

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

- Monday, May 19th, 5:30 p.m. is the next Committee meetings.
 - Committee agendas will be available on Friday, May 16th.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 13th, 2014

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **MIKE OVERTON**

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

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

Recognition of a Quorum

4. Award & Recognition: Police Chief Kathy O'Kelley

Louis Manjarrez receiving the Washington County Prosecutors Award presented by John Threet.

5. Comments from Citizens

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

6. Approval of Minutes

a) April 22nd, 2014 **Pg.'s 3-15**

7. **A Report** on the Economic Development Program by Lance Eads, VP Economic Development, or Scott Edmondson, Director of Business Development for the Chamber of Commerce.

8. Procedural Motions

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

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....* **14 A&B; 15 A; 17 B&C**. (Motion must be approved by two-thirds (2/3) of the council members).

9. **A Resolution** approving an appointment to the Board of Commissioners of the Housing Authority of the City of Springdale, presented by Wyman Morgan, Administration & Financial Services Director. **Pg.'s 16-18**

10. **A Resolution** endorsing the participation of Stabil-loc, Inc., in the Sales and Use Tax Refund Program authorized by the Consolidated Incentive Act of 2003 and ARK. Code Ann. §15-4-2706(d), presented by Ernest Cate, City Attorney. **Pg.'s 19-20**

11. **A Resolution** waiving the Building Permit Fee for a Capital Improvement Project at the Jones Center, presented by Ernest Cate, City Attorney. **Pg.'s 21-22**

12. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Victory Church NWA, Inc. are defendants, presented by Attorney Steve Lisle, Lisle Rutledge P.A. **Pg.'s 23-24**

13. Planning Commission Recommendations by Planning Director Patsy Christie:

(*Tabled from 4-22-14*)- **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to MEMCO Safety, Inc. in connection with L14-02, a Large Scale Development. **Pg.'s 25-26**

14. Ordinance Committee Report & Recommendations by Chairman Mike Overton:
 - A. **An Ordinance** amending Chapter 102-1 of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency and for other purposes. (*Committee recommended approval*) **Pg.'s 27-29**
 - B. **An Ordinance** amending Section 46-56 of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency and for other purposes. (*Committee recommended approval*) **Pg. 30**
15. Street & CIP Committee Report & Recommendations by Chairman Rick Evans:
 - A. **An Ordinance** closing Mill Street to vehicular traffic between Johnson Avenue and Emma Avenue; to declare an emergency and for other purposes. (*Committee recommended approval*) **Pg. 31**
 - B. **A Resolution** authorization the City Attorney to begin condemnation proceedings on property owned by Yen Phung for the Springdale Downtown Revitalization Master Plan. (*Committee recommended approval*) **Pg. 32**
 - C. **A Resolution** authorizing the Mayor and City Clerk to enter into an Interlocal Agreement between the City of Springdale, Arkansas, and the City of Johnson, Arkansas, regarding the extension of 56th Street south from Don Tyson Parkway to Johnson Mill Boulevard. (*Committee recommended approval*) **Pg. 33**
16. Police & Fire Committee Report and Recommendations by Chairman Eric Ford:

A Resolution amending the 2014 Budget of the City of Springdale Police Department. (*Committee recommended approval*) **Pg.'s 34-42**
17. Health, Sanitation & Property Maintenance Committee Report & Recommendations by Chairman Jim Reed:
 - A. **A Resolution** authorizing the execution of a demolition contract for 317 E. Emma Avenue, presented by Wyman Morgan, Administration & Financial Services Director. (the old hatchery) (*Committee recommended approval*) **Pg.'s 43-45**
 - B. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for the removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, presented by Ernest Cate, City Attorney. (property located at 4003 S. Thompson) (*Committee recommended approval*) **Pg.'s 46-64**
 - C. **An Ordinance** ordering the razing (demolition) and removal of a certain structure within the City of Springdale, Arkansas, located at 4003 S. Thompson; to declare an emergency and for other purposes, presented by Ernest Cate, City Attorney. (*Committee recommended approval*) **Pg.'s 65-72**
18. Comments from Department Heads.
19. Comments from Council Members.
20. Comments from City Attorney.
21. Comments from Mayor Sprouse.
22. Adjournment.

SPRINGDALE CITY COUNCIL
APRIL 22, 2014

The City Council of the City of Springdale met in regular session on April 22, 2014, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

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

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Patsy Christie	Planning Director
Sam Goade	Public Works Director
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Mike Chamlee	Chief Building Official
Rick McWhorter	Parks & Recreation Director
Courtney Kremer	Animal Services Director
Alan Pugh	Engineering Director
Mark Gutte	IT Director

CITIZEN COMMENTS

Jerry Shelton, 2283 N. 40th Street, reported he has had a problem with his neighbor running a business that is supposed to be a home office. He is running a business that is more than a home office. He is working on vehicles for disabled veterans and has 17 vehicles in his yard. He appreciated the support of the city and is hoping the Community Engagement Division can get something done.

APPROVAL OF MINUTES

Alderman Jaycox moved the minutes of the April 8, 2014 City Council meeting be approved as presented. Alderman Reed made the second.

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

ECONOMIC DEVELOPMENT REPORT

This will be presented at the May 13, 2014 City Council meeting.

RECOGNITION OF SPRINGDALE FIREFIGHTERS

Fire Chief Mike Irwin presented Captain Nate Pianalto and Firefighter John Buchan with the Fire Department Medal of Valor in recognition of their actions and in honor of their service on Thursday, March 6, 2014, when the Springdale Fire Department responded to a mobile home fire where the occupant was successfully removed from the home during the structure fire.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Alderman Reed made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Alderman Evans made the second.

The vote:

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

No: None

RESOLUTION NO. 53-14 – APPROVING A CONSTRUCTION PROGRESS
PAYMENT FOR THE DON TYSON PARKWAY INTERSECTION (12BPS1)

Engineering Director Alan Pugh presented a Resolution approving a construction progress payment for the Don Tyson Parkway intersection (12BPS1).

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONSTRUCTION PROGRESS
PAYMENT FOR THE DON TYSON PARKWAY INTERCHANGE
(12BPS1)**

WHEREAS, Pursuant to Ark Code Ann 14-58-305, Section 2-158 of the Springdale Code of Ordinances sets the maximum amount of any bill, debt, or liability that may be paid without the approval of City Council, and

WHEREAS, the maximum amount is set at \$1,000,000, and

WHEREAS, Construction Pay Application Number 10 for the Don Tyson Parkway (DTP) Interchange exceeds this amount, and

WHEREAS, the owner has previously entered into a contract with Emery Sapp and Sons, Inc (ESS) for the construction of the DTP Interchange, and

WHEREAS, the construction continues to progress and ESS is due the money owed based on the work performed;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to issue payment to Emery Sapp and Sons, Inc. in the amount of \$1,375,438.67 for the current pay application covering construction work performed to date.

PASSED AND APPROVED this ____ day of April, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 53-14.

ORDINANCE NO. 4785 – ACCEPTING THE REPLAT OF LOT 1, BLOCK 1 OF HENSON HEIGHTS SECOND SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lot 1, Block 1, of Henson Heights Second Subdivision to the City of Springdale, Arkansas and declaring an emergency.

Planning Commission recommended approval at their April 1, 2014 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4785.

ORDINANCE NO. 4786 – REZONING 4.73 ACRES OWNED BY PINWOOD WEST, LLC, LOCATED AT 2653 N. 48TH STREET, FROM A-1 TO C-2 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 4.73 acres owned by Pinewood West, LLC, located at 2653 N. 48th Street, from A-1 to C-2 and declaring an emergency.

Planning Commission recommended approval at their April 1, 2014 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4786.

ORDINANCE NO. 4787 – REZONING 2.11 ACRES OWNED BY THE CITY OF SPRINGDALE LOCATED AT THE SOUTHWEST SIDE OF HAR-BER AVENUE, EAST OF BELLA TOSCANA STREET, FROM C-1 TO P-1 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 2.11 acres owned by the City of Springdale located at the southwest side of Har-Ber Avenue, east of Bella Toscana Street, from C-1 to P-1 and declaring an emergency.

Planning Commission recommended approval at their April 1, 2014 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4787.

ORDINANCE NO. 4788 – REZONING 3.5 ACRES OWNED BY THE CITY OF SPRINGDALE LOCATED AT THE END OF GLASS DRIVE, ON THE EAST SIDE OF NORTH THOMPSON STREET, FROM C-5 TO P-1 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 3.5 acres owned by the City of Springdale located at the end of Glass Drive, on the east side of North Thompson Street, from C-1 to P-1 and declaring an emergency.

Planning Commission recommended approval at their April 1, 2014 meeting.

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

The vote:

SPRINGDALE CITY COUNCIL
APRIL 22, 2014

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4788.

ORDINANCE NO. 4789 – REZONING 8.75 ACRES OWNED BY THE CITY OF SPRINGDALE LOCATED AT THE NORTH SIDE OF DON TYSON PARKWAY, 550' EAST OF CAMBRIDGE, 1,300' WEST OF HIGHWAY 71B, FROM SF-2 TO P-1 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 8.75 acres owned by the City of Springdale located at the north side of Don Tyson Parkway, 550' east of Cambridge, 1,300' west of Highway 71B, from SF-2 to P-1 and declaring an emergency.

Planning Commission recommended approval at their April 1, 2014 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4789.

RESOLUTION NO. 54-14 – APPROVING A CONDITIONAL USE REQUEST BY TERRY FORSYTH TO OPERATE A MOBILE VENDING SITE AT 2576 WEST SUNSET AVENUE AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use request by Terry Forsyth to operate a mobile vending site at 2576 West Sunset Avenue as set forth in Ordinance No. 4030.

Planning Commission recommended approval at their April 1, 2014 meeting.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL
USE AT 2576 WEST SUNSET AVENUE AS SET
FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on April 1, 2014, on a request by Terry Forsyth for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2).

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) nays recommends that a conditional use be granted to Terry Forsyth for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2) with the following conditions – Subject to Article 6, Section 3.16 of the Springdale Code of Ordinance.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Terry Forsyth for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2) with the following conditions – Subject to Article 6, Section 3.16 of the Springdale Code of Ordinance.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 54-14.

RESOLUTION NO. 55-14 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO BRENT AND RAE COUCH IN CONNECTION WITH A SINGLE FAMILY DWELLING LOCATED AT 2651 N. 56TH STREET

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Brent and Rae Couch in connection with a single family dwelling located at 2651 N. 56th Street.

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

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

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

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO BRENT AND RAE COUCH IN CONNECTION WITH A SINGLE FAMILY DWELLING LOCATED AT 2651 N. 56TH STREET

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 including drainage improvements related thereto, sidewalks in connection with a single family dwelling located at 2651 N. 56th Street for Brent and Rae Couch 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 Brent and Rae Couch including drainage improvements related thereto, sidewalks in connection with a single family dwelling located at 2651 N. 56th Street.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

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

No: None

The Resolution was numbered 55-14.

PROPOSED RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO MEMCO SAFETY, INC. IN CONNECTION WITH L14-02, A LARGE SCALE DEVELOPMENT

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Memco Safety Inc. in connection with L14-02, a Large Scale Development.

Mrs. Christie explained there was discussion about installation of a street light.

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

Since there was a question about the street light, Aldermen Overton and Reed rescinded their motion and second.

Alderman Jaycox made the motion to table the Resolution. Alderman Reed made the second.

The vote:

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

No: None

PROPOSED ORDINANCE AMENDING CHAPTER 98-63(D) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE (SIGN ORDINANCE)

At the recommendation of the Ordinance Committee, Alderman Jaycox moved the proposed Ordinance amending Chapter 98-63(D) of the Code of Ordinances be tabled. Alderman Reed made the second.

The vote:

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

No: None

RESOLUTION NO. 56-14 - AUTHORIZING THE PURCHASE OF APPROXIMATELY 42 ACRES OF PROPERTY FROM KAREN MORTON LOCATED BETWEEN LAKE SPRINGDALE AND JB HUNT PARK, SITUATED IN WASHINGTON AND BENTON COUNTY AND AUTHORIZING THE PURCHASE OF PERSONEL PROPERTY LOCATED THEREIN

Mayor Sprouse presented a Resolution authorizing the purchase of approximately 42 acres and the "Rabbit's Foot Lodge" structure located between Lake Springdale and JB Hunt Park, situated in Washington and Benton County and authorizing the purchase of personal property located therein, for the price of \$1,050,000.00.

Mrs. Johnelle Hunt and family have donated \$500,000.00 towards this purchase of land.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF APPROXIMATELY 42 ACRES OF REAL PROPERTY LOCATED BETWEEN LAKE SPRINGDALE AND JB HUNT PARK, SITUATED IN WASHINGTON AND BENTON COUNTY, ARKANSAS, AND AUTHORIZING THE PURCHASE OF PERSONAL PROPERTY LOCATED THEREON.

WHEREAS, the City of Springdale has the opportunity to purchase approximately 42 acres of real property located in Washington and Benton County, Arkansas, located between Springdale Lake and JB Hunt Park, including the "Rabbit's Foot Lodge" structure located thereon, and other personal property located thereon (collectively "the Property"), and

WHEREAS, the legal description of the Property and a map of the Property are attached hereto as Exhibit "A" and are hereby incorporated by reference; and

WHEREAS, the owner has agreed to sell the Property to the City of Springdale for the total sum of \$1,050,000.00; and

WHEREAS, the acquisition of the Property would be of great benefit to the citizens of the City of Springdale, Arkansas, in that it would provide additional park land for use by all citizens, and would provide the City of Springdale, Arkansas, a unique opportunity to preserve a structure of historical significance in Northwest Arkansas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to execute all documents necessary for the acquisition of and tender payment for the Property, for a total purchase price of \$1,050,000.00, plus associated closing costs, utilizing funds reserved for park land acquisition in the Capital Improvement Project Fund and private donations.

PASSED AND APPROVED this ____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 56-14.

RESOLUTION NO. 57-14 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A
CONDEMNATION LAWSUIT WHEREIN THANG VAN NGUYEN AND XUAN THI
HUYNH ARE DEFENDANTS

Engineering Director Alan Pugh presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein Thang Van Nguyen and Xuan Thi Huynh are defendants for property needed for the 56th Street Widening Project No. 12BPS4. The settlement amount is \$3,000.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY
ATTORNEY TO SETTLE A CONDEMNATION
LAWSUIT WHEREIN THANG VAN NGUYEN AND
XUAN THI HUYNH ARE DEFENDANTS**

WHEREAS, the City Council of the City of Springdale has authorized the City Attorney to file a lawsuit against Thang Van Nguyen and Xuan Thi Huynh to condemn a tract of land for the 56th Street Widening Project No. 12BPS4, Tract 3;

WHEREAS, the City of Springdale estimate the amount of just compensation in this case to be \$1,600.00;

WHEREAS, Thang Van Nguyen and Xuan Thi Huynh have extended an offer to settle this case for the total sum of \$3,000.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$1,400.00 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Thang Van Nguyen and Xuan Thi Huynh condemnation lawsuit for the total sum of \$3,000.00.

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 57-14.

RESOLUTION NO. 58-14 – AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT FOR THE DON TYSON PARKWAY AND 40TH STREET INTERSECTION TRAFFIC SIGNAL AND ESTABLISHING THE BUDGET FOR SAID PROJECT

Engineering Director Alan Pugh presented a Resolution authorizing execution of a construction contract for the Don Tyson Parkway and 40th Street intersection traffic signal and establishing the budget for said project.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT FOR THE DON TYSON PARKWAY AND 40TH STREET INTERSECTION TRAFFIC SIGNAL AND ESTABLISHING THE BUDGET FOR SAID PROJECT

WHEREAS, sealed competitive construction bids were received and opened for said project on April 8, 2014;

WHEREAS, the low bid of \$148,042.50 was submitted by All Service Electric, Inc., of Hot Springs, AR;

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

Design Engineering (Signal)	45,590.00
Construction Engineering (Signal)	9,500.00
Materials (Poles, Mast Arms; Luminaire Arms)	38,765.00
Construction (Bid Amount)	148,042.50
Material Testing Services (Estimated)	3,500.00
Construction Contingency	<u>14,804.25</u>
Total Project Budget	\$260,201.75

WHEREAS, the budget for design and construction engineering listed above include an allowance for reimbursable expenses;

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

- 1) The Mayor and City Clerk are hereby authorized to execute a construction contract with All Service Electric, Inc. in the amount of \$148,042.50.
- 2) The total construction project cost shall not exceed \$260,201.75 without Council approval.

PASSED AND APPROVED this _____ day of April, 2014

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

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

No: None

The Resolution was numbered 58-14.

PROPOSED ORDINANCE ORDERING THE RAZING (DEMOLITION) AND
REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF SPRINGDALE,
ARKANSAS, LOCATED AT 308 W. EMMA AVENUE (OLD APOLLO THEATRE)

At the recommendation of the Ordinance Committee, Alderman Jaycox moved this ordinance be tabled for 90 days. Alderman Reed made the second.

The vote:

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

No: None

RESOLUTION NO. 59-14 – AMENDING THE CITY OF SPRINGDALE 2014
BUDGET (COMMUNITY ENGAGEMENT DIVISION AND BUILDINGS
DEPARTMENT)

Alderman Bruns presented a Resolution amending the City of Springdale 2014 Budget of the Community Engagement Division and Buildings Department.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF
SPRINGDALE 2014 BUDGET**

WHEREAS, the Mayor and City Council desire to demolish and remove the unsafe structures located at 317 E. Emma Ave., and

WHEREAS, the Buildings Department budget does not include sufficient funds to cover the estimated cost of \$70,000 to demolish and remove the structures at 317 E. Emma Ave., and

WHEREAS, the Community Engagement Division spent \$30,673 of their \$40,000 appropriation for property cleanup during February and March and needs additional funds to continue their program;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2014 budget 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>
Buildings	10104034237035	Contract Labor	15,000	70,000		85,000
Co Engagement	10102114427035	Contract Labor	40,000		40,000	
Co Engagement	10102114427050	Public Works Cleanup		60,000		60,000

PASSED AND APPROVED this ____ day of April, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 59-14.

COMMUNITY ENGAGEMENT DIVISION ANNOUNCEMENT

Community Engagement Division Supervisor Missha Wagoner announced the City of Springdale SNAP Partnership will be joining to do a cleanup blitz in the area of Powell Street on Saturday, May 10, 2014, from 9:00 a.m. to 11:00 a.m., in anticipation of the Razorback Greenway Trail. They will be going house to house to identify and write notices for code violations.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:50 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN
APPOINTMENT TO THE BOARD OF
COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE CITY OF SPRINGDALE**

WHEREAS, Tom Reed's term expired on March 28th, 2014, and he has elected to not ask for reappointment, therefore, there is a vacancy on the Board of Commissioners of the Springdale Housing Authority; and

WHEREAS, the Board of Commissioners has conducted a search for a qualified citizen to serve on this board, and

WHEREAS, the Board of Commissioners of the Housing Authority, under authority of Arkansas Code 14-169-208, passed and approved Resolution No. 521-14 on April 30th, 2014, appointing Dusty Graham, subject to the approval of the City Council, to fill the open position beginning immediately, and said term expiring on April 30, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of Dusty Graham to the Board of Commissioners of the Housing Authority is hereby approved to fill the open position, term beginning immediately and said term expiring April 30, 2019.

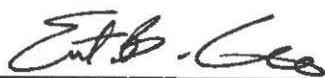
PASSED AND APPROVED this ____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

May 8, 2014

BIO - Dusty Graham

- **Dusty Graham is a lifelong resident of Springdale.**
- **Graduate of Springdale High School and University of Arkansas School of Architecture.**
- **Dusty is a registered architect and partner of Core Architects based out of Rogers.**
- **He currently serves on the Board for the NWA Mercy YMCA and Springdale Athletic Foundation.**

- **He is married to Veronica, also a Springdale graduate, for 10 years and has 4 boys.**
- **Dusty is honored to have the opportunity to continue to serve the Springdale community.**

**Dusty Graham
1500 N. 56th Street
Springdale, AR 72762
Phone: 419-9679**



P.O. Box 2085
5 APPLGATE DRIVE
SPRINGDALE, AR. 72765
PHONE: 479-751-0560
FAX: 479-756-8059

RESOLUTION NO. 521-14

A RESOLUTION APPOINTING COMMISSIONER TO THE BOARD FOR THE HOUSING AUTHORITY OF THE CITY OF SPRINGDALE ARKANSAS

WHEREAS, The Board members of the Housing Authority of the City of Springdale, Arkansas serve a term of 5 years, and

WHEREAS, The Board of Commissioners for the Housing Authority of the City of Springdale have considered qualified candidates. and,

BE IT RESOLVED by the Commissioners of the Housing Authority of the City of Springdale, Arkansas that Dusty Graham is hereby appointed and recommended to serve on the Board of Commissioners for the term of April, 2014 _____ to April 30, 2019.

PASSED AND APPROVED THIS 30th DAY OF April, 2014.

THE HOUSING AUTHORITY OF THE CITY
SPRINGDALE, ARKANSAS



Tom Reed, Chairman

ATTEST:



Debbie Bailey, Secretary/Treasurer

RESOLUTION NO. _____

A RESOLUTION ENDORSING THE PARTICIPATION OF STABIL-LOC, INC., IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d).

WHEREAS, in order for a business to be eligible for the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), the governing body of the municipality in which the business is located must pass a resolution endorsing the participation of the business in the tax refund program; and

WHEREAS, Ark. Code Ann. §15-4-2706(d) provides that the governing body of the municipality must specify that the Department of Finance and Administration is authorized to refund local sales taxes to a business participating in the tax refund program; and

WHEREAS, Stabil-Loc, Inc., of 444 Old Wire Road, Suite G, wishes to participate in, and be eligible for, the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), due to the expansion of its facility in the City of Springdale, Arkansas; and

WHEREAS, Stabil-Loc, Inc., has agreed to furnish the City of Springdale all information necessary for its participation in the tax refund program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the participation of Stabil-Loc, Inc., in the tax refund program contained in Ark. Code Ann. §15-4-2706(d) is hereby endorsed, and the Department of Finance and Administration is authorized to refund local sales taxes to Stabil-Loc, Inc., and this resolution shall take effect immediately.

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION WAIVING THE BUILDING PERMIT
FEE FOR A CAPITAL IMPROVEMENT PROJECT AT
THE JONES CENTER.**

WHEREAS, the Jones Center is a facility that serves families, strengthens the community, and benefits the citizens of the City of Springdale, Arkansas;

WHEREAS, the Jones Center has engaged in an endowment campaign to raise money for the Jones Center, and to fund capital improvement projects located thereon;

WHEREAS, the Jones Center has been successful in its fundraising efforts, and is now undertaking a capital improvement project of over \$2,000,000 in improvements to the heating and cooling system at the Jones Center, resulting in significant utility savings which will allow an increase in programs for the youth of City of Springdale, Arkansas;

WHEREAS, Section 22-32 of the Code of Ordinances of the City of Springdale, Arkansas, require a fee to be paid to the City upon acquiring a building permit, and the fee paid to the City is calculated by the amount of construction costs associated with the building project;

WHEREAS, the Jones Center wishes to have the City of Springdale building permit fee waived, and remit only the Act 474 fee required by the State of Arkansas, so that maximum funds can be used for the capital improvement project to be undertaken at the Jones Center.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the building permit fee required by Section 22-32 of the Code of Ordinances of the City of Springdale, Arkansas, be waived for the capital improvement project described herein to be undertaken at the Jones Center in Springdale, and that the Jones Center be required to remit only the Act 474 fee required by the State of Arkansas.

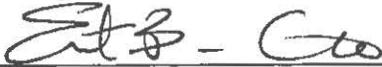
PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

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

WHEREAS, the City of Springdale filed a lawsuit against Victory Church NWA, Inc., to condemn a tract of land for the I-540/Don Tyson Parkway Interchange Project, AHTD Project No. 040527, Tracts 11XA and 11XB;

WHEREAS, the City of Springdale deposited the sum of \$2,445,000.00 into the Registry of the Court as estimated just compensation for Victory Church's property;

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

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

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

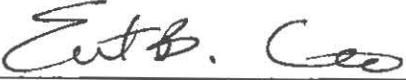
PASSED AND APPROVED this ____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

From: Steve Lisle [<mailto:slisle@lisle Rutledge.com>]
Sent: Wednesday, May 07, 2014 8:36 AM
To: 'Ernest Cate'
Subject: Victory Church

Ernest,

As we discussed, my client considered the Bond Committee's recommendation to settle this case for \$800,000 in additional funds (\$3,244,500 total) and has authorized me to accept \$925,000 in additional funds (\$3,370,000 total) to conclude this lawsuit. While this result would not be totally satisfactory to either side, it seems a very reasonable solution to this case that could potentially result in \$1.5M or more in additional compensation being awarded by a jury.

Steve Lisle
Attorney
Lisle Rutledge P.A.
P.O. Box 7977
1458 Plaza Place, Suite 101
Springdale, AR 72766-7977
(479) 750-4444
(479) 751-6792 - fax
www.lisle Rutledge.com



LISLE | RUTLEDGE
ATTORNEYS

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO MEMCO SAFETY, INC. IN CONNECTION WITH L14-02 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 Huntsville and Emma Avenues including drainage improvements related thereto, street lights in connection with L14-02, a Large Scale Development for Memco Safety, Inc. 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 Huntsville and Emma Avenues including drainage improvements related thereto, street lights in connection with L14-02, a Large Scale Development for Memco Safety, Inc.

Option 2: Denies a waiver of street improvements to Huntsville and Emma Avenues including drainage improvements related thereto, street lights in connection with L14-02, a Large Scale Development for Memco Safety, Inc.

Option 3: Approves payment in lieu of improvements to Huntsville and Emma Avenues in connection with L14-02, a Large Scale Development for Memco Safety, Inc. 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 Huntsville and Emma Avenues including drainage improvements related thereto, street lights to be built in connection with L14-02, a Large Scale Development for Memco Safety, Inc..

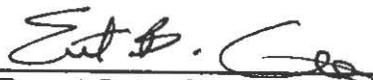
PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 102-1 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 102 of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to solid waste, trash, and bulky waste in the City of Springdale, Arkansas; and

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, that the bulky waste regulations be amended to limit certain items, and to address those items containing Freon or other refrigerants; and

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, to amend the definition of bulky waste in Chapter 102 of the Code of Ordinances of the City of Springdale, Arkansas, to incorporate these needed changes.

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

Section 1: Section 102-1 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 102-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved container means the garbage polycart provided by city's contractor or a container provided by city's licensed commercial contractor. For those customers not provided with a container from a licensed contractor, an approved container means any container for solid waste, such as plastic or metal garbage cans with tops, or plastic garbage bags properly tied shut, which will hold solid waste, protect it from the elements, and keep it contained for hand dumping into collector trucks. Containers, other than those provided by a licensed contractor, when full should not exceed 50 pounds in weight.

Bulky waste items include furniture (limited to two (2) sofas or loveseats and four (4) mattresses or box springs), white goods (appliances such as stoves, any appliance with a cooling element that might contain refrigerants [such as refrigerators, window air conditioners, automobile air conditioners, freezers, water coolers, ice makers, and dehumidifiers] must be tagged that the Freon has been removed, water heaters, washing machines, dryers), tree cuttings (must be no more than five feet in length) and construction materials limited to one cubic yard or less. Tree trimmings, large branches, wood or limbs resulting from the pruning or removal of trees by tree service companies or individuals engaged in such service for hire is not defined as bulky waste. The removal of such items is the responsibility of the owner, occupant, tenant or lessee of the property.

Commercial/industrial means places of commerce or industry generating solid waste streams generally and typically two cubic yards or more per week; and also multiple business units occupying premises under common ownership, such as shopping centers, when a common owner has elected to consolidate the

solid waste stream thereby generating solid waste typically and generally two cubic yards or more per week.

Contractor or private solid waste contractor means that sanitation company to which the city's bid was let for the residential solid waste contract, for units which generate less than two cubic yards of solid waste per week.

Extraordinary materials means hazardous wastes, body wastes, dead animals, abandoned vehicles, vehicle parts, large equipment and parts thereof.

Garbage means the same as and defined as solid waste.

Hazardous materials means wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics, or by virtue of their being defined as hazardous by any state or federal law or regulation.

Multiple residential unit means a structure containing five or more dwelling units.

Private collector means any person or business entity which meets city qualifications and has a contract with the city to convey or transport solid waste within the city for units which generate two cubic yards or more of solid waste per week.

Rubbish or yard trash means the same as and shall be defined as solid waste.

Solid waste means all putrescible and nonputrescible waste in solid or semisolid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, or street refuse, but excluding extraordinary materials and hazardous materials, as defined herein, except large branches, trees or bulky or noncombustible materials not susceptible to normal loading and collection in loadpacker type sanitation equipment used for regular collections from domestic households (tree trimmings shall be tied in bundles not exceeding four feet in length or weighing over 50 pounds and placed at the curb for pickup).

Special materials means those bulky materials or other special wastes that are not stored in approved containers and cannot be picked up by hand.

Trash means the same as and shall be defined as solid waste.

Units means places of residences or businesses within the city which generally and typically generate less than two cubic yards of solid waste per week. With respect to residences, a single unit is a dwelling place in which a single family or group of individuals regularly live and share common bath and kitchen facilities. With respect to businesses, a single unit is a single place of business owned and operated for the benefit of the owner of the business. Combined units of businesses, such as shopping centers, if the waste stream is separated for each such unit, are considered as units hereunder, unless the common owner of all such units elects to combine such waste stream into consolidated containers, thereby generating two cubic yards or more per week, in which case, these units shall not be serviced hereunder, but shall be serviced through the common owner by a commercial/industrial contractor.

Section 2: All other provisions of Chapter 102 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically modified herein shall remain in full force and effect.

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

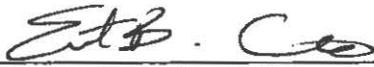
PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 46-56 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Section 46-56 of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to fireworks in the city limits of the City of Springdale, Arkansas;

WHEREAS, Section 46-56(a)(3) needs to be revised to reflect the current Fire Code adopted by the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the citizens of the City of Springdale, Arkansas, to amend Section 46-56(a)(3) of the Code of Ordinances of the City of Springdale, Arkansas;

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

Section 1: Section 46-56(a)(3) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

(a)(3) No fireworks shall be sold or stored within a permanent structure of the city. Further, no fireworks stand shall be located anywhere within the city, except in a C-2, C-5, C-6, or A-1 zone provided the A-1 property has frontage on a federal or state highway. All locations where fireworks are sold must comply with all Arkansas and federal law, as well as the most recent ~~2000 International~~ Fire Code ~~and the 2002 Arkansas Fire Prevention Code~~, as adopted by the city in Section 46-51.

Section 2: All other provisions of Section 46-56 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance, shall remain in full force and effect.

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

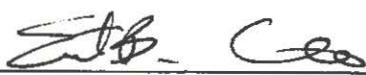
PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE CLOSING MILL STREET TO VEHICULAR TRAFFIC BETWEEN JOHNSON AVENUE AND EMMA AVENUE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, by Resolution No. 104-13 on July 9, 2013, the Springdale Downtown Revitalization Master Plan ("the Plan") was adopted by the City Council as a tool for the revitalization of downtown Springdale, and to make it a local and regional destination; and

WHEREAS, by Resolution No. 129-13 on August 27, 2013, the City Council for the City of Springdale, Arkansas, authorized the purchase of property located at 100 E. Emma to effectuate the Plan; and

WHEREAS, by Resolution No. 168-13, on November 26, 2013, the City Council for the City of Springdale, Arkansas, authorized the purchase of property located at 125 N. Mill Street to effectuate the Plan; and

WHEREAS, the Plan provides that Mill Street from Johnson Avenue to Emma Avenue be closed to vehicular traffic, but remain open for use and enjoyment by the public as part of the Plan and as part of the Razorback Greenway Trail; and

WHEREAS, Ark. Code Ann. §14-54-104 provides that cities of the first class shall have the power to alter or change the width or extent of its public streets;

WHEREAS, in order to effectuate the Plan, in order to assist in the construction of the Razorback Greenway Trail, and for the public welfare, safety, comfort, and convenience of the citizens of the City of Springdale, Arkansas, it is necessary to close Mill Street to vehicular traffic from Johnson Avenue to Emma Avenue;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Mill Street be closed to vehicular traffic from Johnson Avenue to Emma Avenue, but that the right of way contained therein remain so that the Springdale Downtown Revitalization Master Plan and the Razorback Greenway Trail may be effectuated;

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 _____ 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON PROPERTY OWNED BY YEN PHUNG FOR THE SPRINGDALE DOWNTOWN REVITALIZATION MASTER PLAN.

WHEREAS, the Springdale Downtown Revitalization Master Plan ("the Plan") provides for the demolition of two structures located on the east side of Mill Street between Johnson Avenue and Emma Avenue;

WHEREAS, Yen Phung owns two parcels of property located on the east side of Mill Street between Johnson Avenue and Emma Avenue, and both of these parcels are needed by the City of Springdale to effectuate the Plan;

WHEREAS, attempts at negotiating for the acquisition of these two parcels of property from the property owner, Yen Phung, have been unsuccessful;

WHEREAS, it is now necessary to acquire these two parcels of property (Parcel No. 815-22941-000 and Parcel No. 815-22937-000) by condemnation proceedings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to begin condemnation proceedings to acquire the two parcels of property located on the east side of Mill Street between Johnson Avenue and Emma Avenue, owned by Yen Phung, to allow the Springdale Downtown Revitalization Master Plan to proceed.

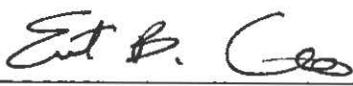
PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:



Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SPRINGDALE, ARKANSAS, AND THE CITY OF JOHNSON, ARKANSAS, REGARDING THE EXTENSION OF 56TH STREET SOUTH FROM DON TYSON PARKWAY TO JOHNSON MILL BOULEVARD.

WHEREAS, the City of Springdale, Arkansas, is in the process of making improvements to 56th Street, and is contemplating extending 56th Street south from Don Tyson Parkway to Johnson Mill Boulevard;

WHEREAS, the City of Springdale, Arkansas, and the City of Johnson, Arkansas, jointly applied and were approved for a Surface Transportation Program-Attributable STP-A grant in the amount of \$400,000, with a \$100,000 local match (the City of Springdale's portion being \$70,000 and the City of Johnson's portion being \$30,000);

WHEREAS, since a portion of the 56th Street improvements will be located in the City of Johnson, Arkansas, the City of Springdale, Arkansas, and the City of Johnson, Arkansas, wish to enter into an interlocal agreement to memorialize the specifics of the extension of 56th Street from Don Tyson Parkway to Johnson Mill Boulevard;

WHEREAS, pursuant to Ark. Code Ann. 25-20-104, the City of Springdale, Arkansas, and the City of Johnson, Arkansas, are granted the authority to enter into such interlocal agreement, with the approval of the Arkansas Attorney General;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, that the Mayor and City Clerk are hereby authorized to enter into an interlocal agreement with the City of Johnson, Arkansas, which is attached hereto as Exhibit "A" and made a part hereof, subject to the approval of the Arkansas Attorney General.

PASSED AND APPROVED this ____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2014
BUDGET OF THE CITY OF SPRINGDALE
POLICE DEPARTMENT**

WHEREAS, the City of Springdale Police Department received asset forfeiture funds; and

WHEREAS, the Police Chief has requested some of this revenue be allocated to the Police Department's 2014 budget for radios, vests, computer and other items;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2014 budget of the City of Springdale Police Department is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Police	10105014217021	Drug Seizure Funds		66,500		66,500

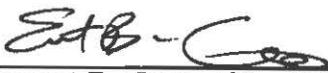
PASSED AND APPROVED this 13th day of May, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

MEMO

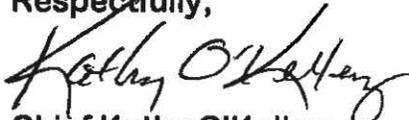
Date: 4/18/14
To: Wyman Morgan
From: Chief Kathy O'Kelley
Re: Transfer of money

Wyman:

I am requesting the transfer \$66,500 from the Asset Forfeiture #101-0501-331.20-00 to the Police Department budget, account#101-0501-421.70-21. This funding will be used to make the following purchases:

10 Portable radios and accessories	\$13,544.80
Upgrade Interview Room	\$5706.53
SWAT Vests	\$15,500.00
SWAT Holsters and Uniforms	\$1200.00
Honor Guard Gear	\$1200.00
Special Events Equipment	\$5000.00
Refurbish In-car Computers	\$18,500.00
Additional remodel cost to Report Room/Evidence	\$5,500.00

Respectfully,


Chief Kathy O'Kelley

Kathy O'Kelley

From: Bryan Johnson - PD <bjohnson@springdalear.gov>
Sent: Thursday, April 10, 2014 9:27 AM
To: Kathy O'Kelley
Subject: RE:

If possible, Honor Guard could use the following:

1. Four (4) DrillAmerica Parade Rifles. (These are full size; 1/2 weight, non-firing rifles). Item #DA30BW. Priced at \$39.95 each.
2. Eleven (11) Wally Lock garment bags with "Springdale Police Honor Guard" embroidered. Item #1032BKE. Priced at \$63.95 each

If approved, these would be ordered from Glendale Parade Store. I thank you in advance for your consideration.

Sgt. Bryan Johnson
Springdale Police Department
Criminal Investigation Division
128 Spring Street
Springdale, AR 72764
(479)750-8139

bjohnson@springdalear.gov

From: Kathy O'Kelley [<mailto:kokelley@springdalear.gov>]
Sent: Wednesday, April 09, 2014 4:06 PM
To: 'Bryan Johnson - PD'
Subject:

Do you have any equipment or items you need to buy....fixin to transfer some money

20
11

30
30

770

Equipment list for new swat members

5 vests at \$3,100.00 ea.	\$15,500.00 ✓
3 Rifles at \$2,200.00 ea.	\$6,600.00
2 Drop Holsters/belts at \$188.00 ea.	\$376.00 ✓
Uniform cost	<u>\$600.00</u> ✓
	Total: \$23,076.00

Kathy O'Kelley

From: Josh Kirmer <jkirmer@springdalear.gov>
Sent: Wednesday, April 16, 2014 5:09 PM
To: Kathy O'Kelley
Subject: FW: NWA Trailers and Autos Sales Quote

From: matt@nwatrailersandautos.com [mailto:matt@nwatrailersandautos.com]
Sent: Wednesday, April 16, 2014 4:17 PM
To: jkirmer@springdalear.gov
Subject: NWA Trailers and Autos Sales Quote

1- 6x10 Haulmark Passport Cargo Trailer With Plywood walls and Ramp Door \$2699.00
1- 6x10 Wright Utility Trailer \$1350.00

Total- \$4049.00
Less Discount \$100.00
Less Trade In- \$500.00

Total- \$3449.00

Please let me know what I can do to help this along. If you need VIN numbers let me know and I can get them for you

Thanks for the opportunity

Matt

Matt Watts
NWA Trailers and Autos
479-203-7080
355 S Main St
Cave Springs, Ar 72718

plus wrap for enclosed Trailer



Mobile-Vision, Inc.

400 Linnay Rd, Boonton, NJ 07005
T. 800-356-0175 F. 973-257-5024

QUOTE

Number AAAQ10193
Date Jun 20, 2013

Sold To

Springdale Police Department

Derrick Wright
201 N Spring Street
Springdale, AR 72764-4554
USA

Phone 4797567708
Fax 4797508553

Ship To

Springdale Police Department

Derrick Wright
201 N Spring Street
Springdale, AR 72764-4554
USA

Phone 4797567708
Fax 4797508553

Line	Qty	SKU	Description	Unit Price	Ext. Price
		Salesperson christa	P.O. Number	Ship Via UPS GROUND	Terms NET 30
1	1	MVD-FB2DVS-INTR	DVR2 System, Interview Room Flashback2 Digital Video Interview Room System Assy,	\$4,595.00	\$4,595.00
2	1	MVD-CAM-PIR-OPT	Option, Camera, w/color upgrade, Interview Room	\$675.00	\$675.00
3	1	EMA STD YR 1	EMA Standard Year 1	\$250.00	\$250.00
4	1	W-FB-AV-MC-Y-16	Cable, Y, Monitor to Video/Audio RCA, 16' (Add \$1.00 per foot over 16')	\$120.58	\$120.58
5	1	W-INT-AREC-ADP	Cable, Interview Room Auto Record Adapter, 2 Ft, FB2 Interview Room	\$15.95	\$15.95
6	1	INTROOMCABLE	Interview Room Microphone and Video Cable (in feet)	\$0.00	\$0.00
7			Please specify required mic and camera cable length when placing order.		
8			Customer to provide installation.		

Signing below is in lieu of a formal Purchase Order.
Your signature will authorize acceptance of both pricing and product.

Signed: _____ Date: _____

L-3 Shipping Terms are FOB Boonton, NJ. By Signing below you agree to waive your shipping terms and ship this order FOB Boonton, NJ.

Signed: _____ Date: _____

SubTotal \$5,656.53
Tax TBD
S&H \$50.00
Total \$5,706.53

Credit Terms: Net 30 Days. State/Local Fee and Taxes are not included

This quote is valid for 90 days from date issued. These commodities, technology or software were exported from the United States in accordance with the Export Administration regulations. Diversion contrary to US law is prohibited.



"Fast Response. Forward Thinking."

101 North Plains Industrial Road
 P.O. Box 780
 Wallingford, CT 06492
 (203) 284-0566 1-800-537-0509
 FAX (203) 294-0835



QUOTE	Q0010970
PAGE	1
DATE	04/10/2014

QUOTE TO

6643
 City of Springdale
 Attn. Austin Favorite
 201 Spring St.
 Springdale, AR 72764

Quotation Provided By:

Justin Ruotolo
 Executive Sales Account Manager
 (203) 284-5276 Phone
 (203) 294-6051 Fax
 jruotolo@telrepcO.com

REFERENCE # CF-30KT-B

Item	Description	Quantity	Price	Extension
CF-30KTPAQAM	C-Duo2-1.6GHZ/4GB/120SSD/GOBI 13.3"TCH/WIFI/BT/Win7Pro Note: Fully refurbished / Grade A / Like New Includes: 4GB Memory / 120GB Solid State Drive / WIN 7 PRO 3 year TelrepcO warranty	10 EA	1395.00 EA	13,950.00
30GOBIFU-M3	GOBI RETROFIT CF-30 MK3	10 EA	124.75 EA	1,247.50
WIN7PRO-R	MS Windows 7 Pro PC's SP1 32bit English DSP OEI CD	10 EA	0.00 EA	0.00
CF-WMBA802G-AX	MEMORY 2GB DDR2 - PANASONIC CF-30MK3 Note: Installed to equal 4GB RAM Total	10 EA	0.00 EA	0.00
MZ-7TE120BW	DRIVE HARD SOLID STATE 120GB 2.5" SATA3 840 EVO SERIES	10 EA	145.00 EA	1,450.00
CF-WKB303VM-B	KEYBOARD BACKLIT EMISSIVE FOR CF-30	10 EA	175.00 EA	1,750.00
WAR 3 YEAR	WARRANTY 3 YEAR	10 EA	0.00 EA	0.00

All TelrepcO refurbished Toughbooks are offered for sale in grade "A" condition. All of TelrepcO refurbished inventory is limited to 1st come, 1st serve availability. Other integrated options for the model may be available. Please consult with your TelrepcO sales representative.

PAYMENT TERMS			
To be Advised			
SUBTOTAL	ADD ON CHARGE	TAX	TOTAL
			CONTINUED



101 North Plains Industrial Road
 P.O. Box 780
 Wallingford, CT 06492
 (203) 284-0566 1-800-537-0509
 FAX (203) 294-0835



QUOTE	Q0010970
PAGE	2
DATE	04/10/2014

QUOTE TO

6643
 City of Springdale
 Attn. Austin Favorite
 201 Spring St.
 Springdale, AR 72764

Quotation Provided By:

Justin Ruotolo
 Executive Sales Account Manager
 (203) 284-5276 Phone
 (203) 294-6051 Fax
 jruotolo@telrepcO.com

REFERENCE # CF-30KT-B

Item	Description	Quantity	Price	Extension
WAR 3 YEAR (continued)	TELREPCO MAIL IN DEPOT			
Additional Charges:				
	Freight-Out			91.54
QUOTED BY: jar24				
QUOTED TO: Austin Favorite				
EXPIRES: 05/10/2014				

All TelrepcO refurbished Toughbooks are offered for sale in grade "A" condition. All of TelrepcO refurbished inventory is limited to 1st come, 1st serve availability. Other integrated options for the model may be available. Please consult with your TelrepcO sales representative.

PAYMENT TERMS			
To be Advised			
SUBTOTAL	ADD ON CHARGE	TAX	TOTAL
18,397.50	91.54	0.00	18,489.04

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE
EXECUTION OF A DEMOLITION CONTRACT
FOR 317 E. EMMA AVEUNUE**

WHEREAS, the building located at 317 E. Emma Avenue is unsafe and beyond repair; and

WHEREAS, this building and property has been given to the City of Springdale; and

WHEREAS, the staff has followed the competitive bidding process that resulted in the bid of \$46,995.00 from Marcus Barker, DBA M and M Excavation LLC being the lowest bid;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a demolition contract with Marcus Barker DBA M and M Excavation LLC for the demolition of the buildings located at 317 E. Emma Avenue.

PASSED AND APPROVED this 13th day of May, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

CITY OF SPRINGDALE CONTRACT FOR DEMOLITION

Project # AD 1401
317 E. Emma Avenue
Springdale, AR. 72764

THIS AGREEMENT made and entered into this 14th day of May, 2014 by and between the City of Springdale and Marcus Barker DBA M and M Excavating, LLC; I/we M and M Excavating LLC in consideration of the lump sum of \$46,995.00, do hereby agree to perform the following demolition work on the above captioned project:

See attached sheets for sketch and location

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

All work shall be coordinated with the City of Springdale's Project Manager and must be completed within 30 working days. **A copy of the Notice of Intent (NOI) must be sent to the Project Manager so a work order letter may be issued.** The contractor shall contact the City of Springdale's Project Manager (Don Hancock) at (479) 750-8175, at least three (3) days prior to the inception of demolition activities. **Work not completed by this date shall result in the contractor being charged \$120.00 per day until work is completed.**

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

NOTE: Dumping of demolition waste materials shall be at a landfill permitted by the Arkansas Department of Environmental Quality (ADEQ) or at an un-permitted site approved by ADEQ. Contractor must call ONE CALL for location of other utilities at the job site.

Contractor shall maintain access to all properties at all times. Specific attention and care shall be taken to maintain the functionality of the Emma Avenue private drive and provide undisturbed access during demolition activities.

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

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

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

CITY OF SPRINGDALE

CONTRACTOR

Recommended:

M and M Excavating
Company Name

Wyman Morgan

Signature & Title

Approved:

Address

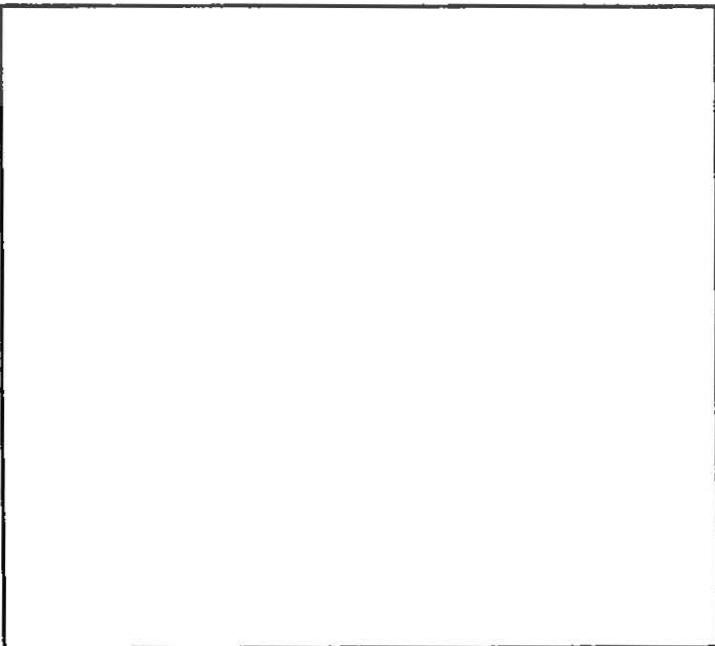
Doug Sprouse, Mayor

Tax ID or Social Security No

Phone Number & Contact Person

ORDINANCE NO. _____

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



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

PROPERTY OWNER: OPT, LLC
LEGAL DESCRIPTION: Part of the SE 1/4 of the NE 1/4 of Section 14, Township 17 North, Range 30 West, described as follows: Beginning at a point on the existing right of way line of US Highway 71, which point is 40 feet East and South 0 deg. 31' East 308.7 feet from the Northwest corner of said forty-acre tract; thence North 89 deg. 28' East 70 feet; thence North 0 deg. 31' West 87.9 feet; thence North 3 deg. 53' East 130.4 feet; thence North 72 deg. 54' East 188.2 feet; thence North 1 deg. 02' West 37.4 feet to a point on the North line of the said forty-acre tract; (which point is 300.1 feet East from the NW corner of said 40-acre tract) thence East 44.9 feet; thence South 110 feet; thence East 300 feet; thence South 300 feet; thence West 300 feet; thence North 100 feet; thence West to the existing right of way line of US Highway 71; thence North along said right of way to the point of beginning.
LAYMAN'S DESCRIPTION: 4003 S. Thompson St.
Springdale, Arkansas
PARCEL NO.: 815-29477-000

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:

\$34,008.95 clean-up costs and \$21.11 administrative costs – \$34,030.06

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

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

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

\$34,030.06, plus 10% for collection – 4003 S. Thompson St. (Parcel No. 815-294777-000)

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

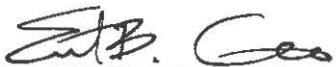
PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



Rev
11-28-13

Via certified mail

Buildings Department:
Code Enforcement & Building Safety
Michael Chamlee, Chief Building Official
bnivens@springdalear.gov
201 Spring Street
Springdale, Arkansas 72764
(479) 750.8154
(479) 756.7701 fax
www.SpringdaleAR.gov

November 19, 2013

OPT LLC, C/O Joyce Miller
12395 Cobb Rd
Omaha, AR 72662

RE: property located at 4003 S. Thompson St., Springdale, Washington County, AR

Dear Owner/Lienholder:

This letter is being sent to you to advise you that the above-mentioned property is in violation of Chapters 42-77, 91-65, 91-69, 91-77, 91-72, 91-80, & 91-58 of the Code of Ordinances of the City of Springdale, Arkansas, a copy of which is enclosed. I have also enclosed photos showing these violations. This notice is being sent to you in accordance with Ark. Code Ann. §14-54-903, a copy of which is attached, wherein the City of Springdale is required to give the owner and lienholders seven (7) notice before undertaking any work on the property.

Please be advised that if the violations are not corrected within seven (7) days of your receipt of this letter, the City of Springdale will take the necessary steps to correct the violations on the property, and thereafter seek a lien against the property for the costs of remedying the violations. If you should have any questions, please feel free to contact me.

Respectfully,

Bob Nivens, Code Enforcement

enclosures

ErnestCa/2008Misc/ltowner

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>Joyce Miller</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Joyce Miller November 11-20</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>OPT, LLC C/O Joyce Miller 12395 Cobb RD. Omaha, AR 72662</p> </div>	<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 Merchant <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) 7010 2780 0001 9216 5524</p>	



City of Springdale

Community Engagement Division

206 South Blair Street • Springdale, AR 72764 • Office 479-750-8549

February 13, 2014

Mr. David Carruth
152 Madison Street
Clarendon, AR 72029

Re: Property located at 4003 South Thompson Street, Springdale, AR

Dear Mr. Carruth:

This letter is being sent to you to advise you of a discussion concerning the property mentioned above. On March 3, 2014 at 5:30 p.m., there will be a meeting of the "Health and Sanitation Committee" at 201 North Spring Street, Springdale, AR, in the Multi-Purpose Room, regarding code violations at the aforementioned address and the abatement of those conditions.

The violations are 42-77, 91-58, 91-65, 91-69, 91-72, 91-77 and 91-80 of the Code of Ordinances of the City of Springdale, AR. A certified letter was sent on November 19, 2013 and accepted by Joyce Miller on November 20, 2013, to notify Mrs. Joyce Miller of the violations and the City's intention to undertake abatement if compliance by the owner did not occur.

Please contact us with any questions or concerns.

Sincerely,

Bobby Nivens
Code Enforcement Officer

BN:jll

Via Certified Mail # _____

Working Together to Foster a Healthy, Safe and Attractive Springdale

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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</p> <p style="font-family: cursive; font-size: 1.2em;">David Carruth</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: right; font-family: cursive; font-size: 1.2em;">2-18-14</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-family: cursive; font-size: 1.2em;">Mr. David Carruth 152 Madison St. Clarendon, AR, 72029</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number</p> <p style="font-size: small;">(Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7013 0600 0001 6398 9676</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-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:

sparkman@springdalear.gov

March 18, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedere
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

Joyce Miller
Registered Agent for OPT, LLC
12395 Cobb Rd.
Omaha, AR 72662

RE: Notice of clean-up lien located at 4003 S. Thompson, Springdale,
Washington County, Arkansas,
Tax Parcel No. 815-294777-000

Dear Ms. Miller:

On May 7, 2013, a notice of Code violation was mailed to the owner of record of
the property located at 4003 S. Thompson, Springdale, Arkansas. This notice
stated that the property was in violation of Springdale City Ordinances 42-77, 42-
78, 91-65, 91-69, 91-77, 91-72, 91-80, and 91-58, and needed to be remedied
within seven (7) days. The letter stated 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 March 10, 2014, through March 13, 2014. As of this date, the total costs
incurred and paid by the City of Springdale to clean this property are \$51,150.31.
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 May 9, 2014, a hearing will be held before the Springdale
City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of

the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, May 13, 2014, 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.

Additionally, this matter will be discussed at the Ordinance Committee meeting on May 5, 2014 at 5:30 p.m. in the Multipurpose Room at the City Administration Building, 201 Spring Street, Springdale, Arkansas. Your attendance is encouraged.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$51,156.42, which includes \$51,150.31 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,



Sarah Sparkman
Deputy City Attorney

enclosure

SS

cc: Sam Goad
Missha Wagoner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Joyce Miller
Registered Agent for OPT, LLC
12395 Cobb Rd.
Omaha, AR 72662

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
Joyce Miller Addressee
- B. Received by (Printed Name) *Joyce Miller* C. Date of Delivery *3-19-14*
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7011 1570 0000 8221 1864



CITY ABATEMENT - 3/13/2014 3:26 PM (PUBLIC WORKS 6)

Property Address **4003 S Thompson**
 Date of Abatement **3/10/2014 8:00 AM**
 Officer on Site **Bobby Nivens**
 Supervisor on Job **Terry Anderson, James Carr**

Employee

Employee **Allen Hervey, Denny Sinclair, Ervin Phillips, James Carr, Jeff Powell, Kent Cornett, Mike Gibbs, Terry Anderson, Trail Sloan**

AH Benefit Rate **\$28.03**
 DS Benefit Rate **\$28.17**
 EP Benefit Rate **\$23.66**
 JC Benefit Rate **\$41.48**
 JP Benefit Rate **\$24.07**
 KC Benefit Rate **\$28.33**
 MG Benefit Rate **\$29.86**
 TA Benefit Rate **\$41.48**
 TS Benefit Rate **\$24.2**

Type of Abatement

1 Method of Abatement **Property Clean Up - Junk and Trash**

Equipment Used

Equipment **644 Dump Truck, 645 Dump Truck, 646 Dump Truck, 647 Dump Truck, 702 Track Loader, 6019 (S-10) Service Pick Up**
 644 Dump Truck **\$175**
 645 Dump Truck **\$175**
 646 Dump Truck **\$175**
 648 Dump Truck **\$175**
 702 Track Loader **\$95**
 6019 (S-10) Service Pick Up **\$35**

Time of Abatement in Hours **7**
 Number of Temporary Laborers **0**
 Temporary Labor Cost **0**
 Employee Cost per hour **269.28**
 Total Employee Cost **1884.96**
 Equipment Cost per hour **657**
 Total Equipment Cost **6069**
 Mobilization Fee **\$200**
 Landfill Tipping Fee **\$2849.88**
 Total Cost of Abatement **11003.84**



City of Springdale
Code Enforcement

206 South Blair Street - Springdale, AR 72764 - Office 479/736-7712

CITY ABATEMENT - 3/14/2014 11:21 AM (PUBLIC WORKS 6)

Property Address 4003 S Thompson
 Date of Abatement 3/14/2014 8:00 AM
 Officer on Site Bobby Nivens
 Supervisor on Job Terry Anderson, James Carr

Employee

Employee Allen Hervey, Andy Marrs, Denny Sinclair, Ervin Phillips, James Carr, Kent Cornett, Mike Gibbs, Nathan Cheatham, Terry Anderson, Trail Sloan, Wayne Terry

AH Benefit Rate \$28.00
 AM Benefit Rate \$21.66
 DS Benefit Rate \$28.17
 EP Benefit Rate \$23.66
 JC Benefit Rate \$41.48
 KC Benefit Rate \$28.33
 MG Benefit Rate \$28.86
 NC Benefit Rate \$21.66
 TA Benefit Rate \$41.48
 TS Benefit Rate \$24.2
 WT Benefit Rate \$30.52

Type of Abatement

1 Method of Abatement Property Clean Up - Junk and Trash

Equipment Used

Equipment 644 Dump Truck, 645 Dump Truck, 646 Dump Truck, 648 Dump Truck, 701 Wheel Loader, 702 Track Loader, 703 Track Dozer, 6003 4x4 Service Truck, 6015 Service Truck, 6037 Service Pick Up Truck

644 Dump Truck \$175
 645 Dump Truck \$175
 646 Dump Truck \$175
 648 Dump Truck \$175
 701 Wheel Loader \$120
 702 Track Loader \$95
 703 Track Dozer \$120
 6003 4x4 Service Truck \$35
 6015 Service Truck \$35
 6037 Service Pick Up Truck \$35

Time of Abatement in Hours 7
 Number of Temporary Laborers 0
 Temporary Labor Cost 0
 Employee Cost per hour 219.05
 Total Employee Cost 2233.35
 Equipment Cost per hour 1177
 Total Equipment Cost 8239
 Mobilization Fee \$200
 Landfill Tipping Fee \$6470.15
 Total Cost of Abatement 15142.5



City of Springdale
Code Enforcement

206 South Blair Street - Springdale, AR 72764 - Office 479/756-7712

CITY ABATEMENT - 3/14/2014 11:42 AM (PUBLIC WORKS 6)

Status: CITY ABATEMENT
 Order #: C2 TH04003-03
 Property Address: 4003 S Thompson
 Date of Abatement: 3/12/2014 8:00 AM
 Officer on Site: Bobby Nivens
 Supervisor on Job: James Carr

Employee

Employee: Allen Hervey, Andy Marrs, Charlie Bland, Denny Sinclair, Ervin Phillips, Parker Meadors, Ron Walker, Wayne Terry
 AH Benefit Rate: \$28.03
 AM Benefit Rate: \$21.66
 CB Benefit Rate: \$25.46
 DS Benefit Rate: \$28.17
 EP Benefit Rate: \$23.66
 PM Benefit Rate: \$21.66
 RW Benefit Rate: \$21.66
 WT Benefit Rate: \$30.52

Type of Abatement

1 Method of Abatement: Property Clean Up - Junk and Trash

Equipment Used

Equipment: 644 Dump Truck, 645 Dump Truck, 646 Dump Truck, 648 Dump Truck, 660/652 New Bulky Waste Truck, 701 Wheel Loader, 6001/6005 Service Pick Up Truck, 6015 Service Truck
 644 Dump Truck: \$175
 645 Dump Truck: \$175
 646 Dump Truck: \$175
 648 Dump Truck: \$175
 660 New Bulky Waste Truck: \$200
 701 Wheel Loader: \$120
 6001 Service Pick Up Truck: \$35
 6015 Service Truck: \$35

Time of Abatement in Hours: 7
 Number of Temporary Laborers: 0
 Temporary Labor Cost: 0
 Employee Cost per hour: 200.82
 Total Employee Cost: 1405.74
 Equipment Cost per hour: 1127
 Total Equipment Cost: 7889
 Mobilization Fee: \$200
 Landfill Tipping Fee: \$573.24
 Total Cost of Abatement: 15208.01



City of Springdale
Code Enforcement

206 South Blair Street - Springdale, AR 72764 - Office 479-735-7711

CITY ABATEMENT - 3/14/2014 11:48 AM (PUBLIC WORKS 6)

Status: CITY ABATEMENT
 Order #: C2 TH04003-04
 Property Address: 4003 S Thompson
 Date of Abatement: 3/13/2014 8:00 AM
 Officer on Site: Bobby Nivens
 Supervisor on Job: Terry Anderson

Employee

Employee: Allen Hervey, Andy Marrs, Charlie Bland, Denny Sinclair, Ervin Phillips, Jeff Powell, Nathan Cheatham, Parker Meadors, Ron Walker, Wayne Terry

AH Benefit Rate: \$28.03
 AM Benefit Rate: \$21.66
 CB Benefit Rate: \$25.46
 DS Benefit Rate: \$28.17
 EP Benefit Rate: \$23.66
 JP Benefit Rate: \$24.07
 NC Benefit Rate: \$21.66
 PM Benefit Rate: \$21.66
 RW Benefit Rate: \$21.66
 WT Benefit Rate: \$30.52

Type of Abatement

1 Method of Abatement: Property Clean Up - Junk and Trash

Equipment Used

Equipment: 644 Dump Truck, 645 Dump Truck, 646 Dump Truck, 648 Dump Truck, 660/652 New Bulky Waste Truck, 701 Wheel Loader, 6001/6005 Service Pick Up Truck, 6015 Service Truck, 6025 Service Pick Up Truck

644 Dump Truck: \$175
 645 Dump Truck: \$175
 646 Dump Truck: \$175
 648 Dump Truck: \$175
 660 New Bulky Waste Truck: \$200
 701 Wheel Loader: \$120
 6001 Service Pick Up Truck: \$35
 6015 Service Truck: \$35
 6025 Service Pick Up Truck: \$35

Time of Abatement in Hours: 4
 Number of Temporary Laborers: 0
 Temporary Labor Cost: 0
 Employee Cost per hour: 246.65
 Total Employee Cost: 986.2
 Equipment Cost per hour: 115.2
 Total Equipment Cost: 468
 Mobilization Fee: \$200
 Landfill Tipping Fee: \$1294.06
 Total Cost of Abatement: 7128.26

Boston Mountain Solid Waste District

11398 Bond Road
 Prairie Grove, AR 72753-9345

Invoice

Date	Invoice #
3/13/2014	2014-00548

Bill To
City of Springdale c/o Doug Sprouse 201 Spring St. Springdale, AR 72764

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
33	Passenger Tire Disposal	2.00	66.00
84	Passenger with rim	4.00	336.00
1	Truck Tire Disposal	10.00	10.00
	Tires from Clean up		
	Sales Tax	7.75%	0.00
		Total	\$412.00

5

DUPLICATE RECEIPT

Feed, Seed & More
410 E Huntsville Avenue
Springdale, AR 72764
(479)756-9337

Sales Receipt

Transaction #: 384922
Account #: 0036
Date: 3/13/2014 Time: 12:45:17 PM
Cashier: 3 Register #: 2

Item	Description	Amount
546587654	>> KY 31 Fescue (50#) 5 @ \$39.00	\$195.00

	Sub Total	\$195.00
	State Tax	\$12.68
	County Tax	\$2.44
	City Tax	\$3.90
	Total	\$214.02
	Store Account	\$214.02
	Previous Balance	\$41.68
	New Balance	\$255.70
	Change Due	\$0.00



**City of Springdale
Code Enforcement**

305 South Blair Street - Springdale, AR 72764 - Office 479/788-7712

Discounted Bill

CITY ABATEMENT - 3/13/2014 3:26 PM (PUBLIC WORKS 6)

Property Address	4003 S Thompson
Date of Abatement	3/13/2014
Officer on Site	Bobby Nivens
Supervisor on Job	Terry Anderson, James Carr

Employee

Allen Hervey, Denny Sinclair, Ervin Phillips, James Carr, Jeff Powell, Kent Cornett, Mike Gibbs, Terry Anderson, Trail Sloan

Employee

AR Benefit Rate	\$28.00
DS Benefit Rate	\$28.17
EP Benefit Rate	\$28.00
JC Benefit Rate	\$41.48
JP Benefit Rate	\$28.00
KC Benefit Rate	\$28.33
MC Benefit Rate	\$28.00
TA Benefit Rate	\$41.48
TS Benefit Rate	\$28.00

Method of Compliance

1 Method of Compliance Property Clean Up - Junk and Trash

Equipment Used

Equipment	644 Dump Truck, 645 Dump Truck, 646 Dump Truck, 647 Dump Truck, 702 Track Loader, 6019 (S-10) Service Pick Up
644 Dump Truck	\$175
646 Dump Truck	\$175
646 Dump Truck	\$175
702 Track Loader	\$95
6019 (S-10) Service Pick up	\$95

Time of Abatement in Hours	7
Number of Temporary Laborers	0
Temporary Labor Cost	\$0
Employee Cost per hour	\$268.98
Total Employee Cost	\$1884.98
Equipment Cost per hour	\$830
Total Equipment Cost	\$5810
Mobilization Fee	\$300
Landfill Tipping Fee	\$0
Total Cost of Abatement	\$7574.98

*Corrected
4-1-14*



**City of Springdale
Code Enforcement**

306 South Main Street - Springdale, AR 72704 - Office 479-756-7712

CITY ABATEMENT - 3/14/2014 11:21 AM (PUBLIC WORKS 6)

Property Address **4003 S Thompson**
 Date of Abatement **3/14/2014 8:00 AM**
 Officer on Site **Bobby Nivens**
 Supervisor on Job **Terry Anderson, James Carr**

Employee **Allen Herveay, Andy Marrs, Denny Sinclair, Ervin Phillips, James Carr, Kent Cornett, Mike Gibbs, Nathan Cheatham, Terry Anderson, Trall Sloan, Wayne Terry**

AM Benefit Rate	\$21.66
AM Benefit Rate	\$21.66
PS Benefit Rate	\$21.66
EP Benefit Rate	\$23.66
IC Benefit Rate	\$21.66
KC Benefit Rate	\$28.33
VC Benefit Rate	\$21.66
NC Benefit Rate	\$21.66
TA Benefit Rate	\$21.66
TS Benefit Rate	\$24.2
WT Benefit Rate	\$30.66

Method of Compliance
 1 Method of Compliance **Property Clean Up - Junk and Trash**

Equipment Used

Equipment	644 Dump Truck, 645 Dump Truck, 646 Dump Truck, 648 Dump Truck, 701 Wheel Loader, 702 Track Loader, 703 Track Dozer, 6000 4x4 Service Truck, 6015 Service Truck, 6037 Service Pick Up Truck
644 Dump Truck	\$175
645 Dump Truck	\$175
646 Dump Truck	\$175
648 Dump Truck	\$175
701 Wheel Loader	\$120
702 Track Loader	\$95
703 Track Dozer	\$120
6000 4x4 Service Truck	\$35
6015 Service Truck	\$35
6037 Service Pick Up Truck	\$35

Time of Abatement in Hours	7
Number of Temporary Laborers	0
Temporary Labor Cost	\$0
Employee Cost per hour	\$319.05
Total Employee Cost	\$2233.35
Equipment Cost per hour	\$1140
Total Equipment Cost	\$7980
Mobilization Fee	\$200
Landfill Tipping Fee	\$0
Total Cost of Abatement	\$10413.35

*Corrected
4-4-14*



City of Springdale
Code Enforcement

308 South Blair Street - Springdale, AR 72704 - Office 479/766-7711

CITY ABATEMENT - 3/14/2014 11:42 AM (PUBLIC WORKS 6)

Status: CITY ABATEMENT

Order #: 2014-000403
 Property Address: 4003 S Thompson
 Date of Abatement: 3/12/2014 8:00 AM
 Officer on Site: Bobby Nivens
 Supervisor on Job: James Carr

Employee: Allen Hervey, Andy Marrs, Charlie Bland, Denny Sinclair, Ervin Phillips, Parker Meadors, Ron Walker, Wayne Terry

AM Benefit Rate	\$28.03
AM Benefit Rate	\$21.66
CB Benefit Rate	\$25.46
DS Benefit Rate	\$28.17
EM Benefit Rate	\$21.66
PM Benefit Rate	\$21.66
RW Benefit Rate	\$21.66
WT Benefit Rate	\$30.52

Method of Compliance: Property Clean Up - Junk and Trash

Equipment Used: 644 Dump Truck, 645 Dump Truck, 648 Dump Truck, 648 Dump Truck, 660/652 New Bulky Waste Truck, 701 Wheel Loader, 6001/6005 Service Pick Up Truck, 6015 Service Truck

644 Dump Truck	\$175
645 Dump Truck	\$175
648 Dump Truck	\$175
648 Dump Truck	\$175
660 New Bulky Waste Truck	\$200
701 Wheel Loader	\$120
6001 Service Pick Up Truck	\$35
6015 Service Truck	\$35

Time of Abatement in Hours	0
Number of Temporary Laborers	0
Employee Cost per hour	\$200.82
Total Employee Cost	\$0.00
Equipment Cost per hour	\$1080
Total Equipment Cost	\$0.00
Mobilization Fee	\$200
Landfill Disposal Fee	\$0
Total Cost of Abatement	\$9235.74

*Corrected
4-4-14*



**City of Springdale
Code Enforcement**

200 South Bluff Street - Springdale, AR 72764 - Office 479-798-7711

CITY ABATEMENT - 3/14/2014 11:48 AM (PUBLIC WORKS 6)

Status: CITY ABATEMENT

Order #	G2 TH04009-04
Property Address	4003 S Thompson
Date of Abatement	3/13/2014 8:00 AM
Officer on Site	Bobby Nivens
Supervisor on Job	Terry Anderson

Employee

Employee: Allen Hervey, Andy Marrs, Charlie Bland, Denny Sinclair, Ervin Phillips, Jeff Powell, Nathan Cheatham, Parker Meadors, Ron Walker, Wayne Terry

AM Benefit Rate	\$28.08
AM Benefit Rate	\$21.66
CP Benefit Rate	\$25.46
DS Benefit Rate	\$28.17
EP Benefit Rate	\$23.66
JP Benefit Rate	\$24.07
NC Benefit Rate	\$21.66
PM Benefit Rate	\$21.66
PW Benefit Rate	\$21.66
WT Benefit Rate	\$30.52

Method of Compliance

Method of Compliance	Property Clean Up - Junk and Trash
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Equipment Used

Equipment: 644 Dump Truck, 645 Dump Truck, 646 Dump Truck, 648 Dump Truck, 660/652 New Bulky Waste Truck, 701 Wheel Loader, 6001/6005 Service Pick Up Truck, 6015 Service Truck, 6025 Service Pick Up Truck

644 Dump Truck	\$175
645 Dump Truck	\$175
646 Dump Truck	\$175
648 Dump Truck	\$175
660 New Bulky Waste Truck	\$200
701 Wheel Loader	\$120
6001 Service Pick Up Truck	\$35
6015 Service Truck	\$35
6025 Service Pick Up Truck	\$35

Time of Abatement in Hours	4
Number of Temporary Laborers	0
Temporary Labor Cost	\$0
Employee Cost per Hour	\$246.55
Total Employee Cost	\$986.2
Equipment Cost per Hour	\$1125
Total Equipment Cost	\$4848
Material Fee	\$200
Landfill Tipping Fee	\$0
Total Cost of Abatement	\$5797.2

5

DUPLICATE RECEIPT

Feed, Seed & More
410 E Huntsville Avenue
Springdale, AR 72764
(479)756-9337

Sales Receipt

Transaction #: 384922
Account #: 0036
Date: 3/13/2014 Time: 12:45:17 PM
Cashier: 3 Register #: 2

Item	Description	Amount
546587654	>> KY 31 Fescue (50#) 5 @ \$39.00	\$195.00
Sub Total		\$195.00
State Tax		\$12.68
County Tax		\$2.44
City Tax		\$3.90
Total		\$214.02
Store Account		\$214.02
Previous Balance		\$41.68
New Balance		\$255.70
Change Due		\$0.00

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 4003 SOUTH THOMPSON ST.; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

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

Part of the SE 1/4 of the NE 1/4 of Section 14, Township 17 North, Range 30 West, described as follows: Beginning at a point on the existing right of way line of US Highway 71, which point is 40 feet East and South 0 deg. 31' East 308.7 feet from the Northwest corner of said forty-acre tract; thence North 89 deg. 28' East 70 feet; thence North 0 deg. 31' West 87.9 feet; thence North 3 deg. 53' East 130.4 feet; thence North 72 deg. 54' East 188.2 feet; thence North 1 deg. 02' West 37.4 feet to a point on the North line of the said forty-acre tract; (which point is 300.1 feet East from the NW corner of said 40-acre tract) thence East 44.9 feet; thence 110 feet; thence East 300 feet; thence South 300 feet; thence West 300 feet; thence North 100 feet; thence West to the existing right of way line of US Highway 71; thence North along said right of way to the point of beginning.

Commonly known as 4003 South Thompson St., Springdale, Washington County, Arkansas
Tax Parcel No. 815-29477-000

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

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

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

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

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

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

Section 1. That the structure located at 4003 South Thompson St., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

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

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

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

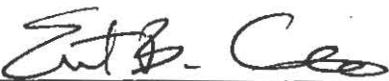
PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



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

October 21, 2013

OPT LLC
C/O Joyce Miller
12395 Cobb Rd.
Omaha, Ar. 72662

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

RE: 4003 S. Thompson St.

To Whom It May Concern:

The Code of Ordinances for the City of Springdale provides that:

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

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

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

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

Tom Evers
Chief Building Inspector



October 21, 2013

OPT LLC
C/O Joyce Miller
12395 Cobb Rd.
Omaha, Ar. 72662

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

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

RE: 4003 S. Thompson ST., Springdale, Washington County, AR. (Old house and shed)

1. All vegetation is to be maintained and cut has needed.
2. Remove all trees that are impacting any structures or fencing.
3. Cut and remove all dead trees around the property.
4. There are several piles of tree debris that needs to be removed.
5. Fencing is falling down in several locations which need to be repaired or replaced.
6. The gates are wide open and anyone can enter the property.
7. Junk and trash is scattered all over the property and needs to be hauled off.
8. Was not able to locate the address on the building.
9. Remove all signs associated with old businesses.
10. Shed is unsecure and needs repairs or removed.
11. Old house place is also unsecured and needs to be removed.
12. As this is zoned commercial one could live here anyway.
13. House does not have a thermostatic controlled heat source.
14. House does not have any plumbing.
15. House has some electrical fixtures not sure of working condition.
16. Several windows are broken or missing though the home.
17. Exterior wood is exposed to weather that has damaged structural elements.
18. Ceiling is fallen in several locations though out the home.
19. Junk and trash is scatter all over the floor in the home.
20. Shed to the west now damaged to the point it needs to be removed.
21. This is not a complete list of all repairs needed. If you would like we can tour the property together if you wish.
22. All work performed must be by a licensed Electrical, Plumber and HVAC contractor.

We would like this matter completed in 30 day.

Tom Evers


Chief Building Inspector
Phone 479-750-8154 Ext 212

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

9216 5388 0001 9216 5388

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

Postmark
Here

OPT LLC
 C/O Joyce Miller
 12395 Cobb Rd.
 Omaha, Ar. 72662

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 X <i>John H. Sinclair</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>John H. Sinclair</i></p> <p>C. Date of Delivery <i>10-23-13</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>OPT LLC C/O Joyce Miller 12395 Cobb Rd. Omaha, Ar. 72662</p>	<p>Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number: (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7010 2780 0001 9216 5388</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:

sparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

February 21, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joyce Miller
Registered Agent for OPT, LLC
12395 Cobb Rd.
Omaha, AR 72662.

RE: Property located at 4003 S. Thompson, Springdale, Washington
County, Arkansas,
Tax Parcel No. 815-294777-000

Dear Ms. Miller:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted
notice at 4003 S. Thompson, Springdale, Washington County, Arkansas, and has
mailed notice in writing to you, via certified mail, that a structure located on
property owned by you at 403 S. Thompson, Springdale, Arkansas, was unsafe
and could not be occupied until the property had been repaired. Furthermore, the
owner was instructed to obtain a demolition or repair permit within thirty (30)
days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on
this property. As such, please be advised that the City Council for the City of
Springdale will be considering the enclosed ordinance at a meeting that will take
place at 6:00 p.m. on Tuesday, March 25, 2014, in the council chambers located at
201 Spring Street, Springdale, Arkansas. I strongly encourage you to attend this
meeting.

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

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

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosure
SS:ch

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

