



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 \*Amended\***

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: November 12, 2019

The following committee meetings will be held on **Tuesday, November 12, 2019** prior to the City Council Meeting:

**5:30 p.m.** – **PUBLIC WORKS COMMITTEE:** (Townzen, Kendall, and Brashear) **Community Room**  
To Discuss: (a) A Resolution Scheduling A Public Hearing Concerning A Proposed Sewer Rate Increase; Directing Notice Of The Hearing

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**5:50 p.m.** – **RESOURCES & POLICY COMMITTEE:** (Hayes, Reithemeyer, and Brashear) **Committee Room #1**  
To Discuss: (a) A Resolution Authorizing Certain City Departments to Dispose of Obsolete Property No Longer Used by the City  
(b) A Resolution Authorizing Certain City Departments to Dispose of Obsolete Property No Longer Used by the City Through Internet Auction or Other Available Means

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**6:00 p.m.** – **FINANCE COMMITTEE:** (Reithemeyer, Wolf, and Kendall) **Committee Room #1**  
To Discuss: (a) A Resolution Amending The 2019 Budget To Recognize Funds In The Amount Of \$66,400.00 From Rx Reimbursements Into Revenue Account #375-75-49261 And \$1,482,120.00 From Excess Loss Reinsurance Into Revenue Account #375-75-49264; Appropriating \$1,548,520.00 Into Health Claims Expense Account # 375-75-61503  
(b) An Ordinance Waiving Competitive Bidding For the Provision of Health Insurance Coverage for City Employees For the Calendar Year 2020  
(c) A Resolution Authorizing the Mayor and City Clerk to Enter Into A Contract With Blue Cross Blue Shield For Employee Health Insurance for 2020  
(d) An Ordinance Establishing A New Salary For The Office Of The City Clerk/Treasurer  
(e) A Resolution Amending the 2019 Budget to Provide For Additional Compensation To City Employees; Appropriating the Sum of \$195,051 From General, Street, and Airport Reserves to Various Accounts

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**6:00 p.m.** – **TRANSPORTATION COMMITTEE:** (Kruger, Townzen and Carmichael) **Committee Room #2**  
To Discuss: (a) Request from Sheep Dog Impact Assistance to close streets and parking lot for the Sheep Dog Impact Assistance Turkey Trot For Heroes on Thursday, November 28, 2019, from 8:00am to 11:00 a.m.  
(b) A Resolution Amending The 2019 Budget; Appropriating The Sum Of \$834,678.00 From Street Fund Reserves Into Account #200-16-80100  
(c) An Ordinance Authorizing The Mayor And City Clerk To Enter Into A Contract With Aep/Swepco, Of Columbus, Ohio, In The Amount Of \$1,314,199.68, For Utility

Relocation And Underground Installation Related To The Walnut Widening Project;  
Waiving Competitive Bidding

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- (d) A Resolution Amending The 2019 Budget To Recognize Funds From The Transportation Alternatives Program Grant For Safe Routes To Schools To Fund Improvements In The Amount Of \$340,000.00 Into Account #200-16-45110; Appropriating That Same Amount To Account #200-16-85802
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**6:15 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Carmichael, Townzen, and Hayes) **Committee Room #2**

- To Discuss:
- (a) Rezone from U-COR and C2 to U-COR, 4 Acres East of South Pinnacle Hills Parkway at S. Champions Drive (Hunt Plaza) – represented by Daniel Ellis

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  - (b) Rezone from COM to NBT, .22 Acres± at 120 N. 6th Street (Rita Guido) – represented by Bill Watkins

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  - (c) Rezone from C-2 to C-3, 2.92 Acres ± Lot Between 2100 and 1800 W. Hudson Rd. (Hudson Road Townhomes) – represented by Andres Forero

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**ROGERS CITY COUNCIL**

**AGENDA**

**NOVEMBER 12, 2019**

**6:30 P.M.**

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:** October 24, 2019

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- 1. RES. Re: Scheduling A Public Hearing Concerning A Proposed Sewer Rate Increase; Directing Notice Of The Hearing - Public Works Committee
- 2. RES. Re: Amending The 2019 Budget To Recognize Funds In The Amount Of \$66,400.00 From Rx Reimbursements Into Revenue Account #375-75-49261 And \$1,482,120.00 From Excess Loss Reinsurance Into Revenue Account #375-75-49264; Appropriating \$1,548,520.00 Into Health Claims Expense Account # 375-75-61503 - Finance Committee
- 3. ORD. Re: An Ordinance Waiving Competitive Bidding For The Provision Of Health Insurance Coverage For City Of Rogers Employees For Calendar Year 2020 - Finance Committee
- 4. RES Re: A Resolution Authorizing the Mayor and City Clerk to Enter Into A Contract With Blue Cross Blue Shield For Employee Health Insurance for 2020 -Finance Committee

# **ROGERS CITY COUNCIL AGENDA**

**NOVEMBER 12, 2019**

## **PAGE 2**

5. ORD. Re: Establishing A New Salary For The Office Of The City Clerk/Treasurer - Finance Committee
6. RES. Re: Amending the 2019 Budget to Provide For Additional Compensation To City Employees; Appropriating the Sum of \$195,051 From General, Street, and Airport Reserves to Various Accounts - Finance Committee
7. RES. Re: Amending The 2019 Budget; Appropriating The Sum Of \$834,678.00 From Street Fund Reserves Into Account #200-16-80100 - Transportation Committee
8. ORD. Re: Authorizing The Mayor And City Clerk To Enter Into A Contract With Aep/Swepco, Of Columbus, Ohio, In The Amount Of \$1,314,199.68, For Utility Relocation And Underground Installation Related To The Walnut Widening Project; Waiving Competitive Bidding - Transportation Committee
9. RES. Re: A Resolution Amending The 2019 Budget To Recognize Funds From The Transportation Alternatives Program Grant For Safe Routes To Schools To Fund Improvements In The Amount Of \$340,000.00 Into Account #200-16-45110; Appropriating That Same Amount To Account #200-16-85802 - Transportation Committee
10. RES. Re: Authorizing Certain City Departments to Dispose of Obsolete Property No Longer Used by the City - Resources and Policy Committee
11. RES. Re: Authorizing Certain City Departments to Dispose of Obsolete Property No Longer Used by the City Through Internet Auction or Other Available Means - Resources and Policy Committee
12. ORD. Re: Rezone from U-COR and C2 to U-COR, 4 Acres East of South Pinnacle Hills Parkway at S. Champions Drive (Hunt Plaza) – represented by Daniel Ellis - Community Environment & Welfare Committee

# **ROGERS CITY COUNCIL AGENDA**

**NOVEMBER 12, 2019**

**PAGE 3**

13. ORD. Re: Rezone from COM to NBT, at 120 N. 6<sup>th</sup> Street (Rita Guido) - Community  
– represented by Bill Watkins Environment &  
Welfare  
Committee
14. ORD. Re: Rezone from C-2 to C-3, 2.92 Acres ± Lot Between 2100 and - Community  
1800 W. Hudson Rd. (Hudson Road Townhomes) – Environment &  
represented by Andres Forero Welfare  
Committee

**OLD BUSINESS:**

**NEW BUSINESS:**

**APPOINTMENTS:**

**ANNOUNCEMENTS:**

**A RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING A PROPOSED SEWER RATE INCREASE; DIRECTING NOTICE OF THE HEARING; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Ark. Code Ann. § 14-235-223(d)(1)(B), a request has been made to increase the rates of billing for the sewer system of the City of Rogers; and

**WHEREAS**, upon request for a sewer rate increase, the City Council shall set a date and time for a public hearing before the City Council for consideration of the sewer rate increase.

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

Section 1: A hearing on the proposed sewer rate increase is scheduled for and shall be held with the regularly scheduled City Council meeting on Tuesday, November 26, 2019;

Section 2: The City Clerk is hereby directed to publish notice in a newspaper having general circulation in the municipality at least ten (10) days before the date fixed in the notice for the public hearing as required under Ark. Code Ann. § 14-235-223(d)(1)(B);

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 and orders of the City Council, or parts of Resolutions 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:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Requested by: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities  
Prepared by: John M. Pesek, Staff Attorney  
For Consideration by: Public Works Committee

**A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE FUNDS IN THE AMOUNT OF SIXTY-SIX THOUSAND FOUR HUNDRED DOLLARS (\$66,400.00) FROM RX REIMBURSEMENTS INTO REVENUE ACCOUNT #375-75-49261 AND ONE MILLION FOUR HUNDRED EIGHTY-TWO THOUSAND ONE HUNDRED TWENTY DOLLARS (\$1,482,120.00) FROM EXCESS LOSS REINSURANCE INTO REVENUE ACCOUNT #375-75-49264; APPROPRIATING ONE MILLION FIVE HUNDRED FORTY-EIGHT THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$1,548,520.00) INTO HEALTH CLAIMS EXPENSE ACCOUNT # 375-75-61503; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers operates a self-funded health plan in order to maintain visibility of health insurance costs for the benefit of its employees; and

**WHEREAS**, it is not always possible to predict the amounts of health plan related revenue received during a given plan year.

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

Section 1: Amending the 2019 Budget to recognize funds in the amount of sixty-six thousand four hundred dollars (\$66,400.00) from RX Reimbursements into Revenue Account # 375-75-49261 and one million four hundred eighty-two thousand one hundred twenty dollars (\$1,482,120.00) from Excess Loss Reinsurance into Revenue Account #375-75-49264;

Section 2: Amending in the 2019 Budget and appropriating one million five hundred forty-eight thousand five hundred twenty dollars (\$1,548,520.00) into Health Claims Expense Account #375-75-61503;

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, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

Attest:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Requested By: Thomas Dunlap, Director of Human Resources  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration by: Finance Committee

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PROVISION OF HEALTH INSURANCE COVERAGE FOR CITY OF ROGERS EMPLOYEES FOR CALENDAR YEAR 2020; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers provides health insurance coverage to city employees and will do so in 2020; and

**WHEREAS**, the City of Rogers City Council has previously waived competitive bidding for the contract with Blue Cross Blue Shield to provide that health insurance coverage, because Blue Cross Blue Shield has a quality professional reputation, provides a low cost to employees, has technological advantages over its competitor, and there is a limited field of competitors from which to choose.

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

Section 1: Pursuant to Ark. Code Ann. §14-58-303(b)(2)(b), the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding;

Section 2: Emergency Clause - The need to contract for Health Insurance 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 - 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:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Requested By: Thomas Dunlap, Director of Human Resources  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration by: Finance Committee



**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BLUE CROSS BLUE SHIELD FOR EMPLOYEE HEALTH INSURANCE FOR 2020; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers provides health insurance coverage to city employees and will do so in 2020; and

**WHEREAS**, the City of Rogers City Council has previously waived competitive bidding for the contract with Blue Cross Blue Shield to provide that health insurance coverage, because Blue Cross Blue Shield has a quality professional reputation, provides a low cost to employees, has technological advantages over its competitor, and there is a limited field of competitors from which to choose.

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

Section 1: The Mayor and City Clerk may enter into a contract with Blue Cross Blue Shield for employee health insurance for the 2020 calendar year;

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:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Requested By: Thomas Dunlap, Director of Human Resources

Prepared By: John M. Pesek, Staff Attorney

For Consideration by: Finance Committee

**AN ORDINANCE ESTABLISHING A NEW SALARY FOR THE OFFICE OF THE CITY CLERK/TREASURER; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, a vacancy currently exists in the office of the City Clerk/Treasurer for the City of Rogers;

**WHEREAS**, Ark. Code Ann. § 14-43-313 provides that the salary and expenses for the City Clerk shall be established by ordinance by the City Council; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of the City of Rogers to amend the City of Rogers 2019 budget to remove the prior salary and expenses for the City Clerk/Treasurer and to provide for a new and revised annual salary and expenses for the City of Rogers.

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

Section 1: That the annual salary of the City Clerk/Treasurer as noted in the 2019 budget under the City Clerk Department is hereby amended to fifteen thousand six hundred dollars (\$15,600.00) to be paid in 12 monthly installments;

Section 2: That the need to approve the amended salary and appropriate said funds 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 - 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 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:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Requested by: C. Greg Hines, Mayor  
Prepared by: John M. Pesek, Staff Attorney  
For Consideration by: Finance Committee

**A RESOLUTION AMENDING THE CITY OF ROGERS 2019 BUDGET  
TO PROVIDE FOR ADDITIONAL COMPENSATION TO CITY EMPLOYEES; APPROPRIATING  
THE SUM OF ONE HUNDRED NINETY-FIVE THOUSAND FIFTY-ONE DOLLARS (\$195,051.00)  
FROM GENERAL, STREET, AND AIRPORT RESERVES TO VARIOUS ACCOUNTS; AND FOR  
OTHER PURPOSES.**

**WHEREAS**, the Mayor and City Council appreciate the hard work and dedication of each employee of the City of Rogers as this commitment has contributed greatly to the continued economic and social advancement of the City and its citizens; and

**WHEREAS**, it is in the best interest of the City of Rogers to reward that hard work and dedication, and encourage its continuance.

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

Section 1: The Mayor may make a one-time gross payment of three hundred dollars (\$300.00) to each City employee who was employed with the City of Rogers on November 3, 2019;

Section 2: One hundred ninety-five thousand fifty-one dollars (\$195,051.00) is appropriated from General Reserves, Street Reserves, and Airport Fund Reserves to the following accounts in the following amounts to make the payments authorized by this Resolution:

General Fund Reserves in the amount of one hundred eighty-two thousand five hundred eight dollars (\$182,508.00) to Salaries and Wages, FICA Expense, Retirement APERS, and Retirement LOPFI;

Street Fund Reserves in the amount of eleven thousand sixty-seven (\$11,067.00) to Salaries and Wages, FICA Expense, and Retirement APERS; and

Airport Fund Reserves in the amount of one thousand four hundred seventy-six dollars (\$1,476.00) to Salaries and Wages, FICA Expense, and Retirement APERS;

Section 3: The amounts designated to the accounts in Section 2 of this Resolution are further approved to be appropriated as detailed in the description of accounts attached as Exhibit "A" to this Resolution;

Section 4: 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 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.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

Attest:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator  
Requested By: C. Greg Hines, Mayor  
Prepared By: John M. Pesek, Staff Attorney  
For Consideration by: Finance Committee

As of 10/08/2019					
RESOLUTION NO. 19-_____					
ATTACHEMENT "A"					
Salaries and Wages	100-01-60105	5,100	Salaries and Wages	100-13-60105	2,700
FICA Expense	100-01-61150	390	FICA Expense	100-13-61150	207
Retirement APERS	100-01-61155	781	Retirement APERS	100-13-61155	414
Salaries and Wages	100-02-60105	2,400	Salaries and Wages	100-17-60105	1,800
FICA Expense	100-02-61150	184	FICA Expense	100-17-61150	138
Retirement APERS	100-02-61155	368	Retirement APERS	100-17-61155	276
Salaries and Wages	100-03-60105	48,600	Salaries and Wages	100-18-60105	5,100
FICA Expense	100-03-61150	3,718	FICA Expense	100-18-61150	390
Retirement APERS	100-03-61155	2,206	Retirement APERS	100-18-61155	781
Retirement LOPFI	100-03-61165	8,037			
Salaries and Wages	100-04-60105	41,100	Salaries and Wages	100-68-60105	1,800
FICA Expense	100-04-61150	689	FICA Expense	100-68-61150	138
Retirement APERS	100-04-61155	230	Retirement APERS	100-68-61155	276
Retirement LOPFI	100-04-61165	9,306			
			<b>GENERAL FUND TOTAL</b>		<b>182,508</b>
Salaries and Wages	100-06-60105	12,000			
FICA Expense	100-06-61150	918	Salaries and Wages	200-16-60105	9,000
Retirement APERS	100-06-61155	1,838	FICA Expense	200-16-61150	688
			Retirement APERS	200-16-61155	1,379
Salaries and Wages	100-07-60105	600	<b>STREET FUND TOTAL</b>		<b>11,067</b>
FICA Expense	100-07-61150	46			
Retirement APERS	100-07-61155	92	Salaries and Wages	315-15-60105	1,200
			FICA Expense	315-15-61150	92
Salaries and Wages	100-08-60105	13,800	Retirement APERS	315-15-61155	184
FICA Expense	100-08-61150	1,056	<b>AIRPORT FUND TOTAL</b>		<b>1,476</b>
Retirement APERS	100-08-61155	2,114			
Salaries and Wages	100-09-60105	1,500			
FICA Expense	100-09-61150	115			
Retirement APERS	100-09-61155	230			
Salaries and Wages	100-10-60105	3,000	<b>TOTAL</b>		<b>195,051</b>
FICA Expense	100-10-61150	230			
Retirement APERS	100-10-61155	460			
Salaries and Wages	100-11-60105	3,000			
FICA Expense	100-11-61150	230			
Retirement APERS	100-11-61155	460			
Salaries and Wages	100-12-60105	3,000			
FICA Expense	100-12-61150	230			
Retirement APERS	100-12-61155	460			

**A RESOLUTION AMENDING THE 2019 BUDGET; APPROPRIATING THE SUM OF EIGHT HUNDRED THIRTY-FOUR THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS (\$834,678.00) FROM STREET FUND RESERVES INTO ACCOUNT #200-16-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Street Department is in need of a new wood chipper due to the increase in volume related to the recent tornado that damaged several areas in Rogers; and

**WHEREAS**, the Rogers Street Department will purchase the equipment with The Beast Smoracy, LLC of Remus, Michigan resulting from the City's existing contract with Sourcewell.

**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 appropriate Eight Hundred Thirty Four Thousand Six Hundred Seventy-Eight Dollars (\$834,678.00) from Street Fund Reserves to Account #200-16-80100 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:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Requested by: Frankie Guyll, Street Department Director

Prepared by: John M. Pesek, Staff Attorney

For Consideration by: Transportation Committee

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH AEP/SWEPCO, OF COLUMBUS, OHIO, IN THE AMOUNT OF ONE MILLION THREE HUNDRED FOURTEEN THOUSAND ONE HUNDRED NINETY-NINE DOLLARS AND SIXTY-EIGHT CENTS (\$1,314,199.68), FOR UTILITY RELOCATION AND UNDERGROUND INSTALLATION NECESSARY FOR PUBLIC SAFETY RELATED TO THE WALNUT WIDENING PROJECT; WAIVING COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, The Department of Community Development, working with AEP/SWEPCO has determined that the relocation of electrical utility main and service lines, to underground placement, is necessary for the public safety of the citizens of Rogers; and

**WHEREAS**, This relocation is not for the direct benefit of particular customers of the utility in their capacity as customers; and

**WHEREAS**, AEP/SWEPCO is the appropriate company to provide this service as the lines being relocated are theirs; therefore, competitive bidding should be waived.

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

Section 1: That the Mayor and City Clerk are hereby authorized to enter into a contract with AEP/SWEPCO, of Columbus, Ohio, for utility relocation work associated with the Walnut Widening Project, in the amount of one million three hundred fourteen thousand one hundred ninety-nine dollars and sixty-eight cents (\$1,314,199.68);

Section 2: That the sum of one million three hundred fourteen thousand one hundred ninety-nine dollars and sixty-eight cents (\$1,314,199.68) shall be paid from 2018 Bond Funds;

Section 3: That the requirements of competitive bidding are neither practical nor feasible and the City Council waives the requirements of competitive bidding;

Section 4: The need to enter into said contract 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 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:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator  
Requested by: John McCurdy, Director of Community Development  
Prepared by: John M. Pesek, Staff Attorney  
For Consideration by: Transportation Committee

**A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE FUNDS FROM THE TRANSPORTATION ALTERNATIVES PROGRAM GRANT FOR SAFE ROUTES TO SCHOOLS TO FUND IMPROVEMENTS IN THE AMOUNT OF THREE HUNDRED FORTY THOUSAND DOLLARS (\$340,000.00) INTO ACCOUNT #200-16-45110 FEDERAL GRANT REVENUE; APPROPRIATING THAT SAME AMOUNT TO EXPENSE ACCOUNT #200-16-85802 SIDEWALK IMPROVEMENTS TAP GRANT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers received three hundred forty thousand dollars (\$340,000.00) from the Safe Routes to Schools ROW Improvements Project fund through the Federal Transportation Alternatives Program to pay for improvements to improve safety within established school zones; and

**WHEREAS**, the City of Rogers has agreed to match the grant in the amount of twenty percent (20%) of the federally awarded funding, which will result in the City contributing eighty-five thousand dollars (\$85,000.00) to the project from 2018 Bond Funds.

**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 funds in the amount of three hundred forty thousand dollars (\$340,000.00) to Account #200-16-45110 Federal Grant Revenue;

Section 2: The 2019 Budget is further amended to recognize program funds in the amount of three hundred forty thousand dollars (340,000.00) to Account #200-16-85802 Sidewalk Improvements TAP Grant;

Section 4 - 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 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.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

Attest:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Requested by: John McCurdy, Director of Community Development  
Prepared by: John Pesek, Staff Attorney  
For Consideration by: Transportation Committee

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

**A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF OBSOLETE PROPERTY NO LONGER USED BY THE CITY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Rogers has determined that the items identified in **Exhibit A** have become obsolete and are no longer used by the City;

**WHEREAS**, the items identified in Exhibit A have been rendered worthless by damaged or prolonged use; and

**WHEREAS**, this Resolution is in accordance with Ark. Code Ann. § 14-54-302(e)(2)(A).

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

Section 1: The City Departments may dispose of their items identified in **Exhibit A** in the landfill used by the City;

Section 2: The City Departments shall maintain a record of all items that are sent to the landfill used by the City under this Resolution;

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 Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

Attest:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Prepared By: John M. Pesek, Staff Attorney  
Requested By: Various City Departments  
For Consideration by: Resources and Policy Committee



## **EXHIBIT A**

### **DISPOSAL OF CERTAIN ITEMS DEEMED OBSOLETE**

The following items have been deemed obsolete and have been rendered worthless by either damage or prolonged use as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). The items listed below are to be sent to other Government Entities as allowed by State Law or an appropriate landfill after a resolution allowing for such has been approved by the Rogers City Council.

DEPARTMENT	ITEM	YEAR/MAKE/ MODEL	SERIAL NUMBER
Library	144 Metal Chairs	1993	None
Library	8 Chair Carts to stack chairs on	1993	None
Adult Wellness	Elliptical Machines	Precor	AA32I29050014
Adult Wellness	Elliptical Machines	Precor	AA32H31050016
City Hall	15 Chairs and 2 desks	Prior to 2000	None

**A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF OBSOLETE PROPERTY NO LONGER USED BY THE CITY THROUGH INTERNET AUCTION OR OTHER AVAILABLE MEANS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Rogers has determined that the items identified in **Exhibit A** have become obsolete and are no longer used by the City;

**WHEREAS**, the items identified in Exhibit A are to be sold by internet auction or through other means whichever nets the highest value; and

**WHEREAS**, this Resolution is in accordance with Ark. Code Ann. § 14-54-302(e)(1).

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

Section 1: The City Departments may auction their items identified in **Exhibit A** through internet auction or other means whichever nets the highest value;

Section 2: The City Departments shall maintain a record of all items that are placed and sold through internet auction or by other means;

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 Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

Attest:

\_\_\_\_\_  
JENNIFER MOORE, Records Administrator

Prepared By: John M. Pesek, Staff Attorney  
For Consideration by: Resources and Policy Committee

**EXHIBIT A**  
**DISPOSAL OF CERTAIN ITEMS DEEMED OBSOLETE**

The following items have been deemed obsolete and are no longer used by the City due to either damage or prolonged use as specified under Ark. Code Ann. § 14-54-302(e)(1). The items listed below are to be disposed of through internet auction, or other available means, whichever nets the highest value, after a resolution allowing for such has been approved by the Rogers City Council.

DEPARTMENT	ITEM	YEAR/MAKE/MODEL	SERIAL NUMBER
AWC	Car	2004 Dodge Intrepid	2B3HD46VI4H702087
Animal Shelter	Van	2009 Chevy van	1GCGG25C591153294
Airport	SUV	2001 Dodge Durango	1B4HS28NX1F623968
Airport	Truck	1996 Chevy Truck	1GCEK14M7TZ179673
Airport	Truck	1993 Dodge Ram	1B7HE16X9PS251466
Fire	Ambulance	2007 Braun Type 1 F450	1FDWF37P47EA42192
Fire	Ambulance	2009 Braun Type 1 F450	1FDAF47R19EA99745
Police	SUV	2011 Chevy Tahoe	1GNSK2E0XBR360809
Police	Car	2014 Toyota Camry	4T1BD1FK1EU100745
Police	SUV	2012 Chevy Tahoe	1GNSKAE01CR139983
Police	SUV	2012 Dodge Durango	1C4RDJAG7CC207436
Police	Truck	2012 Dodge Ram	1C6RD7LT4CS191738
Police	Truck	2012 Chevy Silverado	1GCRKPE75CZ197280
Police	Car	2007 Chevy Impala	2G1WS55R679314933
Police	Car	2009 Ford Crown Vic	2FAHP71V49X112192
Police	Car	2007 Chevy Impala	2G1WS55R779315993
Police	Car	2007 Dodge Charger	2B3KA43H67H770774
Police	Car	2008 Ford Crown Vic	2FAFP71V68X155793
Police	Truck	1999 GMC Sierra	2GTEC19T8X1542123
Police	Car	2001 BMW 325	WBABN33421JW50595
Police	Car	2001 Honda Civic	1HGEM21921L026295
Police	Car	2010 Ford Crown Vic	2FABP7BV6AX127933

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

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY  
REZONING CERTAIN REAL ESTATE IN THE CITY OF ROGERS,  
ARKANSAS, FROM U-COR & C-2 TO U-COR PROPERTIES AND  
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 request and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas on November 5, 2019, the City Council has found that certain lands hereinafter described are better suited for U-COR than U-COR & C-2 zoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR 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 U-COR and that said lands being in Benton County, Arkansas, are described as:

PART OF LOT 3D5, PART OF LOT 3D6 AND PART OF LOT 3E1 OF PINNACLE HEIGHTS, AS PER PLAT RECORD L201932598 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3D6 OF SAID PINNACLE HEIGHTS, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF PINNACLE HILLS PARKWAY; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY 223.44 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 560.00 FEET AND A LONG CHORD OF N54°06'53"W 221.96 FEET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY N65°32'43"W 139.98 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY N03°06'41"E 157.45 FEET; THENCE S86°50'02"E 484.11 FEET; THENCE 197.95 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 423.00 FEET AND A LONG CHORD OF N79°45'36"E 196.15 FEET; THENCE S03°01'47"E 276.49 FEET; THENCE 332.18 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 613.50 FEET AND A LONG CHORD OF S80°08'05"W 328.13 FEET; THENCE S64°37'24"W 57.07 FEET; THENCE 19.03 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 15.00 FEET AND A LONG CHORD OF N79°01'49"W 17.78 FEET TO THE POINT OF BEGINNING, CONTAINING 4.00 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

**LAYMAN'S DESCRIPTION:** Intersection of S Champions Dr. & S Pinnacle Hills Parkway

SECTION 3: That it is necessary to begin the project immediately and 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.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

For Consideration by: Community Environment and Welfare Committee

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

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM COM 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 COM zoning.

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

SECTION 1: That Rogers Code Section 14-675 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:

The South ½ of Lot 1 and a part of Lot 2 Described as follows: beginning at the SE Corner of said Lot 2, run thence North 89 degrees, 33 minutes, 45 seconds West 40 feet, thence North 00 degrees , 6 minutes, 20 seconds East 70 feet, thence South 89 degrees, 33 minutes, 45 seconds East 40 feet, thence South 00 degrees, 6 minutes, 20 seconds West 70 feet to the place of beginning, all in Block 2 in B. A. Riggs Park Addition to the City of Rogers, Benton County, Arkansas.

**LAYMAN’S DESCRIPTION:** 120 N. 6<sup>th</sup> Street, Rogers, Arkansas

SECTION 3: Zoning. That the above described lands are better suited for NBT than COM zoning and same should be and are hereby zoned NBT.

SECTION 4: 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 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.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

For Consideration by: Community Environment and Welfare Committee

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

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM C-2 TO C-3, 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 November 12, 2019 the City Council has found that certain lands hereinafter described are better suited for C-3 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:

**PROPERTY DESCRIPTION:**

Parcel 02-00820-002

**TRACT 2 BOUNDARY DESCRIPTION**

Part of the NE 1/4 of the NW 1/4 of Section 2, Township 19 North, Range 30 West, in the City of Rogers, Benton County, Arkansas, being more particularly described as follows:

Commencing at the SE Corner of the NE 1/4 of the NW 1/4 of Section 2, Township 19 North, Range 30 West, thence along the East Line of said NE 1/4 of NW 1/4 of Section 2 N02°15'06"E a distance of 958.78 feet; thence leaving said East Line N87°14'03"W a distance of 55.55 feet to a point being on the west right-of-way line of Dixieland Road, as it now exists, said point being marked by an existing 1/2" rebar capped PS 1728; thence leaving said west right-of-way line N87°14'03"W a distance of 314.20 feet to the Point of Beginning 1, said point being marked by a set 1/2" rebar capped PS 1728; thence along the south boundary line of Tract 2 N87°14'03"W a distance of 483.83 feet to an existing 1/2" rebar capped PS 1728; thence leaving said south boundary line along the west boundary line N02°42'02"E a distance of 263.35 feet to a point on the south right-of-way line of Hudson Road (Highway 62), said point being marked by an existing 5/8" rebar; thence leaving said west boundary line along the said south right-of-way line S87°14'03"E a distance of 481.77 feet to a set 1/2" rebar, capped PS 1728; thence leaving said south right-of-way line along the proposed east boundary line of Tract 2 S02°15'06"W a distance of 263.36 feet to the point of Beginning, containing 127,144.87 sq. ft. or 2.92 acres, more or less.

**LAYMAN'S DESCRIPTION:**

The lot along the south side of W. Hudson Rd, between the shopping center at 2100 W. Hudson Rd. and the gas station at 1800 W. Hudson Rd

SECTION 3: Zoning. That the above described lands are better suited for C-3 than a C-2 zoning and same should be and are hereby zoned C-3.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Hudson Road Townhomes, LLC and the City of Rogers, as approved by the Rogers Planning Commission on November 5, 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 \_\_\_\_\_, 2019.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

For Consideration by: Community Environment and Welfare Committee