CITY OF SPRINGDALE

Committee Agenda Wednesday, February 22nd, 2023 Tiered Training Room (2nd Floor) 201 Spring Street, Springdale, AR 72764 Meetings begin at 5:30p.m.

Finance Committee by Chairwoman Amelia Williams

1. <u>A Resolution</u> to waive competitive bidding and appropriate funding for the purchase of street lighting. Presented by James Smith, Public Works Director. Pgs. 1-6

Parks and Recreation Committee by Chairman Mike Lawson

2. <u>A Resolution</u> accepting a grant from the National Fitness Campaign and authorizing the mayor to sign the grant agreement. Presented by Mayor Doug Sprouse. Pgs. 7-37

Health, Sanitation and Property Maintenance Committeeby Chairman Jeff Watson

- 3. <u>An Ordinance</u> authorizing the City Clerk to file a lien for the razing and removal of a structure within the City of Springdale, Arkansas, located at 983 W. Sunset Avenue, Springdale, Arkansas; and declaring an emergency. Presented by Ernest Cate, City Attorney. Pgs. 38-46
- 4. <u>An Ordinance</u> 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. Presented by Ernest Cate, City Attorney. Pgs. 47-61

RESOI	UTION NO.	
KENUL	(U I I ()	

A RESOLUTION TO WAIVE COMPETITIVE BIDDING & APPROPRIATE FUNDING FOR THE PURCHASE OF STREET LIGHTING.

WHEREAS, the City of Springdale is in need of improving lighting on Park St; and

WHEREAS, the lighting improvements are for the benefit, health, safety and welfare of our residents; and

WHEREAS, the lighting and materials are part of a buy board; and

WHEREAS, the city council has determined that it is not feasible or practical to follow the procedures of taking competitive bids as described in Arkansas Code 14-58-303, and

WHEREAS, Arkansas Code 14-58-303 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:

Section 1. The Mayor is hereby authorized to execute any contracts related to the purchase of the aforementioned lighting and associated equipment from Graybar in an amount not to exceed \$130,000.00, to be paid from the 2018 Street Bond Fund Project #18BS13.

Section 2: That competitive bidding is not deemed feasible or practical because of the exceptional situation previously set out herein and therefore competitive bidding is hereby waived under Ark. Code Ann. §14-58-104.

PASSED AND APPROVED this _	day of	, 2023.
A TTEGT.	Doug Sprouse, MAYOR	
ATTEST:		
Denise Pearce, CITY CLERK	_	
APPROVED:		

Ernest B. Cate, CITY ATTORNEY



DEPARTMENT FUNDING REQUEST

Department:				
		Date:		
Point of Control	2-10-2023			
Point of Contact:	Amount Requested:			
James Smith	\$ 130,000.00			
Date to be Presented to Committe		/20_23		
Brief Description of Funding Reque	st:			
Street Lights on Emma + Par	K + Coudhe + Par	K St.		
e e				
Funding Source: (General Fund,	Special Fund, etc.	.)		
Bond Fund				
IS IT BU	DGETED?			
YES	N	0 🖻		
\$0 - \$34,999				
No Council approval needed	□ \$0 - \$4,999			
Request to waive bidding?	□ \$5,000 - \$34,999			
☐ Buy Board ☐ Sole Source	Requires 3 Qu			
Signature:				
Olan	□ \$35,000+ Red	quires Bid		
Please attach supplemental	Request to waive	hidding?		
information	Buy Board	☐ Sole Source		
morniation	Jay Dould	- Joie Jource		



516A EAST ROBINSON SPRINGDALE AR 72764-7132

Phone: 479-725-4900 Fax: 479-872-6680

To:

CITY OF SPRINGDALE - PUBLIC WORKS

269 E RANDALL WOBBE LN

SPRINGDALE AR 72764-1802

Attn: Kurt Reither

Phone: 479-750-8135-200

Email:

Fax:

Date:

01/26/2023

Project Name:

POLES AND SIDE SHIELDS

GB Quote #:

0242553366

Purchase Order Nbr: Release Nbr:

Additional Ref#:

Revision Nbr: Valid From:

01/26/2023

Valid To:

02/25/2023

Contact:

JORDAN THOMPSON

Email: Proposal

We appreciate your request and take pleasure in responding as follows

jordan.thompson@graybar.com

Notes:

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		28	HOLOPHANE	PUCL2 P40 40K MVOLT FC5 BK BL PR3 AO PCL		\$4,106.67	1	\$114,986.76
GB Part#:NO	F HOL LTFIXT	URES						

HOLOPHANE PUCL2HSS1

Item Note: * FULL PN: PUCL2 P40 40K MVOLT FC5 BK BL PR3 AO PCLL CHA 14 SL4 16D C03 BK ABG RP162A FGIUS BK ASSY17821 DESC: Taft Utility Postop FCO LED, P40 performance package, 4000K, 120-277V, Full cutoff, type V, Black, Ball finial, painted cast aluminum, 3 pin NEMA photocontrol receptacle, Field adjustable lumen output, DTLphotocontrol, Charleston aluminum pole, 14FT, Shaft, Sitelink 4.50IN fluted, .156 wall (L4E), 16IN Base, Diamond * Pattern Bolt Circle, Tenon, 3.00 O.D. x 3IN tall, Black, Anchor bolt (galvanized steel), Receptacle with small, in-usewet location cover, Black

300 28 GB Part#: NOF HOL LTFIXTURES

Total in USD (Tax not included): \$116,044.60

\$37.78

\$1,057.84

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

^{***}Item Note:*** * House side shield, single pack

To: CITY OF SPRINGDALE - PUBLIC WORKS

269 E RANDALL WOBBE LN

SPRINGDALE AR 72764-1802

Attn: Kurt Reither

Date:

01/26/2023

Project Name: GB Quote #: POLES AND SIDE SHIELDS

0242553366

Proposal

We appreciate your request and take pleasure in responding as follows

Item ItemType Quantity Supplier Catalog Nbr Description Price Unit Ext.Price



516A EAST ROBINSON SPRINGDALE AR 72764-7132

Phone: 479-725-4900 Fax: 479-872-6680

To:

CITY OF SPRINGDALE - PUBLIC WORKS

269 E RANDALL WOBBE LN

SPRINGDALE AR 72764-1802

Attn:

Phone: 479-750-8135-200

Email: Fax:

Kurt Reither

Date: **Project Name:** 01/26/2023 0242553381

PLANTER AND BANNER ARM

GB Quote #:

Purchase Order Nbr:

Release Nbr: Additional Ref#:

Revision Nbr: Valid From:

01/26/2023 02/25/2023

Valid To: Contact:

JORDAN THOMPSON

jordan.thompson@graybar.com

Email: Proposal

We appreciate your request and take pleasure in responding as follows

Notes:

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		1	HOLOPHANE	BA 24IN 1A BO SL4 BL 100P BK		\$278.89	1	\$278.89
GB Part#:NO	F HOL LTFIXT	URES						
***Item Note:	*** * Banner am	n, 24IN, Singl	e arm, Bolt-on, Shaf	t, Sitelink 4.50IN fl	uted, .156 wall (L4E	e), Ball, 1.00 SCH	pipe (1.315	" actual), Bla
200		1	HOLOPHANE	PBA 24IN 1A BO SL4 BL 100P BK		\$407.78	1	\$407.78
CD Dowt#NIC	F HOL LTFIXT	URES						
GD Fait#.NC			I Cinala ama Dalt a	on Shaft Sitalink	L50IN fluted 156 w	/all (I 4F) Rall 1 (00 SCH pine	e (1.315" ac
***************************************	*** * Planter bar	nner arm, 2411	v, Single arm, Boit-C	ori, orient, onemik s	r.oonv natea, . 100 v	van (L4L), Dan, 7.0	o com pip	(

Total in USD (Tax not included): \$686.67

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

Page 5 Page 1 of 2

To:

Attn:

CITY OF SPRINGDALE - PUBLIC WORKS

269 E RANDALL WOBBE LN SPRINGDALE AR 72764-1802

Kurt Reither

Date:

01/26/2023

Project Name: GB Quote #:

PLANTER AND BANNER ARM

0242553381

Proposal

We appreciate your request and take pleasure in responding as follows

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
	3,0				p			= 31411 1100

A RESOLUTION ACCEPTING A GRANT FROM THE NATIONAL FITNESS CAMPAIGN AND AUTHORIZING THE MAYOR TO SIGN THE GRANT AGREEMENT.

WHEREAS, the City of Springdale desires to build an outdoor fitness court at Luther George Park, and

WHEREAS, the City of Springdale applied for a grant from the National Fitness Campaign, and

WHEREAS, the National Fitness Campaign has made a grant offer in the amount of \$30,000, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the mayor is hereby authorized to accept and sign the grant agreement for a grant of \$30,000 from the National Fitness Campaign to build an outdoor fitness court at Luther George Park.

PASSED AND APPROVED this 28th day of February, 2023.

ATTEST:	Doug Sprouse, Mayor
Denise Pearce, City Clerk	
APPROVED AS TO FORM:	
Ernest B. Cate, City Attorney	



Congratulations!

City of Springdale, AR has been selected as a 2023 Healthy Cities Campaign Grant Recipient!

Dear Mayor Sprouse,

On behalf of the National Fitness Campaign Grant Committee, we are pleased to share that the City of Springdale, AR has been selected as a grant eligible partner in the 2023 Healthy Cities Campaign! This notification letter confirms eligibility for one (1) 2023 NFC Grant of \$30,000. The next step is to schedule your official Grant Eligibility Award Call within the next 10 days, where the qualifications submitted in your Grant Application will be confirmed by the NFC team, and your Grant Program Requirements (GPR) will be aligned for eligibility and participation in this year's campaign. A copy of your GPR Document is attached to this formal award letter for your review, and is based on dates submitted in your Grant Application.

The \$30,000 Grant Award will be confirmed pending 1) the submission of a Resolution of Adoption, endorsed by your local governing body or appropriate council, and a countersigned copy of the attached formal GPR document within 60 days of the Award Call, 2) authorization to proceed, documented by formal funding confirmation (commonly a purchase order) and 3) confirmation of a scheduled shipping date for the Fitness Court and appropriate storage plans. Once set, GPR milestones must be met in order to maintain funding eligibility in the campaign.

To support this partnership and align your GPR milestones with your community's local adoption and funding processes, we have assigned a Partnership Manager – Rudy Pottorff – as your dedicated partner and champion in support of this partnership. Over the coming months, Rudy will work with your team to support the path outlined in the GPR Document, assisting in the confirmation of required remaining funding, installation, and launch of your program.

The 2023 Healthy Cities Campaign is part of a national movement to make world-class fitness free and accessible in public spaces across the country, which is more important today than ever before – thank you for your commitment to supporting this goal.

Here is a sneak peak at what's ahead:

- Fitness Court® Launch Cut the ribbon on your beautiful new outdoor gym & announce free fitness to the community!
- Classes & Challenges Get residents moving & keep them engaged with ongoing group classes, individual training, and competitive events.
- Press & Promotions Shine a spotlight on your community and local partners for joining this exciting and innovative wellness movement!

Once again, we are thrilled to invite you to join us as a partner in the 2023 Healthy Cities Campaign, and we look forward to making world-class fitness free in the City of Springdale, AR!

Best in Fitness,

Mitch Menaged, Founder



City of Springdale, AR - National Fitness Campaign 2023 Funding Cycle Grant Program Requirements (G.P.R.)

MILESTONE 1: ADOPTION

- Summary: Commit to project adoption and confirm matching funding
- Requirement A: Countersigned Grant Program Requirements Document
- Deadline: 2/24/2023
- Requirement B: Resolution of Adoption or Letter of Support
- Deadline: 3/1/2023

*Purchase Order Will Satisfy Adoption Requirement if Submitted Within 60 Days of Grant Award

MILESTONE 2: AUTHORIZATION TO PROCEED - FUNDING CONFIRMED

- Summary: Execute budgeting and fundraising plan (as needed) and confirm total required funding
- Requirement: Funding confirmation document submitted to NFC for remaining program funding (typically P.O)*
- *Refer to Official Quote and Funding Requirements Summary for details
- Deadline: 3/15/2023

MILESTONE 3: SHIPMENT FOR STORAGE

- Summary: Identify Fitness Court® storage location and schedule Fitness Court® delivery
- Requirement: Accept Fitness Court® delivery and store at a secure location, prepare to be invoiced for program funds
- Deadline: 3/16/2023 to 4/6/2023

MILESTONE 4: INSTALL CONCRETE SLAB & ART APPROVAL

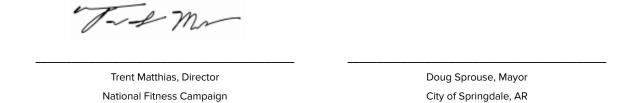
- Summary: Review slab drawings & schedule concrete installer, confirm Fitness Court orientation, Approve art print preview
- Requirement: Install concrete slab (cure time of 28 days before Fitness Court® installation)
- Deadline: April-May 2023 pending weather

MILESTONE 5: FITNESS COURT® ASSEMBLY

- Summary: Select Fitness Court® Assembly Team NFC'S Installation Network is recommended, (includes art install)
- Requirement: Confirm installation timeline with NFC, provide completed installation photos for NFC inspection
- Deadline: May-June 2023 pending weather

MILESTONE 6: PRESS LAUNCH CEREMONY

- Summary: hold Fitness Court® press launch event & ribbon cutting
- Requirement: Promote press release, hold launch event within campaign year (weather permitting)
- Deadline: June-July 2023 pending weather



It is noted by the National Fitness Campaign and the municipality, school or organization listed above that this document in no way constitutes a binding agreement, or requirement to proceed with the NFC Program at any time. Formal commitment occurs upon receipt of complete local match funding by the program awardee, with submission of Funding Confirmation Documentation to National Fitness Campaign.





NATIONAL FITNESS CAMPAIGN

2023 HEALTHY CITY CAMPAIGN BRIEFING

NATIONAL FITNESS CAMPAIGN BROUGHT TO YOU BY

































40+ YEARS IN THE MAKING CAMPAIGN HISTORY



CAMPAIGN IMPACT

Cities designed for people have a tremendous impact on the health and happiness of their residents.







This is our work at the campaign, to improve the quality of life for people in every community.

**LET'S BRING PEOPLE OUTDOORS AND BUILD A WELLNESS CULTURE TOGETHER!





OUR MISSION

BUILD HEALTHY COMMUNITIES



WE MAKE WORLD CLASS
FITNESS FREE!

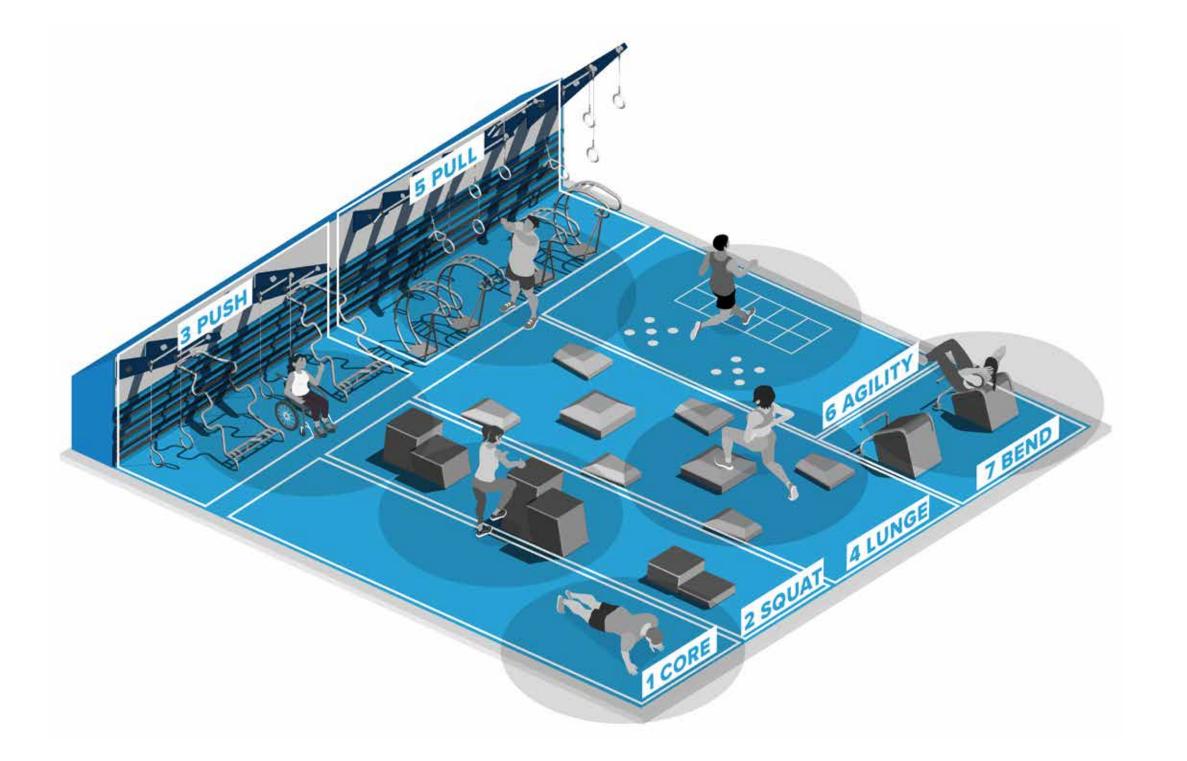
CAMPAIGN OVERVIEW





PROGRAM



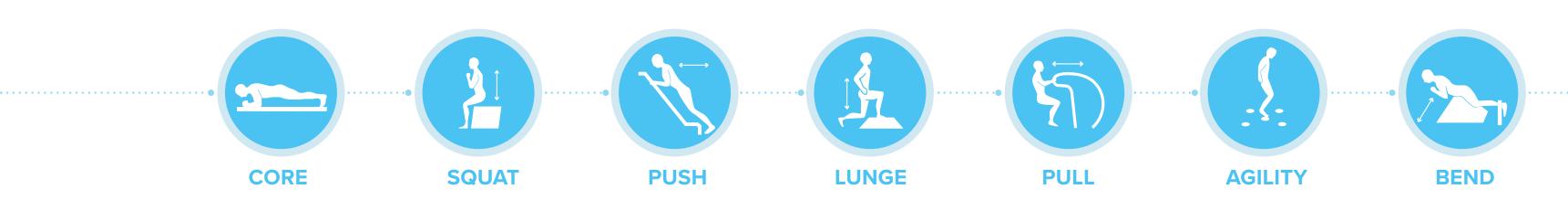




FUNCTIONAL TRAINING SYSTEM THOUSANDS OF EXERCISES

SCIENTIFICALLY DESIGNED

7 MOVEMENT FULL BODY WORKOUTS







ADULTS OF ALL AGES AND ABILITIES

I am glad to see movements to improve balance.

- Carol Claybaker, Senior Resident of Janesville, WI



CAMPAIGN SERVICES



PRE LAUNCH SUPPORT

AMBASSADOR TRAINING

MEDIA & PRESS

LAUNCH!

FREE WORKOUTS
& GROUP CLASSES

IMPACT

Build a wellness culture to engage people in healthy communities!

FITNESS COURT PUBLIC ART

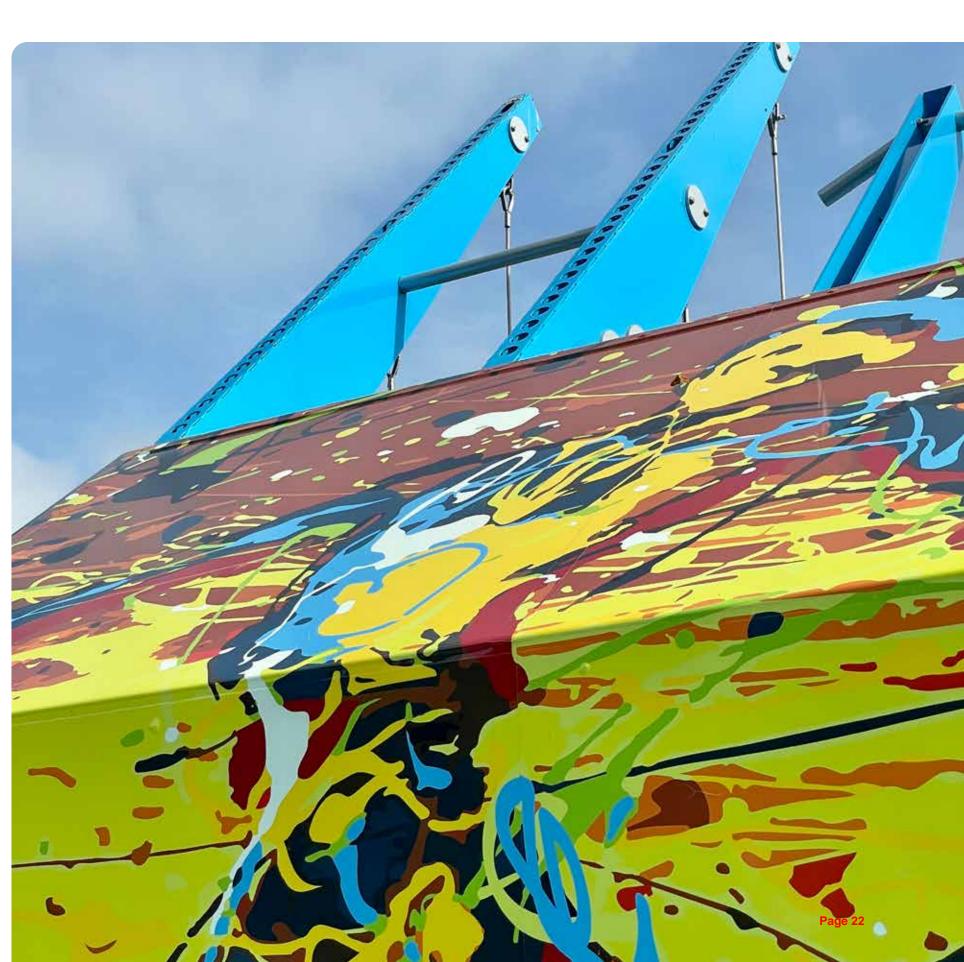
NATIONWIDE GALLERY







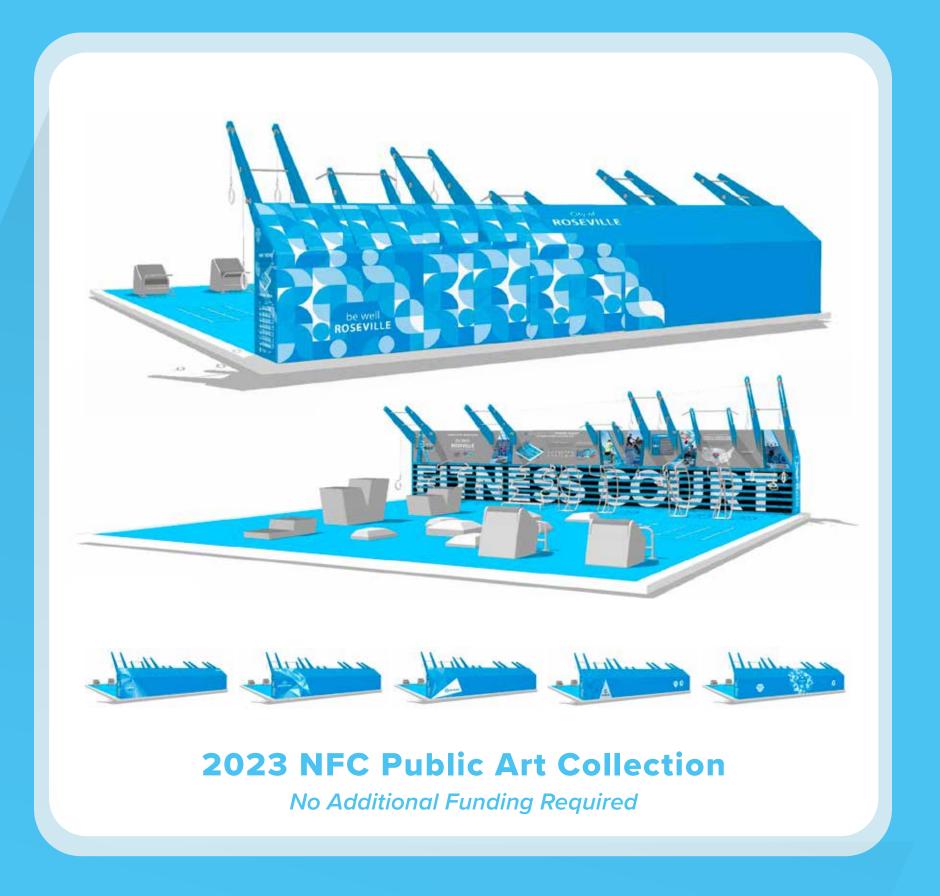




NATIONAL FITNESS CAMPAIGN

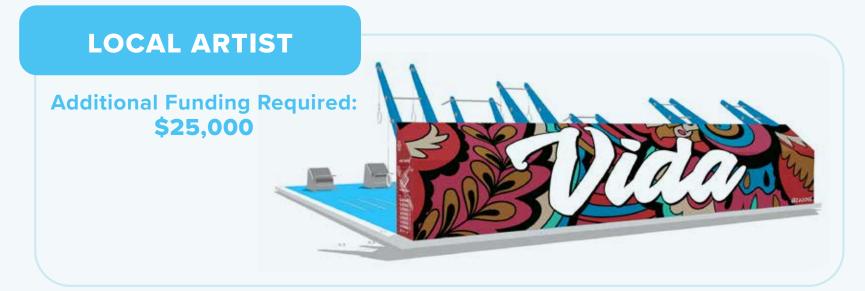
FITNESS COURT® PUBLIC ART

New for 2023: Nationwide Public Art Collection



Each Fitness Court® is a one-of-a-kind work of art.







CAMPAIGN OVERVIEW

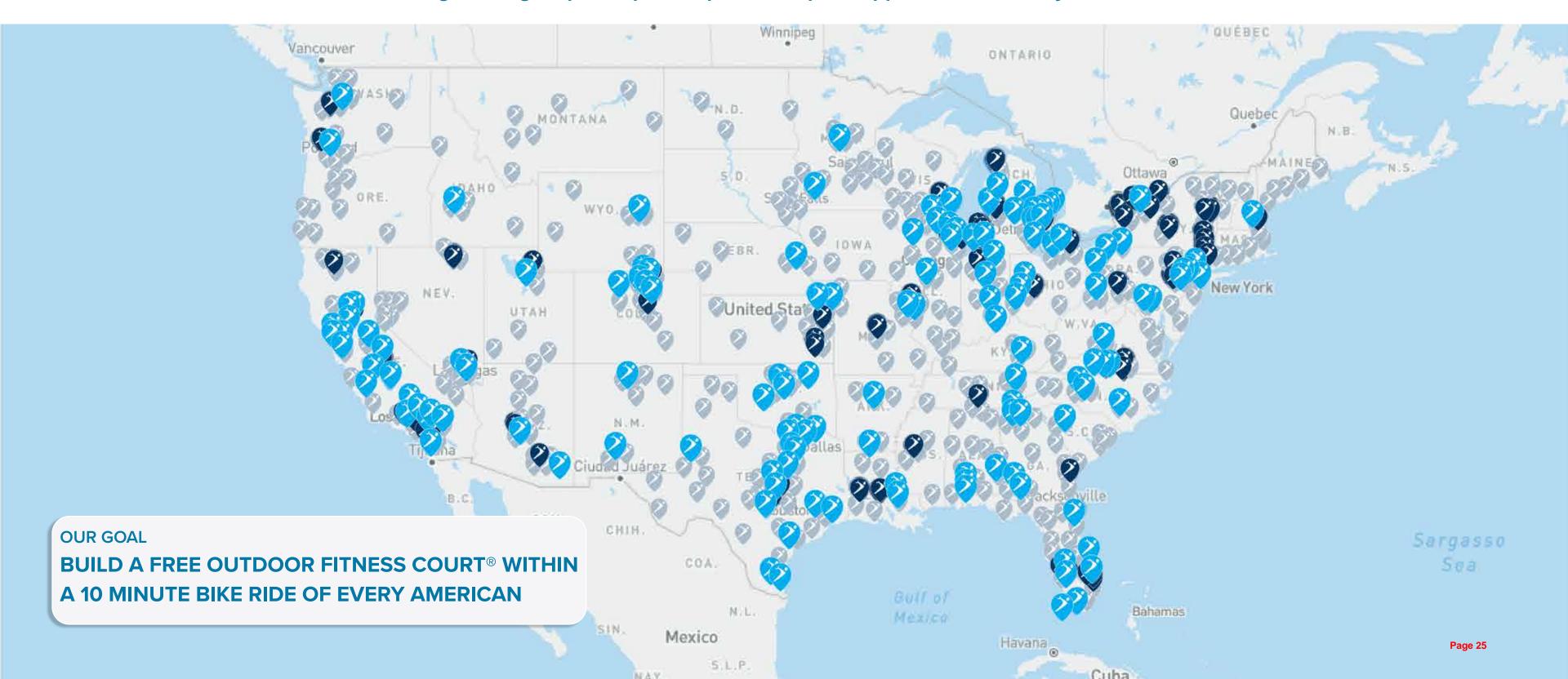




PROGRAM

10,000+ Fitness Courts® coming to America by 2030

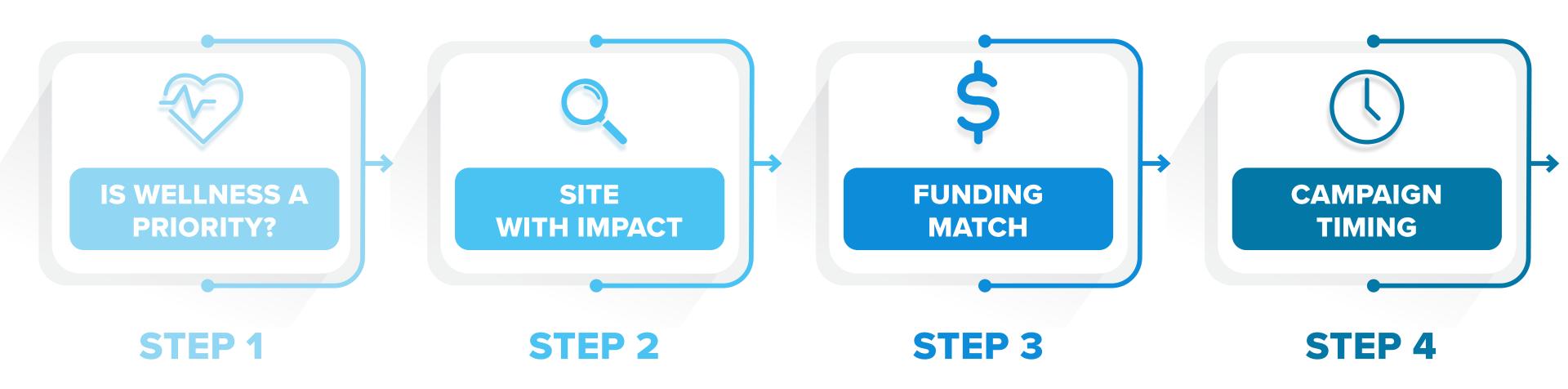
We are building the largest public private partnership in support of community wellness in America!







NFC GRANT PROGRAM



WELLNESS AS A PRIORITY

STEP 1





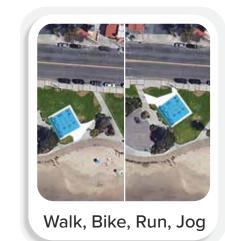
SITES WITH IMPACT

Feasibility Study for Fitness Court® Locations

Design & Planning Consulting



Funding support for a network of Fitness Courts to encourage pedestrian movement across the community







STEP 2

VISIBLE
Site locations m

Site locations must be recognizable with high visibility.



ACTIVE

Site locations must be heavily trafficked and centrally located.



CONNECTED

Site locations must be integrated with pedestrian infrastructure.



2023 CAMPAIGN FUNDING REQUIREMENT

NFC PROGRAM FUNDING

The Fitness Court® and National Campaign Services

\$ 155,000

Public Art Options



NFC Standard Included



NFC Design Studio \$10.000



Local Artist **\$25.000**

OPTIONAL

NFC NATIONAL GRANT FUNDING AWARD

\$30,000

NFC PROGRAM TOTAL WITH \$30,000 GRANT AWARD

\$ 125,000

CONCRETE SLAB

Can be performed in-house or in-kind

est.\$ 0-20,000

EIS INSTALLATION



Turn Key Fitness Court Assembly
Art & Graphic Installation
Installation Partner (separate contract)

\$ 25,000

With Prevailing Wage Rates: \$27,000

TOTAL FUNDING REQUIREMENT



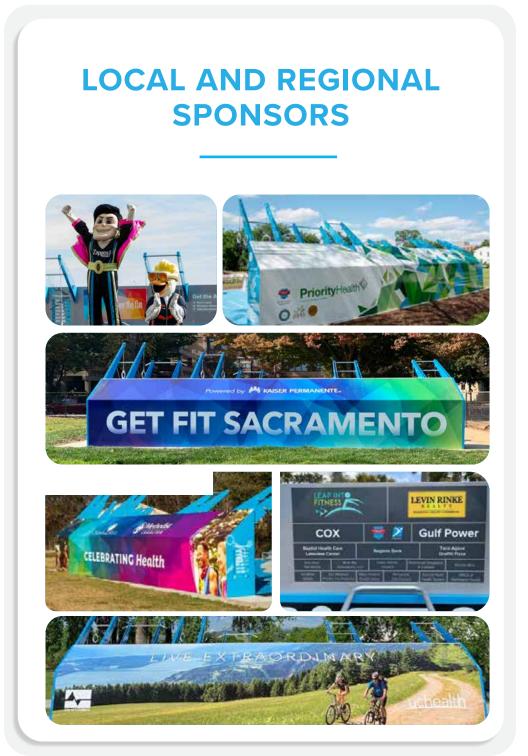
\$150,000 -\$170,000

Includes standard art collection

ALTERNATE FUNDING PATHWAYS

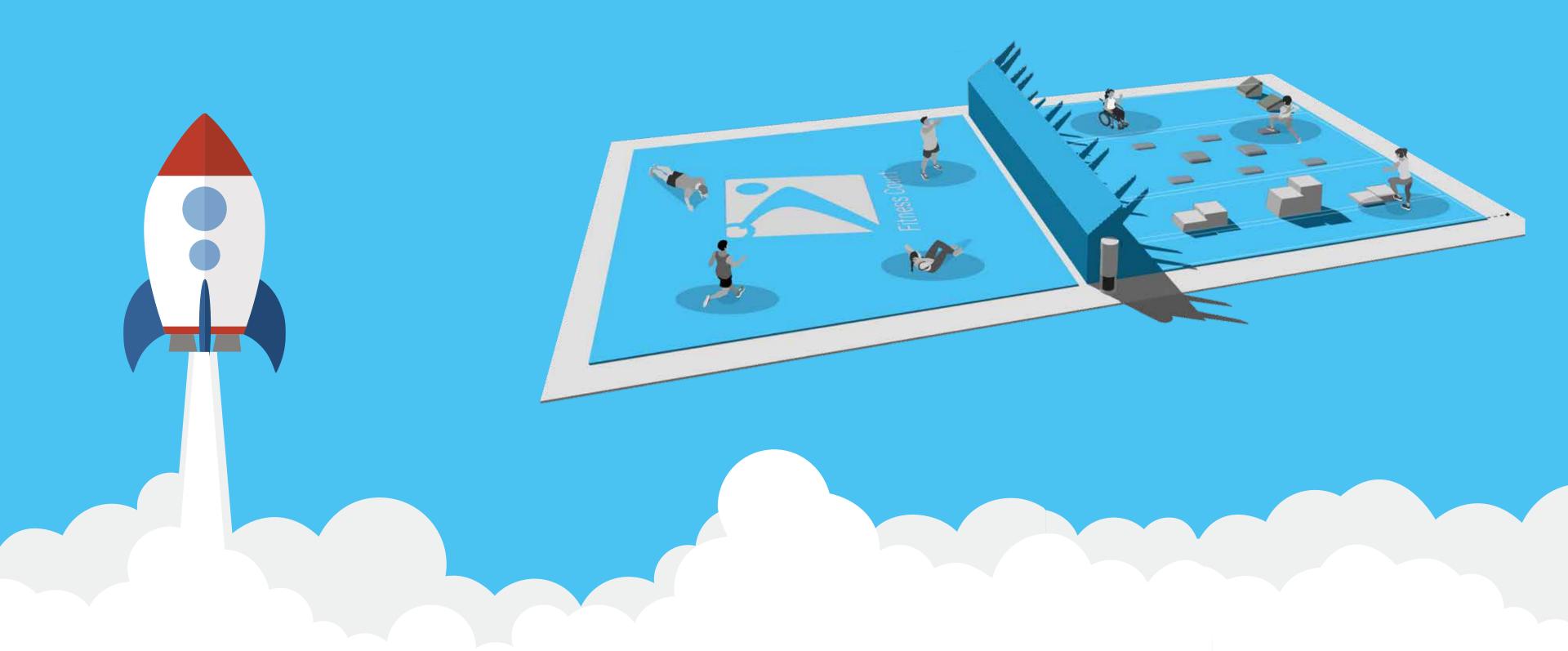


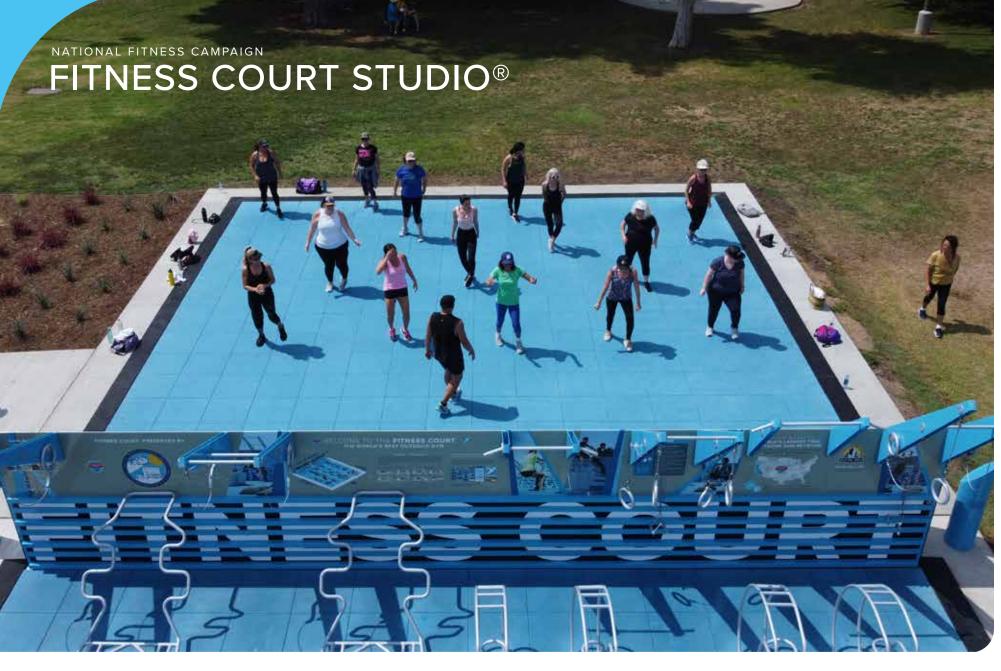


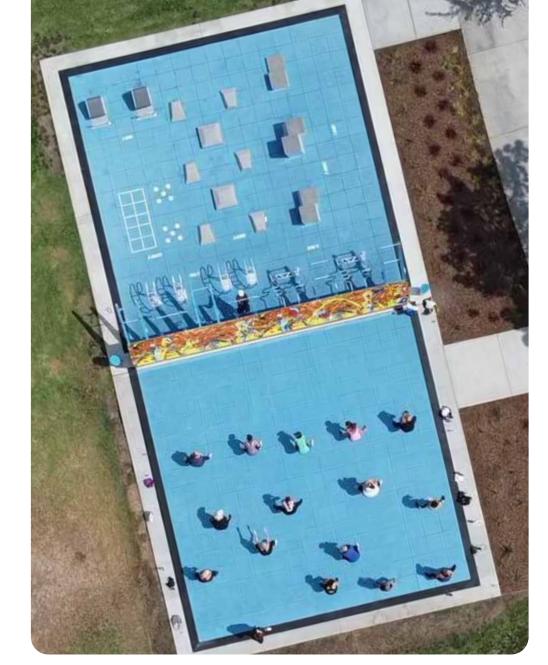


FITNESS COURT STUDIO®

LAUNCHING NATIONWIDE IN 2023







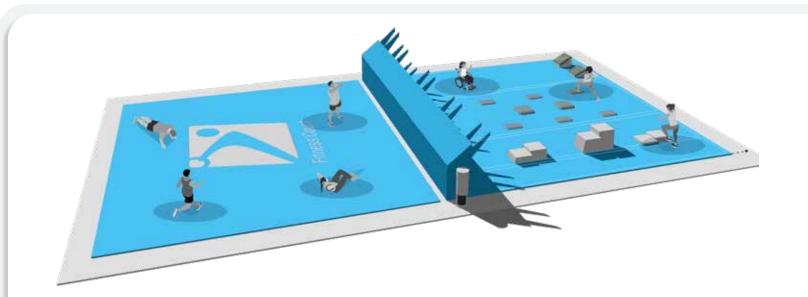
FITNESS ART DANCE YOGA **ZUMBA PILATES STRETCH**





NATIONAL FITNESS CAMPAIGN

FITNESS COURT STUDIO®



- World's first integrated outdoor gym experience with two programmable class rooms
- Over 2,000 square feet of wellness infrastructure
- Includes edge to edge art mural as studio classroom backdrop
- Compatible with existing Fitness Courts® and your Fitness Court® network

ADDITIONAL FUNDING REQUIRED

\$35,000

**Limited Fitness Court Studio® programs available in each state in 2023

CONCRETE SLAB ADDITION

Can be performed in-house or in-kind

est. \$0-15,000



2023 GRANT APPLICATION PERIOD NOW OPEN



Campaign seeking qualified applicants able to meet the 2023 time frame for adoption and local funding match.

PARTNERSHIP QUALIFICATION PROCESS

PRE APPLICATION PHASE

Feasibility Review

Evaluation Call

Non-Binding Grant Application

AWARD PHASE

Award of Grant Eligibility (First Come, First Served for Qualfied Applicants)

Local Adoption by Governing Body

Develop and Confirm Funding Match

LAUNCH PHASE

Shipment for Storage

Install Concrete Slab and Art Approval

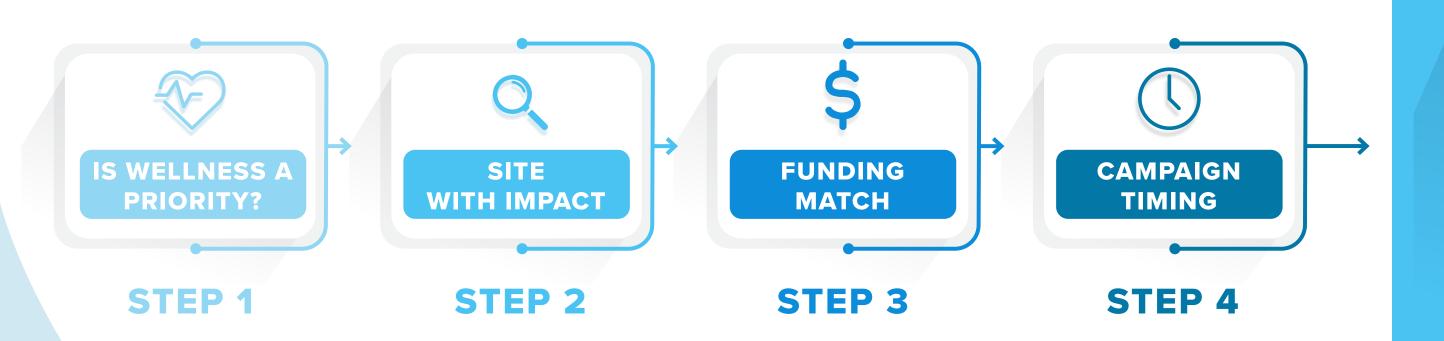
Fitness Court Assembly

Press Launch Ceremony



DISCUSSION - Q&A







NEXT STEP

983 W. Sunset (Parcel No. 815-23987-000)

The City of Springdale has, since 2020, received several complaints and addressed numerous ordinance violations on the property located at 983 W. Sunset (the old Long John Silver's location). More specifically, the City has undertaken the abatement of ordinance violations on this property several times over the last couple of years, and also razed/removed the dilapidated building on the property. These abatements ranged from mowing, removing junk and trash, and other items that were dumped on the property, each of which were performed after notice was given/notice posted on the property, as required by law.

Ordinance Abatements

Before undertaking any abatements on this property, Neighborhood Services first provided notice of the violation to the property owner of record (County Assessor records, County Tax Collector records), advising the property owner of the violation(s) existing on the property, enclosing photographs of the violations, and providing the property owner at least seven (7) days to abate the violations on the property. If the property owner did not abate the violation, the City did so. Once the property was abated by the City, notice was again provided to the property owner (along with the abatement invoice), advising the property owner of the abatement and requesting payment. As is noted below, of the seven (7) abatements performed by the City since 2020, four (4) of the abatement invoices were paid by the property owner to the City Clerk, most recently on 10/19/22. Of the three (3) unpaid invoices, one resulted in a lien ordinance being passed by the Council (on 7/26/22 – again, after notice being provided to the property owner), and the other two (2) are included in the Ordinance now before the Council.

Raze and Removal

In addition, the City addressed the dilapidated/abandoned building on the property. More specifically, correspondence was sent to the property owner of record in February 2022 advising of the need to address the issues with the building, and that action would be taken by the Springdale City Council if the building was not addressed. More specifically, the correspondence advised that a raze/removal ordinance would be brought to the 4/04/22 Committee meeting, and then the 4/12/22 City Council meeting if the building was not addressed. The City received signed certified letter receipts, indicating that the correspondence had been received. The City received no response to the correspondence, and as such, an ordinance razing/removing the structure was brought to Committee and then City Council in April 2022. Once the raze/removal Ordinance (Ordinance No. 5699) was passed, a copy of the ordinance was sent to the property owner of record, advising of the passage of the ordinance, and that the City could raze/remove the building if the property owner took no action within the time stated in the ordinance. Again, the City received signed certified letter receipts, indicating that the correspondence had been received by the property owner. The property owner took no action, so in July 2022, the City razed/removed the unsafe structure on the property. Thereafter, notice was again provided to the property owner (along with the raze/removal invoice), advising the property owner of the abatement and requesting payment. As before, the City received signed certified letter receipts, indicating that the correspondence had been received by the property owner. No payment was made, so the City sent notice that the City would be seeking a lien for the costs incurred in the razing/removal of the unsafe structure on the property. Again, notice was provided to the property owner, and signed certified letter receipts were received by the City. No payment was made, which is the other Ordinance now before the Council.

Summary

To assist the Council, below is listed the date of each ordinance abatement undertaken at 983 W. Sunset (Parcel No. 815-23987-000) by the City, the amount of the costs incurred by the City associated with each of the abatements, and the current status of each:

4/30/20 - \$433.16, payment received by City Clerk on 6/01/20

5/01/20 - \$669.72, payment received by City Clerk on 6/01/20

4/30/21 - \$453.55, payment received by City Clerk on 6/22/21

5/17/22 – \$376.16, was not paid, so lien ordinance was passed on 7/26/22 (Ordinance 5744)

7/01/22 – \$400.16 not paid, lien ordinance currently before the City Council

8/19/22 – \$210.91 not paid, lien ordinance currently before the City Council

9/16/22 – \$359.69, payment received by City Clerk on 10/19/22

There seems to be no rhyme or reason as to which of these invoices are paid, and which ones are not. However, Neighborhood Services and the City Attorney's Office have been consistent in the notifications for each of these, using the address(es) on file with the County Assessor's Office and the County Collector's Office, and received signed certified letter receipts for each notification/correspondence.

ORDINANCE NO
AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A LIEN FOR THE RAZING AND REMOVAL OF A STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 983 W. SUNSET AVE., SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

WHEREAS, LJ'S Restaurant, Inc. is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section 2, Township 17 North, Range 30 West, beginning at a point 190 feet West and 23.9 feet South of the Northeast corner of said Forty Acre Tract, thence West 162.4 feet, thence South 0 degrees, 21' 01" West, 188.1 feet, thence East 162.4 feet, thence North 0 degrees 21'01" East, 188.1 feet to a point of beginning, containing 0.70 acres more or less, and being part of Lot 11 of the C.F. Noel Addition to the City of Springdale, Washington County, Arkansas. Subject to easements and restrictions of record, if any.

LAYMAN'S DESCRIPTION: 983 West Sunset **PARCEL NO.**: 815-23987-000

WHEREAS, on April 12, 2022, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 5699, ordering the owner of 983 W. Sunset Ave. to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and was further ordered to abate the unsightly conditions on the property;

WHEREAS, Ordinance No. 5699 provided that said work was to be commenced within ten (10) days and was to be completed within thirty (30) days from the passage of the ordinance, and that if the work was not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, were directed to cause the aforesaid structure to be razed (demolished) and removed and to abate the unsafe, unsanitary, and unsightly conditions on the property;

WHEREAS, LJ's Restaurant, Inc. after being given proper notice of Ordinance No. 5699, and after being given adequate time to abate the situation on the property, failed to remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and failed to abate the unsightly conditions on the property;

WHEREAS, pursuant to Ordinance No. 5699, the Mayor's authorized representative caused the aforesaid structure to be razed (demolished) and removed, and caused the unsafe, unsanitary, and unsightly conditions on the property to be abated;

WHEREAS, as shown on the attached Exhibits, the City expended the amount of Twenty Thousand Four Hundred Thirty One Dollars (\$20,431.00) to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property, and to abate the unsightly conditions located thereon;

WHEREAS, Ordinance No. 5699 provides that the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and for the cost of abating said aforementioned conditions, said costs to be determined at a hearing before the City Council; and

WHEREAS, the property owner has been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903;

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-56-203 and Ark. Code Ann. §14-54-904, the City Council certifies \$20,431.00, plus 10.00% for collection, to the Washington County Tax Collector to be placed on the tax books as delinquent taxes on the above-described property and collected accordingly.

<u>Emergency Clause</u>. 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 10th day of January, 2023.

	Mayor	
ATTEST:		
CITY CLERK		
APPROVED AS TO FORM:		
CITY ATTORNEY		

Red Line Contractors LLC P.O. Box 600 Springdale, AR 72765 479-419-4100 www.redline.me

Invoice

Date

Invoice #

7/20/2022

42091

BIII To

City of Springdale, AR 201 Spring St. Springdale, AR 72764

P.O. No.

Terms

Job

Due on receipt

Demolition 938 W Sunset Ave

19,931.00

19,931.00

Termination # Date Account # /01-0403-423. 70-35 Froject #_ Invoice # 4209/ Amount \$15, 971. " Description Dulling raze & removal (93% W. July Approved By Mill a Cu

Total

\$19,931.00

Payments/Credits

\$0.00

Balance Due

\$19,931.00

Red Line Contractors LLC P.O. Box 600 Springdale, AR 72765 479-419-4100 www.redline.me

Invoice

Date	Invoice #
6/14/2022	3167

Bill To	
City of Springdale, AR	katanta paparaminin kalaberta masa ini Chamana kasa kina njuruska paratiri pinantapongongong
201 Spring St.	
Springdale, AR 72764	
	2

	P.O. No.	Terms	Job
		Due on receipt	And the second
Description	Qty	Rate	Amount
Transaction #2 Date Account # 101-0463-423, 70-35 Project # Invoice # 31 (7 Amount # 566 = Description B-:15: As bises survey * 73 6 W. S. or * Approved By 2 Middle 9/11/12.		500.00	500.0
		Total	\$500.00
		Payments/Credits	\$0.00
	The state of the s	Balance Due	\$500.00

Ernest B. Cate City Attorney ecate@springdalear.gov

Taylor Samples Senior Deputy City Attorney tsamples@springdalear.gov

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

Garrett Harlan Deputy City Attorney gharlan@springdalear.gov



OFFICE OF CITY ATTORNEY

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

September 14, 2022

Giselle Gonzalez

Case Coordinator/Victim Advocate ggonzalez@springdalear.gov

Steve Helms Investigator shelms@springdalear.gov

Dixie PuttAdministrative Legal Assistant/Paralegal dputt@springdalear.gov

Sasha Bennett File/Discovery Clerk sabennett@springdalear.gov

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
REGULAR MAIL

LJS Restaurants Inc. P.O. Box 10656 Fort Smith, AR 72917

CERTIFIED MAIL RETURN RECEIPT REQUESTED

LJS Restaurants, Inc. c/o CT Corporation System, Registered Agent 124 W. Capitol Ave., Suite 1900 Little Rock, AR 72201

RE:

Property located at 983 W. Sunset, Springdale, Arkansas Parcel #815-23987-000

Dear Property Owner/Lienholder:

On April 12, 2022, the Springdale City Council passed Ordinance No. 5699. This Ordinance ordered that the unsafe structure located at 983 W. Sunset, Springdale, Arkansas be razed (demolished) and removed and that the unsightly conditions on the property be abated. The Ordinance provided that this be done within thirty (30) days.

The structure on the property was not razed (demolished) and removed within thirty (30) days as required by Ordinance No. 5699. As a result, the City of Springdale caused the structure located at 983 W. Sunset, Springdale, Arkansas to be razed (demolished) and removed, and caused the unsafe, unsanitary and unsightly conditions on the property to be abated. Enclosed is the billing statement showing the City's cost of \$20,431.00 to clean up the property and remove the structure.

This is to notify you that in the event this amount is not paid on or before October 20, 2022, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. § 14-54-904 to determine the amount of the lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 25, 2022 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. I have enclosed a copy of the proposed ordinance that will be presented at that meeting.

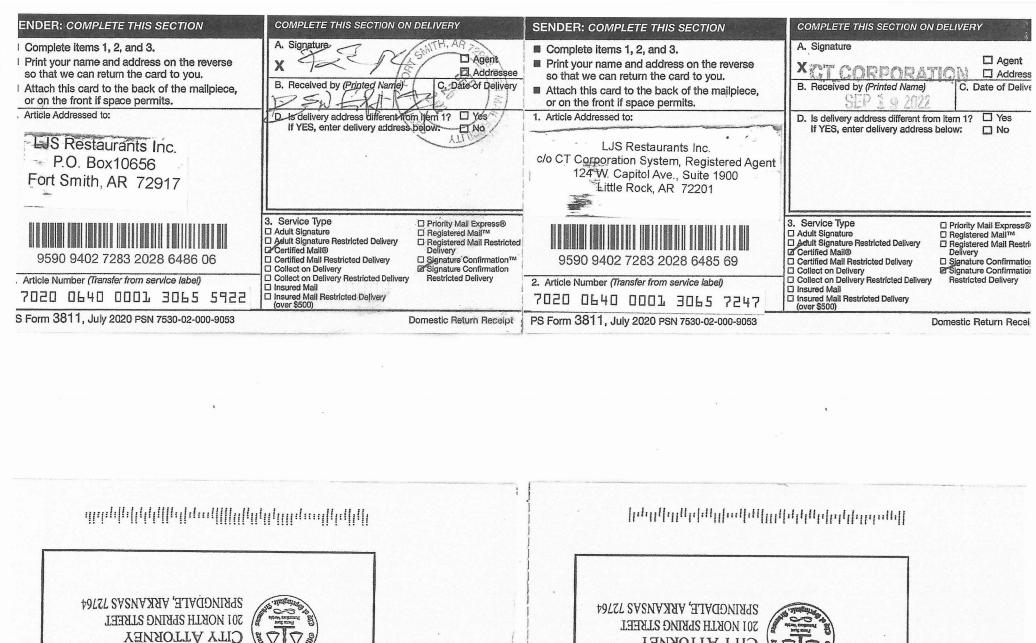
I am also forwarding a copy of this letter to you via first class mail as well as to the email address below. If you should have any questions, please let me know,

Sincerely,

Ernest B. Cate City Attorney

EBC:dp Enclosures

cc: fpurritano@stnladvisors.com



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

Postal Service United States

2046 0656

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







USPS TRACKING #

CITY ATTORNEY

OFFICE OF THE.

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

Postal Service United States

7283 2028 6486 06 2046 0656

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



USPS TRACKING#

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	
WWW.DDAG d. C.H.	

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

PROPERTY OWNER: LJs Restaurant

LEGAL DESCRIPTION: Part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), Section 2, Township 17 North, Range 30 West, beginning at a point 190 feet West and 23.9 feet South of the Northeast corner of said Forty Acre Tract, thence West 162.4 feet, then South 0 degrees, 21' 01" West, 188.1 feet, thence East 162.4 feet, thence North 0 degrees 21' 01" East, 188.1 feet to a point of beginning, containing 0.70 acres more or less, and being part of Lot 11 of the C.F. Noel Addition to the City of Springdale, Washington County, Arkansas. Subject to easements and restrictions of record, if any.

LAYMAN'S DESCRIPTION: 983 W. Sunset **PARCEL NO.:** 815-23987-000

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:

\$611.07 clean-up costs and \$22.53 administrative costs – 983 W. Sunset (Parcel No. 815-23987-000)

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:

\$633.60, plus 10% for collection – 983 W. Sunset (Parcel No. 815-23987-000)

<u>Emergency Clause</u>. 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 10th day of January, 2023.

	Doug Sprouse, Mayor	
ATTEST:		
Denise Pearce, CITY CLERK		
APPROVED AS TO FORM:		
Ernest B. Cate, CITY ATTORNEY		



CITY ABATEMENT-2022 - Friday, July 01, 2022 8:35:11 AM (**Ricardo**)

User Name Ricardo

User# 4792634217

Form Started 7/1/2022 8:35:11 AM Form Submitted 7/1/2022 8:51:25 AM

Property Address 983 w sunset
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Friday, July 01, 2022 8:35:00 AM

Type of Abatement

Date of Abatement

Officer on Site-

Labor Rate Recovery

Employee

HH Benefit Rate

Method of Compliance

Henry Hernandez

\$54.84

R. Calderon

1 Method of Compliance Mowing

Equipment Used Equipment

755 Grasshopper,743 Kubota,779 Grasshopper,778 Grasshopper,6021 Service Truck-Landscaping

\$55.00 755 Grasshopper 743 Kubota \$65.00 \$35.00 779 Grasshopper 778 Grasshopper \$35.00 6024 4x4 Service Truck \$35.00 Time of Abatement in 1

Hours

Number of Temporary

Laborers

Temporary Labor Rate

Recovery

72.00

3

Employee labor recovery 54.84 per hour **Total Employee Cost** 54.84 **Equipment Cost per hour** 155.00 **Total Equpment Cost** 155.00 Disposal Cost Recovery \$118.32 Number of Tires Removed 0 (\$2 Each) **Number of Electronics** 0 Removed (\$10 Each) **Containers of Chemicals** 0 (\$1 Each) Freon Removal Recovery (\$20 each) **Total Cost of Abatement** 400.16 Items Removed from None Property **Final Photos Attached Data** Attached Data **Final Photos**

Final Photos

Attached Data





CITY ABATEMENT-2022 - Friday, August 19, 2022 7:20:22 AM (SHANE PEGRAM)

User Name SHANE PEGRAM

User# 4798416178

Form Started 8/19/2022 7:20:22 AM Form Submitted 8/19/2022 7:53:19 AM

Property Address 983 W Sunset Before Picture Attached Data



Type of Abatement Lien

Date of Abatement Friday, August 19, 2022 8:20:00 AM

Officer on Site- S. Pegram

Labor Rate Recovery

Employee Horatio Jose Mejia

JM Benefit Rate \$13.59

Method of Compliance

1 Method of Compliance Mowing 2 Method of Compliance Mowing

Equipment Used

Equipment 779 Grasshopper,780 Trailor,6014 Flat Bed Dump Truck

779 Grasshopper \$35.00 780 Trailor \$55.00 6014 Flat Bed Dump Truck \$55.00

Time of Abatement in 1

Hours

Number of Temporary 1 Laborers **Temporary Labor Rate** 24.00 Recovery Employee labor recovery 13.59 per hour **Total Employee Cost** 13.59 **Equipment Cost per hour** 55.00 **Total Equpment Cost** 55.00 Disposal Cost Recovery \$118.32 Number of Tires Removed (\$2 Each) **Number of Electronics** 0 Removed (\$10 Each) **Containers of Chemicals** 0 (\$1 Each) Freon Removal Recovery 0 (\$20 each) **Total Cost of Abatement** 210.91 Items Removed from None Property **Final Photos** Attached Data Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples Senior Deputy City Attorney tsamples@springdalear.gov

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

Garrett Harlan Deputy City Attorney gharlan@springdalear.gov



OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764 Phone (479) 750-8173 • Fax (479) 750-4732 www.springdalear.gov Giselle Gonzalez Case Coordinator/Victim Advocate ggonzalez@springdalear.gov

Steve Helms Investigator shelms@springdalear.gov

Dixie Putt
Administrative Legal Assistant/Paralegal dputt@springdalear.gov

Sasha Bennett
File/Discovery Clerk
sabennett@springdalear.gov

October 19, 2022

CERTIFIED MAIL RETURN RECEIPT REQUESTED AND REGULAR MAIL

LJs Restaurant Inc. 4911 Towson Avenue Fort Smith, AR 72901

RE: Notice of clean-up lien on property located at 983 W. Sunset, Springdale, Washington County, Arkansas, Tax Parcel No. 815-23987-000

Dear Property Owner/Lienholder:

Beginning 4/27/2022, notices were posted on property located at 983 West Sunset, 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 4/27/2022, 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 1, August 19, 2022 and September 16, 2022. As of this date, the total costs incurred by the City of Springdale to clean this property are \$963.23. 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 \$7.53 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 December 7, 2022 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, December 13, 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 \$970.76, which includes \$963.23 for cleaning up the property and \$7.53 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 Dixie Putt, Springdale City Attorney's Office, 206 Blair 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 LJs Restaurant Inc. 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,

Ernest Cate City Attorney

Enclosures EC:dp



CITY ABATEMENT-2022 - Friday, September 16, 2022 8:28:56 AM (Ricardo)

User Name Ricardo

User# 4792634217

Form Started 9/16/2022 8:28:56 AM Form Submitted 9/16/2022 9:02:05 AM

Property Address 983 w sunset
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Date of Abatement

Officer on Site-

Lien

Friday, September 16, 2022 8:28:00 AM

R. Calderon

Labor Rate Recovery

Employee

HH Benefit Rate

Henry Hernandez

\$54.84

Method of Compliance

1 Method of Compliance

Mowing

Equipment Used

Equipment

748 Grasshopper,743 Kubota,6021 Service Truck-Landscaping

 748 Grasshopper
 \$55.00

 743 Kubota
 \$65.00

 6024 4x4 Service Truck
 \$35.00

Time of Abatement in

Hours

Number of Temporary 1

Laborers

Temporary Labor Rate 24

Recovery

24.00

1

Employee labor recovery

per hour

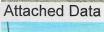
Total Employee Cost Equipment Cost per hour 54.84

54.84 155.00

Total Equpment Cost 155.00 Disposal Cost Recovery \$118.32 Number of Tires Removed (\$2 Each) Number of Electronics Removed (\$10 Each) 0 Containers of Chemicals (\$1 Each) 0 Freon Removal Recovery 0 (\$20 each) **Total Cost of Abatement** 352.16 Items Removed from None Property **Final Photos Attached Data**



Final Photos







CITY OF SPRINGDALE

201 SPRING STREET SPRINGDALE, AR 72764 479-750-8118

*** CUSTOMER RECEIPT ***

Batch ID: CITYCLERKS

10/19/22 01

Receipt no:

Type SvcCd Description
5 PROPERTY CLEANUP REI

Amount

9009

\$359.69

LJ'S RESTAURANT

OTHER SERVICES / PR 10101113471000

983 W SUNSET AVE

CK Ref#:

2777

\$359.69

Total payment:

\$359.69

Trans date: 10/19/22 Time: 11:26:11

THANK YOU FOR YOUR PAYMENT

Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: LJs Restaurant Inc. 4911 Towson Avenue Fort Smith 3. Service Type Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail® Certified Mail® Collect on Delivery Collect on	The survey of the same of the	
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: LJs Restaurant Inc. 4911 Towson Avenue Fort Smith 3. Service Type Adult Signature Adult Signature Adult Signature Adult Signature Adult Signature Adult Signature Certified Mail Restricted Delivery Certified Mail Restricted Delivery Collect on Delivery Co	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Adult Signature Adult Signature Registered Mail™ Registered Mail Restricted Delivery Polivery Registered Mail Restricted Mail® Registered Mail Restricted Mail® Registered Mail Restricted Delivery Registered Mail Restricted Mail® Registered Mail Restricted Delivery Registered Mail Restricted Delivery Collect on Delivery Signature Confirmation Signature Confirmation Registered Mail Registered Mail	 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. Article Addressed to: LJs Restaurant Inc. 4911 Towson Avenue 	B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? Yes
PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipting	2. Article Number (Transfer from service label)	□ Adult Signature □ Adult Signature Restricted Delivery □ Certified Mail® □ Certified Mail Restricted Delivery □ Collect on Delivery □ Collect on Delivery Restricted Delivery □ Insured Mail Restricted Delivery
	PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt