5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Brian Powell

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

4. Recognition of a Quorum.

5. 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.

6. Approval of Minutes – September 14th, 2021: Minutes located at the back of Agenda. Pgs. 55-61

7. Procedural Motions

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

B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as item number(s) 8A-8F, and 10. Motion must be approved by two-thirds (2/3) of the council members).

8. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development

A. An Ordinance amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 3357 Habberton Road from Agricultural District (A-1) to High Density Single Family Residential District (SF-3) and declaring an emergency. Pgs. 1-3

B. An Ordinance amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 1790 E. Hwy 264 from Agricultural District (A-1) to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 4-7

C. An Ordinance amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto
by rezoning certain lands located at 1146 Cooper Drive from General Commercial District (C-2) to High Density Multi-Family Residential District (MF-24) and declaring an emergency. Pgs. 8-10

D. An Ordinance amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 1019 W. Sunset Avenue from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 11-13

E. An Ordinance amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 2284 E. Emma Avenue from Agricultural District (A-1) to Planned Industrial District (I-3) and declaring an emergency. Pgs. 14-16

F. An Ordinance amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 4973 N. Graham Road from Agricultural District (A-1) to Low Density Single Family Residential District (SF-2) and declaring an emergency. Pgs. 17-19

G. A Resolution approving a Conditional Use for Mao Lee at 107 N. Old Missouri Road as set forth in Ordinance No. 4030. Pgs. 20-22

H. A Resolution approving a Conditional Use for Luis Alvarenga and Isabel Delgado at 2975 E. Robinson Avenue as set forth in Ordinance No. 4030. Pgs. 23-25

I. A Resolution approving a Conditional Use for QCF Investments, LLC at 909 Backus Avenue as set forth in Ordinance No. 4030. Pgs. 26-28

J. A Resolution approving a Conditional Use for Nanci Mabry at 1580 N. Monitor Road as set forth in Ordinance No. 4030. Pgs. 29-31

K. A Resolution approving a Conditional Use for Springdale Public Facilities Board at the Southwest corner of Angell Drive as set forth in Ordinance No. 4030. Pgs. 32-33

L. A Resolution approving a Conditional Use for Wayne and Brenda Lockard Living Trust at the end of Annie Laurie Avenue as set forth in Ordinance No. 4030. Pgs. 34-35

M. A Resolution approving a Waiver of Street Improvements, Drainage, Curbs, Gutters and Sidewalks as set forth in Ordinance No. 3725 to Randy and Andi Brown in connection with 2350 N. 48th Street a Single Family Dwelling. Pgs. 36-37

9. Finance Committee by Chairman Jeff Watson

A. A Resolution authorizing payment of an invoice from the Northwest Arkansas Council. Forwarded from Committee with recommendation for approval. Pg. 38

B. A Resolution amending the 2021 Budget of the City of Springdale Library. Forwarded from Committee with recommendation for approval. Pgs. 39-40

C. A Resolution authorizing the execution of a construction contract for the extension of Gene George Boulevard South, Phase I. Forwarded from Committee with recommendation for approval. Pgs. 41-48
10. **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, and declaring an emergency. Pgs 49-51

11. **A Resolution** to levy Washington County Ad Valorem Taxes of the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pgs. 52-53

12. **A Resolution** to levy Benton County Ad Valorem Taxes of the City of Springdale, Arkansas. Presented by Ernest Cate, City Attorney. Pg. 54

13. **A Resolution** authorizing provisions to the Downtown Master Plan. Items to be presented by Patsy Christie, Director of Planning and Community Development.

14. Comments from Council Members.

15. Comments from City Attorney.

16. Comments from Mayor.

17. Adjournment.
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-3) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Adams Family Properties, LLC, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to High Density Single Family Residential District (SF-3).

**Layman's Description:** 3357 Habberton Road

**Legal Description:** Legal Description for Parcel #001-14800-02

PT SW SE 10.00 AC FURTHER DESCRIBED FROM 2017-7489 AS:
Part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Seventeen (17) North, Range Twenty-Nine (29) West of the Fifth Principal Meridian, in Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southeast Corner of the Southwest Quarter of the Southeast Quarter thence North 0°01’31" West 347.24 feet, thence North 89°04’56” West 502.11 feet to the point of beginning, thence North 0°01 ’31” West 538.45 feet, thence North 89°04’ 56” West 808.98 feet, thence South 0°01 '31” East 538.45 feet, thence South 89°04’56” East 808.98 feet, to the point of beginning.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to High Density Single Family Residential District (SF-3) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm
and damage, and will be substantially deprived of the use of their property.

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

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

From Agricultural District (A-1) to High Density Single Family Residential District (SF-3).

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

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

PASSED AND APPROVED THIS _____ DAY OF ______________, 2021

________________________________
Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. R21-47
APPLICANT: Expedient Civil Engineering
REQUEST: Rezoning from A-1 to SF-3
ORDINANCE NO. ______

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO PLANNED COMMERCIAL DISTRICT (C-4) AND THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Arnold and Lorene Hollingsworth, requesting that the following described tract of real estate to be zoned from Agricultural District A-1) to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5).

Layman's Description: 1790 E. Hwy 264

Legal Description: C-4 Legal Description

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 24;
THENCE N87°33'22"W 296.06 FEET TO THE POINT OF BEGINNING;
THENCE N87°33'22"W 179.00 FEET;
THENCE N02°46'32"E 908.76 FEET;
THENCE N87°33'19"W 37.39 FEET;
THENCE N02°46'32"E 46.24 FEET;
THENCE S87°33'19"E 216.39 FEET;
THENCE S02°46'32"W 955.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.96 ACRES, MORE OR LESS AND SUBJECT TO A 12.0 FEET WATER EASEMENT NORTH AND PARALLEL TO AN EXISTING FENCE PER DEED RECORD 2010-54565 AND THE RIGHT-OF-WAY OF MARCHANT ROAD ALONG THE SOUTH AND SUBJECT TO ANY
AND ALL EASEMENTS OF RECORD OR FACT.

AND

C-5 Legal Description

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 24;
THENCE N87°33'22"W 296.06 FEET;
THENCE N02°46'32"E 955.00 FEET;
THENCE S87°33'19"E 296.06 FEET;
THENCE S02°46'32"W 955.00 FEET TO THE POINT OF BEGINNING,
CONTAINING 6.49 ACRES, MORE OR LESS AND SUBJECT TO A 12.0 FEET WATER EASEMENT NORTH AND PARALLEL TO AN EXISTING FENCE PER DEED RECORD 2010-54565, THE RIGHT-OF-WAY OF HIGHWAY 112 ALONG THE EAST, THE RIGHT-OF-WAY OF MARCHANT ROAD ALONG THE SOUTH AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Agricultural District (A-1) to Planned Commercial District (C-4) and Thoroughfare Commercial District (C-5)

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.
SECTION 3: **EMERGENCY CLAUSE:** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF ______________, 2021

________________________________
Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. R21-48
APPLICANT: Crafton Tull
REQUEST: Rezoning from A-1 to C-4 and C-5
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-24) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of John Hendricks Properties, LLC, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to High Density Multi-family Residential District (MF-24).

Layman's Description: 1146 Cooper Drive

Legal Description: A PART OF THE S 1/2 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 30 WEST, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID S 1/2 OF THE NE 1/4 OF THE NE 1/4, SAID POINT BEING A FOUND 1/2" REBAR; THENCE ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE 1/4 OF THE NE 1/4, S86°24'47" E, 375.20 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A SET 1/2" REBAR W/CAP, PLS NO. 1156; THENCE LEAVING SAID LOUT LINE, N02°27'42" E, 662.82 FEET TO A SET 1/2" REBAR W/CAP, PLS. NO. LL56 ON THE NORTH LINE OF SAID S 1/2 OF THE NE 1/4 OF THE NE 1/4; THENCE ALONG SAID NORTH LINE, S86°16'12" E, 375.33 FEET TO A FOUND REBAR W/CAP, PLS. NO. 1499; THENCE LEAVING SAID NORTH LINE, S02°25'31" W, 661.90 FEET TO A FOUND PK NAIL ON THE SOUT LINE OF SAID S 1/2 OF THE NE 1/4 OF THE NE 1/4; THENCE ALONG SAID SOUTH LINE, N86°24'47" W, 375.73 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2248.680.06 SQUARE FEET OR 5.7089 ACRES MORE OR LESS.
AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to High Density Multi-family Residential District (MF-24) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From General Commercial District (C-2) to High Density Multi-family Residential District (MF24).

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

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

PASSED AND APPROVED THIS _____ DAY OF ____________, 2021

________________________________
Doug Sprouse, Mayor

ATTEST:

______________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____________________________________
Ernest Cate, City Attorney
FILE NO. R21-49
APPLICANT: John Hendricks Properties, LLC
REQUEST: Rezoning from C-2 to MF-24
ORDINANCE NO. _____

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

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Taqueria M. Guanajuato, LLC, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 1019 W. Sunset Avenue

Legal Description:
Tract 1: Part of Lot 11 in the C.F. Noel Addition to the City of Springdale, Washington County, Arkansas, located in the NE ¼ of the SE ¼ of Section 2, Township 17 North, Range 30 West, Washington County, Arkansas, described as: Beginning at the Northwest corner of said Lot 11; thence S87°10'23"E 65.60 feet; thence S02°18'49"W 200.00 feet to a ½" rebar; thence N87°10'09"W 65.16 feet to a ½" rebar; thence N02°11'15"E 200.00 feet to the POINT OF BEGINNING, containing 0.300 acres, more or less.

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

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

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

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

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

PASSED AND APPROVED THIS ______ DAY OF ______________, 2021

________________________________
Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. R21-50
APPLICANT: Taqueria M. Guanajuato, LLC & Benigno Morales
REQUEST: Rezoning from C-2 to C-5

PLANNING COMMISSION MEETING
September 7, 2021
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO PLANNED INDUSTRIAL DISTRICT (I-3) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Springdale Public Facilities Board, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Planned Industrial District (I-3).

Layman's Description: Part of parcel 8115-22505-172; includes 0.4 acres located along the north side of Emma Avenue. Property is located approx. 50 feet east of Reinert Drive approx. 100 feet south of Technology Way in Springdale, Washington County, Arkansas

Legal Description:
PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, BEING A FOUND MAG NAIL; THENCE ALONG THE SOUTH LINE OF SAID FORTY ACRE TRACT, N87°32'59"W A DISTANCE OF 577.47 FEET; THENCE LEAVING SAID SOUTH LINE, N02°53'08"E A DISTANCE OF 38.10 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST EMMA AVENUE, AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTH RIGHT-OF-WAY, N87°06'52"W A DISTANCE OF 120.53 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N02°42'36"E A DISTANCE OF 150.22 FEET; THENCE S86°52'33"E A DISTANCE OF 120.99 FEET; THENCE S02°53'08"W A DISTANCE OF 149.72 FEET TO THE POINT OF BEGINNING, CONTAINING 0.42 ACRES (18,111 SQ. FT.), MORE OR LESS.
AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Planned Industrial District (I-3) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From: Agricultural District (A-1) to Planned Industrial District (I-3).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____________, 2021

_______________________________________
Doug Sprouse, Mayor

ATTEST:

_______________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_______________________________________
Ernest Cate, City Attorney
FILE NO. R21-52
APPLICANT: Springdale Public Facilities Board
REQUEST: Rezoning from A-1 to I-3
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW / MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of September 7, 2021 for hearing the matter of a petition of Mustafa Obeidat, Kimberley Donnell & Gina and Lynn Roberts, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low / Medium Density Single Family Residential District (SF-2).

Layman's Description: 4973 N. Graham Road

Legal Description: A PART OF THE SW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SECTION 14, TOWNSHIP 18 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS; BEGINNING AT A SET 5/8" REBAR CAPPED "AR PL S 1826" WHICH IS SOUTH 86°30'50" E 387.39 FEET FROM A FOUND 5/8" REBAR CAPPED "1728" AT THE SOUTHWEST CORNER OF SAID NE 1/4 OF THE SW 1/4; THENCE SOUTH 86°30'50" EAST 180.27 FEET TO A SET MAG NAIL AND THE POINT OF BEGINNING; THENCE NORTH 02°34'57 EAST 435.60 FEET TO A SET 5/8" REBAR CAPPED "AR PL S 1826"; THENCE SOUTH 86°30'50" EAST 99.68 FEET TO A SET 5/8" REBAR CAPPED "AR PL S 1826"; THENCE SOUTH 02°32'24" WEST 435.61 FEET TO A SET 5/8" REBAR CAPPED "AR PL S 1826"; THENCE NORTH 86°30'50" WEST 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 43,485 SQUARE FEET OR 0.998 ACRES MORE OR LESS. SUBJECT TO ALL PUBLIC AND PRIVATE ROADS AND EASEMENTS OF RECORD.
AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Low / Medium Density Single Family Residential District (SF-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Agricultural District (A-1) to Low / Medium Density Single Family Residential District (SF-2).

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

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

PASSED AND APPROVED THIS _____ DAY OF ______________, 2021

________________________________
Doug Sprouse, Mayor

ATTEST:

______________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. R21-53
APPLICANT: Mustafa Obeidat, Kimberly Donnell, Gina and Lynn Roberts
REQUEST: Rezoning from A-1 to SF-2

PLANNING COMMISSION MEETING
September 7, 2021

Page 19
RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR
MAO LEE AT 107 N. OLD MISSOURI ROAD AS SET
FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Mao Lee 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 eight (8) yes and zero (0) no recommends that a Conditional Use be granted with the following conditions:

1. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of any other use on the site
3. Maintain on the site a minimum of three parking spaces designated for their use.
4. If a health certificate is required, display the health certificate in a manner visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. South any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.
9. Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to with the following conditions:

1. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of any other use on the site
3. Maintain on the site a minimum of three parking spaces designated for their use.
4. If a health certificate is required, display the health certificate in a manner visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. South any device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.
9. Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.
PASSED AND APPROVED THIS ______ DAY OF __________, 2021.

_________________________
Doug Sprouse, Mayor

ATTEST:

_________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_________________________
Ernest Cate, City Attorney
FILE NO. C21-21
APPLICANT: Mao Lee
REQUEST: Use Unit 44 (mobile vending) in a C-2
RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR
LUIS ALVARENGA & ISABEL DELGADO AT 2975 E.
ROBINSON 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 September 7,
2021, on a request by Luis Alvarenga and Isabel Delgado for a Use Unit 44 (Mobile
Vending) in a Large Product Retail Sales District (C-6).

WHEREAS, following the public hearing the Planning Commission by a vote of eight
(8) yes and zero (0) no recommends that a Conditional Use be granted to Luis
Alvarenga and Isabel Delgado with the following conditions:

1. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of
any other use on the site
3. Maintain on the site a minimum of three parking spaces
designated for their use.
4. If a health certificate is required, display the health certificate in a
manner visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. South any device that produces a loud and raucous noise in
violation of city ordinance, or violate any other city ordinances in
connection with the vending operation.
9. Keep vending sites clean and free of paper or refuse of any kind
generated from the operation of their business. All trash or debris
accumulating within twenty (20) feet of any vending stand collect
and deposit into a trash container.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF SPRINGDALE, that the City Council hereby grants a conditional use to Luis
Alvarenga & Isabel Delgado with the following conditions:

1. May not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of
any other use on the site
3. Maintain on the site a minimum of three parking spaces
designated for their use.
4. If a health certificate is required, display the health certificate in a
manner visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. South any device that produces a loud and raucous noise in
violation of city ordinance, or violate any other city ordinances in
connection with the vending operation.
9. Keep vending sites clean and free of paper or refuse of any kind
generated from the operation of their business. All trash or debris
accumulating within twenty (20) feet of any vending stand collect
and deposit into a trash container.
PASSED AND APPROVED THIS _______ DAY OF ___________, 2021.

________________________________                   Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. C21-22
APPLICANT: Luis Alvarenga & Isabel Delgado
REQUEST: Use Unit 44 (mobile vending) in a C-6
RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR
QCF INVESTMENTS, LLC AT 909 BACKUS AVE AS SET
FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on September 7,
2021, on a request by QCF Investments, LLC 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 eight
(8) yes and zero (0) no recommends that a Conditional Use be granted to QCF
Investments, LLC with the following conditions:

1. Cannot operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of any other
   use on the site.
3. Maintain on the site a minimum of three parking spaces designated for their
   use.
4. If a health certificate is required, display the health certificate in a manner
   visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. Sound any device that produces a loud and raucous noise in violation of
   city ordinance, or violate any other city ordinances in connection with the
   vending operation.
9. Keep vending site clean and free of paper or refuse of any kind generated
   from the operation of their business. All trash or debris accumulating within
   twenty (20) feet of any vending stand collect and deposit into a trash
   container.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF SPRINGDALE, that the City Council hereby grants a conditional use to with the
following conditions:

1. Cannot operate between the hours of 10:00 p.m. and 7:00 a.m.
2. No obstruction of parking spaces required for the operation of any other
   use on the site.
3. Maintain on the site a minimum of three parking spaces designated for their
   use.
4. If a health certificate is required, display the health certificate in a manner
   visible to customers.
5. No obstruction of pedestrian or motor vehicle traffic flow.
6. No obstruction of traffic signals or regulatory signs.
7. No vending upon a public way.
8. Sound any device that produces a loud and raucous noise in violation of
   city ordinance, or violate any other city ordinances in connection with the
   vending operation.
9. Keep vending site clean and free of paper or refuse of any kind generated
   from the operation of their business. All trash or debris accumulating within
   twenty (20) feet of any vending stand collect and deposit into a trash
   container.
PASSED AND APPROVED THIS ______ DAY OF _________, 2021.

__________________________________________
Doug Sprouse, Mayor

ATTEST:

__________________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

__________________________________________
Ernest Cate, City Attorney
FILE NO. C21-23
APPLICANT: QOF Investments, LLC
REQUEST: Use Unit 44 (mobile vending) in a C-2
RESOLUTION NO. ______

A RESOLUTION APPROVING A CONDITIONAL USE FOR
NANCI MABRY AT 1580 N. MONITOR ROAD AS SET
FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Nanci Mabry for a Use Unit 50 (Agricultural Occupation) in an Agricultural District (A-1).

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) and zero (0) no recommends that a Conditional Use be granted to Nanci Mabry with the following conditions:

1. Proposed residential structure and/or accessory structure must be contained on a lot, parcel or tract that meets the lot requirements for an agricultural zone.
2. No outside storage of materials required for the operation of the business.
3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.
4. Require the use of an area no greater than thirty (30) percent of the total heated living space of the residential structures or in an accessory structure an area to greater than the size of the residential structure.
5. Generates no traffic, parking, and sewage or water use in excess of what is normal for agricultural uses.
6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to agricultural activity.
7. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.
8. Will not require or cause the consumption of the premises of any food product produced thereon.
9. Will not provide medical treatment, therapeutic massage or similar activities.
10. No alteration of the outside appearance of the residential and/or accessory structure or provision of a separate outside entrance for the business areas of the residential structure.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Nanci Mabry with the following conditions:

1. Proposed residential structure and/or accessory structure must be contained on a lot, parcel or tract that meets the lot requirements for an agricultural zone.
2. No outside storage of materials required for the operation of the business.
3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.
4. Require the use of an area no greater than thirty (30) percent of the total heated living space of the residential structures or in an accessory structure an area to greater than the size of the residential structure.
5. Generates no traffic, parking, and sewage or water use in excess of what is normal for agricultural uses.
6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to agricultural activity.
7. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.
8. Will not require or cause the consumption of the premises of any food product produced thereon.
9. Will not provide medical treatment, therapeutic massage or similar activities.
10. No alteration of the outside appearance of the residential and/or accessory structure or provision of a separate outside entrance for the business areas of the residential structure.

PASSED AND APPROVED THIS _______ DAY OF ____________, 2021.

________________________________
Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR SPRINGDALE PUBLIC FACILITIES BOARD AT THE SOUTHWEST CORNER OF ANGELL DRIVE AS SET FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on September 7, 2021, on a request by Springdale Public Facilities Board for a Tandem Lot Split.

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a Conditional Use be granted to Springdale Public Facilities Board 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 Springdale Public Facilities Board with the following conditions: No conditions set.

PASSED AND APPROVED THIS _____ DAY OF __________, 2021.

________________________________
Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. C21-25
APPLICANT: Springdale Public Facilities Board
REQUEST: Tandem lot split in an I-1 zone

PLANNING COMMISSION MEETING
September 7, 2021
RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR WAYNE AND BRENDA LOCKARD LIVING TRUST AT THE END OF ANNIE LAURIE 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 September 7, 2021, on a request by Wayne and Brenda Lockard Living Trust for a Tandem Lot Split.

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and zero (0) no recommends that a Conditional Use be granted to Wayne and Brenda Lockard Living Trust 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 Springdale Public Facilities Board with the following conditions: No conditions set.

PASSED AND APPROVED THIS _______ DAY OF ____________, 2021.

________________________________
Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. C21-26
APPLICANT: Wayne & Brenda Lockard Living Trust
REQUEST: Tandem lot split in an SF-2 zone
RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO RANDY AND ANDI BROWN IN CONNECTION WITH 2350 N. 48TH STREET 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, sidewalks in connection with 2350 N. 48TH Street, a single family dwelling for Randy and Andi Brown 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 N. 48TH Street including drainage improvements related thereto, sidewalks in connection with 2350 N. 48TH Street a single family dwelling.

Option 2: Denies a waiver of street improvements to N. 48TH Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with 2350 N. 48TH Street, a single family dwelling.

Option 3: Approves payment in lieu of improvements to N. 48TH Street in connection with 2350 N. 48TH Street, a single family dwelling 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 N. 48TH Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with 2350 N. 48TH Street, a single family dwelling.

PASSED AND APPROVED THIS ____________DAY OF ____________, 2021.

______________________________
Doug Sprouse, Mayor

ATTEST:

________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

________________________________
Ernest Cate, City Attorney
FILE NO. W21-14
APPLICANT: Andi & Randy Brown
REQUEST: Waiver of sidewalk improvements
RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE FROM THE NORTHWEST ARKANSAS COUNCIL

WHEREAS, the City of Springdale wants to be part of a region-wide effort to protect its own residents and people across Northwest Arkansas from COVID-19 through vaccination and a region-wide communication plan; and

WHEREAS, the City of Springdale wants to partner with the Northwest Arkansas Council, Northwest Arkansas cities, Benton and Washington counties, Northwest Arkansas Chambers of Commerce, Walmart, the Walton Family Foundation and other partners to support community health and to ensure the protection of the region’s health care systems; and

WHEREAS, the City has received an invoice for $87,176 for the City’s share of a 12-month media campaign and vaccination clinics.

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 the Northwest Arkansas Council $87,176 with funds from the American Rescue Plan Act.

PASSED AND APPROVED this 28th day of September, 2021

______________________
Doug Sprouse, Mayor

ATTEST:

____________________________
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

____________________________
Ernest B. Cate, CITY ATTORNEY
RESOLUTION NO. ______

A RESOLUTION AMENDING THE 2021 BUDGET OF THE CITY OF SPRINGDALE LIBRARY

WHEREAS, the Library has received insurance proceeds of $26,981 for damage to the building; and

WHEREAS, the Library has also received a grant in the amount of $56,000; and

WHEREAS, these funds have not been appropriated;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2021 budget of the City of Springdale Library is hereby amended as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Account No.</th>
<th>Description</th>
<th>Present Budget</th>
<th>Increase</th>
<th>Decrease</th>
<th>Proposed Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>20201083970000</td>
<td>Insurance Recoveries</td>
<td>0</td>
<td>26,980</td>
<td></td>
<td>26,980</td>
</tr>
<tr>
<td>Revenue</td>
<td>20201083311000</td>
<td>Federal Grants</td>
<td>0</td>
<td>56,000</td>
<td></td>
<td>56,000</td>
</tr>
<tr>
<td>Expense</td>
<td>20201084565101</td>
<td>Buildings &amp; Grounds</td>
<td>125,000</td>
<td>26,980</td>
<td></td>
<td>151,980</td>
</tr>
<tr>
<td>Expense</td>
<td>20201084565110</td>
<td>Computers Maintenance</td>
<td>66,000</td>
<td>56,000</td>
<td></td>
<td>122,000</td>
</tr>
</tbody>
</table>

PASSED AND APPROVED this 28th day of September, 2021

______________________________
Doug Sprouse, Mayor

ATTEST:

______________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

______________________________
Ernest B. Cate, City Attorney
MEMO

TO: Wyman Morgan
   Director of Administration & Finance

FR: Marcia Ransom
    Director, Springdale Public Library

RE: 2021 Budget Amendment

The Library has two situations which create the need for a 2021 Budget Amendment.

We sustained damage from the cold weather event in February when a pipe in the sprinkler system burst and damaged the facility and furnishings. The insurance company paid $26,981.59 in damages.

We also received funds through the American Rescue Plan Act that were paid to public libraries through the Arkansas State Library. The funds are to be used to facilitate the Covid-19 relief process. We plan to use the $56,000 received to upgrade our programming spaces to enable live streaming programming. The remaining funds will be used to upgrade computers and devices from 2020, when we spent our technology funds on Chromebooks and Hotspots for the publics’ immediate use.
RESOLUTION NO. XX-XX

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR THE EXTENSION OF GENE GEORGE BOULEVARD SOUTH, PHASE I

WHEREAS, sealed bids were received for the extension of Gene George Boulevard South, Phase I, and

WHEREAS, Brothers Construction, Inc. was the low bidder for this project at $4,797,830.50

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

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with Brothers Construction, Inc. for construction of an extension of Gene George Boulevard, Phase I, for $4,797,830.50.

Section 2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders does not exceed 10% of the original contract price.

PASSED AND APPROVED this 28th day of September, 2021.

_________________________________
Doug Sprouse, Mayor

ATTEST:

_________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_________________________________
Ernest B. Cate, City Attorney
Mayor –
A Committee agenda item is needed for discussion of a resolution (attached) awarding the Gene George South, Phase I construction contract to Brothers Construction. We just received the bid award concurrence letter from ArDOT (attached). There is an obligation on the part of the City to award the contract within a specific number of days of the bid opening or the contractor can withdraw the bid. In the case of projects that have federal funding, ArDOT must review the bid documents and concur with award of the contract to the low bidder. The ArDOT review period has gotten rather long recently (assumed to be because of Covid) and it is has put us against the deadline for bid award and contract execution in this case.

The low bid was higher than the engineer’s estimate in this case by a significant amount ($1.6 MM). We were able to go back to the NWA Regional Planning Commission to request additional funding to make up the difference in what was bid and the estimated/expected cost. NWA Regional Planning Commission did approve approximately $1.6 MM in additional funding to make up the project shortfall. This is will free up approximately $1.6 MM in Bond funding that would have been required by this project.

Thank you,
Brad
June 8, 2021

Mr. Ryan Carr, PE, CFM
City of Springdale Engineering Department
269 E Randall/Wobbe Ln
Springdale, Arkansas 72764

RE: Recommendation of Award
Gene George Blvd South Extension (City 18BPS11)
Phase I – Don Tyson Pkwy to 56th Street, Springdale, AR

Mr. Carr:

Enclosed please find a tabulation of the bids received June 3, 2021 for the referenced project. Three bids were submitted; low bidder was Brother’s Construction, Inc. with the total bid of $4,797,830.50 summarized below.¹

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Amount Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sch A (Street &amp; Storm Drainage Improvements)</td>
<td>$3,872,805.50</td>
</tr>
<tr>
<td>Sch B (Utility Improvements)</td>
<td>$925,025.00</td>
</tr>
<tr>
<td><strong>Total Bid</strong></td>
<td><strong>$4,797,830.50</strong></td>
</tr>
</tbody>
</table>

At the request of Springdale Water Utilities, some infrastructure within Schedule B represents system improvements beyond typical relocation efforts. The prorated responsibilities within Schedule B are summarized below and detailed on the following page.

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Amount Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocation (City Responsibility)</td>
<td>$320,797.28</td>
</tr>
<tr>
<td>Improvements (Other Responsibility)</td>
<td>$604,227.72</td>
</tr>
<tr>
<td><strong>Total Schedule B</strong></td>
<td><strong>$925,025.00</strong></td>
</tr>
</tbody>
</table>

Therefore, the total City responsibility (not including grant) for the project is $4,193,602.78. We recommend the City of Springdale award the contract to Brother’s Construction, Inc.

Very truly yours,

Brandon J. Rush, PE

cc Brad Baldwin, PE, CFM, GISP; Wyman Morgan (City of Springdale)
Jason Appel, PE; J. Strain, PE; and Blake Murray, PE, CFM (ESI)

¹ Following correction of a math error in the submitted bid.
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>7C</td>
<td>Springdale Water &amp; Sewer Commission Maintenance Bond</td>
<td>0.5</td>
<td>LS</td>
<td>$45,000.00</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>71</td>
<td>Trench Excavation &amp; Safety</td>
<td>0.5</td>
<td>LS</td>
<td>$41,000.00</td>
<td>$20,500.00</td>
</tr>
<tr>
<td>72</td>
<td>Section G18 Compliance; Cut, Cap, &amp; Abandon Existing Water Mains &amp; Return Items to SWU</td>
<td>0.5</td>
<td>LS</td>
<td>$40,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>73</td>
<td>Flowable Select Trench Backfill</td>
<td>252</td>
<td>LF</td>
<td>$140.00</td>
<td>$35,280.00</td>
</tr>
<tr>
<td>76</td>
<td>6&quot; Special Class 50 Ductile Iron Water Main</td>
<td>1800</td>
<td>LF</td>
<td>$55.00</td>
<td>$99,000.00</td>
</tr>
<tr>
<td>79</td>
<td>Restrained Joint Cement Lined Compact Ductile Iron Fittings</td>
<td>2075</td>
<td>LB</td>
<td>$7.50</td>
<td>$15,562.75</td>
</tr>
<tr>
<td>80</td>
<td>12&quot; x 6&quot; Tapping Sleeve &amp; Valve</td>
<td>3</td>
<td>EA</td>
<td>$7,000.00</td>
<td>$21,000.00</td>
</tr>
<tr>
<td>81</td>
<td>6&quot; x 6&quot; Tapping Sleeve &amp; Valve</td>
<td>3</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$10,500.00</td>
</tr>
<tr>
<td>82</td>
<td>6&quot; Gate Valve</td>
<td>13</td>
<td>EA</td>
<td>$1,500.00</td>
<td>$19,500.00</td>
</tr>
<tr>
<td>83</td>
<td>2&quot; Coated Copper Water Service Line</td>
<td>750</td>
<td>LF</td>
<td>$40.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>83</td>
<td>2&quot; Schedule 40 PVC Conduit for Water Service Line</td>
<td>500</td>
<td>LF</td>
<td>$35.00</td>
<td>$17,500.00</td>
</tr>
<tr>
<td>86</td>
<td>Single Service Water Meter Assembly</td>
<td>7</td>
<td>EA</td>
<td>$262.50</td>
<td>$1,837.50</td>
</tr>
<tr>
<td>87</td>
<td>Double Service Water Meter Assembly</td>
<td>1</td>
<td>EA</td>
<td>$900.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>88</td>
<td>Irrigation Meter Assembly</td>
<td>1</td>
<td>EA</td>
<td>$900.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>89</td>
<td>Pressure Reducing Assembly for Water Service</td>
<td>1</td>
<td>EA</td>
<td>$900.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>90</td>
<td>Connect to Existing Water Service Line (Licensed Plumber)</td>
<td>7</td>
<td>EA</td>
<td>$400.00</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>91</td>
<td>6&quot; Fire Hydrant Assembly w/ 6&quot; Gate Valve</td>
<td>2</td>
<td>EA</td>
<td>$5,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>113</td>
<td>12&quot; Steel Encasement</td>
<td>16</td>
<td>LF</td>
<td>$87.00</td>
<td>$1,392.00</td>
</tr>
<tr>
<td>113</td>
<td>Tracer Wire Port</td>
<td>10</td>
<td>EA</td>
<td>$300.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>114</td>
<td>Abandon Existing Septic System and Connect to SWU Sewer</td>
<td>0.5</td>
<td>EA</td>
<td>$4,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>114</td>
<td>Abandon Existing Domestic Water Well</td>
<td>0.5</td>
<td>EA</td>
<td>$4,000.00</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

**Water Relocation Cost (City Responsibility)**

$320,797.28
# BID TABULATION SUMMARY

**June 3, 2021**

Gene George Boulevard, South Extension  
Phase I - Don Tyson Parkway to 56th Street  
Street, Storm Drainage, Water, & Sewer Improvements  
City of Springdale Project 18BPS11

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brothers Construction, Inc. *</td>
<td>$4,797,830.50</td>
</tr>
<tr>
<td>Crossland Heavy Contractors, Inc.</td>
<td>$4,885,991.00</td>
</tr>
<tr>
<td>APAC-Central, Inc.</td>
<td>$5,130,642.75</td>
</tr>
</tbody>
</table>

I hereby certify that this is a true and correct report of the bids received on June 3, 2021.

Digitally signed by Brandon J. Rush  
Date: 2021.06.08 13:52:57-05'00'

Engineering Services, Inc.  
Brandon J. Rush, P.E.

* Total Bid Amount was corrected for math error.
September 3, 2021

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

Re: Job 040680
F.A.P. STPU-9399(19)
56th St. Widening & Extension
(Springdale/Johnson) (S)
Washington County

Dear Mayor Sprouse:

We have received your request for concurrence in award, the bid tabulations, and the $1,000 deposit for Department administration costs for the referenced project. The Department concurs in the award of the project in the amount of $4,797,830.50 to the low bidder, Brother’s Construction, Inc., of Van Buren, based on a review of the bid tabulations and the City’s certification that the project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations. Please include the enclosed approved DBE participation forms in the contract for the project.

Once the contract is executed, you may issue a work order to begin construction. The LPA Report of Work Performed (Attachment I of the Agreement of Understanding) must be submitted with each request for reimbursement and the Final Acceptance Report (Attachment J of the Agreement of Understanding) must be submitted at the completion of the project. These are available from Bashar Qedan, the Department’s Resident Engineer in Fayetteville, who can be contacted at (479) 251-9266. Also, Bashar must be invited to attend the pre-construction conference for this project. You must submit all change orders to the contract to Bashar for review and approval for program eligibility.

Sincerely,

[Signature]
Jared D. Wiley
Assistant Chief Engineer – Planning

Enclosures

c: Deputy Director and Chief Engineer
Construction
Program Management
Transportation Planning and Policy
District 4
Resident Engineer #43
Job 040680 ’C’ File
Mr. Jeff Hawkins, Executive Director, NWA Regional Planning Commission
ARKANSAS DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

JOB 040680

NOTE: PROPOSED PARTICIPATION BY DBEs MAY BE SHOWN BELOW AND SUBMITTED WITH BIDDER'S PROPOSAL, OR THE REQUIRED INFORMATION MAY BE SUBMITTED IN KEEPING WITH THE STANDARD SPECIFICATIONS AND THE SPECIAL PROVISIONS "GOALS FOR DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION" AND "DISADVANTAGED BUSINESS ENTERPRISE BIDDER'S RESPONSIBILITIES".

As provided in the Special Provision "Goals for Disadvantaged Business Enterprise Participation", the undersigned bidder proposes to use the certified DISADVANTAGED BUSINESS ENTERPRISE (DBE) subcontractors listed below to meet the goal of 10.0% of the total contract by DBEs. Only work or services that will actually be provided by the DBE firm(s) should be shown.

<table>
<thead>
<tr>
<th>NAME &amp; ADDRESS</th>
<th>LINE #</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Envirorac Safety Inc.</td>
<td>44</td>
<td>Seeding (1000 sq ft)</td>
<td>$4,677.50</td>
</tr>
<tr>
<td>Erosion Control Inc.</td>
<td>45</td>
<td>Solid Sodding (1000 sq ft)</td>
<td>$73,600.00</td>
</tr>
<tr>
<td>P.O. Box 985</td>
<td>46</td>
<td>Additional Water (1000 gal)</td>
<td>$5,250.00</td>
</tr>
<tr>
<td>Danville, AR 72833</td>
<td>53</td>
<td>Erosion Control (1000 sq ft)</td>
<td>$26,837.24</td>
</tr>
<tr>
<td></td>
<td>56</td>
<td>3 Rail Wood Fence</td>
<td>$7,730.00</td>
</tr>
<tr>
<td></td>
<td>57</td>
<td>Barbed Wire Fence</td>
<td>$8,928.00</td>
</tr>
<tr>
<td></td>
<td>70</td>
<td>Gravity Block Retaining Wall</td>
<td>$374,022.50</td>
</tr>
</tbody>
</table>

If any firm listed above is a regular dealer, but not a manufacturer, the total amount of the agreement and the amount to be credited (60%) should be recorded on this form.

Total for DBEs - $539,010.04 or 11.03% of bid.

Brothers Construction Inc  
(Contractor)

By:  
Title:  

The named DBE subcontractors confirm their participation in the contract as provided in the commitment.

DBE Firm:  

DBE Owner or Authorized Representative’s Signature:

1. Envirorac Safety & Erosion Control  
2. 
3. 
4. 

Page 47
ARKANSAS DEPARTMENT OF TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

JOB 040680

NOTE: PROPOSED PARTICIPATION BY DBEs MAY BE SHOWN BELOW AND SUBMITTED WITH BIDDER'S PROPOSAL OR THE REQUIRED INFORMATION MAY BE SUBMITTED IN KEEPING WITH THE STANDARD SPECIFICATIONS AND THE SPECIAL PROVISIONS "GOALS FOR DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION" AND "DISADVANTAGED BUSINESS ENTERPRISE BIDDER'S RESPONSIBILITIES".

As provided in the Special Provision "Goals for Disadvantaged Business Enterprise Participation", the undersigned bidder proposes to use the certified DISADVANTAGED BUSINESS ENTERPRISE (DBE) subcontractors listed below to meet the goal of 10.0% of the total contract by DBEs. Only work or services that will actually be provided by the DBE firm(s) should be shown.

<table>
<thead>
<tr>
<th>NAME &amp; ADDRESS</th>
<th>LINE #</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time Stripping Inc</td>
<td>2</td>
<td>Roadway Constr. Control</td>
<td>$10,475.00</td>
</tr>
<tr>
<td>Po Boy 123k</td>
<td>47</td>
<td>Mailboxes (1037) (1039)</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>Van Buren, AR</td>
<td>48</td>
<td>4&quot; Striping Thermoplastic</td>
<td>$2,940.00</td>
</tr>
<tr>
<td>72957</td>
<td>49</td>
<td>Arrows Symbols (thermoplastic)</td>
<td>$9,375.00</td>
</tr>
<tr>
<td></td>
<td>50</td>
<td>Crosswalks (thermoplastic)</td>
<td>$7,000.00</td>
</tr>
<tr>
<td></td>
<td>51</td>
<td>24&quot; Step Bar (thermoplastic)</td>
<td>$1,500.00</td>
</tr>
<tr>
<td></td>
<td>52</td>
<td>Permanent Regulatory Signs</td>
<td>$7,500.00</td>
</tr>
<tr>
<td></td>
<td>59</td>
<td>Project Signs (1003)</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

Total for DBEs - $43,090.00

If any firm listed above is a regular dealer, but not a manufacturer, the total amount of the agreement and the amount to be credited (60%) should be recorded on this form.

Total for DBEs - $_________ or _________% of bid.

Signed by: ________________
(Contractor)
By: ______________________
Title: _____________________

The named DBE subcontractors confirm their participation in the contract as provided in the commitment.

DBE Firm: ________________
DBE Owner or Authorized Representative: ________________

1. ________________
2. ________________
3. ________________
4. ________________
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 AND DECLARING AN EMERGENCY

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

PROPERTY OWNER: Emma Corner Funding LLC
LEGAL DESCRIPTION: Part of the NE1/4 of the NW1/4 of Section 5, Township 17 North,
Range 29 West and part of the S1/2 of the SW1/4 of Section 32, Township 18 North, Range 29 West,
Washington County Arkansas being more particularly described as follows: Commencing at an existing
stone marking the NE corner of the NE1/4; thence N87°23'19"W 270.59 to a set rebar with cap on the
Southerly right-of-way line of Butterfield Coach Road and the Point of Beginning; thence leaving said
right-of-way and continuing N87°23;19"W 191.65 feet to an existing rebar; thence S02°23'40"W 200.00
feet; thence S87°23'18"E 326.16 to a set rebar with cap on the Southerly right-of-way of Butterfield
Coach Road; thence along said right-of-way line, around a curve to the right having a radius of 980.48
feet, and subtended by a chord bearing and distance of S23°23'00"E 33.78 feet to a set rebar with cap;
thence leaving said right-of-way line, N87°34'22"W 1200.36 feet to a set rebar with cap; thence
N02°26'44"E 230.96 feet to set rebar with cap marking the NW corner of the NE1/4 of the NW1/4;
thence N02°38'02"E 656.98 feet; thence S88°10'36"E 140.14 feet to a set rebar with cap on the
Southerly right-of-way line of Butterfield Coach Road; thence along said right-of-way, the following
bearings and distance: Around a curve to the left have a radius of 840.00 feet and subtended by a chord
bearing and distance of S46°20'42"E 435.69 feet; S61°22'32"E 304.45 feet; around a curve to the right
having a radius of 980.48 feet, and subtended by chord bearing a distance of S49°57'14"E 388.33 feet to
the Point of Beginning.
LAYMAN'S DESCRIPTION: Emma Avenue Parcel 815-30757-000
PARCEL NO.: 815-30757-000

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:

$417.91 clean-up costs and $22.16 administrative costs – Emma Avenue Parcel #815-30757-000

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:

$440.07, plus 10% for collection – Emma Avenue (Parcel No.815-30757-000)

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
<table>
<thead>
<tr>
<th>SENDER: COMPLETE THIS SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Complete items 1, 2, and 3.</td>
</tr>
<tr>
<td>- Print your name and address on the reverse so that we can return the card to you.</td>
</tr>
<tr>
<td>- Attach this card to the back of the mailpiece, or on the front if space permits.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETE THIS SECTION ON DELIVERY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Signature</td>
</tr>
<tr>
<td>X Kayla Modero-Keith</td>
</tr>
<tr>
<td>B. Received by (Printed Name)</td>
</tr>
<tr>
<td>Kayla Modero-Keith</td>
</tr>
<tr>
<td>C. Date of Delivery</td>
</tr>
<tr>
<td>9.2.21</td>
</tr>
<tr>
<td>D. Is delivery address different from item 1?</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

| 1. Article Addressed for:         |
| Emna Corner Funding LLC           |
| 4611 Rogers Ave., Suite 201       |
| Ft. Smith, AR 72903               |

<table>
<thead>
<tr>
<th>2. PS Form 3811, July 2015 PSN 7630-02-000-9053</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>3. Service Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Return Receipt</td>
</tr>
</tbody>
</table>

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

Page 51
RESOLUTION NO. ________

A RESOLUTION TO LEVY WASHINGTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes no later than October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes and voluntary taxes will be collected by the Tax Collector of Washington County.

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

SECTION 1: That the following levies be approved for collection in the year 2022 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2021 property tax levy to be collected by the Washington County Tax Collector are as follows:

<table>
<thead>
<tr>
<th></th>
<th>REAL ESTATE</th>
<th>PERSONAL PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>.0047</td>
<td>.0047</td>
</tr>
<tr>
<td>FIREMEN’S PENSION</td>
<td>.0005</td>
<td>.0005</td>
</tr>
<tr>
<td>POLICEMEN’S PENSION</td>
<td>.0005</td>
<td>.0005</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>.0057</strong></td>
<td><strong>.0057</strong></td>
</tr>
</tbody>
</table>

SECTION 2: The 2021 voluntary taxes to be collected by the Washington County Tax Collector are as follows:

<table>
<thead>
<tr>
<th></th>
<th>REAL ESTATE</th>
<th>PERSONAL PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY FIRE FUND</td>
<td>.0015</td>
<td>.0015</td>
</tr>
<tr>
<td>LIBRARY</td>
<td>.001</td>
<td>.001</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>.0025</strong></td>
<td><strong>.0025</strong></td>
</tr>
</tbody>
</table>

SECTION 3: The voluntary taxes will be printed in the Washington County Tax Collector’s office and shall be billed and collected by the Washington County Tax Collector's office.
PASSED AND APPROVED this _____ day of _____________, 2021.

____________________________________
Doug Sprouse, Mayor

ATTEST:

____________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

____________________________________
Ernest B. Cate, City Attorney
RESOLUTION NO. ________

A RESOLUTION TO LEVY BENTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes no later than October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes will be collected by the County Clerk and Tax Collector of Benton County.

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

SECTION 1: That the following levies be approved for collection in the year 2022 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2021 property tax levy to be collected by the Benton County Tax Collector are as follows:

<table>
<thead>
<tr>
<th></th>
<th>REAL ESTATE</th>
<th>PERSONAL PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>.0047</td>
<td>.0047</td>
</tr>
<tr>
<td>FIREMEN’S PENSION</td>
<td>.0005</td>
<td>.0005</td>
</tr>
<tr>
<td>POLICEMEN’S PENSION</td>
<td>.0005</td>
<td>.0005</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>.0057</strong></td>
<td><strong>.0057</strong></td>
</tr>
</tbody>
</table>

PASSED AND APPROVED this _____ day of _________, 2021.

___________________________________
Doug Sprouse, Mayor

ATTEST:

___________________________________
Denise Pearce, City Clerk

APPROVED AS TO FORM:

___________________________________
Ernest B. Cate, City Attorney
The City Council of the City of Springdale met in regular session on Tuesday, September 14, 2021, in the tiered training room in the new Criminal Justice Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse Mayor
Brian Powell Ward 1
Amelia Williams Ward 3
Jeff Watson Ward 3 (Absent)
Mike Overton Ward 2
Mike Lawson Ward 4
Kevin Flores Ward 2 (Absent)
Randall Harriman Ward 1
Mark Fougerousse Ward 4
Ernest Cate City Attorney
Denise Pearce City Clerk/Treasurer

Department heads present:

Mike Irwin Fire Chief
Mike Peters Police Chief
Wyman Morgan Director of Financial Services
Patsy Christie Planning & Comm. Dev. Director
Brad Baldwin Public Works & Eng. Director
Ron Findley Community Engagement Director
Mike Chamlee Chief Building Official
Chad Wolf Parks & Recreation Director
Colby Fulfer Chief of Staff

APPROVAL OF MINUTES

Council Member Overton moved the minutes of the August 24, 2021 City Council meeting be approved as presented. Council Member Williams made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Overton 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 Williams made the second.

The vote:

Yes: Williams, Overton, Lawson, Harriman, Fougerousse, Powell
No: None

DISCUSSION REGARDING THE ENCLOSURE OF A SWIMMING POOL LOCATED AT 313 E. APPLE BLOSSOM

City Attorney Ernest Cate said our City of Springdale Property Maintenance Code requires swimming pools that contain water more than 24 inches of water have to be surrounded by a fence or barrier at least 48 inches in height. There is a property located at 313 E. Apple Blossom that was brought into the City of Springdale with the Bethel Heights consolidation. Neighborhood Services discovered an above ground pool at that location without an enclosure. There have been some instances like this where they have
been grandfathered in. Neighborhood Services is looking for guidance on this particular item.

The Bowens who own this property said they never leave the ladder on the pool.

Council Member Overton made the motion to grandfather this swimming pool as is into the City of Springdale. Council Member Lawson made the second.

The vote:
Yes: Overton, Lawson, Harriman, Fougerousse, Powell, Williams
No: None

RESOLUTION NO. 106-21 – MAKING AN APPOINTMENT TO THE ADVERTISING AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE, ARKANSAS

Mayor Doug Sprouse presented a Resolution making the appointment of Adriana Torres to the Advertising and Promotion Commission of the City of Springdale, Arkansas.

RESOLUTION NO. ___

A RESOLUTION MAKING AN APPOINTMENT TO THE ADVERTISING AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE, ARKANSAS

WHEREAS, the Advertising and Promotion Commission is looking to appoint a new member to fill the At Large Position; and

WHEREAS, A.C.A. 26-75-605 and Ordinance No. 3293 provide that appointments for these positions will be made by the remaining members of the Commission subject to approval of the City Council, and

WHEREAS, the Advertising and Promotion Commission has recommended the appointment of Adriana Torres to fill the At Large Position, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that Adriana Torres is hereby appointed with a term set to expire September 14th, 2025 on the Advertising and Promotion Commission.

PASSED AND APPROVED this ____ day of September, 2021.

_______________________________
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: Lawson, Harriman, Fougerousse, Powell, Williams, Overton
No: None

The Resolution was numbered 106-21.

RESOLUTION NO. 107-21 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THE THOMAS G. AND MARILYN J. KILPATRICK TRUST IS DEFENDANT (PROJECT NO. 18BPS12, TRACT 24)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein the Thomas G. and Marilyn J. Kilpatrick Trust is Defendant (Project No. 18BPS12, Tract 24).

The City of Springdale filed a lawsuit against the Thomas G. & Marilyn J. Kilpatrick Trust to condemn property owned by the Trust for the Har-Ber Avenue Extension Project (48th St. to Gutensohn St.). The sum of $450,000.00 was deposited into the Registry of the Court as estimated just compensation for the full taking of the property. The property owner has extended a counter-offer that the City pay the total sum of $590,000.00 to acquire the lands needed for the project, based on an appraisal conducted on behalf of the Trust.

It is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of $140,000.00 to acquire the property needed from the Trust, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial.

RESOLUTION NO. ___

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THE THOMAS G. & MARILYN J. KILPATRICK TRUST IS DEFENDANT (PROJECT NO. 18BPS12, TRACT 24).

WHEREAS, the City of Springdale has filed a lawsuit against the Thomas G. & Marilyn J. Kilpatrick Trust to condemn property owned by the Trust for the Har-Ber Avenue Extension Project (48th St. to Gutensohn St.)(Project No. 18BPS12, Tract 24);

WHEREAS, the City of Springdale deposited the sum of $450,000.00 into the Registry of the Court as estimated just compensation for the full taking of the property;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of $590,000.00 to acquire the lands needed for the project, said amount being based on an appraisal conducted on behalf of the Trust;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of $140,000.00 to acquire the property needed from the Trust, 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 Kilpatrick Trust condemnation lawsuit for the total sum of $590,000.00, with the additional $140,000.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of September, 2021.

___________________________________
Doug Sprouse, Mayor
Council Member Overton moved the Resolution be adopted. Council Member Lawson made the second.

The vote:
Yes: Harriman, Fougerousse, Powell, Williams, Overton, Lawson
No: None

The Resolution was numbered 107-21.

RESOLUTION NO. 108-21 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN DAVID W. WATSON AND DONNA K. WATSON ARE DEFENDANTS (PROJECT NO. 18BPS1, TRACTS 53 & 54)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein David W. Watson and Donna K. Watson are defendants (Project No. 18BPS1, Tracts 53 & 54).

The City of Springdale filed a lawsuit against David W. Watson and Donna K. Watson to condemn property owned by the Watsons for the Gene George Boulevard Project (Bleaux Ave. to Elm Springs Rd.). The sum of $57,900.00 was deposited into the Registry of the Court as estimated just compensation for the taking of the property needed for the Project. The property owner has extended a counter-offer that the City pay the total sum of $170,000.00 to acquire the lands needed for the project, based on an appraisal conducted on behalf of the property owners.

It is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of $112,100.00 to acquire the property needed from the property owners, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN DAVID W. WATSON AND DONNA K. WATSON ARE DEFENDANTS (PROJECT NO. 18BPS1, TRACTS 53 & 54).

WHEREAS, the City of Springdale has filed a lawsuit against David W. Watson and Donna K. Watson to condemn property owned by the Watsons for the Gene George Boulevard Project (Bleaux Ave. to Elm Springs Rd.)(Project No. 18BPS1, Tracts 53 & 54);

WHEREAS, the City of Springdale deposited the sum of $57,900.00 into the Registry of the Court as estimated just compensation for the taking of the property needed for the Project;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of $170,000.00 to acquire the lands needed for the project, said amount being based on an appraisal conducted on behalf of the property owners;
WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of $112,100.00 to acquire the property needed from the property owners, 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 Watson condemnation lawsuit for the total sum of $170,000.00, with the additional $112,100.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ___ day of September, 2021.

____________________________________
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 Fougerousse made the second.

The vote:
Yes: Fougerousse, Powell, Williams, Overton, Lawson, Harriman
No: None

The Resolution was numbered 108-21.

RESOLUTION NO. 109-21 – WAIVING COMPETITIVE BIDDING AND AUTHORIZING IMPROVEMENTS TO THE RECREATION CENTER

Council Member Mike Lawson presented a Resolution waiving competitive bidding and authorizing improvements to the Recreation Center.

Parks and Recreation Director Chad Wolf said he had received two quotes for the installation of an elevator and improvements to the entry of the Recreation Center. The low quote came from Milestone Construction Company LLC in the amount of $366,017.

Mayor Sprouse said this will be funded with the Parks set aside money.

RESOLUTION NO. ___

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING IMPROVEMENTS TO THE RECREATION CENTER

WHEREAS, the Parks & Recreation Director has obtained quotes for the installation of an elevator and improvements to the entry of the Recreation Center, and

WHEREAS, the low quote of $366,017 was received from Milestone Construction Company, LLC,
WHEREAS, A.C.A. § 14-58-303 (b)(2)(B) states "The governing body by Resolution may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical".

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that competitive bidding is hereby waived for the remodeling of the Recreation Center front entrance including the installation of an elevator and the Mayor is hereby authorized to execute a contract with Milestone Construction Company to perform the work for $366,017.

PASSED AND APPROVED this ____ day of September, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougerousse made the second.

The vote:

Yes: Powell, Williams, Overton, Lawson, Harriman, Fougerousse

No: None

The Resolution was numbered 109-21.

ORDINANCE NO. 5642 – REZONING .25 ACRES OWNED BY MAE ETTA MATTHEWS REVOCABLE TRUST LOCATED AT 515 E. HWY 264, FROM SF-1 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .25 acres owned by Mae Etta Matthews Revocable Trust located at 515 E. Hwy. 264, from SF-1 to C-2 and declaring an emergency.

Planning Commission recommended approval at their September 7, 2021 meeting.

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

The vote:

Yes: Williams, Lawson, Harriman, Fougerousse, Powell

No: None

Abstain: Overton

Council Member Powell moved the Emergency Clause be adopted. Council Member Harriman made the second.

The vote:

Yes: Overton, Lawson, Harriman, Fougerousse, Powell, Williams
No: None

The Ordinance was numbered 5642.

**FIRE CHIEF RETIREMENT**

Fire Chief Mike Irwin announced his retirement effective November 30, 2021.

**ADJOURNMENT**

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:14 p.m.

_______________________________
Doug Sprouse, Mayor

_______________________________
Denise Pearce, City Clerk/Treasurer