



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: July 18, 2019

The following committee meetings will be held on **Tuesday, July 23, 2019** prior to the City Council Meeting:

5:30 p.m. - COMMUNITY SERVICES COMMITTEE: (Brashear, Hayes & Kruger)
Committee Room #1

To Discuss: (a) An Ordinance Waiving Competitive Bidding for the Purchase of a Used Aerator for Use by the City of Rogers Parks Department

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

- To Discuss: (a) A Resolution Amending the 2019 Budget to Reflect an Appropriation Adjustment in the Parks Department Budget to Move \$11,000 from Acct. #100-08-70425 to Acct. #100-08-80100
- (b) A Resolution Amending the 2019 Budget to Recognize a Reimbursement from the International Association of Fire Chiefs in the Amount of \$27,085 in Acct. #100-04-49255; Appropriating the Same Amount into Acct. #100-04-61110

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

- To Discuss: (a) An Ordinance to Rezone from RMF-18B to RMF-18B, Accepting the Density Concept Plan (Rogers Partners L. P.) – represented by Jonathan Clemons
- (b) An Ordinance to Rezone from N-R to NBT, Parcel #02-05835-000 1316 S. 4th Street (Michael Villegas) – represented by Michael Villegas

6:00 p.m. – TRANSPORTATION COMMITTEE: (Kruger, Townzen and Carmichael)

Committee Room #1

- To Discuss:
- (a) Request from Rogers Downtown Partners to close parking lot north of Frisco Stage on Thursday, August 15, 2019 for Bikes on the Bricks

 - (b) Request from Rogers Downtown Partners to close streets for RDP Oktoberfest on Saturday, October 5, 2019

 - (c) A Resolution Setting a Public Hearing to Discuss the Closing of a Portion of a Street and a Portion of an Alley

 - (d) A Resolution Amending the 2019 Budget to Recognize Lease Revenue in the Amount of \$237,600 into Acct. #200-16-49400; Appropriating \$200,000 to Various Accounts

6:00 p.m. - RESOURCES AND POLICY COMMITTEE: (Hayes, Reithemeyer and Brashear)

Committee Room #2

- To Discuss:
- (a) An Ordinance Approving a Private Club Application Pursuant to ACT 1112 of 2017

6:15 p.m. – PUBLIC WORKS COMMITTEE: (Townzen, Kendall and Brashear)

Committee Room #1

- To Discuss:
- (a) Monthly report from RWU

 - (b) Brief Presentation from Kevin Gardner of Inland Services



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ROGERS CITY COUNCIL

AGENDA

JULY 23, 2019

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: July 9, 2019

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Setting a Public Hearing to Discuss the Closing of a Portion of a Street and a Portion of an Alley - Transportation Committee
- 2. RES. Re: Amending the 2019 Budget to Recognize Lease Revenue in the Amount of \$237,600 into Acct. #200-16-49400; Appropriating \$200,000 to Various Accounts - Transportation Committee
- 3. ORD. Re: Waiving Competitive Bidding for the Purchase of a Used Aerator for Use by the City of Rogers Parks Department - Community Services Committee
- 4. RES. Re: Amending the 2019 Budget to Reflect an Appropriation Adjustment in the Parks Department Budget to Move \$11,000 from Acct. #100-08-70425 to Acct. #100-08-80100 - Finance Committee

ROGERS CITY COUNCIL AGENDA

JULY 23, 2019

PAGE 2

5. RES. Re: Amending the 2019 Budget to Recognize a Reimbursement from the International Association of Fire Chiefs in the Amount of \$27,085 in Acct. #100-04-49255; Appropriating the Same Amount into Acct. #100-04-61110 - Finance Committee
6. ORD. Re: Approving a Private Club Application Pursuant to ACT 1112 of 2017 - Resources & Policy Committee
7. ORD. Re: Rezone from RMF-18B to RMF-18B, Accepting the Density Concept Plan (Rogers Partners L. P.) – represented by Jonathan Clemons - Community Environment & Welfare Committee
8. ORD. Re: Rezone from N-R to NBT, Parcel #02-05835-000 1316 S. 4th Street (Michael Villegas) – represented by Michael Villegas - Community Environment & Welfare Committee

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

THE CITY OF ROGERS, ARKANSAS

A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF A PORTION OF A STREET AND A PORTION OF AN ALLEY.

WHEREAS, Pursuant to Rogers City Code §14-523, a petition has been filed with the City Council of the City of Rogers, Arkansas by BCCSO, LLC, d/b/a Arkansas Arts Academy, to vacate a portion of an alley within the corporate limits of the City of Rogers, Arkansas; and described as follows:

All that part of an alley in the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4) of Section 12, Township 19 North, Range 30 West, lying South of O.L. 31 in the City of Rogers, Benton County, Arkansas, and North of Lot 1, Block 11 and Block 12 of Duckworth's Addition, being more particularly described as follows:

Commencing at the Northwest corner of said Block 12, Thence N86°52'37"W, 65.79 feet, along the South line of said alley; Thence N03°05'55"E, 20.00 feet, leaving said South line, to a point on the North line of said alley, Thence S86°52'37"E, 65.79 feet, along said North line; Thence S03°05'37"W, 20.00, feet, leaving said North line, to the POINT OF BEGINNING. Containing 1,315 square feet or 0.03 acres of land.

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

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

Section 1: That the City Council shall hear said petition at its regular meeting to be held at the Rogers City Hall, 301 W. Chestnut Street, Rogers, Arkansas, on the 27th day of August, 2019 at 6:30 p.m.

Section 2: That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

Section 3: 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.

Section 4: 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

Prepared by:

BILL WATKINS
Arkansas Bar No. 84209
WATKINS, BOYER, GRAY
& CURRY, PLLC
1106 West Poplar
Rogers, AR 72756
(479) 636-2168
bwatkins@watkinslawoffice.com

RESOLUTION NO. R-19-_____

A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE LEASE REVENUE IN THE AMOUNT OF TWO HUNDRED THIRTY-SEVEN THOUSAND SIX HUNDRED DOLLARS (\$237,600.00) INTO ACCOUNT #200-16-49400 RENTAL INCOME; APPROPRIATING TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers receives \$19,800.00 monthly in lease revenue from a lease agreement by the City of Rogers with The Recon Group, LLC upon purchase of the new Rogers Street Department building; and

WHEREAS, the City of Rogers Street Department will need to purchase some equipment items and make minor changes to the new building in order for the Street Department to operate efficiently and safely out of the new building.

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 lease revenue in the amount of two hundred thirty-seven thousand six hundred dollars (\$237,600.00) to Account #200-16-49400 Rental Income;

Section 2: The 2019 Budget is further amended to appropriate monies to the following expense lines:

Buildings and Grounds	200-16-70155	\$100,000.00
Capital Expenditures	200-16-80100	\$100,000.00

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: Frankie Guyll, Street Superintendent
Prepared by: Casey Wilhelm, Director of Finance
Reviewed by: John M. Pesek, Staff Attorney
For Consideration by: Transportation Committee

ORDINANCE NO. 19-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A USED AERATOR FOR USE BY THE CITY OF ROGERS PARKS DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Parks Department wishes to purchase a used aerator for use at City park fields;

WHEREAS, P&K Equipment, Inc. of Stillwater, Oklahoma, has agreed to a purchase price for the aerator at thirty-two thousand nine hundred and fifty-six dollars (\$32,956.00); and

WHEREAS, the aerator is a used demonstrator unit and therefore the use of competitive bidding is neither practical nor feasible.

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

Section 1: 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 the purchase of a used aerator for use by the City of Rogers Parks Department;

Section 2 - Emergency Clause: The need to acquire and the availability of the used aerator is immediate and 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: 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 4 - 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: Jim White, Director of Parks and Recreation

Prepared by: John M. Pesek, Staff Attorney

Reviewed by: John M. Pesek, Staff Attorney

For Consideration by: Community Services Committee

A RESOLUTION AMENDING THE 2019 BUDGET TO REFLECT AN APPROPRIATION ADJUSTMENT IN THE PARKS DEPARTMENT BUDGET TO MOVE ELEVEN THOUSAND DOLLARS (\$11,000.00) FROM ACCOUNT #100-08-70425 SPORTSFIELD MAINTENANCE TO ACCOUNT #100-08-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Parks Department budgeted for a deep tine aerator and upon further review they would like to request appropriations for a different type of aerator which will require the additional funds, therefore, Parks Department would like to use monies budgeted from the sportsfield maintenance line as the aerator will decrease the maintenance needed.

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 reflect an appropriation adjustment in the Parks Department budget to move eleven thousand dollars (\$11,000.00) from account #100-08-70425 Sportsfield Maintenance to account #100-08-80100 Capital Expenditures;

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: Jim White, Park Director
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 A REIMBURSEMENT FROM THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS IN THE AMOUNT OF TWENTY-SEVEN THOUSAND AND EIGHTY-FIVE DOLLARS (\$27,085.00) INTO ACCOUNT #100-04-49255 REIMBURSEMENTS; APPROPRIATING THE SAME INTO ACCOUNT #100-04-61110 SALARIES AND WAGES - OVERTIME; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department has received a reimbursement from the International Association of Fire Chiefs for overtime accrued during the International Fellowship Program.

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

Section 1: That the 2019 budget is amended to recognize a reimbursement in the amount of twenty-seven thousand and eighty-five dollars (\$27,085.00) into Account #100-04-49255 Reimbursements;

Section 2: That the 2019 budget is further amended to appropriate twenty-seven thousand and eighty-five dollars (\$27,085.00) from Account #100-04-49255 to Account #100-04-61110 Salaries and Wages - Overtime;

Section 3 - Severability Provision: If any part of this Resolution is held to be 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 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: Chief Tom Jenkins, Rogers Fire Department
Prepared by: John M. Pesek, Staff Attorney
Reviewed by: John M. Pesek, Staff Attorney
For Consideration by: Finance Committee

ORDINANCE NO. 19-_____

AN ORDINANCE APPROVING A PRIVATE CLUB APPLICATION PURSUANT TO ACT 1112 OF 2017; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Act 1112 of 2017, all private club applications submitted to Alcohol Beverage Control Division of the State of Arkansas (“ABC”) must be submitted with an Ordinance from the governing body of the county or city in which the private club wishes to operate;

WHEREAS, Elks Lodge #2144 has changed addresses and needs to obtain an Ordinance from City Council recognizing the change; and

WHEREAS, after passage, this Ordinance shall be submitted to ABC by the Elks Lodge #2144 in order to come into compliance with Ark. Code Ann. §3-9-222(a) and §3-9-222(b).

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

Section 1: The City Council of the City of Rogers recognizes and approves the address and location change for the Elks Lodge #2144;

Section 2 - Emergency Clause: That the need to approve the private club application is immediate. Therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon 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: John M. Pesek, Staff Attorney

Reviewed by: John M. Pesek, Staff Attorney

For Consideration by: Resources & Policy Committee

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM RMF-18B 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 July 23, 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 #02-00843-000

A part of the SW1/4 of the SE 1/4, Section 2, Township 19 North, Range 30 West, Rogers, Benton County, Arkansas, more particularly described as follows:

From the SE corner of the said SW 1/4 of the SE 1/4, Section 2, Township 19 North, Range 30 West run N 89°30' 00" W 290.0 feet to the point of beginning; thence North 1316.8 feet; thence N 89°06' 00" W 290.0 feet; thence South 1318.8 feet; thence S 89°30'00"E 290.0 feet to the point of beginning, LESS AND EXCEPT the South 30.00 feet thereof: containing 373,405 square feet or 8.572 acres.

LAYMAN'S DESCRIPTION: 802-975 N 16th Street, Rogers, AR

SECTION 3: Zoning. That the above described lands are better suited for RMF-18B than a RMF-18B 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 Rogers Partners LP II and the City of Rogers, as approved by the Rogers Planning Commission on July 16, 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 N-R TO 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 NBT than N-R 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 NBT and that said lands being in Benton County, Arkansas, are described as:

Parcel #02-05835-000

A PART OF LOT 2 IN BLOCK 1, MCGHAUGHEY'S ORCHARD ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, DESCRIBE AS FOLLOWS:

BEGINNING AT A POINT 93 FEET NORTH OF THE SE CORNER OF SAID LOT 2; RUNNING, THENCE NORTH 50 FEET; THENCE WEST 110 FEET; THENCE SOUTH 50 FEET; THENCE EAST 110 FEET TO THE POINT OF BEGINNING.

1316 S 4TH St, Rogers, Benton County, Arkansas as shown on 1903 Atlas pg45.
N50°S143'E110'L2'B1

LAYMAN'S DESCRIPTION: 1316 S 4th St, Rogers, Arkansas 72756

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

ATTEST:

APPROVED:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR