

Next scheduled Committee Meeting will be held in the Council Chambers, 201 Spring Street, Springdale, Arkansas.

- The next Committee Meeting - Monday, September 14, 2020
 - Committee agendas will be available on Friday, September 11, 2020.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, September 8, 2020

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Rick Evans

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

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk
Recognition of a Quorum.
4. Comments from Citizens
The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
5. Approval of Minutes – August 11, 2020 and August 25, 2020. Pgs. 2 – 12 & Pgs. 13-25
6. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) 7. & 9. Motion must be approved by two-thirds (2/3) of the council members*).
7. Ordinance Committee, Chairman Mike Overton
An Ordinance assigning newly incorporated territory via consolidation to Wards, pursuant to ARK. CODE ANN. §14-40-1205; redistricting City Wards; establishing new ward boundary descriptions; and declaring an emergency. Pgs. 26 - 30
8. Police and Fire Committee, Chairman Brian Powell
A Resolution amending the 2020 Budget of the Police Department to reimburse the Criminal Justice Complex Bond Construction Fund \$500,000 of 911 fees. Pg. 31
9. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for the removal of overgrown brush and debris on properties (2716 Fruit Tree; 804 N. Virginia; 403 S Cleveland) located within the City of Springdale, Arkansas. Pgs. 32 - 56
10. Comments from Council Members.
11. Comments from City Attorney.
12. Comments from Mayor.
13. Adjournment.

SPRINGDALE CITY COUNCIL
AUGUST 11, 2020

The City Council of the City of Springdale met in regular session on Tuesday, August 11, 2020, 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
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Jim Reed	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Brian Powell	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Lester Coger	Police Captain
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Eng. & Public Works Director
Colby Fulfer	Assistant to the Mayor
Allyn Lord	Shiloh Museum Director
Courtney Kremer	Animal Services Director

CITIZENS COMMENTS

Joe Brooks thanked everyone for help in the election that is being held tonight on the consolidation of Bethel Heights into the City of Springdale.

APPROVAL OF MINUTES

Council Member Jaycox moved the minutes of the July 28, 2020 City Council meeting be approved as presented. Council Member Reed made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Watson 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 except Item 11. Council Member Jaycox made the second.

The vote:

Yes: Williams, Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox

No: None

RESOLUTION NO. 92-20 – AUTHORIZING THE EXPENDITURE OF FUNDS ASSOCIATED WITH THE CONSOLIDATION OF THE CITY OF BETHEL HEIGHTS INTO THE CITY OF SPRINGDALE

Mayor Sprouse presented a Resolution authorizing the expenditure of funds associated with the consolidation of the City of Bethel Heights into the City of Springdale. Should a

majority of the voters of both Bethel Heights and Springdale approve the consolidation, the certification of the election results will take place on Friday, August 21, 2020.

Mayor Sprouse felt like this Resolution is needed in order to ensure the smooth and orderly transition of Bethel Heights into the City of Springdale. This Resolution is contingent upon a majority of the voters of both Bethel Heights and Springdale approving the consolidation at the August 11, 2020, special election.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS ASSOCIATED WITH THE CONSOLIDATION OF THE CITY OF BETHEL HEIGHTS INTO THE CITY OF SPRINGDALE.

WHEREAS, on August 11, 2020, a special election is being held on the question of the consolidation of the City of Bethel Heights into the City of Springdale, as provided by Ark. Code Ann. §14-40-1202;

WHEREAS, should a majority of the voters of both Bethel Heights and Springdale approve the consolidation, the certification of the election results will take place on Friday, August 21, 2020;

WHEREAS, the City of Springdale wishes to ensure a smooth and orderly transition of the consolidation of Bethel Heights in to Springdale, in order to ensure the health, welfare, safety, and benefit of the residents of the former Bethel Heights;

WHEREAS, the City of Springdale intends to make whatever expenditures are necessary and needed in order to effectuate the consolidation of Bethel Heights into Springdale;

WHEREAS, the City of Springdale wishes to make known to the residents of the former Bethel Heights that municipal services will be provided to them in a timely and professional manner;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that, in order to ensure the smooth and orderly transition of Bethel Heights into the City of Springdale, that:

1. Each department of the City of Springdale is authorized and directed to provide any municipal services needed or required to the residents of the former Bethel Heights;
2. Any expenditures needed or required in order to provide municipal services, or to effectuate the consolidation of Bethel Heights into the City of Springdale are hereby authorized, with said expenditures to be separately designated and shall be repaid to the City of Springdale from the assets and/or property of the former Bethel Heights as allowed by law.
3. This Resolution is contingent upon a majority of the voters of both Bethel Heights and Springdale approving the consolidation at the August 11, 2020, special election.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Watson moved the Resolution be adopted. Council Member Overton made the second.

The vote:

Yes: Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Resolution was numbered 92-20.

RESOLUTION NO. 93-20 – AUTHORIZING PAYMENT OF AN INVOICE FOR PROJECT NO. 18BPC1, SPRINGDALE MUNICIPAL CAMPUS, FROM MILESTONE CONSTRUCTION LLC IN THE AMOUNT OF \$1,290,488.77

Mayor Sprouse presented a Resolution authorizing payment of an invoice for Project No. 18BPC1, Springdale Municipal Campus, from Milestone Construction LLC, in the amount of \$1,290,488.77.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE
PROJECT NO. 18BPC1**

WHEREAS, Springdale municipal code sec. 2-158 requires approval of the governing body before paying any bill that exceeds \$1,000,000, and

WHEREAS, the City of Springdale has contracted with Milestone Construction Company, LLC to construct/renovate the Springdale Municipal Campus, and

WHEREAS, The City has received an invoice for \$1,290,488.77 for construction expenses for July 2020.

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 pay Milestone Construction Company, LLC \$1,290,488.77 with funds from the 2018 Bond Construction Fund.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Reed moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Resolution was numbered 93-20.

RESOLUTION NO. 94-20 – AUTHORIZING PAYMENT OF AN INVOICE FOR
PROJECT NO. 18BPP2, RENOVATION OF RANDALL TYSON PARK
IMPROVEMENTS IN THE AMOUNT OF \$1,835,744.72

Mayor Sprouse presented a Resolution authorizing payment of an invoice to Flintco, LLC, for Project No. 18BPP2, renovation of Randall Tyson Park improvements, in the amount of \$1,825,744.72.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE
PROJECT NO. 18BPP2**

WHEREAS, Springdale municipal code sec. 2-158 requires approval of the governing body before paying any bill that exceeds \$1,000,000, and

WHEREAS, the City of Springdale has contracted with Flintco, LLC to construct/renovate the Randall Tyson Park Improvements, and

WHEREAS, The City has received an invoice for \$1,835,744.72 for construction expenses for July 2020.

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 pay Flintco, LLC \$1,835,744.72 with funds from the 2018 Bond Construction Fund.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Reed moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Resolution was numbered 94-20.

ORDINANCE NO. 5496 – ACCEPTING THE FINAL PLAT OF PHASE 1B OF HABBERTON RIDGE SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the final plat of Phase 1B of Habberton Ridge Subdivision to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at the public hearing.

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

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Reed

No: None

Council Member Reed moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson

No: None

The Ordinance was numbered 5496.

ORDINANCE NO. 5497 – ACCEPTING THE REPLAT OF LOTS 74-78 OF HABBERTON RIDGE PHASE 1A SUBDIVISION, A RESIDENTIAL SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lots 74-78 of Habberton Ridge Phase 1A Subdivision, a residential subdivision to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at the public hearing.

After reading the title of the Ordinance, Council Member Jaycox moved the Ordinance “Do Pass”. Council Member Williams made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans

No: None

Council Member Reed moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5497.

ORDINANCE NO. 5498 – ESTABLISHING AN ENTERTAINMENT DISTRICT TO BE KNOWN AS THE DOWNTOWN SPRINGDALE OUTDOOR DINING DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Council Member Mike Overton presented an Ordinance establishing an entertainment district to be known as the Downtown Springdale Outdoor Dining District; declaring an emergency and for other purposes. The first reading of the ordinance was held at the July 28, 2020 Council meeting.

After the second reading of the title, Council Member Watson made the motion to suspend the rules and place the Ordinance on its third and final reading by title only. Council Member Jaycox made the second.

The vote:

Yes: Williams, Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox

No: None

After the third reading of the title, Council Member Jaycox moved the Ordinance "Do Pass". Council Member Lawson made the second.

Jill Dabbs, Director of Downtown Springdale Alliance, presented two options for when the outdoor dining district would be open.

Option A - Sunday-Thursday 3 p.m. – 10 p.m.
Friday-Saturday 10 a.m. – 10 p.m.

Option B - Sunday-Thursday 11 a.m. – 10 p.m.
Friday-Saturday 10 a.m. – 10 p.m.

Ms. Dabbs said the downtown businesses would prefer Option B. She said they would be coming back to City Council in six months to give a full report on how the district is doing as far as trash, safety, sales, economic impact etc. At that time they will make any recommendations that they feel are needed to make the ordinance better for Springdale.

Discussion was held on the opening hours proposed for the district. Jeff Brown, Odd Soul, and Brent Hale, Big Sexy Foods, both spoke in favor of the Ordinance.

After discussion, Council Member Watson made the motion to amend the ordinance with the following three changes:

- 1) Change the hours for the outdoor dining district to: 10 a.m. – 10 p.m., Sunday through Saturday.
- 2) Remove the term permanent
- 3) Add emergency clause and make the ordinance effective immediately.

Council Member Lawson made the second.

The vote:

Yes: Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams

No: None

When asked about downtown being family friendly, Patsy Christie explained the master plan adopted for downtown sets up Downtown Springdale to be a family friendly area. We are trying to create something for everybody to come downtown.

Council Member Jaycox moved the Ordinance "Do Pass" as amended. Council Member Lawson made the second.

The vote:

Yes: Lawson, Powell, Jaycox, Williams, Watson

No: Overton, Reed, Evans

Council Member Jaycox moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Ordinance was numbered 5498.

City Attorney Cate said the Alcoholic Beverage Control Division will be notified that this ordinance passed according to State Statute.

RESOLUTION NO. 95-20 – AUTHORIZING THE EXECUTION OF A SOLAR POWER SERVICE AGREEMENT WITH TODAY'S POWER INC.

Council Member Jeff Watson presented a Resolution authorizing the execution of a Solar Power Service Agreement with Today's Power Inc.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A SOLAR POWER SERVICE AGREEMENT WITH TODAY'S POWER, INC.

WHEREAS, Act 464 of the Arkansas 92nd General Assembly made provision for non-tax entities to take full advantage of federal incentives and lower the cost of solar power, and

WHEREAS, prior to recent legislative changes, solar energy required a substantial initial investment from the City, and

WHEREAS, Today's Power, working as the selected solar provider by Ozarks Natural Energy, has submitted a contract to provide solar energy at the rate of \$00.055 per kilowatt hour for 20 years, and

WHEREAS, Fire Stations 4, 5 and 6 as well as the Street Department facilities and the Springdale Recreation Center will see significant savings in energy costs, and

WHEREAS, the City of Springdale will see an estimated average energy savings of \$22,152 annually.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a 20 year solar power service agreement with Today's Power, Inc.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Reed moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Reed

No: None

The Resolution was numbered 95-20.

RESOLUTION NO. 96-20 – AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CHARITABLE DONATION AGREEMENT WITH TYSON FAMILY FOUNDATION INC. AND AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 307 N. MAIN STREET, SPRINGDALE, ARKANSAS (FOR SHILOH MUSEUM)

Council Member Jeff Watson presented a Resolution authorizing the Mayor and City Clerk to enter into a charitable donation agreement with Tyson Family Foundation Inc. and authorizing the purchase of property located at 307 N. Main Street, Springdale, Arkansas, for the Shiloh Museum.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CHARITABLE DONATION AGREEMENT, AND AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 307 N. MAIN STREET, SPRINGDALE, ARKANSAS.

WHEREAS, the acquisition of property located at 307 N. Main Street (Washington County Parcel #815-29993-000) "the Property", is needed by the City of Springdale for future use by the Shiloh Museum;

WHEREAS, the owner of the Property has agreed to sell the Properties to the City of Springdale for the sum of \$171,000.00, which is the appraised value of the Properties;

WHEREAS, the Tyson Family Foundation, Inc., wishes to make a charitable contribution to the City of Springdale for the express purpose of the City purchasing the Property; and

WHEREAS, the City of Springdale and the Tyson Family Foundation, Inc., wish to enter into a Charitable Donation Agreement, attached hereto as Exhibit "A" and incorporated herein by reference, to effectuate the charitable contribution to the City for the purpose of the City purchasing the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to execute the attached Charitable Donation Agreement, and are authorized to utilize funds derived therefrom to purchase the Property in an amount not to exceed \$171,000.00, plus associated closing costs, and are authorized to execute all documents necessary to complete this transaction.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Reed made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson

No: None

The Resolution was numbered 96-20.

RESOLUTION NO. 97-20 – AUTHORIZING A NEGOTIATED SERVICE AGREEMENT BETWEEN SPRINGDALE ANIMAL SERVICES AND BEST FRIENDS ANIMAL SOCIETY

Council Member Amelia Williams presented a Resolution authorizing a negotiated service agreement between Springdale Animal Services and Best Friends Animal Society.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING A NEGOTIATED SERVICE AGREEMENT BETWEEN SPRINGDALE ANIMAL SERVICES AND BEST FRIENDS ANIMAL SOCIETY.

WHEREAS, Springdale Animal Services is preparing to move to its new facility;

WHEREAS, Springdale Animal Services has 76 various animal kennels that will not be needed or used in the new Animal Services facility, with the value of these kennels being less than \$20,000.00;

WHEREAS, Springdale Animal Services wishes to dispose of these animal kennels in a fashion and manner which will be beneficial to the City;

WHEREAS, Best Friends Animal Society has agreed, in exchange for the aforementioned animal kennels, to provide certain services relating to the care and custody of cats over the next 20 months, with the value of said services being at least equal to the value of the aforementioned kennels; and

WHEREAS, Springdale Animal Services and Best Friends Animal Society wish to memorialize their agreement by way of a Negotiated Service Agreement, a copy of which is attached hereto as Exhibit "A" and is hereby incorporated by reference;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute a Negotiated Service Agreement with Best Friends Animal Society.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Jaycox moved the Resolution be adopted. Council Member Williams made the second.

When asked how the services rendered will be managed for the dollars that are invested in the cages, Animal Services Director Kremer said they will be tracking with software all the animals that are transferred to Best Friends Animal Society. With the sheltering software, it has all the information pertinent to the animal and notes on what medically might be going on with them. Once they are transferred to Best Friends Animal Society, they will have the dollar amount of what was invested in each animal.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Lawson, Evans

No: Overton, Reed

The Resolution was numbered 96-20.

ORDINANCE NO. 5499 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 898 TAMARACK, SPRINGDALE, ARKANSAS

Council Member Amelia Williams presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 898 Tamarack, Springdale, Arkansas.

After reading the title of the Ordinance, Council Member Reed moved the Ordinance “Do Pass”. Council Member Lawson made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans, Powell

No: None

Council Member Jaycox moved the Emergency Clause be adopted. Council Member Reed made the second.

The vote:

Yes: Williams, Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox

SPRINGDALE CITY COUNCIL
AUGUST 11, 2020

No: None

The Ordinance was numbered 5499.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Reed made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:48 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

SPRINGDALE CITY COUNCIL
AUGUST 25, 2020

The City Council of the City of Springdale met in regular session on Tuesday, August 25, 2020, 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
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Jim Reed	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Brian Powell	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Frank Gamble	Police Captain
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Eng. & Public Works Director
Colby Fulfer	Assistant to the Mayor
Tom Evers	Building Official

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

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

The vote:

Yes: Williams, Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox

No: None

ORDINANCE NO. 5500 – ANNEXING CERTAIN PROPERTY (WASHINGTON COUNTY PARCELS NO. 001-15140-00 AND NO. 001-15087-000), OWNED BY JIMMY AND MARGIE BOWEN, TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance annexing property owned by Jimmy and Margie Bowen into the City of Springdale, Arkansas, and declaring an emergency. The two parcels, #001-15140-00 and #001-15087-000, are known as Bowen East and Bowen West, off Hylton Road.

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

The vote:

Yes: Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Ordinance was numbered 5500.

RESOLUTION NO. 98-20 – ENDORSING PARTICIPATION IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(D)

Scott Edmondson, Chamber of Commerce, presented a Resolution endorsing participation in the Sales and Use Tax Refund Program authorized by the Consolidated Incentive Act of 2003 and Ark. Code Ann. §15-4-2706(d).

Now Diagnostics, Inc., of 1200 Stewart Place, wishes to participate in, and be eligible for, the investment tax incentives due to the expansion of its facility in the City of Springdale, Arkansas.

RESOLUTION NO. ____

A RESOLUTION ENDORSING PARTICIPATION 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, Now Diagnostics, Inc., of 1200 Stewart Place, 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, Now Diagnostics, 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 Now Diagnostics, 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 Now Diagnostics, Inc., and this resolution shall take effect immediately.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Jaycox moved the Resolution be adopted. Council Member Williams made the second.

The vote

Yes: Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Resolution was numbered 98-20.

ORDINANCE NO. 5501 – ACCEPTING THE REPLAT OF SAID REPLAT OF LOT 2A AND LOTS 10, 11 & 12, BLOCK 15 OF RAILROAD ADDITION ON THE WEST SIDE OF HOLCOMB STREET, CREATING LOTS 2B, 2C & 12A TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of said Replat of Lot 2A and Lots 10, 11 & 12, Block 15 of Railroad Addition on the west side of Holcomb Street, creating Lots 2B, 2C & 12A to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at the public hearing.

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

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Reed

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson

No: None

The Ordinance was numbered 5501.

ORDINANCE NO. 5502 – REZONING PROPERTY OWNED BY TAQUERIA M. GUANAJUATO, LLC & BENIGNO MORALES LOCATED AT 1075 W. SUNSET ON THE SOUTH SIDE, FROM C-2 TO C-5 AND MF-4; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Taqueria M. Guanajuato, LLC & Benigno Morales located at 1075 W. Sunset on the south side, from C-2 to C-5 and MF-4; declaring an emergency and for other purposes.

Planning Commission recommended approval at the public hearing.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance "Do Pass". Council Member Jaycox made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans

No: None

Council Member Reed moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5502.

ORDINANCE NO. 5503 – REZONING 13.71 ACRES OWNED BY PSAC, LLC, LOCATED AT THE NORTHWEST INTERSECTION OF GENE GEORGE BOULEVARD AND DEARING ROAD, FROM PLANNED UNIT DEVELOPMENT TO REVISED PLANNED UNIT DEVELOPMENT AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 13.71 acres owned by PSAC LLC located at the northwest intersection of Gene George Boulevard and Dearing Road, from Planned Unit Development to Revised Planned Unit Development and declaring an emergency. The amendment is to have a smaller plaza area, increased amount of retail space, and increased number of residential units in the planned unit development.

Planning Commission recommended approval at the public hearing.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance "Do Pass". Council Member Williams made the second.

The vote:

Yes: Williams, Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Reed made the second.

The vote:

Yes: Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Ordinance was numbered 5503.

ORDINANCE NO. 5504 – REZONING 3.66 ACRES OWNED BY THOMAS J. EMBACH LOCATED AT 1472 BUTTERFIELD COACH ROAD, FROM C-4 AND O-1 TO MF-12; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 3.66 acres owned by Thomas J. Embach located at 1472 Butterfield Coach Road, from C-4 and O-1 to MF-12 and declaring an emergency.

Planning Commission recommended approval at the public hearing.

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

The vote:

Yes: Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Ordinance was numbered 5504.

RESOLUTION NO. 99-20 – APPROVING A CONDITIONAL USE APPEAL BY SEVENTH DAY ADVENTIST FOR A CONDITIONAL USE FOR A TANDEM LOT SPLIT AT 206 WESTWOOD IN AN SF-2 ZONE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Seventh Day Adventist Church for a tandem lot split at 206 Westwood in an SF-2 Zone.

Planning Commission recommended approval at the public hearing.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE AT 206 WESTWOOD, A SINGLE FAMILY DWELLING AS SET FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on August 4, 2020 on a request by Seventh Day Adventist for a conditional use for a Tandem Lot Split in a Low/Medium Density Single Family Residential District (SF-2) at 206 Westwood; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) ayes and zero (0) nays recommends that a conditional use be granted to the Seventh Day Adventist for a Tandem Lot Split in a Low/Medium Density Single Family

Residential District (SF-2) 206 Westwood with the following conditions – Access Easement must be paved.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE that the City Council hereby grants a conditional use to Seventh Day Adventist for a Tandem Lot Split in a Low/Medium Density Single Family Residential District (SF-2) at 206 Westwood with the following conditions – Access Easement must be paved.

PASSED AND APPROVED THIS _____ DAY OF AUGUST, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Evans made the second.

The vote

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Reed

No: None

The Resolution was numbered 99-20.

RESOLUTION NO. 100-20 – APPROVING A CONDITIONAL USE APPEAL BY SUMMIT BAPTIST CHURCH FOR A USE UNIT 42 (CHURCH/SYNAGOGUE) TO BE LOCATED AT 1048 S. 48TH STREET IN A C-2 ZONE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Summit Baptist Church for a Use Unit 42 (Church/Synagogue) to be located at 1048 S. 48th Street in a C-2 Zone.

Planning Commission recommended approval at the public hearing.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE AT 1048 S. 48TH STREET AS SET FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on August 4, 2020 on a request by Summit Baptist Church for a conditional use for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 1048 S. 48th Street; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yeas and zero (0) nays recommends that a conditional use be granted to the

Summit Baptist Church for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 1048 S. 48th Street with the following conditions – no conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE that the City Council hereby grants a conditional use to Summit Baptist Church for a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2) at 1048 S. 48th Street with the following conditions – No conditions set.

PASSED AND APPROVED THIS ____ DAY OF AUGUST, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Reed moved the Resolution be adopted. Council Member Powell made the second.

The vote

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson

No: None

The Resolution was numbered 100-20.

RESOLUTION NO. 101-20 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO BURCKART CONSTRUCTION INC, IN CONNECTION WITH LOT 11 SUNSET RIDGE FOR A SINGLE FAMILY DWELLING

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 Burckart Construction Inc., in connection with Lot 11, Sunset Ridge, for a single family dwelling.

Planning Commission recommended approval at the public hearing.

Council Member Reed moved the Resolution be adopted with Option 1. Council Member Jaycox 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 BURCKART CONSTRUCTION, INC. IN CONNECTION WITH LOT 11 SUNSET RIDGE FOR A SINGLE FAMILY DWELLING.

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, curbs, gutters, sidewalks and street lights in connection with Lot 11 at Sunset Ridge for a single family dwelling for Burckart Construction, 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 Sunset Ridge Circle including drainage improvements related thereto, sidewalks in connection with Lot 11 Sunset Ridge for a single family dwelling for Burckart Construction, Inc.

PASSED AND APPROVED THIS _____ DAY OF AUGUST, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote

Yes: Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans

No: None

The Resolution was numbered 101-20.

ORDINANCE NO. 5505 – TO WAIVE COMPETITIVE BIDDING AND AMEND THE FIRE DEPARTMENT BUDGET FOR THE PURCHASE OF A REPLACEMENT VEHICLE

Council Member Jeff Watson presented an Ordinance to waive competitive bidding and amend the Fire Department budget.

Fire Chief Irwin explained the Fire Department sold a Hummer Brush Truck for \$44,297.00. The department is in need of a new staff vehicle and is asking for the appropriation of \$40,000.00 for the purchase of a replacement vehicle.

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

The vote:

Yes: Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans, Powell

No: None

Council Member Reed moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Williams, Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox

No: None

The Ordinance was numbered 5505.

RESOLUTION NO. 102-20 – AMENDING THE 2020 BUDGET OF THE POLICE DEPARTMENT

Council Member Jeff Watson presented a Resolution amending the 2020 Budget of the Police Department to purchase a new radio and phone recording system through the HGAC purchasing contract. 911 turnback funds in the amount of \$29,900 will be used for the purchase.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2020 BUDGET OF THE POLICE DEPARTMENT

WHEREAS, the Police Department is in need of a new radio and phone recording system, and

WHEREAS, there are 911 turnback funds available for this purchase that have not been appropriated, and

WHEREAS, Arkansas Statute §19-11-249 allows for Cities to purchase commodities or services thru cooperative purchasing agreements, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that \$29,900 of 911 turnback funds is hereby appropriated in account 101-0504-421.80-35 911/SMRS Equipment for the purchase of a recording system through HGAC purchasing contract.

PASSED AND APPROVED this _____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Lawson made the second.

The vote

Yes: Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Resolution was numbered 102-20.

RESOLUTION NO. 103-20 – AUTHORIZING THE SALE OF PROPERTY LOCATED
AT 206 W. MEADOW AVENUE/206 S. BLAIR STREET TO ARTENOMICS, LLC

Council Member Jeff Watson presented a Resolution authorizing the sale of property located at 206 W. Meadow Avenue/206 S. Blair Street to Artenomics, LLC.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE SALE OF
PROPERTY LOCATED AT 206 W. MEADOW
AVE./206 S. BLAIR ST. TO ARTENOMICS, LLC.**

WHEREAS, the City of Springdale owns the following real property located in the City of Springdale, Arkansas, said land being more particularly described as follows ("the Property"):

Lot 1 and the East 29.00 feet of Lot 2, Block 8, of the Railroad Addition to the City of Springdale, Arkansas, as per plat thereof.

Also,

The West 12.00 feet of Lot 2 and the East 25.00 feet of Lot 3 in Block 8, in the Railroad Addition to the City of Springdale, Washington County, Arkansas, as designated on the plat of said Addition now on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Also,

Beginning at a point that is 25.00 feet West of the SE corner of Lot 3 in Block 8, in the Railroad Addition to the City of Springdale, Washington County, Arkansas; thence North 130.00 feet; thence West 2.00 feet; thence South 130.00 feet; thence East 2.00 feet, to the point of beginning. Subject to roadways and easements of record, if any.

Washington County Tax Parcel No. 815-25230-001 and Washington County Tax Parcel No. 815-25229-000, more commonly known as 206 W. Meadow Ave./206 S. Blair St., Springdale Washington County, Arkansas.

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to sell real property it owns, subject to approval by the City Council;

WHEREAS, Artenomics, LLC, has made an offer to purchase the Property from the City for the sum of \$425,000.00;

WHEREAS, the amount offered by Artenomics, LLC, for the Property is reasonable;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute all documents necessary to effect the sale of the Property to Artenomics, LLC, for the total sum of \$425,000.00.

PASSED AND APPROVED this _____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Lawson moved the Resolution be adopted. Council Member Jaycox made the second.

The vote

Yes: Overton, Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Resolution was numbered 103-20.

TABLED TO OCOBER 27, 2020 – ORDINANCE ORDERING THE RAZING, DEMOLLITION AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE LOCATED AT 215 W. MAPLE AVENUE WITHIN THE CITY OF SPRINGDALE, ARKANSAS; TO DELCARE AN EMERGENCY AND FOR OTHER PURPOSES

Council Member Amelia Williams presented an Ordinance ordering the razing, demolition and removal of a residence located at 215 W. Maple Avenue within the City of Springdale, Arkansas; to declare an emergency and for other purposes. This item was tabled from the July 25, 2020 City Council meeting to allow the owners time to work on their project and come back tonight with an update.

Building Inspector Tom Evers reported the owners have cleaned up a lot of debris that was on the east side to the Gilbert property and have taken down some of the candy factory structure that was in bad shape. They have moved the contents from the back side of the candy factory into the better parts to the east. Windows have been prepped for order. They are a couple of months away before they will start the addition to the back of it but they are working to clean up the property and tearing down more structures. The cat issue is better than it has been.

Council Member Overton said he went by there today and is satisfied they are not waiting around and work is being done to get this job completed.

After discussion, Council Member Reed made the motion to table this Ordinance to the October 27, 2020 City Council meeting. Council Member Overton made the second.

The vote:

Yes: Reed, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

RESOLUTION NO. 104-20 – APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR INTERCONNECTION OF MUNICIPAL WATER SYSTEMS BETWEEN THE CITIES OF TONTITOWN AND SPRINGDALE, ARKANSAS

Council Member Amelia Williams presented a Resolution approving and authorizing the Mayor and City Clerk to execute an agreement for interconnection of municipal water systems between the Cities of Tontitown and Springdale, Arkansas.

RESOLUTION NO. ____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR INTERCONNECTION OF MUNICIPAL WATER SYSTEMS BETWEEN THE CITIES OF TONTITOWN AND SPRINGDALE, ARKANSAS.

WHEREAS, Springdale is a city of the first class organized and operating under the laws of the State of Arkansas;

WHEREAS, Springdale owns and operates municipal water system and operates its water system through the Springdale Water Utilities Commission (“the Commission”) which is the governing body for the municipal water and sewer utility for the City of Springdale;

WHEREAS, Tontitown is a city of the first class organized and operating under the laws of the State of Arkansas;

WHEREAS, Tontitown owns a municipal water system and operates its water system through its Water and Sewer Utilities Department;

WHEREAS, Springdale and Tontitown desire to operate and maintain certain existing interconnections between their respective water systems, and to provide a mechanism for construction of any needed additional interconnections, for the purposes of providing water from one water system to the other in cases of emergency or when maintenance activities with respect to a system would require a water system to be temporarily placed out of service, and for other lawful purposes;

WHEREAS, ensuring adequate provision of water supply needs during such periods of shortage or outage is prudent and in the best interests of each city;

WHEREAS, Springdale and Tontitown desire to enter into an Agreement in accordance with Ark Code. Ann. §14-54-101(4), Ark Code. Ann. §14-234-108, Ark. Code Ann. §25-20-104(h), and other applicable law, setting forth their respective obligations and responsibilities with regard to construction, operation and maintenance of the interconnections.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to execute the Agreement for Interconnection of Municipal Water Systems (attached hereto as Exhibit "A") between the City of Springdale, Arkansas, and the City of Tontitown, and said agreement is approved upon ratification of said agreement by the City of Tontitown and the Springdale Water & Sewer Commission.

PASSED AND APPROVED this ____ day of August, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Reed moved the Resolution be adopted. Council Member Jaycox made the second.

The vote

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Reed

No: None

The Resolution was numbered 104-20.

ORDINANCE NO. 5506 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 422 1/2 CAUDLE AND 602 S. CLEVELAND WITHIN THE CITY OF SPRINGDALE, ARKANSAS

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on the following property located within the City of Springdale, Arkansas:

Owner: Roberto Figueroa-Bustamante 422 1/2 Caudle
Parcel #815-26167-000

Owner: Fredy Hernandez 602 S. Cleveland
Parcel #815-23594-000

After reading the title of the Ordinance, Council Member Jaycox moved the Ordinance “Do Pass”. Council Member Lawson made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson

No: None

Council Member Reed moved the Emergency Clause be adopted. Council Member Evans made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans

No: None

The Ordinance was numbered 5506.

COUNCIL COMMENTS

Discussion was held on a request to look at putting sidewalk in off Lakeview and Turner Streets. Part of this property is located in the City of Fayetteville.

FORMER BETHEL HEIGHTS CITIZENS

Mayor Sprouse said there will be public meetings held over the next few months to visit with citizens about any issues they might have questions on. The Water and Sewer Department will also be holding an informational meeting Thursday evening at 6:00 p.m.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Watson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:48 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

ORDINANCE NO. _____

AN ORDINANCE ASSIGNING NEWLY INCORPORATED TERRITORY VIA CONSOLIDATION TO WARDS, PURSUANT TO ARK. CODE ANN. §14-40-1205; REDISTRICTING CITY WARDS; ESTABLISHING NEW WARD BOUNDARY DESCRIPTIONS; AND DECLARING AN EMERGENCY.

WHEREAS, a special election was held on August 11, 2020, in accordance with Ark. Code Ann. §7-11-201 *et seq.*, in the City of Springdale, Washington County, Arkansas, in the City of Springdale, Benton County, Arkansas, and in the City of Bethel Heights, Arkansas, on the question of the consolidation of the City of Bethel Heights, Arkansas, into the City of Springdale, Arkansas;

WHEREAS, a majority of the votes cast in the August 11, 2020, special election were in favor of the consolidation of the City of Bethel Heights, Arkansas, into the City of Springdale, Arkansas, pursuant to Ark. Code Ann. §14-40-1201, *et seq.*,

WHEREAS, on August 21, 2020, the Benton County Judge and the Washington County Judge each issued an Order certifying the results of the special election, declaring and consummating the consolidation of the City of Bethel Heights into the City of Springdale, declaring the name of the consolidated municipality to be the City of Springdale, and declaring that the inhabitants thereof shall in all respects be citizens of the City of Springdale, all pursuant to Ark. Code Ann. §14-40-1203(b)(1)(A)(i);

WHEREAS, Ark. Code Ann. §14-40-1205 requires that the Springdale City Council form, by ordinance, the territory of the former Bethel Heights into wards as shall seem to be to the best interests of the consolidated city, and shall change the boundaries of wards as shall seem to be to the best interests of the consolidated city; and

WHEREAS, the Mayor and City Council have determined that the public interest would seem best served by assigning the newly incorporated territory to the two contiguous Springdale wards, and by redistricting existing city wards, as shown on the attached "City of Springdale Ward Boundary Descriptions" attached hereto as Exhibit "A", and as shown on the Official Ward Map attached hereto as Exhibit "B".

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

Section 1. All territory incorporated into the City of Springdale by the consolidation of the City of Bethel Heights into Springdale lying east of the Arkansas Missouri Railroad be, and is hereby assigned to Ward 4.

Section 2. All territory incorporated into the City of Springdale by the consolidation of the City of Bethel Heights into Springdale lying west of the Arkansas Missouri Railroad be, and is hereby assigned to Ward 1.

Section 3. The attached "City of Springdale Ward Boundary Descriptions" attached hereto as Exhibit "A" and made a part hereof, be and are hereby approved.

Section 4. The new Official Ward Map for the City of Springdale, which is attached hereto as Exhibit "B" and made a part hereof, be and is hereby approved, and any ward map or ward boundary in effect prior to the effective date of this ordinance is hereby repealed.

Section 5. A duly certified copy of this ordinance, along with the map (plat) and ward descriptions of the consolidated City of Springdale shall be submitted to the Benton and Washington County Election Commissions, be filed in the Benton and Washington County offices of the Circuit Clerk and the County Clerk; and with the Arkansas Secretary of State, all pursuant to Ark. Code Ann. §14-40-1206.

Section 6. 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 _____ 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

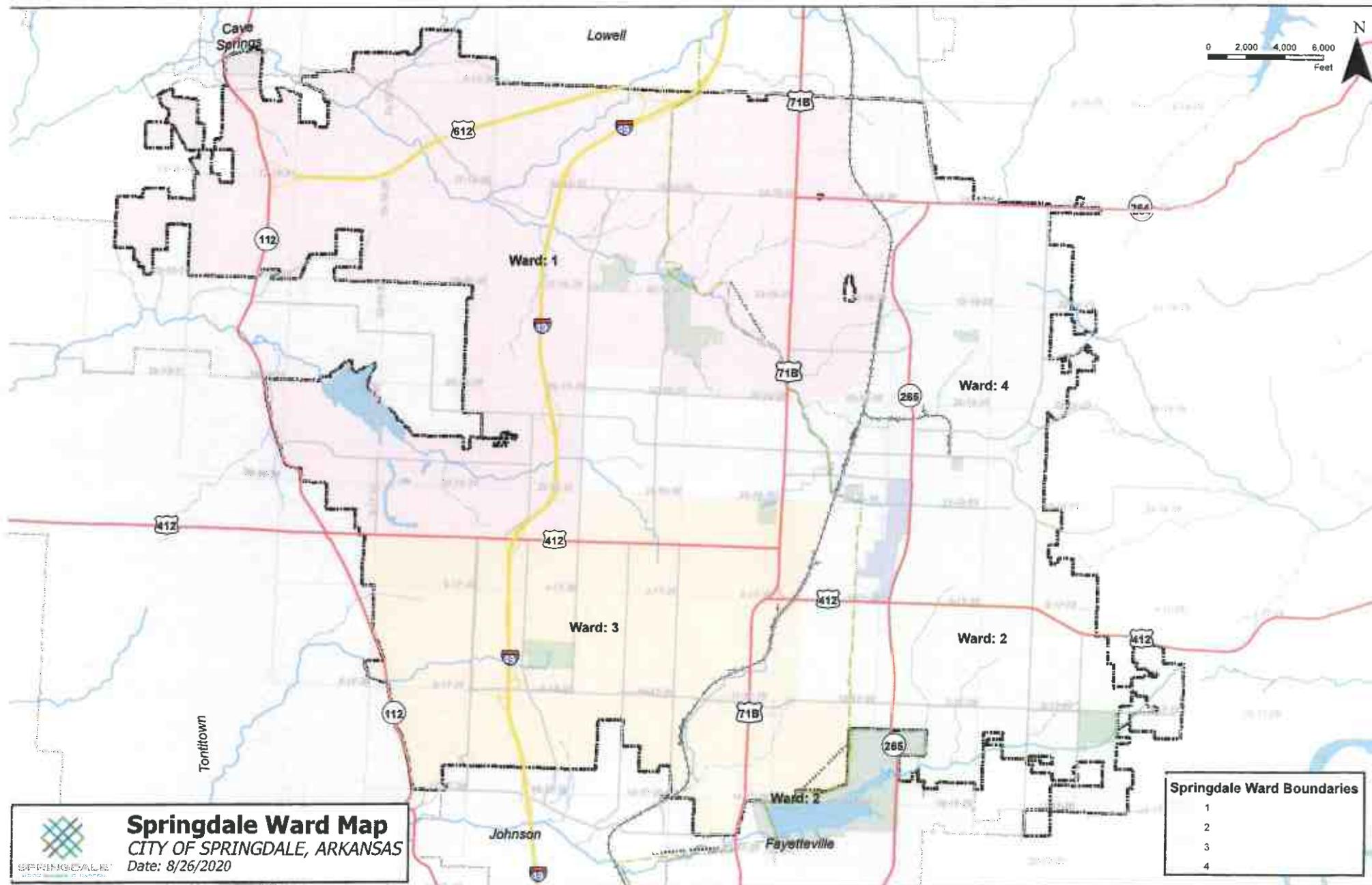
Exhibit "A"
City of Springdale Ward Boundary Descriptions

Ward 1 – Beginning at the intersection of Sunset Avenue and 40th Street; thence west along Sunset to the western city limit line; thence in a generally clockwise direction along the city limit line to its intersection with the Arkansas Missouri Railroad; thence southerly along said Railroad to Old Wire Road; thence westerly along Old Wire to Lowell Road; thence continue westerly along Lowell to Sanders Avenue; thence continue westerly along Sanders to its intersection with Thompson Street and Backus Avenue; thence westerly along Backus to Silent Grove Road; thence northerly along Silent Grove to Falcon Road; thence west along Falcon to 40th Street; thence south along 40th to the P.O.B.

Ward 2 – Beginning at the intersection of U.S. 412 and Turner Street; thence east along U.S. 412 to Old Missouri Road; then northerly along Old Missouri to Emma Avenue; thence east along Emma to Butterfield Coach Road; then southerly along Butterfield Coach to Lutz Road; thence easterly along Lutz to the eastern city limit line; thence in a generally clockwise direction along the city limit line to Powell Street; thence north along Powell to Don Tyson Parkway; thence west along Don Tyson to Turner Street; thence north along Turner to the P.O.B.

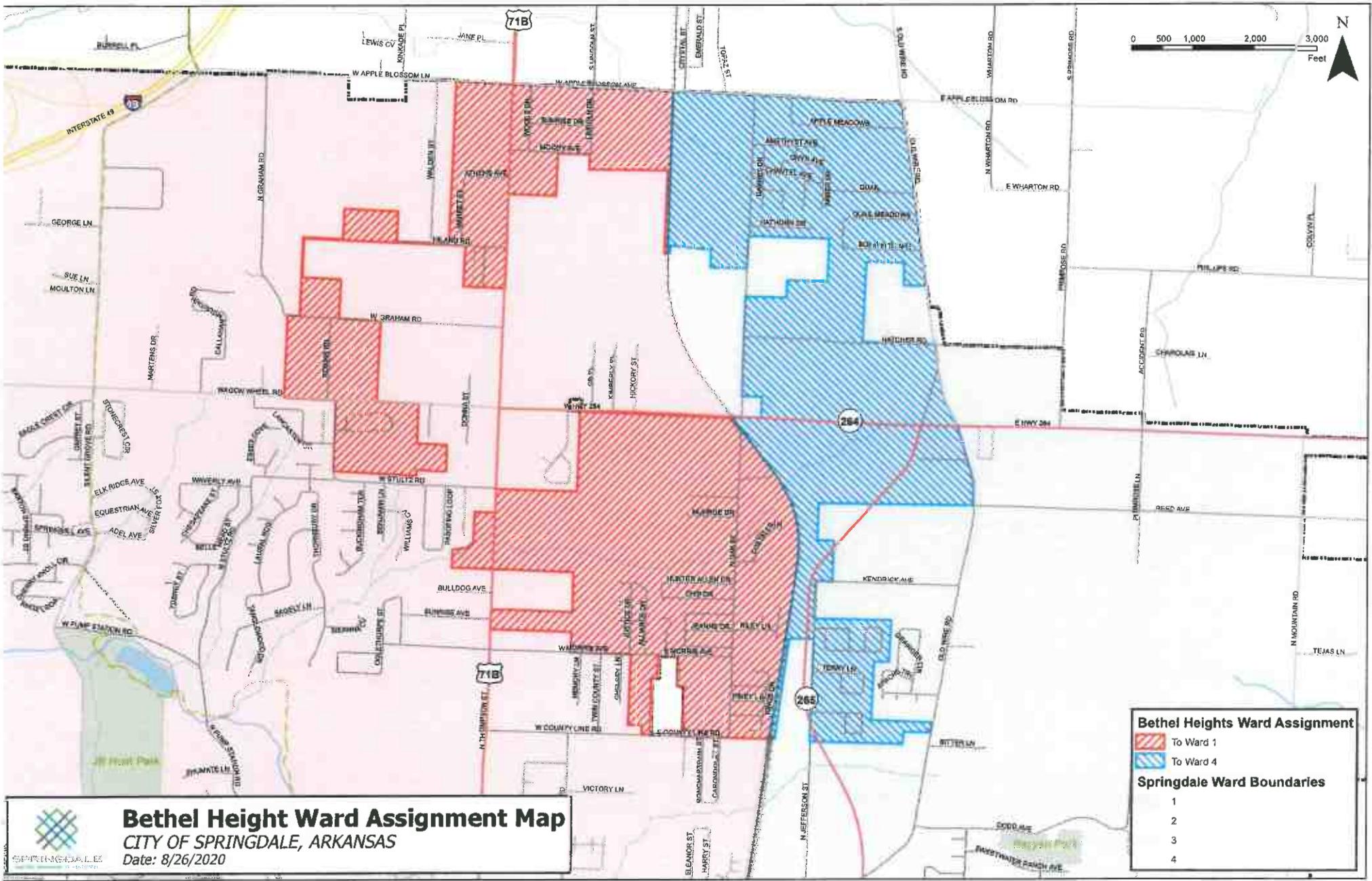
Ward 3 – Beginning at the intersection of Sunset Avenue and 40th Street; thence west along Sunset to the western city limit line; thence in a generally counterclockwise direction along the city limit line to Powell Street; then north along Powell to Don Tyson Parkway; thence west along Don Tyson to Turner Street; thence north along Turner to U.S. 412; then west along U.S. 412 to the Arkansas Missouri Railroad; thence northerly along said Railroad to Maple Avenue extended east; thence west along Maple extended east and Maple Avenue to Pleasant Street; thence north along Pleasant to Rogers Avenue; thence west along Rogers to West End Street; thence south along West End to McRay Avenue; thence west along McRay to 40th Avenue; thence south along 40th to the P.O.B.

Ward 4 – Beginning at the intersection of Old Wire Road and the Arkansas Missouri Railroad; thence westerly along Old Wire to Lowell Road; thence continue westerly along Lowell to Sanders Avenue; thence continue westerly along Sanders to its intersection with Thompson Street and Backus Avenue; thence westerly along Backus to Silent Grove Road; thence north along Silent Grove to Falcon Road; thence west along Falcon to 40th Street; thence south along 40th to McRay Avenue; thence east along McRay to West End Street; thence north along West End to Rogers Avenue; thence east along Rogers to Pleasant Street; thence south along Pleasant to Maple Avenue; thence east along Maple and Maple Avenue extended east to the Arkansas Missouri Railroad; thence southerly along said Railroad to U.S. 412; thence east along U.S. 412 to Old Missouri Road; thence northerly along Old Missouri to Emma Avenue; thence east along Emma to Butterfield Coach Road; thence southerly along Butterfield Coach to Lutz Road; thence easterly along Lutz to the eastern city limit line; thence in a generally counterclockwise direction along the city limit line to the Arkansas Missouri Railroad; thence southerly along said Railroad to the P.O.B.




Springdale Ward Map
 CITY OF SPRINGDALE, ARKANSAS
 Date: 8/26/2020

Springdale Ward Boundaries	
1	
2	
3	
4	



Bethel Height Ward Assignment Map
 CITY OF SPRINGDALE, ARKANSAS
 Date: 8/26/2020

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2020
BUDGET OF THE POLICE DEPARTMENT**

WHEREAS, Springdale received a substantial increase in 911 fees for the calendar year of 2020, and

WHEREAS, the expenditure of 911 funds is restricted to expenditures relating to police & fire dispatch, and

WHEREAS, the Criminal Justice Complex Bond Construction Fund has spent over \$2,000,000 for new radio equipment for Dispatch;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that there is hereby appropriated \$500,000 of 911 fees to reimburse the Criminal Justice Complex Bond Construction Fund for the purchase of radio equipment for Dispatch.

PASSED AND APPROVED this 8th day of September, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

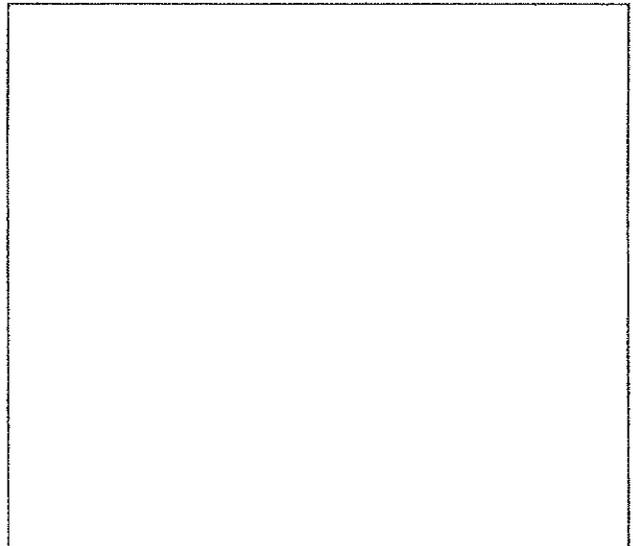
APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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: Dave and Kathy Fisher

LEGAL DESCRIPTION: Lot 92, in the Apple Orchard, a subdivision to the City of Springdale, Arkansas as shown on plat of record on file in the office of the Circuit Clerk and Ex-Officio recorder of Washington County, Arkansas

LAYMAN'S DESCRIPTION: 2716 Fruit Tree

PARCEL NUMBER: 815-34432-000

PROPERTY OWNER: Billy Jordan, Gary Jordan, & Travis Franklin Jordan

LEGAL DESCRIPTION: Lot No. 7 in Block Number 4 Neal's Addition to the City of Springdale, as designated upon the recorded plat of said Addition.

LAYMAN'S DESCRIPTION: 804 N. Virginia

PARCEL NUMBER: 815-23657-000

PROPERTY OWNER: Stephen Wiley and James Ball

LEGAL DESCRIPTION: Part of the Southeast Quarter of the Southeast Quarter of Section 36, In Township 18 North of Range 30 West, described as beginning at a point which is 40 1/2 rods West and 12 rods North of the Southeast Corner of said 40 acre tract, and running thence west 13 1/2 rods and then North 3 rods, thence east 13 1/2 rods; thence South 3 rods to the place of beginning, and being in the City of Springdale, Arkansas

LAYMAN'S DESCRIPTION: 403 S. Cleveland

PARCEL NUMBER: 815-28483-000

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:

\$340.71 clean-up cost and \$37.80 administrative costs-2716 Fruit Tree (parcel number 815-34432-000)

\$257.06 clean-up cost and \$22.05 administrative cost-804 N. Virginia (parcel number 815-23657-000)

\$382.75 clean-up cost and \$22.05 administrative cost-403 S. Cleveland(parcel number 815-28483-000)

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:

- \$340.71 clean-up cost and \$37.80 administrative costs-2716 Fruit Tree (parcel number 815-34432-000)
- \$257.06 clean-up cost and \$22.05 administrative cost-804 N. Virginia (parcel number 815-23657-000)
- \$382.75 clean-up cost and \$22.05 administrative cost-403 S. **Cleveland**(parcel number 815-28483-000)

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 _____, 20 ____.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

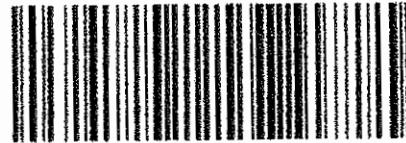


Ernest B. Cate, CITY ATTORNEY



CITY OF SPRINGDALE
 OFFICE OF CITY ATTORNEY
 201 SPRING STREET
 SPRINGDALE, AR 72764

CERTIFIED MAIL



7019 1120 0000 5848 5139

NEOPOST

FIRST CLASS MAIL

08/04/2020

US POSTAGE \$007.60



ZIP 72764

041911285176

ATT 8-8-20
 Kathy Fisher
 517 E. Helma Avenue
 Springdale, AR 72764

1ST NOTICE _____
 2ND NOTICE 8-13 7276438657
 RETURN 8-23

NIXIE

372 DE 1

0002/27/20

RETURN TO SENDER
 ATTEMPTED - NOT KNOWN
 UNABLE TO FORWARD

ANK

BC: 72764455401

*3659-02371-27-02

5848 5139
 Certified
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 Return
 Return
 Certified
 Per 2
 10m
 per
 As on file
 and position
 only
 imaged.
 If you report

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
sparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov



OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.SpringdaleAR.gov

Lourdes Peredo
Case Coordinator/Victim Advocate
lperedo@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynda Belvedresi
Administrative Legal Assistant
lbelvedresi@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

August 4, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Kathy Fisher
517 E. Velma Avenue
Springdale, AR 72764

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Dawn Fisher
4007 Miller Avenue
Springdale, AR 72764

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Kathy Fisher or Dawn Fisher
2716 Fruit Tree
Springdale, AR 72764

RE: Notice of clean-up lien on property located at 2716 Fruit Tree Avenue,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-34432-000

Dear Property **Owner/Lienholder**:

On June 1, 2020, notice was posted on property located at 2716 Fruit Tree Avenue, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on June 11, 2020, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied. The notice also applied to any violations that may be found on the property within the next 12 months.

Subsequent to the ~~above-referenced~~ violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about July 2, 2020. As of this date, the total costs incurred by the City of Springdale to clean this property are

\$317.91. I have enclosed an invoice evidencing the abatement 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 \$7.60 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 8, 2020, a hearing confirming the amount of the lien 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 confirming the amount of the lien will be held Tuesday, September 8, 2020, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$340.71 which includes \$317.91 for cleaning up the property and \$22.80 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Lynda Belvedresi, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. 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.

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to state your case before the District Court Judge.

This letter is also being mailed by regular mail to Kathy Fisher and Dawn Fisher at the addresses above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

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

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures
SS:lb

City of Springdale

Neighborhood Services Division

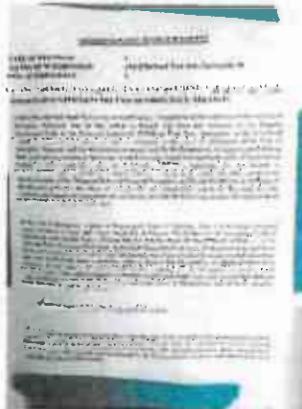
210 Spring St
Springdale AR 72764



Phone 479-756-7712 **SPRINGDALE**

CITY ABATEMENT-2020- Thursday, July 02, 2020 7:37:10 AM (BOBBY CODE 1)

User Name	BOBBYCODE 1
User #	4797999694
Form Started	7/2/2020 7:37:10 AM
Form Submitted	7/2/2020 9:00:19 AM
Property Address	2716 Fruit Tree
Before Picture	Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Thursday, July 02, 2020 7:37:00 AM
Officer on Site-	B. Nivens
Labor Rate Recovery	
Employee	Horatio Jose Mejia
JM Benefit Rate	\$13.59
Method of Compliance	
1 Method of Compliance	Mowing
Equipment Used	
Equipment	748 Grasshopper, 6031 Service Truck-Landscaping, 6013 Service Pickup Truck
748 Grasshopper	\$55.00
6031 Service Truck-Landscaping	\$35.00
6013 Service Pickup Truck	\$35.00
Time of Abatement in Hours	1

Number of Temporary Laborers	4
Temporary Labor Rate	96.00
Recovery	
Employee labor recovery per hour	13.59
Total Employee Cost	13.59
Equipment Cost per hour	90.00
Total Equipment Cost	90.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	317.91
Items Removed from Property	0
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



UNITED STATES POSTAL SERVICE



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Postage & Fees Paid
USPS
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OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764

804 W. Virginia

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:

Travis Franklin
3401 W. Cornell Dr.
Fayetteville, AR 72704-6785

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
 Robinson C19 Agent
 Addressee
- B. Received by (Printed Name)
Robinson C19
- C. Date of Delivery
8/3/20
- D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2 7019 1120 0000 5848 5061



CITY OF SPRINGDALE
OFFICE OF CITY ATTORNEY
201 SPRING STREET
SPRINGDALE, AR 72764

NEOPOST
07/30/2020
US POSTAGE \$000.65⁹

ZIP 72764
041M11285176

Billy Jordan, Gary Jordan, and Travis Jordan
804 N. Virginia Street
Springdale AR 72764

NIXIE 722 DE 1 0000/14/20

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

REF 72764455401 *1255-05964-14-00
727644554

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
sparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov



SPRINGDALE
WHERE MAKING IT HAPPENS

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.SpringdaleAR.gov

Lourdes Peredo
Case Coordinator/Victim Advocate
lperedo@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynda Belvedresi
Administrative Legal Assistant
lbelvedresi@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

July 29, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Travis Franklin
3401 W. Cornell Dr.
Fayetteville, AR 72704-6785

RE: Notice of clean-up lien on property located at **804** N. Virginia, Springdale, Washington County, Arkansas, Tax Parcel No. 815-23657-000

Dear Property **Owner/Lienholder**:

On May 20, 2020, notice was posted on property located **at 804** N. Virginia, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on June 22, 2020, that the City intended to **seek** a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the **violations** were not remedied. The **notice** also applied **to** any violations that may be found on the property within the next 12 months.

Subsequent to the **above-referenced** violation notice being issued, a city code violation was found to have existed on the property. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about June 24, 2020. As of this date, the total costs incurred by the City of Springdale to clean this property are \$25706. I have enclosed an invoice evidencing the abatement **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 \$7.05 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this **amount** is not paid to the City of Springdale on or before September 8, 2020, a hearing confirming the **amount** of the lien 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 confirming the amount of the lien will be held Tuesday, September 8, 2020, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. If this amount is paid prior to the hearing, no lien will be pursued.

Please remit the total sum of \$264.11, which includes \$257.06 for cleaning up the property and \$7.05 for certified mailings to the City of Springdale by the date listed above. Payment must be made payable to the City of Springdale and presented to the attention of Lynda Belvedresi, Springdale City Attorney's Office, 201 Spring Street, Springdale, AR 72764. 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. .

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at 479-756-7712 for an appointment and you will be given a court date in Springdale District Court where you will have the opportunity to **state** your case before the District Court Judge.

This letter is also being mailed by regular mail to Billy Jordan or Gary Jordan or Travis Franklin Jordan at the address above. Delivery of that letter by the U.S. Postal Service **shall** warrant service should the certified letter be returned.

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

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures
SS:lb

City of Springdale

Neighborhood Services Division

210 Spring St

Springdale AR 72764

Phone 479-756-7712



SPRINGDALE

CITY ABATEMENT-2020- Wednesday, June 24, 2020 8:06:57 AM(BOBBY CODE1)

User Name BOBBYCODE 1
User # 4797999694
Form Started 6/24/2020 8:06:57 AM
Form Submitted 6/24/2020 8:29:46 AM
Property Address 403S Cleveland
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Wednesday, June 24, 2020 8:06:00 AM
Officer on Site-	B. Nivens
Labor Rate Recovery	
Employee	Henry Hernandez, Jose Mejia
HH Benefit Rate	\$54.84
JM Benefit Rate	\$13.59
Method of Compliance	
1 Method of Compliance	Mowing
Equipment Used	
Equipment	743 Kubota, 771 Kubota, 6013 Service Pick Up Truck, 6050 1-ton Work Truck Landscaping
743 Kubota	\$65.00
771 Kubota	\$35.00
6013 Service Pick up Truck	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	4
Temporary Labor Rate Recovery	96.00

Employee labor recovery per hour	68.43
Total Employee Cost	68.43
Equipment Cost per hour	100.00
Total Equipment Cost	100.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	382.75
Items Removed from Property	0
Final Photos	

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



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:

Travis Franklin
 3401 W. Cornell Dr.
 Fayetteville, AR 72704-6785

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Robinson C 19* Agent Addressee

B. Received by (Printed Name) *Robinson C 19* C. Date of Delivery *8/3/20*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2 7019 1120 0000 5848 5061

PS Form 3811, July 2013 Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

 OFFICE OF THE
 CITY ATTORNEY
 201 NORTH SPRING STREET
 SPRINGDALE, ARKANSAS 72764

804 W. Vinton St

UNITED STATES POSTAL SERVICE
727
727



05-d-
First-Class
Postage & Fees Paid
USPS
Permit No. G-10

* Sender: Please print your name, address, and ZIP+4® in this box*



OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764

403 S. Cleveland

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:

**Stephen Wiley & James Ball
670 White Road
Springdale, AR 72764**

COMPLETE THIS SECTION ON DELIVERY

A. Signature *mw* Agent
C-22 Addressee

B. Received by (Printed Name) *Stephen Wiley* C. Date of Delivery *8/3/20*

D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

7019 1120 0000 5848 5078

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov



SPRINGDALE
WASH CO ARK

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.SpringdaleAR.gov

Lourdes Peredo
Case Coordinator/Victim Advocate
lperedo@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynnda Belvedresi
Administrative Legal Assistant
lbelvedresi@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

July 29, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Stephen Wiley and James Ball
670 White Road
Springdale, AR 72764

RE: Notice of clean-up lien on property located at 403 S. Cleveland, Springdale, Washington County, Arkansas, Tax Parcel No. 815-28483-000

Dear Property **Owner/Lienholder**:

On April 24, 2020, notice was posted on property located at **403** S. Cleveland, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Also, on April 24, 2020, notice was mailed to you **that** the City intended to seek a clean-up lien on **this** property, pursuant to Ark. Code Ann. §14-54-903, if the **violations** were not remedied. The owner received this notice on May 26, 2020.

No action was taken by you to clean up the property within seven (7) **business** days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about May 21, **2020**. A lien letter was sent to you on June 29, 2020. Subsequently the abatement in the **amount** of \$236.95 was paid on July 1, **2020**

In the interim, the City of Springdale had to clean **this** property again, on June 24, 2020. The City expended the sum of \$382.75 to clean **this** property. I have enclosed copies of invoices **evidencing** this cost. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be **added** to the total **costs** incurred by **the** City of Springdale, which will include certified mailing fee in the amount of \$7.05 per letter and a filing fee in the **amount** of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before September 8, 2020, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the **amount** of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, September 8, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street,

Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of 389.80, which includes \$382.75 for cleaning up the property and \$7.05 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for costs of filing the ordinance with the Circuit Clerk's Office. Payment may be made directly to the City Clerk's Office or to the City Attorney's Office. If payment is made to the City Clerk's Office, please provide me with a copy of any payment you make so that I will be aware of it.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Sparkman", with a long horizontal flourish extending to the right.

Sarah Sparkman
Deputy City Attorney

enclosure
SS:lb

City of Springdale

Neighborhood Services Division

210 Spring St

Springdale AR 72764

Phone 479-756-7712



SPRINGDALE

CITY ABATEMENT-2020- Wednesday, June 24, 2020 8:06:57 AM (BOBBY CODE 1)

User Name BOBBYCODE 1
User # 4797999694
Form Started 6/24/2020 8:06:57 AM
Form Submitted 6/24/2020 8:29:46 AM
Property Address 403 S Cleveland
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Lien

Date of Abatement

Wednesday, June 24, 2020 8:06:00 AM

Officer on Site-

B. Nivens

Labor Rate Recovery

Employee

Henry Hernandez, Jose Mejia

HH Benefit Rate

\$54.84

JM Benefit Rate

\$13.59

Method of Compliance

1 Method of Compliance

Mowing

Equipment Used

Equipment

743 Kubota, 771 Kubota, 6013 Service PickUp Truck, 6050 1-ton Work Truck Landscaping

743 Kubota

\$65.00

771 Kubota

\$35.00

6013 Service Pick up Truck

\$35.00

6050 1-ton Work Truck-

\$35.00

Landscaping

Time of Abatement in Hours

1

Number of Temporary Laborers

4

Temporary Labor Rate Recovery

96.00

Employee labor recovery per hour	68.43
Total Employee Cost	68.43
Equipment Cost per hour	100.00
Total Equipment Cost	100.00
Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	382.75
Items Removed from Property	0

Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data

