office.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise Pearce, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Ernest B. Cate, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO LEVY BENTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.**

**WHEREAS**, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

**WHEREAS**, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

**WHEREAS**, all property taxes except for voluntary taxes will be collected by the County Clerk and Tax Collector of Benton County. All voluntary taxes will be collected by the City Clerk/Treasurer.

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

**SECTION 1:** That the following levies be approved for collection in the year 2014 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2013 property tax levy to be collected by the Benton County Tax Collector are as follows:

	<b>REAL ESTATE</b>	<b>PERSONAL PROPERTY</b>
<b>GENERAL FUND</b>	.0047	.0047
<b>FIREMEN'S PENSION</b>	.0005	.0005
<b>POLICEMEN'S PENSION</b>	.0005	.0005
<b>TOTAL</b>	<u>.0057</u>	<u>.0057</u>

**SECTION 2:** The 2013 voluntary taxes to be collected by the City Clerk are as follows:

	<b>REAL ESTATE</b>	<b>PERSONAL PROPERTY</b>
<b>CITY FIRE FUND</b>	.0015	.0015
<b>LIBRARY</b>	.001	.001
<b>TOTAL</b>	<u>.0025</u>	<u>.0025</u>

**SECTION 3:** The voluntary taxes will be printed by the City Clerk's office for those residents of Springdale, Arkansas, and shall be billed and collected by the City Clerk's office for the City of Springdale, Arkansas.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ernest B. Cate, City Attorney

**RESOLUTION NO. \_\_\_\_\_**

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

**WHEREAS**, Tommy Jones has petitioned for the abandonment of a portion of a utility easements described as follows:

The southern five (5) feet of an existing ten (10) foot utility easement located along the north property line of Lot 54, Parkers' Place Subdivision Phase II, of the City of Springdale, Washington County, Arkansas

**WHEREAS**, the City Council finds that a hearing date should be set;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that October 8, 2013 at 6:00 p.m. be set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time, as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

PETITION TO VACATE A UTILITY EASEMENT

Name of Petitioner(s): Tommy Jones  
Petitioner(s) must be owner(s) of the property

Address: 5590 Peyton Place  
Springdale, AR 72762

Legal Description:  
The southern 5' of an existing 10' U.E. located along the North Property line of Lot 5F, Parkers Place Subdivision Phase II, of the City of Springdale, Arkansas.

Date of Survey: \_\_\_\_\_

Survey Performed by: \_\_\_\_\_  
(Survey must be attached to Petition)

We, the undersigned owners of the above described real property situated in Springdale, Arkansas, hereby petition the City Council for the City of Springdale, Arkansas, to release, vacate and abandon that portion of the utility easement that is encroached upon by an improvement on the property, as more particularly shown on the survey, which is being filed with this petition.

Phone # 479-670-4219  
email tommy9501@ATT.net

Tommy E. Jones



**Ozarks Electric Cooperative Corporation**

---

A Touchstone Energy ® Cooperative   
Greg McGee 479-684-4634  
Box 848  
Fayetteville, Arkansas 72702-0848  
(479) 521-2900

To whom it may concern,

August 26, 2013

Ozarks Electric has an existing underground electric line approximately one foot south of the north property line and inside the existing 10' utility easement on lot 54 at 5590 Peyton Place, Springdale, AR. Tom Jones has proposed vacating 5' of the existing 10' U.E. along the south side of the U.E. This will not affect the existing lines and Ozarks Electric agrees to vacating 5' of the U.E. that the building will be encroaching on. Ozarks Electric gives permission to the land owner for the proposed U.E. encroachment but does not wish the abandon the remainder of the Utility Easement that is unaffected by the building.

If you have any questions please call Greg McGee 479-684-4634.

Thank you,  
Greg McGee

A handwritten signature in blue ink, appearing to read "Greg McGee".



SourceGas Arkansas, Inc.

1811 E. Borick Drive

Fayetteville, AR 72701

[www.sourcegasarkansas.com](http://www.sourcegasarkansas.com)

August 23, 2013

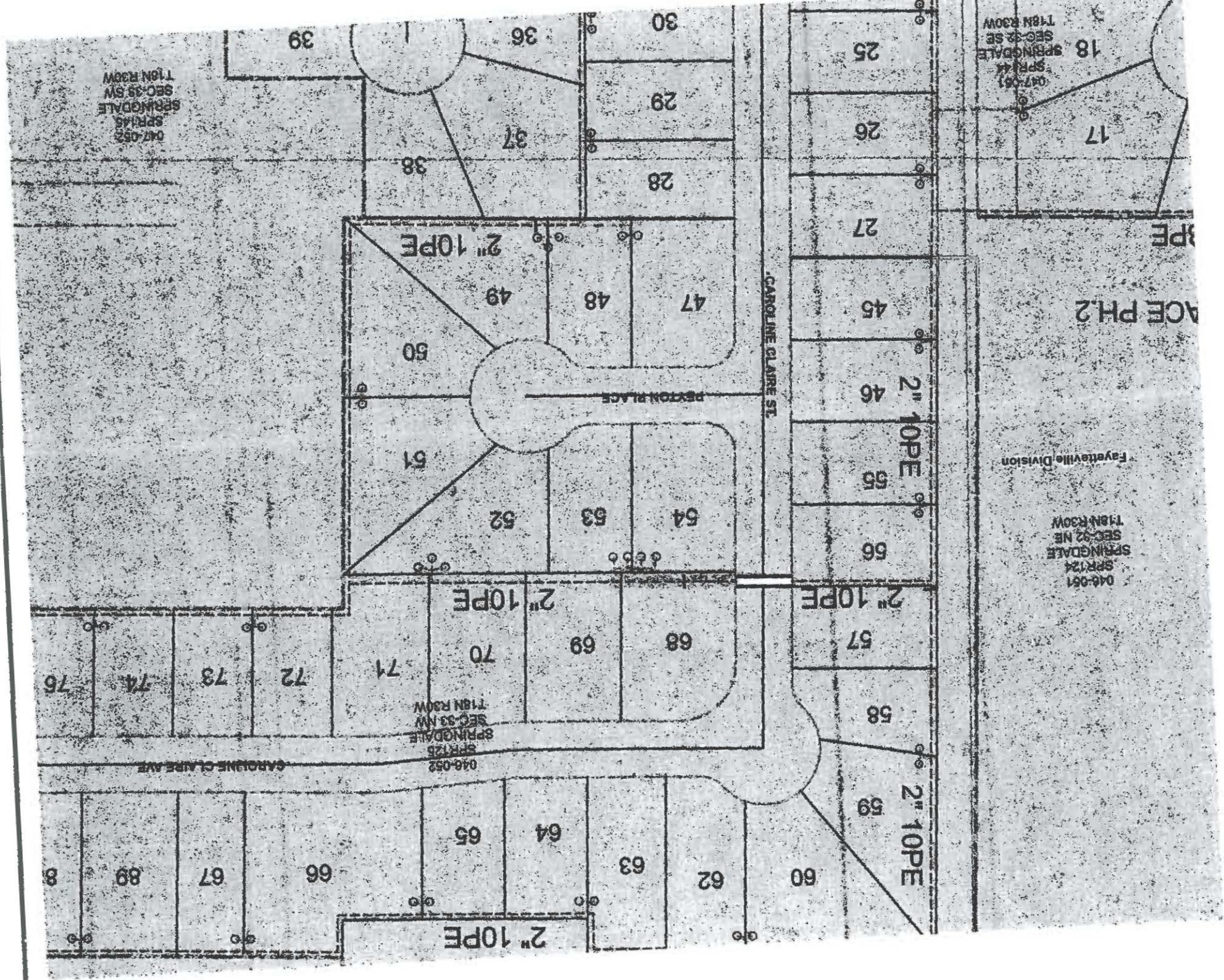
To whom it may concern:

We currently show our gas facilities on the North side of lot #54, as depicted in the attached exhibit, out of conflict with the proposed construction that Mr. Jones is applying for permits on. Mr. Jones is advised to call 811 before beginning construction to further verify the locations of all utilities including, but not limited to the gas facilities in, or around the lot.

Regards,

A handwritten signature in black ink that reads "Brian A. Davenport". The signature is written in a cursive style with a large, prominent "B" and "D".

Brian A. Davenport



047-051  
SPRINGDALE  
SEC. 32 SE  
T18N R30W

047-052  
SPRINGDALE  
SEC. 33 SW  
T18N R30W

Fayetteville Division

046-051  
SPRINGDALE  
SEC. 32 NE  
T18N R30W

048-052  
SPRINGDALE  
SEC. 33 NW  
T18N R30W

CAROLINE CLAIRE AVE

CAROLINE CLAIRE ST

PEYTON PLACE

FACE PH.2

3PE



**at&t**

Layne Rhodes  
Manager OSP Planning & Engineering Design  
627 White Road  
Springdale AR 72762  
O: 479-442-1977 M: 479-305-4530 F: 479-442-3117

August 28, 2013

To whom it may concern,

AT&T has an existing underground fiber optic cable on the Northeast corner, and inside the existing 10' utility easement on lot 54 at 5590 Payton Place, Springdale, AR. Tom Jones has proposed vacating 5' of the existing 10' U.E. along the South side of the U.E. for the placement of a building. This will not affect the existing lines already placed in the ground. AT&T gives permission to the land owner, Mr. Jones, for the proposed U.E. encroachment but does not wish to abandon the remainder of the Utility Easement.

Mr. Jones agrees to call Arkansas One Call at 811 to verify location of all existing facilities. Any damages to facilities owned by AT&T will be paid by the homeowner, Mr. Jones.

For any questions, please call 479-442-1977.

Thank you,

Layne Rhodes



# Springdale Water Utilities

526 Oak Avenue P.O. Box 769 Springdale, Arkansas 72765-0769 (479) 751-5751

August 23, 2013

Tommy E. Jones  
5590 Peyton Place  
Springdale, AR 72762

RE: Partial Release of Easement  
Lot 54, Parker's Place Subdivision, Phase II  
Springdale, Arkansas

Dear Mr. Jones,

The following is in response to your request for the partial release of a platted easement located on the above referenced Lot 54 due to an encroachment by a proposed storage building. It is my understanding that you desire the abandonment of a portion of an existing ten (10) foot platted utility easement now laying parallel to and contiguous with the North property line of said Lot 54.

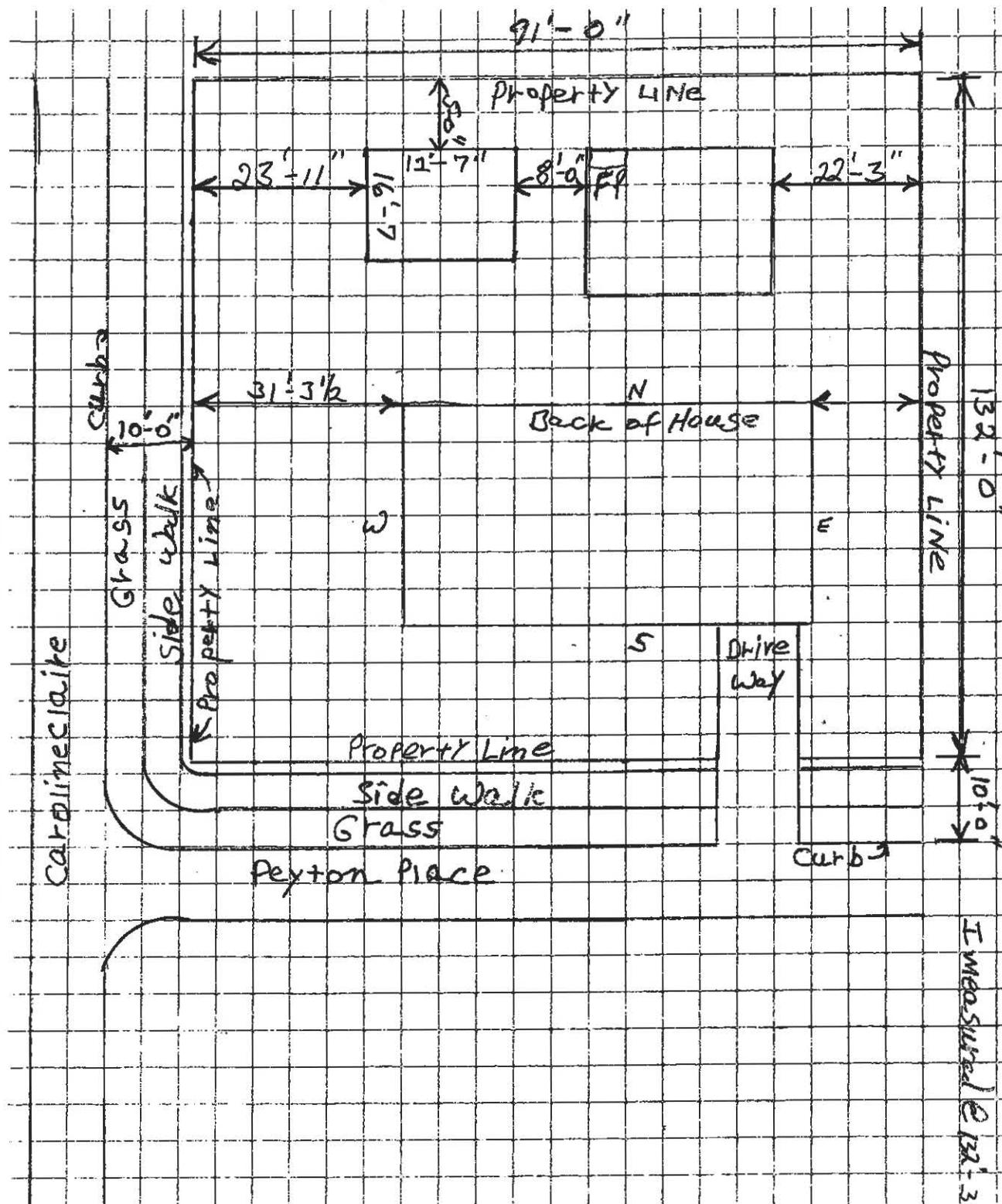
Since the Springdale Water Utilities does not currently operate or maintain facilities within this existing platted easement, we have no objection to a partial release of the aforementioned easement as requested. However, this consent to a partial release shall pertain only to the actual areas of the easement encroached upon by said proposed storage building as depicted in the Site Plan provided to this office. A copy of said Site Plan is attached hereto and incorporated herein by this reference.

If you have any questions, concerns or comments, please feel free in contacting me at your earliest convenience by calling (479) 927-4183.

Sincerely,

Rick Pulvirenti, P.E.  
Engineering Director

cc: Heath Ward  
File



I measured @ 91'-2 1/2"

1. 6'-0" needed from

2. 5'-0" needed from

Tommy E. Jones

479 670 4219

I measured @ 132'-3"





To Whom It May Concern;

Let it be known that Cox Communication does not have any utilities located inside the north easement of Lot 54 Parker Place Subdivision. Cox is willing to vacate the easement to allow Mr. Tom Jones the right to build an outbuilding within the said easement.

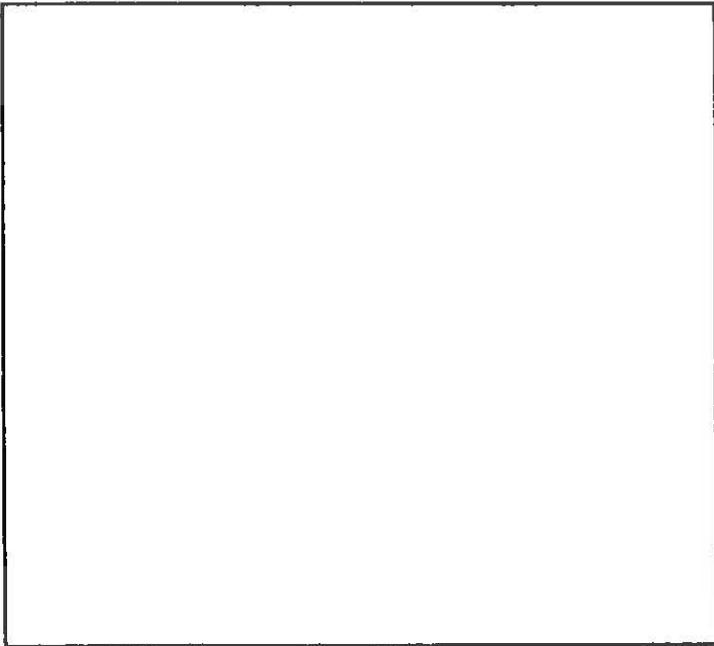
Please feel free to contact me if you have any questions.

A handwritten signature in blue ink, appearing to read "Michael A. Moore".

Michael A. Moore  
Planner  
Cox Communication  
4901 S. 48<sup>th</sup> Street  
Springdale, AR 72762  
479-717-3730

ORDINANCE NO. \_\_\_\_\_

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



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

**PROPERTY OWNER:** E.A.B. Investment Group, L.L.C.  
**LEGAL DESCRIPTION:** A part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-six (36), Township Eighteen (18) North, Range Thirty (30) West, described as beginning at a point which is forty and one-half (40.50) rods West and Thirty and one-half (30.50) rods North of the Southeast corner of said Forty acre tract, and running thence West Thirteen and One-half (13.50) rods; thence North three (3) rods; thence East Thirteen (13) and one-half (13.50) rods; thence South Three (3) rods to the place of beginning, being in the City of Springdale, Arkansas  
**LAYMAN'S DESCRIPTION:** 307 Cleveland St.  
Springdale, Arkansas  
**PARCEL NO.:** 815-28474-000

**PROPERTY OWNER:** Steve Castleman and Sarah Gibbons  
**LEGAL DESCRIPTION:** Lot 6, Wilkins Subdivision, Phase V, to the City of Springdale, Arkansas, as shown on Plat of Record in Plat Book 12 at Page 94, Plat Records of Washington County, Arkansas.  
Less and Except:  
Beginning at the SW corner of said Lot 6, Wilkins Subdivision, Phase V, thence N 24°46'10" E, 133.63 feet; thence North 50.17 feet; thence S 18°04'43" W, 180.41 feet to the point of beginning, containing 1,404.41 square feet, more or less.  
**LAYMAN'S DESCRIPTION:** 2911 Falcon Road  
Springdale, Arkansas  
**PARCEL NO.:** 815-32100-000

**PROPERTY OWNER:** J. Carmen T. Ballesteros & Ana Maria Trujillo  
**LEGAL DESCRIPTION:** Lot One Hundred Thirty-six (136) of Spring Creek Estates Phase 2A to the City of Springdale, Arkansas, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.  
**LAYMAN'S DESCRIPTION:** 3331 Glenbrook Loop

**PARCEL NO.:** Springdale, Arkansas  
815-36929-000

**PROPERTY OWNER:** Elder Construction, Inc.  
**LEGAL DESCRIPTION:** Lot 42 of The Enclave Subdivision to the City of Springdale, Arkansas, as shown on the plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.  
**LAYMAN'S DESCRIPTION:** 1893 Tuscany Avenue  
Springdale, Arkansas  
**PARCEL NO.:** 815-34222-000

**PROPERTY OWNER:** Federal National Mortgage Association  
**LEGAL DESCRIPTION:** Lot Numbered 12 in Block 6, Peaceful Valley Estates Phase III, a subdivision in the City of Springdale, Arkansas as shown upon the plat of said subdivision on file in Plat Book 6 at Page 638 in Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.  
**LAYMAN'S DESCRIPTION:** 4102 Watkins Avenue  
Springdale, Arkansas  
**PARCEL NO.:** 815-24748-000

**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:

- \$250.00 clean-up costs and \$21.11 administrative costs – 307 Cleveland St.
- \$150.00 clean-up costs and \$33.33 administrative costs – 2911 Falcon Rd.
- \$105.00 clean-up costs and \$27.22 administrative costs – 3331 Glenbrook Loop
- \$210.00 clean-up costs and \$27.22 administrative costs – 1898 Tuscany Ave.
- \$60.00 clean-up costs and \$21.11 administrative costs – 4102 Watkins 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:

\$271.11, plus 10% for collection – 307 Cleveland St. (Parcel No. 815-28474-000)  
\$183.33, plus 10% for collection – 2911 Falcon Rd. (Parcel No. 815-32100-000)  
\$132.22, plus 10% for collection – 3331 Glenbrook Loop (Parcel No. 815-36929-000)  
\$237.22, plus 10% for collection – 1893 Tuscany Ave. (Parcel No. 815-36429-000)  
\$81.11, plus 10% for collection – 4102 Watkins Ave. (Parcel No. 815-24748-000)

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

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

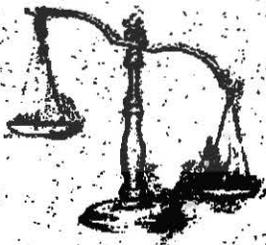
\_\_\_\_\_  
Doug Sprouse, Mayor

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:

[tsamples@springdalear.gov](mailto:tsamples@springdalear.gov)

Ernest B. Cate  
City Attorney

August 12, 2013

Taylor Samples  
Deputy City Attorney

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Sarah Sparkman  
Deputy City Attorney

Lynda Belvedrest  
Case Coordinator

Steve Helms  
Investigator

Cindy Horlick  
Administrative Asst.

Mr. Brance Edwards  
E.A.B. Investment Group, L.L.C.  
P.O. Box 175  
Elm Springs, AR 72728-0175

RE: Notice of clean-up lien on property located at 307 Cleveland Street,  
Springdale, Washington County, Arkansas, Tax Parcel No. 815-  
28474-000

Dear Property Owner:

On July 10, 2013, notice was posted on property located at 307 Cleveland Street, 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 July 11, 2013, 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 July 28, 2013. As of this date, the total costs incurred and paid by the City of Springdale to clean this property are \$250.00. I have enclosed an invoice evidencing the 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 \$6.11 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

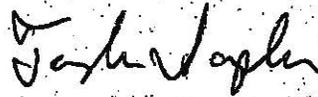
This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 17, 2013, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the

amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, September 24, 2013, 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 \$256.11, which includes \$250.00 for cleaning up the property and \$6.11 for certified mailings 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.

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

Sincerely,



Taylor Samples  
Deputy City Attorney

enclosures  
TS:ch

Evans Construction and Remodeling LLC  
1123 Crutcher St  
Springdale, AR 72764  
479-530-0801

Date  
7/28/13  
Invoice  
72813

**Job Name and Address**

City of Springdale  
307 Cleveland St (Debi Jones)  
Springdale, AR  
Attn: Mike Chamlee

<u>Description</u>	<u>Cost</u>
Mow lot, haul off trailer load of brush.	\$250.00

Thank You  
Randy

Transaction # \_\_\_\_\_  
Date \_\_\_\_\_  
Account # 101-0403-423.70-35  
Project # \_\_\_\_\_  
Invoice # 72813  
Amount 250.00  
Description Lawn care + debris removal  
@ 307 Cleveland  
Approved By Mike Chamlee  
7/29/13

**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:

Mr. Brance Edwards  
E.A.B. Investment Group, L.L.C.  
P.O. Box 176  
Elm Springs, AR 72728-0175

2. Article  
(Transit)

PS Form

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
x Brance Edwards  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
Brance Edwards 08/13/2013

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 Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

595-02-M-1540



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:

sparkman@springdalear.gov

Ernest B. Cate
City Attorney

August 12, 2013

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

Lynda Belvedrest
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Castleman and Sarah Gibbons
7808 Brooklyn Ave.
Springdale, AR 72762

E\*Trade Bank
2730 Liberty Ave.
Mailstop: P5-PCLC-01-I
Pittsburg, PA 15222

J.P. Morgan Chase Bank, N.A.
780 Kansas Lane, Suite A
Monroe, LA 71203

RE: Notice of clean-up lien on property located at 2911 Falcon Road,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
32100-000

Dear Property Owner/Lienholder:

On May 2, 2013, notice was posted on property located at 291 Falcon Road,
Springdale, Arkansas, that the property was in violation of Springdale City
Ordinance 42-77, and needed to be remedied within seven (7) days. Also, on May
2, 2013, notice was mailed to you 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 you 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 May 24,
2013, and an ordinance was passed by the Springdale City Council on July 23,
2013, placing a lien on the property to recover the \$183.33 spent by the City of
Springdale to clean this property.

In the interim, the City of Springdale had to clean this property additional times,
on June 10, 2013 and June 24, 2013. The City expended the sum of \$150.00 to
clean this property. I have enclosed copies of invoices evidencing this cost. 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

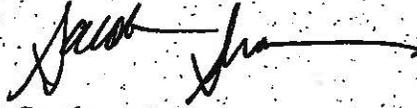
certified mailing fee in the amount of \$6.11 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 17, 2013, 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, September 24, 2013, 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 \$168.33, which includes \$150.00 for cleaning up the property and \$18.33 for certified mailings 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 costs of filing the ordinance with the Circuit Clerk's Office. Payment may be made directly to the City Clerk's Office or to the City Attorney's Office. If payment is made to the City Clerk's Office, please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,



Sarah Sparkman  
Deputy City Attorney

enclosure  
SS:ch



**Bellis Lawn & Gardens**  
 PO BOX 406  
 Fayetteville AR 72702

# Invoice

Due Date	Date	Invoice #
7/5/2013	6/25/2013	581

bellis\_lawns@cox.net

**Bill To**

Code Enforcement/Springdale AR  
 107 Spring St  
 Springdale, AR 72762  
 Debi J

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

<b>Balance Due</b>	<b>\$75.00</b>
--------------------	----------------

New e-mail address? Enter here: \_\_\_\_\_

Bellis Lawn & Gardens  
 PO BOX 406  
 Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service - 2911 Falcon Springdale AR	1	75.00	6/24/2013	75.00
Transaction # _____ Date _____ Account # <u>101-0403-423.20-35</u> Project # _____ Invoice # <u>581</u> Amount <u>75.00</u> Description <u>Lawn Service @</u> <u>2911 Falcon</u> Approved By <u>MW</u> <u>6/25/13</u>					

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

<b>Total:</b>	<b>\$75.00</b>
<b>Payments/Credits:</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$75.00</b>



**Bellis Lawn & Gardens**  
 PO BOX 406  
 Fayetteville AR 72702

# Invoice

Date	Date	Invoice #
6/20/2013	6/10/2013	552

bellis\_lawns@cox.net

**Bill To**

Code Enforcement/Springdale AR  
 107 Spring St  
 Springdale, AR 72762  
 Debi J

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

New e-mail address? Enter here: \_\_\_\_\_

<b>Balance Due</b>	<b>\$75.00</b>
--------------------	----------------

**Bellis Lawn & Gardens**  
 PO BOX 406  
 Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service - 2911 Falcon Springdale AR	1	75.00	6/10/2013	75.00
Transaction # _____ Date _____ Account # <u>101-0403-423.70-35</u> Project # _____ Invoice # <u>552</u> Amount <u>75.00</u> Description <u>lawn service @</u> <u>2911 Falcon</u> Approved By <u>Mike Clark</u> <u>6/11/13</u>					

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

<b>Total:</b>	<b>\$75.00</b>
<b>Payments/Credits:</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$75.00</b>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Sarah Cast <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            Sarah Castleman</p> <p>C. Date of Delivery            8/19/13</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Steve Castleman and Sarah Gibbons            7808 Brooklyn Ave.            Springdale, AR 72762</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 1570 0000 8219 9636</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> James Gilbert <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            James Gilbert</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>J.P. Morgan Chase Bank, N.A.            780 Kansas Lane, Suite A            Monroe, LA 71203</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 1570 0000 8219 9643</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>E*Trade Bank            2730 Liberty Ave.            Mailstop: P5-PCLC-01-I            Pittsburg, PA 15222</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 1570 0000 8219 9650</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



**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](mailto:ssparkman@springdalear.gov)

**Ernest B. Cate**  
City Attorney

**Taylor Samples**  
Deputy City Attorney

**Sarah Sparkman**  
Deputy City Attorney

**Lynda Belvedresi**  
Case Coordinator

**Steve Helms**  
Investigator

**Cindy Horlick**  
Administrative Asst.

August 12, 2013

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

J. Carmen T. Ballesteros  
& Ana Maria Trujillo  
536 Napa Way  
Salinas, CA. 93906

NationStar Mortgage, LLC  
350 Highland Dr.  
Lewisville, TX 75067

RE: Notice of clean-up lien on property located at 3331 Glenbrook Loop, Springdale, Washington County, Arkansas, Tax Parcel No. 815-36929-000

Dear Property Owner/Lienholder:

On May 2, 2013, notice was posted on property located at 3331 Glenbrook Loop, 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. Also, on May 17, 2013, notice was mailed to you 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 you 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 June 2, 2013, and an ordinance was passed by the Springdale City Council on July 23, 2013, placing a lien on the property to recover the \$208.33 spent by the City of Springdale to clean this property.

In the interim, the City of Springdale had to clean this property additional times, on June 20, 2013 and July 22, 2013. The City expended the sum of \$105.00 to clean this property. I have enclosed copies of invoices evidencing this cost. 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 \$6.11 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 September 17, 2013, 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, September 24, 2013, 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 \$117.22, which includes \$105.00 for cleaning up the property and \$12.22 for certified mailings 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 costs of filing the ordinance with the Circuit Clerk's Office. Payment may be made directly to the City Clerk's Office or to the City Attorney's Office. If payment is made to the City Clerk's Office, please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,



Sarah Sparkman  
Deputy City Attorney

enclosure  
SS:ch

# Invoice

Green Pastures Lawn Care  
19007 Bug Scaffis Rd.  
West Fork, AR 72774

(479) 903-2696

mike@gp-lc.com

## Bill To:

City Of Springdale  
201 Spring St.  
Springdale AR 72764

*RECUT  
DUE  
7/22/13*

Invoice No: 300  
Date: Jul 22, 2013  
Terms: NET 0  
Due Date: Jul 22, 2013

Description	Quantity	Rate	Amount
Reoccurring lawn care at 3331 Glenbrook lp. M. Sidney	1.00	\$50.00	\$50.00

Transaction # \_\_\_\_\_  
Date \_\_\_\_\_  
Account # 101-0403-423.70-35  
Project # \_\_\_\_\_  
Invoice # 300  
Amount 50.00  
Description lawn care @  
3331 Glenbrook lp  
Approved By Mike Ude  
7/22/13

\* Indicates non-taxable item

Subtotal	\$50.00
Tax 1 (0.00%)	\$0.00
Total	\$50.00
Paid	\$0.00
Balance Due	\$50.00

# Invoice

Green Pastures Lawn Care  
19007 Big Scuffle Rd.  
West Fork AR, 72774

(479)903-2696

mike@gp-lc.com

## Bill To:

City Of Springdale  
201 Spring St.  
Springdale AR. 72764

*Remove  
Lawn  
6/20/13*

Invoice No: 252  
Date: Jun 20, 2013  
Terms: NET 30  
Due Date: Jul 20, 2013

Description	Quantity	Rate	Amount
Reoccurring lawn care at: 3331 Glenbrook loop M. Sidney	1.00	\$55.00	\$55.00

Transaction # \_\_\_\_\_  
Date \_\_\_\_\_  
Account # 101-0403-423,70-35  
Project # \_\_\_\_\_  
Invoice # 252  
Amount 55.00  
Description Lawn Care @  
3331 Glenbrook Ln  
Approved By Mike Chiles  
6/25/13

Total \$55.00  
Paid \$0.00  
Balance Due \$55.00

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) J. Carmen T. Ballesteros & Ana Maria Trujillo	
1. Article Addressed to:	C. Date of Delivery 8/20/13	
J. Carmen T. Ballesteros & Ana Maria Trujillo 536 Napa Way Salinas, CA 93906	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

7011 1570 0000 8219 9575

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) NationStar Mail Room	
1. Article Addressed to:	C. Date of Delivery Date: AUG 13 2013	
NationStar Mortgage, LLC 350 Highland Dr. Lewisville, TX 75067	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

7011 1570 0000 8219 9582



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

August 12, 2013

Taylor Samples  
Deputy City Attorney

Sarah Sparkman  
Deputy City Attorney

Lynda Belvedere  
Case Coordinator

Steve Helms  
Investigator

Cindy Horlick  
Administrative Asst.

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Chris Elder  
Elder Construction Company  
P.O. Box 5142  
Springdale, AR 72765-5143

Chambers Bank  
1685 E. Joyce Blvd.  
Fayetteville, AR 72703

RE: Notice of clean-up lien on property located at 1893 Tuscany Avenue, Springdale, Washington County, Arkansas, Tax Parcel No. 815-36429-000

Dear Property Owner/Lienholder:

On May 1, 2013, notice was posted on property located at 1893 Tuscany Avenue, 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. Also, on May 2, 2013, notice was mailed to you that the City intended to seek a clean-up lien on this property, pursuant to Ark. Code Ann. §14-54-903, if the violations were not remedied. The owner received this notice on May 7, 2013.

No action was taken by you 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 May 15, 2013, and an ordinance was passed by the Springdale City Council on July 23, 2013, placing a lien on the property to recover the \$97.22 spent by the City of Springdale to clean this property.

In the interim, the City of Springdale had to clean this property several additional times, on June 10, 2013, June 24, 2013, and July 29, 2013. The City expended the sum of \$210.00 to clean this property. I have enclosed copies of invoices evidencing this cost. 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 \$6.11 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 September 17, 2013, 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, September 24, 2013, 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 \$222.22, which includes \$210.00 for cleaning up the property and \$12.22 for certified mailings 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 costs of filing the ordinance with the Circuit Clerk's Office. Payment may be made directly to the City Clerk's Office or to the City Attorney's Office. If payment is made to the City Clerk's Office, please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,



Sarah Sparkman  
Deputy City Attorney

enclosure  
SS:ch

**Green Pastures Lawn Care**

19007 Bug Scuffle Rd.  
West Fork AR 72774

479-903-2696

mike@gp-lc.com

# Invoice

Invoice No: 320  
Date: Jul 29, 2013  
Terms: NET 30  
Due Date: Aug 28, 2013

**Bill To:**

City Of Springdale  
201 Spring St.  
Springdale AR 72764

Description	Quantity	Rate	Amount
Reoccurring lot my at 1893 Tuscany T. Haden	1.00	\$70.00	\$70.00

Transaction # \_\_\_\_\_  
 Date \_\_\_\_\_  
 Account # 101-0403-423, 70-35  
 Project # \_\_\_\_\_  
 Invoice # 320  
 Amount 70.<sup>00</sup>  
 Description lawn care @  
1893 Tuscany  
 Approved By Mike Chanda  
7/30/13

\* Indicates non-taxable item

Subtotal	\$70.00
Tax 1 (0.00%)	\$0.00
<b>Total</b>	<b>\$70.00</b>
Paid	\$0.00
<b>Balance Due</b>	<b>\$70.00</b>

# Invoice

Green Pastures Lawn Care  
19007 Big Scuffle Rd.  
West Fork AR, 72774

(479)903-2696

mike@gp-lc.com

**Bill To:**

City Of Springdale  
201 Spring St.  
Springdale AR. 72764

Invoice No: 255  
Date: Jun 24, 2013  
Terms: NET 30  
Due Date: Jul 24, 2013

Description	Quantity	Rate	Amount
Reoccurring mow at 1893 Tuscany Ave. T. Haden	1.00	\$70.00	\$70.00

Transaction # \_\_\_\_\_  
Date \_\_\_\_\_  
Account # 101-0403-423.70-35  
Project # \_\_\_\_\_  
Invoice # 255  
Amount 70.00  
Description lawn care @  
1893 Tuscany Ave  
Approved By Phil Cline  
6/25/13

---

Total	\$70.00
Paid	\$0.00
<b>Balance Due</b>	<b>\$70.00</b>

# Invoice

Green Pastures Lawn Care  
19007 Big Scuffle Rd.  
West Park AR, 72774

(479)903-2696

mike@gp-lc.com

Bill To:

City Of Springdale  
201 Spring St.  
Springdale AR, 72764

Invoice No: 231  
Date: Jun 10, 2013  
Terms: NET 30  
Due Date: Jul 10, 2013

Description	Quantity	Rate	Amount
Lot mow at: 1893 Tuscany Officer T. Haden	1.00	\$70.00	\$70.00

Transaction # \_\_\_\_\_  
Date \_\_\_\_\_  
Account # 101-0465-423.70.35  
Project # \_\_\_\_\_  
Invoice # 231  
Amount 70.00  
Description Lawn care @  
1893 Tuscany  
Approved By Mike Charles  
06/10/13

Total \$70.00  
Paid \$0.00  
Balance Due \$70.00

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>X E. Mireku</i>	
	B. Received by (Printed Name) <i>Erika Mireku</i>	C. Date of Delivery <i>8/15/13</i>
1. Article Addressed to:  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">             Chris Eider              Elder Construction Company              P.O. Box 5143              Springdale, AR 72765-5143           </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) <b>7011 1570 0000 8219 9612</b>		
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>X Vicky Trout</i>	
	B. Received by (Printed Name) <i>Vicky Trout</i>	C. Date of Delivery <i>8-13-13</i>
1. Article Addressed to:  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">             Chambers Bank              1685 E. Joyce Bank              Fayetteville, AR 72703           </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) <b>7011 1570 0000 8219 9629</b>		
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540



## 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:

tsamples@springdalear.gov

Ernest B. Cate  
City Attorney

Taylor Samples  
Deputy City Attorney

Sarah Sparkman  
Deputy City Attorney

Lynda Belvedrest  
Case Coordinator

Steve Helms  
Investigator

Cindy Horlick  
Administrative Asst.

August 12, 2013

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Federal National Mortgage Association  
14221 Dallas Parkway, Suite 1000  
Dallas, TX 75254

RE: Notice of clean-up lien on property located at 4102 Watkins Avenue, Springdale, Washington County, Arkansas, Tax Parcel No. 815-24748-000

Dear Property Owner:

On March 26, 2013, notice was posted on property located at 4102 Watkins Avenue, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 91-66, and needed to be remedied within seven (7) days. Notice was mailed to the current owner of record on April 1, 2013, 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 July 29, 2013. As of this date, the total costs incurred and paid by the City of Springdale to clean this property are \$60.00. I have enclosed an invoice evidencing the 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 \$6.11 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

On or about June 3, 2013, the property was transferred to Federal National Mortgage Association via Mortgagee's Deed, a copy of which is enclosed for your reference.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 17, 2013, 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, September 24, 2013, 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.

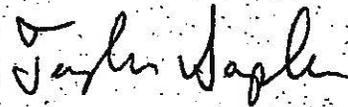
If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$66.11, which includes \$60.00 for cleaning up the property and \$6.11 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before 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.

With all that being said, I am mindful that the events leading up to the City having to expend \$66.11 to clean up this property did not involve you, nor were you responsible for the property at that time. However, I am obligated to try and recover the taxpayer's funds that were expended to clean up this property.

I would be happy to discuss this matter with you at your convenience, and to provide you with any documentation you may need to prove that the previous owner was fully aware of all this prior to transferring this property to you.

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

Sincerely,



Taylor Samples  
City Attorney

enclosures  
TS:ch

**Green Pastures Lawn Care**

19007 Bug Scuffle Rd.  
West Fork AR 72774

479-903-2696

mike@gp-lc.com

# Invoice

Invoice No: 324  
Date: Jul 29, 2013  
Terms: NET 30  
Due Date: Aug 28, 2013

**Customer:**

City Of Springdale  
201 Spring St.  
Springdale AR 72764

Description	Quantity	Rate	Amount
Initial mow of backyard at 4102 Watkins T. Haden	1.00	\$60.00	\$60.00

Transaction # \_\_\_\_\_  
 Date \_\_\_\_\_  
 Account # 101-0403-423.70-35  
 Project # \_\_\_\_\_  
 Invoice # 324  
 Amount 60.00  
 Description Lawn care @  
4102 Watkins Ave  
 Approved By Mike Chaska  
7/30/13

\* Indicates non-taxable item

Subtotal	\$60.00
Tax 1 (0.00%)	\$0.00
Total	\$60.00
Paid	\$0.00
Balance Due	\$60.00

This Instrument Prepared By:

**WILSON & ASSOCIATES, P.L.L.C.**  
1521 Merrill Drive, Suite D-220  
Little Rock, Arkansas 72211  
(501) 219-9388

File# 2013-00018422

**RECORDING LEGEND**

PLEASE RECORD IN THE  
APPROPRIATE REAL ESTATE RECORDS

**GRANTOR(s)**

Robert Boyd and Jill Boyd

**GRANTEE(s)**

Federal National Mortgage Association

**MORTGAGEE'S DEED**

WHEREAS, on August 15, 2003, Robert Boyd and Jill Boyd executed and delivered to United Bank a mortgage, recorded August 21, 2003, as Instrument No. 2003-00044248 in the real estate records of Washington County, Arkansas, whereby, for the purpose of securing the payment of certain indebtedness set out in said mortgage, they did grant, sell, and convey to the said mortgagee the following-described property, situated, lying, and being in the County of Washington, State of Arkansas:

Lot Numbered Twelve (12) in Block Six (6), Peaceful Valley Estates Phase III, a subdivision in the City of Springdale, Arkansas, as shown upon the plat of said subdivision on file in Plat Book 6 at Page 638 in Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Commonly known as: 4102 Watkins Avenue, Springdale, Arkansas 72762

AND, WHEREAS, default has been made in the payment of said indebtedness and JPMorgan Chase Bank, National Association, has since said default elected to sell said property in accordance with the provisions of Ark. Code Ann. §18-50-101, *et seq.*, as amended (the "Act") for the purpose of paying said indebtedness;

AND, WHEREAS, Wilson & Associates, P.L.L.C. was appointed by JPMorgan Chase Bank, National Association, pursuant to Act 983 of 1999 as its attorney-in-fact to sell said property pursuant to the Act;

AND, WHEREAS, notice of the time, place, and terms of such sale, as prescribed by the terms of the Act, was given by mailing of the requisite Mortgagee's Notice of Default and Intention to Sell within thirty (30) days of the recording of said Notice, said Notice being published in a local newspaper of general circulation in Washington County four (4) times for four consecutive weeks, with the last publication being no more than ten (10) days prior to the sale, and by posting notice of such sale, pursuant to Act 983 of 1999, by a third-party posting provider, at the place in the courthouse for Washington County, Arkansas where notices of judicial sales are customarily posted; see also the Affidavit of Mailing and Compliance with Statutory Notice Requirements filed in this matter and incorporated herein by reference;

And Whereas, pursuant to Act 885 of 2011, the undersigned received certification that Robert Boyd and Jill Boyd had not applied or was ineligible for loan modification or forbearance assistance, and that notice of such ineligibility was sent in compliance with Act 885 of 2011

AND, WHEREAS, pursuant to the provisions of said Act, JPMorgan Chase Bank, National Association, by its attorney-in-fact, Wilson & Associates, P.L.L.C., proceeded to sell said property at public auction, at the Washington County Courthouse, on or about May 15, 2013 at 9:00 A.M.;

AND, WHEREAS, at the time and place aforesaid, such sale was conducted pursuant to Act 983 of 1999 by a third-party auctioneer and said property was sold to JPMorgan Chase Bank, National Association for the price and sum of \$121,092.16, it being the best and highest bid.

AND, WHEREAS, the said JPMorgan Chase Bank, National Association has assigned its interest in said property to the Federal National Mortgage Association, its successors and assigns

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that JPMorgan Chase Bank, National Association, by its attorney-in-fact, Wilson & Associates, P.L.L.C., by virtue of the powers granted by the Act, and in consideration of the foregoing premises and of the sum of \$121,092.16, paid by the said JPMorgan Chase Bank, National Association, the receipt whereof is hereby acknowledged (which said sum of money has been applied according to the directions of the Act), does GRANT, SELL, AND CONVEY unto the said Federal National Mortgage Association, its successors and assigns forever the following-described property, situated in the County of Washington, State of Arkansas, to-wit:

Lot Numbered Twelve (12) in Block Six (6), Peaceful Valley Estates Phase III, a subdivision in the City of Springdale, Arkansas, as shown upon the plat of said subdivision on file in Plat Book 6 at Page 638 in Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Commonly known as: 4102 Watkins Avenue, Springdale, Arkansas 72762

Tax Parcel No.: 815-24748-000

TO HAVE AND TO HOLD the said property, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Federal National Mortgage Association, its successors, and assigns forever. And for and on behalf of the said Grantor(s) of said mortgage, and their heirs, executors, administrators, and assigns, the undersigned does hereby bind the said Robert Boyd and Jill Boyd, their heirs, executors, administrators, and assigns to warrant and forever defend, all and singular, said premises, unto the said Federal National Mortgage Association, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED on this 28 day of May, 2013.

JPMorgan Chase Bank, National Association, by its attorney-in-fact, Wilson & Associates, P.L.L.C.

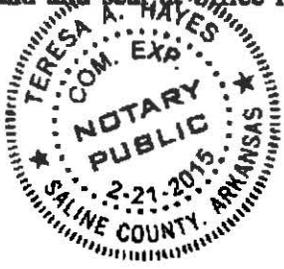
By: [Signature]  
Courtney Miller 2008263  
Attorney

**ACKNOWLEDGMENT**

STATE OF ARKANSAS  
COUNTY OF PULASKI

Before me, the undersigned notary public of the state and county aforesaid, personally appeared Courtney Miller, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, acknowledged such person to be an Attorney (or other such officer authorized to execute the instrument) of Wilson & Associates, P.L.L.C., attorney-in-fact for JPMorgan Chase Bank, National Association, and that such officer executed the foregoing instrument for the purposes therein contained by personally signing his name thereto.

Witness my hand and seal of office in Little Rock, Arkansas this 28<sup>th</sup> day of May, 2013.



[Signature]  
Notary Public

My Commission Expires: 2-21-2015

**CERTIFICATE OF COMPLIANCE**

I certify under penalty of false swearing that the legally correct amount of documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

[Signature]  
Courtney Miller  
Agent of Grantee  
1521 Merrill Drive, Suite D-220  
Little Rock, AR 72211

Grantee's Address:

Federal National Mortgage Association  
14221 Dallas Parkway  
Floor: Ste 1000  
Dallas, Texas 75254

Tax Parcel No. 815-24748-000

W&A No. 355-216587

# EXHIBIT "A"

## SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

STATE OF Arkansas

COUNTY OF Pulaski

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, who states as follows:

1. I am the Attorney with a certain mortgage, dated August 15, 2003, recorded, August 21, 2003, as Instrument No. 2003-00044248, in the real estate records of Washington County, Arkansas, executed by Robert Boyd and Jill Boyd in favor of United Bank to secure the payment of a promissory note to United Bank.
2. To the best of my knowledge and belief, the mortgagors holding an interest in the above-described property were (1) not members of the Armed Forces of the United States of America and had not been members of any such entities for at least twelve (12) months prior to the date of the foreclosure sale the subject hereof or (2) were members Armed Forces of the United States of America at the time the security instrument was executed.
3. As such, foreclosure of this property will not be subject to the provisions of 50 U.S.C.S. §501, *et seq.* (the Servicemembers Civil Relief Act).

FURTHER AFFLIANT SAYETH NOT.

DATED this 20 day of May, 2013

  
\_\_\_\_\_  
Courtney Miller 2008263  
Attorney

ACKNOWLEDGMENT

STATE OF Arkansas

COUNTY OF Pulaski

Personally appeared before me, a Notary Public of the state and county aforesaid, duly commissioned and qualified, Courtney Miller, as Attorney, with whom I am personally acquainted, and who acknowledged that he or she executed the within instrument as Attorney for the purposes therein contained.

Witness my hand and seal at office in Little Rock, Arkansas this 28<sup>th</sup> day of May, 2013.



[Signature]  
Notary Public

My Commission Expires: 2-21-2015

DServiceMembersAffidavitAR\_n gates\_130515\_1103



**Status Report  
Pursuant to Servicemembers Civil Relief Act**

Last Name: BOYD

First Name: JILL

Middle Name:

Active Duty Status As Of: May-27-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350



**Status Report  
Pursuant to Servicemembers Civil Relief Act**

Last Name: BOYD

First Name: ROBERT

Middle Name:

Active Duty Status As Of: May-27-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects when the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22250

Certificate of Publication

FORECLOSURES PLACEMENT SERVICES, INC

State of Arkansas }  
County of Pulaski } ss.

I, WILLIAM F. RECTOR, JR., do solemnly swear that I am the President of Foreclosure Placement Services, Inc, whose business it is to place foreclosure sale notice information in newspapers in compliance with A.C.A. 18-50-105(1). I was President at and during the time Foreclosure Placement Services, Inc was employed to place the publication and posting of such foreclosure sale notice information in the matter of:

Borrower Jill Boyd, Robert Boyd  
Address 4102 Watkins Avenue , Springdale, AR 72762

I hereby certify that the foreclosure sale notice information was published in the Northwest Arkansas Newspapers, a general circulation newspaper , one time a week for four consecutive weeks, the last of which was not more than ten (10) days prior to the sale date.

I hereby certify that the publication of said foreclosure sale notice information strictly complies with Ark. Code Ann. § 18-50-105(1). At the time of said placement, Foreclosure Placement Services, Inc was not affiliated with the Trustee or Mortgagee.

  
\_\_\_\_\_  
William F. Rector, Jr., President

Subscribed and sworn to before me this 05 April, 09 2013



  
\_\_\_\_\_  
Notary Public

My commission expires the 11th day of October, 2021.

355-216587

Washington County, AR  
I certify this instrument was filed on  
6/3/2013 4:41:54 PM  
and recorded in REAL ESTATE

File# 2013-00018422  
Kyle Sylvester - Circuit Clerk



**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:

Federal National Mortgage Association  
14221 Dallas Parkway, Suite 1000  
Dallas, TX 75254

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Post  Address

B. Received by (Printed Name) **R. CRAWFORD** Date of Delivery **6/15**

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 Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label)

7011 1570 0000 8219 9520