

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

- Tuesday, February 26th, 5:00 p.m. Street & CIP Committee meeting, followed immediately by Police & Fire and Health, Sanitation & Property Maintenance Committee meetings.
 - CIP Committee Mtg. is concerning Agenda Items #9 A & B and the Discussion of possible purchase of property on Park Street (Mayor handed out this info at the last meeting);
 - Police & Fire Mtg. is concerning Agenda Item # 10;
 - Health, Sanitation Mtg is concerning Agenda Item #8.
- Monday, March 4th, 5:30 p.m. is the next Committee meetings.
- Committee agendas will be available on Friday, March 1st, 2013.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 26TH, 2013

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Mayor Doug Sprouse

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. Reports
 - a) Building Inspection Activity Report for May. **Pg's 3-5**
6. Approval of Minutes
 - a) February 12th, 2013 **Pg's 6-23**
7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....8; 11; 12 A&B; 16.* (Motion must be approved by two-thirds (2/3) of the council members).
8. Tabled from February 12th meeting:

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

An Ordinance ordering the razing (demolition) and removal of a certain commercial structure within the City of Springdale, Arkansas, located at 317 East Emma Avenue; to declare an emergency and for other purposes. **Pg's 24-28**

9. Street & CIP Committee Report & Recommendations by Chairman Rick Evans:
 - A. **A Resolution** expressing the willingness of the City of Springdale to partner with the Arkansas Highway and Transportation Department to widen the Elm Springs Road Bridge over Interstate 540. **Pg's 29-30**
 - B. **A Resolution** authorizing the Mayor and City Clerk to add Title II Construction Phase Services to the agreement with Garver, LLC, for Construction Phase Services for the Don Tyson Parkway Interchange-AHTD Job No., 040527, Springdale Job No. CP0802. **Pg's 31-38**
10. Police & Fire Committee Report and Recommendations by Chairman Eric Ford:

A Resolution authorizing the Mayor to execute an Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services in Washington County, presented by Mike Irwin, Fire Chief and Ernest Cate, City Attorney. **Pg's 39-58**
11. Add Emergency Clause to Ordinance No. 4668, passed & approved 2-12-2013.

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 3736 Crosscreek Avenue, 1701 Green Acres Road, and 143 Rogers Circle. **Pg's 59-61**
12. Planning Commission Recommendations by Patsy Christie, Planning Director.
 - A. **An Ordinance** amending Article 6, Sec. 2.14 of the Zoning Ordinance of the City of Springdale, Arkansas, to better define the Rules and Regulations for Garage Sales within the City of Springdale, Arkansas; to declare an emergency and for other purpose. **Pg. 62**
 - B. **An Ordinance** amending Article 4, Section 4 of the Zoning Ordinance of the City of Springdale, Arkansas, declaring an emergency; and for other purposes. **Pg's 63-65**
13. **A Resolution** authorizing an In-kind contribution of labor and equipment for the construction of a parking area, presented by Alan Pugh, Chief Engineering Coordinator. **Pg. 66**
14. **A Resolution** expressing the willingness of the City of Springdale to utilize Federal-Aid Transportation, Community and System Preservation (TCSP) Funds for the Sanders Avenue Trailhead on the Razorback Greenway, presented by Patsy Christie, Planning Director. **Pg's 67-69**
15. **A Resolution** authorizing the City Attorney to settle a Condemnation Lawsuit wherein Suzanne Henson and S-Jam4k L.L.C. are defendants, presented by Ernest Cate, City Attorney. **Pg's 70-72**
16. **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 1305 Greenbriar Street and 1106 West End Street, presented by Mike Chamlee, Chief Buildings Official. **Pg's 73-83**
17. Comments from Department Heads.
18. Comments from Council Members.
19. Comments from City Attorney.
20. **State of the City Address by Mayor Sprouse.**
21. Adjournment.

City of Springdale's
Mayor Doug Sprouse and City Council Report
 Month of January, 2013

	Total Complaints	Working Complaints	Archived Complaints	Complaints (No Violation)	New Cases	Completed Cases	Complaint Based Cases	Inspector Based Cases	Initial Inspections	Reinspections	Total Inspections	Citations	Court	Closed - No Violations	Voluntary Compliance	City Abatements
Business Licenses																
Business License	1	0	1	0	1	5	1	2	8	15	23	1	0	0	4	0
Environment																
Dead Tree	0	0	0	0	0	4	0	0	7	9	16	0	0	0	3	1
Fences	0	0	0	0	0	1	0	1	1	1	2	0	0	0	1	0
Graffiti	0	0	0	0	1	0	0	1	1	3	4	0	0	0	0	0
Inoperative Motor Vehicles	2	2	0	0	5	23	2	26	31	34	65	0	0	0	23	1
Junk and Trash	19	8	11	0	99	175	19	270	280	301	581	0	0	2	172	0
Refrigerators / Freezer	0	0	0	0	1	5	0	6	6	9	15	0	0	0	5	0
Stagnant Water	2	1	1	0	1	2	2	0	3	2	5	0	0	1	1	0
Tall Grass and Weeds	0	0	0	0	2	10	0	4	11	29	40	0	0	0	8	1
Tree Debris	1	0	1	0	37	28	1	66	66	66	132	0	0	0	28	1
Home Office Inspection																
Home Office	7	1	6	0	1	6	7	1	0	0	0	0	0	4	2	0
Property Maintenance																
Fences	2	1	1	0	2	1	2	1	3	0	3	0	0	0	1	0
General Residence Maintenance	5	0	5	0	5	13	5	6	25	41	66	0	0	4	9	0
Over Occupancy	1	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0
Pest Infestation	1	0	1	0	0	4	1	0	4	4	8	0	0	1	3	0

Signs

Illegal Signs	1	0	1	0	2	7	1	5	9	9	18	0	0	1	6	0
Off Premise Signs	0	0	0	0	0	1	0	1	1	1	2	0	0	0	1	0
Sign Permit Required	0	0	0	0	7	38	0	45	47	54	101	0	0	0	37	1

Solid Waste

Trash Can Left at Curb	1	0	1	0	2	2	1	7	4	2	6	0	0	0	2	0
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Streets, sidewalks & public places

Address Numbers	0	0	0	0	7	6	0	13	13	10	23	0	0	0	5	0
Obstruction on Roadway	0	0	0	0	1	0	0	1	1	1	2	0	0	0	0	0
Obstruction on Sidewalk	0	0	0	0	0	1	0	1	1	1	2	0	0	0	1	0

Traffic & Vehicles

Parking & driving on sidewalk	0	0	0	0	1	0	0	1	1	0	1	0	0	0	0	0
Parking And Storage Certain Vehicles	2	0	2	0	3	9	2	10	12	13	25	0	0	1	8	0
Parking in the yard.	7	1	6	0	9	57	7	59	65	53	118	0	0	5	50	0
Residing in RV or Trailer	1	0	1	0	0	1	1	0	1	1	2	0	0	0	1	0

Vacant Building

Vacant Building	0	0	0	0	1	8	0	9	9	0	9	0	0	8	0	0
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Zoning

Accessory Structures	0	0	0	0	1	0	0	1	2	4	6	0	0	0	0	0
Building Permits Required	2	0	2	0	4	3	2	5	6	4	10	0	0	0	3	0
Business in Residential	3	1	2	0	1	2	3	0	3	7	10	1	0	1	1	0
Fence Requirements	1	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0
Home Office	1	0	1	0	0	1	1	0	1	0	1	0	0	0	0	0
Miscellaneous Zoning Violations	3	1	2	0	1	2	3	0	3	6	9	0	0	0	2	0
Parking-Auto Sales/Services	1	0	1	0	0	5	1	3	5	4	9	0	0	1	3	0

Totals	64	16	48	0	195	422	64	545	630	684	1314	2	0	29	380	5
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SPRINGDALE CITY COUNCIL
FEBRUARY 12, 2013

The City Council of the City of Springdale met in regular session on February 12, 2013, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

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

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Patsy Christie	Planning & Comm. Dev. Director
Ron Hritz	Police Captain
Mike Irwin	Fire Chief
Rick McWhorter	Parks & Recreation Director
Mike Chamlee	Chief Building Inspector
Loyd Price	Human Resource Director
Sam Goade	Public Works Director

RECOGNITION OF BATTALION CHIEF QUINN ROBERTS

Mayor Sprouse recognized Fire Department Battalion Chief Quinn Roberts who is retiring from the City of Springdale after 38+ years of service.

OVERLAY DISTRICT UPDATE

Gerald Luke, Hodges & Associates Architects, addressed the City Council regarding the proposed overlay district around the Don Tyson Road Interchange in the southwest district of Springdale for approximately 1,800 acres. He explained how the Master Plan is created. It includes: access street plan/transportation system; drainage concept plan; utility concept plan; signage plan; green space/landscape plan; lighting plan and architectural guidelines. The goal for bringing the proposed overlay district forward is July-September 2013.

The impact of the district from a positive side is going to upgrade to the existing city ordinances and it will raise the bar for the development from within and it will set standards for some of the items that are not controlled in the city regulations.

When asked about the Love's Travel Center going in this area, Mr. Luke said what they see in a development like this is that a truck stop facility for this type development is really not appropriate. You are talking about a gateway to Springdale with several different components. In the area around the ballpark, we are trying to build on that momentum that is set up today for in the ballpark and create this cultural entertainment area around that and for a development like that a truck stop type development would really have a negative impact on that area.

Alderman Overton asked Mr. Luke what type of development is he recommending.

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Mr. Luke said there are no projects being developed by them at this time. He did not know about any of the other landowners.

Jerry Horton questioned why Love's would devalue the land value. He told about other Loves travel centers and the big businesses located next to them in other areas.

Mr. Luke said obviously this is a question that needs some study and needs to be looked at but in his opinion one of the big issues is the truck traffic and how it will work through this development.

CITIZEN COMMENTS

Janie Bibb asked that the Public Works Department look at repairing big bumps in the street at the intersection of Lawrence and West End Street.

APPROVAL OF MINUTES

Alderman Reed moved the minutes of the January 22, 2013 City Council meeting be approved as presented. Alderman Jaycox made the second.

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

REPORT ON ECONOMIC DEVELOPMENT

Perry Webb, President of the Springdale Chamber of Commerce, gave a report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

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

No: None

AMENDMENT TO AGENDA

Alderman Overton made the motion to move item 23 up on the agenda to be item 9C on the agenda. Alderman Reed made the second.

The vote:

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

No: None

RESOLUTION EXPRESSING THE SUPPORT OF THE CITY OF SPRINGDALE, ARKANSAS, TO A NEW LOVE'S TRAVEL CENTER LOCATING WITHIN THE CITY OF SPRINGDALE, ARKANSAS

Alderman Bruns made the motion to table this issue until the overlay district is completed, on the basis that what we heard today, there is a possibility of having a round-about at the intersection of 56th Street and Don Tyson Parkway which could at some point drastically affect the property that is in question. Alderman Jaycox made the second.

Alderman Overton said this Resolution is strictly whether or not the City wants to support a business or not.

Alderman Jaycox said this council supports economic development but the project needs to go through the planning process and then ultimately to the council for public comment and review.

Several people in the audience spoke regarding the proposed Love's Travel Center and the proposed overlay district.

(Alderman Jaycox left at this time.)

After considerable discussion, the vote was taken on the motion to table the Resolution:

Yes: Ford, Bruns, Watson

No: Overton, Reed

Motion denied.

Alderman Overton read the title of the Resolution expressing support of the City of Springdale to a new Love's Travel Center locating within the City of Springdale.

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

The vote:

Yes: Ford, Reed, Overton

No: Bruns, Watson

Motion failed. Resolution did not pass.

PROPOSED ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A COMMERCIAL STRUCTURE LOCATED AT 317 EAST EMMA AVENUE

On October 9, 2012, a proposed ordinance came before the Health and Sanitation Committee regarding the demolition of a commercial structure located at 317 East Emma Avenue. The property owner, James Cypert, came before the committee indicating that he is working diligently trying to come up with a contractor to make repairs and bring the building back into compliance. The ordinance was tabled at that time.

On November 27, 2012 the Health and Sanitation Committee met again and decided to allow the owner until the January 8, 2013 City Council meeting to come back to council with his proposal in bringing the building up to code. The proposed ordinance was inadvertently left off the January 8th agenda and was presented at the January 22, 2013 meeting.

On January 22, 2013, James Cypert addressed the council regarding his issue about bringing the building up to code. He stated he is close to getting a contract signed to repair the outside of the building for \$20,000 plus that will satisfy code requirements. His objective is if he can get the city's approval for the outside repairs then he can wait to repair the inside of the building when a use for a business is presented. The building is on the National Historic Registry which requires certain improvements. After discussion, Council voted to meet with Mr. Cypert at a Health and Sanitation Committee meeting at 5:00 p.m. before the February 12th City Council meeting to discuss this ordinance.

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Alderman Watson reported the Health and Sanitation Committee met earlier tonight but Mr. Cypert was not present. The Committee agreed to forward the ordinance to City Council with a recommendation for approval.

Alderman Watson read the title of the Ordinance.

Alderman Reed moved the Ordinance "Do Pass". Alderman Bruns made the second.

Mr. Cypert apologized for not being at the Health and Sanitation Committee meeting held earlier tonight. He misunderstood when he was supposed to be there.

Mr. Cypert explained what his ideas are for repairing the building. He did not have a signed contract. He said he would like to see the study for restoration of downtown by the Alliance Committee and Revitalization Committee before a decision is made so he can see what their plans are for downtown.

Mr. Cypert still thinks he can get the outside repaired for approximately \$28,000. He said he is not going to spend over \$30,000. If the cost is over that, then the city can tear it down.

Alderman Bruns asked Mr. Cypert to at least clean up around the building. There are shingles laying around the building and brush growing up everywhere.

Mr. Cypert said he will clean it up within 10 days.

Alderman Reed asked Mr. Cypert how much longer he needs to get a contract.

Mr. Cypert said he could report back in two weeks with a contract.

The vote on passage of the Ordinance:

Yes: Reed, Watson

No: Bruns, Overton, Ford

The Ordinance was denied.

Alderman Ford made the motion to reconsider the Ordinance. Alderman Reed made the second.

The vote:

Yes: Bruns, Watson, Ford, Reed

No: Overton

Mayor Sprouse voted yes. The Ordinance will be reconsidered.

Alderman Ford made the motion to table this Ordinance for two weeks. Alderman Bruns made the second.

The vote:

Yes: Watson, Ford, Reed, Bruns

No: Overton

Mayor Sprouse voted yes.

The ordinance will be brought before the Health and Sanitation Committee at 5:30 p.m. before the February 26, 2013 City Council meeting for discussion.

ORDINANCE NO. 4666 – ACCEPTING THE AMENDED PLAT OF PHASE II OF SPRING HILL SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS

Patsy Christie presented an Ordinance accepting the amended plat of Phase II of Spring Hill Subdivision to the City of Springdale, Arkansas.

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

The vote:

Yes: Overton, Ford, Reed, Bruns, Watson

No: None

The Ordinance was numbered 4666.

ORDINANCE NO. 4667 – AMENDING SECTION 46-2 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS (OPEN BURNING WITHIN CITY LIMITS)

Fire Chief Mike Irwin presented an Ordinance amending Section 46-2 of the Code of Ordinances of the City of Springdale, Arkansas, regarding open burning within the city limits.

The Fire Department has developed a method where open burning can be better monitored and controlled. Proposed is a burn permit which can be obtained at Fire Station 1, Monday through Friday, between the hours of 7:30 a.m. and 5:30 p.m. Large burns may be subject to a site inspection by the Fire Marshal’s Office. They were proposing to charge \$10.00 for each permit but it was left off the proposed ordinance.

Chief Irwin explained there are a lot of illegal burns that go on because they are burning stuff that has not been approved for burning. They are proposing to give them a list with requirements on what they can burn and what they can’t burn. Through the permitting process fire inspectors might be required to go to the burn. This is the purpose for the fee.

Alderman Reed said he does not like the fact that the city will charge a \$10.00 permit fee. There is a lot of the city zoned agricultural and a lot of burning going on. He is against a \$10.00 fee. Sometimes they might buy the permit and then the weather is not conducive to burning so the fee would go to waste. He does not feel like this fee will stop illegal burns.

After discussion, Alderman Overton made the motion to add a \$10.00 permit fee to the Ordinance. Alderman Bruns made the second.

The vote:

Yes: Ford, Bruns, Overton

No: Reed, Watson

Motion failed on adding a \$10.00 permit fee.

Alderman Watson moved the Ordinance "Do Pass" as presented with no fee. Alderman Ford made the second.

The vote:

Yes: Bruns, Watson, Overton, Ford

No: Reed

Mayor Sprouse voted yes. The Ordinance was numbered 4667.

RESOLUTION NO. 24-13 – AUTHORIZING CAPITAL IMPROVEMENT PROJECT FUNDS FOR RECONSTRUCTION AND PAVING OF RECENTLY ANNEXED ROADS

Alderman Bruns presented a Resolution authorizing Capital Improvement Project Funds for reconstruction and paving of recently annexed roads.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CAPITAL IMPROVEMENT PROJECT FUNDS FOR RECONSTRUCTION AND PAVING OF RECENTLY ANNEXED ROADS

WHEREAS, there are 19 roadway segments in need of improvements of which 16 were annexed into Springdale in 2011, and

WHEREAS, the 2013 budget does not include funds for these roadway improvements, and

WHEREAS, the fund balance at December 31, 2012 is needed to provide funding during the construction season when it drops by more than \$200,000;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the expenditure from Capital Improvement Project Funds of up to \$1,539,858 for reconstruction and paving of 19 roadway segments is hereby approved.

PASSED AND APPROVED this ____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Reed

No: None

The Resolution was numbered 24-13.

RESOLUTION NO. 25-13 – AUTHORIZING THE EXECUTION OF ENGINEERING DESIGN CONTRACTS FOR THREE PROJECTS IN THE 2012 FIRE DEPARTMENT BOND IMPROVEMENT PROGRAM

Alderman Ford presented a Resolution authorizing the execution of engineering design contracts for relocation of Fire Station #2, Relocation of Fire Station #3 and the new Fire Station #7 to be paid out of the 2012 Fire Department Bond Improvement Program.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF ENGINEERING DESIGN CONTRACTS FOR THREE PROJECTS IN THE 2012 FIRE DEPARTMENT BOND IMPROVEMENT PROGRAM

WHEREAS, the City of Springdale approved a bond measure in August of 2012 to provide 9 million dollars for the purpose of fire department improvements, and

WHEREAS, under this bond measure the City of Springdale is planning fire department improvement projects as listed below, and

WHEREAS, using the procurement procedures required by State Law, the program management team made recommendations and the CIP Committee has selected the architectural/engineering firms for each project as listed below;

Project	Engineering Firm	Design Service Fee
Relocation of Fire Station #2	Engineering Services, Inc.	\$72,000
Relocation of Fire Station #3	Engineering Services, Inc.	\$92,000
Fire Station #7	Engineering Services, Inc.	\$65,000

WHEREAS, in addition to the service fees listed above, allowances are in the contract for reimbursable expenses and additional services should they become necessary and these expenses shall not exceed \$15,000 for each contract (does not include geotechnical services which are to be negotiated as separate subcontracts and subject to full reimbursement);

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

The Mayor and City Clerk are hereby authorized to execute engineering design contracts with the above listed engineering firms in amounts not to exceed the maximum fees listed.

PASSED AND APPROVED this _____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Reed

No: None

The Resolution was numbered 25-13.

RESOLUTION NO. 26-13 – AUTHORIZING A POLICY CHANGE IN YOUTH CENTER MEMBERSHIP FEES

Alderman Bruns presented a Resolution authorizing a policy change in Youth Center membership fees to provide that all memberships expire 12 months after purchase and that no fee be charged for anyone who is 80 or older.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A POLICY CHANGE IN YOUTH CENTER MEMBERSHIP FEES

WHEREAS, the current Youth Center membership fees and policy was established by the City Council on October 13, 1998, and

WHEREAS, the current policy requires all memberships to expire at the end of the calendar year and fees for memberships purchased during the year have to be prorated, and

WHEREAS, the Parks Director would like to change the policy to provide that all memberships expire 12 months after purchase and that no fee be charged for anyone who is 80 or older;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the policy regarding memberships for the Youth Center is hereby changed to authorize all memberships to expire 12 months after purchase and that no fee be charged for anyone 80 years old or older.

PASSED AND APPROVED this ____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Reed

No: None

The Resolution was numbered 26-13.

RESOLUTION NO. 27-13 – AMENDING THE 2013 BUDGET OF THE CITY ATTORNEY’S OFFICE

Alderman Bruns presented a Resolution amending the 2013 Budget of the City Attorney’s Office to change a part-time position to a full-time position.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2013 BUDGET OF THE CITY ATTORNEY’S OFFICE

WHEREAS, the City Attorney’s Office is currently authorized 9 full time positions and 1 part-time position, and

WHEREAS, there has only been one change in the staffing level of this office since 1998 which was the addition of 1 deputy city attorney in 2006, and

WHEREAS, the City Attorney has requested that the one part time position be changed to a full-time position effective March 1, 2013 at a pay grade of 12, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2013 budget of the City Attorney’s Office hereby amended as follows and the part-time position is changed to a full time position at a pay grade of 12:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
City Attorney	10101024123001	Regular Salaries	504,320	4,860		509,180
City Attorney	10101024123501	FICA/Medicare	39,880	370		40,250
City Attorney	10101024123502	Insurance	46,650	7,530		54,180
City Attorney	10101024123503	Pensions	29,330	920		30,250
City Attorney	10101024123504	Workers’ Comp	3,580	10		3,590

PASSED AND APPROVED this ____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Ford, Reed, Bruns, Watson, Overton

No: None

The Resolution was numbered 27-13.

RESOLUTION NO. 28-13 – EXPRESSING THE WILLINGNESS OF SPRINGDALE SCHOOL DISTRICT AND THE CITY OF SPRINGDALE TO UTILIZE FEDERAL-AID MONEYS FOR ARKANSAS SAFE ROUTES TO SCHOOL PROGRAM FOR WESTWOOD ELEMENTARY SCHOOL

Patsy Christy presented a Resolution expressing the willingness of Springdale School District and the City of Springdale to utilize Federal-Aid Moneys for “Arkansas Safe Routes to School Program” for Westwood Elementary School’s Safe Routes to school infrastructure.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF SPRINGDALE SCHOOL DISTRICT AND THE CITY OF SPRINGDALE TO UTILIZE FEDERAL-AID MONEYS

WHEREAS, Springdale School District and the City of Springdale applied for funding through the Arkansas Safe Routes To School Program to develop or improve Westwood Elementary School’s Safe Routes to School Infrastructure, and

WHEREAS, Springdale School District and the City of Springdale understand that Federal-Aid funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and (50/50 Split)

WHEREAS, Springdale School District and the City of Springdale understand that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas State Highway and Transportation Department of an official Notice to Proceed, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by Springdale School District and the City of Springdale.

NOW THEREFORE, BE IT RESOLVED BY THE SPRINGDALE SCHOOL DISTRICT BOARD OF EDUCATION AND THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that:

Section 1. Springdale School District and the City of Springdale will participate in accordance with their designated responsibility, including maintenance of this project

Section 2. Dr. Jim Rollins, Superintendent of Springdale School District, and Doug Sprouse, Mayor of Springdale are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section 3. The City of Springdale pledges its full support and hereby authorizes the Springdale School District to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED AND APPROVED this ____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Dr. Jim Rollins, Superintendent
Springdale School District

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

The vote:

Yes: Reed, Bruns, Watson, Overton, Ford

No: None

The Resolution was numbered 28-13.

RESOLUTION NO. 29-13 – EXPRESSING THE WILLINGNESS OF SPRINGDALE SCHOOL DISTRICT AND THE CITY OF SPRINGDALE TO UTILIZE FEDERAL-AID MONEYS FOR ARKANSAS SAFE ROUTES TO SCHOOL PROGRAM FOR ELMDALE ELEMENTARY SCHOOL

Patsy Christie presented a Resolution expressing the willingness of Springdale School District and the City of Springdale to utilize Federal-Aid Moneys for “Arkansas Safe Routes to School Program” for Elmdale Elementary School’s Safe Routes to school infrastructure.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF SPRINGDALE SCHOOL DISTRICT AND THE CITY OF SPRINGDALE TO UTILIZE FEDERAL-AID MONEYS

WHEREAS, Springdale School District and the City of Springdale applied for funding through the Arkansas Safe Routes To School Program to develop or improve Elmdale Elementary School’s Safe Routes to School Infrastructure, and

WHEREAS, Springdale School District and the City of Springdale understand that Federal-Aid funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and (50/50 Split)

WHEREAS, Springdale School District and the City of Springdale understand that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas State Highway and Transportation Department of an official Notice to Proceed, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by Springdale School District and the City of Springdale.

NOW THEREFORE, BE IT RESOLVED BY THE SPRINGDALE SCHOOL DISTRICT BOARD OF EDUCATION AND THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that:

Section 1. Springdale School District and the City of Springdale will participate in accordance with their designated responsibility, including maintenance of this project

Section 2. Dr. Jim Rollins, Superintendent of Springdale School District, and Doug Sprouse, Mayor of Springdale are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section 3. The City of Springdale pledges its full support and hereby authorizes the Springdale School District to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED AND APPROVED this ____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Dr. Jim Rollins, Superintendent
Springdale School District

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

The vote:

Yes: Reed, Bruns, Watson, Overton, Ford

No: None

The Resolution was numbered 29-13.

RESOLUTION NO. 30-13 – AUTHORIZING CONTRACT EXECUTION FOR THE CONSTRUCTION OF THE SENIOR CENTER PARKING LOT IMPROVEMENTS PROJECT

Staff Engineer Alan Pugh presented a Resolution authorizing contract execution for the construction of the Senior Center parking lot improvements project.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CONTRACT EXECUTION FOR
THE CONSTRUCTION OF THE SENIOR CENTER PARKING
LOT IMPROVEMENTS PROJECT**

WHEREAS, the council waived competitive bidding on January 22, 2013 and asked staff to gather quotes to improve the senior center parking area;

WHEREAS, the low quote of \$181,373.00 was submitted by Sweetser Construction of Fayetteville, Arkansas;

WHEREAS, it is necessary to formally establish a budget for this project, said budget to be as follows:

Construction (Bid Amount)	\$	181,373.00
Construction Contingency (10%)	\$	18,137.30
<u>Materials Testing</u>	<u>\$</u>	<u>3,500.00</u>
Total	\$	203,010.30

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute a contract with Sweetser Construction in the amount of \$181,373.00 with a project budget not exceed \$203,010.30 without Council approval.

PASSED AND APPROVED this _____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Reed

No: None

The Resolution was numbered 30-13.

RESOLUTION NO. 31-13 – AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON THE PROPERTY LOCATED ALONG THE SOUTH SIDE OF DEARING ROAD APPROXIMATELY .19+ MILE EAST OF THE INTERSECTION OF 56TH STREET AND DEARING ROAD ON THE I-540/DON TYSON PARKWAY INTERCHANGE PROJECT – OWNER: THE CHURCH OF NORTHWEST ARKANSAS

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to begin condemnation proceedings on the property owned by The Church of Northwest Arkansas located along the south side of Dearing Road approximately .19+ mile east of the

intersection of 56th Street and Dearing Road on the I-540/Don Tyson Parkway Interchange Project.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON THE PROPERTY LOCATED ALONG THE SOUTH SIDE OF DEARING ROAD APPROXIMATELY .19± MILE EAST OF THE INTERSECTION OF 56TH STREET AND DEARING ROAD ON THE I-540/DON TYSON PARKWAY INTERCHANGE PROJECT.

WHEREAS, attempts at negotiating for the acquisition of necessary rights-of-way, easements and/or fee simple interest from property owner, The Church of Northwest Arkansas, have been unsuccessful on the project identified as the I-540/Don Tyson Parkway Interchange, AHTD Project No. 040527, Tracts 5, 5A and 5B.

WHEREAS, it is now necessary to acquire this right-of-way, easement and/or fee simple interest 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, easement, and/or fee simple interest on the property located along the south side of Dearing Road approximately .19± mile east of the intersection of 56th Street and Dearing Road and owned by The Church of Northwest Arkansas to allow construction of the I-540/Don Tyson Parkway Interchange to proceed.

PASSED AND APPROVED this _____ day of February, 2013

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Watson, Overton, Ford, Reed, Bruns

No: None

The Resolution was numbered 31-13.

PROPOSED ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS WITHIN THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, LOCATED AT LOT 164, SPRING CREEK PARK

This item was withdrawn from the agenda.

ORDINANCE NO. 4668 – 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 3736 CROSSCREEK AVENUE, 1701 GREEN ACRES ROAD AND 143 ROGERS CIRCLE

Chief Building Official Mike Chamlee 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 3736 Crosscreek Avenue, 1701 Green Acres Road and 143 Rogers Circle.

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

The vote:

Yes: Overton, Ford, Reed, Bruns, Watson

No: None

The Ordinance was numbered 4668.

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 8:50 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN COMMERCIAL 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 Gaye 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 commercial 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.

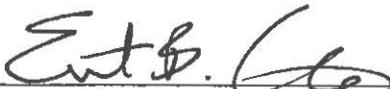
PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, 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.

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:

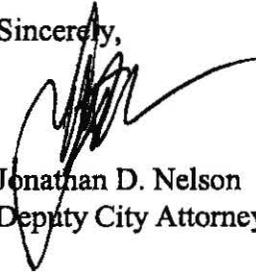
The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 317 East Emma Avenue, Springdale, Arkansas and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 317 East Emma Avenue, Springdale, Arkansas, was unsafe and 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 THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Paul Saul</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Paul Saul</i></p> <p>C. Date of Delivery <i>9-5-12</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">  James D. & Gaye A. Cypert P.O. Box 62 Springdale, AR 72765-0062 </p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below</p> <p style="text-align: center; border: 1px solid black; border-radius: 50%; padding: 10px;"> SEP 05 2012 </p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> O.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7008 1300 0001 1433 0555</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102585-02-M-1540</p>	

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO PARTNER WITH THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT TO WIDEN THE ELMS SPRINGS ROAD BRIDGE OVER INTERSTATE 540

WHEREAS, by letter dated February 5, 2013, Scott Bennett, Director of the Arkansas Highway and Transportation Department, indicated that the Department has determined that the widening of the Elm Springs Road Overpass and additional turn lanes at the ramp terminal intersection would improve the level of service of the interchange; and

WHEREAS, the total estimated cost of this interchange work is \$5 million including preliminary engineering, right-of-way acquisition, utility relocation, construction and construction inspection and the Statewide Transportation Program for Federal Fiscal Years 2013-2016 includes \$4 million for interchange improvements; and

WHEREAS, considerable investments have been and are expected in the area with the completion of Phase II of the Elms Springs Road project, the development of a new Wal-Mart Supercenter at the northwest corner of the intersection and the extension of 56th Street from Highway 412 north to Elm Springs road as part of the 2012 Bond Program; and

WHEREAS, it is felt that a partnership with AHTD to widen the bridge over I540 will allow the City to continue to address the congestion needs of the area; and

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

Section 1. The Mayor is hereby authorized and directed to accept the partnership offered by Scott Bennett, Director of Highway and Transportation Department for the widening of the Elm Springs Road overpass and additional turn lanes at the ramp terminals.

Section 2. An amount not to exceed \$1 million is hereby committed from the 2012 Street Bond Program for a partnership between the City of Springdale and the Arkansas Highway and Transportation Department for the widening of the Elm Springs Road Overpass and additional turn lanes at the ramp terminal intersection.

PASSED AND APPROVED THIS ___ DAY OF _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED :



Ernest Cate, City Attorney

ARKANSAS STATE HIGHWAY COMMISSION



THOMAS B. SCHUECK
LITTLE ROCK

ROBERT MOORE, JR.
ARKANSAS CITY

SCOTT E. BENNETT
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

JOHN ED REGENOLD
CHAIRMAN
ARMOREL

JOHN BURKHALTER, P.E.
VICE CHAIRMAN
LITTLE ROCK

DICK TRAMMEL
ROGERS

P.O. Box 2261

LITTLE ROCK, ARKANSAS 72203-2261

PHONE (501) 569-2000 • VOICE/TTY 711 • FAX (501) 569-2400

WWW.ARKANSASHIGHWAYS.COM

February 5, 2013

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

Doug
Dear Mayor Sprouse:

Reference is made to your offer to partner with the Department to widen the Elm Springs Road bridge over Interstate 540 as part of the current interchange improvement project. The Department has determined that widening the Elm Springs Road overpass and adding turn lanes at the ramp terminal intersections would improve the level of service of the subject interchange.

The total estimated cost for this interchange work is \$5 million. This cost includes preliminary engineering, right-of-way acquisition, utility relocation, construction, and construction inspection. The Statewide Transportation Improvement Program for Federal Fiscal Years 2013-2016 includes an estimated \$4 million for the subject interchange. Therefore, we would suggest a partnering arrangement where the City will provide \$1 million to fund this improvement. If this partnering arrangement is acceptable, the Springdale City Council should adopt a resolution that formalizes their funding commitment.

Thank you for your interest in improving Arkansas' transportation system. If additional information is needed, please advise.

Sincerely,

Scott E. Bennett
Director of Highways
and Transportation

c: Highway Commission
Deputy Director and Chief Engineer
Assistant Chief Engineers
Bridge
Environmental
Planning and Research
Programs and Contracts
Roadway Design
District 4
Job BB0413 "B" File
Mike Burns, Crafton Tull and Associates

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ADD TITLE II CONSTRUCTION PHASE SERVICES TO THE AGREEMENT WITH GARVER LLC, FOR CONSTRUCTION PHASE SERVICES FOR THE DON TYSON PARKWAY INTERCHANGE – AHTD JOB NO. 040527, SPRINGDALE JOB NO. CP0802

WHEREAS, Resolution No. 160-08 authorized the Mayor and City Clerk to enter into an Agreement for Engineering Services with Garver Engineers to provide the engineering and design services which was executed on October 31, 2008; and

WHEREAS, Garver, LLC (formerly DBA as Garver Engineers) has completed the design of the Don Tyson Parkway Interchange Improvements and the project is ready to proceed to construction;

WHEREAS, the City of Springdale desires to add Title II Construction Phase Services to the agreement

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute a Supplemental Agreement No. 1 with Garver, LLC for AHTD Job No. 040527, Springdale Job No. C0802, as follows:

1. Title II Services to be provided by Garver LLC in an amount not to exceed \$860,000.
2. Reimbursement of actual cost for sub consultant services to include geotechnical materials testing in accordance with AHTD standards and construction quality assurances services for final closure repair at the landfill.

PASSED AND APPROVED this _____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

RESOLUTION NO. 160-08

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH GARVER ENGINEERS, LLC, FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE DON TYSON PARKWAY INTERCHANGE – CP0802

WHEREAS, Resolution No. 15-08 directed the City Administration to explore all financing options available to fund a traffic interchange at I-540 and the Southern Corridor (now Don Tyson Parkway).

WHEREAS, subsequently the decision was made to construct an interchange on Interstate 540 extending the Don Tyson Parkway from 48th Street to 56th Street;

WHEREAS, Statement of Qualification's (SOQ's) were obtained which identified Garver Engineers, LLC as most qualified to provide the engineering and design services, including Phase I – Concept Planning; Phase II – Environmental Handling and Documentation; and Phase III – Design and Construction Documents;

WHEREAS, a contract in an amount not to exceed \$1,845,246.79 has been negotiated with Garver Engineers, LLC.;

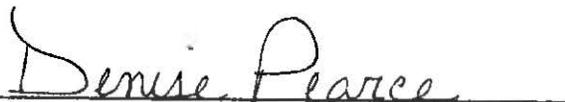
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute a contract with Garver Engineers, LLC for professional engineering services in an amount not to exceed \$1,845,246.79.

PASSED AND APPROVED this 14th day of October, 2008.



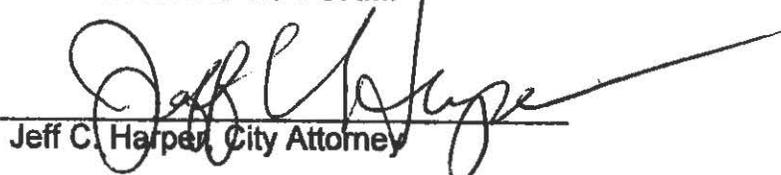
Jerre M. Van Hoose, Mayor

ATTEST:



Denise Pearce, City Clerk

APPROVED AS TO FORM:



Jeff C. Harper, City Attorney

Supplemental Agreement No. 1
AHTD Job No. 040527
Springdale Job No. CP0802
I-540/Don Tyson Parkway Interchange

Date: _____

WHEREAS, the City of Springdale and Garver, LLC (formerly DBA Garver Engineers) entered into an Agreement for Engineering Services on October 31, 2008; and,

WHEREAS, Garver, LLC has completed the design of the Don Tyson Parkway Interchange Improvements and the project is ready to proceed to construction, and,

WHEREAS, the City of Springdale desires to add Title II Construction Phase Services to the Agreement,

NOW THEREFORE, the following modifications will be made to the Agreement to include the described additional items of work:

MODIFICATIONS:

1. Increase the "Upper Limit Contract" amount (Paragraph 1.2) \$860,000 for Title II Services.
2. The "Title II Services Ceiling Price" amount is set at \$860,000.00 (Paragraph 1.15).
3. The Schedule of Salary Ranges in Section 3.2.1.1. is modified to increase the maximum hourly rate for Construction Observer to be \$39.15 per hour.
4. The scope of services for the Title II Services (Paragraph 9) is included in Attachment No. 1.
5. See Attachment 1 for modifications to Appendix A, "Justification of Fees and Costs" for the additional services included in this Supplemental Agreement.
6. The contact person for the City of Springdale is changed to Alan Pugh, PE (Paragraph 36).

IN WITNESS WHEREOF, the parties execute this Supplemental Agreement No. 1, to be effective upon the date set out above.

GARVER, LLC

CITY OF SPRINGDALE

BY: _____
Executive Vice President

BY: _____
Mayor

ATTACHMENT NO. 1

1. Title II Scope of Services
2. Appendix A – Justification of Fees and Costs for Title II Services

TITLE II SCOPE OF SERVICES

9. TITLE II SERVICES TO BE PROVIDED BY CONSULTANT

During the construction phase of work, Garver will accomplish the following:

1. Provide construction engineering and construction inspection and other construction engineering support as required. Construction phase services will be provided in accordance with AHTD Standard Specifications for Highway Construction (latest edition), Manual of Field Sampling and Testing Procedures, and Resident Engineer's Manual and with the plans, specifications, and all other applicable FHWA and AHTD procedures for this project.
2. When requested, provide design related solutions to construction problems and issues that may arise.
3. Issue a Notice to Proceed letter to the Contractor and attend preconstruction meeting.
4. Prepare for and attend utilities coordination meeting.
5. Attend progress/coordination meetings with the Owner/Contractor.
6. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
7. Issue instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
8. Prepare progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the Owner regarding payment. Pay Applications and Documentation to meet AHTD requirements.
9. Maintain a set of working drawings and prepare and furnish record drawings.
10. Provide full-time resident construction observation services for the 300-working-day construction contract performance time. The proposed fee is based on approximately 8 hours per day, 5 days per week, during the 300-working-day construction contract performance time. If the construction time extends beyond the time established in this agreement or if the Owner wishes to increase the time or frequency of the observation, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.
11. Provide up to 300 hours of survey crew time for field checking quantities, contractor's layout, etc.
12. Coordinate with a geotechnical firm hired by the City of Springdale to perform Construction Quality Assurance (CQA) services for final closure repair at the pre-existing closed landfill within the construction limits.
13. Coordinate with the Materials Testing Firm hired by the City of Springdale to ensure Materials Certification and Testing Documentation is provided in accordance with AHTD
14. When authorized by the Owner, prepare change orders for changes in the work from that originally provided for in the construction contract documents. If redesign or substantial engineering or surveying is required in the preparation of these change order documents, the Owner will pay Garver an additional fee to be agreed upon by the Owner and Garver.
15. Participate in final project inspection, prepare punch list, review final project closing documents, and submit final pay request.

16. Provide a post-construction topographical survey of the landfill area within the project construction limits in compliance with ADEQ CQA requirements.

Construction observation services will be provided by Garver's Resident Project Representative, who will provide or accomplish the following:

- Consult with and advise the Owner during the construction period.
- Coordinate with the firm providing construction materials quality assurance testing under separate contract with the Owner.
- Maintain a file of quantities incorporated into the work, test reports, certifications, shop drawings and submittals, and other appropriate information.
- Maintain a project diary which will contain information pertinent to each site visit.

The proposed fee for Construction Phase Services is based on a 300-working-day construction contract performance time. If the construction time extends beyond the time established in this agreement, and the Owner wants Garver to continue the applicable Construction Phase Services, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.

In performing construction observation services, Garver will endeavor to protect the Owner against defects and deficiencies in the work of the Contractor(s); but Garver cannot guarantee the performance of the Contractor(s), nor be responsible for the actual supervision of construction operations or for the safety measures that the Contractor(s) takes or should take. However, if at any time during construction Garver observes that the Contractor's work does not comply with the construction contract documents, Garver will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. Garver will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, Garver will notify the Owner immediately, so that appropriate action under the Owner's contract with the Contractor can be taken.

Project Deliverables

The following will be submitted to the Owner, or others as indicated, by Garver:

1. Two copies of approved shop drawings/submittals from the Contractor.
2. One hard copy set of Record Drawings.
3. Electronic Files as requested.

Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Submittals or deliverables in addition to those listed herein.
3. Construction materials testing.
4. Construction Quality Assurance (CQA) services for final closure repair at the pre-existing closed landfill within the construction limits.
5. Services after construction, such as warranty follow-up, operations support, etc.

Extra Work will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and Garver.

APPENDIX A

CITY OF SPRINGDALE
DON TYSON PARKWAY INTERCHANGE

CONSTRUCTION SUPPORT SERVICES

WORK TASK DESCRIPTION	Sr Project Manager (E5-E8)	Project Manager (E3-E4)	Project Engineer (E2-E1)	Design Engineer (D1-D2)	Tech./ Draftsman (T1-T2)	Surveyor (S4-S5)	Survey Crew	Admin (A1-A3)	Construction Observer (C1-C2)	MANHOUR SUBTOTALS
	\$81.30 hr	\$70.56 hr	\$35.98 hr	\$31.88 hr	\$32.50 hr	\$41.57 hr	\$87.98 hr	\$24.00 hr	\$37.95 hr	
1. Roadway										
Prepare List of Contractor's Shop Drawings/Submittals	2	2	10	24				2	18	
Prepare, Attend and Document Preconstruction Meeting	4	2	4	8					10	
Prepare for and Attend Supplemental Utility Coordination Meeting			4	8					8	
Review Contractor's Schedules	2	1	5					2	6	
Review and Respond to Contractor's Shop Drawings/Submittals - Roadway	8	8	40	80		4		2	60	
Review and Respond to Contractor's Shop Drawings/Submittals - Water and Sewer	2	2	4	20		2		1	20	
Review and Respond to Contractor's Shop Drawings/Submittals -Traffic	2	4	12	20		2		1	12	
Monthly Progress Meetings with Contractor and Owner	10	20	40	60					75	
Site Visits and Support of Owner/Resident	40	80	190	350						
Coordination with Contractor/RFI Responses	10	10	70	120					100	
Prepare Change Orders	4	10	21	16		8		2	30	
Review and Process Daily reports per AHTD regulations		20	120					1	80	
Review and Process Monthly Pay Requests per AHTD regulations	10	30	100					4	80	
Prepare and Submit Monthly Progress Reports		15	20	30				4	60	
Substantial Completion Project Inspection and Punchlist	4	4	16						20	
Final Project Inspection and Punchlist	4	4	16						20	
Coordination with Owner/AHTD	40	20	160	20						
Coordination with Materials Testing Firm	2		20	50					120	
Coordination with Geotech for COA Landfill Report			10						10	
AHTD Permitting for Lane Closures		4	18	20						
Utility Company Coordination	2	4	20	30					20	
Staking for Utilities/Other as requested by Owner			8	8	52		100			
Final Right-of-Way Monumentation Staking					20		40			
Post-Construction Topographic Survey of Landfill for COA report requirements					8	10	32			
Record Drawings (Hardcopy and Electronic)	2	6	5	20	30	60	40		80	
Field Verification of Contractor's Layout	6	10	30	40	30		120		40	
Resident Construction Observation (300 working days - 8 hours per day)									2,400	
ADEO Permit Renewals			2	16		4				
Subtotal - Roadway	182	236	944	940	140	98	332	19	3,247	
2. Bridge										
Review and Respond to Contractor's Shop Drawings/Submittals	16	8	30	64		4	4			
Site Visits and Support of Owner/Resident	16	8	24	24						
Coordination with Contractor/RFI Responses	24	10	30	40		4	4			
Substantial Completion Project Inspection and Punchlist	8		8							
Final Project Inspection and Punchlist	8		8							
Resident Construction Observation (70 working days - 8 hours per day)									560	
Subtotal - Bridge	72	26	100	128	0	8	8	0	560	

Hours 224 262 1,044 1,068 140 98 340 19 3,807 7,002

Salary Costs \$13,731.20 \$13,243.72 \$37,542.24 \$34,047.84 \$4,550.00 \$4,073.88 \$23,113.20 \$456.00 \$144,475.65 \$275,236.71

SUBTOTAL - SALARY COSTS

\$275,236.71

TITLE II MULTIPLIER (3.08)

\$847,729.07

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$5,194.28	
Postage/Freight/Courier	\$321.00	
Office Supplies/Equipment	\$200.00	
Communications	\$705.95	
Survey Supplies	\$300.00	
Aerial Photography	\$0.00	
GPS Equipment	\$0.00	
Computer Modeling/Software Use	\$0.00	
Traffic Counting Equipment	\$0.00	
Travel Costs	\$5,550.00	\$12,270.93
TOTAL COST:		\$860,000.00

Printing/Reproduction			
8.5x11 - each	2340	\$0.10	\$234.00
11x17 - each	1000	\$0.15	\$150.00
22x34 - each	1850	\$2.80	\$4,810.00
Roll Plot - If	0	\$1.50	\$0.00
Color Roll Plot - If	0	\$4.00	\$0.00
Subtotal			\$5,194.00
Postage/Courier			
Postage - ounce	50	\$0.42	\$21.00
Courier - each (FEDEX)	15	\$20.00	\$300.00
Subtotal			\$321.00
Survey Supplies			
Temporary Markings - each	220	\$1.00	\$220.00
Permanent Markings - each	40	\$2.00	\$80.00
Subtotal			\$300.00
Travel			
Mileage - mile	9000	\$0.55	\$4,950.00
Per Diem - day (lodging & meals)	8	\$100.00	\$800.00
Subtotal			\$5,550.00

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT FOR HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES IN WASHINGTON COUNTY.

WHEREAS, Washington County has proposed an interlocal cooperation agreement for responses to hazardous material incidents; and

WHEREAS, there is a need for this service for protection of our citizens; and

WHEREAS, the Fire Chief and Mayor recommend the execution of this agreement and believe this is an efficient method to provide this service;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute an agreement with Washington County and other cities in Washington County for responses to hazardous material incidents.

PASSED AND APPROVED this ____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

**INTERLOCAL COOPERATION AGREEMENT FOR HAZARDOUS MATERIALS
INCIDENT RESPONSE SERVICES IN WASHINGTON COUNTY**

WHEREAS, Ark. Code Ann. 14-14-910 and 25-20-101, et seq., permit counties and cities to cooperate with each other in providing public services; and

WHEREAS, Public Law 99-499, the Superfund Amendments and Reauthorization Act of 1986 (SARA) and Occupational Safety and Health Administration (OSHA) 29 CFR Part 1910.120 place requirements on local governments concerning "emergency response" procedures to "hazardous substance" releases or incidents including, but not limited to procedures, equipment, training requirements, and protective clothing; and

WHEREAS, these requirements would place an extraordinary burden on any of the individual political jurisdictions in Washington County; and

WHEREAS, the parties to this agreement have previously been parties to a similar agreement including the various political jurisdictions of Benton County, which agreement terminated; and

WHEREAS, it is beneficial for the political jurisdictions in Washington County to jointly fund and operate a Hazardous Materials Response System in order to most efficiently, effectively, and economically deal with such incidents;

INTERLOCAL COOPERATION AGREEMENT-HAZMAT

NOW, THEREFORE, this agreement is entered into by Washington County and the cities as indicated by Attachment "A" and signed by their respective chief elected official to provide for the formation of a Hazardous Materials Response System.

ARTICLE I.

ORGANIZATION & RESPONSE SERVICES

The Hazardous Materials Response Service shall be provided by a Hazmat Response Team (HRT) from the combined resources of the fire departments of Springdale and Fayetteville, (the HRT). The personnel selection, equipment, capital and other resource needs, as well as the policies and procedures, and all other administrative and operational issues will be determined by the two fire departments that comprise the HRT.

Primary response to unincorporated areas in the County and member Cities will be provided by a fully equipped and staffed HRT consisting of a minimum of six (6) personnel; additional resources will be provided by the HRT based on incident requirements. This agreement will be administered by the Director of the Washington County Department of Emergency Management. Other fire departments of the members to this agreement, including volunteer fire departments, may act as first responders.

ARTICLE II.

PURPOSE

The purpose of this agreement is to allow Washington County and the cities within the county to provide an economical and efficient response to hazardous materials incidents.

ARTICLE III.

MANNER OF FINANCING

The Hazardous Materials Response System shall be financed by a per capita fee of thirty-eight cents based on the 2010 census to be paid by Washington County and member cities based on their respective populations (except for the cities of Fayetteville and Springdale).

All such appropriations to the Hazardous Materials Response System shall be deposited with the Washington County Treasurer in a Hazmat Fund and thereafter equally distributed to the Fire Departments of Fayetteville and Springdale.

In addition, training will be provided for fire departments in the County by the HRT or its designee to enhance their level of hazmat response and incident management coordination. The Washington County Department of Emergency Management will also participate in training coordination and hazmat emergency operations. Persons or entities responsible for any discharge as defined in A.C.A. §8-7-101 or otherwise responsible for a hazardous material emergency incident, as well as non-member Cities, will be billed through Washington County to recover costs incurred by the HRT and first responders, such to be distributed by the Washington County Treasurer in accordance with this agreement.

Revenue recovered from the above billing process will be placed in the Hazmat Fund and used to recover the costs as invoiced by the Fire Departments comprising the HRT and/or other fire departments acting as first responders.

Washington County shall bill each member (except Fayetteville and Springdale) annually, for the per capita fee as setout above which shall be due and payable within thirty (30) days from the date of mailing.

ARTICLE IV.

TERMINATION & DURATION

Any party to this Agreement may withdraw their participation by giving six month's written notice to the Director of the Washington County Department of Emergency Management by Resolution enacted by respective governing bodies. Refunds of per capita fees will not be given. The Director shall promptly notify the other members. The entire Agreement may be terminated by a majority vote of the parties to the Agreement by written Resolution of their respective governing bodies; otherwise, the duration of this Agreement shall be perpetual.

ARTICLE V.

MISCELLANEOUS.

Any property acquired by the HRT remain property of the Fire Department of Fayetteville and Springdale in the event of a complete termination.

This Agreement shall be submitted to legal counsel for each party pursuant to A.C.A. §14-14-910(d).

The HRT shall provide a report at each quarterly meeting of the Washington County Fire Association.

INTERLOCAL COOPERATION AGREEMENT-HAZMAT

ATTACHMENT "A"

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

County Judge _____ Date _____
Washington County

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Fayetteville Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Springdale Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Greenland Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Prairie Grove Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Lincoln Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

West Fork Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Winslow Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Farmington Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Elkins Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Elm Springs Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Tontitown Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

Goshen Mayor

Date

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

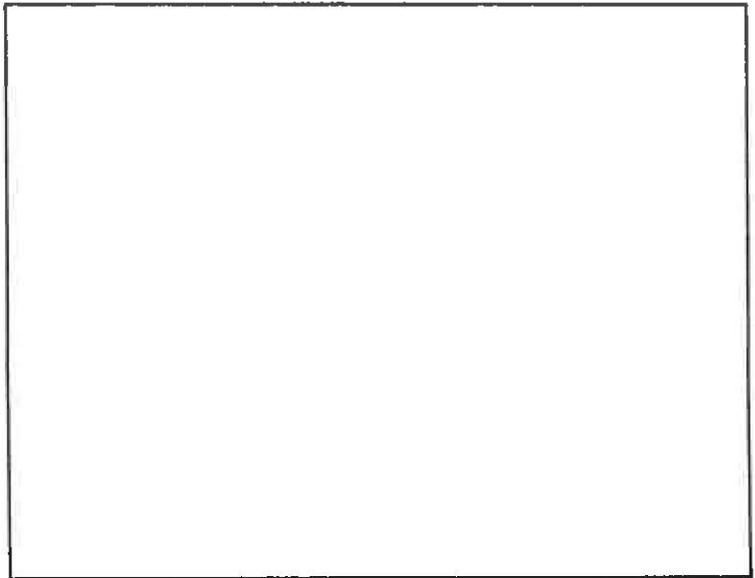
Johnson Mayor Date

This agreement has been reviewed and considered to meet all state requirements for an interlocal agreement pursuant to Arkansas Code:

Washington County Attorney Date

ORDINANCE NO. 4668

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 3736 CROSSCREEK AVENUE, 1701 GREEN ACRES ROAD AND 143 ROGERS CIRCLE.



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

Lot Numbered 135, Southwind Terrace, Phase No. V, a subdivision to the City of Springdale, Arkansas, as per plat of said Subdivision on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LAYMAN'S DESCRIPTION: 3736 Crosscreek Avenue
Springdale, Arkansas
PARCEL NO.: 815-34087-000

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

Part of Lot 18B, replat of the final plat of Green Acres Estates, a subdivision to Washington County, Arkansas per plat filed at Drawer 8 Page 100 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of said Lot 18B, said point being on the East right-of-way line of Green Acres Circle; thence leaving said right-of-way N 89 degrees 54'07" E 303.36 feet; thence S 00 degrees 03'14" E 145.48 feet; thence S 89 degrees 46'00" W 2.91 feet; thence N 00 degrees 14'00" W 50.00 feet; thence S 90 degrees 00'00" W 300.00 feet to the East right-of-way; thence along said right-of-way N 00 degrees 14'00" W 95.00 feet to the point of beginning, containing 0.67 acres, more or less. Also known as Lot 18B-1.

LAYMAN'S DESCRIPTION: 1701 Green Acres Road
Springdale, Arkansas
PARCEL NO.: 815-30547-000

WHEREAS, Benjamin Garcia and Maria Garcia are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lot 14 in Block 2 Rogers Third 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.

LAYMAN'S DESCRIPTION: 143 Rogers Circle
Springdale, Arkansas
PARCEL NO.: 815-24590-000

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:

\$695.06 clean-up costs and \$23.00 administrative costs – 3736 Crosscreek Avenue
\$760.00 clean-up costs and \$17.25 administrative costs – 1701 Green Acres Road
\$285.00 clean-up costs and \$11.50 administrative costs – 143 Rogers Circle

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:

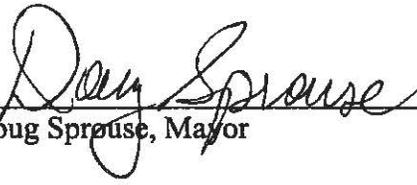
\$718.06, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 3736 Crosscreek Avenue, Springdale, Washington County, Arkansas as described above, and collected accordingly;

\$777.25, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 1701 Green Acres Rd., Springdale, Washington County, Arkansas as described above, and collected accordingly;

\$296.50, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 143 Rogers Circle, Springdale, Washington County, Arkansas as described above, and collected accordingly;

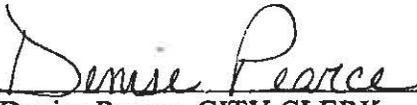
Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this 12th day of February, 2013.



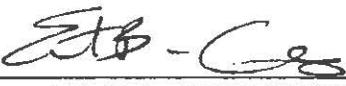
Doug Sprouse, Mayor

ATTEST:



Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 6, SEC. 2.14 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, TO BETTER DEFINE THE RULES AND REGULATIONS FOR GARAGE SALES WITHIN THE CITY OF SPRINDALE, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Springdale, Arkansas finds that it is necessary to amend Article VI, Sec. 2.14 of the Zoning Ordinance to clarify when a permit is necessary for a garage sales, yard sales, and rummage sales within the city;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the following amendments are hereby made to the Zoning Ordinance:

SECTION 1: Sec. 2.14 concerning garage sales and yard sales is hereby amended as follows:

ARTICLE 6. – SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 2. – Residential districts in general.

2.14 Garage sales, and yard sales, and rummage sales. Permits for garage sales, yard sales, and rummage sales ~~and garage sales~~ shall be valid for not more than two (2) consecutive days and shall not be granted for the same location more than two (2) times during any calendar year. Any person or organization authorized under this section that ~~It is necessary that anyone conducting~~ conducts a yard garage sale, rummage yard sale or garage rummage sale shall obtain a permit before conducting such sale unless the property in which the sale takes place is properly zoned for such purposes and a business license has been obtained as required under this Code. Such sales shall only take place on residential property or by charitable or non-profit organizations on property zoned P-1 or commercial. Application for a permit for a garage sale, yard sales, and rummage sales ~~and garage sales should~~ shall be made to the building inspector, and the building inspector ~~he~~ shall issue permits subject to the above conditions after payment of a fee of \$10.00 ~~as determined by the city.~~ Garage Sales, yard sales, and rummage sales conducted on school property by organizations affiliated with the school are exempt from the permit requirements set out herein.

~~The permit fee for yard sales, rummage sales, and garage sales shall be \$10.00.~~

SECTION 2: **Emergency Clause.** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

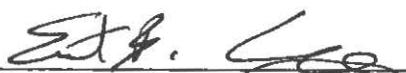
PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:



Ernest B. Cate, City Attorney

That which is underlined is added.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 4,
SECTION 4 OF THE ZONING ORDINANCE OF
THE CITY OF SPRINGDALE, ARKANSAS,
DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, Article 4, Section 4 of the Zoning Ordinance of the City of Springdale, Arkansas, contains regulations for the various industrial zoning districts in the City of Springdale, Arkansas;

WHEREAS, the regulations pertaining to the I-1 Light Industrial zoning district are in need of revision;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend the regulations pertaining to the I-1 Light Industrial zoning district;

WHEREAS, a public hearing was held before the Springdale Planning Commission on March 5, 2013, after notice was given of said hearing as required by law.

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

Section 1: Article 4, Section 4.3 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

4.3 I-1—Light industrial districts.

PURPOSE.

The I-1 light industrial district is designed to accommodate a wide range of industrial and related uses which conform to high development standards. Industrial establishments of this type may either be located in extensive areas devoted solely to these uses or may provide a buffer between commercial districts and other industrial uses which involve more objectionable influences. Residential development is excluded from this district, both to protect residents from an undesirable environment and to facilitate maximum efficiency of industrial activity.

USES PERMITTED.

Unit 1, city-wide uses by right.

Unit 21, trades and services.

Unit 22, automotive services.

Unit 24, warehousing and wholesale.

Unit 25, limited manufacturing.
Unit 27, parking lot.
Unit 32, temporary buildings.
Unit 33, self-supporting tower or antenna structure or monopole.
Unit 35, transportation services.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.
Unit 16, offices, studios and related services.
Unit 48, Automotive, machinery and equipment open display retail sales.

HEIGHT REGULATIONS.

There shall be no maximum height limits in I-1 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS.

SETBACKS.

Front setback30'
Front setback if parking is allowed between R-O-W and the building50'
Side setback (subject to applicable fire and building codes)0
Rear setback25'
Setbacks adjacent to residential uses50'

GREENSPACE.

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a five (5) foot landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten (10) percent of the total surface area of the lot or development.

OFF-STREET PARKING.

See article 7 of this chapter.

Section 2: All other provisions of Article 4 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3: Emergency Clause: The implementation of the amended ordinance will be unreasonably delayed if not allowed to take affect immediately, and therefore an emergency is hereby declared to exist and this ordinance shall become effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN IN-KIND CONTRIBUTION OF LABOR AND EQUIPMENT FOR THE CONSTRUCTION OF A PARKING AREA

WHEREAS, the Arts Center of the Ozarks (ACO) is an important cultural resource to the citizens of Springdale and the region, and

WHEREAS, the ACO has a grant opportunity to aide in improvements to the building and surrounding area, and

WHEREAS, the City and ACO desire to have more parking in the downtown area, and

WHEREAS, the city desires to provide an in-kind contribution of labor and equipment to the construction of a parking area of at least \$50,000, and

WHEREAS, the city will enter into a lease agreement for use of the parking area to be approved by City Council at a later date;

WHEREAS, the City Council of the City Of Springdale is in agreement with the in-kind contribution;

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

The Mayor and City Clerk are hereby authorized to execute the necessary documents to validate the in-kind contribution described above for the purposes of securing the grant.

PASSED AND APPROVED this _____ day of February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO UTILIZE FEDERAL-AID TRANSPORTATION, COMMUNITY AND SYSTEM PRESERVATION (TCSP) FUNDS FOR THE SANDERS AVENUE TRAILHEAD ON THE RAZORBACK GREENWAY

WHEREAS, the Northwest Arkansas Regional Planning Commission (NWARPC) was approved for \$400,000 in Federal-aid Transportation, Community and System Preservation Program funding for the following project:

SANDERS AVENUE TRAILHEAD

WHEREAS, NWARPC has agreed to accept the City of Springdale's proposal to provide the required 20% matching share, to administer the construction contract, and to maintain the trailhead upon completion; and

WHEREAS, property necessary for the project has been donated to the City and the value of the donation shall be used as the required match.

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

SECTION 1. The City of Springdale will participate in accordance with its designated responsibilities, including maintenance of this project.

SECTION 2. The Mayor, or his designee, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated improvement.

SECTION 3. The City pledges its full support and hereby authorizes the Arkansas Highway and Transportation Department to initiate action to implement this project.

PASSED AND APPROVED THIS ___ DAY OF _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:



Ernest Cate, City Attorney

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400
www.arkansashighways.com

February 5, 2013

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

Re: Sanders Avenue Trailhead

Dear Mayor Sprouse:

Reference is made to Northwest Arkansas Regional Planning Commission Resolution 12-9 (copy enclosed) agreeing to accept the City of Springdale's proposal to provide the required matching share for Federal-aid Transportation, Community and System Preservation Program funds, and to construct the Sanders Avenue Trailhead.

In order to proceed, your City Council must adopt a resolution (sample enclosed) and then you and your City Attorney should sign the enclosed Agreement of Understanding. Upon receipt of the resolution and signed Agreement, State and Federal-aid job numbers will be assigned and a copy of the executed Agreement will be returned to you. When submitting the Agreement to the Department for execution, you will need to sign Attachment M and complete Attachment N. Also, please provide written notification of your full-time City employee designated to be in responsible charge of the project.

Please note that all work performed prior to Federal-aid funds being authorized by the Federal Highway Administration will not be eligible for reimbursement with Federal-aid funds. If you have any questions, please advise.

Sincerely,

Lorie H. Tudor
Lorie H. Tudor
Assistant Chief Engineer - Planning

Enclosures

c: Deputy Director and Chief Engineer
Programs and Contracts
Planning and Research
District 4
Patsy Christie, City of Springdale
Jeff Hawkins, Northwest Arkansas Regional Planning Commission

RESOLUTION 12-9

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A TRANSPORTATION CONSERVATION & SYSTEMS PRESERVATION (TCSP) GRANT FROM THE U. S. DEPARTMENT OF TRANSPORTATION FOR THE SANDERS AVENUE TRAILHEAD, AND AUTHORIZING COOPERATIVE ADMINISTRATION TO EFFECTUATE THE PROJECT

WHEREAS, in furtherance of efforts to fully implement the planned Northwest Arkansas Razorback Regional Greenway Project, NWARPC applied for, and has been awarded a TCSP grant from the U.S. DOT for the Sanders Avenue Trailhead; and

WHEREAS, the City of Springdale is providing the required match and will ultimately be responsible for maintenance, upkeep, care, and operation of the facility; and has offered assistance with administrative activities associated with the project; and

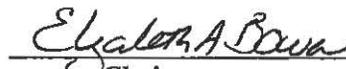
WHEREAS, it is the desire of the Commission, that the grant, as well as assistance offered by the City, be accepted.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION:

SECTION 1. That the TCSP grant for the Sander Avenue Trailhead is hereby accepted.

SECTION 2. That the Director is hereby authorized to act on behalf of the Commission in matters concerning this project, including the acceptance of assurances and the execution of grant agreements with the U.S. DOT and AHTD; and to enter into such agreement with the City of Springdale as may be necessary to accept administrative assistance associated with effectuation of the project.

PASSED AND APPROVED THIS 22nd DAY OF August, 2012.


Chairman

ATTEST:


Director

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
SUZANNE HENSON AND S-JAM4, L.L.C. ARE
DEFENDANTS.**

WHEREAS, the City of Springdale filed a lawsuit against Suzanne Henson and S-JAM4, L.L.C. to condemn a tract of land for the widening and improvement of Johnson Road;

WHEREAS, the City of Springdale deposited the sum of \$385,000.00 into the Registry of the Court as estimated just compensation for the property;

WHEREAS, Thomas E. Robertson, Jr., attorney for Suzanne Henson and S-JAM4, L.L.C. has extended an offer to settle the condemnation lawsuit for an additional sum of \$50,000.00, bringing the total compensation for the damage to their tract of land to \$435,000.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$50,000.00 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost and expense of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the condemnation lawsuit for the total sum of \$435,000.00.

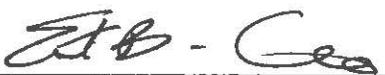
PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

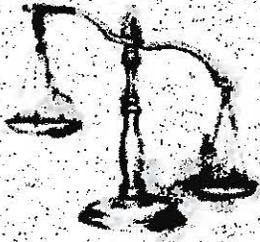
ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



Office Of The City Attorney

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

MEMORANDUM

Ernest B. Cate
City Attorney
Brooke Lockhart
Deputy City Attorney
Jonathan D. Nelson
Deputy City Attorney
Taylor Samples
Deputy City Attorney
Lynda Belvedrest
Case Coordinator
Steve Helms
Investigator
Cindy Horlick
Administrative Asst.

TO: Springdale City Council and Mayor Doug Sproue
FROM: Jonathan D. Nelson, Deputy City Attorney
RE: City of Springdale v. Suzanne Henson and S-JAM4, L.L.C.
DATE: February 21, 2013

If you will recall, the City Council approved the condemnation of land in connection with the Johnson Road Reconstruction Project. One of these tracts of land is owned by Suzanne Henson and S-JAM4, L.L.C. (hereinafter collectively "Henson"). The file was turned over to the City Attorney's Office for the purpose of acquiring the needed property by eminent domain. The City Attorney's Office filed the eminent domain action and obtained an Order of Possession and the Johnson Road Reconstruction Project is currently in the construction phase. At the time the City filed this case, the amount of \$385,000 was deposited with the court as the City's estimate of just compensation to be paid to Henson. This amount represented the value of the property to be taken and was determined from an appraisal conducted by Reed & Associates, Inc.

The attorney for Henson has contacted this office and has indicated that Henson would accept the total sum of \$435,000, which is \$50,000 greater than the amount already paid by the City, to settle this case. Adequate justification exists for this additional amount.

Henson hired CBRE, Inc., who performed an appraisal of the property. CBRE, Inc.'s appraisal indicated that Henson should be entitled to just compensation in the amount of \$550,000. There are several issues concerning the appraisal by CBRE, Inc. First, the zoning is wrong throughout this appraisal as it assumes that the property is zoned C-2. In reality, part of the property is zoned I-1 and part of the property is zoned A-1. In addition, this appraisal used a lease rate of 2.25, where the appraisal by Reed & Associates, Inc. used a lease rate of 2.00. Finally, this appraisal used a capitalization rate of 9.5%, where the appraisal by Reed & Associates, Inc. used a capitalization rate of 11.25%. All of these factors indicate that the just compensation included in the CBRE, Inc. appraisal, \$550,000, is unrealistic and is too high. However, the appraisal by Reed & Associates, Inc. is also now, it appears, unrealistically low.

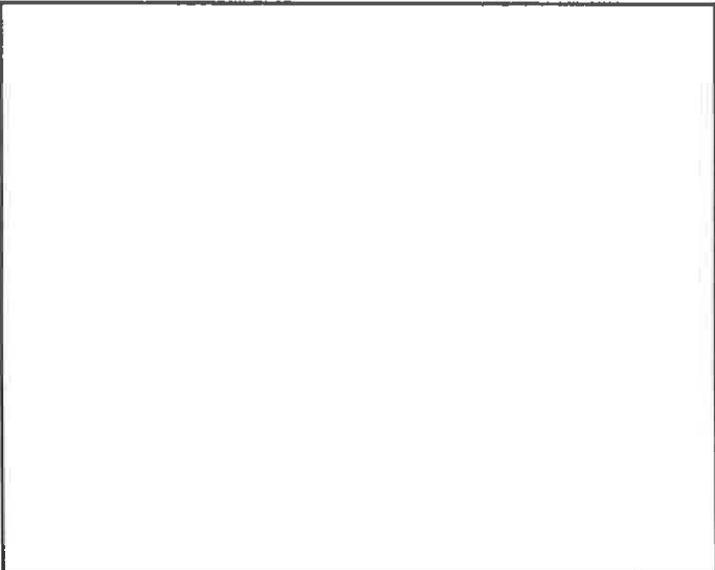
If this case went to trial, the measure of just compensation would be determined based on the date of "taking." The "taking" occurred on June 5, 2012, the date the City obtained the Order of Possession. The appraisal performed by Reed & Associates, Inc. estimated the just compensation due to Henson based on September 15, 2011, as the date of taking. Tom Reed, with Reed & Associates, Inc. has informed me that his estimate of the just compensation due to Henson would increase to approximately \$415,000, after he updates his appraisal based on the actual date of taking. The offer to settle in this case for \$435,000 is less than 5% above the updated compensation amount of \$415,000.

In addition, agreeing to pay less than 5% above the updated compensation amount would avoid the time, expense, and risk of proceeding to trial. Please keep in mind that, if this case proceeds to trial, the jury will be presented with two estimates of just compensation, \$415,000 and \$550,000. Even though I believe the estimate of \$550,000 is unrealistically high, there is no way of knowing for sure whether or not a jury would agree. Based on this risk, I do believe that paying the additional requested amount of \$50,000 is reasonable and appropriate in this case.

I appreciate your consideration of this request.

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 1305 GREENBRIAR STREET AND 1106 WEST END STREET.



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

Lot Numbered Three (3) of Block Numbered Four (4) in Falcon Addition Number Two (2) 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, subject to the protective covenants and easements, if any.

LAYMAN'S DESCRIPTION: 1305 Greenbriar Street
Springdale, Arkansas
PARCEL NO.: 815-21955-000

WHEREAS, Eddie W. Donaldson and Judy K. Donaldson are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Lot Numbered Eight (8), in Block Four (4) in Sandy Heights Addition, an 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.

LAYMAN'S DESCRIPTION: 1106 North West End Street
Springdale, Arkansas
PARCEL NO.: 815-25634-000

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:

\$125.00 clean-up costs and \$26.50 administrative costs – 1305 Greenbriar Street
\$100.00 clean-up costs and \$32.25 administrative costs – 1106 North West End 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:

\$151.50, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 1305 Greenbriar Street, Springdale, Washington County, Arkansas as described above, and collected accordingly;

\$132.25, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 1106 North West End 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 February, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



Office Of The City Attorney

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

tsamples@springdalear.gov

January 17, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ernest B. Cate
City Attorney

Brooke Lockhart
Deputy City Attorney

Jonathan D. Nelson
Deputy City Attorney

Taylor Samples
Deputy City Attorney

Lynnda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

HSBC Bank USA
c/o Ocwen Loan Servicing, LLC
1675 Palm Beach Lakes
West Palm Beach, FL 33401

HSBC Bank USA
1661 Worthington Rd., Ste. 100
West Palm Beach, FL 33409-6493

RE: Notice of clean-up lien on property located at 1305 Greenbriar St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
21955-000

Dear Property Owner/Lienholder:

On November 14, 2012, notice was posted on property located at 1305 Greenbriar
St., Springdale, Arkansas, that the property was in violation of Springdale City
Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days.
Notice was mailed to the owner of record on November 29, 2012, that the City
intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-
54-903 if the violations were not remedied. The owner received said letter on
December 8, 2012.

No action was taken by the owner to clean up the property within seven (7)
business days. As a result, the City of Springdale took action to remedy the
violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or
about December 26, 2012. As of this date, the total costs incurred and paid by the
City of Springdale to clean this property are \$125.00. I have enclosed an invoice
evidencing the costs incurred and paid by the City of Springdale to clean this
property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4),
administrative fees may be added to the total costs incurred by the City of
Springdale, which will include certified mailing fee in the amount of \$5.75 per
letter and a filing fee in the amount of \$15.00 to the Washington County Circuit
Court.

This is to notify you that in the event this amount is not paid to the City of
Springdale on or before February 19, 2013, a hearing will be held before the

Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, February 26, 2013, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$136.50, which includes \$125.00 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,



Taylor Samples
Deputy City Attorney

enclosures
TS:ch

Lean

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

Date
12/26/12
Invoice
122612

Job Name and Address

City of Springdale
1305 Greenbriar Bob Nivens
Springdale, AR
Attn: Mike Chamlee

<u>Description</u>	<u>Cost</u>
Mow and clean up yard	
Total cost material and labor	\$125.00

Thank You
Randy

Transaction # _____
Date _____
Account # 161-0403-423,70-35
Project # _____
Invoice # 122612
Amount \$125.⁰⁰ 2012
Description clean up @ 1305 Greenbriar
Approved By Mike Chamlee
12/31/12

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Signature X <i>S. Hill</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> HSBC Bank USA 1661 Worthington Rd., Ste. 100 West Palm Beach, FL 33409-6493 </div>	B. Received by (Printed Name) EARL HILL	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No AGENT	
	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	
	7011 1570 0000 8219 6314	

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540



Office Of The City Attorney

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

blockhart@springdalear.gov

January 15, 2013

CERTIFIED MAIL
RETURN
RECEIPT REQUESTED

Ernest B. Cate
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.

Eddie W. and
Judy K. Donaldson
P.O. Box 1614
Springdale, AR 72765

BAC Home Loans Servicing, LP
1800 Tapo Canyon Rd.
mail id# CA6-914-01-43
Simi Valley, CA 93063

Wells Fargo Bank, NA, as Trustee
1015 SE 10 Streert
Springdale, AR 55114

RE: Notice of clean-up lien on property located at 1106 West
End St., Springdale, Washington County, Arkansas, Tax
Parcel No. 815-25634-000

Dear Property Owner/Lienholder:

On September 24, 2012, notice was posted on property located at 1106
West End St., Springdale, Arkansas, that the property was in violation
of Springdale City Ordinance 42-77 and 42-78, and needed to be
remedied within seven (7) days. Notice was mailed to the owner and
lienholder of record on October 11, 2012, that the City intended to seek
a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903
if the violations were not remedied. The owner received this letter on
October 17, 2012.

No action was taken by the owner to clean up the property within seven
(7) business days. As a result, the City of Springdale took action to
remedy the violations on the property, as is allowed by Ark. Code Ann.
§14-54-903, on or about November 7, 2012. As of this date, the total
costs incurred and paid by the City of Springdale to clean this property
are \$100.00. I have enclosed an invoice evidencing the costs incurred
and paid by the City of Springdale to clean this property. Also, in

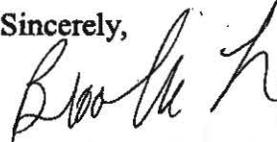
accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$5.75 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before February 19, 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, February 26, 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 \$117.25, which includes \$100.00 for cleaning up the property and \$17.25 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,



Brooke Lockhart
Deputy City Attorney

enclosures
BL:ch

Men



Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

Invoice

Due Date	Date	Invoice #
11/22/2012	11/12/2012	433

bellis_lawns@cox.net

Bill To

Code Enforcement/Springdale AR
107 Spring St
Springdale, AR 72762
Bobby N

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

\$100.00

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 - 1106 N Westend Springdale AR -	1	100.00	11/7/2012	100.00
Transaction # _____ Date _____ Account # <u>101-0403-423.70-35</u> Project # _____ Invoice # <u>433</u> Amount <u>\$100.00</u> Description <u>Lawn care @ 1106 N. West End</u> Approved By <u>MWA CLK</u> <u>11/13/12</u>					

There will be a \$15 charge for all returned checks. 10% interest will be assessed on all unpaid balances after 45 days. For billing inquiries: 479-790-7607

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

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

PRINT DETAILS

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
70111570000082196215		Delivered	January 24, 2013, 11:27 am	SPRINGDALE, AR 72764	Certified Mail™
		Undeliverable as Addressed	January 17, 2013, 12:56 pm	SPRINGDALE, AR 72764	
		Insufficient Address	January 17, 2013, 7:33 am	SPRINGDALE, AR	
		Depart USPS Sort Facility	January 17, 2013	FAYETTEVILLE, AR 72701	
		Processed through USPS Sort Facility	January 17, 2013, 1:49 am	FAYETTEVILLE, AR 72701	

Check on Another Item

What's your label (or receipt) number?

Find

LEGAL

Privacy Policy
Terms of Use
FOIA
No FEI/R Act EEO Data

ON USPS.COM

Government Services
Buy Stamps & Shop
Print a Label with Postage
Customer Service
Site Index

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7011 1570 0000 8219 6206

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Eddie W. & Judy K. Donaldson

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here
1/15/13

Sent To

Street, Apt. No., or PO Box No. *P.O. Box 1614*

City, State, ZIP+4 *Springdale, AR 72765*

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	A. Signature Nelson Hernandez <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> Wells Fargo Bank, NA, as Trustee 1015 SE 10 Street Springdale, AR 55114 </div>	B. Received by (Printed Name) Nelson Hernandez C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	<div style="text-align: center;">  </div> 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

7011 1570 0000 8219 6208

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	A. Signature <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> BAC Home Loans Servicing, LP 1800 Tapo Canyon Rd. mail id# CA6-914-01-43 Simi Valley, CA 93063 </div>	B. Received by (Printed Name) Nanci Knight C. Date of Delivery 1-18-13 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

7011 1570 0000 8219 6222