



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

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: April 4, 2019

The following committee meetings will be held on **Tuesday, April 9, 2019** prior to the City Council Meeting:

6:15 p.m. - TRANSPORTATION COMMITTEE: (Kruger, Townzen and Carmichael) **Committee Room #1**

To Discuss: (a) An Ordinance Amending Chapter 50 of the Code of Ordinances, City of Rogers, Arkansas; Providing for the Installation and regulation of Small Cell Wireless Facilities

(b) A Resolution Authorizing a Contract with Nabholz Construction Services for the Pleasant Grove-Phase III Improvement Project; Accepting the Lowest Qualified Bid

(c) A Resolution Authorizing the Execution of Agreements Necessary for the Pleasant Grove Road-Phase III Project

6:15 p.m. - FINANCE COMMITTEE: (Reithemeyer, Wolf and Kendall) **Committee Room #2**

To Discuss: (a) A Resolution Amending the 2019 Budget to Recognize Grant Funds in the Amount of \$30,567; Appropriating That Same Amount into Acct. #100-01-70995



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

ROGERS CITY COUNCIL

AGENDA

ROGERS CITY COUNCIL

AGENDA

APRIL 9, 2019

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: March 26, 2019

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|-------------|--|---|
| 1. RES. Re: | Amending the 2019 Budget to Recognize Grant Funds in the Amount of \$30,567; Appropriating That Same Amount into Acct. #100-01-70995 | - Finance Committee |
| 2. ORD. Re: | Amending City of Rogers Ordinance <u>#19-24</u> for the Purpose of Correcting an Error | - Community Environment & Welfare Committee |
| 3. ORD. Re: | Amending Chapter 50 of the Code of Ordinances, City of Rogers, Arkansas; Providing for the Installation and Regulation of Small Cell Wireless Facilities | - Transportation Committee |
| 4. RES. Re: | Authorizing a Contract with Nabholz Construction Services for the Pleasant Grove-Phase III Improvement Project; Accepting the Lowest Qualified Bid | - Transportation Committee |

ROGERS CITY COUNCIL AGENDA

APRIL 9, 2019

PAGE 2

5. RES. Re: Authorizing the Execution of Agreements Necessary for the Pleasant Grove Road-Phase III Project - Transportation Committee

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Rezone from A-1 to N-R, 2331 W. Seminole Street (B & B Property Investment, LLC) - Cindy Bolejack
2. ORD. Re: Rezone from C-2 to U-NBT, 2.51 Acres at W. Maple Street and N. 23rd Street (Smith & Palmer Development Co.) - Kelsey Kreher
3. ORD. Re: Rezone from R-O to C-2, Part of Lots 15 & 16 in Block 1 of Revised Hillcrest Addition (Jose Alfredo Jimenez Rameriz) - Jose Alfredo Jimenez

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-19-_____

A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE GRANT FUNDS IN THE AMOUNT OF THIRTY THOUSAND FIVE HUNDRED SIXTY-SEVEN DOLLARS (\$30,567.00) INTO ACCOUNT #100-01-45600 GRANTS/DONATIONS; APPROPRIATING THAT SAME AMOUNT TO EXPENSE ACCOUNT #100-01-70995 DONATIONS/GRANT EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to thirty thousand five hundred sixty-seven dollars (\$30,567.00) in grant funds from the Walton Family Foundation to be used for a new mural in downtown Rogers.

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 recognize grant funds in the amount of thirty thousand five hundred sixty-seven dollars (\$30,567.00) to Account #100-01-45600 Grants/Donations;

Section 2: The 2019 Budget is further amended to appropriate said thirty thousand five hundred sixty-seven dollars (\$30,567.00) to Account #100-01-70995 Donations/Grant Expense;

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.

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

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Ben Cline, Public Relations Manager
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Finance Committee

AN ORDINANCE AMENDING CITY OF ROGERS ORDINANCE #19-24 FOR PURPOSE OF CORRECTING AN ERROR; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, on March 26, 2019, City of Rogers City Council passed Ordinance #19-24 in order to rezone certain lands located at Laurel Avenue and 26th Street in Rogers;

WHEREAS, in accordance with zoning requirements found in the City of Rogers Code of Ordinances, Sec. 14-737, a density concept plan was submitted to the City of Rogers with the rezone request;

WHEREAS, due to an unintentional error, the density concept plan was not attached to Ordinance #19-24 on March 26, 2019; and

WHEREAS, this Ordinance will amend Ordinance #19-24 to include the density concept plan.

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

Section 1: That Ordinance #19-24 is amended to include the density concept plan attached as Exhibit A and incorporated herein;

Section 2 - Emergency Clause: The need to amend the Code of Ordinances of the City of Rogers, Arkansas as provided herein above 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; and

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: Legal Department

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration by the Community Environment & Welfare Committee

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH NABHOLZ CONSTRUCTION SERVICES FOR THE PLEASANT GROVE ROAD-PHASE III IMPROVEMENTS PROJECT; ACCEPTING THE LOWEST QUALIFIED BID; AND FOR OTHER PURPOSES.

WHEREAS, bids were lawfully requested and submitted for construction of the Pleasant Grove Road- Phase III Improvements Project; and

WHEREAS, Nabholz Construction Services submitted the lowest qualified bid in the amount of thirteen million eight hundred twenty-nine thousand, nine hundred twenty-eight dollars and eighty-one cents (\$13,829.928.81); and

WHEREAS, as an Improvement Project authorized under the 2018 bond, this contract will be paid for out of bond proceeds.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Nabholz Construction Services for construction work associated with Pleasant Grove Road-Phase III Improvements Project in the amount of thirteen million, eight hundred twenty-nine thousand, nine hundred twenty-eight dollars and eighty-one cents (\$13,829,928.81);

Section 2 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution 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 Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 3 - Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: John McCurdy, Director of Community Development
For Consideration by the Transportation Committee

**A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS NECESSARY
FOR THE PLEASANT GROVE ROAD-PHASE III PROJECT;
AND FOR OTHER PURPOSES.**

WHEREAS, the initial design is complete for the Pleasant Grove Road-Phase III project, and the acquisitions and utility relocations are substantially complete for the Pleasant Grove Road-Phase III project;

WHEREAS, in order to meet applicable deadlines it is necessary for the Mayor and City Clerk to execute contracts for the Pleasant Grove Road-Phase III project without delay;

WHEREAS, expenditures for the Pleasant Grove Road-Phase III project remain subject to all applicable laws concerning purchasing and appropriations.

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

Section 1: The Mayor and City Clerk may execute all agreements necessary for the design, construction, inspection, observation, acquisition, materials, testing, and surveying necessary for or attendant to the Pleasant Grove Road-Phase III project;

Section 2 - 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 3 - Repeal of Conflicting Resolutions: All Resolutions or orders of the City Council, or parts of Resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: John McCurdy, Director of Community Development
For Consideration by the Transportation Committee

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO N-R 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 N-R than A-1 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 N-R and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned N-R:

LEGAL DESCRIPTION: Lot 4, West Olrich Addition to the City of Rogers, Benton County, Arkansas, as shown in Plat Record "G" at Page 03.

LAYMAN'S DESCRIPTION: 2331 W. Seminole Dr.

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

ATTEST:

PEGGY DAVID, CLERK

APPROVED:

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO U-NBT, 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 U-NBT than C-2 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 U-NBT and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned U-NBT:

LAND DESCRIPTION PN# 02-14654-000

Lot 3A of property Line Adjustment and Replat of Lots 3 and 4, Block 2, 24th Place as recorded in Book 2005, Page 637, City of Rogers, Benton County, Arkansas.

LAND DESCRIPTION PN# 02-14647-000 & PN# 02-14648-000

Lot 2 and Lot 3, Block 1 of the Final Plat of 24th Place as recorded in Book P2, Page 391, City of Rogers, Benton County, Arkansas

LAYMAN'S DESCRIPTION: 2.51 acres at W Maple St & N 23rd St.

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 _____, 2019

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-0 TO C-2, 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-2 than R-0 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-2** and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned C-2:

Part of Lots 15 and 16 in Block 1 of Revised Hillcrest Addition to the City of Rogers, Benton County, Arkansas, described as follows: Beginning at the SE corner of said Lot 16, run thence North 02°54' East 76 feet; thence West 125.5 feet to the West line of said Lot 15; thence South 75 feet to the Southwest corner of said Lot 15, thence East 121.6 feet to the place of beginning, as shown on Plat Record "D" at Page 24.

LAYMAN'S DESCRIPTION: Part of Lots 15 and 16 in Block 1 of Revised Hillcrest Addition to the City of Rogers, Benton County, Arkansas

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

ATTEST:

APPROVED:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR