

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

- **Monday, April 29th, 5:30 p.m. is the next Committee meetings.**
 - **Committee agendas will be available on Friday, April 26th, 2013.**
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SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, April 23rd 2013

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **Mayor Sprouse**

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

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

2. Call to Order - Mayor Doug Sprouse

3. Roll Call – City Clerk Denise Pearce

Recognition of a Quorum

4. Presentation- by 8 year old Avery Downum – Autism Awareness Month

5. Proclamation- Ed Jackson- May Motorcycle Safety Month **Pg. 3**

6. Introduction of new Water and Sewer Director Heath Ward by Chris Wiser, Chairman of the Water and Sewer Commission.

7. 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.

8. Reports

- a) Building Inspection Activity Report for March. **Pg's 4-6**
- b) Economic Development Program- Lance Eads, VP Chamber of Commerce.

9. Approval of Minutes

- a) April 15th, 2013 available at next meeting
- b) April 16th, 2013 available at next meeting

10. 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....* **13-A,B,C,D,E; 15 B; 17B**. (Motion must be approved by two-thirds (2/3) of the council members).

11. **A Resolution** approving the donation of vacation time for Parker Meadors, presented by Sam Goade, Director of Public Works. **Pg's 7-8**

12. **A Resolution** authorizing execution of a service agreement with AT&T, presented by Wyman Morgan, Director of Administration and Financial Services. **Pg's 9-13**

13. Planning Commission Report and Recommendations by Patsy Christie, Director of Planning and Community Development:

A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by

rezoning 1.67 acres from Agricultural District (A-1) to Institutional District (P-1) and declaring an emergency. (3749 S. Powell) **Pg's 14-16**

- B. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning 9.35 acres from thoroughfare Commercial District (C-5) to Large Product Retail Sales (C-6) and declaring an emergency. (Directly North of Everett Chevrolet, N. of 45th St.) **Pg's 17-19**
- C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and plat pertaining thereto by rezoning 30 acres from Agricultural District (A-1) to thoroughfare Commercial District (C-5) and declaring an emergency. (East side of 56th Street, approximate $\frac{3}{4}$ of a mile south of the intersection with Watkins Avenue.) **Pg's 20-23**
- D. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and plat pertaining thereto by rezoning 0.26 acres from General Commercial District (C-2) to thoroughfare Commercial District (C-5) and declaring an emergency. (3973 Elm Springs Rd.) **Pg's 24-26**
- E. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and plat pertaining thereto by rezoning 0.11 acres from General Commercial District (C-2) to Downtown District (C-3) and declaring an emergency. (108 Graham) **Pg's 27-29**

WAIVER:

- F. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Food Equipment Process Co. in connection with L13-07, a large scale development. **Pg's 30-31**
- G. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Wagon Wheel Bend Subdivision in connection with FP07-03 a final plat. **Pg's 32-33**

14. Personnel Committee Report and Recommendation by Chairwoman Kathy Jaycox:

A Resolution amending 2.5d and 2.5e of the City Personnel and Procedures Manual. **Pg's 34-35**

15. Street & CIP Report & Recommendations by Chairman Rick Evans:

- A. **A Resolution** establishing the budget for the Rabbits Foot Wildlife Observation Area and authorizing construction for this project. **Pg's 36-49**
- B. **An Ordinance** authorizing the Mayor and City Clerk to enter into a contract for the construction of the Rabbits Wildlife Observation Area; to waive competitive bidding; and to declaring an emergency and for other purposes. **Pg. 50**
- C. **A Resolution** authorizing Capital Improvement Funds for the Parks & Recreation Department. **Pg's 51-53**

16. Finance Committee Report and Recommendations by Chairman Brad Bruns:

- A. **A Resolution** amending the 2013 Budget for the Fire Department. **Pg 54**
- B. **A Resolution** amending the 2013 Budget for the District Court. **Pg 55-58**

17. **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 4376 Champion Court, 1140 West End Street, and 1001 Wilkinson Lane, presented by Ernest Cate, City Attorney. **Pg's 59-74**

18. Street & CIP Report & Recommendations by Chairman Rick Evans: (continued)

- A. **A Resolution** authorizing Capital Improvements Project Funds for a Christmas Drive-Thru Light Display. **Pg. 75**
- B. **An Ordinance** to waive competitive bidding for a contract for materials and services relating to the Christmas Drive-Thru Light Display. **Pg's 76-80**

- 19. Comments from Department Heads.
- 20. Comments from Council Members.
- 21. Comments from City Attorney.
- 22. Comments from Mayor Sprouse.
- 23. Adjournment.

Proclamation

Office of the Mayor
City of Springdale

WHEREAS: Safety is the highest priority for the highways and streets of America's cities and states; and

WHEREAS: The safe operation of a motorcycle requires the use of special skills developed through a combination of training and expertise, the use of good judgment, plus a thorough knowledge of traffic laws and licensing requirements; and

WHEREAS: Motorcycles, compact vehicles that reduce fuel consumption and decrease parking and traffic congestion, are becoming increasingly popular for recreation and transportation in our communities; and

WHEREAS: It is especially important that citizens be aware of motorcycles on the streets and highways and recognize the importance of motorcycle safety in general, promoting vigilant driving procedures and use of protective equipment that, when used properly, can reduce the occurrence of injuries and fatalities for operators of all motor vehicles, including motorcycles; and

WHEREAS: Arkansas Bikers Aiming Toward Education (ABATE) is committed to promoting motorcycle safety and increasing awareness of motorcycle operators through the slogan, "Look Twice – Save a Life".

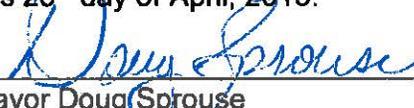
NOW, THEREFORE, be it resolved that I, Doug Sprouse, Mayor of the City of Springdale, Arkansas, do hereby proclaim the Month of May, 2013 as



"Motorcycle Safety Awareness Month"



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the City of Springdale on this 23rd day of April, 2013.



Mayor Doug Sprouse

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

	Total Complaints	Working Complaints	Archived Complaints	Complaints (No Violation)	New Cases	Completed Cases	Complaint Based Cases	Inspector Based Cases	Initial Inspections	Rain Inspections	Total Inspections	Citations	Court	Closed - No Violations	Voluntary Compliance	City Abatements
Business Licenses																
Business License	25	11	14	0	12	14	25	1	18	51	69	0	0	5	4	0
Environment																
Dead Tree	2	0	2	0	0	4	2	0	3	4	7	0	0	1	1	0
Inoperative Motor Vehicles	8	2	6	0	6	12	8	9	18	35	53	0	0	1	10	0
Junk and Trash	33	14	19	0	60	221	33	164	280	601	881	2	0	6	202	0
Refrigerators / Freezer	1	1	0	0	2	3	1	3	5	7	12	0	0	0	3	0
Stagnant Water	0	0	0	0	1	1	0	1	2	3	5	0	0	0	1	0
Tall Grass and Weeds	1	1	0	0	3	0	1	2	1	6	7	0	0	0	0	0
Tree Debris	2	2	0	0	8	25	2	12	34	75	109	1	0	1	22	3
Home Office Inspection																
Home Office	9	2	7	0	2	8	9	1	2	3	5	0	0	6	1	0
Property Maintenance																
Fences	0	0	0	0	1	2	0	1	3	12	15	0	0	0	2	0
General Residence Maintenance	5	2	3	0	3	6	4	1	13	27	40	0	0	2	4	0
Open Wells	1	0	1	0	0	1	1	0	1	1	2	0	0	1	0	0
Over Occupancy	7	0	7	0	0	7	7	0	6	6	12	0	0	6	0	0
Pest Infestation	0	0	0	0	0	1	0	0	1	2	3	0	0	0	1	0
Pools	0	0	0	0	1	0	0	1	0	2	2	0	0	0	0	0

Signs																
Illegal Signs	0	0	0	0	0	5	0	3	5	13	18	0	0	0	5	0
Off Premise Signs	0	0	0	0	0	1	0	0	1	2	3	0	0	0	1	0
Sign Permit Required	1	0	1	0	3	16	1	12	18	35	53	0	0	0	15	0
Solid Waste																
Trash Can Left at Curb	0	0	0	0	0	3	0	1	3	4	7	0	0	0	3	0
Streets, sidewalks & public places																
Address Numbers	0	0	0	0	2	3	0	2	6	15	21	0	0	0	3	0
Obstruction on Sidewalk	0	0	0	0	0	0	0	1	1	2	3	0	0	0	0	0
Traffic & Vehicles																
Parking & driving on sidewalk	1	0	1	0	0	2	1	0	2	3	5	0	0	0	2	0
Parking And Storage Certain Vehicles	2	0	2	0	0	9	2	3	8	13	21	0	0	0	8	0
Parking in the yard.	11	1	10	0	2	47	11	12	45	68	113	0	0	7	38	0
Utilities																
Permanent Heat Source	0	0	0	0	0	0	0	0	1	3	4	0	0	0	0	0
Zoning																
Accessory Structures	1	1	0	0	2	1	1	1	2	3	5	0	0	0	0	0
Building Permits Required	1	1	0	0	1	4	1	1	4	12	16	0	0	0	3	0
Business in Residential	4	1	3	0	1	4	4	0	4	5	9	0	0	1	2	0
Garage Sales Permits	1	0	1	0	0	1	1	0	1	2	3	0	0	0	1	0
Lighting Violation	0	0	0	0	0	1	0	0	1	2	3	0	0	0	0	0
Miscellaneous Zoning Violations	0	0	0	0	0	1	0	0	1	1	2	0	0	0	1	0
Parking-Auto Sales/Services	1	0	1	0	0	1	1	0	1	1	2	0	0	1	0	0
Totals	117	39	78	0	110	404	116	232	491	1019	1510	3	0	38	333	3



City of Springdale's
Mayor Doug Sprouse and City Council
Members
03/01/13 to 03/29/13

	Permits Issued	Total Inspections	Total SF	Total Value	Total Fees
Accessory Structure	2	4	60.00	\$6,235.20	\$208.00
Banner & Temporary Sign Permit	15	0	0.00	\$0.00	\$0.00
Business License	0	41	0.00	\$0.00	\$0.00
Commercial Addition Permit	0	15	0.00	\$0.00	\$0.00
Commercial Alteration Permit	15	82	0.00	\$0.00	\$13,608.11
Commercial Building Permit	0	21	0.00	\$0.00	\$0.00
Demolition Permit	1	0	0.00	\$0.00	\$59.50
Electrical Permit	14	22	0.00	\$23,035.00	\$343.53
Garage Sale Permits	69	0	0.00	\$0.00	\$690.00
Mechanical Permit	7	17	0.00	\$25,376.00	\$235.58
Plumbing Permit	21	33	0.00	\$33,550.00	\$521.38
Residential Addition Permit	5	31	3,637.00	\$367,640.00	\$1,518.00
Residential Alteration Permit	3	66	0.00	\$0.00	\$78.00
Residential Pool Permit	3	8	0.00	\$0.00	\$902.00
Residential Single Family Permit	8	432	24,141.00	\$2,508,732.00	\$8,851.00
Sign Permit	8	0	0.00	\$0.00	\$120.40
Totals	171	772	27,838.00	\$2,964,568.20	\$27,135.50
Average		48	1,739.88	\$185,285.51	\$1,695.97

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE DONATION OF
VACATION TIME FOR PARKER MEADORS**

WHEREAS, Parker Meadors is a new employee with the Public Works Division since January 13th, 2013, and

WHEREAS, due to the short length of time he has worked for the City, he has not accumulated enough sick leave or vacation hours to cover his time off needed to be with his child in the Children's Hospital in Little Rock, and

WHEREAS, the Public Works Director has indicated there are employees that would like to donate vacation time to this employee and the Public Works Director has requested authorization for employees to donate accumulated vacation to this employee;

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

Section 1: employees are hereby authorized to donate accumulated vacation to Parker Meadors, making it possible for the payment of his salary to enable him to be with his child in Children's Hospital. Donated vacation time will be adjusted for hourly pay differentials and donations not needed, will be prorated back to all employees that donated vacation time.

Section 2: to continue receiving donated vacation time, the employee will be required to submit a written statement from her doctor every thirty days starting 30 days after utilizing the first day of donated vacation time. The doctor's statement should express that there is a medical need for the employee to continue his absence from work.

Section 3: the utilization of donated vacation time will be discontinued if the employee becomes eligible to receive long term disability.

PASSED AND APPROVED this ____ day of _____ April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

From: Wyman Morgan [<mailto:wmorgan@springdalear.gov>]
Sent: Monday, April 15, 2013 11:04 AM
To: 'Sam Goade'
Subject: RE: Parker Meadors - request for donation of vacation time from his mother

I think a resolution will be required. We could have it on the council agenda for April 23rd.

Wyman

From: Sam Goade [<mailto:sgoade@springdalear.gov>]
Sent: Monday, April 15, 2013 9:21 AM
To: Wyman Morgan
Cc: Christy Bennett; 'Terry Anderson'; 'James Carr'; 'Doug Sprouse'
Subject: Parker Meadors - request for donation of vacation time from his mother

Wyman,

Parker Meadors works in my department. He has an ill child in the hospital in Little Rock. He has had to spend time at the hospital and is out of sick leave and vacation time. Parker's mother works for the City in another department and wants to donate some of her vacation time to Parker. Can she do this without passing a resolution in this particular case?

Thanks,

Sam

Sam Goade
Public Works Director
Springdale Public Works Department
269 E. Randall Wobbe Lane
Springdale, Arkansas 72764

Phone 479-750-8135
Fax 479-750-8504

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A
SERVICE AGREEMENT WITH AT&T**

WHEREAS, the City of Springdale has used Windstream as our telephone long distance service provider for several years, and

WHEREAS, Windstream has notified us that they are discontinuing the long distance provider phase of their business, and

WHEREAS, AT&T has proposed long distance service at a rate lower than their competitors, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a three year service agreement with AT&T for telephone long distance service.

PASSED AND APPROVED this 23rd day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney



**AT&T BUSINESS BLOCK OF TIMESM II
Service Agreement**

Customer	AT&T
City of Springdale Street Address: 201 SPRING ST City: SPRINGDALE State/Province: AR Zip Code: 72764 - 4554 Country: USA	AT&T Service-Providing Affiliate ("AT&T")
Customer Contact (for notices)	AT&T Sales Contact Information and for Contract Notices <input checked="" type="checkbox"/> Primary Contact AT&T
Name: Title: Street Address: 201 SPRING ST City: SPRINGDALE State/Province: AR Zip Code: 72764 - 4554 Country: USA Telephone: Fax: Email: Customer Account Number or Master Account Number:	Name: Joey Goldsmith Street Address: 3854 AMERICAN WAY City: BATON ROUGE State/Province: LA Zip Code: 70816 Country: USA Telephone: (337) 303-7467 Fax: (866) 381-3251 Email: jg3543@att.com Sales/Branch Manager: Chris LaPorte SCVP Name: Dino Perone Sales Strata: GEM Sales Region: SW/SE <u>With a copy to:</u> AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
AT&T Solution Provider or Representative Information (if applicable) <input type="checkbox"/>	
Name: Company Name: Agent Street Address: City: State: Zip Code: Telephone: Fax: Email: Agent Code	

Customer agrees to purchase Service according to the prices, terms and conditions set forth in this Service Agreement, as well as the AT&T Business Service Agreement ("BSA") http://www.corp.att.com/agreement/docs/serviceagreement_2009.pdf, which is incorporated herein by this reference (collectively, "Agreement"). The order of priority of the documents is: this document, the applicable tariff(s) and guidebook(s) ("Service Publication(s)"), and then BSA.

This Pricing Schedule will be invalid if not signed and submitted by Customer to AT&T on or before August 31, 2013.

Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:



**AT&T BUSINESS BLOCK OF TIMESM II
Service Agreement**

1. SERVICE, SERVICE PROVIDER and SERVICE PUBLICATION

Service	Service Provider	Service Publication
AT&T Business Block of Time II - Intrastate and Interstate Long Distance Service	SBC Long Distance, LLC d/b/a AT&T Long Distance ("AT&T")	AT&T Long Distance Voice Product Reference and Pricing Guidebook ("Guidebook") and applicable state tariff or guidebook: http://www.att.com/gen/public-affairs?pid=11972

2. TERM and EFFECTIVE DATES

Agreement Term	Selected below.
Start Date of Agreement Term	The date Service is first established.
Effective Date of Rates and Discounts	Effective Date of Agreement.
Service Agreement Term Renewal	Automatic renewal for same term length as identified above at end of each Service Agreement Term or renewal, unless either party provides written notice within thirty (30) days before or after the end of the then current Service Agreement Term or renewal.
Rates Following end of Service Agreement Term if Service not renewed	Applicable non-stabilized Service Publication rates for the Service then in effect.

3. MINIMUM PAYMENT PERIOD

Service	Percentage of Monthly Recurring Rate Applied for Calculation of Early Termination Charges	Minimum Payment Period
AT&T Business Block of Time II	50%	Until the end of the Agreement Term

4. SERVICE DESCRIPTION

- A. Service does not include calling card, international, international mobile, operator toll assistance, directory assistance or payphone calling. Customers may place calls terminating to international locations, but minutes associated with international calling are not included in the AT&T Business Block of Time II minutes and will be charged per-minute rates as set forth in the International Product Reference and Pricing Guidebook, unless the Customer subscribes to an optional international plan.

5. RATES and CHARGES

Customer represents it subscribes to switched local service from an AT&T Affiliate that operates in whole or in part as an Local Exchange Carrier (LEC) for the local lines to which the Service will be applied.

AT&T Business Block of Time 700 II: 700 minutes per month for domestic 1+ and domestic Toll Free calls.		
	Term	MRC and Over Block Rate
<input type="checkbox"/>	1 Year	MRC \$31 Over Block \$0.045 Per Minute
<input type="checkbox"/>	2 Year	MRC \$30 Over Block \$0.043 Per Minute



**AT&T BUSINESS BLOCK OF TIMESM II
Service Agreement**

AT&T Business Block of Time 1200 II: 1,200 minutes per month for domestic 1+ and domestic Toll Free calls.		
	Term	MRC and Over Block Rate
<input type="checkbox"/>	1 Year	MRC \$50 Over Block \$0.042 Per Minute
<input type="checkbox"/>	2 Year	MRC \$48 Over Block \$0.041 Per Minute
<input type="checkbox"/>	3 Year	MRC \$46 Over Block \$0.041 Per Minute

AT&T Business Block of Time 2500 II: 2,500 minutes per month for domestic 1+ and domestic Toll Free calls.		
	Term	MRC and Over Block Rate
<input type="checkbox"/>	1 Year	MRC \$100 Over Block \$0.041 Per Minute
<input type="checkbox"/>	2 Year	MRC \$97 Over Block \$0.039 Per Minute
<input type="checkbox"/>	3 Year	MRC \$95 Over Block \$0.039 Per Minute

AT&T Business Block of Time 5000 II: 5,000 minutes per month for domestic 1+ and domestic Toll Free calls.		
	Term	MRC and Over Block Rate
<input type="checkbox"/>	1 Year	MRC \$190 Over Block \$0.039 Per Minute
<input type="checkbox"/>	2 Year	MRC \$186 Over Block \$0.038 Per Minute
<input checked="" type="checkbox"/>	3 Year	MRC \$182 Over Block \$0.037 Per Minute

AT&T Business Block of Time 7500 II: 7,500 minutes per month for domestic 1+ and domestic Toll Free calls.		
	Term	MRC and Over Block Rate
<input type="checkbox"/>	1 Year	MRC \$273 Over Block \$0.037 Per Minute
<input type="checkbox"/>	2 Year	MRC \$268 Over Block \$0.036 Per Minute
<input type="checkbox"/>	3 Year	MRC \$263 Over Block \$0.036 Per Minute

AT&T Business Block of Time 10000 II: 10,000 minutes per month for domestic 1+ and domestic Toll Free calls.		
	Term	MRC and Over Block Rate
<input type="checkbox"/>	1 Year	MRC \$350 Over Block \$0.036 Per Minute
<input type="checkbox"/>	2 Year	MRC \$342 Over Block \$0.035 Per Minute
<input type="checkbox"/>	3 Year	MRC \$334 Over Block \$0.034 Per Minute

6. GENERAL TERMS

- A. **Automatic Dialer Devices.** CUSTOMER SHALL NOT USE AUTODIALERS, PREDICTIVE DIALERS OR OTHER DEVICES THAT GENERATE AUTOMATED OUTBOUND CALLS IN CONJUNCTION WITH PRODUCTS AND SERVICES PROVIDED UNDER THIS AGREEMENT IS STRICTLY PROHIBITED. AT&T MAY TERMINATE THIS AGREEMENT IMMEDIATELY IF CUSTOMER USES SUCH DEVICES.



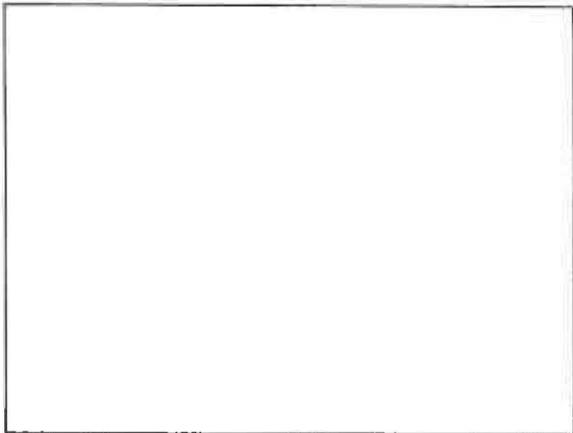
**AT&T BUSINESS BLOCK OF TIMESM II
Service Agreement**

B. **Cancellation.** If Customer is non-responsive or not ready to have AT&T provision/fulfill the Service, AT&T may cancel this Service Agreement: (1) ninety (90) Days after Customer executes this Service Agreement; or (2) if Customer appropriately applies for E-Rate funding, (a) the later of (i) ninety (90) days after July 1st of the applicable E-Rate funding year or (ii) ninety (90) days after the date of the E-Rate Funding Commitment Decision Letter (FCDL)* for the Service in such E-Rate funding year, but, in any event, (b) upon expiration of the last day of such E-Rate funding year.

	<i>New or upgrade to an existing AT&T Long Distance Agreement</i>
<input checked="" type="checkbox"/>	This is a new AT&T Long Distance Service Agreement
<input type="checkbox"/>	This is an upgrade to an existing AT&T Long Distance Agreement, and the guidelines from Section 3.9.7 Revenue and Term plan Commitments of the Guidebook will apply to such existing agreement.

<i>For internal use only</i>	
Billing Telephone Number for Existing service, if applicable:	() -
Program Code:	

End of Document



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO INSTITUTIONAL DISTRICT (P-1) AND DECLARING AN EMERGENCY:

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2013 for hearing the matter of a petition of Springdale Church of God, Danny McCulley, Pastor, requesting that the following described tract of real estate be zoned from Agricultural District (A-1) to Institutional District (P-1).

Layman's Description: 3749 S. Powell

Legal Description: Lots numbered four (4), five (5) and seven (7) in block A in Southland Estates subdivision as per the recorded plat of said subdivision on file in the office the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas

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

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

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

From Agricultural District to Institutional District (P-1).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

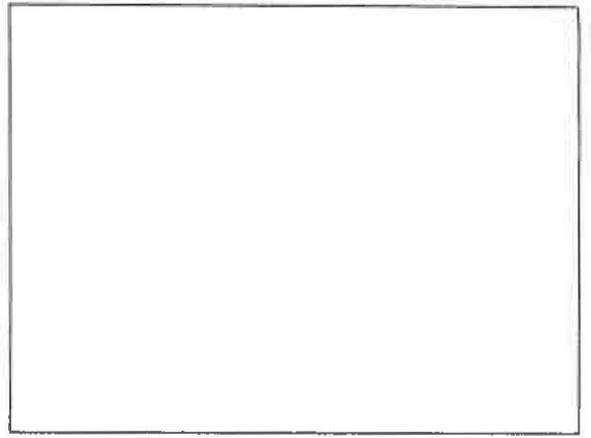


Ernest Cate, City Attorney



APPLICANT: SPRINGDALE CHURCH OF GOD
FILE #: R13-06
REZONING REQUEST:
A-1 TO P-1

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
4/2/2013



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM THOROUGHFARE COMMERCIAL DISTRICT (C-5) TO LARGE PRODUCT RETAIL SALES (C-6) AND DECLARING AN EMERGENCY:

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2013 for hearing the matter of a petition of PMD Enterprises requesting that the following described tract of real estate be zoned from Thoroughfare Commercial District (C-5) to Large Product Retail Sales (C-6).

Layman's Description: Directly North of Everett Chevrolet, N. of 45th Street

Legal description: All that part of the following described tract being the east half (E ½) of the southeast quarter (SE ¼) of the southwest quarter (SW ¼) of the southeast quarter (SE ¼) of Section twenty-eight (28) in Township Eighteen (18) North of Range Thirty (30) West to wit:
Part of the West Half of the SE/4 of the SW/4 and the East Half of the SE/4 of the SW/4 of the SE/4 of Section 28, Township 18 North, Range 30 West, Washington county, Arkansas, being more particularly described as follows: Beginning at the SE corner of the SW/4 of the SE/4 of said Section 28, thence along the South line of the SE/4 of the SW/4 of the SE/4 of said Section 28, N86°49'53" W 520.72 feet to the East Right-of-Way Line of Interstate 540 Highway, thence along said Right-of-Way N11°27'40" W 553.87 feet to a point on the West line of the Se/4 of the SW/4 of the SE/4 of said Section 28, thence leaving said Right-of-Way N02°31'32" E 134.08 feet to the Northwest corner of the SE/4 of the SW.4 of the SE/4 of said Section 28, thence S87°13'49" E 665.34 feet to the Northeast corner of the SE/4 of the SW/4 of the SE/4 of said Section 28, thence S02°35'33" W 674.65 feet to the point of beginning, and subject to any and all easements of record or fact.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Thoroughfare Commercial District (C-5) to Large Product Retail Sales (C-6) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Thoroughfare Commercial District (C-5) to Large Product Retail Sales (C-6)

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013

Doug Sprouse, Mayor

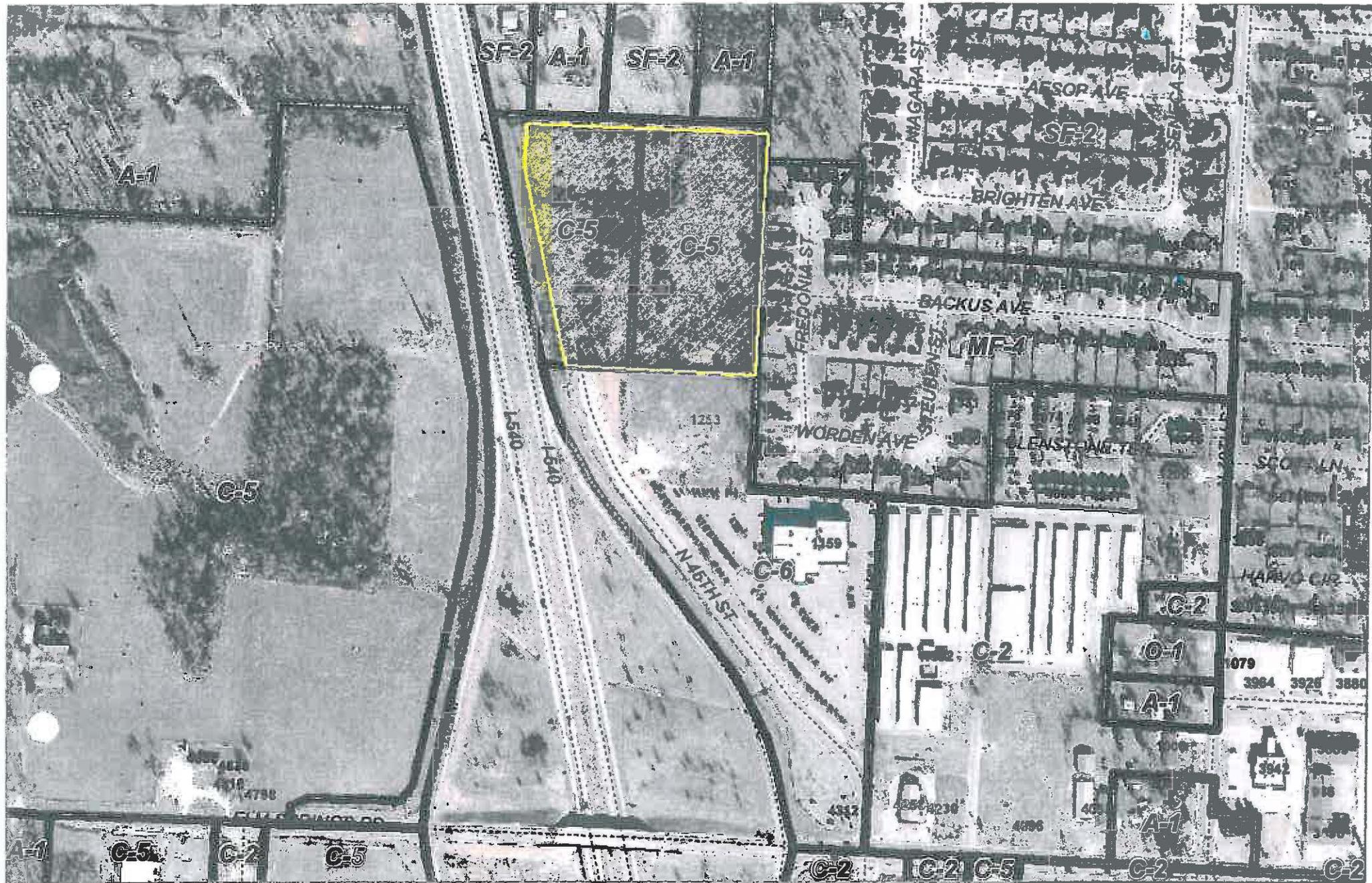
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

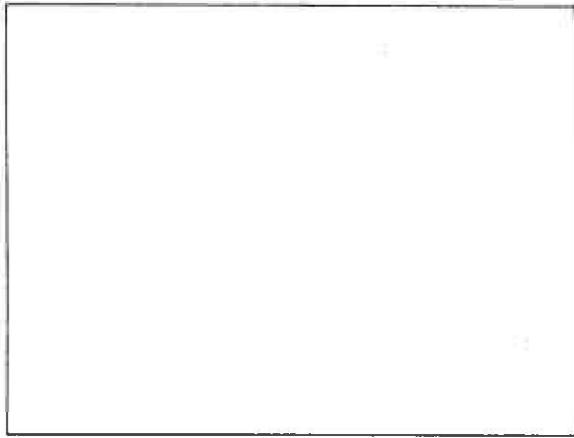


Ernest Cate, City Attorney



APPLICANT: PMD ENTERPRISES
FILE #: R13-07
REZONING REQUEST:
C-5 TO C-6

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
4/2/2013



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY:

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2013 for hearing the matter of a petition of Janet B. Huntsman Revocable Trust requesting that the following described tract of real estate be zoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5).

Layman's Description: E. side of 56th Street, approximate ¾ of a mile south of the intersection with Watkins Avenue.

Legal description: The North one-half (N ½) of the Southeast quarter (SE ¼) of Northwest quarter (NW ¼) Section Sixteen (16), Township Seventeen (17) North, Range Thirty (30) West, more particularly described as beginning at the Northeast corner of said 20 acre tract; thence South 02°36'07" West 660.43 feet; thence North 87°22'56: West 1,317.47 feet; thence North 02°33'09" East 658.16 feet; thence South 87°28'51" East 1,318.04 to the Point of Beginning, containing 19.94 acres, more or less. AND the North Half (N ½) of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Sixteen (16), Township Seventeen (17) North, Range Thirty (30) West, containing 20 acres, more or less.

LESS AND EXCEPT the following property sold to the Arkansas State Highway Commission, Part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Sixteen (16), township Seventeen (17) North, Range Thirty (30) West, more particularly described as follows: Starting at the Northeast (NE) corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Sixteen (16); thence

South 88°44'00" West along the North line thereof a distance of 450.30 feet to a point on the proposed Easterly right of way line of Relocated U.S. Highway #71 for the Point of Beginning; thence South 13°17'00" East along said proposed right of way line a distance of 240.80 feet to a point, thence South 19°20'00" East along said proposed right of way line a distance of 238.40 feet to a point; thence South 23°40'00" east along said proposed right of way line a distance of 213.80 feet to a point; thence South 88°44'00" West a distance of 272.40 feet to a point on the proposed Westerly right of way line of said Relocated U.S. Highway 71; thence North 21°58'00" West along said proposed right of way line a distance of 373.40 feet to a point; thence North 15°19'00" West along said proposed right of way line a distance of 320.20 feet to a point on the North line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Sixteen (16); thence North 88°44'00" East along said North line a distance of 276.50 feet to the Point of Beginning and containing 4.10 acres more or less.

ALSO LESS AND EXCEPT Part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Sixteen (16), Township Seventeen (17) North, Range Thirty (30) West, more particularly described as follows: Starting at the Northeast (NE) corner of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Sixteen (16); thence South 88°44'00" West a distance of 450.30 feet to a point on the East right of way of Relocated Highway #71; thence South 13°17'00" East a distance of 240.80 feet to a point; thence South 19°20'00" East a distance of 238.40 feet to a point; thence South 23°40'00" East a distance of 213.80 feet to a point; thence North 88°44'00" East a distance of 2425.88 feet to a point on the East line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Sixteen (16); thence North 01°21'00" West along said East line a distance of 1,319.66 feet to the Point of Beginning, containing 5.49 acres, more or less.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Agricultural District (A-1) to Thoroughfare Commercial District (C-5)

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013

Doug Sprouse, Mayor

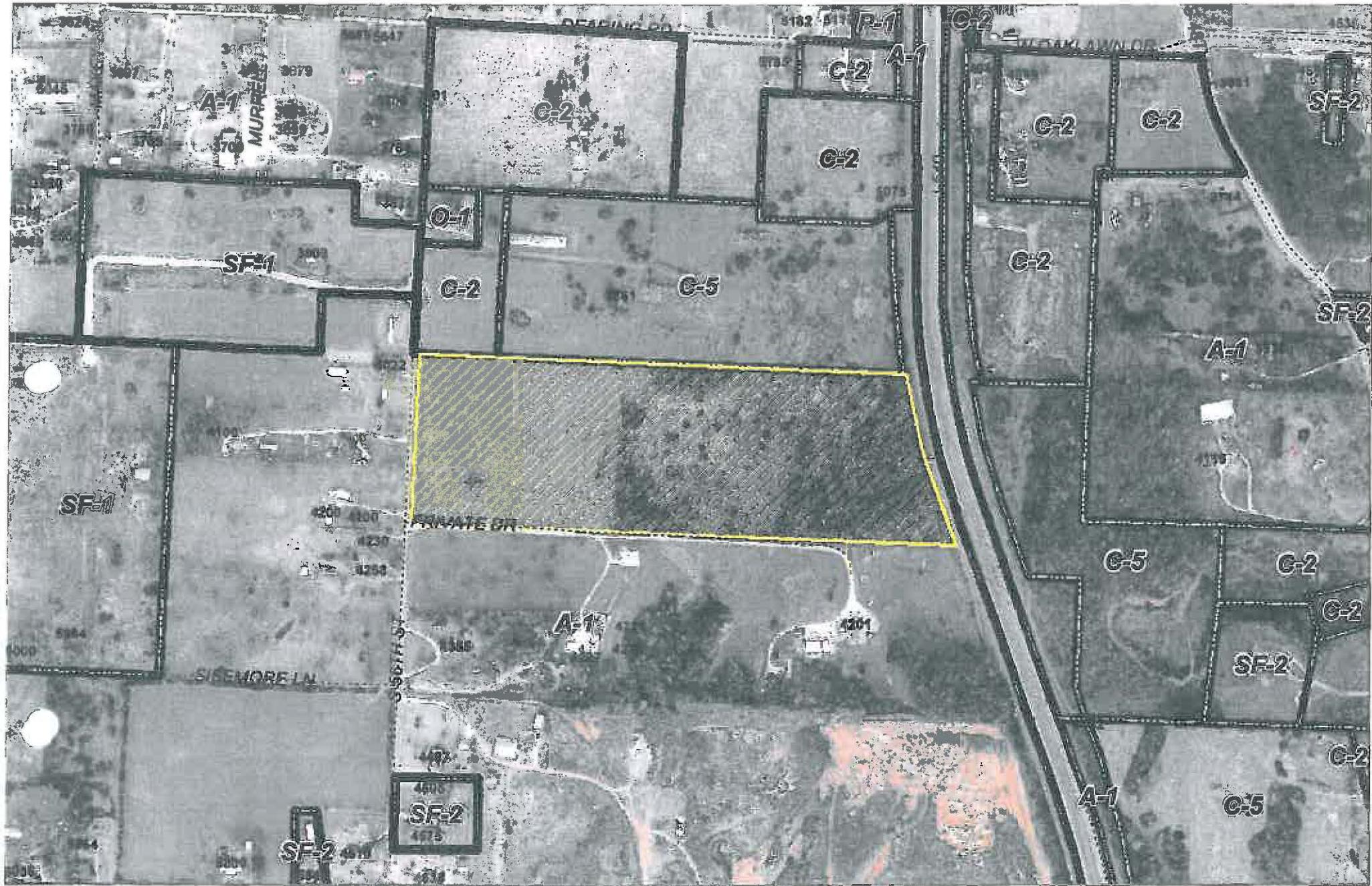
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney



APPLICANT: JANET B. HUNTSMAN REVOCABLE TRUST

FILE #: R13-08

**REZONING REQUEST:
A-1 TO C-5**

*CITY OF SPRINGDALE
PLANNING OFFICE*

*PLANNING COMMISSION MEETING
4/2/2013*





ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY:

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2013 for hearing the matter of a petition of Eugene and Deborah Kordsmeier requesting that the following described tract of real estate be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 3973 Elm Springs Road

Legal description: Part of the Southwest Quarter of the Northwest Quarter of Section 34, Township 18 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:

Commencing at an existing railroad spike marking the Northwest Corner of the Southwest Quarter of the Northwest Quarter. Thence along the North line of said Forty, South 87 degrees 30 minutes 52 seconds East, 124.00 feet. Thence leaving said North line, South 02 degrees, 18 minutes, 19 seconds West, 27.48 feet to an "X" cut in concrete on the South right of way line of Elm Springs Road and the Point of Beginning. Thence continue South 02 degrees 18minutes 19 seconds West, 131.52 feet to a set rebar with cap. Then North 87 degrees 30 minutes 52 seconds West, 92.17 feet to a set rebar with cap on the East right of way line of North 40th Street. Thence along said right of way, North 02 degrees 38 minutes 25 seconds East, 91.18 feet to an "X" cut in the concrete at the intersection of the East right of way line of South 40th Street and the South right of way line of Elm Springs Road. Thence along the South right of way line of said Elm Springs Road the following bearings and distances: North 46 degrees 45 minutes 17 seconds East, 52.91 feet to an "X" cut in the concrete. North 75 degrees 59 minutes 38

seconds East, 10.44 feet to an "X" cut in the concrete. South 86 degrees 51 minutes 35 seconds East, 44.57 feet to the Point of Beginning, containing 0.26 of an acre and subject to any Easements of record.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From General Commercial District (C-2) to Thoroughfare Commercial District (C-5)

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013

Doug Sprouse, Mayor

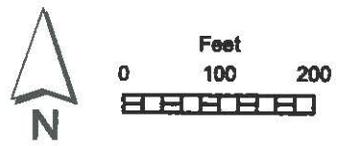
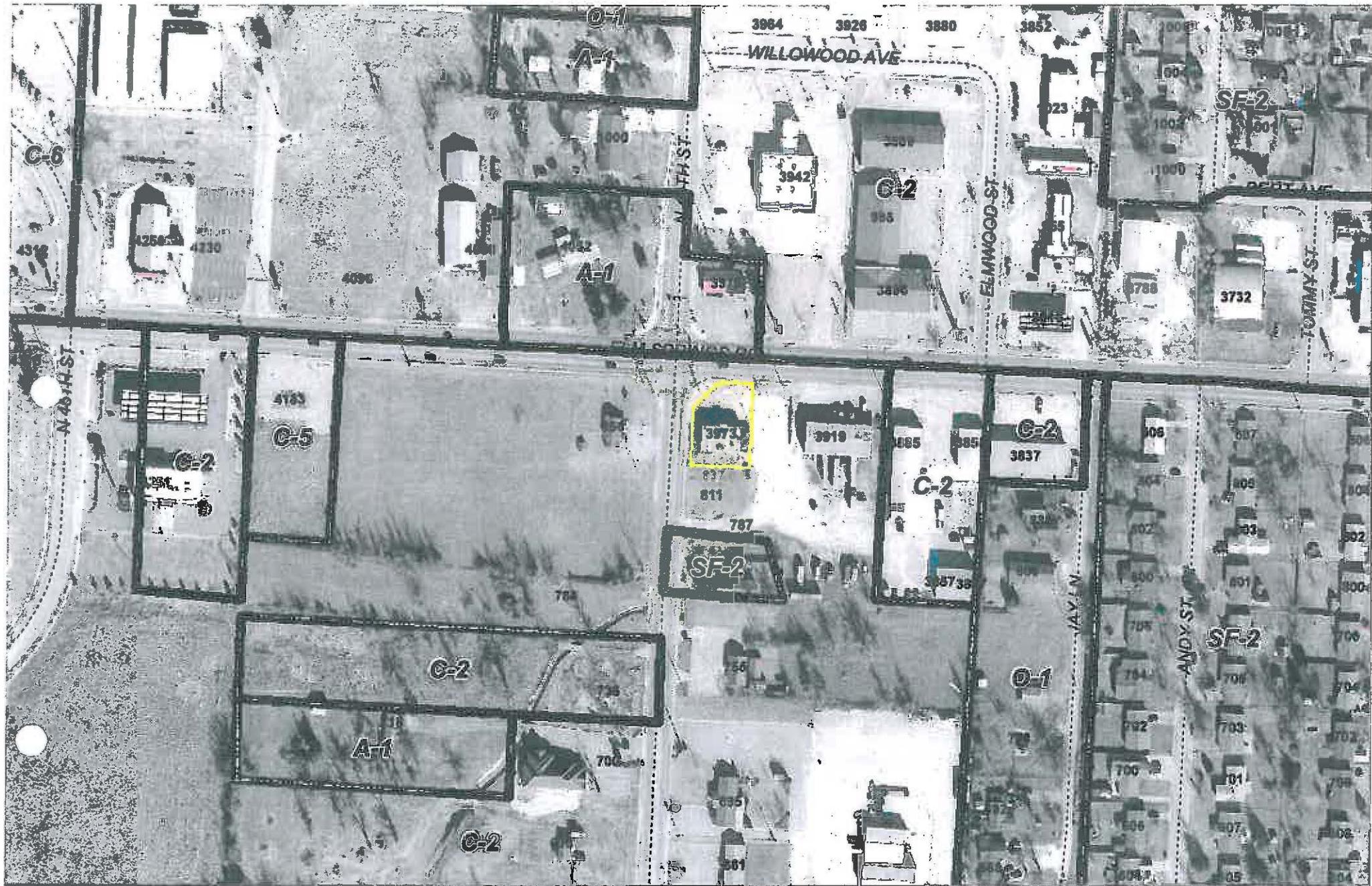
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

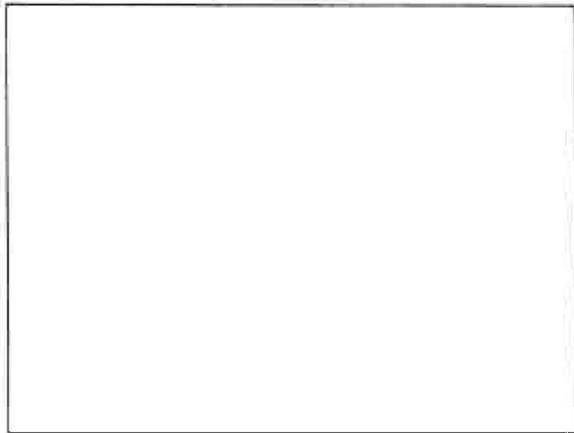


Ernest Cate, City Attorney



APPLICANT: EUGENE & DEBORAH KORDSMEIER
FILE #: R13-09
REZONING REQUEST:
C-2 TO C-5

CITY OF SPRINGDALE
PLANNING OFFICE
 PLANNING COMMISSION MEETING
 4/2/2013



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO DOWNTOWN DISTRICT (C-3) TO AND DECLARING AN EMERGENCY:

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2013 for hearing the matter of a petition of Daniel and Dasha Faires requesting that the following described tract of real estate be zoned from General Commercial District (c-2) to Downtown District (C-3).

Layman’s Description: 108 Graham

Legal description: Part of Lot 27, Holcomb’s Second Addition, to the City of Springdale, Washington County, Arkansas, said part being more particularly described as follows: Commencing at the SW Corner of said Lot 27; thence North 00°00’00” East 78.3 feet; thence South 87°45’ East 97.1 feet; thence North 89°01’11” East 10.0 feet to the Point of Beginning; thence North 00°00’00” East 57.62 feet to the North line of said Lot 27 and a chiseled “X” in concrete; thence along said North line, North 89°22’10” East 68.75 feet to the NE Corner of said Lot 27 and a chiseled “X” in concrete; thence South 00°37’29” East 57.19 feet to a point from which a found ½ inch diameter iron pin bears South 89°01’11” West 0.63 feet; thence South 89°01’11” West 69.38 feet to the Point of Beginning, containing 0.09 acres, more or less.

AND

Part of Lot 27, Holcomb’s Second Addition, to the City of Springdale, Washington County, Arkansas, said part being more particularly described as follows: Commencing at the SW Corner of said Lot 27; thence North 00°00’00” East 78.3 feet; thence South 87°45’ East 97.1 feet to the Point of Beginning; thence North 00°00’00” East 57.67 feet to the North line of said Lot 27; thence North 89°22’10” East 10.00 feet; thence South 00°00’00” East 57.62 feet; thence South 89°01’11: West 10.00 feet to the Point of Beginning containing 0.01 acres more or less.

AND

Part of the South 5 feet of equal and uniform width of the Alley which lines North

of and adjacent to the above described lands and being more particularly described as follows, to-wit: Beginning at a chiseled "X" in the concrete which marks the NE Corner of Lot 27, Holcomb's Second Addition, to the City of Springdale, Washington County, Arkansas, thence South 89°22'10" West 78.75 feet along the North line of said Lot 27 to a point which is North 00°00'00" East 78.3 feet; South 87°45' East 97.1 feet and North 00°00'00" East 57.62 feet from the SW Corner of said Lot 27; thence North 5 feet; thence North 89°22'10" East 78.75 feet to a point which is 5 feet North of the Point of Beginning; thence South 5 feet to the Point of Beginning.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Downtown District (C-3) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From General Commercial District (C-2) to Downtown District (C-3)

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney



APPLICANT: DANIEL & DASHA FAIRES
FILE #: R13-10
REZONING REQUEST:
C-2 TO C-3

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
4/2/2013

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO FOOD EQUIPMENT PROCESS CO. IN CONNECTION WITH L13-07, A LARGE SCALE DEVELOPMENT

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to Food Equipment Process Co. in connection with L13-07 a Large Scale Development and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of street improvements to Food Equipment Process Co. including improvements related thereto, drainage, curbs, gutters and sidewalks in connection with L13-07 a large scale development.

Option 2: Denies a waiver of street improvements to Food Equipment Process Co. including improvements related thereto, drainage, curbs and gutters sidewalks in connection with L13-07 a large scale development.

Option 3: Approves payment in lieu of improvements to Food Equipment Process Co. in connection with L13-07 a large scale development for with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Ford Avenue including improvements related thereto, drainage, curbs, gutters, and sidewalks to be built in connection with L13-07 a large scale development.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Doug Sprouse, Mayor

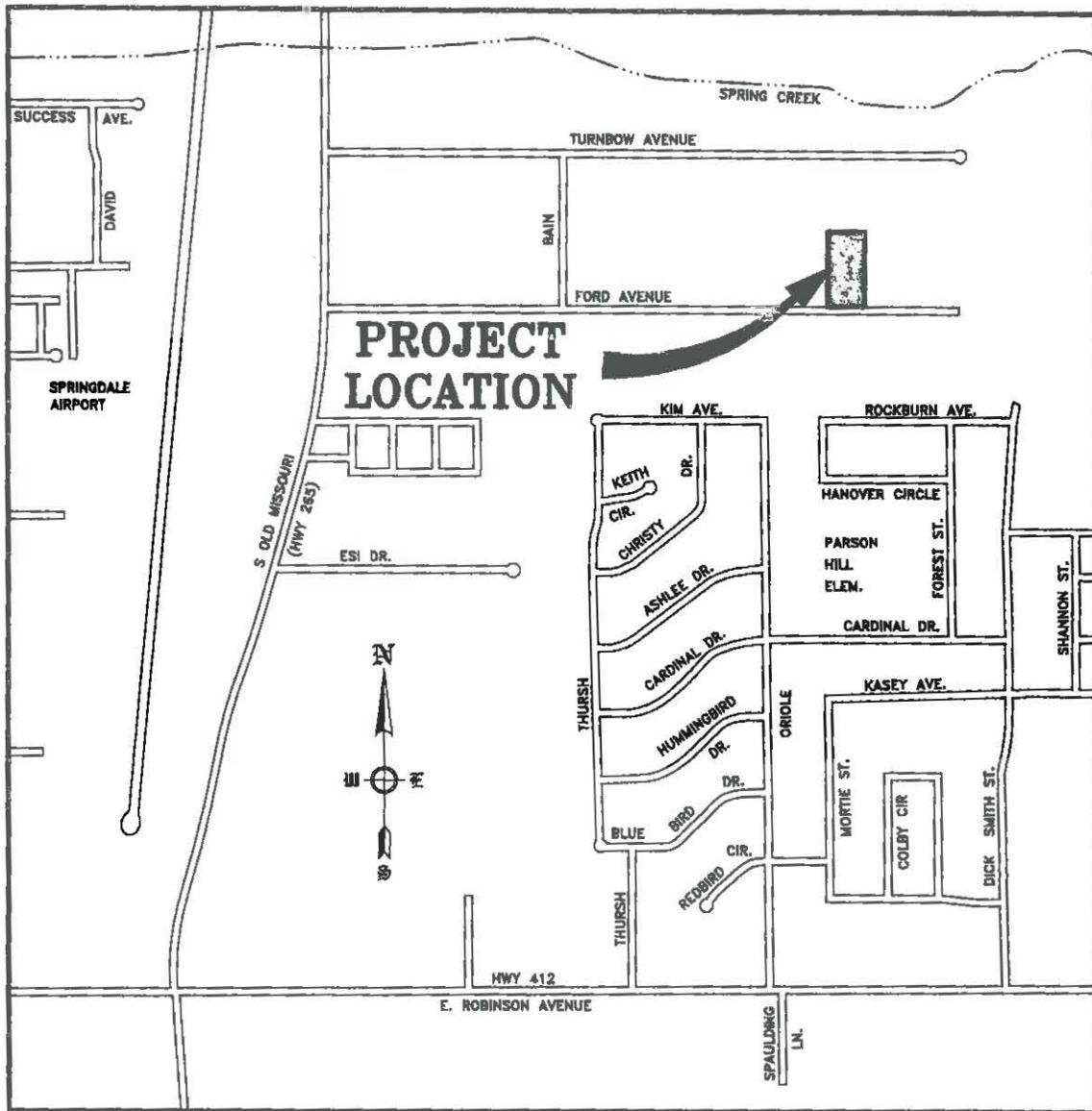
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney



VICINITY MAP

FOOD EQUIPMENT PROCESS CO.

2216 FORD AVENUE

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WAGON WHEEL BEND SUBDIVISION IN CONNECTION WITH FP07-03 A FINAL PLAT

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to Wagon Wheel Bend Subdivision in connection with FP07-03 a Final Plat and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of street improvements to Wagon Wheel Bend Subdivision including improvements related thereto, drainage, curbs, gutters and sidewalks in connection with FP07-03 a Final Plat.

Option 2: Denies a waiver of street improvements to Wagon Wheel Bend Subdivision including improvements related thereto, drainage, curbs and gutters sidewalks in connection with FP07-03 a Final Plat.

Option 3: Approves payment in lieu of improvements to Wagon Wheel Bend Subdivision in connection with a Final Plat for with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Wagon Wheel Bend Subdivision including improvements related thereto, drainage, curbs, gutters, and sidewalks to be built in connection with FP07-03 a Final Plat.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Doug Sprouse, Mayor

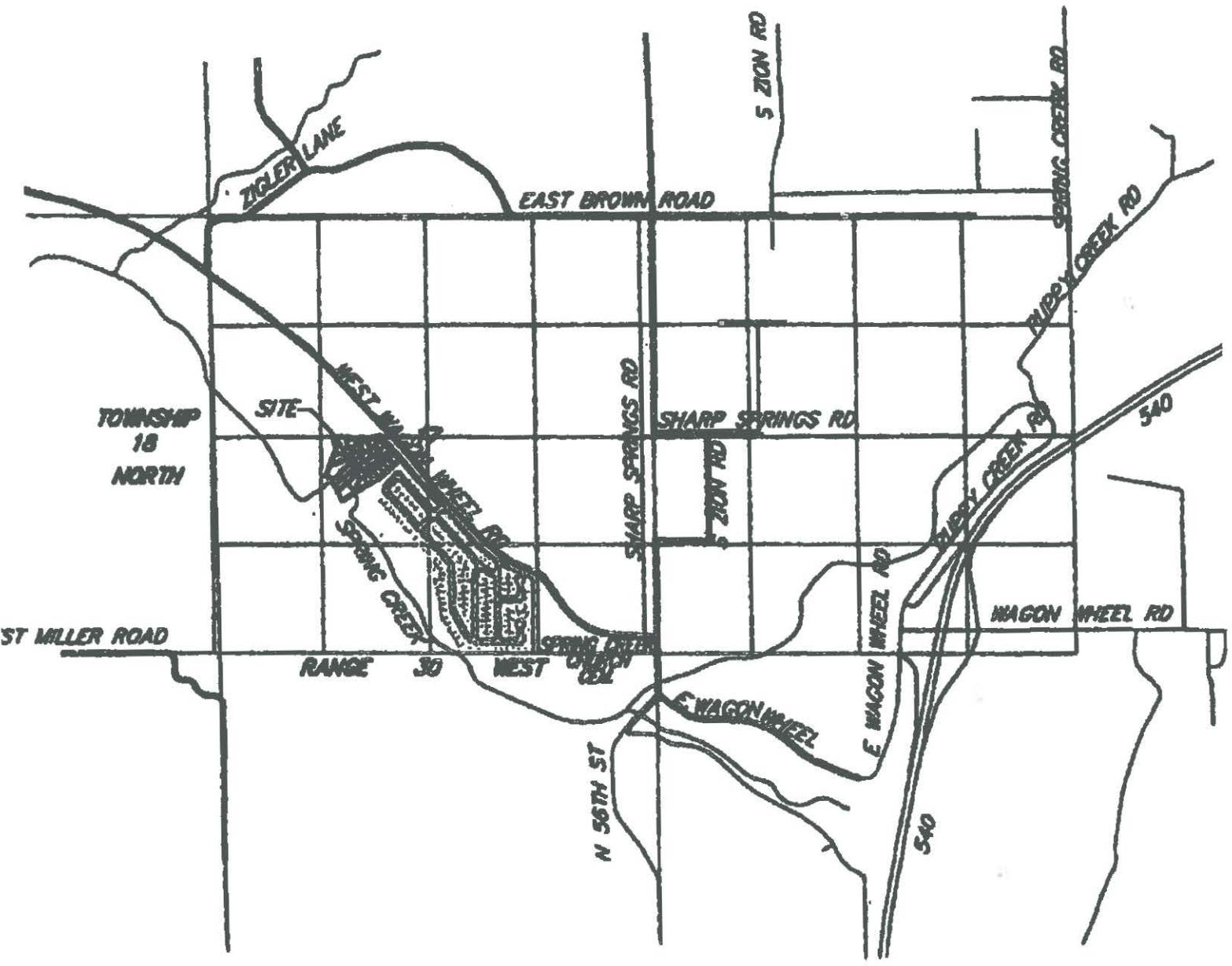
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney



VICINITY MAP

WAGON WHEEL BEND SUBDIVISION
 SW SIDE OF WAGON WHEEL ROAD
 WEST OF SPRING CREEK CEMETARY

RESOLUTION NO. _____

A RESOLUTION AMENDING 2.5d and 2.5e OF THE CITY PERSONNEL AND PROCEDURES MANUAL.

WHEREAS, the City Council for the City of Springdale, Arkansas finds that policy 2.5, Hiring Process for Non-Civil Service Positions, of the City's Personnel and Procedures Manual are in need of revision:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that policy 2.5d and 2.5e are hereby amended to read as follows:

2.5d Reference Check:

(1) After the interview, if it is decided by the department head that an employment offer will be extended, a reference check must be conducted before any offer of employment is made. The reference check includes verification of employment duties, dates of employment, work record, attendance record, strengths, weaknesses, safety record, and other pertinent information. Parts of the reference check may be delegated to the affected department. ~~The personnel officer or the department head or the department head's designee shall conduct the reference check before a decision is made on an employment offer.~~

(2) ~~Certain positions may be designated for a thorough background check by the police department or other designated individual/ agency. Once the final or top candidate(s) are selected for a position, the Human Resources Department will contact an accredited company or agency to perform a criminal background check on that candidate(s) prior to final selection and prior to a job offer being made to a potential employee. In certain positions where the potential employee may be required to handle large sums of money, a credit history shall also be processed. In departments where employees can be hired for certain positions under the age of 18 years old (i.e. aquatic center employees in the Parks and Recreation Department), the applicant and their parent/guardian will sign a waiver allowing the City to conduct the background check. All criminal background documentation and credit history information used to make the final selection will be placed in the personnel file of the new employee. For purposes of this policy, the Fire and Police Departments will continue to conduct their own background checks.~~

(3) Results of the reference check and/or background check will help determine the applicant's fitness for the position.

(4) A recommendation for hire will be forwarded to the appointing authority for final approval.

2.5e Applicant Notification:

(1) After references are verified and a final decision reached, the candidate will be notified of his/her selection, and an employment offer made, with the request that the offer be accepted or rejected within a set number of days.

(2) If the first offer is rejected, it will be decided whether to hire another candidate or to reopen the position.

(3) Once a candidate accepts the employment offer, all other candidates interviewed are notified that they were not selected for the position.

(4) In order to assure the City of Springdale hires employees that are legally eligible to work in the United States, the Human Resources Department

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

will follow Federal Guidelines as outlined in the "Employment Eligibility Verification" Form from the U.S. Department of Homeland Security, otherwise known as the I-9 Form. This form will be completed by employees on a post job offer basis and must be completed no later than the first day of employment. All "acceptable documents" (which must be received within 3 working days of an employee's start date) will be photocopied and attached to the I-9 Form completed by the employee. A staff member of the Human Resources Department will verify the authenticity of the documents presented by the employee within 2 business days by submitting the information electronically to "E-Verify". E-Verify is an online system operated jointly by the U.S. Department of Human Services and the Social Security Administration which will insure that the City hires only individuals who are legally eligible to work in the United States. The I-9 Form and the attached documentation will be placed in an electronic I-9 file. When an employee leaves employment from the City, the electronic I-9 information will be placed in the electronic Employee's Personnel File.

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 ESTABLISHING THE BUDGET
FOR THE RABBITS FOOT WILDLIFE
OBSERVATION AREA AND AUTHORIZING
CONSTRUCTION FOR THIS PROJECT**

WHEREAS, Karen Morton donated a tract of land near Lake Springdale to the City of Springdale; and

WHEREAS, the City of Springdale has received a grant from the Arkansas Game and Fish Commission (AGFC) for construction of a wildlife observation area on this property; and

WHEREAS, the project will include a observation shelter to enhance wildlife observation in the area; and

WHEREAS, the associated trail will provide enhanced recreational opportunities for the citizens of Springdale; and

WHEREAS, the AGFC grant provides for \$100,000 toward the construction of the trail; and

WHEREAS, it is necessary to formally establish a budget for this project.

Total Construction	\$129,460.44
Bridge/Boardwalk Materials	\$8,541.66
Contingency (10%)	\$13,800.21
<u>Materials previously purchased</u>	<u>\$9,500.00</u>
Total Project	\$161,302.31
<u>Game and Fish</u>	<u>-\$100,000.00</u>
City Total	\$61,302.31

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

1) The total project cost shall not exceed \$161,302.31 without Council approval and \$61,302.31 of the total project cost will be funded from the funds designated for park land acquisition in the Capital Improvement Project Fund; and

2) Construction of the Rabbits Foot Wildlife Observation Area will begin upon completion of design and contract negotiation.

PASSED AND APPROVED this 23rd day of April 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

Memo

To: Street & CIP Committee
From: Alan Pugh
Date: April 10, 2013
Re: Rabbits Foot Wildlife Observation Area

As a part of the enhancement of recreational opportunities for the citizens of Springdale, the city applied for and received a grant from the Arkansas Game and Fish to build wildlife observation trails and a structure near Lake Springdale. These amenities are planned to be located on approximately 2.5 acres of land donated by Karen Morton to the City of Springdale. As you can see from the attached plan, the area is also located in close proximity to the Regional Greenway and will bring continued interest to the area along with the fishing pier at Lake Springdale. These improvements were planned with the intent that this will become a destination point for Springdale residents and others that utilize the trail and visit the Northwest Arkansas region.

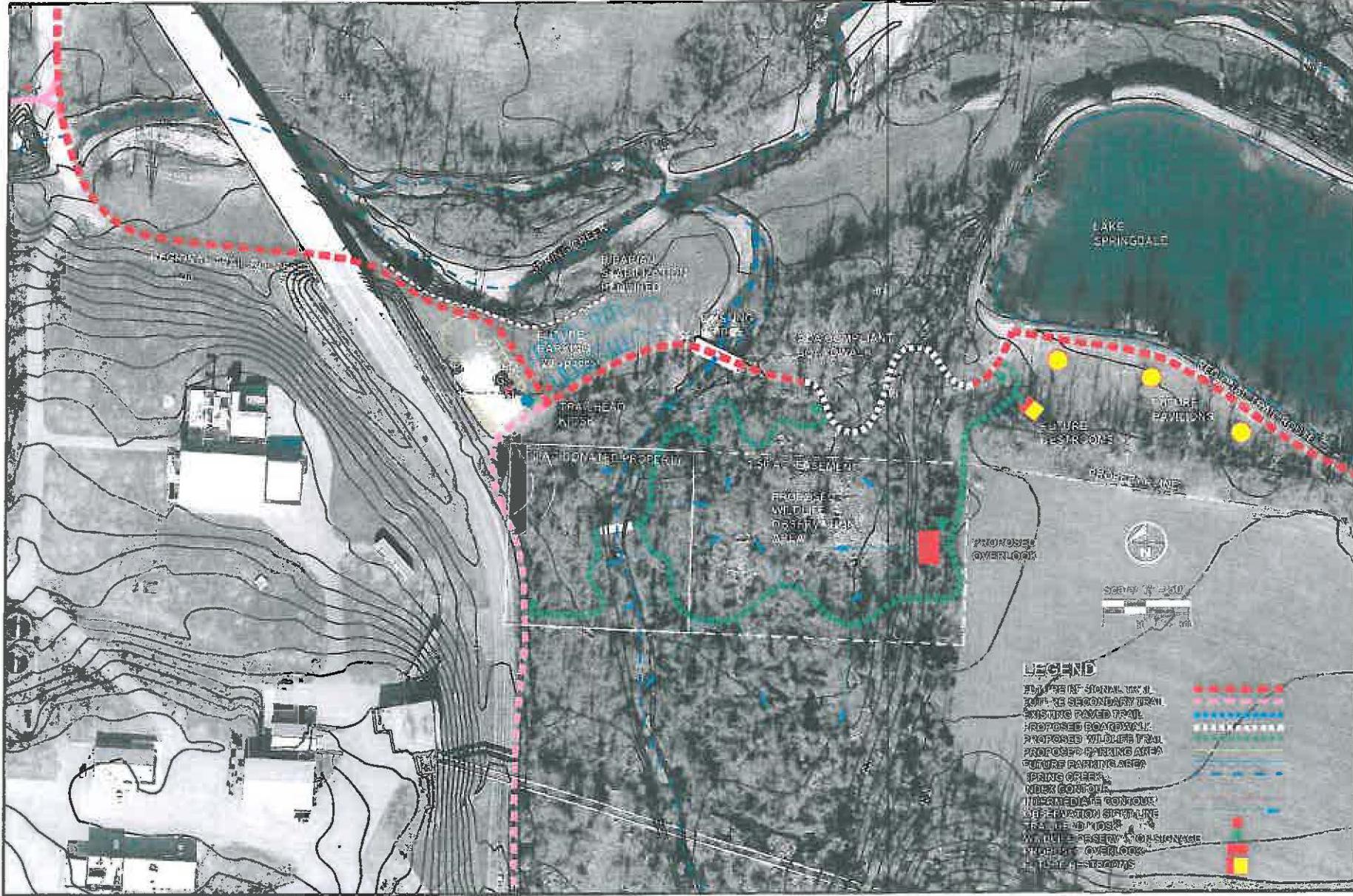
The grant provided by Arkansas Game and Fish was in the amount of \$100,000 and the improvements were originally planned to be constructed using city forces. Also, as a part of the grant, the city has agreed to complete the planned improvements by November of this year. While the Parks and Public Works staff, along with volunteers from Rotary, have done a tremendous amount of work in the area, it is becoming evident that due to the workload in those departments the deadline will not be met without contracting out some of the remaining portions of the work. Also, without specialized staff knowledge of the bridge and observation shelter construction, we believe it is important to public safety to employ someone that has that experience for those items.

When originally discussing this project with the Game and Fish, it was important to allow recreational opportunities while minimizing the impact of the improvements to the surrounding area. It is important to keep this goal in mind when selecting a contractor to perform the work in the area. Staff is proposing to select a contractor with a great deal of trail experience and experience in building observation areas/structures. This is important to the project as many contractor are not used to and don't understand the issues when

dealing with confined spaces, especially in wooded areas. It is important to understand the types of equipment that can be used on projects such as these so that the surrounding areas that are to be kept natural are not disturbed. If the wrong type of equipment or operator is used, it can lead to specimen trees not living through the construction process.

Attached you will find a revised budget indicating the improvements yet to be done and the amount anticipated to complete these improvements with both city forces and contract labor. This will allow the city to meet our obligations with the construction of the improvements but also help to enhance the area further. The current plan did not call for natural stone features which are being proposed at this time to help the improvements blend into their surroundings.

Staff would ask your consideration in both approving additional funding and selecting Boulder Construction, Inc to perform the work involved. Boulder is also unique in that they have access to a stone quarry for natural stone additions referenced above. Also attached are images of trail and shelter work done previously by Boulder Construction. If you have any questions or comments, staff would be happy to address those at your convenience.



**RABBITS FOOT WILDLIFE OBSERVATION AREA
WILDLIFE OBSERVATION T RAIL GRANT PROGRAM**

CITY OF SPRINGDALE • 201 SPRING ST. • SPRINGDALE, AR • 72764

Date:	3-14-11
Scale:	1" = 100'
Drawn By:	DEC
Revised:	



















Wildlife Trail Budget

Schedule 1 General Conditions	
Project Management	\$ 1,782.20
Administrative	\$ 285.15
Truck Expense	\$ 2,480.72
Safety	\$ 332.50
Small Tools	\$ 558.60
Fuel	\$ 2,194.50
Portable Toilets	\$ 953.61
Liability Insurance	\$ 4,283.93
Schedule 1 total	\$ 12,871.21

Schedule 2 Site Work	
Supervision	\$ 1,782.20
Layout	\$ 537.84
Construction Fencing	\$ 636.33
Demolition Trees/Brush	\$ 1,524.45
Gravel Removal/Placement	\$ 1,417.51
Excavation	\$ 1,895.25
Haul off	\$ 1,995.00
Schedule 2 Total	\$ 9,788.58

Schedule 3 Foundation Installations	
Supervision	\$ 9,980.32
Abuttment w/wingwalls	\$ 16,227.95
Pier Driller	\$ 2,886.10
Pier Pole Placement	\$ 5,288.95
Boardwalk Stringers	\$ 11,105.47
Masonry	\$ 9,440.79
Observation Deck	\$ 24,400.51
Schedule 3 total	\$ 79,330.09

Miscellaneous	
Trail Bridge/BW labor	\$ 15,470.56
Additional Fencing	\$ 1,500.00
Gate Relocation	\$ 750.00
Chat/Class 7 for trail	\$ 5,000.00
Geoweb/fabric	\$ 3,500.00
Structural Review	\$ 1,250.00
Total Miscellaneous	\$ 27,470.56

Total All Construction	\$ 129,460.44
Materials for Bridge/Boardwalk	\$ 8,541.66
Contingency (10%)	\$ 13,800.21
Materials previously purchased	\$ 9,500.00
Grand Total	\$ 161,302.31
Total Game and Fish	\$ 100,000.00
City of Springdale	\$ 61,302.31

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE RABBITS WILDLIFE OBSERVATION AREA; TO WAIVE COMPETITIVE BIDDING; AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City of Springdale has received a grant from the Arkansas Game and Fish Commission (AGFC) for the construction of the Rabbits Foot Wildlife Observation Area;

WHEREAS, the project was originally planned to utilize volunteer and city forces for completion;

WHEREAS, in order to meet the grant deadline it is necessary to hire a contractor to complete the project, and

WHEREAS, given the grant deadline and the unique nature of certain items it is necessary to waive competitive bidding;

WHEREAS, the items/company must meet the terms of the AGFC grant;

WHEREAS, the items include, but are not limited to, the construction of a trail bridge, raised boardwalk and observation shelter;

WHEREAS, the city will negotiate a contract with Boulder Construction, Inc., for this service; and

WHEREAS, the contract in question will be funded by the AGFC grant, along with city funds

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute a negotiated contract with Boulder Construction, Inc., for the construction of the Rabbits Foot Wildlife Observation Area;

IT IS FURTHER ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that because of the exceptional situation described above, competitive bidding is not deemed feasible or practical and therefore competitive bidding is waived.

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

PASSED AND APPROVED this ____ day of _____ 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CAPITAL
IMPROVEMENT FUNDS FOR THE PARKS &
RECREATION DEPARTMENT**

WHEREAS, the Parks & Recreation Director has requested funds for the installation of safety fencing and gates around the Babe Ruth fields complex at Tyson Park to provide a safe area for players & siblings, and

WHEREAS, the providing of this type of fencing will not only provide safety, but will improve game management for facility users, and

WHEREAS, the City Council desires that funds be appropriated for this project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Capital Improvement Funds of \$7,231.35 is hereby appropriated, from the funds reserved for park land acquisition, for the construction of safety fencing around the Babe Ruth Fields at J. B. Hunt Park.

PASSED AND APPROVED this 23rd day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

Chad Wolf

From: Melony Belt [melonybelt@afc.arcoxml.com]
Sent: Tuesday, February 12, 2013 1:26 PM
To: Cwolf@springdalear.gov; JeBassham@aol.com
Subject: FW: Arvest Ball Park fence quote

**ARKANSAS FENCE CO., INC
848 ELM SPRINGS ROAD
SPRINGDALE, AR 72762
479-442-8000**

Estimate for 469 linear feet of 4 ft. tall, 9 gauge chain-link material, all 40 weight posts, toprail and gates, 5 10 ft. gates, 1 – 6 ft. gate

Includes materials, taxes and labor

\$ 7,231.35

**Melony Belt
Owner
Arkansas Fence Co, Inc.
Cell # 479-236-2024**

2/12/2013

Proposal / Contract

1864 Ford Ave.
Springdale, Arkansas 72764
"Serving Northwest Arkansas Since 1950"

License #0018101109
Attn: Chad Wolf



479-443-5122
1-877-266-3376
Toll Free
479-442-7173
Fax

PROPOSAL SUBMITTED TO	City of Springdale Parks + Rec	PHONE	DATE
ADDRESS	PO BOX 42 Springdale, AR 72766		
ERECTED AT:	Babe Ruth Field @ Tyson Ball Fields	REQUESTED START DATE	

Qty.	Materials
	APPROX 571 L.F. of 4' HIGH Chain Link Fence
	including 5ea 10' wide double drive gates + 1- 6' single gate.
Price is quoted of Fax Provided by Chad Wolf	
SEE ATTACHMENT FOR SPECS ON FENCE.	

Modern Control Access, Inc., agrees to guarantee the above fence to be free from defects in workmanship for one (1) year. (Does not include fence alignment due to warping, splitting, twisting, shrinking, checking or other changes in the shape of the wood). All other warranties come from manufacturer material used under this contract (available upon request).

Modern Control Access, Inc., shall advise the customer as to local zoning regulations but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. Modern Control Access, Inc., will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstances does Modern Control Access, Inc., assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located it is recommended that the customer have the property surveyed.

Modern Control Access, Inc., will assume the responsibility for having underground public utilities located and marked. However, Modern Control Access, Inc., assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The customer will assume all liability for damages caused by directing Modern Control Access, Inc., to dig in the immediate vicinity of known utilities.

Any additions or changes made by customer prior to installation of job that requires extra labor and or material, will be added to the price established on this contract and will become due and payable to the installer with the balance due at the time of completion. Approximately 50% deposit is required upon signing this contract. This will offset expenses incurred for special order items, prep work occurring prior to installation of fence, as well as allocated material to be set back at current market price.

Right of access and removal is granted to Modern Control Access, Inc., in the event of nonpayment under terms of contract.

The customer agrees to pay all interest and costs incurred in collecting this debt.

Important Notice: Modern Control Access Inc., reserves the right to file lien against customer property if customer does not pay for fence work in full.

Approved & Accepted for Customer:

Contract Amount: \$ 9,278.-

Down Payment: \$ _____

Balance Due Upon Completion: \$ _____

Customer: Randy Ward Date: 2-14-13

Salesman Signature: _____ Date: _____

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2013
BUDGET OF THE FIRE DEPARTMENT**

WHEREAS, the 2012 budget included \$390,000 for the purchase of two new ambulances from the ambulance equipment replacement fund, and

WHEREAS, the ambulances have been ordered and delivery is expected soon, and

WHEREAS, the completion of this purchase was not included in the 2013 Fire Department budget;

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

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Fire	10106014228050	Capital from Reserves	0	390,000		390,000

PASSED AND APPROVED this 23rd day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

RESOLUTION NO. _____

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

WHEREAS, the District Judge desires to make certain purchases for office security improvements, computer modifications to comply with Arkansas Act 282 of 2013, and purchase of computer equipment;

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

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

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
District Court	20501034136001	Office & Postage	30,560	9,626		40,186
District Court	20501034135110	Computer Maintenance	1,000	9,500		10,500

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

SPRINGDALE DISTRICT COURT

CITY ADMINISTRATION BUILDING
201 N. SPRING STREET
SPRINGDALE, ARKANSAS 72764
(479) 750-8143

JEFF C. HARPER
DISTRICT JUDGE

BETTY LEE
COURT CLERK

TO: SPRINGDALE CITY COUNCIL MEMBERS
FROM: JEFF C. HARPER, DISTRICT JUDGE 
DATE: APRIL 19, 2013
RE: EXPENDITURES FROM COURT AUTOMATION FUND

On the Council agenda for Tuesday, April 23, 2013, you have a request from me for the transfer of funds from the District Court Automation Fund, to two expenditure accounts to allow for the purchase of court related technology.

First, \$9,626 is requested for the purchase and installation of court related technology related to security. Enclosed with this memorandum are copies showing the cost to purchase and have these items installed in the District Court. The Finance Committee received copies of these documents at their April 15, 2013 meeting.

The remaining \$9500 transferred to computer maintenance involves the cost of \$8,000, to be paid to our computer vendor, Sunguard, in order to pay for computer programming changes to allow the court to comply with Act 282 of 2013. The remaining \$1500 is for purchase of a laptop computer and software to allow for the booking of prisoners inside the court facility.

If you should have any questions, let me know.

INFINITY COMPOSITES INC
 PO BOX 1277
 ASHTABULA, OH 44005-1277

QUOTE

Date	QUOTE #
4/1/2013	3125

Name / Address
City of Springdale 201 Spring Street Springdale, AR 72764

Ship To
City of Springdale Attn: Mike Janda 201 Spring Street Springdale, AR 72764

Terms	Rep	FOB
Net 30	Brian	

Item	Description	Qty	U/M	Cost	Total
FABP-2	Kevlar Bullet Resistant Panel: NIJ Level II Panel Size: 63" x 50" @ 21.875 sf each Panel Weight: .8 lb Sq/Ft. Nominal Thickness: 3/16 inch / 4.76(mm) UL-752 REV.9 and NIJ-0108.01 Rated: UL-752 Levels 1 & 2 and NIJ Level II Weapon & Bullet Description: 9mm 124 FMJ: Impact Velocity 1175 ft/sec - 358(m/sec) 357 Magnum 185gr JSP Impact Velocity 1395 ft/sec - 381(m/sec)	10		659.00	6,590.00
Shipping	Shipping Ground Best Way	1		131.00	131.00
This is an RFQ.				Subtotal	\$6,721.00
				Sales Tax (0.0%)	\$0.00
				Total	\$6,721.00

Phone #	Fax #
440-992-2331	440-992-0631

ABRAM'S GLASS INC.

Estimate

Date	Estimate #
4/10/2013	5379

343 E. ROBINSON AVE.
SPRINGDALE, AR 72764

Name / Address
CITY OF SPRINGDALE 201 NORTH SPRING ST. SPRINGDALE, AR 72764

P.O. No.	Job	Terms	
	COURTS DOORS	Net 30	
Qty	Description	Each	Total
1	TWO (2) 20 X 24 LEVEL 1 BULLET RESISTANT WINDOWS WITH FRAMES INSTALLED. 50% DEPOSIT REQUIRED DUE TO SPECIAL ORDER PRODUCT		1,976.00

Customer Signature _____

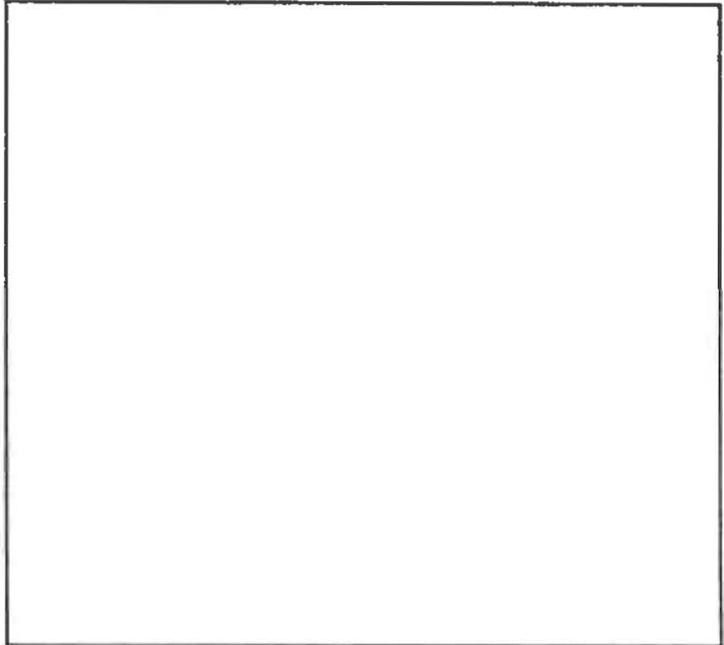
Phone #	Fax #
(479) 750-0042	(479) 750-5252

Subtotal	\$1,976.00
Sales Tax (9.25%)	\$0.00
Total	\$1,976.00

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 4376 CAMPION COURT, 1140 WEST END STREET, AND 1001 WILKINSON LANE.

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



Lot 46, Serenity Subdivision, Phase II, Springdale, Washington County, Arkansas, as shown on Plat Record "23" at Page 257.

LAYMAN'S DESCRIPTION: 4376 Campion Court
Springdale, Arkansas
PARCEL NO.: 815-38009-000

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

Lot Numbered Two (2) in Block Four (4) in the 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: 1140 West End Street
Springdale, Arkansas
PARCEL NO.: 815-25628-000

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

Part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-Five (35) Township Eighteen (18) North, Range Thirty (30) West, described as beginning at the Southeast corner of said forty acre tract, thence running 540 feet North 00° 54' East; thence 327 feet North 88° 16' West, thence South 00° 54' West 100 feet for the point of beginning of the lands herein intended to be conveyed, thence South 00° 54' West 7 feet; thence North 88° 16' West 100 feet; thence North 00° 54' East 7 feet; thence South 88° 16' East 100 feet to the point of beginning.

LAYMAN'S DESCRIPTION: 1001 Wilkinson Lane
Springdale, Arkansas
PARCEL NO.: 815-28149-000

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

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

\$65.00 clean-up costs and \$27.22 administrative costs – 4376 Campion Court
\$117.99 clean-up costs and \$21.11 administrative costs – 1140 West End Street
\$505.00 clean-up costs and \$21.11 administrative costs – 1001 Wilkinson Lane

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

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies:

\$92.22, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 4376 Campion Court, Springdale, Washington County, Arkansas as described above, and collected accordingly;

\$139.10, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 1140 West End Street, Springdale, Washington County, Arkansas as described above, and collected accordingly;

\$526.11, plus 10% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on property known as 1001 Wilkinson Lane, 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 _____, 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:

blockhart@springdalear.gov

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.

March 4, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dallas Gardner, Jr.
14416 Single Pine Dr.
Mabelvale, AR 72103

Bank of America, N.A.
400 National Way
Simi Valley, CA 93065

RE: Notice of clean-up lien on property located at 4376 Campion Ct.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
38009-000

Dear Property Owner/Lienholders:

On April 13, 2012, notice was posted on property located at 4376 Campion Ct.,
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 April 26, 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.

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 May 21, 2011. As of this date, the total costs incurred and paid by the City
of Springdale to clean this property are \$65.00. I have enclosed an invoice
evidencing the costs incurred and paid by the City of Springdale to clean this
property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4),
administrative fees may be added to the total costs incurred by the City of
Springdale, which will include certified mailing fee in the amount of \$6.11 per
letter and a filing fee in the amount of \$15.00 to the Washington County Circuit
Court.

This is to notify you that in the event this amount is not paid to the City of
Springdale on or before April 16, 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, April 23, 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 \$77.22, which includes \$65.00 for cleaning up the property and \$12.22 for certified mailings to the City of Springdale no later than April 16 2013. If you fail to pay this amount before the hearing then an additional \$15.00 will be added to the total 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.

Should this matter go before City Council, an ordinance will be passed placing a tax lien on your property for the total amount of \$92.22 plus 10%, making the total due to clear the tax lien the sum of \$101.45.

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

Sincerely,



Brooke Lockhart
Deputy City Attorney

enclosures

BL:ch

cc: Mr. Todd Evans, Attorney
Revenue Legal Counsel
Department of Finance & Administration
P.O. Box 1272, Room 2380
Little Rock, AR 72203-1272



Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

Invoice

Due Date	Date	Invoice #
5/31/2012	5/21/2012	215

bellis_lawns@cox.net

Bill To
Code Enforcement/Springdale AR
107 Spring St
Springdale, AR 72762
Debbi

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 \$65.00

Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.	Terms	Project	Rep		
	Net 10				
Item	Description	Qty	Rate	Serviced	Amount
Lawn Service	Lawn Service - 4376 Campton Ct Springdale AR -	1	65.00	5/21/2012	65.00

Transaction # _____
 Date _____
 Account # 101-0403-423.70-35
 Project # _____
 Invoice # 215
 Amount \$65.00
 Description lawn service @ 4376 campton Ct
 Approved By Nick Ulls
5/22/12

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	\$65.00
Payments/Credits	\$0.00
Balance Due	\$65.00

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"/> Addressee <i>Dallas Gardner, Jr.</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Blk 13</i></p>
<p>1. Article Addressed to:</p> <p>Dallas Gardner, Jr. 14416 Single Pine Dr. Mabelvale, AR 72103</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 1570 0000 8219 6802</p>	<p>PS Form 3811, February 2004 Domestic Return Receipt 102695-02-M-1640</p>

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 type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>David...</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>2/12/04</i></p>
<p>1. Article Addressed to:</p> <p>Bank of America, N.A. 400 National Way Simi Valley, CA 93065</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7011 1570 0000 8219 6796</p>	<p>PS Form 3811, February 2004 Domestic Return Receipt 102695-02-M-1640</p>



Office Of The City Attorney

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

blockhart@springdalear.gov

February 28, 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.

Kathy Allen-Koch White
6469 Dufour Dr.
Meridian, MS 39301

RE: Notice of clean-up lien on property located at 1140 West End St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
25628-000

Dear Property Owner:

On April 5, 2012, notice was posted on property located at 1140 West End Street,
Springdale, Arkansas, that the property was in violation of Springdale City
Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days.
Notice was mailed to the owner and lienholder of record on April 13, 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.

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 May 15, 2011. As of this date, the total costs incurred and paid by the City
of Springdale to clean this property are \$117.99. I have enclosed an invoice
evidencing the costs incurred and paid by the City of Springdale to clean this
property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4),
administrative fees may be added to the total costs incurred by the City of
Springdale, which will include certified mailing fee in the amount of \$6.11 per
letter and a filing fee in the amount of \$15.00 to the Washington County Circuit
Court.

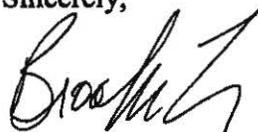
This is to notify you that in the event this amount is not paid to the City of
Springdale on or before April 16, 2013, a hearing will be held before the
Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the

amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, April 23, 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 \$124.10, which includes \$117.99 for cleaning up the property and \$6.11 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,



Brooke Lockhart
Deputy City Attorney

enclosures
BL:ch



Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

Complete Lawn Care and Maintenance

Invoice

Due Date	Date	Invoice #
5/25/2012	5/15/2012	189

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 \$117.99

Bellis Lawn & Gardens
PO BOX 406
Fayetteville AR 72702

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT.

P.O. No.

Terms

Project

Rep

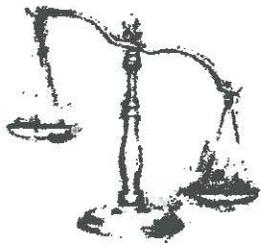
Net 10

Item	Description	Qty	Rate	Serviced	Amount
	City of Fayetteville Landfill fee		27.99	5/14/2012	27.99
Haul Off	Haul Off	1	45.00	5/14/2012	45.00
Lawn Service	Lawn Service - 1140 Westend Springdale AR -	1	45.00	5/14/2012	45.00

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	\$117.99
Payments/Credits	\$0.00
Balance Due	\$117.99

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>Kathy White</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Kathy Allen-Koch White 6469 Dufour Dr. Meridian, MS 39301</p> </div>	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number <i>(Transfer from service label)</i>	D. Delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004	7011 1570 0000 8219 6758	
	Domestic Return Receipt	
	102595-02-M-1540	



Office Of The City Attorney

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

tsamples@springdalear.gov

March 19, 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.

Ms. Jessie Howard
c/o Maples at Har-Ber Meadows
6456 W. Lynchs Prairie Cove
Springdale, AR 72762

RE: Notice of clean-up lien on property located at 1001 Wilkinson Lane, Springdale, Washington County, Arkansas, Tax Parcel No. 815-28149-000

Dear Property Owner:

On November 2, 2012, notice was posted on property located at 1001 Wilkinson Lane, 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 2, 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. 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.

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 15, 2012 and February 11, 2013. As of this date, the total costs incurred and paid by the City of Springdale to clean this property are \$505.00. I have enclosed invoices evidencing the costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.11 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before April 16, 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, April 23, 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 \$511.11, which includes \$505.00 for cleaning up the property and \$6.11 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Samples".

Taylor Samples
Deputy City Attorney

enclosures
TS:ch

11/17/13 10 45:11:32 AM

Invoice

Green Pastures Lawn Care
19007 Bug Scuffle Rd.
West Fork AR, 72774

(479)903-2696

mike@gp-lc.com

Bill To:

City Of Springdale
201 Spring St.
Springdale AR, 72764

Invoice No: 148
Date: 11 Feb 13

Description	Quantity	Rate	Amount
Securing 2 doors and hole in the gable plus materials at: 1001 Wilkinson Ln. Officer T. Haden	1.00	\$175.00	\$175.00*

Transaction # _____
Date _____
Account # 101-0403-423.70-35
Project # _____
Invoice # 148
Amount 175.00
Description Secur. building @ 1001 Wilkinson Ln.
Approved By Mike Clark
2/12/13

Total	\$175.00
Paid	\$0.00
Balance Due	\$175.00

Need Jean

Invoice

Green Pastures Lawn Care
19007 Bug Scuffle Rd.
West Fork, AR 72774

Invoice No: 123
Date: 15 Nov 2012

479-903-2696

mike@gp-lc.com

Bill To:
City of Springdale
201 Spring St.
Springdale AR
72764

Description	Quantity	Rate	Amount
Trash & junk hall off, initial lawn care, and securing 3 windows & 2 doors with plywood at: 1001 Wilkinson Ln. Officer T. Haden	1.00	\$330.00	\$330.00*

Transaction # _____
 Date _____
 Account # 101-0403-423.70-35
 Project # _____
 Invoice # 123
 Amount \$330.00
 Description remove debris, lawn care, & secure house
@ 1001 Wilkinson Ln.
 Approved By Mik Uk
11/14/12

Thank you for your business!

Total	\$330.00
Paid	\$0.00
Balance Due	\$330.00



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GET EMAIL UPDATES PRINT DETAILS

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
7011157000082 i97220		Delivered	March 20, 2013, 10:10 am	SPRINGDALE, AR 72762	Certified Mail™
		Depart USPS Sort Facility	March 20, 2013	FAYETTEVILLE, AR 72701	
		Processed through USPS Sort Facility	March 20, 2013, 4:31 am	FAYETTEVILLE, AR 72701	

Check on Another Item

What's your label (or receipt) number?

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- Inspector General ›
- Postal Explorer ›

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CAPITAL
IMPROVEMENT PROJECT FUNDS FOR A
CHRISTMAS DRIVE-THRU LIGHT DISPLAY**

WHEREAS, the City Council desires to create a Christmas Drive-Thru Light Display in J. B. Hunt Park, and

WHEREAS, the display is expected to generate sufficient funds to provide for its continuance and expansion after the initial investment, and

WHEREAS, the initial cost will include the installation of an electrical distribution system and the purchase of several displays that will compliment the displays we already have, and

WHEREAS, the initial investment is anticipated to be \$290,000;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the expenditure of \$290,000 of Capital Improvement Project Funds that have been designated and reserved for park land acquisition is hereby authorized for a Christmas Drive-Thru Display.

PASSED AND APPROVED this 23rd day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING
FOR A CONTRACT FOR MATERIALS AND SERVICES
RELATING TO THE CHRISTMAS DRIVE-THRU
LIGHT DISPLAY

WHEREAS, the City of Springdale is planning a Christmas Drive-Thru Light Display for J.B. Hunt Park, and

WHEREAS, the City of Springdale desires to enter into a contract with Get Lit, LLC., for the furnishing of some displays and management services, and

WHEREAS, the production of a Christmas Drive-Thru Light Display requires artistic skills and ability difficult to obtain in a competitive bid situation, and

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

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

Section 1. This Council finds that due to the artistic requirements of this project competitive bidding is not feasible or practical in the purchase of displays and services and competitive bidding is here by waived and the Mayor is hereby authorized to enter into the attached contract with Get Lit, LLC.

Section 2. Emergency Clause. It is hereby declared that an emergency exists, and this ordinance being necessary for the immediate preservation of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon passage and approval.

PASSED AND APPROVED this ____ day of _____, 2013

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM



Ernest B. Cate, City Attorney

Product and Service Contract

This Agreement, herein referred to as 'Agreement', dated _____ is between Get Lit, LLC, having its principal place of business at 13243 Puppy Creek Rd, Springdale, AR 72762, herein referred to as 'Get Lit' and The City of Springdale, Arkansas herein referred to as 'City'.

Get Lit and City agree to the following terms and conditions:

1. Get Lit will provide to City products and services for a drive through light display, herein referred to as 'The Display' to be located at J.B. Hunt Park in Springdale, Arkansas.
2. The City will purchase from Get Lit wireframe displays, lights and other decorations as outlined on attached Addendum.
3. Get Lit will provide management and oversight of the installation and removal of these elements. City will be responsible for providing personnel and equipment to perform the actual installation and removal of same.
4. Get Lit will provide pre-event services for The Display. This will include:
 - a. Marketing and promotion of The Display through news releases, public relations and internet social media including Facebook and Instagram.
 - b. Web marketing of The Display through internet search engine optimization and promotion of The Display on the Get Lit owned site NWALightTour.com.
 - c. Design of flyers, posters and other promotional material.
 - d. Opening a separate bank account designated for the exclusive use of The Display.
 - e. Booking and managing vendors to provide food, beverages and other goods for sale in the designated vendor area of The Display.
 - f. Coordinating volunteers to operate the 'Santa land' area of The Display.
5. Get Lit will provide daily operation and management of The Display. This will include:
 - a. Staff to run The Display during normal hours of operation which will include a minimum of one (1) person to manage traffic entering The Display, one (1) person to manage traffic entering and exiting the parking lot for vendors and 'Santa land', one (1) person to take donations, one (1) manager to oversee the operation of The Display. Get Lit will provide two (2) additional workers as needed, to handle large volume nights.
 - b. Get Lit personnel will be on-site a minimum of thirty (30) minutes prior to gates opening to the public and will turn on and verify proper operation of all elements in The Display.
 - c. Get Lit will collect donations from patrons entering The Display. This will be in the form of cash or credit card payment. Get Lit will make a daily deposit of these funds to the bank account designated for The Display.
6. At the conclusion of The Display, Get Lit will provide to City, bank statements of the bank account designated for The Display and a Cashier's Check for the funds of said bank account.

7. The Display will open to the public on Thanksgiving Day and will be open each Wednesday through Sunday until the first Sunday following Christmas Day. Should Christmas Eve and/or Christmas Day fall on a Monday or Tuesday, The Display will be open to the public on those days as well.
8. The Display will be open to the public each day indicated above from 6:00 p.m. until 10:00 p.m., weather permitting. It shall be the sole determination of Get Lit if weather conditions allow for the safe operation of The Display.
9. "Holi-Lites", "Holi-Lites Park" and all associated logos and internet domain names are trademarks and property of Get Lit. Get Lit shall grant the City a non-exclusive license to use the trademarks in conjunction with The Display for the term of this Agreement.
10. Payment terms for product and services will be 50% down upon execution of this Agreement with an additional progress payment of 25% of the total due 90 days prior to the event and the remainder due seven (7) days following The Display opening to the public.
11. Get Lit will carry general liability insurance in the amount of \$2 million and will provide to City a certificate of insurance listing City as an 'additional insured' party prior to any work commencing at J.B. Hunt park.
12. Prior to the execution of this Agreement, Get Lit will provide to City a Performance Bond guaranteeing the performance of this contract.
13. All products sold by Get Lit carry a 3 year parts and labor warranty which includes free on-site repair while decorations are installed. Warranty does not include damage inflicted by weather, animals or individuals. Non-warranty repairs are subject to a service call fee of \$30 plus \$30 per hour per dispatched technician.
14. Product stored by Get Lit LLC will become the property of Get Lit LLC if not claimed by customer after 365 days.
15. The City assumes responsibility for:
 - a. Overall budget approval.
 - b. Providing sufficient and properly operating electrical power for The Display.
 - c. Physical security of The Display when it is not open to the public.
 - d. Solicitation of sponsors for The Display.
16. Both Get Lit and City assume responsibility for:
 - a. Supervision and management of our respective personnel.
 - b. Communicating project status, problems, and other pertinent information in a timely manner. This communication may be in the form of written, electronic, or verbal communication.
 - c. Allowing the other party a reasonable period of time to comply before claiming the party has not fulfilled its obligation under this agreement.
17. City has fifteen (15) calendar days from invoice date to dispute charges, failure to dispute invoices charges within fifteen (15) calendar days will indicate the City's agreement to, and acceptance of, all invoice charges.
18. This agreement will be in effect from the date the last party signs until December 31, 2015.

19. Get Lit will perform services using reasonable skill and care and according to the current description contained in the latest Change Order. Get Lit does not warrant error free or uninterrupted operation. These warranties are your exclusive warranties and replace all other warranties and conditions, express or implied, including but not limited to the merchantability and fitness for a particular purpose.
20. In the event that Get Lit is found liable for breach of contract or other contractual obligations, such damages shall be limited to the amount of the contract. Damages for tort claims (such as misrepresentation and negligence) shall be limited to actual damages, including but not limited to, bodily injury, death, or damage to real or personal property.
21. Get Lit reserves the right to determine assignment of our employees and subcontractors.
22. The laws of the State of Arkansas shall govern this agreement.
23. Both Get Lit and the City acknowledge that it has read the Agreement and attached Addendum, and that this Agreement and attached Addendum are the total and exclusive agreement of the parties and supersede all prior proposals and agreements, oral or written, including the terms of any customer request for proposal or terms on any City Purchase Order.
24. In the event one or more of the provisions contained in the agreement shall be held to be invalid, illegal, or unenforceable, such an act shall not affect any other provision of the agreement, and this agreement will be construed as if such provision had never been contained in the agreement. Such provision shall only be limited or eliminated to the extent necessary to remove or eliminate any invalidity, illegality, or unenforceability.
25. This agreement may be executed in one or more counterparts, each of which will be considered an original, but all of which together constitute one and the same instrument.

In witness whereof, the agreement has been duly executed and delivered by the authorized officers of the parties indicated.

'City'

'Get Lit'

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

Addendum

Get Lit will provide the following products and services:

Refurbishment of existing City owned Wireframes – 22 frames in total	\$ 29,660.00
Remove all existing lighting from wireframes, strip each frame to bare metal, powder coat in white, re-wire with new C7 SPT-1 socket cord and light with C7 LED bulbs.	
New Elements:	
Holi-lites Park big entrance sign – approximately 19 feet high X 35 feet wide	\$ 10,300.00
Pathway lights and poles – LED mini-lights to line roadway through display – Approximately 35,000 lights	\$ 6883.00
Snowball kids scene – 2 animated wireframes – approximately 6 feet tall	\$ 4000.00
Sledding kids – 2 animated wireframes – approximately 6 feet tall	\$ 3500.00
Branch Wrap Trees and Holi-sphere balls – approximately 43,000 lights	\$ 25,290.00
Building Outlines – Barn, Shop, both pavilions and both bathrooms areas – C9 bulbs with 12 inch spacing	\$ 3,450.00
Blue twinkle lights in the fishing scene	\$ 875.00
Baseball Scene – 15 wireframes, 2 animated – approximately 8 feet tall	\$ 21,150.00
Polar Bear Scene – 7 wireframes, 2 animated – approximately 10 feet tall	\$ 13,800.00
Santa Area – Ornate Santa Chair, backdrop and 3 wrapped trees	\$ 6,500.00
Ultra Tree – 51 feet tall, 25.5 feet diameter at base, 102,000 LED lights, Animated to music, includes FM transmitter and licensed music	\$ 63,546.00
Light Tunnel – 15 arches, animated, 24,000 lights – approximately 15 feet high X 30 feet wide X 150 feet long	\$ 23,697.00
Elves building Merry Christmas sign wireframe – approximately 14 feet high X 37 feet wide	\$ 7,329.00
Total New Elements	\$190,320.00
Installation/Removal Management and Over-sight	\$ 11,500.00
Get Lit will provide management and over-sight of the installation and removal all new and existing elements of The Display. This will be done in conjunction with City personnel which will provide the actual installation and removal. This amount is based on the elements listed here and may be higher in 2014 and beyond if additional elements are added to The Display.	
Event Management	\$ 26,500.00
Get Lit will provide management of The Display during public hours including Collection of donations, personnel to guide traffic, on-site manager, promotion and public relations, vendor management, signage, event website and use of “Holi-Lites” name and logo. Event management is subject to an annual increase not to exceed five percent (5%).	
Year One Sub-Total	\$257,980.00
Estimated Sales Tax	\$ 10,394.00
Year One Total	\$268,374.00