



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

**COMMITTEE SCHEDULE**

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: June 6, 2019

The following committee meetings will be held on **Tuesday, June 11, 2019** prior to the City Council Meeting:

**5:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael, Townzen and Hayes) **Committee Room #1**

- To Discuss:
- (a) An Ordinance to Rezone from RMF-16B to RMF-18B, 8.2 Acres on the west side of S. 28<sup>th</sup> Street and W. Chateau Drive (Mathias Shopping Centers, Inc.) - Represented by Joseph Fifer

---

  - (b) An Ordinance to Rezone from I-2 to I-1, 0.51 ± Acres located on the Southern point of 2018 and 2010 E. Town West Drive (Actionpaq Corporation) – Represented by Blake Murray

---

**6:00 p.m. - PUBLIC SAFETY COMMITTEE:** Wolf, Kruger and Carmichael) **Committee Room #1**

- To Discuss:
- (a) A Resolution Authorizing an Interlocal Agreement with Washington County, AR for the Use of the Northwest Arkansas Crisis Stabilization Unit by the Rogers Police Department

---

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

- To Discuss:
- (a) A Resolution Approving the 2019 Action Plan for the Use of 2019 Community Development Block Grant Funds

---

  - (b) A Resolution Amending the 2019 Budget to Recognize Grant Funds in the Amount of \$3,000 into Acct. #100-06-45600; Recognizing a Transfer from Library Special Fund 332 in the Amount of \$230.00 to Acct. #100-06-49900; Appropriating \$3,000 to Acct. #100-06-60105; Appropriating \$230.00 to Acct. #100-06-61150

---



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

**ROGERS CITY COUNCIL**

**AGENDA**

**ROGERS CITY COUNCIL**

**JUNE 11, 2019**

**6:30 P.M.**

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:** May 28, 2019

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- 1. RES. Re: Approving the 2019 Action Plan for the Use of 2019 Community Development Block Grant Funds - Finance Committee
- 2. RES. Re: Amending the 2019 Budget to Recognize Grant Funds in the Amount of \$3,000 into Acct. #100-06-45600; Recognizing a Transfer from Library Special Fund 332 in the Amount of \$230.00 to Acct. #100-06-49900; Appropriating \$3,000 to Acct. #100-06-60105; Appropriating \$230.00 to Acct. #100-06-61150 - Finance Committee
- 3. RES. Re: Authorizing an Interlocal Agreement with Washington County, AR for the Use of the Northwest Arkansas Crisis Stabilization Unit by the Rogers Police Department - Public Safety Committee

# **ROGERS CITY COUNCIL AGENDA**

**JUNE 11, 2019**

## **PAGE 2**

4. ORD. Re: Rezone from RMF-16B to RMF-18B, 8.2 Acres on the west side of S. 28<sup>th</sup> Street and W. Chateau Drive (Mathias Shopping Centers, Inc.) - Represented by Joseph Fifer - Community Environment & Welfare Committee
5. ORD. Re: Rezone from I-2 to I-1, 0.51 ± Acres located on the Southern point of 2018 and 2010 E. Town West Drive (Actionpaq Corporation) – Represented by Blake Murray - Community Environment & Welfare Committee

### **OLD BUSINESS:**

### **NEW BUSINESS:**

1. RES. Re: Certifying Local Government Endorsement of Business to Participate in the Tax Back Program (As Authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) - Raymond Burns

### **APPOINTMENTS:**

### **ANNOUNCEMENTS:**

**RESOLUTION NO. R-19-\_\_\_\_\_**

**A RESOLUTION APPROVING THE 2019 ACTION PLAN FOR THE USE OF 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AND FOR OTHER PURPOSES.**

**WHEREAS**, in accordance with the guidelines established by the Department of Housing & Urban Development for the use of Community Development Block Grant Funds, a 2019 Action Plan has been developed; and

**WHEREAS**, in accordance with the same, a final Public Hearing on the matter was held on May 22, 2019.

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

Section 1: That the Mayor is hereby designated as the authorized official to execute all official documents pertaining to the Community Development Block Grant Program;

Section 2: That the 2019 Action Plan for use of Community Development Block Grant Funds in the amount of four hundred fifty-nine thousand five hundred seventy-six dollars (\$459,576.00) is approved;

Section 3: That the approved 2019 Action Plan for the use of Community Development Block Grant Funds is authorized for submission to the Department of Housing and Urban Development for its approval;

Section 4 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or provisions of this Resolution shall be adjusted 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 provision or provisions of this Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 5 - 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

---

Peggy David, City Clerk

Requested by: Donna Johnston, CDBG Administrator

Prepared by: John M. Pesek, Staff Attorney

Reviewed by: John M. Pesek, Staff Attorney

For Consideration by: Finance Committee

**RESOLUTION NO. R-19 \_\_\_\_\_**

**A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE GRANT FUNDS IN THE AMOUNT OF THREE THOUSAND DOLLARS (\$3,000.00) INTO ACCOUNT #100-06-45600 GRANTS AND DONATIONS; RECOGNIZING A TRANSFER FROM LIBRARY SPECIAL FUND 332 IN THE AMOUNT OF TWO HUNDRED AND THIRTY DOLLARS (\$230.00) TO ACCOUNT #100-06-49900 INTERFUND TRANSFER IN; APPROPRIATING THREE THOUSAND DOLLARS (\$3,000.00) TO ACCOUNT #100-06-60105 SALARIES AND WAGES; APPROPRIATING TWO HUNDRED THIRTY DOLLARS (\$230.00) FROM ACCOUNT #100-06-49900 INTERFUND TRANSFER IN TO ACCOUNT #100-06-61150 FICA EXPENSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Public Library has received a three thousand dollar (\$3,000.00) Tyson-United Way Grant to fund an eight week paid summer internship position for the Library; and

**WHEREAS**, the City of Rogers is required to pay the sum of two hundred and thirty dollars (\$230.00) for FICA taxes for this position during the period of June 10 through August 03, 2019.

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

Section 1: That the 2019 Budget is amended to increase Account #100-06-45600 Grants and Donations in the amount of three thousand dollars (\$3,000.00);

Section 2: That the 2019 Budget is further amended to appropriate the amount of three thousand dollars (\$3,000.00) to Account #100-06-60105 Salaries and Wages;

Section 3: That the 2019 Budget is further amended to recognize a transfer from Library Special Fund 332 in the amount of two hundred thirty dollars (\$230.00) to Account #100-06-49900 Interfund Transfer In;

Section 4: That the 2019 Budget is further amended to appropriate two hundred thirty dollars (\$230.00) from Account #100-06-49900 Interfund Transfer In to Account #100-06-61150 FICA Expense;

Section 5 - 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 6 - 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

---

C. GREG HINES, Mayor

Attest:

---

PEGGY DAVID, City Clerk

Requested by: Judy Casey, Director, Rogers Public Library

Prepared by: John M. Pesek, Staff Attorney

Reviewed by: John M. Pesek, Staff Attorney

For Consideration by: Finance Committee

**RESOLUTION NO. R-19 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INTERLOCAL AGREEMENT WITH WASHINGTON COUNTY, ARKANSAS, FOR THE USE OF THE NORTHWEST ARKANSAS CRISIS STABILIZATION UNIT BY THE ROGERS POLICE DEPARTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Ark. Code Ann. §25-20-104, local government units may enter into contracts to cooperate or join with each other to provide services;

**WHEREAS**, Washington County, Arkansas, has secured a facility to be used for the Northwest Arkansas Crisis Stabilization Unit to provide mental health and co-occurring substance abuse treatment in an attempt to help people stay out of jail; and

**WHEREAS**, the City of Rogers Police Department would like to have use of this service in order to protect and enhance the health, welfare, and safety of its residents and visitors;

**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 an interlocal agreement with Washington County, Arkansas, for the use of the Northwest Arkansas Crisis Stabilization Unit and its services by the Rogers Police Department;

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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: Chief Hayes Minor, Rogers Police Department  
Prepared by: John M. Pesek, Staff Attorney  
Reviewed by: John M. Pesek, Staff Attorney  
For Consideration by: Public Safety Committee



ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM RMF-16B TO RMF-18B, **ACCEPTING THE DENSITY CONCEPT  
PLAN**, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of 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, on June 11, 2019 the City Council has found that certain lands hereinafter described are better suited for RMF-18B 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 RMF-18B and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

PARCEL #02-00898-003

TRACT 2B-3 OF SURVEY 2003-749, LYING IN THE NE 1/4 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 30 WEST, IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID NE 1/4 OF THE SW 1/4, THENCE SOUTH 86°50'46" EAST A DISTANCE OF 518.92 FEET TO A 1/2" IRON PIN FOR THE POINT OF BEGINNING ; THENCE ALONG THE BOUNDARY LINE OF TRACTS 2B-1 & 2B-2 (SURVEY 2003-749) AS FOLLOWS:

NORTH 23°38'14" EAST A DISTANCE OF 127.16 FEET,  
NORTH 10°15'14" EAST A DISTANCE OF 376.22 FEET,  
NORTH 29°27'26" EAST A DISTANCE OF 245.55 FEET,

168.71 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 425.00 FEET  
AND A LONG CHORD OF N40°49'46"E, 167.61'

NORTH 52°12'07" EAST A DISTANCE OF 240.19 FEET;  
THENCE LEAVING SAID BOUNDARY SOUTH 02°28'15" WEST A DISTANCE OF 173.48 FEET;  
THENCE SOUTH 86°56'01" EAST A DISTANCE OF 280.00 FEET; THENCE SOUTH 02°31'59'  
WEST A DISTANCE OF 469.53 FEET; THENCE NORTH 85°28'16" WEST A DISTANCE OF 25.37  
FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG THE CENTERLINE OF SAID  
CREEK AS FOLLOWS:

NORTH 47°53'12" WEST A DISTANCE OF 55.08 FEET,  
NORTH 77°50'16" WEST A DISTANCE OF 31.65 FEET,  
NORTH 85°07'02" WEST A DISTANCE OF 60.02 FEET,  
NORTH 89°40'29" WEST A DISTANCE OF 50.83 FEET,  
SOUTH 83°53'06" WEST A DISTANCE OF 85.64 FEET,

SOUTH 81°07'46" WEST A DISTANCE OF 49.04 FEET,  
SOUTH 71°32'42" WEST A DISTANCE OF 27.85 FEET,  
SOUTH 44°13'46" WEST A DISTANCE OF 28.87 FEET,  
SOUTH 74°50'51" WEST A DISTANCE OF 107.37 FEET,  
SOUTH 67°26'04" WEST A DISTANCE OF 125.08 FEET,  
SOUTH 49°34'28" WEST A DISTANCE OF 44.57 FEET,  
SOUTH 43°07'02" WEST A DISTANCE OF 76.16 FEET,  
SOUTH 34°34'11" WEST A DISTANCE OF 99.90 FEET,  
SOUTH 27°12'25" WEST A DISTANCE OF 89.01 FEET;

THENCE LEAVING SAID CENTERLINE NORTH 86°50'35" WEST A DISTANCE OF 29.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.08 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD OR FACT

**LAYMAN'S DESCRIPTION:** Southwest corner of S 28<sup>th</sup> St and W Walnut St Rogers, AR

**SECTION 3: Zoning.** That the above described lands are better suited for RMF-18B than a RMF-16B zoning and same should be and are hereby zoned RMF-18B.

**SECTION 4: Density Concept Plan.** That the Density Concept Plan entered into by and between Mathias Shopping Centers, Inc. and the City of Rogers, as approved by the Rogers Planning Commission on June 4 2019, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

**SECTION 5: Emergency clause.** That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, 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 6: 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 7: 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 AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM I-2 TO I-1, 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 I-1 than I-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 I-1 and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned I-1:

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE S02°15'12"W A DISTANCE OF 445.04 FEET; THENCE N86°59'56"W A DISTANCE OF 580.51 FEET TO THE POINT OF BEGINNING; THENCE S02°15'11"W A DISTANCE OF 130.41 FEET; THENCE N66°37'57"W A DISTANCE OF 312.53 FEET; THENCE N02°15'11"E A DISTANCE OF 21.64 FEET; THENCE S86°59'51"E A DISTANCE OF 291.57 FEET TO THE POINT OF BEGINNING. CONTAINING 0.51 ACRES - 22,165 SQ.FT., MORE OR LESS.

**LAYMAN'S DESCRIPTION:** 0.51 Acres, more or less, located on the Southern portion of 2018 and 2020 E. Town West Drive, Rogers, AR.

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

RESOLUTION No. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF ROGERS, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).**

**WHEREAS**, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

**WHEREAS**, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

**WHEREAS**, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

**WHEREAS**, Transplace Texas, LP located at 4909 West Magnolia St. has sought to participate in the program and more specifically has requested benefits accruing from construction and modernization of the specific facility; and

**WHEREAS**, Transplace Texas, LP has agreed to furnish the local government all necessary information for compliance.

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

1. Transplace Texas, LP be endorsed by the city of Rogers, Arkansas for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
- 2. The Department of Finance and Administration is authorized to refund local sales and use taxes to Transplace Texas, LP**
3. This resolution shall take effect immediately.

\_\_\_\_\_  
Mayor, City of Rogers, Arkansas

Date Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk