



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 · (Fax) 479-936-5401
www.rogersar.gov

ROGERS-LOWELL AREA CHAMBER OF COMMERCE
RECEPTION IN CITY HALL LOBBY
5:00 P.M. TO 6:00 P.M.

6:00 P.M. STATE OF THE CITY ADDRESS - Mayor Greg Hines
(in the Council Chambers)

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: February 21, 2019

The following committee meetings will be held on **Tuesday, February 26, 2019** prior to the City Council Meeting:

5:00 p.m. - PUBLIC WORKS COMMITTEE: (Townzen, Brashear and Kendall) **Committee Room #1**

- To Discuss:
- (a) Monthly Report from Rogers Water Utilities
 - (b) Authorizing an Amendment to the City of Rogers Franchise Agreement with Inland Waste Solutions; To Approve a Fee Increase for Solid Waste Disposal that is Proportional to Cost Increases

5:30 p.m. – COMMUNITY SERVICE COMMITTEE: (Brashear, Hayes and Kruger) **Committee Room #1**

- To Discuss:
- (a) A Resolution Authorizing a Contract with Multi-Craft Contractors, Inc. of Springdale, AR; Waiving Competitive Bidding for Emergency Repair Work at the Rogers Aquatic Center

5:45 p.m. - TRANSPORTATION COMMITTEE: (Kruger, Townzen and Carmichael)
Community Room #1

To Discuss: (a) A Resolution Amending the 2019 Budget to Recognize an Insurance Reimbursement in the Amount of \$11,950 into Acct. #200-16-49710 and Appropriating to Acct. #200-16-70931

5:45 p.m. - FINANCE COMMITTEE: (Reithemeyer, Wolf and Kendall) **Committee Room #2**

To Discuss: (a) A Resolution Amending the 2019 Budget to Appropriate From General Fund Reserves the Amount of \$12,318 to Acct. #100-09-80100 for the Purchase of a Tegile Storage Unit for Use by the City of Rogers Information Technology Dept.

(b) A Resolution Amending the 2019 Budget to Recognized An Insurance Reimbursement in the Amount of \$79,472.84 into 100-01-49195; Appropriating \$79,472.84 to Acct. #100-08-70430



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6:00 P.M. STATE OF THE CITY ADDRESS - Mayor Greg Hines
(in the Council Chambers)

ROGERS CITY COUNCIL

AGENDA

FEBRUARY 26, 2019

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: February 12, 2019

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Amending the 2019 Budget to Appropriate From General Fund Reserves the Amount of \$12,318 to Acct. #100-09-80100 for the Purchase of a Tegile Storage Unit for Use by the City of Rogers Information Technology Dept. - Finance Committee
2. RES. Re: Amending the 2019 Budget to Recognized an Insurance Reimbursement in the Amount of \$79,472.84 into 100-01-49195; Appropriating \$79,472.84 to Acct. #100-08-70430 - Finance Committee

ROGERS CITY COUNCIL AGENDA

FEBRUARY 26, 2019

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3. ORD. Re: Authorizing a Contract with Multi-Craft Contractors, Inc. of Springdale, AR; Waiving Competitive Bidding for Emergency Repair Work at the Rogers Aquatic Center - Community Services Committee
4. RES. Re: Amending the 2019 Budget to Recognize an Insurance Reimbursement in the Amount of \$11,950 into Acct. #200-16-49710 and Appropriating to Acct. #200-16-70931 - Transportation Committee
5. ORD. Re: Authorizing an Amendment to the City of Rogers Franchise Agreement with Inland Waste Solutions; To Approve a Fee Increase for Solid Waste Disposal that is Proportional to Cost Increases - Public Works Committee
6. ORD. Re: Amending Section 44.9(4)(e)(1) of the City of Rogers Code of Ordinances, Concerning the Interstate Sign District - Community Environment & Welfare Committee

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Rezone from R-O and CU to C-3, 3202 W. New Hope Road (Carroll Electric Cooperative Corporation) - Ed McClure
2. ORD. Re: Accepting the Final Plat of Haxton Estates - Diego Garcia
3. RES. Re: Supporting Benton County's Proposed Sales Tax for a Courts Facility - Barney Hayes

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-19_____

A RESOLUTION AMENDING THE 2019 BUDGET TO APPROPRIATE FROM GENERAL FUND RESERVES THE AMOUNT OF TWELVE THOUSAND THREE HUNDRED EIGHTEEN DOLLARS (\$12,318.00) TO ACCOUNT NUMBER 100-09-80100 CAPITAL EXPENDITURES FOR THE PURCHASE OF A TEGILE STORAGE UNIT FOR USE BY THE CITY OF ROGERS INFORMATION TECHNOLOGY DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Information Technology Department emergently purchased a Tegile Storage Unit backup storage device for use at the City of Rogers Police Department;

WHEREAS, one backup storage device was purchased using budgeted funds for the price of sixty-five thousand five hundred fourteen dollars and forty cents (\$65,514.40) during a year end promotion saving forty thousand four hundred eighty-five dollars and sixty cents (\$40,485.60) off of the purchase price;

WHEREAS, Rogers Police Department's storage unit failed and the Information Technology Department had to purchase a Tegile Storage Unit from USACI, Corp. for the price of fifty-two thousand eight hundred two dollars and seventy-six cents (\$52,802.76), paid for out of the remainder of the budgeted funds;

WHEREAS, the City needs to appropriate an additional twelve thousand three hundred seventeen dollars and fifteen cents (\$12,317.15) in order to pay the difference for the cost of the Tegile Storage Unit purchased from USACI Corp.; and

WHEREAS, USACI, Corp., holds a state contract and has offered the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

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

Section 1: Twelve thousand three hundred eighteen dollars (\$12,318.00) from General Fund Reserves to Account Number 100-09-80100 Capital Expenditures to complete payment for the Tegile Storage Unit from USACI, Corp.;

Section 2: The purchase of the second backup storage unit was needed emergently in order for the Rogers Police Department's Dispatch Department to continue to operate in order to preserve the safety, health, and well-being of the citizens of Rogers;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Ryan Breese, Director of Information Technology Department
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

RESOLUTION NO. R-19_____

A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE AN INSURANCE REIMBURSEMENT IN THE AMOUNT OF SEVENTY-NINE THOUSAND FOUR HUNDRED SEVENTY-TWO DOLLARS AND EIGHTY-FOUR CENTS (\$79,472.84) INTO ACCOUNT #100-01-49195 INSURANCE REIMBURSEMENT; APPROPRIATING SEVENTY-NINE THOUSAND FOUR HUNDRED SEVENTY-TWO DOLLARS AND EIGHTY-FOUR CENTS (\$79,472.84) INTO ACCOUNT #100-08-70430 SWIMMING POOL MAINTENANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Aquatic Center has received seventy-nine thousand four hundred eighty-four dollars and eighty-four cents (\$79,472.84) in insurance reimbursement for damage caused by a lightning strike.

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

Section 1: That the sum of seventy-nine thousand four hundred eighty-four dollars and eighty-four cents (\$79,472.84) is hereby received into Account # 100-01-49195 Insurance Reimbursement from an insurance settlement reimbursement;

Section 2: That the sum of seventy-nine thousand four hundred eighty-four dollars and eighty-four cents (\$79,472.84) is appropriated in Account # 100-08-70430 Swimming Pool Maintenance;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk-Treasurer

Requested by: David Hook, Facilities Development Manager
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

ORDINANCE NO. 19-_____

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH MULTI-CRAFT CONTRACTORS, INC., OF SPRINGDALE, ARKANSAS; WAIVING COMPETITIVE BIDDING FOR EMERGENCY REPAIR WORK AT THE ROGERS AQUATICS CENTER; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Aquatic Center recently suffered damage from a lightning strike;

WHEREAS, Multi-Craft Contractors, Inc. of Springdale, Arkansas is available to perform the repair work immediately;

WHEREAS, insurance proceeds are available for the repair; and

WHEREAS, due to the nature of the repairs needed, it is impossible to complete bid specifications for this project; therefore, the process of competitive bidding is not feasible for this project and should be waived.

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

Section 1: The Mayor and City Clerk may enter into a contract with Multi-Craft Contractors, Inc., of Springdale, Arkansas, in order to repair the damage caused by the lightning strike at the Rogers Aquatic Center;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for repairs at the Rogers Aquatics Center;

Section 3 - Emergency Clause: The need to make repairs at the Rogers Aquatics Center is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: David Hooks, Facilities Development Manager

Prepared By: Bonnie Bridges, Staff Attorney

For Consideration by the Community Services Committee

RESOLUTION NO. R-19 _____

A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE AN INSURANCE REIMBURSEMENT IN THE AMOUNT OF ELEVEN THOUSAND NINE HUNDRED FIFTY DOLLARS (\$11,950.00) INTO ACCOUNT # 200-16-49710, AND APPROPRIATING THE SUM OF ELEVEN THOUSAND NINE HUNDRED FIFTY DOLLARS (\$11,950.00) FROM INSURANCE REIMBURSEMENT ACCOUNT #200-16-49710 TO TRAFFIC LIGHT INSTALLATION ACCOUNT # 200-16-70931; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Street Department has received eleven thousand nine hundred fifty dollars (\$11,950.00) as insurance reimbursement for damage to property sustained in traffic accident resulting in a light pole needing replaced.

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

Section 1: The 2019 budget is hereby amended to receive the sum of eleven thousand nine hundred fifty dollars (\$11,950.00) into Insurance Reimbursement Account #200-16-49710 from an insurance settlement for property damage;

Section 2: The 2019 budget is hereby amended to appropriate the sum of eleven thousand nine hundred fifty dollars (\$11,950.00) from Insurance Reimbursement Account # 200-16-49710 into Traffic Light Installation Account # 200-16-70931;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Frankie Guyll, Street Superintendent
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by the Transportation Committee

AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE CITY OF ROGERS FRANCHISE AGREEMENT WITH INLAND WASTE SOLUTIONS; TO APPROVE A FEE INCREASE FOR SOLID WASTE DISPOSAL THAT IS PROPORTIONAL TO COST INCREASES; AND FOR OTHER PURPOSES.

WHEREAS, Inland Waste Solutions, L.L.C. has requested an increase in the fees for collection of residential garbage and recycling to account for a significant increase in operating costs;

WHEREAS, Inland Waste Solutions, L.L.C. relies in part on 7.2 percent increase in transportation costs for the period November 2017 to November 2018 as set forth in the U.S. All Urban Consumers Indexes (CPI-U) for Transportation Garbage Collections published by the United States Department of Labor, Bureau of Statistics; and

WHEREAS, the proposed increases in rates are proportional to the increase in costs and consistent with the requirements of law and the provisions of the original franchise agreement designed to protect consumers against undue and excessive rate increases, and are as follows:

SERVICE	CURRENT	PROPOSED	DIFFERENCE
Curbside Garbage (96 Gallon Cart)	\$ 12.16	\$ 13.47	\$ 1.31
Curbside Recycle (64 Gallon Cart)	\$ 2.99	\$ 4.46	\$ 1.47
Total Monthly Service	\$ 15.15	\$ 17.93	\$ 2.78
LOW VOLUME SERVICE	CURRENT	PROPOSED	DIFFERENCE
Curbside Garbage (64 Gallon Cart)	\$ 11.73	\$ 12.99	\$ 1.26
Curbside Recycle (64 Gallon Cart)	\$ 2.99	\$ 4.46	\$ 1.47
Total Monthly Service	\$ 14.72	\$ 17.45	\$ 2.73

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

Section 1: The Mayor and City Clerk may execute an amendment to the City of Rogers’s franchise agreement with Inland Waste Solutions, LLC titled “The Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials” entered into on December 31, 2015, adopted by City of Rogers Ordinance No. 16-01, and codified in Appendix A, Article III, Division 1 of the Code of Ordinances, City of Rogers, Arkansas.

Section 2: The amendment to the City of Rogers’s franchise agreement with Inland Waste Solutions, LLC described in Section 1 is attached as Exhibit “A”.

Section 3 - Emergency Clause: That for the reasons stated in this Ordinance, the need to amend franchise agreement is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect beginning _____, 2019;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Request By: C. Greg Hines, Mayor
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Public Works Committee

EXHIBIT "A"

Amendment to Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials

Pursuant to Section II (k) of the "Agreement for the Collection and Transfer of Residential Solid Waste and Recyclable Materials" ("Original Agreement") this Amendment to the Original Agreement is entered into this _____ day of _____, 2019 amended by and the City of Rogers, Arkansas ("the City") and Inland Waste Solutions, LLC ("the Contractor"). The provisions of this Amendment to the Original Agreement shall become effective on _____, 2019.

Subsections (a) and (b) of Section IV of the Original Agreement are amended to alter the rates service and remove the requirement of 32 gallon capacity containers, and shall read as follows:

Section IV. - Residential services, operations and performance.

(a) Solid waste services for residents.

Base fee service. The contractor shall provide residential solid waste collection and transfer services for all residential customers located within the service areas of this agreement one time per week using container bins on wheels, which will be limited to one container bin weekly of either a 64-gallon or 96-gallon capacity. The base fee charged to customers shall be:

64-gallon recycling container-cart: \$4.46

96-gallon solid waste container: \$13.47

64-gallon solid waste container: \$12.99

(b) Residential collections.

Recycle bin collection. One time per week curbside collection of residential recycling shall be provided as a tandem service to the one time per week solid waste collection service outlined above for those customers. The customer will be instructed to set out recycle bins under the same placement rules as for the set out of solid waste. The contractor shall be responsible to provide an inventory of recycling bins sufficient to provide for all customers who are in the city.

Recyclable materials. Customers will be permitted to recycle newspapers, magazines, plastic bottle containers, aluminum and tin cans and cardboard. Educational brochures will instruct customers how to prepare items.

Yard waste services. Residents are encouraged to manage yard wastes on-site using techniques such as backyard composting and mulching mowers to the greatest extent possible. However, residential yard waste collection will be provided by contractor at an extra cost to residents through purchase of special green bags at a cost of \$2.22 per green bag, which shall be picked up on the same day as solid waste. Any increase in the price charged for these special bags must be approved by the city council.

Bulky waste pickup. The contractor shall provide bulky waste pickup service for all customers at least one day a month. Items to be included in the bulky waste pickup shall be negotiated between the contractor and the city and publicized to all residents of the city.

Leaf pickup. The contractor shall provide pickup of leaves at least once on each route during the fall months, and shall advertise the date of such pickup in advance.

Extra trash following Christmas. Contractor shall make provisions to pick up extra trash on the pickup date following the Christmas holiday.

In no other way whatsoever is the Residential Solid Waste and Recycling Agreement amended or modified, and the parties hereto adopt, repeat, and reaffirm all other provisions of that Original Agreement as previously amended.

IN WITNESS WHEREOF, the parties set their hands and seals this _____ day of _____, 2019.

CITY OF ROGERS

INLAND SERVICE CORP.

By: _____
Greg C. Hines

By: _____

Attest:

Peggy David, City Clerk

AN ORDINANCE AMENDING SECTION 44-9(4)(e)(1) OF THE CITY OF ROGERS CODE OF ORDINANCES, CONCERNING THE INTERSTATE SIGN DISTRICT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the language in the City of Rogers Code of Ordinances regarding the Interstate Sign District requires modification in order to meet the intent of the Regional Center Growth designation and surrounding areas.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Section 44-9(4)(e)(1), of the Code of Ordinances, City of Rogers, Arkansas, is hereby amended and shall read as shown in Exhibit "A", attached hereto and incorporated by reference as if set out word for word herein. Any other subsections of Section 44-9 that are not shown in Exhibit "A" shall remain unchanged and continue to be in force as previously adopted.

Section 2 - Emergency Clause: That the need to amend said code is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4 - Repeal of Conflicting Ordinances and Resolutions: All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C, GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: John McCurdy, Community Development Director
For Consideration by the Community Environment & Welfare Committee

EXHIBIT “A”

44-9 (4)(e)(1)

Interstate sign district. The interstate sign district is established and shall extend along the entirety of I-49 within the city limits of Rogers, excluding the section of I-49 south of Oak Street and north of Blossom Way Trail, the width of which shall be measured 500 feet to the east and west of the centerline of I-49.

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-O and CU TO C-3, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for C-3 than R-O and CU zoning.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-3 and that said lands being in Benton County, Arkansas, are described as:

A PART OF THE NW ¼ OF THE NW ¼ OF SECTION 22, TOWNSHIP 19 NORTH OF RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING FROM A FOUND 5/8" IRON REBAR BEING THE NW CORNER OF SAID SECTION 22, TOWNSHIP 19 NORTH OF RANGE 30 WEST; THENCE S 02°17'31" W 111.81' TO A FOUND 5/8" IRON REBAR BEING THE POINT OF BEGINNING; THENCE S 02°35'18" W 215.17' TO A ½" SET IRON REBAR; THENCE S 87°11'02" E 289.57' TO A ½" SET IRON REBAR; THENCE N 02°32'18" E 272.23' TO A ½" SET IRON REBAR; THENCE S 87°59'54" W 33.85' TO A FOUND IRON REBAR; THENCE S 78°46'55" W 137.36' TO A FOUND IRON REBAR; THENCE S 81°24'49" W 57.30' TO A FOUND IRON REBAR; THENCE S 84°33'29" W 66.64' TO THE POINT OF BEGINNING, CONTAINING 1.61 ACRES MORE OR LESS, BEING SUBJECT TO ANY RIGHT OF WAY OR EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: 3202 W NEW HOPE RD, ROGERS, AR 72758

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 4: **Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____

CITY OF ROGERS, ARKANSAS

AN ORDINANCE ACCEPTING THE FINAL PLAT OF
HAXTON ESTATES
ROGERS, BENTON COUNTY, ARKANSAS,
THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN;
AND DECLARING AN EMERGENCY

WHEREAS, the Final Plat has been submitted for HAXTON ESTATES, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

A PART OF THE NW/4 OF THE SE/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, AS SHOWN ON A PLAT RECORDED IN THE CIRCUIT CLERK'S OFFICE FOR BENTON COUNTY, ARKANSAS AT PLAT RECORD L201806074, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF THE NW/4 OF THE SE/4 OF SAID SECTION 25; THENCE S 02° 21' 24" W 40.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST PLEASANT GROVE ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S 87° 23' 00" E 327.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S 87° 23' 00" E 361.58 FEET TO THE CENTERLINE OF A CREEEK; THENCE ALONG SAID CENTERLINE OF A CREEK FOR THE FOLLOWING FIVE COURSES: THENCE S 35° 02' 17" E 213.52 FEET; THENCE S 07° 35' 55" E 120.95 FEET; THENCE S 00° 50' 25" E 109.39 FEET; THENCE S 23° 19' 38" E 122.88 FEET; THENCE S 08° 17' 08" E 109.16 FEET; THENCE LEAVING SAID CENTERLINE OF CREEK N 87° 36' 27" W 591.86 FEET; THENCE N 02° 22' 27" E 617.28 FEET TO THE POINT OF BEGINNING, CONTAINING 7.15 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public was be accepted and confirmed;

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

SECTION 1: The Final Plat of Haxton Estates, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved and confirmed.

SECTION 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat.

SECTION 3: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

SECTION 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: _____, 2019

CITY OF ROGERS, ARKANSAS

APPROVED:

C. GREG HINES, MAYOR

ATTEST:

PEGGY DAVID, CITY CLERK

RESOLUTION NO. _____

**A RESOLUTION SUPPORTING BENTON COUNTY'S PROPOSED SALES TAX
PROPOSED SALES TAX FOR A COURTS FACILITY**

WHEREAS, the City of Rogers recognizes the need for a safe, secure and modern circuit court facility in Benton County, and

WHEREAS, the City of Rogers supports the efforts of Benton County to fulfill that need with the construction of new courts facility in downtown Bentonville, and

WHEREAS, the City of Rogers recognizes that constructing a new courts facility in downtown Bentonville will allow Benton County to continue to preserve and use existing County buildings as a part of an overall circuit court campus, and

WHEREAS, the proposed courts facility has substantial third-party support including a grant of land from the Walton Family Foundation for the location of the new facility and a \$2 Million grant toward to construction of the facility, and

WHEREAS, accompanying the construction of the facility will be an approximately 400-space parking deck provided by the Downtown Parking District for the public at no expense to taxpayers which will address parking concerns connected with County facilities, and

WHEREAS, the proposed courts facility will provide for the protection of the public, space for the appropriate detention of inmates and secure space for the Circuit Court Judges and their staff, and

WHEREAS, the funding for the proposed facility will be provided from a combination of existing Benton County funds and a sales tax to be approved by the voters of Benton County, and

WHEREAS, the sales tax will be 1/8 of a cent, the lowest increment allowed by law and the equivalent of only 12.5 cents per \$100.00 of spending, and

WHEREAS, the tax will be levied for a strict 54 months and will sunset at that time.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ROGERS, ARKANSAS that City Council supports the construction of the facility and the preservation of the historic buildings as part of the overall plan and encourages citizens to become familiar with the proposal put forth by the Benton County Quorum Court and to support the proposed sales tax at the March 12, 2019 election.

PASSED AND APPROVED, this ____ day of _____, 2019.

Greg Hines, Mayor

ATTEST:

Peggy David, City Clerk