

SPRINGDALE CITY COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 9<sup>th</sup>, 2012

**SCHEDULED MEETINGS:**

- 5:00 p.m. Tuesday, October 9<sup>th</sup>, 2012; Street & CIP Committee meeting followed immediately by a Parks & Recreation Committee meeting and a Health & Sanitation Committee meeting.
- CIP meeting is concerning the Contract for Johnson Road Demolition, and the CIP Priority List; the Parks & Recreation meeting is an update on parks meetings and engineering selections; and the Health & Sanitation meeting is concerning Agenda Item 10.
- The next committee meetings are scheduled for 5:30 p.m. Monday, October 15<sup>th</sup>, 2012 followed immediately by a City Budget Meeting.
- Committee agendas will be available on Friday, October 12<sup>th</sup>, 2012.

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance  
Invocation - **ERIC FORD**

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

1. *Large Print* agendas are available at the back of the room, next to the main entrance
2. Call to Order - Mayor Doug Sprouse
3. Roll Call – City Clerk Denise Pearce  

Recognition of a Quorum
4. 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.
5. Approval of Minutes
  - a) September 25, 2012 **Pg's 1-13**
6. Procedural Motions
  - A. Entertain Motion to read all Ordinances and Resolutions by title only.
  - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....9-A; 10; 11; & 12* (Motion must be approved by two-thirds (2/3) of the council members).
7. **Update** by Bob Wright-Crews & Associates, and Kevin Faught-Stephens, Inc., on the preparations for the bond sales.
8. Finance Committee Report & Recommendations by Chairman Bobby Stout:  

**A Resolution** amending the 2012 Budget of the Police Department. **Pg's 14-19**
9. Street & CIP Committee Report & Recommendations by Chairman Rick Evans:
  - A. **An Ordinance** to waive competitive bidding for installing box culverts on Hylton Road. **Pg's 20-27**
  - B. **A Resolution** authorizing Capital Improvement Project Funds for the purchase of vehicles for the Fire Department. **Pg's 28-30**

C. **A Resolution** authorizing award of the Johnson Road Demolition and Asbestos Abatement Contract. **Pg's 31-36**

10. Health, Sanitation & Property Maintenance Committee Report & Recommendations by Chairman Jeff Watson:

**An Ordinance** ordering the Razing (Demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 317 East Emma Avenue; to declare an emergency and for other purposes, presented by Jeff Harper, City Attorney. **Pg's 37-41**

11. Planning Commission Recommendations by Planning Director Patsy Christie:

**An Ordinance** accepting the Re-Plat of Lot 14 & 54 in Shenandoah Hills Subdivision to the City of Springdale, Arkansas, to be known as Lots 14A & 54A in Shenandoah Hills Subdivision to the City of Springdale, Arkansas and declaring an emergency. (property located south of Pasofino Loop and west of 71B) **Pg's 42-44**

12. **An 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 2504 Jo Avenue, presented by Jeff Harper, City Attorney. **Pg's 45-55**

13. **A Resolution** to levy Washington County Ad Valorem Taxes of the City of Springdale, Arkansas, presented by Jeff Harper, City Attorney. **Pg's 56-57**

14. **A Resolution** to levy Benton County Ad Valorem Taxes of the City of Springdale, Arkansas, presented by Jeff Harper, City Attorney. **Pg's 58-59**

15. **A Resolution** authorizing the execution of a generator maintenance agreement with United Engines, LLC., presented by Wyman Morgan, Director of Admin & Financial Services. **Pg's 60-63**

16. Comments from Department Heads.

17. Comments from Council Members.

18. Comments from City Attorney.

19. Comments from Mayor Sprouse.

20. Adjournment.

SPRINGDALE CITY COUNCIL  
SEPTEMBER 25, 2012

The City Council of the City of Springdale met in regular session on September 25, 2012, 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 4
Bobby Stout	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 1
Jeff Harper	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Patsy Christie	Planning & Comm. Dev. Director
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Rick McWhorter	Parks & Recreation Director
Loyd Price	Human Resource Director
Sam Goade	Public Works Director
Mike Chamlee	Chief Building Official

PROCLAMATION – KIDS DAY AMERICA/INTERNATIONAL

Mayor Sprouse presented a proclamation proclaiming October 13, 2012 as “Kids Day America/International”.

Dr. Justin Favorite, Chiropractor, said they will be hosting a free event on October 13<sup>th</sup> at the Jones Center for Families from noon to 3:00 p.m., based around health, safety and environmental awareness for the kids of our community.

CITIZEN COMMENTS

Jan and Dean Muetzel were present at council to ask that citizens give their thoughts and suggestions on how to solve the drowning problem we have had in this area. There have been six deaths by drowning this past year and they feel like there is an answer to help prevent this and help save lives.

APPROVAL OF THE MINUTES

Alderman Stout moved the minutes of the September 11, 2012 City Council meeting be approved as presented. Alderman Reed made the second.

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

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

No: None

AGENDA ITEM ADDED

Alderman Jaycox made the motion to add a Resolution regarding the City of Springdale's participation in the Northwest Arkansas Hazardous Materials Response Team. Alderman Stout made the second.

The vote:

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

No: None

APPEAL BY JHT, LLC, C.L. GEORGE & SONS LIMITED PARTNERSHIP AND SHAW HOLDINGS, LP ON THE PLANNING COMMISSION'S DECISION FROM AUGUST 7, 2012 MEETING, APPROVING TWO VARIANCES FOR SIGNAGE ALLOWING THE VICTORY CHURCH NWA, INC./LOVES TRAVEL CENTER TO ERECT A 125 FOOT TALL SIGN, WITH AN AREA OF 800 SQUARE FEET, ON THE REFERENCED PROPERTY LOCATED AT 5441 DEARING ROAD

At the August 28, 2012 City Council meeting Craig Jones, Attorney representing the Tyson Family, presented an appeal for the Planning Commission's decision from their August 7, 2012 meeting, approving two variances for signage allowing the Victory Church NWA, Inc./Love's Travel Center to erect a 125 foot tall sign, with an area of 800 square feet, on property located at 5441 Dearing Road.

There was discussion about looking at creating a "Special Visibility District" for the interchanges instead of granting variances. There is a designated "Special Visibility District" along the Highway 412/540 Bypass interchange.

After considerable discussion, it was decided to table the variance appeal and stay any action until the September 25, 2012 City Council meeting when it will be placed on the City Council agenda.

At tonight's meeting before comments were heard from the audience, Alderman Jaycox made the motion to overturn Planning Commission's decision to grant the sign variance. Alderman Bruns made the second.

Stephen Giles, Attorney from Little Rock representing Love's Travel Center, asked that City Council decline to hear this matter and remove it from the agenda. He feels like the City Council has no legal authority to hear an appeal on these variances.

City Attorney Harper said that signs are addressed in a separate ordinance and it is his opinion that the City Council has a right to hear the appeal.

Several citizens spoke questioning why the City would turn down this variance request and expressed their opinions on why it should not be denied.

Steve Walters with Love's Travel Center explained the reason they cannot delay closing is because the Church is in need of their money. He said the variance request is a safety net for Love's. They depend on signage. Once the trees are down, if they can put up a shorter sign then they will. They want to work with the City by making it prettier by

putting up one sign that is 400 square feet smaller than what is allowed with 1200 square feet.

Aldermen Reed, Overton and Stout feel like we should not turn down businesses that want to come into Springdale.

Alderman Jaycox explained that Love's is more than welcome to come into Springdale. This vote is only about the variance on the sign.

The vote:

Yes: Jaycox, Bruns, Watson, Ford, Evans

No: Overton, Stout, Reed

Variance was overturned by a vote of 5-3.

ORDINANCE NO. 4625 – AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, RELATED TO GRAFFITI TO PROVIDE AN IMMEDIATE AND PRACTICAL METHOD TO COMBAT THE EFFECTS OF GRAFFITI VANDALISM ON PUBLIC AND PRIVATELY OWNED STRUCTURES AND REAL PROPERTY WITHIN THE CITY OF SPRINGDALE AND FOR OTHER PURPOSES

Alderman Overton presented an Ordinance amending the Code of Ordinances of the City of Springdale, Arkansas, related to graffiti to provide an immediate and practical method to combat the effects of graffiti vandalism on public and privately owned structures and real property within the City of Springdale and for other purposes. Some of the changes are as follows:

In the event the owner of the property or the property owner's agent and/or leasehold tenant or utility company, can not be reached, after a period of 24 hours of receiving the complaint, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.

In the event that graffiti is discovered and reported on private property such as, buildings, structures, such as fences or walls, utility poles or boxes, and after thorough investigation by the police department, where it is not reasonable to find the property owner or the property owner's agent and/or leasehold tenant or utility company, and since removal of graffiti in a timely manner is necessary, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.

If the owner of the property or the property owner's agent and /or leasehold tenant or utility company refuses to give the city authorization to remove the graffiti and the graffiti is not removed within 24 hours then the city shall have the right to enter upon private property to the extent necessary to take corrective action to abate the nuisance.

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

The vote:

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

No: None

The Ordinance was numbered 4625.

PROPOSED ORDINANCE AMENDING SEC. 98.63(D)(5) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS TO CREATE A SPECIAL VISIBILITY DISTRICT AS ALLOWED BY ARKANSAS LAW; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

Alderman Overton presented a proposed ordinance amending Section 98.63(d)(5) of the Code of Ordinances of the City of Springdale, Arkansas, to create a Special Visibility District as allowed by Arkansas law; to declare an emergency and for other purposes.

Alderman Overton proposed adding a special visibility district to the intersection of I-540 running west on Dearing Road (soon to be renamed Don Tyson Parkway) to 56<sup>th</sup> Street.

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

Mayor Sprouse feels like the overlay district needs to be driven by this City and representation from different size land owners in the area. They need to be involved in the process as well as the Planning Commission, a City Council member and maybe other representatives from our city. He would like to move forward with this as soon as possible, maybe November 1<sup>st</sup> and give them a year to work it out.

Pastor Billy Coffman, Victory Church, said he wants to hold the Mayor to his word that if he is going to do an overlay district that he take into consideration all the people in this area that are not a Tyson, George or Shaw. It is time to do something that is proactive to reach the whole area.

The vote:

Yes: Overton, Stout, Reed

No: Watson, Ford, Evans, Jaycox, Bruns

The Ordinance failed by a vote of 3-5.

RESOLUTION NO. 105-12 – AUTHORIZING PURCHASE OF REPLACEMENT TREES FOR CORP OF ENGINEERING PERMITTED PROJECTS

Patsy Christie presented a Resolution authorizing purchase of replacement trees for Corp of Engineering permitted projects located at the Clear Creek crossing of Don Tyson Parkway and at the Brush Creek crossing of Har-Ber Avenue.

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

**A RESOLUTION AUTHORIZING PURCHASE OF REPLACEMENT TREES FOR CORP OF ENGINEERING PERMITTED PROJECTS.**

**WHEREAS**, the City of Springdale is planning to replant trees within the mitigation areas of two Bond projects located at the Clear Creek crossing of Don Tyson Parkway (BP-0500) and at the Brush Creek crossing of Har-Ber Avenue (BP-0402);

**WHEREAS**, the Corp of Engineering 404 permits require replacement of dead trees to provide for a survival rate of 70% for each project location at the conclusion of the fifth year of monitoring;

**WHEREAS**, all of these project locations are entering the final two year monitoring period and the majority of the original tree plantings have died due to drought and other conditions;

SPRINGDALE CITY COUNCIL  
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WHEREAS, upon purchase of 100 (5 gallon) trees at \$35 each, Public Works personnel will prepare all planting locations and volunteers are scheduled to assist with planting the trees;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that: the Mayor and City Clerk do hereby authorized the purchase of 100 (5 gallon) trees for \$35 each totaling an amount of up to \$3,500.00 plus any applicable taxes.

PASSED AND APPROVED this \_\_\_\_\_ day of September, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 105-12.

ORDINANCE NO. 4626 – ACCEPTING A STREET DEDICATION FROM WILLIAM AND FRANCES FERGUSON TO THE CITY OF SPRINGDALE, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

Patsy Christie presented an Ordinance accepting a street dedication from William and Frances Ferguson to the City of Springdale, Arkansas; to declare an emergency and for other purposes. There was a 50 foot street right-of-way that was dedicated part of the way but does not go all the way to Clayton Street. Joyce Jones has obtained from the Fergusons an easement to make that property connected to Clayton Street. When and if that property is developed, the street would have to be developed as part of the development process on either side of that property.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4626.

ORDINANCE NO. 4627 – TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF BOX CULVERTS FOR HYLTON ROAD

Sam Goade presented an Ordinance to waive competitive bidding for the purchase of box culverts for the bridge on Hylton Road from Scurlock Industries of Fayetteville, Arkansas, in the amount of \$114,487.56.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4627.

RESOLUTION NO. 106-12 – SUPPORTING THE ADOPTION OF THE NW ARKANSAS RAZORBACK GREENWAY OPERATIONS AND MANAGEMENT PLAN

Patsy Christie presented a Resolution supporting the adoption of the NW Arkansas Razorback Greenway Operations and Management Plan.

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

**A RESOLUTION SUPPORTING ADOPTION OF THE NW ARKANSAS RAZORBACK GREENWAY OPERATIONS AND MANAGEMENT PLAN**

**WHEREAS**, the City of Springdale has reviewed the NW Arkansas Razorback Greenway Operations and Management Plan as applicable to sections of the Greenway that extend through the City of Springdale’s municipal jurisdiction and;

**WHEREAS**, the purpose of the Operations and Management Plan is to define the maintenance, management and operation requirements associated with the off-road and on-road Greenways facilities and lands that are located within the City of Springdale and;

**WHEREAS**, public lands, and land acquired through the use of greenway easements that will be managed by the City of Springdale, are part of the Razorback Greenway, and;

**WHEREAS**, the Plan has been reviewed and approved by the City Departments that are responsible for maintaining, managing and operating the lands and facilities of the Greenway.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Springdale, AR that:

- a. The NW Arkansas Razorback Greenway Operations and Management Plan is acceptable and approved by the City of Springdale, and;
- b. This Plan will be used to guide future municipal maintenance, management and operational activities associated with the lands and facilities of the Razorback Greenway within the City of Springdale.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012,**  
**by the City of Springdale, Arkansas.**

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

ATTEST:

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

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

The vote:

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

No: None

The Resolution was numbered 106-12.

ORDINANCE NO. 4628 – REZONING 1.4 ACRES OWNED BY RICHARD E. BERRY LOCATED AT 4353 N. THOMPSON STREET, FROM C-2 TO C-5 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 1.4 acres owned by Richard E. Berry located at 4353 N. Thompson Street, from C-2 to C-5 and declaring an emergency.

Planning Commission recommended approval at their September 4, 2012 meeting.

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

The vote:

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

No: None

Recuse: Overton

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

The vote:

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

No: None

Recuse: Overton

The Ordinance was numbered 4628.

ORDINANCE NO. 4629 – REZONING .39 ACRES OWNED BY THE NWA HOSPITALS, LLC, LOCATED AT 807 QUANDT STREET, FROM C-2 TO P-1 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning .39 acres owned by the NWA Hospitals, LLC, located at 807 Quandt Street, from C-2 to P-1 and declaring an emergency.

Planning Commission recommended approval at their September 4, 2012 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4629.

ORDINANCE NO. 4630 – REZONING .65 ACRES OWNED BY JAMES DUGGER LOCATED AT 1486 W. SUNSET, FROM C-2 TO C-5 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning .65 acres owned by James Dugger located at 1486 W. Sunset, from C-2 to C-5 and declaring an emergency.

Planning Commission recommended approval at their September 4, 2012 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4630.

ORDINANCE NO. 4631 – REZONING 1.32 ACRES OWNED BY OWENS OPTOMETRY LOCATED AT 1079 E. DON TYSON PARKWAY, FROM SF-2 TO O-1 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 1.32 acres owned by Owens Optometry located at 1079 E. Don Tyson Parkway, from SF-2 to O-1 and declaring an emergency.

Planning Commission recommended approval at their September 4, 2012 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4631.

RESOLUTION NO. 107-12 – APPROVING A CONDITIONAL USE APPEAL BY INGLESIA DE DIOS MARAN-ATA CHURCH OF GOD FOR A CHURCH TO BE LOCATED AT 3716 TREAT LANE AS SET FORTH IN ORDINANCE NO. 4030

Patsy Christie presented a Resolution approving a conditional use appeal by Inglesia De Dios Maran-Ata Church of God for a church to be located at 3716 Treat Lane as set forth in Ordinance No. 4030.

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

**A RESOLUTION APPROVING A CONDITIONAL  
USE AT 3716 TREAT LANE 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 4, 2012 on a request by Inglesia De Dios Maran – Ata Church of God for a conditional use for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 3716 Treat Lane; and

**WHEREAS**, following the public hearing the Planning Commission by a vote of eight (8) yeas and no nays recommends that a conditional use be granted to the Iglesia De Dios Maran – Ata Church of God for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 3716 Treat Lane with the following conditions – Parking requirements must be met. Need sanctuary building dimensions to calculate parking needs and fire code requirements for assembly.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE**, that the City Council hereby grants a conditional use to Inglesia De Dios Maran – Ata Church of God for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 3716 Treat Lane with the following conditions Parking requirements must be met. Need sanctuary building dimensions to calculate parking needs and fire code requirements for assembly.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 107-12.

RESOLUTION NO. 108-12 – AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON THE PROPERTY OWNED BY VICTORY CHURCH NWA LOCATED AT 3598 SOUTH 48<sup>TH</sup> STREET AND 4899 WEST OAKLAWN DRIVE ON THE I-540/DON TYSON PARKWAY INTERCHANGE PROJECT

Patsy Christie presented a Resolution authorizing the City Attorney to begin condemnation proceedings on the property owned by Victory Church NWA located at 3598 South 48<sup>th</sup> Street and 4899 West Oaklawn Drive on the I-540/Don Tyson Parkway interchange project.

Steve Lisle, Attorney representing Victory Church, sent a letter to Mayor Sprouse asking that the City initiate a formal condemnation case in court and deposit the estimated just compensation for the taking of the land as soon as possible.

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

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON THE PROPERTY LOCATED AT 3598 SOUTH 48<sup>TH</sup> STREET AND 4899 WEST OAKLAWN DRIVE ON THE I-540/DON TYSON PARKWAY INTERCHANGE PROJECT.**

WHEREAS, attempts at negotiating for the acquisition of necessary rights-of-way and easements from property owner, Victory Church NWA, Inc., have been unsuccessful on the project identified as the I-540/Don Tyson Parkway Interchange, AHTD Project No. 040527.

WHEREAS, it is now necessary to acquire this right-of-way and easement by condemnation proceedings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to begin condemnation proceedings to acquire the required right-of-way and easement on the property located at 3598 South 48<sup>th</sup> Street and 4899 West Oaklawn Drive owned by Victory Church NWA, Inc. to allow construction of the I-540/Don Tyson Parkway Interchange to proceed.

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

ATTEST:

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

APPROVED:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 108-12.

**ORDINANCE NO. 4632 – 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 2208 ANN STREET**

City Attorney Jeff Harper presented an 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 2208 Ann Street.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4632.

RESOLUTION NO. 109-12 – AUTHORIZING THE CITY OF SPRINGDALE TO CEASE ITS PARTICIPATION IN THE NORTHWEST ARKANSAS HAZARDOUS MATERIALS RESPONSE TEAM; AND FOR OTHER PURPOSES

Fire Chief Mike Irwin presented a Resolution authorizing the City of Springdale to cease its participation in the Northwest Arkansas Hazardous Materials Response Team.

Chief Irwin explained the Hazardous Materials Response Team was started in 1989. Over the years as the cities have grown, each one has developed their own teams. Springdale had two incidents last year and was able to handle them on their own. The City of Rogers has already pulled out and the City of Fayetteville is pulling out.

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

**A RESOLUTION AUTHORIZING THE CITY OF SPRINGDALE TO CEASE ITS PARTICIPATION IN THE NORTHWEST ARKANSAS HAZARDOUS MATERIALS RESPONSE TEAM; AND FOR OTHER PURPOSES.**

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

**Section 1:** That the City of Springdale cease its participation in the Northwest Arkansas Hazardous Materials Response Team after giving six-months notice to the other participants of the team as provided in the Interlocal Agreement dated February 24, 1989.

**Section 2:** That the City Clerk should be, and hereby is, directed to send a copy of this Resolution to all participants in the Hazardous Materials Response Team.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

APPROVED:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

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

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The vote:

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

No: None

The Resolution was numbered 109-12.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 7:56 p.m.

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Doug Sprouse, Mayor

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Denise Pearce, City Clerk/Treasurer

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

**A RESOLUTION AMENDING THE 2012  
BUDGET OF THE POLICE DEPARTMENT**

**WHEREAS**, the City of Springdale Police Department has received reimbursements for equipment damages that have not been appropriated for expenditure, and

**WHEREAS**, the Police Chief has requested an appropriation of \$8,500 for a vehicle lift and \$3,500 for SUV seats;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the 2012 budget of the Police Department 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>
Police	10105013970000	Insurance Recoveries	-0-	12,000		12,000
Police	10105014218030	Capital Equipment	45,500	12,000		57,500

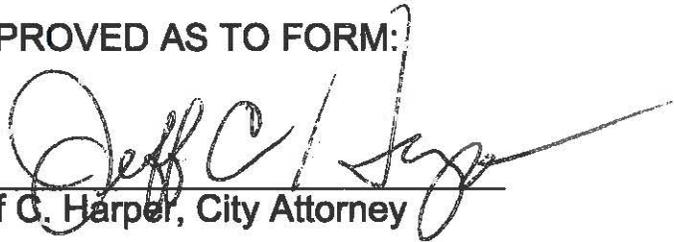
**PASSED AND APPROVED** this 9<sup>th</sup> day of October, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeff G. Harper, City Attorney



# CITY of SPRINGDALE

POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE

To: Wyman Morgan  
Date: 5 September 2012  
Subject: Transfer of Funds Request

Wyman Morgan,

The Springdale Police Department requests the transfer of funds in the amount of \$12,000.00 from Account # 101-0501-397-00-00 to Account 101-0501-421.80-30. The transfer of funds will be for the purchase of a 4 post closed drive on lift for the maintenance shop. The cost for this project is \$8500.00. The remainder will be used to purchase rear prisoner seats for the Chevy Tahoe SUV's to remedy the issue of prisoner ability to conceal contraband by placing it under the factory seating or in the crevices of the seat cushion. The seat s of the SUV's are not easily removed to allow officers to ensure no contraband had been placed under the seat. The cost is approximately \$3500.00.

Sincerely,

A handwritten signature in black ink that reads 'Kathy O'Kelley'.

Kathy O'Kelley  
Chief of Police

ADMINISTRATION BUILDING, 201 NORTH SPRING STREET, SPRINGDALE, ARKANSAS 72764  
(479) 751-4542

CHIEF KATHY O' KELLEY







## Equipment Proposal

Date 08-28-12

Customer CITY OF SPRINGDALE POLICE DEPT SHOP

Address 201 SPRING STREET

City SPRINGDALE State ARKANSAS

Terms CAN BE DONE 30/60/90 IF NECESSARY

Freight INCLUDED Ship Via FREIGHT TRUCK

QTY	PART #	DISCRIPTION	UNIT PRICE	TOTAL
1	ROTARY RFP14	4POST CLOSED DRIVE ON LIFT	4808.75	4808.75
2	ROTARY RRJ70G	LIFT JACKS	2019	4038
1	INSTALLATON	INSTALLATION OF LIFTS	875	875
1		INSTALLATION DOES NOT INCLUDE		
		ELECTRICAL HOOK UPS		
-1	ROTARY SPOA10	TRADE IN LIFT	-2000	-2000
		MODEL # SPOA10-N510 SERIAL # BJZ06D0026		
Prepared By: SHELLY MAYFIELD			SUBTOTAL	\$7,721.75
Store# 4052- SPRINGDALE			FRIEGHT	\$0.00
Quote is good for: 30 DAYS FROM DATE OF ESTIMATE			TAX	\$714.26
			MISC	\$
			TOTAL	\$8,436.01

**Pricing and Installation Information**

Prices include Freight  \*  YES  NO

Prices include Training  YES  NO

Prices include Installation  YES  NO

Prices are subject to state and local taxes.



## Equipment Proposal

Date 08-28-12

Customer CITY OF SPRINGDALE POLICE DEPT SHOP

Address 201 SPRING STREET

City SPRINGDALE State ARKANSAS

Terms CAN BE DONE 30/60/90 IF NECESSARY

Freight INCLUDED Ship Via FREIGHT TRUCK

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Quote is good for: 30 DAYS FROM DATE OF ESTIMATE			TAX	\$714.26
			MISC	\$
			TOTAL	\$8,436.01

**Pricing and Installation Information**

Prices Include Freight  \* YES  NO

Prices include Training  YES  NO

Prices include Installation  YES  NO

Prices are subject to state and local taxes.

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

**AN ORDINANCE TO WAIVE COMPETITIVE  
BIDDING FOR INSTALLING BOX CULVERTS ON  
HYLTON ROAD**

**WHEREAS**, The City of Springdale is preparing to widen Hylton Road, and

**WHEREAS**, due to the amount of time required to obtain sealed competitive bids the Public Works Director has obtained written quotes for the installation of culverts on Hylton Road, and

**WHEREAS**, Necessary Construction Company submitted the lowest quote of \$59,812 for this work, 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 construction time requirements of installing the box culverts, competitive bidding is not feasible or practical and is hereby waived on the installation of box covers on Hylton Road for an amount not to exceed \$59,812, and the Mayor and City Clerk are hereby authorized to execute an agreement with Necessary Construction Company for this work.

**Section 2. 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.

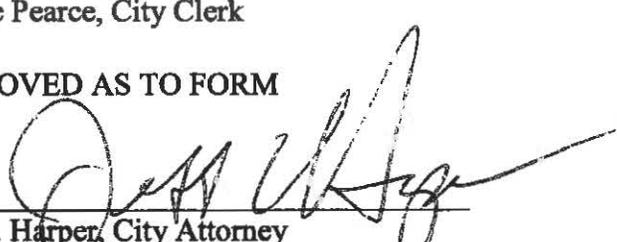
**EMERGENCY CLAUSE PASSED AND APPROVED** this 9<sup>th</sup> day of October, 2012

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

ATTEST:

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

APPROVED AS TO FORM

  
\_\_\_\_\_  
Jeff C. Harper, City Attorney



2425 S. 5th Place  
Rogers, AR 72758

<b>To:</b> City Of Springdale	<b>Contact:</b>
<b>Address:</b> Springdale, AR	<b>Phone:</b>
	<b>Fax:</b>
<b>Project Name:</b> Hylton Road Improvements For Concrete Box	<b>Bid Number:</b>
<b>Project Location:</b>	<b>Bid Date:</b> 9/18/2012

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
	100	Install 12 X3 Boxes Supplied By City Of Springdale	396.00	LF	\$34.50	\$13,682.00
	0210	Wingwalls & Appurtenances	1.00	LS	\$21,720.00	\$21,720.00
	0490	Six-Barrel 12'x3'x86' Pre-cast Concrete Box Culvert Cast In Place Wedge Reces	1.00	LS	\$24,430.00	\$24,430.00
<b>Total Bid Price:</b>						<b>\$59,812.00</b>

**Notes:**

- **EXCLUSIONS:** Construction Layout and Staking, Handrails, Traffic Control, , Fencing, Testing, Bonding, Striping, Signage, Landscaping
- **TERMS AND CONDITIONS:**
- Allowing N.E.C., Inc. to commence work or preparation for work will constitute acceptance by Customer of this bid proposal. If N.E.C., Inc. and Customer execute a form to memorialize their agreement, this bid proposal shall be incorporated by reference into the final contract. In event of any conflict between the terms of this bid proposal and any other documents stating terms of the final contract, this bid proposal shall govern.
- If N.E.C., Inc.'s work is dependent upon or must be undertaken in conjunction with the work of others, such work shall be so performed and completed as to permit us to perform our work hereunder in a normal uninterrupted shift operation.
- N.E.C., Inc. shall be entitled to equitable adjustments of the contract price, including but not limited to any increased costs of labor, supervision, equipment or materials, and reasonable overhead and profit, for any modification of the project schedule differing from the schedule at the time the project was bid, and for any other delays, acceleration, out of sequence work and schedule changes beyond its reasonable control, including but not limited to those caused by labor strikes, fires, floods, acts of nature or government, wars, embargoes, vendor priorities and allocations, transportation delays, suspension of work for non-payment or as ordered by the Customer, or other delays caused by Customer or others. Should work be delayed by any of the aforementioned causes for a period exceeding ninety (90) days, N.E.C., Inc. shall be entitled to terminate the contract. A Force Majeure is in effect on this quote.
- A change in the price of an item of material or fuel of more than 5% between the date of this bid proposal and the date of installation shall warrant an equitable adjustment in the contract price.
- Any changes from the specification or modification to this contract or of the terms hereof and any extra or incidental work, or reductions in work, shall be set forth in writing and signed by both parties prior to the making of such a change. Any increase or decrease in the contract price resulting from such change shall be included in such writing. N.E.C., Inc. may also claim damages for cumulative impact of multiple changes affecting N.E.C., Inc.'s production efficiency.
- All warranty claims must be received by N.E.C., Inc. not more than one (1) year after date of substantial completion of N.E.C., Inc.'s scope of work performed hereunder, and N.E.C., Inc. must be provided a reasonable opportunity to inspect and make corrections, or such warranty claims are barred. N.E.C., Inc. is not responsible for special, incidental, or consequential damages. N.E.C., Inc. is not responsible for damage to its work by other parties, and any repair work necessitated by such damage is to be considered extra work.
- N.E.C., Inc. shall not be responsible for, and the Customer agrees to hold us harmless from any liability resulting from damage or deterioration of any of our work whether completed or in process resulting from any cause or causes beyond our control, including but not limited to failure or inadequacy of any material or workmanship not furnished and installed by us, whether or not such failure or inadequacy was or could have been known at the time our work was undertaken.
- All required testing must be completed within fifteen (15) days after completion of work. NEC Inc. must be notified twenty-four (24) hours prior to the performance of any test, and reserves the right to be present during all test procedures.
- All claims, disputes, and matters in question arising out of, or relating to this accepted bid or the breach thereof shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then in effect unless the parties mutually agree otherwise. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitrator(s) and shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction. There will be no continuation of work on this agreement during arbitration unless mutually agreed in writing between N.E.C., Inc. and Customer.

• This Agreement shall be governed by the laws of the State of Arkansas. The parties specifically consent and submit to the jurisdiction of Benton County, Arkansas, State Courts and Western District of Arkansas Federal Courts, for purposes of any legal action which may be necessary to enforce the terms of this Agreement.

**Payment Terms:**

N.E.C., Inc. does not accept the risk of Customer's receipt of payments from any source. Payment in full for all work performed hereunder during any month shall be made not later than the tenth (10) day of the next month following submittal of payment application. N.E.C., Inc.'s schedule of values shall be used to determine progress payments.

Final and complete payment for all work performed hereunder shall be made not later than fifteen (30) days after the completion of such work. If testing is required, payment is due fifteen (30) days from the day in which testing was performed.

All sums not paid when due shall bear interest at the rate allowable in the state of Arkansas per month from due date until paid or the maximum rate permitted by law whichever is less; and all costs of collection, including attorney's fee, shall be paid by Customer.

If the above meets with your (Customer) acceptance, please sign and return this proposal. Upon timely receipt of the proposal, signed by you (Customer), N.E.C., Inc. will sign it and return a copy to you. When signed by both parties, this proposal including the Terms and Conditions constitute an agreement between us.

<b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and are hereby accepted.  Buyer: _____ Signature: _____ Date of Acceptance: _____	<b>CONFIRMED:</b> N.E.C., Inc.  Authorized Signature: _____ Estimator: _____
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2425 S. 5th Place  
Rogers, AR 72758

## Cost Detail

<b>Project Name:</b> Hylton Road Improvements For Concrete Box	<b>Customer:</b> City Of Springdale
<b>Job Number:</b>	<b>Billing Address:</b> Springdale, AR
<b>Bid As:</b>	
<b>Estimator:</b>	<b>Phone:</b>
<b>Project Address:</b>	<b>Contact:</b>
<b>Completion Date:</b>	

### Pay Items

Description	Quantity	UM	Unit Direct Cost	Total Direct Cost
<b>D</b> 100 - 1 install 12 X 3 Boxes Supplied By City Of Springdale	396.00	LF	\$27.75	\$10,989.02
Utility Crew - Small (132.00 LF/DY, 3.00 DY)	396.00	LF	\$27.75	\$10,989.02
Excavator-Medium	24.00	HR	\$71.50	\$1,716.00
Truck-Utility	6.00	HR	\$31.00	\$186.00
Foreman - L1	30.00	HR	\$23.72	\$711.72
Laborer - General [3]	30.00	HR	\$16.75	\$1,507.30
Operator - L2	30.00	HR	\$20.93	\$628.01
CRANE- 100 Ton	24.00	HR	\$260.00	\$6,240.00
<b>D</b> 0210 - Wingwalls & Appurtenances	1.00	LS	\$17,416.21	\$17,416.21
Wings Walls, Headwall, Footing, And Aprons For12x3	2.00	EACH	\$8,707.61	\$17,415.21
Concrete - 4000 Psi	41.76	CY	\$74.29	\$3,102.35
Reinforcing Steel - #3 Rebar .376 Lb./ft.	195.50	LB	\$0.08	\$14.95
Concrete - Forming Crew (0.22 EACH/DY, 9.00 DY)	2.00	EACH	\$6,944.79	\$13,889.59
Foreman - L2	90.00	HR	\$25.12	\$2,260.73
Laborer - General [4]	90.00	HR	\$16.75	\$6,029.19
Laborer - Skilled [2]	90.00	HR	\$19.54	\$3,516.89
Loader Backhoe-Small	36.00	HR	\$35.35	\$1,272.60
Roller - Small	9.00	HR	\$28.02	\$252.18
Truck-Pickup	18.00	HR	\$31.00	\$558.00
Lumber-Plyform	172.50	SF	\$1.64	\$282.68
Lumber-2"X12"	110.00	LF	\$0.82	\$90.13
Lumber-2"X8"	50.00	LF	\$0.71	\$35.51
<b>D</b> 0480 - Six-Barrel 12'x3'X66' Pre-cast Concrete Box Culvert Cast In Place Wedge Pieces	1.00	LS	\$19,587.53	\$19,587.53
End Cast In Place 12x3 Wedges	12.00	EACH	\$1,632.29	\$19,587.53
Concrete - 4000 Psi	52.80	CY	\$74.29	\$3,922.51
Concrete - Forming Crew (1.50 EACH/DY, 8.00 DY)	12.00	EACH	\$1,018.56	\$12,234.68
Foreman - L2	80.00	HR	\$20.93	\$1,674.68
Laborer - General [3]	80.00	HR	\$16.75	\$4,019.46
Laborer - Skilled [3]	80.00	HR	\$19.54	\$4,689.18

Description	Quantity	UM	Unit Direct Cost	Total Direct Cost
<b>(Item 0490 - Six-Barrel 12'x3'X66' Pre-cast Concrete Box Culvert Cast In Place Wedge Pieces continued)</b>				
 Loader Backhoe-Small	32.00	HR	\$35.35	\$1,131.20
 Roller - Small	8.00	HR	\$28.02	\$224.16
 Truck-Pickup	16.00	HR	\$31.00	\$496.00
 Lumber 2"X4"	264.00	LF	\$0.38	\$100.95
 Lumber-Plyform	1,725.00	SF	\$1.64	\$2,826.84
 Reinforcing Steel - #5 Rebar 1.043 Lb./ft.	920.00	LB	\$0.55	\$502.55

### Direct Cost Totals

	Amount	Percent of Direct Cost
Labor:	\$25,037.15	52.17%
Equipment Owned:	\$12,076.14	25.16%
Equipment Rented:	\$0.00	0.00%
Materials Owned:	\$0.00	0.00%
Materials Purchased:	\$10,878.48	22.87%
Subcontracted:	\$0.00	0.00%
Trucking Owned:	\$0.00	0.00%
Trucking Hired:	\$0.00	0.00%
Miscellaneous:	\$0.00	0.00%
Plug:	\$0.00	0.00%
<b>Direct Cost:</b>	<b>\$47,991.77</b>	

### Pay Item Summary

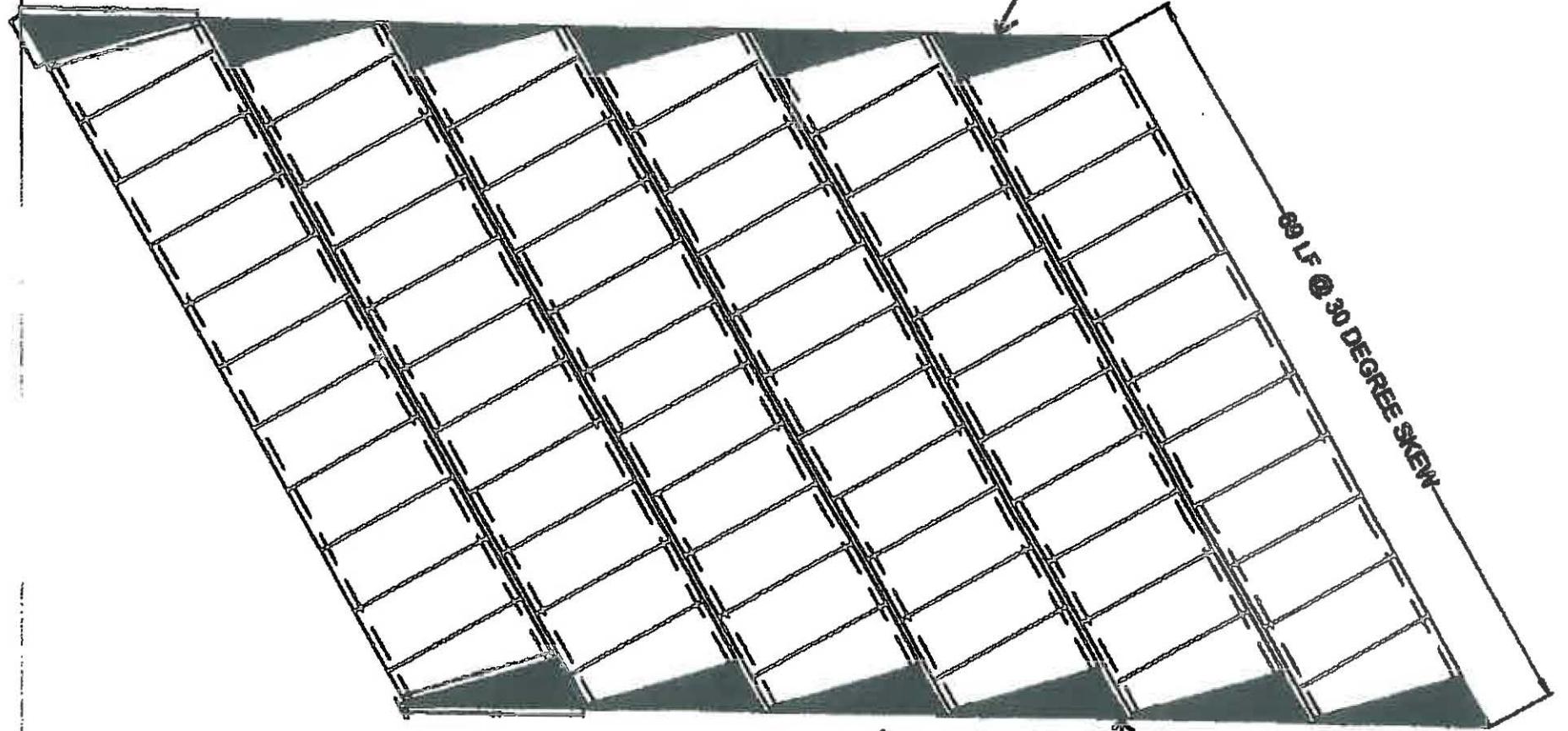
	Amount	Percent of Bid Price
<b>Total Direct Cost:</b>	<b>\$47,991.77</b>	<b>80.24%</b>
Total DC Adds/ Cuts:	\$0.00	0.00%
Total Indirect Cost:	\$0.00	0.00%
Total Bond:	\$1,496.53	2.50%
<b>Total Overall Cost:</b>	<b>\$49,488.29</b>	<b>82.74%</b>
Total Overhead:	\$5,938.60	9.93%
Total Profit:	\$4,385.11	7.33%
Total Margin:	\$10,323.71	17.26%
<b>Total Bid Price:</b>	<b>\$59,812.00</b>	

# HYLTON ROAD

6-Barrel 12x3 RCBC Layout  
9-18-12

Scarlock Industries

\* HEADWALL



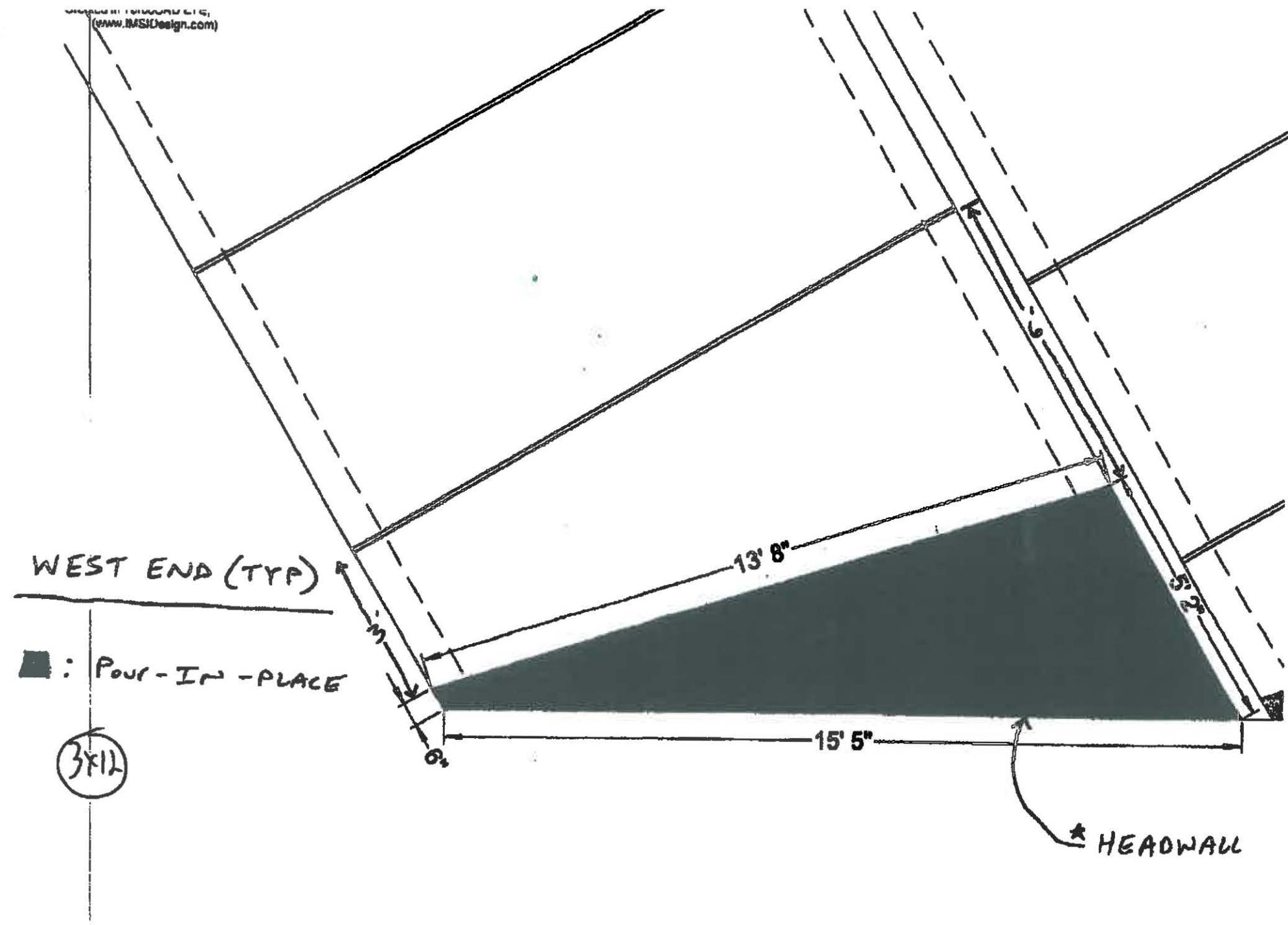
89 LF @ 30 DEGREE SKEW

\* HEADWALL

■ : Pour-in-place

EACH BARREL: (9) 6' Boxes + (2) Skewed Piers  
w/ Exposed Rebar





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

**A RESOLUTION AUTHORIZING CAPITAL  
IMPROVEMENT PROJECT FUNDS FOR THE PURCHASE  
OF VEHICLES FOR THE FIRE DEPARTMENT**

**WHEREAS**, the City has disposed of several old Fire Department vehicles that were requiring considerable maintenance to keep them running, and

**WHEREAS**, the Fire Chief has recommended replacing four of these vehicles, and

**WHEREAS**, this acquisition could be completed this year and the Fire Department using these vehicles to better serve or citizens.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the expenditure of a maximum of \$125,000 of Capital Improvement Project Funds is hereby authorized for the acquisition and equipping of four vehicles for the Fire Department.

**PASSED AND APPROVED** this 9<sup>th</sup> day of October, 2012.

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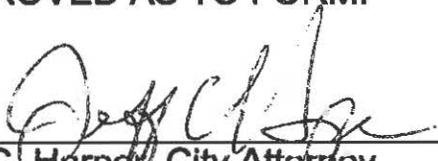
Doug Sprouse, Mayor

ATTEST:

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Denise Pearce, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeff C. Harpel, City Attorney

**Wyman Morgan**

---

**From:** Mike Irwin [mirwin@springdalear.gov]  
**Sent:** Thursday, September 20, 2012 10:39 AM  
**To:** 'Wyman Morgan'  
**Cc:** 'Doug Sprouse'  
**Subject:** Vehicle list requested!  
**Attachments:** 2012 Fleet Vehicle Data.xls

Wyman,

Attached is the list compiled by Assistant Chief McDonald that shows what we currently have, and those that we have retired/ sold. A couple of changes to note is that we no longer have any vehicles that are unassigned. We do have the new Chevy Tahoe in at the top of the list, but that just replaces the old 1999 Tahoe. The 2007 Dodge Pick up is assigned to me, and the 2001 Pick-up is assigned to Ed in prevention as his 1997 Crown Vic died and has been sold. We have gone from a fleet of 14 vehicles to a fleet of now currently 6. We are requesting to move that number back to 10, which will still cut our fleet number by 4 vehicles, which should still show a significant savings overall. The request would be to buy for these 4 vehicles:

3- mid-sized SUV's ( Ford Explorer, Chevy Traverse) 4x4 On state bid for around \$25,000 each. Only Ford Police Interceptor Sport Utility AWD like PD purchase on HGAC bid for around \$25,000 as well!  
1- 1 ton P/U (Dodge, Ford, Chevrolet) 4x4 4-door On state bid run on average around \$27,000.

We would then need to add the emergency lighting, lettering, striping, and equipment which would add around \$ 5,000 ea for a total of an additional \$20,000

I would suggest we buy the 3-Ford Police Interceptor Sport Utility AWD from HGAC and the Pick up on the state bid! Just my two-cents worth

The reasoning behind the mid-sized SUV's is fuel economy. Thank you for entertaining accomplishing this task prior to the start of the 2013 budget, as we truly need to address these issues.

Respectfully,

*Mike Irwin*

Fire Chief  
Springdale Fire Department  
417 Holcomb  
PO Box 1521  
Springdale, Arkansas 72765  
Office 479-751-4510  
Cell 479-799-9091  
[mirwin@springdalear.gov](mailto:mirwin@springdalear.gov)

9/27/2012

YEAR	MAKE	MODEL	MILEAGE	VIN	STATUS	TOTALS	2011 insurance
2012	Chevrolet	Tahoe	0	-	on order		
2008	GMC	2500 4WD	57,423	1GTHK29K58E128245	CAR 6 (On Duty Fire Inspector)	-	\$1,223.24
2008	GMC	1500 4WD	38,616	1GTEK19068E128664	CAR 5 (Battalion Chief (Training Officer) Ron Skelton)	-	\$1,796.80
2007	Dodge	Ram 4WD	29,877	1D7HU18297J583276	CAR 3 (Division Chief (Operations Officer) Jim Vaughan)	-	\$1,742.18
2007	Dodge	Ram 4WD	28,217	1D7HU18277J583275	unassigned (travel and backup fleet vehicle)	-	\$1,223.24
2004	GMC	4WD 1 Ton	12,166	1GTJK33274F222468	USAR 1 (front line unit on loan from Washington County)	-	\$1,256.02
2001	Chevrolet	1500 4WD	77,144	1GCEK19T21E300338	unassigned (travel and backup fleet vehicle)	-	-
1999	Chevrolet	Tahoe	90,983	1GNEK13R1XJ563151	Battalion 1 (On Duty Shift Commander)	-	\$1,649.32
1997	Chevrolet	4WD Pickup	111,530	1GCEK19R5VE245216	unassigned—listed on 11-29-2011, sold 12-9-2011 for \$3,650.00	\$3,600.00	\$2,182.46
1997	Ford	Crown Victoria	57,997	2FALP71W6VX172567	CAR 4 (Battalion Chief (Fire Marshal) Ed Stith)	-	\$3,838.65
1997	Ford	Crown Victoria	93,739	2FALP71W5VX162385	unassigned—listed 11-18-2011, sold 11-28-2011 for \$1,875.00	\$1,875.00	\$2,942.21
1997	Ford	Crown Victoria	87,984	2FALP71W0VX162381	unassigned—listed 11-18-2011, sold 11-28-2011 for \$1,275.00	\$1,275.00	\$3,313.21
1995	Chevrolet	Caprice	99,924	1G1B152P8SR145589	unassigned—list 11-2-2011, sold 11-23-2011 for \$3,065.00	\$3,065.00	\$3,000.00
1994	GMC	4WD Pickup	114,767	2GTEK19ZOR1572887	assigned to Ted Ball	\$2,606.00	\$1,529.14
1990	Chevrolet	1500 4WD	120,023	2GCEK19KXL1256598	unassigned—listed on 11-28-2011, sold 12-8-2011 for \$2,801.00	\$2,801.00	\$2,410.79
1985	Ford	Fire-Cat	89,853	1FDYK80U6FVA20050	listed 11-07-2011, sold 11-28-2011 for \$9,200.00	\$9,200.00	-

**TOTAL \$24,422.00 \$28,107.26**

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

**A RESOLUTION AUTHORIZING AWARD OF THE JOHNSON ROAD DEMOLITION AND ASBESTOS ABATEMENT CONTRACT.**

**WHEREAS**, the Right-of-Way is to be cleared for construction work and utility relocations associated with the Johnson Road Project (CP-0808, AHTD JOB 040272/040619, F.A.P. HPP-STP-9399(14));

**WHEREAS**, there are two properties with structures requiring demolition associated with the above project (Tract 17 – residential structure with outbuildings and Tracts 19/20 – Warehouse structure with concrete loading dock);

**WHEREAS**, the residential structure has various asbestos containing materials which require abatement prior to demolition);

**WHEREAS**, sealed competitive bids for the demolition and asbestos abatement were opened on October 2, 2012 and D & R, LLC. was the low bidder with a lump sum bid of \$82,271.00;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that: the Mayor and City Clerk are hereby authorized execute a construction contract for the Demolition and Asbestos Abatement on the Johnson Road project with D & R, LLC., in the amount of \$82,271.00 with a 10% construction contingency (\$8,271.00). The total project cost shall not exceed \$90,498.10 without Council approval.

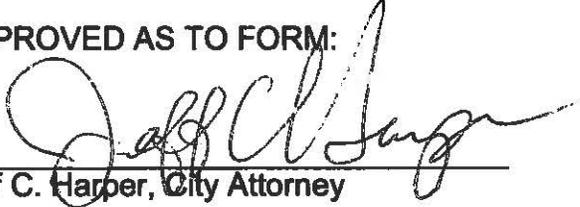
**PASSED AND APPROVED** this \_\_\_\_\_ day of October, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeff C. Harper, City Attorney

CITY OF SPRINGDALE CONTRACT FOR DEMOLITION

Project # Springdale 001  
AHTD Job 040272  
F.A.P. HPP-STP-9399(14)  
Johnson Road Reconstruction  
I-540 to Chapman Avenue  
Washington County  
Tract 17 and Tracts 19/20

THIS AGREEMENT made and entered into this \_\_\_\_ day of October 2012, by and between the City of Springdale and D & R, LLC; I/we, D & R, LLC., in consideration of the lump sum of \$82,271.00, do hereby agree to perform the following demolition work on the above captioned project:

**See attached sheets for sketch and location**

Contract price shall include all insurance, taxes, fees, permits, license, labor, equipment, and material necessary to complete the work. All structures shall be completely removed, including slabs, footings, foundations and basements. Basements shall be backfilled with suitable material and left level with the surrounding area. Water wells shall be closed according to the procedure required by the Arkansas Water well Construction Commission. Septic tanks shall be pumped empty, removed, and void backfilled with suitable material. The contractor shall comply with all local, state, and federal laws associated with this work. Any change in the scope of work must have prior approval by the City of Springdale's Project Manager in order to be eligible for payment.

All work shall be coordinated with the City of Springdale's Project Manager and must be completed within 30 working days. **A copy of the Notice of Intent (NOI) must be sent to the Project Manager so a work order letter may be issued.** The contractor shall contact the City of Springdale's Project Manager (James Breakfield) at (479) 750-8550, at least three (3) days prior to the inception of demolition activities. **Work not completed by this date shall result in the contractor being charged \$120.00 per day until work is completed.**

It is understood that all combustible materials, construction material and all other rubbish, including shrubbery and trees which are cut or uprooted to facilitate operations, will be removed from the premises by the contractor, disposed of in an approved landfill and, in all other respects, the premises will be left in a generally level, safe, and sanitary condition. The contractor shall endeavor to avoid unnecessary damage or destruction of trees, shrubs, and plants on the premises. Those improvements and areas that are not in the construction limits will also need to be left in a condition such that it can be mowed and maintained safely.

**NOTE: CONTRACTOR MUST FILE TEN (10) DAY NOTICE WITH ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ); HOWEVER, BIDS SHOULD INCLUDE REGISTRATION FEE ON EACH PROJECT. Dumping of demolition waste materials shall be at a landfill permitted by the Arkansas Department of Environmental Quality (ADEQ) or at an un-permitted site approved by ADEQ. Contractor must call ONE CALL for location of other utilities at the job site.**

**Contractor shall maintain access to all properties at all times. Specific attention and care shall be taken to maintain the functionality of the Oak Road private drive and provide undisturbed access to 2624 Oak Road during demolition activities associated with Tract 17. Contractor shall take care to not overload the existing wood bridge and will be responsible for any damages that might occur due to mobilization or haul off activities. This bridge is the sole access point for both properties and must remain functional upon completion of the demolition project.**

In the event that utility service lines, meters, etc., are disconnected, destroyed or otherwise impaired in any way by reason of performance of this operation by the contractor, the contractor shall, at his own expense, be responsible for all replacement utility service in lieu of those affected. It is also understood that the contractor will take all reasonable safety precautions to protect surrounding properties and pedestrian traffic and will accept the responsibility of all liabilities thus incurred during these operations.

**Mail Invoices To: City of Springdale - Planning and Community Development Office, 201 Spring Street, Room 214, Springdale, AR 72764, Attn: James Breakfield.**

I/We, D & R, LLC., hereby agree to accept from the City of Springdale the lump sum contract amount as full payment of this contract when all the above listed services have been performed on the subject properties to the satisfaction of the City of Springdale and in compliance with Title VI of the Civil Rights Act of 1964 as set forth in attached Appendix "A" and the provisions of Form FHWA 1273 (Required Contract Provisions Federal-Aid Construction Contracts) which are attached and made a part of this contract.

**CITY OF SPRINGDALE**

**CONTRACTOR**

**Recommended:**

\_\_\_\_\_  
Patsy Christie, Director of Planning

**Approved:**

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

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature & Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
Tax ID or Social Security No

\_\_\_\_\_  
Phone Number & Contact Person

Project # Springdale 001  
AHTD Job 040272  
F.A.P. HPP-STP-9399(14)  
Johnson Road Reconstruction  
I-540 to Chapman Avenue  
Washington County  
Tract 17 and Tracts 19/20

**Bid Requirements**

Bid price shall include all insurance, taxes, permits ADEQ notifications, license, labor, equipment, and material necessary to complete the work. Actual quantity of material to be removed may differ slightly from the estimated amount. Bid price shall reflect actual quantity of material to be removed and bidders are strongly encouraged to inspect the premises prior to bidding to verify the quantity. All asbestos abatement/demolition work must be done according to the method and requirements contained in the "SPECIAL PROVISIONS" and work list which will be attached and made a part of the bid and contract.

Contractor shall comply with all state, local and federal laws associated with this work. All structures must be completely removed, including slabs, footings, foundations, decks, basements, posts, poles, fences and all debris. Determination of the extent of work necessary for complete removal of the structures is strictly the responsibility of the bidder. Basements (**if applicable**) shall be pumped empty, removed, and then backfilled with suitable material. Water wells (**if applicable**) shall be closed according to the procedure required by the Arkansas Water Well Construction Commission. Septic tanks (**if applicable**) shall be pumped empty, removed and then backfilled with suitable material. All demolition locations shall utilize suitable backfill material to leave the area in a safe and level condition. Contractor will be required to comply with the provision of "Appendix A" (Required Contract Provisions Federal-Aid Construction Contracts) that will be attached and made a part of the bid and contract.

It is understood that all combustible materials, construction material and all other rubbish, including shrubbery and tress which are cut or uprooted to facilitate operations, will be cleared from the premises by the contractor and, **in all other respects, the premises will be left in a generally level, safe, and sanitary condition, a condition in which it can be mowed and maintained safely.** The contractor shall endeavor to avoid unnecessary damage or destruction of tress, shrubs, and plants on the premises.

**NOTE: CONTRACTOR MUST FILE TEN (10) DAY NOTICE WITH ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ); HOWEVER, BIDS SHOULD INCLUDE REGISTRATION FEE ON EACH PROJECT. Dumping of demolition waste materials shall be at a landfill permitted by the Arkansas Department of Environmental Quality (ADEQ) or at an un-permitted site approved by ADEQ. Contractor must call ONE CALL for location of other utilities at the job site.**

In the event that utility service lines, meters, etc., are disconnected, destroyed or otherwise impaired in any way by reason of performance of this operation by the contractor, the contractor shall, at his own expense, be responsible for all replacement utility service in lieu of those affected. **Contractor must call ONE CALL for location of other utilities at this job site**

Contractor shall be required to hold a current license issued by the Arkansas Department of Environmental Quality for the removal of asbestos. For demolition, State law requires a contractor's license for jobs over \$20,000.00. Changes in the scope of work must have prior approval by the City of Springdale's Project Manager in order to be eligible for payment.

**Johnson Road Demolition and Asbestos Abatement**  
**City of Springdale - Project #: Springdale 001**  
 Associated with AHTD JOB 040272 - F.A.P. HPP-STP-9399(14)  
 I-540 - Chapman Avenue (Johnson Rd) (Springdale) (S)  
 Washington County

Item Description	Units	Quantity	Nabholz Construction		M&M Excavating		D&R LLC		Precision Demolition		Goolsby Inc		D T Specialized Services		Excavating Services	
			Contractor Unit Price	Total	Contractor Unit Price	Total	Contractor Unit Price	Total	Contractor Unit Price	Total	Contractor Unit Price	Total	Contractor Unit Price	Total	Contractor Unit Price	Total
Abatement of Speckled Floor Tile & Black Mastic (beneath carpet in living room of the residential structure)	SF	480	\$4.50	\$2,160.00	\$13.90625	\$6,675.00	\$1.45	\$696.00	\$13.90	\$6,672.00	\$1.45	\$696.00	\$1.45	\$696.00	\$2,779.156	\$1,334.00
Abatement of Sheet Rock Joint Compound (on ceiling and walls of the residential structure)	SF	1500	\$4.50	\$6,750.00	\$7.2793333	\$10,919.00	\$2.41	\$4,215.00	\$2.87	\$4,305.00	\$2.81	\$4,215.00	\$2.81	\$4,215.00	\$2,628.666	\$4,234.00
Abatement of Brick Colored Linoleum (beneath carpet in bathroom of the residential structure)	SF	70	\$4.50	\$315.00	\$1.30	\$91.00	\$2.90	\$203.00	\$1.00	\$91.00	\$2.90	\$203.00	\$2.90	\$203.00	\$3,914.2857	\$232.00
Demolition of the Single Story Residential Structure ("A")	SF	2528	\$6.00	\$15,168.00	\$1.90	\$4,803.20	\$3.50	\$8,848.00	\$4.50	\$11,376.00	\$5.00	\$12,640.00	\$6.25	\$20,856.00	\$6.00	\$15,168.00
Demolition of the Metal Framed Storage Building ("B")	SF	37	\$26.00	\$962.00	\$1.60	\$70.30	\$5.00	\$186.30	\$12.00	\$444.00	\$150.00	\$5,550.00	\$135.135	\$500.00	\$6.00	\$222.00
Demolition of the Metal Framed Storage Building ("C")	SF	44	\$22.00	\$968.00	\$1.90	\$83.60	\$5.00	\$220.00	\$12.00	\$528.00	\$200.00	\$8,800.00	\$113.636	\$500.00	\$6.00	\$264.00
Demolition of the Brick Pump House ("D")	SF	30	\$125.00	\$3,750.00	\$1.80	\$57.00	\$39.3333	\$1,150.00	\$12.00	\$360.00	\$60.00	\$1,800.00	\$33.3333	\$1,000.00	\$6.00	\$180.00
Demolition of the Wooden Barn ("E")	SF	320	\$4.00	\$1,280.00	\$1.90	\$608.00	\$4.00	\$1,280.00	\$3.55	\$1,136.00	\$3.75	\$1,200.00	\$6.25	\$2,000.00	\$8.00	\$1,920.00
Septic Tank Removal (Residential Structure)	EA	1	\$1,950.00	\$1,950.00	\$432.00	\$432.00	\$500.00	\$500.00	\$1,200.00	\$1,200.00	\$600.00	\$600.00	\$2,000.00	\$2,000.00	\$1,800.00	\$1,800.00
Trench Safety (Residential Structure)	LS	1	\$200.00	\$200.00	\$359.35	\$359.35	\$500.00	\$500.00	\$0.00	\$0.00	\$800.00	\$800.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00
Demolition of the Metal Warehouse Structure ("F")	SF	20700	\$3.00	\$62,100.00	\$1.90	\$39,330.00	\$2.00	\$41,400.00	\$3.00	\$62,100.00	\$2,000.00	\$41,400.00	\$975.00	\$20,250.00	\$3.50	\$72,450.00
Demolition of the Concrete Loading Deck ("G")	SF	1358	\$3.50	\$4,753.00	\$1.90	\$2,580.20	\$3.00	\$4,074.00	\$2.50	\$3,395.00	\$1.65	\$2,240.70	\$5.00	\$6,790.00	\$3.50	\$4,753.00
Septic Tank Removal (Warehouse Structure)	EA	1	\$1,950.00	\$1,950.00	\$432.00	\$432.00	\$500.00	\$500.00	\$1,200.00	\$1,200.00	\$650.00	\$650.00	\$2,000.00	\$2,000.00	\$1,800.00	\$1,800.00
Trench Safety (Warehouse Structure)	LS	1	\$200.00	\$200.00	\$359.35	\$359.35	\$500.00	\$500.00	\$0.00	\$0.00	\$800.00	\$800.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00
				\$129,506.00		\$83,900.00		\$82,271.00		\$119,807.00		\$84,783.00		\$160,959.00		\$138,857.00



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

**AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 317 EAST EMMA AVENUE; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, James D. Cypert and Gayle A. Cypert are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lots Numbered Ten (10) and Eleven (11) in Block Numbered One (1) in Brooks Addition to the City of Springdale, Arkansas, as per plat of said addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Commonly known as 317 East Emma Avenue, Springdale, Washington County, Arkansas  
Tax Parcel No. 815-20754-000

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

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

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

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

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

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

**Section 1.** That the structure located at 317 East Emma Avenue, Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

**Section 2.** That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or

bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

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

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

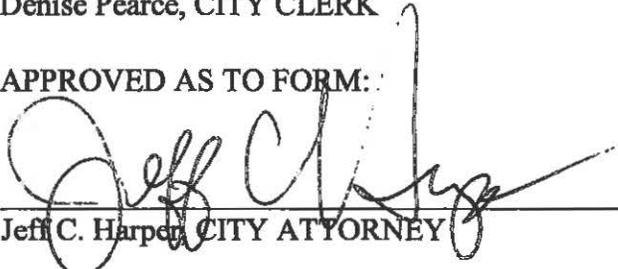
PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

APPROVED AS TO FORM: :

  
\_\_\_\_\_  
Jeff C. Harper, CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

201 NORTH SPRING STREET  
SPRINGDALE, ARKANSAS 72764

PHONE (479) 756-5900

FAX (479) 750-4732

[www.springdalear.gov/cosa](http://www.springdalear.gov/cosa)

JEFF C. HARPER  
CITY ATTORNEY

BROOKE LOCKHART  
DEPUTY CITY ATTORNEY

JONATHAN D. NELSON  
DEPUTY CITY ATTORNEY

TAYLOR SAMPLES  
DEPUTY CITY ATTORNEY

LYNDA BELVEDRESI  
CASE COORDINATOR

STEVE HELMS  
INVESTIGATOR

CINDY HORLICK  
ADMINISTRATIVE ASST.

September 4, 2012

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

James D. & Gaye A. Cypert  
P.O. Box 62  
Springdale, AR 72765-0062

RE: Property located at 317 East Emma Avenue, Springdale, Washington County,  
Arkansas, Tax Parcel No. 815-20754-000

Dear Mr. and Mrs. Cypert:

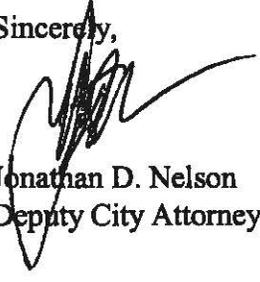
The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 317 East Emma Avenue, Springdale, Arkansas and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 317 East Emma Avenue, Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be considering the enclosed ordinance at a meeting that will take place at 6:00 p.m. on Tuesday, October 9, 2012, in the council chambers located at 201 N. Spring Street, Springdale, Arkansas. I strongly encourage you to attend this meeting.

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

you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know.

Sincerely,



Jonathan D. Nelson  
Deputy City Attorney

enclosure  
JDN:ch

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

SENDER - COMPLETE THIS SECTION

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

1. Article Addressed to:



James D. & Gaye A. Cypert  
 P.O. Box 62  
 Springdale, AR 72765-0062

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
 *James D. Cypert*  Agent  
 Addressee

B. Received by (Printed Name)  
*James D. Cypert*

C. Date of Delivery  
*9-5-12*

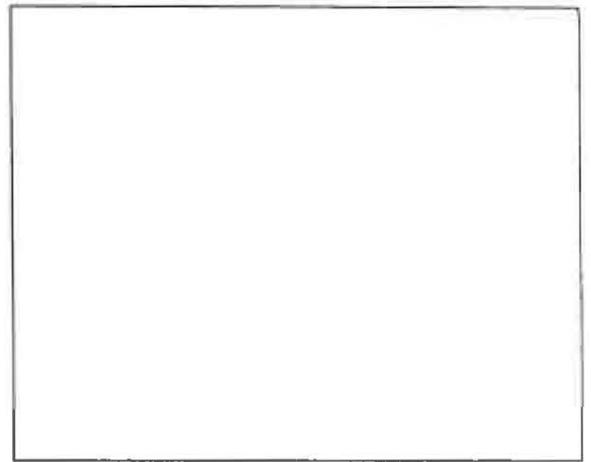
D. Is delivery address different from Item 1?  Yes  
 No

SEP 05 2012

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

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label) **7008 1300 0001 1433 0555**



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

**AN ORDINANCE ACCEPTING THE RE-PLAT OF LOT 14 & 54 IN SHENANDOAH HILLS SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, TO BE KNOWN AS LOTS 14A & 54A IN SHENANDOAH HILLS SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY.**

**BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:**

**WHEREAS**, there has been duly presented to the City Planning Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale, Benton County, Arkansas, being more particularly described as follows, to-wit:

**Legal Description**

*LOT 14 AND 54 OF SHENANDOAH HILLS SUBDIVISION AS FILED IN THE BENTON COUNTY RECORDER'S OFFICE AT PLAT BOOK 2004 AT PAGE 1175.*

**AND WHEREAS**, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said replat of lot 14 & 54 in Shenandoah Hills Subdivision to the City of Springdale, Arkansas to be known as Lots 14A & 54A in Shenandoah Hills Subdivision to the City of Springdale, Arkansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS**, that the RE-PLAT OF LOT 14 & 54 IN SHENANDOAH HILLS SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS TO BE KNOWN AS LOTS 14A & 54A IN SHENANDOAH HILLS SUBDIVISION, TO THE City of Springdale, Arkansas, as shown on the re-plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Benton County, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

**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.

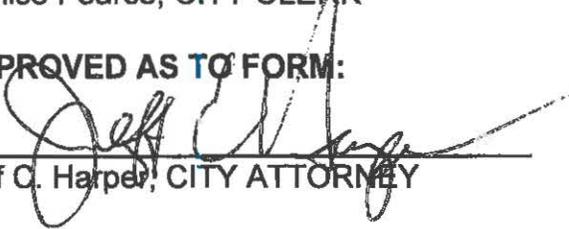
PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

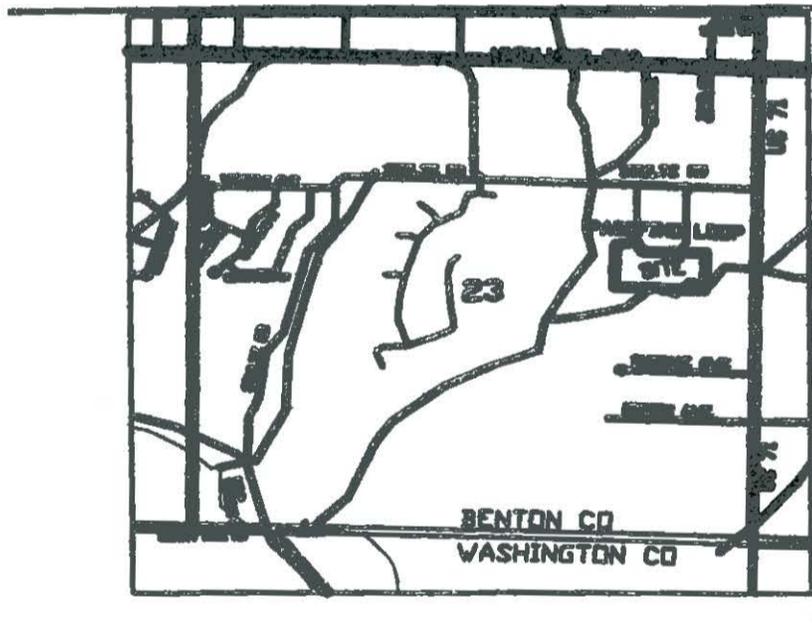
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Jeff C. Harper, CITY ATTORNEY

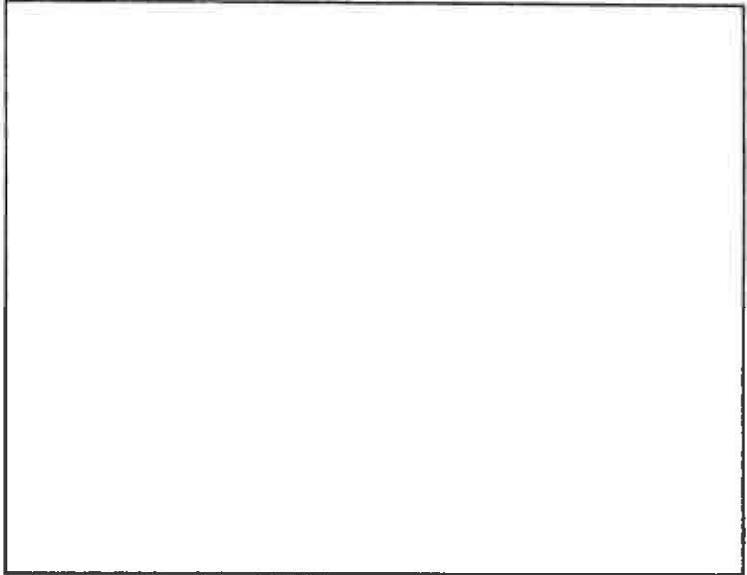
**Replat of Lots 14 & 54**  
**Shenandoah Hills Subdivision**



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

**AN 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 2504 JO AVENUE.**

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



Lot 10, Block 2, Neff Subdivision, Phase V in Section 34, Township 18 North, and Range 30 West in the City of Springdale, Washington County, Arkansas.

LAYMAN'S DESCRIPTION: 2504 Jo Street  
Springdale, Arkansas  
PARCEL NO.: 815-23887-000

**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 on the attached Exhibit 1:**

\$574.25 clean-up costs and \$11.50 administrative costs – 2504 Jo Street

**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 on the attached Exhibit 2;**

**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:**

\$585.75, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 2504 Jo Street, Springdale, Washington County, Arkansas as described above, and collected accordingly;

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

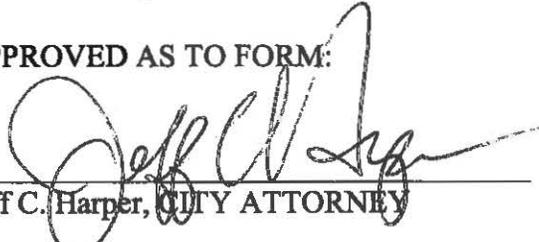
**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeff C. Harper, CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

201 NORTH SPRING STREET  
SPRINGDALE, ARKANSAS 72764

PHONE (479) 756-5900

FAX (479) 750-4732

www.springdalear.gov/cosa

JEFF C. HARPER  
CITY ATTORNEY

BROOKE LOCKHART  
DEPUTY CITY ATTORNEY

JONATHAN D. NELSON  
DEPUTY CITY ATTORNEY

TAYLOR SAMPLES  
DEPUTY CITY ATTORNEY

LYNDA BELVEDRESI  
CASE COORDINATOR

STEVE HELMS  
INVESTIGATOR

CINDY HORLICK  
ADMINISTRATIVE ASST.

August 14, 2012

Madeline Harrell  
c/o John M. Blair, Attorney at Law  
109 N. 34<sup>th</sup> Street  
Rogers, AR 72757  
**HAND DELIVERED**

Chase Home Lending  
800 Brooksedge Blvd.  
Westerville, OH 43081-2822  
**CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED**

Long Beach Mortgage Company  
540 E. Main St.  
Stockton, CA 95202-3030  
**CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED**

RE: Notice of clean-up lien on property located at 2504 Jo Avenue, Springdale,  
Washington County, Arkansas, Tax Parcel No. 815-23887-000

Dear Mrs. Harrell/Lienholder:

On November 3, 2010, June 9, 2011, and October 18, 2011, notice was posted on property located at 2504 Jo Avenue, Springdale, Arkansas, that the property was in violation of Springdale City Ordinances 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner and lienholder of record on November 22, 2010 and June 16, 2011 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; however, the letters were returned undeliverable.

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 January 8, 2011, January 10, 2011, June 30, 2011, August 8, 2011, and October 22, 2011. As of this date, the total costs incurred and paid by the City of Springdale to clean this property are \$574.25. I have enclosed copies of all invoices evidencing the costs incurred and paid by the City of Springdale to clean this property.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before October 2, 2012, 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, October 9, 2012, 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 \$585.75, which includes \$574.25 for cleaning up the property and \$11.50 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,

A handwritten signature in black ink, appearing to read "Jeff C. Harper", written in a cursive style.

Jeff C. Harper  
City Attorney

enclosures

JCH:ch

# Bellis

Bellis Lawn & Gardens  
PO BOX 406  
Fayetteville AR 72702

## Invoice

Due Date	Date	Invoice #
11/2/2011	10/23/2011	90

bellis\_lawns@cox.net

Bill To

Code Enforcement/Springdale AR  
107 Spring St  
Springdale, AR 72762  
Mike S

*LIEN*

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

Balance Due **\$100.00**

Now e-mail address? Enter here:

Bellis Lawn & Gardens

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

PO BOX 406  
Fayetteville AR 72702

P.O. No.	Terms	Project	Rep
	Net 10		

Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service & Trash pick up - 2504 Jo Ave Springdale AR - 2504	1	100.00	10/23/2011	100.00

Transaction # \_\_\_\_\_  
Date \_\_\_\_\_  
Account # 101-0403-423-70-35  
Project # \_\_\_\_\_  
Invoice # 90  
Amount \$ 100.00  
Description 2504 JO Ave  
Lawn Service  
Approved By Manuel Alvarez  
10.25.11

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balance after 45 days. For billing inquiries: 479-791-7607

Total	\$100.00
Payments/Credits	\$0.00
Balance Due	\$100.00

# Bellis Lawn & Gardens

# Bellis

Bellis Lawn & Gardens  
 PO BOX 406  
 FAYETTEVILLE, AR 72702  
 (479)790-7607  
 bellis\_lawns@cox.net

## Invoice

DATE	INVOICE #
08/08/2011	1150
TERMS	DUE DATE
Net 10	08/18/2011

*Existing  
 Report  
 LIEN*

Complete Lawn Care and Restoration

**BILL TO**

Code Enforcement/Springdale AR  
 107 Spring St  
 Springdale, AR 72762  
 Mike S

AMOUNT DUE	ENCLOSED
\$65.00	

Please detach top portion and return with your payment.

Date	Service	Quantity	Rate	Amount
08/08/2011	Lawn Service	1	65.00	65.00
Lawn Service - 2504 Jo Ave Springdale AR -  Transaction # _____ Date _____ Account # <u>101-D403-423. 70-36</u> Project # _____ Invoice # <u>1150</u> Amount <u>\$65.00</u> Description <u>2504 Jo Ave</u> <u>Lawn Service</u> Approved By <u>Maurice Adams</u> <u>B.9. 2011</u>				
<b>TOTAL</b>				<b>65.00</b>



# Bellis Lawn & Gardens

Bellis Lawn & Gardens  
PO BOX 106  
FAYETTEVILLE, AR 72702

(479)790-7607  
bellis\_lawn@gcc.net

*LEIN*

## Invoice

DATE	INVOICE #
06/30/2011	1101
TERMS	DUPLICATE
Net 10	07/10/2011

Complete Lawn Care and Restoration

Bill To Code Enforcement/Springdale, AR 107 Spring St Springdale, AR 72762 Mike S
---

AMOUNT DUE	ENCLOSURE
\$165.00	

Please detach this portion and return with your payment.

Service	Description	Quantity	Rate	Amount
Lawn Service	Lawn Service & Trash clean up - 2504 Jo Ave Springdale AR -	1	165.00	165.00
Transaction # _____ Date _____ Account # <u>101-0403-423.70-35</u> Project # _____ Invoice # <u>1101</u> Amount <u>\$165.00</u> Description <u>2504 Jo Ave.</u> <u>Lawn Service + trash clean up.</u> Approved By <u>Marisol Alvarez</u> <u>7.13.11</u>				
			<b>TOTAL</b>	<b>165.00</b>



Bellis Lawn & Gardens

PO BOX 406

Fayetteville, AR 72702

Ph: 479-790-7607

Email: bellis\_lawns@cox.net

# Invoice

Due Date	Date	Invoice #
1/10/2011	1/10/2011	291

Bill To

Code Enforcement/Springdale

107 Spring Street

Springdale AR 72762

Mike

*LIEN*

Please check box if address is incorrect or has changed, and indicate change(s) on reverse side.

New e-mail address? Enter here: \_\_\_\_\_

**Balance Due >>> \$244.25**

**Bellis Lawn & Gardens**

PO BOX 406

Fayetteville, AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.	Terms	Project	Rep

Item	Description	Qty	Rate	Serviced	Amount
Haul Off	Landfill fee - Tontitown AR -	1	34.25	1/10/2011	34.25
Lawn Care	Haul off - debris, trash, wood, tree debris -	1	150.00		150.00
	Lawn Care - 2604 Jo Ave Springdale AR -	1	60.00	1/8/2011	60.00
	<i>2501 MG</i>				

There will be a \$25.00 charge for all returned checks. All payments due 10 days from invoice date. Payments received after invoice due date are subject to \$10.00 late fee.

<b>Total</b>	<b>\$244.25</b>
<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$244.25</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>	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>Lina Taccaran</i>	
	B. Received by (Printed Name) <i>Lina Taccaran</i>	C. Date of Delivery <i>8/20/12</i>
1. Article Addressed to:   Chase Home Lending 800 Brookside Blvd. Westerville, OH 43081-2822	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)	7008 1300 0001 1433 0449	
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>Shayla Henry</i>	
	B. Received by (Printed Name) <i>Shayla Henry</i>	C. Date of Delivery <i>8/17/12</i>
1. Article Addressed to:   Long Beach Mortgage Company 540 E. Main St. Stockton, CA 95202-3030	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)	7008 1300 0001 1433 0432	
PS Form 3811, February 2004		Domestic Return Receipt
		102595-02-M-1540



**Cindy Horlick**

**From:** Jeff Harper [jharper@springdalear.gov]  
**Sent:** Wednesday, August 15, 2012 2:59 PM  
**To:** 'Cindy Horlick'  
**Subject:** FW: Harrell, Madline 2504 Jo Avenue property

**From:** Karen Blair [mailto:karen@blairbradyhenson.com]  
**Sent:** Wednesday, August 15, 2012 1:42 PM  
**To:** jharper@springdalear.gov  
**Subject:** Harrell, Madline 2504 Jo Avenue property

Mr. Harper:  
John Blair has instructed me to send this email in response to your phone conversations and letter dated August 14, 2012. He represents Madeline Harrell in the matter of code enforcement noncompliance. John Blair is in agreement that a lien should be placed on the property located at 2504 Jo Avenue, Springdale, Arkansas.

Thank you for your attention to this matter.

Very truly yours,

John M. Blair  
by Karen Blair

BLAIR, BRADY & HENSON  
John Blair, Don Brady & Emily Henson  
Attorneys At Law

PO Box 1715  
09 N. 34th Street  
ogers, AR 72757  
79 631-0100  
fax: 479- 631-8052

/15/2012

**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 2013 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2012 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 2012 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.

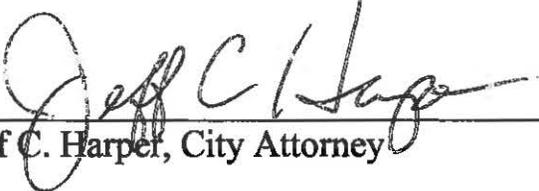
**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Jeff C. Harper, 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 2013 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2012 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 2012 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 Benton County Tax Collector's office and for those residents of Springdale, Arkansas, shall be billed and collected by the City Clerk's office for the City of Springdale, Arkansas.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeff C. Harper, City Attorney

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

**A RESOLUTION AUTHORIZING THE  
EXECUTION OF A GENERATOR  
MAINTENANCE AGREEMENT WITH  
UNITED ENGINES, LLC**

**WHEREAS**, the City of Springdale currently has ten (10) different facilities with backup electric generators that require maintenance; and

**WHEREAS**, the successful operation of these generators during a power outage is critical; and

**WHEREAS**, having all of the generators on one contract improves performance and reduces the over all costs;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Mayor is hereby authorized to execute an inspection, maintenance and repair agreement for emergency standby equipment for the annual amount of \$10,383.72

**PASSED AND APPROVED** this 9<sup>th</sup> day of October, 2012.

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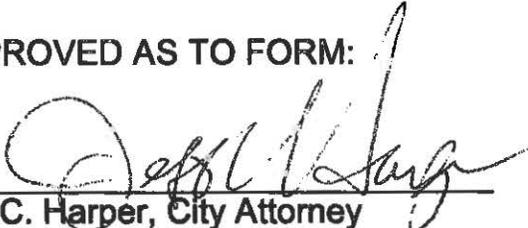
Doug Sprouse, Mayor

ATTEST:

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Denise Pearce, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeff C. Harper, City Attorney



**ENGINE INSPECTION, MAINTENANCE, AND REPAIR AGREEMENT  
EMERGENCY STANDBY EQUIPMENT**

United Engines, LLC. (Referred to as "U.E.") Agrees to provide City of Springdale referred to as "Customer"), and Customer agrees to accept and pay for the parts and services for the inspection and maintenance of the equipment listed in Exhibit A (referred to as "equipment") in accordance with the following terms and conditions:

- 1. Inspection and Maintenance.** For a fixed Annual fee of \$10,383.72 U.E. shall inspect all of the Equipment 2 times per year on a prearranged schedule. This fixed fee will cover all labor, transportation, and parts listed in Exhibit B. However, if parts and supplies are needed to repair damage caused by abuse, theft, improper operation, acts of third parties, force of nature or alterations of the Equipment, Customer shall pay for repairs in accordance with paragraph 2. U.E. will run the Equipment unloaded, and at customer's request and in his presence will transfer load to generator set and make adjustments if needed.
- 2. Repair.** If, during any of the inspections referred to above, U.E. determines that repairs other than the work listed in Exhibit B are necessary on the Equipment, U.E. shall notify Customer. If Customer authorizes these repairs, Customer agrees to accept and pay for the repairs at U.E. then current rates for parts, labor and travel expenses for U.E. locations to Customer's job site and return.

For Industrial Customers under Contract the following discounts will apply for any additional repairs requested or any unscheduled service calls:

- 50% mileage discount, and 20% discount on labor at applicable schedule rate.
- Current labor rate is \$ 112.00 per hour.

- 3. Payments.** All payments terms are: Net 30 days with approved credit.
- 4. Warranty.** U.E. agrees to perform the work referred to in Paragraphs 1 and 2 in a workman like manner. U.E. MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. ANY LIABILITY OF U.E. ARISING OUT OF SERVICES PERFORMED OR PRODUCTS SOLD UNDER THIS AGREEMENT SHALL BE LIMITED TO THE AMOUNTS PAID BY CUSTOMER TO U.E. IN NO EVENT SHALL U.E. BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES.
- 5. Reports.** After inspection and maintenance, U.E. shall report to Customer its findings in substantially the same form as Exhibit B. However, U.E. shall have no liability for any repairs, findings or recommendations made or for any failure to perform recommend repairs to the Equipment.
- 6. Terms.** This agreement shall commence on the date listed below and shall remain in effect for the one year period. Upon expiration of the contract period the lease will automatically renew for an additional one year period with price adjustments not to exceed 6% per year until the customer or U.E gives 30 day notice prior to the next scheduled service date. Both Customer and U.E. agree that this is the only agreement on the subject and that it shall be construed, if necessary, in accordance with laws of the State of Oklahoma.

CUSTOMER NAME: City of Springdale

DATE:

BY: \_\_\_\_\_

BY: Greg Esau / Troy Moss 918-557-4117  
UNITED ENGINES, LLC.

DATE: 10/02/12

Oklahoma City, Oklahoma • Tulsa, Oklahoma • Little Rock, Arkansas • Shreveport, Louisiana  
(405) 947-3321 (918) 627-8080 (501) 562-5565 (318) 635-8022



Dated: 10/02/12

Exhibit A

### Maintenance Costs

Site	KW	Serial Number	Cost per Unit	Tax	Total
Station 1	85	2046099	1015.00	93.89	1,108.89
Station 2	15	2032416	865.00	80.13	945.13
Station 3	15	2032414	865.00	80.13	945.13
Station 4	15	2032515	865.00	80.13	945.13
Station 5	15	2015373	865.00	80.13	945.13
Station 6	25	2040741	865.00	80.13	945.13
Arvest Ball Park	200		1166.00	107.86	1,273.86
Police Department	200		1166.00	107.86	1,273.86
Senior Center	60		916.00	84.73	1,000.73
John Powell Center	50		916.00	84.73	1,000.73

QTY	*Service Options	Rates
1	Annual Full Service	\$ 9504.00
1	Semi-Annual Inspection	Included
1	2 Hour Load Bank	Included
Total of requested service		\$ 9504.00
Sales tax		\$ 879.72
Total		\$ 10,383.72

**\*Please provide contact information**

**Physical Address:** 201 Springdale

**City, State, ZIP:** Springdale, AR 72764

**Billing Address:**

**City, State, ZIP:**

**Contact Name:** Kevin McDonald / Springdale Fire Department 479-200-5135

Mike Janda / City of Springdale 479-841-1717

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Oklahoma City, Oklahoma • Tulsa, Oklahoma • Little Rock, Arkansas • Shreveport, Louisiana  
 (405) 947-3321      (918) 627-8080      (501) 562-5565      (318) 635-8022



Dated: 10/02/2012

**Exhibit B**

The following services shall be performed on the Equipment:

	Annually	Bi-Annually	Quarterly	Monthly
Change Oil	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Change Oil Filters	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Change Water Filters	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Change Fuel Filters	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Change Air Filters	<u>Note</u>	<u>Note</u>	<u>Note</u>	<u>Note</u>
Check Air Filters and Indicators	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check Antifreeze and Inhibitor Levels	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check Antifreeze and Nalcool	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check Cooling System Vents for Plugging	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check Battery and Connections	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check Operations of Battery Charger	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check and Adjust Belts	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Replace Belts as Needed	<u>Note</u>	<u>Note</u>	<u>Note</u>	<u>Note</u>
Check Hose Connections and Condition	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Replace Fuel Hoses as Needed	<u>Note</u>	<u>Note</u>	<u>Note</u>	<u>Note</u>
Check Coolant Heater for Proper Operation	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check all Safety and Alarm Signals	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Overcrank Overspeed	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
High Temperature	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Low Oil	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Low Temperature	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Low Fuel	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Others:	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check and Grease Generator and Engine				
Fan Hub Bearings	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Inspect Air Intake and Exhaust Systems	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Check Fuel Systems	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Start, Run and Test Unit	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Transfer Test	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Test fuel condition and add stabilizers	<u>Note</u>	<u>Note</u>	<u>Note</u>	<u>Note</u>
Load bank testing	<u>Note</u>	<u>Note</u>	<u>Note</u>	<u>Note</u>

NOTE: Items not included in the maintenance agreement unless covered under standard or extended warranty coverage. This work will be performed and invoiced separately -- Upon customer approval.

Oklahoma City, Oklahoma • Tulsa, Oklahoma • Little Rock, Arkansas • Shreveport, Louisiana  
 (405) 947-3321                      (918) 627-8080                      (501) 562-5565                      (318) 635-8022